

A Regular meeting of the Oxford City Council was called to order by Mayor Kevin McKeehan on Tuesday, September 15, 2015 at 7:00 p.m. Those members present were Bob Blackburn, Richard Keebler, Mike Smith, Steve Snyder and Edna Southard. Kate Rousmaniere arrived at 7:02 p.m.

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

### **ADJOURN TO EXECUTIVE SESSION**

Mr. Blackburn moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22 (G) (1) and (3) for the purpose of discussing Appointments to Boards and Commissions and pending litigation. Mr. Smith seconded. The motion passed by the following roll call:

AYE: Mr. Keebler, Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn,  
Mayor McKeehan (6)

NAY: None (0)

ABS: None (0)

### **RETURN FROM EXECUTIVE SESSION**

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

### **PLEDGE OF ALLEGIANCE**

Mayor McKeehan requested the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

Ms. Rousmaniere moved to amend the agenda by moving the single Resolution to the end of the agenda prior to staff comments. Mr. Keebler seconded. The motion passed 7-0-0.

### **PROCLAMATION** **'NATIONAL HISPANIC** **HERITAGE MONTH'**

Mayor McKeehan read the Proclamation and presented it to Ms. Jacque Velarde.

**Ms. Jacque Velarde**, Center for American and World Cultures, Miami University, noted as every year, it was a pleasure to be here this evening. Ms. Velarde thanked Council for the Proclamation and for their support to the community. Ms. Velarde advised the festival was expanding and this Friday should be a great celebration in conjunction with Home Coming. Ms. Velarde noted she hoped to see everyone there.

### **PROCLAMATION** **'IT CAN WAIT PLEDGE DAY'**

Mayor McKeehan read the Proclamation and presented it to Ms. Katie Pendergraft.

**Ms. Katie Pendergraft**, Butler County Safe Communities, advised Butler County Safe Communities was a traffic safety program and they were currently partnering with AT&T on the 'It Can Wait' campaign. Ms. Pendergraft noted some may have seen the "It Can Wait" commercials in the past week which were very compelling videos. Ms. Pendergraft advised Butler County Safe Communities wanted to encourage everyone to remember distracted driving encompassed much more than phone use behind the wheel. Ms. Pendergraft noted it could be changing the radio station, looking for something in the vehicle or eating. Ms. Pendergraft advised everyone had different distractions and urged drivers to find their personal distraction and work on it to make sure Butler County roads were safe.

### **PROCLAMATION** **'FIJI DAY'**

Mayor McKeehan read the Proclamation. The fraternity members had not yet arrived to accept the Proclamation.

### **APPOINTMENTS TO** **BOARDS AND COMMISSIONS**

Mr. Keebler moved to recommend the appointment of Craig Bennett to the Recreation Board as a citizen member for a term expiring in 2018, Shaunna Tafelski as a Talawanda School District representative for a term expiring in 2018 and Wesley Cole as a Talawanda School District representative for a term expiring in 2018. Mr. Snyder seconded. The motion passed 7-0-0.

### **PUBLIC COMMENTS**

**Mr. David Brown**, Butler County Auditor's Office, noted he was in attendance as part of the Auditor's Outreach Program to local governments. Mr. Brown advised he was happy to report the Auditor's Office under the direction of Roger Reynolds has again been able to return fee money from levies that were collected throughout the county. Mr. Brown noted there was a fee set by the state legislature for auditors to administer the distribution of all the levy money. Mr. Brown advised the Auditor's Office was ready to refund \$1.99 million to local governments in Butler County. Mr. Brown noted the money was allocated to the Auditor's Office to do administrative oversight of the levies and all of the money wasn't needed and was being refunded.

Mr. Brown advised the forfeited land sale would take place October 14, 2015 and 88 properties were on the list. Mr. Brown noted the properties were not sold at Sheriff's Auction and were being offered again for the taxes owed. Mr. Brown advised if there was a second round, the properties could be bid on for \$1.00. Mr. Brown noted the sale would take place at 315 High Street in Hamilton at 9:00 a.m. Mr. Brown advised a list of the properties was available on the Auditor's website.

Mr. Brown advised Butler County's Comprehensive Annual Financial Report (CAFR) and Popular Annual Financial Report (PAFR) for 2014 were available in print or online.

Mayor McKeehan thanked Mr. Brown for his report.

### **CONSENT AGENDA**

#### **MINUTES**

Minutes of the September 1, 2015 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

#### **REPORT**

Report regarding the September 2, 2015 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Mr. Snyder moved to approve the consent agenda. Mr. Smith seconded. The motion passed 7-0-0.

### **ORDINANCES**

#### **FIRST READING**

#### **ORDINANCE**

#### **PRELIMINARY PLANNED DEVELOPMENT**

An Ordinance Accepting The Planning Commission's Recommendation For Preliminary Approval Of A Planned Development On Thirty Seven (37) Acres Of Vacant Land On Southpointe Parkway To Allow A Development For Residential Use With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised a Preliminary Planned Development application was before Council following Chapter 1145 of the zoning code. Mr. Chen noted the Planning Commission makes a recommendation for Council's consideration for legislative action. Mr. Chen advised once a Preliminary Plan was approved by Council it was valid for two years and an approved Final Plan was valid for one year. Mr. Chen noted the site in question was off of U.S. 27 along Southpointe Parkway and provided a PowerPoint slide of the site. Mr. Chen advised the site plan was mutually agreed upon through the court appointed mediation process as a result of litigation due to the denial of the applicants subdivision plan earlier in the year. Mr. Chen noted the general agreed upon items included that there shall be no more than 668 beds and there shall be 22 single-family lots within the development. Mr. Chen advised the plan included a mixture of single-family, two-family and multi-family townhouses.

Mr. Chen noted the Preliminary Planned Development application was reviewed by the Planning Commission last week and part of the settlement agreement provided that City Council would consider the application immediately after the Planning Commission's review. Mr. Chen advised the Planning Commission had a very lengthy discussion on various aspects of the plan including parking, connectivity, open-space and sidewalks and compiled a list of 12 conditions for approval for Council to consider. Mr. Chen noted the conditions were listed on pages 28 and 29 of Council's packet and the decision standards utilized by the Planning Commission were listed on pages 35 and 36. Mr. Chen advised the Planning Commission recommended approval with conditions by a vote of 4-2-0. Mr. Chen offered to answer any questions.

**Mr. Travis Vencel**, Trinitas Development LLC, referred to the slide of the updated site plan noting there were 194 units of singles, doubles and apartments for a maximum of 668 beds. Mr. Vencel advised the plan showed 588-602 parking stalls, with 36% open space, 36% lot coverage a central green area and a tree preservation area. Mr. Vencel noted those items were heard in the past when he was in front of the Planning Commission and City Council and Trinitas incorporated those items into the updated plan. Mr. Vencel advised Trinitas would work to lower the number of parking spaces from what was shown on the Preliminary Plan. Mr. Vencel noted the 22 single-family units were located on the southeast quadrant of the site, the duplexes clubhouse and recreation areas were located on the northwest part of the property and the 64 apartments were in the northeast corner of the property. Mr. Vencel pointed out the common areas, recreation area, clubhouse, central green area and the tree preservation area. Mr. Vencel showed slides of buildings Trinitas had already built including duplexes, single-family and townhouses. Mr. Vencel asked for Council's approval of the Preliminary Planned Development application at their next meeting and offered to answer any questions.

Mayor McKeehan opened the discussion for public comments.

**Ms. Emily Murphree**, 601 S. Main Street, advised she attended the Planning Commission meeting when this development was first proposed. Ms. Murphree noted she was very impressed with the professionalism of the commission members and they used very clear criteria to weigh the pros and cons of the proposed development and rejected it. Ms. Murphree advised the developers were quite angry and said they would take the City to court and she as a citizen resented that whole approach. Ms. Murphree reminded Council that some decade ago City leaders invited citizens to attend a series of meetings in which they would envision the future of Oxford and out of that a blueprint was created for the future of Oxford. Ms. Murphree noted that document with the City's zoning told a story of what the citizens wanted Oxford to be which did not include sprawl or using more green space for student housing. Ms. Murphree asked Council to think about what the citizens of Oxford wanted for the community noting they all wanted it to be a vibrant place for everyone from a toddler to a retiree and for people of all income levels. Ms. Murphree urged Council to go back and look at what the Planning Commission said about the proposed development before there was a gun to their heads.

**Mr. Kyle Hayden**, 119 E. Sycamore Street, advised he was a planning student at Miami University and a student of David Prytherch, the Planning Commission Chairperson. Mr. Hayden noted his class read the 2008 City of Oxford's Comprehensive Plan which was done in the years after Level 27 which was adjacent to the proposed development was built. Mr. Hayden advised it seemed to him this kind of development wasn't in the Comprehensive Plan and the authors specifically said they didn't want anymore developments like this.

Mr. Hayden noted he knew students who lived at Level 27 that resented there was affordable housing there but they were forced to use their cars. Mr. Hayden advised the developers encouraged other means of transportation and there was a big stretch of U.S. 27 including a large hill going into Oxford which was difficult to navigate on a bicycle. Mr. Hayden noted the Butler County Regional Transit Authority recently dropped Level 27 from their bus route and Level 27 was operating a previously owned rehabbed party bus for transportation from Level 27 to campus. Mr. Hayden inquired why there was a clear path for corporations to pin down the City and force this development. Mr. Hayden advised the Planning Commission and City Council had an obligation to the people of Oxford not the corporations.

**Mr. Craig Erickson**, 5280 Morning Sun Road, noted he had questions for the developer or for Council to answer. Mr. Erickson noted he was pleased by the picture of the single-family home and noted perhaps it was an opportunity for community members to live there. Mr. Erickson advised his question had to do with the affordability of living there for fulltime residents of Oxford. Mr. Erickson asked for a broad estimate of revenue per bed the developer expected from the development. Mr. Erickson noted he was sure Council did not want this to be a restricted development that excluded the average citizen. Mr. Erickson advised when an area like this was created for part-time residents it created additional demand for City services for an indefinite period of time and that burden was placed on the taxpayers not the residents living there. Mr. Erickson noted almost 80% of City revenue came from income tax and 13% from property tax and if we're adding more non-income tax paying people to the burden of the City someone needed to explain to the taxpayers how the City intended to pay for the new development.

Mr. Keebler noted there were questions as to whether the water system would be public or privately maintained. Mr. Keebler inquired if the water system would be addressed during the Final Planned Development application process. Mr. Chen advised it would be determined between the preliminary and final application process. Mr. Keebler advised there had been private systems in the past that the City was forced to take over and he felt it was important this issue be addressed to the satisfaction of City Council. Mr. Chen advised the Engineering Office and the Service Department would review the water system issues.

Ms. Rousmaniere asked the applicant to speak to the citizen's question about rental rates. Mr. Vencel advised he did not have specifics on each bedroom yet and noted typically when rents were adjusted for what was provided they became very affordable. Mr. Vencel quoted an estimate of between \$400 and \$800 per bedroom which included all utilities except electricity, it included internet, the fitness center, recreational space and fully furnished units. Mr. Vencel noted if someone did not want some of those amenities the rent would be considerably less. Mr. Vencel reminded everyone that Council did not dictate the price of pizza or hamburgers in the community. Ms. Rousmaniere noted she was glad the developer was considering the conditions the Planning Commission recommended especially the reduction of parking spaces. Ms. Rousmaniere advised the university provided three long term parking lots within Oxford for students. Ms. Rousmaniere inquired if there was an update on any of the other recommended conditions. Mr. Vencel advised Trinitas was comfortable with all of the proposed conditions and they had some work to do between now and the Final Planned Development Application. Mr. Vencel noted he envisioned the water system to be private and a Home Owner's Association would maintain the common elements of the development. Mr. Vencel advised all streets except Southpointe Parkway would be private and the maintenance of those would not be the responsibility of the City and the same with trash pick-up.

Mayor McKeehan inquired if there were anymore questions or comments from Council and there were none.

**ORDINANCE**  
**SUPPLEMENTAL BUDGET**

An Ordinance Amending Ordinance No. 3286. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2015. (Joe Newlin, Finance Director)

Mr. Newlin referred to page 93 of the agenda and advised the first item reflected projected income tax revenue verses the budgeted amount and the second item reflected projected EMS revenue verses the budgeted amount and the adjustments necessary to incorporate those differences.

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

**ORDINANCE**  
**SECOND READING**

**ORDINANCE**  
**SUPPLEMENTAL BUDGET**

An Ordinance No. 3328 Amending Ordinance No. 3286. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2015. (Joe Newlin, Finance Director)

Mr. Newlin advised he had nothing further to add since the first reading.

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

Mr. Snyder moved to adopt Ordinance No. 3328. Ms. Rousmaniere seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Rousmaniere, Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn, Mr. Keebler  
Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

**RESOLUTION**  
**SETTLEMENT**  
**AGREEMENT**

A Resolution No. 4929 authorizing the settlement of the lawsuit brought by Trinitas Development LLC and Four Leaf Development LLC against the City of Oxford and authorizing the City Manager to take all steps necessary to enter into a settlement agreement. (Doug Elliott, City Manager)

Mr. Elliott advised on May 5, 2015 City Council denied the Preliminary Subdivision Application for the Fields of Southpointe submitted by Trinitas Development LLC. Mr. Elliott noted subsequently a lawsuit was filed with the Butler County Court of Common Pleas against the City of Oxford. Mr. Elliott advised two mediation sessions were held with all parties and the settlement agreement as presented on pages 21-26 of the agenda was the result of those medication sessions. Mr. Elliott recommended adoption of the proposed Resolution and noted he and Mr. McHugh would answer any questions regarding the Resolution or the agreement.

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

Ms. Rousmaniere moved to adopt Resolution No. 4929. Mr. Blackburn seconded. The motion passed 7-0-0.

**ANNOUNCEMENTS**

Mr. Elliott noted there were a lot of comments made about the Comprehensive Plan and advised the introduction of the City's 2008 Comprehensive Plan stated 'The Comprehensive Plan is a broad policy document intended to guide decision making on long term physical development comprised of policy statements, principals, goals, objectives, strategies and maps. The plan guides the physical, social and economic development of the municipality and its environs. This includes both private and public development. The plan is implemented over time through many distinct decisions including annual budgeting, departmental work programs, rezoning and the sub-division of land.' Mr. Elliott advised the Comprehensive Plan was a guiding document and not a controlling document or detailed list of legal specifications such as a zoning map or a subdivision regulation. Mr. Elliott noted the City of Oxford's Comprehensive Plan included 9 goals, 57 objectives and 250 strategies. Mr. Elliott advised that was not to say every element was crystal clear and not subject to some disagreement or debate as to whether or not a project followed the Comprehensive Plan. Mr. Elliott noted some might argue the last 8 years of development in the Uptown District goes against preserving Oxford's historic character while others would argue that such development has made for a more vibrant Uptown while maintaining the historic character. Mr. Elliott noted he felt an argument could be made either way based on the Comprehensive Plan. Mr. Elliott reiterated the plan is implemented over time through budgeting, projects, rezoning and the subdivision of land. Mr. Elliott advised some argued the Fields of Southpointe did not meet the City's Comp Plan. Mr. Elliott noted the property was recently rezoned R2A which permitted duplexes and the Fields of Southpointe included duplexes, townhomes and single family units as well as significant green space and a green space pathway.

Mr. Elliott advised the Fields of Southpointe did not meet certain elements of the Comp Plan such as protecting the rural character, preserving farmland and focusing on in-fill development. Mr. Elliott pointed out it met the objectives of creating new residential areas with traditional neighborhood qualities that allowed for a mix of housing types, that it expands housing options, that it improves rental housing and provides diverse housing opportunities. Mr. Elliott noted all of those aspects were stated in the Comp Plan. Mr. Elliott suggested when someone stated a certain development did not meet the Comp Plan to look carefully and thoughtfully to make sure personal preferences weren't being stated. Mr. Elliott noted there were difficult decisions that had to be made and he appreciated the role City Council played in making those decisions.

Mr. Elliott referred to the US 27 South improvement project and noted the intersection of Patterson and Chestnut was projected to be closed for 30 days. Mr. Elliott advised very good progress was being made and he hoped to see the intersection open ahead of the 30 day projection although it was weather dependent.

Mr. Keebler stated the Comp Plan for the most part guided annexation issues and zoning issues and it could not guide whether or not Council approved individual projects that were permitted within a certain zoning district. Mr. Keebler advised the Comp Plan was not project specific unless the land required a total rezoning. Mr. Keebler noted the Southpointe property was annexed well over 10 years ago and before the annexation it was zoned by the county for multi-family use. Mr. Keebler advised the City felt it was in its best interest to annex the property and that was when the type of development to go there came into being, not with the Fields of Southpointe development application. Mr. Keebler noted he felt that was important to remember.

Mr. Chen referred to the Proclamation read earlier this evening and noted some Fiji brothers were now in attendance.

Mr. Sam Hicks, Mr. Ben Hicks and Mr. Jack Onulak accepted the Proclamation from Mayor McKeehan. Mr. Hicks thanked Council on behalf of the fraternity for bestowing the honor of the Proclamation upon them and noted they looked forward to continuing to be active and contributing members of the community.

Mr. Chen encouraged everyone to attend the Chinese Festival on Friday, September 25, 2015.

Mr. Smith advised the HAPC was very excited and noted on Thursday the State Historic Preservation Office would be in town to conduct the Building Doctor Clinic. Mr. Smith noted a presentation would take place Thursday night and the Historic Preservation Office would visit 10 historic sites in Oxford to offer home owners and business owners tips on how to maintain their properties and repair problematic aspects of historic structures.

Ms. Rousmaniere noted Council appreciated all of the citizen's comments regarding the Southpointe property. Ms. Rousmaniere reminded everyone in recent years the property was zoned Office Industrial (OI) which was an option for development at one time. Ms. Rousmaniere noted in April of 2014 Council rezoned the property to R2A which allowed single and two-family housing and it was a very controversial issue. Ms. Rousmaniere advised there had been debate, revisions, objections, legal counsel and research by the Planning Commission and Council over the last 1 ½ years and many citizens provided input on the project.

Ms. Rousmaniere noted she felt the final project was a better lay-out and design than what was presented earlier. Ms. Rousmaniere advised the Planning Commission requested that the single-family portion be built before 60% of the project was done so it became a central part of the project. Ms. Rousmaniere noted one of the main issues with the project had to do with the zoning code and the R2A district and what it allowed and did not allow. Ms. Rousmaniere advised as a result of that complication Council was initiating a zoning study to begin next year. Ms. Rousmaniere noted the study would help us envision the future of Oxford by looking at all of the zoning codes and clarifying through zoning what it was we wanted. Ms. Rousmaniere advised zoning was the heart of the matter.

Mayor McKeehan advised on Thursday the local La Rosas was holding a benefit for Oxford Police Officer Pete Reising who was severely injured in an off-duty accident. Mayor McKeehan noted the benefit was from open to close at La Rosas and a percentage of their proceeds would go to the Pete Reising Family Education Fund. Mayor McKeehan encouraged everyone to pick-up a flyer to present for pick-up, delivery or dine in orders.

#### **ADJOURN**

Mr. Smith moved to adjourn at 8:25 p.m. Ms. Rousmaniere seconded. The motion passed 7-0-0.