A regular meeting of the Oxford City Council was called to order by Vice Mayor Ken Bogard on Tuesday, February 19, 2008 at 7:40 p.m. Those members present were Alysia Fischer, Kate Currie, Richard Keebler and Greig Rutherford. Mayor Dana and Doug Ross were excused.

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

ADJOURN TO EXECUTIVE SESSION

Ms. Fischer moved to adjourn to Executive Session at 7:00 p.m. in accordance with Ohio Revised Code section 121.22 (G) for the purpose of discussing (1) the appointment of public officials and (2) property and (3) pending litigation. Ms. Currie seconded. The motion passed by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Bogard, Mr. Rutherford (5)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Ms. Fischer moved to return from Executive Session at 7:39 p.m. Mr. Keebler seconded. The motion passed by the following roll call:

AYE: Ms. Fischer, Mr. Rutherford, Mr. Keebler, Ms. Currie, Mr. Bogard (5)

NAY: None (0)

ABS: None (0)

Vice Mayor Bogard requested the 'Pledge of Allegiance'

APPROVAL OF AGENDA

Ms. Fischer moved to approve the agenda. Ms. Currie seconded. The motion passed 5-0-0.

PUBLIC COMMENTS

Ms. Jen House, 209 Homestead, noted her absence from the last council meeting and offered her apology. Ms. House stated tickets were still available at the box office for the 3/11 concert scheduled for March 2 at Millette Hall. Ms. House noted the ASG candidate debates would be broadcast live on Miami University television this coming Monday at 6:30 p.m.

Ms. House noted the first campaign rally for Senator Barack Obama Thursday at 6:30 in the Shriver multipurpose room. Ms. House stated she would announce any future rallies to be held by all candidates. Ms. House noted an ice cream social at the Knolls on Wednesday, March 5th.

Ms. Kathleen Zien, 6060 Joseph Drive, noted the Oxford Press February 15 headline stating the June wine tasting was unanimously approved by Council was incorrect. Ms. Zien referred to the minutes, page 13, and noted that while the majority voted approval, it was not unanimous. Ms. Zien noted the local Oxford paper was published on a weekly basis. Ms. Zien stated that while the Oxford Press had a limited staff, fair, accurate and timely reporting was expected. Ms. Zien referred to the January 25 page one cover story, which headlined, "Miami Students face new trash ordinance." Ms. Zien noted the ordinance was not student directed, but impacted all citizens. Ms. Zien noted Councilor Fischer's letter to the editor published February 8 addressing the issue. Ms. Zien referenced her review of the Ohio Liquor Law website regarding F4 liquor permits. Ms. Zien quoted, "F4 permits are granted to certain non-profit organizations for an event that includes the introduction, showcasing or promotion of wines produced in Ohio to furnish at no charge two-ounce samples and sale for on premises consumption and carry out of wine from participating A2 permit holders." Ms. Zien noted A2 permit holders were manufacturers and producers. Ms. Zien clarified the chamber would charge a fee for guests to enter the parks, but the two-ounce samples of wine would be furnished at no charge. Ms. Zien noted from her research of the liquor law regarding serving, even non profits with a temporary permit cannot sell or serve unlimited number of drinks for a one-time admission charge. Ms. Zien stated that while she was not familiar with all the rules and regulations, this event would include people drinking from open containers at a Chamber-sponsored event at a city park. Ms. Zien noted the following day; one would not be permitted to picnic with wine or beer in an open container in the uptown park without getting ticketed. Ms. Zien referred to purchases of bottles of wine during the event, and quoted the open container law, E1, which indicated an opened bottle of wine must be securely resealed by the permit holder by a visibly apparent manner before removal from premises. Ms. Zien stated a wine tasting event would not be the same challenge at a non-City owned site, and noted she hoped everyone involved had done sufficient homework regarding the matter. Ms. Zien addressed Ms. Fischer's suggestion regarding the creation of criteria regarding this kind of event request. Ms. Zien suggested the City reconsider the venues offered for the wine tasting and review options with input from the police department. Ms. Zien noted that while the wine tasting event was very worthwhile, perhaps it should not take place on City property.

APPOINTMENTS TO BOARDS AND COMMISSIONS

PARKING AND TRANSPORTATION BOARD

Mr. Rutherford moved to appoint Prue Dana, JoNell Rowan, Holly Moorish, Rich Daniels, Perry Gordon, Tim Myers, Jack Southard, Douglas Haynes, and David Prytherch to the Parking and Transportation Board for a term expiring June 30, 2008. Mr. Keebler seconded. The motion passed 5-0-0.

CONSENT AGENDA

Ms. Fischer moved to remove items A. and L.

REPORTS

Report regarding the January 23, 2008 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report regarding the January 24, 2008 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

Report regarding the January 24, 2008 Finance Commission Meeting. (Heidi Hill, Acting Finance Director)

Report regarding the February 6, 2008 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

RESOLUTIONS

RESOLUTION FIREARM PURCHASE

A Resolution No. 4326 authorizing the City Manager to enter into a contract with Vance's Law Enforcement for the purchase of thirty (30) Bushmaster M4-A2 Semi Automatic Rifles and thirty (30) twenty (20) round magazines at a cost not to exceed $22,300.00. (Steve Schwein, Police Chief)

RESOLUTION BACKHOE PURCHASE

A Resolution No. 4327 authorizing the City Manager to enter into a contract with Southeastern Equipment Co. Inc. for the purchase of a 2008 Case Model 590 SM backhoe at State Contract pricing at a cost not to exceed $60,953.78. (Mike Dreisbach, Service Director)

RESOLUTION WHEEL LOADER PURCHASE

A Resolution No. 4328 authorizing the City Manager to enter into a contract with Southeastern Equipment Co. Inc. for the purchase of a 2008 Case Model 721E wheel loader at State Contract pricing at a cost not to exceed $116,675.94. (Mike Dreisbach, Service Director)

RESOLUTION BOBCAT PURCHASE

A Resolution No. 4329 authorizing the City Manager to enter into a contract with Clark Equipment, DBA Bobcat Company of Chicago, Il. for the purchase of a 2008 Bobcat Model 250 tracker loader at State contract pricing at a cost not to exceed $39,226.00. (Mike Dreisbach, Service Director)

RESOLUTION

NOISE ABATEMENT

A Resolution No. 4330 authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, April 4, 2008 starting at 6:00 p.m. to Saturday, April 5, 2008 at 3:00 a.m. at Cook Field on Miami’s Campus for the American Cancer Society Relay for Life. (Doug Elliott, City Manager)

RESOLUTION NOISE ABATEMENT

A Resolution No. 4331 authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, April 25, 2008 from 10:00 p.m. to 1:00 a.m. on the Patio at Shriver Center on Miami’s Campus for an After Dark Carnival. (Doug Elliott, City Manager)

Ms. Fischer moved to approve the consent agenda. Ms. Currie seconded. The motion passed 5-0-0.

MINUTES

Minutes of the February 5, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council and Janice Grill).

Ms. Fischer noted a clarification to page 10 of the agenda. Mr. McHugh noted a clarification to page 12 of the agenda. Vice Mayor Bogard requested a correction to page 19 of the agenda.

Mr. Keebler moved to approve the minutes with corrections. Ms. Fischer seconded. The motion passed 5-0-0.

RESOLUTION NOISE ABATEMENT

A Resolution No. 4332 authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, May 9, 2008 from 8:00 p.m. to 2:30 a.m. in the Uptown Parks for the Red Brick Rasta. (Doug Elliott, City Manager)

Ms. Fischer referred to page 58, noting a request for a change in the language regarding the name of the event. Ms. Fischer noted the name could possibly be offensive to some. Ms. Fischer outlined her research regarding the word "Rasta." Ms. Fischer noted "Rasta" could be construed as denoting a specific religious group.

Ms. Fischer moved to amend the proposed Resolution by omitting ‘Red Brick Rasta’ and inserting ‘an Associated Student Government sponsored Musical Event’. Ms. Currie seconded. The motion passed 5-0-0.

Ms. Fischer moved to adopt Resolution No. 4332 as amended. Ms. Currie seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Fischer, Mr. Keebler, Ms. Currie, Mr. Rutherford (5)

NAY: None (0)

ABS: None (0)

RESOLUTIONS

RESOLUTION UPTOWN REVITALIZATION COMMITTEE

A Resolution No. 4333 establishing the Uptown Revitalization Committee to review the Zoning Code of the City of Oxford, specifically the floor area ratio in the Uptown District, and Section 404 of the Property Maintenance Code for the City of Oxford. (Jung-Han Chen, Community Development Director)

Mr. Chen noted at the last Council meeting, Council determined an ad hoc committee should be established to review recent changes in the Property Maintenance Code. Mr. Chen stated the attached report contained staff's suggestions regarding the make-up and purpose of such a committee. Mr. Chen outlined the charge and responsibilities of the committee. Mr. Chen offered to answer any questions or concerns.

Ms. Jen House, 209 Homestead, asked if there were interested people to fill all the positions.

Vice Mayor Bogard noted Council would approach interested people to serve in the positions, although no individuals had been contacted to date. Vice Mayor Bogard stated those contacts would be made within the next two weeks and formal appointment would occur at the March 4 meeting. Vice Mayor Bogard invited any interested individuals to submit their inquiries to the City Manager's office.

Mr. Rutherford referred to the language in Section 2 of the resolution, and suggested it read (1) review current and proposed law regulating the Uptown District.

Ms. Fischer suggested "recent and proposed changes."

Mr. Rutherford stated whether it's code or regulation, it is law.

Mr. Rutherford referred to Section 2, (2) and asked it be revised to read, "hear concerns of Oxford's citizens, business owners and property owners."

Mr. Rutherford referred to Section 2, (3), and asked it be revised to read, "proposed options, alternatives and recommendations."

Mr. Rutherford suggested the wording under Section 2 (4) should read, "present findings in a timely manner for the Planning Commission and City Council to consider."

Mr. Rutherford requested the "long-term renter" member of the committee be changed to a citizen at large.

Mr. Rutherford moved to make the above-mentioned amendments to the Resolution. Mr. Keebler seconded. The motion passed 5-0-0.

Ms. Fischer moved to adopt Resolution No. 4333 as amended. Mr. Keebler seconded. The Resolution was adopted by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Ms. Currie, Mr. Rutherford, Mr. Bogard (5)

NAY: None (0)

ABS: None (0)

RESOLUTION SETTLE CASE NO. CV-2006-01-0135

A Resolution No. 4334 authorizing the City Manager to deposit additional funds in the amount of $27,540.00 with the Butler County Clerk of Courts for the settlement of *City of Oxford v. MyDears, Inc.*, Case No. CV-2006-01-0135, for a total settlement of $32,500.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach noted this was one of six remaining parcels that needed to be resolved for North 27 improvements. Mr. Dresibach stated the City had the property appraised several years ago and deposited the appropriate funds with the Butler County Clerk of Courts. Mr. Dreisbach stated the law director in negotiating with the property owner's attorney arrived at this proposed settlement which staff believed to be fair and equitable for both parties.

Mr. McHugh stated the City had a second appraisal performed in preparation for trial, which served as the basis for the settlement.

Ms. Fischer moved to adopt Resolution 4334. Ms. Currie seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Fischer, Mr. Keebler, Ms. Currie, Mr. Rutherford (5)

NAY: None (0)

ABS: None (0)

ORDINANCE FIRST READING

ORDINANCE NEW SECTION 1143.10

An Ordinance Repealing Zoning Code Section 1143.10, Uptown District And Adopting New Section 1143.10, Uptown District. (Jung-Han Chen, Community Development Director)

Mr. Chen stated this was the zoning text amendment adopted on election night. Mr. Chen noted at that time, Council realized there were some issues that should be addressed and remanded it back to the Planning Commission for further consideration. Mr. Chen noted specific issues for reconsideration were egress as well as utility and public access storage. Mr. Chen stated throughout discussions surrounding these issues, other issues such as basement and outdoor areas were brought up. Mr. Chen stated following discussion by the Planning Commission, the basement should not be included in the one to one calculation. Mr. Chen stated outdoor eating areas should be encouraged for restaurant spaces. Mr. Chen noted utility storage areas and egress spaces should be exempt from the calculation as well as public access.

Mr. Chen noted the Planning Commission also modified some language regarding permitted use and conditional use for clarity purposes. Mr. Chen noted the Planning Commission voted unanimously to recommend to Council consideration of the legislation as modified. Mr. Chen offered to address any questions or comments.

Mr. Alan Kyger, 6164 Contreras Road, thanked Council for the appointment of a committee to further study this issue. Mr. Kyger noted he sent council members his thoughts yesterday along with a cover letter and some recommended changes. Mr. Kyger offered background regarding the legislation. Mr. Kyger addressed the notion of 100 percent coverage of a building.
Mr. Kyger noted his first recommendation would be to change the lot coverage ratio from one to one to .7 to one and eliminate the exemptions for areas for public infrastructure and public access.

Mr. Kyger recommended the inclusion of a conditional use should someone want to build a building that did not utilize 70 percent of the lot area where they could present their plans for approval. Mr. Kyger outlined the specific sections of the ordinance for recommended changes.

Mr. Rutherford suggested the addition of a friendly amendment by including language regarding street or grade level in reference to the .7 to 1 commercial space ratio. Discussion ensued concerning street level.

Mr. Webb outlined the difference between lot coverage versus commercial space. Mr. Webb suggested keeping the minimum requirements of commercial space apart from lot coverage issues. Mr. Webb suggested a .7 to 1 requirement for commercial space, not necessarily defining it must be on the ground floor.

Mr. Keebler moved to amend the ordinance under (b) Uses, 2, Conditional Uses, to include item five, commercial space which does not provide a minimum ratio of .7 to 1 of the lot area; under (c) Site Development Regulations, (3) a., it should read, commercial space shall provide a minimum ratio of .7 to 1 of the lot area; that under i., it read .7 to 1.; that ii. be deleted; that under iii. it become .7 to 1; and the language regarding the parking on-site should be eliminated.
Ms. Currie seconded. The motion passed 5-0-0.

ORDINANCE NEW CHAPTER 143

An Ordinance Repealing Current Chapter 143 Of The Oxford Code Of Ordinances, Civil Rights; Community Relations Commission, And Replacing It With New Chapter 143 Of The Oxford Code Of Ordinances, Civil Rights; Community Relations Commission; Adding Sexual Orientation. (Doug Elliott, City Manager)

Mr. Elliott noted he had the opportunity to meet with some Miami University students and administrators to hear some concerns expressed by some gay students at Miami. Mr. Elliott stated he had reviewed Chapter 143, the Civil Rights law, and noticed there was no prohibition against discrimination based on sexual orientation.

Mr. Elliott outlined the Civil Rights section in its present state. Mr. Elliott noted his support for the City to include the prohibition of discrimination based on sexual orientation in the Civil Rights law. Mr. Elliott referred to the proposed change included in the agenda. Mr. Elliott noted additional comments he had received since the packets were sent out. Mr. Elliott stated based on those comments, he would like to include in the proposed ordinance those items dealing with sex, gender identity, disability, age, pregnancy and veteran's status. Mr. Elliott suggested if Council was in agreement with those additions, he would ask legal counsel to revise the proposed ordinance. Mr. Elliott offered to address any questions or concerns.

Ms. Leslie Morrow, Interim Assistant Director of Diversity Affairs for GLBTQ, Miami University, noted her support of this measure. Ms. Morrow referenced the meeting with Mr. Elliott and thanked Ms. Bobbe Burke for her participation and assistance. Ms. Morrow stated there had been several situations involving students and/or staff members who faced harassment or discrimination at various uptown businesses. Ms. Morrow noted her appreciation of the swift action taken by Mr. Elliott regarding this issue. Ms. Morrow stated on a personal note, she used to live in Oxford and attended Miami where she currently both worked and attended as an undergrad. Ms. Morrow noted in the summer of 2004, she decided to leave Oxford to find a place to call home where all of her identities were protected. Ms. Morrow introduced Miami student, Marissa Simms, who was an executive board member for Spectrum as well as a member of the Association for Jewish Students.

Ms. Marissa Simms, noted the importance of including both sexual orientation as well as gender identity in this legislation. Ms. Simms stated it was necessary to ensure the safety of every student and resident of the City. Ms. Simms explained GLBTQ stood for gay, lesbian, bisexual, transgender and questioning or queer students. Ms. Simms stated homophobia was rampant both on campus and in many institutions uptown. Ms. Simms noted Miami University was ranked by the Princeton Review in 2003 as the fifth worst school to attend if you were gay, lesbian, bisexual or transgender. Ms. Simms stated despite organizations such as Spectrum, many students continued to feel unwelcome at Miami, and blamed themselves. Ms. Simms stated discrimination created a deep wound with long lasting effects. Ms. Simms noted suicide was not something foreign to the GLBTQ community. Ms. Simms stated a student earlier this year was thrown out of an establishment as homophobic remarks came from both a police officer and a bouncer.

Ms. Simms noted just as with most victims of discrimination, that student blamed himself. Ms. Simms stated many GLBT students chose not to go Uptown or frequent certain establishments out of fear. Ms. Simms stated including sexual orientation in the ordinance would reaffirm Oxford's commitment for the inclusion and acceptance of all people. Ms. Simms thanked Ms. Bobbe Burke and Mr. Elliott for their efforts.

Ms. Jen House, noted her previous discussions concerning this issue with Bobbe Burke who was currently out of town. Ms. House noted students who had problems concerning these issues really had no place to voice their concerns. Ms. House asked how often the Community Relations Commission meets.

Ms. Fischer stated it met as needed.

Ms. House asked if a student could be appointed to an open position on the commission.

Ms. Fischer noted this subject had not been brought up in the Student Community Relations Commission meetings and they would discuss it on Friday.

Ms. Fischer stated she was very pleased with the swift reaction to this situation and offered to make an amendment to include the previously mentioned categories.

Mr. Elliott stated he would rather have the legislation in front of Council because of the number of changes.

Vice Mayor Bogard suggested italizing the additions for clarification and noted this not only applied to employment situations, but fair housing as well as public accommodation practices.

Mr. Rutherford asked if other categories could be provided to the City Manager for inclusion.

ORDINANCE SECOND READING

ORDINANCE SALARY ORDINANCE AMENDMENT

An Ordinance No. 2995 Amending Salary Ordinance No. 2984 Section 1. Full-Time Positions. (Steve Schwein, Police Chief)

Chief Schwein noted this was the second reading of an ordinance allowing the department to go up temporarily from six sergeants to seven. Chief Schwein outlined the events surrounding the necessity of this measure. Chief Schwein noted staff was not seeking additional funds.

Mr. Keebler moved to adopt Ordinance 2995. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Fischer, Mr. Keebler, Ms. Currie, Mr. Rutherford (5)

NAY: None (0)

ABS: None (0)

ANNOUNCMENTS

Mr. Elliott noted he provided in the packet a memorandum regarding the sidewalk issue, which was previously discussed, including cost figures. Mr. Elliott stated the total was just slightly under 400,000. Mr. Elliott recommended the City not move forward with this project as there were no monies appropriated for it this year. Mr. Elliott offered to answer any questions.

Ms. Fischer noted the City's portion would cost approximately $183,000 and Mr. Elliott stated it would be approximately $123,000.

Ms. Fischer referred to the agreement, which was signed, stating the City would construct this sidewalk last summer. Ms. Fischer asked if the agreement would be modified based upon the recommendations being made.

Mr. Elliott stated the agreement also mentioned the City would be negotiating with Miami University. Mr. Elliott noted a major component of the project was the bridge, which was fairly costly. Mr. Elliott stated he had driven out there several times, and had not seen any pedestrian traffic. Mr. Elliott noted bus transportation was provided. Mr. Elliott stated there was no easy solution.

Ms. Fischer stated the subject was brought up at an ad hoc committee meeting with the University and it was mentioned that if the City moved forward, that might push the University to move forward, although, that was not a formal agreement.

Vice Mayor Bogard suggesting exploring the alternatives and/or opportunities with the University as well as 4-Leaf Development regarding the sidewalk.

Ms. Currie asked if the City installed a sidewalk now would it be torn out during the 2012 road improvement construction.

Mr. McHugh noted assuming it was a temporary sidewalk; it would have to be removed.

Mr. Keebler stated there might be issues regarding right-of-way acquisition for the sidewalk.

Vice Mayor Bogard suggested the above-referenced items be explored and Mr. Elliott follow up with further recommendations.

Ms. Fischer noted when the issue was originally raised Council was not supplied plans for the sidewalk.

Mr. Elliott noted he would contact the appropriate Miami University officials and initiate a meeting.

Mr. Elliott noted the City had received information that the Miller Valentine Group would be filing a low income tax credit application for property owned by Bill Colwell located near the intersection of Kehr and Booth Roads. Mr. Elliott stated the tract they would be constructing the proposed project was on 20 acres. Mr. Elliott noted the property owner had also filed an annexation petition with the Butler County Commissioners for the entire 40-acre tract of land; 20 acres for the low-income project and 20 acres for the continuation of the Sliverleaf subdivision.

Mr. Elliott addressed Ms. Zien's concerns regarding the wine tasting event, noting the City's goal was to work in concert with the Chamber and the Ohio Wine Producer's Association to ensure a problem free event. Mr. Elliott noted he appreciated Ms. Zien's concerns. Mr. Elliott noted Chief Schwein had conducted research concerning such events with the City of Cincinnati.

Ms. Currie referenced a memo regarding legal precedents concerning residential snow removal. Ms. Currie noted she had received several complaints regarding people not removing snow in front of their homes. Ms. Currie asked for clarification.

Ms. Fischer stated as someone who walked to work on a daily basis, she would like clarification on what the City could do to enforce snow removal. Ms. Fischer encouraged people to be more neighborly concerning snow removal and safety.

Mr. Keebler outlined the variables surrounding inclement weather and snow and ice removal issues. Mr. Keebler concurred that it was the neighborly thing to do to keep your sidewalks free of snow and ice hazards.

Mr. Elliott stated the communities who were most successful in securing ice and snow free sidewalks were the ones that did it themselves and they focused on the downtown areas and school routes. Mr. Elliott suggested including an announcement on the website and in a newsletter regarding snow removal.

Ms. Fischer referenced the earlier comment made by Ms. Simms regarding derogatory comments made by a police officer.

Mr. Elliott noted staff was not certain if the situation involved an Oxford police officer. Mr. Elliott encouraged the meeting attendees to bring any issues of this type to his attention.

Ms. Fischer asked for an update regarding firefighter positions and Mr. Elliott advised he would research the issue.

Mr. Rutherford encouraged citizens to consider the available positions regarding the Uptown Revitalization Committee.

Vice Mayor Bogard stated OKI was sponsoring the second round of public open houses, with the closest one March 5th in the Government Services Building on High Street in Hamilton from 4 p.m. to 7 p.m.

Vice Mayor Bogard noted he earlier attended the United Way annual meeting and announced they surpassed their goal by raising $210,400. Vice Mayor Bogard stated all monies assisted 22 local agencies.

Vice Mayor Bogard encouraged everyone to vote on March 4th.

Vice Mayor Bogard noted the special meeting next Tuesday to consider applications for the Finance Director position.

ADJOURN

Ms. Currie moved to adjourn at 9:20 p.m. Ms. Fischer seconded. The motion passed 5-0-0.