SCRC Meeting Minutes

November 21st, 2008

In Attendence:

Members: Carole Katz, Alysia Fischer, Kendall McCune, Ashley Perry, Stew Meeker, Thad Boggs, John Barrett, and John Greene.

Non-Members: Amy Numrich, Amy Macecko, Susan Mosley-Howard, Valerie Elliot, Jim Squance, Lane Clegg, Matt Frasier, Bobbe Burke, Jung-Han Chen.

Call to order:

This meeting was called to order at 12:00pm.

Public Comments:

No public comment.

Approval of Minutes from 11/07/08:

Minutes were approved.

Presentation on History of High Street by Valerie Elliot:

Valerie Elliot, the History Librarian for the Smith Library of Regional History, gave a presentation to the commission and its guests about the history of Oxford and the Mile Square.

Snow Routes:

Thad Boggs asked the commission if they knew when the new Snow Route signs would be going up. Alysia Fischer said that they can go up 30 days after they have been approved, and Jung-Han Chen informed the group that the Service Department was currently working on the new signs. Bobbe reminded the group that the change made to the signs is that now any level of snow emergency and 3 inches of snow and/or ice or greater is what has been amended. Matt Frasier asked if there was a way for students to be informed that towing would begin, so they would have time to move their cars. Jim Squance said that there is not a way to do that. Bobbe Burke told Matt that when it starts to snow that all cars should be moved then, to prevent ticketing and towing. Both Carole Katz and Bobbe Burke spoke about how the removal of the cars for plowing is an issue for smooth traffic flow in and out of the City, as well as a safety issue for the mailmen, delivery people, and children walking to and from school. Thad Boggs informed the commission that he will utilize the listserve of all Off-Campus

There was a reminder for people going out of town to get their cars off the streets, to lock windows on main floors, and to remember to bring their garbage cans in before they leave for Thanksgiving Break.

Adjournment

The last SCRC meeting of the semester will be held December 5th at noon in Lane Library's meeting room.

A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, December 2, 2008 at 7:33 p.m. Those members present were Ken Bogard, Alysia Fischer, Kate Currie, Doug Ross, Richard Keebler and Greig Rutherford.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Steve Schwein, Police Chief; Mr Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Mr. Alan Kyger, Economic Development Director; 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. Mr. Keebler seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Ms. Fischer moved to return from Executive Session at 7:30 p.m. Mr. Rutherford seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Mayor Dana requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Currie moved to amend the agenda by removing item 6.B.1. Ms. Fischer seconded. The motion passed 7-0-0.

Mr. Bogard moved to approve the agenda as amended. Ms. Fischer seconded. The motion passed 7-0-0.

Mr. Keebler noted item 6.B.1. was requested to be withdrawn by the applicant.

PUBLIC PARTICIPATION

PRESENTATION
SHAREFEST

Ms. Carol Michael, advised she was in attendance to give the 4th annual report of the Share-Fest initiative. Ms. Michael provided a PowerPoint presentation which covered their new logo and Mission Statement 'ShareFest is a Butler County community-wide effort to collect items from Miami University students who are leaving at the end of the school year. Collected items are distributed to residents in need, throughout Oxford and Butler County.' Ms. Michael discussed marketing efforts, expenses, volunteers and staff, collected items, benefiting agencies, results and benefits, recipient testimony, monetary contributions, and grants and sponsors. Ms. Michael recognized committee members who were in attendance and noted over 100 volunteers had worked over 1,000 hours. Ms. Michael thanked Council and City staff for their support and advised her feeling this continued to be a worthwhile project and noted her hope it was now established as a tradition in Oxford because of its many benefits.

PUBLIC COMMENTS

Ms. Connie Elliott, 118 Homestead, advised she had delivered another disaster kit to a family on Thanksgiving Day.

Mr. Thad Boggs, 109 Ardmore Drive, Secretary, Off Campus Affairs, advised the next Student Community Relations Commission meeting would take place Friday, December 5, 2008 at the Lane Library at noon. Mr. Boggs noted the meeting was not listed in the agenda and invited everyone to attend.

Mayor Dana noted Council received the minutes from the last two SCRC meetings and would include them in Council's packets in the future.

CONSENT AGENDA

MINUTES

Minutes of the November 18, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the November 11, 2008 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

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

RESOLUTIONS

None.

ORDINANCES
FIRST READING

ORDINANCE
SUPPLEMENTAL
BUDGET

An Ordinance Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)

Mr. Newlin summarized the staff report on page 23 of the agenda and explained why an adjustment was needed in the Storm Water Utility Fund.

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit For Residential Land Use In The Basement Of A Proposed Mixed Use Building In The Uptown Zoning District At 18 South Poplar Street. (Jung-Han Chen, Community Development Director)

Mr. Chen summarized the staff report on page 25 of the agenda noting the Planning Commission deliberated the application at length with regard to safety and maintenance issues involved with using a basement for residential dwellings. Mr. Chen noted he would be happy to answer any questions and the applicant was in attendance as well to answer any questions.

Mr. Kenneth Bowerman, Architect, representing Uptown Real Estate LLC, and Ms. Kathy Albrecht, Applicant advised they were requesting the use of the lower level for residential use which was a stated allowable conditional use in the zoning code. Mr. Bowerman noted they had worked very hard to design a project to improve the vacant lot which was within the allowable uses and square footages of the zoning code and was in keeping with the intent of the Comprehensive Plan. Mr. Bowerman advised the proposed mixed use building would be comprised of commercial use on the first floor with residential use on the lower, second and third floors noting they felt a four story building would be inappropriate in this location. Mr. Bowerman addressed the safety and maintenance concerns expressed by the Planning Commission. Mr. Bowerman commented on the four conditions recommended by the Planning Commission noting the landscaping plan would be designed once a potential tenant for the first floor was established.

Ms. Fischer stated she voted against approving the Conditional Use request as she was concerned with trash collecting in the window wells and would affect the egress from basement windows. Ms. Fischer also noted concern with where trash receptacles would be located on the site.

Mr. Keebler noted he felt a three story building in this location was the better choice and he voted to approve the Conditional Use request. Mr. Keebler advised his feeling the Planning Commission's intent with regard to condition b. on page 26 of the agenda was to see a workable solution for the trash collection facility. Mr. Keebler noted many Uptown residences had inadequate trash collection facilities.

Mr. Rutherford noted his hope the number of trash pickups and receptacles would be adequate since it was a problem in the Uptown residential areas.

Mr. Keebler moved to amend condition b. on page 26 of the agenda as follows: 'A clear trash collection facility must be designed into the building and approved by the Community Development Director.' Ms. Fischer seconded. The motion passed 7-0-0.

Ms. Currie also noted concern with trash collecting in the window wells as the proposed building was next door to a bar.

Mayor Dana noted the window wells would need to be designed as an exit with measures in place to limit the amount of debris collecting in them.

Mr. Rutherford noted the property owners would also be responsible for keeping the window wells clear of debris.

Mr. Ross inquired what other buildings Uptown Real Estate LLC owned in Oxford and Mr. Bowerman advised the former Snyder's building as well as several individual homes and apartment buildings.

Ms. Currie inquired if there were examples of buildings in the Uptown District with basement dwellings and this type of window well design and Mr. Chen advised no.

Mr. Keebler advised he had concerns whether this was an appropriate use in the Uptown District although at this point in time it met the code. Mr. Keebler noted he would like to see the Planning Commission review the issue. Mr. Keebler noted since the proposal met the zoning code and with the conditions contained in the Ordinance he felt Council should approve the request.

ORDINANCES
SECOND READING

ORDINANCE
NEW SECTION 1139

An Ordinance No. 3036 Repealing Zoning Code Section 1139, Variances, And Adopting New Section 1139, Variances. (Jung-Han Chen, Community Development Director) **(Tabled)**

Ms. Fischer moved to remove the proposed Ordinance from the table. Ms. Currie seconded. The motion passed 7-0-0.

Mr. Chen advised Mr. Elliott provided Council with additional information regarding the proposed Ordinance. Mr. Chen encouraged Council to keep in mind whether they adopted the 'Duncan Standards' or not, the court would use these standards.

Mr. Elliott advised he provided Council with two PowerPoint documents which detailed the Duncan Standards of which was used for the Board of Zoning Appeals training session. Mr. Elliott noted he spent time looking at various court cases and at other City's websites and most communities adopted the Duncan Standards with regard to considering variances. Mr. Elliott reiterated that if the City failed to utilize the Duncan Standards the court would use them anyway. Mr. Elliott noted his feeling Council would be well advised to adopt them as well. Mr. Elliott noted the current standards could be used in addition to the Duncan Standards but the outcome should not be based on the current standards.

Mr. Keebler noted concerns with factor A. and E. on page 75 of the agenda. Mr. Keebler inquired if factor H. 'Any other relevant factor' was determined on a case by case basis and Mr. McHugh advised yes. Mr. Keebler inquired if some of the current standards should be included in the Ordinance and Mr. Elliott noted 5 of the current standards were similar to the Duncan standards and the other two applied to use variances which the City did not allow. Mr. Keebler inquired who supplied information regarding 'other relevant factors' and Mr. McHugh advised the applicant.

Ms. Fischer inquired if Mr. McHugh was suggesting the Board of Zoning Appeals could not come up with relevant factors and Mr. McHugh advised they could provide a foundation but the burden should rest on the applicant. Mr. McHugh noted the foundation for making the determination and the testimony needed to come from the applicant as the Board of Zoning Appeals should not grant variances unless something was presented to them. Ms. Fischer noted concern that a portion of the current standard G. 'will not be detrimental to the public health, safety, or general welfare' was not part of the proposed standards. Ms. Fischer suggested adding that language as part of the decision standards and Mr. McHugh suggested adding it as part of the Board of Zoning Appeals Review under item (c) (2) on page 74 of the agenda.

Ms. Fischer moved to add 'The Board of Zoning Appeals will consider the effect of the request on the public health, safety and welfare' under item (c) (2). Ms. Currie seconded. The motion passed 6-1-0 with Mr. Rutherford voting nay.

Mr. Rutherford advised he felt a companion document was necessary to further clarify the decision standards and he had prepared such a document. Mr. Rutherford suggested adopting the proposed Ordinance and following up with additional legislation to provide clarification. Mr. McHugh advised if Council wished he could write a paragraph on each standard to provide clarification. Mr. McHugh advised against adopting additional legislation.

Mr. Keebler advised that Mr. Rutherford provided him with the document he prepared and suggested referring that document to Mr. McHugh and the rest of Council.

Mr. Bogard agreed with Mr. Keebler's suggestion and called the question.

Ms. Fischer moved to adopt Ordinance 3036 as amended. Mr. Keebler seconded. The Ordinance 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)

ORDINANCE
NEW SECTION 351.06

An Ordinance No. 3037 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) **(Tabled)**

Mr. Keebler moved to remove the proposed Ordinance from the table. Ms. Fischer seconded. The motion passed 7-0-0.

Chief Schwein advised Mr. McHugh modified the proposed Ordinance based on Council's discussion at the last meeting. Chief Schwein noted the proposed Ordinance should meet the Police Department's needs and offered to answer any questions.

Mr. Bogard requested clarification of the modifications to section *(b)* on page 70 of the agenda.

Mr. McHugh advised the language was modified to cover circumstances regarding parked vehicles to prevent a ticket being issued inappropriately.

Mr. Keebler noted he felt the modifications remedied Council's concerns and provided the means to eliminate people leaving their vehicles on public parking lots for the primary purpose of offering them for sale. Mr. Keebler noted support for the proposed Ordinance.

Mr. Rutherford noted his feeling Council was trying to take responsibility from the property owner since the Ohio Revised Code put the burden on the property owner to post no parking signs. Mr. Rutherford advised he did not know why Council needed to regulate this matter.

Ms. Currie advised the property owners were not taking the responsibility and Council was faced with 'pop-up used car lots'.

Mr. John Day, College Corner Pike, advised he paid commercial property tax and should be able to do anything he wished on his property.

Ms. Fischer noted the proposed Ordinance did not apply to private property.

Mr. Keebler called the question.

Ms. Suzanne Kostic asked for clarification regarding her property which Chief Schwein addressed.

Ms. Fischer moved to adopt Ordinance No. 3037. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

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

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

ABS: None (0)

ORDINANCE
NEW SECTION 351.13

An Ordinance No. 3038 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) **(Tabled)**

Ms. Fischer moved to remove the proposed Ordinance from the table. Mr. Bogard seconded. The motion passed 7-0-0.

Chief Schwein advised the Law Director revised the proposed Ordinance language hopefully to Council's satisfaction. Chief Schwein offered to answer any questions.

Mr. Elliott inquired if Council should move to approve the proposed Ordinance as amended and Mr. McHugh advised yes.

Mr. McHugh explained the changes in the language in section (b) and (c) on page 82 of the agenda.

Mr. Bogard inquired if the new Ordinance was an amendment or a substitution and Mr. McHugh advised a substitution would be in order.

Mr. Bogard moved to accept the new Ordinance as a substitute Ordinance. Ms. Fischer seconded. The motion passed 7-0-0.

Mr. Keebler advised he liked most of the changes and noted he would like to propose an amendment as paragraph 3 under section (b) on page 82 of the agenda.

Mr. Keebler moved to amend section (b) of the Ordinance by adding 'This section shall not apply to vehicles owned or operated by the premise owner or a premise lessee, provided said vehicle is not displayed for sale or is a vehicle displayed for the primary purpose of advertising and is in compliance with all other laws and ordinances'. Ms. Currie seconded. The motion passed 7-0-0.

Mr. Rutherford referred to sections of the Ohio Revised Code noting his feeling the proposed Ordinance was in conflict. Mr. McHugh and Chief Schwein addressed Mr. Rutherford's concerns.

Mr. Bogard moved to adopt the substituted Ordinance as amended. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

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

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

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott thanked Council for adopting the new Board of Zoning Appeals decision standards. Mr. Elliott advised he and Mayor Dana were suggesting a Council Strategic Planning Retreat on January 6, 2009 from 4:00 p.m. to 8:00 p.m. at Hueston Woods. Mr. Elliott advised this would be in place of the regularly scheduled Council meeting. Mr. Elliott updated Council on the Development Agreement with 4Leaf Development, LLC.

Mayor Dana thanked Mr. Dreisbach and the Service Department for the leaf clean-up efforts.

Mr. Kyger advised a building permit had been issued for the High and Main street development.

Mr. McHugh advised there was one claim remaining with regard to the High and Main lawsuit.

Mr. Ross thanked Mr. Marc Biales for writing to the Oxford Press.

Mr. Rutherford noted his hope Council had looked at the duties and responsibilities of the Environmental Commission as discussed at the last meeting. Mr. Rutherford noted the Commission had a very good meeting last week. Mr. Rutherford encouraged everyone to get their flu shot.

Mr. Bogard expressed concern regarding a letter from Time Warner Cable advising they would be limiting office hours to coincide with Miami's academic schedule. Mr. Bogard noted people would need assistance with moving from analog to digital service. Mr. Bogard also noted the 800 service number was always busy.

Mr. Keebler noted he was very disappointed with Time Warner Cable choosing to end the operation of the Oxford office. Mr. Keebler advised it was another example of how the City gets had by having a single provider. Mr. Keebler noted he could not resolve a billing matter over the phone and got it resolved quickly by visiting the Oxford office.

Mayor Dana suggested Mr. Elliott respond to Time Warner Cable in writing.

Ms. Fischer noted she would like to see the SCRC minutes as part of the consent agenda so they were part of the official record. Mr. McHugh noted he would work with the Clerk to accomplish the request. Ms. Fischer noted Mr. Rutherford mentioned the Environmental Commission looking into conservation zoning and noted she did not want parallel efforts being made but rather supplementary efforts. Ms. Fischer noted the Planning Commission could discuss the matter at their next meeting.

Mayor Dana thanked the Parks and Recreation department for planning the Holiday Festival on Friday and encouraged everyone to attend.

ADJOURN

Ms. Fischer moved to adjourn at 9:22 p.m. Ms. Currie seconded. The motion passed 7-0-0.