



Agenda

Oxford City Council

Court House

TUESDAY, APRIL 16, 2013

EXECUTIVE SESSION

None.

1. Roll Call. Richard Keebler, Mayor; Ken Bogard, Vice-Mayor; Kevin McKeehan; Bob Blackburn; Kate Rousmaniere; John Harman; Steve Snyder

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. Presentation - Butler County Regional Transit Authority - Matthew Dutkevicz.

B. Proclamation - 'Earth Day'.



Proclamation

C. Proclamation - 'Arbor Day'.



Proclamation

D. Proclamation - 'National Preservation Month'.



Proclamation

E. 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 April 2, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Minutes of the April 8, 2013 City Council Special Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

C. Report regarding the March 20, 2013 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



Report

D. Report regarding the April 3, 2013 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

E. Report regarding the April 3, 2013 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

5. Resolutions.

1. A Resolution of Council authorizing the City Manager to waive the fees adopted in the Fee Ordinance for the street closings for the Visitors Bureau for the 2013 annual Summer Music Festival. (Doug Elliott, City Manager).



Staff Report/Resolution

2. A Resolution authorizing the City Manager to permit the Miami University Alumni Association to hold an Alumni Weekend 2013 event to include the sale of beer and wine from 6:00 p.m. to 10:00 p.m. on Friday, June 21, 2013 in the Oxford Memorial Park. (Doug Elliott, City Manager).



Staff Report/Resolution

3. A Resolution accepting the bid and authorizing the City Manager to enter into a contract with Jackson Construction Co. for the improvement and replacement of defective curb, gutter, and sidewalk at a cost of \$ 164,522.55 plus a contingency amount of ten percent (10%) of the contract price or \$ 16,453.00 for a total cost not to exceed \$180,975.55. (Mike Dreisbach, Service Director)



Staff Report/Resolution

4. A Resolution accepting the bid and authorizing the City Manager to enter into a contract with Barrett Paving Materials, Inc. for resurfacing and maintenance work at a cost of \$266,737.40 plus a contingency amount of ten percent (10%) of the contract price or \$26,674.00 for a total cost not to exceed \$293,411.40. (Mike Dreisbach, Service Director).



Staff Report/Resolution

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

A. First Reading - None.

B. Second Reading.

1. An Ordinance Repealing Oxford Codified Ordinance Section 1143.11 Entitled MU University District, And Adopting New Oxford Codified Ordinance Section 1143.11 Entitled MU University District. (Jung-Han Chen, Community Development Director).



Staff Report/Ordinance

2. An Ordinance Amending Oxford Codified Ordinance Section 1139.02 Entitled Procedure. (Jung-Han Chen, Community Development 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 17 Community Relations Commission Meeting 4:30 p.m. Municipal Building

WED - Apr 17 Board of Zoning Appeals Meeting 7:30 p.m.

THUR - Apr 18 Recreation Board Meeting 4:00 p.m. Senior Citizens Center

FRI - Apr 19 Student Community Relations Commission Meeting 3:45 p.m. LCNB

WED - Apr 24 Civil Service Commission Meeting 7:00 p.m.

FRI - Apr 26 Community Improvement Corporation Meeting 12:00 p.m. LCNB

WED - May 1 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

WED - May 1 Environmental Commission Meeting 7:00 p.m. Municipal Building

FRI - May 3 Student Community Relations Commission Meeting 3:45 p.m. LCNB

TUES - May 7 City Council Meeting 7:30 p.m.

TUES - May 14 Planning Commission Meeting 7:30 p.m.

WED - May 15 Board of Zoning Appeals Meeting 7:30 p.m.

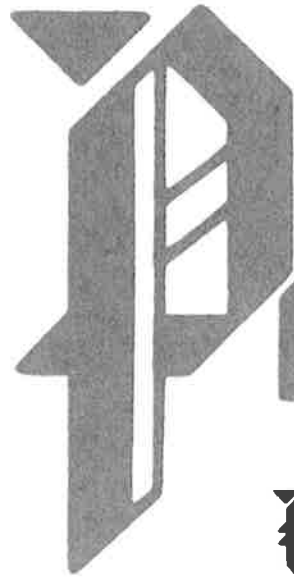
MON - May 20 Housing Advisory Board Meeting 7:00 p.m. Municipal Building

WED - May 22 Civil Service Commission Meeting 7:00 p.m.

FRI - May 24 Community Improvement Corporation Meeting 12:00 p.m. LCNB

MON - May 27 Holiday - City Offices Closed

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 Monday, April 22, 2013 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 16th day of April, 2013.




RICHARD A. KEEBLER, MAYOR

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 2, 2012

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

March 25, 2013

Date Prepared:

Agenda Title: Zoning Code Text Amendment to Amend Chapter 1143.11 MU (Miami University) District to Include Conditional Uses
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Recommendation: Approval

Discussion:

As part of a city-wide zoning ordinance update in 2003, some privately owned properties were rezoned from R-1 (Suburban Single-Family Dwelling) to MU (Miami University) District. The R-1 District no longer exists in the zoning code. Over 99% of the MU District is owned by Miami University. The few remaining privately owned properties do not have zoning code provisions the same as other residential zones. This is a code clean-up item on the list of 2013 work priorities of the Planning Commission.

While the 2003 comprehensive update did permit privately operated land uses to continue, it did not accommodate for expansions or changes of those private land uses. Additionally, Site Development Regulations were not included in the 2003 amendment, so there is no guidance for dimensional requirements such as building setbacks. This proposed amendment proposes adding dimensional regulations and conditional uses that are the same as the R1MS (Single-Family Mile Square Residential) District. This would provide property owners the same rights as owners in other residential districts who desire to change use. It would also allow places of worship to expand under the Conditional Use Permit process. Other permitted conditional uses with this amendment are: community-oriented residential social service facilities, shared housing for the elderly, government recreation facilities, bed and breakfasts, day cares and schools.

Miami University is not required to follow city building and zoning ordinances; therefore, this amendment has no direct impact to Miami University.

The Planning Commission held its public hearing on March 12, 2013 and voted 6-0-0 to recommend Council approval.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC / 3/25/13
DCE / 3/29/13

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1143.11 ENTITLED MU UNIVERSITY DISTRICT, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1143.11 ENTITLED MU UNIVERSITY DISTRICT.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on March 12, 2013 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1143.11 entitled MU University District, and adopting new Oxford Codified Ordinance Section 1143.11 entitled MU University District.

SECTION II: Council hereby repeals Section 1143.11 of the Oxford Code of Ordinances and adopts new Section 1143.11 as follows: (deletions are ~~struck through~~ and additions are **bolded**.)

1143.11 MU UNIVERSITY DISTRICT.

(a) Purpose. The purpose of this district is to accommodate the academic, administrative, cultural, recreational, residential and ancillary uses comprising and supportive of the respective requirements of a college or university. Any parcel, property or structure that is within the Historic District Overlay shall also consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and shall follow the procedures for approval contained therein.

(b) Uses.

(1) Permitted uses.

A. University complex, including all affiliated educational structures and other supporting uses owned, operated, affiliated, leased or licensed by the university, such as dormitories, eating facilities, recreational and athletic facilities, laboratories, retail facilities, library, etc.

B. Single-family dwellings. ~~shall comply with the standards of the R-1MS District.~~

C. ~~Public and semi-public facilities.~~

D. ~~Day Care, Child Day Care Center, Day Care Home Type B family.~~

E. ~~Places of worship.~~

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

A. Community-Oriented Residential Social Service Facilities (CORSSF's).

B. Shared Housing for the elderly.

C. Government owned and/or operated parks and recreation facilities.

D. Bed and Breakfast homes.

E. Publicly owned and operated neighborhood recreation centers.

F. Day care facilities, including Child Day Care, Child Day Care Center and Day Care Home Type A family.

G. Schools: primary, intermediate, and secondary, both public and private.

H. Places of worship.

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

(1) Lot requirements.

A. Minimum lot area 6,000 sq. feet

B. Minimum lot width 60 feet

(2) Yard requirements.

- A. Minimum front yard depth 20 feet**
- B. Minimum rear yard depth 35 feet**
- C. Minimum side yard width 7.5 feet on each side**

(3) Structural requirements.

- A. Maximum building height 35 feet**
- B. Lot Coverage**
- C. Lots with vehicular access from a public street**
 - 1. Lot total – 35 percent**
 - 2. All enclosed buildings – 25 percent of lot**
 - 3. Front yard – 25 percent of front yard**

(4) Mile Square Design Standards. Single family dwellings shall comply with the Mile Square Design Standards of the R1MS District.

~~(1)~~ (5) Proposals requiring major infrastructure improvements shall be referred to Planning Commission and City Council as determined by the City Manager. Site development specifications and a project overview for all university uses shall be submitted to the Planning Department for review for the following:

- A. Integration of transportation improvements with existing and planned services and facilities.
- B. Adequacy of public utilities and services.
- C. Conformance with Ordinances regulating the Historic Architectural Preservation Commission.
- D. Potential incompatibility with abutting zoning districts necessitating modifications to the site plan to mitigate potential negative impacts.

(2) (6) A descriptive text shall be submitted indicating the nature of the proposed activity, expected levels of noise, odor, dust, smoke, light, glare, and vibration from normal operations, and a plan for addressing these impacts. Administrative review shall be conducted and response made within 30 days of receipt.

SECTION III: 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>	April 2, 2013
<u>Case Number</u>	PC-05-2013
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	PC-05-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1143.11 MU (Miami University) District to include conditional uses, City of Oxford, Applicant
<u>Public Hearing Information</u>	On March 12, 2013 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on February 8, 2013.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	This case was part of a code clean-up item on the list of 2013 work priorities of the Planning Commission. The Planning Commission agreed this amendment would provide property owners the same rights as owners in other residential districts and allow places of worship to expand under the same conditional use permit process for other residential districts.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated March 4, 2013 2. Interoffice Review Transmittal Sheets 3. Zoning Code Text Amendment Application dated January 23, 2013 4. Proposed Language

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-05-2013

Date – March 12, 2013

APPLICATION

Applicant:

City of Oxford

Action Request:

ZONING CODE TEXT AMENDMENT to Amend Chapter 1143.11 MU (University) District to Include Conditional Uses
City of Oxford, Applicant

DESCRIPTION

As part of a city wide zoning ordinance update in 2003, some privately owned properties were rezoned from R-1 (Suburban Single-Family Dwelling) to MU (University District). The R-1 District no longer exists in the current zoning code. The properties not owned by Miami University comprise less than 1% of the MU zoned portions in the City of Oxford. This is a code clean-up item on the list of 2013 work priorities of the Planning Commission.

While the 2003 comprehensive update did permit privately operated land uses to continue, it did not accommodate for expansions or changes of those private land uses. Additionally, Site Development Regulations were not included in the 2003 amendment, so there is no guidance for dimensional requirements for any use other than single family. This proposed amendment proposes adding conditional uses that are the same as the R1MS (Single-Family Mile Square Residential) District. This would provide property owners the same rights as owners in other residential districts who desire to change from a single family use to one of several other conditional uses. It would also allow places of worship to expand under the same Conditional Use Permit process for other residential districts.

ZONING CODE

The attached text amendment proposes changes to Section 1143.11 by adding Site Development Regulations and a Conditional Use Section.

The proposed amendments fall within the Intent and Purpose Statements listed in Section 1143.11.

AGENCY REVIEWS

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

Police:	No comment
Fire:	No comments received
Engineering:	No comment
Econ. Dev.	No comment

COMPREHENSIVE PLAN

Some applicable **Land Use Principles** of the Comprehensive Plan are as follows (p. 3.9):

- Infill development and redevelopment of underutilized sites is a priority. (3.9)

Some applicable **Land Use Goals** of the Comprehensive Plan are as follows (p. 3.21)

Objective 9: Create new residential areas with traditional neighborhood qualities

LU 9.4 Create standards, or modify existing standards, to allow for a mix of housing types within neighborhoods. (p. 3.24)

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

There is one privately owned property on Bouden Lane that is zoned MU. However, the majority of privately owned properties are in the East Chestnut Street area with nearby intersections of Oak Street, Maple Street and Garrod Lane.

The 2003 rationale for not having any Site Development Regulations in this zoning district may have been because Miami University owned nearly all of the property in the proposed district. However, after 10 years have passed, nine houses, one vacant lot and one church are not owned by Miami University. This means that if the church wanted to expand or redevelop, there would be no guidance for building setbacks, height, or lot coverage.

Additionally, none of those properties are able to change to a use allowed as a conditional use in nearly all other residential zoning districts. It may be wise to provide the owners with the same land use opportunities and dimensional guidance as in other districts. The Conditional Uses Section 1147 gives specific guidance for the Planning Commission review of those particular uses listed in the proposed amendment: Community-Oriented Residential Social Service Facilities, Shared housing for the elderly, Government recreation facilities, Bed and breakfasts, Day cares, Schools and Places of worship.

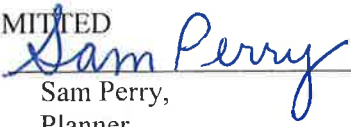
The Planning Commission and City Council are not obligated to approve a Conditional Use Permit. However, by allowing the opportunity for the case to be heard, it brings consistency among the residential category districts (11 are listed in Section 1133).

RECOMMENDATION

Staff recommends that the Planning Commission consider the proposed amendment as clean-up and ensure its alignment with the Purpose Statement of the district and the Comprehensive Plan.

SUBMITTED

BY:


Sam Perry,
Planner

DATE: March 4, 2013

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Text Amendments

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

MU District Stats

	Shape Area sq. ft.
MU Poly 1	37787092.45
MU Poly 2	10265509.04
MU Poly 3	2002525.44
Sum	50055126.94
Acreage	1149.11
Sq Miles	1.80
Total City Sq M.	7.24
% MU zoned	0.25

MU Zone Non-Miami-Owned Property Summary		
Addr.	Sq. Ft.	Use
445 Bouden Ln	11,027.95	house
614 Garrod Ln	9,819.05	house
815 S. Maple	11,141.01	house
Garrod Ln	4,509.01	vacant
841 S. Maple	19,397.50	house
612 E. Chestnut	8,323.49	house
800 S. Maple	88,613.14	church
400 E. Chestnut	18,447.53	house
819 S. Oak	18,914.54	house
811 S. Oak	10,940.41	house
711 S. Oak	10,940.43	house
Tot sq ft.	212,074.06	
% MU Zone non-Miami	0.00424	
9 houses and 1 church		

City of Oxford
Inter-Office Review Transmittal Sheet

dist @ PC mtg
3/12/13

Date: 3/5/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-05-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1143.11 MU (Miami University) District to include conditional uses, **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/8/13** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:



Date: 3-11-13

John Dethenage
PRINTED NAME

R **RECEIVED** **D**
MAR 12 2013
CITY OF OXFORD

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/5/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-05-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1143.11 MU (Miami University) District to include conditional uses, **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/8/13** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

V. Popescu

Date: 3-6-13

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/5/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-05-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1143.11 MU (Miami University) District to include conditional uses, **City of Oxford, Applicant**

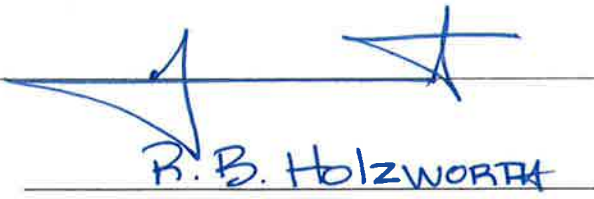
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/8/13** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:


R. B. HOLZWORTH

PRINTED NAME

Date: 3-6-2013

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/5/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-05-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1143.11 MU (Miami University) District to include conditional uses, **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/8/13** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

Date: 3-8-2013

G. Allen Kucera
PRINTED NAME

Case No.: PC-05-2013
Date Filed: 1/23/13

Zoning Code Text Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant:

Sam Perry, City of Oxford

Mailing Address:

(Attach a Letter of Agency if the applicant is not the property owner.)
101 E. High St., Oxford, OH, 45056

Telephone Number(s)

Email Address

SUBMISSION REQUIREMENTS

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

1143.11, MU district

All applications must include:

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

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

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

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

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

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

SIGNATURE OF APPLICANT:

Sam Perry

Date:

1-23-13

PRINTED NAME:

Sam Perry

FEE / RECEIPT

\$150 Fee plus Actual Postage Paid / Receipt Number:

NA

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 2, 2012

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

March 25, 2013
Date Prepared:

Agenda Title: ZONING CODE TEXT AMENDMENT to Amend Chapter 1139 Variances; to Include the Minimum Period of Time for Reapplication

Recommendation: Approval

Discussion:

Section 8.08 of the Oxford Charter stipulates that the Board of Zoning Appeals shall have the power to hear and determine appeals from refusal of building permits and to permit exceptions to and variations from the zoning regulations in individual cases as may be required to afford justice and avoid unreasonable hardship to property owner. Chapter 1139 of the Oxford Zoning Code also prescribes a detailed process to file said application to go before the Board of Zoning Appeals.

The current code does not state a minimum period of time to allow for an application to be filed after it has been turned down, in whole or in part. It is common to allow for reapplications to take place after a certain period of time has lapsed since circumstances or conditions may have changed. Additionally, given the nature of the hearing process and the judicial proceeding, it is important to allow sufficient time for any interested parties to prepare, contemplate and comment on any application; therefore, it is desirable to set a time period before the same request may be considered.

Other types of applications such as a Conditional Use or Planned Development all have a minimum period of time of one year for reapplication. Furthermore, the State statute does not have any predetermined period of time for reapplication and it suggests that it should be left with the local government to determine what would be a reasonable timeframe for reapplication. Staff also has contacted several other municipalities to find out what their regulations are pertaining to this matter.

Making this change would codify the process to be consistent with the similar provisions of other sections of the Oxford Zoning Code.

The Planning Commission held its public hearing on March 12, 2013 and voted 6-0-0 to recommend Council approval.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC 3/25/13
DRC 3/29/13

ORDINANCE NO.

ORDINANCE AMENDING OXFORD CODIFIED ORDINANCE SECTION 1139.02 ENTITLED PROCEDURE.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on March 12, 2013 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended amending Oxford Codified Ordinance Section 1139.02 entitled Procedure, to modify subsection 1139.02 (b)(1).

SECTION II: Council hereby amends Section 1139.02 as follows: (additions are **bolded**)

1139.02 PROCEDURE

(a) Application. An application for a variance shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for an adjudication hearing. An application will be placed on the agenda only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements. The Board will not hear any appeal on an application the Board deems incomplete.

(1) Contents of application for variance. Eight complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. The applicant is encouraged to contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

- A. Application Fee.
- B. Description of Use and Site.
- C. The name, mailing address, and telephone number of the applicant and the property owner.
- D. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf (Letter of Agency).
- E. A legal description of the site, including all separate lots.
- F. A description of the existing uses of the site.
- G. The zoning district in which the site is located.
- H. A description of the existing and proposed use.
 1. A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles.
 2. The hours of operation.
- I. The nature and magnitude of the requested variance.
- J. The Code section from which the variance is requested.
- K. A separate narrative statement that explains how the proposed variance satisfies each of the Decision Standards required to grant a variance.
- L. A list of the names and mailing addresses of all landowners within 200 feet of the perimeter of the site.

(2) Site Plan. A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

- A. North arrow.
- B. Scale.
- C. Vicinity map.
- D. All existing and proposed lot lines within the site.

- E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
 - F. Location, height, and use of all proposed and existing structures.
 - G. Location and design of all proposed vehicle management areas.
 - H. Location, size, and type of all proposed signs.
 - I. Location, height, and type of all proposed screening and landscaping.
 - J. Distances to residential zoning districts if within 1,000 feet.
 - K. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
 - L. An indication of the regulation from which the variance is requested.
 - M. Other information as required by the Board of Zoning Appeals.
- (3) Elevations: Elevations of proposed structures, or typical elevations if structures are not yet designed, may 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.
 - (4) Other. Photographs of the existing use and its surroundings and other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals.

(b) Reapplication.

- (1) No application for a variance that is substantially similar to an application that has been denied or granted, wholly or in part, or revoked, shall be submitted **for one year** to the BZA for a decision. The Zoning Administrator shall determine if a similar application differs enough to be considered a different application and not subject to this section. The Zoning Administrator may consider factors such as the nature or size of a proposal, changes in the development or traffic patterns of the area, or newly discovered evidence pertinent to a decision on a previous application.
- (2) An applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals as stipulated in this Chapter and Section 1129.09 of the Planning and Zoning Code.

(c) Board of Zoning Appeals Review. The Board of Zoning Appeals shall base its review of a variance application upon the complete application, upon any staff report, and upon any relevant and credible public testimony and evidence presented during the adjudication hearing. If the Board of Zoning Appeals 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. The applicant shall be required to present by preponderance of reliable, probative and substantial testimony and evidence that supports the applicants request for a variance.
- (2) Decision standards. The Board of Zoning Appeals will consider the effect of the request on the public health, safety and welfare. Variances shall be granted only upon a determination that practical difficulties exist with respect to the property in question that would render strict application of the Planning and Zoning Code unreasonable. This determination shall be made without regard to the existence of variances and nonconformities on other land, sites, or structures not presently under consideration. In determining whether practical difficulties exist sufficient to warrant a variance, the Board shall consider and weigh the following factors:
 - A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;
 - B. Whether the variance is substantial;
 - C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
 - D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
 - E. Whether the property owner purchased the property with knowledge of the zoning restriction;
 - F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;

- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- H. Any other relevant factor.

(d) Action by Board of Zoning Appeals.

- (1) The Board of Zoning Appeals shall grant, grant with conditions, or deny a variance application as presented and shall clearly state the findings upon which its decision is based.
- (2) The Board of Zoning Appeals shall base its decision only upon the Decision Standards in this Chapter. In its decision, the Board of Zoning Appeals may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.

(e) Issuance of Permits.

- (1) The Zoning Administrator shall issue permits to permit the action for which a variance was sought after the Board of Zoning Appeals grants a variance. Construction permits shall not be issued unless the plans substantially conform to those upon which a variance was granted. Any action that exceeds a granted variance shall constitute a violation of the Zoning Code.
- (2) No order of the Board permitting erection or alteration of a building or the use of a building or premises shall be valid for a period longer than six (6) months, and upon the expiration of such period shall automatically be deemed revoked, unless a building permit for such erection or alterations is obtained and the work is started within such period, or, where no erection or alteration is necessary, the permitted use is established within such period, or an extension is requested in writing and granted by the Board.

(f) Appeal of Board of Zoning Appeals Decision.

- (1) Appeals to the decision of the Board of Zoning Appeals shall be made to the Court of Common Pleas of Butler County.

SECTION III: 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>	April 2, 2013
<u>Case Number</u>	PC-06-2013
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	PC-06-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1139 Variances to Include the Minimum Period of Time for Reapplication, City of Oxford, Applicant
<u>Public Hearing Information</u>	On March 12, 2013 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on February 8, 2013.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	Under current regulations, there is no set time period stipulated when a substantially similar application can be refilled after being turned down by the Board of Zoning Appeals. This amendment would codify the process to be consistent with the similar provisions of other sections of the Oxford Zoning Code.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated February 25, 2013 2. Interoffice Review Transmittal Sheets 3. Zoning Code Text Amendment Application dated January 23, 2013 4. Proposed Language

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-06-2013

Date – March 12, 2013

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING CODE TEXT AMENDMENT to Amend Chapter 1139 Variances to Include the Minimum Period of Time for Reapplication City of Oxford, Applicant

DESCRIPTION

One of the issues the Planning Commission is reviewing is considering the addition of a minimum period of time for a Board of Zoning Appeals reapplication. Under the current regulations, there is no set time period stipulated when a substantially similar application can be refilled after being turned down, wholly or in part, by the Board of Zoning Appeals.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1139 Variances

COMPREHENSIVE PLAN

Not applicable

AGENCY REVIEWS

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

Police:	No comment
Fire:	No comments received
Engineering:	No comment
Econ. Dev.	Comment received

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

Section 8.08 of the Oxford Charter stipulates that the Board of Zoning Appeals shall have the power to hear and determine appeals from refusal of building permits and to permit exceptions to and variations from the zoning regulations in individual cases as may be required to afford justice and avoid unreasonable hardship to property owner. Chapter 1139 of the Oxford Zoning Code also prescribes a detailed process to file said application to go before the Board of Zoning Appeals, along with the decisions standards for the deliberation of its adjudication.

Apparently, the current code does not state a minimum period of time to allow for an application to be filed after it has been turned down, in whole or in part. It is common to allow for reapplications to take place after a certain period of time has lapsed since circumstances or conditions may have changed. Additionally, given the nature of the hearing process and the judicial proceeding, it is important to allow sufficient time for any interested parties to prepare, contemplate and comment on any application; therefore, it is desirable to set a time period before the same request may be considered.

Other types of applications such as a Conditional Use or Planned Development all have a minimum period of time of one year for reapplication. Furthermore, the State statute does not have any

predetermined period of time for reapplication and it suggests that it should be left with the local government to determine what would be a reasonable timeframe for reapplication. Staff also has contacted several other municipalities to find out what their regulations are pertaining to this matter. It would be reasonable to consider the same time frame.

It seems that this was inadvertently left out to be consistent with other regulations outlined in the Oxford Zoning Code. Based on these considerations, it would be reasonable to consider placing a one-year period of time to allow for a substantially similar application be filed before the Board of Zoning Appeals.

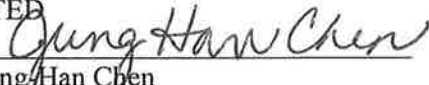
Making this change would codify the process to be consistent with the similar provisions of other sections of the Oxford Zoning Code.

RECOMMENDATION

Staff recommends that the Commission concur with the change and forward to Council for legislation.

SUBMITTED

BY:


Jung Han Chen

Community Development Director

DATE: February 25, 2013

ATTACHMENT

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Text Amendments

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

City of Oxford
Inter-Office Review Transmittal Sheet

dist @ PC mtg
3/12/13

Date: 3/5/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-06-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1139 Variances to include the minimum period of time for reapplication, **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/8/13** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:



John Detherage

PRINTED NAME

Date: 3-11-13

R E C E I V E D
MAR 12 2013
CITY OF OXFORD

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/5/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-06-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1139 Variances to include the minimum period of time for reapplication, **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/8/13** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

V. Popescu

Date: 3-6-13

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/5/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-06-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1139 Variances to include the minimum period of time for reapplication, **City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/8/13** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

Date: 3-6-2013

R. B. HOLZWORTH
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/5/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-06-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1139 Variances to include the minimum period of time for reapplication, **City of Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/8/13** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

ANOTHER GREAT IDEA.

Drawings reviewed by:



Date:

3-8-2013



PRINTED NAME

Case No.: PC-06-2013
Date Filed: 1/23/13

Zoning Code Text Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant:

Sam Perry, City of Oxford
(Attach a Letter of Agency if the applicant is not the property owner.)

Mailing Address:

101 E. High St., Oxford, OH 45056

Telephone Number(s)

Email Address

SUBMISSION REQUIREMENTS

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

1139, Variances

All applications must include:

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

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

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

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

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

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

SIGNATURE OF APPLICANT:

Sam Perry

Date:

1-23-13

PRINTED NAME:

Sam Perry

FEE / RECEIPT

\$150 Fee plus Actual Postage Paid / Receipt Number:

NA

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 16, 2013

Account Code #: 141.720.51000

Budgeted Amount: \$300,000

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

April 12, 2013
Date Prepared

Agenda Title: 2013 Street Resurfacing and Maintenance Program

Recommendation: Approval

Discussion: The 2013 Operating Budget includes \$300,000 for street and alley maintenance and improvements. Staff has evaluated the surface condition of City streets in order to provide data for the compilation of the 2013 Street Resurfacing Program. Several factors were considered in recommending a street or alley for resurfacing including traffic volume, road base condition (or lack of a proper base), curb and gutter condition, drainage conditions, past street and utility cuts, proposed underground work scheduled, and current surface condition. Additionally, staff reviewed and updated the City Infrastructure Inventory which includes data on street, water, wastewater, and stormwater systems. Some streets that warrant resurfacing were removed from the list due to scheduled or proposed construction projects in 2013 (i.e. Spring Street from Patterson to Campus because of significant demolition / construction activity by the University). A tentative resurfacing list has been identified for 2013 street maintenance; special consideration was given to Kehr Road as this street will be heavily traveled while US27 South is under construction in 2014.

In addition to typical street maintenance and resurfacing, the City also specified 100 tons of asphalt base material for failed road base excavation and replacement. The repair of these failed areas will greatly improve the service life of the wear coarse of asphalt.

The list of streets proposed for improvement is attached and labeled "**Exhibit A**". Depending on available funding and bid pricing, the City also specified alternate streets for resurfacing should existing appropriations be available.

Staff also evaluated streets resurfaced in the past few years to assess the current condition and to maximize the longevity of recent improvements. By managing surface cracks with a sealing program, recently paved streets should maintain acceptable conditions considerably longer. The 2013 crack sealing program will focus on municipal parking lots including the Oxford Community Park.

A request for bids was published in the Oxford Press and Hamilton Journal on March 29 and April 5, 2013. Sealed proposals were opened and read aloud on April 12, 2013. Three firms submitted bids with the following results:

Approved By:

Department Head:

Initial MB Date 4/12/13

City Manager:

MBE 4/12/13

Barrett Paving Materials, Inc.	\$ 266,737.40
John R. Jurgensen Co.	284,604.00
Mt. Pleasant Blacktopping Co.	322,078.00

Bids submitted included the following line item cost breakdowns:

- Asphalt milling
- Asphalt placing and compacting
- Traffic control
- Pavement / traffic marking replacements
- Blue reflective armored markers to indicate fire hydrant locations
- Yellow / white markers to enhance lane marking safety

The lowest and best bid for the 2013 street maintenance program was provided by Barrett Paving Materials, Inc. at a cost of \$266,737.40. Staff is requesting an authorized contingency amount of ten percent of the contract or \$26,674. It is Staff's recommendation that Council authorize the City Manager to enter into an agreement with Barrett Paving Materials, Inc. for a total amount not to exceed **\$293,411.40.**

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARRETT PAVING MATERIALS, INC. FOR RESURFACING AND MAINTENANCE WORK AT A COST OF \$266,737.40 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT(10%) OF THE CONTRACT PRICE OR \$26,674.00 FOR A TOTAL COST NOT TO EXCEED \$293,411.40.

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

SECTION 1: A request for bids was published in the *Oxford Press* and *Hamilton Journal* on March 29, 2013 and April 5, 2013. Sealed proposals were opened on April 12, 2013 with three (3) firms submitting bids.

SECTION 2: Council hereby finds Barrett Paving Materials, Inc. to be the lowest and best bidder and accepts the bid of \$266,737.40 for the 2013 resurfacing and maintenance work as described in Attachment "A" attached hereto and incorporated herein.

SECTION 3: The City Manager is hereby authorized to enter into a contract with Barrett Paving Materials, Inc. at a cost of \$266,737.40 plus a contingency amount of ten percent (10%) of the contract price or \$26,674.00 for a total cost not to exceed \$293,411.40 for resurfacing and maintenance work as described in Attachment "A."

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
2013 STREET MAINTENANCE PROGRAM
PROPOSED LIST OF STREETS FOR MAINTENANCE

STREETS

Church Street from College Avenue to Locust Street
Odgen Court from South Terminus to Wells Mill Drive
Wells Mill Drive from Locust Street to McGuffey Avenue
Kehr Road from Booth Road to Chestnut Street
Locust Street from Sandra Drive to Pamela Avenue (awarded from Alternate list)
Locust Street from Pamela Avenue to Chestnut Street (awarded from Alternate list)
Sandra Drive from Locust Street to Maxine Drive (awarded from Alternate list)

- Adjustments to quantities may be made to reflect bid prices versus budgeted funds and other variables beyond the contractor's control.

ALLEYS TO BE PAVED

N/S between Main & College from Central to North Terminus
E/W between Tollgate Right of Way between Tollgate and the West Terminus

- Alleys will require milling of the entire surface

STREETS PROPOSED FOR CRACK SEALING AND/OR POLYFIL

No streets are proposed at this time.

- Beginning and ending points will be determined on site.

ALTERNATE STREETS FOR RESURFACING

~~Walnut Street from Elm Street to College Avenue~~ (will not be awarded based on current funding)

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, April 2, 2013 at 7:00 p.m. Those members present were Bob Blackburn, John Harman, Kevin McKeehan, Kate Rousmaniere and Steve Snyder. Ken Bogard was excused.

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

ADJOURN TO EXECUTIVE SESSION

Mr. Blackburn moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22(G)(2) for the purpose of discussing property acquisition. Mr. McKeehan seconded. The motion passed by the following roll call:

AYE: Mr. Harman, Mr. McKeehan, Ms. Rousmaniere, Mr. Snyder, Mr. Blackburn
Mayor Keebler (6)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Snyder moved to return from Executive Session at 7:40 p.m. Mr. Blackburn seconded. The motion passed 6-0-0.

PLEDGE OF ALLEGIANCE

Mayor Keebler requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Harman moved to approve the agenda. Mr. McKeehan seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PRESENTATION

OXFORD KINETICS FESTIVAL

Ms. Kate Currie, 420 W. Vine Street, advised she and her Co-Chair, Rod Northcutt, would provide a brief history of the Oxford Kinetics Festival and plans for future festivals. Ms. Currie noted this year the Oxford Kinetics Festival would take place on Sunday, April 7, 2013 in front of Millett Hall from 12:00 to 4:00 p.m.

Ms. Currie noted the first Oxford Kinetics Festival took place in 2010 as part of the City's Bicentennial celebration with 12-15 people participating in the race on High Street and approximately 40 spectators on the sidewalk. Ms. Currie advised she received so much positive feedback about the event that she contacted Mr. Northcutt and others who looked at similar events around the country. Ms. Currie noted over 700 people attended the festival last year and she expected 1,200 people to attend this year.

Mr. Rod Northcutt, advised Oxford's festival was not an isolated event, and noted Kinetics races and festivals had been going on for over 40 years. Mr. Northcutt shared information about some of the larger Kinetic events that took place in California, Nevada, and Oregon. Mr. Northcutt noted the events attracted a lot of people who brought business and energy to the various towns. Mr. Northcutt advised people built contraptions to enter in the races and the only rule was that they had to be human powered. Mr. Northcutt noted he was a Professor of Sculpture at Miami and he opened up his studio to host free workshops on building contraptions for Oxford's event with the assistance of Talawanda students, Miami students and community members. Mr. Northcutt advised bicycles were donated from the City of Oxford's impound lot, Miami's impound lot and from Wal-Mart and noted the ones that were not worth much at auction were the ones they wanted to build the contraptions. Ms. Currie advised 20 bicycles were donated to Talawanda High School where Jim McWilliams worked with high school students to build entries as well.

Ms. Currie described the various activities for kids that would take place during the event and noted the goal was to facilitate art interactions between children and parents. Ms. Currie noted the main focus of the event was the Scramble which was Oxford's version of a race where the object was not to finish first, but to ride around the concourse in front of Millett Hall for 45 minutes stopping at 5 different stations along the concourse to perform a variety of tasks. Ms. Currie noted Millett Hall was a perfect place to hold the event as if it rained the participants could move inside, there was room to grow, and there was ample parking. Ms. Currie advised the event organizers wanted to add more Workshops during the festival and by 2015 turn it into a 2 day event. Ms. Currie noted the event was supported by the Oxford Community Arts Center, the Oxford Community Foundation, the Oxford Visitors Bureau, the Talawanda School District, Miami University and many community members. Ms. Currie invited everyone to come and share in the event.

Mayor Keebler noted the Kinetics Festival was a great event for people of all ages and encouraged everyone to participate.

PUBLIC COMMENTS

Mr. David Brown, Butler County Auditors Office, noted it was always a pleasure to be in Oxford. Mr. Brown reminded those turning 65 years of age this year to file Homestead Exemption documents with the Auditor's office by June 3, 2013 to receive savings on their tax bill for the first \$25,000 of value on their home. Mr. Brown noted the average savings across the county was \$650.00.

Mr. Brown advised settlements would be out by April 10, 2013 for mobile homes and real estate for the first half. Mr. Brown noted tax settlements were very comparable this first half to the last first half.

Mr. Brown advised the treasurer certified a total of \$231,747,000.00 across the county for values which was \$650,000.00 higher than last year's first half. Mr. Brown noted the funds would be wired to local governments by April 10, 2013.

Mr. Brown advised many local governments were anticipating placing levies on the ballot this year and noted May 8th was the deadline for submission to the Board of Elections for the August election and the November deadline was August 7th. Mr. Brown encouraged local governments to submit their information in early to mid June for the November election.

Mr. Brown advised the Auditor's office finished the Board of Revision Filing process and noted if the forms were postmarked by April 1st they would still be processed.

CONSENT AGENDA

MINUTES

Minutes of the March 19, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the March 6, 2013 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report regarding the March 12, 2013 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

RESOLUTION **CONTRACT WITH** **GERMAIN FORD**

A Resolution No. 4733 authorizing the City Manager to enter into a contract with Germain Ford of Columbus, Ohio, for the purchase of a 2013 Police Interceptor SUV and specified installed options at state contract pricing at a cost not to exceed \$39,466.00. (John Detherage, Fire Chief)

Mr. Snyder moved to approve the consent agenda. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION **DONATION AGREEMENT**

A Resolution No. 4734 of Council authorizing the City Manager to enter into a Donation Agreement with Mydears, Inc. (Doug Elliott, City Manager)

Mr. Elliott advised the owner of the property located at 5228 Hester Road, the former Dairy Queen property, offered to donate the property to the City of Oxford.

Mr. Elliott noted the donation would remedy the ongoing nuisance issues related to the property and it would settle the Butler County Common Pleas court case the City filed against the property owner and the subsequent counter claim filed by the property owner.

Mr. McKeehan expressed his displeasure with the owner for field stripping the building prior to the agreement being completed. Mr. McKeehan noted the property owner had done nothing with the property for years and was now taking anything of value.

Mr. Elliott advised the City's plan was to demolish the structure once the title was received and any back taxes were paid. Mr. Elliott noted the more the property owner took from the property the less the City would have to dispose of. Ms. Rousmaniere inquired if the pavement would be removed and Mr. Elliott advised yes, and noted the property would be modestly restored with landscaping. Mr. Elliott referred to page 32 of the agenda and added that if the City sold the property in the future the proceeds after the cost of restoration would be donated to a local charitable organization.

Mr. Harman moved to adopt Resolution No. 4734. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTION
INFORMATION SHARING
AGREEMENT

A Resolution No. 4735 authorizing the City Manager to enter into an information sharing agreement with the Miami University Police Department to enhance the ability to effectively address alleged sex offenses and offenses of violence. (Bob Holzworth, Police Chief)

Chief Holzworth advised the proposed agreement was drafted by Robin Parker, General Counsel for Miami University and it was reviewed and approved by Mr. McHugh. Chief Holzworth noted the agreement would formalize the ongoing exchange of information between the City and Miami University and would not change anything operationally.

Mr. Snyder noted he felt this was a very positive step in the collaborative efforts between the Oxford Police Department and the Miami University Police Department.

Mr. Blackburn advised he felt this agreement was needed to allow the conversations to take place.

Mr. Snyder moved to adopt Resolution No. 4735. Mr. McKeehan seconded. The motion passed 6-0-0.

RESOLUTION
PARTICIPATION AGREEMENT

A Resolution No. 4736 authorizing the City Manager to enter into an agreement to participate in the Butler County Regional Water Rescue Task Force. (John Detherage, Fire Chief)

Chief Detherage advised the proposed agreement was another effort for the Butler County Fire Departments to maximize manpower and save money on equipment. Chief Detherage noted some equipment would be brought to this area of the county that currently was not here and the Oxford Fire Department would be responsible for taking that equipment to a water emergency where they would meet trained rescuers and help perform the rescue.

Mayor Keebler advised he believed shared services was the wave of the future and should have started a long time ago. Mayor Keebler noted concern with manpower as the OFD only had 4 people on duty at a time and a dwindling contingent of part-time volunteers. Mayor Keebler noted it appeared that OFD was a lead agency. Mayor Keebler inquired where there was room for any more equipment to be stored.

Chief Detherage advised the equipment would be stored in an enclosed trailer in the parking lot at the fire station and when needed it would be hooked up to a vehicle and driven to a potential emergency. Chief Detherage advised the Butler County Technical Rescue Team provided manpower from several departments in the county which were not listed in the agreement.

Mr. McKeehan inquired what kind of equipment would be stored in Oxford and Chief Detherage advised most likely a boat. Chief Detherage noted the OFD already had ice rescue suits and life jackets.

Mr. Snyder moved to adopt Resolution No. 4736. Ms. Rousmaniere seconded. The motion passed 6-0-0.

RESOLUTION
INVESTMENT MANAGEMENT

A Resolution No. 4737 authorizing the City Manager and the Finance Director to contract with Baird Public Investment Advisors for the management of the City's investable funds. (Joe Newlin, Finance Director)

Mr. Newlin advised the City's current contract for investment services would expire in late April and a Request for Qualification was sent out with 11 proposals being received. Mr. Newlin noted he and the Assistant Finance Director reviewed and rated each proposal and presented their findings to the Investment Committee who determined Baird Public Investment Advisors to be the best candidate. Mr. Newlin advised the monthly fee would be computed based on 8 basis points and Baird would pay the custodial fee to US Bank which was a savings of \$4,000.00 annually.

Mr. McKeehan moved to adopt Resolution No. 4737. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTION
CONTRACT WITH
CINCINNATI BELL

A Resolution No. 4738 accepting the proposal and authorizing the City Manager to enter into a five (5) year contract with Cincinnati Bell to provide internet access and local and long distance telephone service to the City building and seven (7) remote sites. (Kim Newton, Assistant to the City Manager)

Mr. Elliott advised Request for Proposals were sent to several vendors to provide internet access and local and long distance telephone service to the City Building and 7 remote sites. Mr. Elliott noted three proposals were received and of the three, Cincinnati Bell provided the best and lowest proposal at a total estimated monthly cost of \$4,632.00. Mr. Elliott advised the Cincinnati Bell proposal was for a 5 year contract at \$55,584 per year and the bandwidth would increase from 1.5 Mbps to 3.0 Mbps. Mr. Elliott noted Cincinnati Bell was the current provider and the new proposal lowered the City's cost and increased the bandwidth. Mr. Elliott advised the current contract expired at the end of the month.

Mr. Douglas Pritchard, Frontier Communications, noted Frontier Communications was the City's local telephone company. Mr. Pritchard advised Frontier Communications would like to be considered prior to Council making their final decision on its internet and telephone service provider. Mr. Pritchard noted Frontier realized they were slightly higher in the bid costs that were submitted but felt Council should take into consideration that since they took over this area they installed over three million dollars in network assets, services and lines throughout the community. Mr. Pritchard advised Frontier provided the direct access between the chosen provider and their ability to service the City of Oxford. Mr. Pritchard noted Frontier was the only provider with hardware in the community and they had been maintaining and servicing those connections to the City's buildings ever since they came into the community. Mr. Pritchard advised Frontier had personnel in Oxford and they had been paying taxes to the community and would welcome the opportunity to support the City of Oxford. Mr. Pritchard introduced Mr. John Campbell who was in the audience and noted he was the Technical Supervisor who was constantly in Oxford making sure the technicians were responding to the service calls made in Oxford. Mr. Pritchard advised Frontier installed the most state of the art technology available into the community to service their customers. Mr. Pritchard noted Frontier had a large commitment and plans for Oxford and they would like to reclaim some of the opportunities that were lost during the transitions and when Verizon was in place. Mr. Pritchard advised Frontier was a 5 billion dollar publically traded company located in 35 states and they were designed for servicing smaller communities like Oxford. Mr. Pritchard noted his hope Council would consider the facts he presented, the investments Frontier had made in the community and the fact that their technicians were in Oxford 24 hours a day 7 days a week to service the City's needs. Mr. Pritchard noted he felt Frontier was the best choice for the City's services and advised regardless of which provider was selected Frontier offered their continued commitment to Oxford, the businesses and the residences.

Mr. Elliott advised there was no question that Frontier was a great company to have in the community. Mr. Elliott noted as City Manager, his responsibility was to the taxpayers of the City of Oxford. Mr. Elliott advised Frontier's bid was a little over \$2,000.00 more per year than the Cincinnati Bell bid which over 5 years was \$10,000.00. Mr. Elliott noted the City's purchasing policy did not have a provision to accept a bid based on the other factors presented tonight. Mr. Elliott advised these decisions were difficult and Frontier had supported the Wine Festival in Oxford which was a community event. Mr. Elliott noted Cincinnati Bell was the current provider and the City had no issues with their service.

Mayor Keebler noted with telecommunications today there was typically no single agency serving a community. Mayor Keebler advised someone owned some of the different lines that everyone was renting. Mayor Keebler noted Cincinnati Bell was a primary provider of certain lines coming into town. Mayor Keebler reiterated that the proposal process was utilized and it did not have provisions for certain percentages, etc.

Mr. Harman noted Council often tried to take care of the local businesses. Mr. Harman suggested the possibility of adding additional criteria to the proposal process. Mr. Harman disagreed with rejecting a proposal from a local company due to a monthly difference of less than \$200.00 per month. Mr. Harman encouraged Council to watch out for the local businesses who contributed to the City and took part in what was going on.

Mayor Keebler noted he spent 18 years at the university doing this type of work. Mayor Keebler advised once changes were made to the competitive aspect of the bid process and how decisions were to be made, and what was to be considered, awarding a contract simply by presence was very tough to do.

Mr. Harman moved to adopt Resolution No. 4738. Mr. McKeehan seconded. The motion passed 5-1-0 with Mr. Harman voting nay.

CONTRACT WITH CENTURY EQUIPMENT

A Resolution No. 4739 authorizing the City Manager to enter into a contract with Century Equipment Co. for the purchase of a Toro Groundsmaster 5900 mower Model No. 31598 at state contract pricing at a cost not to exceed \$72,000.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the current mower was the primary maintenance machine at the Community Park and had been in service approximately 10 years. Mr. Dreisbach noted it was critical to keep the machine running so the grounds could be maintained appropriately and effectively. Mr. Dreisbach advised the mower had a 16 foot cutting width, could mow over 12 acres per hour and had saved the City over \$100,000 since it had been in service. Mr. Dreisbach noted staff was requesting a replacement mower at this time which would be purchased at state contract pricing.

Mr. Snyder inquired what would happen to the mower being replaced. Mr. Dreisbach noted the mower would be retained as it did not need substantial repairs at this time. Mr. Dreisbach advised it could be used during rainy periods so the mowing could be done effectively and it may be used at the Leonard Howell Park to save 5 hours of manpower to maintain that property.

Mr. Snyder moved to adopt Resolution No. 4739. Ms. Rousmaniere seconded. The motion passed 6-0-0.

RESOLUTION
CONTRACT WITH
ADVANCED CONCEPTS, INC.

A Resolution No. 4740 accepting the bid and authorizing the City Manager to enter into a contract with Advanced Concepts, Inc. for the replacement of rood and gutter systems at the Water Treatment Plant and Water Distribution Maintenance facilities at a cost of \$91,761.00 plus a contingency amount of ten percent (10%) of the contract price or \$9,176.00 for a total cost not to exceed \$100,937.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised this project may look familiar to Council as they voted on it last summer. Mr. Dreisbach noted the contractor this job was awarded to originally had to be dismissed by the City. Mr. Dreisbach advised the project was re-advertised this year and 5 bids were received verses 2 previously and the City obtained more attractive pricing as well. Mr. Dreisbach noted reference checks on the proposed contractor were done with favorable results. Mr. Dreisbach advised he looked forward to assigning this project and having the work done this summer.

Mayor Keebler inquired if the bonding company was notified that the original contractor failed to perform and Mr. Dreisbach advised yes.

Mr. McKeehan moved to adopt Resolution No. 4740. Ms. Rousmaniere seconded. The motion passed 6-0-0.

RESOLUTION
NON-COMMISSIONED PD
EMPLOYEES CONTRACT

A Resolution No. 4741 approving the contract between the City of Oxford, Ohio, and the Non-Commissioned Police Department employees and authorizing the City Manager and the City Law Director to sign the contract on behalf of the City. (Bob Holzworth, Police Chief)

Chief Holzworth advised the proposed contract was the result of 3 sessions with the parties involved and was agreed upon with minor changes. Chief Holzworth noted an overtime issue was clarified, and the hourly rates were increased to correspond with other members of the work force. Chief Holzworth advised the contract contained a re-opener in 5 months if the employees chose to do so.

Mr. Harman congratulated Chief Holzworth for the successful negotiation process.

Mr. Blackburn moved to adopt Resolution No. 4741. Ms. Rousmaniere seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

ORDINANCE
NEW SECTION 1143.11

An Ordinance Repealing Oxford Codified Ordinance Section 1143.11 Entitled MU University District, And Adopting New Oxford Codified Ordinance Section 1143.11 Entitled MU University District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised when the zoning code was updated in 2003 a University District was created and the few remaining privately owned properties did not have zoning code provisions the same as other districts. Mr. Chen noted the proposed Ordinance would add site development regulations to the University District that would pertain to the privately owned properties. Mr. Chen advised the list of Conditional Uses would also be added as shown on pages 90 and 91 of the agenda packet.

Mayor Keebler advised there were sections of the code where typical set backs and conditional uses were not established for this district when it was adopted. Mayor Keebler noted the proposed basic set backs, lot coverage, etc. were the same as the R1 District. Mayor Keebler advised there were 9 properties in the University District at this time that would benefit from this criteria and the proposed language would not create any nonconforming uses for those properties. Mayor Keebler noted the proposed language would set guidelines for someone wishing to add on to their property.

Mr. Chen advised this issue was discussed during a Joint Work Session of the Planning Commission and Council and it was an item they both wanted to see corrected.

ORDINANCE
AMENDING SECTION 1139.02

An Ordinance Amending Oxford Codified Ordinance Section 1139.02 Entitled Procedure. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the only proposed change to this section of the zoning code appeared on page 104 of the agenda packet and would allow a variance petition to be re-filed after a period of one year. Mr. Chen noted the proposed language was consistent with other sections of the code.

Mayor Keebler noted both proposed Ordinances would move to second reading at the next meeting.

ANNOUNCEMENTS

Mr. Elliott advised the City of Oxford achieved a recycling rate of 20.5% and was the only community that received that high of a rating from the Butler County Recycling and Solid Waste District. Mr. Elliott congratulated the City of Oxford and the residents who participated in the recycling program.

Mr. Elliott advised the City received a thank you note from the Community Meal Center and noted the City's Deer Management Program concluded with 25 deer being taken. Mr. Elliott advised 15 deer were donated to the Community Meal Center which was 820 pounds of venison that the recipients greatly appreciated.

Mr. Elliott noted the City maintained a fleet of various vehicles utilized to provide services to the citizens of Oxford. Mr. Elliott advised he charged the Department Heads to find ways to improve the City's fuel economy and to conserve fuel. Mr. Elliott noted since the cost for fuel would undoubtedly continue to rise it was important to look for new ways to make the City's fleet more fuel efficient.

Mr. Elliott advised he met with Representative Tim Derickson and provided him a copy of the Resolution Council adopted in opposition to HB5 and in support of the 21 provisions of the Dayton Area Tax Uniformity Coalition and the Ohio Municipal League. Mr. Elliott noted those provisions would achieve income tax uniformity and they were revenue neutral. Mr. Elliott advised he felt Mr. Derickson understood the City's position better and noted his hope Mr. Derickson would support the local governments on this issue.

Chief Holzworth advised Google Public Alerts joined with Nixle (the City's emergency broadcast system) and encouraged those who did not already receive the alerts to sign up on the City's website free of charge to receive valuable public safety information.

Mr. Kyger advised the Oxford TJ Maxx store was scheduled to open on April 14th. Mr. Kyger noted this was at least a million dollar renovation project. Mr. Kyger advised the Planning Commission would consider the former Wal-Mart site redevelopment project at their May meeting.

Mayor Keebler advised he had the privilege of being invited to the City of Hamilton's commemoration of the 100th anniversary of the 1913 Flood and to accept on behalf of the citizens of Oxford a Proclamation from the Mayor of Hamilton in thanks for the response of the citizens of Oxford in 1913. Mayor Keebler noted the disaster relief for the Flood of 1913 came from the people and the neighbors, not the government. Mayor Keebler advised supplies came from as far away as Grand Rapids Michigan as the word got out. Mayor Keebler noted the citizens of Oxford, and Miami University students were instrumental in the relief efforts as were the cities of Cincinnati, Glendale and Richmond who also received the Proclamation. Mayor Keebler read the Proclamation which was signed by Pat Moeller, Mayor of Hamilton, Ohio.

Mayor Keebler noted the City of Oxford relied on its Boards and Commissions and advised Council needed to fill vacancies on the following Boards and Commissions effective July 1, 2013:

Board of Appeals (Building and Housing) – 5 year term
Board of Zoning Appeals – 3 year term
Civil Service Commission – 3 year term
Community Relations Commission – 3 year term
Environmental Commission – 4 year term
Housing Advisory Commission – 4 year term
Income Tax Board of Review – 3 year term
Planning Commission – 5 year term
Recreation Board – 3 year term
Student Community Relations Commission – 3 year term

Mayor Keebler encouraged citizens to apply and noted applications were available at www.cityofoxford.org or at the City Building. Mayor Keebler noted citizens could apply for more than one Board or Commission on the same application.

Ms. Rousmaniere noted two members of the Oxford League of Women Voters, a nonpartisan civic engagement group also spoke to Mr. Derickson and expressed their concerns with HB5 and its effect on local governments.

Ms. Rousmaniere advised the Oxford Unit of the NAACP would hold its annual Freedom Fund Banquet on Sunday, April 21, 2013 and she was selling tickets which were \$45.00 each. Ms. Rousmaniere noted the event would take place at the Shriver Center and Yvette Simpson, Attorney at Law, former Miami University faculty member, and a City Councilor in Cincinnati would be the speaker. Ms. Rousmaniere advised all proceeds from the event would go to scholarships for Oxford students. Ms. Rousmaniere noted people interested in attending the event could contact her for tickets.

ADJOURN

Mr. Snyder moved to adjourn at 8:36 p.m. Ms. Rousmaniere seconded. The motion passed 6-0-0.

A Special Meeting of the Oxford City Council and was called to order by Mayor Richard Keebler on Monday, April 8, 2013 at 5:18 P.M. Council members present were Ken Bogard, Bob Blackburn, Kevin McKeehan, Kate Rousmaniere, and Steve Snyder. John Harman was excused.

Staff members present were Doug Elliott, City Manager; Joe Newlin, Finance Director and Amy Blankenship, Acting Law Director.

**APPROVAL
OF AGENDA**

Mr. Blackburn moved to approve the agenda. Mr. McKeehan seconded. The motion passed 6-0-0.

**ADJOURN TO
EXECUTIVE SESSION**

Mr. Bogard moved to adjourn to Executive Session at 5:19 p.m. in accordance with Ohio Revised Code Section 121.22 (G)(2) for the purpose of discussing property acquisition. Mr. Snyder seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Mr. Blackburn, Mr. McKeehan, Ms. Rousmaniere, Mr. Snyder,
Mayor Keebler (6)

NAY: None. (0)

ABS: None. (0)

**RETURN FROM
EXECUTIVE SESSION**

Mr. McKeehan moved to return from Executive Session at 6:30 p.m. Mr. Bogard seconded. The motion passed 6-0-0.

ADJOURNMENT

Ms. Rousmaniere moved to adjourn at 6:30 p.m. Mr. McKeehan seconded. The motion passed 6-0-0.

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 16, 2013

Sam Perry
Prepared By

Account Code No. #:

April 10, 2013
Date Prepared

Budgeted Amount:

Agenda Title:	Board of Zoning Appeals Meeting Report – March 20, 2013
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Adjudication Hearing

BZA-03-2013 304 Bishop Street, variances to Section 1143.05 R2MS Single- and Two-Family Mile Square Residential District, specifically 1143.05 (c) Site Development Regulations related to lot coverage; lot width; front setback, side setback, rear setback; and variance to Section 1149 Vehicle Management specifically 1149.03 parking regulation related to number and location of parking spaces for a two-family dwelling, **Scott Webb, Architect, Applicant, Agent**

This was a proposal to completely remodel/re-configure the interior of this 12 person lodging house into a two-family 8 person house. The shell of the building is proposed to remain. The applicant applied for seven variances as noted above. Both the applicant and the property manager from an adjacent property spoke at the hearing. After staff presentation, public hearing and board deliberation, the BZA approved all seven variances as requested, with a vote of 4-0.

New Business:

There was no new business.

Next Meeting:

The next regularly scheduled Board of Zoning Appeals meeting will take place April 17, 2013.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

JHC 4/9/13

DRE 4/12/13

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 16, 2013

Sam Perry
Prepared By

Account Code No. #:

April 9, 2013
Date Prepared

Budgeted Amount:

HAPC MEETING REPORT – APRIL 3, 2013

Work Session

A HAPC Work Session took place at 5:30 p.m. The HAPC met at the Princess Theater to view its exterior.

Election of Officers – The election of officers took place. Mr. Mike Smith was re-elected as Chair and Ms. Laura Henderson was re-elected as Vice-Chair.

Requests for Review

HAPC-01-2013 14 N. Poplar Street – installation of a new LED monument sign, Scott Webb, Applicant, Agent

Staff and applicant made presentations. A ground-mounted monument sign structure that matches the architecture of the Oxford Methodist Church was presented. The LED portion would be in the center of the structure. It would be located at the northeast corner of the church property, near the intersection of Poplar and Church Streets. The issues of several zoning code conflicts were discussed. The Commission deliberated mainly on the internal/direct lighting of the sign. The Commission voted 6-1-0 to deny the Certificate of Appropriateness. The denial can be appealed to the BZA within 21 days. The HAPC was aware that regardless of their decision they could not override the zoning code conflicts; those would have to be resolved outside the HAPC review process.

New Business

CLG Grants Update – A grant for Oxford Community Arts Center was approved. A grant to provide seminars was denied but may be re-submitted in the future.

Princess Theater – Upon request of the Economic Development Director, the HAPC dialoged about the architectural elements of the building. No plans or proposals were discussed.

Decision Criteria for Building Inventory – The HAPC adopted criteria which will provide guidance for the periodic building inventory review. Four categories were created: Historic, Historic Non-Contributing, Non-Contributing Historic, and Non-Contributing.

Façade Elevation Drawings – Four Miami Architecture Urban Design Students presented a student project to contribute to the HAPC Design Guidelines. This drawing work was greatly appreciated by the Commission.

Mile Square Photos – A Miami Urban Planning student is updating building photographs to incorporate into a Community Development Department Mile Square Building Survey database.

Administrative Findings / Approvals

HAPC-ADM-01-2013 19 N. Poplar Street, Fifth Third Bank, removal and replacement of an ATM surround, K4 Architecture Applicant, Agent (not approved by Zoning, was withdrawn)

HAPC-ADM-02-2013 22 E. High Street, Oxford Community Foundation, installation of a new wall sign, Signery2 LLC, Applicant, Agent Approved

HAPC-ADM-03-2013 19 W. High Street, Teapioca, installation of a new wall sign, Triangle Sign, Applicant, Agent Approved

HAPC-ADM-04-2013 32 E. High Street, Paisley on High, installation of a new wall sign, Randy Adams, Applicant, Agent Approved

Department Head:

City Attorney:

City Manager:

JHC / 4/10/13
DRE / 4/12/13

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: April 16, 2013

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

April 9, 2013
Date Prepared

Agenda Title: Environmental Commission Meeting of April 3, 2013

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, April 3, 2013 meeting were: Chair, Mr. Vince Hand; Vice-Chair, Mr. Kevin Armitage; City Council Representative, Ms. Kate Rousmaniere; and Mr. Wright Gwyn. Planning Commission Representative, Mr. Ted Wong had previously notified the Commission he would be unable to attend the meeting. Mr. Tyler Elliott, a senior with Miami University's Western Program, was also in attendance.

Minutes from the March 6, 2013 Commission meeting was unanimously accepted as presented.

At the February 2013 meeting, Mr. Tyler Elliott initially informed Commissioners that as a Senior Project, he was investigating the creation of municipal legislation to limit and/or prohibit potential waste water injection into the local bedrock. Mr. Elliott's review of other Ohio municipalities that had passed local legislation prohibiting waste water injection (Cities of Cincinnati and Mansfield were mentioned), indicated that an addition of A single sentence into Oxford's Codified Ordinance Chapter 923.16 (Private Industrial Waste Treatment Facilities) should suffice. Mr. Elliott had incorporated previous comments from the Commission and prepared a background summary of the intent of the proposed revision. Councilor Kate Rousmaniere informed the Commission that the local State Representative, Mr. Tim Derickson, was working on State-level legislation with similar intent. The Environmental Commission passed the following Motion on a three to one vote:

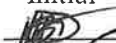
The Environmental Commission, having reviewed and discussed the proposed modification to Oxford's Codified Ordinance Chapter 923.16 intended to prohibit injection of waste waters and fluids, endorses the proposed revision as requested by Mr. Tyler Elliott and recommends City Council approve the proposed revision.

Ms. Rousmaniere informed the Commission that the Planning Commission was tentatively scheduled to review the proposed renovation of the former Wal-Mart location on South Locust Street in their May 2013 meeting. At present, it appears the Lane Public Library is considering utilizing the former Wal-Mart structure, with the adjacent parking lot being developed as commercial and multi-family use.

(Continued)

Approved By:

Department Head:
City Manager:

Initial	Date
	4/11/13
	4/12/13

Commissioners were to have reviewed a report prepared by Mr. Gwyn and Ms. Rousmaniere that summarized past and current storm water management activities in Oxford, past studies, the results of the 2012 key stakeholders' survey conducted by the Commission, and proposed goals to enhance Oxford's storm water management program. The consensus was that the report did a thorough job. Discussion regarding the perceived best approach to encourage storm water management practices in the community ensued. It was concluded that Oxford's current Storm Water Management Design Manual (Manual) was dated (having been prepared in or before 1994) and did not thoroughly address many of the possible storm water best management practices (BMPs) beyond detention and retention basins. It was noted that the state-of-the-art regarding BMPs has evolved greatly since the pre-1994 time period. The Manual was noted to have a blank chapter (Chapter 4) dedicated to any storm water management program legislation enacted following the preparation of the Manual. The Environmental Commission concluded that incorporation of a more detailed outline of the various best management practices should also be included in the Manual's dedicated Chapter 4.

The Environmental Commission recommends that the City of Oxford's Storm Water Management Design Manual be revised and updated, with an emphasis on structural BMPs. The Environmental Commission specifies that it wishes to be included in the decision processes and revision and update process of the Storm Water Management Design Manual.

Ms. Suzanne Zazyck of Miami University's Institute for the Environment and Sustainability (IES) had emailed a request that the Commission consider topics of research for the Institute's graduate students' year-long Professional Service Projects. The Commission came up with five possible topics: 1) What can be done to assist the community (property owners, businesses, the City of Oxford, and Miami University) in implementing storm water BMPs; 2) Identification of governmental incentives and funding assistance to encourage implementation and/or utilization of storm water BMPs; 3) Review of the City of Oxford's 2008 Comprehensive Plan to determine progress and status of environmental goals and objectives included in the Plan: progress, short comings, and what could be done to advance the goals and objectives; 4) Alternative energy usage in the community (residential, commercial, municipality, and Miami University): what is being done where/by whom and the results; and 5) Identify low impact development features that have been implemented (and their results) by other mid-western communities that are comparable to the City of Oxford. Staff was instructed to prepared a written summary of the possible topics and provide the summary to the Chair.

Staff informed Commissioners of the planned Arbor Day activities on Friday, April 26, 2013. A celebratory planting of an October Glory Maple is scheduled for 11:00 a.m. at the TRI Community Center. The Memorial Tree Plaque recognition ceremony is scheduled for 12:00 noon at the Oxford Memorial Park. One Memorial Tree (a Red Sunset Maple) was donated and planted as part of the Program in the last year; 11 trees total have been donated since the start of the Memorial Tree Program in 2009.

Commissioners were reminded that the Earth Day "EarthFest" celebration is scheduled for Saturday, April 20, 2013, and is again being coordinated by the IES Department this year. The itinerary and location for this year's EarthFest has been changed relative to past years. From 10:00 to 11:00 a.m., participants will collect litter on Miami's campus. From 11:00 a.m. until 1:00 p.m., informational displays and activities will be conducted on the "Slant Walk" located by the intersection of South Campus Avenue and East High Street. By keeping the EarthFest activities on Miami University's campus, the IES Department is reducing the cost of EarthFest by a reduction in liability insurance.

The Commission adjourned at 8:35 p.m. The next scheduled meeting of the Environmental Commission is on Wednesday, May 1, 2013 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: April 16, 2013

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 25, 2013

Date Prepared

Agenda Title: Resolution authorizing the City Manager to waive the fees adopted in the Fee Ordinance for the street closings for the Visitors Bureau for the 2013 annual Summer Music Festival.

Recommendation: n/a

Discussion:

Council has approved this request every year since 2005. The fee for each street closure is \$135.00. The cost for 12 concerts is \$1,620.00.

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

MAE 4/12/13

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE THE FEES
ADOPTED IN THE FEE ORDINANCE FOR THE STREET CLOSINGS FOR THE
VISITORS BUREAU FOR THE 2013 ANNUAL SUMMER MUSIC FESTIVAL.

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

SECTION 1: The Visitors Bureau hereby requests Council's
consideration of their request for waiver of the street closure
fees for the 2013 Annual Summer Music Festival.

SECTION 2: Council having considered the request
determined that the Summer Music Festival is a benefit to the
entire community and that waiving the fees for the street
closings is in the best interest of the community, hereby
authorizes the City Manager to waive the fees for the street
closings for the 2013 Annual Summer Music Festival.

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)

June 8, 12, 20, 21
July 11, 18, 25
August 1, 8, 15, 22, 29

APPROVED

Rev. 6/11



- ☒ REQUEST FOR PUBLIC PARK PERMIT
☒ REQUEST FOR PUBLIC RIGHT-OF-WAY PERMIT

Thursdays
Date(s) of Event: 6/18/13 through 6/29/13 From: 6:00 a.m./p.m. To: 11:00 a.m./p.m.

Today's Date: 1/9/13 ☐ Emergency Utility Repair (check box, if applicable)

--- Applicant shall allow a minimum of 3 business days for processing ---

Responsible Adult:
(18 years of age or older)

Address:

Telephone:

Cellular:

Fax:

Email:

Jessica Greene
14 W. Park Place, E
Oxford, OH 45056
513-523-8687

Jessica.greene@city
oxford.org

Organization:

Advisor:

Address:

Telephone:

Cellular:

Fax:

Email:

Non-Profit:

☐ Yes ☐ No

* Person in charge - Primary contact

RECEIVED

JAN 10 2013

City of Oxford

PARK REQUESTED

- ☐ Merry Day Park (adjacent to the Miami Mobile Home Park, Reagh Way Drive)
☐ Leonard Howell Park (Bonham Road)
☐ Oxford Community Park (Fairfield Road) -- Contact 523-6314 to confirm date(s)
☒ Memorial Park (E. Park Place & N. Main Street -- has pavilion)
☒ Martin Luther King Jr. Park (W. Park Place & N. Main Street -- animal sculptures & fountain)
☐ Other: _____

TITLE OF EVENT (be specific and include projected attendance)

Oxford Music Festival

Projected Attendance: 2000 Has this event been held previously? ☒ Yes ☐ No If "YES", when? Annually

DESCRIPTION OF EVENT

Place a description of the event, along with additional requests, on the appropriate attachment. If request is only for use of a right-of-way, use the attachment labeled City of Oxford / Right-of-Way Request Details.

Applicant's Signature: Jessica Greene

Date: 1/9/2013

I have read and understand the rules, guidelines and conditions. Furthermore, I understand that acceptance of them is a condition of approval; and, if approval is granted, it is only for the event specified above. I also understand that the request will be reviewed by various City of Oxford officials and additional conditions may be required before final approval is granted. If additional conditions are required, I agree to meet with the appropriate officials and/or the Oxford Community Event Coordinating Committee.

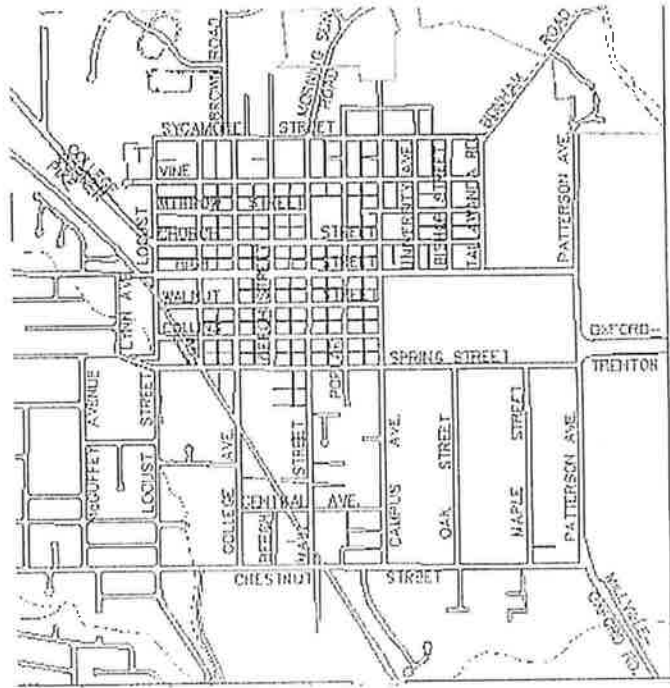
M.U. Use Only

The organization listed above is a registered student organization in good standing with Miami University.

Signature: _____

Date: 1/9/13

Note
If your event is outside
the boundaries of this
map, either attach a
separate map or
contact the City for
assistance.



CITY OF OXFORD / RIGHT-OF-WAY REQUEST DETAILS

Instructions for Applicant: Please clearly denote the parade route, streets and/or sidewalk areas being requested. Place a concise narrative explanation on the following lines. Attach additional pages if necessary.

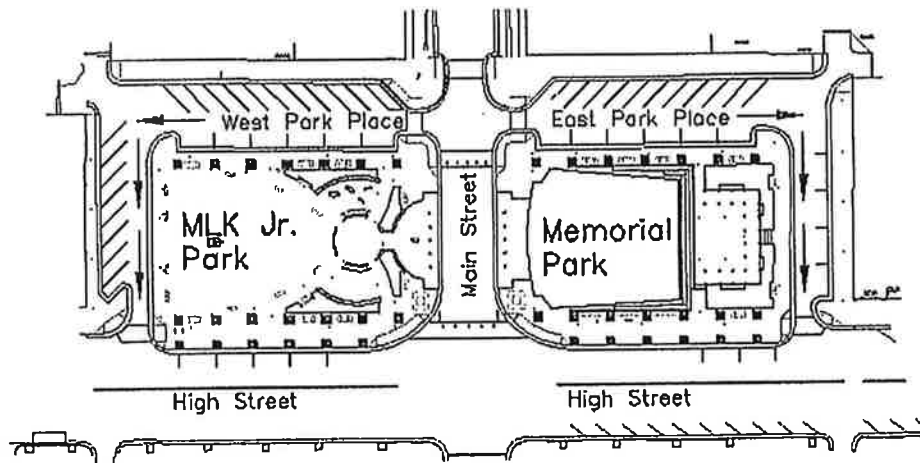
Main Street from Church Street to High Street
East Park Place
West Park Place

Additional Requests:
(Include details in narrative)

- ☒ No Parking Signs
- ☒ Detour(s)
- ☐ Police Assistance

Time Details

	Start	End
Setup	6:00	7:00
Event	7:00	9:30
Breakdown	9:30	10:30



OXFORD MEMORIAL PARK & MARTIN LUTHER KING JR. PARK

Instructions for Applicant: Please clearly denote (1) the sections of the parks that you are requesting, (2) parking spots needed and (3) proposed street closures. Place a concise narrative explanation on the following lines. Attach additional pages if necessary.

Requesting both the Martin L. King and Memorial Park.

Additional Requests:
(Include details in narrative)

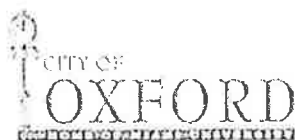
- ☒ Pavilion
- ☒ Extra trash cans
- ☐ PA \ CD System **
- ☒ Stage lighting
- ☐ Special power requirements (explain in narrative)**
- ☐ Street Closure **
- ☐ Other: _____

Time Details

	Start	End
Setup	<u>6:00</u>	<u>7:00</u>
Event	<u>7:00</u>	<u>9:30</u>
Breakdown	<u>9:30</u>	<u>10:30</u>

**** Contact the Streets & Maintenance Division 3 days prior to the event at 513-523-8412**

NOTE: Street closures will be at the discretion of the Oxford Police Department



Stipulations and Fees

Note: FULL PAYMENT REQUIRED BEFORE THE EVENT

RIGHT-OF-WAY

Applicants should allow a minimum of three (3) business days for the request to be processed from the time it is submitted to city officials. *(Please provide the City with as much lead time as possible. Events requiring road closures and staffing will require additional processing time. Large event requests shall be submitted no less than fourteen (14) days in advance of the event.)*

1. Applicant shall manage all work zones in the Right-of-Way in compliance with the Ohio Manual of Uniform Traffic Control. *(Note: Applicant is responsible for damages in the right of way or adjacent property.)*
2. Large events (estimated at over 500 people, including all concerts and performances, will require a pre-meeting with the Police (524-5247) and Service Department (524-5206) prior to approval. *Note: Requests WILL NOT be approved prior to the pre-meeting.*
3. The period of use may not exceed two (2) days without City Council approval.
4. At least one legally responsible adult must sign the request.
5. The usage may not discriminate for or against a given class of people.
6. All ordinances that regulate noise shall be observed.
7. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.
8. The requestor is responsible for cleanup. Failure to cleanup may result in subsequent requests being denied or a deposit being required. In addition, a cleaning charge may be assessed.
9. Safety staffing levels will be determined by the Oxford Police Division and the requestor may be required to hire police officers.
10. All special conditions specified by department heads must be complied with. Fees may be assessed for special services – see below.
11. Miami University approval is required for student events.
12. NO markings may be made on streets or sidewalks within the public right-of-way.
13. Inflatable game requirements: 18 YOA professional operator and copy of company's insurance policy.
14. If food is to be distributed to the public, written approval from the BCHD is required.

USE OF PARKS (ALL THOSE ABOVE, PLUS)

1. No motor vehicles may be parked within the area of the park or on any sidewalk.
2. Banners are only permitted on the stage area during the function and must be removed immediately after the event. Tying is the only acceptable way of affixing a banner to the stage area.
3. No signs are permitted.
4. The requestor is responsible for damage to grass, shrubs or trees as a result of the event and agrees to compensate the City of Oxford the cost of repairs and/or replacement.
5. No structure shall be defaced and no structure shall be erected within four (4) feet of the base of a tree or shrub.
6. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.

FEE INFORMATION

No Parking Signs \$.35 ea
Metered Parking Spots \$10.00/ea
Trash Boxes \$ 5.00/ea

Personnel

Police Officer(s) Contact OPD
Sound System \$25.00
Street Dept. Personnel \$25.00/hr
Electrician \$100.00
Park & Rec Personnel Contact OPRD

Road Closures (fee includes labor)

Main Street \$135.00
US 27 Detour \$135.00

Sports Fields/Gazebo

Contact OPRD – 513-523-6314

APPLICANT'S ASSURANCE

I have reviewed the estimated cost for the event and agree to compensate the City for services rendered as part of this contract. If the event runs past the stated end time, I understand that additional charges will accrue and agree to compensate the City accordingly.

Applicant's Signature

Date: 11.9.13

CITY USE ONLY

	Service	Hours	Rate	Estimate	Final
1			\$	\$	\$
2			\$	\$	\$
3			\$	\$	\$
4			\$	\$	\$
5			\$	\$	\$
	Total		\$	\$	\$

	Applicant's Initials	Review Date
Police Department		
1		
2		
3		
4		
Fire Department		
1		
2		
3		
4		
Service Department		
1 <i>City sponsored events; no Service Dept.</i>		
2 <i>fees charged</i>		
3		
4		
Recreation Department (if applicable)		
1		
2		
3		
4		
City Manager		
1		
2		
3		
4		

Pre-Meeting (if applicable): _____ Reviewed with _____ on _____.

Reviewer(s): _____

APPROVAL SECTION (with conditions)

Police Chief: ☒ Approved

☐ Not Approved

Fire Chief: ☐ Approved

☐ Not Approved

Service Director: ☒ Approved

☐ Not Approved

Recreation Director: ☐ Approved

☐ Not Approved

City Manager: *W* ☒ Approved

☐ Not Approved

PRE

City Manager's Signature

Date: *1-17-13*

Reason(s) event not approved:

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: April 16, 2013

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 25, 2013

Date Prepared

Agenda Title: Resolution authorizing the City Manager to permit the Miami University Alumni Association to hold an Alumni Weekend 2013 event to include the sale of beer and wine from 6:00 p.m. to 10:00 p.m. on Friday, June 21, 2013 in the Oxford Memorial Park.

Recommendation: N/A

Discussion:

This request is to allow the sale of alcoholic beverages from 6:00 p.m. to 10:00 p.m. on Friday, June 21, 2013 in the Oxford Memorial Park.

City Council unanimously approved the request in 2011 and 2012.

Approved By:

Department Head:
City Manager:

Initial Date

MAE 4/12/13

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PERMIT THE MIAMI UNIVERSITY ALUMNI ASSOCIATION TO HOLD AN ALUMNI WEEKEND 2013 EVENT TO INCLUDE THE SALE OF BEER AND WINE FROM 6:00 P.M. TO 10:00 P.M. ON FRIDAY, JUNE 21, 2013 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 2013 with an event in the Uptown Park 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 event in the Uptown Park to include the sale of beer and wine on Friday, June 21, 2013 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)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Service Department

Originating Department

City Council Meeting of: April 16, 2013

Michael B. Dreisbach, Service Director

Account Code #: 417.750.54340; 141.720.51449; 332.831.50905

Prepared By

Budgeted Amount: \$50,000; 52,000; 200,000

April 10, 2013

Date Prepared

Agenda Title: Construction Contract for the Repair of Concrete Curb, Gutter, & Sidewalk

Recommendation: Approve

Discussion: The 2013 capital improvement budget includes \$302,000 for the replacement of the College Ave. sanitary sewer and appurtenances as well as the repair of defective curb, gutter, and sidewalk for properties on streets slated for resurfacing later this summer (predominantly Chestnut St. and College Ave.). On February 5, 2013, the City Council approved **Resolution No. 4727** authorizing Staff to move forward with a special assessment project to repair defective curb, gutter, and sidewalks as defined in Exhibit "A" in the Resolution.

In order to obtain the best pricing possible through economies of scale, Staff consolidated three concrete replacement projects into one construction contract. Staff prepared and filed plans with the City Clerk as required by ORC 729.03 and the Clerk served notice to the properties involved. The City advertised this project for bids on March 22 and March 29, 2013. Four contractors responded and bids were opened and publically read on April 5, 2013 with the following results:

Jackson Construction Co.	\$ 164,522.55
R.A. Miller Construction Co.	180,754.60
Hendy, Inc.	184,477.50
Adleta Construction Co.	203,949.25

Jackson Construction Co. has performed similar work for the City in the past and the City has been pleased with their product.

Once work has been completed by the contractor, Staff will request Council authorize an Ordinance assessing improvement costs in accordance with Ohio Revised Code. Owners will have the opportunity to pay for the improvements in cash within 30 days of the assessing Ordinance. Should an owner choose not to pay in cash, levied amounts will be paid in five annual installments with an interest rate on deferred payments at 5%.

The lowest and best bid was provided by Jackson Construction Co. at a cost of \$164,522.55. Staff recommends the City Council authorize the City Manager to enter into an agreement with Jackson Construction Co. for the replacement of designated curb, gutter, and sidewalk per project specifications. Staff is also requesting a ten percent contingency in the amount of \$16,453, therefore the contract amount not to exceed shall be **\$ 180,975.55**.

Approved By:

Department Head:

City Manager:

Initial

Date

MBD \ 4/10/13

DRE 4/12/13

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JACKSON CONSTRUCTION CO. FOR THE IMPROVEMENT AND REPLACEMENT OF DEFECTIVE CURB, GUTTER, AND SIDEWALK AT A COST OF \$164,522.55 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE OR \$16,453.00 FOR A TOTAL COST NOT TO EXCEED \$180,975.55.

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

SECTION 1: The City advertised for bids in the *Oxford Press* and *Hamilton Journal* on March 22, 2013 and March 29, 2013. Four (4) sealed bids were opened and publicly read on April 5, 2013. The lowest bid was provided by Jackson Construction Co. in the amount of \$164,522.55.

SECTION 2: The City Manager and the Service Director recommend Council accept the bid of Jackson Construction Co. as the lowest and best bid for the improvement and replacement of defective curb, gutter, and sidewalk at a cost of \$164,522.55 plus a contingency amount of ten percent (10%) of the contract price or \$16,453.00 for a total cost not to exceed \$180,975.55.

SECTION 3: Council accepts the recommendation of the City Manager and the Service Director and accepts the bid of Jackson Construction Co. for the improvement and replacement of defective curb, gutter, and sidewalk at a cost of \$164,522.55 plus a contingency amount of ten percent (10%) of the contract price or \$16,453.00 for a total cost not to exceed \$180,975.55.

SECTION 4: Council further authorizes the City Manager to enter into a contract with Jackson Construction Co. for the improvement and replacement of defective curb, gutter, and sidewalk at a cost of \$164,522.55 plus a contingency amount of ten percent (10%) of the contract price or \$16,453.00 for a total cost not to exceed \$180,975.55.

SECTION 5: 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)



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, clean the air, and help to absorb rainwater and slow the velocity of storm water runoff; 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 3,420 street, park, and public trees in the community, the City of Oxford has fulfilled the national Arbor Day Foundation's requirements for "Tree City USA" for seventeen consecutive years.

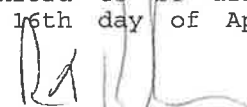
NOW, THEREFORE, I, Richard A. Keebler, Mayor of the City of Oxford, Ohio, Tree City USA, do hereby proclaim that on the last Friday in April, April 26, 2013, the City of Oxford will recognize and participate in the national and international celebration of:

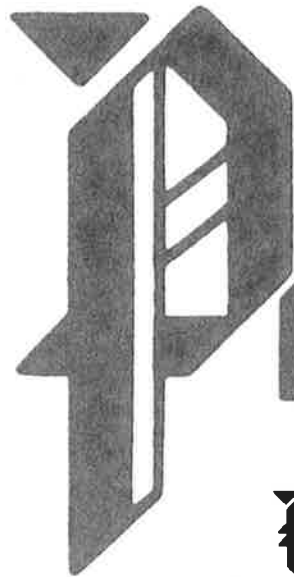
"ARBOR DAY"

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 16th day of April, 2013.


RICHARD A. KEEBLER, MAYOR



Office of the Mayor

Proclamation

Whereas:

historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, 'See! Save! Celebrate!' is the theme for National Preservation Month 2013, cosponsored by the City of Oxford and the National Trust for Historic Preservation.

NOW, THEREFORE, I, Richard A. Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim May 2013 as:

'NATIONAL PRESERVATION MONTH'

and call upon the people of Oxford to join their fellow citizens across the United States in recognizing and participating in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 16th day of April, 2013.

RICHARD A. KEEBLER, MAYOR

