

CITY OF OAKWOOD
STATE OF OHIO
MAY 3, 2021

The Council of the city of Oakwood, State of Ohio, met in a work session at 6:00 p.m. in the second-floor training 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.

City Council was present at City Hall while respecting social distancing guidelines. Four staff members were present and dispersed throughout the council chambers. The meeting was streamed live from the Oakwood city website, telecast live on Cable Access Channel 6 and was available via remote teleconferencing utilizing the Zoom.com platform.

The Mayor, Mr. William D. Duncan, presided, and the acting Clerk of Council, Mr. Robert F. Jacques, 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
MRS. LEIGH TURBEN	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

There were no visitors attending the meeting in-person.

Attending via remote teleconference utilizing the Zoom.com platform were the following visitors:

Mr. John Hemmert, AES Ohio (formerly DP&L)

Mrs. Hilton advised Council she had read the meeting minutes of the April 5, 2021 regular session, 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. 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
Citizen Committee Appointments – Mayor Duncan presented the reappointments of Nancy Drozd and Gregg Smith, and the appointment of Evan Brooks to the Oakwood Beautification Committee.

It was moved by Mayor Duncan and seconded by Vice Mayor Byington 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.

Mayor Duncan noted that there are several other vacancies on the citizen committees. City Council and city staff are in the process of identifying citizen volunteers for appointment at the June 7 Council meeting.

VISITORS
There were no visitors wishing to address City Council.

LEGISLATION

AN ORDINANCE
BY MR. STEPHENS NO 4935
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 ordinance is the third step of Oakwood's 2022 street lighting program. The ordinance allows for the costs of 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
MRS. LEIGH TURBEN	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 4936
AN ORDINANCE ADOPTING THE 2022 TAX BUDGET FOR THE
CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING
JANUARY 2022.

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 2022. The ordinance was introduced with a first reading at the April 5, 2021 Council meeting.

The City Charter requires a public hearing for this ordinance. Notice of the hearing was published as required, inviting any interested residents to contact the Clerk of Council to arrange for remote testimony. No one has done so, so the record will reflect that the hearing was duly convened but no members of the public wished to testify.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mrs. Turben 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
MRS. LEIGH TURBEN	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 4938
AN ORDINANCE TO AMEND SECTION I, 2021 ORIGINAL
APPROPRIATION ORDINANCE NO. 4925, AND ANY EXISTING
SUPPLEMENTS THERETO, TO PROVIDE FOR THE
APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$280,000 TO BE EXPENDED FROM THE GENERAL EQUIPMENT REPLACEMENT FUND FOR THE PURCHASE OF A REFUSE PACKER; AND
2. AN AMOUNT OF \$280,000 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE GENERAL EQUIPMENT REPLACEMENT FUND;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE
FISCAL YEAR ENDING DECEMBER 31, 2021.

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 purchase a new refuse packer for use by the Public Works Department. Prior to the COVID-19 pandemic, this was planned as a 2022 purchase. However, delivery of large trucks and other equipment has been significantly slowed by the pandemic due to manufacturing and supply chain disruptions. Prices are also trending up, and city staff believes the cost will rise even higher if in 2022 to purchase this packer truck.

To ensure that delivery delays do not impact the city’s refuse operations, and to take advantage of current pricing, the City Manager has recommended ordering the refuse packer in 2021. It will replace a 2000 model year refuse packer that is at the end of its useful life.

This supplemental appropriation will transfer \$280,000 from the city’s General Fund to the General Equipment Replacement Fund, and then authorizes an additional amount of \$280,000 to be expended from the General Equipment Replacement Fund to purchase the refuse packer.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Stephens that the second reading be waived and that the ordinance be passed tonight.

Mayor Duncan noted that four yes votes are required in order to waive the second reading of the ordinance.

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

- MR. WILLIAM D. DUNCAN.....YEA
- MR. STEVEN BYINGTONYEA
- MR. ROBERT P. STEPHENS.....YEA
- MRS. ANNE HILTONYEA
- MRS. LEIGH TURBENYEA

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 4939
AN ORDINANCE TO AMEND SECTION I, 2021 ORIGINAL
APPROPRIATION ORDINANCE NO. 4925, AND ANY EXISTING
SUPPLEMENTS THERETO, TO PROVIDE FOR THE
APPROPRIATION OF:

- 1. AN ADDITIONAL AMOUNT OF \$257,730 TO BE
EXPENDED FROM THE CAPITAL IMPROVEMENT
FUND FOR IMPROVEMENTS TO THE RECYCLING
CENTER; AND
- 2. AN AMOUNT OF \$257,730 TO BE TRANSFERRED
FROM THE GENERAL FUND TO THE CAPITAL
IMPROVEMENT FUND;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE
FISCAL YEAR ENDING DECEMBER 31, 2021.

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 another supplemental appropriation ordinance that will allow the city to make some significant improvements at the Public Works Center.

The Public Works Department has been developing a plan to upgrade the 24/7 public-access recycling center, and that project was scheduled to take place in 2022. The project would relocate the center from its current location in the dog park parking lot to a larger area at the southwest corner of the Public Works yard. It would create a more efficient drop-off operation. Additionally, it would create a safer environment for users of the center by removing it from the

heavily used and often congested dog park parking lot. The total project cost is estimated to be \$257,730.

City staff capitalized on a grant funding opportunity through the Montgomery County Solid Waste District and was informed that the city will be awarded \$72,000 towards the project. This is the highest single amount being awarded to any community under the 2021 District Incentive Grant program, recognizing Oakwood's commitment to recycling.

The grant amounts to about 28% of the \$257,730 project cost, but is conditioned upon the project taking place in 2021. Council believes it is financially prudent to take advantage of this opportunity, which represents a significant savings to the citizens of Oakwood.

This supplemental appropriation will authorize the transfer of \$257,730 from the city's General Fund to the Capital Improvement Fund, and then authorizes that \$257,730 to be expended from the Capital Improvement Fund to relocate and update the city's public-access recycling center. Upon completion of the project, the city will receive \$72,000 from the Montgomery County Solid Waste District in the form of a cash reimbursement.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mrs. Hilton that the second reading be waived and that the ordinance be passed tonight.

Mayor Duncan shared that the new recycling facility will alleviate congestion issues that are currently experienced. The new facility will allow staff to easily maintain the facility, and will provide more space for visitors to the dog park.

Vice Mayor Byington commended city staff for applying for and being awarded this substantial grant.

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
MRS. LEIGH TURBEN	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 4940
AN ORDINANCE TO CREATE A FUND WITHIN THE FISCAL
RECORDS OF THIS CITY TO BE KNOWN AS THE "LOCAL FISCAL
RECOVERY FUND;" AND TO DECLARE AN EMERGENCY.

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 ordinance will establish a new fund in the city's financial records known as the "Local Fiscal Recovery Fund." The fund is required by law in order to receive direct and indirect relief payments under the American Rescue Plan Act of 2021, which was signed into law by the President of the United States on March 11, 2021.

Normally, the creation of a new fund requires approval from the Ohio Auditor of State. However, the Auditor has waived the state's right to approve these funds because they are required by federal law. As such, Council has authority to create the fund legislatively, with no further state approval.

This ordinance is being introduced as an emergency measure so that it can take effect as soon as possible, ensuring that the fund is in place before the city receives its first relief payments.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Stephens that the ordinance be passed as an emergency measure.

Mayor Duncan asked if this will be set up as a Special Revenue Fund.

Finance Director Cindy Stafford confirmed that it will be set up as a Special Revenue Fund.

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

MR. WILLIAM D. DUNCAN.....YEA
MR. STEVEN BYINGTONYEA
MR. ROBERT P. STEPHENS.....YEA
MRS. ANNE HILTONYEA
MRS. LEIGH TURBENYEA

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 4941
AN ORDINANCE AMENDING SECTION 145.04, FORMAL BIDDING
PROCEDURES, OF THE OAKWOOD ADMINISTRATIVE CODE TO
CLARIFY THAT CERTAIN BROKERED PURCHASES AND
CONTRACTS ARE EXEMPT FROM FORMAL BIDDING
REQUIREMENTS.

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 to update Section 145.04(E) of the Oakwood Administrative Code, which is the city’s purchasing and contracting ordinance.

Formal competitive bidding is required for most city purchases over \$50,000. However, there are exceptions to those requirements for certain kinds of purchases and contracts. The key is whether, in the absence of formal bidding, there are inherent assurances to ensure fair and reasonable pricing. The city has an obligation to be a good steward of public resources.

For many years the city has obtained insurance and other employee benefits through brokers who are familiar with the local market and who have a contractual fiduciary duty to act in the best interests of the city. These broker service contracts have always been exempt from competitive bidding as contracts for professional or personal services, and the underlying benefit contracts have been included in that exemption. However, Council wishes to add a specific exemption for the underlying benefit contracts. This will avoid any specious argument that the broker contract might be exempt while the underlying contracts are not.

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

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4942
AN ORDINANCE TO TERMINATE SPECIAL REVENUE FUND 209
UPON THE FINANCIAL RECORDS OF THE CITY; AUTHORIZE
THE TRANSFER OF ITS REMAINING BALANCE TO THE
GENERAL FUND; AND AMEND EXISTING APPROPRIATIONS OF
THE CITY TO INCLUDE SAID TRANSFER.

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 the city’s financial records include special revenue fund 209, which is also known as the MLK Community Recognition Fund. It was established by Council in 2005 to receive, hold, and expend money for an annual breakfast to honor the life and vision of Dr. Martin Luther King, Jr. The breakfast was a joint program between the cities of Oakwood and Kettering that lasted for many years.

Ultimately, the event was discontinued as an exclusive program for the two communities, instead supporting larger regional celebrations. This left a remaining fund balance of just over \$7,500. Half of that has been returned to the city of Kettering, leaving \$3,753.02 in the fund.

Last fall, Council adopted Resolution No. 1878, recognizing the establishment of the Oakwood Inclusion Coalition (“OIC”) and declaring strong support for its mission and purpose. The OIC is a non-profit citizen-driven organization with the mission “to study, promote, and celebrate an inclusive, equitable, diverse and welcoming environment and community for everyone who lives, works, visits, or passes through Oakwood.”

The OIC’s mission is very much consistent with the vision of Dr. Martin Luther King, Jr., and Council wishes to contribute the remaining balance of Fund 209 as initial seed money for the OIC. Not only is this an important public purpose, but it is also a fitting and proper tribute to Dr. King’s legacy and an appropriate use for those dollars.

The ordinance being introduced will terminate Fund 209, and authorizes the transfer of its remaining balance to the General Fund. Once in the General Fund, the money will be available for contribution to the OIC. The ordinance also amends the existing appropriation ordinances to include this transfer.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mrs. Hilton that the second reading be waived and that the ordinance be passed tonight.

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
MRS. LEIGH TURBEN.....	YEA

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

STAFF REPORT

Finance Department Presentation: Mrs. Cindy Stafford, Finance Director, referenced a PowerPoint presentation and updated Council on the following topics: 2020 year-end finances; 2021 financials through March 31; the Income Tax Department; and payment options for city services.

In regard to the 2020 year-end financials, she referenced a chart for Non-Enterprise Funds (General City Services), excluding transfers, showing budgeted versus actual for receipts (budgeted: \$13,641,843 versus actual: \$14,733,426) which is 108% of budget; and disbursements (budgeted: \$14,953,721 versus actual: \$13,156,484) which is 87.98% of budget. The COVID-19 pandemic made 2020 a challenging year. All anticipated revenues and budgeted expenditures were evaluated to determine the possible impacts of the pandemic. During the early stage of the pandemic, it was feared that income tax revenue may drop significantly, in particular because of the state-wide shutdown. With income tax receipts representing 63% of the City's revenue, city staff cut approximately \$500,000 in planned capital project expenditures. As the year unfolded, income tax revenue rebounded and the year finished at \$306,000 better than budget, with revenues exceeding the budget by \$1,091,583. The City received \$518,000 in CARES Act money provided by the Federal Government, and \$885,000 of Bureau of Workers' Comp rebates to help ease the financial pressures amid the ongoing coronavirus pandemic. The CARES Act funds were used in full compliance with all federal and state requirements to offset direct costs as a result of the pandemic. Disbursements and encumbrances were \$1,797,237 less than budget. This was a result of cancelled OCC classes and events; postponed capital projects; CARES Act monies offsetting public safety salaries; and an additional \$308,000 that was not transferred to other funds for normal expenditures.

Mrs. Stafford then referenced a chart for the Refuse Fund, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$1,350,600 versus actual: \$1,450,231), which is 107.38% for the year; disbursements (budgeted: \$1,663,650 versus actual: \$1,537,179) which is 92.40% of budget. Revenue exceeded the budget by almost \$100,000 due to the Bureau of Workers' Comp rebates. The rebates were allocated to funds with wages paid, including refuse.

She then referenced a chart for Enterprise Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$3,440,535 versus actual: \$3,706,608), which is 107.73% for the year; disbursements (budgeted: \$3,988,037 versus actual: \$3,724,644) which is 93.40% of budget. The Enterprise Funds include Water, Sanitary Sewer and Stormwater. She explained that most of the sewer costs are driven by Montgomery County and the city of Dayton and their timing of billing for wastewater treatment.

In regard to 2021 financials through March 31, Mrs. Stafford referenced a chart for General City Services, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$13,536,569 versus actual: \$4,383,192) which is 32.38% of budget; April is when a large portion of income taxes are received; and disbursements (budgeted: \$14,064,295 versus actual: \$5,017,624) which is 35.68% of budget.

She then referenced a chart for the Refuse Fund, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$1,352,600 versus actual: \$334,302), which is 23.32% of budget; disbursements (budgeted: \$1,707,976 versus actual: \$867,737) which is 34.05% of budget.

She then referenced a chart for Enterprise Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$3,511,035 versus actual: \$818,757) which is 23.32% of budget;

disbursements (budgeted: \$3,794,161 versus actual: \$1,291,748) which is 34.05% of budget. The Enterprise Funds include Water, Sanitary Sewer and Stormwater.

Mrs. Stafford recognized the Income Tax Department, which is part of the Finance Department. The Income Tax Department consists of Income Tax Administrator Linda Merker, Income Tax Clerk Tracy Davidson and part-time Income Tax Clerk Stacy Vreeland-Mathes. She shared that working in this department is not the easiest of jobs because they are tasked with collecting city income taxes. Mrs. Stafford thanked the Income Tax Department employees for doing an excellent job helping people with Oakwood income taxes. Over the last 15 years, the department processed an average of 13,643 returns per year. Mrs. Stafford noted that the due date for filing 2020 City of Oakwood income tax return has been extended to May 17, 2021. Requests for a federal extension by filing Form 4868 will automatically approve an extension with the City to file Oakwood returns. As a reminder, extensions do not extend the time to remit 2020 taxes, only to file the returns.

Later this year, the City will begin offering online tax filing of some Oakwood municipal income tax returns. The online filing will be limited to individuals with W-2 wage income only. The e-filing will be available via a link on our website.

The City website provides information and the necessary forms to assist residents with city finance services. City payments such as utility, income tax, and many other payments can be made online through the finance website portal. Mrs. Stafford encouraged residents to receive monthly invoice statements electronically. She explained that just because you get an electronic statement does not mean that you are required to pay online. In addition to online payments, the City accepts payment by check, cash and utility payments via electronic funds transfer. Payments dropped off in the City's secure drop boxes go directly to the Finance Department.

Mr. Stephens asked how many tax returns include only W-2 wages.

Mrs. Stafford shared that approximately 50% of the returns are just W-2 wages.

Mayor Duncan thanked Mrs. Stafford for everything the finance department did last year during the pandemic to prepare for the unknown. Mayor Duncan shared that as a CPA, he has worked with Income Tax Administrator Linda Merker. Ms. Merker is very professional and knowledgeable. He thanked the Finance Department and the Income Tax Department for everything they do to secure the finances of the city.

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

Mr. Klopsch shared that he enjoys listening to the staff reports because they demonstrate the outstanding work that is done by the department heads. He shared that he often feels that his two primary responsibilities are to ensure that the department heads have the resources they need to do their jobs, and to remove any obstacles to help them shine.

The basketball courts at Orchardly Park and Shafor Park opened on Monday, April 5. Aside from a couple reports of late-night basketball activity, the court use is going smoothly. The Public Safety Department will continue to closely monitor the parks and respond if needed.

The rubber surface playground area at Orchardly Park is being replaced. It was originally installed in 2008. Weather permitting, the playground should be open later this week.

In a few weeks, the Shafor Park Tennis Facility will be resurfaced. The work is being done under warranty, and was originally planned for 2019. The work will fix flaws that occurred with the original project in 2018 and at no public expense. The contractor has done a great job in honoring the contract and warranty. The facility will be closed for a period of 6 –8 weeks, but will be open in time for the high school tennis team to begin their practice in late July, early August.

Mr. Klopsch thanked City Council for approving the appropriation ordinance for the refuse packer. The price for packers has already increased by 12% since the other packer was ordered last fall. The two packer trucks, aside from the fire engines, are the most mission-essential vehicles. They are on the street four days a week, 52 weeks a year. The vehicles being replaced are 2000-year models and are very much worn out. One of the vehicles is completely out of service. The new packers should last for 15-20 years.

He also thanked City Council for approving the appropriation ordinance for the recycling center improvements. There will be a new circular traffic design at the entrance of the Public Works Center. The recycling center will be available 24-7.

The Oakwood Inclusion Coalition (OIC) had a second general membership meeting on April 28. The citizen-driven group holds meetings quarterly. The first general membership meeting had approximately 100 people in attendance, and the second meeting had approximately 80 people in attendance. Both meetings were done entirely via Zoom. The OIC is an important organization with a great mission and purpose.

By the end of June, the Oakwood Public Safety Department will have operational in-car and body cameras. The cameras will serve the department and city well.

Mayor Duncan wished Mr. Klopsch safe travels on his upcoming vacation to visit his father.

COUNCIL COMMENTS

Councilmember Turben shared that the Oakwood Historical Society has an exclusive single house tour planned for June 19.

Councilmember Stephens reminded everyone of "That Day in May" on Saturday, May 15. He congratulated students, parents and school staff on a successful school year. There will be a well-deserved parade on Friday, May 21 to honor Oakwood graduating seniors.

Vice Mayor Byington encouraged everyone to attend the "That Day in May" events. He shared that this week is "Teacher Appreciation Week." He encouraged people to reach out to teachers to recognize their hard work, adaptability and resiliency.

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



MAYOR

ATTEST:



CLERK OF COUNCIL