

CITY OF OAKWOOD  
STATE OF OHIO  
NOVEMBER 2, 2009

City of Oakwood, State of Ohio, met in a work session at 6:00 p.m. in the council chambers 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, Mrs. Cathy Gibson, 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
- Ms. Carol Collins, Leisure Services Director

The press this evening was represented by the editor of the *Oakwood Register*, Mr. Lance Winkler.

The following visitors registered:

- George Liston, 111 Oakwood Avenue
- Jim & Marty Schmidt, 1820 Coolidge
- Kimberly Guidone, 313 E. Peach Orchard Avenue
- Maggie & Garret Spikes, 105 Aberdeen Avenue
- Emry Quinn, 2200 Far Hills Avenue
- Fred & JoAnne Davis, 570 Acorn Drive
- Al Fratini, 239 East Drive
- Brent, Diane, Aiden and Colin Beck, 306 Telford Avenue
- Darrell Apt, 401 E. Hadley Avenue
- John Lynch, 570 Shafor Boulevard
- Wendy and Abbey Mauch, 361 East Drive
- Stan Smith, 111 Grandon Road
- Jim & Cheryl Lee, 1200 Hathaway Road
- Lyn & Blair Atherton, 356 Hadley Avenue
- Kip Bohachek, 86 E. Dixon Avenue
- Deb & Steve Wright, 112 Monterey Avenue
- Sue, Scott & Emma Gunnell, 2744 Fairmont Avenue
- Debra Edwards, 234 E. Dixon Avenue
- Paul and D. Gibbs, 231 Northview Road
- Sally McBride Solarek, 19 W. Monterey Road
- Jane Rininger, 25 Wisteria Drive
- C. Rand, 15 Lonsdale

Mr. Duncan, Chair of the Council Committee on Minutes, advised he had read the minutes of the regular and work sessions of council held October 5, 2009; the October 12, 2009 executive session; the October 19, 2009 work session; and the October 30, 2009 executive session. 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

Sugar Camp/Pointe Oakwood. Mr. Byington reported the western roadway known as "Old River Trail" now has curbs in place with the asphalt work to commence soon. They have completed the asbestos abatement on the cabins at Sugar Camp which are to be demolished. The model home is scheduled to be completed the beginning of December with an Open House to follow and construction will begin soon on the new home recently sold.

VISITORS

Scarecrow Row Contest Winners. Mayor Cook indicated this is a great part to the Family Fall Festival which continues to get bigger and better and this year there was a costume contest for children. She would like to reward everyone for their effort and contribution on the scarecrows.

awards for the following: Third Place Winner was Es-ty Association, Lucy Butler. Second Place Winner was Oakwood, Charrisa Rand. First Place Winner was Pablo elford, Brent Beck. The Mayor's Award was Happy Flowers for 35 Years by the Oakwood Environmental Committee Members and Mayor Cook presented that award to Chair Darrell Apt.

Beautification Award Winners. Mayor Cook referenced a film on the following winners and extended thanks for all the work done on the home/landscaping, an inspiration to others and celebration of the neighborhood: Mr. Stanford D. Smith, 111 Grandon Road; Mr. & Mrs. Jeffrey D. Mauch, 361 East Drive; Mr. & Mrs. Joseph B. Owen, 25 Triangle Avenue; Kelly Long & Mary Nagle, 2400 Far Hills Avenue; Ms. Melody Leeds, 403 Forrer/1518 Delaine Avenue; Mr. James P. Graham, 346 Greenmount Boulevard; Mr. Joseph Patko, 534 Hathaway Road; Mr. & Mrs. John Lombard, 400 E. Schantz Avenue; Dr. & Mrs. Hofeldt, 158 E. Dixon Avenue; Mr. & Mrs. William O. Cass, 246 Wisteria Drive; Mr. & Mrs. Todd Miller, 402 Telford Avenue; Ms. Rita M. Zimmerman, 126 E. Hadley Avenue; Mr. & Mrs. William McCarty, 221 Monterey Avenue; Mr. & Mrs. John H. Campbell, 224 Grandon Road; Mr. & Mrs. Peter T. Sullivan, 211 Oak Knoll Drive; Mr. Domenico G. Stolfo, 21-23 Park Avenue; Mr. & Mrs. John Hutton, 630 Runnymede Road; Mr. Lee Carpenter, 49 Park Avenue; Mr. Timothy F. Peters, 52 Harman Terrace; Mr. & Mrs. Keith N. Browning, 131 Katherine Terrace; Mr. & Mrs. George E. Liston, 111 Oakwood Avenue; Mr. & Mrs. Ron J. Mescher, 417 E. Schantz Avenue; Ms. Debra Edwards, 234 E. Dixon Avenue; Mr. & Mrs. James Albert Lee, 1200 Hathaway Road; Mr. & Mrs. William J. Ryan, 241 Aberdeen Avenue; Mr. Thomas W. Allen, 227 Hadley Avenue; Ms. Kimberly M. Guidone, 313 E. Peach Orchard Avenue; Mr. & Mrs. Eric Fester, 145 Hadley Road; Mr. & Mrs. Paul Gibbs, 231 Northview Road; Mr. & Mrs. Charles Castle, 120 Patterson Road; Mr. Ronald Waker, 820-824 Far Hills Avenue; Mr. & Mrs. Daniel Higgins, 241 Harman Boulevard; Mr. & Mrs. Gregory Spikes, 105 Aberdeen Avenue; Mr. & Mrs. Don Groff, 217 Hadley Avenue; Mr. & Mrs. Jeremy Wilson, 324 E. Peach Orchard Avenue; Mr. & Mrs. Billy Combs, 420 Triangle Avenue; Mr. & Mrs. Albert Fratini, 239 East Drive; Mr. & Mrs. William Martin, 1430 Raleigh Road; Mr. & Mrs. Eric Gallatin, 2245 Ridgeway Road; Mr. & Mrs. Frederick L. Davis, 570 Acorn Drive; Mr. & Mrs. Charles R. Hurst, 560 Hathaway Road; Mr. and Mrs. John G. Lynch, 570 Shafor Boulevard; Mr. & Mrs. R. Eugene Ketter, 149 Greenmount Boulevard; Ms. Teresa A. Prosser, 315 Harman Boulevard; Mr. & Mrs. Brad M. Lynch, 152 Patterson Road; Mr. & Mrs. Edward M. Buffington, 133 Wisteria Drive; Mr. & Mrs. Brian Knostman, 6 Greenmount Boulevard; Ms. Lynette M. Schoenlein, 356 Hadley Avenue; Mr. & Mrs. Stephen Wright, 112 Monterey Avenue; Mr. & Mrs. James A. Schmidt, 1820 Coolidge Drive; Mr. & Mrs. Scott Gunnell, 2744 Fairmont Avenue; and Mr. & Mrs. Jim Kordik, 24 Monterey Road. She presented the awards to those in attendance and reiterated thanks for making Oakwood beautiful.

There were no other visitors with business.

## LEGISLATION

### ORDINANCE

TO AMEND SECTIONS 148.03(G) AND 148.15 OF THE MUNICIPAL INCOME TAX CODE RELATING TO THE OFFSET OF BUSINESS LOSSES.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Duncan explained this is a first reading and amends the income tax code as it relates to business losses so as to be consistent with other cities.

### ORDINANCE

TO AMEND SECTION 505.071 OF THE OAKWOOD CODIFIED ORDINANCES RELATING TO NO TETHERING.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Byington explained this is a first reading and follow-up to the request from the Wright State University students on the ethical treatment of animals and defines tethering.

### RESOLUTION

BY MR. BYINGTON

NO 1704

A RESOLUTION TO PROCEED WITH THE FAR HILLS AVENUE AND PATTERSON ROAD INTERSECTION IMPROVEMENTS PROJECT UNDER THE FEDERAL ARRA PROGRAM.

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 entering into an agreement for the curb/ramp replacement project along Far Hills and along Patterson through the American Recovery Act.



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tion and seconded by Mr. Castleman that the resolution be

the motion, the following vote was recorded:

- 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 1705

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT WITH FOP LODGE NO. 107 REPRESENTING PUBLIC SAFETY OFFICERS.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read in its entirety.

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

Mr. Duncan referenced the Ohio statute that establishes a negotiating process which requires an independent third-party fact-finder if there are outstanding issues and if that is rejected then binding conciliation is forced upon the city. He noted for the past 12 years, an agreement was not reached without a fact-finder; but thanks to the new FOP leadership, an agreement was negotiated in good faith which saved staff time. Mr. Duncan noted the agreement is generous, compared to others, with the following raises: 3%, 3 ¼% and 3 ½%, but less than the historical increases of 5% which were forced on the city. He believes the FOP realized the economic situation and two threats to revenue sources, i.e., (Dayton might raise its income tax rates, and possible changes to the estate tax) which might impact all employees. Mr. Castleman explained although he will vote yes, he does so with reservation based on the state statute that was adopted in 1982, the uniqueness of the Oakwood Safety Department and previously imposed generous settlements. He expressed concern with the \$133,000 salary/benefit package for officers and referenced Mayor Cook and Vice Mayor McGinnisø expressed concerns with the 1982 statute. Mr. McGinnis suggested a citizen ad hoc committee review employee costs, including non-union employees, and although he plans to vote for this resolution, they need to look at employee costs. Mayor Cook reported she testified last week at a local government reform meeting on economic growth and other issues, on behalf of the First Suburbs, and had mentioned then how the system is untenable for cities and the arbitration system playing field should be more level.

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 MAYOR COOK

NO 1706

A RESOLUTION SUPPORTING THE WRIGHT BROTHERS STATUE IN THE UNITED STATES CAPITAL ROTUNDA.

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 met with and testified to the statue review committee while in Dayton and encouraged them to place the Wright Brothers statue in the United Sates Capital Rotunda.

Thereupon, it was moved by Mayor Cook 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



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DUNCAN ..... YEA  
 CASTLEMAN ..... YEA

(0) nay votes thereon, said resolution was declared duly

STAFF REPORT

Leisure Services Department Update. Mr. Klopsch commented he had asked Ms. Collins to present an abbreviated report this evening. Ms. Collins explained the Johnny Appleseed Tree Program is underway; applications for the homeowner to purchase a tree at half the cost are due November 8. The application forms are available at the Community Center and she reviewed available trees for this year's program. She noted Ohio continues to be a national leader in the Tree City, USA program and extended thanks to the Environmental Committee that is instrumental in helping with this program.

Ms. Collins announced a new Amateur Photography Contest with four submission categories: landscaping/architecture; Smith Gardens; people/pets; and nature/wildlife. She indicated all submissions will be shown at a November 7 open house and some will be used in the 2010 calendar. Ms. Collins invited seniors to the Annual Luncheon scheduled for December 2 at 11:30 with entertainment by the Oakwood Accordion Band. She announced December 5 is the annual Candy Cane Hunt at Shafor Park for children ages 3-8; and December 13 is the Annual Lighting of Oakwood with luminaries which the Environmental Committee is very instrumental with.

CITY MANAGER'S REPORTS

Athletic/Recreation Master Plan. Mr. Klopsch reported the committee met a couple weeks ago and they are beginning to reach some common themes for the Master Plan although they are still at the front end of the project. He announced the next community meeting is scheduled for Wednesday, December 16, 6:30 p.m. at the OCC. To date, the city has received 325 written surveys and have extended the submission deadline.

Rescheduled Planning Commission Meeting. Mr. Klopsch announced due to a lack of quorum, this week's meeting is rescheduled for November 18.

COUNCIL COMMENTS

Mr. Castleman expressed his appreciation for all the beautiful patios in Oakwood shown during the beautification film. He reminded everyone that tomorrow is a great day in America, and citizens should exercise the privilege to vote.

Mr. Duncan noted 20 years ago was the fall of the Berlin Wall and he is thankful for the right to vote.

Mr. Byington asked everyone to get out and vote.

Mr. McGinnis referenced his presentation before the Governor's committee on local government reform so the region might work cooperatively to streamline costs and commended the report from MVRPC. He indicated MVRPC is working on a long range land use planning process so as to not duplicate transportation costs, etc. He also commended Mayor Cook's comments and recognized City Manager Klopsch for helping council prepare.

Mayor Cook extended thanks to Dr. Apt and Kip Bohachek for their assistance with the beautification awards. She referenced a ceremony she attended last week at the Air Force Museum in honor of Major General (Retired) Charles Metcalf who receiving the Distinguished Eagle Scout Award from Neil Armstrong. She commended General Metcalf, who previously served on Oakwood Council, on this deserving honor. It was a glorious evening and there were a wide range of ages of Eagle Scouts.

Mayor Cook thanked the Wills for operating the cable equipment and announced the next meeting is scheduled for December 14.

Council adjourned. The public meeting concluded at 8:46 p.m.

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MAYOR

ATTEST:

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CLERK OF COUNCIL