

CITY OF OAKWOOD

STATE OF OHIO

JULY 30, 2012

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. Robert F. Jacques, City Attorney  
Mr. Jay A. Weiskircher, Assistant City Manager  
Ms. Carol D. Collins, Leisure Services Director

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

The following visitors registered:

April Jordan, 100 E. Third  
Faye Wenner, 1900 Coolidge  
Bob Posner, OIG  
Gary Shoup, 215 Maysfield  
Jim Joly, 1011 Little Woods  
Sally Walters, Pointe Oakwood  
Earl Reeder, 3717 Blossom Heath  
Stefanie Campbell, 271 Schenck  
Tom Federle, Siebenthaler's  
Greg Robinson, Rubicon Road  
Jeff Shulman, 1000 Harman Avenue  
Karen Haviland, 145 Collingwood

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 July 16, 2012. Mrs. Hilton reported she found the minutes correct and complete. It was moved by Mrs. Hilton and seconded by Mr. Stephens 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. None.

VISITORS.

Ms. Karen Haviland, 145 Collingwood, lives near Shafor Park and asked about the status of the tennis courts at the Community Center. She recalled during the recreation master plan study, discussion of changing the courts but in the recent OCC brochure it was noted that some tennis activities will be held at Old River. Ms. Haviland also recalled hearing that funds were put aside for the tennis courts and a lot of money has already been spent on football and track, yet tennis also brings people together in the community. Mr. Klopsch explained they did have tennis court improvements as part of the long range capital plan before the master plan study but decided to only make minor repairs. The master plan gave several options but no specific plan was selected. Since then, the city has entered into an agreement with the University of Dayton for use of the courts at Old River. Mr. Klopsch noted based on the current financial situation the city is facing any significant capital project is a difficult sell. Ms. Haviland believes the courts at Old River aren't used by many due to distance, etc. Mayor Duncan indicated council meets once a year with UD and separately with the Oakwood School/Library boards and tennis has been discussed. Ms. Haviland noted the city recently paid for a dog park. Mr. Stephens suggested she discuss her concerns with the schools/boosters since city financial challenges have put projects on hold. Ms. Haviland hopes

the city will take care of things they already have since the tennis program is a big deal in this community. Mayor Duncan thanked her for her comments.

## LEGISLATION

Public Hearing. Mayor Duncan explained the legislation relating to the condos at Pointe Oakwood was tabled at the May 5 council meeting and this evening council will take the matter off the table and reopen for review. There will be a staff report, information from the applicant and public hearing. He explained the public hearing is to amend the Master Plan, this is a quasi-judicial hearing since council reviews the planning commission's recommendation to approve. Once the public hearing is finished, council will deliberate and vote. Mayor Duncan explained the quasi-judicial hearing, per Ohio Revised Code regulations, means that everyone who wants to testify will have to be administered an oath.

### RESOLUTION

BY MR. CASTLEMAN

NO 1762

TO GRANT APPROVAL OF AN AMENDMENT TO THE APPROVED MASTER PLAN FOR THE POINTE OAKWOOD RESIDENTIAL DEVELOPMENT, AFFECTING THE SOUTHEAST CORNER OF SAID DEVELOPMENT.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read by title as it was identical to the resolution presented in May with the exception of a new whereas clause and amendment to Section I relating to Planning Commission recommendations on the condo site and landscape plans.

It was moved by Mr. Castleman and seconded by Mr. Stephens that the aforementioned Resolution be removed from the table and given reconsideration.

Vice Mayor Byington explained, per the advice of the city's legal counsel that since he resides across the street from the project, he will recuse himself from the issue. Upon a viva voce vote, the resolution was removed from the table.

Mr. Weiskircher referenced a PowerPoint presentation that outlined the commission's recommendations to the Pointe Oakwood Master Plan amendment. The applicant is Oakwood Investment Group (OIG) who has asked to further amend the Master Plan to construct 20 condo units in four separate buildings near the intersection of Far Hills and W. Schantz. He reviewed the following status report on this request. Any change to the Master Plan is subject to a public hearing by the planning commission and council. A public hearing was held April 18, 2012 to amend the Master Plan for this project. The planning commission voted unanimously, 4-0, to recommend council approve the amendment subject to submission of detailed site and landscape plans. At the May 7 meeting, council tabled the recommendation in order to have additional time to review the proposal. The planning commission held a public hearing on July 18 to review the site and landscape plan, and by a vote of 4-0, recommended to council approval of the plan. This evening Council will hold a public hearing on this tabled application of the 20 unit condo project to be built by Lee Schear. Mr. Weiskircher reviewed photos of the Far Hills and W. Schantz intersection and development options of the corner. Those options included the 1997 Subarea Plan and 2004 Comprehensive Plan which recommend multi-family residential, that architecture and landscaping be compatible with the area and building height limited to three/four stories. In regard to the 2004 NCR Sugar Camp Subarea Plan – Site Development Alternatives and Guidelines, two of the seven concept plans included condos at the corner, building height was limited to three/four stories and architecture and landscaping compatible with area.

Mr. Weiskircher reviewed the density layout plan from the original 2007 plan and the amended 2008 plan. He also referenced a chart on the number of residential, condo, professional and/or assisted living buildings that have been reviewed during the four amendments. Mr. Weiskircher reviewed the current master site plan for the Sugar Camp/Pointe Oakwood development, the proposed four buildings at the corner, perspective northwest view, Schantz Avenue view north and the landscape plan. He explained the landscape plan was developed by Siebenthaler's and has been reviewed by Ms. Collins. He pointed out the area off W. Schantz that provides public access to Old River, limestone serpentine wall to match the wall at Huffman Park, variety of tree species, mature trees similar to what has been installed on the islands, 7' pergola at the corner, etc. Mr. Weiskircher explained at their April 18 meeting, by a vote of 4-0, the commission unanimously recommended approval of the proposed Pointe Oakwood Master Plan amendment to construct two (2) 2-story and two (2) 3-story buildings, with a total of 20 condo units, on the NW corner of Far Hills and Schantz subject to submission and approval of complete and detailed landscape and site plans. He added at their July 18 meeting, by a vote of 4-0, the commission unanimously recommended approval of the landscape and site plan as submitted subject to the developer collaborating with city staff as landscaping adjustments may be needed.

Mayor Duncan indicated they will open the public hearing and asked that anyone planning to speak to please stand. At that time, City Attorney Robert Jacques administered the oath to those members in the audience.

Mr. Lee Schear, OIG, explained plans for this high-end condo project which the planning commission has reviewed twice and unanimously recommended. When he was at the previous meeting, there was another proposed project (apartments) that isn't being pursued, and since then they've worked out additional details on the buildings and landscaping. Mr. Schear indicated there has been a strong interest in pre-sale and unfortunately due to timing, the condos will not be available at the upcoming Homearama. He noted these 20 units have been scrutinized by several groups.

Mayor Duncan reminded audience members of the three-minute time limit and asked that everyone introduce themselves, be brief and to the point and reiterated the subject is the 20 unit condo project.

Ms. Faye Wenner, 1900 Coolidge Drive, asked about documentation on removal of the storage tanks from the filling station that use to be at the corner and whether the soil has been remediated. Mayor Duncan indicated since this is a quasi-judicial hearing, the owner may respond. Mr. Schear indicated that issue has been addressed, soil test borings were taken and reports given in 2007-08. He feels comfortable with the environmental condition.

Mr. Jim Joly, 1011 Little Woods, indicated he didn't become aware of this project until the apartment issue and attended last week's informational meeting. He has no problem with the condos being approved but suggested it be approved with contingencies. In regard to the piecemeal fashion of this five to six year process and all the amendments from the original intent to provide step-down housing, it would be helpful to revisit the master plan before there are any future amendments, including the five acre parcel. Mr. Joly believes the master plan is not based on the needs of citizens but a chase on the real estate market and although Mr. Schear deserves to make a profit, the city needs to be concerned. Mr. Joly suggested OIG enter into a covenant that buyers be 50 years of age with no children and may only rent to relatives. He also suggested the smaller lots be limited to a 2,500 s.f. home and that any verbal commitments be followed through on.

Ms. Karen Haviland asked if anyone has reviewed the impact Pointe Oakwood will have on city services, i.e., EMS, police and maintenance as it's important to support the infrastructure. Although she believes the assisted living facility is great, it could be a big burden on the city's EMS. She also wondered if there is any assurance that if the project starts and the developer can't proceed that this not be turned into Section 8 housing.

Mr. Greg Robinson, 236 Rubicon, has no objection to the condos but would prefer to see them better placed on the site. He suggested independent third party studies to benefit the developer and city on the project and wondered if the site has been platted. Mr. Schear indicated everything depicted in green on the site plan has been platted. Ms. April Jordan, OIG legal counsel, indicated all the lots have been platted; but the five acre piece is separate.

Mayor Duncan asked for other comments. There being none, the public hearing was closed.

Council had no additional questions. Mayor Duncan asked that the issues relating to city services and EMS be addressed. Mr. Klopsch explained during the review of the assisted living request, the city very carefully reviewed the impact on the public safety department, which is 40% of the city's budget. They spend money to have well trained people waiting for calls, on an average there are 1 ½ medic runs daily and rarely have to rely on Dayton or Kettering. The positive is that Oakwood emergency medical personnel are almost always available to respond immediately when needed to any incident. However, the negative of that is they don't get much daily experience so an assisted living facility will provide more opportunity to enhance skills. Mr. Klopsch indicated about ten years ago, they started billing insurance companies for medic runs/transports, including Medicare, so there is a financial benefit as well.

Mayor Duncan explained in 2007, the city reviewed the issue of Section 8 housing when the Dayton Metropolitan Housing Authority purchased two four-family apartment buildings at Hadley and Shroyer. He reported the city has had no issues with any of those tenants. Mayor Duncan explained at one point in time there were eight homes in Oakwood that had received Section 8 vouchers and any property owner could apply for those vouchers. Mayor Duncan believes the chance of these condos utilizing Section 8 vouchers is remote.

Mr. Jacques referenced the suggestion to have the developer enter into an agreement that no one under 50 years of age may purchase the condos. He explained this is an aged based classification that leads to constitutional concerns which the city cannot be involved in. Mayor Duncan concurred; the Fair Housing Act precludes same.

Thereupon, it was moved by Mr. Castleman and seconded by Mrs. Hilton that the resolution be passed.

Upon call of the roll on the question of the motion, the following vote was recorded:

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

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

#### STAFF REPORT

Leisure Services Department. Ms. Collins referenced a PowerPoint presentation and reviewed the following information from 2011. The OCC hosted over 150 programs for a total of 2,282 classes with 50,485 participants and over 172,000 visits to the OCC, parks, and Old River. There were 2,324 OCC members, 340 health center members and 763 pool memberships. Both the father/daughter and mother/son dances were sold out events with over 300 attending. They also held junior high dances as well as sixth grade dances. Ms. Collins indicated one of the new programs is fencing and some students went on to competitions. Last year there were three blanket concerts which have continued this summer. She reviewed statistics at the pool on swim lessons, members of Swim Team, water aerobics classes and the successful dog splash with 29 dogs. She referenced the dog behavior workshop which included eight participants and a field trip to the Oakwood Dog Park. Ms. Collins referenced last year's Scarecrow Row with 24 participants, reviewed photos of the winners and the approximate 2,500 people who attended the Family Fall Festival. She reviewed the Holiday of Lights, over 20,000 luminarias that lit up Oakwood on December 12. In regard to community ambiance, she reviewed the Emerald Ash Borer (EAB) treatments and one case on a smaller unhealthy ash tree on private property that had not been treated. She noted the city received designation as a Tree City USA for its 30<sup>th</sup> year. Ms. Collins reviewed the following upcoming events: Orchard Park Crafts; Family Movie Night at Old River; Annual Ice Cream Social; Smith Gardens Blanket Concert; and Dog Splash. Ms. Collins presented a sample of the EAB insect and the damage done to a piece of tree.

Mr. Castleman indicated the ash tree near his office at LCNB bank has been infested. Ms. Collins concurred; they looked for activity and saw the serpentine markings. Mr. Castleman asked if the tree next to it is fine to which Ms. Collins replied yes. Mr. Stephens asked about the Tree City designation. Ms. Collins indicated for 30 consecutive years, Oakwood has received that national designation. In Ohio, Cincinnati is first then Oakwood in longevity. Mr. Stephens wondered how many other cities in the Miami Valley have that designation. Ms. Collins estimated 50 cities in the southwest quadrant and noted Ohio leads nationally. Mr. Stephens extended congratulations to her for that ongoing award. Mayor Duncan thanked Ms. Collins for her presentation which they always look forward to.

CITY MANAGER'S REPORT. None.

#### COUNCIL COMMENTS

Mrs. Hilton indicated she recently attended the Dayton History's annual meeting. At that meeting, the Oakwood Historical Society was given a "Preservation Awards" by the Dayton History Preservation Council. A wonderful slide show of the Long Romsperst Homestead was presented which she hopes to share with council soon.

Mr. Byington commented on last week's Rotary meeting, one of his last duties as President was to award the Civic and Community Leadership Awards. He indicated Jeff Shulman, Planning Commission Chair and Assistant City Manager Jay Weiskircher were chosen for those awards based on a list of accomplishments. He extended congratulations to both, very deserving.

Mr. Byington referenced the last First Tier Suburbs Meeting, which he chairs, and two speakers from Mayors & Managers Rob Anderson and Mark Schwieterman on discussion of the uniform income tax code. He noted council passed legislation at their last meeting and to date 18 of the 26 area councils have passed similar resolutions. Mr. Byington invited the community to this Saturday's Giving Strings 13<sup>th</sup> annual concert at Shafor Park, 7 p.m.

Mayor Duncan referenced the municipal tax uniformity legislation could cost the city \$538,000 which is over and above other financial shortfalls. He is pleased to see the local governments working together and sending a message to the state.

Mayor Duncan invited the community to the Ice Cream Social scheduled for August 19<sup>th</sup> and the last blanket concert on August 26<sup>th</sup> in Smith Gardens. He noted the next formal meeting is September 17.

Council adjourned. The public meeting concluded at 8:45 p.m.

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MAYOR

ATTEST:

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CLERK OF COUNCIL