

CITY OF OAKWOOD
STATE OF OHIO
DECEMBER 18, 2006

The Council of the city of Oakwood, State of Ohio, met in a work session at 5:30 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, Mrs. Judy Cook, presided, and the Clerk of Council, Ms. Cathy Blum, recorded. Mayor Cook 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:

MRS. JUDY COOK.....PRESENT
MR. CARLO C. McGINNIS.....PRESENT
MR. WILLIAM D. DUNCAN.....PRESENT
MR. ROGER C. BLUMENSHEID.....PRESENT
MR. STANLEY CASTLEMAN.....PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager
Ms. Dalma C. Grandjean, City Attorney
Mr. Jay A. Weiskircher, Assistant City Manager
Mr. Kevin W. Weaver, Public Works Director
Chief Alex P. Bebris, Public Safety Director

The press this evening was represented by the editor of the *Oakwood Register*, Mr. Lance Winkler and *Dayton Daily News* staff reporter Helen Bebbington.

The following visitors registered:

Joseph Koussa, Kettering
Carleen Turner, 230 Volusia Avenue
Dan Edwards, 241 Wisteria Drive
Phil Chick, 256 Beverly Place
Kristen Arquilla
Karen Wells
Terry Hall, 417 Telford Avenue
Constance Gardner, 525 Maysfield
Pat Knight
Cheri Muceus

Mr. Duncan welcomed two guests in the audience, Karen Wells and Kristen Arquilla, both seniors at Chaminade Juilienne.

Mr. Duncan, Chair of the Council Committee on Minutes, advised council he had read the minutes of the regular and work sessions of council held November 6, 2006, work session of November 20, 2006, special session of November 28, 2006, and work session of December 11, 2006. Mr. Duncan reported he found the minutes correct and complete. Therefore, it was moved by Mr. Duncan and seconded by Mr. Castleman that the minutes of the sessions of council aforementioned be approved as written and the reading thereof at this session be dispensed with.

Upon call of the roll on the question of the motion, the following vote was recorded:

MRS. JUDY COOK.....YEA
MR. CARLO C. McGINNIS.....YEA
MR. WILLIAM D. DUNCAN.....YEA
MR. ROGER C. BLUMENSHEID.....YEA
MR. STANLEY CASTLEMAN.....YEA

There being five (5) yea votes and no (0) nay votes thereon, said motion was declared duly passed and it was so ordered.

STATUS REPORTS

Committee Appointments. Mayor Cook indicated the following have agreed to be reappointed: Steve Byington, Planning Commission; Dr. Marvin Miller, Board of Health; Jill Kendall, Personnel Appeals; Harrison Gowdy and Michael Hayes, Budget Review; John Rasmussen, Jane Rininger, Kimberly Robinson and Ed Rodabaugh to Environmental Committee; Jim Kelleher and Charles Campbell, Human Relations; Judy Caruso, Michael O'Connell, Judy Steiger and Jane Lieberth to Property Maintenance; and Jan Scheid, Tax/Water/Sewer Appeals.

Therefore, it was moved by Mr. Blumensheid and seconded by Mr. Duncan that the aforementioned appointments be confirmed. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mayor Cook referenced the vacancy on the Board of Zoning Appeals and noted that Becky Butler has agreed to serve.

Therefore, it was moved by Mr. Blumensheid and seconded by Mr. Duncan that the aforementioned appointment be confirmed.

Mayor Cook extended thanks to Mr. William Roess for his service to the Board of Zoning Appeals.

ED/GE Appointment. Mayor Cook explained the city is part of the ED/GE (Economic Development/Government Equity) program, a county-wide program where money is collected from area jurisdictions and returned to selected jurisdictions for projects and governed by a committee that makes those project determinations. She announced it is Oakwood's turn to appoint a member and recommended Mr. Castleman.

Therefore, it was moved by Mr. Duncan and seconded by Mr. Blumensheid that the aforementioned appointment be confirmed. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Sugar Camp. Mr. McGinnis referenced the recent Planning Commission meeting when a joint application for a mixed use Planned Unit Development Master Plan was submitted. He noted the plan was conditioned on earlier action to change the use of a building for a religious use. Although they spent a couple hours reviewing the plan for the entire site, the applicants didn't finish their presentation. Mr. McGinnis indicated Dr. Thomas announced that his medical office would be relocating to Building B and that he plans to attract other medical groups. At the meeting, they also reviewed the three types of residential housing, and proposed road into that residential area across from Springhouse which would also access the Old River playing fields. He noted they also reviewed environmental issues, new traffic lights and received some comments from the audience.

Mr. McGinnis announced the commission will hold a work session and on-site visit in the upcoming weeks and the next formal meeting is scheduled for January 17, 4:30 at the Community Center. He encouraged citizens to review information, share comments/concerns and referenced a suggestion that the city partner up with the developer for a recreation/park area. Mr. McGinnis indicated there are other opportunities for public hearings on this exciting project, including council's review of the final recommendation from the commission. Mr. Castleman has been intrigued with the city's involvement and noted he knows more about that property than his own, is pleased the city has been proactive. Mayor Cook was pleased with all the details given in the plan. Mr. Blumensheid asked if there is information available at the city for review. Mr. Klopsch concurred. Mr. Duncan noted there has been a lot of data provided on the environmental issues.

Dispatch Study. Mayor Cook reported on the centralized dispatch study and the core requirement that an emergency message for help be relayed to the emergency service provider on the street. The issue doesn't relate to who answers the phone but that the provider gets the message. She indicated based on the threatened loss of Local Government Funding by the state legislators who contend that local governments don't join forces to provide services more cost effectively and make tax dollars go farther. Mayor Cook indicated this dispatch center study proposes that 17 jurisdictions move to one location and the yearly cost savings would be immense. She indicated council is counting on information/facts to be presented by Chief Bebris and the city manager, currently a work in progress. Mayor Cook explained they have until the end of January to decide whether there is an interest in pursuing this as an option, and then until the end of May to participate. She indicated council is in the study mode to see whether this would be appropriate for Oakwood and there is no intent to have the citizens poorly served. She reiterated a decision has not been made and they understand the dispatchers do provide other services. She indicated a future meeting with a formal presentation will be forthcoming.

Mr. Blumensheid explained, as Chair of the Council Traffic and Safety Committee, that if they decide to go that way it would only be as a positive improvement rather than being pushed. He reported as the Vice Chair of MVCC the understanding and value of regional cooperation, a nation-wide interest. Although he is the first to look at new ideas, he is generally the last to decide to change and indicated the proposal won't work if there are no benefits. Mr. Duncan indicated future technology is also an important factor and understands that 911 cell phone calls already go to the county and if a serious disaster were to occur one location would be best. Mr. Klopsch indicated he and Chief Bebris will be prepared to make a formal presentation outlining the pros and cons at the January 22nd council meeting.

Lebanon Citizens National Bank. Mr. McGinnis reported on the groundbreaking of the new bank across from Dorothy Lane Market, near CVS. He indicated the request went before the Planning Commission and the Bank plans to open in the spring of 2007. He added the Bank President was at the groundbreaking and explained the bank is being tailored to the community and will be a good partnership in the business district. Mayor Cook reported this is the first LCNB Bank in Montgomery County.

Labor Negotiations. Mr. Duncan reported the contract with the FOP representing the public safety officers expired in October, 2006 and staff has been negotiating a new three-year contract. He indicated in Ohio, public safety officers have no right to strike so if there is an impasse then the matter goes before a fact-finder and then either side may accept or reject that report. Mr. Duncan explained if that report is rejected then the matter goes to binding conciliation. He noted they began negotiations with ten unresolved issues which have been pared down to four, three significant ones. The first relates to wages - the union requested 5 ½% for each of the three years. The fact finder recommended 5% for each of the next three years which was consistent with the previous three-year contract. The second issue relates to medical insurance. Currently the officers pay approximately 4 ½% and all other employees pay 10%. The city recommended the officers pay the same 10%, the union wanted no change and the fact-finder recommended 7 ½% for the first two years and then 10% the third year with a dollar cap. The third issue related to drug and alcohol testing, a policy the city wanted enacted, the union didn't, and the fact-finder concurred with the union. Mr. Duncan reported council rejected the fact-finder's recommendation so the matter goes to binding conciliation. He explained either side can submit changes before the final decision is made.

Mayor Cook welcomed the visitors. Mr. Koussa, Kettering, extended prayers to the troops for a safe return. He then shared with council the variety of correspondence he has received from Oakwood and other municipalities, Governor Taft, President Bush, etc. Mayor Cook thanked him and wished him a Happy Holiday. Mr. Koussa extended Merry Christmas and Happy New Year wishes.

Mrs. Gardner, 525 Maysfield, extended thanks for clarification on the dispatch study and referenced rumors throughout the community that this is the result of the state threatening to withhold money. Mayor Cook indicated that is the general idea since there are 17 expensive dispatch units in the area, the proposal is to have a centralized location with up-to-date equipment. She noted there is more to consider than money savings for Oakwood, they need to determine whether they would obtain equal if not better service. Mr. Duncan reiterated the state legislators budgeting is not the prime reason for the study. Mrs. Gardner felt it would be helpful to the community if prior to the January meeting, as much information as possible could be made available since her take is that a lot of citizens are not enthusiastic about this change and she encouraged council not to be hasty but invite public discussion. Mr. Duncan recently viewed the recast of the meeting held at the Oakwood building when Sherriff Vore outlined the dispatch study including issues relating to governance, location, money savings, etc. Discussion ensued in regard to viewing that MVCC program. Mr. Klopsch indicated he submitted a column to this week's newspapers clarifying what the city is doing which should put people at ease.

Mr. Edwards, 241 Wisteria, extended Happy Holidays and indicated he is attending as a citizen, not for the television station where he works. He expressed concern with a regional dispatch center since citizens in Oakwood are spoiled - council has done a great job doing so and citizens pay money to be spoiled. He recanted the recent Dorothy Lane Market robbery and what would happen if the centralized dispatch sent officers to the wrong store. He also believes calls regarding deer concerns would come after those involving homicide/stabbing. He reiterated this service is unsurpassed and Oakwood's dispatchers are as important as the officer's gun. Mr. Edwards referenced a Channel 2 survey that took a look at the centralized dispatch center in Indianapolis and how some citizens have been on hold for 15 minutes which doesn't happen in Oakwood. He recalled when a bat was in his home and he called, spoke to a dispatcher who knew him by name and sent out an officer. Mr. Edwards doesn't want to lose that spoiled pampering, is concerned about all 17 jurisdictions being under one roof, and wonders what happen if there is a terrorist attack. He indicated there are certain benefits in this community and he doesn't want to lose that quality of life. He noted not all 911 calls go to the county and he feels sorry for the new chief to deal with this when he doesn't yet have the feel for the community. Mr. Edwards questioned where the centralized location will be and where that cost savings will go since he noticed a sewer bill increase. He indicated the dispatchers are his friends, they know him when he calls and questioned what will happen to the 200 house keys they maintain. He doesn't want to see Oakwood lose services little by little, that is why he moved to town and believes that Oakwood, out of the 17, would be hurt the most because citizens are use to being spoiled. Mayor Cook thanked everyone for their position points.

ORDINANCE

BY MR. MCGINNIS

NO 4616

AN ORDINANCE AMENDING PART SEVENTEEN – PROPERTY MAINTENANCE CODE OF THE CODIFIED ORDINANCES OF OAKWOOD BY REPEALING CURRENT SECTION 17-800.1 LANDLORD REGISTRATION STATEMENT; EXEMPTION FOR OWNER-OCCUPIED BUILDINGS; SECTION 17-800.3 LANDLORD REGISTRATION CERTIFICATE; SECTION 17-800.4 REGISTRATION FEES; SECTION 17-800.5 LANDLORD REGISTRATION CERTIFICATE NOT TRANSFERABLE; 17-800.6 CHANGE OF OWNERSHIP, CONTROL, OR OCCUPANCY; 17-800.7 APPOINTMENT OF AGENT, AND ADOPTING NEW SECTION 17-800.1 INSPECTION; NEW SECTION 17-800.3 ACCESS TO UNIT; AND NEW SECTION 17-800.4 SUPPLEMENTATION OF INFORMATION FILED WITH COUNTY AUDITOR PURSUANT TO OHIO REVISED CODE §5323; AND AMENDING PARAGRAPH A OF SECTION 17-106.1 UNLAWFUL ACTS.

A copy of the ordinance, placed on the desks of each member of council prior to introduction, was read by title. Mr. McGinnis explained this is the second reading of the legislation that relates to rental unit inspection requirements, including complaint inspections, fees, violations, etc.

Thereupon, it was moved by Mr. McGinnis and seconded by Mr. Blumensheid that the ordinance be passed.

Upon call of the roll on the question of the motion, the following vote was recorded:

- MRS. JUDY COOK.....YEA
- MR. CARLO C. MCGINNIS.....YEA
- MR. WILLIAM D. DUNCAN.....YEA
- MR. ROGER C. BLUMENSHEID.....YEA
- MR. STANLEY CASTLEMAN.....YEA

There being five (5) yea votes and no (0) nay votes thereon, said ordinance was declared duly passed and it was so ordered.

ORDINANCE

BY MR. BLUMENSHEID

NO 4617

TO APPROVE CURRENT REPLACEMENT PAGES TO THE OAKWOOD TRAFFIC AND GENERAL OFFENSES CODES.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Blumensheid explained this is annual legislation received from Drane to make sure the city’s traffic and general offenses codes comply with state law and reviewed a couple of the updated regulations.

Thereupon, it was moved by Mr. Blumensheid and seconded by Mr. Castleman that the ordinance be passed as an emergency measure.

Upon call of the roll on the question of the motion, the following vote was recorded:

- MRS. JUDY COOK.....YEA
- MR. CARLO C. MCGINNIS.....YEA
- MR. WILLIAM D. DUNCAN.....YEA
- MR. ROGER C. BLUMENSHEID.....YEA
- MR. STANLEY CASTLEMAN.....YEA

There being five (5) yea votes and no (0) nay votes thereon, said ordinance was declared duly passed and it was so ordered.

ORDINANCE

BY MR. DUNCAN

NO 4618

TO AMEND SECTION I, 2006 APPROPRIATION ORDINANCE NO. 4597 AND SUBSEQUENT ORDINANCE NOS 4606 AND 4613: 1) TO PROVIDE FOR THE APPROPRIATION OF AN ADDITIONAL \$500 TO BE EXPENDED FROM THE CONTRACTOR’S PERMIT FUND FOR THE PURPOSE OF ACCOMMODATING ADDITIONAL ADVANCE PAYMENTS RECEIVED FROM CONTRACTORS FOR OAKWOOD CONSTRUCTION; AND 2) TO PROVIDE FOR THE TRANSFER OF AN ADDITIONAL \$10,500 FROM THE SEWER IMPROVEMENT/EQUIPMENT REPLACEMENT FUND TO THE SANITARY SEWER DISPOSAL AND MAINTENANCE FUND; AND 3) TO PROVIDE FOR AN ADDITIONAL APPROPRIATION OF \$18,500 TO BE EXPENDED FROM THE SANITARY SEWER DISPOSAL AND MAINTENANCE FUND AS A RESULT OF INCREASED EXTERNAL SEWAGE TREATMENT COSTS.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Duncan explained this is a housekeeping measure for the 2006 ending budget year.

Thereupon, it was moved by Mr. Duncan and seconded by Mr. Blumensheid that the ordinance be passed.

Upon call of the roll on the question of the motion, the following vote was recorded:

MRS. JUDY COOK.....YEA
MR. CARLO C. MCGINNIS.....YEA
MR. WILLIAM D. DUNCAN.....YEA
MR. ROGER C. BLUMENSHEID.....YEA
MR. STANLEY CASTLEMAN.....YEA

There being five (5) yea votes and no (0) nay votes thereon, said ordinance was declared duly passed and it was so ordered.

ORDINANCE

BY MR. DUNCAN

NO 4619

TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2007.

A copy of the ordinance, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Duncan explained this details the 2007 Budget, \$23 Million budget but without the transfer and debt payments, \$15 Million.

Mr. Klopsch explained this is his fifth budget as city manager; the process begins in July with department heads reviewing capital items, funds, etc. The document is public and available for review and includes a lot of information. He indicated the Budget Review Committee is charged with providing oversight to staff and council; they met four times throughout the year and at the last meeting received endorsement of the Budget. Mr. Klopsch delivered a PowerPoint presentation which outlined the major expenditures in 2006 on capital improvements; however, two recreational issues were not accomplished since they acquired the Old River property. He indicated major equipment purchases included police cruisers and medic, however, they didn't purchase two refuse scooters \$25,000 each and he extended compliments to Mr. Weaver and the mechanics for maintaining the older scooters.

Mr. Klopsch reviewed charts on the non-enterprise funds, water fund, and sewer fund which included a large project along Patterson Road. He referenced a chart through the end of November outlining general fund receipts and pointed out the income tax, property tax, estate tax, etc. He reported the income tax collection is down \$300,000 from last year which they feel is due to the unprecedented 18% jump from a couple years ago. The real estate tax has increased due to the re-evaluation and the estate tax had a significant shortfall. On the expense side, Mr. Klopsch pointed out they are under what was appropriated. The water fund includes the sale of the property on Kling Drive and he also reviewed the sewer fund.

Mr. Klopsch reviewed the 2007 budget goals and objectives which he and department heads work on throughout the year. Those include: property subdivision analysis; green space Master Plan; traffic flow monitoring; water system preventative maintenance; Oakwood Avenue improvements (with assistance of State Issue 2 funding); implementing volunteer program in safety department; Sugar Camp development; Park Avenue streetscape; Orchard Drive municipal lot/green space; winter aquatics program (Ms. Collins suggestion to partner with UD); Old River Drive; and the 2008 Centennial Celebration. The next slides outlined the capital improvements projects totaling \$997,000, the capital equipment totaling \$362,000, water fund \$145,000, and the sewer fund of \$2,500.

Mr. Klopsch reviewed the highlights of his Budget message. The non-enterprise cash balances are down based on less estate tax and higher expenses than revenue, and the non-enterprise cash balances are projected to drop more in 2007. Mr. Klopsch reported the city has not raised taxes since 1991 yet expenses continue to increase, including personnel costs. He indicated they still have enough cash reserve through 2007 but may have to ask the voters for a possible increase in 2008. The major 2007 expenses include a study of the Old River acquisition and recreational needs. Mr. Klopsch explained since the sewer fund balances have dropped, staff has proposed a sewer rate increase and the Budget Review Committee concurred as long as that increase is split between two years. He reviewed several charts outlining the capital expenses, general fund history, public facilities fund pay down, etc. In regard to the sewer fund, Mr. Klopsch referenced wastewater treatment cost increases from the city of Dayton and the County over the years showing various charts of the percentage of rate comparison with Oakwood and other jurisdictions. He indicated the

city hasn't increased rates along with others and referenced several charts depicting the consumption per cubic feet and what the rates would have been if they kept up.

Mr. Duncan referenced how the income tax collection is less than budgeted, yet next year the city will be even more impacted since other cities have raised their rates, i.e., due to Kettering raising their rates Oakwood will lose an estimated \$140,000 annually. He noted the estate tax collection is a volatile issue. Mr. Duncan expressed concern with personnel costs going up, and the proposed 5% increase for the public safety officer bargaining unit is not doable without raising taxes.

Thereupon, it was moved by Mr. Duncan and seconded by Mr. Blumensheid that the ordinance be passed.

Upon call of the roll on the question of the motion, the following vote was recorded:

MRS. JUDY COOK.....YEA
MR. CARLO C. McGINNIS.....YEA
MR. WILLIAM D. DUNCAN.....YEA
MR. ROGER C. BLUMENSHEID.....YEA
MR. STANLEY CASTLEMAN.....YEA

There being five (5) yea votes and no (0) nay votes thereon, said ordinance was declared duly passed and it was so ordered.

ORDINANCE

TO AMEND CODIFIED ORDINANCE 915.03, SO AS TO INCREASE RATES CHARGED FOR SANITARY SEWER SERVICE TO REFLECT CONTRACTUAL INCREASES IMPOSED ON OAKWOOD.

Mr. Castleman introduced the proposed sewer rate ordinance as a first reading. Mayor Cook indicated at the January meeting, they will have a second reading. Mr. Klopsch explained the rate increase will be effective to the first of the year but not reflected until the March billing cycle.

RESOLUTION

BY MR. BLUMENSHEID NO 1644

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A STREET LIGHTING AGREEMENT WITH MIAMI VALLEY LIGHTING, INC.

A copy of the resolution, having been placed on the desks of each member of council prior to introduction, was read by title. Mr. Blumensheid explained this is another benefit of regional cooperation to collectively purchase and bargain through the MVCC, the cities were able to work out a street lighting agreement. He explained this legislation gives the city manager authorization to execute the agreement. Mr. Blumensheid asked citizens to notify city staff of any light outage.

Thereupon, it was moved by Mr. Blumensheid and seconded by Mr. Castleman that the resolution be passed.

Upon call of the roll on the question of the motion, the following vote was recorded:

MRS. JUDY COOK.....YEA
MR. CARLO C. McGINNIS.....YEA
MR. WILLIAM D. DUNCAN.....YEA
MR. ROGER C. BLUMENSHEID.....YEA
MR. STANLEY CASTLEMAN.....YEA

There being five (5) yea votes and no (0) nay votes thereon, said resolution was declared duly passed and it was so ordered.

There was no staff report, nor did Mr. Klopsch have anything to add.

COUNCIL COMMENTS

Mr. Castleman extended best wishes for a healthy and happy Christmas season.

Mr. Blumensheid expressed Happy Holidays and urged citizens to watch for fire hazards with use of extension cords and suggested giving a smoke detector as a gift.

Mr. Duncan looks forward to the Mayor's State of the City report and extended kudos to all fellow council members. He indicated the Mayor is chair of the Montgomery County Mayors & Managers Association, on the Human Services Levy review board, and works with Kettering on the MLK Celebration. He indicated Mr. McGinnis is the representative to MVRPC on a variety of regional issues. Mr. Blumensheid is the Vice-Chair of the MVCC, working on regional issues relating to telecommunications. Mr. Castleman was just appointed to ED/GE. Mr. Duncan indicated some citizens complain that council isn't involved; however, they are extremely proactive and have been working on Sugar Camp for years. He believes the proposed plan is good, a high-end project. He

noted council is very responsive to the citizens, some other communities only permit visitors to speak for three minutes, yet Oakwood council deliberates and listens to both sides of the issue. He also indicated the city has a strong management team, a well governed city and financially strong. He wished everyone a Merry Christmas and Happy New Year.

Mr. McGinnis asked that the constitutionality of the recently amended section 525.18 be reviewed. Ms. Grandjean indicated she will provide a written opinion.

Mayor Cook extended thanks to the Leisure Services Department for the festival of lights, a very happy occasion and to the environmental committee for the thousands of luminaries. She indicated during this winter time, they celebrate light also by the Menorah at Chabad and all the trees – light out of the darkness. She urged everyone to remember their blessings and extended Merry Christmas and Happy Hanukah wishes.

Mayor Cook announced the next form meeting is scheduled for January 22.

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

MAYOR

ATTEST:

CLERK OF COUNCIL