A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Monday, November 4, 2013 at 7:00 p.m. Those members present were Ken Bogard, Bob Blackburn, John Harman, Kevin McKeehan and Steve Snyder. Kate Rousmaniere 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. John Detherage, Fire Chief; 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) (2) for the purpose of discussing property acquisition. Mr. McKeehan seconded. The motion passed by the following roll call:

AYE: Mr. Blackburn, Mr. Bogard, Mr. Harman, Mr. McKeehan, Mr. Snyder, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Blackburn moved to adjourn from Executive Session at 7:30 p.m. Mr. Snyder seconded. The motion passed 6-0-0.

PLEDGE OF ALLEGIANCE

Mayor Keebler requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Bogard moved to approve the agenda. Mr. Harman seconded.

Mayor Keebler asked for a motion to remove First Reading Ordinances numbers 3 and 4. Mayor Keebler noted there were a lot of items on tonight's agenda and Council should allow time to discuss them. Mayor Keebler noted the items to be removed were updates of codes dating back to 1963. Mayor Keebler advised he would like the Ordinances to be brought back to Council at the first meeting in December with the new Council in place for discussion.

Mr. Snyder moved to move agenda items 6. A. 3. and 4. to the first meeting in December. Mr. Blackburn seconded. The motion passed 6-0-0.

Mr. Bogard moved to approve the agenda as amended. Mr. Harman seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

MINUTES

Minutes of the October 15, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the October 17, 2013 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

REPORT

Report regarding the October 8, 2013 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the October 17, 2013 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

Report regarding the October 23, 2013 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

Mr. Bogard moved to approve the consent agenda. Mr. McKeehan seconded. The motion passed 6-0-0.

RESOLUTION
CONTRACT WITH BS&A

A Resolution No. 4790 authorizing the City Manager to enter into a contract with Bellefeuil, Szur, & Associates, Inc. for the acquisition of computer software at a cost not to exceed $142,035.00 plus $13,710.00 for the second year annual software fee for a total cost of $155,745.00 contingent upon the adoption of Supplemental Budget Number 4 for fiscal year 2013. (Joe Newlin, Finance Director)

Mr. Newlin advised at the last meeting he presented a Supplemental Budget to get the funds in place for the proposed software purchase. Mr. Newlin noted the budgeted amount for 2013 was too low based on the bids received for the software. Mr. Newlin advised staff recommended a contract for the software purchase with BS &A for the following reasons:

- 1 year 100% guarantee on the price of the software
- 2 year payment plan interest free
- Previous experience converting from the City's current software vendor
- Excellent customer service (based on 10 reference checks)

- Intuitive report writer, built in GASB 34 reporting
- Buy in from staff
- Ability for citizens to review financials online

Mr. Newlin reiterated that the contract was contingent upon Council adopting Supplemental Budget Number 4 which was on the agenda for second reading this evening.

Mayor Keebler noted that Council discussed this item in detail at the last meeting when Supplemental Budget Number 4 was presented for the funding of the proposed software.

Mr. Harman moved to adopt Resolution No. 4790. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTION
NEW FUND

A Resolution No. 4791 approving the creation of a new fund for the 2013 operating budget to provide for municipal facilities capital improvements. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed new fund would be for the sole purpose of the acquisition of property, improvements to acquired or existing property and necessary equipment for Municipal Facilities as discussed during the October 17th Budget Work Session. Mr. Newlin noted it would be funded by a transfer of $2,000,000 from the General Fund's unencumbered fund balance after the passage of Supplemental Budget Ordinance Number 5 which was on the agenda for first reading this evening. Mr. Newlin advised the transfer would leave a projected 2013 year ending General Fund balance of $6,043,340 which was approximately 60% of the proposed 2014 General Fund's budgeted operating expenditures and transfers out. Mr. Newlin advised the Resolution was brought forward at Council's request.

Mr. Snyder advised this was not a new idea and this type of fund had previously been on the books. Mr. Snyder noted his feeling it showed a commitment for long range planning for facilities and municipal needs of the City.

Mr. Snyder moved to adopt Resolution No. 4791. Mr. McKeehan seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For The South Half Of The City Block Bounded By West Collins Street, South College Avenue, West Walnut Street And South Beech Street, Totaling Approximately Two (2) Acres, Including Rights-Of-Way, And Rezoning The Property From R1MS (Single-Family Mile Square Residential) District To R2MS (Single And Two-Family Mile Square Residential) Zoning District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the request was to rezone one half of a City block which included 7 structures on 10 parcels from R1MS to R2MS. Mr. Chen noted in considering a zoning map amendment, the Planning Commission must adhere to the decision standards outlined in the zoning code and determine that a least one standard was met and the benefit of the amendment outweighed any potential pitfalls. Mr. Chen advised after the public hearing and deliberation, the Planning Commission voted 6-0-0 to recommend approval of the map amendment to City Council as they felt it met at least one of the decision standards and it would reduce the number of nonconforming uses. Mr. Chen noted the applicant, Scott Webb, would provide a presentation to Council.

Mr. Scott Webb, Applicant, noted this request was heard by the Planning Commission last month and he represented each of the property owners who supported the zoning map amendment. Mr. Webb advised the area being considered included 2 duplexes, 4 lodging houses and one 4 unit building. Mr. Webb advised there were no single-family residences in this block and there had not been any for quite some time. Mr. Webb referred to decision standard A. 'There is an error on the Official Zoning Map' and noted he felt an error was made when the R-4B district was changed which allowed two-family structures in this zone to R1MS. Mr. Webb advised he felt the change was made without looking at the uses in the zone and the current zoning was not an applicable zone for this part of the City. Mr. Webb advised the occupancy in this area had not changed but the rules pertaining to the buildings did. Mr. Webb noted when this quadrant of the City was rezoned to R1MS in 2003 there were a couple of owner occupied homes and now there were none. Mr. Webb advised when these properties became non-conforming uses it severely hindered the opportunity to remodel, renovate or re-configure the structures especially with regard to the new code which required a reduction in occupancy to do so. Mr. Webb noted the Comprehensive Plan directed maintenance and improvements of the housing stock and the current zoning in this area discouraged that. Mr. Webb advised there was a 2 unit structure in this area that was currently considered non-conforming and the owner would be forced to reduce the occupancy by 50% in order to remodel, renovate or re-configure the structure and that would not happen. Mr. Webb noted lodging houses were non-conforming in every zone and it was a goal of the Planning Commission and Council to eliminate lodging houses in favor of smaller groups and better living conditions. Mr. Webb advised in this case, because it was a R1MS district we were effectively making sure these lodging houses would stay forever. Mr. Webb noted the current zoning was severely restricting the opportunity to improve these properties or even to maintain them over time. Mr. Webb explained the opportunities for improving each of the buildings in this area by rezoning the area to R2MS. Mr. Webb noted rezoning to R2MS would help preserve the Mile Square houses by removing the dramatic reduction in occupancy that re-configuration would currently require and it would allow the potential elimination of 4 lodging houses.

Mr. Webb advised rezoning would encourage stabilization and improvement of the neighborhood by allowing a better return on the investment. Mr. Webb noted rezoning would not result in a higher net occupancy than the current zoning allowed and it would correct the error on the zoning map when R4B was eliminated. Mr. Webb advised rezoning would result in an area that more closely conformed to the Comprehensive Plan.

Mayor Keebler noted there were two vacant lots in this area and inquired if rezoning would make them more buildable. Mr. Chen advised no, as 3,000 square feet was needed in order to build a single-family structure.

Mr. Blackburn noted the area under consideration was right next to a R2MS district and he felt the map amendment was a step forward.

Mr. Bogard referred to the idea of eliminating lodging houses and advised he thought part of Mr. Webb's conversation was that there would be no changes unless property owners wanted to re-configure the property. Mr. Webb advised property owners could remodel without a reduction in occupancy but a re-configuration triggered a 30% reduction in occupancy. Mr. Bogard inquired if there were incentives for property owners to do that. Mr. Webb noted incentives were market driven. Mr. Webb advised there were approximately 80 lodging houses in the Mile Square and students in his experience were not inclined to live in a lodging house as they would rather be in smaller groups and their expectations for living conditions had grown significantly. Mr. Webb advised property owners were not getting full occupancy and they were willing to take the 30% reduction in occupancy to improve the properties for higher occupancy.

ORDINANCE
RENEW FRANCHISE

An Ordinance Granting To Butler Rural Electric Cooperative, Inc., Its Successors And Assigns, A Franchise For The Distribution Of Electric Power And Energy To Parts Of The City Of Oxford, Ohio, Which Are Presently Within Said Cooperative's Service Area And For The Transmission Of Electricity Within Said City. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised in late 1989 City Council passed an Ordinance granting Butler Rural Electric Cooperative (BREC) a franchise to deliver electric power and energy to defined areas within the City. Mr. Dreisbach noted the franchise would expire at the end of the year and attorneys for BREC worked with Mr. McHugh to renew the franchise Ordinance for another 25 year extension of the franchise. Mr. Dreisbach advised the new Ordinance was substantially the same as the one adopted in 1989. Mr. Dreisbach noted a significant term of the ordinance was the provision that should the City relocate sewer lines, water lines, other utilities, or relocate other City property, the Cooperative would relocate its facilities (power poles or power lines) at no cost to the City.

Mr. Bogard inquired if there was an inventory of where BREC supplied service in the City. Mr. Dreisbach advised they provided service to the north side of town including the Wal-Mart area. Mr. Elliott noted the new high school was also supplied by BREC.

Mayor Keebler noted the cooperative did not provide the opportunity for customers to select another source for their power.

Mayor Keebler inquired what would happen if Council elected not to renew the franchise. Mr. McHugh advised BREC would most likely file an appeal with the PUCO.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3190. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2013. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance would allow the transfer of $2,000,000 from the General Fund into the newly created fund for municipal facilities. Mr. Newlin noted the funds had not been appropriated for any purpose at this time.

ORDINANCE
2014 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, 2014. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance reflected the discussion from the October 17th Budget Work Session. Mr. Newlin noted the proposed 2014 budget included a 2% increase for full-time employees with a net effect on all funds of $196,000. Mr. Newlin advised there was a .5% increase in the General Fund operating expenditures from 2013, there was a net income of $1,862 in the General Fund and the total capital spending for all funds was $3,154,566.

Mayor Keebler noted the two major changes from what was originally presented to Council was the 2% increase for employees (except those in a bargaining unit) and the creation of the municipal facilities fund.

ORDINANCE
BUDGETED TRANSFERS

An Ordinance Outlining Budgeted Transfers For The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2014. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance was needed as part of the budgeting process to show the transfer of funds from one fund to another over the course of the year and how often the transfers would be made. Mr. Newlin noted his staff report on pages 134 to 136 detailed the purposes for the transfers.

ORDINANCE
BUDGETED ADVANCES

An Ordinance Outlining Budgeted Advances For The City Of Oxford , State Of Ohio, During The Fiscal Year Ending December 31, 2014. (Joe Newlin, Finance Director)

Mr. Newlin advised an advance as detailed on page 139 of the agenda was a loan of money with the anticipation of being reimbursed by the funding source. Mr. Newlin noted ODOT would reimburse the City for the U.S. 27 S right-of-way acquisitions and the Ohio Public Works Commission would reimburse the City for improvements to High Street and the Dana Drive bridge replacement. Mr. Newlin advised these accounting details would be submitted to the County Auditor's Office.

Mayor Keebler advised Council had previously discussed and approved the projects listed in the proposed Ordinance.

ORDINANCE
2014 FEES AND CHARGES

An Ordinance Adopting Fees And Charges For Fiscal Year 2014. (Joe Newlin, Finance Director)

Mr. Newlin advised as part of the budgeting process Department Heads reviewed the City's fees and charges and made adjustments as they saw fit based on costs for the prior year. Mr. Newlin noted any questions regarding the adjustments should be directed to the respective Department Head.

Mr. McKeehan noted he was surprised there were so few adjustments and they were fairly minor. Mayor Keebler advised the change in the fee for EMS runs was in line with Medicare reimbursement rates and there were a few adjustments made in Parks and Recreation fees. Mr. Newlin noted there was no increase in water/sewer or refuse rates.

ORDINANCE
2014 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, 2014 Through December 31, 2014. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed Ordinance included a 2% cost of living increase for employees based on the discussion during Council's Budget Work Session. Mr. Elliott noted the part-time Receptionist position was eliminated in Administration. Mr. Elliott advised the provision for health insurance premiums was removed from the Salary Ordinance as it was covered in the Budget Ordinance. Mr. Elliott noted the pay bands were increased by 2% as well.

Mayor Keebler advised the only increases were based on the 2% cost of living adjustment, no new positions were added and one part-time position was eliminated.

ORDINANCES
SECOND READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3237 Amending Ordinance No. 3190. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2013. (Joe Newlin, Finance Director)

Mayor Keebler inquired if there was anything further to discuss since the first reading of the proposed Ordinance and Mr. Newlin advised no. Mayor Keebler inquired if there were any comments from the public or from Council and there were none.

Mr. Snyder moved to adopt Ordinance No. 3237. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Harman, Mr. McKeehan, Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance No. 3238 To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located at 3992 Millville-Oxford Road for The Purpose Of Acquiring Permanent Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27) (Mike Dreisbach, Service Director)

Mayor Keebler asked Mr. Dreisbach to comment on the next 8 Ordinances.

Mr. Dreisbach advised Ordinance numbers 2-9 were identical in nature with different parcels listed that were necessary for the City to acquire for the U.S. 27 South improvement project. Mr. Dreisbach noted there were notification issues with three property owners and those three Ordinances would come before Council for a first and second reading which would complete Council's action on the project. Mr. Dreisbach advised staff would continue to work with property owners to reach a settlement on the properties through negotiation or mediation to try to avoid the City having to file law suits.

Mayor Keebler inquired if there were any comments from the public on items 2-9 and there were none. Mayor Keebler inquired if there was any further Council discussion on items 2-9 and there was none.

Mr. McKeehan moved to adopt Ordinance No. 3238. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. McKeehan, Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mr. Harman, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance No. 3239 To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located at 3996 Millville-Oxford Road for The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27) (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Ordinance No. 3239. Mr. Harman seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mr. Harman, Mr. McKeehan, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance No. 3240 To Appropriate For Public Use, All Right Title And Interest In A Business Sign With Illuminated Cabinet Located at 3996 Millville-Oxford Road for The Purpose Of Acquiring Permanent Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27) (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Ordinance No. 3240. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Blackburn, Mr. Bogard, Mr. Harman, Mr. McKeehan, Mr. Snyder, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance No. 3241 To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located at 100 Red Cloud Court for The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27) (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Ordinance No. 3241. Mr. Snyder seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bogard, Mr. Harman, Mr. McKeehan, Mr. Snyder, Mr. Blackburn, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance No. 3242 To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located On Miami Western Drive for The Purpose Of Acquiring Permanent Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27) (Mike Dreisbach, Service Director)

Mr. Bogard moved to adopt Ordinance No. 3242. Mr. Snyder seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Harman, Mr. McKeehan, Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mayor Keebler (6)

NAY: None (0)

ABS : None (0)

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance No. 3243 To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At 4163 Miami Western Drive for The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27) (Mike Dreisbach, Service Director)

Mr. Snyder moved to adopt Ordinance No. 3243. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. McKeehan, Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mr. Harman, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance No. 3244 To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At 4179 Miami Western Drive for The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27) (Mike Dreisbach, Service Director)

Mr. Snyder moved to adopt Ordinance No. 3244. Mr. Harman seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Snyder, Mr. Blackburn, Mr. Bogard, Mr. Harman, Mr. McKeehan, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance No. 3245 To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located At 4385 Millville-Oxford Road for The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road (U.S. 27) (Mike Dreisbach, Service Director)

Mr. Snyder moved to adopt Ordinance No. 3245. Mr. McKeehan seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Blackburn, Mr. Bogard, Mr. Harman, Mr. McKeehan, Mr. Snyder, Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott noted the first reading of the proposed 2014 budget took place this evening and the General Fund expenditures were slightly more than the current year (increase of $40,996 or .5%). Mr. Elliott advised General Fund revenues were estimated to increase 1.5% based on the estimated growth in the local income tax. Mr. Elliott noted General Fund revenues were down by 3.5% from fiscal year 2011 due to the loss of the Ohio Estate Tax and the reduction in Local Government Funding. Mr. Elliott advised he felt this was an essential and sustainable budget for fiscal year 2014 which would be in place effective January 1, 2014.

Mr. Elliott encouraged voters to support Issue 2 on tomorrows ballot which was a Charter Amendment to align the City's filing deadline for City Council candidates with the current laws of the State of Ohio.

Mr. Elliott updated Council and the public with regard to Substitute House Bill 5 (Municipal Income Tax Uniformity Bill) noting he was watching its progress carefully as it could have some negative impacts on the City. Mr. Elliott noted it was important to ensure that the changes were revenue neutral.

Ms. Brahier thanked everyone who attended the Halloween event Uptown noting it was a wonderful community event with merchants handing out candy and the Lion's Club Parade. Ms. Brahier stated it was great to see so many families and kids Uptown.

Mr. Blackburn advised he went to the park in Hanover Township to see their newly acquired handicap swing and encouraged others to do so as well.

Mr. Bogard advised 240 volunteers participated in 'Make a Difference Day' last Saturday by helping those who needed assistance with yard work and raking leaves. Mr. Bogard noted it was a delight to talk with the students in his neighborhood who were pre-med students. Mr. Bogard thanked all of the student and the citizen volunteers for their efforts. Mayor Keebler noted additional student groups would volunteer their services this coming Saturday.

Mr. McKeehan reminded everyone to vote tomorrow.

ADJOURN

Mr. Bogard moved to adjourn at 8:31 p.m. Mr. Harman seconded. The motion passed 6-0-0.