Agenda

Oxford City Council

Court House

TUESDAY, JANUARY 19, 2010

EXECUTIVE SESSION
None

1. Roll Call. Richard Keebler, Mayor; Ken Bogard, Vice-Mayor; John Harman; Bob Blackburn; Kevin McKeehan; Kate Currie; Greig Rutherford

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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 in advance so that reasonable accommodations can be made.

3. Public Participation.

A. Proclamation - Reverend, Dr. Martin Luther King, Jr. Week

Proclamation

B. Proclamation - Oxford Seniors - New Year! New Logo! New Look! Day

Proclamation

C. 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. Consent Agenda.

A. Minutes of the December 15, 2009 City Council Work Session. (Mary Ann Eaton, Clerk Of Council)

Minutes

B. Minutes of the December 15, 2009 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes

C. Report regarding the December 8, 2009 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report

D. Report regarding the December 16, 2009 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report

E. Report regarding the January 6, 2010 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report

F. A Resolution authorizing the City Manager and Fire Chief to enter into an agreement with Trudo/Albert Fire Equipment L.L.C. for the purchase of three (3) thermal imaging cameras with truck mounts and chargers at a cost not to exceed $25,000.00 utilizing funds in the amount of $15,000 awarded from the 2008Assistance to Firefighters Grant and the balance from budgeted capital improvement ("CIP") funds. (John Detherage, Fire Chief)

Staff Report/Resolution

5. Resolutions

   A. A Resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation and to deposit funds in an amount not to exceed $1,460,166.00 with the Ohio Department of Transportation for the US-27 North improvements. (Mike Dreisbach, Service Director)

      Staff Report/Resolution

   B. A Resolution affirming the City of Oxford's support of and partnership with the 2010 Census. (Doug Elliott, City Manager)

      Staff Report/Resolution

6. Ordinances. Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.

   A. First Reading.

      1. An Ordinance Amending Section 1159.09 Of The Codified Ordinance Of The City Of Oxford, Ohio Entitled Definitions (Beginning With The Letter "H"). (Jung-Han Chen, Community Development Director)

         Staff Report/Ordinance

   B. Second Reading.

      1. An Ordinance Amending Ordinance No. 3089. Supplemental Budget Ordinance No. 1 To Make Supplemental Appropriations For Fiscal Year 2010. (Joe Newlin, Finance Director)

         Staff Report/Ordinance

7. Announcements and Communications. The comments expressed by individual members of Council or City staff during the 'Announcements' 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.

   A. Announcements.

      1. Remarks from City Council and City staff.

   B. Future Meetings (Note: Meetings will be held at the Court House unless otherwise indicated.)

8. Adjourn

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: January 19, 2010

Account Code #: 141.720.51442 / EC 080004

Budgeted Amount: $1,460,166

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

January 11, 2010
Date Prepared

Agenda Title: Deposit of Funds with the Ohio Department of Transportation for the Improvement of US 27 North

Recommendation: Approve

Discussion: The City of Oxford has reserved $1,460,166 to pay for Phase III improvements to US27 North. This project will be an extension of the now complete Phase II improvements with project limits from Merry Day Drive / Melanie Lane to Ringwood Road at the northern corporate limits of the city. Improvements will include the addition of a center turning lane; curb, gutter and sidewalks on both sides of the roadway; stormwater infrastructure; installation of a new traffic control signal at Merry Day Drive / Melanie Lane and US27; and upgrades to the existing traffic control signal at Wal-Mart and Schneider Electric. The City will continue landscaping improvements following the completion of ODOT's work next fall.

The City has completed all design work necessary for the project, and has certified all required right-of-way has either been obtained or is being obtained via litigation in the Butler County Court (only three parcels remain unresolved at this time). The current cost estimate for this project is $5,720,000.12. Of this amount, the City of Oxford is immediately responsible for its local share totaling $1,415,144.00 (~ 25% of the construction total).

It is important to note that the City will be 100% financially responsible for the settlement of the three remaining ROW cases and that funds have NOT been budgeted in the City's 2010 budget. Any settlements beyond our initial deposit with the Court will likely require a supplemental appropriation. It is also important to note that the City will be responsible for all change orders or additional work in completing the project. At this time, $45,022 will remain on the encumbrance after our deposit is made with the State; therefore Staff is recommending this amount be approved as a contingency for the project (< 1%) should the need arise.

At the completion of this project, approximately $14,240,000 will have been invested for the US27 North improvement that began in the early 1990's. Of that amount, approximately $5,240,000 (or ~ 37%) came from the City of Oxford.

The State of Ohio requires the Local Public Agency to deposit the estimated amount of the local contribution with the Ohio Dept. of Transportation. This Resolution will authorize the City Manager to enter into an Agreement with ODOT and to deposit funds **in an amount not to exceed $1,460,166** with the Ohio Department of Transportation for the local contribution of funds required for Phase III improvements to US 27 North. ODOT intends to open bids for this project on February 25, 2010 and award the contract in early March 2010.

Approved By:	Initial	Date
Department Head:	MBD	1/11/10
City Manager:	DRE	1/15/10

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND TO DEPOSIT FUNDS IN AN AMOUNT NOT TO EXCEED $1,460,166.00 WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE US-27 NORTH IMPROVEMENTS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The City Manager and Service Director recommend Council authorize the City Manager to enter into an agreement with the Ohio Department of Transportation and to deposit of funds with the Ohio Department of Transportation for the local contribution required for the US-27 North Phase III Improvement Project in an amount not to exceed $1,460,166.00.

SECTION 2: Council having determined the value of this project to the citizens of the City of Oxford hereby accepts the recommendation of the City Manager and Service Director for the City Manager to enter into an agreement with the Ohio Department of Transportation and for the local contribution of funds to be deposited for the US-27 North Phase III Improvement Project.

SECTION 3: Council hereby authorizes the City Manager to enter into an agreement with the Ohio Department of Transportation and to deposit funds in an amount not to exceed $1,460,166.00 with the Ohio Department of Transportation for the US-27 North Phase III Improvement Project.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

(Resolution No. **4038**)

PID No. **77099**
Project No. _________ (2010)

FINAL RESOLUTION

The following Final Resolution enacted by the City of **Oxford,** Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on **21st day of December, 2004,** the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of widening College Corner Pike (U.S. Route 27) from existing Melanee/Merryday intersection to existing Ringwood Road intersection with U.S. Route 27 from present two lanes to three lanes to incorporate a center turn lane. Improvements to consist of construction of curb and gutter, storm sewer system and sidewalks on both sides of roadway. Existing traffic signal at Wal-Mart drive and U.S. Route 27 to be upgraded and a new traffic signal to be installed at Melanee/Merryday intersection with U.S. Route 27, lying within the City of Oxford; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid OKI funds set aside by the Director of Transportation for the financing of this improvement from funds allocate by the Federal Highway Administration, U.S. Department of Transportation, and further, the City agrees to assume and bear one hundred percent (100%) of the Right-of-Way less the amount of Federal-aid funds, including Toll Revenue, and one hundred percent (100%) of the Preliminary Engineering, excluding in-house preliminary engineering charges incurred by the State.

The share of the cost of the LPA is now estimated in the amount of **One Million Four Hundred Fifteen Thousand One Hundred Forty Four and - - - - 00/100 Dollars, ($1,415,144.00),** but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

I. That the estimated sum of **One Million Four Hundred Fifteen Thousand One Hundred Forty Four and - - - - 00/100 Dollars, ($1,415,144.00)**, is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.

II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

III. That the LPA enter into a contract with the State, and that **City Manager** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the ___________ day of ________________ , 2 ____ , and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _________ , at Page __________ , and under date of ____________________________________ , 2 ______ .

Legislative Authority of the
City of **Oxford**, Ohio

____
City Manager

SEAL
(If Applicable)

____
Clerk (Secretary Ex-Officio)

PID No. **77099**
Project No. __________ (2010)

FISCAL OFFICER'S CERTIFICATE
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **$1,415,144.00** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **U.S. Route 27**, lying within the corporate limits of the City of **Oxford**, more particularly described as follows:

The project consists of widening College Corner Pike (U.S. Route 27) from existing Melanee/Merryday intersection to existing Ringwood Road intersection with U.S. Route 27 from present two lanes to three lanes to incorporate a center turn lane. Improvements to consist of construction of curb and gutter, storm sewer system and sidewalks on both sides of roadway. Existing traffic signal at Wal-Mart drive and U.S. Route 27 to be upgraded and a new traffic signal to be installed at Melanee/Merryday intersection with U.S. Route 27, lying within the City of Oxford; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of **Oxford**, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume ____________, at Page __________________,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this _____________ day of _________________________, 2010.

(Fiscal Officer's Seal)
(If Applicable)

____
Fiscal Officer of the City of
Oxford, Ohio

PID No. **77099**
Project No. __________ (2010)

CONTRACT

(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Oxford**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: RECITALS

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: PURPOSE

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of widening College Corner Pike (U.S. Route 27) from existing Melanee/Merryday intersection to existing Ringwood Road intersection with U.S. Route 27 from present two lanes to three lanes to incorporate a center turn lane. Improvements to consist of construction of curb and gutter, storm sewer system and sidewalks on both sides of roadway. Existing traffic signal at Wal-Mart drive and U.S. Route 27 to be upgraded and a new traffic signal to be installed at Melanee/Merryday intersection with U.S. Route 27, lying within the City of Oxford.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.

2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.

3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.

4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **One Million Four Hundred Fifteen Thousand One Hundred Forty Four and - - - - 00/100 Dollars, ($1,415,144.00)**

5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid OKI funds set aside by the Director of Transportation for the financing of this improvement from funds allocate by the Federal Highway Administration, U.S. Department of Transportation, and further, the City agrees to assume and bear one hundred percent (100%) of the Right-of-Way less the amount of Federal-aid funds, including Toll Revenue, and one hundred percent (100%) of the Preliminary Engineering, excluding in-house preliminary engineering charges incurred by the State.**

6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

<u>SECTION VI:</u> **<u>RIGHT-OF-WAY AND UTILITIES</u>**

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:

   A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.

   B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

   C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

<u>SECTION VII:</u> **<u>ADDITIONAL PROJECT OBLIGATIONS</u>**

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.

2. The LPA agrees:

   A. To keep said highway open to traffic at all times;
   B. To maintain the PROJECT in accordance with the provisions of the statues relating thereto,
   C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
   D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
   E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
   F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows

City of **Oxford**
101 East High Street
Oxford, Ohio
45056

Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.

2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.

3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.

4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.

5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.

6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.

7. In accordance with Executive Order 2007-01Sm the LPA, by signing this document, certifies: (1) it has reviewed and understands Executive Order 2007-01S, (2) has reviewed and understands the Ohio Ethics and conflict of interest laws, and (3) will take no action inconsistent with those laws and this order. The LPA understands that failure to comply with Executive Order 2007-01S, in itself, grounds for termination of this contract and may result in the loss of other contracts with the State of Ohio.

SECTION XI: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

OHIO DEPARTMENT OF TRANSPORTATION	**LOCAL PUBLIC AGENCY City of Oxford**
______________________	______________________
Director of Transportation	**City Manager**
______________________	______________________
Date	Date

Approved:
Richard A. Cordray
Attorney General of Ohio

By:______________________
Richard J. Makowski
Chief, Transportation Section

Date:______________________

OHIO DEPARTMENT OF TRANSPORTATION
ACCOUNT RECEIVABLE

Make check payable to: Treasurer of State

Mail to: Jeffrey M. Hisem, Administrator
Attn: Sue Thomas
Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

Division: Construction Administration
PID No. 77099
Project No. ________ (2010)
Invoice No. 9735
August 26, 2009

To: **Heidi Hill**
Finance Director
101 East High Street
Oxford, Ohio
45056

Federal Project No. E040(338)
Butler County
City of Oxford
U.S. Route 27
Section 18.55

PLEASE ENCLOSE ONE COPY OF THIS INVOICE TO IDENTIFY YOUR REMITTANCE

Proposal of Participation	Type of Agreement	Amount
		$1,415,144.00
Contract amount	$1,202,081.14	
Engineering amount.	$ 213,062.86	

For the improvement of that portion of **U.S. Route 27**, more particularly described as follows:

The project consists of widening College Corner Pike (U.S. Route 27) from existing Melanee/Merryday intersection to existing Ringwood Road intersection with U.S. Route 27 from present two lanes to three lanes to incorporate a center turn lane. Improvements to consist of construction of curb and gutter, storm sewer system and sidewalks on both sides of roadway. Existing traffic signal at Wal-Mart drive and U.S. Route 27 to be upgraded and a new traffic signal to be installed at Melanee/Merryday intersection with U.S. Route 27, lying within the City of Oxford.

c: Original & 2cc City of **Oxford**
District **(8)** Engineer
Accounts Receivable
Invoice File

Total Amount Due **$1,415,144.00**

Approved For Payment

Signature ____________________

Title ____________________

Date ____________________

Ohio Department of Transportation

By: ____________________
Jeffrey M. Hisem, Administrator
Office of Estimating

PID No. **77099**
Project No. _________ (2010)

ESCROW AGREEMENT FOR HIGHWAY IMPROVEMENT

This agreement made and entered at ____________________, Ohio, this _____ day of ____________________________, 2009, by and between the Legislative Authority of ________________________, Ohio, The Ohio Department of Transportation (ODOT) and ____ (FINANCIAL INSTITUTION)

__________________________________, __________________________________, Ohio,
(address) (city)

__________________________________, __________________________________
(zip code) (telephone no.)

WITNESSETH

That for and in consideration of the covenants and agreements of the parties herein contained. The ODOT hereby expressly authorizes the City to deposit the pre-bid estimate (or some larger amount) of said City's participation share of project cost in the amount of **One Million Four Hundred Fifteen Thousand One Hundred Forty Four and - - - - 00/100 Dollars, ($1,415,144.00),** as required by the ODOT's Invoice No. **9735**, dated the **August 26, 2009**, on project described as: **Butler** County - City of **Oxford - U.S. Route 27 – Section 18.55 - Federal Project No. E040(338),** in an interest bearing account, repurchase agreement or certificate of deposit with the FINANCIAL INSTITUTION. The City hereby agrees to deposit into the aforementioned account funds in the amount of $________________________ . The **Financial Institution shall fax confirmation of this act (ex: deposit slip - not escrow agreement) to Jeffrey M. Hisem, Administrator, Attn: Sue Thomas, Office of Estimating, within 24 hours of deposit**. Such funds shall thereupon remain on deposit for the credit of the ODOT and said City, until such time as payment of the City's estimated participation share, as determined after receipt of bids, is ordered to be paid by the Administrator of the Office of Estimating or the Director of ODOT. Upon receipt of such order for payment, IN THE FORM OF A REVISED INVOICE, the FINANCIAL INSTITUTION hereby agrees to deliver and pay over to The ODOT, by return mail within twenty-four (24) hours, the funds so requested (but in no event more than the amount of the pre-bid estimate), and to deliver and pay over to the City the accrued interest thereon and any balance that may remain. (The City's ultimate share of the cost shall be determined in accordance with the FINAL RESOLUTION and the CONTRACT).

It is understood and agreed that funds on deposit pursuant to this agreement may be invested by the FINANCIAL INSTITUTION as provided herein and in accordance with applicable law and regulations. It is also expressly understood that the Local Public Agency shall not withdraw any funds.

Legislative Authority of the City of
Oxford, Ohio

Attest	Clerk of City Council
Attest	**City Manager**
Attest	Presiding Officer of Legislative Authority

The Ohio Department of Transportation

(Financial Institution)	Director of Transportation
(Address)	(Date)
(City)	(Attest)
(Zip Code)	

by:

(Signed by officer of Financial Institution)	(Please print bank officer's name)
(Title)	
(Date)	

Office of Estimating - Fax No. (614)728-8769

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Fire
Originating Department

Council Meeting Of: January 19, 2010

Account Code No. #: 416.150.52520, 140.150.50902

John Detherage
Prepared By

Budgeted Amount: $15,000 / $10,000

January 4, 2010
Date Prepared

Agenda Title: A Resolution authorizing the Oxford Division of Fire to purchase three (3) Thermal Imaging Cameras with truck mounts and chargers.

Recommendation: Adopt the Resolution to purchase three (3) thermal imaging cameras with truck mounts and chargers from Trudo/Albert Fire Equipment at a price not to exceed $25,000.00.

Discussion: These Thermal Imaging Cameras will replace three current units, one of which is non-functional and all three are no longer supported by the manufacturer making them impossible to have repaired. New technology will allow thermal image capture (pictures) for evidence and investigation, a zoom feature, and truck mounts with vehicle chargers to have the cameras ready to go at all times. The proposed units carry a two year complete warranty compared to a one year complete or two year partial coverage offered by most of the industry. Two of the cameras will be funded with the award from the 2008 Assistance to Firefighters Grant and the remaining camera, truck mounts, and chargers covered by budgeted CIP funds.

Approved By:

	Initial	Date
Department Head:	JAD	1-4-10
City Attorney:		
City Manager:	DAE	1-12-10

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER AND FIRE CHIEF TO ENTER INTO AN AGREEMENT WITH TRUDO/ALBERT FIRE EQUIPMENT L.L.C. FOR THE PURCHASE OF THREE (3) THERMAL IMAGING CAMERAS WITH TRUCK MOUNTS AND CHARGERS AT A COST NOT TO EXCEED $25,000.00 UTILIZING FUNDS IN THE AMOUNT OF $15,000.00 AWARDED FROM THE 2008 ASSISTANCE TO FIREFIGHTERS GRANT AND THE BALANCE FROM BUDGETED CAPITAL IMPROVEMENT ("CIP") FUNDS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The City advertised for bids in the Hamilton Journal on December 14, 2009 and December 21, 2009. Two sealed bids were opened and publicly read on December 30, 2009. The lowest bid was provided by Trudo/Albert Fire Equipment L.L.C. in the amount of $23,895.00.

SECTION 2: The City Manager and Fire Chief recommend and Council hereby accepts the recommendation of the City Manager and the Fire Chief that three (3)thermal imaging cameras with truck mounts and chargers be purchased from Trudo/Albert Fire Equipment L.L.C. at a cost not to exceed $25,000.00.

SECTION 3: Council hereby authorizes the City Manager and Fire Chief to enter into an agreement with Trudo/Albert Fire Equipment L.L.C. for the purchase of three (3) thermal imaging cameras with truck mounts and chargers at a cost not to exceed $25,000.00 utilizing funds awarded from the 2008 Assistance to Firefighters Grant in the amount of $15,000.00 and the balance from budgeted Capital Improvement ("CIP") funds.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

____
MAYOR

ADOPTED:

ATTEST:

____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: January 5, 2009

Account Code No. #:

Budgeted Amount:

Community Development
Originating Department

Kathryn A. Dale
Prepared By

December 17, 2009
Date Prepared

Agenda Title:	**Board of Zoning Appeals – December 16, 2009 Meeting Report**

Recommendation:	**N/A**

PUBLIC HEARINGS:

BZA-09-2009 – 16 S. Poplar, *Appeal of Administrator's Decision,* ***Matt Hughes, Applicant***

The Applicant requested that the item be tabled until the January 20, 2010 meeting to have a full board present.

BZA-10-2009 – 15 N. Poplar, *Variance from Section 1141.03(e)(4) to allow a principal entrance to the ground floor commercial space to be off of an alley,* ***Del Ogle/Don Thomas Applicant/Agent***

The Applicant is proposing to construct an addition to the rear of the existing building with commercial on the first floor and residential above. The existing commercial space will continue to have access from N. Poplar Street and the proposed residential addition will have its primary entrance from the existing residential entryway along N. Poplar Street as well. The only portion of the new addition that is in need of a variance is the proposed commercial addition on the ground floor to have its primary entrance off of the alley.

The Applicant presented that they were requesting the variance to allow the owner to have options when marketing for potential tenants. There was much discussion regarding safety of a side/basement entry door opening into the alley and the relocation of the basement staircase. Staff explained that this may be a building code issue and would likely be addressed during the permit review, but was not part of this request. The Board ultimately requested the Applicant return with revised plans that would allow some visibility clearance for customers who may be entering/exiting the proposed commercial space so they are not exiting the commercial space and stepping directly into the alleyway.

The Board voted to postpone the Adjudication Hearing until the next month or until the Applicant has revised drawings available.

BZA-11-2009 – 110 S. Locust Street, *Variance from Section 1149.05(a)1, parking encroachment into front yard setback, Section 1149.03(b), allow off-site parking, 1149.03(a), all parking shall be a paved surface.* ***Dennis Day, Applicant***

The Applicant is proposing to install an 18' x 60' gravel parking lot extension in the front yard setback at 114 S. Locust for employees of 110 S. Locust Street. Part of this gravel parking area was grandfathered; however, the Applicant expanded the area grandfathered, which triggered the necessity for a permit and ultimately this variance request.

The existing gravel area, according to aerial photography, was only 9 foot deep and was compliant with the front yard setback. This has been increased to 18 feet and now encroaches 7 feet into the required 30 foot front yard setback. Additionally, the code requires that all parking areas must be hard surfaced and a gravel extension is not acceptable.

In regards to off-site parking, there is no record that this was ever procedurally approved on this site, thus Staff recommended that the Applicant include this into their request at this time.

There was discussion regarding the setbacks of surrounding businesses and the possibility of using existing spaces that were already paved on the 114 S. Locust property. Questions arose if the whole area being proposed for expansion could actually be utilized since some spaces would be blocked or inaccessible. The Applicant indicated that some restriping would be necessary. The Applicant indicated that they would be willing to pave the proposed expansion. The Board requested that the Applicant withdraw the request for gravel parking. The Applicant officially withdrew that request on the record.

No public comments were received.

The BZA deliberated and made the following Findings of Fact regarding the off-site parking and encroachment variance requests:

1. Both properties would yield a reasonable return and could be beneficially used without the variances because there are already existing businesses/ tenants with parking available to them.
2. The variances are not substantial because the request is equal to or setback further than neighboring businesses.
3. The character of the neighborhood would not be substantially altered; the adjoining properties would not suffer substantial detriment as a result of the variances being granted because the properties in question are located in a business district with similar parking encroachments.
4. The variance would not adversely affect the delivery of governmental services because the complex is well established, there were no noted modifications necessary to the existing utilities, drainage system or ingress/egress and furthermore there was no response from any City department reviews indicating that this proposed parking lot expansion would negatively affect any governmental services.
5. The property owner was not aware of the zoning restrictions when the property was purchased because the existing parking and gravel parking area were established and grandfathered.
6. The Applicant's predicament cannot be obviated through some other method other than a variance regarding the off-site parking because there is no other available space on-site to provide for additional parking and the parking spaces on the neighboring lot are reserved for the four existing commercial tenants, necessitating an expansion.
7. The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the variances.

After considering and weighing these facts and circumstances, the Board found that practical difficulty was shown sufficient to warrant granting the variances requested, and voted 4-0-0 to ***APPROVE*** the application.

The next BZA meeting is scheduled for January 20, 2010. Four items are on the agenda.

Approved By:		**Initial**	**Date**
	Department Head:	MC	12/29/09
	City Attorney:		
	City Manager:	[illegible]	1/15/10

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager	Community Development **Originating Department**
Council Meeting Of: January 19, 2010	
Account Code No. #:	Kathryn A. Dale **Prepared By**
Budgeted Amount:	January 8, 2010 **Date Prepared**

Agenda Title: HAPC Meeting Report – January 6, 2010

Election of Officers:
The election of HAPC officers took place. Mr. Mike Smith will remain as the Chair and Ms. Laura Henderson will remain as the Vice-Chair.

DISCUSSION:
Requests for Review:
HAPC-01-2010 ***19 E. Walnut****, Holy Trinity Episcopal Church, to allow for the replacement of porch columns,* ***Susan Kay Applicant/Agent****.*

The Applicant was seeking a COA to replace the existing front porch columns (2; 5" columns on each corner) with a single, 8" column on each corner. The pillars are rounding, Doric, Roman Tuscan with unfluted shaft with base. The Applicant is proposing fiberglass columns to match the existing white.

Mr. Smith shared that he had researched the property and said he thought that because of the odd size for exterior columns that they were actually interior columns or columns reused when a full sized porch once existed on the front of the house. He also said with his recent research of pillar restoration, to properly replace the bases where most of the damage occurred, may cost the same or even more than to just replace the columns as presented.

Ms. Kay shared multiple pictures of the pillars and identified where the most damage and cracking/splitting occurred. Ms. Kay shared that the column bases were actually installed upside down and the tops of the columns was where the extensive water damage originated. Additionally, the columns are not properly installed; currently on the crossbeam of the porch overhang. Ms. Kay stated they were not sure of the columns' dates, but since there is pressure treated wood on the bases that it would date post 1970's and the contractor for this project previously worked on this building and knows they were installed in the 1980's.

The HAPC voted 6-0-0 to ***APPROVE*** the COA for 2; 8" fiberglass pillar replacements as presented.

HAPC-02-2010 ***11 W. Church Street****, Will's Pizza, Signage,* ***ABC Signs Applicant/Agent.***

The Applicant sought a COA for approximately a 1.83' x 15' wall sign facing Church Street. The sign installed at this location will be plastic formed, individual letters. The "Will's" lettering is script style and yellow, while the "Pizza" letter is block style and red. Four existing, external gooseneck lighting fixtures will illuminate the sign.

Staff shared that the Applicant may pursue a sign variance for an additional sign, same style, on the corner of the building and asked the Commission to allow the Chairman to administratively review if approved by the BZA. The Commission agreed.

The HAPC voted 6-0-0 to ***APPROVE*** the COA for the new wall sign as presented.

HAPC-03-2010 **17-A E. High Street,** SoHi Grill, Awning & Signage, **Jeff Waggoner Applicant/Agent.**

The Applicant was seeking a COA for two new awnings and signage at the former Great Steak & Potato. The proposed awnings are downward sloping consisting of a stainless steel, brushed aluminum frame and an orange sunbrella canvas material. The Applicant provided a sample of the canvas color at the hearing because the submission appeared to be more red than orange. The frame ends have a side support with the SoHi name cut into the metal. One awning would be over the entry of the existing Great Steak & Potato, a second and new awning is proposed across the center bay of the Minnis Building, which has never had an awning. The Applicant also proposed a new 2.5' x 5' wall sign with stainless steel letters on a brown dimensional background. Lighting will be recessed into the awning and directed toward the sign panel. The Applicant also proposed window appliqués on the entry door and two commercial storefront windows associated with this retail space.

Staff brought to the Commission's attention that the stained glass window transom for Steinkeller's is covered over with the proposed new awning in the center bay. This is the only form of signage available for this business in the lower level of the building. Additionally, according to the drawings, the window appliqués vary in height in order to clear the visibility over a sidewalk bench. Staff indicated that the Applicant should apply all the appliqués uniformly.

The Applicant, based on earlier staff comments, provided a revised drawing addressing staff concerns. The revised drawing showed Steinkeller's stained glass transom sign no longer hidden by the awning and the window appliqués were made uniform in height.

The HAPC voted 6-0-0 to ***APPROVE*** the COA for the signage, awning and window appliqués as revised and presented at the hearing.

Administrative Findings / Approvals:
None.

Correspondence and Announcements:
Ms. Dale shared that the Historic Marker Workshop scheduled at the Smith Regional History Library for January 14, 2010, had five RSVP's scheduled. Mr. Smith and Ms. Henderson indicated they would also be in attendance.

Ms. Dale distributed to the members the December 3, 2009 opinion titled "State Sovereign Immunity from Municipal Zoning Regulations". Staff shared with the Commission that this was the document Ms. Dana shared with them prior to her last meeting and asked them to review. Ms. Dale asked the Commission if they would still like to hold the special worksession with Legal Counsel the next evening. The Commission indicated that due to the weather threat of heavy snow they would prefer to review the document and then if they still had questions they would reschedule. Staff also suggested that if any of the members had a specific question, they could forward such inquiry directly to Legal Counsel for a response.

Old Business:
Pillar restoration – Mr. Smith stated that he was making substantial progress in gathering information on pillar restoration and shared some of his findings. He stated he hoped to have it completed by next month as he was still waiting on some information to be sent to him.

New Business:
Mr. Smith shared that the pregnancy center at 23 E. High Street has submitted a new sign application and asked the Commission if they had any comments as he was going to likely review administratively. Ms. Henderson stated that she would like to see the phone number removed from the sign. Mr. Lloyd concurred and asked if the phone number could be placed at eye level on the door. Material of the sign also needed to be confirmed.

Other Business:
Ms. Peterka asked that one correction be made to the year-end summary. Ms. Henderson also asked that the administrative approvals related to 1 W. High be included on the summary.

The next regular HAPC meeting is scheduled for February 3, 2010.

Approved By:		**Initials**	**Date**
	Department Head:	JHC	1/11/10
	City Attorney:		
	City Manager:	DMC	1/12/10

Office of the Mayor

Proclamation

Whereas: Oxford Seniors has been serving the Oxford and surrounding communities since 1953; and

WHEREAS, in 1977, Oxford Seniors Citizens became incorporated and began receiving funding from United Way and the area Council on Aging; and

WHEREAS, senior transportation began in 1978 as the 'Help Van', and the Congregate Meal Program followed the same year; and

WHEREAS, in 1990, Oxford Seniors became the provider for the Home Delivered Meals Program, and the Community Adult Day Service was added in 2000 to serve older adults with special needs; and

WHEREAS, in April of 2009, Oxford Seniors received a grant which was used to develop a new logo and marketing materials; and

WHEREAS, Oxford Seniors offers an ever-expanding range of services to its members.

NOW, THEREFORE, I, Richard Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim Monday, January 25, 2010 as Oxford Seniors:

'NEW YEAR!, NEW LOGO!, NEW LOOK! DAY'

in the City of Oxford and encourage all citizens to help launch and celebrate their new look.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 15h day of January, 2010.

RICHARD KEEBLER, MAYOR

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager Community Development
Originating Department

Council Meeting Of: January 5, 2010

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

December 10, 2009
Date Prepared

Agenda Title:	**Planning Commission Meeting Report – December 8, 2009**
Recommendation:	**N/A**

DISCUSSION:

Public Hearing:

PC-16-2009 **ZONING TEXT AMENDMENT** Adopting Section 505.17 of the Codified Ordinances & Amending Section 1159.09 to modify the definition of household pets to include chickens, **City of Oxford, Applicant.**

Recently, City Council amended Section 505.17 Codified Ordinance to allow the keeping of chickens in residential districts. Unfortunately, the adoption of this section created a conflict among the definitions in the Planning & Zoning Code and needed to be reconciled. Essentially, staff is recommending a minor amendment to the Zoning Code by modifying the title of the definition and to include chickens as household animals. With the amendment, residents could legally keep/house chickens in their yard. The enforcement of any alleged violations would fall under the jurisdiction of the Oxford Police Department, specifically the Animal Control Officer.

The question was raised as to whether or not the language should specifically exclude roosters. Staff, Legal Counsel and City Council Representatives indicated that the intent of the legislation passed by Council was specific and would exclude roosters. The Planning Commission voted unanimously 7-0-0 to recommend ***APPROVAL*** as presented to City Council.

New Business:

Conceptual Review – 5990 Contreras Road, Peter & Connie McCarthy
The Applicant was seeking advisory comments regarding the possibility of rezoning the subject property to a district that would permit office use. Staff discussed the options of the "RO" and "GB" districts with the property owner; however the owner indicated that should a rezoning be approved, they would prefer the "GB" designation because the "RO" limits the office space to 2,500 sq.ft. and the house on the property has over 5,000 sq.ft. Staff has also reviewed the concerns of rezoning property to a district that it is not contiguous with. Nonetheless, the property owner wished to discuss this conceptually with the Planning Commission before pursuing any further.

Planning Commission members voiced that offices would be appropriate for this location. The overall consensus from the Commission was that the "GB" General Business would not be appropriate for this area and should the rezoning to "RO" or "RO-PUD" occur, many conditions would have to be placed on the project to keep the integrity of the property and neighborhood. There is also the possibility that review and approval by the BZA may be necessary in order to have office space in excess of 2,500 sq. ft.

Other Business:

Your Town Grant Application
Ms. Prue Dana and Ms. Bethany Bower, who is a Wilks Scholar, are working on obtaining a grant to conduct a 2½ day planning forum with 35 members of the community to discuss development and planning issues which would most likely include development issues at the boundaries of the City and work conjointly with the Township. The Planning Commission indicated that they were in favor of having this type of format to take place but voiced concerns on how much staff time would be required and taken away from day-to-day duties.

FEMA – brief discussion regarding regulations
Staff presented the first DRAFT of the proposed floodplain regulation amendments. Staff explained that the City of Oxford participates in the National Flood Insurance Program (NFIP) Community Rating System (CRS). The NFIP CRS provides flood insurance premium discounts to policy holders in communities that implement floodplain management practices that exceed the Federal requirements. FEMA is currently in the process of conducting a Flood Map Modernization which will provide digital flood hazard information. The City has submitted necessary map amendments for this process; however, the floodplain regulations also need to be updated in order to stay eligible for the NFIP program.

FEMA must review and comment on these regulations before they are officially modified and adopted by a community. Staff intends on sending FEMA our DRAFT regulations for review and comment after the first of the year and requested that the Planning Commission provide any comments by January 4, 2010. Once FEMA's comments are received back we will be formally presenting these to the Planning Commission and City Council as a Zoning Text Amendment for formal hearing and adoption by spring 2010.

Kroger Development
Mr. Keebler commented and other members of the Commission agreed that the recessed light in the canopy of the gas station are very nice and that this may be a stipulation that the City considers to incorporate into the code permanently.

The next regular meeting is scheduled for January 12, 2010.

Approved By:		**Initial**	**Date**
	Department Head:	ANC	12/28/09
	City Attorney:		
	City Manager:	DRE	1/15/10

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, December 15, 2009 at 7:30 p.m. Those members present were Ken Bogard, Kate Currie, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeehan.

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

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PRESENTATION
OXFORD SENIORS

Ms. Joan Potter-Sommer, updated Council with regard to renovations at the Oxford Seniors facility as well as new programs. Ms. Potter-Sommer noted the center received a $10,000 grant from Community Development Professionals which enabled the organization to develop new marketing materials which included a new logo, new stationery, a banner and marketing magnets. Ms. Potter-Sommer advised an event called 'New Year, New Look, New Logo, was planned for Monday, January 25, 2010 to increase public awareness of Oxford Seniors and to build membership and service use. Ms. Potter-Sommer noted the Mayor had been invited to the event and would proclaim the day as 'Oxford Seniors Day'. Ms. Potter-Sommer advised since the organization was housed in a City facility they were requesting a one-time use permit to serve wine at the event to toast their new look.

Ms. Currie moved to approve the request for a one-time permit to serve alcohol. Mr. Blackburn seconded. The motion passed 7-0-0.

Ms. Potter-Sommer thanked Council and noted they would receive an invitation to attend the event.

PUBLIC COMMENTS

Mr. Scott Webb, addressed Council on behalf of the Chamber of Commerce noting their congratulations to the new Council members and to Mr. Keebler as the new Mayor.

Mr. Webb advised the Chamber looked forward to working with the new Council and continuing their joint economic development initiatives. Mr. Webb noted the Chamber represented 250 local businesses and could be a valuable resource to Council and they would like to be involved in decision making where appropriate. Mr. Webb noted other Chamber members in attendance were JoNell Rowan, Brian Fey and Rich Daniels. Mr. Webb thanked Council for adopting a Resolution at their last meeting to waive fees for holiday parking which was in partnership with the Chamber. Mr. Webb noted the Chamber's Annual Awards Ceremony recognizing local businesses would take place on January 22, 2010.

CONSENT AGENDA

Mr. Bogard requested removal of items F. and G., Resolutions.

MI NUTES

Minutes of the November 17, 2009 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the December 1, 2009 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the December 2, Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report regarding the December 2, 2009 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

**RESOLUTION
PURCHASE FROM
FLORIDA MICRO**

A Resolution No. 4498 authorizing the City Manager to purchase computer equipment from Florida Micro. (Kim Newton, Assistant to the City Manager)

**RESOLUTION
2010 CDBG**

A Resolution No. 4499 authorizing the City Manager to submit to Butler County the following eligible project (s) designated as the City's portion of the 2010 Community Development Block Grant (CDBG) program. (Mike Dreisbach, Service Director)

RESOLUTION
ADVANCED PAYMENT OF
PROPERTY TAXES

A Resolution No. 4500 authorizing the City Manager to request advanced payment of property taxes to the City from Butler County. (Joe Newlin, Finance Director)

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

RESOLUTIONS

RESOLUTION
FARMER'S MARKET

A Resolution No. 4501 authorizing the City Manager to close Lot 52 on Saturdays, from 5:00 a.m. to12:30 p.m., from May 1, 2010 through November 20, 2010, to permit the operation of the Farmer's Market within Lot 52 during said time. (Mary Ann Eaton, Clerk of Council)

Mr. Larry Slocum, Manager, Farmer's Market Uptown, provided a brief guitar/vocal report to Council. Mr. Slocum addressed Council noting the Farmer's Market had increased gross sales from $30,000 their first year to $250,000. Mr. Slocum advised they now had 45 vendors and 70% of them were farmers. Mr. Slocum noted the market began accepting food stamps this year and 600-800 people visited the market on Saturdays. Mr. Slocum presented Council with a check in the amount of $225.00 for lost parking meter revenue during the operation of the Farmer's Market. Mr. Slocum noted the vendors needed to make, bake or grow their products for sale and their motto was 'Cultivating Community'.

Mr. Rutherford inquired if the Market would need more space eventually which Mr. Slocum addressed and Mayor Keebler advised if space became a problem the Market representatives should work with staff. Mr. Bogard noted he had heard concerns with people bringing their dogs to the Farmer's Market which Mr. Slocum addressed noting he and other Market representatives educated the patrons with regard to dogs on the premises. Mr. McKeehan inquired how much revenue was attributed to food stamps and Mr. Slocum noted approximately $800.00. Mr. Harman congratulated Mr. Slocum on the success of the Farmer's Market.

Mr. Bogard moved to adopt Resolution No. 4501. Mr. Rutherford seconded. The motion passed 7-0-0.

RESOLUTION
WINTER MARKET

A Resolution No. 4502 authorizing the City Manager to close Lot 52 on Saturday, January 16, 2010, Saturday, February 20, 2010, Saturday, March 20, 2010, Saturday April 17, 2010 and Saturday, December 18, 2010 from 5:00 a.m. to 12:30 p.m., to permit the operation of the Winter Farmer's Market within Lot 52 during said time. (Mary Ann Eaton, Clerk of Council)

Mr. Bogard moved to adopt Resolution No. 4502. Mr. Rutherford seconded. The motion passed 7-0-0.

RESOLUTION

RESOLUTION
GRANT APPLICATION

A Resolution No. 4503 to support the City of Oxford's participation in the grant application for a two day 'Your Town Design' workshop through the National Endowment of the Arts. (Doug Elliott, City Manager)

Mr. Elliott advised he felt this was a good program noting Ms. Dana and Ms. Bowers had spoken to the Township Trustees regarding it last night and to Council at their last meeting. Mr. Elliott noted former Mayor Dana and Bethany Bower were in attendance to answer any questions.

Ms. Prue Dana, 6314 Fairfield Road, advised at the last meeting Council requested additional information regarding the matching funds and that the group consulted the Planning Commission regarding the proposal. Ms. Dana noted Council also requested what the staff requirements would entail.

Ms. Bethany Bower, advised she and Ms. Dana had obtained $10,000 in matching funds through in-kind services and dollar donations. Ms. Bower noted the President's office at Miami University would cover the cost of holding the conference at the Marcum Center and dollar donations had been made by The League of Women Voters and the Wilks Leadership Institute. Ms. Bower noted they also took into account the faculty time from Miami University professors who would speak or help facilitate the conference.

Ms. Dana proposed that staff could participate as participants due to her involvement and the Wilks Scholars who would assist in running the logistics of the conference. Ms. Dana advised she and Ms. Bower met with the Planning Commission and the Oxford Township Trustees who endorsed the proposal.

Ms. Currie advised she felt this was a wonderful opportunity to work on urban design planning and noted her hope the grant application was successful.

Mayor Keebler advised it was great to see the student initiative and former Mayor Dana's work on the project. Mayor Keebler noted his hope the grant application was successful.

Mr. Rutherford moved to adopt Resolution No. 4503. Mr. Blackburn seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3089 Supplemental Budget Ordinance No. 1 To Make Supplemental Appropriations For Fiscal Year 2010. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on page 51 of the agenda.

ORDINANCES
SECOND READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3094 Amending Ordinance No. 3033 Supplemental Budget Ordinance No. 10 To Make Supplemental Appropriations For Fiscal Year 2009. (Joe Newlin, Finance Director)

Mr. Newlin referred to his staff report on page 53 of the agenda and noted one change to the proposed Ordinance from the first reading. Mr. Newlin advised there were no changes to items 6.B. 2. 3. or 4. of the agenda.

Mr. Bogard moved to adopt Ordinance No. 3094. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Blackburn, Mr. Bogard, Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3095 Amending Ordinance No. 3033 Supplemental Budget Ordinance No. 11 To Make Supplemental Appropriations For Fiscal Year 2009. (Joe Newlin, Finance Director)

Mr. McKeehan moved to adopt Ordinance No. 3095. Mr. Rutherford seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
BUDGETED ADVANCES

An Ordinance No. 3096 Outlining Budgeted Advances For The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2010. (Joe Newlin, Finance Director)

Mr. Newlin advised this information would be included in the budgeting process next year.

Mr. Bogard moved to adopt Ordinance No. 3096. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Bogard, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
BUDGETED TRANSFERS

An Ordinance No. 3097 Outlining Budgeted Transfers For The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2010. (Joe Newlin, Finance Director)

Mr. Newlin noted there were no changes since he discussed the transfers during the first reading of the proposed Ordinance.

Mr. Bogard moved to adopt Ordinance No. 3097. Mr. Rutherford seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Bogard, Ms. Currie, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
HOTEL/MOTEL TAX

An Ordinance No. 3098 Modifying The Requirements For The Disposition Of Hotel/Motel Tax Receipts By Amending Section 183.03 Of The Oxford Code Of Ordinances. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on page 64 of the agenda.

Mr. Bogard moved to adopt Ordinance No. 3098. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Bogard, Ms. Currie, Mr. Harman, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION
503.02 & 503.98

An Ordinance No. 3099 Repealing Oxford Code Of Ordinances Sections 503.02 And 503.98 And Adopting New Oxford Code Of Ordinances Sections 503.02 And 503.98 Titled 'Classification Of Civil Offenses' And 'Civil Fines'. (Steve Schwein, Police Chief)

Chief Schwein advised staff requested a rewrite of the Ordinance because it did not meet the needs of the Police and Fire Departments. Chief Schwein noted as previously written the Ordinance required the issuance of warnings on many of the offenses Police Officers simply could not issue warnings on. Chief Schwein advised the proposed Ordinance and the next one were companion Ordinances and the Outdoor Furniture Restriction was reinserted.

Mr. Rutherford noted he felt the language was somewhat confusing and suggested the addition of a table which would organize the offenses and the consequences of second offenses.

Ms. Currie clarified that the Outdoor Furniture Restriction offense applied to Ordinance number 7. on the agenda.

Mr. McHugh advised the last version of the proposed Ordinance combined Police and Fire offenses with Code Enforcement offenses which simply did not work. Mr. McHugh noted the Ordinance under consideration returned the language to the original language.

Mr. Bogard moved to adopt Ordinance No. 3099. Mr. McKeehan seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Rutherford, Mr. Blackburn, Mr. Bogard, Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW CHAPTER 507

An Ordinance No. 3100 Adopting New Chapter 507 Entitled 'Police And Fire Civil Citations', Section 507.01 'Police Civil Citations', Section 507.02 'Police Civil Citation Fines', Section 507.03 'Fire Civil Citations', Section 507.04 'Fire Civil Citation Fines', Section 507.05 'Notice Of Police And Fire Civil Offense And Civil Fine; Procedures', Section 507.06 'Answer To Notice Of Police Or Fire Civil Offense', Section 507.07 'Hearings', Section 507.08 'Default', Section 507.09 'Civil Proceedings', Section 507.10 'Administrative Regulations', Section 507.11 'Freedom From Improper Influence', Section 507.12 'Ex Parte Communications Prohibited', Section 507.13 'Definition Of Person' And Section 507.14 'Savings', Of The Oxford Code Of Ordinances. (Steve Schwein, Police Chief)

Chief Schwein reiterated the proposed Ordinance contained the Outdoor Furniture Restriction.

Mayor Keebler clarified that the proposed Ordinance created a new section specifically for Police and Fire civil citations.

Ms. Bobbe Burke, 722 David Drive, noted she wanted students to understand that because the consequences for certain offenses including Outdoor Furniture were reduced did not mean they were any less of a concern to the community. Ms. Burke advised during the 2006-07 school year noise, litter and beer pong tables (outdoor furniture) were identified as major concerns in the community and noted concern that two of those offenses were included in the proposed Ordinance.

Mr. McHugh advised littering could still be handled through the code enforcement department and Mayor Keebler noted all of the offenses remained in the criminal section and could be cited as a civil offense or a criminal offense.

Ms. Currie inquired if it was the Police Officer's choice to write a civil citation or a criminal citation. Chief Schwein advised yes, and noted he felt the officers would be more inclined to write a $60.00 civil citation verses a $165.00 citation for a minor misdemeanor for these types of offenses. Ms. Currie noted her hope that would be the case. Ms. Currie noted three years ago there was a lot of community involvement and discussion regarding how to approach this problem and there had been a noticeable improvement.

Mayor Keebler noted he would like to see a report from 2010 compared to 2009 regarding how many citations were issued.

Mr. Blackburn inquired if Miami University would have access to the civil citation data and Chief Schwein advised yes. Mr. Blackburn suggested the statistics be reviewed in six months.

Mr. Bogard noted a report which included a comparison of overtime hours for officers being in court would help indicate whether this initiative was successful.

Mr. McKeehan inquired how the officers selected which individual to cite and Chief Schwein advised whoever was in the vicinity or whoever answered the door.

Mr. Rutherford inquired if a policy should be established so the decision to issue a criminal citation verses a civil citation was backed up to eliminate the problem of discrimination. Mr. Elliott noted he felt the officers needed discretion in these matters and there were too many variables to try to cover in a policy.

Mr. Bogard moved to adopt Ordinance No. 3100. Mr. Rutherford seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Rutherford (1)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott noted he was pleased to announce that the Oxford Township Trustees passed the approval of the new Fire/EMS agreement between them and the City.

Mr. Elliott advised the regular Council meeting of January 5, 2010 was cancelled and Council would hold a Strategic Planning Retreat from 4:00 p.m. to 8:00 p.n. at the Hueston Woods Lodge. Mr. Elliott noted he would facilitate the retreat.

Mr. Elliott advised Chief Schwein requested the Butler County Engineer's Office to conduct a speed study for the purpose of lowering the speed limit on Brookville Road.

Mr. Newlin advised the City received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for its comprehensive annual financial report (CAFR). Mr. Newlin thanked his staff for their hard work in helping to achieve this award.

Mayor Keebler congratulated Mr. Newlin and his staff on behalf of Council for receiving the award.

Mr. McKeehan thanked Mr. McHugh and staff for preparing the Work Session tonight regarding Sunshine Laws and Public Records noting it was very informative.

Mr. McKeehan wished everyone happy holidays and noted the Lion's Club still had Christmas trees available for sale in the Uptown Park.

Mr. Rutherford encouraged citizens to shop locally during the holiday season and to support the local businesses and merchants.

Mr. Bogard wished everyone happy holidays and safe travel for those leaving Oxford and those coming into Oxford.

Mr. Bogard advised effective December 8, 2009 the Butler County Regional Transit Authority was offering an in town shuttle for Oxford residents and visitors for a $2.00 one way fare. Mr. Bogard noted this was a door to door service – not a fixed route. Mr. Bogard advised the phone number to call to reserve a fare was 785-5237.

Ms. Currie noted her hope a link could be placed on the City's website for the shuttle service.

Ms. Currie thanked Ms. Brahier and the Parks and Recreation department for their efforts in hosting the Holiday Festival noting it was a super fun event.

Ms. Currie advised the Bicentennial kick-off event would take place on New Year's Eve from 4:00 p.m. to 7:00 p.m. at the Community Arts Center. Ms. Currie noted there would be free food and drinks available and entertainment for adults and children. Ms. Currie advised Mayor Keebler would ring-in the New Year at 6:00 p.m.

Mr. Harman congratulated Chief Schwein and the Dispatch Department for receiving outstanding results on their recent audit. Mr. Harman acknowledged the Public Safety Communications Officers: Gary Cole, Cindy Blevins, Kathy House, Candice Keller, Joann Handley, Chris Warren, Warren Bisdorf, Buddy Jackson, Patty DeMarco, Intisar Abdullah and Maria Garnett.

Mr. Harman advised the City had written-off over $32,000 in unpaid water bills so far this year. Mr. Harman suggested making the property owner responsible for a renter's uncollectable utility bill and noted he would like to hear from fellow Councilors and staff members regarding the issue.

Mayor Keebler advised it would be more appropriate for Mr. Newlin and Mr. Elliott to study the issue and report back to Council.

Mr. Blackburn thanked Ms. Brahier and the Parks and Recreation staff as well as the Visitors and Convention Bureau for making the Holiday Festival a great success. Ms. Brahier recognized the Police and Service Departments who also assisted with the event.

Mr. Blackburn suggested including the Butler County Regional Transit Authority (BCRTA) information on the next water bill.

Mr. Blackburn wished everyone a Merry Christmas and Happy New Year.

Mr. McKeehan suggested placing the BCRTA information on the City's Public Access Channel.

Mr. Elliott suggested inviting a representative from BCRTA to the next Council meeting to speak about their shuttle program.

Mayor Keebler noted he felt it was important to have a good turnout at the New Year's Eve Bicentennial kick-off event.

Mayor Keebler reminded everyone the January 5, 2010 Council meeting was cancelled and Council would hold their retreat at the Hueston Woods Conference Center from 4:00 p.m. to 8:00 p.m.

ADJOURNMENT

Mr. Bogard moved to adjourn at 8:50 p.m. Mr. Rutherford seconded. The motion passed 7-0-0.

A Work Session of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, December 15, 2009 at 6:31 p.m. Those Council members present were, Bob Blackburn, Kate Currie, John Harman and Kevin McKeehan. Ken Bogard arrived at 6:44 p.m. and Greig Rutherford arrived at 7:09 p.m.

Staff members present: Doug Elliott, City Manager; Steve McHugh, Law Director; Mike Dreisbach, Service Director; Gail Brahier, Parks and Recreation Director; Jung-Han Chen, Community Development Director and Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

Ms. Currie moved approval of the Agenda. Mr. Blackburn seconded. The motion carried 5-0-0.

PURPOSE

Mr. McHugh provided a PowerPoint presentation and reviewed Ohio's Sunshine Laws including the Open Meetings Law and Public Records Law.

ADJOURNMENT

Mr. McKeehan moved to adjourn at 7:16 p.m. Ms. Currie seconded. The motion carried 7-0-0.

Office of the Mayor

Proclamation

Whereas: the Reverend, Dr. Martin Luther King, Jr. believed "that social change comes most meaningfully through nonviolent action;" and

WHEREAS, Dr. King knew that it took whites and blacks together to march for change and justice; and

WHEREAS, Dr. King stated in a press conference before their 1966 march in Mississippi: "This isn't any time for organizational conflicts, this isn't any time for ego battles over who's going to be the leader. We are all the leaders here … You see, to change Mississippi we've got to be together;" and

WHEREAS, the people of the greater Oxford community strive toward the goal of realizing that we, too, must all be leaders and truly be together to have justice and equality for all people in our community; and

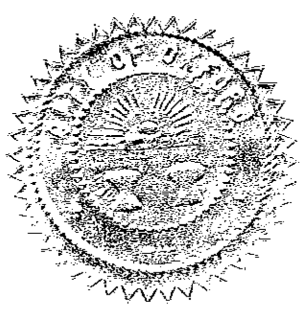
WHEREAS, we must follow Dr. King's words and "rise up with a greater readiness. Let us stand with a greater determination," to make our community what it ought to be without biases based upon race, gender, color, orientation, or any other "ism."

NOW, THEREFORE, I, Kenneth H. Bogard, Vice Mayor of the City of Oxford, Ohio, do hereby proclaim January 18, 2010 through January 22, 2010:

'REV.DR. MARTIN LUTHER KING, JR. WEEK'

in the City of Oxford and urge all citizens to honor Rev. Dr. King and his legacy by showing acceptance toward their fellow men and women, promoting peace, equality, justice, and helping freedom exist everywhere for all people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 15th day of January, 2010.



KENNETH H. BOGARD, VICE MAYOR

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Manager
Originating Department

Council Meeting Of: January 19, 2010

Doug Elliott
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

January 7, 2010
Date Prepared

Agenda Title: A Resolution affirming the City of Oxford's support of and partnership with the 2010 Census.

Recommendation: Adopt the Resolution

Discussion:

Census questionnaires will be delivered or mailed to households via mail or hand delivery in March 2010.

The theme for the 2010 Census is 'It's in Our Hands'.

The City's goal is to ensure that every resident is counted. A complete and accurate count is important for our community since the allocation of federal government dollars can be based, in part, on Census data. Census data also determine representation in the U.S. House of Representatives.

Approved By:

	Initial	Date
Department Head:		
City Attorney:		
City Manager:	DME	1-12-10

RESOLUTION NO.

A RESOLUTION AFFIRMING THE CITY OF OXFORD'S SUPPORT OF AND PARTNERSHIP WITH THE 2010 CENSUS.

WHEREAS: the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population which provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy;

WHEREAS: our organization is committed to ensuring every resident is counted;

WHEREAS: more than $400 billion per year in federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data, including health care, community development, housing, education, transportation, social services, employment and much more;

WHEREAS: Census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts;

WHEREAS: the 2010 Census creates hundreds of thousands of jobs across the nation;

WHEREAS: every Census Bureau worker takes a lifetime oath to protect confidentiality. The Census Bureau ensures that the data identifying respondents or their household not be released or shared for seventy two (72) years;

WHEREAS: a united voice from business, government, community-based and faith-based organizations, educators, media and others will allow the 2010 Census message to reach a broader audience, providing trusted advocates who can spark positive conversations about the 2010 Census;

Now, therefore, BE IT RESOLVED that our organization:

1. Supports the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage participation.
2. Asks its affiliates and memberships to work together to achieve an accurate and complete count.
3. Encourages people in our community to participate in events and initiatives that will raise the overall awareness of the 2010 Census and increase participation among all populations.

This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 19, 2010

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

January 3, 2010
Date Prepared:

Agenda Title:	**An Ordinance Amending Section 1159.09(7) of the Codified Ordinances of the City of Oxford, Ohio, Entitled Definitions (Beginning with the Letter H)**

Discussion:
Recently, City Council amended Section 505.17 Codified Ordinance to allow the keeping of chickens in residential districts. The adoption of this section created conflicting language among various chapters of the Codified Ordinance and needs to be reconciled.

This is a housekeeping issue to clarify the intent and clean up inconsistencies between chapters of the Codified Code. The recommended change is fairly minor in nature.

The Planning Commission at its December 8, 2009 regular meeting, voted unanimously to recommend City Council adopt this amendment.

Approved By:		Initial	Date
	Department Head:	JHC	1/11/10
	City Attorney:		
	City Manager:	DHE	1/12/10

ORDINANCE NO. _______

ORDINANCE AMENDING SECTION 1159.09 OF THE CODIFIED ORDINANCE OF THE CITY OF OXFORD, OHIO, ENTITLED DEFINITIONS (BEGINNING WITH THE LETTER "H").

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on December 8, 2009 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended amending Oxford Codified Ordinance Section 1159.09 of the Definitions (Beginning with the letter "H") for the purpose of clarifying the City's Codified Ordinances.

SECTION II: Council hereby accepts the recommendation of the Planning Commission that Section 1159.09 of the Codified Ordinances of the City of Oxford, Ohio be modified to clarify the City's Codified Ordinances.

SECTION III: Section 1159.09 of the Codified Ordinances of the City of Oxford, Ohio is hereby amended to read as follows (language to be repealed is ~~stricken through~~ and language to be adopted is in **bold**:

1159.09 DEFINITIONS (BEGINNING WITH LETTER "H").

(1) HABITABLE SPACE- Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, and halls.

(2) HANDICAP - With respect to a person, a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. This definition does not include current illegal use of, or addiction to, a controlled substance. For purposes of this part, an individual shall not be considered to have a handicap solely because that individual is a transvestite. As used in this definition:

A. "Physical or mental impairment" includes: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genitourinary, hemic and lymphatic; skin, and endocrine; OR any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular immunodeficiency virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current illegal use of a controlled substance) and alcoholism.

B. "Major life activities" - functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

C. "Has a record of such an impairment" - has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

D. "Is regarded as having impairment":

1. Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;
2. Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
3. Has none of the impairments defined in subsection 1159.09 (2) of this definition but is treated by another person as having such an impairment.

(3) **HEDGE** - A dense row of shrubs, grasses or low trees.

(4) **HOME** OCCUPATION - A service occupation conducted within a dwelling unit by the residents.

(5) **HOSPITAL** - An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices which are an integral part of the facility.

(6) **HOTEL** - A commercial facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

(7) **HOUSEHOLD ~~PETS~~ ANIMALS** - dogs, cats, rabbits, birds and **chickens** for non-commercial family use only.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Certification of Action
Oxford Planning Commission
Recommendation to City Council

Report Date	January 7, 2010
Case Number	PC-16-2009
Applicant Information	City of Oxford, Applicant
Requested Action	Zoning Code Text Amendment
Summary of Request	To amend Section 1159.09(7) Definitions (beginning with the Letter H) of the Codified Ordinances of the City of Oxford, OH
Public Hearing Information	On December 8, 2009 the Planning Commission held a Public Hearing at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on November 6, 2009.
Commission Action	The Planning Commission voted 7-0-0 recommending approval of the Zoning Code Text Amendment.
Commission Findings and Conclusions	At the December 8, 2009 Planning Commission meeting, staff provided an overview of the language to clarify the intent and clean up inconsistencies between chapters of the Codified Code.
Exhibits Submitted to the Commission	1. Staff Report submitted to the Planning Commission dated November 30, 2009 2. Interoffice Review responses dated November 30, 2009 3. Zoning Code Text Amendment Application submitted October 30, 2009

City of Oxford

Community Development Department

STAFF REPORT

Planning Commission

Case # PC-16-2009 **Date – December 8, 2009**

APPLICATION

Applicant:	City of Oxford
Action Request:	**ZONING CODE TEXT AMENDMENT**, Chapter 59 Definitions, Section 1159.09(7), to modify Definitions (Beginning with the letter "H") Household pets to Household Animals including chickens, City of Oxford, Applicant

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GENERAL DESCRIPTION

Regularly the Community Development Department staff proposes amendments to the Zoning Code, based on changes to other Codified Ordinances or by City Council directives to reflect the desire and expectations of the community. Recently, City Council amended Section 505.17 Codified Ordinance to allow the keeping of chickens in residential districts. The adoption of this section creates conflict among various chapters of the Codified Ordinance and needs to be reconciled.

STAFF ANALYSIS

The Community Development staff has been providing interpretations that no chickens would be allowed in residential districts, based on the definition of the code that does not include chickens as household pets. It is not common to have chickens as pets in urbanized communities.

Given the recognition of global environmental issues, many planning professions have begun to review the local land use regulations to encourage sustainable lifestyles in the urban environment. Keeping and raising chickens is one of many avenues to reduce carbon emission by encouraging locally produced products.

Essentially, staff is recommending a minor amendment to the Zoning Code by modifying the title of the definition and to include chickens as household animals. This is really a housekeeping issue to clarify the intent and clean up any inconsistency between chapters of the Codified Code. Please see the attached document for the recommended changes.

Based on inquiries, staff would guess that there may be a handful of residents currently housing chickens in their yards. With the amendments, those residents could legally keep/house chickens in their yard. The enforcement of any alleged violations would fall under the jurisdiction of the Oxford Police Department, specifically the Animal Control Officer.

DECISION CRITRIA

Any proposed amendment shall be considered and approved only if it meets at least one of the following criteria and if its benefits will likely outweigh any potential pitfalls. The proposed amendment will:

a. Make the Code conform more closely to the Comprehensive Plan.
b. Improve the public health, safety, and general welfare of Oxford.
c. Clarify the intent of the Code.
d. Better implement the intent of the Code.
e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable.

SUBMITTED
BY: Jung-Han Chen

Jung-Han Chen, AICP
Community Development Director

DATE: November 30, 2009

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/30/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-16-2009

Description:

PC-16-2009 **ZONING CODE TEXT AMENDMENT, Chapter 1159 Definitions,** Section 1159.09(7), to modify Definitions (beginning with the letter "H") Household Pets, to Household Animals including chickens, **City of Oxford, Applicant**

____X______ Review __________ Revisions ___________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **12/3/2009** Note: If <u>no</u> comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Should you like to comment, please do so.

Drawings reviewed by: ____________________

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/30/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

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____X______ Review __________ Revisions ___________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **12/3/2009** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 11-30-09 AP.

Should you like to comment, please do so.

Drawings reviewed by: [signature] 11-30-09

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case # PC-16-2009
Zoning Code Text Amendment, Chapter 1159 Definitions

DATE: November 30, 2009

The following are our comments on the proposed definition change.

- Would the chickens be allowed to roam out of the owner's property (i.e. sidewalk, streets, etc.)?
- Would the chickens have to be restricted to an enclosed area?
- Are roosters included in the definition? If not, why?
- How would the waste be handled?
- What does a chicken have to do with the reduction of carbon emissions, and global environmental issues?

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/30/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-16-2009

Description:

PC-16-2009 **ZONING CODE TEXT AMENDMENT, Chapter 1159 Definitions,** Section 1159.09(7), to modify Definitions (beginning with the letter "H") Household Pets, to Household Animals including chickens, **City of Oxford, Applicant**

____X______ Review __________ Revisions ____________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **12/3/2009** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Should you like to comment, please do so.

Probably should define "Household Animals" — Is a potbelly pig a household animal? They've become very popular

Drawings reviewed by: ________________________________

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/30/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-16-2009

Description:

PC-16-2009 **ZONING CODE TEXT AMENDMENT, Chapter 1159 Definitions,** Section 1159.09(7), to modify Definitions (beginning with the letter "H") Household Pets, to Household Animals including chickens, **City of Oxford, Applicant**

____X______ Review __________ Revisions ___________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **12/3/2009** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Should you like to comment, please do so.

Drawings reviewed by: ____________________
Alan Kyger

Case No.: PC-16-2009
Date Filed: 10/30/09

Zoning Code Text Amendment Application

City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: City of Oxford

(Attach a Letter of Agency if the applicant is not the property owner.)

Mailing Address: 101 E. High Street, Oxford OH 45056

Telephone Number(s) 524-5204

Email Address CityofOxford.org

SUBMISSION REQUIREMENTS

A written, detailed description, where applicable, is required for each subsection.

All applications must include:

A. A general description of the proposed amendment.
B. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
C. A statement that identifies potential negative consequences of the proposed amendment.
D. Any existing section number and text that is proposed to be deleted or amended.
E. Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
F. A narrative statement that describes the expected effects of the proposed text.
G. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Planning Commission and Council Review The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

Decision Standards A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls. The proposed amendment will:

A. make the Code conform more closely with the Comprehensive Plan.
B. improve the public health, safety, and general welfare of Oxford.
C. clarify the intent of the Code.
D. better implement the intent of the Code.
E. improve enforcement of the Code.

All materials and the application fee in the amount of $150.00 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056 45 days prior to the proposed meeting date. Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

SIGNATURE OF APPLICANT: [signature] **Date:** 10/30/09

PRINTED NAME: Jung-Han Chen

FEE / RECEIPT

$150 Fee Paid / Receipt Number: NA

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: 12/17/09

Account Code No. #: see below

Budgeted Amount: ______________

Finance
Originating Department

Joe Newlin
Prepared By

1/12/10
Date Prepared

Agenda Title: 2010 SUPPLEMENTAL BUDGET #1

Recommendation: Approve

Discussion: **Supplements to the 2010 Budget**

Affordable Housing Trust Fund

Housing Trust **(5,000.00)**

Reduction of appropriation needed due expenditure of 5,000 not anticipated for 2009 when the Budget 2010 was completed.

FEMA Funds

Increase in Revenue

Funds to be reimbursed from FEMA in 2010 for 2009 Grant **35,504.00**

CDBG Fund

Increase in Revenue

Funds to be reimbursed from CDBG in 2010 for 2009 Grant **101,590.00**

Approved By:

	Initial	Date
Department Head:		1/12/10
City Manager:		1/12/10

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3089. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 1 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The following increase/(decrease)in appropriations from unencumbered balances be made:

AFFORDABLE HOUSING TRUST FUND 212	(5,000.00)

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

FEMA FUND 416	35,504.00
CDBG FUND 126	101,590.00

SECTION 3: In all other respects, Ordinance No. 3089 shall remain in full force and effect.

SECTION 4: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)