A regular meeting of the Oxford City Council was called to order by Vice Mayor Ken Bogard on Tuesday, November 4, 2008 at 7:30 p.m. Those members present were Alysia Fischer, Kate Currie, Doug Ross and Richard Keebler. Mayor Dana and Greig Rutherford were excused.

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

PLEDGE OF ALLEGIANCE

Vice Mayor Bogard requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Fischer moved to approve the agenda. Ms. Currie seconded. The motion passed 5-0-0.

PUBLIC PARTICIPATION

PUBLIC COMMENTS

Ms. Bobbe Burke, Coordinator, Off Campus Affairs, introduced Ms. Kelley Bricker who provided a report regarding the recent Make a Difference Day event.

Ms. Kelley Bricker, Stoddard Hall, advised she was a senior at Miami and a Co-Chair for the Make a Difference Day event sponsored by the Honors and Scholars Advisory Board. Ms. Bricker noted 250 student volunteers participated in the event as well as additional individual volunteers and worked on 10 different service projects within the City. Ms. Bricker advised the organizations who participated were the Family Resource Center, the Oxford Community Arts Center, the Oxford Parks and Recreation Department, the Oxford Senior Citizens Center, the Knolls of Oxford, Hueston Woods, Saint Mary's Church, Woodside Cemetery and the City of Oxford. Ms. Bricker advised evaluations were sent to the project sites to assess the event and improve the process in the future and noted the feedback so far had been very positive.

Ms. Diane Ruther, Family Resource Center, advised 45 students worked with the Family Resource Center, Lifespan and PUSH on weatherizing approximately 35 homes in the mobile home park and doing repair work and plantings. Ms. Ruther noted this was a great experience for the students and a tremendous help to clients in the mobile home park.

Vice Mayor Bogard thanked all of those involved for their efforts.

CONSENT AGENDA

MINUTES

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

Minutes of the October 21, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the October 21, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the October 14, 2008 Planning Commission Special Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the October 15, 2008 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the October 16, 2008 Recreation Board Meeting. (Gail Brahier, Parks and Recreation director)

Report regarding the October 22, 2008 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

Report regarding the October 22, 2008 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTIONS

**RESOLUTION
AGENT FOR
FEDERAL FINANCIAL ASSISTANCE**

A Resolution No. 4393 designating the City of Oxford's Service Director as agent for the City of Oxford to apply for federal financial assistance by reason of the September 14, 2008 wind storm. (Mike Dreisbach, Service Director)

Ms. Fischer moved to approve the consent agenda. Ms. Currie seconded. The motion passed 5-0-0.

RESOLUTIONS

None.

ORDINANCES
FIRST READING

ORDINANCE
NEW SECTION 303.08

An Ordinance Repealing Oxford Code Of Ordinances Section 303.08 And Adopting New Oxford Code Of Ordinances Section 303.08; Titled “Impounding And Booting Of Vehicles; Redemption’. (Steve Schwein, Police Chief)

Chief Schwein advised the proposed Ordinance was companion to the following ones and would allow the Police Department to boot and tow vehicles for various offenses.

ORDINANCE
NEW SECTION 311.05

An Ordinance Amending Oxford Code Of Ordinances Chapter 311, Street Obstructions And Special Uses, To Add New Section 311.05, Storage Units. (Steve Schwein, Police Chief)

Chief Schwein advised the proposed Ordinance would prohibit portable storage units to be placed in the right-of-way.

Ms. Fischer noted this would not prohibit storage units from being placed in yards and Chief Schwein advised that would need to be addressed by the Planning Commission.

ORDINANCE
NEW SECTION 351.06

An Ordinance Repealing Oxford Code Of Ordinances Section 351.06 And Adopting New Oxford Code Of Ordinances Section 351.06; Titled “Selling, Washing, Or Repairing Vehicle Upon Roadway Or On Private Property Open To Public Travel”. (Steve Schwein, Police Chief)

Chief Schwein advised the proposed Ordinance would prohibit ‘pop up’ used car parking lots within the community such as in the former Odd Lots parking lot.

Mr. Ross inquired if a person could park a vehicle in a private lot with the permission of the property owner and Chief Schwein advised yes, but not in excess of 72 hours. Chief Schwein noted the vehicle owner must also have the permission in writing and posted in the vehicle visible to the Oxford Police Department.

ORDINANCE
NEW SECTION 351.13

An Ordinance Repealing Oxford Code Of Ordinances Section 351.13 And Adopting New Oxford Code Of Ordinances Section 351.13; Titled "Parking In Excess Of 72 Hours Prohibited". (Steve Schwein, Police Chief)

Chief Schwein advised the proposed Ordinance was a companion to the previous one and covered any reason a vehicle was parked in a particular space.

Mr. Ross inquired if a vehicle even with permission would have to be moved after 72 hours and Chief Schwein advised yes.

ORDINANCE
PRELIMINARY SUBDIVISION

An Ordinance Approving The Planning Commission's Recommendation For Preliminary Approval Of The Campus Commons Subdivision With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen summarized the staff report on pages 46 and 47 of the agenda noting 5.45 acres would be split into 22 lots containing 20 duplexes and 2 single-family dwellings. Mr. Chen advised the applicant was in attendance and would provide a brief presentation to Council.

Mr. Michael Stegman, Attorney, representing the Paul W. Baer Trust Properties, LLC, provided a PowerPoint presentation depicting the proposed development. Mr. Stegman noted the proposal complied with the underlying R2MS zoning requirements and was approved 7-0-0 by the Planning Commission with conditions all of which were acceptable to the applicant.

Mr. Keebler noted a lot of people would like to see this property remain an open area but the applicant had the right to develop the property. Mr. Keebler advised this proposal would not require any variances, all of the lots would be conforming lots, and would comply with the Comprehensive Plan with regard to connectivity. Mr. Keebler noted he felt this was a good plan.

Ms. Currie and Mr. Bogard noted their support for the project.

ORDINANCE
ZONING MAP
AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For Property Located At 5445 College Corner Pike, Oxford, Ohio And Rezoning The Property From R3 (Multi-Family Residential) District To GB (General Business) District. (Jung-Han Chen, Community Development Director)

Mr. Chen summarized the staff report on page 95 of the agenda and noted the Planning Commission voted 7-0-0 to recommend approval of the request.

Ms. Diane Ruther, Family Resource Center, noted the Family Resource Center was hoping to open a Thrift Store on the property which would provide jobs training opportunities for their clients and become a source of revenue for the Family Resource Center.

Ms. Fischer noted the request complied with the Comprehensive Plan with regard to the College Corner Pike corridor.

Ms. Currie, Mr. Ross and Mr. Bogard noted support for the request.

ORDINANCE
DENY ZONING MAP
AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation To Deny A Zoning Map Amendment For Property Located At 22 North College Avenue, Oxford, Ohio Rezoning The Property From RO (Office Residential) District to UP (Uptown) District. (Jung-Han Chen, Community Development Director)

Vice Mayor Bogard advised the applicant submitted a letter requesting Council to postpone the first reading of the proposed Ordinance until November 18, 2008.

Ms. Fischer moved to table the proposed Ordinance until November 18, 2008. Mr. Keebler seconded. The motion passed 5-0-0.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)

Mr. Newlin summarized the staff report on pages 132 and 133 of the agenda which explained the need for additional appropriations for fiscal year 2008.

ORDINANCE
2009 BUDGET

An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2009. (Joe Newlin, Finance Director)

Mr. Newlin advised the budget was presented to Council at Work Sessions on October 16th and October 21st. Mr. Newlin summarized the changes as shown on the staff report on pages 136 and 137 of the agenda.

ORDINANCE
2009 FEES

An Ordinance Adopting Fees And Charges For Fiscal Year 2009. (Joe Newlin, Finance Director)

Mr. Newlin noted department heads had provided explanations for fee proposals and questions regarding the basis for increased fees could be answered by the applicable department head.

Ms. Currie requested clarification regarding playground fees which Ms. Brahier addressed.

Mr. Keebler noted the fee increases were minimal which he was glad to see.

Ms. Fischer referred to page 148 of the agenda and requested an explanation for the increase in the sidewalk permit, and page 151 working without a permit and page 152 impound/immobilization fees. Ms. Fischer noted the explanations could be given during the second reading.

Mr. Bogard requested a brief explanation for the increase in the rental fee for the Senior Citizens Center and Ms. Brahier advised significant renovations had been made to the center and this would bring the rental fee more in line with what it should be for this type of facility.

ORDINANCE
2009 SALARIES

An Ordinance Establishing Salaries And Certain Benefits For Salaries And Hourly Full-Time And Part-Time Employees Within The Service Of The City Of Oxford, Ohio Paid From January 1, 2009 Through December 31, 2009. (Donna Heck, Human Resources Director)

Ms. Heck advised the proposed Ordinance would implement the changes as discussed at the October Personnel Improvement Plan Work Session. Ms. Heck summarized the staff report on page 161 of the agenda.

Mr. Ross noted at the next meeting he would like additional information regarding the limitation on hours worked by Firefighters and inquired if the City Engineer was getting paid enough.

ORDINANCES
SECOND READING

ORDINANCE
EXTEND CONDITIONAL USE

An Ordinance No. 3025 Approving The Extension Of The Conditional Use Permit For A Banking Facility With A Drive-Through (Miami University Community Federal Credit Union), Approved By Ordinance No. 2932, On November 21, 2006, For A Period Of Six Months. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Ordinance would extend the Conditional Use Permit granted by Council on November 21, 2006.

Ms. Currie moved to adopt Ordinance No. 3025. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
ADOPTING THE
COMPREHENSIVE PLAN

An Ordinance No. 3026 Adopting The Comprehensive Plan Of The City Of Oxford Pursuant To Charter Section 8.07. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Comprehensive Plan Update had been complied over the past year with a lot of input from citizens, the Planning Commission and volunteers. Mr. Chen inquired if Council had any amendments to propose.

Ms. Currie moved to amend Chapter 12 – Implementation pages 8 and 9 to add the Housing Advisory Commission under responsibility for items H1.1, H1.3, H1.4, H2.1, H2.2, H2.3, H2.4, H2.5, H2.6, H5.2, H5.3, H5.4, H5.5, H5.6, H6.1, H6.2 and H6.3. Ms. Fischer seconded. The motion passed 5-0-0.

Mr. Keebler noted he had been involved in discussions as the plan went before the Planning Commission who made some amendments for clarification. Mr. Keebler advised this was a planning document put forth by the citizens and he was comfortable with it even though he would have liked to see some things removed.

Ms. Fischer moved to amend Chapter 12 – Implementation page 13 University and Community item UC2.2 to add "Assist with providing resources to the Office of Off Campus Affairs." Mr. Ross seconded. The motion passed 5-0-0.

Mr. Bogard read a proposed amendment suggested by Mayor Dana.

Ms. Fischer moved to amend Chapter 5 – Transportation page 6 item T2.2 to read "Promote the Oxford Area Trails plan as identified in the Transportation or Thoroughfare plan." Ms. Currie seconded. The motion passed 5-0-0.

Mr. Ross noted ACP and staff worked sincerely on the project and tried to involve the entire community. Mr. Ross noted his feeling it was a monumental waste of money, paper and time.

Mr. Bogard advised this was a planning document which provided a course of action for the City and surrounding area. Mr. Bogard noted it would be amended as necessary as the implementation process took place.

Ms. Currie moved to adopt Ordinance No. 3026 with amendments to the planning document. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Ross (1)

ABS: None (0)

ORDINANCE
NEW SECTION 1139

An Ordinance Repealing Zoning Code Section 1139, Variances, And Adopting New Section 1139, Variances. (Jung-Han Chen, Community Development Director)

Mr. Chen advised Mr. McHugh revised the language in the proposed Ordinance for Council's consideration based on Council's discussion during the first reading.

Mr. McHugh advised Council received a draft Ordinance tonight based on comments from Council at the last meeting. Mr. McHugh outlined the changes/deletions from the original Ordinance and suggested if Council wished to consider the new language they should make a motion to substitute the revised Ordinance.

Ms. Fischer moved to table the proposed Ordinance until the next meeting since the public did not have a chance to review it. Mr. Ross seconded.

Mr. Keebler suggested substituting the draft Ordinance first so the public would have the opportunity to review it.

Ms. Fischer withdrew her motion and Mr. Ross withdrew his second.

Ms. Fischer moved to substitute the new Ordinance presented to Council tonight for PC-20-2008 dated 9/30/08. Mr. Ross seconded. The motion passed 5-0-0.

Ms. Fischer moved to table the second reading of the proposed Ordinance until the next meeting. Mr. Ross seconded. The motion passed 5-0-0.

ORDINANCE
CONDITIONAL USE

An Ordinance No.3027 Approving A Conditional Use Permit For A Gas Station And Convenience Store In The General Business (GB) District At 300 South Locust Street, Oxford, Ohio With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised staff provided Council with a memo in their Friday Packet indicating the commitment the Schottenstein Property Group had made with regard to the existing traffic signal on South Locust Street. Mr. Chen advised Council was provided a copy of the letter from the Schottenstein Property Group this evening. Mr. Chen noted this was the only new information he had to present and that the applicant was in attendance to answer any questions.

Mr. Jonathon Wocher, Planner, McBride Dale Clarion, advised Kroger and the Schottenstein Property Group would comply with condition c. on page 193 of the agenda with regard to removing parking spaces and adding landscaping. Mr. Wocher noted the letter provided with regard to an escrow account for a proportional cost of the traffic signal upgrade and requested that Council amend condition h. on page 194 of the agenda to reference the letter. Mr. Wocher noted his feeling this project was a good reinvestment for the City and thanked Council for working with them.

Ms. Currie noted she was pleased with the additional landscaping but still had concerns with the amount of outside merchandise.

Mr. Keebler noted concern with pictures provided to Council of other Kroger fueling centers which had brooms, mops and other supplies out in the open. Mr. Keebler advised the new fueling center in Hamilton had an additional structure for storage and he would not want to see this in Oxford. Mr. Keebler advised he would rather see a larger kiosk with inside storage for those items. Mr. Keebler advised he would like to add an additional condition which would prohibit outside storage.

Mr. Bogard noted Mr. Keebler's suggestion would provide a new model for Kroger fueling centers.

Ms. Fischer inquired how the amount of $10,000 was chosen for signalization upgrades. Ms. Fischer noted she wanted clarification for future redevelopment.

Mr. Wocher advised the signal as currently constructed was functional and could be turned back on. Mr. Wocher noted the expenditures being proposed were not needed for this particular project and since the City had a strong position that his client should contribute a proportional share it was based on those factors.

Mr. Bogard requested that Mr. Wocher address Mr. Keebler's suggestion of adding on to the Kiosk for storage purposes and Mr. Wocher advised his client would comply with the request.

Mr. Keebler moved to add condition l. as follows: 'No other outside storage or storage structures shall be permitted in the vicinity of the fueling station.' Ms. Fischer seconded. The motion passed 5-0-0.

Mr. McHugh offered language to add to condition h.

Mr. Keebler moved to add language to condition h. as follows: 'and accepting the offer of escrow for the traffic signal upgrade.' Mr. Ross seconded. the motion passed 5-0-0.

Mr. Keebler moved to adopt Ordinance No. 3027 as amended. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ross, Ms. Fischer, Mr. Keebler, Mr. Bogard (4)

NAY: Ms. Currie (1)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised three applicants were selected to interview for the Assistant Fire Chief position.

Mr. Elliott noted the crosswalk markings as requested at Spring Street and Beech Street would be complete within the next two weeks.

Ms. Currie noted she was delighted that staff could respond so quickly to the request.

Mr. Kyger updated Council on a meeting he, Rick Bailey and Mr. Elliott attended with ODOT District 8 with regard to US-27 South improvements. Mr. Kyger noted Council would see legislation at the next meeting requesting a speed study for US-27 South so the speed limit could be readjusted for the new road design.

Mr. Bogard thanked Council, staff and members of the audience for helping get through a large agenda this evening. Mr. Bogard thanked all of those who participated in the development of the Comprehensive Plan Update.

ADJOURN

Ms. Fischer moved to adjourn at 9:00 p.m. Ms. Currie seconded. The motion passed 5-0-0.