

The Council of the city of Oakwood, State of Ohio, met in a work session 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 BYINGTON.....PRESENT
MR. ROBERT P. STEPHENS.....PRESENT
MRS. ANNE S. HILTON.....PRESENT
MR. CHRISTOPHER B. EPLEY.....PRESENT

Officers of the city present were the following:

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

The following visitors registered:

Pam Rickard, 423 Greenmount Boulevard
Chris Eifert, 208 Oak Knoll Drive
Kevin Philo, Oakwood City Schools
Kyle Ramey, Oakwood City Schools
Rodney Yarger, 1126 Oakwood Avenue
Mick Armitage, 112 Dellwood Avenue
Stefanie Campbell, 271 Schenck Avenue
Brian Barr, *Oakwood Register*

Mrs. Hilton advised Council she had read the meeting minutes of the June 6, 2016 regular and work sessions, and June 22, 2016 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

Proclamation – Mayor Duncan read a proclamation honoring Robert Borchers (posthumously) for 21 years of dedicated service as a school crossing guard. He was the longest serving crossing guard in Oakwood. Mr. Borchers died at the age of 80.

Mr. Kevin Philo, Oakwood City Schools, shared that Mr. Borchers was a man of great service who worked year-round with a smile on his face.

VISITORS

Mr. Rodney Yarger, 1126 Oakwood Avenue, asked what is required to change the way the Oakwood Municipal Court Judge is elected in the city of Oakwood. He believes that the current Judge was elected by only 17% of the votes cast because there were so many candidates, and it is contrary to the way elections should be held in this country. He believes the Judge should be elected based on a majority vote.

Mayor Duncan explained that the Oakwood Municipal Court is a separate entity from the City. There is not a provision in the Oakwood City Charter that speaks directly to how a judge is elected because it is under the Ohio law.

Mr. Jacques explained that the Oakwood Municipal Judge is under jurisdiction of the Ohio Supreme Court. At the city level, the court is the judicial branch of government, City Council is the legislative branch of government and city administration is the executive branch of government.

Mr. Yarger asked if the City could provide information on how to change the election process. Mr. Klopsch said that city staff would gather the information that Mr. Yarger has requested and will follow up with him.

Mayor Duncan explained that a PowerPoint will be presented by the Oakwood Schools, Oakwood Athletic Boosters and City Manager Norbert Klopsch to discuss the proposed Old River Athletic Facility and Mr. Klopsch will begin the presentation.

Mr. Klopsch referenced a PowerPoint presentation and shared that Council will address two pieces of legislation at the meeting this evening. One is a resolution to continue the process of moving forward with the Athletic Facility, and the second is an ordinance to appropriate money for construction of a parking lot. Mr. Klopsch reviewed some history of the Old River Sports Complex. The Old River Fields were purchased ten years ago and named the Old River Sports Complex. When it was purchased, it was essentially a grass field with an unimproved gravel parking area. In 2009-2010, the city undertook a year-long master planning process to look at the athletic and recreation facilities in Oakwood, Old River being the primary facility. The outcome was City Council's approval of the athletics and recreation master plan. The plan identified three or four potential improvement projects that were a good fit for the Old River Sports Complex. After an agreement was signed with the Oakwood Schools last September, an eight member design team worked for about six months to develop a detailed plan for the project.

Mr. Klopsch explained that it is important to remind citizens that while the proposed stadium will be built, managed and operated by the schools, it will be a community asset and will be accessible to citizens the vast majority of the time. He explained that there were some major hurdles that had to be cleared throughout the design process. The land is in the city of Dayton and is subject to the Dayton Zoning Code. Mr. Klopsch thanked city of Dayton officials, including City Management Staff and the Dayton City Commission for their help in rezoning the land and assisting with some other zoning related matters. Mr. Klopsch also thanked Assistant City Manager Jay Weiskircher for spearheading the effort locally. It was a three month process to clear this hurdle. The second major issue was the site access. It is a requirement of the zoning approval from Dayton that there are two points of ingress and egress into the facility. One is through Old River Trail and the other is off River Park Drive near the Marriott Hotel, which is complicated because there is not a public roadway that connects from River Park Drive to the property. The University of Dayton owns the land in between, and the city partnered with UD to get a 50 year lease of that land. Mr. Klopsch commended the University of Dayton for being a good partner and helping to move this project forward. Additionally, the University of Dayton is giving the city a 50 year lease on a strip of land to the north of the Old River Athletic Facility that will be the site of a 100 space parking lot. In terms of parking, the plan is to construct 246 additional parking spaces on a strip of land on the north edge of the grass playing fields. Moving forward, the stadium facility will be owned and managed by the Oakwood Schools, the grass fields will continue to be maintained by the city of Oakwood through the Leisure Services Department, and the access roads and parking lots will be owned and managed by the city of Oakwood.

School Superintendent Dr. Kyle Ramey referenced a PowerPoint presentation and shared that in early 2014 there was an initial concept from the Oakwood Athletic Boosters for a field upgrade at Mack Hummon Stadium. In early 2015, discussions with Oakwood City Schools led to consideration of a more comprehensive project. In April 2015, a task force was formed to evaluate possible "what if" options and ended with a recommendation for an Old River Athletic Facility. In September 2015, a Project Team was created (including City of Oakwood, Oakwood City Schools, OAP - Subgroup of Oakwood Athletic Boosters Association, Citizens, MSA Architects) to oversee project next steps and implementation. An optimum approach led to the Old River site location, which meant that the city of Oakwood and Oakwood City Schools would need to collaborate on use of land; there would need to be discussions with Pointe Oakwood, UD and Cox Media, and the city of Dayton; and the project would need a multi-million dollar budget. To preserve key tenets of the project, the Project Team has maximized the benefit to Oakwood student-athletes and community members; maximized use of available funding toward the most beneficial improvements; and engaged with community groups and organizations for use and rental opportunities as appropriate. It is also important that the Old River Athletic Facility is handicapped accessible, has ample bleachers, restrooms, and concessions and parking. Dr. Ramey thanked Mr. Eifert and the entire OAP team for helping to get this project started and for keeping it going.

Oakwood Athletic Boosters Association Past President Chris Eifert referenced a PowerPoint presentation and shared that the Oakwood Athletic Boosters Association role was to evaluate and assess field technologies, possible locations and funding models; maximize the benefit for Oakwood student-athletes; and drive fundraising efforts. The fundraising efforts have evolved and the campaign total was raised to a minimum of \$3.5 million. The fundraising progress was phenomenal. In total, donations were made by 12 businesses and organizations, 218 individuals and families, 46 Oakwood High School classes, and two Leadership donors – Doug and Gay Lane from the class of 1963, and the Oakwood Athletic Boosters Association. The total deposited and pledged amount is \$3.7 million of private funding. Mr. Eifert then introduced Lane Stadium in honor of Doug and Gay Lane and their family. The stadium is able to serve

soccer – boys and girls, field hockey, lacrosse – boys and girls, and track and field, with more than 400 total student-athletes served. There will be modern concessions and restrooms with an aesthetic “Oakwood” design, lighting, seating for >700, indoor storage, parking, team rooms, and field concussion padding. Mr. Eifert thanked Oakwood City Council and city staff for recognizing the opportunity that the Old River Complex offered to the community, and for taking the Oakwood Athletic Boosters vision seriously. He also thanked Dr. Ramey and Mr. Philo for their support and sharing in their vision, and helping to make the project happen. He also acknowledged the Oakwood Athletic Project team.

Dr. Ramey closed the presentation by sharing that as the project was nearing the end of the planning process, it became clear that the original project cost estimate for a smaller-scale facility was insufficient for the type of stadium envisioned as the project evolved. Thus, as the Oakwood Athletic Project team, city and district leaders evaluated options for bridging the funding gap, donors stepped up and the district contributed. The Board of Education and Administration unanimously agreed that a relatively small investment from the permanent improvement funds is warranted to enable the completion of the project in a manner consistent with the high standards of the Oakwood community, to honor the amazing generosity of the donors, and to capitalize on the unique opportunity to utilize over \$3 million in donated funds. The district’s contribution, equivalent to less than 10 cents on the dollar or less than 10% of the total, is a wise and prudent investment in the kids and the community for generations to come. Dr. Ramey thanked Mr. Klopsch and Mr. Weiskircher for all of their work to coordinate efforts with making the parking lot happen because without it, the project would not be able to move forward. Moving forward, the plan is to break ground in July 2016 (pending permits) and completing the project in January 2017, or 165 days after commencement of work, pending weather.

Mayor Duncan shared that he is in awe at what the Oakwood Athletic Boosters has been able to accomplish relating to fundraising with this project. He had no idea that they would be able raise \$3.7 million. Mayor Duncan also reiterated that while Oakwood owns the land, it is in the city of Dayton and he thanked the city of Dayton for their support of the project. Mayor Duncan commended Mr. Klopsch and Mr. Weiskircher for all of their behind the scenes work and for coordinating efforts with the city of Dayton and the University of Dayton.

LEGISLATION

A RESOLUTION

BY MR. EPLEY NO 1821
 EXPRESSING CITY COUNCIL’S CONTINUED SUPPORT FOR
 CONSTRUCTION OF A MULTI-PURPOSE ARTIFICIAL TURF FIELD
 FACILITY AND TRACK TO BE LOCATED AT THE OLD RIVER
 SPORTS COMPLEX, AND CITY COUNCIL’S COMMITMENT TO
 BUILD A PORTION OF THE PARKING LOT REQUIRED FOR THE
 FACILITY.

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

Mr. Epley explained that last September, Council adopted Resolution No. 1806 to support the development of a multi-purpose artificial turf field and track facility at the Old River Sports Complex. Since then, a development agreement was signed between the city and the Oakwood City School District; an architectural consultant was selected; and an 8-member Project Team was formed to work with the consultant to develop a design for the project. The design was approved in April, when council adopted Resolution No. 1816, and the project was put out for bidding.

The bids have now been received and the Oakwood City School District, as the contracting agency for this project, has awarded contracts to Bilbrey Construction, Inc., and Motz Construction. The resolution before Council tonight is a continuation of the development process and serves two purposes. First, it expresses Council’s continued support for the project now that it is approaching the start of construction. Second, it announces Council’s commitment to build approximately 70% of the parking spaces required at the Old River Sports Complex. The Old River Sports Complex is owned by the city of Oakwood, but is located in the city of Dayton and is subject to provisions of the Dayton zoning code. The project approval requires 346 parking spaces to serve the complex. This includes the proposed Old River Athletic Facility and the existing and remaining grass playing fields, all of which are a community resource and asset. The parking will directly benefit users of the city-owned grass fields, in addition to the shared-use stadium that will be constructed.

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

136 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 resolution was declared duly passed and it was so ordered.

AN ORDINANCE

BY VICE MAYOR BYINGTON NO 4826
TO AMEND SECTION I, 2016 ORIGINAL APPROPRIATION
ORDINANCE NO. 4816, AND SUPPLEMENTAL APPROPRIATION
ORDINANCE NO. 4823 TO PROVIDE FOR THE APPROPRIATION OF

1. AN ADDITIONAL AMOUNT OF \$475,000 TO BE EXPENDED FROM THE SPECIAL PROJECTS FUND FOR THE CONSTRUCTION OF A PARKING LOT AT OLD RIVER SPORTS COMPLEX
2. AN AMOUNT OF \$350,000 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE SPECIAL PROJECTS FUND

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 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 a supplemental appropriation ordinance that is necessary to address a capital expenditure that was not included in the original 2016 budget and appropriation ordinance.

The city maintains a Special Projects Fund to hold money for special improvement projects that are proposed from time to time. The fund currently holds approximately \$335,000. It was anticipated that these funds would be used at some point to provide improved parking at the Old River Sports Complex. The existing parking area consists of an unimproved gravel lot.

The stadium project as already bid includes the construction of a 100-space parking lot, the cost of which is being paid with private funds raised by the Oakwood Athletic Boosters, but under the terms of the PUD approval by Dayton, the entire site requires 346 spaces. Understanding that the two parking lots serve the entire complex, the city has agreed to pay the cost of the additional 246 spaces out of the Special Projects Fund because the spaces will directly benefit the city's existing grass playing fields as well as the shared-use stadium facility.

This ordinance will appropriate \$475,000 from the Special Projects Fund, allowing for the construction of the additional parking spaces. The ordinance also authorizes the transfer of \$350,000 from the General Fund to the Special Projects Fund.

This is a first reading of this ordinance, so Vice Mayor Byington made no motion at this time.

Mayor Duncan added that the city planned to improve the existing parking lot had this stadium project not gone forward. While the dollar amount for the parking lot may sound high, the city is actually saving money by avoiding the cost of paving the existing lot. Also, Mayor Duncan clarified that even though it is required to have a second reading of this legislation at the August council meeting, it does not delay the bid process for this project. By law, however, the contract cannot be signed until the legislation is passed.

AN ORDINANCE

BY VICE MAYOR BYINGTON NO 4827
AN ORDINANCE REPEALING EXISTING SECTION 17-107.5, PRE-SALE INSPECTION AND CERTIFICATE OF OCCUPANCY REQUIRED FOR NEW OWNERS AND TENANTS, OF THE OAKWOOD PROPERTY MAINTENANCE CODE, AND ENACTING NEW SECTION 17-107.5, PRE-SALE INSPECTION AND CERTIFICATE OF OCCUPANCY REQUIRED FOR NEW OWNERS AND TENANTS, OF THE OAKWOOD PROPERTY MAINTENANCE CODE, AND DECLARING AN EMERGENCY.

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

Vice Mayor Byington explained that the city of Oakwood has operated a successful pre-sale inspection program since 1968. Under Oakwood’s program, sellers of real estate are required to have their properties inspected for code compliance, correct any defects, and then a certificate of occupancy is issued to the buyer. This is an important part of Oakwood’s larger property maintenance program, as it helps to ensure that the aging stock of homes, apartments, condominiums and businesses are maintained to certain minimum standards that protect the public health, safety, and welfare.

In May, the city received a federal lawsuit challenging the pre-sale inspection program. The plaintiff alleges that the inspection ordinance is unconstitutional because it lacks a procedure for obtaining administrative search warrants in appropriate cases and could be interpreted as permitting criminal punishment for exercising rights guaranteed under the 4th Amendment to the United States Constitution. In other words, if a person refuses consent for an inspection, which they are allowed to do under the 4th Amendment, there is no procedure by which the Oakwood Code Enforcement Officer can seek an administrative search warrant and the person is arguably subject to a minor misdemeanor summons.

The city of Oakwood is defending the program in court because the city believes it provides tremendous value for the Oakwood community. It is important to note that a warrant procedure was included in all versions of the pre-sale inspection ordinance prior to 1992, but was inadvertently omitted when the ordinances were re-codified by a third-party contractor in 1992. Until the current lawsuit arose, no one had ever refused consent for an inspection, and no one has ever been prosecuted for refusing consent to an inspection.

On advice of the city’s litigation counsel, Council believes that it is in the city’s best interest, and beneficial to the public health, safety and welfare, to repeal the existing pre-sale inspection ordinance and enact a replacement. The replacement ordinance retains the city of Oakwood program as it has existed for many years, but includes an administrative search warrant procedure. A federal court decision has previously upheld the constitutionality of pre-sale inspection programs when provisions are made for administrative search warrants. The new ordinance also clarifies that exercising one’s 4th Amendment rights does not constitute an unlawful act. Due to the ongoing litigation, it is being introduced as an emergency measure so that it can take effect immediately.

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

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 MRS. HILTON NO 4828
 AN ORDINANCE TO ESTABLISH AN AMENDMENT TO THE ORGANIZATION AND STAFFING SCHEDULE FOR THE PURPOSE OF CREATING A PART-TIME PROBATION OFFICER CLASSIFICATION, TO ESTABLISH THE HOURLY RATE OF COMPENSATION FOR THAT CLASSIFICATION, AND TO DECLARE AN EMERGENCY.

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

Mrs. Hilton explained that historically, the Oakwood Municipal Court has not had a very active probation program. The role of “probation officer” has been considered part of the Clerk of Courts’ duties, but probation has been run as a very basic, unsupervised program that does not require significant time and attention from the court. Judge Quinn desires to enhance the probation program and, in appropriate cases, expand the level of supervision that is available to match the kinds of probation programs found in most other municipal courts. Depending on the needs of a particular case, and the court’s goals in rehabilitating an offender, supervised probation might include:

- Regular one-on-one meetings between the defendant and probation officer;
- Home visits;
- Monitoring the defendant’s criminal record to determine if they have broken the law again;
- Verifying employment or ensuring that a defendant is seeking employment;
- Verifying that a defendant is attending counseling, AA meetings, or other programs ordered by the court; and
- Any other supervision that the court deems necessary.

Since this will expand the role of the probation officer, and because it involves home visits where it may be necessary or desirable for the probation officer to be armed, the Clerk of Courts can no longer fulfill that function. Therefore Judge Quinn has asked Council to create a new part-time job classification for “probation officer.” The position will be held by the current part-time bailiff, Randy Baldrige, who already has the necessary qualifications. He has been performing these additional duties since May 2, 2016, with the understanding that Council, in creating the job classification, would also approve retroactive compensation to that date.

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

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
 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.

A RESOLUTION
 BY VICE MAYOR BYINGTON NO 1822
 A RESOLUTION BY THE COUNCIL OF THE CITY OF OAKWOOD,
 OHIO, DECLARING THE NECESSITY OF A RENEWAL LEVY IN
 EXCESS OF THE TEN-MILL LIMITATION AND REQUESTING THE
 COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX
 VALUATION OF THE CITY OF OAKWOOD AND THE DOLLAR
 AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A
 SPECIFIC NUMBER OF MILLS.

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

Vice Mayor Byington explained that the city has an existing 2.72 mill property tax levy that is due to expire at the end of 2016. The 2.72 mill levy was first approved by Oakwood voters in 1991 and has been renewed every five years since then. This resolution is the first legislative step towards placing a renewal of this 2.72 mill levy on the ballot in November. The second piece of legislation will be on the agenda for Council’s August meeting. It is important to note that since this is a *renewal* instead of a new levy, it will maintain the current level of property taxation and will not increase property taxes.

Thereupon, it was moved by Vice Mayor Byington 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
 MR. CHRISTOPHER EPLEY.....YEA

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

Mayor Duncan pointed out that since this levy has been in place for almost 25 years, the effective millage is significantly less than 2.72 mills.

The Vectren gas line work is in year three of an 8-10 year project. It is a critically important multi-year project to replace all of the underground gas distribution lines in Oakwood. The work around the Dixon Avenue, Schantz Avenue and Patterson Road area has a few more weeks of site restoration work. From there, the work will move to Shroyer Road at the request of the city in advance of the Shroyer Road Reconstruction Project that is planned to commence in May 2017. It will probably be late July or early August when work will start on Shroyer. Notice will be given to all affected property owners.

There was a water main break last weekend on Dellwood Avenue. Hats off to the Public Works Department for their hard work. Assistant Public Works Director Mike Wenclewicz was on call that weekend and he received notice of the break on Friday night. He, along with four other Public Works employees, worked into Saturday to isolate the problem and make repairs to a very complicated water main. The restoration work should be wrapped up by this weekend.

The Asphalt Resurfacing Project is scheduled to begin the third week of July and extend into early August, with the goal of the work being done before the beginning of the school year.

COUNCIL COMMENTS

Mrs. Hilton shared that Oakwood will be celebrating the Sister City Association's 40th twinning anniversary with Outremont, Canada on July 14 – 17. There are a number of public events listed on the Sister City's website.

Mr. Stephens congratulated the Oakwood Farmers' Market for being such a great asset to the city and encouraged people to attend. He thanked Assistant City Manager Jay Weiskircher for his involvement and dedicated service to the city of Oakwood.

Mayor Duncan shared that Le Vésinet, Oakwood's Sister City near Paris, France, was also invited to the 40th anniversary of Oakwood's twinning with Outremont, Canada, as Mrs. Hilton has already mentioned. As you may recall, a resolution was delivered at last December's council meeting expressing solidarity with Le Vésinet in response to the terrorist events last November. Mayor Duncan shared that he received a letter from Mayor Bernard Grouchko, Le Vésinet's Mayor, which he read aloud:

"I am deeply sorry not to be able to be part of these celebrations, however I know that these three days during which the sisterhood between Oakwood and Outremont will be celebrated will be extremely warm and successful.

I was deeply touched by the thoughts and prayers that you sent us on behalf of your City Council after the events that occurred in France in January and November 2015; as you may have known it, three of our inhabitants were personally touched by the terrorist attacks, one of whom will never be able to walk again.

We know that our American friends stand on our side, which helps going through the trauma of the situation."

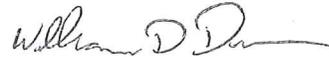
Mayor Duncan then read an article that he received from Montgomery County Prosecutor Matt Heck:

"On April 29, 2016, the Second District Court of Appeals ruled that convicted serial murderer and child rapist Eugene Gall should not be credited with any time that the defendant was incarcerated in a Kentucky penitentiary towards his Ohio convictions and sentences. This defendant has a long history of violent conduct. In 1972, the defendant was convicted for the 1970 rape and kidnapping of several young women in Warren and Butler counties and sentenced to 3-20 years in the Ohio Penitentiary. The Parole Board released this defendant in April, 1977. Within six months of his release by the Parole Board, this defendant began a crime spree spanning two states and multiple victims. During this crime spree, the defendant committed a number of heinous and violent crimes, including rape, kidnapping and murder, in Montgomery and Greene Counties, and then kidnapped a twelve year old girl from Cincinnati, took her to Kentucky to rape and murder her. He committed additional violent crimes in Kentucky, including shooting and injuring a police officer, for which he was charged and convicted, and received an 11 year prison sentence. He was then sentenced to death in Kentucky for the rape and murder of the young girl from Cincinnati. Here in Montgomery County, he was convicted of the horrendous rape and murder of 14 year old Beth Ann Mote, after he kidnapped her one morning as she was walking to school in Oakwood, Ohio. In Ohio, the defendant was ultimately convicted as charged in Montgomery and Greene Counties, and sentenced to 47-165 years to Life in prison. The Kentucky death conviction and sentence was reversed in 2000 by the Federal 6th Circuit Court of Appeals. Kentucky

failed to pursue the case further. On November 13, 2001, the defendant was extradited to Ohio to begin serving his Ohio sentences. In September 2013, the Parole Board sent a form letter to the Montgomery County Prosecutor's Office indicating that the defendant was eligible for, and was being considered for, parole. The Bureau of Sentence Computation, without any notice to our office, or any of the victims or survivors, gave and credited this defendant with 5,807 days of jail time credit for the time he spent in the penitentiary in Kentucky, thereby giving this rapist/murderer almost 16 years off his Ohio sentence. After numerous phone conferences with the Bureau of Sentence Computation and the Ohio Attorney General, all to no avail or assistance, on November 27, 2013 our office filed a "Motion for an Order Properly Calculating Jail Time Credit." On December 9, 2013 Common Pleas Court Judge Gregory Singer ordered that the defendant should receive zero days of jail time credit. On March 4, 2014, the defendant appealed Judge Singer's ruling, which the Court of Appeals overruled. The Court of Appeals agreed that the defendant is entitled to zero days of jail time credit for the time spent in the Kentucky prison. Prosecutor Heck added, "We are pleased with the Court's decision. The victims, as well as their families, deserve to know that this defendant will spend the rest of his life locked up for the terrible, vicious and deplorable crimes that he committed. This defendant is clearly a dangerous person who needs to be incarcerated for the rest of his life and never released from prison."

Mayor Duncan asked that you thank Judge Singer and Prosecutor Heck for their service to the community in keeping violent criminals off the streets.

The public meeting concluded at 8:34 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL