

CITY OF OAKWOOD
STATE OF OHIO
APRIL 6, 2015

The Council of the city of Oakwood, State of Ohio, met in a work session at 6:30 p.m. followed by an executive session 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. Robert F. Jacques, City Attorney
Mr. Jay A. Weiskircher, Assistant City Manager
Ms. Carol Collins, Leisure Services Director
Chief Alex Bebris, Director of Public Safety
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Robert Black, 200 Telford Avenue
Tammy Popp, 416 Monterey Avenue
Carl Popp, Jr., 416 Monterey Avenue
Carl Popp, Sr., 416 Monterey Avenue
Stefanie Campbell, 271 Schenck Avenue
Marilyn Bossman
Brian Humphress, MVCC
Brian Barr, Oakwood Register

Mrs. Hilton advised Council she had read the meeting minutes of the March 2, 2015 regular, executive and work sessions. 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 – NONE

VISITORS

Brian Humphress, MVCC Executive Director – Mr. Humphress introduced himself as the newly appointed Executive Director of the Miami Valley Communication Council (MVCC). He shared that he has been involved with local government since the late 1970's including serving as city manager for five different communities. Mr. Humphress explained that MVCC is a municipal communications and technology organization that provides quality service to eight local member cities and 21 Miami Valley affiliate member cities. He shared that he looks forward to working with the city of Oakwood.

Mr. Robert Black, 200 Telford Avenue, distributed a letter to Mayor Duncan outlining alleged problems with the Oakwood School Board and asked that he provide a copy to other council members. Mayor Duncan shared that he would make sure the other council members receive a copy as requested.

Mrs. Tammy Popp, 416 Monterey Avenue, explained that her family has experienced issues with Oakwood Schools and the Oakwood Public Safety Department. She stated that someone from the city was preventing her from getting a county license for her service dog. She also stated that she tried to make a complaint about her husband's arrest but the public safety department threatened her that she could be prosecuted if her allegations were false. Finally, she described an incident where she alleges that the Oakwood Schools principal grabbed her son during a meeting and then her husband was arrested when her son was the one who was assaulted by the principal.

Mayor Duncan responded that Council would look into this information.

Mr. Carl Popp, Sr., 416 Monterey Avenue, shared that he has lived in Oakwood for 19 years. He attended Smith School and he wanted his kids to attend Oakwood Schools to receive a quality education. He said he wanted to bring some things to Council's attention. Mr. Popp stated he is concerned of the risk citizens of Oakwood face when they voice concerns when they are not in the majority. Law enforcement is designed to protect the rights of all citizens and elected officials have a duty to listen to all citizens. Mr. Popp said that he recently tried to deliver flyers to Oakwood residents about a school levy and the police department stopped him from handing out this information, which he believes is a violation of his First Amendment right. He said the police chief looked into this situation and found that he was not in violation of the law. Another situation occurred with a captain who attempted to escalate a situation by placing his hands on him and pushing him. Mr. Popp shared that he was once a member of the military police and is familiar with how to escalate and de-escalate a situation. He knew that if he would have reacted to the acts of escalation, he would have been arrested on the spot. When his wife spoke to the police chief, he said that he would personally make sure Mrs. Popp was prosecuted to the fullest extent. Mr. Popp said that he has concerns about how people can make reports against police officers when they are citizens. Mr. Popp shared that he recently attended a meeting at the high school regarding false accusations or a bully issue with one of his sons, after being invited by the principal, Mr. Waller. He added that he had previously met with Captain Jones to discuss the bullying situation and received some helpful advice. During the meeting with the principal, he was told that his child has no rights. The principal then placed his hands on his son. The police were called and Mr. Popp was arrested even though his son was just assaulted by the principal. Mr. Popp added that the police officer made a comment that he has been waiting a long time to arrest him and pulled out his taser. He then proceeded to arrest him without reading him his rights and telling him why he was being arrested. He was escorted to the Montgomery County jail and placed in a cell with urine and fecal matter on the walls. His accusation of being assaulted was presented to the city prosecutor who declined it due to insufficient evidence, which was communicated to him by a message on his answering machine. Mr. Popp shared that he is now barred from all school activities, which will prevent him from attending his kid's graduation and he cannot go to his kids' IEP meetings. Mr. Popp shared that he was recently caring for two underprivileged kids through Montgomery County Job & Family Services. The two kids were staying with his family while their parents were seeking treatment for heroin addiction. The kids ended up being removed from their home and placed back with their heroin addicted parents because he was now being investigated for criminal activity from the school incident. He is now facing 150 days in jail. Mr. Popp explained that if he was a liability to Oakwood, he would not be addressing Council asking for their help. He asked that body cams be placed on police officers because there is corruption in the police department that is affecting his family.

Mayor Duncan responded that Council would look into this matter.

LEGISLATION

A RESOLUTION

BY MR. STEPHENS

NO 1800

DECLARING THE NECESSITY OF REPAIRING SIDEWALKS AND APPURTENANCES THERETO ON FORRER BOULEVARD AND CERTAIN OTHER STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, PROVIDING THAT ABUTTING PROPERTY OWNERS REPAIR THE SAME.

A copy of the resolution, 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 annual resolution that is the first step of the 2015 Sidewalk, Curb and Driveway Apron Project. This year's program will cover all streets within the area bounded by Aberdeen Avenue, Far Hills Avenue, Patterson Road, Acorn Drive, and Shroyer Road.

The city is required by law to pass three (3) pieces of legislation in order to carry out this program and assess the costs. This first piece of legislation is a resolution declaring the necessity of sidewalk repairs in these parts of the city. At the May City Council meeting, the second piece of legislation, which is an ordinance to proceed with the project, will be considered and after its conclusion, an ordinance will be adopted to levy assessments for certain sidewalk costs.

Thereupon, it was moved by Mr. Stephens 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	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 resolution was declared duly passed and it was so ordered.

A RESOLUTION
BY MR. STEPHENS NO 1801
DECLARING THE NECESSITY OF IMPROVING CERTAIN STREETS
BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO,
BY LIGHTING THE SAME WITH ELECTRICITY.

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

Mr. Stephens explained that this is another annual resolution that is the first step of the street lighting program for 2016. Like the sidewalk resolution, the city is required by law to pass three (3) pieces of legislation to provide street lighting each year. The first, which is in consideration tonight, is a resolution declaring the necessity of street lighting throughout the city. At the May meeting the second and third pieces of legislation will be considered, which are an ordinance to proceed with the street lighting and an ordinance to levy assessments for the cost.

Thereupon, it was moved by Mr. Stephens 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.....	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 resolution was declared duly passed and it was so ordered.

STAFF REPORT

Far Hills Business District Tree Project: Assistant City Manager Jay Weiskircher and Leisure Services Director Carol Collins referenced a PowerPoint presentation and updated Council on the Far Hills Business District Tree Project. Mr. Weiskircher explained that trees planted in an urban setting are exposed to a variety of environmental stress factors including lack of moisture, temperature stress and air pollution. These factors, along with insect and disease problems, had negatively affected more than 80% of the trees in the Far Hills Business District, the majority of which were planted more than 40 years ago. The trees had reached the end of their useful life.

Ms. Collins reported that multiple tree species were identified that have a proven track record of flourishing in urban settings while providing a variety of interesting shapes, colors, flowers and textures that define spaces and add natural character to the Far Hills Avenue Business District. The trees selected are 'Green Mountain' Sugar Maple, 'Exclamation' Morton Thornhill Planetree, 'Dynasty' Lacebark Elm, 'Moraine' Sweetgum, 'Princeton Sentry' Ginkgo, Burr Oak, 'Princeton' Elm and 'Harvest Gold' Crabapple.

Ms. Collins shared that now that the existing trees and stumps have been removed, work will include making necessary repairs to existing electrical and irrigation lines, installing new drip irrigation heads, removing roots and preparing the holes for planting. Repairs to the timber wall will be made throughout the project. 143 new trees will be planted around mid to late April. After the new trees are planted, the center medians will be restored to their original condition. With the weather permitting, the entire project will be completed by mid-May.

Mayor Duncan thanked Mr. Weiskircher and Ms. Collins for the update.

Mr. Stephens mentioned that he has received many inquiries from citizens regarding the work in the Far Hills Business District. Mrs. Stephens asked if the areas will be covered by mulch like it was before or if it will be covered in grass.

Mr. Weiskircher responded that it will be covered in mulch.

Mr. Stephens asked if the new trees will be placed in the same area as the old trees.

Ms. Collins answered yes.

Mr. Byington asked if the new trees will be resistance to salt.

Ms. Collins answered yes.

Mr. Byington questioned the size of the burr oak trees and where they will be planted.

Ms. Collins explained that the burr oak trees will be placed at the ends of the district and there will not be as many of them compared to some of the other trees. The growth habit of the burr oak tree will fit in this urban area.

Mr. Klopsch explained that the project plan was developed by an outside landscape architect and reviewed by an arborist who verified that the species of trees selected were appropriate for the area. Mr. Klopsch added that he is confident that the right plan is in place.

Public Works Update: Mr. Klopsch reported that the city has two new public works foremen, Tom Long and David Shuey. Tom Long and David Shuey joined two existing foremen, Mike Wenclewicz and Kenneth Perkins. The foremen work Monday through Friday and are on call for night and weekend emergencies. Citizens will see all four foremen out working with their crews throughout the city.

Mr. Klopsch explained that the city invests money almost every year in concrete repairs, which are done throughout the city on a regular basis. After a harsh winter, it is common to see some concrete deterioration and potholes, but Oakwood tends to not see major pavement issues because of the continuous upkeep.

The city has a small amount of roadway deicing salt left over after the rough winter. City staff will begin looking to find a supplier with the best price to refill the salt dome. He noted that he is happy with how the foremen managed the salt supply.

The streets included in the 2015 Asphalt Paving Project will be announced soon. There is \$450,000 dedicated to improving streets in the city.

The city of Oakwood was selected to receive a Quality Asphalt Paving Award from Flexible Pavements of Ohio, which is the trade organization for asphalt in Ohio. The award was received for the repaving of Shafor Boulevard. He added that laying asphalt on a road like Shafor Boulevard can be a very complicated job and John R. Jurgenson Company did an excellent job.

Mr. Klopsch reported that the water and sewer rate survey was completed for 2015. The city of Oakwood has the 3rd lowest water rates out of the 66 jurisdictions surveyed. For sewer, the city of Oakwood is now 33rd lowest and for the combined water and sewer Oakwood has the 12th lowest rates out of 63 jurisdictions in the region.

The annual fire hydrant flushing will begin the week of April 13 and last approximately five weeks. The *Oakwood Register* will provide the timing for individual neighborhoods.

Oakwood continues take steps to maintain compliance with the EPA Stormwater permit.

Many Oakwood citizens are utilizing the monthly drop-off at the Public Works Center on the first Saturday of each month, and the dumpster containers available 24/7 at Creager Field.

The city of Oakwood is partnering with Goodwill Easter Seals Miami Valley and the Montgomery County Sheriff's Department in offering a community electronic recycling and prescription drug drop off event on Saturday, May 9 from 8:00 am – 10:30 am. at the Foell Public Works Center. In addition to the Montgomery County Sheriff's Department, members of the Oakwood Public Safety Department will be on hand to collect unused and expired prescription and over-the-counter drugs.

The mulch program where the leaves collected in Oakwood last fall were processed and turned into mulch will begin on April 11 and continue through May 9. Mulch picked up at the public works yard is available at no cost to Oakwood citizens. For those who want mulch delivered, the city offers 3 cubic yards for \$90 and 6 cubic yards for \$130.

Mr. Klopsch reminded residents about the ordinance against placing yard debris in the street. He asked that yard debris be placed behind the curb and not in the gutter.

Mr. Klopsch thanked Mr. Weiskircher, Ms. Collins and the Public Works staff for all of the work done on the Far Hills Business District Tree Project. He also thanked the Far Hills business owners for their patience and flexibility with the disruption.

Work has begun on planning for the 2015 Sidewalk Repair Project and the city will be opening sealed bids on Tuesday, April 7. Property owners are assessed for the sidewalks, but not the curb or driveway aprons. Notices will be delivered by public safety officers in the next week or so. Property owners are given the option to hire a contractor to complete the work or to let the city's contractor complete the necessary improvements.

Mrs. Hilton asked if the cost is comparable for individuals hiring their own contractor versus having the city's contractor do the work.

Mr. Klopsch responded that the vast majority of citizens have the city's contractor do the work. The pricing is very competitive, but citizens will more than likely find that they will pay more if a hired contractor does the repair.

Mr. Stephens asked if any complaints have been received from City refuse collectors about citizens not abiding by the refuse guidelines.

Mr. Klopsch shared the process has been smooth and the city has not received complaints or heard of any issues. He reported that the total tonnage of recyclables has increased over the past few years so the changes have made a positive difference. Mr. Klopsch added that if there is question on whether something is recyclable, it is best to place the item with recyclables.

CITY MANAGER'S COMMENTS – NONE

COUNCIL COMMENTS

Mrs. Hilton shared that the Oakwood Historical Society has an open house at Hawthorn Hill for a "Wright at Home" event on April 26. Tickets can be purchased online or on the day of the event. It does not require a reservation.

Mrs. Hilton reported that the Oakwood Sister City Organization is raising funds for the Summer Ambassador Tour. There is a garage sale fundraiser on April 17 and 18. Donations are currently being accepted. Please contact Liz Georin at 269-8650 with any questions.

Mayor Duncan shared that there recently was a house fire on Acorn Drive. A contractor, who was doing work in the attic, drilled through a DP&L service line on the exterior of the home, shorting out the line and starting a fire. Within four minutes, the Oakwood Public Safety Department had three units on the scene and within six minutes the fire was extinguished. Mayor Duncan added that DP&L also responded quickly by having the service disconnected within ten minutes.

Mayor Duncan thanked the Public Safety Department for their service. He shared that they recently responded to a call for an elderly gentleman that fell and broke his hip. Public Safety Officers were able to calm down the gentleman's spouse and assist with the situation to get him the needed treatment.

Mayor Duncan mentioned that there have recently been letters going back and forth in the *Oakwood Register* regarding minor traffic violations. He shared that there was recently a routine traffic stop that turned into identification of an IRS fraudulent tax scheme.

Mayor Duncan reminded everyone that next Wednesday is Tax Day. He added that filing extensions could be provided if requested, but extensions to pay taxes owed are not granted.

The public meeting concluded at 8:29 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL