

A Regular meeting of the Oxford City Council was called to order by Mayor Kevin McKeehan on Tuesday, April 1, 2014 at 7:30 p.m. Those members present were Bob Blackburn, Richard Keebler, Kate Rousmaniere, Mike Smith and Edna Southard. Steve Snyder was excused.

Staff members present: Mr. Doug Elliott, City Manager; 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.

PLEDGE OF ALLEGIANCE

Mayor McKeehan requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Keebler moved to amend the agenda to add two settlement approvals under the Announcements and Communications portion of the agenda. Mr. Smith seconded. The motion passed 6-0-0.

Mr. Blackburn moved to approve the agenda as amended. Ms. Southard seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **'EARTH DAY'**

Mayor McKeehan read the Proclamation and presented it to Ms. Rousmaniere who is the Council representative on the Environmental Commission.

PROCLAMATION **'ARBOR DAY'**

Mayor McKeehan read the Proclamation and presented it to Ms. Rousmaniere who is the Council representative on the Environmental Commission.

PUBLIC COMMENTS

There were no comments from the public.

CONSENT AGENDA

MINUTES

Minutes of the March 18, 2014 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the March 11, 2014 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the March 19, 2014 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Mr. Keebler moved to approve the consent agenda. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTION **WAIVE FEES**

A Resolution No. 4819 authorizing the City Manager to waive the fees adopted in the Fee Ordinance for the street closures for the Visitors Bureau for the 2014 Annual Summer Music Festival. (Doug Elliott, City Manager)

Ms. Jessica Greene, Executive Director, Oxford Visitors Bureau, thanked Council for their continued support of the Oxford Summer Music Festival. Ms. Greene advised the concerts would run for 13 weeks this summer from June 5th until August 28th and 10 of the bands were from the local area. Ms. Greene noted the music festival was only possible because of a very generous business community that contributed to and sponsored the event. Ms. Greene advised the Visitors Bureau was partnering with the Oxford Parks and Recreation Department for the July 3rd fireworks celebration and a band would perform at the Oxford Community Park. Ms. Greene noted it would be a very busy spring and summer in Oxford with the Oxford Kinetics Festival taking place this Sunday, the Red Brick and Roses Carriage Parade on April 27th and the Adidas Soccer Tournament in April. Ms. Greene advised the Porsche Show was coming back this year and Beta Theta Pi was holding its convention in Oxford this year so there would be big crowds in town this summer.

Mayor McKeehan advised Council had waived the fees for the music festival for a number of years and Mr. Keebler noted it was a great community event and Council should continue to waive the fees.

Ms. Rousmaniere moved to adopt Resolution No. 4819. Mr. Blackburn seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

ORDINANCE
ZONING MAP
AMENDMENT

An Ordinance Approving A Zoning Map Amendment For Approximately 39 Acres Of Land Fronting Southpointe Parkway In Oxford, Ohio, Rezoning The Property From OI (Office and Light Industrial) District To R2A (Single And Two Family Residential) District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the area in question for rezoning consideration was shown in Council's packet on pages 31 and 32 and when Council considered a zoning map amendment there were decision standards to be followed as shown on page 30 of Council's packet which were:

(1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Map amendments:

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely to the Comprehensive Plan.
- C. There has been a substantial change in the area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Mr. Chen advised the Planning Commission discussed this request for 1 ½ hours as there were complicated issues to address including the history of the site and the development agreement and in the end the vote was 2-3-0 recommending that the request be denied. Mr. Chen asked Council to keep in mind that the Planning Commission was a land use advisory commission and Council was the final decision making body regarding a zoning map amendment. Mr. Chen advised the applicant, Scott Webb would make a presentation regarding the rezoning request.

Mr. Scott Webb, Applicant, Agent, noted he would rather be before Council asking to rezone the property for residential use than to be the person asking to place a Tech Park in the middle of a neighborhood. Mr. Webb provided a PowerPoint presentation and advised the entire development was purchased adjacent to the City of Oxford and the process of planned development was taken on through the Butler County Board of Zoning and the County Commissioners. Mr. Webb noted the development was based on a by-pass being built around Oxford and some connector roads that came out of the Thoroughfare Plan connecting US-27 to SR 73 and that never came to be. Mr. Webb advised the property in question was specifically designed around a connector road and meetings were held with the County Commissioners, County Engineer and ODOT who determined where the connector road would be, how wide the right-of-way needed to be and how sharp the curves could be and after all that work was done the property was annexed into the City.

Mr. Webb noted as part of the annexation process, a Development Agreement was entered into between his client and the City of Oxford which obligated the City to accept the zoning that was determined by the county. Mr. Webb advised the City rezoned the property with City designations that matched the county designations as close as possible.

Mr. Webb referred to Decision Standard B. (The proposed amendment will make the map conform more closely to the Comprehensive Plan.) and stated the 2008 Comprehensive Plan was adopted after the current zoning was in place. Mr. Webb noted the 1998 Comprehensive Plan was in effect when this process started and it did not mention any commercial development in this area. Mr. Webb advised the zoning did not follow the Comprehensive Plan, the Comprehensive Plan was written around the zoning the City inherited from the county. Mr. Webb noted the Thoroughfare Plan adopted in 2007 was an aspirational document like the Comprehensive Plan which was supposed to guide development for the next 10 plus years. Mr. Webb advised during this process the connector road which was the impetus for the Tech Park and annexation and all things that followed never happened.

Mr. Webb referred to Decision Standard C. (There has been a substantial change in area conditions that necessitates the amendment.) and advised in 2008 City Council passed an Ordinance which basically said the connector road would never be built and he and his client felt that was a significant change as they were left with a right-of-way that would go nowhere and a Tech Park in the middle of a residential neighborhood. Mr. Webb noted it was clear the entire site was designed around the connector road. Mr. Webb advised staff from Miami University went to Washington and lobbied for federal money for the project and his client donated 10 acres of right-of-way through the property at no charge to the City. Mr. Webb noted everyone was on the same page until it was decided that the connector road was not going to happen.

Mr. Webb referred to Decision Standard D. (There is a legitimate need for additional land area in the zoning district that will be expanded.) and noted there was 158 acres of OI property in the City and he was not asking to rezone a significant portion of it. Mr. Webb advised the property had been set aside as OI for 8 years and marketing efforts had been made by the owners, the real estate companies and the Economic Development Department and no one had expressed any interest in any kind of a Tech building on the site. Mr. Webb noted there was also a competing Tech Park on SR 73 which had been awarded grant money as a Jobs Ready site so there was a lot of OI property in the City. Mr. Webb advised the OI District was very restrictive and as long as the property in question was zoned OI there was not much else his client could do with it. Mr. Webb noted R2A allowed single and two family dwellings with smaller lots than R1 and advised for years people had talked about the need for affordable housing and senior housing in Oxford and he and his client felt there was a legitimate need for more R2 zoning in the City. Mr. Webb noted according to engineering standards, R2 created less traffic than a commercial operation would at the site in question.

Mr. Webb referred to Decision Standard A. (There is an error on the Official Zoning Map or in the delineations between districts thereon.) and noted the City inherited the zoning, it was not Council's choice.

Mr. Webb recapped his discussion of each Decision Standard and noted part of the Comp Plan talked about maintaining the rural small town character on the City's perimeters and noted his client would have a better opportunity to preserve the small town character if the property in question was zoned for residential use, not for 45' tall office buildings. Mr. Webb advised Miami University looked at locating some data centers on the property in question and noted technology changed faster than land did and Miami learned they did not need data centers because they could use the 'Cloud'. Mr. Webb noted the Sheriff's Office expressed some interest in locating an emergency center on the property in question and then decided against it. Mr. Webb advised there were two ideal businesses in Oxford that fit this model and both of them had moved to West Chester. Mr. Webb reiterated that OI was a very restrictive zone as it did not allow goods for sale, storage of goods, loading docks or truck traffic. Mr. Webb advised OI was for very specific uses and he and his client felt OI was no longer appropriate for the property in question. Mr. Webb noted he appreciated Council's consideration of the zoning map amendment.

Mr. Alan Kyger, 6164 Contreras Road, advised he was speaking to Council as the Executive Director of the Community Improvement Corporation (CIC) and not as the City's Economic Development Director. Mr. Kyger noted an agenda item for the CIC meeting last Friday was a discussion of the Southpointe Tech Park and a letter from the CIC was provided to Council with their recommendation. Mr. Kyger advised some individuals inquired why the CIC discussed this matter and read the following from the 1982 incorporation of the CIC "The purposes for which the corporation is formed are advancement, encouragement and promotion of industrial, economic, commercial and civil development in Oxford, Ohio and the surrounding area'. Mr. Kyger noted he felt the potential rezoning of 38 acres and the potential elimination of the Southpointe Tech Park was worthy of the CIC being aware of and discussing. Mr. Kyger advised he did not expect the CIC to take action but he wanted them to be aware of the situation. Mr. Kyger noted Jim Clawson was on the CIC Board and he did not ask for this item to be on the agenda nor he did vote on this item although he was there for discussion purposes and left so the remaining CIC members could discuss the matter among themselves. Mr. Kyger advised the board looked at the history of the site and the effect the elimination of the connector road had on the project, the current level of OI inventory, the number of requests that had been made for OI land and what effect losing 38 acres of OI land would have on the community. Mr. Kyger noted the CIC Board voted to send Council a letter of support for the rezoning due to the abundance of available OI land and due to the lack of interest from anyone requesting use of the OI land. Mr. Kyger noted the CIC Board felt rezoning the site increased the potential for some type of development on this site.

Mr. Michael Davis, 2100 Dana Drive, CFO, Talawanda School District, advised he was also a member of the CIC and voted in support of the rezoning issue last week. Mr. Davis noted in his opinion, the rezoning would help increase the tax base and additional property tax would drive revenue for the City. Mr. Davis added that he felt R2A zoning would help promote construction of the 38 acres and new construction was one way to grow the tax base for the school district. Mr. Davis noted values had been flat over the last several years due to recessionary pressures and he felt this would be a benefit to the school district and the children of Talawanda.

Mr. Rich Daniels, 451 Emerald Woods Drive, noted he felt the discussion so far had given good reasons to support the request. Mr. Daniels advised he was involved with the North West Butler County Transportation Study that went through all the things that resulted in this property in the beginning. Mr. Daniels noted he was also on the CIC Board and was part of the discussion last Friday. Mr. Daniels advised he felt the bottom line was to determine the best use of the property in the interest of the community. Mr. Daniels noted he felt flexibility would allow for economic development in the sense of construction, jobs and things that would grow the community. Mr. Daniels advised he felt the tech park well was pretty dry and why let the property sit there and grow weeds when it had the potential to be developed as a community. Mr. Daniels advised he participated in a focus group a couple of weeks ago for the housing study being done by the Oxford Village Network and the study would show there was a need in Oxford for senior housing. Mr. Daniels noted senior housing did not mean one thing it was a range of things and having the flexibility to address those with land that was not encumbered by small space or other entities close to it could result in some interesting development that would benefit the community.

Ms. Rousmaniere noted Southern Knolls and Gardenia Drive were good examples of the R2A District and it was difficult for her to think about a R2A District next to a huge apartment complex to the north and the possibility of another one to the right of the property in question. Ms. Rousmaniere inquired if OI regulations could be revised if OI was the problem. Mr. Chen advised a sub-committee could be created to look at revising OI regulations if the Planning Commission felt it was an issue they wanted to address. Mr. Webb noted there were a couple of acres of GB next to the property in question that was intended to help serve the function of a small neighborhood. Mr. Webb referred to page 31 of the agenda and noted the R4 district shown to the right of the property in question was intended to be a condominium development driven by the notion of empty nesters and young seniors and it was not intended to be a large apartment complex. Mr. Webb noted the zoning stepped down on the site with R2 being closer to the street, the R4 student housing complex being closer to the City and the proposed higher priced condos and large lot R1 zoning being deeper inside the property.

Mr. Keebler advised there was other OI property available in the City but this was the only 'shovel ready' site and it was well served by utilities including fiber. Mr. Keebler noted to discuss all the other proposed development on this site was probably a pipe dream because of the investment required. Mr. Keebler advised OI would allow any size office or office complex and when people looked at zoning they tended to look at the broadest use. Mr. Keebler noted he understood a tremendous investment was made for this site and it wasn't working out. Mr. Keebler referred to the decision standards and noted he felt the only one that fit was #3 and there had been a substantial change in area conditions. Mr. Keebler advised it was nice of the developer to donate land for the road right-of-way but he was going to get a nice road paid for by someone else so it was a good trade off but now it wasn't going to happen. Mr. Keebler noted the expense for the developer to construct a substantial road to support 39 acres of OI land was never prepared for. Mr. Keebler advised he was not convinced there was a market for more R2 zoning in this town yet he understood the developer's dilemma. Mr. Keebler noted the success of the Level 27 apartment complex indicated that students didn't want to move there and he did not feel it was the place for senior housing. Mr. Keebler advised he felt the decision standards needed to be reworked but Council had the ability to rezone this property under decision standard #3.

Mr. Blackburn referred to comments made by Mr. Davis and advised with a Tech Park would provide the same tax base and maybe more. Mr. Blackburn agreed with Mr. Keebler that this was not the place for senior housing.

Mr. Elliott advised Oxford's location was a problem and development all through Ohio had moved out towards the interstates. Mr. Elliott noted typically cities were reluctant to change zoning but there was other OI property in Oxford. Mr. Elliott referred to the new high school off of US 27 and noted usually there was more residential zoning around schools over time.

Ms. Southard referred to page 39 of the agenda and noted staff pointed out that traffic could be an issue and inquired if US 27 could support the traffic generated by industrial or residential development. Ms. Southard referred to page 38 of the agenda and noted according to the Fire Chief, another access road would be required for Fire and EMS safety. Ms. Southard inquired if Council wanted suburban sprawl in this area.

Mr. Webb advised there were engineering standards that ODOT used to determine how much a road could handle and when a traffic signal was needed and those were based on trip generation numbers. Mr. Webb noted the numbers seemed to show that OI created more traffic at 5:00 p.m. while residential spread it out through the day. Mr. Webb advised as far as ODOT was concerned there was not enough difference to affect the capacity of US 27 and a traffic signal could not be installed until DOT said it was needed. Mr. Webb noted ingress/egress was a good point but we were dealing with zoning, not roads. Mr. Webb advised if the property was rezoned, the next step would be a sub-division application which would go to the Planning Commission and Council and there were opportunities to make sure that access to the site was addressed. Mr. Webb referred to Ms. Southard's question about sprawl noting it depended on what people felt sprawl was. Mr. Webb noted he felt a Tech Park at this location was less appealing than more homes. Ms. Southard referred to page 33 of the agenda and noted the percent of vacant housing units was 16.9 and Mr. Webb advised that was an overall statistic and not specific to R2. Ms. Southard noted Council wanted a community that had a lot of opportunities for living and for working and Oxford especially needed job opportunities. Ms. Southard noted the economy may change and business might be brought here more successfully by leaving the property zoned OI.

Ms. Rousmaniere reiterated her interest in looking at revisions to the OI regulations in the future.

Mr. Keebler noted there was OI and R1A acreage across the road from the property in question and the R1A portion could be rezoned to OI if the need ever occurred. Mr. Keebler agreed with Mr. Elliott and advised the reason Oxford did not have growth in business was because of transportation issues and by not being close to an interstate.

Mayor McKeehan noted he felt Oxford was a nice place to live because it was not easy to get to. Mayor McKeehan advised he watched the Planning Commission meeting online recently and encouraged Councilors to do the same to see the Planning Commission's process and hear the questions they had on this rezoning request. Mayor McKeehan inquired if the right-of-way would remain on the site and Mr. Webb advised that provision of the development agreement had a sunset clause which had expired. Mayor McKeehan inquired if rezoning would be in conflict with the development agreement and Mr. Elliott and Mr. McHugh advised no. Mayor McKeehan noted he felt there would be a need for single family housing in Oxford in the near future.

Mayor McKeehan advised he felt the vacancy rate in Oxford was skewed high due to student housing. Mayor McKeehan noted the land could be zoned back to OI if need be but in 8 years no interested had been expressed mostly due to transportation issues. Mayor McKeehan reminded everyone that R2 could be single family housing and it wasn't just for duplexes.

Mr. Kyger advised as Economic Development Director he received requests from Butler County and from Jobs Ohio for development sites and every request except for one was for existing facilities. Mr. Kyger noted companies wanted to lease property for a few years to determine if it would work or not, and if not they would move elsewhere. Mr. Kyger noted sprawl had already happened in Oxford and Council had to determine the best zoning for it.

Ms. Rousmaniere referred to page 26 of the agenda 'The Land Use Principals' and advised #6 read as follows: Future growth at the edge of the City will preserve open spaces, protect the area's rural character, and be consistent with the other principals. Ms. Rousmaniere noted that could be an argument for housing or it could be the opposite.

Mr. Keebler noted with the R1A, R4 and R2A that was already zoned, the rural character was already established. Mr. Keebler advised there was a nice R4 development approved for this site that had expired and noted his hope it would come back sometime.

ORDINANCES

SECOND READING

ORDINANCE

SUPPLEMENTAL BUDGET

An Ordinance No. 3269 Amending Ordinance No. 3249. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2014. (Joe Newlin, Finance Director)

Mr. Newlin advised he had no new information since the first reading of the proposed Ordinance which would appropriate funds for the Fire Station improvements once the plans were finalized.

Mr. Blackburn moved to adopt Ordinance No. 3269. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

MOTIONS TO APPROVE SETTLEMENTS

Mr. Keebler moved that the City of Oxford and Edwina Green, owner of property along Millville-Oxford Road, enter into an agreement whereby the City will pay a total amount of \$110,000 for the purchase of that property to allow for the widening and improving of U.S. 27. Mr. Blackburn seconded. The motion passed 6-0-0.

Mr. McHugh advised the motion was for the City to purchase the entire property as part of the U. S. 27 South appropriation process.

Mr. Keebler moved that the City of Oxford and Bruce and Diane Perry of 6 McKee Avenue enter into an agreement whereby the City will pay a total amount of \$131,660 for the taking of property along 3 parcels owned by Bruce and Diane Perry to allow for the widening and improving of U.S. 27. Mr. Blackburn seconded. The motion passed 6-0-0.

Mr. McHugh advised a significant amount of property was being taken especially from the primary residence lot. Mr. McHugh noted there was a shed in the area of the take and the City would assist in relocating the shed as part of the agreement.

Mr. Elliott advised a pre-construction meeting took place last week at the ODOT District 8 office in Lebanon for the US 27 South improvement project. Mr. Elliott noted road construction would begin in July and two lanes of traffic would be maintained during construction of the new bridge. Mr. Elliott advised utility relocation of electric, water and gas would continue in the meantime.

Mr. Elliott advised the City reached an agreement with one more property owner for the US 27 project and there were 8 cases remaining to settle.

Mr. Elliott advised the City was approached by the Village of College Corner to provide EMS service to the Preble County portion of College Corner. Mr. Elliott noted the City already provided EMS service to the Butler County portion of College Corner and he wanted Council's input before he responded to the Village Law Director. Mr. Elliott advised the additional runs might stretch Oxford's resources more than we'd like to see.

Mr. Keebler advised the City was under no obligation to serve that area as they were their own entity and it had to come down to the safety of our own residents. Mr. Keebler noted at some point in time the townships (Oxford and Milford) would have to come up with another way to cover their calls. Mr. Keebler advised the City could start charging Miami University for false alarms to cover the cost of additional EMT's and noted OFD had 4 false alarm calls from Miami today. Mr. Keebler noted there was a school involved in the Preble County portion of College Corner.

Mr. Blackburn noted College Corner provided mutual aid to Oxford for fire calls when needed.

Mr. Chen advised at the March Student Community Relations Commission (SCRC) meeting the commission adopted a Resolution to study a Bike Sharing Program in Oxford. Mr. Chen noted Ari Frum, Secretary for Off Campus Affairs and Elizabeth, Secretary for Sustainable Initiatives were in attendance. Mr. Chen noted the idea was to do a detailed study of the feasibility of bike sharing, the number of bikes needed, locations and cost issues with no commitment from the City.

Mr. Ari Frum, Secretary, Off Campus Affairs, noted he wanted to share with Council that the SCRC adopted the Resolution to perform the Bike Sharing Program study and answer any questions Council may have.

After discussion, Council was in favor of the study and asked that more information be provided within the next few months.

Mayor McKeehan advised there were a number of upcoming vacancies on Boards and Commissions and encouraged members of the public to apply for the positions. Mayor McKeehan noted the vacancies as follows:

Board of Appeals (Building & Housing) – 3 vacancies, terms ending 2016 and 2018

Board of Zoning Appeals – 1 vacancy, term ending 2017

Civil Service – 1 vacancy, term ending 2017

Community Relations Commission – 3 vacancies, terms ending 2015 and 2017

Environmental Commission – 3 vacancies, terms ending 2015 and 2018

Historic and Architectural Preservation Commission – 1 vacancy, term ending 2018

Housing Advisory Commission – 1 vacancy, term ending 2018

Income Tax Board of Review – 2 vacancies, terms ending 2015 and 2017

Records Commission – 1 vacancy (no specific terms)

Recreation Board – 1 vacancy, term ending 2017

Mayor McKeehan noted it was important for the citizens to assist the City out and learn more about what was going on in the community.

Ms. Rousmaniere announced the Kinetics Festival was Sunday, April 6th from 12:00 to 5:00 p.m. at Millett Hall which featured human powered sculptures. Ms. Rousmaniere noted the food was fantastic and the event was fascinating, fun and wacky.

Ms. Southard noted citizens had a lot of questions about road construction and the City's website contained valuable information regarding the projects.

Ms. Southard advised on Green Beer Day she did a ride-along with the Oxford Police Department until 3:00 a.m. Ms. Southard advised the Police Department averted many catastrophes and many bad things did not happen because of their good work. Ms. Southard encouraged people not to drink from rooftops noting it was very dangerous.

Mr. Blackburn encouraged everyone to attend the Kinetics Festival.

ADJOURN

Ms. Rousmaniere moved to adjourn at 9:09 p.m. Mr. Keebler seconded. The motion passed 6-0-0.