

CITY OF OAKWOOD  
STATE OF OHIO  
AUGUST 18, 2014

The Council of the city of Oakwood, State of Ohio, met in a work session and an executive session from 6:30 p.m. to 7:26 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. Robert F. Jacques, City Attorney  
Mr. Jay A. Weiskircher, Assistant City Manager  
Ms. Carol Collins, Leisure Services Director  
Mr. Kevin Weaver, Director of Engineering and Public Works  
Chief Alex Bebris, Director of Public Safety  
Mrs. Cindy Stafford, Finance Director  
Ms. Lori L. Stacel, Clerk of Council

The following visitors registered:

Stefanie Campbell, 271 Schenck Avenue  
Steve Byington, 24 W. Schantz Avenue  
Lee Schear, OIG  
Bob Posner, OIG  
Gary Weaver, OIG Architect  
Brian Barr, Oakwood Register

Mrs. Hilton advised Council she had read the minutes of the July 21 regular, executive and work sessions 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

40<sup>th</sup> Anniversary, Carol Collins – Mr. Klopsch recognized Leisure Services Director Carol Collins for 40 years of service to the Oakwood community. Ms. Collins graduated from the Ohio State University with a horticulture degree and her brother suggested that she interview for the open position at the city of Oakwood. Carol served as city horticulturist from August 19, 1974 until March 30, 1998 and then as leisure services director from March 30, 1998 to present. Mr. Klopsch shared a long list of community projects and events in which Ms. Collins was involved in one way or another during her 40 years in Oakwood:

- Oakwood Community Center
  - Thousands of Programs
  - Major Reconstruction
  - Fitness Center
- Smith Gardens
  - Friends of Smith Gardens
  - Perennial Sale
  - Blanket Concerts
  - Weddings, Photo Sessions, etc.
- Environmental Committee
- Tree City USA for 32 Years
- Johnny Appleseed Program for 35 Years... 2,745 New Trees
- Public Tree Inventory
- Emerald Ash Borer
- Land Use Developments

- Many infill Lots
- Fairforest (1976)
- Deep Hollow Woods (1995)
- Runnymede Hills/Little Woods Road (2004)
- Sunrise of Oakwood (now Brookdale)
- Several Buildings in the Far Hills Avenue Business District
- Orchard Drive Municipal Parking Lot
- Park Avenue Municipal Parking Lot
- Chabad Center and Beth Abraham Synagogue
- Routsong Retail Center
- Sugar Camp Reuse
- Pointe Oakwood
- Far Hills Business District Improvements
- Far Hills Corridor Enhancements
- Hawthorn Hill... from NCR to Wright Family to Dayton History
- 1989 and 2004 City Comprehensive Plans
- Community Events and Celebrations
  - That Day in May
  - Ice Cream Social
  - Scarecrow Row
  - Family Fall Festival
  - Lighting of Oakwood... Holiday of Lights... Luminaria Night
- 75<sup>th</sup> Anniversary of Oakwood in 1983
- 100<sup>th</sup> Anniversary of Oakwood in 2008
- Rebuilding of all three Oakwood Parks
  - Shafor, Orchardly and Fairridge
- 2010 Athletics and Recreation Master Plan
- Irving Avenue Field
  - Soccer Field, Field Hockey Field
- Old River Fields
  - NCR Lease
  - Field Purchase
  - Field Improvements
  - Cooperative Work with UD
  - Canine Goose Patrol
- Oakwood Dog Park at Creager Field
- Gardner Pool
  - Transfer of Ownership from YMCA to Oakwood
  - Major Rebuild of Gutter System and all Mechanicals
  - Rebuilt Baby Pool
  - Dog Splash
- Annual New Resident Breakfasts
- Employee Picnics
- Public Art... Wings/Lift Compounded, *Defying the Impossible*
- Natural Areas
  - Houk Stream, Elizabeth Gardens, Loy Gardens
  - Centennial Park, Francine's Garden, Pocket Parks
- Public Area Landscaping
  - City/Safety Building and Public Works Center
  - Huffman Park
  - Hanging Baskets and Boulevards
  - Holiday Decorating
- Sister City Programs
  - LeVesinet (Paris) and Outremont (Quebec)
  - Unterhaching (Munich)
  - Many Visits and Special Events
  - Lobster Fest
- Survived Hurricane Ike and several Ice Storms
- Won the Ohio Landscape Architecture Award from the Ohio Chapter of the American Society of Landscape Architects, Nov 2011
- 6 Mayors
  - Carl Riedmiller, Earl Storms, Jeff Ireland
  - Gretchen Bullock, Judy Cook, Bill Duncan
- 3 City Managers
  - Dave Foell, Mike Kelly, Norbert Klopsch
- Used to run the city's mimeograph machine...cranked it by hand

- Used to ride a bicycle to work in the gardens
- Was here way before cell phones, texting and e-mail... in fact, way before computers.

Dr. Darrell Apt honored his wife, Carol Collins, by sharing warm sentiments relating to her 40 years of service to the city of Oakwood.

Ms. Collins shared that she has been blessed to work so long with the city of Oakwood. She loves what she does and hopes to have many more years to contribute to the community.

House Bill 5 – Mayor Duncan shared that House Bill 5 negotiations continue in Columbus. The Ohio Senate wanted the parties to get together to address drafting errors and after further meetings and discussion, it has been determined that the bill was being intentionally drafted in an offending manner. The intentional loopholes and drafting tricks included in the bill expand the financial crater the bill will leave in its wake on municipal budgets and will result in even greater demands on resident taxpayers. It is clear that the intention of the drafters of HB 5 is to prevent cities and villages from requiring certain groups of workers from being subject to withholding requirements that are applied to all other wage earners who work in Ohio municipalities and who enjoy the same level of public services. The mess that is being proposed is the farthest from offering greater simplicity and streamlining of the process, unless the definition of simplicity is just not paying the tax obligation required. The goal is to make the bill so complicated that no one will be able to understand municipal taxes and then for a decision to be made to remove the municipal tax altogether. There has not been an alternate source of revenue proposed for cities to be able to provide services to the residents. Mayor Duncan added that he will continue to provide updates.

VISITORS - None.

#### LEGISLATION

Public Hearing. Mayor Duncan explained the legislation relating to the condos at Pointe Oakwood.

#### RESOLUTION

BY MAYOR DUNCAN NO 1790

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.

Thereupon, it was moved by Mayor Duncan and seconded by Mr. Stephens that the resolution be passed.

Mayor Duncan then convened a public hearing.

Mayor Duncan explained that there will be a staff report, information from the applicant and a public hearing. He explained the public hearing is to amend the Master Plan, this is a quasi-judicial hearing since council will review the planning commission's recommendation to approve. Once the public hearing is finished, council will deliberate and vote. Mayor Duncan explained that the quasi-judicial hearing, per Ohio Revised Code regulations, means that everyone who wants to testify will have to be administered an oath.

Mr. Byington recused himself due to conflicts of interest since he lives across the street from the development. He stepped down from the Council dais and took a seat among the audience.

Mr. Weiskircher referenced a PowerPoint presentation that outlined the Planning Commission's recommendations to approve the Pointe Oakwood Master Plan amendment. The applicant is Oakwood Investment Group (OIG) who has asked to amend previously approved plans for condominium buildings to be constructed near the intersection of Far Hills and W. Schantz Avenues. Mr. Weiskircher reviewed the history of the Pointe Oakwood condo proposal. A public hearing was held April 18, 2012 to amend the Master Plan for a four building, 20 unit condo project at the northwest corner of Schantz Avenue and Far Hills Avenue. The Planning Commission voted unanimously, 4-0, to recommend to council approval of the Master Plan amendment subject to detailed site and landscape plans. At the May 7, 2012 meeting, City Council tabled the Planning Commission recommendation in order to have sufficient time to review the condominium proposal. A second public hearing was held on July 18, 2012 to review the landscape plan for the project and by a vote of 4-0, Planning Commission recommended the approval of the landscape plan as submitted. On July 30, 2012, City Council held a third public

hearing on the tabled application to amend the Pointe Oakwood Master Plan and to approve construction of 2-two story and 2-three story condominium buildings to be built at the northwest corner of W. Schantz Avenue & Far Hills Avenue. City Council voted, 4-0, to approve the amendment and construction of the condominium buildings. Mr. Weiskircher explained that construction bids for the 4 buildings were significantly higher than expected, resulting in price points for the units that simply could not be supported by the local economy. For the past 12+ months, OIG has been working with an Indianapolis architectural firm on amended plans which include the following: 2-three story and 1-two story building with a total of 23 units; street elevations for the amended plans have been reduced slightly from the previously approved plans; and shingle and prairie style architecture with building materials to include natural stone, wall shingles, double-hung windows, asphalt shingles and porches. It was noted that the proposed architecture, exterior building materials and landscape plan are compatible with the neighborhood, the assisted living center approved in 2012, and building materials being used in other new construction at Pointe Oakwood. Mr. Weiskircher showed pictures of the north view on Far Hills Avenue, close up aerial views, north elevation view, west elevation view, northwest elevation view, conceptual landscape plan, site plan overlay and three story elevation comparison.

Mr. Lee Schear, OIG, explained that that unlike the original plan, construction costs for the amended plans will allow for price points that are market competitive for living spaces with unique amenities and views. The proposed amended plan will create visitor parking options, replace front and back doors and change the look of the buildings.

Mr. Weaver, OIG Architect, discussed the building architecture, neighborhood compatibility and exterior materials. He shared that the buildings fit well with the neighborhood. The condos will have a front entrance, front door and the scale of the buildings fits with the traditional neighborhood. A combination of shingle and prairie style architecture and use of natural stone will help the buildings feel richer. The amended plan compresses the building footprint which makes the buildings appear shorter.

Mr. Stephens asked which units have a one-car garage. Mr. Weaver responded that the smallest condo units will have a tandem garage and not a one-car garage.

Mayor Duncan asked what the condo units square feet will be. Mr. Weaver answered that the average condo unit will be approximately 1,800 square feet. The penthouse units are custom, but will be approximately double the size of the average units.

Mayor Duncan asked if the cul-de-sac will allow for parking. Mr. Weaver shared that currently, the design would be too tight to allow for parking. Mr. Stephens added that the cul-de-sac would really be used to provide access to the condo units. Mr. Weaver confirmed that he was correct.

Mayor Duncan asked if the original plan had a higher elevation above grade. Mr. Weaver explained that the elevations of the proposed buildings are nearly identical to the buildings previously approved in 2012. Mr. Stephens referenced the comparison information that was reviewed during Mr. Weiskircher's PowerPoint presentation showing reduction of the front elevations to the amended proposed plan.

Mayor Duncan asked if the open area on Schantz and down Far Hills will remain green space. Mr. Weaver shared that there are not any current plans, but he felt another structure could be built, possibly a single family home. Mr. Schear responded that there are not any current plans for this area.

Mayor Duncan asked if the courtyard will lead to a common area on the first floor lobby to the elevator. Mr. Weaver explained that it would and that the plan was designed to have a garden in the front entrance.

Mayor Duncan asked if the elevator will serve all ten units. Mr. Weaver confirmed that it will.

Mayor Duncan asked how many penthouse units will be available per building. Mr. Weaver explained that there will be one penthouse unit per wing, so two for the building.

Mayor Duncan asked how people will get from the garage to the condo unit. Mr. Weaver explained that the elevator goes directly from garage to the condo units.

Mr. Stephens asked about the empty lots up Schantz Avenue west of the 3-story buildings and wondered if they were still empty because of the land being tough to build on. Mr. Schear explained that they haven't created a concept for that area yet.

The matter was then opened for public hearing.

Mr. Byington, 24 W. Schantz Avenue, read the following statement:

*"Good evening, Mayor Duncan and members of Council. My name is Steve Byington and I live at 24 W Schantz Ave, directly across the street from the proposed development you are now considering. I come before you this evening as a private citizen of the City of Oakwood to advocate my own individual views on this matter. I have conferred with the Ohio Ethics Commission in regards to Section 102.03 of the Ohio Revised Code, and confirmed that I am permitted to make a statement before Council, as a private citizen, in all matters which affect my personal property interests.*

*I have lived in the house at 24 W. Schantz Avenue since 2011, but have made Oakwood my home for the past 15 years. After graduating with a Bachelors Degree in Architecture from Texas Tech University, with a specialization in Architectural History and Preservation, I came to the Dayton region and started my career as a designer with a local architectural firm. During those early years, I spent a great deal of time studying the various neighborhoods that make up our region, looking for just the right combination of community character and amenities for me to call home. As you can imagine, the diverse mixture of architectural styles and beautifully maintained homes was a huge factor in my decision to move to Oakwood.*

*Oakwood is an incredibly unique architectural community. In a world of cookie cutter design, over-scaled buildings, and sometimes non-existing zoning standards, Oakwood has managed, through conscientious review, to promote and maintain the perfect balance of architectural image and character. I would argue that, along with our top-notch school system and exemplary city services, it is one of the major drawing points for people moving to Oakwood. It certainly was for me.*

*When I bought my current home in 2011, my eyes were completely wide open to the fact that there were definite changes coming to the property across the street from me. Pointe Oakwood was already well underway and I had been following its development with considerable personal interest since its very inception. I have been, and continue to be, very excited about the idea of this new neighborhood being added to the fabric of Oakwood, and watching it seamlessly meld into our community, like so many other have over the 106 years since Oakwood became a city.*

*I am not here tonight to speak against the idea of building condominiums on the corner of Far Hills and West Schantz Avenue. What I am here to speak against is the architectural scale and massing of the building being proposed across the street from me.*

*I will start by saying that I have thoroughly read all of the resource documents mentioned in the earlier presentation, including the City's Comprehensive Plan, all versions of the NCR Sugar Camp Subarea Plan and the applicable sections of Oakwood's Zoning Code. I have also read all the Planning Commission meeting notes associated with this development. I commend the City for having all of those documents readily available for public review on the City's website.*

*In looking at the proposed designs for the 3 buildings before you tonight, and particularly the one that will go across the street from my property, I have a couple of observations that I would like to share. To begin with, the building has been repeatedly referred to as a three story building. I believe this statement to be inaccurate and misleading. The building has three stories of living space sitting on top of a complete parking garage level. Title 3 of the Oakwood's Zoning Code states that any level of a structure that has a clear ceiling height of 7'-0" or greater is considered a story. If the developer builds this garage level with a ceiling height of 7'-0" or greater, this building will be classified by the City as a 4 story building, and should be described as such. This might seem like a mere matter of semantics, but when you are faced with either living across the street from a 3 story building or a 4 story building, you want the issue to be crystal clear.*

*Secondly, the developer has stated that the 4 story building will be 45'-0" tall. By comparison, the telephone poles that surround the site now are about 50'-0" tall. The next time you drive by the site, keep that in mind. These new buildings will almost be as tall as the telephone poles.*

*The 2004 NCR Sugar Camp Subarea Plan, which was mentioned earlier, includes a recommendation from the results of its Visual Preferences Survey which states that any*

buildings within this development should be no higher than 35'-0". How was this number derived, you might ask. It is my contention that it relates directly to the Zoning requirements for the neighborhoods immediately to the East and South of Pointe Oakwood; my neighborhood. These neighborhoods are designated as R-3 in Oakwood's Zoning Code, which says, "No building or other structure erected within the R-3 District shall exceed 35'-0" in height. "I believe that the drafters of the Subarea Plan felt that the easiest way for any development to remain compatible with the surrounding neighborhoods, was for that development to adhere to many of the same building criteria that govern those neighboring homes.

This brings me to my third observation. The building across the street from me, as shown on the site plan, only has a setback from the property line of approximately 25'-0". Although a Planned Unit Development, such as this, doesn't have any specific requirements for setbacks from the property line, I go back to standards imposed on the R-3 residences of my neighborhood. R-3 Zoning requires a minimum front and rear yard setback of 40'-0".

I'd like to recap those last two points. The new building across the street from my house will be 45'-0" tall and have a building setback of approximately 25'-0" from the property line. By comparison, my home is 21'-0" feet tall and sits back from the property line around 75'-0". I do not feel that the scale of the building across the street from me is compatible with, or sensitive to, my property. I also feel that the building across the street from me will have the appearance of a giant wall separating me, or anyone walking along the sidewalk in front of it, from the Pointe Oakwood neighborhood to the North. This feeling will be further magnified by my fourth observation.

This new proposed arrangement of buildings almost totally encloses the Schantz and Far Hills corner; essentially walling it off from its neighbors. Looking at the site plan that has been shown, you will find that if you start at the corner and head in either direction, North or West, the buildings tower above you for a distance of nearly 200'-0". There is a small 15'-0" separation between the buildings, but this will do little to provide me with visual or physical access to the Pointe Oakwood neighborhood beyond. I do not want this hulking mass to define the northern most boundary of my neighborhood. Looking on-line at the meeting notes from the 2012 Planning Commission meeting, which approved the condominium plan that this one is now looking to replace, I am struck by many of the comments made by the original architect about his design. He said, as an architect, he wanted to define the space and honor the corner. He explained the corner will be open with a landscaping wall and then step down to the two story buildings and that the openness of the corner will allow the traffic a good view of downtown. I am wondering why this current plan has chosen to abandon all of those concepts of openness and instead chosen to completely wall off this corner. Furthermore, during the applicant's presentation at the July 16<sup>th</sup>, 2014 Planning Commission meeting, and again tonight, the statement was made that and I quote, "Street elevations for the amended plans have been reduced slightly from the previously approved plans". I would like an explanation of how this statement can possibly be true, given that the proposed building across the street from me has increased in height, scale and number of units.

As you travel along other Oakwood streets, like Forrer, Spirea or Peach Orchard, which are filled with beautiful 2 story homes, there is a simple reason that you don't see a 4 story, 100'-0" long building randomly stuck within the block. That reason is SCALE. It simply wouldn't look right and would totally disrupt the harmonious scale of all the other buildings on the block. Scale is crucially important in maintaining the architectural image and character of a neighborhood. I think we have all been places where we have seen something which is out of scale for its surroundings and been curious as to why it was allowed to be built. That is what I believe is happening across the street from me and is the reason that I have chosen to address this Council.

It is clear to me that that the architect of this development understands the concept of scale. Of the three buildings being proposed, the smallest one is the one that is directly adjacent to the existing 2 story home on Far Hills. He understood that it would have looked out of scale to put a 4 story multi-family building right next to 2 story single family building, so he stepped it down in size. This can be seen in the image labeled West Elevation View. I am asking that the developer consider using that same kind of design sensitivity toward the two story single family homes across the street from the development, as he did with those that are a part of his own development.

In closing, I am here tonight because I feel that this corner is immensely important to the architectural image and character of Oakwood and more specifically, to the character

*and charm of my property. I believe that this proposed design creates an imposing wall between my property and Pointe Oakwood. It's a wall constructed of high-end, luxury building materials, but it is a wall nonetheless. It is not in scale with the surrounding neighborhood and has a sheer massiveness that is closed-off and uninviting. The Site Development Guidelines within the Subarea Plan very clearly state, and I quote "Any new development within the study area should be designed to be sensitive to adjacent residential neighborhoods." In formulating your decision on this resolution, I simply request that you ask yourself whether you feel that this criteria is being met by the revised condominium design proposal before you.*

*Thank you for your attention."*

Following Mr. Byington's comments, there was no further public testimony and Mayor Duncan closed the public hearing. Council began its deliberations.

Mayor Duncan shared that he received a few comments about the condo units, but only as it relates to ongoing changes with the proposed development. He added that, by and large, the proposed amended plan is similar to what was previously approved.

Mr. Epley reported that he reviewed the proposed amended plan and previous plan and he has no concerns.

There being no further discussion, Mayor Duncan called for a vote on the resolution.

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

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

At the conclusion of the vote, Vice Mayor Byington rejoined Council on the dais.

RESOLUTION

BY MR. STEPHENS NO 1791

A RESOLUTION TO AUTHORIZE AND DIRECT THE DIRECTOR OF FINANCE TO CERTIFY CERTAIN DELINQUENT CHARGES FOR CUTTING NOXIOUS WEEDS TO THE COUNTY AUDITOR FOR COLLECTION.

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 each year, the city incurs costs for mowing overgrown yards when owners do not take care of their property. The city bills property owners for those costs and most of them pay. For those who do not pay, this is our annual resolution to certify the costs to the County Auditor so they can be added to the tax bill for each property. This year, we have 13 properties that have not paid their bills totaling \$3,620.55.

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.

## RESOLUTION

BY VICE MAYOR BYINGTON NO 1792

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ONE-YEAR COLLECTIVE BARGAINING AGREEMENTS WITH OAKWOOD FOP LODGE #107 REPRESENTING PUBLIC SAFETY OFFICERS AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION REPRESENTING PUBLIC SAFETY DISPATCHERS.

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

Vice Mayor Byington explained that the current collective bargaining agreements covering Oakwood Public Safety Officers and Public Safety Dispatchers are due to expire on October 26, 2014 and November 3, 2014 respectively. The city entered into negotiations with FOP Lodge #107 and the Ohio Patrolmen's Benevolent association, which are the union representatives for these employees, and they have agreed on terms for a new one-year agreement. Mayor Duncan and Vice Mayor Byington have reviewed the new agreements as members of Council's Finance Committee, and this resolution will authorize the City Manager to sign them. Vice Mayor Byington commended Assistant City Manager Jay Weiskircher for his efforts on the city's behalf, and also the Public Safety Officers and Dispatchers for their help in coming to an agreement that recognizes the city's economic reality.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Stephens 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.

## ORDINANCE

BY MR. STEPHENS NO 4791

TO AMEND EXISTING SECTION 505.15, *TRAPPING OF FUR-BEARING ANIMALS*, OF THE OAKWOOD GENERAL OFFENSES CODE, TO EXPAND AND CLARIFY THE EXEMPTION FOR TRAPPING NUISANCE ANIMALS WITHIN HOMES AND BUSINESSES IN THE CITY 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. Stephens explained that Council met in June with Trent Weaver, who is the Ohio Division of Wildlife's Chief Wildlife Officer for Montgomery County. Officer Weaver attended a council work session to discuss deer, coyotes, foxes, raccoons, and other wildlife that we sometimes encounter in Oakwood. During that meeting, Officer Weaver suggested that the city's ordinance regarding the trapping of animals in homes or businesses should be reviewed because the way it is written could prohibit ordinary and desirable nuisance pest control. As the law is written, a person would not be allowed to trap a squirrel, raccoon, or other fur-bearing animal that comes into his or her home. In fact, a person cannot call a pest control company to perform this service, either, unless they have already contacted the Safety Department to obtain permission.

Following Mr. Weaver's suggestion, the Law Director has prepared an amendment to the city's trapping ordinance. This amendment clarifies that ordinary nuisance pest control is permitted in homes and businesses in the city, as long as it is done in accordance with Division of Wildlife regulations that apply throughout the state. The existing ordinance has never been interpreted to prohibit this activity, but the amendment makes that point much more clearly. If an animal gets into a home or business, city ordinances should not stand in the way of ordinary and necessary pest control, including trapping. This is a practical solution to a common problem, and will clearly benefit the public health, safety and welfare.

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.

Mayor Duncan shared a story about a family dog that brought an opossum in from outside that was still alive and once inside, the opossum ran under the couch. Oakwood Public Safety Officers were able to keep everyone safe by getting the opossum out of the house in a timely manner.

#### STAFF REPORT

Safety Department Update Presentation: Mr. Alex Bebris, Public Safety Director, referenced a PowerPoint presentation and updated Council on the following topics: January – June 2014 Crime Trends; Traffic Enforcement Activity; Overtime/Cost Controls; ALICE Training; and New Employees.

Chief Bebris explained that crime trend analysis, traffic enforcement activity and overtime/cost controls stem from an ongoing effort to look for ways to become more efficient and improve processes.

He explained that Oakwood crime trends are cyclical and have been relatively stable and on the downward trend so far in 2014. The public safety department is focusing on identifying trend areas and is evaluating the cause of previous crime spikes to proactively address any issues. For example, a trend was identified along a section of Acorn Drive near the new bike trail and after added patrol, there have not been any reported burglaries and only one theft.

For traffic enforcement activity, Chief Bebris explained that they are placing a new emphasis on enforcement methods. Public Safety Officers are “adopting a corner” where there have been prior complaints and/or accidents and are spending time at the specified area to proactively address any safety concerns. Statistical analysis is being done on the small number of repeat calls that are received, which allows for proactive follow-up versus reactive responses. Public Safety Officers are also placing emphasis on stop sign and red light violations. During first quarter 2014, there were nine citations for stop sign and/or red light violations. As a result of enhanced enforcement, July’s results were 33 citations with 52 warning totaling 85 total stops.

Chief Bebris reported that both he and the captains are covering hours for crew command to help reduce overtime costs. This is saving approximately \$35,000 a year in lieutenant overtime costs. The department is continuing to look for ways to further reduce costs and increase efficiency.

Chief Bebris reported that the Public Safety Department has worked with the Oakwood School District in learning and teaching the school safety program known as “ALICE”. He explained that on June 18, 2013, Vice President Biden released new guidelines for school safety that align and build upon years of emergency planning work by the Federal government. This guide incorporates lessons learned from recent incidents, and responds to the needs and concerns voiced by stakeholders following the recent shootings in Newtown, CT. The 2013 edition expands the guidance to include multiple options that go beyond the lockdown-only advice they published in 2007. New guidance includes Run, Hide or Fight. It also recognizes that staff and students may have to use more than one option and that the decision to do so should be made using their own judgment.

Mayor Duncan asked if the city has ongoing communication with the school regarding training protocols. Chief Bebris answered yes.

Chief Bebris reported that the three newest public safety officers, Jason Tipton, Jeff Yount, Jr. and Ryan Rump, have completed training. The department is lucky to have such qualified candidates available to the department.

Mayor Duncan asked if Chief Bebris felt that he had an adequate data collection system set up to help identify traffic enforcement and crime trends. Chief Bebris responded that he does feel they have adequate data, but the right question needs to be asked to get the right answer. He explained that they are always looking for ways to improve the data collection process.

CITY MANAGER'S REPORT— Mr. Klopsch explained that construction projects were done over the summer months and he is happy to report that the majority of the work, with the exception of a portion of the roadway striping, was completed before the start of the new school year. He shared that the city was pleased with the quality of the work. The concrete work is done, for the most part, in particular around Smith School. There are a few weeks of work left on concrete curb, apron and sidewalk work, but the work areas are away from the schools.

The Vectren gas line work that is concentrated around the Jr. and Sr. High School and to the east towards Shroyer is ongoing. Vectren and their contractor, Miller Pipeline, have completed a lot of work but still have a month or two of work to do in a high traffic area. He added that Vectren and Miller Pipeline have been very responsive to all city requests. Mayor Duncan shared that he recently had a line installed inside his house and then had issues with his water heater. Vectren was very responsive and quickly fixed the water heater.

COUNCIL COMMENTS

Mrs. Hilton congratulated Carol Collins and the OCC Staff for all of their hard work to organize another successful Ice Cream Social and for all of Carol's years of service.

Mr. Stephens congratulated Ms. Collins on her 40 years of service. He elaborated on Chief Bebris' comments about the overtime savings with salaried command staff covering some crew command shifts. He reported the annual savings of \$35,000 in 2012 and \$32,000 in 2013, which is an approximate monthly savings of \$2,800. He believes this is a perfect example of the team efforts within the Oakwood public safety department.

Mr. Stephens shared concerns about local jurisdictions raising their income tax rate. He explained that the city of Oakwood loses money when jurisdictions raise their income tax rate. In 2014, the city of Oakwood has already lost \$62,000 and since 2005, the city has lost \$2.3 million in income tax. The cities of Huber Heights, Piqua, Sidney and Springfield have income tax rate increases- on the November ballot and if they pass, it will result in a loss of approximately \$15,000 more to the city of Oakwood. He added that he will personally continue to monitor this and believes Council needs to take a close look at it.

Vice Mayor Byington reminded everyone to not get complacent and be extra cautious driving now that school will be back in session.

Mayor Duncan thanked Chief Bebris and the Public Safety Officers for the increase in traffic enforcement.

Mayor Duncan shared that he and Mr. Klopsch attended a press conference where Emerson Climate Technologies announced plans to build a research facility on the University of Dayton property. They had the opportunity to meet the new Dean of Engineering and learned that he recently purchased a home in Pointe Oakwood.

Mayor Duncan congratulated Ms. Collins on another successful Ice Cream Social.

Mayor Duncan reported that the Historical Society is hosting an Antique Car Show this Sunday, August 24.

Mayor Duncan shared a note he received from a resident thanking the public safety department for their quick response to a house fire.

Mayor Duncan reported that he represented the city at a Hawthorn Hill event to honor Congresswoman Niki Tsongas (3<sup>rd</sup> District, Massachusetts). He added that she is dedicated to eliminate sexual assault from the U.S. military.

The public meeting concluded at 9:29 p.m.

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL