

CITY OF OAKWOOD
STATE OF OHIO
AUGUST 7, 2023

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 platform.

The Mayor, Mr. William Duncan, presided, and the Clerk, Ms. Lori Stacel, recorded. Mayor Duncan asked all present to participate in the Pledge of Allegiance.

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

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

Officers of the City present were the following:

- Mr. Norbert S. Klopsch, City Manager
- Mr. Robert F. Jacques, City Attorney
- Captain Mike Tanner, Public Safety Captain
- Ms. Lori Stacel, Clerk of Council

The following in-person visitors registered:

- Joan Cole, 611 Far Hills Avenue
- Linda Grandfield, 607 Far Hills Avenue
- Steve Stanley, 615 Oakwood Avenue
- Brian Barr, *Oakwood Register*

The following Zoom visitors attended via remote teleconference:

- Tyler Campbell

Mrs. Hilton advised Council she had read the meeting minutes of the July 17, 2023 regular session, 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 Mr. Stephens that the minutes of the sessions of Council aforementioned be approved as written and the reading thereof at this session be dispensed with. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

STATUS REPORTS – NONE

VISITORS

Steve Stanley, 615 Oakwood Avenue, stated that he opposes adopting the resolution to submit a grant application for the construction of a roundabout at the Five Points intersection. He believes that the proposed design will negatively impact traffic traveling north and east from Oakwood Avenue and Harman School. The alternate routes are not good solutions and are not considerate of the residents that Council represents.

Mayor Duncan shared that Council reviews citizen comments on a weekly basis and acknowledged the comments that were submitted by Mr. Stanley. He explained that the resolution is only to request potential funding and not a decision to move forward with constructing a roundabout.

Mr. Stanley opined that submitting the application at this point is an attempt to advance the construction of the roundabout which will be a significant change in the community.

Joan Cole, 611 Far Hills Avenue, shared that it is premature to submit a grant application to construct a roundabout. She lives close to the proposed roundabout and is concerned about getting out of her driveway. She believes that the roundabout will be an eye-sore. She does not believe the three open house events were adequate, and suggested that a true public forum be held to allow residents to hear each others' concerns.

Linda Grandfield, 607 Far Hills Avenue, shared similar concerns. She suggests that Council hold off on approving the resolution and consider all of the feedback.

Mayor Duncan reiterated that a decision has not been made on constructing the roundabout. He also noted that the period for receiving public comments has been extended until the end of September.

Mr. Stephens noted that the resolution is to apply for a grant. Part of representing the citizens of Oakwood is to understand how the construction of a roundabout would impact city finances before a decision is made on pursuing the project.

LEGISLATION

A RESOLUTION

BY MRS. TURBEN

NO 1909

A RESOLUTION APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE MIAMI VALLEY COMMUNICATIONS COUNCIL RETAIL ELECTRIC SUPPLY AGGREGATION PROGRAM, FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING THE SAME FOR THE CITY OF OAKWOOD.

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

Mrs. Turben explained this is the second reading of a resolution to join the electric supply aggregation program recently launched by the Miami Valley Communications Council ("MVCC").

With the move to deregulate public utilities in the early 2000s, which was intended to promote competition and lower costs, there have been two ways for utility customers to obtain electric or natural gas supply. The default is to pay the "standard choice offer" rate charged by the utility company that delivers electricity and natural gas in their area, which for us is AES for electricity and CenterPoint for natural gas. The alternative is to sign up with a third-party supplier, which can be done on an individual basis or via a governmental aggregation program. These programs allow cities to negotiate competitive rates with third-party suppliers who provide electricity or natural gas to retail utility customers. In 2003 Oakwood voters authorized the city to participate in utility aggregation if a suitable program became available.

Currently, Oakwood does not have its own aggregation program but is a member of MVCC, which is in the process of developing aggregation programs for both electricity and natural gas. MVCC's electric aggregation program is currently up and running, and the natural gas program is anticipated to begin in 2024. As an MVCC member community, Oakwood is permitted to join these programs. The advantage of joining MVCC is the larger group size, which gives additional bargaining leverage due to economies of scale.

MVCC's program is primarily offered on an OPT-OUT basis, which means residents in participating communities are automatically enrolled in the program unless they take affirmative steps to opt-out. However, communities may also join on an OPT-IN basis, meaning that no one is enrolled automatically; they must enroll themselves. Oakwood City Council has discussed this extensively in work sessions and believes that the best approach for our city is to join on an OPT-IN basis. In this way, individual residents will make their own deliberate choice on whether to: 1) opt into the MVCC program; 2) stay with the "standard choice offer"; or 3) choose their own third-party supplier.

In order to join the MVCC program, state law requires Council to hold two public hearings and approve the Plan of Operation and Governance for the MVCC electric aggregation program. The first public hearing was held at the July 17 meeting. The second public hearing and vote on the resolution will be held tonight.

Mayor Duncan explained the public hearing procedure. He then asked Mr. Jacques to administer an oath to those who wish to testify.

Mr. Jacques proceeded to swear in Joan Cole, the only visitor who indicated that she planned to testify.

Mayor Duncan asked Law Director Rob Jacques to briefly comment on the MVCC aggregation program.

Mr. Jacques shared that Oakwood customers who choose to join the MVCC aggregation program on an opt-in basis will receive the same electricity rates and contract terms as those customers in communities that are in the MVCC aggregation program on an "opt-out" basis. The city website

will soon provide information, including details on contract terms and conditions, and on how to opt-in to the aggregation program.

Mrs. Turben asked if residents would be able to terminate their membership in the opt-in program during the two-year contract term.

Mr. Jacques explained that residents can choose to terminate without occurring any early termination fees.

Mr. Stephens asked if some type of administrative support will be available to residents who wish to opt-in to the MVCC aggregation program.

Mr. Jacques said that support will more than likely be available through MVCC or Palmer Energy. The details are still being worked out.

Mayor Duncan opened the public hearing.

Joan Cole, 611 Far Hills Avenue, shared that she is very excited about Oakwood's involvement in the aggregation program. She appreciates the city's efforts in this regard.

Mayor Duncan closed the public hearing.

Mayor Duncan commented that over the past 23 years, his utility costs have increased by about 60%.

Thereupon, it was moved by Mrs. Turben and seconded by Vice Mayor Byington that the resolution be passed.

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

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

There being five (5) yea votes and no (0) nay votes thereon, said resolution was declared duly passed and it was so ordered.

A RESOLUTION

BY MR. STEPHENS NO 1911

A RESOLUTION TO AUTHORIZE AND DIRECT THE CITY MANAGER TO SUBMIT AN APPLICATION FOR OHIO DEPARTMENT OF TRANSPORTATION (ODOT) HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) GRANT FUNDING IN CONNECTION WITH A PROPOSED ROUNDABOUT PROJECT AT THE FIVE POINTS INTERSECTION; AND TO PROVIDE SUCH RELATED INFORMATION AS MAY BE NECESSARY TO EVALUATE 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 last year, the city commissioned a traffic signal study with the primary purpose of developing a long-range plan for major capital improvements to Oakwood's traffic signal system as much of the system will reach the end of its useful life over the next 5-10 years. Over the past few months, the study focused on the Far Hills Avenue (State Route 48), Oakwood Avenue, and Thruston Boulevard intersection, often referred to as Five Points. The Five Points intersection is the most complex traffic intersection in Oakwood, and its design is central to the safe and efficient movement of traffic through the city. It also has pedestrian traffic at certain times, which requires the safest possible intersection design.

Between April and July of this year, the city communicated with the Oakwood citizens and the general public on multiple occasions via mailings, press releases, public meetings, open house events, and website postings to share information about the traffic signal study and the study of the Five Points intersection, including the possible conversion of that intersection from a traditional traffic signal to a roundabout. Included with the communications was information about the possibility of obtaining state and/or federal grant money to pay for a majority of the costs to build a roundabout, in the event that the city council votes to proceed with the project.

The two major considerations on whether to build the roundabout are the impact on public safety and the project cost. We believe that the traffic engineering shows that a roundabout at Five Points will enhance the safety of the intersection for all users, including vehicles, pedestrians and cyclists. What we do not know is how the construction of a roundabout would impact our city budget. Submitting the grant application will answer that question.

Mr. Stephens reiterated that this resolution is only to request potential funding. It is not to approve the construction of a roundabout, which remains undecided at this time.

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

Mayor Duncan shared that Council has received more positive comments about the roundabout than any other city project since he’s been on Council. The three largest concerns so far, besides the cost of the project, are north access from Oakwood Avenue, pedestrian safety, and two lanes converting to one lane in the second leg of the roundabout moving north on Far Hills Avenue. The resolution is being presented this evening because the deadline to apply for grant funding is at the end of August. The funding awards will likely not be announced for possibly 4-6 months.

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.

A RESOLUTION
 BY VICE MAYOR BYINGTON NO 1912
 A RESOLUTION AMENDING THE SPECIAL USE PERMIT FOR
 EXTENDED OPERATING HOURS PREVIOUSLY GRANTED TO
 INSOMNIA COOKIES, 6 OAKWOOD AVENUE, UNIT C, PURSUANT
 TO APPLICATION 22-3, CONVERTING THE SAME FROM “TRIAL
 BASIS” STATUS TO PERMANENT.

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

Vice Mayor Byington explained that last year, Insomnia Cookies applied for a Special Use permit to allow late-night hours beyond what is normally allowed in the Neighborhood Business zoning district. After hearings before the Planning Commission and Council, Council approved extended hours as follows:

- RETAIL operations may be open until 10:00 p.m., Sunday through Thursday, and until 11:00 p.m. on Fridays and Saturdays; and
- DELIVERY operations were approved until 2:00 a.m., seven days a week.

At the time, Council was concerned about the potential for noise and other late-night disturbances, but Insomnia Cookies was new to the neighborhood and these concerns were speculative. For that reason, Council granted a conditional approval of the Special Use permit on a 12-month trial basis, and agreed to reevaluate the situation in August of 2023.

Vice Mayor Byington reported that after a year of operation, city staff has received zero complaints about the extended hours at Insomnia Cookies. They appear to be making an effort to be a good neighbor and they happen to sell excellent cookies. The resolution being introduced will eliminate the conditional “trial basis” part of their Special Use permit, converting it to a regular permit.

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

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

MR. WILLIAM D. DUNCAN.....YEA
 MR. STEVEN BYINGTONYEA
 MR. ROBERT P. 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 OAKWOOD MOMENT

Mrs. Hilton highlighted the Greater Dayton RTA.

CITY MANAGER REPORT – Mr. Klopsch reported on the following construction updates:

The large storm sewer replacement project is underway on Far Hills Avenue. The project was delayed because the storm sewer pipes along Far Hills Avenue were delivered 4-6 weeks later than originally anticipated. Mr. Klopsch thanked the Oakwood Schools for their cooperation. There will be a lot of construction activity on Far Hills Avenue that will require traffic maintenance and lane rerouting.

Mr. Klopsch thanked the Oakwood citizens who reside on the streets recently resurfaced for their patience and understanding.

Work is being done around Harman School and will be completed before school begins. Work will also be done in the southwest corner of Oakwood. Mr. Klopsch once again thanked Oakwood School officials for their cooperation.

The work on Far Hills Avenue will continue with the replacement of numerous sections of concrete roadway curbing and the repair of stormwater inlets and the. This work will take place over the next few months in advance of the 2024 Far Hills Avenue resurfacing next summer.

COUNCIL COMMENTS

Mrs. Hilton encouraged everyone to attend the Ice Cream Social on Sunday, August 13 from 3:30 – 7 p.m. at Shafor Park.

Mr. Stephens reminded everyone of the importance of safety now that school will soon be back in session.

Vice Mayor Byington encouraged people to study Issue 1 and then get out and vote tomorrow on Election Day.

The public meeting concluded at 8:10 p.m.

William D. Dun

MAYOR

ATTEST:

Joni Ornel

CLERK OF COUNCIL