

CITY OF OAKWOOD

STATE OF OHIO

MARCH 3, 2008

The Council of the city of Oakwood, State of Ohio, met in a work session at 6:00 p.m. in the conference room of the city of Oakwood, 30 Park Avenue, Dayton, Ohio, 45419. Council then met in a regular session at 7:30 p.m., in the council chambers of the city of Oakwood. The Mayor, Mrs. Judy Cook, presided, and the Clerk of Council, Ms. Cathy Blum, recorded. Mayor Cook 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:

MRS. JUDY COOK.....PRESENT
MR. CARLO C. McGINNIS.....PRESENT
MR. STEVEN BYINGTON.....PRESENT
MR. WILLIAM D. DUNCAN.....PRESENT
MR. STANLEY CASTLEMAN.....PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager
Ms. Dalma C. Grandjean, City Attorney
Mr. Jay A. Weiskircher, Assistant City Manager
Ms. Linda Merker, Income Tax Administrator

The press this evening was represented by the editor of the *Oakwood Register*, Mr. Lance Winkler; and *Dayton Daily News* staff writer, Ms. Kelli Wynn.

The following visitors registered:

Paula Good, Red Cross
Alan Rinzler, OIG

Mr. Duncan, Chair of the Council Committee on Minutes, advised council he had read the minutes of the regular and work sessions of council held February 11, 2008 and the work session held February 25, 2008. Mr. Duncan reported he found the minutes correct and complete. Therefore, it was moved by Mr. Duncan seconded by Mr. Castleman that the minutes of the sessions of council aforementioned be approved as written and the reading thereof be dispensed with. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

STATUS REPORTS

Committee Appointments: Mayor Cook recommended the following appointments: Kathy Luckett, District A, Property Maintenance; Jim Schmidt, District E., Property Maintenance; and Harrison Gowdy, Planning Commission.

Therefore, it was moved by Mr. Byington and seconded by Mr. McGinnis that the aforementioned appointments be confirmed. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mayor Cook appreciated the applicants joining these committees which are an important part of the city's successful operation. She indicated there was a wonderful group of applicants for the Planning Commission position, council conducted some interviews and she thanked everyone for their time.

Dellwood Parking Petition. Mr. Byington referenced a petition from the residents in the first block of Dellwood requesting exempt parking on the north side of the street. In accordance with council policy, council has ultimate authority, and the request has been reviewed by staff. He indicated there is currently exempt parking in the first block of Spirea (since 1983) and the safety department has reviewed the petition request which was signed by all but three of the property owners in that block. Mr. Klopsch explained he sent two letters to all property owners. The first informed everyone of the petition and invited them to an informational meeting, which no one attended. He heard from four owners (via telephone or e-mail), three in support and one expressed concern that some residents would take advantage of the program and keep their vehicles on the street at all times. It was explained that there is a maximum parking limit of 18 hours. Mr. Byington noted the petition has been reviewed by and recommended by staff and the public safety department.

Therefore, it was moved by Mr. Byington and seconded by Mr. Castleman that the exempt parking petition submitted from the first block of Dellwood be accepted. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Klopsch explained the School Superintendent and Principals of both the Senior and Junior High Schools were also made aware of the request and expressed support.

Proclamations. Mayor Cook read a Proclamation proclaiming March, 2008 as Mental Retardation and Developmental Disabilities Awareness Month. She indicated this impacts a portion of Montgomery County resident who are in need of support and service.

Mayor Cook read a Proclamation proclaiming March, 2008 as Red Cross Month and recognized Paula Good, American Red Cross, Dayton Area Chapter. Ms. Good explained she is attending in lieu of Tom Fodor and as Chief Development Officer is pleased to accept the Proclamation. She explained the Red Cross was started by Franklin Roosevelt and they proudly fly the flag of the Red Cross symbol which means help and hope. She indicated they reach many through the area, particularly during any fire disaster. Ms. Good recognized outstanding Oakwood citizen Walter Schaller for his tremendous support and contribution to the Red Cross. Mayor Cook noted another unique program the Red Cross provides is assistance for homeless families. Ms. Good agreed and indicated the Montgomery County Chapter has been around for 26 years.

ORDINANCE

BY MR. DUNCAN

NO 4648

TO AUTHORIZE AND DIRECT THE CITY MANAGER TO PROCEED WITH PHASE I IMPROVEMENTS TO ORCHARDLY PARK TO INCLUDE NEW PLAYGROUND EQUIPMENT, A SPLASH PAD, AND CONSTRUCTION OF A NEW RESTROOM/STORAGE BUILDING AND TO AMEND SECTION I, 2008 APPROPRIATION ORDINANCE NO. 4640, TO PROVIDE FOR THE APPROPRIATION OF AN ADDITIONAL AMOUNT OF \$290,000 TO BE EXPENDED FROM THE CAPITAL IMPROVEMENT FUND FOR PURPOSES OF COMPLETING THE PHASE I IMPROVEMENTS TO ORCHARDLY PARK.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read. Mr. Duncan explained they originally planned the Orchardly Park improvements in two phases, one in 2008, the other in 2009 but after comments received, they have decided to do this as one project in 2008.

Thereupon, it was moved by Mr. Duncan and seconded by Mr. Castleman that the ordinance be passed with just one reading.

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

MRS. JUDY COOK.....YEA
MR. CARLO C. McGINNIS.....YEA
MR. STEVEN BYINGTON.....YEA
MR. WILLIAM D. DUNCAN.....YEA
MR. STANLEY CASTLEMAN.....YEA

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

RESOLUTION

BY MR. DUNCAN

NO 1669

AUTHORIZING AND DIRECTING THE CITY MANAGER TO NEGOTIATE VIA INFORMAL COMPETITIVE PROCEDURES FOR THE PURCHASE OF PLAY EQUIPMENT, SPLASH PAD FEATURES AND SITE FURNISHINGS TO BE USED AS PART OF THE PHASE I IMPROVEMENTS AT ORCHARDLY PARK AND WAIVING INFORMAL COMPETITIVE BIDDING.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read. Mr. Duncan asked Mr. Klopsch for an explanation on the informal bidding process. Mr. Klopsch explained the purchasing ordinance requires the city to seek competitive quotes up to \$22,000; anything beyond must be by competitive sealed bid, however there is a provision that council may waive that requirement. He reviewed the formal sealed process – staff’s plans/specs are advertised twice, sealed bids are taken and opened at a public time and then awarded to the lowest and best. Any change requires a change order process and negotiation. Mr. Klopsch explained the sealed process doesn’t permit the city to negotiate as is sometimes needed with unique equipment/needs. Mr. Duncan indicated they have followed this process in the past with other projects. Mr. Klopsch concurred; it has worked well, although they can’t go back to the vendors more than a few times. Mr. Duncan explained this playground equipment has not been replaced since 1991 and will include updates for children with disabilities. He asked if the “whereas” clause that references \$190,000 is a typographical error. Mr. Klopsch responded no, that is the part of the project relating to equipment only. Mr. Duncan asked if there are provisions to avoid any conflict

of interest on the part of council and/or staff. Mr. Klopsch indicated there are a series of forms provided by the city attorney which address that issue.

Thereupon, it was moved by Mr. Duncan and seconded by Mr. Castleman that the resolution be passed with just one reading.

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

- MRS. JUDY COOK.....YEA
- MR. CARLO C. McGINNIS.....YEA
- MR. STEVEN BYINGTON.....YEA
- MR. WILLIAM D. DUNCAN.....YEA
- MR. STANLEY CASTLEMAN.....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 MR. BYINGTON NO 1670

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INFRASTRUCTURE AGREEMENT WITH OAKWOOD INVESTMENT GROUP.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read. Mr. Byington explained this relates to the Sugar Camp Circle street improvements which access the commercial area at Sugar Camp. Mr. Klopsch indicated a contract has been prepared with the assistance of Ms. Grandjean and OIG legal counsel and in a few months, a similar contract will be done for the residential component. Mr. Byington explained council has reviewed the agreement. Mr. Castleman noted the roadway is city property. Mr. Klopsch concurred.

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

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

- MRS. JUDY COOK.....YEA
- MR. CARLO C. McGINNIS.....YEA
- MR. STEVEN BYINGTON.....YEA
- MR. WILLIAM D. DUNCAN.....YEA
- MR. STANLEY CASTLEMAN.....YEA

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

Mr. McGinnis recognized the good work the developer has done to date as well as the good work of staff. He is pleased the city is entering into this cooperative partnership and noted if everything goes as planned, this will result in a win-win situation and significant enhancement. He recognized and thanked the developer who is in the audience.

Mr. Rinzler, OIG, extended thanks to council, the manager, assistant city manager, Ms. Grandjean and staff for all their assistance in helping the project come together. He has been involved with real estate for 40 years, dealt with many jurisdictions and informed council that he has never had the opportunity to work with such a professional staff. He indicated although they haven't always agreed, there has been cooperative activity throughout. Mr. Rinzler indicated they should be proud that staff persuaded him that a Walgreens at the corner was not welcome and after much discussion, desirable goals were met thanks to the cooperative working relationship. He also extended thanks to council and the planning commission for all their professionalism; everyone has respected one another and worked cooperatively toward the end result – the right thing for the community. He looks forward to working with the city on the residential portion as well. Mayor Cook indicated that bodes well for the future and extended appreciation for OIG's comprehensive approach.

STAFF REPORT

Income Tax Update. Income Tax Administrator Ms. Linda Merker referenced a PowerPoint presentation. She reported education is the key to successful compliance and referenced a chart of income tax collections which have been on the rise. The next chart depicted real estate valuations comparing Oakwood and other communities. Ms. Merker indicated Ohio law dictates that citizens pay tax to cities they work and reside in. She compared examples of municipal earnings in various communities and outlined recent area municipal rate increases, in particular how Kettering's recent 0.5% rate increase impacted Oakwood in lost revenue – overall the estimated revenue reduction from the rate change is \$139,175.

Ms. Merker outlined the most common return mistakes. Missing forms, i.e., W-2s supporting wages and taxes paid to other cities. Failure to include supporting schedules with return. Claiming credit for incorrect amount of estimated taxes paid. Payment of tax not included with the return. Failure to file – there is no electronic filing and filing is mandatory. She reviewed a chart of delinquencies over the years, now at 7 ½% compared to 16% in previous years. Ms. Merker explained mandatory filing is required of all residents 18 years of age and older. College students typically have not terminated their Oakwood residency; and retired persons may be exempt from filing upon approval from the tax department.

Ms. Merker indicated the vast majority of taxpayers want to do what's right. The city has a highly educated population respecting the need for a municipal income tax. Taxpayers are courteous with their questions and concerns. Staff appreciates taxpayers that keep them informed when moving in/out of the city and Oakwood residents make their job a little easier. On behalf of the tax department, Ms. Merker extended thanks to Oakwood residents for making their job easier.

Mayor Cook thanked Ms. Merker for her report. Mr. Castleman asked if the delinquencies exclude extension requests. Ms. Merker agreed, extensions are not included. Mr. Duncan wondered if any cities have e-filing. Ms. Merker indicated there are some products available but given the fee and small number of taxpayers, it is not cost effective. Mr. Duncan asked about consistency among jurisdictions. Ms. Merker explained there are consistencies in regard to business filings, however, on individual returns there is some leeway. She meets with area Tax Administrators to educate themselves. Mr. Duncan asked if he were a real estate broker living in Kettering but sells a home in Oakwood would he owe tax on his commission. Ms. Merker responded yes, tax would be owed. Mr. Duncan reminded everyone taxes are due April 15. Mayor Cook recalls hearing of a regional commonality, particularly for small business owners. Ms. Merker indicated typically citizens want a tax reduction and added she is watching a House Bill in Washington that could impact municipalities.

Mr. Klopsch indicated Ms. Merker not only meets with a local group but a southwest Ohio group of Tax Administrators. He recalled when she hosted the meeting at the city building, a room full of tax people. He agreed regional cooperation would be great and it's important that everyone pay their fair share.

CITY MANAGER'S REPORTS

Centennial. Mr. Klopsch referenced the letter he sent to all property owners around Houk Stream about upcoming plans for the bridge installation that will access the Houk Stream area to the new 3.1 acres recently purchased. He recognized the following citizens for their donations: Bill Lockwood, engineering work; Al Leland, project manager; John Danis, construction labor for abutments; George Kling, concrete; and Brad Judge, surveying services. He noted the bridge will be installed with no tax dollars and is made from a composite material.

Centennial Banners. Mr. Klopsch announced banners will be installed along Far Hills, Shroyer and Shafor by April. He noted more details on the centennial celebration will be forthcoming.

Annual Sidewalk Project. Mr. Klopsch indicated the city is in the process of inspecting and marking sidewalks with notices to be delivered in the future.

Mr. McGinnis asked if banners could be installed along Sugar Camp Circle. Mr. Klopsch noted brackets could be installed.

Oakwood Rotary Club Project. Mr. Klopsch referenced the Rotary Club's first hazardous waste pickup program. A free service where Rotarians picked up old paint, varnish, pesticides, etc. They visited 15 properties and had two truck loads of material. He indicated this is a voluntary program and citizens donated \$70 as a thank you. He noted the County Transfer Station was also appreciative.

Far Hills Business District Parking Issue. Mr. Klopsch referenced the letter he sent last week to Far Hills Business District business and surrounding residential owners about a public meeting scheduled on March 18, 7:30 p.m., at the Community Center to talk about parking and public access. He indicated a press release will also be sent to the media. Mr. McGinnis explained this also relates to the city's purchase of nearby property. Mr. Klopsch explained the city purchased two four-unit apartment buildings on the east side, one of which is empty. The options for these buildings could be for parking enhancements, green space, etc., and they want to involve the neighbors.

COUNCIL COMMENTS

Mr. Castleman indicated tomorrow citizens get to vote, express their personal preference on issues. He noted the importance of local issues, i.e., Issue #39 for Sinclair and urged everyone to exercise this option.

Mr. Duncan indicated in January he spoke with a second grade class at Smith School on government. He talked about Orchard Park, collecting taxes for the community, importance of being an elected official, spending money wisely, etc. He received a bunch of thank you notes and read a few of the letters. Mr. Duncan indicated tomorrow is Election Day and urged a favorable vote for the Sinclair levy.

Mr. Byington extended thanks to citizens who participated in the Orchard Park process, both adults and children came to the meeting, a great opportunity to see how government works and encouraged others to participate in the civic process. Mr. Byington also urged everyone to vote, there has already been a fantastic turnout.

Mr. Byington referenced the First Tier Suburbs Meeting he and Mayor Cook recently attended, twelve communities working on regional issues and the recent discussion on foreclosures and vacant homes. He indicated a Foreclosure Task Force was developed to work on indicators, identifying areas, etc., and he, along with six others, was selected.

Mayor Cook also urged everyone to vote and expressed support on Issue 39 for Sinclair. She indicated that issue is at the end of the ballot so urged everyone to be patient and get to that issue and support it.

Mayor Cook thanked the Wills for operating the cable equipment this evening.

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

MAYOR

ATTEST:

CLERK OF COUNCIL