

CITY OF OAKWOOD  
STATE OF OHIO  
OCTOBER 6, 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, Oakwood, 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. ROBERT P. STEPHENS.....PRESENT  
MRS. ANNE S. HILTON.....PRESENT  
MR. CHRISTOPHER B. EPLEY.....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. Cindy Stafford, Finance Director  
Ms. Lori L. Stacel, Clerk of Council

The following visitors registered:

Brian Barr, Oakwood Register  
Vicki Philpot  
Madison Stacel  
Members and parents of Girl Scout Troop 30149

Mrs. Hilton advised Council she had read the minutes of the September 15, 2014, regular and work sessions of Council. 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 – None.

VISITORS

Mayor Duncan recognized several scouts in the audience from Girl Scout Troop 30149, who were attending as part of the requirements for a merit badge.

Mayor Duncan recognized Clerk of Council Lori Stacel's daughter, Madison Stacel, and mother, Vicki Philpot, in the audience. Mayor Duncan welcomed them to the council meeting.

LEGISLATION

AN ORDINANCE

TO ENACT NEW CHAPTER 513, *SMOKING ON CITY-OWNED PROPERTY*, OF THE  
OAKWOOD GENERAL OFFENSES 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.

Mr. Epley shared that the public is well aware of the dangers of smoking and secondhand smoke. He reported that in 2006, Ohio voters passed the Ohio Smoke-Free Workplace Act to prohibit smoking in most places of employment, and there is a growing movement to create more smoke-free places for the public. Oakwood receives its own share of smoking complaints, usually pertaining to outdoor public areas where children tend to congregate such as our parks, natural areas, and Gardner Pool.

Mr. Epley explained that this is an ordinance to make Oakwood's public parks, natural areas, and other outdoor areas smoke-free.

To discuss this issue, Council invited Bruce Barcelo to attend Council's last work session on September 15, 2014. Mr. Barcelo is the Creating Healthy Communities & Tobacco Program Manager for the Dayton & Montgomery County Public Health District, and he presented information on medical studies that have conclusively shown that smoking and exposure to secondhand smoke cause illness and diseases such as lung cancer, heart disease, and respiratory illness. There was a discussion about the health and community benefits of having smoke-free outdoor areas for Oakwood residents to enjoy.

In the interest of promoting cleaner and safer air for all Oakwood residents, this ordinance will declare certain public outdoor areas — owned by the city — to be smoke-free. This includes both e-cigarettes and traditional smoking items such as cigarettes, cigars, or pipes. If Council adopts this ordinance, Oakwood will become the third city in the state of Ohio and the first city in Montgomery County to go smoke-free.

The areas covered by this ordinance include:

- All public parks and pocket parks;
- All public natural areas such as Houk Stream, Francine's Garden, Elizabeth Gardens, Loy Gardens, and Smith Gardens;
- All municipal parking lots and outdoor premises of the City Building, the Foell Public Works Center, the OCC, and Gardner Pool;
- The Old River Sports Complex; and
- The Dog Park at Creager Field.

It is important to understand what this ordinance is, and what it is not. Council has no intention of banning cigarettes or tobacco products throughout the city. Smoking will still be permitted on public sidewalks, streets, and alleys, and Council respects the right of individuals to make this decision for themselves, especially in their own homes and yards. It is not Council's intent to send our Public Safety Officers out to arrest smokers, either. Enforcement will be handled on a complaint-driven basis and whenever possible, complaints will be resolved with warnings. This ordinance is an effort to create smoke-free areas within the city for the benefit and enjoyment of all, and Council believes the first-class residential Oakwood community will appreciate the results.

This is a first reading of this ordinance, so Mr. Epley made no motion at this time.

For the benefit of the Girl Scouts in attendance, Mayor Duncan explained that the City Charter requires an ordinance to be given a first reading and then voted on at the next meeting, unless a second reading is waived or there are emergency circumstances. This allows adequate time for the public to support or oppose the ordinance.

#### AN ORDINANCE

TO REPEAL EXISTING CHAPTERS 951, 953, 955, 957, 959, 961, 963, and 967 OF THE OAKWOOD STREETS AND PUBLIC SERVICES CODE AND ENACT NEW CHAPTER 951, *RIGHTS-OF-WAY ADMINISTRATION*, OF THE OAKWOOD 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 and given a first reading.

Mr. Stephens explained that this is an ordinance to repeal and replace the city's existing right-of-way management ordinance.

He reported that Oakwood residents are accustomed to seeing utility poles, wires, and other facilities throughout the city. Most of these are located in the city right-of-way, which includes tree lawns, curb areas, streets, alleys, and backyard right-of-way easements. What residents may not know is that some of these facilities are owned or operated by a single utility provider, but many are shared or located in close proximity to other utilities. A single utility pole might hold wires or transmission facilities from three or four utility providers, and at the same time there may be gas lines, fiber optic conduits, or water or sewer lines in the ground just below that same pole.

All of these utility facilities have to be maintained or replaced from time to time. Sometimes this requires coordination among multiple utility providers, and in many cases it involves digging or cutting into the city's pavements, curbs and grass areas.

As a result, the city incurs administrative costs each year to manage the work that goes on in its right-of-way. City staff must stay informed about who is doing various projects and where they are occurring, whether the projects will involve road or lane closures, and how those projects may impact city-owned utilities. The city must also inspect excavations and restoration work to ensure that outside utility providers and contractors maintain our pavement, sidewalks, curbs, and grass areas in the condition our residents rightfully expect.

The city has had a comprehensive right-of-way management ordinance for many years. It has worked fairly well to guide the entire right-of-way administration process. Over time, though, the city has found that it falls short of providing true cost recovery for the administrative work involved, and it is not as clear in terms of what is required of each utility provider. Rather than editing the existing ordinance in a piecemeal fashion, the ordinance being introduced is a comprehensive re-write of the entire ordinance. It follows a similar structure to what is currently in force in Kettering and Centerville. This has a dual benefit, in that the city knows it will be familiar to our local utility providers, and there is also some historical precedent that the city can rely on to know that it should be effective. This ordinance was written with the benefit of input from several local utility providers and will establish a useful framework to continue our relationships with those providers.

This is a first reading of this ordinance, so Mr. Stephens made no motion at this time.

#### A RESOLUTION

AUTHORIZING THE CITY MANAGER TO INCREASE THE HOURLY WAGE RATES IN THE EXISTING 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) FOR THE 2015 CALENDAR YEAR.

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 that in February of 2014, the city entered into the current collective bargaining agreement with our Public Works employees. The contract, which continues through December 31, 2016, included no wage increase for 2014 but included wage re-opener provisions for the 2015 and 2016 calendar years.

Consistent with the contract, the city entered into wage negotiations with DPSU Local #101, which is the union representative for these employees, and they have agreed on a 2015 wage increase of \$0.40 (40 cents) per hour for all wage classifications. This equates to a pay increase between 1.5% and 1.7% depending on job classification. This increase does not change any other term or condition of the existing collective bargaining agreement.

Mayor Duncan and Vice Mayor Byington reviewed this increase as members of Council's Finance Committee, and this resolution will authorize the City Manager to implement it. It is important to note that the DPSU employees also did not receive a wage increase in 2013, so this modest 2015 raise is their first increase since 2012. As always, Council 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 a reasonable agreement. For those who may not know, Mr. Weiskircher serves as Oakwood's human resources director, in addition to his duties as zoning and building official and director of our property maintenance program.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mrs. Hilton that the resolution be passed.

Mayor Duncan commended Mr. Weiskircher and the public works employees for all of their dedication, efforts and hard work.

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
MR. CHRISTOPHER EPLEY.....	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: Mrs. Cindy Stafford, Finance Director, referenced a PowerPoint presentation and updated Council on the following topics: 2013 Financial Audit, 2014 Financials and Finance Department Responsibilities.

In regard to the 2013 financial audit, she shared that the audit is complete and although the final report has not been received, it appears that it will be another clean audit.

Mrs. Stafford reviewed a chart for 2014 Non-Enterprise Funds through September 30, 2014, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$11,798,548 versus actual: 10,144,682), which is 86% for the year primarily because April and May are when a significant amount of income tax and property tax is received as well as property tax assessments; and disbursements (budgeted: \$12,846,487 versus actual: \$8,841,945) which is 69% of budget. She then referenced a chart for Water Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$1,023,000 versus actual: \$661,423), which is 65% of budget; and disbursements (budgeted: \$1,254,467 versus actual: \$742,475) which is 59% of budget and can fluctuate from year to year due to the weather. She referenced a chart for Sewer Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$1,595,700 versus actual: \$1,170,045) which is 73% of budget; and disbursements (budgeted: \$1,922,666 versus actual: \$1,175,272) which is 61% of budget. She explained that 75% of sewer costs are driven by the county and their timing of billing for wastewater treatment. She referenced a chart for Stormwater Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$265,000 versus actual: \$206,293) which are at 78% of budget; and disbursements (budgeted: \$268,354 versus actual: \$180,307) are at 67% of budget.

Mrs. Stafford shared that income taxes are approximately 4% higher compared to last year likely due to improvement in the economy.

Mrs. Stafford reviewed the finance department's responsibilities. In 2013, over 1,000 electronic purchase orders and over 2,300 checks (not including ACH) were processed. Payroll is done electronically through direct deposit including pay stubs being sent via e-mail. The income tax department reviews 100% of income tax returns. Income tax returns are keyed in electronically to the city tax system and each return is mathematically checked. 100% of business income tax returns are audited and 25% of individual returns are audited, compared to the IRS auditing less than 1% of returns. On a monthly basis, the utility department bills and processes payments for over 3,000 utility customers. The finance department provides birth certificates for all registered births within the state of Ohio and death certificates for only those deaths that occurred within the city of Oakwood. The city of Oakwood had two home births in 2013 and processed the original birth certificates. The finance department issues all food licenses for establishments in the city of Oakwood.

Mr. Stephens asked if the income tax department tracks the number of changes made to audited income tax returns. Mrs. Stafford answered that the changes are not tracked, but there are significant changes made, regardless of whether it is in favor of the city or the taxpayer. Mr. Klopsch added that the income tax department deals a lot with accountants; not always just with taxpayers.

Mayor Duncan thanked her for the update and thanked the finance department for all of their efforts. He thanked Mrs. Stafford for her six years of service and added that the unqualified opinion from the state is significant and goes to show yet another professionally run department in the city of Oakwood.

Mayor Duncan asked Mr. Klopsch how long he has been with the city of Oakwood. Mr. Klopsch answered that on April 1, 2015 it will be 13 years as City Manager and prior to that 10 years as Engineer and Public Works Director.

CITY MANAGER'S REPORT— Mr. Klopsch thanked Cindy Stafford and her staff for all of their hard work. He shared that the finance department has received a clean audit for as long as he can remember, which is a testament to the quality of the finance directors the city has had over the past few decades.

Mr. Klopsch reported that the Vectren gas line project is wrapping up. Vectren invested \$2 million in new natural gas infrastructure in Oakwood, including replacement of 3.5 miles of underground gas main pipes and 350 gas services.

Mr. Klopsch shared that the annual community shred/prescription drug disposal event was this past Saturday. It was a very well-received event and he thanked Jay Weiskircher for coordinating it.

Mr. Klopsch reported that the Johnny Appleseed Street Tree Project is underway and the deadline to order trees is November 9. Leisure Services Director Carol Collins started this program 30+ years ago and it has been very successful. It is the annual effort to keep Oakwood a beautiful tree-lined city. The trees are discounted 50% to property owners to place in the right-of-way. The average price of a tree is \$90 including professional planting and a year guarantee. The city website has information on the project including a link to a brochure or residents can contact the Oakwood Community Center.

Mr. Klopsch reported that the week of October 5 through October 11 is National Fire Prevention Week. There was a nice article in the *Oakwood Register* for tips on fire safety. He encourages citizens to read the information, which will be placed on the city website.

Mr. Klopsch shared that on Saturday, October 25, volunteers with the Oakwood Rotary Club will be collecting hazardous waste material (e.g., paints, pesticides, herbicides, oil, etc.) from Oakwood residential property owners for disposal at the Montgomery County Refuse Transfer Station. Citizens can call 296-5155 to sign up for this service by providing name, address and a description of the material that needs disposal. Mayor Duncan asked if there was a charge for the pick-up. Mr. Klopsch answered that there is no charge for the pick-up, but the Oakwood Rotary Club accepts donations to the club foundation, a 501(c)(3) non-profit organization that in turn provides grants to service organizations.

#### COUNCIL COMMENTS

Mrs. Hilton shared that the annual Scarecrow Row and Family Fall Festival is on Sunday, October 12 from 2 – 5 p.m. There are already 20 participants signed up to build Scarecrows. There will be a lot of activities and the judges will decide who has the most creative costume at 3:30 p.m. The Oakwood High School Band and Oakwood Accordion Band will be playing music for this great event.

Vice Mayor Byington shared that with Election Day being less than a month away, it is important to become familiar with the races and issues on the local ballot. He urged citizens to do research on the candidates so informed decisions can be made.

Mayor Duncan shared that recently there was an article in the *Oakwood Register* about Charles Simms. Mr. Simms served on City Council in the 1960's and then became a County Commissioner. Mr. Simms' grandfather was a former Councilman when Oakwood was still a village in 1930. Recently, someone from north Dayton found a rosewood walking stick, which turned out to have been a gift presented to Mr. Simms' grandfather back in 1930. Mayor Duncan shared that he found the minutes of the 1930 Oakwood City Council meeting recognizing Mr. Charles H. Simms on the occasion of his retirement, where he was presented with the engraved rosewood walking stick. The stick is now back in the possession of the Simms family.

Mayor Duncan shared that he attended the Irving Avenue Community Council meeting at the University of Dayton on September 8. There was a nice dialogue on how to be good neighbors. It was an important meeting because sometimes the college students forget that they live near a quiet residential community. Mayor Duncan added that the University of Dayton Administration works hard to keep good community relations with Oakwood citizens.

Mayor Duncan reported that he plans to attend a meeting in Dayton on October 23 to get an update on HB 5. He added that if HB 5 passes, it will cost Oakwood approximately \$300,000 annually in revenue.

Mayor Duncan shared that he received a nice letter from Treasurer Leigh Turben with the Oakwood Historical Society. He explained that when he performs wedding ceremonies he doesn't charge for his services, but he asks that a donation is made to the Oakwood Historical Society. Mayor Duncan read the letter aloud:

*"Dear Bill,*

*On behalf of the Oakwood Historical Society, please accept our appreciation for your ongoing support. Thank you for the marriage donations. Every little bit helps. I am so pleased to tell you that we have funded our new endowment fund today. A giant step to ensure our financial stability.*

*Leigh Turben"*

Mayor Duncan asked citizens to continue supporting the Oakwood Historical Society by attending events or by touring the house on Far Hills Avenue which shows the preservation of the history in Oakwood.

Mayor Duncan shared that *Dayton Magazine* published an article in the October/November issue on the Oakwood Public Safety Department. The article focuses on how Oakwood is rare in that the Oakwood public safety officers are cross-trained and certified as police officers, firefighters and emergency medical technicians. Mayor Duncan shared that the article has a picture of Chief Bebris, Officer Bruce Upchurch and Officer Damien Baggett with quotes from Officer Sarah Martin.

Mayor Duncan re-emphasized his support of Issue 11 - Human Services Levy and encouraged citizens to vote in favor of the tax issue, which provides services for people in need across Montgomery County. He added that the levy from four years ago was supported by 68% of Oakwood residents, which was the highest pass rate of any community in Montgomery County.

The public meeting concluded at 8:11 p.m.

  
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MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL