

CITY OF OAKWOOD

STATE OF OHIO

AUGUST 4, 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. Carol D. Collins, Leisure Services Director
Mrs. Cindy S. Stafford, Finance Director

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

The following visitors registered:

Joseph Koussa, Kettering
Mike Disbrow, 2750 Ridgeway Road
Nancy Bain, 444 Acorn Drive
The Stafford Family

Mr. Duncan, Chair of the Council Committee on Minutes, advised he had read the minutes of the regular and work sessions of council held July 21, 2008. Mr. Duncan reported he found the minutes correct and complete. Therefore, it was moved by Mr. Duncan and seconded by Mr. Castleman 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

Oath of Office. Mr. Klopsch introduced Finance Director Mrs. Cindy Stafford who joined staff on June 30 to replace Director Mr. Brad Beachdell who retired the end of March. He extended thanks to Mrs. Alice Young, Assistant Finance Director, who did a wonderful job during the transition. Mr. Klopsch reviewed Mrs. Stafford's responsibilities which include income tax, water and sewer, accounts payable and receivable, payroll and primary responsibility for the annual budget and overseeing funds/capital investments. He reviewed her educational and work experience, is pleased she has blended in so well and introduced her husband and three sons. Mayor Cook gave the Oath of Office and welcomed Mrs. Stafford.

Hills & Dales Park. Mr. Zimmerman, Five Rivers Metro Parks, referenced drawings of work going on. The three major projects include: 1) shelters, play areas, and new access off Hilton, northwest corner; 2) most dramatic change at Dogwood Camp (Park Road and Patterson Boulevard) where there was a pond and a new damn is being created, new shelter house, walking trails that connect to Paw Paw Camp off Deep Hollow and a unique wetland area; and 3) at Paw Paw Camp, a dramatic change with a new shelter that has a masonry stone fireplace, etc. Mr. Zimmerman indicated other projects include working with the street department to improve parking by the monument, pedestrian safety improvements, erosion control by the structure off Patterson known as the "Witches Tower"; and restroom facilities.

Mayor Cook asked about timing. Mr. Zimmerman indicated they won't meet the February 22 deadline since landscaping cannot be installed until next spring. Mr. McGinnis asked if any work will be done near Oak Knoll and Patterson. Mr. Zimmerman indicated there are currently no plans. Mr. McGinnis asked if there will be coordinated/marked hiking trails. Mr. Zimmerman responded yes and indicated signage will be included. Mayor Cook wondered how many picnic sites are available. Mr. Zimmerman indicated Paw Paw Camp has the largest shelter and will now have 50 parking spaces; White Oak Camp has two smaller shelters; there are also shelters at Adirondack and

Twin Oaks. Mr. Duncan asked if the trails will be handicap accessible. Mr. Zimmerman believes there is handicap accessibility by the pond and reviewed materials being used. Mayor Cook noticed several trees were removed. Mr. Zimmerman indicated that was to make room for structures, grading and parking and was pleased that the wood was taken to Carriage Hill Farm or recycled, nothing went to the landfill. Mr. Winkler questioned the budget. Mr. Zimmerman replied \$3.2 M for the total project with 2.5 M currently spent. Mayor Cook indicated it's a lovely investment next to the city.

Centennial Closing. Mayor Cook explained on August 17 the Centennial celebration will formally close. In addition to the annual Ice Cream Social (which is normally held at Shafor Park) this year everything will be held at the High School stadium. The events begin at 3 p.m. with games, chicken dinners, displays, booths, etc. At 4 p.m., there will be a talent show. The grand finale is the Air Force Band of Flight and conducting the band for his first concert will be Major Michael Mench, not only is he the new Director but also a new Oakwood resident. Mayor Cook indicated special seating areas are available for Centennial Club members and invited everyone to attend this final event of the Centennial year.

Mayor Cook welcomed the visitors. Mr. Koussa, Kettering resident, extended prayers to the troops overseas. He explained for eight years he has been attending different council meetings and although born and raised in Beirut, Lebanon, in 1966 he came to the United States, learned the English language and worked hard. In 1971 he became a citizen of this great country, is proud to be an American and daily asks himself what he can do for the USA.

ORDINANCE

BY MR. DUNCAN

NO 4652

TO AMEND SECTION I, 2008 ORIGINAL APPROPRIATION ORDINANCE NO. 4640, SUPPLEMENTAL APPROPRIATION ORDINANCE NO. 4648, AND SUPPLEMENTAL APPROPRIATION ORDINANCE NO. 46490 TO PROVIDE FOR THE APPROPRIATION OF:

- 1) AN ADDITIONAL AMOUNT OF \$25,000 TO BE EXPENDED FROM THE CAPITAL IMPROVEMENT FUND FOR THE SUGAR CAMP REDEVELOPMENT PROJECT;
- 2) AN ADDITIONAL AMOUNT OF \$188,500 TO BE EXPENDED FROM THE CAPITAL IMPROVEMENT FUND FOR A PARKING LOT ON ORCHARD DRIVE ON THE EAST SIDE OF FAR HILLS AVENUE BUSINESS DISTRICT.

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

Thereupon, it was moved by Mr. Duncan and seconded by Mr. Castleman that the ordinance be approved and the second reading waived requiring a four-fifths vote.

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 1676

AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE VIA INFORMAL COMPETITIVE PROCEDURES FOR DEMOLITION OF THE FOUR-UNIT APARTMENT BUILDING AT 22 ORCHARD DRIVE AND WAIVING COMPETITIVE BIDDING.

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 Mr. Duncan and seconded by Mr. Castleman that the resolution be passed.

At the request of Mr. Duncan, Mr. Klopsch reviewed the city's purchasing ordinance requirement that anything in excess of \$22,000 go through the formal sealed bid process and the lowest and best bid be selected. He indicated every now and then staff believes the better opportunity is to negotiate with the contractors for the best price which this resolution will permit. Mr. Klopsch estimated roughly \$50,000 to demolish, clean up and grade the site.

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

A RESOLUTION BY THE COUNCIL OF THE CITY OF OAKWOOD, OHIO, DECLARING THE NECESSITY OF A RENEWAL LEVY IN EXCESS OF THE TEN-MILL LIMITATION AND REQUESTING THE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY OF OAKWOOD AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A SPECIFIED NUMBER OF MILLS.

Mr. Duncan explained in 1978, Oakwood passed a 5.5 mill levy for services and noted none of that money goes to the schools. The levy has been renewed every five years, expires this December and if they want it on the November ballot, need to act. He indicated the levy raises approximately \$330,000 per year.

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

Mr. Duncan explained over the last couple years, citizens have been asked to support a school and library levy as well as the Human Services and Sinclair operations levies; and have stepped up to the plate. The city has the opportunity, which happens perhaps once every 100 years to let a tax levy expire; this because of a 2007 large estate tax windfall. Mr. Duncan recommended the city let the levy expire so taxes can be lowered. Mayor Cook explained if they vote no on this, the levy will not be renewed. Mr. Castleman indicated the city has adequate reserves and he supports the recommendation. Mr. Duncan explained if additional levies are needed in the future, council will explain the need and the community will support it. He is pleased this can be done due to the estate tax windfall and noted many people in Columbus want to eliminate the estate tax which provides uncertainty for local governments. If the estate tax is eliminated, the city will need to find new tax dollars.

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

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

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

The next agenda item was another Resolution relating to the 5.5 mill levy renewal. Mayor Cook explained since the previous Resolution was rejected, that agenda item was not needed.

ORDINANCE

BY MR. DUNCAN

NO 4653

ADOPTING THE 2009 TAX BUDGET FOR THE CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 2009.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Duncan explained this is required per the city Charter and council will review the final 2009 Budget in December.

Thereupon, it was moved by Mr. Duncan and seconded by Mr. Byington that the ordinance 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 ordinance was declared duly passed and it was so ordered.

RESOLUTION

BY MR. BYINGTON

NO 1677

A RESOLUTION OF SUPPORT FOR GRANT FUNDING FOR THE OAKWOOD PUBLIC SAFETY DEPARTMENT.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Byington explained this provides the safety department the opportunity to apply for DARE grant funding.

Thereupon, it was moved by Mr. Byington and seconded by Mr. Castleman 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.

RESOLUTION

BY MR. BYINGTON

NO 1678

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. Byington explained this relates to homeowners who have received notice that they are not in compliance with the property maintenance code, the city undertakes the mowing, charges the owner and when that invoice is not paid it is forwarded to the county for collection with property taxes. Mayor Cook indicated this is an annual piece of legislation. Mr. Byington noted there are eleven properties and urged neighbors to call the city if there is a property maintenance concern in their area.

Thereupon, it was moved by Mr. Byington and seconded by Mr. Castleman 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.

ORDINANCE

BY MR. BYINGTON

NO 4654

DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY, AND DECLARING AN EMERGENCY.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Byington explained this relates to required 2009 street lighting. Mayor Cook added this is annual legislation.

Thereupon, it was moved by Mr. Byington and seconded by Mr. Duncan that the ordinance be passed as an emergency measure.

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.

ORDINANCE

BY MR. BYINGTON

NO 4655

LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY, AND DECLARING AN EMERGENCY.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Byington explained this is legislation authorizing assessment for street lighting.

Thereupon, it was moved by Mr. Byington and seconded by Mr. Duncan that the ordinance be passed as an emergency measure.

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.

ORDINANCE

BY MR. BYINGTON

NO 4656

TO APPROVE A CHANGE TO THE BOUNDARY LINE BETWEEN THE CITY OF OAKWOOD, OHIO, AND THE CITY OF KETTERING, OHIO, BY AGREEMENT OF BOTH MUNICIPALITIES, PURSUANT TO OHIO REVISED CODE §709.37 AND DECLARING AN EMERGENCY.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Byington explained this relates to a property that requested a lot split and while the city reviewed this property abutting Dorothy Lane and Fairmont, staff suggested the corporation line and right-of-way be corrected with the city of Kettering. Mr. Duncan noted the property owner receives no compensation for this boundary line adjustment.

Thereupon, it was moved by Mr. Byington and seconded by Mr. Castleman that the ordinance be passed as an emergency measure.

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.

County Economic Development Study Grant Application. Mr. Castleman recommended support so the city can participate in the study at no cost. Grant money in the amount of \$85,000 would come from the State of Ohio.

Therefore, it was moved by Mr. Castleman and seconded by Mr. Duncan that the aforementioned support be authorized.

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.

STAFF REPORT

Deputy City Manager Jay Weiskircher referenced a Power Point presentation. He will review the Orchard Drive Municipal Parking Lot, New Home Construction, Sugar Camp & Pointe Oakwood, Property Maintenance, and Park Avenue Municipal Parking Lot Improvements. In regard to the Orchard Drive municipal parking lot, he explained in order to sustain a vibrant business district, it's important that patrons have access to convenient on-street and off-street parking. Recent improvements on the east side of the 2400 and 2500 blocks of Far Hills have created a need for additional parking in the area and he referenced a photo of the Oakwood Retail Center (Chico's plus three new businesses); and the 2400 block with Whispers, Starbucks, Oakwood Club and Graeters. Recognizing that need, the city purchased the four-unit apartment building at 22 Orchard Drive in 2006 with the goal of eventually locating a municipal parking lot on the site. Mr. Weiskircher reviewed a map of the Far Hills Avenue Business District existing off-street parking lots and pointed out the proposed Orchard lot, and the buffers along Shafor. In March, the city held a public meeting with interested neighbors and business owners to explain the need for additional parking in the area. The presentation was well received and since then, they city has been working with a local landscape architect on the parking lot design. Mr. Weiskircher explained a second public meeting was held on July 22 at which time the landscape architect presented the proposed parking lot design. The design includes saving some significant trees as well as internal plantings, a landscaped fence on the east, plant material to the south and rain gardens in the 35 parking space lot. The attendees were pleased with the design so the city is moving forward with presenting the parking lot plan to the Planning Commission at its August meeting. He referenced image sketches of the proposed parking lot and indicated if the commission approves, the city will move forward immediately to raze the apartment building and begin work. Absent unforeseen delays, the lot should be completed by no later than the end of October. He indicated prior to razing the building, the safety department will use the facility for training.

Mr. Weiskircher reported on new home construction. He referenced photos of the property at the corner of Wisteria Drive and Shafor Boulevard, 120 Park Road and the Skunz Plat. He then gave an update on the Sugar Camp and Pointe Oakwood project. In regard to Sugar Camp, he referenced photos of the east parking lot, west parking lot (still waiting for Vectren to complete the gas line), access road, public access road light fixtures, approved commercial Master Landscape Plan, Sugar Camp monument signs, and interior renovations of Building A. Mr. Weiskircher reviewed the Pointe Oakwood portion and photos of the earth-moving operations and updated site plan. The following are year-end milestones for Sugar Camp: public access road and west parking lot completed; parking lot and access road lighting fixtures installed; Master Landscape Plan completed; and renovation of Building A completed. Year-end milestones for Pointe Oakwood are: entrance road, private road and cul-de-sacs (adjacent to Far Hills) completed; landscaping along Far Hills frontage completed, which they are working with citizens on; two remaining wood cabins demolished; preferred builders identified; and marketing office opened in the former gate house.

In regard to property maintenance, Mr. Weiskircher explained with the majority of the city's housing stock more than 60 years old, significant time is invested for enforcement of this code. Besides citizen generated complaints, staff conducts an annual city-wide tour to identify properties in violation. Property owners are then notified by letter and given a reasonable period of time to correct the violation(s). If a property owner feels aggrieved by an order to correct a violation, there is an appeal process in place in which the owner can have a hearing before the three members of the Property Maintenance Board in that district. He reviewed statistics of the number of violations letters sent during the past five years and added 197 letters were sent this year. Mr. Weiskircher indicated property maintenance also lends itself to the beautification award program and he referenced a photo of the sign. He explained awards are presented from April to September and are determined by the Property Maintenance Board and Environmental Committee members. Winners have the sign placed in their yard for 30 days and are recognized in local papers. Winners are also recognized by Council in October. In addition to a video presentation filmed by MVCC staff featuring winners, all winners receive a framed certificate and picture.

Mr. Weiskircher referenced the Park Avenue Municipal Parking Lot improvement project and a sketch of the location across the street from the city building. A photo of the current lot was reviewed as well as a sketch of the proposed improvement plan. Mr. Weiskircher explained the city is trying to obtain easements from abutting private parking lot owners. He reported on other activities on Park Avenue including the relocation of Stephens Insurance Agency and a drawing of the proposed façade improvements at 51-53 Park Avenue. Mr. Weiskircher indicated those are the major projects he has been working on and added he also helped Ms. Collins with the Orchardly Park upgrade. Mr. Castleman asked about the status of the easement for the Park Avenue parking lot. Mr. Weiskircher indicated they are very close with the Little Exchange and still need to work with Merrill Lynch. Mr. Duncan referenced comments he hears on why it takes so long to get some things done, however, when you look at all the projects just reviewed and with a thin staff, kudos

are well deserved. Oakwood also has a history of making sure projects are done right. Mayor Cook concurred; it takes long to get it done right. She thanked Mr. Weiskircher for his interesting report.

CITY MANAGER’S REPORTS

Mr. Klopsch extended thanks to Mr. Weiskircher for all he does; the city runs smoothly thanks to Mr. Weiskircher.

Far Hills Project. Mr. Klopsch referenced updates on the Sugar Camp and Pointe Oakwood projects and indicated the Far Hills work, south of Schantz to the north corporation line. will soon begin. He indicated when large utility poles are relocated, it takes time.

Centennial. Mr. Klopsch announced the day before the Centennial Closing Ceremony, Saturday August 16, there will be a pedestrian bridge dedication in Centennial Park for the first bridge in Oakwood.

Sidewalk Repair Project. Mr. Klopsch referenced the letter in last week’s *Register* about another community that permitted citizens to grind down a trip hazard in the walk. He explained Oakwood has the same policy on minor elevated differences.

Dog Stations. Mr. Klopsch announced later this month additional dog stations will be installed in the three parks and other locations throughout the community for a total of eight. He explained it’s a small box on a pedestal with bags for waste and a receptacle. One was installed along Deep Hollow by Park Road with good feedback and he encouraged residents to clean up after their dogs.

COUNCIL COMMENTS

Mr. Duncan referenced the Public Safety Department newsletter and a story about how well Dispatcher Heisey handled a recent 911 hang-up call on a domestic violence case, keeping the victim on the phone while the suspect was in the house with a knife. He commended Dispatcher Heisey for staying calm, obtaining needed information and the positive outcome for all.

Mayor Cook thanked the Wills for operating the cable equipment and announced the next meeting is scheduled for September 15.

Council adjourned. The public meeting concluded at 8:58 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL