A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, May 7, 2013 at 7:15 p.m. Those members present were Ken Bogard, Bob Blackburn, Kevin McKeehan and Kate Rousmaniere. John Harman and Steve Snyder were excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Bob Holzworth, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development 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.

ADJOURN TO EXECUTIVE SESSION

Mr. Bogard moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22 (G)(1) and (G)(3) for the purpose of discussing court actions and appointments to Boards and Commissions. Mr. Blackburn seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Mr. McKeehan, Ms. Rousmaniere, Mr. Blackburn, Mayor Keebler (5)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. McKeehan moved to adjourn from Executive Session at 7:37 p.m. Mr. Blackburn seconded. The motion passed 5-0-0.

PLEDGE OF ALLEGIANCE

Mayor Keebler requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Bogard moved to approve the agenda. Mr. McKeehan seconded. The motion passed 5-0-0.

PUBLIC PARTICIPATION

PROCLAMATION
'NALC FOOD DRIVE DAY'

Mayor Keebler read the Proclamation and presented it to Mr. Mike Johnson.

Mr. Mike Johnson, Oxford Community Choice Pantry, noted the Oxford Community Choice Pantry appreciated Council's support and the support of the community over the years. Mr. Johnson advised the food collected by the Oxford Post Office on Saturday would be delivered to the OCCP for use by Oxford area residents in need.

PROCLAMATION
'MIAMI LITTLE LEAGUE DAY'

Mayor Keebler read the Proclamation and presented it to Mr. J.J. Slager.

Mr. J.J. Slager, Past President, Miami Little League, accepted the Proclamation on behalf of David Berg, current President. Mr. Slager thanked the Tom Pater family for all of their assistance with the Miami Little League including the renovation of the field at the TRI Center. Mr. Slager noted Miami Little League was all volunteer and they appreciated the support of the City, the Oxford Community Park, the Tri Board, the Talawanda School District and Ms. Brahier and Mr. Wooddell of the Oxford Parks and Recreation Department. Mr. Slager also thanked Miami Little League sponsors who helped to keep the fees among the lowest in the area for participants.

NOTICE TO
LEGISLATIVE AUTHORITY

New permit for Fuji House Express LLC DBA Fuji House Express 5 W. High Street Oxford, Ohio 45056.

Mr. Bogard moved to accept the notification without comment. Mr. Blackburn seconded. The motion passed 5-0-0.

Mayor Keebler noted the permit was for beer only for on premises consumption and in sealed containers for carry out.

APPOINTMENTS TO
BOARDS AND COMMISSIONS

Mr. Bogard moved to reappoint Mr. Richard Norman and to appoint Ms. Hillary Evans to the McCullough-Hyde Memorial Hospital Board of Trustees for a term ending June 30, 2018. Ms. Rousmaniere seconded. The motion passed 5-0-0.

PUBLIC COMMENTS

Mr. Alan Kyger, 6164 Contreras Road, spoke on behalf of the Oxford Chamber of Commerce. Mr. Kyger advised the Oxford Chamber of Commerce would hold the annual Wine and Art Affair on May 18th from 2:00 to 10:00 p.m. in the Uptown Parks. Mr. Kyger stressed that the event was free of charge unless people wanted to purchase adult beverages. Mr. Kyger noted Lisa Biales coordinated some wonderful musical acts for the event and noted 6 local food venders, 13 local merchants and16 artisans would participate in the event. Mr. Kyger advised a steering committee coordinated the entire Wine and Art Affair and deferred to Council for good weather.

CONSENT AGENDA

MINUTES

Minutes of the April 16, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the April 9, 2013 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the April 17, Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the April 18, 2013 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

Report regarding the April 24, 2013 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

RESOLUTIONS

RESOLUTION
PUBLIC/INTERNET AUCTION

A Resolution No. 4746 declaring certain City property no longer needed for municipal purposes as surplus and authorizing its advertisement and sale to the highest bidder at public auction or internet auction. (Mike Dreisbach, Service Director)

RESOLUTION
BOND RELEASE

A Resolution No. 4747 authorizing the release of a maintenance bond in the form of a letter of credit in the amount of $43,159.00 for Campus Commons Subdivision Phase I. (Mike Dreisbach, Service Director)

Mr. Bogard moved to approve the consent agenda. Mr. Blackburn seconded. The motion passed 5-0-0.

RESOLUTION
LOAN MODIFICATION

A Resolution No. 4748 authorizing the City Manager to amend the Loan Agreement between the City of Oxford and Moon Cooperative Services, Inc. with conditions. (Alan Kyger, Economic Development Director)

Mr. Kyger advised Moon Cooperative Services took out a Revolving Loan Fund loan with the City in 2011 and in 2012 they asked for a loan modification due to higher than expected costs for the build-out of the store, and initial sales were lower than anticipated. Mr. Kyger noted the loan was modified to be an interest only loan for a period of one year and to date they were current with all of their payments. Mr. Kyger advised Moon Cooperative Services was asking for a loan modification for the coming year and the CIC Board looked at their financials and felt it was not in Moon Cooperative Services best interest to resume the full loan payment. Mr. Kyger noted the CIC Board recommended an interest only loan payment arrangement for an additional year.

Ms. Bernadette Unger, thanked Council for considering the proposed Resolution and noted her hope they would vote in favor of it and support their local cooperative.

Ms. Rousmaniere inquired if this was a typical request from a new business. Mr. Kyger advised cash flow was the biggest issue for any new business especially if it was built from scratch. Mr. Kyger noted Moon Cooperative Services headed into the project with a lot of working capital however; the expense of finishing the location and the time it took to finish the location was more than anticipated. Mr. Kyger noted the $4,000 loan payment would be a struggle for Moon Cooperative Services and he felt it was in everyone's best interest for the City to do whatever it could to help them become more profitable. Mr. Kyger advised Moon Cooperative Services was working with an advisor from a co-op development group and he felt they were doing the right things to get the business going.

Ms. Rousmaniere moved to adopt Resolution No. 4748. Mr. Blackburn seconded. The motion passed 5-0-0.

RESOLUTION
CONTRACT WITH
WHITE ALLEN CHEVROLET

A Resolution No. 4749 authorizing the City Manager to enter into a contract with White Allen Chevrolet for the purchase of three (3) Silverado trucks and specified options at state contract pricing at a cost not to exceed $73,460.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the proposed Resolution was for the purchase of three vehicles, two of which would be paid from the General Fund and one from the Wastewater Fund. Mr. Dreisbach noted the vehicles would be purchased on state contract and the state had obtained the lowest price. Mr. Dreisbach advised staff was asking Council's permission to purchase the vehicles. Mayor Keebler noted the vehicles were previously approved in the 2013 capital equipment budget.

Mr. Blackburn noted power locks and windows were excluded in the purchase options and Mr. Dreisbach advised excluding those options helped the City stay within the budget for the vehicle purchase.

Ms. Rousmaniere inquired if the vehicles would replace older vehicles in the City's fleet. Mr. Dreisbach advised a Resolution on the consent agenda this evening authorized the City to dispose by auction used City vehicles. Mr. Dreisbach noted two vehicles from the Street Department to be auctioned were 14 and 15 years old and ready for replacement.

Mr. McKeehan moved to adopt Resolution No. 4749. Mr. Blackburn seconded. The motion passed 5-0-0.

ORDINANCES
FIRST READING

ORDINANCE
NEW SECTION 923.16

An Ordinance Repealing Oxford Codified Ordinance Section 923.16, Entitled Private Industrial Waste Treatment Facilities, And Adopting New Oxford Codified Ordinance Section 923.16, Entitled Private Industrial Waste Treatment Facilities. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the Environmental Commission reviewed some practices across the state and across the mid-west regarding the treatment of industrial waste waters. Mr. Dreisbach noted currently in the State of Ohio waste waters could be treated and neutralized and as long as it met quality standards it could be discharged into state waters. Mr. Dreisbach advised staff concurred with the Environmental Commission's recommendation to prohibit waste waters from being injected below ground through a well which was being done in other areas of the state. Mr. Dreisbach noted this was not an immediate threat to the City but the Environmental Commission wanted to be proactive on this issue and establish a prohibition of the practice. Mr. Dreisbach advised Ms. Rousmaniere was familiar with this issue and Tyler Elliott from Miami University was in attendance to give a brief presentation to Council.

Mr. Tyler Elliott, Senior Undergraduate Student, advised Oxford Codified Ordinance Section 923.16 was regulated under the Ohio Revised Code Section 6111.043 which operated under provisions of the Safe Drinking Water Act (SDWA) of 1974. Mr. Elliott noted in 2005 the SDWA was amended to exclude from regulation the practices involving hydraulic fracturing which was known to incorporate many chemicals that could be detrimental to human health. Mr. Elliott advised the proposed amendment to Oxford Codified Ordinance Section 923.16 would be proactive in order to rectify the amendments made to the SDWA of 1974. Mr. Elliott noted he believed Oxford City Council should pass the proposed amendment because Oxford was on top of the Great Miami Buried Valley Aquifer which was considered a Sole Source Aquifer. Mr. Elliott advised if that aquifer were to become polluted a percentage greater than 50% of the residents living above the aquifer would have no access to clean drinking water unless it was shipped in from elsewhere. Mr. Elliott noted the cities of Mansfield and Cincinnati had passed similar prohibitions on this practice.

Ms. Rousmaniere advised State Representative Tim Derickson was working on this topic as well and proposed a bill which was endorsed by the Ohio EPA and the Ohio Department of Natural Resources that worked for restricting the disposal of waste fluids. Ms. Rousmaniere noted 'fracking' was more common in northern Ohio but there were people in southern Ohio including the City of Cincinnati and Representative Derickson that were concerned that these practices could come to southwest Ohio. Ms. Rousmaniere advised the Environmental Commission strongly endorsed Mr. Elliott's proposal to amend the City of Oxford's ordinance.

Mr. Bogard inquired if similar legislation would be forwarded to the Butler County Commissioners. Mr. Elliott advised the entirety of the work he had done was for the City of Oxford and he had not looked at the county-wide scale in terms of placing a prohibition.

Mr. Elliott noted within the region there had been class 2 injection wells which involved brines from the mining of oil and gas and one such well was located in Auglaize County and one was located in Pickaway County. Mr. Bogard suggested that Mr. Elliott look at Butler, Warren and Preble counties for opportunities to introduce legislation. Mr. McKeehan noted there was a far greater threat of 'fracking' in the townships and counties. Mayor Keebler advised the City wells were located outside of the City limits. Mr. Bogard noted areas such as Middletown, Trenton and Wayne Township were located directly over the aquifer.

ORDINANCE
NEW SECTION 931.02

An Ordinance Repealing Oxford Codified Ordinance Section 931.02, Entitled Container Requirements, And Adopting New Oxford Codified Ordinance Section 931.02, Entitled Container Requirements. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised approximately two years ago Council adopted Ordinance 3154 which identified the 'Mile Square Plus' zone for solid waste collection. Mr. Dreisbach noted the Ordinance required the solid waste container to be a wheeled tote provided by the City. Mr. Dreisbach advised the Ordinance based the number of required totes on the number of residents living in the dwelling and for most customer accounts that arrangement had worked fine. Mr. Dreisbach noted there had been a few cases of disparity in billing and some enforcement issues when a property did not have enough waste wheelers. Mr. Dreisbach advised to resolve those issues staff proposes that rather than basing the minimum number of totes required on the number of residents in a dwelling that it be based on the maximum permitted occupancy. Mr. Dreisbach noted this would assure adequate capacity for residents to properly dispose of their solid waste and it would resolve any disparity in billing.

Mayor Keebler asked staff to amend the proposed language to address enforcement issues for the second reading of the Ordinance. Mayor Keebler noted there should be a provision to require a property owner to obtain additional containers when litter citations were not solving the problem.

ORDINANCE
NEW SECTION 1145.09

An Ordinance Repealing Oxford Codified Ordinance Section 1145.09 Entitled Period Of Validity, And Adopting New Oxford Codified Ordinance Section 1145.09 Entitled Period Of Validity.

Mr. Chen advised the current planned development regulations in the Oxford Zoning Code did not contain a provision related to the expiration date for an approved preliminary planned development. Mr. Chen noted if an approved preliminary plan was valid indefinitely it could create difficulties in the future. Mr. Chen advised the proposed Ordinance would set a two- year time frame for the approval period with the ability to request two one-year extensions. Mr. Chen noted the proposed amendment would only apply to new planned development applications.

Mayor Keebler advised the proposed Ordinance applied to PUD's only and noted there were other validity requirements in the zoning code and this would bring the PUD regulations in line with other large developments. Mayor Keebler referred to page 53 of the agenda packet and advised 'If the scope of the approved preliminary plan has not changed and the proposed use and site plan still satisfy the decision standards, the Planning Commission shall grant a one year extension'. Mayor Keebler noted there would be a review by the Planning Commission before an extension was granted to make sure there were no major changes and that the proposed use and site plan still satisfied the decision standards.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3190. Supplemental Budget Ordinance Number 2 To Make Supplemental Appropriations For Fiscal Year 2013. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on page 67 of the agenda packet which addressed the receipt and dispersal of Estate Tax funds. Mr. Newlin advised 45% of the funds were owed to Oxford Township per an agreement with the Knolls of Oxford and the City's portion of the funds would be deposited to the Capital Equipment fund for future budgets.

Mr. Bogard inquired if this was the last year the City would receive estate tax. Mr. Newlin advised it depended how it went through the court system and noted as long as a case was in the court system by January of 2012 the City could still receive revenue.

Ms. Rousmaniere asked for clarification regarding the agreement with the Knolls of Oxford. Mayor Keebler advised 45% of the estate tax was owed to Oxford Township as a term of the annexation of the Knolls of Oxford property into the City of Oxford.

ANNOUNCEMENTS

Mr. Elliott advised the petition and proposed annexation map for property located at the corner of US 27 N. and Todd Road were sent to the County Engineer and County Attorney for review and comment. Mr. Elliott noted the petition included the Gillman property, Koenig Equipment property and portions of the road right-of-way. Mr. Elliott advised if no changes were requested by the County Engineer or the County Attorney, the petition would be filed with the Butler County Commissioners Office.

Mr. Elliott advised the City received the recorded deed for the former Dairy Queen structure and it would be demolished this week.

Mr. Elliott updated Council and the pubic on various street improvement projects and the parking garage improvement project that would take place this summer. Mr. Elliott asked everyone to be patient and noted the improvements would improve the quality of life and the infrastructure in Oxford and the City was happy to be able to do the projects.

Mayor Keebler commended the City's Engineering staff for the curb installation next to the BP station at High Street and College Avenue.

Mr. Chen reminded everyone that 'ShareFest' would take place Thursday through Tuesday and encouraged those wanting to donate items to schedule a pick-up via the ShareFest website.

Ms. Brahier referred to the Proclamation for the Miami Little League that was presented this evening and noted the Board members were volunteers and they put in hundreds of hours each season and coaches and assistants for 44 teams were all volunteers. Ms. Brahier estimated that 5,000 hours of volunteer time was donated every season.

Ms. Brahier noted the pool would open on May 25th and she expected to have a great opening weekend.

Mr. McKeehan congratulated the Miami graduates and wished them a successful future.

Mr. McKeehan encouraged everyone to participate in ShareFest.

Mr. Bogard wished Miami graduates success in their future endeavors and careers. Mr. Bogard wished students returning in the fall to have a safe summer.

Mr. Blackburn commended Mr. Dreisbach and the contractor doing the curb and gutter work on Chestnut Street and noted the work might be done next week.

Mr. Blackburn congratulated the Miami graduates and encouraged everyone to travel safely and to have a good summer.

Mr. McKeehan advised Oxford was again in first place in the county for its percentage of recycling and thanked all of those who participate in the recycling program.

ADJOURN

Mr. Bogard moved to adjourn at 8:23 p.m. Ms. Rousmaniere seconded. The motion passed 5-0-0.