A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, May 19, 2009 at 7:36 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. John Detherage, Fire Chief; Mr Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Mr. Alan Kyger, Economic Development Director; Ms. Donna Heck, Human Resources 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) Personnel. Mr. Keebler seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Bogard moved to return from Executive Session at 7:35 p.m. Ms. Fischer seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Mayor Dana called for the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION
'EMS WEEK'

Mayor Dana read the Proclamation and presented it to Chief Detherage.

RECGONITION
DR. GARY BURT

Chief Schwein noted Dr. Burt had served as the Police Department's veterinarian for 18 years and offered his services free of charge. Chief Schwein advised Dr. Burt and his family were relocating to Alabama where Dr. Burt would take a teaching position.. Chief Schwein noted this would be a severe loss to the community but wished Dr. Burt well in his new endeavor. Chief Schwein presented Dr. Burt with a certificate of appreciation and a commemorative Police Badge. Dr Burt introduced members of his family who were in attendance.

Dr. Gary Burt, thanked citizens of Oxford who welcomed him to the community 21 years ago. Dr. Burt noted his leaving was bittersweet but he was pursuing a longtime dream. Dr. Burt thanked all of his clients and wished everyone the best.

Mayor Dana thanked Dr. Burt for his services and Dr. Burt and his family for being active members of the community.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

Ms. Fischer requested removal of item A. Minutes and Mayor Dana requested removal of item E. Resolution.

MINUTES

Minutes of the May 5, 2009 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the May 6, 2009 Historical and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

RESOLUTION
AGREEMENT WITH
WARD DIESEL FILTER SYSTEMS

A Resolution No.4446 authorizing the City Manager and Fire Chief to enter into an agreement with Ward Diesel Filter Systems for the purchase of ten (10) 'No Smoke' systems for Fire Department apparatus exhaust filtration at a cost not to exceed $85,740.00 utilizing funds awarded from the 2008 Assistance to Firefighters Grant in the amount of $77,166.00 with 10% matching funds from the City of Oxford. (John Detherage, Fire Chief)

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

MINUTES

Minutes of the May 5, 2009 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

Ms. Fischer requested a correction to the minutes on page 8 of the agenda and Mayor Dana requested a correction to the minutes on page 9 of the agenda.

Ms. Fischer moved to approve the minutes as amended. Ms. Currie seconded. The motion passed 7-0-0.

RESOLUTION
SUBPOENA PROGRAM

A Resolution No. 4447 authorizing the City of Oxford to participate in the Regional Income Tax Agency's ("RITA") Subpoena Program for the collection of delinquent local income tax. (Joe Newlin, Finance Director)

Mr. Newlin advised this was a service provided to the City as a member of the Regional Income Tax Agency. Mr. Newlin noted this was a very effective tool to collect delinquent taxes and to make citizens aware that the City and City Council were doing everything they could to collect taxes owed to the City. Mr. Newlin explained the two step process as reflected in the staff report and Resolution on pages 26 and 27 of the agenda.

Mr. Bogard noted it would be beneficial to re-educate the public on the City's tax filing requirements prior to the next tax season.

Ms. Currie moved to adopt Resolution No. 4447. Ms. Fischer seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

RESOLUTIONS

None.

ORDINANCES
FIRST READING

ORDINANCE
ADMINISTRATIVE CODE

An Ordinance Repealing The City Of Oxford Administrative Code Title Three Legislative, Chapter 111, And Title Five Administrative, Chapters 121, 123, 125, 127, 129, 145,, and 147 And Adopting New Title Three Legislative, Chapter 111, And Title Five Administrative, Chapters 121, 123, 125, 127, 129, 145, And 147. (Donna Heck, Clerk of Council)

Ms. Heck advised the Administrative Code had not been updated since 1993 and the proposed changes would bring it up to date. Ms. Heck noted the employment provisions were removed since Council adopted a salary Ordinance every year and references to fees were removed since Council adopted a fee Ordinance every year.

Mr. Rutherford advised section 111.01 indicated the Mayor or any three members may call special meetings upon at least 12 hours notice to each member and section 111.05 indicated 24 hours notice.

Mr. Rutherford inquired if mail should be added to section 111.01 as a means of communication and Mr. Bogard suggested adding telephone instead.

Mr. Keebler moved to amend part of section 111.01 to read 'The Mayor or any three members may call special meetings upon at least twenty-four hours notice to each member via e-mail, telephone, served personally or left at their usual place of residence.' Ms. Fischer seconded. The motion passed 7-0-0.

Mr. Rutherford noted a correction to section 127.01 on page 44 of the agenda.

<u>ORDINANCE</u>
<u>TAX BUDGET</u>

An Ordinance Authorizing The Tax Budget For The Year 2010 And Directing That The Same Be Transmitted To The Butler County Auditor. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on page 65 of the agenda. Mr. Newlin noted a Public Hearing for the Tax Budget would be placed on the next agenda.

Mr. Bogard inquired where the inheritance tax came into play and Mr. Newlin advised inheritance was not a budgeted item.

<u>ORDINANCE</u>
<u>CONDITIONAL USE</u>

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 discussed his staff report as presented on page 71 of the agenda noting Mr. Rick Parker, President/CEO of the Credit Union was in attendance to answer any questions. Mr. Chen advised the Zoning Code allowed up to 4 extensions of six months for the deadline for construction.

<u>Mr. Rick Parker</u>, displayed renderings for the proposed new facility on US-27 noting the building permits had been approved. Mr. Parker noted his hope this would be the last request for an extension. Mr. Parker noted this would be their fourth credit union facility.

Mr. Bogard inquired where the other locations were located and Mr. Parker advised at the branch campuses.

Mr. Ross complimented Mr. Parker and the Credit Union on their services.

Mr. Parker noted the City had been very helpful since the initiation of the proposed project.

<u>ORDINANCE</u>
<u>NEW SECTION 1141.03</u>

An Ordinance Repealing Zoning Code Section 1141.03, Supplemental Regulations, And Adopting New Section 1141.03, Supplemental Regulations. (Jung-Han Chen, Community Development Director)

Mr. Chen discussed his staff report as presented on page 74 of the agenda. Mr. Chen referred to page 77 of the agenda and outlined the proposed amendments.

Mr. Keebler noted the Planning Commission voted 4-0-0 to recommend approval of the proposed language to City Council. Mr. Keebler noted the intent was to prohibit the construction of additions to residential dwellings by breezeways or porticos. Mr. Keebler noted the proposed change was an attempt to make sure a finished multi-unit structure continued the character of the original structure and did not look like an add-on. Mr. Keebler noted his feeling the language could not be rewritten to address every situation and advised the Law Director recommended the clarification of this section of the code.

Ms. Fischer referred to page 77 of the agenda and noted concern with the sentence 'The common wall between the addition and the existing structure shall not be less than 30% of the total square footage of the exterior wall where the addition is to be attached.' Ms. Fischer suggested adding language that the addition did not expand higher past the point of attachment. Ms. Fischer noted 30% may not be enough.

Mr. Rutherford referred to page 77 of the agenda and noted his feeling the first sentence of item (j) was important. Mr. Rutherford noted concern with the proposed 30% attachment requirement. Mr Rutherford noted concerns with equitable treatment of citizens, impact on historical buildings and life safety issues. Mr. Rutherford suggested adopting the first sentence of item (j) only and scheduling a Work Session with the Planning Commission to address the true implications of the proposed requirements listed on page 77 of the agenda.

Mr. Bogard noted his feeling this was a complex issue and the proposed language may not address every situation. Mr. Bogard noted concern with the 30% attachment requirement and the mass requirement listed in item (j) 1. on page 77 of the agenda.

Mayor Dana inquired if the first sentence of item (j) could be adopted and a Work Session scheduled with the Planning Commission to discuss the requirements. Mr. McHugh suggested adopting the proposed Ordinance and amending it later to make it more restrictive or amending the 30% requirement to make it more restrictive.

Mr. Keebler noted adopting item (j) would have no significance without the balance of the language as it was just an explanation. Mr. Keebler noted perhaps language should be adopted and the issue could be revisited at a later date. Mr. Keebler noted the Planning Commission held a public hearing which no one attended except staff.

Mr. Rutherford noted the zoning code contained requirements for lot coverage. Mr. Rutherford noted Council could not legislate good taste. Mr. Rutherford noted his feeling Council needed to talk about the issues so the language effected what they were trying to achieve.

Mr. McHugh advised the Planning Commission felt this was a reasonable solution and if Council wanted to make significant changes to the proposed language it would have to go back to the Planning Commission.

Ms. Fischer inquired if amending the 30% requirement to 50% was a significant change and Mr. McHugh advised no.

Mr. Chen advised this issue was before the Planning Commission at the first of the year and again in May. Mr. Chen noted a zoning code was evolutionary and the language could be modified at a later date.

Ms. Currie noted she was amiable to adopting language at the second reading and discussing the issue at a later date. Mr. Keebler and Mr. Bogard agreed.

Mr. Rutherford inquired how the 30% figure came about and Mr. Chen advised it was from an Ordinance adopted in 1995. Mr. Rutherford cited case law and inquired what was not arbitrary about choosing 30%. Mr. Rutherford inquired how the 30% protected the public health, safety, morals and general welfare of the community and noted if it could not be explained then it would be an indefensible law.

Mr. McHugh advised his opinion the proposed language was defensible. Mr. McHugh noted the Planning Commission visualized what 30% of a rear wall would look like and they were attempting not to have 'finger' connections and to provide for the 'massing' of two buildings together. Mr. McHugh advised it was within City regulations to allow for some aesthetic structures.

Mr. Rutherford inquired what would happen if the proposed language placed the public at greater risk.

Mr. Elliott noted he and staff discussed this issue at length and the conflict between the existing Ordinance and the zoning map needed to be corrected. Mr. Elliott noted there were good comments made this evening and encouraged Mr. Rutherford to provide alternate language or ideas to staff before the second reading.

Mayor Dana advised she would like to move the proposed Ordinance forward and address the issues further immediately.

Ms. Fischer suggested for future planning that land between breezeways got counted as part of the lot coverage to help with the aesthetic issues. Ms. Fischer noted she would like to make a motion to strike 30% and add 50% to provide for full floor additions that did not look like breezeways.

Mr. Keebler noted his feeling 50% was too much.

Ms. Currie noted she did not think selecting a number was arbitrary although the use of the word arbitrary was being used arbitrarily.

Mr. Bogard noted he would support the suggestion.

Mr. Rutherford noted the suggestion did not solve the problem as the problem was not well defined.

Ms. Fischer moved to strike 30% in item (j) 2. on page 77 of the agenda and add 50%. Mr. Ross seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Ross (4)

NAY: Mr. Rutherford, Mr. Keebler, Ms. Dana (3)

ABS: None (0)

Mr. Bogard requested staff to provide drawings prior to the next meeting depicting 30%, 50% and 100% additions and how they addressed the concerns.

Ms. Currie clarified that this discussion only pertained to additions that resulted in an additional dwelling unit.

Mr. Rutherford noted his feeling Council needed to decide if they were really interested in owner occupied residents in the R2MS districts. Mr. Rutherford advised he would like a Work Session scheduled to discuss density issues. Mr. Rutherford encouraged Council not to adopt the proposed language as he felt it was detrimental to the cause of re-populating the Mile Square with fulltime owner occupied residents.

Ms. Fischer noted her feeling people moved out of the Mile Square because this type of regulation was not in place.

ORDINANCES
SECOND READING

SUPPLEMENTAL BUDGET

An Ordinance No. 3053 Amending Ordinance No. 3033. Supplemental Budget Ordinance No. 5 To Make Supplemental Appropriations For Fiscal Year 2009. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on page 83 of the agenda.

Mr. Bogard moved to adopt Ordinance No. 3052. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
PARK IMPROVEMENT
REFUNDING BONDS

An Ordinance No. 3054 Providing For The Issuance Of Not To Exceed $2,600,000.00 Park Improvement Refunding Bonds And Declaring An Emergency. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on page 85 of the agenda and explained the need to declare an emergency.

Mr. Bogard clarified that declaring an emergency meant the 30 day waiting period was waived.

Mr. McHugh advised the proposed Ordinance would need three fourths of Council to vote in the affirmative to be adopted.

Mr. Bogard moved to adopt Ordinance No. 3054. 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
AMENDING ZONING CODE
SECTION 1101

An Ordinance No. 3055 Amending Zoning Code Section 1101 'Subdivision Regulations'. (Jung-Han Chen, Community Development Director)

Mr. Chen advised comments from the first reading regarding the addition of graphics would be incorporated into the Zoning Code re-write.

Ms. Currie moved to adopt Ordinance No. 3055. Ms. Fischer 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)

ANNOUNCEMENTS

Mayor Dana asked for Council's comments regarding the Work Session held earlier this evening with the Oxford Parking and Transportation Advisory Board.

Mayor Dana noted three recommendations she recalled from the OPTAB as follows:

1. Send changes in Zoning Code for the RO District to the Planning Commission for evaluation.
2. Schedule Work Sessions with the OPTAB biannually.
3. Refer the one way streets and diagonal parking proposals to the Engineering Division.

Mr. Bogard noted staff would need adequate time to evaluate the proposals.

Ms. Currie advised she would like to see items 1 and 3 investigated by staff and the Planning Commission.

Mr. Rutherford noted he would like to see the initiatives move forward so the public knew Council was looking at a comprehensive parking strategy in the Uptown and Historic grids in Oxford. Mr. Rutherford noted the importance of making better use of existing assets. Mr. Rutherford noted he would like the Service Director to weigh in with regard to technical aspects such as road widths and prepare the information to help decide if a traffic engineer or consultant was needed and the cost implications. Mr. Rutherford noted he would like the Police Department to weigh in with regard to fees, safety and costs (meter rates) and the Police Chief and Fire Chief to weigh in on public safety factors. Mr. Rutherford noted he would also like staff to stay in contact with Miami University.

Mr. Keebler noted he felt Council should only move forward on two issues in the following order:

1. Have staff over the next 2-3 months look at the potential use of alleys in the RO District and make recommendations for the Planning Commission's evaluation.
2. Have staff over the next 3-6 months look at the feasibility of diagonal parking and report back to Council along with their concerns regarding diagonal parking.

Mr. Keebler advised the OPTAB should provide fee and cost information.

Mr. Ross noted inquired why there were no parking meters on Spring Street between Patterson and Campus and between Patterson and Main Street.

Mr. Elliott advised staff would provide initial comments to Council and noted he liked the idea of proposing that OKI perform a traffic study.

Mr. Elliott advised the fifth and final Fire/EMS Committee meeting was held and a joint meeting would be scheduled with the Township Trustees to discuss various issues including the re-negotiation of contracts between the City and Townships for Fire/EMS services.

Mr. Elliott updated Council on meetings held with school officials and City staff regarding the annexation, planning, zoning and construction of the new high school.

Mr. McHugh advised the County Commissioners would consider the annexation of the school property on May 28, 2009 and the legislation accepting the property into the City would come before Council in August due to the 60 day waiting period. Mr. McHugh advised in August the legislation before Council would be declared an emergency.

Mr. Bogard requested that someone from staff attended the Commissioner's meeting on May 28th to show support for the School District.

Mr. Rutherford noted he was grateful to receive the Cities and Villages publication and discussed a recent article in the publication with regard to planning. Mr. Rutherford thanked Mr. Elliott for the recent ICMA article he provided to them regarding code reform.

Mr. Bogard updated Council with regard to recent OKI meetings and presentations.

Mr. Bogard advised he attended the Talawanda Senior Award night and noted it was a very enlightening program. Mr. Bogard advised his feeling there were many brilliant youths in the Oxford area.

Mayor Dana noted a Historic Walk was scheduled for Saturday and those interested should meet at the Visitors and Convention Bureau at 1:00 p.m.

Mayor Dana noted Council should check their email for information regarding the 'Race Across America' bike race as riders may stop in Oxford.

ADJOURNMENT

Ms. Fischer moved to adjourn at 9:30 p.m. Ms. Currie seconded. The motion passed 7-0-0.

The Work Session of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, May 19, 2009 at 6:00 P.M. Those Council members present were: Ken Bogard, Doug Ross, Alysia Fischer, Kate Currie, Greg Rutherford, and Richard Keebler.

Staff members present: Doug Elliott, City Manager; Mike Dreisbach, Service Director; Steve Schwein, Police Chief; Jung-Han Chen, Community Development Director; John Detherage, Fire Chief; Alan Kyger, Economic Development Director, Joe Newlin, Finance Director; Donna Heck, Human Resources Director; Steve McHugh, Law Director and Mary Ann Eaton, Deputy Clerk of Council.

Also present were members of the Oxford Parking & Transportation Advisory Board (OPTAB) and members of the Planning Commission.

APPROVAL OF AGENDA

Ms. Currie moved approval of the Agenda. Mr. Rutherford seconded. The motion carried 7-0-0.

PURPOSE

The purpose of the Work Session was for Council to receive an update and recommendations from the Oxford Parking & Transportation Advisory Board.

Mayor Dana thanked Mr. Matt Rodbro and Mr. Greig Rutherford for their contribution to the presentation this evening.

PRESENTATION

Lt. Bob Holzworth, Chair, Oxford Parking & Transportation Advisory Board, provided a PowerPoint presentation related to the activities and proposals of the OPTAB and proposals submitted by Councilor Rutherford which included the following topics:

- Parking in the UP and RO Districts
  - a. Problem Definition
  - b. Parking Garage
  - c. Parking in/off alleyways

- One-Way Streets and angled parking
- Increase meter rates close to Uptown
- Encourage transportation alternatives
- Unusually high vehicle to residence ratio
- Target area - RO and UP

Lt. Holzworth noted parking within the City was changing dramatically with the increase of mixed use developments in the Uptown area.

Lt. Holzworth encouraged biannual joint meetings between Council and the OPTAB.

An open discussion took place after which Mayor Dana advised she would ask for additional comments from Council regarding the presentation at the conclusion of the regular meeting this evening.

AJOURNMENT

Ms. Fischer moved to adjourn at 6:59 p.m. Ms. Currie seconded. The motion carried 7-0-0.