CITY OF OAKWOOD
STATE OF OHIO
JULY 15, 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
Mrs. Cindy Stafford, Finance Director
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

State Representative Jim Butler
Tommy Routsong, 494 Lookout Ridge
Jim Joly, 1011 Little Woods Rd.
Faye Wenner, 1900 Coolidge Dr.
Mary Malone, 303 E. Schantz Ave.
Martha Haley, 400 Irving Ave.
Carleen Turner, 230 Volusia Ave.
Lisa Kell, 247 Volusia Ave.
Matt Kell, 247 Volusia Ave.
John Powell, 420 Ridgewood Ave.
Aart den Hoed, 410 Ridgewood Ave.
Greg Monett, 234 Irving Ave.
Stefanie Campbell, DP&L Representative
Challon Roberts, 125 Mahrt Ave.
Pat Searcy, 101 Acacia Dr.
Scott and Harrison Gowdy, 452 Irving Ave.
Healy Jackson, 118 Lonsdale Ave.

Mrs. Hilton advised Council she had read the minutes of the June 10, 2013 regular and work sessions and June 24, 2013 work session of council. Mrs. Hilton reported she found the minutes correct and complete. Therefore, 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 - NONE

VISITORS

Mayor Duncan shared that exchange students from Le Vésinet, France were visiting, however, they were at Kings Island today and unable to attend the meeting. He added that he has City of Oakwood lapel pins for them and will make sure they receive them.

Aart den Hoed, 410 Ridgewood Avenue, shared that over the past seven years he has had an issue in the neighborhood and is requesting that council put together an impartial committee to address the issue. He shared that he recently was cited for parking a vehicle in the back of his property. He added that the police offer said that he was sending a message to him and not ticketing him for parking on the city right-of-way, but that he was being cited because he was parked on an unimproved area. He said he started digging back there and then received a notice from Kevin Weaver to cease and desist on all work because it was being done in the city right-of-way. He asked for one of the council members to volunteer to head up an impartial committee.

State Representative Jim Butler shared an economic update for the state of Ohio since January 2011 when he was appointed. He confirmed that 170,000 new jobs including 32,000 jobs in May of this year have been added, which was number one in the country and the highest in our state since 1999. He said the unemployment rate has dropped from 9% to 7% during that time period and the national average is 7.5%. Chief Executive Magazine has moved Ohio up 13 spots to 22 in the country in terms of best business environment. He shared that there has been 22 straight months of gains in the housing sector and wages are rising faster than those around the nation. He shared the budget in Columbus and provided a few highlights. He shared that there is a significant tax reform package that was added before a final vote was taken including an 8% and up to 10% over three years personal income tax cut for all brackets along with a 50% small business tax cut up to $250,000 total; there was an additional phase out of the 12.5% property tax roll back that had been in place since 1971 when the state income tax was added. This was only added for additional or replacement levies. He said there was a quarter point increase in sales tax and additional tax on digital books and songs on internet along with electronic cigarettes and a 5% earned income tax credit similar to the Federal earned income tax credit that Ohio added. He added that there is one thing he was disappointed in with the budget. He said that they passed a sales tax exemption for research and development for aerospace companies and unfortunately, the governor vetoed that and he felt this additional sales tax exemption would have been good so he's going to continue pursuing it. He shared that every district, including Oakwood, saw an increase of education funding that was included in the budget. He said there was an additional $2.2 billion added to the budget and over a billion of that was additional Medicaid dollars and $800 million in additional education funding. He added that there were several things taken out of the budget, a proposed tax from the governor, a tax on professional services, a severance tax on oil and gas and a Medicaid expansion. Mr. Butler also discussed House Bill 5. He shared that he believes it should be about uniformity and not about tax reform. He said that Chairman Beck is doing an outstanding job on the Ways and Means Committee trying to come up with a compromise so it would be more about uniformity and something the city's around the state and the businesses can all agree on. Mayor Duncan urged Mr. Butler to tell his colleagues that with all this great news he's sharing, the fact that municipal income taxes exist is not a reason why people won't relocate to Ohio. Mayor Duncan added that there are two bills right now that Mr. Beck is trying to merge together to get compromise and they are close to doing that. Mayor Duncan offered his services to Mr. Beck and offered to help work on a compromise to those two services.

Mayor Duncan opened the Public Hearing for Saxbys Coffee. Mr. Stephens and Mr. Castleman recused themselves from the hearing due to conflicts of interest and exited the council chambers. Mayor Duncan invited the applicant to come forward to discuss their special use request appeal; however, the applicant was not present. Mayor Duncan discussed next steps with members of council, Mr. Routsong and attorney Rob Jacques. Mr. Routsong asked if it was possible to postpone the hearing for the next council meeting. Mayor Duncan stated that there is a 60 day maximum time period from when the appeal was filed and that the next council meeting will be past the 60 day limit. Mr. Jacques added that the 60-day limit is firm with no provision in the code to extend it; if Council does not act before the 60 days, the Planning Commission decision will be final. Mayor Duncan inquired about the possibility of starting again with the Planning Commission and asking them to reconsider. Mr. Jacques confirmed that the applicant would have to wait a year before they could present this request again to Planning Commission. Mr. Routsong asked if Council could hold a special meeting but Vice Mayor Byington shared that in order to have a hearing, they would need three (3) members of council and Mrs. Hilton will be out of the country at the end of the month.

Mr. Jacques confirmed that the public hearing could move forward even with the applicant not present. By not attending, the applicant is basically electing to proceed on the written appeal only. He added that without new evidence from the applicant, Council could proceed to take proponent and opponent testimony. Mr. Jacques then proceeded to swear in the visitors that plan to testify. Mayor Duncan then asked for visitors to step forward with proponent testimony.

Mr. Routsong shared that he owned the neighboring property and his property would be most affected based on the location of Saxbys. He said that he has diligently worked to get each tenant for a specific timeframe in the day. He added that he has denied tenant requests such as CVS and PF Changs because he didn't feel it was a good choice for the city. He added that the speaker for the drive thru is digital and accurate which would help reduce the noise. He also shared that there will be vegetation and a fence in between the speaker in the drive thru and also a decorative wall. Mr. Routsong shared that they want to welcome the morning traffic going to Miami Valley Hospital and if they open at 7 a.m., they would lose this business.

Mayor Duncan asked for visitors to step forward with opponent testimony.

Sheila Conard, 416 Irving Avenue, said that you could get a good cup of coffee in the morning and at all hours at any convenience stores.
Robert Conard, 416 Irving Avenue, read the following letter in the record,
"Dear Oakwood City Council Members:
This letter is to draw attention to the letter of Michael Woods of Exito, LLC, dated 29 May 2013, on behalf of Routsong Reality to City Council. Mr. Woods' letter reads in part:
"We would like to share more comprehensive data with the council concerning the following areas:
**Due to resident concerns over the noise involved in operating a drive-thru, we researched options for alternative drive-thru digital intercom systems.*
**Concerning the question of the necessity of extended business hours, we have gathered feedback based on surveys collected from local residents*
**Also concerning the extended hours of operation, we have information to share on how those additional hours would impact sales.*
We wish to have the opportunity to meet with you once again to provide you with this information so you can review your decision on our original request in light of this updated information."

It is important to compare Mr. Woods' letter to the wording of the ordinance under which he is making his appeal for Routsong Reality. In part the zoning code, Title 10, Section 1004.5(c) reads:
"A complete written appeal setting forth the facts, issues and arguments shall be filed with the Clerk of council by the petitioner within fifteen (15) calendar days after filing the Notice of intent to Appeal, or the Notice of intent to Appeal shall lapse and become void."
It seems obvious that Mr. Woods' letter does not fulfill the requirements of completeness demanded by the wording of Title 10, Section 1004.5 (c) of the zoning code, which in this case would mean meeting a deadline of 30 May 2013. Even Mr. Woods' letter (of 29 May 2013) itself states : "We would like to share more comprehensive data ...". -- The petitioner has failed to provide "more comprehensive data". Furthermore Mr. Woods' letter states: "We wish ... to provide you with this updated information," but the petitioner has failed to provide any "updated information" as the completeness requirement of the code demands.
Therefore, because of the incompleteness of the appeal, the appeal should, according to the code, "lapse and become void". The requirement to meet a specific deadline has not been met.

There are serious consequences if the city chooses to proceed with hearing the appeal.
Residents opposing the request will not be given adequate time to respond to the appeal if they are not aware of the details of the basis of the appeal. Without adequate time to prepare a response the rights of the residents opposing the appeal would be violated. There would, therefore, be no fair hearing.

The reference in Mr. Woods' letter to "alternative ... intercom systems" will take time for the opponents of the appeal to study.

The reference in Mr. Woods' letter to "surveys collected from local residents" will require that the surveys be checked to see if they come from renters with little or no stake in the outcome of the appeal or from homeowners whose stake in the appeal is much greater. In other words it is unknown who has been surveyed. We know of no homeowner who was surveyed. The surveys are probably biased by the selection of the respondents, and could, therefore, be very misleading.
The reference in Mr. Woods' letter to how "additional hours would impact sales" needs to be compared to other similar businesses in residential areas, and the necessity of the council to consider whether it is its responsibility to further the profitability of a company that needs Special Use Consideration to make that business viable when the code stating the regular operating limits was known or should have been known before opening a business in a residential area.
We hope you will follow the wording of the code. Please keep in mind that in a legal notice, dated 19 April 2013, sent by the City of Oakwood to residents, the residents were informed that their right to appeal Planning Commission decisions was denied. The legal notice regretted this decision with the words:
"This past practice [of recognizing the right of residents to appeal Planning commission decisions] was the expressed intent of Council when the zoning code was rewritten in 2001. Unfortunately, the language of our zoning code does not match this intent in our past practice".
The result of this interpretation of the zoning code made the decision of the Planning commission in an application for 'special use' for extended hours final because the language of the code determined the meaning of the law, not the intent of the writers of the code or the past practice of the city. Since language of a code is paramount to its interpretation, it is clear that the appeal by Mr. Woods on behalf of Routsong Reality should "lapse and become void".

Respectfully,
Robert Conard, 416 Irving Ave, (299-7536, conardrc@udayton.edu)
Sheilah Conard, 416 Irving Ave (299-7536, cshyloc@aol.com)"

Dr. Conard added that since the argument for rejecting the hearing has failed, he wanted to make a few points. Dr. Conard added that there is not adequate time to evaluate the referred to new "digital" technology so no fair decision can be made because the petitioner has failed to provide the background factual data. He added that the claim that neighbors have been surveyed not only lacks all indication of analytical and scientific data with a margin of error, it also flies in the face of the obvious, which is that the neighborhood rejects the appeal for the standard hour of operation and the entire commercial enterprise. He added that there is a relationship of opening hours to sales, but it is not the responsibility of the city to provide opening hours to further the profitability of the business. He added that the city makes clear in its zoning code the hours of business and isn't sure why a business would open here if they feel they cannot be successful with the zoning limitations. Dr. Conard shared that he googled the Saxbys hours online and found that the Dayton Mall location is open from 11 a.m. to 6 p.m. and Saxbys in Newport is open from 9 a.m. to 9 p.m. which should suggest that opening at 7 a.m. is not imperative for Saxbys Coffee.

Greg Monett, 234 Irving Avenue, shared that he lives right around the corner and while he may not experience a lot of sound of people talking, he is concerned about the volume of cars and noise they produce. He shared that he read the city's vision statement and wanted to share a little of what he found. He added that the principle emphasis is on neighborhood, schools, responsive city services and parks. He added that responsible citizens help establish community standards that preserve the quality in individual community property. He added that viable businesses and professional enterprises are compatible with residential living and not in conflict with the residential integrity. He added that the city codified ordinance states that such a drive thru shall not serve or sell any food or beverages between the hours of 11 p.m. and 9 a.m.

Faye Wenner, 1900 Coolidge Drive, asked that businesses stop being favored over the homeowners and that this request is denied.

Carleen Turner, 230 Volusia Avenue, shared that she is not only a resident, but also an employee at Miami Valley Hospital. She explained that she has to clock in at work at 6:30 a.m. and Miami Valley Hospital has its own coffee shop in the hospital which she goes to. Ms. Turner explained that she enjoys sleeping in on the weekends and wouldn't appreciate the early morning noise at Saxbys.

Matt Kell, 247 Volusia Avenue, shared that he had two points to discuss. One, he said the appeal process is completely premature. He added that there is no data regarding the noise level until it is actually in operation. Two, he doesn't feel there is any business data to make a decision on. Mayor Duncan asked if they had business data a year from now, how he would feel. Mr. Kell responded that he would be completely objective and open to consider the data.

Jim Joly, 1011 Little Woods Road, shared that he read Dr. Conard's letter and is at the meeting to support the letter. He added that he feels it's poor precedent to allow a drive thru which is turning Oakwood more into Kettering. He said he felt that these types of requests impact more than just the immediate surrounding residents and feels information should be communicated to all residents. Mayor Duncan clarified that the drive thru was already approved and the issue at hand is whether it can open at 6 a.m.

Mayor Duncan closed the Public Hearing and allowed Council to deliberate. Mayor Duncan asked Mr. Jacques to explain why the appeal was considered valid in relation to Dr. Conard's concerns of a defective notice of appeal. Mr. Jacques shared that the reason the hearing was accepted is because courts tend to favor the applicant when the applicant makes a good-faith attempt at an appeal. Mr. Jacques added that the city erred on the side of giving the applicant an opportunity to plead Saxbys case versus throwing out the case on technical grounds. Mr. Byington said that he misconstrued the information required for the public hearing. He added that the applicant could still have a public hearing even if no new evidence is provided. Mayor Duncan responded that the applicant can indeed just say they wish to appeal, even without new evidence, if they are simply challenging a decision.

Mr. Jacques explained that he had prepared three different resolutions. Depending on the outcome of the public hearing, Council could select the one they wish to enact. Vice Mayor Byington then selected the following:

RESOLUTION

BY VICE MAYOR BYINGTON NO 1779

AFFIRMING THE PLANNING COMMISSION'S MAY 1, 2013 DENIAL OF A SPECIAL USE REQUEST FOR THE PLANNED DEVELOPMENT AT THE SOUTHEAST CORNER OF OAKWOOD AVENUE AND IRVING AVENUE.

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

Vice Mayor Byington explained that this resolution is denying the special use request for operating hours beginning at 6 a.m. for Saxbys Coffee.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mrs. Hilton 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 BYINGTON ..... YEA
MRS. ANNE HILTON ..... YEA

There being five (3) yea votes and no (0) nay votes thereon, said resolution was declared duly passed and it was so ordered.

At this time, Councilmembers Castleman and Stephens returned to the meeting.

LEGISLATION

ORDINANCE

BY MR. CASTLEMAN NO 4775

TO REPEAL EXISTING CHAPTER 145, *CONTRACTS AND PURCHASES,* OF THE OAKWOOD ADMINISTRATIVE CODE AND TO ADOPT NEW CHAPTER 145, *PURCHASES AND CONTRACTS,* OF THE OAKWOOD ADMINISTRATIVE CODE, AND DECLARING THE SAME TO BE AN EMERGENCY MEASURE.

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

Mr. Castleman explained that this ordinance replaces our existing Administrative Code provisions for city purchases and contracts, and it accomplishes two things. First, our existing Chapter 145 has been amended several times through the years. As a result, there are several provisions that overlap, or use inconsistent terminology, or have fallen out of use. This ordinance removes redundant and obsolete provisions, and includes a definition section to clarify terminology throughout the chapter. Second, for counties and non-charter cities, the State of Ohio sets a minimum competitive bidding threshold. Currently it is $50,000, and contracts at or above that figure must be awarded by formal competitive bidding. Oakwood is not affected by the state threshold because we are a charter city. This ordinance will adopt the same threshold for the city of Oakwood. Mr. Castleman added that this is as an emergency measure to ensure that replacement pages for our Codified Ordinances can be distributed quickly to avoid practical and legal issues as we switch from the old ordinance to the new ordinance.

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

ORDINANCE

BY VICE MAYOR BYINGTON NO 4776

TO REPEAL EXISTING CHAPTER 733, *PEDDLERS AND SOLICITORS,* OF THE OAKWOOD BUSINESS REGULATIONS CODE AND TO ADOPT NEW CHAPTER 733, *PEDDLERS AND SOLICITORS,* OF THE OAKWOOD BUSINESS REGULATIONS CODE, AND DECLARING THE SAME TO BE AN EMERGENCY MEASURE.

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

Vice Mayor Byington explained that this is an ordinance that replaces our existing Business Regulations Code provisions for door-to-door peddling, solicitation, and canvassing. Our residents are very protective of their family and personal time in the evenings, and our Public Safety Department takes calls on a regular basis from residents who are being pestered by door-to-door salesmen. We have also had situations where residents have been scammed by criminals from other states posing as legitimate salespeople or local college students. Obviously, legitimate businesses have the right to conduct door-to-door activity, and religious and political organizations and candidates have the right to spread their messages and solicit support. We want to respect those rights while also protecting our residents.

He added that this is a difficult issue. The city of Englewood recently spent several years and a lot of money litigating their solicitation ordinance. As a result, they now have a court-tested ordinance that accomplishes the same goals we have here in Oakwood. This new ordinance is based on the court-approved Englewood model. Basically, it reaffirms our Do-Not-Solicit list that residents can sign up for, and they will not be bothered at home. There is an exemption for local kids, under 18, who are doing fundraising activity like selling Girl Scout cookies or band fruit. For residents who are not on the Do-Not-Solicit list, commercial solicitors will have a 6 p.m. solicitation curfew, and religious or political canvassers will have a 9 p.m. curfew. Since we have had issues with people posing as salespeople, commercial solicitors will be required to pass a basic criminal background check to obtain a city license. The fee for the license will be nominal, because we do not want to deter legitimate activity. Our goal is to minimize the risk that our residents are being exposed to scams or other criminal activity. Vice Mayor Byington added that the ordinance has been drafted as an emergency ordinance for the reasons stated in the draft, but he understands that the City Attorney is doing additional legal research on the "youth fundraising" exception. To allow additional time for legal research, he moved that tonight's reading be considered a 1st reading of the ordinance, not including the emergency language, and that the City Attorney be directed to remove the emergency language before the 2nd reading at our August 5 Council meeting. Upon viva voce vote, the motion was duly passed.

STAFF REPORT

Finance Report: Mrs. Cindy Stafford, Finance Director, referenced a PowerPoint presentation and updated council on the following topics: Short-term Debt, 6/30/2013 Financial Update, 2014 Budget, 2012 Audit and Utility Billing – ACH and E-billing. In regard to short-term debt, she shared that all short term debt was paid off from the Public Facilities Fund. The City/Safety building had $250,000, the Public Works (Foell Center) had $693,000 and Old River Athletic Fields had $1,459,000 totaling $2.4 million dollars that was paid out of the Public Facilities Fund. She added that at this point, the city has one piece of debt left and it is in the city sewer enterprise fund. It has a 0% interest rate and a balance of $103,435.36. We pay off roughly $25,000 a year and it will be fully paid in 2016. In regard to the 6/30/2013 update, she showed revenue versus expenses for non-enterprise funds (excluding debt and transfers). She referenced a chart showing budgeted versus actual for receipts (budgeted: 11,474,711 versus actual: 6,717,547); disbursements (budgeted: 13,526,108 versus actual: 6,045,748); and disbursements and encumbrance (budgeted: 13,526,108 versus actual: 7,750,626). She added that at this point in time, revenue is at 59% of budget. She said this is due to the property tax for the first half of the year; all of the assessments are paid at that time so a larger percentage is received, She said that we are at 60% for collection of income tax due to the timing of where we are in the year. She feels that by the end of the year we will be close to our budget if not over. She shared that disbursements are at 45% of budget. The general fund is at 50% of what is budgeted, the capital fund is well below budget at 12%, mostly due to timing because we do a lot of work during the summer months so the payments and purchase orders will be written in the next few months. Mrs. Stafford referenced a slide that council sees on a monthly basis. She said that this shows five years of data and is showing where the general fund receipts are at this time. Income taxes are slightly below where the city was last year and she feels the city is on track with the budget. Real estate taxes remain flat and the city will see some roll back money coming from the state later this year. She added that the city will see an increase in this due to the 3.75 mill levy passed in May. She added that the estate tax was repealed as of 1/1/2013 and this year's budget is under the assumption that some estates were still open and waiting to close. The investment revenue has not increased due to the bond yield market which has remained

poor and investments are difficult to find. Mrs. Stafford added that the city's investment policy is to preserve principle first and city staff is very careful on what the city invests in. She then referenced a chart for Water Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: 997,800 versus actual: 406,089); disbursements (budgeted: 1,165,465 versus actual: 495,947); and disbursements and encumbrance (budgeted: 1,165,465 versus actual: 769,308). She shared that these are enterprise funds and operate as a business. The city is currently at 41% of budget and has been impacted by the wet weather. She shared that the next three months will be telling because of watering of lawns, etc. She shared that disbursements are at 43% of budget and that the water survey that is done on 66 jurisdictions showed Oakwood 5th lowest again. She added that water rates haven't been raised since 1994. She then referenced a chart for Sewer Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: 1,584,500 versus actual: 738,079) which is 47% of budget and is tied to the water as well; disbursements (budgeted: 1,983,751 versus actual: 660,164) are at 33% of budget and the disparity with this is that 75% of sewer operations are contracted out and billing sometimes isn't that timely; and disbursements and encumbrance (budgeted: 1,983,751 versus actual: 794,958). Mrs. Stafford then referenced a chart for Stormwater Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: 270,000 versus actual: 112,461) which are at 42% of budget; disbursements (budgeted: 250,920 versus actual: 100,332) are at 40% of budget; and disbursements and encumbrance (budgeted: 250,920 versus actual: 113,238). She added that this began January 1, 2013 and is charged on the monthly utility bill. She said it is $6 a month per resident and the fee helps maintain the storm sewers throughout the city. In regard to the 2014 budget update, Mrs. Stafford referenced a chart showing actual disbursements from 2008 through 2012. She said that this has decreased because the city spends a lot of time looking for ways to find additional cost savings and evaluate capital improvement projects and equipment purchases. She shared that we anticipate 2013 numbers to come in less than 2012. The chart showed (in millions) the: 2008 spending at 13.94; 2009 at 13.42; 2010 at 13.12; 2011 at 12.94 and 2012 at 12.03. In regard to the 2012 audit update, she explained that this was the first time in many years the city was audited by the state versus a CPA firm. She explained that all audits are under the direction of the Auditor of the State of Ohio (AOS). The AOS performs some but not all audits of cities, townships, villages, schools, park and fire districts, etc. The City received an unqualified opinion on our 2012 Financial Statements. Mrs. Stafford explained that an unqualified opinion is the highest level of assurance that the City can receive. She added that a .pdf version of the 2012 audited financial statements can be found on the City's website: www.oakwoodohio.gov. In regard to the utility billing – ACH and E-billing updates, Mrs. Stafford shared that if you are not on e-billing; NOW is the time to get signed up by calling the finance department at 298-0402. She shared that this option does save the city money by not having printing and mailing costs. She shared that the link to sign up is also on the City's website. She added that the city offers ACH payment of your utility bill. Mrs. Hilton asked if there was an additional charge with the audit being done by the state versus a CPA firm. Mrs. Stafford responded that it was roughly the same.

CITY MANAGER'S REPORT - NONE

COUNCIL COMMENTS

Mr. Stephens shared that he believes the Oakwood Farmers' Market is fabulous. He said that it started three weeks ago and while the second week was rough with the rain, there has been a steady flow of people. He added that the ladies who put the Farmers' Market together have done a great job creating a gathering place for the residents. He encouraged everyone to go and he thanked the citizens for all of their support of the event.

Vice Mayor Byington agreed that the Oakwood Farmers' Market has been fantastic. He also mentioned Hawthorn Hill and the recent transfer of ownership to Dayton History. He added that it was a great ceremony and was great to talk with the family that is very proud of the house. Vice Mayor Byington thanked State Representative Jim Butler for the update on the budget. He added that it is very hard to keep up with legislation and asked that he tell his fellow representatives in Columbus that it would be helpful to raise issues earlier in the year and in open meetings opposed to people just reading about them after legislation is adopted. He congratulated him on the $1.49 billion dollar rainy day fund and added that the Oakwood city schools and programs could use some rainy day assistance.

Mayor Duncan shared that during his recent vacation he watched a special on the Battle of Gettysburg. He said that this was probably the three most important days in the history of our country. He read the Gettysburg Address and found it is so powerful for its simplicity and noted the fact that we may not remember who was there, but we will all remember what we did there.

The public meeting concluded at 9:21 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL