A regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, August 1, 2017 at 6:40 p.m. Those members present were Steve Dana, Glenn Ellerbe, Kevin McKeehan and Mike Smith. Edna Southard arrived at 6:45 p.m. and Bob Blackburn was excused.

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

ADJOURN TO EXECUTIVE SESSION

Mr. Dana moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22(G)(1) and (4) for the purpose of discussing Personnel Evaluations and Collective Bargaining. Mr. Ellerbe seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Dana moved to return from Executive Session at 7:30 p.m. Mr. McKeehan seconded. The motion passed 6-0-0.

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Dana moved to approve the agenda. Mr. McKeehan seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PUBLIC COMMENTS

Mayor Rousmaniere welcomed 25 high school students from China who were visiting Miami University and the City of Oxford for a week. Mayor Rousmaniere noted they were in attendance to observe how democracy works.

Ms. Wendy Richardson, 6135 Fairfield Road #2, addressed Council regarding what she considered a potentially dangerous situation at the Kroger's store in Oxford. Ms. Richardson noted she spoke to local Kroger employees twice, wrote a letter to the CEO of Kroger's and copied the local manager as well as Oxford's Fire Department.

Ms. Richardson advised the issue was the ability of customers to leave the Kroger's store safely in the event of a crisis. Ms. Richardson stated there were signs above each sliding door that read "This/These Doors To Remain Unlocked When The Building Is Occupied" and advised that was not happening. Ms. Richardson noted not only were the north doors locked in the morning, they were blocked by a grocery cart. Ms. Richardson advised she moved the cart and unlocked the door to exit the store and was told by the store manager to stop creating a problem. Ms. Richardson noted the store opens at 5:00 a.m. and the north doors remain locked until after 7:30 a.m. Ms. Richardson advised today she entered through the south doors and the six self check lanes were blocked by carts. Mayor Rousmaniere inquired if the issue was that the doors were locked in the morning when they should not be locked. Ms. Richardson advised absolutely, and having the doors locked so people could not exit was a disaster waiting to happen. Mayor Rousmaniere advised Chief Detherage would investigate the situation and report back to Council.

CONSENT AGENDA

MINUTES

Minutes of the July 18, 2017 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the July 11, 2017 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the July 19, 2017 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the July 26, 2017 Civil Service Commission Meeting. (Candi Fyffe, Human Resources Director)

RESOLUTIONS

RESOLUTION
SALE OF SALVAGED VEHICLES

A Resolution No. 5080 authorizing the sale of salvaged, junk and/or abandoned motor vehicles. (John Jones, Police Chief)

RESOLUTION
CONTRACT WITH
DATA MANAGEMENT

A Resolution No. 5081 authorizing the City Manager to enter into a contract with Data Management, Inc. for the purchase of new timeclocks and software at a cost not to exceed $34,439.00. (Joe Newlin, Finance Director)

Mr. Dana moved to approve the consent agenda. Mr. McKeehan seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION MEDICAL MARIJUANA

A Resolution No. 5082 authorizing the City Manager or his designee to provide local zoning information and facilitate potential application(s) for a cultivator, processor, testing laboratory and/or dispensary of medical marijuana pursuant to Ohio's Medical Marijuana Control Program. (Edna Southard, City Councilor)

Ms. Southard advised medical marijuana was not recreational marijuana and it was used entirely for medical purposes as prescribed by a physician. Ms. Southard noted cancer, diabetes and other debilitating diseases know no boundaries and she felt Council should do whatever they could to allow the City Manager to provide zoning information and facilitate the applications in accordance with the law to make it possible for a dispensary to be located in Oxford. Ms. Southard advised Oxford's population was aging which was another reason to vote in favor of the proposed Resolution. Ms. Southard noted people with certain diseases have said they would rather be able to take medical marijuana than to take an opioid or addictive medication to alleviate their pain and their symptoms. Ms. Southard urged Council to be compassionate to our neighbors by approving the proposed Resolution.

Ms. Charlene York, 809 Melinda Drive, advised her husband and daughter suffered from a rare neuromuscular disease for which there was no cure noting the only treatment was palliative. Ms. York noted they suffered a lot of muscular pain which over the counter medications did not help. Ms. York advised her husband and her daughter did not want to go down the opioid path. Ms. York noted her daughter spent a year at Washington State University where recreational marijuana was legal. Ms. York advised her daughter used marijuana while she was there and it helped her immensely. Ms. York pleaded with Council to approve the proposed Resolution as she did not want to see her husband and daughter in pain, she wanted to see them be able to function. Ms. York noted her first cousin's son who lived in Michigan suffered from a neuromuscular disease and medical marijuana kept him pain free for a very long time before his passing. Ms. York again said she was pleading with Council to adopt the proposed Resolution. Ms. York added the marijuana dispensaries in Pullman, Washington were very heavily zoned.

Mayor Rousmaniere asked Mr. Elliott to explain what the Resolution would accomplish. Mr. Elliott advised the State of Ohio was releasing rules for the Ohio Medical Marijuana Control Program and they accepted applications recently for cultivators. Mr. Elliott noted the City was approached by a couple of perspective companies that were interested in possibly locating a facility in Oxford. Mr. Elliott advised some of the communities in Butler County have passed moratoriums but the City of Oxford has not and has not had any public discussions regarding the issue. Mr. Elliott noted the purpose of the proposed Resolution was to determine if the City was interested in working with people who might be interested in locating a processor or dispensary in Oxford.

Mr. Elliott advised for cultivators a document had to be signed and notarized by the City regarding zoning and he did not feel comfortable directing the Community Development Department to meet with someone and provide the zoning information without Council's approval. Mr. Elliott noted the State would make the final decision regarding the location for dispensaries.

Mayor Rousmaniere recommended scheduling a Work Session to discuss the medical marijuana issue. Mayor Rousmaniere advised she had been approached by people in town particularly related to the school district and the Coalition for a Healthy Community who were concerned about medical marijuana and they would like to present their information on the matter. Mayor Rousmaniere noted at the Work Session Council could discuss making medical marijuana a conditional use in the General Business Districts. Mayor Rousmaniere advised she was interested in what the citizens had to say. Mayor Rousmaniere advised the rules for medical marijuana were coming out quickly, there were 194 applications for 24 spots and there were only going to be two dispensaries allocated by the State for Butler, Preble and Darke counties. Mayor Rousmaniere suggested tabling the Resolution and having a Work Session on September 5, 2017.

Mr. Ellerbe noted it was his understanding the Resolution would allow staff to sign and notarize the forms that go to the State of Ohio and Mr. Elliott advised that was correct. Mr. Ellerbe advised he was in favor of any new industry coming into Oxford. Mr. Ellerbe noted he was happy to have someone apply with the City and let the State decide where the medical marijuana facilities would be located. Mr. Ellerbe noted if the State approved a facility in Oxford then the planning, zoning and Work Sessions could take place.

Mayor Rousmaniere moved to table the proposed Resolution. There was no second.

Mr. McKeehan advised he supported the Resolution noting medical marijuana would help people suffering from many different diseases and disorders.

Mr. Dana noted he supported the Resolution.

Mayor Rousmaniere advised she supported medical marijuana but not the Resolution because she was concerned about the impact in the community. Mayor Rousmaniere noted she would like to have a full Work Session conversation.

Mr. Ellerbe noted he supported medical marijuana and Work Sessions to discuss the matter although the Work Session could take place after approving the Resolution allowing staff to assist individuals that are filling out a form for the State of Ohio.

Mr. Smith noted if the rules and regulations were released by the State on September 5 it did not give Council a lot of time to review those and organize a Work Session. Mr. Smith advised he supported the Resolution and the discussion and felt Council could adopt the Resolution and also have a Work Session at a later date in September.

Ms. Southard advised she supported the Resolution.

Mr. McKeehan moved to adopt Resolution No. 5082. Mr. Ellerbe seconded. The motion passed 5-1-0 with Mayor Rousmaniere voting nay.

**RESOLUTION
AGREEMENT WITH
MANAGEMENT PARTNERS**

A Resolution No. 5083 accepting the proposal and authorizing the City Manager to enter into an agreement with Management Partners to evaluate the options for the City of Oxford regarding the hearing of minor criminal cases in the City at a total cost not to exceed $23,990.00. (Doug Elliott, City Manager)

Mr. Elliott advised in 2015 Mr. Gmoser, the Butler County Prosecutor, provided a proposal to the City of Oxford for the abolishment of the three Butler County Area Court (part-time) judges and the establishment of an Oxford Municipal Court and two Butler County Municipal Courts with three full-time judges. Mr. Elliott noted his analysis of the proposal indicated additional costs to the City of Oxford of $200,000.00 per year. Mr. Elliott advised in April of 2017 the City received a letter from Mr. Gmoser stating he had overlooked for years a certain section of the State statute that does not give him authority to prosecute Municipal Ordinance cases in Area One court. Mr. Elliott noted over ten years ago studies were done regarding whether or not Oxford should have a Municipal Court and things have changed since then. Mr. Elliott recommended the City hire a consultant to study the issue, look at the City's options and meet with stakeholders. Mr. Elliott noted he had a proposal from Management Partners to complete an objective outside evaluation of the options for the City regarding minor criminal cases in the City. Mr. Elliott advised the proposal includes interviewing a number of stakeholders from Miami University, the City and local attorneys, reviewing background materials and conducting additional research regarding the City's options to consider. Mr. Elliott noted a comprehensive report would be provided to the City and a Work Session would take place to review it so Council could make an informed decision as to what option is best for the City.

Mr. Dana inquired what the timeframe was for the study and Mr. Elliott advised approximately two months once the contract was signed.

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

Mayor Rousmaniere inquired if the study would look at establishing a local court verses an area court.

Mr. Elliott advised other options included establishing a Mayor's Court and having a Magistrate hear the cases. Mr. Elliott noted an Ordinance was on the agenda this evening to change some of the City's criminal violations to administrative/civil violations which included nuisance parties, noise and litter. Mr. Elliott advised he felt the City needed to thoroughly review the options so Council could make a very informed decision as to which way to go.

Mr. Ellerbe advised he was in favor of the Resolution and noted he was surprised no one from Miami University was in attendance.

Mr. Ellerbe noted Council was going to effect a social change and a majority of the City's issues stemmed from Miami students. Mr. Ellerbe advised the study would provide options to enforce various things and he felt this was a town/gown type issue. Mr. Elliott advised a lot of stakeholders from Miami University would be interviewed and Dean Curme provided input on the Administrative Citation Ordinance.

Mayor Rousmaniere advised a Municipal Court had been a topic in the community for over ten years.

Mr. Dana inquired what type of leeway Mr. Gmoser would give the City while the study was being done. Mr. Elliott and Mr. McHugh advised Mr. Gmoser was working with the City.

Mr. McKeehan moved to adopt Resolution No. 5083. Mr. Dana seconded. The motion passed 6-0-0.

RESOLUTION
PATROL OFFICER CONTRACT

A Resolution No. 5084 approving the contract between the City of Oxford, Ohio and the Oxford Police Officers, Fraternal Order of Police, Lodge 38 and authorizing the City Manager and the City Law Director to sign the contract on behalf of the City. (Doug Elliott, City Manager)

Mr. Elliott noted at the last meeting Council adopted a Resolution accepting the Fact Finders report regarding the City of Oxford and the Oxford Patrol Officers. Mr. Elliott advised the outstanding issue that was resolved by Fact Finding was wages. Mr. Elliott noted the wage increase for 2017 will be 4% and 3% in 2018 and 2019. Mr. Elliott advised this was a 3 year contract and discussed other issues that were resolved.

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

Mr. McKeehan noted he was glad Mr. Elliott and Mr. McHugh worked so hard to resolve the issues for the officers and the City.

Mr. Dana advised it was a good agreement.

Mr. McHugh thanked the officers for working with the negotiating team to achieve this outcome noting he appreciated their assistance.

Mr. McKeehan moved to adopt Resolution No. 5084. Ms. Southard seconded. The motion passed 6-0-0.

RESOLUTION
CONTRACT WITH VIEVU

A Resolution No. 5085 authorizing the City Manager to enter into a three (3) year contract with Safariland VIEVU for the purchase of twenty seven (27) body worn cameras and the associated docking equipment, data storage and support for the Police Division at a cost not to exceed $36,092.99 subject to the Law Director's approval of the contract. (John Jones, Police Chief)

Lt. Robinson advised in 2016 the Police Division had a Capital Improvement line item to move forward with the purchase of body cameras for the Police Officers. Lt. Robinson noted in 2016 the division studied and tested approximately 5 different cameras and during that year there was legislation moving through the Statehouse that concerned the Police Division with moving forward on the project. Lt. Robinson noted this spring the cameras were tested again and the division recommended the Safariland VIEVU LE5 Lite be purchased. Lt. Robinson advised the Miami University Police Department currently utilized the Safariland VIEVU 4 and were very happy with the product.

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

Mayor Rousmaniere inquired if the funding included data storage for the next 3 years and Lt. Robinson advised yes.

Ms. Southard inquired if other Police Departments used this camera and Lt. Robinson advised yes. Ms. Southard noted it seemed the Police Division did a lot of work to assure that this is a good product.

Mr. Smith inquired what the timeline was to bring the cameras into service. Lt. Robinson advised the cameras would be delivered in approximately 30 days and training would take a month or two.

Mr. McKeehan inquired if their was a policy in place for the use of the cameras. Lt. Robinson advised a model policy was adopted while the testing took place and it included language used by several other agencies.

Mr. McKeehan moved to adopt Resolution No. 5085. Ms. Southard seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING
SALARY ORDINANCE AMENDMENT

An Ordinance Amending Ordinance Number 3386 Establishing Salaries And Certain Benefits For Salaried And Hourly Full-Time And Part-Time Employees Within The Service Of The City Of Oxford, Ohio Paid From January 1, 2017 Through December 31, 2017 To Reflect An Additional Two Percent (2%) Wage Increase For Certain Nonunion Employees. (Doug Elliott, City Manager)

Mr. Elliott advised Council adopted a wage and salary Ordinance for the nonunion employees in December of last year before settlements were made with the Lieutenants and Sergeants and Patrol Officers. Mr. Elliott noted the nonunion employees received a 2% increase in January and he recommended another 2% be granted since the Police Department received a 4% increase for 2017.

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

ORDINANCES
SECOND READING

Mr. Dana moved to reorder the Agenda so that item B.3. would be considered first. Mayor Rousmaniere seconded. The motion passed 5-1-0 with Mr. McKeehan voting nay.

ORDINANCE
FINAL PLAN APPROVAL

An Ordinance No. 3414 Accepting The Planning Commission's Recommendation For Final Plan Approval Of A Planned Development To Be Located On 23.28 Acres Of Land Between Olde Farm Road And Country Club Drive To Allow A Single Family Residential Development With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Smith recused himself from the discussion and the vote due to his geographical connection to the neighborhood.

Mr. Chen advised the proposed Planned Development would consist of 50 homes on approximately 23 acres. Mr. Chen noted the Preliminary Planned Development was approved by Council in 2016. Mr. Chen showed slides of the proposed development which he stated was consistent with what was approved in 2016. Mr. Chen advised the Planning Commission deliberated this development at two separate meetings and spent a lot of time hearing the proposal and hearing the concerns and comments from neighbors regarding stormwater, traffic and the layout. Mr. Chen noted the Planning Commission recommended approval by Council with 9 conditions as listed on pages 147-148 of Council's packet. Mr. Chen noted with Council's approval the developer can proceed with the construction and site development.

Ms. Etta Reed, Bayer Becker 110 S. College Avenue, advised the developer Bryan Price with Red Brick Estates was also in attendance. Ms. Reed referred to the nine conditions of approval and noted they were comfortable with all but one regarding the project beginning at the south end of the property. Ms. Reed noted she and the developer propose starting at the north end of the property due to cost and in order to serve the lots at the south end of the development the sanitary sewer needed to be accessed from Grace Lane. Ms. Reed advised at this time neither the developer or the City owned Grace lane. Ms. Reed noted the City was in the process of obtaining ownership of Grace Lane and until that occurs the lots south of Grace Lane could not be sewered. Ms. Reed noted the infrastructure at the south half because there are so many connections and streets without lots fronting them the developer would have to construct a lot more street to get the same 23 lots. Ms. Reed asked Council to reconsider the condition to begin Phase I from the south so they could develop sooner rather than later. Ms. Reed noted if they must start from the south they will have to wait until such time as the City acquires Grace Lane. Ms. Reed advised to construct 23 lots at the north end the developer would only have to construct 1,100 feet of street.

Mr. Bryan Price, Red Brick Development, noted because a connection needed to be made at Grace Lane which is what the City wanted, they could only get sewer at Grace Lane which would require the developer to come all the way to Grace Lane to make the connection which is 1,900 feet of sewer, street and infrastructure that can not be re-cooped.

Mr. Price advised starting at the south end does not work because twice the amount of infrastructure needed to be constructed to get the same amount of lots.

Mayor Rousmaniere inquired if the ownership of Grace Lane was the issue. Mr. Price advised yes.

Mr. McHugh advised the City hoped to have an appraisal of the property this week and no eminent domain action could happen until then. Mr. McHugh noted notification would have to be provided and an offer made to the property owner in the amount of the appraisal. Mr. McHugh advised if the offer is not accepted more legislation would be presented to Council to file a lawsuit. Mr. McHugh noted the money would be deposited with the court and the City would proceed with a quick take to take possession of the street. Mr. McHugh noted as soon as the money was deposited with the court, the City can have access to the property. Mr. McHugh advised this part of the process could take approximately 30 days.

Mr. Jim Chagdes, 209 Country Club Drive, advised he sent a letter to Council and to the developer about the phasing and he sees the phasing as a significant concern. Mr. Chagdes noted starting the project from the south was approved in the Preliminary Phase. Mr. Chagdes advised if it gets built from the north there was already a very long stretch of Country Club Drive which was well above what was expected in any subdivision (2,000 feet) and 900 more feet would be added to it. Mr. Chagdes noted concerns with traffic on Country Club Drive from houses in the Heritage Subdivision and the proposed new housing. Mr. Chagdes advised there would be a lot of capacity on a road not designed for that in this type of zoning. Mr. Chagdes noted there were 54 houses on Country Club Drive verses 17 houses on Olde Farm Road and adding 23 more houses would bottleneck everyone into one long stretch of road where they can pick up a lot of speed and safety was one concern. Mr. Chagdes noted there would only be one exit for all of the traffic and starting the project from the south would allow vehicles to exit at Olde Farm Road and at Savannah Drive. Mr. Chagdes advised some individuals could exit at Grace Lane to avoid construction traffic. Mr. Chagdes noted the developer asked for a 5 year extension of their approval because it will take some time to sell all of the houses and an extension was needed to approve the entire final plan. Mr. Chagdes advised the first phase might have to exist alone for 5-10 years and there was evidence in Oxford of subdivisions beginning and never finishing and he did not want to see that happen to all the families who have made an investment in the Heritage Subdivision. Mr. Chagdes noted he was well aware someone could easily build on the vacant property and he was not trying to shut down the development, he was trying to ensure code protects the investments made by those living in the Heritage Subdivision. Mr. Chagdes advised allowing the development to begin at the north end was a substantial change from the preliminary approval and the decision standards needed to be carefully considered. Mr. Chagdes referred to the open space requirements and noted there was a condition from the Planning Commission to provide a detailed plan of how the open space would be maintained and what would be there and he has not seen a detailed plan. Mr. Chagdes noted concern with trenches being built and trees being removed and asked that as many mature trees as possible be saved.

Mr. Dana asked Mr. Chagdes to address the statement 'this project will not work' from the south end. Mr. Chagdes noted the developer said it would not work because of infrastructure and because of no access to Grace Lane and it was his understanding the City was taking legal actions so Grace Lane can be accessed in 30-60 days.

Mayor Rousmaniere inquired if starting the project from the south end was part of the Preliminary Plan approval and Mr. Chen advised that condition was added during the Final Plan approval process. Mr. Dana referred to condition number 8 which states 'Phase I shall be the south end of the property'. Mayor Rousmaniere inquired what the Planning Commission's rational was for beginning the project from the south end of the property. Mr. Dana advised if the project was started and then abandoned the southern end would more closely resemble and act as a neighborhood.

Mr. Ellerbe advised he lived in a neighborhood that was part of a multi-phased development which failed and the developer chose not to pave Gardenia Drive because he expected additional phases to be built. Mr. Ellerbe noted that caused the City to purchase a tract of land in order to pave the street themselves and it ended up being a bad deal all around. Mr. Ellerbe noted he was leery of a development that starts on a particular end that is away from something that could look like a neighborhood once the first phase is or is not completed. Mr. Elliott clarified that the tract of land on Gardenia Drive was given to the City as part of reimbursing the City for paving.

Mr. McKeehan inquired if lots would be available for sale to other builders as long as they meet the HOA requirements and the building requirements. Mr. Price advised at first they would not.

Mayor Rousmaniere inquired if the City acquired Grace Lane within 60 days could the project start at the south end of the property. Mr. Price advised yes, and noted if the project started at the south end he was not going to pave all the way to Grace Lane in the first phase. Mr. Price advised he would take the sewer there but Savannah Drive would be the connector.

Ms. Southard inquired if the proposed Ordinance should be tabled until the Grace Lane issue was resolved. Mr. Ellerbe noted if the Ordinance passed it still took 30 days to become effective and he felt Grace Lane was a non issue. Mr. Price advised the matter was tabled once before and it cost him a lot of money.

Mr. McHugh referred to condition number 1 'Any revisions to the Homeowners Association or By-Laws information as requested by City staff shall be consistent with City codes' and recommended adding *and are subject to the Law Director's approval*. Mr. McHugh advised the Homeowners Association Declarations and By-Laws were still being developed.

Mr. McKeehan moved to add to condition number 1 'and are subject to the Law Director's approval'. Mr. Ellerbe seconded. The motion passed 6-0-0.

Mr. McKeehan advised the Grace Lane issue was no fault of the developer, no fault of the neighborhood, it happened 40 years ago. Mr. McKeehan noted he was reluctant to make the following motion out of respect for the Planning Commission.

Mr. McKeehan moved to remove condition number 8 'Phase One shall be the south end of the property'. Mayor Rousmaniere seconded.

Council discussed the motion and Ms. Southard advised the Planning Commission felt there were good reasons for the project to begin at the south end and she felt Council should abide by that.

Mr. Dana called the question.

The motion failed 2-3-0 with Mr. Dana, Mr. Ellerbe, and Ms. Southard and voting nay.

Mayor Rousmaniere inquired if there were anymore comments from Council. Mr. Ellerbe called the question.

Mr. McKeehan moved to adopt Ordinance No. 3414 as amended. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ellerbe, Mr. McKeehan, Mr. Dana, Mayor Rousmaniere (4)

NAY: Ms. Southard (1)

ABS: None (0)

Mayor Rousmaniere noted her hope the City would keep Council and the developer apprised of the Grace Lane issue.

Mr. Smith returned to the dais.

ORDINANCE
CHARTER AMENDMENT

An Ordinance No. 3415 Repealing Ordinance No. 3388 Adopted December 20, 2016 And Adopting A New Ordinance Providing For The Submission To The Electorate Of Amendments To The Charter Of The City Of Oxford , Ohio, And To Place The Same On The Ballot At The General Election, November 7, 2017 And Declaring An Emergency. (Doug Elliott, City Manager) **(Tabled)**

Mr. McKeehan moved to remove the proposed Ordinance from the table. Mr. Dana seconded. The motion passed 6-0-0.

Mr. Elliott advised this item was on the agenda at the last meeting for second reading and a super majority of Council was not in attendance to adopt it as an emergency. Mr. Elliott noted the original Ordinance was adopted in December and submitted to the Board of Elections who advised the Ordinance was adopted too early to appear on the November 2017 ballot. Mr. Elliott advised the Ordinance was again before Council. Mr. Elliott noted the Charter Review Commission completed their review of the Charter at the end of last year and made a number of recommendations to improve it. Mr. Elliott advised assuming Council adopts the Ordinance this evening it will be submitted to the Board of Elections and it will be on the ballot this November.

Mayor Rousmaniere noted this was an emergency Ordinance because of timing.

Mr. McHugh advised the deadline for filing with the Board of Elections was next week and to meet the timeframe Council needed to adopt the Ordinance as an emergency.

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

Mr. Dana moved to adopt Ordinance No. 3415. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. McKeehan, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe, Mayor Rousmaniere (6)

NAY: None (0)

ABS: None (0)

Mayor Rousmaniere thanked the Charter Review Commission for their work on the Charter update.

ORDINANCE
PRELIMINARY
PLAN APPROVAL

An Ordinance No. 3416 Accepting The Planning Commission's Recommendation For Preliminary Plan Approval Of A Planned Development On Approximately 6.45 Acres Of Land Formerly Known As The Miami Valley Lumber Site And Associated Properties To Allow A Development For Residential Use With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this was a Preliminary Plan application for developing 6.45 acres that currently contains 2 vacant warehouses into a residential development of 88 units. Mr. Chen noted the Planning Commission reviewed the plan based on the Zoning Code, Decision Standards and the intent of the Comprehensive Plan and recommended approval with 13 conditions.

Mr. Scott Webb, Agent, noted he presented the plan 2 weeks ago during the first reading of the proposed Ordinance. Mr. Webb advised the Planning Commission reviewed a preliminary concept plan and then the Preliminary Plan application for the proposed development which was discussed at two separate meetings. Mr. Webb noted he was pleased the Planning Commission unanimously recommended approval of the Preliminary Plan with conditions and in between the Planning Commission approval and presenting to City Council changes were made to the plan to reflect what the Planning Commission asked for. Mr. Webb provided slides showing what the Planning Commission asked for in terms of an alternate plan for parking and for setbacks and noted the plan was for 324 residents. Mr. Webb advised the lot coverage, open space and perimeter plan was corrected to reflect the Planning Commission's requests. Mr. Webb advised the Planning Commission was sympathetic to the notion that the open space being provided is active open space and not retention ponds. Mr. Webb advised public parks, finished open space and gazebos were being provided in the open space areas. Mr. Webb advised some land swap has been proposed between the City and the developers with regard to improving Rose Avenue and Heather Lane and allowing the City to have an easement for large utility lines that currently bisect the site without an easement. Mr. Webb noted that process has begun and will come to Council for approval because it involves the exchange of land.

Mr. Webb referred to the conditions regarding the engineering of the site and the traffic study and advised the developer was amenable to doing those. Mr. Webb noted the buildings would be built as presented in the renderings. Mr. Webb advised the Final Planned Development application will answer the question with regard to trash pick-up.

Mr. Dana inquired if bicycle appurtenances would be provided. Mr. Webb advised the Planning Commission expected to see those with the Final Planned Development application.

Ms. Southard referred to the Planning Commission's concern about the railroad track and inquired if Mr. Webb had a solution. Mr. Webb advised he was not sure a solution was required and it was not a condition from the Planning Commission. Mr. Webb noted it can be discussed with the Planning Commission when the Final Plan comes forward. Mr. Webb advised the railroad bisects the City diagonally and it is never protected by fencing or other screening and it would be a bit of a burden to this project when it is not required elsewhere.

Mr. Dana asked Mr. Webb to clarify why the plan does not meet the Planned Development open space requirements. Mr. Webb advised the Planning Commission has leeway in waiving dimensional requirements for setbacks, perimeter and lot coverage and the Planning Commission did that for this project. Mr. Webb noted the developer at great expense is taking the required water retention underground and under the streets in order to use the open space as active public space with parks, walking paths, gazebos and a fountain.

Mayor Rousmaniere inquired why the development was called Gaslight Avenue. Mr. Webb advised it has to do with the style of lighting intended for the project which is a continuation of the theme at Stewart Square.

Mayor Rousmaniere noted she was happy there was less than the allowed parking and occupants and that it is infill development which is in line with the Comprehensive Plan.

Mr. Tom Brinkmann, property owner, advised the proposal was an incredible improvement over the eyesore that currently sits there and noted he felt over time the property value will be immensely higher. Mr. Brinkmann advised the local school district will collect more revenue for their schools without having to educate more students in the Talawanda School District. Mr. Brinkmann noted he felt this type of development will attract college students to Miami University verses other universities. Mr. Brinkmann advised even before the buildings are built Council was considering the number of occupants residing there which was impressive to him. Mr. Brinkmann noted he was in favor of the development and what it will do for the town, the university and the economy.

Mr. Dana moved to adopt Ordinance No. 3416. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. McKeehan, Mayor Rousmaniere (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance No. 3417 Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Expand An Existing Neighborhood Conservation Overlay District In A R-1A Single Family Low Density Residential District, For A Total Of 21 Parcels Located In The Vicinity Of Cedar Drive And Chestnut Street, In The City Of Oxford. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Ordinance was a request to expand an existing Neighborhood Conservation Overlay District noting the original district was approved in 2014 consisting of 15 parcels. Mr. Chen advised the Planning Commission reviewed the request and unanimously recommended approving the expansion of the district to include 21 parcels.

Ms. Carol Michael, 409 E. Chestnut Street, noted her property was part of the original Cedar Drive overlay district and she collected the signatures for the additional 3 properties representing 6 parcels. Ms. Michael advised the neighborhood support of this request was overwhelming and they wanted to maintain the low density single family high quality neighborhood which was one of the last ones of its kind close to the Mile Square. Ms. Michael noted the neighbors also recommended keeping the integrity of the original parcels as well.

Ms. Pat Willeke, 1007 Cedar Drive, advised she completely supported the overlay extension request noting she believed single family communities are desirable places to live and to raise a family. Ms. Willeke noted she also thought single family communities provided a safer and more quite neighborhood. Ms. Willeke commended Council for creating the overlay plan to allow communities to continue to exist like that and stay alive and well in Oxford. Ms. Willeke advised if Council removed the parcels that have been requested to be removed she felt that would be breaking a promise to the neighbors. Ms. Willeke requested Council to approve the Cedar Drive expansion and to honor the original overlay for Cedar Drive.

Mayor Rousmaniere noted Council was only considering the expansion request at this time.

Ms. Melanie Brinkmann, property owner of 920 and 926 Cedar Drive, requested a motion be made to remove her two parcels from the Cedar Drive overlay or at least the 920 Cedar Drive parcel. Ms. Brinkmann noted according to the zoning code Council had multiple ways to address zoning changes and one is a motion of Council limiting themselves to only the petition process. Ms. Brinkmann advised she began the petition removal process and submitted it to the City. Ms. Brinkmann stated she felt Council limiting themselves to that process is not necessarily the democratic process in work and her perception of the Ordinance was that it further supported an unjust application of an unjust law that discriminates against students. Ms. Brinkmann noted tonight Council had the opportunity to make a motion to remove her properties from the overlay, they were not necessary to it and she did not consent to be included in the overlay in the first place. Ms. Brinkmann advised being included in the overlay caused economic harm to her and her husband. Ms. Brinkmann noted one of the intentions of the zoning code was that the benefits outweigh the harm done.

Mr. Allan Winkler, 925 Cedar Drive, advised he had lived there for 30 years. Mr. Winkler noted he lived across the street form the rental property owned by Mr. and Mrs. Brinkmann. Mr. Winkler advised due process was the basis of our democratic society at the Federal, State and local level. Mr. Winkler noted an Ordinance was adopted that spells out how overlays should be implemented and followed and his neighborhood went through that process several years ago. Mr. Winkler advised all of the people who are residents there supported the overlay and the notion that somebody can simply ask to be removed from something which is part and parcel of our democratic locality right now is something he can not accept. Mr. Winkler noted it was genuinely important to the neighbors to maintain the integrity of their neighborhood. Mr. Winkler advised he had gone through other neighborhoods in the City which were entirely student rentals and his neighborhood was an exception. Mr. Winkler noted it made a difference to everyone living in the Cedar Drive overlay that the integrity of that process be maintained. Mr. Winkler asked Council to support the expansion of the overlay and to prevent anything else from happening.

Mr. Tom Brinkmann, parcel owner of properties in the overlay, noted he agreed the law should be followed and process is very important especially when dealing with property rights of owners. Mr. Brinkmann advised he felt people were coming to Council to ask Council to do something to increase their property value. Mr. Brinkman noted he did not think anyone would come to Council to ask them to do something to decrease their property value. Mr. Brinkmann advised his property on Cedar Drive was purchased prior to any of the overlays being in place. Mr. Brinkmann noted when the property was purchased it had a 4 person permit by law. Mr. Brinkmann advised even though he and his wife have expressed multiple times that they do not consent to having the economic value of their property reduced a government agency is doing just that. Mr. Brinkmann noted he legally purchased the property as a rental and the Cedar Drive overlay was created in response to that. Mr. Brinkmann advised his properties were on the corner of the overlay district and were not necessary to it. Mr. Brinkmann advised this was an instance of government taking property rights away from property owners. Mr. Brinkmann noted Council had the ability to rectify this situation tonight.

Ms. Sara Penhale, 925 Cedar Drive, advised there was a range of values involved in making decisions for our City and all of that has been on display this evening. Ms. Penhale stated there had been discussions on very complicated issues in which one party might seem to be a loser and one might seem to be a winner but Council had to proceed anyway and many compromises have to be made. Ms. Penhale noted she was sorry all people could not have what they want. Ms. Penhale advised she lived across from the rental property and would prefer to have a family there to maintain the single family nature of the area but that wasn't to be and she had to accept it. Ms. Penhale noted her hope Council will keep in mind the original intent of the overlay was to provide a diversity of housing in the city including areas where single family units prevail. Ms. Penhale advised Cedar Drive was one of the few single family areas near the campus. Ms. Penhale noted just as students will benefit from having rental property in neighborhoods so will faculty and staff members. Ms. Penhale reiterated the original intent was to assure a mix of housing and to keep some single family neighborhoods intact.

Mr. Dana noted in the Planning Commission's report of June 13, 2017 Mr. Chen speaks of an overlay district as being complimentary to the values pointed out in the Comprehensive Plan. Mr. Dana advised the Comprehensive Plan lists at least 10 different items that speak to expanding housing options and they work together with the overlay district to establish sound neighborhoods.

Mr. McKeehan moved to remove 920 and 926 Cedar Drive from the overlay district. Mr. Ellerbe seconded. The motion failed 1-5-0 with Mr. Dana, Mr. McKeehan, Mr. Smith, Ms. Southard and Mayor Rousmaniere voting nay.

Mayor Rousmaniere inquired if this was the only expansion request the City has received for an overlay district and Mr. Chen advised yes. Mr. Ellerbe noted he voted in favor of the motion to remove 920 and 926 Cedar Drive because it was extraordinarily unusual.

Mr. Dana moved to adopt Ordinance No. 3417. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Ellerbe (1)

ABS: None (0)

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance No. 3418 Approving A Conditional Use Permit For A Day Care Center In An Existing Structure Located At 5500 College Corner Pike With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the Conditional Use application was to establish a day care facility at 5500 College Corner Pike. Mr. Chen noted the building is currently vacant and previously housed The Planning Forum and later, Bill's Art Store. Mr. Chen advised the Planning Commission recommended approval by Council subject to 3 conditions which the applicant has agreed to comply with.

Mr. Phil Young, Applicant, advised he had no issues complying with the Planning Commission's recommended conditions. Mr. Young offered to answer any questions.

Mayor Rousmaniere noted she was glad to see that safe pedestrian access was one of the conditions.

Mr. Dana note there was a need for this service in Oxford. Mr. Young advised 14 new jobs would be created within one year.

Mr. Dana moved to adopt Ordinance No. 3418. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Dana, Mr. Ellerbe, Mr. McKeehan, Mr. Smith, Ms. Southard, Mayor Rousmaniere (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
STORMWATER MANAGEMENT
DESIGN MANUAL

An Ordinance No. 3419 Adopting A New City Of Oxford Stormwater Management Design Manual. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the revised manual would recognize the new national standards for the National Pollutant Discharge Elimination System as well as recognize the best management practices for development and finding ways for the beneficial reuse of stormwater. Mr. Dreisbach noted the Service Department has had no questions or comments regarding the new manual since the first reading of the proposed Ordinance.

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

Mayor Rousmaniere advised she was a member of the Environmental Commission and they worked on the manual for a very long time. Mayor Rousmaniere noted it also took a lot of staff time and she appreciated their support.

Mr. Dana noted he felt it was an excellent, forward looking, progressive document which he strongly supported. Mr. Dana congratulated the people who put it together.

Mr. Dana moved to adopt Ordinance No. 3419. Mr. McKeehan seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ellerbe, Mr. McKeehan, Mr. Smith, Ms. Southard, Mr. Dana, Mayor Rousmaniere (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION 507.01

An Ordinance No. 3420 Repealing Oxford Codified Ordinance Section 507.01 Entitled Police Civil Citations And Adopting New Oxford Codified Ordinance Section 507.01 Entitled Police Civil Citations. (John Jones, Police Chief)

Lt. Robinson advised the proposed Ordinance was not changing any of the criminal laws OPD currently enforced it was expanding the mechanism to hold people accountable for those laws. Lt. Robinson noted it would allow OPD to cite in a different manner utilizing the civil process.

Mayor Rousmaniere noted the proposed Ordinance would allow quality of life issues such as litter and noise be cited as a civil offense rather than a criminal offense.

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

Mr. Dana moved to adopt Ordinance No. 3420. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ellerbe, Mr. McKeehan, Mr. Smith, Ms. Southard, Mr. Dana, Mayor Rousmaniere (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION 507.02

An Ordinance No. 3421 Repealing Oxford Codified Ordinance Section 507.02 Entitled Police Civil Citation Fines And Adopting New Oxford Codified Ordinance Section 507.02 Entitled Police Civil Citation Fines. (John Jones, Police Chief)

Lt. Robinson advised the proposed Ordinance would increase the fine structure for civil citations. Lt. Robinson noted the increase for the majority of the fines was from $60 to $150 and for 3 sections specifically it would increase to $500. Lt. Robinson noted the $150 fine was in line with what is issued through the Area One Court for a criminal citation. Lt. Robinson advised the $500 fine came from the Off-Campus Work Groups and Task Forces of the university and the City who have worked together on the Nuisance Party Regulation Section of the Code.

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

Mayor Rousmaniere noted this was partially the result of some very good town/gown relations between OPD and Student Affairs at Miami University.

Mr. Dana moved to adopt Ordinance No. 3421. Mr. McKeehan seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. McKeehan, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe, Mayor Rousmaniere (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3422 Amending Ordinance No. 3381. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2017. (Joe Newlin, Finance Director)

Mr. Newlin advised there were no changes from the first reading of the Supplemental Budget and offered to answer any questions.

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

Mr. Dana moved to adopt Ordinance No. 3422. Mr. McKeehan seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. McKeehan, Mayor Rousmaniere (6)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott noted the Second Annual Ohio Town/Gown conference was held last Thursday in Oxford which was well attended. Mr. Elliott stated he felt Oxford set the bar pretty high for Bowling Green State University who will host the conference next year. Mr. Elliott thanked staff members who participated on the Planning Committee.

Mr. Elliott advised staff was working on the five year Capital Improvement Plan focusing on 2018 in particular. Mr. Elliott noted the CIP Work Session would be held Monday, August 14 at 7:00 p.m. Mr. Elliott noted an Open House was being held the same evening at Kramer Elementary School at 6:00 p.m.

Mr. Dreisbach provided slides and updated Council and the public with regard to the construction on Spring Street and on Chestnut Street and advised the projects were on target to be complete by August 15 in advance of Fall Semester.

Mr. Wooddell reminded everyone of the Adult Dive-In movie night on Friday at the Municipal Pool.

Mr. Kyger noted his hope businesses that closed for the summer would reopen soon. Mr. Kyger advised the Verizon Store on College Corner Pike was having a Grand Opening on August 11. Mr. Kyger noted the new Daycare Center at 5500 College Corner Pike would be a nice addition to that site. Mr. Kyger referred to the Red Brick Estates project and advised the Oxford Country Club Board voted to accept the City's offer to purchase the necessary stub street.

Mr. McKeehan advised Councilor Blackburn was still recuperating at the Knolls of Oxford.

Mr. McKeehan noted the "Welcome to Oxford" sign on SR 732 had been obscured by native grasses and thanked Mr. Dreisbach and his staff for taking care of it.

Mr. Ellerbe noted on August 19 a "Street Survival" event would take place in the parking lot at Millett Hall. Mr. Ellerbe advised the event allows a new driver to reach the limits of their car and understand the dynamics that happen at the limit so they are not surprised when someone walks in front of them from between 2 parked cars or when other situations happen that are beyond the drivers control. Mr. Ellerbe noted the event teaches confidence in car control in a controlled environment which is very beneficial and he whole heartily recommended it especially for new drivers. Mr. Ellerbe advised for more information people could go to streetsurvival.org.

Mr. Dana complimented Mr. Newlin on his quarterly reports noting he found them to be very good and he found it interesting that income taxes were up 7.14% in the first quarter. Mr. Newlin advised it was due to new businesses, construction in the City and the fact that employers were starting to give raises to their employees since the economy has improved

Ms. Southard reiterated the Town/Gown conference was incredible and it was wonderful to see so many people in Oxford.

Ms. Southard noted with summer ending a series of free concerts have taken place at the Oxford Community Arts Center and the last one is Monday at 6:00 p.m. Ms. Southard advised the "Dog Days" event was this weekend which was an opportunity for people to enjoy the Uptown businesses. Ms. Southard noted in honor of Councilor Blackburn she wanted to announce the Porsche event would take place Saturday, August 12.

Mayor Rousmaniere noted during the Dog Days event on Saturday a Puppy Parade would take place at 10:00 a.m.

Mayor Rousmaniere advised on August 15 before the regular Council meeting a Work Session was scheduled at 6:30 p.m. with the Coalition for a Healthy Community.

Mr. McKeehan noted Miami University was going to sponsor a continuation of the Annual Summer Music Festival on Thursdays through the month of September.

ADJOURN

Mr. Dana moved to adjourn at 10:17 p.m. Mr. McKeehan seconded. The motion passed 6-0-0.