

CITY OF OAKWOOD

STATE OF OHIO

AUGUST 8, 2005

The Council of the City of Oakwood, State of Ohio, met in a work session at 6:00 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. Mayor Cook opened the meeting by asking all present to participate in the Pledge of Allegiance. The Mayor, Mrs. Judy Cook, presided, and the Acting Clerk of Council, Assistant City Manager Mr. Jay Weiskircher, recorded.

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

MRS. JUDY COOK.....PRESENT
MR. CARLO C. McGINNIS.....PRESENT
MR. WILLIAM D. DUNCAN.....PRESENT
MR. ROGER C. BLUMENSHEID.....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. Brad Beachdell, Finance Director
Chief Glen Beddies, Public Safety Director
Ms. Carol Collins, Leisure Services Director

The press this evening was represented by the editor of the Oakwood Register, Mr. Lance Winkler and Helen Bebbington, staff writer for the Dayton Daily News.

The following visitors registered:

Joseph Koussa, Kettering
Len Wasky, 2600 Far Hills
Marilyn & Stan Maschino, 2225 Ridgeway Road
Lucy & Jess Perez, 1521 Ridgeway Road
Jim & Marty Schmidt, 1820 Coolidge Drive
Jeannine Phlipot, 2520 Deep Hollow
Nancy Campbell, 224 Grandon Road
Dick Good, 69 Park Road
Nev Wagner, 2420 Ridgeway Road
Terry Hall, 417 Telford Avenue
Russell Muntz
Pokey Huffman, 1100 Runnymede Road
Todd & Karen Maugens, 1545 Ridgeway Road

Mr. Duncan, Chair of the Council Committee on Minutes, advised council he had read the minutes of the regular and work sessions of council held July 11, 2005. 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 REPORT

Committee Appointments. Mayor Cook announced that William Loftus and Joan Franks have agreed to serve on the Martin Luther King Breakfast Committee.

Therefore, it was moved by Mr. Blumensheid and seconded by Mr. Duncan that the appointments be approved. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mayor Cook encouraged more citizens to become involved in the work of the MLK Committee.

Historical Society. Mr. McGinnis commented that he recently attended a meeting of the Oakwood Historical Society chaired by Theresa Prosser. He mentioned a number of upcoming Historical Society events including: a garage sale at the Romspert Homestead on September 17th; a film presentation on preservation issues will be held on October 18th; a pot-luck dinner will take place at the Lutheran Church of Our Savior on October 25th; and, the Founder's Day Celebration will be held on November 17th. Mr. McGinnis noted that the Historical Society is developing a walking tour brochure highlighting historically significant homes in the community. Mayor Cook added that

the first walking tour will take place in the Schantz Historic District. She also mentioned that the Historical Society and Oakwood Preservation Trust are currently considering the possibility of coming together as a single organization, and encouraged citizens who are not currently members to join the Historical Society.

Public Hearing. The public hearing was opened on a recent application to the Planning Commission by Sprint to locate three (3) building mounted antennas on the existing rooftop structure at the 2600 Far Hills Building. Mr. McGinnis commented that the Planning Commission received a letter from the city's telecommunication consultant concluding that Sprint had proven the need for the antennas, and that the application met the standards set forth in the city's Wireless Telecommunication Facilities ordinance. There were no comments from the audience so the public hearing was closed. In response to a question posed by Mr. Duncan, Mr. McGinnis confirmed that the new antennas will address current capacity issues resulting in enhanced service for Sprint users.

Therefore, it was moved by Mr. McGinnis and seconded by Mr. Castleman that the recommendation of the planning commission to approve the request of Sprint to affix three (3) building mounted antennas on the rooftop of 2600 Far Hills Avenue be approved. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Streets & Alleys. Mr. Blumensheid reported that he serves as Chairman of the Streets and Alley Committee and noted that sidewalks are often mentioned as one of the many assets of living in Oakwood. He commented on a proposed amendment to the existing sidewalk, curb and driveway apron policy which will cover areas within the community where there are currently no sidewalks. Mr. Blumensheid read the proposed amendment which provides that the city pay the cost of new sidewalk installation on side yard frontage.

Therefore, it was moved by Mr. Blumensheid and seconded by Mr. McGinnis that the proposed amendment be adopted. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

In response to a question posed by Mr. McGinnis the city manager noted that approximately three years ago the assessment policy was changed and the city began assuming replacement costs for all curbs and driveway aprons. Currently, the resident only pays for sidewalk replacement. He added that this is a minor change and only covers those situations involving new sidewalks on corner properties.

AFIT Rally. Mayor Cook commented that she, the city manager and a number of school officials attended the rally last week in support of AFIT. She made special reference to the three Oakwood high school students who also attended: Justin Quenneville, Millie Munitz, and Gabrielle Vanderburgh. She went on to add that the multi-jurisdictional support displayed at the rally by local elected and appointed officials is a good example of regionalism. She commended the Dayton Development Coalition and MVRPC for compiling a significant amount of information for BRAC officials on the importance and many benefits the region derives from AFIT.

Mayor Cook proceeded to the podium and asked Rob Wilson to join her while she read a Proclamation honoring him for his off-duty efforts more than a year ago in saving the life of William Muller. Mayor Cook noted at the conclusion of reading the Proclamation that Mr. Muller and his wife had planned to attend tonight's meeting but he is under the weather.

Mr. Shoemaker, Executive Director of Five Rivers Metro Parks, introduced to council and the members of the public in attendance, Mike Enright, a biologist with Five Rivers Metro Parks. Mr. Shoemaker added that one of the primary purposes of Metro Parks is the preservation of open space and managing the flora and fauna of the park system.

Mr. Enright reviewed a PowerPoint presentation dealing with deer. He commented on the differences between deer in urban settings and wild deer. He also mentioned that the population of deer in an urban setting multiplies more quickly since the deer have no natural predators. He reviewed the various varieties of plants that deer prefer to eat as well those that they tend to avoid. He mentioned that the deer population in Hills and Dales and the surrounding area has remained stable over the past several years. A recent infrared survey revealed approximately 22 deer in the immediate area – an increase of just 3 over the past two years. He noted that the Ohio Division of Wildlife prohibits the trapping or poisoning of deer, and noted that permits must be secured to thin the deer population. Mr. Enright also mentioned a number of products available on the market that are effective in repelling deer. Mr. Castleman inquired whether deer are hosts to the tick that carries Lyme disease. Mr. Enright indicated that they are. Mr. Blumensheid asked if the population is near the maximum limit. Mr. Enright reiterated that urban deer reproduce at a faster rate than

wild deer. In response to a question by Mr. Castleman, Mr. Shoemaker commented that due to the expense of installation and on-going maintenance, there are no plans to erect a fence to keep deer within the boundaries of Hills and Dales Park. It was also noted that many of the deer in the area live within the neighborhood rather than the park.

Nevin Wagner of 2420 Ridgeway Road commented that he has had as many as 9 or 10 deer in his yard at any one time. His primary concern is that because of the number of deer that frequent the areas along Ridgeway Road, drivers not familiar with the area may hit a deer and suffer serious personal injuries. He suggested that the city install deer crossing signs along Ridgeway Rd. It was mentioned that there are high-tech signs now available that activate a warning light when a deer approaches. Discussion ensued on the number of deer on private property, and Mr. Shoemaker noted that Metro Parks does not attempt to control deer on private property. A member of the audience asked whether sterilization is an effective method to try and control the deer population. Mr. Enright responded that even if you could sterilize the deer given the 10-12 year life span of deer, it would not solve the immediate problem. There are still large amounts of food available on private property, so sterilization is not a cost-effective or practical approach to controlling the population. It was mentioned that unless this issue is addressed collectively, the deer will just migrate from one location to another. Mr. Enright noted that the cost to thin a population usually runs in the \$300 to \$500 range per deer. Steve Harman, who has resided at the corner of Forrer Rd. and Woodstock Dr for the past 18 years, noted that the deer problem has gotten worse. He has tried a number of different methods to discourage the deer from coming onto his property, but nothing seems to work. He believes it is time to take care of the problem in a measurable way. Mr. Duncan thanked Mr. Enright for an excellent presentation, and Mayor Cook indicated that council will need to look at options before making a decision.

Mr. Koussa talked about the importance of American jobs overseas and encouraged everyone to buy American-made products.

ORDINANCE

BY MR. CASTLEMAN

NO 4590

TO AMEND SECTION I, APPROPRIATION ORDINANCE NO. 4563, TO PROVIDE FOR THE APPROPRIATION OF AN ADDITIONAL \$80,000 TO BE EXPENDED FROM THE PUBLIC FACILITIES FUND, AND AN ADDITIONAL \$200,000 TO BE EXPENDED FROM THE CAPITAL IMPROVEMENT FUND, FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2005.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Castleman introduced supplemental appropriation legislation which included \$80,000 from the Public Facilities Fund and \$200,000 from the Capital Improvement Fund. He commented that the additional \$80,000 will cover expenses for change orders, miscellaneous electrical work, roof sheathing and a screening wall along the west alley. The \$200,000 appropriation is to be used for street resurfacing on Triangle and Aberdeen, originally scheduled to be done in 2006.

Thereupon, it was moved by Mr. Castleman and seconded by Mr. Blumensheid that the ordinance 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. WILLIAM D. DUNCAN.....YEA
MR. ROGER C. BLUMENSHEID.....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.

ORDINANCE

BY MR. BLUMENSHEID

NO 4591

DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY, 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. Mr. Blumensheid introduced the annual street lighting legislation and encouraged residents to report street light outages since they are being charged for the lighting expenses.

Thereupon, it was moved by Mr. Blumensheid and seconded by Mr. Castleman that the ordinance be passed as an emergency measure.

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. WILLIAM D. DUNCAN.....YEA
- MR. ROGER C. BLUMENSHEID.....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.

ORDINANCE

BY MR. BLUMENSHEID NO 4592

LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY, 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. Mr. Blumensheid introduced the companion street lighting legislation which grants the city the authority to charge residents for street lighting costs.

Thereupon, it was moved by Mr. Blumensheid and seconded by Mr. Castleman that the ordinance be passed as an emergency measure.

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. WILLIAM D. DUNCAN.....YEA
- MR. ROGER C. BLUMENSHEID.....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. McGINNIS NO 1616

A RESOLUTION TO AUTHORIZE AND DIRECT THE DIRECTOR OF FINANCE TO CERTIFY CERTAIN DELINQUENT CHARGES FOR CUTTING NOXIOUS WEEDS TO THE COUNTY AUDITOR FOR COLLECTION.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. McGinnis introduced a Resolution to certify delinquent weed cutting charges to the county auditor for collection. This is an annual piece of legislation which covers those properties in which the city has cut the grass and the expenses associated with that work have not been paid. Mr. Klopsch added that this year's list includes only one property.

Thereupon, it was moved by Mr. McGinnis and seconded by Mr. Blumensheid 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. WILLIAM D. DUNCAN.....YEA
- MR. ROGER C. BLUMENSHEID.....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. CASTLEMAN NO 1617

TO AUTHORIZE THE SALE OF A SURPLUS FIRE TRUCK THROUGH THE USE OF EBAY AND WAIVING THE REQUIREMENTS OF §151.06 OF THE MUNICIPAL CODE.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Castleman introduced a Resolution to permit the city to use eBay for the sale of a surplus 1979 fire engine. Mr. Klopsch noted that the city has established a minimum bid of \$6,999 and the hope is that by using eBay, the city will be able to maximize the proceeds it receives for the truck.

Thereupon, it was moved by Mr. Castleman and seconded by Mr. Duncan 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. WILLIAM D. DUNCAN.....YEA
- MR. ROGER C. BLUMENSHEID.....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. BLUMENSHEID NO 1618

TO AUTHORIZE THE DIRECT THE CITY MANAGER TO SUBMIT A CAPITAL IMPROVEMENT PROJECT AND TO PROVIDE SUCH INFORMATION AS MAY BE REQUESTED BY THE DISTRICT 4 PUBLIC WORKS INTEGRATING COMMITTEE OR BY THE OHIO PUBLIC WORKS COMMISSION, DIRECTOR OF ADMINISTRATORS; TO APPLY FOR ISSUE 2 FUNDS FOR PUBLIC INFRASTRUCTURE CAPITAL IMPROVEMENTS; AND TO DECLARE AN EMERGENCY.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Blumensheid introduced a Resolution directing the city manager to submit an Issue 2 application for the proposed Oakwood Avenue Safety Project. It was noted that even if this project is not approved for funding, the city will be in a better position to receive federal funding in the future. In response to a question posed by Mr. Duncan, Mr. Klopsch stated that if the project is approved for funding, monies will not be available until after July 1, 2006.

Thereupon, it was moved by Mr. Blumensheid 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. WILLIAM D. DUNCAN.....YEA
- MR. ROGER C. BLUMENSHEID.....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

Finance Department Update. Mr. Beachdell, Finance Director, used a PowerPoint presentation to update council on issues involving the finance department. For the year, Mr. Beachdell reported that both income tax and estate tax revenue is exceeding projections. Estate tax revenue is over twice the budgeted amount. Mr. Beachdell reviewed a series of graphs showing balances of various city funds. He also noted that the city has not raised its income tax rate since 1982, and property taxes have not been increased by the city since 1991. Mr. Beachdell went on to report on the status of his department's 2005 goals and objectives. In response to a question posed by Mr. McGinnis, Mr. Beachdell commented on the benefits of being able to use the fiber optic cable to network between the various city facilities. Mr. Klopsch added that the benefit of networking was evident recently when a document was formatted in such a way so as to reduce the amount of work necessary to update accomplishments towards the goals & objectives identified in the Comprehensive Plan. Mr. Duncan asked about the status of the year end audit. Mr. Beachdell indicated that he should have something any day now. Mr. McGinnis inquired about income tax audits. Mr. Beachdell explained that every return is checked to make sure the math is correct, and he went on to add that each year the city targets a certain income level and those returns are subject to additional scrutiny. Mr. Beachdell commented further on a number of projects his department is currently working on including: an update of the street light assessment formula; re-writing the language in the water/sewer regulations; updating computer equipment as part of an on-going replacement program; preliminary work on the 2006 Budget; and a service that will provide citizens the option to use credit cards to pay for many city services. He added that associated credit card fees will be paid by the user and not the city. Council thanked Mr. Beachdell for his presentation.

CITY MANAGER'S REPORTS

Sugar Camp Update. Mr. Klopsch reported that city staff continues to interact with the Miller-Valentine staff as part of their due diligence process. The Miller-Valentine staff will be meeting with more than 30 current and former Oakwood residents to solicit comments and input on possible residential housing options for the Sugar Camp site. Mr. Klopsch added that there will be additional opportunities for interested citizens to have input in the coming months.

COUNCIL COMMENTS

Mr. Blumensheid thanked John Gray for hosting the community concert last Friday evening.

Mayor Cook noted that while she was unable to attend, the Living Strings concert was held on Lonsdale last weekend. She personally thanked Colleen and Julia Judge for their involvement in this event. Mayor Cook also noted that the Annual Ice Cream Social will be held on Sunday, August 21st at Shafor Park.

Council adjourned to work session. The public meeting concluded at 9:35 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL (ACTING)