

CITY OF OAKWOOD
STATE OF OHIO
MAY 7, 2018

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, Oakwood, 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. ROBERT P. STEPHENS.....PRESENT
MRS. ANNE S. HILTON.....PRESENT
MR. CHRISTOPHER B. EPLEY.....PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager
Mr. Robert F. Jacques, City Attorney
Mrs. Cindy Stafford, Finance Director
Mrs. Jennifer Wilder, Personnel and Properties Director
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Michael O'Hara, 119 Lookout Drive, Oakwood, OH 45409
Allie Jeffers, 648 Woods Road, Oakwood, OH 45419
Molly Beutel, 309 Hadley Avenue, Oakwood, OH 45419
Ryan Clark, 307 Corona Avenue, Oakwood, OH 45419
Stefanie Campbell, 271 Schenck Avenue, Oakwood, OH 45409

Mrs. Hilton advised Council she had read the meeting minutes of the April 2, 2018 regular session, work session and executive session and the April 23, 2018 work session and executive session. Mrs. Hilton reported she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Mr. Epley 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 a proclamation designating May as “Motorcycle Awareness Month.”

VISITORS – There were no visitors wishing to address Council.

LEGISLATION

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4861
TO AMEND SECTION I, 2018 ORIGINAL APPROPRIATION
ORDINANCE NO. 4850 TO PROVIDE FOR THE APPROPRIATION
OF:

1. AN ADDITIONAL AMOUNT OF \$20,000 TO BE EXPENDED FROM THE LAW ENFORCEMENT FUND FOR THE PURPOSE OF PURCHASING A VEHICLE FOR USE BY THE CITY DETECTIVE;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018.

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 a supplemental appropriation ordinance to authorize the expenditure of forfeited funds.

In 2015, the Department of Public Safety received a tip regarding possible drug activity occurring at a residence on Acorn Drive. That tip led to a lengthy investigation, led by Oakwood

Detective Steve Norris and assisted by members of the multi-jurisdictional Tactical Crime Suppression Unit. By the spring of 2016, search warrants were executed at the Oakwood residence and another address in Beaver creek, resulting in the arrest of two individuals and the seizure of over 160 pounds of marijuana, numerous vehicles and firearms, and over \$300,000 in US currency.

Federal law provides for the forfeiture of money that is related to certain kinds of criminal activity including illegal drug activity. Upon forfeiture, that money is distributed among the law enforcement agencies involved in the case. In this case, the money was ultimately distributed to nine agencies and Oakwood's share is \$27,480.66.

The Director of Public Safety has recommended that a portion of this money should be used to replace the City's detective vehicle, which is nearing the end of its useful service life and is frequently in need of repair. The entire cost of the replacement vehicle will be paid from forfeiture funds. However, a supplemental appropriation is necessary because that vehicle was not originally budgeted for replacement in 2018.

The Oakwood Public Safety Department and especially Detective Norris were instrumental in this investigation, and Council believes this is an appropriate use for the money. This supplemental appropriation will provide for the expenditure of an additional \$20,000 from the Law Enforcement Fund.

This was a first reading of the ordinance, so Vice Mayor Byington made no motion.

AN ORDINANCE
NO 4858
BY MR. STEPHENS
AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE
IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN
TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE
SAME WITH ELECTRICITY.

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

Mr. Stephens explained that this is the third and final step of the Oakwood 2019 street lighting program, and was introduced for a first reading at the April 2 Council meeting. This ordinance allows for the costs of 2019 street lighting to be certified to the Montgomery County Auditor for assessment.

Thereupon, it was moved by Mr. Stephens and seconded by Mrs. Hilton that the ordinance be passed.

Upon call of the roll on the question of the motion, the following vote was recorded:
MR. WILLIAM D. DUNCAN..... YEA
MR. STEVEN BYINGTON..... YEA
MR. ROBERT P. STEPHENS..... YEA
MRS. ANNE HILTON..... YEA
MR. CHRISTOPHER EPLEY..... YEA

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

AN ORDINANCE
NO 4859
BY VICE MAYOR BYINGTON
AN ORDINANCE ADOPTING THE 2019 TAX BUDGET FOR THE
CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING
JANUARY 2019.

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 to comply with Section 6.01 of the City Charter, this is the annual housekeeping ordinance to estimate the City's revenues and expenses for calendar year 2019. It was introduced for a first reading at the April 2 Council meeting.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Epley 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. ROBERT P. STEPHENS.....YEA
 MRS. ANNE HILTON.....YEA
 MR. CHRISTOPHER EPLEY.....YEA

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

AN ORDINANCE
 BY VICE MAYOR BYINGTON NO 4860
 AN ORDINANCE TO ESTABLISH PROCEDURES AND
 STANDARDS FOR SMALL CELL WIRELESS FACILITIES AND
 WIRELESS SUPPORT STRUCTURES.

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 the second reading of an ordinance to adopt regulations for small cell wireless facilities. It was introduced with a first reading at the April 2 Oakwood Council meeting. Vice Mayor Byington asked the Law Director to make a brief presentation regarding this ordinance.

Mr. Jacques referenced a PowerPoint presentation and updated Council on small cell facilities and wireless support structures. He explained that small cell facilities are smaller than normal cell towers, with a volume of no more than 34 cubic feet. Wireless support structures are considered any pole that is capable of supporting small cell facilities. The push for small cells in Ohio is driven by demand. Mr. Jacques shared that AT&T reports that data traffic on their mobile network has increased approximately 250,000% since 2007.

The General Assembly attempted to regulate small cell wireless facilities through the enactment of Senate Bill 331, which was an unconstitutional enactment that resulted in litigation between the State of Ohio and over one hundred Ohio municipalities and townships. Local governments were not happy with Senate Bill 331 because it stripped local control of the facilities. House Bill 478 is a new effort to regulate small cell wireless facilities. It was recently signed into law by Governor Kasich and will take effect on July 31, 2018. House Bill 478 will do the following: increase time to review an application for a new pole (from 90 to 120 days); cap the amount cities can charge for application fees at \$250; cap the amount cities can charge for annual pole rental at \$200; place a limit of the number of applications to be filed at once (30) on consolidated applications and require that consolidated applications must be substantially similar to one another; lower the maximum height of the pole from 50' to 40'; and, allow municipalities to adopt and apply reasonable, written design guidelines.

The City has collaborated with planning and legal professionals from a broad local group that includes the eight MVCC member communities and 12 to 15 other local communities to draft design and procedural guidelines for these "small cell" facilities. These guidelines are intended to maximize local control within the parameters of House Bill 478 while ensuring that procedures are uniform throughout the Greater Dayton area.

Mr. Jacques explained that Council will also be considering a resolution for "undergrounding". He briefly explained that the City is allowed to require small cell utilities to be placed underground, but only if it is required for all utilities. Mr. Jacques then reviewed the design guideline highlights.

Thereupon, it was moved by Vice Mayor Byington 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. ROBERT P. STEPHENS.....YEA
 MRS. ANNE HILTON.....YEA
 MR. CHRISTOPHER EPLEY.....YEA

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

A RESOLUTION
BY VICE MAYOR BYINGTON NO 1845
DESIGNATING CERTAIN AREAS WITHIN THE CITY AS
STRICTLY FOR UNDERGROUND OR BURIED UTILITIES.

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 related to the small cell wireless regulations that we just discussed. Under H.B. 478, small cell wireless providers can be required to place facilities underground, but only in specific areas that the City designates as being strictly for underground or buried utilities, and only if those requirements apply to all utility providers and not just small cell wireless providers.

The purpose of this resolution is to adopt undergrounding requirements for the City that generally preserve the status quo. In other words, Council will require the undergrounding of utilities, including small cell wireless facilities, in all areas of the City that do not currently have overhead utilities. Undergrounding would also be required in areas where undergrounding is necessary for a particular public improvement project, or where it is required by a condo or homeowner's association.

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
MR. ROBERT P. STEPHENS.....	YEA
MRS. ANNE HILTON.....	YEA
MR. CHRISTOPHER EPLEY.....	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

Finance Report: Finance Director Cindy Stafford, CPA referenced a PowerPoint presentation and updated Council on the following topics: 2017 year-end financials, 2018 financials through April 30, and the 2017 financial audit.

In regard to the 2017 year-end results, she referenced a chart for Non-Enterprise Funds (General City Services), excluding transfers, showing budgeted versus actual for receipts (budgeted: \$13,482,257 versus actual: \$14,355,289) which is 106% of budget; and disbursements (budgeted: \$14,500,979 versus actual: \$13,931,294) which is 96% of budget. The year ended with \$873,000 more revenue than originally budgeted. The net income tax receipts were roughly \$709,399 higher than what was budgeted due to the increase in withholding payments as a result of House Bill 5. The City received a Workers Comp rebate of \$74,823, and received a Supreme Court Grant of \$116,977. In regards to disbursements, Mrs. Stafford explained that personnel expenses were \$191,300 less than budget, including \$128,000 less for health insurance. The street department was \$107,540 less than budget. Most of these savings came from not having to purchase road salt. Mrs. Stafford shared that her staff can account for some savings as well from their due diligence of being careful stewards. She then recognized the following members of her staff: Alice Young, Assistant Finance Director; Linda Merker, Tax Administrator; Tracy Martin, Payroll Clerk; Theresa Rushlow, Utility Clerk; Stacy Vreeland-Mathes, Part-time Tax Clerk; and, Tracy Davidson, Tax Clerk.

Mayor Duncan asked if people made fourth quarter 2016 tax estimate payments in January 2017, and if people made fourth quarter 2017 tax estimate payments in December 2017.

Mrs. Stafford answered yes.

Mayor Duncan added that this would account for higher tax receipts in 2017.

Mrs. Stafford shared that timing of estimated tax payments is a result of federal law changes. She added that it is hard to understand the impact of recent tax changes, including the net profit returns that are now being processed by the State with a 1% fee being taken out by the State.

Mr. Klopsch added that income tax receipts year-to-date through April are 6% below this time last year. It is about timing, as previously mentioned.

Mayor Duncan added that the City is also dealing with the increase of tax rates from other cities, such as Dayton and Moraine, which will be addressed with the 2019 Budget.

Mrs. Stafford shared that monthly financial statements are available on the City's website. The January financial statements show a \$300,000 – \$400,000 increase in Property taxes collected in December, but by the end of the year it will even out.

Mayor Duncan stated that this is in response to the federal government changing the tax law by limiting the deductibility of state and local taxes to \$10,000 beginning in 2018.

She then referenced a chart for Enterprise Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$3,117,800 versus actual: \$2,470,537), which is 79% for the year; disbursements (budgeted: \$3,438,984 versus actual: \$3,100,588) which is 90% of budget. The Enterprise Funds include water, sanitary sewer and stormwater.

The 2017 financial audit is being performed by Plattenburg & Associates. The auditors have completed their field work in the city's administrative offices. There were no items noted by the auditors so the city anticipates an unqualified "clean" opinion, which is the best opinion. There has been no timeline given for completion of the audit, but it is expected within the next eight weeks.

In regard to 2018 financials through April 30, Mrs. Stafford referenced a chart for Non-Enterprise Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$12,357,823 versus actual: \$5,134,567) which is 42% of budget, primarily because April is when a large portion of income taxes are received; and disbursements (budgeted: \$13,382,240 versus actual: \$3,882,259) which is 29% of budget.

She then referenced a chart for the Refuse Fund, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$1,229,600 versus actual: \$427,060), which is 35% for the year; disbursements (budgeted: \$1,274,744 versus actual: \$456,593) which is 36% of budget.

She then referenced a chart for Enterprise Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$3,265,800 versus actual: \$1,062,410), which is 33% for the year; disbursements (budgeted: \$3,543,997 versus actual: \$1,015,584) which is 29% of budget.

The Oakwood Finance Department has started working on the 2019 Budget. The Oakwood Citizen Budget Review Committee will hold their first of four meetings on Thursday, May 24 at 5:30 p.m.

CITY MANAGER'S COMMENTS

Mr. Klopsch began by recognizing Cindy Stafford and her staff for continuing to do a fantastic job for the City. Mr. Klopsch then reported on the following items.

Preliminary work began on the Shafor Park Tennis Courts about a week ago. Major construction, including demolition, will take place this week. There will be a lot of activity around the Oakwood Community Center area over the next three or so months. City staff is keeping a close eye on the project. The City hopes to have the project completed by the time the Oakwood High School Tennis team begins their 2018 season.

Vectren gas line work is scheduled to begin at the end of May on East Drive between Shroyer Road and Shafor Boulevard. There will be a large trench dug and a new pipe installed.

The annual Sidewalk, Curb and Driveway Apron Project will start mid-June and go through the rest of the summer into early to mid-September.

The Asphalt Paving Project is scheduled to start at the beginning of July for about two weeks. Residents that are affected by the asphalt work have already received notification.

This Saturday is the final day for leaf mulch. Mulch can be picked up at the Public Works Center at no cost to Oakwood citizens from 8 a.m. to 2 p.m. For those who want mulch delivered, the City offers 3 cubic yards for \$90 and 6 cubic yards for \$130.

Oakwood residents will begin seeing the Oakwood Public Safety Department on bike patrol. This provides a unique opportunity for public safety officers to interact with the community.

Leisure Services Director Carol Collins and her staff are doing a great job preparing Gardner Pool for opening day on Saturday, May 26.

The annual Blanket Concerts will be held in June, July and August at Smith Gardens. The concerts are free and open to the public. Additional information will be available in the upcoming *Oakwood Scene* newsletter.

Mr. Klopsch closed his comments by sharing that he had the honor of attending a welcome ceremony at the Dayton VA honoring Sergeant First Class Melvin Morris. SFC Morris is a recipient of the Congressional Medal of Honor for valor in Vietnam.

Mr. Stephens asked if he is correct in saying that the Shafor Park Tennis Courts are the oldest city-owned property that has not been renovated.

Mr. Klopsch said that is correct. Staff believes that tennis facility was built in the early to mid-1960's.

COUNCIL COMMENTS

Mr. Stephens reminded everyone of "That Day in May" on Saturday, May 19. He said there is a full slate of activities which include: the pancake breakfast, 5K and 10K runs, annual parade down Shafor Boulevard, and afternoon games and rides. Mr. Stephens encouraged citizens to attend "That Day in May".

Vice Mayor Byington shared that the annual CARE Walk is on Saturday, May 12 to support breast cancer awareness.

Mayor Duncan read the following letter into the record received from FBI Special Agent Angela Byers:

"On behalf of the Cincinnati Division of the FBI, I am writing to express my sincere gratitude and appreciation for the significant contributions of Lieutenant Balaj in furtherance of the FBI Cincinnati Division SWAT Team's Emergency Medical Responder Course from April 9 to April 13, 2018 in Kettering, Ohio. Lieutenant Balaj demonstrated a high level of dedication, professionalism, and expertise through his instruction during the course.

The FBI SWAT program places safety as one of its highest priorities due to regularly working in dangerous, tactical environments. The 17 newly trained EMRs will be able to provide immediate lifesaving care and now have the knowledge and skills necessary to provide immediate lifesaving interventions while awaiting additional EMS resources to arrive at a scene. This certification is extremely important to the continued success and safety of the FBI SWAT operators.

Please extend my personal thanks to Lieutenant Balaj for his dedication and service."

Mayor Duncan added that City Council echoes Ms. Byers' statements.

The public meeting concluded at 8:31 p.m.



 MAYOR

ATTEST:



 CLERK OF COUNCIL