

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 3, 2009

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

January 13, 2009
Date Prepared

Agenda Title: Planning Commission Meeting Report – January 13, 2009

Recommendation: N/A

DISCUSSION:

Election of Officers & Appointments to Boards & Commissions

Mr. Bill Brewer - Chair

Ms. Susan Kay – Vice-Chair & HAPC Representative

Mr. Marvin Hurston – Secretary

Mr. Ted Wong - Environmental Commission Representative

Mr. David Prytherch – CIC Representative

Public Hearing

PC-29-2008 ZONING CODE AMENDMENT – Deletion of Section 1141.03(j), Supplemental Regulations, City of Oxford, Applicant

Staff presented Section 1141.03(j), which states, “Any addition to a residential building that results in or enables a new dwelling unit is not permitted.” It is understood that the intent of this section is to ensure that no additional dwelling units would be permissible when the allowable units have been established. However, this section could also be construed to prohibit any additional dwelling being added to a single-family dwelling unit in a two-family district. It actually forces the demolition of an existing single family structure in order to build a two-family dwelling, since the language outright prohibits an additional unit to be built.

The Planning Commission members voiced concern that the provision should be clarified or additional precautions put in place prior to eliminating this regulation. Members of the Commission who were involved with the last Zoning Code rewrite expressed that the intent of this regulation was so that additions to homes were attached and physically part of the primary structure. Additions were not to be permitted as a separate unit connected by a breezeway or some other structural connector. The Commission discussed possibly expanding some of the definitions in the code to help clarify.

Staff withdrew the request to further work on the language.

New Business

Conceptual Review, Paulin Property Planned Development - David Labus, Foundation Development Group, LLC

David Labus presented that they took into consideration the comments received from the Planning Commission and redesigned the proposal. Mr. Labus explained that he felt items were addressed and hoped to move forward. Mr. Labus requested comments from the Commission on their thoughts and any ideas they would like to see added or modified.

The next regular meeting is scheduled for February 10, 2009.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date
AKC 1/13/09

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 17, 2009

Kathryn A. Dale

Account Code No. #:

Prepared By

Budgeted Amount:

February 6, 2009
Date Prepared

Agenda Title:	HAPC Meeting Report – February 4, 2009
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DISCUSSION:

Request for Review:

HAPC-28-2008 32 W. Church Street, Alpha Epsilon Pi Fraternity, replacement of Greek fraternity letters on building, Nigel Crocombe, Applicant/Agent

The Applicant requested a COA to install new fraternity letters on the front of the house, in the same location above the porch. The Applicant presented that the proposed letters are of wood and painted blue and yellow. The scale of the letters would be approximately the same. The old letters were gold metal with a black, wood background. Discussion was had regarding how the letters would be hung, either together on a board or separately. It was decided they would be hung separately. The Board voted 6-0-0 to approve the COA with the condition that the existing and proposed sign dimensions are submitted to staff.

Announcements:

Mr. Smith shared a flyer regarding a public hearing to take place for the Getty Campus Heritage Plan. He also shared that a donation had been received to restore the organ pipes in the Western Campus Chapel. Mr. Smith added that the same company who installed them would take care of the restoration. Mr. Smith also passed around the Oxford Press article about the Township House for those who may not have seen it.

New Business:

Mr. Haizman asked staff to look into the Fiesta Charra windows on the 2nd & 3rd stories to see if they had recently been replaced, or if a COA had ever been issued for them. Mr. Haizman also indicated that there may be new fraternity letters on the east side of 303 W. High Street and questioned if this was truly a fraternity.

Mayor Dana asked the Board for their opinion on when another Open House should be held. Consensus among the Board was to have it in late September. Ms. Kay inquired about what the outcome was of the competition Bobbi Burke had set-up for students to learn about the history of their houses.

Old Business:

Update On:

33 W. High - Green Door (color of entrance door) – Ms. Henderson said it likely would not be painted until the weather breaks. Ms. Dale indicated she would be keeping a running list on the agenda until items were resolved.

117 W. Church – pillar restoration – Mr. Smith is continuing to work with Ms. Winkler.

Bella Place – handrails – Mr. Smith to provide the final drawing given to him by Mr. Kacachos.

30 W. High - Quiznos windows – Mr. Smith stated that the windows initially there were the originals and he had worked with Mr. Kacachos on finding appropriate replacements that would meet building code. Mr. Haizman stated he thought they were already installed.

48 E Park – Iggie’s paint choice – Ms. Henderson said the door has been painted but that the rest would be completed when the weather breaks.

Administrative Findings/Approvals:

None.

Other Business:

Historic Marker Program

Ms. Henderson shared some examples of plaque and marker designs. She also shared color options for the casting as well as the pricing. Ms. Henderson stated she found another company who works with the City of Covington, Kentucky, who had better prices and was going to send her a sample of a plaque to share with HAPC and City Council.

Sign Amendment

Ms. Kay shared her recommended changes on the signage Design Guidelines. She indicated though that a recommendation should be made to the Planning Commission concerning temporary signs. Ms. Dale stated that her recommendation to prohibit banners was not supported by City Council and other options should be discussed. The Commission requested that changes be formatted into the text and recommendations be made to the Planning Commission pertaining to temporary signs (including reducing the timeframe that they are allowed.)

The next regular HAPC meeting is scheduled for March 4, 2008.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC 2/9/09

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: February 17, 2009

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 12, 2009

Date Prepared

Agenda Title: Report regarding the February 11, 2009 Civil Service Commission meeting.

Recommendation:

Discussion: The Civil Service Commission held a rescheduled regular meeting on Wednesday, February 11, 2009. Those members present were: Phil Russo, Chair; Susan Cross Lipnickey; Fred Russell; Charles Crain and Karen Martino. Donna Heck, Human Resources Director; Mary Ann Eaton, Recording Secretary and Mike Dreisbach, Service Director, were in attendance for the City.

Mr. Don Gabbard and Ms. Mary Smith were present from the Talawanda School District.

Ms. Heck performed the Swearing In of Ms. Karen Martino for a term expiring June 30, 2011.

The Commission elected Mr. Phil Russo as Chair for 2009 and Ms. Susan Lipnickey as Vice Chair.

The Commission reviewed accepted various reports from the Human Resources Department.

The Commission reviewed and approved the Lunchroom Worker/Cook Eligibility List for Talawanda Schools.

The Commission reviewed and approved the Career Advancement of a Service Worker II in the Water Distribution Division to a Service Worker III.

The next meeting is scheduled for February 25, 2009.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

dyh 2/12/09

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 02/03/09

Account Code No. #: see below

Heidi Hill
Prepared By

Budgeted Amount: _____

01/23/09
Date Prepared

Agenda Title: 2009 SUPPLEMENTAL BUDGET #2

Recommendation: Approve

Discussion:

Supplements to the 2009 Budget

CDBG Fund

Return advance to General fund 42,370.00

From Revenue

The return of advances to the respective funds, revenue was anticipated to be received in 2008 and was not, need to appropriate for the repayment in 2009.

Capital Improvement Fund

Return advance to General fund 571,000.00

From Revenue

The return of advances to the respective funds, revenue was anticipated to be received in 2008 and was not, need to appropriate for the repayment in 2009.

Internal Service Fund

Return advance to General fund 10,433.98

From Revenue

The return of advances to the respective funds, revenue was anticipated to be received in 2008 and was not, need to appropriate for the repayment in 2009.

Approved By:

Department Head:
City Manager:

Initial Date
WJ 1/26

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3033. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 2 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009.

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

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

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

CDBG FUND 126	192,370.00
CAPITAL IMPROVEMENT FUND 141	571,000.00
INTERNAL SERVICE FUND 370	10,433.98

SECTION 3: The following increase/(decrease)in appropriations from unencumbered balances be made:

CDBG FUND 126	192,370.00
CAPITAL IMPROVEMENT FUND 141	571,000.00
INTERNAL SERVICE FUND 370	10,433.98

SECTION 4: The following advances be executed:

Advance from:

CDBG FUND 126	192,370.00
CAPITAL IMPROVEMENT FUND 141	571,000.00
INTERNAL SERVICE FUND 370	10,433.98

Advance to:

GENERAL FUND 110	192,370.00
GENERAL FUND 110	571,000.00
GENERAL FUND 110	10,433.98

SECTION 5: The following increase/(decrease)in estimated revenues be made:

GENERAL FUND 110	192,370.00
GENERAL FUND 110	571,000.00
GENERAL FUND 110	10,433.98

SECTION 6: In all other respects, Ordinance No. 3033 shall remain in full force and effect.

SECTION 7: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: February 17, 2009

Account Code #: 141.720.50802

Budgeted Amount: \$95,000.00

Service

Originating Department

Victor Popescu, P.E.

Prepared By

February 9, 2009

Date Prepared

Agenda Title: Final Legislation – Local Public Agency (LPA) Agreement with the Ohio Department of Transportation to Participate in an Urban Paving Project.

Recommendation: Approve

Discussion: The Ohio Department of Transportation (ODOT) has evaluated the road condition of certain sections of state and federal routes passing through the corporate limits of Oxford. ODOT has proposed a construction project to improve the roadway surface condition of United States Route (USR) 27. The scope of the work would include a complete milling of the roadway surface, placement of an asphalt concrete surface, and replacement of street markings. ODOT will pay 80% of the project costs under their Urban Paving Program while the City (the Local Public Agency, LPA) would be responsible for 20% of the projects cost.

Final Legislation is required to proceed with this project. Council has approved \$95,000 for this project in the Capital Improvement Plan for 2009. The City estimates our cost for the project at approximately \$92,380 at this time.

The proposed project limits are:

USR 27 (Patterson Ave.) – from High Street to Chestnut Street.

Staff recommends City Council approve this Resolution authorizing the City Manager to sign the attached Preliminary Legislation.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial

Date

VP 2/9/09

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN FINAL LEGISLATION AND OTHER CONTRACTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE REHABILITATION OF A PORTION OF US-27 FROM HIGH STREET TO CHESTNUT STREET.

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 approval of the attached Final Legislation which is incorporated herein by this reference, and related contracts not attached, in connection with a project to rehabilitate a portion of US-27 from High Street to Chestnut Street which runs through the City of Oxford, Ohio.

SECTION 2: Said rehabilitation is necessary to maintain the safety and integrity of a major road within the City of Oxford, Ohio, and would be undertaken by the Ohio Department of Transportation (ODOT) utilizing their Urban Paving Project funds for 80% of the cost with the City being responsible for 20% of the cost.

SECTION 3: Council hereby accepts the recommendation of the City Manager and Service Director and approves the attached Final Legislation.

SECTION 4: Council hereby authorizes the City Manager to sign the attached Final Legislation, and to enter into related contracts with ODOT to complete the rehabilitation project.

SECTION 5: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW(STAFF)

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 **16th day of December, 2008**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

Plan and pave U.S. Route 27 (Patterson Avenue) from Chestnut Street to High Street, 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 funds set aside by the Director of Transportation for the financing of this improvement from funds allocated 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 cost of Preliminary Engineering and Right-of-Way, excluding in-house preliminary engineering and Right-of-Way charges incurred by the State.

The share of the cost of the LPA is now estimated in the amount of **Ninety Two Thousand Three Hundred Eighty and - - - 00/100 Dollars, (\$92,380.00)**, 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 **Ninety Two Thousand Three Hundred Eighty and - - - 00/100 Dollars, (\$92,380.00)**, 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. PID No. 79396 - Final Resolution

- 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 _____, 20____, 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 _____, 20____.

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

City Manager

SEAL
(If Applicable)

Clerk (Secretary Ex-Officio)

C O N T R A C T
(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:

Plan and pave U.S. Route 27 (Patterson Avenue) from Chestnut Street to High Street, 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 **Ninety Two Thousand Three Hundred Eighty and - - - 00/100 Dollars, (\$92,380.00)**
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 funds set aside by the Director of Transportation for the financing of this improvement from funds allocated 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 cost of Preliminary Engineering and Right-of-Way, excluding in-house preliminary engineering and Right-of-Way charges incurred by the State.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items requested 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.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

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.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

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 State Route 122 portion of the PROJECT in accordance with the provisions of the statutes relating thereto,
- C. To make ample financial and other provisions for such maintenance of the State Route 122 portion 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, Contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. Contractor 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. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. Contractor will, in all solicitations or advertisements for employees placed by or on behalf of Contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. The Contractor 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. Contractor agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. Contractor 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:

Attorney General

By: _____

Date: _____

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr. *Police*
Originating Department

Council Meeting Of: February 17, 2009

Account Code No. #: 110.110.52320

Steve Schwein
Prepared By

Budgeted Amount: \$22,300

February 6, 2009
Date Prepared

Agenda Title:

Resolution authorizing the City Manager to enter into an agreement with ComDoc for a 60-month lease for a Sharp MX-4501N copier through State Contract pricing.

Recommendation: Adopt the resolution

Discussion: The Police Department's current copier is almost 7 years old and has recently encountered numerous maintenance issues. Furthermore, our current copier is a black/white copier and we are in need of a color copier. One of the reasons we need a color copier is for confidentiality purposes; we have had incidents of City employees unnecessarily viewing crime scene photos when the photos had to be sent to the City's color copier. The Oxford Police Department sought out three quotes for a new color copier from Modern Office Methods, Océ, and ComDoc, with ComDoc's quote offering a reliable color copier at the cheapest price. The City of Oxford currently has an account with ComDoc and has been happy with its service. Because ComDoc also has several local accounts within the City, including Miami University, McCullough-Hyde Hospital, and Talawanda School District, we anticipate their response to service requests to be efficient.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SS / 2/9/09

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COMDOC FOR A 60-MONTH LEASE FOR A SHARP MX-4501N COLOR COPIER THROUGH STATE CONTRACT PRICING.

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

SECTION 1: The City Manager having reviewed information submitted for replacement of the existing copier equipment hereby recommends the current copier equipment be replaced with the Sharp MX-4501N color copier.

SECTION 2: The City Manager recommends the City enter into a 60-month lease with ComDoc for the Sharp MX-4501N color copier through State Contract pricing at an approximate annual cost of \$4460.00.

SECTION 3: Council having reviewed the City Manager's recommendation hereby authorizes the City Manager to enter into an Agreement with ComDoc for a 60-month lease of the Sharp MX-4501N color copier.

SECTION 4: Funds have been appropriated in an amount in excess of the annual cost authorized.

SECTION 5: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____
ATTEST: _____

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: February 17, 2009

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

January 22, 2009

Date Prepared

Agenda Title:	An Ordinance Repealing Chapter 503.02 CLASSIFICAITON OF CIVIL OFFENSE and Adopting new Chapter 503.02 CLASSIFICATION OF CIVIL OFFENSE
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Recommendation:	Approval
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Discussion:

The Administrative Ticketing Code was adopted in 2001 to aid City staff in the enforcement of various City regulations, including the Zoning Code. The reference number in this Code was based on the chapter numbers of the previous zoning code. Since then, a new Zoning Code was adopted in 2003 and the Chapter numbers of the new code have been rearranged. The rearranged Chapter numbers of the Zoning Code do not correspond to the Classification of Civil Offense, thus causing a technicality if citations are issued and challenged.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<u>JHC</u>	<u>11/22/09</u>
	City Manager:	_____	_____

ORDINANCE NO.

AN ORDINANCE REPEALING CURRENT SECTION 503.02, CLASSIFICATION OF CIVIL OFFENSES, AND ADOPTING NEW SECTION 503.02, CLASSIFICATION OF CIVIL OFFENSES.

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

SECTION I: The City of Oxford, Ohio, seeks to promote a clean environment free of trash, litter, and other blighting effects in order to promote the health, safety, and welfare of the community.

SECTION II: Current Section 503.02 Classification of Civil Offenses is repealed and new Section 503.02 Classification of Civil Offenses is adopted to read as follows:

503.02 CLASSIFICATION OF CIVIL OFFENSES

All civil offenses shall fall into one of the following classifications.

- (a) Class A Civil Offenses. A person who violates a standard of conduct set forth in a section or chapter of the Oxford Codified Ordinances listed below is liable for the civil fine specified in Section 503.98 for a Class A Civil Offense. If a person has previously been found to have violated the same provision of the Oxford Codified Ordinances within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine specified in Section 503.98 for the first violation of a Class B Civil Offense.

(Civil Fines for subsequent offenses)

- * 521.11 Snow and ice removal **(Class B)**
- * 931.02 Container requirements **(Class B)**
- * 931.03 Placement and maintenance of containers **(Class B)**
- * 931.04 Individual disposal prohibited **(Class B)**
- * 931.08 Scavenging on private premises **(Class B)**
- * 931.09 Burning **(Class B)**
- * 931.10 Depositing solid waste or recyclable materials in public or private receptacle **(Class B)**

(Ord.2793. Passed 9-16-03)

- (b) Class B Civil Offenses. A person who violates a standard of conduct set forth in a section of chapter of the Oxford Codified Ordinances listed below is liable for the civil fines specified in Section 503.98 for a Class B Civil Offense. If the provision is listed under paragraph (1) below, the otherwise applicable civil fine is reduced by seventy-five percent (75%) if the person charged shows in accordance with Section 503.04 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Oxford Codified Ordinances within one

year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine specified in Section 503.98 for the offense provided below, which fine is not subject to reduction for correction of the violation.

- (1) Class B Civil Offenses With Civil Fines subject to Seventy-Five Percent (75%) reduction for Correction of Violation:

(Civil fines for subsequent offenses)

- * 521.07 Fences/electric fences **(Class B)**
- * 935.10 Pruning for public safety **(Class C)**
- * 935.20 Notice to cut, destroy or remove noxious vegetation **(Class C)**
- * Chapter 1151 Signs **(Class C)**
- * Chapter 1305 International property maintenance Code **(Class C)**
- * Chapter 1327 Flood protection **(Class C)**

- (2) Class B Civil Offenses with Civil Fines not Subject to Seventy-Five Percent (75%) Reduction for Correction of Violation:

(Civil Fines for subsequent offenses)

- * 521.02 Venting, heating and burning **(Class C)**
- * 521.03 Barriers and warning lights **(Class C)**
- * 521.04 Sidewalk Obstructions **(Class C)**
- * 521.05 Notice to fill lots and remove putrid substances **(Class C)**
- * 521.08 Removal of litter on property and watercourse obstruction **(Class C)**
- * 905.08 Sidewalk in repair and free from nuisances **(Class C)**
- * ~~1149.05 Landscaping requirements **(Class C)**~~

- (c) Class C Civil Offenses. A person who violates a standard of conduct set forth in a section of chapter of the Oxford Codified Ordinances listed below is liable for the civil fines specified in Section 503.98 for a Class C Civil Offense. If the provision is listed under paragraph (1) below, the otherwise applicable civil fine is reduced by seventy-five percent (75%) if the person charged shows in accordance with Section 503.04 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Oxford Codified Ordinances within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine specified in Section 503.98 for the offense provided below, which fine is not subject to reduction for correction of the violation.

- (1) Class C Civil Offenses With Civil Fines subject to Seventy-Five Percent (75%) reduction for Correction of Violation:

(Civil fines for subsequent offenses)

- * 4426.01 ~~1307.01~~ Demolition of Buildings - General **(Class D)**
- * 4426.02 ~~1307.02~~ Demolition of Buildings - Permit **(Class D)**

- (2) Class C Civil Offenses with Civil Fines not subject to Seventy-Five Percent (75%) Reduction for Correction of Violation:

(Civil fines for subsequent offenses)

- * 521.01 Abandoned refrigerators and Airtight containers **(Class D)**
- * 521.06 Sidewalks: Clean and in repair **(Class D)**
- * 521.09 Noxious Odor **(Class D)**

- (d) Class D Civil Offenses. A person who violates a standard of conduct set forth in a section of chapter of the Oxford Codified Ordinances listed below is liable for the civil fines specified in Section 503.98 for a Class D Civil Offense. If the provision is listed under paragraph (1) below, the otherwise applicable civil fine is reduced by seventy-five percent (75%) if the person charged shows in accordance with Section 503.04 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Oxford Codified Ordinances within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine specified in Section 503.98 for the offense provided below, which fine is not subject to reduction for correction of the violation.

- (1) Class D Civil Offenses With Civil Fines subject to Seventy-Five Percent (75%) reduction for Correction of Violation:

(Civil fines for subsequent offenses)

- * ~~1122.03~~ Use and dimensional restrictions **(Class D)**
- * ~~1122.04~~ Height restrictions **(Class D)**
- * ~~1122.05~~ Yard Regulations **(Class D)**
- * ~~1122.06~~ Performance standards **(Class D)**
- * ~~1122.07~~ Parking space regulations **(Class D)**
- * ~~1123.05~~ Zoning Permit **(Class D)**
- * ~~Chapter 1129 Administration [Zoning (Class D)]~~
- * ~~Chapter 1141 Accessory, Temporary, Supplemental and Environmental Regulations (Class D)~~
- * ~~Chapter 1143 Districts (Class D)~~
- * ~~Chapter 1149 Vehicle Management (Class D)~~
- * Chapter 1301 Building Code **(Class D)**
- * Chapter 1303 Residential Code of Ohio **(Class D)**
- * Chapter 1331 Historic preservation **(Class D)**
- * Chapter 1501 Ohio Fire Code **(Class D)**
- Chapter 1151 Open Burning **(Class D)**
- Chapter 1519 Fireworks **(Class D)**

(Ord.2725. Passed 6-26-01.)

SECTION III: This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: February 17, 2009

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

February 10, 2009

Date Prepared

Agenda Title: A Resolution appointing Douglas R. Elliott, Jr.
Community Relations Director.

Recommendation:

Discussion:

In accordance with Chapter 143 of the Oxford Code of Ordinances this Resolution will appoint the City Manager as Director of the Community Relations Commission.

The Director is instrumental in dealing with the Complaint Procedure as outlined in Section 143.05.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

RESOLUTION NO.

A RESOLUTION APPOINTING DOUGLAS R. ELLIOTT, JR. COMMUNITY RELATIONS DIRECTOR.

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

SECTION 1: Douglas R. Elliott, Jr. is hereby appointed Community Relations Director in accordance with Chapter 143 of the Oxford Codified Ordinances.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

ORDINANCE NO. 2997

AN ORDINANCE REPEALING CURRENT CHAPTER 143 OF THE OXFORD CODE OF ORDINANCES, CIVIL RIGHTS; COMMUNITY RELATIONS COMMISSION, AND REPLACING IT WITH NEW CHAPTER 143 OF THE OXFORD CODE OF ORDINANCES, CIVIL RIGHTS; COMMUNITY RELATIONS COMMISSION; ADDING SEXUAL ORIENTATION, SEX, GENDER IDENTITY, DISABILITY, AGE, PREGNANCY, HEIGHT, WEIGHT AND VETERAN STATUS.

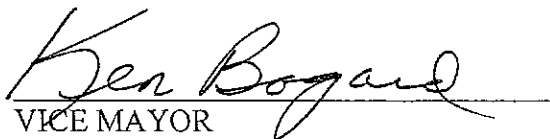
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: It is the legislative determination of this Council that it is in the best interest of the City of Oxford to revise Chapter 143 of the Oxford Code of Ordinances so as to prohibit discrimination based in a person's sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight and veteran status.

SECTION 2: Council hereby adopts new Chapter 143 Civil Rights; Community Relations Commission attached hereto and incorporated herein as Attachment "A".

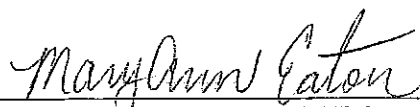
SECTION 3: Current Chapter 143 is hereby repealed in its entirety.

SECTION 4: This ordinance shall take effect at the earliest time allowed by law.


VICE MAYOR

ADOPTED: March 4, 2008

ATTEST:


DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

143.01 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings ascribed in this section, unless the context requires otherwise:

- (a) "Commission" shall refer to the Oxford Community Relations Commission.
- (b) "Community Relations Director" means an employee of the City appointed to these duties by Council.
- (c) "Discriminate" and "discrimination" include segregate or separate and any difference in treatment based on race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.
- (d) "Employer" means any person who employs four or more persons, within the City, including the City of Oxford, its departments, boards, commissions and authorities.
- (e) "Employment agency" means any person regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.
- (f) "Housing accommodations" includes any building or structure or portion thereof which is used or occupied or intended, arranged or designed to be used or occupied as a home residence or sleeping place of one or more individuals, groups, or families, whether or not living independently of each other; and any vacant land offered for sale or lease. It also includes any housing accommodation held or offered for sale or rent by a real estate broker, salesman or agent, or by any other person pursuant to authorization of the owner, by the owner himself, or by his legal representative. Owner-occupied dwellings which consist of not more than four units are exempt from the rental portions of this chapter.
- (g) "Labor organization" includes any organization which exists for the purpose, in whole or in part, for collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.
- (h) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee and lending institution, and the City of Oxford and all political subdivisions, authorities, agencies, boards and commissions thereof.
- (i) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land or water, theater, store or other place for the

sale of merchandise, or any other place of public accommodation or amusement where the accommodation, advantages, facilities or privileges thereof are available to the public.

(j) "Restrictive covenant" means any specification in a deed, land contract or lease limiting the use of any housing because of race, color, religion, national origin, ancestry, sexual orientation or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status as a condition of affiliation or approval.

143.011 COMMUNITY RELATIONS COMMISSION.

(a) The Community Relations Commission shall consist of five greater Oxford area residents selected by Council to serve three-year overlapping terms: one member shall be appointed for one year, two members shall be appointed for two years, and two members shall be appointed for three years. Thereafter, members shall be appointed for three-year terms of office.

(b) The Commission, in addition to the powers and duties set forth elsewhere in this chapter, shall have the power and responsibility of studying, investigating, conducting public meetings and public hearings relative to any and all matters of factual situations wherein there is the possibility of the existence of discriminatory practices or prejudice or discrimination which in any manner could conceivably result in any degree of deprivation of the civil rights of any person within the City of Oxford.

(c) Said Commission may initiate action pursuant to these powers upon its own motion and shall have the duty of initiating such action whenever a majority of the members of said Commission deem action necessary and appropriate.

(d) No provision of this section shall be construed so as to limit the power or authority of the Commission in the area of discriminatory practices or civil rights violations, and this section shall be construed broadly to permit the Commission great latitude in these areas.

(e) In addition to other purposes contained in this chapter, it shall be a primary purpose of the Commission to become acquainted with any and all discriminatory practices, civil rights violations or matters of similar nature existing within the City of Oxford, and to acquaint both the public and Council, as well as other persons, as to the nature thereof, as well as to make findings of fact, determinations and recommendations.

(f) The Commission may accept its own rules of procedure and whenever the Commission shall convene a hearing, said Commission may administer oaths and take such testimony as shall be deemed necessary by the Commission to effectuate such hearing.

143.02 FAIR HOUSING.

It shall be unlawful discriminatory practice for any person to do any of the following:

- (a) Refuse to sell, transfer, assign, rent, lease, sublease, finance or otherwise deny or withhold housing accommodations from any person because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status of any prospective owner, occupant or user of such housing accommodation.
- (b) Represent to any person that housing accommodations are not available for inspection when in fact they are so available.
- (c) Refuse to lend money, whether secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations or otherwise withholding financing of housing accommodations from any person because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status of any present or prospective owner, occupant or user of such housing accommodation, provided such person, whether an individual, corporation or association of any type, lends money as one of the principal aspects of his business and not only as a part of the purchase price of an owner-occupied residence he is selling nor merely casually or occasionally to a relative or friend.
- (d) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or subleasing any housing accommodations or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any housing accommodations, because of race, color, religion, ancestry, national origin, sexual orientation, gender identity, sex, disability, age, pregnancy, height, weight, or veteran status of any present or prospective owner, occupant or user of such housing accommodation.
- (e) Discriminate against any person in the terms or conditions of any loan of money, by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodations, because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status of any present or prospective owner, occupant or user of such housing accommodations.
- (f) Print, publish or circulate any statement or advertisement relating to the sale, transfer, assignment, rental, lease, sublease or acquisition, construction, rehabilitation, repair or maintenance of any housing which indicates any preference, limitation, specification or discrimination based upon race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(g) Make any inquiry, elicit any information, make or keep any record, or use any form of application containing questions or entries concerning race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status in connection with the sale or lease of any housing accommodations or the loan of any money, whether or not secured by a mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations.

(h) Include in any deed, land contract or lease of any housing accommodations any restrictive covenant, or honor or exercise or attempt to honor or exercise, any such restrictive covenant, provided that the prior inclusion of a restrictive covenant in the chain of title shall not be deemed a violation of this provision.

(i) Induce or solicit or attempt to induce or solicit any housing accommodations listing, sale or transaction by representing that a change has occurred or may occur with respect to the racial, religious, or ethnic composition of the block, neighborhood or area, in which the property is located, or induce or solicit or attempt to induce or solicit such sale or listing by representing that the presence or anticipated presence of persons of persons who are pregnant or of any race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, height, weight, or veteran status in the area will or may have results such as the following:

- (1) The lowering of property value.
- (2) A change in the racial, religious or ethnic composition of the block, neighborhood or area in which the property is located.
- (3) An increase in criminal or anti-social behavior in the area.
- (4) A decline in the quality of schools serving the area.

(j) Discourage or attempt to discourage the purchase by prospective purchasers of any housing accommodations by representing that any block, neighborhood or area has or might undergo a change with respect to the religious, racial, national or sexual composition of the block, neighborhood or area.

(k) Nothing in this section shall bar any religious or denominational institution or organization, or any charitable or educational organization, which is operated, supervised or controlled by or in connection with a religious organization, or any bona fide private or fraternal organization, from giving preference to persons of the same religion or denomination, or to members of such private or fraternal organization, or from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established or maintained, unless membership in such organization is restricted on the basis of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(l) Discriminate in any manner against any other person because he has opposed any unlawful practice defined in this chapter, or because he has made a charge, testified, assisted or participated in any manner, in any investigation, proceeding or hearing under the provisions of this chapter.

(m) Nothing in this chapter shall require any person to offer housing or business accommodations for sale or lease or to show such accommodations to any person if such person is not negotiating for the purchase or lease thereof in good faith.

143.03 UNLAWFUL EMPLOYMENT PRACTICES.

It shall be an unlawful discriminatory practice, except where based upon applicable national security regulations established by the United States:

(a) For any employer to refuse to hire any person or otherwise to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(b) For any employer, employment agency or labor organization to establish, announce, or follow a policy of denying or limiting, through a quota system or otherwise, the employment or membership opportunities of any person or group of persons because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(c) For any employer, labor organization or joint labor management committee controlling apprentice training programs to discriminate against any person because of race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status in admission to or employment in any program established to provide apprentice training.

(d) For any employer, employment agency or labor organization to publish or circulate or to cause to be published or circulated any notice or advertisement relating to employment or membership which indicated any preference, limitation, specifications or discrimination based upon race, religion, color, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(e) For any employment agency to fail or refuse to classify properly or refer to employment or otherwise discriminate against any person because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(f) For any employer to substantially confine or limit recruitment or hiring of employees with intent to circumvent the provisions of this chapter, to any employment

agency, employment service, labor organization, training center, training school or any other employee referring source known to discriminate against persons because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(g) For any labor organization to discriminate against any person or limit his employment opportunities or otherwise adversely affect his status as an employee, or his wages, hours or employment conditions because of his race, color, religion, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(h) For any employer, employment agency or labor organization to discriminate against any person because he has opposed any practice forbidden by this chapter, or because he has made a complaint or testified or assisted in any manner any investigation or proceeding under this chapter.

(i) For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful discriminatory practice by this chapter, or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt directly or indirectly to commit any act declared by this chapter to be an unlawful discriminatory practice.

(j) Nothing in this chapter shall require any person, company or business to offer employment to any person not applying for such employment in good faith.

143.04 UNLAWFUL PUBLIC ACCOMMODATION PRACTICES.

It shall be an unlawful discriminatory practice:

(a) For any proprietor or his employee, keeper or manager of a place of public accommodation to deny to any person, except for reasons applicable alike to all persons regardless of race, color, religion, national origin, ancestry, sexual orientation, gender identity, sex, disability, age, pregnancy, height, weight, or veteran status the full enjoyment of the accommodation, advantages, facilities or privileges thereof.

(b) For any proprietor or his employee, keeper or manager of a place of public accommodation to publish, circulate, issue, display, post or mail, either directly or indirectly, any printed or written communication notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld, or denied to any person on account of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status or that such person is unwelcome, objectionable or not acceptable, desired or solicited.

(c) For any person, whether or not included in subsections (a) and (b) hereof, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful discriminatory practice under this chapter.

143.05 COMPLAINT PROCEDURE.

(a) Whenever it is charged in writing, by a person or aggrieved organization, hereinafter referred to as "complainant", that any person, employer, employment agency and labor organization, hereinafter referred to as the "respondent", has engaged in or is engaged in any unlawful discriminatory practices as defined in this chapter, or upon its own initiative, in matters relating to such discriminatory practices, the Community Relations Director may initiate a preliminary investigation. Such charge shall be filed with the Director within six months after the alleged unlawful discriminatory practices are committed. If the Director determines after such investigation, that it is not probable that unlawful discriminatory practices have been or are being engaged in, the Director shall notify the complainant that he has so determined, and that he will not initiate prosecution of the matter.

(b) If the Director determines, after such investigation, that it is probable that unlawful discriminatory practices have been or are being engaged in, he shall endeavor to eliminate such practices by informal methods of conference, conciliation and persuasion. If after such investigation and conference, the Director is satisfied that any unlawful discriminatory practice of the respondent will be eliminated, it may treat the complaint as conciliated and notify the complainant that it will not initiate prosecution of the matter.

(c) If the Director fails to effect the elimination of such unlawful discriminatory practices or to obtain conciliation of the matter, or, if the circumstances warrant, in advance of or during any such preliminary investigation or endeavors to conciliate the matter, the Director shall issue and cause to be served upon the respondent a notice of an investigative hearing, notifying the respondent of an investigative hearing before the Community Relations Commission, at a time and place therein fixed to be held not less than ten days after the service of such notice and stating the charges specified in the original charge against the respondent.

(d) Any such charge may be amended by the Director or complainant at any time prior to or during the hearing based thereon. The respondent shall have the right to file an answer or to amend an answer to the original or amended charge, and to appear at such hearing in person, by attorney or otherwise to examine and cross-examine witnesses.

(e) The complainant shall be a party to the proceeding, and any person who is an indispensable party to a complete determination or settlement of the question involved in the proceeding shall be joined. Any person who has or claims an interest in the subject of the hearing and in obtaining or presenting relief against the acts or practices complained

of, may be, in the discretion of the Community Relations Commission, permitted to appear for the presentation of oral or written argument.

(f) In any proceeding the Community Relations Commission shall not be bound by the rules of evidence prevailing in the courts of law or equity, but shall in ascertaining the practices followed by the respondent, take into account all reliable, probative and substantial evidence, statistical or otherwise, produced at the hearing, which may tend to prove the existence of an unlawful discriminatory practice or a predetermined pattern of unlawful discriminatory practice under this chapter, provided that nothing contained in this section shall be construed to authorize or require any person to observe the proportion which persons of any race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status bear to the total population or in accordance with any criterion other than the individual qualifications of the applicant.

(g) The testimony taken at the hearing shall be under oath and shall be reduced to writing, and filed with the Community Relations Commission. Thereafter, in its discretion, the Commission upon notice to the plaintiff, Community Relations Director and to the respondent with an opportunity to be present may take further testimony or hear arguments.

(h) No person shall be compelled to be a witness against himself in any hearing, formal or informal, before the Community Relations Director or Community Relations Commission.

(i) In conducting any hearing as provided herein, the Commission may subpoena as witnesses any person believed to have knowledge of facts relevant to such hearing, may compel the production of books, papers, records or other evidence relative to such hearing by the person having custody or control thereof and may administer oaths, take testimony and issue such rules as shall be necessary to effectuate an investigatory hearing under this section.

(j) Upon written application of the respondent, complainant or Director, the Community Relations Commission shall issue subpoenas as if issued on its own motion.

(k) If upon all the reliable, probative and substantial evidence the Commission determines that the respondent has engaged in, or is engaging in, any unlawful discriminatory practice under this chapter, whether against the complainant or others, the Commission may endeavor to eliminate such practices by informal methods of conference, conciliation and persuasion. If the Commission fails to effect the elimination of such unlawful discriminatory practices or to obtain conciliation of the matter, or, if the circumstances warrant, in advance of or during such investigative hearing, or endeavors to conciliate the matter, the Commission may direct the Community Relations Director to guide the complainant in the prosecution of this matter in the appropriate court of record.

(l) If the Commission finds that no probable cause exists for crediting the charges, or if upon all the evidence the Commission finds that the respondent has not engaged in any unlawful discriminatory practice under this chapter, against the complainant or others, it shall state its findings or fact, and shall notify the complainant and respondent that it will not prosecute the matter further.

143.06 VALIDITY AND SEVERABILITY.

This chapter and each part of any section thereunder are hereby declared to be independent sections and parts of sections and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of any section or the application thereof to any person or circumstance is held to be invalid, the remaining sections or parts of sections and the application of such provision to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and parts of sections would have been passed independently of such section or parts of such sections so known to be invalid.

143.99 PENALTY.

(a) Any person who fails to comply with a subpoena issued by the Community Relations Commission as provided in this chapter shall, upon conviction thereof, be fined not more than fifty dollars (\$50.00).

(b) Any person convicted of a violation under this chapter shall be fined not more than one hundred dollars (\$100.00) for a first offense and not more than five hundred dollars (\$500.00) for any subsequent offense.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 02/17/09

Account Code No. #: see below

Heidi Hill
Prepared By

Budgeted Amount: _____

02/11/09
Date Prepared

Agenda Title: Resolution authorizing release of monies on deposit with First Financial Bank

Recommendation: Approve

Discussion:

A resolution is needed to authorize release of monies on deposit to refund money held in a special restricted account with First Financial Bank. This money is being held for the agreement dated August 20, 1997 with Ray Day. The agreement pertains to the maintenance or repair of the water lines, pipes, mains, service connections, and appurtenances within the Oxford Mobile Home Park. This money has been held to the full 10 year term. The original deposit required was \$10,000.00. The additional money is the interest accrued and according to the agreement, all interest shall be paid to the Days.

Approved By:

Department Head:
City Manager:

Initial Date
1/24/09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING RELEASE OF ALL MONIES ON DEPOSIT FOR WATER SERVICE REPAIRS PURSUANT TO THE AGREEMENT WITH RAY DAY DBA MIAMI MOBILE HOME PARK AND D&B FAMILY LIMITED PARTNERSHIP DBA OXFORD MOBILE HOME PARK DATED AUGUST 20, 1997

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

SECTION I: The Agreement entered into on August 20, 1997 between the City of Oxford and Ray Day DBA Miami Mobile Home Park and D&B Family Limited Partnership DBA Oxford Mobile Home Park, expired pursuant to Paragraph 14 of the terms thereof.

SECTION II: Certain monies deposited into a bank account pursuant to Paragraph 4(b) of the aforementioned Agreement, having not been needed pursuant to the Agreement, presently remain on deposit.

SECTION III: The City Manager and/or the Finance Director are authorized to execute the necessary documentation to release and return all of said funds remaining on deposit to the appropriate person and/or entity entitled to exercise such rights under the aforementioned Agreement.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 02/03/09

Heidi Hill
Prepared By

Account Code No. #: see below

Budgeted Amount: _____

01/23/09
Date Prepared

Agenda Title: 2009 SUPPLEMENTAL BUDGET #1

Recommendation: Approve

Discussion:

Supplements to the 2009 Budget

Hotel Tax Fund

Transfer to General Fund

From fund balance

8,112.53

Remaining amount left in fund from 2007 and 2008 to be transferred to the General Fund. This typically occurs annually at the end of the year.

General Fund

Finance

Refunds

14,700.00

From revenue

Appropriation needed to refund money held in a special restricted account with First Financial Bank, for the agreement dated August 20, 1997 with Ray Day. The agreement pertains to the maintenance or repair of the water lines, pipes, mains, service connections, and appurtenances within the Oxford Mobile Home Park. This money has been held to the full 10 year term. The original deposit required was \$10,000.00. The additional money is the interest accrued and according to the agreement, all interest shall be paid to the Days.

Transfer to Law Enforcement Trust Fund

38,245.00

From fund balance

Appropriation needed to return unused funds transferred in 2008 which was meant to fund 2 walking patrols mostly in the uptown business district. Police did not fill one position until mid-year second went unfilled.

FEMA Fund

Transfer to General Fund	310.00
Transfer to Street Fund	62,251.00
Transfer to Sewer Fund	12,069.00
Transfer to Water Fund	13,812.00

From fund balance

Distribute money received from FEMA to various funds where work and expenses were recorded for the aftermath of Hurricane Ike.

Approved By:

Department Head:

City Manager:

Initial Date

12/12/09

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3033. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 1 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009.

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

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

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

GENERAL FUND 110	14,700.00
FEMA FUND 416	88,442.00

SECTION 3: The following increase/(decrease)in appropriations from unencumbered balances be made:

HOTEL TAX FUND 120	8,112.53
GENERAL FUND 110	14,700.00
FEMA FUND 416	88,442.00

SECTION 4: The following transfers be executed:

Transfer from:

HOTEL TAX FUND 120	8,112.53
GENERAL FUND 110	38,245.00
FEMA FUND 416	310.00
FEMA FUND 416	62,251.00
FEMA FUND 416	12,069.00
FEMA FUND 416	13,812.00

Transfer to:

GENERAL FUND 110	8,112.53
LAW ENFORCEMENT TRUST FUND 410	38,245.00
GENERAL FUND 110	310.00
STREET FUND 122	62,251.00
SEWER FUND 331	12,069.00
WATER FUND 321	13,812.00

SECTION 5: The following increase/(decrease)in estimated revenues be made:

GENERAL FUND 110	8,112.53
LAW ENFORCEMENT TRUST FUND 410	38,245.00
GENERAL FUND 110	310.00
STREET FUND 122	62,251.00
SEWER FUND 331	12,069.00
WATER FUND 321	13,812.00

SECTION 6: In all other respects, Ordinance No. 3033 shall remain in full force and effect.

SECTION 7: This ordinance shall take effect immediately upon its adoption.

MAYOR

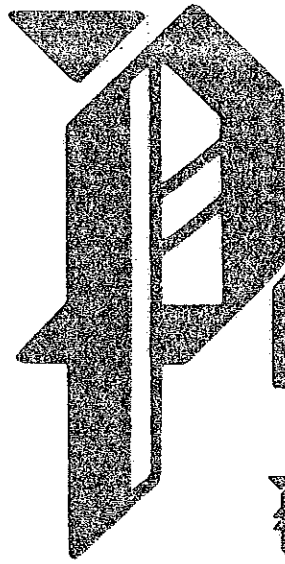
ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)



Office of the Mayor

Proclamation

Whereas:

the Oxford Unit of the NAACP will host the Annual Freedom Fund Banquet at the Miami University Shriver Center Multi-Purpose Room and the theme is 'Democracy In Action: 1909-2009'; and

WHEREAS, the Banquet has grown over the years to become one of the most highly attended functions in the Oxford community; and

WHEREAS, the attendees of the Banquet represent all walks of life in the greater Oxford community; and

WHEREAS, since 1909 the NAACP's efforts have proved successful in historic legislative victories, and progressive changes that have affected our entire nation; and

WHEREAS, the NAACP focuses on challenging issues that are foremost in our changing society; and

WHEREAS, the Oxford Unit of the NAACP raises funds during this event to award scholarships to graduates of Talawanda High School; and

WHEREAS, the NAACP will present the 2009 Diversity Educator of the Year Award to an employee of the Talawanda School District; and

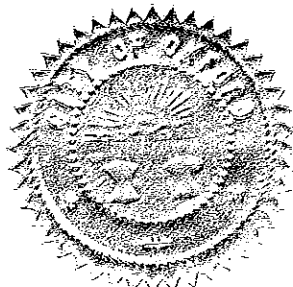
WHEREAS, this event will take place Monday, February 16, 2009 at 6:30 P.M. and the Speaker will be Curtis Fuller, Channel 5 News Anchor.

NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, do hereby proclaim February 16th through the 20th as:

'FREEDOM FUND BANQUET WEEK'

and encourage all citizens to strive toward making positive changes in the community, especially during this week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 13th day of February, 2009.



PRUDENCE Z. DANA, MAYOR