A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, September 16, 2008 at 7:52 p.m. Those members present were Ken Bogard, Doug Ross, Alysia Fischer, Richard Keebler and Kate Currie. Greig Rutherford 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. Alan Kyger, Economic Development Director; John Detherage, Fire Chief; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Deputy Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Mr. Ross 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) Council Appointments and (3) Pending Litigation. Ms. Currie seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Ms. Fischer moved to return from Executive Session at 7:50 p.m. Ms. Currie seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIENCE

Mayor Dana requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION
'HISPANIC HERITAGE MONTH'

Mayor Dana read the Proclamation and presented it to Diana Durr on behalf of Juanita Tate of Miami University.

Ms. Durr advised the UniDiversity Festival would take place on Friday in the Uptown Parks.

PRESENTATION

State to State Half Marathon and 5K Run.

Ms. Sarah Mabry, noted she distributed an application for the race and other information to Council with regard to this year's event. Ms. Mabry thanked the City for getting the High Street brick replacement completed and the road opened prior to the race. Ms. Mabry noted the goals for the event were to bring visiting athletes to Oxford, encourage residents to exercise, and to donate funds after expenses to charities. Ms. Mabry noted $45,000.00 had been donated to local and national charities since 2003. Ms. Mabry advised participation in the event was higher this year than any other with people from 17 states being represented. Ms. Mabry inquired if Council would be willing to consider waiving the street closure fees for the event this year as they had been waived in the past and were not budgeted for.

Mr. Bogard inquired how many participants had signed up for the event this year and Ms. Mabry advised 1,200 and 300 volunteers as well as Police assistance from 5 departments.

Mr. Ross inquired how much money was raised for charity last year and Ms. Mabry advised approximately $5,000.00.

Mayor Dana advised Council would consider Ms. Mabry's request at the end of the meeting.

Mr. Jack Southard, Oberlin Court, updated Council with regard to a picnic held on Oberlin Court hosted by him and his wife to promote community relations. Mr. Southard noted this was the 4th year for the event.

Mayor Dana noted the agenda had not been followed properly and advised Council would make appointments to Boards and commissions and then resume public comments.

APPOINTMENTS TO BOARDS AND COMMISSIONS

STUDENT COMMUNITY RELATIONS COMMISSION

Ms. Fischer moved to appoint the following representatives to the Student Community Relations Commission for one year terms: Residence Hall Association, Ashley Perry, Associated Student Government, Thad Boggs, Intrafraternity Council, John Barrett, and Panhellenic Council, Kendall McCune. Ms. Currie seconded. The motion passed 6-0-0.

AD HOC COMMITTEE

Ms. Currie moved to appoint David Prytherch as the Planning Commission representative to an Ad-Hoc committee to study the feasibility of new and/or expanded fraternity houses in Oxford. Ms. Fischer seconded. The motion passed 6-0-0.

PUBLIC COMMENTS

Mr. Thad Boggs, Ardmore Drive, Secretary, Associated Student Government for Off Campus Affairs, thanked Mr. and Mrs. Southard for hosting the block party on Oberlin Court. Mr. Boggs noted the first Student Senate meeting took place today and Chief Schwein, Sgt. Squance and Patrolman Buchholz were in attendance from the Oxford Police Department as well as Chief McCandless from Miami. Mr. Boggs read legislation which was passed by the Student Senate regarding Council's responsiveness to the student's concern with regard to outdoor furniture fines. Mr. Boggs advised as a result of the black-out from Sunday's storm, Miami was opening dining halls to the public and were offering a 15% discount on meals through Friday of this week and the Recreational Sports Center was offering the use of its showers to the public as well. Mr. Boggs updated Council regarding events including Greek Week, the Crop Walk, a Blood Drive, Parents Weekend and College Republican and Democrat debates. Mr. Boggs noted Carl Rove, former Bush advisor would visit the university on October 8, 2008.

Mr. Ross asked Mr. Boggs to clarify a situation which took place last night in front of Lewis Place which Mr. Boggs addressed.

CONSENT AGENDA

MINUTES

Minutes of the August 26, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the September 2, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the September 2, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the September 3, 2008 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the September 10, 2008 Records Commission Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

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

RESOLUTIONS

RESOLUTION
ANNEXATION

A Resolution No. 4386 accepting the annexation petition from Bill D. Colwell for 40.113 acres of land located on Kehr Road in the Township of Oxford, Ohio and accepting said territory to be annexed. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the proposed legislation was the final step in annexing the above property into the City.

Ms. Fischer noted Council hinged their annexation decision based on the applicant receiving funds for affordable housing and inquired what the outcome of that application was. Mr. Chen advised the project did not get funded this time and Mayor Dana advised the applicant was going to reapply for funding.

Mr. Keebler noted he was not sure if Council wanted this property to be annexed if the tax credit for affordable housing was not granted. Mr. Keebler noted his feeling Council needed to have reversionary clauses in legislation for rezoning and annexation if proposals did not come to fruition in a reasonable period of time.

Mr. McHugh explained the annexation statute noting due to time constraints, if Council did not approve the annexation this evening, the process would have to start over.

Mr. Elliott noted this was a 40 acre tract of land with 20 acres designated as low income housing and the owners were planning to reapply for the low income tax credit. Mr. Elliott noted his feeling the development of the 20 acres could be delayed until the annexation agreement was amended. Mr. Elliott noted the entire parcel was to be rezoned R1B.

Mr. McHugh agreed with Mr. Elliott noting the owner applied for the tax credit in good faith and got turned down and if this happened twice the owners would have to be allowed to use their property at some point since they had done everything they said they would in good faith and could not get the designation.

Mr. Elliott encouraged Council to approve the annexation so the property would be developed within City limits noting it could take 2 to 3 applications before the low income tax credit designation was received.

Ms. Fischer noted the glut of housing in Oxford and stated her feeling annexation should provide a tangible benefit to the City. Ms. Fischer noted she could not support the proposed legislation.

Mr. Bogard noted a goal of the Comprehensive Plan was to attract people to Oxford and noted his feeling this would provide affordable housing for Miami staff and faculty.

Mr. Ross noted he would support the proposed legislation as he felt Mr. Colwell was an honest man. Mr. Ross noted his concern that back yards of rentals would face Booth Road.

Mr. Scott Webb, noted his feeling there was a flaw in logic since there was an agreement between two parties based on the actions of a third party which was unpredictable. Mr. Webb suggested Council look at other incentives for development such as relieving some of the burden on new development.

Mr. Bogard moved to adopt Resolution No. 4386. Ms. Currie seconded. The Resolution was adopted by the following roll call:

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

NAY: Mr. Fischer (1)

ABS: None (0)

ORDINANCES
FIRST READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)

Mr. Newlin explained the two adjustments needed as listed in the staff report on page 37 of the agenda.

ORDINANCE
NEW SECTION 404

An Ordinance Repealing Oxford Property Maintenance Code Section 404, Occupancy Limitations, And Adopting New Section 404, Occupancy Limitations. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the following 4 proposed Ordinances resulted from recommendations from the Uptown Revitalization Committee. Mr. Chen noted the first proposed Ordinance dealt with the bedroom size and width within the Property Maintenance Code. Mr. Chen noted the committee held lengthy discussions regarding the issue and felt the size should be reverted to the original requirements of 70 square feet and 7 foot width as the Ohio Basic Building Code and Ohio Residential Code currently regulated the minimum standards sufficient to accommodate human habitation of bedrooms and living spaces. Mr. Chen advised the following 3 proposed Ordinances dealt with managing density issues. Mr. Chen noted Mr. Kyger chaired the Uptown Revitalization Committee and would offer comments as well.

Mr. Kyger recognized Richard Keebler, Scott Webb, Kim Peterka, Ted Wong, Mayor Dana and Mr. Rutherford for their participation on the committee and Kathy Dale for staff support.

Mr. Kyger advised the intent of the first proposed Ordinance was to take away the manner in which to control density with bedroom and apartment sizes and replacing it with a straight residential density which matched the Ohio Building Code rather than trying to create codes specific to Oxford.

Mr. Scott Webb, noted his role on the committee was to point out that the Zoning Code was the only locally written code and it appeared when anyone felt something should be regulated in the City it was put in the Zoning Code. Mr. Webb noted he brought to the committee the Ohio Residential Code, Ohio Commercial Building Code, the Life Safety Code and Property Maintenance Code which were National Standard Codes adopted state-wide. Mr. Webb noted the committee came up with other ways to affect density and they were in favor of bringing all codes in line for easier understanding and administration as well as trying to eliminate unintended consequences.

ORDINANCE
NEW SECTION 1143.10

An Ordinance Repealing Zoning Code Section 1143.10, Uptown District, And Adopting New Section 1143.10, Uptown district. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the proposed Ordinance dealt with increasing the building height to make commercial space more marketable, removing the dwelling size regulation and use a factor of 200 square feet per person per lot, and requiring a Conditional Use Permit for commercial space in excess of the 3:1 floor area ratio.

Mr. Scott Webb , noted the increase in building height from 45' to 48' would alleviate a lot of burden on developers without significantly changing the streetscape.

Ms. Fischer noted the Planning Commission recognized the hard work done by the committee and how the proposed Ordinances were intertwined. Ms. Fischer noted she felt comfortable voting for the proposed Ordinances as a package.

Mr. Keebler advised he liked many aspects of the proposed Ordinances because they simplified matters such as the Conditional Use Permit requirement to eliminate certain issues going before the Board of Zoning Appeals. Mr. Keebler advised the proposed Ordinances would provide for redesign of existing buildings as opposed to forcing new development to increase density.

ORDINANCE
NEW SECTION 1159.07

An Ordinance Repealing Zoning Code Section 1159.07, Definitions, And Adopting New Section 1159.07, Definitions, Revising 1159.07(8), Floor Area Ratio (FAR) Definition. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the proposed Ordinance would change the definition of the Floor Area Ratio by removing the vacated right-of-way in computing density. Mr. Chen noted this was a difficult vote but one he felt everyone could live with.

Mr. Kyger further explained the rationale for the proposed Ordinance.

ORDINANCE
NEW SECTION 1149.05

An Ordinance Repealing Zoning Code Section 1149.05, Vehicle Management Non-Residential Regulations, And Adopting New Section 1149.05, Vehicle Management Non Residential Regulations. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the proposed Ordinance would eliminate the loading space requirement in the Uptown District which diminished usable space on the first floor. Mr. Chen noted other recommendations from the Uptown Revitalization Committee as listed on page 86 of the agenda.

Mayor Dana noted the proposed Ordinance would eliminate the need for developers to go before the Board of Zoning Appeals for relief from the loading space requirement.

Mr. Scott Webb, noted the 10 x 25 loading space requirement was not a serviceable space and only diminished usable space. Mr. Webb advised the issue was constantly going before the Board of Zoning Appeals.

Ms. Fischer noted her hope if the proposed Ordinance was adopted that Council would commit to looking at loading and unloading issues and the timing of those activities.

ORDINANCES
SECOND READING

ORDINANCE
ZONING MAP
AMENDMENT

An Ordinance No. 3013 Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 54.577 Acres Of Land Abutting Fairfield And Contreras Roads, Oxford, Ohio And Rezoning The Property From Agricultural (County) To R1B (Single-Family Medium Density Residential) Zoning District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised he had no new information regarding the proposed legislation.

Ms. Fischer noted the benefit of the City receiving connectivity between Fairfield and Contreras Roads as a result of the annexation of this property.

Ms. Fischer noted Council had been informed that some of the land may not be buildable and therefore the final density may be less than R1B. Mr. Keebler concurred.

Mr. Bogard moved to adopt Ordinance No. 3013. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION 351.16

An Ordinance No. 3014 Amending The Oxford Code Of Ordinances By Repealing Section 351.16, Snow Routes, And Adopting New Section 351.16, Snow Routes, To Prohibit Parking On Snow Routes Within The City During Any Level Of Snow Emergency. (Mike Dreisbach, Service Director)

Mayor Dana suggested a motion to withdraw the proposed Ordinance as the Parking and Transportation Advisory Committee was working on issues that may result in additional changes to this Ordinance as well as the fine structure.

The consensus of Council was to consider the legislation.

Mr. Dreisbach noted he revised the staff report on page 131 and 132 of the agenda to clarify the intent of the proposed legislation and included information from the Butler County Sherriff's webpage on page 135 of the agenda which discussed snow advisory levels. Mr. Dreisbach encouraged Council to adopt the proposed legislation so that vehicle owners would know what was expected of them with regard to snow routes.

Mr. Keebler moved to adopt Ordinance No. 3014. Mr. Bogard seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Bogard moved to waive the street closure fees for 2008 for the State to State Marathon and 5K Run. Mr. Keebler seconded.

After discussion Council requested that staff provide background information with regard to waiving street closure fees for this event and other events in the past.

Ms. Currie moved to table the request. Mr. Ross seconded. The motion passed 5-1-0 with Mr. Bogard voting nay.

Mr. Elliott noted 86 of 88 counties in Ohio suffered storm damage over the weekend and thanked the Police and Fire Departments as well as other City staff for their efforts in handling the emergency.

Mr. Elliott thanked the Police Departments who responded to an incident on High Street last night and reminded students there were productive initiatives that could have been undertaken instead.

Mr. Elliott noted his feeling the Deer Management Work Session was beneficial and he looked forward to receiving direction from Council regarding the matter.

Mr. Elliott noted future meetings.

Mr. Dreisbach thanked City staff for their efforts in responding to the effects of the storm on Sunday.

Mr. Newlin noted there would be a fuel adjustment added to the proposed supplemental budget Ordinance for the second reading as a result of the clean up after the storm.

Mr. Kyger commended Mr. Chen for organizing a pre-construction meeting with parties involved in the Main and High project.

Mr. Ross thanked City staff for their efforts with regard to the storm damage.

Mr. Bogard thanked City staff for the quick reaction to the storm damage.

Mr. Bogard inquired when the agency funding requests for 2009 would come before Council and Mr. Elliott advised he would let Council and the agencies know as soon as possible. Mr. Bogard inquired when the Personnel Improvement Plan Work Session would take place and Mr. Elliott advised prior to an upcoming regular Council Meeting.

Ms. Fischer echoed the compliments to City staff.

Ms. Fischer noted meetings citizens could attend with regard to the Butler County Auditors Property Reappraisals.

Ms. Fischer referred to an article in the Miami Student newspaper with regard to the proposed gas station at Kroger's and noted the Planning Commission recommended denial of the gas station, not Council, as the proposal had not come before Council yet.

Mr. Keebler commended City staff for their efforts as a result of the storm noting how well the different departments worked together.

Ms. Currie thanked City staff for their efforts as a result of the storm noting the constant culling of damaged and dead trees in the tree lawns prevented further damage throughout the City.

Ms. Currie noted the Bicentennial Event Planning Committee held their first meeting and she was very excited about the ideas which came about and the range of activities that would be planned.

Mayor Dana echoed all the comments with regard to the level of service the City provided as a result of the storm and noted the efforts would be ongoing for the next couple of weeks.

Mayor Dana advised she would like to see a report regarding the amount of money spent on keeping the City clean during normal circumstances.

Mayor Dana noted she would like Council's comments regarding the Deer Management program which was presented at the Work Session tonight within the next couple of weeks.

ADJOURN

Mr. Bogard moved to adjourn at 9:45 p.m. Mr. Keebler seconded. The motion passed 6-0-0.

A work Session of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, September 16, 2008 at 6:00 P.M. Those Council members present were, Kate Currie, Richard Keebler, Ken Bogard and Doug Ross. Alysia Fischer arrived at 6:55 p.m.

Staff members present: Doug Elliott, City Manager; Mike Dreisbach, Service Director; David Treleaven, Environmental Specialist; Alan Kyger, Economic Development Director; Joe Newlin, Finance Director; Steve McHugh Law Director and Mary Ann Eaton, Deputy Clerk of Council.

APPROVAL OF AGENDA

Ms. Currie moved approval of the Agenda. Mr. Keebler seconded. The motion carried 5-0-0.

PURPOSE

The purpose of the Work Session was for Council to receive information from Eccologix, a Biodiversity Consulting Group, regarding Deer Harvesting/Management.

INTRODUCTION

Mr. Elliott introduced himself and Council members to Mr. Glen Campbell and Mr. Joe Nitterour from Eccolix.

BACKGROUND

Mr. David Treleaven summarized the Environmental Commission's work to date with regard to deer issues within the City.

PRESENTATION

Mr.Glen Campbell, provided a PowerPoint Presentation with regard to Deer Management Strategies and distributed literature to Council regarding the matter.

QUESTION/ANSWER SESSION

Mayor Dana opened the meeting for members of the audience to ask questions of Mr. Campbell and Mr. Nitterour.

ADJOURNMENT

Mr. Bogard moved to adjourn at 7:00 p.m. Ms. Currie seconded. The motion carried 6-0-0.