

CITY OF OAKWOOD

STATE OF OHIO

JUNE 9, 2008

The Council of the city of Oakwood, State of Ohio, met in a work session at 5:30 p.m. in the conference room of the city of Oakwood, 30 Park Avenue, Dayton, 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, Mrs. Judy Cook, presided, and the Clerk of Council, Ms. Cathy Blum, recorded. Mayor Cook 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:

MRS. JUDY COOK.....PRESENT  
MR. CARLO C. McGINNIS.....PRESENT  
MR. STEVEN BYINGTON.....PRESENT  
MR. WILLIAM D. DUNCAN.....PRESENT  
MR. STANLEY CASTLEMAN.....PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager  
Ms. Dalma C. Grandjean, City Attorney  
Mr. Jay A. Weiskircher, Assistant City Manager  
Chief Alex Bebris, Public Safety Director

The press this evening was represented by the editor of the *Oakwood Register*, Mr. Lance Winkler and Ms. Kelli Wynn, reporter with the *Dayton Daily News*.

The following visitors registered:

Greg Monett, 234 Irving Avenue  
Denise Feeney, 468 Irving Avenue  
Dan and Barbara Miller, 6 Glendora Avenue  
Dave Crusey, 230 E. Dixon Avenue  
Faye Wenner, 1900 Coolidge Drive  
Steve Young, 320 Irving Avenue

Mr. Duncan, Chair of the Council Committee on Minutes, advised council he had read (after viewing the meeting video on the city's website) the minutes of the regular and work sessions of council held May 5, 2008 and of the work session held May 19, 2008. Mr. Duncan reported he found the minutes correct and complete. Therefore, it was moved by Mr. Duncan and seconded by Mr. Castleman 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

Committee Appointment. Mayor Cook announced that Mr. Stanley Herr has agreed to serve on the Environmental Committee.

Therefore, it was moved by Mr. Duncan and seconded by Mr. Byington 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.

Sugar Camp and Pointe Oakwood Developments. Mr. Byington reported the majority of the site work on the commercial portion has been completed, including Sugar Camp Circle and the parking lot by building D. The developer is still working on the parking lot to the west and has begun implementing the commercial area landscape plan. In regard to the residential portion, known as Pointe Oakwood, the site clearing has been undertaken and utility work along Far Hills will soon begin. Mr. Byington reported that Dr. Eastman gave a report at the May 27<sup>th</sup> Board of Health meeting stating that there is no evidence of any contaminants that pose a health risk. The next topographical changes at the site will begin on the west hillside but with no additional tree removal. He added the Planning Commission approved a request to use the existing gate house on W. Schantz as a temporary marketing location for Pointe Oakwood.

Mr. Klopsch referenced a question about the status of the property taxes paid by OIG and Versant and had asked Ms. Grandjean to contact the county. Ms. Grandjean reported there are three lots in the Sugar Camp development. Lot #1 is where the synagogue is located and since religious uses are entitled to a reduction in real estate tax, as a tax exempt organization, OIG has applied for that exemption. OIG is not required to pay anything for Lot #1 until the State of Ohio renders a decision on the application. Ms. Grandjean referenced Lot #2, owned by Versant - the county indicated that

the \$37,853.78 bill has been paid; the next installment is due in July. In regard to Lot #3, owned by OIG, all taxes are paid to date. Mr. Duncan wondered when a ruling on the tax exempt application will be forthcoming. Ms. Grandjean explained this is through the state and it can take months.

Mr. McGinnis asked about the process relating to the residential landscape plan. Mr. Klopsch explained the developer will return to the commission with a plan and has welcomed input from the city. He indicated there are also a handful of citizens eager to provide input into development of the Master Landscape Plan. The hope is to use native vegetation and when the plan is ready for the commission, there will be a public hearing. Mr. Duncan asked about timing of the roadway to the soccer fields. Mr. Klopsch indicated after work is completed along Far Hills with the DP&L pole relocations, they will be able to bid that project. Discussion ensued in regard to lane reconfigurations in this area.

Centennial. Mayor Cook remarked on the Excellence in Learning celebration that took place on June 8. It was a wonderful presentation by school children who created a time capsule. Some of the things they included, for 100 years from now, were iPods and tunes – all items are on display at Wright Library. She indicated an Oakwood author was the designated speaker who is also providing workshops on creating personal family memorabilia. Mayor Cook announced the next event is Sunday, June 22, with the “Hike to Houk”, a fun event beginning at 1 p.m. which includes a walk through the Oakwood natural areas. Mr. Duncan predicted in 2108 some of the students who helped with the time capsule will be alive to help open it.

Mayor Cook welcomed the visitors. Ms. Faye Wenner referenced a written statement about Sugar Camp and some facts that citizens need to know. She indicated OIG owes \$227,370 in property tax and Versant owes \$50,901; both are in arrears. She noted on June 3 after she brought this to the city manager’s attention, he informed her that Versant had made payment and he would provide documentation; however, she hasn’t received anything. On June 4, the county indicated no payment had been received. On June 5, she received a message from Ms. Grandjean calling on behalf of the city manager. On June 5, she received a message from Mr. Klopsch that all the taxes have been paid. Ms. Wenner believes citizens should know these issues, particularly since council approved the change to the area, taxes haven’t been paid and citizens are paying huge amounts of tax dollars for the infrastructure. She asked if the investment groups, especially Versant, are financially viable to complete the project.

Ms. Wenner also asked about the black material that has been dug up and whether EPA has tested it. Mayor Cook indicated the law director addressed the tax issue. Ms. Grandjean reiterated the taxes for Lot #1 are under appeal due to the tax exempt religious use. Ms. Wenner wondered when the change of use was requested. Ms. Grandjean indicated it was appealed in December, can be retroactive to that date, but they have to wait for a decision by the state. Mr. Klopsch explained when the city purchases property, i.e., as a non-profit agency and for the recent purchase near Houk Stream, the city goes through the same process with the state for tax exemption and it does take a long time. Ms. Grandjean indicated they confirmed on June 3 that Versant has paid their taxes and she can provide documentation. Mr. Klopsch indicated he has a copy of the receipt from the treasurer’s office. Discussion ensued in regard to calls made to the county offices, etc.

Mr. Klopsch explained the city has not, nor will they ever pay any one else’s property taxes. In regard to the dark sand, he explained it is foundry sand as was expected when Dr. Eastman, LJB, did his preliminary environmental assessment work; and he reported at the recent Board of Health meeting that testing has been done and there is no hazardous material at levels that pose a threat to human health or the environment. He indicated there are some mitigating actions for dust control but the dust capacity of the sand is very low and is being tested and monitored. Mr. Klopsch indicated they have found nothing else buried. Mr. Byington referenced Dr. Eastman’s report that there have been no unexpected contaminants found. He noted there is a base line study for air monitoring and testing, all per EPA requirements. Mr. Castleman extended thanks to Ms. Wenner for being their watch dog on unpaid taxes.

Mrs. Barbara Miller, 6 Glendora, indicated a few members of the North Oakwood Association are in attendance and they have an upcoming meeting with city staff on issues in their neighborhood. Mayor Cook appreciated their attending and working together as a neighborhood. She indicated Irving is a unique street with the city not owning both sides of the street thus controls are limited.

#### ORDINANCE

BY MR. BYINGTON NO 4651  
TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OR  
RECONSTRUCTION OF SIDEWALKS AND APPURTENANCES THERETO IN THE  
CITY OF OAKWOOD, OHIO.

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

Thereupon, it was moved by Mr. Byington and seconded by Mr. Castleman that the ordinance be passed and the second reading waived.

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

MRS. JUDY COOK.....YEA  
MR. CARLO C. McGINNIS.....YEA  
MR. STEVEN BYINGTON.....YEA  
MR. WILLIAM D. DUNCAN.....YEA  
MR. STANLEY CASTLEMAN.....YEA

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

RESOLUTION

BY MR. BYINGTON NO 1673

DECLARING THE NECESSITY OF IMPROVING CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Byington explained this relates to all street lights in Oakwood.

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

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

MRS. JUDY COOK.....YEA  
MR. CARLO C. McGINNIS.....YEA  
MR. STEVEN BYINGTON.....YEA  
MR. WILLIAM D. DUNCAN.....YEA  
MR. STANLEY CASTLEMAN.....YEA

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

RESOLUTION

BY MR. DUNCAN NO 1674

AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE VIA INFORMAL COMPETITIVE PROCEDURES FOR THE PURCHASE OF EQUIPMENT TO UPGRADE THE OAKWOOD PUBLIC SAFETY DISPATCH CENTER.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Duncan explained last September council voted to retain the dispatch center versus joining the county-wide program. They appropriated \$200,000 for the center upgrade and this resolution authorizes informal procedures for the project. Mr. Klopsch explained the purchasing ordinance requires anything over \$22,000 be through the formal bid process which doesn't always yield the lowest and best for projects that are unique. In this instance, staff believes it's better to use the informal procedure. Mr. Duncan indicated the city has followed this informal process before. Mr. Klopsch concurred.

Thereupon, it was moved by Mr. Duncan and seconded by Mr. Castleman that the resolution be passed.

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

MRS. JUDY COOK.....YEA  
MR. CARLO C. McGINNIS.....YEA  
MR. STEVEN BYINGTON.....YEA  
MR. WILLIAM D. DUNCAN.....YEA  
MR. STANLEY CASTLEMAN.....YEA

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

STAFF REPORT

Safety Department Update. Chief Bebris referenced a PowerPoint presentation and pointed out the newly revised department patch. He explained when he first came on board; he was approached by a number of officers that the old uniform patch was very generic and only portrayed the police

division. Since the department is unique, one out of 32 in the country with combined services, the patch was redesigned with the officer's input.

Chief Bebris reviewed fire service statistics and indicated there has been very little fire loss for several reasons, one of which is the department's fast response time. Since they don't have a lot of fire experience, staff has a strong commitment for this training and spent \$55,000 last year. He reviewed national statistics that although fires are down, the number of both civilian and firefighters losing their lives remains the same. As Chief, he is pleased the fire loss is at a minimum and there has been no loss or injury. He noted staff has vigorous fire inspection programs on a regular basis and continues work with schools on fire drills/education. Chief Bebris indicated the city has an excellent average response time of 2 minutes with a cruiser on the scene to size up the situation and then the engine is there within 4 ½ minutes; nationally the response time is 6 minutes.

Chief Bebris explained one of the 2008 goals is the "knox box" program where keys are placed in a box that is mounted on the building and the engine has the key to access the box for entry into that building. This year they hope to concentrate on businesses but the boxes are available for anyone. He indicated the department already has a number of keys on file for medical needs, however, due to a quick and timely response, the box is easier. He indicated the box access is recorded electronically. Mr. Castleman asked if the box is the same for residences. Chief Bebris responded yes, but can be more decorative.

In regard to EMS responses, there was a decrease in number of calls and based on follow-up surveys, the department has an excellent rating. Chief Bebris indicated they also have an excellent response time, are there within 2 minutes and also carry defibrillators - the national standard is 6 minutes which they far exceed. In regard to police statistics, Part One crimes remained the same in 2006 and 2007 with a 30% decrease to date in 2008. He reported there has been an 8% increase in traffic enforcement citations as well as an 8% reduction in crashes, and DUI arrests have doubled. Chief Bebris explained this past Memorial Day weekend they participated in the state-wide "Click-It or Ticket" program and made 162 stops with 94 citations, including felony arrest and drunk driving. He indicated participation in this program makes the city eligible to apply for grants and he was pleased to report there were no crashes that holiday weekend.

Chief Bebris indicated they are moving forward on collaboration with TCSU and the SOFAST (US Marshall) programs. They also continue work on improving training and recently participated in the first outdoor nighttime range. He referenced another 2008 project is the dispatch center upgrade. After the RFP was issued, ten vendors responded, they have narrowed to three semi-finalists and presentations/site visits will begin next week with a final decision expected by the end of June. He indicated each vendor has a different approach to accessing computer data, etc., and it is his goal to have the new system up and running by October. The department also continues work on the policy tactic manual. Chief Bebris is pleased with his successful department and staff, and all the work done for the citizens of Oakwood. Mr. Duncan commended Chief Bebris on the department's annual report; read letters of thanks noted in the report and suggested the report be included on the website.

#### CITY MANAGER'S REPORTS

Orchardly Park. Mr. Klopsch reported work is progressing and on Monday, June 30, 5 p.m., the city will conduct a grand opening/ribbon cutting ceremony. He indicated it's been 17 years since the play equipment was replaced and they are also installing some great water features.

Finance Director. Mr. Klopsch explained the two finalists will be in for the final round of interviews with an offer to be extended within the week.

Dog Park. Mr. Klopsch referenced the meeting held a couple weeks ago, a good turnout, with the majority of participants excited; however, some have other opinions and concerns with the proposed location, etc. He indicated staff still has more work and research to do.

Mr. Klopsch indicated on a personal note his second child graduated from the Oakwood school system and he has been blessed to have raised his children in Oakwood. Mr. Klopsch extended thanks to Dr. Scalzo and the Oakwood schools.

#### COUNCIL COMMENTS

Mr. Duncan indicated he wasn't at last month's meeting and over the Memorial Day weekend, he had the opportunity to catch up on reading. He reviewed citations for the five Medal of Honor winners that made the ultimate sacrifice, commended the recent Oakwood High graduates and added, don't let anyone tell you that America's best days are behind you, because that is not true.

Mr. Byington extended thanks to the Oakwood Rotary for a fantastic That Day in May celebration, the perfect kickoff to the Centennial. He extended thanks to President Norbert Klopsch, and members Rob Stephens, Perry Martin and Ted O'Connor.

Mayor Cook was honored to be the Grand Marshall for the parade, a very memorable experience. She announced there are still openings for citizens to participate in the Hawthorn Hill tours. She extended thanks to the Wills for operating the television cameras.

Council adjourned. The public meeting concluded at 8:51 p.m.

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MAYOR

ATTEST:

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CLERK OF COUNCIL