

A regular meeting of the Oxford City Council was called to order by Mayor, Kate Rousmaniere on Tuesday, November 6, 2018 at 7:30 p.m. Those members present were Steve Dana, Glenn Ellerbe, David Prytherch, Chantel Raghu, Mike Smith and Edna Southard.

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

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PRESENTATION **COUNCIL ON AGING**

Mr. Ken Wilson, advised he would present the annual report from the Elderly Services Program of Butler County. Mr. Wilson noted he was Vice President of Program Operations at the Council on Aging of Southwestern Ohio. Mr. Wilson advised he grew up in Oxford, was a graduate of Talawanda High School and a graduate of the Scripps Gerontology Center at Miami University. Mr. Wilson noted he was pleased to be in Oxford speaking to Council about the importance of providing services to the aging community. Mr. Wilson advised Oxford had a lot of good assets locally including the Oxford Senior Center noting the Council on Aging provides state and federal funding for some of their programming. Mr. Wilson advised Oxford Seniors also operates an Adult Day Center noting that should not be taken for granted as many communities do not have access to an Adult Day Center. Mr. Wilson noted Oxford was also home to the Knolls of Oxford Retirement Center and the Scripps Gerontology Center. Mr. Wilson advised McCullough-Hyde Memorial Hospital/TriHealth in Oxford provides great support for the aging community. Mr. Wilson thanked Council for supporting the Age Friendly Oxford effort noting Oxford was the first City in the area to move forward with that designation.

Mr. Wilson advised the Butler County Elderly Services Program is funded by the taxpayers of Butler County to support older adults and their families that provide care to seniors. Mr. Wilson noted the Elderly Services Program helps over 106 seniors in Oxford each year and over 3,800 seniors in Butler County annually. Mr. Wilson advised the program provides home delivered meals, transportation and homecare which enables the seniors to stay in their home rather than go into a nursing facility. Mr. Wilson noted without this program many older adults would find it necessary to move into a nursing home, they would lose their independence, their dignity, privacy and connection to their home in the community they love.

Mr. Wilson advised for those who go on Medicare in a nursing facility which is very common, the cost for care is much higher to taxpayers. Mr. Wilson noted 92% of the program's funding comes from local taxpayers and advised the rest is funded through federal and state sources and clients cost sharing into the program. Mr. Wilson noted without support of local taxpayers the program would not exist and advised voters first approved the Butler County levy in 1996 and most recently in 2015. Mr. Wilson noted he was happy to report that in 2015 the levy passed by the widest margin in history when almost 75% of the electorate voted in favor of the levy. Mr. Wilson advised the levy costs property owners approximately \$39 per \$100,000 in property valuation. Mr. Wilson noted the Council on Aging of Southwestern Ohio administers the program via a contract with the Board of County Commissioners of Butler County. Mr. Wilson advised the Council on Aging contracts with LifeSpan as a non-profit community partner to do assessment screening and case management for seniors and potential clients in the program. Mr. Wilson noted they also contract with a variety of service providers that deliver the direct services such as home delivered meals and transportation. Mr. Wilson advised eligibility included being a resident of Butler County over the age of 65 and unable to perform daily living activities. Mr. Wilson noted 19% of Butler County residents are over the age of 60 and advised by 2030 that population will represent over ¼ of the population. Mr. Wilson noted nearly 1/3 of the Butler County residents age 65 and over have a disability that threatens their independence and advised one in ten are at or near the federal poverty line. Mr. Wilson noted the Elderly Services Program fills the gap of what families can not provide for their loved ones and advised the program was compassionate and very cost effective. Mr. Wilson noted the average cost to a taxpayer is \$296.00 per month per client compared to the cost of a nursing home which starts at \$4,000 per month and goes up from there. Mr. Wilson encouraged Council members to read the annual report he provided them and offered to answer any questions.

Councilors expressed their appreciation for the good work being done through the Butler County Elderly Services Program.

PROCLAMATION
"WORLD TOWN PLANNING DAY"

Mayor Rousmaniere read the Proclamation and presented it to Mr. Dana, Council Representative on the Planning Commission.

Mr. Dana advised he felt fortunate and honored to be associated with World Town Planning Day and noted he looked forward to participating in the design charrette this Thursday.

NOTICE TO
LEGISLATIVE AUTHORITY

New permit for Wills Uptown Pizza & Carryout LLC DBA Wills Pizza 11 W. Church Street Oxford, Ohio 45056. (Alan Kyger, Economic Development Director)

Mr. Kyger advised the permit was for spirituous liquor to be sold by the glass until 1:00 a.m.

Mr. Ellerbe moved to receive the notice without comment. Mr. Smith seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Mr. Andy Rice, noted he addressed Council in July regarding the issue of Carbon Fee and Dividend. Mr. Rice noted his hope Council might consider adopting a Resolution or making a Proclamation in support of Carbon Fee and Dividend to send to the State Congress and Senate members. Mr. Rice advised Carbon Fee and Dividend was a policy in which the Federal Congress imposes a fee on every ton of carbon coming into the country and it is distributed as a dividend to all households across the United States. Mr. Rice noted it was rising by approximately \$10 per year per ton of carbon as the quickest most expeditious least regulatory way to move towards a more carbon neutral future. Mr. Rice advised one of the strategies for the Citizens Climate Lobby is to work from a grass roots level such as local City Councils. Mr. Rice noted when he spoke to Council in July he was encouraged to bring language for a proposal which he had and would distribute to Council members this evening. Mr. Rice advised it was his understanding Council will want the Environmental Commission to weigh-in on the issue which he felt was fine although he did not wish for the Resolution or Proclamation to be delayed. Mr. Rice noted there was no fiscal impact on the City to pass something like this and send it on to Congress to let them know what the City cares about locally. Mr. Rice mentioned he was excited about the City's proposed community composting center.

Mayor Rousmaniere recommended the Environmental Commission review the language tomorrow evening during their regularly scheduled meeting and noted it could be slated for the next Council agenda.

Mr. Rice advised the language was based on a Resolution adopted by the City of Oberlin.

CONSENT AGENDA

MINUTES

Minutes of the October 16, 2018 City Council Work Session (Mary Ann Eaton, Clerk of Council)

Minutes of the October 16, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the October 22, 2018 City Council Work Session. (Doug Elliott, City Manager)

REPORT

Report regarding the October 9, 2018 Planning Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the October 10, 2018 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director)

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

Report regarding the October 17, 2018 Board of Zoning Appeals Meeting. (Sam Perry, Community Development Director)

A Resolution No. 7025 authorizing the sale of salvaged, junk and/or abandoned motor vehicles. (John Jones, Police Chief)

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

RESOLUTION
BAYER BECKER AGREEMENT

A Resolution No. 7026 authorizing the City Manager to amend the existing professional services contract with Bayer Becker, Inc. a copy of which is attached hereto as Exhibit "A" for additional professional services for Phase II of the Oxford Area Trails (OAT) System at a cost not to exceed \$21,630.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach provided a PowerPoint slide and updated Council on the construction of the trail system. Mr. Dreisbach advised the current design segment for the project was from SR73 to US27 at Pepper Park. Mr. Dreisbach explained the proposed tributary bridge on the north end of the project could not be sited in the proposed location due to flood plain concerns and escalating costs for construction. Mr. Dreisbach advised it was decided a new bridge paralleling SR73 would be the most cost effective solution to carry the OATS trail over Four Mile Creek. Mr. Dreisbach noted the City obtained pricing in the amount of \$21,630 for the additional environmental, geotechnical and structural work that will be required for the new bridge location. Mr. Dreisbach advised the additional costs for these services is not available in the current appropriation from Fund 144 and noted staff recommends Council approve an advance to this fund, which will be repaid as revenue is received from the property tax levy in the future.

Mr. Jeff McDonald, inquired why a new bridge was needed when there was an existing bridge off of the parking lot at Pepper Park. Mr. Dreisbach advised there were grade issues that are not ADA compliant.

Mr. Smith moved to adopt Resolution No. 7026. Mr. Dana seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
OVERLAY DISTRICT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R1A (Single Family Low Density Residential) District For 77 Parcels Located On Fairfield Road, Tollgate Drive, Erickson Drive, Albert Circle, Robin Court And Bull Run Drive. (Sam Perry, Community Development Director)

Mr. Perry advised the request originated from Mr. Jeff McDonald noting he and a team of property owners gathered signatures for the petition. Mr. Perry noted the proposed overlay district fills in a gap between 3 other overlays. Mr. Perry advised the Neighborhood Conservation Overlay District reduces the existing allowance of up to 4 unrelated individuals living in a dwelling unit to 2 unrelated individuals in a rental situation. Mr. Perry noted the Planning Commission held a public hearing, went through the decision standards, and recommended that Council grant the zoning map amendment.

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

Mayor Rousmaniere inquired if there was an overlay district adjacent to the Senior Center and Mr. Perry advised no, although there was one to the south.

Mr. Prytherch advised if all the parameters are met this will be a fairly straight forward decision.

Mr. Dana congratulated Mr. McDonald and his team for doing a great job.

Mr. Southard noted a lot of work went into getting this petition before Council and advised she felt it was a positive measure for the community.

ORDINANCE **NEW CHAPTER 933**

An Ordinance Repealing Oxford Codified Ordinance Chapter 933 Entitled Refuse For Compacting And Adopting New Oxford Codified Ordinance Chapter 933 Entitled Refuse For Compacting At City Transfer Station To Clarify The Intent Of Chapter 933 And The Associated Fees. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the proposed Ordinance would provide clarification for the title of this Chapter of the Oxford Codified Ordinances. Mr. Dreisbach noted staff was trying to get away from listing numerical fees in the Ordinances and would direct everyone to one central location for all of the City's fee structure.

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

Mr. Smith noted he could not find the fee for cubic yard of compacting. Mr. Dreisbach advised the Finance Department handles collection of monies for solid waste and recycling charges and advised that fee is listed under the Finance Department fees.

Mr. Dreisbach referred to the Resolution Council adopted regarding the OATS trail and noted Ms. Jessica Greene from Enjoy Oxford was in attendance. Mr. Dreisbach noted he would be remiss in not recognizing her work in obtaining a \$750,000 grant from OKI for Phase IV of the OATS trail. Mr. Dreisbach advised Ms. Greene's work was invaluable to the City and very much appreciated.

ORDINANCE
HOTEL/MOTEL TAX

An Ordinance Modifying The Requirements For The Disposition Of Hotel/Motel Tax Receipts By Amending Section 183.03 Of The Oxford Codified Ordinances. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed Ordinance is a result of the October 22, 2018 Work Session and noted it proposes to provide Enjoy Oxford the full 100% of the 3% convention tax. Mr. Elliott noted presently Enjoy Oxford receives 94% of the 3% convention tax. Mr. Elliott advised based on the 2018 budget Enjoy Oxford would receive \$230,300 and noted by moving it to 100% they would receive an additional \$15,000. Mr. Elliott advised based on the estimated 2019 budget Enjoy Oxford would receive \$265,000. Mr. Elliott noted staff recommends Council adopt the Ordinance to provide Enjoy Oxford the full 100% of the 3% convention tax.

Ms. Jessica Greene, Enjoy Oxford, thanked Council for their vote of confidence in the work of Enjoy Oxford. Ms. Green noted they would do their due diligence to promote the City of Oxford and recruit more visitors with the hope that the Hotel/Motel tax income increases for more income to the General Fund as well. Ms. Greene advised Enjoy Oxford looked forward to working hard and continuing to market the City of Oxford.

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

Mr. Prytherch thanked Council and staff for looking at this proposal and finding a way to fit it into the 2019 budget. Mr. Prytherch advised he advocated for this proposal because he viewed it as an investment that can pay dividends for the City of Oxford. Mr. Prytherch noted he felt Council could be confident the City will yield dividends in grant dollars and in additional hotel tax revenue. Mr. Prytherch expressed his confidence the extra money will be well spent.

Mr. Dana advised Enjoy Oxford and the Enjoy Oxford Board set some very specific marketing objectives and tools for the use of the extra revenue.

Ms. Southard noted she did not understand why 100% is a better idea than a set amount. Ms. Southard affirmed she felt Enjoy was doing a wonderful job for the City and noted concern about the percentage and how that will impact future budgets. Mr. Prytherch noted the percentage is adjustable and it has been adjusted up.

Ms. Greene advised if there was ever a special group coming to Oxford or a large conference or event the City has special interest in hosting those dollars can be used for that purpose.

Mr. Smith referred to the 6% combined Hotel/Motel tax and inquired if any of that money was used to cover overtime paid to City workers doing set up and take down of the Music Festival for example. Mr. Elliott noted it could help off-set those costs.

ORDINANCE
2019 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, 2019. (Joe Newlin, Finance Director)

Mayor Rousmaniere noted Mr. Newlin was excused this evening and advised Mr. Elliott would speak in his absence.

Mr. Elliott advised this Ordinance and the next two deal with the 2019 annual budget. Mr. Elliott referred to pages 86-87 of Council's packet and discussed the highlights of the 2019 budget noting they were a reflection of the October 10 and October 22, 2018 City Council Budget Work Sessions.

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

Mr. Elliott addressed questions from Council members.

Mr. Prytherch advised Mr. Elliott made it clear to Council during their Work Sessions that this was a careful, conservative and balanced budget and asked Mr. Elliott to share those comments for folks who were not at the Work Sessions.

Mr. Elliott advised staff felt the proposed budget was essential and sustainable and noted it does not eliminate any programs or services provided by the City. Mr. Elliott advised the proposed budget maintains the City's solid financial condition. Mr. Elliott noted in the General Fund the proposed operating expenditures were approximately 1.5 million dollars which was an increase of 11% from the 2018 budget. Mr. Elliott advised staff did their very best to make sure the City has a balanced budget and have achieved that by looking at estimated revenues and estimated expenditures.

ORDINANCE
BUDGETED TRANSFERS

An Ordinance Outlining Budgeted Transfers For the City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2019. (Joe Newlin, Finance Director)

Mr. Elliott advised a number of funds needed money transferred into them for the 2019 budget primarily from the General Fund. Mr. Elliott noted Mr. Newlin can elaborate on those transfers at the second reading unless Council had specific questions this evening.

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

Mayor Rousmaniere noted this was a special Ordinance to identify transfers between budgets.

ORDINANCE
BUDGETED ADVANCES

An Ordinance Outlining Budgeted Advances For the City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2019. (Joe Newlin, Finance Director)

Mr. Elliott used the OATS Trail as an example and advised the City has to pay the bills for design and construction work prior to receiving grant funds from OKI or the State of Ohio. Mr. Elliott referred to pages 102-103 of Council's packet and noted these were advances to various funds and advised they will be paid back before the end of 2019.

Mr. Elliott addressed questions from Council members.

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

ORDINANCE
2019 FEES

An Ordinance Adopting Fees And Charges For Fiscal Year 2019. (Joe Newlin, Finance Director)

Mr. Elliott referred to pages 104-121 of Council's packet advised the Fee Ordinance was done each year and noted the revisions were shown in bold. Mr. Elliott advised specific questions will be addressed by the respective Department Head. Mr. Elliott noted Scott Young from the National Inspection Corporation (NIC) was in attendance to answer any questions regarding inspections or fees for compliance with the Ohio Building Code.

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

Mayor Rousmaniere inquired if there was an average across the board increase to fees and Mr. Elliott advised no. Mr. Elliott noted there was no increase in the Water/Sewer Funds. Mr. Elliott advised staff did increase a number of funds in the Recreation Department in anticipation of the opening of the new aquatic center. Mayor Rousmaniere inquired if there was a pattern to the increase of fees in the Recreation Department. Mr. Wooddell advised he took an average of the fees charged by approximately 6 aquatic centers in the area with similar amenities and put together numbers based on projected expenditures to ensure the revenues can match the expenditures. Mayor Rousmaniere inquired how Oxford compared to other aquatic centers in the area. Mr. Wooddell advised he would provide Council with the spreadsheet he used to determine the fees. Mr. Wooddell noted Oxford will be "middle of the road" in terms of fees compared to other facilities.

Mr. Prytherch noted his hope the new aquatic center will have the visitation to support to revenue needed.

Ms. Southard advised an effort was being made by the Recreation Board to raise monies for amenities that are additional to the budget.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3449. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2018. (Joe Newlin, Finance Director)

Mr. Elliott referred to pages 122-123 of Council's packet and explained the 5 items that need to be addressed before the end of the year. Mr. Elliott offered to answer any questions and noted Mr. Newlin will provide greater details at the second reading.

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

ORDINANCE
NEW FUND

An Ordinance Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Southpointe TIF Debt Service. (Joe Newlin, Finance Director)

Mr. Elliott advised 5 TIF Districts were created for the Southpointe road project and noted the proposed Ordinance will provide a fund to allow the City to receive the bond proceeds and pay the debt service.

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

Mayor Rousmaniere asked Mr. Elliott to explain Tax Increment Financing (TIF). Mr. Elliott referred to the Southpointe project and advised the property tax on that land continues to go to the school district, county, city, and township. Mr. Elliott noted there will be increased property value as a result of the improvements (new roadway) and by creating the TIF Districts the proceeds from the improvements will be used to pay the debt issued to build the secondary access road. Mr. Elliott advised the roadway was called for in the 2007 agreement between the City and the Southpointe developer. Mr. Elliott offered to send Council the PowerPoint he shared with them last year on Tax Increment Financing.

Mr. Ellerbe inquired in this Ordinance and in the subsequent Ordinances for the other districts if it was one fund or five funds. Mr. Elliott advised there was this fund and 5 TIF Districts noting each one of those will have a separate fund to receive the property tax proceeds. Mr. Elliott noted there was 1 commercial TIF District and 4 Residential TIF Districts. Mr. Elliott advised the residential districts had individual parcels that could be sold and noted the commercial district consisted of multi-family housing.

Mr. Prytherch advised TIF's were designed to promote economic development and noted this developer has the benefit of taxes paying for public improvements that serve their property. Mr. McHugh advised a TIF has to serve the District and noted TIF money can not go into the general City. Mr. Elliott advised the TIF was for 10 years at 75% and after ten years the money will go to the various entities that are not receiving the monies during those ten years. Mr. McHugh advised TIF money can be used to pave or improve the new road in lieu of taking money from the General Fund to do it. Mr. Prytherch noted the City was impacted less because the City is more dependent on income tax than property tax.

Mayor Rousmaniere advised the next 5 Ordinances dealt with the TIF Districts that were created in 2017.

ORDINANCE
NEW FUND

An Ordinance Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Southpointe TIF District 1 Receipts. (Joe Newlin, Finance Director)

Mr. Elliott advised a fund was necessary to receive the property tax revenue from each TIF District.

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

ORDINANCE
NEW FUND

An Ordinance Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Southpointe TIF District 2 Receipts. (Joe Newlin, Finance Director)

Mr. Elliott advised a fund was necessary to receive the property tax revenue from each TIF District.

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

Mayor Rousmaniere inquired if the 5 districts were geographical districts. Mr. Elliott advised he provided Council with a map of the districts at an earlier date and noted there was one commercial TIF where the multi-family dwellings are located, and there are four residential TIF Districts where the other units are located.

ORDINANCE
NEW FUND

An Ordinance Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Southpointe TIF District 3 Receipts. (Joe Newlin, Finance Director)

Mr. Elliott advised a fund was necessary to receive the property tax revenue from each TIF District.

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

Mr. Prytherch inquired if the monies generated from each TIF District had to be spent on public improvements in that exact TIF District or if it can be pooled for the roadway related to all 5 TIF Districts and Mr. McHugh advised the latter.

Mr. Elliott reminded everyone the City was waiting for the estimated increased property value from the County Auditor and noted the City agreed to proceed with the engineering work and appropriated money for that. Mr. Elliott noted the money will be paid back from the property tax proceeds. Mr. Elliott advised the property tax proceeds from the 5 TIF Districts will pay for the engineering and the roadway noting construction can not move forward until the estimate is received in December. Mr. Elliott noted the City will have to issue debt based on what the City brings in. Mr. Elliott advised the City does not want to create any additional liability beyond what will be collected from the TIF Districts.

Mr. Prytherch advised he understood the 2007 agreement and noted this was beneficial to the developer as the City was financing the public improvement and the money generated comes back to their project as opposed to going through the general revenue and it allows them to access developable land.

ORDINANCE
NEW FUND

An Ordinance Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Southpointe TIF District 4 Receipts. (Joe Newlin, Finance Director)

Mr. Elliott advised a fund was necessary to receive the property tax revenue from each TIF District.

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

ORDINANCE
NEW FUND

An Ordinance Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Southpointe TIF District 5 Receipts. (Joe Newlin, Finance Director)

Mayor Rousmaniere noted TIFs had not been used in Oxford until now and advised other communities use TIFs a lot to further their economic development. Mayor Rousmaniere reiterated this was a result of part of an agreement a prior Council approved and this Council has to abide by it.

Ms. Raghu noted a previous Council approved an agreement and inquired if this Council was voting on it. Mr. Elliott advised Council was voting on the creation of the funds to receive the revenue from the TIF Districts.

Mr. Kyger advised the developer was willing to donate a 100 foot right-of-way through their property for a connector road that was approved through the Northwest Butler County Transportation Study. Mr. Kyger noted that group approved a road plan and this developer donated a 100 foot right-of-way through the land.

Mr. Kyger advised it was going to benefit the developer and noted they donated the right-of-way with the contingency that should the money being earmarked from the Federal Government for this project not come through, there be another source of funding for the road. Mr. Kyger noted the other source of funding for the road was a TIF.

Mr. Prytherch advised the property was originally going to be a Tech Park. Mr. Kyger noted the developer would have loved to see some of the projects that were projected in 2006 come to fruition.

Ms. Raghu advised she would like to review the TIF PowerPoint Mt. Elliott mentioned prior to the next meeting. Ms. Raghu inquired if the developer could be in attendance at the next meeting since she was behind on the history of this project and agreement. Mr. Elliott advised staff could ask if they would like to attend and reiterated the City had to abide by the agreement.

ORDINANCE
NEW FUND

An Ordinance Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Oxford Area Trail Property Tax Receipts. (Joe Newlin, Finance Director)

Mr. Elliott advised a fund needed to be created to receive the property tax receipts that will be coming in 2019.

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

Mayor Rousmaniere advised this was a result of the property tax levy (Issue 2) approved by the voters last May.

ORDINANCE
SECOND READING
SALARY ORDINANCE

An Ordinance No. 3489 Establishing Salaries And Certain Benefits For Salaried And Hourly Full-Time And Part-Time Employees Within The Service Of The City Of Oxford, Ohio, Paid From January 1, 2019 Through December 31, 2019. (Doug Elliott, City Manager)

Mr. Elliott asked Council to substitute page 1 of the proposed Ordinance with a replacement page which contains the correct preamble as reflected in the Charter.

Mr. Elliott referred to pages 140-141 of Council's packet and addressed the changes in the proposed Salary and Benefit Ordinance for 2019. Mr. Elliott noted there was discussion at the last meeting regarding the pay rates for part-time and seasonal employees and advised Ms. Fyffe provided information to Council as requested. Mr. Elliott noted there were 76 permanent part-time positions and advised no one in that group received less than \$10 per hour. Mr. Elliott noted there were 47 seasonal workers and advised 6 of them made \$8.50 per hour. Mr. Elliott noted those 6 were concession workers working at the pool with hours varying from 73 hours over the summer period to a high of 259 hours.

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

Mayor Rousmaniere proposed that Council undertake a wage study of the City and perhaps the entire town looking at the following:

The comparable wage rates of full-time and part-time employees in the City of Oxford with nearby cities and communities. The issue of applications and competition, is the City not getting applications due to low wages. A general living wage study in Oxford in terms of what does it mean to have a living wage living in Oxford. Some analysis of gender, race and age and wages. The impact of the City budget on increasing pay bands regarding compression. Mayor Rousmaniere noted she would not like to ask staff to do this right now and advised she would be more interested in Council members who are concerned about this issue study the issue. Mayor Rousmaniere noted she was concerned about the budget noting she felt the questions raised about minimum wage and living wage were important although the City's budget was very important too. Mayor Rousmaniere advised she was going to vote in favor of the proposed salary Ordinance and recommended that Council study the wage issue.

Ms. Raghu noted the State preempts Council from raising the minimum wage although Council could say that employees, contractors or sub-contractors of the City are paid a living wage. Mayor Rousmaniere again raised the point of what the impact to the budget would be. Mr. Prytherch noted he appreciated the numbers Ms. Fyffe generated which he felt were useful. Mr. Prytherch noted he felt this was not the right time to have those conversations although he felt it was important to know if a City employee can afford to live in the City of Oxford. Mr. Prytherch advised Council needed to look at what the budget impact would be earlier in the year, not in November. Ms. Southard advised she felt City staff should have a lot of input on this because each department will have a good sense of where the gaps are and noted the Finance Director will have a sense of what the hidden costs might be. Ms. Southard advised to get the larger picture involves City staff and Department Heads.

Mr. Dana moved to adopt Ordinance No. 3489. Ms. Southard seconded. The motion passed by the following roll call:

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

NAY: Ms. Raghu (1)

ABS: None (0)

DISCUSSION

SHORT TERM RENTAL LANGUAGE

Mayor Rousmaniere advised the issue of Short Term Rentals had a long history noting it had gone through the Planning Commission, a sub-committee of planning, and Council had a Work Session on Short Term Rental language two weeks ago. Mayor Rousmaniere advised staff wanted Council to discuss it again to see where Council is on it before legislation is actually brought forward. Mr. Prytherch and Mr. Dana recused themselves from the discussion. Mayor Rousmaniere noted public comments were also welcome.

Mr. Perry advised a Council Work Session took place October 16 to review the recommendation from the Planning Commission for Short Term Rental legislation. Mr. Perry noted the idea behind the Work Session was for Council to have a better understanding before legislation was created as it would affect many Sections of the Zoning Code. Mr. Perry referred to pages 161-165 of Council's packet noting some information and additional comments the Planning Commission did not have were folded into the language as shown in the shaded sections. Mr. Perry advised language was added to better reflect issues such as what would happen if a Neighborhood Conservation District was created after a Short Term Rental was already in existence. Mr. Perry noted right now a Short Term Rental is only allowed as a Bed and Breakfast which requires a Conditional Use Permit. Mr. Perry advised there were 30-50 Short Term Rentals in existence presently that have not gone through the Conditional Use process and were operating under the radar. Mr. Perry noted many of them would be exempt based on the legislation the Planning Commission recommended. Mr. Perry advised some of those would require additional permits or inspections and some might not be allowed at all. Mr. Perry noted staff would like to begin enforcement of Short Term Rentals starting January 1, 2019 as a target. Mr. Perry advised the Planning Commission came to the conclusion that it was a matter of weighing the cost and the benefit because there was a limited number of hotel rooms in Oxford. Mr. Perry noted when major events or attractions were happening in Oxford the hotel rooms are full and advised people are forced to go to the surrounding community. Mr. Perry noted the Short Term Rentals were a way to supplement the hotel rooms and keep those dollars in Oxford. Mr. Perry advised a concern he originally had that was discussed with the Planning Commission going back two years dealt with the impacts in the neighborhoods. Mr. Perry noted based on lengthy discussions with the Planning Commission it was decided that if the owner is maintaining the home as their primary residence that has a controlling effect on how the property is maintained, operated and run. Mr. Perry advised in the middle of the Short Term Rental discussions, the number of approved Neighborhood Conservation Overlay District petitions increased significantly. Mr. Perry noted questionnaires were sent to those petitioners to get their feedback. Mr. Perry advised ultimately it was decided not to recommend a Conditional Use permit process as there was no data to show negative impacts such as noise or traffic. Mr. Perry noted the final recommendation was that anyone could operate a Short Term Rental 5 times a year regardless of the location without a license or permit. Mr. Perry advised if the Short Term Rental was in an overlay district it would be required to be the person's primary residence. Mr. Perry noted the recommendation would allow stand alone (not owner occupied) Short Term Rentals outside of Neighborhood Conservation Overlay Districts. Mr. Perry advised none of them would have Conditional Use permits and noted based on Council comments a Conditional Use process was left in place for Short Term Rentals located in non-residential zoning districts.

Mayor Rousmaniere inquired if Mr. Perry was proposing an option of starting with one zoning district and adding the others at a later date and Mr. Perry advised that was one idea to get something on the books with regard to Short Term Rentals.

Mr. Dick Keebler, 11 Fox Run, advised he had concerns with the Planning Commission's recommendation of 9-15-18 noting he did not know if any changes have occurred since then. Mr. Keebler referred to General Provision 2. "Short Term Rentals of five or fewer STR bookings per calendar year for any one dwelling unit are exempt from this Chapter and do not require a license or permit." Mr. Keebler noted concern that there were no rules at all for this operation.

Mr. Keebler referred to General Provision 3. "Short Term Rentals of more than five STR bookings are permitted with a STR license or rental permit" and noted concern there was no process to follow in this situation. Mr. Keebler referred to General Provision 7. "Occupancy limitations are set by the Rental Permit or STR license" and again noted concern there was no process or back-ground as to how those occupancies would be set. Mr. Keebler referred to the proposed Section 1143.01 Residential District Language and noted Short Term Rentals would be permitted uses and would replace the Conditional Use for a Bed and Breakfast. Mr. Keebler advised the problems with that is a single family residence can become a hotel (a commercial use regulated by the building code, fire code, zoning restrictions and conditional use) for 65 days per year without a permit, license, or inspection because it is exempt. Mr. Keebler noted there were no limitations on the number of occupants regardless of the underlying occupancy of the zone because it is exempt, no public hearing because it is not a conditional use and no way to take away the privilege from an individual property if it becomes a nuisance. Mr. Keebler advised he did not buy and build a home in a residential neighborhood to have a hotel next to him. Mr. Keebler noted the permitting of a Bed and Breakfast as a conditional use was subject to individual conditions, a public hearing, Planning Commission and Council approval and subject to revocation for violations of those conditions. Mr. Keebler advised under the proposed STR language that would go away in favor of a simple STR license or annual rental permit issued by the City without any conditions, public hearing, or Planning/Council approval. Mr. Keebler noted he felt this was way too loose for R1 and R2 residential districts, and particularly in a Neighborhood Conservation Overlay District. Mr. Keebler advised he did not object to a homeowner or single family tenant renting an empty bedroom or two on an occasional weekend, particularly when the rent is donated as a fundraiser for their church or other non-profit group. Mr. Keebler noted he did object to an owner or tenant in a single family neighborhood simply turning their home into a hotel for the weekend without any oversight, moving the family out to a neighboring city, hotel or friends or family's house to make additional income (on which they are unlikely to pay taxes) and leaving the neighbors to deal with any noise or traffic issues. Mr. Keebler advised he felt that was not what should be allowed to occur in residential neighborhoods, and particularly in Neighborhood Conservation Overlay Districts. Mr. Keebler noted he felt Short Term Rentals need to be regulated at any level and legislation should include the following provisions:

- 1) Short term rentals allowed without a license or permit in R1 and R2 Districts should be limited to not more than five bookings of 7 days or less, not 14 days.
- 2) Short term rentals exceeding 5 bookings per year should require a conditional use in R1 and R2 districts and not be permitted in Neighborhood Conservation Overlay Districts. Occupancy under an approved conditional use during any rental period should be limited to the allowable occupancy for rental permits in the underlying district.
- 3) Short term rentals in Neighborhood Conservation Overlay Districts should not only require the home to be owner occupied, but it must be occupied by the owner overnight during the rental period.
- 4) Any enabling legislation should contain a provision for the City to revoke a Short Term Rental privilege for a specific property, whether a license, permit or conditional use is required, if the use of the property creates a recurring nuisance to the neighborhood.

Mr. Keebler thanked Council for their time and noted he felt the legislation had a ways to go.

Mr. David Prytherch, 6195 Contreras Road, thanked the Planning Commission, Council members and Mr. Perry for their work on Short Term Rental language noting he was involved as the Planning Commission Chair. Mr. Prytherch advised he felt it was important to bring the Short Term Rentals out from under the shadows and create reasonable policy. Mr. Prytherch noted he was ok with most of the proposed language and advised he felt as long as it was the primary residence being rented there was a certain degree of self regulation that can happen in the neighborhood. Mr. Prytherch cautioned that the short term stand alones are much more problematic. Mr. Prytherch advised he felt that was what Council should be most concerned about and noted he did not feel they were appropriate in any district. Mr. Prytherch noted he felt the conditional use process was a good one and it was done for a Bed and Breakfast on Church Street. Mr. Prytherch advised the conditional use mechanism was still in place and noted Council could re-vamp that and bring the Short Term Rentals out of the shadows before people make more investments only to find they are not legal. Mr. Prytherch advised he wanted to see houses in neighborhoods that neighbors live in.

Mr. Johnson, student at Miami University, advised Miami of Ohio was very involved in the City of Oxford and noted on Parents Weekend hotels were booked beyond belief. Mr. Johnson advised his parents could not find a place to stay even a week after Parents Weekend. Mr. Johnson noted he felt Airbnb provided easy access to those who can not find a hotel within Oxford. Mr. Johnson advised he felt the Short Term Rentals in Oxford should be the owners primary residence. Mr. Johnson noted he felt it was a great way to provide revenue and that the Short Term Rentals should not be taxed. Mr. Johnson noted he believed a lot of the people renting the Airbnbs are parents of Miami University students visiting Oxford for much less than 14 days. Mr. Johnson advised he felt the Short Term Rentals in Oxford should be promoted.

Ms. Jessica Greene, Enjoy Oxford, noted Enjoy Oxford supports the Short Term Rental industry because it keeps Oxford's visitors in town and keeps their dollars in town. Ms. Greene commended the Planning Commission for all of their hard work to find the balance of keeping it simple enough that people do not go underground to do it anyway but having enough regulation to give people a recourse if there are challenges.

Mayor Rousmaniere referred to page 161 of Council's packet and inquired why the definition for Short Term Rentals stated it was for a period of less than 14 consecutive days. Mr. Perry advised 14 days was in the existing code for transient lodging.

Ms. Southard referred to Council's Work Session discussion and advised it was important to license the Short Term Rental dwellings for the safety and security of those renting the space. Ms. Southard asked Council to keep that aspect in mind. Ms. Southard noted she felt Mr. Keebler raised some very good points and noted her hope Council would consider them.

Mr. Perry advised the City's inspection process was very robust and it would be extended to Short Term Rentals. Mr. Perry noted that involved enforcement as well as education. Mr. Perry advised staff has begun talking to some of the Short Term Rental operators about educating their tenants on where the exit paths are located and where the fire extinguishers and smoke detectors are located.

Mayor Rousmaniere recommended changing the definition of a Short Term Rental from 14 consecutive days to 5 consecutive days. Mayor Rousmaniere recommended adding a way to revoke a Short Term Rental license if the property becomes a nuisance. Mayor Rousmaniere referred to Neighborhood Conservation Overlay Districts and noted one proposal would not allow Short Term Rentals at all and another proposal required them to be owner occupied.

Mayor Rousmaniere noted there were already Short Term Rentals in overlay districts that might need to be grandfathered in at some point. Mayor Rousmaniere referred to the comment about every Short Term Rental being the primary residence of the owner and inquired how that would be regulated. Mr. Keebler advised Council would make the regulation and enforce it by the problems that arise.

Ms. Raghu advised she agreed with parts of what everyone proposed and noted she felt changing the definition of a Short Term Rental from 14 days to 5 days would not matter because not many people would visit for 14 days at a time. Ms. Raghu agreed with adding a way to revoke the rental license. Ms. Raghu noted she felt there was a fine line between too much red tape in regulations for something that is going to regulate itself. Ms. Raghu advised she felt it was great for an owner occupied home to be shared to supplement the owner's income. Ms. Raghu advised she felt it was important for Short Term Rentals to be owner occupied and noted she would not go so far as to say the owner had to be home when renters are there.

Mayor Rousmaniere advised the issue of Short Term Rentals in an overlay district was still up in the air. Mr. Smith noted the Planning Commission discussed that issue at length and advised there were already Short Term Rentals in overlay districts. Mr. Smith noted the existing owner occupied Short Term Rentals did not seem to be a problem. Mr. Smith advised the Planning Commission wanted to prevent stand alone (not owner occupied) Short Term Rental properties. Mayor Rousmaniere noted Council was in agreement with regard to changing the definition of a Short Term Rental from 14 days to 5 days, adding language to revoke a license and that Short Term Rentals must be a primary residence in any district.

Mr. Ellerbe noted he felt most of the issues dealt with absentee Short Term Rentals regardless of whether it is a primary residence or not. Mr. Ellerbe suggested instead of referring to X amount of instances or X amount of time to make it 30 days per year. Mr. Ellerbe advised he felt 30 days handles instances and durations so there is not a lot of semantics involved. Mr. Ellerbe noted he felt individuals that own Short Term Rentals inside an overlay district should have a chance to operate using the Conditional Use process. Mr. Ellerbe suggested any absentee home must follow the Conditional Use process. Mr. Ellerbe advised he felt the Short Term Rental industry should be taxed as a hotel is.

Mr. Perry advised using the Conditional Use process for standalone Short Term Rentals and for ones located in an overlay district would very time consuming for the Planning Commission and for staff.

Ms. Raghu noted she did not like the idea of telling people what they can do in their own house if it is not disturbing other people.

Mr. Perry advised a lot of subdivisions in Oxford had Home Owner's Associations which could be helpful in handling this issue.

Ms. Southard noted she preferred using the 5 day period verses 30 days. Ms. Southard advised she felt taxes should be paid for the use of Short Term Rentals. Mayor Rousmaniere noted Council agreed with that and it would be handled by a separate Ordinance.

Mr. Perry advised staff would do their best to bring legislation forward based on the comments from Council this evening.

ANNOUNCEMENTS

Mr. Wooddell reminded everyone Veteran's Day was this weekend and discussed the events taking place on Friday, Saturday, Sunday and Monday.

Mr. Wooddell advised the fund raising campaign is on going for the new aquatic center and noted donations were coming in for items not included in the construction project.

Ms. Raghu thanked the young people in the audience for attending tonight's meeting noting it was nice to have representation from everyone.

Mr. Ellerbe advised he voted today and noted his hope everyone else did as well.

Mr. Dana noted whatever the results of the election he hoped the country finds a way to begin healing and problem solving.

Ms. Southard advised there were 17 banners Uptown on High Street in 17 different languages saying "Welcome to Oxford". Ms. Southard credited Jessica Greene for making that happen. Ms. Southard noted she felt we affirm our values through various means and this is one way to do that.

Ms. Southard thanked the Police Division for their assistance at the Uptown vigil against anti-Semitism after the massacre at the Pittsburgh Synagogue.

Mr. Prytherch announced next week is geography awareness week and noted one of the events was a Climate Action Campus Town Hall as a lot of students were interested in climate issues and what can be done locally. Mr. Prytherch noted the event was Wednesday, November 14 from 4-6:30 p.m. Mr. Prytherch advised some representatives from Miami University would be present to discuss how Miami can make goals towards the future. Mr. Prytherch noted the event was open to the public.

Mr. Prytherch noted he felt there were issues the City could fine tune in coordination with the scooter companies now that the City has some experience with them.

Ms. Southard advised historians say that "Geography is Destiny" and noted we are here to make the world a little bit better.

Mayor Rousmaniere inquired if scooters would be leaving the City for the winter and noted people also wondered that happened with them at night. Mr. Kyger noted scooters are turned off at 9:00 p.m. and can not be ridden after that and advised they are supposed to be removed from the public right-of-way by 10:00 p.m. Mr. Kyger noted scooters will be available to ride in the winter provided the weather is appropriate.

ADJOURN

Mr. Dana moved to adjourn at 9:58 p.m. Mr. Smith seconded. The motion passed 7-0-0.