A Regular meeting of the Oxford City Council was called to order by Mayor Kevin McKeehan on Tuesday, March 3, 2015 at 7:00 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. Bob Holzworth, Police Chief; 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. Blackburn 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 personnel and pending litigation. Mr. Snyder 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)

RETURN FROM EXECUTIVE SESSION

Ms. Southard moved to return from Executive Session at 7:45 p.m. Ms. Rousmaniere 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

PUBLIC COMMENTS

Ms. Jen O'Brien, 3420 Dolomar Drive Cincinnati, advised she was recently hired as Miami University's first Director of Off-Campus Outreach and Communication and noted this was a new position in the division of Student Affairs. Ms. O'Brien advised she would be coordinating and overseeing communication and programming for off-campus students and commuters as well as doing oversight and content creation for the website and social media within the division of Student Affairs. Ms. O'Brien noted part of her role was to connect with community leaders especially as it pertained to issues of student safety and risk management and she would help inform students of their responsibilities while living in the Oxford area.

Ms. O'Brien advised she would attend many Council meetings especially when issues arose that pertained to off-campus students. Ms. O'Brien noted she had met some of the Council members already and advised she was a resource in reaching off-campus students.

Mayor McKeehan thanked Ms. O'Brien for her comments and welcomed her to Oxford.

Ms. Kathleen Zien, Joseph Drive, noted her comments were a perfect tie-in with Ms. O'Brien's introduction. Ms. Zien commented in part as follows 'although we've been relatively fortunate with our snow recovery we may experience Buffalo or Boston record snows at any time, and from the brief bout we've recently had it didn't seem we're really prepared for the worst or enforce rules now on the books for snow route clearing. Driving street by street to see snow route restrictions I found East and West High Street, Contreras, Church, Spring, Chestnut, North and South Main and only South of High Street for College and Campus Avenues to be true snow routes as major connectors. I'm not sure about Sycamore but Chief or Mr. Dreisbach could confirm. I did drive around last Friday, more than a week after our February 20 and 21 local snow fall, and there were still vehicles snowbound in posted snow routes and it was obvious there was never an attempt to move them. I applaud the Service Department for getting Oxford plowed as well as it can despite obstacles of those who clog snow routes and prevent City vehicles from doing their job. Since we've had weekend snows it requires overtime expense but all of High Street should be vacated so plowing can be done curb to curb. Just about all of our streets snow routes and others were rutted with the freeze, thaw, sleet, rain and refreezes making getting in and out of any spot a challenge. I ask our City Manager with the addition of a Police Chief memo to contact Bobbe Burke, the liaison from Miami University to students, now Jen O'Brien, since she spear heads start of school off campus meet and greet visits her committee needs to alert students to City and safety rules since they're oblivious to signs. No question with a 2 inch snow you must move vehicles. Open lots are available now to clear the City, Millett and Ditmer lots are safe haven parking. Supposedly our students are in the top percentile of their classes but it doesn't take a math major or a ruler to visualize 2 inches. When the evening forecast tells us what to expect you plan ahead and move your car before you go to bed. My notes tell me I made this same request to City Council in February 2003, a dozen years ago. We still need enforcement we can count on to get streets usable but if there's no penalty for parking on posted routes during snow storms nothing will change. I'd like to think Ordinance 2795 that's posted on the signs supports City towing. Were tickets issued to vehicles who abused snow routes recently? If so, how many? The Law Director might interpret the Ohio Revised Code and tell us what snow route means and is it a state or local designation. If we're not going to heed them, take the signs down, and if they are up, follow procedures with intended results. Whether ticketed or towed or both it's a lesson of consequence and keeps the streets open for mandatory maintenance and safety vehicle access. We all need to be responsible citizens while we live here temporary not. Non enforcement, not ticketing or not towing encourages chronic behavior. Whether 2 or 10 people are under-roof it's common sense to shovel sidewalks so people don't have additional dangers at risk when walking on slippery, icy streets. Despite the 1993 Ohio Supreme Court ruling Brinkman v Ross that homeowners have no common law duty to remove or make less hazardous a natural accumulation of ice or snow on private sidewalks or walkways on homeowner's premises, what about not a homeowner sidewalk? I don't know if public sidewalks or those Uptown are City owned. Although we'd like to think merchants would do their part and clear a safe path for customers we know that's not their habit. I don't know who is responsible for public sidewalks with public access such as on the way to the Community Park.

Local municipalities may invoke snow removal ordinances but our Law Director may best advise if we have one. In Fairfield snow and ice must be removed from sidewalks adjacent to your property by 10 a.m. each day. My husband chaired Miami University's Traffic Appeals Board for many years, the excuses why someone parked in a handicapped spot who wasn't handicapped, or straddled 2 valuable parking spaces, or reasons why they shouldn't pay a fine were unbelievable. It became the norm rather than the exception to hear in order to claim your diploma Dad the doctor, or Mom the lawyer, would pay the accumulated fines at graduation. There's nothing we can do about parents that enable, but the City of Oxford can do something about snow routes, local enforcement and fines to discourage abuse and to ensure future compliance.'

Mayor McKeehan thanked Ms. Zien for her comments.

CONSENT AGENDA

MINUTES

Minutes of the February 17, 2015 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the February 10, 2015 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the February 18, 2015 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

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

RESOLUTIONS

**RESOLUTION
SETTLEMENT**

A Resolution No. 4896 authorizing the City Manager to enter into an agreement to settle Butler County Common Pleas Case Nos. CV 2013-12-3428 and CV 2013-12-3430, both of which were consolidated by the court for the purpose of litigation and settlement under case No. CV 2013-12-3428. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised he, the City Manager and the Law Director spent 2 days in mediation with Judge Bressler and the property owners to try to resolve this case. Mr. Dreisbach noted the City had worked with approximately 37 property owners to obtain the necessary right-of-way to build the improvements on US 27 South and all but 3 cases were left to settle. Mr. Dreisbach advised during mediation items of fact were discussed and appraisals generated by the defendants were reviewed along with appraisals the City obtained through the ODOT appraising company. Mr. Dreisbach noted it was determined that errors were made by the ODOT appraising company which the City wished to correct.

Mr. Dreisbach advised staff recommended that Council accept the settlement outlined in the proposed Resolution. Mr. Dreisbach noted additionally the property owner would be allowed to erect a sign similar to what they currently had, the City would be obligated to provide a sanitary sewer connection to the property within the next 5 years and the property owners would annex their land into the City. Mr. Dreisbach advised long-term there would be some revenue generated from the site through property and earnings taxes.

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

Mayor McKeehan advised Council discussed this case previously and in Executive session this evening.

Mr. Keebler referred to page 18 of the agenda and moved to amend the proposed Resolution in Section 2 by inserting $239,500 and in Section 5 by inserting $198,700 and $239,500. Mr. Snyder seconded. The motion passed 7-0-0. Mr. Keebler moved to adopt Resolution No. 4896 as amended. Mr. Snyder seconded. The motion passed 7-0-0.

RESOLUTION
NEW FUND

A Resolution No. 4897 approving the creation of a new fund for the 2015 operating budget to provide for Oxford Area Trail capital improvements. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Resolution would establish Fund number 144 for the purpose of tracking expenses and revenue for Oxford Area Trails. Mr. Newlin noted on January 21, 2014 Council adopted Resolution No. 4809 granting authorization to apply for an ODNR grant through the Clean Ohio Trails Fund. Mr. Newlin advised a grant in the amount of $500,000 was awarded to the City and the new fund would enable staff to track those funds and expenditures throughout the duration of the project.

Ms. Jessica Greene, Executive Director, Oxford Visitors Bureau, advised as part of the grant the community was asked to raise $170,000 for the local match and she was pleased to report approximately $160,000 had already been committed. Mr. Greene noted in addition the City, Miami University and the Butler County Metro Parks could count staff time as in-kind funds for the local match. Ms. Greene advised Miami University committed $60,000 plus in-kind, the Metro Parks committed $30,000 plus in-kind, the Masonic Lodge committed $20,000 and the Visitors Bureau $10,000 and the other donations were from businesses and individuals. Ms. Greene noted she was pleased with the support from the community.

Council members noted their appreciation for all of the hard work on the initiative.

Ms. Rousmaniere moved to adopt Resolution No. 4897. Mr. Smith seconded. The motion passed 7-0-0.

RESOLUTION
ANNUAL AUDIT

A Resolution No. 4898 authorizing the City Manager to enter into a contract with Clark, Schaefer, Hackett & Co. to complete the audit of the annual financial statements for each of the five years ending December 31, 2014 through 2018. (Joe Newlin, Finance Director)

Mr. Newlin advised the State Auditor asked firms to bid on a pool of municipalities for the annual auditing process which included the City of Oxford, the City of Loveland, the City of Madeira, the City of Springdale and the City of Monroe. Mr. Newlin noted Plattenburg was awarded a score of 75.75 points and Clark, Schaeffer, Hackett & Co. was awarded a score of 74.83 points and each municipality was allowed to give 5 points however they deemed appropriate. Mr. Newlin advised the City of Oxford had worked with both firms and Clark, Schaeffer, Hackett & Co. was $2,375 lower over the course of the contract with the average cost per year being $18, 600. Mr. Newlin noted last year's audit by the Auditor of State's Office was $27,798.

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

Mr. Keebler noted the State Auditor charged almost $10,000 more than a private firm and suggested perhaps they should get out of the auditing business.

Mr. Keebler moved to adopt Resolution No. 4898. Mr. Blackburn seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
NEW CHAPTER 1149

An Ordinance Repealing Oxford Codified Ordinance Chapter 1149 Entitled Vehicle Management, And Adopting New Oxford Codified Ordinance Chapter 1149 Entitled Parking And Site Access. (Sam Perry, Planner)

Mr. Perry noted he was pleased to present the proposed Ordinance as this had been a priority of the Planning Commission for over a year. Mr. Perry noted deletions and additions were proposed based on trends nationwide and locally and the re-write had come through a sub-committee with a lot of volunteer assistance. Mr. Perry advised this was a comprehensive look at parking requirements and the Planning Commission proposed to change the title of 1149 from Vehicle Management to Parking and Site Access since there was not as much focus on vehicles. Mr. Perry noted the proposed language reduced the required number of parking spaces for non residential land uses and there were additional requirements for pedestrian safety and bicycle parking. Mr. Perry advised there were also provisions to allow compact car spaces to count for standard car spaces. Mr. Perry noted it was a modernization of the code and not many lots were in compliance with the current code. Mr. Perry advised he provided drawings in the packet to show how a proposed parking lot would look compared to one under the current code provisions.

Mr. Perry noted there were provisions proposed under the Conditional Use chapter to allow some flexibility with regard to the re-use of a building where the tenants could meet the parking requirements on an adjacent site or a near-by site and he would address that again later. Mr. Perry advised a maximum parking requirement was proposed which would not apply to 1,2, and 3 family residential dwellings. Mr. Perry noted new detail was proposed for pedestrian walkways and provisions were proposed to encourage storm water management. Mr. Perry referred to pages 32 and 34 of the agenda and advised Mr. McHugh would address changes to the proposed language with regard to the curb-cut sections for residential and non-residential regulations which would give more reasoning for the City Engineer to adjust those requirements based on engineering practices.

Mr. McHugh referred to page 32 of the agenda section 1149.04 (b) and noted the proposed language read as follows " The City Engineer shall have the authority to amend any of the below regulations' and suggested it be replaced with the following 'The City Engineer may vary from these regulations where the City Engineer determines that public safety or professional engineering design practice makes it necessary to vary these regulations'. Mr. McHugh noted this language was more defined and tied it to professional engineering standards. Mr. Perry noted this only applied to the curb cut spacing, not the overall chapter. Mr. Keebler suggested striking the word 'necessary' and inserting the word 'acceptable' and Mr. McHugh agreed that was fine. Mr. McHugh advised the new proposed language would appear in the Ordinance for second reading.

Mr. Keebler noted concern with the use of compact car spaces noting a lot of people thought 9' wasn't wide enough and now there would be 8' spaces. Mr. Keebler noted there was no definition for 'compact car' and no way to control who parked in a compact space. Mr. Keebler inquired if it was really smart to put up to 25% compact car spaces in a parking lot. Mr. Perry advised the onus was on the property owner to ensure the compact car spaces were signed properly. Mr. Perry noted the compact spaces were an option, not a requirement.

Mr. Keebler referred to the maximum requirements and noted there was a big box store on the edge of town with way too many parking spaces and the parking in Tollgate Mall was very tight. Mr. Keebler asked Mr. Perry to find out if Tollgate would be over the maximum amount of spaces under the proposed regulations and if so the proposed maximum was too low. Mr. Perry advised he would research the BZA case file and report back to Council.

Ms. Southard noted she was pleased to see the proposed Ordinance come forward after many months of meetings. Ms. Southard advised she was a member of the Parking and Transportation Board and a lot of thought went into the proposed changes.

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

ORDINANCE
NEW SECTION 1147.03

An Ordinance Repealing Oxford Codified Ordinance Section 1147.03 Entitled Use Specific Regulations & Potential Concerns, And Adopting New Oxford Codified Ordinance Section 1147.03 Entitled Use Specific Regulations & Potential Concerns. (Sam Perry, Planner)

Mr. Perry advised Conditional Use section was lengthy and two sections were added to provide for off-site parking which he mentioned earlier and also shared use parking. Mr. Perry noted an example of shared use parking would be a church next to a retail store in a strip mall operating at different times and the parking demand times were off-set so they could share parking even if it was on different lots. Mr. Perry noted a conditional use would provide a provision to do that without having to acquire more land or apply for a variance. Mr. Keebler noted a conditional use required action by the Planning Commission and by Council.

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

Ms. Rousmaniere noted this was for private parking.

Mr. McHugh referred to page 60 of the agenda section (34) B. and suggested adding 'Cross-Easement' so there was a legal document to provide for the shared parking. Mr. Keebler advised section (34) B. 1. Already stated 'Recorded Agreement' and inquired if a Cross-Easement' was necessary. Mr. Perry advised the reason for the recorded agreement was if a piece of land was encumbered by required parking for land that was elsewhere, it would be public knowledge upon a title search. Mr. McHugh advised that would be a Cross-Easement. Mayor McKeehan and Mr. Keebler asked staff do more investigation prior to the next meeting to make sure the proper verbiage was used.

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance Approving A Conditional Use Permit To Permit A Public School In A R-1A (Single-Family Low Density Residential) District And A R-1MS (Single-Family Residential Mile Square) District Located at 400 West Sycamore Street Oxford, Ohio 45056 With Conditions. (Sm Perry, Planner)

Mr. Perry advised schools were a conditional use in residential zones to determine if there were any impacts on the surrounding area, and if so, to mitigate those so the school blended well with the neighborhood. Mr. Perry noted the Talawanda School District's proposal was to construct a new building on the eastern portion of the property while the existing building continued to operate and once the new building was complete the current building would be razed and a portion of that land would be replaced with parking. Mr. Perry advised the Planning Commission reviewed the Conditional Use Permit application and recommended approval with conditions. Mr. Perry noted conditional uses allowed zoning code requirements to be waived in certain situations and staff identified those as follows: light pole height and glare from those lights, curbing in some areas of the parking lot, number of islands, access isles through parking bays and signage.

Mr. Perry advised the new school would be lower in elevation than the current school because the land was sloped southwest to northeast by about 60 feet and the advantage of that was the new school could be constructed while the existing one operated. Mr. Perry discussed the conditions for the conditional use permit approval proposed by the Planning Commission as follows: the sidewalk on the north side of Sycamore Street, adjacent to the TSD property needs to be 8' wide to accommodate bicycles and pedestrians, a connection to the access easement that already exists needs to be built for pedestrian and bicycle connection to the neighborhood, and emergency responder radio coverage is needed throughout the building. Mr. Perry offered to answer any questions.

Ms. Etta Reed, Bayer Becker, 318 S. College Avenue, advised Bayer Becker were the Civil Engineers and surveyors of the site for the Talawanda School District. Ms. Reed noted they would grade and provide a connection to the existing subdivision. Ms. Reed advised at this time Bayer Becker planned to keep the existing 5 foot sidewalk although they understood and supported the Safe Routes to School initiative. Ms. Reed noted due to budget constraints for this site she would ask that they not be required to construct the 8 foot sidewalk until the City or other organizations constructed the 8 foot sidewalk from the east. Ms. Reed advised 8 foot sidewalks would be constructed along both sides of the driveway into the school and asked if they could delay construction of the 8 foot sidewalk on Sycamore Street until such time as the remainder of the 8 foot sidewalk to the east was constructed.

Ms. Rousmaniere noted there was a drop from the north side of the sidewalk down and inquired if that was part of the problem and Ms. Reed advised no, it was a cost issue. Ms. Reed noted they would like to keep the existing 5 foot sidewalk and they would not need to remove it for the construction project. Mayor McKeehan inquired if it could be damaged during construction and Ms. Reed advised their goal was to keep it intact.

Mr. Mike Davis, CFO/Treasurer, Talawanda City School District, noted he was pleased to be here this evening to represent the Talawanda School District and he was pleased the district was able to launch this project to replace a half century old building on Sycamore Street at no increased taxes to the community. Mr. Davis advised the project was financed through existing funds of the district and a majority shareholder in the project was the State of Ohio through a rebate from earlier projects. Mr. Davis noted the district already cut 2 million dollars out of the budget, they changed some design features of the building in order to get on budget and eliminated the geothermal system at a cost of $600,000. Mr. Davis advised they were very conscious of staying on budget and because the project was predominately funded by the state any additional cost to the site would be a locally funded initiative. Mr. Davis noted this was a complicated site, a lot of dirt had to be removed to get to a much lower grade and there was shale and rock beneath. Mr. Davis reiterated the budget was tight and the district made some hard choices, they changed the roofing material and the flooring material and changed exterior masonry work in order to bring the building back on to an Ohio School Design Manual bare requirement. Mr. Davis noted the district was not abandoning Safe Routes to School, they were very much committed to it, but they would like to delay the expansion of a 5 foot sidewalk to an 8 foot sidewalk until they knew what they looked like on bid day or until such time as the 8 foot sidewalk from the east was constructed. Mr. Davis complimented the Planning Commission noting they were very cooperative and collaborative during their review of the Conditional Use Permit application.

Mr. David Prytherch, 6195 Contreras Road, noted he was speaking not as the Planning Commission Chair, but as a parent of Kramer students to say how excited the parents were and that Kramer was a wonderful school. Mr. Prytherch advised the new school comes at a great time and fits at the center of other efforts such as the Oxford Area Trails project, the Pedestrian and Bicycle Safety Plan and the Safe Routes to School initiative. Mr. Prytherch noted he was part of the Safe Routs to School initiative and the group tried to fill in the pieces and those pieces ultimately mattered. Mr. Prytherch advised the group did an assessment and they could see where the 5 foot sidewalk dropped off and could be dangerous and they tried to identify those kinds of things. Mr. Prytherch thanked the Talawanda School District for looking at that and for installing 8 foot sidewalks leading into the school. Mr. Prytherch thanked City staff for seeking Safe Routes to School funding to replace missing sidewalk segments in 8 foot widths along the west side of Locust Street. Mr. Prytherch noted as a parent those little pieces added up to a network that allowed access to the site, through the site and past the site. Mr. Prytherch advised he appreciated staff and Council's attention to the project and the parents were excited to see it move forward. Mr. Prytherch noted getting this right helped do other things beyond the school.

Mayor McKeehan inquired if the Safe Routes to School (SRTS) funding would assist with installing the 8 foot sidewalk in place of the 5 foot sidewalk. Mr. Perry advised no, the SRTS funds were only for new connections.

Ms. Southard inquired how much it would cost to install the 8 foot sidewalk and Mr. Davis advised $16,000 to remove the 5 foot sidewalk and replace it with an 8 foot sidewalk.

Mr. Keebler referred to page 69 of the agenda "Oxford Zoning Code Compliance" and noted staff commented on items that would not be in compliance and inquired why they were being ignored. Mr. Perry advised he understood the Ohio Facilities Construction Commission had certain guidelines and the applicants request reflected those guidelines. Mr. Keebler advised he would like to hear the reasons why the zoning code couldn't be followed with regard to light poles and curbing. Ms. Reed advised the state required light poles to be taller than 16 feet and they would have shields on them to protect residential properties. Ms. Reed referred to the curbing plan and noted the building would be built for LEEDS certification and they were trying to get water into grassy areas. Ms. Reed noted curbs would be installed on the east ends of both parking lots. Mr. Keebler noted the lack of curbing at the High School was a problem with water run-off and people driving into the grass and he felt it was a mistake to waive the curbing requirements for the new Kramer school. Ms. Reed provided a detailed explanation of the parking lot design, elevation, curbing, detention areas, etc. Mr. Keebler reiterated his concerns noting the curbing was there for a reason. Mr. Davis suggested the architect, Charlie Jahnigen could attend the second reading of the proposed ordinance and explain the issues from the design manual point of view and address concerns about run-off and mud. Mr. Davis noted Council's concerns were valid but the school district had to balance these issues against fiscal constraints of the project. Mr. Keebler inquired if the signage exceeded the maximum size because it would be in a residential area and Mr. Perry advised it would be a non-residential sign in a residential area.

Mr. Blackburn referred to the existing 5 foot sidewalk noting there was a 5-6 inch drop between the sidewalk and the fence and students could get caught there and become injured. Mr. Blackburn advised that needed to be corrected and $16,000 for an 8 foot sidewalk was not that much to break a deal.

Mayor McKeehan inquired if there were any comments from the public and there were none. Mayor McKeehan advised the proposed ordinance would be discussed again at the next meeting.

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 137.622 Acres Of Land Along Bonham Road, Oxford, Ohio, And Rezoning The Property From A-1 And R-1 (Oxford Township Zoning) To City Of Oxford MU (Miami University) Zoning District And R-1A (Single-Family Low Density Residential) Zoning District. (Jung-Han Chen, Community Development Director)

Mr. Perry advised this was a recommendation from the Planning Commission to assign a zoning designation to recently annexed property on the northeast side of Oxford. Mr. Perry noted the majority of the property was Miami University owned, some was City owned property and some was Beta Theta Pi property. Mr. Perry advised staff recommended zoning the property MU (Miami University) District and R1A (Single-Family Low Density Residential) District. Mr. Perry noted the Planning Commission followed the staff recommendation even though some concern was raised that the Beta Theta Pi property would become a non-conforming use by zoning it R1A. Mr. Perry advised Mr. Elliott would address the issue further.

Mr. Elliott referred to the staff report on page 124 of the agenda and advised he did not approve the report even though it was a correct record of the Planning Commission meeting. Mr. Elliott noted he provided a second staff report on page 125. Mr. Elliott advised at the last Oxford Planning Commission Meeting a new zoning designation was proposed and approved which was a staff recommendation. Mr. Elliott noted the area included 5 parcels of Beta Theta Pi Fraternity Headquarters property and the proposed zoning for those parcels was R1A (Single-Family Low Density Residential) District and it was approved by the Planning Commission. Mr. Elliott advised between the Planning Commission meeting and tonight's meeting, he and staff met with representatives from Beta Theta Pi Fraternity Headquarters who were concerned with their property becoming a non-conforming use. Mr. Elliott noted they would prefer to be zoned OI (Office and Light Industrial) which permitted professional offices which was what the Beta Theta Pi building was, and it also allowed research, and experimental or testing labs conducted within enclosed buildings. Mr. Elliot advised also permitted was electronic data processing and public-service facilities. Mr. Elliott noted after hearing their concerns and reviewing the City zoning code, he concurred with their request. Mr. Elliott advised Beta Theta Pi had no plans to sell their property and if they did the uses were limited to the ones he mentioned. Mr. Elliott strongly urged City Council to pass a motion to table the proposed ordinance and pass a second motion to initiate a map amendment application by Council to zone the Beta Theta Pi land as OI, Office and Light Industrial noting he felt that was the right thing to do. Mr. Elliott noted Beta Theta Pi was a new business within the City limits and they had occupied their location for 20 years. Mr. Elliott advised the fraternity had been in Oxford since 1839 and he did not think they were going anywhere.

Mr. Elliott noted Mr. Jeff Rundle, legal counsel for Beta Theta Pi was in attendance to make some comments.

Mr. Jeff Rundle, advised he served as Director of Chapter Services and General Counsel for the Beta Theta Pi Administrative Office which was their Fraternity Headquarters and Educational Foundation located at 5134 Bonham Road. Mr. Rundle noted they were recently made a part of the City of Oxford and he was in attendance to voice support of Mr. Elliott's recommendation and to thank Mr. Elliott and Mr. Perry for meeting with him and other representatives of Beta Theta Pi to take their zoning request under consideration. Mr. Rundle noted the primary purpose for the property located at 5134 Bonham Road was for the housing and operations of approximately 50 professional staff members. Mr. Rundle advised people moved to Oxford to work for Beta Theta Pi and they had been on this site for 20 years. Mr. Rundle noted the fraternity celebrated their 175th anniversary last summer and over 1500 alumni and guests came to Oxford for the celebration. Mr. Rundle advised Beta Theta Pi believed the appropriate designation for them as a not for profit office and educational foundation was Office and Light Industrial.

Ms. Rousmaniere asked Mr. Rundle to clarify what the disadvantage of being non-conforming was. Mr. Rundle advised by the nature of a non-conforming use the code was designed to bring properties back into a conforming use. Mr. Rundle noted they would have limitations on construction on their property, limitations on any improvements they wished to make and limitations on the sale of the property to a potential buyer if Beta Theta Pi ever chose to sell the property. Mr. Rundle advised Beta Theta wanted to be conforming from the very beginning as opposed to creating a non-conforming use. Mr. Rundle advised there may have been some confusion at the Planning Commission meeting and clarified that there was no fraternity housing on the site, and their operation was very much office and light industrial. Ms. Rousmaniere advised she understood non-conforming and Mr. Rundle explained it very well but it had been said repeatedly that the fraternity did not wish to sell or change the property and that was her question. Mr. Rundle advised there was a designation that fit them perfectly and the OI designation stated it was for professional offices with no retail sales to the general public and no storage of goods for sale, it was for office facilities that had minimal impact on the surrounding environment. Mr. Rundle noted it would make logical sense to bring them into the City with the OI designation.

Mr. Keebler noted the neighbors of Beta Theta Pi might not appreciate some of the uses under OI and that would be a balancing act if the ordinance was remanded back to the Planning Commission for another review. Mr. Keebler referred to the proposed zoning map on page 128 of the agenda and noted he felt R1A was not appropriate for any of the proposed areas. Mr. Keebler advised R1A (Single-Family Low Density Residential) was proposed for areas that would never be residential including a City Park. Mr. Keebler noted to make a motion to apply for OI zoning while ignoring the other area was not the right thing to do. Mr. McHugh advised the zoning code did not have a government zoning district. Mr. McHugh noted Council should make a motion to table the proposed ordinance and another motion to initiate a map amendment. Mr. Keebler inquired if it could be remanded back to the Planning Commission and Mr. McHugh advised it should not be remanded right now because it was first reading and it had to come back for a second reading unless Council did something with it.

Mr. McHugh noted remanding it asked the Planning Commission to consider the same application and staff was asking for a new application to recognize Council did not want to act on this one and new notification and a public hearing needed to take place. Mr. Keebler advised he would like this proposal to end here without action and have the Planning Commission and staff re-evaluate the entire area and come back with a recommendation. Mr. Snyder suggested tabling the proposed ordinance and sending it back to the Planning Commission and noted it would not have to come off of the table.

Mr. Snyder moved to table the proposed ordinance. Mr. Blackburn seconded. The motion passed 7-0-0.

Mr. Elliott advised staff would look at another designation for City owned land and Mr. McHugh noted a zoning text amendment would be needed to create a government land zoning district. Mr. Keebler advised he still had questions as to whether OI was correct for all of the Beta Theta Pi property or whether it should be more restrictive. Mr. Keebler inquired if there was any reason the properties in question couldn't stay zoned the way they were until the City zoning was sorted out and Mr. Elliott advised no. Mr. Snyder noted it took a while to establish the rezoning of the Day Lily Farm property after it was annexed. Mr. Keebler suggested that staff look at the whole issue and recommend the appropriate zoning designations.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3286. Supplemental Budget Ordinance Number 2 To Make Supplemental Appropriations For Fiscal Year 2015. (Joe Newlin, Finance Director)

Mr. Newlin advised this was in conjunction with the Resolution Council adopted this evening to create a new fund to provide for Oxford Area Trail capital improvements. Mr. Newlin noted the supplemental budget would get the funding and the expenditures in place for the trail to be constructed. Mr. Newlin advised $670,000 would be advanced from the General Fund and when the state reimbursement was received and the local donations were received the funds would be returned to the General Fund.

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

ANNOUNCEMENTS

Mr. Elliott advised he had served on the United Way Board for three years and was asked to serve another three years which he agreed to do. Mr. Elliott noted United Way held their annual meeting on February 24th at the Knolls of Oxford where checks were distributed to local social service agencies. Mr. Elliott advised United Way funded 17 agencies and sponsored 25 programs and did a wonderful job here in Oxford. Mr. Elliott noted United Way raised over $250,000 for the 2015 campaign. Mr. Elliott advised the City of Oxford employees contributed 50% more than last year and personally thanked all City employees for their contributions.

Mr. Elliott updated Council and the public regarding the Electric Aggregation program noting he should be able to sign the contract with AEP very soon and the offer letters from AEP were also being reviewed at this time.

Ms. Rousmaniere referred to the comments by Ms. Zien this evening and noted in last week's report to Council Oxford was placed under a Level 1 Snow Emergency on Saturday, February 21st and over 200 parking citations were issued over a two day period and 34 vehicles were towed. Ms. Rousmaniere noted it was still concerning that vehicles remained in the snow routes during a snow emergency.

Mr. Elliott noted every year as new students moved off campus and he felt the City did a fine job of trying to notify them of City requirements including snow emergencies. Mr. Elliott advised students could receive notifications via Nixle and the City worked with Miami University staff as well but there were still a number of cars left in the snow routes. Mr. Elliott noted a lot of cars were ticketed and towed and the City would prefer not to ticket or tow any of them. Mr. Elliott advised the issue of sidewalks had been discussed time and time again and everyone needed to pitch-in as some people could not get out and shovel their walks. Mr. Elliott urged everyone to do what they could to keep sidewalks free of snow and ice.

Mr. Blackburn noted he learned at the Student Community Relations Commission Meeting that Miami students were notified by Nixle to move their cars to the parking lot at Millett and the cars were ticketed by MUPD. Mr. Blackburn advised the situation was being resolved.

Mayor McKeehan advised an article in the Cincinnati Enquirer today addressed the issue of snow removal on private property and sidewalks and it spoke as if Cincinnati might ramp up enforcement in the future. Mayor McKeehan noted the article indicated that Boston had very heavy handed enforcement for removal of snow even in a trying year for them. Mayor McKeehan encouraged everyone to help out where they could and noted businesses were responsible for snow removal in front of their establishments.

Ms. Southard noted a lot of this information was on the City's website.

ADJOURN

Mr. Keebler moved to adjourn at 9:27 p.m. Ms. Rousmaniere seconded. The motion passed 7-0-0.