

CITY OF OAKWOOD
STATE OF OHIO
MAY 6, 2019

The Council of the city of Oakwood, State of Ohio, met in a work session at 6:30 p.m. in the conference room of the city of Oakwood, 30 Park Avenue, Oakwood, Ohio, 45419. Council then met in a regular session at 7:30 p.m. in the council chambers of the city of Oakwood.

The Mayor, Mr. William Duncan, presided, and the Clerk of Council, Ms. Lori Stacel, recorded. Mayor Duncan opened the meeting by asking all present to participate in the Pledge of Allegiance.

Upon call of the roll, the following members of Council responded to their names:

- MR. WILLIAM D. DUNCAN.....PRESENT
- MR. STEVEN BYINGTONPRESENT
- MR. ROBERT P. STEPHENS.....PRESENT
- MRS. ANNE S. HILTON.....PRESENT
- MR. CHRISTOPHER B. EPLEYPRESENT

Officers of the city present were the following:

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

The following visitors registered:

- Kathy Cassidy, 127 Lookout Drive, Oakwood, OH 45409
- Matt Cassidy, 127 Lookout Drive, Oakwood, OH 45409
- Matt Currie, 263 Ridgewood Avenue, Oakwood, OH 45409
- Harrison Gowdy, 151 Aberdeen Avenue, Oakwood, OH 45419
- Amy Korab, 120 Spirea Drive, Oakwood, OH 45419
- Krista LaPietra, 143 Spirea Drive, Oakwood, OH 45419
- Augustine Urbas, 406 Greenmount Blvd., Oakwood, OH 45419
- Abbey Urbas, 406 Greenmount Blvd., Oakwood, OH 45419
- Rob Degenhart, 701 Shafor Blvd., Oakwood, OH 45419
- Shannon Tucker, 126 Lookout Drive, Oakwood, OH 45409

Mrs. Hilton advised Council she had read the meeting minutes of the April 1, 2019 regular session and work session, and April 22, 2019 work session and executive session. Mrs. Hilton reported she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Mr. Epley that the minutes of the sessions of Council aforementioned be approved as written and the reading thereof at this session be dispensed with. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

STATUS REPORTS

Citizen Committee Appointments – Mayor Duncan shared that there are several remaining vacancies on the citizen committees. City Council and staff are in the process of identifying citizen volunteers for appointment at the June 3 council meeting.

Proclamation – Mayor Duncan read a proclamation designating April as “Safe Digging Month.”

VISITORS

Matt Currie, 263 Ridgewood Avenue, shared that he reviewed the 2018 Drinking Water Consumer Confidence Report for the City’s public water system. He read that Oakwood maintains backup connections with the city of Dayton and Montgomery County water systems, and was curious if the city of Oakwood tests for Per- and polyfluoroalkyl substances (PFAS).

Mayor Duncan commented that it is his understanding that while Oakwood has an arrangement with the city of Dayton and Montgomery County, the City has not needed to purchase water from them in several years.

Mr. Klopsch shared that the City basically produces all of its own water. He then referred Mr. Currie to Water Plant Superintendent Gary Dursch for specific details on the water testing in Oakwood.

LEGISLATION

AN ORDINANCE

BY MR. STEPHENS NO 4882
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.

Vice Mayor Byington explained that this ordinance is the third step of the 2020 Street Lighting Program, and was introduced with a first reading at the April 1 Council meeting. It allows for certain 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 BYINGTONYEA
- MR. ROBERT P. STEPHENS.....YEA
- MRS. ANNE HILTONYEA
- MR. CHRISTOPHER EPLEY.....YEA

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

AN ORDINANCE

BY VICE MAYOR BYINGTON NO 4883
AN ORDINANCE ADOPTING THE 2020 TAX BUDGET FOR THE CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 2020.

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 the 2020 calendar year. It was introduced with a first reading at the April 1 Council meeting.

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

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

- MR. WILLIAM D. DUNCAN.....YEA
- MR. STEVEN BYINGTONYEA
- MR. ROBERT P. STEPHENS.....YEA
- MRS. ANNE HILTONYEA
- MR. CHRISTOPHER EPLEY.....YEA

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

Mayor Duncan explained that the official 2020 Budget will be approved at the December council meeting.

AN ORDINANCE

BY VICE MAYOR BYINGTON NO 4884
AN ORDINANCE TO REPEAL EXISTING TITLE 12, SIGNS, OF THE OAKWOOD ZONING ORDINANCE AND TO ADOPT NEW TITLE 12, SIGNS, OF THE OAKWOOD ZONING ORDINANCE.

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 the City's sign regulations, which have not been materially updated since the current Zoning Ordinance took effect on January 1, 2001. The draft ordinance was prepared by the City Attorney to accomplish three goals:

1. To establish clear regulations for the use of electronic signage;
2. To ensure effective administration while remaining constitutional; and
3. To add clarity and consistency throughout the sign code.

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 Planning Commission conducted a public hearing on March 6. By a vote of 3-2, the Planning Commission recommended approval of the ordinance, but conditioned that recommendation on the removal of certain provisions from the draft. Those provisions include:

- Section 1201.06(C)(5), which permits electronic changeable copy to be used on certain monument signs;
- Section 1201.06(D), which sets forth regulations applicable to monument signs displaying electronic changeable copy; and
- Section 1201.06(F)(2), which requires all permanent signs to be constructed of non-combustible materials.

This ordinance was introduced with a first reading at the April 1 Council meeting, and tonight is the second reading and public hearing.

Vice Mayor Byington noted that Law Director Rob Jacques would be making a staff presentation, and then asked Mayor Duncan to open the public hearing.

Mayor Duncan explained the public hearing process. He also explained that this is a quasi-judicial hearing, so after his presentation, Mr. Jacques will be administering an oath to those wishing to testify in the audience.

Mr. Jacques referenced a PowerPoint presentation and provided the following information:

The goals of drafting the sign code text amendments are to properly define and regulate the use of electronic changeable copy (digital) signs; to ensure that the sign code complies with the First Amendment by shifting from regulations that may be construed as content-based to regulations that are content-neutral; and general revisions to clarify terms and provisions that could be construed as unconstitutionally vague. The current version of the Code was adopted in 2001.

Mr. Jacques asked City Council to follow the decision standard as listed in Section 1003.6(B) of the Oakwood Zoning Code. The Code states "Text amendments shall be reviewed for consistency with the purposes of (the Zoning Code), the Comprehensive Plan, and interests of the city of Oakwood as a whole." The Planning Commission recommended approval, but City Council makes the final decision to approve or deny the ordinance.

The purpose of the sign code is to preserve the character of distinct neighborhoods; to promote ease of locating/identifying buildings; to avoid motorist distractions and traffic/safety hazards; to maintain property values, avoid nuisances, and minimize "sign clutter"; and to protect public peace, health, safety, welfare, convenience, and comfort. The challenge is to accomplish these purposes while protecting the rights of free speech and expression.

The various sign types were then reviewed to acquaint City Council with the terminology. Mr. Jacques displayed pictures and provided brief descriptions of general signs including: temporary signs; wall signs; ground/monument signs; window signs; window display signs; permanent window signs; temporary window signs; awning signs; and canopy signs. He then reviewed sub-type signs based on function including: attention-getting devices; availability signs; banner signs; changeable copy signs; directory signs; entry signs; home occupation signs; identification signs; external illuminated signs; internal illuminated signs; nameplate signs; off-premises signs; parking control signs; pole signs; projecting signs; roof signs; and secondary signs.

Mr. Jacques reviewed concerns with the existing sign ordinance. The existing ordinance defines 36 "functional types" of signs, with other categories interspersed in unusual locations, and many of these sign definitions are contradictory. The definitions have inconsistent inclusion of dimensional requirements and number requirements. The 1997 Business District Design Guidelines, which are a separate non-codified document, do not contain specific information and are overly relied upon.

Mr. Jacques then reviewed proposed structural changes to the sign ordinance. The overall structure of the sign chapter has been reworked to add efficiency and clarity, while not making unnecessary changes to existing practices. The proposed ordinance includes four sign classifications: prohibited; exempt; temporary; and signs requiring permits. The sign types would be reduced to what is in Oakwood including wall signs, monument signs, window signs, awning/canopy signs, lawn signs, and projecting signs. Signs would be regulated in a clear, linear progression by: classification, district, sign type, and installation as a primary or secondary sign.

Mr. Jacques reviewed the types of signs that are prohibited in Oakwood under the existing Code including: signs painted directly on a wall/fence/etc.; signs that move; signs with flashing or running lights; roof signs; off-premises signs; signs that imitate traffic signs; portable or wheeled signs; motor vehicles whose sole apparent purpose is to advertise; inflatable or lighter-than-air signs (not including holiday décor); pole signs; billboards; advertising signs; attention-getting devices; home occupation signs; signs located in the public right-of-way (other than government signs); and any sign not expressly permitted. He explained that the proposed sign code will retain all of the existing prohibited signs, and the following two additional sign types: signs on parked vehicles/trailers where the apparent purpose is to advertise and signs that are untruthful or misleading.

The classification of exempt signs is not regulated under the Code, other than to say that they are generally exempt from regulation. These types of signs include: safety/maintenance signs; nameplates; address signs; governmental/regulatory signs; public info signs (phones, restrooms, etc.); certain parking control signs; governmental flags; memorial plaques and cornerstones; safety and security signage; info appearing on gas pumps, vending machines, ATMs; signs adjacent to entry doors (push, pull, open, closed, etc.); hours of operation, credit cards accepted, etc.; temporary holiday/festival décor; and headstones, grave monuments (Cemetery District only).

The classification of temporary residential signs include: window signs and lawn signs. Window signs on residential properties can only be a maximum of six square feet each, a maximum aggregate of 12 square feet, and are deemed permanent signs after 45 days. Lawn signs on residential properties can only be a maximum of six square feet each, a maximum aggregate of 12 square feet. For the protection of free speech, when a sign is not visible within the specified requirements, there is authority written into the ordinance allowing city staff to grant an administrative variance to increase the size to a maximum of 18 square feet, and this variance can only be based on visibility issues.

The classification of temporary non-residential signs include: availability (maximum of 12 square feet); event (maximum of six square feet or covering an existing permitted sign); holiday décor; grand opening (30 days only); and window (not to exceed 10% and for 30 days only).

The classification of signs requiring permits includes all of the signs that are not exempt, prohibited, or temporary; the code section includes permit procedures and confirms that a permit is not required for routine maintenance, changing parts, etc., as long as there is no change to sign type, area, height, or conformance.

Mr. Jacques then reviewed the following specific proposed changes to the existing regulations:

- Clear provisions have been included for signs with “Electronic Changeable Copy”.
- Real estate signs have been re-categorized as temporary signs, subject to the same regulations as any other temporary sign and to be counted in the aggregate square footage of all temporary signs on a property. The current law is content-based, treating real estate signs as a separate category of sign subject to their own requirements.
- Awning signs are now permitted to extend over public rights-of-way (sidewalks), as long as they provide adequate clearance. Current law prohibits this, but this condition exists in the Far Hills Business District and possibly other locations where buildings abut sidewalks.
- Permanent ground signs for residential properties are prohibited. Current law includes a loophole, which staff believes was unintended, that allows these for any property in a residential district.
- Address signs (such as house numbers) are treated as unregulated “exempt” signage, as long as they are limited to two square feet per sign, with a maximum combined area of six square feet. The current law is self-contradicting, allowing only one sign per property, but stating that address signs may be placed on no more than two sides of a structure.

- Additional signs have been added to the “prohibited” list. Signs on parked vehicles and visible from any public right-of-way where the apparent purpose is to advertise would be on this list, as well as signs that are untruthful or misleading.
- Additional signs have been added to the unregulated “exempt” list, such as governmental flags and holiday décor, but the holiday décor cannot function as an advertisement.
- “Marquee signs” have been deleted as a permitted sign type. While there are none currently in Oakwood, they are permitted under current law.
- For non-residential uses in residential zoning districts, a requirement has been added that any sign illumination must be turned off between 10 p.m. and 7 a.m. unless the business or institution is still open during those hours. The current law has no such requirement.
- A “sunset provision” has been added for pole signs, allowing them to remain in place for up to 10 years after the effective date of the ordinance before requiring them to be replaced with conforming signs. The current law prohibits pole signs, but there are at least three in Oakwood. The sunset provision ensures their eventual removal, while allowing ample time for compliance without imposing a significant burden.
- Reliance upon the 1997 Business District Design Guidelines has been reduced by moving specific business sign requirements into the Zoning Code. The current law includes very few specific requirements for signs in business districts such as dimensional requirements or locations. Instead, it requires that the 1997 design document be followed. Unfortunately, that document does not state many clear requirements, and uses vague words such as “may” or “should.”
- Projecting signs, or signs that are hung so they stick out perpendicular to the building, have been retained, but will now require a special use permit. The current law treats projecting signs as “freestanding signs,” but freestanding signs are a type of detached ground sign and the regulations appear to be tailored more to ground-based signs. Since they are not very common, and could negatively impact the appearance of an area where all other signs are mounted parallel to the face of a building, city staff opted to require special use approval.
- The categories of “freestanding signs” and “ground signs” have been merged and renamed as “monument signs.” The current law uses “freestanding” and “ground” interchangeably. The name “monument signs” suggests a sign of permanence and substance, and it also avoids any confusion as to what is a “ground sign” and what is a “lawn sign.” Basic landscaping is now required to soften the base of monument signs. The current law does not include this requirement, although landscaping plans are typically required with most new developments.
- A new section has been added to address non-conforming signs. The current Zoning Code includes Title 13 which is entirely devoted to non-conformities, but it is geared more towards non-conforming uses and buildings such as setback requirements.

Mr. Jacques went on to explain that there were some changes that were also required to comply with federal law. The “purpose” provision has been expanded to include the City’s commitment to preserve, protect, and respect constitutional principles of free speech. Content-based language has been removed, as much as possible, in favor of content-neutral language. Regulations are focused on addressing the time, place, and manner of displaying signs, rather than regulating them according to content. This is a First Amendment consideration, bringing the code into compliance with *Reed v. Town of Gilbert*, 576 U.S. ____, 135 S. Ct. 2218 (2015). A provision has been added to authorize the Building Commissioner to vary the size requirements for temporary signs to ensure that signs are visible. Variances must not exceed 50%, and are to be based on visibility only. All sign definitions have been reviewed and rewritten for content-neutrality and to avoid vagueness.

Mr. Jacques then provided details regarding the proposed electronic changeable copy sign provisions. A particular concern of the Planning Commission was the lack of clear code guidance on the topic of electronic/digital signage in the current code, which staff clarified in the new provisions.

Signs with “electronic changeable copy” will only be permitted for specific uses: places of worship, educational institutions and governmental facilities.

Signs with “electronic changeable copy” must be monument signs, and only one “electronic changeable copy” sign may be placed on a particular property. These signs may only be placed on a property having at least 100’ of street frontage. The signs must be set back at least 15 feet from the public right-of-way and from any lot line. The sign must be oriented perpendicular to the nearest street. If they are located near a corner, they may be oriented diagonally to be visible from both streets. Size requirements are the same as other monument signs, but the electronic display can take up no more than 50% of the sign face. The minimum character height is 5 inches. The sign must display an entire message at one time, without scrolling or movement, and transitions between messages must be instantaneous. Each message must be displayed for at least 10 minutes before changing. Each message must be displayed with a single copy color, and the background must be non-illuminated.

The Safety Department has discretion to prohibit the use of specific colors (red, amber, or green) if the sign is located where those colors would cause confusion with a traffic signal or where it otherwise poses a risk to public safety.

Any “electronic changeable copy” sign must be turned off between 10 p.m. and 7 a.m., unless a special use permit is granted to allow different hours of operation. The signs must include an automatic dimmer that detects ambient lighting levels and adjusts the display brightness accordingly. The maximum daytime brightness is 5,000 nits, and maximum nighttime brightness is 125 nits.

Mr. Jacques shared that when the Planning Commission heard the proposed changes, by a vote of 3-2, they recommended approval of the ordinance, with the condition that the following provisions of the draft were removed: Section 1201.06(C)(5), which permits electronic changeable copy to be used on certain monument signs; Section 1201.06(D), which sets forth regulations applicable to monument signs displaying electronic changeable copy; and Section 1201.06(F)(2), which requires all permanent signs to be constructed of non-combustible materials. The message from the Planning Commission was that a majority did not feel that the electronic changeable copy signs fit in Oakwood. Mr. Jacques noted that they were all in agreement with the removal of the non-combustible materials provision. City staff is in agreement with the removal of the non-combustible materials provision but not in agreement with the decision of electronic changeable copy signs. He then provided a code revision (or alternate exhibit) to City Council and members of the audience. He shared that the alternate exhibit is identical to the exhibit that was presented to the Planning Commission except for two changes: removal of the non-combustible material provision, and additional language to expand the “orientation” rules for electronic changeable copy signs. City staff is requesting approval of the draft ordinance, with the alternative exhibit.

Mayor Duncan asked City Council if they had any questions prior to opening the hearing to the public.

Mrs. Hilton asked when these changes would take effect if approved.

Mr. Jacques explained that the changes would take effect 30 days after approval, so it would be at the beginning of June. If someone has a legal sign now that would become illegal, or non-conforming, they would be able to keep the sign until it is replaced or destroyed. If it is a pole sign, it would have a ten year sunset provision.

Mr. Stephens clarified the following proposed restrictions for electronic copy signs: any sign illumination must be turned off between 10 p.m. and 7 a.m.; each message must be displayed for at least ten minutes before changing; and each message must be displayed with a single copy color with the background non-illuminated.

Mr. Jacques confirmed that the restrictions were properly stated. He added signs that do not follow the outlined regulations are in violation.

Mayor Duncan clarified that political signs are allowed, as long as the sign(s) does not exceed a maximum combined area of six square feet. He then asked about time limits related to real estate signs that are considered temporary signs, especially if the home does not sell within 45 days.

Mr. Jacques agreed, and clarified that for political signs, it is an aggregate square footage area.

Mayor Duncan asked how the 45 day limit impacts home for sale signs.

Mr. Jacques shared that the 45 day limit is for temporary window signs and does not apply to real estate signs.

Mayor Duncan then asked if home improvement signs or home for sale signs in the medians, or locations other than residential yards, are still prohibited.

Mr. Jacques said yes, and explained that this type of sign is considered an off-premise sign, which includes signs advertising contractors whose business premises are elsewhere.

Mayor Duncan asked if there are any existing signs that would need to be removed or updated.

Mr. Jacques explained that no one will be required to change a sign, other than the three pole signs in the Far Hills Business District that will require removal within the next ten years.

Mayor Duncan asked how these changes will impact the sign at the Oakwood Community Center.

Mr. Jacques shared that the existing sign at the Oakwood Community Center would need to be reduced from the current 25 square foot display to no more than 17 square feet. It would be the same size as the one removed last fall.

Mayor Duncan asked how the electronic format would be displayed on the Oakwood Community Center sign.

Mr. Jacques confirmed that the electronic format would be smaller, meeting the nit requirement for illumination, which the sign company has already programmed.

Mr. Stephens asked if the 17 square foot measurement includes just the illuminated area.

Mr. Jacques explained that 17 square feet would be the total sign face area. The Code would require that only 50% of that area be a digital screen.

Mayor Duncan stated that it appears that the only two issues that the Planning Commission had was the removal of the provisions requiring all sign materials be non-combustible, and removal of the code provisions for electronic changeable copy signs. The rewrite removed the non-combustible provision, so the only open issue is related to electronic changeable copy signs.

Mr. Jacques agreed, and added that the Planning Commission was in favor of removing the non-combustible regulation, but with a majority vote of 3-2, they did not believe that electronic changeable copy signs were a good fit in Oakwood. He added that Oakwood is a historic community, and there are different perspectives on the electronic signage. Oakwood has a lot of historical properties, but is Oakwood solely a historical community, or is Oakwood willing to embrace some modern technology, with reasonable limitations?

Mr. Stephens asked that Mr. Jacques clarify the regulations for political or government signs, and whether they are subject to time limits.

Mr. Jacques explained that this has not been part of the Oakwood Zoning Code for a long time. There is no time limit for political or government signs because the City cannot outlaw the freedom of political speech. When you allow political signs for a limited time, you are effectively prohibiting political speech during the rest of the year.

City Council thanked Mr. Jacques for his presentation and added that it was very well done.

Mr. Jacques then administered an oath *en masse* to those in the audience wishing to testify.

Public Hearing. Mayor Duncan opened the public hearing.

Mrs. Abbey Urbas, 406 Greenmount Boulevard, asked a few dimension questions about the Oakwood Community Center sign. She asked if it is correct that the Oakwood Community Center sign would need to be 17 square feet with 8.5 square feet of electronic copy.

Mr. Jacques shared that the figures are not exact, but fairly close, and confirmed that the sign would only be 50% electronic copy.

Mrs. Urbas commented that from a message display perspective, the limitations of both the character size and the five inch lettering would render the sign useless. She calculated that with these size limitations, there would only be enough room for 12 characters. She feels that electronic changeable copy signs will deface the look of the Oakwood community.

Mayor Duncan asked what message is currently displayed on the Oakwood Community Center sign.

Mr. Jacques stated the he believes the Oakwood Community Center sign is currently providing basic event information and the time and temperature, but the goal is to provide additional information for upcoming events.

Mayor Duncan asked if 5" letters were used on the old Oakwood Community Center sign.

Mr. Jacques stated that the current code does not include a 5" letter rule, so some of the messages displayed on the old Oakwood Community Center sign may have been smaller.

Mayor Duncan asked if the Oakwood Community Center feels that the new sign will still be operational if the letter size is 5".

Mr. Jacques shared that the Oakwood Community Center will still want a sign, even if the letters are smaller.

Mr. Rob Degenhart, 701 Shafor Boulevard, shared that he has enjoyed living in Oakwood for the past 17 years. His expectations have been consistently met, and many times surpassed with the quality of Oakwood services. He stated that based on Council's comments, and whatever was discussed in work session, that City Council is in favor of staff's suggestion to reject the Planning Commission's recommendation.

Mayor Duncan clarified that opinions on this matter were not discussed in the pre-council work session. The work sessions are open to the public, but no one attended.

Mr. Jacques further explained that City Council would not and could not legally consider this proposed ordinance in work session when a public hearing is scheduled. He assured Mr. Degenhart that opinions were not discussed in work session.

Mr. Degenhart asked for clarification on the difference between internally illuminated signs, which are not permitted, and signs with an unilluminated background.

Mr. Jacques explained that the letters that make up the text are lit while the background is not lit.

Mr. Degenhart asked if awning signs that extend into the City right-of-way were previously prohibited.

Mr. Jacques commented that the current Code states that they are not permitted.

Mr. Degenhart stated that even though the Code prohibits these signs, there are some within Oakwood. He asked if the City is just catching up with the sign code rewrite.

Mr. Jacques shared that he cannot explain why the signs were approved in the past, but the Code may have been interpreted that the signs were okay to extend over the sidewalk, but not the street.

Mr. Degenhart shared that he feels that the text amendment is discriminatory to private businesses by only allowing electronic changeable copy signs to churches, government facilities and educational institutions. He believes the electronic changeable copy signs are actually electronic message boards and they would be a stain on the fine fabric of the city and not consistent with the caliber of the Oakwood community. He closed his comments by stating that he is in agreement with the Planning Commission's recommendation to vote against electronic changeable copy signs.

Mrs. Katie Cassidy, 127 Lookout Drive, shared that she has lived in Oakwood for almost nine years and she loves the community. She feels that electronic changeable copy signs do not preserve the character of residential neighborhoods. She added that the wood sign that was placed at the Shafor Park Tennis Courts is classy and fits better in the residential neighborhood. She believes the electronic signs are a distraction and a safety concern. She also shared that she would like to hear from the Planning Commission members on why they voted against electronic signs.

She then asked when the electronic sign was installed at the Oakwood Community Center.

Mr. Jacques stated that the sign was installed in September or October 2018 as part of the Shafor Park Tennis Court Project.

Mrs. Cassidy asked if a permit was obtained for the sign.

Mr. Jacques answered no.

Mrs. Cassidy asked for the cost of the sign. She opined that the City is retroactively passing a law to allow the Oakwood Community Center to have an electronic sign. She added that there are better and more desirable ways for the Oakwood Community Center to communicate events, such as providing online registrations, versus wasting taxpayer dollars on a ghastly sign.

Mr. Jacques shared that he is not sure of the cost, but city staff has the information.

Mayor Duncan asked city staff to follow up with Mrs. Cassidy to provide the sign cost.

Mrs. Amy Korab, 120 Spirea Drive, agreed with the statements that Mrs. Cassidy made. She was also curious if the sign was permitted. She commented that had she placed the exact sign as the Oakwood Community Center in her yard, she would have been required to remove it. She reminded City Council that the churches, government facilities and educational facilities that will be allowed to get electronic signs are in Oakwood residential neighborhoods. The electronic signs belong in the Business District, not in her neighborhood. She feels it is a change to cover a mistake by the Oakwood Community Center and it will be opening the community up for other things moving forward.

Mr. Augustine Urbas, 406 Greenmount Blvd., shared that he agrees with many of the comments that have been made. The electronic signs come with a lot of technology that may not be permitted, but he is concerned that the use will evolve over time as people are tempted to use these signs to their full capability. The electronic signs are not increasing the quality of life for residents of Oakwood. He opined that lighted distracting signs are not needed in the residential neighborhoods.

Mrs. Shannon Tucker, 126 Lookout Drive, shared that she opposes electronic changeable copy signs and is concerned that special uses will be continually requested for special events to get around the time limit restrictions.

Mr. Jacques explained that special use permits are required for projecting signs, which requires Planning Commission approval. Under the sign ordinance, a special use can be requested to use electronic signs outside of the hours stated, but the applicant would need to go through an evidentiary process to seek approval from the Planning Commission and the request could either be approved or denied.

Mrs. Tucker added that she feels that the extended sign hours could become a normal trend. She suggested that the Oakwood Community Center use Facebook more to communicate events versus an unnecessary sign.

Mr. Klopsch asked Mrs. Tucker if she is inquiring about the time that the sign lights are on.

Mrs. Tucker shared that her concern is that the extended time requests for special events would be common, as well as standard business hours falling outside of the regulated timeframe.

Mr. Jacques explained that the sign code is written to allow electronic changeable copy signs to be functional during business hours. He assured Mrs. Cassidy that the electronic changeable copy sign at the Oakwood Community Center will be off at 10 p.m. regardless.

Mrs. Tucker commented that the time and temperature does not need to be on the electronic changeable copy signs at the Oakwood Community Center. Oakwood residents are well educated on current events from the City as well as the Schools.

Mayor Duncan asked Mrs. Tucker if she feels that a sign is needed at all at the Oakwood Community Center.

Mrs. Tucker responded that an illuminated sign that changes every ten minutes is not needed. The previous sign at the Oakwood Community Center was perfectly fine. The Oakwood Community Center could go back to the sign they had previously with landscape lighting.

Mayor Duncan reiterated that if the proposed sign code does not change, the Oakwood Community Center will need to remove the existing sign and go back to something similar to what they had before.

Vice Mayor Byington asked what the difference is between illuminated lighting and landscape lighting.

Mrs. Tucker shared that landscape lights are not as bright as illuminated signs which are more distracting.

Vice Mayor Byington shared that the number of lumens being emitted can be determined. He asked if there is a difference to her if the lumens are the same.

Mrs. Tucker said that there is an aesthetic difference and the amount of light being reflected back off the sign will be considerably less versus the back light illumination which is more distracting.

Mrs. Amy Korab, 120 Spirea Drive, stated that she believes that illuminated signs, with the messages changing every ten minutes, are more of a motion distraction creating a visual disturbance versus an issue with brightness.

Vice Mayor Byington added that he had not thought about distractions relating to motion changes.

Mrs. Harrison Gowdy, 151 Aberdeen Avenue and a member of the Oakwood Planning Commission, shared that she voted against electronic changeable copy signs when the text amendments were presented to the Planning Commission. She believes that electronic changeable copy signs will change the visual landscape of Oakwood. Oakwood is a classic city with a lot of history, and residents have worked hard to stay free of the latest fads. The desire for electronic changeable copy signs will come and go, as technology typically does. It would be more desirable for the Oakwood Community Center to relay information through an online website. The day of disseminating information through signs is over. Mrs. Gowdy thanked city staff for taking the time to clarify the sign code provisions.

Mayor Duncan asked Mrs. Gowdy if she is opposed to a sign at the Oakwood Community Center.

Mrs. Gowdy shared that she is not opposed to a sign, but she feels that information is not effective on signs. She recommended an Oakwood Community Center website to provide communication, and allow for online registrations. The concept of electronic signs, with all the proposed restrictions, are basically static signs that provide information and might as well be a nameplate.

Mayor Duncan asked Mrs. Gowdy if she had any other concerns with the proposed sign ordinance.

Mrs. Gowdy stated no. She thanked city staff again for taking the time to clarify and update the sign code.

Mayor Duncan closed the public hearing and Council began their deliberations.

Mr. Stephens shared concerns relating to providing effective information on the Oakwood Community Center sign with the letter limitations that Mrs. Urbas commented on. With the sign only being 17 square feet, and mandating 5 inch letters, there would be very limited space to communicate.

There was discussion between City Council and Mr. Urbas to determine the number of characters that could be used on the Oakwood Community Center sign.

Vice Mayor Byington thanked Law Director Rob Jacques, Code Enforcement Officer Ethan Kroger and Personnel & Properties Director Jennifer Wilder for their efforts in rewriting the sign code. He also thanked Oakwood Planning Commission members Andy Aidt, Harrison Gowdy, Healy Jackson and Greg Lauterbach for taking a lot of time actively deliberating on why they felt electronic changeable copy signs were not a good fit in Oakwood. Vice Mayor Byington shared that he has observed many lit signs throughout the Oakwood community, but he did not consider light movement with electronic signs. He still notices and reads signs in the community, and disagrees that signs will eventually go away, even with the latest technology. With Oakwood being a walking community, signs allow residents to easily get information that they may be unaware of, even if the information is located somewhere else. City Council has a legal

responsibility to make certain determinations for the Oakwood community. City Council needs to determine whether lit signs fit in with the character of Oakwood.

Mayor Duncan thanked all of the visitors for their comments. He also thanked city staff for taking a lot of time to rewrite the sign code. He commented that the only item of dispute is the electronic changeable copy signs. If City Council votes to approve the ordinance with the removal of electronic changeable copy signs, the Oakwood Community Center will need to change their signs. He shared that he is not convinced that this sign technology is different because it is electronic versus manual.

Mr. Epley asked if there was a determination of how many characters could be used on the Oakwood Community Center electronic changeable copy sign.

Mr. Stephens shared a few event names, such as "Coffee with Veterans", that will fit on the sign and he likes the idea of the Oakwood Community Center using the sign for event messages. He added that he would like additional information about the suggestion brought up about online event registration. Mr. Stephens also disagrees that signs are an outdated form of communication. In his opinion, if the electronic changeable copy sign and online registration is good for the Oakwood community, then both should be used. He explained that he would be against electronic changeable copy signs if the restrictions were not built into the draft ordinance. He added that he still questions if the Oakwood Community staff believes the character limit will be enough to effectively communicate the information versus a bunch of acronyms.

Mr. Augustine Urbas, 406 Greenmount Blvd., shared that he did further calculations and found that the dimensions for a 17 square foot sign would provide for about 75 characters.

Vice Mayor Byington asked if city staff has received complaints for any current externally lit signs.

Code Enforcement Officer Ethan Kroger shared that he has not received any sign complaints relating to lighting. The only complaint has been for residential property flood lighting.

Vice Mayor Byington asked Mr. Kroger if he currently has a lumen detector.

Mr. Kroger stated no.

Mr. Klopsch explained to City Council that if they are interested in seeking additional information, they could table the proposed sign ordinance and it could be addressed at the next council meeting where city staff could provide message examples and have Leisure Services Director Carol Collins speak about the sign. Another option would be to approve everything except the electronic changeable copy signs. The electronic changeable copy signs could then be presented back to the Planning Commission as a new amendment to the sign code at a later date.

Mayor Duncan commented that the idea of approving the sign code with the exception of the electronic changeable copy signs is ideal because it is important to implement the other updated sign code provisions.

Vice Mayor Byington mentioned that if the Planning Commission's recommendation is approved, not allowing electronic changeable copy signs, anyone else requesting electronic changeable copy signs will have to pursue a text amendment with the Planning Commission.

Mayor Duncan asked if electronic changeable copy signs would be illegal if City Council approves the Planning Commission's recommendation.

Vice Mayor Byington answered yes.

Mr. Stephens asked if the only way to table the request is to table the entire ordinance, and not just the section for electronic changeable copy signs.

Mr. Klopsch stated that the entire ordinance would need to be tabled; City Council cannot just table the section for electronic changeable copy signs.

Vice Mayor Byington and Mr. Stephens were in agreement that the overall ordinance should not be tabled.

Vice Mayor Byington noted that this is an issue that people are very adamant about. He added that if City Council approves the Planning Commission's recommendations, the only sign affected is the Oakwood Community Center sign.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Epley that the ordinance be passed, accepting the Planning Commission's recommendation to remove the following provisions of the proposed sign code ordinance:

- Section 1201.06(C)(5), which permits electronic changeable copy to be used on certain monument signs;
- Section 1201.06(D), which sets forth regulations applicable to monument signs displaying electronic changeable copy; and
- Section 1201.06(F)(2), which requires all permanent signs to be constructed of non-combustible materials.

Mr. Stephens asked if Vice Mayor Byington is making a motion in agreement with the Planning Commission's recommendation.

Vice Mayor Byington stated that he was not in agreement with the recommendation, originally, but he now believes further discussion is needed on electronic changeable copy signs. There is a lot of good information in the ordinance that needs to be implemented. If electronic changeable copy signs have enough merit, they can be brought up as a separate issue to the Planning Commission and then back to City Council. He added that individual issues should be voted on, versus how the State includes everything in one vote.

Mr. Jacques clarified that the motion put forth would not adopt the alternate exhibit that he presented this evening. The motion would adopt the exhibit that was presented to the Planning Commission, with the removal of the two provisions for electronic signs and the provision on non-combustible materials.

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

MR. WILLIAM D. DUNCAN.....	YEA
MR. STEVEN BYINGTON	YEA
MR. ROBERT P. STEPHENS.....	YEA
MRS. ANNE HILTON	YEA
MR. CHRISTOPHER EPLEY.....	YEA

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

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4885
AN ORDINANCE TO LEVY A PERMISSIVE MOTOR VEHICLE
LICENSE TAX PURSUANT TO OHIO REVISED CODE SECTION
4504.173.

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 Governor DeWine signed the 2019 Transportation Budget Bill on April 10, 2019. The bill includes a provision allowing municipalities to levy a \$5 permissive tax on the registration of all motor vehicles, with 100% of that money going to the municipality. The money must be used for authorized purposes, which include the maintenance and repair of public streets. The \$5 fee would be collected as part of the annual licensing fees paid each time a motor vehicle is registered to an Oakwood address. That money, projected to be approximately \$45,000 per year, would be used to supplement local tax dollars for maintaining Oakwood streets. The amount of money provided through the vehicle registration fee was last increased in 2006. Over the past 13 years, this revenue source has not changed, other than modest variations resulting from minor changes in the number of motor vehicles licensed by Oakwood residents. This additional money will help to continue maintaining public roadways in a first-class manner.

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

STAFF REPORT

Finance Report: Finance Director Cindy Stafford, CPA referenced a PowerPoint presentation and updated Council on the following topics: 2018 year-end financials, 2018 financial audit; 2019 financials through April 30; and the online bill payment portal.

In regard to the 2018 year-end financials, she referenced a chart for Non-Enterprise Funds (General City Services), excluding transfers, showing budgeted versus actual for receipts (budgeted: \$12,357,823 versus actual: \$12,362,464) which is 100.4% of budget; and disbursements (budgeted: \$13,625,419 versus actual: \$13,051,916) which is 96% of budget. The net income tax receipts were 99.54% of budget and property tax receipts were 99.50% of budget. In regards to disbursements, personnel expenses were \$164,820 less than budget. Mrs. Stafford shared that she is happy with the year-end finances for General City Services. This is the closest the City has ever budgeted to actual.

She then referenced a chart for the Refuse Fund, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$1,229,600 versus actual: \$1,237,575), which is 100.65% for the year; disbursements (budgeted: \$1,274,744 versus actual: \$1,229,852) which is 96.48% of budget.

She then referenced a chart for Enterprise Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$3,265,800 versus actual: \$3,341,684), which is 102.32% for the year; disbursements (budgeted: \$3,543,997 versus actual: \$3,106,210) which is 87.65% of budget. The Enterprise Funds include Water, Sanitary Sewer and Stormwater. In regard to receipts, there was \$75,884 more than budget as a result of the sewer rate increase in 2018. In regards to disbursements, capital expenditures were \$437,787 less than budget. Mrs. Stafford explained that a street sweeper was in the budget for replacement, but the public works mechanics found a way to rebuild the old sweeper and all of the work was done in-house. Mrs. Stafford gave kudos to the Public Works mechanics.

The 2018 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 2019 financials through April 30, Mrs. Stafford referenced a chart for General City Services, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$13,009,892 versus actual: \$5,761,632) which is 44% of budget, primarily because April is when a large portion of income taxes are received; and disbursements (budgeted: \$13,310,038 versus actual: \$3,641,117) which is 27% of budget. The upcoming street and sidewalk work is the largest capital expense.

She then referenced a chart for the Refuse Fund, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$1,375,400 versus actual: \$447,882), which is 33% of budget; disbursements (budgeted: \$1,539,504 versus actual: \$445,419) which is 29% of budget.

She then referenced a chart for Enterprise Funds, excluding transfers, showing budgeted versus actual for receipts (budgeted: \$3,300,600 versus actual: \$1,061,269) which is 32% of budget; disbursements (budgeted: \$3,753,032 versus actual: \$817,649) which is 22% of budget. The Enterprise Funds include Water, Sanitary Sewer and Stormwater. Montgomery County is a quarter behind in sewer billing.

Mrs. Stafford shared that a new electronic billing and payment service was released in March with a soft opening. While displaying the new online bill pay website and walking through the payment process, Mrs. Stafford provided details about the new services being offered, such as: the ability to make one-time payments for city services or income tax; recurring payments for utility bills with a credit/debit card or electronic check; for utility bills, the new service provides the ability to view and make utility payments on-line, through an automated payment phone line; and a pay by text option to receive text message notifications and conveniently pay utility bills with a text message; and includes an "at a glance" dashboard, scheduling one-time or automatic utility payments, securely storing payment information, and receiving email and text reminders. Paperless billing will continue to be available as well as the direct pay option through the City. Mrs. Stafford reminded residents that the appropriate forms (available on the City's website) still need to be submitted to use these new payment options.

Mr. Stephens asked if an online event registration for the Oakwood Community Center is possible.

Mrs. Stafford explained that support for the current program the Oakwood Community Center uses will expire in two years. They will have something new in place within the next two years, and online registration will likely happen at that time.

Mayor Duncan thanked Mrs. Stafford for a wonderful report, as usual.

COUNCIL COMMENTS

Mr. Stephens reminded everyone of "That Day in May" on Saturday, May 18. 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. Mr. Stephens encouraged citizens to attend "That Day in May".

Vice Mayor Byington shared that "That Day in May" is a fantastic community event that helps raise money for the Oakwood Rotary Foundation. The money is used towards great programs not only in Oakwood, but throughout the region. He reminded everyone that tomorrow is Election Day and encouraged everyone to vote. He also asked that everyone be respectful to the poll workers.

Mayor Duncan reported that in the U.S. News & World Report, Oakwood High School was ranked as the seventh-best school of the 736 Ohio public high schools ranked. Oakwood 8th grader Alex Zhang earned national attention by performing the piano at Carnegie Hall. The Oakwood Academic Decathlon team won its eighth consecutive Division III National Title. In closing, Mayor Duncan read a feel-good story about Oakwood High School graduate Peter Roll and his job at the Goodwill Store in Oakwood.

The public meeting concluded at 10:26 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL