A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, February 1, 2011 at 7:15 p.m. Those members present were Ken Bogard, Kate Currie, Greig Rutherford, Bob Blackburn and Kevin McKeehan. John Harman was excused.

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

ADJOURN TO EXECUTIVE SESSION

Mr. McKeehan moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22(G)(4) for the purpose of discussing collective bargaining strategies. Mr. Rutherford seconded. The motion passed by the following roll call:

AYE: Mr. Blackburn, Mr. Bogard, Ms. Currie, Mr. McKeehan, Mr. Rutherford, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Blackburn moved to adjourn from Executive Session at 7:41 p.m. Mr. McKeehan seconded. The motion passed 6-0-0.

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

RECOGNITION
ZACH WESTERFIELD

Chief Schwein introduced Zach Westerfield. Chief Schwein noted on October 21, 2010 at 3:17 p.m. an auto accident occurred at E. Church Street and Tallawanda Road when a vehicle lost its brakes and ran a stop sign striking a vehicle in the intersection. The vehicle ended up on the sidewalk where students were present and the driver jumped out of the vehicle as it proceeded northbound on the sidewalk leaving it unattended and uncontrolled.

Zach Westerfield observed the unattended vehicle and entered it, steered it back onto the road and away from the pedestrians and brought it to a stop. No pedestrians were injured. Chief Schwein advised had he not stopped the vehicle several people could have been seriously injured or killed. Chief Schwein thanked Zach Westerfield for his brave action on behalf of the Police Department.

Mayor Keebler read and presented Mr. Westerfield with a certificate of Recognition on behalf of City Council.

RECOGNITION
PETER SELTENRIGHT
KEVIN DOMAN & IAN NELSON-JOHNSON

Chief Schwein introduced Peter Seltenright and Kevin Doman and noted Ian Nelson-Johnson had graduated and moved from Oxford. Chief Schwein advised on October 3, 2010 the men observed a subject enter their property and steal a play station game. The subject ran out the back door and attempted to hide. The roommates then observed the subject running away and gave chase. The men detained the subject until Police Officers arrived and arrested the subject. Several laptops and other items were recovered outside of the residence. Chief Schwein advised the Police Department did not advocate citizens confronting a criminal but in this case it worked out well. Chief Schwein noted the subject was a person of interest in several other burglaries. Chief Schwein commended the men for their actions.

Mayor Keebler read and presented Mr. Seltenright and Mr. Doman with a Certificate of Recognition on behalf of City Council.

NOTICE TO LEGISLATIVE AUTHORITY

Transfer permit from Sribalaji Inc DBA Rohan India 399 Foxfire Dr Oxford Ohio 45056 to Butter Brothers Inc DBA Tajmahal 2 339 Foxfire Dr Oxford Ohio 45056.

Chief Schwein advised there were no problems with the liquor permit holder or the location.

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

PUBLIC COMMENTS

There were none.

CONSENT AGENDA

MINUTES

Minutes of the January 18, 2011 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

RESOLUTIONS

RESOLUTION
TRADE WEAPONS

A Resolution No. 4586 declaring certain City property no longer needed for any municipal purpose and authorizing its trade to a federally licensed firearms dealer. (Steve Schwein, Police Chief)

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

RESOLUTION
FIRE GRANT

A Resolution No. 4587 authorizing the City Manager to apply for the 2011 Fire Prevention and Safety Grant with a ten percent (10%) match by the City. (John Detherage, Fire Chief)

Chief Detherage addressed his staff report as presented on page 21 of the agenda. Chief Detherage noted if the grant was awarded the Fire Department would like to provide and install 4,400 photoelectric smoke alarms in rental units throughout the City.

Mayor Keebler inquired what the source of funding would be for the City's 10% match. Chief Detherage advised possibly from a local grant through the Oxford Community Foundation.

Mr. Blackburn noted he felt the smoke alarms should be installed during the summer months while students were gone and advised the installation could be scheduled rental agency by rental agency.

Mr. Blackburn moved to adopt Resolution No. 4587. Ms. Currie seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

ORDINANCE
FINAL SUBDIVISION

An Ordinance Approving The Final Subdivision Application For Campus Commons Subdivision, Phase Two And Three With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen addressed his staff report as presented on page 23 of the agenda. Mr. Chen noted the proposed plan significantly conformed to the approved preliminary plan and the Planning Commission recommended approval by Council with conditions.

Mayor Keebler noted the question before Council this evening was whether or not the final plan conformed to the approved preliminary plan.

Mayor Keebler noted neighbors who attended the Planning Commission Meeting were fairly complimentary of the people who had been involved with the project early on and what they were doing. Mayor Keebler advised the neighbors inquired if the number of trees on the landscaping plan could be doubled and the applicant agreed to redistribute the trees to provide trees on both sides of Poplar Street. Mayor Keebler advised the Planning commission recommended approval by Council on that basis.

Mr. Rutherford advised the 35 trees would be placed 50' on center which was a little close for street trees and redistributing them would make them 100' on center which was a little too far. Mr. Rutherford suggested the trees be placed 75' on center and the City could supplement some trees if necessary. Mayor Keebler advised this issue would be left up to staff and the experts.

Mr. Michael Stegman, Attorney for the Applicant, advised under the Leed standards a certain amount of shading was required and asked Council to keep that in mind.

ORDINANCE
AMEND THE
PROPERTY MAINTENANCE CODE

An Ordinance Adopting The 2003 Edition Of The International Property Maintenance Code As Amended And Repealing Ordinance No. 2904. (Jung-Han Chen, Community Development Director)

Mr. Chen addressed his staff report as presented on page 53 of the agenda. Mr. Chen noted the proposed Ordinance would update the Property Maintenance Code with regard to rental fees. Mr. Chen advised the proposed Ordinance would also establish a new process to expedite the abatement process for tall grass issues. Mr. Chen thanked Mr. McHugh for his assistance with drafting the proposed legislation.

Mr. Bogard inquired if the new process for tall grass would apply to property owned by the City and Mr. Chen advised yes.

Mayor Keebler noted a determination needed to be made with regard to defining noxious weeds verses natural areas. Mayor Keebler asked staff to look into the issue and make a recommendation at a future date.

ORDINANCE
NEW SECTION 935.20

An Ordinance Amending Section 935.20, *Notice To Cut, Destroy, or Remove*, Providing Single notice by publication And Placing Placard On The Property. (Jung-Han Chen, Community Development Director)

Mr. Dreisbach advised the proposed Ordinance mirrored the prior proposed Ordinance so both sections of the Code would run concurrently.

Mr. Dreisbach advised typically NIC and the Community Development Department dealt with tall grass issues on private property and the Service Department dealt with tall grass issues that occurred in the right-of-ways.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3130. Supplemental Budget Ordinance Number 1 To Make Supplemental Appropriations For Fiscal Year 2011. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report in detail as presented on pages 60-62 of the agenda.

Mayor Keebler advised Council members were furnished with detailed budget adjustments as a result of adding the Fire/EMS Fund. Mayor Keebler noted Council would review the Fire/Ems Fund more closely in April and May as they looked at next year's reallocations.

Mr. Bogard inquired if monies would come out of the General Fund if there was a shortfall in the Fire/EMS Fund. Mr. Newlin advised a three month advance was made so the Fire/EMS Fund would be adequately funded through the rest of the year.

ORDINANCES
SECOND READING

ORDINANCE
ASSESSMENTS

An Ordinance No. 3138 Levying Upon Lots And Lands Enumerated In The List Of Estimated Assessments (Exhibit A) The Amounts Set Forth On Such List And Setting Forth Terms For Payment Of Assessments. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised he had no new information since the First Reading of the proposed Ordinance.

Mr. McKeehan moved to adopt Ordinance No. 3138. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Currie, Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Bogard, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
MAXIMUM AGE

An Ordinance No. 3139 Establishing Age Sixty (60) As The Maximum Age For An Original Appointment To The Oxford Police Department. (Steve Schwein, Police Chief)

Chief Schwein advised he had nothing new to add since the First Reading and Council had a good discussion at the last meeting. Chief Schwein noted the Police Department recognized they would lose some good applicants for Police Officer positions if the maximum age remained 35.

Mayor Keebler noted there was some discussion about adopting the Ordinance as an emergency because it would not take effect for 30 days. Mayor Keebler advised there should not be any concern or issue because it would be more than 30 days before any Police Officer appointments would be made.

Mr. Blackburn moved to adopt Ordinance No. 3139. Mr. Rutherford seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Bogard, Ms. Currie, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

ANNOUNCMENTS

Mr. Elliott reminded Council of the Joint Work Session with the Planning Commission next Tuesday, February 8, 2011 at 7:00 p.m. to review the proposed subdivision regulations. Mr. Elliott urged Council to read through the material they received prior to the meeting and thanked the Planning Commission, Mr. Chen and Ms. Dale for their hard work on the project.

Mr. Elliott discussed House Bill 3 which would repeal the Ohio Estate Tax and the negative effect it would have on the City of Oxford. Mr. Elliott noted if this source of funding was eliminated it would have to be made up by cutting spending or increasing taxes. Mr. Elliott advised he would bring a Resolution in opposition of HB 3 forward at the next meeting so the City of Oxford could make its concerns known. Mr. Elliott advised there had been talk of making cuts to the Local Government Fund which represented 6.7% of the General Fund revenue in 2010. Mr. Elliott noted combined with the Estate Tax, these two sources of revenue represented 8.3% of General Fund Revenues in 2010 and the elimination of these two sources of revenue would have a devastating impact on the City as it would almost equal the recent increase in the City's income tax.

Mayor Keebler discussed the Shaping Sustainable Communities Workshop which took place yesterday noting it was a very enlightening program sponsored by Miami University and the Wilks Scholars. Mayor Keebler noted a follow-up event would take place on February 28, 2011. Mayor Keebler noted former Mayor Prue Dana was very instrumental in putting the program together. Mayor Keebler advised the proposed subdivision regulations contained a section on conservation development which the Planning Commission had worked on for about a year with assistance from the Environmental Commission.

Mayor Keebler advised the Annual Chamber Awards Ceremony took place last week which was a very nice event. Mayor Keebler noted Mr. Kyger gave a presentation that evening on changes in the Uptown District noting there had been $46,000,000 invested in the Uptown since 2007 and the majority of the commercial was occupied.

Mr. Blackburn noted the 95% occupancy rate in the Uptown District was very good and contrary to what the economy was doing.

Mr. Blackburn thanked Mr. Dreisbach and the Service Department for their snow removal efforts.

Ms. Currie inquired if the public hearing for the rerouting of US-27 had been rescheduled and Mr. Elliott advised it would be sometime in March.

Ms. Currie noted it was exciting to hear about the 95% occupancy rate in the Uptown District as filling the storefronts was one of the major concerns of Oxford citizens when she ran for Council.

Mr. Bogard noted he understood the rationale for the Resolution opposing HB 3 and advised the Ohio Municipal League needed verbal presentations in front of the Ohio Legislature. Mr. Bogard encouraged Mr. Elliott to represent the community of Oxford in that regard. Mr. Bogard noted it would be interesting to see if other university communities were making presentations in front of the Legislature.

Mr. Bogard referred to Mr. Kyger's presentation at the Chamber Awards Ceremony and noted he felt the public would benefit greatly if Mr. Kyger gave the presentation at a Council meeting.

Mr. Elliott thanked Mr. Bogard for his comments regarding HB 3 and advised he would be glad to make a verbal presentation in Columbus. Mr. Elliott noted a Resolution of Council opposing HB 3 would make the City's position on the matter that much more powerful.

Mr. Rutherford advised Shademakers was awarded business of the year at the annual Chamber of Commerce Awards Ceremony. Mr. Rutherford congratulated the company and noted they worked very hard to serve the community.

Mr. Rutherford advised if HB 3 passed it would have an effect on a minority of people as far as who retained wealth but it would have an effect on the majority of people who received services from cities such as Oxford. Mr. Rutherford encouraged citizens to bury the legislature with letters opposing the bill. Mr. Rutherford suggested that Mr. Elliott took a contingent with him to Columbus since the City supplied services to the largest employer in the county.

Mr. Rutherford noted his hope the public hearing with regard to the rerouting of US-27 would be rescheduled soon.

Mr. McKeehan noted he had the opportunity to speak to Joanna Murray in the Utility Department regarding a recycling issue and she was very helpful with following up and solving the problem.

ADJOURNMENT

Ms. Currie moved to adjourn at 8:41 p.m. Mr. McKeehan seconded. The motion passed 6-0-0.