A regular meeting of the Oxford City Council was called to order by Mayor Mike Smith on Tuesday, December 3, 2019 at 7:30 p.m. Those members present were Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu, William Snavely and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Ms. Jessica Greene, Assistant City Manager; Mr. Mike Dreisbach, Service Director; Mr. John Jones, Police Chief; Mr. Joe Newlin, Finance Director; 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. Ben Mazer, Assistant Law Director and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Mayor Smith requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Ellerbe moved to approve the agenda. Mr. Snavely seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

RESOLUTION
COMMENDING STEVE DANA

Mayor Smith read Resolution No. 7136 commending former Vice Mayor Steve Dana for his service to the City of Oxford and its residents and presented him with a gift of appreciation from the City.

Mr. Steve Dana, advised he had words of thanks and reflections on why it has been a privilege to serve on City Council as follows: "Thanks above all I give to the City Manager, to Alan Kyger, to Chief Jones, Mike Dreisbach, Joe Newlin and Sam Perry for the careful and skillful way they have presented their analysis of projects. They have shown how well a City can serve its citizens, just as important, I've been fortunate to have the support of Mary Ann and Kim. It has been a privilege first of all to engage with the process of making public policy, to see how the pieces work together, the public, the commissions, the staff and my fellow members of Council. It has been a privilege to learn to help mold the process of making public policy that I hope has served the City well and won the trust of citizens. The most enjoyable part of this work has been seeing how Oxford's leaders embrace the opportunities for progressive action. A full throated endorsement of guidance from the Comprehensive Plan, a plan to revise this plan and a clear statement that lets sustainability be our guide. To City Council and staff, I can not help but be grateful, grateful for the opportunity to strive to earn the public's trust."

RESOLUTION
COMMENDING KATE ROUSMANIERE

Mayor Smith read Resolution No. 7137 commending former Mayor Kate Rousmaniere for her service to the City of Oxford and its residents and presented her with a gift of appreciation from the City.

Ms. Kate Rousmaniere, advised she had a few words as follows: "Serving on Oxford City Council for 8 years and as Mayor for 4 years has been one of the most incredible experiences of my life and I thank you all for giving me the opportunity to do this work. It has been productive service, I think we've gotten a lot done, we had a good time doing it, and we learned a lot. I've learned a lot about democracy which is something I want to say a bit about tonight. Like many of you, I worry a lot about the state of democracy in this country today. One of the reasons it has been so enjoyable to be involved in local government is that I can pay attention to what we are doing at the local level. I'm really happy to see and experience democracy at work in local government especially with citizen participation in Council meetings, in community meetings, and in our boards and commissions. We are often reminded that by Rules of Council, Councilors do not need to go through the City boards and commissions to purpose items for the agenda. I'm sure you will all agree with me, that the more inclusive Council is to citizen input the more welcoming we are of citizen views, and the more open and democratic our processes the better. Boards and Commissions are the workhorses on the home turf of local government. You all know this because you are all on boards and commissions, and with your support, I hope to be on the Board of Zoning Appeals soon and be able to take part in that process again. These boards and commissions consist of citizen volunteers, elected officials and staff. They work together on problem solving and developing strategies to enact the ideas that those of us sitting on the dais think about. Boards and Commissions represent the best in that way of inclusive democracy. In inclusive democracy we share decision making with everybody. Let's remember that as elected officials we also represent those people who did not vote for us. In this town there are a lot of people who did not vote for us because a lot of people do not vote, and a lot of people have different ideas than those of us who are elected officials. We may not like what other people are saying but is our responsibility as elected officials to listen to them. Those are our people which is what democracy is all about. I believe our best skills as elected officials is listening. Especially listening to people who we are not familiar with, who we do not spend all of our time with, who may not agree immediately with everything that we think is correct. I also think an important skill is deliberating in problem solving with staff and with citizens, and then coming to consensus and compromise through inclusive and participatory democratic processes like the commissions and boards. I urge all of you to spend time with people with whom you disagree. One of the most important parts of my experience here on City Council is spending time with people who do not like what we are doing and I learn from them and try to figure out how we can make things happen better. That is what democracy looks like. Good luck in all of your future work together and with the great citizens of Oxford and with our terrific staff. I echo former Vice Mayor Dana with regard to the great joy I've had working with all of our staff in a really cohesive and collaborative way. Good luck and have a good time."

NOTICE TO
LEGISLATIVE AUTHORITY

New Permit for 325SC Restaurant Ventures LLC 325 S. College Avenue Oxford, Ohio 45056. (Alan Kyger, Economic Development Director)

Mr. Kyger explained the rationale for the new D5I liquor permit for Gaslight Grill noting it was for a restaurant meeting certain criteria.

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

NOTICE TO LEGISLATIVE AUTHORITY

New permit for Satguru Petroleum LLC DBA Oxford Shell 3600 Southpointe Parkway Oxford, Ohio 45056. (Alan Kyger, Economic Development Director)

Mr. Kyger explained the rationale for the new permit which was for beer, wine and mixed beverages in sealed containers for carry out only. Mr. Kyger advised the permit was for a new fuel service and convenience store approved for the corner of Southpointe Parkway and US 27 S.

Mr. Snavely moved to receive the notice without objection. Mr. Bracken seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Ms. Claudia Zaunz, Miami University student, advised she wanted to address a problem that was very dear to her. Ms. Zaunz asked Councilor's if they remembered the last time they used public transportation. Ms. Zaunz noted the first time she noticed the lack of public transportation in the community, in the county and in the wider area was when she bought tickets for a concert in Columbus without assuming that there is no way to get there if you do not have a car. Ms. Zaunz advised she checked google maps which suggested a trip of ten hours and fifty minutes with five transitions on a regular Saturday morning. Ms. Zaunz noted as one of many students without a car it would take three hours and forty minutes to get to downtown Cincinnati, a bus trip that includes three transitions and 139 potential stops along the way. Ms. Zaunz noted she wanted to point out that people without a car are stuck in Oxford and advised no one would travel almost eleven hours if they could be there in two. Ms. Zaunz noted even within our City mobility can become a challenge, getting to Oxford Lanes for instance is only possible if you are willing to walk for a least a mile. Ms. Zaunz advised considering that it will be evening and most likely dark, few college students will go there if they do not have a car. Ms. Zaunz noted she perfectly understands the daily connections are a project far from realization due to cost issues and asked Council to keep the benefits of public transportation in mind. Ms. Zaunz advised public transportation has economic and health benefits, it lessens gas use and reduces pollution. Ms. Zaunz noted public transportation is safer as less cars are on the road, it reduces traffic and road congestion and advised household expenses can be reduced as multiple cars might not be necessary. Ms. Zaunz noted the availability of public transportation opens up personal mobility to everyone giving each person the freedom to go virtually anywhere. Ms. Zaunz advised sooner or later due to climate change our society needs to change noting her hope public transportation will be included in future projects as it offers a solution to the later problem.

Mayor Smith thanked Ms. Zaunz for her comments noting Council continues to look at the issue of public transportation.

Ms. Connie Malone, 804 Melinda Drive, advised she was in attendance this evening on behalf of Oxford Empty Bowls representing her co-organizers Ann Wengler and Alice Laatsch.

Ms. Malone advised this year's event was held on Saturday, November 9 noting it was Oxford's 17th event. Ms. Malone advised the remaining bowls will be for sale this Saturday at the Craft Show at the Oxford Community Arts Center. Ms. Malone noted the event raised $11,032 so far this year and approximately $110,000 for the life of the event. Ms. Malone advised the funds are shared between Talawanda Oxford Pantry and Social Services which is the primary beneficiary, the Open Hands Food Pantry, the Miami Cares Pantry and St. Mary's Backpack program. Ms. Malone thanked Council members who participated in the event and recognized John Buchholz for helping them with compostable products and two Go-Zero waste bins for food scraps. Ms. Malone noted she was proud to say that this year's Oxford Empty Bowls event produced very low waste. Ms. Malone advised with the City's cooperation her hope was for Oxford Empty Bowls to be a gateway to showing how relatively large scale community events can pretty easily move in this direction. Ms. Malone noted Empty Bowls was pleased to partner with the Oxford Parks and Recreation Department, Enjoy Oxford and countless community and university groups who come together to make this event what it is.

CONSENT AGENDA

MINUTES

Minutes of the November 18, 2019 City Council Work Session. (Doug Elliott, City Manager)

Minutes of the November 19, 2019 City Council Work Session (Mary Ann Eaton, Clerk of Council)

Minutes of the November 19 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the November 26, 2019 City Council Organizational Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the November 12, 2019 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)

Report regarding the November 12, 2019 Planning Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the November 13, 2019 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the November 20, 2019 Board of Zoning Appeals Meeting. (Sam Perry, Community Development Director)

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

RESOLUTIONS

RESOLUTION
OXFORD SENIORS
LEASE AGREEMENT

A Resolution No. 7138 authorizing the City Manager to enter into a new lease agreement with Oxford Seniors for the use of the Oxford Senior Citizens Community Center. (Casey Wooddell, Parks and Recreation Director)

Mr. Wooddell advised the proposed Resolution was for the renewal of a 5 year lease agreement between the City of Oxford and Oxford Seniors which allows Oxford Seniors to utilize the City owned property at 922 Tollgate Drive. Mr. Wooddell outlined the modifications within the new lease agreement as detailed on page 38 of Council's packet. Mr. Wooddell offered to answer any questions.

Mr. Steve Schnabl, Executive Director, Oxford Seniors, thanked the City for being extra cooperative in the renegotiation of the lease for Oxford Seniors noting it will allow them to use the asset of the building in a way that is much more productive than in the past years. Mr. Schnabl advised Oxford Seniors has been very fortunate to have the City's support of Oxford Seniors through the ownership and stewardship of the building since it was constructed in the 1980's.

Mr. Schnabl welcomed Ms. Southard as the new Council representative on the Oxford Seniors Board and welcomed each of the new City Councilors.

Ms. Southard moved to adopt Resolution No. 7138. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION
LEASE AGREEMENT
TALAWANDA RECREATION, INC.

A Resolution No. 7139 granting Talawanda Recreation, Inc. (TRI) a two (2) year lease and authorizing the City Manager to execute the new lease. (Casey Wooddell, Parks and Recreation Director)

Mr. Wooddell advised the proposed Resolution was for the renewal of a 2 year lease agreement between Talawanda Recreation Inc. (TRI) and the City of Oxford noting the 2 year agreements had been done for decades. Mr. Wooddell advised the lease provides Oxford Parks and Recreation a facility to run their operations from. Mr. Wooddell noted the funds for the lease agreement are utilized by the TRI for maintenance, repairs and renovations of the facilities and grounds of the TRI property which includes the skate park, ball field, tennis courts, playgrounds, offices, fitness rooms and gymnasium.

Mr. Prytherch inquired if the TRI has a capital improvement plan and if not inquired how Council would know the funds are utilized for the improvements.

Mr. Wooddell advised he could not speak for the TRI Board noting he does sit on their board. Mr. Wooddell noted for the first time in 12 years he felt the board was having serious conversations about the future of the TRI whereas he felt it has been stagnant for a long time. Mr. Wooddell advised the TRI Board was looking at the feasibility of adding on to the facility or whether it was a better use of funds to tear down the existing building and rebuild the facility. Mr. Wooddell noted they brought on some new board members and incorporated the use of resources at Miami University in terms of staff to walk them through the process of what a new facility would look like or what adding on to the existing facility would look like. Mr. Wooddell advised the conservations were there in terms of what they are going to do, what is it going to look like and what amenities it should include that are cost effective but will serve the City long term from a recreational standpoint.

Mr. Prytherch inquired if the lease funds have been paying for maintenance of existing facilities and Mr. Wooddell advised yes.

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

Mr. Ellerbe inquired if the City decides to do improvements on some of the properties the TRI owns would the City get a credit on the lease and Mr. Wooddell advised no.

Mr. Prytherch noted he had always struggled to make sense of the arrangements with the TRI. Mr. Prytherch advised he was sure it was a great partnership although he looks at the lease rates and wants to make sure the $40,000 will be used for something other than maintaining the existing facility.

Ms. Southard moved to adopt Resolution No. 7139. Mr. Ellerbe seconded. The motion passed 7-0-0.

**RESOLUTION
AGREEMENT WITH
BUTLER COUNTY**

A Resolution No.7140 authorizing the City Manager to enter into a service agreement with the Butler County Public Defender Commission to provide legal counsel to indigent persons charged with violations of Municipal Ordinances for the year 2020, and thereafter under certain terms and conditions. (Doug Elliott, City Manager)

Mr. Elliott advised County Public Defenders are by law allowed to contract with municipalities for representation of indigent persons in the court system. Mr. Elliott noted the City of Oxford has contracted with the Butler County Public Defender Commission since 2015. Mr. Elliott advised the proposed Resolution would authorize the City Manger to enter into a renewal agreement with the Public Defender Commission to provide legal counsel to indigent persons appearing in the Butler County Area One Court in 2020 at a cost of $3,718.79 annually. Mr. Elliott recommended approval of the proposed Resolution.

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

Mr. Ellerbe inquired how many people were represented annually. Ms. Southard inquired if all of the money was spent each year. Mr. Elliott advised he would obtain that information and send it to Councilors. Mr. Snavely advised the money was to contract for the services however many times they were needed noting it was not a per use charge.

Ms. Southard moved to adopt Resolution No. 7140. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION
AGREEMENT WITH
STRAND ASSOCIATES, INC.

A Resolution No. 7141 accepting the proposal and authorizing the City Manager to enter into an agreement with Strand Associates, Inc. for the evaluation of water softening technologies suitable for implementation at the City's Water Treatment Plant and to perform other tasks as defined in the City's Request for Proposals (RFP) at a cost of $146,000.00 plus a contingency amount of ten percent (10%) of the agreement price or $14,600.00 for a total cost not to exceed $160,600.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised City Council has appropriated $500,000 to address one of our consumers most pressing problems which was the total hardness of the water supplied through the City's municipal water system. Mr. Dreisbach noted the City has paid off all of the debt from previous improvements for the Seven Mile Well Field and for the Water Treatment Plant and advised it was currently a debt free utility. Mr. Dreisbach advised it was time to investigate how to best improve the water quality served to the City's customers by lowering the total hardness of the water provided. Mr. Dreisbach referred to page 60 of Council's packet and discussed the listing of surrounding water systems and the technology used to soften their water noting Oxford was the only municipal system in Butler County that does not soften its water. Mr. Dreisbach discussed in detail the nature of the Request for Proposals which was advertised twice in October in the Journal News and with professional clearinghouses. Mr. Dreisbach advised 4 proposals were received from engineering firms and noted after a comprehensive evaluation of the proposals City staff felt Strand Associates, Inc. was by far the most qualified firm for the project.

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

Mr. Snavely inquired if the City had a fully operating water softening system would customers be advised to continue using the ones they might have in their homes or to stop using them at that point. Mr. Dreisbach advised there would be no reason for people who used a water softening system at home to continue operating it and incurring those expenses.

Mr. Snavely inquired what the timeline of the project was. Mr. Dreisbach advised the City should have the results of the study by October 2020 and if Council so chooses staff could move forward at that point with the full design for construction to begin in 2021. Mr. Dreisbach noted the project would take approximately one year to complete.

Mr. Snavely moved to adopt Resolution No. 7141. Mr. Prytherch seconded. The motion passed 7-0-0.

RESOLUTION
TRANSFER OF FUNDS

A Resolution accepting the recommendation of the Housing Advisory Commission and authorizing the transfer of approximately $5,825.00 from the Housing Trust Fund to the Oxford Community Foundation to administer funds for affordable housing initiatives. (Sam Perry, Community Development Director)

Mr. Perry advised he wanted pass along a recommendation from the Housing Advisory Commission (HAC) noting over the last year the HAC has learned about all of the funding and housing initiatives that are going on in Oxford and in larger Butler County. Mr. Perry advised this request may appear as if there is a change in the desire to help affordable housing although it was just broadening opportunities. Mr. Perry noted he has worked with the Finance Director in partnership with the HAC to find a way to continue the efforts. Mr. Perry advised this was a small amount of money although it could result in leverage. Mr. Perry noted $10,000 was taken out of the General Fund in 2008 for affordable housing initiatives and the remaining $5,825 has been sitting dormant. Mr. Perry advised moving the funds to the Community Foundation would allow contributions to be made to the fund.

Ms. Janis Dutton, Vine Street, noted she had concerns with the proposed Resolution because it looks like it bypasses the Planning Commission. Ms. Dutton advised if someone wants to build an affordable housing unit they would apply to the Community Foundation. Ms. Dutton noted she felt the Resolution should be tabled to allow for more public input.

Ms. Carla Blackmar, 400 W. Vine Street, advised in the future she would like to see the opportunity for in lieu fees for the provision of affordable housing. Ms. Blackmar noted if Oxford decided to have inclusionary housing at some point in the future and someone was not willing to build those units as part of the project then they could pay an in lieu fee and pay into something like an affordable housing trust fund. Ms. Blackmar inquired if the proposed Resolution would close the door on future opportunities with regard to using fees for a fund to lure in the type of development Oxford needs. Ms. Blackmar noted she would like to hear more about the rationale for doing this at this moment and whether it would be difficult to reopen the door of having this fund housed with the City so fees could flow into it.

Mr. Newlin advised this was a trust fund noting there really is not a trust because the money came from the General Fund. Mr. Newlin advised a fee on it would be a special revenue fee so it would be a different fund to begin with. Mr. Newlin noted an agency is holding someone else's money that is released upon an agreed procedure. Mr. Newlin advised with a special revenue fund you bring the money in and use it for a specific purpose.

Mr. Perry referred to Ms. Dutton's comments regarding the Planning Commission and noted the county offers down payment assistance programs through a direct application to the county so neither the City or this housing fund has to be involved. Mr. Perry noted the HAC has been talking about different things like an in lieu fee to have an incentive in place of actually building an affordable housing unit as part of what we typically see as student housing.

Mr. Perry advised if and when that policy gets set up the revenue fund or the fee could still be set up. Mr. Snavely inquired if that fund were set up and we had an in lieu fee could this money be shifted from one account to the new account and help seed that new account and Mr. Perry advised yes. Mr. Perry noted the City could also apply for these funds directly like the City did for the recreational trail. Mr. Newlin advised in the accounting world money can only be transferred back to the fund it came from so it would go back to the General Fund and then transferred from the General Fund to the new fund.

Mr. Prytherch noted right now there was no revenue source and no way to spend the money and advised we need to develop a housing program that generates revenues and the capacity to impact housing. Mr. Prytherch noted this was more from a public accounting point of view to not carry over an inactive account from year to year. Mr. Prytherch advised this was a placeholder and allows the City to solicit private donations. Mr. Prytherch noted the goal of the HAC was to figure out what a revenue source would be and how to impact it.

Mr. Ellerbe advised moving the funds to the Community Foundation is more of a strategic planning maneuver noting the City could always set up an additional fund if necessary. Mr. Ellerbe noted fees that do not have direct actions end up being taxes that have to be voted on by the public. Mr. Ellerbe advised in planning you are allowed to negotiate during planned urban development structures you can construct a set aside and then if the developer chooses not to do that you can negotiate by offering donations to the Oxford Community Foundation as an example. Mr. Ellerbe noted right now we are working on agile ways of increasing the funding so we can develop a platform to begin doing more formal things regarding diverse housing options in Oxford.

Mr. Snavely noted he agreed with Ms. Dutton's point and advised he felt the City should not give the money away and then have people donate more money to the foundation where the City has zero control over how they manage it.

Ms. Southard advised there were ways to donate to the City through the foundation already.

Ms. Raghu agreed with Ms. Dutton and Mr. Snavely noting she did not see the rationale for moving the money to the foundation.

Mr. Ellerbe moved to adopt the Resolution. Ms. Southard seconded. The motion failed 0-7-0.

RESOLUTION
HANDBOOK REVISIONS

A Resolution approving revisions to the Employee Handbook. (Jessica Greene, Assistant City Manager/Human Resources Director) **(Tabled until December 17, 2019)**

ORDINANCES
FIRST READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3493. Supplemental Budget Ordinance Number 9 To Make Supplemental Appropriations For Fiscal Year 2019. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on pages 68-69 of Council's packet and offered to answer any questions.

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

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance Approving A Conditional Use Permit To Allow For Expansion Of The Outdoor Sale Of Plants And Garden Supplies In The General Business (GB) District At 304 W. Collins Street, Oxford, Ohio 45056 With Conditions. (Sam Perry, Community Development Director)

Mr. Perry advised this was one of two First Reading Ordinances which resulted from the November Planning Commission meeting. Mr. Perry provided a PowerPoint presentation and discussed the proposed project for Shademakers to expand at the current Whistlestop/Oxford Farm Service location as detailed in Council's packet on pages 71 through 103.

Mr. Scott Webb, Architect, provided a PowerPoint and discussed the proposed project in detail and as presented in Council's packet on pages 71-103.

Mr. Prytherch inquired if the drive through would be maintained as a portion of the business.

Mr. Doug Drake, owner, Shademakers, advised during the spring and summer when Shademakers is at its busiest and fullest they would not use the drive through as a drive through noting it would be part of the walking paths and advised cash registers would be set up in there. Mr. Drake noted in the fall and winter the space will be used as a drive through.

Mr. Snavely advised the Planning Commission voted 7-0-0 to recommend approval of the proposed Ordinance.

Mr. Prytherch noted he felt this was a good re-use of the site.

Ms. Southard noted she felt this was a great use of the space and wished the owners success. Ms. Southard advised she hoped Shademakers would continue to guide people towards native trees.

Mr. Ellerbe noted he felt there could not have been a better business to go into this space. Mr. Ellerbe advised this was infill and economic development sustained and improved. Mr. Ellerbe noted the appreciated the owners doing this project.

Mayor Smith noted his support for the plan noting Council would consider it for a vote in two weeks.

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 2.5 Acres Of Land Located At 5427 and 5435 College Corner Pike, Oxford, Ohio, And Rezoning The Property From Multi-Family Residential (R-3) District To General Business (GB) District. (Sam Perry, Community Development Director)

Mr. Perry advised the request is from Attorney Matt Troy for rezoning 2 parcels on College Corner Pike from R-3 Residential to General Business. Mr. Perry showed slides of the properties in question located near the intersection of Hester Road. Mr. Perry discussed his staff reports as presented on pages 104-136 of Council's packet and offered to answer any questions.

Mr. Matt Troy, Attorney, advised the parcels in question were the only two non Light Industrial or General Business zoned properties from Locust Street to Ringwood Drive. Mr. Troy noted since the goal of encouraging economic development and developing under utilized properties in this US 27 N. corridor there has been substantial changes in the area with more development. Mr. Troy noted these 2 properties were left behind and advised one of the properties was owner occupied right now and the other will be a used as a property management office. Mr. Troy noted the zoning map amendment would enable the properties to be utilized for commercial use and open up 2 properties on the US 27 N. corridor for economic development. Mr. Troy advised it would also fill in a property that has not been used for a while.

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

Mr. Ellerbe inquired what the history was with regard to the properties being zoned R-3 and Mr. Perry advised it was originally zoned R-3. Mr. Snavely advised there used to be a larger section of R-3 and over time it changed to GB.

Ms. Southard noted recently Council approved the development of Wildberry which is in the same corridor.

Mr. Prytherch advised space was constrained on that corridor and noted he would rather have economic development convert residential use than add more units farther out towards College Corner. Mr. Prytherch advised over time he would like to see more infill and creative uses to get more out of College Corner Pike.

Mayor Smith advised Council would consider the proposed Ordinance again at the next meeting.

ORDINANCE
SECOND READING
CURB, GUTTER AND
SIDEWALK ASSESSMENTS

An Ordinance No. 3543 Levying Upon The Lots And Lands Enumerated In The List Of Estimated Assessments (Exhibit A) The Amounts Set Forth On Such List And Setting Forth Terms For Payment Of Assessments. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised for the City to levy a special assessment 4 separate pieces of legislation were needed noting this was the 4th piece required to levy improvement costs to the proper lot. Mr. Dreisbach advised Council adopted a declaration of necessity for the improvements, a construction contract to do the work, and a Resolution of actual costs of which the property owners are notified. Mr. Dreisbach noted the City received no challenges to the actual costs and asked for Council's approval of the proposed Ordinance.

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

Mr. Ellerbe advised the improvements will increase safety in the Mile Square noting a lot of individuals have approached him regarding safety concerns with some of the sidewalks.

Mayor Smith advised the City had sidewalks, curbs and gutters repaired in advance of paving the streets noting the property owners are assessed for the work.

Ms. Southard moved to adopt Ordinance No. 3543. Mr. Snavely seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

DISCUSSION

Environmentally Acceptable Packaging and Products. (Chantel Raghu, Councilor)

Ms. Raghu referred to draft legislation on pages 140-142 of Council's packet regarding environmentally acceptable packaging. Ms. Raghu advised this was a two year step away process from polystyrene foam food containers. Ms. Raghu noted based on the draft legislation by the end of December 2020 the national food chains should no longer be using that product and at the end of 2021 local businesses should no longer be using it. Ms. Raghu advised the draft legislation contains a clause where demonstration of a financial hardship could exempt a business from the Ordinance. Ms. Raghu advised many other cities and countries have adopted similar legislation.

Ms. Raghu noted polystyrene breaks down very easily, it does not biodegrade, it turns into micro plastics, animals get very confused by it, they will eat it, it eventually goes into the food chain, it gets broken down into the waterways because it is so light and it can be carried out very far. Ms. Raghu advised polystyrene is a significant portion of litter that everyone should be aware of noting it can not be recycled locally.

Mr. Snavely noted the proposed legislation pertained just to restaurants and inquired why grocery stores were exempt from the Ordinance. Ms. Raghu advised grocery stores were a much bigger challenge to tackle noting she felt we need to take baby steps first and look at what other cities have done. Mr. Snavely advised he was in favor of the idea although he would like to know whether we are hitting where most of the issue is. Mr. Snavely noted he would like Council to do some research to find out where most of the polystyrene is being produced in the community. Mr. Snavely stated it seems small businesses that are restaurants are taking the brunt of the proposed legislation and the big chain stores are being exempted from it. Mr. Snavely inquired if drink cups would be included from convenience stores and gas stations. Ms. Raghu advised she would like to see small achievable steps and to grow from there. Ms. Raghu noted she did not want to harm businesses financially and advised the proposed legislation was not meant to do that. Ms. Raghu noted Buffalo Wild Wings uses paper containers and advised McDonalds has transitioned away from polystyrene as well as LaRosas.

Mr. Prytherch inquired if the discussion tonight was about whether there is a second to request the legal staff to develop Ms. Raghu's draft into an Ordinance for Council's review and Mayor Smith advised yes.

Mr. Ellerbe inquired if the goal was to reduce or eliminate plastic #6 from the City of Oxford. Ms. Raghu advised the goal was to step away from polystyrene foam in food service. Mr. Ellerbe inquired if businesses have been asked to stop using polystyrene or if this was just a symbolic Ordinance. Mr. Ellerbe inquired if this subject was raised with the Environmental Commission and Ms. Raghu advised yes. Mr. Ellerbe inquired if Ms. Raghu engaged with the community before presenting the draft Ordinance. Ms. Raghu advised everything she does and talks about is in a public fashion. Ms. Raghu noted this is being brought about because it has been raised as something that is important and something that is achievable.

Ms. Southard advised she does not accept anything in polystyrene but some people do. Ms. Southard noted the customer has the right to accept or not accept something. Ms. Southard advised she wondered if a legal solution was the best solution to the problem. Ms. Southard expressed concern for people who have immune suppression problems noting they want to have straws and containers that can be thrown away. Ms. Raghu advised the proposal does not address straws and noted there are many compostable, recyclable, and made from recycled materials food containers.

Mr. Ellerbe suggested the topic be discussed at the Environmental Commission meeting tomorrow evening and that the Environmental Commission bring it forward to Council in the orthodox fashion.

Mr. Prytherch advised he felt things that are going to affect a number of people should be vetted through a board or commission and have the maximum amount of public input.

Mr. Prytherch noted he felt then Council can feel like they did their due diligence. Mr. Prytherch advised he felt Council was going to be more active in introducing Ordinances and Council should think about how to do that in a way that is expeditious and also gauges public support to the maximum amount possible. Mr. Prytherch noted concern with enforcing something like the draft Ordinance. Mr. Prytherch noted he would be willing to second the motion to add this item to a Council agenda on the assumption it goes to a board or commission and also gets staff input.

Ms. Southard suggested Council adopt a Resolution which is not something to enforce but rather states Council suggests to the public that they refuse to accept polystyrene when they are offered it and that businesses should try to stop using polystyrene. Ms. Raghu advised her research in looking at other cities that have done this found that you do need legislation to encourage the correct behavior. Ms. Raghu noted Council could adopt a Resolution but that does not mean it is enforceable or that it is going to make any changes.

Mr. Ellerbe noted he felt an endeavor of this magnitude requires some significant investment and the investment is going to require many entities in the City. Mr. Ellerbe advised he felt passing a Resolution to inform the entire public that Council is planning to do this is something Council can do quickly and it brings that initiative to the forefront of businesses and residents in the City. Mr. Ellerbe advised then Council can take the time and do this in an enforceable and efficacious fashion while respecting the individuals in the process. Mr. Ellerbe noted he does municipal interest stuff and if Council is going to do municipal interest stuff they have to involve the entire City. Mr. Ellerbe advised a Resolution informs everyone of something Council is going to do and then Council can do this in a judicious and well thought out with due diligence being taken methodical fashion.

Mr. Snavely advised he wanted to support Ms. Raghu's idea noting he thought it was important. Mr. Snavely advised what makes sense to him is the idea of sending it with Council's support of the idea to the Environmental Commission to bring something back for Council to vote on.

Mayor Smith opened the discussion to the public.

Ms. Elena Albarran, advised she appreciated Ms. Raghu's work on this and encouraged Council to take bold and unpopular action on this issue. Ms. Albarran noted we can draw a line in the sand and signal what we want to see our City tolerate and through that encourage other sustainable practices. Ms. Albarran noted she felt the younger generation had concerns as well.

Noel Albarran, 5th grader, Kramer Elementary, noted he hoped Council would pair with the Talawanda School Board to limit the amount of plastic used in school lunches. Noel provided data from his Single Use Plastic at Kramer Lunch Study which reveals that 50,400 pieces of Styrofoam are produced in one Kramer school year. Adding the two other Talawanda elementary schools equals 151,200 pieces of Styrofoam and 831,600 pieces of plastic. Noel advised he would like to see a reduction in plastic covered food and silverware, and an increase in non-plastic covered food and real silverware.

Councilors thanked Noel for his report and he received a round of applause.

Ms. Taylor Meredith, advised she has been a resident of Oxford for a little over 5 years and works for Enjoy Oxford. Ms. Meredith noted she wanted to speak in support of phasing out polystyrene in the next couple of years. Ms. Meredith advised she felt it was a smart timeframe as she felt we do not have a lot of time when it comes to environmental issues. Ms. Meredith noted this seems a small step but she felt it was definitely better then nothing. Ms. Meredith advised she felt the 2 year timeframe made a lot of sense by giving the bigger chains a year and giving smaller businesses two years because they will not have as much financial support. Ms. Meredith noted it was her job to market Oxford and this was a marketable issue. Ms. Meredith advised she felt this made Oxford look good and people are going to want to invest in this town when they see we are investing in ourselves and in the people who live here.

Mr. Kyle Larson, PHD Candidate, Miami University, advised one thing he likes about the legislation Ms. Raghu proposed is that it creates the conditions for further legislation if Council would like to act on it. Mr. Larson noted there is a term called epistemic injustice and advised one thing he was concerned about is if the legislation proposed tonight was brought forward would Council call it too broad. Mr. Larson noted Ms. Raghu proposed a limited legislation as Council said it was not enough. Mr. Larson advised his hope from City Council are not slippery slope arguments but he would like City Council to recognize their responsibility to the consumer. Mr. Larson noted consumer choice was great but he did not want to get cancer. Mr. Larson advised he wanted Council to create the conditions for safe consumption.

Ms. Janis Dutton, Mile Square resident, advised she was part of Take 3 Oxford which cleans up trash in the Mile Square which will impact her statements. Ms. Dutton inquired who enforces trash and recycling laws anyway. Ms. Dutton noted it was a peculiar thing for her to observe at a City Council meeting and based on her time serving on City government that when a Council member wants to bring up legislation it is brought to Council first to approve whether to go through with it. Ms. Dutton advised she felt it was outrageous when all decisions by Council are by Resolution and Ordinance. Ms. Dutton noted she was upset that Ms. Raghu's request for legislation gets put on the agenda for the rest of Council to approve whether she can put something on the agenda as it only takes 2 people. Ms. Dutton advised this was a violation of the Charter and it is a peculiar violation of the Rules of Council noting her hope Council learns to be more professional.

Ms. Pam Hodgson, Oakhill Drive, advised she wanted to speak to the choice we have on getting these products. Ms. Hodgson noted she felt a lot of people would like to take the personal responsibility and not get those products but if we want to buy food from many of the establishments in town we are stuck with the Styrofoam. Ms. Hodgson advised we she goes out to eat with her children she has to ask repeatedly please do not bring them water in Styrofoam cups. Ms. Hodgson noted she is very vocal in her personal life about not using single use plastic but a lot of people would not speak up for that even if they would prefer to not have their products in Styrofoam. Ms. Hodgson advised she felt as a community we need to make it happen whether it is from a Resolution or an Ordinance. Ms. Hodgson noted she would like to go broader although she felt Ms. Raghu has a great idea of choosing something that is feasible. Ms. Hodgson advised she would like Oxford to be an example to other communities.

Ms. Beth Reagh, Panda Lane, advised she appreciates what has been said by Council and by members of the audience.

Ms. Reagh noted she was all for the proposed legislation and advised she had a deep concern for where our society has come and how our behavior has gone way over the mark of not having enough consciousness about our disposal and throw-away society. Ms. Reagh advised she felt we are all litterbugs and we have to do something different and something fast. Ms. Reagh noted she was pushing Council to react as fast as possible as it was necessary and should have been done yesterday.

Carla Blackmar, Organizer of Take 3 Oxford, advised she picks up trash everyday including a lot of polystyrene noting she tries to pick it up before it breaks into pieces. Ms. Blackmar advised she will always prioritize a big piece of polystyrene over any other piece of trash she is going to pick up because it represents hundreds of potential saved labor hours since polystyrene crumbles and breaks up. Ms. Blackmar noted people can find it in Seven Mile creek or in any of our waterways and often the high water mark is traced in polystyrene pieces along the sides of the waterways. Ms. Blackmar advised she felt we were often in this very difficult position as a small town in a State that is not protecting us or our natural environment or our children and in a country that is not doing a great job of protecting us from these things so it is hard to be a little town that is trying to do something different and better. Ms. Blackmar noted she appreciated the bravery of everybody here who works on that because it is not easy. Ms. Blackmar advised single use is complicated although she agrees it is good to start somewhere noting hopefully the leadership of many small places like Oxford will continue to make changes. Ms. Blackmar noted McDonalds's did not move away from polystyrene for the heck of it, they did it because lots of little places like Oxford put their foot down and she felt it would be great for Oxford to be part of that effort.

Mayor Smith thanked members of the public for their comments.

Mr. Prytherch advised he was prepared to offer a second to the idea of ordering legislation on the condition it be developed with input from the Environmental Commission, staff and legal counsel on how to best legally and effectually do that. Mr. Prytherch noted he would like to see a Resolution supporting Council's commitment to eliminate single use plastics in the City of Oxford for the next Council meeting so the conversation can be framed and then have a suite of Ordinances Council can follow up with to break it down piece by piece.

Mr. Snavely agreed with Mr. Prytherch noting he wanted to get it done right.

Mayor Smith advised he would like an opportunity for the Chamber of Commerce and the restaurant owners to know about the proposed legislation. Mayor Smith noted he felt this was a good proposal and a good first step. Mayor Smith inquired if Council wished to send the language to the Environmental Commission to hammer out the details and do some wordsmithing.

Ms. Raghu advised she brought this matter before Council tonight to get it on the next agenda.

Mr. Elliott advised if two Councilors are in favor of considering an Ordinance at the next meeting staff would make that happen and take the initiative to answer some of the questions that have been raised.

Mr. Bracken noted he would like to see a way to enforce the legislation (penalties) and other than that he would second the motion.

Mayor Smith thanked everyone for the discussion.

ANNOUNCEMENTS

Mr. Elliott advised a Work Session would be scheduled prior to the next Council meeting to discuss the idea of a Designated Outdoor Refreshment Area and options for Phase V of the Oxford Area Trails project.

Mr. Elliott noted staff will be heavily involved in Police contract negotiations soon.

Mr. Wooddell reminded everyone of the Holiday Fest this coming Saturday at the Uptown Parks in the evening and at the Oxford Community Arts Center during the day.

Mr. Snavely reminded Council that an Executive Session would be necessary prior to the next meeting as Council needed to make some appointments to Boards and Commissions. Mr. Snavely asked for a full list of all vacancies on Boards and Commissions.

Mr. Prytherch noted he hoped the January Council Retreat would be scheduled soon so Council can get it on their schedules.

Mr. Prytherch applauded Councilor Raghu for taking a pro-active approach as a Councilor to introduce an Ordinance.

Mr. Prytherch advised he expressed concern a while ago about mailers being delivered to driveways noting the voluntary approach with the Cox Media circulars was not very effective. Mr. Prytherch advised in the interim some research was done about possible legal strategies, ordinances that would not prohibit those newspaper deliveries but control the time place and manner of them. Mr. Prytherch noted there were some First Amendment issues although the time, place and manner can be regulated. Mr. Prytherch advised a number of other communities including Hamilton, Upper Arlington, Vandalia and Clayton have adopted ordinances that have stood up in the courts. Mr. Prytherch noted this was something he would like Council to move forward with and Mr. Snavely offered a second.

Mr. Elliott advised this topic has been discussed a number of times noting former City Attorney Amy Blankenship provided an example ordinance from the City of Upper Arlington. Mr. Elliott advised they discussed waiting to see how their ordinance played out and noted to his knowledge there have not been any court challenges. Mr. Elliott suggested Council allow him to work with Mr. Conard and Mr. Mazer to finalize the legislation and bring it to Council at the next meeting or the first meeting in January.

Mr. Prytherch inquired if this was something that would benefit from Board or Commission input and if so which one it would be.

Ms. Southard noted she felt it should go to a board or commission although she was not sure which one. Ms. Southard advised she felt it was important to take all perspectives into view.

Ms. Southard noted many people do need the coupons and Council needs to make sure they have access to them.

Mr. Snavely recommended the issue go before the Environmental Commission if that was Council's desire noting they approached this issue previously. Mr. Snavely advised now that there is draft legislation to provide them they can make a recommendation.

ADJOURN

Mr. Prytherch moved to adjourn at 10:30 p.m. Ms. Southard seconded. The motion passed 7-0-0.