



Agenda

Oxford City Council

Court House

TUESDAY, APRIL 19, 2011

EXECUTIVE SESSION

7:15 P.M.

1. Roll Call. Richard Keebler, Mayor; Ken Bogard, Vice-Mayor; John Harman; Bob Blackburn; Kevin McKeehan; Kate Currie; Greig Rutherford

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda, and Consent Agenda items, will be heard under Public Comments – and (2) Comments on all Resolutions and Ordinances will be heard during Council consideration of said item. Please wait until you are recognized by the Mayor, proceed to the podium, state your name and address so that your comments may be properly recorded and limit your remarks to a period of five minutes or less.

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

This facility is wheelchair accessible. If you plan to attend this meeting and you have a disability that requires special arrangements, please notify the City Manager's office 48 hours in advance so that reasonable accommodations can be made.

3. Public Participation.

A. Proclamation - 'Matt Ciccone Day'



Proclamation

B. Proclamation - 'National Preservation Month'



Proclamation

C. Public Comments.

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

4. Consent Agenda.

A. Minutes of the April 5 2011 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Report regarding the April 6, 2011 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

C. A Resolution declaring certain surplus City property no longer needed for any municipal purpose and authorizing its advertisement and sale to the highest bidder at public auction. (Mike Dreisbach, Service Director)



Staff Report/Resolution

5. Resolutions - None.

6. Ordinances.

A. First Reading - None.

B. Second Reading.

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

Stations For Gas; And Making Rules And Regulations Governing The Maintenance And Operation Of The System And Providing Penalties For Their Violation. (Mike Dreisbach, Service Director).



Staff Report/Ordinance

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



Staff Report/Ordinance

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



Staff Report/Ordinance

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. Discussion - Overnight Parking Restrictions.

2. Remarks from City Council and City Staff.

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

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

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

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

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

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

TUES - May 3 City Council Meeting 7:30 p.m.

WED - May 4 Environmental Commission Meeting 7:00 Municipal Building

WED - May 4 Historic and Architectural Preservation Commission Meeting 7:30 p.m.

WED - May 10 Planning Commission Work Session 6:00 p.m.

TUES - May 10 Planning Commission Meeting 7:30 p.m. Cancelled

THUR - May 12 Recreation Board Meeting 4:00 p.m. New High School site

MON - May 16 Historical Marker Program Open House 5-7 p.m. OCAC

MON - May 16 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

TUES - May 17 City Council Meeting 7:30 p.m.

WED - May 18 Board of Zoning Appeals Meeting 7:30 p.m.

WED - May 25 Civil Service Commission Meeting 7:00 p.m.

MON - May 30 Holiday - City Offices Closed

8. Adjourn.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: April 19, 2011

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

April 7, 2011
Date Prepared

Agenda Title:	Environmental Commission Meeting of April 6, 2011
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Recommendation:	For Review and Consideration
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Discussion:

Environmental Commission members present at the Wednesday, April 6, 2011 meeting were: Chair, Charlie Ford; Vice-Chair, Mr. Wright Gwyn; City Council Representative, Mr. Greig Rutherford; Planning Commission Representative, Mr. Ted Wong, Ms. Kelly Church, and Mr. Vince Hand. A quorum was present. Mr. Kevin Armitage had previously notified the Commission that he would be unable to attend the regularly scheduled Commission meeting. Ms. Melissa Benoit, a graduate student with Miami University's Institute for the Environment and Sustainability (IES), and Ms. Wendi Van Buren, Ohio Department of Natural Resources (ODNR) Division of Forestry, were also in attendance.

Minutes from the March 2, 2011 Commission meeting were unanimously accepted as presented.

Ms. Melissa Benoit updated Commissioners on the IES public service project investigating stream channel erosion of private property along Bull Run. Of 689 surveys mailed in January 2011 to property owners in the Bull Run watershed, a total of 295 were returned, with a 50% return rate for those whose properties are located immediately along Bull Run. The evaluation of the survey results is still on-going. The students are evaluating a software program that provides guidance on efficient location(s) to utilize best management practices techniques and/or structures (BMPs) intended to reduce erosion. Funding opportunities for BMPs are also being investigated. The final public presentation of the investigation should be in late April 2011.

Ms. Wendi Van Buren is the region's Urban Forester for the ODNR. Ms. Van Buren informed Commissioners of an ODNR educational program specifically for tree board members (and others associated with the management of an urban forest). The Tree Commission Academy consists of four "grade" levels, each building on the previous level's training. Commissioners were informed that ODNR could offer the training locally if sufficient interest was present. Commissioners indicated that they would like to revise the approved street tree list with an emphasis on native, regional species. The approved street tree list was last updated in 2007. Ms. Van Buren cautioned that the urban environment is not a natural one for local trees, but that planting site preparation (breaking up existing soil and working in additional organic content) of an over-sized area the year prior to planting could greatly enhanced the

(Continued)

Approved By:

Department Head:
City Manager:

Initial	Date
<u>[Signature]</u>	<u>4/11/11</u>
<u>[Signature]</u>	<u>4/14/11</u>

trees ability to survive and thrive. Ms. Van Buren encouraged inclusion of certain non-native trees due to their ability to adapt, survive, and thrive in the harsh conditions often encountered in the urban environment. Ms. Van Buren indicated she would be pleased to assist the Commission in revising the City's approved tree list and evaluation of the public planting locations in the community.

Minutes from the Municipal Energy Efficiency Sub-Committee's March 16, 2011 meeting was presented. A copy of the meeting minutes as prepared by the Sub-Committee accompanies this Staff Summary Report. A tour of Lighting Systems Industries (LSI) in Blue Ash was summarized. The touring Commissioners indicated that it was informative regarding the advantages of LED street lighting relative to high pressure sodium and metal halide fixtures, but was somewhat of a sales pitch for LED fixtures. Status of the Sub-Committee's research into alternative fuel vehicles for Oxford's fleet was presented. Staff was requested to provide a list of vehicles currently in the City's fleet.

The next meeting for both the Municipal Energy Efficiency and Storm Water Sub-Committees are tentatively on Wednesday evening, April 20, 2011, in the Lane Library Public Meeting Rooms. Staff was requested to reserve both Meeting Rooms for the meetings.

A summary of the March 30, 2011 public meeting regarding the US 27 re-route was presented by an attending Commissioner. Representatives from the Ohio Department of Transportation, District 8 (ODOT) and their traffic study consultant were present at the meeting. The potential re-route of US 27 currently under consideration is in an early stage of evaluation, but if it proceeds, studies into at least air quality and noise in the community will be undertaken. Public comments on the project are being accepted by ODOT until April 15, 2011.

The Earth Day "EarthFest" celebration is scheduled for Saturday, April 16, 2011 in the Uptown Park from 10:00 am until 4:00 pm. The Arbor Day celebratory tree planting is scheduled for 11:30 am at the Oxford Community Park on Tuesday, May 3, 2011. A ceremony recognizing those who have participated in the City's Memorial Tree Program is to follow.

The Commission adjourned at 8:45 p.m. The next regularly scheduled meeting of the Environmental Commission is on Wednesday, May 4, 2011 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

Meeting Minutes

City of Oxford Environmental Commission's Municipal Energy Efficiency Subcommittee Meeting

Wednesday March 16, 2011
7:00 pm
Lane Library Meeting Room

Environmental Commission Subcommittee members present:
Kevin Armitage, Charles Ford, Ted Wong

The discussion started at 7:00 pm.

Ted Wong asked if there were any ideas for topics to raise to the LSI Industries representative on the March 21, 2011 site visit.

Kevin Armitage suggested topics to keep in mind and focus on during the presentation:

- 1) LED Infrastructure requirements and adaptability;
- 2) Pilot Programs available; and
- 3) Energy reduction and carbon footprint of LED over other options.

Ted Wong begins discussion on how to proceed with Mr. Dreisbach's (Oxford's Service Director) request for the Municipal Energy Efficiency Subcommittee to investigate alternative fuel vehicles for the City fleet, and charging stations.

Kevin Armitage mentions that Federal Government should create demand for electric vehicles by mandating their use within the government.

Charles Ford and Kevin Armitage will research hybrid versus all-electric vehicles, and the different manufacturer models available.

Charles Ford suggested Consumer Reports Magazine was cited as an information resource for purchasing information.

The Subcommittee assigned the topics of battery longevity, long-term maintenance, and replacement costs for Wright Gwyn to research.

Ted Wong will research the viability and types of charging stations available, with the assumption that the charging stations will be available to Oxford residents and will be a separate issue from the City acquiring alternative fuel vehicles.

Kevin Armitage will contact TRI Community Center to see if they would be interested in an energy audit for their facilities.

The meeting adjourned at 7:45 pm

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, April 5, 2011 at 7:00 p.m. Those members present were Ken Bogard, Kate Currie, Bob Blackburn, John Harman and Kevin McKeehan. Greig Rutherford was excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Steve Schwein, Police Chief; Mr Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Ms. Donna Heck, Human Resources Director; Mr. Alan Kyger, Community 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)(4) for the purpose of discussing Collective Bargaining strategies. Ms. Currie seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Blackburn, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Bogard moved to return from Executive Session at 7:29 p.m. Mr. Blackburn seconded. The motion passed 6-0-0.

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION **'EARTH DAY'**

Mayor Keebler read the document which proclaimed that on Friday, April 22, 2011, the City of Oxford would recognize and participate in the national and international celebration of Earth Day.

PROCLAMATION
'ARBOR DAY'

Mayor Keebler read the document which proclaimed that on April 29, 2011, the City of Oxford would recognize and participate in the national and international celebration of Arbor Day.

PUBLIC COMMENTS

Mr. Chris Courtney, addressed Council regarding the Suitcase Full of Blues event sponsored by the Foster Child Enrichment Council which would take place on Saturday, April 30, 2011 from 1 p.m. to 7 p.m. at the Oxford Memorial Park. Mr. Courtney inquired if Council would consider relaxing the parking enforcement that day noting there would be a lot of children and handicapped people attending the event. Mr. Courtney suggested a blue ticket could be placed on the dashboards of the vehicles parked Uptown for the event. Mr. Courtney asked Council to think about his request for a few days.

CONSENT AGENDA

MINUTES

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

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

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

REPORTS

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

Report regarding the March 16, 2011 Historic and Architectural Preservation Commission Special Meeting. (Jung-Han Chen, Community Development Director)

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

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

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

RESOLUTIONS

RESOLUTION

WELCOME BACK PARTY

A Resolution No. 4598 authorizing the City Manager to permit the Miami University Alumni Association to hold an Uptown Welcome Back Party to include the sale of beer and wine from 6:00 p.m. to 10:00 p.m. on Friday, June 17, 2011 in the Oxford Memorial Park. (Doug Elliott, City Manager)

Mr. Elliott advised he met with Ms. Rosecrans and Ms. Durr regarding this event and they expressed their desire to serve beer and wine during the Welcome Back Party in June sponsored by the Miami University Alumni Association in the Uptown Parks. Mr. Elliott advised this was the first time the alumni would gather Uptown rather than on campus which was exciting for the City and the Uptown businesses.

Ms. Diana Durr, Oxford Visitors and Convention Bureau, advised the Oxford Visitors and Convention Bureau was partnering with Miami University with regard to the Uptown event for Alumni Weekend. Ms. Durr noted the park permit had already been approved and this was a separate request to allow the sale of beer and wine during the event.

Ms. Michelle Rosecrans, Associate Director for the Alumni Association at Miami University, advised the Welcome Back Party would be for the Alumni as well as members of the community noting every year while planning this event the Alumni Association looked for ways to include the public. Ms. Rosecrans advised entertainment was planned for the evening including a DJ, the Campus Owls Tribute Band, activities for children, dancing and merriment. Ms. Rosecrans advised class parties would take place at various locations around the Uptown and the alumni could participate in those beginning at 8:30 p.m. Ms. Rosecrans noted the reunion classes were set up in 5 year increments from 1966 to 2006.

Ms. Currie noted food would be available at the event from area restaurants and inquired who would be in charge of the beer and wine sales. Ms. Rosecrans advised the Alumni Association would secure the liquor permit and they were still working out the other details.

Mr. Harman advised he felt it was terrific to hold the event Uptown and noted the alumni were very important to the City.

Mr. McKeehan inquired if Chief Schwein had any concerns with the proposed event. Chief Schwein advised no, and added the Police Department would conduct a training session with those serving the alcohol and off duty officers would work the event.

Mr. Scott Webb, addressed Council on behalf of the Chamber of Commerce noting the Chamber would like to offer their support for this event. Mr. Webb advised the Chamber was working through a sub-committee called the Chamber/Miami Business Alliance to bridge the gaps and establish a lot more joint events between the university and the community. Mr. Webb advised the Chamber was very pleased the Alumni Association was interested in holding the event Uptown and asked Council for their support as well.

Mayor Keebler noted events like this so far had been very positive for the City and there had been no problems with the previous two groups who had done something similar. Mayor Keebler advised some of the informal criteria had been met such as being open to the public and occurring while Miami was not in session. Mayor Keebler noted the applicant was working with Ms Durr and knew what the needs and requirements were to host such an event. Mayor Keebler advised Council would expect the applicant to work with the Police Department and to find a responsible group to maintain the requirements of the liquor permit. Mayor Keebler noted he planned to support the event and hoped it was successful.

Mr. Bogard inquired what the logistics were for restroom facilities. Ms. Durr advised restrooms would be available at the LCNB bank and signs and balloons would be placed to denote the exact location.

Mr. McKeehan noted he hoped the local merchants would reach out and participate in the event to support the alumni.

Mr. Blackburn advised the Wine Festival and the Porsches2Oxford event took 10 months to a year to plan and noted concern the Alumni Association only had 2 ½ months to plan their event. Mr. Blackburn reiterated the need for police presence during the event. Mr. Blackburn advised the event had to be good for the town and good for Miami or it wouldn't happen again. Mr. Blackburn encouraged Ms. Rosecrans to contact the individuals who planned similar events and those individuals would assist the Alumni Association in planning the Welcome Back Party.

Mr. Harman advised he understood Mr. Blackburn's concern and noted partnering with the Visitors and Convention Bureau was beneficial for the Alumni Association and the Chamber of Commerce could provide useful information and resources. Mr. Harman noted he felt in the long run this was a great opportunity for the City to welcome back the alumni and he supported the event.

Mr. Harman moved to adopt Resolution No. 4598. Ms. Currie seconded. The motion passed 6-0-0.

RESOLUTION **AGREEMENT WITH ODNR**

A Resolution No. 4599 authorizing the City Manager to enter into an agreement with the Ohio Department of Natural Resources for the purpose of acquiring funds through the Division of Forestry's 2011 Ash Tree Removal and Canopy Restoration Grant in the amount of \$9,563.00 with a required 50% local match. (Mike Dreisbach, Service Director)

Mr. Dreisbach thanked Mayor Keebler and Council for the Earth Day and Arbor Day Proclamations noting they were important for the City to maintain its 'Tree City USA' designation.

Mr. Dreisbach thanked David Treleaven, the City's Environmental Specialist for being successful in obtaining the Ash Tree Removal and Canopy Restoration Grant.

Mr. Dreisbach addressed his staff report as presented on page 29 of the agenda noting the City intended to contract the removal of 20 public Ash trees that were in declining condition and the planting of 30 replacement, non Emerald Ash Borer host species in street lawns or public lands. Mr. Dreisbach asked for Council's approval to accept the grant.

Mr. McKeehan inquired if Emerald Ash Borer was present in Oxford and Mr. Dreisbach noted Emerald Ash Borer was reported outside of Oxford.

Mr. Bogard moved to adopt Resolution No. 4599. Ms. Currie seconded. The motion passed 6-0-0.

RESOLUTION
HOLIDAY PAY

A Resolution No. 4600 establishing holiday pay for Oxford Fire Division personnel. (Donna Heck, Human Resources Director)

Ms. Heck advised the proposed Resolution would establish a pay plan for the City's part-time Firefighters for certain holidays to make the City more competitive with neighboring Fire Departments who offered holiday pay.

Mayor Keebler advised holiday pay was not addressed in the original plan which resulted in some issues this year which needed to be rectified.

Mr. McKeehan moved to adopt Resolution No. 4600. Mr. Harman seconded. The motion passed 6-0-0.

RESOLUTION
CONVERSION PLAN

A Resolution No. 4601 approving the City of Oxford Conversion Plan which allows employees to convert leave time to cash in accordance with the Ohio Public Employees Retirement System (OPERS) specifications. (Donna Heck, Human Resources Director)

Ms. Heck advised annually the City submitted the section of the employee handbook which covered the conversion of vacation pay by employees to the Ohio Public Employees Retirement System (OPERS) for approval. Ms. Heck noted this year the City was notified that OPERS had made some changes and the City's plan did not meet OPERS specifications. Ms. Heck noted in order to meet the specifications a Conversion Plan would need to be adopted and the differences would need to be amended in the employee handbook. Ms. Heck advised the OPERS changes had to do with the time frame an employee submitted vacation time for pay and depending on when they submitted it and the amount of vacation time they had used would determine how much would apply toward their pension. Ms. Heck noted currently the entire earned and accrued vacation time from the previous year would apply towards an employee's pension and it would no longer work that way.

Mayor Keebler inquired how this would change the current practice.

Ms. Heck advised the City had denied the conversion of vacation time to pay in the past due to budget restraints and now it could not be denied.

Mr. Bogard inquired how much vacation time an employee could carry over on a yearly basis and Ms. Heck advised one year plus 80 hours.

Mayor Keebler advised under the current situation personnel budgets could be inadequate because employees chose to work more hours instead of taking vacation. Mayor Keebler noted a person with a month of vacation could get paid 13 months a year instead of 12. Mayor Keebler advised at a later date Council would need to question whether this was the proper policy as far as budgets and hourly pay was concerned. Mayor Keebler noted this policy was not common in the private sector and it was not done at Miami University. Mayor Keebler advised Council should adopt the Resolution to be compliant with OPERS and review the policy to see what the implications were in terms of the personnel budget.

Ms. Currie moved to adopt Resolution No. 4601. Mr. Harman seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

FRANCHISE
GLENWOOD ENERGY

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

Mr. Dreisbach noted two weeks ago Council held a Work Session with the City's utility consultant regarding gas rates and the proposed Ordinance partnered with the following proposed Ordinance concerning gas rates. Mr. Dreisbach advised the proposed Ordinance would grant Glenwood Energy (formerly Oxford Natural Gas) a 25 year franchise which would allow the City to have a say in how the company operated inside of the City right-of-ways and would allow Council to have control over the gas rates rather than having that power go directly to the Public Utility Commission of Ohio.

Mr. McKeehan referred to Section 4 of the proposed Ordinance on page 43 of the agenda and noted concern that liability insurance in the amount of \$5,000,000 may not be adequate. Mr. McKeehan inquired if the amount of liability insurance could be renegotiated.

Mr. Dreisbach advised a gas company of this size may not be able to obtain and increased amount of coverage.

Mayor Keebler inquired if a 25 year franchise was typical for this type of business and Mr. Dreisbach and Mr. McHugh advised yes. Mr. Blackburn noted a 25 year franchise added to the value of the gas company.

ORDINANCE
GAS RATES/GLENWOOD ENERGY

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

Mr. Dreisbach addressed his staff report as presented on page 45 of the agenda noting ownership of the gas utility changed a few years ago and the new owners had done a good job of managing the company and had done well to lower prices for the consumer. Mr. Dreisbach advised through negotiations with attorneys and consultants a rate increase of 16% was found to be warranted. Mr. Dreisbach noted the proposed Ordinance would be in force through May 31, 2014.

Mayor Keebler advised Council held a Work Session on March 15, 2011 with the City's utility consultant and thoroughly discussed the proposed rate increase. Mayor Keebler noted the Work Session was recorded and was available for the public to view on the City's website. Mayor Keebler advised he felt this was a fair increase and necessary for the company to continue to survive and provide service to Oxford residents.

ORDINANCE
PAY BAND ADJUSTMENT

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

Ms. Heck advised during a recent audit it was discovered that some employee salaries were beyond the pay bands they were assigned to. Ms. Heck noted this occurred due to an oversight on the City's part when market adjustments were made and merit increases were made and the pay bands were not adjusted accordingly. Ms. Heck advised to address the problem the pay bands would be increased by 9% to make up for errors in adjusting them. Ms. Heck noted this action would not result in an increase in pay for any employee.

Mayor Keebler noted concern that the oversight occurred but advised he understood the need for salaries to be in compliance with the pay bands.

Mayor Keebler noted the pay band maximum needed to be increased and inquired why the pay band minimum needed to be increased. Ms. Heck advised the difference between the entry level and the maximum for the pay band should not be that large.

Ms. Heck noted there were different positions within the different pay bands and the City started an employee at 10% below market mid-point and with promotions employees were raised to market midpoint and it was very rare that someone would reach the maximum amount of the pay band.

Mayor Keebler advised the minimum and maximum pay band amounts should be set more by market adjustment and changing the minimum had nothing to do with the market.

Mr. Elliott advised staff addressed the situation like a cost of living increase where the minimum and maximum would be increased. Mr. Elliott reiterated that this action would not result in a pay increase for anyone. Mr. Elliott advised he and Ms. Heck would review the matter and provide additional information for the second reading of the proposed Ordinance.

ORDINANCES
SECOND READING

ORDINANCE
CONDITIONAL
USE PERMIT

An Ordinance No. 3144 Approving A Conditional Use Permit For A Somerville National Bank Facility With A Drive-Thru In The General Business District At 5200 College Corner Pike With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Ordinance was amended per Council's discussion at the last meeting. Mr. Chen noted the general consensus at the last meeting was that this was a good project and it should move forward.

Mr. Scott Webb, Applicant, Agent, thanked Council for their consideration of the proposed Ordinance and noted his client was willing to meet the conditions recommended by the Planning Commission and amended by Council.

Mr. McKeehan moved to adopt Ordinance No. 3144. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Blackburn, Mr. Bogard, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
ANNEXATION

An Ordinance No. 3145 Authorizing The Annexation Of 0.594 Acres Of Contiguous Territory And Directing The City Attorney To Prosecute The Proceedings Necessary To Effect Said Annexation And Declaring An Emergency. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised staff was requesting to annex a portion of US-27 South in the vicinity of University Park Boulevard which was public right-of-way to allow the design and construction of a temporary traffic light at this intersection in conjunction with the new high school. Mr. Dreisbach noted staff asked for the emergency language so the project could be completed over the summer.

Mayor Keebler advised Council rarely used the emergency clause and noted the proposed Ordinance had two readings and the public had an opportunity to speak to the issue. Mayor Keebler noted the proposed Ordinance would go into effect immediately instead of in 30 days.

Mr. Blackburn moved to adopt Ordinance No. 3145 as an emergency. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Harman, Mr. McKeehan, Mr. Blackburn, Mr. Bogard, Ms. Currie, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised the public information meeting regarding the possible re-routing of US-27 took place on March 30, 2011 and there was a good turn-out. Mr. Elliott noted the public could provide written comments on the matter until April 15, 2011 and information was available on the City's and the consultant's websites. Mr. Elliott noted the next step was to receive the results of the study at the end of April or early May and Council could decide what the next step of the process should be.

Mr. Elliott noted a Milford Township Trustee contacted him about the possibility of the City assisting with funding for a traffic light at Bogan Elementary School in conjunction with the improvements to SR 73 and SR 177. Mr. Elliott noted he felt the City was not interested in spending more money on the project since there was a shortfall for the US-27 South project.

Mr. Elliott noted he sent emails to Council recently with regard to temporary signs. Mr. Elliott advised a business owner contacted him about hanging a banner on an Uptown building to advertise rental property which was not allowed under the present policy. Mr. Elliott inquired if Council was interested in possible modifications to the sign ordinance. Mr. Elliott noted if Council felt it was a good idea to loosen the provisions dealing with banners he would suggest a moratorium on enforcement, otherwise any changes would go through the normal process.

Mr. Blackburn suggested establishing a minimal fee for a permit to hang a temporary banner and a larger fine if the permit was not obtained or if the sign was out of compliance.

Mr. Bogard noted it was important to treat everyone the same no matter what type of business was involved. Ms. Currie noted restaurants could have temporary banners under the current policy but not above the first floor.

Mayor Keebler cautioned Council to beware of unintended consequences and inquired how temporary signs could be regulated on residential buildings. Mayor Keebler advised any proposed changes should go through the normal process and the enforcement should continue. Mr. Elliott advised the Chamber of Commerce and other interested parties should participate in the process.

Mr. Bogard advised the Adidas Blue Chip Soccer tournament would take place at the Oxford Community Park over the next two weekends.

Ms. Currie encouraged everyone to attend the Oxford Kinetics Festival this Saturday in the Uptown Parks from 12:00 to 3:00 p.m.

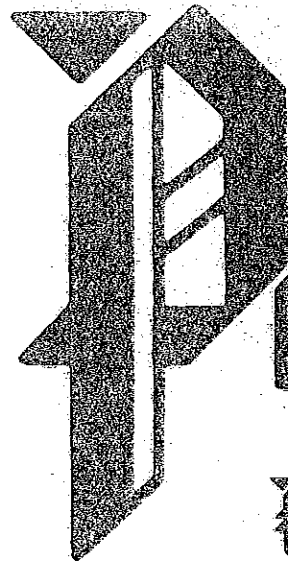
Mr. Blackburn advised Spring Clean Oxford would take place on April 16, 2011 and complimented the students who participated in the event and gave back to the community.

Mr. Blackburn noted the Miami University Precision Ice Skating team was on their way to Finland and wished them well in the competition.

Mayor Keebler advised the Kiwanis Pancake Day was Saturday, April 16, 2011 at the Talawanda High School.

ADJOURN

Ms. Currie moved to adjourn at 8:45 p.m. Mr. McKeehan seconded. The motion passed 6-0-0.



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, 'Celebrating America's Treasures' is the theme for National Preservation Month 2011, cosponsored by the City of Oxford and the National Trust for Historic Preservation.

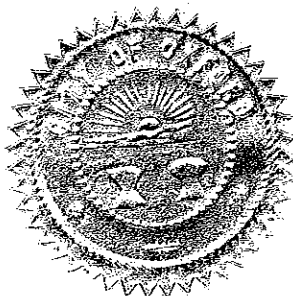
NOW, THEREFORE, I, Richard A. Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim May 2011 as:

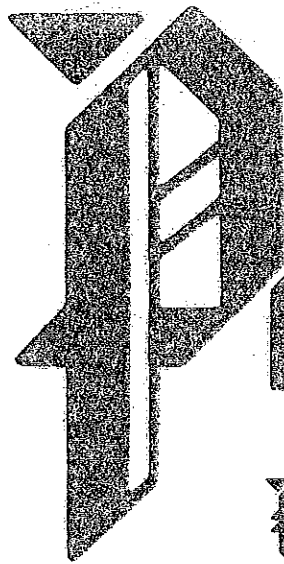
'NATIONAL PRESERVATION MONTH'

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 19th day of April, 2011.

RICHARD A. KEEBLER, MAYOR





Office of the Mayor

Proclamation

Whereas: Matt Ciccone, has served as Associated Student Government Secretary for Off Campus affairs for the past two years and has performed his duties with dedication and distinction; and

WHEREAS, Matt has been a strong Secretary, initiating new ideas and strengthening the efforts of the Oxford Tenant Organization and the Student Community Relations Commission; and

WHEREAS, under Matt's watch there has been a strong push to organize the activities of the Off Campus Senators through new opportunities for training and meeting with residents to talk about issues of importance including the Walk About campaign; and

WHEREAS, Matt has selflessly given his time to assist the City of Oxford by educating students on important issues such as the 2010 Census and Oxford's 2010 ballot initiative to support Fire and Emergency Medical Services; and

WHEREAS, Miami University has recognized Matt as one of 20 outstanding senior student leaders who recently received the President's Distinguished Service Award; and

WHEREAS, Matt will be graduating from Miami University on May 7, 2011 and his achievements will bring honor to his family, the University and the City; and

WHEREAS, the Oxford City Council will miss Matt Ciccone's presence at Council meetings as well as his enthusiasm and energy.

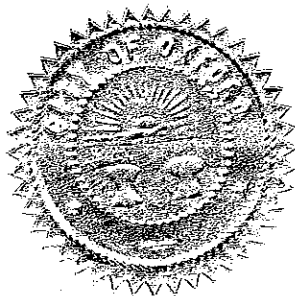
NOW, THEREFORE, I, Richard A. Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim Wednesday, April 20, 2011:

'MATT CICCONE DAY'

and urge his friends and fellow students to congratulate him on this honor and wish him well in his future endeavors.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 19th day of April, 2011.

RICHARD A. KEEBLER, MAYOR



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: March 15, 2011

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 9, 2011

Date Prepared

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

Recommendation: Approve.

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

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

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

Djh 3/30/11

Donna Heck 4/6/11

ORDINANCE NO. _____

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

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

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

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

SECTION 3: In all other respects Ordinance No. 3133, except as herein amended, shall remain in full force and effect.

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

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: Richard Keebler

PREPARED BY: LAW(STAFF)

ATTACHMENT A
CITY OF OXFORD OHIO
PAY BANDS (2011)

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

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 5, 2011

Account Code #: Not Applicable

Budgeted Amount: \$ Not Applicable

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

March 30, 2011

Date Prepared

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

Recommendation: Approval

Discussion:

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

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

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

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

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

Approved By:

Department Head:

Initial

Date

City Manager:

MED 3/30/11

DRE 4/1/11

ORDINANCE NO. _____

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

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

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

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

“City” means City of Oxford, Ohio.

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

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

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

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

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

“Mcf” means one thousand cubic feet.

“OAC” means the Ohio Administrative Code.

“ORC” means the Ohio Revised Code.

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

“PUCO” means the Public Utilities Commission of Ohio.

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

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

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

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

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

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

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

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

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

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

6. Tax Change Adjustments. If, during the term of this ordinance, a governmental authority imposes a new tax, removes an existing tax, or increases or reduces the rate of an existing tax, the effect of which is to increase or reduce the annual tax liability of the Company, the Company shall be entitled to adjust the rates authorized in this section by implementing a new rider or, if applicable, eliminating or adjusting an existing rider, calculated so as to produce the pro forma annual revenues that will reflect the increase or decrease in the Company's annual tax liability. This provision does not apply to changes in the property tax rates or liability. A rider implemented or adjusted pursuant to this provision may be rounded to nearest one-quarter (\$0.0025) cent per Mcf. The Company shall provide written notice to the City Manager of its intent to implement any such new rider or adjust or eliminate an existing rider, and of the proposed effective date of such rate change, said notice to be provided no later than thirty (30) days prior to the proposed effective date of the rate change. The written notice shall include all documentation, information, and calculations relied on by the Company to support the proposed rate change. The City shall, upon notice to the Company, be entitled to inspect any Company books or records as may be necessary to verify the accuracy of the proposed change. No rate change as described herein shall become effective until the City Manager advises the Company that the City finds the proposed rate change to be a tax-related change of the type contemplated by this provision and that the proposed rate has been properly calculated; provided, however, if the City Manager does not so inform the Company within fourteen (14) days of receipt of the written notice, the rate change shall take effect automatically as of the proposed effective date.
7. PIPP Cost-Recovery Rider. In addition to all other rates and charges set forth in this section, the Company shall be entitled to recover the costs associated with the PIPP program through a PIPP cost-recovery rider, which shall be subject to the jurisdiction of, and regulated by, the PUCO.
8. Uncollectible Expense Rider: In addition to all other rates and charges set forth in this section, the Company shall be entitled to recover its uncollectible expense through an uncollectible expense rider, which shall be subject to the jurisdiction of, and regulated by, the PUCO.
9. Miscellaneous Charges. In addition to all other rates and charges set forth in this section, the Company shall be entitled to impose the following charges:
 - a. Late Payment Charge. If a bill payment is not received in the Company's offices or by the Company's authorized agent within twenty-five (25) days of date of the invoice, an additional amount of one and one-half percent (1.5%) of the unpaid balance will be assessed on the customer's subsequent bill. This charge is not applicable to the unpaid account

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

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

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

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

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

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

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

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

Mayor

ADOPTED: _____, 2011

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 5, 2011

Account Code #: Not Applicable

Budgeted Amount: \$ Not Applicable

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

March 30, 2011

Date Prepared

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

Recommendation: Approval

Discussion:

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

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

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

Approved By:

Department Head:

Initial

Date

MD

3/30/11

City Manager:

DK

4/1/11

ORDINANCE NO.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 19, 2011

Account Code #: NA

Budgeted Amount: N A

Service Department
Originating Department

Michael Dreisbach
Prepared By

April 13, 2011
Date Prepared

Agenda Title: Authorization to Auction Unclaimed, Excess, or Obsolete Equipment

Recommendation: Approval

Discussion:

Staff is requesting City Council's authorization to conduct an auction on **Saturday, June 11, 2011**. As required by law, the appropriate legal advertising with the required 30-day notice will be published in the *Oxford Press* and *Hamilton Journal* on or around April 29, 2011. Attached to this report (Attachment "A") is a listing of items recommended for auction. Staff has tentatively retained the services of Delbert Cox, pending City Council approval, to facilitate the auction at a commission of 5.0% of gross sales plus advertisement costs.

The following Auctioneer's were contacted to propose fees for their services with the following results:

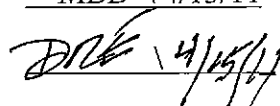
Delbert Cox	5.0%	Plus advertising costs
Doug Ross	7.5%	Plus advertising costs
John Anglin		Not able to bid
Dave Lunsford		No response

It is Staff's recommendation that Council authorize an auction sale to dispose of unclaimed, excess, or obsolete equipment on Saturday, June 11, 2011. Said auction would be held on the grounds of the Municipal Garage on Collins Run Road beginning at 9:00 am.

Approved By:

Initial Date

Department Head: MBD \ 4/13/11

City Manager:  \ 4/15/11

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN SURPLUS CITY PROPERTY NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING ITS ADVERTISEMENT AND SALE TO THE HIGHEST BIDDER AT PUBLIC AUCTION.

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

SECTION 1: Pursuant to Ohio Revised Code Section 4513.62 and Oxford City Code Section 127.11, the items set forth on Attachment 'A' attached hereto and incorporated herein, are hereby declared surplus for City purposes and no longer needed for any municipal purpose, and same may be sold at auction.

SECTION 2: Council hereby authorizes such sale of said items to the highest bidder with proceeds thereof deposited in the General Fund.

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)

Attachment "A"

2011 City of Oxford Auction Items

Items submitted by the Service Department

Item

2 Book Shelves
1 Four Drawer Lateral Filing Cabinet
1 Excel 2003 Training Software
1 Base Phone

Items Submitted by the Streets & Maintenance Division

Item

(2) digital cameras
fax machine
tub of misc holiday lights
metal chop saw
hose reel
plow pump
chain saw (poulan)
air bumper jack
dual wheel / tire jack
old transmission jack
park bench
drain pan for lift
paint machine (air)
misc office furniture
pallet jack
loose piled wood: hardwood, softwood, pine of various lengths and diameters
(2) Truck tool box

Computer Items Submitted by IT

Item

1 Dell CRT Monitor 15 in
1 Dell LCD Monitor 15 in

2 HP LaserJet 1300 Printer
 1 HP LaserJet 1200 Printer
 1 Dell Latitude D600 notebook
 3 Dell Latitude notebook
 3 Dell OptiPlex 240 tower
 1 Dell OptiPlex 280 tower
 1 Dell XPS tower
 1 Dell Dimension 4600 tower
 1 Dell Dimension 2300 tower
 1 HP OfficeJet 5510v All In One
 1 HP OfficeJet K80 All In One

 1 Dell PowerEdge 1950
 4 HP Proliant DL380
 1 HP Modular Smart Array 500 (14 bays)(single controller)
 1 HP LJ 1300n printer
 1 HP Business InkJet 2300

Items Submitted by the Oxford Police Division

Prop. #	Description	In.Dt
13754-005	garden tool (shovel)	090909
13879	black zipper down sweatshirt	101609
13977	wrench	110809
13999	pink I-Phone	111609
14101	baseball bat and knife	121209
14117	clutch purse	22009
14142-001	leather jacket & scarf	23109
14142-002	2GB iPod	123109
14273	brown leather wallet	021310
14361	silver ring	030210
14392	"Reactor" brand watch	030910
14450	Taylor Swift CD	032610
14475	black Old Navy P coat	033010
14475-001	black DEB jacket	033010
14489	Play Station 2	040210
14490	Ping Hooper gold bag w/ clubs	040410
14551-004	black backpack	041810
14556	pair pushup exercise device	042210

	computer speaker w/ wires	
	and table top speaker w/ wire	
14634	small women's bracelet	043010
14636	brown wallet	050410
14652	Laguana Beach class ring	050710
14686	4 small folding pocket knives	051510
14782	Coach wristlet	062010
14783	brown card holder/ wallet	062010
14803	white Hurley women's wallet	062910
14837	Ray Ban sun glasses	071510
14847	brown Coach purse	072010
14851	brown leather wallet	072310
14868	pocket knife	080110
14894	yellow Diamond Flexi ball	081310
14963	metal claw hammer and knif	082210
14963-001	folding knife	082210
14986	child's makeup carrier	082710
14995	black purse	083010
15070	7 CD's and charger unit and FM trans-	
	mitter with 12 volt DC input mount	090710
15321	gold chain	101710
15322	gold chain	101710
15328	gold necklace	101810
15595	women's costume ring	010511
15609	pair of women's brown leather gloves	011211
15663	silver ring	012111
15674	6 silver costume rings	012610

ADDITIONAL MISCELLANEOUS ITEMS

BICYCLES

Prop. #	Description	In.Dt
14481	18sp. Pacific Sprite	040210
14523	boys small frame	041210
14531	Magna 21sp.	041510
14561	Kent 1 sp.	042210
14563	Huffy child's bike	042310
14605	Mongoose 21sp.	042910
14640	Vermilion Magna 15sp.	050510
14707	Road Master Mt. Sport	053010
14759	Road Master Elevation 10sp .	061210
14835	Trek 220	071810
14853	Murray 1sp.	072610
14858	Magna Anza 26"	072710
14890	Mongoose Domain 21sp.	081210
14910	Freestyle Charger 1800	081710
14953	Next 20" men's trail	082310

15081	Schwinn men's 10sp.	091010
15082	Road Master 15sp.	091010
15308	Magna Mt. Tamer 10sp.	101210
15428	Trek 800	111210
15492	Mountain bike 15sp.	120210
15549	Free Spirit 12sp.	121910
15563	2008 Jamis Trail X 2.0	122610
15698	Mongoose 1sp.	020311
15761	Road Master 12sp.	021911

MOTOR VEHICLES FOR AUCTION

2000 Crown Victoria Vin # 2FAFP71WTYX151776	Original Title
2001 Crown Victoria Vin. # 2FAFP71W21X175439	Original Title
2000 Honda Civic Vin. # 1HGEJ6570YL040585	Original Title
2002 Dodge Stratus Vin. # 4B3AG42G72E003324	Rebuilt Salvage
2000 Ford Explorer Vin. # 1FMZU73E0YUB29786	Original Title
1998 Bison Horse Trailer Vin. # 43B661422W1000103	Original Title

Items submitted by the Fire Division

Item

Plywood Christmas tree
 (3) Gas detectors
 (2) Printers
 Misc. binders
 Answering machine
 Misc. out of service turn out gear

Misc. out of service boots
(6) Life vests
(3) Polaroid cameras
(2) outdoor light fixtures
(2) MAST trousers
Coffee pot
Typewriter
Extension cord
Door lock parts
(2) hose reels w/soaker hose
Computer monitor
Wooden shelf
Generator day tank
Charcoal grill

Items Submitted by the Parks and Recreation Department

Item

1 desk w/glass top
1 computer credenza
1 podium (not electric)
6 blue chairs (stack)
3 adjustable BB backboards with attached rims

1 keyboard tray (instructions and hardware included)

Items Submitted by the Community Development Department

1 Fax machine
1 Audio/digital recorder
1 Desk chair

Items submitted by the Finance Department

Item

(2) Printronix Printers

Additional miscellaneous items