

CITY OF OAKWOOD
STATE OF OHIO
MARCH 2, 2015

The Council of the city of Oakwood, State of Ohio, met in an executive session at 6:00 p.m. followed by a work 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 BYINGTONPRESENT
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
Chief Alex Bebris, Director of Public Safety
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Greg Gantt, 515 Shafor Blvd.
Tommy Routsong, 494 Lookout Ridge
Dawn Beckett, Saxbys Coffee
Asia Gibbs, Saxbys Coffee
Lindsay Sherman, Saxbys Coffee
Greg Monett, 234 Irving Ave.
Scott Rodgers, 440 Irving Ave.
Martha Haley, 400 Irving Ave
Sean Frisbee, 219 Volusia Ave.
Sam Routsong, 494 Lookout Ridge
Robert & Sheilah Conard, 416 Irving Ave.
Jane & Delmac Balquiedra, 414 Irving Ave.
Scott Kramer
Mart Dugan, 220 Spirea Dr.
Harrison Gowdy, 452 Irving Ave.
Brian Barr, Oakwood Register

Mrs. Hilton advised Council she had read the meeting minutes of the February 9, 2015 regular, executive and work sessions and February 23 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

Proclamation – Mayor Duncan read a proclamation designating April as “Fair Housing Month.”

VISITORS – NONE

PUBLIC HEARING – SAXBYS COFFEE APPEAL

It was moved by Vice Mayor Byington and seconded by Mrs. Hilton to open the public hearing. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mayor Duncan opened the Public Hearing for Saxbys Coffee appeal.

Mr. Stephens recused himself from the hearing due to a potential conflict of interest, and stepped down from the dais.

Mayor Duncan explained that an application for early opening hours was originally heard by the Planning Commission on January 7, 2015, and was denied by a vote of 5 to 0. The applicant, represented by Attorney Greg Gantt, filed a Notice of Appeal on January 20, 2015, and an appeal brief on February 2, 2015. The legal notice of the hearing was published in the *Oakwood Register* on February 18, 2015.

Mayor Duncan shared the procedures for the public hearing. He explained that Mr. Weiskircher will present a brief staff report on the nature of the application, followed by the applicant's presentation. After the applicant's presentation, the floor will be open for additional testimony, starting with those who wish to testify in favor of the application and finishing with those who wish to testify against the application. At that time, witnesses may come up front to the podium, state their name and address for the record, and then share their testimony. The testimony will be limited to approximately three minutes or less, although an extension can be granted if three minutes is not sufficient to cover the substance of the testimony. The applicant then has the right to cross-examine any witnesses who testify, and to offer a closing statement. If Council has questions for anyone along the way, they will ask them as they come up. When the testimony is concluded, Mayor Duncan will close the public hearing and Council will begin deliberations.

Mr. Jacques proceeded to swear in the visitors that plan to testify.

Mayor Duncan asked Mr. Gantt if he received a copy of Mr. Weiskircher's written staff report prior to the meeting. Mr. Gantt answered that he did receive a copy of the report.

Mayor Duncan invited Assistant City Manager Jay Weiskircher to provide a staff briefing on the Saxbys appeal.

Mr. Weiskircher referenced a PowerPoint presentation. He reported that the special use request is to expand current store and drive-thru operating hours of 7:00 a.m. – 9:00 p.m. Monday through Saturday and 8:00 a.m. – 9:00 p.m. on Sunday to 6:00 a.m. – 9:00 p.m., seven days a week. The Planning Commission denied the special use request by a vote of 5-0. The zoning code requires business uses in both the Neighborhood and Community Business Districts operating before 7:00 a.m. and/or after 9:00 p.m. to request a special use approval. In May 2013, 10 months prior to the official opening of Saxbys in March, 2014, the current applicant, acting on behalf of the original franchisee, appeared before Planning Commission requesting a special use request for a 6:00 a.m. opening time Monday through Friday. The special use request was denied by a vote of 5-0. In July, 2013, the applicant appealed the denial and City Council voted 3-0 to affirm the Planning Commission's May, 2013 decision. After a denial of a special use request, the applicant may reapply after a minimum of 12 months. The current application was heard by the Planning Commission on January 7, 2015, and is now before Council on an appeal of this latest denial. The special use standards were reviewed and staff concluded that the requested special use does not satisfy these special use standards.

Mayor Duncan invited the applicant to come forward to discuss their special use request appeal.

Mr. Greg Gantt, representing Routsong Realty, shared that this is a good faith request for a legitimate business purpose. He explained that they are moving forward with an appeal because they believe the Planning Commission's decision was not based on any facts or findings and because the Planning Commission violated the Open Meetings Act when the staff report was not provided to the applicant prior to the meeting. Mr. Gantt added that Firehouse Subs was granted a special use request for extended hours, and they are located in the same development. Mr. Routsong has built a landscaped berm and privacy fence near the drive-thru at Saxbys to minimize noise interference to the neighbors. He also purchased a special high definition speaker system that removes static and echoes, allowing the person at the drive-thru to talk softer. Mr. Gantt shared that Saxbys has been open for nearly a year and the city has not received any noise complaints. Saxbys has received multiple requests to open earlier from customers, and the earlier opening hours would help Saxbys remain in competition with other coffee shops.

Mayor Duncan inquired about Firehouse Subs hours of operation. Mr. Klopsch confirmed with Mr. Weiskircher that the extended hours were from 9 p.m. to 10 p.m. on Friday and Saturday.

Vice Mayor Byington asked if Mr. Gantt was implying in his statement that the special use request for Firehouse Subs extended evening hours was the same as the Saxbys request for extended morning hours.

Mr. Gantt answered that the Saxbys staff report states that the extended hours would change the character of the neighborhood, but that is not mentioned in the Firehouse Subs staff report even though it is the same development.

Vice Mayor Byington asked what the zoning hours were at the time of the planning and design of the Routsong Retail Center.

Mr. Gantt answered that the hours were from 7:00 a.m. to 9:00 p.m., but Saxbys has been asking for a 6:00 a.m. opening time from the beginning.

Vice Mayor Byington explained that an appeal letter was received in May, 2013 from Saxbys and in the letter it mentioned that there was information to share on how the additional hours would impact sales. That information was never provided in the 2013 case and Vice Mayor Byington asked if it was now available.

Mr. Gantt shared that the earlier appeal was done by the previous owner of Saxbys. Mr. Routsong was not involved so they do not have that information.

Mayor Duncan then asked for visitors to step forward with proponent testimony.

Ms. Dawn Beckett, Saxbys café manager, shared that she has been with Saxbys since December, 2013. She explained that Saxbys employees come in a half hour early to get ready for the day and potential customers see the lights on and start coming through the drive-thru at 6:30 a.m. Even though Saxbys is not open at 6:30 a.m., she sometimes offers a free cup of coffee to the customer because she wants to build good relationships with potential customers. Earlier hours would help grow Saxbys business. Some people like to get together early in the morning for meetings or people want a cup of coffee on their way into work.

Ms. Lindsay Sherman, Saxbys morning shift manager, shared that on numerous occasions people have asked for earlier opening hours. She said that a neighbor that lives two houses down from Saxbys has shared that she hasn't heard any noise or disturbances from Saxbys.

Mayor Duncan asked how many customers are received from 7 a.m. to 8 a.m.

Ms. Sherman answered that she wasn't certain, but there may be approximately 30-40 guests in the first hour.

Mrs. Hilton asked how many customers are received from 8 a.m. to 9 a.m.

Ms. Sherman explained that business slows down from 8 a.m. to 9 a.m. due to school or work start times, but business picks back up soon thereafter.

Ms. Asia Gibbs, Saxbys café manager, shared that they receive a lot of feedback from customers requesting earlier opening hours. She feels this would be great for the community and added that a lot of customers are hopeful that the decision will be in favor of extended hours.

Mr. Sean Frisbee, 219 Volusia, shared that his house is directly across the alley from Saxbys and he has not experienced any issues at all. He added that even with the windows open, there are no sounds or disturbances and his bedroom is closest to Saxbys.

Mayor Duncan asked if Mr. Frisbee has experienced any noise with Firehouse Subs.

Mr. Frisbee answered that he has not. He believes the vegetation has reduced the noise. He also hasn't noticed an increase in volume in the alley.

Mr. Mart Dugan, 220 Spirea Drive, shared that with all of the new developments at Pointe Oakwood and Sugar Camp, now would be the time to approve earlier opening hours for Saxbys. He shared that he has heard that Starbucks on Far Hills is planning to upgrade the entire building which could put Saxbys at a disadvantage.

Mayor Duncan asked for visitors to step forward with opponent testimony.

Mr. Greg Monett, 234 Irving Avenue, shared that he believes the city codified ordinances state that a drive thru shall not serve or sell any food or beverages between the hours of 11 p.m. and 9 a.m. He explained that his bedroom receives a lot of the noise, which wakes him up. In addition to the traffic noise, the trash removal is very loud as well. He has noticed people hanging out in the alley smoking behind the fence, which he believes is due to employees not being allowed to smoke on the property. Mr. Monett thanked Chief Bebris for assisting with all of the past issues on Irving Avenue.

Dr. Robert Conard, 416 Irving Avenue, shared that when the Planning Commission denied the Saxbys extended hours request, the word most frequently used was the word "creep". The Planning Commission was concerned about how a distinction would be made between the Neighborhood Business District and the Community Business District if similar requests continue to be approved. Dr. Conard referenced an item from a local newsletter, The Herald. It is called "The Sausage" which can be summarized by stating that whenever certain people want the whole sausage, they get it by asking for one slice at a time. Dr. Conard added that all of the evidence presented by the applicant is arguments on how the special use will serve the business and not the community. It is the obligation of City Council to protect residents of the city and the character of the city. There have been three unanimous decisions of City Council and the Planning Commission to deny the Saxbys special use request and nothing has changed since those requests were denied.

Mayor Duncan added that the Neighborhood Business District has stringent standards compared to the Community Business District. In order to approve the request, all special use standards must be met.

Dr. Conard stated that Saxbys should have to provide convincing arguments, facts, and findings that opening at 6:00 a.m. improves the residential character of the neighborhood.

Mrs. Hilton asked if the request would be denied if any of the nine standards are not met.

Mr. Rob Jacques answered that the applicant must present evidence and demonstrate compliance with all nine standards, to the extent that each standard is applicable.

Mr. Scott Rodgers, 440 Irving Avenue, shared that he strongly disagrees with the approvals related to the Routsong Retail Center because they are not consistent with the Neighborhood Business District zoning code. He expects business owners to follow the rules and codes that were in place before building the retail center. It is important to balance the interests of both the business owners and the residents.

Mayor Duncan asked the applicant to respond to the statement that this request would adversely affect or change the area.

Mr. Gantt answered that it would not adversely impact the area. Mr. Routsong has done the best he can to reduce noise or disturbances. He is a longtime resident who cares about the community and has always been respectful to neighbors. The Post Office immediately across the street opens at 4:00 a.m. and makes more noise than Saxbys at the corner.

Mr. Routsong, 494 Lookout Ridge, shared that he has been a member of the Oakwood community for almost 60 years. He was born and raised in Oakwood and added that he would not do anything to the detriment of the community.

Mrs. Sheila Conard asked to testify. She acknowledged that she was not sworn in at the beginning of the public hearing, so Mr. Jacques proceeded to swear her in to testify.

Mrs. Sheila Conard, 416 Irving Avenue, shared that she has lived on Irving Avenue for 49 years and it is a perfectly marvelous place to live. The University of Dayton has done a great job improving the student housing across the street.

Mayor Duncan agreed that the University of Dayton has done a great job with the students.

Vice Mayor Byington shared concern that the same issue has been heard and denied three different times.

Mr. Routsong shared that with the first request the applicant wasn't notified of the meeting and did not show up.

Mr. Gantt confirmed that it was denied three different times, but when the matter was first denied by the Planning Commission and Council, Saxbys was not yet open.

Vice Mayor Byington stated that he has an issue with special use standard B, dealing with the adverse effect on the character of the area. The staff report concluded "adverse" but gave no reasoning as to why. Vice Mayor Byington asked what evidence shows the lack of an adverse effect.

Mr. Gantt responded that that evidence he relayed this evening shows the lack of an adverse effect.

Vice Mayor Byington inquired about the possibility of another request down the road for an earlier opening time if the 6:00 a.m. opening time is approved.

Mr. Gantt responded that the request would be brought before the Planning Commission and City Council and they could deny the request.

Mr. Routsong added that the 6:00 a.m. opening time makes more sense with traffic and work patterns. He doesn't plan on opening any earlier than 6:00 a.m. because there is not a lot of business and it doesn't make a lot of economic sense to open any earlier.

There being no one else who wished to testify, Mayor Duncan closed the Public Hearing and allowed Council to deliberate.

Mrs. Hilton shared that opening one hour earlier takes away from the Neighborhood Business District. She added that she has lived 1/3 of her life in the Neighborhood Business District and even the bakery down the street doesn't open until 7:00 a.m. She stated that she plans to deny the request.

Mayor Duncan asked if Mrs. Hilton was bothered by the noise at 7:00 a.m.

Mrs. Hilton answered no, but once 7:00 a.m. begins you can definitely get the feel of the business district, especially on the weekends.

Mayor Duncan shared that he is not sure how to determine if the one hour will result in an adverse impact.

Mrs. Hilton added that there is a big difference between 6:00 a.m. and 7:00 a.m.

Mr. Epley shared that he looked at the nine standards and reviewed the Comprehensive Plan. He explained that the 1989 Comprehensive Plan focuses on the protection and enhancement of residential areas. The 2004 Comprehensive Plan focuses on targeting development of high quality to enhance the city tax base. He believes this shows a trend towards encouraging compatible development and added that he does not believe a one hour difference will have any adverse effects on the neighborhood.

Mayor Duncan suggested that there have not been any noise complaints because Saxbys currently doesn't open at 6:00 a.m.

Mr. Epley shared that the fact that Saxbys has not received any complaints so far is a good sign.

Mayor Duncan added that if there is objection to a 6:00 a.m. opening time, the request could be approved with a condition of opening at 6:30 a.m. and then asked if the other councilmembers felt that this would be a reasonable compromise.

Mr. Epley shared that he is generally in favor of compromise.

Mayor Duncan shared that Council can approve, approve with conditions or deny the request. As an alternative, Council could move and vote to table the issue. He asked Mr. Jacques to comment on the procedure for tabling the issue.

Mr. Jacques shared that if the request is tabled, Council will need to conduct another Council meeting on or before April 3 where the issue can be decided... or a Saxbys agreement to extend the 60 day period would need to be obtained. Otherwise, the Planning Commission decision automatically stands.

Mr. Gantt voluntarily withdrew the Saxbys request as it pertains to Saturdays and Sundays and added that the 6:00 a.m. opening time would only apply Monday through Friday.

Mr. Jacques shared that there is clear authority under the zoning code that allows Council to approve the proposal subject to conditions.

Mayor Duncan asked if Council would be willing to entertain a sunset provision with either a 6 or 12 month grace period to determine impacts and to view sales data.

Mr. Jacques suggested that if Council chooses to implement a sunset provision it is important to specify a time period or date certain.

Mayor Duncan added that he is neutral on this proposal; however, it would be nice to provide a decision this evening.

Mrs. Hilton shared that she likes the idea of approving the appeal with conditions and then revisiting it at a later date.

Vice Mayor Byington shared that he used to have a neighbor who did woodworking every Saturday morning at 7 a.m. He always understood that between the hours of 7 a.m. to 9 p.m. residents were legally entitled to do what they want. He shared that this is the reason the argument of not having any complaints opening at 7 a.m. doesn't hold much water with him. He believes that complaints will be received once the opening time is extended to 6 a.m.

Mayor Duncan asked the other councilmembers if they felt that Saxbys opening at 6 a.m. would adversely impact the area of the neighborhood.

Vice Mayor Byington answered yes. He then read the following statement:

"When an applicant brings a Special Use issue to the Planning Commission, it is clear that they have a vested interest in the outcome of their application. This is understandable. The Planning Commission, on the other hand, is made up of residents that are appointed by City Council to serve as the fair and impartial interpreters of our Zoning Code. Their job is to review all matters brought before them and to apply their knowledge of the Zoning Code, as well as their experiences as members of this community to bear on the decisions they are asked to make. It is not an easy job and is often thankless. On two separate occasions, this Commission has unanimously decided that this request for extended morning hours does not fully meet the applicable standards of a Special Use Application and is therefore not in keeping with the intent of our Zoning Code. Having served on this Commission as both a private citizen, and for the last 7 years as the Council's liaison, I know how thorough, conscientious, and diligent these Planning Commission members are, and I respect the validity of the decisions that they make.

Oakwood neighborhoods are among its most important visual and societal assets. They have a distinctive order about them that comes together to form the very character of the community. Part of that order is having a defined set of parameters for when activities can and should take place within that neighborhood. A neighborhood needs its boundaries for when public activities can take place in the same way that it needs physical buffers like trees or fences. Now, this isn't to say that there aren't other neighborhoods throughout the Miami Valley that don't adhere to this concept, but Oakwood's Comprehensive Plan clearly states that one of its major tenets is to, and I quote, "Preserve and enhance the unique and distinguishing characteristics that help make Oakwood different from other municipalities in the Dayton area." It goes on to say, "Oakwood's traditional image and character help distinguish it from neighboring communities and make it a more desirable place to live, work and do business." And although I was not there when it was originally drafted, I believe that this is the reason that early Oakwood leaders established a definitive hour of operations standard within our Zoning Code for all Neighborhood Business Districts: 7am to 9pm.

I believe that having these buffers, for when business can take place within a neighborhood, help protect the image and character of that neighborhood, and that this applicant has not provided me with sufficient evidence to make me believe that the character of this neighborhood won't be adversely changed by an extension of their operating hours. As such, I do not believe that this application meets Special Use Standard B: The proposed use will not adversely affect or change the character of the area in which it is located."

Mr. Epley concurred with Vice Mayor Byington regarding the Planning Commission. He added that Council's role at this point is to do an independent review of the facts regardless of the decision made by the Planning Commission.

Mrs. Hilton asked what vote count is needed for an approval and a denial.

Mayor Duncan shared that if the vote is tied (2-2) the resolution is denied. He then asked what happens if all three drafted resolutions are denied.

Mr. Jacques explained that if Council is unable to make any decisions within the 60 days, the Planning Commission's decision stands. If Council doesn't come to a consensus tonight on one of the proposed resolutions, they can keep trying to reach consensus, or a special meeting could be scheduled within the 60 day window to obtain a consensus.

Mrs. Hilton proposed that a sunset provision be included for weekday hours opening at 6:00 a.m. for 6 or 12 months.

Vice Mayor Byington asked if conditions can be solely based on noise complaints.

Mr. Klopsch stated that a thorough review should be done and the conditions written on all of the impacts.

Vice Mayor Byington asked how difficult would it be to change the hours once the sunset provision is approved and asked if it would expose Council legally.

Mr. Jacques shared that if the condition is a sunset with a fixed termination date, it will fall on the applicant to reapply one year from the date the resolution is adopted, which would be March 2, 2016, if approved this evening.

Mr. Jacques explained that he had prepared three different resolutions. Depending on the outcome of the public hearing, Council could select the one they wish to enact. Mr. Jacques mentioned that there is a Scrivener's error in the legislation stating that the Planning Commission, by a vote of 4-0, denied the special use request. He corrected this by confirming the Planning Commission denied the special use request by a vote of 5-0 and stated that this error will be corrected on the final legislation.

Mrs. Hilton then selected and introduced the following:

A RESOLUTION
BY MRS. HILTON NO 1798
REVERSING THE PLANNING COMMISSION'S JANUARY 7, 2015, DENIAL OF
A SPECIAL USE REQUEST FOR THE PLANNED DEVELOPMENT AT THE
SOUTHEAST CORNER OF OAKWOOD AVENUE AND IRVING AVENUE, AND
GRANTING THE SAME WITH CONDITIONS.

There was some discussion amongst the Council and Mr. Jacques as to how the conditions should be worded. Mr. Jacques incorporated these conditions by hand-writing them in blanks provided for that purpose, to be added by the Clerk of Council in the final print copy of the resolution.

Thereupon, it was moved by Mrs. Hilton and seconded by Mr. Epley that the resolution be passed provided that the following conditions are met with respect to such operation:

- 1) The applicant having voluntarily withdrawn his request as it pertains to Saturdays and Sundays, the 6:00 a.m. opening time will apply Monday through Friday only.
- 2) Approval shall terminate 1 year from the date of adoption of this resolution, subject to a request for permanent approval as a new special use.

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

MR. WILLIAM D. DUNCAN..... YEA
MR. STEVEN BYINGTONNAY
MRS. ANNE HILTON YEA
MR. CHRISTOPHER EPLEY..... YEA

There being three (3) yea votes and one (1) nay votes thereon, said resolution was declared duly passed and it was so ordered.

At this time, Councilmember Stephens returned to the meeting.

LEGISLATION

A RESOLUTION
BY MAYOR DUNCAN NO 1799
TO SUPPORT THE BIG HOOPLA & THE NCAA FIRST FOUR

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

Mayor Duncan read the resolution to express Council's support for "The Big Hoopla" and the NCAA First Four.

WHEREAS, the NCAA Opening Round game of the NCAA Division I Men's College Basketball Tournament has been held at the University of Dayton since 2001; and

WHEREAS, the NCAA First Four of the NCAA Division I Men's College Basketball Tournament has been held at the University of Dayton since its inception in 2011; and

WHEREAS, the NCAA First Four, through The Big Hoopla and the Local Organizing Committee has expanded into a regional initiative and has made the Dayton region synonymous with the NCAA Tournament; and

WHEREAS, the Big Hoopla and the Local Organizing Committee have positioned the Dayton region as the Epicenter of College Basketball; and

WHEREAS, the NCAA First Four has had measurable economic development impact across the Dayton region and the State of Ohio; and

WHEREAS, the Dayton region has nurtured the NCAA First Four and The Big Hoopla from its beginnings to its status as a nationally known tip-off to March Madness; and

WHEREAS, it is the desire of the Dayton region to host the NCAA First Four into the future. The events and the games mean something to our community and the countless partners from across the entire region take great pride in supporting The Big Hoopla. The hard work, dedication and unwavering commitment make Dayton one of the NCAA Men's Basketball Tournament's preferred host sites.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO:

SECTION I.

The Council of the city of Oakwood strongly supports the NCAA First Four, The Big Hoopla and all the regional cooperation and economic impact it provides.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD this 2nd day of March, 2015.

Thereupon, it was moved by Mayor Duncan and seconded by Mr. Epley that the resolution be passed. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

STAFF REPORT

Safety Department Update Presentation: Chief Alex Bebris, Public Safety Director, referenced a PowerPoint presentation and updated Council on the following topics: Crime Trends; Identify Theft; and Traffic Citations.

Chief Bebris reported that Part I crimes have gone down for three consecutive years. These crimes include such things as Homicide, Sexual Assault, Robbery, Aggravated Assault, Burglary, Larceny, and Auto Theft. The level of burglaries has been consistent over the past several years.

Chief Bebris reported that in 2014, the Safety Department saw a significant decrease in reported larcenies but unfortunately, a significant increase in reported forgery, fraud and counterfeiting cases. This is directly related to increased incidents of identity theft. He added that according to a recent cybercrime research report prepared by the Identity Theft Resource Center, big data breaches of identity theft increased nationwide nearly 20 percent in 2014 and more than 10 million cases of Americans' personal records being exposed or published were reported for the year – making it the most common consumer complaint in the United States. The U.S. Justice Department shows that identity theft crimes are nearly triple that of all other non-fatal violent crimes in the country. 25 Oakwood residents were a part of this trend in 2014, becoming victims of this cybercrime, and represented fully 86% of our fraud, forgery, and counterfeiting cases, which was the largest crime category in growth for the year. Chief Bebris shared ways to protect against identity theft.

For traffic citations, Chief Bebris shared that citations are the highest they have been in the past five years. The public safety department is focusing on identifying trend areas and is evaluating the cause of accidents to determine how to reduce this number.

Mr. Epley asked if most Part I crimes are non-Oakwood residents.

Chief Bebris responded yes.

Mrs. Hilton asked what the first sign of identity theft usually is.

Chief Bebris responded that the first sign is usually notification from the credit card company.

Mrs. Hilton asked if the credit bureaus usually offer credit monitoring for those impacted by identify theft.

Chief Bebris responded that most credit bureaus are willing to work with people impacted once a police report is filed, and his department routinely helps in these situations.

Mayor Duncan shared that he is seeing identity theft in the CPA business. In Ohio, in order to file state taxes, you will have to go to their website and enter a code they provide, enter your social security number, and answer three questions. If you fail to provide any of this information, you will have to call in and talk with the Ohio Department of Taxation to get further instruction.

Mayor Duncan asked if the clearances mentioned in Chief Bebris' report are because the perpetrator was caught.

Chief Bebris explained that it could be that the perpetrator was arrested or a variety of other reasons such as the victim not wanting to press charges, etc.

CITY MANAGER'S REPORT– Mr. Klopsch thanked the public works department for snow plowing and keeping the Oakwood roads clean during the 4th coldest February on record, per the *Dayton Daily News*. Most people don't realize that the employees clearing and plowing the roads are the same employees that pick up refuse. Also, the public works department recently addressed a water main break which required that they work in the bitter cold for about ten hours to stop the leak.

COUNCIL COMMENTS

Mr. Epley complimented Mayor Duncan on professionally conducting the public hearing.

Mr. Stephens commended Chief Bebris and the public safety department for remaining visible on the streets of Oakwood and for doing a great job in keeping the city of Oakwood safe. He also thanked the public works department for putting in so many hours to remove the snow and then to turn around and work their normal shift.

Vice Mayor Byington also thanked the public works department for doing a fantastic job. He shared that he has received comments from residents as well as people outside of our community that are envious of Oakwood services. Vice Mayor Byington shared that the public hearing was a good way for citizens to have a voice and share their opinions. He appreciated the open discussion which allowed for everyone's opinion to be heard.

Mayor Duncan shared that he did not have a preconceived idea when he came to the meeting on how the public hearing would go. He is happy that Council was able to proceed and to find a compromise. Mayor Duncan shared that the Dayton Business Journal recently had an article that showed Oakwood Schools as #1 in the area. Mayor Duncan also reported that the Dayton Daily News recently announced that Site Selection magazine ranked the Dayton region second in the nation for capital investment attraction in 2014.

The public meeting concluded at 10:01 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL