A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, May 4, 2010 at 7:00 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; 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 the employment of public employees and (3) pending litigation. Mr. McKeehan seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Blackburn moved to return from Executive Session at 7:31 p.m. Ms. Currie seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION
'NATIONAL PRESERVATION MONTH'

Mayor Keebler read the Proclamation and advised Council received a letter from Ms. Laura Henderson, Vice Chair of the HAPC who indicated she was sorry she could not be in attendance but appreciated Council's support of National Historic Preservation Month and the HAPC in its efforts to promote historic preservation in the community. Mayor Keebler presented the Proclamation to Mike Smith, Chair of the HAPC.

Mr. Harman thanked the members of the HAPC for their efforts noting they generously volunteered their time which was very much appreciated.

Mr. Mike Smith, thanked Council for their support of historic preservation and their support of the HAPC and their promotion of historic preservation. Mr. Smith reminded everyone the HAPC would again provide tours of the Uptown Historic District every Saturday in May at 1:00 p.m. starting at the Visitors and Convention Bureau. Mr. Smith encouraged everyone to attend the Open House on May 13, 2010 at the Community Arts Center where two preservation awards would be presented for historic projects and representatives from the State of Ohio would be in attendance to discuss historic tax credits.

PROCLAMATION
'PEACE OFFICERS MEMORIAL DAY'

Mayor Keebler read the Proclamation and presented one to Chief Schwein of the Oxford Police Department, Chief McCandless of the Miami University Police Department, Sergeant Schulheiss of the Butler County Sheriff's Department and Sergeant Nichol of the Oxford Township Police Department.

Chief McCandless, thanked Council for the Proclamation on behalf of the Miami University Police Department. Chief McCandless noted Oxford was fortunate to have Steve Schwein as Police Chief and he had enjoyed working with Chief Schwein over the past five years. Chief McCandless advised the City of Oxford and Miami University Police Departments had a wonderful partnership.

ANNUAL REPORT
MCCULLOUGH-HYDE
MEMORIAL HOSPITAL

Mr. Bryan Hehemann, CEO and President, advised this was his second year to report to the Mayor, Council and staff and it was his pleasure to represent the Hospital Board, employees and medical staff at McCullough-Hyde. Mr. Hehemann advised he provided a written report to Council which outlined the hospital's accomplishments in 2009, patient care activity and revenues, total expenses, hospital margin, Hospital Trust changes, auxiliary and volunteers, leadership, and key objectives/initiatives for 2010. Mr. Hehemann noted one of the hospital's key initiatives was to constantly improve clinical quality and patient satisfaction. Mr. Hehemann advised the hospital had enjoyed some growth in some clinical areas and they only targeted specific growth where they believed the needs of the community were not being met locally.

Mr. Hehemann noted the hospital was stable financially which reflected the effort of the Board and management team under a five year plan to remain strong and better serve the community. Mr. Hehemann advised the hospital had undertaken a key objective for 2010 which was to conduct a Master Facility Planning Process and he would like direction from Council or staff with regard to future growth and constraint issues given their borders on the west and south sides of the campus.

Mayor Keebler advised Council appreciated the Annual Report and noted it was important that the residents in the community realized what a gem it was to have a hospital in a community of Oxford's size. Mayor Keebler wished Mr. Hehemann continued success in the future.

PRESENTATION
BUTLER COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Ms. Holly Boyd, Support Coordinator, Butler County Board of Developmental Disabilities, discussed the Board's 'Erase the R Word' campaign. Ms. Boyd noted in 2009 their name was changed from the Butler County Board of Mental Retardation and Developmental Disabilities to the Butler County Board of Developmental Disabilities. Ms. Boyd advised the people they served did not like the word 'retarded', it was used as slang, and was redundant because retardation was a developmental disability. Ms. Boyd noted the agency was running public service announcements on local television and radio stations with regard to their awareness program and provided posters, the annual report and a video for Council members. Ms. Boyd thanked Council for their continued support of the agency.

PUBLIC COMMENTS

Ms. Bobbe Burke, 722 David Drive, noted graduation at Miami was coming up this weekend and a lot of activities were taking place. Ms. Burke reminded everyone the Red Brick Rally would take place on Friday evening on High Street and noted her hope Council members would attend. Ms. Burke advised the ShareFest project would begin on Thursday and she was looking forward to another successful outcome. Ms. Burke noted there were volunteer opportunities available for those interested. Ms. Burke thanked all of those who helped plan the project including City staff members Jung-Han Chen and Andrew Wilson. Ms. Burke noted summer orientation at Miami would begin early in June and end in early July and Walkabouts would take place in late August to welcome students back to Oxford. Ms. Burke advised Matt Ciccone would serve a second term as the Associated Student Government's Secretary for Off Campus Affairs. Ms. Burke thanked Council for their continued support of Miami University's initiatives.

Ms. Kathleen **Zien**, 6060 Joseph Drive, suggested an address or the words 'Stewart Square' appeared in the title of Ordinance number 3 on page 2 of the agenda.

Ms. Zien requested information regarding the Deer Management Program noting it was still very much a problem in certain areas which Mr. Elliott addressed.

Ms. Zien noted since the diagonal parking spaces for public use at the City Building were limited it would be helpful if Police and Fire vehicles did not use them.

Alan Kyger, 6164 Contreras Road, addressed Council on behalf of the Chamber of Commerce noting he was on the Steering Committee for the Wine and Art Affair. Mr. Kyger noted the event would take place on Saturday, May 22, 2010 from 1:00 to 10:00 p.m. with 9 vineyards, 23 artisans and four local food vendors participating. Mr. Kyger encouraged everyone to attend the event.

CONSENT AGENDA

MINUTES

Minutes of the April 20, 2010 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the April 13, 2010 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the April 21, 2010 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

RESOLUTION
CITY AUCTION

A Resolution No. 4532 declaring certain surplus City property no longer needed for municipal purposes and authorizing its advertisement and sale to the highest bidder at public auction. (Steve Schwein, Police Chief)

RESOLUTION
SALVAGED VEHICLES

A Resolution No. 4533 authorizing the sale of salvaged, junk and/or abandoned motor vehicles. (Steve Schwein, Police Chief)

RESOLUTION
RETAIN PROPERTY

A Resolution No. 4534 authorizing the Oxford Division of Police to retain for use by the municipality certain unclaimed property in its possession. (Steve Schwein, Police Chief)

RESOLUTION
VEHICLE PURCHASE

A Resolution No. 4535 authorizing the City Manager to enter into a contract with Miami Valley International Trucks, Inc. for the purchase of a 2011 International 7400 two wheel drive truck and specified options at discounted state contract pricing at a cost not to exceed $92,936.00. (Mike Dreisbach, Service Director)

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

RESOLUTION OF NECESSITY

A Resolution No. 4536 declaring that it is necessary to improve those portions of certain properties on multiple streets in the City of Oxford, Ohio by re-paving, re-curbing, and repairing the curbs, gutters and sidewalks. (Mike Dreisbach, Service Director)

Mr. Dreisbach discussed his staff report as presented on page 49 of the agenda. Mr. Dreisbach provided Council with a substitute document for 'Exhibit A' on page 52 of the agenda since four parcel owners completed the necessary repairs. Mr. Dreisbach noted the Clerk would mail notices to property owners with deficient curbs, gutters or sidewalks giving them the option to make the repairs or the City would proceed with the repairs and assess the cost to the owner's tax duplicate over a 5 year period at a rate of 5%.

Ms. Vanessa Cummings, advised several residents inquired why they were responsible for repairs to a state highway. Mr. Dreisbach noted in municipal corporations ODOT deferred to the local population and the City Ordinance required property owners to pay for curb, gutter and sidewalks.

Mr. Blackburn inquired if property owners were given a potential list of contractors to perform the repairs and Mr. Dreisbach advised yes.

Mr. Coe Potter, inquired how quick the assessments would be recorded at the courthouse and noted a few years ago some property owners did not disclose the assessment when properties were sold and Mr. McHugh advised it would take several months.

Mr. Bogard moved to adopt Resolution No. 4536. Mr. Rutherford seconded. The motion passed 7-0-0.

MOTION TO RECONSIDER

Ms. Currie noted she was delighted for Council to have the opportunity to reconsider the proposed Ordinance with the full Council in attendance.

Mr. Rutherford noted the last vote was a tie and as a result the proposed Ordinance did not pass. Mr. Rutherford advised the issue had brought to light some serious difficulties in the Zoning Code and in the community. Mr. Rutherford noted there had been a slow destruction of historic properties in the mile square due to those properties being converted to unsupervised rentals. Mr. Rutherford noted his hope a citizen committee would be assembled to do the hard work of making modifications to the Planning and Zoning Code to allow the Planning Commission and City Council to assist the owners of significant properties to protect those properties for the enjoyment of everyone. Mr. Rutherford encouraged citizens to continue participating in those discussions.

Mayor Keebler advised there was a motion to reconsider the proposed Ordinance by a member of Council from the prevailing side.

Mr. Blackburn moved to Reconsider 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. Mr. Rutherford seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
ZONING MAP AMENDMENT
SECOND READING

An Ordinance No. 3111 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)

Mayor Keebler advised the original motion was made by Ms. Currie to accept the recommendation of the Planning Commission to deny the Zoning Map Amendment application seconded by Mr. McKeehan.

Ms. Currie moved to adopt Ordinance No. 3111. Mr. McKeehan seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. McKeehan, Mr. Keebler (4)

NAY: Mr. Harman, Mr. Rutherford, Mr. Blackburn (3)

ABS: None (0)

ORDINANCES
FIRST READING

ORDINANCE
MAP AMENDMENT

An Ordinance Granting A Zoning Map Amendment For Property Located At 5990 Contreras Road, Oxford Lot 1119 (H4100-016-000-047) Rezoning The Property From R1B (Single-Family Medium Density Residential) District To RO (Office Residential) District. (Jung-Han Chen, Community Development Director)

Mayor Keebler advised with the passage of the previous Ordinance the proposed Ordinance was moot.

Mr. Rutherford moved to amend the agenda to remove the proposed Ordinance for the rezoning of the property on Contreras Road to RO. Ms. Currie seconded. The motion passed 7-0-0.

ORDINANCE
EXTEND CONDITIONAL
USE PERMIT

An Ordinance Approving The Extension Of The Conditional Use Permit For A Miami University Community Federal Credit Union Branch Facility With A Drive-Through At 5120 College Corner Pike, Approved By Ordinance No. 2932 On November 21, 2006, For A Period Of Six Months. (Jung-Han Chen, Community Development Director)

Mr. Chen referred to page 144 of the agenda and noted Mr. Rick Parker requested an additional extension of the Conditional Use Permit and advised Mr. Parker was in attendance to answer any questions.

Mr. Rick Parker, President/CEO, Miami University Community Federal Credit Union, advised the Credit Union purchased the property on College Corner Pike in 2005 and had been working for 5 years to position the Credit Union to grow and expand. Mr. Parker noted the Credit Union had come through the recession with the highest ranking for safety and soundness given by the Federal Government and they took that cautionary approach to what would be a 1.2 to 1.4 million dollar investment on College Corner Pike. Mr. Parker advised the Credit Union had selected a contractor and had met all requirements to begin construction of the new facility.

Mr. Rutherford noted he looked forward to the opening of the new Credit Union facility.

Mr. Bogard congratulated Mr. Parker for receiving the highest ranking for a financial institution.

ORDINANCE
PRELIMINARY AND
FINAL PLAN

An Ordinance Approving The Preliminary And Final Plan For A Major Change To An Approved Planned Development With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the applicant was seeking a combined preliminary/final plan to an approved PUD to replace a mixed-use building with a single-use, 74 room hotel. Mr. Chen advised after a lengthy discussion the Planning Recommendation recommended approval of the plan with the conditions listed on page 145 of the agenda. Mr. Chen advised the applicant was in attendance to make a presentation.

Mr. Scott Webb, Architect, advised the proposed change would replace the final 10,000 square feet of commercial tenant space in a mixed use building with a 15,000 square foot footprint for a single use 45,000 square foot 3-story hotel. Mr. Webb provided a PowerPoint presentation detailing all aspects of the proposed hotel project. Mr. Webb offered to answer any questions.

Ms. Kathleen Zien, 6060 Joseph Drive, noted reading the paper trail it was hard to believe the applicant wanted this approval done administratively as a minor change. Ms. Zien advised her feeling the discrepancy on use was clear in the applicant's statement on page 157 of the agenda 'As the site was approved for a mix of commercial and residential a hotel on the site does not change the use'. Ms. Zien noted the proposed radical alteration for Stewart Square was a major change from the original 2004 plan and subsequent 2005 Ordinance. Ms. Zien noted her feeling a hotel would not have originally been approved on that site. Ms. Zien referred to the applicant's letter on page 158 of the agenda 'As this building merely changes the mix of commercial and residential as approved' and noted it eliminated the mix of what was approved. Ms. Zien referred to the applicant's statement that 'Adding a large vibrant commercial use in the development enhances and livens the mixed-use concept' and noted her feeling it was not a vibrant daily commercial use when its only for transients and a hotel offered nothing to the daily life of Oxford residents. Ms. Zien disagreed with Mr. Webb's statement that a market study was not required for viability noting that was ludicrous since a hotel was a totally new use. Ms. Zien advised her feeling it was rare that a hotel room could not be found in Oxford and noted as a college town hotel use was predictable based on the university's event calendar. Ms. Zien disagreed with Mr. Webb's statement that the proposed hotel would lessen hotel guest's dependence on cars as they visited the City noting her feeling hotel guests would not walk from College and Spring Streets to Millett Hall, Kumler Chapel or Uptown. Ms. Zien asked Council to carefully review the applicant's statements regarding the decision standards with flawed arguments before the second reading. Ms. Zien noted 6 years ago Stewart Square was promised to be a win for Oxford residents with destination retail shopping which never materialized as businesses only made lateral moves from one part of town to another with no net change in retail. Ms. Zien asked Council to carefully examine the hotel proposal.

Mr. Kyger addressed Council as a member of the Visitors and Convention Bureau Board noting the VCB endorsed the concept of a new hotel in this location. Mr. Kyger noted he and Ms. Durr of the VCB met with the managers of existing hotels in Oxford and no one objected to the proposal. Mr. Kyger noted several weeks ago he provided Council with economic impact data with regard to occupancy rates which showed that Oxford brought more visitors into the community than could be housed in the community and especially on weekends. Mr. Kyger advised he projected the proposed hotel would bring $87,000 in revenue to Oxford per year in bed tax, income tax and property tax. Mr. Kyger advised the Community Improvement Corporation also endorsed the concept of a new hotel as economic stimulus to the area.

Mr. Rutherford advised the Zoning Code had a provision whereby a PUD could be modified and noted his feeling the applicant should not be demonized for taking that opportunity. Mr. Rutherford suggested the landscape buffer between the parking area and the former Miami Valley Lumber property be reduced from 10 feet to 6 feet to comply with the vehicle management code and to allow a 16 foot service drive along the back which would increase the loading area to 20 feet. Mr. Rutherford noted concern with the aesthetics of the west elevation.

Mr. Harman inquired how many job opportunities would be created and Mr. Webb advised 15 or an equivalent of full and part-time positions.

Ms. Currie noted she was delighted to see the reduction of apartments and she would rather see a hotel on the site verses more empty retail space.

Mr. McKeehan advised he agreed with Ms. Currie and noted the current retail was almost full with the exception of the former Wal-Mart.

Mr. Bogard inquired if there was enough room on the back side of the property for a fire truck to maneuver and Mr. Webb advised yes. Mr. Bogard requested clarification with regard to traffic flow and pedestrian ways which Mr. Webb addressed.

ORDINANCE
SPECIFICATION MANUAL

An Ordinance Adopting A Revised And Amended Water And Sanitary Sewer Improvements Specification Manual. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the Service Department completed a five year review of the Water and Sanitary Sewer Improvements Specifications Manual and made modifications to clarify various requirements of the manual and to simplify the language in the manual where possible. Mr. Dreisbach noted constructions drawings had been modified to clarify notes and comments in the drawings. Mr. Dreisbach explained each modification as outlined on pages 210 to 220 of the agenda.

Mr. Rutherford referred to sewers being extended to all **upstream** boundaries and advised that was not always the case.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3089. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2010. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on pages 221 and 222 of the agenda.

ORDINANCE
AMEND FEES

An Ordinance Amending Ordinance No. 3090. Change In Established Fee Ordinance Number 1 To Make Changes In Established Fees For Fiscal Year 2010. (Joe Newlin, Finance Director)

Mr. Newlin advised the City recently changed banks and the new bank charged $5.00 for non-sufficient funds checks compared to $30.00 with the previous bank and the fee to customers needed to be adjusted accordingly.

ORDINANCES
SECOND READING

None.

ANNOUNCEMENTS

Mr. Elliott noted Council received a letter from the Tri Board expressing their support for re-use of the current High School to include public use of the gym, weight rooms, and sports fields. Mr. Elliott noted the School Board wanted to meet with Council as they had been approached by citizens who wanted to discuss the re-use as a 'One Stop Shop' for social service agencies. Mr. Elliott advised he would work with Mayor Keebler to set a date for a Work Session with the School Board.

Mr. Elliott updated Council with regard to the US-27 South improvement project.

Mr. Elliott advised the City was notified of surplus property on Todd Road consisting of 11 acres on two parcels. Mr. Elliott noted if there was any interest on the City's part to let him know.

Mr. Dreisbach advised the Service Department was getting ready for graduation weekend and would hang the flower baskets this week. Mr. Dreisbach thanked the Des Fleurs Garden Club for planting the southern flower bed at the Uptown pavilion in recognition of the City's Bicentennial.

Chief Schwein thanked Council for the Proclamation in honor of 'Peace Officers Memorial Day' and noted he was very proud of the men and women who served on the Oxford Police force and their relationship with local agencies.

Mr. Bogard advised on April 20th he was at the 100th anniversary meeting of the American Association of Collegiate Registrars and Admission Officers in New Orleans. Mr. Bogard noted he was president of the association in 1983. Mr. Bogard advised he wanted Council and the public to know where he was when the tie vote occurred with regard to rezoning. Mr. Bogard noted for future considerations for the development of new zoning districts or regulations Council, the Planning Commission or citizen committees needed to be careful how they applied zoning codes to land use and when Council applied new regulations they needed to be applied evenly across the board.

Mr. Rutherford advised he did a 'Ride Along' with the Police Department which was a remarkable experience and encouraged all Council members to take the opportunity to do so.

Mr. Rutherford noted his feeling Council needed to have a serious discussion with regard to professional uses particularly in residential areas whether it was by the expansion of the home occupation regulations or by utilizing a conditional use permit.

Mr. Rutherford advised a member of Council could propose legislation for the Planning Commission to consider and make a recommendation to Council or the issue could be undertaken by having a citizen committee look at issues within residential areas and what could be done to preserve the important properties within the City. Mr. Rutherford advised he would work on the initiative diligently to try to ensure the long term preservation of important structures within the City.

Mr. Rutherford discussed the issue of Attorney/Client privileged letters and noted his feeling the letter Mr. McHugh prepared with regard to spot zoning of 5990 Contreras Road should be released to the public. Mr. Rutherford noted Council had a public discussion regarding the matter and he felt Council did not have honest dialog with the citizens since they had not seen the letter.

Mr. McHugh addressed the issue of Attorney/Client Privilege and strongly recommended the letter not be released to the public.

Mr. Rutherford moved to release Mr. McHugh's letter of April 16, 2010 to City Council with regard to spot zoning of the McCarthy property located at the intersection of Jacqueline Drive and Contreras Road. Mr. Harman seconded. The motion failed 2-5-0 with Mr. McKeehan, Mr. Bogard, Ms. Currie, Mr. Blackburn and Mayor Keebler voting nay.

Mr. McKeehan reiterated that volunteer opportunities were available for those wishing to participate in the ShareFest project. Mr. McKeehan noted the used items would be for sale this year as opposed to being free of charge at the former Big Lots location. Mr. McKeehan encouraged residents to visit the location noting the proceeds would benefit the local social service agencies.

Ms. Currie thanked those who participated or were spectators at the Bicentennial Kinetic Sculpture Race. Ms. Currie noted the Bicentennial Picnic on July 17, 2010 from 6 to 10:00 p.m. was moved from the Black Bridge to the Pioneer Farm in anticipation of a large crowd. Ms. Currie advised families could bring picnic dinners and some food would be for sale, youth service organizations would sell lemonade, iced tea and watermelon. Ms. Currie noted old fashioned picnic games were planned as well as a variety of music and square dancing.

Mr. Harman advised the Porsches2Oxford event would take place July 30th and 31st and advised he would welcome comments from Council and staff with regard to the enforcement of front license plates. Mr. Harman noted a lot of show cars did not have front license plates and if the law was enforced it could tarnish a very nice event in Oxford. Mr. Harman advised Council approved noise abatements and inquired if they could approve a front license plate abatement. Mr. Elliott advised this was a state law and local residents had received citations for the offense. Mr. Rutherford noted certain streets were set aside for the event by use of right-of-way permits. Mr. Bogard noted common sense needed to be used with regard to issuing citations.

Mr. Blackburn inquired if there were any plans to replace the Police Dog who recently passed away. Chief Schwein advised there was a special fund set up at the Oxford Community Foundation.

ADJOURNMENT

Ms. Currie moved to adjourn at 9:41 p.m. Mr. Rutherford seconded. The motion passed 7-0-0.