

CITY OF OAKWOOD
STATE OF OHIO
SEPTEMBER 21, 2009

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. 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
Chief Alex Bebris, Public Safety Director

The press this evening was represented by *Dayton Daily News* staff writer Kelli Wynn and the editor of the *Oakwood Register*, Mr. Lance Winkler.

The following visitors registered:

Patti Reed, 11 Greenmount Boulevard
Herold Williams, Pointe Oakwood
David Crusey, 230 E. Dixon Avenue
Anne Hilton, 900 Harman Avenue
State Representative Peggy Lehner
Greg Wahl, Cricket

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 August 3, 2009 and of the work session held August 17, 2009. Mr. Duncan reported on two corrections to the August 3, 2009 regular session minutes, i.e., discussion relating to the South Suburban Coalition should have read incorporation and application; and Mayor Cook announced the “annual” Giving Strings. Therefore, it was moved by Mr. Duncan and seconded by Mr. Castleman that the minutes of the sessions of council aforementioned be approved as amended and the reading thereof be dispensed with. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

STATUS REPORT

Sugar Camp/Pointe Oakwood. In regard to Pointe Oakwood, Mr. Byington reported the sanitary sewer is in place for Old River Trail, road grading has been finished, and the curb/asphalt will be installed this fall. Mr. Byington reported last weekend there was a nice opening ceremony for the Mikvah at Sugar Camp.

Athletic/Recreation Master Plan. Mayor Cook announced tomorrow at 6:30 p.m., Oakwood High School Auditorium, the first community meeting will be held so council, staff and the consultant can learn about the community’s interests and needs. She read the following statement: “The master plan will address Oakwood public athletic and recreation facilities and will provide a guide for operations, maintenance, and capital improvements over the next 5-10 years. The Master Plan will include a vision for the future, taking into consideration the existing facilities, as well as unmet athletic and recreation needs as identified by our citizens and city leaders.” Mayor Cook indicated the purpose of this meeting is not to decide where to build; but review of what exists and the needs/wants for a Master Plan guideline and vision for the next 5-10 years. She indicated the success is dependent on community involvement and citizens will have many opportunities to participate, including meetings, surveys, etc.

Ohio Statues. Mayor Cook reported there are two statues in the Washington DC Capital Rotunda representing each state and every state may decide which individuals may be honored. Currently, Ohio is represented by President Garfield and Governor Allen and it’s been decided to replace the Governor. She reported there is a National Statuary Collection Committee sponsored by the State of Ohio that is travelling to hear various promotions and today the committee was in Dayton to learn about the Wright Brothers. The group met at the Interpretive Center, visited various sites and attended a luncheon at Hawthorn Hill. She hopes the outcome will be the selection of the Wright

Brothers since part of the criteria is that the contribution impacts not only the nation but the world as the birth of flight has.

Houk Stream Clean Up. Mayor Cook reported last Saturday they held a successful work event at Houk Stream, in particular Francine's Garden which is a special attraction in Centennial Park. She noted the stone work and paths have been re-established and members of the Garden Club of Dayton, Oakwood Rotary and others were there to assist.

VISITORS

Mayor Cook recognized State Representative Peggy Lehner. Mrs. Lehner indicated it's an honor to be at the meeting and ironic that she began her day with Mayor Cook and Mr. Klopsch on the statutory review and commended Mayor Cook on her wonderful job along with Amanda Wright Lane on advocating this region. She will report on recent state activities and plans to give ongoing updates but urged anyone to contact her if need be. Mrs. Lehner explained the majority of the legislative agenda this year has revolved around the budget with only four other pieces of legislation being approved. She indicated the budget process is extremely difficult due to the national recession and unemployment in the state is currently around 11%. In addition to the loss in income tax receipts and decline in state taxes, the budget has been adjusted based on education reform, utilizing the 2010 rainy day fund in 2009, etc. Mrs. Lehner reported this has resulted in cuts to social programs, i.e., future users of the senior Passport Program, mental health services, and libraries - difficulty in balancing not only this year's budget but future budgets unless there is a miraculous recovery. She noted the Local Government Fund has not been touched, but she can't guarantee that might not happen during the next budget cycle, yet she remains committed to supporting same. Mrs. Lehner reiterated her grave concerns with the budget and believes there are three possible ways to improve it. First might be to raise revenues, however, the state already has a high tax rate. The second would be to reduce services and the third would be to change the structure or role of the state government.

Representative Lehner reviewed significant legislation in particular H.B. 3 and H.B. 8 relating to the foreclosure crisis. In regard to H.B. 8, this requires the tenants be given advance notice of a foreclosure, which she supported. However, she voted against H.B. 3 which imposed a fine on lenders before the foreclosure process is started as she felt that could exacerbate abandoned properties. She apologized for the rather depressing report. Mr. McGinnis asked whether there has been mention of public versus private wage issues. Mrs. Lehner has heard no discussion that either is out of line, just concern about job loss and lack of raises. Mr. Castleman noted the city is currently in labor negotiations, referenced binding mediation required by the state for police and fire and wondered about relief for municipalities. Mrs. Lehner responded there hasn't been much discussion about wages but a lot in regard to pension plans. Discussion ensued in regard to the various pension plans. Mr. Duncan referenced H.B. 176 and applauded Mrs. Lehner on her work on same. Mayor Cook referenced foreclosures and asked about land bank issues. Mrs. Lehner indicated there is current legislation that permitted this but the test site was only in Cuyahoga County and she hopes to allow it in Montgomery County. Mr. Duncan noted Dayton's budget shortfall for 2010 is greater than Oakwood's entire budget. Mayor Cook asked about additional federal assistance. Mrs. Lehner indicated that wouldn't be her first choice of action. Mr. McGinnis thanked State Representative Lehner for attending and her report.

Mr. Herold Williams, Pointe Oakwood, reported the slate roof is being installed on the model home and they hope to have it open and furnished by Thanksgiving to coincide with the roads being paved. He presented building materials for the next home which has been sold to a resident of Patterson Park and will be located one street back from Far Hills. The owner is reviewing two potential exterior designs and color/material pallets. Mayor Cook asked if it will be a free-standing home. Mr. William answered yes, a 2,700 s.f. two story home with basement. He referenced the pallet of materials which included a black slate roof tile for the gable and hip roof; red/maroon brick which will include a variety of workmanship details; real quarry stone in buff color installed in a dimensional fashion with stucco; and copper gutters and round downspouts. Mayor Cook indicated it all looks beautiful. Mr. Duncan asked if there have been any inquiries. Mr. Williams reported three very interested parties who are waiting for the road completion. Mayor Cook thanked him for the information.

There were no other visitors with comments.

ORDINANCE

BY MR. DUNCAN NO 4683
TO AMEND SECTIONS OF THE MUNICIPAL CODE RELATING TO
ADMINISTRATION OF THE MUNICIPAL INCOME TAX.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Duncan reported this is a second reading. The ordinance does not relate to raising or cutting taxes but only tax administration.

Thereupon, it was moved by Mr. Duncan 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..... 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.

ORDINANCE

BY MR. BYINGTON NO 4684

TO ACCEPT THE DEDICATION OF A STREET RIGHT-OF-WAY FOR THE STREET KNOWN AS SUGAR CAMP CIRCLE.

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 accepts the roadway right-of-way and asked that the second reading be waived.

Thereupon, it was moved by Mr. Byington and seconded by Mr. Castleman that the ordinance be passed and the second reading waived.

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.

RESOLUTION

BY MR. BYINGTON NO 1700

TO AUTHORIZE CRICKET COMMUNICATIONS, INC., TO MOUNT THREE ANTENNAS AND A CABINET ON THE ROOF OF THE BUILDING AT 2600 FAR HILLS AVENUE.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read by title by Mr. Byington. Mayor Cook asked Mr. Weiskircher for additional information.

Mr. Weiskircher referenced a Power Point presentation on the planning commission's recommendation and reviewed a site plan of the building on the lot, pointing out where the three antennas and cabinet will be located on the roof. The next slides were before and after photos depicting the antennas on the building and a letter from the city's frequency engineer consultant Richard Comi who recommended approval. Mr. Weiskircher referenced a map showing nearby Cricket locations as well as the current and proposed coverage areas. Mr. Weiskircher noted this was unanimously recommended by the Planning Commission and the site currently has two other service providers.

Mayor Cook opened the public hearing. There being no comments, the public hearing was closed.

Thereupon, it was moved by Mr. Byington 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. BYINGTON

NO 1701

TO AUTHORIZE THE PLACEMENT OF DRIVEWAY ENTRY PILLARS AND ATTACHED DECORATIVE WALLS WITHIN A PORTION OF THE CITY RIGHT-OF-WAY AT 120 PARK ROAD.

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

Mr. Weiskircher referenced a Power Point presentation and reviewed a photo of the development, landscape plan and proposed location of the pillars/walls as well as elevation drawings. He explained the pillars are taller than 42” in height and include a light fixture, are the same stone veneer as the home and in the right-of-way. Mr. Duncan asked if the owner understands since it’s in the right-of-way it could be torn down if needed. Mr. Weiskircher concurred.

Mayor Cook opened the public hearing. Mr. Winkler noted there is a typographical error - Park Avenue is noted rather than Park Road. There being no other comments, the hearing was closed.

Thereupon, it was moved by Mr. Byington and seconded by Mr. Castleman that the resolution be passed as amended to read Park Road throughout.

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. BYINGTON

NO 1702

TO AUTHORIZE AND DIRECT THE CITY MANAGER TO SUBMIT A CAPITAL IMPROVEMENT PROJECT AND TO PROVIDE SUCH INFORMATION AS MAY BE REQUESTED BY THE DISTRICT 4 PUBLIC WORKS INTEGRATING COMMITTEE OR BY THE OHIO PUBLIC WORKS COMMISSION, DIRECTOR OF ADMINISTRATORS; TO APPLY FOR ISSUE 2 FUNDS FOR PUBLIC INFRASTRUCTURE CAPITAL IMPROVEMENTS

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Byington explained this relates to applying for an Issue 2 grant of \$85,000 which the city would match to use for a traffic signal improvement project in 2011. Discussion ensued in regard to other Issue 2 grant funds the city has been awarded.

Thereupon, it was moved by Mr. Byington and seconded by Mr. Castleman 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.

STAFF REPORT

Safety Department Update. Mr. Klopsch noted although Chief Bebris has an upper respiratory illness, he wanted to proceed. Chief Bebris gave an update on the department and the new dispatch/records system which was implemented in May. He noted they are still learning since this change was a transition for the organization, going from paper to computerization and the consequences of how one change impacts another, i.e. statistics, paper trails, etc. One of the silver linings is taking a step back and looking at the process of how things are done and he hopes to reduce paper usage by next year. He indicated they are working closely with the court in upgrading their computer system to streamline the overall process. He is pleased with the great response from the software vendor when the city has asked for modifications. Chief Bebris reported other changes in the dispatch related to two of the five full-time dispatchers leaving – Rochelle Rich and Laurie Heisey, which is a 40% turnover and a loss of a combined 35 years of experience. The flip side is

they were lucky with a pool of applicants and have hired Cheryl Colton who previously dispatched in Dayton and Meghan Board, a social worker with crisis work experience. He was pleased to report he has not heard any concerns with the level of service quality during this dispatch transition.

Chief Bebris reported on cooperative efforts with other agencies. In regard to mutual aid agreements, they recently signed with Dayton on the enforcement of parking on Irving Avenue to be more responsive to Oakwood citizen calls; and with Kettering that Oakwood is the first responder to the Dayton Country Club. They continue working with Kettering on developing a joint fire training program and recently both utilized the structures at Sugar Camp for training. Chief Bebris indicated they are working on how crews can be deployed to assist with the Tactical Crime Suppression Unit (TCSU) and referenced their recent success on the credit card theft case. He noted as they currently work on the 2010 budget, there will be challenges in training since as a TCSU Board of Director's member; they had to reduce training funds from \$8,000 to \$2,000 as well as state training budgetary constraints. Chief Bebris indicated they also need to keep up with technological changes to enhance services, i.e., utilize lap tops for record keeping, etc. He noted 2010 will also bring a challenge with equipment since the Crown Victoria is no longer in production. He concluded that 2009 has been a busy year. Mayor Cook wondered when they started monitoring parking on Irving. Chief Bebris responded before school started and indicated the two-hour parking violation fines go to the City of Dayton. Mayor Cook thanked him for his report.

CITY MANAGER'S REPORTS

Athletic/Recreation Master Plan. Mr. Klopsch invited the community to attend the meeting tomorrow at Oakwood High School, 6:30 p.m., the first public meeting to understand what Oakwood citizens want, a needs assessment on sports and recreation to provide details for the Master Plan. He indicated they will not be discussing finances since they aren't certain what they are yet talking about and a similar meeting will be held on October 6 with other meetings to follow. He indicated in the upcoming October/November City Scene, which will be mailed late next week, a survey will be included which he encouraged citizens to complete and return via mail or drop off.

Natural Gas Aggregation. Mr. Klopsch reported it's been six years since the issue was on the ballot and the program is moving fairly well after the past six weeks of informing citizens about the IGS contract. He reported 91% of Oakwood property owners are participating in this guaranteed savings of approximately \$40-50. He thanked staff for helping in response to the 35-40 resident phone calls with questions on the issue.

Leaf Season. Mr. Klopsch announced the annual leaf program is rapidly approaching and this is the only time of the year when leaves are permitted at the edge of the street; however, reiterated it's only leaves, not branches, bags, etc.

2010 Budget. Mr. Klopsch reported they are working on the 2010 budget and was pleased that at the end of August they were 2% ahead of income tax collections from last year. They have already met once with the budget review committee and have other upcoming meetings scheduled.

Mr. McGinnis asked for additional information on the athletic/recreation survey. Mr. Klopsch explained it is an insert in the upcoming Scene, which will be mailed the end of next week, and after completed it can be folded in half to be mailed or dropped off.

COUNCIL COMMENTS

Mr. Duncan announced his daughter called with the good news that he will be a Grandfather again; his granddaughter will be a graduate of the class of 2028.

Mayor Cook noted for many years Joanne Clodfelter, longtime *DDN* writer, was a wonderful asset in reporting on the community and events and was sorry to hear she recently passed away.

Mayor Cook indicated the next meeting is scheduled for October 5 and extended thanks to the Wills for operating the cable equipment.

Council adjourned. The public meeting concluded at 8:55 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL