Agenda

Oxford City Council

Court House

TUESDAY, APRIL 21, 2009

EXECUTIVE SESSION
7:00 P.M.

1. Roll Call. Prudence Z. Dana, Mayor; Ken Bogard, Vice-Mayor; Doug Ross; Kate Currie; Alysia Fischer; Richard Keebler; Greig Rutherford

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

REGULAR MEETING
7:30 P.M.

PLEDGE OF ALLEGIANCE

2. <u>Approval of Agenda.</u>

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

3. Public Participation.

A. Proclamation - ‘Earth Day’

Proclamation

B. Proclamation - ‘Arbor Day’

Proclamation

C. Proclamation - ‘Miami Redhawks Ice Hockey Team Day’

Proclamation

D. Presentation - National Inspection Corporation.

E. Presentation - Amtrack Service Proposal

F. Appointments to Boards and Commissions.

G. 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 7, 2009 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes

B. Accepting the Minutes of the March 20, 2009 Student Community Relations Commission Meeting. (Jung-Han Chen, Community Development Director)

Minutes

C. Report regarding the March 25, 2009 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report

D. Report regarding the April 1, 2009 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report

E. A Resolution authorizing the City Manager to enter into a contract with Synagro for the removal, transportation, and land application of biosolids from the City's Wastewater Treatment Facility. (Mike Dreisbach, Service Director)

Staff Report/Resolution

F. A Resolution authorizing the City Manager to enter into a contract with Bobcat Company for the purchase of a 2009 Bobcat Excavator as specified in the Ohio Department of Administrative Services ('DAS') at a cost not to exceed $44,085.00. (Mike Dreisbach, Service Director)

Staff Report/Resolution

5. Resolutions.

A. A Resolution adopting an Identity Theft (Red Flag) Policy. (Joe Newlin, Finance Director)

Staff Report/Resolution

B. A Resolution authorizing the adaption of Northside Park to include an off leash area for dogs. (Gail Brahier, Parks and Recreation Director)

Staff Report/Resolution

C. A Resolution establishing RBC Capital Markets as provider of Underwriting Services for the City of Oxford. (Joe Newlin, Finance Director)

Staff Report/Resolution

D. A Resolution by City Council establishing Peck, Schaffer & Williams LLP, as Bond Counsel for the City of Oxford. (Joe Newlin, Finance Director)

Staff Report/Resolution

E. A Resolution accepting the bid and authorizing the City Manager to enter into a contract with John R. Jurgenson Co. for resurfacing and maintenance work at a cost of $272,423.00 plus a contingency amount of ten percent of the contract price or $27,242.30 for a total cost not to exceed $299,665.30. (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.

1.An Ordinance Amending Salary Ordinance No. 3035, Section 1. Full-Time Positions And Section 3. Part-Time Positions. (Donna Heck, Human Resources Director)

Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Amending Ordinance No. 3033. Supplemental Budget Ordinance No. 4 To Make Supplemental Appropriations For Fiscal Year 2009. (Joe Newlin, Finance Director)

Staff Report/Ordinance

2. An Ordinance Repealing Zoning Code Section 1141.02, Temporary Regulations, And Adopting New Section 1141.02, Temporary Regulations. (Jung-Han Chen, Community Development Director)

Staff Report/Ordinance

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

A. Announcements.

1. Remarks from City Council and City staff.

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

WED - Apr 22 Fire/EMS Committee Meeting 4:30 p.m. Central Fire Station

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

WED - Apr 22 Environmental Commission Meeting 7:00 p.m. Municipal

THUR - Apr 30 Community Relations Commission Meeting 7:00 p.m. Municipal

TUES - May 5 City Council Meeting 7:30 p.m.

WED - May 6 Historic and Architectural Preservation Commission Meeting

THUR - May 7 Police Advisory Board Meeting 7:00 p.m. Senior Citizens Center

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

FRI - May 15 Community Improvement Corporation 12:00 p.m. LCNB

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

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

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

MON - May 25 Holiday - City Offices Closed

TUES - May 26 Planning Commission Work Session 6:00 p.m.

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

WED - May 27 Environmental Commission Meeting 7:00 p.m. Municipal

8. Adjourn

Office of the Mayor

Proclamation

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

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

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

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

WHEREAS, associated with the management of the approximately 3,120 street and public trees in the community, the City of Oxford has fulfilled the requirements for "Tree City USA" for thirteen consecutive years.

NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, Tree City USA, do hereby proclaim that on the last Friday in April, April 24, 2009, 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 17th day of April, 2009.

PRUDENCE Z. DANA, MAYOR

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 in some 168 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, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, do hereby proclaim that on Wednesday, April 22, 2009, 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 17th day of April, 2009.

PRUDENCE Z. DANA, MAYOR

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 21, 2009

Account Code #: 320.811.50901

Budgeted Amount: $40,000.00

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

March 26, 2009
Date Prepared

Agenda Title: Purchase of Excavator for the Water Distribution Division

Recommendation: Approve

Discussion:

The 2009 Capital Equipment Budget includes $40,000 for the purchase of a tracked exactor for use by the Water Distribution Division of the Service Department. This machine will be used routinely to maintain system operations and in capital improvement projects.

The State of Ohio Department of Administrative Services (DAS) contract for the purchase of heavy equipment includes State Contract STS515W; Schedule # 7751500107 with Bobcat Company. The City of Oxford has been authorized to participate in this Cooperative Purchasing Program administered by the Ohio Department of Administrative Services. The unit price for this equipment is as follows:

Base unit price for Model 331 Excavator	$ 41,925.00
Extended reach capacity to 16'	1,500.00
24" wide bucket	660.00
Total price:	**$44,085.00**

This type of machine is especially effective in close quarter situations and alley excavations. Staff evaluated competing machines from Case Equipment and Kubota Equipment, and the Bobcat machine was clearly the best value for the dollar. The purchase price recommended in this report is slightly higher than the budgeted line item for this machine; however, adequate funds are available from other lines in the equipment fund. No additional funding is necessary for this acquisition.

This Resolution will authorize the City Manager to enter into an agreement with Bobcat Company for the purchase of a 2009 Bobcat Excavator as specified in the DAS specification at a cost not to exceed $44,085.00.

Approved By:

	Initial	Date
Department Head:	MBD	3/26/09
City Manager:	[illegible]	4/9/09

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BOBCAT COMPANY FOR THE PURCHASE OF A 2009 BOBCAT EXCAVATOR AS SPECIFIED IN THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES ('DAS') AT A COST NOT TO EXCEED $44,085.00.

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

SECTION 1: Council hereby authorizes the City Manager to enter into a contract with Bobcat Company for the purchase of a 2009 Bobcat Excavator as specified in the DAS at a total cost not to exceed $44,085.00. Said amounts shall be paid by funding which the City Manager and Finance Director are hereby authorized to negotiate and secure on behalf of the City.

SECTION 3: Council hereby further finds that sufficient funds to meet the maximum amount to be expended for the purchase are appropriated.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 21, 2009

Account Code #: 331.830.52340

Budgeted Amount: $82,000.00

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

March 26, 2009
Date Prepared

Agenda Title: Extension of Service Contract with Synagro for the Disposal of Biosolids

Recommendation: Approve

Discussion:

The 2009 Capital Equipment Budget includes $82,000 for contracted services that includes the recycling of biosolids for agricultural use. The City has utilized the services of Synagro for many years and has been very pleased with their performance and pricing for services.

The current contract with Synagro is expiring and staff recommends Council approval of a contract extension of three years with the firm. The existing unit price for handling biosolids would not change through the end of February 2010. Consumer Price Index increases will be expected in following years as well as any increases necessitated by changing legal requirements and regulations.

The law director has reviewed and approved the extension with suggested minor modifications to allow the City to terminate the extended contract with proper notice to the company. Language in the contract Amendment will be adjusted (date of commencement) to reflect the date of approval by Council.

This Resolution will authorize the City Manager to enter into a contract amendment with Synagro for the Removal, transportation, and land application off biosolids from the City's wastewater treatment facility.

Approved By:

	Initial	Date
Department Head:		
City Manager:	DB	4/17/09

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AMENDMENT WITH SYNAGRO FOR THE REMOVAL, TRANSPORTATION, AND LAND APPLICATION OF BIOSOLIDS FROM THE CITY'S WASTEWATER TREATMENT FACILITY.

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

SECTION 1: The City Manager and the Service Director recommend the term of the contract with Synagro for the removal, transportation and land application of biosolids from the City's Wastewater Treatment facility be extended for a period of three (3) years.

SECTION 2: Council hereby authorizes the City Manager to enter into a contract amendment with Synagro to extend the term of the contract for a period of three (3) years for the removal, transportation and land application of biosolids from the City's Wastewater Treatment facility.

SECTION 3: Except as modified the contract shall remain in full force and effect in accordance with all its terms and conditions.

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

____
MAYOR

ADOPTED:

ATTEST:

____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

Amendment #1

Agreement for Removal, Transportation, and Land Application of Anaerobically Digested Cake Biosolids from the City of Oxford Wastewater Treatment Plant

On March 1, 2005, an Agreement for the Removal, Transportation, and Land Application of Anaerobically Digested Cake Biosolids from the City of Oxford Wastewater Treatment Plant (Contract) was entered into between Synagro-WWT, Inc. (Contractor) and the City of Oxford, Ohio (Customer).

WHEREAS, Synagro and the Customer desire to further amend the Contract for good and valuable consideration, the receipt of which is hereby acknowledged and parties hereby agree to amend the Contract as follows:

1. The term of the Contract shall be extended for a period three (3) years commencing on March 1, 2009 and continuing through February 28, 2012. The Contractor and the Customer further agree that at the end of this term this Contract may be extended for additional periods as mutually agreed in writing by both parties.

2. Section 2. Contract Price and Payments. – Item 2.3 shall be inserted as follows:

   2.3 The unit price of $17.95 per wet ton shall remain in effect for the period from March 1, 2009 through February 28, 2010. Effective as of March 1, 2010, upon increases in Contractor's costs due to changes in Legal Requirements, Contractor may no more than once each anniversary year, request an increase in the fixed prices set forth hereunder, which shall be negotiated by the parties in good faith and be effective at the beginning of the next anniversary of the Effective Date. In addition, the Contractor's stated prices shall be increased annually consistent with the Consumer Price Index (CPI) for the closest metropolitan area to the PLANT. CPI adjustments shall automatically become effective the anniversary date of the Effective Date.

Except as modified herein by this Amendment #1, the Contract shall remain in full force and effect in accordance with all its terms and conditions.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment #1 to be executed by their duly authorized officers or representatives on the 24th day of February, 2009.

SYNAGRO-WWT, INC.	CITY OF OXFORD, OHIO
By: ______________________	By: ______________________
Signature	Signature
Robert C. Boucher, Jr.	______________________
Name	Name
President	______________________
Title	Title

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: April 21, 2009

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

David Treleaven
Prepared By

March 26, 2009
Date Prepared

Agenda Title: Environmental Commission Meeting of March 25, 2009

Recommendation: For Review and Consideration

Discussion:
Environmental Commission members present at the Wednesday, March 25, 2009 meeting were: Vice-Chair, Ms. Gisela Bahr; City Council Representative, Mr. Greig Rutherford; Secretary, Ms. Heidi Schran; Planning Commission Representative, Mr. Ted Wong; and Mr. Charlie Ford. A quorum was present. Ms. Dori Bahir of Green Oxford was also in attendance.

Ms. Dori Bahir made a presentation regarding the addition of two bicycle lanes along Spring Street in specific, and development of a network of bicycle-friendly routes throughout the community in general. Green Oxford has previously made similar bicycling presentations to Oxford's Parking and Transportation Board and to the City Council. The addition of the bicycle lanes are intended to encourage the use of bicycles as a means of transportation while enhancing safety. The Spring Street bicycle lanes, running from Patterson Avenue to Lynn Street, would reportedly necessitate the removal of approximately 100 curbside automobile parking spots. Green Oxford representatives intend to survey the residents along Spring Street to determine the nature of their automobile usage, and the availability of and the resident's receptiveness to, off-street parking options (including remote locations).

The Environmental Commission unanimously recommends to Council the following motion:

The Oxford Environmental Commission hereby recommends to the Oxford City Council the following: Bicycling is both a desirable and viable means of transportation, and bicycling benefits all citizens of the Oxford community by:

Reducing automobile congestion;
Reducing road wear and road maintenance costs;
Improving resource conservation;
Benefitting local air quality; and
Improving the quality of life, providing health benefit and recreational opportunities.

(Continued)

Approved By:

	Initial	Date
Department Head:	MBD	3/27/09
City Attorney:		
City Manager:	DAE	4/17/09

To these ends, the Oxford Environmental Commission specifically supports Green Oxford's Spring Street bicycle lane proposal. This proposal will serve as a reasonable foundation for a comprehensive bicycle plan that will facilitate alternative transportation to create a more livable, attractive city. The Oxford Environmental Commission encourages Oxford City Council to adopt and implement Green Oxford's Spring Street bicycle lane proposal. This recommendation is consistent with the goals and objectives as stated within the current Oxford Comprehensive Plan.

Commission participation in the "EarthFest" activities for the celebration of Earth Day was discussed. EarthFest is scheduled for Saturday, April 18, 2009, from 11:00 a.m. until 4:00 p.m. at the Uptown Memorial Park. The Commission intends to staff a table to distribute educational information.

The details for the annual Arbor Day recognition have not yet been finalized. The Commission shall be informed of the Arbor Day celebratory event(s) once they are finalized by Oxford's Parks and Recreation Department and the Environmental Division. Arbor Day is officially the last Friday in April (April 24th this year).

Commissioners requested Mr. Ted Wong to inquire with the Planning Commission for a joint work session to discuss open space cluster residential and/or conservation zoning developments.

The Commission adjourned at 9:30 p.m. The next Commission meeting is tentatively scheduled for Wednesday, April 22, 2009 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

Council Meeting Of: April 21, 2009

Account Code No. #:

Budgeted Amount:

Community Development
Originating Department

Jung-Han Chen
Prepared By

April 13, 2009
Date Prepared

Agenda Title: HAPC Meeting Report – April 1, 2009

DISCUSSION:
Requests for Review:

HAPC 01-2009 ***1 W. High Street****, Chipotle, approval of signage, awnings, exterior doors and proposed patio furniture,* ***Rich Fidler, Applicant/Agent***

Mr. Fidler presented to HAPC the plans for exterior signage, awnings, outdoor furniture and exterior door design for the planned Chipotle restaurant.

The HAPC requested an additional awning be installed over the entryway to the stairway on Main Street.

The HAPC felt that the design elements were well thought out and complimentary to the building. The Commission voted on each item individually. The Applicant's requests were all approved (6-0-0).

HAPC 02-2009 ***29 W. High Street****, Miami Beach, Minor façade modification and new paint,* ***Scott Webb, Applicant/Agent***

Due to the aging and weathering of the bricks on the façade, and a new neighboring mixed use building, the Applicant was approached by the Owner to enhance the façade and address the failing bricks.

Mr. Webb described the plans for this building which included painting and additional banding located right below the window sills.

The HAPC was very pleased with the proposed work and voted 6-0-0 in favor of the Applicant's request.

HAPC 03-2009 ***1 W. High Street****, building height increase, transformer space creation, revisions made to the east and west windows of the building,* ***Bernard Rumpke, Applicant***

Mr. Rumpke outlined for the Commission his request for changes to be made to the building.

Building height changes was two-fold : additional parapet height for architectural details and to satisfy safety issues regarding mechanical unit servicing and the hiding of the units. The four-foot height increase will allow for EFIS banding, panels and Fypon corbels.

Mr. Rumpke also provided the Commission reasoning for necessity of having a transformer pad for electric services to this new mixed use building. Mr. Rumpke described the location of the pad, assuring the Commission that it would not be visible from southbound traffic on Main Street. The creation of the transformer area also caused the relocation of the exterior stairway by nine feet.

Mr. Rumpke reported that the proposed windows on the west wall were required to have a minimum 2-hour fire rating and noted the cost was extremely high. With that, and the potential for redevelopment of the property to the west causing the windows to be useless for lighting or air, he requested the windows become false windows.

Mr. Rumpke indicated there was a need to install a vent primarily for circulation for the new restaurant and noted that the vent would be visually blocked by the new awning.

The HAPC approved each item (6-0-0) presented by the Applicant.

Old Business:
It was noted that May was National Preservation month.

New Business:
The HAC/HAPC Community Open House has been scheduled for September 22, 2009.

The next regular HAPC meeting is scheduled for May 6, 2009.

Approved By:		**Initial**	**Date**
	Department Head:	JHC	4/13/09
	City Attorney:		
	City Manager:	DEB	4/17/09

A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, April 7, 2009 at 7:30 p.m. Those members present were Ken Bogard, Kate Currie, Doug Ross, Richard Keebler and Greig Rutherford. Alysia Fischer was excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director, Mr. Tom Horvath, Police Sergeant; Mr. John Detherage, Fire Chief; Mr Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Mr. Alan Kyger, Economic Development Director; Ms. Gail Brahier, Parks and Recreation Director; Mr. Steve McHugh, Law Director and Ms. Kim Newton, Assistant to the City Manager

ADJOURN TO EXECUTIVE SESSION

Mr. Rutherford moved to adjourn to Executive Session at 7:15 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (1) Appointments to Boards and Commissions. Ms. Currie seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Bogard moved to return from Executive Session at 7:30 p.m. Mr. Rutherford seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Boy Scout Troop 930 was in attendance and performed the Flag Ceremony.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

**PROCLAMATION
'BOY SCOUT TROOP 930 MONTH'**

Mayor Dana read the Proclamation and presented it to Boy Scout 930 in honor of their 70^{th} anniversary in Oxford, Ohio.

The Scout Master for Troop 930 thanked Council for the Proclamation and noted the Scouts would celebrate their anniversary during a variety of activities this year.

Mr. Rutherford encouraged the scouts to stay in scouting and to reflect on what they wanted to achieve. Mr. Rutherford also encouraged the scouts to obtain their Eagle Scout status.

**PROCLAMATION
'NATIONAL OCCUPATIONAL
THERAPY DAY'**

Mayor Dana read the Proclamation and presented it to Ms. Carol Cook.

Ms. Carol Cook, thanked Council for recognizing the month of April as National Occupational Therapy Month.

**PRESENTATION
MCCULLOUGH-HYDE
MEMORIAL HOSPITAL
ANNUAL REPORT**

Mr. Bryan Hehemann, CEO, McCullough-Hyde Memorial Hospital, noted it was his pleasure to address Council on behalf of the Board, hospital staff and volunteers. Mr. Hehemann advised he had provided Council with written material earlier to review. Mr. Hehemann advised the hospital continued to provide outstanding customer service and high quality care and enjoyed the superior support of the community. Mr. Hehemann noted the hospital would hold a dedication ceremony on April 21, 2009 to conclude the expansion of the Oncology Center and public notice would be given regarding the event. Mr. Hehemann advised the hospital continued to expand outside of the immediate Oxford area including the facilities and services available at the Ross Medical Center. Mr. Hehemann noted the hospital would host the Youth Health and Safety event again this year in August at the Uptown Parks. Mr. Hehemann advised he provided financial information and 2009 initiatives in the report and would be happy to answer any questions.

Mayor Dana thanked Mr. Hehemann for addressing Council and providing the report.

APPOINTMENTS TO BOARDS AND COMMISSIONS

ENVIRONMENTAL COMMISSION

Ms. Currie moved to appoint Mr. Kevin Armitage and Ms. Kelly Church to the Environmental Commission for a term expiring June 30, 2012. Mr. Rutherford seconded. The motion passed 6-0-0.

PUBLIC COMMENTS

Ms. Diana Durr, Oxford Visitors and Convention Bureau, advised the schedule was available for the annual Summer Music Festival. Ms. Durr noted the concert series would begin on Thursdays from June 18 to August 27, 2009.

Mr. Thadd Boggs, 109 Ardmore Drive, Secretary, Off Campus Affairs, noted the Red Hawk Hunt sponsored by the Residents Hall Association would take place April 17th and 18th. Mr. Boggs noted his successor; Matt Ciccone would be in attendance at the April 21, 2009 meeting. Mr. Boggs advised his feeling Mr. Ciccone would be a capable and effective representative.

CONSENT AGENDA

MINUTES

Minutes of the March 17, 2009 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the March 17, 2009 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Accepting the minutes of the February 20, 2009 Student Community Relations Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the March 10, 2009 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the March 18, 2009 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the March 25, 2009 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

RESOLUTIONS

**RESOLUTION
WAIVING FEES FOR
THE ANNUAL SUMMER MUSIC FESTIVAL**

A Resolution No. 4426 authorizing the City Manager to waive the fees adopted in the fee ordinance for the street closings for the Visitors and Convention Bureau for the 2009 annual Summer Music festival. (Doug Elliott, City Manager)

**RESOLUTION
RELEASE OF A
PERFORMANCE BOND**

A Resolution No. 4427 authorizing a release of a performance bond recorded in Volume 7798, Page 780 of the lien records of the Butler County, Ohio Recorder's Office for Long Meadow Subdivision, Section 4, and acceptance of a new performance bond. (Mike Dreisbach, Service Director)

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

RESOLUTIONS

**RESOLUTION
LICENSE AGREEMENT**

A Resolution No. 4428 granting the Oxford Community Foundation a License to improve a portion of a dedicated alley immediately south of 338 North Locust Street to provide accessible off street parking. (Mike Dreisbach, City Manager)

Mr. Bogard recused himself from the discussion as a member of the Oxford Community Foundation.

Mr. Elliott addressed the Resolution and License Agreement on pages 45-51 of the agenda and noted Mr. Robinson and Mr. Potter were in attendance to answer any questions.

Mr. Jim Robinson, noted he appreciated Council's consideration of the proposed Resolution and advised his feeling it was critical for the success of the program. Mr. Robinson suggested amending the Resolution by omitting paragraph 3. Mr. Robinson thanked staff and Mr. McHugh for working with the Oxford Community Foundation on this initiative.

Ms. Dana inquired if the suggested amendment was on page 46 or 47 of the agenda. Ms. Currie advised it was item 3. on page 47.

Mr. McHugh suggested the following amendment 'The Licensor and Licensee mutually agree that parking by licensee in the licensed area of the alley abutting 338 North Locust Street is allowed.'

Mr. Rutherford noted many concerns with the language of the agreement which Mr. McHugh, Mr. Keebler, Mr. Ross and Ms. Currie addressed.

Mr. Keebler noted concern with item 7. on page 48 of the agenda with regard to a 10 year term which Mr. McHugh addressed.

Amendments were discussed to Section 1 of the Resolution, item 1 of the agreement, item 3. of the agreement and item 7. of the agreement.

Ms. Currie moved to amend Section 1 of the Resolution by striking 'single family' and adding 'year round owner occupied' and item 1. of the agreement by striking 'in the rear yard and item 3. to read 'The licensor and licensee mutually agree that parking by licensee in the licensed area of the alley abutting 338 North Locust Street is allowed' and item 7. to read 'The License Agreement shall be for an indefinite period of time commencing on the date of signing hereof.' Mr. Keebler seconded. The motion passed 4-1-0 with Mr. Rutherford voting nay.

Mr. Keebler called the question.

Ms. Currie moved to adopt Resolution No. 4428 as amended. Mr. Rutherford seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Ross, Ms. Currie, Ms. Dana (4)

NAY: Mr. Rutherford (1)

ABS: None (0)

RESOLUTION
AGREEMENT FOR THE 2009
BYRNE JUSTICE ASSISTANCE GRANT

A Resolution No. 4429 authorizing the City Manager to enter into an Interlocal Agreement between the County of Butler, Ohio; City of Hamilton, Ohio; City of Fairfield, Ohio; City of Middletown, Ohio; City of Monroe, Ohio; Fairfield Township, Ohio; Lemon Township, Ohio; West Chester Township, Ohio; and the City of Oxford to jointly apply for the 2009 Byrne Justice Assistance Grant (JAG) program award. (Steve Schwein, Police Chief)

Chief Schwein discussed his staff report on page 52 of the agenda and the process for obtaining the Byrne Justice Assistance Grant program award. Chief Schwein noted the City's intention was to use the funds for a permanently stationed Automatic License Plate Reader placed at the south entrance to the City which would alert the Oxford Police Department when individuals driving stolen vehicles or who were wanted for serious crimes entered the City. Chief Schwein advised Ms. Erica Bressler from the Butler County Sherriff's Office was in attendance to answer any questions.

Mr. Keebler noted concern with the 'Big Brother' aspect of the technology. Mr. Keebler inquired if a permanent record was kept of the license plate numbers or if they were compared to a data base. Chief Schwein advised they were stored and non essential information could be deleted. Mr. Keebler noted to be effective the devices should be located at each entrance to the City. Mr. Keebler advised there may be a better use of $50,000.00 in justice funds than for just one camera.

Ms. Currie noted her support for the proposal and advised she felt the 'Big Brother' ship had already sailed.

Mr. Keebler requested that before another unit was purchased he would like to see a report regarding how many people were identified as a result of it.

Mr. Ross inquired if Ms. Bressler was aware of any concerns from groups calling themselves civil rights organizations protesting the new technology. Ms. Bressler advised she was not aware of any concerns and Butler County was not using the system yet. Ms. Bressler noted Chief Dwyer was in communication with the City of Cincinnati and they had not received any complaints regarding the new system.

Mr. Rutherford advised he wanted to see a status report regarding the proposed system in one year.

Mr. Bogard moved to adopt Resolution No. 4429. Ms. Currie seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCES
FIRST READING

An Ordinance Repealing Zoning Code Section 1141.02, Temporary Regulations, And Adopting New Section 1141.02, Temporary Regulations. (Jung-Han Chen, Community Development Director)

Mr. Chen advised currently there were no regulations regarding the placement and timeframe for temporary storage units placed on private property and the proposed language would address the issues. Mr. Chen referred to page 62 of the agenda and discussed the proposed new language.

Mr. Keebler advised the Planning Commission discussed the issue at two meetings. Mr. Keebler noted the intent was to provide citizens the ability to use storage pods and make reasonable accommodations for their use.

Mr. Bogard noted concern with small lots and the requirement that pods be placed 8' from the back of the curb which Mr. Keebler addressed.

Mr. Rutherford inquired if the requirement for placement should be 8' from the right-of-way line. Mr. Keebler advised the language indicated the storage units could not extend into the sidewalk.

Mr. Bogard noted Chief Schwein raised a question with regard to a penalty for not obtaining a permit for the storage unit and Mr. Chen advised enforcement action would be handled through the administrative ticketing process.

Mr. Ross noted concern with private property rights and advised he could not see the proposed legislation.

Mayor Dana noted last year a container resided on E. Collins Street for several months which initiated the regulation process for storage units.

Mr. Rutherford advised he felt the language should be more specific and should restrict the placement of storage units in the front yard set-back not from the property overall. Mr. Rutherford noted the proposed language limited the use no matter where it was. Mr. Rutherford inquired what the difference was between this and a shed. Mr. Chen advised if the use was to be permanent a zoning certificate would still be necessary. Mayor Dana advised this language was intended for portable storage containers. Mr. McHugh noted a portable storage unit qualified as a structure and if it was placed in a backyard as an accessory building the proper permits would have to be obtained.

Ms. Currie advised she did not think it was necessary to be overly specific or contentious.

Mr. Rutherford noted he felt the language needed to be clarified before the second reading.

Mayor Dana encouraged Mr. Rutherford to contact the Planning Department with his concerns before the second reading.

Mr. Elliott advised he did not feel there was a need for clarification as there were regulations for permanent uses and temporary uses.

Mr. Rutherford advised he would look at the code before the next meeting. Mr. Rutherford advised he did not want the decisions as to whether a use was permanent or temporary to become capricious.

Mr. Keebler requested that Mr. Rutherford provide Council with any proposed amendments to the language prior to the next meeting not during the next meeting.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3033. Supplemental Budget Ordinance No. 4 To Make Supplemental Appropriations For Fiscal Year 2009. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on pages 74 and 75 of the agenda and provided background information regarding the issues.

Mr. Ross thanked Mr. Kyger for helping him understand the situation.

ORDINANCES
SECOND READING

SUPPLEMENTAL BUDGET

An Ordinance No. 3047 Amending Ordinance No. 3033. Supplemental Budget Ordinance No. 3 To Make Supplemental Appropriations For Fiscal Year 2009. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on pages 77 and 78 of the agenda.

Ms. Currie moved to adopt Ordinance No. 3047. Mr. Bogard seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
PRELIMINARY APPROVAL
MYERS SUBDIVISION

An Ordinance No. 3048 Approving The Planning Commission's Recommendation For Preliminary Approval Of The Myers Subdivision On 32.12 Acres Of Land With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised he had no new information regarding the proposal and noted Council would be voting on the layout on page 156 of the agenda.

Mr. Ross inquired where the bike path was on page 156. Mr. Chen advised it was on the eastern side immediately adjoining the Knolls of Oxford.

Mayor Dana thanked members of the audience for attending and encouraged public comments to include new information.

Ms. Mary Holtz, 50 Scarlett Oak Circle, advised 65 to 70% of the Knolls of Oxford residents were Miami University alumni. Ms. Holtz noted her feeling people considering a move to the Knolls may change their mind due to the nearness of the proposed development and access to their properties. Ms. Holtz noted endowments had suffered from the economy and the proposed development could hurt Miami in the future.

Mr. Larry Frimerman, 292 Ryan Drive, inquired if Council had studied the storm water flow, impacts and increases in flow on Bull Run over the last 30 to 40 years. Mr. Frimerman noted his feeling there were significant increases in flow at peak times during storm events. Mr. Frimerman suggested Council look carefully at the volumes of storm water and the ratios and timing for it. Mr. Frimerman noted he had heard several complaints from residents whose property backed up to Bull Run with regard to significant property damage occurring from stream impacts. Mr. Frimerman noted he felt changes or additional flow at all from a development would likely have a much more serious impact. Mr. Frimerman advised he wanted to know how carefully the issue had been studied since it was not studied as a blue line stream by the Planning Commission or staff, how the study was done, and to what degree of confidence.

Mr. Jack Grove, Fairfield Road, noted 117 members of the community signed a petition to state their opposition to the proposal for multi various reasons. Mr. Grove noted he felt it was appropriate to involve the Butler County Planning Commission in discussions regarding a collector or connector road and the Butler County Engineers with regard to agricultural and drainage issues. Mr. Grove advised the Army Corps of Engineers and Ohio EPA would be involved with issues concerning his property as related to the proposed development. Mr. Grove advised Mr. Ross and Mr. Rutherford had walked the site and did so independently. Mr. Grove noted his hope they would share their observations with the other members of Council including the existence of a grass waterway on the property.

Mayor Dana acknowledged that Council had received the petition.

Mr. Joshua Liles, Apex Engineering and Surveying, advised with regard to downstream run off from the site, Council had his professional assurance that the condition would be made better by installing retention ponds, slowing down the flows, and bettering the water quality released from the site. Mr. Liles advised he had been in contact with the Army Corps of Engineers and the blue line stream should not be a problem.

Mr. Rutherford noted concern that the annexation agreement called for the bike path to be located on the western edge of the property. Mr. Rutherford noted concern that the minimum road width requirement had not been met. Mr. Rutherford noted concern that the dead end streets exceeded the length requirement in the zoning code. Mr. Rutherford noted he was fearful there had been an abuse of the code section dealing with variations and exceptions. Mr. Rutherford advised his feeling when a subdivision came to Council it should meet the requirements of the code and if the Planning Commission had recommendations for modifications they should state those recommendations. Mr. Rutherford noted equal protection under the law was a vey serious issue for him. Mr. Rutherford noted he found it impossible to vote in favor of the subdivision because it did not meet the standards. Mr. Rutherford advised Council could not say one project could have narrower streets but another one could not.

Mr. Ross noted he did not like the projects but he was not voting on his personal preference.

Mr. Bogard asked for input from the Planning Commission members regarding some of the variations from the code. Mr. Bogard noted Council needed to come to a compromise with regard to the proposal.

Mr. Keebler advised the developer had the legal right to develop the property under R1B zoning with the right to choose between the standard conditions (cookie cutter subdivision) or the alternate cluster subdivision. Mr. Keebler advised the developer chose the cluster subdivision with open space which the Planning Commission felt was the best fit for the land and resulted in a lower density than allowed under R1B zoning. Mr. Keebler advised the cluster subdivision also allowed better consideration of the drainage needs of the adjacent property. Mr. Keebler advised drainage was an issue but all the engineering could not be forced on a preliminary approval. Mr. Keebler noted the drainage issues would have to be satisfied before final approval.

Mr. Keebler advised the proposed collector street was needed and in accordance with the adopted thoroughfare plan. Mr. Keebler advised the Planning Commission and Parks and Recreation felt the bike path should be on the eastern side for connectivity and further buffering of the Knolls of Oxford property. Mr. Keebler advised he remained ok with the narrower streets and the full right-of-way was provided if it was ever needed. Mr. Keebler noted the developer did not need the collector street and could actually put more lots in that area and be within his rights under the R1B zoning. Mr. Keebler noted the preliminary PUD plans for the Knolls showed a 50 foot right-of-way along the western boarder of the land with the concept that with another 50 foot right-of-way from the next developer, a road could be built along there. Mr. Keebler referred to a memo from City staff cautioning the Knolls of Oxford not to build so close to the right-of-way which was ignored. Mr. Keebler noted the same arguments being used to deter this project could have been used by adjacent property owners when the Knolls of Oxford was built. Mr. Keebler noted he fully supported the proposal and urged his fellow Council members to do the same.

Ms. Currie noted these conversations were painful and difficult as a lot of people were going to be unhappy no matter what. Ms. Currie noted the land was going to be developed and it was important to get away from the cookie cutter designed subdivisions. Ms. Currie noted it did not make sense to place the multi-use path on the western side as there would be no connectivity to the Community Park and on the eastern side it would be a valuable buffer for the Knolls of Oxford. Ms. Currie noted she supported the proposal.

Mr. Bogard discussed additional buffering for the Knolls of Oxford property to ease the safety and noise concerns of residents. Mr. Bogard noted engineering would have to take care of the drainage issues prior to a final plan submittal.

Mayor Dana noted Ms. Fischer who was ill and unable to attend this evening was concerned with the stub streets and the application of the Comprehensive Plan as related to the property. Mayor Dana advised Council was basing its decision regarding this proposal on the Comprehensive Plan which was adopted in November, 2008. Mayor Dana noted the Comprehensive Plan addressed rural entries into the City and the transition between the City and rural areas. Mayor Dana noted the property was brought into the City as R1B zoning and that was what the developer was dealing with. Mayor Dana noted her feeling the proposal addressed a walkable community, connectivity, open space, landscaping and design issues which the Comprehensive Plan called for. Mayor Dana advised she supported the proposal and Council had clearly laid out the issues that needed to be dealt with before a final plan approval was submitted.

Mr. Ross advised he lived where he grew up and the proposal would negatively affect his quality of life and his property value due to increased traffic and vehicular speed. Mr. Ross advised he would vote in favor of the project.

Mr. Rutherford noted variations and exceptions to the zoning code regulations required that there be substantial hardships or difficulties and the Planning Commission had not given Council any evidence that there was hardship or substantial difficulty. Mr. Rutherford advised his feeling this was placing Council in jeopardy and causing them to be capricious.

Mr. Rutherford noted his feeling Council was not taking their laws and Ordinances seriously. Mr. Rutherford noted it was unfortunate if the Knolls of Oxford residents were not advised that a road may be built in this area but that should not be the basis for the decision. Mr. Rutherford stated the basis for the decision should be whether or not the subdivision met the requirements of the zoning code and it did not meet the requirements of the code. Mr. Rutherford inquired why there should be codes and regulations if they could 'willy-nilly' through sandbox politics be ignored.

Mayor Dana stated there was some disagreement from members of Council with regard to the notion of sandbox politics.

Mayor Dana noted an amendment to the Ordinance on page 82 of the agenda was suggested by the law director.

Mr. Keebler moved to amend item b. on page 82 of the agenda to read 'The multi-use path shall be located on the east side of the collector street in a 20 foot easement with a 10 foot wide path.' Mr. Bogard seconded. The motion passed 5-1-0 with Mr. Rutherford voting nay.

Mr. Bogard moved that a five foot buffer/mound be designed between Contreras and Fairfield Roads on the east side of the property. The motion failed for the lack of a second.

Mr. Keebler moved to adopt Ordinance No. 3048 as amended. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Rutherford (1)

ABS: None (0)

ORDINANCE
PRELIMINARY APPROVAL
VILLAS OF OXFORD

An Ordinance No. 3049 Approving The Planning Commission's Recommendation For Preliminary Plan Approval Of The Villas Of Oxford Planned Unit Development On 22.46 Acres Of Land Between Contreras And Fairfield Roads To Allow A Development For Residential Use With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the layout of the proposed PUD was on page 156 of the agenda. Mr. Chen noted there had been a lot coverage ratio discrepancy which had been reviewed by legal counsel and the Planning Commission and the lot coverage ratio would need to be approved at 47% rather than 40%.

Mr. Rutherford inquired if there was a capricious reason why the lot coverage ratio should be increased and Mr. Keebler advised the only reason the PUD exceeded the lot coverage ratio was because the roadway was considered private instead of public. Mr. Keebler noted if the City maintained the roadway the lot coverage ratio would be way under the requirement. Mr. Keebler noted the same issue occurred at the Southpoint development.

Mr. Bogard advised he did not like the terminology Mr. Rutherford used with regard to arbitrary and capricious language. Mr. Bogard noted he felt the projects were well thought out. Mr. Bogard advised the Planning Commission held three hearings regarding the projects and Council held three hearings. Mr. Bogard advised he felt these were good projects.

Mr. Keebler moved to adopt Ordinance No. 3049. Mr. Bogard seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Rutherford (1)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott provided Council with an update regarding the pre-annexation agreement with the Talawanda School District.

Mr. Elliott thanked Council for approving the Resolution regarding the Mile Square initiative noting it was a very important project for the City.

Mr. Elliott updated Council regarding the Fire/EMS Committee discussions.

Mr. Elliott updated Council regarding the Development Agreement with 4Leaf Development.

Mayor Dana thanked Ms. Newton for filling in for Ms. Eaton this evening. Mayor Dana inquired if citizens could replay tonight's meeting on Granicus. Ms. Newton clarified that the meeting could be accessed on the City's website by clicking on 'Oxford on Demand'.

Mr. Ross noted Mr. Keebler was very well spoken and he was glad Mr. Keebler was here.

Mr. Rutherford advised a film series called Green Screen was taking place at the Oxford Community Arts Center and encouraged those interested in the environment to attend. Mr. Rutherford advised Ox-Act was performing 'Black Comedy' with the opening on April 24th.

Mr. Bogard inquired if the Township was represented on the Fire/EMS Committee and Mr. Elliott advised yes. Mr. Bogard noted other issues would be identified for the Township sub-committee to address once the Fire/EMS Committee was finished meeting.

Mr. Bogard noted he would bring information to the next meeting regarding the recycling of analog televisions and various appliances.

Mayor Dana advised she, Mr. Elliott, Mr. Kyger and Mr. Keebler attended the Saving Lives Luncheon today in West Chester.

Mayor Dana noted she attended the Greek Awards celebration on Saturday.

Mayor Dana advised Council had received correspondence regarding smoking in the Community Park and suggestions would be forthcoming to Council.

Mayor Dana noted a presentation would be forthcoming in regard to an Amtrak Stop in Oxford.

Mayor Dana noted Mr. Brown from the Auditors Office would be returning to Oxford to answer questions regarding property values.

Mayor Dana expressed sympathy on behalf of Council to Richard and Mary Daniels for the sudden loss of their son Chris.

Mr. Bogard announced that Lieutenant Holzworth had been appointed by the Butler County Commissioners as a Board Director for the Butler County Regional Transit Authority and would replace Mr. Bogard who resigned from the board last December.

Mr. Keebler noted City staff had made safety improvements over the weekend to the front office of the Courthouse and encouraged Council members to take a look at them on the way out this evening.

Ms. Currie provided information regarding a group called Oxford Free-Cycle.

ADJOURNMENT

Ms. Currie moved to adjourn at 10:00 p.m. Mr. Keebler seconded. The motion passed 6-0-0.

SCRC Meeting Minutes

March 20th, 2009

In Attendance:

Members: Bobbe Burke, Jung-Han Chen, Thad Boggs, Matt Frazier, Ashley Perry, Amy Macechko, Lane Clegg, Lauren Saulino, Alysia Fischer, John Green.

Non-members: Amy Numrich, Jonathan McNabb, Matt Ciccone, Kurt Kadon.

Public Comment:

No members of the public were in attendance to comment.

Approval of Minutes from February 20th, 2009:

Bobbe Burke pointed out that a change might need to be made, from, noise abatement applies at any time of day, not just after 11 pm., to restrictions on ordinance applies at any time of day…This change was noted and minutes were approved as amended.

Introductions:

As SCRC had several guests present, the commission introduced themselves.

a.) Jonathan McNabb, Student Body President Elect.

Jonathan McNabb was present at this meeting and introduced himself to the commission. He will take office in late April. Jonathan expressed his interest in the Sophomore Residency program as well as educating the student body about elections in the City of Oxford. Jonathan and Thad also spoke about the roommate posting website that they have been working on together. They expressed that they are waiting for funding from the University to get this site up and running. They hope the site will be up in July. This site will be administered by the Secretary for Off-Campus Affairs and will require a log in and password for security. Bobbe Burke added that finding roommates can be a source of difficulty for students and she feels this will be a tremendous service.

Old Business:

a.) Noise Abatements: Passed by City Council

Three noise abatements were passed by City Council. These were for Relay for Life, Red Brick Rally, and the Girl Talk concert.

b.) Student Org/City Meeting from Feb. 23

A meeting was held on February 23rd between Student Organizations such as CAC, Program Board, and MUSF as well as several City of Oxford and University Officials, including Diana Durr, JoNell Rowan, Bobbe Burke, Jung Han Chen, and Robert Holzworth. This meeting's purpose was to connect these Student Orgs with the City to better help them understand event planning within the city. Lauren Saulino asked that Green Oxford be included in meetings such as these in the future. Jonathan McNabb said he planned on giving a presentation on the information from this meeting to Student Orgs next fall.

c.) Coalition, OPD, and City Bar Owners Meeting from Feb. 24th: Bobbe Burke

Bobbe Burke spoke about this meeting and was pleased that it was positive and non-confrontational. The purpose was to have a dialogue with bar owners on how OPD and community members might be helpful in dealing with Green Beer Day and St. Patrick's Day. She mentioned that there are often not enough positive meetings between these groups and she was pleased with the general feedback from the bar owners. Initally, 45 East and Brick Street did say that they planned to open early for St. Patrick's Day, but the general feedback that it would be nice not to give student's the early morning opportunity to patronize bars changed the minds of 45 East and they later agreed not to open early. As a thank you for agreeing to not open early a group of MU employees went to 45 East for lunch on St. Patrick's Day and left thank you notes. Amy Macechko noted that the fact that these groups came together and plan to have ongoing dialogue is promising.

d.) ASG Walk About Project from Feb. 27-28: Thad Boggs

Thad spoke to the commission about how the purpose of this Walk About was to distribute materials (door hangers) to Off-Campus students reminding them about safety measures to take over Spring Break. Bobbe Burke added that 300 Vacant House Cards were filled out for Spring Break. Kurt Kadon added that he has heard a positive response from the emails that are going to Off-Campus students via Thad's listserve. Lauren Saulino inquired about a Grad Student listserve, noting that they need this information as well. Bobbe Burke agreed this was a good idea, but that since the information might be a little different the lists should be kept separate.

Candidates for ASG's Secretary for Off-Campus Affairs, 2009-2010: Thad introduced Matt and Kurt to the commission.

a.) Matt Ciccone

Matt spoke about his involvement at MU, such as:

Mock Trial Team

Internal VP for Chi Psi
Mock Trial Coach for Talawanda High School
Stuff the Bus Food Drive

He added that although he has not previously been involved with ASG, he is prepared to come into office with a new perspective for both ASG as well as the position of Secretary for Off-Campus Affairs. He is interested in bridging the gap between Greeks and the Community.

b.) Kurt Kadon

Kurt then spoke about his involvement at MU, such as:

VP for Delta Epsilon
Ad Hoc Committee
Off-Campus Senator-OTO

Kurt added that he is interested in educating senators on how to engage more with the community and having more involvement with the Off-Campus Housing Fair.

The floor then opened for questions, and Lauren Saulino asked the candidates how they would handle a situation such as the 'Black Out' hurricane one that happened on campus in September. Kurt Kadon answered that he felt the door to door passing of information that ASG was sufficient, and that the emergency text message bill was passed, which should help in future situations. Matt Ciccone felt that each district should be aware of who their senator is, so students know who to contact in emergency situations.

Bobbe Burke asked Alysia Fischer, as a member of City Council, if she had any words of advice for the candidates, or if she could express to them what City Council expects of them. Alysia spoke about her hopes that the senators for specific areas would attend City Council meetings, SCRC, and to expect different and unexpected questions from Council from time to time. She is hoping they will have the ability to speak respectfully to the community and feels it is important for residents to know the Off-Campus senators. She also pointed out that the open communication from the Secretary of Off-Campus Affairs to the City in the past, from both Jen House and Thad Boggs, has been very important. Jung Han Chen mentioned that whoever is elected will be representing the majority of the population in Oxford, the students, so communication is key because they City will be reliant on them to move information.

Recycling Initiative:

Matt Frazier spoke to the commission about the recycling program designed for all of the Fraternity houses that have expressed interest (10 or 11 thus far.) For these participating houses, the cost of the program will be subsidized for the first few semesters that it is underway. He mentioned that the cost to recycle will be less than the cost incurred by having Rumpke come. This initiative has received a grant from the Butler County Solid Waste District, with the condition that they are tracking the decrease in solid waste. Every two weeks the fraternities must fill out a survey provided to them by the Butler County Solid Waste District to help aid them in this task. Alysia Fischer asked if Matt knew of any specific reasons why some fraternities were not interested in the program. Matt did not know of any specific reasons, but did add that he hopes some positive PR will encourage more fraternities to participate in the future. Lauren Saulino asked if cardboard recycling was a part of this program, and Bobbe Burke said not yet, but it will be in the future. Bobbe also suggested that a recycling committee be formed, as there is another recycling effort going on, which is being spearheaded by the Rotaract Club, whose President is Kavan Hoff. Kavan spoke with Bobbe about the can recycling they are doing, passing out recycling bags to Off-Campus houses. She feels that all of these different recycling efforts may benefit from meeting with one another. John Green asked if recycling bags were able to be put at the curb for recycling, as they fit more than the red bins. Matt Frazier told him no, that people think its trash and it often will not be picked up as recycling. Alysia Fisher told the commission that she had purchased a large red trash can and had labeled it 'recycling' and puts that out along with her red bin, and that this seems to work and is picked up as recycling. Lauren Saulino also suggested that people might put their recycling in paper bags and sit out next to their red bins. Kurt Kadon asked if cardboard counted toward the recycling total, as his fraternity had a lot of cardboard but usually puts it in the dumpster. Lauren Saulino suggested they take it to Ditmer, where they can recycle it.

Ad-Hoc Committee on Fraternity Housing: Jung-Han Chen

Jung-Han spoke about the subcommittee that Council put together to discuss the need for expanding existing territory for new or existing frat houses. They found there was a need to adjust the zoning code, and that it needed to be made more clear what requirements would be put on students applying for fraternity housing. This subcommittee was basically formed to get a process for this in place. Matt Frazier thought that the plan was reasonable from a student perspective and thought the information about waste, fire hazards, and parking was helpful in understanding how these decisions are made. Alysia Fischer asked Jung-Han what the next step would be for the Recommendations Made from the Ad Hoc Committee, and Jung-Han said it would go to a planning commission, then to City Council in June. Matt Ciccone suggested that the plan be as specific as possible, as his fraternity, Chi Psi, went through some difficulties when applying for a fraternity house (which was turned down.) Bobbe

Burke told Matt that this committee was formed as a direct result of what happened to Chi Psi, because the city did feel badly for having to deny their request. Alysia Fischer asked if any students from SCRC might be around in the summer to come to City Council when this is on the agenda, a few thought they might be.

Announcements:

There were no announcements.

Meeting Adjourned

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: April 7, 2009

Account Code No. #:

Budgeted Amount:

Community Development Department
Originating Department

Jung-Han Chen
Prepared By

March 17, 2009
Date Prepared

Agenda Title:	**PC-01-2009- Zoning Text Amendment- To Amend Chapter 1141, Section 1141.02(c) Permitted Temporary Uses, Portable Storage Units, City of Oxford, Applicant**

Recommendation:	**Approval**

Discussion:

As directed by City Council after several complaints were received regarding temporary storage containers being placed in the Right-of-Way as well as on private property for long periods of time, staff has prepared draft language to address this concern.

The proposed language will add the provision to allow for temporary storage containers to be used for short periods of time and to regulate the location where the containers would be permitted on a property.

The Planning Commission is recommending approval of this draft language with modifications.

Approved By:		**Initial**	**Date**
	Department Head:	JHC	3/18/09
	City Attorney:		
	City Manager:	DMD	4/2/09

ORDINANCE NO.

ORDINANACE REPEALING ZONING CODE SECTION 1141.02 TEMPORARY REGULATIONS, AND ADOPTING NEW SECTION 1141.02 TEMPORARY REGULATIONS.

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 10, 2009 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1141.02, Temporary Regulations, and adopting new Section 1141.02, Temporary Regulations.

SECTION II: Council hereby repeals Section 1141.02 of the Oxford Code of Ordinances and adopts new Section 1141.02 as follows:

1141.02 TEMPORARY REGULATIONS.

(a) Purpose. Temporary uses shall be permitted in applicable zone districts by the grant of a Zoning Permit issued by the Zoning Administrator in accordance with the requirements of this section.

(b) General Provisions.

(1) The duration of the temporary period is stated hereinafter, provided, however, renewal of such permit may be requested.

(2) Temporary uses shall be subject to all the regulations of the applicable zoning district.

(c) Permitted Temporary Uses. Permits may be issued for the following temporary uses, provided that they meet these requirements and are not otherwise in conflict with the provisions of this resolution:

(1) Uses.

A. Carnivals or circuses are permitted in any Commercial or Industrial District or public parking lot or playground/field; however, no structure or equipment shall be within 500 feet of any residential property line. Maximum length of permit shall be seven days.

B. Christmas tree sales are permitted in any district other than Residential Districts. Maximum length of permit for display and open lots sales shall be 45 days.

C. Contractor's office and construction facilities are permitted in any district where use is incidental to a construction project. The structure shall be located on the lot on which construction takes place and shall be removed once construction ceases.

D. Events of public interest shall be permitted in any district other than Residential Districts.

E. Real estate sales offices and/or model homes shall be permitted in any district provided that a preliminary plat for such development has been approved by Council. Any such unit shall conform to all requirements for residential uses for the district in which it is located. Maximum length of permit shall be one year. Offices shall be removed upon completion of the development of the subdivision.

F. Tent meetings are permitted in any district other than Residential Districts. Maximum length of permit shall be seven days.

G. Seasonal merchandise, such as plants, garden supplies, pumpkins, fruit, vegetables, etc., may be sold outdoors within the General Business, and Light Industrial District. Permits will be for a 60-day period and must be renewed if longer duration is desired, for a maximum of two renewals. Such activities shall be placed in such location that will not interfere with access drives into or within the site, nor will reduce space for required off-street parking facilities. Such facilities shall maintain a 30-foot setback from all adjacent thoroughfare rights-of-way.

H. Searchlights drawing attention to the event are prohibited.

I. The temporary outdoor sales of handcrafted items and artwork are allowed only in conjunction with a temporary event except as otherwise provided by this section.

J. Temporary Shelter: When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional requirements.

1. Required water and sanitary facilities must be provided.
2. Maximum length of permit shall be six months, but the zoning office may extend the permit for periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for extension shall be made at least 15 days prior to the expiration of the original permit.
3. The mobile home shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated residence. The applicant shall be required to provide express consent and authorization to the City to remove the shelter at the owner's expense upon termination of the permit.

K. Any other use, temporary in nature, which the Zoning Administrator deems as beneficial to the public good and which does not impair the public health, safety and welfare.

L. Garage Sales. Temporary garage sales in residential districts in order to allow residents to sell excess personal property are permitted, provided that the following conditions are met:

1. Each garage sale shall not exceed four days.
2. Only two garage sales shall be permitted per calendar year at any individual location.
3. No person conducting a garage sale under the provisions of this Article shall sell or offer for sale any food or beverage for consumption on the premises. Food or beverage may be provided

for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Health Department.

4. No fee or other charge shall be imposed upon members of the public attending any such sale.
5. One non-illuminated sign not exceeding four square feet in size, no more than three feet in height above grade may be displayed on the property where the sale is being held.
6. Special lighting and noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale.

M. Auctions of used household goods and property may be conducted at any individual location in a Residential District no more than once per year.

N. Portable Storage Containers- Containers designed for the temporary storage of property that can be moved by truck or trailer (including intermodal storage units).

1. No zoning certificate is required if portable storage containers are to be placed on the premise no more than seven (7) days. The Zoning Administrator may permit any portable storage container to be placed on a property for up to thirty (30) days, provided the property owner has an active building permit or has demonstrated the need. An additional fourteen (14) day extension may be granted provided the property owner demonstrates extenuating circumstances.

2. Any portable storage container must be located on a driveway or other hard surfaced area. Portable storage containers shall be a minimum of eight (8) feet from the back of the curb and shall not extend onto the sidewalk.

3. Calamity Exception. If the portable storage container is being used to store personal property as a result of a major calamity (e.g. fire, flood or other event where there is significant property damage), the City Manager may extend the time period allowed in Section N.1.

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

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

____
MAYOR

ADOPTED: ______________

ATTEST:

____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY:

PREPARED BY: LAW (STAFF)

Certification of Action
Oxford Planning Commission
Recommendation to City Council

Report Date	March 17, 2009
Case Number	PC-01-2009
Applicant Information	City of Oxford, Applicant
Requested Action	Zoning Text Amendment
Summary of Request	Modifying Chapter 1141.02 by Adding a Permitted Temporary Use, Portable Storage Containers
Public Hearing Information	At the February 10, 2009 and March 10, 2009 Planning Commission meetings, public hearings were held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on January 9, 2009. The Planning Commission tabled the consideration in its February 10, 2009 meeting. On March 10, 2009, the case was brought back before the Planning Commission for consideration.
Commission Action	The Planning Commission voted 6-0-0 to recommend City Council approval.
Commission Findings and Conclusions	The Planning Commission voted to recommend approval of the draft language with modifications.
Exhibits Submitted to the Commission	1. Community Development Staff Report. 2. Inter-Office Review Transmittal Sheets. 3. Zoning Code Text Amendment Application dated December 26, 2008 4. Chapter 1141.02 Temporary Regulations language

City of Oxford

Community Development Department

STAFF REPORT

Planning Commission

Case # PC-01-2009 **Date – February 10, 2009**

REVISION- March 10, 2009

APPLICATION	
Applicant:	City of Oxford
Action Request:	Modifying Chapter 1141.02 by Adding a Permitted Temporary Use, Portable Storage Containers

DESCRIPTION

This application is seeking to amend the Oxford Zoning Code by adding an additional provision governing the temporary use category with respect to the placement and the duration of placing any portable storage containers within the City.

This request was directed by City Council after several complaints were filed regarding temporary storage containers being placed in the Right-of-Way as well as on private properties for long periods. It is also unclear in the current code as to how to regulate this type of temporary storage container.

STAFF ANALYSIS

The proposed language is simply adding the provision to allow for temporary storage containers to be used for short periods of time and to regulate the location where the containers would be permitted on a property. This amendment also builds in under certain unusual circumstances that longer periods could be granted. The proposed amendment also stipulates that a zoning certificate is necessary to monitor this type of temporary use.

One issue that staff did not include is the size of such storage containers. It is staff recommendation to leave the size unregulated thus allowing the Applicant to determine what would be the ideal solution for his/her own circumstance, instead of placing an arbitrary size that may cause enforcement difficult and additional review by the Board of Zoning Appeals.

The Oxford Comprehensive Plan is silent about this type of temporary use and therefore is not being consulted with this amendment.

Based on comments from the Planning Commission members at the February 10, 2009 Planning Commission meeting, staff has made some changes to the proposed language to reflect that discussion.

DECISION CRITERIA

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

a. Make the Code conform more closely to the Comprehensive Plan.
b. Improve the public health, safety, and general welfare of Oxford.
c. Clarify the intent of the Code.
d. Better implement the intent of the Code.
e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable

SUBMITTED

BY: Jung-Han Chen

Jung-Han Chen, AICP
Director
Community Development Department

DATE: February 27, 2009

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/29/ 2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-01-2009

Description:

PC-01-2009 **ZONING TEXT AMENDMENT, Chapter 1141, Section 1141.02(c)** Permitted Temporary Uses, Portable Storage Containers, **City of Oxford, Applicant**

______X___ Review _________ Revisions ___________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/5/2008** 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: J. Dengo

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/29/ 2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-01-2009

Description:
PC-01-2009 **ZONING TEXT AMENDMENT, Chapter 1141, Section 1141.02(c)** Permitted Temporary Uses, Portable Storage Containers, **City of Oxford, Applicant**

______X___ Review _________ Revisions ___________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 2-4-09.

Drawings reviewed by: [signature]

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case #: PC-01-2009
Zoning Text Amendment

DATE: February 4, 2009

The subject Zoning Text Amendment of Chapter 1141, Section 1141.02(c) is for temporary uses of Portable Storage Containers. The following are our comments.

- At times, due to the location of permanent structures on certain lots, a Portable Storage Container may encroach upon the right-of-way. It is suggested that in such cases the property owner be subject to a right-of-way permit.

- Under no circumstances may a Portable Storage Container be places over utilities that are located within an easement.

- A Portable Storage Container shall be located such that it will not obstruct the sight distance.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/29/ 2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-01-2009

Description:

PC-01-2009 **ZONING TEXT AMENDMENT, Chapter 1141, Section 1141.02(c)** Permitted Temporary Uses, Portable Storage Containers, **City of Oxford, Applicant**

______X___ Review __________ Revisions ____________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/5/2008** 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: ________________________

See next page

I support the text change 100%; however, in order to be effective, there should be a permit required to place the storage unit on a property, even if no permit fee is required. There should also be a penalty specified for failure to obtain a permit. The permit should be posted conspicuously on the container. By obtaining a permit, the individual will be provided with a copy of the regulations & NIC or whoever will know approx when the 14 day or 30 day period will commence & end

Transcribed from Chief Schwein's Comments:

I support the text change 100%; however, in order to be effective, there should be a permit required to place the storage unit on a property, even if no permit fee is required. There should also be a penalty specified for failure to obtain a permit. The permit should be posted conspicuously on the container. By obtaining a permit, the individual will be provided with a copy of the permit, the individual will be provided with a copy of the regulations and NIC or whoever will know approximately when the 14-day or 30-day period will commence and end.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/29/ 2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-01-2009

Description:
PC-01-2009 **ZONING TEXT AMENDMENT, Chapter 1141, Section 1141.02(c)** Permitted Temporary Uses, Portable Storage Containers, **City of Oxford, Applicant**

______X___ Review _________ Revisions ___________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **2/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

FIRST, IT IS GOOD TO HAVE REGULATIONS FOR POD'S - MY ONE THOUGHT IS; 1141.02(C) REQUIRES A ZONING PERMIT, I'M NOT SURE HOW MANY INDIVIDUALS WILL COME TO THE CITY BUILDING FOR A PERMIT FOR AN EVENT WHICH CAN ONLY

Drawings reviewed by: ____________________

~~TO~~ BE FOR 30 DAYS.

IT MAY BE MORE APPROPRIATE TO HAVE THIS AS A PERMITTED USE FOR UPTO 30 DAYS WITHOUT A PERMIT.

First, it is good to have regulations for POD's – my one thought is – 1141.02(c) requires a zoning permit. I'm not sure how many individuals will come to the City Building for a permit for an event which can only be for 30 days. It may be more appropriate to have this as a permitted use for up to 30 days without a permit.

Case No.: PC-01-2009
Date filed: ~~12/26/08~~ Feb mtg

Zoning Code Text Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: City of Oxford
(Attach a letter of agency if the applicant is not the property owner.)

Mailing Address: 101 E. High St

Telephone Number(s) (513) 425- ~~[illegible]~~ 5204

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

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

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

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

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

All materials and the application fee in the amount of $150.00 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Community Development Department at (513) 524-5204.

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

SIGNATURE OF APPLICANT: Jung-Han Chen Date: 12-26-08

PRINTED NAME: Jung-Han Chen

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

Portable Storage Unit

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: **04/07/09**

Account Code No. #: **see below**

Budgeted Amount: ________________

Finance
Originating Department

Joe Newlin
Prepared By

03/30/09
Date Prepared

Agenda Title: **2009 SUPPLEMENTAL BUDGET #4**

Recommendation: Approve

Discussion:

Supplements to the 2009 Budget

General Fund
Community Assistance

6,151.00

From fund balance
Appropriation needed to offset anticipated revenue VCB expected at the end of 2008 calendar year. This amount was taken out of the 50% of convention tax received. The VCB anticipated the city to pick-up the whole amount when they made their request for an additional $20,000 for their 2009 operations with $8,500 being assigned out of the 50% of convention tax received in 2008.

5,283.50

From fund balance
Appropriation needed to offset 2008 expenses of the Family Resource Center that were turned into the city in February of 2009. New accounting procedure caused confusion in 2009 budgeting process.

Water Fund
Utilities Administration

3,482.83

From fund balance
Appropriation needed to offset 2008 expenses of the Family Resource Center that were turned into the city in February of 2009 and ½ of the additional $5,000 for administration fees as requested in 2009 budgeting process. New accounting procedure caused confusion in 2009 budgeting process.

Sewer Fund
Utilities Administration

3,482.82

From fund balance
Appropriation needed to offset 2008 expenses of the Family Resource Center that were turned into the city in February of 2009 and ½ of the additional $5,000 for administration fees as requested in 2009 budgeting process. New accounting procedure caused confusion in 2009 budgeting process.

FEMA Fund

Transfer to General Fund	**17,862.24**
Transfer to Street Fund	**959.34**
Transfer to Sewer Fund	**26,639.02**
Transfer to Water Fund	**30,886.40**

From fund balance
Distribute money received from FEMA to various funds where work and expenses were recorded for the aftermath of Hurricane Ike.

Approved By:		**Initial Date**
	Department Head:	4/14/13
	City Manager:	DRR 4/17/09

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3033. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 4 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009.

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

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues;

SECTION 2: The following increase/(decrease)in estimated revenues be made:

FEMA FUND 416	76,347.00

SECTION 3: The following increase/(decrease)in appropriations from unencumbered balances be made:

GENERAL FUND 110	6,151.00
GENERAL FUND 110	5,283.50
WATER FUND 321	3,482.83
SEWER FUND 331	3,482.82
FEMA FUND 416	76,347.00

SECTION 4: The following transfers be executed:

Transfer from:	
FEMA FUND 416	17,862.24
FEMA FUND 416	30,886.40
FEMA FUND 416	26,639.02
FEMA FUND 416	959.34

Transfer to:	
GENERAL FUND 110	17,862.24
STREET FUND 122	30,886.40
SEWER FUND 331	26,639.02
WATER FUND 321	959.34

SECTION 5: The following increase/(decrease)in estimated revenues be made:

GENERAL FUND 110	17,862.24
STREET FUND 122	30,886.40
SEWER FUND 331	26,639.02
WATER FUND 321	959.34

SECTION 6: In all other respects, Ordinance No. 3033 shall remain in full force and effect.

SECTION 7: This ordinance shall take effect immediately upon its adoption.

____
MAYOR

ADOPTED: _______________

ATTEST:

____
DEPUTY CLERK OF CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Human Resources
Originating Department

Council Meeting Of: April 21, 2009

Donna Heck
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

April 14, 2009
Date Prepared

Agenda Title: An Ordinance Amending Salary Ordinance No. 3035, Section 1. Full-Time Positions and Section 3. Part-Time Positions.

Recommendation: Approve.

Discussion: The proposed amendments address recommendations for the Finance Department and the Streets and Maintenance Division of the Service Department.

Joe Newlin, Finance Director, addresses the proposed staffing adjustments for the Finance Department in the attached staff report.

The Service Department is requesting one change under the Streets and Maintenance Division which would entail a title change from an Administrative Assistant I to a Street Operations Specialist and a change from pay band 3 to pay band 4. The responsibilities for the position are not consistent with responsibilities of the Administrative Assistant classification and the daily duties encompass those covered by the classified service such as the operation of the solid waste transfer station and management of the City's bulk fuel depot. This change will also correct the classification issue of having the Administrative Assistant I fall under Civil Service while the Administrative Assistant II's and III's do not.

The recommended changes for both the Finance positions and the Service Department position will require revised or new job descriptions and as they are Classified positions will need approval from the Civil Service Commission.

Approved By:

	Initial	Date
Department Head:	dh	4/16/09
City Attorney:		
City Manager:	[illegible]	4/17/09

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: 04/21/09

Account Code No. #: see below

Budgeted Amount: ____________

Finance
Originating Department

Joe Newlin
Prepared By

04/10/09
Date Prepared

Agenda Title: Staffing Adjustments Finance Department

Recommendation: Approve

Discussion:

Staffing Adjustments Finance Department

Faye Harsh, an employee for the City of Oxford since 1987, will be retiring as of April 30, 2009. Faye serves as the Utility Billing & Collection Supervisor. My recommendation to Council is threefold and if the proposed structure was in place for a whole year it would have resulted in an approximately $41,000 savings. My first recommendation is to promote Heidi Hill to Assistant Finance Director. Ms. Hill would then have direct supervision over the Utility Billing staff as well as deal with customer service issues. My second recommendation is to promote Rose Frazee to Accounting Specialist. Ms. Frazee would take over some of the routine accounting and reconciling tasks. My third recommendation is to hire another part time employee to assist with Utility Billing and take over some of the routine functions Ms. Frazee now performs. My objective of this proposal is to utilize the talent of our current employees and use this exercise as an opportunity to look at the way we currently operate and explore options to make ourselves more efficient and better able to serve the public.

The cost of the proposal is as follows: part time employee would be $11,700 per year (1040 hrs. @11.25), Ms. Hill promotional increase $3,173 per year, and Ms. Frazee promotional increase $8,046 per year. Both current employees' increases are at the mid-range point of said positions.

Approved By:

	Initial	Date
Department Head:	JN	4/14
City Manager:		

ORDINANCE NO. _____

AN ORDINANCE AMENDING SALARY ORDINANCE NO. 3035, SECTION 1. FULL-TIME POSITIONS AND SECTION 3. PART-TIME POSITIONS.

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 that City Council amend Salary Ordinance No. 3035, Section 1. Full-Time Positions and Section 3. Part-Time Positions to address staffing changes within the Finance department.

SECTION 2: The City Manager, Service Director and Human Resources Director also recommend the City Council amend Salary Ordinance No. 3035, Section 1. Full-Time Positions to address a title change in the Streets and Maintenance Division of the Service Department.

SECTION 3: City Council hereby accepts the recommendation of the City Manager, Finance Director, Service Director and Human Resources Director and amends Section 1 and Section 3 of Salary Ordinance No. 3035 to address staffing and title changes.

SECTION 4: In all other respects Ordinance No. 3035, except as herein amended, shall remain in full force and effect.

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

____
MAYOR

ADOPTED: ______________________________

ATTEST:

____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

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

POSITION TITLE	*AUTHORIZATION*		
	TYPE	*# OF EMPLOYEES*	*PAY BAND*
OFFICE OF THE CITY MANAGER			
City Manager	(NC)	(1)	By Contract
Assistant to the City Manager	(NC)	(1)	5
Human Resources Director/Clerk of Council	(NC)	(1)	7
Deputy Clerk of Council	(NC)	(1)	3
ECONOMIC DEVELOPMENT DEPARTMENT			
Economic Development Director	(NC)	(1)	7
FINANCE DEPARTMENT			
Finance Director	(NC)	(1)	By Contract
~~Accounting Manager~~ **Assistant Finance Director**	(C)	(1)	6
Utility Billing and Collections Supervisor	(C)	(~~1~~) **0**	6
Payroll and Benefits Specialist	(C)	(1)	5
Utility Collections Specialist II	(C)	(1)	4
Utility Collection Spec. I.	(C)	(1)	2
Accounting Specialist	(C)	(~~1~~) **2**	4
Accounting Assistant	(C)	(~~1~~) **0**	2
LAW DEPARTMENT			
Law Director	(NC)	(1)	By Contract

PARKS & RECREATION DEPARTMENT			
Parks & Recreation Director	(NC)	(1)	7
Recreation Programs Supervisor	(C)	(1)	5
Sports Activities Supervisor	(C)	(1)	5
Office Manager	(NC)	(1)	5
Receptionist	(C)	(1)	1
Custodian	(NC)	(1)	1
Recreation Programs Coordinator	(C)	(1)	3
Sports Coordinator	(C)	(1)	3
COMMUNITY DEVELOPMENT DEPARTMENT			
Community Development Director	(NC)	(1)	7
Planner	(C)	(1)	6
Admin. Asst. to Director(Tech)	(NC)	(1)	5
Administrative Assistant II	(NC)	(2)	3
SAFETY DEPARTMENT - FIRE DIVISION			
Fire Chief/Inspector	(NC)	(1)	7
Assistant Chief/Inspector	(NC)	(1)	6
Administrative Assistant II	(NC)	(1)	3
SAFETY DEPARTMENT - POLICE DIVISION			
Police Chief	(NC)	(1)	7
Police Lieutenant	(C)	(3)*	By Contract
Police Sergeant	(C)	(6)	By Contract
Police Officer	(C)	(19)	By Contract
Public Safety Assistant	(C)	(3)	By Contract
Police Records Specialist	(C)	(1)	By Contract
Public Safety Communications Officer	(C)	(9)	By Contract
Office Manager	(NC)	(1)	5
Assistant to the Chief (Tech)	(NC)	(1)	5
Properties Custodian	(C)	(1)	2
Parking Clerk	(NC)	(1)	2
SERVICE DEPARTMENT			
Service Director	(NC)	(1)	7
Deputy Director	(C)	(1)	6
Environmental Specialist	(C)	(1)	5
Administrative Assistant III	(NC)	(1)	4
Custodian	(NC)	(1)	1

***Temporary increase to 3 Lieutenants.**

ENGINEERING DIVISION

City Engineer	(C)	(1)	6
Engineer	(C)	(1)*	6
*authorized - not budgeted			
Engineer-in-training (EIT)	(C)	(1)	5
Engineering Aide	(C)	(1)	4

STREETS AND MAINTENANCE DIVISION

Streets and Maintenance Manager	(C)	(1)	6
Equipment Mechanic	(C)	(2)*	5
*authorized for two - budgeted for one			
Parks Maintenance Supervisor	(C)	(1)	5
~~Administrative Assistant I~~ **Street Operations Specialist**	(C)	(1)	~~3~~ **4**
Service Workers		(10)	

WASTEWATER DIVISION

Collection

Wastewater Collection Manager	(C)	(1)	6
Service Workers		(4)	

Plant

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

WATER DIVISION

Distribution

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

Plant

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

TOTAL Full-Time Authorized Strength: ~~121~~ **120** (#123 authorized-not budgeted)

NC = Non-Classified Employee
C = Classified Employee

SECTION 3: The following part-time positions are hereby established with respect to position title, authorized number and maximum compensation (rate per hour except as otherwise indicated):

POSITION TITLE	*AUTHORIZATION* *# OF EMPLOYEES*	*PAY RATE*
ADMINISTRATION		
Receptionist	1	$14.00/hr
FINANCE DEPARTMENT		
Accounting Assistant	~~1~~ **2**	$14.00/hr
PARKS & RECREATION DEPARTMENT		
Park/Recreation Technician	5	$11.00/hour
Program/Facility Coordinator	3	$14.00/hour
SERVICE DEPARTMENT		
Laborers	4	$12.00/hour
Streets & Maintenance Division		
Wastewater Collection		
Water Plant Operators	2	$20.2528/hour
SAFETY DEPARTMENT - FIRE DIVISION		
Part-Time Firefighters	15	$13/hr-meeting
All Other Firefighters	24	$13/hr-meeting
Fire Division Captains	3	$14/HR+$650/yr (addt'l)
Fire Division Lieutenants	3	$13.50/hr+$350/yr (addt'l pay)
Life Squad Members	40	$14.50/12-hr shift One run $29/24-hr shift 2 runs $14.50/addt'l hr spent On scene $14.50/meeting
SAFETY DEPARTMENT - POLICE DIVISION		
Police Officer	6	contract base pay
Public Safety Assistant	3	contract base pay
Public Safety Communications Officer	4	contract base pay
Parking Interns	8*	$14.00/hr *Reimbursed

TOTAL Part-Time Authorized Strength: ~~122~~ **123**

CITY-WIDE
Intern/Temporary Part-time **$14.00/hour**

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 21, 2009

Account Code #: 141.720.51000

Budgeted Amount: $350,000

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

April 14, 2009
Date Prepared

Agenda Title: 2009 Street Resurfacing and Maintenance Program

Recommendation: Approval

Discussion:

The 2009 Operating Budget includes $350,000 for street and alley improvements. Staff has evaluated the surface condition of City streets in order to provide data for the compilation of the 2009 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 2009 or 2010 (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 the 2009 street maintenance program and staff is notifying property owners on identified streets to repair deficient driveway aprons, curb, and gutter prior to paving. By improving drainage conditions prior to resurfacing, our investment is expected to last much longer.

The list of streets proposed for improvement is attached and labeled "**Exhibit A**".

Staff also evaluated streets resurfaced in the past few years to assess the current condition and to maximize the longevity of recent improvements. The City included a request for bids for asphalt crack sealing services as part of our street maintenance program. By managing surface cracks with a sealing program, recently paved streets should last considerably longer.

A request for bids was published in the Oxford Press and Hamilton Journal on March 27 and April 3, 2009. Sealed proposals were opened on April 9, 2009. Four firms submitted bids with the following results:

Approved By:

	Initial	Date
Department Head:	MBD	4/16/09
City Manager:	DMH	4/17/09

John R. Jurgenson Co.	**$ 272,423.00**
Barrett Paving	309,348.00
Mt. Pleasant Blacktopping Co.	320,548.50
J.K. Meurer	327,314.00

Bids submitted included the following line item cost breakdowns:

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

In the 2008 resurfacing program, the City contracted with John R. Jurgenson Co. for asphalt installation at a cost of $54.60 per ton. In the 2009 resurfacing program, the cost for per ton of asphalt installed is $60.00, an increase of 9.8%. The City was very pleased with the company's performance in the 2008 contract and is looking forward to working with them again in 2009.

This contract does not include costs for the resurfacing of Patterson Ave. from High St. to Chestnut St. That work will be performed under a separate contract managed by the Ohio Dept. of Transportation.

The lowest bid for the 2009 street maintenance program was provided by John R. Jurgenson Co. at $272,423.00. Staff is requesting an authorized contingency amount of ten percent of the contract or $27,242.30. It is Staff's recommendation that Council authorize the City Manager to enter into an agreement with John R. Jurgenson Co. for a total amount not to exceed **$299,665.30.**

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHN R. JURGENSON CO. FOR RESURFACING AND MAINTENANCE WORK AT A COST OF $272,423.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT OF THE CONTRACT PRICE OR $27,242.30 FOR A TOTAL COST NOT TO EXCEED $299,665.30.

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

SECTION 1: Council hereby finds John R. Jurgenson Co. to be the lowest and best bidder and accepts the bid of $272,423.00 for the 2009 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 John R. Jurgenson Co. at a cost of $272,423.00 plus a 10% contingency for a total cost not to exceed $299,665.30.00 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:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

EXHIBIT "A"

CITY OF OXFORD
2009 STREET RESURFACING PROGRAM
PROPOSED LIST OF STREETS TO BE RESURFACED

STREETS TO BE RESURFACED

Lynn Avenue (Fairfield Rd. to Contreras Rd.)
Fairfield Rd. (Walgreen's to Lynn Ave.)
Bishop St. (High St. to Sycamore St.)
University Ave. (Withrow St. to Sycamore St.)
Chestnut St. (Locust St. to Railroad)

STREETS PROPOSED FOR CRACK SEALING

Spring St	Oxford Reily
Brookville Rd	Dana Dr
Autumn Dr	Ryan Dr
Harvest Ct	Contreras Rd
Lantern Ridge	Stone Creek
High Meadow	Prevelant Dr
Heather Ridge	Savannah Dr
Quail Ridge	Olde Stone Ct
White Oak	Olde Farm Rd
Carrie Circle	Country Club Dr

- Beginning and ending points will be determined on site.

ALLEYS TO BE RESURFACED

East/West between Withrow & Vine/Poplar & Campus
North/South between Poplar & Campus/High and Church
North/South between Poplar & Campus/Church & Withrow
North/South between Poplar & Campus/Withrow & Vine

North/South between Poplar & Campus/Vine and Sycamore
Alleys will require milling of the entire surface

*** Streets shown in bold type are to have a six (6) foot wide milling along each curb face or edge of pavement. Other streets are to be milled curb to curb unless otherwise indicated.**

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

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager | **Finance** — **Originating Department**

Council Meeting Of: 04/21/09

Account Code No. #: see below

Joe Newlin — **Prepared By**

Budgeted Amount: ________________

04/10/09 — **Date Prepared**

Agenda Title: **A Resolution establishing Peck, Schaffer & Williams LLP Bond Counsel for the City of Oxford.**

Recommendation: **Approve**

Discussion:

Peck, Schaffer & Williams LLP Bond Counsel

Two "Request for Qualifications" were received for Bond Counsel Services from Peck, Schaffer & Williams LLP and Benesch, Friedlander, Coplan & Aronoff LLP on March 13, 2009.

After review and discussion with the review committee, (Law Director, City Manager, Finance Director) it was decided to have Peck, Schaffer & Williams LLP represent the City of Oxford for bond counsel for all issuances (except those provided by Benesch, Friedlander, Coplan & Aronoff for TIF projects under consideration) for a period of five years.

Peck, Schaffer has represented the City of Oxford for 41 note/bond issuances since 1960. They currently provided the City of Oxford our Annual Financial Information Statement for the City's Continuing Disclosure obligations for providing annual financial information and operating data in compliance with Securities and Exchange Commission Rule 15c2-12. The City of Oxford currently has a very good working relationship with the firm. There cost structure on issuance was also lower.

Approved By:

	Initial	Date
Department Head:	[illegible]	4/14
City Manager:	[illegible]	4/17/09

RESOLUTION NO. ______

A RESOLUTION BY CITY COUNCIL ESTABLISHING PECK, SCHAFFER & WILLIAMS, LLP AS BOND COUNSEL FOR THE CITY OF OXFORD.

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

SECTION I: Two "Requests for Qualifications" were received for bond counsel services from Peck, Schaffer & Williams, LLP and Benesch, Friedlander, Coplan & Aronoff, LLP on March 13, 2009.

SECTION II: The City Manager, City Law Director and City Finance Director have determined that Peck, Schaffer & Williams, LLP is qualified to represent the City as Bond Counsel.

SECTION III: The City Manager, City Law Director and City Finance Director recommend that Peck, Schaffer & Williams, LLP be established as Bond Counsel for the City for all issuances, except those for TIF projects under consideration.

SECTION IV: City Council hereby accepts the recommendation of the City Manager, City Law Director and City Finance Director and establishes Peck, Schaffer & Williams, LLP as Bond Counsel for the City for all issuances, except TIF projects under consideration, for a period of five (5) years.

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

____
MAYOR

ADOPTED: ____________

ATTEST:

____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 04/21/09

Joe Newlin
Prepared By

Account Code No. #: see below

Budgeted Amount: ______________

04/10/09
Date Prepared

Agenda Title: A Resolution establishing RBC Capital Markets as provider of Underwriting Services for the City of Oxford.

Recommendation: Approve

Discussion:

RBC Capital Markets Underwriter Services

Four "Request for Qualifications" were received for Underwriter Services from RBC Capital Markets, Fifth Third Securities, PNC and Robert W. Baird 7 Co. on March 13, 2009.

After review and discussion with the review committee, (Law Director, City Manager, Finance Director) it was decided to have RBC Capital Markets represent the City of Oxford for underwriter services for all issuances for a period of five years.

RBC Capital ranks first in General Obligation Issuers in the state from 2004 – 2008 with 945 issuances and third in revenue issuances with 154. I have had dealings with Seasongood & Mayer (acquired by RBC) on numerous occasions in the past and have had nothing but positive experiences with the Managing Director assigned to the City of Oxford's underwriting team. Their cost proposal structure for issuance was not the lowest but they gave examples of recent issuances where they have received lower interest cost for their clients saving them money in the long run.

Approved By:

	Initial	Date
Department Head:	[illegible]	4/16/09
City Manager:	[illegible]	4/17/09

RESOLUTION NO. ______

RESOLUTION ESTABLISHING RBC CAPITAL MARKETS AS PROVIDER OF UNDERWRITING SERVICES FOR THE CITY OF OXFORD.

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

SECTION I: Four "Requests for Qualifications" were received for underwriter services from RBC Capital Markets, Fifth Third Securities, PNC and Robert W. Baird 7 Co., each of which was reviewed by the City Manager, City Law Director and City Finance Director.

SECTION II: The City Manager, City Law Director, and City Finance Director have determined that RBC Capital Markets is the most qualified institution to provide the City with underwriter services.

SECTION III: City Council hereby accepts the recommendation of the City Manager, City Law Director, and City Finance Director and establishes RBC Capital Markets as provider of underwriting services for the City for all issuances for a period of five (5) years.

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

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MAYOR

ADOPTED: ____________

ATTEST:

____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY:

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: April 7, 2009

Gail Brahier
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

March 27, 2009
Date Prepared

Agenda Title: Resolution authorizing the adaption of Northside Park to include an off leash area for dogs.

Recommendation:

Discussion:
City Council authorized the Parks and Recreation Director to work with the Friends of the Dog Park to seek an appropriate site for an off leash area for dogs.

The group met with the PR Director on March 14, 2009 for a site review and voted to adapt Northside Park, located on Morning Sun Road, for these reasons:

It is a fringe park with little use, approximately 1 acre, and easy to adapt for a Dog Park.
It is accessible by sidewalk, has 6 parking spaces, will not impact the surrounding neighborhood, and is located across from a local veterinarian's office.
The site has some fencing in place, a variety of terrain, shade, and a small playground that will be fenced separately from the off leash area.
The Friends of the Dog Park will continue to raise funds to adapt the park, will monitor the park to assure users obey rules, and request the general mowing and emptying of waste containers be completed by the City.

The Friends of the Dog Park respectfully request the City of Oxford to allow adaption of Northside Park to include an off leash area for dogs.

Approved By:

	Initial	Date
Department Head:	GB	4/3/09
City Attorney:		
City Manager:	TMB	4/17/09

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE ADAPTION OF NORTHSIDE PARK TO INCLUDE AN OFF LEASH AREA FOR DOGS.

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

SECTION 1: Council authorized the Parks and Recreation Director to work with the Friends of the Dog Park to seek an appropriate site for an off leash area for dogs.

SECTION 2: The City Manager and the Parks and Recreation Director recommend that Northside Park, located on Morning Sun Road, be adapted to include an off leash area for dogs.

SECTION 3: Council hereby authorizes the adaption of Northside Park, on Morning Sun Road, to include an off leash area for dogs.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Finance Department
Originating Department

Council Meeting Of: April 21, 2009

Heidi Hill
Prepared By

Account Code No. #:_______________

Budgeted Amount ________________

April 15, 2009
Date Prepared

Agenda Title: Identity Theft Policy

Recommendation: Approve

Discussion:

The Fair an Accurate Credit Transactions Act of 2003 requires Municipalities to adopt an Identity Theft Policy for protection of the citizens/customers of the City of Oxford. This policy is required to be effective May 1, 2009.

Attached are the policy and a 26 Red Flag Triggers listing to help identify identity theft.

Staff recommends that you approve this Policy for the protection and betterment of our community.

Approved By:

	Initial	Date
Department Head:	[illegible]	4/15/09
City Manager:	[illegible]	4/17/09

RESOLUTION NO. ______

A RESOLUTION ADOPTING AN IDENTITY THEFT (RED FLAG) POLICY.

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

SECTION I: The Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated.

SECTION II: The Federal Trade Commission, among other organizations charged with this rule-making authority, have jointly adopted rules which become effective May 1, 2009, which require any business organization which allows deferred payments for goods or services to comply with the rules regarding identity theft protection.

SECTION III: City Council has determined that the adoption of a policy regarding identity theft protection, commonly referred to as the Red Flag Policy, is in the best interest of the City and should be adopted effective May 1, 2009.

SECTION IV: The following Identity Theft Policy (Red Flag Policy) shall be adopted by the City effective May 1, 2009. With the implementation of the policy, the City's administration shall take the appropriate steps to identify a Program Coordinator and to begin training staff to identify and secure sensitive information, and to be alert to red flags which may indicate identity theft or consumer fraud.

IDENTITY THEFT POLICY

SECTION 1: BACKGROUND

The risk to the municipality, its employees and customers from data loss and identity theft is of significant concern to the municipality and can be reduced only through the combined efforts of every employee and contractor.

SECTION 2: PURPOSE

The municipality adopts this sensitive information policy to help protect employees, customers, contractors and the municipality from damages related to the loss or misuse of sensitive information.

This policy will:

1. Define sensitive information;

2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the municipality in compliance with state and federal law regarding identity theft protection.

This policy enables the municipality to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the municipality from fraudulent new accounts. The program will help the municipality:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
2. Detect risks when they occur in covered accounts;
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

SECTION 3: SCOPE

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the municipality, including all personnel affiliated with third parties.

SECTION 4: POLICY

4.A: Sensitive Information Policy

4.A.1: Definition of Sensitive Information - Sensitive information includes the following items whether stored in electronic or printed format:

4.A.1.a: Credit card information, including any of the following:

1. Credit card number (in part or whole)
2. Credit card expiration date
3. Cardholder name
4. Cardholder address

4.A.1.b: Tax identification numbers, including:

1. Social Security number
2. Business identification number
3. Employer identification numbers

4.A.1.c: Payroll information, including, among other information:

1. Paychecks
2. Pay stubs

4.A.1.d: Medical information for any employee or customer, including, but not limited to:

1. Doctor names and claims
2. Insurance claims
3. Prescriptions
4. Any related personal medical information

4.A.1.e: Other personal information belonging to any customer, employee or contractor, examples of which include:

1. Date of birth
2. Address
3. Phone numbers
4. Maiden name
5. Names
6. Customer number

4.A.1.f: Municipal personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Ohio Public Records Act and the municipality's public records policy. If an employee is uncertain of the sensitivity of a particular piece of information, the employee should contact their supervisor.

4.A.2: Hard Copy Distribution

Each employee and contractor performing work for the municipality will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.

4. Whiteboards, dry-erase boards, writing tablets, and other similar items in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded. Municipal records, however, may only be destroyed in accordance with the City's records retention policy.

4.A.3: Electronic Distribution
Each employee and contractor performing work for the municipality will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

   "This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

SECTION 5: ADDITIONAL IDENTITY THEFT PREVENTION PROGRAM

5.A: Covered accounts

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or
2. Business, personal and household accounts for which there are a reasonably foreseeable risk to the safety or soundness of the municipality from identity theft, including financial, operational, compliance, reputation, or litigation risks.

5.B: Red flags

5.B.1: The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

1. Alerts, notifications or warnings from a consumer reporting agency;
2. A fraud or active duty alert included with a consumer report;
3. A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or
4. A notice of address discrepancy from a consumer reporting agency as defined in § 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

5.B.2: Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

- A recent and significant increase in the volume of inquiries;
- An unusual number of recently established credit relationships;
- A material change in the use of credit, especially with respect to recently established credit relationships; or
- An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

5.C: Suspicious documents

5.C.1: Documents provided for identification that appear to have been altered or forged.

5.C.2: The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

5.C.3: Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

5.C.4: Other information on the identification is not consistent with readily accessible information that is on file with the municipality, such as a signature card or a recent check.

5.C.5: An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

5.D: Suspicious personal identifying information

5.D.1: Personal identifying information provided is inconsistent when compared against external information sources used by the municipality. For example:

- The address does not match any address in the consumer report;
- The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or
- Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

5.D.2: Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the municipality. For example, the address on an application is the same as the address provided on a fraudulent application

5.D.3: Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the municipality. For example:

- The address on an application is fictitious, a mail drop, or a prison; or
- The phone number is invalid or is associated with a pager or answering service.

5.D.4: The SSN provided is the same as that submitted by other persons opening an account or other customers.

5.D.5: The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.

5.D.6: The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

5.D.7: Personal identifying information provided is not consistent with personal identifying information that is on file with the municipality.

5.D.8: When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

5.E: Unusual use of, or suspicious activity related to, the covered account

5.E.1: Shortly following the notice of a change of address for a covered account, the municipality receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.

5.E.2: A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments

5.E.3: A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

- Nonpayment when there is no history of late or missed payments;
- A material change in purchasing or usage patterns

5.E.4: A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

5.E.5: Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

5.E.6: The municipality is notified that the customer is not receiving paper account statements.

5.E.7: The municipality is notified of unauthorized charges or transactions in connection with a customer's covered account.

5.E.8: The municipality receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the municipality.

5.E.9: The municipality is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

SECTION 6: RESPONDING TO RED FLAGS

6.A: Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect customers and the municipality from damages and loss.

6.A.1: Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Present this information to the designated authority for determination.

6.A.2: The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

6.B: If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:

1. Canceling the transaction;
2. Notifying and cooperating with appropriate law enforcement;
3. Determining the extent of liability of the municipality; and
4. Notifying the actual customer that fraud has been attempted.

SECTION 7: PERIODIC UPDATES TO PLAN

7.A: At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

7.B: Periodic reviews will include an assessment of which accounts are covered by the program.

7.C: As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.

7.D: Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the municipality and its customers.

SECTION 8: PROGRAM ADMINISTRATION

8.A: Involvement of management

1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.
2. The Identity Theft Prevention Program is the responsibility of the governing body. Approval of the initial plan must be appropriately documented and maintained.
3. Operational responsibility of the program is delegated to the Director of Finance and/or his designee.

8.B: Staff training

1. Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the municipality or its customers.
2. The Director of Finance and/or his designee are responsible for ensuring identity theft training for all requisite employees and contractors.
3. Employees must receive annual training in all elements of this policy.
4. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

8.C: Oversight of service provider arrangements

1. It is the responsibility of the municipality to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.
2. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.

3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

SECTION V: This resolution shall take effect May 1, 2009.

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MAYOR

ADOPTED: ____________

ATTEST:

____

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

Office of the Mayor

Proclamation

Whereas: Miami University is not only celebrating their bicentennial this year but their first ever opportunity to play in a NCAA National Championship; and

WHEREAS, the Miami Ice Hockey Team started as a club sport, skating on an outdoor rink in Hamilton, Ohio and in 1978 achieved intercollegiate varsity status; and

WHEREAS, the Miami Ice Hockey Team made their first Frozen Four appearance in the thirty (30) year history of the institution's varsity hockey program; and

WHEREAS, the Miami RedHawks defeated the Denver Pioneers and the Minnesota-Duluth Bulldogs to win the NCAA West Regional; and

WHEREAS, the Miami RedHawks defeated the Bemidji State Beavers, 4-1, in the Frozen Four semi-finals Thursday, April 9, 2009 at the Verizon Center in Washington D.C.; and

WHEREAS, the victory vaulted Miami into their first ever NCAA Championship game in any sport; and

WHEREAS, the Miami RedHawks Ice Hockey Team finished as NCAA national runner-up in men's ice hockey in 2009; and

WHEREAS, the Miami RedHawks Ice Hockey Team has won more games in the last four years than any other Division 1 NCAA college hockey program.

NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, do hereby proclaim Saturday, April 18, 2009:

'MIAMI REDHAWKS ICE HOCKEY TEAM DAY'

in the City of Oxford and urge all Miami students, faculty, staff and citizens to congratulate the team on this outstanding achievement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 15th day of April, 2009

PRUDENCE Z. DANA, MAYOR