

CITY OF OAKWOOD  
STATE OF OHIO  
SEPTEMBER 21, 2015

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  
Ms. Carol Collins, Leisure Services Director  
Mrs. Cindy Stafford, Finance Director  
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Mark A. Stiver, 409 Telford Avenue  
Eric Ackerman, 317 Corona Avenue  
John M. Donnelly, 222 Beverly Place  
Sheila Eifert, 208 Oak Knoll Drive  
Dawn & Jake Schauer, 232 Forrer Blvd.  
Kurt Sanford, 120 Park Road  
Colleen Kelsey, 1923 Shroyer Road  
Dave Dickerson, 216 Lookout Drive  
John Winch, 1600 Runnymede Road  
Stefanie Campbell, 271 Schenck Avenue  
Meredith Quigley, 139 Greenmount Blvd.  
Sara Whitlock, 247 Northview  
Donna & Paul Bohannon, 204 Pointe Oakwood Way  
Eric & Jennifer Fester, 145 Hadley Road  
Brian Barr, *Oakwood Register*  
Lauren Stephenson, *WHIO/DDN*

Mrs. Hilton advised Council she had read the meeting minutes of the August 10, 2015 regular, executive and work sessions and August 24 work session and executive session. Mrs. Hilton reported she and Council 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

Proclamation – Mayor Duncan read a proclamation designating September 17-23 as “Constitution Week.”

#### VISITORS

Stefanie Campbell shared that she lives in Oakwood, along with her husband Tyler and their four children. She also manages the energy efficiency programs for Dayton Power & Light and is DP&L’s Community Ambassador for Oakwood. She presented a community ambassador grant in the amount of \$5,000 to the city of Oakwood for use in the Business District Wintertime Lighting Program. The grant recognizes DP&L’s relationship with the Oakwood community and the joint commitment to economic development.

Mayor Duncan thanked DP&L for the services they provide. He mentioned that a few months ago they restored his services within 48 hours after a tree fell on his house. Mayor Duncan thanked both DP&L and Mrs. Campbell for coming to the meeting and for presenting the donation check to the city of Oakwood.

Mayor Duncan welcomed and introduced the following attendees involved with the Old River Athletic Field and Track Project:

Oakwood School Board

Todd Duwel, President  
Mike Miller, Vice President  
Cassie Darr  
Sam Davis  
Linda Woods

Oakwood School Administration

Dr. Kyle Ramey, Superintendent  
Kevin Philo, Treasurer  
Paul Waller, Oakwood HS Principal  
Joy Manning, Athletic Director

OAKWOOD ATHLETIC PROJECT TEAM

*All are former or current board members of the Oakwood Athletic Boosters.*

Chris Eifert, President  
Pam Rickard, Past President  
Mick Armitage, President Elect  
Amy Becker, Past President  
Wray Blattner, Past President  
Molly Cobb, Current Board Member  
Greg Gallatin, Past Board Member/Treasurer  
Lisa Sanford, Current Treasurer

CITY OF OAKWOOD

Chris Epley, City Council Member  
Norbert Klopsch, City Manager  
Jay Weiskircher, Assistant City Manager  
Carol Collins, Leisure Services Director  
Dave Dickerson, Chair of Budget Review Committee and Member of Project Team

Mayor Duncan invited the Oakwood School Board to open their public meeting. Mr. Duwel did so, and Mr. Philo called the Oakwood School Board roll.

Mayor Duncan shared that his family moved to Oakwood in 1989 not only for the beautiful homes and for the best school district in Ohio, but also for his son to have the opportunity to play sports. The experiences his son received playing athletics at the city of Oakwood were positively life altering. Oakwood athletics teach team work, sportsmanship, hard work and fair play. The coaches that he had were just as important as the teachers that he had growing up. Unfortunately, back in 2006, one of his coaches passed away at an early age of a brain aneurism.

Mayor Duncan shared that Oakwood purchased Old River Field in 2006 and that would not have been accomplished if not for Mr. Allan Rinzler. Unfortunately, Mr. Rinzler passed away unexpectedly last month. Mr. Rinzler should be remembered because without him, this project would not even be an option. Mayor Duncan explained that a PowerPoint will be presented to discuss the new Old River Athletic Field and Track Project and City Manager Norbert Klopsch will begin the presentation.

Oakwood City Manager Norbert Klopsch shared that he is excited about the new proposal and he believes that it will have a positive impact on Oakwood for years to come. Mr. Klopsch shared that he will begin the presentation with some history, followed by Mr. Chris Eifert, President of Oakwood Boosters, who will be providing details of the proposal, and then Dr. Kyle Ramey, Superintendent of Oakwood City Schools, who will talk about the impact of the proposal on the Oakwood School District.

Mr. Klopsch referenced a PowerPoint presentation and shared that Oakwood is a bedroom community where 98% of the land is dedicated to residential use, primarily single family housing. In the past, carving out land for recreational purposes was not a priority, which has posed some real problems in Oakwood.

In 1979-1980, the city purchased the Irving Avenue Fields, which was the first indicator that there was a need for athletic and recreational space.

In 1986, the city of Oakwood took over the YMCA and established the Oakwood Community Center, and at the same time, developed the Department of Leisure Services run by Carol Collins.

Prior to 1999, Oakwood periodically rented fields from NCR on a program by program basis.

In 1999, Oakwood signed a lease with NCR for the exclusive use of Old River, which was significant because, in a way, the fields began to be viewed as Oakwood's space.

In 2006, Oakwood purchased the fields from NCR, which led to opportunities in considering capital improvements and investments.

In 2010, Oakwood City Council approved the athletics and recreation master plan, which addressed Irving Field, Creager Field, Oakwood Community Center and Old River. The master plan included two variations of an artificial turf field stadium facility at Old River. One version with a track and one version without a track.

Oakwood Athletic Boosters Association President Chris Eifert referenced a PowerPoint presentation and shared that in 2014, the initial concept from the Oakwood Athletic Boosters was for a fully-funded artificial turf field update at Mack Hummon Stadium.

In early 2015, discussion began with Oakwood City Schools and indications of support for a broader approach led to consideration of a more comprehensive project.

In April 2015, a Task Force was formed to evaluate possible options. The task force included representatives from the City of Oakwood, Oakwood City Schools, Oakwood Board of Education, Oakwood Athletic Department, and the Oakwood Athletic Boosters Association.

The Task Force's purpose statement was to critically and strategically evaluate a proposed investment and/or phased improvement plan concerning the installation, maintenance and use of a multi-purpose field turf intended to benefit students and residents. Due consideration was given to the historical character of the existing athletic grounds, the concurrent exploration of alternative sites to accommodate best practices and trends, to maximize the use of available funding, to pursue the most beneficial improvement, and to promote the best interest of the students.

The optimum approach led to the Old River site location, which is a win-win for Oakwood Schools and for the citizens of Oakwood. There are careful considerations being given to the facility layout, access and maximizing available space. Multi-million dollar budget support is being given from private resources.

The Old River Athletic Facility will facilitate multiple sports with regulation field widths and full-sized track including soccer (boys and girls), field hockey, lacrosse (boys and girls) and track and field – which would serve over 400 student-athletes. The facility will be fan-friendly. It will contain 1000-fan bleacher capacity, restrooms and concessions, and parking.

The Oakwood Athletic Boosters role is to evaluate and provide assessments of field technologies, find possible locations and funding models, maximize the benefit for Oakwood student-athletes and to drive fundraising efforts. The goal is to secure a minimum of \$2.5 million, which will be completely funded by private resources (individuals, families and businesses).

The capital campaign for the athletic facility is entitled "Building New Traditions". It is a collaboration among the City of Oakwood, Oakwood City Schools and the Oakwood Athletic Boosters.

The fundraising progress to date is \$1,730,000 from approximately 20 individuals, families and friends of Oakwood Athletics. Oakwood Athletic Boosters Association has donated \$130,000. Doug and Gay Lane (class of 1963) made a large contribution, which has been greatly appreciated. The goal is to have fundraising complete before the end of 2015.

Further information can be obtained on the campaign's marketing website at [www.oakwoodathleticproject.org](http://www.oakwoodathleticproject.org) or the campaign's Facebook page at [Facebook.com/oakwoodathleticproject](https://www.facebook.com/oakwoodathleticproject). Also, donations can be made to The Dayton Foundation - Oakwood Athletic Project Fund (#7739).

Dr. Kyle Ramey, Superintendent, Oakwood City Schools, referenced a PowerPoint presentation and shared that not only is the goal to build new traditions, but it is also to preserve existing traditions. There are more than 650 junior high and high school students that participate in Oakwood athletics.

The Oakwood City Schools' role is property collaboration with the city of Oakwood and to work with the city on management of architect selection, design, bidding and construction process, and ongoing facility ownership, management and control. Oakwood City School will also preserve key tenets of the project by maximizing usage by and benefit to Oakwood student-athletes and maximizing the use of available funding toward the most beneficial improvements. Oakwood Schools will also work with the city of Oakwood to make the facility available for citizen use and rental opportunities.

The next steps are to achieve the fundraising goal, select and engage a design professional, conduct pre-construction analysis, site civil and environmental work, determine traffic flow, parking, zoning, etc., develop bid documents, and start construction in 2016.

Oakwood Athletic Boosters Association President Chris Eifert then read the Task Force Recommendation:

*"September 21, 2015*

*To: Oakwood City Council and Oakwood Board of Education*

*Re: Task Force Recommendation*

*For the past six months, the Athletic Facility Task Force has been critically and strategically evaluating a proposed, privately funded investment in athletic facility infrastructure for the Oakwood School District and the City of Oakwood. The project-budgeted at \$2,425,000 -would be to construct a stadium facility at the Old River Sports Complex for track and field, soccer, lacrosse, and field hockey, including concessions and restrooms. The facility would be lighted for night play, include seating for 1,000, and paved parking for 100 vehicles.*

*The facility would be owned and operated by the Oakwood City School District and the land would remain in the ownership of the City of Oakwood. The facility would be available for use by the Oakwood Schools, the Oakwood Community Center, and the citizens of Oakwood. The school district would be responsible for facility upkeep and maintenance while the city would be responsible for roads and green spaces beyond the fences of the playing facility.*

*The Task Force has concluded that, at this juncture, the proposed athletic facility at Old River would yield great benefits. The project will enhance the recreational landscape, thus benefiting students, the citizens of Oakwood, surrounding communities, and private entities. It would allow both the School District and City to achieve stated objectives, and significantly improve existing recreational space. Further, the work of the Oakwood Athletic Project group (OAP) has, to date, resulted in a very favorable outlook for complete private funding of the project without relying on the taxpayers of Oakwood to make it a reality.*

*Although challenges remain, none seem insurmountable. With efforts to build and maintain relationships with neighboring partners, the benefits of the project should be realized. Therefore, the Task Force unanimously recommends to both the Oakwood Board of Education and the Oakwood City Council that the proposed athletic stadium project continue to move forward.*

*Respectfully,*

*The Athletic Project Task Force"*

## LEGISLATION

### A RESOLUTION

BY MR. EPLEY

NO 1806

SUPPORTING THE DEVELOPMENT OF A MULTI-PURPOSE ARTIFICIAL TURF ATHLETIC FIELD AND TRACK TO BE LOCATED AT THE OLD RIVER SPORTS COMPLEX.

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

Mr. Epley explained that this is a resolution to express Council's support for the Old River Athletic Field and Track project as it was presented tonight, and to authorize the City Manager to sign the Old River Athletic Facility agreement to begin the project.

In expressing support, Council commended the Turf Task Force and everyone involved on behalf of the City, the School, and the Oakwood Athletic Boosters. This is an ambitious project, but also an exciting project that Council hopes will come to fruition to benefit Oakwood schools and the entire Oakwood community.

Mr. Stephens shared that he was very impressed with the professionalism and urgency shown by the Oakwood Athletic Project Team to organize and follow through on this exciting project for the Oakwood community. In 2006, when the city of Oakwood purchased the Old River Sports Complex from NCR for \$2.3 million, the purchase was one of the most important investments the city had made in a long time. Oakwood was land locked, and fully developed, and the purchase guaranteed Oakwood citizens, of all ages, a place to exercise and a way to participate in athletics for years to come. He shared that he is also very pleased with the efforts made by the city, the schools, and the Boosters to work together to make this project happen and to create yet another long term asset in the Oakwood community. Finally, having this project privately funded makes it even more impressive. This project will help so many children and residents of Oakwood that he is 100% behind the Old River Athletic Facility Project.

Mayor Duncan explained that support is needed from other partners in order for this project to come to fruition. Even though the city of Oakwood owns Old River, the property is actually in the city of Dayton and the project requires Dayton zoning approval. Mr. Klopsch has already reached out to the new interim Dayton City Manager and Mayor Duncan shared that he has reached out to the Mayor and the initial impression is favorable. There is also assistance needed from Cox Media Group for additional parking on the north side of the field. Mr. Klopsch has already had some initial positive discussions with them. The City has always had a good relationship with the University of Dayton, but there are other discussions needed with them as well to ensure their support. Mayor Duncan shared that Mr. Dave Dickerson was chosen as a member of the Project Team in part because of his intimate involvement with the redesign of the fairgrounds project. There is a lot of synergy going on in that development area and he could provide some keen insight from that project to this potential development.

Thereupon, it was moved by Mr. Epley 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
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.

The Oakwood Board of Education likewise adopted a resolution in support of the project and then adjourned.

Mayor Duncan thanked the Oakwood Board of Education and the Oakwood Athletic Boosters Association for attending the meeting and for all of the efforts and time they put into this project.

Mayor Duncan recognized Boy Scout Jake Schauer, a sophomore at Oakwood High School, in the audience, who was attending as part of his requirement for a citizenship badge.

AN ORDINANCE  
 BY VICE MAYOR BYINGTON NO 4811  
 TO AMEND SECTION 141.02, MERIT SYSTEM/DEFINITIONS, OF THE  
 OAKWOOD ADMINISTRATIVE CODE SO AS TO CLASSIFY THE POSITIONS  
 OF MOTOR EQUIPMENT MECHANIC I AND MOTOR EQUIPMENT MECHANIC  
 II AS EXEMPT POSITIONS WHICH MAY BE FILLED WITHOUT NECESSITY  
 OF MERIT SYSTEM EXAMINATIONS, AND DECLARING AN EMERGENCY.

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

Vice Mayor Byington explained that in the public sector, many jobs are filled, in part, on the basis of written merit system examinations. However, certain positions are exempt from these examinations because they require certain kinds of experience or involve skills that are not practical to evaluate by written examination. Our Charter designates some of these positions, but authorizes Council to act by ordinance to designate other exempt positions. This is an ordinance to classify our two mechanic positions ("Motor Equipment Mechanic I" and "Motor Equipment

Mechanic II”) as positions that are exempt from the personnel merit examination system, which will allow us to better evaluate the suitability of an applicant’s experience and expertise rather than their performance on a written examination. It is being introduced as an emergency measure for the reasons stated in the ordinance.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Stephens that the ordinance be passed as an emergency measure, with no second reading required.

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 ordinance was declared duly passed and it was so ordered.

A RESOLUTION  
 BY VICE MAYOR BYINGTON NO 1807  
 A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ONE  
 YEAR COLLECTIVE BARGAINING AGREEMENTS WITH OAKWOOD FOP  
 LODGE #107 REPRESENTING PUBLIC SAFETY OFFICERS AND THE OHIO  
 PATROLMEN’S BENEVOLENT ASSOCIATION REPRESENTING PUBLIC  
 SAFETY DISPATCHERS.

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

The current collective bargaining agreements covering our Public Safety Officers and Public Safety Dispatchers expire in October and November, respectively. As was done with all of Oakwood bargaining units and non-bargaining unit employees, both of these bargaining units have had a two-year wage freeze, which was part of the city’s response to continuing financial challenges associated with the elimination of the Ohio estate tax and other state funding cuts to local governments.

The city has entered into wage negotiations with Oakwood FOP Lodge #107 and the Ohio Patrolmen’s Benevolent Association, which are the union representatives for our Public Safety Officers and Dispatchers, and they have agreed on a wage increase of 1.5%. This increase does not change any other term or condition of the existing collective bargaining agreement, and is consistent with what has been provided to other bargaining unit and non-bargaining unit employees following the two year wage freeze.

Vice Mayor Byington shared that he and Mayor Duncan has reviewed this increase as members of Council’s Finance Committee, and this resolution will authorize the City Manager to implement it. Again, these employees did not receive a wage increase in 2014 or 2015, so this modest 2016 raise is their first increase since 2013. As always, Oakwood would like to commend Assistant City Manager Jay Weiskircher in his role as Personnel Officer for his efforts on the city’s behalf, and also our Public Safety Department employees for their help in coming to a reasonable agreement.

Mayor Duncan thanked the collective bargaining and non-collective bargaining employees for their assistance and understanding during the financial challenges.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Epley 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
- 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.

A RESOLUTION  
 BY VICE MAYOR BYINGTON NO 1808  
 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS  
 DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE  
 NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY  
 AUDITOR.

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

Each tax year, the Montgomery County Budget Commission is required to certify its determination of the millage rates and amounts the city will receive from its existing property tax levies. For 2015-2016, the Budget Commission has determined that Oakwood will receive \$1,010,515 from inside-millage and \$1,516,281 from its outside-millage tax levies, which is consistent with the city's projections. Of the total outside-millage, \$457,781 will come from the tax issue originally approved by Oakwood voters in 1992 and \$1,058,500 from the tax issue approved by Oakwood voters in 2013. This is Oakwood's annual resolution to accept the county's determination.

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
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.

AN ORDINANCE  
 BY VICE MAYOR BYINGTON NO 4809  
 TO AMEND EXISTING SECTION 101.02, GENERAL DEFINITIONS, OF THE  
 OAKWOOD ADMINISTRATIVE CODE TO PROVIDE FOR THE OPTION TO  
 PURCHASE INDIVIDUAL OR BLANKET BONDS FOR BONDED  
 OFFICIALS AND EMPLOYEES.

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

This ordinance was introduced by first reading at last month's Council meeting.

Consistent with Section 11.02 of the City Charter, the Oakwood Administrative Code requires certain department heads, police officers, and other officials and employees of the city to be bonded. But other than setting forth the amount of certain bonds, the Code is silent as to whether the bonding requirements must be met individually, or whether they may be satisfied through the use of a blanket bond. There may be cost savings available if the city has the flexibility to choose between group rates and individual rates, so this ordinance will update the definition of "bond" to allow for either option.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Stephens that the ordinance be passed.

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

MR. WILLIAM D. DUNCAN.....	YEA
MR. STEVEN BYINGTON.....	YEA
MR. 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 ordinance was declared duly passed and it was so ordered.

## AN ORDINANCE

BY VICE MAYOR BYINGTON

NO 4812

ADOPTING CHAPTER 148-1, *MUNICIPAL INCOME TAX*, OF THE OAKWOOD ADMINISTRATIVE CODE TO IMPLEMENT A NEW TAX ORDINANCE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2016, AND LIMITING THE APPLICATION OF EXISTING CHAPTER 148 TO TAX YEARS PRIOR TO 2016.

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

Vice Mayor Byington explained that this is an ordinance that we have seen coming for a long time and is mandated by the State of Ohio through House Bill 5, approved last December. Mayor Duncan has spoken at length about the difficulties that H.B.5 presents for local governments. H.B.5 was sold to the public and to the legislature as a municipal income tax uniformity bill, but in reality it is a tax reform bill full of handouts and favors for special interest groups. Publicly, the proponents of the bill – led by former Tax Commissioner Tom Zaino – claimed that they would work with municipalities to make the municipal income tax system more uniform. But privately they had no interest in uniformity, and they ignored thoughtful proposals put together by large coalitions of municipalities.

H.B. 5 takes effect on January 1, 2016. As are all cities across the state, Oakwood is required to adopt a new municipal income tax ordinance to match H.B.5, which is now known as Ohio Revised Code Chapter 718. The ordinance being introduced tonight makes no changes to Oakwood's tax ordinance other than what has been mandated by the state, but the changes it does make are significant and will reduce Oakwood's revenues by an estimated \$250,000 annually. This is not something that Council chooses to do; Oakwood is being forced to do it. It is interesting to note that the proponents of H.B.5 claimed that the legislation would simplify the municipal tax code in Ohio. This is most certainly not the case. Oakwood's current tax code is 32 pages long; this new mandated code is 55 pages.

Oakwood's existing tax ordinance will remain in place and will continue to be used for tax year 2015 and prior years. The new ordinance will only affect tax years from 2016 forward.

This is a first reading of this ordinance, so Vice Mayor Byington made no motion at this time.

Mayor Duncan recognized Income Tax Administrator Linda Merker for her involvement on how to interpret the new municipal income tax code, and for her presentation at the annual OML tax conference. Mayor Duncan then read the following letter to Linda Merker from Kent Scarrett of the Ohio Municipal League:

*"I want to thank you for your help with the software update panel and for all of your time and energy throughout the whole "reform" process.*

*I think the conference went very well and it's because of the solid information like what you provided that made the three days such a success.*

*Thanks again!  
Kent"*

## AN ORDINANCE

BY MR. STEPHENS

NO 4808

TO REPEAL EXISTING CHAPTER 1331, *UNREASONABLE NOISES IN CONSTRUCTION*, OF THE OAKWOOD BUILDING CODE, AND TO ENACT NEW SECTION 509.13, *UNREASONABLE NOISES IN CONSTRUCTION*, 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.

Mr. Stephens explained that this is an ordinance that was introduced for a first reading at last month's Council meeting, and is an update to Oakwood's construction noise ordinance.

Our existing noise ordinance allows construction work to be performed between 7:00 a.m. and 9:00 p.m. on weekdays and Saturdays, and between 9:00 a.m. and 9:00 p.m. on Sundays and holidays. Noise outside those hours is a violation and incurs a \$25 civil penalty.

This update does two things. First, a civil lawsuit to recover a \$25 penalty is not a cost-effective enforcement mechanism. The new ordinance moves these regulations to the General Offenses Code, making a violation a minor misdemeanor criminal offense that can be charged against each individual involved in a violation. If someone refuses to pay, the court can use driver's license forfeitures, warrant blocks, and vehicle registration blocks to ensure that fines are paid.

Second, the new ordinance defines "work" to include the mobilization of trucks and equipment, to ensure that no unwanted noise is happening outside of permitted hours.

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
MR. CHRISTOPHER EPLEY.....	YEA

There being five (5) yea votes and no (0) nay votes thereon, said ordinance was declared duly passed and it was so ordered.

#### STAFF REPORT

Public Works Update: Mr. Klopsch shared that there will be a few different events available to Oakwood citizens at the Public Works Center on Saturday, October 3. The annual community document shred event is scheduled from 8 – 11 a.m. and is free for Oakwood citizens. He added that besides important and confidential papers, electronic devices can also be shredded. The public works yard will also be open from 9 a.m. – noon on the same day for the typical monthly refuse dumping for household items, yard debris, special pick-up items, or recyclables. In addition that morning, the city is selling old street signs at \$10 per sign from 9 a.m. until 12 noon. Thereafter, the signs will be available at the city building at the front counter on a first come, first served basis.

The city has been replacing underground water valves throughout the community over the past 2-3 months, which is a very important maintenance task year after year. There are several hundred underground water main valves that are critically important. When there are breaks in the piping system, they usually occur in the winter or during the thaw in the spring and can be very problematic if the valves are not operational. All of the valve work has been done by our public works employees and they have done a fine job. Mr. Klopsch mentioned that after a valve has been replaced (or after flushing of a fire hydrant), it is very common that the water in your home may turn discolored, but the color in the water dissipates very quickly and the water is still safe to consume.

The roadway crews have been busy doing crack sealing and asphalt patching in preparation for the upcoming winter.

The salt dome is completely full. All across Ohio there is a movement to use less deicing salt if at all possible, for environmental purposes. The city will make sure to control icing across the city to provide safe roadways.

The annual leaf collection program begins on Monday, October 12 and is scheduled to continue until Friday, December 18. Leaves will be collected every two weeks and the city will make every effort to stay on schedule, but may vary a bit from time to time based on weather conditions and other factors. Mr. Klopsch asked that leaves be placed in the gutter, which is the only time citizens will be asked to put something in the gutter. Citizens may also dump their own leaves in the yard debris dumpsters located at the Creager Field parking lot.

Two longtime public works employees will be retiring, Dale Waltz and Andy Van. Dale Waltz did a good job as the Water Plant Technician/Repairman. He was the primary assistant to Water Plant Superintendent Gary Dursch. Andy Van served as Chief Mechanic. One of his final contributions to our city was building our new style of refuse scooter. We built the complete scooter at a cost of about \$19,000. The current cost of buying complete scooters, as we had previously done, is around \$32,000, so there is a significant benefit to building our own.

Mayor Duncan wished Dale Waltz and Andy Van well in their retirement.

Mr. Klopsch shared that we have already found a talented mechanic to fill Andy Van's position. The plan is to get him on board so he can observe for a few weeks before Andy leaves.

Mr. Stephens asked if the leaf collection schedule is on the website and if it will be in the Oakwood Scene Newsletter.

Mr. Klopsch responded that it will be on the website and it will also be in the October/November Oakwood Scene Newsletter.

CITY MANAGER'S COMMENTS – Mr. Klopsch shared that he is excited about the Old River Project and feels it is a wonderful opportunity for our city. He knows that if any community can do this, Oakwood can. He feels the Old River Athletic Fields will be a very valuable asset in our Oakwood community.

Mayor Duncan thanked Law Director Rob Jacques for putting together the Old River Athletic Facility Agreement to help make things as clear as possible as to who is responsible for what.

COUNCIL COMMENTS

Mr. Stephens thanked Mr. Eifert and his team for a job well done on the presentation and for all of their efforts with the project planning and fundraising.

Vice Mayor Byington echoed Mr. Stephens' comments and shared that this coming weekend is the last weekend for the Oakwood Farmers' Market. He encouraged everyone to attend.

Mayor Duncan thanked DP&L for their generous contribution to help with the cost of the winter lighting in the Business District. He thanked Boy Scout Jake Schauer for staying for the entire meeting. He said that he got to see a good meeting.

The public meeting concluded at 8:43 p.m.



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MAYOR

ATTEST:



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CLERK OF COUNCIL