CITY OF OXFORD

HOME OF MIAMI UNIVERSITY

AGENDA

OXFORD CITY COUNCIL

COURT HOUSE

TUESDAY, MARCH 18, 2008

EXECUTIVE SESSION
7:15 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 <u>not</u> 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 <u>five</u> 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. Presentation – Animal Friends Humane Society – Leland Gordon

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 26, 2008 City Council Special Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

B. Minutes of the March 4, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council and Janice Grill)

C. Minutes of the March 6, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

D. Report regarding the February 27, 2008 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

E. Report regarding the March 5, 2008 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

F. A Resolution authorizing the City Manager to waive the fees adopted in the Fee Ordinance for the street closings for the Visitors and Convention Bureau for the 2008 Annual Summer Music Festival. (Doug Elliott, City Manager)

5. Resolutions.

   A. A Resolution authorizing the City Manager to enter into an agreement to settle Case No. 2006-01-0139 and Case No. 2006-01-0141, and to deposit additional funds in the amount of $ ______ with the Butler County Clerk of Courts in connection with that settlement. (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. None.

   B. Second Reading.

      1. An Ordinance Accepting The Annexation Petition Submitted By Annabelle And Harry Paulin For 54.577 Acres Of Land Abutting Fairfield And Contreras Roads, In The Township Of Oxford, Ohio And Accepting Said Territory To Be Annexed. (Jung-Han Chen, Community Development Director)

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.)

Fri	Mar	21	Community Improvement Corporation 12:00 p.m. LCNB 2nd Floor Meeting Room
Wed	Mar	26	Environmental Commission Meeting 7:00 p.m. Municipal Building 2nd Floor Conference Room
Wed	Mar	26	Civil Service Commission Meeting 7:30 p.m.
Tues	Apr	01	City Council Meeting 7:30 p.m.
Wed	Apr	02	Historic and Architectural Preservation Commission Meeting 7:30 p.m.
Thur	Apr	03	Planning Commission Work Session 6:00 p.m.
Tues	Apr	08	Planning Commission Meeting 7:30 p.m.
Thur	Apr	10	Police Advisory Board Meeting 7:00 p.m. Senior Citizens Center
Tues	Apr	15	City Council Meeting 7:30 p.m.
Wed	Apr	16	Board of Zoning Appeals Meeting 7:30 p.m.
Thur	Apr	17	Recreation Board Meeting 4:00 p.m. Senior Citizens Center
Fri	Apr	18	Community Improvement Corporation Meeting 12:00 p.m. LCNB 2nd Floor Community Room
Mon	Apr	21	Housing Advisory Commission 7:00 p.m. Municipal Building 2nd Floor Conference Room
Wed	Apr	23	Environmental Commission Meeting 7:00 p.m. Municipal Building 2nd Floor Conference Room
Wed	Apr	23	Civil Service Commission Meeting 7:30 p.m.

8. Adjourn

9. Work Session – Family Aquatic Center

10. Call to order

11. Approval of Agenda

12. Adjourn

A Special Meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, February 26, 2008 at 7:00 P.M. Those Council members present were Ken Bogard, Alysia Fischer, Kate Currie and Greig Rutherford.

Staff members present were Doug Elliott, City Manager and Steve McHugh, Law Director.

APPROVAL OF AGENDA

Mr. Bogard moved to approve the agenda. Ms. Currie seconded. The motion passed 5-0-0.

ADJOURN TO EXECUTIVE SESSION

Ms. Fischer moved to adjourn to executive session at 7:04 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (1) Personnel – Finance Director employment and (3) Pending litigation. Ms. Currie seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Bogard moved to return from Executive Session at 8:30 p.m. Ms. Fischer seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

ADJOURN

Mr. Bogard moved to adjourn at 8:32 p.m. Ms. Fischer seconded. The motion passed 7-0-0.

A regular meeting of the Oxford City Council was called to order by Vice Mayor Ken Bogard on Tuesday, March 4, 2008 at 7:41 p.m. Those members present were Alysia Fischer, Kate Currie, Richard Keebler, Doug Ross and Greig Rutherford. Mayor Dana arrived at 9:04 p.m.

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; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Deputy Clerk of Council.

ADJOURN TO
EXECUTIVE SESSION

Mr. Keebler moved to adjourn to Executive Session at 7:00 p.m. in accordance with Ohio Revised Code section 121.22 (G) for the purpose of discussing (1) Appointments to Boards and Commissions and (3) Pending litigation. Ms. Currie seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM
EXECUTIVE SESSION

Ms. Fischer moved to return from Executive Session at 7:40 p.m. Ms. Currie seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

FLAG CEREMONY
BOY SCOUT #930

Vice Mayor Bogard recognized Boy Scout Troop 930.

Mr. Rutherford thanked Boy Scout Troop 930 for attending the Council Meeting.
Mr. Rutherford explained Troop 930 was present and working on their Citizenship in the Community merit badge. Mr. Rutherford noted he was a part of Troop 930 for many years personally as a Scout Master. Mr. Rutherford stated boy scouting was alive and well in the City of Oxford.

Mr. Rutherford noted Troop 930 had been in existence for 68 years. Mr. Rutherford commented on the number of Eagle Scouts that have come out of Troop 930. Mr. Rutherford recognized Mr. Todd Dockum. Mr. Rutherford encouraged both the citizens as well as the youth of Oxford to participate in the scouting program. Mr. Rutherford outlined some of the adventures Troop 930 experienced. Mr. Rutherford recognized Mr. Greg Haskins.

APPROVAL OF AGENDA

Ms. Fischer moved to approve the agenda. Ms. Currie seconded. The motion passed 6-0-0.

PUBLIC COMMENTS

Ms. Mary Jo Clark, on behalf of Ms. Connie Elliott, stated that Ms. Elliott had applied for a grant through the Oxford Community Foundation for the Smokey and Tornado Project.

CONSENT AGENDA

Ms. Fischer requested removal of items A. and C.

REPORTS

Report regarding the February 27, 2008 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

Ms. Fischer moved to approve the consent agenda. Ms. Currie seconded. The motion passed 6-0-0.

MINUTES

Minutes of the February 19, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council and Janice Grill).

Ms. Fischer noted it was brought to her attention that part of a paragraph on page 7 of the minutes was missing. Ms. Eaton advised the missing words were 'which served as the basis for the settlement'.

Ms. Fischer moved to amend the minutes to incorporate 'which served as the basis for the settlement' on page 7 of the minutes. Ms. Currie seconded. The motion passed 6-0-0.

Mr. Keebler moved to approve the minutes as amended. Ms. Currie seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION
TRADE PROPERTY

A Resolution No. 4335 declaring certain City property no longer needed for any municipal purpose and authorizing its trade to a federally licensed firearms dealer. (Steve Schwein, Police Chief)

Ms. Fischer referred to page 19 of the agenda where it noted, "the recent Council-authorized purchase of new long guns may enable the Division to eliminate some of the older, less reliable shotguns from our arsenal through trade as well," and requested clarification.

Chief Schwein stated the Police Division would like to eliminate some of the older shotguns that were worn. Chief Schwein noted some of the guns were 20 or 25 years old.

Ms. Fischer moved to adopt Resolution No. 4335. Mr. Rutherford seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

RESOLUTION

RESOLUTION
ANNEXATION PETITION

A Resolution No. 4336 accepting the Annexation Petition for 40.113 acres of land on Kehr Road owned by Bill D. Colwell in the Township of Oxford, Ohio; consenting to said annexation; and adopting a statement of services the City of Oxford will provide to the proposed territory to be annexed to the City of Oxford, pursuant to a petition filed with the Board of Commissioners of Butler County, Ohio, by Jill R. McGrail, Esq. agent for the petitioner, Bill D. Colwell. (Jung-Han Chen, Community Development Director)

Mr. Chen stated the site was directly south of the Silverleaf subdivision along Kehr Road.
Mr. Chen noted the owner would like to annex 40 plus acres into the City and explained part of the 40 acres had been identified for an affordable housing project.

Mr. Chen stated there was municipal service to the Silverleaf subdivision which could be readily extended to the site.

Mr. Chen recognized representatives from Miller Valentine and the Neighborhood Housing Service regarding the affordable housing project who were in attendance should there be any questions or comments.

Mr. Sam Fitton, 6025 Booth Road, noted his support for affordable housing. Mr. Fitton commented on his involvement with the Oxford Township planning group, and noted their goal of having a diverse populace, but not in single enclaves. Mr. Fitton encouraged communication between the City and the Township.

Mr. Chen noted this was the initial step in the process for annexation and noted the affordable housing project would consist of approximately 40 units, which would not be considered a high concentration.

Mr. Larry Frimerman, Oxford Township Trustee, 292 Ryan Drive, asked if there had been any discussion at the Council level regarding the zoning of properties annexed into the City, and whether the properties would maintain their pre-annexed zoning designation.

Ms. Fischer noted the City did not have an agricultural zoning designation. Ms. Fischer stated the Planning Commission was reviewing the idea of adding an agricultural zoning designation so that properties annexed in could retain the same designation.

Mr. Rutherford asked Mr. Chen to address the zoning designation issues with regard to planning.

Mr. Chen explained this new annexed territory, should it be approved, would most logically be zoned R1B just as the Silverleaf subdivision was. Mr. Chen noted the goal for consistent density with adjoining properties. Mr. Chen stated the Silverleaf subdivision had a bike path easement dedicated.

Mr. Rutherford asked if an annexation agreement would be written prior to the annexation of the property.

Mr. McHugh stated that while there was not an agreement presently, he would recommend that one be negotiated before Council's final request for approval.

Mr. Rutherford asked if the proposed Resolution constituted the acceptance of the petition.

Mr. McHugh stated this was a statutory requirement in order for the County Commissioners to hold a hearing on the annexation. Mr. McHugh explained following their hearing, it would come back to Council. Mr. McHugh stated Council would have a specified period of time to decide whether to accept it.

Mr. Chen noted the Planning Commission and Council had determined there would be an annexation agreement for any newly annexed territory.

Mr. Frimerman suggested a review of the comprehensive plans, and the goals and needs of both the Township and the City regarding the greatest benefits concerning the annexation of property.

Ms. Currie noted her support for the annexation and the affordable housing project.

Ms. Currie moved to adopt Resolution No. 4336. Mr. Keebler seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
FIRST READING

ORDINANCE
ANNEXATION

An Ordinance Accepting The Annexation Petition Submitted By Annabelle And Harry Paulin For 54.577 Acres Of Land Abutting Fairfield And Contreras Roads, In The Township Of Oxford, Ohio And Accepting Said Territory To Be Annexed. (Jung-Han Chen, Community Development Director)

Mr. Chen noted this annexation petition began in 2006, and in 2007 Council approved the annexation agreement between the City and the property owner. Mr. Chen stated this was the last step in the process where the County Commissioners granted the annexation, and the City can now accept it if they choose. Mr. Chen offered to address any comments or questions.

Mr. Alan Kyger, 6461 Contreras Road, inquired if this included the road frontage on Contreras and Fairfield Roads and Mr. Chen advised yes.

Ms. Fischer referred to page 45 of the agenda, items five and seven, and asked what costs would be involved for those projects. Ms. Fischer noted the cost to connect to the existing nearest municipal water service to the property would be the City's responsibility.

Mr. Dreisbach stated water was in close proximity and the cost would be minimal.

Ms. Fischer asked if the same was true for sewer as referenced in number seven.

Mr. Dreisbach noted the sewer would be slightly more expensive than water, but in general terms, it would not be a significant project.

Ms. Fischer asked for an estimated cost and Mr. Dreisbach advised he would provide that information at the next meeting.

Vice Mayor Bogard asked if there was specific history surrounding this property.

Mr. Dreisbach noted there was a 16-inch main running through the property, and without the annexation agreement, there would be no service to the Community Park.

Ms. Fischer referred to numbers six and eight on page 45 and requested "forth percent" be changed to "forty percent."

Mr. Rutherford referred to item number 12 on page 46 regarding a detailed storm water plan and asked for clarification.

Mr. Dreisbach noted the same standards and specifications would have to be met that were in the City's storm water management plan.

Mr. Rutherford referred to the water line that was installed adjacent to the Knolls of Oxford and asked if it was a high-pressure water line.

Mr. Dreisbach noted it was a 16-inch ductile iron water main.

Mr. Rutherford referred to number 19 on page 46 and the reference to a contract dated August 26, 1998.

Mr. Dreisbach noted there was a development agreement signed by the owners and the City in exchange for granting the City an easement for the water main.

Mr. Ross referred to page 46, item number 15, and noted his approval of the dedicated bike path on the property.

ORDINANCES
SECOND READING

ORDINANCE
NEW SECTION 1143.10

An Ordinance No. 2996 Repealing Zoning Code Section 1143.10, Uptown District And Adopting New Section 1143.10, Uptown District. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the changes Council made at the last meeting. Mr. Chen noted the major changes; referring to (2) Conditional uses on page 56, the .0.7 to one ratio on page 59 as well as areas for public infrastructure.

Mr. Keebler referred to page 55, permitted uses, and suggested the wording be changed to reflect the dwelling types as defined in Section 1159.05. Mr. Keebler stated definitions were being redefined in new ordinances without going back to change the existing definitions.

Mr. Rutherford clarified with the code as written, even with the passage of Issue 20, the maximum was a three-family unit because under residential it specified three-family.

Mr. Keebler suggested 1D. would then be an exact duplication and could be eliminated.

Ms. Fischer expressed concern that a sorority or fraternity house might be considered residential.

Mr. Keebler stated the definition of a dwelling unit would not apply to a sorority or fraternity.

Mr. Keebler referred to Conditional uses, Other uses, 1. and suggested "single-family, two-family and three-family dwelling on the first floor or basement" be changed to "any combination of residential dwelling sites as defined in Chapter 1159 definitions, 1159.05, number eight, dwelling type located on the first floor or basement."

Mr. Keebler referred to gross floor area ratio, and noted the maximum permitted gross floor area ratio for a structure shall be three. Mr. Keebler stated in the definitions, gross floor area ratio included the basement. Mr. Keebler noted the basement was specifically excluded under minimum. Mr. Keebler suggested changing B. to Floor Area Ratio, the maximum permitted floor area ratio at or above grade for a structure in the Uptown District shall be three. Mr. Keebler stated he felt the original intent was that the building that stands above the ground be not more than three times the lot size, not including the basement.

Mr. Keebler referred to a., commercial space, and noted commercial space was not defined nor used previously in the ordinance. Mr. Keebler suggested using the terms retail services or personal or professional services as previously utilized.

Mr. Keebler offered to combine the above-referenced changes into an amendment.

Ms. Fischer asked for clarification from Mr. McHugh regarding fraternity and sorority houses.

Mr. McHugh suggested a specific exclusion for fraternity and sorority houses.

Mr. Rutherford read the definition of a fraternity or sorority house into the record.

Mr. Keebler noted it could not be a mixed-use building.

Mr. Keebler suggested wherever the phrase "Single-Family, Two-Family, and Three-Family Dwelling on the second floor or higher" occurred it should be replaced with " Residential, including any combination of residential dwelling types as defined in Chapter 1159 definitions, 1159.05, number eight, dwelling type, and located on the second floor or higher."

Mr. Keebler moved the above-referenced amendments be incorporated into the Ordinance as suggested. Mr. Ross seconded. The motion passed 6-0-0.

Mr. Rutherford referred to Conditional Uses, item number five, and requested "ration" be changed to "ratio."

Mr. Rutherford addressed the above-grade floor area ratio of three to one, and noted if a commercial owner chose to have two floors of commercial, they would only be allowed one floor of residential.

Mr. McHugh referred to page 59, where commercial space was changed and asked if it should be changed on page 56 under conditional uses, item five, as well for the sake of consistency.

Mr. Keebler suggested that should just read retail services.

Mr. Rutherford concurred, and asked if it should also be included under B., Personal and public services.

Mr. Keebler stated there should be added a number seven under B., reading Personal and public services which did not provide a minimum ratio of .7 to 1 of the lot area.

Mr. Keebler moved to incorporate the above-referenced changes into the Ordinance. Ms. Fischer seconded. The motion passed 6-0-0.

Mr. Ross asked either Mr. Rutherford or Mr. Webb if the proposed Ordinance made it easier to redevelop property in the Uptown area.

Mr. Rutherford stated he believed it was moving in the right direction, while other things still needed to be considered. Mr. Rutherford noted he appreciated clear and precise terminology.

Mr. Scott Webb, 6425 Contreras, noted he was trying to apply this to a building he was currently working on Uptown and compared it to what could have been done under Issue 20. Mr. Webb noted he felt the overall three to one limit could be troublesome. Mr. Webb encouraged the passage of this Ordinance, along with further study.

Mr. Ross moved to adopt Ordinance No. 2996 as amended. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: Mr. Rutherford (1)

ORDINANCE
NEW CHAPTER 143

An Ordinance No. 2997 Repealing Current Chapter 143 Of The Oxford Code Of Ordinances, Civil Rights; Community Relations Commission, And Replacing It With New Chapter 143 Of The Oxford Code Of Ordinances, Civil Rights; Community Relations Commission; Adding Sexual Orientation, Sex, Gender Identity, Disability, Age, Pregnancy And Veteran Status. (Doug Elliott, City Manager)

Vice Mayor Bogard invited a motion to accept the substitute Ordinance before Council as presented.

Ms. Fischer moved to substitute the proposed Ordinance as presented. Mr. Rutherford seconded. The motion passed 6-0-0.

Mr. Elliott explained at the last Council meeting, during the first reading concerning amendments to Chapter 143 of the codified ordinances dealing with civil rights, he informed Council he would provide a substitute ordinance to not only include sexual orientation, but sex, disability, age, gender identity, pregnancy and veteran status as prohibited discriminatory practices.

Mr. Ross referred to page 66, section one, and asked for a prohibition of discrimination based upon obesity.

Ms. Currie suggested the use of the word "size" as opposed to "obesity."

Vice Mayor Bogard noted the State of Michigan used the word "weight" in their employment restrictions.

Ms. Currie noted size would encompass stature as well.

Mr. Keebler asked for clarification regarding what defined obese.

Ms. Fischer noted if a decision were made based on someone's weight it would be considered an unacceptable discriminatory practice.

Mr. Keebler expressed concern that the list could become never ending.

Mr. Elliott noted he brought the sexual orientation provision to Council based upon a meeting he had with a group of students and University leaders. Mr. Elliott stated that while he was not opposed to any additions Council was considering, these specific concerns had not been brought to his attention. Mr. Elliott encouraged the message of a tolerant, caring and inclusive community.

Ms. Fischer noted the current Community Relations Commission heard concerns based on what was currently written. Ms. Fischer noted her strong support for the Ordinance as substituted.

Mr. Elliott concurred that the civil rights section needed to be updated.

Ms. Currie suggested changing the word "size" to "height and weight."

Mr. Ross moved to amend the Ordinance to include the word "size" following pregnancy. Ms. Currie seconded.

Mr. Ross withdrew his motion and Ms. Currie withdrew her second.

Mr. Ross moved to amend the Ordinance to include the words "height and weight" in Sections 1 and 2 in the main body, as well as Attachment A. Ms. Currie seconded. The motion passed 5-1-0 with Mr. Keebler voting nay.

Vice Mayor Bogard invited public comments.

Ms. Kristen Vliet, 350 Western Drive, thanked Mr. Elliott and Ms. Bobbe Burke for their efforts in bringing this Ordinance forward. Ms. Vliet stated as a gay student at Miami, she avoided going Uptown to certain establishments out of fear as did many of her friends. Ms. Vliet noted she was the President of Spectrum. Ms. Vliet noted she was from a small town in Maryland much like Oxford and emphasized the importance of such an Ordinance to community members.

Ms. Leslie Morrow, concurred with Ms. Vliet and thanked Mr. Elliott and Ms. Bobbe Burke as well as other members of the Miami and Oxford communities for their efforts. Ms. Morrow stated this would send an important message to community members, but would not totally resolve many issues faced by students and faculty.

Mr. Rutherford addressed Scout Troop 930 and noted their first responsibility as citizens was to accept other citizens in the community without prejudice. Mr. Rutherford stated prejudice was referred to as bigotry. Mr. Rutherford noted our nation was founded on flight from bigotry.

Mr. Keebler voiced concerns regarding unintended consequences on matters such as housing limited to the over 55 population. Mr. Keebler also noted unforeseen consequences regarding employment in establishments that served alcohol. Mr. Keebler noted many employers offered veteran preference in employment situations.

Mr. Elliott noted Oxford was a charter community and under the Ohio Constitution, municipalities had the powers of self-government, with limitations. Mr. Elliott noted there were federal provisions to allow senior housing. Mr. Elliott stated there were federal and state laws dealing specifically with employment practices as well.

Mr. McHugh noted there were provisions within the Civil Service Rule to provide a benefit for veterans.

Ms. Fischer referred to page 68 and suggested expanding the scope of the Community Relations Commission from five members to seven members.

Ms. Fischer moved to adopt Ordinance No. 2997 as amended. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ross, Mr. Bogard, Ms. Fischer, Mr. Keebler, Ms. Currie, Mr. Rutherford, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

APPOINTMENTS TO BOARDS AND COMMISSIONS

UPTOWN REVITALIZATION COMMITTEE

Vice Mayor Bogard noted there was a slot open on the committee for a land use attorney.

Mr. Rutherford asked if the committee could go ahead and meet before the appointment of the ninth member.

Mr. McHugh noted five members would be a quorum and the committee could meet.

Ms. Fischer emphasized the importance of bringing forth recommendations in a timely fashion.

Ms. Fischer moved to nominate for the Uptown Revitalization Committee as City Council Member, Dick Keebler; Planning Commission Member, Paul Brady; HAPC Member, Kim Peterka; property owner, Alan Kyger; Uptown business owner, Doug Fey; Architect, Scott Webb; member at large, Ted Wong; and Miami University student, Scott Ulrich. Ms. Currie seconded. The motion passed 7-0-0.

SETTLEMENT

Mr. Ross moved to authorize settlement of the administrative appeal filed by Amy Clawson, authorizing the City Manager and Law Director to accept the offer of settlement from Mrs. Clawson on receipt of payment of $500 by the Appellant, Mrs. Clawson, and further authorize the issuance of all permits to allow the construction of Mrs. Clawson's accessory building. Ms. Currie seconded. The motion passed 7-0-0.

ANNOUNCMENTS

Mr. Elliott thanked Council for adopting the new civil rights ordinance.

Mr. Elliott noted the upcoming work session Thursday at seven p.m. at the courthouse regarding the financing for capital improvements, as well as discussion concerning the pool project.

Ms. Fischer noted she received two unsigned letters. Ms. Fischer requested that future letters be signed so that the appropriate response could be supplied.

Ms. Fischer stated there was a concern regarding the reliability of Council meetings being aired on the public access station. Ms. Fischer noted that with the new system (Granicus), access would be available via the Internet. Ms. Fischer stated even with the new system, there were citizens who wanted to watch it on the public access station and were concerned about it.

Ms. Fischer referred to comments regarding the upcoming wine tasting. Ms. Fischer stated she did not vote in favor of the wine tasting, which was clarified in the newspaper after a previous inaccurate story.

Ms. Fischer referred to the number of complaints she had heard regarding clearing sidewalks of ice and snow. Ms. Fischer encouraged further review regarding enforcement of the ordinance.

Mr. Ross noted while in the Cayman Islands, he attended meetings concerning their newly proposed constitution as well as immigration. Mr. Ross noted before every government meeting, there was a general prayer to God and their Lord Jesus Christ, but specific to whatever was to be discussed. Mr. Ross noted food was also served at every government meeting. Mr. Ross noted their comp plan meeting attendance was poorer than Oxford's. Mr. Ross noted discrimination was worldwide. Mr. Ross noted the people in the Caymans would love to have the Oxford Police Department. Mr. Ross stated it was good to be back.

Mr. Rutherford thanked the Boy Scouts for their attendance and encouraged their parents to view the archived streaming of the meeting.

Mayor Dana thanked Vice Mayor Bogard for filling in the past two meetings.

Mayor Dana noted a work session scheduled for April 17.

Mayor Dana noted the Community Choices meeting scheduled for Monday, March 10 at seven o'clock p.m. at the Talwanda Middle School.

Vice Mayor Bogard noted the next Council meeting would be held March 18th at 7:30 p.m.

ADJOURN

Ms. Currie moved to adjourn at 9:20 p.m. Ms. Fischer seconded. The motion passed 7-0-0.

A work session of the Oxford City Council was called to order by Mayor Prue Dana on Thursday, March 6, 2008 at 7:00 P.M. Those Council members present were, Ken Bogard, Doug Ross, Alysia Fischer, Kate Currie, and Richard Keebler. Greig Rutherford was excused.

Staff members present: Doug Elliott, City Manager; Mike Dreisbach, Service Director; Steve Schwein, Police Chief; Heidi Hill, Acting, Finance Director; Gail Brahier, Parks and Recreation Director; and Mary Ann Eaton, Deputy Clerk of Council.

APPROVAL OF AGENDA

Mr. Bogard moved approval of the Agenda. Ms. Fischer seconded. The motion carried 6-0-0.

The purpose of the Work Session was to review updated capital financing information for the City of Oxford Family Aquatic Center and Municipal Facilities projects.

MUNICIPAL FACILITIES

Mayor Dana opened the meeting by discussing the 6 Hat Method of Thinking and suggested Council use this methodology as a guide during the Work Session discussion.

Mr. Elliott discussed the two major projects facing the City which included new Municipal Facilities and an Aquatic Center. Mr. Elliott reviewed the maintenance of the City's financial condition and two capital financing options for the projects. Option #2 included two projects consisting of the Aquatic Center in 2009, and City Hall renovations, and a Police and court building in 2010. Option #1 included one project consisting of a Police and Court facility and renovations to City Hall.

After discussion the consensus of Council was to proceed with option #1 and make repairs to the existing pool.

Discussion also included the possibility of fund raisers to assist with the cost of an aquatic center and the possibility of private/public funding for the project.

It was noted that the location for the aquatic center needed to be decided soon (current site or the Community Park) to gain support for the funding.

ADJOURNMENT

Ms. Fischer moved to adjourn at 9:15 p.m. Ms. Currie seconded. The motion carried 6-0-0.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: March 18, 2008

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

David Treleaven
Prepared By

March 3, 2008
Date Prepared

Agenda Title:	Environmental Commission Meeting of February 27, 2008

Recommendation:	For Review and Consideration

Discussion:

Environmental Commission members present at the February 27, 2008 meeting were: Secretary, Ms. Heidi Schran; Mr. John Obrycki; and Mr. Charlie Ford. Miami University journalism students, Ms. McKenna Lovelace and Mr. Andy Fielding were also in attendance. Mr. David Treleaven was present as Staff Liaison. Vice-Chair Ms. Gisela Bahr and Mr. Marvin Hurston, the Planning Commission Representative, were excused.

Proclamations for Earth Day, April 22, 2008, and Arbor Day, April 25, 2008 were reviewed and approved for submittal to the City Council. Staff shall keep the Commissioners informed of the planned activities for these events as they are known.

As a quorum was not present for this Commission meeting, no discussion was held regarding an environmental review policy inclusion in the revised Comprehensive Plan. Commissioners were reminded of the Comprehensive Plan's public participation meeting scheduled for the evening Monday, March 10, 2008 at the Talawanda Middle School.

Staff summarized a recycling forum hosted by the League of Women Voters during the evening of Tuesday, February 27, 2008. Representatives from Miami University, Oxford, and the Butler County Department of Environmnetal Services (BCDES) presented brief summaries of their recycling efforts. For 2008, the BCDES has instituted graduated rates for their residential recycling incentive reimbursement to political subdivisions, with an increasing per tonnage reimbursement based upon the area's residential recycling rate. The new residential incentive rates range between $7/ton and $27/ton (0-5% and 20.1-25% recycling rates, respectively). Oxford's residential recycling rate during 2007 was approximately 15.48%, which would have received a $22/ton reimbursement under the new incentive rate system.

The Commission adjourned at 8:05 p.m. The next Commission meeting is tentatively scheduled for Wednesday, March 26, 2008 at 7:00 p.m.

Approved By:

	Initial	Date
Department Head:	NBD	3/4/08
City Attorney:		
City Manager:	DRE	3/14/08

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: March 18, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

March 6, 2008
Date Prepared

Agenda Title: **HAPC Meeting Report – March 5, 2008**

DISCUSSION:

Request for Review:
HAPC-02-2008 201 W. Church Street to allow for new construction of a single family home in the RO (Office Residential) District, **Melissa Friede, Applicant**

The Applicant requested a COA to build a new two-story, single family dwelling. The house will have asphalt shingles, and a mix of vinyl shake siding, 3" lap vinyl siding and 6" lap vinyl siding on the front façade. The rear and western façades will also carry over the 3" lap vinyl siding and 6" lap vinyl siding. Vinyl lintels are proposed on the first story above the double hung windows. The Applicant is also proposing a covered patio to the east supported with Doric-like columns.

The Commission and Applicant discussed the possibilities of other materials instead of all vinyl. Many members expressed that if vinyl was provided they preferred it replicate a wood material with wood grains in it. The Commission also requested that additional windows be provided on the western façade and that a decorative pediment be provided over the doorway.

HAPC voted 7-0-0 to approve Case HAPC-02-2008 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 3" and 6" lap siding materials, are consistent on the west and rear elevations.
3. That, final details of the building are presented to the HAPC.
4. That, additional windows are provided on the western side of the building.
5. That, a decorative pediment be provided over the front door.

Announcements:
Mr. Smith and Henderson shared articles about the Township House relocation featured in the CHAPS Newsletter as well as the Oxford Museum Association Newsletter.

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.

New Business:
Ms. Dana shared with the Commission that Ms. Bobbe Burke and Off-Campus Affairs wants to provide tenants who are located in the Mile Square with information about the history of the house in which they live. The hope is that students will have a better appreciation for their housing.

Ms. Dale announced that definitions for preservation, restoration, reconstruction and rehabilitation were not included in the HAPC regulations and that she had included them for City Council to review and consider whenever a work session might be scheduled. She indicated that those terms are used throughout the regulations and should be clarified in the definition section. The Commission agreed.

Ms. Dale asked the Commission their position about banners Uptown and explained there was a conflict between the Zoning Code and HAPC Guidelines. Two members voiced they did not feel it appropriate to have banners Uptown. Ms. Kay suggested they possibly review the Guidelines, have a discussion next month about alternative language and possibly recommend to the Planning Commission and City Council to look at the Zoning requirements also. Ms. Dale shared the HAPC guidelines do not permit banners and sandwich board signs, but the zoning code does. She explained they would need to discuss this and vote if they thought the guidelines should be changed to coordinate with the Zoning Code.

Old Business:

Historic District Brochure

Ms. Henderson shared copies of the brochure and said a few minor changes needed made before sharing with City Council. Mr. Lloyd suggested that some of the *Benefits* identified be rearranged so as to catch a business or property owner's attention better on how Historic Preservation could potentially be a financial benefit. Ms. Dale stated she thought the bullet point that discussed an award recognition program should be worded so it is clear that this type of program is not yet in place but is being worked on. Ms. Dale also shared her concern with the Commission that the *Goals* section does not identify goals established by City Council. Ms. Dale suggested that it could be named *Goals*, but should really list the duties assigned by City Council to this Commission. The Commission decided to make the minor revisions and have the brochure ready to present to City Council in late April/early May and let them decide if they approve of the *Goals*. In regards to the award recognition program, the Commission agreed to review language and function of such a program at next months meeting and have ready to present to City Council in conjunction with the brochure.

Administrative Findings/Approvals:

Ms. Dale shared that LaBodega had not turned in any information since the last meeting. She stated she would contact them one more time and if they still refuse to turn in the required information then she would have no choice but to send them a citation. Mr. Smith and Ms. Dana indicated that they too would try to make an attempt to contact them.

Ms. Dale shared that the flower shop on W. Park Place and the You're Fired would be receiving letters regarding signage that had gone up without approval.

Other Business:

Ms. Smith indicated he would be conducting a Toby House inventory with Valerie Elliott this spring.

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

The next regular HAPC meeting is scheduled for April 2, 2008.

Approved By:		**Initial**	**Date**
	Department Head:	JHC	3/7/08
	City Attorney:		
	City Manager:	DCE	3/14/08

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Manager
Originating Department

Council Meeting Of: March 18, 2008

Mary Ann Eaton
Prepared By

Account Code No. #:

Budgeted Amount:

March 4, 2008
Date Prepared

Agenda Title: **Resolution authorizing the City Manager to waive the fees adopted in the Fee Ordinance for the street closings for the Visitors and Convention Bureau for the 2008 annual Summer Music Festival.**

Recommendation: **Approve**

Discussion:

This is a request for a waiver of the fee schedule for the Summer Music Festival.

Approved By:

	Initial	Date
Department Head:	\	
City Attorney:	\	
City Manager:	DZE \	3/14/08

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE THE FEES ADOPTED IN THE FEE ORDINANCE FOR THE STREET CLOSINGS FOR THE VISITORS AND CONVENTION BUREAU FOR THE 2008 ANNUAL SUMMER MUSIC FESTIVAL.

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

SECTION 1: The Visitors and Convention Bureau has requested Council to waive fees for the street closings for the 2008 Annual Summer Music Festival.

SECTION 2: Council having considered the request hereby determines that the 2008 Annual Summer Music Festival is a benefit to the entire community and that the waiving of the fees for the street closings would be in the best interest of the community, and authorizes the City Manager to waive the fees for the street closings for the 2008 Annual Summer Music Festival.

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)

Oxford ohio
visitors&convention
BUREAU

DATE: February 27, 2008

TO: Oxford City Council

FROM: Diana Durr, Executive Director

RE: Request for Waiver of Street Closure Fees
2008 Oxford Summer Music Festival Concert Series

On behalf of the Oxford Visitors and Convention Bureau, we would like to request the waiver of the Street Closure Fees for the 2008 Oxford Summer Music Festival Concert Series in the amount of $1,100.00.

30 W. Park Place, Second Floor · Oxford, Ohio 45056
Phone: (513) 523-8687 Fax: (513) 523-2927
info@enjoyoxford.org ~ www.enjoyoxford.org

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: March 18, 2008

Account Code #: 141.720.51443

Budgeted Amount: $1,881,000

Service
Originating Department

Michael Dreisbach
Prepared By

March 14, 2008
Date Prepared

Agenda Title: Settlement of Right of Way Acquisition Cases

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. 59, 5242 College Corner Pike, owned by William & Gladys Phillips, 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. The settlement hinges upon Council approval of Parcel No. 61 as well as described in the attached settlement agreement.

Parcel No. 61, 5252 College Corner Pike, owned by J.R.J. Investment Co., L.L.C., has also agreed to the proposed settlement as described in the attached agreement, and will settle their case in the same agreement as the Phillips.

The City has already deposited funds with the Butler County Clerk of Courts in the following amounts:

Parcel No. 59	$38,376.00
Parcel No. 61	$ 8,887.00

The Settlement Agreement describes in detail all aspects of the settlement including payments and a commitment for certain improvements to the properties to enhance parking and the construction of a small concrete pad for a waste container.

This joint settlement resolves two cases at a considerable savings to the City treasury. Funds to settle these parcels have been appropriated and are available to settle this matter. It is Staff's recommendation that Council authorize the City Manager to settle these cases, deposit the required additional funds with the Butler County Clerk of Courts, and authorize other work as described in the Agreement. Should the Council approve this settlement, only three cases remain to be resolved for Phase II of the project.

Approved By:

	Initial	Date
Department Head:	HBD	3/14/08
City Manager:	DRE	3/14/08

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO SETTLE CASE NO. 2006-01-0139 AND CASE NO. 2006-01-0141, AND TO DEPOSIT ADDITIONAL FUNDS IN THE AMOUNT OF $________ WITH THE BUTLER COUNTY CLERK OF COURTS IN CONNECTION WITH THAT SETTLEMENT.

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

SECTION I: Council previously authorized the City Manager and Law Director to enter into settlement negotiations regarding *City of Oxford v. William Phillips*, Butler County Case No. 2006-01-0139 and *City of Oxford v. J.R.J. Investment Co., L.L.C.*, Butler County Case No. 2006-01-0141.

SECTION II: The City Manager and Law Director have reviewed the terms of the settlement negotiated with William Phillips, Gladys Phillips, and J.R.J. Investment Co., L.L.C., which terms shall be in substantially similar form to the attached Exhibit A, and recommend Council authorize the deposit of additional funds in the amount of $__________ with the Butler County Clerk of Courts.

SECTION III: Council has determined that this three way settlement between William Phillips, Gladys Phillips, J.R.J. Investment Co., L.L.C. and the City of Oxford will further the U.S. 27 Roadway Improvement project in an efficient manner and will benefit the citizens of the City of Oxford, and hereby accepts the recommendations of the City Manager and Law Director.

SECTION IV: Council hereby authorizes the deposit of additional funds with the Butler County Clerk of Courts in the amount of $__________, bringing the total settlement with William and Gladys Phillips to the sum of $__________ and with JRJ Investments, LLC, to the sum of $__________.

SECTION V: Council further authorizes the City Manager to sign the settlement agreement on behalf of the City of Oxford and to carry out all steps necessary to process the settlement agreement and the Law Director to take all steps necessary to implement the settlement of the aforementioned cases.

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

____
MAYOR

ADOPTED: ____________________

ATTEST:

____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating
Department

Council Meeting Of: March 4, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

February 21, 2008
Date Prepared

Agenda Title:	**Ordinance Accepting the Annexation Petition from Annabelle and Harry Paulin for 54.577 Acres of Land Bounded by Fairfield and Contreras Road in Oxford Township into the City of Oxford.**

Recommendation: Approval

Discussion:

This legislation is to officially accept the petition filed by Timothy H. Myers, Agent for Petitioners for the subject property to be annexed into the City.

City Council adopted a resolution to accept the annexation request during its December 18, 2007 meeting. Subsequently, the Butler County Commissioners had approved this annexation request.

This is the final step of the annexation process and requires City Council to formally accept the parcel into the City. Staff recommends approval of this legislation.

Approved By:

	Initial	Date
Department Head:	jhc	2/21/08
City Attorney:		
City Manager:	[illegible]	2/29/08

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE ANNEXATION PETITION SUBMITTED BY ANNABELLE AND HARRY PAULIN FOR 54.577 ACRES OF LAND ABUTTING FAIRFIELD AND CONTRERAS ROADS, IN THE TOWNSHIP OF OXFORD, OHIO AND ACCEPTING SAID TERRITORY TO BE ANNEXED.

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

SECTION 1: Annabelle and Harry Paulin filed a petition with the Board of County Commissioners of Butler County, Ohio, to obtain annexation to the City of Oxford, Butler County, Ohio, territories consisting of 54.577 acres of land abutting Fairfield and Contreras Roads, in the Township of Oxford, Ohio. Said petition was filed with the consent of all parties pursuant to Ohio Revised Code Section 709.022.

SECTON 2: By Resolution No. 07-12-2371, adopted December 27, 2007, the Board of County Commissioners did approve the annexation of the proposed territory to the City of Oxford as hereinafter described. Such approval was subject to the terms and conditions contained in the Annexation Agreement, provided for by Ohio Revised Code Section 709.192, attached hereto and incorporated herein as Exhibit "A." The petitioners have conformed they intend to proceed with the terms and conditions set forth in the Annexation Agreement and the Statement of Services Resolution No. 4317 adopted December 18, 2007, attached hereto and incorporated herein as Exhibit "B".

SECTION 3: Through the Clerk of the Board of County Commissioners, Butler County, Ohio, the Board of County Commissioners did certify a transcript of the proceedings in connection with the map and petition required herein to the Clerk of the Oxford City Council who received the same on the 2nd day of January 2008.

SECTION 4: Sixty (60) days from the date of the filing have now elapsed in accordance with the provisions of Ohio Revised Code 709.04.

SECTION 5: The proposed annexation, as applied for in the petition of Annabelle and Harry Paulin being the petitioner and owner of the real estate in the territory sought to be annexed and filed with the Board of County Commissioners, Butler County, Ohio, in which the petition prayed for annexation to the City of Oxford, Ohio, of certain territory adjacent thereto as hereinafter described, and which petition was approved for annexation to the City of Oxford, Ohio, by the Board of County Commissioners is hereby accepted and deemed annexed to the City of Oxford, Ohio. Said annexation shall be subject to all the terms and conditions provided herein and contained within the Annexation Agreement, attached hereto and incorporated herein as Exhibit "A", and the acceptance of public roads and streets, pursuant to Section 1101.06 of the Oxford Code of Ordinances. The territory to be annexed is more particularly described in Exhibits "C" and "D", attached hereto and incorporated herein by reference.

SECTION 6: A certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for annexation and the papers relating to all proceedings heretofore with the County Commissioners, are all on file with the Clerk of the City of Oxford, and have been for more than sixty (60) days.

SECTION 7: The Clerk of the City of Oxford is hereby authorized and directed to make four copies of this ordinance, to each of which shall be attached a copy of the map accompanying this petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners of Butler County, Ohio, related thereto, and certified as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective and the Clerk shall do all other things as required by law.

SECTION 8: 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)

A

ANNEXATION AGREEMENT

This Annexation Agreement is hereby entered into this 26th day of July/2007, by and between the City of Oxford, Ohio, a municipal corporation, hereinafter referred to as "City", and Harry and Anna Belle Paulin, hereinafter referred to as "Owners".

WHEREAS, the Owners own property in Oxford Township (hereinafter referred to as "Property") and have filed the petition to have the Property annexed into the City and to receive municipal services for development purposes, and;

WHEREAS, the City has agreed to make municipal services available to the Property; and,

WHEREAS, the City desires to enter into an annexation agreement to outline the issues and concerns identified by the City to ensure these issues will be addressed appropriately when the Property is developed; and

WHEREAS, the Owners desire to formalize the understanding between parties with respect to the future development of the Property.

NOW, THERFORE, to allow the Property to be annexed into the City and to be able to develop the Property in the future, the City and Owner hereby agree as follows:

1. The Owners have filed an annexation petition requesting that the Property be annexed into the City and the annexation proceeding is pending upon the execution of the Agreement. The Property is consisting of 54.577 acres and more particularly described on Exhibit A attached hereto. The said petition is attached hereinafter as Exhibit B.

2. The City has agreed to take those actions required to annex the Property at the earliest time practical after the execution of this Agreement.

3. The City agrees to accept an application to rezone the Property after the execution of this Agreement and to have the application heard by the Planning Commission at the first available date, even if prior to the completion of the annexation. The application will seek to rezone the Property to R1-B. The rezoning request will be heard by City Council. If the annexation has not yet been completed, Council will review the request to provide an advisory opinion. Council will consider the rezoning application request officially as soon as practical following annexation of the Property to the City.

4. The City has identified engineering issues with respect to the preliminary development concept of the Property as submitted and attached hereinafter, as Exhibit C. These comments are attached hereafter as Exhibit D. Furthermore, a copy of these comments was given to Mr. Timothy Myers, agent of the Owners in December 2006, and January 2007 respectively.

5. The City agrees to make municipal water service available to the Property for future development. The cost to connect to the existing nearest municipal water service to the Property will be the City's responsibility. The installation of said connection to the municipal water service shall conform to the specifications and standards of the City's ordinance and regulations existing at the time municipal water service is installed on the Property. The Owners shall pay for running any laterals or service lines from the tap-in on the property.

6. The Owners shall extend the municipal water line servicing the Property to the west property line to allow the future extension of the municipal water service to the adjoining properties at the earlier of any development of the Owners property that encompasses forth percent (40%) or more of the area of the Property or at the time of a Phase II development.

7. The City also agrees to make municipal sanitary sewer service available to the Property for future development. The cost to connect the property to the municipal sanitary sewer service will be the City's responsibility. The installation of such connection to the municipal sanitary sewer service shall conform to the specifications and standards of the City's Ordinances and regulations as applicable. The Owners shall pay for the cost of extending sanitary lines upon Owner's property once the City gets it to the Property line.

8. The Owners shall extend the sanitary sewer line servicing the Property to the west property line to allow the future extension of the municipal sanitary sewer service to the adjoining properties at the earlier of any development of the Owners property that encompasses forth percent (40%) or more of the area of the Property or at the time of a Phase II development.

9. The Owners shall conduct a traffic impact study for the development of the Property prior to submitting any subdivision request to the Oxford Planning Commission for review. The Owners are responsible for the signalization of the entrance/entrances as determined by the Service Director, based on the traffic impact study for the development of the Property.

10. It is the Owners' responsibility to ensure the drainage easement at the Property serving the adjoining property to the west to be maintained and respected.

11. The Owners agree to dedicate sufficient right-of-way to construct an acceleration/deceleration lane at Fairfield Road and Contreras Road entrances to the Property when the subdivision is proposed. The City Engineer will determine the necessary right-of-way width. All roadway construction in and around the development of the Property shall meet the City of Oxford's specifications and at the Owners expense.

12. The Owners will provide the City Engineer a detailed plan how to handle additional storm water generated from the development for review. The City Engineer shall determine whether the proposed plan to handle additional storm water is satisfactorily meeting the standards and specifications of the City's Ordinances and regulations as applicable and advise the Owners of any deficiencies that need to be corrected prior to approving the proposed storm water-handling plan.

13. If the City fails to rezone the Property as requested here or otherwise agreed by the Owners within ninety (90) days after approval of the annexation (including any applicable mandatory waiting periods), the City agrees to cooperate with the Owner's and de-annex the Property as soon as possible.

14. The Owners shall construct a street built to City standards between Contreras Road and Fairfield Road at the earlier of any development of the Owners property that encompasses forty percent (40%) or more or the area of the Property or at the time of a Phase II development.

15. The Owners are required to dedicate a bike trail/path through this Property to connect Fairfield Road to Contreras Road. The land dedicated for the bike trail/path right of way shall have a minimum width of 20 feet, with the bike trail/path pavement being 10 feet in width. This right of way shall be located on the twenty (20) feet immediately adjacent to the west property line of the Property

16. All utility, roadways and traffic signal must be constructed in conformance to the City of Oxford's specifications.

17. Future development of the Property shall meet the minimum requirements as stipulated in the City of Oxford Planning and Zoning Code and other specifications and of the City's Ordinances and regulations, as the same may be amended.

18. This Agreement is intended to be severable. If part of the Agreement is deemed unenforceable, the remainder shall be enforced to the extent necessary to accomplish the goals of the Owners to develop the Property as requested or to de-annex the Property.

19. The Agreement is intended in part to fulfill City's obligation to provide water and sewer to Owners under a contract between the parties dated August 26, 1998. However, such former contract remains in full force and effect and shall be referred to in the case of any ambiguity in this Agreement or should the planned annexation not proceed or if the Property is de-annexed. At the completion of extending municipal water and sanitary services to the Property, the said contract will be considered fulfilled and nullified.

20. Any modifications to this Agreement shall require the approval of both parties and shall be in writing.

21. This Agreement shall be recorded in the Butler County Recorder's Office and the terms, conditions shall be binding upon the parties herein, and all successors and assigns, and these terms and conditions shall run with the land.

22. This Agreement shall be subject to the law of the State of Ohio. Any causes of action arising out of Agreement shall be heard in a court of competent jurisdiction in Butler County, Ohio. Any provision deemed unenforceable for any reason shall not invalidate the Agreement, the parties intending the Agreement to be interpreted without that provision.

23. This Agreement shall represent the full agreement between the parties and shall supersede any oral or written agreements, commitments or promises made prior to the date of this Agreement.

[Remainder of Page Intentionally Left Blank]

The Parties have signed and executed this Agreement on the date first written above.

CITY OF OXFORD

By: Michael Dreisbach
Mike Dreisbach, Interim, City Manager

OWNER

BY: Harry R. Paulin
Harry Ritter Paulin

By: Anna Belle Paulin
Anna Belle Paulin

STATE OF OHIO :
SS:
County of BUTLER State of Ohio

SWORN TO BEFORE ME and the subscribed in my presence by the said Michael Dreisbach, this 26th day of July, 2007

LEANN HENDRICKS
Notary Public, State of Ohio
My Commission Expires
January 25, 2011

LeAnn Hendricks

STATE OF OHIO :
SS:
County of BUTLER State of Ohio

SWORN TO BEFORE ME and the subscribed in my presence by the said Harry & Anna Paulin, this 26th day of July, 2007

LEANN HENDRICKS
Notary Public, State of Ohio
My Commission Expires
January 25, 2011

LeAnn Hendricks

RESOLUTION NO. 4317

A RESOLUTION ACCEPTING THE ANNEXATION PETITION FROM ANNABELLE AND HARRY PAULIN FOR 54.577 ACRES OF LAND BOUNDED BY FAIRFIELD AND CONTRERAS ROADS, IN THE TOWNSHIP OF OXFORD, OHIO; CONSENTING TO SAID ANNEXATION; AND ADOPTING A STATEMENT OF THE SERVICES THE CITY OF OXFORD WILL PROVIDE TO THE PROPOSED TERRITORY TO BE ANNEXED TO THE CITY OF OXFORD, PURSUANT TO A PETITION FILED WITH THE BOARD OF COMMISSIONERS OF BUTLER COUNTY, OHIO, BY TIMOTHY H. MYERS, AGENT FOR PETITIONERS.

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

SECTION 1: Council, having received the notification of a petition for annexation from Harry and Annabelle Paulin for 54.577 acres of land bounded by Fairfield and Contreras Roads, in the Township of Oxford, Ohio, hereby accepts said petition.

SECTION 2: Council hereby consents to the annexation petition from Harry and Annabelle Paulin for 54.577 acres of land bounded by Fairfield and Contreras Roads, in the Township of Oxford, Ohio.

SECTION 3: The Ohio Revised Code provides that the legislative authority of a municipal corporation shall adopt an ordinance or resolution indicating what services a municipal corporation wil' provide to the territory to be annexed to the municipal corporation upon receiving notice of the petition for annexation.

SECTION 4: The City of Oxford, will provide the following services to the territory sought to be annexed in the petition filed by Timothy H. Myers, agent for Petitioners, consisting of 54.577 acres plus or minus as described on Exhibit "A", attached hereto and incorporated herein, conditioned upon the property owners providing to the City of Oxford the means of ingress and egress acceptable to the City, by which the City will have access to the proposed annexed territory. These services are conditioned upon access being provided.

POLICE

Police service will be provided on a twenty-four (24) hour basis. Additional police services/equipment will be provided as required.

FIRE PROTECTION

The Oxford Fire Department will provide fire protection and emergency ambulance service as stated in the Fee Ordinance in the territory to be annexed. Additional fire protection and services/equipment will be provided as required.

WATER AND SEWER

Water and Sewer, as provided by law and by service contract, will be furnished to the annexed territory where available, subject to the City's ability to provide these services, based on the current system and the then current Fee Ordinance. Upgrading the present system will be necessary and will be done at the owner's expense.

PLANNING AND DEVELOPMENT

A professional planning and engineering staff and economic development staff will be available to service the annexed territory.

ZONING REGULATIONS

Current City of Oxford Zoning Regulations will be enforced in the annexed territory.

STREET MAINTENANCE

The Division of Streets will provide a full range of street maintenance activities, upon the owners dedicating streets to the public and deeding the same to the City.

BUILDING AND PLANNING SERVICES

Building inspection and planning services by the City of Oxford's professional staff will be provided to the territory on annexation.

WASTE COLLECTION

Residential waste collection services will be provided immediately upon annexation. Residential waste collection services are provided on a weekly basis and consist of curb-side pick-up. The property owners will be subject to a monthly fee for waste-collection services.

PARKS AND RECREATION

As the territory develops, the need for parks and recreational facilities will be evaluated and appropriate facilities provided upon approval of the Council of the City of Oxford. The City of Oxford currently provides to its citizens play fields, a swimming pool, tennis courts, and ball fields.

MISCELLANEOUS

Any and all other services provided to the citizens of the City of Oxford will be provided to the proposed territory upon annexation.

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

Prudence S. Dana
MAYOR

ADOPTED: December 18, 2007

ATTEST:

Mary Ann Eaton
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

C

RECEIVED

07 NOV 15 AM 10: 23

COUNTY COMMISSIONERS

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF
BUTLER COUNTY, OHIO
PETITION BY OWNER OF REAL ESTATE FOR ANNEXATION
TO
CITY OF OXFORD, OHIO

The undersigned, being all the owners of a freehold estate in land adjacent to the City of Oxford, Butler County, Ohio, herein respectfully submit this amended petition, asking that the real estate hereinafter described be annexed to the City of Oxford, Butler County, Ohio, in accordance with Ohio Revised Code Section 709.023.

Said petitioners state:

1. The full description of the territory sought to be annexed is:

Situated in and being a part of Lots 1 & 2, Section 20, Town 5, Range 1, Oxford Township, Butler County, Ohio and being more particularly bounded and described as follows: Beginning at an iron pin (found) at the southeast corner of Lot 1, and the southeast corner Section 20, said point being in the center of Fairfield Road; THENCE FROM THE BEGINNING POINT THUS FOUND South 89° 30' 32" West along the south line of said lot and section and in the center of Fairfield Road 864.93 feet to a mag nail (set) at the grantors southwest corner; thence North 0° 29" 25" West along the grantors west line (passing an iron pin set at 30.00 feet) a distance of 2865.13 feet to a mail nail (set) in the center of Contreras Road (witnessed by an iron pin set bearing South 0° 29' 25" East 32.13 feet); thence South 66° 54' 59" East along the center of Contreras Road a distance of 529.26 feet to an iron pin (set) in the north line of Lot 1; thence North 88° 53' 27" East along the north line of said Lot 1 and the center of Contreras Road 402.60 feet to an iron pin (found) at the northeast corner of Lot 1; thence due South along the east line of said lot and section 2657.89 feet to the point of beginning containing 54.577 acres of land and being subject to the legal right-of-way for Fairfield and Contreras Roads and all other easements and restrictions of record.

Subject to a water line easement heretofore conveyed, 20 feet in width taken evenly off the east side of the above described property; bearings shown hereon are based on an assumed meridian and are used to denote angles only.

2. The number of owners of real estate in the territory sought to be annexed is two, being Harry Ritter Paulin, Trustee and Anna Belle Paulin, Trustee, the petitioners.

3. Timothy H. Myers, 5020 College Corner Pike, Oxford, Ohio 45056, is hereby appointed and authorized to act as agent for the petitioners in securing such annexation.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Harry R. Paulin, Trustee
Harry Ritter Paulin, Trustee
Date signed 10-18-07

Anna Belle Paulin, Trustee
Anna Belle Paulin, Trustee
Date signed 10-18-2007

This instrument prepared by Andrew B. Crane, Attorney, Oxford, Ohio

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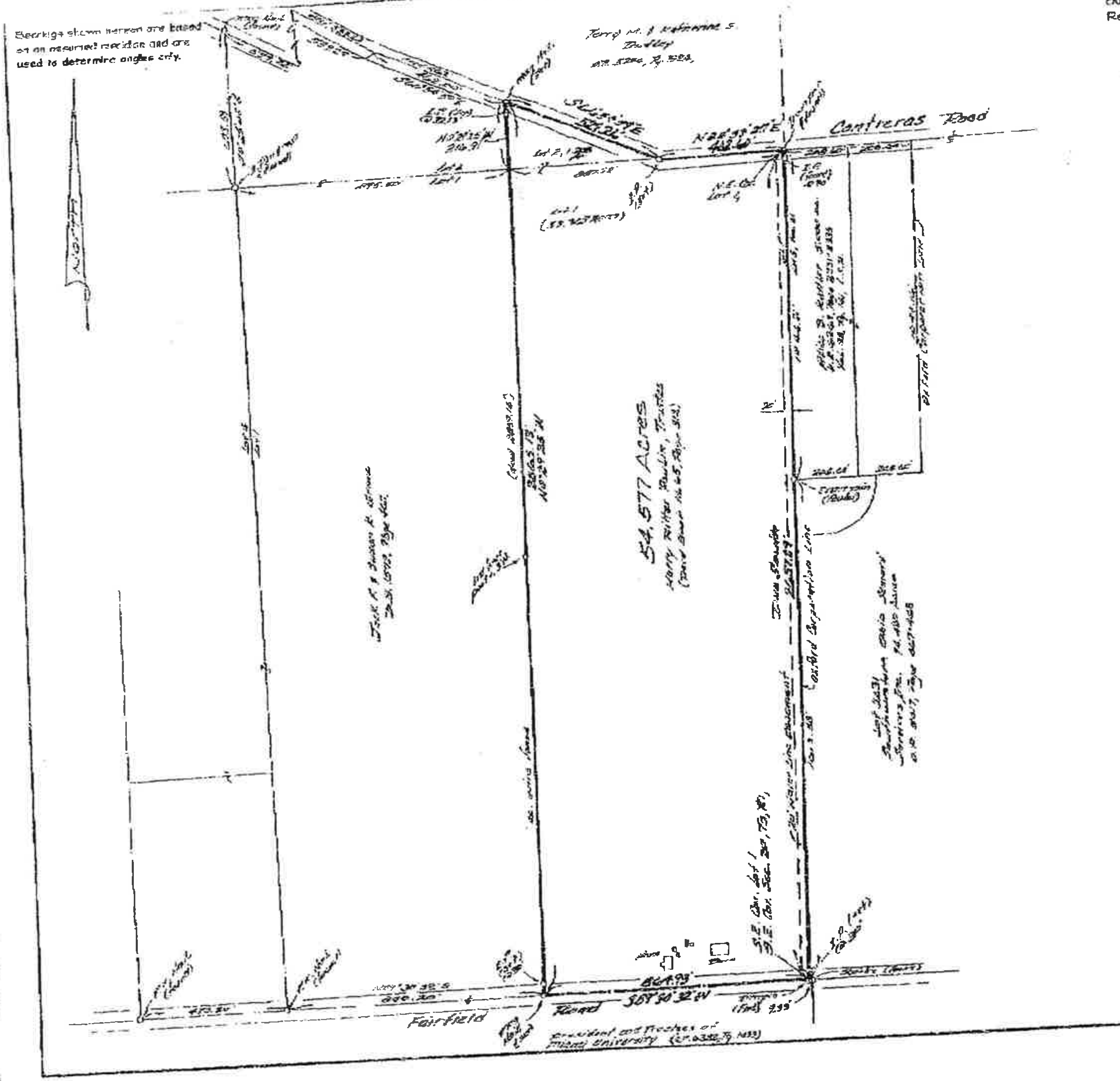

NOTES
1) Source documents are as shown hereon.
2) Occupation in general fits Survey except as shown.
3) Monumentation found is in good condition.
4) –o– indicates 5/8" iron rod with I.D. cap [set] unless otherwise noted
5) Access to the 54.577 Acre Tract shall use existing access points.

PLAT OF SURVEY

Part Lots 1 & 2, Section 20
Town 5, Range 1
Oxford Township,
Butler County, Ohio

For: Harry R. & Rosa Bell Paulin Tr.
Date: May 18, 2006
Scale: 1" = 200'
0' 200' 400'

By: Brosey Surveying Company
Hamilton, Ohio.

I certify that the hereon plotted property was measured to acceptable Survey Standards only.
Daniel R. Brosey
Registered Surveyor, 6492 in Ohio

STATE OF OHIO DANIEL R. BROSEY 6492 REGISTERED PROFESSIONAL SURVEYOR

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

AGENDA

OXFORD CITY COUNCIL

Municipal Building
City Manager's Office

MONDAY, MARCH 17, 2008
SPECIAL MEETING

EXECUTIVE SESSION

8:00 - 9:30 A.M.

1. Roll Call.

Prue Dana, Mayor

Ken Bogard, Vice-Mayor
Doug Ross
Kate Currie

Alysia Fischer
Richard Keebler
Greg Rutherford

2. Approval of Agenda.

3. Adjourn to Executive Session.

4. Return from Executive Session.

5. Adjournment.

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 so that reasonable accommodations can be made.

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

AGENDA

OXFORD CITY COUNCIL

COURT HOUSE

THURSDAY, MARCH 6, 2008

WORK SESSION

7:00 P.M.

THE PURPOSE OF A WORKSESSION IS TO PROVIDE COUNCIL MEMBERS WITH AN OPPORTUNITY TO DISCUSS A PARTICULAR ISSUE. THE PUBLIC IS WELCOME TO ATTEND AND OBSERVE, HOWEVER, NO ACCOMMODATION IS MADE FOR PUBLIC PARTICIPATION.

1. Roll Call.

Prue Z. Dana, Mayor

Ken Bogard, Vice-Mayor
Kate Currie
Richard Keebler

Doug Ross
Alysia Fischer
Greig Rutherford

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2. Approval of Agenda.
3. Funding of Capital Projects.
4. Municipal Pool.
5. Adjournment.

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.