A Regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, September 15, 2009 at 7:30 p.m. Those members present were Ken Bogard, Richard Keebler, Alysia Fischer, Kate Currie and Greig Rutherford. Doug Ross arrived at 7:35 p.m.
Staff members present: Mr. Mike Dreisbach, Acting City Manager; Mr. Steve Schwein, Police Chief; Mr Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Mr. Alan Kyger, Economic Development Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Mayor Dana called for the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

INTRODUCTION
PART-TIME POLICE OFFICERS

Chief Schwein introduced Scott Campbell and Darrell Byrd as Oxford's two newest Police Officers noting both Scott and Darrell were still in training and doing extremely well. Chief Schwein advised both Scott and Darrell had been residents of Oxford for quite some time and he was pleased they chose Oxford to obtain their part-time policing experience.
Mayor Dana congratulated the officers and welcomed them to the force. Mayor Dana advised she participated in a Police Ride-Along Saturday night/Sunday morning and was very impressed by the professionalism of the department and Sergeant Colyer.

NOTICE TO LEGISLATIVE AUTHORITY

Notice to Legislative Authority – Transfer from Midstates Restaurants Inc DBA Pedros 1st Fl 40-44 E. Park Pl PO Box 591 Oxford, Ohio 45056-0591 to Patterson Finance Co LLC 103 W. Spring St Oxford, Ohio 45056.

Chief Schwein advised he met with Mr. Patterson last week and would schedule training for his employees regarding their responsibilities while serving alcohol. Chief Schwein noted Mr. Patterson was in attendance to answer any questions.

Mr. Mike Patterson, Owner, Patterson's Café, advised it was important to him and his wife that the Café did not turn into a bar noting they would provide a limited selection of alcoholic beverages initially. Mr. Patterson thanked Chief Schwein for the Police Department's assistance in training his employees with regard to serving alcohol.

PUBLIC COMMENTS

Mr. Matt Ciccone, Secretary, Off Campus Affairs, thanked Council for considering the SCRC with regard to agenda item 6.B.3. establishing the creation of an alcohol education program. Mr. Ciccone noted the SCRC had a healthy conversation regarding the issue with members of the mile square, Ms. Fischer, the Police Department and students.

CONSENT AGENDA

MINUTES

Minutes of the September 1, 2009 City Council Work Session Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the September 1, 2009 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORT

Report regarding the August 26, 2009 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report regarding the September 2, 2009 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Ms. Fischer moved to approve the consent agenda. Mr. Bogard seconded. The motion passed 7-0-0

RESOLUTION

RESOLUTION
DEER MANAGEMENT
PROGRAM

A Resolution No. 4482 authorizing the City Manager to establish and implement a Deer Management Program, to create rules and regulations for obtaining a Deer Hunting Permit, and to issue written permits to those individuals who meet the necessary qualifications. (Doug Elliott, City Manager)

Mayor Dana advised Mr. Elliott was out of town attending a conference and Mr. Dreisbach would address the proposed Resolution.

Mr. Dreisbach addressed the staff report as presented on page 27 of the agenda packet noting the goal was to restore a natural balance of white tailed deer in the Oxford area. Mr. Dreisbach advised the City would work closely with the Ohio Department of Natural Resources to implement the program.

Mr. David Gorchov, 101 Peabody Drive, noted he was a Professor in the Botany Department at Miami University and supported the proposed legislation. Mr. Gorchov advised he had studied the native vegetation in the Oxford area for 19 years and had seen a decline in native species which was most likely due to excessively high deer populations. Mr. Gorchov noted he had read numerous articles which indicated very high populations of white tailed deer had a negative effect on native plants and other aspects of the eco-system by promoting the invasion of some non-native exotic plants and by changing the succession of forest paths. Mr. Gorchov advised from the perspective of the eco-systems in the area and as a home who had seen deer impacts increase over the years he felt the proposed Resolution was a great idea.
Ms. Currie inquired if 30 deer was the harvesting limit per year and Mr. Dreisbach advised 30 was the target for the first year and in subsequent years that number would be reevaluated. Ms. Currie requested details regarding the nature of the proficiency test for potential hunters and Mr. Dreisbach advised ODNR had an urban deer management program and the proficiency was spelled out in the program which the City would follow. Ms. Currie inquired if only the first deer harvested by a hunter could be donated to the Community Meal Center and Mr. Dreisbach advised the hunter could choose to keep subsequent deer or donate them.
Mr. Rutherford inquired how many deer could be obtained with a permit and Mr. Dreisbach advised 4 antlerless deer. Mr. Rutherford inquired if the number of permits issued would be restricted and Mr. Dreisbach advised yes noting the City Manager would have discretion regarding how many permits to issue to attain the goal of harvesting 30 deer. Mr. Rutherford advised some agencies used a lottery system to choose the hunters and noted his hope the City Manager's process would not seem arbitrary.
Mr. Ross inquired who would oversee the proficiency testing for potential hunters and Mr. Dreisbach advised the law enforcement branch of ODNR would verify the proficiency of the potential candidates.

Mayor Dana advised her feeling the Open House with ODNR held on September 9th was very informative and well attended.

<u>Mr. Keebler moved to adopt Resolution No. 4482. Mr. Rutherford seconded. The Resolution was adopted by the following roll call:</u>

AYE: Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
FIRST READING

ORDINANCE
AMENDING SECTIONS
505.11 AND 549.09

An Ordinance Amending Section 505.11 Of The Codified Ordinances Of The City Of Oxford, Ohio, Entitled Hunting Prohibited, And Section 549.09 Of The Codified Ordinances Of The City Of Oxford, Ohio Entitled Throwing Or Shooting Missiles. (Doug Elliott, City Manager)
Mr. Dreisbach advised the Codified Ordinances of the City of Oxford prohibited hunting within the corporate limits of the City and the proposed Ordinance would allow individuals who obtained a hunting permit from the City Manager to hunt in accordance with the City's Deer Management Program.

Ms. Fischer noted she felt the proposed Ordinance needed further clarification as it seemed those individuals with a hunting permit could engage in all of the prohibitions of the Ordinance.
Mr. Keebler agreed and advised his feeling the Law Director should revise the proposed Ordinance for the second reading to include language which specifically cited bow hunting in accordance with the City's Deer Management Program.

ORDINANCES
SECOND READING

ORDINANCE
FINAL SUBDIVISION APPLICATION

An Ordinance No.3079 Approving The Final Subdivision Application For Campus Commons Subdivision, Phase One With Conditions. (Jung-Han Chen, Community Development Director)
Mr. Chen referred to page 34 of the agenda packet and suggested the removal of condition a. and b. since those conditions had been met.

Mr. Keebler noted he felt the conditions should remain as part of the proposed Ordinance to keep a record of the follow through of those items.

Mr. Rutherford advised he felt the Homeowners Association Declarations should be a component of the proposed Ordinance and requested a copy of the final document.

Mr. Rutherford noted concerns regarding street widths which did not comply with the subdivision regulations. Mr. Rutherford advised he would not vote in favor of the proposed Ordinance.

Mr. Keebler moved to adopt Ordinance No. 3079. Mr. Ross seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: Mr. Rutherford (1)

ORDINANCE
REPEALING CHAPTER 146

An Ordinance No. 3080 Repealing Oxford Code Of Ordinances Chapter 146, Finance Commission. (Doug Elliott, City Manager)

Mr. Bogard referred to page 71 of the agenda packet which explained the rationale for discontinuing the Finance Commission.

Mr. Bogard moved to adopt Ordinance No. 3080. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
ALCOHOL EDUCATION
PROGRAM

An Ordinance No. 3081 Adopting New Chapter 550, Section 550.01 Of The Oxford Code Of Ordinances Establishing The Creation Of An Alcohol Education Program. (Steve Schwein, Police Chief)

Chief Schwein advised the law director wished to make an amendment to the proposed Ordinance.

Mr. McHugh advised the prosecutor asked that item (4) in Section III (A) be added to read: 'Agrees to pay any applicable Court costs associated with the criminal offense and the City of Oxford Alcohol Education Program costs.'

Chief Schwein reiterated Mr. Ciccone's comments regarding the discussion of the proposed Ordinance at the SCRC meeting last Friday. Chief Schwein noted the judge and prosecutor were satisfied with the proposed Ordinance especially with the addition of item (4) in Section III (A).

Mr. Matt Ciccone, Secretary, Off Campus Affairs, noted he would address the proposed Ordinance from several perspectives based on conversations with regard to it. Mr. Ciccone noted he was in favor of programs that gave students a second chance to not have a misdemeanor on their record. Mr. Ciccone advised many students were concerned with the cost of the proposed program noting students had to complete a program through the university and pay for it as well. Mr. Ciccone referred to page 78 of the agenda packet item (3) 'Agree that no guarantee can be given that all charges will be dismissed.' and requested clarification regarding situations that would result in the charges not being dismissed. Mr. Ciccone noted the student body was concerned that more citations would be issued as a result of the proposed program. Mr. Ciccone referred to items (a) through (i) on page 76 of the agenda packet and noted the students discussed which offenses constituted making a mistake and which offenses constituted being reckless with their futures. Mr. Ciccone noted students felt there were vast differences in the offenses listed and people deserved a second chance for violating some of them (falsification)` and people should be held accountable for violating others. Chief Schwein addressed the issue of someone using false identification and noted it could be a serious offense in light of the stolen identification problem. Chief Schwein addressed the issue of increased citations being written for alcohol offenses and noted the proposed program was only offered once to an individual. Chief Schwein addressed the expense issue and noted sometimes things could not be merged with Miami and the City's program had been in place for 10 years. Chief Schwein addressed the community service issue noting the City had limited resources to supervise those activities. Chief Schwein addressed items from an email received this afternoon by a concerned citizen regarding the proposed Ordinance.

Mr. Christian Adams, Resident of Porter Hall, noted he was glad Mr. Ciccone addressed the issue of discrimination against lower income students and residents who could be affected by the proposed Ordinance. Mr. Adams requested clarification of what the monies were used for when a person paid $15.00 per community service hour to satisfy the community service requirement payable to the Law Enforcement Trust Fund. Mr. Adams noted this practice seemed like a bit of legalized bribery. Mr. Adams noted his hope the monies were used for necessary purposes for the benefit of the community.

Chief Schwein advised the Law Enforcement Trust Fund and the Enforcement Education Fund were established by the State of Ohio for equipment and programs that dealt with combating crime. Chief Schwein noted rifles, bullet proof vests and vehicles were examples of the equipment purchased through the Law Enforcement Trust Fund.

Mr. Keebler advised Council approved all purchases made through the Law Enforcement Trust Fund.

Mr. Ross noted the word 'mistake' came up earlier and drinking irresponsibly wasn't a mistake it was just being stupid. Mr. Ross noted using a fake ID broke the law and if a person was caught they should own up to it. Mr. Ross advised he felt people who committed crimes which involved alcohol were not held responsible enough. Mr. Ross referred to Mr. Adams' comment and noted this was legalized bribery but people did not have to participate in the program. Mr. Ross noted support for the proposed Ordinance as a benefit to the community and reiterated it was a person's choice whether to participate in the program or not.
Mr. Rutherford referred to page 77 of the agenda and noted concern that the Police Chief was established as judge and jury with regard to allowing a person to participate in the Alcohol Education Program. Mr. Rutherford referred to item (C) on page 78 of the agenda and noted concern with the Chief of Police making the decision to allow a person to pay for the community service requirement. Mr. Rutherford noted concern with a person using money to buy forbiddance. Mr. Rutherford noted he felt the proposed Ordinance would put the Police Chief in a bad position.

Mr. Bogard noted he felt it was appropriate for the Police Chief or his designee to administer the Alcohol Education Program.

Ms. Fischer noted at the SCRC meeting a discussion took place regarding the fact that the proposed Ordinance was not written just for students, it was written for anyone who engaged in certain activities and the program needed to be comprehensive. Ms. Fischer noted it would be difficult for some people to afford the program and they might choose to take a misdemeanor over participating in the program. Ms. Fischer noted concern that some people could pay for indulgences while some could not. Ms. Fischer referred to items (a) through (i) on page 76 of the agenda and noted the SCRC felt the range of offenses were vast and perhaps there should be two tiers of offences with some requiring community service.
Mr. Keebler noted support for the proposed Ordinance and advised even if the Police Chief administered the program the prosecutor was still involved. Mr. Keebler advised he felt the cost of the program was not out of line and it was probably less than going through the court process. Mr. Keebler advised significant cost to the City was involved with monitoring community service workers and he was not opposed to some people under exigent circumstances paying $15.00 per community service hour to satisfy the requirement. Mr. Keebler noted a way to avoid dealing with this was not to do the deed.

Ms. Currie referred to Section III (A) (3) on page 78 of the agenda and asked for clarification regarding charges not being dismissed. Chief Schwein advised the decision not to dismiss charges could occur due to someone attending the program but not participating or having their heart into it, or someone who committed another offense while in the program.
Mr. McHugh advised the rate of failure in the previous program was very low. Ms. Fischer requested a list of expectations for someone to successfully complete the program.

Mr. McHugh referred to concerns related to the cost of the program and advised Obstructing Official Business could potentially cost $750.00 and 90 days in jail and Falsification could potentially cost $1,000 and 180 days in jail. Mr. McHugh addressed the issue of paying for the community service requirement and advised if a person had to leave town for work or military service and did not complete the community service requirement a warrant for their arrest would be issued.

Ms. Currie noted she wanted to stress that Council did not want this to be a situation where certain people were advantaged and that paying for community service hours was based on exigent circumstances and that Council was sincere that in cases of economic hardship fees could be waived. Ms. Currie noted she wanted to be certain that those who administered the program would keep those issues in mind.

Mr. Keebler moved to amend the proposed Ordinance by adding item (4) under Section III (A) to read 'Agrees to pay any applicable Court costs associated with the criminal offense and the City of Oxford Alcohol Education Program costs.' Mr. Rutherford seconded. The motion passed

Ms. Fischer moved to adopt Ordinance No. 3081 as amended. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Fischer, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Dreisbach advised the rehabilitation of production well #2 was complete and the well should be producing within the next week or so providing over one million gallons of water for the utility. Mr. Dreisbach advised the Bonham Road water main project was near completion.
Mr. Ross noted the senior games were underway at the Senior Citizens Center. Mr. Ross noted the Oxford Museum Association would host the Apple Butter Festival the first weekend in October.

Mr. Rutherford referred to the existing High School and inquired if public property could be sold to a public entity without a public auction. Mr. Kyger advised he contacted the School Board and they were not in discussions with anyone at this time noting their focus was on constructing the new High School.

Mr. Rutherford advised he had received emails regarding the varying costs for waste wheelers in the Uptown District and asked for clarification of the fee structure. Mr. Rutherford noted he wanted to make sure the fees were equitable for everyone.

Mr. Rutherford discussed the curb, gutter and sidewalk repairs slated for Main Street and advised if the repairs were a burden for the owner the cost could be spread out over time and assessed as part of the property tax.

Mr. Bogard advised Council was made aware of additional costs involved regarding the US-27 N. improvements from Merry Day Drive to the corporate limits and asked Mr. Dreisbach to address the matter. Mr. Dreisbach advised the estimate was much higher than anticipated and the City did not have the additional money in the Capital Improvement Fund to support the project. Mr. Dreisbach noted the City would work with OKI and ODOT to seek additional funding.
Mr. Bogard requested an update on the multi-use path project at the Community Park. Mr. Dreisbach advised the engineering and design work was complete and ODOT would administer the project in 2010.

Ms. Fischer noted many residents were under the impression they could keep as many as 4 chickens in their yards and asked staff to review the zoning code regarding the matter. Ms. Fischer suggested allowing people to own 4 chickens and no roosters for the purpose of providing eggs.

Ms. Fischer requested a list of reasons why a person might not get their charges dismissed after attending the Alcohol Education Program. Ms. Fischer requested detailed information regarding the actual program to share with SCRC members as well as information on sitting in on an actual session or mock session.

Ms. Fischer noted Council promised the public that a public discussion would occur before Tasers were returned to the Police force. Ms. Fischer requested that Council hold a special videotaped meeting to provide for the public review. Mayor Dana advised the Police Advisory Board would discuss the issue at their meeting on Thursday, September 24, 2009.
Ms. Currie also noted concern with the fee structure for waste wheelers and requested staff to review the fees and offer suggestions to improve it. Mr. Dreisbach advised staff would open bids for the solid waste and recycling contract a week from Thursday and if there was an issue with the rate structure that would be the time to address it if Council chose to.
Mayor Dana thanked members of Council for bringing up the issues regarding waste wheelers, curb, gutter and sidewalk repair, and Tasers.

Mayor Dana reminded Council members of upcoming important meetings and events.

Mayor Dana advised a new feature had been added to the City's website called 'Citizens Support Center' and thanked Ms. Newton for her efforts in initiating the service. Mayor Dana noted her feeling the Citizens Support Center along with Oxford on Demand set Oxford apart as a community that tried to communicate with residents on a very active basis.

Mr. Rutherford inquired if the Taser discussion would take place during a Work Session or a Special Meeting and the consensus of Council was to hold a Special Meeting which would be live online as well as videotaped.

ADJOURNMENT

Ms. Fischer moved to adjourn at 9:14 p.m. Ms. Currie seconded. The motion passed 7-0-0.