

A Regular meeting of the Oxford City Council was called to order by Vice Mayor Ken Bogard on Tuesday, October 1, 2013 at 7:30 p.m. Those members present were Bob Blackburn, John Harman, Kevin McKeehan and Kate Rousmaniere. Mayor Keebler and Steve Snyder were excused.

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

PLEDGE OF ALLEGIANCE

Vice Mayor Bogard requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. McKeehan moved to approve the agenda with the exception of items 6.A.1., 2. and 3 under First Reading of Ordinances which were being withdrawn for clarification of language. Mr. Blackburn seconded. The motion passed 5-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **'CAROLINE SCOTT HARRISON DAY'**

Vice Mayor Bogard read the Proclamation and presented it to Ms. Kathleen Fox and Ms. Marjorie Bowers.

Ms. Kathleen Fox, 65 Autumn Drive, thanked Council for the Proclamation. Ms. Fox advised Marjorie Bowers wrote a book about Caroline Scott Harrison which would be published very soon. Ms. Fox noted Ms. Bowers represented Caroline Scott Harrison in the past and she represented Caroline Scott Harrison in the future. Ms. Fox advised she obtained a \$3,000 grant to place an Ohio Historical Marker for Caroline Scott Harrison in front of the Oxford Community Arts Center and she was honored to have Valerie Elliott on the committee along with Stephen Gordon and Bob Wicks. Ms. Fox noted the marker would be in place in May of 2014. Ms. Fox advised money was also being raised for a bronze statue of Caroline Scott Harrison as a young woman in Oxford. Ms. Fox noted an open house to celebrate Caroline Scott Harrison would take place October 20, 2013 from 3:00 to 5:00 p.m. at the Oxford Community Arts Center and everyone was invited to attend. Ms. Fox noted her hope that when people visited the eight presidential sites in Ohio they would include Oxford as one of their stops.

Vice Mayor Bogard applauded Ms. Fox for her efforts in what was being done in memory of Caroline Scott Harrison.

Mr. Blackburn inquired if the Caroline Scott Harrison book would be available before Christmas.

Ms. Marjorie Bowers, 245 Northridge Drive, advised the book should be available in late October.

Ms. Fox advised letters would be sent to the living first ladies with information about the efforts for Caroline Scott Harrison in Oxford along with a book signed by Ms. Bowers. Ms. Fox noted her hope this would raise money for the bronze statue.

Ms. Bowers advised if the book was available by October 20th copies would be available at the open house and after that they would be available at the Community Arts Center and the Smith Library. Mr. Blackburn suggested having copies available at the Oxford Visitors Bureau as well

Ms. Rousmaniere thanked Ms. Fox and Ms. Bowers for their efforts. The ladies received an applause from Council and staff members.

PUBLIC COMMENTS

Mr. David Brown, Butler County Auditor's Office, updated Council and the public with regard to the Auditor's 2014 reappraisal process noting every property in the county would be reappraised which included 160,000 parcels. Mr. Brown advised the vehicles used for this project would be plainly marked and the local police departments and dispatch centers would be notified that the auditor's staff would be present in their community. Mr. Brown noted the project should be complete in February.

Mr. Brown advised the Auditor's Office was returning tax money from the REA fund to local entities. Mr. Brown noted since Mr. Reynolds had been in office over 4 million dollars in fee money that normally stayed in the Auditor's Office had been returned to the local tax base. Mr. Brown advised the State set a fee for collecting taxes from levies and disseminating the money where it needed to go in the local taxing entities. Mr. Brown noted Mr. Reynolds streamlined work processes within his office and had been able to return money each year since he became the Butler County Auditor. Mr. Brown advised the Talawanda School District received \$82,000 this year as a refund and the City of Oxford received approximately \$4,000.

Mr. Brown noted citizens could access their property records on the auditor's website to see how a proposed property tax levy would affect them.

Mr. Brown noted changes to the Homestead Exemption that implemented income tests. Mr. Brown advised homeowners turning 65 in 2014, and thereafter, as well as those applying for the exemption as permanently and totally disabled, must have a total income of \$30,500 or less to qualify. Mr. Brown noted those who turned 65 years of age in 2013 (or prior) yet failed to apply may still do so under the old law's provisions through June 6, 2014 and there would be no income test.

CONSENT AGENDA

MINUTES

Minutes of the September 12, 2013 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the September 17, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the September 10, 2013 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the September 18, 2013 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the September 25, 2013 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

RESOLUTION **NOISE ABATEMENT**

A Resolution No. 4781 authorizing a temporary abatement of the noise Ordinance No. 2550, Section 509.09, on Friday, April 4, 2014 starting at 10:00 p.m. to Saturday, April 5, 2014 at 7:00 a.m. at Millett Hall on Miami's campus for the American Cancer Society's Relay for Life. (Mary Ann Eaton, Clerk of Council)

Mr. Blackburn moved to approve the consent agenda. Mr. Harman seconded. The motion passed 5-0-0.

RESOLUTIONS

RESOLUTION **NEW TRI LEASE**

A Resolution No. 4782 granting the Talawanda Recreation, Inc. (TRI) a two (2) year lease and authorizing the City Manager to execute the new lease. (Gail Brahier, Parks and Recreation Director)

Ms. Brahier advised the TRI Board voted to renew a two year lease with the City and noted being cognizant of the City's directive for level operating expenditures in 2014 they opted not to increase the lease payment for 2104. Ms. Brahier advised there would be a 2% increase for 2015. Ms. Brahier noted Marvin Wilhelm, President of the TRI Board, was in attendance if Council had any questions for him.

Mr. Marvin Wilhelm, advised Ms. Brahier was doing a great job with the TRI Board and everything was going very well.

Ms. Rousmaniere moved to adopt Resolution No. 4782. Mr. Blackburn seconded. The motion passed 5-0-0.

RESOLUTION
2014 CDBG PROGRAM

A Resolution No. 4783 authorizing the City Manager to submit eligible projects to the Butler County Board of Commissioners for the 2014 Community Development Block Grant Program (CDBG) year application. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised staff was asking for Council's approval to submit an application to the Butler County Commissioners for 2014 CDBG monies that would be available to Oxford. Mr. Dreisbach noted the City expected to receive approximately \$118,000 of which \$101,000 would be used to continue the ADA handicap ramp improvements that the City had been doing the last several years. Mr. Dreisbach advised the focus for 2014 would be the east west corridors of Withrow Street to the north and Collins Street to the south as areas between there were already improved. Mr. Dreisbach noted once the County Commissioners approved the application it would be sent to the federal government for approval and then staff would submit a construction contract for Council's approval.

Ms. Rousmaniere inquired if the Community Development Block Grant funds were from HUD and Mr. Dreisbach advised yes.

Mr. Harman moved to adopt Resolution No. 4783. Ms. Rousmaniere seconded. The motion passed 5-0-0.

Mr. McKeehan moved to amend Resolution Numbers 4, 5, and 6 by removing the words "in the City of Oxford" and adding the words "in Oxford Township". Mr. Blackburn seconded. The motion passed 5-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4784 to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Indian Trace, LTD. Partnership, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in the City of Oxford, Ohio. (Mike Dreisbach, Service Director)

Vice Mayor Bogard inquired if there were any comments from the audience or from Council and there were none.

Mr. Blackburn moved to adopt Resolution No. 4784. Mr. Harman seconded. The motion passed 5-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4785 to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Christopher A. Umbstead, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in Oxford Township, Ohio. (Mike Dreisbach, Service Director)

Vice Mayor Bogard inquired if there were any comments from the audience or from Council.

Ms. Rousmaniere noted Resolutions 2 through 7 dealt with acquiring property to widen U.S. 27 South.

Mr. Blackburn moved to adopt Resolution No. 4785. Mr. Harman seconded. The motion passed 5-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4786 to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Tracy L. Beckelhymer, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in Oxford Township, Ohio. (Mike Dreisbach, Service Director)

Vice Mayor Bogard inquired if there were any questions from the audience or from Council and there were none.

Mr. Blackburn moved to adopt Resolution No. 4786. Mr. Harman seconded. The motion passed 5-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4787 to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Ken & Jackie A. Milczarek, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in Oxford Township, Ohio. (Mike Dreisbach, Service Director)

Vice Mayor Bogard inquired if there were any questions from the audience or from Council and there were none.

Mr. Blackburn moved to adopt Resolution No. 4787. Mr. Harman seconded. The motion passed 5-0-0.

RESOLUTION
PROPERTY ACQUISITION

A Resolution No. 4788 to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by The Oxford Cemetery Association, with interest by others, for the widening of Millville-Oxford Road (U.S. 27), in the City of Oxford, Ohio. (Mike Dreisbach, Service Director)

Vice Mayor Bogard inquired if there were any questions from the audience or from Council and there were none.

Mr. Blackburn moved to adopt Resolution No. 4788. Mr. Harman seconded. The motion passed 5-0-0.

ORDINANCES
FIRST READING

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance To Appropriate For Public Use, All Right Title And Interest In a Certain Parcel Of Property Located On McKee Avenue For The Purpose Of Acquiring Permanent Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27), In The City Of Oxford. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the Resolutions of necessity had already been approved by Council and once the Ordinances were adopted staff would file the fair market values with the Butler County Clerk of Common Pleas so the City could proceed with the road project.

Ms. Rousmaniere asked Mr. McHugh to explain the difference between the Resolutions and the Ordinances and to explain the process of acquiring property for a road widening project.

Mr. McHugh advised the statute required a Resolution declaring the intent to acquire property and the property owners were then served notice. Mr. McHugh noted the property owners could at anytime settle with the City to resolve the matter, and if it wasn't resolved, the City moved forward with an Ordinance to appropriate the property. Mr. McHugh advised he would file a law suite for each unresolved property and deposit the amount of money deemed to be the fair market value for each parcel with the Clerk of Court's office. Mr. McHugh noted at that point the City had acquired the property and it was just a question of how much the City would pay for it. Mr. McHugh advised it was a two step process legislatively.

Vice Mayor Bogard inquired if property owners would have the opportunity to change their mind and settle with the City. Mr. McHugh advised they could until the time of the jury trial or mediation.

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance To Appropriate For Public Use, All Right Title And Interest In a Certain Parcel Of Property Located At 6 McKee Avenue For The Purpose Of Acquiring Permanent Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27), In The City Of Oxford. (Mike Dreisbach, Service Director)

Vice Mayor Bogard inquired if there were any questions from the audience or from Council and there were none.

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance To Appropriate For Public Use, All Right Title And Interest In a Certain Parcel Of Property Located On Thomson Court For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27), In The City Of Oxford. (Mike Dreisbach, Service Director)

Vice Mayor Bogard inquired if there were any questions or comments from the audience or from Council and there were none.

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance To Appropriate For Public Use, All Right Title And Interest In a Certain Parcel Of Property Located On Millville-Oxford Road For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27), In The City Of Oxford. (Mike Dreisbach, Service Director)

Vice Mayor Bogard inquired if there were any questions or comments from the audience or from Council and there were none.

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance Approving A Conditional Use Permit To Allow For The Reinstatement Of An Existing Drive-Through Facility At 5046 College Corner Pike, Oxford, Ohio 45056 With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the building at 5046 College Corner Pike had been a restaurant since 1991 and closed for business in 2011. Mr. Chen noted the zoning code stipulated that when a drive-through ceased operation for a period of a year or more, the conditional use had to go before the Planning Commission and Council to be reinstated. Mr. Chen advised the Planning Commission felt this was a good reuse of the site and recommended that Council approve the proposed Ordinance with conditions that parking lot striping and a striped crosswalk were completed prior to occupancy.

Vice Mayor Bogard inquired if there were any questions or comments from the audience or from Council and there were none.

ORDINANCES
SECOND READING

None.

ANNOUNCEMENTS

Mr. Elliott advised he, Mr. Chen and Fire Chief Detherage would meet with Miami University officials regarding fire safety initiatives and strategic planning tomorrow morning. Mr. Elliott noted Chief Detherage was meeting with fraternity house managers this evening. Mr. Elliott advised there were 25-30 fraternity houses in Oxford and the City and the university were looking at best practices and how to improve and enhance the City's fire safety initiatives.

Mr. Elliott reminded everyone that a Charter Amendment would be on the November 5, 2013 ballot which dealt with due dates for filing nominating petitions for City Council candidates. Mr. Elliott noted the amendment would follow the state law for filing the petitions and encouraged citizens to vote in favor of the Charter Amendment.

Ms. Rousmaniere inquired if there was an update on the fire loss at the Phi Gamma Delta Fraternity house. Mr. Elliott advised the fraternity wanted to restore the front façade and needed to make sure it didn't get damaged further during the demolition of the rest of the structure. Mr. Chen advised the fraternity was finalizing the shoring plan and then a building plan would be submitted to the City.

Mr. McHugh noted the regular Board of Zoning Appeals meeting on October 16th was cancelled as there were no cases to be heard.

Mr. Blackburn advised "Candidate Night" was Monday, October 14, 2013 at the Knolls of Oxford at 7:00 p.m.

Ms. Rousmaniere advised the Oxford NAACP and the Miami University Student NAACP invited interested parties to a community forum on diversity issues on Monday, October 7, 2013 at 7:00 p.m. at the LCNB. Ms. Rousmaniere noted the Police Chief from the City of Oxford, Oxford Township and Miami University would discuss how officers were trained to work with people from diverse backgrounds. Ms. Rousmaniere advised there would be time allotted for questions and comments from the public.

Vice Mayor Bogard noted the passing of Doug Fey who was a long time member of the Oxford business community.

Vice Mayor Bogard advised he read and presented a proclamation for Hospice of Butler and Warren Counties on Saturday at Smith Park in Middletown where a 5K run and walk took place.

ADJOURN

Mr. Blackburn moved to adjourn at 8:11 p.m. Mr. Harman seconded. The motion passed 5-0-0.