A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, August 7, 2012 at 7:15 p.m. Those members present were Ken Bogard, Bob Blackburn, Kevin McKeehan, and John Harman. Steve Snyder and Kate Rousmaniere 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. Andrew Wilson, Administrative Assistant to Director (Technical); Mr. Steve McHugh, Law Director, and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

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

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Blackburn moved to return from Executive Session at 7:30 p.m. Mr. Harman 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. Blackburn seconded. The motion passed 5-0-0.

PUBLIC PARTICIPATION

REQUEST FOR USE OF PARK

Mr. Guy Moore, 520 Windingbrook Dr., advised he reserved the Uptown Park for a fundraiser for the Cancer Wellness Center of Cincinnati and would like to include food and merchandise vendors as part of the event.

Mayor Keebler noted the event took place last year without coming to Council because staff was unaware there would be vendors on site. Mayor Keebler inquired if there were any issues with the event last year and Mr. Elliott and Chief Holzworth advised no.

Mr. Bogard inquired if the food vendors would be local and Mr. Moore advised yes.

Mr. McKeehan inquired how many vendors would participate in the event and Mr. Moore advised 15 to 20.

Mr. Blackburn moved to approve the request to have vendors in the Uptown Park for the Oxford Battle of the Surfing Bands event. Mr. Harman seconded. The motion passed 5-0-0.

PRESENTATION
SHAREFEST OXFORD

Ms. Carol Michael, 409 E. Chestnut Street, provided a PowerPoint presentation with the assistance of Andrew Wilson regarding the ShareFest Oxford 2012 event which took place May 3, 2012 through May 8, 2012. Ms. Michael noted ShareFest provided departing Miami University students with a convenient and environmentally friendly way to donate usable furniture, food and clothing to local social service agencies and the general public. Ms. Michael discussed marketing efforts for the event, operational costs, volunteers, donations and impact, sponsors and the ShareFest Oxford 2012 Planning Committee. Ms. Michael recognized the sponsors and thanked all of the volunteers and the Planning Committee for their efforts. Ms. Michael noted the event was successful again this year and the Planning Committee was looking forward to an even better event next year. Ms. Michael thanked Council for their support.

Mayor Keebler thanked Ms. Michael noting the event was an extremely worthwhile community endeavor which helped so many people and the recycling effort was very valuable as well.

APPOINTMENTS TO
BOARDS AND COMMISSIONS

Mr. Bogard moved to appoint Marguerite Moul to the Student Community Relations Commission as a resident representative for a three year term ending June 30, 2015 and Jason Grunkemeyer to the Recreation Board as a Talawanda School District representative for a three year term expiring June 30, 2015. Mr. Blackburn seconded. The motion passed 5-0-0.

PUBLIC COMMENTS

None.

CONSENT AGENDA

MINUTES

Minutes of the July 17, 2012 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the July 10, 2012 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the July 11, 2012 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the July 11, 2012 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report regarding the July 18, 2012 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the July 25, 2012 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

RESOLUTION

A Resolution No. 4692 authorizing the Police Chief and Finance Director to dispose of contraband no longer needed as evidence. (Bob Holzworth, Police Chief)

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

RESOLUTIONS

RESOLUTION
AMEND LOAN AGREEMENT

A Resolution No. 4693 authorizing the City Manager to amend the loan agreement between the City of Oxford and Moon Cooperative Services, Inc. with conditions. (Alan Kyger, Community Development Director)

Mr. Kyger advised approximately a year ago Moon Cooperative Services, Inc. was granted a Revolving Loan Fund loan through the Oxford Community Improvement Corporation for $245,000.00 for a period of 5 years. Mr. Kyger noted Moon had quite a bit of working capital but the cost of starting-up and building out the site caused them to have less cash flow than they had hoped. Mr. Kyger advised in May the CIC Revolving Loan Fund Committee recommended amending the agreement to add one year to the loan and allow them to make interest only payments for a one year period. Mr. Kyger noted the full CIC Board approved the recommendation in May with conditions that the borrower provided the City with financial and bank statements monthly and if it was determined that the amended agreement was no longer needed the City could request resumption of the original loan payment. Mr. Kyger advised Beth Eacker from the Moon Cooperative Services, Inc. Board was in attendance to address any questions.

Ms. Beth Eacker, thanked the CIC and City Council for considering the amended agreement noting the board was very appreciative. Ms. Eacker noted Moon's store was fabulous and encouraged everyone to visit. Ms. Eacker thanked all of Moon's shoppers for their support.

Mayor Keebler inquired if measures were in place to show that the loan modification would be a big help and it would be unlikely that further loan modification would be needed. Ms. Eacker advised staff costs had been reduced and a basics program was put in place reducing the food costs more than the initial costs. Ms. Eacker noted Moon held several successful fundraisers including a community dinner where they made $11,000.00 in three hours. Ms. Eacker advised another fundraiser would take place on August 18, 2012.

Mr. Kyger noted there was no guarantee that additional modifications wouldn't be necessary as it depended on sales.

Mr. McKeehan advised he was on the CIC as the Council representative and the Revolving Loan Fund Committee and the committee received assurance that Moon was making significant changes to improve their bottom line.

Mr. Blackburn noted the loan modification showed that the City and the CIC were business friendly.

Mr. Harman noted he was a member of Moon Cooperative Services, Inc. and he had noticed the changes being made to reduce overhead. Mr. Harman advised customers were asked not to purchase items with a credit card to eliminate that fee. Mr. Harman advised he felt they were doing the right things and going in the right direction.

Mr. Blackburn moved to adopt Resolution No. 4693. Mr. Harman seconded. The motion passed 5-0-0.

RESOLUTION
CONTRACT WITH RAM
CONSTRUCTION SERVICES

A Resolution No. 4694 accepting the bid and authorizing the City Manager to enter into a contract with Ram Construction Services for improvements to the Municipal Parking Garage as set forth in Exhibit "A" attached hereto at a cost of $244,925.00 plus a contingency amount of ten percent (10%) of the contract price or $24,492.50 for a total cost not to exceed 269,417.50. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the City hired a consultant to perform an assessment of the parking garage's condition as well as to recommend a restoration plan for the 10 year old facility. Mr. Dreisbach noted the plan proposed improvements over a five year period with an expected cost of $625,000.00. Mr. Dreisbach noted the City advertised for bids for years one and two of the plan and had three responders with Ram Construction Services providing the lowest bid. Mr. Dreisbach advised staff was recommending approval of a contract to take care of the first 2 years of the proposed restoration plan and noted the structure was 10 years old and would need ongoing maintenance to ensure it lasted several more decades. Mr. Dreisbach advised additional funds were needed for the project and a Supplemental Budget was on tonight's agenda.

Mayor Keebler inquired what was budgeted for year one of the plan and Mr. Dreisbach advised $120,000.00.

Mr. McKeehan inquired if the City had any experience with Ram Construction Services or if the City obtained references. Mr. Dreisbach advised the City had no direct experience with the company although the consultant did and the consultant felt they did good work.

Mayor Keebler noted concern that $120,000.00 was budgeted and $244,925.00 would be spent on the restoration. Mr. Elliott advised staff wanted to speed up the plan and until the waterproof membrane was replaced all of the parking spaces could not be leased. Mr. Elliott noted the City needed to protect its investment in the parking garage and funds were available in the Parking Improvement Fund to do that.

Mr. Blackburn noted replacing the waterproof membrane would reduce further deterioration and repair costs in the future.

Mr. Bogard noted the repair work was starting at the top of the garage by replacing the waterproof membrane and asked Mr. Dreisbach to explain the process for the public.

Mr. Dreisbach advised the first priority in year one was to install structural steel in some weakened areas of the garage. Mr. Dreisbach noted the major cost of year two was the installation of the traffic bearing membrane on both halves of the upper deck which would stop water infiltration from going through the concrete and would direct water to the existing drainage system. Mr. Dreisbach advised the City received the nice pricing by combining two major steps of the restoration.

Mr. Blackburn inquired how long the project would take. Mr. Dreisbach advised the work would begin after the second reading of the Supplemental Budget Ordinance and should be complete by December. Mr. Dreisbach noted much of the work was temperature sensitive and needed to be done in the autumn.

Mr. Bogard moved to adopt Resolution No. 4694. Mr. Harman seconded. The motion passed 5-0-0.

ORDINANCES
FIRST READING

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 40.113 Acres Of Land On Kehr Road, Oxford, Ohio (Oxford Parcel H4000132000015) And Rezoning The Property From A-1 (County Zoning) To Oxford AOS (Agricultural Open Space) Zoning District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised when territory was annexed into the City it needed to receive initial City zoning and this property was annexed in 2008. Mr. Chen noted the owner originally wanted to develop an affordable housing subdivision but that project never materialized.

Mr. Chen advised the property had been used for agricultural purposes for quite some time and the Planning Commission voted unanimously to recommend to Council that the initial City zoning should be Agricultural Open Space (AOS).

Mr. Bogard inquired what the process was if the owner wanted to develop the land in the future. Mr. Chen advised the owner you need to go through the Planning Commission and City Council for any future development and there would be ample opportunity for public input.

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 237.51 Acres Of Land On Oxford Trenton Road, Oxford, Ohio (Oxford Parcels H3610027000008, H3610027000009 and H3510027000007) And Rezoning The Property From A-1 (Township Zoning) To City of Oxford MU (Miami University) Zoning District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised Ordinance number 2 and 3 were considered together at the Planning Commission meeting and, to make the proposed initial zoning clearer, this Ordinance dealt with the Miami University property only. Mr. Chen noted these parcels were part of the Miami Heritage Tech Park annexation and the township zoning was agricultural. Mr. Chen advised the initial City Zoning would be MU (Miami University) because the university owned the property.

Mr. Bogard and Mayor Keebler noted the proposed Ordinance was straight forward.

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 74.42 Acres Of Land On Oxford Trenton Road, Oxford, Ohio (Oxford parcel H3610027000005) And Rezoning The Property From B-PUD (County Zoning) To City of Oxford OI (Office & Light Industrial) Zoning District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this parcel was where the proposed Tech Park would be built and was zoned B-PUD under the township. Mr. Chen noted the pre-annexation agreement with the City included a provision that the City zoning would be comparable to the township zoning and therefore it would be OI (Office and Light Industrial).

Mr. Bogard noted his hope the Tech Park would develop in a timely fashion and this was part of the process to make that happen.

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 47.069 Acres Of Land Known As Yager Stadium And Surrounding Areas (Oxford parcel H3510026000031, Being Part Of Lot #4 And Part Of Lot #5) And Rezoning The Property From A-1 (County Zoning) To City of Oxford MU (Miami University) Zoning District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the 47 acres included Yager Stadium and the sports complex and it was annexed into the City in 2010. Mr. Chen noted the initial City zoning should be MU (Miami University).

There were no comments from the public or from Council.

ORDINANCE
STREET NAME CHANGE

An Ordinance Changing The Name Of "Wooster Court" In The Campus Commons Subdivision To "Wooster Place" And Directing The Clerk To Forward A Certified Copy Of This Ordinance To The County Engineer For The Appropriate Change On The Subdivision Plat. (Jung-Han Chen, Community Development Director)

Mr. Chen referred to page 98 of the agenda and advised the recorded final plat for this subdivision showed that the extension of Wooster Place was named Wooster Court. Mr. Chen noted for safety purposes and for logical address numbering the extension should be renamed to Wooster Place.

There were no comments from the public or from Council.

ORDINANCE
NEW SECTION 309.2 PROPERTY
MAINTENANCE CODE

An Ordinance Repealing Current Oxford Property Maintenance Code Section 309.2, Agent Required, And Adopting New Section 309.2, Agent Required. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the current Property Maintenance Code stipulated that the owner of a rental property needed to designate an agent (which could be the owner) and that the agent must reside in Butler County or an adjacent township to Oxford Township. Mr. Chen noted this seemed too restrictive and staff felt the agent or agency should be allowed to reside in an adjacent county including Hamilton, Montgomery, Preble, and Warren Counties in Ohio, and Dearborn, Franklin, and Union Counties in Indiana.

Mr. McKeehan noted the proposed expansion seemed to be more business friendly.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3159. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2012. (Joe Newlin, Finance Director)

Mr. Newlin advised the first item of Supplemental Budget Number 3 was an increase in the appropriation for the parking garage improvements that Mr. Dreisbach discussed earlier this evening. Mr. Newlin noted the second item would record the revenue received from a donation from the Oxford Community Foundation, Red Brick and Ivey Fund for maintenance items in the Uptown Park.

ORDINANCE
SECOND READING

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance No. 3177 Approving A Conditional Use Permit For A Fast Food Restaurant With A Drive-Through In The General Business District At 321 W. Spring Street With One Condition. (Jung-Han Chen, Community Development Director)

Mr. McKeehan recused himself from the discussion and vote.

Mr. Chen advised he had no new information since the first reading of the Ordinance.

Mr. Harman noted a drive through was already at this location.

Mayor Keebler advised there were no changes to the structure and a drive through was there when the site was a bank. Mayor Keebler noted the request met favorably with the Planning Commission and with Council at the last meeting.

Mr. Blackburn moved to adopt Ordinance No. 3177. Mr. Harman seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Harman, Mr. Blackburn, Mr. Bogard, Mr. Keebler (4)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

DISCUSSION ITEM
DISORDERLY HOUSE LEGISLATION

Mr. Chen advised the Housing Advisory Commission (HAC) had been discussing initiatives to make the Mile Square a more attractive place for perspective home owners. Mr. Chen noted the HAC had made recommendations to City Council in the past; including the requirement of waste wheelers for all rental properties, and a Neighborhood Conservation Overlay District. Mr. Chen advised the HAC believed legislation monitoring disorderly houses might be another way to improve the mile square as several properties received multiple citations from the Oxford Police Department within one year. Mr. Chen noted the HAC looked at legislation from other college towns and were in favor of an Ordinance from Durham, NH because the property owners were involved in the process. Mr. Chen advised Mr. McKeehan served on the HAC and may have additional comments.

Mr. McKeehan noted the HAC had discussed this issue for about a year and felt the legislation from Durham was the most neutral. Mr. McKeehan advised some of the legislation they looked at had very harsh penalties including the removal of rental permits. Mr. McKeehan noted the legislation from Durham would need to be modified to be a better fit in Oxford.

Mr. Chen noted when the Planning Commission discussed the definition for a fraternity house the consensus at that time was that land use regulations was not the place to deal with behavioral matters and there needed to be another mechanism.

Mayor Keebler inquired if Council wanted the HAC to work with the Law Director to draft legislation for Oxford.

Mr. Bogard noted fraternity houses got noisy at times but house parties were the same way. Mr. McKeehan advised fraternity houses played a much smaller role in the HAC discussions than privately owned properties. Mr. McKeehan noted approximately 6 houses received over 4 calls to the Oxford Police Department within one school year. Mr. Blackburn noted he felt landlords should be involved but not cited, the tenants should be cited. Mr. Harman inquired who paid the fine currently and Mr. Chen advised the tenant. Mr. Harman noted the proposed legislation would make the property owner responsible for what went on at the rental property and Mr. Chen advised yes, along with the tenants. Mr. Elliott noted the first Notice of Disorderly House was just a notice and the second one included a fine which was waived if the landlord attended a meeting and put together a plan to remedy the situation with the Police Chief and others. Mr. McHugh noted having an Ordinance to address disorderly houses would give landlords an incentive that if residents were out of control it might be time to file a forcible eviction. Mr. McHugh advised landlords could also put provisions in lease agreements addressing the consequences of receiving these types of citations. Mr. Bogard suggested Council send the matter back to the HAC to develop the proper language. Mayor Keebler noted he was a landlord and landlords didn't have a lot of control over tenant's activities and he felt there should be healthy fines against the residents.

Mr. Elliott thanked Council for adopting the Resolution authorizing the improvements to the parking garage and noted the garage was ten years old and he knew Council wanted to protect the City's investment and make sure the facility continued to provide the needed parking in the Uptown area.

Mr. Elliott advised staff was in the process of reviewing the CIP requests from Department Heads and would finalize their recommendations and send them to Council on August 16, 2012. Mr. Elliott noted a Council Work Session would take place August 21, 2012 to review his recommendations.

Mr. Elliott discussed the meeting that took place last week with the Oxford Township Trustees to negotiate a new contract for the City to provide Fire and Emergency Medical Services for the unincorporated portion of the township. Mr. Elliott noted he attended the meeting along with the Mayor, Vice Mayor and Fire Chief. Mr. Elliott noted the meeting went well and he would present a draft contract to Council at the next meeting.

Mr. Kyger advised storefronts in Uptown Oxford were 99% full and noted O'Pub received its occupancy permit, Bluetique would open soon at 35 W. High Street and Orange Leaf Frozen Yogurt would open soon Uptown. Mr. Kyger advised Moonshine Printing was moving Uptown. Mr. Kyger noted Spring Street Treats opened in July and was a very nice addition to the town.

Mr. Harman advised Butler County was getting ready to start the early voting process and noted now was the time to register for those who had not registered. Mr. Harman encouraged anyone with questions to call the Board of Elections at 513-887-3700.

Mr. Blackburn reminded everyone that the annual Pig Roast would take place on August 23, 2012 and about 6,000 people were expected to attend.

Mr. Bogard congratulated Mr. Newlin, Ms. Hill and the Finance Department for the excellent Comprehensive Annual Financial Report for 2011. Mr. Bogard noted he felt the narrative was very good and it was written with understandable language.

Mr. Bogard encouraged Councilors who had not done so to volunteer for the Walk About event on Sunday, August 19th and Monday, August 20th. Mr. Bogard noted he would rejoin his good friend Jerome Conley and participant in the event.

Mr. McKeehan noted due to a family matter he had spent a lot of time at McCullough Hyde Hospital and the Knolls of Oxford and both operations were doing a fine job. Mr. McKeehan advised he felt Oxford was blessed to have a fine hospital as well as nursing and rehab facilities.

Mayor Keebler advised the next meeting would take place August 21, 2012 with Work Session beginning at 6:30 p.m. to discuss the CIP.

Mr. Elliott noted the CAFR was available on the City's website and it contained a lot of useful information.

ADJOURN

Mr. Bogard moved to adjourn at 8:35 p.m. Mr. McKeehan seconded. The motion passed 5-0-0.