A virtual meeting of the Oxford City Council was called to order by Mayor, Mike Smith on Tuesday, April 20, 2021 at 7:30 p.m. Members attending were William Snavely, Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu and Edna Southard.

Staff members participating were Doug Elliott, City Manager, Jessica Greene, Assistant City Manager, Mike Dreisbach, Service Director, Joe Newlin, Finance Director, John Jones, Police Chief, John Detherage, Fire Chief, Andrew Wilson, Technical Assistant, Casey Wooddell, Parks and Recreation Director, Chris Conard, Law Director and Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

Mr. Snavely moved to amend the agenda to add a 5th Resolution concerning House Bill 157. Ms. Southard seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

Mr. Snavely moved to approve the agenda as amended. Ms. Southard seconded. The motion passed 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)

PUBLIC PARTICIPATION

Proclamation – "Arbor Day"

Mayor Smith read the Proclamation advised it would be forwarded to the Environmental Commission.

Request for Use of Park – MHMH/Coalition for a Healthy Community. (Doug Elliott, City Manager)

Mr. Elliott addressed his staff report regarding the Yoga in the Park event as presented on page 6 of Council's packet and offered to answer any questions.

Mr. Snavely moved to approve the request for use of the Memorial Park. Ms. Southard seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

Discussion – Inter-Jurisdictional Collaboration and Long Range Planning in Amtrak Station/Chestnut Fields Area. (David Prytherch, Councilor)

Mr. Prytherch shared his screen and noted his presentation would preface the Resolution Council will consider this evening regarding an Amtrak Platform. Mr. Prytherch advised the Chestnut Fields area is one of the larger infill sites in the City and has a lot of potential for functionality and long term goals of the City. Mr. Prytherch noted there were a variety of different projects moving forward in this area such as the BCRTA Intermodal Station, which is in the design phase, the City's design for an Amtrak Platform, and the Oxford Area Trail. Mr. Prytherch advised Main Street was recently realigned and may be extended at some point. Mr. Prytherch noted the question was how can the whole of this area be greater than the sum of these parts and advised he wanted to make sure all of the parts fit together. Mr. Prytherch noted this part of town was important for infrastructure purposes and could be a node of economic development and provide mixed uses. Mr. Prytherch advised infrastructure could be a catalyst for connectivity and redevelopment. Mr. Prytherch noted so far long range visioning of the Chestnut Fields area has been limited and advised Miami University acquired the former Talawanda High School site and they do not have a masterplan for the site. Mr. Prytherch noted so far the only long range planning was done by his students in 2017 who created an Amtrak area master plan. Mr. Prytherch advised the City was moving forward on projects in the short-term such as the platform and the BCRTA facility, which were in the design phase and assumptions would be baked in soon. Mr. Prytherch inquired if Council felt they had done their due diligence to make sure the short-term investments are leading towards the best long-term vision for this area. Mr. Prytherch inquired if big infrastructure dollars come Oxford's way is the City positioned to go bigger than the minimum base level projects. Mr. Prytherch noted he felt these things connect with Council's sustainability goals and economic development goals although staff is feeling stretched. Mr. Prytherch inquired if it was worth it to spend time before design assumptions are baked in to talk to the City's partners to align long-term needs and share facilities to the maximum extent possible. Mr. Prytherch noted his hope was to move towards long-term goals and invest time in that conversation. Mr. Prytherch advised staff has been exploring these issues.

Ms. Greene advised staff had exploratory conversations with the landowners in that area noting they spoke with Talawanda, BCRTA, Miami University and Oxford Township to gauge their interest noting it will take some work. Ms. Greene noted this was an expanded scope of work beyond what was on staff's agenda and advised it might mean that something else Council and staff discussed may not get done. Ms. Greene advised the Uptown occupancy legislation may not get done while staff works on the Chestnut Fields project. Ms. Greene noted there was some initial interest from property owners in the area and advised she was seeking guidance from Council on exactly where they want staff to spend their time.

Mr. Elliott referred to Resolution 4 on this evening's agenda and advised it included an analysis of the land where the Nelson-Morrow building is as well as the SDS Pizza site. Mr. Elliott noted these properties where included in the analysis as an option. Mr. Elliott advised he felt everyone agreed they wanted to move forward with the design for the Amtrak platform and the canopy. Mr. Elliott noted if Council sees fit to ask staff to spend time pursuing a larger picture those options could be added into the contract. Mr. Elliott advised he was concerned about cost noting even with grant funds the City would have to fund 50% of the cost. Mr. Elliott advised he felt the SDS property would be a 7-digit figure and he was not sure about the Nelson-Morrow property. Mr. Elliott noted staff could draft option to purchase legislation so if indeed Amtrak and CSX provide something in writing indicating they will stop the train if a platform is built then staff can pursue other options. Mr. Elliott referred to Sub HB 157 noting the City could face financial difficulties in the next couple of years.

Mr. Prytherch advised he felt there was a narrow window of opportunity as design proceeds that will lockdown certain assumptions. Mr. Prytherch suggested it was a matter of talking to partners noting Miami University has said they are open to the conversation about shared facilities. Mr. Prytherch advised if the City invests money for a platform he wanted to make sure Council was happy with the long-range result.

Mr. Bracken advised he understood Council needs to account for the City's fiscal position going forward and noted some of the CIVID-19 funds could be applied to certain things and there was a good chance of an infrastructure bill being passed which would allow the City to pay for potential facilities and infrastructure. Mr. Bracken advised he did not want Council to limit options too quickly knowing that could come forward. Mr. Bracken referred to the RFQ for solarizing the nearby landfill and noted there might be opportunities for solarizing facilities at Chestnut Fields and the parking areas. Mr. Bracken advised these goals align with Miami University's goals in wanting to solarize. Mr. Bracken noted Council has talked about electric buses, which was the way of the future and something some cities across the country have implemented. Mr. Bracken advised setting up electric facilities in this location might be something to think about now as opposed to adding them after the fact.

Ms. Southard advised she felt it was good to talk about larger plans although she does not quite understand why this would be prioritized over something else or why this should involve more work for City staff. Ms. Southard noted Council has thought for a long time about planning for this area and changed the name of Collins Run Road to S. Main Street. Ms. Southard advised she brought forward the name change and was pleased when Council approved it because it is not necessary for people to get off a train at Collins Run Road when it would be better to get off at S. Main Street. Ms. Southard noted she would like Council to acknowledge that planning has been done in the past and incorporate those plans into what is already being done.

Mr. Matt Dutkevicz, Butler County Regional Transit Authority, noted he wanted to share some perspective from BCRTA. Mr. Dutkevicz advised he felt the most important thing to consider was the timing window which Councilor Prytherch eluded to noting BCRTA was in the concept design phase for their facility and they wanted to be a good partner. Mr. Dutkevicz noted BCRTA has grant money that was awarded a couple of years ago that they need to get moving and were not in a position to indefinitely put their plans on hold.

Mr. Dutkevicz advised they are still in the conceptual phase and have some time to change designs that do not cost a lot of money at this position. Mr. Dutkevicz noted later in the summer that conversation will be different. Mr. Dutkevicz advised BCRTA would be investing between 9-13 million dollars noting the federal portion (80%) has a long life on it. Mr. Dutkevicz noted once the project is constructed BCRTA will be somewhat locked in for the useful life of the building for 30-40 years. Mr. Dutkevicz referred to a comment about fuel infrastructure noting BCRTA was looking at those things and has considered battery electric, which has many challenges for them. Mr. Dutkevicz advised BCRTA would welcome any discussion that leverages all of the capabilities and possibilities that might exist for this project. Mr. Dutkevicz noted BCRTA has already expanded the scope of their project to look at housing or incorporating the functions of the Nelson-Morrow and Township buildings if they were in a position to relocate.

Ms. Raghu advised she saw this as a huge opportunity and investment in helping Oxford in so many ways including sustainability and economic development. Ms. Raghu referred to the empty Uptown storefront issue and advised she felt this project took precedence over vacancies. Ms. Raghu noted she saw this as the greatest economic development project Council could do for the area to put it on the map.

Mr. Snavely agreed with Ms. Raghu and noted he would like to discuss the SDS site and how it relates to the proposed project. Mr. Snavely advised he did not think it needed to be purchased in order to make this happen.

Mr. Prytherch advised there were many public partners who have adjacent properties and sometimes have similar facilities such as impound lots. Mr. Prytherch noted facilities could be consolidated to be more efficient. Mr. Prytherch advised right now he felt Council needed to make sure the infrastructure and public pieces were in place.

Mr. Ellerbe inquired if the township had been contacted to see what their views on the project were since they have a large stake in that area. Ms. Greene advised the township trustees were willing to explore the partnership noting she needed Council's direction before going any further with those conversations. Mr. Ellerbe advised he was in favor of the project noting it was a prime location for economic development and advised it aligned with the sustainability and economic development goals, multimodal transportation, being a hub and being a focal point for southwest Ohio. Mr. Ellerbe noted he wanted to make sure Council has all of the stakeholders on the table and in some agreement with where Council wants to go with the project.

Mayor Smith advised if Council explores the project, the deadline to get it accomplished and stay on BCRTA's design timeline will be intense to make it happen through the summer so BCRTA can meet their design and construction goals. Mayor Smith noted he would like to know the cost of the platform because a lot hinges on that. Mayor Smith advised Council wanted Ms. Greene to have discussions with the partners and put this project ahead of some other projects.

PUBLIC COMMENTS

Mr. Eli Knollman, 98 W. Central Avenue, advised he was a Miami University student and a member of Open Fifth A Cappella. Mr. Knollman noted they have always held a Senior Concert in the spring to highlight the Seniors who are graduating and give them an opportunity to sing for the community. Mr. Knollman advised this year they have had a tough time finding a venue because of COVID-19 restrictions. Mr. Knollman noted their request for use of the Memorial Park had been denied due to the mass gathering ban. Mr. Knollman advised the Memorial Park had 14,000 square feet of usable space and provided a detailed plan to have the event with proper social distancing in place. Mayor Smith advised Council would review the application for use of the Memorial Park and get back to Mr. Knollman.

CONSENT AGENDA

Mr. Bracken requested removal of items C and D (Resolutions).

Minutes of the April 6, 2021 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Report regarding the April 7, 2021 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Mr. Snavely moved to approve the Consent agenda with the exception of items C and D. Ms. Southard seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RESOLUTION
PAVING CONTRACT

A Resolution No 7285 authorizing the City Manager to enter into an agreement with Hoskins Paving to complete Phase I of the TRI Pickleball & Tennis Court replacement project at a cost of $31,700.00 plus a contingency in the amount of $4,755.00 for a total cost not to exceed $36,455.00. (Casey Wooddell, Parks and Recreation Director)

Mr. Wooddell advised this was a renovation and reconstruction of the existing tennis courts project at the TRI Community Center. Mr. Wooddell detailed the work to be done and offered to answer any questions.

Ms. Southard noted her approval of the project.

RESOLUTION
ELECTRIC VEHICLE PURCHASE

A Resolution No. 7286 authorizing the City Manager to enter into an agreement with National Auto Fleet Group for the purchase of a 2022 Chevrolet Bolt EUV (Electric Utility Vehicle) at a cost not to exceed $32,864.90. (Mike Dreisbach, Service Director)

Mr. Dreisbach discussed his staff report as presented on page 36 of Council's packet and offered to answer any questions.

Mr. Dreisbach addressed questions from Ms. Southard regarding the electric charging stations.

Mr. Snavely moved to approve Consent agenda items C. & D. Mr. Bracken seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RESOLUTIONS

RESOLUTION
COMP PLAN STEERING COMMITTEE

A Resolution No. 7287 creating the City of Oxford's Comprehensive Plan Steering Committee and establishing its purpose and membership. (Jessica Greene, Assistant City Manager)

Ms. Greene addressed her staff report as presented on pages 45-47 of Council's packet and advised appointments to the committee would be on Council's agenda for May 4, 2021. Ms. Greene offered to answer any questions.

There were no comments from the public.

Mr. Prytherch noted his support for the resolution and for the process being developed for the Comprehensive Plan Update.

Mr. Snavely moved to adopt Resolution No. 7287. Mr. Prytherch seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

RESOLUTION
CARES ACT FUNDS

A Resolution No. 7288 authorizing the donation of thirty five thousand dollars ($35,000.00) to the Family Resource Center as a sub-recipient of Federal CARES Act funds which shall be used for Childcare and Educational Services, Transportation and Auto Repair Assistance, Emergency Financial Assistance and Eviction Reparation Services for those in need within the Oxford/Talawanda School District community. (Jessica Greene, Assistant City Manager)

Ms. Greene addressed her staff report as presented on pages 49-50 of Council's packet and offered to answer any questions.

There were no comments from the public.

Councilors expressed their support for the proposed Resolution.

Ms. Southard moved to adopt Resolution No. 7288. Mr. Snavely seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

RESOLUTION
GRANT APPLICATION

A Resolution No. 7289 of Council authorizing the City Manager to submit a grant application to the Duke Energy Foundation requesting funding from their Powerful Communities: Workforce Grant in the amount of $50,000.00 to be utilized for the planning and implementation of Workforce Development programs in Oxford, Ohio, specifically related to the College@Elm Workforce Development and Innovation Center project. (Jessica Greene, Assistant City Manager)

Ms. Greene addressed her staff report as presented on pages 54-55 of Council's packet and offered to answer any questions.

There were no comments from the public.

Mayor Smith inquired if the grant would be specifically directed toward workforce development related to utility companies or for anything.

Ms. Greene advised the Duke Energy Foundation would like to prioritize workforce development in utility companies although it is really about workforce development in general in Ohio. Ms. Greene noted this was why she is asking for a planning grant to give staff time to explore what workforce development looks like in Oxford and research different models.

Mr. Bracken note his support for the proposed Resolution.

Ms. Southard moved to adopt Resolution No. 7289. Mr. Snavely seconded. The Resolution 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)

RESOLUTION
AGREEMENT WITH AECOM

A Resolution No. 7290 accepting the proposal and authorizing the City Manager to enter into an agreement with AECOM Technical Service, Inc. for the architectural and engineering services described in Exhibits A&B attached hereto for a railroad platform and shelter at a cost of $224,986.00 plus a contingency in the amount of $25,014.00 for a total cost not to exceed $250,000.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised Mr. Dave Wormald, from AECOM is on the line and will be available to answer any technical questions Council may have. Mr. Dreisbach addressed his staff report as presented on pages 59-61 of Council's packet. Mr. Dreisbach provided slides of the site depicting Chestnut Street with the SDS building on S. Main Street, the proposed site for the BCRTA project and the connectivity between the rail platform to the east and how services could be connected and shared. Mr. Dreisbach noted the City's project will likely be a tier IV Amtrak shelter with no restrooms, conditioned air or substantial improvements as the cost savings will be in allowing those services to be utilized at the BCRTA building. Mr. Dreisbach advised the proposed address of the improvement will be S. Main Street. Mr. Dreisbach noted the intersection of Main Street and Chestnut Street was improved with a new traffic signal and the off-set intersection was corrected to be a standard 4 leg intersection which has improved safety tremendously for the BCRTA buses and the Talawanda School District buses that are stored on the site to the south. Mr. Dreisbach advised the platform would be located directly to the east of the Nelson-Morrow building, which will take up space and obscure the vision of the shelter from the approach points. Mr. Dreisbach noted one possible alternative to this would be removing the building to open up areas for parking and to add an area for drop off and pick-up of Amtrak patrons. Mr. Dreisbach advised the City worked with BCRTA to develop a Request for Proposals in hopes of doing a joint project noting as they worked through the RFP process it became clear that BCTRA needed a bus facility designer and the City needed someone with CSX and Amtrak experience.

Mr. Dreisbach noted based on staff's scoring it was decided to go in separate directions with the consultants keeping the goal of consistency of architecture styles and materials. Mr. Dreisbach advised points of separation will be written into the agreement with AECOM should it become clear that the project cannot come to fruition. Mr. Dreisbach read part of his staff report into the record as follows: "It should be noted and emphasized that Amtrak and CSX will NOT pay for any part of this project. The City will be responsible for all costs associated with the project (these are not only the City's costs but any cost that CSX or Amtrak incurs will be passed on to the City which is a key piece of information to keep in mind). Amtrak will require an agreement whereas the City will be responsible for all costs required for the project including design & engineering, all construction costs, construction management by an independent third party, all costs associated with the Federal Rail Association, and all CSX railroad costs (including design review costs, easements, ROW safety, flaggers, inspectors, etc.) The current appropriation will only pay for AECOM contract costs - all additional costs associated with the project development will require supplemental appropriations." Mr. Dreisbach advised when train service is interrupted for construction he wanted to make sure Council was aware of the potential cost as he did not want there to be frustration down the road when staff comes back for supplemental appropriations because of what the unknown costs might be associated with the project.

There were no comments from the public.

Mr. Snavely inquired if there were ways in which to think about how solar could be incorporated into the design plans for this project. Mr. Dreisbach advised yes, noting the design consultant is aware of the desire for methane and green initiatives in the City. Mr. Snavely noted the installation of solar over parking areas was done all over the west coast and he felt it was something the City should look it.

Mr. Prytherch advised this has been a long process noting in 2018 his students brought to Council a draft letter to the Ohio Rail Development Commission asking for an Amtrak stop. Mr. Prytherch advised at that time Amtrak said no and then the conservation got started again 7 years ago when the management of Amtrak had a turnover and they suddenly looked at Oxford like a prime development opportunity. Mr. Prytherch noted it has been 7 years of a slow process of building towards this moment of conversation and planning. Mr. Prytherch advised he felt this was a historic moment because the City was moving forward with platform design. Mr. Prytherch noted he could hear the anxiety in Mr. Dreisbach's voice but he felt the City was making a long-term investment which was not without risk but the rewards are potentially great. Mr. Prytherch advised this was the interstate highway that Oxford is never going to have but Oxford could be on one of the most important rail corridors in the mid-west. Mr. Prytherch thanked staff for their work in getting to this point and the attempt to collaborate with BCRTA. Mr. Prytherch noted concern with the Nelson-Morrow building being a deterrent to the project and advised he wanted a platform that was as visible from Chestnut Street as possible and not hidden behind an aging building. Mr. Prytherch inquired what it would take to move forward with the design without designing around an aging building.

Mr. Elliott suggested presenting a Resolution at the next meeting or at the first meeting in June authorizing staff to pursue an option to purchase the Nelson-Morrow building to get a cost estimate of what it would take noting it will also let staff know if the school district is considering the sale of the building.

Ms. Southard advised she was happy this was moving forward noting she does see the risk although it is for the larger and long-term view and a good use of funds. Ms. Southard advised an Amtrak stop was something the community does want and Council has heard a lot of support for it. Ms. Southard noted having this interconnectivity was crucial for the viability of this City. Ms. Southard advised she would like this platform in its design to express something about Oxford noting her hope that would be part of a discussion with the designers. Mr. Dreisbach advised staff would work with the architects to make sure it is a recognizable feature that represents Oxford noting Amtrak would have veto power on anything the City proposes.

Mayor Smith reminded everyone the Cardinal Line did at one time run 5 days a week in Oxford and during the day at times noting he would love to see that come back. Mayor Smith noted this was going to be a complex project with a lot of entities and there may come a time when both the Nelson-Morrow building and the platform exist just because of timing.

Mr. Bracken advised he was very much looking forward to this noting he wanted to build in now optionality for environmental consideration as mentioned and artistic consideration as mentioned. Mr. Bracken noted concern with funding and inquired what Council was locking itself into and out of. Mr. Elliott advised the design and engineering of the project will be the smallest component noting the construction and all the other costs Mr. Dreisbach referred to are in the future. Ms. Elliott advised staff was looking for funding opportunities to lessen the impact on the local tax paying public. Mr. Elliott noted staff was also waiting for guidance on the American Rescue Plan funding.

Mr. Dave Wormald, AECOM, advised their scope of work does assume the sidewalk would be on the southside of the Nelson-Morrow building and that the Platform would be designed around it. Mr. Wormald noted the optional task included for the alternatives analysis looked at the SDS Pizza building and the Nelson-Morrow building and integrating potential parking areas and alternative access from a pedestrian standpoint to S. Main Street and to Chestnut Street. Mr. Wormald advised the additional money was for doing several alternative site plans. Mr. Wormald noted the topographic survey in the property survey that Bayer& Becker is performing does include those two lots as well as the township lot. Mr. Wormald advised AECOM will have the information provided in their base mapping that will allow them to look at the use of all the property in one way or another.

Mr. Prytherch expressed support for exploring the alternatives analysis even if it costs a bit more money.

Mr. Snavely moved to adopt Resolution No. 7290. Mr. Prytherch seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

RESOLUTION
OPPOSING SUB. H.B. 157

A Resolution No. 7291 opposing Sub. House Bill 157 amending the law regarding withholding Municipal earned income tax for those working virtually and/or at home. (Doug Elliott, City Manager)

Mr. Elliott thanked Council for adding the proposed Resolution to the agenda this evening. Mr. Elliott advised Sub. H.B. 157 impacts the City as it will sunset the temporary principal place of work language which was in H.B. 197 as of 12/31/2020 and it will end all pending litigation regarding work from home refunds with employees able to receive refunds of tax withheld and remitted to their principal place of work in municipalities while they were working from home due to Covid-19. Mr. Elliott noted if this bill becomes law the City will be forced to refund money it already received in fiscal years 2020 and 2021 as much as $1.5 million dollars. Mr. Elliott advised many employees at Miami University who do not live in Oxford were working from home as well as employees from the Talawanda School District. Mr. Elliott noted he wants to let the legislature know that Oxford opposes this bill.

There were no comments from the public or from Council.

Mr. Elliott asked Council to strike the first "Whereas" paragraph of the proposed Resolution as it was no longer relevant.

Mr. Snavely moved to strike the first paragraph of the proposed Resolution. Ms. Southard seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

Mr. Snavely moved to adopt Resolution No. 7291 as amended. Ms. Southard seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

Mayor Smith called for a 3 minute recess at 9:00 p.m. Council returned to regular session at approximately 9:04 p.m.

ORDINANCES
SECOND READING

An No. 3616 Ordinance Accepting The Recommendation Of The Planning Commission And Approving The Preliminary Subdivision Application For South Forest Edge (Lake Forest Drive) With Conditions. (Sam Perry, Community Development Director)

Mr. Conard advised Mr. Snavely disclosed a few months ago he had retained the services of Scott Webb to do professional work at his home. Mr. Conard noted a letter of agency was submitted to the City on January 14 on behalf of 4 Leaf Development that indicated Scott Webb and Etta Reed were going to be agents of the developer. Mr. Conard advised for purposes of the Ordinance before Council for the application involving South Forest Edge Mr. Webb is not a part of that application process and if indeed that is the case there would be no prohibition with Councilor Snavely participating, deliberating and voting on the matter currently before Council. Ms. Reed confirmed that Mr. Webb is not involved in the South Forest Edge application.

Mr. Perry advised Etta Reed of Bayer & Becker Engineering has brought forward a preliminary subdivision plat on behalf of 4 Leaf Development called South Forest Edge located along the new public street, Lake Forest Drive. Mr. Perry noted the proposed subdivision includes an additional new public street, Arbor Edge Trail with 21 half acre single-family lots with sidewalks on both sides of the street, with street trees and two ponds. Mr. Perry advised City staff and the Planning Commission reviewed the plat noting the Planning Commission reviewed the plat in February and again in March as it was continued from February due to the late hour. Mr. Perry advised in March the Planning Commission voted 7-0 to recommend approval of the plat finding it met the code requirements with eleven conditions and two waivers. Mr. Perry noted the conditions and waivers were part of the internal review process, the lengthy Planning Commission discussions and public comments. Mr. Perry advised at the last Council meeting Ms. Reed requested the removal or modification of conditions 3, 6 ,7 and 12 regarding storm water management, conservation areas and future connectivity of the property to adjacent property. Mr. Perry detailed the Planning Commission's rationale for recommending the conditions all of which they felt were supported by the zoning code.

Ms. Etta Reed, Bayer & Becker, advised she was in attendance on behalf of 4 Leaf development. Ms. Reed noted Councilors should have received an email this afternoon from Pam Lindley on behalf of Jim Clawson outlining all of 4 Leaf's concerns regarding several of the proposed conditions for approval of the preliminary plat this evening. Ms. Reed noted her hope Councilors had an opportunity to read the email and will honor his request to modify the conditions as requested at the previous Council meeting. Ms. Reed advised she did not have a formal presentation this evening although she was available to answer any questions Council may have.

Mr. Matt Rupel, 1451 Dana Drive, advised he was a lifelong Oxford resident and serves as a board member for the Oxford Chamber of Commerce and as Chair of its Government Relations Committee. Mr. Rupel noted he was speaking as a private citizen and is no way affiliated with the project before Council or its developer. Mr. Rupel advised he felt there was a need for quality single-family housing in Oxford noting too often as town we fail to properly consider what we can do to attract life-long residents to Oxford, what can we do to make more young growing families put roots down here and what can we do to get more Miami professors to live in town. Mr. Rupel reiterated he felt there was a lack of quality single-family housing in this town noting he has experienced that himself when he and his wife were buying a house a few yeas ago as housing inventory is low, aging, prices are high and bidding is very competitive. Mr. Rupel advised when Oxford does not have adequate housing the person looking to buy or build a 4-bedroom $250,000 house they may decide to move to West Cheater instead or they buy a $120,000 existing ranch house and price someone out at the low end of that market. Mr. Rupel noted the City loses tax revenue and in 5 years when that family is growing and looking to buy a bigger house they may move out of town instead and it is a net loss for Oxford. Mr. Rupel advised from what he knows of this project he feels it will help alleviate the housing situation in Oxford. Mr. Rupel noted he was not an expert on planning regulations and he was not going to comment on individual items in the Planning Commission's recommendation. Mr. Rupel advised he felt what the developer was asking was not unreasonable and noted he would not want to see the project not get built or get mired in litigation or sold off and turned into student housing or in some other way fail in a manner that leaves Oxford with fewer homes for perspective long-term Oxford residents. Mr. Rupel advised on behalf of the Government Relations Committee for the Oxford Chamber he was asking Council and staff to work with the developer to see this project through to completion.

Mr. Steve Dana, 131 W. Collins Street, advised the developer is asking for additional waivers to the code after the Planning Commission review was completed which is highly irregular as we are not dealing with a Planned Development and the integrity of the subdivision code must be respected as it is the foundation on which every part of a proposal depends. Mr. Dana provided the Planning Commission's rationale for their recommendation regarding condition numbers 3, 6, 7 and 12 based on the subdivision code regulations.

Ms. Pam Lindley, advised she works for the developer, 4 Leaf Development and noted the developer could per the subdivision code split the proposed property into 109 lots which would ultimately remove most of the trees. Ms. Lindley advised the developer has put a lot of thought and effort into this design because they want what is best for Oxford and limited the proposal to 21 lots, which minimizes the number of trees that would be removed.

Ms. Lindley noted the half acre lots will be more attractive for quality homes that are lacking in Oxford according to the Housing Study recently completed. Ms. Lindley advised the developer has agreed that each lot owner will be required to do the tree study to meet the tree ordinance and he will also make the owner of lots with a retention pond be responsible for the maintenance of the pond. Ms. Lindley noted the members of the development company all live in Oxford have raised their families in Oxford and want to do what is best for Oxford. Ms. Lindley advised Jim Clawson is a member of the CIC Board and one of the goals of the CIC is to encourage 12-month residency among Oxford community members. Ms. Lindley asked Council to consider approving the application with the requested modifications so the developer comes forward with 21 lots verses 109 lots.

Mr. Snavely suggested Council address the requested modifications.

Mayor Smith read condition number 3 as follows: "Documentation related to storm water management to ensure the funding of future maintenance/upkeep by all residents of the subdivision, including but not limited to easements, covenants and/or deed restrictions, shall be reviewed and approved by the Service Department and the Law Director prior to being recorded on or with the Record Plat. Enforcement of said easements, covenants or restrictions shall not be the responsibility of the City."

Mr. Snavely advised he was in favor of removing the condition, as the developer would be responsible for the retention ponds until such time the lots with retention ponds are sold. Mayor Smith and Councilor Ellerbe were in agreement. Mr. Prytherch and Mr. Bracken remained in favor of the Planning Commission's recommendation that the cost be shared among all property owners.

Mr. Snavely moved to remove condition number 3. Mr. Ellerbe seconded. The motion failed by the following roll call:

AYE: Mr. Ellerbe, Mr. Snavely, Mayor Smith (3)

NAY: Mr. Bracken, Mr. Prytherch, Ms. Raghu, Ms. Southard (4)

ABS: None (0)

Mayor Smith read condition number 6 as follows: "The Building Permit submission for each lot shall include a Tree Survey, and demonstrate adherence to all other requirements of the City's Tree Ordinance (Oxford Zoning Chapter 1148). Furthermore, a 40-foot wide conservation area shall be delineated and established along the eastern and southern boundaries of Lots 2-15 and shown on the record plat with corresponding restriction language to ensure the preservation of existing mature vegetation. No structures or development of any kind shall be permitted within the conservation area."

Mayor Smith inquired why the Planning Commission felt a 40-foot easement was needed.

Mr. Prytherch advised the logic was two fold, one driven by sensitivity to adjacent property owners because of the desire for screening and also to provide a cohesive buffer rather than a scattering of trees. Mayor Smith advised the code did not require a 40' wide conservation area and inquired if the tree survey of those lots accomplish the same goal. Mr. Perry advised only at the stage of the building permit application. Mr. Perry noted the zoning code would support a 40' conservation area based on buffering regulations.

Mr. Prytherch advised a tree survey would not be necessary in a 40' easement, which the Planning Commission felt would be easier for the landowners and the developer, which Ms. Reed disagreed with. After further discussion the following vote took place.

Mr. Ellerbe moved to strike the 40' conservation area. Mr. Snavely seconded. The motion passed by the following roll call:

AYE: Mr. Ellerbe, Mr. Snavely, Ms. Southard, Mayor Smith (4)

NAY: Mr. Prytherch, Ms. Raghu, Mr. Bracken (3)

ABS: None (0)

Ms. Southard and Mr. Bracken posed questions regarding the legality of requiring the conservation area and the subsequent removal of the 40' conservation area requirement which Mr. Conard addressed in part.

Mayor Smith read condition number 7 as follows: "An 80-foot conservation area restriction shall also be established along the northern boundary of Lots 1 and 2, observing steeper slopes in this area. No structures or developments of any kind shall be permitted with the conservation area."

Mayor Smith inquired why the Planning Commission felt the ravine should be preserved which Mr. Prytherch and Mr. Bracken addressed.

Mayor Smith read condition number 12 as follows: "A waiver is here by granted to Section 1101.4(404)(D) to decrease the minimum connectivity index from 1.2 to 0.5, on condition that accessibility/connectivity of some kind be explored and an adequate solution is reached between the applicant, City staff and the Law Director."

Mr. Snavely advised he felt an easement was needed although he was not sure where it would be placed which Mr. Prytherch and Mr. Perry addressed.

Mr. Prytherch advised he was part of the majority of the Planning Commission that voted to recommend approval of the Preliminary Subdivision application although since that time he has stepped back and thought about the big picture and looked at the forest and not just the trees. Mr. Prytherch noted he wanted to layout what he felt was a record of fact based on the Zoning Code as he was going to vote no on the proposed Ordinance.

Mr. Prytherch noted: "Our Comprehensive Plan includes key directions like preserving small-town character, giving priority to infill, conserving agricultural lands and natural areas. This subdivision is part of a 69-acre parcel that provides various development layout options. Private property owners do have development rights under our zoning and subdivision codes but the approval of a particular layout is discretionary based on compliance with the spirit and letter of the code. We know this is zoned R2A single and two family residential although in terms of subdivision our codes provides a variety of different pathways for development. This includes straight subdivision, open space residential development subdivision and planned development, these latter two options provide options for balancing development with open space preservation through means like clustering. They chose standard subdivision and those purposes include harmonious subdivision, securing the proper arrangement of streets in accordance with the Comprehensive Plan and preserving to the maximum degree possible historic sites, desirable natural growth and other environmentally sensitive features worthy of preservation. Chapter 1101(4) specifies design controls like minimizing impact on natural resources in the environment and specifies that development shall be laid out to minimize the complete removal of mature trees. Chapter 1101(401) specifies under Suitability of Land that if it is determined that in the best interest of the public the land should not be developed for the purposes proposed the Planning Commission should not approve the subdivision unless adequate methods for solving the problems are advanced by the sub-divider. Preliminary Subdivision Plan under 1101(402) requires an inventory of sensitive areas. Design of the subdivision shall be based on the site analysis provided by the applicant. The code specifies tree growth areas or urban-forested areas containing native mature trees as sensitive development areas. 79% of this site is currently wooded much of which is mature growth as the staff report specifies. Chapter 1101 does provide for the option to present a concept plan to the Planning Commission to look at different ways of arranging this but they chose not to do that. The Planning Commission though it did vote to recommend approval of the proposed subdivision there was a lot of discussion and a lot of angst about the impact of the subdivision on mature forest areas. Mr. Prytherch advised he was excited about this development, felt it was important to have all types of housing, was glad they are not proposing to subdivide it more but as he reviews the code and the facts of this development he sees that the proposed development runs contrary to the core values expressed in the Comprehensive Plan. Mr. Prytherch advised the developer ignored opportunities to explore ways of developing or subdividing with greater sensitivity to the natural areas including through open space residential or planned development regulations. Mr. Prytherch noted the inventory of site analysis was very limited and appears to provide little basis for subdivision design. Mr. Prytherch advised he felt the development does not comply with the intent or the decision standards of the Landscaping and Tree Preservation Ordinance. Mr. Prytherch noted the proposed subdivision rather than seeking to avoid mature forested areas has arranged to increase rather than minimize development access to these mature woodlands. Mr. Prytherch advised he does not believe the proposed development is in accordance with the core public purpose and design standards of the Subdivision Ordinance even with the conditions as proposed.

Mr. Snavely disagreed with Mr. Prytherch noting he felt Council needed to be accommodating since this was not a planned development, it was a subdivision. Mr. Snavely noted the tree survey would be followed on every lot and they have storm water retention plans, which Council should be happy about.

Mr. Snavely advised he felt it was a sensitive proposal especially because of all the trees and having larger lots means they are saving a lot more of the trees. Mr. Snavely noted under right they could wipe almost all of the trees.

Mayor Smith noted although Council does not consider this development as "affordable housing" he felt it will attract some net new residents to Oxford and it will attract existing residents who cannot find the size house they need for their family so they will leave smaller more affordable houses. Mayor Smith advised last week the American Builders Association stated because of the pandemic just the materials to build an average size house is $157,000. Mayor Smith noted he felt this was one way to free up some of the more affordable houses in Oxford and he supports the proposal.

Mr. Bracken noted he felt all of Council wanted to support the proposal although they do not want to make exceptions on exceptions. Mr. Bracken advised he did not think affording this tree measure area is going to add to the cost. Mr. Bracken noted people have argued on either side that no one is going to cut the trees anyway. Mr. Bracken advised he did not want to give up things the Planning Commission worked very hard to work through that he believes in. Mr. Bracken noted he would like the option if this is rejected initially to support it without getting rid of that.

Ms. Southard referred to the City's 2020 housing needs study and noted it shows the need for 221 units of upscale for sale houses and a critical need for 323 low-income rental units. Ms. Southard advised she felt there were too many people who work at Miami and do not live here and Council would like them to live here and contribute to the income tax base. Ms. Southard noted this proposal only provides 21 houses but it could alleviate some level of need and could draw some people to live here permanently, which would be good. Ms. Southard advised Council has discussed and removed only one condition, which was the 30' conservation area. Ms. Southard noted she was in favor of approving the proposal.

Mr. Ellerbe noted Council has finished deliberating over the four proposed changes and moved to call the question. Mr. Snavely advised he would second the motion once Mr. Ellerbe states what he thinks about the previous discussion. Mr. Ellerbe advised he agrees with what Mayor Smith has said that any inventory Oxford can gain is good inventory for all of the issues Oxford has in the housing market. Mr. Ellerbe noted he would like to see the proposal adopted and start working on the inventory problem to solve the big picture goal. Mr. Snavely seconded the motion to call the question. Ms. Raghu inquired if construction had ceased on any existing subdivisions due to the building costs and Mr. Perry advised yes.

<u>Mr. Ellerbe moved to call the question. Mr. Snavely seconded. The motion passed by the following roll call:</u>

AYE: Ms. Raghu, Mr. Snavely, Ms. Southard, Mr. Bracken, Mr. Ellerbe, Mayor Smith (6)

NAY: Mr. Prytherch (1)

ABS: None (0)

Mr. Snavely moved to adopt Ordinance No. 3616. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Snavely, Ms. Southard, Mr. Ellerbe, Mayor Smith (4)

NAY: Ms. Raghu, Mr. Bracken, Mr. Prytherch (3)

ABS: None (0)

ORDINANCE

NEW SECTION 353.03

An No. 3617 Ordinance Repealing Oxford Codified Ordinance Section 353.03 Entitled Parking Meter Zones; Hours Of Operation And Adopting New Oxford Codified Ordinance Section 353.03 Entitled Parking Meter Zones; Hours Of Operation. (John Jones, Police Chief)

Chief Jones advised there were no changes since the first reading of the proposed Ordinance and presented data regarding parking meter occupancy studies that were performed in late 2020. Chief Jones advised he felt the data supported extending metered hours to 8:00 p.m. Monday through Saturday with the exception of holidays.

There were no comments from the public.

Mr. Snavely noted Council has the opportunity to have a dynamic fee schedule so some areas like High Street might be $1.00 per hour and other areas might be less than that. Mr. Snavely advised he felt if the meters cost less in the parking garage it might be used more often. Chief Jones noted the fee schedule will be addressed in the next Ordinance on Council's agenda.

Ms. Southard noted her support for extending the metered hours to 8:00 p.m. since it is clear that turnover in parking spaces in needed in the evening.

Mr. Prytherch noted the data was collected in the fall of 2020 and advised if we were hitting or exceeding occupancy numbers during a pandemic when things are back to normal it will be extra justified to extend the metered hours.

Ms. Raghu inquired if it was possible to charge accessible parking spaces differently which Chief Jones addressed noting there was no charge for handicap spaces in the Uptown area.

Mr. Prytherch moved to adopt Ordinance No. 3617. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION 353.05

An Ordinance No. 3618 Repealing Oxford Codified Ordinance Section 353.05 Entitled Payment; Amounts And Time Limitations And Adopting New Oxford Codified Ordinance Section 353.05 Entitled Payment; Amounts And Time Limitations. (John Jones, Police Chief)

Chief Jones advised the proposed Ordinance cleans up some language by removing certain hour limitations and certain pricing that is found in one particular section of the Ordinance that conflicts with the Fee Ordinance. Chief Jones noted the proposed Ordinance will eliminate that language and refer strictly to the Fee Ordinance for pricing.

There were no comments from the public or from Council.

Mr. Snavely moved to adopt Ordinance No. 3618. Mr. Prytherch seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3619 Amending Ordinance No. 3600. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2021. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on pages 144-145 of Council's packet and offered to answer any questions.

There were no comments from the public or from Council.

Mr. Snavely moved to adopt Ordinance No. 3619. Ms. Southard 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)

ANNOUNCMENTS

Mr. Elliott advised Oxford's mass gathering Ordinance limits no more than 10 guests whether it is an indoor or outdoor event. Mr. Elliott noted the Director of the Ohio Department of Health updated and rescinded several orders. Mr. Elliott referred to many events coming up this spring and advised he would like Council to consider allowing outdoor events with more then 10 guests at the next Council meeting. Mr. Elliott noted face coverings would still need to be worn and social distancing would still need to be practiced.

Mr. Newlin reminded income taxpayers the due date to file is May 17, 2021.

Mr. Conard advised his daughter would attend Miami University in the fall.

Ms. Raghu noted she was excited about the potential for the American Rescue funds and advised she was reading a lot about it. Ms. Raghu noted her hope Oxford could follow the lead of other cities and consider putting at least 1 million dollars in the affordable housing fund.

Mr. Bracken advised he supported Councilor Raghu's comments.

Mr. Bracken noted he was glad there was some accountability this evening in terms of the death of George Floyd and advised it was a start.

Mr. Bracken encouraged everyone to get vaccinated.

Mayor Smith advised a Drug Takeback would be available this weekend sponsored by the Coalition for a Healthy Community and held at the TRI Community Center from 10 a.m. to 2 p.m. Mayor Smith encouraged everyone to take their unused medications there to dispose of them safely.

ADJOURN

Mr. Snavely moved to adjourn at 10:54 p.m. Mr. Prytherch seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)