

CITY OF OAKWOOD  
STATE OF OHIO  
MAY 6, 2024

The Council of the city of Oakwood, State of Ohio, met in a work session and executive session at 6 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 available via remote teleconferencing utilizing the Zoom.com platform.

The Mayor, Mr. William Duncan, presided, and the Clerk, Ms. Lori Stacel, recorded. Mayor Duncan asked 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. LEIGH TURBEN .....	PRESENT
MRS. HEALY JACKSON.....	PRESENT

Officers of the City present were the following:

Mr. Norbert S. Klopsch, City Manager  
Mr. Robert F. Jacques, City Attorney  
Ms. Carol Collins, Leisure Services Director  
Mrs. Cindy Stafford, Finance Director  
Mr. Ethan Kroger, Planning & Zoning Manager  
Ms. Lori Stacel, Clerk of Council

The following in-person visitors registered:

Holly Noel Pohlman, 15 Shafor Boulevard  
Hunt Brown, 6841 Cedar Cove Drive  
George LeBoeuf, 7 W. Thruston Boulevard  
Gary Mitchner, 108 Patterson Road  
Sandra Moore, 801 Peach Orchard Avenue  
Jeanne Keffer, 146 E. Dixon Avenue  
Carol Holm, 223 Hilltop Avenue  
Chris Holm, 223 Hilltop Avenue  
Debbie Anderson, 211 Glenridge Avenue  
Joshua Anderson, 458 Hidden Valley Lane  
Pamela Thomas, 3810 Stoneridge Drive  
Connie & John McKay, 450 Kramer Road  
Kip Bohachek, 86 E. Dixon Avenue  
Chris Shipman & Kelsey Bohachek, 2211 Coolidge Drive  
Kevin & Lori Desch, 8587 Bobby Place  
Jill Brooks, 20 Forrer Boulevard  
Jenny Altenburg, 148 Telford Avenue  
Elizabeth Schmidt, Wright Library  
Mark Risley, 635 Far Hills Avenue  
David Suich, 291 W. Thruston Boulevard  
Andy & Cheryl Lloyd, 465 Kramer Road

The following Zoom visitors attended via remote teleconference:

Jesse

Mrs. Jackson advised Council she had read the meeting minutes of the April 1, 2024 regular session, work session and executive session, the April 9, 2024 work session and executive session, and the April 22 executive session. Mrs. Jackson reported she found the minutes correct and complete. Therefore, it was moved by Mrs. Jackson 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 –

Recognition of Kip Bohachek – Mayor Duncan recognized Oakwood resident Kip Bohachek for his lengthy volunteer service to the Oakwood community. Mr. Bohachek is the epitome of a volunteer public servant. He recently ended 22 years of service on the Oakwood Board of Zoning Appeals where he served as board chair for 16 years. He has served, and continues to serve, on the Property Maintenance Board since 1992, where he served for many years as board chair. Mr.

Bohachek served on the Public Facilities Task Force from 2001 to 2014; the 2004 Comprehensive Planning Committee; and the 2010 Athletic and Recreation Facility Planning Committee. All of this service was provided in a voluntary capacity. In 2020, Kip Bohachek received the Oakwood Rotary Club Civic Leadership Award.

Mr. Bohachek thanked Council and city staff for the public recognition.

Proclamation – Mayor Duncan read a proclamation designating the month of May as “Older Americans Month.”

Citizen Committee Appointment – Mayor Duncan presented the new appointment of Donetta Johnson to the Budget Review 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.

“Codebreaker Month”/Joe Desch Proclamation – Mayor Duncan read a proclamation recognizing the month of May as “Codebreaker Month” and the remarkable achievements of Joseph Desch. The proclamation highlighted the remarkable achievements of Joseph Desch, a pioneering and world-leading American engineer and inventor who was awarded the Presidential Medal for Merit in 1947 for his invaluable contributions to the field of cryptography, significantly hastening the Allied victory in World War II. Mayor Duncan presented the proclamation to Joseph Desch’s daughter, Deborah Desch Anderson, and recognized other family members and guests in attendance.

Mr. Andy Lloyd thanked Council and city staff for their support with this recognition.

Joshua Anderson, Joseph Desch’s grandson, shared that his family is honored to receive the proclamation on behalf of Joseph Desch. He thanked Council and the Unsung Oakwood Heroes group for taking the initiative to recognize Joe Desch’s achievements. He also thanked The Oakwood Historical Society and everyone else who has been involved for their contributions.

#### VISITORS –

Carol Holm with The Oakwood Historical Society announced the Society’s exhibit at the Wright Memorial Public Library in the south reading room to honor Joe Desch.

George LeBoeuf welcomed guests to join a reception following the council meeting.

Jill Brooks with The Oakwood Historical Society shared that they stand behind recognizing remarkable people who have shaped Oakwood’s history. She announced that The Oakwood Historical Society will have rotating exhibits at their house museum to spotlight stories and moments that have made Oakwood what it is today.

Holly Noel Pohlman, 15 Shafor Boulevard, shared that she is a proud citizen of Oakwood. She started a small business called “Bloom Tender.” She shared that her fresh harvest products will be available at the Oakwood Farmers’ Market.

#### LEGISLATION

##### AN ORDINANCE

BY MR. STEPHENS

NO 4996

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 2025 street lighting program. It 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 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  
 MR. ROBERT P. STEPHENS .....YEA  
 MRS. LEIGH TURBEN .....YEA  
 MRS. HEALY JACKSON.....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 MR. STEPHENS NO 4997  
 AN ORDINANCE TO LEVY SPECIAL ASSESSMENTS FOR THE  
 CONSTRUCTION OR RECONSTRUCTION OF SIDEWALKS AND  
 APPURTENANCES THERETO IN THE CITY OF OAKWOOD, OHIO.

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 piece of legislation for last year’s Sidewalk Repair Project authorizing the assessment of the sidewalk repair costs that have not been paid directly by affected homeowners. There are 26 unpaid invoices totaling \$20,715.13.

Thereupon, it was moved by Mr. Stephens 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  
 MR. ROBERT P. STEPHENS .....YEA  
 MRS. LEIGH TURBEN .....YEA  
 MRS. HEALY JACKSON.....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 MR. STEPHENS NO 5002  
 AN ORDINANCE TO LEVY SPECIAL ASSESSMENTS FOR THE  
 CONSTRUCTION OR RECONSTRUCTION OF SIDEWALKS AND  
 APPURTENANCES THERETO IN THE CITY OF OAKWOOD, OHIO.

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 final piece of legislation for the 2022 Sidewalk Repair Project. It authorizes the assessment of sidewalk repair costs that were not paid directly by affected homeowners. There are 26 unpaid invoices totaling \$29,530.27. These costs were not assessed last year due to timing and staff issues, but by adopting it tonight, these 2022 costs can be included with the assessment for the 2023 project.

Thereupon, it was moved by Mr. Stephens and seconded by Vice Mayor Byington 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. LEIGH TURBEN .....YEA  
 MRS. HEALY JACKSON.....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 4998  
AN ORDINANCE ADOPTING THE 2025 TAX BUDGET FOR THE  
CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING  
JANUARY 2025.

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 2025.

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. LEIGH TURBEN .....YEA
- MRS. HEALY JACKSON.....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 4999  
AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 12,  
SIGNS, OF THE OAKWOOD ZONING ORDINANCE, SO AS TO  
CLARIFY THE REGULATORY EXEMPTION FOR CERTAIN FLAGS  
AND TO SPECIFY A METHOD FOR CALCULATING THE SIGN  
FACE AREA OF TEMPORARY SIGNS INSTALLED AS LAWN  
SIGNS.

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 amend the Zoning Code. It was introduced with a first reading at the April council meeting.

These proposed changes were reviewed by the Planning Commission at a public hearing on March 6. The Planning Commission unanimously recommended approval by Council. Council will conduct its own public hearing tonight, and then proceed to a vote.

Public Hearing. Mayor Duncan introduced the public hearing for Application 24-1, which requests text amendments of the Oakwood Zoning Code in two regards, both of which involve sign regulations under Title 12. As a text amendment to the Zoning Code, this ordinance is subject to a two-step approval process that requires public hearings before the Planning Commission and Council. The Oakwood Planning Commission met on March 6, 2024 and voted 5 – 0 to recommend approval of the Zoning Code amendments.

Mayor Duncan explained the public hearing process and shared that Mr. Jacques will be presenting a staff report. He further explained that this is a quasi-judicial hearing, so Mr. Jacques will be administering an oath to those in the audience wishing to testify.

Mr. Jacques administered an oath to Mr. Suich.

Mr. Jacques then provided the following report:

The first proposed amendment is for an existing exemption under Section 1201.03(B), *Exempt Signs*, whereby “Governmental Flags” are not subject to regulation. As currently written, the exemption could be interpreted as a content-based regulation with potential constitutional ramifications. The recommended clarifying language will make the regulation content-neutral by eliminating the word “governmental” and adding size and number regulations.

The second proposed amendment is for Section 1201.06(B), which requires that in the case of a multi-faced sign, all sides must be counted when calculating a sign's surface area. This has proved to be a challenging and overly restrictive rule when dealing with temporary lawn signs, such as commonly used political signs. At the suggestion of City Council, staff has proposed language that would allow temporary lawn signs to be treated as single-sided for purposes of calculating sign surface area.

Mayor Duncan asked about the size of a typical American Flag. He also commented on the bed sheets displayed at times by University of Dayton students along Irving Avenue.

Mr. Jacques said that the usual size of an American flag at a home is 3'x5' or 4'x6'. The majority of bed sheets displayed on houses along Irving Avenue will be too large and therefore prohibited.

Mr. Stephens asked if there is a time limit on how long a temporary sign can be displayed.

Mr. Jacques said no and explained that the First Amendment protects signs as speech, and as a result courts closely review attempts to regulate signs. Time limits such as "not more than 30 days prior to an election" are seen as prohibiting free speech during the other 11 months of the year.

Mr. Stephens asked what the size limits are for temporary signs.

Mr. Jacques shared that signs must be smaller than 6 square feet in area, and shorter than 4 feet in height. The combined total surface area of temporary signs cannot exceed 12 square feet in area.

Mayor Duncan noted that signs cannot be placed in the public right-of-way or city boulevards.

Mr. Jacques agreed, stating that the signs must be placed on the owner's property.

Mayor Duncan opened the public hearing.

David Suich, 291 W. Thruston Boulevard, commented on the number of political yard signs a few years ago. He shared that one of his signs was removed and expressed concerns about possible selective enforcement in Oakwood. He inquired about regulations on a prominent flagpole in his front yard.

Mr. Jacques said that he believes larger flags may be grandfathered.

Mr. Suich commented on how his flagpole line was cut and had to be replaced. He closed his comments by asking that the regulations be enforced equally throughout the city.

Mr. Jacques administered an oath to Mrs. Holm.

Mrs. Holm asked why the change is to only governmental flags.

Mr. Jacques explained that the word "governmental" is being eliminated to make the regulation content-neutral. He shared that there are separate regulations for banner-type signage.

Mr. Stephens asked for the size limits on flags.

Mr. Jacques answered that flags can only total 60 square feet. He noted that these dimensions are already in the design area of the Zoning Code.

Mr. Stephens shared concerns about how smaller flags will look on large flagpoles. He asked how this is handled with the schools or other facilities in Oakwood with large flagpoles.

Mr. Jacques noted that more than likely the existing flagpoles were already established so they are grandfathered. He suggested that Council could consider building in a process for special use permits for people who want a larger flag. The ordinance can be updated and brought back to the June 3 council meeting.

Mrs. Pohlman asked how yard signs are handled.

Mr. Jacques explained that all temporary signs are treated equally regardless of content, but advertisement signs are prohibited. The city has more latitude to regulate commercial signage, compared to political, religious, or other kinds of core speech.

Mrs. Pohlman asked about flag advertisements.

Mr. Jacques said that advertisement is prohibited.

Jenny Altenburg, 148 Telford Avenue, asked if this applies to residential zoning districts.

Mr. Jacques said yes.

Mayor Duncan closed the public hearing.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Stephens that a provision be added to the ordinance to allow for possible special use or other review processes for larger flags, and that the matter be brought back before Council at the June 3 council meeting.

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. LEIGH TURBEN ..... YEA
- MRS. HEALY JACKSON..... YEA

There being five (5) yea votes and no (0) nay votes thereon, said ordinance will be edited and presented to Council.

AN ORDINANCE  
 BY VICE MAYOR BYINGTON                      NO 5000  
 AN ORDINANCE AMENDING SECTION 1171.09, LOT SPLITS ON WHICH NO PLAT IS REQUIRED, OF THE OAKWOOD SUBDIVISION CODE, SO AS TO CLARIFY THE PROCESS FOR ADMINISTRATIVE REVIEW AND APPROVAL OF CERTAIN MINOR SUBDIVISIONS WITHOUT REQUIRING A FORMAL PLAT.

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 amend the Subdivision Code so that minor lot splits and consolidations can be approved administratively. It was introduced with a first reading at the April council meeting.

The City Manager already has the authority to issue these administrative approvals in many cases. However, the current code requires a "deed" or "instrument of conveyance" for these minor adjustments, so there is no option for administrative approval where no actual conveyance is taking place. A common example in Oakwood happens when the owner of a double lot wishes to consolidate them into a single parcel. There is no "conveyance" because neither lot is changing ownership...they are simply being merged under the same ownership.

As noted last month, this is a common-sense amendment that eliminates an unnecessary formal review process. It will allow for these kinds of boundary adjustments to be made more quickly and at a lower cost to the property owner.

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. LEIGH TURBEN ..... YEA
- MRS. HEALY JACKSON..... 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: 2023 year-end finances/audit and 2024 financials through April 30, 2024.

Mrs. Stafford shared that all of the information she is reporting on this evening is also available on the city website.

Regarding the 2023 year-end financials, she referenced a chart for Non-Enterprise Funds (General City Services), excluding transfers, showing budgeted versus actual for receipts (budgeted: \$16,306,353 versus actual: \$16,829,017) which is 103.21% of budget; and disbursements (budgeted: \$18,258,858 versus actual: \$17,283,116) which is 94.66% of budget.

Mr. Stephens asked if the city would see a change in the property tax received due to increased property valuations.

Mrs. Stafford displayed a pie chart on 2023 revenue showing a breakdown as follows: 62.52% income tax; 17.45% property tax; and 20.03% other.

Mrs. Stafford answered no in regard to outside millage and explained that the city will receive what was approved with the recent levy, which was calculated to generate the same amount as the levy that expired in November 2023.

Mrs. Stafford gave kudos to city staff for being judicious on spending the city's tax dollars.

Mrs. Stafford then referenced a chart for the Refuse Fund, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$1,387,100 versus actual: \$1,386,143), which is 99.93% for the year; disbursements (budgeted: \$1,621,368 versus actual: \$1,489,441) which is 91.86% of budget.

She then referenced a chart for Enterprise Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$4,469,400 versus actual: \$4,621,249), which is 103.40% for the year; disbursements (budgeted: \$6,585,297 versus actual: \$6,159,069) which is 93.53% of budget. The Enterprise Funds include Water, Sanitary Sewer and Stormwater. The water and sewer fund revenues can fluctuate from year to year and are driven, in large part, by the weather and rainfall. Also, 67% of sanitary sewer costs went to Montgomery County and the city of Dayton for wastewater treatment.

The 2023 financial audit has been performed. The auditors completed their fieldwork 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 receiving the final audit report, but it is expected by the end of May. Mrs. Stafford recognized the Finance Department staff for doing a fantastic job while being short staffed.

In regard to 2024 financials through April 30, Mrs. Stafford referenced a chart for General City Services, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$16,785,811 versus actual: \$6,917,986) which is 41.21% of budget (April and May are when a large portion of income taxes are received); and disbursements (budgeted: \$19,704,554 versus actual: \$8,193,668) which is 41.58% of budget. The first half of property taxes and property tax assessments are typically received in April and May. Blanket purchase orders are submitted for many purchases at the beginning of the year to cover expenses for the entire year.

She then referenced a chart for the Refuse Fund, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$1,380,600 versus actual: \$473,043), which is 34.26% of budget; disbursements (budgeted: \$1,688,120 versus actual: \$830,468) which is 49.19% of budget.

She then referenced a chart for Enterprise Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$4,600,200 versus actual: \$1,348,134 which is 29.31% of budget; disbursements (budgeted: \$7,463,256 versus actual: \$3,488,021) which is 46.74% of budget. The Enterprise Funds include Water, Sanitary Sewer and Stormwater. She explained that most of the sanitary sewer costs are driven by Montgomery County and the city of Dayton.

Council thanked Mrs. Stafford for all her good work.

#### CITY MANAGER'S COMMENTS

Mr. Klopsch recognized Cindy Stafford and her staff for the excellent work they perform daily, particularly while being short-staffed. Mr. Klopsch then reported on the following items.

The leaf mulch program has been popular again this year. This Saturday is the last day it will be available.

The Far Hills Storm Sewer project is nearing completion. It is anticipated that all lanes on Far Hills Avenue will be reopened in the next few weeks. Mr. Klopsch thanked the nearby property owners for their patience with the construction work.

Concrete repairs will be made over the next few weeks on Raleigh Road, Woodstock Drive and Devereux Drive.

Mr. Klopsch recognized Leisure Services Director Carol Collins for her many years of service and commitment to the city of Oakwood. On April 12, she became the longest-serving city employee in the history of Oakwood. Ms. Collins started working for the city of Oakwood on August 19, 1974. On August 19, 2024, she will have served the city for 50 years.

Mayor Duncan commented on his and Vice Mayor Byington's meeting with the Smith fourth graders who recently toured City Hall and Public Safety.

COUNCIL COMMENTS

Mrs. Jackson emphasized how important intergenerational relationships are in Oakwood.

Mrs. Turben highlighted the blooming trees and flowers in Oakwood. She recognized that Oakwood has been designated a Tree City USA for 42 consecutive years.

Mr. Stephens thanked Mrs. Stafford and her staff for their hard work. He encouraged everyone to attend the "That Day in May" event on Saturday, May 18.

Vice Mayor Byington jokingly asked Ms. Collins why Oakwood had not been designated a Tree City USA for 50 years.

Ms. Collins shared that Tree City USA was not around at that time. Oakwood was the second city awarded with this designation in southwest Ohio, one year behind Cincinnati.

Vice Mayor Byington announced that Mr. Klopsch will be the Grand Marshal in this year's That Day in May parade. He closed his comments by congratulating the Oakwood Academic Decathlon Team for winning their 12<sup>th</sup> straight Division III National Championship title.

The public meeting concluded at 9:02 p.m.

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL