CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

AGENDA

OXFORD CITY COUNCIL

COURT HOUSE

TUESDAY, FEBRUARY 19, 2008

EXECUTIVE SESSION
7:00 P.M.

1. Roll Call.

Prudence Z. Dana, Mayor

Ken Bogard, Vice-Mayor
Kate Currie
Richard Keebler

Doug Ross
Alysia Fischer
Greig Rutherford

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. 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. Although City Council values your comments, 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.

B. Appointments to Boards and Commissions

4. Consent Agenda.

All matters under the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion. Any City Council member may, however, remove an item from consent by request. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.

A. Minutes of the February 5, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council and Janice Grill)

B. Report regarding the January 23, 2008 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

C. Report regarding the January 24, 2008 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

D. Report regarding the January 24, 2008 Finance Commission Meeting. (Heidi Hill, Acting Finance Director)

E. Report regarding the February 6, 2008 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, community Development Director)

F. A Resolution authorizing the City Manager to enter into a contract with Vance's Law Enforcement for the purchase of thirty (30) Bushmaster M4-A2 Semi Automatic Rifles and thirty (30) twenty (20) round magazines at a cost not to exceed $22,300.00. (Steve Schwein, Police Chief)

G. A Resolution authorizing the City Manager to enter into a contract with Southeastern Equipment Co. Inc. for the purchase of a 2008 case Model 590 SM backhoe at State Contract pricing at a cost not to exceed $60,953.78. (Mike Dreisbach, Service Director)

H. A Resolution authorizing the City Manager to enter into a contract with Southeastern Equipment Co. Inc. for the purchase of a 2008 Case Model 721E wheel loader at State Contract pricing at a cost not to exceed $116,675.94. (Mike Dreisbach, Service, Director)

I. A Resolution authorizing the City Manager to enter into a contract with Clark Equipment, DBA Bobcat Company of Chicago, IL. for the purchase of a 2008 Bobcat Model 250T tracked loader at State contract pricing at a cost not to exceed $39,226.00. (Mike Dreisbach, Service Director)

J. A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, April 4, 2008 starting at 6:00 p.m. to Saturday, April 5, 2008 at 3:00 a.m. at Cook Field on Miami's Campus for the American Cancer Society Relay For Life. (Doug Elliott, City Manager)

K. A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, section 509.09, on Friday, April 25, 2008 from 10:00 p.m. to 1:00 a.m. on the Patio at Shriver Center on Miami's campus for an After Dark Carnival. (Doug Elliott, City Manager)

L. A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, May 9, 2008 from 8:00 p.m. to 2:30 a.m. in the Uptown Parks for the Red Brick Rasta. (Doug Elliott, City Manager)

5. Resolutions.

A. A Resolution establishing the Uptown Revitalization Committee to review the Zoning Code of the City of Oxford, specifically the floor area ratio in the Uptown District, and Section 404 of the Property Maintenance Code for the City of Oxford. (Jung-Han Chen, Community Development Director)

B. A Resolution authorizing the City Manager to deposit additional funds in the amount of $ ______ with the Butler County Clerk of Courts for the settlement of *City of Oxford v. MyDears, Inc.,* Case No. CV-2006-01-0135, for a total settlement of $ ______. (Mike Dreisbach, Service Director)

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 Repealing Zoning Code Section 1143.10, Uptown District And Adopting New Section 1143.10, Uptown District. (Jung-Han Chen, Community Development Director)

2. 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. (Doug Elliott, City Manager)

B. Second Reading.

1. An Ordinance Amending Salary Ordinance No. 2984, Section 1. Full-Time Positions. (Steve Schwein, Police Chief)

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.)

Wed	Feb	20	Civil Service Commission Meeting 7:00 p.m.
Wed	Feb	20	Board of Zoning Appeals 7:30 p.m. **Cancelled**
Wed	Feb	27	Environmental Commission 7:00 p.m. Municipal Building 2nd Floor Conference Room
Tues	Mar	4	City Council Meeting 7:30 p.m.
Wed	Mar	5	Historic and Architectural Preservation Commission 7:30 p.m.
Thurs	Mar	3	City Council Work Session 6:00 p.m.
Thur	Mar	6	Recreation Board 12:00 p.m. LCBN 2nd Floor Meeting Room
Mon	Mar	10	Community Choices Workshop 7:00 p.m. Talawanda Middle School
Tues	Mar	11	Planning commission Meeting 7:30 p.m.
Thurs	Mar	13	Police Advisory Board 7:00 p.m. Senior Citizens Center
Mon	Mar	17	Housing Advisory Commission 7:00 p.m. Municipal Building 2nd Floor Conference Room
Tues	Mar	18	City Council Meeting 7:30 p.m.
Wed	Mar	19	Board of Zoning Appeals Meeting 7:30 p.m.
Fri	Mar	21	Community Improvement Corporation 12:00 p.m. LCNB 2nd Floor Meeting Room

8. Adjourn

A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, February 5, 2008 at 7:35 p.m. Those members present were Ken Bogard, Alysia Fischer, Kate Currie, Richard Keebler and Greig Rutherford. Doug Ross was excused.

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

**ADJOURN TO
EXECUTIVE SESSION**

Ms. Fischer moved to adjourn to Executive Session at 7:15 p.m. in accordance with Ohio Revised Code section 121.22 (G) for the purpose of discussing (1) bargaining sessions with public employees. Mr. Keebler seconded. The motion passed by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Bogard, Ms. Dana, Mr. Rutherford (6)

NAY: None (0)

ABS: None (0)

**RETURN FROM
EXECUTIVE SESSION**

Mr. Bogard moved to return from Executive Session at 7:34 p.m. Ms. Fischer seconded. The motion passed by the following roll call:

AYE: Ms. Dana, Ms. Fischer, Mr. Rutherford, Mr. Keebler, Ms. Currie, Mr. Bogard (6)

NAY: None (0)

ABS: None (0)

Mayor Dana requested the 'Pledge of Allegiance'

APPROVAL OF AGENDA

Mr. Keebler moved to reorder the agenda to place item 3. B. ahead of item 3. A. Mr. Bogard seconded. The motion passed 6-0-0.

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

PROCLAMATION
'FREEDON FUND BANQUET WEEK'

Ms. Dana read the Proclamation and noted Mr. Bogard would present it at the NAACP Freedom Fund Banquet on February 18, 2008.

PUBLIC COMMENTS

Ms. Connie Elliott, 5201 College Corner Pike, noted another donation had been received for the Smokey and Tornado Project of 23 smoke alarms. Ms. Elliott stated four kits had been distributed to date.

Mayor Dana thanked Ms. Elliott for her efforts with the project.

Ms. Elliott announced Life Span invited her to make a presentation regarding the project.

Mr. Alan Kyger, 6164 Contreras Rd., noted he now served on the Board of the Chamber of Commerce. Mr. Kyger stated the Chamber implemented many changes in January. Mr. Kyger thanked the members of Council who attended the annual awards dinner in January. Mr. Kyger noted the Chamber had all new officers with Brian Fey as Chair, Mike Patterson as Vice Chair and Holly Bruder as Treasurer. Mr. Kyger noted the expansion of the Board from 10 to 14 members. Mr. Kyger recognized Board members Holly Bruder, Lisa Marshall, Tim McGowan, Kim Ogle, Scott Webb, Ken Thacker and Anthony Azama. Mr. Kyger outlined the breakdown of the committees that were created by the Chamber along with their charges. Mr. Kyger noted the Chamber's new web site. Mr. Kyger addressed the change in the Chamber's philosophy where it was now ready to be more proactive in helping develop business in town.

Mr. Kyger addressed the ordinances and changes regarding Issue 20 and encouraged continued revision. Mr. Kyger noted the replacement for the First National Bank building was scheduled for HAPC review. Mr. Kyger stated the proposed building was multiple heights with multiple sized apartments as well as 6,000 square feet of commercial space on the first floor.

Ms. Vanessa Cummings, 125 Marti Ct., noted the NAACP's Annual Freedom Fund Banquet scheduled for Monday, February 18 at 6:30 p.m. with tickets available for $30. Ms. Cummings stated this was the one annual fundraiser to support scholarship in the community. Ms. Cummings noted since 2000, over $50,000 had been awarded in scholarship money to support students graduating from Talawanda and going to college. Ms. Cummings encouraged community support. Ms. Cummings noted Kathy Wade, a jazz vocalist, would be the featured speaker.

Mayor Dana stated tickets could be purchased and donated as scholarship tickets.

NOTICE TO LEGISLATIVE AUTHORITY

Transfer from Midstates Restaurants Inc. DBA Pedros 1st Floor 40-44 E. Park Place Oxford, Ohio 45056 to Bella Investments LLC 1st Floor 40-44 E. Park Place Oxford, Ohio 45056.

Chief Schwein advised the owners were very responsible and encouraged Council to accept the transfer without comment.

Mr. Bogard moved to accept the liquor permit transfer without comment. Ms. Currie seconded. The motion passed 6-0-0.

CONSENT AGENDA

Mr. Bogard requested removal of item G. Resolution.

MINUTES

Minutes of the January 9, 2008 City Council Special Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the January 15, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council and Janice Grill)

REPORTS

Report regarding the January 8, 2008 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the January 16, 2008 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the January 16, 2008 Civil Service Commission Special Meeting. (Donna Heck, Human Resources Director)

Report regarding the January 23, 2008 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

Mr. Keebler moved to approve the consent agenda. Mr. Rutherford seconded. The motion passed 6-0-0.

RESOLUTION
NEW FUND

A Resolution No. 4323 approving the creation of a new fund for the 2008 operating budget to provide for affordable housing. (Harlita Robinson, Finance Director)

Mr. Bogard asked if City funding was involved or just an account being set up to receive funds from private donations or others into the fund.

Ms. Robinson stated it would be to receive both the City funding as well as outside funding.

Mr. Bogard asked the amount of the City funding on an annual basis.

Ms. Robinson stated there had only been an appropriation in 2007 and 2008 for $5,000 each.

Mr. Bogard referred to Section 2 of the resolution regarding HAC having oversight of the Housing Trust Fund, and asked if any other commission had this type of authority.

Ms. Robinson explained it was designed similarly to CIC as an advisory to Council; however, it would still take an act of Council to expend the funds upon recommendation.

Mayor Dana referred to the letter from the League of Women Voters regarding this issue as they had been working with both the City and HAC over the past several years to create this fund.

Ms. Robinson noted for clarity this was just to establish the fund. Ms. Robinson stated the need for a supplemental in order to get the appropriation into the fund.

Ms. Fischer moved to adopt Resolution No. 4323. Ms. Currie seconded. The Resolution was adopted by the following roll call:

AYE: Ms. Dana, Mr. Bogard, Ms. Fischer, Mr. Keebler, Ms. Currie, Mr. Rutherford (6)

NAY: None (0)

ABS: None (0)

RESOLUTIONS

RESOLUTION
SUPPORT MIAMI'S
LEASED SPACE INITIATIVE

A Resolution No. 4324 supporting Miami University's leased space initiative and encouraging and requesting Miami University to locate the center within the City of Oxford. (Jung-Han Chen, Community Development Director)

Mr. Chen stated the purpose of the proposed Resolution was to support Miami University's solicitation for proposals to build leased space for the University's data processing and associated office functions. Mr. Chen noted the importance of having these types of facilities within the City and the attraction it created for other business. Mr. Chen stated staff recommended Council adopt the proposed Resolution. Mr. Chen offered to address any questions.

Ms. Fischer noted her recent meeting with University representatives where they had indicated they were in the process of narrowing their choices. Ms. Fischer stated the University was willing to work with Council as they moved forward.

Mr. Rutherford asked for an outline regarding the progression of the Resolution. Mr. Rutherford noted the Resolution might have the appearance of favoring one site over another.
Mr. Rutherford asked for information regarding the revenue sharing agreement with the Township concerning the 4-Leaf Development LLC site. Mr. Rutherford asked for the amount of acreage within the confines of the city limits available for this type of proposed development.

Mr. Elliott addressed the matter of the development of the Resolution. Mr. Elliott stated there was a recent CIC meeting, which he attended, where Mr. Jim Clawson as a member of CIC requested CIC author a letter in support of his proposal. Mr. Elliott stated following discussion, the CIC decided not to send the letter. Mr. Elliott stated he then suggested Mr. Clawson address Council requesting support. Mr. Elliott noted he and Mr. McHugh discussed the proposed Resolution and the appropriate wording.

Mr. Elliott noted there was a revenue sharing agreement in place between the City and the Township regarding the Southpointe project. Mr. Elliott noted the intent to keep the Township whole for a specific period of time. Mr. Elliott stated the length of the agreement was ten years with automatic renewal.

Mr. Chen stated there were approximately 55 acres allotted for the tech park in the Southpointe Development. Mr. Chen noted there was also 42 acres available just south of Indian Trace that was currently zoned OI, Office Industrial. Mr. Chen stated there was a tract of land on 732 South next to the bowling alley of approximately six acres zoned OI. Mr. Chen noted a small piece of land, less than one acre, on the corner of Morning Sun and Sycamore that was also zoned OI.

Mr. Rutherford asked if the tech park would only fit in OI zoning.

Mr. Chen stated OI was designed for that type of facility as opposed to light industrial and would not be appropriate for the GB district.

Mr. Bogard outlined some of the history regarding the plans for the 172-acre site, which would include multiple types of housing as well as the tech park. Mr. Bogard noted the City had encouraged the progression of information technology type industries.

Ms. Fischer noted the inclusion of the possibility of annexing sites outside of the City for Miami's project. Ms. Fischer noted should a site be chosen that wished to annex into the City an annexation agreement would be negotiated with the Township. Ms. Fischer stated she could support the Resolution with that idea in mind. Ms. Fischer noted she did not think the proposed Resolution supported a specific site, only having it in the City.

Mr. Rutherford expressed concern with the possibility of creating a wedge between the Township and the City. Mr. Rutherford stated he felt economic development needed to be a cooperative effort.

Mr. Keebler stated he felt the important thing was that the proposed Resolution was not site specific while preserving jobs within the City. Mr. Keebler noted he felt the proposed Resolution was well written.

Ms. Currie moved to adopt Resolution No. 4324. Mr. Keebler seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Fischer, Mr. Keebler, Ms. Currie, Mr. Rutherford, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

RESOLUTION
WINE TASTING EVENT

A Resolution No. 4325 authorizing the City Manager to permit the Oxford Chamber of Commerce to hold a Wine Tasting Event on June 27^{th} and 28^{th}, 2008 in the Uptown Parks. (Doug Elliott, City Manager)

Mr. Elliott stated staff was approached by the Chamber of Commerce to work in conjunction with them on a wine tasting event. Mr. Elliott noted the recommendation was to hold it in the Uptown parks on Friday and Saturday, June 27 and 28. Mr. Elliott stated while the exact hours had yet to be determined, it would be late afternoon to early evening. Mr. Elliott highlighted points made in the staff report such as the Chamber would be working with the Ohio Wine Producers Association to put on the event, and they would be required to obtain the F4 liquor permit. Mr. Elliott explained the event would be restricted with a fence erected and participants would be required to purchase tickets. Mr. Elliott clarified the Chamber of Commerce would obtain the proper insurance policies with the City being named as an additional insured on the policies. Mr. Elliott pointed out that each participating winery would provide an insurance policy as well. Mr. Elliott noted similar events held throughout Ohio. Mr. Elliott stated the Chamber would hold the event next year at the Oxford Community Arts Center. Mr. Elliott assured the event would not interfere with the Farmer's Market.

Mr. Elliott noted the Chamber would be required to cover any additional costs due to the event and street closings would be minimized. Mr. Elliott noted he was in favor of the event and recognized several members of the Chamber who were present. Mr. Elliott offered to address any questions or concerns.

Mr. Mike Patterson, 6163 Contreras Road, noted as Vice Chair of the Chamber of Commerce, he would like to address the event. Mr. Patterson thanked everyone for taking their time to review the proposed Resolution and take it under consideration. Mr. Patterson stated the Chamber understood the gravity of what they were asking for and it was not being taken lightly. Mr. Patterson noted the Chamber understood the responsibilities that went along with such an event, including the acquisition of any licenses needed. Mr. Patterson stated the official name of the event would be the Oxford Wine and Art Affair, a Toast to Oxford. Mr. Patterson stated the goal was to establish an annual upscale event, which would bring awareness to the business community as well as the City of Oxford. Mr. Patterson addressed the issue of attracting more businesses to town. Mr. Patterson noted the possibility of an art walk through all the businesses in town during the event. Mr. Patterson addressed the need to move forward with the event in 2008. Mr. Patterson noted the support of the Ohio Wine Producers as well as the opportunities for local businesses. Mr. Patterson noted the importance of a partnership between local businesses and the City. Mr. Patterson explained the F4 liquor permit was designed specifically for tasting Ohio wines and to promote Ohio wines within the state. Mr. Patterson stated proper insurance coverage would be provided. Mr. Patterson noted the Chamber would take responsibility for event security. Mr. Patterson stated the Chamber would purchase the wine at wholesale prices, and managing the wine then became the primary objective of the Chamber to make sure it was consumed properly. Mr. Patterson assured the police department the Chamber would take responsibility for all ID checks. Mr. Patterson noted the Chamber would establish a committee to oversee the event.

Ms. Betty Quantz, 322 W. Vine, stated that while this sounded like a wonderful idea, there may be other less responsible individuals who would like to serve alcohol in the Uptown parks. Ms. Quantz noted that while some may feel this did not establish a precedent, she feels it did. Ms. Quantz encouraged Council to discuss the possibility of future requests and how they might be handled.

Ms. Fischer voiced concern with groups approaching Council with similar requests in the future. Ms. Fischer asked Chief Schwein to explain the F4 permit.

Chief Schwein stated it was basically a notification to the police department. Chief Schwein noted as long as the organization met specified state criteria for an F4, the permit was granted. Chief Schwein explained the limitations of the F4 permit. Chief Schwein noted the permits were generally issued to non-profit organizations. Chief Schwein stated he had probably seen three F4 permits in his 17 years of service.

Mr. Rutherford asked Chief Schwein how many two-ounce servings it would take for one to become legally intoxicated.

Chief Schwein noted several different factors relating to alcohol and intoxication.

Mr. Elliott stated participants would be expected to drink responsibly and abide by the laws in the City.

Chief Schwein noted in conversation with Sergeant Fritz of Cincinnati, the Cincinnati City Council had denied requests from various groups.

Ms. Fischer noted the assumption those decisions were based on specific criteria, which was what she would request in moving forward.

Mr. McHugh noted that could certainly be reviewed. Mr. McHugh stated there had not been a similar request. Mr. McHugh stated he did not see this as binding precedence.
Mr. McHugh suggested correcting the organization carrying the insurance within the Resolution.

Mr. Bogard asked if the Chamber of Commerce would have to seek approval on an annual basis once it moved the event to the Arts Center.

Mr. McHugh stated the Arts Center was private property and Council approval would not be necessary.

Ms. Fischer asked Ms. Brahier if admission had ever been charged for an event in an Uptown park.

Ms. Brahier noted there had not been a situation where the park was gated and admission charged.

Mr. Keebler noted he was not worried about either policy or precedent and viewed this as a single event only. Mr. Keebler suggested such requests be viewed on an individual basis. Mr. Keebler stated he felt the Chamber had done everything possible to make this a good quality event. Mr. Keebler stated he felt this was a great event and noted he was in favor of it.

Ms. Currie noted her excitement with the corresponding artwork possibility. Ms. Currie suggested it might be a good opportunity to model responsible drinking. Ms. Currie noted her support.

Mr. Rutherford asked if future F4 permits would have to be approved for the event.

Mr. McHugh stated he didn't think it would be necessary.

Mr. Rutherford noted he was very pro-business, and while he had some concern, he wanted the Oxford business community to be successful as well as the Chamber.

Mayor Dana noted her support of this as a one-time event.

Mr. Bogard moved to adopt Resolution No. 4325. Mr. Rutherford seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Keebler, Ms. Currie, Mr. Rutherford, Ms. Dana, Mr. Bogard (5)

NAY: Ms. Fischer (1)

ABS: None (0)

ORDINANCE
FIRST READING

ORDINANCE
SALARY ORDINANCE
AMENDMENT

An Ordinance Amending Salary Ordinance No. 2984, Section 1. Full-Time Positions. (Steve Schwein, Police Chief)

Chief Schwein noted last year Council realized that over the next three years the police department would have a significant turnover in staff command officers. Chief Schwein stated within the next three years, at least four sergeants or lieutenants would retire. Chief Schwein noted in preparation of that, in the 2008 budget, there was a budget for an overlap of lieutenants. Chief Schwein stated Council afforded the department a temporary bump in manpower authorization at the lieutenant level to go to three lieutenants temporarily. Chief Schwein stated when this occurred; it would create a shortage in sergeant ranks. Chief Schwein noted no increase in budget would be necessary. Chief Schwein asked the sergeant position be bumped from six to seven.

ORDINANCE
SECOND READING

ORDINANCE
DENY CONDITIONAL USE

An Ordinance No. 2994 Accepting The Recommendation Of The Planning Commission To Deny The Conditional Use Permit To Allow For A New Drive-Through Banking Facility In The General Business District Located At 10 North Locust Street. (Jung-Han Chen, Community Development Director)

Mr. Chen stated he had no additional information to provide Council regarding this matter.

Ms. Betty Quantz, 322 West Vine, asked if Council voted to deny the conditional use permit for the new drive-through how would that affect the project as a whole.

Ms. Quantz pointed out that the BZA denied the variance to put the drive-through in the front yard of the building.

Mr. Chen stated if the conditional use application was denied, then no similar project may be brought forward. Mr. Chen noted the site could possibly be redesigned and brought back to the Planning Commission for review.

Mr. McHugh noted this was a conditional use strictly for a drive-through.

Mr. Bill Houk, 6 Bull Run Dr., asked for an explanation regarding the wording of the Ordinance. Mr. Houk noted if the Ordinance were to fail, there would be no effect.

Mr. McHugh noted the Ordinance was written to accept the recommendation of the Planning Commission, which was to deny the conditional use. Mr. McHugh noted should Council turn it down, it would be appropriate to move to amend it to convert it to a motion to grant the conditional use.

Ms. Betty Quantz, 322 W. Vine, referred to the general decision standards and asked Council to consider "J" and "K." Ms. Quantz noted the back of the building faced the front of the property and was not harmonious in appearance and the general character of the existing properties. Ms. Quantz noted this was a sub-area of the Mile Square and noted concern with pedestrian traffic.

Mr. Alan Kyger, 6164 Contreras Road, noted the size of the piece of property due to the taking caused by road improvements. Mr. Kyger described a small shopping center in Chapel Hill where his son attended school, which was bermed with all the shops facing in. Mr. Kyger noted the logic in locating the building as presently depicted.

Mr. Keebler noted there were several other issues concerning the project besides the orientation of the building, and the fact that a drive-through was denied did not mean the property was not useable.

Ms. Fischer addressed the process in regard to Mr. Houk's comments. Ms. Fischer noted if the present legislation failed, changing it might be problematic from a public standpoint. Ms. Fischer thanked Mr. Houk for bringing the issue forward.

Mr. Bogard noted the legislative process had been historically that when the Planning Commission recommended a denial, usually Council had accepted that recommendation.

Mr. Rutherford stated he felt legislation should be written so that a vote in the affirmative is for something in the affirmative.

Mr. Rutherford pointed out several buildings, noting the front and back of those buildings. Mr. Rutherford stated he could not vote to approve this because of the flawed process behind it.

Mr. Bogard asked when the plans for the highway originated.

Mr. Dreisbach stated there was a design contract for US 27 in either 1999 or 2000.

Mr. Bogard asked if a bank was ever considered at the time the professional building was designed.

Mr. Webb noted, according to his client, it was always the intention to have an out lot there with a business such a small bank occupying the space.

Mr. McHugh suggested if Council wanted to have legislation in the affirmative and one in the negative, both should be included. Mr. McHugh outlined the procedures and criteria followed by the Planning Commission in arriving at their denial. Mr. McHugh noted Council had used this procedure in the past where both an affirmative and negative option were available.

Mayor Dana noted she would prefer to deal with the ordinance as it came forward during the second reading.

Mayor Dana cited the decision standards, particularly "D," "J," and "K."

Ms. Fischer moved to adopt Ordinance No. 2994. Mr. Bogard seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Fischer, Mr. Keebler, Ms. Currie, Ms. Dana (5)

NAY: Mr. Rutherford (1)

ABS: None (0)

ANNOUNCMENTS

Mayor Dana noted Ms. Quantz had inquired at the last meeting about the Parking and Transportation Committee. Mayor Dana stated they had not met, but a meeting was scheduled and minutes should be available on the City web site. Mayor Dana noted there were nine members and both the student member and the Mile Square member had just recently agreed to serve on the Committee.

Ms. Fischer noted Resolution No. 4176 called for the Board to be appointed by Council, and asked when the recent membership changes would come before Council for approval.

Mr. Bogard noted applications were generally discussed during Executive Session, and concurred with Ms. Fischer that they should be considered at the next meeting.

Mayor Dana referred to a memo from Mr. Chen regarding the study committee for the housing maintenance code. Mayor Dana noted she had requested the discussion concerning floor area ratio that had been considered by the Planning Commission not come forward so as to examine both of these issues together.

Ms. Betty Quantz, 322 W. Vine, asked Mayor Dana what she was reviewing since the public was not privy to that information.

Mayor Dana noted it was Mr. Chen's memo to Council suggesting how the housing maintenance code should be discussed, which determined the number of square feet in bedrooms and living spaces that would be allowed in apartments in the Uptown area. Mayor Dana stated that by taking that out of the Charter, it allowed the freedom to develop the best way to discuss space as it was used in the UP District. Mayor Dana explained at the last meeting, the recommendation of Mr. Chen was accepted by Council to appoint a study committee to review that square footage. Mayor Dana asked Council to look at the listed categories included in the seven-member study group. Mayor Dana stated Mr. Chen and the Planning Department recommended seven members; a Council member, a Community Development staff member, a University student, a property owner, an Uptown business owner, a rental agent and an architect. Mayor Dana noted that while she felt seven might be slightly large, all these people were important. Mayor Dana suggested the list include a Council member, a Planning Commission member, an HAPC member, a property owner, an Uptown business owner, an architect, and an attorney. Mayor Dana noted the charge of the committee would remain the same; to review recent changes, to understand the reason for the changes including the Ordinance on the floor area ratio, to hear concerns voiced by property owners, to propose options for staff to explore, to present findings for the Planning Commission and City Council's consideration in a timely manner so that there was a clear directive to staff to assist property owners in their individual projects.

Ms. Fischer asked what action Council was expected to take immediately. Ms. Fischer asked Mr. McHugh if this was something that needed to come before Council in the form of a Resolution.

Mr. McHugh asked if the group had actually been formed.

Mayor Dana stated they had not yet been formed, referring to the memo from Mr. Chen.

Mr. McHugh suggested for clarity, a Resolution would be best.

Mr. Keebler noted the length of time a Resolution would take in light of Council's promise of quick action.

Mayor Dana stated that work sessions involving Council, Planning and HAPC all together are going to be involved as well as consultation with the Planning Department.

Mr. McHugh suggested the Resolution and fulfillment of the study group could take place simultaneously.

Ms. Currie suggested the decision be made as to what categories would make up the group.

Ms. Fischer noted that while the first group contained a University student, the second group of seven does not. Ms. Fischer stated her feeling not only was a University student necessary, but in particular a renter.

Mayor Dana suggested adding a student renter as number eight of the group.

Mr. Rutherford expressed the desire that the group be nimble and able to review various technical documents with the proper understanding.

Mr. Keebler noted he felt it might be more appropriate for the student or renter to come and speak to the group regarding their wants and concerns.

Mr. Rutherford concurred with Mr. Keebler.

Mr. Rutherford noted the study group would be charged with crafting policy.

Mayor Dana suggested the possibility of bringing in someone from outside the City who was familiar with overlay districts, zoning, and options that might be available.

Ms. Fischer noted that while she disagreed with Mr. Rutherford concerning University students and their technical abilities, she felt a decision on the study group should be made.

Mayor Dana noted the people on her list include those with technical interests.

Mr. Bogard stated in working with students for a number of years, he would like to see a student representative serve on the group.

Mr. Keebler noted his main concern was addressing the issue in a timely manner. Mr. Keebler suggested the recommendation from the Planning Commission be brought back and perhaps passed as interim legislation.

Ms. Currie stated she felt a student should serve on the group.

Mayor Dana stated the study group would consist of nine members.

Mayor Dana stated she was still in discussion with Fairfield regarding the recycling contest.

Mayor Dana noted she asked Ms. Currie if she would be interested in serving on the Bicentennial Committee. Mayor Dana passed information on to Ms. Currie.

Mr. Bogard noted former Mayor Conley was the Chair of the University's Bicentennial Committee.

Mayor Dana referred to a memo from Mr. Chen regarding Mr. Webb's request for clarification concerning the projection into the right-of-way issue. Mayor Dana noted Mr. Chen suggested a couple of options Council might consider. Mayor Dana outlined the two suggested options.

Mr. Bogard noted staff recommended Council refer the matter to the Planning Commission. Mr. Bogard suggested adding a time line for its return to Council.

Ms. Fischer noted the Planning Commission would not be meeting next week due to a lack of cases.

Mr. Chen stated discussions could take place with the Planning Commission, but it would have to take place next month due to public notice issues.

Mayor Dana noted it would be appropriate to have a discussion with Planning before it came back to Council and asked for agreement to follow that course of action.

Mr. Rutherford encouraged the Planning Commission to place the item on the agenda for discussion in an expeditious fashion.

Mr. Elliott referred to a report outlining a meeting held on January 18 regarding a parcel of land on east Route 73. Mr. Elliott noted Mr. McHugh, Mr. Dreisbach, Mr. Chen and he attended the meeting. Mr. Elliott stated the name of the developer was Campus Crest Communities out of North Carolina, who specialized in student housing. Mr. Elliott referred to the letter Campus Crest Communities sent to the City Manager's office dated January 29 in which they requested an opportunity to make a presentation to the City Council. Mr. Elliott noted at the meeting, a pre-annexation agreement was discussed. Mr. Elliott stated a PowerPoint slide representation was shown at the meeting, which he had available, showcasing their projects in other college communities. Mr. Elliott highlighted various aspects of the preliminary plan. Mr. Elliott stated at the meeting both he and staff advised that while it was a very nice project, it did not meet the current land use plan. Mr. Elliott stated the developer closed the meeting with the request of making a presentation to City Council for comment. Mr. Elliott noted the tract of land is 21 acres as well as a portion of land the City desired for a well field protection.

Ms. Currie stated she had no real interest in expending the time on something so opposed to the current land use plan.

Mr. Keebler concurred that he didn't see any purpose in scheduling a work session; however, there was nothing to keep them from moving forward with their process.

Ms. Fischer noted her agreement. Ms. Fischer stated there had been many letters received in opposition to the project.

Mr. Bogard noted letters had also been received from the Oxford Township Trustees regarding this project.

Mr. Rutherford stated he felt the project did not really provide any assets to the Oxford community, nor did it achieve the goals laid out in the comprehensive plan.

Mayor Dana reiterated the idea of addressing the imbalance between rental property and owner occupied property.

Mr. Elliott noted he would send a letter to Campus Crest Communities declining the presentation.

Mr. Elliott referred to his earlier report regarding the Council facility tour for newly elected and existing Council members and requested a response from those who have not yet done so.

Mr. Elliott referred to the Municipal Records Commission, as required by law, which was responsible for City records consisting of the City Manager, Finance Director, City Attorney and one citizen appointed by the City Manager. Mr. Elliott noted the citizen position had been vacant for some time and an application was received from Robert Smith. Mr. Elliott stated he recently met with Mr. Smith, reviewed his application, and appointed Mr. Smith to fill that vacant spot.

Mr. Elliott referred to a memo distributed by Ms. Robinson regarding notification of the GFOA award, and thanked Ms. Robinson.

Mayor Dana thanked Ms. Robinson for her service and noted she would be missed.

Ms. Brahier stated Ms. Robinson had been enjoyable to work with and would be missed.

Mr. Bogard noted the passing of Don Schwab on January 23.

Ms. Fischer noted during the Ad Hoc Committee meeting with University representatives, one of the subjects discussed was a sidewalk along south 27 down to Southpointe. Ms. Fischer stated they would like to know a time line for that project and who was responsible for which part.

Mr. Dreisbach stated sidewalks were to be included in ODOT's widening of south 27, which was scheduled for several years in the future.

Ms. Fischer stated she understood as part of the development agreement, a temporary sidewalk would be installed.

Mr. Dreisbach noted he would have to review the agreement. Mr. Dreisbach noted concern about the size of the current bridge and stated it was not safe for pedestrian traffic.

Mr. Bogard stated there were more pedestrians along 27. Mr. Bogard suggested exploring what component parts could be done. Mr. Bogard stated construction of 27 south probably would not occur until 2012.

Mr. Dreisbach asked if Council would like staff to prepare a construction estimate for the project.

Mayor Dana suggested an estimate as well as a time frame.

Ms. Fischer suggested a review of the Southpointe development agreement.

Mr. Dreisbach noted a temporary asphalt sidewalk was not permitted by City standards and specifications and special discussions may have to take place.

Ms. Fischer noted the improvements to the railroad crossing on Locust Street and thanked those involved in completing that project.

Ms. Fischer noted Ms. Robinson would be missed.

Mr. Keebler referred to the original zoning code amendment dealing with the FAR in the Uptown district and noted that the Planning Commission narrowly looked at just portions of it. Mr. Keebler suggested that portion coming before Council for review. Mr. Keebler requested legislation be brought forward along with the recommendation from the Planning Commission regarding the zoning code amendment dealing with floor area ratio.

Mayor Dana noted the Comprehensive Plan Update community input session was scheduled for March 10.

Mayor Dana noted some meetings between now and March may not have all members present due to spring break.

ADJOURN

Ms. Fischer moved to adjourn at 9:50 p.m. Ms. Currie seconded. The motion passed 6-0-0.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: February 19, 2008

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

David Treleaven
Prepared By

January 28, 2008
Date Prepared

Agenda Title:	Environmental Commission Meeting of January 23, 2008
Recommendation:	For Review and Consideration

Discussion:

Environmental Commission members present at the January 23, 2008 meeting were: Secretary, Ms. Heidi Schran; City Council Representative, Mr. Greig Rutherford; Mr. John Obrycki; and Mr. Charlie Ford. Chair Ms. Melissa Patrick and Vice-Chair Ms. Gisela Bahr were excused.

Ms. Schran updated the Environmental Commission on recent activities of the Comprehensive Plan Steering Committee. A public meeting of the Steering Committee is scheduled for Monday, March 10, 2008 at 11:00 a.m. in the Courthouse. Mr. Obrycki informed the Commission that the Source Water Protection Plan (SWPP) Committee had essentially completed the development of the SWPP, and were currently working on the public education portion of the Plan. Staff informed the Commission that Ms. Bahr resigned from the Miami University Presidential Task Force on Environmental Sustainability, Community Outreach Subcommittee, and that Staff (also a member of the Subcommittee) would keep the Commission updated on developments.

Discussion regarding recommendations to City Council for incorporation of Leadership in Energy and Environmental Design (LEED) Green Building Rating System components into the potential new municipal facility building(s) was temporarily suspended. Further development of the facility(s) plans are currently on-hold. The current revision of the Comprehensive Plan offers the opportunity for a City-wide policy recommendation stipulating environmental reviews for capital projects and/or expenditures. Commission members were requested to consider wording for an environmental review recommendation to be discussed at the February, 2008 meeting.

The Commission adjourned at 8:55 p.m. The next Commission meeting is tentatively scheduled for Wednesday, February 27, 2008 at 7:00 p.m.

Approved By:

	Initial	Date
Department Head:	DBT	2/1/08
City Attorney:		
City Manager:	DAB	2/15/08

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Original Department

Council Meeting Of: 2/19/08

Gail Brahier
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

2/14/08
Date Prepared

Agenda Title:
Recreation Board Meeting – Report

Recommendation: N/A

Discussion:

The Recreation Board met at the Oxford Senior and Community Center on 1/24/08.

In attendance: Brandy Darby, Chair, Kevin Marks, Shaunna Tafelski, Jon Ralinovsky, Ken Bogard, City Council Representative. Absent: Holli Morrish. Staff members present were Gail Brahier and Deanna Barbour.

Ms. Brahier briefly discussed 2007 revenue noting the Department ended the year with $1,549 over projected revenues, generating $261,249. Ms. Brahier noted there will be additional usage of the Community Park in 2008, with SAY Soccer offering a spring league and Miami Little League will host a two week regional tournament in July, adding both of these will enhance concession revenue. Mr. Marks noted the SAY Soccer spring league would begin April 15 – May 31. Ms. Darby inquired about the marketing of the spring league, to which Mr. Marks replied through the schools, paper, and TRI. Mr. Marks inquired about increases in field usage fees. Ms. Brahier replied there are no increases in field usage fees for 2008.

There was discussion about the possibility of the pool being developed, and possible scenarios if located at the Community Park. Mr. Marks remarked if the pool were to go where the second wagon wheel is marked, then the back soccer fields would definitely need to be expanded.

~ continue ~

Approved By: **Initial \ Date**

Department Head: GB \ 2/14/08

City Attorney:

City Manager: DRB \ 2/15/08

Mr. Bogard said there is some thought to incorporate portions of the family center with the pool, specifically the indoor/outdoor restrooms and apply for grant funding. Ms. Brahier noted we could seek funding for the restroom portion of it, but it would be a Council decision on how they want to proceed with the park.

Ms. Brahier said the signs are posted at the Community Park reminding patrons that pets must be on a leash. Mr. Bogard inquired if people would still be allowed to bring their pets to the Community Park once the Dog Park is built? Ms. Brahier said patrons with pets on leash are welcomed at all parks, but owners must abide by the rules.

Ms. Brahier distributed and reviewed the job postings for the two modified positions on the Department, noting the deadline for applications is Feb. 20.

Mr. Bogard inquired about speed bumps on the new section of Kay Rench Drive to Brookville. Mr. Marks also noted there should be signs off Brookville as it is easy to miss the entrance. Ms. Brahier said there was discussion of an entrance sign off Brookville, and she would relay the requests regarding speed bumps.

Ms. Darby asked about the status of the Memorial Tree Plaque. Ms. Brahier noted the cost is approximately $5,000, and that she had asked one service club who thought it was too much to donate, so she would revise her request to several service clubs for a smaller donation. Mr. Marks suggested writing a small article and maybe the public would like to donate as well.

Mr. Marks inquired about the status of the Dog Park? Ms. Brahier responded the group hosted one fundraiser before the holidays and raised approximately $500 selling dog biscuits. Ms. Brahier noted she was writing a grant to assist them in raising funds for the fencing.

Ms. Brahier distributed information regarding Ohio's Physical Activity Plan which is endorsed by the Governor and will be highlighted at the Ohio Parks and Recreation Association conference. Ms. Brahier said the plan is a comprehensive approach to make Ohio a healthy state by encouraging healthy lifestyles, physical activity plans, trails, etc. She asked the Recreation Advisory Board to review and endorse the plan. There was general consensus to add their name to endorsements. Ms. Brahier said the City Manager had also endorsed the plan.

Mr. Bogard noted at the recent OKI meeting there was a question on where Oxford was with trail development. Ms. Brahier said she would check into the deadline for the current OKI funding rounds, noting the land agreements must be in hand to apply for funding. Jon Ralinovsky said he would check on what agreements OATS has signed.

The meeting adjourned at 5:10 pm

Next meeting – March 6 – LCNB Community Room, Noon

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 02/19/08

Heidi Hill
Prepared By

Account Code No. #: ____________

Budgeted Amount: ________________

02/14/08
Date Prepared

Agenda Title: **Finance Commission Meetings**

Recommendation: N/A

Discussion:

The second meeting of the Finance Commission took place on January 24, 2008. Staff requested permission to submit the 2008 Distinguished Budget Award to the GFOA. The Commission approved the request.

Discussion took place regarding the financial reports the Commission would review to determine what reports would be sent to City Council and how often they would receive those reports.

The Commission discussed future meeting dates and the proposed discussion at each meeting. The Commission will meet quarterly, the first Monday of the month of February, May, August, and November.

Approved By:

	Initial	Date
Department Head:	HH	2/14/08
City Manager:	[illegible]	2/15/08

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: February 19, 2008

Account Code No. #:

Budgeted Amount:

Community Development
Originating Department

Kathryn A. Dale
Prepared By

February 7, 2008
Date Prepared

Agenda Title:	**HAPC Meeting Report – February 6, 2008**

DISCUSSION:

Request for Review:
HAPC-01-2008 25 West High Street to Section 1331.063 conditions of removal and construction of a new mixed use building. **Scott Webb, Applicant, Architect**

The Applicant was requesting a COA to remove the existing First Financial Bank and a COA for approval of a 3 & 4 story mixed-use building. The structure will be one building with two façades. Part of the building is proposed as a four-story structure, while another portion steps down to three stories. The applicant provided a site plan and rear building elevations at the meeting. Staff commented building details submitted commonly at the time for construction permits will be reviewed for zoning compliance. Any issues related to building height, site layout, proposed uses, etc. that do not conform to the Zoning Code may require additional review by this Commission and possibly other City Boards and Commissions.

Mr. Webb shared that he did a lot of research on the building prior to the First Financial Bank to help guide the design of the building under review. Mr. Webb shared similarities and discussed how it would fit with the rest of the street. Ms. Dana asked the applicant what hardships if any he had with using the FAR and what he would have done differently if the FAR was not in effect. Mr. Webb commented that they would have proposed a full four story building across the entire lot. He shared that he thought this was an example of exactly what City Council was looking for when adopting the FAR.

HAPC voted 5-0-0 to approve Case HAPC-01-2008 with the following conditions:

1. That, any modifications to the structure as a result of any other City Board or Commission decisions are represented to the HAPC.
2. That, the metal doors shown on the drawings for the mixed use building are appropriate.
3. That, final details of the building, including but not limited to brick color, stone, type, signage, lighting, streetscape are presented to the HAPC.

Announcements:
Mr. Smith shared that Ms. Henderson inquired about getting CLG funding for the Township House relocation but was told that since the building was not on the National Historic Registry and had been moved from its original site that it would not qualify. Members commented that they would continue to look for funds or grants to share with Mr. Don Thomas for the building rehab at 26 W. High Street.

Ms. Dana asked that the annual report be included in the City Council Packets and any other annual reports prepared for the planning and zoning boards.

The Comprehensive Plan Update will be holding their second public input work session called Community Choices on March 10, 2008 from 7:00-9:00p.m. at Talawanda Middle School. The future, conceptual land use map will be presented for the public to comment on.

New Business:
Ms. Dana shared with the Commission that City Council would like to have a work session to consider changes to the Issue 20 density regulations as well as the property maintenance code changes to bedroom sizes and possibly providing density incentives in the Uptown Historic District that would encourage property owners to use the additional money they receive with a density bonus to keep the building up and maintain the historic integrity Uptown. Ms. Kay asked why that would effect the HAPC regulations because it would seem that is regulated through Planning and Zoning, not this Commission.

Ms. Dale asked for clarification about the work session and if Ms. Dana meant that the proposed changes to the HAPC regulations would be put off until the density issue was ready to be presented. Ms. Dale stated that she thought the HAPC regulations that were being proposed now related more to the function and decision making process of the HAPC, including the conditions of removal and that density was a separate issue that should not effect the proposed text amendments. Ms. Dale indicated she thought a work session with City Council to review the regulations on the table, currently, would take approximately an hour in order to bring the new Council Members up-to-date on what has been done and what was requested by the previous City Council, and to provide an opportunity for the entire City Council to ask questions and get clarification prior to going back to a public hearing.

Mr. Smith shared with the Commission that demolition of 120 W. Sycamore was planned as well as the old St. Mary's rectory at the corner of 27 North and Locust Street.

Old Business:
Historic District Brochure
Ms. Henderson was absent and Mr. Smith indicated that she hoped to present a brochure to City Council in April.

Administrative Findings/Approvals:
Ms. Dale shared that LaBodega had received their second notification regarding their sign. A representative of LaBodega was present and stated they would get the proper documentation filed. Mr. Smith asked the Commission if they thought this was something he could review administratively. The Commission voted 5-0-0 to have Mr. Smith review the application administratively.

Ms. Dale shared that the United Methodist Church received a letter regarding the ramp and railing installed along N. Poplar Street. She stated that a Trustee for the church was working on getting the required documentation submitted.

Other Business:
Ms. Dale shared with the Commission that their Rules & Procedures had not been updated in some time and she corrected all of the cross references. Ms. Dale stated they needed to make a recommendation to modify or approve so it could be forwarded onto City Council for approval. The Commission voted 5-0 to recommend approval of the HAPC Rules & Procedures as presented by Staff.

Ms. Hunt asked if it would be possible for the City Manager to attend one of their meetings and be introduced. She said she has not yet met him and would like for him to meet this Commission.

The next regular HAPC meeting is scheduled for March 5, 2008.

Approved By:		**Initial**	**Date**
	Department Head:	MC	12/11/08
	City Attorney:		
	City Manager:		2/15/08

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police
Originating Department

Council Meeting Of: February 19, 2008

Steve Schwein
Prepared By

Account Code No. #: N/A

Budgeted Amount: $30,000.00

February 5, 2008
Date Prepared

Agenda Title: A Resolution authorizing the purchase of thirty (30) Bushmaster M4-A2 Semi Automatic Rifles and Thirty (30) Twenty (20) round magazines from Vance's Law Enforcement, Columbus, Ohio at a cost not to exceed $22,300.

Recommendation: Adopt the Resolution.

Discussion: These long guns were included in the 2008 budget and will enable each individual Officer to be assigned his/her personally issued weapon. Individual weapon assignment is preferable to pool weapon assignment for accountability of maintenance and security, everyday readiness, tactical and shooting proficiency, and liability. Studies of police response to active shooter incidents such as Columbine, University of Virginia, and the Los Angelos bank robbery etc. have shown the advantages and increased utility of the police rifle over the standard police shotgun. These long guns are an overall replacement for aging and worn shotguns in the present police armory with a few of the shotguns being retained. All monies expended for this project are budgeted from the Law Enforcement Trust Fund, NOT the General Fund.

Approved By:

	Initial	Date
Department Head:	SDS	2/5/8
City Attorney:		
City Manager:	DME	2/15/08

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH VANCE'S LAW ENFORCEMENT, COLUMBUS, OHIO FOR THE PURCHASE OF THIRTY (30) BUSHMASTER M4-A2 SEMI-AUTOMATIC RIFLES AND THIRTY (30) TWENTY (20) ROUND MAGAZINES AT A COST NOT TO EXCEED $22,300.00.

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

SECTION 1: Council hereby authorizes the Police Department to purchase thirty (30) Bushmaster M4-A2 Semi-Automatic Rifles and thirty (30) twenty (20) round magazines at a cost not to exceed $22,300.00.

SECTION 2: The City Manager is hereby authorized to enter into a contract with Vance's Law Enforcement, Columbus, Ohio for the purchase of thirty (30) Bushmaster M4-A2 Semi-Automatic Rifles and thirty (30) twenty (20) round magazines at a cost not to exceed $22,300.00. Said monies expended for this project are budgeted from the Law Enforcement Trust Fund.

SECTION 3: 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

City Council Meeting of: February 19, 2008

Account Code #: 320.811.50801

Budgeted Amount: $83,000.00

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

February 8, 2008
Date Prepared

Agenda Title: Purchase of Replacement Backhoe for the Water Distribution Division

Recommendation: Approve

Discussion:

The 2008 Capital Equipment Budget includes $83,000 for the purchase of a replacement backhoe / loader for use by the Water Distribution Division of the Service Department. The City is replacing a 1996 Case backhoe which staff recommends be traded in for credit against the new purchase. This machine is critical to the operation of the division, and is used throughout the City on a daily basis.

The State of Ohio (Department of Administrative Services) contract for the purchase of backhoes / loaders (Index No. STS-515W) includes contract number 7751500807, a Case model 590 SM backhoe. The City of Oxford has been authorized to participate in this Cooperative Purchasing Program administered by the Ohio Department of Administrative Services. The unit price for this equipment, sold through Southeastern Equipment Co., Inc. is as follows:

Base vehicle price:	$105,934.00
DAS Discount with State Contract	(44,492.28)
Optional suspension, safety & environmental packages	16,012.06
Credit for backhoe trade-in	(16,500.00)
Total price:	**$60,953.78**

This Resolution will authorize the City Manager to enter into an agreement with Southeastern Equipment Co., Inc. of Monroe, OH for the purchase of a 2008 Case model 590 SM backhoe at a cost not to exceed $60,953.78. Staff further recommends Council authorize the City Manager to dispose of a 1996 Case backhoe by means of trade-in with the purchase of this machine.

Approved By:

	Initial	Date
Department Head:	MBD	2/8/08
City Manager:	DRB	2/15/08

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SOUTHEASTERN EQUIPMENT CO. INC. FOR THE PURCHASE OF A 2008 CASE MODEL 590 SM BACKHOE AT STATE CONTRACT PRICING AT A COST NOT TO EXCEED $60,953.78.

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

SECTION 1: Council hereby authorizes the Service Department to purchase a 2008 Case Model 590 SM backhoe at State Contract pricing at a cost not to exceed $60,953.78 and to dispose of a 1996 Case backhoe by means of trade-in with the new purchase.

SECTION 2: The City Manager is hereby authorized to enter into a contract with Southeastern Equipment Co. Inc. for the purchase of a 2008 Case Model 590 SM backhoe at State Contract pricing at a cost not to exceed $60,953.78 and to dispose of a 1996 Case backhoe by means of trade-in with the new purchase. Said amount shall be paid by funding which the City Manger and Finance Director are hereby authorized to negotiate and secure on behalf of the City.

SECTION 3: Funds have been appropriated in an amount in excess of the purchase price authorized.

SECTION 4: 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)

OhioDAS

STATE OF OHIO
DEPARTMENT OF ADMINISTRATIVE SERVICES
GENERAL SERVICES DIVISION
OFFICE OF PROCUREMENT SERVICES
4200 SURFACE ROAD, COLUMBUS, OH 43228-1395

STATE TERM SCHEDULE: CONSTRUCTION EQUIPMENT - BACKHOES, BUCKETS, PLANERS

STATE AND LOCAL GOVERNMENT PRICING SCHEDULE

SCHEDULE NUMBER: 7751500807 EFFECTIVE DATES: 04/01/07 TO 03/31/11

The Department of Administrative Services has completed the evaluation and analysis of the State Term Schedule (STS) offering submitted by the Contractor as listed herein. The Contractor listed herein has been determined to provide competitive, economical and reasonable pricing for the items contained in their offer. The respective offer, including the Standard Contract Terms & Conditions, any proposal amendment, special contract terms & conditions, specifications, pricing schedules and any attachments incorporated by reference and accepted by DAS become a part of this State Term Schedule.

This State Term Schedule is effective beginning and ending on the dates noted above unless, prior to the expiration date, the Schedule is renewed, terminated, or cancelled in accordance with the Standard Contract Terms and Conditions dated 10/25/06.

This State Term Schedule is available to all state agencies, state institutions of higher education and political subdivisions properly registered as members of the Cooperative Purchasing Program of the Department of Administration Services, as applicable.

Agencies are eligible to make purchases of the supplies and/or services in any amount and at any time as determined by the agency (see maximum order limit). The State makes no representation or guarantee that agencies will purchase the supplies and/or services approved in the State Term Schedule.

State agencies may make purchases under this State Term Schedule up to $1000.00 using the state of Ohio payment card. Any purchases that exceed $1000.00 will be made using the official state of Ohio purchase order (ADM-0523). Any non-state agency, institution of higher education or Cooperative Purchasing member will use forms applicable to their respective agency.

Questions regarding this and/or the State Term Schedule may be directed to:

Janice Fitzpatrick, CPPB
janice.fitzpatrick@das.state.oh.us

This State Term Schedule and any Amendments thereto are available from the DAS website at the following address:

State Procurement

http://www.ohio.gov/procure

Signed: ______________________________
Carol Nolan Drake, Acting Director Date

APPROVED PRODUCTS/SERVICES: Only those vendors, products or services as listed in the price pages, approved by the Office of Procurement Services, may be purchased from this State Term Schedule. Any vendors, prices, terms, conditions, products or services not listed in the approved price sheets are outside the scope of this schedule.

MANDATORY USE CONTRACTS: All General Distribution Contracts (GDC), Limited Distribution Contracts (LDC), Multiple Award Contracts (MAC), and Request For Proposals (RFP) take precedence over this State Term Schedule (STS). This STS is only for governmental entities without a mandatory use contract.

EXCLUDED ITEMS: (State Agencies Only) In accordance with the Ohio Revised Code Sections 5147.07, 4115.31, through 4115.35, 5119.16 and 3304.28 through 3304.33 state agencies are required to purchase through Ohio Penal Industries (OPI); Community Rehabilitation Programs (CRP); Department of Mental Health (DMH) Office of Support Services (Central Warehouse and Pharmacy Services); and Rehabilitation Services Commission (RSC). State agencies must obtain a waiver from OPI, CRP, DMH Central Warehouse or Pharmacy Services, and/or RSC to procure from this schedule.

SPECIAL NOTE: THE STATE OF OHIO INCLUDING BUT NOT LIMITED TO ITS AGENCIES, BOARDS, COMMISSIONS, DEPARTMENTS, STATE UNIVERSITIES, STATE VOCATIONAL SCHOOLS, STATE COMMUNITY COLLEGES OF OHIO, AND ANY ENTITY AUTHORIZED BY LAW TO USE THIS STATE TERM SCHEDULE (THE "STATE") IS NOT OBLIGATED TO PROCURE ANY PRODUCTS OR SERVICES FROM THIS STATE TERM SCHEDULE. THIS TERM SCHEDULE SHALL NOT BE CONSTRUED TO PREVENT THE STATE FROM PURCHASING PRODUCTS OR SERVICES USING OTHER PROCUREMENT METHODS AS AUTHORIZED BY LAW.

NOTICE TO CONTRACTOR/VENDOR: It is the responsibility of the contractor's contact to maintain this State Term Schedule with current information. All updates i.e., telephone numbers contact names, email addresses, tax identification number, prices, and catalogs etc., are required to be processed through the formal amendment authorization process which is initiated by way of a written request from the contractor's contact.

CONTRACTOR INDEX

CONTRACTOR:
79882
CNH America
Case Construction Equipment
621 State Street
Racine, WI 53402

CONTRACTOR'S CONTACT:
Mr. Cory Joubert
Email: cory.joubert@cnh.com
Telephone: (262) 636-6621
Web: www.casece.com

TERMS: Net 30 Days

DELIVERY: 30-60 Days A.R.O.

FOB Destination: freight prepaid

CONTRACTOR'S USAGE AND REVENUE SHARE CONTACT:
Mr. Cory Joubert
Email: cory.joubert@cnh.com
Telephone: (262) 636-6621
Web: www.casece.com

BASIC ORDER LIMITATIONS

Minimum: $25.00

Maximum: $150,000.00 - Agencies should contact Procurement Services when they expect to exceed the Maximum Order Limitation.

* Rate Schedule: Current Price List dated April 1, 2007

Please Note: Unless expressly stated within the body of the Contract, all Contract Terms and Conditions shall prevail over any terms stated in the contractor catalogs and pricelists.

Model #	% Off List
Loader Backhoe	
580M	40%
580MT	42%
580SM	42%
580SM +	42%
590SM	42%
Tractor Loader	
570M XT	30%
Vertical Forklift	
580G	37%
Skid Steer	
410/420/430	33%
435/440	33%
445/450/465	33%
420CT/440CT	28%
445CT/450CT	28%
Crawler Dozer	
550H	36%
650K	36%
750K	36%
850K	38%
1150K	37%
1650K	31%
1850K	31%
Wheel Loader	
21E	30%
121E	30%
221E	30%
321E	30%
521D	38%
* 621E	38%
721E	38%
821E	38%
921E	35%
Crawler Excavator	
CX14	20%
CX27B	20%
CX31B	20%
CX36B	21%
CX50B	25%
CX75/CX80	35%
CX130	35%
CX135	35%
CX160B	35%
CX210B	35%
CX225	35%
CX240B	35%
CX290B	35%

* Indicates update to price list; and new model number, effective with all orders issued on or after October 1, 2007.

Southeastern
Equipment Co., Inc.

STS Quote

January 10, 2008

Quote Prepared For:
Mr. Scott Flannigan
City of Oxford
101 East High Street
Oxford, OH 45056

Prepared by:
Michael Gilmartin
404 Breaden Road
Monroe, OH 45050
(513) 539-9214
(513) 539-6917
(513) 519-6852 Cell
mgilmartin@southeastern.com

CASE 590SM Tractor Loader Backhoe

Warranty Information: One Year Full Mfg Warranty

Delivery Information: 30-60 Days A.R.O.

Index #	Contract #	NIGP Code
STS515W	7751500807	21101700

Item #	Description	List Price	Discount %	STS Price
879	**590 Super M Series 2**			$0.00
2-E	Loader/Extendahoe	$105,934.00	42.00%	$61,441.72
3-K	14X17.5, 10PR Front Tires			$0.00
4-L	21X24, 10PR Rear Tires			$0.00
5-G	Cab, ROPS with Heater and Air Conditioning, Left Side Door	$8,943.00	42.00%	$5,186.94
	Includes 1 door, defroster, pressurization, door activated dome light, 4 front and 4			$0.00
	lights, floor mat, tinted glass, and front & rear wiper & fender extensions			$0.00
6-D	Suspension (cloth) Seat with arm rests	$533.00	42.00%	$309.14
7-C	Combination stablizer pads, flip-over	$857.00	42.00%	$497.06
8-F	93" wide, heavy duty long lip (1.3 cu.yd)	$3,095.00	42.00%	$1,795.10
	Includes bolt-on cutting edge with lift eyes			$0.00
9-RC	Ride Control	$1,746.00	42.00%	$1,012.68
9-TB	Tool Box	$180.00	42.00%	$104.40
9-CC	Deluxe Cab Package	$1,966.00	42.00%	$1,140.28
	(Includes Operator Convenience Package plus delux interior, 72dba sound level /radio ready)			$0.00
9-GH	Grid Heater with Dual Batteries	$591.00	42.00%	$342.78
9-HC	900# Front Weight for extendahoe ILO 440 lb. standard	$436.00	42.00%	$252.88
9-PC	Pilot Controls includes backhoe/excavator pattern change switch	$2,328.00	42.00%	$1,350.24
9-BE	Uni-directional Auxiliary Hydraulics for units with pilot controls, for use with Hammei	$2,893.00	42.00%	$1,677.94
	(Includes boom guards)			$0.00
9-DP	16" heavy duty (3.60 cu. Ft. heaped capacity)	$1,093.00	42.00%	$633.94
9-DR	18" heavy duty (5.30 cu. Ft. heaped capacity)	$1,160.00	42.00%	$672.80
9-DS	24" (7.70 cu. Ft. heaped capacity)	$1,287.00	42.00%	$746.46
	Parts Addition			$0.00
ZAEJHD3000	AM-FM/CD Weatherband Radio	$289.42		$289.42
	TOTAL STS QUOTE TO CITY OF OXFORD			$77,453.78
	Trade In 590 Turbo SN# JJG0208092	$16,500.00		$16,500.00
	Prior authorization and review required from state of Ohio prior to purchase			
***Prices Subject To Change**			**Total STS Price**	$60,953.78

www.southeasternequip.com

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: February 19, 2008

Account Code #: **Multiple** (defined below)

Budgeted Amount: $114,000.00

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

February 8, 2008
Date Prepared

Agenda Title: Purchase of Replacement Wheel Loader for the Service Department

Recommendation: Approve

Discussion: The 2008 Capital Equipment Budget includes $114,000 for the purchase of a replacement rubber tire wheel loader for use by all divisions of the Service Department. Funding was appropriated in three separate Funds including the following:

Capital Equipment Fund	141.122.50801	$ 64,000
Water Equipment Fund	320.811.50803	25,000
Wastewater Equipment Fund	330.831.50803	25,000

The City is replacing a 1994 Case loader which staff recommends be traded in for credit against the new purchase. This machine is used for a variety of purposes including loading deicing materials, managing composting and recycling operations, as well as for road improvement projects throughout the City.

The State of Ohio (Department of Administrative Services) contract for the purchase of backhoes / loaders (Index No. STS-515W) includes contract number 7751500807, a Case model 721E machine. The City of Oxford has been authorized to participate in this Cooperative Purchasing Program administered by the Ohio Department of Administrative Services. The unit price for this equipment, sold through Southeastern Equipment Co., Inc. is as follows:

Base vehicle price:	$194,062.00
DAS Discount with State Contract	(73,743.56)
Credit for existing loader trade-in	(35,000.00)
Optional suspension, safety & environmental packages	31,357.50
Total price:	**$ 116,675.94**

The total price for this machine exceeds the budgeted amount of $114,000. With passage of this Resolution, staff will request the City Manager and Finance Director to transfer $2,675.94 from the Water Fund's line item for backhoe replacement. This line has a surplus of approximately $22,000.

This Resolution will authorize the City Manager to enter into an agreement with Southeastern Equipment Co., Inc. of Monroe, OH for the purchase of a 2008 Case model 721E wheel loader at a cost not to exceed $116,675.94. Staff further recommends Council authorize the City Manager to dispose of a 1994 Case loader by means of trade-in with the purchase of this machine.

Approved By:

	Initial	Date
Department Head:	MBD	2/8/08
City Manager:	DRE	2/15/08

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SOUTHEASTERN EQUIPMENT CO. INC. FOR THE PURCHASE OF A 2008 CASE MODEL 721E WHEEL LOADER AT STATE CONTRACT PRICING AT A COST NOT TO EXCEED $116,675.94.

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

SECTION 1: Council hereby authorizes the Service Department to purchase a 2008 Case Model 721E wheel loader at State Contract pricing at a cost not to exceed $116,675.94 and to dispose of a 1994 Case loader by means of trade-in with the new purchase.

SECTION 2: The City Manager is hereby authorized to enter into a contract with Southeastern Equipment Co. Inc. for the purchase of a 2008 Case Model 721E wheel loader at State Contract pricing at a cost not to exceed $116,675.94 and to dispose of a 1994 Case loader by means of trade-in with the new purchase. Said amount shall be paid by funding which the City Manger and Finance Director are hereby authorized to negotiate and secure on behalf of the City.

SECTION 3: Funds have been appropriated in an amount in excess of the purchase price authorized.

SECTION 4: 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)

OhioDAS

STATE OF OHIO
DEPARTMENT OF ADMINISTRATIVE SERVICES
GENERAL SERVICES DIVISION
OFFICE OF PROCUREMENT SERVICES
4200 SURFACE ROAD, COLUMBUS, OH 43228-1395

STATE TERM SCHEDULE: CONSTRUCTION EQUIPMENT - BACKHOES, BUCKETS, PLANERS

STATE AND LOCAL GOVERNMENT PRICING SCHEDULE

SCHEDULE NUMBER: 7751500807   EFFECTIVE DATES: 04/01/07 TO 03/31/11

The Department of Administrative Services has completed the evaluation and analysis of the State Term Schedule (STS) offering submitted by the Contractor as listed herein. The Contractor listed herein has been determined to provide competitive, economical and reasonable pricing for the items contained in their offer. The respective offer, including the Standard Contract Terms & Conditions, any proposal amendment, special contract terms & conditions, specifications, pricing schedules and any attachments incorporated by reference and accepted by DAS become a part of this State Term Schedule.

This State Term Schedule is effective beginning and ending on the dates noted above unless, prior to the expiration date, the Schedule is renewed, terminated, or cancelled in accordance with the Standard Contract Terms and Conditions dated 10/25/06.

This State Term Schedule is available to all state agencies, state institutions of higher education and political subdivisions properly registered as members of the Cooperative Purchasing Program of the Department of Administration Services, as applicable.

Agencies are eligible to make purchases of the supplies and/or services in any amount and at any time as determined by the agency (see maximum order limit). The State makes no representation or guarantee that agencies will purchase the supplies and/or services approved in the State Term Schedule.

State agencies may make purchases under this State Term Schedule up to $1000.00 using the state of Ohio payment card. Any purchases that exceed $1000.00 will be made using the official state of Ohio purchase order (ADM-0523). Any non-state agency, institution of higher education or Cooperative Purchasing member will use forms applicable to their respective agency.

Questions regarding this and/or the State Term Schedule may be directed to:

Janice Fitzpatrick, CPPB
janice.fitzpatrick@das.state.oh.us

This State Term Schedule and any Amendments thereto are available from the DAS website at the following address:

http://www.ohio.gov/procure

Signed: ______________________________
Carol Nolan Drake, Acting Director   Date

APPROVED PRODUCTS/SERVICES: Only those vendors, products or services as listed in the price pages, approved by the Office of Procurement Services, may be purchased from this State Term Schedule. Any vendors, prices, terms, conditions, products or services not listed in the approved price sheets are outside the scope of this schedule.

MANDATORY USE CONTRACTS: All General Distribution Contracts (GDC), Limited Distribution Contracts (LDC), Multiple Award Contracts (MAC), and Request For Proposals (RFP) take precedence over this State Term Schedule (STS). This STS is only for governmental entities without a mandatory use contract.

EXCLUDED ITEMS: (State Agencies Only) In accordance with the Ohio Revised Code Sections 5147.07, 4115.31, through 4115.35, 5119.16 and 3304.28 through 3304.33 state agencies are required to purchase through Ohio Penal Industries (OPI); Community Rehabilitation Programs (CRP); Department of Mental Health (DMH) Office of Support Services (Central Warehouse and Pharmacy Services); and Rehabilitation Services Commission (RSC). State agencies must obtain a waiver from OPI, CRP, DMH Central Warehouse or Pharmacy Services, and/or RSC to procure from this schedule.

SPECIAL NOTE: THE STATE OF OHIO INCLUDING BUT NOT LIMITED TO ITS AGENCIES, BOARDS, COMMISSIONS, DEPARTMENTS, STATE UNIVERSITIES, STATE VOCATIONAL SCHOOLS, STATE COMMUNITY COLLEGES OF OHIO, AND ANY ENTITY AUTHORIZED BY LAW TO USE THIS STATE TERM SCHEDULE (THE "STATE") IS NOT OBLIGATED TO PROCURE ANY PRODUCTS OR SERVICES FROM THIS STATE TERM SCHEDULE. THIS TERM SCHEDULE SHALL NOT BE CONSTRUED TO PREVENT THE STATE FROM PURCHASING PRODUCTS OR SERVICES USING OTHER PROCUREMENT METHODS AS AUTHORIZED BY LAW.

NOTICE TO CONTRACTOR/VENDOR: It is the responsibility of the contractor's contact to maintain this State Term Schedule with current information. All updates i.e., telephone numbers contact names, email addresses, tax identification number, prices, and catalogs etc., are required to be processed through the formal amendment authorization process which is initiated by way of a written request from the contractor's contact.

CONTRACTOR INDEX

CONTRACTOR:
79882
CNH America
Case Construction Equipment
621 State Street
Racine, WI 53402

CONTRACTOR'S CONTACT:
Mr. Cory Joubert
Email: [illegible]
Telephone: (262) 636-6621
Web: [illegible]

TERMS: Net 30 Days

DELIVERY: 30-60 Days A.R.O.

FOB Destination: freight prepaid

CONTRACTOR'S USAGE AND REVENUE SHARE CONTACT:
Mr. Cory Joubert
Email: [illegible]
Telephone: (262) 636-6621
Web: [illegible]

BASIC ORDER LIMITATIONS

Minimum: $25.00

Maximum: $150,000.00 - Agencies should contact Procurement Services when they expect to exceed the Maximum Order Limitation.

* Rate Schedule: Current [illegible] dated April 1, 2007

Please Note: Unless expressly stated within the body of the Contract, all Contract Terms and Conditions shall prevail over any terms stated in the contractor catalogs and pricelists.

Model #	% Off List
Loader Backhoe	
580M	40%
580MT	42%
580SM	42%
580SM +	42%
590SM	42%
Tractor Loader	
570M XT	30%
Vertical Forklift	
580G	37%
Skid Steer	
410/420/430	33%
435/440	33%
445/450/465	33%
420CT/440CT	28%
445CT/450CT	28%
Crawler Dozer	
550H	36%
650K	36%
750K	36%
850K	38%
1150K	37%
1650K	31%
1850K	31%
Wheel Loader	
21E	30%
121E	30%
221E	30%
321E	30%
521D	38%
621E	38%
721E	38%
821E	38%
921E	35%
Crawler Excavator	
CX14	20%
CX27B	20%
CX31B	20%
CX36B	21%
CX50B	25%
CX75/CX80	35%
CX130	35%
CX135	35%
CX160B	35%
CX210B	35%
CX225	35%
CX240B	35%
CX290B	35%

* Indicates update to price list; and new model number, effective with all orders issued on or after October 1, 2007.

⊕ 721E ARTICULATED WHEEL LOADER
STANDARD FEATURES

• **ENGINE:**
Case Family IV 667TA/EED
Automatic Mode
Displacement: 409 cu. in. (6.7 L)
Peak Gross Power
- Max Power: 195 Hp (145 kW) @ 2000 RPM
- Standard Power: 182 Hp (136 kW) @ 1900 RPM
- Economy Power: 157 Hp (117 kW) @ 1500 RPM
Air-to-air aftercooler
Anti-freeze solution -34°F (-37°C)
Fuel Tank: 65 gal. U.S. (246 L)
Air cleaner - 2 stage with radial seal elements
Hydraulically driven fan with guard
Common rail electronic fuel injector
Mid-mounted cooling module
Auto idle control

DRIVE TRAIN:
AXLES:
Limited slip differentials - front and rear
Maintenance free driveshafts and axle dipsticks
TRANSMISSION:
Speeds: 4F-3R
Computer controlled, full power, proportional shifting
Single lever electronic shift control on steering column
FNR shuttle shift on hydraulic controller
Programmable gear selection
Selectable fully-automatic and manual modes
Electronic transmission disconnect
On-board diagnostics with fault code storage and retrieval
Single, vertically mounted, spin-on oil filter

HYDRAULICS:
Pressure compensated, load sensing hydraulics
Two vertically mounted, spin-on oil filters
Hydraulic diagnostic quick couplers
O-ring face seal hydraulic fittings
Full-flow oil cooler
Cushioned steering cylinders

• **OPERATOR PROTECTIVE STRUCTURE:**
Cab with ROPS and Heater
Front wipers
Suspension seat, with 2" (50 mm) seat belt
Storage tray, cup holder
Tilt-steering wheel with integral steering knob
Fully adjustable wrist rest
Lockable storage compartment
Cool box
Front sunscreen
Exterior rearview miorrors
(1) Interior mirror

BRAKES:
4-Wheel, outboard mounted, wet disc hydraulic brakes
Parking brake; switch actuated, spring applied, hydraulic release
Separate front and rear brake systems
Single brake pedal

LOADER SYSTEM:
Automatic return-to-dig, automatic height control and automatic return-to-travel
Position indicator on bucket
Single lever / two spool loader control
Z-bar loader linkage - standard version
Single piece, flame cut, loader arms
Ground level lubrication points

INSTRUMENTATION:
Electronic Information Center
(Standard on both Cab and Canopy versions)
Digital Display of:
1. Tachometer
2. Speedometer
3. Gear selected
4. Trans Mode (auto/man)
5. Time
6. Trans direction
Analog Gauges for:
1. Trans. Oil Temp.
2. Hyd. Oil Temp.
3. Fuel Level
4. Engine Coolant Temp.
Indicator Lights for:
1. Master warning (yellow)
2. Master warning (red)
3. Turn signals
4. Steering pressure (low)
5. Low fuel
6. Brake pressure
7. High beam
8. Grid heater
9. Parking brake

ELECTRICAL:
24 volt system
Two heavy duty 12V 700 cold cranking amp (CCA) batteries
Halogen lights:
2 front flood (top mtd.)
2 front driving (hi/lo beam)
2 rear flood (top mtd.)
2 stop/tail lights
Front and rear turn signals and flashers
Alternator: 65 amp
Electrical disconnect switch
Horn
Backup alarm
Electric Hood

⊕721E ARTICULATED WHEEL LOADER
STANDARD FEATURES

OTHER BASIC EQUIPMENT:

- Articulation and loader lift arm locking bars
- Standard counterweight
- Drawbar hitch (pins not included)
- Front and rear fenders
- Remote drain points
- Front and rear lift and tie down points

Southeastern Equipment Co., Inc.

STS Quote

January 2, 2008

Quote Prepared For:
Mr. Eric Keebler
City of Oxford
101 East High Street
Oxford, OH 45056

Prepared by:
Michael Gilmartin
404 Breaden Road
Monroe, OH 45050
(513) 539-9214
(513) 539-6917
(513) 519-6852 Cell
mgilmartin@southeastern.com

CASE 721E XT Wheel Loader

Warranty Information: One Year Full Mfg Warranty

Delivery Information: 30-60 Days A.R.O.

Index #	Contract #	NIGP Code
STS515W	7751500807	21101700

Item #	Description	List Price	Discount %	STS Price
U11	721E Articulated Wheel Loader			$0.00
2-CA	Parallel Loader Arm Linkage (XT)	$194,062.00	38.00%	$120,318.44
3-CA	Axles with limited slip differentials (45% Bias) - Front and Rear			$0.00
4-CA	Cooling System: INCLUDES hydraulic oil cooler, reversing and variable speed fan	$695.00	38.00%	$430.90
5-AA	Standard Noise Suppression Package			$0.00
6-DA	Cab with ROPS; INCLUDES Air Conditioner AND Heater	$5,200.00	38.00%	$3,224.00
	In addition to standard features, the cab provides sound suppresion insulation, rub			$0.00
	mat, front intermittent windshield washers, anti-glare front window strip with Case			$0.00
	inside rearview mirror. West coast mirrors, dome light, fully filtered positive cab pre			$0.00
	provided by 3 - speed blower fan, and partially/fully opening cab side windows fc			$0.00
7-AA	Steering System; Does NOT include secondary steering system			$0.00
8-FA	3 - spool valve with joystick and 1 - single axis control lever	$1,685.00	38.00%	$1,044.70
	Joystick controls loader lift arms and bucket, single axis controls auxiliary hydraulic			$0.00
	(Includes hydraulic lines to lift arm cross tube)			$0.00
9-RA	Air suspension, cloth covered seat w/ 2" seatbelt	$350.00	38.00%	$217.00
10-CA	L.H. and R.H. steps with front and rear standard width fenders	$353.00	38.00%	$218.86
11-EN	English for North America Decals			$0.00
~~12-BA~~	~~20.5R25 L2 (3 pc rim) SET OF 4~~	~~$4,972.00~~	~~38.00%~~	~~$3,082.64~~ Deduct
13-AG	Coupler and bucket ACS Pro Series 2000 Size 30HD male master and ACS 3.0 yd g	$20,265.00	38.00%	$12,564.30
	purpose bucket with cutting edge and skid pads			$0.00
14-CA	Conterweight, additional 1,225 lbs	$1,114.00	38.00%	$690.68
15-BA	No tire brand preference			$0.00
15-RS	AM/FM Stereo Radio w/ Weatherband	$743.00	38.00%	$460.66
15-TB	Tool Box	$250.00	38.00%	$155.00
15-RC	Ride Control	$3,470.00	38.00%	$2,151.40
	Provides hydraulic cushioning of loader lift arms.			$0.00
				$0.00
	Prior authroization and review required from State of Ohio prior to purchase			$0.00
*Prices Subject To Change			**Total STS Price**	$144,558.58
				-3082.64
				$ 141 475.94

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: **February 19, 2008**

Account Code #: 330.831.50802

Budgeted Amount: $39,500.00

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

February 8, 2008
Date Prepared

Agenda Title: Purchase of Tracked Loader for the Wastewater Collection Division

Recommendation: Approve

Discussion:

The 2008 Capital Equipment Budget includes $39,500 for the purchase of a tracked loader for use by the Wastewater Collection Division of the Service Department. This machine will be used in routine Treatment Plant operations as well as in collection system and general construction projects. This machine may also be utilized as a fork lift loading and unloading supplies.

The State of Ohio (Department of Administrative Services) contract for the purchase of backhoes / loaders (Index No. STS-515W) includes contract number 7751500107, a Bobcat model T250 rubber track loader. The City of Oxford has been authorized to participate in this Cooperative Purchasing Program administered by the Ohio Department of Administrative Services. The unit price for this equipment, sold through Clark Equipment Co. dba Bobcat Company is as follows:

Discounted base machine price (30% off SLP):	$ 35,865.00
Optional suspension, safety & environmental packages	3,361.00
Total price:	**$39,226.00**

This Resolution will authorize the City Manager to enter into an agreement with Clark Equipment, dba Bobcat Company of Chicago, IL for the purchase of a 2008 Bobcat model 250T tracked loader at a cost not to exceed $39,226.00.

Approved By:

	Initial	Date
Department Head:	MBD	2/8/08
City Manager:	DLB	2/15/08

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CLARK EQUIPMENT, DBA BOBCAT COMPANY OF CHIGACO, IL. FOR THE PURCHASE OF A 2008 BOBCAT MODEL 250T TRACKED LOADER AT STATE CONTRACT PRICING AT A COST NOT TO EXCEED $39,226.00

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

SECTION 1: Council hereby authorizes the Service Department to purchase a 2008 Bobcat Model 250T tracked loader at State Contract pricing at a cost not to exceed $39,226.00.

SECTION 2: The City Manager is hereby authorized to enter into a contract with Clark Equipment, DBA Bobcat Company of Chicago, IL. for the purchase of a 2008 Bobcat Model 250T tracked loader at State Contract pricing at a cost not to exceed $39,226.00. Said amount shall be paid by funding which the City Manger and Finance Director are hereby authorized to negotiate and secure on behalf of the City.

SECTION 3: Funds have been appropriated in an amount in excess of the purchase price authorized.

SECTION 4: 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)

OhioDAS

STATE OF OHIO
DEPARTMENT OF ADMINISTRATIVE SERVICES
GENERAL SERVICES DIVISION
OFFICE OF STATE PURCHASING
4200 SURFACE ROAD, COLUMBUS, OH 43228-1395

STATE TERM SCHEDULE: HEAVY CONSTRUCTION EQUIPMENT, LOADERS, EXCAVATORS, UTILITY VEHICLES

STATE AND LOCAL GOVERNMENT PRICING SCHEDULE

SCHEDULE NUMBER: 7751500107   EFFECTIVE DATES: 07/01/06 TO 06/30/10

The Department of Administrative Services has completed the evaluation and analysis of the State Term Schedule (STS) offering submitted by the Contractor as listed herein. The Contractor listed herein has been determined to provide competitive, economical and reasonable pricing for the items contained in their offer. The respective offer, including the Standard Contract Terms & Conditions, any proposal amendment, special contract terms & conditions, specifications, pricing schedules and any attachments incorporated by reference and accepted by DAS become a part of this State Term Schedule.

This State Term Schedule is effective beginning and ending on the dates noted above unless, prior to the expiration date, the Schedule is renewed, terminated, or cancelled in accordance with the Standard Contract Terms and Conditions dated 03/24/06.

This State Term Schedule is available to all state agencies, state institutions of higher education and political subdivisions properly registered as members of the Cooperative Purchasing Program of the Department of Administration Services, as applicable.

Agencies are eligible to make purchases of the supplies and/or services in any amount and at any time as determined by the agency (see maximum order limit). The State makes no representation or guarantee that agencies will purchase the supplies and/or services approved in the State Term Schedule.

State agencies may make purchases under this State Term Schedule up to $1000.00 using the state of Ohio payment card. Any purchases that exceed $1000.00 will be made using the official state of Ohio purchase order (ADM-0523). Any non-state agency, institution of higher education or Cooperative Purchasing member will use forms applicable to their respective agency.

Questions regarding this and/or the State Term Schedule may be directed to:

Janice Fitzpatrick, CPPB
janice.fitzpatrick@das.state.oh.us

This State Term Schedule and any Amendments thereto are available from the DAS website at the following address:

State Procurement

http://www.ohio.gov/procure

Signed: ______________________________
Carol Nolan Drake, Director   Date

APPROVED PRODUCTS/SERVICES: Only those vendors, products or services as listed in the price pages, approved by the Office of State Purchasing, may be purchased from this State Term Schedule. Any vendors, prices, terms, conditions, products or services not listed in the approved price sheets are outside the scope of this schedule.

MANDATORY USE CONTRACTS: All General Distribution Contracts (GDC), Limited Distribution Contracts (LDC), Multiple Award Contracts (MAC), and Request For Proposals (RFP) take precedence over this State Term Schedule (STS). This STS is only for governmental entities without a mandatory use contract.

EXCLUDED ITEMS: (State Agencies Only) In accordance with the Ohio Revised Code Sections 5147.07, 4115.31, through 4115.35, 5119.16 and 3304.28 through 3304.33 state agencies are required to purchase through Ohio Penal Industries (OPI); Community Rehabilitation Programs (CRP); Department of Mental Health (DMH) Office of Support Services (Central Warehouse and Pharmacy Services); and Rehabilitation Services Commission (RSC). State agencies must obtain a waiver from OPI, CRP, DMH Central Warehouse or Pharmacy Services, and/or RSC to procure from this schedule.

SPECIAL NOTE: THE STATE OF OHIO INCLUDING BUT NOT LIMITED TO ITS AGENCIES, BOARDS, COMMISSIONS, DEPARTMENTS, STATE UNIVERSITIES, STATE VOCATIONAL SCHOOLS, STATE COMMUNITY COLLEGES OF OHIO, AND ANY ENTITY AUTHORIZED BY LAW TO USE THIS STATE TERM SCHEDULE (THE "STATE") IS NOT OBLIGATED TO PROCURE ANY PRODUCTS OR SERVICES FROM THIS STATE TERM SCHEDULE. THIS TERM SCHEDULE SHALL NOT BE CONSTRUED TO PREVENT THE STATE FROM PURCHASING PRODUCTS OR SERVICES USING OTHER PROCUREMENT METHODS AS AUTHORIZED BY LAW.

NOTICE TO CONTRACTOR/VENDOR: It is the responsibility of the contractor's contact to maintain this State Term Schedule with current information. All updates i.e., telephone numbers contact names, email addresses, tax identification number, prices, and catalogs etc., are required to be processed through the formal amendment authorization process which is initiated by way of a written request from the contractor's contact.

CONTRACTOR INDEX

CONTRACTOR:
132030
Bobcat Company
250 East Beaton Drive
PO Box 6000
West Fargo, ND 58078

CONTRACTOR'S CONTACT:
Mr. Jim Christensen
Email: jim_christensen@bobcat.com
Telephone: (701) 241-8746
Fax: (701) 241-8704
Web: www.bobcat.com

TERMS: Net 30 Days

DELIVERY: 30-60 Days A.R.O.

FOB Destination: freight prepaid

CONTRACTOR'S MIS/IT CONTACT:
Ms. Crystal Stram
Email: crystal_stram@bobcat.com
Telephone: (701) 241-8719
Fax: (701) 241-8704
Web: www.bobcat.com

CONTRACTOR'S USAGE AND REVENUE SHARE CONTACT:
Ms. Crystal Stram
Email: crystal_stram@bobcat.com
Telephone: (701) 241-8719
Fax: (701) 241-8704
Web: www.bobcat.com

BASIC ORDER LIMITATIONS

Minimum: $250.00

Maximum: $250,000.00 - Agencies should contact State Purchasing when they expect to exceed the Maximum Order Limitation.

Rate Schedule: Current Price List dated January 2, 2007

Discount Schedule:	% Discount off Suggested List Price
All skid steer, tracked, and all wheel steer loaders Including factory installed options and attachments	30% off SLP
Mini track loaders Including factory installed options and attachments	15% off SLP
Compact excavators Including factory installed options and attachments	30% off SLP
Versahandlers Including factory installed options and attachments	24% off SLP
Utility work vehicles (Toolcat) Including factory installed options and attachments	15% off SLP
Utility vehicles (2100, 2200) Including factory installed options and attachments	20% off SLP
All attachments for the skid steer, tracked, all wheel Steer loaders, mini track loaders, compact excavators, Versahandlers, Toolcat work machines and Utility vehicles.	30% off SLP

CONTRACTOR INDEX

P.O.'s To:	**Remit To:**	**Contractor/Dealer Contact:**
Contract ID: 7751500107-2 Vendor ID: 132030 * Bobcat Company 250 East Beaton Drive PO Box 6000 West Fargo, ND 58078	Contract ID: 7751500107-2 Vendor ID: 132030 Bobcat Company 75 Remittance Drive, Ste. 1130 Chicago, IL 60675-1130	Mr. Jim Christensen Email: jim_christensen@bobcat.com Telephone: (701) 241-8746 Fax: (701) 241-8704 Web: www.bobcat.com

Item Description:	**OAKS Category ID:**	**Service Counties:**
Loaders, Pneumatic Tires (Bobcat) Loaders, Crawlers (Bobcat) Short Wheelbase Vehicle (Bobcat) Parts and Accessories (Bobcat) Backhoe/Loader Combination (Bobcat)	22000000	All 88 Counties

* Indicates corrected tax identification number effective May 4, 2007.

SUMMARY OF AMENDMENTS

Amendment Number	Revision Date	Description
3	05/04/07	To correct tax identification number to effective May 4, 2007
2	04/20/07	To indicate updated price list and discount dated January 2, 2007, effective with all orders issued on or after April 20, 2007.
1	11/22/06	To add a new "Remit To" address on page three (3), effective with all orders issued on or after November 22, 2006.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: February 19, 2008

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

February 11, 2008
Date Prepared

Agenda Title: A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, April 4, 2008 starting at 6:00 P.M. to Saturday, April 5, 2008 at 3:00 A.M. at Cook Field on Miami's Campus for the American Cancer Society Relay for Life.

Recommendation:

Discussion: This request is for the American Cancer Society Relay for Life which is to raise money for the American Cancer Society. The walk will take place on Miami's Cook Field. Last year Council approved the Noise Abatement until 3:00 a.m.

Approved By:

	Initial	Date
Department Head:		
City Attorney:		
City Manager:	DL	2/15/08

RESOLUTION NO.

A RESOLUTION AUTHORIZING A TEMPORARY ABATEMENT OF THE NOISE ORDINANCE NO. 2550, SECTION 509.09, ON FRIDAY, APRIL 4, 2008 STARTING AT 6:00 P.M. TO SATURDAY, APRIL 5, 2008 AT 3:00 A.M. AT COOK FIELD ON MIAMI'S CAMPUS FOR THE AMERICAN CANCER SOCIETY RELAY FOR LIFE.

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

SECTION 1: The City Manager and Police Chief recommend a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, for the American Cancer Society Relay for Life on Friday, April 4, 2008 starting at 6:00 p.m. to Saturday, April 5, 2008 at 3:00 a.m. at Cook Field on Miami's campus in accordance with the provision in the Noise Ordinance No. 2550, Section 509.11 Exceptions to Noise Restrictions, Section G: "Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the City of Oxford, Ohio."

SECTION 2: Council having reviewed the recommendation and finding this to be a community event hereby authorizes the City Manager to issue a temporary abatement of the Noise Ordinance.

SECTION 3: The City Manager is hereby authorized to approve a temporary abatement of the Noise Ordinance No. 2550 Section 509.09 for the American Cancer Society Relay for Life on Friday, April 4, 2008 starting at 6:00 p.m. to Saturday, April 5, 2008 at 3:00 a.m. at Cook Field on Miami's Campus.

SECTION 4: 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
NOISE ABATEMENT APPLICATION

EVENT INFORMATION:

DATE REQUESTED FOR NOISE ABATEMENT : APRIL 4TH - 5TH, 2008 (FRIDAY - SATURDAY)

FROM: 6 a.m. p.m. TO: 3 a.m. p.m.

ACTIVITY/EVENT TO BE UNDERTAKEN: RELAY FOR LIFE

LOCATION (attach copies of paperwork showing approval to use site): COOK FIELD

NUMBER OF PEOPLE EXPECTED TO ATTEND: 1200

OPEN TO PUBLIC	YES	NO
ALCOHOL AVAILABLE	YES	NO

TYPE OF SOUND EQUIPMENT TO BE USED: SPEAKERS, DJ, LIVE MUSIC

ANDREW SCHUSTER IN CHARGE OF THIS

SOUND MONITORING PLANS (including person in charge of this process): STAGE PLACED WITH BACK TO THE NORTH SIDE OF COOK FIELD TO DISTRIBUTE SOUND AWAY FROM RESIDENTIAL AREAS. SOUND LEVELS WILL BE TURNED DOWN TO PROPER RESTRICTIONS AFTER THE ALOTTED TIME HAS PASSED

APPLICANT ORGANIZATION INFORMATION:

NAME OF ORGANIZATION: ON CAMPUS FOR CANCER AWARENESS

ADDRESS: MIAMI UNIVERSITY

Is this a registered student organization at Miami University? YES

INDIVIDUAL INFORMATION (RESPONSIBLE PARTY, MUST BE OVER 18 yrs.):

NAME OF CONTACT PERSON: KRISTIN CONATTI

EMAIL ADDRESS: CONATTKE@MUOHIO.EDU TEL. #: 440-862-6424

What is the contact person's relation to the organization (title, etc.)? PRESIDENT

ATTACH EXTRA PAGES IF THE SPACE PROVIDED ABOVE IS INSUFFICIENT AND ATTACH ANY SUPPLEMENTAL DOCUMENTATION THAT MAY BE OF RELEVANCE.

I have read and understand the rules, conditions and laws applicable to the waiver of the noise ordinances, and understand that acceptance of them is a condition of approval. I hereby certify that the event/activity, which is the subject of this application will be open to the public and alcohol free.

Applicant's signature Andrew Schuster Date: 02-04-08

MIAMI UNIVERSITY

TO: **City Council**

FROM: **Student Community Relations Committee**

RE: **Noise Abatements Requests for Spring 2008**

DATE: **February 11, 2008**

Three noise abatements requests were submitted to SCRC for activities this Spring. These are the same events that have been approved for abatements in the past few years. SCRC agreed that these events are worry of Council's consideration for extensions of the noise limits. We pass them on with SCRC's endorsement.

The organizers of these events have been informed that it would be helpful if they had a representative be available at the February 19, 2008 City Council meeting to answer any questions that Council members have about their event and/or the abatement request.

1. 04/04-05/2008 Relay for Life 6 pm – 3 am (04/05/08)
   Cook Field—event runs from 6 pm on 04/04/08 until 1pm on 04/05/08
   2007: 04/13 - 04/14, 6 pm – 3 am
   2006: 03/31 - 04/01, 11 pm – 2 am

2. 04/25/2008 After Dark 10 pm – 1 am (04/26/07)
   Shriver Patio
   2007: 04/20, 8 pm – 2 am (04/21)
   2006: 04/21, 9 pm – 1 am

3. 05/09/2008 Red Brick RASTA 8 pm – 2:30 am (05/10/08)
   High St. between Main St. and Poplar St.
   2007: 05/04, 5 pm – 2:30 am (05/05)
   2006: 05/06, 7 pm – 1:30 am (05/07)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: February 19, 2008

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

February 11, 2008
Date Prepared

Agenda Title: A Resolution authorizing a temporary abatement of the Noise ordinance No. 2550, Section 509.09, on Friday, April 25, 2008 from 10:00 P.M. to 1:00 A.M. on the patio at Shriver Center on Miami's Campus for an After Dark Carnival.

Recommendation:

Discussion: This request is for the After Dark organization's annual party on the patio (behind Shriver). Miami students and community members are invited. Last year Council approved the Noise Abatement until 2:00 a.m.

Approved By:

	Initial	Date
Department Head:		
City Attorney:		
City Manager:	DRB	2/15/08

RESOLUTION NO.

A RESOLUTION AUTHORIZING A TEMPORARY ABATEMENT OF THE NOISE ORDINANCE NO. 2550, SECTION 509.09, ON FRIDAY, APRIL 25, 2008 FROM 10:00 P.M. TO 1:00 A.M. ON THE PATIO AT SHRIVER CENTER ON MIAMI'S CAMPUS FOR AN AFTER DARK CARNIVAL.

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

SECTION 1: The City Manager and Police Chief recommend a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, for the After Dark Carnival on Friday, April 25, 2008 from 10:00 P.M. to 1:00 A.M. on the patio at Shriver Center on Miami's campus in accordance with the provision in the Noise Ordinance No. 2550, Section 509.11 Exceptions to Noise Restrictions, Section G: "Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the City of Oxford, Ohio."

SECTION 2: Council having reviewed the recommendation and finding this to be a community event hereby authorizes the City Manager to issue a temporary abatement of the Noise Ordinance.

SECTION 3: The City Manager is hereby authorized to approve a temporary abatement of the Noise Ordinance No. 2550 Section 509.09 for the After Dark Carnival on Friday, April 25, 2008 from 10:00 P.M. to 1:00 A.M. on the patio at Shriver Center on Miami's Campus.

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

____
MAYOR

ADOPTED: __________________

ATTEST:

____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
NOISE ABATEMENT APPLICATION

EVENT INFORMATION:

DATE REQUESTED FOR NOISE ABATEMENT : 4/25/08

FROM: 10:00 a.m. p.m. TO: 1:00 a.m. p.m.

ACTIVITY/EVENT TO BE UNDERTAKEN:
AfterDark carnival (games, DJ, inflatables, etc)

LOCATION (attach copies of paperwork showing approval to use site): Shriver Center Back Patio

NUMBER OF PEOPLE EXPECTED TO ATTEND: 200+

OPEN TO PUBLIC	YES	NO
ALCOHOL AVAILABLE	YES	NO

TYPE OF SOUND EQUIPMENT TO BE USED:
Tri Tech Sound + Lights

SOUND MONITORING PLANS (including person in charge of this process):
Monitoring sound around town during the event, sending letters to neighbors informing them of the event date & time.

APPLICANT ORGANIZATION INFORMATION:

NAME OF ORGANIZATION: AfterDark

ADDRESS: 371 Shriver Center

Is this a registered student organization at Miami University? Yes

INDIVIDUAL INFORMATION (RESPONSIBLE PARTY, MUST BE OVER 18 yrs.):

NAME OF CONTACT PERSON: Carly Stamey

ADDRESS: 371 Shriver Center TEL. #: 529-8563 (o) (717) 926-0461 (c)

What is the contact person's relation to the organization (title, etc.)?
Graduate Advisor

ATTACH EXTRA PAGES IF THE SPACE PROVIDED ABOVE IS INSUFFICIENT AND ATTACH ANY SUPPLEMENTAL DOCUMENTATION THAT MAY BE OF RELEVANCE.

I have read and understand the rules, conditions and laws applicable to the waiver of the noise ordinances, and understand that acceptance of them is a condition of approval. I hereby certify that the event/activity, which is the subject of this application will be open to the public and alcohol free.

Applicant's signature Carly Stamey Date: 2/5/08

MIAMI UNIVERSITY

TO: City Council

FROM: Student Community Relations Committee

RE: Noise Abatements Requests for Spring 2008

DATE: February 11, 2008

Three noise abatements requests were submitted to SCRC for activities this Spring. These are the same events that have been approved for abatements in the past few years. SCRC agreed that these events are worry of Council's consideration for extensions of the noise limits. We pass them on with SCRC's endorsement.

The organizers of these events have been informed that it would be helpful if they had a representative be available at the February 19, 2008 City Council meeting to answer any questions that Council members have about their event and/or the abatement request.

1. 04/04-05/2008 Relay for Life 6 pm – 3 am (04/05/08)
   Cook Field—event runs from 6 pm on 04/04/08 until 1pm on 04/05/08
   2007: 04/13 - 04/14, 6 pm – 3 am
   2006: 03/31 - 04/01, 11 pm – 2 am

2. 04/25/2008 After Dark 10 pm – 1 am (04/26/07)
   Shriver Patio
   2007: 04/20, 8 pm – 2 am (04/21)
   2006: 04/21, 9 pm – 1 am

3. 05/09/2008 Red Brick RASTA 8 pm – 2:30 am (05/10/08)
   High St. between Main St. and Poplar St.
   2007: 05/04, 5 pm – 2:30 am (05/05)
   2006: 05/06, 7 pm – 1:30 am (05/07)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: February 19, 2008

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

February 11, 2008
Date Prepared

Agenda Title: A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, May 9, 2008 from 8:00 P.M. to 2:30 A.M. in the Uptown Parks for the Red Brick Rasta.

Recommendation:

Discussion: This request is for the annual Red Brick Rasta which is held in the Uptown Parks and is open to the community.

Last year the Resolution was approved for the Noise Abatement to end at 2:30 a.m.

Approved By:

	Initial	Date
Department Head:		
City Attorney:		
City Manager:	DRE	2/15/08

RESOLUTION NO.

A RESOLUTION AUTHORIZING A TEMPORARY ABATEMENT OF THE NOISE ORDINANCE NO. 2550, SECTION 509.09, ON FRIDAY, MAY 9, 2008 FROM 8:00 P.M. TO 2:30 A.M. IN THE UPTOWN PARKS FOR THE RED BRICK RASTA.

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

SECTION 1: The City Manager and Police Chief recommend a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, for the Red Brick Rasta on Friday, May 9, 2008 from 8:00 P.M. to 2:30 A.M. in the Uptown Parks in accordance with the provision in the Noise Ordinance No. 2550, Section 509.11 Exceptions to Noise Restrictions, Section G: "Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the City of Oxford, Ohio."

SECTION 2: Council having reviewed the recommendation and finding this to be a community event hereby authorizes the City Manager to issue a temporary abatement of the Noise Ordinance.

SECTION 3: The City Manager is hereby authorized to approve a temporary abatement of the Noise Ordinance No. 2550 Section 509.09 for the Red Brick Rasta on Friday, May 9, 2008 from 8:00 P.M. to 2:30 A.M. in the Uptown Parks.

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

____
MAYOR

ADOPTED: ______________________

ATTEST:

____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
NOISE ABATEMENT APPLICATION

EVENT INFORMATION:

DATE REQUESTED FOR NOISE ABATEMENT : May 9th 2000

FROM: 8 a.m. p.m. TO: 2:30 8 a.m. p.m.

ACTIVITY/EVENT TO BE UNDERTAKEN:
Red Brick Rasta

LOCATION (attach copies of paperwork showing approval to use site): Uptown, Park

NUMBER OF PEOPLE EXPECTED TO ATTEND: 1,000

OPEN TO PUBLIC YES NO
ALCOHOL AVAILABLE YES NO

TYPE OF SOUND EQUIPMENT TO BE USED:
Full lighting/sound from Tri-tech

SOUND MONITORING PLANS (including person in charge of this process):
Rasta chair will be around as well as Tri-tech

APPLICANT ORGANIZATION INFORMATION:

NAME OF ORGANIZATION: ASG

ADDRESS: 374 Shriver Center

Is this a registered student organization at Miami University? yes

INDIVIDUAL INFORMATION (RESPONSIBLE PARTY, MUST BE OVER 18 yrs.):

NAME OF CONTACT PERSON: Jen House

ADDRESS: 209 Homestead TEL. #: (915) 347-7957

What is the contact person's relation to the organization (title, etc.)?
Secretary for Off-Campus Affairs

ATTACH EXTRA PAGES IF THE SPACE PROVIDED ABOVE IS INSUFFICIENT AND ATTACH ANY SUPPLEMENTAL DOCUMENTATION THAT MAY BE OF RELEVANCE.

I have read and understand the rules, conditions and laws applicable to the waiver of the noise ordinances, and understand that acceptance of them is a condition of approval. I hereby certify that the event/activity, which is the subject of this application will be open to the public and alcohol free.

Applicant's signature ______________________ Date: ______________

MIAMI UNIVERSITY

TO: City Council

FROM: Student Community Relations Committee

RE: Noise Abatements Requests for Spring 2008

DATE: February 11, 2008

Three noise abatements requests were submitted to SCRC for activities this Spring. These are the same events that have been approved for abatements in the past few years. SCRC agreed that these events are worry of Council's consideration for extensions of the noise limits. We pass them on with SCRC's endorsement.

The organizers of these events have been informed that it would be helpful if they had a representative be available at the February 19, 2008 City Council meeting to answer any questions that Council members have about their event and/or the abatement request.

1. 04/04-05/2008 Relay for Life 6 pm – 3 am (04/05/08)
   Cook Field—event runs from 6 pm on 04/04/08 until 1pm on 04/05/08
   2007: 04/13 - 04/14, 6 pm – 3 am
   2006: 03/31 - 04/01, 11 pm – 2 am

2. 04/25/2008 After Dark 10 pm – 1 am (04/26/07)
   Shriver Patio
   2007: 04/20, 8 pm – 2 am (04/21)
   2006: 04/21, 9 pm – 1 am

3. 05/09/2008 Red Brick RASTA 8 pm – 2:30 am (05/10/08)
   High St. between Main St. and Poplar St.
   2007: 05/04, 5 pm – 2:30 am (05/05)
   2006: 05/06, 7 pm – 1:30 am (05/07)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: February 19, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

February 11, 2008
Date Prepared

Agenda Title:	**Resolution to establish an Ad Hoc Committee to Study Oxford Property Maintenance Code Section 404-Occupancy Limitation and Oxford Zoning Code, specifically Floor Area Ratio in the Uptown District to Prepare Recommendations to City Council for Consideration**

Recommendation:	**Approval**

Discussion:
During the last City Council meeting, Council determined the need to establish an ad hoc committee to review recent changes to the Oxford Property Maintenance Code, as well as the Uptown Zoning Regulations. Specifically, Council charged the committee to look into increased bedroom size of the Property Maintenance Code and the FAR (floor area ratio) calculation in the Uptown district.

Nine members are to be appointed by City Council to serve on this committee; one Council member; one Planning Commission member; one HAPC member; one property owner; one Uptown business owner; one architect: one land use attorney; one Miami University student, and one long-term renter. The Community Development Department will provide staff support to this committee.

The committee will: 1) review the recent changes to understand the reasons for the changes; 2) hear concerns voiced by property owners; 3) propose options for staff to explore and; 4) present findings for Planning Commission and City Council's consideration in a timely manner.

Approved By:

	Initial	Date
Department Head:	ghc	2/13/08
City Attorney:		
City Manager:	DRE	2/15/08

RESOLUTION NO.

A RESOLUTION ESTABLISHING THE UPTOWN REVITALIZATION COMMITTEE TO REVIEW THE ZONING CODE OF THE CITY OF OXFORD, SPECIFICALLY THE FLOOR AREA RATIO IN THE UPTOWN DISTRICT AND SECTION 404 OF THE PROPERTY MAINTENANCE CODE FOR THE CITY OF OXFORD.

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

SECTION 1: Council herewith establishes the Uptown Revitalization Committee to review the Zoning Code of the City of Oxford and section 404 of the Property Maintenance Code for the City of Oxford, specifically the floor area ratio in the Uptown District. The Committee shall be made up of the following nine (9) members, each of who are appointed by City Council: (A) City Council representative; (B) Planning Commission representative; (C) Historic and Architectural Preservation Commission representative; (D) Property Owner; (E) Uptown Business Owner; (F) Architect; (G) Land Use Attorney; (H) Student Renter; and (I) Long-Term Renter. Staff support shall be provided by the Community Development Department

SECTION 2: The purpose of the Uptown Revitalization Committee shall be to (1) review and understand the recent changes in the Uptown District; (2) hear concerns voiced by property owners; (3) propose options for staff to explore; and (4) present findings for the Planning Commission and City Council to consider in a timely manner.

SECTION 3: 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

Council Meeting of: February 19, 2008

Account Code #: 141.720.51443

Budgeted Amount: $1,881,000

Service
Originating Department

Michael Dreisbach
Prepared By

February 15, 2008
Date Prepared

Agenda Title: Settlement of Right of Way Acquisition Case

Recommendation: Approve

Discussion:

The Ohio Department of Transportation required the City to acquire all necessary right of way for improvements to US 27 {North} from Locust St. to Melanee Lane / Merry Day Drive. The City settled the majority of properties, but was forced to acquire some properties though the appropriation process.

Parcel No. 56, 5228 College Corner Pike (aka the former Dairy Queen site), owned by Mydears, Inc., is a property in which the City and owner have agreed to an appropriate value for the necessary right of way and easements, and this case may now be settled with the approval of Council.

In this particular case, the owner felt the City's consultant did not give adequate compensation for the property and that the use would be diminished in the future. The City conducted additional evaluations of the property, and both parties have agreed to tentative settlement of this case pending City Council approval. The City has already deposited funds with the Butler County Clerk of Courts in the amount of $4,960.

Funds to settle this parcel have been appropriated and are available to settle this matter. It is Staff's recommendation that Council authorize the City Manager to settle this case and deposit the required additional funds with the Butler County Clerk of Courts.

Approved By:

	Initial	Date
Department Head:	MBD	2/15/08
City Manager:	DRE	2/15/08

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO DEPOSIT ADDITIONAL FUNDS IN THE AMOUNT OF $ _______ WITH THE BUTLER COUNTY CLERK OF COURTS FOR THE SETTLEMENT OF *CITY OF OXFORD V. MYDEARS, INC.*, CASE NO. CV-2006-01-0135, FOR A TOTAL SETTLEMENT OF $_________.

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

SECTION 1: Council previously authorized the Law Director to enter into a settlement agreement in *City of Oxford v. MyDears, Inc.*, Case No. CV-2006-01-0135.

SECTION 2: The City Manager and Law Director have reviewed the terms of settlement negotiated with MyDears, Inc., and recommend Council authorize the deposit of additional funds in the amount of $ _________ with the Butler County Clerk of Courts, in order to effectuate a full and fair settlement of the claims in said case.

SECTION 3: Council has determined that such settlement will further the US 27 Roadway Improvement project and will benefit the citizens of the City of Oxford, and hereby accepts the recommendation of the City Manager and Law Director.

SECTION 4: Council hereby authorizes the deposit of additional funds with the Butler County Clerk of Courts in the amount of $ _______, for a total settlement in the amount of $ _______.

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

____
VICE MAYOR

ADOPTED: _________________
ATTEST:

____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW(STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: February 5, 2008

Account Code No. #:

Budgeted Amount:

Community Development Department
Originating Department

Jung-Han Chen
Prepared By

January 25, 2008
Date Prepared

Agenda Title:	**PC-01-2008 ZONING CODE TEXT AMENDMENT** – Chapter 1143 Districts Section 1143.10(c) Site Development Regulations

Recommendation:	**Approve with Modification**

Discussion:

On November 20, 2007 City Council passed Ordinance 2986 as an emergency adopting regulation to the site development standards of Chapter 1143 that included the language for the Floor Area Ratio, minimum dwelling unit sizes and minimum lot area per dwelling unit to the Uptown District as a result of the Charter Amendment. City Council also voted to remand Ordinance No. 2986, Zoning Code Section 1143.10, to the Planning Commission to consider any further amendments and changes with due diligence and report back to City Council within a period not to exceed two months. During the public hearing portion of the City Council meeting, questions were raised about the literal interpretation of the ratios.

At the January 8, 2008 Planning Commission hearing, the Commission reviewed the following items presented by staff and the general public;

1. If outdoor eating areas associated with the first floor occupant counts towards satisfying the 1:1 ratio;
2. If amenities to the structure for residential use such as outdoor patios, decks, balconies will count as satisfying the 2:1 ratio;
3. Parking on-site and whether it counts towards satisfying the FAR ratio for residential or commercial component;
4. Usage of the basement;
5. Egress and interior circulation areas as well as required gas meters, electrical meters, dumpster requirements and loading space requirements.

The Planning Commission recommended that parking not be included into either the residential or commercial ratio because if it were included then the intent to diversify commercial space sizes and dwelling types would have been compromised.

A minor modification to 1143.10(b)(2) is also recommended to clarify the language.

The Planning Commission voted 6-0-0 to recommend approval as modified and presented herein to City Council.

Approved By:

	Initial	Date
Department Head:	JHC	1/25/08
City Attorney:		
City Manager:	DAB	2/5/08

ORDINANCE NO.

ORDINANACE REPEALING ZONING CODE SECTION 1143.10, UPTOWN DISTRICT, AND ADOPTING NEW SECTION 1143.10, UPTOWN DISTRICT.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on January 8, 2008 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1143.10, Uptown District, and adopting new Section 1143.10, Uptown District.

SECTION II: Council hereby repeals Section 1143.10 of the Oxford Code of Ordinances and adopts new Section 1143.10 as follows:

PC 01.08.2008 Recommendations

1143.10 UPTOWN DISTRICT.

(a) Purpose. The purpose of this district is to preserve and encourage the continued vitality of the City's historic central business and civic activity area. Selected uses and regulatory standards are provided to guide development so as to achieve a mixture of appropriate uses in a functional, aesthetic and pedestrian compatible manner.

(b) Uses.

(1) Permitted uses.

A. Single-Family, Two-Family, and Three-Family Dwellings on the second floor or higher.

B. Retail services shall not exceed 10,000 square feet of floor area on any given floor.

1. Apparel and jewelry.
2. Bars and establishments serving alcohol.
3. Books, stationery, newspapers, magazines, office equipment and office supply stores.
4. Drugs and pharmaceuticals.
5. Food products, including groceries, meat, fish, baked goods, confectionary, and beverages.
6. Flowers, potted plants, and garden supplies.
7. Hardware, paint, home furnishings, and other home improvements products.
8. Optical aids.
9. Photography, bicycles, gifts and toys, pets, music, sporting goods, and other hobby and craft supplies.
10. Restaurants, not including drive-in.

11. Other similar establishments engaged in retail trade except those included as Conditional Uses in subsection (b)(2) hereof.

C. Personal and professional services shall not exceed 10,000 square feet of floor area on any given floor.

1. Accounting, advertising, architectural, auditing, bookkeeping, legal, and medical offices, and offices for other similar professional service providers.
2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
3. Barber and beauty shops.
4. Cleaners, including dry cleaning and laundromats.
5. Home improvement services, including carpentry, electrical, heating, plumbing, and decorating.
6. Offices for nonprofit, charitable, labor, and other service organizations.
7. Repair establishments for bicycles, household appliances, locksmiths, shoes, and motor vehicles (if no gasoline is sold).
8. Theaters, not including drive-ins.
9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.

D. Residential uses.

1. Single-family dwelling, two-family dwellings, and three family dwellings. Residential uses shall be on the second floor or above.

E. Accessory buildings incidental to the principal use.

(2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

A. Retail services: ~~That exceed 10,000 sq. ft. on the first floor any given floor.~~

1. **Any permitted retail use that exceeds 10,000 sq. ft. on any given floor.**
2. Banks with drive-through facilities.
3. Building supplies, garden supplies.
4. Temporary or outdoor sales of plants and garden supplies.

B. Personal and public services: ~~That exceed 10,000 sq. ft. on the first floor any given floor~~

1. **Any permitted personal or public service that exceeds 10,000 sq. ft. on any given floor.**
2. Cultural institutions, including libraries, art galleries and museums.
3. Hotels and motels.
4. Places of worship.

5. Funeral homes.
6. Night clubs, discotheques, and other entertainment facilities.

C. Other uses.

1. Single-Family, Two-Family, and Three-Family Dwellings on the first floor or basement.
2. Community-Oriented Residential Social Service Facilities (CORSSF's).
3. Shared Housing and Congregate Housing for the elderly.
4. Government owned and/or operated parks and recreation facilities.
5. Bed and breakfast homes.
6. Publicly owned and operated neighborhood recreation centers.
7. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
8. Schools: primary, intermediate, and secondary, both public and private.

D. Sidewalk uses.

1. This section is intended to provide for active use of private and public property in the Uptown district for outdoor cafes and retail sales. A sidewalk use requires a permit, shall be operated according to the provisions of this section, and is valid for one year and only for the location, design, and use approved.
2. A sidewalk use may include outdoor activity on both private and public property as follows:
   a. Private property in the front setback area or any courtyard or other partially enclosed area adjacent to a right-of-way may be utilized only for commercial activity related to the principal use on the first floor of the principal structure.
   b. The public sidewalk and other paved portions of the right-of-way that are designed and constructed to accommodate pedestrians may be utilized only for commercial activity related to the principal use on the first floor of an immediately adjacent principal structure.
3. A sidewalk use permit application shall include a fee of $50, a scaled site plan, and other information sufficient to determine compliance with all of the following provisions:
   a. The use may not extend more than five feet into the right-of-way
   b. The use may not result in less than five feet of unimpeded sidewalk adjacent to the sidewalk use

(street trees, parking meters, street sign poles, and the like are impediments)

c. The adjacent property owner and the operator of the use have a liability insurance policy that covers accidents and injuries on the public right-of-wayfor a minimum of one hundred thousand dollars ($100,000) per person and three hundred thousand dollars ($300,000) per accident, premiums are fully paid for the calendar year of the permit, and the City of Oxford is a named insured upon such liability policy

d. The use shall employ only displays, counters, tables, chairs, umbrellas, and planters that are moveable

e. Nothing related to the operation of the use shall be permanently installed on public or private property except anchors that do not protrude above the adjacent sidewalk surface and do not otherwise create a trip hazard

f. All materials shall be lightweight and easily removable

g. All roofs shall be made of a flame-resistant (per Ohio Basic Building Code and Ohio Fire Code), nonstructural material such as treated canvas or vinyl fabric

h. All illumination shall be confined within the perimeter of the use

i. All partitions shall be transparent 3 feet above the adjacent sidewalk surface

4. The City Manager or designee shall require removal of anything or correction of any condition associated with a sidewalk use that threatens the public health, safety, or general welfare and shall revoke an approved permit if its holder fails to comply with any such order in a timely manner.

5. The City Manager shall reinstate a revoked permit if the holder removes the immediate threat and provides sufficient proof that the threat will not recur.

6. If a sidewalk use permit is revoked more than once during the year that the permit is valid, the permit shall not be reinstated and a new permit shall not be issued until after the original expiration date of the revoked permit.

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)

(1) Lot requirements.

A. Minimum Lot Area:
   1. Lots in the Uptown District shall be a minimum of three thousand (3,000) square feet.

B. Minimum Lot Area per dwelling unit:

1. Efficiency:	300 sq. ft. lot area per unit
2. One-Bedroom:	400 sq. ft. lot area per unit.
3. Two-Bedroom	500 sq. ft. lot area per unit
4. Three-Bedroom	600 sq. ft. lot area per unit
5. Four-Bedroom	700 sq. ft. lot area per unit

(2) Yard requirements.

Front Yard 16.5 feet minimum *except*	* On High Street – at least 70 percent of building must meet the right-of- way line
Rear Yard none *except*	* Adjacent to a residential district – 10 minimum.
Side Yard none *except*	* Adjacent to a residential district – 6 feet minimum

(3) Structural requirements.

A. Building height:

Minimum – 23 feet and a minimum of 2 stories above street grade

Maximum – 45 feet and 4 stories maximum above street grade.

B. Gross Floor Area Ratio:

1. The maximum permitted gross floor area ratio of a structure in the Uptown District shall be 3. (Lot area x 3 = total bldg. sq. ft.)
   a. Commercial space shall provide a minimum ratio of 1:1 of the lot area subject to the following:
      i. The basement of a structure may be used for commercial space, but shall not be computed into the minimum 1:1 ratio.
      ii. Areas for public infrastructure, public access and public utility purposes (i.e. meters, trash collection, loading spaces) shall be computed into the minimum 1:1 ratio.
      iii. Outdoor eating areas associated with the first floor occupant, located on the property and not on the public sidewalk,

shall be computed into the minimum 1:1 ratio.

b. Residential space shall provide a maximum ratio of 2:1 of the lot area subject to the following:

i. **Outdoor patios, decks and balconies for residential use shall be computed into the maximum 2:1 ratio.**

2. Parking on-site shall not be computed into the Floor Area Ratio for the residential or commercial component.

~~2. Retail/Commercial/Professional Services shall not exceed 10,000 sq. ft. of floor on any given floor.~~

C. Minimum Floor Area per dwelling unit.

1. Efficiency:	600 sq. ft.
2. One-Bedroom	800 sq. ft.
3. Two-Bedroom	1,000 sq. ft.
4. Three-Bedroom	1,200 sq. ft.
5. Four-Bedroom	1,400 sq. ft.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY 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	February 5, 2008
Case Number	PC-01-2008
Applicant Information	City of Oxford
Requested Action	Zoning Code Text Amendment
Summary of Request	Zoning Code Text Amendments to Chapter 1143 Districts, Section 1143.10(c) Site Development Regulations
Public Hearing Information	At the January 8, 2008 Planning Commission meeting, a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on December 7, 2008 Amendments were made to the chapter. Please refer to the case Staff Report and marked changes identified on the UP (Uptown) District section that are attached for your review.
Commission Action	The Planning Commission voted 6-0-0 to recommend City Council approve this zoning code text amendment with modifications noted on the attached UP (Uptown) section.
Commission Findings and Conclusions	After public hearing and discussion, the Planning Commission voted to recommend approval of the zoning code text amendment with modifications.
Exhibits Submitted to the Commission	1. Community Development Staff Report dated January 25, 2008. 2. Proposed language with marked modifications. 3. Staff Report to Planning Commission dated January 2, 2008. 4. Zoning Code Text Amendment Application dated November 21, 2007.

City of Oxford

Community Development Department

STAFF REPORT

Planning Commission

Case # PC-01-2008 **Date – January 2, 2008**

APPLICATION

Applicant:	City of Oxford
Action Request:	Zoning Text Amendment to Chapter 1143 Districts; Section 1143.10(c) Site Development Regulations

DESCRIPTION

On November 20, 2007 City Council passed Ordinance 2986 as an emergency adopting regulation to the site development standards of Chapter 1143 that included the language for the Floor Area Ratio, minimum dwelling unit sizes and minimum lot area per dwelling unit to the Uptown District as a result of the Charter Amendment. Council also voted to remand Ordinance No. 2986, Zoning Code Section 1143.10, to the Planning Commission to consider any further amendments and changes with due diligence and report back to City Council within a period not to exceed two months.

The purpose of the amendments to the Uptown District was to diversify commercial space sizes and dwelling types. During the public hearing portion of the City Council meeting, questions were raised about the literal interpretation of the ratios. The argument made was that the 100% lot coverage for commercial activity on the first floor is not realistic because egress and interior circulation areas as well as required gas meters, electrical meters, dumpster requirements and loading space requirements are not taken into consideration and could potentially penalize a property owner by forcing them to place remnant commercial space on the second story. Questions from the general public since the adoption of the regulations have been made to the Community Development Department asking if commercial space would be permitted in the basement of a building. Since the basement may only be used for non-residential purposes, the use of a basement does not conflict with the intent to promote additional commercial usage on the Uptown lots while controlling residential density.

STAFF ANALYSIS

In order to manage density issues in the Uptown area, it was important to maintain the controlling tools adopted by City Council. Amendments adopted in November included establishing a minimum lot size per dwelling unit as a base for density and dependant on the type of dwelling. The number of potential dwelling units is proportional to the size of the lot. A second ratio was placed in the form of a minimum gross floor area per dwelling unit. This is a re-introduction of minimum floor area for a dwelling unit that was part of the zoning ordinance many years ago. The third change introduced the Floor-Area-Ratio (FAR) concept to regulate the bulk of the structure while providing some flexibility to the design. The FAR is the ratio between the total gross floor area to the lot size. It compliments other design regulations to allow for potential variations building heights and bulk. Additionally, the amendment also stipulates a maximum FAR for residential space and a minimum FAR for commercial space.

Additional language has been added to the FAR for clarification exempting required utility details and public infrastructure from the FAR requirements. Other items the Planning Commission needs to consider and discuss include:

1. If outdoor eating areas associated with the first floor occupant counts towards satisfying the 1:1 ratio;
2. If amenities to the structure for residential use such as outdoor patios, decks, balconies will count as satisfying the 2:1 ratio;
3. Parking on-site shall not count towards satisfying the FAR ratio for residential or commercial component;
4. Usage of basement. The basement area may be used, however should not be computed into the FAR if an exception for required infrastructure and utilities is provided in the text.

With these additional standards and regulations in place, the City would still have better tools to foster quality commercial and control residential density.

Decision Criteria

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: Kathryn Dale
Kathryn A. Dale, AICP
City Planner
Community Development Department
DATE: January 2, 2008

Case No.: PC-07-[illegible]
Date filed: 11/21/07

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 St.

Telephone Number(s) 513/524-5204

re: Uptown District

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

All applications must include:
1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. 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. **Incomplete applications will not be processed**. Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

SIGNATURE OF APPLICANT: [signature] Date: 11/21/07

PRINTED NAME: Jung-Han Chen

FEE / RECEIPT
$150 Fee Paid / Receipt Number: NA

S:\forms\zoningtextamendmentapp. Revised 3/07

modification to 1143.10 Site Development Regulation

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Manager
Originating Department

Council Meeting Of: February 19, 2008

Doug Elliott
Prepared By

Account Code No. #:

Budgeted Amount:

February 15, 2008
Date Prepared

Agenda Title: **Chapter 143, Civil Rights; Community Relations and Sexual Orientation**

Recommendation: **Approve**

Discussion:

In January of 2008, I met with a group of Miami University students and administrators to discuss concerns expressed from some gay students. Before the meeting, I reviewed the city's Civil Rights Law (Chapter 143). I was surprised to see that discrimination based on sexual orientation was not included in the sections dealing with fair housing, unlawful employment, and unlawful public accommodation practices. I believe it is importar for the city of Oxford to include the prohibition of discrimination based on sexual orientation in our civil right law. The proposed changes will accomplish this.

Approved By: **Initial Date**

	Initial	Date
Department Head:		
City Attorney:	DBE	2/15/08
City Manager:		

ORDINANCE NO._____

AN ODINANCE 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.

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.

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:____________________

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 or sexual orientation.

(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 or sexual orientation 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, or sexual orientation 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 or sexual orientation 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 or sexual orientation 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 or sexual orientation 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 or sexual orientation.

(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 or sexual orientation 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 any race, color, religion, ancestry, national origin or sexual orientation, 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 or sexual orientation.

(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 or sexual 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 or sexual orientation.

(c) For any employer, labor organization or joint labor management committee controlling apprentice training programs to discriminate against any person because of his race, color, religion, national origin, ancestry or sexual orientation 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 or sexual orientation.

(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 or sexual orientation.

(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 or sexual orientation.

(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 or sexual orientation.

(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 or sexual 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 or sexual orientation 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 or sexual orientation 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: Doug Elliott

Police
Originating Department

Council Meeting Of: February 5, 2008

Account Code No. #: N/A

Steve Schwein
Prepared By

Budgeted Amount: N/A

January 29, 2008
Date Prepared

Agenda Title: An Ordinance Amending Salary Ordinance No. 2984, Section 1. Full-Time Positions.

Recommendation: Adopt the Ordinance.

Discussion: The 2008 Police Budget anticipated the beginning of the Oxford Police Division's succession planning by including a budgeted provision for Supervisors who announce their retirements fifteen (15) months in advance. Also included was a temporary bump in authorized sworn strength for Lieutenants from two (2) to three (3). However, a temporary increase in authorized strength for Sergeants was NOT included in the salary ordinance wording, nor was the increase included in the budget. It is not anticipated that any additional monies will be needed to allow for a temporary six (6) month increase in the Sergeant's sworn strength, however, the Salary Ordinance does need to reflect the temporary change.

Approved By:

	Initial	Date
Department Head:	SDS	1/29/08
City Attorney:		
City Manager:	DAE	2/1/08

ORDINANCE NO. ____

AN ORDINANCE AMENDING SALARY ORDINANCE NO. 2984, SECTION 1. FULL-TIME POSITIONS.

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

SECTION 1: The City Manager and Chief of Police recommend Council amend the Salary Ordinance to temporarily increase the number of Police Sergeant positions from six (6) to seven (7) for a period of three (3) months to provide a period of overlap pending the retirement of one of the current six (6) Sergeants.

SECTION 2: Council hereby accepts the recommendation of the City Manager and Chief of Police and amends Section 1 of the Salary Ordinance to increase the number of Police Sergeant positions from six (6) to seven (7) for a period of three (3) months. Following the said three (3) month period the Salary Ordinance will automatically revert back to the current maximum allowed total of six (6) Sergeant positions.

SECTION 3: In all other respects Ordinance No. 2984, except as herein amended, shall remain in full force and effect.

SECTION 4: 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)

SECTION 1: The following full-time positions are hereby established with respect to position title, authorized number and pay range:

POSITION TITLE	*AUTHORIZATION*		
	TYPE	*# OF EMPLOYEES*	*PAY BAND*
OFFICE OF THE CITY MANAGER			
City Manager	(NC)	(1)	By Contract
Assistant to the City Manager	(NC)	(1)	5
Human Resources Director/CLERK Of Council	(NC)	(1)	7
Deputy Clerk of Council	(NC)	(1)	3
ECONOMIC DEVELOPMENT DEPARTMENT			
Economic Development Director	(NC)	(1)	7
FINANCE DEPARTMENT			
Finance Director	(NC)	(1)	By Contract
Accounting Manager	(C)	(1)	6
Utility Billing and Collections Supervisor	(C)	(1)	6
Payroll and Benefits Specialist	(C)	(1)	5
Utility Collections Specialist II	(C)	(1)	4
Utility Collection Spec. I.	(C)	(1)	2
Accounting Specialist	(C)	(1)	4
Accounting Assistant	(C)	(2)	2
LAW DEPARTMENT			
Law Director	(NC)	(1)	By Contract
PARKS & RECREATION DEPARTMENT			
Parks & Recreation Director	(NC)	(1)	7
Recreation Programs Supervisor	(C)	(1)	5
Sports Activities Supervisor	(C)	(1)	5
Office Manager	(NC)	(1)	5
Receptionist	(C)	(1)	1
Custodian	(NC)	(1)	1
Recreation Programs Coordinator	(C)	(1)	3
Sports Coordinator	(C)	(1)	3
COMMUNITY DEVELOPMENT DEPARTMENT			
Community Development Director	(NC)	(1)	7
Planner	(C)	(1)	6
Admin. Asst. to Director (Tech)	(NC)	(1)	5
Administrative Assistant II	(NC)	(2)	3

SAFETY DEPARTMENT - FIRE DIVISION			
Fire Chief/Inspector	(NC)	(1)	7
Assistant Chief/Inspector	(NC)	(1)	6
Administrative Assistant II	(NC)	(1)	3
SAFETY DEPARTMENT - POLICE DIVISION			
Police Chief	(NC)	(1)	7
Police Lieutenant	(C)	(3)*	By Contract
Police Sergeant	(C)	(7)*	By Contract
Police Officer	(C)	(19)	By Contract
Public Safety Assistant	(C)	(3)	By Contract
Police Records Specialist	(C)	(1)	By Contract
Public Safety Communications Officer	(C)	(9)	By Contract
Office Manager	(NC)	(1)	5
Assistant to the Chief (Tech)	(NC)	(1)	5
Properties Custodian	(C)	(1)	1
Parking Clerk	(NC)	(1)	1
SERVICE DEPARTMENT			
Service Director	(NC)	(1)	7
Deputy Director	(C)	(1)	6
Environmental Specialist	(C)	(1)	5
Administrative Assistant III	(NC)	(1)	4
Custodian	(NC)	(1)	1
ENGINEERING Division			
City Engineer	(C)	(1)	6
Engineer	(C)	(1)*	6
*authorized - not budgeted			
Engineer-in-training (EIT)	(C)	(1)	5
Engineering Aide	(C)	(1)	4
STREETS AND MAINTENANCE DIVISION			
Streets and Maintenance Manager	(C)	(1)	6
Equipment Mechanic	(C)	(2)*	5
*authorized for two-budgeted for one			
Parks Maintenance Supervisor	(C)	(1)	5
Administrative Assistant I	(C)	(1)	3
Service Workers	(C/NC)	(10)	
WASTEWATER DIVISION			
Collection			
Wastewater Collection Manager	(C)	(1)	6
Service Workers	(C/NC)	(4)	

Plant

Wastewater Plant Manager	(C)	(1)	6
WWTP Laboratory Technician	(C)	(1)	3
Plant Mechanic II	(C)	(1)	4
Plant Mechanic I	(C)	(1)	3
Service Worker I	(NC)	(1)	1
WWTP Operators	(C)	(3)	

WATER DIVISION

Distribution

Water Distribution Manager	(C)	(1)	6
Service Workers	(C)	(4)	

Plant

Water Plant Manager	(C)	(1)	6
Utility Maintenance Technician	(C)	(1)	2
Utility Meter Reader	(NC)	(1)	1
Water Plant Operators	(C)	(2)	

TOTAL Full-Time Authorized Strength: 122

RESOLUTION NO. ______

A RESOLUTION SUPPORTING MIAMI UNIVERSITY'S LEASED SPACE INITIATIVE AND ENCOURAGING AND REQUESTING MIAMI UNIVERSITY TO LOCATE THE CENTER WITHIN THE CITY OF OXFORD.

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

SECTION 1: The City of Oxford supports Miami University's leased space initiative for the purpose of housing certain research and support functions including an information technology data center, an electron microscope facility, and associated office space.

SECTION 2: Council believes the location of Miami University's leased space initiative in the City of Oxford will benefit the City of Oxford and the community at large.

SECTION 3: Council supports and encourages the location of the facility within the City of Oxford and pledges the City's support to Miami University and asks the University to take all steps necessary to locate the facility within the City of Oxford.

SECTION 4: 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

City Manager
Originating Department

Council Meeting Of: February 5, 2008

Doug Elliott
Prepared By

Account Code No. #:

Budgeted Amount:

February 1, 2008
Date Prepared

Agenda Title:	**Chamber of Commerce 2008 Wine Tasting Event in the Uptown Parks**

Recommendation: Approve

Discussion:

In December of 2007, several board members of the Oxford Chamber of Commerce approached the city about a wine tasting event. Originally, they requested to hold the event in the Oxford Community Park. Later, it was decided that the event should be held in the uptown area to showcase our uptown and to benefit local businesses. The Chamber considered the Oxford Community Arts site, however, found that a wedding reception was scheduled that same weekend. The Chamber then approached the city about holding the wine tasting event in the uptown parks.

I am recommending to the City Council that the city permit the Oxford Chamber of Commerce to hold a wine tasting event on June 27 and 28th (a Friday and Saturday) in the uptown parks. Attached is a resolution authorizing the city manager to grant this permit to the Chamber of Commerce, in which I am recommending Council pass. The Oxford Chamber of Commerce represents over 200 businesses and 27 restaurants in the city. The Oxford Chamber of Commerce and the Ohio Wine Producers Association will sponsor the event. They would obtain an F-4 State of Ohio Liquor Permit (which permits serving wine by the glass and bottles of wine for sale). The area where wine is served would be restricted and would require the purchase of a ticket and possession of a wristband. The association would carry general liability insurance coverage and an additional liquor liability policy. In addition, each winery would also be required to provide a $1 million liability policy. In North East Ohio there is a Vintage Ohio event held in a Lake MetroParks park (Farm Park) in Kirtland, Ohio. This event has grown to attract 35,000 people and is featured each year in USA Today as a premiere event. (Their web site is www.visitvintageohio.com). This event will focus on Ohio wine, music, and art. The Chamber is planning to hold this same event on the Oxford Community Arts site next year and thereafter.

Approved By:

	Initial Date
Department Head:	\
City Attorney:	\
City Manager:	DCE 2/1/08