A special meeting of the Oxford City Council was called to order by Mayor Prue Dana on Wednesday, October 8, 2008 at 7:03 p.m. Those members present were Alysia Fischer, Kate Currie, Richard Keebler, Ken Bogard and Doug Ross. Greig Rutherford arrived at 7:33 p.m.

Staff members present were Doug Elliott, City Manager, Alan Kyger, Economic Development Director, Steve McHugh, Law Director and Mary Ann Eaton, Deputy Clerk of Council.

Also present was Mr. Mark Iannotta, Attorney.

ADJOURN TO EXECUTIVE SESSION

Ms. Currie moved to adjourn to Executive Session in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (3) Pending Litigation. Mr. Bogard seconded. The motion passed 6-0-0.

RETURN FROM EXECUTIVE SESSION

Mr. Rutherford moved to return from Executive Session at 8:30 p.m. Ms. Fischer seconded. The motion passed 7-0-0.

APPROVAL OF AGENDA

Ms. Currie moved approval of the agenda. Mr. Bogard seconded. The motion passed 7-0-0.

RESOLUTION SETTLEMENT OF LAWSUITS

A Resolution No. 4391 authorizing the settlement of the Western Knolls Lawsuits and authorizing the City Manager to take all steps necessary to resolve the Western Knolls Lawsuits. (Doug Elliott, City Manager)

Mr. Kevin McKeehan, 2126 Dana Drive, noted he had been a resident of Western Knolls for several years. Mr. McKeehan advised he had mixed feelings about the matter although he supported Council's efforts.

Mr. Rutherford moved to adopt Resolution No. 4391. Ms. Currie seconded. The Resolution was adopted 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)

ADJOURNMENT

Ms. Fischer moved to adjourn at 8:40 p.m. Mr. Keebler seconded. The motion passed 7-0-0.

A special meeting of the Oxford City Council was called to order by Mayor Prue Dana on Wednesday, October 8, 2008 at 7:03 p.m. Those members present were Alysia Fischer, Kate Currie, Richard Keebler, Ken Bogard and Doug Ross. Greig Rutherford arrived at 7:33 p.m.

Staff members present were Doug Elliott, City Manager, Alan Kyger, Economic Development Director, Steve McHugh, Law Director and Mary Ann Eaton, Deputy Clerk of Council.

Also present was Mr. Mark Iannotta, Attorney.

ADJOURN TO EXECUTIVE SESSION

Ms. Currie moved to adjourn to Executive Session in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (3) Pending Litigation. Mr. Bogard seconded. The motion passed 6-0-0.

RETURN FROM EXECUTIVE SESSION

Mr. Rutherford moved to return from Executive Session at 8:30 p.m. Ms. Fischer seconded. The motion passed 7-0-0.

APPROVAL OF AGENDA

Ms. Currie moved approval of the agenda. Mr. Bogard seconded. The motion passed 7-0-0.

**RESOLUTION
SETTLEMENT OF
LAWSUITS**

A Resolution No. 4391 authorizing the settlement of the Western Knolls Lawsuits and authorizing the City Manager to take all steps necessary to resolve the Western Knolls Lawsuits. (Doug Elliott, City Manager)

Mr. Kevin McKeehan, 2126 Dana Drive, noted he had been a resident of Western Knolls for several years. Mr. McKeehan advised he had mixed feelings about the matter although he supported Council's efforts.

Mr. Rutherford moved to adopt Resolution No. 4391. Ms. Currie seconded. The Resolution was adopted 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)

ADJOURNMENT

Ms. Fischer moved to adjourn at 8:40 p.m. Mr. Keebler seconded. The motion passed 7-0-0.

A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, October 7, 2008 at 7:30 p.m. Those members present were Ken Bogard, Alysia Fischer, Richard Keebler, and Kate Currie. Greig Rutherford arrived at 7:31 p.m. and Doug Ross arrived at 8:20 p.m.

Staff members present: Mr. Mike Dreisbach, Acting City Manager; Mr. Steve Schwein, Police Chief; Mr Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development 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

Ms. Fischer 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) Personnel compensation. Mr. Keebler seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

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

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

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. Mr. Keebler seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PRESENTATION

State of the Schools – Dr. Phil Cagwin and Mike Davis

Dr. Phil Cagwin, Superintendent, Talawanda School District, advised he would present the 6th annual State of the Schools address this evening. Dr. Cagwin provided a PowerPoint Presentation which depicted the school's goal and vision of excellence, the Journey to Excellence with significant benchmarks, the strategic plan which included programs and instruction, public engagement and funding and facilities, the actual report card which rated the Talawanda School District as 'Excellent', performance index, measurement of college readiness, public engagement goals and new initiatives, and funding of facilities.

Mr. Mike Davis, Treasurer, continued the PowerPoint presentation with slides depicting millage, cost per pupil, administrative costs, facility costs, operating expense, pupil support, expense initiatives, and the district's master plan.

Dr. Cagwin thanked Council for the opportunity to address them and advised the district was doing everything they could to maintain their Excellent Rating and strive for the new Excellence with Distinction Rating.

PRESENTATION

Oxford College Corner Clinic – Mary Jo Clark

Ms. Mary Jo Clark, Vice President, Board of Directors, advised she distributed a brochure regarding the Oxford College Corner Clinic and their 2007 Annual Report to Council. Ms. Clark summarized the information contained in the documents including their Vision, Mission, locations, and staff as well as goals and achievements. Ms. Clark thanked Council for the opportunity to address them.

Mayor Dana noted the City was fortunate to have such clinics and expressed appreciation for their efforts on behalf of the City. Mayor Dana advised copies of the brochure and Annual Report would be available at the Municipal Building for any interested citizens.

PUBLIC COMMENTS

Ms. Betty Rogers, Peabody Drive, advised several weeks ago a petition was submitted regarding placing the proposed gas station on US-27 South on the ballot. Ms. Rogers requested an update on the status of the petition.

Mayor Dana advised the referendum petition had not been certified by the City Auditor for two reasons. Mayor Dana stated those who filed the referendum petition did not comply with Ohio Revised Code Section 731.32, which stated that those who sought to file a referendum petition 'shall, before circulating such petition, file a certified copy of the proposed ordinance or measure with the city auditor'. Mayor Dana advised this step did not occur. Mayor Dana advised Ordinance No. 3009 approved a conditional use permit for a commercial development to include an automobile service station in the general business district in Oxford, Ohio. Mayor Dana noted Oxford Codified Ordinance 1143.12(b)(2)(A)(1) listed automobile service stations selling gasoline as a conditional use and therefore, City Council simply executed an existing law by passing Ordinance No. 3009 and no legislative action was taken to warrant a referendum petition. Mayor Dana advised accordingly, it was the City's position that the proposed referendum petition should not be placed on the November ballot.

Mr. Cal Conrad, Westgate Drive, noted he and the committee were mystified by the position of Mr. Newlin not certifying the petition. Mr. Conrad advised he obtained a copy of the Ordinance which was certified by Mary Ann Eaton. Mr. Conrad noted the committee's legal counsel felt Council was being 'too technical and cute' in their response. Mr. Conrad advised the committee had received donations from citizens in excess of $2,000 for legal counsel and the opportunity to speak to the issue. Mr. Conrad encouraged Council to reconsider their actions. Mr. Conrad closed with a quote 'What is right is often forgotten by what is convenient'.

Mr. McHugh noted he advised the City Auditor not to certify the petition. Mr. McHugh advised he reviewed the statute in the Ohio Revised Code which stated that a certified copy of the Ordinance or measure must be filed with the City Auditor prior to the petition being circulated. Mr. McHugh advised this was a mandatory requirement for filing petitions and it was Mr. Newlin's duty to certify the petition not that of Council and he advised Mr. Newlin not to certify the petition based on the statute in the Ohio Revised Code. Mr. McHugh advised the other issue dealt with legislative actions verses administrative actions which were not subject to referendum.

Ms. Kathleen Zien, 6060 Joseph Drive, inquired how to avoid something like this happening in the future. Ms. Zien noted the committee took action in earnest and had more than enough signatures on the petitions. Mr. McHugh advised before anything was done a certified copy of the Ordinance must be served upon the City Auditor by one of the petitioners.

Ms. Connie Elliott, 118 Homestead, updated Council on the 'Smoky and Tornado' project and presented Mary Jo Clark with a new sign advertising the project.

Mr. Richard Daniels, Emerald Woods Drive, thanked Mr. Dreisbach and his staff for the clean up after the recent wind storm. Mr. Daniels thanked Mr. Dreisbach and his staff for all of the infrastructure improvements and other work that made the City as a whole look better.

CONSENT AGENDA

MINUTES

Minutes of the September 16, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the September 16, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the September 29, 2008 City Council Special Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the September 9, 2008 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the September 17, 2008 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the September 24, 2008 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTIONS

RESOLUTION
SLAVAGED MOTOR VEHICLES

A Resolution No. 4387 authorizing the sale of salvaged motor vehicles. (Steve Schwein, Police Chief)

RESOLUTION
STATE OF EMERGENCY

A Resolution No. 4388 proclaiming the City of Oxford a natural disaster area and declaring a state of emergency. (Mike Dreisbach, Service Director)

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

RESOLUTIONS

RESOLUTION
AMEND HAPC RULES
OF PROCEDURE

A Resolution No. 4389 amending the Historic and Architectural Preservation Commission's Rules of Procedure. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Resolution was before Council on September 2, 2008 and Council had concerns related to the public comment section. Mr. Chen referred to page 34 of the agenda Section 2 and noted the commission discussed the issue and felt it would be best to leave the language as it was previously.

Ms. Fischer noted she was still concerned with the public not getting a change to speak and noted a concern with consistency between boards and commissions.

Ms. Currie moved to amend the proposed Rules of Procedure by adding a five minute time limit per person. Ms. Fischer seconded. The motion passed 7-0-0.

Ms. Currie moved to adopt Resolution No. 4389 as amended. Ms. Fischer seconded the Resolution 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)

RESOLUTION
POSITION STATEMENT

A Resolution No. 4390 endorsing a City of Oxford Position Statement for presentation to the Butler County Planning Commission. (Alan Kyger, Economic Development Director)

Mr. Kyger advised the purpose of the position statement was for Council to provide an organized statement for the Butler County Planning Commission Meeting on October 14, 2008. Mr. Kyger noted the position statement reflected a summary of the previous actions taken by Council with regard to the Oxford Thoroughfare Plan and the Northwest Butler County Transportation Plan. Mr. Kyger discussed Position Statement Exhibit 'A' as shown on page 40 of the agenda.

Ms. JoAnn Martin, 4 Iveswood Drive, requested clarification of the proposed Resolution and inquired why these concepts should be part of the Butler County Thoroughfare Plan.

Mayor Dana advised Oxford was part of Butler County and Oxford's roads and Thoroughfare Plan were very important to them. Mayor Dana noted Council wanted to affirm these concepts to the county.

Mr. Rutherford advised the connector between US-27 and State Route 73 was a named project identified within the Butler County Thoroughfare Plan and Council only wanted this to happen if there was evidence it was necessary as a result of studies being done by ODOT with the internal re-route. Mr. Rutherford advised the funding for the project was part of the Butler County Plan.

Mr. Keebler noted this project was already on Butler County's plan and the concept should remain on their plan.

Mr. Larry Frimerman, Ryan Drive, Oxford Township Trustee, thanked Council for their consideration, forward thinking and spirit of cooperation. Mr. Frimerman noted he would appreciate the Resolution referencing the connector being within the City. Mr. Frimerman discussed a two stage process he felt Council should follow with regard to the traffic impact study. Mr. Frimerman suggested the Planning Commission should adopt the same public comment procedure as Council.

Ms. Dana advised Council did have a two step process with regard to the traffic impact study.

Ms. Fischer referred to page 40 of the agenda Exhibit A, first bullet point, and moved to amend the first sentence to read 'City of Oxford is requesting the concept of a connector road between US-27 south and State Route 73 east remain on the Butler County Thoroughfare Plan *as described below*' and the second bullet point to read 'City of Oxford is requesting the concept of a connector road between US-27 south and State Route 73 south, across the southern side of Oxford, remain on the Butler County Thoroughfare Plan *as described in the City of Oxford Thoroughfare Plan*'. Mr. Ross seconded. The motion passed 7-0-0.

Ms. Fischer suggested striking the works 'and surrounding townships' in Section 4 of the proposed Resolution on page 39 of the agenda. Mr. Keebler and Mr. Rutherford disagreed. Mr. Bogard noted the intersection improvements in the surrounding townships which were in the best interest of the townships and Mr. Fischer agreed.

Ms. Fischer moved to adopt Resolution No. 4390 and Exhibit A as amended. Mr. Bogard seconded. The Resolution was adopted by the following roll call:

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

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

ABS: None (0)

ORDINANCES
FIRST READING

ORDINANCE
NEW WATER
SERVICE

An Ordinance Granting The Request Of Dr. John Benamati To Connect To And/Or Extend An Existing Water Line For A New Single-Family Residence To Be Located On Hillcrest Drive In Oxford Township, And Finding Oxford Code Section 921.41 (C)(3) Has Been Met.

Mr. Dreisbach advised the Service Department received a request for single-family water service for a 5 acre parcel on Hillcrest Drive noting the City had ample supply and could provide the service. Mr. Dreisbach advised the applicant would be responsible for the utility extension, capacity benefit charges, and would sign an annexation agreement at the City's request.

Mr. McHugh advised the legislation as written required the applicant to file an annexation petition for immediate annexation of the property into the City prior to connection to the water line.

Mr. Dreisbach noted previously there had been a delineation between commercial property verses residential property and the City extended water service to residences provided the applicant signed an annexation agreement.

Mr. Keebler noted the entire subdivision was provided City water and sewer and had never been annexed.

Mr. McHugh advised before the next meeting the engineering department could research whether or not the property was contiguous/abutting and if it is not, an annexation agreement could be signed rather than a petition.

Mr. Dreisbach suggested amending the current annexation policy to relax requirements for single-family residences and emergency situations.

Mr. John Benamati, Somerville Road, Applicant, stated it was his understanding after the second reading the water service could be provided and the annexation process could go either way and Mayor Dana advised Council would clarify the annexation issue at the next meeting.

ORDINANCE
NEW SECTION 1101

An Ordinance Repealing Zoning Code Section 1101, Subdivision Regulations, And Adopting New Section 1101, Subdivision Regulations To Add New Section 1101.07 Open Space Cluster Residential Development. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the intent of the proposed Ordinance was to protect and preserve green space and the Planning Commission had worked on the language for a year in anticipation of the Comprehensive Plan Update.

Mr. Keebler noted this was an alternative not a replacement of the current subdivision regulations and would provide additional options as well as advantages to developers.

Ms. Fischer noted the Planning Commission had worked on this concept for a long time and she was excited that it was before Council.

Mr. Larry Frimerman, Ryan Drive, applauded the development of open space requirements within the City. Mr. Frimerman inquired how this related to open space requirements of properties coming into the City which were adjacent to farmland where the open space requirement in the county was 35% for standard subdivisions and 50% for conservation developments and Mr. Chen advised he would look into how well the requirements worked together. Mr. Frimerman suggested using the cluster type development for areas close to the City and add gradations for properties at the margins. Mayor Dana noted this could be addressed when the Comprehensive Plan Update came before Council.

Mr. Bogard noted a miss-spelling on page 60 of the agenda. Mr. Bogard noted he was glad to see multi-family units were prohibited in the proposed cluster developments.

Mr. Rutherford noted concern with a 20% set-aside and advised he would like to see 50% and the addition of multi-family housing.

Ms. Fischer requested additional maps for the next agenda which depicted the actual layout of houses.

ORDINANCE
PRELIMINARY APPROVAL

An Ordinance Approving The Planning Commission's Recommendation For Preliminary Approval Of A Hester Road Residential Subdivision. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this was a preliminary subdivision request to divide 6.5 acres of land into 20 home sites located on the east side of the north-south segment of Hester Road.

Mr. Chen noted the purpose of the request was to see if the division of the lots met City standards and to see if municipal services could be provided to the site.

Mr. Chen summarized the actions of the Planning Commission as listed on page 79 of the agenda and the conditions recommended by the Planning Commission as shown on page 80 of the agenda.

Mr. Scott Webb, Architect, TriState Habitat for Humanity, advised Mr. Chen did a nice job of explaining the process to date. Mr. Webb provided a detailed PowerPoint Presentation regarding the proposed development and noted his feeling it met all City regulations and would be a forward step in providing affordable housing in Oxford.

Mr. Bruce Blankenship, 5280 Hester Road, noted concern with the amount of proposed houses being built and noted he did not think there was sewer capacity. Mr. Blankenship also noted concern with surrounding property value being affected.

Ms. Mary Neisius, 5457 Hester Road, advised Council should have received a petition opposing the proposed project from approximately 80 signatures. Ms. Neisius noted concern with the long term ramifications of the proposed site and the image of Hester Road. Ms. Neisius noted the surrounding neighbors wanted the neighborhood to stay in good condition and advised there had never been code enforcement on the proposed site.

Mr. Mike Kohus, 792 Dufour Lane, noted he and his wife were not against Habitat for Humanity and he had actually volunteered for them. Mr. Kohus noted concern that he and his wife had paid more than $400,000 for their home. Mr. Kohus noted his main concern was enforcement to make sure occupants took care of the properties and the addition of greenbelts and trees.

Ms. Sondra Engel, 301 Miami Trail, addressed Council on behalf of The League of Women Voters who supported the proposed development. Ms. Engel noted her feeling the conditions set by the Planning Commission would be enforced.

Mr. Marvin Hurston, 170 Prevalent Drive, encouraged Council to look at this development with their 'eyes wide open' noting the Fire Chief and Engineer wanted to see connectivity or a loop even though the zoning code allowed cul-de-sacs.

Ms. Kathleen Zien, 6060 Joseph Drive, noted concern with signs not being placed at the property in question before tonight's meeting and a list of adjacent property owners were not included in Council's agenda or the Planning Commission agenda. Ms. Zien referred to page 84 of the agenda 'Numerous citizens have submitted comments for consideration' and advised those comments were not included in the agenda. Ms. Zien advised there should be real hesitation about a proposal that has all properties for one six acre site as Habitat homes noting typically a single Habitat home was built in established residential areas so Habitat owners along with mandatory hours of sweat equity learn from established residents how to be good owners and responsibly maintain property.

Ms. Zien discussed the history of the surrounding area including the Northridge subdivision. Ms. Zien noted this case was a close 4-3 vote of the Planning Commission and Council's decision needed the same consideration.

Ms. Theresa Hornsby, 6141 Hester Road, discussed the changes in this neighborhood over the years and noted her concern with drainage issues. Ms. Hornsby noted the property had been a junkyard for over 20 years. Ms. Hornsby advised she was against the proposed cul-de-sacs and noted her concern for the safety of children. Ms. Hornsby encouraged Council to listen to citizens and noted her feeling the proposal would be a hardship to neighbors.

Ms. Tammy Snaff, 5433 Hester Road, advised she spent everything she had in savings to purchase her home and move to Oxford. Ms. Snaff noted she enjoyed where she lived and her neighborhood was very well maintained. Ms. Snaff noted her concern with the safety of children as there was no open space where they could play. Ms. Snaff noted her feeling it was ridicules to put 20 homes on 6 acres and the neighborhood would be stereotyped. Ms. Snaff advised she did not receive notice of the public hearings. Ms. Snaff also expressed concern with water and drainage.

Mr. Bill Levenderis, 6066 Contreras Road, noted he was the President of the Oxford Green Homeowners Association. Mr. Levenderis advised a Homeowners Association required planning and he would like to see a plan for a homeowners association for this proposal. Mr. Levenderis noted Habitat did good things by integrating homes one at a time into a multi-cultural neighborhood. Mr. Levenderis noted concern with adding 20 Habitat homes to Oxford at one time when right now there were only 5. Mr. Levenderis noted concern that economically this might not be the proper time to consider such a proposal. Mr. Levenderis noted his feeling the public notice was done sneakily.

Ms Fischer referred to page 86 of the agenda and inquired if the proposed subdivision could be adequately served by the Fire and EMS Department and Chief Detherage advised his comments were in relation to fighting a house fire in the proposed subdivision. Chief Detherage noted in the cul-de-sacs there was only one direction of travel and a loop would be more efficient for fire fighting.

Mr. Keebler noted the proposed development met all of the legal requirements which was what Council needed to be concerned with not the emotional issues. Mr. Keebler advised the water and sewer issues would be dealt with on the final subdivision approval.

Ms. Currie concurred with Mr. Keebler. Ms. Currie inquired if another subdivision could be sited with equal density and Mr. Webb addressed the issue as it related to the zoning code.

Mr. Rutherford inquired about the environmental condition of the property based on comments made tonight and Mr. Webb advised Habitat did not own the property yet and no soil investigation had been done at this point.

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 advised the intent of the proposed Ordinance was to allow sidewalk use by street-level businesses in the Uptown District and for sidewalk use to be a permitted use while meeting certain conditions.

Mr. Scott Webb, spoke on behalf of the Oxford Chamber of Commerce and encouraged Council to support the proposed Ordinance.

Ms. Fischer noted the proposed Ordinance would mostly affect High Street.

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit For A Pharmacy Drive-Through In The General Business (GB) District at 300 South Locust Street. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this project involved the expansion of Kroger's which would require a Conditional Use Permit for a Pharmacy Drive-Through and Gas Station. Mr. Chen noted the Planning Commission considered each one separately and summarized the staff report on pages 121 of the agenda.

Mr. Jonathon Wocher, Planner, McBride Dale Clarion, provided a PowerPoint presentation regarding the expansion project related to the pharmacy and noted they had no problems with the conditions recommended by the Planning Commission. Mr. Wocher introduced members of his team; Lisa Ammons, Project Manager, Kroger Real Estate Division; Bob Trencamp, Civil Engineer, Thomas Graham Associates; Dirk Greene, Schottenstein Property Group and Thomas Jones, Fuel Center Group. Mr. Wocher noted they did not intend to speak tonight but could answer questions regarding design, traffic flow, rationale or any other questions Council may have.

Ms. Kathleen Zien, 6060 Joseph Drive, referred to page 147 of the agenda noting the comment form was unreadable and should not be in the agenda unless it was retyped or darkened. Ms. Zien inquired what the purpose of the map on page 177 was since there were no notations on it or shaded area indicating an area of concern. Ms. Zien noted her feeling the signage requested was excessive.

Mr Kyger encouraged Council to work with Kroger's to develop a solution for this location which would add 45 jobs to the area. Mr. Kyger advised one business affected by the expansion had relocated and another was looking to relocate in Oxford. Mr. Kyger noted keeping Tollgate as a core area was very important and Kroger's leased the property and could very well move when the lease expired if they could not expand and add a fuel center.

Mr. Henry Avery, 5032 College Corner Pike, noted his feeling the Kroger's expansion was a bad idea as it would put Circle K and other gas stations out of business. Mr. Avery noted his feeling Kroger's should buy or lease property where they could have 150,000 to 160,000 square feet for their Marketplace store.

Ms. Connie Elliott, 118 Homestead, noted her feeling the Kroger's expansion was a good idea as it would provide 45 more jobs and another option for purchasing gas.

Mr. Ross noted concerns with loss of green space and signage which Mr. Chen and Mr. Wocher addressed.

Mr. Rutherford noted several concerns with the pharmacy drive-through being dysfunctional which Mr. Wocher and Mr. Trencamp addressed. Mr. Rutherford advised he felt the design could be improved.

Mr. Keebler noted concern with the front of the building encroaching into the parking lot.

Ms. Currie moved to extend the meeting until all agenda items had been considered. Ms. Fischer seconded. The motion passed 7-0-0.

Mr. Bogard noted his support for the Kroger's expansion in its current location. Mr. Bogard advised the proposal was good for economic development in this core area.

Ms. Fischer noted she was pleased with the way the developer dealt with the concerns of the Planning Commission. Ms. Fischer requested emails from citizens with regard to this project be placed in the next agenda.

ORDINANCE
CONDITIONAL USE

An Ordinance Accepting The Recommendation of the Planning Commission To Deny The Conditional use Permit To Allow For A Gas Station In The General Business (GB) District Located Along South Locust Street, Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this was the second part of the Conditional Use request for the Kroger's expansion and summarized the staff report on pages 181-182 of the agenda.

Mr. Jonathan Wocher, Planner, McBride Dale Clarion, provided a PowerPoint presentation regarding the expansion project related to the fuel center. Mr. Wocher encouraged Council to reconsider the Planning Commission's recommendation and noted his team felt the project met the General Decision Standards with regard to the fuel center.

Mr Ed Bagley, Kroger's Manager, advised he had 650 signatures on a petition endorsing the expansion project noting the support was out there. Mr. Bagley advised the Hamilton west facility recently completed their expansion project which had been very successful. Mr. Bagley reminded Council that Oxford residents could go north, south, east or west to visit a model store.

Mr. Scott Webb, addressed Council on behalf of the Chamber of Commerce. Mr. Webb reminded Council the decision was already made when the zoning code was adopted that this was an appropriate location for gas stations. Mr. Webb noted the need to encourage businesses to stay in town and encouraged Council to work with the developer to find solutions for expanding this location.

Ms. Kathleen Zien, 6060 Joseph Drive, noted concern with 14 additional gas pumps in Oxford when there were already 44. Ms. Zien noted her feeling the fuel rewards were insignificant, arbitrary and could be discontinued any time. Ms. Zien discussed the possibility of other jobs in the community being lost as a result of the proposed expansion. Ms. Zien noted the project could not be appropriate if there were multiple conditions placed on it by staff plus the need for 10 variances to the Zoning Code. Ms. Zien noted Council should be consistent and limit the outside sales for this project as they did for the Southpointe site. Ms. Zien noted her hope the Planning Commission's recommendation of denial was carried through by Council.

Mr. Richard Daniels, Emerald Woods Drive, advised he was interested in the project from the standpoint of expanding pharmacy services within the community. Mr. Daniels advised the Comprehensive Plan would speak to and promote the redevelopment the Locust Street area. Mr. Daniels noted his support for the fuel center as it would encourage traffic in the area. Mr. Daniels encouraged Council to look at the positives for the redevelopment of this area.

Mr. Rutherford advised he agreed with Mr. Daniels. Mr. Rutherford noted his feeling the location of the fuel center may be too far south and inquired how the decision was made for its location on the site.

Mayor Dana inquired if Council could confine their discussion to the Conditional Use with conditions and not talk about the design knowing they could come back and talk about the design.

Mr. McHugh advised a member of Council could request new legislation granting approval of the Conditional Use with appropriate conditions.

Ms. Currie inquired if Kroger's had off-site fuel centers and Ms. Ammons advised yes.

Mr. Keebler advised he would rather not see another fueling center in this location but would make exceptions for redevelopment. Mr. Keebler noted he would support the approval of a fuel center with specific conditions.

Mr. Rutherford asked Ms. Ammons to speak to the issue of reducing the number of pumps and Ms. Ammons advised Kroger's could live with installing 5 pumps and possibly expanding them in five years.

Ms. Fischer advised this case went through Planning rather quickly because the majority were against the fueling center for the reasons that have been heard tonight. Ms. Fischer noted since Kroger's was amenable to reducing the number of pumps perhaps a new Ordinance was appropriate.

Ms. Currie noted landscaping would be extremely important between the fuel center and Locust Street.

Mr. Bogard advised various Cities that participated in OKI applied for landscaping development funds which were available. Mr. Bogard noted the importance of listening to what the people wanted with regard to their economic viability. Mr. Bogard emphasized the importance of private/public partnerships with regard to the development of Locust Street. Mr. Bogard requested a copy of the Kroger slides with regard to addressing the conditions.

Mr. McHugh suggested looking at a TIF to assist with the landscaping along this corridor.

Mr. Rutherford inquired what the probability of increasing the landscaping was and Mr. Greene addressed the issue noting his concern with over landscaping and reducing the visibility of the smaller shops. Mr. Greene noted the owners were amenable to atheistically pleasing smaller bushes and scrubs.

Mr. Keebler moved to replace the current Ordinance with a new Ordinance in the affirmative reducing the number of pumps to five pumps and providing landscaping in place of parking along Locust Street. Mr. Bogard seconded. The motion passed 6-0-0.

Mr. Chen advised he would provide the exact language for the conditions specified on the new Ordinance.

Mr. Wocher inquired if the new Ordinance would come as a first reading and Mr. McHugh advised yes. Mr. Wocher inquired how that would affect the variance applications and Mr. Chen advised the variances could be applied for and considered concurrently with the Conditional Use request.

Mr. Rutherford inquired if new drawings were in order and Mr. McHugh advised yes.

Mr. Wocher requested a copy of the new language as soon as possible so the new drawings could be provided.

ORDINANCES
SECOND READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3015 Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)

Mr. Newlin addressed the changes from the first reading as listed in the staff report on page 185-186 of the agenda noting federal funds may be awarded to recoup monies spent as a result of the recent storm.

Mr. Bogard inquired what assurances there were that the City would recoup funds from the storm damage and Mr. Dreisbach addressed the issue noting a meeting was taking place tomorrow with the EMA and FEMA.

Mr. Bogard moved to adopt Ordinance No. 3015. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

Ms. Dana noted the lateness of the hour and inquired if the following Ordinances should be tabled since Mr. Rutherford had several amendments he would like to propose. The consensus of Council was to consider the Ordinances as presented and amendments could be considered at a later date.

ORDINANCE
NEW SECTION 404

An Ordinance No. 3016 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 language was reverted to the language from before November of last year.

Mr. Scott Webb, noted the three codes in consideration were all written by the International Code Council and approved across the country.

Mr. Kyger noted the Ordinances being considered built upon one another and this one managed density.

Mr. Bogard inquired what the timetable was for Mr. Rutherford to present his proposed amendments and Ms. Dana suggested January, after the budget process was complete.

Mr. Keebler moved to adopt Ordinance No. 3016. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Rutherford (1)

ABS: None (0)

ORDINANCE
NEW SECTION 1143.10

An Ordinance No. 3017 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 changes to Section 1143.10 as listed on the staff report on page 193 of the agenda.

Mr. Rutherford moved to table the proposed Ordinance. The motion failed for the lack of a second.

Mr. Rutherford discussed the proposed Ordinance at length noting it did not apply equally to everyone due to the 16 ½' set-back on some properties.

Mr. Kyger agreed with Mr. Rutherford noting the Uptown Revitalization Committee had discussed the issue as well.

Mr. Rutherford noted his feeling Council was passing bad legislation.

Mr. Keebler called the question.

Ms. Fischer moved to adopt Ordinance No. 3017. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Rutherford (1)

ABS: None (0)

ORDINANCE
NEW SECTION 1159.07

An Ordinance No. 3018 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 advised the proposed legislation would remove the 16 ½' set-back from the Floor Area Ratio computation.

Mr. Rutherford advised his feeling the proposed Ordinance would create rental units that did not meet the goals Council had originally set.

Mr. Bogard advised he would like to consider amendments to the proposed Ordinance in November so there was not a window for undesirable development.

Mr. McHugh noted any amendments would need to go before the Planning Commission.

Mr. Scott Webb, advised the Floor Area Ratio controlled the over envelope of the building and would not create a window for undesirable development.

Mr. Keebler called the question.

Mr. Keebler moved to adopt Ordinance No. 3018. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Rutherford (1)

ABS: None (0)

ORDINANCE
NEW SECTION 1149.05

An Ordinance No. 3019 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 advised the proposed Ordinance would eliminate the requirement for a loading dock or designated delivery space in the Uptown District.

Mr. Rutherford suggested requiring loading spaces for commercial buildings in excess of 10,000 square feet.

Mr. Scott Webb, noted the loading spaces were ineffective whether or not a building was 10,000 square feet.

Mr. Rutherford suggested changing the size of the loading space to become effective.

Mr. Keebler called the question.

Mr. Keebler moved to adopt Ordinance No. 3019. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Rutherford (1)

ABS: None (0)

ANNOUNCEMENTS

Mr. Dreisbach commended Council for their diligence in working through this evening's agenda.

Mr. Kyger noted a correction to the meeting schedule on page 4 of the agenda.

Mayor Dana advised Council would hold a Special Meeting at the Courthouse tomorrow night for the purpose of considering the settlement of a lawsuit.

ADJOURN

Mr. Bogard moved to adjourn at 12:40 a.m. Mr. Keebler seconded. The motion passed 6-0-0.

A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, October 7, 2008 at 7:30 p.m. Those members present were Ken Bogard, Alysia Fischer, Richard Keebler, and Kate Currie. Greig Rutherford arrived at 7:31 p.m. and Doug Ross arrived at 8:20 p.m.

Staff members present: Mr. Mike Dreisbach, Acting City Manager; Mr. Steve Schwein, Police Chief; Mr Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development 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

Ms. Fischer 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) Personnel compensation. Mr. Keebler seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

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

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

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. Mr. Keebler seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PRESENTATION

State of the Schools – Dr. Phil Cagwin and Mike Davis

Dr. Phil Cagwin, Superintendent, Talawanda School District, advised he would present the 6th annual State of the Schools address this evening. Dr. Cagwin provided a PowerPoint Presentation which depicted the school's goal and vision of excellence, the Journey to Excellence with significant benchmarks, the strategic plan which included programs and instruction, public engagement and funding and facilities, the actual report card which rated the Talawanda School District as 'Excellent', performance index, measurement of college readiness, public engagement goals and new initiatives, and funding of facilities.

Mr. Mike Davis, Treasurer, continued the PowerPoint presentation with slides depicting millage, cost per pupil, administrative costs, facility costs, operating expense, pupil support, expense initiatives, and the district's master plan.

Dr. Cagwin thanked Council for the opportunity to address them and advised the district was doing everything they could to maintain their Excellent Rating and strive for the new Excellence with Distinction Rating.

PRESENTATION

Oxford College Corner Clinic – Mary Jo Clark

Ms. Mary Jo Clark, Vice President, Board of Directors, advised she distributed a brochure regarding the Oxford College Corner Clinic and their 2007 Annual Report to Council. Ms. Clark summarized the information contained in the documents including their Vision, Mission, locations, and staff as well as goals and achievements. Ms. Clark thanked Council for the opportunity to address them.

Mayor Dana noted the City was fortunate to have such clinics and expressed appreciation for their efforts on behalf of the City. Mayor Dana advised copies of the brochure and Annual Report would be available at the Municipal Building for any interested citizens.

PUBLIC COMMENTS

Ms. Betty Rogers, Peabody Drive, advised several weeks ago a petition was submitted regarding placing the proposed gas station on US-27 South on the ballot. Ms. Rogers requested an update on the status of the petition.

Mayor Dana advised the referendum petition had not been certified by the City Auditor for two reasons. Mayor Dana stated those who filed the referendum petition did not comply with Ohio Revised Code Section 731.32, which stated that those who sought to file a referendum petition 'shall, before circulating such petition, file a certified copy of the proposed ordinance or measure with the city auditor'. Mayor Dana advised this step did not occur. Mayor Dana advised Ordinance No. 3009 approved a conditional use permit for a commercial development to include an automobile service station in the general business district in Oxford, Ohio. Mayor Dana noted Oxford Codified Ordinance 1143.12(b)(2)(A)(1) listed automobile service stations selling gasoline as a conditional use and therefore, City Council simply executed an existing law by passing Ordinance No. 3009 and no legislative action was taken to warrant a referendum petition. Mayor Dana advised accordingly, it was the City's position that the proposed referendum petition should not be placed on the November ballot.

Mr. Cal Conrad, Westgate Drive, noted he and the committee were mystified by the position of Mr. Newlin not certifying the petition. Mr. Conrad advised he obtained a copy of the Ordinance which was certified by Mary Ann Eaton. Mr. Conrad noted the committee's legal counsel felt Council was being 'too technical and cute' in their response. Mr. Conrad advised the committee had received donations from citizens in excess of $2,000 for legal counsel and the opportunity to speak to the issue. Mr. Conrad encouraged Council to reconsider their actions. Mr. Conrad closed with a quote 'What is right is often forgotten by what is convenient'.

Mr. McHugh noted he advised the City Auditor not to certify the petition. Mr. McHugh advised he reviewed the statute in the Ohio Revised Code which stated that a certified copy of the Ordinance or measure must be filed with the City Auditor prior to the petition being circulated. Mr. McHugh advised this was a mandatory requirement for filing petitions and it was Mr. Newlin's duty to certify the petition not that of Council and he advised Mr. Newlin not to certify the petition based on the statute in the Ohio Revised Code. Mr. McHugh advised the other issue dealt with legislative actions verses administrative actions which were not subject to referendum.

Ms. Kathleen Zien, 6060 Joseph Drive, inquired how to avoid something like this happening in the future. Ms. Zien noted the committee took action in earnest and had more than enough signatures on the petitions. Mr. McHugh advised before anything was done a certified copy of the Ordinance must be served upon the City Auditor by one of the petitioners.

Ms. Connie Elliott, 118 Homestead, updated Council on the 'Smoky and Tornado' project and presented Mary Jo Clark with a new sign advertising the project.

Mr. Richard Daniels, Emerald Woods Drive, thanked Mr. Dreisbach and his staff for the clean up after the recent wind storm. Mr. Daniels thanked Mr. Dreisbach and his staff for all of the infrastructure improvements and other work that made the City as a whole look better.

CONSENT AGENDA

MINUTES

Minutes of the September 16, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the September 16, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the September 29, 2008 City Council Special Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the September 9, 2008 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the September 17, 2008 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the September 24, 2008 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTIONS

RESOLUTION
SLAVAGED MOTOR VEHICLES

A Resolution No. 4387 authorizing the sale of salvaged motor vehicles. (Steve Schwein, Police Chief)

RESOLUTION
STATE OF EMERGENCY

A Resolution No. 4388 proclaiming the City of Oxford a natural disaster area and declaring a state of emergency. (Mike Dreisbach, Service Director)

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

RESOLUTIONS

RESOLUTION
AMEND HAPC RULES
OF PROCEDURE

A Resolution No. 4389 amending the Historic and Architectural Preservation Commission's Rules of Procedure. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Resolution was before Council on September 2, 2008 and Council had concerns related to the public comment section. Mr. Chen referred to page 34 of the agenda Section 2 and noted the commission discussed the issue and felt it would be best to leave the language as it was previously.

Ms. Fischer noted she was still concerned with the public not getting a change to speak and noted a concern with consistency between boards and commissions.

Ms. Currie moved to amend the proposed Rules of Procedure by adding a five minute time limit per person. Ms. Fischer seconded. The motion passed 7-0-0.

Ms. Currie moved to adopt Resolution No. 4389 as amended. Ms. Fischer seconded the Resolution 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)

RESOLUTION
POSITION STATEMENT

A Resolution No. 4390 endorsing a City of Oxford Position Statement for presentation to the Butler County Planning Commission. (Alan Kyger, Economic Development Director)

Mr. Kyger advised the purpose of the position statement was for Council to provide an organized statement for the Butler County Planning Commission Meeting on October 14, 2008. Mr. Kyger noted the position statement reflected a summary of the previous actions taken by Council with regard to the Oxford Thoroughfare Plan and the Northwest Butler County Transportation Plan. Mr. Kyger discussed Position Statement Exhibit 'A' as shown on page 40 of the agenda.

Ms. JoAnn Martin, 4 Iveswood Drive, requested clarification of the proposed Resolution and inquired why these concepts should be part of the Butler County Thoroughfare Plan.

Mayor Dana advised Oxford was part of Butler County and Oxford's roads and Thoroughfare Plan were very important to them. Mayor Dana noted Council wanted to affirm these concepts to the county.

Mr. Rutherford advised the connector between US-27 and State Route 73 was a named project identified within the Butler County Thoroughfare Plan and Council only wanted this to happen if there was evidence it was necessary as a result of studies being done by ODOT with the internal re-route. Mr. Rutherford advised the funding for the project was part of the Butler County Plan.

Mr. Keebler noted this project was already on Butler County's plan and the concept should remain on their plan.

Mr. Larry Frimerman, Ryan Drive, Oxford Township Trustee, thanked Council for their consideration, forward thinking and spirit of cooperation. Mr. Frimerman noted he would appreciate the Resolution referencing the connector being within the City. Mr. Frimerman discussed a two stage process he felt Council should follow with regard to the traffic impact study. Mr. Frimerman suggested the Planning Commission should adopt the same public comment procedure as Council.

Ms. Dana advised Council did have a two step process with regard to the traffic impact study.

Ms. Fischer referred to page 40 of the agenda Exhibit A, first bullet point, and moved to amend the first sentence to read 'City of Oxford is requesting the concept of a connector road between US-27 south and State Route 73 east remain on the Butler County Thoroughfare Plan *as described below*' and the second bullet point to read 'City of Oxford is requesting the concept of a connector road between US-27 south and State Route 73 south, across the southern side of Oxford, remain on the Butler County Thoroughfare Plan *as described in the City of Oxford Thoroughfare Plan*'. Mr. Ross seconded. The motion passed 7-0-0.

Ms. Fischer suggested striking the works 'and surrounding townships' in Section 4 of the proposed Resolution on page 39 of the agenda. Mr. Keebler and Mr. Rutherford disagreed. Mr. Bogard noted the intersection improvements in the surrounding townships which were in the best interest of the townships and Mr. Fischer agreed.

Ms. Fischer moved to adopt Resolution No. 4390 and Exhibit A as amended. Mr. Bogard seconded. The Resolution was adopted by the following roll call:

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

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

ABS: None (0)

ORDINANCES
FIRST READING

ORDINANCE
NEW WATER
SERVICE

An Ordinance Granting The Request Of Dr. John Benamati To Connect To And/Or Extend An Existing Water Line For A New Single-Family Residence To Be Located On Hillcrest Drive In Oxford Township, And Finding Oxford Code Section 921.41 (C)(3) Has Been Met.

Mr. Dreisbach advised the Service Department received a request for single-family water service for a 5 acre parcel on Hillcrest Drive noting the City had ample supply and could provide the service. Mr. Dreisbach advised the applicant would be responsible for the utility extension, capacity benefit charges, and would sign an annexation agreement at the City's request.

Mr. McHugh advised the legislation as written required the applicant to file an annexation petition for immediate annexation of the property into the City prior to connection to the water line.

Mr. Dreisbach noted previously there had been a delineation between commercial property verses residential property and the City extended water service to residences provided the applicant signed an annexation agreement.

Mr. Keebler noted the entire subdivision was provided City water and sewer and had never been annexed.

Mr. McHugh advised before the next meeting the engineering department could research whether or not the property was contiguous/abutting and if it is not, an annexation agreement could be signed rather than a petition.

Mr. Dreisbach suggested amending the current annexation policy to relax requirements for single-family residences and emergency situations.

Mr. John Benamati, Somerville Road, Applicant, stated it was his understanding after the second reading the water service could be provided and the annexation process could go either way and Mayor Dana advised Council would clarify the annexation issue at the next meeting.

ORDINANCE
NEW SECTION 1101

An Ordinance Repealing Zoning Code Section 1101, Subdivision Regulations, And Adopting New Section 1101, Subdivision Regulations To Add New Section 1101.07 Open Space Cluster Residential Development. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the intent of the proposed Ordinance was to protect and preserve green space and the Planning Commission had worked on the language for a year in anticipation of the Comprehensive Plan Update.

Mr. Keebler noted this was an alternative not a replacement of the current subdivision regulations and would provide additional options as well as advantages to developers.

Ms. Fischer noted the Planning Commission had worked on this concept for a long time and she was excited that it was before Council.

Mr. Larry Frimerman, Ryan Drive, applauded the development of open space requirements within the City. Mr. Frimerman inquired how this related to open space requirements of properties coming into the City which were adjacent to farmland where the open space requirement in the county was 35% for standard subdivisions and 50% for conservation developments and Mr. Chen advised he would look into how well the requirements worked together. Mr. Frimerman suggested using the cluster type development for areas close to the City and add gradations for properties at the margins. Mayor Dana noted this could be addressed when the Comprehensive Plan Update came before Council.

Mr. Bogard noted a miss-spelling on page 60 of the agenda. Mr. Bogard noted he was glad to see multi-family units were prohibited in the proposed cluster developments.

Mr. Rutherford noted concern with a 20% set-aside and advised he would like to see 50% and the addition of multi-family housing.

Ms. Fischer requested additional maps for the next agenda which depicted the actual layout of houses.

ORDINANCE
PRELIMINARY APPROVAL

An Ordinance Approving The Planning Commission's Recommendation For Preliminary Approval Of A Hester Road Residential Subdivision. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this was a preliminary subdivision request to divide 6.5 acres of land into 20 home sites located on the east side of the north-south segment of Hester Road.

Mr. Chen noted the purpose of the request was to see if the division of the lots met City standards and to see if municipal services could be provided to the site.

Mr. Chen summarized the actions of the Planning Commission as listed on page 79 of the agenda and the conditions recommended by the Planning Commission as shown on page 80 of the agenda.

Mr. Scott Webb, Architect, TriState Habitat for Humanity, advised Mr. Chen did a nice job of explaining the process to date. Mr. Webb provided a detailed PowerPoint Presentation regarding the proposed development and noted his feeling it met all City regulations and would be a forward step in providing affordable housing in Oxford.

Mr. Bruce Blankenship, 5280 Hester Road, noted concern with the amount of proposed houses being built and noted he did not think there was sewer capacity. Mr. Blankenship also noted concern with surrounding property value being affected.

Ms. Mary Neisius, 5457 Hester Road, advised Council should have received a petition opposing the proposed project from approximately 80 signatures. Ms. Neisius noted concern with the long term ramifications of the proposed site and the image of Hester Road. Ms. Neisius noted the surrounding neighbors wanted the neighborhood to stay in good condition and advised there had never been code enforcement on the proposed site.

Mr. Mike Kohus, 792 Dufour Lane, noted he and his wife were not against Habitat for Humanity and he had actually volunteered for them. Mr. Kohus noted concern that he and his wife had paid more than $400,000 for their home. Mr. Kohus noted his main concern was enforcement to make sure occupants took care of the properties and the addition of greenbelts and trees.

Ms. Sondra Engel, 301 Miami Trail, addressed Council on behalf of The League of Women Voters who supported the proposed development. Ms. Engel noted her feeling the conditions set by the Planning Commission would be enforced.

Mr. Marvin Hurston, 170 Prevalent Drive, encouraged Council to look at this development with their 'eyes wide open' noting the Fire Chief and Engineer wanted to see connectivity or a loop even though the zoning code allowed cul-de-sacs.

Ms. Kathleen Zien, 6060 Joseph Drive, noted concern with signs not being placed at the property in question before tonight's meeting and a list of adjacent property owners were not included in Council's agenda or the Planning Commission agenda. Ms. Zien referred to page 84 of the agenda 'Numerous citizens have submitted comments for consideration' and advised those comments were not included in the agenda. Ms. Zien advised there should be real hesitation about a proposal that has all properties for one six acre site as Habitat homes noting typically a single Habitat home was built in established residential areas so Habitat owners along with mandatory hours of sweat equity learn from established residents how to be good owners and responsibly maintain property.

Ms. Zien discussed the history of the surrounding area including the Northridge subdivision. Ms. Zien noted this case was a close 4-3 vote of the Planning Commission and Council's decision needed the same consideration.

Ms. Theresa Hornsby, 6141 Hester Road, discussed the changes in this neighborhood over the years and noted her concern with drainage issues. Ms. Hornsby noted the property had been a junkyard for over 20 years. Ms. Hornsby advised she was against the proposed cul-de-sacs and noted her concern for the safety of children. Ms. Hornsby encouraged Council to listen to citizens and noted her feeling the proposal would be a hardship to neighbors.

Ms. Tammy Snaff, 5433 Hester Road, advised she spent everything she had in savings to purchase her home and move to Oxford. Ms. Snaff noted she enjoyed where she lived and her neighborhood was very well maintained. Ms. Snaff noted her concern with the safety of children as there was no open space where they could play. Ms. Snaff noted her feeling it was ridicules to put 20 homes on 6 acres and the neighborhood would be stereotyped. Ms. Snaff advised she did not receive notice of the public hearings. Ms. Snaff also expressed concern with water and drainage.

Mr. Bill Levenderis, 6066 Contreras Road, noted he was the President of the Oxford Green Homeowners Association. Mr. Levenderis advised a Homeowners Association required planning and he would like to see a plan for a homeowners association for this proposal. Mr. Levenderis noted Habitat did good things by integrating homes one at a time into a multi-cultural neighborhood. Mr. Levenderis noted concern with adding 20 Habitat homes to Oxford at one time when right now there were only 5. Mr. Levenderis noted concern that economically this might not be the proper time to consider such a proposal. Mr. Levenderis noted his feeling the public notice was done sneakily.

Ms Fischer referred to page 86 of the agenda and inquired if the proposed subdivision could be adequately served by the Fire and EMS Department and Chief Detherage advised his comments were in relation to fighting a house fire in the proposed subdivision. Chief Detherage noted in the cul-de-sacs there was only one direction of travel and a loop would be more efficient for fire fighting.

Mr. Keebler noted the proposed development met all of the legal requirements which was what Council needed to be concerned with not the emotional issues. Mr. Keebler advised the water and sewer issues would be dealt with on the final subdivision approval.

Ms. Currie concurred with Mr. Keebler. Ms. Currie inquired if another subdivision could be sited with equal density and Mr. Webb addressed the issue as it related to the zoning code.

Mr. Rutherford inquired about the environmental condition of the property based on comments made tonight and Mr. Webb advised Habitat did not own the property yet and no soil investigation had been done at this point.

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 advised the intent of the proposed Ordinance was to allow sidewalk use by street-level businesses in the Uptown District and for sidewalk use to be a permitted use while meeting certain conditions.

Mr. Scott Webb, spoke on behalf of the Oxford Chamber of Commerce and encouraged Council to support the proposed Ordinance.

Ms. Fischer noted the proposed Ordinance would mostly affect High Street.

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit For A Pharmacy Drive-Through In The General Business (GB) District at 300 South Locust Street. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this project involved the expansion of Kroger's which would require a Conditional Use Permit for a Pharmacy Drive-Through and Gas Station. Mr. Chen noted the Planning Commission considered each one separately and summarized the staff report on pages 121 of the agenda.

Mr. Jonathon Wocher, Planner, McBride Dale Clarion, provided a PowerPoint presentation regarding the expansion project related to the pharmacy and noted they had no problems with the conditions recommended by the Planning Commission. Mr. Wocher introduced members of his team; Lisa Ammons, Project Manager, Kroger Real Estate Division; Bob Trencamp, Civil Engineer, Thomas Graham Associates; Dirk Greene, Schottenstein Property Group and Thomas Jones, Fuel Center Group. Mr. Wocher noted they did not intend to speak tonight but could answer questions regarding design, traffic flow, rationale or any other questions Council may have.

Ms. Kathleen Zien, 6060 Joseph Drive, referred to page 147 of the agenda noting the comment form was unreadable and should not be in the agenda unless it was retyped or darkened. Ms. Zien inquired what the purpose of the map on page 177 was since there were no notations on it or shaded area indicating an area of concern. Ms. Zien noted her feeling the signage requested was excessive.

Mr Kyger encouraged Council to work with Kroger's to develop a solution for this location which would add 45 jobs to the area. Mr. Kyger advised one business affected by the expansion had relocated and another was looking to relocate in Oxford. Mr. Kyger noted keeping Tollgate as a core area was very important and Kroger's leased the property and could very well move when the lease expired if they could not expand and add a fuel center.

Mr. Henry Avery, 5032 College Corner Pike, noted his feeling the Kroger's expansion was a bad idea as it would put Circle K and other gas stations out of business. Mr. Avery noted his feeling Kroger's should buy or lease property where they could have 150,000 to 160,000 square feet for their Marketplace store.

Ms. Connie Elliott, 118 Homestead, noted her feeling the Kroger's expansion was a good idea as it would provide 45 more jobs and another option for purchasing gas.

Mr. Ross noted concerns with loss of green space and signage which Mr. Chen and Mr. Wocher addressed.

Mr. Rutherford noted several concerns with the pharmacy drive-through being dysfunctional which Mr. Wocher and Mr. Trencamp addressed. Mr. Rutherford advised he felt the design could be improved.

Mr. Keebler noted concern with the front of the building encroaching into the parking lot.

Ms. Currie moved to extend the meeting until all agenda items had been considered. Ms. Fischer seconded. The motion passed 7-0-0.

Mr. Bogard noted his support for the Kroger's expansion in its current location. Mr. Bogard advised the proposal was good for economic development in this core area.

Ms. Fischer noted she was pleased with the way the developer dealt with the concerns of the Planning Commission. Ms. Fischer requested emails from citizens with regard to this project be placed in the next agenda.

ORDINANCE
CONDITIONAL USE

An Ordinance Accepting The Recommendation of the Planning Commission To Deny The Conditional use Permit To Allow For A Gas Station In The General Business (GB) District Located Along South Locust Street, Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this was the second part of the Conditional Use request for the Kroger's expansion and summarized the staff report on pages 181-182 of the agenda.

Mr. Jonathan Wocher, Planner, McBride Dale Clarion, provided a PowerPoint presentation regarding the expansion project related to the fuel center. Mr. Wocher encouraged Council to reconsider the Planning Commission's recommendation and noted his team felt the project met the General Decision Standards with regard to the fuel center.

Mr Ed Bagley, Kroger's Manager, advised he had 650 signatures on a petition endorsing the expansion project noting the support was out there. Mr. Bagley advised the Hamilton west facility recently completed their expansion project which had been very successful. Mr. Bagley reminded Council that Oxford residents could go north, south, east or west to visit a model store.

Mr. Scott Webb, addressed Council on behalf of the Chamber of Commerce. Mr. Webb reminded Council the decision was already made when the zoning code was adopted that this was an appropriate location for gas stations. Mr. Webb noted the need to encourage businesses to stay in town and encouraged Council to work with the developer to find solutions for expanding this location.

Ms. Kathleen Zien, 6060 Joseph Drive, noted concern with 14 additional gas pumps in Oxford when there were already 44. Ms. Zien noted her feeling the fuel rewards were insignificant, arbitrary and could be discontinued any time. Ms. Zien discussed the possibility of other jobs in the community being lost as a result of the proposed expansion. Ms. Zien noted the project could not be appropriate if there were multiple conditions placed on it by staff plus the need for 10 variances to the Zoning Code. Ms. Zien noted Council should be consistent and limit the outside sales for this project as they did for the Southpointe site. Ms. Zien noted her hope the Planning Commission's recommendation of denial was carried through by Council.

Mr. Richard Daniels, Emerald Woods Drive, advised he was interested in the project from the standpoint of expanding pharmacy services within the community. Mr. Daniels advised the Comprehensive Plan would speak to and promote the redevelopment the Locust Street area. Mr. Daniels noted his support for the fuel center as it would encourage traffic in the area. Mr. Daniels encouraged Council to look at the positives for the redevelopment of this area.

Mr. Rutherford advised he agreed with Mr. Daniels. Mr. Rutherford noted his feeling the location of the fuel center may be too far south and inquired how the decision was made for its location on the site.

Mayor Dana inquired if Council could confine their discussion to the Conditional Use with conditions and not talk about the design knowing they could come back and talk about the design.

Mr. McHugh advised a member of Council could request new legislation granting approval of the Conditional Use with appropriate conditions.

Ms. Currie inquired if Kroger's had off-site fuel centers and Ms. Ammons advised yes.

Mr. Keebler advised he would rather not see another fueling center in this location but would make exceptions for redevelopment. Mr. Keebler noted he would support the approval of a fuel center with specific conditions.

Mr. Rutherford asked Ms. Ammons to speak to the issue of reducing the number of pumps and Ms. Ammons advised Kroger's could live with installing 5 pumps and possibly expanding them in five years.

Ms. Fischer advised this case went through Planning rather quickly because the majority were against the fueling center for the reasons that have been heard tonight. Ms. Fischer noted since Kroger's was amenable to reducing the number of pumps perhaps a new Ordinance was appropriate.

Ms. Currie noted landscaping would be extremely important between the fuel center and Locust Street.

Mr. Bogard advised various Cities that participated in OKI applied for landscaping development funds which were available. Mr. Bogard noted the importance of listening to what the people wanted with regard to their economic viability. Mr. Bogard emphasized the importance of private/public partnerships with regard to the development of Locust Street. Mr. Bogard requested a copy of the Kroger slides with regard to addressing the conditions.

Mr. McHugh suggested looking at a TIF to assist with the landscaping along this corridor.

Mr. Rutherford inquired what the probability of increasing the landscaping was and Mr. Greene addressed the issue noting his concern with over landscaping and reducing the visibility of the smaller shops. Mr. Greene noted the owners were amenable to atheistically pleasing smaller bushes and scrubs.

<u>Mr. Keebler moved to replace the current Ordinance with a new Ordinance in the affirmative reducing the number of pumps to five pumps and providing landscaping in place of parking along Locust Street. Mr. Bogard seconded. The motion passed 6-0-0.</u>

Mr. Chen advised he would provide the exact language for the conditions specified on the new Ordinance.

Mr. Wocher inquired if the new Ordinance would come as a first reading and Mr. McHugh advised yes. Mr. Wocher inquired how that would affect the variance applications and Mr. Chen advised the variances could be applied for and considered concurrently with the Conditional Use request.

Mr. Rutherford inquired if new drawings were in order and Mr. McHugh advised yes.

Mr. Wocher requested a copy of the new language as soon as possible so the new drawings could be provided.

ORDINANCES
SECOND READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3015 Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)

Mr. Newlin addressed the changes from the first reading as listed in the staff report on page 185-186 of the agenda noting federal funds may be awarded to recoup monies spent as a result of the recent storm.

Mr. Bogard inquired what assurances there were that the City would recoup funds from the storm damage and Mr. Dreisbach addressed the issue noting a meeting was taking place tomorrow with the EMA and FEMA.

Mr. Bogard moved to adopt Ordinance No. 3015. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

Ms. Dana noted the lateness of the hour and inquired if the following Ordinances should be tabled since Mr. Rutherford had several amendments he would like to propose. The consensus of Council was to consider the Ordinances as presented and amendments could be considered at a later date.

ORDINANCE
NEW SECTION 404

An Ordinance No. 3016 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 language was reverted to the language from before November of last year.

Mr. Scott Webb, noted the three codes in consideration were all written by the International Code Council and approved across the country.

Mr. Kyger noted the Ordinances being considered built upon one another and this one managed density.

Mr. Bogard inquired what the timetable was for Mr. Rutherford to present his proposed amendments and Ms. Dana suggested January, after the budget process was complete.

Mr. Keebler moved to adopt Ordinance No. 3016. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Rutherford (1)

ABS: None (0)

ORDINANCE
NEW SECTION 1143.10

An Ordinance No. 3017 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 changes to Section 1143.10 as listed on the staff report on page 193 of the agenda.

Mr. Rutherford moved to table the proposed Ordinance. The motion failed for the lack of a second.

Mr. Rutherford discussed the proposed Ordinance at length noting it did not apply equally to everyone due to the 16 ½' set-back on some properties.

Mr. Kyger agreed with Mr. Rutherford noting the Uptown Revitalization Committee had discussed the issue as well.

Mr. Rutherford noted his feeling Council was passing bad legislation.

Mr. Keebler called the question.

Ms. Fischer moved to adopt Ordinance No. 3017. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Rutherford (1)

ABS: None (0)

ORDINANCE
NEW SECTION 1159.07

An Ordinance No. 3018 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 advised the proposed legislation would remove the 16 ½' set-back from the Floor Area Ratio computation.

Mr. Rutherford advised his feeling the proposed Ordinance would create rental units that did not meet the goals Council had originally set.

Mr. Bogard advised he would like to consider amendments to the proposed Ordinance in November so there was not a window for undesirable development.

Mr. McHugh noted any amendments would need to go before the Planning Commission.

Mr. Scott Webb, advised the Floor Area Ratio controlled the over envelope of the building and would not create a window for undesirable development.

Mr. Keebler called the question.

Mr. Keebler moved to adopt Ordinance No. 3018. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Rutherford (1)

ABS: None (0)

ORDINANCE
NEW SECTION 1149.05

An Ordinance No. 3019 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 advised the proposed Ordinance would eliminate the requirement for a loading dock or designated delivery space in the Uptown District.

Mr. Rutherford suggested requiring loading spaces for commercial buildings in excess of 10,000 square feet.

Mr. Scott Webb, noted the loading spaces were ineffective whether or not a building was 10,000 square feet.

Mr. Rutherford suggested changing the size of the loading space to become effective.

Mr. Keebler called the question.

Mr. Keebler moved to adopt Ordinance No. 3019. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Rutherford (1)

ABS: None (0)

ANNOUNCEMENTS

Mr. Dreisbach commended Council for their diligence in working through this evening's agenda.

Mr. Kyger noted a correction to the meeting schedule on page 4 of the agenda.

Mayor Dana advised Council would hold a Special Meeting at the Courthouse tomorrow night for the purpose of considering the settlement of a lawsuit.

ADJOURN

Mr. Bogard moved to adjourn at 12:40 a.m. Mr. Keebler seconded. The motion passed 6-0-0.