

CITY OF OAKWOOD
STATE OF OHIO
NOVEMBER 2, 2015

The Council of the city of Oakwood, State of Ohio, met in a work session and an executive session for property matters at 6:30 p.m. in the conference 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 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.

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

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

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager
Mr. Robert F. Jacques, City Attorney
Mr. Jay A. Weiskircher, Assistant City Manager
Mrs. Cindy Stafford, Finance Director
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Walter and Susan Schaller, 241 E. Schantz Avenue
Madeline Iseli, 38 Beverly Place
Carla and Andrew Fiden, 318 E. Thruston Blvd.
Maureen and Mark McLaughlin, 1019 Delaine Avenue
The Ferra Family, 326 Volusia Avenue
The Biddle Family, 331 E. Schantz Avenue
Mike and Linda Miller, 2410 Fairmont Avenue
Terri Shampton, 2320 Hathaway Road
Elizabeth and Bruce Reger, 432 East Drive
Stefanie Campbell, 271 Schenck Avenue
Brian Barr, *Oakwood Register*

Mrs. Hilton advised Council she had read the meeting minutes of the October 5, 2015 regular and work sessions and October 19, 2015 executive session. Mrs. Hilton reported that she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Mr. Stephens that the minutes of the sessions of Council aforementioned be approved 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 REPORT

Citizen Committee Appointments – Mayor Duncan announced a new committee appointment of Ellen Fodge to the Tax, Water & Sewer, Assembly Appeals Board. Mayor Duncan shared that Ms. Fodge is a CPA in Oakwood that has served on the Budget Review Committee and Council feels she will be a good fit on this Board as well.

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

VISITORS

Citizens for Sinclair, Issue 13 – Oakwood resident Madeline Iseli explained that Issue 13 is a 1-mill property tax levy in support of Sinclair, so it can remain current on technology for the jobs of today and tomorrow. This morning, she shared that she was with Sinclair President Steve Johnson at the Fuyao Glass Plant where a partnership was announced to stage several more hiring fairs. These are the type of jobs that they want to grow in order for our community to prosper. One of the great things about Oakwood is the value that our citizens place on education. She asked for Oakwood citizens to vote in favor of Issue 13, Citizens for Sinclair.

Scarecrow Row Award Winners – Mayor Duncan recognized the 2015 Scarecrow Row Award winners. Awards and certificates were presented to the following: Third Place– Swamp Boy Lives...Other Camp Memories by the Oakwood Adventure Guides; Second Place – Trick of Treating in the Haunted Oakwoods by the Biddle and Ferra Families; First Place– Children of the Candy Corn – Witches of Oakwood by Laura Woeste and Friends; Mayor’s Award – French Kiss by the Oakwood Sister City Association.

Beautification Award Winners – Mayor Duncan explained that a video will be shown highlighting all the winners and then he will present framed certificates to those who are at the meeting. He was assisted by Kip Bohachek, Property Maintenance Committee Chair. The following properties were shown in the video: Elizabeth Hardy & Richard Omlor, 505 E. Schantz Avenue; Vincent & Maria Russell, 304 Northview Road; Mark & Maureen McLaughlin, 1019 Delaine Avenue; Thomas & Susan McGovern, 144 Lonsdale Avenue; Charles & Deborah Othersen, 218 Forrer Blvd.; Paul & Erin Speier, 117 Monteray Avenue; Donald & Giselle Mueller, 225 Claranna Avenue; John & Autumn Johnson, 1220 Runnymede Road; Mike & Linda Miller, 2410 Fairmont Avenue; Gary & Pamela Ensor, 124 Acacia Drive; Suzanne Rogers, 210 Southview Road; Dianne Fogle, 334 Beverly Place; Hari & Sylvia Polenakovik, 226 Greenmount Blvd.; James & Brooke Fulham, 212 Triangle Avenue; Bruce & Elizabeth Reger, 432 East Drive; David & Janice Welty, 111 Dell Park Avenue; Fernando & Suzanne Villarreal, 123 W. Hadley Road; Daniel O'Connor, 330 W. Schantz Avenue; Kay Tormey, 251 Ridgewood Avenue; Helmut and Patricia Kister, 401 Greenmount Boulevard; Sarah Bourne, 437 Wiltshire Boulevard; Mary Honnert-Gorman, 230 East Drive; 331 E. Schantz Avenue, The Biddle Family; Jill Hollon, 419 Triangle Avenue; Kurt Kline & Andrea Dickerson, 110 Dell Park Avenue; Bruce & Julie Teeters, 646 Runnymede Road; Virgilio Acevedo & Lee Geary, 132 Pointe Oakwood Way; Andrew & Carla Fiden, 318 E Thruston Blvd.; Terri Shampton, 2320 Hathaway Road; Victoria Schmidt, 2419 Delaine Avenue; April Mescher, 200 W. Thruston Blvd.; Ian Butt, 238 Southview Road; Elizabeth A. Corley, 314 Northview Road; Walter Schaller & Susan Osweiler, 241 E. Schantz Avenue; Bradley & Ann Whitehair, 530 Woodview Drive; Bill & Julie Stover, 326 Harman Boulevard; Michael & Stacey Joseph, 15 Corona Avenue; Bill & Wendy Campbell, 220 East Drive; Richard & Ellen Siple, 38 W. Hadley Road; Jonathan & Pamela Strawsburg, 2000 Coolidge Drive.

Mayor Duncan thanked Assistant City Manager Jay Weiskircher for his work on the Beautification Awards and the Property Maintenance program. He also thanked the citizens for keeping Oakwood beautiful.

LEGISLATION

AN ORDINANCE

BY VICE MAYOR BYINGTON

NO 4812

ADOPTING CHAPTER 148-1, *MUNICIPAL INCOME TAX*, OF THE OAKWOOD ADMINISTRATIVE CODE TO IMPLEMENT A NEW TAX ORDINANCE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2016, AND LIMITING THE APPLICATION OF EXISTING CHAPTER 148 TO TAX YEARS PRIOR TO 2016.

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 that was introduced for a first reading at the September Council meeting, and will implement changes to our local income tax code that are mandated by the State of Ohio through House Bill 5, approved last December. As he commented in September, the real effect of House Bill 5 is not municipal income tax uniformity, as it was sold to the public. It is a tax reform bill full of handouts and favors for special interest groups, and it will reduce Oakwood revenues by an estimated \$250,000 annually.

House Bill 5 takes effect on January 1, 2016, and the city is required to adopt a new municipal income tax ordinance to match House Bill 5. This ordinance makes no changes to our tax ordinance other than what has been mandated by the state, but the changes it does make are significant. This is not something that Council chooses to do; the city is being forced to do it.

The City’s existing tax ordinance will remain in place and will continue to be used for tax year 2015 and prior years. The new ordinance will only affect tax years from 2016 forward.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Epley 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
MR. CHRISTOPHER EPLEY.....	YEA

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

AN ORDINANCE

BY MR. STEPHENS NO 4813
TO APPROVE CURRENT REPLACEMENT PAGES TO THE
OAKWOOD TRAFFIC AND GENERAL OFFENSES CODES.

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

Mr. Stephens explained that each year, Oakwood passes an annual house-keeping ordinance to keep local traffic and criminal offense ordinances consistent with changes that have been made at the state level. This ordinance will adopt our 2015 replacement pages for the Traffic Code and the General Offenses Code, and it is being presented as an emergency ordinance so the new pages can be distributed as quickly as possible.

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

Mayor Duncan reiterated that this legislation is a housekeeping item to comply with the Ohio Revised Code.

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

MR. WILLIAM D. DUNCAN.....	YEA
MR. STEVEN BYINGTON	YEA
MR. ROBERT P. STEPHENS.....	YEA
MRS. ANNE HILTON	YEA
MR. CHRISTOPHER EPLEY.....	YEA

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

STAFF REPORT

Teen Court – Law Director Rob Jacques and Teen Court Advisor Shaun Roberts provided an overview on the operation of the Oakwood Teen Court.

Mr. Jacques explained that the Oakwood Teen Court is a pretrial diversion program for certain juvenile matters. It is a peer panel under supervision of a Teen Court Advisor and has been a decades-old program in Oakwood. The Oakwood Teen Court was officially recognized as a Satellite Juvenile Court Program by Montgomery County Juvenile Court on May 1, 2014.

As a Satellite Juvenile Court Program, the policies and procedures are approved by Montgomery County Juvenile Court. The Oakwood Teen Court continues to operate much as it has for many years, but has enhancements involving the eligible offenses, eligible offenders, the “opt-in” procedure, and court documentation.

The benefits of having Teen Court in Oakwood include local resolution of cases; handling cases without official Court action; promptness; creative and innovative case disposition; parental involvement; and, creating a positive experience for panel members and diversion participants.

The Public Safety Department is responsible for the initial charge, eligibility screening, participant/parent notification, scheduling and case-tracking, Juvenile Court referrals (when necessary), and maintenance of records.

Teen Court Advisor Shaun Roberts explained that he is responsible for running the court proceedings. He selects the court panels, runs bi-monthly meetings, serves in an advisory capacity with the Teen Court panel, and maintains all documentation and record-keeping to ensure privacy due to the participants being minors.

The Teen Court has a \$0 budget. It is composed of a panel of volunteer teen judges, and a volunteer Teen Advisor.

The procedure for Teen Court is as follows: 1) teen makes a mistake, receives citation or summons; 2) one chance for Teen Court, not available to repeat offenders; 3) "opt-in" procedure: offender can choose Juvenile Court; 4) confidential, parent and offender, no attorneys; 5) recusal, Sworn, Explanation; and, 6) deliberation and Sanction.

Some common offenses handled by the Teen Court are: pedestrian offenses: jay-walking; traffic offenses: speeding, stop signs, red lights, minor accidents, seat belt violations; and, criminal offenses: smoking violations, underage drinking, criminal damaging, vandalism. The following are not eligible: alcohol-related traffic offenses (OVI, etc), crimes of violence (assault, domestic violence), and felonies.

The goal of Teen Court is to give constructive sanctions that fit the crime. Juvenile Court encourages Teen Court to be creative and innovative in developing options for sanctions. The typical range of options include: warnings, fines (donation to D.A.R.E. program or charitable organization), unofficial driver's license suspension, essay/term paper or community service.

There are many benefits of Teen Court. For offenders, there is no official record, no attorney is needed, and offenders do not miss school to appear in Montgomery County Juvenile Court. For Teen Court Judges, volunteer work is made available and an introduction to civic work, courts, and the law is created.

Mr. Stephens asked if an offender could be seen for different crimes.

Mr. Jacques said that while they do not see repeat offenders for the same offense, the same person could be seen for unrelated offenses.

Mr. Epley asked if there is a Chief Justice.

Mr. Roberts answered that there is a Court Reporter, Bailiff, and Head Judge.

Mayor Duncan asked what the age limit was for Teen Court.

Mr. Jacques answered that it is for ages 17 and under, although it is determined by the offender's age when the offense was committed, so they could very well have an 18 year old in Teen Court.

Mr. Stephens inquired about Teen Court not having a budget, assuming there must be some type of fees involved to cover administrative costs.

Mr. Jacques explained that there are minimal costs, such as minor fees for printing forms.

CITY MANAGER'S COMMENTS – Mr. Klopsch reported on the following items:

This past weekend was Halloween and everything went smoothly. He shared that in the 200 block of Volusia Avenue, there were approximately 200-300 kids, which was a record. Hats off to the Public Safety Department for continued visibility on Beggar's Night and for keeping the city safe.

The annual leaf collection is underway. Leaves raked to the curb are collected on a 2-week schedule. Citizens interested in self-dumping may do so 24-7 in the yard debris dumpsters located at the Creager Field parking lot.

The public works employees are in the process of getting winter weather ready and will receive an operations and safety refresher on snow removal and deicing this Friday.

The 2016 Budget will be presented at the December 7 Council meeting. Mr. Klopsch and Finance Director Cindy Stafford will deliver the budget that maintains tight spending controls.

Oakwood resident Dick Good passed away a few weeks ago. He co-chaired the centennial celebration, along with Madeline Iseli. Mr. Good and Ms. Iseli did a fabulous job building a strong team and organizing the different components of the celebration. The existence of our *OAKWOOD – From Acorn to Oak Tree: A Centennial Celebration 2008* book is entirely attributable to Mr. Good's vision and many hours of hard work. The book was funded through donations from Oakwood businesses, and was distributed to every household in Oakwood free of charge as an Eagle Scout project. Mr. Good was a wonderful man, a dear friend, a great Oakwood citizen, and he will be missed very much.

COUNCIL COMMENTS

Mr. Hilton shared that tomorrow is Election Day and encouraged everyone to vote. She added that there have been polling location changes and urged people to check before going to vote.

Mr. Stephens congratulated the Oakwood Golf team for finishing 4th in the state tournament and individually, Junior Connor Quigley who won the state championship; the Oakwood Girls Cross Country team who qualified for the state meet this weekend; and, the Oakwood Girls Soccer team for not only beating Alter for the first time in program history, but for also defeating Cincinnati Wyoming and winning the district championship. The girls play again tomorrow night against Carroll at 7:30 p.m. in Xenia.

Mayor Duncan shared that he watched a disturbing story on 60 Minutes about the heroin epidemic in the state of Ohio. Unfortunately, the heroin epidemic begins with being hooked on other drugs like marijuana, then it turns into a pill addiction and then into a heroin addiction due to the high cost of obtaining pills. He shared that his concern with Issue 3 to legalize marijuana is based on results from other states that have already legalized marijuana. For example, there has been a 600% increase of calls to poison control center from children under the age of six ingesting marijuana. Another example is that there has been over a 100% increase in traffic fatalities from marijuana. He asked citizens to think long and hard before voting for Issue 3.

Mayor Duncan shared that he plans on voting for Vice Mayor Byington and Mr. Epley tomorrow and he looks forward to continuing to work with them.

The public meeting concluded at 8:45 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL