

CITY OF OAKWOOD
STATE OF OHIO
NOVEMBER 3, 2014

The Council of the city of Oakwood, State of Ohio, met in a work session at 6:30 p.m. in the conference room of the city of Oakwood, 30 Park Avenue, Oakwood, 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, Ms. Lori Stacel, 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. ROBERT P. STEPHENS.....PRESENT
MRS. ANNE S. HILTON.....PRESENT
MR. CHRISTOPHER B. EPLEY.....PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager
Mr. Jay A. Weiskircher, Assistant City Manager
Ms. Carol Collins, Leisure Services Director
Ms. Lori L. Stacel, Clerk of Council

The following visitors registered:

Dean Ditmer, 324 Forrer Blvd.
Erik Lewis, 6B Oakwood Avenue
Tom Sergent, 6B Oakwood Avenue
Terri Wilson, 1500 Runnymede Road
Cheryl Mahoney, 56 Telford Avenue
Mayumi Hall, 1800 Southwood Lane W.
Members and parents of Girl Scout Troop 30149
Jan Jacobs, 425 Telford Avenue
Jerry Post, DLM 2710 Far Hills Avenue
Mary Sullivan, DLM 2710 Far Hills Avenue
Chris and Grace Hartman, 136 Lonsdale Avenue
Millard Mier, 2518 Hillview Avenue
Jim Kern, 21 Hilltop Avenue
Dan Ruble, 1260 Brookland Road
Drs. Samia & Willam Borchers, 111 W. Thruston Blvd.
Helen & Robert Alig, 314 Orchard Drive
Joseph & Debra Schenk, 620 Shafor Blvd.
Paul & Maria Schutte, 125 Spirea Drive
Nick & Kim Giancola, 518 Woodview Drive
Edwin D. Smith School - Sam Gibbs, Principal, 1701 Shafor Blvd.
Nicholas & Elizabeth Andrews, 356 East Drive
Bruce Barcelo, Program Manager for GetUP Montgomery County
Dr. Greg Ramey, Oakwood Board of Health
Jim Gross, Health Commissioner
Stefanie Campbell
Brian Barr, Oakwood Register

Mrs. Hilton advised Council she had read the minutes of the October 6, 2014, regular and work sessions and October 20 executive session of Council. Mrs. Hilton reported she found the minutes correct and complete. Therefore, 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

House Bill 5 – Mayor Duncan reported that House Bill 5 is currently in the Senate Finance Committee. He and City Manager Norbert Klopsch met with the Dayton Area Tax Administrators two weeks ago where Kent Scarrett from the Ohio Municipal League provided an update on House Bill 5. The update stated that the bill is currently being amended by the Ohio Legislative Service Commission, an agency that is making technical amendments to the bill, none of which have been shared. Mayor Duncan added that he anticipates the bill coming out of committee after the elections and then voted on in December, allowing a short window for the Senate to address the bill. Mayor Duncan added that he remains opposed to the bill and he will continue to provide updates as the lame duck session of the Ohio General Assembly starts in mid-November.

VISITORS

Scarecrow Row Award Winners – Mayor Duncan recognized the 2014 Scarecrow Row Award winners. Awards and certificates were presented to the following: Third Place– Who Gives a Hoot? By the Oakwood Environmental Committee That’s Who!; Second Place – Shop ‘til You Drop by Dorothy Lane Market; First Place– SpareCrow by the Beck Family; Mayor’s Award – Haunted Cookout by the Oakwood Adventure Guides.

Beautification Award Winners – Mayor Duncan explained a video will be shown highlighting all the winners and then present framed certificates to those who are at the meeting. He was assisted by Dr. Darrell Apt, Environmental Committee Chair, and Mr. Kip Bohachek, Property Maintenance Committee Chair. The following properties were shown in the video: Drs. Samia & Willam Borchers, 111 W. Thruston Blvd.; Mr. Timothy J. Hawk, 810 E. Schantz Avenue; Chris & Debbie Schuler, 102 Beverly Place; Shelly Knupp & Tony Rainsberger, 350 Greenmount Blvd.; Erich & Cynthia Mende, 254 Lonsdale Avenue; Lisa Wildman, 102 E. Peach Orchard Avenue; Jennifer Creighton, 404 Orchard Drive; Helen & Robert Alig, 314 Orchard Drive; Gary & Anne Rosenbaum, 249 Wonderly Avenue; Ken & Val Pagano, 124 Dell Park Avenue; James Sabiers & Joann Findlay, 610 Runnymede Road; Jay & Ellen Otto, 546 Garden Road; Joseph & Debra Schenk, 620 Shafor Blvd.; Bridger & Allison Lord, 4 Dellwood Avenue; Jeff & Cindy Bacso, 17 Aberdeen Avenue; Cathy Schilling, 18 Corona Avenue; Anita McAllister, 316 Monterey Avenue; Colene Murphy, 244 E. Peach Orchard; Dr. David & Mrs. Rhonda Vanderburgh, 1908 Coolidge Drive; Dr. Bryan & Mrs. Elisabeth Ludwig, 3700 Ridgeway Road; Pam & Dave Denka, 633 Woods Road; Tom & Rachel Keyes, 312 Oakwood Avenue; Lisa Cermele, 24 Spirea Drive; Paul & Maria Schutte, 125 Spirea Drive; Don & Nancy Drozd, 237 Telford Avenue; Franci Vukovic, 211 Lonsdale Avenue; Tim & Tracy Staley, 316 Claranna Avenue; Chris & Maria Tzouras, 325 Triangle Avenue; Eric & Sally Fitz, 224 W. Dixon Avenue; Keith & Amy Martin, 36 Hadley Road; Nick & Kim Giancola, 518 Woodview Drive; Tami Whalen, 944 E. Schantz Avenue; Jennifer Copus, 116 Patterson Road; Alan & Tracy Ambrose, 61 Beverly Place; Edwin D. Smith School - Sam Gibbs, Principal, 1701 Shafor Blvd.; Vance & Julie McNulty, 400 Aberdeen Avenue; Matthew & Trisha Greear, 440 E. Peach Orchard Avenue; John & Danielle Haggerty, 224 East Drive; Christopher & Andrea Koller, 2412 Hillview Avenue; Judith I. Koehler, 331 Fairforest Circle; Todd & Kelly Pleiman, 914 E. Schantz Avenue; Paul & Ruth Rab, 510 Shafor Boulevard; Justin & Kelly Long, 10 Wisteria Drive; Jack & Susan Johnston, 67 Wisteria Drive; Regina & Thomas Menza, 341 Aberdeen Avenue; Janet Jacobs, 425 Telford Avenue; Chad & Stephanie Hapner, 445 Monterey Avenue; Nicholas & Elizabeth Andrews, 356 East Drive; Stephanie & Kevin & Maxwell, 216 Oak Knoll Drive.

Girl Scout Troop 30149 – Members of Girl Scout Troop 30149 addressed Council and shared their ideas on things they would like to change in Oakwood. The list of ideas included: placing a directional sign at the intersection of Park Avenue and Far Hills to show where the city building and courthouse are located; increasing the time for the crosswalks at the intersection of Oakwood Avenue and Far Hills; remove the overhanging branches from the tree at Oakwood Avenue and Far Hills; extending the lighting on the fence post until at least 8:45 a.m.; and adding flashing signs before the crosswalks to alert vehicles of the pedestrians. Mayor Duncan explained that when citizens submit a request to Council, City Manager Norbert Klopsch looks into the feasibility of the requests and then provides the information to Council. Mayor Duncan shared that the conclusions of the deliberations are then communicated back to the requestor. Mayor Duncan thanked the Scouts for addressing the elected leaders of Council because that is how democracy works in the United States.

LEGISLATION

AN ORDINANCE

BY MR. EPLEY

NO 4792

TO ENACT NEW CHAPTER 513, *SMOKING ON CITY-OWNED PROPERTY*, OF THE OAKWOOD GENERAL OFFENSES CODE.

A copy of the ordinance, having been placed on the desks of each member of Council prior to introduction, was read by title.

Mr. Epley shared that the public is well aware of the dangers of smoking and secondhand smoke. He reported that in 2006, Ohio voters passed the Ohio Smoke-Free Workplace Act to prohibit smoking in most places of employment, and there is a growing movement to create more smoke-free places for the public. Oakwood receives its share of smoking complaints, usually pertaining to outdoor public areas where children tend to congregate such as our parks, natural areas, and Gardner Pool.

This is the second reading of an ordinance to make public parks, natural areas, and other outdoor areas in Oakwood smoke-free. The areas covered by this ordinance include:

- All public parks and pocket parks;
- All public natural areas such as Houk Stream, Francine's Garden, Elizabeth Gardens, Loy Gardens, and Smith Gardens;
- All municipal parking lots and outdoor premises of the City Building, the Foell Public Works Center, the OCC, and Gardner Pool;
- The Old River Sports Complex; and
- The Dog Park at Creager Field.

Mr. Epley explained that this is not a cigarette or tobacco ban. The purpose is to create areas within the city that are smoke-free. Smoking will still be permitted on public sidewalks, streets, and alleys, and Council respects the right of individuals to make this decision for themselves, especially in their own homes and yards. Additionally, the ordinance allows the city manager to designate specific areas in which the prohibition would not apply. Enforcement will be handled on a complaint-driven basis and whenever possible, complaints will be resolved with warnings.

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

Dr. Greg Ramey, Oakwood Board of Health, shared that it wasn't that long ago that people were dressed as doctors advertising that cigarettes are healthy for you or when Dayton Children's Medical Center allowed smoking in the facility. The prevalence of cigarette smoking among young people is very high at 20%. He doesn't feel that people really appreciate the statistics unless you've had a loved one die at an early age of cigarette smoke, and realize how unnecessary and tragic this is, especially when it can be avoided. He asked that Council pass this ordinance to discourage people from smoking and send a message about our healthy environment to make the amazing city of Oakwood a nicer place to live.

Jim Gross, Montgomery County Health Commissioner, shared that in Montgomery County, approximately 25% of adults smoke and 10% of kids between ages of 12-17 will use tobacco this month alone. The death rate from lung and bronchus cancers tops all other cancers in Montgomery County. In addition to cancer, smokers are more likely to have heart disease and stroke than non-smokers. Today, 20% of premature deaths in Montgomery County can be attributed to tobacco. In Montgomery County, 7 out of 16 public school boards, representing 40,000 students, are moving forward with smoke-free campuses. The city of Dayton became the first local jurisdiction to designate a public park, Cooper Park in Downtown Dayton, as smoke-free. Thanks to Oakwood resident Cheryl Mahoney and Bruce Barcelo with GetUp! Montgomery County, more progress can be made. Oakwood can lead all Montgomery County leaders by being the first jurisdiction in Montgomery County to prohibit smoking on all city-owned properties and the fourth in the state of Ohio to do so.

Erik Lewis, on behalf of VaporCast, shared that he has an issue with the ordinance lumping electronic cigarettes with normal tobacco use. He feels that electronic cigarettes are getting a bad name when they may not contain the poisons in traditional cigarettes and when they help many people get away from traditional cigarette use.

Cheryl Mahoney, 56 Telford Avenue, explained that in regard to the vapor smoking mechanisms, the children at the playgrounds are there for leisure and activity and many of the children playing at the parks and public areas may have allergies or breathing issues. She feels it is important to choose the safest possible alternative for the residents of Oakwood.

Mrs. Hilton shared that she was surprised to learn how many smoking complaints are received. Mr. Klopsch confirmed that 25-30 complaints are received per year.

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. ROBERT P. STEPHENS.....	YEA
MRS. ANNE HILTON	YEA
MR. CHRISTOPHER EPLEY.....	YEA

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

AN ORDINANCE

BY MR. STEPHENS

NO 4793

TO REPEAL EXISTING CHAPTERS 951, 953, 955, 957, 959, 961, 963, and 967 OF THE OAKWOOD STREETS AND PUBLIC SERVICES CODE AND ENACT NEW CHAPTER 951, *RIGHTS-OF-WAY ADMINISTRATION*, OF THE OAKWOOD STREETS AND PUBLIC SERVICES CODE.

A copy of the ordinance, having been placed on the desks of each member of Council prior to introduction, was read by title.

Mr. Stephens explained that this is an ordinance to repeal and replace the city's existing right-of-way management ordinance.

He reported that the city incurs administrative costs each year to manage utility work that goes on in city rights-of-way. City staff must stay informed about who is doing various projects and where they are occurring, whether the projects will involve road or lane closures, and how those projects may impact city-owned utilities. The city must also inspect excavations and restoration work to ensure that outside utility providers and contractors maintain our pavement, sidewalks, curbs, and grass areas in good condition.

The city's existing right-of-way management ordinance has worked fairly well to guide the right-of-way administration process. However, the city has found that it falls short of providing true cost recovery for the administrative work involved, and it is not as clear as it should be in terms of what is required of each utility provider.

Rather than editing the existing ordinance in piecemeal fashion, this is a comprehensive re-write of the entire ordinance. It follows a similar structure to what is currently in force in Kettering and Centerville, which has two benefits. First, the city knows it will be familiar to our local utility providers. Second, there is historical precedent that the city can rely on to know that it should be effective. This ordinance was written with the benefit of input from several local utility providers and will establish a useful framework to continue our relationships with those providers.

Thereupon, it was moved by Mr. Stephens and seconded by Mrs. Hilton that the ordinance 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 BYINGTONYEA
- MR. ROBERT P. STEPHENS.....YEA
- MRS. ANNE HILTONYEA
- MR. CHRISTOPHER EPLEY.....YEA

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

AN ORDINANCE

BY MR. STEPHENS

NO 4794

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SELL ONE (1) GRAPPLE TRUCK THAT IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES.

A copy of the ordinance, having been placed on the desks of each member of Council prior to introduction, was read by title.

Mr. Stephens explained that this is an ordinance to authorize the sale of a used grapple truck from the Public Works Department. Due to changes in how the city does brush and branch pick-ups, the grapple truck is no longer needed and the City Manager has recommended that it be sold.

He explained that under the Oakwood Administrative Code, Council's authorization is required anytime the city wants to get rid of a piece of equipment valued over \$25,000. This ordinance will authorize the City Manager to sell it for the best price he can obtain.

Thereupon, it was moved by Mr. Stephens and seconded by Mr. Epley that the second reading be waived and the ordinance 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.....YEA
 MR. ROBERT P. STEPHENS.....YEA
 MRS. ANNE HILTON.....YEA
 MR. CHRISTOPHER EPLEY.....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

Leisure Services Report: Ms. Carol Collins, Leisure Services Director, referenced a PowerPoint presentation and reviewed the following information.

There were a total of 692 pool memberships purchased in 2014. Family memberships were down slightly by 22, Single memberships were up by 14 and Senior memberships stayed the same as the 2013 season. She reviewed statistics at the pool on swim lessons, members of Swim Team, water aerobics classes and the successful dog splash with 49 dogs participating.

This year's Scarecrow Row had 32 participants and photos of the winners were reviewed. Ms. Collins commented on the beautiful weather for the Fall Festival where a large crowd of people wandered the boulevard looking at the incredible scarecrows then came back to the park for games, food and music. There was a costume contest for the kids and hayrides for families resulting in a great community event!

The Johnny Appleseed Street Tree Project is underway and the deadline to order trees is November 9. The project began in 1976 in an effort to support the City of Oakwood's commitment to urban forestry and the environment. To date, this program has been responsible for planting over 2,750 trees. The highlights of the program include: the cost of the selected species are discounted 50% to Oakwood residents and trees must be planted in the city right-of-way; species of trees will be 1 3/4" in diameter and are excellent for planting; the most needy areas of Oakwood, as determined by the City, will be given first priority; one tree will be allocated at the 50% discount for each approved property site; tree species selected are well-suited for planting and most are resistant to disease; and, the trees will be guaranteed for one growing season by the nursery that plants them. Ms. Collins displayed pictures of the different trees offered in 2014.

To mark the fortieth anniversary of Smith Gardens, the entrance to Smith Gardens and the patio around the garden house will be repaved with personalized bricks as part of the Legacy Paver Project. Friends and residents are invited to order a personalized, engraved brick to be permanently displayed in Smith Gardens. By securing one of the beautifully engraved bricks, residents can help to ensure that Smith Gardens will continue to be one of Ohio's finest public gardens, the scene of weddings, community gatherings such as our popular blanket concert series and many other events. This is a great opportunity to leave a lasting legacy and be an integral part of this lovely garden! Individual brick pavers can be purchased in honor of or in recognition of a friend or family member or to celebrate an anniversary or special occasion. To date, 44 bricks have been sold and more are expected to be sold through the annual Friends of Smith Gardens membership drive.

Approximately 41 volunteers braved the weather to clean-up Houk Stream by picking up trash and removing brush, honeysuckle, branches and other debris in this beautiful natural area. Ms. Collins displayed pictures of Houk Stream.

Ms. Collins reviewed the following upcoming events: the 6th annual Amateur Photography Contest Open House on Saturday, November 8 from 2 - 4 p.m. in the Great Room of the OCC; the Mother/Son Dance on Saturday, November 8 from 7:30-9 p.m.; the Candy Cane Hunt in Shafor Park on Saturday, December 6 from 1:30-2:45 p.m.; Breakfast with Santa at the OCC on Saturday, December 13 from 9-11:30 a.m. at the OCC; and Lighting Up Oakwood/Holiday of Lights on Sunday December 14 beginning at 6:30 p.m.

Ms. Collins thanked her staff for everything they do for the Oakwood community. She added that she is proud to be part of a great team.

Mr. Stephens asked if the gate revenue for Gardner Pool was from walk-ins during the summer. Ms. Collins confirmed that it was.

Mr. Stephens asked if the concession prices were increased this year. Ms. Collins confirmed that concession prices were increased in 2013 and 2014.

Mayor Duncan thanked Ms. Collins and added that her hard work is one of the reasons why the city of Oakwood has a great community ambiance. The events she has planned are now considered traditions that the citizens of Oakwood look forward to every year. Mayor Duncan shared that he is honored to have the opportunity to participate in them.

CITY MANAGER'S REPORT— Mr. Klopsch thanked Ms. Collins and her staff for all of their hard work. He added that Old River Field is an incredible facility that was purchased from the NCR Corporation. It was a great addition to city-owned properties, but it was challenging to get the grass in good shape and deal with the goose problem. A water main pipe was extended to the field and is used to keep the grass watered during the summer. The field is in wonderful condition thanks to Carol Collins and Dan Ruble.

The leaf pick-up season is here and leaves raked to the curb are collected on a 2-week schedule. The leaf pick-up schedules are printed in the Oakwood Scene and are available on the city's website. As an additional option for self-dumping of yard waste, there are two dumpsters available at Creager Field.

Mr. Klopsch commended Oakwood resident Linda Weprin for raising approximately \$7,500 - \$8,000 in private donations to light up Oakwood during the winter season. These funds will go toward a \$10,000 expenditure to light up the Far Hills Avenue Business District and will be greatly appreciated by all that travel along Far Hills.

Mr. Klopsch thanked Mr. Weiskircher for his work on the Beautification Awards and the Property Maintenance program. He added that it is amazing what can be done in the community with routine annual care and maintenance. The system in place has a strong foundation and is successfully implemented by Mr. Weiskircher and City Inspector Dave Bunting.

The 2015 Budget will be presented at the December 8 Council meeting. Mr. Klopsch and Finance Director Cindy Stafford will deliver the modest budget that maintains tight spending controls.

COUNCIL COMMENTS

Mr. Stephens recognized members of Girl Scout Troop 30149. He added that he will follow-up to address the ideas they presented to Council this evening.

Vice Mayor Byington shared that he was impressed with the Girl Scout Troop 30149 presentation and for them getting involved with government. He thanked the volunteers that helped with the Houk Stream clean-up. Vice Mayor Byington recognized Dayton City Manager Tim Riordan on his pending retirement and added that he will be sorely missed.

Mayor Duncan read the following letter aloud from a resident on Beverly Place, which is another example of the fine services received in the city of Oakwood:

"Just a quick note to say how much we appreciated the help of your great staff when our water main broke in early August. Having an old home, you never know what to expect, but having the water heater/main under the floor of our garage, made the whole ordeal rather comical. It seems so long ago now, but that is due to how helpful Mike and Ken and the entire crew were in making everything right for us. I may forget their names, but I will never forget their faces and kindness. This is one of the many reasons I live in Oakwood. Thank you for having such wonderful people providing great service to our community."

Mayor Duncan read a letter aloud that was sent to Chief Bebris, from the United States Secret Service, expressing gratitude for the excellent work of Oakwood Detective Steve Norris:

"Dear Director Bebris,

I would like to express my personal gratitude for the outstanding assistance that Detective Steve Norris provided to the Secret Service during a recent bank fraud investigation conducted by this office and the Southern District of Ohio's Electronic Crimes Task Force.

This case involved the execution of numerous federal arrest, search and seizure warrants at various locations. The professionalism and attention to detail displayed by Detective Norris was impressive and worthy of commendation.

Please pass along my appreciation to Detective Norris for a job well done. We look forward to a continued positive work relationship with the Oakwood Police Department in the future.

*Sincerely,
Todd R. Bagby
Resident Agent in Charge"*

Mayor Duncan shared that tomorrow is Election Day and encouraged everyone to vote. He re-emphasized his support of Issue 11 - Human Services Levy and encouraged citizens to vote in favor of the tax issue, which provides services for people in need across Montgomery County.

The public meeting concluded at 8:43 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL