A regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, February 20, 2018 at 7:00 p.m. Those members present were Steve Dana, Glenn Ellerbe, David Prytherch, Chantel Raghu, Mike Smith and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. John Jones, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Mr. Alan Kyger, Economic Development Director; Mr. Casey Wooddell, Parks and Recreation Director; Mr. John Detherage, Fire Chief; Ms. Amy Blankenship, Assistant Law Director and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Mr. Dana moved to adjourn to Executive Session at 7:00 p.m. in accordance with Ohio Revised Code Section 121.22(G)(1) for the purpose of discussing appointments to Boards and Commissions. Mr. Ellerbe seconded. The motion passed by the following roll call:

AYE: Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Ms. Southard moved to adjourn from Executive Session at 7:28 p.m. Mr. Dana seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Dana moved to approve the agenda. Mr. Smith seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PROCLAMATION
'RARE DISEASE DAY'

Mayor Rousmaniere read the Proclamation and presented it to Ms. Betsy Walker.

Ms. Betsy Walker, noted she grew up in Oxford and had lived here all of her life except while attending Ohio University. Ms. Walker advised her 9 year old son Liam has an extremely rare form of muscular dystrophy and is one of only18 people ever diagnosed with this type of muscular dystrophy.

Ms. Walker noted her son received most of his care at Cincinnati Children's Hospital and the family felt lucky to have Cincinnati Children's so close to home. Ms. Walker noted they had been to NIH a couple of times and they had been asked to go to France and to Spain to participate in studies but the logistics of getting someone to Europe in a wheelchair was very taxing. Ms. Walker advised the funding was not available for people to participate in such studies. Ms. Walker noted there was not cure and no treatment for her son's disorder and when he was diagnosed at 3 years of age they were told to treat him like any other little boy. Ms. Walker advised her son was loosing his ability to walk, breath on his own and eat on his own although he would live to be an adult. Ms. Walker noted this was a horrible disease and thanked everyone for listening. Ms. Walker advised it was nice to see friendly faces this evening and noted the Oxford community had been amazing. Ms. Walker noted the community assisted with the purchase of an accessible van and they felt fortunate to live in Oxford especially with a sick child.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Dana moved to reappoint Dr. Molly Emmert to the Butler County Board of Health for a term of three years ending in 2021, to appoint David Ian Vanness to the Civil Rights Commission for a term expiring in 2019, to appoint Karen Martino to the Personnel Board of Appeals for a term expiring in 2019, Greg Smith to the Personnel Appeals Board for a term expiring in 2020 and Bill Brewer to the Personnel Appeals Board for a term expiring in 2021. Mr. Smith seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Mr. David Brown, Butler County Auditor's Office noted he was in attendance as part of the Butler County Auditor's Outreach Program to Local Governments. Mr. Brown advised the genesis of this was program was Auditor Reynolds coming into office and determining he wanted the Auditor's Office to be as accessible as possible to local government officials. Mr. Brown advised every constituent in Butler County would touch something that the Auditor's Office touched and his quarterly updates to City Council might assist Councilors with questions or concerns from their constituents. Mr. Brown noted Councilors could also call him directly for assistance. Mr. Brown advised the Auditor's Office supported every local government in Butler County and he visited this area of the county. Mr. Brown advised property tax bills were due February 28, 2018 and any appeals for the Board of Revision were due by April 2, 2018. Mr. Brown updated everyone on the 'skimmer' problem in Butler County at certain gas stations and advised no skimmers had ever been found in Oxford.

Ms. Ceili Doyle, Assistant News Editor for the Miami Student, advised the Miami Student newspaper was hosting a forum tomorrow night at 7:00 p.m. at the Wilks Theater called 'City Matters'. Ms. Doyle noted Councilor Smith, City Manager, Doug Elliott, and various representatives from the university and McCullough Hyde Hospital would participate in the event. Ms. Doyle noted the event was open to the public and she and other members of the editorial team have prepared questions for the panel representatives. Ms. Doyle advised there would also be an hour for questions and answers from audience members.

Mr. Ellerbe inquired if other members of Council in attendance could field questions if necessary and Ms. Doyle advised yes, although she would like to keep the prepared questions contained to the people on stage.

Mr. Steve Dana, 131 W. Collins Street, advised he was speaking in reaction to what has happened in our country. Mr. Dana noted he was speaking to Council and to the public. Mr. Dana noted his hope each of us can reflect upon what we can do to make this the last time, what we can do to turn this around, what we can do to turn people's hearts. Mr. Dana advised he wanted to get this off of his brow because he feels it's so important for our country that we take measures and we engage those who may not think as we think but engage them so we can have a result and that result is peace.

CONSENT AGENDA

MINUTES

Minutes of the February 6, 2018 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the February 6, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the January 18, 2018 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)

Report regarding the February 7, 2018 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the February 7, 2018 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTIONS

RESOLUTION
CONTRACT WITH
LEBANON FORD

A Resolution No. 6052 authorizing the City Manager to enter into a contract with Lebanon Ford for the purchase of a 2018 Ford F450 cab and chassis with specified options at state contract pricing at a cost not to exceed $35,152.00. (Mike Dreisbach, Service Director)

RESOLUTION
CONTRACT WITH
VISION AUTOMOTIVE, LLC

A Resolution No. 6053 authorizing the City Manager to enter into a contract with Vision Automotive, LLC for the purchase of a 2018 Dodge ProMaster van with specified options at state contract pricing at a cost not to exceed $23,225.00. (Mike Dreisbach, Service Director)

RESOLUTION
CONTRACT WITH
VISION AUTOMOTIVE, LLC

A Resolution No. 6054 authorizing the City Manager to enter into a contract with Vision Automotive, LLC for the purchase of a 2018 Dodge Ram 2500 pickup truck with specified options at state contract pricing at a cost not to exceed $26,828.50. (Mike Dreisbach, Service Director)

RESOLUTION
CONTRACT WITH
VISION AUTOMOTIVE, LLC

A Resolution No. 6055 authorizing the City Manager to enter into a contract with Vision Automotive, LLC for the purchase of a 2018 Dodge Ram 2500 pickup truck with specified options at state contract pricing at a cost not to exceed $29,935.50. (Mike Dreisbach, Service Director)

RESOLUTION
SURPLUS VEHICLES

A Resolution No. 6056 declaring certain City property no longer needed for any municipal purpose as surplus and authorizing its advertisement and sale to the highest bidder by electronic auction. (Mike Dreisbach, Service Director)

Mr. Ellerbe moved to approve the consent agenda. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION
CONTRACT WITH
FYDA FREIGHTLINER

A Resolution No. 6057 authorizing the City Manager to enter into a contract with FYDA Freightliner Cincinnati, LLC for the purchase of a 2019 M2 106 cab and chassis at state contract pricing at a cost not to exceed $79,492.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach noted the Service Department was in the process of replacing a 16 year old heavy duty dump truck for the Wastewater Collection Division and they were recommending this vehicle as they were very pleased with one already in service. Mr. Dreisbach advised staff was recommending the existing truck be transferred to the Street Division for seasonal use and evidentially transferring it to the Wastewater Treatment Plant where it will spend its final years before being disposed of.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Prytherch commended the Service Division for maintaining vehicles for their full life which he appreciated as a taxpayer.

Mr. Dana moved to adopt Resolution No. 6057. Mr. Smith seconded. The motion passed 7-0-0.

RESOLUTION
CONTRACT WITH
HENDERSON PRODUCTS - OHIO

A Resolution No. 6058 authorizing the City Manager to enter into a contract with Henderson Products – Ohio for the purchase of specified truck equipment through the National Joint Powers Alliance bid contract #080114-HPI at a cost not to exceed $56,411.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the proposed Resolution would authorize staff to equip the vehicle discussed in the previous Resolution by adding a stainless steel dump bed, hoist hydraulic system and salt spreader to the vehicle.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Ms. Southard inquired if Mr. Dreisbach felt the City of Oxford had enough equipment to do the good job the City was doing. Mr. Dreisbach advised he felt the City of Oxford was fortunate to be well stocked with vehicles and City staff did a great job of maintaining them.

Mr. Smith moved to adopt Resolution No. 6058. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION
AGREEMENT WITH ODOT

A Resolution No. 6059 authorizing the City Manager to enter into Agreement No. 31366 with the Ohio Department of Transportation (ODOT) authorizing the Local-Let project for the construction of Phase II of the OATS trail system. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised this was the first Local-Let contract with ODOT that the City was venturing into. Mr. Dreisbach noted previously when the City was awarded state or federal funds ODOT had to manage the project at a fee of 10%. Mr. Dreisbach noted by locally letting the project and following ODOT rules and regulations the City would be able to keep the 10% in house and do more with the project.

Mr. Dreisbach advised the City Engineer had been qualified to do this by ODOT and noted the Local-Let project was for the construction of Phase II of the OATS trail system connecting SR73 with US27. Mr. Dreisbach noted the project was already funded and under design by Bayer Becker. Mr. Dreisbach advised ODOT has committed to pay for 63% of the project cost up to $750,000.00.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Dana noted it was great that the City Engineer was certified by ODOT saving 10% of the project cost.

Mr. Prytherch advised an investment in staffing would continue to pay dividends and Mr. Dreisbach noted the City was fortunate to have Mr. Popescu on staff.

Mr. Dana moved to adopt Resolution No. 6059. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION
AGREEMENT WITH SPIN

A Resolution No. 6060 authorizing the City Manager to enter into an agreement with SPIN to participate in a Stationless Bike Share Pilot Program for an initial period of six (6) months. (Jung-Han Chen, Community Development Director)

Mr. Chen noted at the last meeting ASG (Associated Student Government) student leaders came to Council to ask for their support for entering into a pilot project with SPIN. Mr. Chen advised the ASG had worked on trying to obtain a bike sharing program for a long time. Mr. Chen noted the SPIN program was a stationless program, the bicycles were equipped with a GPS, and they could be locked and unlocked from a smart phone app. Mr. Chen advised he found SPIN to be a very easy company to work with and he contacted their references which included cities and universities and they all responded very positively about the program. Mr. Chen noted one idea for Oxford was to try to transition short driving trips to riding a bike on and off campus. Mr. Chen advised the SPIN representative, Kyle Rowe was in attendance from Seattle, Washington and ASG student leaders were in attendance as well.

Mr. Kyle Rowe, thanked Council for allowing him to make a presentation this evening. Mr. Rowe made arrangements to have one of SPIN's bicycles shipped to Oxford and demonstrated how the mobile application worked. Mr. Rowe noted the rates were $1.00 for a 30 minute trip, there were discounts for students and monthly and annual plans were also available.

Ms. Grace Huddleston, 5347 Bonham Road, noted she had read a lot about dockless bike programs and she supported bike sharing programs. Ms. Huddleston advised a problem with dockless bike programs was that people leave them in places they should not be which brings up an accessibility issue. Ms. Huddleston inquired if there was a plan to keep the bikes in desired locations and keep them out of undesirable locations.

Mr. Rowe advised he had an urban planning background and had worked for the City off Seattle for 5 years. Mr. Rowe noted he was very familiar with the challenges of managing right-of-way and trying to keep right-of-way accessible for all users, especially those in need of sidewalk access. Mr. Rowe noted when a user downloads the SPIN app they will be required to read several screens regarding how the system is to be used and a series of the screens were about parking education. Mr. Rowe advised recently SPIN deployed a parking rating screen which allows SPIN to track user behavior on parking compliance. Mr. Rowe noted the parking rating screen has made a huge improvement in SPIN being able to identify and correct 'hot spots' regarding where bikes are parked. Mr. Rowe advised geo-fencing technology is also used.

Mr. James Gale, 401 N. Poplar Street, advised he served as an off campus Senator and he was a member of the MU Parking and Transportation Advisory Board. Mr. Gale noted students parking on campus was a huge problem and there had been a significant increase in the demand to drive places. Mr. Gale advised this has extended to the Uptown area as well. Mr. Gale noted he felt SPIN was the most efficient system to curb these problems without a massive investment on behalf of the City or the university. Mr. Gale noted he highly recommended that Council approve the signing of the Memo of Understanding with SPIN.

Mayor Rousmaniere clarified that even though students were involved the contract would be between the City and SPIN. Mr. Prytherch further clarified it was not a contract but rather a Memo of Understanding so Council understands what the limits of their responsibility and liability are. Mr. Prytherch noted it was an agreement for the use of the public right-of-way. Mayor Rousmaniere advised it was a City MOU with a bike company based in Seattle that is available for all citizens to use around the City.

Mr. Elliott inquired what the City would do if a bike was left locked in front of a handicapped ramp. Mr. Rowe noted SPIN would hire a local operations team and they would be notified to move the bike. Mr. Rowe noted even if a bike is locked, it can be moved out of the way although SPIN does not want to relay on community members to move bikes.

Mr. Prytherch asked Mr. Rowe to speak more about the staffing and the management of the program. Mr. Rowe noted assuming an agreement is reached and all stakeholders are on board with the concept, SPIN would have a launch team come to Oxford to get the program up and running, find warehouse space, bring the bikes in and get them assembled. Mr. Rowe advised bikes would be placed in high demand areas or in areas that Council determines might benefit from having bike access. Mr. Rowe noted from there users are going to bring the bikes to where they want to go and the SPIN staff would replace bikes in those locations. Mr. Rowe advised once the program was in operation for a week or two the launch team would hire a local operations team including a General Manager, and maintenance personnel. Mr. Rowe noted geo-fencing was a tool used for many different elements. Mr. Rowe advised at Duke's campus a geo-fence was placed around their chapel where they don't ever want to see a bike.

Mr. Ellerbe inquired what the response time was to create a geo-fence. Mr. Rowe advised usually within 5 business days.

Ms. Southard inquired if SPIN would work with the local bike shop. Mr. Rowe noted they contracted with a lot of local bike shops and noted the bike shop in Oxford assembled the bike he demonstrated this evening.

Mr. Elliott advised the City received an email today from the General Counsel at Miami University stating that SPIN has no right to commercial access to university property. Mr. Elliott recommended that Council table the Resolution tonight until SPIN and the students have a conversation with Miami University officials.

Mayor Rousmaniere inquired if Mr. Rowe could speak to the issue of the right to commercial access to university property. Mr. Rowe advised Miami might have specific rules regarding who can do business on their land. Mr. Rowe noted SPIN was committed to getting approval from Miami University before initiating a bike share program in Oxford. Mr. Rowe advised he was fine with Council tabling the Resolution or they could adopt it but not launch the program until all parties were on board.

Mr. Prytherch noted he understood the desire for the City and Miami University to partner although people have been talking about a bike share program in Oxford for years and years putting good faith efforts in multiple lean committees on Miami's campus that evaluated this from top to bottom. Mr. Prytherch advised he felt this was a community decision for the City of Oxford. Mr. Prytherch noted it was not for lack of opportunity that Miami has not had input.

Ms. Maggie Callaghan, 218 N. Campus Avenue, Student Body President, advised the students involved had reached out to Miami's general counsel multiple times on this opportunity and were told that even though there was no liability for the university the students needed to find a 'home' for the bikes. Ms. Callaghan noted she felt if Council tabled the Resolution it would not give Miami a reason to work with the City.

Ms. Southard noted as Council planned for the future with a potential Amtrak Station she could see people riding to the Amtrak Station and leaving the bikes to get on the train and the same for a return trip. Ms. Southard advised a new aquatic center would be built at the Community Park and it needed to be accessible. Ms. Southard noted she felt the citizens of Oxford can and will use a bike sharing program and it would not be exclusively a Miami program. Ms. Southard advised she felt Council should very much be in favor of this program.

Mr. Ellerbe inquired who at Miami University Ms. Callaghan had not be able to contact regarding the bike share program. Ms. Callaghan advised everyone had responded in some manner. Mr. Ellerbe inquired of those responses, how many had not been favorable. Ms. Callaghan noted everyone had been in favor except for the issue with general counsel. Mr. Ellerbe noted he felt the geo-fence could be drawn around Miami's campus. Mr. Ellerbe advised for purposes of enforcing the MOU and moving the decade old project forward he agreed with Mr. Prytherch that it seemed like the students have always been presented with a smile and an obstacle. Mr. Ellerbe noted Council had an option to move the project forward without obstacles and if Council tabled the Resolution it would create another obstacle and he did not want to do that. Mr. Ellerbe advised he felt this was a good project for Oxford and a bike trail was being built around Oxford for this purpose which would benefit all constituents.

Mr. Dana concurred with Councilor Southard and Councilor Ellerbe and noted there were examples at other university towns where these concerns were raised but they were overcome and the program was implemented. Mr. Rowe advised that was correct.

Mayor Rousmaniere noted Mr. Rowe stated earlier that if Council votes in favor of the Resolution tonight SPIN would not implement the program without agreement from Miami University and Mr. Rowe advised that would be his recommendation.

Mr. Smith inquired if the Resolution should be amended to include that the roll-out would be contingent on certain matters being addressed.

Mayor Rousmaniere reminded Council there was a recommendation from the City Manager to table the Resolution and inquired if there was a motion to do so. Ms. Blankenship noted this was a policy decision to be made by Council but from the law department's perspective today was the first time they heard of any concerns from Miami's general counsel. Ms. Blankenship concurred with the City Manager's recommendation that the City's law department have the opportunity to reach out to Miami's general counsel to determine exactly what the issues are prior to Council adopting the Resolution.

Ms. Raghu noted she felt representatives from Miami knew Council was going to vote on this issue this evening and they could have been in attendance. Mr. Prytherch advised there had been so many opportunities to constructively engage in this process that originated on campus. Mr. Prytherch noted he felt the students had done everything right process wise. Mr. Southard noted it should be clear from the discussion here that City Council is very much in favor of this project moving forward and if those problems could be resolved that would be great. Mr. Ellerbe inquired how negatively a two week delay would impact the roll-out. Mr. Rowe advised not significantly although it would impact how much time the bikes are here while most of the students are in town.

Mr. Sean Perme, Secretary for Off Campus Affairs, 123 N. Beech Street, noted when another representative from SPIN presented to the SCRC in December he stated after the presentation that there was usually a 4 week delay between the signing of the MOU and when bikes can be on campus. Mr. Perme advised he would like to have the bikes on campus with students here for a long enough period of time to have a satisfactory pilot program. Mr. Perme recommended that Council approve signing a MOU tonight and have the bikes shipped to Oxford but not deploy them until a later date.

Mr. Smith suggested amending the Resolution with the caveat that roll-out is contingent on Miami University legal counsel and City legal Counsel conferring on the universities concerns.

Ms. Raghu noted she felt the university and the City were different spheres and if a geo-fence could be created around the campus she didn't know why Council's decision had to rely on a time table.

Ms. Blankenship advised the language in the Resolution states "Council accepts the recommendation of the City Manager and the Community Development Director and further authorizes the City Manager to enter into an agreement **as approved by the Law Director**" and noted Council was not tied to the language in the MOU.

Mr. Ellerbe noted as a City representative he felt this was a good thing for the City and he needed to know what Mr. Rowe would like from Council in order to move the project along, along with the Associated Student Government because ASG and the City were a thumbs up.

Mr. Ellerbe noted the administration at Miami sent an email today saying thumbs down. Mr. Ellerbe inquired if SPIN would move forward if Council approved the Resolution with conditions. Mr. Rowe advised SPIN wanted to be a collaborative partner because they would be providing transit in the community. Mr. Rowe noted it was a huge goal of SPIN to not have bikes on land without approval. Mr. Ellerbe advised with that being said, he was in favor of tabling the Resolution. Mr. Rowe advised whether it was a good faith agreement or a MOU, SPIN could commit to not launching until Miami signs a MOU as well. Mr. Rowe noted SPIN did not need the to have the campus MOU in hand to pursue the agreement with the City. Mr. Prytherch noted he felt Mr. Smith had a good suggestion and a condition could be that it is subject to review by the Law Director and conferral with Miami counsel. Mr. Prytherch advised the MOU was not an operational plan.

Mayor Rousmaniere noted if the Resolution was approved with a condition to confer with Miami and that is not successful then the project is lost and if Council tables the Resolution there would be two weeks to try to resolve the issues.

Mr. Elliott reiterated that he felt tabling the Resolution was in order to allow time to confer with Miami University officials and find out what their real issues were. Mr. Prytherch advised he was willing to vote to table the Resolution but with a plan for moving forward without Miami's approval. Ms. Callaghan noted she felt if Council tables the Resolution Miami has no reason to come to the table and talk.

Mayor Rousmaniere inquired if there was a motion to table the proposed Resolution and there was not.

Mr. Ellerbe called the question.

Mr. Dana moved to adopt the Resolution. Mr. Ellerbe seconded. The motion passed 7-0-0.

Mayor Rousmaniere thanked Mr. Rowe for making the trip to Oxford.

RESOLUTION
CONTRACT WITH GRANICUS

A Resolution No. 6061 authorizing the City Manager to enter into an agreement with GovDelivery, LLC, a Minnesota Limited Liability Company d/b/a/ Granicus, for internet broadcasting and archiving of local public meetings a records. (Doug Elliott, City Manager)

Mr. Elliott advised in April of 2008 the City contracted with Granicus for internet broadcasting and archiving of City Council, Planning Commission and Board of Zoning Appeals meetings on the City's website. Mr. Elliott noted in May of 2013 staff renegotiated the annual cost of $19,785 to $10,788. Mr. Elliott advised since the original contract has expired staff is recommending entering into a new one year agreement with an automatic renewal for an additional two terms of one year each for an annual cost of $10,788 for year one, $11,543 for year two and $12,351 for year three. Mr. Elliott noted staff believes Granicus has provided a high level of service for the City and recommends Council approval of the proposed Resolution this evening.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Dana advised he felt Granicus was a vital tool for bringing the public into communication with the City.

Ms. Southard noted she felt Granicus was a very important building block and an essential method of communication as people including Council members do consult it.

Mr. Prytherch inquired if the City still broadcasted meetings on cable television and Mr. Elliott advised no. Mr. Prytherch noted he felt Granicus was wonderful and inquired how to drive more traffic to it so people knew it was there.

Mr. Dana moved to adopt Resolution No. 6061. Ms. Southard seconded. The motion passed 7-0-0.

ORDINANCES

ORDINANCE
CURB, GUTTER & SIDEWALK
ASSESSMENTS

An Ordinance Levying Upon The 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 this was the final piece of legislation needed for last construction season's curb, gutter and sidewalk improvement program. Mr. Dreisbach noted in April of last year Council passed a Resolution of Necessity for property owners to improve their defective curb, gutter or sidewalk. Mr. Dreisbach advised in July Council authorized a construction contract for the work to be done for the property owners that chose not to do the work themselves and in January notice was served to the property owners of the actual costs of the improvements. Mr. Dreisbach noted Ms. Eaton has published the necessary legal advertisements to make the owners aware of the cost and no one has contested the actual amounts of the improvements to their property. Mr. Dreisbach advised with Council's approval at the second reading of the proposed Ordinance a property owner has the opportunity to pay cash for the amount listed on the exhibit or they can choose to have the cost spread out over 5 years on their property taxes at an interest rate of 5%.

Mayor Rousmaniere inquired if there were any comments from the public or from Council and there were none.

ORDINANCE
NEW CHAPTER 182 – INCOME TAX

An Ordinance No. 3462 Repealing Oxford Codified Ordinance Chapter 182, Entitled Income Tax Effective January 1 , 2016, And Adopting New Oxford Codified Ordinance Chapter 182, Entitled Income Tax Effective January 1, 2016 And Declaring An Emergency. (Joe Newlin, Finance Director)

Mr. Newlin advised the City was involved with a law suite for the collection of the business profits tax with the State of Ohio. Mr. Newlin noted on Monday, February 12 and Tuesday the 13th Franklin County Common Pleas Judge David Cain heard the opening statements and was presented evidence on the motion for a preliminary injunction. Mr. Newlin noted Judge Cain stated that the motion was taken under advisement and a written opinion would be issued on or before February 23, 2018. Mr. Newlin advised a lot of cities held off passing these Ordinances because they did not want them on the books saying that the state could actually collect the net profits tax. Mr. Newlin advised the state has said that if municipalities do not pass legislation authorizing the state to proceed with the centralized collection, municipalities may loose their right of taxing authority. Mr. Newlin noted on November 3, 2015 the City of Oxford updated its Income Tax Ordinance to reflect the changes required in HB 5 such that any income tax or withholding tax is levied in accordance with the provisions and limitations specified in Chapter 718 of the Ohio Revised Code. Mr. Newlin advised this was done to make municipal income tax codes more uniform throughout the state and HB 49 determined that it was necessary and appropriate to amend Chapter 718 of the Ohio Revised Code. Mr. Newlin noted this Ordinance contained all of the changes that the state felt were necessary to amend everything that did not have to do with the net profit tax. Mr. Newlin advised anytime the state amends Chapter 718 of the Ohio Revised Code it is necessary for the City to do the same for its Income Tax Chapter of the Oxford Codified Ordinances. .

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Dana advised prior to HB 49 businesses could use the Ohio Business Gateway to file their net profit business filings electronically and when they did so it went straight to the municipalities. Mr. Dana noted with HB 49 the corporations would send their net profit business taxes to the state and the state would issue refunds to municipalities but they would also keep .5% as a fee. Mr. Dana advised right now it was optional for cities to the Ohio Business Gateway but if they opt in they are locked in for a year. Mr. Dana noted municipalities are not even able to see the filings according to the Ohio Municipal League and he felt it demonstrated to what extent the state is willing to almost disenfranchise municipalities.

Mayor Rousmaniere advised because of that over 100 cities in Ohio filed suite against this proposal by the state and a decision was to be made by the judge on the 23rd of February.

Mr. Ellerbe inquired who sponsored the bill and Mr. Elliott advised it was the Governor's Budget Bill. Mr. Ellerbe noted he felt this was a cash grab as well as a direct hit on home rule.

Mr. Prytherch thanked Mr. Newlin and the legal staff for finding a way for the City of Oxford to comply with the state in a good faith manner.

Mayor Rousmaniere inquired why Council was voting on the same thing twice. Mr. Newlin advised the next Ordinance dealt with all the language regarding the net profit tax.

Mayor Rousmaniere advised the proposed Ordinance would be adopted as an emergency on first reading and become effective immediately.

Mr. Ellerbe moved to adopt Ordinance No. 3462 as an emergency. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW CHAPTER 182 – INCOME TAX

An Ordinance No. 3463 Repealing Oxford Codified Ordinance Chapter 182, Entitled Income Tax Effective January 1 , 2016, And Adopting New Oxford Codified Ordinance Chapter 182, Entitled Income Tax Effective January 1, 2016 And Declaring An Emergency. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance reflects the net profit tax language and the Ordinance states "That Council hereby expressly finds and determines that it does not concede the legality of H.B. 49's municipal income tax provisions; Section 803.100 of H.B. 49; Section 718.04(A) of the Ohio Revised Code; or any other law that is the subject of the action pending in Case Number 2017 CV 10258 in the Franklin County Court of Common Pleas, and that the City reserves its rights to continue its participation in and prosecution of said litigation, and any other litigation challenging the State's authority to dictate municipal tax collection and administration, and that adoption of this Ordinance shall not prejudice the claims of the City therein."

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Newlin noted if the litigation against the state goes in favor of municipalities this Ordinance will be rescinded.

Mr. Dana noted he felt Mr. Newlin and Mr. McHugh did an excellent job of seeing Council through this process.

Mr. Dana moved to adopt Ordinance No. 3463 as an emergency. Ms. Southard seconded. The Ordinances was adopted by the following roll call:

AYE: Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. Prytherch
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott updated everyone on the recent Police Community Relations and Review Commission meeting which took place on Thursday, February 15, 2018.

Mr. Elliott provided an update on Duke Energy's utility pole replacement project on Contreras Road.

Mr. Elliott reminded everyone a Public Safety Forum would take place tomorrow at 7:00 p.m. at the Wilks Theater on Miami's campus noting he, Chief Jones, Chief Detherage, Councilor Smith, Dean Curme and Chief McCandless were on the panel to field questions.

Mr. Wooddell advised the Request for Proposals for the new aquatic center project were published and a pre-qualification meeting would take place with any Design Build team that is interested in the project.

Mr. Kyger welcomed new businesses to town including Sweetheart Desserts, Mr. BBQ, Marco's Pizza and Fridge and Pantry. Mr. Kyger noted Red Brick Property Management recently expanded and advised there were 6-8 more businesses scheduled to open in the near future. Mr. Kyger noted the Kona Bistro building will be changing hands and he expected to see another restaurant at that location soon.

Ms. Raghu commended OPD for taking animal abuse seriously noting some cases had come through her husbands veterinary clinic recently. Ms. Raghu encouraged the public to report any signs of animal abuse and advised there was a group of 3 people in the area shooting animals with a bow and arrow. Chief Jones confirmed that OPD does takes animal abuse seriously and added that OPD does outreach with the community including international students on the proper care of companion animals.

Mr. Ellerbe noted he looked forward to attending the Safety Forum tomorrow evening at 7:00 p.m.

Mr. Dana advised he felt the management of the City's funds was exemplary and noted it has positive implications for everyone and their quality of life.

Mr. Smith advised he was looking forward to some interesting debate tomorrow at the Safety Forum and noted he hoped to see a lot of people in attendance.

Ms. Southard noted the Police Academy has just begun and advised several Council members are graduates of the Police Academy. Ms. Southard noted she felt any citizen who is interested in how law enforcement works and how the City operates will be interested in attending the academy in the future. Ms. Southard advised a citizen brought to her attention that today was National Handcuff Day in honor of the person who designed a better and safer handcuff for the perpetrator and for police officers.

Ms. Southard noted the Walk Audit was a very successful event on Locust Street last week and advised she felt walk audits were worthwhile in terms of gauging walkability and safety in the City.

Ms. Southard noted the new aquatic center project was moving forward and the Recreation Board was very excited about the project.

Ms. Southard advised there were numerous meetings and events that City Council participated in and Council was working on many fronts with the citizens to try to make Oxford a better place to live.

Mr. Prytherch noted and group of people including Councilors, Mr. Kyger, Chief Jones, Mr. Dreisbach, the President of the Oxford Chamber of Commerce, business owners and landlords were working on ways to keep the sidewalks clear during the winter months. Mr. Prytherch advised they had a very productive meeting and focused on ways to get people to voluntarily take better care of their sidewalks. Mr. Prytherch noted they discussed doing a better job of communicating and reminding folks that they needed to keep their sidewalks clear and encouraging businesses owners to work collaboratively as it might be less expensive and more effective for them to do snow removal as a team.

Mr. Prytherch advised he, Mr. Kyger, Mr. Elliott and others had spent many hours working on a way to bring the Princess Theater back to its location in Oxford and if it happens it will be the result of a collaborative effort among multiple parties.

Mayor Rousmaniere thanked everyone for going through an intense debate regarding the bike share program noting it was a good example of democratic deliberation. Mayor Rousmaniere advised she felt Council voted on behalf of student work and advancement for the City. Mayor Rousmaniere thanked Mr. Rowe for coming from Seattle to participate in the discussion.

Mayor Rousmaniere advised an organizational meeting of the Not In Our Town group would take place on Sunday, February 25th at 1:30 p.m. at the Oxford Senior Citizens Center.

ADJOURN

Mr. Dana moved to adjourn at 9:26 p.m. Mr. Smith seconded. The motion passed 7-0-0.