

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, October 19, 2010 at 7:30 p.m. Those members present were Ken Bogard, Kate Currie, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeehan.

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. John Detherage, Fire Chief; Ms. Amy Blankenship, Acting Law Director and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

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

NOTICE TO LEGISLATIVE AUTHORITY

Transfer permit from Twins Group PH LLC 135 Lynn Street Oxford, Ohio 45056 to SCAP PH LLC DBA Pizza Hut 135 Lynn Street Oxford, Ohio 45056.

Chief Schwein advised there were no liquor violations pending at this location.

Ms. Currie moved to accept the notice without comment. Mr. Bogard seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Mr. Danny Gudorf, 118 E. Sycamore Street, advised he was a senior at Miami University majoring in Economics and Finance. Mr. Gudorf noted he and his room-mate received two noise violation tickets over the past semester and they tried to handle them in good fashion but had not received much response. Mr. Gudorf noted students provided a vital role to the community as far as income and jobs and he felt they were being discriminated against because they liked to party and hangout. Mr. Gudorf advised the tickets were issued for their music being too loud (over 65 decibels) although the noise level had not been measured by the police department. Mr. Gudorf noted he felt this was selective enforcement as the bars were not cited for playing music extremely loud on Thursday, Friday and Saturday nights. Mr. Gudorf encouraged Council to order noise meters or scrap the Ordinance in general.

Chief Schwein advised there was an appeal process for a civil citation and a citation written under the General Offenses Code could be appealed at Area One Court. Chief Schwein noted the codes were written to enhance the student's ability not to receive a noise violation. Chief Schwein advised Mr. Gudorf's case was under appeal and should not be discussed. Chief Schwein noted his feeling the code was good for the general public.

Ms. Bobbe Burke, advised she was happy to bring new information to Council regarding ways Miami students were doing things to benefit the Oxford community. Ms. Burke noted two students were present who instigated a new project that would benefit the local United Way.

Ms. Emily Jeffers, advised she was the Director of Logistics for Greek Week this year.

Ms. Maggie McLoughlin, advised she was Vice President of Programming on Panhellenic for Miami University. Ms. McLoughlin advised Greek Week was a ten day event where Fraternities and Sororities competed in physical, mental and philanthropic events. Ms. McLoughlin noted she and Ms. Jeffers served on an 8 member committee that planned and ran all of the events. Ms. McLoughlin advised in addition to traditional events a softball game took place this year to benefit United Way and over \$520.00 was raised. Ms. McLoughlin noted the group had bigger expectations for the future.

Ms. Emily Jeffers, advised another group that participated in Greek Week was Autism Speaks who also raised money for their cause. Ms. Jeffers advised this was the first year Greek Week held a softball game and was able to raise money for the community and noted her hope they would be able to raise more money in the future.

Ms. Kathleen Zien, 6060 Joseph Drive, noted her concerns continued with regard to Oxford's 'of standing' caveat for anyone addressing the Board of Zoning Appeals. Ms. Zien advised the regular BZA Meeting was rescheduled to Thursday, October 28, 2010 and noted her hope necessary changes and new directives would be given to BZA members by then. Ms. Zien advised these were public hearings and when the public showed up they should be permitted to speak. Ms. Zien noted the posture of the BZA Chair has made that very difficult and virtually impossible which was unacceptable. Ms. Zien advised the statement on the BZA cover stated that 'we only hear relevant, sworn testimony from the Applicant; his/her duly appointed agent or attorney, and any other person with standing to testify in a particular matter. Our hearings are open to public attendance, but public comment, opinion and discussion are not considered testimony and will not be heard'. Ms. Zien noted the job of any board was to create a record after listening to all testimony and then determine what was of merit. Ms. Zien advised standing was a requirement only to appeal a decision in court and it was not appropriate for a lay commission like the BZA. Ms. Zien noted Oxford's practice ensured hearings were one sided with only the applicant or their agent presenting the case and members of the public who had interest in the variance or who had knowledge of the matter were barred from this group. Ms. Zien advised standing was a complex legal topic and BZA members were not lawyers or judges. Ms. Zien noted BZA's job was to gather fact, listen to testimony, weigh it against variance standards set by Council and make the best decision they could. Ms. Zien advised Attorney John Chambers Work Session with BZA in July of 2008 did not address the issue of standing. Ms. Zien noted she found no reference to the issue of standing in the Oxford Zoning Code or in the Ohio Revised Code and the Oxford BZA was not qualified to determine standing. Ms. Zien advised if a person or a neighborhood felt they would be affected by a variance request they had the right to address that board and if there was relevant and credible public testimony it must be heard. Ms. Zien inquired when and by whom the Oxford BZA got the authority to cut people off or refuse to hear from them. Ms. Zien advised she contacted various cities in Ohio including Beaver Creek, Hudson and Sunbury and they had no requirement for standing before any board. Ms. Zien advised she would like to know how the issue of standing became a policy in Oxford.

Mr. Matt Ciccone, Secretary, Off Campus Affairs, advised Mr. Heath Ingram, President of the Student Body would address Council. Mr. Ciccone noted the Oxford Tenants Association was hosting a pumpkin carving event on Sunday from 2:00 p.m. to 4:00 p.m. at former Council member Alysia Fischer's house and invited everyone to attend.

Mr. Heath Ingram, noted it was an honor to address Council this evening. Mr. Ingram advised he was a senior majoring in Public Administration and his mentor was Dr. Phil Russo with whom he had attended several Civil Service Commission meetings during his time at Miami. Mr. Ingram advised working with Dr. Russo had been a phenomenal learning experience as a Public Administration major and he had received great exposure to the workings of State and Local government. Mr. Ingram thanked the City of Oxford for being so willing to welcome students to the decision making process and welcoming them to City government so they could have a better idea of how to become engaged citizens and ultimately civic leaders. Mr. Ingram discussed his campaign platform last spring noting the overall theme was to enhance the value of the Miami degree. Mr. Ingram noted he looked at ways to perpetuate Miami's reputation as a premier public institution of higher education not just in the State of Ohio but across the country as a way to attract top talent from out of state and within the state to Miami University. Mr. Ingram advised he felt the university needed to start engendering incoming students with a sense of institutional history and institutional pride to create a greater sense of respect among the student body for Miami and the City as the two were tied together. Mr. Ingram noted he felt if Miami students had a greater appreciation for the history of the community they might treat the community with more respect and have a greater sense of where the community had been in the past and how it affected Miami. Mr. Ingram advised he wanted to continue to maintain a good relationship between the City of Oxford and Miami University student government. Mr. Ingram noted he would be happy to be a resource for Council whenever they needed his assistance.

Council members thanked Mr. Ingram for his efforts and encouraged him to keep up the good work.

CONSENT AGENDA

MINUTES

Minutes of the October 5, 2010 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the October 6, 2010 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTION

CAMPUS COMMONS

A Resolution No. 4566 authorizing a \$40,710.00 reduction of a performance bond in the form of a letter of credit in the amount of \$105,244.00 for Campus Commons Subdivision, Phase One, and accepting a new performance bond in the form of a letter of credit in the amount of \$64,534.00. (Mike Dreisbach, Service Director)

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

ORDINANCES
SECOND READING

ORDINANCE
NEW CHAPTER 1153

An Ordinance No. 3128 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 he had no new information to present.

Mr. Bogard moved to adopt Ordinance No. 3128. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION 509.10

An Ordinance No. 3129 Repealing Oxford Code Of Ordinances Section 509.10, Entitled "Noise Restrictions", And Adopting New Section 509.10, Entitled "Noise Restrictions". (Steve Schwein, Police Chief)

Chief Schwein advised he had no new information to present and noted the slight change would allow construction work to be performed on weekends.

Ms. Currie moved to adopt Ordinance No. 3129. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Dreisbach advised staff had been working with Duke Energy to ensure all street light outages within the City were repaired. Mr. Dreisbach thanked Kevin Livingston of Associated Student Government for his efforts to continue monitoring street light outages.

Mr. Chen noted Miami's Homecoming Parade would take place on Saturday and a float created by City staff would be part of the parade. Mayor Keebler noted several City vehicles would also be in the parade in celebration of the City's Bicentennial. Mayor Keebler thanked the Miami student committee for the opportunity to participate in the parade.

Mr. Kyger advised Pita Pit reopened last week, Oxford Diner moved from US-27 North to the Uptown District and Quarter Barrel Brewery and Pub opened this week.

Mr. McKeehan requested an update on the Deer Management Program. Mr. Dreisbach advised four antlerless deer had been harvested so far and the venison was donated to the Meal Center in Hamilton.

Mr. Rutherford thanked Mr. Dreisbach for the memo regarding erosion issues related to Bill Run Creek. Mr. Rutherford advised at the last Environmental Commission Meeting the Institute of Environmental Science gave a brief on the matter. Mr. Rutherford noted a stop work order had been issued by the City related to the Bull Run Creek area and the stop work order was violated. Mr. Rutherford requested staff to address how the violation would be handled at the next meeting. Mr. Rutherford inquired who had jurisdiction over the creek and Mr. Dreisbach advised the Army Corps of Engineers. Mr. Dreisbach advised the Army Corps of Engineers was aware of the violation and were investigating the matter. Mr. Rutherford asked staff to advise Council what they as a body needed to do to remedy the situation noting perhaps a Work Session should be held as there were implications downstream. Mr. Dreisbach advised a Work Session would be appropriate when staff could address Council with thorough knowledge regarding the matter. Mr. Rutherford advised the Environmental Commission could assist with gathering information and data regarding the matter.

Mr. Rutherford referred to a memo from the City Manager regarding the Environmental Commission's request to have an email address. Mr. Rutherford noted the Environmental Commission was fine with the memo and wanted to make their minutes and other information available to the public via email as part of their educational responsibility.

Mr. Rutherford advised the Oxford Parking and Transportation Advisory Board would be making recommendations to Council regarding parking in the RO District and parking Uptown on weekends. Mr. Rutherford noted the issue of parking Uptown was formally moved to their agenda and would require a significant amount of research.

Mr. Rutherford referred to Ms. Zien's comments regarding the BZA and the issue of standing and inquired if there was written criteria for the determination of standing when someone came before one of the City's boards or commissions. Mr. Rutherford inquired if the written criteria was available to the public so they could make a self determination as to whether they met the criteria for standing.

Mr. Rutherford advised if there was not written criteria he would be very concerned because it raised the issue of personal prejudice against citizens. Mr. Rutherford requested staff to provide Council with information regarding how standing was determined.

Mr. Bogard asked Ms. Burke to address 'Make a difference Day'. Ms. Burke advised National Make a Difference Day was Saturday, October 23, 2010 and since that was Miami's Homecoming the local Make a Difference Day would take place on Saturday, November 6, 2010 from 11:00 a.m. to 3:00 p.m.

Ms. Currie reminded everyone that 'Ghost Story Night' would take place on Saturday at 6:00 p.m. at the Community Arts Center.

Mr. Harman reminded everyone the Historical Marker Work Shop would take place on Thursday at 7:00 p.m. at the Smith Library of Regional History.

Mr. Harman advised the last quarterly report from the Oxford Visitors and Convention Bureau showed over \$5,000,000 in economic impact from events held in Oxford.

Mr. Blackburn advised last weekend men from Kappa Alpha participated in a 40 mile Freedom Walk in Cincinnati representing Miami and the City of Oxford. Mr. Blackburn noted his feeling the community was fortunate to have the fraternity on campus.

Mayor Keebler reminded everyone the October 26th and October 28th Budget Work Sessions were cancelled since the entire budget was discussed at the October 14, 2010 Work Session.

ADJOURNMENT

Ms. Currie moved to adjourn at 8:11 p.m. Mr. Rutherford seconded. The motion passed 7-0-0.

The Work Session of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, October 19, 2010 at 6:30 p.m. Those Council members present were: Ken Bogard, Kate Currie, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeehan.

Staff members present: Mike Dreisbach Acting, City Manager; John Detherage, Fire Chief; Joe Newlin, Finance Director; Alan Kyger, Economic Development Director and Mary Ann Eaton, Clerk of Council.

Also present were Milford Township Trustees; Russell McMillian and Brad Mills.

APPROVAL
OF AGENDA

Mr. McKeehan moved to approve the Agenda. Mr. Blackburn seconded. The motion carried 7-0-0.

PURPOSE

The purpose of the Work Session was to discuss the EMS Contract between the City of Oxford and Milford Township.

DISCUSSION

Mr. Mills distributed a handout to Council and staff and discussed the existing contract between the City of Oxford and Milford Township, Oxford's call volume to Milford Township, a breakdown of the type of calls and the revenue potential for Oxford. Mr. Mills advised Milford Township would like propose a contribution of \$3,100 annually to the City of Oxford for EMS which was a substantial increase over what they were currently contributing.

A brief question and answer session followed.

Mayor Keebler noted the City wanted to be fair to Milford Township and to Oxford residents. Mayor Keebler presented his adjusted costs for the City of Oxford to provide EMS to Milford Township and advised based on his calculations Milford Township's share of the cost was \$12,000 annually.

Mr. Bogard suggested an increased contribution from Milford Township could be done incrementally. Mr. Bogard noted the City of Oxford had helped to obtain funds to improve intersections within Milford Township.

Mr. Rutherford noted the City was not looking to make up for lost revenue and the reason for the Work Session was to find a solution that was equitable for everyone.

Mayor Keebler noted perhaps Milford Township could propose a Fire/Ems Levy for a future election. Mayor Keebler asked the Trustees to think about the figures that were presented this evening.

ADJOURNMENT

Ms. Currie moved to adjourn at 7:20 p.m. Mr. Bogard seconded. The motion carried 7-0-0.

A Work Session of the Oxford City Council was called to order by Mayor Richard Keebler on Thursday, October 14, 2010 at 7:00 P.M. Those Council members present were, Kate Currie, Ken Bogard, Bob Blackburn, John Harman and Kevin McKeehan. Greig Rutherford was absent.

Staff members present: Doug Elliott, City Manager; Mike Dreisbach, Service Director; Steve Schwein, Police Chief; Alan Kyger, Economic Development Director; Joe Newlin, Finance Director; Heidi Hill, Assistant Finance Director; Gail Brahier, Parks and Recreation Director and Jung-Han Chen, Community Development Director.

APPROVAL OF AGENDA

Ms. Currie moved approval of the Agenda. Mr. Bogard seconded. The motion carried 6-0-0.

PURPOSE

The purpose of the Work Session was for Council to review information from various social service agencies and to discuss the draft 2011 budget.

BUDGET (SOCIAL SERVICE AGENCIES)

Council heard reports and funding requests from the various agencies including the Oxford Community Foundation, Oxford Senior Citizens Center, the Family Resource Center, the Oxford College Corner Clinic and the Oxford Visitors and Convention Bureau.

2011 BUDGET

Mr. Elliott and Mr. Newlin presented the draft budget for 2011 and Council did not recommend any changes at this time.

ADJOURNMENT

Ms. Currie moved to adjourn at 9:20 p.m. Mr. Bogard seconded. The motion carried 6-0-0.