A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, September 7, 2010 at 7:30 p.m. Those members present were Greig Rutherford, Kate Currie, Bob Blackburn, John Harman and Kevin McKeehan. Ken Bogard was excused.

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; Mr. Alan Kyger, Economic Development Director; Mr. John Detherage, Fire Chief; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Blackburn moved to approve the agenda. Ms. Currie seconded. The motion passed 6-0-0.

PROCLAMATION
'COMMUNITY ARTS CENTERS DAY'

Mayor Keebler read the Proclamation and presented it to Ms. Caroline Croswell of the Oxford Community Arts Center.

Ms. Caroline Croswell, thanked Council for the Proclamation and for supporting the Community Arts Center. Ms. Croswell advised 24 area Community Arts Centers would hold a special event on Sunday, September 12, 2010 from 12:00 p.m. to 4:00 p.m. providing free arts experiences for the community. Ms. Croswell advised a concert would take place at the Community Arts Center this Friday featuring many local artists.

NOTICE TO LEGISLATIVE AUTHORITY

Transfer permit from M & R Wholesale Distribution Inc. DBA The Den 117 E. High Street First Floor and Basement Oxford, Ohio 45056 to Oxford Den Inc. DBA The Den 117 E. High Street First Floor and Basement Oxford, Ohio 45056.

Chief Schwein advised the new owner of the establishment owned two other businesses in Oxford and he did not see any problems with the permit transfer.

Ms. Currie moved to accept receipt of the notice without comment. Mr. Blackburn seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION
PUBLIC COMMENTS

Ms. Joan Potter-Sommer, Director, Oxford Seniors, 922 Tollgate Dr., advised since the City was so generous to Oxford Seniors she felt it was important that Council knew what was going on at the center. Ms. Potter-Sommer advised the staff was particularly pleased with the new air-conditioning and heating system and noted the center was very comfortable this summer compared to past years. Ms. Potter-Sommer noted the center currently had 613 members and was open 5 days a week. Ms. Potter-Sommer advised Oxford Seniors provided senior transportation Sunday-Friday, Adult Day Care Monday-Friday, Information Outreach to older adults and their families Monday-Friday, congregate meals Monday-Thursday and home delivered meals up to 7 days a week. Ms. Potter-Sommer discussed items in the September newsletter noting the center was about to start the annual Master Games which was in its 22nd year. Ms. Potter Sommer noted the charts in the newsletter showed the number of rides and the number of meals provided noting both services were funded in part by donations from riders, Title 3 Federal dollars, United Way and the City of Oxford. Ms. Potter-Sommer invited Council and the public to attend the Butler County Elderly Services Program Levy Kick-Off at Oxford Seniors, 922 Tollgate Drive on Monday, September 27, 2010 from 5:30 p.m. to 6:30 p.m. Ms. Potter-Sommer noted the levy was a 1.3 mil renewal levy and the Kick-Off was a panel presentation to provide information about the services the levy supported. Ms. Potter-Sommer advised if Council wished to endorse the levy she would forward an endorsement letter from Council to the appropriate levy committee. Ms. Potter-Sommer thanked Council for their time and noted she planned to attend Council meetings at least quarterly with progress reports from Oxford Seniors.

Ms. Bobbe Burke, 722 David Drive, advised the Associated Student Government and the Office of Off Campus Affairs would hold a Housing Fair tomorrow in the Heritage Room at the Shriver Center at noon until 4:00 p.m. Ms. Burke noted 20 landlords and property managers would participate in the Housing Fair and noted her hope a good number of students would attend to do some comparative shopping. Ms. Burke advised 4 programs were being held on campus this evening which mostly targeted sophomores who were looking for housing for the 2011 and 2012 school year. Ms. Burke thanked the 142 volunteers who helped with the Walk-About project this year noting 99 volunteers were non students, 25 were students and approximately 18 children participated. Ms. Burke advised she appreciated the participation and the support Council lent to the project.

CONSENT AGENDA

Mr. Rutherford requested removal of item G. Report.

MINUTES

Minutes of the August 3, 2010 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the August 3, 2010 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the August 17, 2010 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the August 4, 2010 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report regarding the August 4, 2010 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the August 10, 2010 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the August 25, 2010 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

RESOLUTIONS

RESOLUTION
GRANT APPLICATION

A Resolution No. 4557 of Council supporting the submission of a grant application for Ohio Public Works Commission Issue 1 funds in the amount of $400,000 to be used for the rehabilitation of High Street between Main Street and Poplar Street. (Mike Dreisbach, Service Director)

RESOLUTION
TAX LEVIES

A Resolution No. 4558 accepting the amounts and rates as determined by the Budget Commission of Butler County, Ohio and authorizing the necessary tax levies and certifying them to the County Auditor. (Joe Newlin, Finance Director)

Mr. McKeehan moved to approve the consent agenda. Mr. Blackburn seconded. The motion passed 6-0-0.

REPORT

Report regarding the August 18, 2010 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Mr. Rutherford noted his feeling the BZA Report should be discussed in light of a letter dated September 2, 2010 regarding a lot split at 5990 Contreras Road authored by Steve McHugh regarding issues that resulted in the BZA case being tabled until their next meeting due to concerns regarding the nature of the application. Mr. Rutherford noted the specific concern was whether or not the variance being requested was a use variance. Mr. Rutherford discussed his concerns regarding Mr. McHugh's letter and noted his feeling it was as though an outcome was determined and then an argument was created to support it rather than going through the issue objectively.

Mr. McHugh advised he took umbrage to the statement that his letter was not objective and noted there was no intent to define what the result was. Mr. McHugh advised the result was spelled out in the zoning code which was the law and his interpretation was very common. Mr. McHugh advised a garage was an accessory use and it had to be related to the principle use.

Mr. Rutherford further discussed his position and his interpretation of the zoning code and advised he felt the applicant's request was reasonable.

Mayor Keebler advised Mr. Rutherford to draft his argument in the same format as the City Attorney did and to address it to the City Attorney and once the response was received Council would discuss the matter in a Work Session or at a Council Meeting.

Mr. Rutherford advised he would prepare a letter. Mr. Rutherford noted he did not request the opinion letter from the City Attorney and that legal counsel advised they needed to do research and prepare an opinion regarding the legal difficulties the case presented.

Ms. Currie moved to accept the report regarding the August 18, 2010 Board of Zoning Appeals Meeting. Mr. McKeehan seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION
GRANT APPLICATION

A Resolution No. 4559 authorizing the City Manager to apply for a 'Staffing for Adequate Fire and Emergency Response' (SAFER) grant administered by the Department of Homeland Security Federal Emergency Management Agency. (John Detherage, Fire Chief)

Chief Detherage addressed his staff report as presented on page 36 of the agenda noting the grant would cover the cost of additional personnel for two years with the City covering the cost the third year.

Ms. Currie noted her recollection was the City Manager advised if the tax levy did not pass the City would not be able to accept the grant if awarded as funds would not be available to sustain additional personnel.

Mr. Elliott advised if Issue 15 did not pass it would not be financially prudent for the City to accept the grant. Mr. Elliott noted during Council Work Sessions it had been stated that 3 people on duty was not adequate and certainly not for a fire ground operation. Mr. Elliott advised funding for this federal initiative had been doubled and the opportunity to receive funding for two years did not happen very often. Mr. Elliott noted Ms. Currie was correct in her statement.

Mayor Keebler advised accepting a grant would be a decision of Council if and when it was approved. Mayor Keebler noted the grant process could take 6-9 months and Council would have time to weigh the decision. Mayor Keebler noted he felt it made sense to apply for the grant.

Mr. McKeehan applauded staff for seeking alternative funding sources.

Mr. Blackburn moved to adopt Resolution No. 4559. Ms. Currie seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit To Allow A Place Of Worship In The Uptown (UP) District At 127 W. Church Street, Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Blackburn recused himself from the discussion.

Mr. Chen addressed his staff report as presented on page 38 of the agenda noting the applicant was before Council in February requesting a Conditional Use Permit for a different location and the space became leased to a different entity. Mr. Chen noted the Planning Commission reviewed the decision standards for this location and recommended approval for the new location.

Mayor Keebler advised the new location was probably better as it provided Sunday morning parking on site.

Mr. Blackburn returned to the dais.

ORDINANCE
NEW SECTIONS
1143.13 & 1143.14

An Ordinance Repealing Oxford Codified Ordinance Sections 1143.13 And 1143.14 And Adopting New Oxford Codified Ordinance sections 1143.13 And 1143.14 Titled "Office & Light Industrial District" And "Light Industrial District". (Jung-Han Chen, Community Development Director)

Mr. Chen addressed his staff report as presented on page 57 of the agenda noting the recommended change to existing regulations was to increase the lot coverage ratio from the current rate of 33% to 70% in the OI and LI zoning districts. Mr. Chen noted the current regulation was restrictive and this was an effort to encourage development in those districts. Mr. Chen advised the Planning Commission voted 6-1-0 to recommend approval of the proposed Zoning Code Text Amendment.

Mr. Rutherford advised the dissenting vote was due to concerns with storm water management and asked Mr. Chen to address the issue.

Mr. Chen advised lot coverage could be less than 70% depending on the project due to the onsite need for retention areas.

Mr. Rutherford advised he understood the post-development flow of water off-site should be equal to the pre-development flow and Mr. Elliott advised yes. Mr. Rutherford encouraged Council to become familiar with low impact design and development.

Mr. Harman noted he was glad staff brought the proposed Ordinance forward as the restrictive regulation made Oxford uncompetitive. Mr. Harman advised the City could have lost an existing facility due to the restriction and he felt this was a very positive step in the right direction.

ORDINANCE
NEW SECTION 353.05

An Ordinance Repealing Traffic Code Section 353.05 Of The Codified Ordinances Of The City Of Oxford, Ohio, Entitled "Payment; Amount And Time Limitations", And Adopting New Section 353.05, Entitled "Payment; Amount And Time Limitations". (Steve Schwein, Police Chief)

Lt. Holzworth advised the proposed Ordinance was first introduced to Council during a Work Session on August 3, 2010 where parking in the Uptown area was discussed at some length. Lt. Holzworth noted the proposed Ordinance was designed to re-define short term parking from 15 to 20 minutes and to increase the fee from .10 to .25 cents. Lt. Holzworth advised it also allowed the City Manager to define a high density parking zone and increase fees for parking at a meter in a high density parking zone from .25 to .50 cents. Lt. Holzworth noted if approved this would only be the 5th meter increase since 1948. Lt. Holzworth advised the Parking Board after studying the issue extensively recommended the change as one of many that would be coming forward.

Ms. Currie noted her feeling the proposed fees for parking would still be a great deal.

Mayor Keebler advised the Parking Board put a lot of thought into the proposal over a period of a couple of years and tried to find ways to make the high density parking spaces turnover more frequently and encourage people to park in the lower density areas. Mayor Keebler noted Cincinnati and Dayton charged $1.00 to $1.50 per hour at metered spaces and in Chicago it was $2.50 per hour.

Mr. Rutherford advised he was a member of the Parking committee which was a very enthusiastic group of people working hard to solve parking issues. Mr. Rutherford noted he was excited about the prospect of installing some 'Smart Meters' and noted he felt raising the rate in high traffic areas of High Street was important. Mr. Rutherford advised he felt signage on meter poles would be critical.

Mr. Blackburn had questions regarding handicapped metered spots which Lt. Holzworth and Mr. Rutherford addressed.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3089 Supplemental Budget Ordinance Number 7 To Make Supplemental Appropriations For Fiscal Year 2010. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on page 79 of the agenda and answered a question raised by Mayor Keebler.

ANNOUNCMENTS

Mr. Elliott provided Council with additional information regarding the SAFER grant.

Mr. Elliott thanked the Planning Commission for bringing forward the proposed text amendment to increase lot coverage in the OI and LI zoning districts noting it would be important for the local economy.

Mr. Elliott advised Issue 15 was the proposed earnings tax increase which would appear on the November ballot and reminded those who were not registered to vote to do so by October 2, 2010. Mr. Elliott noted a citizens committee was being formed to get the information out to the public and gain their support to continue to improve Oxford's Fire and EMS division and make the community a safer place.

Mayor Keebler asked for an update on the US-27 North improvement project. Mr. Dreisbach noted due to thunderstorm activity early on in the project a lot of time was lost doing the sub-grade work. Mr. Dreisbach advised now significant progress was being made.

Ms. Currie noted she was distressed to report that the Bicentennial Sculpture at the Community Park had been vandalized.

Ms. Currie advised Council received a memo from Mr. Chen regarding a recommendation from the Housing Advisory Commission that would require the use of a Waste Wheeler Tote for all residential customers in the mile square. Ms. Currie noted the HAC had been looking at ways to improve the mile square for those living there now and to encourage more year round residents to move into the mile square. Ms. Currie advised the HAC felt the use of waste wheelers would help with the litter and nuisance animal problems. Ms. Currie asked for Council's input on the recommendation.

Mayor Keebler noted the recommendation was to implement the waste wheeler program for the 2011-2012 school years and suggested planning Work Session after the first of the year to discuss the issue. Mayor Keebler suggested landlords could work with their tenants to encourage the use of waste wheelers.

Mr. Rutherford advised the Uptown District had a serious problem with trash overflow which was a public health, safety and welfare issue.

Mr. Rutherford noted the City's Animal Control Officer spoke to the Police Advisory Board about the raccoon and feral cat problem and the danger they posed to the community.

Mr. Harman noted Council received an economic impact report from the Visitors and Convention Bureau recently and inquired if Council would like to see that report on a monthly or quarterly basis and Council members advised a quarterly report by email would be sufficient.

Mr. Blackburn advised he provided waste wheelers at his rental properties at a cost of $80.00 if picked up at Rumpke or $100.00 if delivered or the waste wheelers could be rented for $3.00 per month.

Mr. Blackburn noted the City was without cable television for 18 hours over the weekend and inquired if the provider would offer consumers a rebate. Mr. McKeehan advised a $3.00 rebate was available by calling the provider.

Mr. Blackburn commented on the bed bug epidemic and suggested Council think about not picking up upholstered furniture and mattresses during Sharefest this spring. Mr. Blackburn noted Salvation Army and Goodwill were not accepting those items right now.

Mr. Rutherford encouraged everyone to attend the Farmers Market.

Mr. Rutherford welcomed Miami University students back to Oxford and advised he participated in the Walkabout program which was great.

Mr. Rutherford advised he was planning to do a 'Ride-Along' with the Police Department and encouraged Council members to do the same noting it was an eye opening experience.

Mr. McKeehan advised he participated in the Walkabout program for the first time this year and applauded Bobbe Burke and the office of Off Campus Affairs for their efforts in organizing the program. Mr. McKeehan noted great materials were provided to distribute to the students and the program was well received.

Mr. McKeehan thanked the Police and Service Departments for their assistance during the student move-in process.

Mayor Keebler advised there had been a lot of arrests and citations issued recently with regard to underage drinking and noted his disappointment with this type of behavior. Mayor Keebler encouraged the Police Department to continue enforcing underage drinking laws and encouraged Miami University to work with their disciplinary board to make these offenses more serious.

ADJOURNMENT

Mr. Blackburn moved to adjourn at 8:45 p.m. Ms. Currie seconded. The motion passed 6-0-0.