A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, May 21, 2013 at 7:30 p.m. Those members present were Ken Bogard, Bob Blackburn, Kevin McKeehan, Kate Rousmaniere and Steve Snyder. John Harman was 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. John Detherage, Fire Chief; Mr. Jung-Han Chen, Community Development Director; Mr. Alan Kyger, Economic Development Director; Ms. Amy Blankenship, Acting Law Director, and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Mayor Keebler requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

RECOGNITION
JOHN A. JONES, POLICE LIEUTENANT

Chief Holzworth thanked Council for taking time to recognize the City's newest Police Lieutenant. Chief Holzworth discussed the selection process noting there were 3 extremely strong candidates who had the skills, knowledge and ability to fill the position and do it well. Chief Holzworth advised staff relied heavily but not exclusively on the Ohio Association of Chiefs of Police who sent a team of 3 individuals to perform an Assessment Center. Chief Holzworth noted staff talked to people internally and also looked to the Police Advisory Board for direction. Chief Holzworth advised he compiled all of the information and made a recommendation to the City Manager who approved the promotion to Lieutenant for John Jones. Chief Holzworth discussed Lt. Jones's education and background with the City noting he first came to the City in 1997 as a Volunteer Firefighter/EMT. Chief Holzworth advised Lt. Jones and his wife Betsy had three children and were well established in the community. Chief Holzworth noted in 5 years the Oxford Police Department would undergo substantial changes and Lt. Jones would be part of the team that leads the Oxford Police Department into the future.

Lt. Jones noted it was a blessing to be given the opportunity to help lead the Police Department into the future and advised he was humbled that of the very qualified candidates he was chosen for the Lieutenant position. Lt. Jones noted he was overwhelmed by the support, encouragement and kind words he received throughout the process from people inside and outside of the Division of Police. Lt. Jones thanked Chief Holzworth and City Manager Elliott for having the confidence in him to perform the duties of Lieutenant and thanked City Council for providing the opportunity to him and for supporting the Police Department and providing them the resources they needed. Lt. Jones thanked his family members for attending the meeting this evening including his parents, sister, niece, in-laws, children (Dalton, Charlie and Wyatt), and his wife Betsy. Lt. Jones noted his hope he would live up to the expectations and that he would bring honor to the Lieutenant position.

Mayor Keebler advised he had known John since he came to Oxford as a Miami University student and joined the Oxford Fire Department. Mayor Keebler noted he knew John would do a good job. Mayor Keebler advised John was one of many young men over the years who came to Oxford to go to school and did not leave Oxford. Mayor Keebler noted he felt that said a lot for the community and for the individuals who decided to stay and help make Oxford a better community.

PUBLIC COMMENTS

Mr. Peter McCarthy, 5990 Contreras Road, advised recent discussions regarding 'nonconformities' had been productive and noted in February, Mayor Keebler commented that people could go to the Board of Zoning Appeals if there was a problem with the new nonconformity section of the Zoning Code. Mr. McCarthy advised BZA members had informed him that they were not permitted to hear use variances. Mr. McCarthy noted he felt there would be cases where an improvement to a property should not cause a reduction in occupancy such as a house with 6 bedrooms and an occupancy permit for 6 people. Mr. McCarthy noted this also played into how people felt about the historic nature of the community and inquired if Council was really looking into having historic properties taken down. Mr. McCarthy asked for a legal opinion regarding whether the BZA could hear cases for use variances and if not, Mr. McCarthy asked if the Planning Commission and Council should look into creating an appellant process in order to be fair.

Mayor Keebler informed Mr. McCarthy that Council would get back to him once they had a chance to review the question.

Mr. Alan Kyger, 6164 Contreras Road, thanked Council on behalf of the Oxford Chamber of Commerce for allowing the annual Wine and Art Affair to take place in the Uptown Parks on Saturday. Mr. Kyger thanked the Service Department for their assistance with the event from 7:30 a.m. until 12:30 a.m. on Sunday. Mr. Kyger noted it was a great event and a chamber member would provide a detailed report at a later date.

CONSENT AGENDA

MINUTES

Minutes of the May 7, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the May 1, 2013 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

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

RESOLUTION
REVISION TO THE
SOLID WASTE MANAGEMENT PLAN

A Resolution No.4750 to adopt the revision of the Solid Waste Generation Fee and amend Section VIII of the Solid Waste Management Plan of Butler County, Ohio. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the Ohio EPA recently approved capacity increases for the Rumpke sanitary landfill just outside of Butler County in Hamilton County. Mr. Dreisbach noted the Butler County Solid Waste and Recycling District evaluated their plan for how trash was handled in the county and with the new capacity they did not need to fund a transfer station as a contingency or collect generation fees to fund that operation. Mr. Dreisbach advised the Resolution was asking for Council's support to lower the generation fee from $2.00 per ton to $1.00 per ton for trash generated in Butler County. Mr. Dreisbach noted the City would save $5,000 to $6,000 per year in surcharges and the District would continue to offer the programs the City utilized such as the curbside recycling incentive for municipalities, the Hazardous Waste Program and the Freon Appliance Recycling Program. Mr. Dreisbach advised once political subdivisions representing at least 60% of the District's population voted to approve the revision it would be deemed ratified and the rate would be lowered.

Mr. Bogard inquired if this would apply to the townships and Mr. Dreisbach advised yes.

Ms. Rousmaniere moved to adopt Resolution No. 4750. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTION
CONTRACT WITH
ARCHITECTURAL MAINTENANCE
SERVICES, LLC

A Resolution No. 4751 accepting the bid and authorizing the City Manager to enter into a contract with Architectural Maintenance Services, LLC for improvements to the Municipal Parking Garage as set forth in the Staff Summary Report attached hereto at a cost not to exceed $280,874.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised last year Council authorized a study of the parking garage and a 5 year maintenance plan was generated from the study. Mr. Dreisbach noted the City completed the work specified in the plan for years 1 and 2 last year. Mr. Dreisbach advised during the CIP process Council and staff discussed plan years 3,4 and 5 and it was decided that the City could afford to implement those plans in 2013. Mr. Dreisbach noted drawings and specifications were prepared to complete the work that was recommended for the parking garage, the project was advertised, and the City received 5 bids. Mr. Dreisbach advised the lowest bid was 16% lower than the City's estimate of probable cost and staff was recommending Council's approval of the proposed contract as outlined on page 18 of the agenda packet.

Mr. Snyder inquired why the bids came in lower than expected. Mr. Dreisbach advised the two lowest bidders had employees available and were looking for work. Mr. Dreisbach noted the project would start in July and would be finished before Miami students returned in the fall.

Mr. McKeehan inquired if the City had experience with Architectural Maintenance Services LLC. Mr. Dreisbach advised the City did not have direct experience with them however, THP the City's structural engineer worked with them frequently and gave them a good reference.

Mr. Bogard moved to adopt Resolution No. 4751. Mr. Snyder seconded. The motion passed 6-0-0.

RESOLUTION
CONTRACT WITH
GREVE CHRYSLERJEEP DODGE

A Resolution No. 4752 authorizing the City Manager to enter into a contract with Greve Chrysler Jeep Dodge for the purchase of three (3) 2013 Dodge Charger vehicles and specified options at state contract pricing at a cost not to exceed $64,599.00. (Bob Holzworth, Police Chief)

Chief Holzworth advised the Police Department's fleet was aging and as proposed, two of the new vehicles would be assigned to the Patrol Section and one would be assigned to the Criminal Investigation Unit. Chief Holzworth noted a current C.I. Unit vehicle would be re-assigned as a pool vehicle.

Mayor Keebler inquired if the retired vehicles would be sold and Chief Holzworth advised yes.

Mr. McKeehan moved to adopt Resolution No. 4752. Ms. Rousmaniere seconded. The motion passed 6-0-0.

ORDINANCE
FIRST READING

ORDINANCE
PROPERTY MAINTENANCE CODE

An Ordinance No. 3215 Adopting The 2013 Edition Of The International Property Maintenance Code As Amended And Repealing Ordinance No. 3141 And Declaring An Emergency. (Jung-Han Chen, Community Development Director)

Mr. Chen advised periodically, staff reviewed rules and regulations to ensure they were updated to reflect the most recent practices and standards commonly utilized by municipalities. Mr. Chen noted adopting the 2012 International Property Maintenance Code would be beneficial to the City as it provided a precise description of dangerous structures, it provided the authority to disconnect utility services in case of an emergency and it provided the ability to issue 'stop work orders'. Mr. Chen advised staff found that a major portion of the property maintenance code was inadvertently removed through the adoption of the tall grass abatement procedure and it was critical to re-adopt those regulations into the Codified Ordinances for rental and property maintenance purposes.

Mayor Keebler advised a mistake was made when Council adopted a change to a certain code and repealed an Ordinance which eliminated the property maintenance code. Mayor Keebler noted the City had no property maintenance code in effect at this time. Mayor Keebler advised this was an emergency Ordinance due to the health, welfare and safety of the citizens of Oxford. Mayor Keebler advised the Ordinance would also update the International Property Maintenance Code from the 2003 edition to the 2012 edition.

Mr. Bogard moved to adopt Ordinance No. 3215 as an emergency. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bogard, Mr. McKeehan, Ms. Rousmaniere, Mr. Snyder, Mr. Blackburn, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCES
SECOND READING

ORDINANCE
NEW SECTION 923.16

An Ordinance No. 3216 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 proposed Ordinance was generated by the Environmental Commission which would prohibit the injection of treated wastewaters into lands or waters of the City. Mr. Dreisbach noted there were no changes since the First Reading of the proposed Ordinance.

Ms. Rousmaniere advised she endorsed the proposed Ordinance as introduced by the Environmental Commission and a Senior Undergraduate Student at Miami University. Ms. Rousmaniere noted it was related to the problem of hydraulic fracking which was a topic of greater concern in the northern part of the state. Ms. Rousmaniere advised a number of municipalities in this region had adopted preventive measures including the City of Cincinnati.

Ms. Rousmaniere moved to adopt Ordinance No. 3216. Mr. Snyder seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. McKeehan, Ms. Rousmaniere, Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION 931.02

An Ordinance No. 3217 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 based on Council's comments during the First Reading of the Ordinance staff proposed a new Section as follows: 'The City Manager shall have the authority to provide and require the property owner to pay for additional waste wheeler tote containers should any property owner be found responsible or liable for two (2) or more citations during any twelve (12) month period for violating any provision of 931.02'

Mr. Peter McCarthy, 5990 Contreras Road, advised he approved of the proposed Ordinance but noted concern that during the summer months when landlords were cleaning properties they were also required to pay for refuse service which could be very expensive and there was not a lot of trash to be collected.

Ms. Rousmaniere inquired if cleaning the rental properties generated trash for collection and Mr. McCarthy advised yes, but not nearly as much during the summer months.

Mayor Keebler advised each spring and fall the City paid a substantial amount of money for Rumpke to make additional pick-ups during the student move-in and move-out periods. Mayor Keebler noted the cost for the additional pick-ups was shared by all residents and all commercial properties in Oxford. Mayor Keebler advised anyone with water service was charged for trash collection in residential areas. Mayor Keebler noted he felt the insertion of the new language in item 'e' of the Ordinance was an important addition.

Mr. Bogard moved to adopt Ordinance No. 3217. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Rousmaniere, Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mr. McKeehan, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION 1145.09

An Ordinance No. 3218 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 proposed Ordinance would set a period of validity for an approved preliminary planned development with the option to extend the validity twice for a period of 1 year. Mr. Chen noted an approved final planned development would be valid for one year with an option to extend the validity for one year under certain conditions.

Mayor Keebler noted the proposed Ordinance was in line with other periods of validity for approved developments.

Mr. McKeehan moved to adopt Ordinance No. 3218. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

ABS: Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mr. McKeehan, Ms. Rousmaniere, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3219 Amending Ordinance No. 3190. Supplemental Budget Ordinance Number 2 To Make Supplemental Appropriations For Fiscal Year 2013. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance recognized revenue not budgeted for inheritance tax the City received recently. Mr. Newlin noted funds would be appropriated to Oxford Township for their share of the inheritance tax received from the Knolls of Oxford. Mr. Newlin advised funds would also be transferred to the Capital Equipment Fund for future purchases.

Mr. McKeehan moved to adopt Ordinance No. 3219. Mr. Snyder seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Blackburn, Mr. Bogard, Mr. McKeehan, Ms. Rousmaniere, Mr. Snyder, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

DISCUSSION
MERCHANT SURCHARGING

Mayor Keebler advised under new credit card laws it was possible for the City to collect a surcharge for credit card payments which the City currently absorbed. Mayor Keebler noted Mr. Harman was interested in looking into this issue.

Mr. Newlin advised in the past merchants were not able to pass on charges from credit card companies. Mr. Newlin advised some of the stipulations associated with the implementation of the surcharging included a 30 day notice to all affected credit card companies, the City's credit card processor and the public. Mr. Newlin noted signs must be posted at all building entrances and point of acceptance notifying the card user of the actual surcharge percentage. Mr. Newlin advised the surcharge must be identified separately on the customer's receipt. Mr. Newlin noted currently the City was charged a percent of total dollars charged which was 1.59% on all utility payments received and 2.09% on all other payments.

Mayor Keebler inquired if the City's software had the ability to show the surcharge as a separate item on the customer's receipt. Mr. Newlin advised that would need to be worked out with the City's finance software provider and noted he planned to accept bids this year for a new software package. Mayor Keebler inquired how much the City billed annually for utilities and Mr. Newlin advised between five and six million dollars and 20% of that was paid by credit cards. Mr. Newlin noted he was not a proponent or an opponent of merchant surcharging and advised he researched the matter to let Council know it was something the City was able to do.

Mr. McKeehan advised he was hesitant to advocate merchant surcharging and noted he was not aware that any municipalities or major retailers had adopted this practice. Mr. McKeehan advised the credit card fees had been around for a long time and they should be factored in as part of doing business. Mr. McKeehan noted the credit rates had come down significantly over the last ten years.

Mr. Snyder inquired what the City's history was with regard to accepting credit card payments. Mr. Newlin advised sometime prior to 2008 when he came to the City. Mr. Newlin noted in a college town most students paid bills with a credit card.

The consensus of Council was to purchase the software necessary to handle the merchant surcharging when the new software package was purchased if it was feasible but not to make any changes at this time with regard to surcharges.

ANNOUNCEMENTS

Mr. Elliott updated Council and the public with regard to the Glenwood Energy tax rider adjustment. Mr. Elliott noted the effect of this increase on a Glenwood Energy consumer using 100 CCF of natural gas per month would be an additional $1.76 effective June 2013.

Mr. Elliott advised he attended the 9-1-1 Planning Committee meeting last Friday and noted there was a state requirement to reduce the number of county funded Public Safety Answering Points (PSAP) in Butler County from 6 to 5. Mr. Elliott noted the City of Hamilton and the Butler County Sheriff's Office reached a tentative agreement regarding a contract for emergency dispatch services which would reduce the number of PSAPs to 5.

Mr. Elliott advised an annexation petition would be filed soon for property located on US 27 N. Mr. Elliott noted the County Engineer was not requesting any changes to the proposed petition so signatures of land owners would be collected and the petition would be filed with the Butler County Commissioners.

Mr. Elliott advised the budget process would begin soon and the CIP meeting would take place in August.

Mr. Elliott noted he, Mr. Bogard and Ms. Rousmaniere attended the Butler County Chamber Caucus Legislative Breakfast in Fairfield. Mr. Elliott noted the speakers were Butler County Commissioners who answered questions regarding their budget, state legislation, economic development and transportation issues.

Mr. Kyger noted the closing of the BP station at the corner of High Street and College Avenue after 40 years in business. Mr. Kyger encouraged everyone to stop by there on Thursday and wish the owner well. Mr. Kyger noted the closing of Miami Beach on High Street and noted the owner had done business on High Street for a number of years. Mr. Kyger wished the owner well.

Mr. Blackburn noted volunteers were needed on Wednesday at 6:00 p.m. to place flags in the cemetery for those who passed away as veterans or members of the armed services.

Ms. Rousmaniere noted it was bicycling season and reminded everyone that bicyclists can and should ride on the road and follow the same rules as drivers including signaling. Ms. Rousmaniere encouraged bicyclists to make themselves visible and noted she wore a neon vest, a helmet and used a blinking light. Ms. Rousmaniere encouraged motorists to pay attention to bicyclists and noted every bike provided an additional parking space.

Mr. Bogard advised Don Burrell was a bicyclist who developed many trails in southwest Ohio and was retiring from OKI after 35 years. Mr. Bogard noted Mr. Burrell was instrumental in the development of the Discovery Trail which was a 6,800 mile trail across the United States.

Mr. Bogard congratulated Council on the Wine Festival noting it was a very successful event.

Mr. Snyder inquired if the results of the Planning Commission's deliberations at their last meeting would be on Council's next agenda. Mr. Elliott advised yes. Mr. Chen noted the Ordinance would include 12-15 conditions for the redevelopment of the former Wal-Mart site.

Mayor Keebler noted the Wine Festival was a great City event which was well attended and well attended by out of town people. Mayor Keebler advised he helped set-up the event in the morning and sold tickets in the afternoon. Mayor Keebler noted the Mayor of Hamilton was here and people came from as far away as Columbus. Mayor Keebler advised he appreciated the number of people who volunteered noting a lot of them had no affiliation with the Chamber of Commerce. Mayor Keebler noted this was the 6th year for the event and noted his hope it would continue.

Mr. Elliott gave special thanks to Alan Kyger for his coordination of the Wine Festival noting he had been heavily involved with the event all 6 years.

Mayor Keebler noted it was tornado season and thoughts and prayers were with the people of an Oklahoma community who suffered amazing tornado devastation. Mayor Keebler advised Butler County had a good tornado warning system which was updated a couple of years ago. Mayor Keebler noted a tornado warning didn't necessarily mean a tornado was bearing down on Oxford. Mayor Keebler advised people to turn on their television or radio when a tornado warning was issued to find out what was going on and to pay attention.

ADJOURN

Mr. Bogard moved to adjourn at 8:28 p.m. Ms. Rousmaniere seconded. The motion passed 6-0-0.