

CITY OF OAKWOOD

STATE OF OHIO

MARCH 1, 2010

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.

The Mayor, Mr. William Duncan, presided, and the Clerk of Council, Mrs. Cathy Gibson, 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. STANLEY CASTLEMAN PRESENT
MR. ROBERT P. STEPHENS PRESENT
MRS. ANNE S. HILTON PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager
Mr. Jay A. Weiskircher, Assistant City Manager
Chief Alex Bebris, Public Safety Director
Mr. Kevin Weaver, P.E., P.S., Public Works & Engineering Director

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

The following visitors registered:

Veronica Court, 300 Oakwood
Rudolf Hofmann, 221 Brookway
Ann Snively, Wright Library

Mayor Duncan welcomed Councilman Castleman back from his month in Florida.

Mrs. Hilton, Chair of the Council Committee on Minutes, advised council she had read the minutes of the regular and work sessions of council held February 1, 2010 and of the work session held February 22, 2010. Mrs. Hilton reported she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Mr. Castleman that the minutes of the sessions of council 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

2010 Census. Mayor Duncan explained the United States Constitution requires a census count – the ten question form will be sent mid-March and takes ten minutes to complete. He noted if a citizen has any questions, to go to the 2010census.gov website.

Natural Gas Aggregation. Mr. Stephens explained the program with IGS will end March 31. Seven communities through MVCC were able to negotiate a better rate for 27,000 users over the last six months; however, the program will cease April 1 and all residents will be transferred back to Vectren. He noted citizens do not need to do anything. Mr. Klopsch indicated this program saved the average homeowner \$40-\$50, a guaranteed savings. However, unless the owner decides to go select an alternate supplier, everyone will revert back to Vectren.

Criminal Activity. Mr. Stephens referenced recent articles about burglaries and arrests (thanks to the fabulous police force) and asked for an update. Mr. Klopsch reported a few weeks ago he was contacted by a property owner on Acorn, northeast quadrant of the city, about burglaries so he and Chief Bebris met with concerned neighbors. They had a good dialogue during which they reviewed past years history showing that criminal activity is not increasing. However, regardless of statistics, once your home/property has been violated, statistics don't mean much.

Chief Bebris referenced a PowerPoint presentation on updates relating to criminal arrests, crime trends, crime prevention strategies and wildlife. He reported there had been an increase in activity in December/January and an arrest was made on February 11 of Nicholas Jenkins on six counts of burglary. He noted although Mr. Jenkins hasn't yet confessed, he is probably responsible for four to six more counts. The second arrest of a subject has been in cooperation with Kettering and relates to vehicle entry cases. He noted Oakwood is attractive to thieves and referenced a pin map board that shows the areas in the community that have been violated and although he would prefer not to

have any pins, it's evident the crimes are dispersed throughout the community. Chief Bebris reviewed a chart of burglaries from 2001-2009 showing a decline as well as charts relating to larcenies, auto thefts and robberies during that same time. In response to a question, Chief Bebris explained a robbery includes use of force but not always with a weapon. He reviewed the following strategies: personal responsibility to self and community; detectives will follow-up on field interviews; and pawn shop details and patrol missions will be directed as situations warrant.

Chief Bebris referenced wildlife in Oakwood and in particular deer calls and a recent call on relating to an urban coyote sighting. He reviewed a chart of deer calls and deceased deer from 2005-2009. Chief Bebris indicated the city received a report of at least one coyote in the 500 block of Hathaway. Based on that call, contact was made with the Ohio Division of Wildlife for guidance. He explained the urban coyote are usually small game hunters of mice/rabbits, etc. and might take a small deer but not a full size deer; however they may also go after domestic cats and dogs. As a general rule, urban coyote will run when having contact with humans, unless they feel threatened. Chief Bebris explained the general recommendation in dealing with the coyote is to leave them alone, unless they are posing an immediate threat or are acting in a strange manner. The latter is described as "hanging around" a residence and not running off, appearing to be sick or injured, or actively engaging in a confrontational behavior. He explained the only appropriate action if confronted with a coyote acting/behaving as may be described is to put the animal down. The only appropriate tool is the firearm and under no circumstances will the city attempt to trap, corner, use snares, etc.. Chief Bebris indicated all reports of coyote will have an officer dispatched to the reported location. As much information will be obtained from the caller as to the time/location/behavior of the animal and will be documented in the ALERTS system as an animal complaint.

Mr. Castleman asked if the urban coyote belongs to the State of Ohio like the deer. Chief Bebris hadn't asked that question. Mr. Klopsch believes that is the case but will verify. Mr. Stephens asked if they have numbers on 2010 burglaries. Chief Bebris didn't have the information with him. Mr. Stephens noted the suspect appears to be responsible for a significant number. Chief Bebris concurred and reiterated burglaries are cyclical in nature. Mr. Byington relayed a story about an e-mail he received from a citizen with concerns of suspicious activity in her neighborhood which he forwarded to the city manager, who forwarded to the Chief and then Lt. Jones met with the citizen. The resident was unsure about when to call the safety department when something was out of the ordinary. Lt. Jones provided her detailed instructions. During the recent snow storm, she answered her door and was asked if she needed any shoveling done, which she felt unsure about so called the safety department and a couple days later, recognized the photo of the arrested burglar as the same one at her door.

Mr. Klopsch referenced his comments about the meeting with the Acorn residents and how the city plans to work with those neighbors and members of the Rotary and POSSSIE (Professional Oakwood Singles group) to clean up the area of debris and complete fence repair, lights, etc., once they obtain Dayton's approval. He explained that area is Dayton's sewer access road and is poorly maintained. Mayor Duncan indicated he also attended a portion of that meeting and was pleased to see how the city and citizens are working together.

Athletic/Recreation Master Plan. Mr. Castleman emphasized this is a master plan and they are gathering information to assist in making a decision on recreation needs. He announced that a brochure of proposed concepts will soon be mailed to residents which he hopes they'll review. Later in the month, a random telephone survey of 300 households will be conducted, then an interview of 26 citizens, cost estimates put together, and a community meeting scheduled for April 29. Mr. Castleman reiterated this master plan will outline interests for the city within the next five to ten years. Mr. Klopsch explained they are looking at four sites – OCC/Tennis/Pool/Shafor Park, Old River, Irving Field and Creager Field. He indicated the brochure outlines exciting concepts and reflects the hard work of the 25-member committee.

First Suburbs. Mr. Byington reported on last week's meeting of this first ring cities consortium which surround Dayton. They met in Trotwood at the Friendship Village, discussed affordable housing and was pleased to see Dayton Mayor Leitzel there. Mr. Byington indicated he has spearheaded a new newsletter which shares information on projects in each community to help develop regional excellence. The newsletter is called "Scope" and he included information on the city's athletic/rec master plan and received questions from other communities about the process.

MVRPC. Mr. Byington explained they are in the Phase 2 of Going Places program, a look at future land development. He indicated they are holding several community meetings in the region and invited citizens from Oakwood to attend the March 17th meeting at the Wright Dunbar Center from 6-7:30 p.m.

VISITORS

Wright Library "Big Read". Mayor Duncan recognized Wright Library Director Mrs. Ann Snively. Mrs. Snively announced the annual Big Read community project sponsored by libraries, *DDN* and book stores. She presented a copy of the book to council and encouraged participants to join in the discussion. She explained this is a historical novel set in 1921 and the main character is a teacher from Ohio. Mr. Klopsch wondered if she knows the number of book clubs in Oakwood. Mrs. Snively responded no, but that would be an interesting question to have answered. Mayor Duncan thanked her for attending.

Mayor Duncan asked if there were any other comments from the audience. There being none, the following legislation was reviewed.

ORDINANCE

BY MR. BYINGTON NO 4694
TO ENACT SECTION 805, TRANSITIONAL USE DISTRICT, AND
SECTION 1208 DISTRICT REGULATIONS, TRANSITIONAL USE
DISTRICT IN THE OAKWOOD CODIFIED ORDINANCES.

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 relates to two properties that have historically been transitional between the residential and business zones. The Planning Commission reviewed and recommended approval of this transitional use district. Since 1946, these buildings have been used as medical buildings and one owner is trying to sell the property but since the medical profession has changed and physicians are grouped together near hospitals, he needs options. This legislation will permit the building to be used for medical or dental, business or professional, or city use and maintains same protections as a transition between commercial and residential districts.

Thereupon, it was moved by Mr. Byington and seconded by Mr. Stephens that the ordinance be passed without two readings.

Mayor Duncan opened the public hearing. Mr. Byington explained the Planning Commission also held a public hearing and there was no opposition. There being no comments, the hearing was closed.

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. STANLEY CASTLEMAN YEA
- MR. ROBERT P. STEPHENS YEA
- MRS. ANNE S. HILTON 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. CASTLEMAN NO 4695
AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN
THE MAXIMUM PRINCIPAL AMOUNT OF \$800,000 IN ANTICIPATION OF
THE ISSUANCE OF BONDS, FOR THE PURPOSE OF CONSTRUCTING A NEW
MUNICIPAL SERVICE CENTER BUILDING, 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. Castleman explained this relates to refinancing the note for the public works facility paying down the \$1,000,000 to \$800,000.

Thereupon, it was moved by Mr. Castleman and seconded by Mrs. Hilton 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:

- MR. WILLIAM D. DUNCAN..... YEA
- MR. STEVEN BYINGTON YEA
- MR. STANLEY CASTLEMAN YEA
- MR. ROBERT P. STEPHENS YEA
- MRS. ANNE S. HILTON 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. CASTLEMAN NO 4696

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$300,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF RENOVATING AND PROVIDING ADDITIONAL FACILITIES FOR THE CONDUCT OF GOVERNMENTAL OPERATIONS, INCLUDING LEGISLATIVE, ADMINISTRATION AND PUBLIC SAFETY, BY CONSTRUCTING ADDITIONS TO, REMODELING, RENOVATING AND EQUIPPING THE EXISTING CITY ADMINISTRATION BUILDING AND PROVIDING FOR ALL NECESSARY APPURTENANCES, 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. Castleman explained this relates to the administrative building and pays down the \$450,000 note to \$300,000.

Thereupon, it was moved by Mr. Castleman and seconded by Mr. Stephens 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:

- MR. WILLIAM D. DUNCAN..... YEA
- MR. STEVEN BYINGTON YEA
- MR. STANLEY CASTLEMAN..... YEA
- MR. ROBERT P. STEPHENS..... YEA
- MRS. ANNE S. HILTON 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. CASTLEMAN NO 4697

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,500,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING REAL PROPERTY FOR PARKS AND RECREATIONAL PURPOSES, 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. Castleman explained this pays down the Old River property from \$1,700,000 to \$1,500,000.

Thereupon, it was moved by Mr. Castleman and seconded by Mrs. Hilton 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:

- MR. WILLIAM D. DUNCAN..... YEA
- MR. STEVEN BYINGTON YEA
- MR. STANLEY CASTLEMAN..... YEA
- MR. ROBERT P. STEPHENS..... YEA
- MRS. ANNE S. HILTON YEA

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

STAFF REPORT

Engineering and Public Works Update. Mr. Weaver reported on snow removal. To date, there have been 1,012 hours of overtime; 1,190 tons of salt used and staff has been interviewed by the media (Mike Kingdom and Vere Mason in the *DDN* and Steve Kuntz on *WHIO TV*). He referenced the Stimulus Funds Project which includes curb ramps on Far Hills Avenue, part of the \$184,209 ARRA grant, the city contributed \$55,000 and construction will begin this spring by Kokosing. Mr. Weaver referenced the Pointe Oakwood project and indicated Pointe Oakwood Way will be paved to provide access to the Old River athletic fields. He reviewed other projects which include asphalt pavement; curb, walk and apron project; Oakwood Avenue pavers; Far Hills catch basin repairs; and concrete street repairs.

Mr. Weaver reviewed water projects which include hydrant flushing/repair and a leak detection survey. He referenced water production items which include the triennial sanitary survey, NPDES inspection, valves and 210 Shafor softening media. Mr. Weaver reported the city received compliments from the Ohio EPA on the triennial survey and how Mr. Gary Dursch had everything

prepared and accessible. He commended Mr. Dursh on same. He noted in regard to refuse, the mulch program will be offered again in the spring. Mr. Weaver indicated other miscellaneous items relate to the Vectren Bare Steel/Cast Iron program. Mr. Stephens asked if the city does the Oakwood Avenue paver work. Mr. Weaver concurred. Mr. Stephens noted Old River opens early April; however, the access road won't be completed until later. Mr. Weaver explained they intend not to open until after the Memorial Day soccer tournament, probably early June. Discussion ensued regarding the softening media.

Mayor Duncan commended the Code Red call requesting residents to remove snow from fire hydrant locations. Mr. Weaver was pleasantly surprised with the response and work that citizens did in that regard. Mayor Duncan indicated he received many compliments on the snow removal and asked that thanks be extended to the department.

CITY MANAGER'S REPORTS

Code Red. Mr. Klopsch encouraged citizens to inform the safety department of their cell phone number for inclusion on the Code Red list, particularly those who no longer have a land line.

February Mayors & Managers Meeting. Mr. Klopsch reported they had good presentations on economic development issues from the Dayton Development Coalition and DP&L, the later of which has incentives on electric bills for growing businesses.

Department of Health. Mr. Klopsch also commended Mr. Dursch on his work in the water softening plant. As the Ohio EPA license holder, his performance and recent inspection are to be commended. Mr. Klopsch indicated Oakwood is the only local health department in Montgomery County and extended thanks to Sanitarians Paul Scaglione and Jennifer Wentzel, Oakwood's primary contacts. They work on food service requirements for restaurants, That Day in May, DLM, etc., and recently passed the State inspection with no faults and complimentary comments.

Community Shred. Mr. Klopsch announced the Community Shred has been scheduled for April 24 from 9–11:30 at the Public Works Center. He explained once a year, based on state record disposal regulations, the city has documents destroyed and during that time citizens are offered the service free of charge. He indicated this was Mr. Weiskircher's idea and has been well received.

Mr. Klopsch indicated this past weekend; he was a "celebrity judge" at the Girl Scout's pinewood derby event at the Oakwood United Methodist Church. He indicated there were 40-50 wonderfully made cars and the difficult part was choosing the winners. He took away from that event how wonderful the community is and the involvement of families.

COUNCIL COMMENTS

Mr. Stephens extended thanks to Chief Bebris and the police force on keeping the city safe, for making a presence in the community and commended the great job they do.

Mayor Duncan referenced the following article of a Daytonian:

Profiles of Valor: WWII Vet Louis Stamatakos

On Feb. 28, 1945, Louis Stamatakos saved a B17 Flying Fortress crew from sure disaster in the skies over Germany. The 19-year-old from Dayton, Ohio, was trained as a tail gunner and survived 31 missions over Europe with the 8th Air Force, which flew out of England. While bombing railroad yards in Kassel, Germany, on his 23rd mission, two 250-pound bombs failed to drop. One was stuck by a single shackle and the other by both shackles. "Everyone went crazy when they heard that," Stamatakos said, "and then somebody said, 'Hey, get the Greek, he's been going to armament school.' I took a look and said, 'Well, maybe I can break them loose.'"

Break them loose he did -- with a short-handled fire ax. The wind had spun a small propeller on the nose of one bomb, which armed it and meant one false move would detonate it. At 20,000 feet and 20 below zero, Stamatakos kept swinging until the shackles released both bombs. "That's back when I was young and dumb," said Stamatakos. Crewmate Richard Rainoldi, a retired Air Force colonel, said, "If he hadn't done it, it was either bailing out or blowing up."

Stamatakos's three sons were so impressed with their dad's story that they tracked down Rainoldi, who had been the plane's navigator, and he gave a sworn statement that was delivered to the Army. On Christmas Eve, 2009, Stamatakos, now a retired Michigan State University professor, received a letter from the Department of the Army saying he would be awarded the Silver Star in a ceremony on Feb. 17 at Michigan's state capitol in Lansing.

Mayor Duncan noted March Madness is here and extended congratulations to Wright State University on their recent win, hopes the University of Dayton does as well, and both teams make the tournament.

Mayor Duncan extended thanks to his friends the Cramers of Bellbrook on their gift of a personalized gavel for use at council meetings.

Council adjourned. The public meeting concluded at 8:55 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL