A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, February 5, 2013 at 6:30 p.m. Those members present were Ken Bogard, Bob Blackburn, John Harman, Kevin McKeehan and Steve Snyder. Kate Rousmaniere arrived at 7:10 p.m.

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

ADJOURN TO EXECUTIVE SESSION

Mr. Blackburn moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22(G)(2) and (G)(4) for the purpose of discussing property acquisition and collective bargaining. Mr. Snyder seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Mr. Harman, Mr. McKeehan, Mr. Snyder, Mr. Blackburn, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. McKeehan moved to return from Executive Session at 7:31 p.m. Mr. Harman seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor Keebler requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Bogard moved to approve the agenda. Mr. Snyder seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PUBLIC COMMENTS

Mr. Sean Kraus, 6165 Contreras Road, advised the issue of the Princess Theatre was off of the agenda and it had been a month or so since it was spoken of. Mr. Kraus inquired if there had been any movement on this issue and if the City was actively trying to get in touch with the owner.

Mr. Elliott advised emails were exchanged between him and the Vice President of Operations on January 23rd and he apologized for not getting back to the City sooner. Mr. Elliott noted since they weren't able to conclude anything by the end of 2012 they were still evaluating the property. Mr. Elliott advised he inquired if the offer to donate the theater plus $200,000 for furniture, fixtures and equipment was still on the table and they did not address that inquiry. Mr. Elliott noted he sent another email yesterday and had not received a response. Mr. Elliott advised while he had nothing positive to share with the public regarding the theater, it was not off of his radar screen.

CONSENT AGENDA

MINUTES

Minutes of the January 15, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the January 8, 2013 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the January 9, 2013 Environmental Commission Meeting. (Mike Dreisbach, Service Department)

Report regarding the January 16, 2013 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the January 23, 2013 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

RESOLUTIONS

RESOLUTION AGREEMENT WITH T2 SYSTEMS, INC.

A Resolution No. 4723 authorizing the City Manager to enter into an agreement with T2 Systems, Inc. for the purchase of six (6) handheld devices and the required hardware, software and professional services for the City of Oxford's Parking Unit at a cost of twenty nine thousand nine hundred and ninety seven dollars ($29,997.00). (Bob Holzworth, Police Chief)

RESOLUTION
AGREEMENT WITH
VERIZON WIRELESS

A Resolution No. 4724 authorizing the City Manager to enter into a twelve (12) month agreement with Verizon Wireless to provide cellular service for up to 75 units for the City of Oxford in accordance with General Services Administration (GSA) Federal Supply Schedule Number GS-35F-0119P at an estimated cost of thirty five thousand two hundred dollars ($35,200.00). (Bob Holzworth, Police Chief)

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

RESOLUTIONS

RESOLUTION
LETTER OF CREDIT
REDUCTION

A Resolution No. 4725 authorizing a $475,451.50 reduction of a $675,000.00 letter of credit performance bond for Campus Commons Subdivision, Phase Two, and accepting a new letter of credit performance bond in the amount of $190,033.50. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the work at Campus Commons was substantially complete and the owners asked for a bond reduction which staff felt was warranted. Mr. Dreisbach advised the new bond would be adequate to cover the final costs of the public improvements including the wearing course of asphalt, installation of sidewalks and handicap ramps, tree plantings, striping and signage plus the 10% surety that the City required.

Mr. Bogard asked Mr. Dreisbach to indicate the location of Campus Commons for the public's benefit. Mr. Dreisbach advised Campus Commons Subdivision Phase II was the extension of S. Poplar Street south of Spring Street to Central Avenue and it would connect several streets that were not previously connected to the City's street grid.

Mr. Snyder inquired if a bond reduction was a normal procedure for a large construction project and Mr. Dreisbach advised yes.

Mr. Bogard moved to adopt Resolution No. 4725. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTION
FINAL ODOT LEGISLATION

A Resolution No. 4726 authorizing the City Manager to sign the Final Resolution Agreement and enter into other contracts with the Ohio Department of Transportation (ODOT) to complete the improvement project for SR 732 (Chestnut Street) from Main Street to Oxford-Reily Road (ODOT PID #86833) at a cost of twenty percent (20%) of the project cost or $157,624.00 plus a ten percent (10%) contingency in the amount of $15, 762.00 for a total cost not to exceed $173,386.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised this was one of two major street projects the City had planned for this summer and this one was on Chestnut Street between Main Street and Oxford-Reily Road. Mr. Dreisbach noted the other project was the reconstruction of the brick portion of College Avenue between Spring Street and High Street.

Mr. Dreisbach advised Council approved preliminary legislation for this project in September and the City now had the final cost estimate from ODOT. Mr. Dreisbach noted the project would cost approximately $400,000 and Oxford's share was calculated to be $157,624. Mr. Dreisbach advised staff was asking for Council's approval for the City Manager to sign the contracts with ODOT and for the Finance Director to deposit those funds with the State of Ohio.

Ms. Rousmaniere noted there was some initial repaving on Chestnut Street last summer and inquired how the process worked. Mr. Dreisbach advised one block of Chestnut Street was failing significantly and the City repaired it knowing the state funds would help with the majority of the cost to repair the roadway in 2013.

Mr. Snyder asked Mr. Dreisbach to take another look at the intersection of McGuffey Avenue and Chestnut Street and noted the patches were wearing off.

Mr. Snyder moved to approve Resolution No. 4726. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTION
DECLARING IT IS
NECESSARY TO MAKE IMPROVEMENTS

A Resolution No. 4727 declaring that it is necessary to improve those portions of certain properties on SR 732 (Chestnut Street) from Main Street to Oxford-Reily Road 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 by local Ordinance, property owners were responsible for the maintenance of their curbs, gutters and sidewalks and staff had notified the owners where there were maintenance issues. Mr. Dreisbach noted many of the owners had already completed the work and those who had not were listed on Exhibit "A". Mr. Dreisbach advised this was the first step to obtain approval from Council to begin the assessment process for those properties. Mr. Dreisbach noted once the Resolution was approved, the Clerk would notify the property owners of their obligation and that they had 30 days to make the repairs.

Mr. Dreisbach advised if the repairs were not made, staff would come to Council with a contract to make the repairs followed by additional legislation to levy the cost of the project to the tax duplicate.

Mr. Blackburn inquired if staff would be lenient with property owners if they could not make the repairs in exactly 30 days and Mr. Dreisbach noted if owners obtained permits were making a well-intended effort to make the repairs, staff would work with them.

Mayor Keebler noted the staff report and Exhibit "A" listed properties on S. College Avenue although the Resolution only referred to Chestnut Street. Mr. Dreisbach advised the Resolution should be amended to include the S. College Avenue properties.

Mr. Snyder moved to amend the Resolution title by adding "and S. College Avenue between High Street and Spring Street". Mr. Harman seconded. The motion passed 7-0-0.

Mr. Harman moved to adopt Resolution No. 4727 as amended. Ms. Rousmaniere seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
NEW CHAPTER 1133

An Ordinance Repealing Oxford Codified Ordinance Chapter 1133, Provisions For Zoning Districts, And Adopting New Oxford Codified Ordinance Chapter 1133, Provisions For Zoning Districts, To Add The R-4 Multi-Family Residential District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised he would address the following 4 proposed Ordinances altogether and noted when changes were made to an area of the Zoning Code other parts of the Zoning Code needed to be amended as well. Mr. Chen advised a new multi-family zoning district was being proposed to address the difference between apartment complexes located in the outlying areas of the City as opposed to the apartment complexes located in the urbanized areas of the City. Mr. Chen discussed how the new district would apply to Chapter 1133, Provisions For Zoning Districts, Chapter 1143, Districts, Section 1141.03, Supplemental Regulations, and Section 1149, General Regulations Of The Vehicle Management Chapter. Mr. Chen offered to answer any questions.

Mayor Keebler advised this was part one of a two part process and noted nothing had been rezoned yet. Mayor Keebler advised a zone had been created and the Planning Commission would consider what areas currently zoned R3 would be better classified as R4 and a recommendation would come to Council at a later time. Mayor Keebler noted this was done because the R3 district had been modified to make it easier to upgrade and remodel structures in the urban district and the Planning Commission was concerned that properties on the outer fringe developed under the new standards would become too dense. Mayor Keebler advised R4 was designed to become the new standard for multi-family dwellings outside of the core of the City. Mayor Keebler noted there were 3 or 4 large developments around town currently that may be reclassified from R3 to R4.

Ms. Rousmaniere asked Mr. Chen to describe the process the Planning Commission would go through to turn the outlying areas into R4. Mr. Chen advised the Planning Commission would identify areas eligible for the new R4 district and send notification of the potential rezoning to the property owners and surrounding property owners. Mr. Chen noted a recommendation from the Planning Commission to rezone certain properties would go to Council for legislative action.

ORDINANCE
AMENDING CHAPTER 1143

An Ordinance Amending Oxford Codified Ordinance Chapter 1143, Districts, To Add New Section 1143.065, R-4 Multi-Family Residential District. (Jung-Han Chen, Community Development Director)

ORDINANCE
NEW SECTION 1141.03

An Ordinance Repealing Oxford Codified Ordinance Section 1141.03, Supplemental Regulations, And Adopting New Oxford Codified Ordinance Section 1141.03, Supplemental Regulations. (Jung-Han Chen, Community Development Director)

ORDINANCE
NEW SECTION 1149.03

An Ordinance Repealing Oxford Codified Ordinance Section 127.12 Entitled General Regulations Of The Vehicle Management Chapter And Adopting New Oxford Codified Ordinance Section 1149.03 Entitled General Regulations Of The Vehicle Management Chapter. (Jung-Han Chen, Community Development Director)

ORDINANCE
AMEND FEE ORDINANCE

An Ordinance Amending The 2013 Fee Ordinance No. 3193, City Of Oxford Board Of Zoning Appeals, Variance Petition. (Doug Elliott, City Manager)

Mr. Elliott advised in 2013 the Board of Zoning Appeals Variance Application fee was changed from $400 plus postage to $200 per variance request plus postage with no maximum. Mr. Elliott noted the reduction was to accommodate a small project such as a homeowner with a single variance request. Mr. Elliott advised the current fee structure would cause a significant financial burden for an applicant who needed multiple variances. Mr. Elliott recommended adding a maximum of $600 plus postage to the fee ordinance for a multiple variance request noting the most an applicant would pay was $600 whether there were three or more variance requests.

Mayor Keebler noted he felt the amount of staff time it took to respond to an individual variance request and prepare the notice and do the mailing would be the same as for multiple variance requests. Mayor Keebler noted it seemed the amount of staff time it took to respond to a variance request and provide the background material would increase with multiple variance requests and asked staff to address the issue.

Mr. Elliott advised the City always wanted its fees to reflect actual costs. Mr. Elliott noted an applicant had a project that required 13-14 variances and in his review of the application he did not see where the costs to the City would increase 13-14 times. M. Elliott advised staff looked at what other communities in the area were charging for variance requests and the City's proposal was in line with those. Mr. Chen noted staff time would vary due to the amount of research necessary to handle a particular variance request.

Mayor Keebler stated 10 variance requests would take considerably more staff time to handle than just one and Mr. Chen agreed.

Mayor Keebler suggested amending the proposed Ordinance to reflect a fee of $200 for the first item and $100 for each additional item to a maximum of $1,000 noting the chances of a BZA case having more than 3-4 variance requests were slim.

Mr. Bogard inquired if there was a history of the number of variances the City handled and Mr. Chen noted the average number of variances per BZA case was 2 to 3.

Mayor Keebler noted based on his suggestion a BZA case with 3 variance requests would cost $400 which was the same as the original fee.

<u>Mr. Bogard moved to amend the proposed Ordinance to reflect a basic fee of $200 and $100 for each additional variance request to a maximum of $1,000. Mr. McKeehan seconded. The motion passed 7-0-0.</u>

Mr. McHugh suggested that Council table the proposed Ordinance and staff would provide revised language for the next meeting.

<u>Mr. Blackburn moved to table the proposed Ordinance. Mr. Harman seconded. The motion passed 7-0-0.</u>

ORDINANCE
NEW SECTION 127.12

An Ordinance Repealing Oxford Codified Ordinance Section 127.12 Entitled "Maximum Age For An Original Appointment To The Police Department" And Adopting New Oxford Codified Ordinance Section 127.12 Entitled "Maximum Age For An Original Appointment To The Police Department". (Bob Holzworth, Police Chief)

Chief Holzworth advised currently the maximum age limit for appointment to the position of Police Officer was 60 which was awfully old to start a career in law enforcement. Chief Holzworth noted it had only been that way since 2011 when staff realized that in 2004 an age limit was not inserted where it needed to be. Chief Holzworth advised prior to that, the age limit was consistent with the Ohio Revised Code. Chief Holzworth noted the maximum age limit currently stipulated in the Ohio Revised Code was 34 and it had been 35 prior to that. Chief Holzworth advised 15 local agencies were surveyed and the majority of them kept the maximum age limit of 35. Chief Holzworth noted he felt 35 was a workable age limit and the City hired 3 Police Officers in 2011 who were under the age of 30 and they had worked out extremely well.

Chief Holzworth recommended that Council restore the maximum age limit to 35 and noted the Civil Service Commission endorsed that recommendation at their last meeting.

Mayor Keebler advised the maximum age limit would only apply for newly appointed, non-certified individuals and anyone coming in with experience from another agency would not be subject to the age limit.

Ms. Rousmaniere referred to page 71 of the agenda Section 127.12 (b) which stated "Council hereby establishes the age of thirty-five (35) as the maximum age for an original appointment to the Oxford Police Department". Ms. Rousmaniere noted individuals from another agency would be subject to the age limit.

Mayor Keebler asked the Law Director to review the language and make sure individuals would not inadvertently be subject to the age limit and that it applied only to a new, non-experienced Police Officer candidate. Mayor Keebler asked that revised language be presented to Council at the next meeting.

ORDINANCE
SECOND READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3190. Supplemental Budget Ordinance Number 1 To Make Supplemental Appropriations For Fiscal Year 2013. (Joe Newlin, Finance Director)

Mr. Newlin advised the Supplemental Budget items were discussed at the last meeting and he had nothing further to add.

Mr. Blackburn moved to adopt Ordinance No. 3197. Mr. McKeehan seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Rousmaniere, Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mr. Harman, Mr. McKeehan Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott congratulated Mr. Newlin and the Finance Department staff for receiving a Certificate of Achievement for Excellence in Financial Reporting. Mr. Elliott noted this was for the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended 2011. Mr. Elliott advised the CAFR was on the City's website.

Mr. Elliott advised the City reached a tentative agreement with the non-commissioned Police Department employees and the proposed contract would come before Council in the near future.

Mr. Elliott discussed Substitute House Bill 50 and the effect it would have on Expedited Type 2 Annexations.

Mr. Elliott advised he was an ex-officio member of the Community Relations Commission and the commission held a regular meeting January 30th at the Talawanda High School to discuss the climate for diversity among High School students. Mr. Elliott noted the meeting included Talawanda students, faculty and staff. Mr. Elliott advised he was very impressed with the 4 students in attendance noting they were very articulate and very fine men and women in the community.

Mr. Blackburn thanked Mr. Dreisbach and the Service Department staff for their efforts in cleaning the City streets and sidewalks.

ADJOURN

Mr. Bogard moved to adjourn at 8:22 p.m. Mr. McKeehan seconded. The motion passed 7-0-0.