

CITY OF OAKWOOD

STATE OF OHIO

NOVEMBER 5, 2012

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, Mr. William Duncan, presided, and the Acting Clerk of Council, Mr. Jay Weiskircher, 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
Ms. Carol Collins, Leisure Services Director
Ms. Cindy Stafford, Finance Director
Mr. Kevin Weaver, Director of Engineering and Public Works

The press this evening was represented by Mr. Terry Morris of the *Dayton Daily News* and Mrs. Do Wagner of the *Oakwood Register*.

The following visitors registered:

Bob Posner

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 October 1, 2012 and the Executive Session held on October 17, 2012 at the Smith Gardens' House. Mrs. Hilton reported she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton 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 REPORT

HB 601

Mayor Duncan noted that a bill was introduced last week in the Ohio legislature with the stated intent of achieving municipal income tax uniformity around the state while being revenue neutral. However, after reading the 129-page bill, Mayor Duncan added that it is just another assault on local home rule. Mayor Duncan noted that the bill is anything but revenue neutral and only creates a cumbersome compliance process intended to discourage municipalities from auditing and correcting income tax filings. The Oakwood staff believes that if enacted in its present form, the bill will reduce income tax collections by \$400,000-\$500,000 annually. Mayor Duncan went on to add that this bill is just another attempt by state legislators to further cut local revenue sources in order to force communities to consolidate. He noted that in the coming months, communities all across the state will offer testimony against many of the provisions of the bill. However, it is his fear, as well as that of the Ohio Municipal League, that this bill will be attached to the next biennial budget and local legislators will be unable to support the communities they represent. Mayor Duncan concluded his comments by stating that the city will keep citizens informed as to how this legislation will impact them if approved.

VISITORS

Scarecrow Row Award Winners – Mayor Duncan recognized the 2012 Scarecrow Row Award winners. Awards and certificates were presented to the following: Third Place Winner – “Haunted Balloweenas” by the Waltersheide and Cassidy Families – Mark Waltersheide; Second Place – “The Silly Circus Clowns” by Team Spirea - Marcy Croomer; First Place – “We are Going to Steal the

Moon” by the Fultons – Lindsey Fulton; Mayor’s Award – “Celebrating 50 Years of Ghoolishciousness” by the Oakwood Club – Lance Stewart.

LEGISLATION

ORDINANCE

BY STANLEY CASTLEMAN NO 4758
TO ENACT NEW CHAPTER 913, *STORMWATER MANAGEMENT UTILITY*, OF THE CODIFIED ORDINANCES OF THE CITY OF OAKWOOD, OHIO, TO ESTABLISH A STORMWATER MANAGEMENT UTILITY AND PROVIDE FOR ITS OPERATION.

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

Mr. Castleman explained that this is the second reading of the Ordinance establishing a Stormwater Management Utility. Mr. Castleman made reference to the attachment and noted language changes to Section 913.05 (a), confirming that a uniform monthly fee will be charged for one, two and three-family residential properties.

Director of Engineering and Public Works, Kevin Weaver, explained that many capital expenditures are associated with the ongoing repair and maintenance of the storm sewer system. He noted that one, two and three-unit residential properties will all be charged the same \$6.00 monthly fee. Mr. Weaver went on to explain the calculation of the Equivalent Residential Unit (ERU). Residential properties having four or more units and commercial properties, including churches, schools and city facilities, will have their monthly fee calculated using the ERU.

Thereupon, it was moved by Mr. Castleman and seconded by Mrs. Hilton that the ordinance 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 ordinance was declared duly passed and it was so ordered.

RESOLUTION

BY STANLEY CASTLEMAN NO 1766
ESTABLISHING THE STORMWATER USER FEE APPLICABLE TO EACH ONE, TWO, AND THREE FAMILY RESIDENTIAL PROPERTY, AND FOR EACH EQUIVALENT RESIDENTIAL UNIT (ERU) OF IMPERVIOUS AREA AS APPLIED TO EACH RESIDENTIAL PROPERTY HAVING FOUR OR MORE DWELLING UNITS AND EACH COMMERCIAL PROPERTY WITHIN THE CITY.

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

Mr. Castlenman explained that this Resolution establishes a \$6.00 monthly fee for all one, two and three-unit residential properties, and confirms the calculation of the Equivalent Residential Unit (ERU) to be used in determining the monthly fee for four or more residential units and commercial and institutional properties.

Thereupon, it was moved by Mr. Castleman and seconded by Mr. Byington 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 MAYOR DUNCAN NO 1767
TO GRANT APPROVAL OF AN AMENDED MASTER PLAN SUBMITTED BY THE
OAKWOOD INVESTMENT GROUP FOR THE SUGAR CAMP COMMERCIAL
DEVELOPMENT.

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 explained that this Resolution grants approval for an amendment to the Sugar Camp Master Plan for the purpose of expanding an existing parking lot next to Building A.

Mr. Weiskircher added that this proposal was reviewed by the Planning Commission at their October 4, 2012 meeting and is being unanimously recommended for approval. The current parking lot has 18 spaces and the applicant is requesting to expand the lot to 37 spaces. Mr. Weiskircher noted that the spaces will primarily be used by tenants and visitors of Buildings A & B. He also pointed out the configuration of the new parking lot and mentioned that additional trees and landscaping will be installed.

Thereupon, it was moved by Mr. Castleman and seconded by Ms. 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 RECUSED
- MR. STANLEY CASTLEMAN YEA
- MR. ROBERT P. STEPHENS YEA
- MRS. ANNE S. HILTON YEA

There being five (4) yea votes and no (0) nay votes thereon, said resolution was declared duly passed and it was so ordered.

ORDINANCE

BY VICE MAYOR BYINGTON NO 4759
TO AMEND THE PROPERTY MAINTENANCE DISTRICT MAP KNOWN AS APPENDIX B
OF THE CODIFIED ORDINANCES OF THE CITY OF OAKWOOD, OHIO.

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 that in order to more evenly balance the size of the five (5) Districts, District D will be expanded to include the south side of Orchard Drive, all of Wonderly Avenue, Claranna Avenue and East Drive between Far Hills Avenue and Shroyer Road. District E will only include those designated areas on the west side of Far Hills Avenue.

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

ORDINANCE

BY MR. STEPHENS NO 4760
TO APPROVE CURRENT REPLACEMENT PAGES TO THE OAKWOOD TRAFFIC AND
GENERAL OFFENSES CODES.

Mr. Stephens explained that this is the annual update to ensure that Oakwood's Traffic and General Offenses Codes are up-to-date with current state law.

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.

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

Finance Department Update

Finance Director Cindy Stafford delivered a PowerPoint presentation on projects currently underway in the Finance Department. She noted that the city received an unqualified opinion on the 2011 audit and added that there were no reported findings on internal control procedures. This is the highest rating possible. Ms. Stafford went on to add that the State of Ohio will be conducting the 2012 audit.

Ms. Stafford noted that as of October, real estate collections are up slightly and income tax collections are up approximately 6% over 2011. In contrast, the city has collected only \$323,000 in Estate Tax proceeds for the year.

Balances in the Water and Sewer Fund reflect additional revenue associated with the hot and dry summer. Ms. Stafford added that as a result of a recent software upgrade, citizens with e-bill may now be receiving a paper statement. If a citizen did not respond to a recent email explaining the change and wants to get back to e-bill, he or she needs to contact the city or visit the link on the city's website.

Ms. Stafford explained that she has been working on the 2013 Budget for several months now and noted the cost-saving measures already undertaken in response to the state legislature's elimination of the Estate Tax. She noted that council is still considering revenue enhancement options that include a combination of fee increases and tax increases. Ms. Stafford added that consistent with the trend over the past four (4) years, planned expenditures for 2013 will be less than the preceding year.

As a follow-up to Mayor Duncan's earlier comments regarding House Bill 601, Ms. Stafford opined that not only are the regulations more onerous for the taxpayer, but many of the provisions are intended to benefit larger communities to the detriment of smaller communities. She believes that if passed in its present form, this bill could reduce Oakwood's income tax collections by more than \$500,000 annually.

Mayor Duncan thanked Ms. Stafford for her report and asked if the city has any input into the cost of the annual audit? Ms. Stafford responded in the negative. Mayor Duncan also inquired about details on the City Manager's request of the city of Kettering for a cost to provide the city fire and EMS services.

Mr. Klopsch explained that the city did receive a draft proposal from the city of Kettering and the bottom line is that there are no savings to have Kettering performs these services. As a matter of fact, it will cost about \$50,000 more per year, and there are also nearly \$200,000 in initial start-up costs. Mr. Klopsch also noted that response times could not be matched meaning a denigration in existing service levels to the community. Mr. Klopsch added that rather than having these services performed by another jurisdiction, a more promising approach would be to create a multi-jurisdictional Fire District. This is something that merits consideration down the road.

Mayor Duncan added that just because this approach does not make economic sense at this time does not mean the city has closed the book or will not look at other potential options in the future. Mayor Duncan noted that he does not agree with HB 601 sponsors that the State's current municipal income tax system is onerous to businesses. He remarked that depending upon what becomes of HB 601, the city's current financial shortfall may actually increase from \$3.0 to 3.5M.

CITY MANAGER’S REPORT

Finance Open Houses - Mr. Klopsch noted that while the three (3) recent Open House events were not heavily attended, those citizens who did attend appreciated the opportunity to be able to meet one-on-one with elected officials and city staff regarding the city’s financial picture and to discuss continuing efforts to cut expenses and explore options with respect to generating additional revenue.

Council Agenda - Mr. Klopsch quipped that with Mrs. Gibson’s recent retirement, he prepared this week’s Council Agenda and noted that it contained two (2) typos.

COUNCIL COMMENTS

Mrs. Hilton noted that tomorrow is Election Day and encouraged everyone to vote.

Mr. Stephens extended his congratulations to the members of the Oakwood High School Golf Team on their State Title win – the third state championship in the last 4 years. Mr. Stephens also noted that both the Boys and Girls Cross Country teams advanced to State and made special mention of the fact that Freshman Mary Kate Vaughn set a new record in the 3.1 mile event and won the Division II State Championship.

Mr. Castleman encouraged everyone to exercise their constitutional privilege and vote in Tuesday’s election.

Mr. Byington expressed his thanks and appreciation to all the candidates on this year’s ballot and acknowledged their efforts to get involved and make a difference. Mr. Byington went on to add that citizens need to keep apprised of current issues and hold politicians accountable for their actions.

Mayor Duncan commented that he had met briefly with Cub Scout Pack 101 earlier in the evening and conducted his own non-scientific voter’s poll. If the results of the preferences of Pack 101 members are any indication, then indeed the race for President will be very close. Mr. Duncan also reiterated previous council comments and encouraged everyone to vote on Tuesday.

The public meeting concluded at 8:37 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL