



Agenda

Oxford City Council

Court House

TUESDAY, APRIL 5, 2011

EXECUTIVE SESSION

7:00 P.M.

1. Roll Call. Richard Keebler, Mayor; Ken Bogard, Vice-Mayor; John Harman; Bob Blackburn; Kevin McKeehan; Kate Currie; 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. Proclamation - 'Earth Day'



Proclamation

B. Proclamation - 'Arbor Day'



Proclamation

C. Public Comments.

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

4. Consent Agenda.

A. Minutes of the March 15, 2011 City Council Work Session. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Minutes of the March 15, 2011 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

C. Minutes of the March 22, 2011 City Council Work Session. (Mary Ann Eaton, Clerk of Council)



Minutes

D. Report regarding the March 8, 2011 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

E. Report regarding the March 16, 2011 HAPC Special Meeting. (Jung-Han Chen, Community Development Director)



Report

F. Report regarding the March 17, 2011 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)



Report

- G. Report regarding the March 23, 2011 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)



Report

5. Resolutions.

1. A Resolution authorizing the City Manager to permit the Miami University Alumni Association to hold an Uptown Welcome Back Party to include the sale of beer and wine from 6:00 p.m. to 10:00 p.m. on Friday, June 17, 2011 in the Oxford Memorial Park. (Doug Elliott, City Manager).



Staff Report/Resolution

2. A Resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Natural Resources for the purpose of acquiring funds through the Division of Forestry's 2011 Ash Tree Removal and Canopy Restoration Grant in the amount of \$9,563.00 with a required 50% local match. (Mike Dreisbach, Service Director).



Staff Report/Resolution

3. A Resolution establishing Holiday Pay for Oxford Fire Division Personnel. (Donna Heck, Human Resources Director).



Staff Report/Resolution

4. A Resolution approving the City of Oxford Conversion Plan which allows employees to convert leave time to cash in accordance with the Ohio Public Employees Retirement System (OPERS) specifications. (Donna Heck, Human Resources Director).



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance Granting Glenwood Energy Of Oxford, Inc., An Ohio Corporation, Its Successors And Assigns, A Franchise For A Period Of Twenty-Five Years To Enter Upon The Streets, Avenues, Alleys, Bridges And Public Places Of The City Of Oxford, Ohio As The Same May Now Exist Or May Hereafter Be Expanded, And Therein To Lay, Relay, Extend, Maintain And Operate A System Of Pipes, Valves And Other Equipment And Appurtenances For The Distribution Of Gas; And to Distribute And Sell Gas To The City And To The Public For Heat, Fuel Or Any Other Purpose; And To Generate And Maintain A Gas Plant, Storage Facilities And Vaporizing Or Control Stations For Gas; And Making Rules And Regulations Governing The Maintenance And Operation Of The System And Providing Penalties For Their Violation. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

2. An Ordinance to Regulate The Rates And Charges To Be Charged And Collected And The Services To Be Rendered By Glenwood Energy Of Oxford, Inc., Its Successors

And Assigns, For Gas And Gas Service Furnished To All Of Its Customers Within The Corporate Limits Of The City Of Oxford During The Period Ending May 31, 2014, And Repealing And Superseding Ordinance No. 2896, Which Previously Regulated The Rates, Charges, And Terms And Conditions Of Service Of The Oxford Natural Gas Company And, Thereafter, Its Successor Glenwood Energy Of Oxford, Inc., As Modified By The September 19, 2007 Order Of The Public Utilities Commission Of Ohio In Its Case No. 06-350-GA-CMR. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

3. An Ordinance Amending Salary Ordinance No. 3133, Attachment A. City Of Oxford Pay Bands (2011). (Donna Heck, Human Resources Director)



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Approving A Conditional Use Permit For A Somerville National Bank Facility With A Drive-Thru In The General Business District At 5200 College Corner Pike With Conditions. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

2. An Ordinance Authorizing The Annexation Of 0.594 Acres Of Contiguous Territory And Directing The City Attorney To Prosecute The Proceedings Necessary To Effect Said Annexation And Declaring An Emergency. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

7. A. Announcements & Communications. The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, the Oxford City Council, or the City staff.

1. Remarks from City Council and City Staff.

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

WED - Apr 6 Environmental Commission Meeting 7:00 p.m. Municipal Building

WED - Apr 6 HAPC Meeting 7:30 p.m. Cancelled

TUES - Apr 12 Planning Commission Meeting 7:30 p.m.

THUR - Apr 14 Police Advisory Board Meeting 7:00 p.m. senior Citizens Center

FRI - Apr 15 Student Community Relations Commission Meeting 3:00 p.m. LCNB

MON - Apr 18 Housing Advisory Commission Meeting 7:00 p.m. Cancelled

TUES - Apr 19 City Council Meeting 7:30 p.m.

WED - Apr 20 Board of Zoning Appeals Meeting 7:30 p.m.

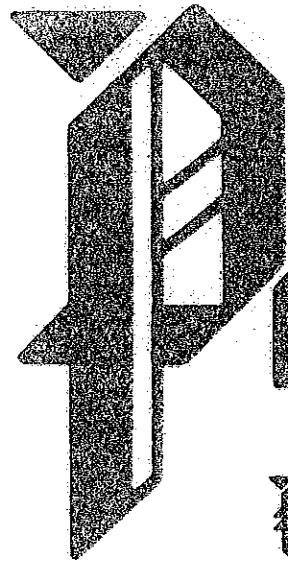
FRI - Apr 22 Community Improvement Corporation Meeting 12:00 p.m. LCNB

WED - Apr 27 Civil Service Commission Meeting 7:00 p.m.

THUR - Apr 28 Recreation Board Meeting 4:00 p.m. OCP Concession Stand

FRI - Apr 29 Student Community Relations Commission Meeting 3:00 p.m. LCNB

8. Adjourn.



Office of the Mayor

Proclamation

Whereas:

On April 22, 1970, United States Senator Gaylord Nelson of Wisconsin and Denis Hayes organized the first nation-wide day devoted to environmental awareness and education that was celebrated by an estimated 20 million Americans; and

WHEREAS, this day of environmental awareness and education is now celebrated world-wide in some 180 countries, with the participation of over 4,000 separate organizations; and

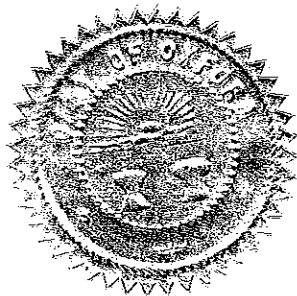
WHEREAS, individuals and institutions have a mutual responsibility to seek ecological, economical and ethical choices that enable the world, as well as our individual communities, to establish and maintain sustainable societies.

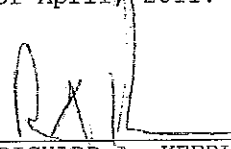
NOW, THEREFORE, I, Richard A. Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim that on Friday, April 22, 2011, the City of Oxford will recognize and participate in the national and international celebration of:

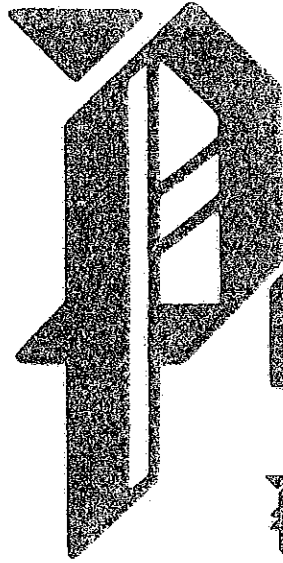
'EARTH DAY'

I urge all citizens to celebrate Earth Day and to remind each person of their right and responsibility to the wise use of this global home, to heal, preserve and improve the Earth and the quality of life for this and future generations, and to approach every day as an Earth Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 5th day of April, 2011.




RICHARD A. KEEBLER, MAYOR



Office of the Mayor

Proclamation

Whereas:

in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS, trees can produce oxygen, provide habitat for wildlife, reduce the erosion of our precious top-soil by wind and water, cut heating and cooling costs, moderate the temperatures, and clean the air; and

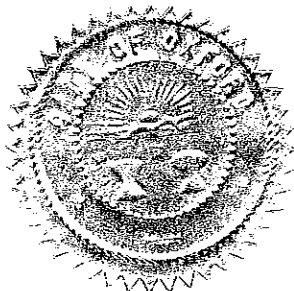
WHEREAS, trees are a resource providing us with wood for our homes, fuel for our fires, paper, and countless other wood products; and

WHEREAS, associated with the management of the approximately 3,255 street and public trees in the community, the City of Oxford has fulfilled the national Arbor Day Foundation's requirements for "Tree City USA" for fifteen consecutive years.

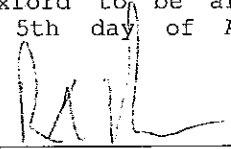
NOW, THEREFORE, I, Richard A. Keebler, Mayor of the City of Oxford, Ohio, Tree City USA, do hereby proclaim that on the last Friday in April, April 29, 2011, the City of Oxford will recognize and participate in the national and international celebration of:

"ARBOR DAY"

I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 5th day of April, 2011.


RICHARD A. KEEBLER, MAYOR

The Work Session of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, March 15, 2011 at 6:30 p.m. Those Council members present were: Ken Bogard, Kate Currie, Bob Blackburn, John Harman and Kevin McKeehan. Greig Rutherford arrived at 6:34 p.m.

Staff members present: Doug Elliott, City Manager; Mike Dreisbach, Service Director; Joe Newlin, Finance Director; Jung-Han Chen, Community Development Director; Alan Kyger, Economic Development Director; Steve McHugh, Law Director and Mary Ann Eaton, Clerk of Council.

Mr. Barth Royer of Bell & Royer Co., LPA was also present.

APPROVAL OF AGENDA

Mr. Blackburn moved to approve the Agenda. Ms. Currie seconded. The motion carried 6-0-0.

PURPOSE

The purpose of the Work Session was for Council to receive information regarding the Glenwood Energy of Oxford, Inc. Rate Increase Proposal.

PRESENTATION

Mr. Barth Royer, advised he was with the Law Firm of Bell & Royer of Columbus, Ohio and he had practiced utility law his entire career. Mr. Royer provided Council with background information on the Oxford natural gas utility since the year 2000 when he became involved with the natural gas utility negotiations.

Mr. Royer discussed a handout he provided to Council which contained the original rate increase proposal from Glenwood Energy and the recommended rate increase proposal as negotiated between Bell & Royer and Glenwood Energy. Mr. Royer advised he felt the original proposal was overstated and discussions had taken place since the end of last year with Glenwood Energy to come up with an agreed resolution which Bell and Royer would recommend to Council. Mr. Royer advised if the rate increase proposal was enacted by Council Glenwood Energy would accept the proposal and there would be no appeal to the PUCO.

Mr. Royer discussed in detail the rate making formula that was used to calculate the proposed rate noting it would be in effect for at least three years.

A question and answer period took place followed by comments from Council.

ADJOURNMENT

Mr. Rutherford moved to adjourn at 7:04 p.m. Mr. Bogard seconded. The motion carried 7-0-0.

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, March 15, 2011 at 7:05 p.m. Those members present were Ken Bogard, Kate Currie, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeehan.

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

ADJOURN TO EXECUTIVE SESSION

Mr. McKeehan moved to adjourn to Executive Session at 7:06 p.m. in accordance with Ohio Revised Code Section 121.22 (G)(4) for the purpose of discussing Collective Bargaining strategies. Mr. Blackburn seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Blackburn moved to return from Executive Session at 7:29 p.m. Mr. McKeehan seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PRESENTATION **OXFORD VCB**

Ms. Diana Durr, Oxford Visitors and Convention Bureau, advised the collaboration between Miami University, the City and the VCB to help with the filming of 'The Ides of March' in Oxford was spectacular. Ms. Durr introduced Jacob Schlichter who worked with his teachers at the Talawanda Middle School and his family to create a PowerPoint presentation depicting the filming in Oxford.

Mr. Schlichter presented the PowerPoint to Council and the audience which was set to music and featured various pictures from the filming on Miami's campus and of the stars and crew with several VCB and City of Oxford employees.

Mayor Keebler and Council thanked Mr. Schlichter noting his presentation was great. Mayor Keebler thanked City employees for their assistance with the filming noting it was a great event for Oxford.

PUBLIC COMMENTS

Ms. Diana Durr, Oxford Visitors and Convention Bureau, advised she was excited to share that the VCB received a late addition to the summer concert schedule. Ms. Durr noted the Hamilton-Fairfield Symphony would perform in Oxford on June 30, 2011.

CONSENT AGENDA

MINUTES

Minutes of the February 15, 2011 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the March 2, 2011 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the March 2, 2011 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTION **PROPERTY & CASUALTY** **INSURANCE RENEWAL**

A Resolution No. 4594 accepting the bid of Insurance Specialist Group, Inc., DBA Love Insurance Partners for the City's property and casualty insurance coverage for 2011. (Joe Newlin, Finance Director)

Mr. Blackburn moved to approve the consent agenda. Mr. Bogard seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION **FINAL RESOLUTION** **AGREEMENT WITH ODOT**

A Resolution No. 4595 authorizing the City Manager to sign the Final Resolution Agreement and other contracts with the Ohio Department of Transportation to administer the improvements at the intersection of State Route 73 and State Route 177 (ODOT PID #80517) (Mike Dreisbach, Service Director)

Mr. Dreisbach advised this was the first project to come to fruition as a result of the Northwest Butler County Transportation Study. Mr. Dreisbach noted the project would be funded with part of the twenty million dollar earmark the City received with the help of Miami University. Mr. Dreisbach advised the City was the local sponsor for the project even though it was outside of the corporate limits. Mr. Dreisbach noted the improvements consisted of adding left turn lanes on each leg of the intersection, widening the bridge over Darr Run and the installation of modernized traffic control signals. Mr. Dreisbach advised typically there would be a 20% local funding match requirement however in this case, ODOT was allowing the use of Toll Revenue Credits to pay for the local match requirement for this project. Mr. Dreisbach noted staff worked with ODOT on the final design to minimize the impact on the Seven Mile water transmission line and the City would station an employee at the construction site to manage the City's risk. Mr. Dreisbach advised if the actual project costs exceeded the project estimate, the City would be responsible for the local percentage of the overage (20%).

Mr. Bogard noted at one point he thought the Toll Revenue Credits were not available. Mr. Dreisbach noted the Toll Revenue Credits were committed by ODOT and may not be available for future projects.

Mr. Bogard inquired if the county or Milford Township would assist with cost overruns. Mr. Dreisbach advised he and the City Manager met with the County Engineer and while there was no firm commitment made, Mr. Wilkens had always been supportive of this part of the county. Mr. Dreisbach noted Mr. Wilkens would work with the City and the ODOT Deputy Director on the issue.

Mayor Keebler inquired how much the price for this project increased since the original estimate and Mr. Dreisbach advised approximately \$400,000. Mayor Keebler noted this project was designed to support a connector around the lower edge of Oxford which was likely to never happen but it was an important upgrade given the location of Bogan Elementary School. Mayor Keebler inquired if the 127/73 project could be stopped and the funding used for improvements to 27 South. Mr. Dreisbach advised the project could be stopped but the City may be responsible for money already spent on engineering.

Mr. Bogard advised Council made a commitment to Senator Dewine when the earmark was awarded and Council prioritized the projects that were in the transportation study. Mr. Bogard noted the two intersections were chosen for safety reasons. Mr. Bogard noted the Milford Township Trustees and the public had been involved in the design and redesign of the projects and as a region we needed to maintain a good relationship with the townships. Mr. Bogard advised the earmarks were Oxford's and as the local sponsor the City was making improvements around Oxford, Oxford Township and Milford Township.

Mr. Rutherford noted the overall public safety had to be considered and suggested the projects be re-prioritized.

Mr. Dreisbach advised a discussion would have to take place with ODOT regarding the projects being re-prioritized. Mr. Dreisbach reminded Council that the City had a vested interest at the intersection of 73 and 177 to help defend the City's well field.

Mr. Bogard advised transportation projects took 10-15 years to come to fruition. Mr. Bogard encouraged Council to keep the projects on track and the financing would be figured out.

Mr. McKeehan encouraged Council to remember State Routes 73, 127 and 177 were significant arteries and gateways to the Oxford community from the north, east and south.

Ms. Currie agreed with Mr. McKeehan noting these were important intersections coming into the City with a lot of bus and truck traffic. Ms. Currie noted she felt with Bogan Elementary School around the corner it would behoove the City to move forward with the project.

Mr. Harman agreed that this was a safety issue and Council should move forward with the project. Mr. Harman noted Council appreciated staff's risk management initiatives to save \$100,000 on the project by not relocating the water main.

Mr. Bogard moved to adopt Resolution No. 4592. Ms. Currie seconded. The motion passed 7-0-0.

RESOLUTION **EXTEND CONTRACT**

A Resolution No. 4596 authorizing the City Manager to exercise the option to extend the contract with PFM Asset Management LLC Investment Management Services for the management of the City's investable funds for a period of one (1) year. (Joe Newlin, Finance Director)

Mr. Newlin advised three years ago the City entered into the last agreement with PFM to invest the City's long term investments and to manage those funds. Mr. Newlin noted the agreement had two one year extensions that could be exercised by the City with all of the original terms in place. Mr. Newlin advised the Investment Committee believed it was incumbent upon them to make sure the City had professionals manage the tax dollars the citizens of Oxford had invested in the City. Mr. Newlin noted even though money was being spent to use PFM's services, it was recouped with their expertise in investing the City's funds.

Mr. McKeehan inquired what the average return was over the last 3 years. Mr. Newlin advised it was 3.05% from 2003-2010.

Ms. Currie moved to adopt Resolution No. 4596. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTION
MORATORIUM

A Resolution No. 4597 by the Oxford City Council imposing a moratorium for a period of six months (180 days) on the granting of any permits allowing the operation of Sweepstakes/Internet Cafés within the City of Oxford. (Steve McHugh, Law Director)

Mr. McHugh noted the proposed Resolution was oriented toward the operation of machines that resembled slot machines. Mr. McHugh advised the Ohio Attorney General was very interested in this issue because it was an area that was not provided for but took on a form of gambling. Mr. McHugh noted many cities were putting a moratorium in place for these operations.

Mr. Bogard noted an article in the Journal News indicated that the Attorney General was looking into the issue and would make a recommendation regarding it.

Mr. Bogard moved to adopt Resolution No. 4597. Mr. Harman seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

CONDITIONAL
USE PERMIT

An Ordinance Approving A Conditional Use Permit For A Somerville National Bank Facility With A Drive-Thru In The General Business District At 5200 College Corner Pike With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen addressed his staff report as presented on page 36 of the agenda. Mr. Chen advised the Planning Commission held a public hearing on March 8, 2011 and recommended approval of the conditional use with conditions. Mr. Chen noted the applicant was not available this evening due to another hearing and offered to answer any questions from Council.

Mayor Keebler advised the Planning Commission felt this was a good plan with a lot of green space; it met all of the criteria for this location and did not require any variances.

Mr. Rutherford referred to condition c. 'Installation of a pedestrian-friendly ATM is explored by the applicant' and noted the statement was subjective and should not be legislated.

Mr. Rutherford moved to strike condition c from the proposed Ordinance. Mr. Blackburn seconded. The motion passed 7-0-0.

ORDINANCE
ANNEXATION

An Ordinance Authorizing The Annexation Of 0.594 Acres Of Contiguous Territory And Directing The City Attorney To Prosecute The Proceedings Necessary To Effect Said Annexation. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the proposed Ordinance related to the annexation agreement between the City and the Talawanda School District to annex the new high school property. Mr. Dreisbach noted the agreement required the City to install a traffic control signal at the intersection of US-27 and University Park Boulevard. Mr. Dreisbach advised in working with ODOT it was decided the best course of action for the City would be to annex only the necessary portion of the roadway to install the traffic control signal over the summer.

Mr. McHugh advised it would be very helpful if Council would allow the proposed Ordinance to be adopted as an emergency at the second reading. Mr. McHugh noted the 30 day waiting period was a problem in getting the traffic signal installed on schedule.

Mr. Harman moved to adopt the proposed Ordinance as an emergency upon the second reading. Mr. Blackburn seconded. The motion passed 7-0-0.

ANNOUNCEMENTS

Mr. Elliott advised Council had a good Work Session this evening regarding the proposed Gas Rate Ordinance and the Ordinance would be placed on the April 5, 2011 agenda. Mr. Elliott noted the new gas rates would be effective June 1, 2011.

Mr. Elliott reminded everyone a public meeting would take place at the Talawanda High School on March 30, 2011 from 4:00 p.m. to 7:00 p.m. regarding the proposed rerouting of US-27.

Mr. Elliott noted the US Census Bureau released the population data for the State of Ohio and according to the preliminary information the City of Oxford lost population. Mr. Elliott advised according to the 2010 Census the City of Oxford lost 572 residents since the year 2000. Mr. Elliott noted being a college town he was concerned that the student population in Oxford was undercounted and when additional information was available staff would look into where the population losses occurred.

Mr. Elliott advised the Governor released his budget and proposed that the Local Government Fund allocations were reduced from the 2011 allocations by 25% in 2012 and by 50% in 2013. Mr. Elliott noted once the reductions were in place and if House Bill 3 (to eliminate estate tax) passed the City was looking at a \$700,000 loss in revenue. Mr. Elliott advised staff would take those issues into consideration as the City's 2012 budget was prepared.

Mr. Dreisbach advised according to the Butler County Solid Waste District, Oxford citizens were the best recyclers in the county in 2010. Mr. Dreisbach noted the recycling rate was 17.2% and the next closest City was Fairfield with a recycling rate of 14%. Mr. Dreisbach advised the City received a check for its recycling incentive in the amount of \$17,500 which would go into the Refuse Fund to support recycling activities in Oxford.

Ms. Eaton reminded Council to let her know if they wished to attend the Freedom Fund Banquet on April 3, 2011 and she would make the reservations.

Mayor Keebler advised he and Mr. Elliott attended two meetings with the Talawanda School Board Sub-Committee regarding the potential reuse of the High School. Mayor Keebler noted he and Mr. Elliott needed Council's input on the issue at a Work Session on March 22 or March 29, 2011. A Work Session was scheduled for March 22, 2011 at 7:30 p.m. at the Courthouse.

Mr. Blackburn wished the Miami University Hockey Team well with their upcoming games this weekend.

Mr. Harman advised he participated in a 'Ride-Along' with the Police Department on Green Beer Day. Mr. Harman noted it was a great experience and it gave him some real insight. Mr. Harman advised he was impressed with the quick response to a head on collision that day. Mr. Harman noted he learned a deeper appreciation and respect for those who kept us safe in this town.

Ms. Currie noted the Oxford Kinetics Festival would take place on April 9, 2011 in the Uptown Parks from 12:00 to 3:00 p.m. Ms. Currie noted people of all ages in the region were invited to display Kinetic sculptures they had created. Ms. Currie advised there would be a lot fun events for kids, bands playing at the pavilion, and at 1:00 a Race of Human Contraptions would take place. Ms. Currie noted this event was scheduled the same day as 'Kids Fest' and noted her hope a variety of people would be Uptown to enjoy the fun. Ms. Currie advised if people needed expertise or advice on creating a sculpture there were free Work Shops on March 19th and March 26th at the Miami University Sculpture Studio and additional information was available at oxfordkineticsfestival.org.

Mr. Bogard advised he recently attended an OKI meeting and updated Council with regard to budgeting matters for Ohio and on the national level. Mr. Bogard advised a presentation was given on the Regional Freight Plan and provided Council with statistics from the presentation. Mr. Bogard noted in 2009 tonnage carried by truck was 225.3 million and by 2040 it would be 345 million tons. Mr. Bogard advised today 25% of trucks transported agricultural goods and by 2040 25% of trucks would transport retail goods. Mr. Bogard noted air freight ranked 32nd nationally out of CVG airport.

Mr. Rutherford advised Saturday night's hockey game was amazing and encouraged people to support Miami. Mr. Rutherford thanked Miami for what they brought to the City with the hockey program.

Mr. Rutherford advised at the last meeting he would let people know who did not participate in Green Beer Day and noted the Quarter Barrel did not participate.

Mr. Rutherford stated he hoped Oxford citizens were tuned into the situation in Japan noting it was devastating. Mr. Rutherford encouraged citizens to pay attention to what was happening in Japan with regard to energy security as the situation demonstrated what a true energy security crisis could mean. Mr. Rutherford advised he would participate in any local relief efforts for the people of Japan.

Mr. McKeehan noted a Resolution on the consent agenda was for the renewal of property and casualty insurance for the City with a 2.1% reduction in cost. Mr. McKeehan thanked Joe Newlin and his staff for their efforts.

Mr. McKeehan advised he was on the board of the community action agency in Butler County called SELF. Mr. McKeehan encouraged Council members to attend their 15th Annual Awards Dinner on Saturday, April 9, 2011 from 6-11 p.m. and participate in the Community Cumbia Dance Competition between local elected officials. The event takes place at the Courtyard by Marriott in Hamilton.

ADJOURN

Ms. Currie moved to adjourn at 8:29 p.m. Mr. Rutherford seconded. The motion passed 7-0-0.

The Work Session of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, March 22, 2011 at 7:30 p.m. Those Council members present were: Ken Bogard, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeenan. Kate Currie was excused.

Staff members present: Doug Elliott, City Manager; Joe Newlin, Finance Director; Steve Schwein, Police Chief and Gail Brahier, Parks and Recreation Director.

**APPROVAL
OF AGENDA**

Mr. Blackburn moved to approve the Agenda. Mr. Bogard seconded. The motion carried 6-0-0.

PURPOSE

The purpose of the Work Session was for Council to discuss the reuse options for the existing Talawanda High School when it becomes available (January 1, 2012).

ADJOURNMENT

Mr. Rutherford moved to adjourn at 8:30 p.m. Mr. Bogard seconded. The motion carried 6-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 5, 2011

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

March 14, 2011
Date Prepared

PLANNING COMMISSION MEETING REPORT – March 8, 2011

Reports from Commissions, Boards, Committees and Staff:

Mr. Chen referred to the meeting summary included in their packets from the February 8, 2011 joint meeting with City Council and the Planning Commission.

Mr. Chen announced a series of training seminars put together by the Hamilton Regional Planning Commission.

Communications - Administrative Approvals:

Mr. Chen shared with the Commission that two applications had been approved administratively:

PC-ADM-01-2011 Minor Amendment to a Planned Development, 601 S. Locust Street (McDonald's)

The proposed amendment is to demolish the existing building and construct a new shorter building at the same location. The existing single-lane drive-thru would be expanded to a two-lane drive-thru. The Chair and Zoning Administrator determined that the proposed changes still fell under criteria to be considered as a minor amendment. In addition, the proposed changes conformed to the regulations approved in 1986.

Mr. Prytherch voiced his disappointment that the proposed changes were not brought before the Planning Commission to make that determination whether the changes were considered a major or minor. In the past, cases had been brought before the Planning Commission for determination; however, the difference here was that the proposed McDonald's changes were still in conformance with the original plan, whereas the others involved obvious, additional features that were not on the original approval.

PC-ADM-02-2011 Minor Amendment to a Conditional Use, 5156 Westgate Drive (McGuffey Foundation School Annex)

Staff reported that the Applicant requested an amendment to convert an existing garage space to a classroom for daycare. The approval in 1999 was for a Special Use as a private school. Converting a room in this Annex to an additional classroom fell under the perimeter of the previous approval. The approval was granted by the Zoning Administrator, as stipulated under Section 1147.02(f).

DISCUSSION:

Public Hearing

PC-01-2011 Conditional Use, 5200 College Corner Pike, to Allow for a Drive-Thru Banking Facility in a General Business District (GB), Scott Webb, Applicant, Agent

The Applicant is seeking a Conditional Use Permit to build a banking facility with a drive-thru on an existing vacant lot. The site is located at the corner of College Corner Pike and Hester Road. The

proposed building is approximately 1,600 square feet. The bank will face College Corner Pike. Access is provided at College Corner Pike and Hester Road.

It appears that the proposed layout and accompanying review analysis satisfy the underlying zoning regulations. Some issues that are not detailed enough on this application must be addressed during the building permit process.

The Planning Commission reviewed the Decision Standards and voted 7-0-0 to recommend APPROVAL to City Council with the following conditions:

1. That, sidewalks be installed at the banking facility and connect to College Corner Pike and Hester Road sidewalks;
2. That, a bike rack is provided;
3. That, pedestrian-friendly ATM accessibility is reviewed.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial	Date
<i>JHC</i>	3/17/11
<i>DAL</i>	4/1/11

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 5, 2011

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

March 17, 2011
Date Prepared

HAPC SPECIAL MEETING REPORT – MARCH 16, 2011

DISCUSSION

2011 Historic Marker Nominations

HAPC reviewed and discussed Historic Marker nomination applications and voted to recognize two properties, each with a plaque for an historic structure with significant history to Oxford.

The review criteria for historic plaques is as follows:

1. It is characteristic of an architectural style of a historic period and has integrity, retaining sufficient original elements of high enough quality and maintenance to show architectural significance.
2. The structure is listed on the National Register of Historic Places and has been maintained in appropriate condition since its registration, with no insensitive repairs, replacements or additions.
3. It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, county, state or nation.
4. It is identified with a person or persons who significantly contributed to the development of the city, county, state or nation.
5. The structure or site has value as a reminder of the cultural or archaeological heritage of the city, county, state, or union.
6. It is the site of a significant local, county, state or national event.

The awards will be presented May 16, 2011 during an Open House held at the Oxford Community Arts Center from 5p.m. to 7p.m.

The next regular HAPC meeting is scheduled for April 6, 2011.

Approved By:

Department Head:
City Attorney:
City Manager:

Initials	Date
<i>JHC</i>	3/18/11
<i>JAC</i>	3/18/11

HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION (HAPC)

Special Meeting Minutes

March 16, 2011

CALL TO ORDER

On March 16, 2011, a meeting of the Oxford Historic and Architectural Preservation Commission was called to order at 5:40 p.m. by Mike Smith, Chair. Also present were Laura Henderson, Vice-Chair; Howell Lloyd, member; John Harman, member; Kim Peterka, member; Rich Daniels, member and Kathryn Dale, Planner. Daniel Haizman, member was excused.

APPROVAL OF AGENDA

Mr. Lloyd moved to approve the agenda. Mr. Daniels seconded the motion. All were in favor.

2011 HISTORIC MARKER NOMINATIONS

Two historic plaque nominations were received, one for 5990 Contreras Road, Pete & Connie McCarthy Residence, and the other for 410 E. Spring Street, Wm. H. McGuffey House Museum.

The Commission discussed the information submitted with each of the nomination applications. There were no questions or concerns regarding the accuracy of the documentation.

Mr. Daniels moved to award the historic plaque application for 5990 Contreras Road. Mr. Lloyd seconded the motion based on the criteria that:

- 1.) It is characteristic of an architectural style of a historic period and has integrity, retaining sufficient original elements of high enough quality and maintenance to show architectural significance.
- 2.) It is identified with a person or persons who significantly contributed to the development of the city.

All were in favor.

Discussion followed regarding wording for the plaque as provided by the Applicant.

Mr. Daniels moved to award the historic plaque application for 410 E. Spring Street. Mr. Harman seconded the motion based on the criteria that:

- 1.) It is characteristic of an architectural style of a historic period and has integrity, retaining sufficient original elements of high enough quality and maintenance to show architectural significance.
- 2.) The structure is listed on the National Register of Historic Places and has been maintained in appropriate condition since its registration, with no insensitive repairs, replacements or additions.
- 3.) It is identified with a person or persons who significantly contributed to the development of the city, county, state and nation.

All were in favor.

Discussion followed on how the plaque should be worded.

OTHER BUSINESS

None.

ADJOURNMENT

Mr. Daniels moved for adjournment. Mr. Harman seconded the motion. The meeting was adjourned at 6:05 p.m.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: April 5, 2011

Gail Brahier

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 31, 2011

Date Prepared

Agenda Title: Recreation Advisory Board

Recommendation: N/A

Discussion: The Recreation Advisory Board met on 3/17/11 at the Oxford Senior Citizen and Community Center. In attendance: Mary Glasmeier, Brandy Darby, Ken Bogard- City Council Representative, staff members: Gail Brahier, Deanna Barbour.

Ms. Brahier reviewed spring projects; specifically the Adidas Blue Chip Showcase soccer tournament, April 8-10, and April 15-17, Egg Hunts on April 21 and 23, Little League games beginning April 26, and soccer practices/games late April. There was some discussion about summer events, SW Swim Championships, and Judges for the July 3rd Pie Baking Contest and Parade.

Ms. Glasmeier stated the Dog Park had 3 vandalisms over the past 6 weeks and police were notified. A replacement handle for the water hydrant has been ordered. Ms. Brahier added the grass has been worn down and she has negotiated with Shademakers and the MU Spring clean volunteers to have sod laid down on April 16. Ms. Brahier said the permanent signs will be installed and seeding of grass will take place at the same time; noting the park will close for 3 weeks. Ms. Darby suggested to post "Time Out for Improvements". Ms. Glasmeier said she will get OxDog volunteers to supervise on April 16, and also noted there will be a fundraiser for the park on May 11 at Kona.

Mr. Bogard discussed the OKI and ODOT transportation projects and timelines in the City and SW Butler County. He also briefly reviewed how the proposed changes of state funding will impact the City.

April 28 Meeting - OCP Concession Stand
May 12 Meeting - New THS Site Visit

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

GB 3/15/11

[Signature] 4/1/11

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: April 5, 2011

Kim Newton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 31, 2011

Date Prepared

Agenda Title: Report regarding the March 23, 2011 Civil Service Commission Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Wednesday, March 23, 2011 at 7:00 p.m. Those members present were: Phil Russo, Chair; Susan Lipnickey; Karen Martino, Charles Crain and Mike Pavloff.

Donna Heck, Human Resources Director; Tom Horvath, Police Lieutenant and Kim Newton, Recording Secretary were in attendance for the City.

Don Gabbard and Dr. Jean Eagle from the Talawanda School District were also in attendance.

The Commission elected officers: reappointing Phil Russo as Chair and Susan Lipnickey as Vice-Chair.

Mr. Don Gabbard introduced Dr. Jean Eagle the new Human Resources Director for the Talawanda School District. The Commission congratulated Dr. Eagle on her position and noted they looked forward to working with her.

The Commission received a report regarding Talawanda's recent custodial appointments. The Commission also noted receipt of the requested changes to the Talawanda District Custodial Exam and advised they would discuss at the next meeting.

The Commission approved the request for an extension of the temporary appointment of Darrell Byrd to a full-time police officer position for the City.

The next meeting is scheduled for April 27, 2011.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

[Signature] 3/31/11

[Signature] 4/1/11

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: April 5, 2011

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 31, 2011

Date Prepared

Agenda Title: Resolution authorizing the City Manager to permit the Miami University Alumni Association to hold an Uptown Welcome Back Party to include the sale of beer and wine from 6:00 p.m. to 10:00 p.m. on Friday, June 17, 2011 in the Oxford Memorial Park.

Recommendation: N/A

Discussion:

This event has already been approved for Friday, June 17, 2011 from 6:00 p.m. until 11:00 p.m. in the Uptown Parks.

This is an additional request to allow the sale of alcoholic beverages from 6:00 p.m. to 10:00 p.m. in the Oxford Memorial Park.

Please see additional information attached from the Miami University Alumni Association.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

 4/6/11

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PERMIT THE MIAMI UNIVERSITY ALUMNI ASSOCIATION TO HOLD AN UPTOWN WELCOME BACK PARTY TO INCLUDE THE SALE OF BEER AND WINE FROM 6:00 P.M. TO 10:00 P.M. ON FRIDAY, JUNE 17, 2011 IN THE OXFORD MEMORIAL PARK.

Be it resolved by the Council of the City of Oxford, Butler County, State of Ohio, that:

SECTION 1: The Miami University Alumni Association wishes to open Alumni Weekend 2011 with an Uptown Welcome Back Party in the Uptown Parks which will be open to the public and will give everyone the opportunity to welcome Miamians and their families back to Oxford.

SECTION 2: The Miami University Alumni Association will obtain an F-2 State of Ohio Liquor Permit, which will allow the sale of beer and wine to those of legal age for on premises consumption only.

SECTION 3: The Miami University Alumni Association will be required to carry a liability insurance policy and an additional liquor liability policy.

SECTION 4: The Miami University Alumni Association will rope off the Oxford Memorial Park area and each attendee wishing to enter the roped off area will be required to be at least 21 years of age and be required to wear a wrist band.

SECTION 5: The City Manager is hereby authorized to take all steps necessary to permit the Miami University Alumni Association to hold an Uptown Welcome Back Party to include the sale of beer and wine on Friday, June 17, 2011 from 6:00 p.m. to 10:00 p.m. in the Oxford Memorial Park.

SECTION 6: This Resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:
ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: RICHARD KEEBLER
PREPARED BY: LAW(STAFF)

Miami University Alumni Association

Alumni Weekend 2011 - Uptown Welcome Back Party

Friday, June 17, 2011

6 pm – 11 pm

Background:

The Miami University Alumni Association is committed to creating a culture of lifetime engagement, of which Alumni Weekend is a key component.

Spanning four days each June, Alumni Weekend is a time during which alumni, friends, faculty and staff of Miami are invited back to Oxford for reunions, open houses, learning opportunities and general socializing and merriment. Alumni Weekend brings together generations of Miamians spanning some 75 years, connecting alumni of different ages and locations who might not otherwise know one another. Class reunions – celebrated in five year intervals – are the centerpiece of the weekend, along with affinity group reunions and Alumni College classes & tours.

Miamians can enjoy walks down memory lane, sleeping in dorm rooms, carrying trays of food through the dining hall line and visiting local restaurants, shops and bars. The weekend also provides alumni with an opportunity to introduce Miami and Oxford to spouses, children, and grandchildren, planting the seed for future generations of Miamians.

The city of Oxford, and especially the Uptown area, holds a special place in the hearts of Miami alumni. With this in mind, we are excited at the prospect of opening Alumni Weekend 2011 with an Uptown Welcome Back Party in the Oxford Memorial Park on Friday, June 17, 2011. This event will give alumni and friends the chance to support Uptown businesses, and will provide those merchants with the opportunity to welcome Miamians back to Oxford. Oxford restaurants will be invited to offer food for purchase. Children's activities are planned during the event. Miami University would like to invite the Oxford community to participate in welcoming the alumni back on their visit.

Since this idea was first introduced to the Miami community, we have had nothing but positive feedback. In fact, the overall response has been that Miami alumni love Oxford and are excited to spend part of their weekend celebrating Uptown.

Request:

The Miami University Alumni Association would like to serve alcohol as part of our Uptown Welcome Back Party. Our request is to serve beer & wine between the hours of 6 – 10 pm. An area would be roped off using the Oxford Chamber of Commerce fencing, and the entrance and perimeter would be manned by police officers. The Alumni Association will obtain an F-2 State of Ohio Liquor Permit, which will allow for the sale of beer and wine only to those of legal age for on premise consumption. Appropriate liability insurance will be carried.

Event details:

- Oxford community members are encouraged to attend and participate
- Free admission – no ticket required
- Event publicity will be through Alumni Weekend printed materials, emails, Twitter, and Facebook, as well as working with the Oxford Press to get the word out to the community.
- Food (small bites/appetizer portions) available for purchase a la carte. Food service opportunity is open to all Oxford restaurants.
- Bar, if permitted, open 6-10 pm (*beer & wine*)
- Entertainment:
 - DJ 5:30 – 7:30 pm
 - Campus Owls Tribute Band (playing Big Band era music) 7:30 – 10:30 pm (Rain location – Heritage Room, Shriver Center)
 - DJ 10:30 - 11 pm
 - Dance area on Main Street
 - Kids area open 6 -9 pm, featuring carnival games with prizes and Hueston Woods Naturalist Chad Smith with birds from the Raptor Rehab program
- Estimated attendance – 600+ adults, though they will likely come through in waves as they arrive in Oxford. Participants will range from classes of the 1940s all the way to the class of 2006.
- Tables, chairs and carnival tents to be rented from The Alleen Company
- Straw bales to provide additional seating in grassy area
- Restrooms will be available at LCNB, with prominent signage and balloons, and someone to keep the facilities tidy throughout the event.
- Reunion classes will host class parties in the following Uptown bars & restaurants, beginning around 8:30 p.m. Even though each location is geared toward a designated group, all will be open to anyone. Signage will be provided outside of each location with historical information, including previous names of the institution to help with the feelings of nostalgia (and to help alumni recognize their party location).

Class of 2006 – Brickstreet

Class of 2001 – Stadium

Class of 1996 – CJ's

Class of 1991 – The Woods

Class of 1986 – Skippers

Class of 1981 – Quarter Barrel

Class of 1976 – 45 East

Class of 1971 – Mac and Joes

Class of 1966 – Holiday Inn

Timing:

Food service 6 – 10 pm

Bar 6 – 10 pm

Kids area 6 – 9 pm

Musical entertainment 5:30 – 11 pm

Reunion class parties 8:30 pm – 12 am

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: April 5, 2011

Service Department
Originating Department

Account Code #: 110.345.52340

David Treleaven
Prepared By

Budgeted Amount: \$ 29,327.00

March 28, 2011
Date Prepared

Agenda Title:	ODNR 2011 Ash Removal & Canopy Restoration Grant
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Recommendation:	Approve
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Discussion:

The Service Department recently applied for a grant opportunity offered by the Ohio Department of Natural Resources (ODNR), Division of Forestry. The grant, entitled "2011 Ash Tree Removal and Canopy Restoration Grant" (the Grant), is intended to aid local jurisdictions in the response and recovery of urban forests from the Emerald Ash Borer (EAB). The Grant application was approved in a letter from the ODNR dated March 16, 2011 (attached).

The funds for the grant originated with the United States Department of Agriculture. A 50% community match is required by the Grant. The City of Oxford has been awarded a \$9,563.00 grant, pending the successful completion of the proposed \$19,126.00 Ash tree removal and replacement tree planting project(s) during 2011. The Service Department intends to utilize existing funds from the 2011 Urban Forestry appropriation to cover the City of Oxford's \$19,126.00 obligation to the Grant. Upon documentation of the successful completion of the Grant project(s), ODNR is to reimburse the City of Oxford for the 50% share of \$9,563.00.

To fulfill the Grant requirements, the Service Department intends to contract the removal of 20 public Ash trees that are in declining condition and the planting of 30 replacement, non-EAB host species in street lawns or public lands. The selective removal of Ash trees in declining condition is consistent with Oxford's Emerald Ash Borer Management Plan, submitted to and approved by the ODNR in 2009. The replacement planting of 30 non-EAB host trees is consistent with the Service Department's goal of planting 1.5 trees for each tree removed.

The ODNR requires the completion of a Subsidy Agreement (attached) and documentation of an approved City Council resolution supporting the expenditure of public funds for the project.

It is Staff's recommendation that Council endorse the City of Oxford's participation in the 2011 Ash Removal and Canopy Restoration Grant by passage of this Resolution.

Approved By:

Department Head:	<u>WDS</u>	Initial	<u>3/28/11</u>	Date
City Manager:	<u>DH</u>			

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE DIVISION OF FORESTRY'S 2011 ASH TREE REMOVAL AND CANOPY RESTORATION GRANT IN THE AMOUNT OF \$9,563.00 WITH A REQUIRED 50% LOCAL MATCH.

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

SECTION 1: The City Manager and Service Director recommend the City Manager be authorized to enter into an agreement with the Ohio Department of Natural Resources for the purpose of acquiring funds for the ash tree removal and re-planting project through the Division of Forestry's 2011 Ash Tree Removal and Canopy Restoration Grant in the amount of \$9,563.00 with a required 50% local match.

SECTION 2: Council having reviewed the recommendation and making the determination that the quality of urban life is enhanced by the proper management of the urban forest resource and recognizing the importance of addressing the Emerald Ash Borer impacted urban forest, hereby authorizes the City Manager to enter into an Agreement with the Ohio Department of Natural Resources to acquire funds through the Division of Forestry's 2011 Ash Removal and Canopy Restoration Grant in the amount of \$9,563.00 with a required 50% local match.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

MAYOR

*To McHugh
3-28-11*

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

DAVID MUSTINE, DIRECTOR

Division of Forestry
Robert L. Boyles, Chief
2045 Morse Road, Building H-1
Columbus, Ohio 43229
Phone: (614) 265-6694 Fax (614) 447-9231
www.ohiodnr.com/forestry

March 16, 2011

COPY FOR YOUR INFORMATION

Mr. Richard Keebler, Mayor
City of Oxford
101 East High Street
Oxford, OH 45056

Dear Mayor Keebler:

On behalf of Director David Mustine, I am pleased to announce that your 2011 Ash Removal & Canopy Restoration Grant application has been approved.

Administered by the Ohio Department of Natural Resources Division of Forestry and funded by the USDA Forest Service, this grant will help your community address its Emerald Ash Borer impacted urban forest. To fund as many of the 43 received applications as practical, each approved application will be funded at 75% of the requested amount.

The Division of Forestry will soon e-mail an agreement with instructions to the Project Leader identified in your grant application. Please do not start your project until this has been completed.

Improving the quality of life by managing our urban forests is a major emphasis of this Department. Your participation in this grant program demonstrates the type of community commitment that is essential to enhance our environment. I applaud this initiative and encourage your continued urban forestry efforts.

Should you require any help in managing this grant or your urban forest resource, please contact our Urban Forestry Program.

Sincerely,

A handwritten signature in cursive script, reading "Robert L. Boyles".

Robert L. Boyles, Chief
Division of Forestry



**OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY SUBSIDY AGREEMENT**

2011 ASH REMOVAL & CANOPY RESTORATION GRANT

THIS AGREEMENT is made and entered into by and between the Director of the Department of Natural Resources (ODNR), through the Chief of the Division of Forestry (DOF), hereinafter referred to as the DEPARTMENT, pursuant to O.R.C. 1503.011 and 1501.02 and the **CITY OF OXFORD**, hereinafter referred to as the GRANTEE.

WITNESSETH:

WHEREAS the purpose of this grant is to restore tree canopy and watershed health affected by the Emerald Ash Borer within the City of Oxford; and

WHEREAS the GRANTEE has met the requirements and has been approved by the DEPARTMENT as eligible to receive this grant; and

WHEREAS the grant funds have been received by the DEPARTMENT and have been encumbered by Commitment Record Number _____, and are so certified by the Director, Office of Budget Management on _____, 20_____. Obligations of the state are subject to the provisions of Section 126.07 of the Ohio Revised Code.

NOW, THEREFORE, in consideration of the mutual covenants by and between the parties hereto, the parties agree as follows:

A. GRANT AWARD AND APPROVED ACTIVITIES

1. The DEPARTMENT hereby awards to the GRANTEE a grant of **\$9,563.00** to implement a local ash tree removal and re-planting project which is 75% of the approved activities of the GRANTEE'S application.
2. The GRANTEE shall provide at minimum, a local match equal to the above mentioned pass-through grant amount.
3. The DEPARTMENT shall make one reimbursement payment to the GRANTEE upon completion of the entire project. Payment shall be made upon the Division's review and approval of a GRANTEE-submitted final financial statement and report, identifying total project costs and project results.
4. The GRANTEE shall attach to this Agreement a signed resolution by council authorizing the GRANTEE to accept this grant award and to implement the activities described herein.
5. The GRANTEE shall obtain prior written approval from the DEPARTMENT to revise or change the approved project activities and/or approved expenditures.
6. This Agreement shall commence on **April 1, 2011** and shall terminate on **June 30, 2011**, at which time and subject to appropriation, it may be renewed under the same terms and conditions by mutual written agreement of the parties for a term ending **November 30, 2011**.
7. The GRANTEE shall not implement this project until receipt of a notice to proceed.

8. Within 30 days after the project's completion, the GRANTEE will submit financial statements and reports identifying project costs and results.

B. GENERAL PROVISIONS

1. The GRANTEE shall carry out the aforementioned project and administer this grant in accordance with all applicable federal, state and local laws, and all terms of this AGREEMENT.
2. The DEPARTMENT shall at any reasonable time have the right of access to and right to audit any and all books and financial records pertinent to the administration and operation of this grant and said books and records shall be kept in a common file to facilitate audits and inspections for a period of three years from completion date.
3. The parties agree that as between the DEPARTMENT and the GRANTEE, the GRANTEE shall be solely responsible for any and all claims, demands, or causes of action arising from GRANTEE's obligations under this agreement.
4. The DEPARTMENT or the GRANTEE may, at any time after execution of this AGREEMENT, terminate the grant, in whole or in part, upon written notification to the other. In the event of such termination, the GRANTEE shall not incur any new obligations, shall make a good faith effort to cancel as many outstanding obligations as possible, and shall be paid for any noncancelable expenditures incurred prior to termination. Any unused funds shall be returned to the DEPARTMENT within forty-five (45) days of such termination.
5. The GRANTEE certifies that neither it nor its employees are public employees of the DEPARTMENT under federal and state law for tax, retirement deduction, and Workers' Compensation purposes, and that it carries Workers' Compensation coverage.
6. The GRANTEE shall not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, sexual orientation, military status, or any disability as that term is defined in the Americans with Disabilities Act. The GRANTEE will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, ancestry, age, sex, sexual orientation, or any disability. Such action shall include, but is not limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The GRANTEE agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the DEPARTMENT setting forth the provisions of this nondiscrimination clause. The GRANTEE further agrees to comply with all pertinent provisions contained in O.R.C. Section 125.111.
7. The GRANTEE shall, in all solicitations or advertisements for employees placed by or on behalf of the GRANTEE, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex, sexual orientation, military status, or any disability as that term is defined in the Americans with Disabilities Act.
8. The GRANTEE shall cooperate with the State Equal Employment Opportunity Coordinator, with any other official or agency of the State or Federal Government

which seeks to eliminate unlawful employment discrimination, and with all other State and Federal efforts to assure equal employment practices under the AGREEMENT, and said GRANTEE shall comply promptly with all requests and directions from the State of Ohio or any of its officials and agencies in this regard, both before and during performance.

9. In the event the GRANTEE fails to comply with the nondiscrimination clauses of this AGREEMENT, this AGREEMENT may be canceled, terminated or suspended in whole or in part and the GRANTEE may be ineligible for further State Grants, and such other sanctions may be imposed and remedies instituted as otherwise provided by law.
10. The GRANTEE agrees to comply with all applicable state and federal laws regarding drug-free workplace. The GRANTEE shall make a good faith effort to ensure that all GRANTEE employees while working on the AGREEMENT will not purchase, transfer, use or possess illegal drugs or alcohol or abuse prescription drugs in any way.

C. FINDING FOR RECOVERY

The GRANTEE affirmatively represents and warrants to the State that it is not subject to a finding for recovery under R.C. 9.24, or that it has taken appropriate remedial steps required under R.C. 9.24 or otherwise qualifies under that section. GRANTEE agrees that if this representation or warranty is deemed to be false, the Contract shall be void *ab initio* as between the parties to this Contract, and any funds paid by the State hereunder immediately shall be repaid to the State, or an action for recovery immediately may be commenced by the State for recovery of said funds.

IN WITNESS WHEREOF, the parties hereto have signed this AGREEMENT as of the dates written below.

I (we) have the authority to sign this AGREEMENT and do so by my (our) respective capacity:

City of Oxford

**Ohio Department of Natural Resources
Division of Forestry**

Printed Name & Title

Robert L. Boyles, Chief
ODNR - Division of Forestry
As Designee for David Mustine, Director

Signature

Address

Date

Date

Federal Tax Identification Number:

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: March 15, 2011

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 30, 2011

Date Prepared

Agenda Title: A Resolution Establishing Holiday Pay For Oxford Fire Department Personnel.

Recommendation: Approve.

Discussion: In order to be competitive with neighboring fire departments, it is recommended Fire Department personnel required to work on certain holidays be paid holiday pay at one and one-half times the employee's base hourly rate of pay for those specific holidays. The holidays are noted as follows:

New Years Eve
New Years Day
Memorial Day
Independence Day

Labor Day
Thanksgiving
Christmas Eve
Christmas Day

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

Djh 3/30/11
[Signature] 4/1/11

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING HOLIDAY PAY FOR OXFORD FIRE DIVISION PERSONNEL.

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

SECTION 1: The City Manager, Fire Chief and Human Resources Director recommends Fire Division personnel, who are required to work one of the holidays listed below, be paid one and one-half (1-1/2) times the employee's base hourly rate of pay for all hours actually worked on the holiday. The specific holidays are noted as follows:

New Years Eve	Labor Day
New Years Day	Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day

SECTION 2: Council hereby accepts the recommendation of the City Manager, Fire Chief and the Human Resources Director and authorizes Fire Division personnel who are required to work on one of the holidays listed above, be paid one and one-half (1-1/2) times their base hourly rate of pay for all hours actually worked on the holiday.

SECTION 3: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: March 15, 2011

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 30, 2011

Date Prepared

Agenda Title: A Resolution Approving the City of Oxford Annual Conversion Plan Which Allows Employees To Convert Leave Time To Cash In Accordance With The Ohio Public Employees Retirement System (OPERS) Specifications..

Recommendation: Approve.

Discussion: The City of Oxford has allowed full-time city employees to request the conversion of earned and accrued vacation hours to pay with certain restrictions. This procedure is outlined in the Employee Handbook, Chapter III, Section 3.14 Vacations. According to the Ohio Public Employees Retirement System (OPERS) this is considered an Annual Conversion Plan and is approved by OPERS each year.

Following submission of our Plan this year, a letter was received regarding changes in OPERS' requirements. These changes note the plan must clearly state that leave is accrued during the calendar year, minus leave used during the calendar year and it must use the LIFO (last in/first out) method as described in the attached plan. Additionally, the plan must be used annually regardless of budget restraints, etc. These changes affect how the earnable salary or pensionable amounts are determined. Based on these changes and to insure that our employees are in compliance and understand how the conversion of vacation time will be determined with regard to their pension, it was decided adopting a formal Annual Conversion Plan would be advisable.

A minor change will also be required in the Employee Handbook, Chapter III, Section 3.14 and will be included with the next update and review of the Handbook.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

Djh \ 3/31/11

DHE \ 4/1/11

RESOLUTION NO. _____

A RESOLUTION APPROVING THE CITY OF OXFORD ANNUAL CONVERSION PLAN WHICH ALLOWS EMPLOYEES TO CONVERT LEAVE TIME TO CASH IN ACCORDANCE WITH THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM (OPERS) SPECIFICATIONS.

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

SECTION 1: The City Manager and the Human Resources Director recommends the Annual Conversion Plan be accepted and adopted by Council as submitted in Attachment 'A' attached hereto and incorporated herein by reference.

SECTION 2: Council, having reviewed the Annual Conversion Plan, hereby accepts the recommendation of the City Manager and the Human Resources Director and hereby approves and adopts the City of Oxford Annual Conversion Plan attached hereto and incorporated herein by reference as Attachment 'A'.

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: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

ATTACHMENT 'A'

CITY OF OXFORD

ANNUAL CONVERSION PLAN

An annual conversion plan allows employees to convert unused vacation, sick or personal leave into cash. The Ohio Public Employees Retirement System (OPERS) must approve the City's annual conversion plan each year for earnable salary purposes (pensionable or not pensionable).

Once a year, prior to October 1, a full-time, non-contract employee may request earned and accrued vacation hours be converted to pay less all applicable deductions, provided that the employee is on active status. The employee submits the request to the Department Head for approval. The Department Head, upon approval, forwards the request to the Human Resources Director who will verify the necessary information for submission to the City Manager. Upon approval by the City Manager, the request will be submitted to the Payroll and Benefits Specialist for processing and payment. The employee is required to have a balance of forty (40) hours remaining on the books once the payout is made. The forty hours can be made up of vacation, personal or comp time or a combination of the three. Questions about the vacation hours for pay option should be directed to the Human Resources Director. The City Manager has the authority to approve requests after October 1, depending on extenuating circumstances.

The maximum amount of converted vacation, sick or personal leave that can be considered earnable salary is the amount the employee earns in one calendar year, less any amounts taken during the calendar year. To be considered earnable salary the leave also must have been earned in the calendar year it was converted. This concept is considered the LIFO method (last in, first out). The only exception is that leave conversion may occur in January for the prior calendar year. In this case the amount considered earnable salary would be the amount of leave earned in the prior year minus the amount of leave taken in the prior year. A payout date in January is the only way to affect an OPERS approved conversion plan that allows for employees to have the potential to convert the entire amount they earn in a year provided they have not used any leave the prior year.

The plan cannot restrict the number of times employees are eligible to take advantage of the plan. The plan must be accessible to eligible employees no less frequently than annually and budget restraints cannot dictate usage of the plan.

For conversion leave to be considered earnable salary for retiring or terminating employees, the termination date would have to occur in the month of the leave payout of your annual conversion plan or later in order for the member to take advantage of the conversion. Only the leave accrued in that calendar year may be converted. Please keep in mind; payments made at termination for accrued leave are not earnable salary. Conversion payments are only made when your policy indicates and cannot be changed to accommodate a retiring or terminating employee.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 5, 2011

Account Code #: Not Applicable

Budgeted Amount: \$ Not Applicable

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

March 30, 2011

Date Prepared

Agenda Title: An Ordinance Granting a Franchise to Glenwood Energy of Oxford, Inc.

Recommendation: Approval

Discussion:

This Ordinance would grant Glenwood Energy of Oxford, Inc. (Company) a renewal of their franchise for a period of twenty-five years and will continue to allow this local company to do business in Oxford. The existing franchise will expire during the term of the newly negotiated rate Ordinance (pending Council's approval). The franchise defines the City's expectations as to the operation and maintenance of the Company in Oxford and that all rules and regulations of the City as well as the State of Ohio will be adhered to by the Company. Company operations in the City right-of-way must meet the satisfaction of the City Engineer and must meet or exceed all City specifications and permitting requirements.

The Company may only charge customers rates and fees specifically approved by the City of Oxford and the Public Utilities Commission of Ohio.

Staff recommends the City Councils approval of a franchise to Glenwood Energy of Oxford, Inc. to provide natural gas services to the city of Oxford.

Approved By:

Department Head:

Initial

Date

MD

3/30/11

City Manager:

DK

4/1/11

ORDINANCE NO.

AN ORDINANCE GRANTING GLENWOOD ENERGY OF OXFORD, INC., AN OHIO CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE FOR A PERIOD OF TWENTY-FIVE YEARS TO ENTER UPON THE STREETS, AVENUES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE CITY OF OXFORD, OHIO AS THE SAME MAY NOW EXIST OR MAY HEREAFTER BE EXPANDED, AND THEREIN TO LAY, RELAY, EXTEND, MAINTAIN AND OPERATE A SYSTEM OF PIPES, VALVES AND OTHER EQUIPMENT AND APPURTENANCES FOR THE DISTRIBUTION OF GAS; AND TO DISTRIBUTE AND SELL GAS TO THE CITY AND TO THE PUBLIC FOR HEAT, FUEL OR ANY OTHER PURPOSE; AND TO GENERATE AND MAINTAIN A GAS PLANT, STORAGE FACILITIES AND VAPORIZING OR CONTROL STATIONS FOR GAS; AND MAKING RULES AND REGULATIONS GOVERNING THE MAINTENANCE AND OPERATION OF THE SYSTEM AND PROVIDING PENALTIES FOR THEIR VIOLATION.

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

SECTION 1: The following definitions shall apply in the interpretation and enforcement of this ordinance unless the context clearly shows that a different meaning is intended:

"City" shall mean the City of Oxford, Ohio, as it now exists or may from time to time be expanded by annexation or otherwise.

"Company" shall mean Glenwood Energy of Oxford, Inc., its successors and assigns.

"Plant" shall mean all of the pipes, mains, conduits, valves, curb boxes, manholes, and all other proper and necessary appliances, devices, construction and facilities, whether located upon private property or in private ways or in public ways for transmitting, distributing and supplying gas to the City and its inhabitants.

"Public Ways" shall mean public streets, alleys, lanes, boulevards, and places open to the public for pedestrian or vehicular traffic, as the same may now exist or may from time to time be expanded.

"Gas" shall mean any vaporized fuel transported or supplied to consumers by a gas or natural gas company, including, but not limited to natural gas, synthetic gas, liquefied natural gas, propane, or any combination thereof.

SECTION 2: A franchise with the rights and privileges herein provided is hereby granted to the company, its successors and assigns, for a period of twenty-five years from and after the date provided in Section 8 hereof and entitles the company to enter upon the streets, avenues, alleys, bridges, public ways, land and places within the corporate limits of the City, as the same may now exist or may hereafter be expanded, and to lay, relay, extend, maintain, and operate a system of pipes, valves and other equipment and appurtenances and to distribute and sell therefrom, gas to the City and its inhabitants for heat, power or any other purpose, and to operate and maintain within the City, a works or Plant for the storage, conversion and control of gas. This grant is not to be construed as affecting the City's rate making powers. The Company agrees that it shall assess no charges of any nature for services to customers within the City without the express authorization of the Council of the City of Oxford or the Public Utilities Commission of Ohio.

SECTION 3: The Company, at its expense, shall perform all refilling, puddling or tamping, paving and repaving or any similar repair work made necessary as a result of construction, installation, operation, abandonment or repair of its Plant in public ways. Such work shall be performed under the direction and to the satisfaction of the City. If any such work performed by the Company proves to be unsatisfactory to the City, in its sole discretion, it shall give notice to the Company and require repair thereof by the Company.

In the construction, installation, maintenance, operation, abandonment or repair of any if its Plant, the Company shall exercise reasonable care and shall comply with all the regulations now existing or which may hereafter be enacted by the City relating thereto, and shall be liable for any damage that may arise by reason of its failure to use reasonable care and/or to comply with such regulations. The Company shall hold the City free and harmless from any and all claims or damages caused by, arising out of, or incident to such failure or negligence.

All work performed hereunder in and upon public ways shall be done in accordance with City regulations and requirements of the State of Ohio, and before excavations may be made for any new lines, pipes or structures of any nature in any public way, the Company shall submit to the City Engineer a plan of the lines, pipes or structures proposed, showing where the line, pipe or structure is to be laid, the size of the line, pipe or structure, and the depth at which the same are to be laid, the locations and dimensions of stops, branches, manholes and all other structures or appliances located in the public ways or places pertinent to or necessary for the proper maintenance and use of the lines,

pipes or structures, together with plans and other information as the City may require. Except as to the kind, sizes and dimensions of pipes, lines and stops, the plans shall be subject to approval of the City, and except in cases of emergency, no openings in public ways or public places may be made until after approval is given by the City, and a written authorization is obtained by the Company from the City Engineer.

All new lines, pipes or other structures of any kind or nature within the public right-of-way shall be laid and constructed at such locations and at reasonable depths as the City Engineer shall prescribe. This provision shall not apply to emergency repairs, but any emergency repair shall be reported to the City Engineer within seven days after the repair is made.

The Company shall, from time to time, make extensions to its gas distribution system to serve any applicant for service not on its system; provided however, that such an extension shall not be required of the Company if it exceeds 250 feet per customer, and provided further that an extension shall not be required of the Company unless and until each applicant for service requiring an extension shall sign a contract agreeing to provide piping and utilization equipment in the applicants residence or place of business.

SECTION 4: The Company agrees to obtain and have in full force and effect a liability insurance policy in the amount of five million dollars (\$5,000,000), provided that such a policy is readily obtainable at a reasonable price to the Ohio gas distribution industry. If such a policy is not readily obtainable at a reasonable price to the Ohio gas distribution industry, Company agrees to use its best efforts to obtain a policy representative of those readily obtainable by similarly situated gas companies at the time in question. The policy shall be a function of the Company's size and the relative cost of insurance, and shall be selected by Company's management utilizing its sole discretion. The policy shall be purchased by the Company from an insurance company authorized to do business in the State of Ohio and shall provide for the indemnification of the City against claims of negligence or injury to person, and/or property damage resulting from the negligent operation or maintenance of the Plant by the Company, its agents, or its employees. The Company agrees that, at the option of the City, the Company will defend in the name of the City, any action at law or suit in equity so arising. The City agrees to promptly furnish the Company with notice of all claims, suits, or other legal processes it receives which may affect the Company's interests.

SECTION 5: The Company shall supply meters (other than emergency standby meters) of standard type and manufacture and shall set them in position ready for gas service by the Company. The Company shall test each meter before setting it on the customer's line, and only those meters which are found accurate and in good working order may be installed. The Company shall retest meters in conformity with and upon the conditions set forth in Section 4933.09 of the Ohio Revised Code.

SECTION 6: In a rate-making negotiation, the value of this franchise shall be one dollar (\$1.00).

SECTION 7: Nothing in this ordinance shall be construed as granting to the Company an exclusive privilege or right.

SECTION 8: This ordinance shall become effective thirty (30) days after its passage or upon its acceptance by the Company, whichever occurs later.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 5, 2011

Account Code #: Not Applicable

Budgeted Amount: \$ Not Applicable

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

March 30, 2011

Date Prepared

Agenda Title: An Ordinance Regulating the Rates and Prices to be Charged by Glenwood Energy of Oxford, Inc.

Recommendation: Approval

Discussion:

City Ordinance No. 2896 regulates the rates and prices to be charged by Glenwood Energy of Oxford, Inc. (Company) in conjunction with an Order of the Public Utilities Commission of Ohio (PUCO) in Case No. 06-350-GA-CMR. The City, through our law director and our consulting energy attorney (Bell & Royer Co., LPA), have negotiated a new rate Ordinance that keeps local rate controls in place as dictated by the Oxford City Council versus defaulting to the PUCO.

The Company initially submitted for a 47% rate increase in the General Service Rate and monthly customer charge. After a thorough analysis by our consultants using PUCO rate making formulas and methodology, only a 16% increase in these rates is actually warranted. This increase does not include the Gas Cost Recovery rate (regulated by PUCO), therefore the impact on an average customers monthly bill will be an increase of approximately 5%. The current base rate for gas would increase from \$2.39 / Mcf to \$2.81 per Mcf. This new rate is still well below the rate of \$3.05 which was in force in prior to 2005. The monthly customer charge would increase from \$6.50 per month to \$7.00 per month in year one of this Ordinance. It would also increase an additional \$0.50 per month in year two and year three of the Ordinance.

The new management at Glenwood Energy (previously known as The Oxford Natural Gas Co.) has done well to reduce the cost of natural gas compared to previous management. In 2005, customers were being charged as much as \$18.77 per Mcf; customers are paying less than half that amount today. The proposed rate Ordinance changes would be applied to bills rendered on or after June 1, 2011 and this Ordinance would be in force through May 31, 2014.

In addition to addressing gas consumption rates, the Ordinance also allows for reasonable user fees items such as reconnection charges, returned check charges, service tap charges, etc...

This Ordinance does not relieve the Company from previously negotiated "Over-Recovery Credits" that must be returned to the customer base. \$0.20 per Mcf will continue to be rebated to customers until the total amount (approximately \$400,000) has been rebated per PUCO orders.

Approved By:

Department Head:

Initial

Date

City Manager:

MED 3/30/11

DRE 4/1/11

ORDINANCE NO. _____

AN ORDINANCE TO REGULATE THE RATES AND CHARGES TO BE CHARGED AND COLLECTED AND THE SERVICES TO BE RENDERED BY GLENWOOD ENERGY OF OXFORD, INC., ITS SUCCESSORS AND ASSIGNS, FOR GAS AND GAS SERVICE FURNISHED TO ALL OF ITS CUSTOMERS WITHIN THE CORPORATE LIMITS OF THE CITY OF OXFORD DURING THE PERIOD ENDING MAY 31, 2014, AND REPEALING AND SUPERSEDING ORDINANCE NO. 2896, WHICH PREVIOUSLY REGULATED THE RATES, CHARGES, AND TERMS AND CONDITIONS OF SERVICE OF THE OXFORD NATURAL GAS COMPANY AND, THEREAFTER, ITS SUCCESSOR GLENWOOD ENERGY OF OXFORD, INC., AS MODIFIED BY THE SEPTEMBER 19, 2007 ORDER OF THE PUBLIC UTILITIES COMMISSION OF OHIO IN ITS CASE NO. 06-350-GA-CMR.

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

SECTION 1: Rates, Charges, Rules, and Regulations. The rates and charges to be charged and collected and the rules and regulations governing services to be rendered by Glenwood Energy of Oxford, Inc., its successors and assigns, for gas and gas service furnished to all of its customers within the limits of the City of Oxford during the period ending May 31, 2014 shall be as set forth in this ordinance, which is hereby adopted pursuant to Article XVIII, Section 4 of the Ohio Constitution and Section 4909.34 of the Ohio Revised Code.

1. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance unless the context clearly shows a different meaning is intended.

“City” means City of Oxford, Ohio.

“City Manager” means the city manager of the City of Oxford, Ohio.

“Company” means Glenwood Energy of Oxford, Inc., its successors and assigns.

“Council” means City Council of the City of Oxford, Ohio.

“Gas,” “gas costs,” and “cost of gas” have the same meanings as defined in Chapter 4901:1-14, OAC.

“GCR” means “gas cost recovery rate” as defined in Chapter 4901:1-14, OAC.

“Mcf” means one thousand cubic feet.

“OAC” means the Ohio Administrative Code.

“ORC” means the Ohio Revised Code.

“PIPP” means the “percent of income payment plan” as set forth in Chapter 4901:1-18, OAC.

“PUCO” means the Public Utilities Commission of Ohio.

“Self-Help Arrangement” has the same meaning as defined in Chapter 4901:1-14, OAC.

2. Authorized Gas Distribution Rates and Charges. Effective with bills rendered on or after June 1, 2011 through the bills for the monthly service period ending May 31, 2014, the Company shall charge the following rates and charges for delivering gas to its customers within the City limits:

- a. Monthly Customer Charge. The Company shall charge a fixed monthly customer charge per meter per month to each customer regardless of the amount of gas if, any, consumed during the month; provided, however, that the customer charge shall not be imposed in any month in which there is no consumption as a result of a voluntary request by the customer for the shutoff of the meter.

For bills rendered on or after June 1, 2011 through the bills for the monthly service period ending May 31, 2012, the customer charge shall be \$7.00 per meter per month.

For bills rendered on or after June 1, 2012 through the bills for the monthly service period ending to May 31, 2013, the customer charge shall be \$7.50 per meter per month.

For bills rendered on or after June 1, 2013 through the bills for the monthly service period ending May 31, 2014 the customer charge shall be \$8.00 per meter per month.

- b. General Service Rate. For bills rendered on and after June 1, 2011 through the bills for the monthly service period ending May 31, 2014, a base distribution rate of \$2.81 per Mcf of gas delivered shall be charged to all general service customers.
- c. GCR Over-Recovery Credit. The general service rate set forth in Paragraph 2.b above shall be offset by a credit of \$0.20 per Mcf to effectuate the refund to customers of certain past GCR over-recoveries in accordance with the PUCO’s September 19, 2007 Opinion and Order in its Case Nos. 06-350-GA-CMR and 06-521-GA-GCR. This credit will be eliminated when the total amount to be refunded has been returned to

customers in accordance with the terms and conditions specified in the PUCO's Opinion and Order.

- d. Self-Help Arrangements. Nothing contained in this ordinance shall prevent the Company from entering into self-help arrangements with customers to provide for the transportation of gas owned by the customer to the customer's premises; provided, however, that all such special contracts must be filed with and approved by the PUCO pursuant to Section 4905.31, ORC.
3. Gas Cost Recovery Rate. In addition to the rates and charges for gas distribution service set forth in Paragraph 2 above, the Company shall be entitled to recover the cost of obtaining the gas it sells to its customers through a GCR rate, which shall be subject to the jurisdiction of, and regulated by, the PUCO. As provided in Ordinance No. 2896, and in accordance with the PUCO's September 19, 2007 Opinion and Order in its Case Nos. 06-350-GA-CMR and 06-521-GA-GCR, the Company shall be authorized to include as an expected gas cost eligible for recovery through the GCR rate under Rule 4901:1-14-05, OAC, the amount of the actual, invoiced fixed charges imposed by Duke Energy Ohio in connection with the Company's use of the Duke Energy Ohio's transportation pipeline to transport gas from the Millville Station to the Company's Oxford city gate, up to a maximum of \$200,000 per year. Any such Duke Energy Ohio charges in excess of \$200,000 annually shall not be included by the Company as a cost of gas and shall not be proposed for recovery through the GCR rate. If the arrangement under which the Company transports gas from the Millville Station to the Company's city gate changes during the term of this ordinance, the Company may continue to include the amount of any actual, invoiced fixed charges or, if applicable, capital costs associated with this pipeline as an expected gas cost eligible for recovery through the GCR rate; provided, however that the amount proposed for recovery through the GCR rate shall be limited as necessary to fairly allocate the total charges or costs between the Company's GCR customers and other customers served through the pipeline on a relative throughput basis. The Company shall provide the City Manager with documentation supporting such charges or costs and the allocation methodology prior to including the cost as an expected gas cost in its GCR filings with the PUCO. The Company shall be subject to PUCO financial and management/ performance audits relating to its GCR calculations and its gas procurement practices as provided in Rule 4901:1-14-07, OAC.
4. Mcf Tax Rider. In addition to all other rates and charges set forth in this section, all gas consumed shall be subject to an Mcf tax rider to provide for the recovery of the Company's excise tax liability under Section 5727.811, ORC.
5. Gross Receipts Tax Rider. In addition to all other rates and charges set forth in this section, amounts billed by the Company shall be subject to a rider at the

Company's effective gross receipts tax rate to provide for the recovery of the Company's gross receipts tax liability under Section 5727.25, ORC.

6. Tax Change Adjustments. If, during the term of this ordinance, a governmental authority imposes a new tax, removes an existing tax, or increases or reduces the rate of an existing tax, the effect of which is to increase or reduce the annual tax liability of the Company, the Company shall be entitled to adjust the rates authorized in this section by implementing a new rider or, if applicable, eliminating or adjusting an existing rider, calculated so as to produce the pro forma annual revenues that will reflect the increase or decrease in the Company's annual tax liability. This provision does not apply to changes in the property tax rates or liability. A rider implemented or adjusted pursuant to this provision may be rounded to nearest one-quarter (\$.0025) cent per Mcf. The Company shall provide written notice to the City Manager of its intent to implement any such new rider or adjust or eliminate an existing rider, and of the proposed effective date of such rate change, said notice to be provided no later than thirty (30) days prior to the proposed effective date of the rate change. The written notice shall include all documentation, information, and calculations relied on by the Company to support the proposed rate change. The City shall, upon notice to the Company, be entitled to inspect any Company books or records as may be necessary to verify the accuracy of the proposed change. No rate change as described herein shall become effective until the City Manager advises the Company that the City finds the proposed rate change to be a tax-related change of the type contemplated by this provision and that the proposed rate has been properly calculated; provided, however, if the City Manager does not so inform the Company within fourteen (14) days of receipt of the written notice, the rate change shall take effect automatically as of the proposed effective date.
7. PIPP Cost-Recovery Rider. In addition to all other rates and charges set forth in this section, the Company shall be entitled to recover the costs associated with the PIPP program through a PIPP cost-recovery rider, which shall be subject to the jurisdiction of, and regulated by, the PUCO.
8. Uncollectible Expense Rider: In addition to all other rates and charges set forth in this section, the Company shall be entitled to recover its uncollectible expense through an uncollectible expense rider, which shall be subject to the jurisdiction of, and regulated by, the PUCO.
9. Miscellaneous Charges. In addition to all other rates and charges set forth in this section, the Company shall be entitled to impose the following charges:
 - a. Late Payment Charge. If a bill payment is not received in the Company's offices or by the Company's authorized agent within twenty-five (25) days of date of the invoice, an additional amount of one and one-half percent (1.5%) of the unpaid balance will be assessed on the customer's subsequent bill. This charge is not applicable to the unpaid account

balances of a customer enrolled in PIPP or a payment plan pursuant to Rule 4901:1-18-04, OAC.

- b. Returned Check Charge. Where the customer's financial institution returns a customer's check for insufficient funds, the Company shall assess a returned check charge of \$25.00; provided, however, that this charge will not be assessed if the customer establishes that the cause of the dishonored check was bank error.
- c. Credit Check Processing Charge. The Company may impose a charge of \$15.00 for a credit check on an applicant for service..
- d. Field Collection Fee. Where a Company employee is dispatched to a customer's premises to disconnect service for nonpayment, the customer may avoid disconnection by paying the full amount owed; provided, however, that the Company may assess a \$20.00 field collection charge for accepting such payment. This charge may be assessed either at the time the delinquent amount is collected or on a subsequent bill.
- e. Reconnection Charge. Where service to a premises has been disconnected by the Company by shutting off the meter, the Company may charge and collect a reconnection charge of \$50.00 as a condition of restoring service to the premises. The reconnection charge shall apply without regard to the length of time the service was disconnected, whether the disconnection was voluntary or involuntary, or whether the customer requesting reconnection is the same customer as the customer at the time service to the premises was disconnected. Upon a request by a customer for a voluntary disconnection of service to a premises, the Company shall advise the customer that the \$50.00 reconnection charge will apply if service is subsequently restored. If service was disconnected as a result of unauthorized or fraudulent use by the customer, the Company may impose, in addition to the \$50.00 reconnection charge, a charge to recover any actual expense incurred by the Company as a result of such unauthorized or fraudulent use, including an estimate of the cost of gas improperly used, prior to reconnecting service.
- f. New Service Tap Charge. Applicants applying for a new tap on the Company's system shall be assessed a new service tap charge of \$700.00 for single-family residences and \$1,200.00 for multi-family and commercial premises, or the actual cost of the installing the new tap, whichever is less. The Company shall provide documentation to an applicant for a new service tap showing the actual cost of installing the new tap in as a part of, on in conjunction with, the bill on which the charge is assessed.

- g. Meter Test Fee. Upon request by a customer, the Company shall test the accuracy of the meter by removing the meter and engaging an independent outside vendor to perform the test. The Company shall assess a fee of \$75.00 for the meter test; provided, however, that this fee will not be assessed if the meter is not found to be operating within accepted tolerances (plus or minus the 3%), nor shall it be assessed for the first meter test performed in any 36-month period.
- h. Stop Payment Fee – Return of Security Deposit. Upon notification by a customer entitled to the return of all or part of a security deposit held by the Company pursuant to Rules 4901:1-17-04 through 4901:1-17-07, OAC, that the refund check has been lost or has not been received, the Company shall promptly notify its bank to stop payment on the check. If the check was lost by the customer, or was not received by the customer due to the customer's failure to notify the company of a change in the customer's mailing address, the company shall be entitled to assess a fee of \$34.50 for stopping payment on the refund check. The fee shall be deducted from the amount of the security deposit to be returned to the customer through the replacement check. No stop payment fee shall be assessed if the check was not received by the customer due to the Company's error.
- 9. Rules and Regulations. The Company shall be subject to the PUCO's Minimum Gas Service Standards set forth in Chapter 4901:1-13, OAC. The Company's rules and regulations governing the terms and conditions of service to customers within the corporate limits of the City shall be identical to the rules and regulations set forth in the Company's tariff filed with and approved by the PUCO, and any subsequent PUCO-approved amendments thereto; provided, however, that in the event of any conflict between the Company's PUCO-approved tariff and this ordinance (including, but not limited to, conflicts in the specified rates, charges, and fees), the terms of the ordinance shall apply.
- 10. Notice of PUCO Filings: The Company shall serve a copy of all filings made with the PUCO upon the City Manager on the date the filing is made, including, without limitation, applications for approval of special contracts, all GCR-related filings, applications to adjust the PIPP cost-recovery rider, applications to adjust the uncollectible expense rider, applications to amend its PUCO tariff, and its annual reports to the PUCO. The Company shall provide a copy of any notice it receives from the PUCO initiating a financial and/or management/performance audit pursuant to Rule 4901:1-14-07, OAC, within three (3) business days after the notice is received.
- 11. Company Office and Information to be Made Available to Customers. The Company shall, by notice to the City Manager, designate a place or places within the City where customers may pay bills, submit complaints, and inspect copies of documents relating to the service provided by the Company. The place or places

so designated may be changed at any time by written notice to the City Manager. The Company shall maintain copies of this ordinance, its PUCO-approved tariff, and all ORC statutes and OAC rules cited herein. Such documents shall be made available for inspection upon customer request.

12. City Access to Company Financial Information. The Company shall provide a copy of its annual financial statements to the City Manager within seven (7) days of availability. The financial statements shall include, without limitation, a balance sheet and statements of income, retained earnings, and cash flow.
13. Rates and Charges Upon Expiration of Ordinance. In the event that the City has not enacted a new ordinance to replace and supersede this ordinance upon the expiration of its term, the Company shall continue to render service to customers within the corporate limits of the City pursuant to the terms of this ordinance until a new ordinance takes effect as provided by law or until such time as the PUCO establishes rate, charges, rules and regulations pursuant to Section 4909.18, ORC, or Section 4909.39, ORC. If the Company proposes to increase in its rates and charges following the expiration of this ordinance, the Company shall so advise the City Manager in writing, and shall provide documentation supporting any such proposed increase sufficiently in advance of the expiration of this ordinance to permit the City and the Company to attempt to negotiate a mutually acceptable ordinance prior to the Company filing a 4909.18, ORC, rate increase application with the PUCO.
14. Customer Notice. The Company shall provide written notice to its customers, by bill insert or separate mailing, of the increase in rates and charges authorized by this ordinance. The Company shall submit a copy of this notice to the City Manager or the City Manager's designee for review and approval prior to distributing the notice to its customers.

SECTION 2. Repeal of Prior Ordinance. Ordinance No. 2896 adopted on February 7, 2006 is hereby repealed and superseded by this ordinance.

SECTION 3. Company Acceptance of Ordinance. If the Company accepts this ordinance, the Company shall file a written acceptance of this ordinance with the Clerk of the City within thirty (30) days after its passage by Council and this ordinance shall constitute a contract between the City and the Company. If the Company does not accept this ordinance, the Company shall file a complaint and appeal from this ordinance with the PUCO pursuant to Section 4909.34, ORC, within (30) days after its passage. If the Company does not file a written acceptance of this ordinance with the Clerk of the City within thirty (30) days after its passage and does not file a complaint and appeal from this ordinance with the PUCO within (30) days after its passage by Council, the Company shall be deemed to have accepted this ordinance and shall be bound by its terms as if it had filed a written acceptance.

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

Mayor

ADOPTED: _____, 2011

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: March 15, 2011

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 9, 2011

Date Prepared

Agenda Title: An Ordinance Amending Salary Ordinance No. 3133, Attachment A. City of Oxford Ohio Pay Bands (2011).

Recommendation: Approve.

Discussion: During the recent audit, it was discovered that the pay bands did not adequately address the salaries of five City employees. This was due in part to midpoint adjustments, merit increases, cost of living increases, and the failure to adjust the pay bands in accordance with those increases. This resulted in salaries that exceeded the pay bands. In order to correct this situation, we have increased the minimum and maximum amounts of the pay bands by nine percent (9%). This will correct the problem.

This action does not result in an increase in pay for any employee.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

Djh 3/30/11

Donna Heck 4/6/11

ORDINANCE NO. _____

AN ORDINANCE AMENDING SALARY ORDINANCE NO. 3133, ATTACHMENT A. CITY OF OXFORD OHIO PAY BANDS (2011).

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

SECTION 1: The City Manager, Finance Director and Human Resources Director recommend City Council amend Salary Ordinance No. 3133, Attachment A. City of Oxford Ohio Pay Bands (2011) to increase the minimum and maximum rates by nine (9%) percent to address insufficient amounts to cover employee salaries.

SECTION 2: City Council hereby accepts the recommendation of the City Manager, Finance Director and Human Resources Director and amends Attachment A. of Salary Ordinance No. 3133 to increase the minimum and maximum rates by nine (9%) percent.

SECTION 3: In all other respects Ordinance No. 3133, 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:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: Richard Keebler

PREPARED BY: LAW(STAFF)

ATTACHMENT A
CITY OF OXFORD OHIO
PAY BANDS (2011)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<i>PAY BAND 7</i>		
Annual	\$61,544.00	\$99,514.00
Hourly	\$29.5884	\$47.8432
<i>PAY BAND 6</i>		
Annual	\$47,864.00	\$76,452.00
Hourly	\$23.0115	\$36.7557
<i>PAY BAND 5</i>		
Annual	\$41,010.00	\$62,159.00
Hourly	\$19.7163	\$29.8841
<i>PAY BAND 4</i>		
Annual	\$36,043.00	\$52,562.00
Hourly	\$17.3283	\$25.2701
<i>PAY BAND 3</i>		
Annual	\$32,657.00	\$49,519.00
Hourly	\$15,7004	\$23.8072
<i>PAY BAND 2</i>		
Annual	\$30,551.00	\$44,597.00
Hourly	\$14.6879	\$21.4408
<i>PAY BAND 1</i>		
Annual	\$27,609.00	\$40,279.00
Hourly	\$13.2735	\$19.3649

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: March 15, 2011

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

March 9, 2011

Date Prepared:

Agenda Title:	PC-01-2011 CONDITIONAL USE – 5200 College Corner Pike, to allow for a drive-through banking facility in a GB (General Business) District, Scott Webb, Applicant, Agent
----------------------	---

Recommendation:	Approval
------------------------	-----------------

Discussion:

The Planning Commission held a Public Hearing for this Conditional Use application to allow for a drive-through banking facility in a GB (General Business) District.

The Applicant plans to build a 1,600 square foot building on an existing approximate one acre vacant lot. The site is located at the corner of College Corner Pike and Hester Road. The bank will face College Corner Pike. Access is provided at College Corner Pike and Hester Road. The overall design fits with the Comprehensive Plan.

The Applicant touched upon the green space, landscaping, parking, and storm water detention area. The proposed landscaped earthen mound was approved as shown. Noise from the drive-through stations and vehicles will not be an issue due to surrounding commercially zoned properties, limited hours of operation and proposed landscaping.

The Planning Commission reviewed the Decision Standards and voted 6-0-0 to recommend **APPROVAL** to City Council with the following conditions:

1. That, sidewalks be installed at the banking facility and connect to College Corner Pike and Hester Road sidewalks;
2. That, a bike rack is provided;
3. That, pedestrian-friendly ATM accessibility be reviewed.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<i>JHC</i>	3/9/11
	City Manager:	<i>[Signature]</i>	3/11/11

ORDINANCE NO.

ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A SOMERVILLE NATIONAL BANK FACILITY WITH A DRIVE-THRU IN THE GENERAL BUSINESS DISTRICT AT 5200 COLLEGE CORNER PIKE WITH CONDITIONS.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on March 8, 2011, for the purpose of considering the request of Scott Webb, Applicant/Agent, for a conditional use permit for a Somerville National Bank facility with a drive-thru in the General Business District at 5200 College Corner Pike.

SECTION 2: The Planning Commission, after public hearing and discussion, voted to approve a motion recommending approval of the conditional use application for the banking facility with the following conditions:

- a. Sidewalks are installed at the banking facility and the sidewalks are connected to the College Corner Pike and Hester Road sidewalks.
- b. A bicycle rack is provided on the premises.
- c. Installation of a pedestrian-friendly ATM is explored by the applicant.

SECTION 3: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application for a banking facility in the General Business District with conditions.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	March 15, 2011
<u>Case Number</u>	PC-01-2011
<u>Applicant Information</u>	Scott Webb, Applicant/Agent
<u>Requested Action</u>	Conditional Use Permit
<u>Summary of Request</u>	To allow for a drive-through banking facility in a GB (General Business) District, located at 5200 College Corner Pike (Somerville National Bank).
<u>Public Hearing Information</u>	On March 8, 2011 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on February 18, 2011. Courtesy notices were mailed to adjacent property owners on February 2, 2011.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval of the Conditional Use Permit at the March 8, 2011 meeting.
<u>Commission Findings and Conclusions</u>	At the March 8, 2011 Planning Commission meeting, the Commission, after hearing the Applicant and Staff findings, and reviewing the Decision Standards, voted to approve the Conditional Use with the following conditions: That, sidewalks be installed at the banking facility and connect to College Corner Pike and Hester Road sidewalks; that a bike rack be provided; and, pedestrian-friendly ATM accessibility be reviewed.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated 2/14/2011 2. Interoffice Review Transmittal Sheets 3. Adjoining Neighbor comment 4. GIS Map 5. Letter of Agency dated 1/11/, 2011 6. Conditional Use Permit Application Dated 1/21/2011 7. Description of Use and Site/Narrative Statement 8. Preliminary site Plan 9. Elevations 10. Signage

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-01-2011

Date – March 8, 2011

APPLICATION

Applicant:	Scott Webb, Architect
Location:	5200 College Corner Pike
Owner:	Somerville National Bank
Action Request:	CONDITIONAL USE , to Allow for a Drive-Through Banking Facility
Current Use:	Vacant Commercial Lot
Surrounding Existing Land Uses:	Commercial, Hotel, Offices, Residential

DESCRIPTION

The Applicant seeks a Conditional Use permit to build a banking facility with a drive-through on an existing vacant lot. The proposed building is approximately 1,600 sq. ft. and will sit on an approximate one acre site. The site has been vacant for quite some time and is at the intersection of College Corner Pike and Hester Road. The general land use pattern along this segment of College Corner Pike shows various commercial activities.

SITE HISTORY

None

ZONING CODE

Section 1143.12(b)(2)3 Conditional Use

Banks with drive-through facilities.

Section 1147.01 Conditional Use: General

Conditional Uses are land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety, or general welfare if not located appropriately, operated appropriately, or mitigated with good design.

Section 1147.03 Use Specific Regulations and Potential Concerns

The uses listed in this section are Conditional Uses in at least one zoning district. Each use is listed with Potential Concerns and may be listed with specific regulations.

The Potential Concerns are use-specific criteria that Planning Commission shall consider when it makes a recommendation to Council on an application for a Conditional Use. The Planning Commission may also consider additional use-specific concerns not listed here if it deems them appropriate.

The Additional Regulations are more strict or additional dimensional regulations or operational conditions that apply to the use, regardless of whether it is permitted or conditional

and regardless of the zoning district in which it is located, and are enforced by the Zoning Administrator.

Section 1147.03 (b)(8) Drive-Through Banking and Pharmacy Facilities.

A. Potential Concerns:

1. Design of vehicle management area
2. Noise from operations (vehicle and loudspeaker)
3. Screening from adjacent use

B. Regulations

1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district.
2. Queue spaces shall not be located in a yard adjacent to a residential zoning district.

COMPREHENSIVE PLAN

The Comprehensive Plan indicates this site is included on the Conservation and Development map as the "Corridor Enhancement Area". Additionally, the development of this corridor shall enhance landscaping, signage and access along the corridor to improve the local image when entering the City. It also needs to promote and attract new commercial uses, and enhance connectivity and the design of existing uses through public and private investment.

COMMENT FORMS

No public comment forms have been received to date.

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering & Economic Development Departments. The following comments have been received:

Police:	Comments returned without comments.
Fire:	Comment returned without comments.
Engineering:	Comments returned with comments attached.
Econ. Dev.	Comments returned with comments attached.

DECISION CRITERIA

A copy of the Zoning Code Conditional Use Decision Standards is attached.

ANALYSIS

College Corner Pike, also known as U.S 27, is a major thoroughfare into the City. It carries a large number of traffic in and out of the city and is ideal for various businesses.

The site is over one acre in size and has a fairly narrow frontage on College Corner Pike. The proposed improvements will have two separate entrances off the site, one along Hester Road, and the second on College Corner Pike. The proposed new bank building is a one story building and is approximately 1,600 sq. ft. and will have a drive-through window in the rear of the building. The layout of the building will face College Corner Pike. The operational hours of the proposed bank is standard bank hours with some weekend hours.

The site is completely surrounded by commercially zoned properties. The proposed improvements include landscaped earth-mounds along both street frontages and interior landscaping per vehicle management regulations. The site plan also shows an on-site detention for storm water purposes. It should be noted that a portion of the proposed earth-mound is located in the right-of-way and needs to be corrected.

It appears that the proposed layout and the accompanying review analysis satisfy the underlying zoning regulations. Some issues that are not detailed enough on this application, but must be addressed during the building permit review process are as follows:

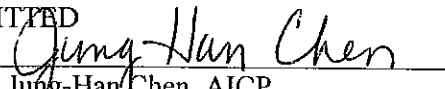
1. **Section 1143.12(d)(2)B. C. and D.** Earthen mound landscaping requirements.
2. **Section 1143.12(d)(2)(5)** Each development, where feasible, is required to provide alternative modes of transportation.
3. **Section 1147.02(a)(1)C.9.** Location: height and type of all proposed screening and landscaping.
4. **Section 1149.05(e)(2)A.1.** One loading space shall be required for all non-residential uses.
5. **Section 1149.05(e)(5)B.1.b.** Immediately following planting, each tree shall be a minimum of 6 feet tall and have a minimum 2-inch diameter at breast height.....
6. **Section 1141.04(j)** Trash Collection Facility.

RECOMMENDATION

Staff does not have any objections to the proposed improvements and the proposed banking facility with the drive-through. It needs to be noted that the Planning Commission's recommendation does not relieve this project from complying with other regulations as identified above.

SUBMITTED

BY:


Jung-Han Chen, AICP
Community Development Director

DATE: February 14, 2011

ATTACHMENT

(c) Planning Commission Review. The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(1) Burden of proof.

- A. The Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

(2) General decision standards. All Conditional Uses shall satisfy these General Decision Standards:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

**City of Oxford
Inter-Office Review Transmittal Sheet**

Date: Tuesday, January 25, 2011

To: ☒ Fire Division /
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

2011-PC-01 allow for a drive thru bank facility
Scott Webb, Petitioner
5200 College Corner Pike

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Tuesday, March 1, 2011**

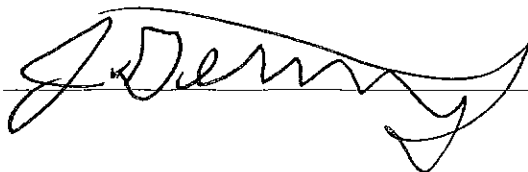
Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

Reviewed By: _____



Date: _____

2-7-11

City of Oxford
Inter-Office Review Transmittal Sheet

1105 8 5 WAL

Date: Tuesday, January 25, 2011

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

2011-PC-01 allow for a drive thru bank facility
Scott Webb, Petitioner
5200 College Corner Pike

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Tuesday, March 1, 2011**

Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

SEE ATTACHED MEMO DATED 1-31-2011.

Reviewed By:



Date: 1-31-2011

1/28/11 @ 3:56



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: 2010-PC 01
5200 College Corner Pike

PC-01-2011/act

DATE: January 31, 2011

The following are our comments.

- Adjust the proposed driveway curb cut, USR 27, so that it will not encroach on the frontage of the lot south of the curb cut.
- The construction of the Hester/USR 27 intersection did not change the existing right-of-way. Thus, the proposed landscaping encroaches in the right-of way.
- The proposed landscaping mound appears to be encroaching on an existing fire hydrant located within the public right-of-way.
- Is there a reason for the extensive landscaping along USR 27 for a bank? Could the extensive landscaping pose a safety issue?

If there are questions, contact the Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: Tuesday, January 25, 2011

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

2011-PC-01 allow for a drive thru bank facility
Scott Webb, Petitioner
5200 College Corner Pike

Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Tuesday, March 1, 2011**

Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

with comments

without comments

S. Schaefer 2/1/11

Reviewed By: _____ Date: _____

City of Oxford
Inter-Office Review Transmittal Sheet

Date: Tuesday, January 25, 2011

To: Fire Division
Engineering Division
Police Division
Economic Development

From: Community Development

Drawings are being submitted to you for the following:

2011-PC-01 allow for a drive thru bank facility
Scott Webb, Petitioner
5200 College Corner Pike

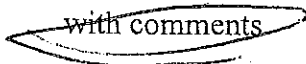
Review Type: Initial

Comments or status update requested by: Lynn Taylor

Please return no later than: **Tuesday, March 1, 2011**

Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned

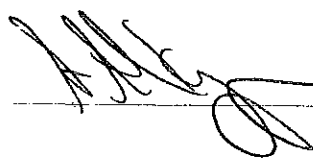
with comments

without comments

The College Corner Pike Business District seems to be the one business district in Oxford in which businesses with drive-throughs are encouraged to locate.

All the surrounding property is zoned GB and is currently developed. The closest business to this proposed drive-through, created this opportunity when they developed this "out-lot" as part of their development plan.

As a side note; Maybe in the future we can make this use, (and other uses like it) a "permitted use" provided it meets certain requirements. This would remove a long and costly step in the development process for a "type of use" we expect in this business district.

Reviewed By: 

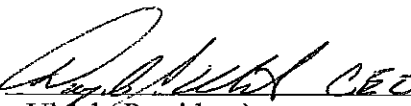
Date: 2-28-2011

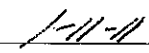
LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford and act on our behalf for Planning Commission hearing March 8, 2011 regarding the Proposed New Branch Bank at our property located at on the corner of US27 and Hester Road in Oxford, Ohio 45056

Thank-you,

Signed:  CEO
(Douglas Ulrich, President)
(Somerville National Bank)


Date:

Case No.: PC-01-2011
Date Filed: 1/21/11

Conditional Use Permit Application
City of Oxford, Ohio

@ 3/8 mtg

REQUIRED INFORMATION (print clearly)

Name of Applicant: Somerville Natural Bank / Scott Wells, Architect
(Attach a letter of agency if the Applicant is not the property owner)
Mailing Address: 1131 North Barron St. 103 W. Walnut St. Oxford
Eaton, Oh. 43320 Email Address: scott@scottwellsarchitect.com
Telephone Number(s): 522-3838
Name of Property Owner (if other than Applicant): _____
Location of Property: 5200 College Corner Pike
5200
Legal Description: _____
Zoning District: COB
Total Area: 1.03 Acres / Square Feet (circle one)
Existing Use Description: Vacant lot
Proposed Use Description: New Branch Bank with Drive-thru

SUBMISSION REQUIREMENTS

The required fee of **\$400.00 plus actual postage**, made payable to the City of Oxford, must accompany the application. The entire submission must be prepared in accordance with Chapter 1147, Conditional Uses, of the Zoning Code of the City of Oxford.

Attach thirteen (13) copies of a site plan indicating the following:

1. North arrow
2. Scale
3. Vicinity Map
4. All existing and proposed lot lines within the site
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way
6. Location, height, and use of all proposed and existing structures
7. Location and design of all proposed vehicle management areas
8. Location, size, and type of all proposed signs
9. Location, height, and type of all proposed screening and landscaping
10. Distances to residential zoning districts if within 1,000 feet
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way
12. Elevations of proposed structure, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use
13. Photographs of the existing use and its surroundings.
14. Other information as required by the Planning Commission

Attach a Narrative Statement describing how the proposed Conditional Use meets the following Decision Standards of the zoning district in which it is to be located:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Uses and its operation have been or can be obtained for the use at the proposed location.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. *Property Owner names will not be included in the agenda packet.

NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

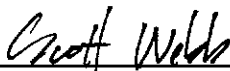
All materials must be delivered to the office of the Community Development Director, City of Oxford, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The issue will be placed on the next possible agenda.

Incomplete applications will not be processed.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.



Signature of Applicant



Printed Name

Date: 1/21/11

FEE / RECEIPT

\$400 Fee plus Postage Paid / Receipt Number:

406.60 = 16232
 400 - CU
 6.60 - Postage

Jung-Han Chen
Community Development Director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Branch Bank with Drive-thru
5200 College Corner Pike

January 28, 2011

Dear Mr. Chen,

Please accept this letter as an ~~addendum~~ ^{addendum} to the previous response to the items requested on the Conditional Use Application. It has come to my attention that a different narrative statement is required in the Zoning Code, which is different than that described on the Application.

In response to the items listed in 1147.02, we offer the following:

6. *A description of the proposed use.*

- a. *A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery & service vehicles*

The proposed branch bank will provide typical banking services, with no goods sold, and. The bank generates a modest amount of traffic, as this is currently one of the smaller banks in town. does not receive deliveries, other than Brinks, typically once a day or fewer

- b. *Hours of operation.*

The bank will be open from 8:00 – 5:00 pm with the possibility of extended hours later in the week, and will be open a half day on Saturday.

7. *A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties;*

- a. *How is the use similar to or different from existing area uses and if there will be any interaction between the proposed and existing uses*

The use is similar to the other approved uses in this zoning district and quite similar to the other banks on College Corner Pike. No interaction between this use and adjacent uses is proposed.

- b. *How any existing structures, proposed structures, and the site design relate to adjacent structures and sites*

The site is currently vacant. The new building is designed to address the street, and is scaled appropriately for the site.

- c. *If the use will involve any operations that create potential nuisances, such as excessive noise, lighting, odor, fumes, vibration, or emissions.*

Banks do not typically create nuisances for their neighbors, with limited hours, and simply office operations.

- d. *How any potential negative effects on adjacent land will be mitigated.*

Meeting all the code requirements for this district, no negative affects need to be addressed.

8. *A statement about why the location proposed is more appropriate for use than other locations;*

This is the property purchased by my clients based on its size, location, and zoning district.

9. *A statement of the necessity or desirability of the proposed use to the neighborhood or community.*

The Somerville bank has outgrown its current location and will better serve its customers in the proposed location.

10. *Separate detailed statements that individually address each of the items listed as potential concerns for the proposed use.*

From 1147.03 (8) *Drive-through Banking and Pharmacy facilities*

A. *Potential Concerns:*

1. *Design of vehicle management areas*

Vehicle management is designed to allow interior circulation with two separate access points, and exceeds the code requirement for stacking spaces for banks with drive-throughs.

2. *Noise from operations (vehicle and loudspeaker)*

The drive through is located on the rear of the building. Its nearest use on this side being the hotel and separated by open space, we do not feel the cars or loudspeakers will be a source of noise for the neighboring properties

3. *Screening from Adjacent Uses*

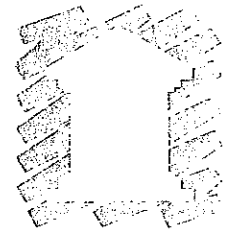
As this property does not abut a residential district, screening from adjacent uses is not required. The site design will however provide the required landscaping.

Thank you for your consideration of this proposal. If you have any questions or need any additional information, please call.

Respectfully,

Scott Webb, Architect

Jung-Han Chen
Community Development Director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



**SCOTT
WEBB**

A R C H I T E C T

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Branch Bank with Drive-thru
5200 College Corner Pike

January 20, 2011

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Conditional Use for a new drive-through banking facility on College Corner Pike in the General Business Zoning District.

The attached proposal has been prepared for and with the help of the following:

Property Owners:

Somerville National Bank
1131 North Barron Street
Eaton, Ohio 45320

Architect:

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056

Surveyor:

Bayer Becker, Engineers & Surveyors.
318 South College Avenue
Oxford, Ohio 45056

Statement describing how the proposed Conditional Use meets the following decision standards of the zoning district in which it is located.

In response to the decision standards outlined in the application, we offer the following:

- A. *The proposed use is in fact a Conditional Use in the Zoning District in which it is proposed;*

Banks with drive-through facilities are specifically listed as a conditional use in the GB district.

- B. *The use and site will satisfy the general intent of the Zoning Code;*

Banks are listed as permitted uses in the GB zoning district. The drive-through facility requires the conditional use approval for site plan review

- C. *The use and site will be compatible with general intent of the Comprehensive Plan;*

The Comprehensive Plan describes this subarea as a corridor enhancement area. The property is currently vacant, and by implementing the new design standards in this area with this development, the corridor will be enhanced.

- D. *The size and shape of the site are sufficient for the proposed use.*

The size and shape of the property is well suited for the proposed use, allowing room for the building, drive-thru lanes, parking & water retention.

- E. *The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.*

The proposed bank will not be hazardous to its neighbors.

- F. *The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.*

The operation of the proposed branch bank will not be detrimental to any person, property or the general welfare.

- G. *The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.*

There is only one proposed use of the property. No incidental uses are proposed nor anticipated.

- H. *The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal or adequate provisions will be made to provide the same services privately.*

All utilities are available at the proposed location. No special provisions are required.

- I. *Development of the site and operation of the use will not require substantial public expenditure for infrastructure or services.*

No public expense is anticipated by this project.

- J. *The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district*

The site and building is designed improve the overall appearance and general character of the area.

- K. *The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.*

The site is designed to accommodate the traffic and potential stacking spaces.

- L. *Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.*

There are no scenic or natural resources in this area

- M. *All Necessary permits and licenses for the Conditional Use and its operation have been obtained or can be obtained for the use at the proposed location.*

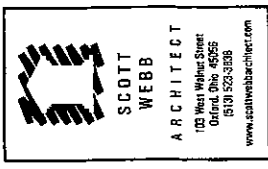
All permits will be secured for the construction of this building.

Thank you for your consideration of this proposal. If you have any questions or need any additional information, please call.

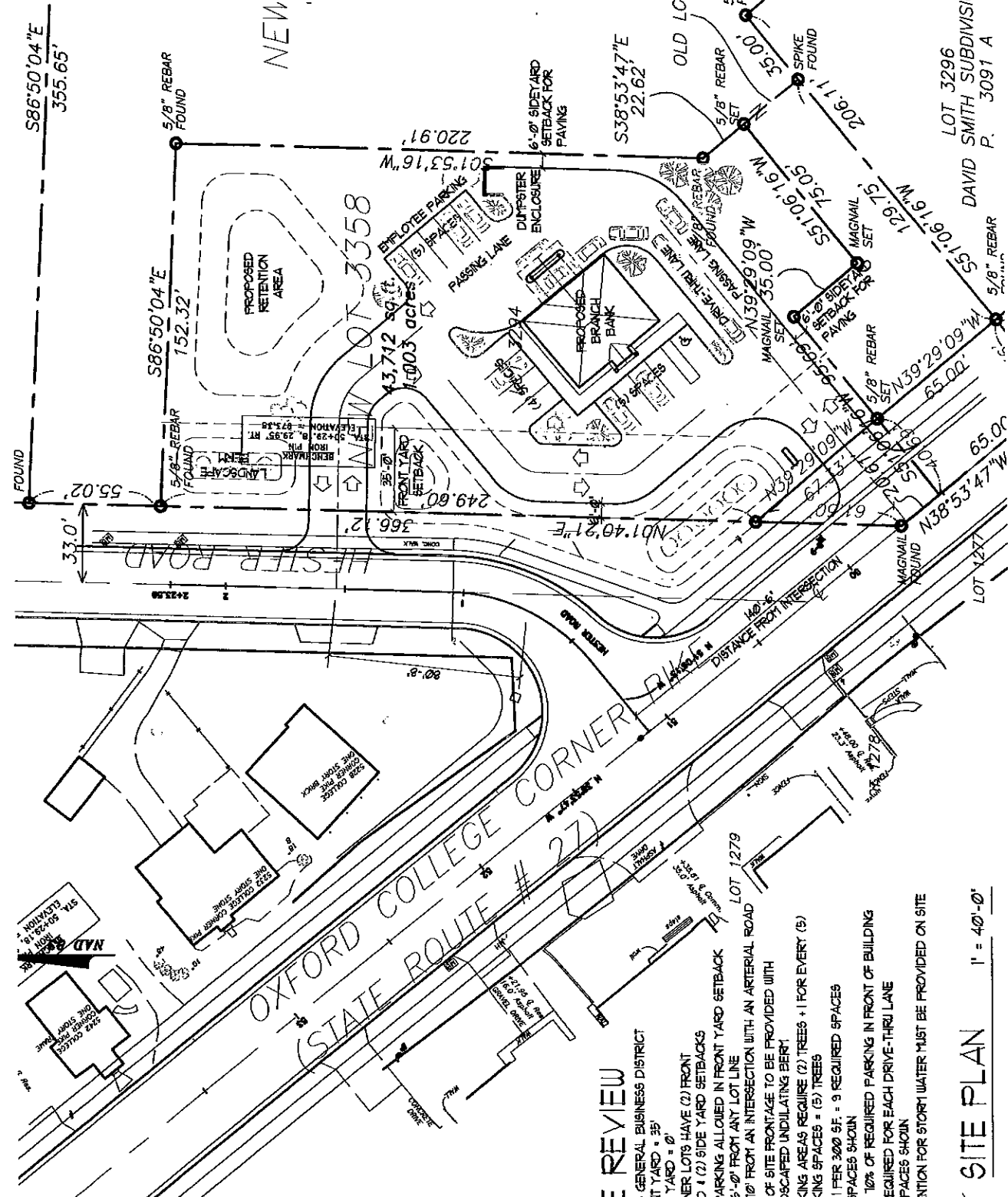
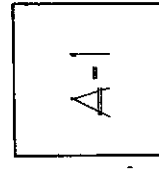
Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a horizontal line.

Scott Webb, Architect



DATE	January 18, 2018
REVISIONS	



ZONING CODE REVIEW

ZONING DISTRICT:
YARD REQUIREMENTS:

GB - GENERAL BUSINESS DISTRICT
FRONT YARD = 35'
SIDE YARD = 0'

CORNER LOTS HAVE (2) FRONT
YARD & (2) SIDE YARD SETBACKS

NO PARKING ALLOWED IN FRONT YARD SETBACK

MIN 6'-0" FROM ANY LOT LINE

MIN 10' FROM AN INTERSECTION WITH AN ARTERIAL ROAD

LANDSCAPE REQUIREMENTS: 50% OF SITE FRONTAGE TO BE PROVIDED WITH LANDSCAPED UNDULATING BERRY

PARKING AREAS REQUIRE (2) TREES + 1 FOR EVERY (5) PARKING SPACES = (5) TREES

(3) + 1 PER 300 SF = 9 REQUIRED SPACES

(14) SPACES SHOWN

MAX 10% OF REQUIRED PARKING IN FRONT OF BUILDING

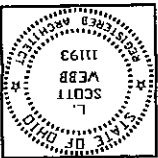
(3) REQUIRED FOR EACH DRIVE-THRU LANE

(5) SPACES SHOWN

STORM WATER MANAGEMENT: RETENTION FOR STORM WATER MUST BE PROVIDED ON SITE

PRELIMINARY SITE PLAN

1" = 40'-0"

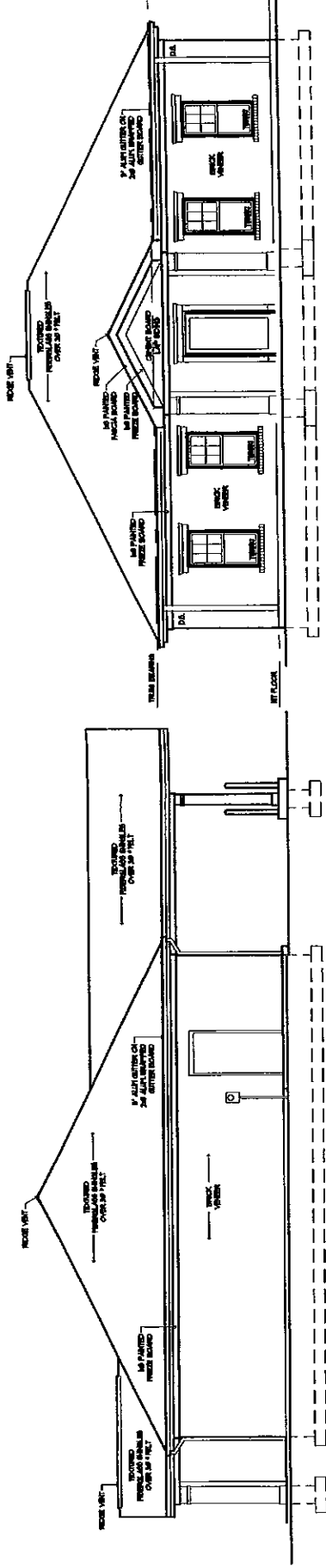


SCOTT WEBB
ARCHITECT
103 West Walnut Street
Culver, Ohio 45855
(419) 232-3838
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Somerville National Bank
PROPOSED NEW BRANCH BANK
56 214 HESTER ROAD
OXFORD, OHIO 45056

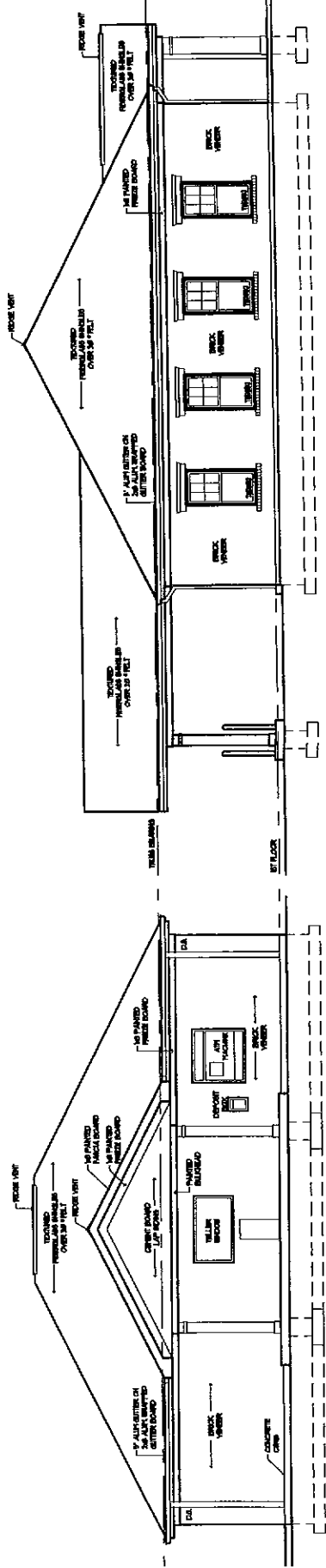
DATE	January 30, 2011
REVISIONS	

A-2



LEFT SIDE ELEVATION 1/8" = 1'-0"

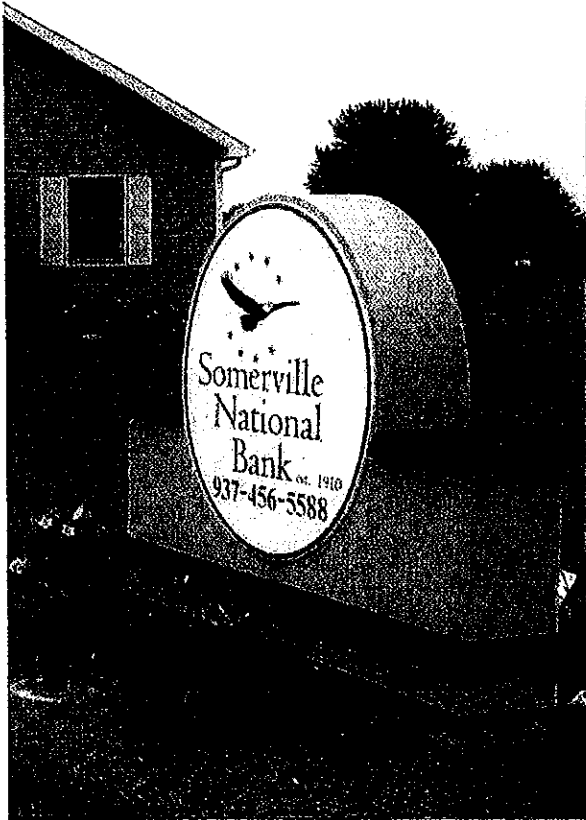
FRONT ELEVATION 1/8" = 1'-0"



RIGHT SIDE ELEVATION 1/8" = 1'-0"

REAR ELEVATION 1/8" = 1'-0"

Proposed Ground Sign



Ground Sign at other location to be used for proposed new Branch.
See Site Plan for Location.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: March 15, 2011

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 11, 2011

Date Prepared

Agenda Title: An Ordinance authorizing the annexation of 0.594 acres of contiguous territory and directing the City Attorney to prosecute the proceedings necessary to effect said annexation and declaring an emergency.

Recommendation: Adopt the Ordinance

Discussion:

This legislation is necessary for the annexation of land at the intersection of University Park Boulevard and US-27. Once annexed, the City will be able to install the temporary traffic light in accordance with the annexation agreement with the Talawanda School District.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

 4/1/11

ORDINANCE NO. _____

ORDINANCE AUTHORIZING THE ANNEXATION OF 0.594 ACRES OF CONTIGUOUS TERRITORY AND DIRECTING THE CITY ATTORNEY TO PROSECUTE THE PROCEEDINGS NECESSARY TO EFFECT SAID ANNEXATION AND DECLARING AN EMERGENCY.

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

SECTION I: Butler County is the owner of 0.594 acres of land in the unincorporated area of Oxford Township, Butler County, Ohio as recorded at Miami Western Circle Subdivision, plat envelope 334, page "B" of the Butler County Recorder's Office.

SECTION II: The 0.594 acres of land owned by Butler County in the unincorporated area of Oxford Township, Butler County, Ohio is contiguous to the corporate limits of the City of Oxford. The 0.594 acres is more particularly described in the legal description attached hereto and incorporated herein as Exhibit "A".

SECTION III: The Council hereby authorizes the annexation of said property, in accordance with Ohio Revised Code provisions of § 709.14 *et seq.*, and the City Attorney is hereby directed to prosecute the proceedings necessary to effect said annexation.

SECTION IV: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the citizens of Oxford, the reason for such emergency being to insure the annexation of the roadway into the City can be completed in a timely manner and the traffic light is installed in a timely manner.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

TO BE ANNEXED
0.594 ACRES
 25879 S.F.

LOT 2799
 CITY OF OXFORD
 DAVID S. DENNISON, TRUSTEE
 OF THE GLENN S. DENNISON TRUST
 D.B. 1757 PG. 149

LOT 2800
 CITY OF OXFORD
 DAVID S. DENNISON, TRUSTEE
 OF THE GLENN S. DENNISON TRUST
 D.B. 1757 PG. 149

LOT 2801
 CITY OF OXFORD
 CLAWSON PROPERTIES LLC
 D.B. 6316 PG. 2222

LOT 3288
 CITY OF OXFORD
 INDIAN TRACE LTD. PART
 D.B. 6055 PG. 2094

LOT 7
 MIAMI WESTERN CIRCLE
 SEC. 35 OXFORD TOWNSHIP
 KEN AND JACKIE MUCZAREK
 D.B. 7841 PG. 423

LOT 8
 MIAMI WESTERN CIRCLE
 SEC. 35 OXFORD TOWNSHIP
 BRIAN ANDERSON
 D.B. 7610 PG. 210

LOT 5
 MIAMI WESTERN CIRCLE
 SEC. 35 OXFORD TOWNSHIP
 TRACY L. BECKELTYNER
 D.B. 7885 PG. 2108

LOT 4
 MIAMI WESTERN CIRCLE
 SEC. 35 OXFORD TOWNSHIP
 JAMES O'BRIEN
 D.B. 8138 PG. 2045

LOT 3
 MIAMI WESTERN CIRCLE
 SEC. 35 OXFORD TOWNSHIP
 FRANK D. & CHERYL J. LAMB CO. TRS.
 D.B. 7757 PG. 517

LOT 2
 MIAMI WESTERN CIRCLE
 SEC. 35 OXFORD TOWNSHIP
 LINDA ANN WILKINS
 D.B. 8414 PG. 315

LOT 1
 MIAMI WESTERN CIRCLE
 SEC. 35 OXFORD TOWNSHIP
 ALAN W. & TAMMY K. THOME
 D.B. 8402 PG. 1252

PART OF SECTION 35
 OXFORD TOWNSHIP
 SPRINGFIELD HILL
 PROPERTIES LLC
 D.B. 7853 PG. 2336

City of Oxford
Oxford Township
MIAMI WESTERN CIRCLE
MILLVILLE-OXFORD ROAD (U.S. ROUTE 27)

Owner Information:
LOT 8
 MIAMI WESTERN CIRCLE
 SEC. 35 OXFORD TOWNSHIP
 RUSSELL LOGSDON
 D.B. 7671 PG. 1827

State of Ohio
DAVID D. SMITH
S-7121
REGISTERED PROFESSIONAL SURVEYOR

Basis of Bearing:
 State Plane NAD83 GPS Observations

Scale: 1" = 100'



**bayer
becker**

318 S. College Avenue
Oxford, OH 45056 - 513.523.4270

Date: March 10, 2011
Description: U.S. Route. # 27
Annexation
Location: Millville Oxford Road
Oxford Township, Butler County



Situated in the Section 35, Town 5, Range 1, Oxford Township, being parts of the right of way of Millville Oxford Road (U.S. Route 27) and the adjoining right of way of Miami Western Circle as recorded in Miami Western Circle Subdivision, Plat Envelope 334, Page "B" of the Butler County Recorder's Office and being more particularly described as follows:

Beginning at the northwest corner of Lot 8 of said Miami Western Circle Subdivision, said point being on the northeast right of way of Millville Oxford Road (U.S. Route 27); thence along the westerly line of said Lot 8, South 33°27'07" East, 102.80 feet to the **True Point of Beginning**;

thence, along the westerly line of said Lot 8, with said northeast right of way of Millville Oxford Road (U.S. Route 27), South 33°27'17" East, 98.55 feet;

thence, with the northwest right of way of said Miami Western Circle, with a curve to the left, having a central angle of 90°00'00", a radius of 15.00 feet, an arc length of 23.56 feet and a chord bearing South 78°27'17" East, 21.21 feet;

thence, through said Miami Western Circle, South 33°27'17" East, 50.00 feet to the southwest right of way of said Miami Western Circle;

thence, continuing with said southwest right of way of Miami Western Circle, with a curve to the left, having a central angle of 90°00'00", a radius of 15.00 feet, an arc length of 23.56 feet, and a chord bearing South 11°32'43" West, 21.21 feet to said northeast right of way of Millville Oxford Road (U.S. Route 27).

thence, with said northeast right of way of Millville Oxford Road (U.S. Route 27), South 33°27'17" East, 470.00 feet to the northwest right of way of Miami Western Circle;

thence, with said northwest right of way of Miami Western Circle with a curve to the left, having a central angle of 90°00'00", a radius of 15.00 feet, an arc length of 23.56 feet and a chord bearing South 78°27'17" East, 21.21 feet;

thence, through said Miami Western Circle, South 33°27'17" East, 50.00 feet;

thence, with a curve to the left, having a central angle of 90°00'00", a radius of 15.00 feet, an arc length of 23.56 feet and a chord bearing South 11°32'43" West, 21.21 feet to said northeast right of way of Millville Oxford Road (U.S. Route 27);

thence, South 33°27'17" East, 79.57 feet continuing with said northeast right of way of Millville Oxford Road (U.S. Route 27) to the southwest corner of Lot 1 of said Miami Western Circle Subdivision, said point being on the City of Oxford Corporation Line;

thence, leaving said northeast right of way of Millville Oxford Road (U.S. Route 27) and with said City of Oxford Corporation Line, South 68°53'46" West, 30.71 feet to the centerline of said Millville Oxford Road (U.S. Route 27);

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6900 Tylersville Road, Suite A
Mason, Ohio 45040
513-336-6600

209 Grandview Drive
Fort Mitchell, Kentucky 41017
859-261-1113

318 South College Avenue
Oxford, Ohio 45056
513-523-4270

P.O. Box 3706
Lawrenceburg, Indiana 47025
812-537-9064

Engineering -- Surveying -- Landscape Architecture -- Planning
www.bayerbecker.com

thence, with said centerline of Millville Oxford Road (U.S. Route 27) and with said City of Oxford Corporation Line, North 33°27'17" West, 804.25 feet;

thence, leaving said centerline of Millville Oxford Road (U.S. Route 27) and with said City of Oxford Corporation Line, North 61°40'48" East, 30.12 feet to the **True Point of Beginning** containing 0.594 acres more or less and being subject to all legal highways, easements, restrictions and agreements of record.

The above description was prepared by Bayer Becker, David Douglas Smith, Registered Surveyor #7121 in the State of Ohio, March 10, 2011

Basis of Bearings: GPS Observation Ohio South Zone Nad 83.

