A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, July 15, 2008 at 7:30 p.m. Those members present were Ken Bogard, Richard Keebler, Alysia Fischer, Doug Ross and Greig Rutherford. Kate Currie was excused.

Staff members present: Mr. Doug Elliott, City Manager, Mr. Mike Dreisbach, Service Director; Ms. Kathy Dale, City Planner; Mr Joe Newlin, Finance Director; Mr. John Detherage, Fire Chief; 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 (4) Collective Bargaining review. Mr. Bogard seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

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

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

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. Bogard seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

Ms. Dana introduced her friend Chris Knisley who was in attendance and a Council member for the City of Athens.

SWEARING IN

Mr. McHugh performed the Swearing-In of Police Sergeant David King. Lt. Umbstead introduced Mr. King as well as his family members who were present.

PROCLAMATION
PHI DELTA THETA

Mayor Dana read the Proclamation and advised it would be forwarded to the fraternity.

APPOINTMENTS TO BOARDS
AND COMMISSIONS

Ms. Fischer moved to appoint Mr. Jason Reynolds to the Housing Advisory Commission for a term ending June 30, 2012. Mr. Bogard seconded. The motion passed 6-0-0.

PUBLIC COMMENTS

Mr. Jeff McDonald, 300, S. College Avenue, addressed the issue of deer roaming Oxford destroying landscaping, flowers and property. Mr. McDonald noted his concern with the deer population becoming a safety hazard. Mr. McDonald requested that Council find a way to deal with the problem noting it was not a unique situation and there were professional companies who dealt with deer control. Mr. McDonald offered his assistance by doing research or helping to collect monies to fund a program.

Mr. Bogard advised he was willing to sponsor legislation regarding the issue.

Ms. Kathleen Zien, 6060 Joseph Drive, noted three months ago she addressed Council and the City Manager regarding the eyesore at 115 W. High Street. Ms. Zien noted she met Lisa Colwell of NIC at the property and Ms. Colwell made note of the conditions. Ms. Zien advised she emailed the president of NIC regarding the issue who was unaware of the situation. Ms. Zien advised a COA for demolition was issued in 2007. Ms. Zien noted she was disappointed that there had been no follow-up on a request for long overdue action.

Ms. Zien noted a correction to a statement which appeared in the Oxford Press on July 4, 2008 regarding a fatal accident involving a bicycle.

Ms. Zien noted vendors at the Farmers Market had been displaced since April due to the construction of Bella Place. Ms. Zien inquired what payment had been made to the City for the loss of income.

Mayor Dana advised Council/staff would report back to Ms. Zien regarding the three issues.

Ms. Jenny Gelber, 5508 Brown Road, Ms. Gelber thanked Council and the Township Trustees for the Joint Work Session regarding the proposed US27/SR73 connector and noted her hope the communication would continue. Ms. Gelber advised she gave a copy of a Truck Study done by Miami University to Mr. Rutherford and noted it may be helpful to Council. Ms. Gelber requested additional information regarding a trip made to Washington DC by City representatives which was mentioned at the June meeting.

Ms. Dana advised that information could be obtained and provided to Ms. Gelber.

CONSENT AGENDA

MINUTES

Minutes of the June 17, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the June 23, 2008 City Council Joint Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the June 10, 2008 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the June 18, Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the June 25, 2008 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

RESOLUTIONS

RESOLUTION
SERGEANTS & LIEUTENANTS
CONTRACT

A Resolution No. 4364 approving the contract between the City of Oxford, Ohio and the Oxford Police Sergeants and Lieutenants, Fraternal Order of Police, Lodge 164 and authorizing the City Manager and City Law Director to sign the contract on behalf of the City. (Doug Elliott, City Manager)

RESOLUTION
RITA DESIGNEES

A Resolution No. 4365 approving the appointment of Joseph Newlin to the RITA Regional Council of Governments and Heidi Hill as the alternate representative to the RITA Regional Council of Governments. (Doug Elliott, City Manager)

RESOLUTION
NOISE ABATEMENT

A Resolution No. 4366 authorizing the temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, August 22, 2008, from 10:00 p.m. to 1:00 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

A Resolution No. 4367 authorizing the temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, September 12, 2008, from 10:00 p.m. to 2:00 a.m. on the patio at the Shriver Center on Miami's campus fro an After Dark and Program Board sponsored party. (Doug Elliott, City Manager)

Ms. Fischer moved to approve the consent agenda. Mr. Keebler seconded. The motion passed 6-0-0.

RESOLUTIONS

None.

ORDINANCES
FIRST READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 2 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Supplemental Budget would bring the City in line with the projected fuel costs through the end of the year. Mr. Newlin noted the Supplemental Budget also included a $6,000.00 grant received by the Fire Department and they wished to purchase additional AED's with the funds.

Mr. Rutherford noted the proposed Ordinance referenced gasoline and inquired if it should be changed to include diesel fuel. Mr. Elliott advised the line item included diesel fuel.

Mr. Ross noted in Oxford and other cities it seemed police cars did not have an off position and expressed his wish Chief Schwein was present this evening.

ORDINANCE
HAPC GUIDELINES

An Ordinance Repealing Chapter 25, Graphics, Signage, & Building Identification Of The Design Guidelines For The City of Oxford's Historic District And Adopting New Chapter 25, Graphics, Signage, & Building Identification Of The Design Guidelines For The City Of Oxford's Historic District. (Jung-Han Chen, Community Development Director)

Ms. Dale advised the HAPC was requesting approval of several amendments to chapter 25 of their Design Guidelines regarding signage noting the intent was to clarify that use of neon lighting and internal illumination of signs in the UP Historic District was prohibited. Ms. Dale advised the proposed amendments would also coordinate the HAPC Guidelines with the Planning and Zoning Code requirements for sandwich board signs. Ms. Dale noted the HAPC would like to see sandwich board signs continue in place of banners.

Mr. Keebler inquired if this would have an effect on the High Street message banner and Ms. Dale advised no. Mr. Keebler noted he understood what the HAPC was trying to do but it may be too restrictive.

Mr. Ross noted this was another example of anti business culture in Oxford.

Mr. Rutherford addressed the prohibition of neon tubing noting his feeling it was not offensive. Mr. Rutherford noted banners were regulated under temporary signage. Mr. Rutherford noted his feeling the proposed amendments satisfied the opinion of some people.

Ms. Fischer noted her feeling the proposed amendments could negatively affect businesses and she could not support them at this time.

Ms. Dana advised the proposed amendments were a result of cases which came before the HAPC. Ms. Dana noted banners were usually mounted high on a building where they could not be seen and the sandwich board signs were much more visible.

Ms. Dana called on the HAPC Chair, Mike Smith.

Mr. Smith advised the HAPC did not want to hurt businesses but the banners were becoming a problem and the business owners who had been contacted were willing to move the banners inside. Mr. Smith noted sandwich board signs were not permitted in the HAPC guidelines and they wanted to rectify that. Mr. Smith noted his hope the amendments could be addressed with Council's guidance.

Mr. Rutherford addressed additional concerns with prohibiting certain signage.

Mr. Scott Webb, noted HAPC reviewed every new sign in the Uptown District and inquired why there needed to be prohibition as well. Mr. Webb advised his feeling the amendments would make things very cumbersome for businesses.

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit For A Commercial Development To Include An Automobile Service Station In The General Business (GB) District At 3900 Southpointe Parkway, Oxford, Ohio With Conditions. (Jung-Han Chen, Community Development Director)

Ms. Dale noted the Planning Commission went through a very lengthy discussion regarding the request and discussed the fifteen conditions they recommended as listed on pages 44 and 45 of the agenda. Ms. Dale advised Mr. Webb would make a presentation regarding the proposed project.

Mr. McHugh advised conditions d., h., and o were modified slightly from the language in the staff report to better clarify the intent.

Mr. Scott Webb, Applicant, noted he was pleased with the results of the Planning Commission's deliberation regarding the project. Mr. Webb provided a detailed PowerPoint presentation of the project noting the General Business District was the only district where gas stations were permitted.

Mr. Ed Jackson, advised he had been an Oxford resident for more than 54 years. Mr. Jackson noted in April of 2008 he sent emails to Council and the Planning Commission detailing his concerns regarding the rezoning of the 3.26 acres from R3 to GB. Mr. Jackson stated for the record that he was opposed to the conditional use request.

Mr. Jackson noted his concerns regarding setting a dangerous precedent by granting a conditional use for the applicant's sole benefit, safety, sprawl, and vacancies in the mile square. Mr. Jackson requested Council to deny this request.

Kathleen Zien, 6060 Joseph Drive, advised her notes from the Planning Commission meeting indicated they recommended a total of 6 gas pumps not 12 as reflected in the proposed Ordinance. Ms. Zien noted decision standards were Council's checklist and they should knock through each one of them not just recite them. Ms. Zien noted her feeling when decision standards clearly were not met Council inappropriately voted them through. Ms. Zien noted she found 6 decision standards that did not justify a gas station south of town and she would go through each one as she felt Council would not. Ms. Zien discussed her concerns at length with standards B., C., E., F., J. and K., as shown on page 55 of the agenda. Ms. Zien disagreed with the Police Chief's comments on page 60 of the agenda and noted her feeling there would not be a significant reduction of round trips to the City. Ms. Zien noted fuel drive offs and petty theft were a given at a gas station and police and emergency services shouldn't be pulled out of Oxford. Ms. Zien noted there was no argument for hardship or need for a gas station at this location.

Mr. Keebler noted this was an appropriate use in the General Business District and advised his feeling nodes of convenience stores and gas stations around the community was healthy as long as they were done correctly. Mr. Keebler advised the Planning Commission discussed the request and conditions at length. Mr. Keebler advised the way the gas pumps were described in the proposed Ordinance was correct for a total of 12.

Ms. Fischer noted concern with decision standard E. as far as what 'disturbing to existing or potential future neighboring uses' meant. Ms. Fischer noted concern with police protection and the number of drive offs at other gas stations. Ms. Fischer also noted concern with decision standard J. ''such use will not change the essential character of the same area'.

Mr. Bogard inquired if condition 10 on page 45 of the agenda was an existing regulation and Ms. Dale advised no. Mr. Bogard noted the landscaping seemed to be sufficient to screen the area and advised he supported the convenience store to eliminate potential trips into the City by 700 or more individuals. Mr. Bogard referred to several letters from concerned citizens noting he did not want to see this area become another Colerain Avenue either and through the City's and Township's zoning it would not.

Mr. Rutherford noted his support for the project and advised his feeling it would be healthy for the environment by reducing vehicle miles. Mr. Rutherford noted the project would provide neighborhood cohesion and local services to the residents.

Mr. Rutherford noted concern with condition g. on page 46 of the agenda which would prohibit the use of wall pack lighting as other types of lighting would cause spill-off as well. Mr. Rutherford referred to condition m. and noted screening the site so it was not visible from US 27 was not achievable.

Mr. Ross inquired if a White Castle could be built by right on the property and Mr. Webb advised no because a conditional use permit would be needed for the drive through. Mr. Webb noted a Waffle House could be built there by right.

ORDINANCE
PLANNED DEVELOPMENT

An Ordinance Accepting The Planning Commission's Recommendation For Final Plan Approval Of Phase I Of The Planned Development For The R3 Portion Of Southpointe Crossing With Conditions. (Jung-Han Chen, Community Development Director)

Ms. Dale advised the applicant was requesting final approval for Phase I of Lakewood Condominiums which included 46 single-family dwelling units and a clubhouse and pool area. Ms. Dale noted the Planning Commission had concerns with the structural engineering of a bridge to be use as a secondary egress, and the applicant wishing to keep to roads private verses public. Ms. Dale reviewed the five conditions recommended by the Planning Commission.

Mr. Scott Webb, Applicant, provided a PowerPoint presentation of the project noting there was an extensive amount of infrastructure to be completed before any homes could be built. Mr. Webb addressed the secondary egress and advised any deficient deck timbers on the bridge would be replaced when the road was put into service. Mr. Webb also addressed the private road issue noting the Planning Commission after deliberation recommended the roads be private.

Ms. Kathleen Zien, noted concerns parking and snow removal due to the configuration of the roads.

Mr. Keebler addressed the rationale for some of the Planning Commission's recommendations and noted the streets were designed to City standards.

Ms. Fischer noted concern with the roads being private and noted her feeling it did not fit criteria in the Comprehensive Plan. Ms. Fischer stated she would like something more conclusive in place regarding the bridge repairs.

Mr. Bogard advised he was also concerned with the bridge as the structural engineer had not made a physical inspection of it.

Mr. Rutherford inquired if the utilities were going to be private and Mr. Webb advised no. Mr. Rutherford inquired who was responsible for street repair due to utility maintenance. Mr. Dreisbach advised the utilities would be in an easement and the City would restore the streets should utility maintenance be required.

Ms. Dana noted her hope the concerns of Council would be addressed by the second reading. Ms. Dana advised she had received very positive comments from members of the community regarding the project.

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit For Residential Land Use On The First Floor Of A Proposed New Four Dwelling Apartment Building In The Uptown (UP) District located Behind 25 West High Street. (Jung-Han Chen, Community Development Director)

Ms. Dale presented the case noting the conditional use permit was necessary for residential use on the first floor in the Uptown District. Ms. Dale gave a short summary of the Planning Commission and HAPC review of the case.

Mr. Webb advised he was asking to build less of a building than was allowed in this district. Mr. Webb provided a PowerPoint presentation of the project.

Ms. Kathleen Zien, 6060 Joseph Drive, challenged the vote taken by the Planning Commission noting 4 of the 7 members did not endorse the project. Ms. Zien detailed her concerns with the project satisfying decision standards C., D., E., and K. shown on page 145 of the agenda. Ms. Zien noted the landscaping plan was insignificant as it would likely be hit or vandalized. Ms. Zien advised she was surprised and disappointed there was no report from the Police Chief in the agenda as the project deserved comment on safety, traffic, and pedestrian workability. Ms. Zien referred to the Fire Chief's and Engineer's concerns as shown on pages 146-154 of the agenda. Ms. Zien addressed the issue of comments from adjoining property owners.

Mr. Ross advised he supported the proposal but would not draw trees or shrubs on the plans.

Mr. Rutherford inquired if the site could be appropriately served with utilities and Mr. Dreisbach advised yes. Mr. Rutherford noted his feeling the alleys in Oxford were under-utilized and stated in other city's like Columbus, Ohio the alleys were wonderful pedestrian ways.

Mr. Bogard advised he liked the project on this lot as otherwise it would stay a vacant lot. Mr. Bogard noted his feeling the Uptown District was over-regulated making it difficult to develop.

Ms. Fischer noted concern with the decision making process and suggested the zoning code be updated so Council didn't have the same conversations over and over. Ms. Fischer noted the trade off was a three story building verses a 4 story building regarding this project.

Mr. Keebler advised he would rather see vacant lots used for parking. Mr. Keebler noted his support for the project and advised he would rather see these proposals come before Council as conditional use requests verses build by right situations.

Ms. Dana referred to the landscaping behind Phi Delta Theta noting it was well maintained and should be a model for these types of proposals.

ORDINANCES
SECOND READING

ORDINANCE
CODE UPDATE

An Ordinance No. 3006 To Approve Current Replacement Pages To The Oxford Codified Ordinances. (Mary Ann Eaton, Deputy Clerk of Council)

Ms. Eaton advised the Walter Drane Company completed the update of Codified Ordinances which Council had adopted from August 2007 to April 2008.

Mr. Bogard noted he and Mr. Elliott discussed performing some of the code update in house and Mr. Elliott advised that issue would continue to be researched.

Mr. Bogard moved to adopt Ordinance No. 3006. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Ross (1)

ABS: None (0)

ORDINANCE
NEW SECTION 181.10

An Ordinance No. 3007 Repealing Oxford Code Of Ordinances Section 181.10 And Adopting New Oxford Code Of Ordinances Section 181.10; Including New Subsection (e). (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance would give him a $1,000.00 limit on relief he could provide a taxpayer in a specific case.

Ms. Fischer moved to adopt Ordinance No. 3007. Mr. Bogard seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Ms. Dana advised she and Margarette Beckwith met with John Granville of Metro Parks to discuss an Oxford Greenbelt. Ms. Dana noted after the Comprehensive Plan was further along she would like to schedule a public meeting with Mr. Granville. Ms. Dana advised interested parties could contact her or Ms. Beckwith.

Ms. Dana advised she would like to establish an Ad Hoc Committee of City and Miami University representatives to study the issue of housing for fraternities and requested the Law Director to draft legislation for the next meeting.

Ms. Dana asked Council members to check their schedules against the schedule of budget meetings that was provided to them and noted these meetings were important for an orderly budget process.

Mr. Rutherford advised he provided Council with information regarding the US Mayors' Climate Protection Agreement and encouraged Council to read the information and consider it. Mr. Rutherford suggested Council adopt a Resolution to have an energy audit performed to establish a baseline of the community's carbon footprint. Mr. Rutherford explained that block grant money was available for many environmental initiatives.

Mr. Elliott thanked the Community Development Department and Mr. McHugh for coordinating the training session for the Board of Zoning Appeals which took place July 9, 2008. Mr. Elliott noted he provided Council with a copy of the PowerPoint presentation.

Mr. Elliott reiterated Ms. Dana's comments regarding the Capital Improvement Plan and Budget schedule noting the CIP meeting was scheduled for August 26, 2008.

Ms. Dana advised members of the community were interested in knowing what the advantages of using the Regional Income Tax Agency had meant for the City and asked Mr. Newlin to compile the information.

Ms. Dale reminded everyone that the Comprehensive Plan Open-House was scheduled for July 22nd at Kramer School. Ms. Dale noted the Comprehensive Plan would go before the Planning Commission in August and Council in September.

Mr. McHugh advised he drafted legislation requested by Ms. Currie regarding a Bicentennial Event Planning Committee which would be on the next agenda. Mr. McHugh noted he would obtain information from Ms. Dana regarding the Ad Hoc Committee she mentioned earlier.

Mr. Ross noted he gave up on fighting the Noise Ordinances.

Mr. Ross advised there was a used car lot on McGuffey Drive and inquired if it was a result of Miami University not following City Ordinances.

Mr. Ross noted he looked forward to more information regarding under reported trips to Washington DC.

Mr. Ross discussed his displeasure with the use of the timer at the podium.

Mr. Ross discussed the deer problem noting it could be solved and advised Mr. Elliott that Mt. Airy had a program that worked well.

Mr. Rutherford advised his feeling people were either for or against the proposed US27/SR73 connector and he prepared a set of 3 alternative maps which he sent to the Butler County Engineer and Butler County Planning Commission. Mr. Rutherford noted this effort was as a citizen not as a Council member. Mr. Rutherford advised he received a communication from the County Engineer who felt the alternatives were worth consideration. Mr. Rutherford inquired if Council wished to schedule a Work Session to discuss these alternatives.

Ms. Fischer noted she still had questions such as what the federal funds could be used for if not for the connector.

Ms. Fischer moved to extend the meeting to 11:15 p.m. Mr. Keebler seconded. The motion passed 6-0-0.

Ms. Dana noted it was important that Council re-affirmed its position regarding the proposed connector.

After discussion Council decided to schedule a Work Session prior to August 19, 2008 and to invite the County Engineer and County Planner.

Ms. Fischer provided an update regarding the School Board meeting which took place last night noting a bond issue would be forthcoming.

Ms. Fischer noted her feeling that SCRC would be an appropriate group to study the fraternity housing issues.

Mr. Keebler commended the Chamber of Commerce for their efforts in coordinating the Wine and Arts Festival noting he had received many positive comments from the public.

Ms. Dana noted the recent HAC/HAPC event which occurred at the Community Arts Center. Ms. Dana thanked the Parks and Recreation Department for their efforts in coordinating the 4th of July events. Ms. Dana noted the recent Ribbon Cutting for the opening of Locust Street. Ms. Dana noted the Choice Pantry picnic she and Mr. Bogard attended. Ms. Dana noted she attended the Historic Hopewell Church event and noted they now had a Historic Marker.

Ms. Dana noted her hope staff would work on options to present Council regarding deer control.

Ms. Dana noted she would like Council to think about their rules, and if they were not going to follow their 5 minute rule for public comment, what would be fair to everyone.

Mr. Elliott advised staff would report on deer control options before the next meeting.

ADJOURN

Mr. Bogard moved to adjourn at 11:13 p.m. Ms. Fischer seconded. The motion passed 6-0-0.