

CITY OF OAKWOOD
STATE OF OHIO
NOVEMBER 7, 2022

The Council of the city of Oakwood, State of Ohio, met in a work session and an executive session at 6:30 p.m. in the second-floor training 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 meeting was streamed live from the Oakwood city website, telecast live on Cable Access Channel 6 and was available via remote teleconferencing utilizing the Zoom platform.

The Mayor, Mr. William Duncan, presided, and the Clerk of Council, Ms. Lori Stacel, recorded. Mayor Duncan asked 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
MRS. LEIGH TURBEN	PRESENT

Officers of the City present were the following:

- Mr. Norbert S. Klopsch, City Manager
- Mr. Robert F. Jacques, City Attorney
- Ms. Carol Collins, Leisure Services Director
- Ms. Lori Stacel, Clerk of Council

The following in-person visitors registered:

- Mr. Jacob Fromholt, Oakwood Beautification Committee
- Mrs. Becky Yerman, 900 Hathaway Road
- Ms. Julie Gilkeson, 1805 Far Hills Avenue
- Mr. Andy Aidt, Oakwood Planning Commission

There were no Zoom visitors in attendance.

Mrs. Hilton advised Council she had read the meeting minutes of the October 3, 2022 regular session, work session and executive session, and October 24, 2022 executive session. Mrs. Hilton noted that she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Mr. Stephens that the minutes of the sessions of Council aforementioned be approved 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

Scarecrow Row Award Winners – Mayor Duncan recognized the following 2022 Scarecrow Row Award winners: Third Place – "It's Just a Bunch of Hocus Pocus!" by the MOM's of Oakwood; Second Place – "Crow-Scare" by Lisa-Lisa & Cult Jam; First Place – "Oakwood Spiders" by the Oakwood Striders; and Mayor's Award – "Celebrating 40 'Boo'tiful Years of Trees" by the Oakwood Beautification Committee.

Mayor Duncan thanked the groups of scarecrow builders and the judges for their participation in the event. He shared that one of the activities for the City's 50th twinning anniversary with Le Vésinet, France, and the 46th twinning anniversary with Outremont, Canada, was a hayride to see the scarecrows along Shafor Boulevard, driven by Oakwood resident John Gray.

Ms. Julie Gilkeson, 1805 Far Hills Avenue, shared that she strongly supports the idea of constructing a roundabout at Five Points in lieu of the traffic signal because they are known to increase safety for vehicles and pedestrians, and they move traffic more efficiently.

Council thanked Ms. Gilkeson for her feedback.

Mayor Duncan noted that the roundabout option is one of many things to be considered as part of a comprehensive analysis of Oakwood's traffic signal system. This process will include a detailed study and public input.

LEGISLATION

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4963
AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF
OAKWOOD SO AS TO REZONE LOT 1870 PT FROM THE R-1
RESIDENTIAL ZONING DISTRICT TO THE R-3 RESIDENTIAL ZONING
DISTRICT.

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 an ordinance to rezone a lot at 409 Rubicon Road. The property owner owns two adjacent lots, one of which is zoned in the R-3 zoning district and the other of which is zoned in the R-1 zoning district. The homeowner is in the process of consolidating the two lots into a single lot, and has asked Council to put a single zoning classification on the entire property.

The request was already heard by the Oakwood Planning Commission on September 7, 2022, and they recommended approval by a unanimous vote. Council held its own public hearing the October 3, 2022 meeting and the matter is ready for a vote tonight.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mrs. Hilton 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
- MRS. ANNE HILTON YEA
- MRS. LEIGH TURBEN 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 MRS. TURBEN NO 4965
AN ORDINANCE AMENDING SECTION 151.03, *DISPOSAL OF LOST, ABANDONED, STOLEN, SEIZED OR FORFEITED PROPERTY*, OF THE OAKWOOD ADMINISTRATIVE CODE TO ELIMINATE THE 60-DAY HOLDING PERIOD FOR CERTAIN TYPES OF PROPERTY AND TO PROVIDE FOR ONLINE NOTIFICATION.

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

Mrs. Turben explained that this is an ordinance to update Oakwood’s procedures for handling certain kinds of abandoned property. From time to time, the Safety Department takes possession of lost, abandoned, stolen, seized or forfeited property. It is generally held for 60 days and then disposed of pursuant to Section 151.03 of the Administrative Code.

This code section has not been interpreted to apply to stray dogs in the past because the hold time is usually on a very short, temporary basis and then they are transferred to the Montgomery County Animal Resource Center (ARC). However, for several months ARC has been so full, and understaffed, that they are often unable to take animals. Under these circumstances, the City Attorney has opined that dogs recovered by the Department may fall within the application of Section 151.03, which would require the city to hold them for 60 days prior to disposition.

In order to allow for quicker disposition, this ordinance would amend the Oakwood Administrative Code so the 60-day holding period would not apply to animals, perishable items, and similar types of property where a long holding period would be unreasonable. The ordinance also updates the procedures used to notify potential owners of property in the city’s custody, allowing the City to post information on the city website or social media accounts where appropriate.

This was a first reading of the ordinance, so Mrs. Turben made no motion.

AN ORDINANCE

BY MR. STEPHENS NO 4966

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, an annual house-keeping ordinance is passed to align Oakwood's local traffic and general offense ordinances with changes that have been made at the state level. This ordinance will adopt the 2022 replacement pages for the Traffic Code and the General Offenses Code.

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

A RESOLUTION

BY VICE MAYOR BYINGTON NO 4966

A RESOLUTION TO APPROVE THE CONTINUED USE OF THE 2004
COMPREHENSIVE PLAN TO GUIDE CITY POLICY AS TO LAND USE
AND DEVELOPMENT.

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 the fundamental document that guides Oakwood city policy on land use and development is known as the 2004 Comprehensive Plan. City staff has recently documented accomplishments towards the Comprehensive Plan Goals and Objectives, and conducted a detailed review of the Comprehensive Plan, and the Law Director and City Manager presented the accomplishments and results of that review to the Planning Commission on October 5, 2022. The Planning Commission adopted a motion accepting their report and recommending that Council continue to recognize the 2004 Comprehensive Plan as the city's official policy guide in the area of land use and development.

Vice Mayor Byington asked Mr. Jacques and Mr. Klopsch to make a presentation to Council.

Mr. Jacques referenced a PowerPoint presentation and provided an overview of the history of planning and zoning; a timeline of Oakwood's planning and zoning efforts; and Oakwood's 2004 Comprehensive Plan.

Prior to the 1900's and before zoning laws, land use was managed by lawsuits, restrictive covenants, eminent domain and police power. Planning and zoning developed in the 20th century to address land use issues that had largely been handled privately and reactively. Daniel Burnham's "Plan for Chicago" was instrumental in paving the way to comprehensive planning in the United States. The need for zoning then evolved to implement a degree of post-development control. From 1922-1926, the U.S. Department of Commerce developed the "Standard State Zoning Enabling Act" (SZA), which was a model law to govern land use planning. Nineteen states had adopted it verbatim by 1926, and most others adopted it (with some variation) in the ensuing years. The SZA stipulates that zoning should not be done without a comprehensive study and created the concept of basing land use on a "plan" or "comprehensive plan." A Comprehensive Plan is local government's primary statement of goals, objectives, and policies to guide public and private development within its planning jurisdiction. Comprehensive Plans are not required for municipalities, but case law makes it clear that some kind of plan is better than no plan.

Oakwood's first zoning ordinance was adopted in 1952. The ordinance was a basic, self-contained ordinance that included the plan itself, as well as rules for enforcing it. Oakwood's first Comprehensive Plan was written in 1989. Primary objectives stated in the plan were to: (a) reinforce and strengthen existing land use structure of Oakwood; (b) encourage compatible and high-quality new development in selected locations; (c) improve traffic circulation and public transportation services; and (d) enhance the community facilities and municipal services that are a hallmark of Oakwood. Direct results of the 1989 Comprehensive Plan included a number of planning and zoning efforts, including a formal Subarea Plan for the NCR/Sugar Camp site (no longer needed now that the site has been redeveloped), design guidelines for the Far Hills Business District, and the 2000 Zoning Ordinance. The Comprehensive Plan was written as a long-range document, addressing foreseeable problems or possibilities across a 10-20 year timeline.

In 2004, the Oakwood Comprehensive Plan was updated. A Comprehensive Plan Committee was assembled, including City Council, the City Manager and Deputy City Manager, and 25 citizens from different areas of the Oakwood community. There were several community outreach activities to involve as many people as possible in the process. The 2004 Comprehensive Plan was broken down into the following seven sections: Community Setting; Goals & Objectives; Land Use Plan; Transportation Plan; Community Facilities Plan; Community Character Plan; and Implementation.

Mr. Klopsch reviewed various aspects of the Plan, including commonly used terms, issues and concerns; the vision statement; and overall purpose of the Plan.

He noted that Oakwood is an established, land-locked and nearly fully-developed community and city staff believes that the 2004 Comprehensive Plan remains a valid guide for city initiatives and important issues facing the community.

He then highlighted the achievements made to date towards the Goals & Objectives set forth in the city's 2004 Comprehensive Plan. The documented achievements primarily capture the work that has been done over the past 18 years.

The Goals & Objectives section of the 2004 Comprehensive Plan are broken down into eight categories that have a different purpose in the planning process. Mr. Klopsch referenced a PowerPoint presentation and commented on the goals, existing objectives and new objectives in the following categories: Community Image and Character; Housing and Residential Areas; Commercial and Business Development; Transportation; Community Facilities; Parks and Open Spaces; Marketing and Promotion; and Communication and Cooperation.

Mr. Klopsch explained that city staff is proposing that a major study or update is not needed at this time. The current plan is still valid for the stable, nearly fully-developed Oakwood community.

Mrs. Hilton asked if the Comprehensive Plan is on the website.

Mr. Klopsch answered yes.

Mrs. Hilton asked about the 1997 Subarea Plan for the NCR Sugar Camp site.

Mr. Klopsch explained that the Subarea Plan specifically addressed several changing conditions for NCR Sugar Camp and the Far Hills and W. Schantz Area.

Mayor Duncan then invited Oakwood Planning Commission Chair Andy Aidt to say a few words about the October 5 Planning Commission presentation and the Planning Commission's recommendation to City Council.

Mr. Aidt shared that when not volunteering on Oakwood's Planning Commission, he works at the city of Kettering. He started in Kettering as a long range planner. The Kettering Comprehensive Plan was developed in 1997 and is still in effect today because it remains a valid guide for Kettering. The Oakwood Planning Commission received a detailed report from Mr. Klopsch and Mr. Jacques about the Comprehensive Plan at their October 5 meeting. Members of the Planning Commission agree that the current Comprehensive Plan is still a valid guide for the city of Oakwood.

Mayor Duncan thanked Mr. Aidt for his volunteer service to the Oakwood community as Chair of the Oakwood Planning Commission.

Vice Mayor Byington thanked Mr. Jacques, Mr. Klopsch and Mr. Aidt for the report. He then reiterated that the resolution being introduced does the following:

- It accepts the report and the accomplishments made toward the Goals and Objectives of the 2004 Comprehensive Plan; and
- It recognizes the 2004 Comprehensive Plan of the city of Oakwood as a document of continuing validity as the city's official policy guide for physical development addressing the use of land, the movement of vehicles and pedestrians, the protection of community character, and the provision of parks, schools, and other public facilities.

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. STEPHENSYEA
 MRS. ANNE HILTONYEA
 MRS. LEIGH TURBENYEA

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

Leisure Services Report: Ms. Carol Collins, Leisure Services Director, referenced a PowerPoint and reviewed the following information:

Gardner Pool finished the 2022 season with 513 family pool memberships purchased, 68 single memberships and 104 senior memberships. The gate revenue was \$166,367 compared to \$96,089 in 2021. Swim lessons had 197 participants. The swim team had 191 participants. Water aerobics/deep water workout had 63 participants

The annual Dog Splash was not held this year due to the complete replacement of the Gardner Pool deck.

This year's Scarecrow Row and the Family Fall Festival was held on Sunday, October 9. There were 30 participants in Scarecrow Row and the weather was beautiful for this great community event.

The Johnny Appleseed Street Tree Project began in 1976 in an effort to support Oakwood's commitment to urban forestry and the environment. To date, this program has been responsible for planting over 3,100 trees. The highlights of the program include: the cost of the selected species are discounted 50% to Oakwood residents and trees must be planted in the City right-of-way; species of trees will be 1 3/4" in diameter and are excellent for planting; the most needy areas of Oakwood, as determined by the City, will be given first priority; tree species selected are well-suited for planting and most are resistant to disease; and, the trees will be guaranteed for one growing season by the nursery that plants them. Oakwood was recognized as being a Tree City USA for 40 years. Ms. Collins displayed pictures of the different trees offered in 2022.

Ms. Collins reviewed the following upcoming events: Houk Stream Clean Up Day on Saturday, November 19; the Candy Cane Hunt in Shafor Park on Saturday, December 3 from 1:30 to 2:45 p.m.; Breakfast with Santa on Saturday, December 10 from 9 to 11:30 a.m.; and Lighting Up Oakwood/Holiday of Lights on Sunday, December 11 beginning at 6:30 p.m. at Shafor Park.

Chris North retired after 40 years of service. He began his career in Oakwood in 1982 as a part-time Laborer. Starting in 1984, and for the remainder of his career, he worked as a full-time General Service Worker for the Leisure Services Department. He was recognized by the Oakwood Rotary Club in 1997 as "Employee of the Year." Ms. Collins thanked Mr. North for his service.

Mrs. Hilton asked about this year's poinsettia sale.

Ms. Collins shared that the Friends of Smith Gardens will be taking poinsettia orders through the end of this week. The proceeds go directly to the care and maintenance of Smith Gardens.

AN OAKWOOD MOMENT

Mrs. Turben recognized the recent Sister City celebration events with Le Vésinet (50th anniversary) and Outremont (46th anniversary).

CITY MANAGER'S COMMENTS

Mr. Klopsch shared that the leaf collection season is in full swing. Property owners are encouraged to view the bi-weekly yard debris collection map and to place leaves into the roadway gutter a day or two before their scheduled pick-up day. Special pickups are suspended during the leaf collection season, but residents can utilize the Public Works Yard for self-dumping on the first Saturday of each month.

The Oakwood Public Safety Department will hold a graduation ceremony on November 9 for its 5th citizen police academy.

Mr. Klopsch shared that he met with Chris North before his last day of work. Mr. North shared some fun memories of his career during the meeting, and after a little nudge, he agreed to an interview with the *Oakwood Register*. Mr. Klopsch thanked Mr. North for his long career and a job well done.

COUNCIL COMMENTS

Mrs. Turben reminded everyone that tomorrow is Election Day. The polls are open from 6:30 a.m. to 7:30 p.m. She encouraged everyone to vote.

Vice Mayor Byington encouraged everyone to vote and to be kind to the poll workers.

Mayor Duncan commented on the New Resident Breakfast event held last weekend. It was a great event.

The public meeting concluded at 8:43 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL