

A regular meeting of the Oxford City Council was called to order by Mayor Mike Smith on Tuesday, January 7, 2020 at 7:15 p.m. Those members present were Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu, William Snavelly and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Ms. Jessica Greene, Assistant City Manager; Mr. Mike Dreisbach, Service Director; Mr. John Jones, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Sam Perry, Community Development Director; Mr. Casey Wooddell, Parks and Recreation Director; Mr. Alan Kyger, Economic Development Director; Mr. John Detherage, Fire Chief; Mr. Chris Conard, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Ms. Southard moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22(G)(1) and 3 for the purpose of discussing Appointments to Boards and Commissions and pending litigation. Mr. Snavelly seconded. The motion passed by the following roll call:

AYE: Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Bracken
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

ADJOURN FROM EXECUTIVE SESSION

Mr. Snavelly moved to adjourn from Executive Session at 7:43 p.m. Ms. Southard seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor Smith requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Snavelly moved to approve the agenda. Mr. Ellerbe seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

APPOINTMENTS TO BOARDS AND COMMISSIONS

Ms. Southard nominated Kate Rousmaniere to serve on the Board of Zoning Appeals for a term ending in 2021 and Matt Arbuckle to serve on the Civil Rights Commission for a term ending in 2023. Mr. Ellerbe seconded the nominations. The nominations passed 7-0-0.

PUBLIC COMMENTS

Mr. Chris Skoglund, 211 Ryan Drive, asked for an update on residents receiving the new lidded recycling bins. Mr. Elliott advised the transition would occur in February.

Ms. Brandy Lenos, Jimmy John's, 23 E. High Street, inquired if the restaurant could obtain a parking spot for one driver as they had no designated parking spaces. Ms. Lenos also inquired if anything could be done about their drivers receiving tickets due to the fact overnight parking was not allowed and noted sometimes their employees work until 4:30 or 5:00 a.m. Ms. Lenos was referred to Chief Jones for suggestions.

Mr. Prytherch advised the Oxford Parking and Transportation Advisory Board planned to look at some of the parking policy issues and make recommendations to "tweak" them.

Mr. Ron Siliko, 6244 Hester Road, referred to the proposed City Ordinance to ban polystyrene and Mayor Smith advised there was opportunity for public comments once Council got to that item on the agenda.

CONSENT AGENDA

MINUTES

Minutes of the December 17, 2019 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the December 17, 2019 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the December 10, 2019 Planning Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the December 11, 2019 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the December 18, 2019 Board of Zoning Appeals Meeting. (Sam Perry, Community Development Director)

RESOLUTION

SURPLUS VEHICLE

A Resolution No. 7146 declaring certain property in the Police Division's possession as surplus and not needed for any municipal purpose and authorizing its advertisement and sale to the highest bidder at public auction or internet auction. (John Jones, Police Chief)

Mr. Snavely moved to approve the consent agenda. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION **SELF BOARD APPOINTMENT**

A Resolution No. 7147 appointing Edna Southard as Council Representative to the SELF Board.
(Doug Elliott, City Manager)

Mr. Elliott referred to page 32 of Council's packet noting the Executive Director of the SELF Board, Jeffrey Diver has recommended Ms. Southard be appointed to the board as the City of Oxford's representative.

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

Ms. Southard thanked Council noting she was honored to serve.

Mr. Snavelly moved to adopt Resolution No. 7147. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION **CONTRACT WITH** **MOTOROLA SOLUTIONS**

A Resolution No. 7148 authorizing the City Manager to enter into a contract with Motorola Solutions for the purchase of sixty two (62) Motorola radios and associated accessories as set forth on Exhibit "A" attached hereto at State Contract pricing at a cost not to exceed \$90,900.00.
(John Jones, Police Chief)

Chief Jones addressed his staff report as presented on page 33 of Council's packet noting the Resolution should reflect the purchase of 26 radios, not 62 radios.

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

Mr. Prytherch moved to amend the Resolution to read "the purchase of twenty six (26) Motorola radios". Mr. Snavelly seconded. The motion passed 7-0-0.

Mr. Snavelly moved to adopt Resolution No. 7148 as amended. Ms. Southard seconded. The motion passed 7-0-0.

Mayor Smith reminded everyone Council values their comments, and Council rules limit public comments to five minutes for each person. Mayor Smith noted Council would appreciate it if presentations are not in the form of public debate and personal attacks on Council, City staff or other members of the public are also not appreciated.

ORDINANCES
FIRST READING

ORDINANCE
AMENDED FEES

An Ordinance Amending Fees And Charges For Fiscal Year 2020. (Casey Wooddell, Parks and Recreation Director)

Mr. Wooddell advised the proposed Ordinance would adjust the 2020 season pass fees for the Aquatic Center. Mr. Wooddell noted after receiving an overwhelming number of complaints during the 2019 season about how the City defined a "Family Pass" staff opted to eliminate family passes for 2020 and sell all individual passes. Mr. Wooddell advised the goal of that change was to be as fair as possible to all people regardless of their family situation. Mr. Wooddell noted the City received a lot of feedback via social media, emails, phone calls and direct conversations about the negative impact this change would have on larger families in the community. Mr. Wooddell noted in general he was pleased with the methodology of the community in terms of providing the feedback and advised it was not harsh, demoralizing or in the form of personal attacks. Mr. Wooddell noted as a follow up he met with OPRD staff and Ms. Greene and came up with a new proposal which includes a "Household" pass option rather than a family pass which opens up availability in terms of restrictions of families that were defined in a much different way in the past. Mr. Wooddell advised he supports the new proposal as presented on page 38 of Council's packet and noted he was happy to implement and enforce the proposed fees should Council vote in favor of them. Mr. Wooddell advised in terms of general fairness he also supports the fee structure as it currently exists in the fee ordinance.

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

Mr. Prytherch advised he appreciates the responsiveness noting the fee ordinance has a lot of items in it and Council changed the fee structure for aquatic center passes. Mr. Prytherch advised in retrospect he wishes he had done the math on the impact of having individual passes. Mr. Prytherch noted he appreciates that Council can amend the fee ordinance as he wants people to feel like their aquatic center is affordable for them.

Ms. Southard agreed noting she felt it was very responsive to the needs of the community. Ms. Southard advised she hoped everyone will continue to feel welcome at the aquatic center.

Mr. Ellerbe advised he appreciated the hard work and thanked Mr. Wooddell.

ORDINANCE
AMENDED FINAL
PLANNED DEVELOPMENT

An Ordinance Accepting The Planning Commission's Recommendation For Final Plan Approval Of A Major Change To An Existing Planned Development At 5990 Contreras Road With Conditions. (Sam Perry, Community Development Director)

Mr. Perry advised the proposed Ordinance was a recommendation from the December Planning Commission meeting for Council's review this evening regarding property at 5990 Contreras Road. Mr. Perry provided slides of the property noting it was owned by Peter and Connie McCarthy and advised architect Scott Webb was the applicant. Mr. Perry noted this was a revision to a previously approved Final Planned Development application of 2015. Mr. Perry provided the legislative history of the property as listed on pages 41-42 of Council's packet. Mr. Perry noted this was a historic home that the owners would like to keep intact and transfer to a new owner by finding an adaptive reuse for the property. Mr. Perry advised the previous approval was for the property to potentially be used as a professional office or up to three dwelling units. Mr. Perry noted the new request would take away the professional office option and make it only for residential use. Mr. Perry advised the use would be short term rental which was not reviewed previously in a Final Planned Development application. Mr. Perry noted a lot split was also requested as part of the new application. Mr. Perry advised the overall one acre boundary of the Planned Development would remain the same with the ability to split off a portion for a potential future residential lot (approximately 40%). Mr. Perry noted a Planned Development allows something that otherwise would not be allowed by the underlying zoning district which is R1B (Medium Density Single-Family) District which surrounds the area in question. Mr. Perry advised a Planned Development allows a use that would not otherwise be allowed and because it is one acre it meets that threshold. Mr. Perry noted a Planned Development allows Council the option to place conditions on the approval and to grant waivers if Council feels they are important for the viability of the property, the neighborhood and the community. Mr. Perry provided slides of the home on Contreras Road and the surrounding area. Mr. Perry provided a slide of the buildable area and the proposed lot line that could happen in the future. Mr. Perry provided a slide of the floor plan with the short term rental areas being shaded noting currently it was designed as two separate dwelling units for long term rental usage. Mr. Perry discussed the goals for a Planned Development which included the protection of neighbors of a planned development and the City in general and to produce a development equal to or better than that resulting from single use or traditional subdivision. Mr. Perry discussed the staff analysis noting their finding was that the proposed development was a lower intensity than the previous approval and the Planning Commission agreed with that because of the removal of the professional office. Mr. Perry advised there was no prohibition in the Oxford code of having multiple ownership so if approved, the separate lot could be sold within a certain time period which the Planning Commission agreed with. Mr. Perry noted there have been no complaints with regard to this property regarding the short term rental use that has been occurring. Mr. Perry advised short term rental provision has been an ongoing project for the City noting it has been through several reviews by the Planning Commission and a couple of reviews by City Council. Mr. Perry noted the Police Chief and the Fire Chief reviewed the application and found no safety concerns. Mr. Perry referred to page 40 of Council's packet and discussed the proposed conditions for approval as recommended by the Planning Commission.

Mr. Prytherch inquired if short term rentals were a permitted use in the zoning code and Mr. Perry advised yes, noting the bed and breakfast provision was extended to include them. Mr. Prytherch suggested using the language "Bed and Breakfast" since it is specific to the code.

Mr. Snavely advised the term "Bed and Breakfast" is going out and "Short Term Rental" is coming in.

Mr. Scott Webb, noted Mr. Perry and the Planning Commission have done a nice job over the long history of this property in trying to find a way to save the house and come up with an adaptive reuse that is compatible with the neighborhood and meets the goals of the Comprehensive Plan. Mr. Webb noted his hope this was a solution everyone would be happy with. Mr. Webb provided slides and advised the house was built in 1896 noting it originally sat on 13 acres. Mr. Webb noted the owner's goal since they purchased this property has been to maintain it and maintain its historic integrity. Mr. Webb advised the previous approval was to potentially turn the ground floor into a commercial use noting having looked at plans of what it might take to do that it would severely change the interior of the house. Mr. Webb noted it would have to be made handicapped accessible in all manners and advised there would be a lot of construction and destruction of the hardwood floors. Mr. Webb noted the new proposal was a less intensive use to keep the house more closely intact. Mr. Webb reiterated the property was located in the R1B District near R3 and Single Family districts. Mr. Webb noted that was why he and his client felt a low impact commercial use would be a good solution although instead the Airbnb, Bed and Breakfast, or Short Term Rental seems to be a better adaptive reuse of the property. Mr. Webb advised what was approved previously allows a maximum of 3 dwelling units or two dwelling units and an office noting what they intend to do instead is use the historic home as a short term rental and create a compliant R1B lot on the west side of the property. Mr. Webb reiterated there has not been complaints about the short term rental use of the property so far. Mr. Webb addressed the conditions placed on the previous approval and the ones recommended for the amended approval. Mr. Webb reiterated the footprint of the house is not intended to be changed based on the current application. Mr. Webb noted he and his client feel the proposal is less troublesome to the neighborhood than some type of commercial use on the ground floor. Mr. Webb offered to answer any questions.

Ms. Southard inquired if there was a maximum number of people who could stay in the home. Mr. McCarthy advised it was 4 unrelated for the main house and 1 unrelated for the apartment (referring to families).

Mr. Ellerbe inquired how many beds were in the house currently and Mr. McCarthy advised 4. Mr. Ellerbe inquired how many beds would be in the house if the proposal was approved and Mr. McCarthy advised 7. Mr. Ellerbe inquired if the City was going to allow a planned urban development for short term usage with no laws around it other than registration. Mr. Ellerbe noted he felt that would set a precedent for everything else that might happen based on this property.

Mr. Webb advised staff's interpretation was the previous approval allowed either 3 dwelling units in one building or 2 dwelling units and a professional office noting each dwelling unit has the opportunity for 4 people to be in it based on the code. Mr. Webb advised there were 2 dwelling units now for the potential of 8 people and if 3 dwellings were used it would allow 12 people. Mr. Webb noted short term rentals are not currently regulated although they can be registered and used for this purpose noting the purpose would continue at this location and a new use was not being created.

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

Mr. Prytherch noted he wanted what was best for the property and for the neighborhood and advised he felt this was not a bad use compared to a professional office. Mr. Prytherch advised he was struggling with the process noting planned developments were designed to provide flexibility and waivers on dimensional requirements and advised he did not think they were designed to provide to provide flexibility on uses. Mr. Prytherch noted he wanted to make sure that Council is not de-facto approving a use for which there are no regulations.

Mr. Ellerbe advised this urban proposal was very confusing to him as far as reading it and how it is supposed to apply to the current code because there is no code for short term rentals. Mr. Ellerbe noted Council did create a zone for things like this called the Residential Business District. Mr. Ellerbe advised this proposal seemed like a residential business to him.

Mr. Snavelly advised currently the property is used as a short term rental noting what Council previously approved was a planned development that allowed a professional office. Mr. Snavelly advised the biggest reservation the Planning Commission and Council had was having a professional office in an otherwise residential area. Mr. Snavelly noted the proposed Ordinance removes the opportunity for a professional office. Mr. Snavelly advised the proposal adds a request for a lot split.

Mr. Prytherch inquired if short term rentals were a legal use in the City of Oxford. Mr. Perry advised short term rentals are allowed as a permitted conditional use. Mr. Perry noted Council has previously approved a conditional use like this. Mr. Perry advised since there are no updated regulations it causes some hesitation. Mr. Perry noted when an applicant asks for permission to do something under code that is in effect they have a right to get an answer for that. Mr. Perry advised this does not preclude Council from adopting legislation in the future that would further restrict this same type of use. Mr. Snavelly inquired how many short term rentals were currently operating in the City of Oxford and Mr. Perry advised approximately 100. Ms. Southard inquired if the proposal would be grandfathered in even if Council passes legislation in the future on short term rentals. Mr. Perry advised it would as any discretionary approval. Mr. Ellerbe advised Council did the same thing for a property in the Uptown District. Mr. Prytherch noted short term rental is not in the code but Council has approved standing short term rentals as conditional uses. Mr. Prytherch advised he wanted to create predictability in Council's system noting sometimes short term rentals were approved by a conditional use, sometimes they are just operating and sometimes it is a planned development and he wanted to call them all the same thing. Mr. Snavelly advised he did not have an objection and he did not think the Planning Commission would have an objection if this was called a Bed and Breakfast.

Mr. Ellerbe inquired if the lot split could be performed regardless of the planned development proposal and Mr. Perry advised yes. Mr. Ellerbe advised he felt that was the cleanest solution to this, void the planned development, split the lot and continue to use the property as a Bed and Breakfast that is not serving breakfast. Mr. Prytherch advised it would still need to be approved as a conditional use. Mr. Ellerbe inquired if the end goal was to split the lot, sell the two lots and continue to use it as an Airbnb property and let whoever else is going to own the other side of it do what they want. Mr. Webb advised part of the reason for the planned development application with regard to uses is a planned development that exists in a residential zoning district can include any use that is permitted in a residential zoning district. Mr. Webb noted a new use was not being created as part of this planned development application.

Mr. Ellerbe advised if the planned development application was voided and the lot is split there could still be two structures on two lots doing the same thing they are currently doing noting he believed that was the goal other than the amendment to remove the professional office usage.

Mr. Prytherch inquired if occupancy was not specified and Council passed short term rental legislation in the future if it would apply to a planned development that had that use.

Mr. Perry advised Council was raising a lot of property and legal issues for discussion noting the applicant has a lot of time invested in this proposal. Mr. Perry noted the occupancy regulations on the books are intended for long term usage not for short term usage. Mr. Perry advised once new legislation is passed that could potentially retroactively affect properties that have already been approved there could be a myriad of things that apply and some that do not because they will have what is called a vested right. Mr. Perry noted some things that are clearly safety and health related could potentially apply. Mr. Perry advised things that are abstract like aesthetics tend to be harder to apply retroactively.

Mr. Bracken inquired if there was any benefit in codifying a grandfather exemption other than expediency.

Mr. McCarthy advised the property currently meets the occupancy requirements noting as a long term rental he has a permit for 5, 4 and 1. Mr. McCarthy noted that has to do with unrelated people and advised as an example a family of 3 equals 1 in terms of occupancy. Mr. McCarthy noted he was fulfilling the occupancy requirement correctly now and had no plans to change it. Mr. McCarthy advised part of the advantage of trying to keep the whole acre is if the lot was split like Mr. Ellerbe suggested he would have to take 6 feet of concrete out of the driveway noting there could be a shared driveway under this proposal. Mr. McCarthy advised if it was done the other way the garage would have to be torn down because it is a secondary building. Mr. McCarthy noted an advantage of leaving it as is was when the lot is split and sold the new owners can have a shared driveway and a garage to start with to build their house. Mr. McCarthy advised the estate as it currently sits following the code in its current status is actually harder on the historic nature of the property. Mr. Ellerbe noted the occupancy argument was hypothetical regarding a future law that might be imposed on short term rentals and advised he agreed with Mr. McCarthy's comments. Mr. Ellerbe advised the concerns he had were the exemption from future rules that short term rentals might have applied to them. Mr. Ellerbe suggested adding a condition that if there are future rules for short term rentals they apply to this planned development. Mr. Bracken and Ms. Southard agreed.

Mr. Prytherch noted he felt an applicant should not have to wait while Council takes years to finalize legislation. Mr. Prytherch advised this was a unique property and noted this was the 7th different hearing he had been involved in with this property. Mr. Prytherch noted he was anxious to see the property arrive at a good place. Mr. Prytherch advised he would like to see it called a Bed and Breakfast/STR and grant it the exception like Council did for the Uptown property. Mr. Prytherch noted one of the things from the old ordinance is that it applied to no more than 2 unrelated persons regarding the units inside the house. Mr. Prytherch advised he was going to make a motion that be applied to the lot that is split so there is some guarantee a house built there is not an investment property.

Ms. Raghu advised there is a set of exemptions for ADA compliance meant to protect small rooming houses and noted anti-discrimination laws do not apply when someone is renting 5 rooms or fewer in their own home or when owners are renting apartments in dwellings they occupy with 4 units or fewer. Ms. Raghu inquired how this would apply to ADA. Mr. Webb advised because a short term rental is still considered single-family and goes through the residential zoning code not the commercial zoning code the ADA requirements would not apply.

Mr. Perry noted if Council is inclined to have a condition regarding future regulations he would suggest limiting it to safety and health issues.

ORDINANCES

SECOND READING

ORDINANCE

NEW SECTION 521.13

An Ordinance No. 3547 Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.13 Entitled Unsolicited Materials To Chapter 521 Entitled Health, Safety And Sanitation. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed legislation is modeled after legislation enacted by the City of Upper Arlington and also some local communities in Butler County. Mr. Elliott noted the proposed legislation would require the placement of unsolicited written materials on a porch nearest the front door, securely attached to the front door, through a mail slot on the front door, between the exterior and interior front door if unlocked or in a distribution box located on the premises. Mr. Elliott advised the proposed legislation would be located in Chapter 521 Health, Safety and Sanitation of the City's Codified Ordinances and will add a new section 521.13 Unsolicited Written Materials. Mr. Elliott noted the legislation would include civil and criminal penalties for violation of the Ordinance for individuals and organizations. Mr. Elliott advised the focus of the proposed legislation is to prevent littering caused by any unsolicited written materials being tossed on the streets, driveways, lawns and sidewalks in the City of Oxford. Mr. Elliott noted the legislation would not prevent the distribution only the placement. Mr. Elliott advised he hoped upon notification of the enactment of this legislation the distributor of the advertising circulars will comply without the City taking any enforcement action. Mr. Elliott recommended Council adopt the Ordinance with one change and suggested the last "WHEREAS" on page 80 of Council's packet be struck.

Ms. Carla Blackmar, 400 W. Vine Street, advised the circulars are sometimes delivered into the gutters on streets and stated she did not know if that was an attempted work around as public perception against these becomes more hostile. Ms. Blackmar noted the people delivering them get paid by the piece and there seemed to be an incentive to put them in the street. Ms. Blackmar advised she hoped the proposed legislation will avoid that. Ms. Blackmar suggested a caveat that the packaging for the circulars must be 100% biodegradable.

Mr. John Barnhart, 20 Josie Lane, noted concern that the proposed legislation would allow someone to walk up and put a circular on his porch although he is not authorizing it to be done.

Mr. Prytherch advised Mr. Barnhart to place a no-solicitation sign near his porch and noted the proposed legislation does not give anyone the right to enter his property.

Ms. Southard noted Council has asked for voluntary compliance and has followed the process of best practices and received no compliance and therefore it was time to make this legislation possible.

Mr. Snavely moved to remove the last WHEREAS paragraph on page 80 of Council's packet. Mr. Ellerbe seconded. The motion passed 7-0-0.

Mr. Conard advised the intent of the proposed Ordinance is to make this content neutral noting he felt that goal was accomplished.

Ms. Southard moved to adopt Ordinance No. 3547. Mr. Snavely seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Snavely, Ms. Southard, Mr. Bracken, Mr. Ellerbe
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

ORDINANCE **NEW SECTION 521.14**

An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.14 Entitled Expanded Polystyrene Ban To Chapter 521 Entitled Health, Safety And Sanitation. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed Ordinance bans the use of expanded (foam) polystyrene by food service operations in Oxford requested by Councilors Raghu and Bracken. Mr. Elliott noted it is proposed to be located in Chapter 521 Health, Safety, and Sanitation of the Codified Ordinances and will add new Section 521.14 Expanded Polystyrene Ban. Mr. Elliott advised it includes both civil and criminal penalties for violations of this Ordinance for individuals and organizations. Mr. Elliott noted it provides for a phasing out period of December 31, 2020 for national food service operations and December 31, 2021 for all other food service operations. Mr. Elliott advised many of the restaurants in Oxford do not use expanded (foam) polystyrene in their operations and noted the first step for the City would be to notify all restaurants and other food service operations. Mr. Elliott offered to answer any questions.

Mr. Ron Siliko, 6244 Hester Road, advised his opinion of government was protection of individual property and individual property rights. Mr. Siliko noted it seemed not many people in food service operations were using this product right now and inquired if there had been any discussion with them in advance of this Ordinance and if so what the response was. Mr. Siliko inquired what the volume in the Oxford waste stream was of this product specifically. Mr. Siliko inquired why the Ordinance targeted only food service operations noting retailers use the product and well as individuals.

Mr. Siliko referred to page 80 of Council's packet and asked for clarification of the definition of "Organization" and inquired if government was exempt from the Ordinance. Mr. Siliko noted in terms of Ordinances and regulations he always liked to go the voluntary route if possible. Mr. Siliko suggested people could protest restaurants that used polystyrene. Mr. Siliko advised he read a lot about food service operations and food packaging prior to this meeting and noted there are a lot of negatives to a lot of food servicing and packaging in a variety of forms. Mr. Siliko noted he did not know what the recommended products were or what the associated costs were to businesses and asked for that information to be shared if possible. Mr. Siliko inquired if the Police were the primary enforcers and if so what it looked like. Mr. Siliko asked for clarification of the fine structure and what happened if the fines were not paid.

Ms. Carla Blackmar, 400 W. Vine Street, noted she felt Mr. Siliko's questions were good and advised she wanted to know the answers too. Ms. Blackmar advised she was representing the Oxford Citizens for Peace and Justice and submitted a petition with 55 signatures asking for a ban on take out polystyrene containers very much like the one Council was considering this evening for second reading. Ms. Blackmar noted there was community support for this initiative and advised past commenters have said this would make Oxford's restaurants more appealing to them as a destination and that it helps put Oxford on the map as a place that takes action on these types of issues. Ms. Blackmar advised this was an undesirable product that has a lot of consequences in the waste stream noting there were a lot of different ways in which polystyrene ends up in the water system and take out containers is one of them. Ms. Blackmar advised she hoped Council would consider passing the proposed Ordinance this evening.

Ms. Raghu advised she appreciated everything Mr. Siliko asked and noted she understood his concern regarding regulation. Ms. Raghu referred to Mr. Siliko's comment about protesting individual businesses and advised she did not think businesses were using polystyrene out of malice or because they do not care noting she felt they truly do not know it is a problem. Ms. Raghu advised she would never encourage a protest for any individual business. Ms. Raghu noted the proposed Ordinance was out of concern for public health noting polystyrene breaks down very easily into small bits that make it out into waterways. Ms. Raghu advised the proposed Ordinance was starting very small with food service operations which are within the City's purview. Ms. Raghu referred to the enforcement question and advised this was meant to be a way to encourage businesses to do the right thing that otherwise might not happen. Ms. Raghu noted looking at other public health achievements she felt most of them are done because of law reform and very few happen from voluntary changes. Ms. Raghu cited motor vehicle safety, wearing seat belts, safer and healthier foods, vaccinations and safer work places. Ms. Raghu noted it was meant to be positive for businesses and for public health.

Mr. Bracken advised he could address the cost issue noting San Jose performed an analysis and it is never going to be more than a fraction of a percentage at most. Mr. Bracken noted for most containers the difference in price is a cent or two. Mr. Bracken advised there were readily available alternatives that many businesses have already adopted.

Mr. Prytherch inquired if the City has received any feedback from the business community.

Ms. Greene advised she sent an email to business owners explaining the Ordinance and informing them they could attend a meeting or email Council directly.

Ms. Greene noted she sent two other emails that listed this as an agenda item and telling people they could come to the Council meeting. Ms. Greene advised she also did an Uptown walk around and spoke with people at businesses. Ms. Greene noted for the most part people were ok with it and appreciated the two year implementation time frame. Ms. Greene advised a few people seemed annoyed at what they viewed as government intervention into their private business.

Mr. Ellerbe advised he went to a restaurant store and priced a package of 200 of a particular 9x9 polystyrene clam shell to go container which cost \$18.00. Mr. Ellerbe noted the exact non-polystyrene containers cost \$34.00. Mr. Ellerbe noted he averaged different styles of packaging that people may or may not use other than Styrofoam and it came to approximately \$0.15 per item. Mr. Ellerbe advised he talked to an Uptown restaurant owner and did the math for that business changing to a non polystyrene product and the cost would be approximately \$9,000 per year. Mr. Ellerbe discussed other potential situations and noted the economic impact of this change could be as much as \$900,000 per year. Mr. Ellerbe advised he spoke to Uptown business owners who said they would fold that \$9,000 into their prices and not just for to-go orders. Mr. Ellerbe noted the average price for everything in Oxford will increase approximately \$0.25 which would be a seven figure economic impact to the people of Oxford over a period of one year. Mr. Ellerbe advised business owners were angry that the City did not come to them and ask for voluntary compliance. Mr. Ellerbe noted at least two business owners said they would charge a fee for a to-go container in addition to the price increase of \$0.25. Mr. Ellerbe advised he felt the public would vilify Council for not asking business owners for voluntary compliance.

Mr. Bracken advised he would challenge some of the numbers Mr. Ellerbe presented noting the numbers he has would have Mr. Ellerbe's figures as the most extreme. Mr. Bracken noted Council has discussed this issue for many weeks and he felt there had been plenty of opportunity for public input. Mr. Bracken advised he did not think the price increase would be terribly burdensome when he looks at the numbers. Mr. Bracken noted if things are phrased in terms of volume it looks very scary and advised if it is spread out over individual purchases of a vast large public it is very insignificant.

Mr. Prytherch advised he felt Council's process for this ban was not what it could have been as he feels things go better when consensus is built. Mr. Prytherch noted he was not sure Council has gone through the process they could have to build that consensus. Mr. Prytherch advised there was still a possibility the state could preempt a local ordinance. Mr. Prytherch advised he did not want to vote against the proposed Ordinance because he felt it was worth acting on although he would still like to see some consensus and engagement with people.

Mr. Snavelly advised he talked to some business owners who were pleased they had two years to comply and said they would pass the cost along. Mr. Snavelly noted they did not come up with the numbers Mr. Ellerbe came up with and advised he did not feel they would be punitive to their customers. Mr. Snavelly advised there were a lot of restaurants in town that have already made this move and they have not raised their prices to such an extent that they are no longer in business. Mr. Snavelly noted he felt the proposed Ordinance was time sensitive and advised when he ran for Council and people asked what his number one issue was he always responded it was the environment. Mr. Snavelly advised he felt he has to honor what he said he was going to do which was to take actions that would improve and help the environment.

Mr. Snavelly noted he would like to see the ban apply to more than just food service operations and advised polystyrene was nasty for the environment and the sooner it is out of the environment the better off this community is going to be. Mr. Snavelly advised Council has received emails supporting the proposed Ordinance and noted people were glad Council was proposing it. Mr. Snavelly advised every citizen he has encountered was pleased that Council was pursuing this ban. Mr. Snavelly noted he felt Council should support the local citizens, the environment and get rid of polystyrene as soon as possible.

Ms. Southard noted being concerned about the environment and about people's health and being opposed to polystyrene is one aspect which should be separated from a concern about this particular Ordinance. Ms. Southard advised there were a lot of ways to solve a problem and noted she was not sure this Ordinance was the way to solve this problem. Ms. Southard inquired why the hospital was exempt from the ban noting they use polystyrene in a lot of different ways. Ms. Southard advised Council has already heard the Talawanda School District uses polystyrene and suggested Council start with education and asking people why polystyrene was being used. Ms. Southard noted she would like to hear more from people and advised she would like to hear what the Environmental Commission has to say. Ms. Southard noted she was concerned about how the proposed Ordinance could possibly be enforced. Ms. Southard advised she felt there were problems with this particular Ordinance and with this issue reiterating she felt Council should start with education and hear from the Environmental Commission. Ms. Southard noted she would like to know how the hospital can possibly justify using that much polystyrene. Ms. Southard advised she would like more information, more input and noted she did not think Council should perhaps target local businesses or small businesses as opposed to large entities. Ms. Southard suggested Council really hear what people have to say before they act precipitously. Ms. Southard noted her comments do not mean she favors polystyrene and advised she refuses it every time it is offered to her if she has the opportunity. Ms. Southard reiterated she was not sure legislation was the answer to this problem.

Mr. Ellerbe noted he did not have a problem legislating this in the future and advised he wanted the opportunity for the businesses to comply voluntarily and to have some dialog.

Mr. Elliott advised staff created the legislation partly based on information provided by Ms. Raghu noting it came about quickly. Mr. Elliott advised as he reads the Ordinance staff focused on the state definition of food service operation so the hospital and the school district would have to comply in two years as the Ordinance is written. Mr. Elliott noted staff added the definition of "Organization" in the proposed Ordinance although no where is it referenced and advised it got carried over from the circular Ordinance. Mr. Elliott noted the Ordinance focuses on the 122 businesses that have food service licenses in the City of Oxford, 26 of which are Miami University's so if they are excluded that leaves 96. Mr. Elliott advised the hospital and the schools are included in the list.

Mr. Snavelly referred to page 85 of Council's packet and moved to strike the paragraph defining "Organization". Ms. Raghu seconded. The motion passed 5-0-2 with Mr. Ellerbe and Ms. Southard abstaining.

Mr. Prytherch moved to remand the proposed Ordinance to the Environmental Commission to add a maximum of two months to the process. Mr. Ellerbe seconded.

Mr. Prytherch noted he did not have the confidence that this was a well crafted Ordinance and advised he wanted to get there and he felt two months was worth waiting.

Mayor Smith advised he had done his best to reach out publically and privately to encourage people to attend the meeting this evening noting those who expressed opposition to the proposed Ordinance are not here. Mayor Smith noted he felt two months would not be detrimental to build more consensus and if nothing else Council will have done a lot of public education over the last five weeks about this issue. Mayor Smith noted his hope economically as biodegradable and compostable products become more common that eventually they will be the same price or lower than polystyrene because they will be easier to make than Styrofoam in the future.

Mr. Prytherch noted sometimes when things are remanded they die and advised 4 meetings from today he wanted to see this legislation back on the agenda and advised he looked forward to voting on it.

Ms. Raghu referred to the bill in the Senate and noted she felt by remanding the Ordinance to the Environmental Commission Council was asking for it to possibly die if the Senate passes the bill.

Mr. Snavely inquired if anyone thought the Environmental Commission would recommend something that would change the Ordinance. Mayor Smith advised he did not think they would change it he felt it allowed more time for anyone that wants to express an opinion or get informed about it to be informed.

After further discussion Mr. Conard informed Council if the Ordinance is remanded to the Environmental Commission and comes back in two months or so, it should come back as a First Reading.

Mr. Prytherch suggested the Ordinance be tabled and have the Environmental Commission provide a recommendation to Council and then take it off of the table. Mr. Prytherch inquired if that would allow it to be considered a Second Reading. Mr. Conard advised it depended on if any substantial changes were made.

Mr. Prytherch withdrew his motion to remand the proposed Ordinance to the Environmental Commission. Mr. Ellerbe withdrew his second.

Mr. Prytherch moved to table the proposed Ordinance. Mr. Ellerbe seconded. The motion passed 4-3-0 with Mr. Snavely, Mr. Bracken and Ms. Raghu voting nay.

Mayor Smith advised he looked forward to seeing the proposed Ordinance off of the table in two weeks.

ANNOUNCEMENTS

Mr. Wooddell reminded everyone of the Conquer Cabin Fever Weekend event coming up January 17-20 which was a new event for Oxford and noted the details were located on the Enjoy Oxford website.

Mr. Wooddell discussed some recent articles published about the Oxford Aquatic Center.

Ms. Raghu referred to Mr. Snavely's comment about running for Council noting he was so right. Ms. Raghu noted during the election season all 3 of those elected said the environment was important and sustainability was important. Ms. Raghu advised the other 4 Councilors said the same thing when they ran. Ms. Raghu noted she ran for office because she was tired of asking people to do the right thing so she wanted to be the person that did the right thing. Ms. Raghu advised she made sure whatever she voted for she is proud of it ten years down the road noting she is proud that if people look at it they can understand where she was coming from and that there is no confusion there. Ms. Raghu advised she was excited Council was passing legislation that does the right thing no matter who might try to intimidate them noting it might be a little bit stagnant to progress and head towards the future but she felt inevitably Council will always go towards the right thing and she looked forward to helping Council along.

Ms. Southard advised the Oxford Police Academy begins February 3 noting if anyone was interested in attending they should contact John Buchholz. Ms. Southard encouraged all City Council members to attend the Police Academy at some point during their term on Council noting it was a great and important experience.

Ms. Southard advised the Martin Luther King, Jr. Day event will be held on January 20 at the Armstrong Center at Miami University noting the breakfast begins at 10:00 and the program begins at 11:00 a.m. with Carolyn Craig as the speaker. Ms. Southard advised this was always a very important event for the community and something very inspiring to attend.

Ms. Southard noted on January 15 at 7:30 p.m. the League of Women Voters was sponsoring a program on the Suffragists' and Racism which she felt was a very important topic as well. Ms. Southard noted the program would be held at the Presbyterian Seminary Building.

Mr. Bracken advised he felt Council was treating the legislation on the polystyrene ban very sensitively noting he did not believe Council was pushing the bounds. Mr. Bracken advised similar bans have been implemented in 114 municipalities including the entire state of Maine. Mr. Bracken noted he did not feel this was something so extreme it would destroy Oxford's businesses. Mr. Bracken advised there was a good solid environmental health reason to consider this since polystyrene does not biodegrade. Mr. Bracken noted his hope Council would take his comments into consideration when the Ordinance comes back for the second reading.

Mr. Prytherch inquired whether anyone had feedback on a draft model for the City of Oxford Climate Action Task Force before the language is crafted noting he shared a draft proposal with Council at their last meeting.

Ms. Southard noted she felt the draft proposal was a good start and thanked Mr. Prytherch for his efforts.

ADJOURN

Mr. Snavely moved to adjourn at 9:56 p.m. Ms. Southard seconded. The motion passed 7-0-0.