A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, February 2, 2010 at 7:30 p.m. Those members present were Ken Bogard, Kate Currie, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeehan.

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

ADJOURN TO EXECUTIVE SESSION

Mr. McKeehan moved to adjourn to Executive Session at 6:30 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing 2. The sale of property. Mr. Bogard seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Blackburn, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Blackburn moved to return from Executive session at 7:29 p.m. Ms. Currie seconded. The motion passed by the following roll call:

AYE: Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Bogard, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Keebler advised the requestor for the Use of Park asked that the item be removed from the agenda.

Mr. Bogard moved to approve the agenda with the removal of Item 3. B. Request for Use of Park. Mr. McKeehan seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

**PROCLAMATION
FREEDOM FUND
BANQUET WEEK**

Mayor Keebler read the Proclamation regarding the annual NAACP Freedom Fund Banquet which would take place February 15, 2010 at 6:30 p.m. at the Shriver Center.

PUBLIC COMMENTS

Ms. Mary Glasmeier, Vice President, Oxford Dog Owners Group, noted Council received the Dog Park Guidelines the group had drafted and inquired if there were any questions regarding them.

Mr. Bogard advised the Recreation Board reviewed the guidelines and made some changes which were incorporated in the document. Mr. Bogard noted the Recreation Board recommended acceptance of the guidelines.

Ms. Currie inquired if safety was the reason children under 7 years old would not be permitted in the park and Ms. Galsmeier advised yes, noting these were guidelines and not rules.

Ms. Glasmeier advised the Oxford Dog Owners Group was almost half way towards reaching their goal of raising $16,500 to have Phase I of the Dog Park complete for this year. Ms. Glasmeier noted a fundraiser would take place at Kona Bistro next Wednesday evening where she would be a guest bartender and all tips would go towards the Dog Park project.

CONSENT AGENDA

MI NUTES

Minutes of the January 19, 2010 City Council Meeting (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the January 12, 2010 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the January 20, 2010 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the January 21, 2010 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

RESOLUTION
TRADE OR DISPOSE
WEAPONS

A Resolution No. 4507 declaring certain City property no longer needed for any municipal purpose and authorizing its disposal or trade to a federally licensed firearms dealer. (Steve Schwein, Police Chief)

Mr. Blackburn moved to approve the Consent Agenda. Mr. Bogard seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION
AGREEMENT
WITH ODOT

A Resolution No. 4508 authorizing the City Manager to sign final legislation and to enter into an agreement with the Ohio Department of Transportation (ODOT) to complete the construction of the multi-use path at the Oxford Community Park at a cost of $7,150.00 to the City plus a 10% contingency fee in the amount of $715.00 for a total cost to the City not to exceed $7,865.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach addressed his staff report as presented on page 29 of the agenda noting Council had already approved the preliminary legislation for the project.

Mr. Bogard noted this was the beginning of the multi-use path that had been envisioned for many years.

Mr. Rutherford asked Mr. Dreisbach to clarify the funding and the contingency fee which Mr. Dreisbach addressed.

Mr. Bogard moved to adopt Resolution No. 4508. Mr. Rutherford seconded. The motion passed 7-0-0.

RESOLUTION
AGREEMENT
WITH ODOT

A Resolution No. 4509 by the Oxford City Council authorizing the City Manager to execute an agreement with the Ohio Department of Transportation for the resurfacing of State Route 732 from Chestnut Street to the City of Oxford's northern corporate limits. (PID No. 77746) (Mike Dreisbach, Service Director)

Mr. Dreisbach addressed his staff report as presented on page 39 of the agenda.

Mr. Bogard inquired if the curb and gutter repair project on State Route 732 was going smoothly and Mr. Dreisbach advised yes, noting it would be complete before ODOT began the paving project.

Mayor Keebler noted it was unfortunate that the cost estimates from ODOT kept increasing and advised it may be necessary to budget additional funds for those projects in the future.

Mr. Rutherford noted the bidding environment for infrastructure projects was escalating because there was legislated opportunity for those projects.

Mr. Bogard moved to adopt Resolution No. 4509. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTION
FEDERAL DIRECTED
SPENDING REQUEST

A Resolution No. 4510 authorizing and directing the City Manager to submit a Federal Directed Spending Request to Congress for the completion of the US-27 South improvement project from Chestnut Street to Stillwell-Beckett Road. (Doug Elliott, City Manager)

Mr. Elliott addressed his staff report as presented on page 47 of the agenda. Mr. Elliott noted if the City was unable to obtain additional funding for the US-27 South project the scope of the project would be reduced to include only the portion which was inside the City of Oxford. Mr. Elliott advised letters of support were needed to submit with the request to congress and he would work with Miami University officials as well as other state/local officials to obtain those.

Mr. Bogard noted this was about safety and he hoped the City would do well with the request to congress.

Mr. McKeehan inquired if the letters of support were cursory and if Mr. Elliott thought there would be any problems in obtaining them. Mr. Elliott noted the letters of support were mandatory and there were many stakeholders who he felt would support the initiative.

Mr. Rutherford encouraged the citizens of Oxford and surrounding townships to write to state and federal officials to encourage action on the proposed request. Mr. Rutherford noted this would not be a wasteful earmark as it was about the safety of the citizens.

Mr. Rutherford moved to adopt Resolution No. 4510. Mr. Bogard seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance Approving A Conditional Use Permit To Allow A Place Of Worship In The General Business (GB) District at 5150 College Corner Pike, Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Chen addressed his staff report as presented on page 49 of the agenda. Mr. Chen noted the Planning Commission had no objections to the proposed use and recommended approval of the Conditional Use Permit Application. Mr. Chen advised the applicant was in attendance to answer any questions.

Mr. Tim Eaton, advised he was a resident of Oxford and a Professor at Miami University. Mr. Eaton noted he was a volunteer at Berean Bible Church where he served as pastor and agent for the church. Mr. Eaton advised their desire was to be beneficial and work with the community. Mr. Eaton noted the property had been vacant for quite some time and the landlord had provided extensive renovations and the church members painted and installed new flooring. Mr. Eaton noted the congregation was happy to occupy the vacant space and hoped they would be an organization that would serve Oxford well.

Mayor Keebler advised the Planning Commission reviewed the Decision Standards and felt the application met all of them and approved the request by a vote of 6-0-0. Mayor Keebler noted it was nice to see the vacant space occupied.

Mr. Rutherford noted there could be an issue with parking a bus on the property and Mr. Eaton advised the church had no intentions of using a bus.

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance Approving A Conditional Use Permit To Allow A Fraternity House In The Single & Two Family Mile Square Residential (R2MS) District At 220 Tallawanda Road, Oxford, Ohio With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen addressed his staff report as presented on page 71 of the agenda and noted the Planning Commission reviewed the Decision Standards and voted 6-0-0 to recommend approval of the conditional Use Permit Application to Council with three conditions. Mr. Chen noted the applicant was in attendance to answer any questions.

Mr. Robert Carmean, 149 Stonecreek Drive, advised he served as Treasurer of the Gamma Upsilon Housing Association and their objective was to provide housing for approximately 12 members of the Delta Tau Delta Fraternity next fall at 220 Tallawanda Road. Mr. Carmean advised the three conditions would be met and they looked forward to occupying the property.

Mr. Blackburn inquired if the residence would be a Living Learning Center and Mr. Carmean advised yes. Mr. Blackburn inquired if the residence would be alcohol free and Mr. Carmean advised only those of legal age could consume alcohol in their rooms.

Mayor Keebler advised the Planning Commission reviewed the current Zoning Code and Decision Standards and recommended approval of the application with the conditions as listed on pages 71 and 72 of the agenda.

Mr. Rutherford noted concern that the lot coverage may exceed 40% and advised a variance may be necessary. Mr. Rutherford noted Council could not grant a Conditional Use Permit application if a variance was needed. Mr. Rutherford referred to Chapter 1137.01 and 1137.07 of the Zoning Code and noted concern with reinstating a non-conforming land use.

Mr. McHugh advised the proposed Ordinance could move to the second reading and Mr. Chen could address the lot coverage issue.

Mayor Keebler noted he felt there was a difference between non-conformities and non-conforming uses and requested an opinion on the matter prior to the second reading of the proposed Ordinance.

Ms. Currie noted she was delighted that the fraternity wished to relocate to this property. Ms. Currie referred to page 88 of the agenda and noted her hope the property maintenance would be up to par since in 2008 a Feasibility Study was conducted with alumni whose feedback was to tear down the existing structure and build a new structure.

Mr. McKeehan inquired how long the fraternity had operated on E. Spring Street and if they had received any violations. Mr. Carmean advised they operated on E. Spring this academic year and had no violations.

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance Approving A Conditional Use Permit To Allow A Place Of Worship In The General Business (GB) District at 17 N. Poplar Street, Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Chen noted a typographical error in the proposed Ordinance and advised the location was in the Uptown (UP) District.

Mr. Chen addressed his staff report as presented on page 100 of the agenda and noted the Planning Commission had no concerns with the application and recommended its approval by Council. Mr. Chen advised the applicant was in attendance to answer any questions.

Mr. John Richter, advised he was the volunteer Pastor for the Oxford Vineyard Church which recently moved to Oxford from Hanover Township. Mr. Richter advised the congregation consisted of 65 members and their intent was to establish a place of worship especially for students who walked to the church. Mr. Richter noted they planned to do some housekeeping improvements to the building but had no plans for major changes.

Mr. Rutherford encouraged Mr. Richter to be cognizant of the Historic and Architectural Preservation Commission's regulations.

Mayor Keebler asked for a motion to amend the proposed Ordinance.

Mr. McKeehan moved to amend the proposed Ordinance by replacing General Business (GB) District with Uptown (UP) District. Mr. Rutherford seconded. The motion passed 7-0-0.

**ORDINANCES
SECOND READING**

**ORDINANCE
AMENDING
SECTION 1159.09**

An Ordinance No. 3102 amending Section 1159.09 Of The Codified Ordinance Of The City Of Oxford, Ohio Entitled Definitions (Beginning With The Letter ("H"). (Jung-Han Chen, Community Development Director)

Mr. Chen advised he had no new information since the first reading of the proposed Ordinance and encouraged Council to adopt the legislation to reconcile discrepancies between chapters of the Zoning Code.

Mr. Blackburn moved to adopt Ordinance No. 3102. Mr. Harman seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Bogard, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS AND COMMUNICATIONS

DISCUSSION
WESTERN KNOLLS PROPERTY

Mr. Harman advised he was a real estate licensed individual and would recused himself from any listings on City properties. Mr. Harman noted he was gathering information on the Western Knolls property and invited individuals from the real estate industry to provide their thoughts, feelings and ideas on the issue. Mr. Harman also invited input from other citizens in attendance.

Mr. Coe Potter, advised he was a local real estate broker and Ken Thacker from Century 21, Kelly Umbstead from Coldwell Banker and Ken Hormel from ReMax were also in attendance. Mr. Potter noted the City had some experience and background relative to staff and Council working with professionals in the real estate community when property for the Community Park was acquired. Mr. Potter advised he and others in attendance advocated that the City would at a minimum put forth a RFP to the real estate community to see if in Council's opinion they could offer services in concert with staff and Council which would bring about a resolution to the situation relative to the acreage the City owned in Western Knolls. Mr. Potter noted the RFP could include a disposition of the property in pieces or in whole, how it could be marketed, the charges for marketing, potential uses and land plans. Mr. Potter reiterated that the real estate community would like to see Council request a proposal from professionals to see if they could assist the City in resolving the issue.

Mayor Keebler advised Council would be concerned about choosing one local firm over another and noted Council would gather more information over the next few weeks to develop a strategy. Mr. Potter noted the real estate community competed everyday and it would be a level playing field. Mr. Potter noted regional and national firms could respond to the RFP.

Mayor Keebler asked Mr. Elliott to provide some background information regarding the matter.

Mr. Elliott advised the City took possession of the property in December of 2008 at a cost of 3.75 million dollars. Mr. Elliott noted he and Mr. Kyger had worked on marketing strategies and had discussions with some developers to gather information. Mr. Elliott noted Council would schedule a Work Session in the near future and they would need to decide what they were willing to accept for the parcel. Mr. Elliott advised due diligence would be undertaken as the property belonged to the public and Council and staff would do the best they could to obtain the best price for the best project for the site. Mr. Elliott noted Council and staff valued the input of the local real estate community and would be willing to develop a RFP with their input.

Mr. Harman inquired what the advantages were of using a Multiple Listing Service and Mr. Potter advised exposure and access to other links. Mr. Thacker provided some statistics regarding the use of Multiple Listing Services.

ANNOUNCEMENTS

Mr. Elliott updated Council with regard to local projects which were submitted to OKI in anticipation of a jobs bill passing in the senate. Mr. Elliott updated Council with regard to ODOT projects scheduled for State Route 73 and 177 and State Route 73 and 127 noting construction should begin in 2011. Mr. Elliott discussed the upcoming Census and encouraged everyone residing in the City of Oxford to participate.

Mr. Newlin advised on March 10, 2010 from 11:00 a.m. to 3:00 p.m. a representative from the Regional Income Tax Agency would be at the Municipal Building to assist the public with their taxes.

Mr. Chen noted in December former Mayor Dana and Bethany Bower came to Council for their endorsement of the Your Town workshop proposal. Mr. Chen advised unfortunately, the project was not selected. Mr. Chen thanked Ms. Dana and Ms. Bower for their outstanding effort in developing a strong case for the City of Oxford.

Mr. Kyger advised the CIC discussed proposals for a demographic marketing study and noted he would let them know how the project was moving forward. Mr. Kyger commended the owner of the Westgate Shopping Center for revitalizing the area and noted only one empty storefront remained. Mr. Kyger noted he and Mr. Chen were working on language to clarify the Codified Ordinance regarding 'Temporary Vendors'.

Mr. Bogard advised Oxford was in first place again in the recycling initiative at 19.42% and noted the City would receive $21,050 from the Butler County Solid Waste District. Mayor Keebler noted Miami University did a great job of recycling and their numbers were not included in the 19.42%.

Mr. Rutherford advised the Environmental Commission would seek Council's direction in the near future as to what their priorities should be for 2010.

Mayor Keebler reminded everyone that the Freedom Fund Banquet would take place Monday, February 15, 2010 and the next Council Meeting would take place Tuesday, February 16, 2010.

ADJOURNMENT

Ms. Currie moved to adjourn at 8:42 p.m. Mr. Harman seconded. The motion passed 7-0-0.