

A regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, June 4, 2019 at 7:15 p.m. Those members present were Steve Dana, Glenn Ellerbe, Mike Smith and Edna Southard. David Prytherch and Chantel Raghu were excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. John Jones, Police Chief; Mr. Joe Newlin, Finance Director; Ms. Jessica Greene, Assistant City Manager, Human Resources Director; Mr. Sam Perry, Community Development Director; Mr. Alan Kyger, Economic Development Director; Mr. John Detherage, Fire Chief; Ms. Amy Blankenship, City Attorney and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

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

AYE: Mr. Ellerbe, Mr. Smith, Ms. Southard, Mr. Dana, Mayor Rousmaniere (5)

NAY: None (0)

ABS: None (0)

ADJOURN FROM EXECUTIVE SESSION

Ms. Southard moved to adjourn from Executive Session at 7:30 p.m. Mr. Dana seconded. The motion passed 5-0-0.

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Dana moved to approve the agenda. Ms. Southard seconded. The motion passed 5-0-0.

PUBLIC PARTICIPATION

SWEARING-IN

POLICE OFFICERS

Chief Jones advised two new Police Officers would be sworn-in this evening, John Thrasher and William Thissen noting they had both gone through an extensive hiring process. Chief Jones advised both men were starting their careers in Oxford in a part-time capacity noting his hope at some point they would become full-time employees. Chief Jones advised both men were well qualified, had graduated from the Police Academy, and had started their field training in Oxford. Chief Jones noted John Thrasher was from the Marion, Ohio area and was joined this evening by his wife Amanda and other guests.

Chief Jones advised William Thissen was from the London, Ohio area and was joined this evening by his father Bill, mother Terra and grandmother Kathy.

Ms. Blankenship swore-in both officers. John's wife pinned his badge onto his uniform and William's father pinned his badge onto his uniform.

After the Oaths of Office were signed the two new officers received applause from Council, staff and the audience.

INTRODUCTION

ASSISTANT CITY MANAGER

HUMAN RESOURCES DIRECTOR

Mr. Elliott advised he was pleased to formally introduce Jessica Greene as the new Assistant City Manager noting he felt everyone knew her well since she has served as Director of Enjoy Oxford (Visitors Bureau) since 2012. Mr. Elliott advised Ms. Greene was a Miami University graduate, was presently pursuing her MPA at Kent State and expects to graduate this summer. Mr. Elliott noted he was pleased to have Ms. Greene join the City's management team.

Ms. Greene thanked everyone for this wonderful opportunity noting she was very happy to 'switch hats' and serve the City in this capacity. Ms. Greene noted she had learned so much over the last several years as to how the City works and how Council works to get things done for the community. Ms. Greene noted she believed it would be an honor to serve in this capacity and help move forward the agenda of Council and the residents of the City of Oxford.

Mr. Elliott recognized Kim Newton noting she serves as the Assistant to the City Manager and advised during this transition she has taken over the duties of Human Resources Director. Mr. Elliott advised Ms. Newton has done an outstanding job and noted he wanted to formally recognize her for the work she has done.

APPOINTMENTS TO

BOARDS & COMMISSIONS

Mr. Dana moved to appoint Sibyl Miller to the McCullough-Hyde Memorial Hospital Board of Trustees for a term ending June 30, 2022, Tim McGowan for a term ending June 30, 2024 and to reappoint Steve Snyder for a term ending June 30, 2024. Mr. Ellerbe seconded. The motion passed 5-0-0.

PROCLAMATION

"CENSUS 2020 AWARENESS DAY"

Mayor Rousmaniere read the Proclamation and presented it to Ms. Carolyn Tepe, Partnership Specialist for the United States Census Bureau.

Ms. Tepe thanked Council for the Proclamation.

PRESENTATION

2020 CENSUS – CAROLYN TEPE

Ms. Carolyn Tepe, provided Council and staff with an informational packet regarding the 2020 Census. Ms. Tepe advised this evening she would discuss the goal of the 2020 Census, why a decennial Census is conducted, how the decennial Census is changing for 2020 and how communities can help. Ms. Tepe noted the first and main goal of the Census is to count everyone once, only once, and in the right place. Ms. Tepe advised the U.S. Constitution Article 1, Section 2 mandates a headcount of everyone living in the United States every 10 years noting the first Census was done in 1790 under Thomas Jefferson on horseback. Ms. Tepe advised the first Census took 9 months to complete and noted there were 3.9 million people living in the United States at that time. Ms. Tepe noted decades later the Census Bureau moved to doing the mail back feature and then data collection and telephone responses. Ms. Tepe advised in 2010 the long form Census was eliminated and the American Community Survey was initiated. Ms. Tepe noted the American Community Survey was sent to 240,000 people in the United States every month of every year as a rolling data collection base which the Census Bureau updates annually in the fall. Ms. Tepe advised the decennial Census was an actual person count of household and individuals noting this year the Census Bureau was rolling out an online self response option. Ms. Tepe advised the four uses of Census data is apportionment, redistricting, funding and planning. Ms. Tepe noted apportionment is the division of all of the congressional seats in the United States among the states and advised in 2010 Ohio lost 2 seats. Ms. Tepe noted this year the Census Bureau anticipates Ohio might lose an additional seat because Ohio is not growing at the same rate as other states. Ms. Tepe advised redistricting is the drawing of the actual boundaries that define the congressional seats and state legislative districts and in some areas even school districts. Ms. Tepe noted the Census Bureau looks at 675 billion federal funds as the dollars that go straight to the states and then are divided among the communities to support things such as transportation, roads, public pre-school, school lunch programs, healthcare services, Snap, Wick and housing. Ms. Tepe advised it was also used for planning. Ms. Tepe advised the Census Bureau was in the process of establishing where to count noting they were working with counties and cities to determine where new housing is or where housing has been torn down. Ms. Tepe noted the Census Bureau will begin address canvassing in August of this year until October and will be trying to motivate people to respond. Ms. Tepe advised on March 12 everyone will start receiving postcards in the mail and invitations to respond on line noting paper copies will be sent to those who do not respond. Ms. Tepe advised if there is still no response the Census Bureau will start knocking on doors. Ms. Tepe noted the sooner people respond the more money they are saving taxpayers. Ms. Tepe advised the Census data will be released on December 31 to the President and then April 1 to the states for redistricting information. Ms. Tepe noted the 2020 Census operation started in 2018 and the Census Bureau was in the process of opening Census offices and advised the first office in Ohio was open in Columbus. Ms. Tepe noted she was before Council this evening looking for Census Ambassadors, people to help reach the hard to reach populations such as renters, people who are highly mobile, young adults, young children, low income families, non-English speakers, the LGBTQ community, racial and ethnic minorities and the mentally and physically disabled. Ms. Tepe advised Census Ambassadors will help increase participation in the 2020 Census and help inform people that their data is protected and that it is confidential. Ms. Tepe noted the Ambassadors will help communicate that everyone benefits from the Census and how they benefit so they understand the importance of the Census.

Ms. Tepe advised the City of Oxford has begun the process of forming a Compete Count Committee noting it was a voluntary committee that is created by a local government to motivate their residents to respond to the Census. Ms. Tepe noted this increases response rates and it utilizes local knowledge. Ms. Tepe advised the Census Bureau was also looking for people to hire and encouraged those interested to go to 2020census.gov to apply for jobs. Ms. Tepe offered to answer any questions.

Mayor Rousmaniere advised Oxford started a committee with representatives from the university, Sam Perry, representatives from the League of Women Voters and herself.

NOTICE TO LEGISLATIVE AUTHORITY

New permit for LogCon Enterprises LLC DBA Books & Brews 107 E. Church Street Oxford, Ohio 45056. (Alan Kyger, Economic Development Director)

Mr. Kyger advised the owners of Books and Brews applied for several permits although this one was for beer only in original sealed containers for carryout.

Mr. Dana moved to receive the notice without comment. Ms. Southard seconded. The motion passed 5-0-0.

NOTICE TO LEGISLATIVE AUTHORITY

New permit for Magatheh Enterprises Inc. DBA Oxford Hookah Lounge 15 N. Beech Street Oxford, Ohio 45056. (Alan Kyger, Economic Development Director)

Mr. Kyger advised this application was for beer only for on premises consumption or in original sealed containers for carryout until 1:00 a.m.

Mr. Ellerbe moved to receive the notice without comment. Mr. Dana seconded. The motion passed 5-0-0.

PUBLIC COMMENTS

Mr. Cal Conrad, Westgate Drive, advised prior to the 1970 Census he was the Mayor of the second largest Village in Ohio and noted following the 1970 Census he became the Mayor of the second smallest City in Ohio.

CONSENT AGENDA

MINUTES

Minutes of the May 21, 2019 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the May 8, 2019 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the May 14, 2019 Planning Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the May 15, 2019 Board of Zoning Appeals Meeting. (Sam Perry, Community Development Director)

Mr. Dana moved to approve the consent agenda. Ms. Southard seconded. The motion passed 5-0-0.

Mayor Rousmaniere advised the agenda was reorganized so the Second Reading of the Supplemental Budget could occur ahead of the Resolution for which funding was needed.

ORDINANCE

SUPPLEMENTAL BUDGET

An Ordinance No. 3528 Amending Ordinance No. 3493. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2019. (Joe Newlin, Finance Director)

Mr. Newlin referred to page 27 of Council's packet and advised the first item on the Supplemental Budget was a \$400,000 appropriation for the Southpointe TIF roadway improvements. Mr. Newlin advised the second item resulted from the contract being let for Phase II of the OATS trail project which came in over budget noting staff was asking for an additional \$490,000 in appropriations for that project.

Mr. Dana inquired if there was a way to anticipate higher bid pricing in the future. Mr. Dreisbach advised the budget was set in the summer of 2018 before the plans were finalized for Phase II of the OATS project. Mr. Dreisbach noted since the budget was approved by Council last year staff had to do a significant redesign of the pedestrian bridge crossing Four Mile Creek along SR73 which increased costs to get the safest way possible to move people across the creek and under the SR73 Bridge. Mr. Dreisbach advised a lot had changed since Council set the budget for this project in mid 2018.

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

Ms. Southard moved to adopt Ordinance No. 3528. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe, Mayor Rousmaniere (5)

NAY: None (0)

ABS: None (0)

RESOLUTIONS

RESOLUTION **CONTRACT WITH** **SUNESIS CONSTRUCTION CO.**

A Resolution No. 7087 of Oxford City Council accepting the bid and authorizing the City Manager to enter into a contract with Sunesis Construction Co. for the construction of the Oxford Area Trail System (OATS) Phase II at a cost of \$2,355,154.70 plus a contingency amount of ten percent (10%) of the contract price or \$235,515.00 for a total cost not to exceed \$2,590,699.70. (Mike Dreisbach, Service Director)

Mr. Dreisbach provided PowerPoint slides and noted Oxford Area Trails was a planned system of multi-use paths encircling the City. Mr. Dreisbach advised Phase I was complete and Phase II will connect SR73 at the DeWitt Cabin to Pepper Park on US27. Mr. Dreisbach noted the project was advertised for bids for 3 weeks per Federal Highway Rules since the City has some Federal Highway money for this project. Mr. Dreisbach advised 3 bids were received with Sunesis Construction Co. providing the lowest bid.

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

Mayor Rousmaniere noted Miami University contributed \$700,000 to this leg of the trail as it was going through almost all university land. Mr. Dreisbach advised the City also had \$750,000 from OKI and Federal Highway.

Mr. Smith inquired how soon the project would begin provided Council approved the Resolution. Mr. Dreisbach advised Sunesis would mobilize within 2 months noting it was a 2 year project.

Ms. Southard inquired if Miami University would contribute to the maintenance of the trail once it was built and Mr. Dreisbach advised yes.

Mr. Ellerbe moved to adopt Resolution No. 7087. Mr. Dana seconded. The motion passed 5-0-0.

Mayor Rousmaniere thanked Mr. Dreisbach for his great work on this project.

RESOLUTION
CONTRACT WITH
JACKSON CONSTRUCTION, INC.

A Resolution No.7088 accepting the bid and authorizing the City Manager to enter into a contract with Jackson Construction, Inc. for the construction and replacement of designated curb, gutter, and sidewalk per project specifications at a cost of \$115,057.03 plus a contingency amount of ten percent (10%) of the contract price or \$11,505.70 for a total cost not to exceed \$126,562.73. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised in May Council approved Resolution No. 7080 which authorized the City Clerk to notify property owners of defective curb, gutter or sidewalk that needed to be repaired. Mr. Dreisbach noted the proposed Resolution was phase 2 of this program where the City lets a contract for the City to do the improvements should property owners not act. Mr. Dreisbach advised the work needed to be done prior to the late summer resurfacing program. Mr. Dreisbach noted the only bid received was from Jackson Construction who has done fine work for the City in the past. Mr. Dreisbach advised staff recommends that City Council approve the contract with Jackson Construction, Inc.

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

Ms. Southard moved to adopt Resolution No. 7088. Mr. Dana seconded. The motion passed 5-0-0.

RESOLUTION
CONTRACT WITH
SYNAGRO-CENTRAL, LLC

A Resolution No. 7089 authorizing the City Manager to extend the agreement with Synagro-Central, LLC for the loading, hauling, and land application of biosolids for a period of five (5) years expiring May 13, 2024 at a cost not to exceed \$31,800.00 annually for the first three (3) years with the cost of the final two (2) years to be determined. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the Wastewater Treatment Plant produces 2 beneficial products, methane gas which is captured and utilized on site to make hot water and steam which reduces utility costs for the operation. Mr. Dreisbach noted the second product is a fertilizer known as biosolids which is land applied to farmer's fields. Mr. Dreisbach advised the City has used Synagro-Central for many years and has been very pleased with their work. Mr. Dreisbach noted staff would like Council's approval to extend the contract with Synagro-Central.

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

Mr. Dana referred to page 35 of Council's packet and inquired how the anaerobic process worked. Mr. Dreisbach advised all of the solids go into a digester noting there is no oxygen in the tank so it is anaerobic by definition at that point.

Mr. Dana moved to adopt Resolution No. 7089. Mr. Smith seconded. The motion passed 5-0-0.

ORDINANCES
FIRST READING

ORDINANCE
NEW CHAPTER 1111

An Ordinance Adopting Oxford Codified Ordinance Chapter 1111 Entitled Tree Preservation And Protection. (Doug Elliott, City Manager) **(Tabled until 6/18/19)**

Mayor Rousmaniere advised the Tree Ordinance was tabled until June 18, 2019 noting it was her understanding the Community Development Director and the Chair of the Environmental Commission are working well together to provide language for Council's next meeting.

ORDINANCE
YEAR 2020 TAX BUDGET

An Ordinance Authorizing The Tax Budget For The Year 2020 And Directing That The Same Be Transmitted To The Butler County Auditor. (Joe Newlin, Finance Director)

Mr. Newlin advised the Tax Budget was the first step in the budgeting process for 2020 noting it was due to the Butler County Tax Commission in accordance with requirements stipulated in the Ohio Revised Code by July 20, 2019. Mr. Newlin advised the Tax Budget required by the County is essentially a preliminary budget estimate for the next year. Mr. Newlin noted in August staff will undertake the normal detailed line-item budget analysis and preparation and advised the final approved budget will then be submitted to the Butler County Budget Commission to replace this preliminary estimate. Mr. Newlin discussed the highlights of the proposed Tax Budget as shown on pages 37-49 of Council's packet.

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

Mr. Newlin addressed a question from Mr. Dana regarding TIF funds.

ORDINANCES
SECOND READING

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit To Allow For The Commercial Development Of Property Located On Southpointe Parkway To Include A Gasoline Station, Convenience Store With A Drive-Up Window And An Additional Commercial Use Building In The GB (General Business) District With Conditions. (Sam Perry, Community Development Director) **(Tabled until June 4, 2019)**

Mayor Rousmaniere advised the proposed Ordinance is currently tabled and noted Mr. Prytherch and Ms. Raghu were not in attendance this evening.

Mayor Rousmaniere advised Mr. Prytherch inquired if the Ordinance could be re-tabled until the next meeting when he and Ms. Raghu would be present. Mayor Rousmaniere noted it was up to the 5 Councilors present to decide whether to re-table it or not. Mayor Rousmaniere advised the applicant has requested that it move forward noting 4 affirmative votes were required for the Ordinance to pass.

Mr. Dana moved to remove item 7.B.1. from the table. Mr. Smith seconded. The motion passed 4-1-0 with Mr. Ellerbe voting nay.

Mr. Perry provided a PowerPoint slide of the property in question at the corner of Southpointe Parkway and US27 South noting it was 2.4 acres owned by 4-Leaf Development and advised the application was handled by Architect, Scott Webb. Mr. Perry noted a fuel station with a convenience store and drive through was not a permitted use in the General Business district which was why a Conditional Use was required. Mr. Perry advised the purpose of a Conditional Use Permit was for the Planning Commission and Council to look at the appropriateness of how the land is developed and how the proposed project would fit in to the neighborhood. Mr. Perry continued the PowerPoint presentation and provided a detailed description of the proposed project. Mr. Perry discussed the conditions for approval as shown on pages 55-56 of Council's packet focusing on condition 2 which deals with the proposed entrance/exit drive on US27 being right-in/right-out only. Mr. Perry offered to answer any questions and noted Mr. Webb would address Council as well.

Mr. Scott Webb, Applicant, thanked the Planning Commission noting they reviewed this proposal twice. Mr. Webb noted he and his client accepted their recommendations in all cases and improved the plan between the first and second versions. Mr. Webb advised he was happy to be in front of Council this evening with a 6-0 recommendation from the Planning Commission. Mr. Webb referred to pages 55-56 of Council's packet and noted the Planning Commission recommended approval of the plan with 8 conditions and advised he and his client were happy to meet all of the conditions except for one which he and his client would like Council to perhaps reconsider. Mr. Webb noted his hope the condition he was going to try to change Council's mind on could be voted on as an amendment to the motion whether or not Council mandates the condition remain as recommended by the Planning Commission and then proceed to the vote on the Conditional Use in its entirety. Mr. Webb advised he would like Council to hear him out as to why he and his client believe they need an all access point on US27. Mr. Webb provided slides of the site plan noting he and his client incorporated all of the Planning Commission's suggestions including crosswalks and bike racks. Mr. Webb advised the plan exceeds the landscape requirement and meets the setback requirements noting the buildings were moved and advised he felt the Planning Commission was satisfied with this site plan save for the issue of the entry and exit on US27. Mr. Webb noted the issue he and his client broached 2 meetings ago had to do with the access to US27. Mr. Webb advised his client/operator has 6 gas stations and is a very good operator noting his goal is for this location to be a flagship for him. Mr. Webb advised he felt no one knows this business better than the person who does it all day every day noting his client feels the lack of being able to turn left from US27 would represent a 10% -15% loss in visitors to the site which is the difference between making it and not making it in this particular business. Mr. Webb noted with all due respect to the City Engineer and the ODOT manuals he interpreted the ODOT manuals as recommendations not absolutes. Mr. Webb advised the manuals did not contain must statements and shall statements they contained recommendations and best practices.

Mr. Webb noted he and his client were not denying if no one could turn left out of the facility maybe that would ultimately be the safest way to build the station. Mr. Webb advised the question at hand is do we need to go to the degree of safety to the point of potentially handicapping the business or are there other methods of providing assurance of safety rather than simply eliminating the left in and left out at this location. Mr. Webb reiterated a suggestion from the First Reading of the proposed Ordinance which was to shorten the turn lane into Southpointe Parkway and stripe the area as a left turn into the proposed gas station. Mr. Webb noted one of the conditions was to provide a traffic study and advised the traffic study will indicate if it is a potential problem to shorten the turn lane. Mr. Webb noted another option presented at the First Reading was to limit the hours of the right-in right-out restriction. Mr. Webb advised another potential remedy was to try to have the speed limit reduced on US27. Mr. Webb provided slides of other locations in the area with similar left turns in and out noting they were not accident prone locations. Mr. Webb provided slides of other gas stations in town where multiple turn lanes needed to be crossed and that are close to intersections. Mr. Webb noted he appreciated Mr. Smith's observation regarding a gas station in McGonigle on US27 with turn lane and a stop light noting people manage to go left and right out of the station all day every day with no restrictions. Mr. Webb advised this would be the only business in town that would have any restrictions on access which he feels is excessive in this particular location. Mr. Webb noted with all due respect to the planners, the engineers and the ODOT manuals as far as the best solution it is not absolute as Council can make this decision. Mr. Webb stated given this would have a significant impact on this particular business instead of defaulting to make it harder on the business why not default to making it easier on the business and if it turns out to be a problem Council can change it. Mr. Webb asked Council to think about condition number 2 regarding the right-in/right-out only entrance and reminded Council they have other tools in their toolbox as a way to improve the safety of the intersection without prohibiting left turns.

Ms. Carla Blackmar, advised she was pleased to serve on the Planning Commission. Ms. Blackmar noted as a volunteer on the Planning Commission she expected when she thinks through a decision taking time out of her day, out of her work life and family life to make a decision that it is something that is listened to as part of the process at Council. Ms. Blackmar advised she was disappointed to see the applicant come back once again to ask for the left turn in for this project as she felt the Planning Commission put a lot of thought and discussion into suggesting that the left turn in was not a good idea. Ms. Blackmar noted when she voted for the project it was on the condition that the left turn from US27 would not be part of the project. Ms. Blackmar advised she believed in listening to the safety recommendations of ODOT and of City staff. Ms. Blackmar noted it was frustrating to her see this come to Council and have to take time out of her day to come in and remind Council of her decision. Ms. Blackmar advised she felt it shows a procedural disregard by the applicant which she is not happy about. Ms. Blackmar noted this was an entry to the town and advised the bike lane begins at Southpointe Drive. Ms. Blackmar encouraged Council to vote against the project if it includes a left turn across a bike lane. Ms. Blackmar encouraged Council to maintain the Planning Commission's recommendations.

Mr. Cal Conrad, Westgate Drive, advised he has been an Oxford resident for a very long time and has watched US 27 west develop into what is very similar to Colerain Avenue. Mr. Conrad noted his objection was one of aesthetics and advised he was appalled to learn that there might be a left turn out of the gas station southward. Mr. Conrad noted with the left turn being allowed he felt Council would create a situation for collisions.

Mr. Richard Keebler, 11 Fox Run Circle, advised he spoke before the Planning Commission in support of this project and he was standing before Council tonight to do the same. Mr. Keebler noted with the number of residents in the adjacent area, all of the vacant adjacent property already zoned for residential use and the proximity of the high school, having a convenience store and fuel station at this location makes good sense. Mr. Keebler advised a similar plan was approved a number of years ago at the same site noting he was on the Planning Commission and Council at the time and supported it then as well. Mr. Keebler advised at the time there was a small but vocal contingent of residents concerned that US 27 S. not become a College Corner Pike type commercial strip. Mr. Keebler noted while that was not and is not likely to occur since this is the only commercial location on US27 S. Council tempered the building locations, the canopy size and design, the facility lighting, the sales outside of the building and signage when it was approved. Mr. Keebler advised Council left the berm along the front of the property and did not allow any entrance or exit off of US27 and Council felt they had done a good job. Mr. Keebler noted looking back he believes now that Council was a tad too restrictive which he felt is proven by the fact that despite this excellent location, and need, the property owner was never able to sell the property for the use approved. Mr. Keebler advised he felt the layout and design just did not make it viable. Mr. Keebler noted he felt the layout and design that Mr. Webb is proposing now and worked with the Planning Commission on is both functional, attractive, and should be approved without additional major restrictions or redesign. Mr. Keebler advised the size and scope of the buildings along with the brick, stone and awnings were certainly attractive. Mr. Keebler described the current project noting he felt nothing about the design detracts from the entrance to the City. Mr. Keebler urged Council to approve the proposal with two modifications from what the current conditions propose. Mr. Keebler suggested removing the right-in right-out restriction and suggested the canopy lighting be designed and installed so as to limit the light spillage outside of the canopy area. Mr. Keebler advised he felt there was no question a left turn in and out of the facility was needed to make it viable noting attempting to restrict it causes more traffic problems than it solves. Mr. Keebler advised right-in right-out restrictions on driveways do not work and pork chops do not work. Mr. Keebler noted the traffic study has not been done yet and suggested Council allow the left turn unless the traffic study indicates it is a bad idea.

Mr. Bill Snavelly, Chair of the Planning Commission, advised he felt this was a good proposal overall and noted the petitioners reacted well to the criticisms that they were given the first time around and redeveloped the property to what is seen now. Mr. Snavelly advised he did not think anyone on the Planning Commission would have a problem with Council adding language regarding the lighting spillage. Mr. Snavelly referred to the left turn noting there was a 6-0 vote by the Planning Commission to not allow it, the City Engineer does not recommend it and regulations from the Butler County Engineer and from ODOT do not recommend it. Mr. Snavelly advised everyone who is a specialist in the area does not recommend a left turn. Mr. Snavelly noted he did not see why it is so hard for someone to use the traffic light.

Ms. Kathleen Zien, Joseph Drive, noted if the 5 Councilor's have not figured out the shrewd tactic of the applicant please realize the obvious, they asked for the second reading tonight despite their previous insistence of a full Council being present which is why it was tabled May 21st. Ms. Zien advised City Planner Zach Moore requested a traffic study in his memo dated April 9th and inquired what the results were. Ms. Zien noted traffic studies come before approvals not after the fact and advised having a Councilor sitting in a car watching another intersection for 30 minutes is not a traffic study but it is opinion, no valid comparison.

Ms. Zien advised the intersection he watched on 27 and Stillwell Becket Road is 2 lanes and Southpointe is 3 lanes, Stillwell does not have a hive of high school students who drive nor an intersection with 2 very large housing complexes and Southpointe does. Ms. Zien noted minutes have applicant Kaushal stating there is not enough traffic to have the business survive with the current traffic count and encouraged Mr. Kaushal not to build the station. Ms. Zien advised Mr. Kaushal stated it would be 4 million dollars to build and \$50,000 monthly to run it and inquired why he would invest that much if he does not have the traffic count. Ms. Zien noted it was an excessive building to sell gas and hotdogs and a high risk poor financial decision. Ms. Zien advised it was easier to pull out now than suffer that eventual loss leaving Oxford with a vacated shell of a building. Ms. Zien noted the safety of everyone at that intersection every day is the pending issue and affects the future. Ms. Zien advised it was Kaushal who asked Council "to make the right decision for the safety of the public and how it affects local residents and their property values" noting she felt this project did nothing to help those causes. Ms. Zien asked Council to deny the application noting it was not built by right when it is wrong or of no overall benefit to the community or has any visual appeal. Ms. Zien advised if some Councilors previously thought this might be a good idea maybe they re-thought it in 4 weeks. Ms. Zien noted this was a potential traffic risk with an out of place well lit gas station as a commercial entry into Oxford. Ms. Zien advised justified denials are possible and even doable at second readings. Ms. Zien noted Council's charge was to abide by code 1147.02 Burden of Proof for Conditional Use "Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use unless the applicant proves the use will not be detrimental to the public health, safety or general welfare or if the neighborhood where proposed will not be negatively affected." Ms. Zien reminded Council they were appointed, elected and directed to uphold the enforced code and noted she held them to the language of 1147.02. Ms. Zien advised she felt so far this proposal has not met qualifying conditions. Ms. Zien quoted the Police Chief "not only is it currently a very busy intersection but there is school bus traffic, inexperienced foreign student drivers and local high school drivers making split second decisions at that corner". Ms. Zien noted those facts are non starters to justify exiting customers turning left from a curb cut heading south with a left turn lane in the way in addition to regular traffic on a state road. Ms. Zien advised 27 was a major arterial with a 45 mile speed limit often exceeded especially when drivers see the yellow light about to turn red. Ms. Zien noted if the Police Chief says a protected left turn is necessary that is all Council needs to know and inquired who Council was going to believe the Police Chief or someone who wants a request approved. Ms. Zien advised exiting or entering any retail at that location now or ever should all be coming through the Southpointe entrance without any additional curb cuts on 27 ever. Ms. Zien noted Webb argued it was not feasible to expect drivers to go to the light and wind around to the site and advised if a driver was too lazy to wait at the intersection and risk a hit or near miss they are too lazy. Ms. Zien noted she could not believe Webb would even ask if the speed limit on 27 could be reduced to accommodate his client over projected safety risks. Ms. Zien advised ODOT makes speed recommendations enforced by the Police Department noting ODOT has direct command over access on state roads typically saying where entrances can be, how wide, if a light is needed, middle turn lane or one lane in/out. Ms. Zien advised the applicant does not live locally and he will not see traffic headaches nor face them. Ms. Zien noted the applicant says there is more traffic on Clifton Avenue in Cincinnati at another of his stations than on a state road and advised that was questionable and the comment is hearsay. Ms. Zien advised if Kaushal is not agreeable to a design re-boot end it now, move on, find another location that does not over-ride driver safety with City, Township and Police concerns. Ms. Zien noted if there are this many excuses adjustments and shortening of turn lane it is not meant to be.

Ms. Zien advised it has never been nor should it ever be Council or any board's responsibility to guarantee income or profit for an applicant. Ms. Zien noted Mr. Kaushal stated many times in the May 7 minutes he is in it for profit and another property on his resume which is not Council's problem. Ms. Zien advised the minutes note the applicant has 6 other gas stations and convenience stores which confirms financial status and income producing investments and noted a denial will not result in hardship for this applicant. Ms. Zien advised if her research is correct the applicant is not local and the point is he will not be on food stamps if Council denies an unreasonable request resulting in probable and predictable safety risks. Ms. Zien noted Kaushal said it best and shot himself in the foot when he confirmed "you can get gas at many more gas stations down the road" noting he was right. Ms. Zien advised minutes have Councilor Smith saying it is probably too late to redesign noting it was never too late to request, rethink, reconsider, redraw, reapply. Ms. Zien noted what was on paper now will be in perpetuity and a predictable safety risk to that area forever. Ms. Zien advised one Councilor said seeing a Shell station canopy would be a harsh visual transition entering town and agreed that it would. Ms. Zien asked Council to rethink and reconsider the predictable and unintended consequences and encouraged them not to approve the request as submitted. Ms. Zien suggested the proposal be tabled until the full Council was in attendance.

Mr. Ellerbe inquired if there were any appreciable changes from the first reading and Mr. Perry advised no.

Mayor Rousmaniere noted she just learned gas stations do not make money on gas and advised they make money on groceries and supplies. Mayor Rousmaniere advised there were approximately 1,400 beds located in this area, another 600 beds at Indian Trace apartments and 150 or so drivers going to the high school. Mayor Rousmaniere noted many of the drivers are coming from the south and inquired why the left turn was such a deal breaker if the gas station is probably going to make the most money on groceries. Mr. Webb advised the basic premise of a convenience store is convenience noting people have no allegiance to a convenience store. Mr. Webb advised if it was difficult to turn left people will not turn left they will go to the next store.

Mr. Dana advised the right-in right-out was a concession noting the preferable recommendation is not to have a curb cut at all. Mr. Dana asked Mr. Elliott to reiterate comments he made earlier regarding the differences between this proposed location and the existing gas station in McGonigle. Mr. Elliott reiterated those comments and noted he did not think Council wanted to risk pedestrian, bicycle and vehicle safety for customer convenience.

Mr. Ellerbe noted he was misinformed when he commented at the first reading of this ordinance. Mr. Ellerbe advised he did some research and visited the site to taking stock in the traffic. Mr. Ellerbe noted understanding that there are 1,000 people within a quarter of a mile and with the high school being located at this intersection he felt it could be extremely dangerous when making a left turn. Mr. Ellerbe advised he instructed young drivers on a regular basis and he now would be very uncomfortable having that there knowing there is a large population of individuals twice a day that have an opportunity to put themselves in danger. Mr. Ellerbe noted he agreed with the conditions set forth by the Planning Commission. Mr. Ellerbe advised he agreed with requiring as an additional condition the focused canned lighting because of the risk of light pollution when reaching the boundary of Oxford.

Mr. Dana advised by a way of summary of the numbers of people who have weighed in on this he would point to the following, it was not only the Community Development Director a highly regarded professional but the Police Chief, the City Engineer, the City Manager, the Planning Commission, the State Highway Access Manuals and the Service Department. Mr. Dana noted all of those have delivered their opinion whatever the reasons may be, whatever the caveats may be all of those people are endorsing recommendation number 2 of this conditional use.

Ms. Southard advised she was very much opposed to the left turn because she feels safety is paramount. Ms. Southard noted she felt Council wanted the business to succeed but an accident could be a major detriment to its success. Ms. Southard advised she felt making sure there are no un-necessary accidents is very crucial and very much a part of Council's mission. Ms. Southard noted Council considers and thinks very carefully about what they are doing. Ms. Southard advised people can talk about donating their time and noted Council also donated their time and would appreciate a little more respect about that. Ms. Southard advised she respected and valued the points of the professional staff as well as the Planning Commission that have been made. Ms. Southard noted she felt a gas station and convenience store is very useful at this location, is needed and will reduce traffic into town. Ms. Southard advised she favored the business itself with no left turn to prevent accidents. Ms. Southard noted the idea of reducing light pollution was an excellent one because it affects drivers at all times in all kinds of weather.

Mr. Smith noted he felt this corner was a gold mine and the carry-out beer sales alone should cover the costs. Mr. Smith advised when he made his statements at the last meeting he did not have the technical data in front of him noting he was glad Mr. Dana read the statistics on eliminating the left turn. Mr. Smith advised Council wanted this business to succeed but they do not want it to succeed at the detriment of safety for everyone else. Mr. Smith noted he was curious to see the traffic impact study because the last numbers he saw indicated there were 17,000 to 21,000 vehicles traveling that portion of US27 per day. Mr. Smith advised he was in favor of the right-in/ right-out entrance and exit drive and he was in favor of the light restrictions for the canopy.

Mr. Ellerbe moved to add an additional condition limiting the lighting footprint to the canopy. Mayor Rousmaniere seconded. The motion passed 5-0-0.

Mr. Smith moved to adopt Ordinance No. 3529. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. Smith, Mayor Rousmaniere (5)

NAY: None (0)

ABS: None (0)

Mayor Rousmaniere offered best wishes to the applicant and thanked him for his proposal noting Council looked forward to seeing his project in the community. Mayor Rousmaniere thanked members of the public for their participation.

ORDINANCE
NEW CHAPTER 1152

An Ordinance No. 3530 Repealing Oxford Codified Ordinance Chapter 1331 Entitled Historic and Architectural Preservation, And Adopting New Oxford Codified Ordinance Chapter 1152 Entitled Historic and Architectural Preservation. (Sam Perry, Community Development Director)

Mr. Perry advised there were no changes since the first reading of the proposed Ordinance. Mr. Perry reminded everyone a consultant was hired to assist with the new language in the Historic and Architectural Preservation Chapter and noted the HAPC held several open houses to involve the public with the process. Mr. Perry advised the Historic and Architectural Preservation language would now be located within the Zoning Code with all of the other land use regulations.

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

Mr. Dana referred to page 139 of Council's packet and inquired if comments from the City Engineer had been addressed regarding municipal infrastructure. Mr. Perry advised nothing had been put in writing yet and noted the departments had a verbal understanding that whenever a waterline or any utility needs to be replaced the HAPC will not have to review it.

Mayor Rousmaniere thanked the HAPC for their work on the new chapter.

Mr. Dana moved to adopt Ordinance No. 3530. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Dana, Mr. Ellerbe, Mr. Smith, Ms. Southard, Mayor Rousmaniere (5)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott updated everyone on a proposed Southpointe Roadway Extension Construction Agreement noting it would come before Council soon for their consideration.

Mr. Elliott advised himself, Mayor Rousmaniere and Mr. Newlin attended an Oxford Community Conversation meeting May 23 at the Marcum Center held by the Butler County United Way. Mr. Elliott noted other community members were in attendance representing local service agencies. Mr. Elliott advised a survey was sent to the attendees prior to the meeting regarding services such as housing, human services and food resources. Mr. Elliott noted the meeting was focused on how Oxford agencies can effectively and cooperatively work together to help vulnerable populations. Mr. Elliott advised he would provide Council with information on the results of the meeting.

Mr. Elliott updated everyone on a meeting held with Miami University officials regarding the current future challenges or opportunities facing Miami University and their plans for meeting them. Mr. Elliott noted staff has invited them to present the information to Council as part of the goal for better strategic town gown planning.

Mr. Elliott recommended the July 2 Council meeting be cancelled since the Freedom Festival parade would be held that evening noting Council members typically participate in that event.

Ms. Greene reminded everyone the summer concerts would begin this Thursday.

Mr. Kyger advised himself, Mayor Rousmaniere, Ms. Greene and representatives from Miami University attended the International Town Gown Conference in State College, PA. noting the highlight of the conference was when the City of Oxford and Miami University were recognized with the Larry Abernathy award for Town Gown Relations.

Mr. Ellerbe noted he wanted to explain why he said no at the beginning of the gas station ordinance. Mr. Ellerbe advised the petitioner asked that all Council members be present for the second reading and then decided to go ahead with it knowing 2 members of Council would not be present. Mr. Ellerbe advised he wanted to make sure that if a petitioner asks for something like this in the future that Council holds them to their request.

Mr. Ellerbe advised the Oxford Wine Festival was an awesome event and noted his hope Oxford would continue to hold them. Mr. Ellerbe advised he liked when Oxford has adult oriented events where everyone has a great time. Mr. Ellerbe cheered those who planned the event.

Mr. Dana agreed with Mr. Ellerbe on the Wine Festival noting it was a great event.

Mr. Dana congratulated the Service Department on what is happening on Fairfield Road by the Knolls of Oxford. Mr. Dana noted he saw what was being done to draw people's attention to the new rate of speed which he felt was very important as the area becomes more of a destination.

Mr. Smith noted this coming weekend was Alumni Weekend at Miami University and encouraged everyone to be good ambassadors to the returning Alumni.

Mr. Smith advised the Hueston Woods Arts and Crafts Festival was also being held this weekend with the proceeds benefiting the Oxford Museum Association.

Ms. Southard noted the opening of the new Aquatic Center would occur June 15th which she felt was very exciting and a wonderful achievement for the City.

Ms. Southard complimented the signage and reduction of speed on Fairfield Road.

Ms. Southard advised the Public Arts Commission of Oxford is in the process of completing the first mural which was a civil rights mural to be placed near the Municipal Building.

Mayor Rousmaniere advised 1,200 boys from Buckeye Boys State were coming to Oxford next week. Mayor Rousmaniere noted they are all from Ohio chosen by their school district and their local American Legions to represent their community and to learn about citizenship. Mayor Rousmaniere advised for one week they stay at Miami University and noted on the afternoon of Thursday, June 13th staff and Council members would do a walking tour with the young men.

Mayor Rousmaniere noted Friday, June 7 at 10:00 a.m. in Miami University's Psychology Building a coffee and introduction event with the Buckeye Boys State leaders would take place.

Mayor Rousmaniere advised Race Across America was coming through town June 18-22 noting approximately 200 bicyclists ride from California to Rhode Island as fast as they can. Mayor Rousmaniere advised a tent will be placed in the TJ Maxx parking lot to welcome the racers.

ADJOURN

Mr. Smith moved to adjourn at 9:59 p.m. Mr. Ellerbe seconded. The motion passed 5-0-0.