CITY OF OAKWOOD
STATE OF OHIO
OCTOBER 7, 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 ..... ABSENT
MR. STANLEY CASTLEMAN ..... ABSENT
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. Lori Stacel, Clerk of Council

The following visitors registered:

Stefanie Campbell, 271 Schenck Avenue

It was moved by Mrs. Hilton and seconded by Mr. Stephens that the absence of Vice Mayor Byington and Mr. Castleman be excused. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered. Mayor Duncan noted the presence of a quorum for the record.

Mrs. Hilton advised Council she had read the minutes of the September 16, 2013 regular and work sessions 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

Mayor Duncan read the following into the record:

"As many of you know, House Bill 5 was introduced in the Ohio General Assembly in January 2013. This legislation addresses issues of uniformity and reform in the current municipal income tax system. The proponents of this legislation offer a poorly drafted law that includes substantial revenue losses to Ohio municipalities. Cities and villages across Ohio support legislation to create uniformity, predictability and simplicity in the local tax structure. We oppose additional revenue reductions mandated by Columbus on local governments. While the Ohio legislature took the summer off, many cities across the state of Ohio continued to meet to draft alternative legislation to H.B. 5. There are about 50 items addressed in the bill and we objected to about 20 items. We offered alternative language to address these items in a "revenue neutral" way. The proponents no longer care about revenue neutrality and are now only interested in benefiting certain groups of taxpayers through reduced local tax obligations. We have worked with the Chair of the House Ways and Means Committee, a CPA and former Mayor, and believe he supports our alternative to H.B. 5. He has also worked in good faith with our group and we believe he is working on behalf of all citizens of our great state. What did the proponents of H.B. 5 do this summer? They continued to work in secret; they did not read or incorporate any of our changes into their legislation; and most troubling, they continue to change their position on what they support in municipal tax uniformity. The proponents have one person drafting legislation on their behalf. He is the former state tax commissioner now in private practice along with his independent lobbying firm. We have a team of elected officials, city managers, tax and legal administrators across Ohio sharing comments and best practices with transparency to achieve consensus and uniformity. I submit to you; which group will present legislation fair to all and devoid of unintended consequences? The Ohio Society of Certified Public Accountants, a proponent of H.B. 5, recently gave testimony to the Ohio Senate Tax Reform Study Committee. After misleading the Legislature on our position for over a year, they

continue to support centralized collection of municipal income taxes even though it is not currently in the bill. Their efforts in achieving consensus between the parties have been particularly unhelpful. As a proud member of the OSCPA, it saddens me to say this. On a positive note, I am pleased to report Ohio cities and villages across Ohio support our alternative to H.B. 5. Mayors and Managers groups, First Suburbs Consortiums and others, along with the outstanding support of the Ohio Municipal League, have been tenacious in opposing H.B. 5, as introduced. I urge all of you to contact Representative Butler and Senator Lehner to express your support of our alternative to H.B. 5 supported by the Ohio Municipal League and cities and villages across the great state of Ohio."

Mayor Duncan shared that he, City Manager Norbert Klopsch and Income Tax Administrator Linda Merker will be attending a Dayton Area Tax Administrators meeting on HB 5 on October 21 in Troy, Ohio for a roundtable discussion with State Senators Bill Beagle and Peggy Lehner. He said that he would be providing another update at the next meeting.

VISITORS - NONE

LEGISLATION

RESOLUTION

BY MR. STEPHENS NO 1781

AUTHORIZING THE CITY MANAGER TO SUBMIT APPLICATIONS FOR FEDERAL MAP-21 FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION.

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

Mr. Stephens explained that when improvements are made to our major roads, the city typically pays only the local portion of the cost and the remainder is paid for by the Ohio Department of Transportation or federal grant funds. Lining up those funds is a process that typically takes several years. Mr. Stephens shared that Shroyer Road will be due for resurfacing in 2018 and we need to submit our application now to ensure that grant funding is in place when the time comes. The project will actually cover all of Shroyer Road from Oakwood's north corp line to Stroop Road in Kettering, so the application will be made jointly with the city of Kettering. Mr. Stephens added that this resolution authorizes the City Manager to begin the application process for the 2018 Shroyer Road project.

Thereupon, it was moved by Mr. Stephens 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. ROBERT P. STEPHENS ..... YEA
MRS. ANNE HILTON ..... YEA

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

ORDINANCE

BY MR. STEPHENS NO 4780

TO REPEAL EXISTING CHAPTER 931, *GARBAGE AND REFUSE,* OF THE STREETS AND PUBLIC SERVICES CODE AND TO ADOPT NEW CHAPTER 931, *REFUSE PROGRAM,* OF THE STREETS AND PUBLIC SERVICES CODE.

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

Mr. Stephens explained that based on feedback from the 28 public meetings conducted last year, the city has been making a number of changes in the administration of our city refuse program. He shared that the goal is for the program to transition into a self-sufficient, standalone program. Mr. Stephens explained that this ordinance is a re-write of our existing refuse ordinance that updates it to include these changes, and also clarifies some of our definitions.

STAFF REPORT

Deputy City Manager Presentation: Mr. Jay Weiskircher, Assistant City Manager, referenced a PowerPoint presentation and updated Council on Sugar Camp/Pointe Oakwood, Property Maintenance, Labor Negotiations and the Community Shred event.

Mr. Weiskircher opened his presentation by sharing an update to Sugar Camp/Pointe Oakwood. He reviewed the construction activity site plan and which lots were occupied, listed for sale and under construction. He shared that there were five homes built this year and two more scheduled to get underway. Mr. Weiskircher reported that several months ago, Mr. Schear received proposals for the 3-story condominium buildings on the southeast corner of Pointe Oakwood. The condominium plans were approved by the Planning Commission and City Council, but the bids came in significantly over anticipated costs. Mr. Schear met with his architect and determined that they couldn't get into a price point that would work for the local market. Mr. Weiskircher shared that they are looking into either single story condominium units or a maximum of 2-story units. Mr. Weiskircher added that Mr. Schear will more than likely be coming back to the Planning Commission in the near future and his intent is to begin construction on the condominium project in the spring of 2014. Mr. Stephens stated that usually when you're building multiple stories, it doesn't cost more and asked if the units will be smaller. Mr. Weiskircher responded that he believes the cost issue was related to elevators and underground parking. Mr. Stephens inquired about the open space between the condominiums. Mr. Weiskircher confirmed that the open space will eventually fill in with additional condominiums. Mr. Weiskircher shared that the same group that is proposing the Sugar Camp Assisted Living Center just received approval for another construction project in Centerville/Washington Township and are still addressing financial issues on the Oakwood project. Mr. Weiskircher displayed pictures of a few homes in Pointe Oakwood and buildings at Sugar Camp. He shared that at Sugar Camp, Building A has approximately 37,000 square feet and is fully occupied, Building B has 22,000 square feet and is fully occupied by Mr. Schear and Building D has approx. 44, 000 square feet and active negotiations are occurring with several prospective tenants. He added that by 2nd or 3rd quarter of next year Building D should be fully occupied.

Mr. Weiskircher provided an update on Property Maintenance. He shared that last week there was a *DDN* article reporting that some cities typically only enforce property maintenance when a complaint is received. He added that the city of Oakwood works on this every day and is very proactive. He referenced a graph showing Property Maintenance Letters from 2009-2013. Mr. Weiskircher reported that of the 171 property owners who received violation letters during the course of the year, 133 have already corrected the violations. He added that besides property maintenance letters, the city has also sent out 112 weed notices resulting in the Public Works Department mowing 22 properties on either a one-time or recurring basis. Mr. Weiskircher reported that there are currently 28 vacant single family homes in the community compared to 29 in 2012 and 14 in 2011.

Mr. Weiskircher provided an update on negotiations with employee groups. He reported that the city is currently meeting with representatives of the Dayton Public Service Union on a new contract. He shared that during the 2013 calendar year, the DPSU unit and all management and non-union employees had their wages frozen. He reported that for 2014, the three unions representing the public safety officers, lieutenants and dispatchers all agreed to wage freezes. Mr. Weiskircher acknowledged and thanked all employees for working with us and recognizing that the city has some financial challenges. He added that keeping personnel costs in line is very important. Mr. Weiskircher shared that there are currently two Public Safety Officer vacancies. He explained that the positions were advertised a month ago and 51 applications were received. He added that twelve people were interviewed and the top four identified. He shared that the next step is to meet with the City Manager where a recommendation will be made. More than likely, the positions would not be filled until the first of the year. He explained that this has to do with the timing of Fire, EMT and Police training. Mr. Weiskircher reported that the renewal information for health insurance benefits will be coming out at the beginning of November and all options will be explored.

Mr. Weiskircher reported that the Community Shred event is scheduled for this Saturday, October 12 from 8:30 – 11:30 a.m. at the J. David Foell Public Works Center. He added that besides important and confidential papers, microfilm, microfiche, CD-ROMS, flash drives, etc. can also be shredded.

Mrs. Hilton asked how we know how many single family homes are vacant. Mr. Weiskircher shared that we get this information from pre-sale home inspections, water department investigations and income tax inquiries. Mayor Duncan added that there are currently about 3,800 housing units so the number of vacancies is very small compared to other cities. Mr. Stephens asked if the homes that resulted in Public Works mowing involved anyone that wasn't able to complete the mowing

themselves due to physical limitations. Mr. Weiskircher confirmed that the city offers assistance and the majority of homes that required mowing were in various stages of foreclosure and the person is no longer living in the home. Mayor Duncan commended city staff and all employees. He said that the Public Safety Officers are the best the city has had in our history and he appreciates them helping us work through the city's budget problems.

Mr. Stephens thanked Mr. Weiskircher for everything that he does.

CITY MANAGER'S REPORT: Mr. Klopsch reported that a press release will be distributed tomorrow announcing receipt of a Montgomery County Solid Waste District recycling incentive grant. He shared that the city was awarded a $35,000 grant to promote recycling and to divert refuse away from the landfill stream and toward recycling programs. The city contributed $15,000 in local match for a $50,000 project. The grant was awarded by the Montgomery County Solid Waste District under the "2013 Incentive Grant" program. Mr. Klopsch shared that the grant was used to purchase the roll waste containers that were distributed to properties that abut alleys. He shared that the transition has gone very smoothly and having the roll waste containers in the alleys creates a cleaner environment. Mr. Klopsch added that the process of picking up the single cans automatically has worked as expected and is allowing the public works department to complete the refuse operation with one less employee. Mr. Klopsch shared that the grant also provides for the purchase of three recycled-content picnic tables that will be installed at the dog park this fall and 57 containers for recycling. He explained that some of the recycle containers will be permanently installed in public areas and natural areas and the rest will be portable units placed in different locations. They are currently placed at the city building, OCC and Public Works Center. Mr. Klopsch explained that this will help encourage more recycling and supports using products made from recycled material.

Mr. Klopsch reported that staff continues to work on the 2014 budget. He shared that city council and city staff have a retreat coming up in two weeks and also two meetings with the Budget Review Committee. He said that as the numbers are coming together, the budget will show a further decrease in spending. He said that we have gone 5 consecutive years spending less than the year before. He added that the city went from 95 full-time employees to 84 full-time employees which accounts for the drop in spending. Mr. Klopsch commended everyone on the city staff for continuing to provide the services we do with fewer people.

Mr. Klopsch reported that we are in the leaf collection season and it is scheduled to continue to the end of December. He shared that leaf collection is bi-weekly and asked that leaves be pushed out in the gutter for pick-up and yard debris should be placed behind the curb. He added that we are also now collecting normal yard debris bi-weekly, just through leaf season.

COUNCIL COMMENTS

Mrs. Hilton shared that there is a Sister City fundraiser/social event scheduled on Tuesday, October 15 at Arrow Wine from 5 – 7 p.m.

Mr. Stephens congratulated Vice Mayor Byington who was married this past weekend. He added that the wedding was beautiful and the reception was very unique because it was at Fifth Third Field and had a baseball theme. Mayor Duncan added that it was only the second wedding reception that has been at Fifth Third Field.

Mayor Duncan shared that the Family Fall Festival is on Sunday, October 13 at 2 p.m. at Shafor Park. There will be a costume parade and the judges will decide who has the most creative costume. He added that in the afternoon, people will build their scarecrows on Scarecrow Row and the judges will announce the winner around 4:45 p.m. Mayor Duncan shared that on November 3, the Oakwood Life Magazine is having a Barbecue Cook Off at Paw Paw Pavillion from 12:30 – 3:00 p.m. Tickets are $10 for adults, $17 for a couple, $3 for kids age 5-16 and free for kids under 5 years old. He added that he will be an honorary judge of the Barbecue Cook off. Mayor Duncan shared that *Forbes* magazine recently released a list of "Best Schools for Your Housing Buck, 2013" and Oakwood schools were ranked #3 in the Midwest and #13 in the nation for schools in communities with affordable housing. He added that *US News* and *World Report* awarded Oakwood High School the Gold Medal Status and ranked them in the top one percent in the state of Ohio. He shared that Newsweek also ranked Oakwood High School as the number one high school in the region and in the top one percent nationally in 2013. Mayor Duncan shared a few paragraphs from the comments that he made when he was elected Mayor in 2010:

> "*Our family moved to Oakwood 21 years ago. Like many of you, we loved the quality and diversity of the housing choices, the ability to walk to Oakwood schools, Dorothy Lane Market, the City parks, Oakwood Community Center and Wright Library. We also wanted our two children to attend Oakwood City Schools and participate in extracurricular*

activities. Our daughter, Jennifer, graduated in 1999. She assisted in directing the choir and played piano at the baccalaureate ceremony at Westminster Presbyterian Church. I will never forget first year superintendent Judy Hennessey making a personal comment or reflection about every single student in the class of 1999. Our son, Brian, graduated in 2002. He played varsity soccer and baseball for Oakwood. Had he attended a larger school district, this opportunity would have probably not been available to him. I will also never forget Coach Aaron Azbart who taught my son the life skills of teamwork, discipline, leadership, sportsmanship and fair play. It has been four years since his untimely death at age 33."

Mayor Duncan said that two members of council graduated from Oakwood schools and he believes it is the best value going. He added that while city council doesn't make recommendations on levies, etc., he shared that he personally believes that the value received from Oakwood schools are surpassed by none and he encouraged everyone to vote for the November 5 Oakwood City School District Tax Levy.

The public meeting concluded at 8:12 p.m.

MAYOR

ATTEST:

CLERK OF COUNCIL