

CITY OF OAKWOOD

STATE OF OHIO

JULY 11, 2011

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, Mr. William Duncan, presided, and the Clerk of Council, Mrs. Cathy Gibson, 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. STANLEY CASTLEMAN PRESENT
MR. ROBERT P. STEPHENS PRESENT
MRS. ANNE S. HILTON 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
Mr. Kevin W. Weaver, P.E., P.S., Engineering & Public Works Director

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

The following visitors registered:

Stefanie Campbell, 271 Schenck Avenue
Phil Chick, 256 Beverly Place
Carolyn Rice, Montgomery County Treasurer
Collette Davis, 3625 Lisbon Street
Shari Riggs, 447 Wyoming Street
Lisa Lesh, 750 Homeway Drive
Kim Musselman, 1071 Princewood
Blake Jordan, 3625 Lisbon Street

Mrs. Hilton, Chair of the Council Committee on Minutes, advised council she had read the minutes of the regular and work sessions of council held June 13, 2011. Mrs. Hilton reported she found the minutes correct and complete. 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

Sister City Event. Mrs. Hilton indicated she had a wonderful time with colleagues in celebrating the 35th anniversary of twinning with Outremont. There were several events, some sponsored by the city, and some guests had been at the original twinning event 35 years ago. She commended the re-energized Sister City Association for their work in organizing the event. Mayor Duncan indicated prior to the Mayor's lunch, there was an exchange of gifts and Mrs. Hilton presented a mirror with a picture of Hawthorne Hill to Outremont, saying everything in French. He pointed out art given from Outremont to the city and the Association which will be displayed at city hall. Mayor Duncan indicated on Sunday, July 3, about 30 Sister city members and visitors joined him in his office in Kettering Tower to watch the fireworks.

2012-13 State Budget. Mayor Duncan referenced the recently adopted state budget which impacts Oakwood by eliminating the estate tax effective January 1, 2013. He indicated estate tax revenue has averaged \$2.6M over the past ten years which is 20% of the city's budget. The state budget also reduced the Local Government Fund over two years which will impact Oakwood by \$53,000 annually and the tangible personal property will be phased out which will have a \$1,500 annual impact on the city. Mayor Duncan referenced SB 5 and asked Mr. Klopsch to report on how that will impact the city. Mr. Klopsch explained SB 5 reduces sick leave from 15 to 10 days, however a simple calculation regarding savings could not be done due to varying factors including safety department crew impact and whether overtime would be required, etc., so they estimated \$18,000. Mayor Duncan referenced how SB 5 eliminates binding arbitration. Mr. Klopsch explained prior to SB 5, collective bargaining laws were such that neither the manager nor elected officials had any direct power to control personnel costs. If negotiations reached an impasse, a fact-finder would be brought in and then binding conciliation. Since Oakwood has a unique group of officers who are

police, fire and EMT, there was nothing else to compare it to so historically the third party routinely awarded high pay raises. The new law gives elected officials the ultimate power. However, since the labor contracts go through the end of 2012, there will be no possible cost savings until 2013 and they estimate a savings of \$140,000 per year thereafter. Mayor Duncan referenced how SB 5 increases the minimum percentage to 15% that an employee must pay towards premiums for health/dental insurance. Mr. Klopsch indicated the shift in cost from the city to employee will save \$40,000 annually.

Mayor Duncan indicated he read a recent article that local governments were not participating in health insurance pools, however Oakwood does. Mr. Klopsch had read the same article and was offended with the implied characterization and indicated Oakwood does use the Ohio Plan which is a group of 70 jurisdictions. Mayor Duncan referenced another portion of SB 5 which changes the employee contribution to the retirement fund, the employee currently pays 10%, the city pays 14% for public and 19% for police/fire. The proposal was to shift an additional 2% to the employee but that was not adopted. Mr. Klopsch indicated that could have been a savings of \$125,000 per year. Mayor Duncan noted there will likely be a referendum on the ballot to repeal SB 5 so these few cost savings may go away. He referenced recent statements from Governor Kasich and President Obama and indicated the best government is the government closest to the people.

VISITORS

Mayor Duncan welcomed the visitors and recognized Montgomery County Treasurer Carolyn Rice. Mrs. Rice reported her office works for all citizens in Oakwood and the county and referenced Friday's deadline when the second half of taxes are due. She indicated some people are unable to pay in full, however, there are options and she urged those citizens to pay as much as they can, in a good faith effort, so as to reduce the penalties and interest. She urged those citizens to come in and talk with her staff about a payment plan/contract. Mrs. Rice explained the first half of the year they collected 93.7% of taxes. In Oakwood, there are 4,055 parcels, 65 of which were delinquent, 1.6%, which resulted in \$504,730 of lost revenue and of those 65, only 17 are on a payment plan. She indicated consequences of not paying result in a tax lien/foreclosure and they have a vested interest in keeping folks in their home. She explained they have a mediation program with the Common Pleas Court and last year 2,840 homeowners were contacted, 255 requested same, 66 are pending and there were 98 foreclosures, so some were resolved through the mediation process and she is pleased with this successful pilot program.

Mrs. Rice indicated they held a tax lien sale this spring, the original bundle had 4,200 parcels at \$19.3M and at the time of the sale there were 92 parcels at \$500,000. She indicated 570 of the 4,200 paid in full when they received notice, therefore \$1.94M was collected up front. She reported other projects include addressing return mail where they worked with Lexus Nexus and recovered \$3.7M by focusing on change of address and follow-up. Although an Auditor's project, she indicated property value information was just released, and the county is down 7%. She referenced written notification every property owner will receive on the property value and urged citizens to read the information and if they don't agree, informal hearings will be upcoming. Mrs. Rice reported on another new project, the land bank created in Montgomery County, which provides options to deal with abandoned properties. She indicated times are tough, but they are doing great work. Mr. Castleman asked if the delinquency includes contested valuations. Mrs. Rice indicated it could include some, but they suggest those citizens pay and later be refunded, because if they don't win there will be penalties and interest. Mrs. Hilton asked about their work with Lexus Nexus. Mrs. Rice explained they contract to use their public records data base. Mayor Duncan pointed out the distribution of the property taxes to Oakwood – 67% to schools and only 6% to the city with the remainder to other categories. He thanked her for the update.

Mayor Duncan recognized Stefanie Campbell, DP&L, who is frequently a member of the audience. Mrs. Campbell explained she is manager of energy efficiency and ambassador/liaison to Oakwood. She and her family live in Oakwood so it's a great fit. She reported DP&L has been making some great investments to their electrical systems. She indicated citizens usually don't contact DP&L until the lights are out and referenced a PowerPoint presentation on DP&L's investing in reliability. She explained there are more than 500,000 customers, 6,000 square miles, 146 substations, diverse reliability programs, significant capital investment and strong reliability. Mrs. Campbell reported on line clearance which is a on five year cycle, distribution line patrols (every five years) which involve inspections and deficiencies addressed, pole inspection program which is conducted every ten years, distribution underground devices inspected every five years and monthly substation inspections. Mrs. Campbell reviewed several recent examples of capital investments: six new/upgraded substations; new circuits at Austin Pike, Research Park and UD; voltage upgrades to 205 miles of lines; new radio system; laser mapping of transmission system; and WPAFB system upgrades. Mayor Duncan thanked her for her report.

Mayor Duncan asked if there were other visitors. Mr. Phil Chick, 256 Beverly Place, 18 year resident, referenced the dog park and indicated he is not a dog hater, but feels it's not fiscally responsible to have one. During a budget review meeting last winter, he expressed his discontent about the price and principle and commended staff on lowering the price for the park; however, he still disagrees with the expenditure, on principle. This amenity is not needed given existing tax issues, job loss, tough economy, searching for ways to raise revenue, etc. He believes this is an asinine use of public money as they look at new sources of revenue, loss of estate tax, and although \$40,000 is not a lot in the budget, there is the principle. Mr. Chick indicated citizens give council their trust on how to manage tax dollars. He expressed concern that council and staff don't understand the difference between need and want yet are stewards of Oakwood's resources. He doesn't believe the dog park is something that will make people move in or leave. He knows staff will defend this and acknowledged the 200+ petition signatures supporting the dog park. Mr. Chick reiterated his disappointment that this was undertaken during tough economic times, staff and council are guilty of lack of judgment, this isn't necessary for Oakwood, and he will keep this in mind during the upcoming fall election.

Mayor Duncan asked if there were other visitors. Ms. Shari Riggs, 447 Wyoming, referenced the dangerous and vicious dog ordinance on the agenda and in particular section (A)(4)(3) that references the ORC definition of "vicious" dog since that law is in the process of being changed. She explained as a founder of the local Pit Bull rescue, she knows it's unhealthy for a dog to be on a chain and has successfully placed 450 Pit Bulls in new homes and never been bit, yet has four scars from German Shepherds. Ms. Riggs indicated Pit Bulls can be acclimated to new homes and she has placed five in Oakwood homes. She has been impressed how educated and progressive Oakwood is and hopes that this ordinance will not classify Pit Bulls as vicious. She indicated they recently spoke to Kettering officials on the same subject and supports vicious dog laws but believes listing a specific breed is unacceptable.

Mr. Blake Jordan, Kettering, works with a small canine rescue program and agrees they should not be breed specific and asked that the language in that regard be removed. Mr. Jacques explained the intent of the ordinance is to track the ORC language and if the ORC changes, so does Oakwood's language. He indicated they have removed reference to any breed. Mayor Duncan explained the original ordinance read at the last meeting, did include specific breeds but has been amended.

LEGISLATION

ORDINANCE

BY MR. STEPHENS

NO 4733

ENACTING SECTION 505.121, "DANGEROUS AND VICIOUS DOGS," OF THE CODIFIED ORDINANCES OF 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. Stephens explained this is the second reading and the reference to Pit Bull from the first reading has been removed. He referenced a summary from the city attorney about how this outlines enforcement and mechanisms to follow, and does not ban a specific breed, but follows the ORC. Mr. Jacques reiterated it's been written that when and if the state changes the statute, the city ordinance automatically changes as well.

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. STANLEY CASTLEMAN YEA
MR. ROBERT P. STEPHENS YEA
MRS. ANNE S. HILTON 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. CASTLEMAN

NO 1737

AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE VIA INFORMAL COMPETITIVE PROCEDURES FOR THE PURCHASE OF A USED BUCKET TRUCK.

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 Mrs. Hilton that the resolution be passed.

Mr. Castleman asked about the existing truck. Mr. Weaver explained it is in bad condition, the bucket doesn't stay level, the 1995 truck has mechanical issues and the proposed truck has a higher bucket reachability. Mr. Stephens wondered how often they replace this equipment. Mr. Weaver believes they purchased the 1995 truck new, so 16 years is a long useful life. Discussion ensued in regard to savings, equipment, etc. Mr. Klopsch referenced the capital improvement plan and equipment replacement plan they follow. Mr. Stephens asked if they will keep the current truck. Mr. Weaver believes they won't.

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. STANLEY CASTLEMAN YEA
MR. ROBERT P. STEPHENS YEA
MRS. ANNE S. HILTON 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

Engineering & Public Works Department Update. Mr. Weaver referenced a PowerPoint presentation, photo of the bucket truck and photos of the dog park, the latter which included the view to the north, gateway into the large dog area, concrete pads for the benches, and accessible pathway to Shafor Boulevard from handicap parking. Other projects included: concrete street repairs; Far Hills mill and overlay (ODOT) with signs going up soon; asphalt pavement project which has been put on hold; and the curb, walk and apron project that is 85% completed. In regard to water issues, he reported four Far Hills valves need repaired, the hydrant flushing has been completed, they are undertaking a leak detection survey, and the water softening plants are running well. Mr. Weaver reviewed the storm water project which includes NPDES permit work, and help from the public in regard to report of spills, use car washes, clean up after pets, limiting fertilizer and pesticide use, and no dumping into the catch basins. In regard to refuse, he reminded citizens that the containers can be no larger than 35 gallons nor weigh more than 60 pounds when full. He noted they recently sent 125+ letters to residents about missing lids and mentioned other services include dumpsters, special pickups (which will be suspended in mid-October during leaf collection) and recycling. Mr. Weaver reported they have reduced the workforce by four full-time positions since 2004.

Mr. Castleman asked of the \$40,000 dog park, how much was for ADA access. Mr. Weaver responded \$18,000 and then the fence was the next highest cost item. Mayor Duncan asked about the walk. Mr. Weaver explained it's an accessible path so no handrail is required. Mrs. Hilton wondered how clean a food container must be before placed in the recycling bin. Mr. Weaver indicated about 95%. Mr. Winkler asked from the audience when the dog park will be finished. Mr. Weaver announced it will be opened this Friday but they are still waiting for benches, etc. Mayor Duncan thanked Mr. Weaver for his report.

CITY MANAGER'S REPORTS

Finances/Budget. Mr. Klopsch commended Mayor Duncan on his summary of the budget and applauded the state for closing the budget gap without increasing taxes. However, a lot of communities in Ohio will now probably raise taxes. He reviewed potential examples of how Oakwood could cut costs – if they remove refuse pickup, they could cut \$600,000 but then the expense would be shifted to citizens to pay a private hauler. Another example would be to sell the Community Center to the YMCA which would cut \$350,000 but negatively impacts a segment of the population that will then pay higher user fees. In regard to the value of an Oakwood home, property taxes are driven by the school taxes; the city has not raised taxes in 20 years and let an issue expire. Mr. Klopsch indicated another aspect relates to the beauty of the community, the ambiance and boulevards are a \$13,000 annual investment, holiday lighting a \$21,000 investment, all things that make Oakwood special. In regard to the dog park there are about 1,000 dogs living in Oakwood so to many the park is of value. Mr. Klopsch indicated council is aware of the challenges and staff is looking at ways to cut costs. He indicated to date, they have cut staff 9% through attrition with no layoffs yet, and are working efficiently. They are also looking at big dollar items in the budget, capital items. Mr. Klopsch reported on a positive note, income tax collection is up 8% and next year they hope to have more tenants at Sugar Camp which will provide more revenue. He indicated they are blessed with this fantastic community. Mayor Duncan recalled during the state budget discussion the possibility of some prevailing wage relief which was removed from the bill and wondered how much that would have saved. Mr. Klopsch indicated it would be based on

the extent of annual capital projects and could have saved \$60,000-\$100,000 per year. He noted the state only eliminated that from construction of buildings, not infrastructure.

COUNCIL COMMENTS

Mrs. Hilton indicated summer time is prime time for bicycle thefts and the city provides a simple free bike registration at the dispatch center.

Mr. Stephens commended the city manager on being straight forward with council and citizens on finances. As representatives for the citizens, council and staff will work with the community on service needs and wants.

Mayor Duncan asked if another Oakwood Rotary Club hazardous waste material pickup is scheduled. Mr. Byington believes in late July. Mayor Duncan recognized Mr. Byington as the new Oakwood Rotary President and noted that both Councilmember Stephens and City Manager Klopsch have also served in that capacity. Mayor Duncan referenced Ohio Constitution Section 18.03 "Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws." He indicated this is "Home Rule" and urged Ohio legislators to review same.

Council adjourned. The public meeting concluded at 9:22 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL