A Regular meeting of the Oxford City Council was called to order by Vice Mayor Kate Rousmaniere on Tuesday, October 7, 2014 at 7:15 p.m. Those members present were Bob Blackburn, Richard Keebler, Mike Smith, Steve Snyder and Edna Southard. Mayor McKeehan was excused.

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

ADJOURN TO EXECUTIVE SESSION

Mr. Keebler moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22 (G) 1 and 3 for the purpose of discussing appointments to Boards and Commissions and pending court action. Mr. Blackburn seconded. The motion passed by the following roll call:

AYE: Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn, Mr. Keebler, Ms. Rousmaniere (6)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Snyder moved to adjourn from Executive Session at 7:35 p.m. Mr. Blackburn seconded. The motion passed 6-0-0.

PLEDGE OF ALLEGIANCE

Vice Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Keebler moved to approve the agenda. Mr. Blackburn seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Keebler moved to appoint Jamie Mahaffey to the Recreation Board for a term ending in 2015 as a Talawanda School District representative and C. David Rogers to the Community Relations Commission for a term ending in 2017. Mr. Snyder seconded. The motion passed 6-0-0.

PUBLIC COMMENTS

Mr. David Brown, Butler County Auditor's Office, advised the Auditor's Office had almost completed the 2014 reappraisals and they were currently doing informal reviews. Mr. Brown noted everyone should have their tentative value and if they disagreed with the value they could schedule an informal review with the Auditor's Office or schedule one online through the end of this month. Mr. Brown advised the Auditor's Office wanted to establish a fair, conservative value for all properties in Butler County. Mr. Brown noted the Auditor's Office held 4 Town Hall Meetings across the county to discuss the 2014 reappraisal process and they had been very well attended.

Mr. Brown advised Auditor, Roger Reynolds had returned 6 million dollars of unused funds to entities over the last 6 years noting the unused funds were from the administration of levies. Mr. Brown noted the Talawanda School District received $80,900 this year and the City of Oxford received approximately $4,000.

Mr. Brown encouraged those with any questions to contact him at the Auditor's Office at 887-3159 or by emailing him at browndp@butlercountyohio.org.

Mr. Snyder inquired when the next property tax bill was due and Mr. Brown advised in February, 2015.

CONSENT AGENDA

MINUTES

Minutes of the September 16, 2014 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the September 9, 2014 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the September 17, 2014 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Mr. Blackburn moved to approve the consent agenda. Mr. Smith seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION
OVERLAY DISTRICT

A Resolution No. 4859 of Council accepting the petition as required by Oxford Codified Ordinance Section 1146.03 to establish a Neighborhood Conservation Overlay District for that area of Hilltop Road, part of Contreras Road, Panda Lane and Pin Oak Drive as set forth on Exhibit "A" attached hereto and referring the petition to the Oxford Planning Commission for recommendations to City Council. (Jung-Han Chen, Community Development Director)

Mr. Smith recused himself as a resident of the neighborhood in question.

Mr. Chen advised 72 parcels were contained in the proposed overlay district boundary and the signatures on the petition (53) exceeded the two-thirds requirement of parcel owners in the petitioned area. Mr. Chen noted this was the fifth petition to come before Council and two more were slated for the October 21, 2014 meeting. Mr. Chen advised this petition, if approved by Council, would go to the Planning Commission for recommendations before coming back to Council for legislative action.

Vice Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Vice Mayor Rousmaniere noted this was the first step in the process by which a neighborhood conservation overlay district was created and it would go to the Planning Commission and then back to Council.

Mr. Snyder moved to adopt Resolution No. 4859. Mr. Keebler seconded. The motion passed 5-0-0.

RESOLUTION
SETTLEMENT

A Resolution No. 4860 Authorizing the settlement of Butler County Common Pleas Cases CV 2013 12 3427 and CV 2013 12 3433 with defendants Tracy Beckelhymer and Christopher Umbstead respectively, husband and wife, and authorizing the City Manager to take all steps necessary to resolve these cases. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised construction for improvements on 27 South was well underway and the City had to work with approximately 42 property owners to acquire the necessary right-of-way for the project. Mr. Dreisbach noted the City had settled with all but 8 of the property owners to date and with Council's approval tonight, two more could be settled. Mr. Dreisbach advised he, the City Manager and the Law Director had a mediation hearing with the defendants last week and they came to a reasonable agreement for the Beckelhymer property to be settled for $14,000 and the Umbstead property for $7,000. Mr. Dreisbach noted this was a fair and just settlement from the City's perspective and with the settlement of these two, there would be six more to settle.

Vice Mayor Rousmaniere inquired if there were any comments from the public or from Council and there were none.

Mr. Snyder moved to adopt Resolution No. 4860. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTION
REVISION OF THE SOLID WASTE
GENERATION FEE

A Resolution No. 4861 to adopt the revision of the solid waste generation fee and amend Section VIII of the Solid Waste Management Plan of Butler County, Ohio. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the county operated the solid waste and recycling district funded by trash generated in Butler County. Mr. Dreisbach noted in 2013 the County Commissioners reduced the generation fee from $2.00 per ton to $1.00 per ton. Mr. Dreisbach advised tonight Council would discuss further reducing the generation fee from $1.00 per ton to $ 0.82 per ton. Mr. Dreisbach advised the county would continue to operate a recycling incentive program for municipalities and townships for successful recycling programs and they would continue the household hazardous waste program. Mr. Dreisbach noted there was no downside to approving the reduction and the county balanced their revenues against their expected expenses and felt they could reduce the fee.

Vice Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Vice Mayor Rousmaniere referred to the staff report on page 34 of the agenda and noted the City was saving money and the fees were being reduced.

Mr. Snyder moved to adopt Resolution No. 4861. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTION
WWTP IMPROVEMENT

A Resolution No. 4862 accepting the bid submitted by Danis Industrial Construction Co. and authorizing the City Manager to enter into a contract with Danis Industrial Construction Co. for the replacement of the belt filter press at the City's Wastewater Treatment Plant at a cost of $266,800.00 plus a contingency amount of ten percent (10%) of the contract price or $26,680.00 for a total cost not to exceed $293,480.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the belt filter press was a critical piece of equipment at the City's Wastewater Treatment Plant and it had been running continually since 1998 or so. Mr. Dreisbach noted the City budgeted $300,00 to replace the machine and received 3 bids just under the estimated cost. Mr. Dreisbach advised the City had good experience with Danis and recommended that Council award the contract to them for the replacement of the machine.

Vice Mayor Rousmaniere inquired if there were any comments from the public or from Council and there were none.

Mr. Keebler moved to adopt Resolution No. 4862. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTION
PAYMENT TO CSX

A Resolution No. 4863 of Council authorizing the full payment of $21,243.27 to CSX Transportation, Inc. for construction engineering and inspection expenses for improvements to the City's water and wastewater utilities on Chestnut Street through the railroad right-of-way. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised with the redevelopment of the former Wal-Mart site staff identified a bottleneck in the sanitary sewer system under the Chestnut Street railroad track. Mr. Dreisbach noted as part of the development agreement to redevelop that property the City installed new sanitary and water conduits underneath the railroad. Mr. Dreisbach advised to get approval to do that, as the railroad owned that land on Chestnut Street, the City had to work with CSX for construction engineering and inspection expenses. Mr. Dreisbach noted staff expected those costs to be just under $20,000 and in the end they were just over $21,000 and Council authorization was required to make the payment to CSX.

Mr. Blackburn noted an additional conduit was installed at the same time for future use, saving the City money and Mr. Dreisbach advised there was an extra 30" tunnel under the railroad and at some point in the future a water main could be used in that conduit.

Vice Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Keebler noted personally, he felt this was highway robbery by CSX but nothing could be done about it.

Mr. Snyder moved to adopt Resolution No. 4863. Ms. Southard seconded. The motion passed 6-0-0.

RESOLUTION
CURB, GUTTER & SIDEWALK REPAIRS

A Resolution No. 4864 declaring that it is necessary to improve those portions of certain properties on High Street, Campus Avenue, Beech Street and Locust Street in the City of Oxford, Ohio by repaving, re-curbing and repairing the sidewalks, curbs and gutters. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the City would reconstruct High Street between Poplar Street and Campus Avenue next summer and in advance of that project certain sections of curb, gutter and sidewalks needed to be repaired or replaced.

Mr. Dreisbach noted staff identified 11 parcels where repairs were necessary and staff had talked to many owners already and they knew the project was scheduled and what their obligations were. Mr. Dreisbach advised staff would follow Ohio Revised Code Section 729.02 which allowed for special assessments for property owners when the City performed the work for them. Mr. Dreisbach noted there would be several pieces of legislation regarding this process and tonight's resolution of necessity was the first step which would put owners on notice that repairs were necessary. Mr. Dreisbach advised owners had the option to make the repairs themselves and should they choose not to do that, the City would go out for bids and present a construction Resolution to Council. Mr. Dreisbach noted once the work was complete a Resolution showing the actual expenses would be presented to Council and finally an Ordinance to levy the special assessment cost to the property owners. Mr. Dreisbach advised 9 of the 11 parcels were specific to the High Street construction project and 2 were identified as being hazardous and in need of repair. Mr. Dreisbach noted staff was asking for Council's approval to proceed with the repair process.

Vice Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Snyder inquired when the repairs would be made. Mr. Dreisbach advised bids would likely go out this fall and weather permitting the work would proceed, otherwise it would be done in February or March. Mr. Snyder referred to the Resolution on page 46 of the agenda and noted repairs by owners had to be made no later than 30 days after receipt of the notice. Mr. Dreisbach advised that was what the ORC allowed but the City would work with owners who wanted to contract the work themselves if they needed more time.

Vice Mayor Rousmaniere thanked Mr. Dreisbach for explaining the process.

Mr. Blackburn moved to adopt Resolution No. 4864. Mr. Smith seconded. The motion passed 6-0-0.

RESOLUTION
2015 CDBG FUNDS

A Resolution No. 4865 authorizing the City Manager to submit eligible projects to the Butler County Board of County Commissioners for the 2015 Community Development Block Grant Program (CDBG) Year application. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised he and Mr. Elliott discussed how to spend next year's CDBG dollars ($96,701) on street improvements. Mr. Dreisbach noted in prior years the City had built a lot of handicap ramps and made sidewalk improvements. Mr. Dreisbach referred to Exhibit "A" and "B" on pages 51 and 52 of the agenda and advised staff was recommending to Council that next year's CDBG dollars focused on alley improvements in the mile square.

Vice Mayor Rousmaniere inquired if the Resolution authorized staff to submit proposals to CDBG. Mr. Dreisbach advised the Resolution was necessary to submit to Butler County and they would forward it to the Housing and Urban Development office of the Federal Government.

Vice Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Keebler moved to adopt Resolution No. 4865. Mr. Smith seconded. The motion passed 6-0-0.

RESOLUTION
SENIOR CENTER LEASE

A Resolution No. 4866 authorizing the City Manager to enter into a new lease with Oxford Seniors for the use of the Oxford Senior Citizen Community Center. (Gail Brahier, Parks and Recreation Director)

Ms. Brahier advised the proposed Resolution would continue the lease offering Oxford Seniors a place to host their programs and events. Ms. Brahier noted very minor adjustments were made to the lease agreement and it was for a period of 5 years.

Vice Rousmaniere inquired if there were any comments from the public or from Council and there were none.

Mr. Snyder moved to adopt Resolution No. 4866. Mr. Smith seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance Approving A Conditional Use Permit To Allow For Professional Office Use In A R3 (Multi-Family Residential) District To Be Located At 10 Reagh's Way, Oxford, Ohio 45056. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the applicant was Oxford Women's Care Center and they would like to reuse the vacant single-family dwelling as their office in the future. Mr. Chen noted currently their office was located on the second floor of an Uptown building which posed some challenges for the clients they served. Mr. Chen advised the proposed location would provide easy access to the office and traffic would be minimal in the cul-de-sac, there were only two part-time employees and the hours were minimal as well. Mr. Chen advised the zoning code allowed professional offices in a R3 district as a conditional use. Mr. Chen noted the Planning Commission felt this was a very good reuse of the property which had been vacant for two years and the Oxford Women's Care Center got consent from Habitat for Humanity to use and purchase the property for their office. Mr. Chen advised the site was adequate for any future expansion and the Planning Commission voted 7-0-0 to recommend approval of the conditional use.

Vice Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Keebler noted Mr. Chen covered the rationale behind the Planning Commission's decision and the Planning Commission did not see any down side to the proposal.

Vice Mayor Rousmaniere advised the Planning Commission also liked the fact that the proposed new office would be close to the Family Resource Center.

Mr. Blackburn noted being near the Family Resource Center was a win-win and the Oxford Women's Care Center had already been partnering with the Family Resource Center. Mr. Blackburn advised the Oxford Women's Care Center was no longer Uptown and were presently located at the Berean Bible Church on College Corner Pike. Mr. Blackburn noted he felt the proposed use was a great reuse of the vacant property.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3249. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2014. (Joe Newlin, Finance Director)

Mr. Newlin referred to page 84 of the agenda and advised the first item dealt with a Bureau of Worker's Compensation grant that Chief Detherage obtained in the amount of 23,337.50 with a local match of $7,792.50. Mr. Newlin noted the funds would be used to purchase 3 stair chairs and a hose-reel system. Mr. Newlin advised the second item dealt with making payments to National Inspection Corporation for the balance of the year and the additional funds were needed due to the large amount of construction that took place in the City this year. Mr. Newlin advised an additional item would be added for the second reading which dealt with revenue from underage drinking citations.

Vice Mayor Rousmaniere inquired what a 'stair chair' was and Chief Detherage advised it was for transporting patients from upper floors of buildings to the life squad.

Vice Mayor Rousmaniere inquired if there were any comments from the public and there were none.

ANNOUNCEMENTS

Mr. Elliott advised the City's Issue 2 would appear on the November ballot and the question was whether or not the City would be able to establish a Municipal Electric Aggregation Program. Mr. Elliott noted presently consumers in Oxford had two choices one of which was Duke's standard rate and the other one was to participate in the Ohio Electric Choice Program where consumers could choose their own generating supplier for electricity. Mr. Elliott advised this issue if passed by the voters on November 4th would allow the City to move forward with an electric aggregation program by collecting the consumer load in Oxford and trying to obtain a better price than a consumer could get through the standard Duke rate or the Ohio Electric Choice Program. Mr. Elliott noted the City was proposing an opt-out program. Mr. Elliott advised he had spoken to the Oxford League of Women Voters along with Don Marshall of Eagle Energy about the proposed program and he had spoken to the Lions Club. Mr. Elliott advised he planned to speak with members of the Rotary and Kiwanis organizations.

Mr. Elliott noted his hope the voters would adopt the issue so the City could move forward with the program.

Mr. Elliott reminded everyone that a Work Session was scheduled for Thursday, October 9th at 6:30 p.m. and he would present the City Manager's 2015 proposed budget.

Mr. Elliott updated Council and the public regarding the City's Deer Management Program noting 2 deer had been taken so far this season. Mr. Elliott advised the goal was to restore the natural balance not to eliminate white tailed deer.

Mr. Elliott advised the Butler County Commissioners adopted a Resolution approving the annexation petition for 137.622 acres of land on Bonham Road and after 60 days Council would consider adopting an Ordinance to accept the annexation.

Mr. Elliott noted a US 27 S construction meeting took place today and a temporary road would be constructed on the west side of US 27 which was scheduled to be paved October 20th weather permitting. Mr. Elliott advised the project was proceeding quite well.

Chief Holzworth advised this was day 2 of a strike at Schneider Electric on College Corner Pike. Chief Holzworth noted so far it had been congenial and OPD would continue to have a Police presence on the scene for the duration of the strike.

Ms. Brahier advised Saturday, October 18th in the Uptown Park from nine until noon the Coalition for a Healthy Community would kick off their new healthy living initiative. Ms. Brahier noted this was a partnership between the Talawanda School District, the City of Oxford, McCullough-Hyde Memorial Hospital and Miami University. Ms. Brahier advised this was another example of how the community comes together to make a positive change. Ms. Brahier noted the event would include family activities and a one mike walk.

Mr. Kyger noted the America's Best Communities committee had been hard at work and a public session would take place October 22 at 5:00 at the Oxford Community Arts Center to discuss ideas, concepts and to get feedback from citizens of Oxford. Mr. Kyger advised some of the ideas discussed so far were to create incubator space in the City, expand the OATS Trail from the City to Hueston Woods and to install Wi Fi in the Uptown Parks. Mr. Kyger noted this initiative was hosted by Frontier Communications and Dish Network and there were multiple prizes along the way with the big prize being a $3,000,000 grant. Mr. Kyger advised 280 communities were eligible to apply. Mr. Kyger noted those with ideas for the grant could contact him, Ms. Rousmaniere, or the Visitors Bureau.

Mr. Keebler noted the passing of Dr. Bhattacharjee last evening and advised he was a very active professor at Miami University and he was very active with the Oxford Community Foundation and the Oxford United Way. Mr. Keebler noted Dr. Bhattacharjee's death was untimely and way too early and he would certainly be missed.

Ms. Southard advised the League of Women Voters Candidate Forum would take place tomorrow evening from 7-9 p.m. at the Knolls of Oxford. Ms. Southard noted this was an opportunity to meet and hear from all candidates running in the local election on November 4th.

Ms. Southard advised the Institute for Learning in Retirement began its 5 week semester and she coordinated a class on how local governments runs. Ms. Southard thanked the City Manager, Police Chief, Vice Mayor Rousmaniere, the Law Director, Community Development Director and Fire Chief who would speak during the semester. Ms. Southard noted 20 people had signed up for the class so far and it was a great program for seniors in Oxford.

Mr. Blackburn advised he attended a presentation on Electric Aggregation at a Lions Club meeting and watched one on television. Mr. Blackburn noted he wanted people to understand that the City was not benefitting from this at all, it was for the public and the City was doing the ground work and spending time, energy and City money to get the proposal passed.

Mr. Blackburn noted Eric Robinette wrote a nice article for the Oxford Press about bike lanes and the proper way to use them and he hoped the Miami Student Newspaper could pick up the article.

Vice Mayor Rousmaniere echoed Councilor Keebler's comments about Dr. Bhattacharjee noting he was a real model of civic engagement at the local level. Vice Mayor Rousmaniere advised Dr. Bhattacharjee inspired her to run for City Council and he inspired a lot of people in many ways. Vice Mayor Rousmaniere sent condolences to his wife Tripti and their children and families. Vice Mayor Rousmaniere noted Dr. Bhattacharjee would be missed at the Candidates Forum tomorrow night.

Vice Mayor Rousmaniere advised tomorrow was National Walk and Bike to School Day and encouraged people to meet at the Talawanda Middle School at 7:00 a.m. or Kramer Elementary School at 8:45 a.m. to support children and families biking or walking to school. Vice Mayor Rousmaniere noted this was part of a larger community effort spearheaded by the Coalition for Health Communities to apply for a federal grant for Safe Routes to School which would improve lighting and other safety issues near the two schools that were located within the City limits.

ADJOURN

Mr. Smith moved to adjourn at 8:27 p.m. Ms. Southard seconded. The motion passed 6-0-0.