

The September 7, 2021 City Council Meeting was called to order by Mayor, Mike Smith. Those members present were Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu, William Snavelly and Edna Southard.

Staff members present were Doug Elliott, City Manager; Mike Dreisbach, Service Director; Joe Newlin, Finance Director; John Jones, Police Chief; John Detherage, Fire Chief; Casey Wooddell, Parks and Recreation Director; Sam Perry, Community Development Director; Jessica Greene, Assistant City Manager; Chris Conard, Law Director and Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

Ms. Southard moved to approve the agenda. Mr. Snavelly seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **"NATIONAL LATINO AMERICAN** **HERITAGE MONTH"**

Mayor Smith read the Proclamation which will be forwarded to Ms. Jacqueline Rioja Velarde at Miami University.

PROCLAMATION **"PROSTATE CANCER AWARENESS MONTH"**

Mayor Smith read the Proclamation which will be forwarded to the requestor, Ms. Linda Hoetger.

PRESENTATION **POLICE COMMUNITY RELATIONS ADN REVIEW COMMISSION**

Mr. Pat Meade, Chair, Police Community Relations & Review Commission, noted Council should have received a copy of the Annual Report from the Oxford Police Community Relations & Review Commission. Mr. Meade advised citizens can obtain the report and other data online by going to the Oxford Police Community Relations and Review Commission's website.

Mr. Meade noted the report covers the period of August 2020 to May 2021 and advised 5 regular meetings took place during that time-period. Mr. Meade noted the commission discussed the data they collected from OPD and touched on barriers to filing complaints. Mr. Meade advised the officers were asked to carry business cards to hand out each time they interact with a citizen which includes a link to the OPD website noting citizens could use the link to provide feedback about their experience with Oxford police. Mr. Meade noted this year the PCR&RC had more citizen input than in previous years.

Mr. Mead advised this year a work group was formed and came back to the whole commission with recommendations such as the City hiring a social worker to work with OPD, which has become part of the City's budgeting process for 2022.

Mr. Meade advised the commission has a new member, LaTricia Hillman to replace one of the founding members, Amber Franklin who will become a City Council member in November of 2021.

Mr. Meade offered to answer any questions.

Councilors thanked Mr. Meade for addressing them and for providing the annual report.

PUBLIC COMMENTS

Mr. Landon Halverson, 5262 Brown Road, advised he would reflect on comments made by Mayor Mike Smith and by Councilor Jason Bracken last week and to discuss how we ought to move forward as a City based on that. Mr. Halverson noted last week he had the distinct privilege to attend the Oxford City Council meeting, during this meeting members of the community came together to make their voices heard and to give input on how the City should combat the ongoing Covid-19 pandemic. Mr. Halverson advised during this meeting and immediately following it Councilman Jason Bracken and Mayor Mike Smith made several comments that he feels must be addressed today. Mr. Halverson noted upon conclusion of the meeting he had the opportunity to speak with several members of the Council and make clear that this is a community united in a common goal of stopping the spread of Covid-19 in our community. Mr. Halverson advised his interaction with Mr. Bracken was very different noting he explained to Mr. Bracken that he was disappointed in the way he talked down to members of the community who he disagreed with and urged him to consider the thoughts and opinions of those who came before the Council to make their voices heard regardless of their stance on the city-wide mask ordinance. Mr. Halverson advised Mr. Bracken refused to back down, insisting that he knew more about the issue than many of those who came to be heard. Mr. Halverson noted he urged Mr. Bracken again to reconsider this telling him that he did not know what those in the audience knew or didn't and reminded him that citizens pay his salary and thus are entitled at the very least to be heard and he remarked that he donated his salary still refusing to recognize that it is tax payer dollars that he is donating and as he left he looked at me and waived me off with his hand. Mr. Halverson advised following the incident Mr. Bracken took to social media where he doubled down saying he would not be persuaded by public opinion only by the common good. Mr. Halverson noted this very clearly implies that to Mr. Bracken public opinion and public good are not the same, it implies the public is not capable of making decisions that benefit the community on their own without direction. Mr. Halverson noted this leads him into a statement made by Mayor Smith at the conclusion of last week's City Council Meeting which was that the student population of Oxford, the majority of his constituency needed to be "babysat" very clearly implying that the majority of his constituency is incapable of acting in the best interest of the community.

Mr. Halverson advised he continues to believe that Oxford is a community united in the desire to make the City the very best it can be and even when people disagree with what the path forward for our City looks like we know in our hearts that every neighbor we see whether they agree with us or not shares the common goal of helping the City live up to its full potential. Mr. Halverson noted it was disheartening when Councilman Bracken used such offensive language last week. Mr. Halverson noted Mr. Bracken and Mr. Smith had the opportunity to take a controversial issue and unite but instead chose to disparage the student population and divide people further. Mr. Halverson mentioned the possibility of an election recall ballot issue.

Mr. Doug Brooks, 227 Country Club Drive, read the following into the record "from the beginning of our inquiries we've been reminded the trail extension was approved by Oxford voters on May 8, 2018. The City of Oxford advanced a 10-year 2.35-mil levy that was put on a primary election ballot for only the City of Oxford voters. That levy added .325 to every one hundred dollars of valuation for 10 years. Only 2,046 total votes were cast in that issue. 1,413 voted for the levy 633 people voted against the levy. The levy passed by 780 votes. Anticipating the ballot issue Oxford voters were encouraged to envision the achievements to date any graphic related to the levy showed a wide arch around the northwest side much like the image that is currently on pages 46 & 47 of the 2020 Oxford Transportation Plan. This arch was well to the north of Hester Road, did not use Reagh's Way, did not intersect with Merry Day Park, did not rely on Oxford Country Club property and cross the CSX tracks on the Northside of Schneider Electric. The Northwest trail in the 2020 Oxford Transportation Plan graphic was almost entirely in township woods and farms. Township homeowners were not permitted to vote on the levy. Imagine if before the May 8 levy officials had posted the following on their website "The trail you are voting on will run the full length of Oxford Country Club's undeveloped western property boarder and go down the westside of hole #2 on the Oxford Country Club course". Or this posting "We plan to run the OATS trail extension from the Black Covered Bridge through and on Hester Road, cross 27 North, short of the Wal-Mart then cross CSX tracks, edge Terry Dudley's farm, cross Contreras Road and go down to Main Street of the Knolls on the way to Fairfield Road". This is one of the five, originally proposed trails. Had voters have been told that the OATS project was leaving the woods and entering neighborhoods, they might not have supported the levy. Had the Oxford neighborhoods now making the stand with petitions and online remarks known in advance, what was going to happen to their property, streets and neighborhoods they might have actively challenged the levy. Its one thing to craft a trail through a university preserve where the only home is the DeWitt Cabin, it's another thing to ruin property values in 5 neighborhoods. Trails might increase property value but not when they run through your front yard and across your driveway apron. Team Trail has accumulated 250 signatures opposing this preferred path. If each of the 250 people had convinced two other people to vote against the levy it would never have passed. At the worst, all of this feels like a scheme, at its best it is a classic example of putting the cart before the horse. The transparency was terrible; there is almost total homeowner neighborhood objection to your preferred trails, who prefers them? We offered an urban historic and a rural scenic option, make no mistake we are not going away, we will resist this preferred trail plan as long as it takes to stop what you are proposing to do. We have retained lawyers, we have arranged for a system for getting those lawyers paid throughout the neighborhood to make it reasonable for people in the neighborhood. Oxford has a historic and scenic downtown, Oxford merchants will be beneficiaries of cycling trails that start and stop in downtown Oxford.

These trails will easily connect with existing State of Ohio bike paths, Hueston Woods and could be a wonderful gift to Oxford merchants. Reagh's Way, Merry Day Park and CSX should be left alone. We encourage you to reassess this neighborhood extension of OATS as a preferred trail that nobody prefers. There are plenty of ways to productively spend the levy money, we recommended two of them.

Mr. Terry Hughes, Hester Road, noted he lived in Oxford Township. Mr. Hughes advised in early July he received a letter from the City of Oxford designating him a key stakeholder in the trail. Mr. Hughes noted he attended a meeting on July 15 and Jessica Greene, Sam Perry and Etta Reed were in attendance. Mr. Hughes advised 700 yards of his property would be needed for the proposed trail and he and his wife were not going to let that happen. Mr. Hughes noted in the ensuing weeks four neighborhoods and the people that live in the township came together and created a coalition called "Team Trail". Mr. Hughes advised as a group after several meetings decided this was a major problem in their lives that took away their peace and tranquility but they wanted to approach it from two angles. The first being a partner with the City and try to work it out, they came up with two plans that Dr. Brooks just explained. Mr. Hughes noted the rural route by accident is exactly what the 1973 Oxford Bicycle Committee asked for; it is a path off the road 10 foot wide that goes from Oxford to Hueston Woods (4 miles). Mr. Hughes advised he was told it costs one million dollars per mile to build this path and he feels the City already has the money to do that and if not it is easily raised by the taxes and grants and to him that is the perfect answer. Mr. Hughes noted the urban trail goes Uptown and Dr. Brooks has talked to over 60 merchants who support it. Mr. Hughes advised this plan eliminates 95% of land acquisition. Mr. Hughes noted lifelong residents deserve some respect. Mr. Hughes advised if this cannot be worked out, the group has retained lawyers and has reached out to State Representatives for assistance.

Mr. Taylor Armstrong, spoke on behalf of the Office of Aspire (advancing strategy, partnerships, institutional relations and economy) at Miami University noting he was the Deputy Chief of Staff for Randi Thomas. Mr. Armstrong noted their bread and butter is to come in front of bodies like these to be a resource especially as the office begins to pursue a lot of projects in conjunction with the City such as the multi-model center at the former Talawanda High School, the College and Elm Street project and the Oxford Airport renovation. Mr. Armstrong advised he would try to be present at each Council meeting noting if Council had any questions or concerns regarding projects of the Office of Aspire they could reach out to him.

Mr. Scott Brown, 100 Prevalent Drive, advised he would speak about the OATS northwest extension of the trail. Mr. Brown thanked Jessica Greene, Sam Perry and Chief Jones for speaking to their neighborhood about various issues in the City including the OATS trail. Mr. Brown advised he did not want the comments made by him or his neighbors to be interpreted as an attack on City staff noting they disagree with the proposed trail routes. Mr. Brown noted he has lived in Oxford for 16 years and this is the first time he has attended a Council meeting and advised he wanted Council to know how important and how disturbing this is to him as a homeowner in Oxford. Mr. Brown noted he was disturbed because this was not why he voted for the levy, the levy clearly had signs and they are still posted on the trailheads showing rural routes. Mr. Brown advised he liked his neighborhood and he loves cycling but he would never call his neighborhood a scenic trail area. Mr. Brown noted he would never bike through it on his sidewalk.

Mr. Brown advised what is disturbing to him is while they are being called rural and urban trails they are both urban. Mr. Brown noted safety is a huge concern. Mr. Brown advised he hoped Council would take all of this evening's comments very seriously. Mr. Brown noted he felt Councilors and members of various committees may have conflicts of interest regarding issues related to the trail and advised the Ohio Revised Code is very clear on this and some officials and committee members should recuse themselves from those discussions and voting powers. Mr. Brown noted Ohio Ethics Commission violations are severe and advised conflicts of interest are dangerous and should be taken very seriously by this Council and City Administration. Mr. Brown advised he is not on social media although he has heard from his wife and others that people who are not part of these conversations and not from these neighborhoods who are observing conversations on social media that have been attacking and have involved members of Council, members of City staff, and volunteers on City committees which is completely inappropriate behavior and deserves an apology publicly online and here this evening.

Mr. Paul Wetzel, advised he has lived at 171 Prevalent Drive for 11 years. Mr. Wetzel noted when he voted for the tax levy in 2018 he understood the proposal as the others have mentioned this evening as a scenic trail around the City. Mr. Wetzel advised if he knew at the time that the concept would be changed and taken through neighborhoods he would have voted no because it diverges from the original intent of the levy for which he voted. Mr. Wetzel noted the proposed urban trail goes through neighborhoods where traffic exists and is not a rural scenic trail like many have come to enjoy and use carefree without any motor vehicles. Mr. Wetzel advised the proposed urban trail raises serious safety issues as it would pass over driveways and thereby intermix with motor traffic. Mr. Wetzel noted safety should be the number one priority and it was not one of the criteria that the group had considered. Mr. Wetzel advised cost was one of the criteria but safety is so important it should always trump cost. Mr. Wetzel noted concern with the narrow and cluttered streets, cars on one side and one travel lane, falling home values and the loss of peace and quiet in his backyard. Mr. Wetzel advised he believed this route being presented as the preferred route was conceptualized with good intent although in his view it misses the mark by giving the taxpayer a route they did not vote for, a route that will be a safety liability and funding a route that adds questionable value for the taxpayer. Mr. Wetzel asked that the urban route be removed from future consideration.

Ms. Beata Randrianantoanina, 120 Prevalant Drive, advised she has been a resident of Oxford for over 25 years. Ms. Randrianantoanina noted she appreciates the Oxford trail system and was happy to support the levy at the time. Ms. Randrianantoanina spoke in opposition to the proposed urban trail noting her concerns about safety and winter maintenance.

Mr. Allen Pantle, Country Club Drive, advised he has lived in Oxford for 34 years and spoke in opposition to the proposed urban trail noting concerns with asphalt paths and narrower streets in his neighborhood as well as safety concerns.

Mr. Gary Speck, 140 Prevalent Drive, advised he has lived in Oxford for 34 years. Mr. Speck spoke in opposition to the proposed urban trail noting concern with a 10-foot path in his neighborhood as well as safety concerns. Mr. Speck asked Council to look at this proposal very carefully because the plan as prescribed will ruin the street and neighborhood.

Ms. Tomoko Brown, 100 Prevalent Drive, discussed the diversity within her neighborhood. Ms. Brown spoke in opposition to the proposed urban trail noting safety concerns as well as winter maintenance concerns. Ms. Brown advised the levy of 2018 was only about how much money would be collected over the next 10 years for Parks and Recreation purposes and said nothing about the trail and later she received information including a map with the idea of a trail going around the City and not through residential neighborhoods.

Ms. Amanda Weatherwax, 424 Jacob Drive, thanked Council members for their public service and thanked residents of Oxford who are here tonight to exercise the power of their voices. Ms. Weatherwax spoke in opposition to the proposed urban trail on Jacob Drive.

Mr. Mike Pearson, 40 Savannah Drive, noted he was not directly affected by the proposed urban trail although he had great compassion for his neighbors. Mr. Pearson spoke in opposition to the proposed urban trail noting his safety concerns. Mr. Pearson encouraged Council not to let this happen.

Ms. Teresa Watts, Hester Road, advised she and her husband own 86 acres, which they farm. Ms. Watts noted she felt Phase IV of the trail is not well thought out. Ms. Watts advised the City wanted to take someone's sidewalk or use farms as moneymakers by dividing them. Ms. Watts encouraged Council to listen to the citizens.

Ms. Ruth Engel, 121 Olde Farm Road, spoke in opposition to the proposed urban trail noting safety concerns and concerns with destroying mature trees in order to have a bike path.

Mr. Chris Skoglund, 211 Ryan Drive, referred to detours within the City due to the construction taking place at two CSX railroad crossings in the City. Mr. Skoglund advised Spring Street was abominable today and noted it took him 30 minutes to get from Campus Avenue to College Avenue. Mr. Skoglund suggested having police officers direct traffic rather than relying on one traffic light and 4 way stops.

Ms. Carissa Schnell, 6 Old Stone Court, advised she opposed the trail that is proposed to come through her neighborhood and anything that cuts into a residential neighborhood. Ms. Schnell noted she lived in Germany for four years where trails are very popular and they do not take trails through neighborhoods or through driveways because safety is a priority, which was also true for Milford, Ohio. Ms. Schnell advised she was concerned about Council's ability to take to heart what her neighbors and community members have said tonight. Ms. Schnell noted they have given a lot of feedback through different meetings within the neighborhood, through surveys and online petitions and she is concerned about whether Council is really going to care.

Ms. Schnell advised she attended the Special Council Meeting last week noting she almost brought her 11 year old because she thought it would be a great opportunity for him to see debate and democracy in action and instead Councilors turned it into a clown show. Ms. Schnell recounted some comments and actions made by Mr. Ellerbe, Ms. Southard, Mr. Snavelly and Mr. Bracken.

Ms. Schnell referred to the mask ordinance discussion and advised not one of Council took the opportunity to talk about exemptions although they are there. Ms. Schnell noted she had to write to her priest to remind him that there are exemptions to the mask mandate. Ms. Schnell inquired what it meant when walking into a business and noted nobody has clarified that and nobody has clarified it to the business owners. Ms. Schnell inquired where the privacy laws come into play noting she was at a loss. Ms. Schnell advised she was asking for grace and understanding noting this college community has an issue with sexual assault. Ms. Schnell inquired if she was supposed to walk into every business and tell the sob story what happened and that she does not wear a mask because it reminds her of something that happened 20 years ago. Ms. Schnell discussed other exemptions and reminded Council they serve the public not themselves.

Mr. Jake Kravitz, 300 E. Spring Street, advised he came to Council to observe last week noting he has his own opinions although he does not feel the need to share them. Mr. Kravitz noted he was offended by the remarks made about college students and felt it was ridiculous for the Mayor of a college town to talk about students in that way.

Mayor Smith advised he appreciated everyone's participation this evening. Mayor Smith informed the citizens who live in the vicinity of a proposed urban trail that Council has heard them and will take their comments to heart.

CONSENT AGENDA

Minutes of the August 17, 2021 City Council CIP Work Session (Mary Ann Eaton, Clerk of Council) pg6

Minutes of the August 17, 2021 City Council Meeting. (Mary Ann Eaton, Clerk of Council) pg7

A Resolution No. 7328 authorizing the City Manager to enter into an agreement with Canon Solutions America, Inc. for a 60-month lease of a Canon IR Advance DX C5850i color copier for use by the Oxford Parks and Recreation Department. (Casey Wooddell, Parks and Recreation Director)

A Resolution No. 7329 authorizing the City Manager to enter into an annual agreement a copy of which is attached hereto as Exhibit "A" with Paylocity at an average annual cost of \$33,000.00 for the City's Human Resources and Payroll solutions. (Jessica Greene, Assistant City Manager)

Mr. Prytherch moved to approve the consent agenda. Mr. Snavelly seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION
GIFT CARD PROGRAM

A Resolution No. 7330 of Council directing that the remaining CARES Fund gift cards and up to seventeen thousand seven hundred dollars (\$17,700.00) of American Rescue Plan funds be utilized to provide one hundred dollar (\$100.00) gift cards to City of Oxford employees who can provide proof of their Covid-19 vaccination. (Jessica Greene, Assistant City Manager)

Ms. Greene addressed her staff report as presented to page 29 of Council's packet and offered to answer any questions.

There were no comments from the public.

Mr. Prytherch noted this program was available to the general public as part of the vaccine clinics that have taken place and inquired if the local pool of people taking advantage of the clinic has been exhausted. Ms. Greene advised the role-out of the mobile clinics was disappointing and noted the most successful clinic was held at Park View Arms.

Mr. Bracken inquired if Ms. Greene had a sense of how many employees are already vaccinated. Ms. Greene advised she and Mr. Elliott have asked for vaccination verification from everyone by next week and she will know more then.

Ms. Southard moved to adopt Resolution No. 7330. Mr. Snavely seconded. The motion passed 7-0-0.

RESOLUTION
NEW FUND

A Resolution No. 7331 establishing the Coronavirus Local Fiscal Recovery Fund 429 and authorizing the City of Oxford to request and receive its designated share of funds from the American Rescue Plan Act of 2021. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on page 31 of Council's packet and offered to answer any questions.

There were no comments from the public.

Mayor Smith advised the new fund was for accounting purposes.

Mr. Snavely moved to adopt Resolution No. 7331. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTION
TAX LEVIES

A Resolution No. 7332 accepting the amounts and rates as determined by the Budget Commission of Butler County, Ohio, and authorizing the necessary tax levies and certifying them to the County Auditor. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on page 34 of Council's packet and offered to answer any questions.

There were no comments from the public.

Mayor Smith advised this was an accounting measure to certify the city's revenues to the County Auditor.

Mr. Snavely moved to adopt Resolution No. 7332. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION
AGREEMENT WITH BQ ENERGY DEVELOPMENT

A Resolution No. 7333 authorizing the City Manager to enter into a lease option agreement between the City of Oxford and BQ Energy Development, LLC for approximately 20 acres of the City owned closed municipal sanitary landfill. (Doug Elliott, City Manager)

Mr. Elliott addressed his staff report as presented on pages 41-42 of Council's packet regarding a proposed solar array being built on the City's closed sanitary landfill and offered to answer any questions.

Mr. Chris Skoglund, 211 Ryan Drive, referred to the 3-year lease option and inquired what happens in year 4. Mr. Elliott advised BQ Energy has 3 years to exercise the lease agreement and once that happens the lease will be valid for 25-30 years.

Ms. Raghu thanked staff for bringing this project forward noting she was happy to hear that all of the components for the project will be made in America.

Ms. Southard noted she was pleased with the racking system and advised it makes a lot of sense in this climate.

Mr. Prytherch thanked staff and advised this project was a priority Council set in terms of climate and sustainability. Mr. Prytherch noted his hope the public will recognize what a significant potential endeavor this is for the City. Mr. Prytherch advised this was a substantial project that could provide power for a significant amount of citizens. Mr. Elliott advised it would power approximately 300 homes.

Mr. Bracken inquired if staff knew why some of the companies that submitted proposals were not willing to do interviews. Mr. Elliott advised he was not sure noting staff did their best to reach out to them. Mr. Bracken inquired how much of the 20 acres was usable for the project which Mr. Dreisbach addressed.

Mr. Snavelly advised he was very happy to see this project come to fruition noting it was discussed at Council Work Sessions and became a top priority.

Mayor Smith advised this first appeared on Council's goal setting session of February 2020 and noted it was time consuming and took a lot of research to get to this point during the pandemic which is greatly appreciated.

Mr. Snavelly moved to adopt Resolution No. 7333. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTION **GRANT AGREEMENT**

A Resolution No. 7334 authorizing the City Manager to enter into a \$225,000.00 grant agreement with the Ohio Department of Public Safety, to engage in and coordinate as lead agency for the Countywide OVI Task Force. (John Jones, Police Chief)

Chief Jones addressed his staff report as presented on page 56 of Council's packet noting the City has participated in this program for several years. Chief Jones offered to answer any questions.

There were no comments from the public or from Council.

Ms. Southard moved to adopt Resolution No. 7334. Mr. Snavelly seconded. The motion passed 7-0-0.

RESOLUTION **AGREEMENT WITH PETER M. REISING**

A Resolution No. 7335 authorizing the City Manager to enter into an agreement with Peter M. Reising to perform consulting services and to function as the Butler County OVI Task Force Coordinator for the 2022 grant funded through the Ohio Department of Public Safety. (John Jones, Police Chief)

Chief Jones addressed his staff report as presented page 58 of Council's packet and offered to answer any questions.

There were no comments from the public.

Ms. Southard advised she was glad to see Mr. Reising continue to be able to work for the City after his accident which the public may not realize happened.

Chief Jones advised this was a great role which OPD enjoys seeing Mr. Reising participate in.

Mr. Snavelly moved to adopt Resolution No. 7335. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTION
FINAL COSTS FOR ASSESSMENTS

A Resolution No. 7336 determining the total cost of the assessment by lot, authorizing the list of assessments by lot to be filed with the Clerk of City Council and ordering the same be opened for public inspection and authorizing the Clerk of City Council to publish notice in a newspaper of general circulation that the list of assessments by lot is available for public inspection. (Mike Dreisbach, Service Director)

Mr. Dreisbach thanked Clerk of Council, Mary Ann noting she was always helpful in getting all of the notices and certified mailings prepared for this program. Mr. Dreisbach addressed his staff report as presented on pages 65-66 of Council's packet noting as Dr. Snavelly pointed out last year, the City is taking an extra step in this process by preparing a letter for each parcel owner so they are very clear on what their rights and responsibilities are and what their payment options are for the future. Mr. Dreisbach offered to answer any questions.

There were no comments from the public or from Council.

Ms. Southard moved to adopt Resolution No. 7336. Mr. Snavelly seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
EASEMENT AGREEMENT

An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement As Set Forth In Exhibit "A" Attached Hereto With The Talawanda City School District Board Of Education And Accepting Said Easement As Set Forth On Exhibits "B" And "C" Attached Hereto To Allow The Construction Of A Segment Of The Oxford Area Trail System From Peffer Park To The Talawanda High School. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the proposed Ordinance relates to Phase III of the OATS Trail from Peffer Park to the Talawanda High School. Mr. Dreisbach noted between Miami University and the Talawanda School District all of the required easement or access is being granted. Mr. Dreisbach advised the City is in active negotiation with a resident whose property abuts the High School property and he was fairly certain the City would come to an agreement with them. Mr. Dreisbach noted this was a simple easement granted to the City by the Talawanda School District at no cost to the City.

There were no comments from the public.

Mr. Prytherch advised he felt this was a great connection noting he was glad the City had a partner in the Talawanda School District and that negotiation with the neighboring property owner was going well.

Mr. Dreisbach thanked Law Director Conard for drafting the language for the easement agreement.

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit Application To Allow A School Facility To Be Located At 5158 College Corner Pike Oxford, Ohio With Conditions. (Sam Perry, Community Development Director)

Mr. Perry addressed the staff report as presented on pages 85-86 of Council's packet noting the McGuffey Montessori School is utilizing tenant space in the Westgate Mall as an off-site location for their high school program and they need to obtain approval for the change of use.

Mr. Norm Butt, Applicant, Agent, thanked Council for reviewing the Conditional Use Permit application and offered to answer any questions.

There were no comments from the public.

Mr. Prytherch thanked the applicant for working with the Planning Commission and staff through the lengthy conditional use process.

ORDINANCE
FINAL SUBDIVISION APPLICATION

An Ordinance Approving The Final Subdivision Application And Plat For South Forest Edge Section 1 With Conditions. (Sam Perry, Community Development Director)

Mr. Perry addressed the staff report as presented on pages 129-130 of Council's packet and offered to answer any questions.

Ms. Etta Reed, Bayer Becker, advised this approval was needed to move on to the construction phase of the project and to get the plat recorded. Ms. Reed asked for Council's approval of this Ordinance and the next one related to the Right-of-Way dedication.

There were no comments from the public or from Council.

ORDINANCE
RIGHT-OF-WAY DEDICATION

An Ordinance Approving The Right Of Way Dedication Plat For U.S. 27 (Oxford-Millville Road) In The City Of Oxford. (Sam Perry, Community Development Director)

Mr. Perry addressed the staff report as presented on pages 139-140 of Council's packet and offered to answer any questions.

There were no comments from the public or from Council.

ORDINANCES
SECOND READING

ORDINANCE
NEW SECTION 541.08

An Ordinance No. 3634 By Oxford City Council Repealing The Current Section 541.08 "Ethnic Intimidation" Of The Codified Ordinances Of The City Of Oxford And Enacting A New Section 541.08 "Ethnic Intimidation" Of The Codified Ordinances Of The City Of Oxford. (Chris Conard, Law Director)

Mr. Conard advised he wanted to clarify a discussion point from the last meeting noting under current First Amendment law, hate speech can only be criminalized when it directly incites imminent criminal activity or consists of specific threats of violence or criminal conduct targeted against a person or group. Mr. Conard advised there may have been some confusion at the last meeting that the fact that someone may be in a suspect class in and of itself is enough to raise the level of an offense to Ethnic Intimidation and advised that is not correct. Mr. Conard noted there has to be other evidence that the crime was committed because the victim was a member of the suspect class. Mr. Conard advised if an assault occurs and a racial slur is used it can rise to the level of ethnic intimidation. Mr. Conard noted more evidence needs to be part of that investigation before it would rise to that level.

There were no comments from the public.

Mr. Conard and Chief Jones addressed comments and questions from Council members.

Council members expressed appreciation to staff for bringing the legislation forward to broaden the City's Ethnic Intimidation Section of the Oxford Codified Ordinances.

Mr. Snavelly moved to adopt Ordinance No. 3634. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3635 Amending Ordinance No. 3600. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2021. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on pages 151-152 of Council's packet and offered to answer any questions.

There were no comments from the public or from Council.

Ms. Southard moved to adopt Ordinance No. 3635. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott noted the mask mandate Ordinance was adopted by Council a week ago and information regarding it was provided to the Oxford businesses. Mr. Elliott advised the business community will need some time to adjust.

Mr. Elliott referred to the comments this evening regarding an urban trail and noted he will reach out to staff and regroup. Mr. Elliott advised the first segments of the trail are on City property or on Miami University property and everyone supported those segments. Mr. Elliott noted Council must vote on applying for a grant for the northwest arch section of the trail and the right-of-way details and trail location must be included in the grant application. Mr. Elliott advised Council and staff do listen to the public noting he did not recognize there was such opposition to a proposed urban trail although he certainly heard it tonight from the neighborhood.

Mr. Elliott advised staff would re-examine options for the trail and possibly schedule a Council Work Session to discuss those options.

Mr. Elliott provided an update on Covid-19 cases in the State of Ohio and encouraged people to get vaccinated.

Mr. Dreisbach noted he appreciated everyone's patience with the railroad improvements and provided an update on the CSX Railroad construction project.

Mr. Wooddell provided an update on activities in the Parks and Recreation Department and congratulated his staff for a very successful summer season.

Mr. Perry referred to the trail and noted he and Ms. Greene have talked with some of the residents in the area. Mr. Perry noted in the realm of Public Administration and Urban Planning he looks out into the audience and sometimes no one is there to give feedback and advised staff got the opposite end of that spectrum this evening. Mr. Perry reiterated that staff would reevaluate some options for the trail location.

Ms. Greene advised tomorrow morning she would make a presentation to the Butler County Commissioners regarding the City's regional broadband initiative. Ms. Greene noted it was together with all of the townships in the Talawanda School District and the Talawanda School District itself. Ms. Greene advised the group is proposing a unified countywide approach to broadband disparity in Butler County. Ms. Greene noted if the Commissioners feel they cannot support that, the hope is they will support the Butler County Rural Electric initiative to expand broadband.

Ms. Greene advised the group will also submit a public comment in support of a Countywide Emergency Crisis Response Center which stems from a recommendation from the Police Community Relations & Review Commission.

Ms. Greene provided a brief update on the Amtrak project.

Mr. Conard referred to a comment made this evening regarding an ethical issue and advised every time there is a newly elected official, that person receives ethics training. Mr. Conard noted each time there is a new volunteer on the Planning Commission or on the Board of Zoning Appeals that person receives ethics training. Mr. Conard advised staff receives ethics training as well noting he can personally attest that the elected officials and staff in Oxford hold ethics in the highest regard and would never knowingly do anything that would remotely constitute an attempt to circumvent Ohio Ethics Laws or Sunshine Laws.

Ms. Raghu thanked Ms. Schnell for her bravery this evening noting these matters often get brushed under the rug. Ms. Raghu noted 1 in 5 or 1 in 6 women have been raped depending on what statistic you look at and advised she herself is a victim of sexual assault. Ms. Raghu noted she would like to work with Ms. Schnell or anyone interested in trying to make this town as safe as possible for everyone. Ms. Raghu advised when your North Star is just about trying to make things safe for everyone and making it so people can walk down the street without getting yelled at or harassed you can never go wrong.

Ms. Raghu thanked Ms. Schnell again for what she brought up noting her hope we can make headway on the issue.

Mr. Ellerbe advised he welcomes constructive criticism, likes to debate, and likes to bring up topics that make people think about things from a different perspective than what they may have just had regarding information given to them. Mr. Ellerbe advised Miami University is now mandating vaccines, which will become effective November 22. Mr. Ellerbe noted he would like to see a re-visitation of the amendment he proposed to the City's mask ordinance at the last meeting. Mr. Ellerbe advised there were many things he does in this town that he cannot talk about noting one of those things was actually going around and talking to all of the business owners regarding the situation that was happening last Monday. Mr. Ellerbe advised he wanted them to ask him questions and try to feel as comfortable as possible. Mr. Ellerbe noted he did not think Council discussed the alternatives in enough detail to put the public at ease. Mr. Ellerbe advised he did not communicate clearly enough last week that he is in favor of the mask mandate but only with a vaccination exemption because he still wants to see people get vaccinated. Mr. Ellerbe implored everyone to get vaccinated so we can not have conversations like these. Mr. Ellerbe encouraged public participation in Council meetings so Council can receive public feedback and possibly adjust policies accordingly. Mr. Ellerbe noted he did go to Brick Street last week because he was asked to by some students. Mr. Ellerbe advised he was a resident of the City just like they are and if they ask him to come out and shake their hand he was going to do it.

Mr. Snavelly thanked the residents and citizens of Oxford who attended both the last meeting and this meeting. Mr. Snavelly advised he wanted the students to know that he listens, he may disagree, but he listens to every single comment and he respects them. Mr. Snavelly thanked the people who are concerned about the trail noting he has already expressed to Ms. Greene and to others his own misgivings about the urban plan. Mr. Snavelly noted he thought the residents were very persuasive and that their position would probably prevail although he cannot speak for anyone but himself. Mr. Snavelly referred to Mr. Ellerbe's proposed amendment at the last meeting and advised he kept an open mind and at the beginning he did not know how he was going to vote. Mr. Snavelly noted he felt the arguments to follow the CDC recommendations were more persuasive. Mr. Snavelly referred to Miami University's vaccine mandate and advised if they reach a level of vaccination that is high enough he feels Council should re-visit the mask mandate entirely.

Mr. Snavelly reminded everyone on Saturday, September 18 from 9 a.m. to noon the Kiwanis Pancake Day is taking place. Mr. Snavelly noted they did not hold the event last year because of the pandemic and advised this year it would be a drive-through event held at the high school. Mr. Snavelly noted the funds from Pancake Day support the children in this community and encouraged everyone to attend.

Ms. Southard advised she listened carefully to what everyone said this evening in person, by email and on the street. Ms. Southard noted she is grateful for all of the comments and she weighs carefully what people say. Ms. Southard advised if they are good suggestions she is impressed by that and if they are less good it is interesting which is what she means when she talks about numbers or comments as opposed to the arguments used. Ms. Southard noted she wants to be sure everyone knows Council is here because they want to serve the public and they are doing their best.

Ms. Southard advised Council wants to work with the community noting she believes in the last 8 years she has been on Council they have worked effectively with the community and City staff and have accomplished many good things for the City. Ms. Southard advised she expected that to continue taking into account what people say and how the citizens get involved.

Ms. Southard updated everyone on the Historic Tours taking place in September noting the first tour was offered last Saturday lead by Mayor Smith in the Withrow Street area Uptown. Ms. Southard advised the tours are free and open to the public at 10:30 a.m. every Saturday in September sponsored by volunteers on the HAPC, the McGuffey Museum and the Smith Historical Library. Ms. Southard noted she and Mayor Smith have been involved for many years along with Valerie Elliott and Steve Gordon. Ms. Southard advised next Saturday the tour will begin at 5348 Coulter Lane off of Bonham Road and the following week she will lead a tour of Wespiser Place beginning at 6066 Joseph Drive. Ms. Southard noted the next week the tour begins at 405 Pamela Road.

Ms. Southard advised the Latin American and Caribbean UniDiversity Festival would take place Friday, September 17 at 5:30 p.m. in the Uptown Parks.

Ms. Southard referred to Rosh Hashanah and Yom Kippur and wished everyone a sweet and Happy New Year, one that brings us all peace, prosperity and hope.

Mr. Bracken stated if someone's primary concern is to preserve their college drinking experience and they put that concern over the deaths of 650,000 Americans and counting, 4.5 million people across the world, and more than 12 locally, he has very little sympathy for them. Mr. Bracken noted if someone is not an epidemiologist and is expressing opinions that go against the overwhelming consensus of experts, the CDC, the World Health Organization, Johns Hopkins University, Kaiser Health, etc., he would not put equal weight in their opinion towards those experts and will not debate them. Mr. Bracken referred to comments regarding the urban trail this evening noting the primary concern was the safety of others, the safety of children and that he can respect and will respond to. Mr. Bracken advised if people bring reasonable arguments to him and reasonable motivations he will be glad to listen and noted he will not show concern for something so trivial as socializing in college when people are dying in a pandemic.

Mr. Prytherch thanked everyone who attended the meeting this evening noting that is what Council is here for. Mr. Prytherch noted when things affect someone's neighborhood it creates a high amount of emotion. Mr. Prytherch advised the planning process and public meetings are being done for that very reason because Council and staff know this is not just an engineering challenge. Mr. Prytherch noted this was not just about the price it was about what was the best route for the greater welfare. Mr. Prytherch advised he felt Council and staff need to stay true to the process in order to get to the best outcome. Mr. Prytherch noted it was never going to be easy to complete a trail around the City that involves public right-of-way or private land, technical challenges, one that fits within a budget and tries to achieve various goals. Mr. Prytherch noted in this community, and the way people engage he felt we could talk about the pros and cons of every possible solution and find a way to do this.

Mayor Smith sincerely apologized to anyone, student or non-student, who was offended by his flippant comments at the last meeting. Mayor Smith noted clarification on that remark is that it was merely to get Miami students to make more responsible choices especially on Thursday, Friday and Saturday nights when the first responders are spread the thinnest. Mayor Smith advised he was not asking anyone not to drink, he was asking them not to drink so much that they have to go to the hospital or they get arrested for doing something stupid that they would not do while sober. Mayor Smith noted that was sincerely what he intended.

ADJOURNMENT

Mr. Snively moved to adjourn at 10:07 p.m. Ms. Southard seconded. The motion passed 7-0-0.