

CITY OF OAKWOOD

STATE OF OHIO

JULY 24, 2006

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. Mayor Cook opened the meeting by asking all present to participate in the Pledge of Allegiance. The Mayor, Mrs. Judy Cook, presided, and the Clerk of Council, Ms. Cathy Blum, recorded.

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

MRS. JUDY COOK.....PRESENT
MR. CARLO C. McGINNIS.....PRESENT
MR. WILLIAM D. DUNCAN.....PRESENT
MR. ROGER C. BLUMENSHEID.....ABSENT
MR. STANLEY CASTLEMAN.....PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager
Ms. Dalma C. Grandjean, City Attorney
Mr. Jay A. Weiskircher, Assistant City Manager
Mr. Brad M. Beachdell, Finance Director
Mr. Kevin W. Weaver, Engineering & Public Works Director
Chief Alex P. Bebris, Public Safety Director

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

The following visitors registered:

Joseph Koussa, Kettering
Aart den Hoed, 410 Ridgewood Avenue
Terry Hall, 417 Telford Avenue
John Eastman, LJB
Frank Hollingsworth, 420 Ridgewood Avenue
Louise McDonald, 836 Harman Avenue
Judith Bleses, 603 Renolda Woods Court, Kettering
Craig Kasper, Hull & Associates
Bill Dennis, Hull & Associates
Ted Bucaro, University of Dayton
Vince Russo, University of Dayton
Todd Davis, Hemisphere Development
Dan and Shanna Draper, 2750 Fairmont
Faye Wenner, 1900 Coolidge Drive
Jerry and Deanna Sanders, 55 Wisteria
Dave Crusey, DP&L
Stephen Cain, 334 Aberdeen
Greg Ramey, 200 Harman Boulevard
Andrea Amonick, City of Dayton
Lt. Chuck Balaj and Family
Various members of the Public Safety Department

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

Mr. Duncan, Chair of the Council Committee on Minutes, advised council he had read the minutes of the regular and work sessions of council held June 12, 2006 and the work session of June 26, 2006. Mr. Duncan reported he found the minutes correct and complete. Therefore, it was moved by Mr. Duncan 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

Lieutenant Promotion. Mayor Cook was privileged to recognize and promote Officer Charles Balaj to the rank of Lieutenant. Mr. Klopsch reviewed the highlights of Lt. Balaj's career. Mayor Cook took the opportunity to introduce new Safety Director Alex Bebris. Both the Mayor and Safety

Director pinned the lieutenant bars onto Lt. Balaj's uniform, recognized his family and extended congratulations.

Code Red. Mayor Cook recognized Gerry Sanders, Oakwood resident, and Tom Ireland, MVCC. Mr. Klopsch explained MVCC recently purchased a service whereby telephone calls could automatically be made to notify citizens of emergency events. When initially discussed, he didn't see the cost benefit for the service justified; however, since has reconsidered thanks to the work and input of Mr. Sanders. Mr. Sanders indicated this system would be an asset to the community and can help the safety department, in particular if a child is missing; the public is notified and can assist the safety department. He noted it could also work in other emergencies, i.e., fuel spills, etc. and can notify approximately 6,000 people in a 15 minute time period. Mr. Sanders extended thanks to Mr. Klopsch for being open to the program.

Mr. Ireland explained the program entitled "Code Red" began a couple years ago and serves 297,000 citizens in 16 communities/jurisdictions. The system can notify up to 60,000 citizens per hour by a list or geographical area. He indicated Code Red has assisted in recovering a dementia patient, water boil advisories, vehicle break-in alerts, and most notably recovering a young missing girl in Kettering. Mr. Klopsch explained the cost is \$2,000 per year and would increase if the service is used frequently. He noted another possible use could be to remind the community of upcoming non-emergency events.

Mayor Cook welcomed the visitors. Mr. Koussa came to the podium to speak. Mr. Duncan indicated although he doesn't always agree with him, Mr. Koussa is always welcome. Mr. Koussa extended prayers to the troops and noted during the recent July 4 celebration he hoped the military personnel would be home next year for that celebration. He also referenced a recent article in the paper stating that Oakwood school scores are top in the Montgomery County area and he looks forward to a future U. S. President or Vice President being a student from Oakwood. He extended congratulations to the teachers, principals and students.

Mrs. Bleses, representing her mother Louise McDonald, reviewed a letter that Mrs. McDonald had sent to the city and a response she received from Mayor Cook about what she believes is an unfair practice as it relates to property owner assessments on the curb, walk and apron replacement program. Mayor Cook indicated they will consider her request. Mrs. McDonald extended thanks to her daughter for representing her and noted her daughter recently retired as the Smith School Librarian. Mr. McGinnis questioned the recent amendment to that policy. Mr. Klopsch explained before 2003 the city assessed homeowners for curbs, aprons and walks, but in 2003 eliminated the curb and apron assessment to the homeowner with the city paying that portion. Mr. Duncan suggested Mrs. McDonald's request be reviewed at the fall budget review committee meeting.

Mr. Cain, 334 Aberdeen, indicated a month ago he submitted an e-mail about a problem in the neighborhood as it relates to ATV dirt bikes that kids are using. He has spoken with the police and zoning staff about the noise and appearance these bikes create. He was informed by the police that this could be considered disorderly conduct but it would be easier for them if there was legislation prohibiting the use of ATVs. Dr. Cain expressed concern with the noise, disturbance after hours, riding on the sidewalks, children without helmets, etc. He indicated the e-mail was sent to the city and the clerk indicated it would be distributed. Mayor Cook thanked him for the information and indicated council will investigate his concerns.

There being no other visitors with business, the following legislation was introduced. Mayor Cook asked that the agenda be altered to address the alley legislation since there are abutting property owners in the audience.

ORDINANCE

BY MR. MCGINNIS

NO 4608

TO VACATE A PORTION OF THE ALLEY WHICH RUNS EAST-WEST PARALLEL TO AND BETWEEN SCHENCK AND RIDGEWOOD AVENUES IN THE 400 BLOCK OF THOSE PUBLIC STREETS.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. McGinnis explained the ORC outlines the legislative authority process to request and accomplish an alley vacation which staff has recommended. He indicated an alley vacation petition must be signed by all property owners and a public hearing is required. He noted all requirements of the code have been met and added it's in the public's interest to approve the legislation. Mayor Cook indicated she plans to recuse herself from voting. Mr. McGinnis opened the public hearing for comment.

Mr. Hollingsworth, 420 Ridgewood, purchased his property 16 years ago, the alley in question runs between his home and Mayor Cook's property, and added this is the last property in the Schantz plat. Mr. Hollingsworth noted Mr. den Hoed's home is "sandwiched" in between two homes with only a 65' lot width. Prior to Mr. den Hoed purchasing the property, Mr. Hollingsworth maintained that alley and understands that Mr. den Hoed plans to turn the existing concrete into green space. Mr. Hollingsworth believes this proposal makes sense since the only one impacted is Mr. den Hoed. Mr. den Hoed, 410 Ridgewood, indicated this alley vacation will allow for more green space. He plans to also adjust the drainage runoff since the area would freeze and ice over.

Mr. Duncan asked if vehicles access the alley. Mr. Klopsch indicated only the one property owner. Mr. Dunsy noted the back portion of the alley, not the portion in question, serves their home and Mr. den Hoed and needs to remain as is. Mr. Klopsch concurred and explained there are two parts to the alley, the western half will remain intact and is not part of this legislation. Mr. den Hoed expressed appreciation to Mr. Weaver on holding off on the alley repair work. There being no further comments, the public hearing was closed.

Thereupon, it was moved by Mr. McGinnis and seconded by Mr. Castleman that the ordinance be passed.

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

MRS. JUDY COOK.....ABSTAIN
MR. CARLO C. MCGINNIS.....YEA
MR. WILLIAM D. DUNCAN.....YEA
MR. ROGER C. BLUMENSHEID.....ABSENT
MR. STANLEY CASTLEMAN.....YEA

There being three (3) yea votes, one (1) abstain and no (0) nay votes thereon, said ordinance was declared duly passed and it was so ordered.

Mr. McGinnis indicated the ordinance takes effect in 30 days. Mr. den Hoed asked if he could start on the retaining wall work. Mr. Klopsch explained technically the ordinance is not valid for 30 days. Mr. Weaver noted the plat needs to be completed. Mr. McGinnis suggested Mr. den Hoed work with staff.

RESOLUTION

BY MR. CASTLEMAN

NO 1633

A RESOLUTION GRANTING THE CITY OF OAKWOOD'S CONSENT TO THE UNIVERSITY OF DAYTON'S URBAN SETTING DESIGNATION REQUEST.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read in its entirety. Mr. Klopsch explained staff has been working closely with University of Dayton ("UD") officials in regard to their Urban Setting Designation ("USD") request. Mr. Bucaro, University of Dayton Government Relations Director, thanked council for their time and introduced his colleagues Craig Kasper, Hull & Associates; Bill Dennis, Hull & Associates; Todd Davis, Hemisphere Development; and Vince Russo, UD. He indicated he has been working with city staff for several months on UD's purchase and redevelopment of formerly owned NCR property. He referenced two meetings before the Board of Health in May and July and the Board's endorsement of their request. He indicated this 50-acre area is known as "Campus West" and presented a Power Point presentation.

Mr. Bucaro referenced economic development challenges in the city of Dayton and in particular on brownfield sites. UD wants to maintain its private-public partnerships and has been working with Dayton, Montgomery County, Kettering, Oakwood, Ohio EPA, etc. They realize this is a big risk but the property has been vacant for years which is a financial risk. Mr. Bucaro pointed out UD has made a significant investment of \$25 million as well as taken a political risk. He referenced a map depicting the USD area that ties the campus together. Mr. Bucaro indicated UD wants to make a signature project at this gateway entrance which also expands the campus by 25% and redevelops the corridor with mixed-use development. He referenced past success UD has achieved as well as the Marriott Courtyard redevelopment. Mr. Bucaro explained this Campus West area has been underutilized for some time and UD felt a responsible stewardship for being on the cutting edge of creating a new mixed use that links the suburbs and highways.

Mr. Bucaro explained UD hired Hull & Associates to work on creative uses for the mixed-use Campus West plan. Since this is an important development for UD they have involved other local stakeholders and also obtained state and federal support. He indicated the city of Oakwood wrote a letter of support so UD could obtain some money to help clean-up the site; however, another tool is to obtain the USD designation. He noted UD will address soil and groundwater issues and are only a few months into the process of obtaining this designation.

Mr. Kasper, Hull & Associates, explained they have worked with UD for a couple years on technical issues of brownfield development; the USD designation is part of an Ohio Voluntary Action Program with oversight from the Ohio EPA. In order to maintain public health and obtain a USD designation, the groundwater can never be used as drinking water. Mr. Kasper indicated this isn't the first request before the Ohio EPA; there will soon be 30 such designations and he referenced a map of Ohio that depicts those locations. Mr. Kasper explained there is a misconception that the USD designation relieves all clean-up which isn't true and in fact UD is committed to cleaning up the soil and groundwater. Mr. Kasper referenced another misconception that EPA allows the applicant to pollute the ground water which isn't true, particularly given federal and state guidelines.

Mr. Kasper referenced a map of the USD area and the one-half mile radius surrounding same which necessitates the involvement of Oakwood since water wells are within that area. He explained the area is located within the city of Dayton where 90% of the parcels connect to a water supply. He indicated within that one-half mile radius, they need to make certain drinking water is not drawn from underneath, which their technical expertise has demonstrated; and that the area is located within a wellfield protection area. Mr. Kasper indicated the city of Oakwood has met those criteria. He noted they have held 21 meetings to date and hope to present the application to the Ohio EPA in August. The Ohio EPA Director has 180 days for additional review plus more meetings needed.

Mayor Cook recognized Dr. John Eastman, LJB, who has worked with the last three city managers and helped to make sure Oakwood became water independent. She extended thanks to the city manager in retaining this professional. Dr. Eastman indicated he began with LJB 19 years ago at which time he met Mr. Foell and has been a liaison to Oakwood for many years and projects. He was the design engineer for the water treatment plants and helped develop the wellhead protection plan. Dr. Eastman indicated he has reviewed all the data from Hull & Associates and is very pleased to find all the data supports his work from 1992. He explained Oakwood's wellfield is isolated since it sits above Dayton. Dr. Eastman noted after having reviewed all the data he has no concern about the safety of Oakwood's water supply, particularly given the hydrogeological setting, and added he has no concerns with the city consenting with UD's request.

Mayor Cook recalled concern expressed at an earlier meeting about what could happen if the barrier were to be breached in an unusual catastrophic situation. Dr. Eastman indicated only a possible earthquake that would cause Oakwood's aquifer to split, however, given the elevation, Oakwood would likely have no water in its aquifer. Mr. Duncan asked if the water flows northwest toward the river. Dr. Eastman indicated the well water comes from the higher ground at the south and southeast; Oakwood aquifers obtain water from the rain. Mr. McGinnis asked about the level of scientific data. Dr. Eastman believes that data is sufficient and reiterated there is no problem since water can't flow up hill.

Mayor Cook recognized Dr. Ramey, Board of Health Chair. Dr. Ramey has served as Chair of the Board of Health for several years and oversaw the two public meetings on this issue. At the July 11 meeting, they unanimously voted in support of the USD request based on evidence and input from Dr. Eastman that there is no threat to Oakwood's water; it makes more sense to have a reasonable clean-up of developed land versus contaminated undeveloped land that sits empty; and written commitment from UD that they will address any adverse impact. Dr. Ramey indicated his vote of support was based on the written commitment from UD and he suggested it be included in the resolution. Mr. Klopsch indicated that was not intended to be omitted as a whereas clause in the legislation, and noted that the Resolution can be amended. Mr. Duncan asked if UD agreed to the cleanup. Mr. Klopsch concurred. Mayor Cook recalled that concern in the Board of Health minutes. Mr. Bucaro presented such a letter to the city from UD. Mr. Klopsch referenced the letter that states in the unlikelihood of any contamination, even if it reaches Oakwood, UD has committed its resources. He indicated Ms. Grandjean suggested that letter be attached to the Resolution.

Ms. Andrea Amonick, city of Dayton Economic Development Department and Ms. Donna Winchester, Environmental Manager for city of Dayton indicated the city is very excited to partner with UD on this high quality redevelopment that will benefit UD and the community with a productive mixed use. She indicated UD promises to clean up the property, a lot of information and meetings have been made available to obtain Resolutions of support. Ms. Amonick indicated Dayton has a long history of redevelopment, has its own wellfield protection program and provides water resources to many, including back up to Oakwood. She indicated UD is entering this Voluntary Action Program, is not required to do so as a purchaser, and the USD designation makes the clean-up more economically feasible. Ms. Amonick indicated they plan to recommend that the Dayton Commission look positively at this request. Ms. Winchester concurred and looks forward to the reuse of this brownfield site, felt it important to "recycle the land" and clean it up.

Thereupon, it was moved by Mr. Castleman and seconded by Mr. McGinnis that the resolution be passed as read and to include the letter from the University of Dayton so referenced.

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

MRS. JUDY COOK.....YEA
MR. CARLO C. McGINNIS.....YEA
MR. WILLIAM D. DUNCAN.....YEA
MR. ROGER C. BLUMENSHEID.....ABSENT
MR. STANLEY CASTLEMAN.....YEA

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

Mayor Cook noted this is only one step in the process, if they obtain further information there is an opportunity to amend or rescind approval. Dr. Eastman concurred since the EPA has to sign off and will probably contact communities with additional questions. Mr. McGinnis commended the Board of Health for handling the public hearings and review. He also recognized UD for its diligence in involving Oakwood; they are a great neighbor and long-term partner. Mr. Bucaro thanked the city for its support.

ORDINANCE

BY MR. McGINNIS

NO 4609

AMENDING SUBSECTIONS B AND C OF SECTION 17-800.7 OF THE OAKWOOD MUNICIPAL CODE RELATING TO THE APPOINTMENT OF AGENTS FOR LANDLORD REGISTRATION.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. McGinnis explained if a landlord does not reside in Montgomery County, they must appoint a local agent. The proposed amendment changes the regulation to state that if the landlord has an office in Montgomery County, they do not need to appoint a local agent.

Thereupon, it was moved by Mr. McGinnis and seconded by Mr. Castleman that the ordinance be passed.

Mayor Cook indicated this is the second reading and added this is one of the ways the city maintains high property standards.

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

MRS. JUDY COOK.....YEA
MR. CARLO C. McGINNIS.....YEA
MR. WILLIAM D. DUNCAN.....YEA
MR. ROGER C. BLUMENSHEID.....ABSENT
MR. STANLEY CASTLEMAN.....YEA

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

RESOLUTION

BY MR. CASTLEMAN

NO 1634

A RESOLUTION OF SUPPORT FOR GRANT FUNDING BY THE OAKWOOD PUBLIC SAFETY DEPARTMENT.

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

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

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

MRS. JUDY COOK.....YEA
MR. CARLO C. McGINNIS.....YEA
MR. WILLIAM D. DUNCAN.....YEA
MR. ROGER C. BLUMENSHEID.....ABSENT
MR. STANLEY CASTLEMAN.....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

Finance Department Update. Mr. Beachdell referenced a Power Point presentation and gave an update on credit card payments which began in January and are working well. He also referenced the recent on-site annual audit visit during June. He indicated everything was quick and painless, there were no findings and a formal report will be received in August. In regard to the 2007 Budget preparation, staff is working on goals and objectives as well as proposed budget items. He reviewed the upcoming fall meeting schedule as it relates to budgetary items. Mr. Beachdell referenced the sewer and public facilities debt and explained the 1997 sewer project will be paid in full by 2016; public works debt from 1999 will be paid in full by 2015; and the city building debt will be paid in full by 2013. He also referenced a chart that depicts the financial benefit of having this debt on the books.

Mr. Beachdell reviewed the financial statement from June 30 and in particular the non-enterprise, water and sewer funds. In regard to major components of the city's revenue, Mr. Beachdell referenced the property tax which should result in an increase of \$140,000 this year. He reviewed a chart that shows the property tax distribution between the schools, county, city and library. He also reviewed the inside and outside millage. Mr. Beachdell reviewed the revenue generated by the tax levies. He indicated the 2.72 tax levy that expires this year, has annually yielded \$484,000 at an effective rate of 1.47 mills. He indicated they will need to determine if this issue will be on the fall ballot. Mr. Duncan noted the city has not raised taxes since 1991. Mr. Beachdell concurred and added they haven't increased the income tax rate since 1984 either. He referenced another slide which outlined how the citizens originally voted on the 2.72 mill tax levy in November, 1991.

In regard to income tax, Mr. Beachdell referred to a chart that shows the steady increase. Although he can't explain last year's spike, they don't expect the same this year. He noted it could be due to increased collection on delinquencies. Mr. Beachdell reviewed a chart that depicts abutting community's income tax revenue and noted Fairborn and Moraine top the chart due to an increase in their income tax rate. The final slides relate to the estate tax revenue which is a result of Oakwood's large estates and wealth. He indicated the county currently has \$7,000 headed to the city. Mr. Beachdell asked if there were any questions. Mayor Cook thanked him for his very clear and concise report.

CITY MANAGER'S REPORT

Board of Health. Mr. Klopsch extended his thanks to the Board of Health for all their involvement this past year, starting with the whooping cough event last December and now the University of Dayton USD request. He noted his thanks to Dr. Greg Ramey, Dr. David Denka, Dr. Marvin Miller, Dr. Gloria Goldman, Mr. Paul Holcomb, Health Commissioner Dr. Mary Pryor and Assistant Health Commissioner Dr. Richard Garrison.

Sugar Camp. Mr. Klopsch indicated this coming Wednesday, 7 p.m., at the Community Center, the new owners of the Sugar Camp property, Oakwood Investment Group, will conduct an informational meeting on their plans for the property. He indicated this is not a city sponsored meeting. Initially, the owners wanted to conduct the meeting at Sugar Camp but there were air conditioning problems.

Construction. Mr. Klopsch reported there is a lot of road work going on and the sanitary sewer project will begin on Patterson with anticipated traffic detours.

Dayton Development Coalition. Mr. Klopsch announced at the next meeting, Oakwood resident and President of the Dayton Development Coalition, J. P. Nauseef, will make a presentation on the important work of that organization.

COUNCIL COMMENTS

Mr. Castleman extended thanks to the citizens for attending the meeting and presenting various issues to which council will respond.

Mayor Cook announced with sadness the passing of Jane Smith Tuverson, one of the Smith daughters, the family that gifted Smith Gardens to the city. She indicated Mrs. Tuverson was a life-long resident of Oakwood, a marvelous lady, enthusiastic citizen, and helped establish the Gardens.

Mayor Cook extended thanks to Mr. John Gray for opening "The Farm" for the Ohio State University Alumni Band. She was amazed with the efficient parking, access and how orderly the crowd was.

Mayor Cook announced on August 5, the Giving Strings concert will be held in the first block of Lonsdale. She indicated this year they plan to benefit Project Read. She also announced on Sunday, July 30, the second Smith Gardens' Concert featuring Puzzle of Light will be held.

Mayor Cook thanked the Wills for operating the video equipment this evening.

Council adjourned. The public meeting concluded at 9:40 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL