

A regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, November 7, 2017 at 7:30 p.m. Those members present were Steve Dana, Glenn Ellerbe, Mike Smith and Edna Southard. Bob Blackburn and Kevin McKeehan were excused.

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

### **PLEDGE OF ALLEGIANCE**

Mayor Rousmaniere requested the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

Mr. Dana moved to approve the agenda. Mr. Ellerbe seconded. The motion passed 5-0-0.

### **PUBLIC PARTICIPATION**

#### **PRESENTATION**

#### **THE FAMILY RESOURCE CENTER**

**Ms. Diane Ruther-Vierling**, Executive Director, and **Ms. Missy Thompson**, Client Services Supervisor, provided a PowerPoint and discussed the activities of the Family Resource Center over the last year. In addition, Mr. Ruther-Vierling and Ms. Thompson detailed the way in which City provided funds were used to assist their clients. Ms. Ruther-Vierling and Ms. Thompson answered questions from Council members and thanked Council for their support of the Family Resource Center.

Mayor Rousmaniere thanked the Family Resource Center for their assistance to the community.

### **NOTICE TO LEGISLATIVE AUTHORITY**

Notice to Legislative Authority – New permit for Fridge & Pantry Inc. DBA Fridge & Pantry Uptown Market 35 E. Church Street Oxford, Ohio 45056. (Alan Kyger, Economic Development Director)

Mr. Kyger advised the notice to legislative authority was for a new beer and wine permit for Fridge and Pantry which would open soon on Church Street. Mr. Kyger noted the permit was for beer and wine carry-out only. Mr. Kyger introduced the owner Steve Thomas, and noted he also owned Seaview Outfitters and Root Yoga in Oxford.

**Mr. Steve Thomas**, thanked Council noting he started his first business in Oxford with a loan from the City's Revolving Loan Fund many years ago. Mr. Thomas advised he was excited to unveil his new business Uptown called Fridge and Pantry.

Mr. Thomas advised Fridge and Pantry would be a unique experience for customers and noted people would be able to purchase 80-90% of their grocery list there as it would offer produce, dairy, dry goods and home goods. Mr. Thomas advised a deli would offer sandwiches, soups and salads and there would also be a smoothie bar. Mr. Thomas noted delivery of groceries would be available and he expected the store to open December 1<sup>st</sup>.

Mayor Rousmaniere inquired how the new liquor permit was obtained. Mr. Kyger advised carry-out permits had the same quota system through the State of Ohio as on premises permits and noted there was not as much demand for carry out permits as there was for on premises permits. Mr. Kyger advised carry out permits were still available for the City of Oxford.

Mr. Ellerbe inquired what the hours of operation would be. Mr. Thomas advised initially, 8 a.m. to 10 p.m.

Ms. Southard inquired if Fridge and Pantry would carry local produce. Mr. Thomas advised relationships had been formed with some of the Oxford Farmers Market vendors and there would be a great product mix of both local and classic brands available at Fridge and Pantry.

Mr. Ellerbe moved to accept the notice without comment. Ms. Southard seconded. The motion passed 5-0-0.

### **PUBLIC COMMENTS**

There were no comments from the public.

### **CONSENT AGENDA**

### **MINUTES**

Minutes of the October 17, 2017 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the October 17, 2017 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

### **REPORT**

Report regarding the October 10, 2017 Recreation Board Meeting. Casey Wooddell, Parks and Recreation Director.

Report regarding the October 10, 2017 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Mr. Dana moved to approve the Consent Agenda. Mr. Smith seconded. The motion passed 5-0-0.

## **RESOLUTIONS**

### **RESOLUTION** **CREATE NEW FUND**

A Resolution No. 6013 approving the creation of a new fund for the 2018 Operating Budget to provide for Aquatic center capital improvements. (Joe Newlin, Finance Director)

Mr. Newlin advised a fund was set up in the 2018 budget for the aquatic center and the Resolution would formally establish the fund to track the revenue and expenditures associated with the aquatic center.

Mr. Dana inquired if the estimates regarding the costs of the improvements will appear later in Council's packet. Mr. Newlin advised yes, in the appropriation Ordinance.

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

Ms. Southard moved to adopt Resolution No. 6013. Mr. Ellerbe seconded. The motion passed 5-0-0.

### **RESOLUTION** **CREATE NEW FUND**

A Resolution No. 6014 approving the creation of a new fund for the 2018 Operating Budget to provide for Southpointe Roadway Tax Increment Financing (TIF) capital improvements. (Joe Newlin, Finance Director)

Mr. Newlin advised this was an operating fund for the construction of the Southpointe roadway TIF project that was mentioned in the Capital Budget. Mr. Newlin noted the fund would track the revenue and expenditures associated with the construction portion of the project.

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

Mr. Dana noted it was clear that separate funds would be needed when dealing with the TIF portion of the project.

Mr. Dana moved to adopt Resolution No. 6014. Ms. Southard seconded. The motion passed 5-0-0.

### **RESOLUTION** **CHALLENGING AMENDMENTS** **TO OHIO REVISED CODE CHAPTER 718**

A Resolution No. 6015 authorizing the City Manager to join a coalition of municipalities retaining special counsel for the purposes of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code relating to municipal income tax. (Joe Newlin, Finance Director)

Mr. Newlin advised he received an email from the Ohio Association of Public Treasurers regarding a suite being proposed which many cities were participating in. Mr. Newlin advised on November 3, 2015 the City of Oxford updated its Income Tax Ordinance to conform with House Bill 5 making income tax collection uniform across the state. Mr. Newlin noted House Bill 49, the biennial budget bill for the State of Ohio, was passed in July of 2017 and added provisions for the centralized collection of net profits to be collected by the Ohio Department of Taxation at the discretion of the business owner. Mr. Newlin advised if a municipality does not adopt these provisions by January of 2018 they risk losing all authority to collect income taxes. Mr. Newlin noted the items concerning to him were that this was a violation of Home Rule and a violation of the single subject rule in Section 15 Article II of the Ohio Constitution "No bill shall contain more than one subject, which shall be expressed in its title". Mr. Newlin advised the language regarding the collection of income tax was slipped into the biennial state budget.

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

Mr. Dana advised the action Council was considering was essential because those who testified against centralized income tax collection pointed out that it was not only unconstitutional but injurious to Ohio's municipalities. Mr. Dana noted he felt it was outrageous that cities would not be able to collect taxes effective January of 2018. Mr. Dana referred to page 40 of Council's packet and inquired what the cost was for Oxford to join the law suite. Mr. Newlin advised the cost was based on population and Oxford's share would be \$4,000 which he included in the Supplemental Budget on tonight's agenda. Mr. Newlin noted any monies left over would be prorated back to the cities. Mr. Dana referred to page 41 of Council's packet and advised the timeframe was so short that a mandamus action should be filed with the Ohio Supreme Court.

Mayor Rousmaniere noted business owners would have a choice of submitting their taxes to the state or their local municipality and asked Mr. Newlin to explain why that would disadvantage the City of Oxford. Mr. Newlin advised RITA had cross checks with the federal government's tax returns plus they have a better idea of who is actually in Oxford. Mayor Rousmaniere noted money going to the state could take longer to get back to the City. Mr. Newlin advised RITA was also filing a law suite.

Mr. McHugh advised the goal was to seek an injunction to stay the bill and then litigate it. Mr. McHugh noted once the injunction was in place municipalities wouldn't have to adopt the provisions of the bill in question.

Ms. Southard noted she felt it made sense to join other communities in this law suite. Ms. Southard inquired what the timeframe was and Mr. McHugh advised he expected the law suite to be filed before December 1<sup>st</sup>.

Mr. Dana moved to adopt Resolution No. 6015. Mr. Ellerbe seconded. The motion passed 5-0-0.

**ORDINANCES**  
**FIRST READING**

**ORDINANCE**  
**NEW SECTION 931.02**

An Ordinance Repealing Oxford Codified Ordinance Section 931.02, Entitled Container Requirements, And Adopting New Oxford Codified Ordinance Section 931.02, Entitled Container Requirements. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised several years ago Council established what is know as the 'Mike Square Plus' area to help the City manage solid waste and recycling in zones that are predominately rental properties. Mr. Dreisbach noted the City had a request from property owners and property managers to include 2 additional streets south of Chestnut between Oak and Maple Streets which included Cedar Drive and Silvoor Lane. Mr. Dreisbach advised the request to be included in the Mile Square Plus area was customer driven so the rental properties would be eligible for the move-in and move-out special waste collection in the spring and in the fall.

Mayor Rousmaniere inquired if it just took a citizen request to make this happen. Mr. Dreisbach advised this works well because it abuts the existing Mile Square Plus area and would not create an island.

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

Mr. Dana noted he felt this was a reasonable request and made good sense.

**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 R-1A (Single-Family Low Density Residential) District For 21 Parcels Located On E. Chestnut Street And On Silvoor Lane, In The City Of Oxford. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this came before Council in August as a Resolution to go before the Planning Commission for a public hearing and the Planning Commission recommended approval of establishing the Overlay District for Silvoor Lane and E. Chestnut Street. Mr. Chen noted the proposed district consisted of 21 parcels and more than the required signatures were obtained. Mr. Chen advised if approved this would be the 15<sup>th</sup> Residential Conservation Overlay District.

**Mr. Rhett Brymer**, 946 Silvoor Lane, advised Chris and Theresa Sutter were the lead petitioners for the proposed Overlay District. Mr. Brymer noted this was one of the few family oriented neighborhoods close to campus and to Uptown and the neighbors want to keep it the treasure that it is.

**Mr. Chris Sutter** 933 Silvoor Lane, added he had 4 kids and a wife, he was grateful for this process and it was refreshing to see government at work.

Mr. Sutter advised he was excited to see this petition move forward through the system.

Mayor Rousmaniere inquired if there were any conflicts while getting the petition signed. Mr. Sutter advised there were no conflicts but a few people did not want to sign a petition of any kind.

**Mr. Vincent Hand**, 511 E. Chestnut Street, spoke in favor of the Overlay District.

**Ms. Carol Michael**, advised she was part of the original Cedar Drive overlay and the expansion of it and this makes a continuous overlay in the entire neighborhood and everyone was in favor of it. Ms. Michael noted her hope Council would support the proposed overlay district.

Ms. Southard noted she felt Council would be in favor of preserving a beautiful historic neighborhood.

#### **ORDINANCE** **ZONING MAP AMENDMENT**

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For Certain Properties In The City Of Oxford's Mile Square A Map Of Which Is Attached hereto As Exhibit "A" And Incorporated Herein, And Rezoning The Properties From R-2MS (Single And Two Family Mile Square Residential) District To R-3MS (Single Two And Three Family Mile Square Residential) District. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the area in question was between Campus Avenue and Poplar Street, south of the area Council already rezoned from R2 MS to R3 MS. Mr. Chen noted this was initiated by the Planning Commission because it was close to campus and it fit nicely with the notion that areas close to campus should have higher density which can promote future redevelopment.

Mr. Dana noted a dimension of this proposal related to higher student enrollment at Miami University and it reflects the reality of what is there now.

Mr. Smith noted some of the apartment buildings in the area in question are some of the oldest ones in Oxford and would be ripe for redevelopment in the near future.

**Mr. Scott Webb**, Architect, advised he had worked in the proposed area quite a bit and he felt Mr. Chen and Mr. Dana did a good job of explaining the thought process. Mr. Webb advised this was long term planning and there is a huge penalty for trying to renovate properties in their current zoning districts. Mr. Webb noted R-2 has low density and leaving this area zoned R2 would almost ensure the buildings will never be redeveloped because the penalty is so great.

**ORDINANCE**  
**ZONING TEXT AMENDMENT**

An Ordinance Repealing Oxford Codified Ordinance Section 1159.13 Entitled Definitions (Beginning With The Letter “L”) And Adopting New Oxford Codified Ordinance Section 1159.13 Entitled Definitions (Beginning With The Letter “L”). (Jung-Han Chen, Community Development Director)

Mr. Chen referred to page 93 of Council’s packet and advised the proposed Ordinance would change the definition of “Lot Line Front”. Mr. Chen noted the existing language was not consistent with the rest of the zoning code.

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

**ORDINANCE**  
**ZONING TEXT AMENDMENT**

An Ordinance Repealing Oxford Codified Ordinance Section 1159.20 Entitled Definitions (Beginning with the letter “S”) And Adopting New Oxford Codified Ordinance Section 1159.20 Entitled Definitions (Beginning with the letter “S”). (Jung-Han Chen, Community Development Director)

Mr. Chen referred to page 104 of Council’s packet and advised there were two definitions in the zoning code for “Sorority/Fraternity House” and the proposed Ordinance would eliminate the one in conflict.

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

**ORDINANCE**  
**2018 BUDGET**

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, 2018. (Joe Newlin, Finance Director)

Mr. Newlin referred to pages 108-113 of Council’s packet and highlighted items in the proposed budget for 2018 noting a very extensive department by department Work Session took place with Council recently.

Mr. Dana referred to page 113 of Council’s packet and asked for clarification regarding the OVI Task Force which Mr. Newlin addressed.

Mr. Elliott clarified a question for Mayor Rousmaniere regarding pay increases.

Ms. Southard and Mr. Dana noted their support for the addition of a Part-Time Zoning Enforcement employee.

**ORDINANCE**  
**BUDGETED TRANSFERS**

An Ordinance Outlining Budgeted Transfers For The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2018. (Joe Newlin, Finance Director)

Mr. Newlin referred to pages 114--116 of Council's packet and explained each budgeted transfer for the 2018 budget and when the transfers would occur.

Mayor Rousmaniere 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, 2018. (Joe Newlin, Finance Director)

Mr. Newlin referred to pages 120-121 of Council's packet and explained each budgeted advance for the 2018 budget and when the advances would occur.

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

**ORDINANCE**  
**2018 FEES**

An Ordinance Adopting Fees And Charges For Fiscal Year 2018. (Joe Newlin, Finance Director)

Mr. Newlin referred to pages 123-140 of Council's packet and noted additions were bolded and deletions were struck through for the proposed fees for 2018. Mr. Newlin advised any questions should be directed to the respective Department Head.

Mayor Rousmaniere inquired if there were any notable increases in fees and Mr. Newlin advised no.

Mr. Smith noted Oxford's fees were much lower than other cities with respect to the Community Development Department.

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

**ORDINANCE**  
**2018 SALARIES**

An Ordinance 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, 2018 Through December 31, 2018. (Candi Fyffe, Human Resources Director)

Mr. Elliott referred to pages 141-142 of Council's packet and explained the proposed changes in the Salary Ordinance for 2018 noting 5 new full-time positions were being proposed. Mr. Elliott advised an additional Service Department employee was proposed but not listed in the staff report bringing the total authorized number of full-time personnel to 116. Mr. Elliott offered to answer any questions.

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

**ORDINANCE**  
**SECOND READING**

**ORDINANCE**  
**SUPPLEMENTAL BUDGET**

An Ordinance No. 3443 Amending Ordinance No. 3381. Supplemental Budget Ordinance Number 8 To Make Supplemental Appropriations For Fiscal Year 2017. (Joe Newlin, Finance Director)

Mr. Newlin referred to page 162 of Council's packet and advised the only change from the first reading was the addition of \$4,000 for legal expenses for the income tax law suite Council discussed earlier this evening.

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

Mr. Dana moved to adopt Ordinance No. 3443. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ellerbe, Mr. Smith, Ms. Southard, Mr. Dana, Mayor Rousmaniere (5)

NAY: None (0)

ABS: None (0)

**ANNOUNCEMENTS**

Mr. Elliott advised the proposed budget was reviewed with Council at the October 11, 2017 Work Session and he felt the 2018 proposed budget was an essential, responsible and sustainable budget. Mr. Elliott noted no programs or services presently provided by the City were being eliminated. Mr. Elliott advised there were no major changes proposed in the employer provided health insurance program for 2018. Mr. Elliott noted the General Fund proposed operating expenditures of \$9,982,462 were up from the 2017 budget by \$473,974 or 4.7%. Mr. Elliott advised the increase in operating expenditures in the 2018 proposed budget from the 2017 budget is due primarily to increases in salaries, wages and benefits plus the addition in the General Fund of 2.5 positions.

Mr. Elliott noted the building maintenance program was increased by 48% to account for the expenses of the new administration building at the former Lane Library. Mr. Elliott advised General Fund revenues excluding advances and transfers for 2018 are estimated overall to increase from the fiscal year 2017 levels by \$611,769 or 5.6% due to an estimated increase in income tax revenues. Mr. Elliott noted the income tax now provides 75% of General Fund revenues since the loss of the Ohio Estate Tax and the reductions in local government funding. Mr. Elliott noted local property tax provides 9.3% of General Fund revenues.

Mr. Elliott discussed the opt-out letters from AEP that eligible customers in Oxford received with regard to the City's Electric Aggregation Program.

Mr. Elliott advised the City again received the Government Finance Officer Association's Certificate of Achievement For Excellence in Financial Reporting for the 2016 Comprehensive Annual Financial Report (CAFR).

Mr. Elliott advised the City received an inquiry for a medical marijuana dispensary and the party was looking at a vacant lot on College Corner Pike presently zoned GB. Mr. Elliott noted if the party is successful with the State of Ohio they would still need to go through Oxford's building and zoning permitting process.

Mr. Wooddell reminded everyone the Veterans Day celebration was Saturday, November 11, 2017 with a reception at 10:00 and the ceremony at noon. Mr. Wooddell noted the City partnered with the Empty Bowls program and they were offering free meals to Veterans from 11:00 until 2:00 at the Oxford Community Arts Center and Oxford Rotary was paying for the meals.

Mr. Kyger noted after 20 years in business Kona Bistro closed in Oxford and encouraged everyone to support local businesses.

Mr. Kyger wished everyone good luck with the election results this evening.

Mr. Kyger noted Councilor McKeehan was doing well after a medical procedure today.

Mr. Dana thanked 2 members of Council for running outstanding campaigns and interacting with the public.

Mr. Smith thanked everyone who helped with the campaign, did canvassing for him and gave him input noting he appreciated it.

Ms. Southard thanked all of those who helped with her campaign.

Ms. Southard noted Saturday was the Empty Bowls event from 11:00 – 2:00 at the Oxford Community Arts Center and advised all of the bowls, food and funds raised benefitted the Oxford Community Choice Pantry.

Mayor Rousmaniere referred to a survey completed recently by students and a relatively significant proportion of them had some complaints about the Oxford Police Division.

Mayor Rousmaniere reminded the students with complaints and all citizens that Oxford had a Police Community Relations and Review Commission which was established two years ago specifically to address complaints. Mayor Rousmaniere noted it would be much more helpful if people with concerns about members of the City speak up and go to the commissions that are already established to address the issues. Mayor Rousmaniere advised the Oxford Police Community Relations and Review Commission was meeting Thursday, November 16 at 7:00 p.m. at the Courthouse.

Mayor Rousmaniere thanked citizens who wrote to her about concerns with streets and other issues in town and noted Council and staff don't always know about certain issues unless citizens come forward with the information.

### **ADJOURN**

Mr. Dana moved to adjourn at 9:13 p.m. Mr. Smith seconded. The motion passed 5-0-0.