A regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, December 5, 2017 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. Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development 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

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

PUBLIC PARTICIPATION

RECOGNITION

Bob Blackburn, Mayor Rousmaniere read the Resolution commending Bob Blackburn for his 8 years of service on Oxford City Council and noted he was unable to be in attendance this evening.

Mr. Blackburn received an applause from Council, staff and members in the audience.

Kevin McKeehan, Mayor Rousmaniere read the Resolution commending Kevin McKeehan for his 8 years of service on Oxford City Council and presented it to Mr. McKeehan along with a gift from Council and City staff.

Mr. Kevin McKeehan, thanked the entire City staff, his fellow City Councilors and the new Councilors noting it had been an absolute pleasure the last 8 years serving for the City of Oxford and it was something he would never forget.

Mr. McKeehan received an applause from Council, staff and members in the audience.

SWEARING-IN
ANTHONY JONES, JR.
POLICE OFFICER

Chief Jones advised a new Police Officer for the City of Oxford would be sworn in this evening and asked Anthony Jones, Jr. to come forward. Chief Jones noted OPD made a significant recruiting effort to get the best candidates to apply for the position of Police Officer. Chief Jones advised a top notch group of individuals applied and Anthony rose to the top of the group. Chief Jones advised Anthony had worked for the Hamilton County Sheriff's Office for the past 2 years and is a graduate of The Ohio State University.

Chief Jones noted while a Correction's Officer, Anthony attended the Great Oaks Police Academy and was the Valedictorian and class President. Chief Jones advised he also earned the top driver and the top shooter awards which is rarely awarded to the same person. Chief Jones noted Anthony was from the Mason, Ohio area and many of his family members were in attendance this evening. Chief Jones advised he felt Anthony would be a great Police Officer for OPD.

Mr. McHugh administered the Oath of Office for Anthony Jones, Jr. and congratulated him on his appointment to Police Officer. Chief Jones presented Anthony with his Police Officer badge number 54.

Officer Jones thanked Chief Jones for the opportunity to work for the City of Oxford and noted he looked forward to working with everyone while serving the City.

PRESENTATION
FARMERS MARKET

Mr. Larry Slocum, presented Finance Director, Joe Newlin with a check to help the City recoup parking revenues while the Farmers Market operated in Lot 52 during 2017. Mr. Slocum provided a market report in the form of a sing-a-long with Council, staff and the audience.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

MINUTES

Minutes of the November 21, 2017 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the November 28, 2017 City Council Organizational Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the November 1, 2017 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the November 1, 2017 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTION
2018 FARMERS MARKET

A Resolution No. 6022 authorizing the City Manager to close Lot 52 each Saturday in 2018 from 4:00 a.m. until 1:00 p.m. to permit the operation of the Farmers Market within Lot 52 during said time. (Doug Elliott, City Manager)

RESOLUTION
ODOT PROJECT

A Resolution No. 6023 authorizing the City Manager to sign Preliminary Consent Legislation and other contracts with the Ohio Department of Transportation in connection with a preventative maintenance and improvement project for State Route 732 inside the corporate limits at no cost to the City of Oxford. (Mike Dreisbach, Service Director)

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

RESOLUTIONS

RESOLUTION
TOWN GOWN INITIATIVE TEAM

A Resolution No. 6024 recognizing the Town Gown Initiative Team (TGIT), their "Guiding Concepts" as presented in Exhibit "A" attached hereto, and authorizing the City Manager to provide City of Oxford representation on the team. (Alan Kyger, Economic Development Director)

Mr. Kyger advised when City staff and Miami University representatives started attending the International Town Gown conferences they felt they would like to further the concept locally. Mr. Kyger noted a group started meeting informally a set a goal of hosting the National Town Gown Conference in Oxford and did host the Ohio Town Gown Conference in Oxford last summer. Mr. Kyger advised the purpose of the Town Gown Initiative Team is to fill gaps and connect people that need to be connected. Mr. Kyger noted the proposed Resolution recognizes the Town Gown Initiative Team, gives the City Manager authority to officially provide City representation on the team and it accepts the Town Gown Initiative Team's 'Guiding Concepts' as presented on page 44 of Council's packet.

Dr. Mike Curme, Associate VP and Dean of Students, Miami University, advised he viewed the TGIT guiding concepts much like he does Miami's value statement noting it represents an ideal or an aspiration. Dean Curme advised the proposed Resolution and Guiding Concepts represent the culmination of a great deal of work by many people who have dedicated themselves to excellence in Town Gown relations and they want Oxford to be the model for it. Dean Curme noted he strongly endorsed the proposed Resolution.

Mr. Chen noted the team members recognized that the Oxford community was good but could be even better when people worked together and that was the goal being presented.

Mayor Rousmaniere advised the TGIT meets every other Friday midday and the synergy between the members is wonderful. Mayor Rousmaniere noted TGIT would be active at the Ohio Town Gown meeting in Bowling Green in July and at the International Town Gown meeting in Columbus, Ohio in late May and early June.

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

Ms. Southard noted her support for the TGIT and thanked everyone for their hard work. Ms. Southard advised she was happy to attend the Town Gown meeting in Pickerington, Ohio and in Oxford which were full of energy and a lot of good ideas came forward.

Mr. Dana advised the Town Gown meeting he attended in Oxford was inspiring and he strongly endorsed the proposed Resolution.

Mr. Ellerbe inquired if the TGIT had short term objectives which Mr. Kyger and Mr. Chen addressed.

Mr. Prytherch noted he felt Town Gown relationships have never been better in Oxford.

<u>Ms. Southard moved to adopt Resolution No. 6024. Mr. Ellerbe seconded. The motion passed 7-0-0.</u>

**<u>RESOLUTION
CONTRACT WITH
DANIS INDUSTRIAL CONSTRUCTION</u>**

A Resolution No. 6025 accepting the bid and authorizing the City Manager to enter into a contract with Danis Industrial Construction Co. for the replacement of specified clarifier drive mechanisms and grit removal equipment at a cost of $172,236.00 plus a contingency amount of ten percent (10%) of the contract price or $17,223.00 for a total cost not to exceed $189,459.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach addressed his staff report as presented on page 45 of Council's packet and offered to answer any questions.

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

Ms. Southard inquired when the work would be performed and Mr. Dreisbach advised during the summer of 2018. Ms. Southard noted there would never be a gap in service and Mr. Dreisbach confirmed there would be no gaps in service.

Mayor Rousmaniere referred to the Resolution title and asked Mr. Dreisbach to explain what grit was. Mr. Dreisbach advised it was sandy material that wears on pumps and its removed early in the process prior to having to pump it.

Mr. Prytherch noted the bid came in a lot lower than the budgeted amount and asked Mr. Dreisbach to speak to that. Mr. Dreisbach advised Danis has a working knowledge of the Wastewater Treatment Plant and the systems in place while the other two bidders do not have that knowledge. Mr. Dreisbach noted he felt Danis had a certain comfort level to be able to provide the lower price.

<u>Ms. Southard moved to adopt Resolution No. 6025. Mr. Dana seconded. The motion passed 7-0-0.</u>

**<u>RESOLUTION
CONTRACT WITH
MIDWEST SECURITY SERVICES</u>**

A Resolution No. 6026 accepting the bid and authorizing the City Manager to enter into a contract with Midwest Security Services, Inc. to provide specified surveillance cameras and associated servers and equipment, including equipment associated with Alternate #1, at a cost of $130,096.41 plus a contingency amount of ten percent (10%) of the contract price or $13,009.64 for a total cost not to exceed $143,106.05. (Mike Dreisbach, Service Director)

Mr. Dreisbach addressed his staff report as presented on pages 47-48 of Council's packet noting with the adoption of the proposed Resolution new security systems would be installed at 10 different City facilities. Mr. Dreisbach offered to answer any questions.

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

Mr. Dana referred to page 47 of Council's packet and inquired what a 'ruggedized' server was. Mr. Dreisbach advised some of the City's facilities were not climate controlled and the ruggedized servers would work well in more extreme environments.

Mr. Dreisbach addressed several other questions from Council.

<u>Mr. Dana moved to adopt Resolution No. 6026. Mr. Smith seconded. The motion passed 7-0-0.</u>

**<u>RESOLUTION
CONTRACT WITH
SMITHCORP, INC.</u>**

A Resolution No. 6027 accepting the bid and authorizing the City Manager to enter into a contract with SmithCorp, Inc. for the replacement of the Sandra Drive culvert at a cost of $190,410.25 plus a contingency amount of ten percent (10%) of the contract price or $19,041.00 for a total cost not to exceed $209,451.25. (Mike Dreisbach, Service Director)

Mr. Dreisbach addressed his staff report as presented on page 55 of Council's and noted the Engineering Department was successful in obtaining another Public Works Commission grant which would cover 69% of the project cost not to exceed $189,750. Mr. Dreisbach advised construction of the culvert would take place in the summer of 2018 and offered to answer any questions.

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

Mr. Dana inquired if the City has previously worked with SmithCorp, Inc. Mr. Dreisbach advised no, and added their references were very good from Warren and Clermont Counties.

Ms. Raghu inquired how the construction company was decided upon and inquired if it was solely based on the lowest bidder. Ms. Raghu inquired if staff looked at whether the construction company hired local people.

Mr. Dreisbach advised staff basically looked at cost. Mr. Dreisbach noted staff has touched on the idea of local preference with regard to contracts and have shied away from it in the past based on Oxford being a small community, not abutting major population centers and if low bids are dismissed too often the people willing to bid won't bid anymore.

Mr. Dana moved to adopt Resolution No. 6027. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION AMENDED LEASE AGREEMENT

A Resolution No. 6028 authorizing the City Manager to enter into an amended lease agreement with the Butler County Board of Commissioners. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the proposed Resolution would go hand in hand with the first Ordinance for First Reading. Mr. Dreisbach addressed his staff report as presented on page 54 of Council's packet and noted the amended lease had to do with the leased area of land at the City Garage that houses a county owned communication tower. Mr. Dreisbach noted in 2008 the Sheriff's Office needed to build a communication tower in the City as part of their network and a lease agreement was signed between the City and the County. Mr. Dreisbach advised the tower has the ability to host additional antennae besides those owned by public agencies and at least two private cell phone carriers have contacted the county regarding the ability to lease space on the tower. Mr. Dreisbach noted the county performed a valuation study for potential contracts with private carriers of which the City will be entitled to 50% of collected fees after expenses. Mr. Dreisbach advised in order to support additional carrier ground equipment, the county requested a modest increase in the footprint of their leased area which will not impact City Garage operations.

Mr. Dreisbach noted the City recently relocated the road formally known as Collins Run Road and constructed a new road known as the continuation of S. Main Street and because the county had an ingress/egress easement following the old roadway to the communication tower, a new easement is required for access to the tower and equipment area. Mr. Dreisbach advised the next piece of legislation on tonight's agenda was a proposed Ordinance for the new easement.

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

Mr. Dana inquired what area the tower served. Mr. Dreisbach advised the Sheriff's tower communicates with 14 towers in Butler County that communicate with one another.

Mr. Prytherch inquired why an ingress/egress easement was needed for a public road. Mr. Dreisbach advised the continuation of S. Main Street is technically not dedicated right-of-way, it was a City owned parcel with roadway on it.

Ms. Southard moved to adopt Resolution No. 6028. Mr. Dana seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
EASEMENT AGREEMENT

An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement With The Butler County Board Of Commissioners For An Ingress/Egress Access Easement To Allow Access To A Communication Tower/Antennae Facility. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised since real estate was involved, an Ordinance was required and noted this was an ingress/egress easement agreement for the County to access their communication equipment.

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

Mr. Dana inquired if the street name change from Collins Run Road to S. Main Street was at play in this situation. Mr. Dreisbach advised the old easement agreement referenced Collins Run Road which has been removed and the easement is for the new street known as S. Main Street.

Mr. Prytherch inquired why S. Main Street was not a public right-of-way and if Miami University or the Talawanda School District had an ingress/egress agreement. Mr. Prytherch inquired if there was an intent to make S. Main Street a public right-of-way so there would be no need to negotiate such easements. Mr. Dreisbach advised staff discussed dedicating S. Main Street noting the users were the Talawanda School District and Oxford Township. Mr. Dreisbach advised Oxford Township had rights to ingress and egress and he did not specifically research the Talawanda School District. Mr. Dreisbach noted the street was not dedicated due to the expenses of doing a survey. Mr. Dreisbach advised this has always been a single parcel owned by the City even when it was Collins Run Road. Mr. Dreisbach noted if it was a dedicated street the City would have to make decisions as to where the dedication would terminate because this is a closed facility housing the Police Impound Lot and the City Garage which is secured after hours. Mr. Dreisbach advised this was not a place for the public to be unless they have business there.

ORDINANCE
FINAL PLANNED
DEVELOPMENT

An Ordinance Accepting The Planning Commission's Recommendation For Final Plan Approval Of A Planned Development For Gaslight Avenue At Stewart Square On Approximately 6.45 Acres Of Land Formerly Known As The Miami Valley Lumber Site And Associated Properties To Allow A Development For Residential Use With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this was the Final Planned Development application for Gaslight Avenue at Stewart Square noting Council approved the Preliminary Planned Development application in August with conditions. Mr. Chen noted the applicant is seeking approval of the Final Planned Development to construct 87 units on the 6.45 acre site.

Mr. Chen provided a PowerPoint of the proposed development and noted there were several buildings located in the perimeter setback which was not consistent with the Preliminary Planned Development approval. Mr. Chen referred to the north access point off of Main Street which will include public right-of-way and private property and noted concern with its future maintenance. Mr. Chen noted concern that there was not a lighting plan for the open space area. Mr. Chen advised the Planning Commission recommended approval of the proposed Final Planned Development application with the following conditions:

1. The applicant shall address to the City Engineer's satisfaction, his concerns and comments in his memo dated November 3, 2017.
2. The perimeter setback encroachment shall be waived as submitted, with the exception of Building #42 which shall not be located in the perimeter setback.
3. Three ground signs shall be acceptable as presented.
4. A third dumpster shall be added to the project.
5. A lot consolidation shall occur prior to or concurrent with the recording of the Final Planned Development with the Butler County Recorder's Office.
6. The lighting plan shall be revised for the open space area.

Mr. Chen offered to answer any questions and noted Scott Webb would also make a presentation this evening.

Mr. Scott Webb, Architect, advised he would speak on behalf of Etta Reed with Bayer Becker as she was currently out of the country. Mr. Webb noted typically the Final Planned Development application is presented by the Civil Engineer and advised if there were any questions he could not answer this evening, Ms. Reed would do so at the next meeting. Mr. Webb showed a slide depicting a side by side comparison of the Preliminary Plan and the Final Plan noting the differences were minimal. Mr. Webb noted some road radiuses were tweaked and essentially there were the same amount of units in the same locations, the streets were the same and the entrances were the same. Mr. Webb referred to the Preliminary Planned Development approval Ordinance as presented on pages 77-78 of Council's packet and updated Council on the status of the 13 conditions placed on that Ordinance. Mr. Webb referred to the Final Plan Approval Ordinance as presented on page 68 of Council's packet and advised the only way to not locate Building #42 in the setback was to eliminate one of the units. Mr. Webb asked for Council's further consideration on Building #42 for the following reasons:

> Adjacent to Building #42 is the side of a building, and the landscape buffer and mounding were already in place as part of the Stewart Square project, so headlights from cars parking at the Hampton Inn will not shine into the Gaslight development.
>
> With 13' of setback and another 7' of buffer there is 20' between the edge of the building and the parking at Hampton Inn and the area was buffered, mounded and landscaped.

Mr. Webb asked for Council's consideration to keep Building #42 in place noting in his opinion this was a side-yard setback and with the 20' and the landscaping there was still room for the pedestrian path. Mr. Webb noted there was no objection from Stewart Square with regard to the proximity of building #42 to their property. Mr. Webb advised Planned Developments require a 25' perimeter setback around the entire development and all encroachments had been negotiated with this one remaining.

Mr. Webb referred to the City Engineer's memo of November 3, 2017 as presented on pages 82-83 of Council's packet and advised Ms. Reed would address the negotiations between the developer and the City Engineer's office at the next meeting.

Mayor Rousmaniere advised Council would need to decide whether or not to waive the Planning Commission's recommendation to eliminate building #42.

Mr. Webb noted side-yard setbacks were typically 7.5 feet throughout the entire Mile Square and Council recently reduced that to 5 feet in the Mile Square. Mr. Webb noted only Planned Developments have the extra burden of 25 feet. Mr. Webb advised because this was a side yard of a residential project he felt 5 feet might be too little but 13 feet was enough.

Mr. Prytherch referred to the Heather Lane entrance and asked Mr. Webb how that would be configured. Mr. Webb advised the City currently has a 9.9 foot right-of-way for Heather Lane and it needed to be 24 feet wide to be a true 2 way drive. Mr. Webb noted the offer from the developer in cooperation with the City was to use the 9.9 foot right-of-way and the developer will add 16.1 feet to create an actual 24 foot two way entrance and exit. Mr. Webb noted it would be built as every other road in the development with curbs and to City standards. Mr. Webb advised north of the City's right-of-way is private property and the developer did not intend to build a sidewalk on someone else's private property. Mr. Prytherch noted the City Engineer stated curb ramps and crosswalks should be considered for all intersections of public streets. Mr. Prytherch advised the zoning code requires a traffic study to be provided for all modes of transportation and there is no data regarding the traffic generation of pedestrian and bicycle trips in and out of the proposed development. Mr. Prytherch inquired if there were plans for curb cuts across Main Street at the entrances. Mr. Webb advised where sidewalks meet the public streets at intersections there will be ADA ramps and the subject of painted crosswalks had not been discussed.

Mr. Ellerbe inquired if the road in the development would be called Gaslight Avenue and Mr. Webb advised yes. Mr. Ellerbe inquired if that would cause confusion since it's now called W. Rose Avenue or Heather Lane. Mr. Webb noted there were many places in the City where roads change names across intersections and this would be no different. Mayor Rousmaniere inquired how the roads in Bishop Square were handled. Mr. Chen advised the buildings in Bishop Square had Locust Street addresses and the private streets had their own addresses. Mr. Chen noted he believed the addresses in the proposed Gaslight Avenue project would be Main Street. Mr. Webb advised once the final number of units were determined the developer will continue to negotiate with the City and the post office in terms of assigning addresses and street names. Mr. Webb noted they would work with the Fire Department since the streets need to be listed, identified and addressed in such a way that safety personnel can easily find a residence.

Mr. Dana referred to the City Engineer's memo on pages 82-83 of Council's packet and inquired what the time frame was to address his concerns successfully. Mr. Webb advised City Engineering will not issue building permits until the concerns are resolved. Mr. Webb noted the developers were constantly working on addressing the Engineer's concerns and the decisions made by Council at the next meeting will affect the final construction drawings. Mr. Webb reiterated that no permits will be issued until the City Engineer is satisfied that his comments have been addressed.

Mayor Rousmaniere referred to page 68 of Council's packet and noted the Planning Commission recommended approval of the Final Planned Development application with 6 conditions and the only point of contention seemed to be the setback issue with regard to Building #42. Mayor Rousmaniere noted the required setback in a Planned Development was 25 feet and the proposed building #42 would have a 13 foot setback. Mayor Rousmaniere advised the setback in non Planned Development Mile Square land was 5 feet.

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

Ms. Raghu inquired if recycling in the proposed development was optional and Mr. Webb advised no, the City required recycling dumpsters to be provided as well as waste dumpsters.

Mr. Ellerbe inquired if there were examples of the setback being amended in the City regarding Building #42. Mr. Chen advised yes and noted the dimensional requirements can only be waived in a Planned Development. Mr. Ellerbe inquired if City Council has historically allowed something that the Planning Commission recommended denying. Mr. Ellerbe noted concern with setting precedent for a slippery slope.

Ms. Southard advised the Planning Commission considered very thoughtfully and carefully about Building #42 and the perimeter setback.

Mr. Dana noted he felt this was a legitimate request.

Mr. Webb noted the Planning Commission was a recommending body to City Council and Council ultimately makes all of the decisions. Mr. Webb advised Council would not be overturning the Planning Commission as they only provide a recommendation. Mr. Webb noted there was an issue with Stewart Square when it was developed in 2005 and a 25 foot perimeter was not provided on Spring Street or on S. College Avenue in favor of leaving the street trees in place. Mr. Ellerbe inquired if Council concurred with the Planning Commission's recommendation for Stewart Square and Mr. McHugh advised yes.

Mayor Rousmaniere noted the Planning Commission discussed this project at length and advised before the next Council meeting she would like to read the Planning Commission minutes from that discussion and learn the rationale for the recommendation for Building #42.

Mr. Webb noted the 25 foot perimeter setback for a Planned Development perhaps imagines a much more intense use that the developer needs to protect from someone else. Mr. Webb noted he did not think the parking lot behind the Hampton Inn needed to be protected from the side of a building.

Ms. Southard referred to the City Engineer's comments on pages 82-83 and noted she would like to see them spelled out in anything Council approves so it is not lost or forgotten by anyone making decisions. Mayor Rousmaniere noted Council would be approving the Planning Commission's recommendations which includes the City Engineer's comments.

Mr. Prytherch advised the Final Planned Development primarily must be in substantial conformance with what was approved for the Preliminary Planned Development.

Mr. Prytherch noted details do come through on the final that the Planning Commission and Council need to pay attention to. Mr. Prytherch noted he would like to know the outcomes of the City Engineer's conversations with the developers. Mr. Prytherch noted the code requires a traffic study for all modes of transportation and it is not provided because only cars are counted. Mr. Prytherch noted his hope the proposed development would generate bicycle and pedestrian traffic and he felt traffic studies should anticipate how much pedestrian traffic is going to be generated and how many bicycle trips are going to be generated and then the capacity can be planned for the network accordingly.

Mayor Rousmaniere requested for the second reading that Ms. Reed provide a specific response to the Engineer's recommendations as presented on pages 82-82 of Council's packet.

Mr. Prytherch advised he felt the engineers could anticipate the pedestrian and bicycle traffic and ensure the network going to and from the site will be adequate. Mr. Prytherch noted he imagined that would include cross walks on Main Street.

Mr. Dana noted he felt it was necessary for Council to hear what happens in the negotiations with Bayer Becker before moving forward and that could be requested from Ms. Reed. Mr. Prytherch noted he felt Mr. Popescu should be present at the next meeting.

Mr. Smith advised he felt Council should be able to get the answers to the City Engineer's questions over the next two weeks and a great deal of the questions have probably already been answered.

Ms. Southard noted she felt Council needed clarification on the issues raised by the City Engineer.

Mayor Rousmaniere summarized that Council needed answers to the City Engineer's concerns as presented on pages 82-83 of Council's packet and she would like to read the minutes from the Planning Commission meeting so she knew the rationale for the Planning Commission's recommendation with regard to Building #42.

Mr. Ellerbe advised Council appoints members of the Planning Commission and Council wants the Planning Commission to handle these situations for Council. Mr. Ellerbe noted he wanted to trust that the Planning Commission's recommendations are going to be recommendations that Council can trust and that he would like to vote in favor of. Mr. Ellerbe advised the precedent he was thinking about had to do with honoring the request of a developer verses honoring the recommendations of the Planning Commission.

Mayor Rousmaniere noted Council has at times not accepted the Planning Commission's recommendations.

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 2.4 Acres Of Land Located In Front Of 5475 College Corner Pike, Oxford, Ohio, And Rezoning The Property From General Business (GB) District To Light Industrial (LI) District. (Jung-Han Chen, Community Development Director)

Mr. Chen noted this request was from Attorney Jay Bennett on behalf of the owners of the Wildberry factory, Marc Biales and Roger Atkin. Mr. Chen advised the parcel in question was located in front of the current factory. Mr. Chen noted the site was currently zoned GB and many years ago it was zoned LI. Mr. Chen advised when the WalMart store opened on College Corner Pike the thought process was to rezone neighboring properties to GB and so far it had not been necessary. Mr. Chen noted there was an opportunity for the Wildberry property owners to expand the business and they are asking for the parcel in question to be zoned Light Industrial. Mr. Chen advised the Planning Commission unanimously recommended approval of the request.

Mr. Jay Bennett, representing Roger Atkin and Marc Biales, owners of the Wildberry Incense Factory, noted the lot for which they seek the map amendment is contiguous to the present Wildberry Incense plant and the owners would like to double the work space in an identical building. Mr. Bennett noted the current building has been there since 1996 and was expanded once from 20,000 square feet to 37,500 square feet and the operation has again outgrown the building. Mr. Bennett advised his clients own the 2.4 acre contiguous lot originally zoned LI but was rezoned to GB in 2005 in anticipation of the growth of the general business district on College Corner Pike which did not come to fruition. Mr. Bennett noted Wildberry Incense was sold throughout the U.S. and in foreign markets and he and the owners believe Oxford will benefit from the increased employment opportunities. Mr. Bennett advised he felt the request complied with the Comprehensive Plan and satisfied the general decision standards in the Oxford Zoning Code.

Mr. Kyger noted he felt College Corner Pike will eventually fill up with general business (retail) operations and he would much prefer to have Light Industrial like Wildberry expand over gaining another fast food restaurant. Mr. Kyger advised when the property in question was rezoned in 2005 the thought was it was very difficult to attract industrial business into Oxford given no interstates. Mr. Kyger noted in the 40 years the property in question was zoned Light Industrial, the only businesses on line were Square D, Wildberry and Capital Varsity and it made sense to rezone to try to attract general business operations. Mr. Kyger encouraged Council to approve the request to allow Wildberry to expand the business.

Mayor Rousmaniere inquired how many new positions would be created with the expansion.

Mr. Marc Biales, noted Wildberry currently employed 30 people and only employed 12 when they first opened. Mr. Biales advised Wildberry was looking for new space to grow into. Mr. Biales noted as Wildberry grows they need more employees and at this point he did not know exactly how many new positions would be created.

Mr. Dana noted he felt it would be hard to see a better proposal than this one and advised he felt it was good on every account.

Ms. Southard noted she felt the proposal was good for the local economy and good for Oxford.

Mr. Smith noted he felt it was good to go from General Business to Light Industrial and with 30 employees, Wildberry was Oxford's second largest industrial power after Schneider Electric.

Mr. Prytherch noted he felt the proposal benefitted all of Oxford and was not a case of spot zoning.

Mr. Ellerbe noted he felt there was a clear and present benefit by rezoning the property in questions.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3381. Supplemental Budget Ordinance Number 9 To Make Supplemental Appropriations For Fiscal Year 2017. (Joe Newlin, Finance Director)

Mr. Newlin referred to pages 133-134 of Council's packet and addressed 5 issues making Supplemental Budget #9 necessary and the last supplemental budget of 2017.

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

Mr. Smith referred to issue number 3 regarding a contribution from Miami University and clarified for new Council members that Miami University contributed one third of the funding for a new fire truck to be purchased in 2018.

ORDINANCE
DENY PRELIMINARY
PLANNED DEVELOPMENT
APPLICATION

An Ordinance Accepting The Planning Commission's Recommendation To Deny The Preliminary Planned Development For Stadium Apartments On 1.55 Acres Of Land On East Sycamore Street, University Avenue, And Homestead Avenue. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the request was from Madison Housing Corporation to redevelop two thirds of a block between Sycamore Street and Homestead Avenue. Mr. Chen provided slides of the proposed site layout in several phases. Mr. Chen noted the proposal did not comply with the Oxford City Charter restriction which limits the number of dwelling units per structure to "no more than three". Mr. Chen advised the applicant revised the plan to comply with the Charter restriction although City staff identified another legal issue with the proposal. Mr. Chen noted the residential density of the project was more than double the allowed density and advised 28 units were permitted and 59 units were proposed. Mr. Chen noted the Planning Commission recommended denial of the proposed development because the density is much higher than what is permissible.

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

Mr. Prytherch inquired if the applicant withdrew the application and Mr. Chen advised it had not officially been withdrawn.

Mayor Rousmaniere advised Council was still responsible for considering the Planning Commission's recommendation unless the applicant officially withdraws the application.

Mr. Prytherch asked Mr. Chen to explain why there was some debate about density and why its not really debatable. Mr. Chen advised the Charter restricts more than 3 dwelling units per structure in the Mile Square and the applicant did address that issue. Mr. Chen noted the second issue is the density allowed under the Planned Development Section of the Zoning Code. Mr. Chen advised 110% is the maximum number of dwelling units permissible in the Planned Development Section of the Zoning Code and dwelling units were not a waivable item by the Planning Commission or by City Council. Mr. Chen noted dimensional requirements could be waived but density was not a dimensional requirement.

Mr. Dana referred to page 141 of Council's packet which sums up what Mr. Chen reported. Mr. Dana referred to page 160 of Council's packet and advised the applicant based their calculations on occupancy which was incorrect and noted it should have been based on dwelling units.

Ms. Southard advised Council could not vote in favor of something that violates the Zoning Code.

Mr. Prytherch inquired if there was ambiguity in the interpretation of the code and Mr. Chen advised no. Mr. Prytherch inquired if the applicant had any recourse such as going before the Board of Zoning Appeals for an interpretation. Mr. McHugh advised based on the current code it was very clear that the maximum number of dwelling units shall not exceed 110% and the Board of Zoning Appeals did not have the authority to waive that requirement.

ORDINANCE
DENY ZONING MAP
AMENDMENT APPLICATION

An Ordinance Accepting The Planning Commission's Recommendation And Denying A Zoning Map Amendment For Certain Properties Located On The Eastern Side Of The 200 Block OF North Campus Avenue From Single And Two Family Mile Square Residential (R-2MS) District To Single, Two And Three Family Mile Square Residential (R-3MS) District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed request was to amend 6 parcels located on the east side of the 200 block of N. Campus Avenue from R2MS to R3MS. Mr. Chen noted the applicant provided a narrative indicating that recently the Planning Commission and Council rezoned a large area of the Mile Square to increase density to allow redevelopment. Mr. Chen advised the applicant felt this was another area for the opportunity to rezone and letters of agency had been provided by all affected property owners.

Mr. Chen advised the proposed area was discussed by the Planning Commission prior to recommending map amendments recently adopted by Council and the Planning Commission was not in favor of making changes to the proposed area at that time. Mr. Chen noted the Planning Commission spent a lot of time discussing this proposal to see if there were any merits that could be considered for a map amendment and they could not find any. Mr. Chen advised the Planning Commission made a motion to approve the map amendment and it failed by a vote of 1-5-0. Mr. Chen clarified that a zoning map amendment should be a last resort to address non-conforming properties.

Mr. Scott Webb, advised he was representing 4 property owners regarding 6 properties on the east side of the 200 block of N. Campus Avenue. Mr. Webb noted the Planning Commission did not recommend the proposed map amendment and he would like to make an argument he hoped Council would find compelling. Mr. Webb advised the proposed area was contiguous with and similar to all of the areas of the recent map amendment that the Planning Commission recommended and Council approved and the same decision standards used to approve the previous amendment should be applied simply and fairly to this application. Mr. Webb noted although the vote at Planning Commission was to deny the proposed amendment there was not a consensus regarding the decision criteria. Mr. Webb suggested Council members review the video of the Planning Commission meeting. Mr. Webb referred to page 212 of Council's packet and advised as the Planning Commission went through the decision standards, criteria A. (There is an error on the Official Zoning Map or in the delineation between the districts) was split 3-3 and criteria B. (The proposed amendment will make the map conform more closely with the Comprehensive Plan.) was left undecided. Mr. Webb referred to the last paragraph on page 212 of Council's packet and noted the Planning Commission needs to evaluate the application based on the decision standards outlined in Chapter 1135 of the Zoning Code to determine whether the request meets at least one criteria and if the benefits will likely outweigh any potential pitfalls. Mr. Webb noted the Planning Commission's consensus was that they had just done a large map amendment and they would like to wait to see how that progresses before they consider doing additional map amendments and that was not a decision standard. Mr. Webb noted none of the lots in question even met the current zoning and the Planning Commission used that rationale in particular as a reason to look at areas to consider for rezoning when they did the large map amendment. Mr. Webb advised he felt the properties in question meet the exact same criteria that the Planning Commission used for the recent large scale rezoning and while they might not want to change the zoning, perhaps they should. Mr. Webb advised the Planning Commission did use non-conforming issues as a reason to consider rezoning and only one of the 6 properties in question was conforming. Mr. Webb noted the current non-conforming chapter of the zoning code discourages improvements of properties and to do any kind of reconfiguration requires a 30% reduction in occupancy which simply will not happen. Mr. Webb referred to decision standard B. (The proposed amendment will make the map conform more closely with the Comprehensive Plan) and advised the Planning Commission absolutely used decision standard B. when changing the large swath of the northeast corridor of the City. Mr. Webb noted the Planning Commission understood that the current classification discourages improvements and was very interested in finding a way to remedy the situation and decided to remedy it by changing the zoning underneath the properties rather than changing the nonconforming code. Mr. Webb noted if the Planning Commission used nonconforming issues as a reason to rezone the large area of town they should use it with the application in question.

Mr. Webb referred to decision standard D. (There is a legitimate need for additional land area in the zoning district that will be expanded) and noted it was not addressed at all for his application but he felt it was a driving force for the recent large rezoning. Mr. Webb advised the proposed request would allow for a minor increase in the overall density of the block in question but more importantly it allows 4 properties to become conforming. Mr. Webb noted he saw no potential pitfalls with making properties more conforming, allowing them to be reconfigured and improved and he feels Council should consider that as well. Mr. Webb reiterated that a map amendment needed to meet at least one of the decision standards and its benefits will likely outweigh any potential pitfalls and he felt his application met the exact decision standards that the Planning Commission used for the large swath of the City that Council rezoned, it corrects the error of the designation of the district, it results in an area that more closely conforms with the Comprehensive Plan, it recognizes there is significant change in the area and it provided additional land area for higher density which is what the Planning Commission was looking for. Mr. Webb noted the Planning Commission's charge was to make recommendations to City Council and clearly state the findings upon which its recommendations are based and noted he believed the Planning Commission did not clearly state the findings used to differentiate this area from the area across the street, the decision standards as they were discussed were split at best and he believed the property owners should benefit in this case. Mr. Webb noted Council should base its decision on the recommendation of the Planning Commission and the decision standards of this Section of the code. Mr. Webb advised the recentness of the large map amendment was not a decision standard noting the decision standards were outlined and Council agreed to them for property across the street and he believed Council in terms of precedent should apply the same decision standards to the property in question.

Mayor Rousmaniere inquired if Council followed the Planning Commission's decision standards and Mr. McHugh advised the decision standards for Planned Developments were outlined in Chapter 1135 of the Codified Ordinances.

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

Mayor Rousmaniere inquired why the area in question was not included in the recent large map amendment. Mr. Chen advised the Planning Commission wanted to focus on the major roadways next to Miami's campus first which included Sycamore Street, Tallawanda Road, Spring Street and Campus Avenue. Mr. Chen noted in order to encourage redevelopment the density needed to be increased. Mr. Chen noted the Planning Commission also attempted to address the nonconforming properties in that area although it was not the major focus.

Mr. Dana noted eliminating nonconformities was not the primary consideration although the Work Group started out looking at nonconformities and then changed the focus to dimensional requirements. Mr. Dana advised the Planning Commission chose to rezone areas that had certain characteristics and one of those was proximity to Miami's campus. Mr. Dana noted the Comprehensive Plan refers to infill development near Miami's campus and North Campus Avenue was not near Miami's campus in the same way that the streets outlined are.

Ms. Southard noted the argument that North Campus Avenue was an oversight on the part of the Planning Commission is not germane because it's a separate area, not close to Miami's campus and not part of what the zoning map amendments were intended to accomplish.

Mr. Prytherch advised the Planning Commission started out looking at nonconformities and then tried to carefully find a way to encourage quality redevelopment adjacent to Miami's campus as an alternate to student housing sprawl while protecting the small town character that the Comprehensive Plan calls for. Mr. Prytherch noted the Planning Commission walked the districts block by block and they knew up-zoning created pressure for redevelopment. Mr. Prytherch advised the Planning Commission was trying to keep redevelopment away from areas where there was architectural and historical character. Mr. Prytherch noted the Planning Commission tried to draw the line as carefully as they could based on the Comprehensive Plan, by research on the ground, and by extensive and deliberate conversations.

Mr. Ellerbe noted he felt the proposed map amendment was an example of a bad reason for spot zoning and he felt there was some history behind the particular block in question.

Mr. Prytherch advised the Planning Commission could not reach a consensus on any of the reasons to change the zoning for the area in question and voted the proposed map amendment down. Mr. Prytherch suggested Council look at the record to review their rationale for supporting the recent large map amendment.

Mayor Rousmaniere asked that the large map depicting the recent map amendment be provided for the second reading of the proposed Ordinance.

ANNOUNCEMENTS

Mr. Elliott advised each year since 2008 the City of Oxford has participated in a United Way Workplace Campaign and this year the City raised $3,443 which he felt was very good for a small employer.

Mr. Kyger recognized the Police, Fire, Service, and Parks and Recreation Departments for all of their hard work to make the Holiday Festival last weekend a huge success.

Mr. Kyger noted the former Beaton Insurance and Fey Insurance companies merged and as of January 1st will be called Fey/Bruder Insurance. Mr. Kyger advised they were both long standing insurance companies in Oxford.

Mr. Kyger noted density dealt with housing units and not people and it can hamper developments of 1 and 2 bedroom units. Mr. Kyger advised the code encourages people to build 4 bedroom units. Mr. Kyger noted perhaps the code should look at people (occupancy) rather than units.

Mr. Ellerbe advised a Tax Bill just passed through the Senate noting the Senators were presented an absurdly large tax document approximately 2 hours before the vote and somehow it passed. Mr. Ellerbe advised he felt it was quite shocking that the Federal Government is passing laws like this and encouraged fellow Councilors to take a look at it if they want to be somewhat offended.

Mr. Dana reiterated his admiration for former Councilors Bob Blackburn and Kevin McKeehan noting they gave a lot and he learned a lot from them which he appreciated.

Mr. Smith echoed the sentiment for Mr. Blackburn and Mr. McKeehan.

Mr. Smith noted the Holiday festivities proved to be a great time for everyone and a great effort by all those involved.

Ms. Southard thanked Bob Blackburn and Kevin McKeehan and wished them good health and a happy retirement. Ms. Southard noted they were both very collegial and always gracious and she learned a lot from them and respected their manner of interacting with their fellow Councilors.

Ms. Southard noted for the first time the Farmers Market would be open each Saturday in December from 10:00 a.m. to noon and encouraged everyone to visit the market. Ms. Southard advised she felt the vendors really did "Cultivate Community" and they always donated their extra produce or food items to the Oxford Community Choice Pantry.

Mr. Prytherch noted others already mentioned his sentiments about Bob Blackburn and Kevin McKeehan. Mr. Prytherch advised what he loved about Oxford was that people had great skills and were not always going to agree on matters but could disagree without being disagreeable.

Mr. Prytherch advised he was proud to be part of a local government that is so well run fiscally, so professionally staffed and so transparent in its operations. Mr. Prytherch noted Council discusses issues in a deliberative way which may not be perfect but he felt Washington could learn a thing or two from the way small town government operates. Mr. Prytherch advised he was proud to be part of what is a really nicely run municipal operation.

Ms. Raghu referred to Mr. Ellerbe's comments about the tax law and noted she felt on a national and state level it would impact us. Ms. Raghu noted she felt taking away certain deductions would be difficult for people and could impact social programs and schools. Ms. Raghu advised she felt as elected officials Council should advocate for people who will be individually affected by the tax plan.

Ms. Raghu inquired if the City was involved with the issue of the State of Ohio eliminating the ability of local governments to collect their own taxes.

Mr. Elliott advised the issue dealt with business taxes and the City of Oxford joined a group of municipalities to voice that the pending legislation was a violation of Home Rule and it should not have been placed in the budget bill because bills are supposed to be single subjects. Mr. Elliott noted if the legislation passed, changes would have to be made to the City's Income Tax Ordinance.

Mr. McHugh noted approximately 160 communities were seeking an injunction and without an injunction the City would be forced to comply with the bill or face the penalties within the bill.

Mayor Rousmaniere advised she, the City Manager and others have discussed considering a 6 month moratorium to review the Planned Development regulations which is timely given some of the issues raised this evening.

Mayor Rousmaniere noted a City Council Work Session is scheduled for 6:00 p.m. on December 19th to discuss funding options for the aquatic center and for the recreational trail.

ADJOURN

Mr. Dana moved to adjourn at 10:37 p.m. Mr. Smith seconded. The motion passed 7-0-0.