A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, November 2, 2010 at 7:15 p.m. Those members present were Ken Bogard, Kate Currie, Bob Blackburn, John Harman and Kevin McKeehan. Greig Rutherford arrived at 7:17 p.m.

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. Donna Heck, Human Resources Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

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

AYE: Mr. Blackburn, Mr. Bogard, Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. McKeehan moved to adjourn from Executive Session at 7:28 p.m. Mr. Blackburn 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

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

PUBLIC PARTICIPATION

PROCLAMATION
'RASKALS DAY'

Mayor Keebler read the Proclamation and presented it to Ms. Joyce Stewart.

Ms. Joyce Stewart, advised RASKALS appreciated being recognized with the Proclamation. Ms. Stewart advised the group was excited to kick-off the Oxford event on Saturday beginning with twenty clients. Ms. Stewart noted her hope the event would grow larger in coming years.

Mayor Keebler wished the group success with the event.

APPOINTMENTS TO BOARDS
AND COMMISSIONS

CIVIL SERVICE COMMISSION

Ms. Currie moved to appoint Mr. Michael Pavloff to the Civil Service Commission for a three year term. Mr. Blackburn seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Mr. Matt Ciccone, Secretary, Off Campus Affairs, updated Council with regard to the Pumpkin Carving event which took place on Sunday at Ms. Alysia Fischer's house in the mile square noting it was well attended.

Mr. Ciccone brought to Council's attention a problem with skunks in the mile square area south of High Street between Campus Avenue and Locust Street. Mr. Ciccone and noted his feeling it may be related to the feeding of stray cats. Mr. Ciccone advised he would contact animal control regarding the matter.

CONSENT AGENDA

MINUTES

Minutes of the October 14, 2010 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the October 19, City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the October 19, 2010 City Council Meeting. (Mary Ann Eaton)

REPORTS

Report regarding the October 27, 2010 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

RESOLUTIONS

RESOLUTION
CONTRACT WITH
ROSSMAN & COMPANY

A Resolution No.4567 authorizing the City Manager to enter into a contract with Rossman & Company for debt collection services. (Joe Newlin, Finance director)

RESOLUTION
BOND REDUCTION

A Resolution No. 4568 authorizing a $62,085.00 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 $43,159.00. (Mike Dreisbach, service Director)

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

RESOLUTION
CONTRACT WITH
FRONT STREET ANALYTICS

A Resolution No. 4569 authorizing the City Manager to enter into a contract with Front Street Analytics to perform a Demographic/Marketing Study for the City of Oxford at a cost not to exceed $40,000.00. (Alan Kyger, Economic Development Director)

Mr. Kyger advised the demographics in Oxford were far diluted and tainted by the number of college students living in a town with a population of 24,000 which made it look like the City had a higher unemployment rate than it did and a lower income per household than it did which was a factor when trying to recruit business to Oxford. Mr. Kyger advised last year Council authorized $36,000 towards a Marketing/Demographic Study and in February a Request for Proposal was released with 5 companies responding. Mr. Kyger noted the Community Improvement Corporation (CIC) worked with him and narrowed the search to three companies who came to Oxford and gave presentations which the majority of Council members attended. Mr. Kyger advised the CIC scored each company and recommended that Front Street Analytics performed the study for a number of reasons but mostly because they seemed to better understand a smaller community like Oxford. Mr. Kyger noted Front Street Analytics pared their original proposal down and several local companies pledged funds to support the initiative within the budgeted amount. Mr. Kyger advised Mr. Aaron Whittaker from Front Street Analytics was in attendance this evening.

Mr. Harman asked Mr. Kyger to recognize the companies who pledged funds for the initiative on the City's website.

Mr. Rutherford noted the City's local entrepreneurs were top tier and advised his feeling Front Street Analytics would help the City find ways to encourage people to make those investments.

Mr. Arron Whittaker, commended Mr. Rutherford for being very strategic in his thinking. Mr. Whittaker noted the concept of local businesses partnering with municipalities was critically important and it said a lot about the community when it banded together towards a common goal. Mr. Whittaker advised the study would be a very strategic assessment of the whole marketplace and without real due diligence on assessing what the marketplace was you would get an incomplete picture. Mr. Whittaker advised Front Street Analytics would do some homework for strategic leasing purposes and as vacancies occurred they could be very thoughtful and pragmatic in finding the right kind of entrepreneur to fill that top tier need in the community. Mr. Whittaker noted he was honored to be asked to work with the Oxford community.

Mr. Scott Webb, Vice Chair, Oxford Chamber of Commerce, advised over the last few years the chamber had made economic development a priority and tried to encourage the City to do the same. Mr. Webb noted the chamber attended the Demographic/Marketing presentations and had participated in economic development Work Sessions with Council, the Planning Commission and staff. Mr. Webb thanked the City Manager and Council for the access the chamber had to Mr. Kyger and his ability to help the chamber be an asset to the City in making decisions such as the proposed Demographic/Marketing study. Mr. Webb noted the Chamber was very aware of the demographic challenges the City faced when trying to attract businesses to town and they felt this would be a good move. Mr. Webb advised the Chamber was happy to see a proactive approach to economic development from Council and staff and noted the Chamber strongly encouraged Council's approval of the proposed Resolution and looked forward to some new demographics.

Ms. Currie moved to adopt Resolution No. 4569. Mr. Blackburn seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
2011 BUDGET

An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Oxford, State Of Ohio, During The fiscal Year Ending December 31, 2011. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance was a direct result of the budget Work Sessions which had taken place since mid August. Mr. Newlin noted the proposed Ordinance reflected exactly what Council received in great detail in their budget packet on October 8, 2010.

Mr. Richard Daniels, 451 Emerald Woods Drive, advised his feeling Council was in a difficult position at this point in time. Mr. Daniels noted the university was in a major change oriented situation of trying to figure out what they were going to be, for whom, and what they were going to spend over the next couple of years. Mr. Daniels advised the hospital was in a difficult situation as demonstrated by the recent lay-offs. Mr. Daniels noted with the changes in demographics in the community and benefit programs bad debts were increasing. Mr. Daniels advised health care was stable but not forever stable. Mr. Daniels noted the school system was in excellent shape but could be looking at a 20 to 40 percent reduction in their budget from the state. Mr. Daniels advised the City was the 4th major part of the community in terms of employment, taxes and services. Mr. Daniels suggested as Council looked at the budget they looked hard at generating a minimum margin of $1,000,000 which would require some major cuts, and if the Fire Levy did not pass, a margin of $1,500,000 would be needed for next year. Mr. Daniels noted the City was using part of its reserves to cover the shortfall in the budget and inquired how many dollars were in that reserve fund.

Mr. Elliott advised the budget showed an estimated operating deficit of $447,389. Mr. Elliott noted based on the proposed budget the fund balance would be ending at $5,100,000. Mr. Elliott advised the projection to end this year would be a fund balance of $5,600,000. Mr. Elliott noted the City had increased expenditures in the Fire/EMS division and the city had seen revenues decline significantly over the last two years due to the recession. Mr. Elliott advised the proposed budget did not include any new revenue for Issue 15. Mr. Elliott noted this was a very lean budget and it was based on last year's budget.

Mayor Keebler noted last year's budget deficit was less than budgeted because there were very little transfers to capital improvements. Mayor Keebler advised if Issue 15 passed it would put the City in much better shape but not good shape and hopefully funds could be returned to capital expenditures. Mayor Keebler noted over the next year the City would continue to look at ways to further reduce the operating budget.

Mr. Elliott advised when staff brought forward a budget that was in deficit; staff needed to look for ways throughout the year to reduce expenditures so the projected deficit turned out to be much less than projected at the beginning of the year. Mr. Elliott noted a number of things had been done over the past year to accomplish that objective and the City would continue to do those things.

ORDINANCE
OUTLINING BUDGETED
TRANSFERS

An Ordinance Outlining Budgeted Transfers For The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2011. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance would authorize the transfer of money mostly from the General Fund to various funds to fund operations, capital purchases and debt service. Mr. Newlin described each transfer as outlined in the staff report on pages 31 through 33 of the agenda.

ORDINANCE
2011 FEES

An Ordinance Adopting Fees And Charges For Fiscal Year 2011. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance reflected changes in fees for 2011 as recommended by staff and any questions could be directed to the respective department head.

Council discussed the proposed changes and noted concern with item B. 1) on page 39 of the agenda with regard to Administrative Zoning Review. Council asked Mr. Chen to provide comparables for the recommended fees and noted some concern with the proposed fee for sign review in conjunction with a building application. Council noted concern with fees for meters on page 43 of the agenda and noted the fee for special event vehicles should be the same as the fee for construction vehicles. Mayor Keebler referred to page 44 of the agenda and requested the fees for the Fire/EMS Department to be rounded to the nearest dollar. Mr. Dreisbach referred to page 51 of the agenda and noted the practice of hanging double banners over High Street would be eliminated.

ORDINANCE
2011 SALARIES

An Ordinance Establishing Salaries And Certain Benefits For Salaried and Hourly Full-Time And Part-Time Employees Within the Service Of the City Of Oxford, Ohio, Paid From January 1, 2011 Through December 31, 2011. (Donna Heck, Human Resources Director)

Ms. Heck referred to pages 55-69 of the agenda and advised additions and corrections were noted in bold and items to be eliminated were indicated by strikeout. Ms. Heck referred to her staff report on page 54 of the agenda and offered to answer any questions.

Mayor Keebler noted there were no changes in the wage schedule.

Ms. Currie advised Council appreciated the non-increase in wages and noted her hope Council could offer cost of living increases in the near future.

Mayor Keebler noted the City had not layed off any employees which was important. Mayor Keebler advised he appreciated the fact the employees understood the situation.

Mr. Rutherford referred to page 57 of the agenda and noted full-time authorized strength was 114 and 123 positions were authorized but not budgeted. Mr. Rutherford inquired why positions were maintained but not budgeted. Mr. Elliott, Ms. Heck and Mayor Keebler addressed the issue. Mayor Keebler noted this was a typical practice but Council needed to pay attention to how long positions were carried as authorized but not budgeted. Mr. Rutherford noted as technology changed and the way business was conducted changed the authorized positions may not be the positions which were needed in the future.

ANNOUNCMENTS

Mr. Elliott advised a public involvement meeting would take place on December 9, 2010 regarding the final submission of the study on the Oxford Connector. Mr. Elliott noted he would provide the time and location as soon as it was known. Mr. Elliott advised the City and ODOT would need to determine the next steps in the process such as the environmental review and/or preliminary engineering for the project. Mr. Elliott noted each dollar spent after the study of earmarked funding would reduce the available amount of funding for the US-27 South improvement project.

Mr. Elliott advised 5 antlerless deer had been harvested under the Deer Management Program so far this year and the goal was to harvest 33 antlerless deer.

Mayor Keebler referred to questions raised by Ms. Zien at the last meeting and emails regarding a potential ethics issue and Council's involvement with the Board of Zoning Appeals. Mayor Keebler referred to a letter to Council from Mr. Stuart Meck, a property owner, who suggested Council sought an opinion from the Ohio Ethics Commission regarding elected officials appearing as advocates, representatives, or advisors for petitioners before the Board of Zoning Appeals. Mayor Keebler asked for Council's input regarding the issue. After discussion the consensus of Council was to request a twofold informal opinion as follows:

1. Is it appropriate for one or more members of Council to attend a Board of Zoning Appeals meeting?
2. If one or more members of Council attended a Board of Zoning Appeals meeting are they permitted in any way to take part in that meeting?

Mr. Blackburn noted Oxford Township Trustee, Jim McDonough was in the hospital.

Mr. Blackburn thanked everyone who supported the Fire Levy by voting for it, allowing yard signs on their property or contributed dollars towards the signs and door hangers. Mayor Keebler noted it was important to thank everyone that took time to spread the word about the Fire Levy whether it was successful or not successful.

Mr. McKeehan thanked everyone who supported the Fire Levy.

Mr. McKeehan advised the 'Empty Bowls' benefit soup luncheon would take place on Saturday from 11:30 a.m. to 1:30 p.m. at the Oxford United Methodist Church. Mr. McKeehan advised the proceeds would go to the Oxford Community Choice Pantry.

Mr. Harman thanked Mr. Dreisbach and the Service Department for obtaining another $400,000 grant for the rehabilitation of High Street.

Mr. Rutherford referred to a letter to Council from Mr. McHugh dated October 28, 2010 regarding the BZA Standing Issue. Mr. Rutherford noted the question came down to probative evidence and whether or not the testimony of a given individual should be entered into the record.

Mr. Rutherford quoted Mr. McHugh's letter in part as follows:

'The BZA must establish a record of proceedings which, upon review by a court of common pleas, is not determined to be unconstitutional, illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record.'

Mr. Rutherford inquired if someone spoke at a BZA hearing but did not provide probative testimony if their comments would be struck from the record and not made part of the BZA's decision process.

Mr. McHugh advised Council felt the BZA was taking testimony and making decisions not supported by facts and evidence which was why the issue of standing was adopted. Mr. McHugh noted the issue of standing was to ensure the applicant had a fair hearing. Mr. McHugh advised unlike the Planning Commission or Council the BZA was not a forum for the collection of opinion it was a forum for the collection of evidence. Mr. McHugh noted if someone would suffer some unique harm as a result of granting a variance the board should allow that individual to present documentation and to testify as to exactly why a variance should not be granted.

Mr. Rutherford asked if it was possible for a citizen to speak to an issue if they wanted to point out an oversight of the code review or make a correction to the information the BZA had. Mr. Rutherford noted if an individual could do that in a clear and concise manner then that would be probative because it would be a citizen making an argument in favor or against a given variance petition and they were providing evidence which was supported by the code.

Mr. McHugh advised a person should be given an opportunity to state their position but must show some harm or suffering as a result of a variance being granted. Mr. McHugh noted if a person had done research and had an opinion on a matter it should be provided to staff. Mr. McHugh reiterated that opinions were appropriate for the Planning Commission or Council to consider but not the BZA.

Mr. Rutherford noted he was trying to figure out how a person who had a legitimate concern could have the right to speak at a BZA hearing.

Mayor Keebler advised Council adopted the new rules for the BZA on March 3, 2009 and unless the rules were changed people without standing would not be permitted to speak at a BZA hearing. Mayor Keebler noted two Council members stated they did not receive Mr. McHugh's letter of October 28, 2010 and they should be given the opportunity to review the letter. Mayor Keebler advised at the next meeting Council could decide if they wanted to continue this discussion or if they were satisfied with the BZA rules as written.

Mr. Bogard congratulated Mr. Dreisbach and his staff for obtaining another grant for the restoration of High Street in 2012.

Mr. Bogard noted Make a Difference Day would take place Saturday from 11:00 a.m. to 3:00 p.m.

Ms. Bobbe Burke, advised 250 people had registered to participate in Make a Difference Day at 12 different locations throughout the City.

Mr. Bogard asked Mr. Kyger to update Council and the public with regard to new meter regulations. Mr. Kyger advised staff hoped to implement the change in meter rates from twenty-five cents to fifty cents and remark short term meters over the Thanksgiving holiday. Mr. Kyger noted Smart Meters may also be installed during the Thanksgiving holiday.

Ms. Currie noted Ghost Story Night was a huge success and thanked story tellers Jim McWilliams and Terry Beck. Ms. Currie thanked local musicians Molly Franklin and Laurie Traveline who provided sound effects. Ms. Currie also thanked Caroline Croswell of the Community Arts Center for all of their help with the event.

Mayor Keebler advised the annual Veteran's Day Ceremony would take place November 11, 2010 at 12:00 noon at the Martin Luther King Jr. Park and encouraged everyone to attend.

ADJOURNMENT

Ms. Currie moved to adjourn at 9:19 p.m. Mr. Bogard seconded. The motion passed 7-0-0.