

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, October 5, 2010 at 7:15 p.m. Those members present were Ken Bogard, Kate Currie, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeehan.

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

ADJOURN TO EXECUTIVE SESSION

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

AYE: Mr. Blackburn, Mr. Bogard, Ms. Currie, Mr. Rutherford, Mr. Harman, Mr. McKeehan, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Blackburn moved to adjourn from Executive Session at 7:28 p.m. Mr. McKeehan seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION **'FIRE PREVENTION WEEK'**

Mayor Keebler read the Proclamation and presented it to Chief Detherage.

Chief Detherage advised the Fire Department kicked-off Fire Prevention Week with an Open-House on Sunday from 2:00 p.m. to 5:00 p.m. and approximately 200 people participated throughout the afternoon. Chief Detherage noted the department made a Fire-Prevention presentation at Kramer Elementary School today and other educational opportunities would be available for young people throughout the month.

RIGHT-OF-WAY REQUEST

Mr. Tom Grable, advised he represented the Southern Ohio District Council of Ironworkers Local Union 44 out of Cincinnati. Mr. Grable noted the Ironworkers Local 44 applied for the use of right-of-way for 30 days and it was his understanding they needed Council's approval.

Mr. Bogard inquired why 30 days was requested. Mr. Grable advised the Ironworkers wished to hold an informational picket on University Park Boulevard just past the construction entrance for the new Talawanda High School. Mayor Keebler noted in the past these events had left grassy areas muddy and inquired if the Ironworkers rectify that situation should it occur and Mr. Grable assured Mayor Keebler there would be no problems. Mr. Rutherford asked Mr. Grable to speak to the issue that was driving the picket which Mr. Grable addressed.

Ms. Currie moved to approve the request. Mr. Harman seconded. The motion passed 7-0-0.

NOTICE TO **LEGISLATIVE AUTHORITY**

New permit for MJ Restaurants LLC DBA La Rosas 21 Lynn Avenue Suite 101 Oxford, Ohio 45056.

Mr. Blackburn recused himself.

Chief Schwein advised this was a new liquor permit application for La Rosas and the previous owner had a liquor license with no violations.

Ms. Currie moved to accept the notice without comment. Mr. Rutherford seconded. The motion passed 6-0-0.

Mr. Blackburn returned to the dais.

PUBLIC COMMENTS

Mr. Matt Ciccone, Secretary, Off Campus Affairs, advised the Associated Student Government would conduct lighting tours in the mile square in October and would report any problems or outages they found to Mr. Dreisbach.

Mr. Ciccone advised Heath Ingram, Student Body President of Miami University would like to introduce himself to Council at the next meeting and briefly discuss some of the issues facing the university.

Mayor Keebler advised the Police Department made an effort to inventory street light outages which were reported to Duke Energy and Duke Energy had started the repairs.

CONSENT AGENDA

MINUTES

Minutes of the September 21, 2010 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the September 14, 2010 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the September 16, 2010 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

RESOLUTIONS

RESOLUTION **2011 CDBG PROGRAM**

A Resolution No. 4563 authorizing the City Manager to submit to Butler County the following eligible project(s) designated as the City's portion of the 2011 Community Development Block Grant (CDBG) Program. Mike Dreisbach, Service Director)

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

RESOLUTION **BUTLER COUNTY** **ELDERLY SERVICES LEVY**

A Resolution No. 4564 supporting the Butler County Elderly Services Levy. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed levy was a 1.3 mil renewal and Ms. Joan Potter-Sommer, Executive Director of Oxford Seniors was in attendance to address the matter. Mr. Elliott noted the proposed Resolution was on the agenda at Council's request.

Ms. Joan Potter-Sommer, advised the renewal levy would cost \$37 a year per \$100,000 of tax valuation. Ms. Potter-Sommer noted the program assisted over 4,000 older adults a year stay in their homes by providing services such as adult day care, lifeline pendants and personal care. Ms. Potter-Sommer thanked Council for their endorsement of the proposed levy and noted the levy campaign committee thanked them as well. Ms. Potter-Sommer noted a Kick-Off for the levy took place last Monday at the Oxford Seniors facility which was very well attended.

Mr. Harman noted he appreciated hearing from people who benefited from the Elderly Services Program at the Kick-Off.

Mr. Rutherford noted Oxford provided exceptional services for senior citizens and encouraged members of the public to vote in favor of the proposed renewal levy.

Mr. Blackburn moved to adopt Resolution No. 4564. Mr. Harman seconded. The motion passed 7-0-0.

RESOLUTION SETTLEMENT

A Resolution No. 4565 authorizing the City Manager to deposit additional funds in the amount of \$27,655.00 with the Butler County Clerk of Courts for the settlement of *City of Oxford V. Martha P. Meyer* Case No. CV 2009 07 3195, for a total settlement not to exceed the amount of \$39,500.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the City began the process of acquiring right-of-way for Phase III of improvements to US-27 North a couple of years ago and there were over 100 parcels to settle. Mr. Dreisbach noted the City tried to settle the parcels by protecting the interest of the property owner as well as the taxpayers. Mr. Dreisbach advised the proposed Resolution represented one of the last parcels to settle which had been negotiated for Council's approval as described in the title of the proposed Resolution. Mr. Dreisbach noted staff was asking for Council's approval to deposit the additional funds with the Butler County Clerk of Courts to settle this case. Mr. Dreisbach thanked Mr. McHugh and Mr. Jacques, Attorneys, and Mr. Popescu, City Engineer for their hard work to settle the acquisitions for the Phase III improvements.

Ms. Currie moved to Adopt Resolution No. 4565. Mr. Blackburn seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
NEW CHAPTER 1153

An Ordinance Repealing Zoning Code Chapter 1153 of the Codified Ordinances Of The City Of Oxford, Ohio Entitled Flood Plain Regulations And Flood Damage Prevention, And Adopting New Chapter 1153, Entitled Flood Plain Regulations And Flood Damage Prevention. (Jung-Han Chen, Community Development Director)

Mr. Chen advised staff had worked with FEMA (Federal Emergency Management Agency) and the Ohio Department of Natural Resources (ODNR) over the last two years on a nationwide initiative to update floodplain regulations. Mr. Chen noted the current format was paper and the purpose of the initiative was to modernize the mapping system which would work seamlessly with the City's Geographic Information System (GIS). Mr. Chen noted there was a hard deadline of December 17, 2010 to adopt compliant regulations and obtain final approval from ODNR and FEMA. Mr. Chen noted ODNR had reviewed and approved the draft legislation.

Mayor Keebler advised the initial changes were reviewed by the Planning Commission prior to them being sent to ODNR. Mayor Keebler noted Ms. Dale worked very hard on drafting the proposed language to modernize the regulations in compliance with the latest FEMA guidelines.

ORDINANCE
NEW SECTION 509.10

An Ordinance Repealing Oxford Code Of Ordinances Section 509.10, Entitled "Noise Restrictions", And Adopting New Section 509.10, Entitled "Noise Restrictions". (Steve Schwein, Police Chief)

Mr. Elliott advised Councilor McKeehan requested that staff address this matter. Mr. Elliott noted the current language in Section 509.10 had no provision for persons performing construction or repair work that resulted in creating loud or unusual noise on week-ends or national holidays except in case of an emergency. Mr. Elliott advised the proposed language would allow construction work to be performed on weekends and national holidays between the hours of 9:00 a.m. and 6:00 p.m.

Mr. McKeehan advised a couple of constituents brought this matter to his attention as someone was asked to stop a construction activity over a week-end. Mr. McKeehan noted upon further investigation he found there was no provision for persons to perform construction or repair work on week-ends.

Mayor Keebler advised the current Ordinance allowed work to be performed on weekdays between the hours of 7:00 a.m. and 11:00 p.m. and the proposed Ordinance would allow the same to be done on weekends or holidays from 9:00 a.m. to 6:00 p.m.

ORDINANCES
SECOND READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No.3127 Amending Ordinance No. 3089 Supplemental Budget Ordinance Number 7 To Make Supplemental Appropriations For Fiscal Year 2010. (Joe Newlin, Finance Director)

Mr. Newlin noted he discussed the proposed Ordinance at the last meeting in detail and offered to answer any questions.

Mr. Bogard moved to adopt Ordinance No. 3127. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Bogard, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised staff responded to Mr. Bogard's request to investigate the possibility of adding parking spaces at the dog park on Morning Sun Road. Mr. Elliott noted extra parking was available across the street and the City would not add parking spaces at this time.

Mr. Elliott advised Time Warner Cable was closing their Oxford office on November 17, 2010 and noted he would forward additional information to Council when he received it.

Mr. Elliott discussed the City's 2010 Deer Management Program noting it was identical to last year's program although it started much earlier this year. Mr. Elliott advised 11 hunters were certified to participate in the program with the goal of harvesting 33 antlerless deer.

Mr. Elliott advised the City received a letter from Mr. Todd Dockum requesting City water and sanitary service at the Miami Heritage Tech Park. Mr. Elliott noted the letter also requested that the City considered forming a Joint Economic Development District (JEDD) with Oxford Township. Mr. Elliott advised he replied to Mr. Dockum letting him know that Council adopted a Resolution in June of 2010 stating the City's support for MHTP's Job Ready Sites Program grant application and the Resolution further stated that the City had the capacity to provide water and sanitary sewer services to the site with conditions. Mr. Elliott noted the letter indicated one of the conditions was that the property owner shall annex the property into the City prior to receiving water and sanitary sewer services. Mr. Elliott advised he also let Mr. Dockum know the request to establish a JEDD with Oxford Township was respectfully declined.

Mr. Elliott advised the City would propose that the MHTP parcel be annexed under the Expedited Type Two process so that Oxford Township continued to receive property tax revenue as if the parcel were still in the unincorporated portion of the Township.

Mr. Elliott advised efforts were continuing to promote Issue 15 and presentations were made to the Oxford Seniors and the Knolls of Oxford last Friday.

Mr. Blackburn noted his hope people had yard signs promoting Issue 15 and the Senior Services Levy.

Mr. Harman advised Council made a commitment to Mr. Rutherford that they would continue to evaluate revenue sources other than the proposed income tax increase. Mr. Harman suggested forming a committee to look in-depth at some of the user fees that Council had talked about. Mr. Harman noted his feeling discussing the matter for a few minutes at a Work Session was not sufficient and encouraged those interested in being on such a committee to let him know.

Ms. Currie advised the next Oxford Bicentennial event was 'Ghost Story Night' which would take place on Saturday, October 23, 2010 at 6:00 p.m. at the Community Arts Center. Ms. Currie noted local storytellers Jim McWilliams and Terry Beck would tell progressively scarier tales as the night continued. Ms. Currie advised the event was open to all ages and encouraged everyone to attend.

Mr. Bogard advised several meetings ago a request was made for special parking provisions during the Farmers Market which was referred to the Oxford Parking and Transportation Advisory Board (OPTAB). Mr. Bogard asked for an update regarding the request. Mr. Rutherford advised the OPTAB would undertake the request and hoped to have a recommendation by the spring of 2011. Mr. Bogard noted his feeling the proposed timeframe was unacceptable as the Farmers Market board needed to know the outcome of the request before the spring market resumed. Mr. Bogard suggested the OPTAB make a recommendation by the end of the year so Council could implement possible legislation prior to the spring of 2011.

Mr. Bogard advised on Monday he and Mr. Elliott would make a presentation at the Butler County Transportation Improvement District meeting with regard to the status of transportation improvement projects in Northwest Butler County.

Mr. Bogard noted Trick or Treat would take place Sunday, October 31, 2010 from 5:30 p.m. to 7:30 p.m.

Mr. Rutherford referred to the letter Mr. Elliott sent regarding the Miami Heritage Tech Park and inquired if establishing a JEDD would preclude the annexation of the property into the City. Mr. Elliott advised the annexation would be precluded for a period of two years. Mr. Rutherford noted he was surprised Mr. Elliott's letter rejected the idea of establishing a JEDD. Mr. Elliott, Mayor Keebler and Mr. McHugh addressed the issue and reiterated that annexing the property under the Expedited Type Two process would allow the Township to collect property tax as though it was still in the unincorporated portion of the Township.

Mr. Rutherford inquired what structures could be put in place to improve the success of the MHTP which Mayor Keebler and Mr. Elliott addressed.

Mr. Rutherford advised he had the opportunity to meet Justin Coussoule, Candidate for U.S. Representative to Congress who felt 'things needed shook up in Washington'. Mr. Rutherford noted Mr. Coussoule would like to introduce himself to Council and the citizens of Oxford. Mayor Keebler advised it was inappropriate for Council to endorse any candidates.

Mr. McKeehan discussed the 'Ride-Along' he participated in recently with the Oxford Police Department.

Mayor Keebler advised on October 21, 2010 a Historic Marker Workshop would take place from 7:00 to 8:00 p.m. at the Smith Library of Regional History and encouraged property owners and those interested in submitting nomination forms for the 2011 Historic Marker Program to attend.

Mayor Keebler advised the Issue 15 Committee had placed 45-50 yard signs throughout town and asked anyone who felt they had a prime location for a sign to let him know. Mayor Keebler noted the week of October 18th volunteers would distribute informational door-hangers throughout Oxford neighborhoods regarding Issue 15. Mayor Keebler thanked the Oxford Press for the opportunity to be the guest columnist and provide information regarding Issue 15. Mayor Keebler noted several community groups had endorsed Issue 15.

ADJOURNMENT

Ms. Currie moved to adjourn at 8:30 p.m. Mr. Bogard seconded. The motion passed 7-0-0.