CITY OF OAKWOOD
STATE OF OHIO
FEBRUARY 3, 2014

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.....ABSENT
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, Director of Engineering and Public Works
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Stefanie Campbell, 271 Schenck Avenue
Brian Barr, Oakwood Register

It was moved by Mrs. Hilton and seconded by Mr. Byington that the absence of Mr. Castleman be excused. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mrs. Hilton advised Council she had read the minutes of the January 6, 2014 regular and work sessions of Council and January 27, 2014 work 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

2014 State of the City Address. Mayor Duncan gave the following address:

"Members of City Council, honored guests, City staff and citizens of Oakwood:

Change amidst continuity and a continued commitment to excellence hallmark our city.

Neighborhoods: Eleven new homes are under construction in the residential section of Sugar Camp at Pointe Oakwood. This follows the initial eight homes, seven of which have been sold, in this new Oakwood neighborhood. These homes blend the new with the recognized old charm of Oakwood architecture. We have outstanding diversity in housing choices.

The 88 unit upscale assisted care facility plans to begin construction this year and new medical office tenants plan to locate at the remaining office building in the commercial section. Hawthorn Hill, a National Historic Landmark, is now owned by Dayton History and will be preserved and maintained with a $1 million gift made by multiple donors to a fund administered by the Dayton Foundation.

Schools/Library: Everyone knows Oakwood has great schools, in fact, the finest public schools in the region. This has been the case for decades and the tradition continues. Our Oakwood

schools had the highest 2013 "Performance Index Score" in the Miami Valley and the sixth highest in the state of Ohio.

In 2013, US News and World Report published their "Best High Schools Rankings." Oakwood earned the Report's highest honor, a gold medal, ranking 9th in Ohio and 241st nationally... this out of 21,000 high schools. Forbes featured Oakwood schools as one of the best schools in the nation with affordable housing. They ranked Oakwood schools third in the Midwest and 13th in the country.

For the second year in a row, the Oakwood High School Academic Decathlon team is national champions. This scholastic competition is unique because the nine member team is tested in art, economics, language and literature, mathematics, music and science and participates in judged events in speech, interview and essay.

Jack Bachman, Heather Brooks, Nathan Gibbs, Cliff Goertemiller, Caleb Kell, Grant Pitarys, Wilson Mullen, Herbert Sizek and Wending Zhu, along with Coach Lori Morris, are congratulated for this significant achievement.

Dr. Mary Jo Scalzo retired after 41 years as an educator and 10 years as Oakwood City School Superintendent. Her enthusiasm in every room she entered will be missed. Oakwood resident, Dr. Kyle Ramey, with 24 years of education experience, will continue the commitment to excellence as the new superintendent of schools.

In 2014, Wright Memorial Public Library celebrates its 75th anniversary in its current location at 1776 Far Hills Avenue. It continues its mission to provide high levels of efficient, friendly and personal service and to foster an atmosphere of intellectual liberty in the American tradition of free ideas. Ann Snively retired with 36 years of public library experience including 10 years as Wright Library Director. Debra Schenk has done a fine job as interim director and Travis Bautz was recently selected from 31 applicants to serve as the new director.

City Services: The city services offered to Oakwood residents are unsurpassed. We continue to provide weekly backyard trash collection, year-around curb collection of yard waste, fall leaf collection and spring mulch delivery, and sidewalk snow removal. We were honored as a Tree City USA for the 31st consecutive year. Our Johnny Appleseed program has planted nearly 3,000 trees in Oakwood since the inception of this program. We commend the efforts of our public works department and our horticulture staff in the leisure services department.

Public Safety: Formed in 1927, our public safety department is the second oldest consolidated department in the United States. It is unique because all our officers are cross-trained and state-certified in law enforcement, fire fighting and emergency medical services. Our first officer on scene response time for any emergency is under two minutes, by far the fastest in the region. Our fire engine response time is 4.2 minutes; the national standard is 6 minutes. Our medic response time is 3.8 minutes; the national standard is 13 minutes. Oakwood has the lowest crime rate and fire loss in Montgomery County.

Recreation/Leisure: Where else will you find in a community of 2.2 square miles the parks, gardens and green space found in Oakwood?

We offer three neighborhood parks, Shafor Park, Orchardly Park and Fairridge Park. Our natural areas include Loy Gardens, Elizabeth Gardens, Houk Stream and Centennial Park. Our recreation facilities include the Oakwood Community Center and Gardner Pool, the Dog Park at Creager Field, Irving Field, Old River Sports Complex and Mack Hummon Stadium.

Oakwood also features beautiful public gardens including Smith Gardens and Francine's Garden.

People: We salute Oakwood Municipal Court judge Robert Deddens for his 24 years of service to the citizens of Oakwood. Eight highly qualified Oakwood residents were on the ballot to continue Judge Deddens' record of excellence and newly elected Judge Margaret Quinn took office last month.

Chris Epley and Elizabeth Reger completed their exemplary service as members of the Oakwood Board of Education. Cassie Darr and Linda Woods, along with re-elected member Michael Miller will continue to provide sound leadership to our school district.

Oakwood's strength is its people. Our citizens are leaders in industry, education, medicine and the arts. Just consider some of the events in which our citizens participated in 2013.

- *In May, about 1,000 walkers participated in the 12th Annual Breast Cancer 5K CARE Walk. Since its inception, the event has raised over $150,000 to support a cure for breast cancer;*
- *That Day in May, sponsored by the City and the Oakwood Rotary Club, continued the tradition of the pancake breakfast, 5K and 10K runs, community parade, games, rides, refreshments and displays;*
- *Our first farmer's market opened on Saturday morning's from June to September and featured home-produced and gourmet food items and works of local artisans. The MOMs Group of Oakwood donated a bike rack to the community to encourage people to bike to the farmer's market and the Shops of Oakwood.*
- *The 14th annual Giving Strings concert has donated over $40,000 for local charities. Oak Tree Corner, a charity which helps children deal with grief, was this year's recipient.*

Financial Concerns: The past four years have been financially difficult for our city and local governments across Ohio. In 2012 the Ohio legislature significantly reduced the local government fund, phased-out the business tangible property tax reimbursement and eliminated of the Ohio estate tax. Currently, H.B. 5 sits in the Ohio Senate. Its fate is unclear but, by any analysis, it means additional revenue losses to Ohio cities.

In addition, 15 surrounding communities have increased their income tax rates over the last several years. Because we give a 100% credit for taxes paid to other jurisdictions, for an Oakwood resident working in Dayton or Kettering, where the income tax rates are 2.25%, Oakwood only receives 0.25% of the 2.5% total taxes paid. Accordingly, our city receives about $330,000 less in income taxes each year.

Community Outreach: In 2012, City Council and city staff met with over 500 citizens in 28 neighborhood meetings, three town hall meetings and three open houses to discuss how the repeal of Ohio's estate tax and other state funding cuts affect our community. We heard several common themes, notably:

1) We live in this community for a good reason and truly value our comprehensive and high quality city services.
2) While new taxes and fees must be part of the solution, the city should continue reducing expenses and be as cost efficient as possible; and
3) To the extent that services can be paid for through specific fees, that is preferred over general taxes.

Accordingly, we made our refuse program self-supporting by reducing expenses and increasing the monthly refuse charge. We established a storm water utility to account for the costs of this program. We increased fees and reduced expenses at the Oakwood Community Center.

Our union and nonunion employees have agreed to salary freezes, two-thirds of the employees for two years and one-third for this year. We plan to ask them for an additional year with no increase in compensation.

In May our citizens approved a 3.75 mill property tax levy for city services with a 55% affirmative vote. The cost to the owner of a $200,000 home is 62 cents a day and was the first increase in city property taxes since 1991.

The combination of these actions solved about three fourths of our financial problem.

The Value Proposition: We have not raised city income taxes since 1984. We have spent less for city services in each of the last five years and plan to spend less in 2014 than we did in 2013.

Our citizens pay less for water and sewer than most people in the Miami Valley. We have reduced our city staff by 12% since 2004 with no reductions in city services.

Tonight we will introduce an ordinance to limit the credit for taxes paid to other jurisdictions to 1.75% effective for the 2015 tax year.

With Oakwood's tax rate at 2.5%, the 1.75% limit assures that all residents with earned income pay at least 0.75% to Oakwood in support of Oakwood's unmatched public services, including public safety, public works, recreation and leisure.

The 1.75% credit limit will only affect Oakwood residents with income earned in another taxing municipality where the tax rate is above 1.75%. For example, an Oakwood resident who works in Dayton or Kettering will pay 0.5% more on their earned income. In 2015 they will continue to pay Dayton or Kettering 2.25% and will pay Oakwood 0.75%.

The credit limit will also protect our city from future revenue losses when other cities increase their tax rates.

Because it is a well-established fact that local government is the most accountable and responsive government, we represent you and will see that our city provides the services you believe are important and necessary. And in doing so, we will prudently manage the resources our community provides.

Well Governed, Well Managed and Financially Strong: When I joined City Council in 2003, it was my belief that Oakwood was well governed, well managed and financially strong. I still hold that belief and will continue this tradition.

I am proud to serve with Vice Mayor Steve Byington who begins his seventh year on City Council and was recently re-elected to lead the First Suburbs Consortium of Dayton. I am also proud to serve with Stanley Castleman who begins his 11th year on City Council and Rob Stephens and Anne Hilton each of whom begin their fifth year on City Council.

This Council, like those that preceded it, operates in a collegial style and everyone believes in doing the right thing for the citizens of Oakwood. We listen to one another, no one has hidden agendas, and we believe in community service.

The excellent services provided by our public safety, leisure services and public works departments would not occur if not for the leadership of City Manager Norbert Klopsch. He is recognized throughout the region as an outstanding city manager. He is also blessed with a fine group of department directors including assistant city manager Jay Weiskircher.

With the help of City Council, city staff and the citizens of Oakwood, we will continue to be well governed, well managed and financially strong.

So why does Oakwood, with a population of 9,202, continue to be "The Premier Residential Community in the Dayton and Miami Valley Region?" It is simple. It is our beautiful neighborhoods, our excellent schools and library, unmatched city services, public safety, public works, recreation and leisure; but most of all because of our citizens.

Thank you for the opportunity to serve you."

2014 Committee Appointments – Mayor Duncan presented the new appointments of Nina Anglin to the Personnel Appeals Board and Jill Kollars to the Property Maintenance Board.

It was moved by Mr. Stephens and seconded by Mrs. Hilton 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.

Proclamation – Mayor Duncan proclaimed March as "Developmental Disabilities Month" and recognized that "together our community is better" where we accomplish more and everyone wins. Take time to get to know someone with a disability and what he or she has to offer.

LEGISLATION

ORDINANCE

BY MR. STEPHENS NO 4783

AN ORDINANCE TO REPEAL EXISTING SECTION 505.121, "DANGEROUS AND VICIOUS DOGS," AND ENACT NEW SECTION 505.121, "NUISANCE, DANGEROUS, AND VICIOUS DOGS," 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. Stephens reported that this ordinance was introduced with a 1st reading at the January meeting. Our current vicious dog ordinance was adopted in July 2011, and created a local version of the state's vicious dog law. In 2012, the state law was expanded to address a wider range of aggressive behaviors, and required owner appeals to be filed in court rather than being handled administratively. As a result, our local ordinance became inconsistent with the state statute.

An Ohio court recently decided that the state vicious dog laws are general laws, and municipal home rule does not apply. In other words, municipal vicious dog ordinances need to be consistent with the state statute. The ordinance will repeal our existing vicious dog ordinance and adopt the state law provisions for the city.

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. ROBERT P. STEPHENS.....YEA
MRS. ANNE HILTON.....YEA

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

ORDINANCE

BY MAYOR DUNCAN NO 4784

TO AMEND EXISTING SECTION 148.15, *CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY,* OF THE OAKWOOD ADMINISTRATIVE CODE.

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 reported that in Ohio, residents pay local income tax where they work and where they live. The city of Oakwood currently gives a tax credit for all local income taxes paid elsewhere, up to the full amount of Oakwood's 2.5% income tax. In other words, if a person pays taxes where they work, that amount is credited against the tax they owe to the city of Oakwood. This ordinance would limit the credit, reducing it from 2.5% to 1.75%. It is the final step to stabilize city finances after losing nearly $3 million of funding per year due to the repeal of Ohio's estate tax, state cuts to the Local Government Fund, and other state cuts.

Mayor Duncan explained that Council often introduces ordinances by reading the title and a legislative summary, but given the nature of this tax credit legislation, he wanted to read the full preamble text. It described the lengthy process that resulted in the introduction of this ordinance:

> *WHEREAS, the elected officials of the city of Oakwood, Ohio, are responsible for the city's fiscal well-being; and*
>
> *WHEREAS, over the past two years, the Ohio legislature has taken steps that have dramatically reduced revenues to the city of Oakwood and many other local governments in the state, most notably the repeal of Ohio's estate tax; and*

WHEREAS, through extensive dialogue with Oakwood residents, Council has determined that a majority of citizens appreciate the comprehensive and first-class city services and desire to keep those services; and

WHEREAS, to the best of its ability, Council has focused on reducing the city's expenses by limiting expenditures to those that are necessary for maintaining the operation of the city in a responsible manner; and

WHEREAS, city cost-cutting efforts have resulted in lower spending in each of the last five years; and

WHEREAS, City Council recognized and communicated to the citizenry that cost-cutting measures alone would be inadequate to close the budget shortfall and that it would be necessary to enhance the city's revenue stream through user fee and tax increases in order to stabilize the city's financial position; and

WHEREAS, during 2013, citizens began paying a monthly stormwater fee and increased fees for trash collection and leisure services programming; and

WHEREAS, in May, 2013, City Council placed a 3.75 mil property tax levy on the ballot that was approved by a margin of 55% - 45% and will generate an estimated $1.07 million annually; and

WHEREAS, City Council communicated to the community that this new property tax revenue by itself would fall short of providing the additional money needed to maintain existing service levels and that additional revenue would be needed; and

WHEREAS, in spite of Council's efforts to increase certain revenues and to reduce, eliminate, and/or minimize expenses relative to the operation of the city, combined revenues from all sources to the city are forecast to be insufficient to cover the city's essential budgeted expenses; and

WHEREAS, having discussed and reviewed revenue options with its Budget Review Committee, City Council has concluded that the most appropriate means to generate the additional revenue needed to maintain city services is reduce the credit Oakwood citizens currently receive for taxes paid to another municipality.

RESOLUTION

BY MR. STEPHENS NO 1783

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE CITY OF OAKWOOD CHAPTER OF THE OHIO COUNCIL 8, DAYTON PUBLIC SERVICE UNION, LOCAL 101, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFL-CIO).

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

Mr. Stephens explained that the current collective bargaining agreement covering our Public Works Department employees expired on December 31, 2013, and the city has been involved in contract negotiations with DPSU Local 101, which is the union representative for these employees. City staff and the union recently agreed on terms for a new 3-year agreement. Mayor Duncan and Mr. Castleman have reviewed the new agreement as members of Council's Finance Committee, and this resolution will authorize the City Manager to sign it. He added that he would like to commend Assistant City Manager Jay Weiskircher for his efforts on the city's behalf, and also our Public Works employees for their help in coming to an agreement that recognizes the city's economic reality.

Thereupon, it was moved by Mr. Stephens 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. ROBERT P. STEPHENS.....YEA
MRS. ANNE HILTON .....YEA

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

RESOLUTION
BY VICE MAYOR BYINGTON NO 1784
SUPPORTING A COMMUNITY CHALLENGE TO ENCOURAGE REGIONAL SUSTAINABILITY AND THE DAYTON REGIONAL GREEN INITIATIVE.

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 reported that our city has a long history of engaging in good environmental stewardship, from our 35 year old Johnny Appleseed program – which has resulted in the planting of nearly 3,000 street trees – to our promotion of recycling, mulching, and energy efficiency. This resolution is a statement of Council's support for Montgomery County's "Dayton Regional Green" initiative, which is a community-wide effort to promote and enhance sustainability throughout the Greater Dayton region.

Thereupon, it was moved by Vice Mayor Byington 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. ROBERT P. STEPHENS.....YEA
MRS. ANNE HILTON .....YEA

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

STAFF REPORT
Engineering and Public Works Presentation: Mr. Kevin Weaver, Director of Engineering and Public Works, referenced a PowerPoint presentation and updated Council on the following topics: Refuse Operations, 2014 Projects, Snow Removal, Water, Stormwater Program and Staffing Levels. He also reported on a water main break over the past weekend at E. Thruston Blvd. and Lookout Dr. A boil advisory was issued and notification letters were hand delivered to approximately 50 households that are impacted. A water sample was taken earlier today and residents will be notified by a hand delivered letter once the boil advisory is released.

Refuse cans must be 35 gallons or smaller and under 60 pounds when full. The recyclables being taken to Rumpke has been very successful. There have been 185 tons taken to Rumpke rather than the transfer station in Montgomery County, which has saved the city approximately $3,600 since mid-October.

The Special Pickup Program that was suspended during the leaf season has resumed and 40 special pickups have already been completed this year. There are still some leaves in the city streets due to leaf season pickup being limited with all of the inclement weather. The leaves will be picked up with the regular monthly schedule routes.

The Dayton Regional Green Initiative is very important and something on which the city has been focused. Mulching leaves and yard debris are a way of recycling and averages out to be 9,000 cubic yards over the course of a year. The Mulch Program uses fall leaves to make spring mulch. The leaf mulch is available from 8 a.m. to 2 p.m. each Saturday in April and the first Saturday in May for free at the Foell Public Works Center at 210 Shafor Blvd. Yard debris is recycled and turned into wood mulch.
Refuse drop off, which is the first Saturday of each month from 9 a.m. to noon at the Foell Public Works Center, has been a big success. There are also drop off containers at Creager Field including two dumpsters for cardboard and paper products, a co-mingled recyclables dumpster

and a yard debris dumpster. This gives people multiple options and makes things easier for disposing of material.

Mr. Weaver shared that potholes are currently being patched and will be permanently repaired in the spring. The 2014 Curb, Sidewalk and Apron Project will be in the area east of Far Hills from East Drive to Aberdeen Avenue. It will be a slightly smaller project this year due to the work completed last year with the paving project. The 2014 Concrete Street Repair program is still in the process of being developed. Both repair projects will be combined which will create a larger contract and will yield lower prices. The Asphalt Pavement Maintenance Project has a $450,000 budget.

So far this winter, there have been 21 snow events, 650 overtime hours and 1,060 tons of salt which amounts to $90,000 which is a little over 90% of a typical winter. We are currently operating on an alternate salting route to reduce usage.

Well No. 8 was repaired in 2013 from corrosion issues and has been functioning very well. Well No. 4 currently has motor issues which will be addressed. The control software that monitors and controls the data flow between wells and the water tower will be replaced due to Windows XP being unsupported as of April 8, 2014. New software will be used that is more cost-effective and allows for easy modification.

The Public Work employees recently completed the Annual Pollution Prevention training. The training prepares staff to look for ways to minimize the amount of pollutants that enter our water ways. Everyone can help keep our environment clean by using car washes, cleaning up after pets, using environmentally friendly fertilizer and pesticides and not putting debris into the catch basins.

Mr. Weaver shared that they had 35 staff employees in 2006 and currently have 30 employees with the possibility of going down to 29 employees.

Mayor Duncan added that he appreciates everything that the Public Works team does for the city.

CITY MANAGER'S REPORT– Mr. Klopsch recognized Kevin Weaver and the Public Works team for all of their efforts over the past weekend in repairing a major water main break as well as through the inclement weather we have experienced. Kevin Weaver, Assistant Public Works Director Mike Wenclewicz and Water Plant Supervisor Gary Dursch monitored the water main break event closely. It was a team effort and the citizens were very supportive during this time.

COUNCIL COMMENTS

Mr. Stephens congratulated a new business in Downtown Dayton called Warped Wing Brewing Company. He shared that it is a very nice facility where 75% of the owners are Oakwood residents. He also congratulated Flyboys Deli in honor of their one year anniversary.

Vice Mayor Byington echoed Mr. Stephens comments regarding Warped Wing Brewery and Flyboys Deli. He reported that on January 20 the cities of Oakwood, Moraine and Kettering conducted a luncheon in celebration of MLK Day at the National Composite Center in Kettering. Dr. Harry Johns gave a moving presentation. The video will soon be available on our website.

Mayor Duncan agreed that Dr. Johns gave an excellent speech on why he salutes America. He shared that he attended a kickoff fundraising event last Saturday at the C'est Tout Bistro for the Oakwood Historical Society. This was to help raise money to publicize the Oakwood Historical Society and try to increase membership among the community. Mayor Duncan reported that he and City Manager Norbert Klopsch are members of the Greater Dayton Mayors and Managers Association and attend a meeting each month to discuss issues around the area. The city of Oakwood will be hosting the next meeting at Flyboys Deli on Wednesday, February 12.

The public meeting concluded at 8:20 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL