

CITY OF OAKWOOD  
STATE OF OHIO  
JUNE 27, 2005

The Council of the City of Oakwood, State of Ohio, met in a work session at 5:00 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.....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  
Mr. Brad M. Beachdell, Finance Director

The press this evening was represented by Betsy Simon, an intern for the Oakwood Register.

The following visitor registered:

Dave Crusey, DP&L

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 May 2, 2005, the work session of May 16, 2005 and the executive session of May 25, 2005. Mr. Duncan reported he found the minutes correct and complete. Therefore, it was moved by Mr. Duncan and seconded by Mr. Blumensheid 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

Planning Commission Appointments. Mayor Cook indicated council was very pleased with the number of citizens expressing an interest in serving, all fine candidates, and council interviewed six. She asked for confirmation in appointing Andrew Aidt to replace Mr. House whose term expires in 2008, and Steven Byington to replace Dr. Fogel whose term expires in 2006. She indicated they look forward to working with both on the planning commission and other candidates will be kept on the list for other openings.

Therefore, it was moved by Mr. Blumensheid and seconded by Mr. McGinnis that both Mr. Aidt and Mr. Byington be appointed to the Planning Commission. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

RTA. Mr. Duncan read the following:

“In 1970, the cities of Dayton, Oakwood and Kettering created the Miami Valley Regional Transit Authority ("RTA") – now the Greater Dayton RTA. Since the inception of the RTA, the City of Oakwood has appointed one member, who serves without pay, to the nine-member Board of Trustees.

In 1992, Oakwood City Council appointed Thomas Breitenbach, CEO of Premier Health Partners to the RTA Board. In 1998, the Council appointed Jeffrey Ireland, the former Mayor of Oakwood and an attorney with Faruki, Ireland and Cox. In 2004, we appointed Cheri Ohmer, a Certified Public Accountant and community volunteer.

Last month, State Senator Jeff Jacobson introduced legislation that removes the City of Oakwood’s authority to appoint a member to the Board of Trustees of the RTA. He did not consult with the City or the County before attaching this amendment to the recently passed State Budget Bill expected to be signed by Governor Taft this week.

In response to a thoughtful letter written by Oakwood Mayor Judy Cook questioning the wisdom of this legislation, Senator Jacobson replied by stating that the RTA Trustees failed "to provide appropriate oversight and checks on the poor leadership and mismanagement of the director." and specifically mentioned Mr. Ireland as failing to provide this oversight. He also

stated that Mr. Ireland spearheaded the illegal rehiring of the director and faulted Oakwood City Council for not removing Mr. Ireland “for his role in the rehiring fiasco”.

Senator Jacobson is factually incorrect in his assertion that the director illegally rehired herself. In addition, Mr. Ireland fulfilled his responsibility to the RTA Board faithfully and did nothing that would cause Oakwood City Council to remove him from this position on the RTA Board.

When Mr. Ireland’s term expired, this Council felt our next appointment should be someone with strong financial management skills and who would promote accountability to the public. Cheri Ohmer has done an outstanding job as an RTA trustee under very difficult circumstances. She has encouraged a performance audit of the agency, promoted an open process for the hiring of a new executive director and supported the appointment of our former City Manager, Michael Kelly, as interim director.

The RTA trustees appointed by Oakwood City Council have all been outstanding examples of citizens providing community service, a long standing tradition in Oakwood. For Senator Jacobson to assert otherwise is an insult to Oakwood City Council and the citizens of Oakwood.

I urge the County Commission to reappoint Cheri Ohmer to the Board of Trustees of the Regional Transit Authority. Thank you for the opportunity to share this issue with you.”

There were no visitors with business. The following legislation was introduced:

ORDINANCE

BY MR. DUNCAN

NO 4585

ADOPTING THE 2006 TAX BUDGET FOR THE CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 2006.

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 indicated this is the second reading of the ordinance, the first reading was held last month and this is a housekeeping measure. He explained previously they had to adopt this by July 1<sup>st</sup>, and although the county changed its rules the Charter still requires adoption of this legislation. He noted the official budget is not completed until December.

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. WILLIAM D. DUNCAN.....YEA  
MR. ROGER C. BLUMENSHEID.....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

TO AMEND CODIFIED ORDINANCE PART SEVENTEEN BY REPLACING THE BOCA CODE WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION, AND MAKING OTHER CHANGES.

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 he has gone through the revised sections that substitute the International Code from the BOCA Code and noted there are no substantive changes. Mayor Cook asked if this code matches other communities. Mr. Klopsch concurred. Mayor Cook indicated this is a first reading only so citizens have another opportunity for review.

AN ORDINANCE

BY MR. BLUMENSHEID

NO 4588

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OR RECONSTRUCTION OF SIDEWALKS AND APPURTENANCES THERETO IN THE CITY OF OAKWOOD, OHIO.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Blumensheid explained this is the scheduled first reading of the ordinance relating to the sidewalk assessments from the 2004 project. He reviewed the process the homeowner has, an opportunity to replace what is marked or have the city do so, pay for the billed work and if not paid by a date certain, forwarded to the county for placement on the tax bill. He indicated this is a housekeeping measure for \$7,447.55 and recommended the second reading be waived. Mr. Duncan noted a four-fifths vote is required to waive the second reading.

Thereupon, it was moved by Mr. Blumensheid and seconded by Mr. Castleman that the ordinance be passed and to waive the second reading.

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.....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. DUNCAN

NO 4589

TO LEVY A MUNICIPAL MOTOR VEHICLE LICENSE FEE PURSUANT TO SECTION 4504.172, OHIO REVISED 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. Duncan explained when auto registrations are renewed, Oakwood citizens currently pay \$15.00, \$12.50 of which goes to the county, Oakwood receives \$2.50. He indicated Ohio law permits communities to charge \$20, \$12.50 of which still goes to the county, but more of the fee returns to Oakwood. By raising the fee to \$20, the city would raise \$30,000 per year and that money must be earmarked for street repair. Mr. Duncan explained in order for this to go into effect January 2006, legislation needs to be adopted before July 1<sup>st</sup>, so he recommends the second reading be waived.

Thereupon, it was moved by Mr. Duncan and seconded by Mr. McGinnis that the ordinance be passed and to waive the second reading.

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.....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. BLUMENSHEID

NO 1609

DECLARING THE NECESSITY OF IMPROVING CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Blumensheid urged citizens to contact the city if street lights are not in working order. He explained this is annual legislation relating to street lighting.

Thereupon, it was moved by Mr. Blumensheid 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. WILLIAM D. DUNCAN.....YEA  
MR. ROGER C. BLUMENSHEID.....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. DUNCAN

NO 1610

A RESOLUTION ACCEPTING THE REPORT AND RECOMMENDATIONS ISSUED BY FACT FINDER DANIEL N. KOSANOVICH ON JUNE 24, 2005.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Duncan explained this relates to labor negotiations with the four lieutenants whose contract expired December 2004. He reviewed the negotiation process and indicated if they don't agree, then a fact-finder is involved. If both sides agree with the fact-finder, negotiations are resolved for a contract. If either party doesn't agree, then the matter goes to binding conciliation. The two major items related to wage increases, the city offered 3% but the

bargaining unit wanted 6%, 5.8% and then a ratio; and the fact-finder recommended 4% for the next three years. In addition, the lieutenants wanted a limit on their contribution to health insurance, but the city wanted the group to pay the same percentage as other staff, and the fact-finder accepted the city's position.

Thereupon, it was moved by Mr. Duncan 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. WILLIAM D. DUNCAN.....YEA  
MR. ROGER C. BLUMENSHEID.....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. MCGINNIS

NO 1611

A RESOLUTION TO DIRECT THE DIRECTOR OF FINANCE TO REFUND TO THE INSURED OF THE PROPERTY LOCATED AT 820 SHAFOR BLVD. THE INSURANCE PROCEEDS RECEIVED FROM THE INSURER OF SAID PROPERTY PURSUANT TO THE PROVISIONS OF §3929.86, OHIO REVISED CODE FOR THE REASON THAT THE CITY WAS NOT REQUIRED TO EXPEND ANY OF SAID FUNDS FOR THE PURPOSES SET FORTH IN §715.261, OHIO REVISED CODE.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. McGinnis explained this relates to money the city received in case fire damage at 820 Shafor was not taken care of. Since the owners complied with the ordinance, this legislation now permits refunding the money.

Thereupon, it was moved by Mr. McGinnis and seconded by Mr. Blumensheid 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.....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

Assistant City Manager Update. Mr. Weiskircher updated council on four issues. In regard to labor negotiations, he noted Mr. Duncan did a good job in summarizing the events and added they started late because the lieutenants changed union representation. He indicated they met five times together; the sixth meeting was with the federal mediator due to outstanding issues relating to wages and health insurance, issues that are driving the majority of organizations. Mr. Weiskircher explained the fact-finder's report was received and it recommended wage increases of 4% for the next three years and to leave the health insurance contribution as is. At this time, he is unsure which direction the lieutenants will take but if they accept the report then the three-year contract will be assembled. If they reject the report, then the issue will go to conciliation. He noted later in the year, negotiations with the 27 employees in Public Works will begin.

Mr. Weiskircher referenced one of the things that make Oakwood so special it is unique business area, and reviewed the Far Hills Business District project. He indicated the city has made a significant investment in the district, work was completed on staining the timber wall and the new customer banners have been installed. He noted they also painted all the bollards, sign posts and bus stop shelters and Carol's crews are working diligently on landscape planting. Mr. Weiskircher explained that the city hired Lockwood, Jones & Beals to review the parking concerns, particularly on the west side. Since many of the lots are separated by artificial boundaries, they are proposing removal of those boundaries which could provide better shared parking. He indicated they are working with business owners to see if there is any interest given the costs and added that LJB's recommendations are consistent with the 1990's Edsall Report. Mayor Cook asked if that would increase the number of parking spaces. Mr. Weiskircher responded no, but it would assist with ingress/egress issues and parking space availability during peak times.

Mr. Weiskircher updated council on property maintenance; another important aspect in making Oakwood so special is in the investment that helps maintain high property values. In addition to responding to citizen complaints, staff spends considerable time driving through the community and taking notes on peeling paint, overgrown vegetation, and identifying other violations. He reviewed the process that home owners are sent letters and given a period of time to make the repairs, usually from spring through October. He indicated staff works with owners on extensions but from time to time there is no compliance so the city has the option to cite into court. Mr. Weiskircher indicated this year there are 141 on the list and greater focus was given on work needed around the alleys. He noted historically the list has varied from 80 to 140 properties. Mayor Cook asked if many are rental properties. Mr. Weiskircher explained there is a percentage of rental property on the list but added a local agent is required for out of town property owners. He also referenced the first reading of the amended Property Maintenance Code and reiterated the changes are housekeeping in nature.

Mr. Weiskircher updated council on the safety/city building project. In regard to comments about the apparatus door, he explained the doors will be painted in July to match the overall green colors of the building and noted the subcontractors are finishing up on punch lists. He indicated feedback has been very positive on the project. Mr. Weiskircher extended thanks to council, Mr. Klopsch and the community, on behalf of all employees, for the facility upgrade. He indicated it has been a long process and impacted everyone, but worth the wait for the nicest multi-use building in the area. Mayor Cook commented that Mr. Weiskircher did more than anyone else and extended thanks to him for all his work.

#### CITY MANAGER'S REPORTS

DPVA Show House. Mr. Klopsch indicated the Show House concluded the end of May. He was very pleased with the event and indicated no complaints were received. He extended thanks to Lyn Boyce and Patty Scott who co-chaired the event.

Little Woods Road. Mr. Klopsch announced last week the new public road abutting the Mullens property was paved. He indicated this is the first new road since 1976 when Fairforest was installed. He indicated at the end of the cul-de-sac the three new buildable lots can be seen, one of which was purchased. The other buildable lot is off Runnymede.

UD Purchase. Mr. Klopsch referenced articles about the recent 49-acre purchase of NCR property, north of Oakwood, by UD. He indicated staff will continue to pay close attention to that property. Mayor Cook is pleased with the ongoing and open relationship the city has with UD.

Water Meter Project. Mr. Klopsch announced over 50% of the water meters have been changed out and he extended appreciation to the public works department personnel who have taken on this unique project. Mr. Blumensheid indicated he recently witnessed a team install a new meter in tight quarters and everyone was very congenial.

Annual Sidewalk Program. Mr. Klopsch indicated the project will begin within the next couple of weeks and orange barrels will be seen throughout the city. Mr. Duncan questioned the construction on Dellwood by the High School. Mr. Klopsch indicated that is SBC work for a fiber optic line.

#### COUNCIL COMMENTS

Mr. Blumensheid referenced Mr. Weiskircher's comments about maintenance concerns around the alleys. He indicated the city is beautiful, front yards look great, and urged everyone to pay particular attention to the rear of the property off of the alleys.

Mayor Cook indicated last weekend she attended the annual Korean War Memorial event. It was a lovely celebration and she was pleased to represent the city along with the Mayors of Kettering and Dayton.

Council adjourned to work session. The public meeting concluded at 8:30 p.m.

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MAYOR

ATTEST:

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CLERK OF COUNCIL