

A regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, August 2, 2016 at 7:30 p.m. Those members present were Bob Blackburn, Steve Dana, Kevin McKeehan, Mike Smith and Edna Southard. Glenn Ellerbe was excused.

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

PLEDGE OF ALLEGIANCE

Mayor 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

PRESENTATION

AUDITOR OF STATE

Mr. Joe Braden, noted it was an honor to be in the City of Oxford on behalf of Auditor of State, Dave Yost to present Joseph Newlin, Finance Director, and the City of Oxford with the Auditor of State Award with Distinction for the 2015 fiscal year period. Mr. Braden advised the award put Oxford in a very unique group as the Auditor of State audits nearly 6,000 entities and less than 300 were eligible to receive the award. Mr. Braden discussed the criteria necessary to receive the award including the completion of a Comprehensive Annual Financial Report within 6 months of the fiscal year end and having a clean audit. Mr. Braden noted the award represented the hard work of City employees who strive each day to achieve accounting excellence. Mr. Braden recognized Council members and the Mayor for their job of watching the tax payers dollars. Mr. Braden presented Mr. Newlin with the award and a letter from Auditor Yost.

Mr. Newlin thanked Mr. Braden for the award and recognized his staff noting they did a great job of handling the day to day work that enabled the City to receive a clean audit. Mr. Newlin noted the Department Heads did a great job of working with the Finance Department to make sure everything was done according to state law and he appreciated their support.

Mayor Rousmaniere thanked Mr. Braden for coming to Oxford and thanked Mr. Newlin and staff for their efforts.

NOTICE TO LEGISLATIVE AUTHORITY

New permit for Miami University, Yager Stadium 700 Weeb Ewbank Way Oxford, Ohio 45056.

Mr. Kyger advised when a liquor license is being sought inside the City of Oxford the City is given notice and must acknowledge the notice within 30 days. Mr. Kyger noted Miami University was seeking to sell beer at Yager Stadium and there were no liquor licenses under the quota system available for Oxford so they were seeking a D5i permit. Mr. Kyger advised the D5i permit was also called a 'restaurant' permit and Yager Stadium met the qualifications (page 5 of Council's packet) to be eligible for a D5i permit. Mr. Kyger noted the intent was to use the beer portion of the permit for Yager Stadium. Mr. Kyger advised Ted Pickerill from Miami University was in attendance and he or Mr. Pickerill would answer any questions.

Mayor Rousmaniere referred to page 5 of Council's packet regarding the requirement to have inside seating for at least 4,000 people and inquired if beer would be sold outside as in tailgating. Mr. Pickerill advised the intent was to sell beer inside the stadium and he did not expect any changes to the tailgating policy.

Mr. McKeehan moved to accept the notice without comment. Mr. Dana seconded. The motion passed 6-0-0.

PUBLIC COMMENTS

Mr. David Brown, Butler County Auditor's Office, noted he was happy to be in attendance representing County Auditor, Roger Reynolds. Mr. Brown noted the county completed their Popular and Comprehensive Annual Financial Reports and they were available at www.butlercountyohio.org. Mr. Brown noted the county also received the special award from the State Auditor which was to be applauded as not many entities qualify for it. Mr. Brown updated Council and the public with regard to the 'skimmer' situation in Butler County noting it had been 2 months since one was found at a gas station and the county would continue their enforcement efforts to protect consumers. Mr. Brown updated Council and the public with regard to the County Board of Review Hearings and new construction reviews. Mr. Brown reminded everyone the 2nd half taxes were due August 4th.

Mayor Rousmaniere thanked Mr. Brown for his report.

CONSENT AGENDA

Ms. Southard requested removal of item A. Minutes.

REPORTS

Report regarding the June 14, 2016 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the July 20, 2016 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

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Report regarding the June 22, 2016 Civil Service Commission Meeting. (Candi Turpin, Human Resources Director)

Report regarding the July 21, 2016 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)

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

MINUTES

Minutes of the July 19, 2016 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Ms. Southard requested the minutes be amended to add language to page 9 second to last paragraph as follows: *Ms. Southard referred to page 49 of Council's packet, the General Decision Standard number 13 'Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance' and advised there was no answer listed. Ms. Southard inquired if it did result in some kind of destruction and if so should it be a condition in the ordinance that Council considers. Mr. Chen referred to the aerial photo and advised road construction would impact the natural area. Mr. Chen noted because the road was going to extend and there is a lot of heavily vegetated area, there would be clearing and there would be tree removal.*

Mr. Dana moved to approve the minutes as amended. Mr. McKeehan seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION

ACCEPTING ANNEXATION

A Resolution No. 4998 accepting the annexation to the City of Oxford, Ohio of certain territory proposed to be annexed to the City of Oxford, Ohio pursuant to a petition filed with the Board of County Commissioners of Butler County, Ohio by Douglas R. Elliott, Jr., Agent for petitioners, as provided by Section 709.023 of the Ohio Revised Code. (Doug Elliott, City Manager)

Mr. Elliott noted this legislation was necessary as part of the settlement agreement with Century 21 located at 3996 Millville Oxford Road for the US 27 S. right-of-way acquisition. Mr. Elliott advised the property owners of the Century 21 office agreed to the annexation of their property to the City of Oxford and the annexation petition was filed with the Butler County Commissioners on Tuesday, July 19, 2016. Mr. Elliott noted an expedited Type II process would be utilized for this annexation. Mr. Elliott advised he would serve as the statutory agent for the petitioners. Mr. Elliott noted this resolution dealt with the acceptance by City Council of the annexation petition and the next resolution dealt with the services the City would provide to the annexed property.

Mr. Elliott advised when the property is annexed to the City, the current Township zoning will continue (A-1 Agricultural) until it is rezoned by the City and at that time he would recommend to the Planning Commission and City Council that it be rezoned GB (General Business).

Mr. Ken Thacker, Century 21, noted this is what was agreed upon and Century 21 was excited to annex the property.

Mr. Dana noted the annexation helps the 27 S. improvement process. Mr. Elliott advised right-of-way acquisition was necessary to make the improvements and the annexation was part of the settlement with Century 21.

Ms. Southard moved to adopt Resolution No. 4998. Mr. Dana seconded. The motion passed 6-0-0.

RESOLUTION **STATEMENT OF SERVICES**

A Resolution No. 4999 regarding zoning buffers and adopting a statement indicating the services the City of Oxford, Ohio will provide to the territory proposed to be annexed to the City of Oxford, Ohio pursuant to a petition filed with the Board of County Commissioners of Butler County, Ohio filed by the petitioners, Shawn Baker, Holly Baker, and the City of Oxford, Ohio, for the annexation of 0.458 acres of land more or less in Oxford Township, Butler County, Ohio to the City of Oxford, Ohio as provided by Section 709.023(C) of the Ohio Revised Code. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed Resolution was a statement of the services the City will provide to the annexed property and buffering if there are any incompatible uses. Mr. Elliott noted this and the previous Resolution were required by state statute.

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

Mayor Rousmaniere inquired what the term 'more or less' meant in the Resolution and Mr. McHugh advised it was a term used in the event the property was slightly plus or minus 0.458 acres.

Mr. McKeehan moved to adopt Resolution No. 4999. Mr. Dana seconded. The motion passed 6-0-0.

RESOLUTION **SPECIAL ASSESSMENT**

A Resolution No. 5000 authorizing the assessment of delinquent charges for the removal or destruction of noxious vegetation to be placed on the Butler County, Ohio property tax duplicate. (Jung-Han, Chen, Community Development Director)

Mr. Chen advised this process was utilized annually when property owners fail to abate a tall Grass violation. Mr. Chen noted the City hires a private contractor to abate the violation and the cost would be paid by the property owner or it would be levied onto the property.

Mr. Chen advised the cost incurred by the City would be reimbursed when property tax was due or when the property was transferred. Mr. Chen noted there was only one property this year to be submitted to the Butler County Auditor and the due date was September 10th.

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

Mr. Dana noted there has never been instances in which the collection of money has not occurred through one or the other means. Mr. Chen advised that was correct.

Mr. McKeehan noted the property in question appeared to be a foreclosure based on the owner being a bank. Mr. McKeehan advised the City should be paid when the property is liquidated.

Mr. Dana moved to adopt Resolution No. 5000. Mr. Smith seconded. The motion passed 6-0-0.

RESOLUTION
BUTLER COUNTY
DRUG TASK FORCE

A Resolution authorizing the City Manager to enter into an agreement to participate in the Butler County Sheriff's Drug Task Force. (John Jones, Police Chief)

Chief Jones advised this was another effort to stop drug abuse and noted the City did a lot of education, worked to get people into treatment and did a lot of drug take-backs. Chief Jones advised this was the enforcement piece of those efforts which the City previously participated in and had to pull out due to staffing limitations. Chief Jones noted participating in the Drug Task Force brought a lot of resources to the City and when a seizure occurred the City would collect a portion of those proceeds.

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

Mayor Rousmaniere referred to Chief Jones's staff report on page 33 of Council's packet and read the following 'Thus far in 2016 we (the City of Oxford) have experienced four deaths from heroin overdoses, one drug related homicide, and numerous other non-fatal overdoses and related crimes'. Mayor Rousmaniere advised it was important to know Butler County had one of the most challenging drug incidences in the State of Ohio and Oxford was not immune from that.

Ms. Southard moved to adopt Resolution No. 5001. Mr. Dana seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

ORDINANCE
CHAPTER 1143

An Ordinance Repealing Oxford Codified Ordinance Section 1143.12 Entitled General Business District, And Adopting New Oxford Codified Ordinance Section 1143.12 Entitled General Business District, And Adopting New Oxford Codified Ordinance Section 1143.16 Entitled Neighborhood Business District. (Jung-Han Chen, Community Development Director)

Mr. Chen noted there were two components to the proposed amendment one of which was to create a Conditional Use Application for large development projects to ensure secondary impacts would be mitigated appropriately through review by the Planning Commission and City Council. Mr. Chen advised the second component was to create a Neighborhood Business District. Mr. Chen noted a Planning Commission subcommittee worked on this legislation for two years and the Planning Commission felt this would provide a legitimate process for potential business owners that didn't want to be in the General Business District to provide services to neighborhoods. Mr. Chen advised the idea of a neighborhood commercial district was to serve adjoining neighborhoods and the uses allowed under this district would tend to be small scale, pedestrian oriented.

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

Mr. Vincent Hand, 511 E. Chestnut Street, Environmental Commission member, referred to page 44 of Council's packet (d) Supplementary Regulations and noted it gave specifics about landscaping and inquired if it was consistent with the work being done by the Environmental Commission and Mr. Treleaven, the City's Environmental Specialist, and Mr. Chen advised yes.

Mayor Rousmaniere referred to page 43 of Council's packet and asked Mr. Chen to provide an overview of what the Neighborhood Business District would allow and not allow. Mr. Chen advised the Neighborhood Business District would allow professional services, retail services, child daycare, cultural facilities and other businesses that were no more than 2,500 square feet.

Ms. Southard inquired if this was part of the overall zoning code review. Mr. Chen advised yes and noted there would be additional legislation coming before Council for consideration as a result of the zoning code review.

Mr. Dana inquired if other cities had districts like this and what the impact was. Mr. Dana asked for other examples of the use of this type of district. Mr. Chen advised a lot of cities had different business districts such as a town center district, general business and neighborhood districts. Mr. Chen noted neighborhood districts were common in local municipalities and townships and the uses were consistent with Oxford's proposed ordinance.

ORDINANCE
CHAPTER 1133

An Ordinance Repealing Oxford Codified Ordinance Section 1133.01 Entitled Establishment Of Zoning Districts, And Adopting New Oxford Codified Ordinance Section 1133.01 Entitled Establishment Of Zoning Districts. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the only change to the existing Ordinance was the insertion of the Neighborhood Business District.

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

ORDINANCE
CHAPTER 1147

An Ordinance Repealing Oxford Codified Ordinance Chapter 1147 Entitled Conditional Uses, And Adopting New Oxford Codified Ordinance Chapter 1147 Entitled Conditional Uses. (Jung-Han Chen, Community Development Director)

Mr. Chen referred to pages 74 and 75 of Council's packet and noted the proposed legislation would add certain use regulations and potential concerns for those listed in the Conditional Use section of the new Neighborhood Business District as well as uses listed in other zoning districts.

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

ORDINANCE
CHAPTER 1151

An Ordinance Repealing Oxford Codified Ordinance Chapter 1151 Entitled Signs, And Adopting New Oxford Codified Ordinance Chapter 1151 Entitled Signs. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Ordinance would create sign regulations for the new Neighborhood Business District. Mr. Chen noted the signage regulation is similar to the regulations of the RO (Residential Office) District.

Mayor Rousmaniere noted the proposed ordinance set limitations on brightness, placement and size of the signs in the Neighborhood Business District.

Ms. Southard inquired how large or how small the Neighborhood Business District could be. Mr. Chen advised a single parcel should be avoided and noted contiguous block faces or block would be good candidates.

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

ORDINANCES
SECOND READING

ORDINANCE
PLANNED DEVELOPMENT

An Ordinance No. 3359 Approving The Planning Commission's Recommendation For Preliminary Plan Approval Of A Planned Development To Be Located On 23.189 Acres Of Vacant 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. Chen advised he had no new information since the first reading of the proposed Ordinance. Mr. Chen emphasized this was a two step process and the Preliminary Planned Development application allowed the developer to present the concept of what the development project would be. Mr. Chen advised the Final Planned Development application would be presented to the Planning Commission and to City Council. Mr. Chen noted an approved Preliminary Planned Development application was valid for 2 years with the option for the applicant to ask for a one year extension twice. Mr. Chen advised the Final Planned Development application could be submitted during that time.

Mayor Rousmaniere noted the Final Planned Development application would follow the conditions set by the Planning Commission and any conditions added by City Council.

Ms. Etta Reed, Bayer Becker, advised Bryan Price, the developer for the proposed subdivision was with her this evening and they would answer any questions Council may have.

Mr. Douglas Brooks, 227 Country Club Lane, submitted photos of the Olde Farm Road area streets showing evidence of standing water problems for Council's consideration noting Stephanie Moore provided the photos. Mr. Brooks advised the culture of the proposed development was completely different than the one that currently existed on Country Club Lane and the Plantation development. Mr. Brooks noted the homes looked completely different and the density was drastically different. Mr. Brooks proposed to Council and to the developer that they market the unique neighborhood as a dead-end street instead of feeling obligated to complete an oval roadway. Mr. Brooks noted the people currently living there were Council's constituents and they had something they liked, something they had lived in for a long time and they had managed the difficulties of the neighborhood for a long time. Mr. Brooks advised the homes were routinely refurbished and the neighborhood was in a youth recycle. Mr. Brooks noted a dead Ash tree that needed to be cut down soon as it was a hazard. Mr. Brooks discussed his concerns about traffic noting the potential for each new house to have 4 unrelated tenants and 4 vehicles. Mr. Brooks noted he felt the developer would have less trouble selling properties on a dead-end street.

Ms. Beverly Rambo, 111 Olde Farm Road, thanked Mr. Brooks for submitting the photos from Stephanie Moore. Ms. Rambo noted she had lived in her house for 21 years and it was a very quiet, nice neighborhood when she moved in. Ms. Rambo advised she was seeing a turn over in the neighborhood of newer families which was wonderful. Ms. Rambo discussed neighbors having a large amount of people visiting on weekends and evenings and noted she did not believe traffic studies addressed weekend traffic. Ms. Rambo asked Council to take into consideration evenings and weekends noting she could have 4-12 cars parked in front of her house. Ms. Rambo advised she felt if Olde Farm Road was extended it would upset the barrel and it would not be the neighborhood she moved in to.

Mr. Jim Chagdes, 209 Country Club Drive, displayed a slide of the proposed development noting the average lot size was 10,000 square feet and the average lot size in the Heritage subdivision was 22,000 square feet. Mr. Chagdes advised if the proposed development went through the subdivision process 15,000 square feet would be required with a lot width of 90 feet where 20 houses could be built. Mr. Chagdes noted he felt the developer decided not to use the subdivision process because of wetlands on the property and the need for detention basins to take care of the hydrology issues.

Mr. Chagdes advised he felt the developer went with the Planned Development so they could build more houses as the Planned Development allowed them to shrink lot sizes. Mr. Chagdes noted in talking with City staff he found 53 houses could be built on the 23 acres taking away 20% for roads and assuming houses could be built on top of wetlands and detention basins. Mr. Chagdes advised taking away the wetlands and detention basins they could build an estimated 46 houses. Mr. Chagdes noted 5 lots in the proposed development were at or above R1A subdivision lot sizes which were 15,000 square feet and 23 lots were at or below 8,650 square feet which was less than .2 acres. Mr. Chagdes asked Council to consider bringing the lot sizes closer in line to the existing Heritage subdivision lot sizes.

Mr. Scott Johnston, 131 Country Club Drive, noted as stated by Mr. Chen, this was a staged process and the developers were not going to do all of the math and layout to answer detailed questions until they get the go ahead to proceed. Mr. Johnston advised he felt the problem Council and the Planning Commission were facing was sorting out what they were hearing. Mr. Johnston noted an example of curb appeal was houses shoulder to shoulder with each having a driveway and all you see is fronts of houses and driveways like Kelly Drive. Mr. Johnston advised that is what you'll see as opposed to what you see on Olde Farm Road and Council and the Planning Commission had to visualize that and realize it was really different than the current subdivision. Mr. Johnston noted two meetings ago a water problem was identified as the culvert going into the back of the Country Club and now its been fixed although it had nothing to do with backyards and basements flooding. Mr. Johnston advised the culvert was 150 yards from the closest house with flooding issues and the basements were 12-15 feet above the culvert. Mr. Johnston noted the storm water drain had an open ditch running 25 feet before it reached the culvert so if the culvert is damaged the water flooding over had nothing to do with water in backyards and basements. Mr. Johnston advised the culvert was a problem, it got fixed and the tough thing was to figure out and understand the consequences at work when dealing with a water problem and the answers they bring back to us.

Ms. Ruth Engel, 121 Olde Farm Road, noted she wasn't going to address the new development per se. Ms. Engel advised there were no sidewalks to speak of in her neighborhood especially at the entrance of the subdivision. Ms. Engel noted although the developer would not be expected to install sidewalks for the existing subdivision the increase in traffic would affect everyone. Ms. Engel advised the developer addressed the water issue by planning to install settlement ponds and stating a Home Owners Association would be created. Ms. Engel noted HOAs were great when they worked and it would take time to sell all of the lots. Ms. Engel inquired in the meantime how the settlement ponds would be taken care of.

Mr. Ken Thacker, Century 21, advised Strait Gate did a fantastic job and built amazing homes that sold very easily. Mr. Thacker noted he liked the layout of the development as opposed to a normal subdivision. Mr. Thacker advised most of the density was on the backside of Prevalent Drive which had higher density on that end and it would be a nice transition. Mr. Thacker noted there was a huge need for home lots in Oxford. Mr. Thacker advised these homes were a great product and he felt it was a great opportunity to bring people into the area.

Ms. Stephanie Chagdes, 209 Country Club Drive, noted there was discussion at the last meeting regarding home values and the proposed development was compared to the Autumn Drive and Winding Brook Drive area and how it was not perceived to affect home values.

Ms. Chagdes advised she felt this was not a fair comparison as Autumn Drive had its own entrance and exit like a small neighborhood. Ms. Chagdes noted the proposed development was very much integrated into theirs and it would become one loop. Ms. Chagdes advised the neighbors realized there was a need and a market for smaller lots and what struck them most was the drastic change in their well established neighborhood.

Mr. Dana inquired who Mr. Chagdes spoke with when he mentioned 'the committee' and if he spoke to them about his idea of 'feathering' the lots. Mr. Chagdes advised he communicated with City Planner Sam Perry by email and copied Mr. Chen. Mr. Chagdes noted most of the communication was for code clarification. Mr. Dana inquired if Mr. Chagdes had communicated with Ms. Reed and Mr. Chagdes advised no.

Ms. Etta Reed, Bayer Becker, noted when the proposed plan was laid out the purpose was to do a transition of the lot size from Country Club Drive and proceeding west. Ms. Reed advised the property to the west was vacant and zoned R1B which would allow 7,500 square foot lots. Ms. Reed noted 7 lots were immediately adjacent to Country Club Drive and ranged from 11,521 to 13,739 square feet and the larger lots were purposely placed adjacent to the Heritage subdivision. Mr. Reed advised the smaller lots were internal to the development and on the west property line. Ms. Reed noted it was mentioned if a traditional subdivision was built the developer would lose lots due to detention basins and advised detention basins could be located on single-family lots.

Ms. Southard noted at the last meeting she raised concerns that part of the area proposed for development was a wetland and Council didn't know exactly how that was defined. Ms. Southard stated she understood the Army Corps of Engineers and the EPA would be involved. Ms. Southard noted in the 1960's when the Heritage subdivision was developed there were different concerns about the environment than we had now. Ms. Southard advised Council discussed that 90% of the wetlands in the country have been destroyed and everyone was concerned about preserving the environment. Ms. Southard proposed adding condition number 10 to the proposed Ordinance as follows: "An inventory of the natural scenic and historic features of the land including vegetation, trees and so forth be compiled for the final development." Ms. Southard inquired if other Councilors would agree to the developer providing an inventory of the trees and natural vegetation as a requirement for the final project. Ms. Southard also asked that the Environmental Commission work on developing language to review environmental issues at early stages of development comparing Oxford's standards to those of other towns and cities. Ms. Southard requested that the Environmental Commission perform a focused review of sensitive development areas that would be codified in Oxford Codified Ordinance Chapter 1101 for Subdivisions and Chapter 1145 for Planned Developments. Ms. Southard asked the Environmental Commission to finish their project of crafting environmental requirements for major site development plans which they worked on in 2015. Ms. Southard noted she would like to see standards in Oxford raised and become higher for the protection of our environment.

Mr. Dana advised he felt Ms. Southard's proposal was sound because it could have a salutary impact on future developments. Mr. Dana noted he was unsure to what extent it could be integrated into this development plan.

Mayor Rousmaniere noted Ms. Southard discussed work to be done by the Environmental Commission and adding a condition to the proposed Ordinance.

Ms. Southard restated the proposed condition as follows: “An inventory of the natural scenic and historic features of the land including vegetation, trees and so forth be compiled for the Final Planned Development plan” and added ‘by the developer’.

Ms. Southard moved to add condition #10 as follows: An inventory of the natural scenic and historic features of the land including vegetation, trees and so forth be compiled for the Final Planned Development plan by the developer. Mr. Dana seconded.

Mr. Blackburn inquired if the inventory would be a hardship for the developer. Ms. Reed advised it was not required and it would be an additional expense. Ms. Reed noted she felt the request was very broad and asked for clarification of what was deemed scenic and what was historic and if an inventory would be done for the entire 23 acres. Ms. Reed inquired if Ms. Southard was specifically looking for something. Ms. Southard noted the issues were that some of the trees could be 100 years old and she felt it needed to be known how old the trees were, if there were rare trees on the property, if there was unusual vegetation on the property and how far the wetlands extended. Mayor Rousmaniere inquired if there was a standard inventory for these type of things and Mr. Chen advised the City did not have a standard and noted he assumed Ms. Southard was referring to the northern end of the property. Mr. McHugh advised normally there was a certain caliper size of trees inventoried and the inventory was used in an effort to preserve as many trees as possible. Ms. Reed inquired what would happen if there were 100 year old trees on the property.

Mr. Scott Johnston, 131 Country Club Drive, advised he felt Council had to be able to tell the developer what the consequences of an inventory would be. Mr. Johnston noted there was a precedent for major civil engineering projects such as a shopping center or a run-way and if wetlands were done away with the developer is obligated to recreate a wetland elsewhere. Mr. Johnston advised there was a precedent for asking for landscaping around the retention basins.

Ms. Reed advised there were large older trees at the end of Country Club Drive where the street connection must be made and there will be trees in the way of the public right-of-way. Ms. Southard noted all Council had was a aerial photo and it would be nice to know what was on the land. Ms. Reed advised the developer would incur an expense to hire an arborist to judge the quality and health of a tree when we knew it would be removed to extend a public street which was required by the developer. Ms. Reed noted it was a expense she wasn’t sure we were getting anything out of.

Mr. McKeehan advised he could not support the motion noting it was too broad and way too late in the process. Mr. McKeehan noted he was open for doing something in this regard for future development.

Ms. Southard referred to General Decision Standard (13) on page 115 of Council’s packet ‘Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance’ and advised there was no answer on page 115 and it remained a moot point. Ms. Southard reiterated all Council had was an aerial photo and that was why she felt it was legitimate to ask for an inventory of some sort to be done.

Mr. Smith advised he felt Council could not impose an ambiguous inventory condition (of some sort) upon a developer.

Mr. Smith noted he felt this could open Council up to a lot of other questions and legal issues and he didn't think Council could make this up on the dais tonight. Mr. Smith advised it probably needs to exist but it has to be defined and he didn't think it could be brought into this project at this time.

Mayor Rousmaniere and Mr. Dana concurred with Mr. Smith.

Ms. Southard restated the motion.

Ms. Southard moved to add condition #10 as follows: An inventory of the natural scenic and historic features of the land including vegetation, trees and so forth be compiled for the Final Planned Development plan by the developer. Mr. Dana seconded. The motion failed 1-5-0 with Mr. McKeehan, Mr. Dana, Mr. Blackburn, Mr. Smith and Mayor Rousmaniere voting nay.

Mr. Smith inquired if there had been any discussion with the owners of the private parcel on Grace Drive. Mr. Chen advised a letter was sent to them last week and so far he has not heard from them. Mr. Smith inquired if there were plans to do anymore Ash tree removal in the Country Club Drive/Olde Farm Road area noting there was at least one more that needed to be removed. Mr. Dreisbach noted he was not aware of the complaint brought up this evening. Mr. Dreisbach advised dozens of trees were removed from that area last year that were infected or diseased with Emerald Ash Borer. Mr. Dreisbach noted he would follow up with the complainant to discuss the tree he mentioned this evening and the issues with it.

Mr. Dana noted he felt Planned Developments were well suited to execute the goals of the Comprehensive Plan as they provided environmentally sensitive and cohesive developments that were attractive alternatives to traditional subdivisions. Mr. Chen agreed and reiterated the Planning Commission recommended approval of this proposed Planned Development unanimously with conditions.

Mr. McKeehan advised currently there were 11 building lots in Oxford for single family homes and there were undeveloped properties like the one in question and the one near Western Knolls adjacent to the middle school that are all zoned residential but there was no movement to develop them at this time. Mr. McKeehan noted the 11 lots were going fast even though they were probably the least desirable lots due to some sort of compromise. Mr. McKeehan advised he felt if Oxford wanted to continue to grow and be an attractive community we needed to be able to house people. Mr. McKeehan noted Council constantly heard Miami University professors and staff were moving away or not locating here because there's not an adequate supply of housing for them. Mr. McKeehan advised he didn't believe the proposed development would negatively affect surrounding property values as he had seen the homes built by Mr. Price and they were upscale homes. Mr. McKeehan noted he supported the proposed Ordinance.

Mayor Rousmaniere advised she served on the Planning Commission and they met until after 11:00 p.m. when this proposal was before them. Mayor Rousmaniere noted at that meeting the neighbor's main concerns were about water and drainage and more recent comments had been about density, traffic, culture and curb appeal. Mayor Rousmaniere read some of the comments she had received and asked why different was bad and why all neighborhoods had to look alike. Mayor Rousmaniere advised Council could not legislate style and difference.

Mayor Rousmaniere agreed the lots were smaller and not consistent with the original Heritage plan. Mayor Rousmaniere pointed out there was no plan for the expansion of the Heritage subdivision or if there was it was 40 years ago. Mayor Rousmaniere noted for 40 years the property in question had been empty with stubs leading into it so the fact it would be developed should not be a surprise. Mayor Rousmaniere advised this was not an extension of Heritage subdivision and even if it was inquired why it couldn't look different. Mayor Rousmaniere noted to her smaller densely arranged homes were not always bad and a lot of people in the community were talking about retiring in place. Mayor Rousmaniere advised many seniors living in large houses were looking for smaller single story houses with low maintenance yards as a nice place to retire. Mayor Rousmaniere inquired if a 'McMansion' would be better for this community. Mayor Rousmaniere noted smaller lots meant less likelihood of building expansion and inquired if that was a good or bad thing. Mayor Rousmaniere addressed the traffic issue and advised this was a circular road and the only people driving on it would be people living in the neighborhood. Mayor Rousmaniere noted if people were driving too fast the City had ways to address that. Mayor Rousmaniere advised the developer proposed a Neighborhood Conservation Overlay District be applied for to limit the number of unrelated people living in the proposed development and noted this was not going to be student housing. Mayor Rousmaniere advised the City had a commitment to connectivity and continuity as addressed in Zoning Code Chapter 11. Mayor Rousmaniere noted the circular road was safer for police and fire vehicles and she felt it improved neighborhood community relations. Mayor Rousmaniere advised the issue of missing sidewalks in the existing neighborhood was mentioned and the City had a process that residents could follow to get sidewalks installed. Mayor Rousmaniere advised she supported the proposed Ordinance.

Mayor Rousmaniere advised she was glad Mr. Price was in attendance noting she was concerned about how this development had proceeded. Mayor Rousmaniere advised Mr. Price met with residents early on and it was her understanding the residents left the meeting with less information about the development than when they came to the meeting. Mayor Rousmaniere noted at both the Planning Commission meeting and the first reading at the last Council meeting it was clear residents did not have a good understanding of the project or the process. Mayor Rousmaniere advised various citizens thought this was a rezoning project which it was not. Mayor Rousmaniere noted residents had little understanding of the benefit of detention basins and she learned detention basins would ease the problems they've had all these years. Mayor Rousmaniere advised at the Planning Commission meeting residents still thought there would be no garages or sidewalks. Mayor Rousmaniere noted she felt Mr. Price did the minimum of what he had to do as a developer.

Mr. Bryan Price, Red Brick Development LLC, advised the preliminary meeting he held was not required and he rented the Country Club, provided appetizers and had pictures of everything he intended to develop. Mr. Price noted the residents in attendance told him about their drainage issues and told him they didn't care what kind of houses would be built. Mr. Price advised he planned to attend the July 5th Council meeting however Council cancelled that meeting. Mr. Price noted he had lived in Oxford his whole life and had 4 kids who attended Talawanda Schools and Miami University. Mr. Price advised his company was a custom builder, they were not a MI or a Ryan, they were not a production home builder and there was a distinct difference.

Mr. Andrew Riggs, 106 Country Club Drive, noted he felt Council was getting the wool pulled over their eyes with a planned development verses a subdivision.

Mr. Riggs advised if Council wanted to see what 75' x 115' lots looked like fully developed to visit the development in Hamilton off of Northwest Washington Boulevard as the lots were the exact size as what's proposed here. Mr. Riggs noted he felt it would absolutely not fit into the landscape of his neighborhood.

Mr. Blackburn advised the hardest thing when building in Oxford was the cost of the land and the developer was trying to use less land and still provide a good product to individuals buying the houses. Mr. Blackburn noted he felt people would be happy with the product that was going to be built there and Oxford needed more housing. Mr. Blackburn advised he thought it was a good project.

Mr. Dana asked Ms. Reed to address the expected traffic impacts and pedestrian safety.

Ms. Etta Reed, Bayer Becker, advised the Planning Commission requested a Traffic Impact Study and Bayer Becker consulted with City Engineer, Victor Popescu and scoped the study with him. Ms. Reed noted they did trip generations and presented those compared to existing volumes on Contreras and Contreras due to the low volume of traffic it carried on the road the amount of traffic to be generated by this development would not create an impact at the intersection of Olde Farm Road.

Ms. Southard referred to her motion that failed and noted her hope the developer would take into account the existing trees and natural vegetation and go extra lengths to care for the wetlands, natural areas and oldest trees that exist there. Mr. Price advised that was in everyone's best interest and made the homes more marketable. Ms. Southard referred to the decision standards as presented on page 115 of Council's packet and noted she was still concerned with number (13) 'Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.' Ms. Southard advised she wasn't sure how we knew there was nothing of major importance on the property in question.

Mayor Rousmaniere advised Council could not vote yes or no on something because they liked or disliked it which was why the codified decision standards were utilized.

Mr. Jim Chagdes, 209 Country Club Drive, noted he felt his neighbors liked different types of housing and no one would complain about open space and more trees. Mr. Chagdes advised they were concerned with the dramatic decrease in lot size.

Mr. McKeehan moved to adopt Ordinance No. 3359. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

Mayor Rousmaniere thanked all of the citizens for their input on this issue and asked them to keep an open mind regarding this project.

ORDINANCE

SECOND READING

NEW CHAPTER 725

An Ordinance No. 3360 Repealing Oxford Codified Ordinance Chapter 725 Entitled Taxicabs, And Adopting New Oxford Codified Ordinance Chapter 725 Entitled Taxicabs. (Alan Kyger, Economic Development Director) **(Tabled)**

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

Mr. Kyger noted given the comments made at the last meeting it was felt some of the language was too vague. Mr. Kyger referred to page 167 of Council's packet item 725.07 (e) 7. Mr. Kyger advised he, the City Manager and Police Chief met and the language was revised to read 'Any person who has a **felony criminal record**, a lengthy, or diverse criminal record who, in the opinion of the Taxicab Licensing Official, should not be issued a taxicab operators license.

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

Mayor Rousmaniere noted Mr. Ellerbe was out of the country and she felt the additional language addressed his concern from the last meeting.

Mr. McKeehan thanked Mr. Kyger, Mr. Elliott, Chief Jones and Officer Carlson for their efforts in updating this Ordinance noting it was something the City seriously needed to update.

Mr. Dana moved to amend the proposed Ordinance by adding the words **felony criminal record** to Section 725.07 (e) 7 of the proposed Ordinance. Mr. McKeehan seconded. The motion passed 6-0-0.

Ms. Southard moved to adopt Ordinance No. 3360. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3361 Amending Ordinance No. 3335. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2016. (Joe Newlin, Finance Director)

Mr. Newlin advised he had nothing to add since the first reading of the proposed Ordinance.

Mayor Rousmaniere noted the supplemental budget dealt with health care and a fire grant.

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

Mr. Dana moved to adopt Ordinance No. 3361. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised he and Mr. Chen met with the new owner of the Miami Mobile Home Park to discuss his improvement plans for the park and policies for the residents. Mr. Elliott noted he was very encouraged with the new owner's plans.

Mr. Elliott reminded Council of the Work Session on Thursday, August 18th to discuss the 5 year Capital Improvement Plan (CIP).

Mr. Dreisbach updated Council and the public on the US 27 S. road widening project, US 27 S. water main installation, the Bonham Road bridge project, the hazard tree removal program and replacement schedule and the street resurfacing project.

Mr. Wooddell updated Council and the public on renovations planned for the shelter and playground at the Merry Day Park.

Mr. Kyger congratulated Tom and Sheryl Uhl for their efforts in running Stella's restaurant for 7-8 years noting they gave it a 'good run'.

Mr. Kyger noted Oxford did not receive Tiger grant funding and updated Council and the public on the efforts to bring an Amtrak station to Oxford.

Mr. Kyger noted the founders of the Oxford Music Festival, Ted and Maryrose Beerman were in town recently and attended the music festival where an impromptu Proclamation was presented to them to celebrate and recognize their efforts in creating this wonderful event.

Mr. McKeehan thanked the Police Department for all they do noting he attended along with many other Council members and staff the memorial service for former Chief Holzworth. Mr. McKeehan advised it drew to home what our Police do here and everywhere.

Mr. Dana advised he read in Mr. Dreisbach's report the City was awarded a grant towards the Collins Run Road alignment with Main Street and signalization of Chestnut Street project in an amount over \$300,000. Mr. Dana complimented Mr. Dreisbach on this award and expressed he was pleased this would happen.

Ms. Southard advised on July 20th 11 people from Oxford and Miami University attended the first Ohio Town Gown conference in Pickerington, Ohio. Ms. Southard thanked Mr. Elliott for organizing the trip noting it was a great experience for all of those who attended. Ms. Southard noted her hope Oxford and Miami University would continue to be involved in the town gown meetings since all college and university communities shared the same issues.

Mr. Blackburn advised the Red Brick Reunion Porsche Car Show would take place in Uptown Oxford on Saturday, August 13. Mr. Blackburn noted 200 cars were expected to participate and it would be a very nice show.

Mayor Rousmaniere advised August 6th was the Chamber of Commerce Dog Days event Uptown from 10:00 a.m. to 2:00 p.m.

Mayor Rousmaniere noted as an example of town gown efforts, the Oxford Visitors Bureau and Miami University were hosting an event for first year students called First Year Takeover on August 27th. Mayor Rousmaniere advised the event would include a scavenger hunt in Uptown Oxford.

Mayor Rousmaniere noted the Oxford Community Picnic sponsored by the Oxford Police Division would take place on Thursday, September 1st.

ADJOURN

Mr. Dana moved to adjourn at 9:56 p.m. Mr. McKeehan seconded. The motion passed 6-0-0.