

A regular meeting of the Oxford City Council was called to order by Mayor, Kate Rousmaniere on Tuesday, August 7, 2018 at 7:00 p.m. Those members present were Steve Dana, Glenn Ellerbe, David Prytherch, Chantel Raghu, Mike Smith and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. John Jones, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Sam Perry, Interim Community Development Director; Mr. Alan Kyger, Economic Development Director; Mr. John Detherage, Fire Chief; Ms. Candi Fyffe, Human Resources Director; 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. Ellerbe moved to approve the agenda. Mr. Dana seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Dana moved to appoint Dan Umbstead to the Civil Rights Commission for a term ending June 30, 2020, Wright Gwyn to the Environmental Commission for a term ending June 30, 2022, Scott Straker to the Housing Advisory Commission for a term ending June 30, 2021 and Chad Smith to the Historic and Architectural Preservation Commission for a term ending June 30, 2022. Mr. Ellerbe seconded. The motion passed 7-0-0.

Mayor Rousmaniere congratulated the new commissioners on their appointments.

PUBLIC COMMENTS

There were no comments from the public.

CONSENT AGENDA

MINUTES

Minutes of the July 17, 2018, 2018 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the July 17, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the July 10, 2018 Planning Commission Meeting. (Sam Perry, Interim Community Development Director)

Report regarding the July 12, 2018 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)

Report regarding the July 18, 2018 Board of Zoning Appeals Meeting. (Sam Perry, Interim Community Development Director)

RESOLUTION
LEASE AGREEMENT

A Resolution No. 7002 authorizing the City Manager to enter into an agreement with Canon Solutions America for a 60-Month Lease of a Canon ImageRunner Advance C5260 II Color Copier through state contract pricing. (Kim Newton, Assistant to the City Manager)

RESOLUTION
SURPLUS PROPERTY

A Resolution No. 7003 declaring certain City property no longer needed for Municipal purposes as surplus and authorizing the sale of said items to the highest bidder utilizing GovDeals, Inc. The proceeds thereof shall be deposited in the Fire/EMS Fund. (John Detherage, Fire Chief)

RESOLUTION
SALVAGE VEHICLES

A Resolution No. 7004 authorizing the sale of salvaged, junk and/or abandoned motor vehicles. (John Jones, Police Chief)

Mr. Dana moved to approve the Consent Agenda. Mr. Smith seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION
ACCEPTANCE OF DONATION

A Resolution No. 7005 accepting the donation of \$11,000.00 from the Oxford Community Foundation to be utilized for the necessary repairs to the Black Covered Bridge. (Joe Newlin, Finance Director)

Mr. Newlin advised staff was requesting Council to approve the donation of \$11,000 from the Oxford Community Foundation noting the funds were left over from the fund raising effort for the construction of Phase I of the Oxford Area trails project. Mr. Newlin advised the donation would go towards the Black Covered Bridge repairs.

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

Mr. Smith advised Council already appropriated money for the repairs and Mr. Newlin noted an advance was made and this donation would off-set the advance.

Ms. Southard moved to adopt Resolution No. 7005. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION
PRE-ANNEXATION
AGREEMENT

A Resolution No. 7006 authorizing the City Manager to enter into a pre-annexation agreement with the Knolls of Oxford, Oxford, Ohio, for land in the Township of Oxford, Butler County, Ohio, to be annexed into the City of Oxford, Butler County, Ohio, subject to the conditions stipulated in the pre-annexation agreement. (Sam Perry, Interim Community Development Director)

Mr. Perry advised the Knolls of Oxford had plans to expand using some land already within the City limits. Mr. Perry noted the Knolls owned a one acre parcel adjacent to land they own outside the City limits where they would like to add 2 buildings.

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

Mr. Prytherch noted Maple Knolls Communities also owned a parcel between the subject parcel and Fairfield Road and inquired if there was discussion about annexing it as well. Mr. Perry advised there were no plans at this time to develop that parcel and the Knolls was not interested in annexing it.

Ms. Southard reiterated her on-going concern about the speed on Fairfield Road and noted her hope the effort to reduce the speed on Fairfield Road would happen with the new aquatic center being built and with annexations of property into the City.

Mr. Prytherch noted he was always happy to see interior pieces of the township being annexed into the City.

Mayor Rousmaniere noted it was her understanding the property owner must request to be annexed into the City. Mr. Perry advised yes, for the Expedited Type II Annexation process where the City becomes the agent for the annexation.

Mr. Smith moved to adopt Resolution No. 7006. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION
DRUG USE PREVENTION GRANT

A Resolution No. 7007 authorizing the City Manager to accept the Ohio Attorney General's drug use prevention grant in the amount of \$12,361.70 for the 2018-2019 academic year to assist with the compensation of the City's School Resource Officers and with Drug Use Prevention Programs conducted in the schools. (John Jones, Police Chief)

Chief Jones advised the City has received this grant for the last few years to assist with drug use prevention programing and to help compensate the gap between what the school pays for the School Resource Officer and the actual salary of the officer.

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

Mayor Rousmaniere inquired what the status of School Resources Officers was. Chief Jones advised this grant was for one officer as the City only had one when the grant deadline was due. Chief Jones noted the next Resolution on the agenda was an agreement with the Talawanda School District for two officers.

Ms. Southard moved to adopt Resolution No. 7007. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION
SCHOOL RESOURCE
OFFICER PROGRAM

A Resolution No. 7008 authorizing the School Resource Officer Program Agreement between the Talawanda City School District and the City of Oxford and authorizing the City Manager to sign the agreement on behalf of the City. (John Jones, Police Chief)

Chief Jones noted the proposed Resolution would allow for two School Resource Officers for the Talawanda School District for the 2018-2019 school year. Chief Jones advised Talawanda decided to place an officer in every school building this year and noted the City would provide a SRO for the middle school and the high school. Chief Jones advised the Butler County Sheriff's Office would provide deputies for the elementary schools.

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

Mr. Dana noted he felt this was a great program. Mr. Dana inquired how the programming worked. Chief Jones advised the SRO was in the schools for safety and security as well as education prevention. Chief Jones noted Opioid Prevention classes were taught as mandated by the state along with cyber bullying and internet safety. Chief Jones advised the school staff was taught how to respond in an active shooter situation or other threats in the building. Chief Jones noted the SRO also builds relationships with the students to help address their needs.

Ms. Raghu inquired what type of training the SRO's received. Chief Jones advised like all officers the SROs receive continuing education through the State of Ohio and they also receive School Resource Officer training through the School Resource Officers Association. Chief Jones noted the Oxford SROs take classes such as tactics to responding to threats, dealing with juveniles in the juvenile justice system, crisis intervention and de-escalation. Ms. Raghu noted at the School Board meeting there was some concern about these officers being used to discipline students in the classroom and how that can be a disadvantage. Chief Jones advised OPD was very cognizant of that and tries to ensure the school understands not to over use the officers. Chief Jones noted the agreement outlines in detail what OPD will do and will not do. Ms. Raghu noted she assumed the SROs were armed and Chief Jones advised that was correct. Ms. Raghu noted in researching best practices for preventing school shootings the use of metal detectors was shown to be the best deterrent for an active shooter. Chief Jones noted he did not believe the Talawanda School District had an interest in installing metal detectors but it would be up to them to decide whether or not to work that into their plan.

Mr. Ellerbe inquired if OPD expected to receive increased grant funding with the additional officer and Chief Jones advised yes.

Mr. Prytherch inquired how the SRO's time was programmed. Chief Jones advised the SRO's work with the school principals on a day to day basis and work through any issues with them. Chief Jones noted the supervision of the SROs was done through OPD. Chief Jones advised this was a partnership with the school district and they work to maintain that.

Mr. Ellerbe moved to adopt Resolution No. 7008. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION
OPWC GRANT APPLICATION

A Resolution No. 7009 of Council supporting the submission of a grant application for Ohio Public Works Commission Issue 1 funds in the amount of \$151,800.00 to be used for the design and installation of a traffic control system at the intersection of Chestnut Street and College Avenue. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the installation of traffic signals was recently completed on Chestnut Street at Campus Avenue and at Main Street. Mr. Dreisbach noted a signal was warranted at the intersection of Chestnut Street and College Avenue as well and advised there was a grant opportunity to help pay for this \$220,000 project. Mr. Dreisbach noted the proposed grant would be 69% borne by the Ohio Public Works Commission and 31% borne by the City and advised the local obligation for this project would be \$68,200. Mr. Dreisbach noted Council's authorization was required to apply for the grant and advised staff would like Council's approval for the City Manager to sign all documents necessary to accept the grant should the City be successful in being awarded the funds.

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

Mr. Ellerbe inquired what kind of traffic control system would be installed. Mr. Dreisbach advised it would be a regular green light with pedestrian controls.

Mr. Dana advised he supported the proposed project noting he encounters that intersection regularly and he felt it needs what is going to come through the grant.

Mayor Rousmaniere inquired if the light would be sequenced with the other lights on Chestnut Street and Mr. Dreisbach advised yes.

Mr. Prytherch inquired what planning process leads to this project to become an agenda item. Mr. Dreisbach advised it was based on staff's observation.

Mayor Rousmaniere inquired if there were a lot of accidents at that intersection. Mr. Dreisbach advised data collectors were used to estimate average daily traffic volumes, personal observations were made of pedestrians that use the intersection as well as crash data from the Police Division.

Mr. Prytherch inquired if the local match needed to be budgeted for in the 2019 Capital Improvement Plan and Mr. Dreisbach advised yes.

Ms. Raghu referred to earlier conversations about who owns the roads and inquired if the City owned this road. Mr. Dreisbach advised the City will maintain and improve Chestnut Street and College Avenue. Ms. Raghu advised she spoke to ODOT and they thought the City needed an official legal opinion on which roads are owned by Miami and which roads are owned by the City. Mr. Dreisbach noted it was not just streets that might be grey areas and advised there were grey areas where the City cooperates with Miami on water main infrastructure, sanitary main infrastructure and storm water systems. Mr. Dreisbach advised there were grey areas all over where the city abuts Miami's campus. Mr. Dreisbach this was a challenging question that has not been fully addressed at this point. Ms. Raghu reiterated her interest in learning who owns which roads. Mr. Dreisbach suggested Council may wish to have a Work Session on the topic and Council could direct staff as to what they were willing to spend to do that and how far they want to take it as far as the courts are concerned.

Mr. Dana moved to adopt Resolution No. 7009. Mr. Smith seconded. The motion passed 7-0-0.

ORDINANCES

FIRST READING

ORDINANCE

CONDITIONAL USE PERMIT

An Ordinance Approving A Conditional Use Permit To Allow A Private Home-Based Music School In a R1A (Single-Family Low-Density Residential) District Located At 104 McKee Avenue Oxford, Ohio, With Conditions. (Sam Perry, Interim Community Development Director)

Mr. Perry advised as a result of zoning enforcement, staff made contact with the property owner to respond to a neighbor's question about how the property was being used. Mr. Perry noted Mr. Sanford responded well to one of the options he was given to maintain a business he started there which was music lessons. Mr. Perry noted one of the options was to follow the permitted home occupation process which is allowed by right in the zoning code, cease the business, or apply for a Conditional Use Permit for a school. Mr. Perry advised Mr. Sanford chose to apply for a Conditional Use permit which lead to the Planning Commission discussion in June for a private school for home music lessons. Mr. Perry advised since this did not meet the criteria for permitted Home Occupation which has limits on the number of customers, the number of employees, the amount of traffic and hours of operation that was not an option based on the business plan of Mr. Sanford. Mr. Perry advised Mr. Sanford's application for a Conditional Use permit was presented to the Planning Commission for a public hearing and they had a lengthy discussion. Mr. Perry showed slides of the property and neighborhood noting it was a single family house on the corner of McKee Avenue and Tenney Court. Mr. Perry advised Mr. Sanford revised his business plan limiting the number of non-resident teachers to two instead of seven. Mr. Perry noted the Planning Commission recommended approval by Council of the Conditional Use permit with two conditions, limiting the non-resident teachers to two on site at any given time and to prohibit parking on McKee Avenue for the business. Mr. Perry advised a petition was submitted to staff yesterday from neighbors opposing the Music School.

Mr. Perry advised Mr. Sanford was aware of the petition and still wanted to proceed with the Conditional Use process.

Mayor Rousmaniere advised Council had a copy of the petition and other letters from members of the community.

Mr. Jon Sanford, 104 McKee Avenue, Applicant, advised for the second hearing before the Planning Commission he proposed to significantly reduce the number of students and teachers coming to his home by relocating the voice, violin and guitar instructors along with creating a buffer between his group piano classes. Mr. Sanford noted he felt those actions addressed all of the concerns presented at the first hearing in June along with not allowing parking on McKee Avenue. Mr. Sanford advised after the hearings with the Planning Commission he kept an open dialog with any neighbor who brought additional suggestions to him noting some of the neighbors felt the restrictions were not restrictive enough. Mr. Sanford advised he worked with the neighbors and came up with 4 additional conditions that were more limiting and not put into writing by the Planning Commission. Mr. Sanford noted the additional conditions were that no lessons are taught more than 30 hours per week 5 days a week, no more than 11 group classes per week which are separated by a private lesson or a buffer time, that instructions about traffic and parking are provided in writing to parents in the studio contract, that repeated violations could be grounds for dismissal from the studio and that the Conditional Use permit can not be transferable to subsequent home owners. Mr. Sanford advised he would have no problem abiding by the conditions in the future after implementing the proposed reduction to the school. Mr. Sanford noted he was surprised by a few items he received today including the traffic analysis provided by a neighbor who estimated 120 visits after the reduction is in place and he projected 49 vehicles per week. Mr. Sanford referred to a letter noting a tuition increase of \$20 for a hundred families could support a commercial space for \$2,200 per month and Mr. Sanford advised there were not 100 families and the tuition would have to be raised much more than that to support a \$2,200 commercial space. Mr. Sanford advised he did not recognize most of the names on the petition and he wondered if they were aware of the proposed reduction to the school. Mr. Sanford noted there were multiple neighbors who indicated their support even before he proposed to scale the lessons back. Mr. Sanford advised the Water Treatment Plant Manager estimated the plant generated 50-75 trips through the neighborhood per day and his school would generate less than that. Mr. Sanford noted the petition mentions the desire for Council to uphold the ordinances of the Home Occupation Code namely no more than 10 clients throughout the week and pointed out that music lessons are structured differently than other businesses.

Mr. Herman Dornbusch, 10 Peabody Drive, advised he was not against the Oxford Music Academy, he was against the location of the Oxford Music Academy. Mr. Dornbusch asked Council to deny this request because of safety issues with the traffic generated by the cars coming through the bend area on McKee Avenue. Mr. Dornbusch spoke at length about his concerns and provided his estimates of trip generation.

Mr. Russ Jones, 106 Tenney Court, noted he felt everyone supported what Mr. Sanford was doing and noted Mr. Sanford had been great about coming up with solutions and extra conditions. Mr. Jones advised he didn't see how the proposed conditions could ever be enforced without the neighbors and Mr. Sanford becoming Police which was not a good environment.

Ms. Anita Jones, 106 Tenney Court, advised she was pleased that Mr. Sanford was willing to reduce the number of contractors from 7 to 2. Ms. Jones noted she had spent a lot of time since the Planning Commission meeting to try to understand the impact of the Oxford Music Academy on the Juniper Hills neighborhood and how to solve the surrounding issues it has produced. Ms. Jones noted she found it frustrating that the number of students and teachers were a moving target and it was difficult to quantify the impact this academy could have on the community. Ms. Jones advised most of the neighbors were not satisfied that any conditions would be able to protect the neighborhood from undue traffic and safety issues. Ms. Jones noted the neighbors would like the operation to move to a commercial space. Ms. Jones advised she felt the Oxford community could benefit from this academy and people should rally around this young entrepreneur, although she did not feel it needed to be in a neighborhood.

Ms. Elizabeth Copley, advised she lived next door to Mr. Sanford and she has not found the cars in the neighborhood to be a problem. Ms. Copley noted she found the drivers to drive very slowly and responsibly, usually because they have children in them.

Ms. Gail Luna, 208 McKee Avenue, noted she felt a lot of the traffic on McKee was city workers going back and forth to the Wastewater Treatment Plant noting she did not have an objection to that. Ms. Luna noted she understood the parking issues on Tenney Court but she felt Mr. Sanford made a lot of concessions and tried to adapt his business to Council's expectations. Ms. Luna suggested Council approve the proposed Ordinance to see if it works and if not Council can address it differently.

Ms. Marla Murray, Dufour Avenue, noting she was hearing different things from the City Planner, from Mr. Sanford, and from the neighbors. Ms. Murray encouraged Council to look at the numbers. Ms. Murray suggested installing a sidewalk on McKee Avenue to address some of the safety concerns.

Ms. Brenda Dornbusch, 10 Peabody Drive, noted the City employees going to and from the Wastewater Plant work from 7:00 a.m. until 3:00 p.m. and Mr. Sanford's lessons start after school so their traffic doesn't intersect. Ms. Dornbusch advised there was a partial sidewalk past Mr. Sanford's house and if sidewalks were installed the homeowners would have to pay for them. Ms. Dornbusch noted if there was no music academy sidewalks would not be needed. Ms. Dornbusch advised even if Mr. Sanford was doing his best to get his clients and their parents to agree to the proposed rules, they are not laws and can not be enforced. Ms. Dornbusch noted she felt it was unfair for the 39 single family residences of the community to give up their independence and their property rights so that one person can operate his business in a residential area that is not zoned for such a thing.

Mr. Matt Troy, 6 Patrick Drive, noted he and his son were students of Mr. Sanford. Mr. Troy noted he was a local attorney and was in attendance to support Mr. Sanford. Mr. Troy advised he felt this would be a difficult decision for Council and different than most decisions. Mr. Troy advised there were private versus public interests involved. Mr. Troy noted there were a lot of families, children and adults that utilize these services and he felt there was a great community benefit in allowing Mr. Sanford to run his business. Mr. Troy advised he feared if the Conditional Use was not approved with conditions, Mr. Sanford's business would not be viable. Mr. Troy noted he felt music should not cause anger and division, it should decrease that.

Mr. Troy advised he grew up in Oxford and took music lessons in people's homes which led to being involved with the Talawanda Marching Band and to appreciate music in other ways.

Mr. Scott Webb, Architect, advised he wanted to make sure the applicant was getting the best possible advice from staff in particular. Mr. Webb advised if Council declared this establishment a "school" it could be in conflict with the Building Code in terms of occupancy, safety inside the building and signage. Mr. Webb noted in an effort to solve a zoning problem he hoped staff would involve the Chief Building Official to ensure we are not solving the zoning problem only to create a much greater problem for the applicant.

Mayor Rousmaniere recapped 5 options she had heard this evening, approve with the two conditions from the Planning Commission, approve with 6 conditions that Mr. Sanford agreed to with some of the neighbors, the letter from Mr. Scott who recommended no parking signs on McKee Avenue, the petition signed by a lot of the neighbors to ban the operation because it violated the R1 Code and to try the conditions and revisit the issue in 6 months. Mayor Rousmaniere noted another concern from Mr. Webb involved a violation of the Building Code.

Mr. Prytherch noted a school was potentially appropriate in this zoning district. Mr. Prytherch advised if schools or churches or community facilities were not potentially appropriate they would not be listed as conditional uses. Mr. Prytherch suggested Council think about what the negative impacts of the activity are and whether or not they can be mitigated such that it is appropriate in the neighborhood. Mr. Prytherch suggested Council review the conditions to conclude if they were sufficient to mitigate the concerns identified this evening.

Mr. Prytherch read the general decision standards for conditional uses as shown on pages 69-70 of Council's packet. Mr. Prytherch noted Council should review the conditions proposed to determine if they sufficiently allow Council to approve the conditional use as the site will not be inappropriately impacted.

Mr. Dana referred to the letter from Russ and Anita Jones dated August 6, 2018 regarding the number of "visits" for lessons and inquired what proportion of the lessons were 30 minutes in duration and what proportion were 60 minutes which Mr. Sanford addressed.

Ms. Southard inquired what was happening at Mr. Sanford's residence now, and how long it had been happening. Ms. Southard inquired if Mr. Sanford bought the house with the intent to teach music lessons there or if he bought the house with the intent to eventually open a school or if he was just very successful at what he started. Ms. Southard inquired what the term "school" and the term "academy" meant.

Mr. Sanford advised he came to Oxford in 2012 as a student at Miami and after graduation he saw a great need for music teachers in Oxford and decided to stay in Oxford. Mr. Sanford noted he purchased the house in 2014 and had 50-60 private students right away. Mr. Sanford advised due to demand, he hired teachers later that year and the business slowly grew from there. Ms. Southard noted the home was never purchased with the idea of becoming a music school and Mr. Sanford advised that was correct. Mr. Sanford noted he did plan to give piano lessons from the home and it evolved into something he saw as being a need for the community.

Mayor Rousmaniere inquired if the business was called a school. Mr. Sanford advised it was registered as a business with the name Oxford Music Academy. Mr. Sanford noted it was not a school with regard to the Building Code.

Mr. Ellerbe inquired what year Mr. Sanford would consider his home business operating at full capacity. Mr. Sanford advised in June of 2017. Mr. Ellerbe asked Chief Jones if any complaints about the music school were received by the Police Division. Chief Jones advised he knew of no issues there but would have to research the matter. Mr. Ellerbe asked Chief Jones to provide that information at the next meeting. Mr. Ellerbe inquired if Mr. Sanford received any complaints from neighbors regarding noise and Mr. Sanford advised no.

Mr. Dana inquired if Mr. Sanford has found any churches that were willing to entertain instruction. Mr. Sanford noted he had not found one that was willing to commit to that yet for violin and guitar lessons and advised for voice lessons he secured the last space at the Oxford Community Arts Center.

Mr. Prytherch read the definition of School, Commercial from the Oxford Zoning Code as follows "A school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school)."

Ms. Raghu thanked members of the public for attending the meeting whether they were in favor of the school or not. Ms. Raghu noted she felt it was amazing that Mr. Sanford was able to take control of his life and have this business for his passion and offer jobs to other people too. Ms. Raghu noted she felt it was easy for Council to try to squash Mr. Sanford because he is one person. Ms. Raghu noted she felt sidewalks would be beneficial for safety and she felt this was a good example of community benefit agreements that she wished Council made with bigger organizations and not just Mr. Sanford. Ms. Raghu inquired if there was a community benefit agreement that could be made or if the school could help off-set the cost for property owners to help build the sidewalk. Ms. Raghu noted she felt there was some compromise between what Mr. Sanford has tried to do and trying to make it safe for people walking in the neighborhood. Mr. Sanford noted he could consider something like that compared to renting commercial space year after year.

Mayor Rousmaniere asked for clarification regarding to what extent this business was a school. Mayor Rousmaniere noted concern regarding enforcement of the conditions for approval and inquired how Mr. Sanford would enforce them.

Mr. McHugh noted he felt those questions should be addressed. Mr. McHugh referred to the Zoning Code Section 1147.02 and Burden of Proof. Mr. McHugh advised a Conditional Use was an exception to the norm. Mr. McHugh advised the burden of proof was on the applicant not the citizens.

Mr. Ellerbe asked Mr. Sanford what his hours of operation were. Mr. Sanford advised typically 12:30 p.m. to 7:00 p.m. or 4:00 p.m. to 9:00 p.m.

Mr. Prytherch noted this was not the optimal location for the business to grow. Mr. Prytherch noted he felt the business was a public benefit and if Council did not think schools and churches and community facilities had public benefit they would not be conditional uses in residential areas.

Mr. Ellerbe noted he did some math and inquired if Council felt a vehicle trip to Mr. Sanford's house every 4 minutes was inappropriate for a neighborhood street. Mayor Rousmaniere advised the neighbors felt it was inappropriate.

Mayor Rousmaniere inquired what information Council wanted for the second reading to assist with the decision making process. Mr. Prytherch advised he felt the conditions should be things that are enforceable i.e. there is a no parking sign on McKee Avenue or there is not. Mr. Prytherch asked staff to look at the additional conditions and address their enforceability. Mr. Dana inquired if there were additional conditions the applicant and the neighbors would consider. Mayor Rousmaniere reiterated she wanted to know the difference between a school and a residence. Mr. Smith asked Mr. Sanford to provide an average weekly schedule of the classes being taught and a breakdown of group lessons and individual lessons. Ms. Southard asked for additional information on the Home Occupation issue. Ms. Raghu inquired if she was wrong about the major concern in the neighborhood being safety.

Mr. Herman Dornbusch, referred to Mr. Ellerbe's comments about the school generating 1 vehicle trip every 4 minutes and advised people did not arrive over the whole hour. Mr. Dornbusch noted people arrive at the beginning of a session and leave at the end of a session and the traffic was conjected and compacted into the ten minutes before and after a session. Mr. Dornbusch advised safety was the reason the neighbors were in attendance this evening. Mr. Dornbusch provided a handout to Council showing the potential number of customers for 5 days a week 30 hours of classes and 11 sessions with 3 teachers. Ms. Raghu inquired if Mr. Dornbusch felt a sidewalk would make the neighborhood safer. Mr. Dornbusch advised yes and noted he did not feel the homeowners should be obligated to pay for sidewalks to accommodate this business.

Mr. Russ Jones, reiterated the concerns of not knowing the final potential of this business.

Ms. Brenda Dornbusch, advised the residents were asking for Council to enforce the law already on the books regarding the residential zoning and the definition of Home Occupation.

Mr. Ellerbe asked Mr. Dreisbach to provide the trip generation through the neighborhood from employees of the Wastewater Plant.

Mayor Rousmaniere thanked Mr. Sanford and the residents for their input this evening.

ORDINACNE **CONDITIONAL USE PERMIT**

An Ordinance Approving A Conditional Use Permit To Allow A Lodging Service In The UP (Uptown) District Located At 117 West Church Street Oxford, Ohio, With Conditions. (Sam Perry, Interim Community Development Director)

Mr. Perry read the definition of Conditional Use as follows: “1147.01 Purpose of Conditional Use, Conditional Uses are land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety or general welfare if not located appropriately, operated appropriately or mitigated with good design.”

Mr. Perry advised the property at 117 W. Church Street was owned by David and Kristine Winkler and noted the building was built in 1911 and was located in the Uptown Historic District. Mr. Perry advised the owner’s goal was to preserve the property and not to sell it, transfer it, or have it reused for another use that might be detrimental to its future and to the character of the Uptown area. Mr. Perry noted it was not currently a revenue generating property and advised it was a professional office for Ms. Winkler until recently. Mr. Perry advised previous to that, the property was a residential rental. Mr. Perry noted the current plan was to convert the property into a short-term lodging use in the Uptown District and noted Bed and Breakfasts were allowed in almost every zoning district as a Conditional Use. Mr. Perry noted the owners will not occupy the home and will not provide on-site management or a meal. Mr. Perry advised there were no plans to make any changes to the home that would be visible on the exterior. Mr. Perry noted the Planning Commission recommended approval with 2 waivers as follows:

1. On site management not required
2. No meal required

Mr. Dave Winkler, noted he and his wife own the building at 117 W. Church Street and advised it operated as a student rental for more than a dozen years. Mr. Winkler noted he and his wife grew frustrated with the condition of the property as the students tended to treat it poorly. Mr. Winkler advised it was used as a professional office for 3-4 years. Mr. Winkler noted currently the property was not generating any return on their investment and they did not really want to convert it back to a student rental. Mr. Winkler noted if they sold it, it most likely would be demolished so a 4 story student rental could be built with a commercial use on the first floor. Mr. Winkler advised their preference was to rent the home to visitors coming to town to see their kids and spend money in Oxford.

Alan Kyger, 6164 Contreras Road, advised he completely supported this application and commended Mr. and Mrs. Winkler for their desire to save the building. Mr. Kyger noted his hope Mr. and Mrs. Winkler can save the building and use it in this manner.

Mayor Rousmaniere inquired how the owners would know who was renting the rooms. Ms. Winkler advised they planned to list it on Airbnb using certain criteria. Ms. Winkler noted the minimum age requirement for renters would be 25 years of age and the minimum stay would be for 2 nights.

Ms. Raghu inquired if it was an option to rent the home as an office building or for some type of business. Ms. Winkler advised it was a beautiful building and she felt there was a need in Oxford for beds for parents and professionals coming to town. Ms. Winkler noted there would be 4 rooms for families to stay in, have Uptown parking, shop Uptown and eat Uptown. Ms. Raghu noted she was nervous about how short term rentals affect affordable housing.

Ms. Raghu advised when people can not find rental property because they can not afford it she was hesitant about what short rentals in other neighborhoods will do. Ms. Raghu noted she supported Airbnb and the initial intention of Airbnb was for owner occupied properties where people shared their space. Ms. Raghu advised it made her nervous to think about empty homes being rented that are not satisfying affordable housing criteria. Ms. Winkler advised she and her husband lived in Oxford, they had been great stewards of the property and they owned and maintained another historic property in Oxford. Ms. Winkler noted she and her husband felt this proposal was an opportunity to add to the community rather than making it a student rental.

Mr. Prytherch noted what started out as Airbnb is not that anymore, it was a business and a lot of cities are grappling with the concept. Mr. Prytherch advised he was in Europe recently and entire buildings are owned purposely for short term rentals. Mr. Prytherch noted he felt an entire building dedicated to short term rentals in an appropriate district was better than having them informally scattered in all neighborhoods. Mr. Prytherch commended the Mr. and Mrs. Winkler for coming to Council to seek approval of a Conditional Use. Mr. Prytherch noted he felt this was the right location for a short term rental and potentially a good use for the building although if Council sets this precedent they were going to see more of these requests in other locations that are less appropriate.

Mayor Rousmaniere requested for the next meeting to know if this would contribute to the hotel tax which Airbnb does not do. Mayor Rousmaniere advised the hotel tax supports the Oxford Visitors Bureau which supports many great events in town.

Ms. Southard inquired why this proposal was not for a hotel. Mr. Prytherch read from the Codified Ordinances "A hotel is a commercial facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, entertainment and recreational facilities."

Ms. Winkler advised they would rent the entire house not room by room. Ms. Winkler noted they would rent 4 bedrooms, a maximum of 8 guests and it would be the entire house for the night.

Mr. Prytherch noted he felt this should be thought of as a test case of more requests that will come to Council in the future.

Ms. Raghu advised Airbnb will work with local municipalities to impose a tax and noted it is done on their website to be paid directly to the City. Mr. Perry noted the Planning Commission had been working on short term rental regulations for about two years and was close to completing the language.

Mr. Prytherch advised this was a separate animal and noted if Council was going to impose conditions that would mimic what the policies might ultimately be, now would be the time to set that precedent.

Mr. Ellerbe noted he was ok with this request. Mr. Ellerbe advised he felt Council was in a sticky situation in that the Airbnb Ordinance is not fully fleshed out. Mr. Ellerbe noted he felt this was a good way to address those issues and then once the Airbnb Ordinance was adopted for how to deal with Airbnb or short term rentals in general then the Conditional Uses can be revoked as long as they are all standardized.

Mr. Ellerbe advised he wanted to ensure the City has a standardized Conditional Use for Airbnb type properties.

Mr. Prytherch noted Bed and Breakfasts were Conditional Uses in every residential district.

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance Approving A Conditional Use Permit To Allow The Expansion Of A Religious Student And Community Center For The Hillel Foundation In A RO (Residential/Office) District Located At 11 East Walnut Street Oxford, Ohio With Conditions. (Sam Perry, Interim Community Development Director)

Mr. Perry advised the Hillel Student Center is proposing an expansion that has been reviewed by the HAPC and by the Planning Commission. Mr. Perry noted the applicants have met with staff several times over the last several months and tonight Council is considering a recommendation from the Planning Commission for approval. Mr. Perry provided slides of the proposed project at 11 East Walnut Street. Mr. Perry noted the building has been in existence since 1973 and based on their demands and needs there was a real need for an increase in square footage. Mr. Perry advised this expansion falls under Place of Worship in the Conditional Use Section of the code. Mr. Perry noted this was a major expansion for the Hillel Foundation and they wished to remain close to campus rather than move to an outlying vacant property.

Mr. Joel Miller, Director of Development, Hillel Foundation, advised Hillel was part of an international organization which serves Jewish college students on campuses around the world. Mr. Miller noted Hillel has served students at Miami University for well over 6 decades and have been at the current location for over 4 decades. Mr. Miller advised he felt Hillel was a great asset to the community and noted they serve the entire campus community and the local community. Mr. Miller noted meeting space was at a premium right now and to be able to offer the building doubled in size and have lots of meeting rooms and other facilities will be a boon for the community and for Miami University. Mr. Miller noted Hillel had full support from Miami University and lots of entities in the City of Oxford for the proposed expansion.

Ms. Southard advised the need for expansion was clear and noted Hillel was serving the community in a very major way. Ms. Southard noted she thought the project was a good one and she hoped Hillel would be successful with this request.

Mr. Prytherch noted the Conditional Use allows Council to waive dimensional requirements and he felt keeping the facility within walking distance of the campus as opposed to on a drivable site is why he felt Council would look favorably on the waivers. Mr. Prytherch advised he appreciated reinvestment in the Mile Square.

Mr. Dana noted his support for the proposed expansion.

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Recommendation Of The Planning Commission To Deny A Zoning Map Amendment Application To Rezone The Property Located At 4 North College Avenue From RO (Residential/Office) District to UP (Uptown) District. (Sam Perry, Interim Community Development Director)

Mr. Perry provided a PowerPoint and advised the RO District creates a buffer around the Uptown District and this proposal was to add one parcel on the corner of College Avenue and High Street to the Uptown District. Mr. Perry noted this location was formally the First Merchants Bank and the bank relocated to Stewart Square. Mr. Perry advised the reality of the current site usage is that any new user other than a bank is not permitted to use the non-conforming use drive-through. Mr. Perry noted auto-oriented uses are prohibited in both the RO and UP Districts. Mr. Perry advised the re-use potential is not listed as one of the decision standards. Mr. Perry discussed the decision standards and advised the Planning Commission recommended denial after a lengthy discussion because they felt there none of the decision standards were met.

Mr. Scott Webb, Applicant, noted the Planning Commission unanimously voted to deny the proposed Zoning Map Amendment. Mr. Webb advised he and his client discussed the possibility of withdrawing the request but felt it was worth the time for City Council to understand what it is they are left with. Mr. Webb provided slides of the area in question and noted this area was originally considered the Urban Business Commercial District and that was how a bank ended up in the location in question. Mr. Webb noted it was the 2003 zoning map amendment that made the property non-conforming and turned it into a residential district. Mr. Webb advised banks were no longer permitted as conditional uses in the RO District. Mr. Webb noted he thought the site was designed before drive-throughs at banks were used as much as they are now as there was no queuing space at all and the parking lot has inadequate backing and turning radiuses. Mr. Webb referred to decision standard A and noted this was not an error in the zoning map as the Planning Commission decided and Council approved to change this and make the property non-conforming. Mr. Webb advised per the Conditional Use Section 1137.07 of the Zoning Code once a conditional use lays dormant for a year it expires so unless another bank decides to take over this location in 8 months it will never be a bank again. Mr. Webb noted the RO District does not allow retail, food service or re-use of the drive though and the code is very clear that there is no such thing as a use variance making it impossible to go before the Board of Zoning Appeals. Mr. Webb advised what is allowed is two residences or one residence and one office limited to the square footage making redevelopment in the RO District very unattractive on a lot of this size. Mr. Webb noted the HAPC and Council adopted the new Historic Inventory declaring the existing building as Historic meaning it is probably going to stay. Mr. Webb advised he and his client believe that redevelopment in the UP District has some benefits. Mr. Webb referred to the Comprehensive Plan and noted infill development is a priority. Mr. Webb noted with regard to the location of the property Council should anticipate the redevelopment of the former BP site and advised the Community Arts Center was a very large scale building on the adjacent corner. Mr. Webb advised he and his client viewed this intersection as a bookend to the Uptown.

Mr. Webb noted he and his client felt strongly that the proposed zoning map amendment meets at least one decision standard, the amendment will make the map conform more closely with the goals of the Comprehensive Plan, it recognizes a significant change in the area, provides additional land area for the Uptown core for economic development, and it would provide a visual improvement.

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

Mayor Rousmaniere inquired what the former bank building can become. Mr. Webb advised it could become an office. Mr. Webb noted the RO District allowed 2 residences as a duplex or one residence and one office. Mr. Webb advised the site is not supposed to generate traffic.

Mr. Dana noted while both of these zoning districts allow mixed use there were substantial differences in the set backs, the allowable lot coverage, the allowable building height, the allowable commercial use and square footage. Mr. Dana advised UP greatly expands the use and density over a RO zone. Mr. Dana noted he felt rezoning one lot at a time was not good planning and approval would encourage rezoning requests for other RO properties effectively destroying the Uptown buffer and many historic structures. Mr. Dana advised this request was voted down 8 years ago. Mr. Dana noted while the current zoning may not lend itself to redevelopment that does not mean there is no value or acceptable commercial use of the existing structure and property.

Mr. Prytherch advised the UP Zoning District creates the desire to build a 4 story student rental with commercial use on the first floor and he worried about precedent setting. Mr. Prytherch reiterated that this building was recently declared as being historic. Mr. Prytherch noted he was sympathetic to the idea that there are limited uses in the market place. Mr. Prytherch noted he felt the RO District could do more by opening it up to more retail uses and restaurant uses.

Mr. Ellerbe agreed that opening the RO District to more opportunities will allow more development and value to this area.

Mayor Rousmaniere requested staff to place this topic on the "To-Do" list for the Planning Commission and Council.

ORDINANCES

SECOND READING

ORDINANCE

ZONING MAP AMENDMENT

An Ordinance No. 3477 Accepting The Recommendation Of The Planning Commission To Deny A Zoning Map Amendment Application To Rezone The Property Located At 5111 Morning Sun Road From OI (Office and Light Industrial) District To R2MS (Single and Two Family Mile Square) District. (Sam Perry, Interim Community Development Director)

Mr. Perry advised the proposed map amendment was for property located on the corner of Sycamore Street and Morning Sun Road. Mr. Perry noted the Planning Commission recommended denial of the request.

Mr. Perry provided a PowerPoint slide of the area in question noting the amendment would expand a residential district and take away an office and industrial parcel. Mr. Perry advised the property has been vacant for a number of years. Mr. Perry noted the R2MS District was discussed at length during the Planning Commission's review including the loss of office/industrial land in this area of town. Mr. Perry advised the applicant and the real estate broker spoke during the Planning Commission's review and documented past development difficulties due to the topography of the parcel and the setback requirements in the OI District. Mr. Perry noted to his knowledge there had been no requests for variances from the Board of Zoning Appeals to relieve some of the setback issues for developing this parcel. Mr. Perry noted the Planning Commission had difficulty in linking the past development challenges to the four decision criteria and voted 6-1-0 to recommend denial of the map amendment to City Council. Mr. Perry advised since the time of the Planning Commission hearing another application has been submitted to rezone the property in question to a Neighborhood Business District which might work better for this area.

Mr. Webb advised based on the comments from the first reading of the proposed zoning map amendment he and his client felt they should pursue a mixed use type of development for this parcel and submitted a new application to rezone the property to a Neighborhood Business District.

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

Mr. Prytherch referred to the decision standards as listed on page 152 of Council's packet as follows:

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

Councilors unanimously agreed that none of the decision standards were met.

Ms. Southard moved to adopt Ordinance No. 3477. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe,
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
CONDITIONAL USE

An Ordinance No. 3478 Approving A Conditional Use Permit For The Addition Of A Drive-Through Window At The LaRosa's Restaurant Located At 21 Lynn Avenue Oxford, Ohio 45056 In The General Business District. (Sam Perry, Interim Community Development Director)

Mr. Perry advised the proposal was to add a drive through window to the existing restaurant, changing a door to a window. Mr. Perry noted there were no changes since the first reading of the Ordinance.

Mr. Dana advised he felt this was a sound proposal, highly merited and well designed. Mr. Dana noted LaRosas has been a terrific community partner.

Mr. Dana moved to adopt Ordinance No. 3478. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. Prytherch,
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW CHAPTER 145

An Ordinance No. 3479 Repealing City Of Oxford Administrative Code Title Five Administrative, Chapter 145 Entitled Civil Service, And Adopting New City Of Oxford Administrative Code Title Five Administrative, Chapter 145 Entitled Personnel. (Candi Fyffe, Human Resources Director)

Ms. Fyffe advised there were no changes since the first reading of the proposed Ordinance.

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

Ms. Raghu inquired why Council was voting on this matter since it was approved by the voters with the Charter amendments.

Mr. Elliott advised the voters voted on the Charter which put the mechanism in place and now the Codified Ordinances need to be amended to be in line with what was voted on.

Mr. Dana moved to adopt Ordinance No. 3479. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Smith, Ms. Southard, Mr. Dana, Mr. Prytherch, Ms. Raghu, Mayor Rousmaniere (6)

NAY: Mr. Ellerbe (1)

ABS: None (0)

Mr. McHugh referred to the first Ordinance adopted this evening and noted there was a discrepancy between the caption on page 4 of Council's packet and the actual Ordinance language on page 148.

Mr. Prytherch moved to reconsider. Mr. Ellerbe seconded. The motion passed 7-0-0

Mr. Prytherch moved to deny the Ordinance approving a map amendment to rezone the property and to accept the recommendation of the Planning Commission to not grant the requested rezoning of the property. Mr. Ellerbe seconded. The motion passed by the following roll call:

AYE: Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Smith,
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott updated Council on a proposed rate increase from Glenwood Energy noting legislation would be placed on the next Council agenda to address the matter.

Mr. Elliott noted a groundbreaking ceremony took place this evening for the new aquatic center and noted he felt it was an important project that will improve the quality of life for all residents.

Mr. Dreisbach updated Council on a major water main break which occurred yesterday as a result of improper excavation by a Miami University contractor. Mayor Rousmaniere inquired how the communication was between the City and the university when the break happened and Mr. Dreisbach advised they responded immediately. Mr. Prytherch inquired if the contractor would be billed for losses to the City and Mr. Dreisbach advised yes.

Mr. Perry updated Council on the Cottage Community concept.

Ms. Raghu advised she was excited about having a Work Session on street ownership throughout the City.

Ms. Raghu noted Solar Power & Light would make a presentation to Council at the next meeting.

Mr. Dana thanked everyone who assisted during the water main break situation.

Mr. Dana noted he was happy to hear the Cottage Community concept was still going forward.

Mayor Rousmaniere advised the First Year Take Over Scavenger Hunt was Saturday, August 18 for International Students, and Saturday, August 25th for first year students. Mayor Rousmaniere noted Friday, August 24th Wil Haygood would speak at Miami University's First Year Convocation at 9:00 a.m. at the Freedom Summer Memorial. Mayor Rousmaniere advised the Walk About was Monday, August 27th and 150 volunteers were needed. Mayor Rousmaniere noted the Community Picnic was Thursday, August 30th.

ADJOURN

Mr. Dana moved to adjourn at 10:46 p.m. Mr. Smith seconded. The motion passed 7-0-0.