A Regular meeting of the Oxford City Council was called to order by Mayor Kevin McKeehan on Tuesday, November 3, 2015 at 7:30 p.m. Those members present were Bob Blackburn, Richard Keebler, Mike Smith, Steve Snyder and Edna Southard. Kate Rousmaniere was excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. John Jones, Police Lieutenant; Mr. Joe Newlin, Finance Director; Mr. John Detherage, Fire Chief; 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.

PLEDGE OF ALLEGIANCE

Mayor McKeehan requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Snyder moved to approve the agenda. Mr. Blackburn seconded. The motion passed 6-0-0.

NOTICE TO LEGISLATIVE AUTHORITY

Transfer permit from Oxford Johnnys Inc. 1st Floor only Unit A 209 E. Sycamore St. Oxford, Ohio 45056 to KSDA LLC DBA Johnnys Campus Deli 1st Floor only Unit A 209 E. Sycamore St. Oxford, Ohio 45056.

Mr. Kyger noted a change in ownership of the business in question and therefore the liquor permits would be transferred into the new owners' name.

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

PUBLIC COMMENTS

Ms. Kathleen Zien, Joseph Drive, read the following into the record (in part): there's no accountability with Council or review boards if dozens of eyes watch from this end of the room even if citizens are present that don't speak that makes a statement with full audience listening. If I nod or shake my head I'm overlooked but if you're staring at 5 rows of angry or apathetic people your response in voting may change. Nothing would be better than standing room only at City meetings, it shows real commitment to wait in line at the podium for public comments or agenda items. Sometimes City Council meetings are 23 minutes start to finish. Although consent agendas streamline meetings it wasn't unusual for the first 10 years I attended that a vote was taken at 11:00 p.m. to continue past midnight. Often I was the only one to address Council or the only observer at BZA or HAPC that wasn't the applicant. In 30 years I can count on one hand the Councilors who've attended BZA even once to observe their semi-judicial proceedings for a board that you delegate. I've sat through more City meetings in 30 years than most Councilors combined giving me a history and a good memory.

A "Citizen of the Year" nomination noted when no one on Council or staff knew what happened on a particular issue because it predated their tenure, Kathleen could cite the information needed because she had been there 5 or 15 years earlier. When staff checked minutes they verified her information was correct. It isn't easy here, it takes hours to type, edit and whittle down words for 5 minutes. I know my word count to read at break-neck speed. If you watch the second hand as soon as I start speaking you'll never hear or listen to what I say. If there was a line of people waiting behind me for their 5 minutes that would be one thing, but rarely is anyone here. There's never a line to get here, there's little interest, students attend for class credit. If others offered diverse, factual, challenging or supportive views I'd welcome them as should Council. I attended the recent Candidates Forum WMUB no longer broadcasts live and there was a change of format. School Board Candidates, Township Trustees and City Councilors sat at tables where people met them. Of Oxford's 21,000 population only 7 people came to meet the Council Candidates. What's that tell you? Understandably people feel Councilors, Planners and boards won't listen, if they watch tapes they feel they will be chastised as I've been. Some tell me "I would have said what you did but I'm afraid to speak in public". If Council hears from anyone even 3 sentences is better than silence. Any citizen who has the nerve, stamina or prepares for City meetings should be welcomed and not belittled. I've applauded smart comments and appropriate votes at Council. I've been in the audience when male senior citizens have spoken 8-10 minutes uninterrupted, no one looks at the clock, no one stops them, no Councilor gets impatient or has a tantrum. Some female citizens have exceeded the hallowed 5 minutes. Whether it's intentional or not there's a double standard. Whether men are favored, whether selective or sexist, it happens and we notice. The agent who will speak tonight for Contreras Road took 21 minutes with his presentation at Planning October 13th. He would have been given another 21 minutes if he wanted. Presentations take time but so do rebuttals. At that meeting I was reprimanded. Mr. Keebler abruptly chimed in at 5 minutes to have me stop yet there wouldn't be any other citizen that would be speaking. It was too much of an outburst to be overlooked and without this follow-up. I understand Planners talked about the incident after the meeting but were equally startled when it happened and couldn't react quickly enough. The one page staff report won't capture it, the minutes might but those take a month to get printed. Fast forward to that taped portion of the October 13th Planning Commission meeting on Oxford on Demand. I've been defended over a dozen times by previous Councilors to Mayors and they've said Kathleen spends more time doing research and background checks than all of us combined and I want to hear what she found. If only someone did that homework for me. Dick, as we see it from this side of the room we know your mind is often made up before you get to a meeting. We've come to know your impatience, we know you're counting the days until your pending step-down from Council and Planning Commission. We welcome you to this side of the room and hope to see you often with us mere mortals. Then you'll know the courage and guts it takes to get up here without glory. I do think Mrs. Keebler would have been surprised, disappointed, or both at your outburst to a citizen, any citizen in a meeting.'

CONSENT AGENDA

MINUTES

Minutes of the October 20, 2015 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the October 13, 2015 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the October 15, 2015 Parks and Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

Report regarding the October 21, 2015 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the October 28, 2015 Civil Service Commission Meeting. (Candi Turpin, Human Resources Director)

RESOLUTIONS

RESOLUTION AGREEMENT WITH T-2 SYSTEMS

A Resolution No. 4942 authorizing the City Manager to enter into a three (3) year software subscription agreement with T-2 Systems, Inc. for the use of software utilized by the City of Oxford's Parking Unit at a total cost of $48,359.35. (Bob Holzworth, Police Chief)

RESOLUTION SURPLUS EQUIPMENT

A Resolution No. 4943 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. (John Detherage, Fire Chief)

Mr. Blackburn moved to approve the consent agenda. Mr. Smith seconded. The motion passed 6-0-0.

RESOLUTION MUNICIPAL AGGREGATION

A Resolution No. 4944 of Council adopting the Amended Plan of Operation and Governance for the City of Oxford's Municipal Electric Aggregation Program which permits opt-outs at various times throughout the term of the contract. (Doug Elliott, City Manager)

Mr. Elliott advised a Draft Plan of Operation and Governance was presented at the Public Hearings in December 2014 and he and Eagle Energy were proposing that an additional paragraph be added to the Draft Plan of Operation and Governance which would permit "subsequent opt-outs" at various times throughout the term of the contract. Mr. Elliott recommended that City Council adopt by resolution the Amended Plan of Operation and Governance.

Mr. Elliott noted under the amended plan, subsequent letters would only be mailed to addresses where the customer was included in the City's Electric Aggregation Program last spring but moved out at a later date (primarily student housing) and the account returned to the Duke standard service rate. Mr. Elliott advised the letters would not be mailed to residents who are already in the program or who opted-out. Mr. Elliott noted enrollment in the program declined over 50% in August of 2015 and providing the subsequent opt-out letter would make it more convenient for students to participate in the City's Electric Aggregation Program. Mr. Elliott advised during student move-in this fall staff met with a lot of students who showed interest in the program and when they receive the opt-out letter they can return it only if they decide not to participate in the program.

Mr. Keebler noted if the account reverted to the Duke standard rate the tenant should receive an opt-in letter not an opt-out letter. Mr. Elliott advised the electors voted for an opt-out program. Mr. Keebler clarified that once the opt-out letter was issued the account would go back into the aggregation program unless the customer decided to opt-out.

Mr. Snyder noted the City was following the state statute.

Mr. Blackburn noted it would be helpful to know when the letters would be mailed and Mr. Elliott advised he would keep Miami's Secretary for Off Campus Affairs apprised.

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

Mr. Smith moved to adopt Resolution No. 4944. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTION
DISPATCH SERVICES

A Resolution No. 4945 authorizing the City Manager to enter into an agreement for the Board of Commissioners of Butler County, Ohio to provide dispatch services for the City of Oxford pursuant to Ohio Revised Code Sections 307.15 and 307.16. (Doug Elliott, City Manager)

Mr. Elliott advised Butler Council presently had five Public Safety Answering Points (PSAPs) which were the Butler County Sheriff's Office; the cities of Middletown, Fairfield, and Oxford; and West Chester Township. Mr. Elliott noted the Butler County 911 Planning Committee was required to reduce the number of PSAPs to four by January 1, 2016 or risk a 50% reduction in funding. Mr. Elliott advised of the five current Butler County PSAPs , the City of Oxford received the lowest volume of 911 calls (2.3% in 2014). Mr. Elliott noted given the need of the Butler County 911 Planning Committee to reduce the number of PSAPs to four in 2016 and the low volume of 911 calls which the City of Oxford receives, he, Chief Holzworth and Lt. Jones began discussions with representatives of the Butler County Sheriff's Office regarding the possibility of them providing safety dispatch services to the City of Oxford. Mr. Elliott noted this option was discussed with City Council during the August, 2015 Council Strategic Planning Retreat. Mr. Elliott advised staff approached this option with three goals in mind:

1. Any new service proposed must be at least equal to or better than what is presently provided.
2. There must be some cost savings.
3. Consider options for existing employees and keep them informed throughout the process.

Mr. Elliott noted he believed all three goals had been achieved. Mr. Elliott advised the cost savings to the City under the proposed contract and operational restructuring was estimated to be minimal as the cost savings was dependent on the actual reduction in positions, overtime, and contracted services, as well as, the cost of the proposed agreement. Mr. Elliott noted the cost of the proposed agreement with the BCSO was $336,000 for the first year with 5% increases for the following two years and the CPI-U each year after. Mr. Elliott advised staff's goal was to make the transition for the public and the employees as seamless as possible by January 1, 2016. Mr. Elliott noted the City of Hamilton contracted with the BCSO in 2013 for the provision of safety dispatch services and had been pleased with the service provided. Mr. Elliott advised Matt Franke from the BCSO and Lt. Jones were in attendance to answer any questions.

Mr. Matt Franke, Butler County Sheriff's Office, noted Mr. Elliott's summation was very good and offered to answer any questions.

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

Mr. Snyder inquired if the transition would be complete by January 1, 2016. Mr. Elliott advised there may be some phasing of the initiative noting Mr. Franke had approval to pay for the transitional costs but needed to wait until Council approved the contract between the City and the Butler County Commissioners. Mr. Elliott advised staff had a lot of work ahead of them in transitioning the employees in the current Dispatch positions into their new roles. Mr. Elliott noted he was confident the details would be worked out and someone would still be on duty 24/7. Mr. Snyder advised the City of Oxford currently dispatched for Oxford Township and inquired how that would be handled and who would pay for it. Mr. Elliott advised Butler County would dispatch for the township and the 911 Committee needed to look at how the townships would participate in cost sharing. Mr. Snyder inquired how the transition would affect the Miami University Police Department. Mr. Elliott advised MUPD was a secondary PSAP and the City of Oxford was currently receiving their 911 calls. Lt. Jones advised calls going to MUPD for ambulance or fire service would be transferred to Butler County dispatch instead of MUPD transferring the call to the City of Oxford dispatch. Lt. Jones noted if a student called 911 from a cell phone it would automatically go to Butler County dispatch and they would process the call. Mr. Elliott advised Miami University staff and MUPD had been kept apprised of the transition.

Mayor McKeehan noted he wished the City could keep its own dispatch center but he was confident Butler County would do a fine job.

Mr. Keebler noted the City of Hamilton was leery about combining their dispatch center with Butler County but with the amount of mutual aid and the amount of inter-connection available today he felt the county had done a very good job. Mr. Keebler advised the savings might not be significant to start with but as equipment needed replaced there could be some significant cost avoidance in the future. Mr. Keebler noted he was pleased someone would be on duty 24/7 in the Oxford dispatch center and still see a cost savings.

Mr. Snyder moved to adopt Resolution No. 4945. Mr. Smith seconded. The motion passed 6-0-0.

RESOLUTION
CONTRACT WITH
DONALD W. MAY CONTRACTING, INC.

A Resolution No. 4946 accepting the bid and authorizing the City Manager to enter into a contract with Donald W. May Contracting, Inc. for the replacement of an existing ten (10) inch cast iron water main with a new twelve (12) inch ductile iron water main from Southpointe Parkway to Booth Road and from Booth Road to the main terminus at N. Law Road at a cost of $699,088.50 plus a contingency amount of ten percent (10%) of the contract price or $69,908.00 for a total cost not to exceed $768,996.50. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised as part of the US 27 S. widening and safety project from Chestnut Street to Southpointe Parkway, that stretch included a new 12 inch ductile water main. Mr. Dreisbach noted beyond Southpointe Parkway the water main was an old cast iron pipe in very poor condition. Mr. Dreisbach advised the City planned for the replacement of this section of pipe and budgeted $974,000 for the replacement project. Mr. Dreisbach noted the City obtained a grant from the Ohio Public Works Commission to pay project costs up to 50% of the contract price. Mr. Dreisbach advised the City advertised and received 15 bids for the project with Donald W. May Contracting, Inc. providing the lowest bid. Mr. Dreisbach noted Donald W. May Contracting, Inc. had a strong reputation and did a lot of work for the Butler County Engineer's Office. Mr. Dreisbach recommended Council award the entire project to Donald W. May Contracting, Inc.

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

Mr. Keebler noted the bid was under budget and the company had a good reputation.

Mr. Snyder advised the project had been included in the 5 year CIP.

Mr. Smith moved to adopt Resolution No. 4946. Mr. Blackburn seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit To Allow For Shared-Use Parking Between Two Adjacent Lots At 10 University Avenue Oxford, Ohio 45056 With Conditions.(Jung-Han Chen, Community Development Director)

Mr. Chen advised the Conditional Use Permit application came about through an application to build an addition to the rear of 10 University Avenue. Mr. Chen noted the building straddled 4 parcels and the garage being used for 10 University Avenue was not on the same lot as the home. Mr. Chen advised the zoning code required parking and site access conditions be brought into compliance as part of an addition to a structure.

Mr. Chen noted the Planning Commission recommended approval with conditions that the lots be consolidated and an easement be established and recorded for the off-site parking. Mr. Chen offered to answer any questions.

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

ORDINANCE
PRELIMINARY PLANNED
DEVELOPMENT

An Ordinance Accepting The Planning Commission's Recommendation For Preliminary Plan Approval Of A Planned Development For One (1) Acre Of Land At 5990 Contreras Road Oxford, Ohio 45056 To Allow The Reconfiguration Of An Existing Structure For Residential and Office Uses With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Ordinance was for a Preliminary Planned Development at 5990 Contreras Road, at the corner of Contreras Road and Jacqueline Drive. Mr. Chen noted the proposal was to create 3 dwellings and a professional office. Mr. Chen advised the building was built in 1890 and had significant historic features. Mr. Chen advised the City's Comprehensive Plan emphasized historic preservation when dealing with land use applications. Mr. Chen noted some of the neighbors were concerned about the proposal and primarily about what the office use might be. Mr. Chen advised the Planning Commission spent a great deal of time discussing the proposal and voted 4-0-0 to recommend approval with the following conditions:

1. The use shall be limited to a maximum of 3 dwelling units (the current efficiency apartment and 2 additional units) or 2 dwelling units (the current efficiency apartment and 1 additional unit) and 1 professional office (limited to those uses specifically enumerated in Oxford Zoning Code Section 1159.17).
2. Maximum occupancy of any dwelling unit for which a rental permit is required shall be 4 persons, no more than two of which may be unrelated unless constituting a family as allowed in Oxford Zoning Code Sections 1146.02(a) and 1146.02(b).
3. The office use shall be limited to a maximum of 2,500 square feet.
4. Any sign for the Professional Office shall conform to Oxford Zoning Code Section 1151.05(a)(1) except only a free-standing sign will be permitted and the design of the sign shall be in harmony with the historic character of the home.
5. The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress of the new uses and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
6. The hours of operation of the professional office shall be limited to 8:00 a.m. to 8:00 p.m.
7. The Planned Development shall in all other respects comply with Oxford Zoning Code Section 1143.09 RO Office Residential District.

Mr. Chen offered to answer any questions and noted the applicant would make a presentation as well.

Mr. Scott Webb, Applicant/Agent, advised the property in question was originally 13 acres outside City limits and his clients (Pete and Connie McCarthy) were the third owners of the property. Mr. Webb noted the owners had done a marvelous job renovating and constantly improving the property. Mr. Webb advised everything around the property had changed dramatically and noted there was R3 development across Jacqueline Drive, single-family across Contreras Road and a lodging house on the diagonal that had been approved through the Planned Development process for more intense housing use. Mr. Webb advised the property in question was zoned R1B bordered by everything imaginable. Mr. Webb noted the property had been conforming most of its life until 2003 when the zoning map amendment changed the property to R1B making it a nonconforming use. Mr. Webb advised that was further complicated by changes to the nonconforming use section of the code which severely hampered any modifications to a nonconforming property. Mr. Webb noted the house was over 5,000 square feet with a 400 square foot efficiency apartment over the attached garage and the zoning map amendment prohibited further division of the property. Mr. Webb advised the nonconforming section of the code required an occupancy reduction if the house was reconfigured. Mr. Webb noted in a R1B district professional offices were not allowed other than a home occupation which only allowed one employee. Mr. Webb noted this was a beautiful home with a lot of square footage and not a lot of options on what to do with it. Mr. Webb advised his clients attempted to change the zoning on two occasions which were denied and now they were attempting the Planned Development approach. Mr. Webb noted the Planned Development approach would open options for adaptive reuse of the property and a Planned Development would protect the City in a way a zoning change would not. Mr. Webb advised the Planned Development approach would give adjacent property owners, planners and Council assurance that his clients were "freezing in time" what was allowed on the property and they have taken away the mystery of a more intense development in this location. Mr. Webb noted because this was a large property the current R1B zoning would allow it to be subdivided into three lots which would allow three single family homes with a maximum occupancy of 12 on one acre. Mr. Webb advised his clients were asking for (with the Planning Commission's recommended conditions) a maximum of 5 occupants on one acre and the possibility for a professional office. Mr. Webb noted if his clients were to subdivide the property there was no guarantee the existing house would remain. Mr. Webb advised he and his clients felt and the Planning Commission agreed the proposal was similar to uses around it and it provided opportunity for adaptive reuse of the property and the application met all of the requirements for a Planned Development. Mr. Webb noted his clients agreed to comply with the conditions proposed by the Planning Commission and any changes in the future required Planning Commission review. Mr. Webb advised he felt the City was protected by this proposal and the owners had options to save the structure.

Ms. Marsha Haffey, 5106 Bonham Road, noted Council might wonder why someone who lived on the other side of town cared about a change in a residential area at 5990 Contreras Road. Ms. Haffey advised she was thinking the same thing at 2 a.m. when she was trying to go to sleep with the glare from the lights at the Beta Headquarters. Ms. Haffey noted she lived in a neighborhood with a non-residential facility and for the most part the Beta Headquarters was not an inconvenience. Ms. Haffey advised this time of year the lights from the Beta Headquarters parking lot and security lights glared into her bedroom windows. Ms. Haffey noted she had to hang light blocking drapes and cover her beautiful windows. Ms. Haffey advised she felt a person was allowed to have security and comfort in their own home without having surrounding facilities interceding and that included getting a good night's sleep.

Ms. Haffey noted a non-resident should not be among private homes and she hoped Council would not approve this request as it was not good for the neighborhood.

Mr. Bill Fisher, 4883 James Road, noted in listening to the presentation he greatly appreciated the effort that Scott Webb and the Planning Commission had put into making this proposal more conforming to what the community would see possible. Mr. Fisher advised as he heard the proposed changes would allow the building to be saved, he wondered, saved from what. Mr. Fisher noted maybe from the owners themselves as he knew they wished to sell the lot and it had not sold in a number of years. Mr. Fisher advised he did not know the exact value the owners were asking for or what they bought the house for. Mr. Fisher noted the imaginations seemed to be getting back to the same thing talked about in 2010 and sounded very much like spot zoning again. Mr. Fisher advised a house behind his on Contreras Road was well over an acre and he would not want it to become this type of arrangement. Mr. Fisher encouraged Council to vote against the proposed change.

Ms. Kathleen Zien, Joseph Drive, read the following into the record (in part): for the third time the owners are working the system with an end-run around Oxford zoning. This property wasn't appropriate for office rezoning in 2010 and was denied. This August a unanimous denial for multi-family never headed to Council. The ink wasn't dry on the denial before Webb applied August 28th for this one. The individual requests previously inappropriate and unacceptable that would degrade this area were rightfully denied by City boards. This request combines the worst of both rejects asking for office use with 12 hours of operation and multi-residential. New wordsmithing calling it a Planned Development is a shrewd way to get on the agenda and around the reality of a spot zone. Office and rental units would be the demise of the home. Once Pandora's Box is open it will never return to single-family again. Splitting it into units will irrevocably change the building, grounds and the area. I don't think the owners care about maintaining neighborhoods. Oxford has 11 approved overlay districts with another pending. McCarthy is the one Planning Commission member who is the lone no vote for any and all overlay districts and didn't sign the petition for ours. It's one thing to sit on the price unsold if it didn't affect anyone else but when its been overpriced for years so they can use that as an alibi to change zoning that's the issue and insult. Before Council considers a irrevocable change to this home, this corner, this neighborhood go right to the source and hold the owners accountable for putting you in this position by deliberately overpricing the house using that as an excuse to say it can only be mixed use. I found it interesting when Mr. Webb said we've attempted this zoning, we've attempted that zoning and this is our third time. He failed to say they never attempted to price it right. Neither Council or Planning Commission members should feel responsible to default to this request when owners have never done their part to sell it for where it is and what it is. Spot rezoning to increase one persons property value is not the responsibility of Planning Commission or Council. It is your joint responsibility not to degrade or decrease adjoining property values by your decisions. According the an Ohio Supreme Court Ruling, singling out a lot or small area for discriminatory or different treatment from surrounding land similar in character can not be considered if it serves to benefit one particular individual. The implied threat has been if you don't grant this we can split the lot, tear down the house and put in more buildings. If so, the community at large not just the immediate neighborhood will like them even less. With the historic designation the house has been given that might be difficult.

The house is not an anomaly but would be if a business open 12 hours with possibly 9-12 residents and mandatory parking for 11-14 is permitted. It's an unacceptable number of on site parking spaces on this residential corner that negatively transforms the look of the house and the grounds forever. Please note the site plan on page 103 that has 4 slant parking spaces proposed on what's currently the side and front lawn. That is not 'freezing the property in time'. The house including the attic is said to be 5,000 square feet. Yet, under condition #3 on page 75 office space may be up to 2,500 square feet. The entire 1st floor including the sun-room addition is 1,974 square feet. Where would a 2,500 square foot office space be? The applicant uses white coated professionals, architects and lawyers as bait for office use. There's no doctor in the wings practicing until 8:00 p.m. Children and senior daycare centers can last into the evening as can barber and beauty shops, massage, nail and tattoo parlors and dance studios and all are permitted uses. In the staff report on page 85, Mr. Chen says the property feels like a 'mini-homestead'. That should have been the selling point. Mr. Chen, the size of the house and the lot is not unattractive for single-family since its been just that for over 100 years. The price is unattractive. Mike Smith is the only Councilor who passes this corner multiple times a day as we do. The rest of you including the City Manager live in safe havens of Quail Ridge, Hunter Woods, Lantern Ridge, Fox Run, Kehr Road and Southern Knolls. If you approve this bad choice you won't be affected. McCarthy's recently moved to Heritage Subdivision, all residential single-family. Webb's home is deeply setback from Contreras in the woods. Neither is impacted by a business open 12 hours a day or a dozen people living next to them. This doesn't pass the 'sniff test' for multiple decision standards. Any reuse of this property for a spot rezone adding more residents, more vehicles and business hours is unacceptable for this area and this building. It's a given anything other than single-family which has been there 100 years will generate more noise, negatively impact the neighborhood, the character of it, property values, on/off site parking and traffic. Our area does not deserve this. Spot rezoning is an irreversible mistake for this address. A potential domino effect setting negative precedent on zoning and damaging the stability of this residential area. Once the zoning is changed you know there is no turning back. You've learned that from Southpointe. I hope you have two weeks to think smartly on this.'

Mr. Snyder referred to page 75 of the agenda and inquired if the efficiency apartment was included in the maximum number of dwelling units and Mr. Keebler advised yes. Mr. Snyder inquired why it was stated there could be 3 apartments or 2 apartments. Mr. Keebler advised it was intended to give the owners flexibility to market or use the property and still limit the amount of potential occupants. Mr. Snyder inquired assuming the Preliminary Planned Development was adopted, what the timeframe was in which something had to happen. Mr. Chen advised the sunset clause for a Preliminary Planned Development was two years with a one year extension if approved by the Planning Commission. Mr. Snyder noted the owner could do nothing for two years and in the meantime sell the property and Mr. Chen concurred.

Ms. Southard asked Mr. Chen to explain to the public what rights they had with regard to light pollution and traffic from neighboring residences. Mr. Chen referred to Zoning Code Section 1141.04 (f) and advised there were regulations for light and glare from exterior lights. Ms. Southard inquired if those applied to any residence and Mr. Chen advised yes, within the City limits.

Mr. Keebler referred to page 75 of the agenda and clarified that the uses were limited to those specifically enumerated in Oxford Zoning Code Section 1159.17 which defined 'Professional Office'.

Mr. Keebler noted Ms. Zien was incorrect by stating barber and beauty shops, etc., would be permitted uses. Mr. Keebler advised Professional Office did not include everything permitted in the RO Districts. Mr. Keebler suggested amending condition 1) by inserting after three dwelling units *'the current efficiency apartment and two additional units'* and after two dwelling units *'the current efficiency apartment and one additional unit'*. Mr. Keebler advised the Preliminary Planned Development application passed by the Planning Commission by a 4-0-0 vote and that was not the case when previous requests came before the commission for rezoning. Mr. Keebler noted the Preliminary Planned Development was not spot rezoning - it was a legal use of a Planned Development within the existing zoning code. Mr. Keebler advised Mr. Prytherch spoke many times about having some mixed use in residential areas and this was a good chance to try that concept and it would help preserve a historic building which was not surrounded by single family homes. Mr. Keebler noted he felt the property was an anomaly and he did not see anyone investing in the property and maintaining it as a single family residence. Mr. Keebler advised before the McCarthy purchase, the house was getting in disrepair. Mr. Keebler noted the efficiency apartment had been there for decades and initially was the caretakers residence. Mr. Keebler advised the property was improperly rezoned R1 in 2004 making it nonconforming severely limiting what the owners could do. Mr. Keebler noted he felt Council needed to do something to make the property more viable and help assure the house was preserved and he felt the Planned Development would do that. Mr. Keebler advised in 2010 he voted against the request for RO zoning as it was spot zoning and he felt the allowable uses under RO were too broad. Mr. Keebler noted in 2015 he voted against the request for R3 zoning as there was nothing to keep the house from being torn down and an apartment building being built. Mr. Keebler advised Council could not rezone the property and put conditions on it but through a Planned Development they could.

Mr. Keebler moved to amend condition 1) to insert after three dwelling units *(the current efficiency apartment and two additional units)* and after two dwelling units *(the current efficiency apartment and one additional unit)*. Mr. Snyder seconded. The motion passed 6-0-0.

Mr. Snyder inquired what restrictions were placed on the structure in terms of the historic plaque. Mr. Chen advised none, it only marked the historic significance of the building. Mr. Snyder inquired if a demolition permit could be granted if the Planned Development did not get adopted and Mr. Chen advised yes.

Ms. Southard inquired if there were other single family homes in Oxford with similar square footage. Mr. Chen advised the property in question was 5,000 square feet and new homes in Hunter Woods were 2,500 to 3,000 square feet. Mr. Chen noted the property in question was built in 1890 with the original footprint being 3,700 square feet. Mayor McKeehan inquired what size the homes in Stone Creek were and Mr. Chen advised 3,000 to 3,500 square feet.

ORDINANCE
2016 APPROPRIATIONS

An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2016. (Joe Newlin, Finance Director)

Mr. Newlin noted this was the annual expenditure Ordinance as discussed at the October 8, 2015 City Council Work Session. Mr. Newlin referred to pages 107 and 108 of the agenda and discussed significant items within the proposed budget. Mr. Newlin offered to answer any questions.

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

Mayor McKeehan advised items regarding the proposed budget were discussed at the Council Retreat, the CIP Work Session and the Budget Work Session.

ORDINANCE
BUDGETED TRANSFERS

An Ordinance Outlining Budgeted Transfers For The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2016. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on pages 128-130 of the agenda and offered to answer any questions.

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

ORDINANCE
BUDGETED ADVANCES

An Ordinance Outlining Budgeted Advances For The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2016. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on page 133 of the agenda and offered to answer any questions.

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

ORDINANCE
2016 FEES & CHARGES

An Ordinance Adopting Fees And Charges For Fiscal Year 2016. (Joe Newlin, Finance Director)

Mr. Newlin referred to pages 136-156 of the agenda and noted changes in the fee ordinance were in bold print. Mr. Newlin advised specific questions should be directed to the appropriate Department Head. Mr. Newlin noted fees for trash pick-up and fees for water and wastewater were reduced by 2%. Mr. Newlin advised the trash fee was based on the current overhead compared to the new overhead.

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

Mr. Keebler referred to page 141 of the agenda and inquired if the $250 fee for Certificate of Use and Occupancy was a new fee. Mr. Chen advised yes, and noted Butler County and other municipalities charged this fee. Mr. Keebler advised he felt it should be part of the building permit fee.

ORDINANCES
SECOND READING

ORDINANCE
MUNICIPAL INCOME TAX

An Ordinance No. 3331 To Adopt Chapter 182 Of The Codified Ordinances Of The City Of Oxford Regarding Municipal Income Tax Effective January 1, 2016. (Joe Newlin, Finance Director)

Mr. Newlin advised he had nothing new to add since the first reading of the proposed Ordinance and noted the Regional Income Tax Agency was waiting for Council to adopt it and have it ready for next year.

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

Mr. Snyder noted, as was discussed at the last meeting, this was a new state law and Council was mandated to adopt the new legislation.

Mr. Elliott advised this was the enabling legislation that allowed the City to collect income tax.

Mr. Snyder moved to adopt Ordinance No. 3331. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3332 Amending Ordinance No. 3286. Supplemental Budget Ordinance Number 7 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 of the proposed Ordinance.

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. 3332. Mr. Blackburn seconded. The Ordinance was adopted 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)

ANNOUNCEMENTS

Mr. Elliott updated Council and the public on the US 27 South improvement project noting good progress was being made and the weather had cooperated this fall for the $11.1 million improvement.

Mr. Elliott congratulated Mr. Newlin and his staff for receiving the Certificate of Achievement for Excellence in Financial Reporting for fiscal year 2014. Mr. Elliott noted this was the 31st year the City of Oxford received this award.

Mr. Kyger noted a new restaurant at 12 West Park Place was opening soon and Tang Dynasty recently opened at 32 W. High Street. Mr. Kyger advised Kona Bistro recently changed hands and Tom and Amy Elliott would be very much missed. Mr. Kyger noted local residents Blake and Tyler Jennings bought the business and would continue to operate Kona Bistro.

Ms. Southard noted the Veterans Day ceremony would take place November 11th at noon in the Uptown Park and encouraged everyone to attend. Ms. Southard advised the 'Empty Bowls' event would take place November 14th at the Oxford Community Arts Center and all of the proceeds would go the Oxford Community Choice Pantry. Ms. Southard noted the pantry was always grateful for the event which raised a lot of money and brought the community together.

Mr. Blackburn advised a Craft Show and Bean Soup Luncheon would take place the morning of November 14th at the Senior Center. Mr. Blackburn advised both events on November 14th were good and good for the community.

Mayor McKeehan congratulated Mr. Newlin, Ms. Hill and the Finance Department staff on their CAFR award noting he was proud to have them serve the community. Mayor McKeehan noted his hope everyone voted today. Mayor McKeehan encouraged everyone to attend the Veterans Day ceremony on November 11th.

ADJOURN

Mr. Snyder moved to adjourn at 9:20 p.m. Ms. Southard seconded. The motion passed 6-0-0.