

CITY OF OAKWOOD  
STATE OF OHIO  
JANUARY 28, 2013

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, 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. 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	
Ms. Carol Collins, Leisure Services Director	
Ms. Cindy Stafford, Finance Director	
Mr. Kevin Weaver, Director of Engineering and Public Works	
Chief Alex Bebris, Director of Public Safety	
Ms. Lori Stacel, Clerk of Council	

The press this evening was represented by Mr. Terry Morris of the *Dayton Daily News*.

The following visitors registered:

State Senator Peggy Lehner	
State Representative Jim Butler	
Governor's Liaison Sandra Brasington	
Lisa Martin, Governor Kasich's office	
Jan Kelly, Montgomery County Board of Elections	
Tommy Routsong, 494 Lookout Ridge	
R.T. Good, 69 Park Rd	
Bill Frapwell, 400 Hathaway Rd.	
Anna Kegelmeier	
Faye Wenner, 1900 Coolidge Dr.	
Scott A. Fischer, 220 E. Dixon Ave.	
Stefanie Campbell, DP&L Representative	
Dave Dickerson, 216 Lookout Dr.	
Tom Castle, 300 Kramer Rd.	
Terry Morris	

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 January 7, 2013. Mrs. Hilton reported she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Mr. Byington 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.

Mayor Duncan recognized honored guests State Senator Peggy Lehner, State Representative Jim Butler, Governor's Liaison Sandra Brasington, Lisa Martin from Governor Kasich's office and Jan Kelly, who recently took a position with the Montgomery County Board of Elections after working with Ohio Secretary of State Jon Husted.

STATUS REPORT

2013 State of the City Address. Mayor Duncan gave the following address:

*"Members of City Council, honored guests, City staff and citizens of Oakwood: Why does Oakwood, with a population of 9,202, continue to be "The Premier Residential Community in the Dayton and Miami Valley Region?" It is simple. It is our beautiful neighborhoods, our excellent schools and library, unmatched city services, public safety, public works, recreation and leisure; but most of all because of our citizens.*

Neighborhoods: Whether it is an English Colonial on Thurston Blvd., a classic Tudor on Park Avenue, an Italian Renaissance on Schenck Avenue, or a Tudor style English cottage on Acorn Drive, we have outstanding diversity in housing choices.

Four years after the last Dayton region Homearama, the Home Builders Association of Dayton chose Oakwood for the event, featuring five new custom homes at Pointe Oakwood. Over 8,000 people attended this September 2012 event. These homes blend the new with the recognized old charm of Oakwood architecture.

Additional homes are currently under construction at Point Oakwood and this spring, work will start on 10 attached luxury condominiums and an 88 unit assisted care facility. An additional 10 luxury condominiums are planned.

In addition to our residential neighborhoods, our business community continues to thrive. In 2012, we celebrated three significant anniversaries. The Oakwood Register celebrated 20 years, Ashley's Pastry Shop 30 years and the Oakwood Club celebrated their 50<sup>th</sup> anniversary.

Schools/Library: Everyone knows Oakwood has great schools, in fact, the finest public schools in the region. This has been the case for decades and the tradition continues. Our Oakwood schools had the highest 2012 "Performance Index Score" in the Miami Valley. In 2012, US News and World Report's published their fourth annual list of "Best U.S. High Schools." Oakwood earned the Report's highest honor, a gold medal, ranking 13<sup>th</sup> in Ohio and 342<sup>nd</sup> nationally... this out of 22,000 high schools.

Need more evidence, consider this: the Oakwood High School Academic Decathlon team placed first in the state among all divisions. This scholastic competition is unique because the nine member team is tested in art, economics, language and literature, mathematics, music and science and participates in judged events in speech, interview and essay.

In April, our state representative, Jim Butler, honored the team with a resolution on the floor of the Ohio House of Representatives. Did they accept the honor and go home? No, they went to Albuquerque, New Mexico and became the Division III national champions.

Jack Bachman, Heather Brooks, Nathan Gibbs, Cliff Goertemiller, Caleb Kell, Primrose Mangilog, Wilson Mullen, Colleen Noonan and Herbert Sizak, along with Coach Lori Morris, are congratulated for this significant achievement.

Wright Memorial Public Library continued its mission to provide high levels of efficient, friendly and personal service and to foster an atmosphere of intellectual liberty in the American tradition of free ideas. We congratulate them on the passage of their 1.5 mill replacement levy with a 71% affirmative vote.

City Services: The city services offered to Oakwood residents are unsurpassed. We continue to provide weekly backyard trash collection, year-around curb collection of yard waste, fall leaf collection and spring mulch delivery, and sidewalk snow removal. We were honored as a Tree City USA for the 30<sup>th</sup> consecutive year. Our Johnny Appleseed program has planted over 2,600 trees in Oakwood since the inception of this program. We commend the efforts of our 30 member public works department and our horticulture staff under the leisure services department.

Public Safety: Formed in 1927, our 35 member public safety department is the second oldest consolidated department in the United States. It is unique because all our officers are cross-trained and state-certified in law enforcement, fire fighting and emergency medical services. Our first officer on scene response time for any emergency is under two minutes, by far the fastest in the region. Our fire engine response time is 4.4 minutes; the national standard is 6 minutes. Our medic response time is 3.6 minutes; the national standard is 13 minutes. Oakwood has the lowest crime rate and fire loss in Montgomery County.

Recreation/Leisure: Where else will you find in a community of 2.2 square miles the parks, gardens and green space found in Oakwood? We offer three neighborhood parks, Shafar Park, Orchardly Park and Fairridge Park.

Our natural areas include Loy Gardens, Elizabeth Gardens, Hawk Stream and Centennial Park, and our recreation facilities include the Oakwood Community Center and Gardner pool, the Dog Park at Creager field, Irving field, Old River Sports Complex and Mack Hummon Stadium.

Oakwood also features beautiful public gardens including Smith Gardens and Francine's Garden.

People: Oakwood's strength is its people. Cathy Gibson, clerk of council for the city, retired after 31 years of service to the citizens of Oakwood. An Oakwood High School and Ohio Northern graduate, she served six mayors and three city managers. As City Manager Norbert Klopsch commented, "Her commitment, dedication and work ethic were unmatched. We will miss Cathy very much."

Officer Terry Konicki served the city for over 29 years, seven years as president of FOP Lodge 107. In his leadership capacity, he worked tirelessly with the safety department's command staff to enhance the high service standards and professionalism with which all of our public safety officers perform their daily duties.

The Oakwood Rotary Club presented its Civic Leadership Award to Jeffrey Shulman, attorney at Sebaly, Shillito & Dyer and chair of our Planning Commission, and its Community Service Award to Jay Weistricher, assistant city manager of the City.

Our citizens are leaders in industry, education, medicine and the arts. Just consider some of the events in which our citizens participated in 2012.

- In January, several hundred people attended the 9<sup>th</sup> annual Kettering-Oakwood Martin Luther King, Jr. Breakfast. Last week, we gathered for the 10<sup>th</sup> annual celebration of this event;
- In May, approximately 700 walkers participated in the 11<sup>th</sup> Annual Breast Cancer 5K CARE Walk. The event raised over \$16,500 to support a cure for breast cancer;
- That Day in May, sponsored by the City and the Oakwood Rotary Club, continued the tradition of the pancake breakfast, 5K and 10K runs, community parade, games, rides, refreshments and displays;
- The Oakwood Historical Society received a 2012 Historic Preservation Award from Dayton History for its preservation of the Long-Romsper Homestead. In an event that could only occur in Oakwood, the Society offered tours of an Arts and Crafts Bungalow on Wilshire Blvd. The home was a time capsule from the 1940's and 1950's.
- In September, The Oakwood Sister City Association hosted the 40th anniversary of our twinning with Le Vesinet, France, a suburb of Paris. The Association also visited Le Vesinet in June as part of the twinning. The mission of Sister Cities is promoting peace through mutual respect, understanding and cooperation—one individual, one community at a time. We have two sister cities: Le Vesinet, and Outremont, a suburb of Montreal.

Community Outreach: Last year, City Council and city staff met with over 500 citizens in 28 neighborhood meetings, three town hall meetings and three open houses to discuss how the repeal of Ohio's estate tax and other state funding cuts affect our community. We heard several common themes, notably:

- 1) We live in this community for a good reason and truly value our comprehensive and high quality city services.
- 2) While new taxes and fees must be part of the solution, the city should continue reducing expenses and be as cost efficient as possible; and
- 3) To the extent that services can be paid for through specific fees, that is preferred over general taxes.

Accordingly, we have made our refuse program self-supporting by reducing expenses and increasing the monthly refuse charge. We established a stormwater utility to account for the costs of this program. We are also increasing fees and reducing expenses at the Oakwood Community Center.

In addition, our union and nonunion employees have agreed to a one year salary freeze and we plan to ask them for an additional year with no increase in compensation.

The combination of these actions will solve about half of our existing financial problem.

The Value Proposition: We have not raised city income taxes since 1984 or city property taxes since 1991. In fact, we reduced property taxes in 2008 by letting an existing levy expire. We have spent less for city services in each of the last four years and will spend less in 2013 than we did in 2012.

Our citizens pay less for water and sewer than most people in Montgomery County. We have reduced our city staff by 10% since 2004 with no reductions in city services.

Tonight, City Council will vote to place a 3.75 mill property tax levy for city services on the May 2013 ballot. This decision was deliberated by Council for many months before we came to a consensus. If the issue passes in May, no additional taxes will be collected until 2014. It will cost the owner of a \$200,000 home about 62 cents a day to keep our unsurpassed city services.

Future Concerns: Our largest source of revenue is the city income tax. We project collections of \$6.2 million in 2013. Because we give a 100% credit for taxes paid to other jurisdictions, for an Oakwood resident working in Dayton or Kettering, where the income tax rates are 2.25%, Oakwood only receives 0.25% of the 2.5% total taxes paid.

15 surrounding communities have increased their income tax rates over the last four years. Accordingly, our city receives about \$330,000 less in income taxes each year.

The City of Beavercreek plans a 1.5% income tax levy in May 2013. If their issue passes, Oakwood will lose another \$80,000 a year. If the City of Dayton were to increase their tax rate to 2.5% from 2.25% we would lose an additional \$300,000 annually. In 2014, we will need to limit the credit we give for local taxes paid to other jurisdictions.

Representatives Cheryl Grossman, R-Grove City, and Mike Henne, R-Clayton, will soon reintroduce legislation formerly known as House Bill 601. I read their 129 page bill and conclude it is the latest assault on the home rule provisions established in the Ohio Constitution 101 years ago. Under the guise of tax uniformity, the legislation reduces the municipal income tax base and will reduce our city income taxes by an additional \$400,000 a year.

Their legislation does not provide for municipal tax uniformity; it is not revenue neutral nor can it ever be revenue neutral; it creates yet another state bureaucracy and provides burdens to municipalities that the State does not impose on itself. This bill creates a cumbersome compliance process that is intended to discourage municipalities from auditing and correcting income tax return filings. It provides an opportunity for certain taxpayers to avoid paying city income taxes, ultimately passing a higher tax burden to others.

They believe this legislation will help create jobs in Ohio, in spite of the fact Ohio is number one in job creation in the Midwest and number four in the country under Governor Kasich. We are also number two in the country in site selection. I have yet to hear the comments of the first CEO of a major company that declined to move to Ohio because of municipal income taxes.

We plan to offer testimony to the Ohio legislature this year regarding the details of this legislation. We will, along with other cities across Ohio, offer alternative legislation that supports uniformity and is revenue neutral. Our concern, and that of the Ohio Municipal League, is that the Grossman/Henne bill will be combined with the 2014/2015 state biennial budget bill this spring and our local legislators, Senator Lehner and Representative Butler, will be unable to support the cities they represent.

Because it is a well-established fact that local government is the most accountable and responsive government, Oakwood City Council will oppose the efforts of those in Columbus to impose their centralized government and forced regionalism agenda. We represent you and will see that our city provides the services you believe are important and necessary. And in doing so, we will prudently manage the resources our community provides.

Well Governed, Well Managed and Financially Strong: When I joined City Council in 2003, it was my belief that Oakwood was well governed, well managed and financially strong. I still hold that belief and will continue this tradition.

I am proud to serve with Vice Mayor Steve Byington who begins his sixth year on City Council and was recently re-elected to lead the First Suburbs Consortium of Dayton. I am also proud to serve with Stanley Castleman who begins his 10th year on City Council and Rob Stephens and Anne Hilton each of whom begin their fourth year on City Council.

This Council, like those that preceded it, operates in a collegial style and everyone believes in doing the right thing for the citizens of Oakwood. We listen to one another, no one has hidden agendas, and we believe in community service.

Oakwood City Council recently appointed 22 citizens to serve on volunteer community service committees. They join about 130 other citizens in service to our city. These volunteers provide invaluable input and counsel as we address our short-term and long range challenges.

*The excellent services provided by our public safety, leisure services and public works departments would not occur if not for the leadership of City Manager Norbert Klapsch. He is recognized throughout the region as an outstanding city manager. He is also blessed with a fine group of department directors including assistant city manager Jay Weiskircher.*

*We have citizens who are willing to pay the extra costs to have this special Oakwood community. As former city manager J. David Foell once said, "It's not a question of how much you pay in taxes; the question is whether you receive good value for each dollar spent."*

*With the help of City Council, city staff and the citizens of Oakwood, we will continue to be well governed, well managed and financially strong.*

*Thank you for the opportunity to serve you."*

VISTORS - NONE

LEGISLATION

RESOLUTION  
NO 1773  
BY MR. CASTLEMAN  
PROVIDING FOR AN ELECTION ON THE QUESTION OF A TAX LEVY IN  
EXCESS OF THE TEN-MILL LIMITATION FOR CURRENT EXPENSES AND THE  
GENERAL OPERATION OF THE CITY.

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

Mr. Castleman explained that having received the county auditor's certificate as to the amount of revenue generated by a 3.75 Mill Property Tax Levy, this resolution authorizes city council to proceed with submitting the question of the tax levy to the electors on the May 7, 2013 ballot. If residents vote in favor of the levy issue, then collections would begin in calendar year 2014.

Mayor Duncan confirmed with City Attorney Rob Jacques that because the second reading is being waived a 4/5 vote of council will be required.

Thereupon, it was moved by Mr. Castleman and seconded by Mrs. Hilton that the second reading be waived and 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. 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.

Mayor Duncan recognized Dave Dickerson and Bill Frapwell, the Chair and Vice Chair of our 35 member Budget Review Committee (BRC). He explained that there are seven voting precincts in Oakwood and there are five BRC members from each precinct who advise staff and council on financial matters pertaining to the city. Mayor Duncan expressed his appreciation for their attendance and nominated both Dave and Bill to serve as Co-chairs of the Levy Campaign for the Property Tax Levy.

A motion was made by Mayor Duncan to appoint Dave Dickerson and Bill Frapwell as co-chairs of the Levy Campaign for the Property Tax Levy; seconded by Mr. Byington. Upon viva voce vote, the motion passed.

## RESOLUTION

BY MR. CASTLEMAN

NO 1776

AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO CONTRACT VIA INFORMAL COMPETITIVE PROCEDURES FOR THE WATER LINE SERVICING THE OLD RIVER ATHLETIC FIELDS.

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

Mr. Castleman explained that this is a resolution to install a water line at the Old River Sports Complex that will connect to a remote sprinkler device. This resolution authorizes and directs the City Manager or his designee to use informal competitive procedures in contracting for the water service line installation.

Thereupon, it was moved by Mr. Castleman and seconded by Mr. Stephens 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 BYNGTON.....	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 and Public Works Presentation: Mr. Kevin Weaver, Director of Engineering and Public Works, referenced a PowerPoint presentation and updated council on the following topics: Refuse Operations, Refuse Program Changes, Construction Projects, Snow Removal and Water and Stormwater Programs. In regard to refuse, he reminded everyone that cans must be 35 gallons or smaller and under 60 pounds when full. The city also provides dumpsters, special pickups and recycling. He encouraged more recycling as another way to save on disposal costs. Mr. Weaver noted that yard debris pickups will change from biweekly to monthly, and the pickups will now be collected by two rather than three people. He also announced that the Foell Public Works Center will be open for debris drop off the 1<sup>st</sup> Saturday of the month from April – October. The city is seeking grant funds for the alley toters so the start of the modified alley collection program will depend on the timing of the grant award. Trash cans will be limited to three starting in June, however, recycling remains unlimited. In regard to upcoming projects, he reported that the 2013 Curb, Sidewalk and Apron Project will include the west side of Far Hills Ave. He shared that sidewalk markings will begin next week, weather permitting, and letters will be mailed in April for those improvements that are the responsibility of the resident. In regards to snow removal, he noted that there have been nine events since December using 440 tons of salt at a cost of approximately \$29,000. There were 210 hours of overtime worked at a cost of approximately \$12,000. In regards to water, he shared that there are eight production wells and currently, Well 8 is down with a motor problem which is being addressed and Well 5 is now up and running. He added that as with any system, ongoing maintenance is required. Mr. Weaver reviewed the stormwater program which includes NPDES permit work and public assistance (report spills, use car washes, clean up after pets, limit fertilizer/pesticide, and nothing put in the catch basins).

CITY MANAGER'S REPORT: Mr. Klopsch recognized Kevin Weaver and the Public Works Team for all of their efforts over the past weekend in repairing a major water main break. He mentioned that one of Kevin's sons was an award recipient at the recent Martin Luther King, Jr. breakfast, but was unable to attend due to illness.

Mr. Klopsch explained that our number one focus this year is the city's financial situation and in particular, from a staff perspective, it is to continuously look for ways to reduce expenses. He shared one example of how they intend to reduce the number of SCBA's in the Safety Department which would save a few thousand dollars. He said that this is just one example of how expenses are continually being reviewed. Mr. Klopsch stated that even after the issue with loss of the estate tax is resolved, every year going forward will be financially challenging and that staff is committed to continually becoming more efficient.

Mr. Klopsch said that the city has been informed by the state that the 2012 financial audit will take place in the near future. Cindy Stafford and her department are preparing for this and within the

next week or two, we will have the first visit. Mr. Klopsch stated that we have a long-standing history of successful audits and expect to continue to do the same this year.

Mr. Klopsch added that beyond dealing with financial issues, the other large focus will be development. Presently, there are two homes under construction at Pointe Oakwood, and three additional homes in other areas of Oakwood that are expected to begin construction in 2013. Construction on the 88-bed assisted living facility at Pointe Oakwood is slated for the spring, and construction on 10 of the 20 condominium units approved for the corner of W. Schantz Ave. and Far Hills will also begin during the first half of 2013. Construction on the Routsong Retail Center is also well underway. He said that there is a lot of exciting new development and with every new building constructed, the property tax base is enhanced and this helps the schools that receive approximately 70% of the property tax revenue.

#### COUNCIL COMMENTS

Mr. Stephens thanked Bill Frapwell and Dave Dickerson for agreeing to co-chair the levy. He added that he appreciated their service and help with the task ahead in passing this tax levy.

Mr. Byington thanked guests from the State for attending the meeting and offered an open invitation for them to drop by anytime in the future. He also encouraged everyone to join "Go Red for Women" this Friday to support the fight against heart disease which is the number one killer of women. He thanked past Oakwood Mayor Judy Cook and Kettering Vice Mayor Amy Schrimpf for their work with the MLK Breakfast. They did a wonderful job and the event was very well attended. The involvement of students from the Oakwood and Kettering schools is a highlight of the event.

Mayor Duncan reported that he had the opportunity to meet with elected officials from Riverside, West Carrollton, Centerville, Kettering and Miamisburg last Friday at a Junior Leadership Dayton event. This is a program run by the YMCA where people from all over the area (Oakwood had a large contingent, at least 6 or 7 students) meet in small groups to have elected officials explain issues unique to their individual community. The issue Mayor Duncan chose was how council arrived at a consensus to get community input and ultimately come up with a strategy for addressing the city's financial affairs. He said that a lot of time was spent to finally achieve a consensus and it was an important lesson to share with the group. Mayor Duncan added that he enjoyed the event.

Mayor Duncan was asked to join a group of about 14 community members for input into the Oakwood School Superintendent search. He said that the Superintendent is retiring in June and they are in the middle of the search to replace Dr. Mary Jo Scalzo. He noted that this group will not give a recommendation for her replacement, but more to give input to potential candidates on the various community groups in Oakwood and what they value as part of our Oakwood schools. He said there are participants from various PTO's, Business Advisory Committee for the schools, the Oakwood School Foundation, Wright Library Board, Oakwood Rotary, Chamber of Commerce, The Mom's Group and the Oakwood Alumni Association. He noted that the initial meeting was this evening and the group will meet again in early March.

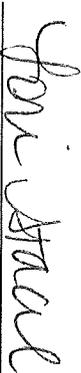
Mayor Duncan reported that after adjourning the meeting, there are short trustee and organization meetings for the Community Improvement Corporation.

Mayor Duncan closed the meeting by asking everyone to say a prayer for Tyler Sensenbrenner. He shared that Tyler is a 14 year old student at Miamisburg. He said that last Wednesday he caught the flu and by Thursday he had pneumonia. He was hospitalized on Friday, and was transferred to Cincinnati Children's Medical Center and placed on a heart and lung bypass machine. He is currently fighting for his life and they are doing open heart surgery tonight because the virus is attacking his organs. They did a CT scan on him today which came back normal. Mayor Duncan strongly encouraged that if someone in your family gets the flu, take it very seriously.

The public meeting concluded at 8:23 p.m.

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL