

CITY OF OAKWOOD

STATE OF OHIO

NOVEMBER 4, 2013

The Council of the city of Oakwood, State of Ohio, met in a work session at 6:30 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, Ms. Lori Stacel, 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
 Mrs. Carol Collins, Leisure Services Director
 Mr. Alex Bebris, Director of Public Safety
 Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Vicki Braun, 128 Oak Knoll Drive
 Andrew Lethander, 107 Aberdeen Avenue
 Madilyn Lethander, 107 Aberdeen Avenue
 Christian Hess, 25 Aberdeen Avenue
 Barbara and Dan Miller, 6 Glendora Avenue
 Martha Haley, 400 Irving Avenue
 Steve and Linda Charlton, 335 Aberdeen Avenue
 Sara and Joel Spencer, 234 Claranna Avenue
 Walter and Elizabeth Osborne, 209 Oak Knoll Drive
 David and Linda Thomas, 327 East Drive
 Elizabeth Carnahan, 32 W. Peach Orchard Road
 Jean Erskine, 210 Greenmount Boulevard
 Marge and Bob David, 326 Wonderly Avenue
 Steve and Connie Tahy, 246 Triangle Avenue
 Laura Lee John, 120 Dellwood Avenue
 Liz Georgan, 156 Hadley Road
 Bob and Debbie Fuller, 24 Hadley Road
 Cameron Coomer, 133 Spirea Drive
 Daniel Sutch and Robyn Angel, 422 Glendora Avenue
 Steve and Lu Ann Stanley, 615 Oakwood Avenue
 Lucy Baker, 400 Monterey Avenue
 Dan Ferneding, 332 Northview Road

Mrs. Hilton advised Council she had read the minutes of the October 7, 2013 regular and work sessions of Council and October 21, 2013 executive session. Mrs. Hilton reported she found the minutes correct and complete. Therefore, 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 REPORTS

Mayor Duncan read the following into the record:

“On Wednesday, October 30, 2013 City Manager Klopsch and I went to Columbus, along with the city managers of Dayton, Kettering, Moraine, Troy and Vandalia to testify regarding the substitute version of H.B. 5. We have been following this legislation since its initial introduction in the Ohio House of Representatives last fall. What started as municipal tax uniformity has now morphed into municipal tax reform which means tax breaks to certain groups of taxpayers to the detriment of everyone else in the state of Ohio. The revenue loss to Ohio cities if H.B. 5 passes in its current form is significant. Cities and

villages across Ohio support legislation to create uniformity, predictability and simplicity in the local tax structure. We oppose additional revenue reductions mandated by Columbus on local governments. Over the past several months, many cities across the state of Ohio met to draft alternative legislation to H.B. 5. We began with the bill as originally drafted and offered alternative language to address our concerns in a “revenue neutral” way. Those pressing for adoption of the original H.B. 5 have one person drafting their legislation. He is the former state tax commissioner and is now an attorney and lobbyist. We have a team of elected officials, city managers, tax and legal administrators across Ohio sharing comments and best practices with transparency to achieve consensus and uniformity. I submit to you, which group will present legislation fair to all and devoid of unintended consequences? So what has happened in the last 30 days? The proponents continued to work in secret, did not even read our alternative language to their original flawed bill and have now offered an amended bill worse than their original bill. The bill offered by the proponents is so poorly drafted that if adopted, definitions and language will be litigated in the courts for years. A particularly onerous issue exempts Supplemental Executive Retirement Plans from municipal taxation, despite the fact the proponents agreed this summer to defer to a pending court case on this matter. In addition, they inserted a provision to benefit a specific Fortune 500 company. It is no wonder they want to pass this legislation as soon as possible before people learn what is in their bill. The proponents have poisoned the well and can no longer be trusted to negotiate in good faith. The lobbyists of the Ohio Chamber of Commerce and the Ohio Society of Certified Public Accountants continue to this day to distort and misrepresent our position with the legislature and with the citizens of Ohio. They will be personally responsible for the tax increases and layoffs of public safety officers and public works employees across Ohio that will inevitably occur if their bill passes the legislature. Their actions have been particularly shameful. As drafted, we cannot and will not support this legislation. Again, I urge all of you to contact Representatives Blair, Butler and Perales and Senators Beagle and Lehner to express your support of our alternative to H.B. 5 supported by the Ohio Municipal League and cities and villages across the great state of Ohio. Time is of the essence.”

VISITORS

Scarecrow Row Award Winners – Mayor Duncan recognized the 2013 Scarecrow Row Award winners. Awards and certificates were presented to the following: Third Place Winner – “Mr. Bones” by the Beck Family – Brent Beck; Second Place – “Alice in Oakwood-Land” by Team Spirea – Marci Coomer; First Place Winner – “Ghoulin Rouge” by the Oakwood Sister City Association – Robin McMacken; Mayor’s Award – “ShakesCARian Witches from MacDeath - Double, Double, Toil and Trouble” by the Oakwood Environmental Committee – Lisa Reeder.

Beautification Award Winners. Mayor Duncan explained they will show a video highlighting all the winners and then present framed certificates to those who are at the meeting. He was assisted by Dr. Darrell Apt, Environmental Committee Chair, and Mr. Kip Bohachek, Property Maintenance Chair. The following properties were shown in the video: Charles & Mary Bane, 5 Volusia Avenue; Angela & Joel Frydman, 520 Maysfield Road; Irvin Harlamert, 330 Southview Road; Bill & Jackie Lockwood, 239 Spirea Drive; Bob & Barbie Bertke, 11 Greenmount Blvd.; Christian & Brenda Hess, 25 Aberdeen Avenue; Steve & Linda Charlton, 335 Aberdeen Avenue; Kathy Trangenstein, 345 Triangle Avenue; Mr. & Mrs. Joseph Scott, 249 Claranna Avenue; Walter & Elizabeth Osborne, 209 Oak Knoll Drive; Dan Stutch & Robyn Angel, 422 Glendora Avenue; Jon & Ashley Coyne, 951 E. Schantz Avenue; Dr. & Mrs. John, 120 Dellwood Avenue; Pamela Stayman, 351 Spirea Drive; Jean L. Erskine, 210 Greenmount Blvd.; Alex & Shayna Kolodosh, 410-412 Lonsdale Avenue; Steve & Connie Tahy, 246 Triangle Avenue; Ronald & Sandra Napier, 2508 Shroyer Road; Elizabeth Carnahan, 32 W. Peach Orchard Road; The Vitas Family, 1830 Coolidge Drive; The Stephenson Family, 1135 Ridgeway Road; Russ & Quinn Kline, 300 E. Schantz Avenue; James & Ann Parrish, 421 E.Schantz Avenue ; Luis & Carmen Cervantes, 215 Beverly Place ; Kyle & Mary Pontzloff, 7 Spirea Drive; Andrew & Sarah Lethander, 107 Aberdeen Avenue; Doreen Rice, 1930 Far Hills Avenue; Kevin & Dawne Roeckner, 218 Wonderly Avenue; John & Vail McGuire, 360 East Avenue; Chase Bank, 2800 Far Hills Avenue; Hamid & Fara Rafizadeh, 38 Monterey Road; Teri Engle & Joe Bueno, 1800 Coolidge Drive; Oak Tree Corner, 136 FarHillsAvenue; Susan Myers, 271 Ridgewood Avenue; Dan & Mary Ferneding, 332 Northview Road; Steve & Lu Ann Stanley, 615 Oakwood Avenue; Richard & Deborah Alderton, 3 Beverly Place; John & Erica Mersfelder, 37 Spirea Drive; Alison & Tim Benford, 132 Greenmount Blvd.; Don & Cami Ahnman , 333 Hadley Avenue; Darlene & Rudolph Brechtl, 334 Claranna Avenue; David & Linda Thomas, 327 East Drive; Therese Reardon, 2507 Roanoke Avenue; Dr. Dan & Mrs. Barbara Miller, 6 Glendora Avenue; Craig & Catherine Sutherland , 77 E. Dixon Avenue; Sharon Edwards, 344 Spirea Drive; Andrew Wonders, 234 Greenmount Blvd.; Bob & Marge David, 326 Wonderly Avenue; Joel & Sara Spencer, 234 Claranna Avenue; Polly Mayhew, 109 Oak Knoll Drive.

LEGISLATION

ORDINANCE
 NO 4780
 BY MR. STEPHENS
 TO REPEAL EXISTING CHAPTER 931, *GARBAGE AND REFUSE*, OF THE STREETS AND PUBLIC SERVICES CODE AND TO ADOPT NEW CHAPTER 931, *REFUSE PROGRAM*, OF THE STREETS AND PUBLIC SERVICES CODE.

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

Mr. Stephens explained that this ordinance was introduced with a 1st reading at Council's last meeting. He shared that it is a re-write of the existing refuse ordinance that updates it to include changes that have been made to the city refuse program based on feedback from the 28 public meetings conducted last year. He added that these are changes that have already been made that have helped the refuse utility transition to a self-supporting operation.

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 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 MAYOR DUNCAN

NO 4781

TO AMEND EXISTING SECTIONS 148.08, *DUTIES AND POWERS OF THE TAX ADMINISTRATOR*, AND 148.10, *INTEREST AND PENALTIES*, OF THE OAKWOOD ADMINISTRATIVE CODE, TO IMPOSE A NON-FILING PENALTY UPON INCOME AND WITHHOLDING TAX RETURNS FILED AFTER THE DUE DATE AND TO CLARIFY THE UNDERPAYMENT PENALTY.

A copy of the ordinance, having been placed on the desks of each member of Council prior to introduction, was read by title and given a first reading.

Mayor Duncan explained that each year, there are a certain number of taxpayers who file their tax returns late. Whether the returns are late by a few days, weeks, months or in some cases, years, the city incurs administrative costs to track and pursue these returns.

Mayor Duncan reported that the administrative costs of pursuing a late return are the same, whether it turns out that there is tax due or not. The current tax ordinance imposes a penalty for late payments, but no penalty for late filings. In other words, there is no penalty for filing a late return if it turns out that no tax is due.

Mayor Duncan shared that the majority of Oakwood residents file on time, and they should not have to pay costs incurred by those who do not. At the federal and state levels, there are two different kinds of penalties: one for non-filing, and the other for non-payment. This ordinance would create a similar penalty in Oakwood's tax code to ensure that if a taxpayer fails to file on time, that taxpayer bears the cost associated with the late filing. The penalty would be \$25 for returns filed up to 30 days late, and \$50 for returns filed more than 30 days late.

Mayor Duncan explained that this ordinance also clarifies the way extensions affect tax penalties. Under our tax code, which is similar to federal and state tax rules, an extension changes the due date for the return but it does not change the due date for the tax. This ordinance makes it clear that a person who gets an extension will not incur a late filing penalty, but they will incur a late payment penalty if they did not pay their taxes in full by the April deadline. The ordinance will be placed on the agenda for a second reading at the December meeting of Council.

STAFF REPORT

Safety Department Update Presentation: Mr. Alex Bebris, Public Safety Director, referenced a PowerPoint presentation and updated Council on the following topics: Crime Trends, Citations, Cost Savings, EMS Response Times and Retirements. He reported that burglaries have decreased from 22 in 2007 to 12 in 2013; larcenies were 176 in 2007 and 70 in 2013; auto thefts were 5 in 2007 and 2 in 2013; robberies were 3 in 2007 and 0 in 2013; and citations were 2,198 in 2007 and 2,700 through October in 2013.

For overtime cost control, Chief Bebris reported that since 2011, overtime has been reduced by 35% department-wide and is reflected in a 36% reduction in actual dollars expended over the same time period. He added that in most cases, Oakwood Municipal Court coordinates hearing schedules with our public safety officer work schedules. Through the first ten months of 2013 the court overtime is only 58 hours. Based on the current case volume, the overtime would have been roughly 1,600 hours if our court did not coordinate their schedule. He added that this translates to a major cost savings of approximately \$100,000 annually.

Chief Bebris reported that that the American Heart Association's scientific position is that brain death and permanent death start to occur in 4-6 minutes after someone experiences cardiac arrest. Studies show that a victim's chance of survival is reduced by 7%-10% with every minute that passes without defibrillation and advanced life support intervention. He reported that on EMS calls, the NPPA 1710 standard establishes a turnout time of one minute, and four minutes or less for the arrival of a unit with first responder or higher level capability at an emergency medical incident. This objective should be met 90% of the time. He added that if a fire department provides ALS services, the standard recommends arrival of an ALS company within an eight-minute response time to 90% of incidents but this does not preclude the four minute initial response. Chief Bebris reported that Oakwood EMS response time in 2013 year-to-date is 1:90 minutes and the previous year's average was around 2 minutes.

Chief Bebris reported that two officers have retired: Officer Tony Gressel, who began working for the city of Oakwood in 1985 and retired on September 29, 2013; and Officer Susie Green, who began working for the city of Oakwood in 2000 and retired on October 31, 2013. He added that they both will be missed.

Mr. Castleman asked Chief Bebris about the crime trends in the region. Chief Bebris responded that trends typically follow economic conditions and have fluctuated in the region.

Mayor Duncan thanked the Public Safety Department for managing resources and noted that one reason we have been able to lower out of pocket costs each year over the past five years is because of the efforts of the Public Safety Officers under Chief Bebris' leadership.

Chief Bebris added that the efforts of the department reflect not only command staff but also the twenty-two public safety officers committing themselves every day to getting things done and doing them the right way.

CITY MANAGER'S REPORT: Mr. Klopsch reported that staff continues to work on the 2014 budget. He said the budget will show a further decrease in spending as it has for 5 consecutive years now. Mr. Klopsch added that the decrease in a large part is due to cost cutting in the departments, in particular the Public Safety Department which is about 40% of the total budget and the Public Works Department which is roughly 25% of the total budget. Mr. Klopsch added that after a series of meetings with the citizen Budget Review Committee, the final 2014 budget will reflect a drop in budgeted spending by approximately \$200,000 from 2013. He said that he fully expects a year from now he will be reporting that 2014 spending will be even less than 2013 spending and the city will be able to achieve six consecutive years of reduced spending. He added that he believes the reality is that House Bill 5 will be passed and it will reduce municipal income tax revenue so we need to continue to find ways to trim expenses and keep our service level up. He added that he's looking forward to presenting the 2014 budget at the December Council meeting.

Mayor Duncan shared that Oakwood is providing outstanding quality services at a very reasonable price and it is frustrating to see some of the people in Columbus that feel that they can run our city better than we can.

COUNCIL COMMENTS

Mrs. Hilton noted that tomorrow is Election Day and encouraged everyone to vote. She added that there have been polling location changes and urged people to check before going to vote.

Mr. Stephens wished everyone a happy and safe Thanksgiving.

Mr. Castleman thanked all of the judicial candidates. He said we have a lot of options and he appreciates everyone's effort.

Vice Mayor Byington expressed thanks to Mayor Duncan, City Manager Norbert Klopsch, Finance Director Cindy Stafford and Income Tax Administrator Linda Merker for all of the work they have done on House Bill 5. He shared that we are fighting for the residents of Oakwood at the state level. He feels it is great to have a community where local officials, not only in our region but also in Columbus, are very active and fighting for our citizens.

Mayor Duncan added that the efforts against House Bill 5 are not just something that the city of Oakwood has taken the lead on, although the city has been out front, but this legislation has done more to bring every community in southwest, northeast, southeast and northwest Ohio together than probably any single legislation that has occurred in the past 100 years at the Ohio State House. Mayor Duncan expressed his thanks to the Public Works department and the Public Safety department for their clean-up efforts from the recent wind storm. He added that he had numerous citizens stop by to personally extend thanks to the Public Works group for their help with cleaning up the debris. Mayor Duncan shared that he attended a Barbecue Cook Off at Hills and Dales Park sponsored by the Oakwood Life Magazine this past weekend. He said that everyone voted with a smudge of barbecue sauce on the ballot. He shared that Comanche Cowboy won the first place award, Smoking Barbecue won second place and Dorothy Lane Market won the Mayor's Award.

The public meeting concluded at 8:35 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL

