

CITY OF OAKWOOD

STATE OF OHIO

DECEMBER 8, 2008

The Council of the city of Oakwood, State of Ohio, met in a work session at 6 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, Mrs. Cathy Gibson, 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
Mrs. Cindy S. Stafford, CPA, Director of Finance
Mr. Kevin W. Weaver, P.E., P.S., Director of Engineering & Public Works
Ms. Carol D. Collins, Director of Leisure Services
Chief Alexander P. Bebris, Director of Public Safety

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

There were no other visitors present.

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 November 3, 2008 and the work session of November 24, 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 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 REPORT

Committee Appointments. Mayor Cook announced at this final meeting of the year there are a number of citizen committee positions where citizens have graciously served and agreed to serve another term. Those appointments include: Andy Aidt, Planning Commission; Kip Bohachek, Board of Zoning Appeals; Dr. David Denka, Board of Health; Budget Review Precinct (B) Bill Frapwell; Precinct O Ella Himes and Ellen Fodge; Precinct T Anne Hilton and Rick Ohmer; Precinct (V) Richard Ordeman; Environmental Committee Lisa Reeder, Sandy Bally, Tom Davis and Sally Solarek; Property Maintenance Precinct (A) Kathy Lockett, Precinct (B) Dan Edwards; Tax/Water and Sewer Appeals, Arik Sherk; and ADA, William Stephens.

It was moved by Mr. Byington and seconded by Mr. Castleman 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 reiterated thanks to those citizens for time already given; their experience makes everything more beneficial.

Sugar Camp/Pointe Oakwood Update. Mr. Byington indicated work is progressing at both sites and weather permitting the final course of asphalt will be installed at Sugar Camp. He explained at Pointe Oakwood earthwork continues for the access road to the soccer fields and they are grading sites in the residential area. He noted the Far Hills/Schantz project is nearly complete with work yet on the traffic signalization; and at Huffman Park, Fullmer's is nearly finished.

MVRPC. Mr. McGinnis explained, as council liaison to MVRPC, that last week they adopted a comprehensive regional Local Bikeway Plan, a long-term vision plan to carry on the tradition of bike trail development, including awareness, education, enforcement, etc. He noted this is in partnership with Five Rivers Metro Parks and the Miami Conservancy District. He reported they asked members to undertake a local analysis and he has asked the city manager to review same with the schools, recreation, historical society, etc., including interested citizens.

Historical Society. Mr. McGinnis announced this Sunday from 1-3, the Society is hosting a fabulous Holidays at the Homestead. He passed on the invitation to council and the community.

ORDINANCE

BY MR. BYINGTON

NO 4658

TO APPROVE CURRENT REPLACEMENT PAGES TO THE OAKWOOD TRAFFIC AND GENERAL OFFENSES CODES.

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 replacement pages for the Traffic and General Offenses Codes per State law amendments. He noted the city works with Drane Company on revisions.

Thereupon, it was moved by Mr. Byington and seconded by Mr. McGinnis that the ordinance be passed.

Mayor Cook explained this is housekeeping. Mr. Castleman asked for an example. Mr. Byington reviewed the regulation relating to use of stud tires and chains during inclement weather.

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. DUNCAN

NO 4659

TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 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 encompasses approximately \$17M in expenditures, \$3M in transfers and \$3M in short-term debt refinancing.

Mr. Klopsch referenced a PowerPoint presentation and explained part of his job as city manager includes fiscal responsibility, noted all department heads are at the meeting, and they are asking council to approve the 2009 Budget so that services may be continued. He reviewed the 2008 budget year ending financial data which consists of three primary funds: water, sewer and non-enterprise. Mr. Klopsch explained water is self-funding and provided in-house with eight production wells. The first bar graph depicted revenue and expenditures and how close they are to the budgeted revenue and that expenditures are down. Mayor Cook asked if the budget includes the possibility of having to buy water or if it is a rainy year, the need not to. Mr. Klopsch concurred and explained they budget very conservatively. The next chart depicted the quarterly water cost comparison and shows that Oakwood ranks 6th lowest out of 68 in the region (the city has not raised water rates since 1994). In regard to the sewer utility chart, it comparably goes up with increased water usage in the summer and expenses are closer to what was budgeted. Mr. Klopsch noted wastewater treatment is subject to rate increases from Dayton and Montgomery County and in comparison to area rates, Oakwood is in the middle.

Mr. Klopsch referenced the non-enterprise funds which consists of everything else; they have exceeded the budgeted revenue and probably won't approach the \$14.38M expenditures. He noted if need be, they could get into cash reserves and explained this fund covers police/fire, public works, capital improvements, etc. Mr. Klopsch reviewed the three sources of income, beginning with property tax revenue. He reviewed a historical chart from 1998 which depicts the increase every third year due to re-valuation; however, in 2009 there will be a \$340,000 drop since council voted against renewing a levy. He noted the 2.72 levy expires in 2010. He referenced a pie chart that shows the property tax revenue. In regard to income tax, this is a great source of revenue and the chart shows constant growth. Mr. Klopsch indicated at the budget review meetings, they talked about how much to budget for 2009 due to national economic issues and bumped the figure up a bit as a result of the new jobs at Sugar Camp. He reviewed the pie chart that depicts the income tax revenue and added in 1984 the city raised the rate from 2 to 2.5%. He referenced neighboring jurisdictional income tax rate increases. The final area of revenue is estate tax and he referenced a

chart of revenue since 1998, pointing out the large windfall last year of \$9.9M. He indicated although estate tax is impossible to predict, it is a very important part of the overall budget.

Mr. Klopsch referenced the 2009 Budget and indicated there are no new programs or additional staff planned; this outlines resources needed to continue providing existing services. He reviewed the water funds with capital expenditures of \$131,000 (compared to 10-year average of \$154,000). The three main expenditures relate to water valve machine, ion exchange filter #1 rebuild and water main project on Aberdeen. He then reviewed the water fund budget summary sheet depicting the estimated balance, revenue and appropriation. In regard to the sewer utility fund, there is \$50,000 noted (compared to 10-year average of \$71,000) for sanitary sewer capital costs. He also referenced the sewer fund summary sheet from the budget and noted 2009 is the last year to pay off the Public Works/Foell Center rebuild debt. Mr. Klopsch reviewed the non-enterprise fund with a capital budget of \$1,018,500 (compared to 10-year average of \$944,000) for street improvement projects, two police cruisers, dump truck and OCC/pool improvements. He also reviewed the budget summary sheet for that fund. The next slide was a summary of operating expenses which showed \$12.16M in revenue (less transfers/borrowed funds); appropriations of \$13.9M (less debt payment and transfers); for a net of \$1.7M. If the city receives the 10-year average of \$2.8M in estate tax, rather than the \$1M budgeted, the \$1.7M deficit will be erased.

Mr. Klopsch reviewed the 2009 Budget goals and objectives. The first relates to the Sugar Camp and Pointe Oakwood Development. He reported business space has been utilized; the Synagogue moved in; Terradata employees are expected, now up to 100 rather than the 60-65 originally planned; a lot of work has been done by staff (in particular Mr. Weiskircher and Mr. Weaver); the field access roadway is underway; and residential construction in the upcoming spring is for condominium and patio home style of housing that is not comparable to anything in Oakwood. The second goal relates to Athletic/Recreation Facilities Master Plan which will involve a lot of staff time to work with the community on a vision. The next goal is the Park Avenue Municipal Parking Lot and based on discussions with the Budget Review Committee, there will be no additional budgeted expenditures year. Another goal relates to the Safety Dispatch Center Operations which should be completed by year-end and will include the ability to receive cell phone 911 calls. The final relates to financial software and procedure updates and now that Mrs. Stafford is on board, \$80,000 has been budgeted so this goal may be reached.

Mr. Duncan re-emphasized while they were working on this budget, there was concern with revenues given the national economy; however, less was budgeted in property tax due to council's decision not to renew the levy and thereby cut property taxes. He explained income tax revenue will be increased as a result of new employees at Sugar Camp. He indicated estate tax continues to be an unknown and he is concerned that the state may change the regulations. Mr. Duncan indicated this is a good budget with a contingency plan in place if revenue does not come in but they have been cautioned by the city engineer not to postpone needed street projects. Discussion ensued in regard to inside versus outside millage and that the financial information presented pertains only to the city, not the schools.

Mr. McGinnis is proud of council's action to reduce property tax by not renewing the levy, that there will soon be access to the Old River playing fields and continued support of personnel, a staff beyond comparison. He is also pleased that the city manager, as a trained engineer, has successfully tackled finances, the terrific input from the assistant city manager, the terrific Budget Review Committee, and team effort. He also commended Mr. Duncan who helps audit their budget which is a nice product. He encouraged council to help monitor the estate tax implications and staff to monitor personnel costs. He noted the Budget reflects the strong demands of citizens for current city services. Mr. McGinnis indicated as an elected official, citizens are getting their monies worth. Mayor Cook concurred having Mr. Duncan as the Finance Chair is like getting a free audit. Mr. Duncan commended the 34 member Budget Review Committee, a wide variety of talent, and their unanimous recommendation to approve the Budget.

Thereupon, it was moved by Mr. Duncan and seconded by Mr. McGinnis 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.

ORDINANCE

BY MR. DUNCAN

NO 4660

TO REPEAL ORDINANCE NUMBER 4642 AND ESTABLISH AN AMENDED PERSONNEL SCHEDULE DATED DECEMBER 8, 2008 AUTHORIZING THE CITY MANAGER TO INCREASE THE TOP RATES OF COMPENSATION FOR OFFICE, MANAGEMENT, PART-TIME AND SEASONAL EMPLOYEES, AND TO DECLARE 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. Duncan explained part of the budget includes personnel costs and this ordinance reflects a 2% pay increase for seasonal and part-time staff; and 3% for administrative (non-union) staff. He indicated the budget also reflects other staffing increases as stipulated in existing collective bargaining contracts including 3% for Public Works, 4% for Dispatchers and 5% for Public Safety Officers.

Thereupon, it was moved by Mr. Duncan 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.

ORDINANCE

BY MR. DUNCAN

NO 4661

TO DETERMINE THE MAXIMUM COMPENSATION OF THE CITY OF OAKWOOD MUNICIPAL COURT CLERK, DEPUTY CLERK, BOOKKEEPER/DEPUTY CLERK AND BAILIFF, AND TO DECLARE 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. Duncan explained by law the Ohio Municipal Court budget is part of the city's budget and this ordinance gives court personnel a 3% pay increase.

Thereupon, it was moved by Mr. Duncan 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.

ORDINANCE

BY MR. DUNCAN

NO 4662

TO AMEND SECTION I, 2008 ORIGINAL APPROPRIATION ORDINANCE NO. 4640, SUPPLEMENTAL APPROPRIATION ORDINANCE NO. 4648, SUPPLEMENTAL APPROPRIATION ORDINANCE NO. 4649 AND SUPPLEMENTAL APPROPRIATION ORDINANCE 4652 TO PROVIDE FOR THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF **\$65,000** TO BE EXPENDED FROM THE REFUSE FUND FOR COSTS RELATED TO THE SEPTEMBER 14, 2008 WIND STORM DEBRIS CLEAN UP;
2. AN ADDITIONAL AMOUNT OF **\$30,000** TO BE EXPENDED FROM THE STREET MAINTENANCE AND REPAIR FUND FOR COSTS ASSOCIATED WITH THE INCREASES IN THE COST OF ROAD SALT DURING 2008 AND FOR ROADWAY BANNERS;
3. AN ADDITIONAL AMOUNT OF **\$10,000** TO BE EXPENDED FROM THE PUBLIC SAFETY DEPARTMENT ENDOWMENT FUND FOR THE PURCHASE OF DEFENSE TACTIC EQUIPMENT;

4. AN ADDITIONAL AMOUNT OF \$40,000 TO BE EXPENDED FROM THE SERVICE CENTER OPERATIONS FUND FOR THE INCREASES IN FUEL COSTS DURING 2008.

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 a housekeeping measure and amends the 2008 budget for supplemental appropriation of expenses which include \$65,000 for the September 14 wind storm; \$30,000 for road salt and banners; \$10,000 for public safety tactic equipment; and \$40,000 in additional fuel costs.

Mr. Klopsch explained the defense tactic equipment will come out of the public safety endowment fund which was set up years ago when a citizen thankful for safety services contributed money. The current fund balance is approximately \$250,000 and for many years, none of the money was spent. He noted staff is working on a policy to maintain the fund and use interest for equipment and/or training as outlined in the endowment. Chief Bebris explained the fund was set up to provide comfort, welfare and training for the officers and in 2008 they appropriated money for new mattresses/box springs. The purchase of the defense tactic equipment allows in-house training (since a couple past hires are certified instructors) on self defense tactics. He indicated given the situation a couple weeks ago when the lieutenant was injured, this will help prevent future injuries. Mr. Duncan extended commendations to Lt. Benson on his service in that situation.

Mr. Duncan noted the additional \$65,000 for the wind storm and the hope that the city will receive some FEMA reimbursement. Mr. Klopsch indicated they have requested \$262,000 from FEMA. Mr. Duncan wondered if they have worked with the city of Kettering on the purchase of road salt. Mr. Klopsch concurred; an agreement was signed so Oakwood may purchase salt from Kettering. He indicated based on Oakwood's size, current salt shortage, etc., this was the best option.

Thereupon, it was moved by Mr. Duncan and seconded by Mr. Castleman 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 1683

ACKNOWLEDGING THAT THE CITY MANAGER OR HIS DESIGNEE EXCEEDED THE ORIGINAL CONTRACT AMOUNT FOR THE 2008 ASPHALT PAVEMENT REPAIR PROJECT IN EXCESS OF TWENTY-FIVE PERCENT AND WAIVING ANY FORMAL 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. Mr. Byington explained asphalt repair work was undertaken on various areas through an informal bid with Booher for \$15,000. As the work proceeded, it was determined more repair was needed and they've exceeded the 25% overage and the final cost is \$24,200; this resolution acknowledges that the amount was exceeded and waives the necessity for formal bids.

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.

RESOLUTION

BY MR. CASTLEMAN NO 1684

AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO BID FOR REFUSE COLLECTION VEHICLES ON GOVDEALS.COM AND WAIVING ANY FORMAL 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. Mr. Castleman explained Upper Arlington is getting out of the business of backdoor refuse pickup and consequently selling scooters (new scooter cost is \$30,000). This resolution allows the city manager to make a bid on the used scooters at a reduced price and avoid competitive bids.

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

Mr. Castleman noted the purchase would be through GovDeals and wondered why they can't go directly to Upper Arlington. Mr. Weaver explained Upper Arlington ceased operation several months ago and put the equipment on GovDeals – this because two other potential buyers expressed interest. Currently there are nine vehicles for sale and the bids close on Wednesday. Mayor Cook asked about the age and condition of the equipment. Mr. Weaver indicated it looks better than what the city currently has and one of the mechanics went to review the equipment, they have done their homework. Mr. Duncan wondered why Upper Arlington privatized. Mr. Weaver understood due to a union issue and ultimate cost, they went to a private hauler.

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.

CITY MANAGER'S REPORTS

Mr. Klopsch extended thanks to council for the 3% pay increase on behalf of the non-bargaining employees. He indicated it's a great group of staff that has served the community well, there is very low turn over, citizens get their monies worth and he appreciated the recognition.

Mr. Klopsch thanked Mrs. Stafford for work on her first Budget.

Mr. Klopsch read the following e-mail he received from Kyle Zepernick, President of the Oregon Group Architects. *"I thought you would like to know the Orchardly Park restroom building won an award at the Masonry Institute of Dayton's annual banquet last Friday. The awards are given for excellence in masonry design and construction. It was selected from a pool of entries submitted by local architects and masonry contractors. We submitted the project this past summer and were pleasantly surprised it was recognized. So Oakwood now has an "award winning restroom building" in Orchardly Park..."*

COUNCIL COMMENTS

Mr. Duncan agreed there is an outstanding staff at the city and it's been an interesting year from the Centennial Celebration to the wind storm. He looks forward to Mayor Cook's state of the city address and informed the citizens the community is well managed and financially strong.

Mr. Byington commended Mayor Cook on recently being named Chair of the First Tier Suburbs group. He also extended thanks to all the citizens who helped in the recent Houk Stream Clean-up and wished the UD Flyers well.

Mayor Cook invited the community to this Sunday's lighting up Oakwood festivities, a great event that begins at 6:30 at Shafor Park when the tree will be lit, sleigh rides, etc. During the day, members of the Environmental Committee will help line the streets with luminarias and neighborhoods get together to light their street as well.

Mayor Cook indicated this is the last formal meeting of the Centennial year and it's been a wonderful experience, brought out everyone and all that is great in Oakwood and its greatest asset, citizens who have made it happen. She extended thanks to the Wills for operating the cable equipment.

Council adjourned. The public meeting concluded at 8:56 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL