

CITY OF OAKWOOD
STATE OF OHIO
MAY 2, 2022

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 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 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.....	ABSENT
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
- Ms. Lori Stacel, Clerk of Council

The following in-person visitors registered:

- Magistrate Jacqueline Gaines
- Mr. Brian Barr, *Oakwood Register*

There were no Zoom visitors in attendance.

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

Mrs. Hilton advised Council she had read the meeting minutes of the December 7, 2021 work session, April 4 regular session and work session, and the April 18 work session and executive session. Mrs. Hilton noted that the December 7, 2021 minutes reference a “regular session” and that should be changed to “work session.” Otherwise, 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, with the noted correction, 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 new appointment of Deborah Spears to the Property Maintenance Board.

It was moved by Mayor Duncan and seconded by Mrs. Hilton 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.

VISITORS

Magistrate Jacqueline Gaines: Magistrate Gaines shared that she is an Oakwood resident and has lived in the Dayton area for approximately 18 years. She has served the last eleven years as a magistrate in the Montgomery County Domestic Relations Court. Magistrate Gaines explained that she is running for Montgomery County Common Pleas Court Judge because the citizens of Montgomery County deserve to have a judge that treats each person with dignity and respect. She asked for the Oakwood community’s vote in the Democratic primary on May 3.

City Council wished Magistrate Gaines luck in her future endeavors.

AN ORDINANCE
 BY MR. STEPHENS NO 4955
 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.

Mrs. Hilton explained that this is the third and final step of the 2023 street lighting program. It allows for the costs of street lighting to be certified to the Montgomery County Auditor for assessment. The ordinance was introduced with a first reading by Councilmember Stephens at the April 4 Council meeting.

Thereupon, it was moved by Mrs. Hilton 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
MRS. ANNE HILTON	YEA
MRS. LEIGH TURBEN	YEA

There being four (4) yea votes and no (0) nay votes thereon, said ordinance was declared duly passed and it was so ordered.

AN ORDINANCE
 BY MR. STEPHENS NO 4956
 AN ORDINANCE DETERMINING TO PROCEED WITH THE
 REPAIRING OF SIDEWALKS AND APPURTENANCES THERETO
 ON CERTAIN STREETS BETWEEN CERTAIN TERMINI, IN THE
 CITY OF OAKWOOD, OHIO, AND PROVIDING THAT ABUTTING
 PROPERTY OWNERS REPAIR THE SAME.

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

Mrs. Hilton explained that this is an annual ordinance that is the second step of the 2022 Sidewalk, Curb and Driveway Apron Project. This year’s program will cover the west side of Far Hills Avenue between Harman Avenue and the north corporation line at Old River. The ordinance was introduced with a first reading by Councilmember Stephens at the April 4 Council meeting.

Thereupon, it was moved by Mrs. Hilton and seconded by Vice Mayor Byington 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
MRS. ANNE HILTON	YEA
MRS. LEIGH TURBEN	YEA

There being four (4) 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 4957
 AN ORDINANCE ADOPTING THE 2023 TAX BUDGET FOR THE
 CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING
 JANUARY 2023.

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 an annual housekeeping ordinance to estimate the city's revenues and expenses for calendar year 2023. The ordinance was introduced with a first reading at the April 4 Council meeting.

Thereupon, it was moved by Vice Mayor Byington 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
 MRS. ANNE HILTON.....YEA
 MRS. LEIGH TURBEN.....YEA

There being four (4) 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 4958
 TO AMEND ORDINANCE NO. 4519 THAT ADDRESSES THE
 "SPECIAL PROJECTS FUND," FOR PURPOSES OF INCREASING
 THE UPPER LIMIT ON THE AMOUNT OF MONEY WHICH MAY BE
 RETAINED IN THE SPECIAL PROJECTS FUND.

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 adjust the cap on money that can be held in the city's Special Projects Fund. The Special Projects Fund is an accounting fund used to set money aside for larger capital improvement projects planned for the future. Council last increased the cap on this fund in 2002 as a means of ensuring that the size of the fund was appropriate for the types of capital improvement projects for which it was to be used. For the last 20 years, the fund has been capped at \$3 million. With costs continuing to rise and several large capital projects on the horizon, the Finance Director has recommended that the cap be increased to \$5 million. Under existing rules, it takes an affirmative vote of four council members to authorize spending from this fund. It was introduced with a first reading at the April 4 Council meeting.

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
 MRS. ANNE HILTON.....YEA
 MRS. LEIGH TURBEN.....YEA

There being four (4) 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 1894
 TO APPROVE PARTICIPATION IN REGION 8 GOVERNANCE
 STRUCTURE UNDER THE ONEOHIO MEMORANDUM OF
 UNDERSTANDING.

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 is a resolution that relates to the OneOhio Memorandum of Understanding (the "OneOhio MOU"), which was approved by Council in September of last year. At that time Council adopted Resolution No. 1888, authorizing the city's participation in OneOhio, a consortium of local governments throughout the state that was formed to facilitate the allocation of settlement proceeds from national opioid litigation. Among other things, the OneOhio MOU divides Ohio into several regions, and contemplates that some portion of settlement funds will be allocated to each region for use in abating the opioid epidemic.

Under the terms of the MOU, each region must establish a governing body to oversee the use of settlement funds within the region, and must do so in a manner that ensures adequate and meaningful input from various community stakeholders and equitable use of settlement funds throughout the region.

Region 8, of which Oakwood is a part, has developed a plan for a governing body to accomplish these goals. It will consist of 12 members from a wide cross-section of our region, to include two representatives from the Region's largest municipality (the City of Dayton) and one representative from each of the following:

- another city, as identified by the Greater Dayton Mayors and Managers Association;
- a township, as identified by the Montgomery County Township Association;
- a village, to be identified as the Village most affected by overdose deaths;
- the Montgomery County Commission;
- the Dayton Area Chamber of Commerce;
- Montgomery County Alcohol, Drug Addiction & Mental Health Services;
- Public Health - Dayton & Montgomery County;
- the Criminal Justice Council;
- the Greater Dayton Area Hospital Association; and
- an individual with lived experience, as identified by Community Overdose Action Team Backbone Support.

This plan is the result of community-wide collaboration and will take effect upon approval by all regional participants.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mrs. Hilton that the resolution be passed.

Mayor Duncan shared that as president of the Greater Dayton Mayors and Managers Association, he has asked Trotwood Mayor Mary McDonald to serve on this group.

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
MRS. ANNE HILTON	YEA
MRS. LEIGH TURBEN	YEA

There being four (4) yea votes and no (0) nay votes thereon, said resolution was declared duly passed and it was so ordered.

AN ORDINANCE

BY MRS. HILTON NO 4959

REPEALING CURRENT SECTION 549.01, *SALE OR DISCHARGE OF FIREWORKS*, OF THE OAKWOOD GENERAL OFFENSES CODE, AND ENACTING NEW SECTION 549.01, *SALE OR DISCHARGE OF FIREWORKS*, OF THE GENERAL OFFENSES CODE, FOR THE PURPOSE OF ADDRESSING THE PROVISIONS OF H.B. 172 CONCERNING THE RIGHT OF MUNICIPALITIES TO RETAIN REGULATIONS AND PROHIBITIONS ON THE DISCHARGE, IGNITION AND EXPLODING OF FIREWORKS THAT EXISTED PRIOR TO THE ENACTMENT OF H.B. 172

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

Mrs. Hilton explained that the Governor of Ohio recently signed H.B. 172, which amends state law to legalize the discharge of fireworks on private property on certain designated days of the year. H.B. 172 also provides that pursuant to its constitutional home rule authority, a city may choose to restrict the days and times that a person may discharge consumer grade fireworks or may impose a complete ban on the use of consumer grade fireworks.

Oakwood is almost entirely residential, and has nearly 4,000 housing units within 2.2 square miles. Given this density, fireworks pose a significant risk to persons and property, and the Director of Public Safety has recommended that Council opt out of H.B. 172 and reaffirm Oakwood's existing ban on possessing, selling or discharging fireworks. Of note, Oakwood has prohibited fireworks for over 100 years, dating back to 1920.

The ordinance being introduced will update and reaffirm Oakwood's ban on fireworks before the new state law takes effect on July 1, 2022.

This was a first reading of the ordinance, so Mrs. Hilton made no motion.

STAFF REPORT

Finance Department Presentation: Mrs. Cindy Stafford, Finance Director, referenced a PowerPoint presentation and updated Council on the following topics: 2021 year-end finances; 2022 financials through March 31; and department updates.

In regard to the 2021 year-end financials, she referenced a chart for Non-Enterprise Funds (General City Services), excluding transfers, showing budgeted versus actual for receipts (budgeted: \$13,536,869 versus actual: \$15,694,401) which is 115.94% of budget; and disbursements (budgeted: \$14,862,025 versus actual: \$14,017,029) which is 94.31% of budget. The year finished better than budget, with revenues exceeding the budget by \$2,157,532. Disbursements and encumbrances were \$844,996 less than budget. The City received \$468,000 of unbudgeted revenue from the American Rescue Plan Act and income tax receipts continue to rebound positively impacting income tax receipts.

Mrs. Stafford then referenced a chart for the Refuse Fund, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$1,352,600 versus actual: \$1,376,419), which is 101.76% for the year; disbursements (budgeted: \$1,707,976 versus actual: \$1,639,264) which is 95.98% of budget. The budget included capital expenditures for the purchase of a new refuse packer and four new refuse scooters.

She then referenced a chart for Enterprise Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$3,511,035 versus actual: \$3,532,783), which is 100.62% for the year; disbursements (budgeted: \$3,794,161 versus actual: \$3,605,405) which is 95.03% of budget. The Enterprise Funds include Water, Sanitary Sewer and Stormwater. The water and sewer funds can fluctuate from year to year and are driven, in large part, by the weather and rainfall. The budget also included two expenditures for stormwater and sanitary sewer repairs.

The 2021 financial audit was 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 2022 financials through March 31, Mrs. Stafford referenced a chart for General City Services, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$15,652,995 versus actual: \$4,415,841) which is 28.21% of budget; April is when a large portion of income taxes are received; and disbursements (budgeted: \$16,135,194 versus actual: \$6,007,246) which is 37.23% of budget. Property taxes and property tax assessments are typically received in April and May.

She then referenced a chart for the Refuse Fund, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$1,378,600 versus actual: \$340,946), which is 24.73% of budget; disbursements (budgeted: \$1,605,900 versus actual: \$669,641) which is 41.70% of budget.

She then referenced a chart for Enterprise Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$3,588,935 versus actual: \$805,303 which is 22.44% of budget; disbursements (budgeted: \$4,372,141 versus actual: \$1,660,992) which is 37.99% 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.

Mrs. Stafford shared that Utility Clerk Theresa Rushlow will be retiring this year with 22 years of service. Mrs. Rushlow handles all monthly utility billing; county assessments; miscellaneous billing and acts as the deputy vital statistics registrar. Ms. Hannah Thirey will be joining the Finance Department as a utility clerk this week.

Mayor Duncan thanked Mrs. Stafford and her staff on all their good work.

AN OAKWOOD MOMENT

Mrs. Hilton highlighted the Public Safety Department's "Coloring with a Cop" event that took place on April 21 at Wright Library.

CITY MANAGER'S COMMENTS

Mr. Klopsch reminded citizens that yard debris or green waste of any kind should not be placed in the street or gutter line. Yard debris should be placed behind the curb or behind the edge of the street just a day or two in advance of the scheduled monthly yard debris collection. Alternatively, the recycling facility at the Public Works Center has an area for yard debris drop-off that is available 24/7 and is functioning very well.

Mr. Klopsch said that he attended a ceremony to welcome a KC-135R Stratotanker to the Museum of the United States Air Force last Saturday. Four-star Air Force General Arnold W. Bunch spoke at the ceremony. The KC-135R was built in 1961 and was designed to provide aerial refueling support to other aircrafts. There were three gentlemen who flew the aircraft off the coast of Vietnam in 1967 and performed the unprecedented triple aerial refueling operation. Mr. Klopsch commented that the Air Force Museum is an ever evolving and expanding local treasure.

Mr. Klopsch closed his comments by sharing that he had the honor and privilege of recognizing two wonderful people at the Oakwood Rotary Club meeting last Friday. The Oakwood Rotary Club presented the *Civic Leadership Award* to Mrs. Harrison Gowdy for her commitment to voluntary public service. Mrs. Gowdy has served as a citizen volunteer on the Budget Review Committee; the Oakwood Planning Commission; Oakwood Comprehensive Planning Committee; and the Oakwood Martin Luther King Breakfast committee. She has also been an active member of the Oakwood Historical Society. The Oakwood Rotary Club Community Service Award was presented to Captain Mike Jones who distinguished himself by his contribution to the Oakwood community. Captain Mike Jones started his career with the city of Oakwood in December 1998 as a Public Safety Officer. He came to Oakwood following service with the West Milton Police Department and the Miami Township Fire Department. In 2001, Mike was assigned to the detective section and served as Oakwood's primary investigator for six years. During that time, Mike was involved with and successfully solved many criminal cases. Mike was promoted to the rank of Lieutenant in 2007 where he served both as the training lieutenant and as a crew lieutenant. In April 2011, Mike was promoted to the rank of Captain and served as the Operations Captain for the majority of the past decade. Mike was second in charge of the department since Alan Hill became the Chief in late 2017. The Oakwood Rotary Club will donate \$350 to The Oakwood Historical Society in Mrs. Gowdy's name and \$350 to The Food Bank, Inc. in Captain Jones' name.

COUNCIL COMMENTS

Councilmember Turben encouraged everyone to attend an unveiling ceremony of Oakwood's first historical marker at 1:30 p.m. on Saturday, May 14 in front of the Oakwood City Building, 30 Park Avenue. There will be festivities such as free docent-led historical walking tours following the ceremony.

Vice Mayor Byington shared that in lieu of having a birthday party for his wife this past weekend, they had the honor of volunteering with the RETREET program. Along with 80 other volunteers, they planted a total of 156 trees in the Trotwood/Clayton area to replace larger trees that were lost during the tornados that struck in 2019. He reminded everyone of "That Day in May" on Saturday, May 21. He said there is a full slate of activities which includes: the pancake breakfast, 5K and 10K runs, annual parade down Shafor Boulevard, afternoon games and rides, and a dunk booth. Vice Mayor Byington encouraged citizens to attend "That Day in May."

Mayor Duncan said that he has mentioned on many different occasions that Oakwood has the best public safety department. One of the reasons is because of Captain Mike Jones. Mayor Duncan read the quote from Chief Hill that was printed in this week's *Oakwood Register* because he feels the comments epitomize the man Captain Jones is and the service he gave to the community:

"The connections that he has and the relationships that he has with the community have been invaluable to this organization," said Hill. "Over the last decade I've personally witnessed a lot of people call Mike Jones, not the Oakwood Public Safety Department. For somebody in law enforcement to have that type of relationship, not with an assigned beat, but to have that with the entire community, is very impressive. It goes back to the fact that Mike is somebody who has lived in this community for 47 years. He was raised here, he grew up here, his friends are here, his friends that moved away and went to college are back and they're now raising their families here. He knows all of the schoolteachers. That's invaluable to an organization like ours."

"Without a doubt we're losing probably the most significant employee who ever walked out the door of this organization. His institutional knowledge of the both the city and the department cannot be replaced, but as a result of Mike's hard work and dedication to the department, when he took a command staff role in April 2011, he's definitely leaving the organization better than he found it, and I think that is the goal for all of us," Chief Hill said.

Mayor Duncan congratulated Captain Jones on his retirement.

The public meeting concluded at 8:23 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL