

CITY OF OAKWOOD

STATE OF OHIO

JULY 16, 2012

The Council of the city of Oakwood, State of Ohio, met in a work session at 5:30 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, Mr. William Duncan, presided, and the Clerk of Council, Mrs. Cathy Gibson, recorded. Mayor Duncan opened the meeting by asking all present to participate in the Pledge of Allegiance.

Upon call of the roll, the following members of council responded to their names:

MR. WILLIAM D. DUNCAN ..... PRESENT  
MR. STEVEN BYINGTON ..... PRESENT  
MR. STANLEY CASTLEMAN ..... PRESENT  
MR. ROBERT P. STEPHENS ..... PRESENT  
MRS. ANNE S. HILTON ..... 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  
Mr. Kevin Weaver, P.E., P.S., Public Works & Engineering Director  
Mrs. Cindy Stafford, Finance Director

The press this evening was represented by the editor of the *Oakwood Register*, Mr. Lance Winkler.

The following visitors registered:

Carol Holm, 223 Hilltop  
Wendy & Bill Campbell, 220 East Drive  
Mrs. Laurence Warwar, 701 E. Schantz  
Stefanie Campbell, 271 Schenck Avenue  
Greg and Theresa Hammons, Ashley's Pastry Shop

Mrs. Hilton, Chair of the Council Committee on Minutes, advised council she had read the minutes of the regular and work sessions of council held June 11, 2012. Mrs. Hilton reported she found the minutes correct and complete. 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 REPORT

Proclamation: Mayor Duncan read and presented a Proclamation to Greg and Theresa Hammons in recognition of Ashley's Pastry Shop 30<sup>th</sup> Anniversary. Mrs. Hammons thanked council and indicated it's been a wonderful experience to be part of the community, they are fortunate to have loyal supporters and quick assistance from city staff whenever needed. Mr. Hammons extended credit to his wife on the success of the business and also appreciates the loyal and supportive customers and community. Mayor Duncan indicated the city appreciates having them as one of Oakwood's businesses.

VISITORS

Oakwood Sister City Association. President Carol Holm recently attended the 40<sup>th</sup> anniversary twinning festivities in LeVesinet, along with Bill and Wendy Campbell, all together nine from Oakwood. She indicated the *Register* had a great article about the event; they were overwhelmed with the diplomacy and honor, and presented gifts from LeVesinet to the city. She explained the stag picture is of the statue in the middle of LeVesinet. She gave Mr. Byington architectural books and council the packet of material given to all visitors from LeVesinet. Ms. Holm explained the "chain of custody" from mayor to mayor and presented Mayor Duncan with a painted platter from LeVesinet. She indicated Oakwood provided a framed photo of Hawthorn Hill to LeVesinet and shared photos of that presentation. Ms. Holm thanked council for their support and indicated Oakwood will be hosting an event the first week in October. Mayor Duncan thanked her for the update and gifts and is pleased how the Sister City Association has revitalized with new leadership. He indicated the upcoming events will be publicized.

Mayor Duncan asked if there were other comments. Mrs. Warwar, 701 E. Schantz, referenced the parking problem at the business building she owns at 2521 Far Hills since Cooper's Deli opened. She noted deli patrons use her private parking spaces and she has tried additional signage and talked with both Mr. Weiskircher and Chief Bebris. She explained her building houses three tenants and currently there is one vacancy. She noted by the time she calls Sandy's Towing and they get there the space has reopened. Mayor Duncan indicated he drove by the area over the weekend and noticed the signage and in reviewing with the city manager it was suggested that the city may be able to create three spaces to the north of Coopers and that additional signage on that side of Coopers may assist. He noted there is also free parking across the street by Chico's. Mrs. Warwar indicated the parking issue has become her problem and she feels Cooper's Deli needs to own this problem. Mayor Duncan indicated they will talk with Cooper's and look into the additional three spaces.

LEGISLATION

RESOLUTION

BY MR. CASTLEMAN

NO 1759

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR ELECTRIC GENERATION SUPPLY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER.

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

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

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

MR. WILLIAM D. DUNCAN ..... YEA  
MR. STEVEN BYINGTON ..... YEA  
MR. STANLEY CASTLEMAN ..... YEA  
MR. ROBERT P. STEPHENS ..... YEA  
MRS. ANNE S. HILTON ..... 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 1760

DECLARING THE INTENT AND RESOLVE OF THE COUNCIL TO ENACT UNIFORM PROVISIONS IN THE CITY OF OAKWOOD TAX ORDINANCES UPON REVISION OF CHAPTER 718 OF THE OHIO REVISED CODE.

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

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

Mayor Duncan explained under Home Rule regulations of the Ohio Constitution, cities may impose municipal income tax. During the last couple years, Ohio CPAs, area chambers of commerce, etc., have expressed concern with tax regulations; these groups feel the tax is too complicated for businesses and have proposed uniformity in regulations. Mayor Duncan indicated it's impossible with uniformity to be revenue neutral, especially in Oakwood and the city could lose \$500,000. With the already pending loss of \$2.6M annually due to repeal of Ohio's estate tax, Oakwood cannot endure additional loses. He believes it's important to have consensus in the southwest area of Ohio and this effort is being led by the Dayton City Manager and Mayors & Managers Association. They plan to present a united front to the Ohio General Assembly with additional study in the fall and early part of next year. They will forward proposed legislation to Senator Lehner and Representative Butler and urge them to be cautious with law changes that could transfer tax from businesses to residents and that they should spend more time working on state issues, i.e., not expanding Medicaid under Obama Care.

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

MR. WILLIAM D. DUNCAN ..... YEA  
MR. STEVEN BYINGTON ..... YEA  
MR. STANLEY CASTLEMAN ..... YEA  
MR. ROBERT P. STEPHENS ..... YEA  
MRS. ANNE S. HILTON ..... YEA

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

ORDINANCE

BY MR. STEPHENS

NO 4755

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. Jacques noted this is an emergency measure.

Thereupon, it was moved by Mr. Stephens seconded by Mrs. Hilton 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:

- MR. WILLIAM D. DUNCAN ..... YEA
- MR. STEVEN BYINGTON ..... YEA
- MR. STANLEY CASTLEMAN ..... YEA
- MR. ROBERT P. STEPHENS ..... YEA
- MRS. ANNE S. HILTON ..... 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. STEPHENS

NO 4756

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.

Thereupon, it was moved by Mr. Stephens and seconded by Mrs. Hilton 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:

- MR. WILLIAM D. DUNCAN ..... YEA
- MR. STEVEN BYINGTON ..... YEA
- MR. STANLEY CASTLEMAN ..... YEA
- MR. ROBERT P. STEPHENS ..... YEA
- MRS. ANNE S. HILTON ..... 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 VICE MAYOR BYINGTON

NO 1761

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. Vice Mayor Byington explained the city has property maintenance standards which include grass reaching a certain height. If not mowed, the owner receives notice to mow and if don't do so, the city does and charges the owner. He indicated this relates to nine property owners, approximately \$4,000 and will be forwarded to the auditor for inclusion on the property tax bill.

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:

- MR. WILLIAM D. DUNCAN ..... YEA
- MR. STEVEN BYINGTON ..... YEA
- MR. STANLEY CASTLEMAN ..... YEA
- MR. ROBERT P. STEPHENS ..... YEA
- MRS. ANNE S. HILTON ..... YEA

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

## STAFF REPORT

Public Works & Engineering Department Update. Mr. Weaver referenced a PowerPoint presentation that addressed: refuse, construction projects, storm clean-up, sanitary sewer, water, and storm water program. In regard to refuse, he reminded everyone that cans be 35 gallons or smaller and under 60 pounds when full. The city also provides dumpsters, special pickups and recycling. He noted they collected 3,900 tons in 2011 of weekly refuse, 15% of which was recycled. He encouraged more recycling as every 5% more saves the city \$10,000. Mr. Weaver reviewed construction projects which include: curb/walk/apron project; concrete street repair; and asphalt pavement maintenance. He reported during the recent storm clean-up, they used minimal overtime and collected 1,500 cubic yards of debris and referenced photos of the piles. Mr. Weaver referenced sanitary sewer projects which included sewer repairs and lining project. In regard to water, they replaced #2 well pump and motor, had drawdown issues at well #6, and continue work on water valve replacements and water valve turning and referenced photos of some of that work. Mr. Weaver reviewed the storm water program which includes NPDES permit work and public assistance (report spills, use car washes, clean up after pets, limit fertilizer/pesticide, and nothing put in the catch basins).

Mayor Duncan referenced water usage. Mr. Weaver explained this past June, they exceeded normal pumpage which caused the aquifer draw down, highest water use he has ever seen. Mayor Duncan noted the city has the fifth lowest water rates in Montgomery County. He asked that public works staff be given kudos on all their work, especially during the three wind events they've had in the past four years. He indicated the crews worked quickly and it was evident how much was collected with the photo of the debris pile.

## CITY MANAGER'S REPORTS

Mr. Klopsch echoed Mayor Duncan's comments on the public works department and explained about one-fourth of the general fund budget goes to that department.

Neighborhood & Town Hall Meetings. Mr. Klopsch reported on the 28 neighborhood and three town hall meetings with approximately 400 residents participating in the discussion of the loss of estate tax, cut in local government funds and other minor budget cuts. He thought the discussions were good, thanked those for opening their home, and although the feedback was not a unanimous consensus, there were a few points of common ground. One was that citizens live in Oakwood for a reason and although they are open to considering possible service modification, they urged caution. Another was to make certain staff is working cost effectively and efficiently, that money is spent wisely. Mr. Klopsch referenced another point related to raising revenue, more are inclined to pay fees for services rather than raise taxes. He indicated over the next couple months, they'll continue to review information and work with the budget review committee on options. Mr. Klopsch indicated they have the next couple years to work on a complete solution which will be multi-faceted and will continue efforts on community outreach. Mayor Duncan indicated there was a member of council at each of the neighborhood meetings and citizens were impressed that the city has cut spending over the last four years, unlike Washington DC, and that the city has not raised property or income taxes in 20 years.

## COUNCIL COMMENTS

No comments from anyone.

Council adjourned. The public meeting concluded at 8:30 p.m.

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MAYOR

ATTEST:

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CLERK OF COUNCIL