

CITY OF OAKWOOD
STATE OF OHIO
JUNE 12, 2006

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 Clerk of Council, Ms. Cathy Blum, 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.....ABSENT
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. Jay A. Weiskircher, Assistant City Manager
Mr. Kevin W. Weaver, Engineer & Public Works Director

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

The following visitors registered:

Drake Russell, 23 E. Norman Street with Mother and Aunt
Debra Emke, 344 E. Peach Orchard
D. R. Kent, Rue Royale
Faye Wenner, 1900 Coolidge Drive
John & Heike Kennel, 1541 Runnymede Road
Dave Crusey, 230 E. Dixon
Anna & Nick Gough, 318 Oakwood Avenue
Jane Maney, 300 Southview Road
Mr. & Mrs. Gary Dursch

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

Mr. McGinnis, Council Committee on Minutes, advised council he had read the minutes of the regular and work sessions of council held May 1, 2006, work session of May 15, 2006 and executive session of June 2, 2006. Mr. McGinnis reported he found the minutes correct and complete. Therefore, it was moved by Mr. McGinnis and seconded by Mr. Blumensheid 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

Deer Issue. Mr. Blumensheid reported to date there have been 12 deer calls, 24 last year, and only 15 in the preceding five year period. He pointed out there is obviously an increase in calls. He added the city had a flyover deer count earlier in the year and noted 24 deer citations and a more recent flyover showed another 24. He indicated 11 deer have been killed either by a car, impalement on a fence and one poaching. Mr. Blumensheid noted they continue to monitor the issue as it relates to a management plan.

MVRPC. Mr. McGinnis reported, as council liaison to MVRPC, on the recent meeting he attended. Issues included senior transportation needs, amending the TIP, annual self-certification and review of new projects.

Oakwood Historical Society. Mr. McGinnis reported, as council liaison to the Society, on upcoming programs. On June 24, from 10-Noon, there will be a walking tour of the Schantz Park District. He indicated people are to meet at the stone pillars at Schantz and Oakwood and obtain a booklet for the self-guided tour which includes a variety of historic architectural examples. On July 23, the Society will host an Old Fashioned Picnic at the Long-Romspert Homestead. Mr. McGinnis referenced the Quarterly newsletter which includes a variety of interesting articles and the list of board members. Mayor Cook indicated interested citizens may join the Society to obtain that

publication. She noted the brochure for the walking tour has been funded by the Oakwood Rotary Foundation, another example of good networking to benefit the community.

Mayor Cook welcomed the visitors and recognized two new employees. Mr. Weaver introduced Drake Russell, public service worker; and Gary Dursch, water plant superintendent. Mayor Cook administered the Oath of Office to each employee.

Mayor Cook asked if there were any visitors with business. There being none, the following legislation was reviewed.

ORDINANCE

BY MR. CASTLEMAN

NO 4604

ADOPTING THE 2007 TAX BUDGET FOR THE CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 2007.

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 explained this is the second reading of this housekeeping ordinance.

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.....ABSENT
MR. ROGER C. BLUMENSHEID.....YEA
MR. STANLEY CASTLEMAN.....YEA

There being four (4) yea votes and no (0) nay votes thereon, said ordinance was declared duly passed and it was so ordered.

ORDINANCE

BY MR. BLUMENSHEID

NO 4605

DETERMINING TO PROCEED WITH THE REPAIRING OF SIDEWALKS AND APPURTENANCES THERETO EAST OF FAR HILLS AVENUE TO THE EAST CORPORATION LIMIT FROM EAST DRIVE TO ABERDEEN AVENUE AND CERTAIN OTHER STREETS BETWEEN CERTAIN TERMINI, IN THE CITY OF OAKWOOD, OHIO, PROVIDING THAT ABUTTING PROPERTY OWNERS REPAIR THE SAME, 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. Mayor Cook indicated this is the annual process for the project.

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.....ABSENT
MR. ROGER C. BLUMENSHEID.....YEA
MR. STANLEY CASTLEMAN.....YEA

There being four (4) yea votes and no (0) nay votes thereon, said ordinance was declared duly passed and it was so ordered.

RESOLUTION

BY MR. BLUMENSHEID

NO 1629

AUTHORIZING AND DIRECTING THE CITY MANAGER TO NEGOTIATE FOR THE PURCHASE AND INSTALLATION OF A PEDESTRIAN CROSSWALK SIGNAL AND APPURTENANCES FOR THE FAR HILLS BUSINESS DISTRICT AND WAIVING THE REQUIREMENTS OF THE FORMAL COMPETITIVE BIDDING PROCESS.

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 referenced all the activity in the Business District with Graeter's, Starbucks and the new building. He indicated in order to encourage parking on both sides of the District, and given all the parking spaces on the west side, the city determined to make pedestrian crossing easier with a pedestrian walk signal. He explained the pedestrian activates the signal which stops traffic. Mr. McGinnis asked where it is located. Mr. Klopsch explained a bit south of Orchard close to the new building.

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.....ABSENT
- MR. ROGER C. BLUMENSHEID.....YEA
- MR. STANLEY CASTLEMAN.....YEA

There being four (4) yea votes and no (0) nay votes thereon, said resolution was declared duly passed and it was so ordered.

ORDINANCE

BY MR. CASTLEMAN NO 4606

TO AMEND SECTION I, APPROPRIATION ORDINANCE NO. 4597:

1. TO PROVIDE FOR THE APPROPRIATION OF AN ADDITIONAL \$897.00 TO BE EXPENDED FROM THE **MLK COMMUNITY RECOGNITION FUND** TO ACCOMMODATE ADDITIONAL EXPENSES ANTICIPATED FOR THE MARTIN LUTHER KING ANNUAL BREAKFAST EVENT, THESE ADDITIONAL EXPENSES TO BE OFFSET BY EXPECTED REVENUE INCREASES; AND
2. TO PROVIDE FOR THE APPROPRIATION OF \$15,000 TO BE EXPENDED FROM THE **SPECIAL PROJECTS FUND** FOR THE ACQUISITION AND INSTALLATION OF PUBLIC BENCHES IN THE FAR HILLS BUSINESS DISTRICT FOR THE CONVENIENCE OF SHOPPERS AND CITIZENS, AND FOR THE ACQUISITION OF PLANTERS TO ENHANCE THE APPEARANCE OF THE FAR HILLS BUSINESS DISTRICT, AND
3. TO PROVIDE FOR THE APPROPRIATION OF AN ADDITIONAL \$55,000 TO BE EXPENDED FROM THE **CAPITAL IMPROVEMENT FUND** FOR PURPOSES OF IMPROVING PEDESTRIAN SAFETY BY INSTALLING A PEDESTRIAN TRAFFIC SIGNAL AND IMPROVING EXISTING CROSSWALKS IN THE FAR HILLS BUSINESS DISTRICT.

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 explained now that they approved the pedestrian walk, they need to appropriate funds and added this legislation takes effect immediately.

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.....ABSENT
- MR. ROGER C. BLUMENSHEID.....YEA
- MR. STANLEY CASTLEMAN.....YEA

There being four (4) yea votes and no (0) nay votes thereon, said ordinance was declared duly passed and it was so ordered.

ORDINANCE

BY MR. BLUMENSHEID NO 4607

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. Mr. Blumensheid referenced what a walking community Oakwood is and thanks to the process, every four years the city reviews the sidewalks for needed repairs. He explained property owners are notified, may make repairs themselves or hire someone and if not, allow the city to make the repairs. If the homeowner does not pay the repair cost, then it is assessed to the taxes, thus the legislation.

Thereupon, it was moved by Mr. Blumensheid and seconded by Mr. Castleman 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.....ABSENT
- MR. ROGER C. BLUMENSHEID.....YEA

MR. STANLEY CASTLEMAN.....YEA

There being four (4) yea votes and no (0) nay votes thereon, said ordinance was declared duly passed and it was so ordered.

RESOLUTION

BY MR. BLUMENSHEID NO 1630

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. Mayor Cook indicated this is a housekeeping measure.

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

There being four (4) yea votes and no (0) nay votes thereon, said resolution was declared duly passed and it was so ordered.

RESOLUTION

BY MR. CASTLEMAN NO 1631

A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE MONTGOMERY COUNTY SOLID WASTE MANAGEMENT DISTRICT.

A copy of the foregoing resolution, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Klopsch explained one of the many requirements imposed by the state on the county is that a triennial plan update be provided which outlines detailed information about solid waste in that county. The report includes an inventory of the system, and projection of the future as to how and where the waste will be handled. This helps to provide advance notice of potential solid waste disposal problems. He indicated he has reviewed the report, is also a member of the finance subcommittee, and believes Montgomery County has ample solid waste disposal capacity. Mr. Klopsch recommended council endorse the plan.

Thereupon, it was moved by Mr. Castleman 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.....ABSENT
- MR. ROGER C. BLUMENSHEID.....YEA
- MR. STANLEY CASTLEMAN.....YEA

There being four (4) yea votes and no (0) nay votes thereon, said resolution was declared duly passed and it was so ordered.

RESOLUTION

BY MR. CASTLEMAN NO 1632

TO AUTHORIZE THE CITY MANAGER TO APPROVE A CONTRACT WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO FOR SANITARY SEWER SERVICES FOR A PERIOD ENDING JUNE 30, 2016.

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 noted this is for a ten year contract on sanitary sewer. Mr. Klopsch explained although the city is self-sufficient in terms of refuse, police/fire, water and board of health, but can't provide wastewater treatment. In the past they have relied on the county or Dayton. He indicated this legislation would allow him to enter into a contract with the county.

Thereupon, it was moved by Mr. Castleman 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. WILLIAM D. DUNCAN.....ABSENT
MR. ROGER C. BLUMENSHEID.....YEA
MR. STANLEY CASTLEMAN.....YEA

There being four (4) yea votes and no (0) nay votes thereon, said resolution was declared duly passed and it was so ordered.

ORDINANCE

AMENDING SUBSECTIONS B AND C OF SECTION 17-800.7 OF THE OAKWOOD MUNICIPAL CODE RELATING TO THE APPOINTMENT OF AGENTS FOR LANDLORD REGISTRATION.

Mr. McGinnis introduced the legislation as a first reading only. He explained if a property owner has rental property in Oakwood but does not live in Oakwood, then they must have an agent in Montgomery County. This proposed ordinance eases up the regulation in that if the property owner has an office in Montgomery County, then they do not need a local agent. He suggested if anyone has any questions they could contact the city manager. Mayor Cook indicated they take the property maintenance standards for granted and one of the rules relates to keeping track of rental property owners so they comply with the same standards. She indicated these regulations are the envy of the region and currently the Mayors & Managers Association, First Suburbs and Dayton Regional Network members are trying to establish similar standards and inspections. She commended former City Manager Dave Foell for establishing these regulations years ago.

STAFF REPORT

Assistant City Manager. Mr. Weiskircher referenced a PowerPoint presentation and gave an update on staff personnel. He welcomed Drake Russell who replaced a retiring employee in the Public Works Department. Due to the retirement of Jerry Smith, a promotional process for a refuse driver was undertaken. He indicated four employees signed up and based on a written test, driving test and work record, Gary Rolfes was promoted. Mr. Weiskircher added they are also conducting a promotional process in the safety department since Lt. Gallimore is retiring (after 29 years of service). He indicated 11 signed up, they are now down to four after a 100-question test and are undergoing assessments, with a recommendation in a couple weeks. Mr. Weiskircher referenced Mr. Dursch who replaced Mr. Ramsey who had been with the city for 13 years and took a position in Iowa. Over the summer, they have hired 40 students to work at the pool, Smith Gardens, boulevards, parks, etc. Mr. Weiskircher indicated they have been busy with personnel issues and are still searching for a new Public Safety Director. Mr. Weiskircher indicated earlier in the year they signed a three-year contract with the DPSU (public works employees) and later this year will negotiate with FOP #107 (public safety officers) and then the five dispatchers.

In regard to special projects, Mr. Weiskircher reviewed the Park Avenue Streetscape RFP that was sent to eight companies, three responded, and Envision Works was awarded the contract. He noted one of the principals of Envision Works is an Oakwood High School graduate. He reviewed the three aspects of the proposal: 1) new guardrail on Ridgeway to be made from wood to blend with the natural areas; 2) Park Avenue upgrades based on input from an advisory committee of building owners and tenants, and a preferred scheme that includes enhancements to signage, decorative street lights, pavers and bollards to identify pedestrian areas, incorporation of trees and planters and enhanced parking; and 3) pocket park on Orchard near the new retail building, however, they plan to wait and learn from the new building parking and traffic flow.

Mr. Weiskircher referenced another project this year is to update the Business District Design Guidelines (“BDDG”) that were adopted in 1988. He indicated those guidelines help to improve and enhance the façade based on scale, color, building material, etc. He indicated the new retail building in the 2500 block of Far Hills is nearly completed except for signage and announced the third space has been leased, only one space remains open, and the first tenant plans to move in by August. To date, he has received many positive comments about the building. Mr. Castleman questioned the tenants. Mr. Weiskircher responded Chico’s, Pink Daisy and a high-end furniture store. Mr. McGinnis referenced the new pedestrian crosswalk and asked about plans in the District for pedestrian usage. Mr. Weiskircher indicated some businesses have rear entrances and they plan to work on handicap accessibility, new benches and planters. Mr. Blumensheid indicated the new building is great and he wished the businesses the best. Mayor Cook thanked Mr. Weiskircher for his report.

CITY MANAGER’S REPORTS

Mr. Klopsch commended Kevin Weaver and Bart Bornhorst for their work on overseeing the sidewalk and diagonal parking at the new building. He indicated the handicap ramp configuration was very unique.

Board of Health. Mr. Klopsch reported the board recently met to review the University of Dayton’s request to support an application to Ohio EPA for an Urban Setting Designation (“USD”) as it

relates to the 49-acres they purchased from NCR. He explained the USD designation relates to the level of groundwater cleanup requirements and since no groundwater will be pulled off that site, staff generally supports the request. Mr. Klopsch explained the presentation has been made to the Board of Health with a recommendation to be ultimately forwarded to council. He noted this is because Oakwood has a well within one-half mile of the area. Mr. Klopsch indicated the board held a public hearing two weeks ago; one person raised a question as to what will happen if the contaminated ground water does move off the property. He indicated that question suggests that UD should take responsibility for any clean up costs. Although he doesn't foresee any problems, the request will be reviewed again by the Board of Health.

Public Safety Director. Mr. Klopsch indicated although there are many fire chiefs and many police chiefs, there are very few with both fire and police qualifications. He indicated it takes a special person to oversee all three areas – police, fire and EMS. He noted although the search is taking quite a bit of time, the city has been able to maintain service. He noted a strong candidate will return for additional meetings the end of June.

DP&L. Mr. Klopsch recognized Dave Crusey, DP&L, and indicated work begins on a new street light contract. He indicated they plan to do this through MVCC for all eight member communities.

Mr. Weaver. Mr. Klopsch announced that Kevin Weaver passed the exam to be a state licensed water operator. He noted although Mr. Dursch also has the license, if he were not available, then Mr. Weaver's license would be needed.

Innovation Groups Meeting. Mr. Klopsch indicated a couple weeks ago, there was a 2 ½ day conference in Dayton sponsored by the Innovation Groups out of Florida. He noted that the Dayton area managers as well as state and local managers helped sponsor the event. He indicated it was very successful with nearly 600 attendees and excellent speakers. He commended Steve Husemann, former Kettering City Manager and now MVCC Executive Director for leading the project planning effort and added that Oakwood staff helped in a volunteer capacity.

Sugar Camp. Mr. Klopsch reported on the status of Sugar Camp. He indicated tentatively the new owner expects to make a presentation to the Planning Commission in August with the hope that the developer can get information out in advance to the community. He referenced the latest discussions with the Oakwood Investment Group on plans to retain the existing building with offices in Building D and the two rear buildings. The fourth building will house Beth Abraham Synagogue. The group also plans to construct housing for empty nesters. Mr. Klopsch indicated the plan fits in with the pre-planning the city has done. Mayor Cook explained the group purchased the property without having plans pre-approved and added the city has no control over who buys the property, only control on the use. She noted very often the developer comes in with the plans prior to the purchase; however, that wasn't the case in this regard. Mr. Klopsch indicated since the land has been dormant for several years and just prior to that, the use was sparse, any new use will generate traffic so the city will consider whether another traffic signal is warranted. Mr. Castleman asked about Lot #2. Mr. Klopsch indicated that is the 7 ½ acre lot on the corner and it is staff's understanding that property is under contract and should be under new ownership in the near future.

COUNCIL COMMENTS

Mr. Castleman extended congratulations to Mr. Weaver on obtaining the water certification.

Mr. Blumensheid took pride in the 2006 Oakwood High School graduating class and was amazed with the \$4.9 million dollars worth of scholarships. He wished all the students good luck. He also referenced the active military families and WPAFB employees that reside in Oakwood. He indicated MVCC recently added the Pentagon Channel for their viewing.

Council adjourned. The public meeting concluded at 8:38 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL