

A Regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, January 5, 2016 at 7:00 p.m. Those members present were Bob Blackburn, Steve Dana, Kevin McKeehan, Mike Smith and Edna Southard. Glenn Ellerbe arrived at 7:07 p.m.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. John Jones, Acting Police Chief; Mr. Joe Newlin, Finance Director; Mr. John Detherage, Fire Chief; Mr. Jung-Han Chen, Community Development Director; Mr. Alan Kyger, Economic Development Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Mr. Dana moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22 (G)(1) and (4) for the purpose of discussing personnel actions, appointments to boards and commissions, and to review collective bargaining strategy. Ms. Southard seconded. The motion passed by the following roll call:

AYE: Mr. Dana, Mr. McKeehan, Mr. Smith, Ms. Southard, Mr. Blackburn
Mayor Rousmaniere (6)

NAY: None (0)

ABS: None (0)

ADJOURN FROM EXECUTIVE SESSION

Mr. Dana moved to adjourn from Executive Session at 7:30 p.m. Mr. McKeehan seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Dana moved to approve the agenda. Mr. Smith seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PROCLAMATION

“REV. DR. MARTIN LUTHER KING, JR.”

Mayor Rousmaniere read the Proclamation and presented it to Mrs. Fran Jackson.

Ms. Fran Jackson, thanked Mayor Rousmaniere and Council members for the Proclamation in recognition of Dr. Martin Luther King, Jr. noting he was one of the greatest inspirational leaders and made a difference in the lives of many people.

Ms. Jackson read the following (in part) into the record: ‘ Dr. King was the chief motivator in the African American civil rights movement to end segregation and discrimination in the United States. These were troubling times for African Americans who faced racial persecution in education, housing employment and an unfair justice system. Dr. King worked hard to change policies that were unjust through peaceful non-violent ways. The historic 1963 march in Washington where he delivered his famous speech raised public consciousness of the civil rights movement. Dr. King was the youngest person to receive a Nobel Peace Prize for his efforts to end segregation and racial discrimination through civil disobedience in non violent ways. We celebrate him and remember his dream of love, peace and compassion for all people regardless of their color or social status. Because of what he did for our country we can live and work side by side without regard to color or race. Because of him I can stand here as an African American and accept this wonderful Proclamation. Also, because of him, I can stand here because I survived as an African American who was the first African American teacher hired in a number of school districts. Dr. King was a drum major for justice and equal rights’.

Ms. Jackson invited everyone to attend the Rev. Dr. Martin Luther King commemoration program on Monday, January 18, 2016 at the Oxford Community Arts Center from 11:00 a.m. to noon. Ms. Jackson advised the event would include a wonderful art and literary exhibit of the works of elementary, junior and senior high school students in Oxford.

Mayor Rousmaniere reiterated the commemoration program was Monday, January 18th from 11:00 a.m. to noon at the Oxford Community Arts Center. Mayor Rousmaniere advised the speaker would be Dr. Yvette Harris from Miami University and the event was co-sponsored by Miami University Office of Diversity Affairs, the Oxford NAACP, the Oxford Community Arts Center and the Talawanda School District.

APPOINTMENT TO THE ENVIRONMENTAL COMMISSION

Mr. Smith moved to nominate Madeline Maurer to the Environmental Commission for a term ending June 30, 2020. Mr. Dana seconded. The nomination passed 7-0-0.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

MINUTES

Minutes of the December 15, 2015 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the December 16, 2015 Civil Service Commission Meeting. (Candi Turpin, Human Resources Director)

Report regarding the December 16, 2015 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Mr. McKeehan moved to approve the consent agenda. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION
LABOR AGREEMENT

A Resolution No. 4959 approving the contract between the City of Oxford, Ohio, and the Oxford Police Employees Association and authorizing the City Manager and the City Law Director to sign the contract on behalf of the City. (Doug Elliott, City Manager)

Mr. Elliott advised an agreement was reached with the Oxford Police Employees Association and the group included public safety assistants, public records specialists, and dispatcher/clerks (formerly public safety communication officers). Mr. Elliott noted it was a three year contract which included a 2% pay increase for 2016 and a re-opener on wages for 2017 and 2018. Mr. Elliott reminded everyone that the City moved to county dispatching and this group was reduced by several employees. Mr. Elliott recommended Council's approval of the proposed agreement with the Oxford Police Employees Association.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. McKeehan noted he felt it was a fair contract and after shifting dispatch services to Butler County it was a positive measure. Mr. Dana Agreed.

Ms. Southard moved to adopt Resolution No. 4959. Mr. Smith seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
OVERLAY DISTRICT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R-1A (Single Family Low Density Residential) District For 45 Parcels Located On Hidden Creek Drive, Deer Trail Circle, And Fox Run Circle, In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the Neighborhood Conservation Overlay District process was created in 2012 to encourage neighbors to initiate a grass roots petition to place additional restrictions over the existing underlying zoning district. Mr. Chen noted the purpose of the overlay district was to restrict high volumes of rental properties in specific neighborhoods, excessive noise, traffic and congestion to maintain desirability of the community. Mr. Chen advised Council accepted the proposed petition in October of 2015 and forwarded it to the Planning Commission for consideration.

Mr. Chen noted the Planning Commission met on December 8, 2015 and made a positive recommendation for Council to approve the overlay district for the neighborhood of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle. Mr. Chen advised the petition met the requirements for signatures and boundaries as outlined in the zoning code.

Mayor Rousmaniere inquired if there were any comments from the petitioners or from the public and there were none.

Mayor Rousmaniere inquired how many overlay districts had been established and Mr. Chen advised this would be the 12th. Mayor Rousmaniere noted this was the first reading of the proposed Ordinance and it would be on the next agenda for second reading.

ORDINANCE **CONDITIONAL USE PERMIT**

An Ordinance Approving A Conditional Use Permit To Allow For Alcohol Service At A Nano Brewery At The Property Located At 5958 Fairfield Road In The General Business District With Conditions And Waiving The Fifty (50) Foot Setback Requirement. (Jung-Han Chen, Community Development Director)

Mr. Chen advised Conditional Uses are land uses that are potentially appropriate in many zoning districts but are likely to have characteristics that could be detrimental to the public health, safety, or general welfare if not located appropriately, operated appropriately, or mitigated with good design. Mr. Chen noted conditional use permit applications go before the Planning Commission and the Planning Commission makes a recommendation to Council for legislative action based on the decision standards. Mr. Chen advised the property in question was located at the northwest corner of Lynn Avenue and Fairfield Road and was zoned General Business which allowed establishments serving alcohol as a conditional use. Mr. Chen noted the building was most recently a computer repair store and the applicant wished to convert it to a Nano brewery. Mr. Chen advised staff identified areas of concern including traffic, noise, and the requirement of a 50 foot setback from a residential district. Mr. Chen noted the Planning Commission identified additional concerns including hours of operation, parking, proximity to neighboring homes, outdoor seating, sound system, signage and lighting. Mr. Chen advised the Planning Commission discussed the proposal at length and recommended approval subject to nine conditions as listed on page 85 of Council's Packet. Mr. Chen read some of the conditions as follows:

1. Close of business shall be 10:30 p.m. weekdays and midnight on weekends and holidays.
3. The design of a fence along the western lot line shall be mutually agreed upon by the applicant and adjacent property owner and it shall be compliant with the regulations of the Oxford Zoning Code.
4. Every six months, the applicant shall provide updated operator information to the three closest residential lot owners of record to facilitate efficient correction of any noise, litter, odor or other negative impacts.
5. The conditional use shall be void if current owner discontinues being the owner and manager of the establishment.

Mr. Chen offered to answer any questions.

Mr. Dean Scales, Applicant, introduced his wife Emily Savage and advised they were looking to open a small Nano brewery in Oxford. Mr. Scales noted they had been brewing and home brewing for 10 years and had worked with some of the top breweries in the nation. Mr. Scales advised he and his wife spent countless hours on the road visiting breweries that met their standards to see where they failed and where they did well and they spent countless hours on the road looking for a location for their brewery. Mr. Scales noted they fell in love with Oxford and Oxford was where they wanted to be. Mr. Scales advised they wanted to stay small and would be comparable to a high end scotch bar or a high end cigar bar where people could try and experience new things. Mr. Scales indicated their crowd would be an adult crowd who would visit the brewery for a while and then move on to other venues in Oxford. Mr. Scales noted they planned to be good neighbors in terms of noise, lighting and other aspects that could affect the immediate community. Mr. Scales asked Council to let them set their own hours noting they were already limited by the liquor permit to stop selling at 1:00 a.m. Mr. Scales advised it had been stated that the average closing time was 10:30 p.m. for businesses surrounding their proposed location. Mr. Scales noted when looking at all businesses in the area the 2 largest volume businesses were Kroger and Taco Bell and they were open much later than 10:30 p.m. Mr. Scales advised other businesses might stay open later if it benefitted them. Mr. Scales asked to be open Monday through Thursday from 4:00 p.m. to 11:00 p.m., Friday from 4:00 p.m. to 1:00 a.m., Saturday from 11:00 a.m. to 1:00 a.m., and Sunday from 11:00 a.m. to 10:30 p.m. Mr. Scales advised they were looking for signage so people knew to keep the noise down, decibel readers that would report back to the brewery if there was any noise outside, sound deafening fences and better windows for the brewery and taproom all to make sure noise was not a problem any time of the day. Mr. Scales noted a Nano brewery was a beer brewer's taste testing lab and the seating and tap area would be small so they could interact with the customers. Mr. Scales advised they had worked with the neighbors as best they could and had spoken to some neighbors who had concerns. Mr. Scales noted most of the neighbors seemed relatively supportive. Mr. Scales thanked Council for their time and consideration and noted they were open to any suggestions Council may have for them to become a business in Oxford.

Mr. Blackburn advised the closing hours of the proposed business listed on the Conditional Use Application were 10:30 p.m. during the week and midnight on weekends which was different than what Mr. Scales stated. Mr. Scales noted that was a suggestion from the Planning Commission and he would like the hours extended if possible.

Ms. Irene Friedman, Vereker Drive, noted she did not understand the 50 foot requirement and asked how it affected her property. Mr. Chen advised the zoning code stipulated an establishment serving alcohol shall be 50 feet away from residential property which was why the Planning Commission recommended waiving the requirement. Ms. Friedman noted she had mixed feelings about the Nano brewery and advised she had seen two photography studios and a tattoo parlor in the proposed location that never seemed to get off of the ground. Ms. Friedman noted the tattoo parlor had spot lights that shone into her kitchen and bedroom and she now understood that violated the zoning code. Ms. Friedman advised she was open to new ideas although people had told her she didn't want a brewery near her property as it would decrease the property value and patrons might damage her property and surrounding sidewalks. Ms. Friedman noted Mr. Scales indicated he was welcomed by everyone and advised she was a property owner with a lot of rental properties around her and the tenants didn't have a lot at stake.

Ms. Friedman noted a flyer was left with neighbors introducing Mr. Scales and what he and his wife wanted to do and if they didn't get a lot of feedback from residents on Vereker Dr. it might be because there were many rental properties on Vereker Dr. Ms. Friedman advised her concern would be with lighting and possibly with noise. Ms. Friedman inquired where the outdoor seating would be and Mr. Scales displayed a slide showing the area in question.

Mr. Blackburn advised property owners within 200 feet of the location were notified by the City and the absence of taking any action meant they didn't have any complaints about the proposed Nano brewery.

Mr. Dana referred to condition number 6 on page 83 of Council's packet 'The applicant shall enter into discussion and attempt a formal agreement with adjacent properties to share their parking lots and assure their cleanliness during use' and inquired if the applicant had initiated the discussion. Mr. Scales advised he spoke to the owner of the insurance business across the street who was open to the idea but wanted to wait until the Nano brewery was up and running before he signed a formal agreement.

Mayor Rousmaniere noted the discussion during the Planning Commission meeting was long and a lot of compromises were made. Ms. Rousmaniere referred to condition number 6 on page 83 of Council's packet and inquired how Council could legislate an 'attempt'. Mr. Chen advised once the business was up and running Mr. Scales could discuss the matter with the property owner across the street. Mr. Ellerbe suggested using the word 'initiate' instead of the word 'attempt'. Mr. McHugh suggested amending the sentence to read in part 'The applicant shall initiate discussion for a formal agreement with the adjacent properties'. Mayor Rousmaniere referred to condition number 2 on page 83 of Council's packet 'Traffic shall be limited to 15 vehicle trips per peak hour' and inquired how to measure and enforce 15 vehicle trips per peak hour. Mayor Rousmaniere noted she didn't know what a peak hour was. Mr. Chen advised the applicant stated in his narrative that he anticipated 10-15 customers per hour. Mr. McKeehan noted it was unenforceable and should be stricken. Mr. McHugh advised the intent was to establish a limit and if there were 100 vehicles per hour it would give the City some basis to tell the owner this was unacceptable. Mr. Scales advised peak hours would be from 5-7 p.m. noting people usually stopped for one beer after work and took a growler home with them. Mr. Chen advised if need be staff would count traffic at the site. Mayor Rousmaniere referred to condition number 1. on page 83 of Council's packet 'The close of business shall be 10:30 p.m. weekdays and midnight weekends and holidays' and inquired if weekends included Friday and Mr. Scales advised yes. Mr. Blackburn suggested amending the closing times as requested by Mr. Scales. Mr. Dana noted the applicant would meet with neighbors at least every 6 months and get feedback and inquired if the applicant would share that data with anyone interested and Mr. Scales advised yes. Ms. Southard advised if Council approved the conditional use permit application they wanted the business to be a success and it made sense to extend the hours.

Mr. Blackburn moved to amend the close of business from 10:30 p.m. on weekdays to 11:00 p.m. and from midnight to 1:00 a.m. on weekends. Mr. Ellerbe seconded. The motion passed 7-0-0.

Mayor Rousmaniere advised the proposed Ordinance would be on the next agenda for second reading.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3335. Supplemental Budget Ordinance Number 1 To Make Supplemental Appropriations For Fiscal Year 2016. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on pages 117 and 118 of Council's packet.

Mr. Dana inquired what the time frame was between the advance from the General Fund and when it would get reimbursed by the OVI Task Force Grant and Mr. Newlin advised the grant expired in September.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

ORDINANCES
SECOND READING

ORDINANCE
CURB, GUTTER & SIDEWALK
ASSESSMENTS

An Ordinance No. 3341 Levying Upon The Lots And Lands Enumerated In The List Of Estimated Assessments (Exhibit A) The Amounts Set Forth On Such List And Setting Forth Terms For Payment Of Assessment. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised this was the final action needed by Council so the cost for curb, gutter and sidewalk repair on private properties could be assessed to those lots . Mr. Dreisbach noted once the Ordinance was approved the costs would be certified to the county and the City would begin to recover the money expended for the repairs.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Dana referred to page 123 of Council's packet and noted in all but 2 incidents the actual costs were less than the estimated costs which was laudatory.

Mr. McKeehan moved to adopt Ordinance No. 3341. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ellerbe, Mr. McKeehan, Mr. Smith, Mr. Blackburn, Ms. Southard, Mr. Dana
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
EASEMENT AGREEMENT

An Ordinance No. 3342 Authorizing The City Manager To Enter Into An Easement Agreement Between The City Of Oxford And Duke Energy Ohio, Inc. For A Permanent Easement Over Portions Of Real Property Commonly Known As Leonard Howell Park To Allow The Relocation Of Electric Infrastructure In Advance Of Construction To Replace The Bonham Road Bridge. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised he had no new information since the first reading of the proposed Ordinance.

Mayor Rousmaniere inquired when the project would be complete and Mr. Dreisbach advised in the fall of 2016 at no cost to the City.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. McKeehan moved to adopt Ordinance No. 3342. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. McKeehan, Mr. Smith, Ms. Southard, Mr. Blackburn, Mr. Dana, Mr. Ellerbe
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott thanked Mrs. Fran Jackson for her kind comments regarding the Rev. Dr. Martin Luther King Proclamation noting the Mayor had issued such a Proclamation several times in the past.

Mr. Elliott advised 4 applications had been received for the Police Community Relations & Review Commission for appointment by City Council. Mr. Elliott encouraged those interested to apply noting the City was anxious to get the new commission underway. Mr. Elliott advised the commission would have 7 members appointed by City Council and the members were to be reflective of the community's diversity.

Mr. Elliott advised the Safety Dispatch contract with the Butler County Sheriff's Office was underway last Tuesday with Police 911 dispatching and Fire dispatching began today. Mr. Elliott noted the transition was going well.

Mr. Elliott advised Mike Gmoser, the Butler County Prosecutor, was looking to abolish the three Butler County Area Court part-time judges and establish an Oxford Municipal Court and 2 Butler County Municipal Courts for a total of 3 full-times judges. Mr. Elliott noted he and Mr. McHugh were meeting with Mr. Moser next week to discuss the matter.

Mr. Elliott advised his initial analysis of this proposal indicated a cost of \$300,000 to the City of Oxford annually if the City established an Oxford Municipal Court. Mr. Elliott noted if the City did not establish its own court, the Oxford court cases would be held in the City of Hamilton. Mr. Elliott advised a City Council Work Session might be scheduled regarding this proposal.

Acting Chief Jones advised the Police Department had been busy during the winter break doing vacant house checks and investigating burglaries. Acting Chief Jones noted 21 burglaries had been reported since the Thanksgiving break and OPD arrested 5 people associated with 4 of the burglaries with more arrests pending. Acting Chief Jones advised OPD had also been busy with the 911 and Fire dispatching being transitioned to the Butler County Sheriff's Office. Acting Chief Jones referred to a tragedy which occurred in Oxford on Sunday noting OPD was still very involved and were working tirelessly on the case.

Mayor Rousmaniere advised this portion of the meeting was for remarks from City Council and City staff. Mayor Rousmaniere noted this time was usually used to make announcements that were important for the public and Council would continue to do that. Mayor Rousmaniere suggested this time could be used to raise issues and questions for possible discussion and exploration by Council members. Mayor Rousmaniere noted this was not a time for deliberation or for policy making, it was for discussing items Council was interested in or for discussing items constituents brought forward.

Mayor Rousmaniere advised a Joint Work Session with the Planning Commission was tentatively scheduled for February 2nd. Mayor Rousmaniere noted one item on the Planning Commission's agenda for 2016 had to do with streets and particularly Locust Street. Mayor Rousmaniere advised Locust was an increasingly busy street with a lot going on and asked Council members to think about what could be done there and if it was something Council could support the Planning Commission on.

Mayor Rousmaniere reiterated the MLK celebration would take place January 18, 2016 from 11:00 a.m. to noon at the Oxford Community Arts Center.

Mr. Blackburn welcomed everyone back and wished them a Happy New Year.

Ms. Southard advised she had been working with the Institute for Learning in Retirement through Miami University and in cooperation with City staff she was organizing a course that addresses Local Government and how it operates. Ms. Southard noted last year she organized a course that covered who does what in the City, and this year they would look at some of the issues facing the City. Ms. Southard advised next year it may be town/gown relations. Ms. Southard noted this was a 5 week class from the end of March to the end of April. Ms. Southard advised she felt it was important for people to know what happens in local government, who does what, what some of the concerns were, and how we tried to solve problems together.

Mr. Smith noted the new sidewalk on Foxfire Drive looked great and it had been needed for a long time.

Mr. Dana announced on Saturday, January 9th at 706 Carter Court in Oxford a construction kick-off for the Oxford Habitat for Humanity site would take place at 9:00 a.m. Mr. Dana noted two families applied and had been selected for 706 and 711 Carter Court and all were welcome to attend the kick-off.

Mr. Ellerbe wished everyone a Happy New Year.

Mr. McKeehan wished everyone a Happy New Year.

ADJOURN

Mr. Dana moved to adjourn at 8:54 p.m. Ms. Southard seconded. The motion passed 7-0-0.