

A Regular meeting of the Oxford City Council was called to order by Mayor Kevin McKeehan on Tuesday, December 1, 2015 at 7:30 p.m. Those members present were Bob Blackburn, Steve Dana, Glenn Ellerbe, Kate Rousmaniere, Mike Smith and Edna Southard.

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

ADJOURN TO EXECUTIVE SESSION

Mr. Dana moved to adjourn to Executive Session in accordance with Ohio Revised Code Section 121.22(G)(1) for the purpose of selecting the Mayor and Vice Mayor. Mr. Blackburn seconded. The motion passed by the following roll call:

AYE: Mr. Dana, Mr. Ellerbe, Ms. Rousmaniere, Mr. Smith, Ms. Southard, Mr. Blackburn
Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

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

ELECTION OF MAYOR & VICE MAYOR

Mr. Dana moved to nominate Ms. Rousmaniere for the position of Mayor and Mr. Smith for the position of Vice Mayor. Mr. Blackburn seconded. The motion passed 7-0-0.

SWEARING IN

Mr. McHugh performed the swearing-in of Ms. Rousmaniere as Mayor and Mr. Smith as Vice Mayor.

Mayor Rousmaniere thanked former Mayor Kevin McKeehan noting he had been a role model of steady leadership and community engagement. Mayor Rousmaniere advised it was because of Mr. McKeehan that she was interested in the position of Mayor.

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

NOTICE TO LEGISLATIVE AUTHORITY

Transfer permit from Kona Bistro & Coffee Bar Inc. 31 W. High Street 1st Floor, basement and patio Oxford, Ohio 45056 to B Wing LLC DBA Kona Bistro 1st floor, basement and patio 31 W. High Street Oxford, Ohio 45056.

Mr. Blackburn recused himself from the discussion.

Mr. Kyger advised when a liquor license was bought, sold or transferred the City was notified by the Ohio Liquor Commission and the City had a 30 day period to respond to the notice. Mr. Kyger noted traditionally Council accepted the notice without comment but if there was an issue Council could request a hearing before the Liquor Control Board. Mr. Kyger advised Kona Bistro changed hands and the new owners Blake and Tyler Jennings were in attendance to answer any questions.

Mayor Rousmaniere noted the City received the notice and anytime a liquor license transferred hands it was required to be made public.

Mr. Tyler Jennings, introduced himself to Council.

Mr. Blake Jennings, noted he and his brother were excited to take over operations at Kona Bistro and between the two of them had worked there 14-15 years. Mr. Jennings advised they planned to carry on the tradition of the previous owners and to give the establishment a new look. Mr. Jennings noted they looked forward to working with everyone and thanked Council for their support.

Mr. McKeehan moved to receive the notice without comment. Mr. Ellerbe seconded. The motion passed 6-0-0.

PUBLIC COMMENTS

There were no comments from the public.

CONSENT AGENDA

REPORT

Report regarding the November 18, 2015 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

RESOLUTION

VERIZON WIRELESS

A Resolution No. 4951 authorizing the City Manager to enter into a twelve (12) month Agreement with Verizon Wireless to provide cellular service for up to eighty (80) units for the City of Oxford in accordance with General Services Administration (GSA) Federal Supply Schedule Number GS-35F-0119P at an estimated cost of forty six thousand dollars (\$46,000.00) automatically renewable at a cost not to exceed five percent (5%) annually. (Bob Holzworth, Police Chief)

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

RESOLUTIONS

RESOLUTION

EXTEND CONTRACT WITH OXFORD TOWNSHIP

A Resolution No. 4952 authorizing the City Manager to extend the existing agreement between Oxford Township, Butler County, Ohio and the City of Oxford to provide Fire Protection and Emergency Medical Services to Oxford Township pursuant to the agreement for a period of one year. (Doug Elliott, City Manager)

Mr. Elliott advised the present contract for the provision of Fire and EMS Services to Oxford Township by the City of Oxford expires on 12/31/15 and it was a 3 year contract. Mr. Elliott noted a second follow-up meeting had not been able to be scheduled. Mr. Elliott recommended the present contract be extended with the same provisions for one additional year. Mr. Elliott advised a contract with Oxford Township had been in place for several and had worked well for both parties.

Mayor Rousmaniere inquired if the township was in favor of extending the contract and Mr. Elliott advised yes.

Mr. McKeehan inquired if there was a reason why a follow-up meeting was not held. Mr. Elliott advised he and staff had been busy focusing on the contract with the Butler County Sheriff's Office. Mr. Elliott noted Oxford Township owned some of the equipment used by the City which needed to be replaced soon and those negotiations would take some time.

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

Mr. Smith moved to adopt Resolution No. 4952. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTION
EXTEND CONTRACT WITH
MILFORD TOWNSHIP

A Resolution No. 4953 authorizing the City Manager to extend the existing agreement between Milford Township, Butler County, Ohio and the City of Oxford to provide Emergency Medical Services to the western portion of Milford Township pursuant to the agreement for a period of one year. (Doug Elliott, City Manager)

Mr. Elliott advised the present contract for the provision of Emergency Medical Services to the western portion of Milford Township expires on 12/31/15 and it was a 2 year contract. Mr. Elliott recommended extending the present contract for one additional year.

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

Mr. McKeehan moved to adopt Resolution No. 4953. Ms. Southard seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3286. Supplemental Budget Ordinance Number 8 To Make Supplemental Appropriations For Fiscal Year 2015. (Joe Newlin, Finance Director)

Mr. Newlin discussed the reasons for the supplemental budget as outlined on pages 16 and 17 of Council's Packet and offered to answer any questions.

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

Mayor Rousmaniere noted this was standard procedure for appropriating monies at the end of the year and Council would vote on the Ordinance at the next meeting.

ORDINANCE
SECOND READING

ORDINANCE
NEW SECTION 141.04

An Ordinance No. 3339 Repealing Oxford Codified Ordinance Section 141.04 Entitled Police Advisory Board, And Adopting New Oxford Codified Ordinance Section 141.04 Entitled Police Community Relations And Review Commission. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed Ordinance would establish a Police Community Relations and Review Commission and it was the result of several meetings and discussions with CRC members and others over the last 4 months. Mr. Elliott noted two members of the CRC were present this evening, Katherine Lok and Pat Meade. Mr. Elliott advised the purpose of this commission was to improve communications between the City of Oxford Police Division and the community, increasing police accountability and credibility with the public, and to create a fair and impartial complaint process. Mr. Elliott noted the commission would consist of seven members appointed by City Council and reflective of the community's diversity. Mr. Elliott advised as required by the City Charter, the City Manager or designee shall be an ex officio member without a vote and the commission shall meet at least quarterly. Mr. Elliott noted his hope the proposed Ordinance would increase the community's understanding of police work and what the police force did for the community. Mr. Elliott noted his hope the proposed Ordinance would enhance the citizen's understanding of the process for handling complaints against police officers and he hoped it would increase trust and confidence in the OPD and especially with the minority community. Mr. Elliott advised as City Manager, he must look at ways to continue to improve operations and the proposed Ordinance would reenact the Police Advisory Board with a more defined purpose. Mr. Elliott noted everyone wanted Oxford to be a welcoming and inclusive community and recommended approval of the proposed Ordinance.

Ms. Janis Dutton, Oxford resident, noted since the minutes of the last meeting were not yet available she wanted to put on the record again that the Community Relations Commission (CRC), the citizen body that oversees the civil rights of the citizens of Oxford had been working on language for the ordinance to create a citizen law enforcement oversight commission for many months. Ms. Dutton advised at the last meeting the CRC received a substantially altered ordinance and asked to table the decision until its next meeting. Ms. Dutton noted Council seemed unaware at the time that the CRC had not yet had a chance to met. Ms. Dutton advised at the last meeting she thought it was a peculiar disregard if not unintentional for the democratic processes that govern the City. Ms. Dutton advised she questioned the legality of having the ordinance on Council's agenda before the CRC met one more time to finalize the language. Ms. Dutton noted putting it before Council now seemed to violate a number of provisions of the City Charter and codified ordinances. Ms. Dutton advised for example, the City Manager decided this was the version to be brought forward which was effectively a vote and as an ex officio member of the CRC he doesn't get to vote or out vote the commission. Ms. Dutton noted she had a petition with 381 signatures and the petitions were circulated by the NAACP, Black Women Empowered, concerned students and other groups on and off campus. Ms. Dutton advised some people would not sign the petition because they feared for their safety and that was important for Council to hear. Ms. Dutton noted from the beginning of this effort a primary goal of the new commission was to collect and make public racial demographic data on stops, arrests, etc., not just to monitor complaints. Ms. Dutton advised the ordinance did not address that and referred to page 23 of the agenda and noted under 'Meetings' the requested data was left unspecified and under "duties" the yearly report only stipulated reporting data on the complaint process. Ms. Dutton advised from her experiences some specificity was very important as implied language and institutional memory were poor substitutes for codified language. Ms. Dutton noted she handed out some suggested amendments to people and she realized Council's job was difficult as she served on Council and boards and commissions over a 12 year period so she knew from experience. Ms. Dutton advised sometimes it was difficult to find courage to represent citizens by disagreeing with the City Manager on police practices or other code enforcement practices.

Ms. Dutton noted she understood and had been told that Council believed adding the language now appeared to be an end around police input but the end around was the act of putting the ordinance on the agenda last month. Ms. Dutton asked if Council would do the same thing to the Planning Commission had they tabled something they were considering. Ms. Dutton advised Council could put the amendments into the ordinance or they could table it until the next meeting. Ms. Dutton noted she had been following months of email exchanges on this issue and attended the last 2 CRC meetings and what she observed was a process laid by pot holes of white privilege. Ms. Dutton asked Council to table the ordinance, take 2 weeks to mitigate the white privilege, share the amendments with the Police Department and let the CRC see it one more time and take a formal vote. Ms. Dutton advised there were issues discussed at CRC meetings that were not addressed in the ordinance. Ms. Dutton asked Council to think about the message being sent to members of color in the community by not having the language in the ordinance. Ms. Dutton noted at this time she believed it essentially said black lives don't matter.

Ms. Linda M. Kimball, Melinda Drive, noted she had the opportunity today to watch the televised press conference of Chicago Mayor Emanuel announcing his decision to fire Police Superintendent McCarthy and to form the Chicago Police Accountability Task Force. Ms. Kimball advised this followed the release of the year old video of the killing of 17 year old Laquan McDonald who was shot 16 times by a police officer. Ms. Kimball quoted Mayor Emanuel as follows: 'Like many other cities in the country large and small the citizens of Chicago did not have the kind of trust in their police force to warrant their confidence in the integrity, accountability, transparency and responsiveness of the Chicago Police.' Ms. Kimball noted that was what the ordinance in question was about. Ms. Kimball advised if to serve and protect was not just a slogan but a mission of our local police it should include 'Police accountability, transparency, responsiveness and integrity'. Ms. Kimball noted this should be embraced by our police agency as an opportunity to share its data and its work experience with the citizens it is duty-bound to serve and protect. Ms. Kimball advised she felt the CRC should have been allowed to complete its work before the ordinance was presented to Council.

Mayor Rousmaniere inquired if CRC members were present to speak to this issue noting it was unclear to her if the CRC approved the language as presented.

Mr. Elliott advised he wanted to clarify Ms. Dutton's reference to democratic process noting he did not want the legislation to be rushed if Council based on public comments did not feel comfortable doing so. Mr. Elliott noted Ms. Dutton attended the last CRC meeting and he stated to CRC members that he wanted to bring the ordinance back to them at their next meeting to review. Mr. Elliott advised from the discussion he felt members did not want to delay the legislation. Mr. Elliott noted he had a conversation with Councilor Southard about bringing the legislation forward and he worked for City Council who represents the citizens of the community and are elected by the citizens in a democratic process. Mr. Elliott advised he felt he addressed many of the concerns that CRC members expressed and after some concerns were addressed the Police Department supported the ordinance. Mr. Elliott noted it was Council's decision to move forward or delay the legislation until the CRC met again.

Mr. McKeehan noted he recalled an email from a CRC member urging the legislation be passed by the end of the year. Mr. Elliott advised that was correct and he believed the ordinance reflected the concerns in the petition he received from Ms. Southard.

Ms. Dutton advised the ordinance did not stipulate the type of data to be collected and provided in the annual report.

Mr. Bob Black, Arrowhead Drive, advised his name was on the petition and he felt it was a good thing for the community. Mr. Black noted timing was important and it was important to get the ordinance right. Mr. Black inquired if more time would get the ordinance perfect and if perfection was the best way to bring this important tool to the police and to the community. Mr. Black noted that was the question he had as someone who supported the petition as well as an ordinance that moved the issue forward.

Ms. Katherine Lok, noted she was a CRC member and a Miami University student. Ms. Lok advised the CRC had worked on the ordinance for a few months and in her opinion it was robust and the CRC was in favor of it. Ms. Lok noted the specific data listed on the petition was not included in the ordinance and she felt the petition mostly showed people's support for the creation of the commission. Ms. Lok advised from her student perspective a lot of students were for this concept and saw a need for it. Ms. Lok noted she had been on Police Ride-Alongs and she felt the ordinance was not threatening to the police or to the public and it would only create communication and clarity. Ms. Lok advised the CRC was for the ordinance and to specify and perfect the exact data she didn't feel mattered as much as passing the ordinance since the community and the students were for it.

Ms. Jasmine Rogers, noted she was a senior at Miami and the President of Black Women Empowered, a student organization on campus. Ms. Rogers advised she felt the ordinance was needed and as a person of color on Miami's campus she has heard many complaints from even freshmen this year about confrontations with police. Ms. Rogers stated that students had been profiled just walking down the street and racial slurs had been thrown at them. Ms. Rogers noted the students come to her organization because their representation was a minority and they vent their qualms about feeling uncomfortable after they've been admitted to Miami. Ms. Rogers advised she had been told students were Uptown with a group of friends that were a majority and the police singled them out specifically and asked them what they were doing Uptown and asked the majority if they felt they were being harassed. Ms. Rogers noted she knew a lot of people that didn't want to sign the petition because they felt uncomfortable with their name on a formal document at this university and they feared for their scholarships and other things. Ms. Rogers advised this was definitely needed, she had heard many stories, and things had happened to her. Ms. Rogers noted representation and accountability needed to be strongly thought about as far as these movements and coalitions were concerned.

Ms. Alexis Thompson, noted as a student at Miami University, a member of Black Women Empowered, a member of the Black Activist Movement, a member of the Oxford community, a resident of Oxford, and as a person of color who was not well represented in this room, she felt the ordinance was necessary as a way her voice could be heard, understood and actually listened to.

Mr. Blackburn noted he felt the ordinance needed to be passed and if something wasn't right Council could always amend it. Mr. Blackburn advised he felt it was important for Council to get something in place.

Mr. Ellerbe agreed with Mr. Blackburn noting it was a good ordinance for the City. Mr. Ellerbe advised if there were amendments that needed to be made they could be made later especially after subsequent meetings.

Ms. Southard advised the intent of the ordinance was clear and the City was working towards transparency. Ms. Southard noted to address points Ms. Dutton made on data, the commission can ask for any kind of data, and it is to be provided. Ms. Southard noted it was essential for the City to have this ordinance, it was needed in the United States today and in this city today. Ms. Southard advised she did not think re-wording was necessary at this time and Council needed to pass the ordinance.

Mr. Dana asked for clarification regarding the role of the CRC and what would be achieved with some of the recommendations brought forth. Mr. Elliott advised he thought it was a good ordinance and as some Councilors suggested, it could be amended later if necessary. Mr. Elliott noted staff would provide whatever data the commission would like. Mr. Elliott advised he would be willing to meet with Ms. Dutton and discuss her concerns further. Mr. Elliott noted he felt the ordinance accomplishes what Ms. Dutton would like to see. Mr. Dana noted there was no question it was an immanently desirable measure to pass.

Mayor Rousmaniere noted there seemed to be a great urgency to pass the proposed ordinance and she approved passing it as is. Mayor Rousmaniere advised at least 388 people signed a petition supporting the Police Community Relations and Review Commission. Mayor Rousmaniere advised the Police Department approved it after much discussion as did members of the community and the NAACP. Mayor Rousmaniere noted Council could move it forward and if things weren't working they could amend it. Mayor Rousmaniere advised she felt it was too late in the game at second reading to want to table it and she didn't approve of amending it right now. Mayor Rousmaniere noted she didn't understand what the suggested change of language was and the Police Department had not seen it and the whole CRC had not seen it. Mayor Rousmaniere advised it was not a good time to stall on this issue as it was a major national issue and the point was to get this commission in place.

Mr. McKeehan advised he supported passing the ordinance as is and Council could always adjust it if they found flaws. Mr. McKeehan noted Council had done that numerous times with other ordinances in the past and would continue to do so in the future.

Mr. Blackburn moved to adopt Ordinance No. 3339. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ellerbe, Mr. McKeehan, Mr. Smith, Ms. Southard, Mr. Blackburn, Mr. Dana
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott updated Council and the public with regard to the City's Electric Aggregation Program and noted subsequent opt-out letters would be mailed on December 10th and 11th.

Lt. Jones announced an Open House would take place Tuesday, December 15th from 5-7 p.m. at the Fire Station to celebrate Sergeant Denny Colyer who was retiring after 33 years of service to the Oxford Police Department.

Ms. Brahier reminded everyone the Oxford Holiday Festival was Saturday, December 5th from 11:00 a.m. to 8:00 p.m. and it was a joint partnership with the Parks and Recreation Department, Visitors Bureau, Chamber of Commerce, Oxford Community Arts Center and the Talawanda Band Boosters. Ms. Brahier detailed the events of the day and evening and encouraged the community to attend.

Mr. Kyger noted he was unable to attend Council's Organizational Meeting and welcomed new Councilors Dana and Ellerbe and congratulated new Mayor Rousmaniere and Vice Mayor Smith. Mr. Kyger thanked former Mayor McKeehan for all of his work over the past 2 years.

Mr. McHugh reiterated Mr. Kyger's comments.

Mr. McKeehan thanked Councilors for supporting him during his tenure as Mayor and welcomed the new Councilors. Mr. McKeehan noted it had been a pleasure serving the City and serving as Mayor the last two years. Mr. McKeehan thanked former Vice Mayor Rousmaniere for covering speaking engagements and doing presentations for him as necessary when he had a scheduling conflict. Mr. McKeehan thanked City staff for their support during this time noting it was impressive and unwavering. Mr. McKeehan noted being Mayor was nothing he ever set out to do but it had been a very pleasant and enjoyable experience and he was glad he had the opportunity to do so.

Mr. McKeehan reminded everyone the Lions Club tree sales were open.

Mr. Blackburn advised he felt the new owners of Kona Bistro would carry on Tom Elliott's legacy and do a great job.

Ms. Southard thanked former Mayor McKeehan for his wonderful work the past few years noting she had learned a great deal. Ms. Southard advised she felt the new Council would work very well together and she was looking forward to it.

Mr. Smith encouraged everyone to shop local and noted the weather was going to be wonderful and he hoped to see everyone enjoying the Holiday Festival.

Mr. Dana thanked Mr. McKeehan for his work and the efficiency in which he had done it. Mr. Dana thanked Mayor Rousmaniere for her insights and passion for the work she does.

Mr. Ellerbe thanked former Mayor McKeehan and Mayor Rousmaniere for welcoming him to City Council as well as everyone else who had been a great help to him. Mr. Ellerbe noted this was a new experience for him and he hoped to add a lot of value to the City in the position.

Mayor Rousmaniere thanked Council for supporting her as Mayor and thanked former Mayor McKeehan for his leadership and for being a role model.

Mayor Rousmaniere noted she was pleased one of the first pieces of legislation the new Council passed was the ordinance for the Police Community Relations and Review Commission noting it was an ideal example of democracy at work.

ADJOURN

Mr. Dana moved to adjourn at 8:35 p.m. Ms. Southard seconded. The motion passed 7-0-0.