

CITY OF OAKWOOD  
STATE OF OHIO  
OCTOBER 1, 2018

The Council of the city of Oakwood, State of Ohio, met in a work session and executive 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  
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Matt & Karen Lindsay, MVRPC  
Representative Jim Butler  
Stefanie Campbell, 271 Schenck Avenue, Oakwood, OH 45409  
Nathan Boyce, 456 Lookout Ridge, Oakwood, OH 45419  
Brian Barr, *Oakwood Register*

Mrs. Hilton advised Council she had read the meeting minutes of the September 17, 2018 regular session and work session. Mrs. Hilton reported she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Vice Mayor Byington that the minutes of the sessions of Council aforementioned be approved as written and the reading thereof at this session be dispensed with. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

STATUS REPORTS – NONE

VISITORS

Regional Trails and Bikeways – Matt Lindsay, Manager, Environmental Planning, Miami Valley Regional Planning Commission (MVRPC): Mr. Lindsay presented a briefing on regional trails and bikeways. The Miami Valley Trails are the Region's system of shared use paths, comprising over 340 miles of connected trails, including the Dayton-Kettering (D-K) Connector that runs along the Oakwood boundary. The trails are managed by 12 separate agencies spread across 10 counties. The trail managing agencies maintain automated counters along the trails, including one at Patterson Road on the D-K Connector. MVRPC receives that data from across the region and compiles this data to study the usage of the trails. Cumulatively, it is estimated that the trails host 793,000 visits each year. These trails are popular in part because they are well maintained. Through surveys, MVRPC consistently sees that over 90% of users say the trails are safe, clean and well maintained. Mr. Lindsay thanked Oakwood for contributing to the success as the City assists with patrols along the D-K Connector.

There are great initiatives around the Miami Valley that enhance bike friendliness. Communities are putting their own priorities and character into ways to support cycling in the Region. Mr. Lindsay recognized Oakwood's efforts. The published Oakwood walking and biking routes provide an encouragement to be active. The sidewalk maintenance program is one of the best in the region. A walking school district represents a close and productive relationship between the school district and the City. The Shroyer Road project demonstrates the Oakwood community's commitment to safety, and also builds a seamless connection along Shroyer Road to the trails network. The speed logger is a brilliant approach to traffic calming – one that he believes that the city of Oakwood should share with the region. He also mentioned the annual bike rodeo, walk to school day, the farmers' market, and bike parking in the shopping district.

MVRPC offers helpful services to communities. A walking audit is an assessment of the walkability of a street or neighborhood. Walking audits are undertaken to consider and promote the needs of pedestrians, bicyclists, transit riders, and people with disabilities. These audits are a

great way to consider the answers to a lot of different kinds of questions related to roadway project planning, safe routes to school plan development, downtown revitalization and safe routes to parks. Audit events can be a good way to engage with people in the community.

Demonstration projects, or "live previews", can be another approach to assessing bike and walk friendliness in town. Sometimes an idea will bubble up in a walking audit that seems like it might be worth a try. Demonstration projects are ways of trying something with inexpensive materials (tape, cones, spray chalk, temporary signs) before investing in permanent materials (concrete, steel, and paint). Mr. Lindsay shared that MVRPC is happy to devote their services to help.

Mayor Duncan and City Council thanked Mr. Lindsay for his presentation. He shared that the speed logger has been used in many different areas in the City on a rotational basis throughout different times of the year. It has been helpful in addressing speeding concerns raised by citizens.

Ohio Legislative Updates, State Representative Jim Butler: Representative Butler provided several updates from the Ohio House of Representatives as the House ends a two year session of the General Assembly and moves toward a lame duck session. Representative Butler explained that bills that do not pass by the end of the two-year session die. So in the final weeks of the lame duck sessions, there is a rush to push bills through or add priorities onto bills that have better chances of becoming law. He added that this is not how things should be done, but he has not found a way to stop the lame duck sessions from happening.

House Bill 716 would require any state or local agency to issue temporary licenses and certificates to members of the military and their spouses who are licensed in other states and have moved to Ohio for active duty assignments. Representative Butler shared that all Veterans in the House and Senate have co-sponsored this Bill.

House Bill 345 "The Cure Bill" creates a multi-state compact to offer prizes for curing major diseases equivalent to five years of taxpayers savings. The individual that comes up the cure wins the money. Representative Butler shared that the amount of prize money for a disease like Alzheimer's or dementia could be over \$10 billion dollars. If there is no cure, there is no payment and no risk to taxpayers.

Representative Butler shared concerns related to healthcare costs. His healthcare price transparency bill required healthcare agencies to provide cost estimates prior to any services. The bill was passed into law, but no rules were drafted. The law is now subject to a court injunction, effectively stopping its implementation. There is a new and improved bill called Healthcare Price Transparency 2.0 that will hopefully be approved in the next session. This proposed bill requires insurance companies to provide an estimate of medical services 24 hours after the appointment has been scheduled. The medical professionals would also be required to provide alternative facilities that offer lower costs. This bill would save money for families, businesses and for the government.

An energy efficiency bill is being proposed that would help decrease the use of electricity and save money. Currently, energy companies make modifications that improve energy efficiency and decrease energy demand, but there is not a way to determine the cost savings. With this bill, people would continue paying their normal electric bills, and the energy saving difference would go directly to the vendor that performed the retrofitting.

A bill regarding the protection of first responder personal information, when there is a threat concern, is being proposed. First responders can contact the Secretary of State to request that their personal property record information be redacted if there is a threat concern.

The T-CAP (Targeted Community Alternatives to Prison) program is designed to lower the number of people in prison by providing community correction alternatives. This program penalizes local governments for sending people to prison.

Issue One on the November 6 ballot, in Representative Butler's opinion, is very inhumane. Issue One reduces penalties for crimes of obtaining, possessing, and using illegal drugs. Drug possession will become a misdemeanor, not a felony. The thought is that it would reduce the number of people incarcerated for non-violent drug crimes and increase the options and funding available for treatment of drug addiction. The major concern is that people would not follow through with rehabilitation. This would also provide sentence reductions by 25% if the individual participates in rehabilitation or educational programs.

Representative Butler thanked Council for their time and asked for questions.

Mr. Stephens asked if the intent of Issue One is to address overpopulated jails.

Representative Butler said that the intent is to focus on rehabilitation of addicts rather than incarceration, but he is concerned that addicts will not voluntarily seek treatment without pressure from the courts and legal system.

Vice Mayor Byington commented that Representative Butler shared the same information regarding not being able to remove lame duck sessions the last time he provided an update to City Council. He wondered why things cannot get done when one party has control over the State. Unfortunately over the past few years, there has been an attack of home rule and the State has become an enemy to local governments.

Representative Butler responded that it is not about which party is in charge. The people that are in charge are those in the special interest groups. It is commonly understood that the fight between money and what is right for the people will always occur. If more local governments come forward, similar to how Oakwood did with House Bill 5, the State would have a better chance to stand up against the special interest groups.

Mayor Duncan shared his negative experiences with the special interest group of the Ohio Society of CPAs. He also shared that he is hearing more reports of people going to in-network hospitals and being charged out-of-network costs due to the physicians that are treating them. This is a serious problem. Mayor Duncan thanked Representative Butler for coming to the meeting, and for his continued service to the community.

LEGISLATION

A RESOLUTION  
 BY MR. EPLEY NO 1850  
 APPROVING THE SOLID WASTE MANAGEMENT PLAN OF THE  
 MONTGOMERY COUNTY SOLID WASTE MANAGEMENT  
 DISTRICT

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

Mr. Epley explained that Ohio is divided into a number of districts for the management of solid waste. The primary objectives of each district are to ensure an adequate disposal capacity and to reduce reliance on landfills. Oakwood’s local district is the Montgomery County Solid Waste Management District, which includes all cities and townships in Montgomery County.

Each solid waste district is required by law to adopt and periodically update a plan for the management of solid waste within its jurisdiction, and the Montgomery County Solid Waste Management District is currently involved in this process. The process is overseen by the Solid Waste Management Policy Committee, an advisory body that includes representatives from each community. The committee is responsible for drafting the plan, obtaining EPA review, conducting a public hearing, and then presenting the approved draft to the Board of County Commissioners and to each community within the district for ratification.

Council has received the draft plan that was approved by the Solid Waste Management Policy Committee on August 29, 2018. It has been reviewed by the City Manager who, as a member of the Solid Waste Financial Advisory Committee, has been involved with the plan development over the past year and has kept Council informed as the plan was developed. He has recommended that Council ratify the plan, which will be accomplished by adopting this resolution.

Thereupon, it was moved by Mr. Epley 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.

A RESOLUTION  
BY MAYOR DUNCAN NO 1851  
EXPRESSING COUNCIL'S OPPOSITION TO STATE ISSUE 1.

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

Mayor Duncan explained that when Ohio voters go to the polls on Tuesday, November 6, 2018, they will be asked to vote on State Issue 1, entitled "Issue 1 To Reduce Penalties for Crimes of Obtaining, Possessing, and Using Illegal Drugs." This is a ballot initiative that has been proposed as an amendment to the Ohio Constitution.

Proponents of State Issue 1 argue that this amendment would reduce the number of people incarcerated for non-violent drug crimes and increase the options and funding available for treatment of drug addiction. These may be worthy goals in the abstract, but the devil is in the details. A review of the details leads Mayor Duncan to agree with Ohio Supreme Court Chief Justice Maureen O'Connor, who has said that passage of Issue 1 would have "catastrophic consequences" for Ohio.

Mayor Duncan shared the following problems with Issue 1: Issue 1 would greatly alter the sentencing laws for obtaining, possessing, and using drugs such as fentanyl, heroin, methamphetamine, cocaine, LSD, and other controlled substances. Ohio's laws would become among the most lenient in the nation, and would tie judges' hands from imposing punishment where necessary. Jail would not even be an option for an offender who possessed up to 19 grams of fentanyl – enough to kill 10,000 people. Issue 1 would reclassify felony drug possession cases as misdemeanors. Not only would this demean the seriousness of these offenses, but it would shift these cases from the jurisdiction of county Common Pleas Courts to local municipal courts that have neither the funding nor the specialized personnel necessary to address significant drug issues. County drug court programs, which have been very effective, would be made obsolete... while the burden on municipal courts would grow immediately and exponentially. Under Issue 1, drug treatment costs currently paid by the state would become an unfunded mandate to be paid by local governments that are already struggling to fund measures to combat the opioid crisis as a result of state budget cuts. Issue 1 is projected to generate savings of \$100 million annually, but those savings will benefit the state only. Local governments will see significant increases in costs for treatment, probation, courts, and local jails – costs that local taxpayers will be required to fund. When – not if, but when – problems arise under Issue 1, they cannot be fixed legislatively because these changes will have been written into our state constitution. Addressing even minor problems will require another statewide initiative and election.

For all of these reasons, Mayor Duncan stated that State Issue 1 is bad for Ohio and bad for Oakwood, and the resolution being introduced will formalize Council's opposition to this misguided ballot initiative.

Thereupon, it was moved by Mayor Duncan and seconded by Mr. Stephens that the resolution be passed.

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

MR. WILLIAM D. DUNCAN.....	YEA
MR. STEVEN 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.

Mayor Duncan shared that during his tenure on Oakwood City Council, this is the first time City Council has voted to take a position on a statewide issue.

#### STAFF REPORT

Finance Report: Finance Director Cindy Stafford referenced a PowerPoint presentation and updated Council on the following topics: 2018 Financials through August 31, 2018; 3.75 Mill Property Tax Renewal Issue; Online Resources; Do-Not-Solicit List; and the Finance Department.

In regard to the 2018 financials through August 31, 2018, Mrs. Stafford referenced a chart for General City Services, excluding transfer, showing budgeted versus actual for receipts were: \$12,357,823 and \$9,104,604; and disbursements were: \$13,402,240 and \$8,364,678. Receipts

are 74% for the year because April and May are when a significant amount of income tax and property tax is received, as well as property tax assessments. Income Tax receipts are 4.1% lower than where they were last year due to the impact of the income tax increases in Dayton and Centerville. For the Refuse Funds, excluding transfers, budgeted versus actual for receipts were: \$1,229,600 and \$852,700; and disbursements were: \$1,274,744 and \$841,270. For the Water Utility Funds, excluding transfers, budgeted versus actual for receipts were: \$1,246,500 and \$792,725 and disbursements were: \$1,116,645 and \$615,254. For the Sanitary Sewer Utility Funds, excluding transfers, budgeted versus actual for receipts were: \$1,692,200 and \$1,215,206; and disbursements were: \$1,883,756 and \$796,130. She explained that most of the sewer costs are driven by the county and their timing of billing for wastewater treatment. For the Stormwater Utility Funds, excluding transfers, budgeted versus actual for receipts were: \$327,100 and \$222,534; and disbursements were: \$543,596 and \$205,594.

The 3.75 mill property tax was first approved in May 2013 and began generating revenue in 2014. The current effective millage rate of this tax levy is 3.32. The levy raises about \$1.06 million annually and pays for Oakwood public services including items such as police, fire & EMS, street maintenance and public parks. It costs about \$102 per year for each \$100,000 in residential property valuation.

There are many resources available on the City's website ([www.oakwoodohio.gov](http://www.oakwoodohio.gov)) including annual audit reports, annual city budgets, monthly financial reports, income tax forms and vital records forms. Mrs. Stafford shared that the Finance Department is available to answer any questions.

The city's no solicitation ordinance was passed in 2013. Section 733.12 requires that the City Manager maintain a "Do Not Solicit" list, which is currently available on the City's website. Residents may add their address to the list by calling the City or visiting the City's offices; directing an email through the link provided on the City's website; or checking the box on the monthly utility bill. Each address must re-register every five years. The "Do Not Solicit" list is compared to the utility database on a regular basis, and as residents move, the list is updated. Residents will receive a postcard notification if their address is being removed as a result of the five year requirement.

Mrs. Stafford recognized the 130 years of cumulative service in the Finance Department. She recognized the following members of her staff: Alice Young, Assistant Finance Director – 40 years of service; Tracy Martin, Payroll Clerk – 31 years of service (19 as a dispatcher & 12 in finance); Theresa Rushlow, Utility Clerk – 18 years of service; Linda Merker, Tax Administrator – 15 years of service; Stacy Vreeland-Mathes, Part-time Tax Clerk – 14 years of service; Cindy Stafford, Finance Director – 10 years of service; and, Tracy Davidson, Tax Clerk – 2 years of service.

Mrs. Stafford reviewed the Finance Department's operations. In 2017, 1,154 purchase orders and 2,682 payments were processed. The income tax department reviewed 14,205 returns, which is 100% of the income tax returns. Income tax returns are keyed in electronically to the city tax system and each return is mathematically checked. 100% of business income tax returns are audited and 25% of individual returns are audited, compared to the IRS auditing less than 1% of returns. On a monthly basis, the utility department bills and processes payments for over 3,000 utility customers. The Finance Department provided 134 birth certificates for registered births within the state of Ohio and 63 death certificates for deaths that occurred within the city of Oakwood. The Finance Department issued 31 food licenses for establishments in the city of Oakwood.

Mayor Duncan asked if the citizen Budget Review Committee minutes are still available online.

Mr. Klopsch confirmed that they are.

Mrs. Hilton asked how the "Do Not Solicit" list is updated if someone moves, and why there is a five year re-registration requirement.

Mrs. Stafford explained that if someone who is already on the list moves within Oakwood, the old address is removed and the new address is added to the "Do Not Solicit" list. If the move is outside of Oakwood, the address is removed from the list.

Mr. Jacques explained that the five year re-registration requirement was written into the ordinance based on legal issues that the city of Englewood experienced with their no solicitation law. Concerns were raised that if there was no mechanism to purge the list from time to time, the list could continue to grow until every property in the city was on the list.

Mayor Duncan thanked Mrs. Stafford for the update and thanked the Finance Department for all of their good work.

CITY MANAGER'S COMMENTS – Mr. Klopsch provided an update on the following items:

The Shafor Park Tennis Court project is starting to wind down. The acrylic tennis court surface and court lines will be applied over the next week or so, weather permitting. Mr. Klopsch thanked all of the residents in the area for their patience during the construction.

The 2019 Budget is currently being prepared. Details of the capital expense portion of the budget were presented to the citizen Budget Review Committee at their September meeting. There will not be any special capital projects in 2019.

Mayor Duncan asked if the landscape work around the Shafor Park Tennis Courts will be completed this year.

Mr. Klopsch confirmed that the landscape work will be done in late October or November of this year, after all of the construction work is completed.

COUNCIL COMMENTS

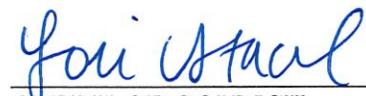
Mrs. Hilton shared that she attended the annual document shred event at the Public Works Center this past weekend. She mentioned that Sunday, October 14 is the Family Fall Festival event at Shafor Park from 2 – 5 p.m., which is the kick-off to Scarecrow Row. She encouraged everyone to come out and enjoy the fun event.

The public meeting concluded at 9:06 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL

