A Regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, July 7, 2009 at 7:30 p.m. Those members present were Ken Bogard, Kate Currie, Richard Keebler, Alysia Fischer and Greig Rutherford. Doug Ross arrived at 7:40 p.m.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Steve Schwein, Police Chief; Mr Joe Newlin, Finance Director; Ms. Kathy Dale, Planner; Mr. Alan Kyger, Economic Development Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Deputy Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Ms. Fischer moved to adjourn to Executive Session at 7:00 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (1) Appointments to Boards and Commissions and public officials. Mr. Bogard seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Ms. Fischer moved to return from Executive Session at 7:24 p.m. Mr. Bogard seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Mayor Dana called for the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Fischer moved to amend the agenda by inserting the name Mary Ann Eaton in item K. of the consent agenda. Mr. Bogard seconded. The motion passed 6-0-0.

Ms. Currie moved to approve the agenda as amended. Mr. Rutherford seconded the motion passed 6-0-0.

PUBLIC PARTICIPATION

RECOGNITION
BICENTENNIAL LOGO

Mayor Dana thanked Ms. Currie for her efforts over the last year in coordinating events for Oxford's Bicentennial in 2010. Mayor Dana advised the Bicentennial Logos would be unveiled this evening.

Ms. Currie noted as the process went forward two logos were designed to celebrate Oxford's Bicentennial and introduced Ms. Carole Katz who designed the formal logo and Miss. Molly Monson who designed the children's logo. Ms. Currie presented Carole and Molly with a tee shirt depicting their logos.

Mayor Dana read and presented Carole and Molly with a certificate of appreciation.

PRESENTATION
COUNCIL ON AGING
SOUTHWESTERN OHIO

Mr. Ken Wilson, Dr. Jane Straker and Ms. Diana Cox, of the Council on Aging of Southwestern Ohio summarized their annual report for Council as well as plans for the future. A brief question and answer period followed.

Mayor Dana and members of Council thanked the group for their efforts.

APPOINTMENTS TO
BOARDS AND COMMISSIONS

Mr. Bogard moved to reappoint Mr. George Prentice to the Board of Zoning Appeals for a term extended to 2012, Mr. Kevin McKeehan to the Finance Commission for a term extended to 2012 and Ms. Paige Wood to the McCullough-Hyde Hospital Board of Trustees for a term extended to 2014. Ms. Currie seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

None.

CONSENT AGENDA

Mr. Rutherford requested removal of item B. Report. Ms. Fischer requested removal of item E. Resolution.

MINUTES

Minutes of the June 2, 2009 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

RESOLUTIONS

**RESOLUTION
CONTRACTS WITH ODOT**

A Resolution No. 4451 authorizing the City Manager to sign Preliminary Legislation and other contracts with the Ohio Department of Transportation to complete the construction of the multi-use path at Oxford Community Park. (Mike Dreisbach, Service Director)

**RESOLUTION
CONTRACT WITH
AMERITCON INC.**

A Resolution No. 4452 authorizing the City Manager to enter into a contract with Ameritcon Inc. for the improvement of primary clarifier tank drive mechanisms at the Wastewater Treatment Plant per City Specifications at a cost of $99,774.00 plus a ten percent contingency in the amount of $9,977.40 for a total cost not to exceed $109,751.40. (Mike Dreisbach, Service Director)

**RESOLUTION
RETAIN UNCLAIMED
PROPERTY**

A Resolution No. 4453 authorizing the Oxford Police Division to retain for use by the municipality certain unclaimed property in its possession. (Steve Schwein, Police Chief)

**RESOLUTION
RETURN SEIZED
PROPERTY FOR DEPOSIT**

A Resolution No. 4454 authorizing the Oxford Police Division to return for deposit certain seized property in its possession. (Steve Schwein, Police Chief)

**RESOLUTION
ACCEPT A GIFT**

A Resolution No. 4455 to accept a gift of a set of 'X-Struts' from the Oxford Community Foundation. (John Detherage, Fire Chief)

RESOLUTION
NOISE ABATEMENT
REQUEST

A Resolution No. 4456 authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, August 21, 2009, from 8:00 p.m. to 12:00 a.m. at Cook Field on Miami's Campus for an After Dark and Campus Activities Council sponsored concert. (Doug Elliott, City Manager)

RESOLUTION
NOISE ABATEMENT
REQUEST

A Resolution No. 4457 authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, September 18, 2009, from 10:00 p.m. to 2:00 a.m. on the patio at the Shriver Center on Miami's Campus for an After Dark and Program Board sponsored party. (Doug Elliott, City Manager)

RESOLUTION
APPOINTING THE CITY CLERK

A Resolution No. 4458 by the Oxford City Council appointing Mary Ann Eaton as Clerk of Council for the City of Oxford. (Doug Elliott, City Manager)

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

REPORT

Report regarding the June 24, 2009 Environmental Commission meeting. (Mike Dreisbach, Service Director)

Mr. Rutherford advised the Environmental Commission was studying residential conservation zoning and would make recommendations to the Planning Commission and Council in the very near future.

Mr. Keebler moved to accept the report regarding the June 24, 2009 Environmental Commission meeting. Mr. Rutherford seconded. The motion passed 7-0-0.

RESOLUTION
CONTRABAND DISPOSAL

A Resolution authorizing the Police Chief and Finance Director to dispose of contraband no longer needed as evidence. (Steve Schwein, Police Chief)

Ms. Fischer referred to page 31 of the agenda and noted Exhibit "A" was not attached for the public's information. Ms. Fischer noted she would abstain on the vote based on the lack of information made public in the agenda. Ms. Fischer noted the contraband list was not added to the electronic version of the agenda until today.

Mr. Rutherford suggested the proposed Resolution be delayed until the next meeting.

Ms. Currie asked Chief Schwein if it would be detrimental to the Police Department if the proposed Resolution was delayed until the next meeting.

Chief Schwein advised it would not be a terrible set back if the proposed Resolution was delayed although he would like to see the property room cleared of the 'junk'. Chief Schwein also noted an opportunity to jointly destroy the contraband with another agency would be missed.

Mr. Elliott advised staff made the effort to contact property owners where possible. Mr. Elliott advised he and Mayor Dana made the decision not to include the list of contraband in the agenda in an effort to balance Council's desire to reduce copying and paper costs. Mr. Elliott noted staff intended to include the contraband list on the electronic version of the agenda when it was posted last week. Mr. Elliott noted members of the public had received paper copies of the agenda and no one asked to see the contraband list.

<u>Mr. Keebler moved to adopt the Resolution. Mr. Bogard seconded. The motion failed by the following roll call:</u>

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

NAY: None (0)

ABS: Ms. Fischer, Mr. Ross, Mr. Rutherford, Ms. Currie (4)

<u>RESOLUTIONS</u>

<u>RESOLUTION</u>
<u>'JAG' PROGRAM AWARD</u>

A Resolution No. 4459 by City Council authorizing the City Manager to enter into an interlocal agreement between the County of Butler, Ohio; City of Hamilton, Ohio; City of Fairfield, Ohio; City of Middletown, Ohio; City of Monroe, Ohio; Fairfield Township, Ohio; Lemon Township, Ohio; West Chester Township, Ohio; and the City of Oxford, Ohio to jointly apply for the 2009 Edward Byrne Justice Assistance Grant ('JAG') Program Award. (Steve Schwein, Police Chief)

Chief Schwein discussed his staff report as presented on page 53 of the agenda noting the proposed grant required no matching funds. Chief Schwein advised Ms. Erica Bressler from the Butler County Sheriff's Office was in attendance to answer any questions.

Ms. Erica Bressler, Butler County Sheriff's Office, advised the City and Chief Schwein had been wonderful to work with on this project.

Mr. Bogard moved to adopt Resolution No. 4459. Ms. Fischer seconded. The Resolution 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)

**RESOLUTION
APPROPRIATE
REAL PROPERTY**

A Resolution No. 4460 by the Oxford City Council, Butler County, State of Ohio, declaring the intent of the City of Oxford to appropriate real property located on Oxford College Corner Road near Todd Road for the widening of Oxford College Corner Road (U.S. 27). (Mike Dreisbach, Service Director)

Mayor Dana noted the next 5 Resolutions had to do with the intent to appropriate property and Ordinances would follow regarding each property.

Mr. McHugh explained the multi-step process as defined in the Ohio Revised Code. Mr. McHugh noted if there weren't sufficient votes to adopt the Resolutions tonight due to the exhibits not being part of the agenda, the corresponding Ordinances should be postponed.

Mr. Keebler noted the exhibits were simply the legal descriptions of the property and suggested Council moved to insert the descriptions into each Resolution and corresponding Ordinance.

Ms. Currie noted the proposed Resolutions contained the parcel numbers.

Ms. Fischer noted a map of the properties would have been very helpful.

Mr. Dreisbach advised he would hate to see the legislation delayed as the project would be delayed by a quarter of a year.

Mr. Elliott apologized for the attachments not being included in the agenda packet noting the intent was to reduce copying and paper costs.

Mr. Bogard encouraged Council to move forward with the proposed Resolutions.

Mr. Rutherford suggested Council schedule a Special Meeting to consider the proposed Resolutions with the appropriately attached documents as well as the proposed Resolution to dispose of contraband.

Ms. Fischer referred to page 61 of the agenda and inquired if the language in Section 2 'hereby attached and incorporated by reference as Exhibit "A" could be removed. Mr. McHugh advised against removing the language.

Mayor Dana noted she saw two possible solutions which were to insert the exhibits by amending the proposed Resolutions or by calling a Special Meeting. Mayor Dana advised she would like to move forward with the proposed Resolutions.

Ms. Fischer noted the situation reminded her of when a previous Council and City Manager adopted a Resolution without the attachment regarding an annexation agreement.

Mr. Keebler moved to add the legal descriptions to agenda items 5. B-F and 6. A.1-5. Mr. Bogard seconded. The motion passed by the following roll call:

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

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

ABS: None (0)

Mr. Dreisbach discussed his staff report as presented on page 60 of the agenda.

Mr. Rutherford noted his feeling a Special Meeting should take place to ensure the Resolutions were adopted properly.

Mr. Keebler moved to adopt Resolution No. 4460 as amended. Mr. Bogard seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Bogard, Mr. Keebler, Mr. Ross, Ms. Dana (4)

NAY: None (0)

ABS: Mr. Rutherford, Ms. Currie, Ms. Fischer (3)

RESOLUTION
APPROPRIATE
REAL PROPERTY

A Resolution No. 4461 by the Oxford City Council, Butler County, State of Ohio, declaring the intent of the City of Oxford to appropriate real property located at and near 5495 Oxford College Corner Road for the widening of Oxford College Corner Road (U.S. 27). (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Resolution No. 4461 as amended. Mr. Keebler seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Bogard, Mr. Keebler, Mr. Ross, Ms. Dana (4)

NAY: None (0)

ABS: Mr. Rutherford, Ms. Currie, Ms. Fischer (3)

RESOLUTION
APPROPRIATE
REAL PROPERTY

A Resolution No 4462 by the Oxford City Council, Butler County, State of Ohio, declaring the intent of the City of Oxford to appropriate real property located at 5735 Oxford College Corner Road for the widening of Oxford College Corner Road (U.S. 27). (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Resolution No. 4462 as amended. Mr. Keebler seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Bogard, Mr. Keebler, Mr. Ross, Ms. Dana (4)

NAY: None (0)

ABS: Ms. Currie, Ms. Fischer, Mr. Rutherford (3)

RESOLUTION
APPROPRIATE
REAL PROPERTY

A Resolution No. 4463 by the Oxford City Council, Butler County, State of Ohio, declaring the intent of the City of Oxford to appropriate real property located at and near 5500 Oxford College Corner Road for the widening of Oxford College Corner Road (U.S. 27). (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Resolution No. 4463 as amended. Mr. Keebler seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Ross, Mr. Bogard, Ms. Dana (4)

NAY: None (0)

ABS: Ms. Currie, Ms. Fischer, Mr. Rutherford (3)

RESOLUTION
APPROPRIATE
REAL PROPERTY

A Resolution No. 4464 by the Oxford City Council, Butler County, State of Ohio, declaring the intent of the City of Oxford to appropriate real property located at the corner of Oxford College Corner Road and Todd Road for the widening of Oxford College Corner Road (U.S. 27). (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Resolution No. 4464 as amended. Mr. Keebler seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Ross, Mr. Bogard, Ms. Dana (4)

NAY: None (0)

ABS: Ms. Fischer, Mr. Rutherford, Ms. Currie (3)

ORDINANCES
FIRST READING

APPROPRIATE TO
PUBLIC USE

An Ordinance To Appropriate To Public Use, All Right Title And Interest In A Certain Parcel Of Property Located On Oxford College Corner Road Near Todd Road For The Purpose Of Permanent Rights-Of-Way And Temporary Construction Easements And Declaring An Emergency. (Mike Dreisbach, Service Director)

Ms. Currie inquired if the emergency language was incorporated to keep the project on schedule with ODOT and Mr. Dreisbach advised yes.

APPROPRIATE TO PUBLIC USE

An Ordinance To Appropriate To Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At And Near 5495 Oxford College Corner Road For The Purpose Of Permanent Rights-Of-Way And Temporary Construction Easements And Declaring An Emergency. (Mike Dreisbach, Service Director)

APPROPRIATE TO PUBLIC USE

An Ordinance To Appropriate To Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At 5735 Oxford College Corner Road For The Purpose Of Permanent Rights-Of-Way And Temporary Construction Easements And Declaring An Emergency. (Mike Dreisbach, Service Director)

APPROPRIATE TO PUBLIC USE

An Ordinance To Appropriate To Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At And Near 5500 Oxford College Corner Road For The Purpose Of Permanent Rights-Of-Way And Temporary Construction Easements And Declaring An Emergency. (Mike Dreisbach, Service Director)

APPROPRIATE TO PUBLIC USE

An Ordinance To Appropriate To Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At The Corner Of Oxford College Corner Road And Todd Road For The Purpose Of Permanent Rights-Of-Way And Temporary Construction Easements And Declaring An Emergency. (Mike Dreisbach, Service Director)

ORDINANCE CODE UPDATE

An Ordinance To Approve Current Replacement Pages To The Oxford Codified Ordinances. (Mary Ann Eaton, Deputy Clerk of Council)

Ms. Eaton discussed her staff report as presented on page 78 of the agenda.

Mr. Bogard inquired if disks could be used in place of making paper copies of the code update for agencies who requested a copy. Mr. Elliott advised staff would have to check with the Codification company to see if their disks were copyrighted. Mr. Elliott referred to page 80 of the agenda noted the replacement pages were not included in the agenda packet as exhibit “A”.

Mr. Elliott suggested placing a notice in the next agenda packet that stated a copy of Exhibit "A" was available at City Hall upon request.

Mr. Ross requested that the Code update replacement pages be given to Council members in their Friday Packet prior to the next meeting.

ORDINANCE
SUPPLEMENTAL
BUDGET

An Ordinance Amending Ordinance No. 3033. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2009. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on page 81 of the agenda.

ORDINANCES
SECOND READING

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit For An Automobile Rental Business In The General Business (GB) District At 5017 College Corner Pike, Oxford, Ohio, with a condition. (Jung-Han Chen, Community Development Director)

Ms. Dale recapped the staff report as presented on page 85 of the agenda noting the applicant was present to answer any questions.

Mr. Dave Simmons, Enterprise Rent-A-Car, advised he was looking forward to the move and noted his hope Council would approve the Conditional Use Permit request.

Mr. Keebler moved to adopt Ordinance No. 3060. 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
ZONING CODE
AMENDMENT**

An Ordinance No. 3061 Amending Zoning Code Section 1147.02 Issuance And Revocation Of Conditional Use Permit, Zoning Code Section 1147.03 Use Specific Regulations And Potential Concerns And Section 1159.07(10) Definitions. (Jung-Han Chen, Community Development Director)

Ms. Dale recapped the staff report as presented on page 108 of the agenda noting the three areas of significant change which included the revocation of existing Conditional Use Permits, design requirements for fraternity houses and the definition of a fraternity/sorority house. Ms. Dale noted an ad-hoc committee worked on the proposed legislation and noted her hope Council would accept their recommendations.

Mr. Rutherford noted he was part of the ad-hoc committee and thanked them for their efforts. Mr. Rutherford advised his feeling Council should continue to look at conditional uses and critical issues involved with them.

Ms. Fischer noted the Student Community Relations Commission provided input with regard to the proposed legislation. Ms. Fischer noted students needed clear guidelines with respect to fraternity/sorority houses and what was expected so they could choose an appropriate property for that use.

Ms. Fischer referred to page 121 of the agenda section 1157.07(10) and noted concern that the definition could include more than the primary house for a fraternal organization.

Mr. McHugh suggested amending the first sentence to read - A building, *the site of a fraternal organization.*

Mr. Rutherford suggested amending the first sentence to read – A building *and property that is specifically designated as a fraternity/sorority house.*

Ms. Bobbe Burke, addressed the issue noting her feeling the proposed language was adequate.

Ms. Fischer moved to amend the end of the second sentence by adding 'on that site'. Ms. Currie seconded. The motion passed 7-0-0.

Mr. Rutherford referred to page 112 of the agenda section (e)(3) and advised his feeling the Planning Commission should not need to provide an affirmative recommendation to revoke a conditional use permit as it tied Council's hands. Mr. Rutherford referred to section (e)(3)A. and noted concern that the language was not clear enough. Mr. Rutherford referred to section (e)(3)B. and noted he felt this was redundant.

Mr. McHugh suggested leaving the language in (e)(3) as written to provide a two step process for the revocation of a conditional use permit. Mr. Keebler and Ms. Currie concurred.

Mr. Rutherford moved to amend section (e)(3)C. to read 'the continuance of the conditional use would pose a threat to the public health, safety and welfare. Mr. Keebler seconded.

Ms. Dale noted the language as presented referred to a violation of any City Codes and offered another option for the amendment.

Mr. McHugh suggested the amendment be made as follows – 'The continuance of the conditional use would pose a substantial risk to the public health, safety and welfare'.

Mr. Rutherford withdrew his motion and Mr. Keebler withdrew his second.

Mr. Rutherford moved to amend page 112 of the agenda section (e)(3)C. to read 'The continuance of the conditional use would pose a substantial risk to the public health, safety and welfare'. Mr. Keebler seconded. The motion passed 7-0-0.

Mr. Bogard moved to adopt Ordinance No. 3061 as amended. Mr. Keebler 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 CODE
AMENDMENT

An Ordinance No. 3062 Repealing Zoning Code Chapter 1133 Provisions For Zoning Districts And Chapter 1143 Districts And Adopting New Chapter 1133, Provisions For Zoning Districts And Chapter 1143 Districts To Add The Historic District Overlay To The Establishment Of Zoning Districts And To Add Cross References To The Codified Ordinance Chapter 1331 Historic & Architectural Preservation, Specifically To The Site Development Regulations Of The R1MS, R2MS, R3MS, RO, UP And MU Districts, For Those Properties In The Historic District. (Jung-Han Chen, Community Development Director)

Ms. Dale referred to the staff report on page 126 of the agenda noting changes were not made to regulations as the proposed Ordinance strictly added cross references to the HAPC guidelines.

Mayor Dana noted having served on the HAPC the proposed legislation would be helpful and make applicants cognizant of regulations in historic districts.

Mr. Keebler moved to adopt Ordinance No. 3062. Mr. Bogard seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW CHAPTER 1151

An Ordinance Repealing Zoning Code Chapter 1151 Signs, and Adopting New Chapter 1151 Signs, To Modify Temporary Sign Regulations And To Add Cross References To The Codified Ordinance Chapter 1331, Historic And Architectural Preservation. (Jung-Han Chen, Community Development Director)

Ms. Dale recapped the staff report as presented on page 135 of the agenda.

Mr. Kyger advised Council received a communication from the Chamber of Commerce pertaining to the proposed Ordinance and the next one on the agenda. Mr. Kyger noted the Chamber was concerned with any reduction to signage on fronts of buildings. Mr. Kyger advised Uptown merchants felt there was not a good source of advertising in the community without radio and T.V. stations and with the newspaper only published once per week.

Mr. Keebler noted his disappointment that the Chamber of Commerce did not take the time to address this issue with Council at the first reading of the proposed Ordinance. Mr. Keebler advised Council and the HAPC needed to hear from the Chamber of Commerce in a timely manner on these matters.

Mr. Keebler referred to page 143 of the agenda section 1151.06 (a) and noted he felt the proposed change to items (1) and (2) were appropriate. Mr. Keebler referred to item (6) and noted he would have been ok with 14 days.

Mr. Keebler advised he had walked High Street twice specifically looking at signage and felt there were some very bad looking store fronts. Mr. Keebler noted his feeling attempts to reduce the signage would not solve the problem and he would rather see the percentage of window obstruction stay at 50%.

Mr. Keebler moved to amend page 144 of the agenda section 1151.06 (f) to read 'Any land use in any zoning district may have window signs that obstruct no more than *50 percent* of the glass within a structural frame of the wall in which it is located.' Ms. Currie seconded. The motion passed 6-1-0 with Ms. Dana voting nay.

Ms. Fischer noted she had concerns with proposed changes and with an existing regulation. Ms. Fischer referred to page143 of the agenda section 1151.06 (a) (5) and noted until Council was willing to address sheet signs on residences she did not feel she could vote to limit what commercial businesses wanted to do. Ms. Fischer referred to page 144 of the agenda item 1151.06 (e) and noted she did not think Council could not limit political signs.

Mr. Rutherford referred to page 143 of the agenda item 1151.06 (a) (1) and (2) and noted he did see why temporary signs needed to match permanent signs in size. Mr. Rutherford advised the duration of time they were displayed needed to be enforced. Mr. Rutherford suggested amending item (5) to read 'Placed or positioned no more than 18 feet above grade.' Mr. Rutherford suggested item (6) be amended to 14 days to be an even number of weeks.

Mr. Rutherford moved to return section 1151.06 (a) (1) to 30 square feet. Ms. Fischer seconded. The motion passed 4-3-0 with Mr. Keebler, Mr. Bogard and Ms. Dana voting nay.

Mr. Rutherford moved to return section 1151.06 (a) (2) to 16 square feet. Ms. Fischer seconded. The motion passed 4-3-0 with Mr. Keebler, Mr. Bogard and Ms. Dana voting nay.

Mr. Rutherford moved to amend section 1151.06 (a) (5) to read 'Placed or positioned at or below the lowest residential window sill.' Ms. Fischer seconded. The motion passed 7-0-0.

Mr. Rutherford moved to amend section 1151.06 (a) (6) to read 'installed for no more than 14 calendar days. Ms. Fischer seconded. The motion passed 6-1-0 with Ms. Dana voting nay.

Ms. Fischer referred to page 144 of the agenda and noted she would like to strike section 1151.06 (e). Mr. Keebler advised this section was not under consideration this evening and any proposed changes needed to go through the Planning Commission. Mr. Rutherford suggested Council pass the Ordinance as amended and remand section 1151.06 (e) to the Planning Commission for review. Mr. Keebler noted his hope Council members who had concerns or suggestions as to what they wanted and why would present them to the Planning Commission. Mr. McHugh advised Council could not regulate political signs with regard to content or duration of display but there was a determination of size.

Mr. Ross noted his feeling the sign Ordinance did not apply to the City of Oxford, Miami University or the Talawanda School District. Mr. Ross noted Council should make every effort to make businesses feel welcome in the community. Mr. Ross advised he would not vote in favor of the proposed Ordinance.

Ms. Dale advised she had reservations regarding the amendment to section 1151.06 (a) (5). Ms. Dale noted 18' would have applied to all businesses including College Corner Pike and Locust Street. Ms. Dale noted not all businesses had residential space above them. Ms. Dale noted there was a new building uptown with a third story office. Ms. Dale advised her feeling 18' would keep signage uniform and allow it to be placed up to the second floor. Mr. Keebler suggested Council adopt the proposed Ordinance and revisit the issue if it became problematic.

Mr. Keebler moved to adopt Ordinance No. 3063 as amended. Mr. Bogard 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)

ORDINANCE
NEW CHAPTER 25

An Ordinance No. 3064 Repealing Chapter 25, Graphics, Signage, & Building Identification Of The Design Guidelines For The City Of Oxford's Historic Districts And Adopting New Chapter 25, Graphics, Signage, & Building Identification Of The Design Guidelines For The City Of Oxford's Historic Districts. (Jung-Han Chen, Community Development Director)

Ms. Dale discussed the staff report as presented on page 152 of the agenda. Ms. Dale noted Council's amendments from the June 2, 2009 Council meeting were incorporated into the proposed language.

Mr. Keebler referred to item 4 on page 155 of the agenda and noted his feeling some important signs would be eliminated by adopting the proposed language. Mr. Keebler suggested several options for revising the language. Mr. Keebler noted he felt the rest of the language clarified what was already in place.

Mr. Bogard inquired if the existing signs would be grandfathered and Mr. Keebler advised yes.

Mr. Rutherford referred to item 4 on page155 of the agenda and noted he felt it should be eliminated as it was covered in the sign ordinance and the HAPC did not regulate interior signage.

Ms. Fischer referred to item 5 on page 155 of the agenda and suggested striking 'Neon tubing is prohibited.' Ms. Fischer noted the use of neon tubing not the material itself seemed to be a problem.

Mr. Ross stated if Council adopted this language there should be 220 square foot signs placed at the entrances and exits on Routes 73, 27 and 732 that advised perspective businesses that Oxford did not want their efforts or investments in the City.

Mr. Bogard noted his feeling Council needed to partner with the business community and Boards and Commissions. Mr. Bogard advised he felt Council needed to reach out more to the various organizations before implementing restrictive regulations which could set the wrong tone.

Ms. Currie agreed with Mr. Bogard. Ms. Currie noted she had a lot of discomfort with some of the proposed language.

Mr. Rutherford cited Chapter 1331.04(c) (3) 'For the purpose of this section, the HAPC shall make determinations on the exterior features of a site or structure and shall not consider interior arrangements.'

<u>Mr. Rutherford moved to strike the heading 'Interior' and item 4. and 12. on page 155 of the agenda as they were not allowed by law. Mr. Ross seconded. The motion passed 4-2-1 with Mr. Keebler and Ms. Dana voting nay and Mr. Bogard abstaining.</u>

<u>Ms. Fischer moved to strike 'Neon tubing is prohibited' from item 5. on page 155 of the agenda. Mr. Ross seconded. The motion passed 5-2-0 with Mr. Keebler and Ms. Dana voting nay.</u>

Mr. Rutherford referred to item 9. on page 155 of the agenda and noted he felt it was intrusive to suggest that art work appeared on business cards, stationary, etc.

<u>Mr. Rutherford moved to strike 'i.e. the art must appear on business cards, stationary, etc.' from item 9. on page 156 of the agenda. Mr. Keebler seconded. The motion passed 6-1-0 with Ms. Dana voting nay.</u>

<u>Mr. Rutherford moved to strike 'Such logos as beer and soda logos are prohibited.' from item 9. on page 156 of the agenda. Mr. Ross seconded. The motion failed 3-4-0 with Mr. Keebler, Mr. Bogard, Ms. Currie and Ms. Dana voting nay.</u>

<u>Mr. Ross moved to strike item 7 on page 155 of the agenda. Mr. Rutherford seconded. The motion passed 5-2-0 with Ms. Fischer and Ms. Dana voting nay.</u>

Mr. Keebler called the question.

<u>Mr. Keebler moved to adopt Ordinance No. 3064 as amended. Mr. Bogard seconded. The Ordinance was adopted by the following roll call:</u>

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

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

ABS: None (0)

ANNOUNCEMENTS

Mayor Dana requested Council members to update their schedules on her calendar for July and August. Mayor Dana noted she would like to schedule a Work Session in August with the County Auditor to discuss the upcoming property reappraisals as there seemed to be a lot of confusion in the community.

Mayor Dana noted she would like to schedule a Joint Work Session in September with the Planning Commission regarding a rewrite of the Zoning Code.

Mr. Elliott advised a meeting with the Council Sub-Committee and Oxford Township Trustees was scheduled for July 13th to begin negotiating a new contract. Mr. Elliott noted meetings had taken place with staff and West Chester officials to discuss the County-Wide public safety radio system and possible sharing opportunities. Mr. Elliott advised a public meeting would be held July 7, 2009 from 7-9 p.m. at the Butler County Government Services building regarding Preliminary Floodplain Maps. Mr. Elliott thanked Mr. Newlin and Council for their efforts regarding the park improvement refunding bonds noting this would be a major cost savings for the City.

Ms. Dale advised the deadline for submitting nominations for the Historic Marker Program was August 1, 2009.

Mr. Kyger clarified issues related to the for sale sign on the Western Knolls property noting the matter went before the Board of Zoning Appeals for approval.

Mr. Ross advised his comments this evening had nothing to do with Mr. Chen or Ms. Dale and he respected them greatly. Mr. Ross encouraged business owners to contact Mr. Chen or Ms. Dale with any signage issues. Mr. Ross reminded everyone he felt the signage laws did not apply to Miami University, the Talawanda School District or the City of Oxford although it was good of Mr. Kyger to go to the Board of Zoning Appeals.

Mr. Rutherford thanked Mr. Newlin for his efforts with the bond refunding. Mr. Rutherford inquired if the sign Ordinance applied to the Community Arts Center site. Ms. Dale advised since it was state owned property the City had not required them to have reviews before the HAPC. Ms. Dale noted the Community Arts Center did consult staff before making changes to the building or site.

Mr. Bogard congratulated Ms. Brahier and her staff for coordinating the 4th of July events noting a lot of Northwest Butler County agencies participated in the parade. Mr. Bogard noted Council received notification from Time Warner Cable that their office hours on Locust Street would be reduced effective the week of July 13, 2009.

Ms. Fischer congratulated Ms. Eaton for being appointed Clerk of Council. Ms. Fischer noted concerns with overgrown shrubbery and impassable sidewalks which Mr. Elliott and Ms. Dale addressed. Ms. Fischer noted 4 Council seats would be available in November and only two people had pulled petitions from the Board of Elections. Ms. Fischer encouraged interested residents to contact members of Council for further information.

Ms. Currie advised the Bicentennial Event Planning Committee was meeting tomorrow evening at 5:30 p.m. at the Oxford Visitors and Convention Bureau.

Mayor Dana noted initiatives that were being brought to her attention by the public were deer control and plans for a new municipal pool. Mayor Dana advised both initiatives would require outside funding and encouraged interested parties to submit their ideas.

ADJOURNMENT

Mr. Bogard moved to adjourn at 10:53 p.m. Ms. Fischer seconded. The motion passed 7-0-0.