A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, March 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; Mr. Jung-Han Chen, Community Development Director; Ms. Gail Brahier, Parks and Recreation Director; Mr. Alan Kyger, Economic Development Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Currie moved approval of the agenda. Mr. Blackburn seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

RECGONITION
CASEY WOODDELL AND WILL REED

Ms. Gail Brahier, Parks and Recreation Director advised she wanted to share with Council an Outstanding Award her department received from the Ohio Parks and Recreation Association for an After School Bowling Program. Ms. Brahier noted Will Reed and Casey Wooddell were the backbones of the program which had been in place for 1 ½ years with 50-80 middle school children attending each week. Ms. Brahier introduced Will Reed and advised Casey Wooddell could not attend tonight's meeting as he was officiating the last basketball game of the season.

Mr. Will Reed, Program Coordinator, advised this was a community award due to the assistance the City received from local organizations including SDS Pizza, Skippers, LaRosa's, the Oxford Community Foundation and OYES.

Ms. Brahier advised the department had enjoyed working with Will who was resigning at the end of April to pursue missionary work in Nigeria. Ms. Brahier noted the department would miss Will and was very pleased that he and his wife would make a positive impact on the world. Mr. Reed thanked the City and the Parks and Recreation Department for the career opportunity and noted it had been a unique experience.

Mayor Keebler congratulated Mr. Reed for his efforts regarding the Ohio Parks and Recreation Association award and wished him good luck in his new endeavor. Mayor Keebler thanked Ms. Brahier for her leadership.

PUBLIC COMMENTS

Mr. Matt Ciccone, Secretary, Off Campus Affairs, advised Walkabouts were conducted last weekend by himself, 35 members of the Associated Student Government and 72 members of the Navy ROTC regarding the 2010 Census. Mr. Ciccone noted they visited between 1,100 and 1,300 student and community residents to provide Census information and answer questions regarding the Census. Mr. Ciccone thanked Mr. Chen and Dr. Susan Mosley Howard for providing information to be passed along to make sure everyone in Oxford was counted in the 2010 Census.

Mr. Ciccone referred to the Noise Abatement requests on the consent agenda noting the Student Community Relations Commission heard the requests at their last meeting and approved them unanimously. Mr. Ciccone advised these requests had been granted by Council for the last several years and were beneficial to the students and to the Community.

Ms. Kathleen Zien, 6060 Joseph Drive, referred to the City's Request for Proposals regarding a Demographics and Marketing Study and inquired if it was possible that some City money could be freed up for this payout or indicated on the bid specifications that the free Census would supply significant information that would not have to be obtained by an independent contractor. Ms. Zien inquired why an external study was needed coupled with the 2010 Census at an additional cost to the City. Ms. Zien inquired if the determination of marketing strategies were part of the Economic Development Director job description.

Ms. Zien discussed her concerns with regard to the Board of Zoning Appeals noting her feeling the board appeared to be untouchable and unapproachable since citizens were not permitted to speak at a meeting unless they had 'standing' in the matter. Ms. Zien advised her feeling it was inappropriate to note any requirement of standing when a citizen was contesting the accuracy and competency of a decision. Ms. Zien noted it should not be necessary to show special harm when the harm or variance requested was condoning a violation of the zoning code which should be enforced uniformly to benefit the entire community. Ms. Zien advised her review of the December 16, 2009 minutes indicated legal counsel was excused and inquired if the City was reimbursed when legal counsel did not attend a scheduled meeting. Ms. Zien noted her feeling the Board of Zoning Appeals should be replaced by a Zoning Hearing Officer who had professional training to conduct hearings on land use matters and who understood planning and land use regulations and who made findings of fact based on record and legal precedent. Ms. Zien respectfully advised Council to be more selective in their appointments and reappointments to the BZA. Ms. Zien noted her feeling the current zoning code conflicted with the Charter. Ms. Zien advised the zoning code allowed all appeals to be heard by the BZA yet the Charter only dealt with appeals regarding the refusal of a permit. Ms. Zien asked Mr. McHugh to offer a statement to confirm the contradiction to Council and where the process failed.

Mr. McHugh noted he would research the issue although he did not believe there was a conflict.

Mayor Keebler asked Ms. Zien to provide her letter to the Clerk and Ms. Zien noted she would forward a copy.

CONSENT AGENDA

Mayor Keebler requested removal of item B. Minutes and Mr. Bogard requested removal of item E. Resolution.

MI NUTES

Minutes of the February 16, 2010 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the February 17, 2010 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

RESOLUTIONS

RESOLUTION
NOISE ABATEMENT

A Resolution No. 4515 authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, April 9, 2010 starting at 6:00 p.m. to Saturday, April 10, 2010 at 3:00 a.m. at Cook Field on Miami's Campus for the American Cancer Society's Relay for Life. (Mary Ann Eaton, Clerk of Council)

RESOLUTION
NOISE ABATEMENT

A Resolution No. 4517 authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, May 7, 2010 from 7:00 p.m. to 2:30 a.m. in the Uptown Parks for the Red Brick Rally event sponsored by the Campus Activities Council. (Mary Ann Eaton, Clerk of Council)

RESOLUTION
SANITARY SEWER
IMPROVEMENTS

A Resolution No. 4518 authorizing the City Manager to enter into a contract with United Infrastructure, L.L.C. for improvements to two (2) sanitary sewer mains within the City of Oxford at a cost of $21,914.00 plus a 10% contingency fee in the amount of $2,191.00 for a total cost not to exceed $24,105.00. (Mike Dreisbach, Service Director)

RESOLUTION
WATER MAIN
IMPROVEMENTS

A Resolution No. 4519 authorizing the City Manager to enter into a contract with Mainline Supply of Atlanta L.L.C. (D/B/A/ MSC Waterworks) for the purchase of materials to replace an existing ten inch water main under High Street between Beech Street and College Avenue at a cost not to exceed $91,130.14. (Mike Dreisbach, Service Director)

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

MINUTES

Minutes of the February 16, 2010 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Mayor Keebler requested an amendment to page 9 of the minutes.

Ms. Currie moved to approve the Minutes as amended. Mr. McKeehan seconded. The motion passed 7-0-0.

RESOLUTION
NOISE ABATEMENT

A Resolution No. 4516 authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, April 23, 2010 from 10:00 p.m. to 2:00 a.m. on the back patio at the Shriver Center for a CAC/Program Board/AfterDark concert. (Mary Ann Eaton, Clerk of Council)

Mr. Bogard requested clarification with regard to the timeframe of the event which Mr. Ciccone addressed.

Ms. Currie moved to adopt Resolution No. 4516. Mr. Harman seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION
'BEER & BRATS' EVENT

A Resolution No. 4520 authorizing the City Manager to permit the Oxford Visitors and Convention Bureau in conjunction with the Oxford Lions Club to hold a 'Beer and Brats' event on July 30, 2010 from 6:00 p.m. to 9:00 p.m. in the Oxford Memorial Park. (Doug Elliott, City Manager)

Mr. Elliott advised at the last meeting Council discussed the Porsches2Oxford event and the possibility of having a 'Beer & Brats' event to go along with it. Mr. Elliott noted Council requested legislation for this meeting to discuss the issue further and Ms. Durr was in attendance to answer any questions.

Ms. Diana Durr, Executive Director, Oxford Visitors and Convention Bureau, advised at the last meeting Council noted concerns with the event being private and how local restaurants would be supported. Ms. Durr advised the request was rewritten to be open to the public and the Lions Club would work with local restaurants to supply the food and allow Uptown businesses to participate if they wished.

Mr. Scott Webb, addressed Council as a member of the Oxford Chamber of Commerce. Mr. Webb congratulated the Visitors and Convention Bureau on the success of the Porsches2Oxford event and encouraged the City to work with the VCB to make sure the event stayed in Oxford and continued to grow. Mr. Webb noted the Chamber initially had the same concerns as Council and they wanted to make sure the utilization of local businesses was a priority. Mr. Webb advised with the revisions to the request the Chamber would support the proposed event.

Ms. Kathleen Zien, 6060 Joseph Drive, noted her feeling the Wine Festival should not set precedence for requests such as this and the Wine Festival being held in the Uptown Park may have been a poor decision. Ms. Zien noted the Wine Festival could still be relocated to Oxford College. Ms. Zien noted her hope Council had the opportunity to reconsider the request and would not feel they had been labeled unfriendly to the VCB if the request was denied. Ms. Zien advised whether an event was sponsored by the Lions Club, the Miami University Performing Arts Series or any other private or social organization Council should think of it as the next National Fraternity Headquarters asking for use of a public park for private functions even without liquor. Ms. Zien noted the car show was expanded this year to include 600-800 participants instead of the mid 400 count. Ms. Zien asked if Ms. Durr could explain the logistics of staging 600-800 cars with the added complication of a Beer & Brats Festival. Ms. Zien noted the 185 available parking spaces Uptown was far short of the spaces needed. Ms. Zien noted a Beer & Brats Festival would do little for Uptown restaurants that needed business in the summer months and the wealth should be spread. Ms. Zien noted if Council denied the use of the Uptown park it would make no difference on the financial front because if the Porsche participants enjoyed the event in Oxford in previous years it would not be a make or break decision for them.

Mr. Bogard advised he still had concerns regarding the request from the standpoint of sponsorship under an 'umbrella'. Mr. Bogard inquired who would check the ID's of the attendees. Mr. Bogard noted his feeling Council needed to develop guidelines for the use of the Uptown Parks. Mr. Bogard inquired if Mr. McHugh could relate other cities experiences in restricting public land from this type of use. Mr. Bogard advised the event could be held at the Community Arts Center or the Oxford Community Park and the Uptown Park should not be used for events that might not be acceptable to the general public.

Mr. Blackburn advised a lot of preliminary work would have to be done by the Lions Club including alcohol training and obtaining a one day liquor permit and insurance. Mr. Blackburn advised members of the Lions Club would check ID's and wristband the attendees and tickets would be used for the sale of alcohol. Mr. Blackburn advised the request was initiated by the Porsche Club in an effort to bring their club together in one location and there was not an inside venue that would accommodate the group. Mr. Blackburn noted bringing people into town the night before the event would benefit the City.

Ms. Currie noted hosting the event at the Community Arts Center would take away the conflicts and problems associated with hosting it at the Uptown Park. Ms. Currie noted everyone was delighted that the club was meeting in Oxford and wanted to support them. Ms. Currie advised her feeling Council needed to establish a standard set of guidelines for the use of the park.

Mr. Harman noted Council was not deciding on guidelines this evening. Mr. Harman noted his feeling this was an opportunity to share Oxford's beautiful park with the Porsche Club for three hours as a 'get acquainted' time and from there the participants would most likely visit other venues. Mr. Harman noted his feeling this was a way for Oxford to be showcased and other locations could be looked at for the future.

Mr. Rutherford advised he would like to see this as a community festival with local restaurants and merchants using the sidewalks to sell their food and wares which would attract the wider community. Mr. Rutherford noted he was not opposed to the event but would like to see it opened up to local businesses. Mr. Rutherford advised he would like to see a two drink limit for attendees. Mr. Rutherford noted Council needed to work on guidelines for use of the park so events would not be problematic to citizens of Oxford.

Mr. McKeehan noted his support of the event and added his feeling this was a real asset for Oxford and many communities showcased events in the heart of where things happened.

Mayor Keebler advised he was not ready to open the park for this type of event as it became a question of who Council allowed and did not allow to host such an event. Mayor Keebler noted concern with permanent guidelines as the requests would always be different. Mayor Keebler noted concern that opening the event to the public did not make it a public event. Mayor Keebler advised he felt the Community Arts Center was a good venue for this type of event and he did not see High Street construction as being problematic. Mayor Keebler advised the Porsche show was a great event for Oxford but he could not support this request.

Mr. McHugh advised Council could consider criteria for events in the park going forward to avoid an ad-hoc sort of arrangement. Mr. McHugh suggested these types of events may only be appropriate during certain months of the year or only for economic development projects. Mr. McHugh noted having guidelines in place did not mean Council could not vary from them.

<u>Mr. Harman moved to adopt Resolution No. 4520. Mr. Blackburn seconded. The Resolution was adopted by the following roll call:</u>

AYE: Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Blackburn (4)

NAY: Ms. Currie, Mr. Bogard, Mr. Keebler (3)

ABS: None (0)

RESOLUTION
WAIVE FEES

A Resolution No. 4521 authorizing the City Manager to waive the fees adopted in the fee Ordinance for the street closings for the Visitors and Convention Bureau for the 2010 Annual Summer Music Festival. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed Resolution was a repeat of what Council had approved in the past for the summer music festival and Ms. Durr could answer any questions.

Ms. Diana Durr, Executive Director, Visitors and Convention Bureau, noted the request was the same as in past years. Ms. Durr noted the fee waiver would be for closing Main Street and E. Park Place on Thursdays from June 17 through August 26, 2010 for the Summer Music Festival.

Ms. Currie noted the Summer Music Festival was wonderful and she loved being able to support it.

Mr. Rutherford suggested the use of traffic calming measures for people crossing High Street to attend the Music Festival.

Ms. Currie moved to adopt Resolution No. 4521. Mr. McKeehan seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3106 Amending Ordinance No. 3089. Supplemental Budget Ordinance Number 2 To Make Supplemental Appropriations For Fiscal Year 2010 And Declaring An Emergency. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on page 46 of the agenda noting the City would save $89,342.47 in interest payments by paying off the full balance due on the Western Knolls property.

Ms. Currie advised Council tried to avoid emergency Ordinances but noted the City would see a significant savings by adopting the proposed Ordinance as an emergency measure.

Mr. Blackburn moved to adopt Ordinance No. 3106 as an emergency. Mr. Rutherford seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

**ORDINANCE
RECKFORD WOODS
SUBDIVISION**

An Ordinance Approving The Final Subdivision Application For Reckford Woods Subdivision, Phase Two With One Condition. (Jung-Han Chen, Community Development Director)

Mr. Chen discussed his staff report as presented on page 48 of the agenda noting the elimination of one lot was the only difference from the preliminary plan which was approved in August of 2008.

Mr. Jim Lipnickey, Tri-State Habitat for Humanity, advised the Home Owners Association declarations were in the process of being recorded.

Mr. Harman advised the Planning commission voted unanimously to recommend approval of the Final Subdivision by Council. Mr. Harman noted it was a good thing for Oxford anytime affordable housing could be made available.

Mr. Rutherford thanked Mr. Webb and Bayer Becker for their efforts to ensure this was a successful project.

**ORDINANCES
SECOND READING**

None.

ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Elliott noted he appreciated Ms. Zien's comments regarding the proposed marketing study for the City of Oxford and noted it would provide unique data to improve economic development initiatives that would not be obtained from the 2010 Census data.

Mr. Elliott advised the City submitted several projects to OKI for possible funding under the jobs bill and noted he would keep Council posted on the progress of this effort.

Mr. Elliott updated Council with regard to the status of the new High School project.

Mr. Elliott advised the Governor approved a Biomedicine Center of Excellence at Miami University and congratulated them for receiving the designation.

Ms. Eaton noted she left a questionnaire from the company performing the City's audit at each Council member's desk and asked that they return them to her this evening if possible.

Mr. McHugh noted for the record that the Board of Zoning Appeals underwent training last year and their standards were updated to include the issue of 'standing' which was a court directed procedure. Mr. McHugh noted Mr. Jacques was specifically excused from the December 2009 meeting due to the nature of the BZA agenda.

Mr. Blackburn advised he and Mr. Harman were attending a training session this weekend for newly elected public officials.

Mr. McKeehan welcomed his in-laws to the Oxford area noting they recently moved to a neighboring township.

Mr. Rutherford noted Will's Pizza and the Maid-Rite Sandwich Shoppe were now open in Uptown Oxford as well as a new yogurt shop.

Mr. Rutherford reminded everyone that Earth Day was April 22, 2010.

Mr. Rutherford advised the Environmental Commission received a presentation from Miami's IES Department who were reviewing the City's zoning and subdivision codes and would make a presentation to the Planning Commission and Council with their findings.

Mr. Rutherford discussed his concerns regarding the removal of snow and ice from sidewalks in Oxford. Mr. Rutherford noted his feeling the City's Ordinances should be enforced or taken off of the books.

Mr. Bogard advised some members of Council attended the Grand Re-opening of the Kroger store which was a very festive event with a lot of Kroger executives and managers in attendance.

Mayor Keebler advised he was impressed by how well attended the Kroger Grand Re-opening was this morning and noted it was a beautiful facility. Mayor Keebler advised he had the opportunity to speak with the President of Kroger and thanked him for the re-use and expansion of the current location instead of moving to another lot on the fringe of Oxford. Mayor Keebler advised he felt the project was a service to the community.

Mayor Keebler noted the Grand Opening of the Maid-Rite Sandwich Shoppe would take place Saturday at 11:30 a.m.

ADJOURNMENT

Ms. Currie moved to adjourn at 8:50 p.m. Mr. Blackburn seconded. The motion passed 7-0-0.