

Council Minutes

January 6, 2015

Page 1

A Regular meeting of the Oxford City Council was called to order by Mayor Kevin McKeehan on Tuesday, January 6, 2015 at 7:15 p.m. Those members present were Bob Blackburn, Richard Keebler, Kate Rousmaniere, Mike Smith, Steve Snyder and Edna Southard.

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

ADJOURN TO EXECUTIVE SESSION

Mr. Keebler moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22 (G) (3) for the purpose of discussing the settlement of a court case. Mr. Smith seconded. The motion passed by the following roll call:

AYE: Mr. Keebler, Ms. Rousmaniere, Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn, Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

ADJOURN FROM EXECUTIVE SESSION

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

PLEDGE OF ALLEGIANCE

Mayor McKeehan requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

NOTICE TO LEGISLATIVE AUTHORITY

New permit for Walgreen Co DBA Walgreens 09906 200 S. Locust Street Oxford, Ohio 45056.

Mr. Kyger advised the City received a Notice to Legislative Authority regarding Walgreens Co. applying for a new C2 permit (wine and mixed drinks for carry-out only). Mr. Kyger noted Walgreens already had a C2 permit but they were going to TREX theirs out of town and apply for a new one. Mr. Kyger advised there was one C2 permit available in Oxford and one application on file for a C2 permit (Walgreens). Mr. Kyger noted TREX was an economic development tool for use when a community had no permits available.

Mr. Kyger, Mr. Elliot and Mr. McHugh answered various questions from Council and after discussion Council made the following motion:

Mr. Keebler moved to accept the Notice to Legislative Authority. Mr. Snyder seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

There were no comments from the public.

CONSENT AGENDA

MINUTES

Minutes of the December 16, 2014 Electric Aggregation Public Hearing. (Mary Ann Eaton, Clerk of Council)

Minutes of the December 16, 2014 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the December 9, 2014 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

RESOLUTION

CONTRACT WITH

KEY CHRYSLER, JEEP & DODGE

A Resolution No. 4882 authorizing the City Manager to enter into a contract with Key Chrysler, Jeep & Dodge, Inc. for the purchase of a 2015 Dodge Durango and specified options at State Contract pricing at a cost not to exceed \$28,245.50. (Mike Dreisbach, Service Director)

Mr. Snyder moved to approve the consent agenda. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION

OVERLAY DISTRICT

A Resolution No. 4883 of Council accepting the petition as required by Oxford Codified Ordinance Section 1146.03 to establish a Neighborhood Conservation Overlay District for that area of Dana Drive, David Drive, Marcia Drive and Glenwood Drive as set forth on Exhibit "A" attached hereto and referring the petition to the Oxford Planning Commission for recommendations to City Council. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the petition would create a residential conservation overlay district and it was the ninth petition to be submitted since this process was established in the zoning code.

Mr. Chen noted the map in question was on page 30 of Council's packet and contained a total of 66 parcels with 54 signatures being obtained. Mr. Chen advised the signatures exceeded the 2/3 requirement and the boundaries conformed to Chapter 1146 of the zoning code. Mr. Chen noted with Council's acceptance the petition would be forwarded to the Planning Commission for zoning map amendment consideration.

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

Mr. Snyder noted a correction to the title of the Resolution and Council agreed that Glenview not Glenwood Drive was correct.

Ms. Rousmaniere inquired what percentage of the neighbors signed the petition and Mr. Chen advised 82%. Ms. Rousmaniere inquired if everyone in the neighborhood was notified of the petition and Mr. Chen stated the petitioners visited almost everyone in the neighborhood.

Mayor McKeehan noted the proposed district was a concise area that joined a previously approved overlay district and it contained all single-family homes.

Ms. Rousmaniere moved to adopt Resolution No. 4883 as corrected. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTION
REAL ESTATE PURCHASE
& SALE AGREEMENT

A Resolution No. 4884 approving and authorizing a Real Estate Purchase and Sale Agreement, a copy of which is attached hereto as Exhibit "A", between the City of Oxford, Ohio, and the Trustees of Lane Public Library for the purchase of real property located at 15 S. College Avenue Oxford, Ohio 45056 to utilize the existing Lane Library facility to meet the City's present and future space needs at a cost of one million four hundred thousand dollars (\$1,400,000.00). (Doug Elliott, City Manager)

Mr. Elliott advised the Lane Library Board of Trustees and the City reached an agreement to sell the present Lane Library at 15 S. College Avenue for \$1.4 million. Mr. Elliott noted the proposed Resolution would authorize the City Manager to sign the proposed Purchase and Sales Agreement if adopted by Council this evening. Mr. Elliott advised he expected the Lane Library Board of Trustees to vote on this matter at their January 13, 2015 meeting and the closing should occur on or around October 2015.

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

Mr. Keebler noted Council was aware of the reversionary clause on the land owned by Miami University and inquired if that was covered in the proposed agreement and Mr. McHugh advised yes. Mr. Keebler noted he felt this was a win-win for the community and advised when he came on Council 7 years ago they were trying to solve space needs at that time and he found out quickly there wasn't money to do what Council and staff desired to do so they backed off. Mr. Keebler noted he felt the price for the Lane Library was fair and it was a great building.

Mr. Keebler encouraged Council and staff to be open and to have a study done to see if it was best to use the property as a potential City Building or if it was best to use it as a Police Department and other combined facilities. Mr. Keebler noted the property was still in the Uptown area and the price was fair given the amount of land with it. Mr. Keebler advised he was happy to support the proposed Resolution. Mr. Snyder commended previous Council's and administration for their persistence in getting this project where it needed to be. Mr. Snyder echoed Councilor Keebler's comments and noted he felt this was the right thing to do. Mayor McKeehan noted patience had paid off in the end and he felt this was a good project. Mr. Keebler advised the cooperation of Miami University and the Lane Library Board had to be appreciated noting the community working together was able to solve a real need.

Mr. Elliott referred to the reversionary clause and advised Miami University and the Trustees of the Lane Library reached an agreement whereby the proceed of the sale would go into an endowment managed by the university. Mr. Elliott noted the annual distribution from the endowment would be paid to the Lane Public Library as long as a Lane Public Library branch was located in Oxford. Mr. Elliott advised otherwise Miami University would become the sole owner and beneficiary of the endowed funds. Mr. Elliott noted Miami University agreed to eliminate the reversionary clause under those conditions so the sale of the property could move forward.

Mr. Snyder moved to adopt Resolution No.4884. Mr. Keebler seconded. The motion passed 7-0-0.

RESOLUTION **SETTLEMENT AGREEMENT**

A Resolution No. 4885 authorizing the City Manager to enter into an agreement to settle Butler County Common Pleas Case No. CV2013-12-3365, and to make an additional payment in the amount of \$ _____ in connection with that settlement. (Mike Dreisbach, Service Director)

Mr. Keebler referred to page 64 of the agenda and moved to amend the caption of the Resolution by changing the blank amount to read \$89,767.00, changing the blank amount in Section 2 to read \$89,767.00, changing the first blank amount in Section 5 to read \$89,767.00 and the second blank amount in Section 5 to read \$199,500.00. Mr. Snyder seconded. The motion passed 7-0-0.

Mr. Dreisbach advised in order to proceed with the construction on South 27 it was the City's obligation to acquire the necessary right-of-way for the project. Mr. Dreisbach noted out of the 32 parcels initially involved in the project there were 6 left to settle and with Council's approval of the proposed Resolution there would be 5 left to settle. Mr. Dreisbach advised the City deposited with the County Clerk of Courts the fair market value for the parcel and proceeded with the construction of the project. Mr. Dreisbach noted on December 16th a 5.5 hour mediation hearing was held at the Butler County Court with members of the Oxford Cemetery Board and their attorney and after several hours of negotiation Council was aware of the proposed settlement that was reached. Mr. Dreisbach advised staff was asking Council's approval for the additional funds in the amount of \$89,767 to settle this case. Mr. Dreisbach offered to answer any questions.

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

Mr. Keebler noted the City initially deposited what the State's appraiser felt was the fair market value for the property and obviously some people disagreed with that amount.

Mr. Snyder moved to adopt Resolution No. 4885 as amended. Mr. Blackburn seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
ZONING MAP AMENDMENT

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 And A R-1B (Single Family Medium Density Residential) District for 72 Parcels Located On Hilltop Road, Contreras Road, Panda Lane And Pin Oak Drive, In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Chen advised a map of the proposed district was located on page 68 of Council's packet. Mr. Chen noted the area consisted of 72 parcels and 55 signatures from property owners were obtained. Mr. Chen advised the petition was before Council in October and it was before the Planning Commission in December where it received a 5-1-0 vote in favor of recommending the map amendment. Mr. Chen noted this was a grass roots effort to limit the number of unrelated occupants to two (2) and existing rentals would become non-conforming. Mr. Chen advised the idea was to preserve the traditional neighborhood characteristics. Mr. Chen offered to answer any questions.

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

Mr. Keebler noted signatures were obtained from 72% of the affected property owners.

ORDINANCE
ZONING MAP AMENDMENT

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 91 Parcels Located On Country Club Drive, Olde Farm Road And Part Of Contreras Road, In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mayor McKeehan noted Councilor Smith recused himself from the discussion as a resident of the proposed area.

Mr. Chen noted of the 91 parcels in the proposed district 70 signatures were obtained equaling 77% of the residents. Mr. Chen reiterated that the idea was to limit the occupants per household to no more than 2 unrelated persons and existing rentals could continue as a non-conforming use.

Ms. Sue Jones, 118 Country Club Road, advised she initiated this petition in an effort to keep most of Heritage Subdivision as single family dwellings with single families living in them. Ms. Jones noted the process started in August by putting an informational flyer on the door of every house in Heritage Subdivision as well as those on Contreras Road. Ms. Jones advised in September she and 4 neighbors started the petition drive and worked very hard at it. Ms. Jones noted there were a number of non resident owners who were sent a letter with the opportunity to respond to the petitioners and they received some responses. Ms. Jones advised the residents appreciated the opportunity to keep their neighborhood as a neighborhood. Ms. Jones noted on her block alone there were 12 under school age children whose families moved there during the past two years and this continued to be an area where families were moving to. Ms. Jones advised there were retirees like herself and her husband as well as people with infants living in the neighborhood and they wanted to keep it a family neighborhood. Ms. Jones noted she would appreciate Council's approval of the proposed Ordinance at the next meeting.

Ms. Rousmaniere thanked the citizens for doing the hard work of getting petitions signed noting it was good community work and that was the spirit of the Ordinance.

Mr. Keebler noted signatures were obtained from 77% of the affected property owners.

ORDINANCE **ZONING MAP AMENDMENT**

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R-1B (Single Family Medium Density Residential) District for 57 Parcels Located On Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle And French Drive, In The City Of Oxford. (Jung-Han Chen, Community Development Director)

Mr. Chen noted a map of the proposed district was located on page 129 of Council's packet. Mr. Chen advised this petition was before the Planning Commission in December and they recommended approval of the zoning map amendment.

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

Mr. Keebler noted signatures were obtained from 82% of the affected property owners noting 2/3 of the property owners signatures were required and all of the petitions so far were well over that. Mr. Keebler advised one person spoke at the Planning Commission meeting about a potential hardship for him renting a property but he understood why this was being done and he appreciated the fact that citizens could pursue it.

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R-1B (Single Family Medium Density Residential) District For 56 Parcels Located On Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane And Contreras Road, In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Chen noted a map of the proposed district was located on page 154 of Council's packet. Mr. Chen advised this petition was before the Planning Commission in December and they recommended approval of the zoning map amendment.

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

Mayor McKeehan noted it was invigorating to see so many people get involved with the overlay district petitions and the next Council race may be interesting if more people get involved to run for public office after doing some 'fieldwork'. Mayor McKeehan thanked everyone for all of their hard work on the overlay petitions.

ORDINANCE
SECOND READING

ORDINANCE
NATURAL GAS RATE INCREASE

An Ordinance No. 3298 To Regulate The Rates And Charges To Be Charged And Collected And The Services To Be Rendered By Glenwood Energy Of Oxford, Inc., Its Successors And Assigns, For Gas And Gas Service Furnished To All Of Its Customers Within The Corporate Limits Of The City Of Oxford During The Period Ending February 4, 2018, And Repealing And Superseding Ordinance Nos. 3147, 3157, And 3267, Which Together, Previously Regulated Such Rates, Charges, And Services. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised he had not received any questions on the proposed Ordinance and he had nothing new to add since the first reading.

Mr. Snyder noted the proposed rate increase had been well vetted by staff and by the City's utility counsel.

Mr. Elliott advised the increase would be approximately \$16 annually for an average consumer.

Mr. Snyder moved to adopt Ordinance No. 3298. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Rousmaniere, Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn, Mr. Keebler
Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised the City's application for electric aggregation certification had been sent to the PUCO noting the application included the Plan of Operation and Governance. Mr. Elliott advised he expected to receive approval of that by the end of January. Mr. Elliott noted he also expected the draft RFP from Eagle Energy this week for review. Mr. Elliott advised the electric aggregation process was proceeding as planned.

Mr. Elliott thanked Council for voting to approve the settlement related to the South 27 project noting there were 5 more to settle. Mr. Elliott noted staff would do their best to resolve the remaining 5 cases.

Mr. Keebler advised there was a train problem Sunday morning and it was his understanding that roads were blocked from 5:30 a.m. until 1:00 p.m. Mr. Keebler asked Mr. Elliott if he knew what the problem was and why it took so long to clear the tracks. Mr. Elliott advised there was an operational problem and there was the ability to get to the other side of town using Chestnut Street or Central Avenue. Mr. Elliott noted the City failed to send a Nixle alert regarding the issue and advised staff would make sure that would happen in the future. Mr. Keebler noted more pressure should have been on the railroad and directed staff to have a discussion with the railroad letting them know this was not good for Oxford and we expected something better in the future. Mr. Elliott advised there was an 800 number to call and staff would work on a better means of communication with the railroad.

Mr. Kyger noted the HAPC would have a busy meeting tomorrow night as they would review the redevelopment of the Princess Theatre, a new building at the old Township House site and signage for a new Graeter's restaurant. Mr. Kyger noted Fiesta Charra changed ownership effective January 1st and Morning Sun Café closed effective January 1st but moved their breakfast menu to Stella's. Mr. Kyger advised a new restaurant would open soon on W. Park Place.

Ms. Rousmaniere advised the Martin Luther King, Jr. celebration would take place Monday, January 19, 2015 at the Oxford Community Arts Center at 11:00 a.m. Ms. Rousmaniere noted former Mayor Jerome Conley would be the guest speaker and musical selections would be performed by Tammy Kernodle and Alexis Thompson. Ms. Rousmaniere advised there would be a NAACP sponsored creative art and literary competition by Talawanda elementary and secondary students. Ms. Rousmaniere noted this was a nice event sponsored in collaboration with the Miami University Office of Diversity Affairs, Oxford NAACP, Talawanda School District, Oxford Citizens for Peace and Justice, Lane Public Library, Smith Library of Regional History and McGuffey Montessori School.

Mr. Blackburn thanked Mr. Dreisbach and his staff for doing a good job of maintaining the roads after the snowfall last night and this morning.

Mayor McKeehan thanked the Service Department as well noting the City had an awesome crew that kept the City in good shape.

ADJOURN

Mr. Snyder moved to adjourn at 8:14 p.m. Ms. Rousmaniere seconded. The motion passed 7-0-0.