

A Regular meeting of the Oxford City Council was called to order by Vice Mayor Ken Bogard on Tuesday, November 3, 2009 at 7:30 p.m. Those members present were Doug Ross, Richard Keebler, Alysia Fischer, Kate Currie and Greig Rutherford. Mayor Dana arrived at 8:54 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.

PLEDGE OF ALLEGIANCE

Scouts from Boy Scout Troop 930 lead the Pledge of Allegiance at Vice Mayor Bogard's request.

APPROVAL OF AGENDA

Ms. Fischer moved to approve the agenda. Ms. Currie seconded the motion passed 6-0-0.

PUBLIC PARTICIPATION

RECOGNITION

BOY SCOUT TROOP 930

Vice Mayor Bogard read and presented a certificate of appreciation to Boy Scout Troop 930 in honor of their seventieth anniversary.

NOTICE TO LEGISLATIVE AUTHORITY

Notice to Legislative Authority – Transfer permit from Sribalaji Inc DBA U Shop 1st Fl Front Unit & Bsmt only 21 E. High St Oxford, Ohio 45056 to Siddhartha Inc DBA U Shop 1st Fl Front Unit & Bsmt only 21 E. High St Oxford, Ohio 45056.

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

NOTICE TO LEGISLATIVE AUTHORITY

Notice to Legislative Authority – Transfer permit from Oxford Recreation Inc DBA High Street Grill 1st Fl only 116 E. High St Oxford, Ohio 45056 to Morning Sun Café & Bakery on High LLC 109 W. High St Oxford, Ohio 45056.

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

PUBLIC COMMENTS

Mr. Peter Schuller, 17 Quail Ridge Drive, requested that Council made Brookville Road from the Oxford City Limits to Oxford- Reily Road a 'Target Enforcement Zone' with a radar read-out device as he felt the speed limit was almost universally ignored. Mr. Schuller discussed the problems regarding vehicular speed in this area of town as well as recent facts concerning the area. Mr. Schuller suggested that the City worked with the township and county to extend the 35 mile per hour speed limit west to the Oxford Community Park. Mr. Schuller proposed that the City installed a safety and noise barrier in the Oxford section of Brookville Road due to the radical increase of traffic in the area.

Chief Schwein advised the Oxford Police Department frequently positioned a patrol car on Brookville Road at Quail Ridge to run radar especially in the mornings. Chief Schwein advised he traveled that stretch of road everyday and noted the importance of local residents cooperating with the enforcement efforts.

Mr. Keebler noted this was the second person Council had heard from recently regarding the speed limit on Brookville Road. Mr. Keebler suggested the Police Chief and City Manager work with the township to see what could be done to lower the speed limit on the county portion of the road to the entrance of the Community Park.

Mr. Ed Butch, 800 S. Oak Street, noted he worked for the Office of Residence Life at Miami University. Mr. Butch invited and encouraged Council and community members to attend the fifth annual 'Tunnel of Oppression' event on November 9th and 10th from 3-9 p.m. on the 2nd floor of Williams Hall.

Mr. Matt Ciccone, Secretary, Off Campus Affairs, noted the student body supported the high speed rail initiative and were working towards ways to bring the service to Oxford. Mr. Ciccone advised the Student Senate adopted a Resolution today in support of the initiative. Mr. Ciccone advised another Student Forum would take place on November 18th at 6:30 p.m. at Harrison Hall regarding parking issues. Mr. Ciccone noted Perry Gordon would be in attendance to answer questions and extended an invitation to Mayor Dana to speak as well.

CONSENT AGENDA

MINUTES

Minutes of the October 20, 2009 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the October 20, 2009 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORT

Report regarding the October 13, 2009 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

RESOLUTIONS

RESOLUTION **AGREEMENT WITH** **T2 SYSTEMS INC.**

A Resolution No. 4487 authorizing the City Manager to enter into a three (3) year Software Subscription Agreement with T2 Systems, Inc. for the use of software utilized by the City of Oxford's Parking Unit at an annual cost of eleven thousand four hundred forty eight and 45/100 dollars (\$11,448.34). (Steve Schwein, Police Chief)

RESOLUTION **SALVAGE VEHICLES**

A Resolution No. 4488 authorizing the sale of salvaged motor vehicles. (Steve Schwein, Police Chief)

Ms. Currie moved to approve the consent agenda. Mr. Rutherford seconded. The motion passed 6-0-0.

RESOLUTION

RESOLUTION **CONTRACT WITH** **RUMPKE OF OHIO, INC.**

A Resolution No. 4489 authorizing the City Manager to enter into a contract with Rumpke of Ohio, Inc. of Cincinnati, Ohio for collection and disposal of solid waste and collection and processing of recyclable materials for the City of Oxford and its residents beginning January 1, 2010. (Mike Dreisbach, Service Director)

Mr. Dreisbach noted he wanted to take this opportunity to update Council and members of the public on solid waste and recycling issues. Mr. Dreisbach provided a PowerPoint presentation highlighting where the City had been, where it was now, and what the future might hold with regard to the collection and disposal of solid waste and the collection and processing of recyclable materials. Mr. Dreisbach also discussed the City's yard waste and leaf collection programs which were available to residents at no cost. Mr. Dreisbach encouraged Council to authorize the City Manager to sign a new contract with Rumpke noting his feeling they offered a fair price for very good service.

Ms. Currie noted some residents believed Oxford's recycling material really went to the landfill and took their recyclables to a facility instead of leaving it at the curbside. Mr. Dreisbach advised Rumpke operated a multi-million dollar Material Recovery Facility and they needed every bit of recyclable product to pay for their investment.

Mr. Rutherford noted a representative from Rumpke attended the Environmental Commission Meeting last week and advised them a substantial amount of plastics went to the landfill. Mr. Rutherford advised the Environmental Commission would propose an educational program for residents regarding the issue. Mr. Dreisbach noted it was beyond the City's control if items were rejected as recyclables due to contamination or some other reason.

Ms. Fischer inquired if the special move-in and move-out pick-ups were included in the contract and Mr. Dreisbach advised yes.

Mr. Rutherford noted he would like staff to investigate a hazardous waste pick-up station located in Oxford. Mr. Rutherford requested clarification regarding residential service verses commercial service. Mr. Dreisbach advised the codified ordinance specified 4 units were considered residential accounts and anything over 4 units were considered commercial accounts.

Mr. Ross called the question.

Ms. Currie moved to adopt Resolution No. 4489. Ms. Fischer seconded. The Resolution was adopted by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Ms. Currie, Mr. Bogard (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
FIRST READING

ORDINANCE
ANNEXATION

An Ordinance Authorizing The Annexation Of 0.559 Acres Of Contiguous Territory And Directing The City Attorney To Prosecute The Proceedings Necessary To Effect Said Annexation. (Doug Elliott, City Manager)

Mr. Elliott discussed his staff report as presented on page 39 of the agenda noting ODOT required the right-of-way to be annexed into the City prior to the installation of a traffic signal.

ORDINANCE
AMENDING SECTION 521.12

An Ordinance Amending Section 521.12 Of The Codified Ordinances Of The City Of Oxford, Ohio, Entitled Outdoor Furniture Restriction. (Steve Schwein, Police Chief)

Chief Schwein addressed his staff report as presented on page 44 of the agenda noting Judge Lyons requested clarification of the language in Section III (a).

Ms. Currie noted for those who did not have an agenda that the requested change was to add language as follows: 'No person, **either real property owner, lessee, renter, tenant, or occupant**'.

ORDINANCE
ENACTING SECTION 505.17 AND
AMENDING SECTION 1159.09

An Ordinance Adopting And Enacting Section 505.17 Of The Codified Ordinances Of The City Of Oxford, Ohio, Entitled Keeping Of Chickens In A Residential District, And Amending Section 1159.09 Of The Codified Ordinances Of The City Of Oxford, Ohio, Entitled Definitions (Beginning With The Letter "H") (Jung-Han Chen, Community Development Director)

Mr. Chen discussed his staff report as presented on page 47 of the agenda noting the Planning Commission needed to make a recommendation with regard to Section 1159.09 of the proposed Ordinance.

Mr. Keebler moved to refer the proposed legislation to the Planning Commission for their action on the appropriate section and return the item to Council. Mr. Rutherford seconded.

Ms. Fischer noted if the legislation was referred to the Planning Commission the new Council would vote on the Ordinance. Ms. Fischer referred to page 49 of the agenda Section V and inquired why female chickens would need to become household pets. Mr. McHugh advised it would distinguish them as not a farm animal. Ms. Fischer noted she would like to see Section V deleted from the proposed Ordinance and move forward with the second reading on November 17, 2009.

Mr. Keebler withdrew his motion. Mr. Rutherford withdrew his second.

Ms. Fischer moved to strike Section V from the proposed legislation. Mr. Ross seconded. The motion passed 6-0-0.

Mr. Keebler noted his feeling there were too many concerns with the proposed legislation and he was not prepared to vote on the proposed Ordinance.

Ms. Fischer referred to pages 48 and 49 of the agenda and made the following suggestions:

Strike 505.17 (b)(4) 'No person shall slaughter any chickens', strike 505.17 (b) (7) 'or fenced enclosure', strike 505.17 (b) (8) 'forty feet' and change to twenty feet.

Mr. Fischer moved to strike 505.17 (b)(4) 'No person shall slaughter any chickens'. Ms. Currie seconded. The motion passed 5-2-0 with Mr. Rutherford and Mr. Bogard voting nay.

Ms. Fischer moved to strike 505.17 (b)(7) 'or fenced enclosure' Ms. Currie seconded. The motion passed 7-0-0.

Ms. Fischer moved to amend section 505.17 (b)(8) to read 'twenty feet'. Ms. Currie seconded. The motion passed 7-0-0.

Mr. Rutherford referred to item 505.17 (b)(6) on page 49 of the agenda and suggested amending the first sentence to read 'A person shall not keep chickens in any location on the property other than in the ~~backyard~~ *rear yard or side yard*.

Ms. Fischer suggested staff make a recommendation for the second reading to address corner lots.

ORDINANCE **APPROPRIATIONS**

An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Oxford, State Of Ohio, During Fiscal Year Ending December 31, 2010. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on pages 51 and 52 of the agenda.

Mr. Fischer referred to the \$300,000.00 allocated for additional staffing in the Fire Department and noted it would be huge priority for the new Council to sustain the staffing after 2010.

Mr. Ross inquired if \$3,000.00 was still budgeted for the scholarship program and Mr. Newlin advised yes.

Mr. Bogard noted the township was planning to contribute additional funding to the Fire Department for the services they received.

Mr. Rutherford inquired if the life squads would be upgraded to include paramedics and Mr. Elliott advised yes.

ORDINANCE **FEES AND CHARGES**

An Ordinance Adopting Fees And Charges For Fiscal Year 2010. (Joe Newlin, finance Director)

Mr. Newlin addressed his staff report as presented on pages 58 and 59 of the agenda noting additional legislation would be forthcoming in regard to a new contractor registration fee to ensure all income tax was paid on work within the City.

Ms. Currie inquired if the City was picking up the additional cost for the larger recycling wheelers and Mr. Dreisbach advised only through the rest of this year.

Ms. Fischer referred to page 59 of the agenda requested clarification for the increase in preschool fees. Mr. Newlin advised he would need to get the information from Ms. Brahier.

Ms. Fischer referred to page 71 of the agenda and noted the cost difference between refuse service for residential and commercial users was not that significant and noted perhaps the complaints from commercial users were due to the cost of additional pick-ups. Ms. Fischer requested clarification of fees for recycling waste wheelers on page 72 of the agenda which Mr. Dreisbach addressed.

Mr. Elliott noted the City offered a variety of services for commercial accounts to best accommodate their needs at an affordable price.

Mr. Rutherford noted concern that residents in a six unit dwelling paid \$9.62 more per month for refuse pick-up than residents in a three unit dwelling. Mr. Dreisbach addressed the concern reiterating that 5 or more dwelling units were considered commercial properties. Mr. Rutherford requested clarification of 'Hand Service' which Mr. Elliott addressed.

Mr. Bogard advised the City generated a lot of trash and garbage and noted his feeling the rates for removal were very reasonable on a per month basis. Mr. Bogard referred to page 67 of the agenda and inquired if the increases in the Fire/EMS Department were a result of market and insurance prices. Mr. Newlin advised they were based on a Medicare formula.

Ms. Fischer requested clarification of the restitution for transport refusal which Chief Detherage addressed noting the judge occasionally required restitution to cover the cost of the squad responding to a call and not being able to recover any of the costs.

Mr. Ross referred to page 75 of the agenda and requested clarification regarding the Contractor Registration and Mr. Newlin advised forthcoming legislation would define who was required to register and who was exempt from registering.

Mayor Dana encouraged Council to watch and study trash issues noting it was very complicated and the City was constantly looking for ways to provide fairness to all residents. Mayor Dana noted this was an ongoing discussion and there were unique circumstances in Oxford.

Mr. Rutherford referred to page 62 of the agenda and suggested clarifying that rental of the Senior Citizens Center included the main room and the kitchen only.

ORDINANCE
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, 2010 Through December 31, 2010. (Donna Heck, Human Resources Director)

Ms. Heck reviewed her staff report as presented on page 76 of the agenda.

Mr. Keebler referred to page 78 of the agenda and noted the temporary increase to 3 Lieutenants was a two year commitment and now it would be three years. Ms. Heck noted one of the Lieutenants was going to retire and now he will retire in 2011. Mr. Keebler requested clarification of the number of authorized Police Officers which Ms. Heck and Chief Schwein addressed.

ORDINANCES
SECOND READING

An Ordinance No. 3085 Adopting And Enacting Chapter 505, Section 505.16 Of The Oxford Code Of Ordinances, Entitled 'Feeding Of Wild Life Prohibited'. (Doug Elliott, City Manager)

Mr. Elliott advised he had no new information to add and recommended that Council adopt the proposed Ordinance.

Mayor Dana noted the word 'intentional' was inserted in Section 505.16(a) as amended at the prior meeting.

Mr. Bogard moved to adopt Ordinance No. 3085. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Rutherford, Ms. Currie, Ms. Fischer, Mr. Bogard, Ms. Dana (6)

NAY: Mr. Ross (1)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised the City had reached a tentative agreement with the Oxford Township Trustees for Fire Protection and Emergency Medical Services delivered to the township.

Mr. Elliott noted 2010 was a Census year and questionnaires would be delivered or mailed to households in March.

Mr. Elliott advised the City's goal was to ensure that every resident was counted since the allocation of federal government dollars could be based, in part, on Census data. Mr. Elliott noted Census data also determined representation in the U.S. House of Representatives.

Mr. Dreisbach advised for the vast majority of customers there would be no rate increase for water or sanitary sewer service in 2010. Mr. Dreisbach noted for the average residential customer the refuse service would only increase .22 per month.

Mr. Kyger noted the Chipotle restaurant would open for business on Friday.

Mr. Ross advised a benefit dinner would take place on Saturday, November 14, 2009 at the Reily Community Center for Scott Fasick from 5:00 to 7:00 p.m.

Mr. Rutherford noted his hope the Resolution endorsing the Mayors Climate Protection Agreement would be re-considered with a minor modification tonight. Mr. Rutherford inquired if there was any consideration among the Council members who voted no for re-consideration. Mr. Keebler advised he would be in favor of comparable legislation without the language in item 'B'. Mr. Bogard advised a modified document would not be in tune with the national document. Mr. Rutherford noted his hope the new Council would give the matter serious consideration.

Mr. Rutherford congratulated Boy Scout Troop 930 on their 70th anniversary.

Mr. Rutherford provided information regarding seminars on solar and wind power in the region and the tax benefits as well as geothermal technology and encouraged those interested to go to the Butler Rural Electric Cooperative website.

Mr. Rutherford congratulated the newly elected Council members.

Mr. Bogard noted a quote by Marcel Marceau 'It's good to shut up sometimes'.

Ms. Fischer noted a pumpkin carving event was held last week at her residence in conjunction with the Associated Student Government, the Student Community Relations Commission and the Northwest Mile Square Neighborhood Association.

Ms. Fischer noted during Homecoming Weekend she participated in a 'ride-along' with Detective Geoff Robinson. Ms. Fischer encouraged those who still grappled with the Taser issue to participate in a 'ride-along' and noted the Police Officers showed amazing patience and restraint.

Ms. Fischer noted some people in the unincorporated areas of Oxford Township resented that residents in the City could vote for Oxford Township Trustees. Ms. Fischer noted she was a township resident and paid tax to the township. Ms. Fischer noted her feeling a lot of people did not understand that dynamic.

Ms. Currie advised the Bicentennial Event Planning Committee would meet on Wednesday, November 11, 2009 at 5:30 p.m. at the Visitors and Convention Bureau. Ms. Currie noted the committee met the second Wednesday of each month and if the VCB was otherwise occupied they met at the Lane Public Library.

Mayor Dana noted the Veterans Day Ceremony would be held on November 11, 2009 at noon in the Uptown Park.

Mayor Dana congratulated the new Council members and noted they had an exciting time before them.

ADJOURNMENT

Mr. Bogard moved to adjourn at 10:00 p.m. Ms. Currie seconded. The motion passed 7-0-0.