

CITY OF OAKWOOD
STATE OF OHIO
JUNE 5, 2023

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

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 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 BYINGTONPRESENT
- MR. ROBERT P. STEPHENS.....PRESENT
- MRS. ANNE S. HILTON.....PRESENT
- MRS. LEIGH TURBENPRESENT

Officers of the City present were the following:

- Mr. Norbert S. Klopsch, City Manager
- Ms. Lori Stacel, Clerk of Council

Mr. Robert F. Jacques, City Attorney, attended a portion of the meeting via Zoom.

The following in-person visitors registered:

- Marissa Ford, 124 Acacia Drive
- Mike Ford, 124 Acacia Drive
- Deb Graham, 691 Southern Belle Boulevard
- Brian Barr, *Oakwood Register*

There were no Zoom visitors in attendance.

Mrs. Hilton advised Council she had read the meeting minutes of the May 1, 2023 regular session and work session, May 15, 2023 work session and executive session, and May 25, 2023 executive session. Mrs. Hilton reported she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Mr. Stephens that the minutes of the sessions of Council aforementioned be approved as written and the reading thereof at this session be dispensed with. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

STATUS REPORTS

Oakwood Public Safety Department – Mayor Duncan shared that last month Chief Alan Hill attended a week-long FBI National Command Course in Quantico, VA. The course is designed for leaders of law enforcement agencies that have less than 50 sworn officers. Topics included: what matters most in today’s policing; recruitment and retention of personnel; leadership for a lifetime; image management; managing social media; stress and suicide in law enforcement; and emotionally intelligent leadership. It was an honor for Chief Hill to be selected for invitation to this course. Chief Hill also had the honor of dining with the deputy director of the FBI. Mayor Duncan also shared that Public Safety Officer Josh Wells completed a 40 hour Crisis Intervention Training. He is Oakwood’s tenth officer to complete this training.

Update on Sustainability Measures – Mr. Klopsch shared that the city of Oakwood has implemented, and will continue to implement, sustainability measures to address matters of the environment. Staff recently updated a white paper addressing all of the sustainability measures. Mr. Klopsch noted that Lori Stacel created an excellent PowerPoint presentation highlighting the sustainability measures, and reported that the presentation, along with the updated white paper, will be posted to the city website. Mr. Klopsch thanked Ms. Stacel for her outstanding work.

VISITORS – there were no visitors wishing to address Council.

Public Hearing. Mayor Duncan introduced the public hearing for Application 23-1, which requests text amendments to the permitted and special uses in the business district regulations of the Zoning Code, and clarifies miscellaneous provisions. 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 May 3, 2023 and voted 4 – 0, with one member excused absent, 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 via Zoom. 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 *en masse* to Mr. and Mrs. Ford.

Mr. Jacques then provided the following report:

The Oakwood Planning Commission met on May 3, 2023 and voted 4 – 0, with one member excused absent, to recommend approval of these Zoning Code amendments to City Council.

The proposed text amendments are an update to the list of permitted uses within both the Community Business (CB) and Neighborhood Business (NB) zoning districts, as well as minor updates to clarify certain provisions. The updates are provided in the form of three separate ordinances: one to update permitted uses in the CB district; one to make similar updates in the NB district; and one to make a few miscellaneous clarifications.

The Oakwood Zoning Code has an exclusive list of permitted uses in the NB and CB business districts. If a particular use is not listed, and a special use or conditional use is not available, the proposed use is denied.

There are a variety of “personal services” that currently do not qualify as a permitted use. Mr. Jacques shared that there have been several instances where city staff has denied a potential business because their proposed use is not listed, even when the proposed business would be a good fit in the community.

Mr. Jacques reviewed specific changes proposed for the lists of permitted and special uses:

- “Salon/spa” has been added to the “Beauty parlor” permitted use. Some of these have been approved in Oakwood under the “Beauty parlor” use, but the code language was clarified to recognize a broader array of services.
- “Fitness/health/wellness service” has been added as a permitted use. This category is intended to include establishments such as gyms, fitness studios, group exercise classes, personal training and coaching, etc.
- “Personal services” has been added as a permitted use. This category is intended to include businesses that provide a non-medical personal service as a primary use, and may include accessory retail sales of products related to the services.
- A provision that makes a Special Use permit available for “Retail or service uses of scale and intensity similar to uses (already) permitted.” This is a catch-all designed to create an administrative review process for proposed uses that may not be listed, but might otherwise be a good fit for Oakwood.
- Consistent with amendments a – d, the off-street parking requirements in Title 11 have been updated to include the new uses.

He then reviewed the following miscellaneous clarifications:

- Miscellaneous clarification: Current language in Sections 402.1 and 402.2 permits “air conditioning condensers and heat pumps” as accessory structures and uses, and designates in which yards they may be placed. This has been updated to include generators and similar mechanical equipment.
- Miscellaneous clarification: Current language in Section 402.2 allows window wells to encroach two feet “into the yard.” This has historically been interpreted to mean “into the *required* yard,” meaning that the provision is intended to allow a window well to exist within the setback area as long as the main structure is not in the setback area. This language has been clarified accordingly.
- Miscellaneous clarification: Current state law caps the fine for a minor misdemeanor zoning violation at \$150. Oakwood’s Zoning Code currently caps the fine at \$100. The

Code would be updated from \$100 to \$150 to remain consistent with the provisions of state law.

Mr. Jacques advised Council that the proposed text amendment updates should be reviewed for consistency purposes with the Zoning Code, the 2004 Comprehensive Plan, and the interests of the city of Oakwood as a whole.

Mr. Stephens asked how the off-street parking requirements will be enforced.

Mr. Jacques shared that city staff will assist the business owner to determine the appropriate location for parking, and to ensure that a proposed business has enough parking available to meet code requirements.

Mayor Duncan opened the public hearing.

Marissa Ford, 124 Acacia Drive, shared that she would like to bring a small Pilates business to the Shops of Oakwood to benefit the health and wellness of the Oakwood community. As the Code is today, her business is not currently permitted. She asked City Council to consider updating the Code to benefit the community.

Mike Ford, 124 Acacia Drive, shared that he fully supports his wife's Pilates business. He believes that the Oakwood community would benefit from having more fitness options.

Mayor Duncan closed the public hearing.

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4978
AN ORDINANCE AMENDING SECTIONS 701.2, *PERMITTED USES*,
AND 701.3, *SPECIAL USES*, OF THE OAKWOOD ZONING
ORDINANCE TO AUTHORIZE ADDITIONAL USES WITHIN THE
NEIGHBORHOOD BUSINESS (NB) ZONING DISTRICT.

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4979
AN ORDINANCE AMENDING SECTIONS 702.2, *PERMITTED USES*,
AND 702.3, *SPECIAL USES*, OF THE OAKWOOD ZONING
ORDINANCE TO AUTHORIZE ADDITIONAL USES WITHIN THE
COMMUNITY BUSINESS (CB) ZONING DISTRICT.

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4980
AN ORDINANCE AMENDING SECTION 402.1, *ACCESSORY
STRUCTURES AND USES*; SECTION 402.2, *PERMITTED
OBSTRUCTIONS IN YARDS*; AND SECTION 1010.5, *PENALTIES*, OF
THE OAKWOOD ZONING ORDINANCE; TO CLARIFY CERTAIN
PROVISIONS AND TO ENSURE CONSISTENCY WITH STATE LAW.

A copy of the ordinances, having been placed on the desks of each member of Council prior to introduction, were read by title and introduced together because they are related and Council conducted a single public hearing to consider them.

Vice Mayor Byington explained that the first ordinance is the one that updates the list of uses within the Neighborhood Business (NB) zoning district. The second ordinance makes those same changes within the Community Business (CB) zoning district. The third and final ordinance is the one that clarifies the wording for provisions relating to a setback requirement and the permitted yards for certain mechanical equipment, and also makes the penalty provision consistent with state law.

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

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

- MR. WILLIAM D. DUNCAN.....YEA
- MR. STEVEN BYINGTON.....YEA
- MR. ROBERT P. STEPHENS.....YEA

MRS. ANNE HILTONYEA
 MRS. LEIGH TURBENYEA

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

A RESOLUTION
 BY VICE MAYOR BYINGTON NO 1908
 A RESOLUTION BY THE COUNCIL OF THE CITY OF OAKWOOD,
 OHIO, DECLARING THE NECESSITY OF A RENEWAL LEVY IN
 EXCESS OF THE TEN-MILL LIMITATION AND REQUESTING THE
 COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX
 VALUATION OF THE CITY OF OAKWOOD AND THE DOLLAR
 AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A
 SPECIFIC NUMBER OF MILLS.

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 ten years ago, the State of Ohio eliminated the estate tax and made other cuts to local government funding. As a result, the city of Oakwood lost almost \$3 million in annual revenue. After an intensive campaign of neighborhood and town hall meetings to discuss options with our residents, Council decided on a combination of approaches to address the significant shortfall. One of these was a 3.75 mill property tax levy.

Since being approved by Oakwood voters in 2013, the levy was renewed in 2018. It is due to expire this year and Council wishes to renew it again.

This resolution is the first legislative step towards placing a renewal of the 3.75 mill levy on the ballot in November. The second piece of legislation will be on the agenda for Council’s July meeting. It is important to note that since this is a renewal instead of a new levy, it will maintain the current level of property taxation and will not increase property taxes.

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

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

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

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

AN OAKWOOD MOMENT

Mr. Stephens highlighted this year’s “That Day in May” event.

CITY MANAGER REPORT – Mr. Klopsch reported on the following:

The feedback that has been received so far is mixed regarding the potential roundabout at the Five Points intersection. Mr. Klopsch encouraged people to attend the open house events scheduled for 6 – 8 p.m. on June 14, June 29, and July 11 at the Oakwood Community Center. There will be numerous display boards presented at the open house events along with a video showing bird’s-eye and driver views of vehicle and pedestrian traffic flow at various times of the week.

The annual asphalt repaving will take place in the next two months. Construction notification postcards with construction dates will be mailed to all impacted property owners.

The 2022 Consumer Confidence Report for the city’s public water system was published and is available on the city’s website. The report includes information about the operation of the city’s water system during the 2022 calendar year. The report shows that the city operates the public water system in compliance with all state and federal rules.

A presentation detailing the sustainability measures implemented in Oakwood over the past 10-20 years will be available on the city’s website.

COUNCIL COMMENTS

Mrs. Turben commented on third grade students visiting the Oakwood Historical Society's Long-Romspert Homestead. She recognized a student for sending a thoughtful thank you note and thanked Brian Mettling for bringing his Ford Model T to help with the event.

Mayor Duncan shared that he recently attended a change-of-command ceremony at the National Museum of the U.S. Air Force. The Air Force Research Laboratory (AFRL) at Wright-Patterson Air Force Base bid farewell, and recognized the retirement of, Major General Heather Pringle, and welcomed Brigadier General Scott Cain as its new commander.

The public meeting concluded at 8:15 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL