

CITY OF OAKWOOD

STATE OF OHIO

APRIL 18, 2005

The Council of the City of Oakwood, State of Ohio, met in a work session at 5:00 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.....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. Jay A. Weiskircher, Deputy City Manager
Chief Glen O. Beddies, Public Safety Director

The press this evening was represented by the editor of the Oakwood Register, Mr. Lance Winkler and staff writer from the Dayton Daily News, Joanne Clodfelter.

The following visitors registered:

Kent Bristol, MVCC
Joseph Koussa, Kettering
Gary S. Hauday, Dublin
Shawn Roush, Dublin
Len Waske, 2600 Far Hills
Gale Hirst, Dublin
Dave Crusey, 230 E. Dixon

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 March 7, 2005 and of the work session held March 21, 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 REPORTS

Proclamation. Mayor Cook read in its entirety a Proclamation for Arbor Week which is appropriate since the city treasures trees. She indicated the city makes a significant investment in the inventory and care of the trees and as a result has been a Tree City USA designee for 23 years.

Committee Vacancy. Mayor Cook announced a vacancy on the important Planning Commission and urged any interested citizens to contact the city for an application.

Mayor Cook welcomed the visitors. Mr. Koussa extended prayers to the U.S. troops. He indicated he is still speaking to the public about saving gas and urged everyone not to unnecessarily idle their vehicles.

Cingular Application. Mr. McGinnis reported at the March 2nd planning commission meeting, Cingular Wireless presented an application to install cell phone antennas in the business district. He noted this is an innovative approach, not the conventional tower, but 16 1' x 8' panels on the corners of the 2600 Far Hills Building. The commission reviewed criteria and determined that the color and material will match the brick, the panels are aesthetically pleasing and the applicant showed the need. Mr. McGinnis indicated the commission unanimously recommended approval since the request complies with the ordinance and will enhance cell phone reception.

Therefore, it was moved by Mr. McGinnis and seconded by Mr. Blumensheid that the recommendation of the planning commission to approve the request of Cingular Wireless to affix wireless telecommunication antennas to the building at 2600 Far Hills Avenue, and known as lot 3463-67 pts., be concurred in and installation of the antennas approved.

Mayor Cook opened the public hearing. Mr. Duncan wondered when the panels will be installed. Mr. Weiskircher indicated the applicant is ready to proceed. Mr. Winkler asked if the function of the panels is to boost usage or create a signal. A representative from Cingular Wireless indicated the four panels at each corner of the building are an actual cell site and will produce the signal.

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 motion was declared duly passed and it was so ordered.

ORDINANCE

BY MR. McGINNIS

NO

AMENDING SECTION 901.9 OF TITLE 9 OF THE OAKWOOD ZONING 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. McGinnis explained this amendment was reviewed at the April 6th planning commission meeting and amends zoning regulations relating to entrance pillars.

Thereupon, it was moved by Mr. McGinnis that the ordinance be given a first reading. Mayor Cook opened the public hearing. There being no comments, the hearing was closed. Mr. Klopsch indicated the city doesn't receive a lot of requests for these entrance pillars but it does add to the curb appeal of the property.

ORDINANCE

BY MR. BLUMENSHEID

NO 4583

TO AMEND SECTION 311.01 (d) OF TITLE THREE, STREETS AND TRAFFIC CONTROL DEVICES, OF PART THREE OF THE TRAFFIC CODE OF THE CODIFIED ORDINANCES OF OAKWOOD.

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 explained part of their beautiful community includes not only homes but landscaping and maintenance. He indicated when brush is disposed of; and as a courtesy to neighbors, citizens need to place debris in proper locations. He explained this clarifies the language to include not only streets, but alleys or highways.

Thereupon, it was moved by Mr. Blumensheid and seconded by Mr. Duncan that the ordinance be passed by waiving the second reading so it may go into effect immediately.

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. BLUMENSHEID

NO 1607

DECLARING THE NECESSITY OF REPAIRING SIDEWALKS AND APPURTENANCES THERETO ON WEST SCHANTZ 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 resolution, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Blumensheid referenced comments received at the New Resident Breakfast attendees about how the sidewalks/walking community attracted them to Oakwood. As Chair of the Streets & Alleys Committee, he presented the annual sidewalk maintenance resolution and added this year the project is west of Far Hills.

Thereupon, it was moved by Mr. Blumensheid and seconded by Mr. McGinnis that the resolution 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 resolution was declared duly passed and it was so ordered.

Mr. Duncan announced Norbert Klopsch recently celebrated his third anniversary date as the city manager. At the March work session, council conducted a formal evaluation of Mr. Klopsch’s job performance and announced that Mr. Klopsch should receive a merit increase to the top of the salary range. Mr. Duncan indicated he and Mr. Castleman, as members of the Finance Committee, recommend that Mr. Klopsch’s salary be increased by approximately 4.6% and retroactive to April 1, 2005.

Therefore, it was moved by Mr. Duncan and seconded by Mr. Blumensheid that the aforementioned salary increase for City Manager Norbert Klopsch be authorized.

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 motion was declared duly passed and it was so ordered.

STAFF REPORT

Public Safety Department Update. Chief Beddies reviewed departmental budget goals and objectives. First is the analysis of 21 special assignments, through Captain Lantz, that are added to safety officer duties and include paramedic, evidence tech, bike patrol, etc. They are reviewing the cost of the initial certification, ongoing training and whether these assignments are justified to the community. The second is to evaluate the 17 public safety officer programs, through Captain Conroy. They will study the benefit to the department, cost of the program, cost to divert officers from patrol and whether the programs should be expanded or improved upon. One example is the fire inspection of businesses and schools, where obvious hazards such as electrical problems can be identified. Chief Beddies indicated many citizens aren’t aware of the wiring/amps and encouraged residents to set aside money to check on the wiring. The third relates to assessing police operations, how everything ties together so as to be able to continue to provide high levels of service.

Chief Beddies updated council on personnel and publicly recognized Officer Greg Ortel who volunteered for the paramedic program. He indicated Dispatcher Jim Waitzman has completed training and is a nice addition to staff. In regard to regional issues, he announced the Fire/EMS Alliance is looking for a new executive director and one of the challenges for the organization is the possibility of including safety within the alliance and the 800 MHz radio system. Mayor Cook asked about including safety in the Alliance. Chief Beddies indicated it would be a plus for regionalism and a possible role model for the nation. He referenced a presentation made to the Mayors & Managers Association and the cost implications. Mr. Blumensheid wondered how often the city relies on others for fire. Chief Beddies indicated if the fire gains momentum, and additional manpower and/or equipment is needed, they call on Kettering and Dayton. Mr. Blumensheid indicated in turn, the city provides medic service to others. Chief Beddies concurred, primarily to Dayton and Kettering. Mr. McGinnis noticed the average response time had gone up slightly. Chief Beddies indicated the average is 4-6 minutes; however, the city is just a bit over 3 minutes and that information is part of the evaluation of programs. Mr. Klopsch indicated part of the challenge is to see how much activity officers should be engaged in while on stand-by. He noted the first unit on the scene is generally not a medic but an officer.

CITY MANAGER’S REPORTS

Water Meter Project. Mr. Klopsch reported over 1,000 meters have been changed out, roughly 25%. He indicated the city still needs help from the community to schedule appointments so they can get in every home. He noted this is an important component of the infrastructure.

Streetscape. Mr. Klopsch was pleased to report that the bollards at Five Points and Far Hills at Patterson have been installed and are operated by photo cells to highlight the ramps for pedestrian crossing. Mayor Cook indicated she still receives compliments from those driving through on Far Hills. Mr. Klopsch noted the final portion, staining the timber wall, is the next phase.

Runnymede Hills Subdivision. The three buildable lots have been cleared, all curb has been installed and the asphalt surface will follow. Mr. Klopsch indicated the DPVA is working on the Show House at the end of the cul-de-sac which will open the beginning of May. He indicated Lyn Boyce and Patti Scott have done a fantastic job in notifying citizens in the area and on the mini-bus route from Sugar Camp to the house. He noted there were 400 visitors at the preview party and the city received no complaints.

Open House. Mr. Klopsch invited the community to the Open House of the city building on May 6th from 3-6. He indicated refreshments will be served and the landscaping should be completed. He has not heard any negative comments since they have moved in and he invited citizens to view their facility.

Walk Oakwood Program. Mr. Klopsch announced a new program to get citizens out and walk as much as possible, particularly to and from school. He explained this effort is being sponsored by Board of Health members (Health Commissioner Dr. Mary Pryor and board member Paul Holcomb); School representatives (Dr. Scalzo, Kim Kappeler and school principals); and citizens Amy Kronour and Leigh Ann Fulford, He invited the community to the Lange School Fundraiser scheduled this Friday at Smith School. The event includes a walk and pizza dinner. The committee plans to meet again in May.

Mr. Klopsch indicated the past three years have been a learning curve, even though he has been with the city since 1992. The biggest different from being a department head to becoming the city manager is looking at the revenue side of the operation. He thanked council for the raise and all the support.

COUNCIL COMMENTS

Mr. Blumensheid has also been with the city for three years and enjoyed working with Mr. Klopsch who is honest and someone they can count on.

Mr. Duncan made the following comments:

“On March 26, 2005 18 Oakwood students were arrested for underage drinking. 11 of the students were 18 years old and cited into Oakwood Municipal Court. Seven students were 17 years old and were cited into the Montgomery County Juvenile Court. The City received two letters supporting the Oakwood public safety officers’ actions that evening. I received permission from one of the letter writers to read their letter at this council meeting as follows (For the record, Mr. Duncan read the April 1, 2005 letter from Dr. and Mrs. James Horlacher in its entirety)

In what was perhaps the most ignorant statement I have read in the Oakwood Register in the last 15 years was from a student present at the party who said “It was a complete waste of police manpower I would say, because there were four Oakwood police cars and two University of Dayton police cars. They could have been used for a much better purpose fighting crimes that actually affect people.” My response to this student and others who share his/her belief is underage drinking is a crime. If you are 15, it is illegal to drive. If you are 17, it is illegal to vote and if you are under 21, it is illegal to possess or consume beer and alcoholic beverages. If you do not agree with this law, I suggest you work to change the law. In the meantime, I expect you to obey the law.

I support the actions of our public safety officers in enforcing our laws. I expect parents to forbid their children from attending parties where underage drinking occurs. I expect neighbors to report suspicious behavior to the Public Safety Department. I expect students to break their code of silence and report violations of the law. And I expect the City to prosecute these offenses vigorously.

If you are under 18, the current penalty for underage drinking is a 4th degree misdemeanor punishable by 30 days in jail and a \$250 fine. If you are 18 or older the penalty is a 1st degree misdemeanor punishable by six months in jail and a \$1,000 fine. The penalty for serving alcoholic beverages to a minor is also a 1st degree misdemeanor punishable by six months in jail and a \$1,000 fine. These penalties are too lenient.

I plan to work with Mayor Cook and the other members of Council to increase the penalty for underage drinking to \$1,000. If you knowingly allow persons under age 21 to consume alcoholic beverages on your premises the penalty should be a \$5,000 fine. This action will send the message that the community has no tolerance for this type of behavior. Thank you for allowing me to express my opinion on this matter.”

As Oakwood representative to the MVRPC, Mr. McGinnis reported on recent meeting activities. He indicated that Executive Director Mike Robinette released a state of the region report which includes a lot of information and demographic data. The second issue relates to asking the Ohio EPA to phase out the E-check program and explore better ways to reduce emissions.

Mayor Cook referenced the Annual Report which has lots of information. She noted the Register produced the report in a nice format. Mayor Cook invited the community to two upcoming opportunities to support the fight against breast cancer. The May 1st Walk at Carillon Park and the fourth local CARE Walk on May 7th. She extended thanks to the Wills for operating the cable equipment this evening.

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

MAYOR

ATTEST:

CLERK OF COUNCIL