The Work Session of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, September 1, 2009 at 6:30 P.M. Those Council members present were: Ken Bogard, Doug Ross, Richard Keebler, Kate Currie and Greig Rutherford. Alysia Fischer was excused.

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

Also present were Bob Blackburn, John Harmon and Kevin McKeehan, candidates for City Council.

APPROVAL OF AGENDA

Ms. Currie moved approval of the Agenda. Mr. Rutherford seconded. The motion carried 6-0-0.

PURPOSE

The purpose of the Work Session was for Council to receive information regarding Tax Increment Financing.

Mr. Elliott advised Tax Increment Financing (TIF) could be an effective tool for Economic Development in the Uptown District and advised Mr. Kyger would provide a presentation regarding the TIF concept.

PRESENTATION

Mr. Kyger provided a PowerPoint presentation and explained that Tax Increment Financing was an economic development mechanism available to local governments in Ohio. Mr. Kyger noted a TIF worked by locking in the taxable worth of real property at the value it held at the time the TIF was approved and as the value of the real property appreciated, the increased collected revenues were placed in a separate fund to finance the construction of the public infrastructure projects defined within the TIF legislation.

Mr. Kyger explained how TIF's could be used; the two general types of TIF's and the tax benefits as well as how TIF revenues were created.

Mr. Kyger discussed possible TIF locations and projects in the Uptown District and the required actions to initiate the process.

Mr. Kyger, Mr. Elliott and Mr. McHugh answered questions from Council regarding the TIF concept, benefits and incentives for merchants.

AJOURNMENT

Ms. Currie moved to adjourn at 7:15 p.m. Mr. Bogard seconded. The motion carried 6-0-0.

A Regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, September 1, 2009 at 7:30 p.m. Those members present were Ken Bogard, Richard Keebler, Alysia Fischer, Doug Ross, Kate Currie and Greig Rutherford.

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

PLEDGE OF ALLEGIANCE

Mayor Dana called for the Pledge of Allegiance.

ADJOURN TO EXECUTIVE SESSION

Ms. Currie moved to adjourn to Executive Session at 7:15 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (1) Appointments to Boards and Commissions. Mr. Ross seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross, 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. Fischer Seconded. The motion passed 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)

APPROVAL OF AGENDA

Mr. Bogard moved to substitute Agenda Item 6.A.3. with a revised Ordinance adopting new Chapter 550, Section 550.01 of the Oxford Code of Ordinances establishing the creation of an Alcohol Education Program. Ms. Currie seconded. Mr. McHugh advised revisions to the Ordinance were received from the County Prosecutors after the agenda was published.

After a brief discussion, Council decided to consider the request to substitute when they reached Item 6.A.3. on the agenda. Mr. Bogard withdrew his motion to substitute and Ms. Currie withdrew her second.

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

PUBLIC PARTICIPATION

RECOGNITION

Mayor Dana invited Dalton Schlichter to join her at the podium. Mayor Dana thanked all of those who assisted last Thursday with the annual 'Pig Roast' noting it was a wonderful community event and approximately 3,000 meals were served. Mayor Dana introduced Dalton Schlichter who was 8 years old and commended him for his recycling efforts during the event. Mayor Dana noted Dalton with assistance from Ms. Meeks collected soda cans from trash containers for recycling and was working on removing the tabs for the Ronald McDonald House. Mayor Dana named Dalton 'Recycler of the Month'.

PROCLAMATION
'HISPANIC HERITAGE MONTH'

Mayor Dana read the Proclamation and presented it to Ms. Jacque Rioja and Ms. Juanita Tate.

Ms. Jacque Rioja, thanked Council and invited everyone to attend the Latin and Caribbean Festival in the Uptown Parks on September 11, 2009.

PROCLAMATION
'THREE VALLEY CONSERVATION TRUST DAY'

Mayor Dana read the Proclamation and presented it to Board Members of the Three Valley Conservation Trust.

Mr. Adolph Greenberg, Chair, Board of Trustees, thanked Council and invited everyone to attend their 15^{th} anniversary celebration at the Beck Farm on October 4, 2009 and the Auction for Acres event at the Knolls of Oxford on November 7, 2009.

APPOINTMENTS TO BOARDS AND COMMISSIONS

STUDENT COMMUNITY RELATIONS COMMISSION

Ms. Fischer moved to appoint herself as the Council Representative, Joshua First as the Mile Square Representative for a term expiring in 2012, Richard Daniels and Roseann Julian as the Resident Representatives for terms expiring in 2012, Ms. Fischer moved to confirm the appointments of Christopher Escue as the Miami University Graduate Representative and Matthew Ciccone, Lane Clegg, Randi Keefer and Matthew Frazier as the Undergraduate Representatives. Ms. Currie seconded. The motion passed 7-0-0.

ASSESSMENT EQUALIZATION BOARD

Ms. Fischer moved to nominate Steve Flee and Craig Bruder to the Assessment Equalization Board for indefinite terms. Mr. Keebler seconded. The motion passed 7-0-0.

PUBLIC RIGHT-OF-WAY REQUEST – EVILUTION UNLIMITED

Ms. Carly McFadden and Mr. Brandon Whitaker

Mr. Brandon Whitaker, advised he prepared revised Right-of-Way requests to use the public right-of-way two days a week between the hours of 10 a.m. and 4 p.m. in the Spring Street and Patterson Avenue area to promote a haunted attraction. Mr. Whitaker described the haunted attraction which would be located in College Corner and advised their goal was to shuttle students from the campus area for an evening of alternative entertainment.

Mr. Ross inquired why Council needed to approve the right-of-way request and Mr. McHugh advised Council's current policy required their approval for requests to use the Parks or right-of-way in excess of 2 days.

Several members of Council expressed concern with the policy noting the applicants had every right to walk on the sidewalks and hand out flyers.

Mr. Bogard inquired what precipitated the policy in the beginning and Mr. McHugh advised many requests could involve extra Police Officers or Street personnel and this was an effort to regulate the right-of-way. Mr. Keebler noted his feeling the policy was intended more for the use of the Uptown Parks and it was a stretch to require a permit for this type of activity. Mr. Elliott advised staff was reviewing other aspects of the policy and would take Council's comments under advisement as well.

Ms. Fischer moved to remove the request from the agenda. Mr. Bogard seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

PUBLIC COMMENTS

Mr. Mike Ramsey, 6011 Stillwell Road, distributed a letter to Council with regard to the City's request for property owners on Main Street to replace sidewalk, curb and gutters. Mr. Ramsey advised he sent a letter to property owners on Main Street regarding the issue and received quite a few responses. Mr. Ramsey outlined his concerns as reflected in the letter noting the City never really had a sidewalk, curb and gutter maintenance program. Mr. Ramsey advised his feeling Washington State had it right – have a maintenance program and the citizens could be held liable for the cost otherwise the city paid. Mr. Ramsey noted many of the sidewalks had been in their present condition for decades and because the State of Ohio included Main Street in their Urban Paving Program suddenly much of the sidewalk, curb and gutter was bad and needed replaced. Mr. Ramsey noted there was no engineering criterion for what was and was not acceptable sidewalk. Mr. Ramsey detailed several other concerns regarding the matter.

Mayor Dana encouraged Mr. Ramsey to discuss his concerns with Mr. Dreisbach.

Mr. Ramsey advised he would like to see the City assist in the cost of the repairs.

Mr. Dreisbach addressed Mr. Ramsey's concerns noting Chapter 1101.05 of the Oxford Code of Ordinances contained criteria for repairing sidewalk, curbing and gutters. Mr. Dreisbach advised the City had been sending notices for sidewalk repair for 7-8 years and more aggressively on High Street and high profile areas of town. Mr. Dreisbach noted owners with defective curb, gutter or sidewalk received a letter from the City with a list of qualified contractors who had the City's specifications for making the repairs. Mr. Dreisbach advised the City could make the necessary repairs make an assessment which could be paid back over time. Mr. Dreisbach noted ODOT was funding 70% of the reconstruction of Main Street (Rt.732) and required handicapped ramps to be installed where necessary and curbs and gutters to be strong and secure.

Mr. Rutherford advised the owners could make the repairs themselves as long as City specifications were met. Mr. Rutherford encouraged Mr. Ramsey to work with Mr. Dreisbach and City staff regarding his concerns.

CONSENT AGENDA

Mr. Bogard requested removal of item E. Report.

MINUTES

Minutes of the August 21, 2009 City Council Work Session Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the August 21 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the August 25, 2009 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

REPORT

Report regarding the August 17, 2009 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen Community Development Director)

RESOLUTIONS

**RESOLUTION
PURCHASE OF
DE-ICING MATERIALS**

A Resolution No. 4480 authorizing the City Manager to accept the contract secured by Butler County and authorizing the City Manager to purchase from North American Salt Co. road de-icing materials for an amount not to exceed $95,000.00. (Mike Dreisbach, Service Director)

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

REPORTS

Report regarding the August 19, 2009 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Mr. Bogard requested clarification of the variances granted by the Board of Zoning Appeals which Mr. Chen addressed.

Mr. Bogard moved to accept the Report regarding the August 17, 2009 Board of Zoning Appeals Meeting. Mr. Keebler seconded. The motion passed 7-0-0.

RESOLUTION

RESOLUTION
ASSESSMENT OF
DELINQUENT CHARGES

A Resolution No. 4481 authorizing the assessment of delinquent charges for the cutting and removal of weeds, vegetation and/or grass to be places on the Butler County, Ohio property tax duplicate. (Jung-Han Chen, Community Development Director)

Mr. Chen addressed his staff report as presented on page 29 of the agenda noting the deadline to file special assessments with the Butler County Auditor was September 14, 2009.

Mr. Keebler moved to adopt Resolution No. 4481. Ms. Currie seconded. The Resolution was adopted by the following roll call:

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

NAY: Mr. Ross, Mr. Rutherford (2)

ABS: None (0)

ORDINANCES
FIRST READING

ORDINANCE
FINAL SUBDIVISION APPLICATION

An Ordinance Approving The Final Subdivision Application For Campus Commons Subdivision, Phase One With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen addressed his staff report as presented on page 33 of the agenda noting the three conditions as listed on page 35 of the agenda.

Mr. Robert Broestl, Project Engineer, updated Council with regard to the Homeowners Association and the EPA approval of the sanitary sewer. Mr. Broestl noted Mr. Mike Stegman who prepared the Homeowners Association documents was also in attendance to answer any questions.

Mr. McHugh advised he worked with Mr. Stegman on the Homeowners Association documents and recommended changes which Mr. Stegman accepted and incorporated into the documents making this a perpetual arrangement.

Ms. Fischer noted complaints were received that citizens did not want more density in this area but it was zoned residential and Council was not voting on density issues.

Ms. Fischer noted the decision regarding the proposed Ordinance was whether or not the Final Subdivision Application matched the Preliminary Subdivision Application.

Mr. Rutherford inquired if deviations were made from the Subdivision Regulations and Mr. Keebler noted the street widths were more narrow but matched the existing streets.

ORDINANCE
REPEALING CHAPTER 146

An Ordinance Repealing Oxford Code Of Ordinances Chapter 146, Finance Commission. (Doug Elliott, City Manager)

Mr. Elliott referred to Mr. Bogard's letter on page 72 of the agenda recommending the Finance Commission be discontinued. Mr. Elliott noted he agreed with Mr. Bogard that the Commission seemed redundant and un-necessary.

Mr. Keebler advised he served on the Finance Commission and the members felt Council did a thorough review of the budget and this Commission was not needed.

ORDINANCE
ALCOHOL EDUCATION
PROGRAM

An Ordinance Adopting New Chapter 550, Section 550.01 Of The Oxford Code Of Ordinances Establishing The Creation Of An Alcohol Education Program. (Steve Schwein, Police Chief)

Mr. McHugh addressed the changes requested by the prosecutor's office which was why staff requested the Ordinance be substituted with the updated language. Mr. McHugh noted the program would be operated by the Police Chief instead of the prosecutor.

Ms. Fischer noted concern with substituting the Ordinance since the public did not have an opportunity to read it.

Mr. McHugh advised a number of court cases were pending and individuals were waiting to attend the program.

Mr. Keebler advised he read the Ordinance staff was requesting to be substituted and there were no substantial changes.

Mr. Bogard moved to substitute an updated Ordinance adopting New Chapter 550, Section 550.01 of the Oxford Code of Ordinances establishing the creation of an alcohol education program. Mr. Keebler seconded. The motion passed by the following roll call:

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

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

ABS: None (0)

Ms. Fischer noted she would like the Student Community Relations Commission to review the proposed Ordinance and provide comments regarding it. Ms. Fischer suggested the First Reading of the proposed be delayed until the next meeting.

Chief Schwein noted the proposed program was voluntary and would be a benefit to everyone.

Ms. Fischer moved to delay the first reading of the substituted Ordinance until the next meeting. Mr. Rutherford seconded. The motion failed by the following roll call:

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

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

ABS: None (0)

Mr. Ross requested clarification to Item (C) on page 78 of the agenda regarding the Law Enforcement Trust Fund which Chief Schwein addressed.

Ms. Bobbe Burke, addressed Council regarding the value of having the SCRC review the proposed Ordinance. Ms. Burke noted she wanted to make sure the program meshed with the program in place by the university.

**ORDINANCES
SECOND READING**

**ORDINANCE
NEW SECTIONS
503.02 AND 503.98**

An Ordinance Repealing Oxford Code Of Ordinances Sections 503.02 and 503.98 And Adopting New Oxford Code Of Ordinances Sections 503.02 And 503.98; Titled 'Classification Of Civil Offenses' And 'Fines'. (Steve Schwein, Police Chief)

Chief Schwein addressed his staff report as presented on page 80 of the agenda. Chief Schwein noted the proposed Ordinance would de-criminalize certain quality of life issues by issuing civil citations for the offenses listed on page 81 and 82 of the agenda.

Ms. Fischer noted the SCRC discussed the proposed Ordinance at their last meeting at length.

Ms. Fischer noted several years ago Council worked on a solution to enforce litter, noise and outdoor furniture violations and the current way these offenses were cited had been successful.

Mr. Rutherford inquired what the current fine was and Chief Schwein advised $60.00 plus $100.00 in court costs.

Ms. Fischer referred to page 82 of the agenda and moved to strike item 521.12A from the proposed Ordinance. Mr. Ross seconded. The motion passed by the following roll call:

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

NAY: Mr. Keebler, Mr. Rutherford, Mr. Bogard (3)

ABS: None (0)

Ms. Currie moved to adopt Ordinance No.3076 as amended. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance No. 3077Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 154.487Acres Of Land Located At 4135 Millville-Oxford Road, Oxford, Ohio And Rezoning The Property From A-1 (County Zoning) To R1A (Single-Family Low Density Residential) District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised he had no new information to add. Mr. Chen noted the working relationship between the school administration and staff had been a great experience.

Mr. Bill Houck, inquired what the motivation was to rezone the property to R1A and Mayor Dana advised the City did not have an A1 district at this time. Mr. Chen noted A1 was a county zoning designation.

Mr. Rutherford noted concern that the BZA granted variances for property before it was annexed into the City. Mayor Dana noted she would ask Mr. McHugh to address the issue.

Mr. Houck as a member of the Board of Zoning Appeals spoke from the audience regarding Mr. Rutherford's comment.

Mr. Bogard moved to adopt Ordinance No. 3077. 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
CONDITIONAL USE PERMIT

An Ordinance No. 3078 Approving A Conditional Use Permit To Permit A Public School In The R1A (Single-Family Low Density Residential) District Located At 4135 Millville-Oxford Road With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen referred to page 104 of the agenda and noted condition c. was added to the proposed Ordinance based on Council's amendment at the previous meeting.

Ms. Fischer inquired if this was the last piece of legislation to come before Council related to the new school and Mr. Chen advised yes.

Mr. Bogard noted he was looking forward to the future roadway extension.

Ms. Fischer moved to adopt Ordinance No. 3078. 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)

ANNOUNCEMENTS

Mr. Elliott noted he appreciated the discussion regarding Tax Increment Financing during tonight's Work Session and asked Council to provide staff with direction as to whether or not to move forward with the process.

Mr. Elliott reminded Council there was an Open House scheduled for Wednesday, September 9, 2009 with representatives from the Ohio Department of Natural Resources to discuss Deer Management within the City.

Mr. Kyger requested Council's input with regard to Tax Increment Financing.

Mayor Dana advised she would like the TIF process to move forward

Mr. Rutherford advised he would like to see a TIF program implemented and noted he would not want it restricted to the UP District. Mr. Rutherford suggested including the RO and Mile Square Districts. Mr. Rutherford advised he would like to see a list of projects developed, organized and prioritized.

Mr. Bogard echoed Mr. Rutherford's comments noting he would like to see the program include the Locust Street area.

Mr. Keebler noted he felt it was important to identify and prioritize projects and for Council to have a specific goal for the use of funds for a particular area of town.

Ms. Currie suggested scheduling a Work Session to identify projects which would also serve as a public hearing.

Mr. McHugh advised a Work Session would not serve as the public hearing and suggested Bond Counsel be contacted to make sure projects met the legal requirements for bonding. Mr. McHugh advised if Council wanted to move forward legislation could be drafted to define the TIF process and projects.

Mayor Dana advised concern had taken place this week with regard to public and private use of the 16 ½' set back at Main and High Streets and asked Mr. Elliott to comment on the situation.

Mr. Elliott advised the building at Main and High recently opened for residents which had a walkway/patio area that was being used by residents to drink alcoholic beverages. Mr. Elliott noted the Police Department felt the open container law was being violated and wanted to issue citations. Mr. Elliott noted he advised the Police Department this was vacated right-of-way and was private property and cautioned them not to issue citations for open container. Mr. Elliott advised he and staff were looking at various sections of the zoning code and noted he would like to hear comments from Council and the public regarding the matter.

Mr. Bill Houck, referred to Zoning Code Section 1143.10 E.2.a. which stated 'Private property in the front setback area or any courtyard or other partially enclosed area adjacent to a right-of-way may be utilized only for commercial activity related to the principal use on the first floor of the principal structure.' Mr. Houck noted his feeling the Zoning Code was very clear on the matter and any other uses would require a variance from the Board of Zoning Appeals.

Mr. Mike Smith, Chair, Historic and Architectural Preservation Commission, advised the commission was alarmed by what had happened at this location. Mr. Smith noted his feeling the commission would not be in favor of a private beer garden. Mr. Smith advised a gate was added to the area without the HAPC's approval and it was their assumption that this area would be a through walkway/sidewalk.

Mr. Todd Hollenbaugh, Chair, Board of Zoning Appeals, noted the project came before the BZA for a variance to build in the 16 ½' vacated right-of-way and the request was unanimously denied. Mr. Hollenbaugh noted he was having serious second thoughts about the denial noting 50-60 residents were consuming alcohol in the area between 2:00 and 4:00 a.m. Mr. Hollenbaugh expressed concern this would be an issue all through the Uptown District with new mixed use buildings.

Mr. McHugh cautioned Council with regard to commenting on the situation as it was still under review by staff and may at some point evolve into a legal action.

Mr. Keebler advised he felt Zoning Code Section 1143.10 E.2.a. was very clear and he did not know why a discussion was needed. Ms. Fischer agreed.

Mr. Rutherford noted some properties in the Uptown District did not have commercial space at grade and he was not sure what the enforcement issues were with regard to those properties. Mr. Rutherford referred to Mr. Houck's comment and advised the City had no 'Use Variances'. Mr. Rutherford noted concern with actions of the BZA as related to the Ohio Revised Code.

Mayor Dana advised Council would deal with the situation and rely on input from staff and the Boards and Commissions.

Ms. Currie advised the Bicentennial Event Planning Committee would meet on Wednesday, September 9th at 5:30 p.m. at the Visitors and Convention Bureau.

Ms. Fischer reminded everyone that the 7th annual Latin American and Caribbean Festival would take place Friday, September 11th in the Uptown parks from 5:30 p.m. to 10:00 p.m. and encouraged everyone to attend.

Mr. Bogard requested that the Open House for Deer Management on September 9th be advertised as much as possible.

Mr. Rutherford advised Boy Scout Troop 930 would celebrate its 70th anniversary soon and special events would be planned for the occasion.

Mr. Rutherford noted space was available at the Senior Citizens Center for anyone who needed senior day care.

Mr. Rutherford requested a report from the Board of Zoning Appeals with regard to why some members felt pressured to take certain actions.

Mr. Elliott encouraged Mr. Rutherford to view the Board of Zoning Appeals meetings on line to see what the tone and tenor of the meetings were.

Mr. Ross advised the Miami University auction would take place Saturday.

Mr. Ross noted City Council candidates Mr. Blackburn and Mr. McKeehan were in attendance as well as Professor Prytherch's students.

ADJOURNMENT

Ms. Currie moved to adjourn at 10:11 p.m. Ms. Fischer seconded. The motion passed 7-0-0.