

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, September 20, 2011 at 7:00 p.m. Those members present were Ken Bogard, Kate Currie, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeegan.

Staff members present: Mr. Mike Dreisbach, Acting City Manager; Mr. Bob Holzworth, Interim Police Chief; Mr. Jung-Han Chen, Community Development Director; Mr. Joe Newlin, Finance Director; Mr. Alan Kyger, Economic Development Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Blackburn moved to approve the agenda. Mr. Bogard seconded. The motion passed 7-0-0.

Mayor Keebler addressed Council and the audience as follows:

‘There is a noticeable absence from our meeting tonight with the retirement of Police Chief Steve Schwein last Friday. Chief Schwein had been discussing his retirement with the City Manager for several months and last week informed the City Manager that September 16, 2011 would be his last day. It was his desire to retire quietly and without public fanfare and we are honoring that request. Steve served as Chief here for 21 years and under his direction the department established community policing, K-9 Officers, bicycle and motorcycle patrols, the Business Liaison Officer, Special Response Team, the Annual Pig Roast, Respect for Law Camp, the Police Advisory Board, Citizens Police Academy and Citizens on Patrol were all started under his watch. The Chief also leaves us with an excellent group of Police Officers and we certainly wish him the best in his retirement. The City Manager has already posted the position through national organizations and local newspapers. He will be looking inside and outside the Police Department and intends for the selection process to include assessment exercises and input from individuals representing a broad cross section of the community and hopes to have a new Chief on board before the new year. In the meantime, I want to welcome Interim Police Chief, Bob Holzworth to our meeting. We all know Bob from his many years serving on the Oxford Police Department and his work with the community and Council. I am sure he will serve us well until a new permanent Police Chief is appointed.’

PUBLIC PARTICIPATION

PRESENTATION

BUTLER COUNTY RECYCLING AND SOLID WASTE DISTRICT

Ms. Anne Fiehrer Flaig, District Coordinator, thanked Council for making time on the agenda for her presentation this evening. Ms. Fiehrer Flaig advised she had distributed to Council a CD containing the Solid Waste Management Plan Update and an Executive Summary of the Recycling Plan for Butler County. Ms. Fiehrer Flaig noted she would discuss highlights of the plan and the proposed changes and address any questions Council may have.

Ms. Fiehrer Flaig provided a PowerPoint presentation noting Solid Waste Districts were required to submit updated Management Plans to the Ohio EPA and Butler County had a 15-year Management Plan, updated every 5 years. Ms. Fiehrer Flaig advised the last update was ratified in 2005 and approved by elected officials representing 99% of the county population. Ms. Fiehrer Flaig noted the Solid Waste Management District was governed by the Ohio EPA, the Solid Waste Policy Committee and the County Commissioners. Ms. Fiehrer Flaig outlined the Solid Waste Plan Update schedule and advised the final plan was due to the OEPA by February 16, 2012. Ms. Fiehrer Flaig noted the Solid Waste District must demonstrate adequate disposal capacity for all waste generated in Butler County and must establish waste reduction strategies in compliance with the recycling goals of the Ohio EPA's State Solid Waste Plan. Ms. Fiehrer Flaig discussed waste reduction strategies including curbside recycling, drop box recycling and recycling incentive programs. Ms. Fiehrer Flaig discussed other provisions of the plan noting the County would provide technical assistance via website, direct mail and advertising and would implement programs to manage scrap tires, household hazardous waste and electronic waste. Ms. Fiehrer Flaig also discussed marketing and outreach strategies for residents, businesses and schools as well as annual grant programs.

Mayor Keebler thanked Ms. Fiehrer Flaig for her presentation and noted he felt Butler County was running an excellent program.

Mr. Rutherford inquired if all of the solid waste drop boxes were located in townships as opposed to municipal locations. Ms. Fiehrer Flaig advised no, and added that the City of Hamilton and the City of Fairfield installed drop boxes in public spaces such as golf courses and fire stations and the County paid the recycling insensitive to the municipalities based on tonnage collected at those locations. Mr. Rutherford noted problems occurred in Oxford at multi-family housing locations and inquired how many households a drop box was expected to serve. Ms. Fiehrer Flaig advised that was hard to estimate and noted Oxford desperately needed a drop box on the west side and she had identified some areas that would be suitable. Mr. Rutherford inquired about recycling opportunities within the school district which Ms. Fiehrer Flaig addressed. Mr. Rutherford inquired about recycling opportunities for compact fluorescent lights and Ms. Fiehrer Flaig advised those were accepted through the Household Hazardous Waste program as well as at local hardware stores.

Ms. Currie inquired if there was a program that incentivized composting. Ms. Fiehrer Flaig advised the Solid Waste District partnered with the Soil and Water Conservation District with regard to composting and noted the Solid Waste District was co-sponsoring a Composting Workshop on Thursday.

Mr. McKeehan inquired if major refuse haulers were willing and eager to accept expansion into the townships. Ms. Fiehrer Flaig noted her feeling contracting created a competitive market for the major haulers and enlisted other waste haulers to potentially join the fray. Ms. Fiehrer Flaig noted a market like West Chester or Liberty Township was a significant number of households and enlisting the power of the market place to create a competitive spirit for Rumpke would benefit the residents.

Mr. Bogard noted Oxford's percentage of recycled waste was 18% which did not include Miami University. Mr. Bogard inquired if Miami's Solid Waste Program was rewarded by the county.

Ms. Fiehrer Flaig advised the Solid Waste District secured a significant number of grants annually for the university.

Mayor Keebler advised a Resolution adopting the plan would appear on Council's next agenda.

PUBLIC COMMENTS

Mr. Tyler Elliott, advised he was representing the student group at Miami called Renew MU which focused on energy awareness and sustainability. Mr. Elliott advised they would hold an event called 'Ride to Renewal' on Saturday, October, 1, 2011 at 1:30 p.m. at the Oxford Memorial Park. Mr. Elliott noted a student speaker would give a brief statement followed by a bike ride through Uptown and Miami's Campus and they planned on this being a family event. Mr. Elliott noted his hope as Miami moved forward with alternative transportation initiatives that the City would also. Mr. Elliott invited everyone to participate in the event on October 1st.

CONSENT AGENDA

Mr. Rutherford requested removal of item B. Environmental Commission Meeting Report.

MINUTES

Minutes of the September 6, 2011 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORT

Report regarding the September 7, 2011 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

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

REPORT

Report regarding the September 7, 2011 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Mr. Rutherford advised the Municipal Energy Efficiency Sub-Committee was finalizing their report to the Service Director regarding alternative energy vehicles. Mr. Rutherford noted Council and the Planning Commission would need to review and consider alternative fueling stations as new vehicles were developed.

Mr. Rutherford referred to the report on page 16 of the agenda from the Storm Water Management Sub-Committee and strongly encouraged Council to review the document and consider a Work Session with the Environmental Commission in the near future to discuss how a Storm Water Management Plan could be further developed and the regulations enforced as development occurred within the City. Mr. Rutherford noted the City's Subdivision Regulations may need to reference the Storm Water Management Plan.

Mr. Bogard moved to accept the report from the September 7, 2011 Environmental Commission Meeting. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION **ODOT LEGISLATION**

A Resolution No. 4632 authorizing the City Manager to sign the Final Resolution Agreement and enter into other contracts with the Ohio Department of Transportation to administer the improvements at the intersection of US Route 127 and State Route 73 (ODOT PID #81336) (Mike Dreisbach, Service Director)

Mr. Dreisbach discussed his staff report as presented on page 23 of the agenda noting the project had been identified in the Northwest Butler Transportation Study. Mr. Dreisbach noted ODOT would administer and manage the project; they had approved plans, and were ready to go out for bid. Mr. Dreisbach advised the current estimate for the project was 4.3 million dollars for a greatly improved and safer intersection. Mr. Dreisbach noted the old Huston Road would be relocated approximately 500 feet away from the intersection and turn lanes would be added to all legs of the intersection allowing traffic to move more freely, quicker and much safer.

Mr. Bogard advised this was one of four projects the City projected to fund with federal earmarked money and this project was originally expected to be complete two years ago. Mr. Bogard inquired if ODOT was still using toll revenue to help fund the project. Mr. Dreisbach advised 2.8 million dollars was 100% federally funded and ODOT was allowing surplus toll revenue credits to make up for what would be the City's local share. Mr. Dreisbach noted zero dollars from the City of Oxford would be applied to the project.

Mr. Rutherford advised the City of Oxford was the Local Public Agency (LPA) for the project and noted the LPA was responsible for any cost overruns. Mr. Rutherford inquired if the toll revenue credits could be extended to cover any cost overruns. Mr. Dreisbach advised the most likely scenario was that other federal earmarked funds would be applied to the project leaving fewer earmarked funds for the South 27 widening project. Mr. Rutherford advised the City had a water-main which occupied the right-of-way at the intersection. Mr. Dreisbach noted if the water main had to be moved it would be at the City's local cost. Mr. Dreisbach advised he did not believe the water- main would be impacted and noted staff would be on site to supervise the area.

Mr. Bogard moved to adopt Resolution No. 4632. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTION **HAPC RULES OF PROCEDURE**

A Resolution No. 4633 repealing Resolution No. 4389 of the Rules of Procedure for the Historic and Architectural Preservation Commission and adopting the Rules of Procedure for the Historic and Architectural Preservation Commission. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the only change to the HAPC Rules of Procedure was to the meeting time from 7:30 p.m. to 6:00 p.m. Mr. Chen noted the commission felt changing the meeting time would still allow citizens to attend and voice their comments. Mr. Chen advised if there was a large caseload to be reviewed there would be sufficient time to do so.

Mayor Keebler noted he wondered about the need for Council to state the meeting time in the Rules of Procedure. Mayor Keebler suggested changing the language to read 'will meet the first Wednesday of each month at a time as determined by a majority of the HAPC.' so Council would not have to approve a simple change in the future.

Ms. Currie inquired if Council was required to approve changes to the Rules of Procedure for all Boards and Commissions and Mr. Chen advised yes.

Mr. Rutherford noted his concern that the Rules of Procedure document did not correlate with the HAPC Ordinance, Chapter 1331 of the Codified Ordinances. Mayor Keebler advised Mr. Rutherford to send his concerns to Mr. Chen and the HAPC. Mr. Rutherford advised he felt Council should request legal counsel to review and compare the documents and bring a report back to Council as to whether or not the documents correlated and whether or not they should be saying things twice. Mr. Bogard suggested Mr. Chen's office should compare the documents and see what needed to be done and to work with the HAPC to get it done. Mr. Rutherford noted the Rules of Procedure document should only deal with the Rules of Procedure and it did far more than that right now.

Mr. Bogard Called the question.

Mayor Keebler advised Mr. Rutherford to outline his points and submit them to staff and the HAPC as a starting point to the review the documents.

Mr. McKeehan moved to adopt Resolution No. 4633. Mr. Rutherford seconded. The motion passed 7-0-0.

ORDINANCES

FIRST READING

ORDINANCE

AMENDING ORDINANCE NO. 3147

An Ordinance To Amend Ordinance No. 3147 Regulating The Rates And Charges To Be Charged And Collected And The Services To Be Rendered By Glenwood Energy Of Oxford, Inc., Its Successors And Assigns, For Gas And Gas Service Furnished To All Of Its Customers Within The Corporate Limits Of The City Of Oxford During The Period Ending May 31, 2014, By Authorizing Glenwood Energy Of Oxford, Inc. To Impose A Charge For Performing Pressure Tests Required By Rule 4901:1-13-05, Ohio Administrative Code. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised in April 2011 Council adopted Ordinance 3147 which regulated the rates and fees charged by Glenwood Energy. Mr. Dreisbach noted subsequent to that the Public Utilities Commission of Ohio (PUCO) was enforcing a rule that requires the company to do a pressure test on gas service lines that were dormant for 30 days or more. Mr. Dreisbach advised the procedure caught property owners and landlords off guard as service lines had been shut off and they did not expect to have the pressure test performed at a fee of \$80.00 that was not authorized to be charged. Mr. Dreisbach noted the City's attorneys met with the company's attorneys and Glenwood Energy agreed to refund the fees collected to the payers since the public did not have adequate notice to make an informed decision to shut off the gas or pay the monthly service charge over the summer. Mr. Dreisbach advised if Council adopted the proposed Ordinance customers would be required to pay the \$80.00 fee to Glenwood Energy for a pressure test if gas service was turned off for 30 days or longer. Mr. Dreisbach noted customers could use another certified company to perform the pressure test if they chose to. Mr. Dreisbach advised if Council amended the Ordinance customers would be able to make an informed decision of whether to keep the gas service on during periods of short-term vacancy.

Mr. Bogard inquired if the Ordinance would be in effect 30 days after the second reading and Mr. Dreisbach advised yes.

Mr. Harman inquired if Glenwood Energy had an educational program in place going forward and Mr. Dreisbach advised yes.

Mayor Keebler noted he felt this was a fair addition as the pressure test was a service Glenwood Energy was required to perform and when the Ordinance was adopted in April they were unaware of the requirement. Mayor Keebler advised this was a PUCO regulation not a local regulation.

Mr. Blackburn noted landlords could set up the account to roll back into their name when a tenant moved out and the service charge was \$7.34 a month to have gas service to the property.

ORDINANCE **SUPPLEMENTAL BUDGET**

An Ordinance Amending Ordinance No. 3130. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2011. (Joe Newlin, Finance Director)

Mr. Newlin advised there were two issues that needed to be addressed by the proposed Ordinance. Mr. Newlin noted the City was applying for a grant through the Ohio Public Works Commission to rehabilitate College Avenue from High Street to Spring Street and if the grant was awarded the local match was \$105,000. Mr. Newlin advised he would need to certify that the money was available when the project was let out. Mr. Newlin advised income tax refunds through September were over budget by \$35,332 and if things kept pace it would be an additional \$34,868 through the end of the year. Mr. Newlin noted \$70,200 would be appropriated into the General Fund to cover the potential refunds. Mr. Newlin advised if the refunds were not necessary the money would go back to the General Fund.

ORDINANCES
SECOND READING

None.

ANNOUNCEMENTS

Ms. Currie advised everyone had a great time at the UniDiversity Festival last Friday and noted it was a perfect weather day. Ms. Currie advised she was excited about the Renew MU bike ride and encouraged those who participated in the Kinetics Festival to participate with their fun and creative bikes.

Mr. Bogard reminded the general public and Council Members about the OKI 2040 Transportation Plan Open House that would take place on Wednesday, September 28, 2011 at the Butler County Government Services Building from 4 to 7:00 p.m. Mr. Bogard noted the topics covered would include demographics, safety issues, congestion trouble spots and future transportation conditions throughout southwest Ohio. Mr. Bogard advised this was a walk-in program and no formal presentations would be given.

Mr. Harman thanked the Police and Fire Department employees who assisted in the arrest a couple of weeks ago during a disturbance Uptown which was shown on You Tube. Mr. Harman advised the City was authorized to have 18 Police Officers and as of right now there were 5 vacancies and the department was at 72% capacity. Mr. Harman noted his hope all 5 positions would be filled within 1-2 months.

Interim Police Chief Holzworth noted he reviewed the You Tube video and the potential was there for the disturbance to have turned into a terrible situation. Interim Chief Holzworth applauded the officers on duty who used great restraint during the situation by not using dogs or weapons and the situation was handled extremely well. Interim Chief Holzworth advised it was not unusual to see a large crowd on a Thursday, Friday or Saturday night and the department was not alarmed by it. Interim Chief Holzworth noted the department was a little short staffed right now and Lt. Horvath had done a great job of scheduling. Interim Chief Holzworth advised looking at the normal compliment of officers on Thursday, Friday and Saturday it was only a little below last year prior to 5 separations. Interim Chief Holzworth noted he and his staff would monitor the situation and staff-up as necessary. Interim Chief Holzworth advised he had a positive meeting with Miami's Police Chief and the Oxford Township Police Chief and help was only a radio call away if needed.

Mayor Keebler advised there was a full complement of officers on duty the night in question and they had the availability to call Miami or the Township for back-up if needed and didn't feel it was warranted. Mayor Keebler advised the City was filling 3 of the 5 Police Officer vacancies due to budget restraints.

Mr. Rutherford noted it was important to have the Police Department staffed properly and the problem was not the number of Police Officers on the street. Mr. Rutherford advised the problem was the response of some of the citizens to what was happening on the street.

Mr. Rutherford noted the problem was with persons trying to antagonize and provoke the crowd into some catastrophic action. Mr. Rutherford advised the problem was lack of citizenship among observers around the officers who were executing some arrests that night. Mr. Rutherford noted he was very disappointed in the citizens who weren't stepping up to be good citizens and rather were potentially inflaming the situation.

Mr. McKeehan noted he felt Mr. Rutherford's comments were very well put and he was also disappointed in the behavior displayed on the night in question.

Mr. McKeehan thanked former Police Chief Steve Schwein for his service to the City for over 21 years.

Mr. Blackburn noted the UniDiversity Festival was a great event.

Mr. Blackburn thanked Bob Holzworth for accepting the position of Interim Police Chief.

ADJOURN

Ms. Currie moved to adjourn at 8:47 p.m. Mr. McKeehan seconded. The motion passed 7-0-0.