

A Regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, July 21, 2009 at 7:30 p.m. Those members present were Ken Bogard, Richard Keebler, Alysia Fischer, Doug Ross and Greig Rutherford. Kate Currie was excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Victor Popescu, Engineer; Mr. Steve Schwein, Police Chief; Mr Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Ms. Gail Brahier, Parks and Recreation Director; Mr. John Detherage, Fire Chief; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Mr. Keebler moved to adjourn to Executive Session at 7:15 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (1) Appointments to Boards and Commissions and Personnel. Ms. Fischer seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Mr. Keebler, Mr. Rutherford, Ms. Fischer, Ms. Dana (5)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Bogard moved to return from Executive Session at 7:28 p.m. Ms. Fischer seconded. The motion passed by the following roll call:

AYE: Mr. Ross, Mr. Keebler, Mr. Rutherford, Mr. Bogard, Ms. Fischer, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Mayor Dana called for the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Fischer moved to approve the agenda. Mr. Bogard seconded the motion passed 6-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **'DONNA HECK DAY'**

Mayor Dana read the Proclamation in honor of Ms. Heck's semi-retirement and presented it to her. Ms. Heck thanked Mayor Dana and Council and advised she would miss working with them. Ms. Heck noted she would return to work on a part-time basis as the Human Resources Director in September.

PRESENTATION **SHARE FEST**

Ms. Carol Michael, provided a PowerPoint presentation with the assistance of Andrew Wilson. Ms. Michael noted Sharefest 2009 was a huge success, which helped over 600 families throughout Oxford and Butler County, with the help of 143 volunteers and sponsored by 26 organizations and Miami University offices. Ms. Michaels summarized the planning and preparation that occurred prior to May 7, 2009 as well as the actual event. Ms. Michaels thanked all of the volunteers and sponsors and introduced ShareFest volunteers who were in attendance.

NOTICE TO **LEGISLATIVE AUTHORITY**

Notice to Legislative Authority – Transfer Permit from Distinguish Inc DBA Alexander House 22 N College Ave and Patio Oxford, Ohio 45056 to Nara LLC DBA Alexander House 22 N College Ave and Patio Oxford, Ohio 45056. (Mary Ann Eaton, Clerk of Council)

Mr. Bogard moved to receive the Notice to Legislative Authority without comment. Mr. Rutherford seconded. The motion passed 5-1-0 with Mr. Ross voting nay.

PUBLIC COMMENTS

Ms. Kathleen Zien, 6060 Joseph Drive, advised she attended the Board of Zoning Appeals meeting last night and noted there should be public outrage with regard to the miss-matched coupled together homes on one lot at 201 S. Poplar Street. Ms. Zien noted her hope the Oxford Press would cover this matter with a photo and reprint of the July 3, 2009 letter to the editor. Ms. Zien advised the 210 S. Poplar address had two complete single-family homes connected by a yet to be completed breezeway. Ms. Zien advised her feeling the BZA meeting procedure was discouraging noting the Chair badgered the applicant as to how he was of 'standing' to make the appeal. Ms. Zien noted it should not be necessary to show special harm when the harm may be a violation of the zoning code which was to be enforced uniformly to benefit the entire community. Ms. Zien noted the question of whether property values were affected was impossible to show and this procedure was a ruse to prevent citizens from questioning whether permits were being issued in compliance with the zoning code rather than in violation of it. Ms. Zien noted her feeling this was something Council needed to correct.

Ms. Zien noted there was no similar language requiring standing for an administrative appeal for townships, counties or municipalities in the revised code and this was something invented by the City of Oxford to bar citizens from insuring the zoning code was enforced. Ms. Zien noted her feeling the BZA meeting was disrespectful to the applicant and requested a member of Council to initiate action tonight to investigate the project and for all Council members to re-read the request of Mr. Kellems in the July 20, 2009 BZA agenda and to reference the February and March BZA agendas for additional information.

CONSENT AGENDA

MINUTES

Minutes of the July 7, 2009 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the July 1, 2009 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

RESOLUTIONS

RESOLUTION **CONTRABAND DISPOSAL**

A Resolution No. 4465 authorizing the Police Chief and Finance Director to dispose of contraband no longer needed as evidence. (Steve Schwein, Police Chief)

RESOLUTION **MUTUAL AID** **AGREEMENT**

A Resolution No. 4466 authorizing the City Manager to enter into a Mutual Aid Agreement with the Ohio Department of Natural Resources (ODNR). (Steve Schwein, Police Chief)

RESOLUTION **TRANSFER PROPERTY**

A Resolution No. 4467 declaring two (2) Advanced Tasers and accessories no longer needed for municipal purposes, to be surplus, and authorizing the transfer thereof to the Union County Sheriff's Department located at 106 E. Union Street, Liberty, IN. 47353-1438. (Steve Schwein, Police Chief)

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

RESOLUTION

RESOLUTION
HIGH STREET
IMPROVEMENTS

A Resolution No. 4468 of Council supporting the submission of a grant application for the Ohio Public Works Commission Issue 1 funds in the amount of \$400,000.00 to be used for the rehabilitation of High Street between Beech Street and College Avenue. (Mike Dreisbach, Service Director)

Mr. Popescu discussed the staff report as presented on page 68 of the agenda.

Mr. Ross inquired why the cross-walk bricks were laid in a perpendicular fashion and Mr. Popescu advised that ODOT dictated the design.

Mr. Bogard inquired if new water lines would be installed and Mr. Popescu advised yes.

Ms. Fischer inquired when the project would commence and Mr. Popescu advised next summer.

Mr. Bogard moved to adopt Resolution No. 4468. Mr. Rutherford seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Fischer, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
FIRST READING

An Ordinance Amending Ordinance No. 3033. Supplemental Budget Ordinance Number 7 To Make Supplemental Appropriations For Fiscal Year 2009. (Joe Newlin, Finance Director)

Mr. Newlin addressed the staff report as presented on pages 76 and 77 of the agenda.

ORDINANCES
SECOND READING

**APPROPRIATE TO
PUBLIC USE**

An Ordinance No. 3065 To Appropriate To Public Use, All Right Title And Interest In A Certain Parcel Of Property Located On Oxford College Corner Road Near Todd Road For The Purpose Of Permanent Rights-Of-Way And Temporary Construction Easements And Declaring An Emergency. (Mike Dreisbach, Service Director)

Mr. Popescu addressed the staff report as presented on page 80 of the agenda noting five property owners had not come to an agreement with the City regarding the acquisition of right-of-way for Phase III of the planned improvements on US-27 North.

Mr. McHugh advised property addresses or location were added to section three and the property value was added to section five of the proposed Ordinances. Mr. McHugh noted the law suits were prepared and would be filed tomorrow in order to stay on schedule with ODOT.

Mr. Bogard advised he appreciated receiving the map which helped him locate the parcels to be appropriated.

Ms. Fischer noted she appreciated receiving the map and all of the information that was made available.

Mr. Keebler advised it was important to move forward with this process as quickly as possible. Mr. Keebler noted he was disappointed that property owners did not settle with the City as the right-of-way additions were very minor and would not affect the land.

Mayor Dana noted this had been a multi-year project which was well received and it was important to move forward with the process.

Mr. Bogard moved to adopt Ordinance No. 3065 as an emergency. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Fischer, Mr. Keebler, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

**APPROPRIATE TO
PUBLIC USE**

An Ordinance No. 3066 To Appropriate To Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At And Near 5495 Oxford College Corner Road For The Purpose Of Permanent Rights-Of-Way And Temporary Construction Easements And Declaring An Emergency. (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Ordinance No. 3066 as an emergency. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Rutherford, Mr. Bogard, Ms. Fischer, Mr. Keebler, Mr. Ross, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

**APPROPRIATE TO
PUBLIC USE**

An Ordinance No. 3067 To Appropriate To Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At 5735 Oxford College Corner Road For The Purpose Of Permanent Rights-Of-Way And Temporary Construction Easements And Declaring An Emergency. (Mike Dreisbach, Service Director)

Mr. Rutherford noted some properties could be rendered non-conforming as a result of acquisition and suggested the issue be considered during the re-write of the zoning code.

Mr. Bogard moved to adopt Ordinance No. 3067 as an emergency. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

**APPROPRIATE TO
PUBLIC USE**

An Ordinance No. 3068 To Appropriate To Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At And Near 5500 Oxford College Corner Road For The Purpose Of Permanent Rights-Of-Way And Temporary Construction Easements And Declaring An Emergency. (Mike Dreisbach, Service Director)

Mr. Rutherford moved to adopt Ordinance No. 3068 as an emergency. Mr. Bogard seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

**APPROPRIATE TO
PUBLIC USE**

An Ordinance No. 3069 To Appropriate To Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At The Corner Of Oxford College Corner Road And Todd Road For The Purpose Of Permanent Rights-Of-Way And Temporary Construction Easements And Declaring An Emergency. (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Ordinance No. 3069 as an emergency. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

**ORDINANCE
CODE UPDATE**

An Ordinance No. 3070 To Approve Current Replacement Pages To The Oxford Codified Ordinances. (Mary Ann Eaton, Clerk of Council)

Ms. Fischer referred to page 124 of the agenda and noted she thought the language would be modified in section 4 since Exhibit "A" was not included in the agenda packet. Ms. Eaton noted the staff report on page 122 indicated copies of the replacement pages (Exhibit "A") were available at City Hall during normal business hours.

Mr. McHugh suggested amending a portion of section 4 to read 'incorporated herein by reference.'

Ms. Fischer moved to amend section 4 to read 'The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are incorporated herein by reference.' and striking 'attached to this Ordinance as Exhibit A.' Mr. Bogard seconded. The motion passed 6-0-0.

Mr. Keebler moved to adopt Ordinance No. 3070 as amended. Mr. Rutherford seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Rutherford, Mr. Bogard, Ms. Fischer, Ms. Dana (5)

NAY: Mr. Ross (1)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL
BUDGET

An Ordinance No. 3071 Amending Ordinance No. 3033. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2009. (Joe Newlin, Finance Director)

Mr. Newlin addressed the staff report as presented on page 125 of the agenda.

Mr. Bogard moved to adopt Ordinance No. 3071. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Fischer, Mr. Keebler, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mayor Dana advised members of the School Board requested an update on the US-27 South improvement project. Mr. Elliott advised Mr. Dreisbach included an update of the project in his Friday Report and staff would forward it to the School Board.

Mayor Dana asked Council members for their input on ways to reduce copying and paper expenses with regard to reports and agendas. Mr. Keebler advised he would be interested in knowing the procedures followed in other cities. Mr. Ross suggested making sure all copies were two sided and margins could be narrower on some documents.

Mayor Dana advised as a result of the efforts of Bonita Porter and other volunteers a portion of Brown Road was designated as a Scenic Byway and official notification of the designation was expected soon.

Mayor Dana noted she included information on the 'Your Town' Workshops in Council's Friday Packet and noted she would like to pursue Oxford becoming a candidate for the Workshop.

Mayor Dana discussed various projects the parking committees were working on and noted some new initiatives would come before Council in a month or so.

Mayor Dana advised Roger Reynolds, Butler County Auditor would attend a Council Work Session on August 18, 2009 at 6:00 p.m. to discuss property reappraisals and answer questions from Council and the public.

Mr. Elliott advised a meeting would take place this week with members of staff, Mr. Jeff McDonald, representatives from the Ohio Department of Natural Resources and the Butler County Game Warden to develop a deer management program for the City of Oxford. Mr. Elliott noted his hope a proposal would come before Council in the near future.

Mr. Elliott noted he and the Council sub-committee met with the Oxford Township Trustees to begin negotiations on a new contract for Fire and EMS Services.

Mr. Elliott advised legislation would be introduced at the next meeting regarding the county-wide communications system and the annexation of the Talawanda School District property.

Mr. Elliott updated Council regarding the Preliminary Flood Maps.

Mr. McHugh addressed issues Ms. Zien raised earlier this evening noting the Board of Zoning Appeals was a quasi-judicial board and were required to establish whether or not someone had 'standing' as related to appeals. Mr. McHugh advised the board and Mr. Jacques were well versed in the procedure which was not invented by the City of Oxford. Mr. McHugh advised the Board of Zoning Appeals followed the law with regard to the case heard on July 20, 2009.

Ms. Fischer noted an Ordinance adopted recently would prevent an addition such as the one at 210 S. Poplar to be built today.

Mr. Ross noted there were 4 Council positions available and as of yesterday only 3 people were running.

Mr. Ross noted with the adoption of the Code Update more restrictions were placed upon citizens' liberties.

Mr. Ross commented on the large amount of paper being distributed even with computers being utilized.

Mr. Rutherford requested an update regarding the Uptown parking study and the possibility of a rail stop in Oxford.

Mr. Rutherford inquired where the City property on Rt. 732 was being advertised for sale and requested that language be added to reflect water utilities were located on the property. Mr. Rutherford requested staff to investigate whether there was an advantage in consolidating the parcel on the southwest corner of the property with the property for sale.

Mr. Rutherford encouraged citizens to attend the Porsche Car show in Uptown Oxford this weekend noting the Kiwanis would serve breakfast in the Uptown Park.

Ms. Fischer noted Council had received a lot of comments regarding the lack of parking in Uptown Oxford and encouraged people to look for spaces a block away from their destination.

Ms. Fischer stated she would like to see more places for bicycle parking that was inviting and noted a bicycle rack Uptown was sometimes mistaken for a sculpture.

Ms. Fischer noted she looked forward to receiving the deer management proposal especially with regard to urban areas.

ADJOURNMENT

Mr. Bogard moved to adjourn at 8:58 p.m. Mr. Keebler seconded. The motion passed 6-0-0.