

CITY OF OAKWOOD

STATE OF OHIO

JULY 20, 2009

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, Mrs. Judy Cook, presided, and the Clerk of Council, Mrs. Cathy Gibson, recorded. Mayor Cook 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:

MRS. JUDY COOK..... PRESENT
MR. CARLO C. McGINNIS..... PRESENT
MR. STEVEN BYINGTON PRESENT
MR. WILLIAM D. DUNCAN..... PRESENT
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
Mrs. Cindy Stafford, Director of Finance

The press this evening was represented by the staff writer for the *Oakwood Register*, Ms. Dawn Beigel.

The following visitors registered:

Ludolph van der Hoeven
Rob Stephens
Irvin Bieser, 790 E. Schantz
Ellen Fodge
Dave Crusey, 230 E. Dixon
Cindy Garner

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 15, 2009 and the work session held July 13, 2009. 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 REPORTS

Sugar Camp/Pointe Oakwood. Mr. Byington reported Pointe Oakwood is moving along with the construction of the first patio home underway. The concrete crusher has arrived and they'll begin removing the large pile of concrete debris. The crushed concrete will be used as construction fill material. He noted storm sewer work has begun for the Old River Trail and work on constructing the roadway will begin soon.

County-wide Offender Re-entry Task Force. Mayor Cook reported this group is chaired by Judge Water Rice and Commissioner Deb Lieberman and includes ex-offenders, elected officials, lawyers, court representatives, faith based individuals, businesses, media, etc. The Ohio Department of Corrections indicates that 72% of the Montgomery County General Fund is spent on criminal justice. The task force is looking at outdated and inefficient practices and ways to improve the system. They have broken into groups of specific action which include children/family, housing, legal issues, etc. Mayor Cook indicated they plan to share data and to provide a final report and action plan on how the re-entry system can better serve those that have been incarcerated.

Mayor Cook reported on a ribbon cutting ceremony she attended for NanoSpense at the National Composite Center in Kettering. She referenced the theme of regionalism and explained the University of Dayton Research Institute, Air Force Research Lab and Dayton Development Coalition and others have been involved with this center which plans to employ 25 people.

Mayor Cook welcomed the visitors. There were no comments.

RESOLUTION

BY MR. CASTLEMAN

NO 1696

A RESOLUTION AUTHORIZING THE MIAMI VALLEY COMMUNICATIONS COUNCIL TO ENTER INTO AGREEMENTS TO IMPLEMENT AN OPT-OUT NATURAL GAS AGGREGATION PROGRAM ON BEHALF OF THE CITY OF OAKWOOD.

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 referenced the following PowerPoint presentation in regard to the Opt-Out Natural Gas Aggregation Program. He noted every citizen and business owner has received numerous mailings over the years from Vectren and other suppliers for the natural gas product. The mailing provides offers relating to the cost of the product, not the delivery service which is handled by Vectren. The aggregation program has provided local governments the opportunity to participate in a large buying pool with more bargaining power. He explained the deregulation of natural gas and electricity services has made it possible for cities, counties, villages and townships to establish aggregation programs, or buying groups, individually or with others that allow retail customers such as residents and small businesses to combine their purchasing power to achieve savings on natural gas and electricity costs. Local governments may choose to implement: an "Opt-in" program where each consumer must agree to participate to be included; or an "Opt-out" program where each consumer is automatically included in the buying group unless he or she specifically requests not to be. Municipal aggregation is a service that has proven to be an effective way to help small consumers manage their utility bills. Mr. Klopsch reviewed the legislative framework. Ohio law provided for the deregulation of gas and electric utilities. Ohio deregulation law mandates voter approval of municipal aggregation programs. In November 2003, Oakwood voters approved municipal aggregation of natural gas and electric utilities...by 81% yes vote.

Mr. Klopsch referenced aggregation management and explained the city's program would be coordinated through the Miami Valley Communications Council (MVCC) and managed by AMP-Ohio, a Columbus-based non-profit municipal-power corporation with 127 member communities in Ohio, Pennsylvania, Michigan, Virginia, West Virginia and Kentucky. He explained seven of the eight MVCC communities are in the Vectren area and all seven plan to join together. MVCC communities would constitute the group for the opt-out natural gas aggregation program. MVCC would enter into a Master Services Agreement with Interstate Gas Supply (IGS) to supply natural gas to residential and small commercial customers. Mr. Klopsch reviewed the cost savings. IGS has guaranteed savings through March, 2010 of 4.6 cents per ccf (100 cubic feet) off Vectren's Standard Service Offer (SSO) each month. The average residential customer (1180 ccf usage per year) would save an estimated \$45 to \$55 annually. After the March, 2010 billing period, a new price will be negotiated for the period from April, 2010 through July 2011 and if the price is not acceptable the program will be cancelled. If the program is terminated or a customer leaves the program, IGS will return the customer to Vectren who would bill them at their current commodity supply cost as regulated by the Public Utilities Commission of Ohio (PUCO).

Mr. Klopsch reviewed the program implementation process. IGS will be responsible for administration of the program with production of information and mailings; and answering customer questions and telephone calls. Eligible customers will have a 21 day period during which they can take action to be excluded from the group. Non-eligible customers are those: 1) who are already using an alternate gas supplier; 2) are not current on bills with Vectren; 3) are in the PIPP (Percentage of Income Payment Plan); and 4) are larger commercial users of more than 5,000 ccf of natural gas per year. Vectren will mail out a "rescind" letter giving customers a second opportunity to opt-out or decline enrollment in the program. Eligible customers who do not take action are automatically enrolled in the program. In August/September 2009, depending on individual customer meter read dates, IGS will begin supplying customers. Customers can cancel or leave the program at any time without a cancellation fee at which time IGS will return the customers to Vectren who will bill them at their current commodity supply cost. Vectren remains the billing agent for natural gas service and would still provide the monthly consolidated billing to residents.

Mayor Cook asked if MVCC will have a scrolling note on the screen about this. Mr. Klopsch explained MVCC Executive Director John Weithofer has made a commitment to have his staff be a resource. Mr. McGinnis asked when the first mailing will be sent and whether this should be done as a first reading. Mr. Klopsch explained mid-late August and resolutions only require one reading. Mr. McGinnis questioned the degree of sensitivity and educational approach on this. Mr. Klopsch explained they can't enter the program if they delay, there is no risk, citizens have the option not to participate, and he will prepare a press release. Mr. Duncan noted a vote yes saves a citizen

approximately \$1 per week and they have the option not to participate. Mr. Klopsch concurred and reiterated 81% of the citizens voted to have the city participate in aggregation.

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. STEVEN BYINGTON YEA
MR. WILLIAM D. DUNCAN..... YEA
MR. STANLEY CASTLEMAN YEA

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

RESOLUTION

BY MR. CASTLEMAN NO 1697

A RESOLUTION ESTABLISHING “FRANCINE’S GARDEN” AT CENTENNIAL PARK AT HOUK STREAM.

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. Castleman acknowledged the presence of Dr. van der Hoeven. Mayor Cook noted a couple minor corrections for the final copy. She indicated this is a wonderful event for the city and memorial for Francine.

Thereupon, it was moved by Mr. Castleman and seconded by Mr. McGinnis 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. STEVEN BYINGTON YEA
MR. WILLIAM D. DUNCAN..... YEA
MR. STANLEY CASTLEMAN YEA

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

Dr. van der Hoeven extended thanks to council, this is a great honor and it will be a lovely garden.

RESOLUTION

BY MR. CASTLEMAN NO 1698

AUTHORIZING THE DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE VIA INFORMAL COMPETITIVE PROCEDURES FOR THE PURCHASE OF LANDSCAPE SERVICES TO RESTORE “FRANCINE’S GARDEN” IN CENTENNIAL PARK.

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 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. STEVEN BYINGTON YEA
MR. WILLIAM D. DUNCAN..... YEA
MR. STANLEY CASTLEMAN YEA

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

ORDINANCE

BY MR. BYINGTON NO 4679

TO AUTHORIZE A TRANSFER OF 1.994 ACRES TO OAKWOOD INVESTMENT GROUP, LLC, AT THE NORTHERN EDGE OF POINTE OAKWOOD TO PROVIDE FOR CONSTRUCTION OF OLD RIVER TRAIL CONSISTENT WITH THE APPROVED MASTER DEVELOPMENT PLAN IN EXCHANGE FOR THE GRANT OF RIGHT-OF-WAY TO THE CITY OF OAKWOOD 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. Mr. Byington explained this relates to the northern edge of Pointe Oakwood along Old River Trail, for the right-of-way and is an emergency so construction may begin.

Thereupon, it was moved by Mr. Byington and seconded by Mr. Castleman that the ordinance be passed as an emergency measure.

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. STEVEN BYINGTON YEA
- MR. WILLIAM D. DUNCAN YEA
- MR. STANLEY CASTLEMAN 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

Finance Department Update. Mrs. Stafford reported a lot has happened in the past five months, in particular the computer software conversion for two main modules in finance including accounting/purchase orders and of great concern payroll, which has run fairly smooth. They are now training on utilities and hope to go live August 25th with bills sent August 27th. Mrs. Stafford explained they also plan to outsource the mailing of the bills so residents will no longer see oversized envelopes but a paper bill with graphs, return stub with a bar code and space for short messages; to assist in speeding up the utility process. In August, they will continue the update and start on the conversion for tax records. Mrs. Stafford indicated while this is being done, they will update the policy and procedures to tie the process together. She indicated this has gone smoothly and extended thanks to the front office staff who has assisted during this training.

Mrs. Stafford referenced the September 2008 wind storm and noted the final FEMA check was received. She noted they received \$35,000 from insurance, \$312,000 from FEMA and \$104,000 was unreimbursed monies. In regard to investments, the yield curve is at 3.5% and they have been investing in CDs which now represent about 14% of the portfolio. Investment in Star Ohio (money market account) is now paying less than ¼%. Mrs. Stafford reported on the budget through the end of June: non-enterprise funds revenue at 58%; income tax at 60%; estate tax 74%; property tax 50%; interest 40%; total disbursements 44%; General Fund disbursements 50%; enterprise fund revenue 44%; and enterprise disbursements 42%.

Mayor Cook asked when the new water bill format will be sent out. Mrs. Stafford responded August 27th and noted there are three sections in the community and each one is billed quarterly. Mr. Duncan reported that he and Mr. Castleman will be meeting with Mrs. Stafford, Mr. Klopsch and the Auditors to discuss the 2008 Audit report. He noted there were no findings or adjustments and he is proud to say all is well in Oakwood. He also commended Mrs. Stafford for preparing reports in house that saved on outside consultant fees.

CITY MANAGER’S REPORTS

Mr. Klopsch noted Mrs. Stafford has just celebrated her first year anniversary with the city and he is glad she is here.

COUNCIL COMMENTS

Mr. Byington referenced the successful Oakwood Relay for Life and commended co-chairs Ted O’Connor and Jaci Hollmeyer. He reported to date \$60,000 has been raised on this great event and that it was well attended.

Mayor Cook recently attended a Dayton History meeting and referenced how buildings were moved from the Kettering Moraine Historic Park and that Dick Cummings was honored as the volunteer of the year. She extended thanks to the Wills for operating the cable equipment and indicated the next formal meeting is August 3.

Council adjourned. The public meeting concluded at 8:36 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL