A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, April 6, 2010 at 7:15 p.m. Those members present were Ken Bogard, Kate Currie, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeehan.

Staff members present: Mr. Mike Dreisbach, Acting City Manager; Mr. Steve Schwein, Police Chief; Mr Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Mr. John Detherage, Fire Chief; 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.

ADJOURN TO EXECUTIVE SESSION

Mr. Blackburn moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22 (G)(1) for the purpose of discussing Appointments to Boards and Commissions. Mr. McKeehan seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Rutherford moved to return from Executive session at 7:33 p.m. Mr. Blackburn 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

Mr. Bogard moved to approve the agenda. Mr. McKeehan seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PROCLAMATION
'EARTH DAY'

Mayor Keebler read the Proclamation recognizing Earth Day which would take place on April 22, 2010.

PROCLAMATION
'ARBOR DAY'

Mayor Keebler read the Proclamation recognizing Arbor Day which would take place on April 30, 2010.

APPOINTMENTS
TO BOARDS AND COMMISSIONS

Mr. Rutherford moved to appoint Mr. Matt Rodbro to the Oxford Parking and Transportation Advisory Board for a one year term. Ms. Currie seconded. The motion passed 6-0-1 with Mr. Bogard abstaining.

NOTICE TO
LEGISLATIVE AUTHORITY

Notice to Legislative Authority – Transfer permit from KSR Drive Thru Inc DBA Oxford Pitstop 5182College Corner Pike & Drive Thru Oxford, Ohio 45056 to Bappas Inc DBA Westgate C Store Plus 5182 College Corner Pike & Drive Thru Oxford, Ohio 45056.

Chief Schwein advised this was a transfer of ownership for the same location as the previous permit holder and the applicant looked forward to meeting with the OPD and training under the State of Ohio Liquor Laws. Chief Schwein advised the applicant was in attendance.

Mr. Hiren Desai, Owner, advised he recently purchased this establishment which was close to the Oxford Inn which he also owned.

Mr. Bogard moved to receive the Notice to Legislative Authority without comment. Mr. Blackburn seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Ms. JoNell Rowan, Oxford Chamber of Commerce, advised the Oxford Wine and Art Affair would take place on May 22, 2010 and part of the proceeds would benefit their Youth Scholarship Fund through the Oxford Community Foundation. Ms. Rowan noted a Kick-Off Happy Hour event would take place April 13, 2010 at Kona Bistro from 5-7 p.m. and Chamber Board Members would be the guest bartenders.

Mr. Kyger noted the Oxford Wine and Art Affair would be a one day event this year instead of two and the hours would be from 1:00 to 10:00 p.m. Mr. Kyger advised food would be added this year supplied from Oxford food vendors.

Mayor Keebler noted this had been an excellent event the past two years and wished the Chamber success.

Ms. Kathleen Zien, 6060 Joseph Drive, advised she asked at the March 16th Council meeting if it was procedurally correct to have 4 of 7 Councilors who were Lions Club members be part of the March 2nd vote regarding the Porsches2Oxford summer event that the Lions would co-sponsor. Ms. Zien noted she could not stay until the end of the last meeting to hear an answer to her question and she called Mr. McHugh's office on March 17th to ask for his advice on Councilors recusing themselves from the vote and if the remaining 2-1 vote would have been binding. Ms. Zien noted she did not receive a response. Ms. Zien discussed the reasons why she felt Lions Club members or any service club members did receive benefits even if it was just advertising for their particular business.

Mayor Keebler advised that Mr. McHugh answered the question at the last meeting by informing Council that there was no personal gain on behalf of any member of the Lions Club and as such there was no conflict of interest and no reason to recuse from the vote regarding the summer event. Mayor Keebler noted Mr. McHugh also advised that court cases had established that if for some reason Council members needed to recuse from a vote it would not destroy the majority and a 2-1 vote would be legal.

Mr. McHugh advised that was correct and he did relay the information to Ms. Zien over the phone and she asked him to put something in writing to that effect. Mr. McHugh advised it was not appropriate for him to write legal opinions for citizens nor was it appropriate for him to disclose to the public what had been discussed with specific members of Council.

CONSENT AGENDA

Mr. Rutherford requested removal of item F. Report regarding the Environmental Commission Meeting.

MINUTES

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

REPORTS

Report regarding the March 9, 2010 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the March 17, 2010 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the March 24, 2010 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

RESOLUTIONS

RESOLUTION
PAVING CONTRACT

A Resolution No. 4525 accepting the bid and authorizing the City Manager to enter into a contract with Barrett Paving Materials, Inc. for resurfacing and maintenance work at a cost of $234,392.00 plus a contingency amount of ten percent (10%) of the contract price or $23,439.20 for a total cost not to exceed $257,831.20. (Mike Dreisbach, Service Director)

RESOLUTION
RECONSTRUCTION
OF HIGH STREET

A Resolution No. 4526 accepting the bid submitted by Adleta, Inc. and authorizing the City Manager to enter into a contract with Adleta, Inc. for the reconstruction of High Street between Beech Street and College Avenue at a cost of $464,039.95 plus a contingency amount of ten percent (10%) of the contract price or $46,404.00 for a total cost not to exceed $510,443.95. (Mike Dreisbach, Service Director)

RESOLUTION
ACCEPT GIFT FOR
FIRE DEPARTMENT

A Resolution No. 4527 to accept a gift of an EZ-IO Intraosseous Access System from the Butler Rural Community Connections Program. (John Detherage, Fire Chief)

Mr. Harman moved to approve the consent agenda. Mr. Blackburn seconded. The motion passed 7-0-0.

Report regarding the March 24, 2010 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Mr. Rutherford advised the Environmental Commission rescheduled their monthly meetings from the fourth Wednesday of each month to the first Wednesday of each month to better facilitate communications with Council and the Planning Commission. Mr. Rutherford noted the commission meets at 7:00 p.m. in the conference room at the Municipal Building.

Mr. Currie moved to accept the Environmental Commission Meeting Report. Mr. Bogard seconded. The motion passed 7-0-0.

RESOLUTIONS

**RESOLUTION
LANE LIBRARIES'
OPERATING LEVY**

A Resolution No. 4528 endorsing the Lane Libraries' operating levy and calling upon the voters to support the Lane Libraries' efforts to meet the needs of the community by voting "Yes" on May 4, 2010. (Doug Elliott, City Manager)

Mr. Dreisbach discussed the staff report as presented on page 38 of the agenda noting if the levy passed the tax per year for a homeowner of a $100,000 home would be $22.97.

Ms. Prue Dana, 6314 Fairfield Road, advised she appreciated Council's consideration of the proposed Resolution and noted her hope the initiative would move forward.

Ms. Currie advised she requested that the proposed Resolution be placed on the agenda. Ms. Currie noted many who used the library on a regular basis had been stymied by the changes with the reduction in hours and staff due to state budget cuts. Ms. Currie noted there would be additional cuts and if we did not act as a community we could lose that valuable resource.

Ms. Currie moved to adopt Resolution No. 4528. Mr. McKeehan seconded. The motion passed 7-0-0.

**RESOLUTION
PUBLIC DEPOSITORIES**

A Resolution No. 4529 amending Resolution No. 4514 designating public depositories and awarding the deposit of active public funds for a five-year period commencing April 3, 2010. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on page 41 of the agenda noting staff recommended Fifth Third Bank to handle the City's credit card transactions and they offered on line payment opportunities at no additional cost to the City.

Mr. Harman commended Mr. Newlin for his efforts in obtaining the rates for a period of 5 years and noted this would save the City a lot of money coupled with the on line payment option which the City had never offered.

Mr. Harman moved to adopt Resolution No. 4529. Mr. Bogard seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3089. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2010. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on pages 48-52 line item by line item and explained the need for the increases and decreases in appropriations and revenues.

Mayor Keebler asked Mr. Newlin to re-work the staff report to show the changes by project or program as opposed to by fund. Mr. Newlin advised he would reformat the report. Mayor Keebler requested a report regarding the delay in improvements for SR-732 prior to the next meeting.

ORDINANCE
NEW SECTION 1143.10

An Ordinance Repealing Zoning Code Section 1143.10 Of The Codified Ordinances Of The City Of Oxford, Ohio, Entitled Uptown District, And Adopting New Section 1143.10, Entitled Uptown District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the recommended changes would clarify the intent of the Issue 20 Charter Amendment and remove any inconsistencies or potential unintended consequences from the interpretation. Mr. Chen discussed the proposed changes as shown on pages 56 and 60 of the agenda.

Mr. Rutherford referred page 56 of the agenda and noted concern with Section 1143.10(b). Mr. Rutherford advised any improvements to an existing building in the Uptown District would only be allowed if the improvement resulted in the commercial space occupying 70% of the site which would be very burdensome to business and property owners. Mr. Rutherford noted when Issue 20 was implemented he did not believe it was Council's or the Planning Commission's intent to place a burden on business owners where any improvements that changed the configuration of the building would require expanding that building to at least 70% of the site.

Mr. Chen noted the language could be revised to better clarify the intent and Mayor Keebler advised he felt it should be revised.

Mr. Rutherford referred to item (d)(4) on page 60 of the agenda and discussed his concerns with regard to density. Mr. Rutherford noted he felt item (d)(4)B. should not be struck and should read '*Rental permit* occupancy limits shall not apply to individual dwelling units occupied by a family as defined in Section 1159.07(1).'

Mr. Kyger noted Mr. Rutherford's first point was correct and advised Issue 20 was not intended to place a burden on anyone who wished to remodel a building, it was intended for new construction. Mr. Kyger referred to item (d)(4)B. on page 60 of the agenda and advised item B. wasn't included in the original language and Council added it so as not to exclude single family dwellings. Mr. Kyger noted the language needed to be removed so properties could not be developed using the ratio method in one portion of the building and single-family in another which could exceed the density level Council was trying to achieve. Mr. Kyger suggested that Mr. Rutherford submit his ideas to Mr. McHugh and Council could consider alternative language at the second reading of the proposed Ordinance.

Mr. Rutherford advised he would discuss the issues with Mr. Chen prior to the next meeting.

ORDINANCE
NEW SECTION 1143.13

An Ordinance Repealing Zoning Code Section 1143.13, OI (Office And Light Industrial) District To Add New Section 1143.13 GB(R), General Business Redevelopment Design Overlay District Regulations, And Renumbering Subsequent Zoning Districts To Accommodate The New Section And To Modify Chapters 1133, Provisions For Zoning Districts, 1141, Accessory, Temporary, Supplemental and Environmental Regulations, 1149, Vehicle Management And 1151, Signs, To Correctly Cross Reference The New Zoning District. (Jung-Han Chen, Community Development Director)

Mr. Chen addressed his staff report as presented on page 67 of the agenda noting the proposed amendment came from a year-long effort of the Planning Commission to move forward with recommendations outlined in the 2008 Comprehensive Plan addressing redevelopment issues in the Locust Street business center. Mr. Chen noted the majority of the changes were contained on pages 72-78 of the agenda and the rest of the changes would correctly cross reference the proposed new zoning district. Mr. Chen noted this was an evolutionary issue and the language would need tweaked as time went on. Mr. Chen advised members of the Chamber of Commerce attended Planning Commission meetings and were in attendance this evening to comment on the proposed changes.

Mayor Keebler advised this was an idea for an overlay district which had no specific location. Mayor Keebler noted the idea was to create a different look and feel that was sustainable and pedestrian friendly. Mayor Keebler advised the idea of applying it to a specific area of town would come to Council at a future meeting.

Mr. Richard Daniels, 451 Emerald Woods Drive, noted he was a member of the chamber of Commerce and liaison from the Community Improvement Corporation to the Chamber of Commerce. Mr. Daniels advised it was the position of the Chamber of Commerce that the Locust Street corridor as described in the Comprehensive Plan was of primary importance to the business community and that the redevelopment of this area should be encouraged and they agreed in principle that this district was significantly different than US-27N and perhaps different standards should govern the different locations.

Mr. Daniels advised it was the position of the Chamber of Commerce that legislation such as this should not be passed without an accompanying incentive package to offset the additional cost imposed on any new business wishing to locate in the proposed new overlay district. Mr. Daniels noted it was the position of the Chamber of Commerce that Council should table the proposed legislation until further investigation could be made into possible incentives such as zoning, the use of TIF Districts and tax abatements. Mr. Daniels noted the Chamber of Commerce felt the Planning Commission should have taken into account the lessons learned from the Stewart Square project and Bob Coley would address those concerns followed by Scott Webb who would provide additional comments.

Mr. Bob Coley, 30 Hidden Creek Drive, noted he was the business owner of the UPS store located at Stewart Square and member of the Chamber of Commerce. Mr. Coley reiterated that the Chamber agreed in principle with what had been outlined but would like to see additions/changes to the non-residential parking regulations and specifically the maximum 7% parking on all sides of buildings. Mr. Coley noted 7% parking would entail single row parking all around the buildings which was not feasible for most businesses since it would require multiple entrances including rear entrances. Mr. Coley noted CVS made it clear they needed 35 parking spaces at Stewart Square and the parking was extended to two rows. Mr. Coley also noted concerns with signage regulations and advised the Chamber of Commerce felt Zoning Districts should not be created which required multiple entrances without allowing significantly more signage.

Mr. Scott Webb, Chair, Government Relations Committee, Chamber of Commerce, noted the Chamber felt it was somewhat short-sighted for the Planning Commission to base a new zoning district on Stewart Square but refused to hear from the developers of Stewart Square what worked and what did not work. Mr. Webb discussed concerns with the issue of façade orientation noting the principle entrance had to face a public street when it may make more sense for the principle entrance to face an internal street in the development. Mr. Webb noted that every existing building in the district would become non-conforming and modifications to those buildings would have to go before the Board of Zoning Appeals. Mr. Webb noted the Planning Commission felt most projects would come in the form of a PUD but a PUD approval was based on the underlying zoning district. Mr. Webb advised the Chamber felt there were significant problems with the proposed legislation such as parking all around a building but only allowing two signs and limiting parking in the front but requiring the principle entrance to be in the front. Mr. Webb reiterated that only one of seven businesses at Stewart Square allowed customer entry from the rear of the building as it would not be feasible for almost any type of business. Mr. Webb encouraged Council to take their time approving a proposed new zoning district to consider the issues presented this evening.

Mayor Keebler advised the proposed legislation as a whole passed unanimously by the Planning Commission but not every item voted on separately passed unanimously. Mayor Keebler noted the Planning Commission was trying to create a pedestrian friendly area and Council could make adjustments to the proposed legislation. Mayor Keebler advised he felt if the proposed legislation was remanded to the Planning Commission it should be remanded with specific recommendations.

Mr. Bogard noted his feeling the Chamber of Commerce members brought up valid points and Council needed to listen to them and have their involvement.

Ms. Currie noted the proposed legislation would create a new zone not rezone a district. Ms. Currie referred to comments made by Mr. Daniels and noted her feeling the zone needed to be created first and the development incentives could be addressed before the rezoning took place. Ms. Currie noted her feeling Council should take the comments made this evening under consideration.

Mr. Blackburn referred to the parking issues and noted Council wanted to support the business community perhaps by moving a building back 30 feet to accommodate more parking in front of businesses. Mr. Blackburn noted his feeling additional signage should be addressed with regard to multiple entrances and corner buildings.

Mr. Harman advised he was appointed to the Planning Commission at the tail end of this initiative. Mr. Harman noted these were wonderful ideas but the reality was that a development like Stewart Square could not be built under the proposed guidelines. Mr. Harman advised he felt the proposed legislation was too restrictive and the Planning Commission could address parking, signage, multiple entrances, facades and existing buildings. Mr. Harman noted he did not know if the Planning Commission had input from the business community prior to his arrival on the Commission.

Mr. Scott Webb, advised he attended many Planning Commission Work Sessions but public participation was not welcomed. Mr. Webb noted Chamber members were specifically invited to a Planning Commission meeting once by Mr. Kyger who suggested to the Planning Commission Chair that they could hear from someone in the audience.

Mr. McKeehan noted he felt double row parking was necessary and rear entry doors would not work well for the majority of businesses.

Mr. Rutherford advised Planning Commission meetings were open to the public but public participation was severely curtailed and noted the new commission might function differently. Mr. Rutherford advised he felt a slightly different view of the existing General Business District might be in order. Mr. Rutherford noted perhaps the proposed district should pertain to lot size and then it could be applied to US-27N. Mr. Rutherford advised he felt if an overlay district was created it did not mean existing buildings were nonconforming. Mr. Rutherford noted concern with multiple sections of the code being incorporated within one Ordinance.

Ms. Currie moved to remand the proposed legislation to the Planning Commission for additional work in consideration of the items brought forth during the public discussion this evening. Mr. Harman seconded. The motion passed 7-0-0.

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Recommendation Of The Planning Commission To Deny The Zoning Map Amendment Application To Rezone Property Located At 5990 Contreras Road From R1B (Single-Family Medium Density Residential) District To RO (Office Residential) District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this was a request to rezone property located at 5990 Contreras Road from R1B to RO. Mr. Chen noted a lot of residents were in attendance at the Planning Commission meeting of March 9, 2010 and addressed their concerns regarding the matter. Mr. Chen advised the Planning Commission reviewed the decision standards as presented on page 103 of the agenda and did not support the request by a vote of 5-1-0.

Ms. Connie McCarthy, 5990 Contreras Road, introduced her husband Pete McCarthy and advised she would like to address Council with regard to their proposal to rezone their one acre lot in the R1B district to a RO zone. Ms. McCarthy noted more importantly she would like to address the future of a one of a kind 114 year old home that was an Oxford treasure. Ms. McCarthy provided a PowerPoint presentation and discussed the history of the home, existing conditions, surrounding conditions and the future of the home noting their goal was to preserve the historic structure. Ms. McCarthy discussed the decision standards listed in section 1135.02 of the Oxford Zoning Code and how she felt their proposal related to the Comprehensive Plan. Ms. McCarthy also discussed changes to area conditions, the need for RO expansion and safeguards to protect the overall integrity of the neighborhood. Ms. McCarthy advised Mr. McCarthy had spent a lot of time walking around the neighborhood presenting the idea of rezoning and getting opinions from residents.

Mr. Pete McCarthy, 5990 Contreras Road, advised he felt he had done a thorough sampling of the area and discussed the proposal with 164 residents. Mr. McCarthy noted 50% of the residents surveyed were in favor of the proposal, 16.5% were against and 33.5% were opposed to the proposal.

Mr. Coe Potter, addressed Council as the Real Estate Broker for Mr. and Mrs. McCarthy. Mr. Potter discussed the concept of adaptive-reuse of properties and successful projects he had been involved with over the years in Oxford.

Mr. Donald Nelson, 6020 Joseph Drive, encouraged Council to uphold the Planning Commission's recommendation to deny the request noting the proposed amendment failed to meet any one of the four decision standards. Mr. Nelson discussed his concerns regarding the rezoning request which included creeping commercialization, conditional uses and the future stabilization of the neighborhood.

Mr. Ed Jackson, 4891 James Road, noted he and his wife had lived in Oxford for 57 years and on James Road for the last 50 years. Mr. Jackson advised he objected to the proposed rezoning request as it did not appear to meet any of the required criteria and for many years he had continuously opposed spot zone changes. Mr. Jackson advised he felt two simple factors should be considered regarding this issue (1) is it done to correct errors in Oxford's existing zoning map and/or is there a real need for such a change? and (2) would it be beneficial to many and thereby an improvement to the impacted neighborhood? Mr. Jackson advised in his opinion none of those simple factors were met as there was no need for such a change, and it would only possibly benefit 3 people, and it certainly would not improve the neighborhood. Mr. Jackson discussed additional concerns noting others could ask for the same treatment using similar sad personal investment downturns as justification for a zoning change. Mr. Jackson advised this was in no way a reflection on the owner's investment ability but rather recognition of the severe national downturn in housing prices. Mr. Jackson encouraged Council to uphold the Planning Commission's recommendation.

Mr. Bob Benson, 6090 Contreras Road, advised in his experience these types of requests were made by the people who wanted to start a business in the property that would house it. Mr. Benson noted it was clear to him that the underlying reason for the request was for the owners to sell the home for twice what they paid for it and for the real estate agent to make a healthy commission. Mr. Benson advised once the house was sold the McCarthys would have no control over what happened to it nor would Mr. Potter. Mr. Benson noted the house was not designated on the Historical Register and there was nothing Council could do to keep someone from tearing it down. Mr. Benson advised he would like Council to consider as public servants they should protect those who were not the investors from the negative effects of the investment. Mr. Benson noted he sympathized with many of the issues that were addressed but advised this was a matter of the principles of the plan and the principles of the City and not about individual cases.

Ms. Rosalyn Benson, 6090 Contreras Road, advised the McCarthys compared their property to the Historic District in Hamilton which was a district not one house in a residential area and noted she felt there was no comparison. Ms. Benson advised the McCarthys felt a substantial change in the area was the change to R3 zoning and they showed a picture of what could be built in the area. Ms. Benson advised something in the future was not a change. Ms. Benson noted she would like to continue living in Oxford and she had seen people who loved Oxford move because of real estate changes that had been made in properties. Ms. Benson noted she felt there was no compelling reason to rezone the property and the Planning Commission had weighed the decision standards very carefully and recommended denial.

Mr. Bill Fisher, 4883 James Road, advised he was against the proposed rezoning for most of the reasons Council had already heard. Mr. Fisher noted his primary concern was spot zoning as he did not see this property as being contiguous with any commercial or office properties. Mr. Fisher advised he felt zoning should not be based upon individual economic conditions or individual placement of their property.

Ms. Kathy Ellison, 37 Meadow Circle, advised she felt the McCarthy house as it was now created tremendous value in her property as it was such an elegant and well maintained house and it would be a sad thing for everyone if it became something else altogether. Ms. Ellison advised she had lived on Meadow Circle for 20 years and had seen almost no change in the area. Ms. Ellison noted she felt it would be a travesty to rezone the property as it would involve using a different set of standards than the four built into the zoning ordinance. Ms. Ellison advised it disturbed her that this was about the McCarthys own financial condition. Ms. Ellison noted she would hate to see the character of the neighborhood rise and fall on someone having bought a house too expensive for them to maintain. Ms. Ellison noted a rezone might subject the City to litigation over ignoring its own ordinance.

Kathleen Zien, 6060 Joseph Drive, advised the McCarthy house was 5029 square feet not 5500 as was stated. Ms. Zien advised she opposed the rezoning request as the Planning Commission did finding it did not meet any of the four decision standards. Ms. Zien addressed each of the four decision standards and discussed the reasons why she felt the standards were not met. Ms. Zien noted the City plan directed office uses on US-27 with significant tracts already zoned and highly visible where traffic can be appropriately accommodated. Ms. Zien noted Uptown, Stewart Square and South Tollgate had business and office vacancies designed and marketed consistent with the recommendations of the Oxford Comprehensive Plan. Ms. Zien advised there was no need for business or commercial zoning at a keystone corner that began an established, full-use residential neighborhood. Ms. Zien noted she felt this was an incompatible land use of the area and should not be allowed to damage the stability of four established neighborhoods around it. Ms. Zien noted Oxford could not afford anymore marginally spot zoned properties. Ms. Zien referred to a December staff report from the Community Development Department which stated 'the property is not contiguous with a similar district' and advised against it yet the applicant and realtor apparently disregarded the code, comprehensive plan and staff advice and went before the Planning Commission anyway and now to Council. Ms. Zien advised Council's ruling was not based on a popularity contest or sympathy campaign and spot rezoning should never be done to increase one person's property value or sale price. Ms. Zien noted it was the Planning Commission's and Council's direct responsibility not to decrease adjoining property values by their decisions. Ms. Zien asked Council to abide by the Planning Commission's recommendation to deny the request.

Mr. Doug Ross, 6114 Fairfield Road, noted instead of allowing or encouraging people to think 'outside of the box' like the McCarthys were, the City seemed to be heavy on regulation. Mr. Ross advised the subject property pre-dated any zoning and the real issue was the future of Oxford. Mr. Ross noted he found it most shocking that members of the public discussed someone's personal financial affairs.

Mr. Peter McCarthy, 5990 Contreras Road, provided some closing comments for Council's consideration and noted the house, not the McCarthys deserved respect.

Ms. Currie advised there were a number of members of Council and the Planning Commission that were interested in developing zoning for the City that would allow for some walkable neighborhood business areas. Ms. Currie noted if they wished to see those changes to the code Council needed to work in concert with the Planning Commission to bring about those changes. Ms. Currie advised she did not believe those changes could be affected by choosing to ignore the current code and decision standards and doing so would be a great disservice to the current and future citizens of Oxford. Ms. Currie noted she believed it could result in a no-plan and a chaotic situation in terms of planning. Ms. Currie advised it would behoove Council to listen to the recommendation of the Planning Commission and the members of that body volunteered their time at Council's request to advise Council on planning and zoning matters. Ms. Currie noted she believed the Planning Commission deliberated thoroughly and conscientiously on this case and concluded it did not meet the decision standards for a zoning change and she agreed with their conclusion.

Mr. Blackburn thanked members of the public who commented on the proposed Ordinance and noted Council appreciated their comments. Mr. Blackburn inquired what would stop the McCarthys from tearing down the house noting they could do that now. Mr. Blackburn advised he respected the idea that maybe the house could be saved. Mr. Blackburn noted he felt the neighborhood had changed as there used to be a meat processing plant in the area. Mr. Blackburn noted Council had been advised there were currently no properties available in the amount of 2200 to 2500 square feet.

Mr. Harman advised only one of the decision standards had to be met and Council had new information that indicated there was no available land in the RO District. Mr. Harman noted more information was presented to Council this evening than what was presented to the Planning Commission and the Planning Commission voted on what was presented to them. Mr. Harman advised he felt the new information justified change in the area.

Mr. McKeehan inquired what the sale price of the house was and Mr. McCarthy advised it was listed for $650,000. Mr. McKeehan noted he was surprised at the opposition to bring a vital service closer to community where people could walk to it. Mr. McKeehan noted he felt a doctor's office might be a nice fit in that location and a way of preserving a fabulous home.

Mr. Rutherford advised the decision standards were prefaced with the following language 'A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.' Mr. Rutherford referred to decision standard D. on page 103 of the agenda and noted Mr. Harman was correct in that there was zero land available in the RO District which was a technical issue but could be argued. Mr. Rutherford advised he was going to dismiss the issue of economic gain/conditions as Council did not render decisions based on economic gain/conditions. Mr. Rutherford noted he heard fear of the unknown from citizens who spoke out against the proposal and fear of losing the house. Mr. Rutherford advised he would like to know if it was possible to allow things like deed restrictions or preservation restrictions or to restrict the use to certain classes of professional use. Mr. Rutherford inquired if there was a way to assure a use and if that use was abandoned it reverted to the original use. Mr. Rutherford inquired it was possible to have a pending rezone.

Mr. Bogard provided examples of professional offices being located in homes in Oxford prior to the implementation of the zoning code. Mr. Bogard referred to Mr. Rutherford's comments and noted his feeling adding restrictions to zoning requests would embroil Council in the variables related to individual requests. Mr. Bogard advised regulations had evolved over time and Council needed to use the current regulations, requirements and interpretation of the decision standards at this point in time.

Mayor Keebler advised he felt the RO District was too broad and once rezoned any use in the zone would be allowed. Mayor Keebler advised he did not think the issue was the need for RO space and approval or disapproval of the request did not assure preservation of the home. Mayor Keebler noted he did not think rezoning the property would cause 'creep' because this was a unique property. Mayor Keebler noted a lot split could happen and a professional office might be preferable to a lot split. Mayor Keebler requested a report from the Law Director as to whether in fact choosing this one single property for a zone that was not contiguous present Council with what the courts had found to be spot zoning and not proper. Mayor Keebler requested the Community Development Department and the Law Director to address Mr. Rutherford's questions regarding restrictions.

Mr. McHugh advised substantial change was a key factor for Council to consider.

Mayor Keebler called for a 5 minute recess at 10:38 p.m. and Council reconvened at 10:44 p.m.

<u>Ms. Currie moved to extend the meeting until 11:30 p.m. Mr. Rutherford seconded. The motion passed 6-1-0 with Mr. Bogard voting nay.</u>

ORDINANCES
SECOND READING

ORDINANCE
ANNEXATION

An Ordinance No. 3108 Accepting The Annexation Petition From The City Of Oxford, Butler County, Ohio For 0.559 Acres Of Land In The Township Of Oxford, Butler County, Ohio And Accepting Said Territory To Be Annexed. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the annexation was necessary to assure the traffic control signal at this intersection would be built to City standards as opposed to ODOT standards.

<u>Mr. Bogard moved to adopt Ordinance No. 3108. Ms. Currie seconded. The Ordinance was adopted by the following roll call:</u>

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

NAY: None (0)

ABS: None (0)

GENERAL DISCUSSION

UPTOWN SIDEWALK PERMITS

Mr. Harman noted a sidewalk permit allowed business owners to extend their operations out into the sidewalk for a cost of $50.00 per year. Mr. Harman inquired how the City had contacted those that were in violation. Mr. Chen advised the City had sent at least 3 letters to business owners since the Ordinance was adopted in 2008 and Officer Buchholz had distributed the permit application to business owners. Mr. Harman inquired what the fine was for violation and Mr. Chen advised $500.00. Mr. Harman inquired what the advantages of having a sidewalk permit were. Mr. Chen advised tables and chairs for dining or retail operations could be extended outside on the sidewalk area. Mr. Harman inquired if a sidewalk permit was required for the use of a sandwich board and Mr. Chen advised no. Mr. Harman inquired how many business owners were in violation and Mr. Chen advised approximately 14.

Mayor Keebler directed the Community Development Department to make a personal visit to each violator followed by a warning letter. Mayor Keebler advised it was time to begin issuing citations to the violators as it was not fair to those who were in compliance.

PORSCHES2OXFORD EVENT

Ms. Diana Durr, Oxford Visitors and Convention Bureau, advised since the Resolution was adopted to allow the Porsches2Oxford participants to hold an event in the Uptown Park including the sale of beer, the committee had now asked for the ability to sell wine as well under the F2 State of Ohio Liquor Permit.

After discussion Mayor Keebler requested new legislation to address the matter.

ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Dreisbach updated Council with regard to pending OKI projects. Mr. Dreisbach noted the reconstruction work had begun on High Street and recognized City Engineer, Victor Popescu for obtaining $400,000 in grant funds from the Ohio Public Works Commission for the project. Mr. Dreisbach recognized Scott Flanigan and his crew of the Water Distribution Division for their efforts in the installation of the water improvements for the High Street projects. Mr. Dreisbach updated Council with regard to several other projects slated for the City in the near future.

Mr. Dreisbach advised he would provide a report to Council regarding the delay in improvements to SR-732 before the next Council meeting.

Mr. Chen reminded everyone to complete and mail in their Census forms.

Mr. Kyger updated Council with regard to Economic Development initiatives including the Miami Heritage Technical Park, the Demographic and Marketing RFP and the Western Knolls RFP.

Mr. McKeehan wished the Miami Red Hawks Hockey Team all the best in the Frozen Four beginning Thursday.

Mr. Rutherford advised business owners in the Uptown District had contacted him with concerns regarding changes in occupancy limits and requested a report from the Fire Department regarding the issue. Mr. Rutherford encouraged everyone to attend the 'Green Screen' environmental film at the Oxford Community Arts Center on April 14, 2010 at 7:00 p.m.

Mr. Bogard encouraged residents to protect their plants as the deer were out in full force.

Ms. Currie reminded citizens they could view City Council, Planning Commission and Board of Zoning Appeals meetings on the City's Website. Ms. Currie congratulated Ms. Brahier for achieving a perfect score on an exam she recently took for the National Swimming Pool Foundation. Ms. Currie reminded everyone that the Kinetic Sculpture Race celebrating the City's Bicentennial would take place Uptown on April 24, 2010 at 11:00 a.m.

Mr. Harman advised May was National Historic Preservation month and noted walking tours would take place every Saturday in May from 1:00 to 2:00 beginning at the Oxford Visitors and Convention Bureau. Mr. Harman noted a Community Open House and Historic Awards Ceremony would take place May 13, 2010 from 5-7 p.m. at the Oxford Community Arts Center.

Mr. Blackburn thanked Ms. Eaton for assembling the agenda and Friday Packets for Council noting there was a lot of material for Council's review before this meeting. Mr. Blackburn thanked Mr. Dreisbach for filling in for Mr. Elliott while he was recovering from surgery.

Mayor Keebler noted these were exciting times for the Miami Red Hawks and encouraged everyone to cheer them on.

ADJOURNMENT

Ms. Currie moved to adjourn at 11:11 p.m. Mr. Rutherford seconded. The motion passed 7-0-0.