A work session of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, May 6, 2008 at 6:00 P.M. Those Council members present were, Ken Bogard, Alysia Fischer, Kate Currie, Richard Keebler, Doug Ross, and Greig Rutherford.

Staff members present: Doug Elliott, City Manager; Jung-Han Chen, Community Development Director; Mike Dreisbach, Service Director; Steve Schwein, Police Chief; Alan Kyger, Economic Development Director; Steve McHugh, Law Director and Mary Ann Eaton, Deputy Clerk of Council.

APPROVAL OF AGENDA

Mr. Ross moved approval of the Agenda. Ms. Fischer seconded. The motion carried 7-0-0.

The purpose of the Work Session was for Council and staff to continue discussion regarding the location for the proposed new Court and Police facility.

Mr. Elliott noted at the March 6, 2008 Work Session Council discussed financing for the proposed Municipal facilities and tonight he would like Council to provide feedback regarding their thoughts and hopes for the project. Mr. Elliott advised out of the 15 site selections his hope was to narrow them down to 2 or 3 so the appraisal process could begin.

Mr. Elliott provided a handout to Council which included 15 locations suggested to date, site selection criteria, a comparative evaluation of the sites, an individual site selection evaluation, and an aerial photo of each location.

Council discussed the various locations and the consensus was that Southpointe Crossing as well as University Parkway were not conducive for this project.

The sites which seemed most favorable were the former Odd Lots site, the former Miami Valley Lumber site, the Main and Sycamore Street area, and the Tri property. Council also discussed Miami University’s former food storage building.

Mr. Elliott advised he would provide a synopsis of Council's written responses in their Friday Packet.

ADJOURNMENT Mr. Keebler moved to adjourn at 7:00 p.m. Ms. Currie seconded. The motion carried 7-0-0.

A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, May 6, 2008 at 7:30 p.m. Those members present were Ken Bogard, Kate Currie, Richard Keebler, Alysia Fischer, Doug Ross and Greig Rutherford.

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. Heidi Hill, Acting Finance Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Deputy Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Ms. Currie 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) Appointments to Boards and Commissions and (3) Pending litigation. Ms. Fischer seconded. The motion passed by the following roll call:

AYE: Ms. Currie, Mr. Ross, Ms. Fischer, Mr. Keebler, Mr. Bogard, Mr. Rutherford Ms. Dana (7)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Rutherford moved to return from Executive Session at 7:28 p.m. Ms. Currie seconded. The motion passed by the following roll call:

AYE: Ms. Fischer, Mr. Rutherford, Mr. Keebler, Ms. Currie, Mr. Bogard, Mr. Ross Ms. Dana (7)

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIENCE

Mayor Dana requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Fischer moved to approve the agenda. Mr. Rutherford seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PROCLAMATION
'NALC FOOD DRIVE DAY'

Mayor Dana read the Proclamation and presented it to Mr. Phil Best who through his association with the Choice Pantry stated he would see the letter carriers received the Proclamation.

PROCLAMATION
'PARENTS WHO HOST
LOSE THE MOST'

Mayor Dana read the Proclamation and presented it to Ms. Amy Macechko. Ms. Macechko thanked Mayor Dana and the members of Council for the proclamation. Ms. Macechko stated this was the third year that the Talawanda School District received a grant from the Drug-free Action Alliance to canvass the community with the important message regarding providing alcohol to underage students. Ms. Macechko thanked the many business owners who allowed the materials to be in their establishments for distribution. Ms. Macechko thanked both the Oxford Police Department and the Miami University Police Department for their collaboration with the Talawanda School District to increase enforcement during the prom and graduation season to ensure the students' safety and health.

PROCLAMATION
'EMS WEEK'

Mayor Dana read the Proclamation and presented it to Mr. Jordan Gula.

PRESENTATION

Spring Clean Oxford – Ms. Bobbe Burke, 722 David Drive, noted one of the joys of her job was working with the students on their initiatives. Ms. Burke stated there were two big clean up days, one in the fall and one in the spring. Ms. Burke noted for many years the spring event had been hosted by the Greek community. Ms. Burke introduced Jessica Tepas, President of the Panhellenic Association; Jamie Kyriakedes, President of the Interfraternity Council; and Kendall McCune, Vice President for Community Relations/Community Service from the Panhellenic Association who joined her in the presentation.

Ms. Kendall McCune, thanked Ms. Burke as well as Council for allowing them to provide a presentation. Ms. McCune noted the packet that had been provided to Council prior to the meeting. Ms. McCune advised there were 553 participants for the event and noted the projects included in the packet. Ms. McCune stated the students enjoyed giving back to the community that they were so proud to be a part of.

PRESENTATION

McCullough-Hyde Memorial Hospital – Mr. Richard Daniels noted this was his 29th and last presentation of the annual report for the hospital. Mr. Daniels stated a lot of things had changed over the years. Mr. Daniels stated one major event at the hospital in the past year was the chef's celebration that the physicians sponsored, which raised over $100,000 last November, and went toward the purchase of medical equipment. Mr. Daniels noted that was the third annual event of that nature, and just shy of $300,000 had been raised during those events. Mr. Daniels stated the Ross Medical Center was just recently opened in Ross Township. Mr. Daniels advised such services as physical therapy, x-ray, magnetic resonance imaging, ultrasound, lab, endoscopy suite, pain management services and physician time-share space were offered presently at that space. Mr. Daniels stated that space was approximately 18,000 square feet and they gained access to another 5,500 square feet where they planned to put an urgent care facility, occupational health, CT scanning and additional physician office space. Mr. Daniels advised as far as hospital activity in the past year, there had been a slight decrease in inpatient status and a slight growth in outpatient status. Mr. Daniels noted it had been another tough year from a financial perspective. Mr. Daniels stated some of the loss from the year before was gained back. Mr. Daniels noted during his 28 years of service, five years or six had been losing financially. Mr. Daniels noted the improvement from a 1.3 million dollar loss to a .5 million dollar loss last year. Mr. Daniels noted his desire to perform well this year to keep the organization growing and continue its viability. Mr. Daniels advised over the past three or four years, the total revenue had increased approximately 22 percent, but deductions from revenue had increased 85 percent. Mr. Daniels explained deductions were what insurance companies did not pay, bad debts that had to be written off, charity care, what Medicare did not pay, and what Medicaid did not pay. Mr. Daniels summarized the amount of care provided at less than the charged rate had increased significantly. Mr. Daniels noted the hospital wrote off last year approximately 35 million dollars worth of care. Mr. Daniels addressed charity care, and noted the increase over the last several years. Mr. Daniels explained that was good in the sense that the bad debts have stayed flat for about four years while charity care increased from about 600,000 to 1.7 million dollars over the last four years. Mr. Daniels advised by identifying the people who did not have the resources to pay for the services as early as possible deleted the costly process of billing. Mr. Daniels stated the trust grew by approximately one million dollars this past year, and the Board transferred three-quarters of a million dollars to the hospital to purchase a cardiac monitoring system for the whole hospital. Mr. Daniels addressed the new project regarding the oncology clinic with a goal of raising $578,000 to renovate space in the hospital to relocate the service and expand it. Mr. Daniels noted to date; approximately $380,000 had been raised with the expectation of raising the rest before the end of the year. Mr. Daniels noted the auxiliary pledged $100,000 towards that project. Mr. Daniels noted the volunteers from the community, from Miami University, from the school systems in the area contributed over 20,000 hours of volunteer time. Mr. Daniels advised there are approximately 125 adult volunteers, 18 to 25 teen volunteers in the summer, and between 100 and 150 Miami students who volunteered. Mr. Daniels offered to address any questions or concerns.

PROCLAMATION
'RICHARD DANIELS DAY'

Mayor Dana read the Proclamation as a surprise and presented it to Mr. Daniels.

APPOINTMENTS TO
BOARDS AND COMMISSIONS

TRANSPORTATION NEEDS ASSESSMENT
AND FEASIBILITY SUBCOMMITTEE

Mr. Ross moved to appoint Prue Dana, Ed Deville, Tim McGowan, Perry Gordon, Diane Ruther-Verling, and Debbie Reiff to the Transportation Needs Assessment and Feasibility Subcommittee. Mr. Bogard seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Mayor Dana outlined the rules and procedures regarding public comments.

Mayor Dana read the following statement: 'The City of Oxford and Oxford Division of Police are committed to providing the safest environment possible to all individuals living, working in and visiting our City. This includes individuals who our police officers are attempting to arrest as well as the police officers themselves. The recent deployment of an ECD electronic device and the subsequent death of the individual involved have resulted in the immediate suspension of the ECD by the Oxford police officers until such time as a thorough investigation of the incident by the Butler County Sheriff's Department has been completed and that investigation has been reviewed by Butler County Prosecutor's Office. Both the investigation and the review will look at the incident itself, the policy, the procedure, the training and the medical cause of the death of Kevin Piskura. Until such time as all of this information is made available, the Oxford police officers' ECD use will remain suspended at the direction of the Oxford Police Chief, Steve Schwein. Prior to any decision or re-issuance of the ECDs, a thorough and comprehensive public discussion on deployment policy will be undertaken by the Council. Oxford City Council continues in offering its condolences to the Piskura family and joins them in asking for your patience and understanding while the answers to these questions are sought.

Mr. Thad Boggs, 109 Ardmore Drive, advised that on April 24th for the first time in several years, Miami's Associated Student Government held its first elections for off-campus senators. Mr. Boggs noted over 40 candidates ran for 24 spots, with over 1500 students voting. Mr. Boggs stated following elections, there was a training session to prepare the off-campus senators for next year. Mr. Boggs stated in conjunction with the Miami Office of Off-Campus Affairs, there had been three separate training sessions for students moving off campus in the hope of developing more knowledgeable tenants who were aware of their rights and responsibilities as tenants and residents of Oxford. Mr. Boggs extended his thanks to Mayor Dana and Council for inviting them along on the neighborhood walk last Friday.

Mr. Boggs noted it was a valuable experience. Mr. Boggs invited all to Oxford Exodus this coming Friday starting at 8:30 p.m. Mr. Boggs reiterated his desire to work with Council next year.

Ms. Janice Dutton, 302 West Vine Street, noted as a member of the Oxford Citizens for Peace and Justice, she wanted to speak on the Taser policy. Ms. Dutton stated regardless of the results of the investigation, they would like to ask Council to institute a full policy review allowing public input. Ms. Dutton stated since 2001, there had been more than 300 deaths following the use of Tasers and other such devices in the United States and Canada. Ms. Dutton quoted a 2004 report from Amnesty International calling the use of Tasers a domestic human rights issue. Ms. Dutton noted in 2006, the US Department of Justice launched an investigation into deaths in custody with Amnesty International testifying in that investigation in 2007. Ms. Dutton advised in 2005, police officers in five states filed lawsuits against Taser International claiming they suffered serious injuries after being shocked with the devices during training sessions. Ms. Dutton outlined several of the injuries alleged. Ms. Dutton noted in 2005, the Department of Homeland Security stated Immigration and Customs and Border Patrol had rejected arming their officers with Tasers. Ms. Dutton advised Taser International settled a lawsuit filed by its own shareholders who claimed the company obscured the truth about the safety of its weapons in 2006. Ms. Dutton stated in November of 2007, the United Nations Committee Against Torture expressed concerns that Tasers were instruments of torture and could cause death. Ms. Dutton noted while they were not speaking specifically to the most recent incident, there had been three incidents of tasing in three and a half months in Oxford, and the Oxford Citizens for Peace and Justice would like to see a full policy review. Ms. Dutton suggested review of such research as a report by the Police Executive Research Forum from the US Department of Justice. Ms. Dutton noted the Canadian government launched an investigation in their country citing a University of Chicago study in which 11 pigs were tased and three died in a matter of hours. Ms. Dutton stated there was a difference between cause of death, something that contributed to death and correlation of death.

Ms. Linda Kimball, 724 Melinda Drive, noted Ms. Dutton had performed extensive research. Ms. Kimball stated as a community, we faced a dilemma with regard to deployment of Tasers. Ms. Kimball noted City police officers were faced with challenges almost every day in their professions and may find their own safety jeopardized by performing their duties. Ms. Kimball outlined the various organizations that claimed the Taser is a safe, less lethal weapon. Ms. Kimball noted it was with the belief that Tasers were safe that they were used. Ms. Kimball stated what was learned in Oxford was depending on the location of the application of the Taser, the health or the condition of the individual tased, the 50,000 volts of electrical current passing through a suspect's body may not be safe or less lethal than a firearm. Ms. Kimball stated there was ample and growing evidence that this particular brand of Taser was a potentially lethal weapon. Ms. Kimball noted Amnesty International concluded their very extensive report on Tasers with, "because of safety concerns and potential for abuse, we do not believe Tasers should ever be used as a low or medium level force option by police officers, nor should they be permitted for sale to the general public.

As a general policy, Amnesty International called on all governments and law enforcement agencies to either cease using Tasers and similar devices pending the results of further studies into their use and effects or to limit their use to situations where officers would otherwise be justified in resorting to firearms where no lesser alternatives were available." Ms. Kimball suggested calling for a moratorium until there was independent study and research conducted on Taser safety and a full public policy and procedures review on Taser use.

Mr. Terry Perlin, 926 Silvoor Lane, noted the context in which such devices were used deserved special recognition. Mr. Perlin stated Oxford was not an average town, but a college town. Mr. Perlin referred to a report by the Harvard School of Public Health of binge drinking, which noted excessive drinking usually supported by commercial and other establishments within the town had become the norm and had increased in recent years. Mr. Perlin noted there was no scientific study of Tasers, either their use or abuse or their health consequences. Mr. Perlin noted the manufacturer, Taser International, described the devices as non-lethal alternatives. Mr. Perlin referred to the definition of "non-lethal" included on the Taser International website as "no injury or death is intended." Mr. Perlin stated while Tasers might be safe for some, they might not be safe for others such as elderly citizens with pacemakers or implantable ventricular assist devices. Mr. Perlin referred to the reports by both Amnesty International and the World Health Organization that argued repeated Taser use was the moral and physical equivalent of torture.

Ms. Connie Elliott, stated she would be giving her first presentation regarding the Smokey and Tornado Project tomorrow evening. Ms. Elliott outlined some of the other speakers who would be participating at the Family Resource Center at 5:30 p.m. tomorrow evening.

Ms. Betty Quantz, 322 West Vine, noted she attended a Council meeting several months ago where a check was received from the Butler County Environmental Services. Ms. Quantz referred to page 32 of the agenda where it stated Oxford qualified for a reimbursement of $22 per ton of recycling. Ms. Quantz wondered if rates would go down as a result of that reimbursement.

CONSENT AGENDA

Ms. Fischer requested removal of item B. Minutes.

MINUTES

Minutes of the April 15, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the April 2, 2008 Historical and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the April 8, 2008 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the April 16, 2008 Board of Zoning Appeals Meeting. (Donna Heck, Human Resources Director)

Report regarding the April 17, 2008 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

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

RESOLUTIONS

RESOLUTION
REPEALING RESOLUTION NO. 4323

A Resolution No. 4348 repealing Resolution No. 4323 approving the creation of a new fund for the 2008 operating budget to provide for housing and adopting a revised Resolution approving the creation of a new fund for the 2008 operating budget to provide for affordable housing. (Heidi Hill, Acting Finance Director)

RESOLUTION
AGREEMENT WITH
A&A SAFETY

A Resolution No. 4349 authorizing the City Manager to enter into an agreement with A&A Safety, Inc. for the purchase of a Wachs ERV-750 Valve Maintenance Trailer and specified equipment at a cost not to exceed $41,900.00. (Mike Dreisbach, Service Director)

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

MINUTES

Minutes of the April 15, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council and Janice Grill)

Ms. Fischer referred to page 20 of the agenda (page 12 of the minutes) and clarified paragraph two.

Ms. Fischer moved to approve the minutes as clarified. Mr. Rutherford seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION
ANNEXATION AGREEMENT

A Resolution authorizing the City Manager to enter into an Annexation Agreement with Bill D. Colwell for 40.113 acres of land on Kehr Road in the township of Oxford, Ohio to be annexed to the City of Oxford Corporation Limit, subject to the conditions stipulated in the annexation Agreement. (Jung-Han Chen, Community Development Director)

Mr. Chen explained this was the proposed annexation agreement the City would execute with the property owner. Mr. Chen noted in March, Council accepted the annexation petition. Mr. Chen stated this was the second step, which outlined the responsibilities of each party pertaining to the annexation and land development. Mr. Chen noted should Council authorize the City Manager to enter into the agreement, sometime in June or July, it should come before Council for acceptance of the territory into the City. Mr. Chen offered to address any questions or comments.

Ms. Betty Quantz, 322 West Vine, noted in the Council packet, there was a site map, but there wasn't one included in the packet she had. Ms. Quantz asked if there was one available to the public at this time. Ms. Quantz stated in light of the fact there was no site map available, once again Council was being asked to vote for something without seeing the map. Ms. Quantz referred to page 42 of the agenda, under number two regarding the preliminary development plan, attached as Exhibit C. Ms. Quantz asked if Exhibit C was available for public comment. Ms. Quantz asked if it was the Planning Commission who conceptually approved the preliminary development plan. Ms. Quantz referred to page 43, item number five, where it stated, "if annexation had not yet been completed, City Council would review the request to provide an advisory opinion." Ms. Quantz asked what an advisory opinion was when it was not a resolution or an ordinance. Ms. Quantz referred to item six on page 43 where it stated, "the owner shall also pay for any additional capacity if existing water service will not support the development of the property as determined by the Service Director." Ms. Quantz stated she assumed this meant the developer would pay for any increase in pipe should it be necessary. Ms. Quantz referred to number nine on page 43, and made a typographical correction. Ms. Quantz referred to number 11 on page 43, where it referenced 90 days and asked when the clock started on that time period. Ms. Quantz asked if it were possible to get the rezoning done in 90 days.

Dr. Orie Loucks, 6195 Fairfield Road, noted his concern with the absence of Appendix C. Dr. Loucks noted he attended the Oxford Township Trustees' meeting in their consideration for this proposal for annexation, and noted the concern by Oxford Township residents regarding the project for low-income housing and its concentration on 20 acres. Dr. Loucks explained they were being asked to consider rezoning for the full 40 acres with no information provided for what was planned on the remaining 20 acres. Dr. Loucks stated the Oxford Township Trustees requested a very different diagram for the development of the property.

Dr. Loucks suggested setting aside approval of the resolution until the Oxford Township Trustees had agreed on an appropriate distribution of conventional residential housing and low-income housing on the 40-acre parcel.

Ms. Betty Quantz, 322 West Vine, noted she also had a question regarding whether or not the Oxford Township Trustees had been approached about revenue sharing for this parcel.

Mayor Dana asked Mr. Chen to elaborate on the annexation procedure this Applicant pursued. Mayor Dana stated there was an initial meeting with Township Trustees discussing annexation in general. Mayor Dana noted she attended the April 14, 2008 Oxford Township Trustee meeting where they listed concerns, which she would share with Council, that were addressed in the annexation agreement.

Mr. Chen noted the path the Applicant had chosen was known as the single-owner petition, which was an expedited process. Mr. Chen stated the Applicant filed a petition with the County Commissioners, who forwarded the petition to the Township and the City for comments. Mr. Chen noted the Township and the City needed to respond to the County Commissioners within 30 days stating whether they agreed or rejected the petition or they could simply not respond to the petition inquiry. Mr. Chen noted following that, the County Commissioners could vote to grant the annexation or deny it, but denial had to be based on very limited criteria. Mr. Chen advised after that, within either 60 or 120 days, the annexing municipality would have to go through the final acceptance.

Mr. Elliott noted this was one of three expedited methods. Mr. Elliott stated the method chosen basically meant the land remained in the Township. Mr. Elliott noted it stated in the statute that the township would continue to receive the Township property taxes.

Mr. Keebler referred to Resolution 4336, which was approved by Council. Mr. Keebler asked if that went to the County Commissioners and Mayor Dana advised yes. Mr. Keebler asked if that was all Council was required to do prior to what was presently before them and Mr. Chen advised yes. Mr. Keebler asked if Mr. Chen knew the status of the Township's comments to the County Commissioners. Mayor Dana stated she asked the Township, and noted they had tabled it from one month to the next month. Mayor Dana noted since the Township did not comment, it was viewed as acceptance by the County Commissioners. Mr. Elliott noted that was in accordance with the statute. Mr. Keebler asked if the County Commissioners had voted to approve the annexation and Mr. Elliott advised yes.

Ms. Fischer referred to Exhibit C, which was not available in the packet. Ms. Fischer stated because Exhibit C was not available, she could not vote in favor of it. Ms. Fischer referred to number five on page 43 of the agenda, where it says the City agreed to accept an application to rezone the property. Ms. Fischer noted that stated merely the acceptance of an application, not an agreement to rezone the property. Ms. Fischer referred to number 11 on page 43 where it noted if the City failed to rezone the property, the owner could de-annex.

Mr. Bogard inquired what the beginning date of the process was and when the ending date was anticipated.

Mr. McHugh noted it had to sit for 60 days from the date it was received by the Clerk. Mr. McHugh stated at that point, Council had 120 days to make a determination whether to accept or deny.

Mr. Rutherford noted the absence of Exhibit C. Mr. Rutherford addressed the 20 acres of land for affordable housing, 35 units, and asked about a plan for the site. Mr. Rutherford noted the mention of Miller-Valentine and stated they oftentimes constructed multi-family dwelling units.

Mr. Keebler noted single-family housing units were presented to the Planning Commission.

Mr. Rutherford expressed concern with completing the rezoning process within 90 days. Mr. Rutherford referred to number eight on page 43 regarding a traffic impact study and asked about the scope of the study. Mr. Rutherford noted he was quite dissatisfied with the document as presented and would not be able to vote for it.

Mr. Ross noted the lack of sidewalks on Kehr Road from Chestnut to Booth. Mr. Ross stated it was a very unsafe place to be.

Mr. McHugh stated Exhibit B referenced in Section 3 of the resolution referred to the Annexation Agreement, which was included in the agenda on page 42. Mr. McHugh noted in referring to the Annexation Agreement, referenced there was the petition, which was located at page 46 of the agenda. Mr. McHugh noted the application for rezoning could actually go to the Planning Commission prior to Council considering the 60-day period.

Mayor Dana stated Council voted on the initial acceptance of the annexation, which started the process. Mayor Dana noted the desire of the Township Trustees to meet and discuss the annexation procedures. Mayor Dana noted Mr. Salmon was very familiar with the annexation procedures. Mayor Dana noted she attended the March 14 meeting of the Oxford Township Trustees at which time they stated to her that they wanted to make sure the annexation of the area went to the centerline of the roads and possibly clustering the development leaving more green space. Mayor Dana outlined several other concerns they had and noted she would bring them forward.

Ms. Fischer noted her support for low and moderate-income housing and the project as it was brought forth at Planning.

Ms. Fischer moved to table the Resolution until a properly labeled Exhibit B and Exhibit C were presented to Council and the public. Ms. Currie seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford (6)

NAY: Ms. Dana (1)

ABS: None

ORDINANCE
FIRST READING

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit To Permit A Fraternity House In The R2MS (Single and Two-Family Mile Square Residential) District Located At 320 E. Vine Street, Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the applicant was seeking a conditional use to allow a fraternity house to be located at 320 East Vine Street. Mr. Chen advised the Planning Commission discussed this issue in a very detailed manner. Mr. Chen noted the Planning Commission discussed the suitability of the site for the proposed use as well as the traffic impact, whether the proposed use was compatible with the general intent of the Comprehensive Plan and whether the proposed building was harmonious with the character of the general vicinity. Mr. Chen noted the Planning Commission's vote was four to two, recommending that Council allow the conditional use permit to be approved.

Ms. Betty Quantz, 322 West Vine Street, noted she had previously spoken about the dream of having families return to the Mile Square. Ms. Quantz stated her corner of the Mile Square was so fortunate that one house had recently sold to a family, while two others had been sold as student rentals. Ms. Quantz noted property became devalued with a fraternity next to or across the street. Ms. Quantz referred to the staff comments on page 73, which refer to the criteria for decision making, number one, and states, "Noise: Although there is an obvious increase in occupancy numbers, the proximity to existing multi-family residences and fraternities should minimize the impact to the site's neighbors." Ms. Quantz stated in her opinion, everything on the east of Main Street, anything goes. Ms. Quantz noted it's laughable that there would be no additional impact for the movement of traffic on adjacent public streets.

Mayor Dana invited comments from Mr. Bob Dearth.

Mr. Bob Dearth, 351 Oregon Street, Cincinnati, Applicant, stated he would be happy to address the issue of the proposal, present some maps and diagrams as well as answer any questions that might arise. Mr. Dearth stated the proposed residence application was for approximately 25 students. Mr. Dearth presented a map with blue dots representing fraternities within the Mile Square and the R2MS area with the light blue dot the proposed location at 320 Vine Street. Mr. Dearth noted it was contiguous to the other fraternities.

Ms. Fischer requested the use of 320 East Vine as opposed to just 320 Vine.

Mr. Dearth apologized and noted it was indeed 320 East Vine. Mr. Dearth presented the elevations of the building. Mr. Dearth noted the current structure was an approximately 2600-square foot multiple-family dwelling with eight occupants. Mr. Dearth stated the un-maintained alley was adjacent to another multi-family dwelling and the occupants of the buildings used the un-maintained alley as a pseudo driveway and parked in the unimproved area in the back. Mr. Dearth noted on-street parking was limited. Mr. Dearth stated they were proposing a two-story plus a basement addition. Mr. Dearth noted it would appear as a three-story addition from the rear due to the topography of the lot. Mr. Dearth advised there were two lots that needed to be consolidated to meet code requirements. Mr. Dearth stated the coverage areas had been scrupulously addressed with the architect. Mr. Dearth noted the addition of a front porch to enhance the character and preserve the perspective of the building. Mr. Dearth noted landscaping would be included in the plan as well. Mr. Dearth noted they were one of the newest fraternities on campus and outlined their objectives. Mr. Dearth stated there were no outdoor recreation areas planned.

Mayor Dana asked how many parking spaces were proposed.

Mr. Dearth noted there were eight as required. Mr. Dearth noted the limitation due to the coverage ratio and stated if there were some flexibility under that, they would put more off-street parking in.

Ms. Janice Dutton, 302 West Vine Street, stated when she served on the Planning Commission and City Government for 12 years, staff reports included all information required to make a decision. Ms. Dutton suggested in order to make a decision regarding this matter, Council needed to know what the Comprehensive Plan said about this area as well as what the purpose of R2MS was. Ms. Dutton noted the Comprehensive Plan was a contract the City and Council made with the citizens of Oxford. Ms. Dutton stated an unimproved area in the back in a residence was really known as the back yard of a single-family home.

Ms. Kathleen Zien, 6060 Joseph Drive, suggested the Councilors ask any questions of Mr. Dearth so as to maybe trigger something the public might like to comment on. Ms. Zien noted she had spoken to Chairman Brewer with the Planning Commission regarding this application. Ms. Zien stated Chairman Brewer introduced this case and opened the floor for public comment. Ms. Zien noted she thought the Applicant would present his case, but nothing happened. Ms. Zien stated Mr. Dearth's presentation to the Planning Commission was brief. Ms. Zien noted her questions should have been easily addressed such as what the current occupancy was. Ms. Zien stated future occupancy was not included in either the staff report or the application. Ms. Zien advised after the public portion closed, it was brought forth that occupancy would be increased threefold to 25. Ms. Zien noted Mr. Bob Karrow wanted to ask what impact the increase in occupancy would have on sewer and water. Ms. Zien stated the tripling of the number of tenants wasn't available for the City Engineer's review as well. Ms. Zien stated had the information been provided before the public comments, those present would have been able to follow up.

Ms. Zien noted the formula of two parking spaces for every five beds for fraternities was not realistic. Ms. Zien referred to the on-site parking diagram on page 71 and noted it looked to accommodate nine vehicles. Ms. Zien noted Mr. Dearth had previously projected a minimum of 75 percent of the home's occupants would have vehicles. Ms. Zien stated when she attempted to photograph the house; there was no curbside parking to be found for four city blocks. Ms. Zien noted to permit additional group housing in that neighborhood already strapped with students and currently exceeding parking limitations wasn't responsible as evidenced by some of the public letters on pages 62 through 65 of the agenda. Ms. Zien stated other citizens and a librarian knew more about the building and its history than the applicant or realtor. Ms. Zien supplied a brief history of the home. Ms. Zien stated the fraternity to the north had to get their portion of the alley vacated before they could put on an addition. Ms. Zien stated the basement and garage floor drains of the subject property dumped excess water into City storm sewers. Ms. Zien stated she was advised the drains were installed due to water problems. Ms. Zien noted the low-lying portion of the back yard accumulated excess water following heavy rains. Ms. Zien noted significant excavation work for drainage would be mandatory should one build there. Ms. Zien stated the house was close to the eastern boundary of the property and would certainly have an impact on the owners of that. Ms. Zien referred to page 54 of the staff report and page 66 of the application, as well as the Auditor's site, which all have this listed as two-family. Ms. Zien noted it was a single-family residence through 1987. Ms. Zien stated as late as June 2003, rental permits for the address showed occupancy for single-family, albeit four unrelated. Ms. Zien stated she asked at the Planning Commission meeting when this single-family residence morphed into a two-family duplex. Ms. Zien suggested Mr. McHugh might be able to address the time line. Ms. Zien referred to page 71, the aerial drawing, which showed the shaded addition with more than 100 percent increase to the current footprint. Ms. Zien questioned why the south elevation drawing was missing from both agendas. Ms. Zien noted the drawing on page 71 had not been amended to show where a dumpster would be located as requested by the Planning Commission. Ms. Zien noted it did not matter that there were fraternities nearby. Ms. Zien referred to the Applicant's description regarding the fraternity on page 74, which reads, "with overriding principles of brotherhood and behavior as gentlemen, all activity will be conducted inside and will not involve excessive noise, odors, emissions, glare or traffic." Ms. Zien noted she could not believe that statement even on paper. Ms. Zien referred to the confusion concerning the decision criteria and suggested the use of either numbers or letters consistently. Ms. Zien suggested approval could not be justified at the second reading under standards two, three, five, six, ten, and eleven.

Ms. Arnina, 215 North Beech Street, stated as a student, she completely disagreed with the addition of another fraternity house. Ms. Arnina noted that while no one encouraged excess noise, a fraternity house would always produce excess noise.

Ms. Betty Quantz, 322 West Vine, referred to page 55 of the agenda, under staff findings, where it stated everything appears to be satisfied with the exception of the front yard coverage. Ms. Quantz noted this was a nonconforming situation and no changes were proposed in this area, except Mr. Dearth said there was a new enhanced porch that had been added to the front yard. Ms. Quantz questioned if the Planning Director was privy to that information.

Ms. Quantz also noted that if any modifications took place in front of the existing house, the applicant should be required to make the situation less nonconforming.

Mr. Bob Dearth clarified there were in fact nine parking spots. Mr. Dearth noted there was added to the drawing a properly located dumpster site, although it was not included in the packet submitted to Council. Mr. Dearth noted the porch addition was a proposed balancing aesthetic with the code issue; however, if it should not be allowed for any reason, it would be eliminated. Mr. Dearth noted it was only to enhance the appearance of the building and property.

Mr. Ross asked Mr. Dearth if they presently rent the address.

Mr. Dearth stated they did not. Mr. Dearth noted that was one of the reasons he was uncertain what the authorization was for the multiple occupancy of the property. Mr. Dearth stated it was his understanding, not being the property owner, that eight people currently occupied it.

Mr. Ross asked if Chi Psi is a social fraternity or affiliated with certain programs.

Mr. Dearth stated he hoped they were a distinguished social fraternity in the sense they have had the first educational trust established nationally, the first leadership program established, educational program established for their undergraduates and had been a model for those kinds of programs for other fraternities and sororities. Mr. Dearth noted they were welcome on campuses because of those leadership and self-development programs.

Mr. Scott Webb, Architect, noted he would like to make a general comment neither for nor against, but first and foremost, there was no such thing in the code as a use variance and the applicant was not asking for one. Mr. Webb stated the vote was really not for whether or not there may be another fraternity in the City of Oxford. Mr. Webb stated the only zoning designation that a fraternity was allowed was the zoning district in which the property resides. Mr. Webb noted no variances were currently being requested.

Mr. Rutherford noted Mr. Webb was correct a fraternity house was a conditional use, which was allowed in the R2MS. Mr. Rutherford referred to decision standards one through 13, and noted he would like them addressed individually with a synopsis by both staff and the applicant. Mr. Rutherford stated he believed this should be remedied before it returns to Council.

Mr. Keebler stated the general decision standards were not voted on individually. Mr. Keebler noted four of the Planning Commission members felt the decision standards were satisfied and two did not. Mr. Keebler stated there was only one zone in the City where fraternity houses have been deemed appropriate. Mr. Keebler noted he believed the fraternity had searched for an appropriate piece of property for approximately a year. Mr. Keebler noted this was the proper zone, the coverage requirements were met, there were other fraternities in close proximity and for those reasons the Planning Commission felt it was appropriate.

Ms. Fischer noted she was disturbed with the Oxford Mile Square rental map that was supplied to members of Council. Ms. Fischer stated she could see simply from her own block that the map was inaccurate. Ms. Fischer expressed concern with possibly stratifying the City. Ms. Fischer stated after this came out in the Miami Student, the story of this coming through Planning, she called over to the office of Greek life and asked them about it and the first they had heard about it was when they read about it in the Miami Student. Ms. Fischer stated she would like input from Miami on whether this was appropriate. Ms. Fischer noted her concern that Miami University and the Office of Greek Life haven't weighed in. Ms. Fischer referred to page 56, staff analysis where it noted there were approximately five fraternities within a 200-foot radius and 11 fraternities within a 500-foot radius. Ms. Fischer stated that was very problematic thinking because you could then just leapfrog fraternity houses throughout the community. Ms. Fischer referred to the decisions standards. Ms. Fischer noted this zoning district was designed to preserve and encourage a mix of single-family and two-family residences in the established residential area of historically significant character. Ms. Fischer referred to decision standard C., the use and site will be compatible with the general intent of the comprehensive plan. Ms. Fischer noted 7.7 in housing, states in general population density should be reduced in the Mile Square with the exception of High Street, and 7.9 states we should encourage owner-occupied residential rehabilitation in the Mile Square. Ms. Fischer noted this property was four doors down from R1MS. Ms. Fischer noted in land use, Mile Square subarea, emphasis should be on preserving single-family homes in small neighborhoods. Ms. Fischer referred to 8.23, land-use plan, which showed the next block over from the subject property indicated fraternities for land use. Ms. Fischer stated she is glad to hear the Applicant is addressing the dumpster issue.

Mayor Dana noted in her review of the Planning Commission meeting, she recalls discussion concerning the dumpster, the parking and access through the back in particular. Ms. Dana noted she felt this should be judged fairly in accordance with the decision standards.

Mr. McHugh referred to page 57 and referred to the burden of proof, which dealt with zoning regulations.

Ms. Fischer noted the Applicant had previously stated this would be a dry fraternity and asked if that would be germane to the discussion regarding public health, safety or general welfare.

Mr. McHugh noted he felt it might be germane, although it would be almost impossible to enforce.

Ms. Fischer noted if the fraternity was a dry fraternity that would preclude certain outdoor activities.

ORDINANCES
SECOND READING

ORDINANCE
SUPPLEMENTAL
BUDGET

An Ordinance No. 2999 Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 1 To Make Supplemental Appropriations For Fiscal Year 2008. (Heidi Hill, Acting Finance Director)

Ms. Hill noted the only addition from the first reading was to include the additional $4,000 appropriation as discussed at the last meeting.

Ms. Fischer moved to adopt Ordinance 2999. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Fischer
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
SCRC

An Ordinance No. 3000 Repealing Ordinance No. 2502 And Changing The Student/Community Relations Committee To The Student/Community Relations Commission. (Jung-Han Chen, Community Development Director)

Ms. Fischer noted she looked forward to having this in place for the next academic year.

Ms. Fischer moved to adopt Ordinance 3000. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
ZONING MAP
AMENDMENT

An Ordinance No. 3001 Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 3.26 Acres Of Land Located On The Northeast Corner Of U.S. 27 S. And Southpointe Parkway Oxford, Ohio And Rezoning The Property From R-3 (Multi-Family Residential) To GB (General Business) District. (Jung-Han Chen, Community Development Director) **(Tabled)**

Ms. Fischer left the dais momentarily.

Mr. Keebler moved to remove the proposed Ordinance from the table. Mr. Bogard seconded. The motion passed by the following roll call:

AYE: Mr. Rutherford, Mr. Bogard, Ms. Currie, Mr. Ross, Ms. Dana, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

Mr. Chen noted he had no additional comments or information. Mr. Chen stated Council had received the additional attachment requested from the last Council meeting.

Mayor Dana invited public comment. Mayor Dana noted this is a rezoning issue at this time and invited new or additional information.

Mr. McHugh noted he had a written comment available for Council that was dropped off.

Dr. Orie Loucks, 6195 Fairfield Road, noted his optimism that approval could be granted of a modified ordinance. Dr. Loucks referred to the lower left-hand corner of page 99, where it depicts in detail the space shaded in gray on the previous page. Dr. Loucks stated the ordinance as it was just read was for the rezoning of land located on the northeast corner of US 27 and Southpointe Parkway. Dr. Loucks noted when you looked at the details on page 99 there were .55 acres of open space designated between the commercial area and US 27. Dr. Loucks reiterated the commercial area was inside and did not front on US 27 and noted the ordinance should not state it was at the northeast corner of 27 and Southpointe. Dr. Loucks requested Council amend the ordinance to reflect the plan that should have been accepted when the property was annexed continues the designation of .559 acres of open area, which is the berm between the commercial area and US 27. Dr. Loucks noted he would also like to see the ordinance recognize two of the points in the County Commissioner's resolution of December 16, 2004 that specifically designates that the retail for this PUD would be in the commercial area and also the commercial area shall not be accessible from US 27.

Ms. Brenda Stevens, 4265 Schollenbarger, stated she was pleased the Planning Commission did not approve the gas station until the Ordinance was passed as stated in the minutes. Ms. Stevens noted her concern about the connector and its impact on this. Ms. Stevens mentioned the idea of a hub on 27. Ms. Stevens noted the amount of negative sentiment expressed at the Planning Commission meeting.

Ms. Kathleen Zien, 6060 Joseph Drive, asked if the Council had any new information that may have been learned other than what had been provided that they could share with the public.

Mayor Dana noted Council had ample time to review everything and would entertain discussion from the public before Council discussion.

Ms. Zien asked if what the public received in the past two weeks was anything Council saw at the time of the vote.

Ms. Fischer stated it was not.

Mayor Dana noted she did attend the meeting of the Butler County Planning Commission when this went through the first time.

Ms. Zien noted she remembered the meeting where drawings were asked for and the City Manager's response was they were too large to include in the agenda, but they were rolled in front of her on the desk and available for review. Ms. Zien stated a GB zoning designation would ensure a gas station in this location since that use prematurely came to Planning on April 8th. Ms. Zien noted on page A5 of the May 2nd Oxford Press, Mr. Webb indicated if Council votes against this, the developer would be free to recede from the City and to void the annexation. Ms. Zien stated this was a great idea. Ms. Zien noted with the annexation Southpointe had police, fire and EMT emergency support, but had not really contributed to pay for it. Ms. Zien stated the Oxford Press continued with, "the violation would not stop development, it would mean revenue would not be received by the City of Oxford." Ms. Zien noted there was very little City income tax created from student occupancy. Ms. Zien suggested letting Southpointe recede and the County take responsibility for their protection. Ms. Zien addressed an August 24, 2007 letter from Mr. Webb to the Planning Department, which stated, the owner/developer decided to make the internal roads within the development private rather than public dedicated streets. Ms. Zien stated as private streets, the width of the paving had been modified. Ms. Zien asked if that violated the agreement. Ms. Zien stated she felt the developer did not work within the City rules. Ms. Zien stated the motion to table this issue on April 15th only if the public would not comment at the next meeting spoke volumes about listening to a concerned audience. Ms. Zien stated it was pretty clear through citizen input; community and Township comments, emails and the Comprehensive Plan that citizens were supportive of the GB zone.

Ms. Betty Quantz, referred to the green space Dr. Loucks spoke to, which appeared as a band on the map. Ms. Quantz asked what was located on the other side of the band.

Mr. Rutherford stated there was a landscape buffer that wrapped around the edge of the site and segregated the development from the adjacent site.

Ms. Quantz asked if the map she had is what was approved with the annexation and development agreement and Mr. Elliott stated that was Exhibit D, which showed the zoning designations.

Mr. Webb noted there is no mystery strip of land; it goes straight from the US 27 right-of-way to the 50-foot buffer that was deeded as a separate parcel. Mr. Webb stated the 3.26 acres does not include the separate 50-foot deeded right-of-way buffer. Mr. Webb advised there had never been proposed nor is there allowed any access to US Route 27.

Mr. Rutherford noted the ordinance is technically incorrect when it refers to 3.26 acres of land located on the northeast corner of US 27 South and Southpointe Parkway.

Mr. Webb stated the property does not in fact touch US 27.

Mr. Rutherford asked Mr. Chen if there was a lot number or parcel number that could be included in the ordinance.

Mayor Dana suggested amending the ordinance to include a reference to inside the buffer.

Ms. Fischer referred to the minutes from the last meeting, page 14, where she requested all exhibits be provided and they still had not been provided. Mr. Fischer noted she felt this was problematic. Ms. Fischer noted the Exhibits D, E, and F, written in handwriting, does not have a time and date stamp. Ms. Fischer stated she would still have to vote against this.

Mr. Elliott assured Ms. Fischer that Exhibit D is what was included in the development agreement.

Mr. Keebler stated he appreciated Dr. Loucks' comments.

Ms. Currie agreed she would like to see an amendment clarifying the description of the property.

Ms. Betty Stevens referred to the July 17, 2007 Council minutes regarding the rezoning agreement with Southpointe which indicated at the time of the annexation the rezoning had to go forth and if City Council failed to rezone property consistent with zoning designations or otherwise agreed by 4-Leaf or denies a replat of the property consistent with rezoning or refuses to issue a zoning permit, then 4-Leaf can withdraw from the agreement.

Mayor Dana noted that was correct and thanked Ms. Stevens.

Mr. Rutherford agreed with Mr. Fischer on the importance of receiving all the documents. Mr. Rutherford stated he believed the ordinance needed to be clarified and requested all future properties include metes and bounds.

Mr. Ross noted he did not want to welsh on a deal. Mr. Ross noted concern with the fact there was still no sidewalk. Mr. Ross stated he had heard many times the City gave away $600,000. Mr. Ross noted by going on his gut feeling, he would have to vote against this ordinance.

Mr. Bogard agreed with Mr. Keebler that Council is attempting to rectify a situation regardless of whose fault it might have been.

Mr. Rutherford advised the language should be understandable by someone who had not been involved in the discussions surrounding the issue.

Mr. Elliott stated he had the parcel number, but the parcel numbers were often changed. Mr. Elliott noted the zoning map would be updated, which would be the controlling factor.

Mr. Bogard suggested the language in his amendment covers not only the title, but also language in Section 1 and Section 4, which is similar.

Mr. Bogard moved to amend the Ordinance title to read, "an Ordinance accepting the Planning Commission's recommendation and granting a zoning map amendment for 3.26 acres of land located just northeast of US 27 south and Southpointe Parkway, Oxford, Ohio and rezoning the property from R3 (Multi-family Residential) to GB (General Business) Zoning district." Mr. Keebler seconded. The motion failed with the following roll call:

AYE: Mr. Bogard, Mr. Keebler, Ms. Dana (3)

NAY: Ms. Currie, Ms. Fischer, Mr. Ross, Mr. Rutherford (3)

ABS: None (0)

Ms. Fischer moved to table the Ordinance until a map with the parcel ID number was provided to Council.

Mr. Elliott noted he had the map available and provided it to Council for review.

Mr. Rutherford noted he would like to include the map as an exhibit.

Mr. Rutherford moved to amend the Ordinance title to read, "an Ordinance accepting the Planning Commission's recommendation and granting a zoning map amendment for 3.26 acres of land located at the west end of Southpointe Parkway, Oxford, Ohio and rezoning the property from R3 (Multi-family Residential) to GB (General Business) zoning district." Section 4, "Council hereby accepts the recommendation of the Oxford Planning Commission and after due deliberation finds for the granting of the zoning map amendment rezoning 3.26 acres of land identified as Butler County Parcel ID Number H3610068000001 as included on Exhibit A hereto attached located at the west end of Southpointe Parkway, Oxford, Ohio, and rezoning the property from R3 (Multi-family Residential) to GB (General Business) zoning district. Section 1, "Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on March 11, 2008 at 7:30 p.m. on the Applicant's, City of Oxford, application for a zoning map amendment for 3.26 acres of land identified as Butler County Parcel ID Number H3610068000001 and located at the west end of Southpointe Parkway, Oxford, Ohio, requesting the rezoning of the property from R3 (Multi-family Residential) to GB (General Business) zoning district. Ms. Currie seconded. The motion passed with the following roll call:

AYE: Mr. Rutherford, Mr. Bogard, Ms. Currie, Mr. Ross, Ms. Dana (5)

NAY: Ms. Fischer, Mr. Keebler (2)

ABS: None (0)

Mr. Ross asked if the buffer would go back to a natural area or would it remain a mown area.

Mr. Rutherford noted while it's not germane to the actual zoning, that section of the agreement states it is supposed to planted.

Ms. Fischer pointed out Council just amended the ordinance to include an exhibit the public has not seen.

Mr. Bogard moved to adopt Ordinance 3001as amended. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

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

NAY: Ms. Fischer, Mr. Ross (2)

ABS: None (0)

ANNOUNCMENTS

Mr. Elliott thanked Council for the earlier workshop dealing with building site options. Mr. Elliott stated they have advertised for the Fire Chief position and are reviewing four applicants this week. Mr. Elliott noted there is a need for Community Relations Commission members as several terms have expired. Mr. Elliott stated there was an incident reported in the Miami Student and he encouraged people to inform the City of any problems so they can be addressed.

Mr. Kyger stated he is pleased to rejoin the City in a staff capacity. Mr. Kyger noted a CIC meeting this coming Friday with a possible collaboration between the CIC and the Miami Heritage Tech Park.

Mr. Chen noted Sharefest started Thursday and runs from May 8 to May 12.

Mr. Ross noted at the northeast corner of Campus and Chestnut there was a white trailer parked in the front yard of a building. Mr. Ross stated the other trailers that were in competition with this trailer were parked where they should be. Mr. Ross sought consensus from Council that the City Manager speak with representatives from Miami University about parking vehicles in the yard. Mr. Ross noted they were buying back books.

Mr. Rutherford noted there was a parking lot close by.

Mr. Keebler suggested it would be community minded if they sought another location that was in keeping with City ordinances.

Ms. Currie stated she could bring that up during the ad hoc committee meeting.

Mr. Elliott indicated he would contact the University.

Mr. Rutherford asked if the Uptown Revitalization Committee had any text available for the Planning Commission to review.

Mr. Elliott stated there would be an update at the next Council meeting.

Mr. Bogard noted he and Mr. Elliott attended the OKI annual luncheon last week where Lieutenant Governor Fisher addressed economic development. Mr. Bogard stated he represented the City at Earth Day in Hamilton and accepted the challenge from the City of Fairfield on recycling efforts.

Ms. Currie noted she plans to distribute the forms for the Bicentennial logo contest to various places in town and through the art teachers at the elementary schools as well.

Mr. Keebler noted the importance of the inclusion of documentation to make decisions. Mr. Keebler stated it was also the responsibility of Council members to do independent due diligence if they were not satisfied with what was provided prior to Council meetings.

Ms. Fischer noted the low-lying plane that was flying over the City today advertising insurance.

Mr. Elliott stated he did some research and a complaint would be filed with the FAA.

Ms. Fischer noted last Friday a student reported to the Miami Police that six persons had verbally and physically attacked her around midnight near Havighurst Hall.

Ms. Fischer stated during the course of the attack, the student reported the assailants used racist, homophobic and sexist language. Ms. Fischer noted the Miami Police Department was investigating this incident. Ms. Fischer stated Miami's Associate Vice President for Institutional Diversity, Dr. Christine Taylor, sent out a message pointing out that ensuring Miami is a welcoming and supportive environment was a collective responsibility. Ms. Fischer asked that responsibility be expanded to all in the City of Oxford. Ms. Fischer noted Dr. Taylor asked members of the community to make the community more inclusive and welcoming, embracing our differences and have the courage to speak up and speak out against acts of intolerance in public as well as private settings. Ms. Fischer noted the members of Spectrum made ribbons to be worn for those who wanted to demonstrate support for a climate of inclusion and acceptance at Miami. Ms. Fischer stated Council recently expanded the City's anti-discrimination ordinance. Ms. Fischer asked Chief Schwein to comment on how people might be able to report problems when they occur.

Chief Schwein noted the police department would serve as the conduit for passing concerns along to the Community Relations Commission. Chief Schwein encouraged people to report incidents to the police department so they could determine if it was a violation of law. Chief Schwein reiterated that if the City doesn't know about it, there is no way the problem could be addressed.

Mayor Dana thanked City staff and Carol Katz for leading the neighborhood walk last week. Mayor Dana noted Sharefest and graduation. Mayor Dana asked that the Oxford Press investigate the ordinance regarding dog waste previously mentioned by Mr. Hurston and let people know what their responsibilities were. Mayor Dana noted the Council work session to discuss the Mayors' Agreement on Climate Change as well as the 2010 Campaign on May 20th. Mayor Dana noted the Comprehensive Plan Steering Committee Joint Meeting May 27th at six o'clock. Mayor Dana noted that she, Ms. Currie and Ms. Fischer all rode their bikes to the Council meeting this evening and would challenge the men on Council to ride next time. Mayor Dana noted May 16th was Bike to Work Day.

ADJOURN

Mr. Fischer moved to adjourn at 11:06 p.m. Ms. Currie seconded. The motion passed 7-0-0.