



Agenda

Oxford City Council

Court House

TUESDAY, JULY 14, 2020

EXECUTIVE SESSION

No Executive Session. This meeting is being conducted in accordance with Sub. H.B. 197 and the guidelines set forth by the Ohio Dept. of Health

1. Roll Call. Mike Smith, Mayor; William Snavelly, Vice-Mayor; David Prytherch; Jason Bracken; Chantel Raghu; Glenn Ellerbe; Edna Southard

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda, and Consent Agenda items, will be heard under Public Comments – and (2) Comments on all Resolutions and Ordinances will be heard during Council consideration of said item. Please wait until you are recognized by the Mayor, proceed to the podium, state your name and address so that your comments may be properly recorded and limit your remarks to a period of five minutes or less.

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

This facility is wheelchair accessible. If you plan to attend this meeting and you have a disability that requires special arrangements, please notify the City Manager's office 48 hours

3. Public Participation.

A. Public Comments.

The purpose of the Public Comments Section is for members of the Public to speak to the City Council on any subject not scheduled on the Agenda, except Consent Agenda items. City Council values your comments, and Council rules limit public comments to five minutes for each person. Presentations are not to be in the form of public debate, personal attacks on Council, City staff or other members of the public and Council shall not act except to direct the City Manager to take action or schedule the matter for discussion at a later date.

4. Approval of Minutes.

A. Minutes of the June 16, 2020 City Council Virtual Meeting. (Mary Ann Eaton, Clerk of Council) (Tabled) pg4



Minutes

5. Resolutions – None.

6. Ordinances.

A. First Reading.

1. An Ordinance Requiring Face Coverings In Any Public Space Within The City Of Oxford, Ohio, To Limit The Spread Of COVID-19, And Declaring An Emergency. (Doug Elliott, City Manager) pg20



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Adopting New Section PMC-108.2.5 Entitled Securing Of Vacant Properties Within The International Property Maintenance Code Section Of Part Thirteen Of The Oxford Codified Ordinances Entitled Building Code. (Sam Perry, Community Development Director) (Tabled) pg25



Staff Report/Ordinance

2. An Ordinance Repealing Oxford Codified Ordinance Part Thirteen Entitled Building Code, Title Three Entitled Local Provisions, Chapter 1320 Entitled Fees. (Sam Perry, Community Development Director) (Tabled) pg30



Staff Report/Ordinance

3. An Ordinance Amending Ordinance No. 3538. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2020. (Joe Newlin, Finance Director) pg32



Staff Report/Ordinance

4. An Ordinance Amending Oxford Codified Ordinance Section 525.12 Entitled Dereliction Of Duty By Adding Subsection (e) 1 And 2 To Ban The Use Of Chokeholds By Police Officers And Requiring Officers To Take Reasonable Steps To Intervene When They See The Unauthorized Or Excessive Use Of Force By Other Police Officers. (John Jones, Police Chief) pg34



Staff Report/Ordinance

7. A. Announcements & Communications.

1. Discussion – Local COVID Policy Responses. (David Prytherch) (Tabled)
2. Remarks from City Council and City Staff. The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

B. Future Meetings ? Virtual.

TUES – July 14 Planning Commission Meeting 7:00 p.m.

WED - July 15 Board of Zoning Appeals Meeting 6:30 p.m.

MON - July 20 Housing Advisory Commission Meeting 1:30 p.m.

TUES – July 21 City Council Meeting 7:30 p.m.

TUES - Aug 4 City Council Meeting 7:30 p.m.

WED - Aug 5 Environmental Commission Meeting 7:00 p.m.

TUES – Aug 11 Public Arts Commission of Oxford 4:30 p.m.

TUES – Aug 11 Planning Commission Meeting 7:00 p.m.

WED - Aug 12 Historic & Architectural Preservation Commission Meeting 6:15 p.m.

THUR –Aug 13 Recreation Board Meeting 11:30 a.m.

MON – Aug 17 Housing Advisory Commission Meeting 1:30 p.m.

TUES – Aug 18 City Council Meeting 7:30 p.m.

WED - Aug 19 Board of Zoning Appeals Meeting 6:30 p.m.

THUR –Aug 20 Police Community Relations & Review Commission Meeting 7:00 p.m.

8. Adjourn.

A virtual meeting of the Oxford City Council was called to order by Mayor Mike Smith on Tuesday, June 16, 2020 at 6:47 p.m. The members participating were Jason Bracken, Glenn Ellerbe, David Prytherch, William Snavelly and Edna Southard. Chantel Raghu joined at 7:00 p.m.

Staff members participating were: Mr. Doug Elliott, City Manager; Ms. Jessica Greene, Assistant City Manager, Mr. John Jones, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Sam Perry, Community Development Director; Mr. Ben Mazer, Assistant Law Director and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Ms. Southard moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.33(G)(1) and (4) for the purpose of discussing appointments to Boards and Commissions and Collective Bargaining matters. Mr. Snavelly seconded. The motion passed by the following roll call:

AYE: Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Mr. Snavelly, Ms. Southard, Mayor Smith (6)

NAY: None (0)

ABS: None (0)

ADJOURN FROM EXECUTIVE SESSION

Mr. Snavelly moved to adjourn from Executive Session at 7:34 p.m. Mr. Prytherch seconded. The motion passed by the following roll call:

AYE: Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Bracken
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

APPROVAL OF AGENDA

Mr. Snavelly moved to approve the agenda. Ms. Southard seconded. The motion passed by the following roll call:

AYE: Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard, Mayor Smith (6)

NAY: None (0)

ABS: None (0)

Due to technical difficulties, Mr. Bracken was unable to vote.

PUBLIC PARTICIPATION

PROCLAMATION **“ ROBERT A. BIGGS DAY”**

Mayor Smith read the Proclamation and congratulated Mr. Biggs on his retirement from Phi Delta Theta.

APPOINTMENTS TO **BOARDS AND COMMISSIONS**

Mr. Snavelly moved to appoint the following individuals: to the Civil Rights Commission Lisa Newman, to the Environmental Commission Andor Kiss, to the Housing Advisory Commission Sherry Lind and Steve Schnabl, to the HAPC Sean Wagner and Chris Skoglund, to the Oxford Parking and Transportation Advisory Board Vince Hand, to the Public Arts Commission of Oxford, Stephanie Hilles and Norm Krumpe, to the Personnel Appeals Board Greg Smith, to the Planning Commission Shauna Rosenberg and Steve Dana, to the Recreation Board Ken Bogard and Richard Kammer and to the Student Community Relations Commission Cathy McVey and Matt Arbuckle. Mr. Prytherch Seconded. The motion passed by the following roll call:

AYE: Mr. Snavelly, Ms. Southard, Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

REQUEST FOR **USE OF PARK**

Ms. Greene advised Council approval was necessary for events to occur in the Uptown Park more than twice. Ms. Greene noted McCullough-Hyde Memorial Hospital was asking to return with Yoga in the Park with social distancing. Ms. Greene advised staff felt they had a good plan, could host the event safely, and recommends the event be approved. Ms. Greene noted two other exercise groups were interested in hosting similar events although not on Saturday mornings. Ms. Greene advised with Council's blessing staff would approve those Park Requests as well.

Mr. Snavelly moved to approve the request for use of the Uptown Park. Ms. Southard seconded. The motion passed by the following roll call:

AYE: Ms. Southard, Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snavelly
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

PUBLIC HEARING
2021 TAX BUDGET

Mr. Snavelly moved to open a Public Hearing regarding the 2021 Tax Budget at 7:41 p.m. Ms. Southard seconded. The motion passed by the following roll call:

AYE: Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

Mr. Elliott advised a tax budget was required by the Ohio Revised Code noting it needed to be completed in order to receive funding from the county from things such as property tax. Mr. Elliott advised the tax budget was done to make sure the City can cover its debts. Mr. Elliott noted tax budget figures were very rough estimates and advised the 2021 budget process for the City would begin in June or July as far as meeting with department heads and getting their information.

Mr. Snavelly clarified that Council was not making any decisions to change the budget this evening noting that happens in the fall. Mr. Snavelly advised the budget itself was not under debate right now noting staff was just transmitting information to Butler County.

Mr. Newlin read his staff report as presented on page 65 of Council's packet as follows: "This is the annual Tax Budget to be submitted for the coming year to the Butler County Tax Commission, in accordance with requirements stipulated by Ohio Revised Code. Approval by the legislative body is required by July 15 and it is due to the County by July 20. The tax budget required for the County is essentially a preliminary budget estimate for next year. Beginning in August, we will undertake our normal detailed line-item budget analysis and preparation. We will spend approximately 3 months of intensive preparation on our detailed budget, and the final approved budget will then be submitted to the County Budget Commission to replace this preliminary estimate. This tax budget provides our first glimpse at 2121's General Fund budget. We have prepared this budget with an approximately 0% change from the 2020 amended Budget except for a few items."

Mr. Newlin discussed the exceptions as presented on page 80 of Council's packet and offered to answer any questions.

Mayor Smith inquired if there were any questions from the public or from Council and there were none.

Mr. Snavelly moved to close the Public Hearing at 7:52 p.m. Mr. Prytherch seconded. The motion passed by the following roll call:

AYE: Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Bracken
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

PUBLIC COMMENTS

Ms. Greene read the following e-comment into the record as follows:

Comments submitted on Saturday, June 6, 2020 - 9:19am:

- **Name:** Marlene Hoffman
- **Address:** 709 E. Chestnut Street
- **Email Address:** mfhoffman36@yahoo.com
- **Meeting Date:** Tue, 06/16/2020
- **Agenda Item:** Trash
- **Comments:**

All the rentals around me have absent landlords and are managed by local Real estate companies. My gripe is these companies do nothing about trash left out at the curb (after Rumpke did not pick it up) until I call to complain. They know that the students have left and they know the trash is a mess yet they do nothing. Actually I am surprised that someone does not come check on the house ever. The past several times the students have left the house adjacent to me bags of food were left in plastic on the ground. Raccoon and crows came and had a party. There were maggots and flies and just a health hazard. This was about 10 days after it first appeared. I of course called the city and the Management companies. This process repeats each semester. Why aren't the companies told to be responsive to this problem. Can you help with this. I do know that a fine can be issued and maybe it should be.

Please let me know your thoughts.

Thanks for listening to this rant

Ms. Heidi Schran, 319 W. Withrow Street, noted she felt racism was a public health crisis and advised racism causes persistent discrimination and disparate outcomes in many areas of life such as housing, food access, infant mortality, economic opportunity and criminal justice. Ms. Schran encouraged City Council to draft and pass a resolution to declare racism a public health crisis. Ms. Schran advised racism has been declared a public health crisis in the cities of Akron and Cleveland and in the counties of Franklin and Summit. Ms. Schran noted today the Montgomery County Commissioners voted to do the same. Ms. Schran advised this would allow Oxford to show it acknowledges the health crisis that many of our citizens experience before, during and after this pandemic and to encourage other Ohio lawmakers to declare this a public health crisis statewide. Ms. Schran thanked Council for their service.

Mr. Brandon Humphrey, 609 Ogden Drive, thanked Mayor Smith, Vice Mayor Snavelly and other Council members for paying attention to the voices of the Oxford community. Mr. Humphrey advised he was currently a doctoral student at Miami University noting he has lived in Oxford nearly 9 years. Mr. Humphrey advised he wanted to raise his concerns about policing in the City of Oxford. Mr. Humphrey noted racism and policing was not just a problem for big cities like Cincinnati but also for smaller cities like Oxford. Mr. Humphrey described how a black friend of his was treated unfairly by an Oxford police officer noting she later quit her graduate program at Miami University and left Oxford entirely. Mr. Humphrey advised his friend told him she felt like she did not belong here. Mr. Humphrey assured Council that many community members of color could provide many more examples just like this one. Mr. Humphrey noted it was a symptom of the same systemic racism that killed George Floyd, Breonna Taylor, Tamir Rice and countless others. Mr. Humphrey inquired what Council could do to address these issues noting he had two requests. Mr. Humphrey advised the Oxford Police Community Relations & Review Commission (PCR&RC) recently discussed the adoption of an ordinance that would bar police officers from using chokeholds and give police officers the duty to intervene when another officer was acting inappropriately. Mr. Humphrey voiced his support of this ordinance and noted he hoped it would be adopted at a future City Council meeting. Mr. Humphrey advised he was calling for a re-envisioning of what public safety and health really needs noting 5.7 million dollars of Oxford's budget was allocated to policing but just \$145,000 is allocated to public health and welfare. Mr. Humphrey inquired why Oxford's police budget was so bloated noting in our country police are asked to do a lot more than what they are originally trained for. Mr. Humphrey advised police are not mental health experts, relationship councilors or drug councilors. Mr. Humphrey noted as someone who has had his car and residence broken into in Oxford he did not want more cops patrolling his apartment complex, he wanted better access to drug treatment programs so his fellow community members have the resources to tackle the addictions that cause them to commit crimes in the first place. Mr. Humphrey asked Council to meaningfully defund the Oxford Police Department and reallocate those funds to programs that are proven to more effectively promote a safe and equitable community. Mr. Humphrey asked for a budget that reflects the actual needs of Oxford residents. Mr. Humphrey noted Mayor Smith in a joint statement against hate racism called for transformative change to make Oxford a community devoted to equity, diversity and inclusion. Mr. Humphrey stated Mayor Smith and the rest of Council must be ready to put real action behind those words.

Mr. Justin Chandler, 106 ½ W. Chestnut Street, advised he seconded the call made earlier to acknowledge racism as a public health crisis and noted he also seconds the proposed ordinance banning chokeholds. Mr. Chandler advised he supported officer interventions when officers use excessive force to stop another tragedy from happening in those instances. Mr. Chandler noted he supported OPD collecting officer initiated pedestrian stop data and advised he felt anytime a police officer engages with a member of the community that information should be on record.

Mr. Chandler noted he felt it was crucial that Council and the Mayor commit to funding public health and welfare initiatives in Oxford, Ohio. Mr. Chandler advised the budget as it stands allocates .8% of funds to public health and welfare while 32.4% of the budget is allocated to OPD, which he felt is unjust noting it showed a serious disconnect between the ideal of community that Oxford strives for and the work of building that community. Mr. Chandler noted he felt a top priority must be to figure out how to reallocate funds currently devoted to a reactive policing service and dedicating those funds instead to proactive and preventative services.

Mr. Elliott advised the City received a letter with 91 signatures today noting the letter was in support of the Oxford Police Division. Mr. Elliott read the letter into the record as follows:

“Dear Oxford City Council,

Thank you so much for your service to the City of Oxford. Thank you for the time, the thought and the energy you put into your decisions. Thank you for the care you put into each decision. You are key to the health and well-being of the community both in the present and future.

A group of individuals want to show support for the Oxford Police Department. While there may not be any formal call to defund the police in Oxford, we are aware of flyers circulating to that end and know of the popularity of the idea in some cities. Most assuredly, many citizens want to make it known how valuable the OPD is to our community.

Please do not feel offended or accused at anything of this letter. There is no intention of that. It is purely a stand for a highly held community value. And we know that you want to hear what is important to the community you serve. These signatures you receive are just the beginning of what we hope to collect by your next meeting.

Again, thank you for your dedication to and leadership of Oxford, Oxford Community for the Oxford Police Department.”

Ms. Amber Franklin, 1211 Dana Drive, advised she would like to see more discussion about what we can do for public health in Oxford. Ms. Franklin noted she met a former neighbor recently and learned that her adult son had committed suicide in April, which was very sad. Ms. Franklin advised when she thinks about that happening she wonders what resources were available for this gentleman in Oxford. Ms. Franklin noted she would like to know where he could have gone for help and how we can improve access to those kinds of services. Ms. Franklin advised she saw a woman Uptown yesterday who seemed to be having a mental health challenge and noted choosing not to call police since she was doing nothing illegal, she did not know who to reach out to who could offer the woman some assistance. Ms. Franklin echoed the importance of wanting to focus more on public health within Oxford. As a member of the PCR&RC, Ms. Franklin encouraged City Council to support the ordinance on the chokehold ban noting the chokehold would be prohibited as a form of restraint. Ms. Franklin noted she did not think support for Oxford officers and focus on improving the experiences of people of color in Oxford are mutually exclusive. Ms. Franklin advised she felt we could do both, it did not have to be either/or, it could be both/and. Ms. Franklin noted she supported what Ms. Schran shared regarding declaring racism a public health crisis. Ms. Franklin advised she looked forward to more communication with the community about how we can put more resources toward public health.

Ms. Annika Goldman, 518 S. Main Street, echoed the comments of Brandon Humphrey. Ms. Goldman noted she felt Oxford needed to invest more in mental health services, especially addiction.

Ms. Amber Franklin, voiced her support for collection of pedestrian stop data noting there were some concerns that people were being stopped and asked for information about who they are and why they are in a certain place. Ms. Franklin advised she did not know how much of this was being driven by community phone calls of suspicious people and how much of it is initiated by officers themselves. Ms. Franklin noted until we are able to collect those data there is an important part of policing culture in Oxford that we will not be able to address. Ms. Franklin encouraged support from City Council with regard to pedestrian stop data collection.

CONSENT AGENDA

Minutes of the June 2, 2020 City Council Virtual Meeting. (Mary Ann Eaton, Clerk of Council)

Report regarding the June 3, 2020 Environmental Commission Virtual Meeting. (Mike Dreisbach, Service Director)

Mr. Snavelly moved to approve the Consent Agenda. Ms. Southard seconded. The motion passed by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Bracken, Mr. Ellerbe
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

RESOLUTIONS

RESOLUTION **ESTABLISHING A DORA**

A Resolution No. 7172 approving an application for a “Designated Outdoor Refreshment Area” and establishing a Designated Outdoor Refreshment Area in the City of Oxford, Ohio. (Doug Elliott, City Manager)

Mr. Elliott noted he filed an application with the City Clerk for the establishment of an Uptown Oxford Designated Outdoor Refreshment Area on May 11, 2020. Mr. Elliott advised a notice of the filing was published in the Journal News on May 13 and on May 20. Mr. Elliott noted Council had before them this evening a Resolution to establish the DORA. Mr. Elliott advised public comments would be received this evening and Council can approve, amend or disapprove the proposed DORA application. Mr. Elliott noted if approved by Council he will notify the Ohio Division of Liquor Control and after receiving the required information from the City, the Division of Liquor Control will issue a special designation, at no cost, to the qualified permit holders located in the DORA. Mr. Elliott shared a map showing the boundaries of the proposed DORA which encompasses 6 city blocks. Mr. Elliott advised the DORA if approved would operate from May 20 to August 15 of each calendar year from 11 a.m. to 11 p.m. 7 days a week.

Mr. Elliott noted staff was excited about this proposal noting they felt it would be a plus for the businesses that are struggling during this COVID-19 crisis with social distancing. Mr. Elliott offered to answer any questions.

Ms. Kim Daggy, Director, Enjoy Oxford, shared Enjoy Oxford's support for the DORA noting they planned to help distribute the DORA cups to participating restaurants and replenish them as requested. Ms. Daggy advised Enjoy Oxford also planned to re-order the cups as needed to ensure they meet the composting contractor's specifications. Ms. Daggy noted Enjoy Oxford would also assist in promoting this new experience to visitors and residents.

Ms. Greene read an e-comment from Kelli Riggs, President of the Oxford Chamber of Commerce as follows:

Comments submitted on Tuesday, June 9, 2020 - 11:53am:

- **Name:** Oxford Chamber of Commerce
- **Address:** 102 W. High St.
- **Email Address:** president@oxfordchamber.org
- **Meeting Date:** Tue, 06/16/2020
- **Agenda Item:** DORA Public Comment
- **Comments:**

The Oxford Chamber of Commerce would like to let you know that we are 100% supportive of the DORA being established in Oxford, OH. Now more than ever we need to help support our small business community. This will be such a great way to get our community and visitors into our local restaurants and possibly even our local retail too. We all know how much COVID-19 hurt our businesses and with so many things still being cancelled, this could be a way to get people out and into Oxford businesses! Please pass this to not only help Oxford thrive but to help our businesses thrive now and in the future!

- **Position:** Support

Mr. Snavelly inquired what Council's prerogatives were regarding the dates and times the DORA would be in effect.

Mr. Elliott advised City Council could adopt a Resolution to change the dates and/or times for the DORA to be in effect.

Mr. Prytherch noted he supported the proposed DORA and advised he felt it had great potential. Mr. Prytherch noted there were concerns with Oxford being a college town although Oxford's DORA would occur when Miami University is not in session so it is directed towards residents and summer visitors. Mr. Prytherch noted he felt indoor dining was going to continue to be a concern for people and expressed his hope other events could be organized to go along with the DORA. Mr. Prytherch advised he would like Council to think about how to expand seating in the Uptown District whether in public places or on sidewalks so businesses can expand out into the public right-of-way.

Ms. Southard advised she felt this is was a great idea as a way to encourage business Uptown noting she also thought it was great the DORA schedule can be flexible as the City will have to respond to Miami University's schedule. Ms. Southard suggested reinstituting the DORA after Thanksgiving as a way to encourage businesses to be open to the public during times when it is so slow in Oxford while the students are gone.

Ms. Pam Hodgson, 205 Oakhill Drive, noted the DORA cups would be compostable and inquired if the City would install permanent compostable bins in town. Mr. Elliott noted staff would evaluate the volume and discuss that possibility.

Ms. Greene advised the City has committed to having compostable bins Uptown during large events noting the next step is getting the public used to using them all the time which required education and training.

Ms. Raghu thanked Ms. Hodgson for her comment and noted there was no point in having compostable cups if they are not going to be composted. Ms. Raghu advised she felt there were creative ways to educate people with regard to using compost bins.

Mr. Ellerbe moved to adopt Resolution No. 7172. Ms. Southard seconded. The Resolution was adopted by the following roll call:

AYE: Ms. Raghu, Mr. Snively, Ms. Southard, Mr. Ellerbe, Mr. Prytherch, Mayor Smith (6)

NAY: None (0)

ABS: None (0)

Mr. Bracken did not vote due to technical difficulties.

RESOLUTION

ACCEPTING FACT FINDER'S REPORT

A Resolution No. 7173 accepting the Fact Finder's report and recommendations issued by Tobie Braverman, Fact Finder on June 12, 220 in the matter of the Collective Bargaining Agreement between the City of Oxford and the Oxford Patrol Officers F.O. P. Lodge 38. (Doug Elliott, City Manager)

Ms. Snively moved to substitute the Fact Finder's report (Exhibit "A") with a corrected report. Ms. Southard seconded. The motion passed by the following roll call:

AYE: Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snively, Ms. Southard, Mayor Smith (6)

NAY: None (0)

ABS: None (0)

Mr. Bracken did not vote due to technical difficulties.

Mr. Elliott explained the reason for the substitution, which dealt with take home police vehicles. After discussion, Mr. Elliott recommended Council accept the Fact Finder's report.

Ms. Greene advised there were no comments from the public.

Mr. Snavely advised he corresponded with Mr. Bracken who is having internet problems and noted Mr. Bracken would text Mr. Snavely with his vote when the time comes.

Mr. Prytherch noted there were 3 unions within the Police Department and each of them have collective bargaining rights to negotiate their separate contracts.

Ms. Raghu noted the resolution under consideration does not bar any type reform that Council feels is necessary for public safety. Ms. Raghu inquired if someone has reports of violent tendencies or racial discrimination if this contract protects a police officer from being let go. Mr. Elliott advised no, and stated staff has full authority to discipline individuals. Ms. Raghu advised there will always be a place for police for dangerous crime and situations and for detective work although Council needs to re-envision who is the right person to handle sexual assault, a mental health crisis and homelessness. Ms. Raghu noted Chief Jones has said police cannot heal sexual assaults and homelessness is not illegal. Ms. Raghu advised Council needed to think about in what situation a person is needed with a gun. Ms. Raghu noted she felt people doing detective work and keeping everyone safe from violent crime deserve to be paid a fair salary.

Mr. Prytherch noted there were good reasons why a significant portion of budgets are dedicated to policing. Mr. Prytherch advised Council sees how much a police cruiser costs and how much it costs to equip a police cruiser. Mr. Prytherch noted he agreed with Ms. Raghu that Council needs to think creatively about how to solve problems. Mr. Prytherch advised police were highly trained professionals that need to be paid competitive wages in order to get good officers to make the commute to Oxford to serve the citizens. Mr. Prytherch referred to an earlier public comment and noted he felt Oxford spends more than 1% of the budget on public health and general welfare.

Ms. Southard advised the patrol bargaining unit is currently 18 fulltime officers with two vacant positions. Ms. Southard noted it was not a huge force and in addition, there is the Miami University Police and the township police, which are entirely separate from this.

Mr. Elliott advised within the police budget there are three school resource officers noting the City is reimbursed for a good portion of their salaries. Mr. Elliott advised the budget also includes dispatching services for police, fire and EMS noting the City contracts with the Butler County Sheriff's office for those services, which cost approximately \$385,000. Mr. Elliott advised the police budget also includes animal control and parking services.

Mr. Mazer referred to Mr. Bracken's technical difficulties and advised there can be no voting by proxy, which is an Ohio Administrative Rule.

Mr. Snavely moved to adopt Resolution No. 7180. Ms. Southard seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Snavelly, Ms. Southard, Mr. Ellerbe, Mr. Prytherch, Mayor Smith (5)

NAY: Ms. Raghu (1)

ABS: None (0)

Mayor Smith thanked staff for negotiating the police contract.

ORDINANCES
FIRST READING

ORDINANCE
NEW SECTION PMC-108.2.5

An Ordinance Adopting New Section PMC-108.2.5 Entitled Securing of Vacant Properties Within The International Property Maintenance Code Section Of Part Thirteen Of The Oxford Codified Ordinances Entitled Building Code. (Sam Perry, Community Development Director)

Mr. Perry advised this was a code section staff would like to add to provide the ability to rectify properties that have had longstanding excavations after the demolition of a building. Mr. Perry noted his hope the Ordinance would not be needed very often although staff would like to have it in place if Council felt it was appropriate.

Ms. Greene advised there were no comments from the public.

Ms. Southard inquired if time limits were set to rectify a situation and if fines were part of the process. Mr. Perry advised an owner typically has 60 days to rectify a situation and there was a \$500 fine noting those options have been exhausted. Mr. Perry advised this option would prevent the City from having to go to court.

Mr. Snavelly inquired if the Ohio Revised Code enabled a municipality to apply a tax or penalty for properties that are vacant for an extended time such as a storefront. Mr. Elliott advised staff has not looked at that and he did not believe that was the case. Mr. Elliott noted if there was a condition that needed to be taken care of such as tall grass, it could be remedied and the cost placed on the property tax bill.

Mr. Prytherch commended staff for trying to remedy particular situations.

ORDINANCE
REPEALING CHAPTER 1320

An Ordinance Repealing Oxford Codified Ordinance Part Thirteen Entitled Building Code, Title Three Entitled Local Provisions, Chapter 1320 Entitled Fees. (Sam Perry, Community Development Director)

Mr. Perry advised the building fees were moved into the Fee Ordinance after 2010 and have been revised a couple of times noting this Chapter was not necessary.

Ms. Greene advised there were no comments from the public.

Mayor Smith thanked staff for cleaning up the code noting Council would vote on it in July.

ORDINANCE
SECOND READING
2021 TAX BUDGET

An Ordinance No. 3571 Authorizing The Tax Budget For The Year 2021 And Directing That The Same Be Transmitted To The Butler County Auditor. (Joe Newlin, Finance Director)

Mr. Newlin advised he had nothing new to add since the first reading of the ordinance and offered to answer any questions.

Ms. Greene advised there were no comments from the public.

There were no comments from Council on the proposed Ordinance.

Mr. Snavely moved to adopt Ordinance No. 3571. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Southard, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snavely, Mayor Smith (6)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott noted Mr. Wooddell was excused from the meeting this evening and provided an update from the Parks and Recreation Department.

Mr. Elliott provided an update on the Covid-19 cases in Butler County.

Mr. Elliott reminded everyone to file their Census forms.

Chief Jones thanked Council for adopting the police contract Resolution.

Chief Jones noted he looked forward to working with Council in upcoming Budget Work Sessions to discuss meaningful topics and have some difficult conversations and about the work Oxford's police officers do.

Chief Jones referred to Mr. Humphrey's comment about a friend of his that did not feel comfortable in Oxford after an interaction with a police officer. Chief Jones advised OPD has a complaint process and noted he was open to receiving public comments and meeting with any citizen.

Chief Jones advised when he hears of situations well after the fact with no information it was difficult to go back and train officers to do better. Chief Jones noted OPD has body cameras and advised every interaction with a citizen can be reviewed. Chief Jones encouraged everyone if they have a problem with an officer to contact him or fill out a citizen complaint form. Chief Jones also suggested citizens could contact the City's Police Community Relations & Review Commission.

Chief Jones advised he wanted to keep working with the community noting OPD still had a lot of work to do on the culture of the department. Chief Jones advised we had to be careful with conversations about defunding the police since they are the ones who respond to a mental health crisis or other crisis. Chief Jones referred to Ms. Franklin's comment about a person having a mental health issue at and advised he saw her as well. Chief Jones noted OPD has had several contacts with that person. Chief Jones advised OPD has worked with the person in question more than anyone else in the community that he is aware of. Chief Jones advised it was important for officers to be trained in crisis de-escalation.

Mr. Mazer extended his appreciation to Chief Jones, Mr. Elliott and Ms. Greene for all the hours and hard work put into negotiating the police contract and the Sergeants and Lieutenants contract.

Ms. Raghu advised she does internal medicine for dogs and cats and noted if you are a surgeon you always look at ways to do surgery and if you are an internist, you always look at minimally invasive things. Ms. Raghu noted she appreciated the comments from Chief Jones about working and how to re-envision better public safety situations for different aspects of things we cannot arrest our way out of. Ms. Raghu advised she felt it can be hard when you are of a certain perspective to envision what would be beyond that. Ms. Raghu noted she looked forward to seeing where we can go with that and be creative.

Ms. Raghu thanked the people who took the time to listen to tonight's meeting noting her hope they would always be here and bring their friends. Ms. Raghu noted she got a flag to hang in front of her house from Mr. Snively and advised she did it because she was proud of the marchers and the protesters and the people that are exercising their freedom of speech. Ms. Raghu advised nothing was more American than that. Ms. Raghu begged everyone to hold on to that with every fiber of their being. Ms. Raghu noted the most important freedom of speech was to vote. Ms. Raghu advised her hope Council as elected officials will be courageous enough to listen to the people who are actively voicing their opinions.

Mr. Ellerbe referred to Ms. Franklin's statement and advised he would love to see the data regarding stops and more specifically whether they were call generated as opposed to otherwise.

Mr. Ellerbe referred to looting and noted at the last couple of meetings he mentioned he was not a huge fan of looting. Mr. Ellerbe advised everyone knows the first side of looting was individuals that operate under the cover of a riot or a protest. Mr. Ellerbe noted the other side of that is those individuals that are using riots or protesting to push forward their agenda or steal what he likes to call clout. Mr. Ellerbe advised he attended the vigil in Oxford noting he saw a lot of people there being disingenuous. Mr. Ellerbe noted there were people there he has seen on social media disparaging international students.

Mr. Ellerbe advised those were the things that scare him about this town. Mr. Ellerbe noted he has been pulled over and was asked what he was doing. Mr. Ellerbe advised through no fault of the police he knows currently in this town he believes those stops were call generated. Mr. Ellerbe noted he believed someone felt uncomfortable because an individual in a hoodie was walking down the street near their household. Mr. Ellerbe advised he has experienced that for a very long time in this town. Mr. Ellerbe noted he wanted to get the data based off of those calls and advised he wanted to work with individuals that felt like they were misrepresented when there was a police stop. Mr. Ellerbe encouraged anyone that feels uncomfortable to contact the Police Community Relations Commission, Chief Jones or himself.

Mr. Snavely noted he composed legislation regarding the banning of chokeholds in the City of Oxford and advised it has been to the Police Community Relations Commission who made some suggestions and to the Law Director. Mr. Snavely noted he would like to see that legislation on the next Council agenda.

Mr. Snavely advised he saw a note from the City Manager stating he would like to cancel the July 7th Council meeting and advised he was not in favor of cancelling a meeting. Mr. Elliott noted he and the Mayor discussed it and it was the normal practice the first meeting in July. Mr. Elliott advised if Council wants to meet July 7th we will do so.

Mr. Snavely encouraged everyone to wear a mask and practice social distancing. Mr. Snavely noted his hope Oxford would get through this better than anyone else.

Mr. Snavely advised Council spent a lot of time creating a strategic plan in February and now it was June. Mr. Snavely noted he did not know where it stands right now or if Council needs another meeting on it. Mr. Snavely asked the Mayor to pay attention to that and get it going again.

Mr. Snavely noted he felt the City needed to do a comprehensive plan as it was overdue. Mr. Snavely asked that the process of moving towards the creation of a revised comprehensive plan begin.

Mr. Snavely read a statement from Mr. Bracken as follows: "I would like to express my support for the public comments calling for the recognition of racism as a public health crisis as well as looking closely at policing procedures and our budget allocation with consideration of our social needs and those with the expertise to address them". Mr. Snavely advised Mr. Bracken would like Council to meet on July 7th.

Ms. Southard advised the HAPC has a new Chair, Chris Skoglund, and noted they said goodbye to Mike Kohus who served on the HAPC for a very long time and was term-limited. Ms. Southard referred to the expansion of the Historic District and advised the HAPC would look at High Street to Spring Street so the expanded district would include South College Avenue to Spring and Elm to the railroad tracks. Ms. Southard noted Council would hear more about this proposal in the near future.

Ms. Southard advised she also served on the Public Arts Commission of Oxford and noted with Covid-19 and everything that has been going on commission work has continued.

Ms. Southard noted PACO was working on bike rack proposals and the problem of how to relocate the civil rights mural done last year by Ella Cope.

Ms. Southard advised Council needed to work on many things noting she would like Council to think about the process of how they get things done. Ms. Southard advised Council needed to recognize they are in a specific place and have specific problems. Ms. Southard noted Oxford has a population that changes throughout the year, it changes every year and many issues needed to be thought about which bring problems in that Council cannot solve with one action. Ms. Southard advised she has often said every problem has more than one solution noting some solutions are better than others and some solutions are more costly. Ms. Southard noted legislation was one solution but it is not the only way to solve problems. Ms. Southard advised she felt Council needed to lobby on the state and national level for many kinds of changes and improve the lives of everyone in our town but not if Council wastes their time and energy. Ms. Southard noted the felt Council should use legislation in intelligent ways to make things better, work together thoughtfully and comprehensively and be strategic in their actions. Ms. Southard advised it was a distraction from the real work of helping Oxford and helping everyone who lives here to just propose legislation that is not discussed among all of Council. Ms. Southard noted Council needs to discuss how legislation happens. Ms. Southard advised it was stated at the PCR&RC meeting, which she attended, that doing an ordinance does not cost anything and noted that was simply not true. Ms. Southard advised writing and passing any ordinance costs taxpayer money. Ms. Southard noted nothing was free including professional time. Ms. Southard advised Council owed it to the taxpayers to use their time wisely and to use their money wisely. Ms. Southard urged public discussion, input from all Councilors and inquired if it was really ok for 3 Councilors to proposed an ordinance noting then they only need one more vote for it to be passed. Ms. Southard encouraged more discussion among all Councilors about how to solve problems.

Mr. Prytherch noted he felt Council has tried to focus on a strategic vision of what they want to pursue and a procedure for getting there. Mr. Prytherch advised Council held a retreat and formed consensus on their priorities without knowing about Covid-19. Mr. Prytherch noted it is June and about time to go into the budgetary process. Mr. Prytherch advised he felt if Council was going to talk about their priorities again, they had better do it soon. Mr. Prytherch noted he did not how to do a comprehensive plan in an era of pandemic although he felt Council needed to think about how to move in that direction.

Mr. Prytherch referred to the Climate Action Steering Committee, which does not have a Chair yet since they have not met. Mr. Prytherch inquired if anyone objected to him or Mr. Bracken doing the basic work of preparing the committee meeting schedule. There were no objections.

Mr. Prytherch inquired about multi-modal improvements on Chestnut Street as recommended by the Oxford Parking and Transportation Advisory Board, which Mr. Elliott addressed.

Mr. Snavely inquired if Silvoor Lane was still on the paving list as possible and Mr. Elliott advised he would check with Mr. Dreisbach and let everyone know.

Mayor Smith noted it was a hard pill to swallow that hate speech is protected under the First Amendment although in Oxford's case the same First Amendment allowed some light to be shown into a dark corner in our community. Mayor Smith advised since there is light there now we can work on improving that dark corner. Mayor Smith encouraged everyone to be vigilant and to say something if they see something.

ADJOURN

Mr. Snavelly moved to adjourn at 9:38 p.m. Mr. Ellerbe seconded. The motion passed by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Ellerbe, Mayor Smith (6)

NAY: None (0)

ABS: None (0)



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Law
PREPARED BY:	Chris Conard
DATE PREPARED:	July 9, 2020
COUNCIL MEETING DATE:	July 14, 2020
AGENDA TITLE:	An Ordinance requiring face coverings.
RECOMMENDATION:	Adopt as an emergency.
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE</i> 7-9-20

DISCUSSION:

Council finds that requiring face coverings to be worn by any person in a public place within the City of Oxford best promotes health, safety, and efforts to limit the spread of COVID-19 while enabling the continuation of essential services, businesses, and travel necessary to protect public health and safety, and for the continuity of social and commercial life during the state of emergency.

After weighing the known information about the COVID-19 virus, consulting with the Butler County General Health District, and considering the guidance and orders from the Ohio Department of Health, City Council concludes that the safety of City of Oxford citizens, residents and guests is best protected by implementing a requirement to wear face coverings in public places. Exceptions are outlined in Section 3 of the proposed Ordinance.

ORDINANCE NO.

AN ORDINANCE REQUIRING FACE COVERINGS IN ANY PUBLIC SPACE WITHIN THE CITY OF OXFORD, OHIO, TO LIMIT THE SPREAD OF COVID-19, AND DECLARING AN EMERGENCY.

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can be easily spread from person to person; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) reported almost 3 million cases of COVID-19 in the United States, resulting in over 131,065 deaths; and

WHEREAS, on March 9, 2020, the Ohio Department of Health announced confirmed cases of COVID-19 in the State of Ohio, creating a dangerous condition that may affect the health, safety, and welfare of the citizens of Ohio; and

WHEREAS, on that same date, Governor Mike DeWine declared a state of emergency for the entire State to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19, and to assist in protecting the lives, safety, and health of the citizens of Ohio; and

WHEREAS, COVID-19 endangers the lives of the citizens and residents of Oxford, creating an emergency to life and public safety and disrupting commerce; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic, but the virus is also spread by people who are infected, but asymptomatic; and

WHEREAS, on March 22, 2020, under the direction of Ohio Governor, Mike DeWine, Ohio Department of Health Director, Amy Acton, M.D. issued an order requiring all Ohioans to stay in their homes to prevent the further spread of COVID-19 until April 6, 2020 and the order was extended until May 1, 2020 and has been since amended on April 30, May 20 and May 22, 2020 to allow businesses to open with the recommendation that facial coverings be worn except in certain circumstances; and

WHEREAS, the Governor and the Ohio Department of Health have issued amended Director's Orders to both protect citizens, residents, and guests of the State of Ohio all of which are incorporated herein by reference; and

WHEREAS, as businesses have re-opened, more people are traveling throughout the state, and within the City of Oxford; and

WHEREAS, a local and statewide state of emergency continues to exist with limits on mass gatherings and recommendations of social distancing; and

WHEREAS, Miami University (the "University") announced it will allow students on campus for the Fall semester that may include both in person and virtual classes; and

WHEREAS, the return of students to the University will result in a large influx of people from across the country and international students; and

WHEREAS, the University has also informed the City that facial coverings will be required to be worn on University owned properties, including University buildings and facilities; and

WHEREAS, due to the above described statewide emergency there is a continuing need to protect all citizens and residents and guests of the City of Oxford from the risks relating to the COVID-19 pandemic; and

WHEREAS, the CDC recommends wearing face coverings in public where other physical distancing measures are difficult to maintain to help prevent the spread of COVID-19 from asymptomatic or unknowing carriers to others; and

WHEREAS, as of July 6, 2020, Butler County General Health District has issued a Red Level alert due to the increased risk of contracting the COVID-19 virus, which means there is a very high risk of exposure and spread meaning one should limit one's activities as much as possible; and

WHEREAS, on July 8, 2020, the Ohio Department of Health issued a facial covering order mandating that individuals are required to wear facial coverings during the Red Level alert in Butler County; and

WHEREAS, the Butler County General Health District does not oppose the City of Oxford's passage of this Ordinance; and

WHEREAS, requiring face coverings to be worn by any person in a public place within the City of Oxford best promotes health, safety, and efforts to limit the spread of COVID-19 while enabling the continuation of essential services, businesses, and travel necessary to protect public health and safety, and for the continuity of social and commercial life during the state of emergency; and

WHEREAS, after weighing the known information about the COVID-19 virus, consulting with the Butler County General Health District, and considering the guidance and orders from the Ohio Department of Health, City Council concludes that the safety of City of Oxford citizens, residents and guests is best protected by implementing a requirement to wear face coverings in public places as set forth herein; and

WHEREAS, that for the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect at the earliest date permitted by law; now, therefore:

THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:

Section 1. All individuals within the City of Oxford shall wear a face covering over the individual's nose and mouth in accordance with the following:

a. When entering, exiting, or waiting in line to enter a place of business that is open to the public, and while inside a place of business as to the areas within the place of business that are accessible to, and are intended for the use of, the public:

i. For purposes of this Ordinance, "business" means any for-profit, non-profit, educational entities, or governmental entities (other than federal or state university) regardless of the nature of the service, the function it performs, or its corporate or entity structure.

"Place of business" means any facility, building, or structure operated by or for a business engaged in the sale or other transaction of any kind for anything of value in exchange for goods, commodities, services, or temporary lodging and that is open to the general public or by appointment, and includes, but is not limited to, grocery stores, retail stores, pharmacies, health care facilities, restaurants and bars (including outdoor seating

for such facilities), hotels and motels (excluding the rented room or suite), gyms and similar facilities, and the local school district; but excluding religious facilities.

b. When entering, exiting, or waiting in line to enter a City of Oxford operated building or facility that is open to the public, and while inside a City of Oxford operated building or facility as to the areas within such City of Oxford facility that are accessible to, and are intended for the use of, the public.

c. In any public transportation such as a bus or other public transit vehicle, a taxi or ridesharing vehicle or any other vehicle for hire, or at a transit stop or waiting area for any public transportation.

d. In any outdoor space or outdoor place where or when a person is unable to maintain or does not maintain physical separation of not less than six feet from others who are not members of their own household.

Section 2. All places of business shall require all employees that interact with the public to wear a face covering; and all places of business shall only sell or otherwise enter into any transaction of any kind for anything of value in exchange for goods, commodities, services, or provide temporary lodging to those who comply with this Ordinance. Any manager, owner, or person in charge of a place of business who fails or refuses to comply with this Ordinance may be in violation of this Ordinance.

Section 3. The requirement to wear a face covering through this Ordinance does not apply in the following situations:

a. Any individual who cannot wear a face covering because of a medical condition, mental health condition or developmental disability, or who is unable to remove the face covering without assistance, and any individual who should not wear face coverings under the CDC guidance. An individual is not required to produce medical documentation of the condition or disability, provided an employer may require such documentation from an employee in accordance with state and federal law.

b. Individuals under 6 years old.

c. Restaurant and bar patrons while eating or drinking. If a patron is not seated at his or her table or at the bar, a face covering is required.

d. In settings where it is not practicable or feasible to wear a face covering such as when receiving dental services, medical treatments, or while swimming.

e. Walking or exercising outdoors so long as physical separation of not less than six feet is maintained, or while walking or exercising outdoors with other members of the same household.

f. While actually engaged in exercising in a gym or other similar indoor facility so long as physical separation of not less than six feet is maintained and the individual wears a face covering at all times when not actually engaged in exercising.

g. When an individual is in his or her work office, conference room, or other workspace not intended for use by the general public.

h. When inside a personal or commercial vehicle either parked or moving that is not a vehicle described in Section 1(c).

i. Individuals while acting in their official capacity as a public safety employee or emergency responder when wearing a face covering would interfere with or limit their ability to carry out their official duties or functions. These include peace officers, firefighters, and other public safety or emergency medical personnel that support public safety operations.

j. Individuals complying with the directions of public safety employees or emergency responders as described in 3(i).

Section 4. For the purposes of this Ordinance, "face covering" means a piece of cloth, fabric, or other material that fully covers the mouth and nose and that is secured with ear straps or otherwise tied so as to prevent slipping. A face covering may be factory-made or may be handmade and improvised from household materials. Face coverings include, but are not limited to, bandanas, scarfs, medical masks, and cloth masks; and also include respirators, N95 masks or other personal protective equipment that provides a higher level of protection than a face covering defined in this Section. A face covering shall be worn so as to cover the mouth and nose in compliance with the CDC's guidance on wearing face coverings.

Section 5. A violation of this Ordinance shall be governed and processed by the provisions set forth in Chapter 503 of the Oxford Code of Codified Ordinances titled: Administrative Ticketing, Code Compliance and Hearing. Whoever violates this Ordinance is subject to a civil penalty in the amount of \$100.00.

Section 6. For the reasons set forth in the preamble hereof, the Council declares this Ordinance to be an emergency measure which shall take effect at the earliest possible date permitted by law and shall remain in effect during the pendency of State of Ohio Executive Order 2020-01D.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	June 8, 2020
COUNCIL MEETING DATE:	June 16, 2020
AGENDA TITLE:	Property Maintenance Code Amendment extending public nuisance abatement to vacant properties when necessary
CITY MANAGER/DEPT HEAD APPROVAL:	<i>Sam Perry</i> DRE/6-12-20

City of Oxford Property Maintenance Code Enforcement utilizes the 2012 version of the International Property Maintenance Code. This code is adopted by reference but also includes local amendments specific to City of Oxford needs, such as for residential rental properties. One of the provisions in IPMC Section 108 includes the requirement for owners to maintain vacant structures to prevent them from becoming a public nuisance. Section 108 is well-written and useful, but does not specifically address vacant properties that contain large excavations from former building foundations. This condition is already considered a public nuisance in IPMC but is not specifically called out in the section outlining the process of abatement.

If needed, this code amendment would allow the City or a designee to enter a private property and correct the nuisance, and then potentially place a lien on the property. This is less costly than court and in some cases more effective than violation notices and eventual civil fines. The new option for the City does not remove due process for appeals.

Attached is the proposed new Section 108.2.5 as well as the overall Section 108 for context. The overall Section 108 is a compilation of IPMC and Oxford Code that is a downloadable PDF on the Community Development Department webpage. Because of the IPMC being a separate code, it cannot be found in its entirety in the Codified Ordinance section of the city's webpage; only on the CD Dept.

ORDINANCE NO.

AN ORDINANCE ADOPTING NEW SECTION PMC-108.2.5 ENTITLED SECURING OF VACANT PROPERTIES WITHIN THE INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION OF PART THIRTEEN OF THE OXFORD CODIFIED ORDINANCES ENTITLED BUILDING CODE.

WHEREAS, the City Manager and the Community Development Director recommend adoption of Section PMC-108.2.5 entitled Securing of Vacant Properties within the Property Maintenance Code Section of the Oxford Codified Ordinances to extend public nuisance abatement language to vacant properties within the City of Oxford when necessary.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION I: Council hereby adopts Oxford Codified Ordinance Section PMC-108.2.5 entitled Securing of Vacant Properties within the International Property Maintenance Code Section of Part Thirteen of the Oxford Codified Ordinances entitled Building Code as follows:

PMC-108.2.5 Securing of vacant properties. If a property is vacant and determined to be a public nuisance, the code official is authorized to post a placard of condemnation on the premises and order the property to be secured so as not to be an attractive nuisance. Upon failure of the owner to secure the premises within the time specified in the order, the code official shall cause the premises to be secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

SECTION II: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

June 16, 2020

**Proposed Text Amendment to Property Maintenance Code 108,
Unsafe Structures and Equipment**

Extending the ability of a public agency to secure vacant properties that are a public nuisance by creating a new section referring to vacant properties

PMC 108.2.5 Securing of vacant properties. If the property is vacant and determined to be a public nuisance, the code official is authorized to post a placard of condemnation on the premises and order the property to be secured so as not to be an attractive nuisance. Upon failure of the owner to secure the premises within the time specified in the order, the code official shall cause the premises to be secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

PMC 108.1.5 Dangerous of unsafe structure or premises. The code official shall determine whether there are dangerous or unsafe structures and/or premises. For the purpose of this code, dangerous or unsafe structures and or premises, but not limited to the following:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

PMC 108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

PMC 108.2.1 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the

serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

PMC 108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

PMC 108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

PMC 108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

PMC 108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

PMC 108.6 Abatement methods. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

PMC 108.7 Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 109 EMERGENCY MEASURES

PMC 109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

PMC 109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	May 26, 2020
COUNCIL MEETING DATE:	June 16, 2020
AGENDA TITLE:	Repeal of Outdated Building Permit Fees Section
RECOMMENDATION:	Approval of Ordinance
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 6-12-20</i>

DISCUSSION:

Oxford Codified Ordinance Section 1320 no longer is used to calculate building permit fees. The practice of a separate fee ordinance for inclusion of all city fees eliminated the need for this section. This occurred sometime after 2010. Building permit fees were last revised in the fall of 2018 for the calendar year 2019. Therefore, Chapter 1320 can be completely repealed without a replacement because of the annual fee ordinance that is already in effect.

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE PART THIRTEEN ENTITLED BUILDING CODE, TITLE THREE ENTITLED LOCAL PROVISIONS, CHAPTER 1320 ENTITLED FEES.

WHEREAS, Council finds Oxford Codified Ordinance Part Thirteen entitled Building Code, Title Three entitled Local Provisions, Chapter 1320 Entitled Fees, is no longer used to calculate building permit fees; and

WHEREAS, the adoption of a Fee Ordinance by City Council each year which includes all City fees eliminates the need for Chapter 1320 within the Building Code entitled Fees; and

WHEREAS, the City Manager and the Community Development Director recommend Council repeal Oxford Codified Ordinance Part Thirteen entitled Building Code, Title Three entitled Local Provisions, Chapter 1320 entitled fees.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION I: Council accepts the recommendation of the City Manager and the Community Development Director and hereby repeals Oxford Codified Ordinance Part Thirteen entitled Building Code, Title Three entitled Local Provisions, Chapter 1320 entitled Fees.

SECTION II: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of :

7/7/2020

Account Code No. :

see below

Budgeted Amount :

Finance
Originating Department

Joe Newlin
Prepared By

6/26/2020
Date Prepared

Agenda Title: 2020 Supplemental Budget #4

Recommendation: Approve

Issue 1

To make adjustment to budget for the receipt of CARES funding and the reimbursement for COVID-19 related expenditures. The time frame for the related expenditures is March 1, 2020 thru December 28, 2020.

Action Needed:

Revenue Side

Local Coronavirus Relief Fund (428) 428,864.00 CARES Receipts

Expense Side

Local Coronavirus Relief Fund (428) 428,864.00 Reimbursements for COVID-19 related expenditures

Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

Issue 2

To make adjustment to budgeted personnel services and operating expenditures in the Economic Development Department. Increase in operating expenses due to costs associated with gift card program and DORA start up expenses.

Action Needed:

Revenue Side

N/A

Expense Side

General Fund (110) (10,000.00) Personnel Services
General Fund (110) 10,000.00 Operating Expenses

Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

Total Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

Breakdown by Fund

General Fund (110) -
Local Coronavirus Relief Fund (428) -

Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

Approved By:

Department Head:

City Manager:

[Signature] Date 6/30/20
DIRE 7-2-20

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3538. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 4 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2020.

WHEREAS, additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues;

SECTION 2: The following increase/(decrease)in revenues be made:

Local Coronavirus Relief Fund 428	428,864.00
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SECTION 3: The following increase/(decrease)in appropriations from unencumbered balances be made:

Local Coronavirus Relief Fund 428	428,864.00
General Fund 110	(10,000.00)
General Fund 110	10,000.00

SECTION 4: In all other respects, Ordinance No. 3538 shall remain in full force and effect.

SECTION 5: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45215

STAFF REPORT

ORIGINATING DEPARTMENT:	N/A
PREPARED BY:	Councilors: Snavelly, Raghu and Bracken
DATE PREPARED:	June 29, 2020
COUNCIL MEETING DATE:	July 7, 2020
AGENDA TITLE:	Amending Codified Ordinance Section 525.12 Entitled "Dereliction of Duty"
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approve <i>DRE 7-2-20</i>

DISCUSSION:

AS REQUESTED BY COUNCILORS SNAVELLY, RAGHU AND BRACKEN.

ORDINANCE NO.

ORDINANCE AMENDING OXFORD CODIFIED ORDINANCE SECTION 525.12 ENTITLED DERELICTION OF DUTY BY ADDING SUBSECTION (e) 1 AND 2 TO BAN THE USE OF CHOKEHOLDS BY POLICE OFFICERS AND REQUIRING OFFICERS TO TAKE REASONABLE STEPS TO INTERVENE WHEN THEY SEE THE UNAUTHORIZED OR EXCESSIVE USE OF FORCE BY OTHER POLICE OFFICERS.

WHEREAS, a chokehold (“Chokehold”) is defined as any pressure to the throat or windpipe, which may prevent breathing or reduce the intake of air; and

WHEREAS, Council finds that the use of Chokeholds as a method of restraint by police officers is an unwarranted practice that is dangerous to the health and well being of citizens in the City of Oxford; and

WHEREAS, Council finds it is incumbent on all police officers to be responsible, even when observing the unauthorized or excessive use of force.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION I: A chokehold (“Chokehold”) is defined as any pressure to the throat or windpipe, which may prevent breathing or reduce the intake of air.

SECTION II: No sworn police officer shall use Chokeholds as a method of restraint, or use other methods of restraint that block airways or carotid arteries of an individual unless deadly force is authorized.

SECTION III: All police officers are required to take reasonable steps to intervene when they see a police officer using excessive or the unauthorized use of force against another person in the City of Oxford when it is safe and reasonable to do so.

SECTION IV: Oxford Codified Ordinance Section 525.12 entitled Dereliction of Duty is hereby amended as set forth in Exhibit “A” attached hereto and incorporated herein.

SECTION V: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY, CHANTEL RAGHU, JASON BRACKEN

525.12 DERELICTION OF DUTY.

- (a) No law enforcement officer shall negligently do any of the following:
- (1) Fail to serve a lawful warrant without delay;
 - (2) Fail to prevent or halt the commission of an offense or to apprehend an offender, when it is in his power to do so alone or with available assistance.
- (b) No law enforcement, ministerial or judicial officer shall negligently fail to perform a lawful duty in a criminal case or proceeding.
- (c) No officer, having charge of a detention facility, shall negligently do any of the following:
- (1) Allow the detention facility to become littered or unsanitary;
 - (2) Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter and medical attention;
 - (3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another;
 - (4) Allow a prisoner to escape;
 - (5) Fail to observe any lawful and reasonable regulation for the management of the detention facility.
- (d) No public official of the Municipality shall recklessly create a deficiency, incur a liability or expend a greater sum than is appropriated by the legislative authority of the Municipality for the use in any one year of the department, agency or institution with which the public official is connected.
- (e) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to his office, or recklessly do any act expressly forbidden by law with respect to his office.
- (1) **No sworn police officer shall use chokeholds as a method of restraint, or use other methods of restraint that block airways or carotid arteries of an individual unless deadly force is authorized.**
 - (2) **All police officers are required to take reasonable steps to intervene when they see a police officer using excessive or the unauthorized use of force against another person in the City of Oxford when it is safe and reasonable to do so.**
- (f) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree. (ORC 2921.44)
- (g) As used in this section, "public servant" includes an officer or employee of a contractor as defined in Ohio R.C. 9.08.
- (h) **As used in this section, "Chokehold" is defined as any pressure to the throat or windpipe, which may prevent breathing or reduce the intake of air.**

1st
Reading
Language

ORDINANCE NO.

ORDINANCE AMENDING OXFORD CODIFIED ORDINANCE SECTION 525.12 ENTITLED DERELICTION OF DUTY BY ADDING SUBSECTION (e) 1 AND 2 TO BAN THE USE OF CHOKEHOLDS BY POLICE OFFICERS AND REQUIRING OFFICERS TO TAKE REASONABLE STEPS TO INTERVENE WHEN THEY SEE THE UNAUTHORIZED OR EXCESSIVE USE OF FORCE BY OTHER POLICE OFFICERS.

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SECTION III: All police officers are required to take reasonable steps to intervene when they see a police officer using excessive or the unauthorized use of force against another person in the City of Oxford.

SECTION IV: Oxford Codified Ordinance Section 525.12 entitled Dereliction of Duty is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein.

SECTION V: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:
ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: WILLIAM SNAVELY, CHANTEL RAGHU, JASON BRACKEN

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