

CITY MANAGER'S NEWSLETTER
APRIL 29, 2022

Monday Council Meeting/Work Session: Our meeting next Monday begins at 6:30 p.m. in the conference room. Our 7:30 p.m. regular session will take place in the council chamber and will be conducted in-person and via Zoom. The agenda is as follows:

PRE-COUNCIL WORK SESSION

COUNCIL MEETING

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. EXCUSE ABSENT MEMBER
- V. MINUTES OF DECEMBER 7 REGULAR SESSION, APRIL 4 REGULAR SESSION & WORK SESSION AND APRIL 18 WORK SESSION & EXECUTIVE SESSION
- VI. STATUS REPORTS
 - Citizen Committee Appointments
- VII. VISITORS
 - Magistrate Jacqueline Gaines
- VIII. LEGISLATION
 - An Ordinance to levy special assessments for the 2023 Street Lighting Program, Mrs. Hilton
 - An Ordinance to proceed with the 2022 Sidewalk Repair Project, Mrs. Hilton
 - An Ordinance adopting the 2023 tax budget, Vice Mayor Byington
 - An Ordinance to amend the Special Projects Fund, Vice Mayor Byington
 - A Resolution to participate in the OneOhio Recovery Foundation, Inc. Board, Vice Mayor Byington
 - An Ordinance to prohibit the use of fireworks, Mrs. Hilton
- IX. STAFF REPORT – FINANCE DEPARTMENT
- X. AN OAKWOOD MOMENT
- XI. CITY MANAGER'S REPORT
- XII. COUNCIL COMMENTS
- XIII. ADJOURN

Status Reports:

- Citizen Committee Appointments: We may make the last two committee appointments on Monday, if you are ready to do so.

Visitors:

- Magistrate Jacqueline Gaines: Magistrate Gaines is an Oakwood resident and is a candidate for Montgomery County Judge in the May 3 primary election.

Legislation:

- An Ordinance to levy special assessments for the 2023 Street Lighting Program. This is a second reading of our standard annual ordinance to levy special assessments for our 2023 street lighting program.
- An Ordinance to proceed with the 2022 Sidewalk Repair Project. This is a second reading of the annual legislation to proceed with our sidewalk repair project.
- An Ordinance adopting the 2023 tax budget. This is a second reading of our annual ordinance adopting the following year's tax budget.
- An Ordinance to amend the Special Projects Fund. This is a second reading of an ordinance to increase the upper limit on the amount of money that can be retained in the fund.

- A Resolution to participate in the OneOhio Recovery Foundation, Inc. Board. This resolution accepts the proposal to create a OneOhio regional board to address the disbursement of opioid settlement funds.
- An Ordinance to prohibit the use of fireworks. This is a first reading of an ordinance to prohibit the use of fireworks in Oakwood.

Enclosed are suggested “Introductions for Legislation.”

An Oakwood Moment: Anne will present the “An Oakwood Moment” during the regular session on Monday. It will highlight the Public Safety Department’s new “Coloring with a Cop” event that took place on April 21 at Wright Library.

IMPORTANT COUNCIL DATES:

- May 2, Monday, 6:30 p.m. – Regular Session (30 Park)
- May 14, Saturday, 1:30 p.m. – “Town of Oakwood” Marker Unveiling (30 Park)
- May 16, Monday, 5 p.m. – Work Session (30 Park)
- May 17, Tuesday, 5:30 p.m. – BRC Meeting (30 Park)
- May 21, Saturday – That Day in May
- June 6, Monday, 6:30 p.m. – Regular Session (30 Park)
- June 20, Monday, 5 p.m. – Work Session (30 Park)
- July 18, Monday, 6:30 p.m. – Regular Session (30 Park)

BUSINESS UPDATE:

CITY MANAGER

- Monday Work Session: Enclosed is our agenda for the 6:30 p.m. work session. Rob Stephens will be excused absent. We will meet in the conference room. Magistrate Jacqueline Gaines will join us at 7:15 p.m. for an introduction.
- Rotary Awards: I presented the Civic Leadership Award to Harrison Gowdy and the Community Service Award to Captain Mike Jones at the Rotary Club this morning. Enclosed is a *Register* article about Captain Jones receiving the award and his retirement.
- Historic Marker: Enclosed is a city/historical society joint press release that was distributed this week about the May 14 unveiling ceremony. Also enclosed is a *Register* article.
- Oakwood Academic Decathlon: Enclosed are *DDN* and *Register* articles about the Oakwood Academic Decathlon Team winning their 10th straight Division III national title.
- Purple Star Schools: Enclosed is a *DDN* article about Harman and Smith being recognized for supporting military families.
- BRC Meeting: Our BRC meeting is confirmed for Tuesday, May 17. Enclosed is an e-mail sent today to the committee members.
- Smith School Students at Dragons Game: Students from Smith Elementary School are performing God Bless America during the Dragons game on Saturday, May 7. We received a request from the Dayton Dragons to post an announcement about this on our city website. With Kyle Ramey’s concurrence, we have done so.
- Vacation: I will be out of the office next Thursday and Friday. Carol will be in charge.

FINANCE

- No Report.

PUBLIC SAFETY

- Traffic Enforcement: Enclosed is a *DDN* article the city of Los Angeles discontinuing traffic stops for minor violations. I will comment on this in work session.

LEISURE SERVICES

- Mosquito Spraying: Enclosed is a *Register* letter to the editor discouraging mosquito spraying. I will comment on this in work session on Monday.

ENGINEERING & PUBLIC WORKS

- Hydrant Flushing: City-wide fire hydrant flushing was completed yesterday with a total of 352 hydrants flushed and inspected. One hydrant was found inoperable and is scheduled for repair. Kudos to public works employees Troy Gearhart with help from Chris Branscomb and Adam Jones for doing a great job in quickly and efficiently completing this important annual task.

LAW

- No Report.

PERSONNEL & PROPERTIES

- May 4 PC Meeting: The Planning Commission will review two applications at the May 4 meeting. The first application is a request from Insomnia Cookies for extended hours of operation at 6 Oakwood Avenue, Unit C. The second application is a request from David and Natalia Gaulke to review a landscape, screening and stormwater runoff plan for the anticipated demolition of 1227 Oakwood Avenue. Enclosed is the meeting packet.
- PMB Meeting: Staff held an orientation session for the eight new members yesterday. The new members are eager to be involved in the property maintenance and beautification responsibilities. The annual board meeting was also held last night, and had great attendance with 14 members in-person and three via Zoom. Chuck Ellis was appointed as chair, after Kip Bohachek has held the position since 2003.

HAVE A GREAT WEEKEND!

ENCLOSURE LIST

TENTATIVE AGENDAS FOR MONDAY

TRANSMITTALS NOTED WITHIN NEWSLETTER

Minutes of Previous Meetings

Legislation

Introductions to Legislation

Register Article re: Rotary Awards

Press Release & *Register* Article re: Historic Marker

DDN & *Register* Articles re: Oakwood Academic Decathlon

DDN Article re: Purple Star Schools

BRC Email

DDN Article re: Traffic Enforcement

Register Article re: Mosquito Spraying

PC Meeting Packet

CITY OF OAKWOOD
COUNCIL AGENDA
MAY 2, 2022

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. EXCUSE ABSENT MEMBER
- V. MINUTES OF DECEMBER 7 REGULAR SESSION, APRIL 4 REGULAR SESSION & WORK SESSION AND APRIL 18 WORK SESSION & EXECUTIVE SESSION
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NEXT REGULAR SESSION SCHEDULED FOR JUNE 6, 2022

PRE/POST COUNCIL WORK SESSION AGENDA
MAY 2, 2022

- STATUS REPORTS
 - Citizen Committee Appointments
- VISITORS
 - Magistrate Jacqueline Gaines
- LEGISLATION
 - An Ordinance to levy special assessments for the 2023 Street Lighting Program, Mrs. Hilton
 - An Ordinance to proceed with the 2022 Sidewalk Repair Project, Mrs. Hilton
 - An Ordinance adopting the 2021 tax budget, Vice Mayor Byington
 - An Ordinance to amend the Special Projects Fund, Vice Mayor Byington
 - A Resolution to participate in the OneOhio Recovery Foundation, Inc. Board, Vice Mayor Byington
 - An Ordinance to prohibit the use of fireworks, Mrs. Hilton
- STAFF REPORT – FINANCE DEPARTMENT
- AN OAKWOOD MOMENT
- COUNCIL COMMITTEES
 - Court Liaison, Mrs. Hilton
 - Finance, Vice Mayor Byington
 - Law & Minutes, Mrs. Hilton
 - Open Meetings Law
 - Planning & Zoning, Vice Mayor Byington
 - Public Properties, Mrs. Turben
 - Public Utilities/Waterworks/Sewer, Mrs. Turben
 - Safety & Traffic, Mr. Stephens
 - Traffic Enforcement
 - 988 and Crisis Now Program
 - Streets & Alleys, Mr. Stephens
 - Community Relations/Promotion/Appointments, Mayor Duncan
- REGIONAL AGENCIES
 - MVCC, Mr. Stephens
 - MVRPC, Vice Mayor Byington
 - Mayors & Managers, Mayor Duncan
 - First Suburbs, Vice Mayor Byington
 - Oakwood Inclusion Coalition, Mr. Klopsch
- BOARDS & COMMISSIONS
 - Planning Commission, Vice Mayor Byington
 - Beautification Committee, Mr. Stephens
 - Sister City Association, Mrs. Hilton
 - Historical Society, Mrs. Turben
 - Board of Health, Mayor Duncan
- MISCELLANEOUS
 - Committee Appointments
 - Oakwood High School Academic Decathlon Team
 - Mosquito Spraying

CITY OF OAKWOOD
STATE OF OHIO
DECEMBER 7, 2021

The Council of the city of Oakwood, State of Ohio, met in a regular session at 4:30 p.m. in the second-floor training room of the city of Oakwood, 30 Park Avenue, Oakwood, Ohio, 45419, for a scheduled meeting with a representative from the office of Sherrod Brown, U.S. Senator from the State of Ohio.

The Mayor, Mr. William Duncan, presided, with minutes compiled by Clerk of Council Lori Stacel.

The following members of Council were present:

MR. WILLIAM D. DUNCAN
MR. STEVEN BYINGTON
MR. ROBERT P. STEPHENS
MRS. ANNE S. HILTON
MRS. LEIGH TURBEN

Mr. Mike King, Regional Representative to U.S. Senator Sherrod Brown, attended as a visitor. There were no other visitors in attendance.

Mayor Duncan called the meeting to order at 4:30 p.m. and invited Mr. King to address City Council.

Mr. King shared that he serves in the office of U.S. Senator Sherrod Brown as a member of his state outreach and district engagement team. He provided a broad overview of support for state and local governments that was included in recently-passed federal legislation, including the Infrastructure Investment Jobs Act and the Build Back Better Act, with a focus on Senator Brown's efforts in that regard. Following the overview, a general discussion was held and Mr. King addressed Council's questions.

Council thanked Mr. King for the update and the public meeting concluded at 5:25 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL

MINUTES
OAKWOOD CITY COUNCIL WORK SESSION
APRIL 4, 2022

The Council of the city of Oakwood, Ohio, met in a work session on Monday, April 4, 2022 in the second-floor training room at the city building, 30 Park Avenue. The Mayor of the City, William Duncan, presided.

Council members in attendance were Mayor William Duncan, Vice Mayor Steve Byington, Councilmember Rob Stephens, Councilmember Anne Hilton and Councilmember Leigh Turben. Staff in attendance were City Manager Norbert Klopsch and City Attorney Rob Jacques.

Mayor Duncan called the work session to order at 6:30 p.m. and reviewed the agenda for the regular session this evening. Thereafter, he led a discussion on the following agenda items:

- **STATUS REPORTS:** Council discussed the following status reports that are scheduled for the regular session this evening:
 - **Citizen Committee Appointments:** Mayor Duncan mentioned that he will call for a vote at the regular session this evening to make several appointments and a reappointment.
 - **Proclamation recognizing April as “National Child Abuse Prevention Month:”** Mayor Duncan shared that he will read the proclamation, and then invite Oakwood resident Terri Jones, a volunteer with CARE House, to say a few words about the work of CARE House and the pinwheel project.
 - **Proclamation recognizing the week of April 24 as “Arbor Week:”** Mayor Duncan noted that he will read the proclamation.
- **VISITORS:** Mayor Duncan
 - **Oakwood Inclusion Coalition 2021 Annual Report:** Mayor Duncan mentioned that Madeline Iseli, interim chair of the OIC, will report on the organization’s activities over the last year at the regular session this evening.
 - **Girl Scout Gold Award Project:** Mayor Duncan shared that Oakwood High School senior Azalea Biteau will say a few things about her project, and Oakwood Jr. High Principal Tim Badenhop also plans to say a few words.
- **LEGISLATION:** Council discussed the following legislation scheduled for presentation at the regular session this evening:
 - An Ordinance to proceed with the 2023 Street Lighting Program, Mr. Stephens
 - An Ordinance to levy special assessments for the 2023 Street Lighting Program, Mr. Stephens
 - A Resolution of Necessity for 2022 Sidewalk Repair Project, Mr. Stephens
 - An Ordinance to proceed with the 2022 Sidewalk Repair Project, Mr. Stephens
 - An Ordinance adopting the 2023 tax budget, Vice Mayor Byington
 - An Ordinance to amend the Special Projects Fund, Vice Mayor Byington
- **STAFF REPORT:** Mr. Klopsch noted that Engineering and Public Works Director Doug Spittler will deliver a PowerPoint presentation at the regular session this evening.
- **AN OAKWOOD MOMENT:** Mr. Stephens shared that he will present the “An Oakwood Moment” at the regular session highlighting public facilities for athletics and recreation in Oakwood.

- COUNCIL COMMITTEES
 - Streets & Alleys, Mr. Stephens
 - Salt Storage Bin: Mr. Klopsch mentioned that staff is considering inclusion of a second salt storage building in the 2023 budget. Having a second building would allow the public works department to store sufficient deicing salt to address severe winters and salt delivery delays as they may occur.
- REGIONAL AGENCIES
 - MVCC, Mr. Stephens
 - May 4 Open House: Mr. Klopsch shared that the MVCC staff is finalizing plans for an Open House event scheduled for 6 – 8 pm on May 4. This is an opportunity for communities to tour the MVCC facilities and find out what MVCC is all about. Members of the Springboro Community Theatre will be in the studio performing a live show, and officials from TCSU will be on-site with the evidence trailer. There will also be a food truck available.
 - Mayors & Managers, Mayor Duncan
 - 2022 ICMA Conference: Mr. Klopsch reported that the Ohio City/County Management Association (OCMA), is hosting the 2022 ICMA Conference this fall. The event will take place in Columbus over a five day period from September 17-21.
 - First Suburbs, Vice Mayor Byington
 - ARPA and CARES Act Spending: Mr. Klopsch reported that the March 23 First Suburbs meeting included a discussion about how member communities are using CARES Act and ARPA funding. Most communities are using it for infrastructure projects and to assist businesses that were negatively impacted by COVID-19.
- BOARDS & COMMISSIONS
 - Sister City Association, Mrs. Hilton
 - Le Vésinet Invitation: Mr. Klopsch shared that the Mayor of Le Vésinet extended an invitation to Mayor Duncan to the June 24-27 anniversary celebration in Le Vésinet. Mayor Duncan stated that he is unable to attend. Mrs. Turben expressed an interest in attending.
- MISCELLANEOUS
 - Committee Appointments: Council discussed the list of appointments scheduled for the regular session this evening.
 - April 18 Work Session: Mr. Klopsch shared that the April 18 work session will be held in the second-floor training room. The work session will begin with a discussion about cybersecurity from Mark Flannery, the city’s IT consultant. The meeting will also include: a discussion about designated natural areas/native gardens; a briefing on land-use and zoning law; a discussion about the future of the Oakwood health district; and an executive session for conference with attorney and for property matters. In addition to Rob Jacques, Carol Collins, Cindy Stafford, Jennifer Wilder and Ethan Kroger will join the meeting.

At 7:25 p.m., Mayor Duncan concluded the work session and Council moved to regular session.

Mayor

ATTEST:

Clerk of Council

CITY OF OAKWOOD
STATE OF OHIO
APRIL 4, 2022

The Council of the city of Oakwood, State of Ohio, met in a work 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.com platform.

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.

The following members of Council were present:

MR. WILLIAM D. DUNCAN
MR. STEVEN BYINGTON
MR. ROBERT P. STEPHENS
MRS. ANNE S. HILTON
MRS. LEIGH TURBEN

Officers of the City present were the following:

Mr. Norbert S. Klopsch, City Manager
Mr. Robert F. Jacques, City Attorney
Chief Alan Hill, Public Safety Director
Mr. Douglas Spitler, Engineering and Public Works Director
Ms. Lori Stacel, Clerk of Council

The following in-person visitors registered:

Libby Nicholson, CARE House
Terri Jones, CARE House
Kyle Ramey, Oakwood Schools
Tim Badenhop, Oakwood Schools
Joshua Green, Oakwood Inclusion Coalition
Madeline Iseli, Oakwood Inclusion Coalition
Judy Cook, Oakwood Inclusion Coalition
Healy Jackson, Oakwood Inclusion Coalition
The Biteau Family
Mayumi Hall, 1800 Southwood Lane
Thoren Meira, 28 Patterson Road
Megan Pierce, 9 Dellwood Avenue
Jacqueline Housel, 1803 Coolidge Drive
Mr. Brian Barr, *Oakwood Register*

There were no Zoom visitors in attendance.

Mrs. Hilton advised Council she had read the meeting minutes of the March 7, 2022 regular session, work session and executive session, and the March 21 work session and executive session. Mrs. Hilton reported she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Mayor Duncan 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

Citizen Committee Appointments – Mayor Duncan presented the new appointments of Dr. Gwyn King, Sidney Bieser, Alison Davis, Amy Honaker and Joanie Haverstick to the Property Maintenance Board; and the reappointment of Judy Caruso to the Property Maintenance Board.

It was moved by Mayor Duncan and seconded by Mrs. Hilton that the aforementioned appointments be confirmed. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Proclamation – Mayor Duncan read a proclamation designating April as “National Child Abuse Prevention Month.” He then invited Oakwood resident Terri Jones with CARE House to share information about the work of Care House and the pinwheel project.

Mrs. Jones shared that she and her family have lived in Oakwood for almost forty years. She is attending the council meeting, along with the Director of CARE House Libby Nicolson, to discuss the pinwheel project and to advocate for victims of child abuse and neglect. Mrs. Jones quickly

learned when she worked as an Emergency Room nurse at Dayton Children’s Medical Center that the presence of neglect is in all types of neighborhoods. The mission of CARE House is to prevent child abuse and neglect for all of the kids in the community. The first step in preventing child abuse and neglect is having awareness of the problem. Prevention is the second step, starting with education and ending with every child being safe and protected. Each year, starting in April, CARE House plants a Pinwheel garden to help raise awareness. Pinwheels are a reminder of the role we all play in children's lives. CARE House joined the city of Oakwood and other community partners to display pinwheels along Far Hills Avenue, at Oakwood Schools and at Wright Memorial Public Library.

Mrs. Jones thanked Mr. Klopsch and Leisure Services Director Carol Collins for their assistance in raising awareness in Oakwood.

Mayor Duncan mentioned that he had read that incidents of child abuse have increased during the COVID-19 pandemic.

Mrs. Jones agreed and explained that when the schools were closed during the COVID-19 pandemic, opportunities for children to share information of abuse or for teachers to recognize signs of abuse were lost. Also, many children became malnourished because the meals at school were their only source of nutrition.

Mayor Duncan recalled meeting with Oakwood School Superintendent Dr. Kyle Ramey in early 2021 and brainstorming ways to get nourishment to the children that receive subsidized meals in Oakwood.

Mrs. Hilton asked if there is contact information on the signs placed with the pinwheels.

Mrs. Jones said no, and suggested that people visit the CARE House website for additional information, including available resources.

Mrs. Hilton asked if CARE House receives assistance from the Legal Aid Society of Dayton or if they are affiliated with ARTEMIS.

Libby Nicholson, Director of CARE House, explained that CARE House submitted a grant this week to solidify collaboration with ARTEMIS and the Legal Aid Society of Dayton to provide “wrap around” services to families in need. She noted that CARE House works very closely with organizations, even those without the formal collaboration in place.

Mayor Duncan thanked Mrs. Jones and Mrs. Nicholson for sharing information about CARE House.

Proclamation – Mayor Duncan read a proclamation designating the week of April 24 as “Arbor Week.”

VISITORS

Oakwood Inclusion Coalition 2021 Annual Report – Madeline Iseli, interim chair of the Oakwood Inclusion Coalition (OIC,) reported on the organization’s activities over the last year. The OIC’s first annual report focuses on the following topics: establishing administrative structures; engaging community participation; operating with solid financial standing; achieving community impact; realizing the OIC mission to study, promote and celebrate; and expressing appreciation.

The OIC established itself as an organization by developing working relationships with civic institutions. The OIC Leadership Team elected officers and put some structures into place, including the OIC website, the “Program and Events Committee” and the “Current Issues Committee.”

One of the most important tasks of the OIC has been to engage community participation. The OIC has held two public meetings with a total of about 200 participants in attendance; hosted two “Big Read” book discussion events; and participated in a 2022 Martin Luther King, Jr. Walk in Dayton.

The Oakwood Inclusion Coalition obtained a 501(c)(3) non-profit status for the organization in May 2021, and has obtained a fund at The Dayton Foundation. Mrs. Iseli thanked Mr. Dan Turben for his successful fundraising efforts for the OIC. At the end of the 2021 calendar year, the OIC has a balance of \$10,991.53.

The OIC Leadership Team has participated in numerous regional education and training programs on diversity, equity, and inclusion. These programs include: NCCJ Diversity 101; Miami Valley Environmental Justice Academy; Gem City Market Opening; Oakwood Historical Society Holiday

Home Tour; Response to Placement of White Supremacist Stickers; and 2022 Martin Luther King, Jr. Walk in Dayton.

As programs and plans are developed for the upcoming year, the OIC remains committed to non-partisanship, community connections and constructive collaborations.

Mrs. Iseli thanked City Manager Norbert Klopsch, Oakwood School District Superintendent Kyle Ramey, and Wright Memorial Public Library Director Kristi Hale for their guidance through the process of establishing the OIC organization.

Mayor Duncan thanked the OIC for their efforts and Mrs. Iseli for the update.

Girl Scout Gold Award Project – Mayor Duncan invited Oakwood High School senior Azalea Biteau to discuss her Girl Scout Gold Award Project, which is the highest award in Girl Scouts.

Miss Biteau shared that Oakwood has been her home for many years, and she has been involved in community affairs through different clubs and organizations. Since elementary school, she has been in Girl Scout Troop 320149 with a wonderful troop leader, Mrs. Mayumi Hall. Miss Biteau explained that her Gold Award Project focuses on improving the safety of pedestrians and bikers in Oakwood around the Oakwood Sr./Jr. High Schools. The project consisted of painting a pedestrian crossing at the intersection of Spirea Drive and E. Schantz Avenue, and placing additional “no parking” signs and crosswalk signs on E. Schantz Avenue. The signs and the pedestrian crossing paint will allow for a better and safer flow of traffic around the schools.

Mayor Duncan thanked Miss Biteau for her presentation. He asked where she wants to go to college.

Miss Biteau answered that her top choice at the moment is Denison University.

City Council wished Miss Biteau luck with her future endeavors.

Oakwood Jr. High School Principal Tim Badenhop recognized Miss Biteau for her dedication on this project, even throughout the COVID-19 pandemic. He thanked City Council and city staff for supporting Miss Biteau’s project.

Mayor Duncan thanked Principal Badenhop for attending the meeting and sharing his comments.

LEGISLATION

AN ORDINANCE

BY MR. STEPHENS

NO 4954

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY.

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 annual ordinance that is the second step of the 2023 street lighting program. It is the ordinance that authorizes the city to proceed with the project. It was introduced with a first reading at the March 7 Council meeting.

Thereupon, it was moved by Mr. Stephens and seconded by Vice Mayor Byington 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 MR. STEPHENS NO 4955
AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE
IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN
TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE
SAME WITH ELECTRICITY.

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 the third and final step of the 2023 street light program. It allows for the costs of street lighting to be certified to the Montgomery County Auditor for assessment.

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

A RESOLUTION
BY MR. STEPHENS NO 1893
A RESOLUTION DECLARING THE NECESSITY OF REPAIRING
SIDEWALKS AND APPURTENANCES THERETO ON WEST DIXON
AVENUE AND CERTAIN OTHER STREETS BETWEEN CERTAIN
TERMINI IN THE CITY OF OAKWOOD, OHIO, PROVIDING THAT
ABUTTING PROPERTY OWNERS REPAIR THE SAME.

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 this is an annual resolution that is the first step of Oakwood's 2022 Sidewalk, Curb and Driveway Apron Project. This year's program will cover the about half of the city streets west of Far Hills Avenue.

Oakwood is required by law to pass several pieces of legislation in order to carry out this program and assess the sidewalk costs. The first piece is this resolution, which declares the necessity of sidewalk repairs in these parts of the city. The second piece, the "Ordinance to Proceed" for the project will also be introduced. After the project concludes, there will be a third piece of legislation, an ordinance to levy assessments for certain sidewalk costs.

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

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

MR. WILLIAM D. DUNCAN.....YEA
MR. STEVEN BYINGTONYEA
MR. ROBERT P. STEPHENS.....YEA
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.

AN ORDINANCE
BY MR. STEPHENS NO 4956
AN ORDINANCE DETERMINING TO PROCEED WITH THE
REPAIRING OF SIDEWALKS AND APPURTENANCES THERETO
ON CERTAIN STREETS BETWEEN CERTAIN TERMINI, IN THE
CITY OF OAKWOOD, OHIO, AND PROVIDING THAT ABUTTING
PROPERTY OWNERS REPAIR THE SAME.

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 annual ordinance that is the second step of Oakwood's 2022 Sidewalk, Curb and Driveway Apron Project. This year's program will cover about half of the city streets west of Far Hills Avenue.

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

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4957
AN ORDINANCE ADOPTING THE 2023 TAX BUDGET FOR THE
CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING
JANUARY 2023.

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 comply with Section 6.01 of the City Charter, this is an annual housekeeping ordinance to estimate the city's revenues and expenses for calendar year 2023.

This was a first reading of the ordinance, so Vice Mayor Byington made no motion.

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4958
TO AMEND ORDINANCE NO. 4519 THAT ADDRESSES THE
"SPECIAL PROJECTS FUND," FOR PURPOSES OF INCREASING
THE UPPER LIMIT ON THE AMOUNT OF MONEY WHICH MAY BE
RETAINED IN THE SPECIAL PROJECTS FUND.

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 adjust the cap on money that can be held in the city's Special Projects Fund. The Special Projects Fund is an accounting fund used to set money aside for larger capital improvement projects planned for the future. Council last increased the cap on this fund in 2002 as a means of ensuring that the size of the fund was appropriate for the types of capital improvement projects for which it was to be used. For the last 20 years, the fund has been capped at \$3 million. With costs continuing to rise and several large capital projects on the horizon, the Finance Director has recommended that the cap be increased to \$5 million. Under existing rules, it takes an affirmative vote of four council members to authorize spending from this fund.

This was a first reading of the ordinance, so Vice Mayor Byington made no motion.

STAFF REPORT

Public Works Department Presentation: Mr. Doug Spitler, Engineering and Public Works Director, referenced a PowerPoint presentation and updated Council on various Public Works projects and operations.

Mr. Spitler displayed a map depicting the asphalt street resurfacing project. The work will take place on W. Schantz Avenue, Dell Park Avenue, Beverly Place, Katharine Terrace, Park Road, Little Woods Road, Creager Field parking lot, and also on the alleys in the southeast section of Oakwood at a cost of \$467,290. Mr. Spitler noted that the price of asphalt increased 33% compared to 2021.

The 2022 Sidewalk, Curb and Driveway Apron Repair Project will take place on about half of the west side of the City. The project did not receive any formal sealed bids last week, so city staff is seeking a contractor using the informal competitive bidding process.

The new recycling facility opened at the end of November 2021 and continues to be heavily used. The recycling facility accommodates the 24/7 drop-off of yard debris, co-mingled recyclables, cardboard and seasonal items such as holiday string lights and Styrofoam.

CenterPoint (formerly Vectren) began the gas line replacement project in 2010. The project is scheduled to be completed in 2023. At the end of 2023, all of the underground gas distribution pipes and home service lines in Oakwood will be renewed. Mr. Spitler presented the CenterPoint project maps.

In addition to the asphalt street resurfacing project and the sidewalk, curb and driveway apron project, the Public Works Department will also be working on the following: Annual Pavement Marking; Traffic Signal Conflict Monitor Testing; Asphalt Pavement Rejuvenation; Far Hills Stormwater Inlet Repairs; Far Hills Storm Sewer Reconstruction and Public Works Storage Facility.

There are several large equipment purchases scheduled for this year. Several pieces of equipment were purchased last year, but have not been delivered. The purchases already made or planned include: Refuse Packer Truck: \$275,307; Dump Truck: \$140,819; Pickup Truck - Streets: \$40,740; Sidewalk Tractor: \$20,500; Pavement Roller: \$27,572; Floor Sweeper/Scrubber: \$40,000 (budget); Front End Loader: \$83,955; Refuse Scooters (2 units): \$44,800; Packer Refurbishment: \$60,000 (budget); Pickup Truck – Water: \$32,095; Well #6 Fence Replacement: \$30,000 (budget); Springhouse Overhead Door: \$15,600; Wellhouse Roof Repairs: \$18,000 (budget); Backhoe: \$102,500; and Leaf Vacuum: \$75,000 (budget.)

The Public Works Department provides a broad range of municipal services such as: weekly trash/recyclables collection; yard debris and special pickups; and leaf disposal/leaf mulch. Mulch deliveries will take place on five Saturdays from April 9 to May 7. On the same five Saturdays, residents can obtain free mulch from the Foell Public Works Center at 210 Shafor Boulevard between the hours of 8:00 a.m. and 2:00 p.m. There are also several self-service options available such as: drop-off containers for recycling cardboard, yard debris, and co-mingled materials at a 24/7 Recycling Facility; the Foell Public Works Center at 210 Shafor Boulevard is open from 8 a.m. until 12 noon on the first Saturday of each month for Oakwood citizens to drop off refuse items; refuse dumpsters are available for disposal of a mixture of debris from “do-it-yourself” homeowner projects; and the next Styrofoam recycling event is scheduled for Saturday, April 23.

Mr. Spitler displayed a line graph showing refuse collection trends over the past six years. The line graph showed a substantial increase in collection beginning in March of 2020. This increase follows COVID-19, suggesting that many property owners disposed of more household debris during the pandemic.

Mr. Spitler displayed a line graph showing cardboard collection trends over the past ten years. The line graph showed a consistent increase in cardboard collection each year. Mr. Spitler noted that the information will be useful to identify market-based revenue trends.

The next Oakwood Rotary hazardous waste pick-up event is on Saturday, April 23. Citizens desiring a pick up should call (937) 296-5155 before noon on Friday, April 22 and leave their name and address.

From December 2021 to March 2022, the Public Works Department responded to 13 winter weather events. The department used 639 tons of salt totaling \$35,132 through the winter season.

Mr. Spitler shared several personnel changes that have occurred. Sadly, Erwin Johnson passed away on November 2, 2021. He served the city of Oakwood for 35 years. The Public Works Department welcomed Adam Jones, Water Plant Technician/Repairer on October 4, 2021; Scott Gibbs, General Service Worker – Refuse on February 28, 2022; and Greg Devers, General Service Worker – Refuse on March 7, 2022.

Mayor Duncan thanked Mr. Spitler for the department summary.

AN OAKWOOD MOMENT

Mr. Stephens highlighted public facilities for athletics and recreation in Oakwood.

CITY MANAGER’S COMMENTS – Mr. Klopsch provided an update on the following items:

Mr. Klopsch thanked Mr. Spitler for the thorough department report. He commended the Public Works Department for all of the good work in providing so many essential public services to the Oakwood community.

The Friends of Smith Gardens "Perennial Sale" will be held on Friday, April 22 and Saturday, April 23 at the Oakwood Community Center, 105 Patterson Road. The hours are from 3:00 p.m. to 8:00 p.m. on Friday and 9:00 a.m. to 3:00 p.m. on Saturday. A complete listing of plants for sale is available on the city website.

Email addresses for Oakwood City Council, city employees and city offices are changed from the @oakwood.oh.us suffix to the @oakwoodohio.gov suffix. This change matches the city website which is found at www.oakwoodohio.gov. While emails sent to the old addresses will continue to be automatically forwarded to the appropriate person or city department, the city recommends that the new address suffix be used moving forward.

The annual fire hydrant flushing began today and will last approximately four weeks. The hydrants are flushed annually to test the hydrants functionality and to flush out the piping system. There is additional information on the city website.

The 2021 Annual Report has been delivered to every property owner and business in Oakwood. The report includes detailed information about each of the city departments and the public services provided to the Oakwood community. It is also available on the city website.

COUNCIL COMMENTS

Mrs. Turben shared that in addition to the listing of plants available at this year's perennial sale, Leisure Services Director Carol Collins also created a fact sheet that highlights each plant's sun/shade preference and identifies each plant as deer resistant; attracting hummingbirds, butterflies or song birds; and native plants. The information is available on the city website.

Mrs. Hilton encouraged people to check their voting polling location before the May 3 election now that the City is divided into eight voting precincts.

Mayor Duncan recognized Norman Mayne, chairman and CEO of Dorothy Lane Market, for receiving the "Sidney R. Rabb Award for Statesmanship" by the Food Marketing Institute, one of the highest awards in the grocery industry.

The public meeting concluded at 8:46 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL

MINUTES
OAKWOOD CITY COUNCIL WORK SESSION
APRIL 18, 2022

The Council of the city of Oakwood, Ohio, met in a work session on Monday, April 18, 2022 in the second-floor training room at the city building, 30 Park Avenue. The Mayor of the City, William Duncan, presided.

Council members in attendance were Mayor William Duncan, Vice Mayor Steve Byington, Councilmember Rob Stephens, Councilmember Anne Hilton and Councilmember Leigh Turben. Staff in attendance were City Manager Norbert Klopsch and City Attorney Rob Jacques. Also attending for a portion of the meeting were Leisure Services Director Carol Collins, Finance Director Cindy Stafford, Personnel and Properties Director Jennifer Wilder, Code Enforcement Officer Ethan Kroger and Mark Flannery, IT Consultant with Third Rock Engineering.

Mayor Duncan called the meeting to order at 5 p.m. and asked Mr. Klopsch to introduce Mr. Flannery. Mr. Klopsch noted that Mr. Flannery has been the city's IT consultant for about 25 years. He maintains all of the city's computer systems.

Mr. Klopsch introduced the "cybersecurity" agenda item and invited Mr. Flannery to discuss how the city's computers are protected from hacking and how local governments can reduce cyber security risks.

Mr. Flannery described his education and experience and then gave an overview of cybersecurity in today's computer world. He presented information as to the city's current security measures as well as enhancements for further consideration.

Mr. Flannery departed the meeting at 5:50 p.m.

Mr. Klopsch invited Personnel and Properties Director Jennifer Wilder to share information about designated natural areas/native gardens. Mrs. Wilder reported that city staff recently reviewed the Oakwood General Offenses Code to determine if it sufficiently addresses the topic of natural areas and native gardens. Mr. Jacques and Mrs. Wilder drafted an amended Chapter 551 *Weeds* incorporates possible changes to address a few recent topics – the definition of weeds, managed natural landscape areas, and recurring violations of grass-cutting at vacant properties. The draft includes suggestions from the Green Oakwood subcommittee in a manner that still allows for efficient code enforcement. A new subsection for managed natural landscape areas was created rather than modifying the existing section on nature areas. A discussion ensued that highlighted the complexity of the issue. Staff will continue working on a possible code amendment that achieves an appropriate balance between meeting the desires of those residents wishing to cultivate natural areas/native gardens and those who prefer traditional landscaping within their neighborhoods and the Oakwood community. Mrs. Turben commented on her recent discussions with members of the Green Oakwood citizens group where they explained some of their goals and objectives. One specific goal involves adding native trees to the list of trees offered through the annual Johnny Appleseed Tree Planting Program. Mrs. Collins commented on the process used by the Beautification Committee to select trees for the program. Mr. Klopsch suggested that representatives from Green Oakwood attend the next meeting of the Beautification Committee.

Mr. Klopsch reported that staff is working on plans for the Sister City celebration this year. Mrs. Turben described the gift that is being made for presentation to Le Vésinet in June. She and her husband Dan will travel to Le Vésinet for the 50th anniversary of the twinning between Oakwood

and Le Vésinet. The gift will be a plaque with the “Town of Oakwood” 150th anniversary marked embossed.

At 6:45 p.m., Council moved to executive session for conference with attorney and property matters.

At 6:56 p.m., Council concluded the executive session and moved back to work session.

Mayor Duncan continued the meeting by discussing the following items:

- **COUNCIL COMMITTEES**

- Finance, Vice Mayor Byington
 - Spring BRC Meeting: Mr. Klopsch shared that he will schedule the spring BRC meeting soon.
 - OneOhio Regional Board: Mr. Klopsch explained that Montgomery County is requesting that all government entities adopt a resolution accepting the proposal to create a OneOhio regional board to address the disbursement of opioid settlement funds. This resolution will be on the May 2 council agenda.
- Law & Minutes, Mrs. Hilton
 - Open Meetings Law: Not discussed.
- Planning & Zoning, Vice Mayor Byington
 - Land-use and Zoning Law: Mr. Jacques delivered a PowerPoint presentation on land-use and zoning law, and how it applies in Oakwood.
 - Hawthorn Hill: Mr. Klopsch mentioned that proposed changes to the US National Park System’s General Management Plan include Hawthorn Hill, but not in a substantial way that would require an amendment to the existing special use permit.
 - Oakwood Schools Performing and Visual Arts Project: Mr. Kroger delivered a PowerPoint presentation on a proposed project to build an addition to the Oakwood Jr/Sr High building to enhance performing and visual arts education. The project will also include remodeling and improving existing classroom space currently dedicated to performing and visual arts education.
- Safety & Traffic, Mr. Stephens
 - Fireworks: Mr. Jacques explained that staff recommends that the city pass legislation to continue a prohibition on the use of most types of fireworks. The legislation is necessary in response to recent state action to legalize use of most types of fireworks in Ohio. It will be presented for a first reading at the May 2 council meeting.
- Streets & Alleys, Mr. Stephens
 - Sidewalk, Curb and Driveway Apron Project: Mr. Klopsch reported that city staff is still completing negotiations with RA Miller to finalize a contract to complete the northern half of the project, west of Far Hills.
 - Far Hills Curb Project: Mr. Klopsch reported that city staff is using informal competitive bidding procedures to find a contractor to complete the Far Hills curb work. The work is scheduled to take place this year in the area between Patterson Road and the south corporation line.
 - Far Hills Stormwater Inlet Project: Mr. Klopsch reported that city staff is studying alternative options for addressing the deteriorating concrete on the top of numerous stormwater inlets along Far Hills Avenue. One option under consideration involves installing a stainless steel top over the existing inlet.

- REGIONAL AGENCIES
 - MVCC, Mr. Stephens
 - Cable Franchise Fees: Mr. Jacques noted that a number of cities in numerous states are attempting to get video streaming service providers (e.g., Netflix, Hulu) to pay local cable franchise fees. It will be interesting to see how court cases will unfold.
 - Oakwood Inclusion Coalition, Mr. Klopsch
 - April 13 Annual Meeting: Mr. Klopsch reported that he and Chief Hill attended the Oakwood Inclusion Coalition (OIC) annual meeting on Wednesday, April 13 at Wright Library. There were about 50 people in attendance... about 35 in person and 15 via Zoom. The meeting went well. The OIC general membership confirmed five new Leadership Team members... Sam Davis, Lisa Wagner, Mike Miller, Jacqueline Housel, and Brandy Mariani. Brandy Mariani is the new OIC Treasurer, replacing Jeremy Newport. The other four are members-at-large.

- BOARDS & COMMISSIONS
 - Sister City Association, Mrs. Hilton
 - 2022 Celebration Events: Addressed above.
 - Historical Society, Mrs. Turben
 - May 14 “Town of Oakwood” Marker Unveiling: Mr. Klopsch noted that the unveiling of the “Town of Oakwood” historic marker is set for 1:30 p.m. on Saturday, May 14 in front of the city building. Mrs. Wilder explained the events scheduled as part of the unveiling.
 - Board of Health, Mayor Duncan
 - Local Health Districts: Mr. Klopsch discussed Sub H.B. 110 and how it impacts Oakwood’s local health district. He opined that Oakwood’s local health district will likely need to merge with the county health district.

- MISCELLANEOUS
 - Committee Needs: Council discussed two remaining citizen committee appointments for the Property Maintenance Board in Precinct E and the Budget Review Committee in Precinct G.
 - Private Fire Hydrants: Mr. Klopsch reported that staff continues to work with several property owners to address testing and upgrading requirements for private fire hydrants.

At 8:15 p.m., Mayor Duncan adjourned the work session.

Mayor

ATTEST:

Clerk of Council

AN ORDINANCE

BY: _____

NO. _____

LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO:

SECTION I.

That the revised assessments for the cost and expense of improving in the City of Oakwood, Ohio, the streets designated and between the termini set forth in Resolution No. 1891, adopted March 7, 2022, by lighting the same with electricity from the 1st day of January, 2023 through the 31st day of December, 2023, amounting in the aggregate estimated to be \$125,959.29 which were filed with the Clerk of Council the 7th day of March, 2022 and are now on file in the office of the Clerk of Council, be and the same are hereby adopted and confirmed and such revised assessments are hereby levied and assessed upon the lots and lands bounding and abutting upon said improvement in the respective amounts reported as aforesaid, which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

SECTION II.

That this Council hereby finds and determines that the revised assessments as now on file in the office of said Clerk of Council are in the same proportion to the estimated assessments as originally filed as the actual costs of the above described improvement is to the estimated cost of the improvement as originally filed.

SECTION III.

That the assessment against each lot or parcel of land shall be payable in cash within thirty (30) days after passage of this Ordinance. All cash payments shall be made to the Director of Finance of this City. All assessments and installments thereof remaining unpaid at the expiration of said thirty (30) days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

SECTION IV.

That the Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City and to continue on file in her office said revised assessments.

SECTION V.

That the Clerk of Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within twenty days after its passage.

SECTION VI.

That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VII.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL this _____ day of _____, 2022.

Mayor William D. Duncan

ATTEST:

Clerk of Council

To the Clerk:
Please publish in summary form below.

City Attorney Robert F. Jacques

LEGAL NOTICE

The Council of the City of Oakwood, Montgomery County, Ohio adopted Ordinance No. _____ entitled "LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY."

Lori Stacel
Clerk of Council
City of Oakwood

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of the foregoing Ordinance was duly published in the Oakwood Register, a newspaper of general circulation in the said City of Oakwood, that said publication occurred on the following date:

Lori Stacel, Clerk of Council

AN ORDINANCE

BY: _____

NO. _____

DETERMINING TO PROCEED WITH THE REPAIRING OF SIDEWALKS AND APPURTENANCES THERETO ON CERTAIN STREETS BETWEEN CERTAIN TERMINI, IN THE CITY OF OAKWOOD, OHIO, AND PROVIDING THAT ABUTTING PROPERTY OWNERS REPAIR THE SAME.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD IN MONTGOMERY COUNTY, OHIO, THAT:

SECTION I.

It is hereby determined to proceed with the improvement referred to in the title of this ordinance in accordance with the Resolution of Necessity adopted as No. 1893 on the 4th day of April, 2022.

SECTION II.

That improvement shall be made in accordance with the provisions of said Resolution of Necessity and the plans, specifications, estimates of cost and profiles previously approved and now on file in the office of the Clerk of Council.

SECTION III.

The Council finds and determines that no claims for damages resulting from the proposed improvement have been filed.

SECTION IV.

The portion of the cost provided in said Resolution of Necessity to be assessed shall be assessed in the manner and the number of installments provided in that resolution against the lots and lands described or referred to in that resolution.

SECTION V.

The estimated assessments previously prepared and filed in the office of the Clerk of Council are hereby approved.

SECTION VI.

The Clerk of Council is directed to deliver a certified copy of this ordinance to the Montgomery County Auditor within twenty days after its passage.

SECTION VII.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in that formal action were in meetings open to the public, to the extent required by the city charter, by the ordinances of this city, and by any applicable state law.

SECTION VIII.

This Ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this _____ day of _____, 2022.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish in summary form set forth below.

City Attorney Robert F. Jacques

LEGAL NOTICE

The Council of the City of Oakwood, Montgomery County, Ohio, adopted Ordinance No. _____ entitled "DETERMINING TO PROCEED WITH THE REPAIRING OF SIDEWALKS AND APPURTENANCES THERETO ON CERTAIN STREETS BETWEEN CERTAIN TERMINI, IN THE CITY OF OAKWOOD, OHIO, AND PROVIDING THAT ABUTTING PROPERTY OWNERS REPAIR THE SAME."

Lori Stacel, Clerk of Council, City of Oakwood

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of the foregoing ordinance was duly published in the Oakwood Register, a newspaper of general circulation in said city and that the publication occurred on the following date: _____

Clerk of Council

AN ORDINANCE

BY: _____

NO. _____

ADOPTING THE 2023 TAX BUDGET FOR THE CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 2023.

WHEREAS, the City Manager has prepared the attached tax budget for the city of Oakwood, Ohio, for fiscal year beginning January 1, 2023, in conformance with the requirements of law and in accordance with Section 6.01 of Article VI of the Charter of the city of Oakwood, which tax budget sets forth all revenues expected to be received for such fiscal year; including but not limited to all general and special taxes, fees, costs, percentages, penalties, allowances and prerequisites; and

WHEREAS, based on preliminary estimates, 2023 operating expenditures are not expected to exceed the 2022 operating expenditure appropriations by more than 3%; and

WHEREAS, based on preliminary estimates, 2023 capital expenditures are not expected to exceed \$3,300,000;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

The budget described in the above recital paragraph, shall be and is hereby adopted as the official tax budget of the city of Oakwood, Ohio, for the fiscal year beginning January 1, 2023.

SECTION II.

This ordinance shall be and remain in force from and after the earliest date allowed by law.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this 2nd day of May, 2022.

Mayor William D. Duncan

ATTEST:

Clerk of Council

To the Clerk:

Please publish in summary form set forth below.

LEGAL NOTICE

Ordinance _____ of the City of Oakwood was passed on _____, to adopt the 2023 Tax Budget.

City Attorney Robert F. Jacques

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of the foregoing Ordinance was duly published in the Oakwood Register, a newspaper of general circulation in said City of Oakwood, that said publication occurred on the following date:

Clerk of Council

Cities/Villages Tax Budget

Council of the City of Oakwood,

May 2, 2022

To Karl L. Keith, Montgomery County Auditor:

The Council of the City of Oakwood hereby submits its annual Budget for the year commencing January 1st, 2023 for consideration of the Montgomery County Budget Commission pursuant to Section 6.01 of the Oakwood City Charter.

Director of Finance

Fund	Estimated Unencumbered Balance January 1st, 2023	Other Sources	Total
GENERAL FUND	7,376,036	10,356,490	17,732,526
MAJOR OPERATING FUNDS			
Street Maintenance and Repair	500,000	1,385,494	1,885,494
Leisure Activity	500,000	1,328,662	1,828,662
Health	134,558	160,195	294,753
Equipment Replacement	1,257,162	1,245,000	2,502,162
Capital Improvement	1,485,006	1,206,000	2,691,006
Sidewalk, Curb & Apron	250,004	212,733	462,737
Service Center	100,000	712,560	812,560
OTHER FUNDS			
Bullock Endowment Trust	50,821	300	51,121
MLK Community Recognition	0	0	0
Special Improvement District Assessment	0	111,720	111,720
Smith Memorial Gardens	400,000	115,940	515,940
Indigent Drivers Alcohol Treatment	38,471	2,600	41,071
Enforcement and Education	8,575	200	8,775
Law Enforcement	7,574	0	7,574
Drug Law Enforcement	0	0	0
Police Pension	0	0	0
Court Clerk Computerization	42,480	8,000	50,480
Court Computerization	35,195	4,200	39,395
Court Special Projects	48,831	7,000	55,831
Sub-Total, Page 1	12,234,713	16,857,094	29,091,807

Cities/Villages Tax Budget

Fund	Estimated Unencumbered Balance January 1st, 2023	Other Sources	Total
OTHER FUNDS (continued)			
State Highway Improvement	146,446	47,250	193,696
Public Safety Endowment	174,162	1,300	175,462
Special Projects	3,504,800	0	3,504,800
Issue 2 Projects	0	0	0
Public Facilities	0	0	0
Local Coronavirus Relief	0	0	0
Local Fiscal Recovery	936,058	0	936,058
Bond Retirement	0	0	0
Electric Street Lighting	100,000	160,900	260,900
Self-Funded Insurance Trust	25,000	17,500	42,500
Fire Insurance Trust	0	0	0
Contractor's Permit Fee	0	2,000	2,000
REFUSE			
Refuse	330,806	1,378,600	1,709,406
Refuse Improve/Equip Replacement	58,713	263,000	321,713
ENTERPRISE FUNDS			
Water Operating	829,838	1,209,500	2,039,338
Water Improve/Equip Replacement	386,442	320,000	706,442
Sanitary Sewer Operating	1,606,266	1,913,200	3,519,466
Sanitary Sewer Improve/Equip Replace	313,748	80,000	393,748
Stormwater Operating	326,208	466,235	792,443
Stormwater Improve/Equip Replacement	104,390	0	104,390
Sub-Total, Page 2	8,842,877	5,859,485	14,702,362
Grand Total	21,077,590	22,716,579	43,794,169

**Exhibit of Bonds, Notes, and Certificates of Indebtedness Outstanding January 1st of the Coming Year,
and Bond Retirement Fund Requirements, for the coming year.**

Purpose of Bonds and Notes	Authority for Levy Outside 10 mill Limit	Date of Issue	Date Due	Rate of Interest	Amount Outstanding	Amount Required for Principal & Interest	Amount Required from Sources other than Property Tax	Total Required from General Property Taxes
INSIDE 10 MILL LIMIT:	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
TOTAL	XXXXX	XXXXX	XXXXX	XXXXX				
OUTSIDE 10 MILL LIMIT:	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
TOTAL	XXXXX	XXXXX	XXXXX	XXXXX				

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

Fund (Include only those funds which are requesting general property tax revenue)	Amount Approved By Budget Commission Inside 10M. Limitation Column I	Amount To Be Derived From Levies Outside 10 M. Limitation Column II	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit Column III	Outside 10 M. Limit Column IV
GOVERNMENTAL FUNDS				
GENERAL FUND	1,263,471	1,538,643		
PROPRIETARY FUNDS				
FIDUCIARY FUNDS				
TOTAL ALL FUNDS	1,263,471	1,538,643		

AN ORDINANCE

BY: _____

NO. _____

TO AMEND ORDINANCE NO. 4519 THAT ADDRESSES THE “SPECIAL PROJECTS FUND,” FOR PURPOSES OF INCREASING THE UPPER LIMIT ON THE AMOUNT OF MONEY WHICH MAY BE RETAINED IN THE SPECIAL PROJECTS FUND.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO, THAT ORDINANCE NO. 4519 IS HEREBY AMENDED TO READ AS FOLLOWS (with new words shown in *italics* and deleted material in ~~strike-through~~ type):

SECTION I.

That a “Special Projects Fund” is hereby created as part of the accounting system of this city of Oakwood so as to exist separate and apart from the General Fund ~~but not to exceed \$3,000,000 but not to exceed \$5,000,000 plus interest accruing thereon.~~

SECTION II.

That the Special Projects Fund shall be the account to which the City Council may deposit funds over which it has full control, and to which it may deposit any gifts ~~but the total amount in this fund shall not exceed \$3,000,000 plus interest accruing thereon.~~ *but the total amount in this fund shall not exceed \$5,000,000 plus interest accruing thereon.*

SECTION III.

That expenditures from the principal, AND INCOME EARNED ON THE PRINCIPAL, of any amount or gifts deposited into the Special Projects Fund may be made for any item and any purpose designated as a “Special Project” by the Council of this City from time to time upon an affirmative vote of four (4) members of council.

SECTION IV.

Any income earned on the money in the Special Projects Fund shall be considered part of that fund.

SECTION V.

This ordinance shall be in full force and effect as of the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this 2nd day of May, 2022.

Mayor William D. Duncan

ATTEST:

Clerk of Council

To the Clerk:
Please publish in summary form set forth below.

City Attorney Robert F. Jacques

LEGAL NOTICE

On May 2, 2022, Council of the City of Oakwood, passed Ordinance No. _____ entitled "TO AMEND ORDINANCE NO. 4519 THAT ADDRESSES THE "SPECIAL PROJECTS FUND," FOR PURPOSES OF INCREASING THE UPPER LIMIT ON THE AMOUNT OF MONEY WHICH MAY BE RETAINED IN THE SPECIAL PROJECTS FUND."

Lori Stacel
Clerk of Council
City of Oakwood

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of the foregoing Ordinance was duly published in the Oakwood Register, a newspaper of general circulation in said City of Oakwood, that said publication occurred on the following date:

Lori Stacel, Clerk of Council

A RESOLUTION

BY _____

NO. _____

TO APPROVE PARTICIPATION IN REGION 8 GOVERNANCE STRUCTURE UNDER THE ONEOHIO MEMORANDUM OF UNDERSTANDING.

WHEREAS, the city of Oakwood is a Local Government that has adopted and approves The OneOhio Memorandum of Understanding (“The Memorandum”), which establishes a mechanism to disburse settlement proceeds from opioid litigation into Ohio’s communities to help abate the opioid crisis, including allocations to Local Governments and Regions through a statewide Foundation; and

WHEREAS, this jurisdiction is a participant in Region 8 as established by The Memorandum; and

WHEREAS, pursuant to The Memorandum each Region shall create their own governance structure so it ensures all Local Governments have input and equitable representation regarding regional decisions including representation on the statewide OneOhio Recovery Foundation, Inc. Board and selection of projects to be funded from the region’s regional share; and

WHEREAS, Regions have the responsibility to make submissions regarding the allocation of funds to projects that will equitably serve the needs of the entire Region; and

WHEREAS, it is found that the regional governance structure in Region 8 will consist of a 12-member board of the individuals and organizations identified as community stakeholders for the Community Overdose Action Team as well as Local Governments & Businesses, including representatives from the following stakeholders within the Region as follows:

- the Region’s largest municipality (two representatives);
- another city, as identified by the Greater Dayton Mayors and Managers Association;
- a township, as identified by the Montgomery County Township Association;
- a village, to be identified as the Village most affected by overdose deaths;
- the Montgomery County Commission;
- the Dayton Area Chamber of Commerce;
- Montgomery County Alcohol, Drug Addiction & Mental Health Services;
- Public Health - Dayton & Montgomery County;
- the Criminal Justice Council;
- the Greater Dayton Area Hospital Association; and
- an individual with lived experience, as identified by Community Overdose Action Team Backbone Support;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO, THAT:

SECTION I.

Subject to and effective upon the concurrence of a majority of Local Governments (counties, cities, villages, townships) in Region 8, City Council hereby approves and enters into the regional governance agreement, and supports the designated Region 8 Representatives appointed to the OneOhio Recovery Foundation, Inc. Board.

SECTION II.

This resolution shall take effect immediately upon its passage.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, OHIO, this ____ day of _____, 2022.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:
No publication required.

City Attorney Robert F. Jacques

AN ORDINANCE

BY: _____

NO. _____

REPEALING CURRENT SECTION 549.01, *SALE OR DISCHARGE OF FIREWORKS*, OF THE OAKWOOD GENERAL OFFENSES CODE, AND ENACTING NEW SECTION 549.01, *SALE OR DISCHARGE OF FIREWORKS*, OF THE OAKWOOD GENERAL OFFENSES CODE, FOR THE PURPOSE OF ADDRESSING THE PROVISIONS OF H.B. 172 CONCERNING THE RIGHT OF MUNICIPALITIES TO RETAIN REGULATIONS AND PROHIBITIONS ON THE DISCHARGE, IGNITION AND EXPLODING OF FIREWORKS THAT EXISTED PRIOR TO THE ENACTMENT OF H.B. 172.

WHEREAS, the Governor of Ohio recently signed H.B. 172, amending Ohio Revised Code 3743.45, effective July 1, 2022, allowing any person authorized to possess consumer grade fireworks to discharge, ignite or explode fireworks on their property, or if permitted, on another person's property on certain designated days of the year; and

WHEREAS, H.B. 172 also provides that pursuant to home rule authority, a city may choose to restrict the days and times that a person may discharge consumer grade fireworks or may impose a complete ban on the use of consumer grade fireworks; and

WHEREAS, Council finds that the possession, sale, or discharge of fireworks poses a significant danger to the public and may cause serious injuries as well as significant property damage, especially in residential and business areas; and

WHEREAS, the Oakwood Director of Public Safety recommends that Council opt out of H.B. 172, and reaffirm the existing ban on possessing, selling or discharging fireworks as set forth in Section 549.01 *et seq.* of the Codified Ordinances of the city of Oakwood, Ohio; and

WHEREAS, Council finds that it is in the best interests of the public to continue to ban the possession, sale or discharge of fireworks otherwise permitted in H.B. 172, as set forth in Section 549.01 *et seq.* of the Codified Ordinances of the city of Oakwood, Ohio; and

WHEREAS, Council has determined that the current Section 549.01, *Sale or Discharge of Fireworks*, of the Oakwood General Offenses Code requires revision to reaffirm the existing ban on the possession, sale or discharge of fireworks otherwise permitted in H.B. 172; and

WHEREAS, Council has determined that the current Section 549.01, *Sale or Discharge of Fireworks*, of the Oakwood General Offenses Code should be repealed in its entirety and replaced with a new Section 549.01, *Sale or Discharge of Fireworks*, of the Oakwood General Offenses Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Existing Section 549.01, *Sale or Discharge of Fireworks*, of the Oakwood General Offenses Code, is hereby repealed.

SECTION II.

New Section 549.01, *Sale or Discharge of Fireworks*, of the Oakwood General Offenses Code, is hereby adopted to read as follows:

(a) No person shall possess fireworks in this City or shall possess for sale or sell fireworks in this City, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 549.02.

(b) Except as provided in Ohio R.C. 3743.80 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 549.02, no person shall discharge, ignite or explode any fireworks in this City.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

(f) All provisions of the Codified Ordinances of the City of Oakwood, Ohio, including but not limited to Chapter 549 concerning the possession, sale or discharge, ignition or exploding of fireworks, and all ordinances that regulate noise, disturbance of the peace and disorderly conduct, will remain in full force and effect regardless of the permission granted in H.B. 172 and the amendments to Ohio R.C. 3743.45.

(g) Whoever violates this section is guilty of a misdemeanor of the third degree.

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, if required, in compliance with all legal requirements including Ohio R.C. 121.22.

SECTION IV.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this _____ day of _____, 2022.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish by incorporating into the Codified Ordinances of the city.

City Attorney Robert F. Jacques

**Introductions for Legislation
5/2/2022 Council Meeting**

Mrs. Hilton

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY.

This is the third and final step of our 2023 street lighting program. It allows for the costs of street lighting to be certified to the Montgomery County Auditor for assessment. It was introduced with a first reading by Councilmember Stephens at our April 4 Council meeting.

Motion: This is the second reading of this ordinance, and I move that Council adopt it tonight.

Mrs. Hilton

AN ORDINANCE DETERMINING TO PROCEED WITH THE REPAIRING OF SIDEWALKS AND APPURTENANCES THERETO ON CERTAIN STREETS BETWEEN CERTAIN TERMINI, IN THE CITY OF OAKWOOD, OHIO, AND PROVIDING THAT ABUTTING PROPERTY OWNERS REPAIR THE SAME.

This is an annual ordinance that is the second step of our 2022 Sidewalk, Curb and Driveway Apron Project. This year's program will cover the west side of Far Hills Avenue between Harman Avenue and the north corporation line at Old River. The ordinance was introduced with a first reading by Councilmember Stephens at our April 4 Council meeting.

Motion: This is the second reading of this ordinance, and I move that Council adopt it tonight.

Vice Mayor Byington

AN ORDINANCE ADOPTING THE 2023 TAX BUDGET FOR THE CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 2023.

To comply with Section 6.01 of the City Charter, this is our annual housekeeping ordinance to estimate the city's revenues and expenses for calendar year 2023. It was introduced with a first reading at our April 4 Council meeting.

Motion: This is the second reading of this ordinance, and I move that Council adopt it tonight.

Vice Mayor Byington

AN ORDINANCE TO AMEND ORDINANCE NO. 4519 THAT CREATED A “SPECIAL PROJECTS FUND,” FOR PURPOSES OF INCREASING THE UPPER LIMIT ON THE AMOUNT OF MONEY WHICH MAY BE RETAINED IN THE SPECIAL PROJECTS FUND AND TO ELIMINATE STIPULATIONS APPLICABLE TO INCOME EARNED ON MONIES RETAINED IN THE SPECIAL PROJECTS FUND.

This is an ordinance to adjust the cap on money that can be held in the city’s Special Projects Fund. The Special Projects Fund is an accounting fund used to set money aside for larger capital improvement projects planned for the future. Council last increased the cap on this fund in 2002 as a means of ensuring that the size of the fund was appropriate for the types of capital improvement projects for which it was to be used. For the last 20 years, the fund has been capped at \$3 million. With costs continuing to rise and several large capital projects on the horizon, the Finance Director has recommended that we increase the cap to \$5 million. Under existing rules, it takes an affirmative vote of four council members to authorize spending from this fund. It was introduced with a first reading at our April 4 Council meeting.

Motion: This is the second reading of this ordinance, and I move that Council adopt it tonight.

Vice Mayor Byington

A RESOLUTION TO APPROVE PARTICIPATION IN REGION 8 GOVERNANCE STRUCTURE UNDER THE ONEOHIO MEMORANDUM OF UNDERSTANDING.

This is a resolution that relates to the OneOhio Memorandum of Understanding (the “OneOhio MOU”), which was approved by Council in September of last year. At that time Council adopted Resolution No. 1888, authorizing the city’s participation in OneOhio, a consortium of local governments throughout the state that was formed to facilitate the allocation of settlement proceeds from national opioid litigation. Among other things, the OneOhio MOU divides Ohio into several regions, and contemplates that some portion of settlement funds will be allocated to each region for use in abating the opioid epidemic.

Under the terms of the MOU, each region must establish a governing body to oversee the use of settlement funds within the region, and must do so in a manner that ensures adequate and meaningful input from various community stakeholders and equitable use of settlement funds throughout the region.

Region 8, of which Oakwood is a part, has developed a plan for a governing body to accomplish these goals. It will consist of 12 members from a wide cross-section of our region, to include 2 representatives from the Region’s largest municipality (the City of Dayton) and 1 representative from each of the following:

- another city, as identified by the Greater Dayton Mayors and Managers Association;

- a township, as identified by the Montgomery County Township Association;
- a village, to be identified as the Village most affected by overdose deaths;
- the Montgomery County Commission;
- the Dayton Area Chamber of Commerce;
- Montgomery County Alcohol, Drug Addiction & Mental Health Services;
- Public Health - Dayton & Montgomery County;
- the Criminal Justice Council;
- the Greater Dayton Area Hospital Association; and
- an individual with lived experience, as identified by Community Overdose Action Team Backbone Support.

This plan is the result of community-wide collaboration and will take effect upon approval by all regional participants.

Motion: I move that Council adopt this resolution.

Mrs. Hilton

AN ORDINANCE REPEALING CURRENT SECTION 549.01, *SALE OR DISCHARGE OF FIREWORKS*, OF THE OAKWOOD GENERAL OFFENSES CODE, AND ENACTING NEW SECTION 549.01, *SALE OR DISCHARGE OF FIREWORKS*, OF THE GENERAL OFFENSES CODE, FOR THE PURPOSE OF ADDRESSING THE PROVISIONS OF H.B. 172 CONCERNING THE RIGHT OF MUNICIPALITIES TO RETAIN REGULATIONS AND PROHIBITIONS ON THE DISCHARGE, IGNITION AND EXPLODING OF FIREWORKS THAT EXISTED PRIOR TO THE ENACTMENT OF H.B. 172.

The Governor of Ohio recently signed H.B. 172, which amends state law to legalize the discharge of fireworks on private property on certain designated days of the year. H.B. 172 also provides that pursuant to its constitutional home rule authority, a city may choose to restrict the days and times that a person may discharge consumer grade fireworks or may impose a complete ban on the use of consumer grade fireworks.

Oakwood is almost entirely residential, and has nearly 4,000 housing units within 2.2 square miles. Given this density, fireworks pose a significant risk to persons and property, and the Director of Public Safety has recommended that Council opt out of H.B. 172 and reaffirm Oakwood's existing ban on possessing, selling or discharging fireworks. Of note, Oakwood has prohibited fireworks for over 100 years, dating back to 1920.

The ordinance I am introducing tonight will update and reaffirm Oakwood's ban on fireworks before the new state law takes effect on July 1, 2022.

Motion: This is a 1st reading of this ordinance, so I make no motion at this time.

Capt. Jones retires after 25-year career in public safety; will be recognized for community service

Long a familiar face to generations of city residents, Captain Mike Jones of the Oakwood Public Safety Department is hanging up his badge this month after a more than 25-year career in law enforcement. Jones officially retired from duty on April 18 and will be recognized this week when he is presented with the Oakwood Rotary Community Service Award for 2022 at the Dayton Country Club during a ceremony on Friday.

After attending Bowling Green State University and Sinclair Community College, Jones served as a volunteer firefighter and attended the Ohio police academy in 1996. He began his law enforcement career in



Captain Mike Jones

West Milton, where he was an officer

from 1997-1998.

A 47-year resident of Oakwood, Jones was hired by the Oakwood Public Safety Department on Dec. 14, 1998, serving on the department's road patrol from 1998-2001. He was promoted and became the department's full-time detective from 2001-2007, when he was again promoted and served as both a crew lieutenant and the department's training lieutenant from 2007 to 2011. He completed the Police Executive Leadership College through the Ohio Law Enforcement Foundation in 2007 and was promoted to the rank of captain in 2011.

See Jones on page 21 ▶

▶ Jones from page 1

Oakwood Public Safety Chief Alan Hill credits Jones with introducing him to the department in 2006 when Hill, working with the Montgomery County Organized Crime unit for the Montgomery County Sheriff's Office, assisted Jones on a drug investigation.

Looking back, Jones said he wanted a career in public safety since childhood. "It was just something that I always wanted to do ever since I was a little kid. I never lost that dream, it was what I always wanted to do."

"The connections that he has and the relationships that he has with the community have been invaluable to this organization," said Hill. "Over the last decade I've personally witnessed a lot of people call Mike Jones, not the Oakwood Public Safety Department. For somebody in law enforcement to have that type of relationship, not with an assigned beat, but to have that with the entire community, is very impressive. It goes back to the fact that Mike is somebody who has lived in this community for 47 years. He was raised here, he grew up here, his friends are here, his friends that moved away and went to college are back and they're now raising their families here. He knows all of the schoolteachers. That's invaluable to an organization like ours."

As a long-time resident of Oakwood, where his three children went to school and he coached a youth lacrosse team, Jones was pretty much always "on call" in the community. "It was 24 hours a day, non-stop," Jones recalled. "I never got away from anything because I lived here. If people were

having a domestic disturbance down the street someone would knock on my door. Another lady knocked on my door because her father had dementia and he got in his car and left and she couldn't find him. So I opened up my computer and we started working on it from my house."

"Over the last 20 years there have been very few significant incidents where Mike's fingerprint isn't on that case, he's had highlight cases throughout his career. There was something every year, whether that was on the criminal side or helping people through difficult situations and times in their lives, a mom and dad who were struggling with their kid and needed help. Captain Jones was the one they would talk to. He's the one who goes over and sits in the living room, asks them what's going on and helps them work through it," Chief Hill remarked. "For us in law enforcement it's always nice to catch the bad guy. But I can tell you Mike has had a greater impact on the individual lives of people who live in this community than probably anyone who has ever worked in this department. He's completely embedded in this community."

"I had a lot of good moments every year that I worked here," Jones added. "I had a lot of exciting moments when I was helping somebody out, solving some type of crime, I had an incredible six years in the detective section because I loved it, I got to work with TCSU (a multi-jurisdictional Tactical Crime Suppression Unit), I got to work with detectives from Dayton, that sort of thing. Every step that I've moved, PSO, detective section, lieutenant, I had a lot of good moments. Oakwood

is small enough that when something happened, even as a captain I was still very active."

Jones is confident he's leaving the department in good hands, calling the current force the best qualified he's ever seen during his more than two decades in public safety. "My personal opinion is that right now the men and women we have are the best we've ever had. There's a special character when someone wants to do police, fire and EMS. Not everybody can do all three of those, it takes a special person to do that. Right now, the people we've hired are probably the best we've had over the course of my career. We also know who we are, we're solid. We all know we're here for the right reasons."

"Without a doubt we're losing probably the most significant employee who ever walked out the door of this organization. His institutional knowledge of the both the city and the department cannot be replaced, but as a result of Mike's hard work and dedication to the department, when he took a command staff role in April 2011, he's definitely leaving the organization better than he found it, and I think that is the goal for all of us," Chief Hill said.

"I had a great run," Captain Jones concluded. "I had a great career and I had a lot of fun. Any job has its bad days, but this is a great job and I certainly had more good days than bad days. Twenty-five years is a good time to end and hopefully I'm gonna get involved in something else that's not related to law enforcement, fire or EMS work. I'm gonna do something involving fishing, the outdoors and all that stuff."

OR
4/27/12



The Oakwood Historical Society
1947 Far Hills Avenue
Oakwood, OH 45419



The City of Oakwood
30 Park Avenue
Oakwood, Ohio 45419

PRESS RELEASE

Subject: Oakwood's First Historical Marker Unveiling Ceremony

Date: April 26, 2022

OAKWOOD, OHIO:

The Oakwood Historical Society, along with Oakwood City Officials, will conduct an unveiling ceremony of Oakwood's first historical marker at 1:30 p.m. on Saturday, May 14 in front of the Oakwood City Building, 30 Park Avenue, Oakwood.

The first historical marker commemorates the 150th anniversary of when the first Oakwood homes were built in an area near the Oakwood City Building on 30 Park Avenue in 1872, and the four men who first envisioned a "Town of Oakwood."

"What an honor to have a historical marker commemorating the beginning of our wonderful community," said Mayor Bill Duncan. "Thank you to the members of The Oakwood Historical Society for helping to preserve the city's history."

Festivities will immediately follow the unveiling, including free docent-led historical walking tours of the original "town" featuring the early homes and residents of Oakwood. Newly revised tour booklets will be available for only \$5.

Wright Memorial Library will be on hand with their Book Peddler, filled with books on Oakwood and Dayton history topics — celebrating Oakwood's first public library building across from the City Building — the site of Oakwood's soon-to-be installed second historical marker.

Graeter's Ice Cream and Park Avenue shops will join in the festivities by offering specials on refreshments and displays of Oakwood-related merchandise.

"The Historical Marker Program has been in the planning stages for over two years," said Debra Edwards, President of The Oakwood Historical Society. "We are grateful for the wide community support of this program. We are especially indebted to John and MJ Gray who generously sponsored this first marker. We also thank the City of Oakwood for their partnership in this project since its inception, Oakwood resident Dan Turben for donating the plaque that will be placed at a future date on the site of the first public library, and the Oakwood Rotary Club for agreeing to fund several of our future historical markers and for their contribution to this May event."

All are invited to attend this exciting community event.

FOR ADDITIONAL INFORMATION, PLEASE CONTACT
Debra Edwards, President of The Oakwood Historical Society
(937) 299-3793
info@oakwoodhistory.org

Oakwood plans inaugural Historical Marker ceremony

The Oakwood Historical Society, along with Oakwood city officials, will conduct an unveiling ceremony of Oakwood's first historical marker

at 1:30 p.m. on Saturday, May 14, in front of the Oakwood City Building at 30 Park Ave. in Oakwood.

See **Marker** on page 8 ►

► **Marker** from page 1

The first historical marker commemorates the 150th anniversary of when the first Oakwood homes were built in an area near the Oakwood City Building in 1872, and four men first envisioned a "Town of Oakwood."

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second historical marker.

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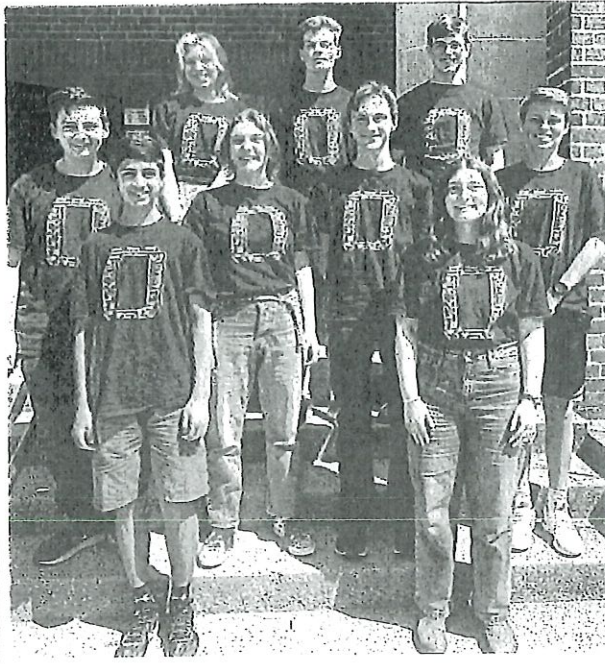
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The community event is open to the public.

OR

4/27/22

OAKWOOD



The Oakwood High School academic decathlon team has won 10 straight division national titles. CONTRIBUTED

Oakwood team claims its 10th straight U.S. title

By Nick Blizzard
Staff Writer

OAKWOOD—Oakwood High School's academic decathlon team has won its 10th consecutive national title in its division.

OHS team members earned eight out of the nine possible top spots in Division III for overall individual cumulative scores, according to the school district.

The United States Academic Decathlon National Competition was a four-day virtual event ending Saturday.

The competition featured 48 U.S. teams, plus about 10 teams from China, coach Lori Morris said. Scoring was based on speeches, tests and interviews, she said.

Evan Hardern, Charli Kulka and Soren Kingston achieved the top overall scores in their GPA divisions. Rebecca Blumer received the Most Valuable Team

Member award.

Other team members were Alex Baals Kall, Brian Fischer, Rohan Haack, Danny Vasconez and Elizabeth Yarbrough.

OHS team members earned 55 individual medals for high scores in the competition's individual areas — essay, music, art, math, interview, literature, economics, science, social science and speech. They received more than \$7,000 in scholarship funds for their achievements.

Teams are split into four divisions by size of school. Oakwood's highest finish across all divisions was second place in 2018 and 2019. It has placed in the top five overall seven times, according to national academic decathlon data.

Oakwood teams have won 12 straight Ohio titles, which requires a first-place finish among all divisions, Morris said.

DDN
4/27/22



OHS Academic Decathlon wins 10th consecutive National Title

Oakwood High School is once again celebrating a national win. The OHS Academic Decathlon team captured its 10th consecutive Division III national title in the United States Academic Decathlon National Competition, which was held virtually April 20-23.

Competing on the team were Alex Baals Kall, Rebecca Blumer, Brian Fischer, Rohan Haack, Evan Hardern, Soren Kingston, Charli Kulka, Danny Vásconez and Elizabeth Yarbrough.

OHS team members earned eight out of the nine possible top spots

in Division III for overall individual cumulative scores. Hardern, Kulka, and Kingston achieved the top overall scores in their GPA divisions. Rebecca Blumer received the Most Valuable Team Member award.

Additionally, team members earned 55 individual medals for high scores in select areas and received more than \$7,000 in scholarship funds for their achievements.

OHS teacher Lori Morris is the Academic Decathlon coach, now in her 16th year as coach.

OR

4/27/22

KETTERING/OAKWOOD

Purple Star designations

Three schools in Kettering and Oakwood have been selected as Purple Star Schools.

Kettering Fairmont High School, and Harman and Smith elementaries in Oakwood have been given the designation by the Ohio Department of Education.

The selection signifies a school's commitment to serving the unique needs of military-connected youth and their families, officials said.

As a way to help military families in the district, the Oakwood schools designed web pages to organize resources and necessary information.

To build connections with students who have family members in the military, both Oakwood schools conduct Military Kids' Club. Students have an opportunity to come together on a regular basis, share experiences and create new memories.

NICK BLIZZARD,
STAFF WRITER

DDN

4/27/22

From: [Klopsch, Norbert S.](#)
To: [Amanda Malusky Krauss \(amanda.k.krauss@gmail.com\)](#); [Beth Ritzert \(baritzert@gmail.com\)](#); [Bill Frapwell \(frapwellw@ctt.com\)](#); [Bill Meyer \(bdmeyer4@juno.com\)](#); [Bill Rieger \(rieger.bill@gmail.com\)](#); [cait.botschner@gmail.com](#); [Chas Kidwell \(kidwellc@childrensdayton.org\)](#); [Dan Ferneding \(danr@fernedinginsurance.com\)](#); [Dickerson, Dave S. \(dave.dickerson@mvg.com\)](#); [doug.kinsey@artifexfinancial.com](#); [Elizabeth Kussman \(ebiffbrown@gmail.com\)](#); [Ella Himes \(ellahimes@yahoo.com\)](#); [Ellen Fodge \(esfodge@gmail.com\)](#); [Erika Endsley \(erika.endsley@gmail.com\)](#); [Fred Dudding \(dudfl@email.msn.com\)](#); [Heidi Edwards \(edwards.heidi@oakwoodschoools.org\)](#); [Howard Boose \(hboose3@gmail.com\)](#); [Jeff Woeste \(jwoeste@fhf-cpa.com\)](#); [Jim Broz \(jabroz@prodigy.net\)](#); [John Gray \(jcg@grayamerica.com\)](#); [John Jervis \(john_jervis@ml.com\)](#); [kemmarcus@yahoo.com](#); [maew1981@gmail.com](#); [Mark Risley](#); [Megan O"Leary \(kennedmp51@gmail.com\)](#); [Michael Hayes \(mphayes@woh.rr.com\)](#); [Michael Vanderburgh \(michaelvanderburgh@yahoo.com\)](#); [Mike Ruetschle \(mike@ruetschle.com\)](#); [Nicole Motto \(nmotto14@gmail.com\)](#); [Pete Luther \(phluther@me.com\)](#); [Sarah Waechter \(sjwaechter@yahoo.com\)](#); [Steve Brooks \(igstre@yahoo.com\)](#); [Susan Elliott \(Elliott@udayton.edu\)](#); [Yusaku Kawai \(ykawai@gmail.com\)](#)
Cc: [Stacel, Lori](#); [Collins, Carol D.](#); [Spitler, Doug](#); [Hill, Alan](#); [Jacques, Robert](#); [Kuzma, Chris](#); [Stafford, Cindy](#); [Wilder, Jennifer](#); [Hilton, Anne](#); [Turben, Leigh](#); [Duncan, William](#); [Stephens, Rob](#); [Byington, Steve](#)
Subject: Spring Budget Committee Meeting -- May 17
Date: Friday, April 29, 2022 2:03:02 PM

Greetings from City Hall!

We will conduct our spring Budget Review Committee meeting at 5:30 pm on Tuesday, May 17. It will be held in the council chamber at the city building, 30 Park Avenue. We will also offer remote attendance via Zoom.

I will send a meeting packet to you in a couple weeks.

All the best, Norb

Norbert S. Klopsch
Oakwood City Manager
(937) 298-0600

Cities try to turn the tide on police traffic stops

David D. Kirkpatrick,
Steve Eder and Kim Barker
©2022 The New York Times

Los Angeles is overhauling its traffic policing, aiming to stop pulling over cars — frequently with Black drivers — for trivial infractions like broken taillights or expired tags as a pretext to search for drugs or guns.

“We want to fish with a hook, not a net,” Police Chief Michel Moore said.

Los Angeles last month became the biggest city to restrict the policing of minor violations. In Philadelphia, a ban on such stops has just taken effect. Pittsburgh; Seattle; Berkeley, California; Lansing, Michigan; Brooklyn Center, Minnesota; and the state of Virginia have all taken similar steps. Elsewhere across the country, a half-dozen prosecutors have said they will not bring charges based on evidence collected at these stops.

Officials pushing the new rules cite data showing that minor stops not only disproportionately snare Black drivers but also do little to combat serious crime or improve public safety, and some escalate into avoidable violence, even killing officers or drivers.

The latest example is the death in Grand Rapids, Michigan, of Patrick Lyoya, an unarmed 26-year-old Black man who was pulled over for a mismatched license plate and, after a brief struggle, was apparently shot in the head from behind, according to videos released April 13. An hour away in Lansing, new rules seek to prevent such deadly encounters.

“There is a trust factor,” Mayor Andy Schor of Lansing said last month, “that if you get pulled over — whether it’s a moving violation, or pretextual, or whatever — you’re not going to end up dead.”



Katie Wright, Daunte Wright's mother, attends a rally in Minneapolis on Feb. 19 to protest the two-year sentence for the police officer who killed her son. In the year since the death of Wright, who was pulled over by police over a dangling air freshener and expired tags, some cities have reconsidered the policing of minor traffic violations.

AARON NESHEIM/THE NEW YORK TIMES

Police chiefs and criminologists say the rule changes amount to the first major reconsideration of traffic policing since the early 1980s, when rising crime rates, a shift toward more proactive policing and the advent of squad car computers for checking driver records helped make pretextual stops a cornerstone of enforcement.

“Never before have government officials, policymakers or prosecutors tried to limit how police officers use traffic stops in their investigatory role — in fact, historically, making these stops was encouraged,” said Sarah A. Seo, a law professor at Columbia University who studies traffic stops. “These new policies may be turning the tide.”

A New York Times investigation last fall revealed that in the previous five years, police officers pulling over cars had killed more than 400 motorists who were nei-

ther wielding a gun or knife nor under pursuit for a violent crime — a rate of more than one a week. Police culture and court precedents significantly overstated the danger to officers, encouraging aggression in the name of self-defense and impunity from prosecutors and juries, the investigation found.

Legislation limiting stops in Pittsburgh quoted the Times’ reporting, and advocates across the country have cited it to argue for the changes. The killings at traffic stops are among a total of about 1,000 a year by American police, data shows.

Some police unions and officers are fighting the new rules, arguing that pulling over cars to search them is an essential weapon against serious crime.

In Philadelphia, the police union has sued to block the ordinance that banned certain stops, saying it violates state laws. In Virginia, a coa-

lition of police associations, local chiefs and Republican officials, including the attorney general, is campaigning to get rid of a ban on minor stops that Democrats passed before losing full control of the statehouse last November.

In Los Angeles, the police union is running online advertisements warning that discouraging stops could allow guns and killers to remain on the roads.

Joe Massie, a veteran motorcycle officer and an official of the Los Angeles Police Protective League, said anxiety about running afoul of the new rules “is going to disincentivize officers to make stops.” With homicide rates rising in Los Angeles and other cities, he added, “leaving even a single gun on the streets is too many.”

Defenders of pretextual stops also note that the Supreme Court unanimously upheld the tactic a quarter-century ago.

At a time when an uptick in crime has stalled many criminal justice reform efforts, including at the federal level, the rethinking of traffic policing is striking. It is coming “at the very moment that the pendulum feels like it’s moving back toward concern about increases in street crime,” said Chuck Wexler, executive director of the nonprofit Police Executive Research Forum.

Some officials changing policies, though, say they have seen how even minor traffic stops can turn deadly.

A year ago this month, officers in Brooklyn Center, Minnesota, pulled over Daunte Wright, a 20-year-old Black man, for driving with expired tags and a dangling air freshener. Then they discovered he had an outstanding misdemeanor warrant. One of the officers, Kim Potter, drew her gun instead of her Taser and fatally shot him. (She was convicted of manslaughter in February and sentenced to two years in prison.)

John Choi, the prosecutor in nearby Ramsey County, Minnesota, pointed to the 2016 killing of another Black driver, Philando Castile.

Pulled over on the pretext of a broken brake light, Castile disclosed that he was carrying a handgun and then reached for his ID. The officer shot him. When Choi brought manslaughter charges, the policeman testified that he had feared for his life and a jury acquitted him.

Choi recalled thinking, “Do I want to look myself in the mirror and say I am incentivizing these police practices?” He announced last fall that he would no longer prosecute criminal charges on evidence collected at stops for minor infractions.

The Rev. Ricky Burgess, the council member who sponsored Pittsburgh’s legislation, said the risk of escalation created by disproportio-

nately stopping Black drivers — exacerbated by preexisting tensions between police and Black residents — was a greater threat to public safety than the traffic violations.

“For a Black person, the stop itself becomes the dangerous moment,” he said.

Others noted that pulling over cars results in more officer fatalities than any other activity initiated by the police, even if the risk is low at any given stop. Such stops “are a danger to law enforcement” as well as ineffective and racially discriminatory, Sarah George, the prosecutor for Chittenden County, Vermont, wrote in a statement this year explaining why she would “presumptively” decline to bring charges arising from minor pullovers.

Although unions in Philadelphia and Los Angeles oppose limiting the stops, police chiefs in those cities and elsewhere have embraced the idea. In 2013, Harold Medlock, the now-retired police chief of Fayetteville, North Carolina, told his officers to quit stopping cars for expired registrations or equipment violations, to focus on speeding, reckless driving and other more dangerous infractions.

In 2016, the year he retired, the Fayetteville police made more than 50% more stops than in the year before he took over — and mainly for those hazardous infractions. But although police were stopping more cars, they searched far fewer Black drivers or passengers — one-third of the number they had searched in 2012, according to the North Carolina State Bureau of Investigation.

The same data showed that traffic fatalities, police use of force and citizen complaints about police all declined during that time — while predictions of an explosion in gun and drug crimes never came to pass.

ADDN
4/24/22



Letters to the Editor



Reconsider mosquito sprays

As warmer weather looms on the horizon, so does an increase in the mosquito population. Over the past few years I have noticed an increase in the use of mosquito spraying programs in the Oakwood area. Oakwood is well known for its well-maintained properties, and I presume it is well intentioned homeowners who are attempting to improve the quality of life for themselves and their neighbors. Unfortunately, there is well established research that mosquito spraying programs are neither effective, nor environmentally safe.

These spraying programs do a far better job of killing native pollinators than mosquitoes. In our area we are witnessing a mass extinction of these native pollinators in real time. The populations of the Eastern Monarch Butterfly, who frequent Oakwood's gardens, are declining at an alarming

rate. Over the past decade it has declined by 90 percent. Pesticide exposure is a major contributing factor. If this trend continues, the Monarch and countless other insects will be extinct before our grandchildren are born.

Most commercial mosquito spraying programs use pyrethroid based chemicals, and this includes the "natural" sprays which are derived from the chrysanthemum flower, but contain pyrethrins as well. A peer reviewed study done by Cornell University showed that .1% percent of droplets reached their intended targets, and this finding has been echoed by many scientists. Most mosquitoes rest in trees much higher than a spray will reach, and travel over 1.5 miles per day. To control a mosquito population by killing the adults, you would have to have a kill rate over 90 percent,

which simply is not possible.

Far more effective is controlling the larval stage. This can be achieved by a method championed by Dr. Doug Tallamy, an entomologist from University of Delaware. His technique is to simply use a bucket filled with water and place some straw in it for a few days. This will ferment and attract mosquitoes to lay their eggs inside. You then place a mosquito dunk inside which contains BTI, a naturally occurring bacteria that kills only the mosquito larvae. These can be found at any hardware store.

Many residents are now using native plants in their landscapes to attract these now rare pollinators. It is our duty as responsible citizens to respect the hard work our neighbors are doing by not using ineffective and unnecessary chemicals.

Zachary Denka, M.D.

MEMORANDUM

TO: PLANNING COMMISSION MEMBERS

FROM: ETHAN KROGER, CODE ENFORCEMENT OFFICER

SUBJECT: MAY 4, 2022 MEETING

DATE: APRIL 28, 2022

At your May 4 meeting, I will present two applications for your consideration. The first application was filed by Adam Clark on behalf of Insomnia Cookies requesting extended hours of operation located at 6 Oakwood Avenue, Unit C. The second application was filed by Miami Valley Demolition and Excavation on behalf of David and Natalia Gaulke to review a landscape, screening and stormwater runoff plan for the anticipated demolition of 1227 Oakwood Avenue.

APPLICATION #22-3

ADDRESS: 6 Oakwood Avenue, Unit C.

APPLICANT: Adam Clark, Insomnia Cookies

SPECIAL USE

Insomnia Cookies has received an Occupancy Certificate to operate as a bakery at 6 Oakwood Avenue which is located in the Neighborhood Business District (NBD). The permitted operating hours in the NBD are 7:00 a.m. - 9:00 p.m., but the applicant is applying for a special use for extended hours. Insomnia Cookies has over 200 bakeries nationwide utilizing a late-night, take-out and delivery business model serving college campuses. Insomnia Cookies' traditional bakery hours are 11:00 a.m. - 2:00 a.m.

PRELIMINARY STAFF FINDINGS

SPECIAL USE STANDARDS

A. The proposed use at the specified location is consistent with the Comprehensive Plan.

PRELIMINARY STAFF FINDINGS:

- One of the basic principles of the Comprehensive Plan is that business areas should not adversely impact adjacent neighborhoods. The burden of proof rests with the applicant that introducing expanded evening/morning operating hours will not adversely impact the adjacent residential neighborhood.

B. The proposed building or use will not adversely affect or change the character of the area in which it is located.

PRELIMINARY STAFF FINDINGS:

- In this general area there are a number of businesses open past 9 p.m. such as the Brown Street restaurants located in the next block north of the Routsong Retail Center - Milano's, BW3s, The Pine Club. The Sunoco station located immediately across the Oakwood Ave/Irving Ave intersection is open 24/7. The aforementioned businesses are located

outside of Oakwood city limits and in the city of Dayton. Within the Neighborhood Business District, Firehouse Subs also located within the Routsong Retail Center is open on Friday and Saturday until 10:00 p.m. Having a business located in the Neighborhood Business District that is open until 2:00 a.m. is likely inconsistent with the residential character of the surrounding Oakwood properties.

- C. That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare.

PRELIMINARY STAFF FINDINGS:

- Having a business located in close proximity to surrounding residential properties remain open until 2:00 a.m. could impact public health, safety, and/or general welfare of the homes in the adjacent residential area.

- D. That the proposed use will not be injurious to the reasonable use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.

PRELIMINARY STAFF FINDINGS:

- As previously mentioned, the introduction of a 2:00 a.m. closing time is likely inconsistent with the adjacent residential uses.

- E. The proposed use at the specified location will not significantly adversely affect the use and development of adjacent and nearby properties in accordance with the regulations of the district in which they are located. The location, size and height of proposed buildings and other structures, and the operation of the use will not significantly adversely affect the use and development or hinder the appropriate development of adjacent and nearby properties.

PRELIMINARY STAFF FINDINGS:

- While not directly impacting the fully developed adjacent residential area, the introduction of late operating hours at this site represents a significant departure from the standard operating hours for businesses located in the Neighborhood Business District.

- F. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.

PRELIMINARY STAFF FINDINGS:

- The architecture poses no problem, but the late-night business model is likely inconsistent with the character of the adjacent residential neighborhood.

- G. That adequate utilities, access roads, off-street parking and loading facilities, drainage and/or other necessary facilities, have been or are being provided at the applicant's cost.

PRELIMINARY STAFF FINDINGS:

- The applicant has met the requirements of this standard.

- H. That adequate measures have been or will be taken at applicant's cost to provide ingress and egress so designed as to minimize traffic congestion in the public streets and avoid hazards to pedestrian traffic.

PRELIMINARY STAFF FINDINGS:

- The city is comfortable that no material changes are proposed to existing traffic patterns.

I. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulation may, in each instance, be modified by Council pursuant to the recommendations of the Planning Commission.

PRELIMINARY STAFF FINDINGS:

- Although a bakery is a permitted use in the Neighborhood Business District, the proposed plan to operate until 2:00 a.m. likely changes the character of the area.

STAFF COMMENTS

Included below are results of prior requests for special use permits for extended hours.

- Community Business District - In 2012, CVS applied for a special use to extend the hours of operation from 9:30 p.m. to 10:00 p.m., Monday through Saturday. Request was approved 5-0.
- Neighborhood Business District - In 2013, Firehouse Subs was approved for extended hours of operation to remain open until 10:00 p.m. on Friday and Saturday.
- Neighborhood Business District - In 2013, Saxby's Coffee applied for special use for extended hours to start operations at 6:00 a.m. daily. Request was denied by a vote of 5-0.
 - In July of 2013, Saxby's appealed the Planning Commission's decision to City Council. By a vote of 3-0 (with two members recusing themselves), Council affirmed the Planning Commission's decision to deny the special use request.
- Neighborhood Business District - In 2015, Routsong Realty on behalf of Saxby's Coffee again requested a special use for extended hours of operation starting at 6:00 a.m. daily for both the store and drive-thru. Said request was denied.
 - Later in 2015, Routsong Realty appealed the decision from the Planning Commission to City Council and modified their request to 6:00 a.m. opening times on Monday through Friday only. The Council approved that request by a vote of 3-1.

APPLICATION #22-3

ADDRESS: 1227 Oakwood Avenue

APPLICANT: Miami Valley Demo on behalf of David and Natalia Gaulke

NATURE OF REQUEST: Mr. and Mrs. Gaulke recently purchased the single-family residence at 1227 Oakwood Avenue for the purpose of demolishing the existing home and constructing a new home on the lot. As you may recall, the Gaulke family previously submitted a request to

consolidate two lots into one at this location in anticipation of this project. The request was unanimously approved in October of 2021.

Landscape, screening and drainage plans are not required for all tear-down/rebuild projects. However, they are required by ordinance if new construction is planned to occur more than 60 days after demolition of the existing structure. That is the case here, so the Planning Commission must approve landscape, screening and stormwater runoff plans before a demolition permit can be issued. The applicants have proposed a simple plan to restore the finished grade, remove all paved surfaces, and sod/re-seed.

Approval of a landscape, screening and stormwater runoff plan are subject the following standards:

- 1) The plan must describe plantings and/or other screening of such a nature so as to make the appearance of the premises consistent with the appearance of adjacent residential properties and to screen those properties from any negative visual impact of such items as traffic, noise, parking, light spillage, or pedestrian traffic.

STAFF FINDINGS: This is a heavily wooded lot and Mr. and Mrs. Gaulke intend to keep as many of the existing trees and foliage as possible. All hardscape material will be removed and the area graded, seeded and covered with straw. Post demolition runoff will be less since all existing impervious surface will be removed as part of the demolition work.

- 2) The plan must include such evergreen and or/deciduous plantings as will be necessary to protect abutting properties from any significant reduction of value that would otherwise result from the structure being demolished or removed.

STAFF FINDINGS: The applicant intends to maintain as many of the existing trees as possible. Since the applicant intends to build a new home on the site, there are no new trees included in the landscape plan.

- 3) The plans must include such structures, walls, evergreen and/or deciduous plantings as will be necessary to protect the occupants of abutting properties from any significant injury to the use and enjoyment of those properties that would otherwise result from the structure being demolished or removed.

STAFF FINDINGS: Except for seeding the areas disturbed during demolition, it is staff's opinion that no other plantings or structures are necessary in order to protect abutting property owners from the effects of demolishing the existing home.

- 4) All such plans shall include removal of all accessory structures and impervious surface if the principal structure is to be removed.

STAFF FINDINGS: Besides demolition of the existing single-family residence including the garage, any remaining impervious surface, including the driveway, sidewalks, patio, etc., will also be removed.

- 5) The plan must describe how storm water runoff will be addressed.

STAFF FINDINGS: All disturbed areas will be graded and seeded to ensure post-demolition runoff does not exceed pre-demolition runoff.

- 6) The plan must contain language obligating the permit holder to completed the work within the 60-day timeframe required by the ordinance. Further, the plan must be accompanied by a valid recordable easement, signed by the property owner, granting the city the right to enter upon the property to implement or complete the plan, if the permit holder fails to do so in a timely manner. A bond or letter of credit must be submitted at the time of the permit issuance in an amount that would reimburse the city if it becomes necessary for the city to implement the plan so as to bring the lot into compliance with the approve plan.

STAFF FINDINGS: The utilities have already been disconnected from the home and all supporting documents (performance bond, recordable easement) have been received by the city. If the Planning Commission approves the landscape plan, the applicant intends to proceed with demolition immediately. Weather permitting, demolition and restoration of the site will be completed on or before the end of May.

EMK:ls

cc w/enc: Members of Council
 Norbert Klopsch, City Manager
 Rob Jacques, Law Director
 Jennifer Wilder, Personnel and Properties Director

Enclosures

Planning Commission Applications
Planning/Zoning Comment Sheets
May 4, 2022 PC Meeting Agenda
Draft February 2, 2022 PC Meeting Minutes

CITY OF OAKWOOD
BOARD OF ZONING APPEALS/PLANNING COMMISSION APPLICATION

Please submit four copies of building plans, drawn to scale, and an Ohio Registered Civil Engineer or Surveyor's plat of survey with the application. The proposed structure must be included on said survey. All costs incurred by the city in processing the application will be charged to the applicant. A copy of the deed and easement may also be required.

1. Project Address 6 Oakwood Ave Unit C. Dayton, OH 45409
2. Applicant Insomnia Cookies Operators, LLC Telephone 732-669-2132
3. Owner Insomnia Cookies, LLC Telephone _____
Address One South Broad St. Suite 1710 Philadelphia, PA 19107

4. Applicant is (check one) Owner Agent or other _____
If rented or leased property, name of owner and/or Lessor Routsong Realty, LTD.
(Submit letter of authorization from owner)

5. Legal description of subject property (check one):
 Single Family Multiple Dwelling Business

6. Request: The applicant requests the following proposed use and/or improvement:
Insomnia Cookies has over 200 bakeries nationwide utilizing a late night, take out and delivery business model serving college campuses. Insomnia Cookies is requesting a variance for late night business hours outside The City of Oakwood code to support this business model to serve warm, delicious cookies to the University of Dayton. Our traditional bakery hours are 11am - 2am.

I hereby certify that all of the above statements and all accompanying information and drawings are correct and true.

Adam Clark 03/07/22

(Signature of Applicant) / (Date)

FOR STAFF USE ONLY

Planning Commission Board of Zoning Appeals
Application #: 22-2 Date Filed: 3/7/22
Date of Public Hearing: 5/4/22
Reason for Hearing: Special use for extended hours

Lot No.: _____ Zoning District: _____

Recommendation of the Planning Commission or Board of Zoning Appeals:

Special Use or Variance (Granted/Denied): _____

Extract: _____

Permit(s): _____

PLANNING / ZONING COMMENT SHEET

TO: Department of Public Safety
Department of Public Works ✓

From: Ethan M. Kroger, Code Enforcement Officer

Date: 4-25-22

Application #: 22-2

6 OAKWOOD AVENUE - Special use for extended hours

Please review the attached application and return your comments to me.

Your response is requested on or before: _____
DATE

If your Department has **NO** questions, comments, or concerns about the impact of the attached application on the delivery or provision of governmental services, please check here:

Otherwise, please describe any questions, comments, or concerns below, and attach additional pages as necessary.



City of Oakwood
30 Park Avenue
Oakwood, Ohio 45419

Completed by: Adam Hill

Date: 4/25/22

PLANNING / ZONING COMMENT SHEET

TO: Department of Public Safety ✓
Department of Public Works

From: Ethan M. Kroger, Code Enforcement Officer

Date: 4-25-22

Application #: 22-Z

6 OAKWOOD AVENUE - SPECIAL USE FOR EXTENDED HOURS

Please review the attached application and return your comments to me.

Your response is requested on or before: _____
DATE

If your Department has **NO** questions, comments, or concerns about the impact of the attached application on the delivery or provision of governmental services, please check here:

Otherwise, please describe any questions, comments, or concerns below, and attach additional pages as necessary.



City of Oakwood
30 Park Avenue
Oakwood, Ohio 45419

Completed by: K. Douglas Spitzer

Date: 4-25-22

CITY OF OAKWOOD
BOARD OF ZONING APPEALS/PLANNING COMMISSION APPLICATION

Please submit four copies of building plans, drawn to scale, and an Ohio Registered Civil Engineer or Surveyor's plat of survey with the application. The proposed structure must be included on said survey. All costs incurred by the city in processing the application will be charged to the applicant. A copy of the deed and easement may also be required.

1. Project Address 1227 Oakwood Avenue
2. Applicant David Gaulke Telephone 937-234-7577
3. Owner David and Natalia Gaulke Telephone 937-234-7577
Address 1963 Scenic Hls, Dayton, OH 45459
4. Applicant is (check one) Owner () Agent () or other _____
If rented or leased property, name of owner and/or Lessor _____
(Submit letter of authorization from owner)
5. Legal description of subject property (check one):
() Single Family () Multiple Dwelling () Business
6. Request: The applicant requests the following proposed use and/or improvement:
Demolishing house for construction of new home

I hereby certify that all of the above statements and all accompanying information and drawings are correct and true.

David Gaulke

4/4/2022

(Signature of Applicant) / (Date)

FOR STAFF USE ONLY

() Planning Commission () Board of Zoning Appeals

Application #: _____ Date Filed: _____

Date of Public Hearing: _____

Reason for Hearing: _____

Lot No.: _____ Zoning District: _____

Recommendation of the Planning Commission or Board of Zoning Appeals:

Special Use or Variance (Granted/Denied): _____

Extract: _____

Permit(s): _____

Miami Valley Demo And Excavating Landscape and runoff plan for.

1227 Oakwood Ave Oakwood Ohio 45873

Miami Valley Demo will be demoing 1227 Oakwood Ave Oakwood Ohio are runoff plan is to bring in new topsoil to fill any voids made by the demo. This topsoil will be graded to match existing grade and to run off the back of the hill side.

Miami Valley Demos landscape plan is to make sure job site 100 percent clean and clear of debris land is graded and sloped correctly. After that we will be laying grass seed and straw so new grass can grow.

Thanks Christopher Mills

937 541 3025

PLANNING / ZONING COMMENT SHEET

TO: Department of Public Safety
Department of Public Works ✓

From: Ethan M. Kroger, Code Enforcement Officer

Date: 4-25-22

Application #: 22-3

1227 OAKWOOD AVENUE - DEMOLISH SINGLE FAMILY HOME.

Please review the attached application and return your comments to me.

Your response is requested on or before: _____
DATE

If your Department has **NO** questions, comments, or concerns about the impact of the attached application on the delivery or provision of governmental services, please check here:

Otherwise, please describe any questions, comments, or concerns below, and attach additional pages as necessary.

Completed by: 

Date: 4/25/22



City of Oakwood
30 Park Avenue
Oakwood, Ohio 45419

PLANNING / ZONING COMMENT SHEET

TO: Department of Public Safety ✓
Department of Public Works

From: Ethan M. Kroger, Code Enforcement Officer

Date: 4-25-22

Application #: 22-3

1227 OAKWOOD AVENUE - DEMOLISH SINGLE FAMILY HOME

Please review the attached application and return your comments to me.

Your response is requested on or before: _____
DATE

If your Department has **NO** questions, comments, or concerns about the impact of the attached application on the delivery or provision of governmental services, please check here:

Otherwise, please describe any questions, comments, or concerns below, and attach additional pages as necessary.



City of Oakwood
30 Park Avenue
Oakwood, Ohio 45419

Completed by: K. Douglas Spitzer

Date: 4-25-22

OAKWOOD PLANNING COMMISSION
MAY 4, 2022
AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. EXCUSE ABSENT MEMBER
- IV. MINUTES OF FEBRUARY 2, 2022 MEETING
- V. PUBLIC HEARINGS
 - APPLICATION #22-2, TO REVIEW A SPECIAL USE REQUEST FOR EXTENDED EVENING HOURS AT 6 OAKWOOD AVENUE UNIT C
 - APPLICATION #22-3, TO REVIEW A LANDSCAPE PLAN AS PART OF A DEMOLITION PERMIT AT 1227 OAKWOOD AVENUE
- VI. ADJOURN

NEXT PUBLIC MEETING SCHEDULED FOR JUNE 1, 2022

Oakwood, Ohio
February 2, 2022

The Planning Commission of the city of Oakwood met in regular session at 4:30 p.m. in the council chambers of the city of Oakwood, 30 Park Avenue, Oakwood, Ohio 45419.

The Chair, Mr. Andy Aidt, presided and the Clerk, Ms. Lori Stacel, recorded.

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

MR. ANDREW AIDTPRESENT
MRS. HARRISON GOWDYPRESENT
MRS. E. HEALY JACKSONPRESENT
MR. GREG LAUTERBACH.....PRESENT
MR. STEVE BYINGTON.....PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager
Mr. Robert F. Jacques, City Attorney
Mrs. Jennifer S. Wilder, Personnel and Properties Director
Mr. Ethan M. Kroger, Code Enforcement Officer

The following visitors were present:

Mr. Mike Dorsten, Project Architect
Mr. and Mrs. Brad and Kelly Thobe, 420 Acorn Drive
Mrs. Janine Whalen, 436 Acorn Drive

Mr. Aidt called the meeting to order at 4:30 p.m. He conducted a brief organizational meeting to select the chair and vice chair for 2022. Mrs. Gowdy moved to retain Mr. Aidt as chair, seconded by Mrs. Jackson. Upon a viva voce vote on the question, the motion passed unanimously and it was so ordered. Mr. Aidt moved to retain Mrs. Gowdy as vice chair, seconded by Mr. Lauterbach. Upon a viva voce vote on the question, the motion passed unanimously and it was so ordered.

Mr. Aidt asked if there were any questions or concerns with the minutes from the October 6, 2021 meeting. There being none, it was moved by Mrs. Gowdy and seconded by Mr. Byington that the minutes be approved as submitted and the reading thereof be dispensed with at this session. Upon a viva voce vote on the question of the motion, the same passed unanimously and it was so ordered.

Mr. Aidt provided an overview of the meeting agenda and reviewed the meeting procedure with all in attendance. He opened the public hearing for Application #22-1, and asked city staff to provide their report.

Mrs. Wilder referenced a PowerPoint presentation and presented an application that was filed by Mr. Mike Dorsten on behalf of Brad and Kelly Thobe to build a secondary detached garage, located at 420 Acorn Drive.

The Applicant's property at 420 Acorn Drive is located in the R-3 Single Family Residence Zoning District. The R-3 District is intended to preserve those residential areas which are best suited for medium sized lot development and to maintain the character of existing low-density single family developments.

Subject to the requirements of Title 10, Section 1004, special use permits are required for guest houses and secondary detached garages, when proposed on a zoning lot (as a separate structure)

where an existing attached or detached garage to a principal dwelling already exists. In this case, the applicant's property features an existing attached garage.

Subject to the requirements of Title 9, Section 901.18, the standards for more than one private garage require that the driveway access to the private garage should be combined with attached or detached garage to minimize curb cuts, and must meet the side yard requirements of the zoning district. There are no proposed curb cuts involved with this project and the driveway extension to the garage will not exacerbate the nonconforming status.

The minimum side yard setback requirement is 10 feet. However, when the entire structure is located behind the rear building line, the interior side and rear yard requirements is 5 feet.

Mrs. Wilder displayed images of the property, elevation drawings and plans.

A detached accessory garage building or structure cannot exceed 18 feet in height. The proposed garage does not exceed 18 feet in height.

The property grade drops from the front to the rear of the property. Front, rear and side elevation drawings were displayed. The location is steeply graded down, away from the home, which would be addressed by including a basement storage area. From the front, the garage would have a typical single-story appearance, with the basement built into the hillside below finished grade. However, due to the sloping topography, it would be a walk-out basement to the rear.

Should the Planning Commission be inclined to approve all or any part of this application, Staff would recommend the following conditions:

1. The applicant completes the required drainage detail for staff review.
2. The materials and finishes for the proposed garage should match or complement the existing home.
3. All building permits (e.g. structural, electrical) must be obtained through the city of Kettering.
4. A screening and landscape plan must be included with final permit application.

Mr. Lauterbach asked if the mean elevation is measured at 18 feet.

Mr. Kroger answered yes.

Mr. Byington asked if the applicant intends to add a walkway or slab to the storage area door.

Mr. Kroger explained that a concrete walkway around the side of the garage to that door is anticipated.

Mr. Byington asked if the impervious area was evaluated.

Mr. Kroger shared that the permeable area is reviewed as part of the standard zoning permit. In this specific case, the lot is very deep and there are no other impervious surfaces, so the application meets greenspace requirements.

Mr. Aidt asked if there will be a connection between the existing driveway and the proposed garage.

Mr. Kroger said that the applicant can provide more information, but there are plans to add a small driveway extension to the new garage.

Mr. Byington asked what is currently on the driveway.

Mr. Kroger shared that there are two large storage bins currently on the driveway.

Mr. Byington asked for clarification on the new foundation for the area behind the storage units.

Mr. Mike Dorsten, Project Architect, explained that the area on the driveway behind the storage units will more than likely be removed to create a smooth transition to the existing driveway and new garage. He said that he does not want to use anything old to support something new.

The Planning Commission did not have any questions for city staff at this time, so Mr. Aidt opened the public hearing.

Mr. Thobe thanked the Planning Commission for their consideration and time to review the application.

Mr. Lauterbach mentioned that there are architectural details on the drawing that do not honor or match the house. He recommended that more time be spent on designing the soffit eave detail and the use of lap siding.

Mr. Dorsten shared that the design allows for a positive airflow from outside to inside. He explained that the front gable and rear gable are similar to what is on the house now. The front gable and trim detail will be made onsite to match what is already on the house.

Mr. Lauterbach commented that the house has beautiful details and it is important to replicate the details on the new garage.

Mr. Klopsch shared that city staff will work with the applicant on the design details and suggest adjustments as needed.

Mrs. Janine Whalen, 436 Acorn Drive, asked if there will be any lighting on the structures.

Mr. Thobe said that there will possibly be a light over the garage door, but there are not plans to add any exterior landscape lighting.

Mr. Jacques explained that there is a provision in the Zoning Code that restricts directional lighting.

Mrs. Whalen asked if the proposed garage will extend past the garage of the neighbor on the south.

Ethan answered yes and showed the plans to Mrs. Whalen.

Mr. Byington asked if the Building Code requires a man door access between the basement and garage.

Mr. Dorsten said that he does not believe that a man door is required when the garage door can be manually opened or closed.

Mr. Byington suggested that Mr. Dorsten double check this requirement.

There being no further public testimony offered, the public hearing was closed and the Planning Commission began their deliberations.

The Planning Commission did not have any further questions for city staff or the applicant.

It was then moved by Mrs. Gowdy and seconded by Mr. Aidt that the preliminary staff findings be adopted, and Application #22-1, to review a special use request for a secondary detached garage at 420 Acorn Drive be approved under the following conditions:

1. The applicant completes the required drainage detail for staff review.
2. The materials and finishes for the proposed garage should match or complement the existing home and be discussed with city staff.
3. The applicant must obtain all building permits (e.g. structural, electrical) through the city of Kettering.
4. The applicant must include a screening and landscape plan with the final permit application.
5. The applicant must confirm the requirement of a man door on the main structure (not the basement level.)

SPECIAL USE STANDARDS

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.

PRELIMINARY STAFF FINDINGS:

- The Comprehensive Plan states that development should be compatible with the surrounding area. The scale and building materials complement the existing home and surrounding area.

- B. The proposed building or use will not adversely affect or change the character of the area in which it is located.

PRELIMINARY STAFF FINDINGS:

- As previously mentioned, what is being proposed is compatible with both the character of this particular lot and what exists in the surrounding neighborhoods.

- C. That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare.

PRELIMINARY STAFF FINDINGS:

- There is nothing to suggest that public health, safety, morals, comfort, convenience or general welfare will be at risk since the proposed use of the land is consistent with surrounding homes in the immediate area.

- D. That the proposed use will not be injurious to the reasonable use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.

PRELIMINARY STAFF FINDINGS:

- There is nothing to suggest that the proposed use will be injurious to the reasonable use and enjoyment of other properties in the immediate vicinity or substantially diminish or impair property values within the neighborhood.

- E. The proposed use at the specified location will not significantly adversely affect the use and development of adjacent and nearby properties in accordance with the regulations of the district in which they are located. The location, size and height of proposed buildings and other structures, and the operation of the use will not significantly adversely affect the use and development or hinder the appropriate development of adjacent and nearby properties.

PRELIMINARY STAFF FINDINGS:

- Because this use will be solely located within the Thobe property, the

secondary detached garage will have no impact on future development or improvements to other residential lots in this immediate area.

- F. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.

PRELIMINARY STAFF FINDINGS:

- What is being proposed is not unprecedented for larger homes and lots located within this area, and appears to fit the existing character of this zoning district.

- G. That adequate utilities, access roads, off-street parking and loading facilities, drainage and/or other necessary facilities, have been or are being provided at the applicant’s cost.

PRELIMINARY STAFF FINDINGS:

- All costs associated with this special use request will be borne solely by the applicants.

- H. That adequate measures have been or will be taken at applicant’s cost to provide ingress and egress so designed as to minimize traffic congestion in the public streets and avoid hazards to pedestrian traffic.

PRELIMINARY STAFF FINDINGS:

- The city is comfortable that the proposed ingress and egress to the lot will have no negative impact on the safe movement of vehicles and pedestrians.

- I. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulation may, in each instance, be modified by Council pursuant to the recommendations of the Planning Commission.

PRELIMINARY STAFF FINDINGS:

- This is a conforming lot located within the R-3 Zoning District.

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

MR. ANDREW AIDTYEA
MRS. HARRISON GOWDYYEA
MRS. E. HEALY JACKSONYEA
MR. GREG LAUTERBACH.....YEA
MR. STEVE BYINGTON.....YEA

There being five (5) YEA votes, thereon, said motion carried.

Mr. Klopsch commented on the recent passing of Mike Kelly, Mary Jo Scalzo and RC Reece.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 5:02 p.m.

CHAIR

ATTEST:

CLERK