A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, February 7, 2012 at 7:30 p.m. Those members present were Ken Bogard, John Harman, Kevin McKeehan, Kate Rousmaniere and Steve Snyder. Bob Blackburn was excused.

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

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

Mayor Keebler noted Mr. Elliott had an announcement to make.

Mr. Elliott advised the selection process for a new Chief of Police for the City of Oxford was now complete. Mr. Elliott noted he was pleased to announce that Robert (Bob) Holzworth was appointed to the position of Chief of Police noting he had served as the Interim Police Chief since September of last year. Mr. Elliott advised Bob joined the Oxford Police Division as an officer in 1973 and was promoted to a Lieutenant in 1978 and he served in that position until his retirement in January of 2011. Mr. Elliott noted Bob was appointed to the part-time position of Assistant to the Chief of Police for Parking and Transportation in April of 2011. Mr. Elliott advised Bob was a graduate of Miami University where he received his B.A. in Psychology in 1973 and he also had an Associate Degree in Criminal Justice from Miami University, Hamilton Campus. Mr. Elliott noted Bob attended the FBI National Academy in 1989 and the Southern Police Institute at the University of Louisville in 1995 where he received the "Dean's Scholar" award. Mr. Elliott advised he was pleased to announce this appointment noting Bob had served the Oxford Police Division in many capacities and would bring a wealth of law enforcement experience and knowledge to the position. Mr. Elliott noted he was sure Bob would continue serving the division and the community he loved as the City's top law enforcement officer. Mr. Elliott congratulated Chief Holzworth on his appointment.

Chief Holzworth advised this was an extraordinary day for himself and his family. Chief Holzworth noted he had worked for the City a very long time and he still loved coming to work. Chief Holzworth advised he loved the City, the City had a wonderful Police Department, and it had been an honor to serve under two wonderful Police Chiefs. Chief Holzworth noted he paid careful attention to all of the things the former Chiefs had taught him and the Police Department was going to take good care of the City. Chief Holzworth thanked the City Manager, Mayor and Council for the honor and privilege to serve as the Chief of Police and promised to work hard for them.

Mayor Keebler thanked Chief Holzworth noting Council appreciated him stepping in as the Interim Chief and doing a great job. Mayor Keebler advised he felt Chief Holzworth had the respect of his officers and of the community and Council was pleased that the City Manager made the appointment.

APPROVAL OF AGENDA

Mr. Snyder moved to approve the agenda. Mr. Harman seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

APPOINTMENTS TO BOARDS AND COMMISSIONS
BUTLER COUNTY BOARD OF HEALTH

Mr. Bogard moved to reappoint Dr. Molly Emmert to the Butler County Board of Health for a three year term ending March 1, 2015. Mr. McKeehan seconded. The motion passed 6-0-0.

PUBLIC COMMENTS

Ms. Ashley Charles, 112 Stanton Hall, advised she was a representative from the Feed My Starving Children program at Miami University. Ms. Charles noted their mission: 'With God's help Feed My Starving Children will strive to eliminate starvation in children throughout the world by helping to instill compassion in people to hear and respond to the cries of those in need'. Ms. Charles noted the organization on Miami's campus planned to contribute to this cause by helping send food to 70 countries throughout the world. Ms. Charles advised currently the organization provided meals at 24 cents per meal across the 70 countries. Ms. Charles noted the goal for the organization at Miami was to pack 100,000 meals on April 15, 2012 at the Mobile Pack event which would be held at Millett Hall. Ms. Charles advised to make this day possible the organization needed to raise an additional $15,000. Ms. Charles noted $9,000 had already been raised and asked the community to support the initiative by going to their website to donate money and learn more about the non-profit organization. Ms. Charles advised the community could offer their support by attending various fund raising events in February, March and April. Ms. Charles noted the organization meant a lot to her leadership group and to her; however the event meant more to starving children in places like Haiti and Africa. Ms. Charles encouraged the community to help make April 15th a successful day and provided two email addresses for anyone wanting additional information as follows: CHARLEA2@muohio.edu and www.fundraising.fmsc.org/MiamiUniversityMobilePack .

Ms. Kathleen Zien, 6060 Joseph Drive, referred to an article in the Hamilton Journal News paper yesterday titled 'Sewer rates vary across Butler, Warren counties'. Ms. Zien noted the article was deceptive and it was very hard to read in terms of what the author wanted to get across. Ms. Zien noted it appeared Oxford's sewer rates were the third highest with Mason and Waynesville charging the two highest sewer rates. Ms. Zien suggested that a copy of the article be enclosed in Council's next packet.

Mr. Elliott advised the Ohio EPA provided an annual survey of water and sewer rates for communities across the state and they had not provided the 2011 survey yet. Mr. Elliott noted he usually reported on that survey and how Oxford compared to other communities. Mr. Elliott advised the City had not raised its rates in three years and the current rate should become more and more competitive. Mr. Elliott noted if a community had to upgrade its facilities the rate would typically be increased. Mr. Elliott advised he read the article and thanked Ms. Zien for bringing it to Council's attention.

CONSENT AGENDA

MINUTES

Minutes of the January 17, 2012 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the January 17, 2012 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the January 18, 2012 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the January 19, 2012 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

RESOLUTIONS

**RESOLUTION
CONTRACT WITH
BOB ROSS BUICK, INC.**

A Resolution No. 4659 authorizing the City Manager to enter into a contract with Bob Ross Buick, Inc., for the purchase of a 2012 GMC full-size twelve (12) passenger flex-fuel van and specified options with a 30-day tag at state contract pricing at a cost not to exceed $22,406.00. (Gail Brahier, Parks and Recreation Director)

**RESOLUTION
CONTRACT WITH
CHARLIE'S DODGE, INC.**

A Resolution No. 4660 authorizing the City Manager to enter into a contract with Charlie's Dodge, Inc., for the purchase of a 2012 Dodge Ram pickup truck and specified options with a 30-day tag at state contract pricing at a cost not to exceed $24,333.50. (Mike Dreisbach, Service Director)

**RESOLUTION
CONTRACT WITH
MIDDLETOWN FORD, INC.**

A Resolution No. 4661 authorizing the City Manager to enter into a contract with Middletown Ford, Inc., for the purchase of a 2012 Ford F150 truck and specified options with a 30-day tag at state contract pricing at a cost not to exceed $17,292.50. (Mike Dreisbach, Service Director)

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

RESOLUTIONS

RESOLUTION
SWEEPSTAKES/INTERNET CAFES

A Resolution No. 4662 by the Oxford City Council extending the moratorium for an additional period of six (6) months (180 days) on the granting of any permits allowing the operation of sweepstakes/internet cafes within the City of Oxford. (Steve McHugh, Law Director)

Mr. McHugh advised the proposed Resolution would extend the moratorium for six months noting at the time the moratorium originated it was anticipated that the State of Ohio through the Attorney General's Office would consider adopting a statute to regulate sweepstakes/internet cafés. Mr. McHugh advised the extension would give staff time to roll-out an Ordinance for Council to consider. Mr. McHugh noted a draft Ordinance was prepared and he needed to discuss it with the City Manager, Police Chief and Community Development Director.

Mayor Keebler inquired when the Ordinance would come before Council and Mr. McHugh advised in April.

Ms. Rousmaniere inquired if there were any state regulations in place. Mr. McHugh advised no, because the activity did not meet the legal description of gambling since the prizes were predetermined.

Mr. McKeehan moved to adopt Resolution No. 4662. Mr. Snyder seconded. The motion passed 6-0-0.

RESOLUTION
OF NECESSITY

A Resolution No. 4663 declaring that it is necessary to improve those portions of certain properties on High Street from Main Street to Poplar Street; Tallawanda Road; and Foxfire Drive in the City of Oxford, Ohio by re-paving, re-curbing, and repairing the sidewalks, curbs, and gutters. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the process for the proposed repairs was the same as last year for the Main Street improvements. Mr. Dreisbach noted defective curb and gutters were repaired in advance of the paving project. Mr. Dreisbach noted if Council approved the Resolution, the Clerk would serve notice to the property owners letting them know the repairs needed to be made within 30 days or the City would contract for the work and have those costs levied to the property owners. Mr. Dreisbach advised the costs could be paid over 5 years with interest on deferred payments at a rate of 5%. Mr. Dreisbach noted this was a long process which included another Resolution, an Ordinance, and an appeal period before the costs would be finalized.

Mayor Keebler advised this was the normal practice for major repaving projects and it was a time when property owners needed to repair defective sidewalks and curbs. Mayor Keebler noted there were a lot more areas in town where curbs and sidewalks were in disrepair and advised more effort needed to be made to correct the problems and not just on streets that were being repaved.

Mr. Snyder moved to adopt Resolution No. 4663. Ms. Rousmaniere seconded. The motion passed 6-0-0.

ORDINANCE
FIRST READING

ORDINANCE
NEW SECTION 141.05

An Ordinance Adopting New Section 141.05 Of The Codified Ordinances Of The City Of Oxford, *Term Limits For Boards And Commissions*, Establishing Term Limits For Members Serving On Boards And Commissions. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed legislation was a result of Council's January 3, 2012 Work Session and it would establish term limits for members of the City's boards and commissions.

Ms. Kathleen Zien, 6060 Joseph Drive, noted it didn't seem the proposed Ordinance would assure things would really change. Ms. Zien advised after her October 2010 suggestion to Council that terms and personnel must be reviewed she hoped it wasn't a token gesture related to her comments 16 months ago. Ms. Zien noted she had observed the BZA with multiple members over the course of 20 plus years. Ms. Zien advised although Section 1(a) of the proposed Ordinance was specific about consecutive terms, Section (b) made it moot. Ms. Zien noted to reappoint someone after a 1 month absence put the City in the same jeopardy it was in now. Ms. Zien advised of 12 assorted boards 9 members would be impacted by the proposed Ordinance and 3 were members of the BZA. Ms. Zien asked Council to review the list Ms. Eaton provided them with board member names and years of service prior to the second reading of the Ordinance noting the BZA members had 42 ½ years of collective service. Ms. Zien advised everyone should be most concerned about any board considered to be quasi-judicial without any members having a legal background, which had lay citizens who set precedent, which granted appeals in violation of the Zoning Code and Comprehensive Plan, which had members who arrived late or dozed off during meetings and who reviewed decision standards that clearly pointed to denial and yet voted in favor of an appeal. Ms. Zien inquired if Council had any recourse for removing someone with poor performance or poor judgment before the end of their term. Ms. Zien advised when boards had regulatory responsibilities some states required members of planning and zoning boards to undergo thorough training before they could be seated and they must also pass a test. Ms. Zien noted she felt the July 2008 Work Session for the City's BZA with John Chambers was inadequate and case studies of how to make a variance decision were not provided. Ms. Zien advised the taxpayers of Oxford should be concerned with making sure planning and zoning boards received proper training before they assumed responsibility noting that enormous discretionary power if abused put the City at financial risk. Ms. Zien noted at the January 3rd Work Session Mr. Snyder stated term limits should be based on the complexity or duties of the board.

Ms. Zien advised since all appeals requested a violation of code the BZA was a critical group with complex issues which confirmed that the same people should not be reappointed. Ms. Zien advised she attended Council, Planning Commission, HAPC and BZA meetings and the latter was most critical to her. Ms. Zien noted concern that Council had no direct oversight or interface with the BZA and no one from Council or the Planning Commission overlapped that group as Council did on the Planning Commission and the Planning Commission did on the HAPC with a representative. Ms. Zien advised councilors did not attend meetings to see the BZA in action in person. Ms. Zien noted the BZA considered itself omnipotent. Ms. Zien advised the relatively new regulation of standing was something no one on the board was qualified to determine or enforce thereby offering a biased hearing for an applicant they assumed had standing and refusing to hear any citizen who had an interest in a case. Ms. Zien advised she felt the unenforceable, unreliable policy of standing should be discontinued. Ms. Zien noted she felt reappointments to the BZA were made for convenience rather than for competency. Ms. Zien encouraged Council to delete Section 1(b) of the proposed Ordinance or reword it so 1 year of non-service was mandatory before a reappointment was made and noted otherwise the City would face the same problems. Ms. Zien asked Council not to have a knee-jerk reaction to update an Ordinance that only rubber stamped current policies that had proven to be ineffective.

Mr. Snyder referred to Section 1(b) of the proposed Ordinance which stated in part: 'In the event that a member of a Board or Commission is not eligible for reappointment due to term limits, that member may still be considered'. Mr. Snyder emphasized the word may and noted it was up to Council as to whether a person would be considered for reappointment. Mr. Snyder noted since he was quoted in Ms. Zien's remarks to Council he wanted to clarify that when he stated term limits should be determined by the complexity of the issues he was trying to raise a question for discussion among Council at the Work Session and it was not a declaratory statement.

Mayor Keebler advised the proposed Ordinance was not directed toward any single board or commission. Mayor Keebler noted when citizens had served the City well and wished to continue serving it would become difficult to tell them they could not serve anymore. Mayor Keebler advised the proposed Ordinance would create an expectation early on of how long a person was expected to serve and that Council wanted to see turnover on the various boards and commissions. Mayor Keebler noted a reappointment after a 30 day vacancy could occur when there were no qualified candidates and Council would seek those persons for possible reappointments. Mayor Keebler advised this option would give Council an 'out' and he felt it was appropriate.

Mr. Snyder noted Council could also leave the position un-appointed.

Ms. Rousmaniere noted she tended to be opposed to term limits as she felt qualified people should remain on boards on which they were qualified for. Ms. Rousmaniere advised Council was also interested in recruiting new members to boards and commissions and setting term limits would send a message to the community that Council was looking for more qualified people to apply for the positions. Ms. Rousmaniere advised it was up to the community and Council to recruit more people to do this work.

Mr. Harman referred to Ms. Zien's remarks and noted Council members had never served on the BZA. Mayor Keebler advised the Board of Zoning Appeals was intended to be a separate body.

Mr. Bogard referred to Ms. Zien's remarks and inquired if Council had the ability to remove a board or commission member prior to the end of their term. Mr. McHugh advised yes, for justifiable reasons.

Mayor Keebler advised Council did review a list of members and how long they had served on the various boards and commissions and there was enough overlap that the City wouldn't lose too much experience at one time. Mayor Keebler advised all members would serve until the end of their current term.

ORDINANCES
SECOND READING

None.

ANNOUNCEMENTS

Mr. Elliott advised a meeting with representatives of the Ohio Department of Transportation District 8 was held on January 31, 2012 to discuss funding availability and project limits for the US 27 South project. Mr. Elliott noted in addition to a large contingent of District 8 officials, the meeting also included Greg Wilkens, Butler County Engineer, and Mark Paine with OKI. Mr. Elliott advised after a discussion regarding potential sources of additional funding it was determined that none were available and the project would be reduced in scope. Mr. Elliott noted the project would begin in Oxford at Chestnut Street and end just beyond Southpoint Parkway. Mr. Elliott advised as soon as he received an adjusted cost estimate for the reduced in scope project he would report those figures to Council. Mr. Elliott noted the project was scheduled to be awarded in January of 2014 with construction beginning in April and ending in July of 2015.

Mr. Kyger noted MOON Co-op held their grand opening last week, Anytime Fitness just opened next to Krogers, Furnish 123 was going to occupy the former Hibbits and Maurice's spaces and La Pinata was going to occupy the vacant first floor of Bella Place. Mr. Kyger noted Frame and Save on High Street for over 30 years relocated to College Corner. Mr. Kyger updated Council on the status of the Arabian Nights Revolving Loan Fund loan.

Mr. McHugh advised the City of Oxford Charter Section 8.13 dealt with Removal From Office with regard to Board and Commission Members and Charter Section 2.02 dealt with Removal From Office with regard to Council Members.

Mr. Harman noted Diana Durr, Executive Director of the Oxford Visitors and Convention Bureau, provided the quarterly Economic Impact Report which listed events that came to Oxford and the amount of economic impact each event brought using a formula based on the amount of people attending the event. Mr. Harman noted the report indicated that two football games in November brought over $500,000 each of economic benefit to the area. Mr. Harman commended Ms. Brahier, Parks and Recreation Director, noting oftentimes her department brought people in for events that helped the City's bottom line.

Mr. Bogard commended Mayor Keebler for his response to an editorial letter from Mr. Jack Grove and noted Mayor Keebler's comments were right on target.

Mr. Bogard reminded everyone that yard waste would be picked-up by the Service Department the first full week in February and March.

Mr. McKeehan advised Councilor Blackburn began physical therapy this week and had high hopes of attending the February 21, 2012 Council meeting.

ADJOURN

Mr. Bogard moved to adjourn at 8:09 p.m. Mr. Harman seconded. The motion passed 6-0-0.