



Agenda

Oxford City Council

Court House

TUESDAY, MAY 5, 2009

EXECUTIVE SESSION

7:15 P.M.

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

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

A. Proclamation - 'NALC Food Drive Day'



Proclamation

B. 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 21, 2009 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)



Work Session Minutes

B. Minutes of the April 21, 2009 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)



Minutes

C. Report regarding the April 14, 2009 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

D. Report regarding the April 22, 2009 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)



Report

E. Report regarding the April 22, 2009 Environmental Commission Meeting. Mike Dreisbach, Service Director)



Report

F. A Resolution authorizing the City Manager and the Parks and Recreation Director to place signage restricting smoking at City Parks and Recreation facilities to Parking Lots only. (Gail Brahier, Parks and Recreation Director)



Staff Report/Resolution

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



Staff Report/Resolution

- H. A Resolution authorizing the City Manager to enter into a contract with Reynolds, Inc. for improvements to Production Well #2 at a cost of \$335,000.00 plus a 10% contingency fee in the amount of \$33,500.00 for a total cost not to exceed \$368,500.00. (Mike Dreisbach, Service Director) Page 3



Staff Report/Resolution

- I. A Resolution repealing the City of Oxford's revolving loan fund Rules and Procedures and adopting new City of Oxford Revolving Loan Fund Rules and Procedures. (Alan Kyger, Economic Development Director)



Staff Report/Resolution

- J. A Resolution approving revisions to the Employee Handbook and adoption of the revised Employee Handbook. (Donna Heck, Human Resources Director)



Staff Report/Resolution

5. Resolutions.

- A. A Resolution of Council determining that the most desirable location for a new Municipal Pool is the Oxford Community Park. (Gail Brahier, Parks and Recreation Director)



Staff Report/Resolution

- B. A Resolution authorizing the City Manager to enter into an agreement to resolve all matters associated with the transfer of property from the Estate of Ray Day and Mary L. Day to the City of Oxford for Merry Day Park and authorizing the payment of real estate property taxes. (Doug Elliott, City Manager)



Staff Report/Resolution

- C. A Resolution authorizing the City Manager to enter into an agreement to settle Butler County Common Pleas Case No. 2006-01-0134, and to deposit additional funds in the amount of \$ _____ with the Butler County Clerk of Courts in connection with that settlement. (Mike Dreisbach, Service Director)



Staff Report/Resolution

- D. A Resolution acknowledging receipt and service of the annexation petition from the Board of Education of the Talawanda City School District for 154.487 acres of land located off Millville Oxford Road, in the township of Oxford, Ohio; consenting to said annexation; and adopting a statement of the services the City of Oxford will provide to the proposed territory to be annexed to the City of Oxford, pursuant to a petition filed with the Board of Commissioners of Butler County, Ohio, by Gary T. Stedronsky, agent for petitioners. (Jung-Han Chen, Community Development 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 Ordinance No. 3033. Supplemental Budget Ordinance No. 5 To make supplemental Appropriations For Fiscal Year 2009. (Joe Newlin, Finance Director)



Staff Report/Ordinance

2. An Ordinance Amending Zoning Code Section 1101 "Subdivision Regulations."



Staff Report/Ordinance

3. An Ordinance Providing For The Issuance Of Not To Exceed \$2,600,000 Park Improvement Refunding Bonds. (Joe Newlin, Finance Director)



Ordinance & Certificate

B. Second 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

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 - 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.

WED - May 13 Fire/EMS Committee Meeting 4:30 p.m. Central Fire Station

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 Training Session 6:00 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

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: May 5, 2009

Account Code #: NA

Budgeted Amount: N A

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

April 28, 2009
Date Prepared

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

Recommendation: Approval

Discussion:

Staff is requesting City Council's authorization to conduct an auction on **Saturday, June 6, 2009**. As required by law, the appropriate legal advertising with the required 30-day notice was published in the *Oxford Press* and *Hamilton Journal* on May 1, 2009. Attached to this report (Attachment "A") is a listing of items recommended for auction. Staff has tentatively retained the services of Robert Pieratt to facilitate the auction at a commission of 4.5% of gross sales plus advertisement costs.

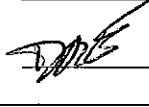
It is Staff's recommendation that Council authorize an auction sale to dispose of unclaimed, excess, or obsolete equipment on Saturday, June 6, 2009. Said auction would be held on the grounds of the Municipal Garage on Collins Run Road beginning at 9:00 am.

Approved By:

Initial Date

Department Head: MBD \4/28/09

City Manager:

 \5/1/09

RESOLUTION NO.

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

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

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

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

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

Exhibit 'A'

**2009 City of Oxford
Auction Items**

Computer Items Submitted by IT

CISCO Catalyst 2900 Series XL Ethernet Switch
CISCO Catalyst 2950 Series Ethernet Switch
Belkin OmniView Pro 4 port KVM Switch
Zip 250 USB Drive
Compaq Intelligent 1016 10BaseT Switch Repeater
Dell Poweredge 2650 2.5GB RAM Rack mount Server
CISCO2610 2600 Series Modular Access Router
CISCO PIX 515 Firewall
Sony Stor Station Tape Drive

Items Submitted by the Oxford Police Department

Prop. #	Description	In.Dt
10492-001	camouflage jacket	063007
11367	DA 6 inch sander	010108
11367-001	Mark 1 Air tool	010108
11367-002	Ingersoll-Rand paint sprayer	010108
11816	silver Mudd watch	042108
11849	coach wallet	042508
11866	silver ring	042908
11914	woman's Juicy Couture jacket	051008
12038-009	91 CD's, 5 knives & laundry basket	070108
12055-007	Targus computer bag	071008
12055-008	Incase computer bag	071008
12055-009	woman purse	071008
12055-011	poker set in metal case	071008
12055-012	Power Acoustik CD player	071008
12055-014	Caselogic case w/ CD's	071008
12055-016	WWII Lincoln Penny Series	071008
12055-017	Golf DVD	071008

Prop. #	Description	In.Dt
12055-018	2 Pilates CD's	071008
12055-021	Bob Segar CD	071008
12055-022	misc CD's	071008
12055-024	Apple computer components	071008
12055-025	Ipod	071008
12055-026	ear microphone w/ cord	071008
12055-032	Hatachi charger unit	071008
12055-035	1 Creative speaker	071008
12055-039	5 misc power cords	071008
12072	ring	071108
12266	Char-Broil grill	090208
12486	Vineyard Vines sweater	102308
12488	silver ring & 3 cord bracelets	102308
12488-001	dress, jacket & boots	102308
12488-003	bird necklace	102308
12488-004	shoes, sweatshirt, pants & shirt	102308
12488-005	2 pair pants & sweater	102308
12590	5 DVD's	110808
12726	spoon, watch, ring & ear rings	120908
12734-002	razor knife and camera case	120908
12757	men's coat	121408
12775	Ipod	121808
12792	Gerber pocket knife	122408
12839-003	Sony video camera	011409
12842	car jack	122908
12880	silver bracelet	012409
12992	ring	021609
13001	pocket knife	021409

ADDITIONAL MISCELLANEOUS ITEMS

BICYCLES

Prop. #	Description	In.Dt
11839	GREEN GRAND TETON MTN BIKE	04/25/2008
11874	SILVER GIANT CYPRESS	05/01/2008
11877	RED SCHWINN CALIENTE PACIFIC	05/02/2008
11940	GREEN DIAMONDBACK "CRESTVIEW"	05/21/2008

Prop. #	Description	In.Dt
11941	BLUE HUFFEY ROADMASTER	05/22/2008
12032	BLACK RALEIGH CAPRI	06/30/2008
12040	BLUE/SILVER ROADMASTER MT SPORT	06/27/2008
12049	RED HUFFEY TEMPAS	06/23/2008
12050	RED ROSS MT. OLYMPUS	06/23/2008
12057	GRAY MURRAY MTN BIKE	07/11/2008
12084	RED GIANT RINCON	07/18/2008
12085	ROADMASTER POWER X orange/silver	07/11/2008
12086	SILVER/BLUE MONGOOSE	07/18/2008
12107	GRAY ROADMASTER MT. FURY	07/28/2008
12196	PURPLE ROADMASTER	08/23/2008
12197	BURGANDY/BLACK UNKNOWN BRAND	08/23/2008
12235	PURPLE/GREEN MAGNAM GLACIER PT.	08/28/2008
12279	BLUE TREK 820	09/05/2008
12280	BLUE/BLACK ROADMASTER MTN BIKE	09/03/2008
12300	BLACK/RED MONGOOSE XR75 MTN BIKE	09/09/2008
12301	RED/SILVER NEXT "POWER X"	09/08/2008
12320	PURPLE HUFFEY VENTURA MTN. BIKE	09/13/2008
12342	RED MURRAY WESTPORT	09/17/2008
12385	BLACK HUFFEY BACKWATER	09/27/2008
12416	BLACK MURRAY TIMBERLAND	10/07/2008
12422	BLUE ROADMASTER FURY	10/08/2008
12423	BLUE ROADMASTER MTN SPORT SX	10/08/2008
12468	SILVER MONGOOSE MTN BIKE	10/20/2008
12496	RED HUFFEY ROCKS	10/25/2008
12556	BLUE GIANT "UPLAND"	11/03/2008
12561	RED FUJI "ODESSA"	11/04/2008
12562	ROADMASTER "MT FURY" MTN BIKE RED	11/04/2008
12786	PURPLE ROADMASTER "RIDGE"	12/22/2008

MOTOR VEHICLES FOR AUCTION

1994 Ford Ranger 144,234	1FTCR10A2RUC72704
1997 Ford Crown Victoria 100,841	2FALP71W9VX171249
1997 Ford Crown Victoria 104,330	2FALP71W7VX171248
1999 Ford Crown Victoria 67,646	2FAFP71W5XX107919

1999 Ford Crown Victoria
67,763

2FAFP71W0XX218006

2000 Ford Crown Victoria
56,069

2FAFP71W5YX151758

Items Submitted by the Streets & Maintenance Division

@1966 3000# forklift (bad engine / non running)

Dehumidifiers (qty 2)

Misc Computer Items

Misc office equipment

Old Video Cameras (qty 2)

DVD/VCR combo Players (qty 5)

Box of Obsolete Light Bulbs

Old yellow vehicle warning light

Old Parking Garage Lights

Misc. Metal chairs

Old wooden folding tables

Small desk

Box of obsolete oil filters

Obsolete 2 way radios

Misc. mirrors

1996 Chevrolet Cavalier
64,579

Vin # 1G1JC5241T7294828

Items submitted by the Fire Department

Extension cord reels with cord	4
Extension cord reels without cord	1
Pass alarms	23
Bunker Pants	31
Turnout coats	24
Small roller desk	1
Alarm clock	1
Briggs and stratton engine	1
Hearing protection sets	8
EMS coveralls	2
OFD EMS/FIRE jackets	2
Safety vest	9
Sandbags EMS	20
Box Fan	1
Fire helmets	31

Gympack 1000 weight system with weights	1
Ab roller	1
C-collar	1
Demand valve	1
Folding stretchers	2
Stair chairs	2
Hare traction splints	2
Vacuum splint kit without pump	1
Wood long backboards	13
Ferno stretcher	1
Weight bench	1
500 Watt hallogen spot lights	4
Scott 2.2 packs with masks	3
Survivair packs with masks	12
Portable "BIG BEAM" box light	1
Scott Pressure-Pak in case	1
Wired Touchtone Phone	1
Radioactive detectors in case	2
Hard hats (white)	6
Old drill press. Motor locked up	1
Paper Towel Dispenser	1
Garden hose and reel	1
String Trimmer	1

Items Submitted by the Parks and Recreation Department

Brother Intellifax 1270 Plain Paper Fax Machine

Brother Fax Machine Printing Cartridge PC-201

2580 Bell and Howell 16mm Film Projector

Reel for Film Projector 1200 Foot 16mm

Fotoman Plus Camera and Filter

Panasonic Minute Taking Tape Recorder and Foot Petal

Additional miscellaneous items may be added as they become available.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

Originating Department

Council Meeting Of: May 5, 2009

Gail Brahier

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

4/15/09

Date Prepared

Agenda Title:

Smoking Restricted to Parking Lots in Oxford City Parks

Recommendation:

Approve

Discussion:

On several occasions members of the public have requested the City restrict smoking at public sports activities and special events so guests are not exposed to the hazards of second hand smoke.

In researching various municipalities and parks departments across Ohio who are addressing this issue, the most reasonable solution was to restrict smoking to the parking lots only.

By allowing smoking in the parking lots only of City parks and recreation facilities, this would naturally keep the smoke away from active sports, playgrounds and special events. Oxford City parks have parking lots within sight of recreation facilities, so it should not be a hardship for members of the public who smoke.

Signage can be placed at the entries to the sidewalks/paths such as:

Smoking Permitted in Parking Lots Only

Thank you

This will also help alleviate the problem of cigarette butts randomly discarded on park grounds.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

gb\4.15.09

[Signature]
5/1/09

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE PARKS AND RECREATION DIRECTOR TO PLACE SIGNAGE RESTRICTING SMOKING AT CITY PARKS AND RECREATION FACILITIES TO PARKING LOTS ONLY.

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

SECTION 1: Council determines that on several occasions, members of the public have requested that smoking be restricted at public sports activities and special events held at facilities of the Parks and Recreation Department so guests are not exposed to the hazards of second hand smoke, and that other municipalities and parks departments have addressed the issue by restricting smoking to the parking lots of such facilities.

SECTION 2: Council further finds that smoking in public parks has caused excessive litter, and that the restriction of permitted areas of smoking will also contain and confine such litter.

SECTION 3: Council, having determined it to be a benefit to the public at large, hereby authorizes the City Manager and the Parks and Recreation Director to take all reasonable steps necessary to install signage in and around Parks and Recreation facilities to convey that smoking is only permitted in parking lots or other similar areas.

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

Human Resources

Originating Department

Council Meeting Of: May 5, 2009

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 23, 2009

Date Prepared

Agenda Title: A Resolution approving revisions to the Employee Handbook

Recommendation:

Discussion: The Oxford City Charter requires in Article V, Section 5.03, that there be an Employee Handbook which is to be distributed to all divisions of the City. The Charter also requires that Council formally adopt any revisions to the Handbook.

The last full review and update of the Employee handbook was approved by Council in 2002 and in 2003 an amendment was approved to comply with federal and state laws regarding military service. It has been seven years since the last full update and with the changing laws and regulations a complete review was needed. A Committee was formed consisting of employees and Department Heads who worked together to review and update the Handbook. A draft was then submitted to the Law Director for his legal review and to all Department Heads and the City Manager for their review and input.

Additions are noted in bold and deletions or changes with strikeout.

The Handbook is included in your packet and referred to in the Resolution as Attachment 'A'.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

Donna Heck 4/23/09

Donna Heck 5/1/09

RESOLUTION NO. _____

A RESOLUTION APPROVING REVISIONS TO THE EMPLOYEE HANDBOOK AND ADOPTION OF THE REVISED EMPLOYEE HANDBOOK.

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

SECTION 1: The City Manager and the Human Resources Director recommend the revisions to the Employee Handbook be accepted and adopted by Council as submitted in Attachment 'A' attached hereto and incorporated herein by reference.

SECTION 2: Council, in accordance with Article V, Section 5.03 of the Oxford City Charter, hereby accepts the recommendation of the City Manager and the Human Resources Director and hereby approves and adopts the revised Employee Handbook attached hereto and incorporated herein by reference as Attachment 'A'.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Economic Development
Original Department

Council Meeting Of: May 5, 2009

Alan Kyger
Prepared By

Account Code No. #:

Budgeted Amount:

April 29, 2009
Date Prepared

Agenda Title: Revolving Loan Fund Rules & Procedures
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Discussion:

The current RLF Rules & Procedures were amended by Ordinance 2055 on August 15, 1989.

On August 4, 1998 the City of Oxford entered into a Cooperation Agreement with Butler County as an Entitlement Community for CDBG and HOME funds, which also includes the RLF program. Prior to this date, the City received funding via the State of Ohio and were required to follow State guidelines.

Currently, Oxford's RLF Rules & Procedures are not in harmony with Butler County's standards.

In 1998 the Oxford CIC studied revising the RLF rules, however no action was taken.

Again in 2002, the Oxford CIC studied revising the RLF rules and recommended that the Oxford RLF Rules and Procedures be amended to align with the State of Ohio standards. The Oxford CIC did rewrite published materials to match the States standards. But again no formal action was taken by the Oxford City Council to amend the rules.

In the spring of 2009, Oxford CIC reviewed and compared the City's standards with Butler County's standards. On April 17, 2009 the Oxford CIC passed a motion to amend Oxford's RLF rules and procedures and requested Oxford City Council to do the same.

The proposed changes accomplish the following:

- * Removes inappropriate and out-dated language.
- * Aligns Oxford's standards with Butler County's standards.
- * References the Oxford Comprehensive Plan as the source for development goals and objectives.

Approved By:	Department Head:	Initial Date
	City Attorney:	<i>CK 4-28-09</i>
	City Manager:	<i>WLB 5/1/09</i>

RESOLUTION NO.

A RESOLUTION REPEALING THE CITY OF OXFORD'S REVOLVING LOAN FUND RULES AND PROCEDURES AND ADOPTING NEW CITY OF OXFORD REVOLVING LOAN FUND RULES AND PROCEDURES.

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

SECTION 1: The City of Oxford has previously entered into a cooperation agreement with Butler County that concerns the management of the revolving loan fund, and Council for the City of Oxford hereby finds that the City's Revolving Loan Fund Rules and Procedures are incompatible with those currently used by Butler County.

SECTION 2: The Oxford Community Improvement Corporation recommends that the current Rules and Procedures for the City of Oxford's Revolving Loan Fund be repealed and new City of Oxford Revolving Loan Fund Rules and Procedures be adopted as attached hereto and incorporated herein as Attachment "A".

SECTION 3: Council hereby accepts the recommendation of the Oxford Community Improvement Corporation and adopts the City of Oxford's Revolving Loan Fund Rules and Procedures as attached hereto and incorporated herein as Attachment "A".

SECTION 4: 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
REVOLVING LOAN FUND PROGRAM
RULES AND PROCEDURES**

I. Purpose and Summary of Program.

~~Despite limitations on its water supply which has affected residential and industrial growth and a relatively inaccessible location within Butler County, Oxford is undergoing a transformation, according to a report by the Center for Urban Studies at Miami University, "from a provider of daily needs to a service center for the surrounding countryside".~~

~~An analysis of Census of Retail Trade data shows that Oxford's retail sales as a portion of the Butler County sales total--a measure of market share--has increased over the past decade. In 1972, Oxford's 126 retail businesses accounted for 5.1 percent of County retail sales. Although the number of business dropped to 113 in 1982, the sales proportion rose to 5.8 percent.~~

~~**This change indicates that local businesses are probably attracting more customers from outside the City and Oxford Township. In short, Oxford is becoming a regional trading center for northwest Butler County and the eastern portions of Franklin and Union Counties in Indiana.**~~

~~This transformation is coupled with an initiative by the Oxford Chamber of Commerce to promote the City for tourism.~~

To strengthen and facilitate the transformation of Oxford as a retail trading center and a location for tourism, the City establishes the Oxford Revolving Loan Fund (RLF). **An RLF is one that continually uses principal and interest revenues as they are received from outstanding loans to replenish the fund and make loans to other eligible borrowers.** Through the RLF, the City will use recaptured monies from loans initially made with Competitive Economic Development Community Development Block Grant funds to assist in the creation or expansion of businesses where the creation or expansion results in new or retained permanent jobs, primarily for persons of low and moderate income. The RLF, administered by the Oxford Community Improvement Corporation and City Council, will provide direct loans to small businesses at below prevailing interest rates on a portion of the project to enable them to complete the project, provided there is other private or public sector financing and owner's equity.

The RLF will be administered by the Oxford Community Improvement Corporation, a non-profit organization made up of representatives of city government, and the community.

The CIC will review loan applications and make recommendations on them to the Oxford City Council which will authorize them.

II. Goals and Objectives of RLF.

The goal of the RLF is to:

- * Create or retain private sector jobs, particularly for low and moderate income persons.

The objectives of the RLF are to:

- * *To identify and promote economic development goals within Oxford's Comprehensive Plan;*
- * Stimulate the expansion of the City's *retail economic* base; ~~in order to reinforce Oxford's position as a regional trading center;~~
- * ~~———— Increase the number and size of businesses which will foster tourism;~~
- * ~~———— Within the constraints imposed by the limitations of the City water supply, diversify the economic base by encouraging manufacturing and service businesses.~~
- * ~~———— Target, but not limit, loans to the original Oxford's original Mile Square (Census Tract 101.01), the oldest part of the City, to stem blight and encourage spinoff reinvestments.~~
- * Provide gap financing for projects where private sector and other public sector financing and owners' equity are insufficient to cover project costs;
- * Provide below market interest financing for projects that have concomitant public benefit.

III. Financial Problems to be Addressed by the RLF.

There are a number of financial problems to be addressed by the RLF:

(1) ——— Limitations of Existing Federal and State Programs.

There are several financial assistance programs for economic development through the federal and state government, but each has limitations. The **SBA 503 loan program** offers long-term financing (up to 25 years) for fixed assets at the Treasury bill rate and is subordinate to bank financing for 40 percent of the cost. Generally, projects less than \$100,000 cannot effectively use this program. The **State of Ohio "166" program** which is financed through liquor profits provides low interest (2/3's of prime rate), long term financing (up to 15 years) for fixed assets for fifty percent (50%) of cost. Generally, projects less than \$250,000 cannot effectively use this program. The State's **Linked Deposit program** provides loans at 3 percent below the market rate for two years with an option for an additional two years. Generally, this program works best with projects in \$50,000 to \$100,000 increments. The local **Industrial Development Revenue Bond (IDRB) program** provides lower interest, long-term financing for 100 percent of project costs. Generally, projects less than \$500,000 cannot effectively use this program. In addition, the ability to use IDRBs is affected by changes in federal statutes.

(2) Limited Loan Coverage by Local Banks for Business Startups. According to Dan Wilhelm, an officer with BancOhio in Oxford, BancOhio requires that the local business must have at least 50 percent of the capital for a project for a start-up business, and the riskier the venture, the higher the percentage. In exceptional circumstances, BancOhio will go as low as requiring 30 percent of the capital. But either figure would tend to limit business start-ups to those entrepreneurs with substantial equity. Alternatively, the borrower would have to find a second lender who would be willing to take a second mortgage on the property.

(3) Reluctance to Make Long-Term Commercial Loans. According to Don Schellenbach, Vice President of Second National Bank of Hamilton, Second National will only make commercial loans in excess of five years if Small Business Administration loan guarantees are available. Under those conditions Second National will make loans of up to 20 years.

(4) High Interest Rates. No area bank gives preferred customer rates for business start-ups or

on the basis of maximizing the number of jobs created for low and moderate income persons. Second National is currently charging 1 1/2 percent over a 15-year period for commercial loans with SBA backing.

IV. Targeting Criteria.

The RLF will target its financing to borrowers engaged in business for profit, whether commercial or industrial. RLF borrowers may be incorporated, a partnership, or a sole proprietor. The RLF will target its funds to businesses which reinforce the City's *economic development goals within Oxford's Comprehensive Plan*, position as a regional trading center or which foster tourism. Locationally, loans will be targeted to the original Mile Square (Census Tract 101.01), the oldest part of the City, to stem blight and encourage spinoff investments. However, other areas within the City may also be considered.

V. Standards for the RLF Portfolio.

The minimum standards for projects and the RLF portfolio are as follows:

1. Job/Cost Ratio. For each ~~Ten Thousand Dollars (\$10,000)~~ **Thirty-five Thousand Dollars (\$35,000)** loaned, one full-time equivalent job must be created or retained within 12 months of project completion.

2. Minimum Number of Jobs. ~~A minimum number of three (3) jobs must be created or retained by each project financed with RLF monies.~~

3. Proportion of Low and Moderate Income Jobs. A majority (51%) of the jobs created by the total of all projects financed with RLF monies must be directed to low and moderate income persons. A low and moderate annual wage shall not exceed the most recent U.S. Department of Housing and Urban Development Section 8 Housing Income Limits for a family of four (4) for Butler County.

4. Leverage Ratio. ~~All RLF projects must leverage a minimum ratio of one private dollar to one RLF dollar. The ratio of private sector dollars may include private financing from other lenders, private investment on the part of the borrower, State of Ohio Linked Deposits and industrial revenue bonds. The ratio shall not include SBA 503, State "166" liquor profits funds, CDBG funds or other public dollars that are part of the project.~~

~~The RLF portion shall not exceed 50 percent (50%) of the total project cost. A minimum of 10 percent (10%) owner equity is required for each project.~~

In no circumstances does the RLF provide more than 50% of the financing for a project; the applicant business is required to at least 10% owner equity.

5. Eligible Activities. ~~RLF proceeds may be used to construct, expand, or convert facilities and to acquire land, buildings, machinery, equipment or other fixed assets. RLF funds cannot be used to transfer ownership through acquisition of fixed assets unless the transfer results in an expansion of the business which produces more jobs. Financing of existing debts, working capital or inventory is an ineligible use of RLF monies.~~

Eligible types of loans include the following:

- ***Fixed asset loan for the acquisition and/or improvement of land, buildings, machinery and equipment, including new construction or renovation of***

existing facilities, demolition and site preparation. (Loan terms should not exceed the life of the asset);

- *Working capital loans are eligible, however, they will be reviewed on a case-by-case basis.*

6. Ineligible Activities.

Ineligible loan activities of uses of RLF funds include the following:

- *Financing of existing debts, non-capital equipment and training costs;*
- *Financing of a project that involves the relocation of an industry or business from one area of the state to another. Upon approval by the state, exceptions may be made only if:*
 1. *The relocation of an industry or business demonstrates additional long term job creations, and/or;*
 2. *The industry or business demonstrates, to the satisfaction of the state, that the operation of such industry or business cannot be continued in the existing location.*

~~6. Other Standards. Generally, borrowers must be the owners and/or operators of the project. Funds cannot be used for speculative purposes. However, projects of merit submitted by an applicant which demonstrate a high success probability will be considered for Community Development Block Grant (CDBG) competitive economic development monies, a program administered by the Ohio Department of Development.~~

~~The RLF is not intended to be a substitute for private capital. The loan administrator or Loan Administration Board can question the applicant or ask the primary lender if they would finance the project with the use of RLF monies. The Loan Administration Board may request a letter from the lender stating that the loan is contingent upon RLF financing.~~

Once a loan has been approved and the project is completed, the borrower shall not change the location of the business, either plant facilities or offices, out of the Talawanda School District. Any such changes or relocation shall constitute a default under the loan agreement and all sums advanced by the RLF shall be due immediately.

VI. Financing Policies.

~~The sources of financing for the RLF are: CDBG formula grant allocations (at the decision of City Council); CDBG competitive economic development monies; repayment of principal; interest on loans; interest on the investment account and processing fees. Loans can only be made as the RLF is replenished by payments or through the receipt of additional grant funds.~~

There must be "necessary and appropriate determination" for utilizing the RLF:

- *Inability on the part of the business to afford conventional interest rates*
- *Inability on the part of the business to afford conventional down payment*
- *Inability of the business to obtain favorable terms*

The RLF is not intended to be a substitute for private capital. It is, therefore, required that the business consult first with a private lending institution for financing. Applications for RLF are considered only when the bank is unwilling to make the loan or if the conditions of the loan put a great strain on the business. Proof of this must be provided at the time of application.

Loans for fixed asset financing are preferred.

~~1. Average Loan Size. Minimum loan size is Ten Thousand Dollars (\$10,000). No loans will be made from the RLF until the repayments from existing loans equal or exceed Ten Thousand Dollars (\$10,000), expected in 1987. The maximum loan available to a single borrower is dependent upon the amount of RLF dollars available at a given time, but will not exceed Fifty Thousand Dollars (\$50,000). The average size loan is Thirty Thousand Dollars (\$30,000).~~

Minimum loan amount shall be \$10,000. It is recommended the maximum loan amount shall not exceed 1/3 of the RLF balance. Loan amounts and interest rates are set by the CIC Loan Committee and are set as deemed necessary and appropriate for each application.

~~2. Term of Loan. The RLF program financing will be offered for a term determined to be necessary and appropriate, but no longer than the life of the asset financed. A term for financing machinery and equipment will generally be five (5) to seven (7) years. This term will vary depending on the life of the asset(s) and the financing needs of the business. A business may be offered a term of up to fifteen (15) years for real estate and up to ten (10) years for machinery and equipment.~~

~~3. Rate of Interest. The interest rate to be charged by the RLF will be dependent on the financing needs of the business for the project.~~

~~4. Special Financing Techniques. The RLF offers subordinate financing to conventional loans, the IDRB's, the SBA 503 and the State "166" liquor profits program. The RLF program mortgage may be prepaid without penalty. The RLF may offer an incentive to the borrower to accelerate repayment.~~

~~5. Loan Security. The RLF loan must be secured by a second mortgage or lien or a purchase money security interest. Businesses must have collateral sufficient to justify the loan. In most cases, personal guarantees will be required.~~

Loans are secured in one or more of the following manners:

- *Mortgage position on the real estate involved in the project;*
- *Lien position on the equipment involved in the project;*
- *Personal guaranty of owner(s);*
- *Depending on the assets purchased, additional collateral may be required in order to secure a loan.*

~~6. Planned Use of Interest and Application Fees. The interest payments will be returned to the RLF for relending. The loan application fee, Two Hundred Fifty Dollars (\$250.00), will defray the cost of the credit analysis. The interest earned on the investment account will defray the cost of administration.~~

7. *Creditworthiness.* The RLF program is a lending program for healthy and expanding small businesses. Loans will be made to businesses with a good credit history and excellent potential to fulfill loan obligations. Applicants must demonstrate ability to operate the business successfully. Applicants must have enough capital so that, with a RLF loan, the borrower can operate on a sound financial basis. Applicants must show that the proposed loan is of sound value or so secured as to reasonably assure repayment. Applicants must show that the past earnings record and/or future prospects of the company indicate ability to repay the loan and other debt out of profits. A thorough credit analysis will be performed on every loan applicant by the City or its consultant ~~certified public accountant~~ *the Butler County Community Development Department.*

8. *Loan Selection Priorities.* ~~Priority will be given to businesses that exceed the required loan to job ratio [required: 1 job per Ten Thousand Dollars (\$10,000) loaned; priority: 2 jobs per Ten Thousand Dollars (\$10,000) loaned].~~ Priority will be given to expansion of existing City businesses and to businesses wishing to establish themselves in Oxford. Priority will be given to projects which will have a substantial economic development impact on the community.

9. *Special Financing Techniques.* All loan payments shall be made on a monthly basis. The City may, at its option, approve "interest only" payments on any RLF loan for up to one (1) year from the date of the initial loan. The City may, at the request of the borrower, renegotiate the terms of the loan where unforeseen circumstances have arisen which make renegotiation necessary.

VII. Time Schedule for Loan Closing.

(For future expansion):-

VIII. Related Activities.

~~In addition to making loans, the RLF program provides other forms of assistance and services to aid business development and job creation.~~

1. *Technical and Management Assistance.* Interested businesses will be referred to Miami University faculty and other professional consultants for assistance.

2. *Loan Packaging and Referral Services.* Interested businesses will be referred to private sources or other development programs (Small Business Administration, State "166" program, IDRB). An explanation of the development programs available and those best suited to the business will be provided.

3. *Linking Jobs to the Long-Term Unemployed.* RLF borrowers will be referred to the Private Industry Council/Economic Training Administration of Butler County for information on the Job Training Partnership Act and how it can assist the business in training employees.

The RLF program provides technical and management assistance to RLF and non-RLF applicants by way of coordination with the Department of Jobs and Family Services to make available jobs created by RLF funds to low/moderate-income households, providing information about area retired persons resource organizations and to make available information concerning the SBA 504 loan program and Access Business Development and Finance Inc., area chambers of commerce and the Cincinnati area Small Business Development Center.

In order to conform to HUD's low/moderate income household requirement, the RLF program maintains a procedure by which all businesses participating in the RLF program

are apprised of the existence and purpose of the Employment and Training Administration within Butler County.

IX. RLF Administration.

Under the direction of the City Manager, the Assistant City Manager/Planning Director *Economic Development Director* will administer the RLF program for the City of Oxford. The RLF administration is substantially in compliance with federal regulations for the CDBG program.

1. Loan Administration Board. The Oxford Community Improvement Corporation (CIC) will serve as the loan administration board.

The CIC will, by majority vote, appoint ~~three~~ one of their members, *including the Executive Director, to the RLF Loan Committee which will review the loan request and conduct an analysis of the loan application.* ~~represent the interests of low and moderate income persons.~~

~~The CIC, functioning as the loan administration board, will review all information submitted and obtained pertaining to the loan application. The CIC will recommend approval or disapproval of the loan, the rate of interest, the term of the loan and any other conditions to the City Council.~~ *The RLF Loan Committee will recommend approval or disapproval of the loan, the rate of interest, the term of the loan and any other conditions to the CIC Board. The CIC Board will review the recommendation of the RLF Loan Committee and recommend approval or disapproval to City Council.* If more applications are received than funds available, the CIC shall rank the applications according to priority and that ranking will be submitted to the City Council.

All loans approved by the CIC Board must receive ratification from the Butler County Community Development Department.

The City Council makes the final decision on the loan based upon the recommendation of the CIC *and ratification from the Butler County Community Development Department.*

The CIC will review any changes in these procedures for the RLF program. Such changes will then be brought to the City Council which will adopt them by resolution.

2. Staff Assistance. The Assistant City Manager/Planning Director *Economic Development Department (RLF staff)* will assist the CIC and potential loan applicants. At least, after sufficient funds have been accumulated in the RLF for a loan, he will advertise the RLF program in local newspapers and send news releases to the media, local banks and the Chamber of Commerce. He will answer applicant questions about the RLF program and record basic information on a questionnaire. After interviewing the potential applicant and reviewing the proposed project, he will inform the applicant where the project meets general eligibility qualifications. If it appears that the proposed project does not meet the criteria, the applicant will be informed as soon as possible. *This department is responsible for client relations, application review, credit analysis, loan packaging, processing and servicing.*

The department also monitors compliance with this Revolving Loan Fund Program and all governing Regulations of HUD. The department is also responsible for maintaining all accounting records of the RLF program. Any legal work needed is performed by the City of Oxford's legal counsel.

3. Loan Selection and Approval Process. If the project appears feasible, the applicant must complete a preliminary application form which will be reviewed by the CIC. The CIC will invite the applicant to submit a formal application or will turn down the applicant.

As part of the loan approval process, the applicant will provide information so that the City staff may utilize a "Uses and Sources of Funds Checklist" (see Appendix) which reconciles total project costs with all participating sources. All costs associated with the project will be verified by the CIC before making any determination as to the level of the assistance. Third party costs estimates developed by an independent, informed source who has no financial interest in the overall project must be obtained to document all project costs (including all soft costs). If third party cost estimates are not available, the applicant must provide the CIC with a complete delineation of costs and methods of calculating these costs.

The applicant must first approach a bank for financing the project and must provide the CIC, as part of the final application, with a letter documenting the level of financing the bank can commit. The applicant must contribute as much private equity as feasible. Bank statements are required to document that the equity funds are currently available for the project.

An applicant claiming job retention must first provide documentation from a third party source that a closing or move, which would result in job loss, is imminent. Second, the applicant must verify that fifty-one percent (51%) of the jobs claimed to be retained by the project are held by persons from low and moderate income households. The City staff will survey all existing employees using the "Job Retention Verification Form" (see Appendix).

A certified public accountant (CPA) retained by the City of Oxford will complete a credit analysis and review of the project. The loan application fee will cover the cost of these services.

The staff provides all loan information to the CPA who presents a written report to the CIC. The CPA may contact the applicant's accountant, banker or credit reporting service to obtain additional information for the report.

The CPA will make a recommendation based on historical financial statements for the past three years of operation, if available, an interim statement for the current period, personal financial statements, projections for the next three years and business plans.

The CPA will use the "Necessary and Appropriate Checklist" (see Appendix) in evaluating the gap between verified sources and uses and the rate of return. The rate of return which the project provides, after RLF assistance, must be consistent with industry standards for the proposed business.

The applicant will be required to sign a statement allowing the bank to furnish the City with reports pertaining to the loan applicant (e.g., Dun & Bradstreet reports, creditor or trade account information, and credit bureau reports).

The CIC will then meet to discuss the project with the applicant and decide on a recommendation to the City Council.

The CIC's recommendation will be presented to the City Council and if the Council approves it, a letter of inducement will be prepared. The Law Director will prepare the loan agreement, the promissory note, and the mortgage in favor of the City unless the applicant wishes to have such documents prepared by the applicant's counsel and approved by the Law Director prior to loan closing.

A flow chart illustrating the review and approval process is attached.

The loan will be serviced by the City through the Finance Department. The City will bill borrowers for amounts as due, receive and post payments, and notify borrowers in a timely

fashion when their accounts become past due.

Loan payments are due the first day of the month. If payment is eight (8) working days late, a five percent (5%) penalty fee on the monthly payment will be assessed. If a payment is thirty (30) days late, the loan will be considered in default and the City will take appropriate legal steps to effect collection.

The amount of the loan payable on the first installment date shall include interest accrued from the time of the disbursement date to the first installment date and the amount of the loan payable on the last installment date shall be equal to the balance of the principal sum outstanding, together with accrued interest on the balance.

Once the loan is made and the business has begun hiring, the City will periodically verify that those jobs are actually being made available to low and moderate income (LMI) persons. The loan recipient must agree either to: (1) obtain and keep on file for verification information about the person's name, address, household size and range of household income; or: (2) agree to consider referrals from a county or local employment agency which will evaluate an individual's income prior to that referral. The "Job Benefit Verification Form" (see Appendix) is to be used in documenting whether the loan continues to meet the LMI national objective.

The staff will monitor the loans according to conditions set forth in the City's loan agreement. This monitoring shall include, but not be limited to, financial review, change in status of insurance, change in ownership or control of business, additional debt, timing of monthly payments, changes in the collateral, payroll submittal and review, Ohio corporate filing requirements, discussions with the primary lender and an on-site visit. (See Loan Servicing Checklist)

Once it has been determined that the business and the project meet the eligibility requirements and a loan of this type is suited to their needs, an initial interview is arranged.

During this interview, or shortly thereafter the business should present the Revolving Loan Fund staff with the following:

- 1. Completed Application Form which will list existing jobs, jobs to be retained, and job classification. (Appendix A)*
- 2. Previous three years financial statements; balance sheets, profit and loss statements and interim financial statements (for existing businesses)*
- 3. Proforma statement for the length of the desired loan*
- 4. Corporate tax returns*
- 5. Personal financial statements and resumes of principals (Appendix B)*
- 6. Application fee*
- 7. List of personnel;*
- 8. Bank commitment letters;*
- 9. Corporate Resolution;*
- 10. Other documentation deemed necessary by the RLF Administrator.*

The application and financial statements are reviewed by the RLF staff to determine if the necessary and appropriate qualifications are evident. Staff then reviews the company's ability to repay the loan, and formulates a recommendation to the CIC Loan Committee.

The CIC Loan Committee approves or disapproves the request for a loan and sets the

terms of the loan agreement based on the financing policies stated in this plan. The CIC Loan Committee also determines the manner in which the loan shall be secured.

Upon approval, a recommendation is made by the CIC Board for resolution to City Council for their approval.

Upon receipt of the Council resolution approving the loan, the RLF staff proceeds in having the following documents executed:

- 1. Commercial Note;*
- 2. Loan Agreement;*
- 3. Security Agreement; if applicable;*
- 4. Mortgage Agreement; if applicable;*
- 5. Guaranty Agreement; if applicable;*
- 6. Signed copies of Agreement of Compliance and Assurance of Compliance for Nondiscrimination; (Appendices C & D)*
- 7. Non-displacement Compliance Agreement; (Appendix E)*
- 8. Community Reporting Compliance Agreement; (Appendix F)*
- 9. Any other documents deemed necessary to protect the interests of the Loan Fund.*

Loan proceeds for the purpose of purchasing equipment are not released until the equipment is in place and has been inspected by the RLF staff.

4. Sources of Funding to Cover Administrative Costs. The RLF program initially receives~~d~~ its funds from the competitive Economic Development CDBG program ~~and may also receive monies from the CDBG formula allocation.~~ When payment on a loan is made, the RLF is replenished. Interest on the investment account, interest earned on RLF loans and loan fees are sources of funding to cover administrative costs for the RLF program. In addition, up to ten percent (10%) ~~twenty percent (20%)~~ of CDBG monies may be used for administrative costs, including the RLF program.

The application fees are intended to cover the cost of the credit analysis. Loan principal and interest are to make other loans. Interest earned on the account may be used to cover staff expenses to operate the RLF (e.g., advertising expense).

5. Recapitalization Strategy. The RLF program continually uses principal and interest revenues as they are received from outstanding loans to replenish the fund and to make loans to other eligible borrowers. Because of the nature of the Fund, shorter term loans are preferred; a longer term means that the Fund will not be replenished as quickly. All monies shall remain in the account until the amount reaches the sum needed to loan to the next applicant [minimum: Ten Thousand Dollars (\$10,000)].

There are two strategies to accelerate recapitalization of the RLF: (1) Offer a lower interest rate for a shorter term loan; (2) Encourage machinery and equipment loans which typically have shorter (5-7 years) terms.

~~It is also possible for the City to apply for additional monies in the competitive Economic Development CDBG process administered by the Ohio Department of Development's Office of Local Government Services. The City can apply for up to Three Hundred Fifty Thousand Dollars (\$350,000) on behalf of a loan applicant. Should the City be successful, it will mean that the RLF will have more monies available for relending when the interest and principle payments are made.~~

Prior to applying for new CDBG economic development funds from the Office of Local Government Services, the City will utilize accumulated funds from past loans.

6. Other Applicant Requirements. Each RLF borrower will certify at the time of filing a formal application that the requirements listed below will be met: (Note: references to compliance with Executive Order 11246, Fair Labor Standards, Discrimination and Civil Rights Act are included with the closing documents to be executed & signed by borrower – see Section IX, item 3, page 10.)

a) — The RLF borrower must execute an Executive Order 11246 Compliance Statement which states that the borrower will not discriminate against any individual on the grounds of race, age, color, religion, sex, marital status, handicap or national origin in the hiring of workers or providing services or accommodations.

b) — The RLF borrower must execute a Compliance Statement for Section 3 of the Housing and Development Act of 1978 which requires that maximum feasible opportunity for employment, training and contracts for jobs created by the project be provided to lower income residents of the project area.

c) — The RLF borrower must certify that project construction activities will be in compliance with the federal fair labor standards provisions, including wage rate determinations, working conditions and anti-kickback prohibitions.

d) — The RLF borrower must agree to comply with the Civil Rights Act of 1964 that the applicant will not practice discrimination nor engage a construction contractor or supplier who does. The RLF borrower who employs or intends to employ fifty (50) or more persons within twelve (12) months of loan closing must submit an affirmative action program.

e) — The RLF borrower must agree to keep all records which fully disclose the amount and disposition of the loan proceeds for three (3) years after the date of final payment to the RLF.

f) If the RLF finances a construction project to which the public will have access, the RLF borrower must agree to provide accessibility to the handicapped.

Other requirements may be grouped under four (4) headings; civil rights, environmental, default and relocation.

Civil Rights Requirements. The RLF applicant must provide current and projected employment data in the formal application. The application requires a minority hiring goal.

By adopting the RLF plan and policy, the City of Oxford will insure that loans are made available on a non-discriminatory basis. No applicant may be denied a loan on the basis of race, color, national origin, religion, age, handicap or sex.

To insure that a post-approval and monitoring of employment practices is undertaken, the City includes a job commitment with its letter of inducement. As substantiation of employment commitments, the RLF borrower must send the City a copy of its payroll at time of closing, and at twelve (12) months from closing, and at any other set time. In the event that the RLF borrower fails to meet the job hiring commitment, the City has the right, after thirty (30) days advance written notice, to increase the interest rate on the loan to a rate equal to the prime rate of interest charged by the loan servicing bank for its preferred borrowers. The RLF borrower shall use its best efforts to meet the job commitments and shall document efforts made to this end.

Environmental Requirements. The City shall perform its environmental review at the time of formal application. The purchase of machinery and equipment is exempted from further review. Renovation and expansion of buildings for substantially the same use is categorically excluded. If it is determined that a Finding of No Significant Impact or an Environmental Impact Statement must be prepared, an outside consultant will prepare the report. **The RLF borrower will be required to pay the cost of preparation, unless sufficient administrative funds are available from the CDBG formula allocation to cover the environmental review.** Any identified adverse environmental impacts will be discussed with the borrower, the engineer and the contractor in an attempt to minimize the impact.

Clearance procedures for environmental requirements and historic properties are handled through the State agencies at the time of application submittal. Prior to loan closing, the project must be in compliance with local and state environmental requirements.

The City participates in the federal flood insurance program. It will not lend money for construction in any flood plan designated pursuant to this program.

Default Requirements. A RLF loan project must be within Oxford. Included in the loan agreement will be a statement of default. The statement provides that the debtor shall keep the collateral separate and identifiable at the address shown and will not remove the collateral from the address without the City's written consent. The debtor shall be in default under the loan agreement if any representation or statement made to the City proves to have been false in any respect.

~~Relocation Requirements. Businesses relocating jobs from one area of the state to another are eligible only if the business can demonstrate additional long-term job creation or if the business can demonstrate to the Ohio Department of Development that the operation of the business cannot continue in the existing location. These conditions must be submitted to the State and approved, in writing, by the State prior to local RLF approval. (Note: this item is addressed under "Ineligible Loan Activities")~~

Attachments: Flow Chart
 Preliminary Application Form
 Final Application Form
 Personal Financial Statement
 Agreement of Compliance
 Assurance of Compliance for Nondiscrimination
 Non-displacement Compliance Agreement
 Community Reporting Compliance Agreement
 Loan Servicing Checklist
 Uses and Sources of Funds Checklist
 Job Retention Verification Form
 Necessary or Appropriate Checklist
 Job Benefit Verification Form

CITY OF OXFORD REVOLVING LOAN FUND
ASSURANCE OF COMPLAINE FOR NONDISCRIMIANTION

_____, Applicant/ Licensee/ Recipient/ Subrecipient
(hereafter referred to as applicant) in consideration of financial assistance from the City of
Oxford Revolving Loan Fund (COORLF) herewith covenants, promises, agrees and gives
assurance that it will comply with the following nondiscrimination requirements.

No person shall on the grounds of age, color, handicap, marital status, national origin,
Race, religion or sex, be excluded from participation in, be denied the benefits or otherwise be
Subjected to discrimination under any program or activity for which the applicant received
Federal financial assistance from COORLF.

Applicant agrees to compile data, maintain records and submit reports as required to permit
effective enforcement of the above nondiscrimination requirements. Applicant further agrees to
obtain or require similar Assurance of Compliance for Nondiscrimination from subrecipients,
contractors/subcontractors, successors, transferees and assignees as long as it/they receive or retain
possession of any Federal financial assistance from COORLF. In the event the applicant fails to
comply with any of these provisions or requirements, COORLF may call, cancel, terminate,
accelerate repayment or suspend any or all Federal financial assistance provided by COORLF.

Executed the _____ day of _____, 20_____.

By: _____
Signature of Authorized Official

By: _____
Signature of Authorized Official

NON-DISPLACEMENT COMPLIANCE AGREEMENT

Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Section 104(J), and HUD implementing regulations at 24 CFR, Part 42, _____ (Borrower), certifies that no family, business, individual, non-profit organization or farm will be displaced as a result of a revolving loan from the City of Oxford to _____ (Borrower

Borrower Name:

By: _____

By: _____

COMMUNITY REPORTING COMPLIANCE AGREEMENT

This AGREEMENT made this ____ day of _____, 20__ between _____, and the City of Oxford Revolving Loan Fund, 101 E. High Street, Oxford, Ohio 45056. This AGREEMENT includes the following: That upon approval of _____ Revolving Loan application, _____ agrees to comply with the following conditions:

1. _____ agrees that as a result of this loan _____ (number of LMI jobs) will be created within 12 months. _____ agrees to consider, first, persons of low or moderate income as defined by Federal Section 8 income levels. _____ agrees to document (see attachments) that the first consideration process will generate enough low or moderate income applicants, the applicants will be considered, and the eligible ones will be hired. The company further agrees at least 51% of the eligible applicants that will be hired, as a result of the loan will be of low or moderate income.
2. _____ will submit completed job verification forms (See Attachments) for all applicants to the City of Oxford Revolving Loan Fund Board.
3. _____ shall submit to the Revolving Loan Fund Board within 60 days after the close of each quarterly period of its fiscal year a balance sheet and a statement of profit and loss reflecting the financial condition of _____ at the end of such period and the result of its operations during each period, such balance sheet and statement of profits and loss to be signed by _____ (list of Officers of Company) financial conditions during such periods in accordance with generally accepted accounting principles, consistently applied.

Borrower Name:

By:

Officer & Title

By:

Officer & Title

TO BE COMPLETED BY THE JOB APPLICANT
Community Development Block Grant Program
Job Benefit Verification Employee Certification

Your current/perspective employer, which appears below, is the recipient of financial assistance through the federally funded Ohio Community Development Block Grant (CDBG) Small Cities Program. As a result of the assistance received, the business must provide data on job creation and/or retention. **This information is not part of the interview process and will not be considered for hiring purposes.** This information is, however, subject to verification by authorized government officials.

A. Name of Employer: _____

Address of Employer: _____

Name of Employee: _____

B. Race, Ethnicity, Gender and Disability Status.

Please mark only one of the following race classifications:

____ White

____ Black/African American

____ American Indian/Alaska Native

____ Asian

____ Native Hawaiian/Other Pacific Islander

Multi-Racial:

____ Black/African American & White

____ American Indian/Alaska Native & White

____ Asian & White

____ American Indian/Alaska Native & Black/African American

____ Other Multi-Racial

Please check "Yes" or "No":

Hispanic or Latino: Yes: ____ No: ____

Please check all that apply:

Male: ____ Female: ____ Female Head of Household: ____

Disabled: ____

C. Job Title and Description: _____

Date Employed (mo./day/yr.): ____/____/____

Check one: Full-Time: ____

Part-Time: ____ (less than 35 hours per week)

D. Check the income range in the corresponding row that represents your household income for the previous 12 months:

Check One

____ a

____ b

____ c

____ d

____ e

____ f

____ g

____ h

____ i

Income Range

HUD Section 8 Limits

0 – 37,200

37,201 – 42,500

42,501 – 47,800

47,801 – 53,100

53,501 – 57,350

57,351 – 61,600

61,601 – 65,850

65,851 – 70,100

Above

Total number of household members ____
(include yourself, spouse, children, etc.)

E. Employee Signature: _____ Date: ____/____/____

===== Do Not Write Below This Line – For Office Use Only =====

County: _____ FY: _____

LMI Qualified Y: ____ N: ____

**Office of Housing and Community Partnerships
Community Development Block Grant Program
Job Certification Summary**

Grant #: City of Oxford Revolving Loan Fund

Community: Oxford, Ohio

Business:

- A. As per the loan agreement between the City of Oxford and Seven Sisters Bookstore, LLC, two (2) full-time equivalent (FTE) jobs were to be created and retained. Of these jobs, two (2) were to be taken by or made available to persons from low- and moderate-income households (LMI).

The company's current level of employment is: _____

The company's level of employment prior to receiving assistance was: _____

The project was completed on: _____

The job creation period extended through: _____

- B. As of this date, _____ FTE jobs were created and _____ FTE were retained. Of the jobs created and retained, _____ jobs were taken by persons from low- and moderate-income households (attach copies of job benefit verification forms). Of the _____ LMI jobs, _____ qualify at the 80% level, _____ qualify at the 50% level, and _____ qualify at the 30% level.

- C. Ethnicity and Race Summary: _____ / _____ White/Hispanic, _____ / _____ Black-African American/Hispanic, _____ / _____ American Indian-Alaska Native/Hispanic, _____ / _____ Asian/Hispanic, Native Hawaiian-Other Pacific Islander/Hispanic, _____ / _____ American Indian-Alaska Native & White/Hispanic, _____ / _____ Black-African American & White/Hispanic, _____ / _____ American Indian-Alaska Native & Black-African American/Hispanic, _____ / _____ Asian & White/Hispanic, _____ / _____ Other Multi-Racial/Hispanic.

- D. _____ of these job were taken by female heads of household. _____ of these jobs were taken by disabled individuals.

A narrative explanation must be attached to this form to justify a difference between the projected and actual job creation figures.

The undersigned community and business representatives certify that this is an accurate accounting of the job creation resulting from the Seven Sister Bookstore RLF.

Business Representative: _____

Date: _____

Community Representative.: _____

Date: _____

Oxford Community Improvement Corporation
Revolving Loan Fund
Commercial Loan Application

Company Information

Company Name:

Address:

City:

State:

Zip:

Principal in charge:

Phone:

Fax:

Secondary contact person:

Phone:

Fax:

(IN-HOUSE CONTROLLER OR BOOKKEEPER)

Type of business:

Date established:

Type of entity (check one):

☐

Proprietorship

☐

Partnership

☐

Corporation

☐

LLC

Company Ownership

Name:

Title:

% of Ownership:

Name:

Title:

% of Ownership:

Name:

Title:

% of Ownership:

Affiliate Businesses (If Applicable)

Name:

Owner:

% of Ownership:

(APPLICANT COMPANY OR INDIVIDUALS)

Name:

Owner:

% of Ownership:

(APPLICANT COMPANY OR INDIVIDUALS)

Existing Business Locations

Address:

Square feet:

Lease Payment:

Replaced by new facility?

Address:

Square feet:

Lease Payment:

Replaced by new facility?

References

Bank name:

Acct. #:

Acct. Officer:

Phone:

Bank name:

Acct. #:

Acct. Officer:

Phone:

Bank name:

Acct. #:

Acct. Officer:

Phone:

Accountant:

Firm name:

Phone:

Accountant:

Firm name:

Phone:

Attorney:

Firm name:

Phone:

Attorney:

Firm name:

Phone:

Trade references:

Contact Person:

Phone:

Trade references:

Contact Person:

Phone:

Nature of Your Business

Nature of your business:

Type of products or services (include any catalogs or brochures):

Geographic market area:

List key customers:

List major competitors:

Project Information

Street address of project:

City:

State:

Zip:

County:

What is the square footage of the new building?

What is the square footage your company will occupy?

Escrow closing date:

Realtor's name:

Phone:

If known, how will the property be vested (i.e. individually, partnership, LLC, corporation, trust...)

Please provide appropriate document (i.e. Partnership Agreement, LLC documents, Articles of Incorporation, Trust Agreement...)

Total Project Costs

Purchase existing building or Equipment only

Construction Project

Purchase Price \$ _____
Tenant Improvements \$ _____
*Equipment \$ _____
Other \$ _____
Total (A) \$ _____

Land acquisition \$ _____
Construction Bid \$ _____
Architects, permits, other soft costs \$ _____
Equipment* \$ _____
Other \$ _____
Total (B) \$ _____

Payoff Bank Loan \$ _____
Other Debt Payment \$ _____
Inventory Purchase \$ _____
Working Capital \$ _____
Acquisition of Existing Businesses \$ _____
All Other \$ _____
Total (C) \$ _____

Total (A+B+C) \$ _____

*Please note-equipment to be financed must have a useful life of 10 years or greater.

If there are any tenants that will remain in the building, please provide information: Also, please have your realtor provide copies of all existing leases.

Tenant name	Square Footage	Lease Expiration	Rent amount

Employee Questionnaire

Number of current employees _____

Number of employees if loan is approved _____

Key Employees

Name	Title	Responsibilities	Years with Company	Years in the Industry

Miscellaneous Questions

PLEASE ANSWER THE FOLLOWING QUESTIONS, AND PROVIDE THE APPROPRIATE INFORMATION IF APPLICABLE

Do you have any co-signers and/or guarantors for this loan? If so, please submit their names, addresses and personal balance sheets.

If not applicable check here _____

A schedule of any previous government financing by any principals or affiliates.

Name of Agency: _____

Original Amount _____

Date of request: _____

Approved _____

Declined _____

The Outstanding Balance: _____

Status _____

If not applicable check here _____

Do you buy from, sell to, or use the service of any concern in which someone in your company has a significant financial interest. If so provide details.

If not applicable check here _____

Does your business, its owners or majority stockholders own or have a controlling interest in other businesses. If yes please provide their names and the relationship with your company along with a current balance sheet and operating statement for each. If not applicable check here _____

Do you or your spouse or any member of your household, or anyone who owns, manages, or directs your business or their spouses or members of their households work for the Small Business Administration, Small Business Advisory Council, SCORE, or ACE, any Federal Agency, or the participating lender? Of so, please provide the name and address of the person and the office where employed. If not applicable check here _____

Have you or any officers of your company ever been involved in bankruptcy or insolvency proceedings? If so, please provide details. If not applicable check here _____

Are you or your business involved in any pending lawsuits? If yes, provide details. If not applicable check here _____

Are you buying machinery or equipment with your loan money? If so, you must include a list of the equipment and cost as quoted by the seller and his name and address. (Attached invoices if available). If not applicable check here _____

Description	Make/Model	Seller	Quantity	Cost

Checklist

Business Information

	Business financial statements for the last three years
	Interim financial statement dated within the last 45 days
	Business debt schedule (form attached)
	Federal tax returns for the last three years
	Articles of incorporation and By-Laws (if corporation)
	▪ President of the corporation is:
	▪ Secretary of the corporation is:
	Articles of Organization and Operating Agreement (if LLC)
	Partnership Agreement (if partnership)
	Business License and Fictitious Business Name Statement (if proprietorship)
	Franchise Agreement
	Two years income statement proformas (existing business)
	Evidence of available equity
	Corporate Resolution
	Bank Commitment Letter

Personal information (for each owner of 20% or greater)

	Personal tax returns for the last three years
	Personal resume (form attached)
	Personal financial statement (form attached)

New Businesses

	Business Plan
	Start-up Balance Sheet
	3 Years Balance Sheet & Income Statement Proformas
	12 Month Cash Flow Statement

Real estate information

	Real Estate Purchase Agreement or settlement sheet
	Construction cost budget and/or equipment invoices
	Existing environmental studies

Authorization to Release Information

I/We hereby authorize the release to the City of Oxford of any information they may require at any time for any purpose related to my/our credit transaction with them.

I/We hereby authorize the City of Oxford to release such information to any entity they deem necessary for any purpose related to my/our credit transaction with them.

I/We hereby certify that the enclosed information, including any attachments or exhibits provided herewithin or at a later date, is valid and correct to the best of my/our knowledge.

Name of applicant(s) _____

Signature of applicant(s) _____

Date _____

Name of applicant(s) _____

Signature of applicant(s) _____

Date _____

Name of applicant(s) _____

Signature of applicant(s) _____

Date _____

NOTE: PLEASE INCLUDE THE NON-REFUNDABLE \$100.00 APPLICATION FEE WITH SUBMISSION

** Federal prevailing wages must be paid on all contracts involving construction or installation where labor exceeds \$2,000.00 or more.

NOTICE

IMPORTANT INFORMATION ABOUT IDENTIFICATION PROCEDURES WHEN OBTAINING A REVOLVING LOAN FUND (RLF) LOAN

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all the City of Oxford Companies to obtain, verify, and record information that identifies each person who applies for a RLF Loan.

What this means for you: When you apply for a RLF Loan, we will ask for your name, address, date of birth, other information that will allow us to identify you. We may also ask to see your driver's license or other identifying documents.

CITY OF OXFORD
REVOLVING LOAN FUND
AGREEMENT OF COMPLIANCE

The applicant/recipient, contractor or subcontractor hereby covenants, promises and agrees that in consideration of the approval and as a condition of the disbursement of all or any part of a loan by the City of Oxford Revolving Loan Fund (COORLF) that it will not discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin or Vietnam era veteran status, and that it will incorporate or cause to be incorporated into any contract or subcontract in excess of \$10,000 for construction work, or modification thereof, which is paid for in whole or in part with funds obtained from COORLF pursuant to a loan or guarantee, an Equal Opportunity clause, the notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity Construction Contract Specifications which contain all the provisions and requirements of Executive Order 11246, as amended.

The applicant/recipient, contractor/subcontractor certifies that he or she does not maintain or provide for his or her employees any segregated facilities on the basis of race, color, religion, handicap or national origin because of habit, local custom or otherwise at any of his or her establishments, and that he or she does not permit any employees to perform their services at any location under his or her control, where segregated facilities are maintained. He or she also certifies that he or she will not maintain or provide for any employees any segregated facilities at any establishments, and that he or she will not permit any employees to perform their services at any location under his or her control, where segregated facilities are maintained.

In addition, the applicant/recipient agrees that if it fails or refuses to comply with any nondiscrimination provision or requirement, COORLF, in cooperation with the Department of Labor, may take any or all of the following action: cancel, terminate or suspend in whole or in part the loan, refrain from extending any further assistance to the

applicant/recipient under the programs with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

In consideration of the approval by the City of Oxford Revolving Loan Fund of a loan to _____ promises and agrees that they will comply with all nondiscrimination provisions and requirements.

Executed the ____ day of _____, 20____.

By: _____
Signature of Authorized Official

By: _____
Signature of Authorized Official



OMB APPROVAL NO. 3245-0188
EXPIRATION DATE: 3/31/2008

PERSONAL FINANCIAL STATEMENT

U.S. SMALL BUSINESS ADMINISTRATION

As of _____, _____

Complete this form for: (1) each proprietor, or (2) each limited partner who owns 20% or more interest and each general partner, or (3) each stockholder owning 20% or more of voting stock, or (4) any person or entity providing a guaranty on the loan.

Name	Business Phone
Residence Address	Residence Phone
City, State, & Zip Code	
Business Name of Applicant/Borrower	

ASSETS		(Omit Cents)	LIABILITIES		(Omit Cents)
Cash on hand & in Banks	\$		Accounts Payable	\$	
Savings Accounts	\$		Notes Payable to Banks and Others	\$	
IRA or Other Retirement Account	\$		(Describe in Section 2)		
Accounts & Notes Receivable	\$		Installment Account (Auto)	\$	
Life Insurance-Cash Surrender Value Only	\$		Mo. Payments \$		
(Complete Section 8)			Installment Account (Other)	\$	
Stocks and Bonds	\$		Mo. Payments \$		
(Describe in Section 3)			Loan on Life Insurance	\$	
Real Estate	\$		Mortgages on Real Estate	\$	
(Describe in Section 4)			(Describe in Section 4)		
Automobile-Present Value	\$		Unpaid Taxes	\$	
Other Personal Property	\$		(Describe in Section 6)		
(Describe in Section 5)			Other Liabilities	\$	
Other Assets	\$		(Describe in Section 7)		
(Describe in Section 5)			Total Liabilities	\$	
Total	\$		Net Worth	\$	
			Total	\$	

Section 1. Source of Income			Contingent Liabilities		
Salary	\$		As Endorser or Co-Maker	\$	
Net Investment Income	\$		Legal Claims & Judgments	\$	
Real Estate Income	\$		Provision for Federal Income Tax	\$	
Other Income (Describe below)*	\$		Other Special Debt	\$	

Description of Other Income in Section 1.

*Alimony or child support payments need not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.

Section 2. Notes Payable to Banks and Others. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)

Name and Address of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral

Section 3. Stocks and Bonds. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed).					
Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value
Section 4. Real Estate Owned. (List each parcel separately. Use attachment if necessary. Each attachment must be identified as a part of this statement and signed.)					
	Property A	Property B	Property C		
Type of Property					
Address					
Date Purchased					
Original Cost					
Present Market Value					
Name & Address of Mortgage Holder					
Mortgage Account Number					
Mortgage Balance					
Amount of Payment per Month/Year					
Status of Mortgage					
Section 5. Other Personal Property and Other Assets. (Describe, and if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment and if delinquent, describe delinquency)					
Section 6. Unpaid Taxes. (Describe in detail, as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.)					
Section 7. Other Liabilities. (Describe in detail.)					
Section 8. Life Insurance Held. (Give face amount and cash surrender value of policies - name of insurance company and beneficiaries)					
I authorize SBA/Lender to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness. I certify the above and the statements contained in the attachments are true and accurate as of the stated date(s). These statements are made for the purpose of either obtaining a loan or guaranteeing a loan. I understand FALSE statements may result in forfeiture of benefits and possible prosecution by the U.S. Attorney General (Reference 18 U.S.C. 1001).					
Signature:		Date:		Social Security Number:	
Signature:		Date:		Social Security Number:	
PLEASE NOTE: The estimated average burden hours for the completion of this form is 1.5 hours per response. If you have questions or comments concerning this estimate or any other aspect of this information, please contact Chief, Administrative Branch, U.S. Small Business Administration, Washington, D.C. 20416, and Clearance Officer, Paper Reduction Project (3245-0188), Office of Management and Budget, Washington, D.C. 20503. PLEASE DO NOT SEND FORMS TO OMB.					

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: May 5, 2009

Account Code #: 322.810.50802

Budgeted Amount: \$495,000.00

Service Department
Originating Department

Michael Dreisbach
Prepared By

April 29, 2009
Date Prepared

Agenda Title: Resolution to Approve Improvements to Production Well # 2

Recommendation: Approve

Discussion: The City's 2009 Operating Budget includes \$495,000 for the rehabilitation of a major raw water resource for the City's water utility, Production Well #2 located in the Four Mile Valley aquifer and adjacent to the City's water treatment plant on SR73. The City has obtained the necessary isolation zone to satisfy Ohio Environmental Protection Agency (OEPA) regulations, and the City is now ready to proceed with improvements to this facility.

City Staff, with the assistance of a consulting firm specializing in hydrogeology, developed specifications for the rehabilitation of production well #2. The project consists of the installation of two laterals, totaling approximately 100 linear feet, with all necessary ports, valves, and appurtenances to maximize the production of raw water from the facility.

Staff advertised for bids on April 10 and April 17, 2009. Bids were opened on April 24, 2009 with the following results:

<u>Contractor</u>	<u>Base Bid with Options</u>
Reynolds, Inc.	\$335,000.00
Brechtel Radial Collector Wells	\$356,722.00

By completing the specified improvements, staff expects water production to increase from approximately 200,000 gallons per day to over 1,000,000 gallon per day. This increase in productivity will not only increase raw water production, it will lower operating costs by reducing our need for water from the Seven Mile Wellfield several miles from Oxford.

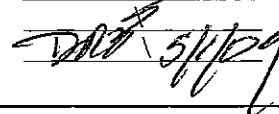
Staff has obtained a grant from the Ohio Public Works Commission to assist in funding this project. The OPWC will pay 47% of all qualified expenses (including engineering and ancillary costs) to a maximum of \$252,000.

This resolution will authorize the City Manager to enter into an Agreement with Reynolds, Inc. for the improvement of Production Well #2 at a cost of \$335,000. Staff is requesting a 10% contingency in the amount of \$33,500, therefore the contract amount not to exceed is \$368,500.00. The net impact to the Water Improvement Fund will be reduced by the offset from the Ohio Public Works Commission grant for the project.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date
MBD 4/28/09

 5/1/09

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH REYNOLDS, INC. FOR IMPROVEMENTS TO PRODUCTION WELL #2 AT A COST OF \$335,000.00 PLUS A 10% CONTINGENCY FEE IN THE AMOUNT OF \$33,500 FOR A TOTAL COST NOT TO EXCEED \$368,500.00.

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

SECTION 1: As previously adopted by Council for the City of Oxford, the 2009 Capital Improvement Budget includes \$495,000.00 for improvements to Production Well #2 located in the Four Mile Valley aquifer and adjacent to the City's water treatment plant on SR73.

SECTION 2: The City of Oxford advertised a request for bids for the installation of two laterals, totaling approximately 100 linear feet, with all necessary ports, valves, and appurtenances to maximize the production of raw water from the facility.

SECTION 3: After opening all bids, the Service Director determined that Reynolds, Inc. was the lowest and best bidder for such improvements.

SECTION 4: Council hereby finds Reynolds, Inc. to be the lowest and best bidder and accepts the bid of \$335,000.00 for the installation of two laterals with all necessary ports, valves and appurtenances to maximize the production of raw water from the facility.

SECTION 5: Council hereby authorizes the City Manager to enter into a contract with Reynolds, Inc. for improvements to Production Well #2 in accordance with the bid specifications and the bid submitted by Reynolds, Inc. at a cost of \$335,000.00 plus a 10% contingency amount of \$33,500 for a total cost not to exceed \$368,500.00.

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

MAYOR

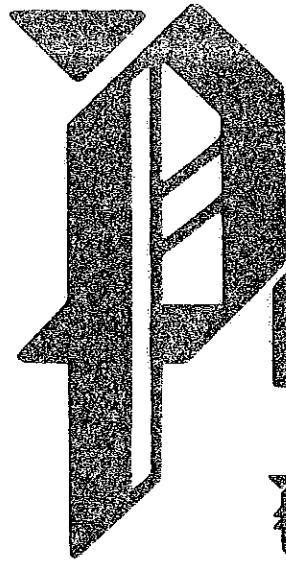
ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)



Office of the Mayor

Proclamation

Whereas:

the National Association of Letter Carriers have designated the day of May 9, 2009 as the seventeenth annual "Stamp Out Hunger Food Drive" day; and

WHEREAS, the NALC Food Drive collected a record of 73.1 million pounds of food nationally and a 65,670 pounds of food in Butler County in 2008; and

WHEREAS, thousands of families caught in the economic crisis will have access to this needed and nourishing food through Shared Harvest Foodbank's network of food pantries; and

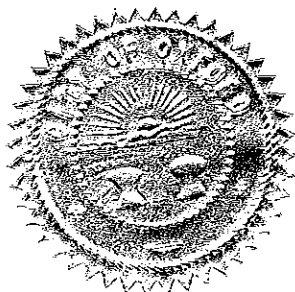
WHEREAS, the AFL-CIO, Shared Harvest Foodbank, United Way, Campbells, Feeding America and countless community volunteers will lend assistance to this charitable endeavor with the United States Postal Service encouraging and supporting this one day drive.

NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, to assist in public awareness of this nationwide endeavor to care for our own, do hereby proclaim Saturday, May 9, 2009 as:

**"THE NATIONAL ASSOCIATION OF LETTER CARRIERS
FOOD DRIVE DAY"**

FURTHER, on behalf of all Municipal Officials and Administration, do request all citizens of our community support the efforts of this national annual drive by placing non perishable food by their mailboxes on May 9, 2009 to help meet the needs of our neighbors locally.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 1st day of May, 2009.



PRUDENCE Z. DANA, MAYOR

Council Minutes

April 21, 2009

Page 1

The Work Session of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, April 21, 2009 at 6:30 P.M. Those Council members present were: Ken Bogard, Alysia Fischer, Kate Currie, and Richard Keebler. Greig Rutherford arrived at 6:50 P.M.

Staff members present: Doug Elliott, City Manager; Mike Dreisbach, Service Director; Steve Schwein, Police Chief; Donna Heck, Human Resources Director; Steve McHugh, Law Director; Joe Newlin, Finance Director; Alan Kyger, Economic Development Director; Jung-Han Chen, Community Development Director; Gail Brahier, Parks and Recreation Director; John Detherage, Fire Chief and Mary Ann Eaton, Deputy Clerk of Council.

Also present was Coe Potter representing Re-Max Alpha Real Estate.

APPROVAL OF AGENDA

Mr. Keebler moved approval of the Agenda. Mr. Bogard seconded. The motion carried 5-0-0.

PURPOSE

The purpose of the Work Session was for Council to discuss the possible location for a new municipal pool.

DISCUSSION

Mr. Elliott advised a location needed to be selected for a new municipal pool and a Resolution would be placed on a future agenda so the planning and fund-raising process could begin.

Ms. Brahier highlighted the reasons she would like the new pool to be located at the Oxford Community Park. Ms. Brahier noted she had letters from the Tri Board and Recreation Board indicating they felt the best location for a municipal pool was the Community Park.

Ms. Brahier discussed the condition of the current pool which was almost 40 years old and the repairs that would need to be made over the next few years.

Council Minutes

April 21, 2009

Page 2

After discussion Council requested that a Resolution be placed on the next agenda so a public hearing could take place.

Council agreed that other projects took precedence over a new pool; however the planning process could begin.

Mr. Coe Potter, Re-Max Alpha Real Estate, discussed with Council the possibility of using a portion of the Tri land for medium priced senior housing.

AJOURNMENT

Ms. Fischer moved to adjourn at 6:59 p.m. Ms. Currie seconded. The motion carried 6-0-0.

A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, April 21, 2009 at 7:30 p.m. Those members present were Ken Bogard, Kate Currie, Richard Keebler, Alysia Fischer and Greig Rutherford. Doug Ross was excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director, Mr. Steve Schwein, Police Chief; 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; Ms. Donna Heck, Human Resources Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Deputy Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Ms. Fischer moved to adjourn to Executive Session at 7:00 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (1) Appointments to Boards and Commissions and (2) Property Acquisition. Ms. Currie seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Ms. Fischer moved to return from Executive Session at 7:34 p.m. Mr. Bogard seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Mayor Dana requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION **'EARTH DAY'**

Mayor Dana advised she read and presented the Proclamation on Saturday at the Earth Day festivities in the Uptown Park.

PROCLAMATION **'ARBOR DAY'**

Mayor Dana read the Proclamation and advised she would present it on Friday during a tree planting ceremony.

PROCLAMATION **'MIAMI REDHAWKS** **ICE HOCKEY TEAM DAY'**

Mayor Dana advised she read and presented the Proclamation on Saturday at the celebration banquet for the hockey team.

PRESENTATION **NATIONAL INSPECTION** **CORPORATION**

Mayor Dana thanked representatives from the National Inspection Corporation for making a presentation this evening noting it was a critical time of year as the students moved out of Oxford.

Mr. Andrew McKenzie, provided a PowerPoint presentation and reviewed the 2008 property maintenance complaints as compared to previous years. Mr. McKenzie noted he wanted Council to see how things were changing and evolving and how some of the emphasis had shifted. Mr. McKenzie noted he would like to solicit Council's feedback after the presentation.

Mr. Keebler noted having only 14 open cases at the end of the year was a major improvement.

Ms. Fischer noted the month of April was important this year with regard to code enforcement as many families were visiting Oxford. Ms. Fischer noted concern with the appearance of the town on Saturday mornings and suggested the possibility of a flexible code enforcement presence during certain months of the year.

Mr. Bogard advised he was pleased with the progress NIC had made over the last three years. Mr. Bogard noted citizens had the responsibility of working with residents in an effort to pick up trash and litter.

Mr. Rutherford inquired how often NIC dealt with people who were oblivious to the regulations and what Council could do to improve communications. Mr. McKenzie advised there were some legitimate cases where people didn't know about certain regulations such as outdoor furniture. Mr. McKenzie noted in recent years students had done a good job of educating their peers with regard to code enforcement rules and regulations.

PRESENTATION
AMTRAK SERVICE
PROPOSAL

Mr. Nathaniel Kaelin, introduced members of his team: Meredith Decker, Mia De Nardi and Michelle Pelishek who were planning students at Miami. Mr. Kaelin noted this semester they researched the potential of bringing Amtrak service to Oxford and presented their proposal to the Parking and Transportation Board who were enthusiastic about the prospect. The group discussed their research noting Amtrak's Cardinal Line already passed through the City three times a week. The group discussed benefits, ridership, station pragmatics and the implementation process. The group requested that Council consider submitting letters of support to Amtrak and the Ohio Rail Development Commission and identify staff to continue correspondence with both entities.

Mayor Dana thanked the group for presenting the proposal and noted Council would consider their request at the conclusion of tonight's meeting.

APPOINTMENTS
TO BOARDS AND COMMISSIONS

ENVIRONMENTAL COMMISSION

Mr. Keebler moved to appoint Mr. Wright Gwyn to the Environmental Commission for a four year term beginning immediately. Mr. Bogard seconded. The motion passed 6-0-0.

PUBLIC COMMENTS

Mr. Thad Boggs, 109 Ardmore Drive, Secretary, Off Campus Affairs, advised the Greek Spring Clean would take place this Saturday with hundreds of volunteers participating in dozens of projects to spruce up the City. Mr. Boggs noted an outdoor concert would take place for the entire community at Millett Hall on April 30th from 9 to 10 p.m. featuring 'Girl Talk'. Mr. Boggs advised the Red Brick Rally would take place on May 8th from 9:00 p.m. to 2:30 a.m. Mr. Boggs introduced his successor Mr. Matt Ciccone.

Mr. Matt Ciccone, advised he was a sophomore physics major at Miami and came from a very different town than Oxford. Mr. Ciccone encouraged everyone to share information with him that they felt would be useful in his position as Secretary of Off Campus Affairs. Mr. Ciccone advised he would continue Thad's efforts in communicating with Council and the public and looked forward to working with everyone.

Mayor Dana asked Mr. Ciccone to provide Council with his contact information.

Mayor Dana wished Mr. Boggs good luck as he graduated from Miami. Mayor Dana thanked Mr. Boggs for his involvement with Council and the community.

Mr. Bogard thanked Mr. Boggs as well and noted he brought greater communication between the citizens and the student body.

Ms. Fischer noted Mr. Boggs had displayed a spirit of cooperation throughout his tenure and had learned that in part from his predecessor, Jen House. Ms. Fischer noted the importance of cooperation as we all lived in the same community. Ms. Fischer encouraged Mr. Ciccone to learn as much from Mr. Boggs as possible before he left Oxford and to stay in touch with Mr. Boggs once he relocated.

Mr. Pete McCarthy, Contreras Road, referred to new building proposals within the City and the increase in vacancies, rentals and homes for sale and noted there needed to be some offset. Mr. McCarthy advised he did not feel anyone's right to develop should be restricted and noted Oxford needed to bring taxpayers into the City. Mr. McCarthy suggested seriously raising the fees for building permits and putting those funds into programs to encourage families to move into the community.

Mayor Dana noted the Oxford Community Foundation recently purchased a home using money that was set aside by the City as part of a housing trust fund. Mayor Dana advised the home would be sold to a year round resident and noted her hope those efforts would continue. Mayor Dana advised Council would hold a Work Session on May 5, 2009 with the Chamber of Commerce to address these issues as well. Mayor Dana thanked Mr. McCarthy for his observations.

CONSENT AGENDA

Mayor Dana requested removal of item C. Report regarding the March 25, 2009 Environmental Commission Meeting.

MINUTES

Minutes of the April 7, 2009 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

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

REPORTS

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

RESOLUTIONS

RESOLUTION **CONTRACT AMENDMENT**

A Resolution No. 4430 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. (Mike Dreisbach, Service Director)

RESOLUTION **CONTRACT WITH** **BOBCAT COMPANY**

A Resolution No. 4431 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)

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

REPORT

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

Mayor Dana referred to the recommendation from the Environmental Commission regarding Green Oxford's Spring Street bicycle lane proposal. Mayor Dana noted the need to discuss a process to deal with the recommendation.

Mr. Rutherford advised the Environmental Commission heard the same presentation from Green Oxford that Council did regarding a Spring Street bicycle corridor. Mr. Rutherford noted the Environmental Commission supported the proposal and outlined its benefits as listed on pages 27 and 28 of the agenda.

Mr. Bogard noted the loss of 100 parking spaces as a result of the proposal. Mr. Bogard advised further examination and cooperation with Miami University was necessary. Mr. Bogard noted a full fledged proposal would be needed to address how the objectives would be met and how the displacement of 100 vehicles would be addressed.

Mr. Keebler advised a previous Spring Street bike path was very dangerous and he would have great difficulty supporting another one. Mr. Keebler noted it would be even more dangerous now with bus stops along Spring Street. Mr. Keebler advised there was a lot to consider in addition to displaced vehicles including traffic, safety and enforcement.

Ms. Fischer noted the new proposal was totally different than the previous one. Ms. Fischer noted a lot of people already bicycled on Spring Street in a situation that was not particularly safe. Ms. Fischer noted most of the vehicles parked along Spring Street were Miami students or faculty who had opportunities for other areas to park. Ms. Fischer noted the Comprehensive Plan called for alternative modes of transportation.

Mr. Rutherford advised this initiative would require a lot of cooperation between the City and the University. Mr. Rutherford noted his hope the City would develop a plan on how we as a municipality would study the issue in concert with Miami University and the plan would come to Council with an estimated cost.

Mr. Keebler moved to accept the Environmental Commission Meeting report and refer the Green Oxford's Spring Street Bicycle proposal to staff. Mr. Rutherford seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION

IDENTITY THEFT POLICY

A Resolution No.4432 adopting an Identity Theft (Red Flag) Policy. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as shown on page 36 of the agenda noting the Fair and Accurate Credit Transactions Act of 2003 required municipalities to adopt an Identity Theft Policy to be effective May 1, 2009.

Mr. McHugh advised pages 38 and 39 of the agenda contained the legislation which described what information would be protected.

Mr. Bogard advised this looked like an excellent policy.

Ms. Currie moved to adopt Resolution No. 4432. Mr. Bogard seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

RESOLUTION
ADAPTION OF
NORTHSIDE PARK

A Resolution No. 4433 authorizing the adaption of Northside Park to include an off leash area for dogs. (Gail Brahier, Parks and Recreation Director)

Ms. Brahier advised Council authorized her to work with local residents to find an appropriate area to provide an off leash area for dogs. Ms. Brahier noted the issue had been researched over the last year and a half and the group decided Northside Park was the most appropriate and manageable park for the off leash area. Ms. Brahier advised it was understood that the 'Friends of the Dog Park' would raise funds for park renovations and the City would help them find the location.

Ms. Charlene York, 809 Melinda Drive, noted the group was very excited about the new site which was easily assessable and centrally located. Ms. York noted if Council adopted the Resolution students had volunteered to clean up the wooded area of the park as part of their Greek Spring Clean event this weekend. Ms. York introduced Mr. Bill Levenderisa and Ms. Cornelia Brown who also worked on the project.

Mr. Bill Levenderis, noted his feeling this was a great opportunity and some of the funding had already been raised. Mr. Levenderis advised rules would be established for the off leash area and read a sample mission statement of the Friends of the Dog Park as follows: 'Our goal is to establish a fenced in off leash dog park where well behaved canine citizens can exercise in a clean safe environment without endangering or annoying people, property or wildlife. To develop a beautiful well maintained space open to dog lovers and friends who are willing to uphold rules and restrictions. To view this park as a community project in partnership with the City of Oxford designed to satisfy the needs of dog owners and non dog owners alike.' Mr. Levenderis noted his hope Council would support the proposed Resolution.

Ms. Brahier noted she contacted property owners to the north of the park and they thought this would be an excellent use of the park.

Ms. Fischer inquired what the cost to the City would be. Ms. Brahier noted if Council approved the Resolution the official committee would be formed and would develop rules for the park which would be presented to the Recreation Advisory Board. Ms. Brahier advised the Friends of the Dog Park would maintain the park and the City would mow the grass and empty the trash containers. Ms. Fischer inquired if the park would be locked and if a membership would be required. Ms. Brahier suggested the Park should be locked and a pass card should be used to gain entrance. Ms. Brahier noted concern with un-vaccinated or vicious pets entering the park. Ms. York concurred with Ms. Brahier's suggestions.

Mr. Keebler inquired if a chain length fence would be installed by a professional company and Ms. Brahier advised yes.

Mr. Bogard inquired what the hours of the park would be and Ms. Brahier noted they would coincide with the other City parks and be open from dawn to dusk. Mr. Bogard noted concern with a lack of interest after a period of time and the responsibility of the park coming back to the City. Ms. Brahier noted the City would adapt a park which was not fully utilized to include an off leash area for dogs. Ms. Brahier noted the park should not be advertised as a 'Dog Park'.

Ms. Currie noted concern with a locked park and stated she felt it would reduce the number of people who would utilize it if they had to obtain a key or a swipe card. Ms. Currie suggested that the concept of a locked park be researched further.

Ms. Fischer moved to adopt Resolution No. 4433. Ms. Currie seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

RESOLUTION
UNDERWRITING SERVICES

A Resolution No. 4434 establishing RBC Capital Markets as provider of Underwriting Services for the City of Oxford. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on page 49 of the agenda.

Mr. Keebler moved to adopt Resolution No 4434. Ms. Currie seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

RESOLUTION
BOND COUNSEL

A Resolution No. 4435 by City Council establishing Peck, Schaffer & Williams LLP, as Bond Counsel for the City of Oxford. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on page 51 of the agenda noting the proposed Resolution went hand in hand with the previous Resolution.

Mr. Bogard moved to adopt Resolution No. 4435. Mr. Keebler seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

RESOLUTION
CONTRACT WITH
JOHN R. JURGENSON CO.

A Resolution No. 4436 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)

Mr. Dreisbach discussed his staff report as presented on page 53 of the agenda.

Mr. Rutherford advised he was glad to see alleys being resurfaced as they were an under utilized resource. Mr. Rutherford inquired what the sub-surface would consist of which Mr. Dreisbach addressed.

Mr. Bogard noted the poor condition of Main Street and inquired when it would be repaired. Mr. Dreisbach advised the City was doing temporary repairs and in 2010 ODOT would help pay the cost for repairs.

Mr. Keebler noted the additional \$50,000 budgeted for these repairs and suggested the funds be rolled over for next year when the new High School was under construction.

Ms. Currie moved to adopt Resolution No. 4436. Ms. Fischer seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCES
FIRST READING

ORDINANCE
SALARY ORDINANCE
AMENDMENT

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

Ms. Heck advised the proposed Ordinance would address changes in staffing for the Finance Department and the Service Department. Ms. Heck noted Mr. Newlin provided details regarding the Finance Department in his staff report.

Mr. Newlin advised Ms. Harsh was retiring at the end of April which gave him a chance to look at re-structuring the department and addressing some cost savings for the City. Mr. Newlin discussed his staff report as presented on page 58 of the agenda.

Mr. Keebler noted he was glad to see promotions for longtime employees from within the organization.

Ms. Heck noted a Service Department employee's title and job description was changing. Ms. Heck advised all of the changes and new job descriptions would go to the Civil Service Commission for approval.

ORDINANCES
SECOND READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3050 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 64 and 65 of the agenda.

Mr. Bogard moved to adopt Ordinance No. 3050. Mr. Rutherford seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION
1141.02

An Ordinance No. 3051 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 changes to the proposed Ordinance were listed on page 71 of the agenda.

Mr. Rutherford referred to item 2. on page 71 of the agenda and suggested an amendment to read as follows: 'Portable storage containers shall be a minimum of *ten (10)* feet from the back of the curb and shall not extend onto the *public sidewalk or into the public right-of-way.*' Mr. Keebler advised the Planning Commission discussed the footage issue and there were a number of areas in the mile square that were not 10 feet.

Mr. Rutherford referred to item 1. on page 71 of the agenda and suggested striking the words 'provided the property owner has an active building permit' and adding the words 'or for the duration of an active building permit'. Mr. Rutherford suggested striking the words 'or has demonstrated the need. An' and replacing the sentence with 'Additional fourteen (14) day extensions may be granted provided the property owner demonstrates extenuating circumstances'.

Mr. Chen noted if Mr. Rutherford was concerned with storage sheds, they were covered under a different area of the code.

Mr. Rutherford referred to item N. on page 71 of the agenda and suggested amending it to read 'Temporary Storage Containers - Containers both wheeled and un-wheeled designed for the temporary storage of property that can be moved by truck, trailer or other vehicles.'

Mr. Rutherford moved to amend item N. as stated above. The motion failed for the lack of a second.

Mr. Rutherford moved to amend item 1. as stated above. The motion failed for the lack of a second.

Mr. Rutherford moved to amend item 2. as stated above. Mr. Bogard seconded. Mr. Bogard suggested leaving the footage at a minimum of eight (8) feet. Mr. Bogard moved to amend item 2. to read as follows: 'Portable storage containers shall be a minimum of eight (8) feet from the back of the curb and shall not extend onto the public sidewalk or into the public right-of-way.'

Mr. McHugh advised adding public sidewalk made sense although adding public right-of-way could be problematic because right-of-ways varied.

Mr. Bogard moved to omit 'or into the public right-of-way' and Mr. Rutherford did not accept the friendly amendment. The amendments failed 1-5-0 with Mr. Bogard, Ms. Fischer, Ms. Currie, Mr. Keebler and Ms. Dana voting nay.

Mr. Rutherford moved to adopt Ordinance No. 3051. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Rutherford (1)

ABS: None (0)

ANNOUNCEMENTS

Mayor Dana thanked Council for the Work Session this evening noting Council had given staff direction with regard to moving forward on the site selection for a new municipal pool.

Mayor Dana noted Ms. Brahier provided a report regarding the restriction of smoking in City Parks and legislation would be forthcoming.

Mayor Dana thanked Mr. Chen for the report regarding the status of the Mobile Home Park and thanked NIC for making a presentation this evening.

Mayor Dana inquired if Council wished to make a motion regarding letters of support for Amtrak Service Potential.

Ms. Fischer moved to ask staff to look over the proposal and draft letters of support for the next Council meeting. Ms. Currie seconded. The motion passed 6-0-0.

Mr. Elliott advised he appreciated the student's efforts with regard to the Amtrak proposal. Mr. Elliott noted staff would contact the two agencies listed in the proposal and obtain additional information.

Mr. Elliott updated Council regarding the efforts of the Fire/EMS Committee.

Mr. Elliott advised he sent a letter to the Superintendent of the Talawanda School District with a timeline of the contributions the City would make with respect to the construction of the new High School. Mr. Elliott noted he encouraged the school district to file their annexation petition in a timely manner.

Mr. Elliott noted the Police Chief informed him that the Butler County Sheriff's office would allow inmates to help clean up alleys within the City prior to graduation. Mr. Elliott thanked the Sheriff's office for their cooperation in the clean-up effort.

Mr. Elliott advised legislation would be prepared for the May 5th agenda regarding restrictions for smoking in City Parks.

Mr. Dreisbach asked Council to clarify their directive regarding the bike path proposal for Spring Street. Mr. Dreisbach noted he wasn't clear on the time frame Council expected action by. Mr. Dreisbach advised if Miami did not support the proposal he would like to know how much time and effort Council wanted staff to spend working on the initiative.

Mr. Rutherford advised Council needed to know if Miami was interested in partnering with the City, how many vehicles would be displaced, what the safety concerns were, what it took to implement the proposal, and what the advantages and disadvantages were.

Mr. Elliott advised staff could provide an interim memo to address the pluses and minuses of the proposal. Mr. Elliott noted the previous proposal that Mr. Keebler mentioned should be looked at as well. Mr. Elliott noted this was a very busy season for the Streets and Maintenance Division.

Mr. Bogard advised his feeling the issue would involve intensive study and he wasn't looking for anything until September or October at which time discussions could be held with Miami University. Mr. Bogard reiterated that this time of year was very busy for the service department.

Mr. Rutherford asked for clarification of when the interim report would be presented and Mr. Elliott advised two months or so.

Ms. Fischer noted her feeling if Miami University wasn't interested in partnering in such an initiative it was important to know why as some things may be surmountable. Ms. Fischer stated the cars parked with Miami University permits were parked on City streets.

Mr. Chen advised Sharefest would take place May 7 through May 12, 2009. Mr. Chen noted the concept was to collect useable household items for needy families. Mr. Chen encouraged students and citizens to schedule the pick-up of donated items by going to www.muohio.edu/sharefest.

Mr. Kyger advised members from the Phi Sigma Epsilon Fraternity provided a great presentation at the CIC meeting regarding the Effects of Miami Students on Oxford Demographics. Mr. Kyger thanked the students for their efforts.

Mr. Kyger clarified that recent articles regarding the development of the former Wal-Mart site were based on a proposal made in October 2008.

Mr. Rutherford advised Ox-Act would perform 'Black Comedy' with the opening night being this Friday at 7:30 p.m. Mr. Rutherford encouraged citizens to attend and noted he had the opportunity to attend dress rehearsals and the play was fabulous.

Mr. Bogard advised he and Mr. Elliott attended the OKI annual luncheon last week and David Weihrauch who was the City's Water Plant Manager received an award called the 'In Motion' award. Mr. Bogard noted the award was for Mr. Weihrauch's outstanding work in service, water conservation and environmental legislation.

Mr. Bogard commended Mr. Ross for his participation in a fund raising event for the Family Resource Center and Choice Pantry.

Mr. Bogard provided information regarding recycling computers, televisions and appliances and advised the information would be available on the City's website.

Mr. Bogard highlighted the Adidas Soccer Showcase Tournament which took place last weekend and would take place again this weekend at the Oxford Community Park.

Mr. Bogard wished his wife Joann a happy 47th anniversary noting their anniversary was today.

Ms. Fischer thanked the Parks and Recreation department for offering the 'Spring Break Camp' for children to attend during spring break while their parents were working.

Ms. Fischer reiterated that people should call to have items picked-up for Sharefest noting this would reduce the number of 'scavengers' going through trash bags and items left at the curbside.

Ms. Fischer provided copies of a publication entitled 'Growing Local' for Council members and for distribution at the City Building.

Ms. Currie advised a Township Trustee asked her to bring up a topic for discussion regarding a revenue sharing arrangement between the City and the Township should the school district ever sell part of the property being annexed into the City. Mr. Elliott addressed the issue as related to the type of annexation being pursued.

Mayor Dana updated Council with regard to events the HAPC was sponsoring in May.

Mayor Dana advised a Work Session would take place May 5th at 6:00 p.m. with the Chamber of Commerce.

Mayor Dana noted Faye Harsh was retiring from the City on April 30th and encouraged everyone to stop by the City Building to congratulate her.

Mayor Dana offered condolences on behalf of Council to Ambassador Dolibois whose wife recently passed away and to the family of Wayne Martin who recently passed away.

ADJOURNMENT

Ms. Currie moved to adjourn at 10:15 p.m. Ms. Fischer seconded. The motion passed 6-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 21, 2009

Kathryn A. Dale
Prepared By

Account Code No. #:

April 15, 2009
Date Prepared

Budgeted Amount:

Agenda Title: Planning Commission Meeting Report – April 14, 2009

Recommendation: N/A

DISCUSSION:

Reports from Commissions, Boards, Committees & Staff

Ms. Kay shared that the HAPC would be proposing amendments to the Sign Design Guidelines and requesting that the Planning Commission initiate amendments to the zoning code as well.

Mr. Wong shared that the Environmental Commission viewed a presentation regarding the elimination of parking and the addition of a bike lane on Spring Street. Mr. Wong also shared there were two seats available on the Commission.

Mr. Prytherch stated that the Fraternity Ad Hoc Committee was preparing to present amendments to the zoning code regarding how fraternities are defined as well as the specific use regulations and potential concerns and revocation of the Conditional Use.

Items Related to Platting – Administrative Approval

PC-ADM-02-2009 LOT CONSOLIDATION, Part of Lots 960 and 964, 350 McKee Avenue, Phillip Fulton, Applicant.

Mr. Brewer shared that he as Chair and the Zoning Administrator Administratively approved a lot consolidation and lot split, modifying the property located at 350 McKee Avenue.

Public Hearing

PC-02-2009 ZONING MAP AMENDMENT – 40.113 acres A-1 (Agricultural, Township Zoning) to R-1B Single Family Medium Density Residential, MV Residential Development LLC, Applicant (Tabled)

Letter received from the Applicant requesting withdrawal of the application.

PC-04-2009 TEXT AMENDMENT, Chapter 1101 Subdivision Regulations, Section 1101.08 Lot Splits and Lot Consolidation, to include provisions regarding replats of approved subdivisions, City of Oxford, Applicant

Staff explained that the request before the Commission was to clarify the language of the code to permit properties that are in a recorded subdivision to undergo the same administrative review process for splits and consolidations that do not create additional buildable lots. Currently, lots that have been recorded under a Subdivision and wish to split or consolidate must go through the Final Subdivision process. Staff provided examples of potential lot configurations that would be reviewed administratively. Questions were asked from Mr. Webb and Mr. Rutherford during the public hearing portions and clarifications were given by staff answering their questions.

The Planning Commission voted 7-0-0 to recommend **APPROVAL** to City Council.

Other Business:

Mr. Brewer shared that there would be numerous text amendments on the agenda for next month and that the Planning Commission should expect to hold work sessions in May and June to discuss text amendments.

At the conclusion of this meeting a work session was conducted to discuss a potential new General Business District and potential uses for that district.

The next regular meeting is scheduled for May 12, 2009.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JRC 4/28/09

DM 5/1/09

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: May 5, 2009

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 29, 2009

Date Prepared

Agenda Title: Report regarding the April 22, 2009 Civil Service Commission meeting.

Recommendation:

Discussion: The Civil Service Commission held their regular meeting on Wednesday, April 22, 2009. Those members present were: Phil Russo, Chair; Fred Russell; Charles Crain; Karen Martino and Susan Cross Lipnickey. Donna Heck, Human Resources Director; Mary Ann Eaton, Recording Secretary; Bob Holzworth, Police Lieutenant and Tom Horvath, Police Lieutenant were in attendance for the City.

The Commission reviewed the report regarding Service Credit - Historical Data.

The Commission reviewed and tabled Civil Service Rule VI. Additional Credit; 3. Service Credit - B. Part-Time Employees until the next meeting.

The Commission reviewed and tabled the Handout for Police Department applicants until the next meeting when the requested clarifications were made.

The Commission agreed to table the Seniority Calculation proposal as requested by the City.

The next meeting is scheduled for May 27, 2009.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

EJE 4/29/09

DBB 5/1/09

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Service Department

Originating Department

Council Meeting of: May 5, 2009

David Treleaven

Account Code #: N/A

Prepared By

Budgeted Amount: N/A

April 23, 2009

Date Prepared

Agenda Title: Environmental Commission Meeting of April 22, 2009

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, April 22, 2009 meeting were: City Council Representative, Mr. Greig Rutherford; Secretary, Ms. Heidi Schran; Mr. Charlie Ford; Ms. Kelly Church; and Mr. Kevin Armitage. A quorum was present. McGuffey Foundation School students Mr. Aaron Kawamura and Mr. Simon Miller were also in attendance.

The election of Officers was postponed until the next meeting to allow Mr. Wright Gwyn the opportunity to participate. Mr. Gwyn was appointed to the Commission by City Council at their Tuesday, April 21, 2009 meeting but was unable to attend this Commission meeting.

Staff informed the Commission that the annual Arbor Day celebratory tree planting is scheduled for Friday, April 24, 2009 on the TRI grounds (6025 Fairfield Road) at 11:00 a.m. Alice and Coe Potter have sponsored the tree (October Glory Red Maple) to be planted at the ceremony. The planting event is open to the public.

Councilor Rutherford informed Commission members that City Council had instructed staff to investigate the participation and impacts for the potential implementation of Green Oxford's proposal of bicycle lanes on Spring Street.

Commissioners mutually agreed to review the Comprehensive Plan's summary of objectives and strategies (pages 12.6 through 12.17 of the Comprehensive Plan) and identify the primary environmental goals that they believe the Commission should dedicate effort toward achieving. These goals shall be discussed and ranking assigned during the next Commission meeting.

The Commission adjourned at 8:40 p.m. The next Commission meeting is tentatively scheduled for Wednesday, May 27, 2009 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial

Date

WRT

4/24/09

[Signature]

5/1/09

[Signature]

[Signature]

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: May 5, 2009

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

April 21, 2009
Date Prepared

Agenda Title: PC-04-2009 Text Amendment to Chapter 1101 Subdivision Regulations, Section 1101.08 Lot Splits and Lot Consolidation, to include provisions regarding replats of approved subdivisions, City of Oxford, Applicant
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Recommendation: Approval

Discussion:

This application is to amend the subdivision regulations to permit minor subdivisions, or lot splits and consolidations to properties that are part of a recorded subdivision, be reviewed and processed administratively.

Current Subdivision Regulations provide for lot splits and consolidations, to properties not recorded under a formal subdivision, to be Administratively reviewed if there are three new lots or less. However, lots that have been recorded under a Subdivision and wish to split or consolidate must go through the Final Subdivision process (before the Planning Commission and City Council) to get approval. The purpose of this amendment is to permit properties that are in a recorded subdivision to undergo the same administrative review process for splits and consolidations that do not create additional buildable lots.

Should City Council approve these amendments, Staff would still be required to have the Planning Commission Chair sign off and review an application for a Minor Subdivision. No new streets, easements or extensions of utilities would be permitted without the full Planning Commission or City Council review and all underlying zoning requirements would have to be satisfied. Overall, this text modification can help implement these provisions when it comes to platted land and help to streamline the process for the average property owner. Any more than three lots would require a full subdivision review with Preliminary and Final Subdivision applications.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<i>JHC</i>	4/21/09
	City Manager:	<i>[Signature]</i>	5/1/09

ORDINANCE NO. _____

ORDINANCE AMENDING ZONING CODE SECTION 1101 "SUBDIVISION 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 April 14, 2009 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended amending Oxford Codified Ordinance Section 1101 "Subdivision Regulations" as follows:

- (a) By adding new definitions under Section 1101.02 "Definitions;"
- (b) By expanding Section 1101.08 "Lot Splits and Lot Consolidations" to include provisions relating to minor subdivisions, and renaming said Section 1101.08 "Minor Subdivisions, Lot Splits and Lot Consolidations;"
- (c) By adding new Section 1101.09 "Replats;" And
- (d) By renumbering current Sections 1101.09 through 1101.12.

SECTION II: Council hereby accepts the recommendation of the Planning Commission, and amends and adopts Section 1101.02 "Definitions," Section 1101.08 "Minor Resubdivisions, Lot Splits and Lot Consolidations," and Section 1101.09 "Replats," with all other sections of Chapter 1101 renumbered accordingly, as follows (new text depicted in red):

1101.02 DEFINITIONS.

For the purpose of this chapter, certain terms and words are defined as follows:

- (a) "Developer" ("subdivider") means any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.
- (b) "Easement" means authorizations by a property owner for the use by the City or a private utility company serving the area, and for a specified purpose, of any designated part of his property.
- (c) "Inspector" means any person so designated by the City Manager to meet detailed inspections of contract performance.
- (d) "Major street" means a street shown as a major street on the Major Street Plan which has been recommended by the Planning Commission and adopted by Council. (See subsection (k)(4) hereof.)
- (e) "Minor Subdivision" means a division of a parcel of land that does not require a record plat to be approved by the Planning Commission in accordance with Ohio R.C. 711.131; also known as lot splits.
- (f) "Major Subdivision" means the division of land not classified as a Minor Subdivision.
- ~~(g)~~ (g) "Final plat" means a map, drawing or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends, upon approval, to record.
- ~~(h)~~ (h) "Passive Recreation" Leisure time activities, usually of an informal nature and which can be carried out with little alteration or disruption to the area in which they occur, emphasizes the open space aspect of a site and which involves a low level of development, including picnic areas and trails.
- (i) "Plat" The drawing on which the plan of a subdivision is presented for recording.
- ~~(j)~~ (j) "Preliminary plan" means a sketch drawing showing, in a general way, a proposed subdivision of land together with certain public improvements which are to be installed therein.
- ~~(k)~~ (k) "Public improvements" means any of the following: roadway pavement, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers and other appurtenant construction as

related to the subdivision improvement plan.

- (l) **"Replat"** A new recording of a previously recorded subdivision in which the purpose is to modify some portion of the originally recorded plat.
- (m) **"Resubdivision"** means a change in the plat or drawing of a recorded major or minor subdivision if such change affects any street layout, lot line or public way.
- ~~(n)~~(n) **"Street"** means land connecting to the City highway system and actually constructed and paved according to City specifications for streets or such land for which bond has been given to, and approved and accepted by the City to insure such construction and paving within a certain time, that has:
 - (1) Been duly dedicated by subdivision plat, approved and accepted by the City and recorded in the plat records of Butler County, Ohio for all highway purposes, or;
 - (2) Been unconditionally and irrevocably deeded to the City for all highway purposes with an accompanying survey plat which deed and plat have been accepted by and recorded by the City, or;
 - (3) Been described by metes and bounds survey and plat and is determined to be equivalent to a plat dedicated or deeded as a street by virtue of at least twenty-one years usage for street purposes by the general public which determination may be made by Council by resolution or by a court of competent jurisdiction. Council has sole discretion as to whether it desires to make any such determination.
 - (4) Been expressly permitted by Council to remain privately owned while open to general public use for highway purposes prior to the enactment of this section as well as such land hereafter remaining privately owned by virtue of the application of express provisions of law.
- ~~(o)~~(o) **"Section"** means any area of land specifically so designated by a developer on a final plat.
- ~~(p)~~(p) **"Street classification"**:
 - (1) **"Cul-de-sac"** means a local street with one end open to traffic and the other end terminating in a vehicular turn-around.
 - (2) **"Local street"** means a street primarily for providing access to individual properties and should be designed to discourage through traffic movements.
 - (3) **"Collector street"** means thoroughfares which provide for distribution of traffic between major and local streets and abutting properties, including the principal entrance and circulation routes within residential subdivisions.
 - (4) **"Major street"** means thoroughfares which provide a network for through traffic flow, by connecting centers of traffic generation and important rural highways entering the urban area. Service to abutting properties should be subordinated to provide for carrying large volumes of through traffic. (See subsection (i) hereof.)
- ~~(q)~~(q) **"Subdividers."** (See "developers", subsection (a) hereof.)
- ~~(r)~~(r) **"Subdivision."** A subdivision of land is produced by the division of land into three or more lots, sites or parcels. (Ord. 1424. Passed 4-19-77.)
 - A. The division of any parcel of land shown as a unit or as continuous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
 - B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
- ~~(s)~~(s) **"Wetland"** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally

include swamps, marshes, bogs, and similar areas. One or more indicators of wetland vegetation, hydric soil, **or** wetland hydrology must be present for an area to be a wetland (*U.S. Army Corps. Engineers*).

~~(e)~~(t) A lot split is any division of land into less than three lots, sites, tracts or parcels.

~~(p)~~(u) A lot consolidation is the joining together of two or more lots, sites, tracts or parcels into one or more lots.

~~(e)~~(v) For other definitions, see Chapter 1159. (Ord. 2900. Passed 2-21-06.)

1101.08 MINOR RESUBDIVISIONS, LOT SPLITS AND LOT CONSOLIDATION.

(a) Procedure: The Planning Commission, acting as the Platting Commission, shall grant or deny, **minor resubdivision(s)**, lot split(s) or lot consolidation(s) in the following manner:

- (1) The Zoning Administrator and Chair of the Planning Commission shall, acting for the Planning Commission; mutually approve the **minor resubdivision**, lot split **or consolidation** if the proposed division **or combination** of ~~a parcel~~ of land meets all of the following conditions:
 - A. The proposed **minor resubdivision**, lot split **or consolidation** is located along an existing public street and involves no opening, widening or extension of any street or road, and in the case of residential lots, does not involve the creation of any easement for access.
 - B. The proposed **minor resubdivision**, lot split **or consolidation** meets the dimensional requirement of the underlying district or a minimum of 3,000 square feet of lot size if the underlying district does not have minimum lot size requirements.
 - C. The physical characteristics of the property are suitable for building sites.
 - D. There is no division or allocation of land for parks and open spaces as required by these regulations.
 - E. New lots to be created which are five acres or larger in size and located along an existing public road are exempt from this chapter.
 - F. **The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites are exempt from this chapter.**
- (2) If, in the opinion of the Zoning Administrator or the Chair of the Planning Commission, the proposed **minor resubdivision**, lot split **or consolidation** does not meet the above conditions, the request shall be referred to the Planning Commission for decision. The Planning Commission, by majority vote, shall grant a **minor resubdivision**, lot split **or consolidation** if they find all of the conditions of subsection (a)(1) above have been substantially met and provided.
- (3) All lots occupied by portions of an existing main building may be administratively consolidated into one lot by the Zoning Administrator and the Chair of the Planning Commission acting together for the Planning Commission, provided the proposed request meets all applicable subdivision and zoning regulations.
- (4) The Planning Commission may require, as a condition for approval of a **minor resubdivision**, lot split **or consolidation**, the dedication of a street right-of-way in conformance with the requirements of these regulations or the Official Thoroughfare Plan.

(b) Application for approval of a **minor resubdivision**, lot split **or consolidation** shall include the following:

- (1) A survey drawn by a registered professional surveyor; and
- (2) Deeds for the proposed **minor resubdivision**, lot split **or consolidation** with a legal description.
- (3) Name of the subdivider, location by section, range and township or by other survey number, date, north point, scale and acreage to hundredths of an acre;
- (4) Abutting streets; and
- (5) Exact location shall be shown for all buildings, septic tanks, wells or similar features with respect to existing or proposed lot lines or right-of-way lines

- (6) The record name, address and legal description of all adjoining parcels of land.
- (7) The name, registry number and signature of the licensed surveyor who prepared the plat.
- (8) Other information as deemed necessary by staff in order to create building sites and promote the public health, safety and welfare.
- (9) Application fee as determined by the City Council.
- (10) Notification will be sent to direct abutters within two business days of the application filing. This notification will include comment forms. (Ord. 2900. Passed 2-21-06.)
- (11) **Any other relevant information as determined by the Zoning Administrator**

1101.09 REPLATS

(a) The requirements and procedures to be followed for modifying an existing recorded subdivision plat shall be the same as those specified for final plats, with the exception of the transfer of property within a recorded subdivision may be submitted as a minor subdivision if it does not involve the creation of any subdivision lot as a separate building site.

1101.09 10 VARIATIONS AND EXCEPTIONS.

1101.10 11 ENFORCEMENT.

1101.11 12 CHANGES AND AMENDMENTS.

1101.12 13 VALIDITY AND SEPARABILITY.

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

MAYOR

ADOPTED: _____, 2009

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	April 21, 2009
<u>Case Number</u>	PC-04-2009
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Text Amendment
<u>Summary of Request</u>	Text Amendment to Chapter 1101 Subdivision Regulations, Section 1101.08 Lot Splits and Lot Consolidation, to include provisions regarding replats of approved subdivisions.
<u>Public Hearing Information</u>	At the April 14, 2009 Planning Commission meeting, a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on March 13, 2009.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 to recommend City Council approval.
<u>Commission Findings and Conclusions</u>	The Planning Commission approved language changes made to Chapter 1101 Subdivision Regulations, Section 1101.08 Lot Splits and Lot Consolidation.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report dated March 23, 2009. 2. Chapter 1101 Language. 3. Zoning Code Text Amendment Application dated February 27, 2009. 4. Agency Reports.

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-04-2009

Date – April 14, 2009

APPLICATION

Applicant: City of Oxford
Action Request: Text Amendment to Chapter 1101 Subdivision Regulations, Section 1101.08
Lot Splits and Lot Consolidation, to include provisions regarding replats of approved subdivisions, **City of Oxford, Applicant**

GENERAL DESCRIPTION

Current Subdivision Regulations provide for lot splits and consolidations, to properties not recorded under a formal subdivision, to be Administratively reviewed if there are three new lots or less. However, lots that have been recorded under a Subdivision and wish to split or consolidate must go through the Final Subdivision process (before the Planning Commission and City Council) to get approval. The request before the Commission is to clarify the language of the code to permit properties that are in a recorded subdivision to undergo the same administrative review process for splits and consolidations that do not create additional buildable lots.

STAFF ANALYSIS

The City of Oxford is unique in that there is property, primarily in the Mile Square, that can be split and consolidated without approval by the legislative authority (City Council), so long as there are less than three new lots created. Modifications to properties outside of the Mile Square, primarily, that were created as a result of undergoing a formal subdivision review process and are recorded as an official subdivision, require approval by the legislative authority to be resubdivided.

Modification or alteration to the plat or drawing of a recorded subdivision that has gone through the formal preliminary and final review process is referred to as a "Resubdivision". The method of splitting or consolidating a lot, within a recorded subdivision, provided there are less than 3 new lots created is known as a "Minor Subdivision". This term and its method are no different from a traditional lot split or consolidation, but is solely terminology used to describe the modification to a tract of land within a recorded subdivision.

Ohio Revised Code Chapter 711 does not stipulate that Minor Subdivisions require approval by the legislative authority. The City's subdivision regulations are unclear about whether Minor Subdivisions have to be reviewed by City Council. However, the Oxford Subdivision Regulations stipulates that City Council will consider recommendations from the Planning Commission concerning subdivision requests. It would be logical to assume that any Minor Subdivision would be reviewed by City Council. Therefore, staff has been facilitating Minor Subdivisions as a Final Subdivision application, thus requiring property owners to go through a lengthy review process and substantially high application fees. The proposed language would permit minor subdivisions, or lot splits and consolidations to properties that are part of a recorded subdivision, to be reviewed and processed administratively.

Examples of recent applications that could have undergone an administrative review with this proposed language includes:

- PC-21-2007, Miami Trail in the Northridge Subdivision where two property owners wished to purchase the lot between them; split it equally and re-consolidate with their own property.

- PC-26-2008, McKee in the Juniper Hill Subdivision where one property owner transferred a sliver, or non-buildable portion, of property to the neighboring property owner.

Another example could include a property owner who wishes to purchase an adjoining vacant lot and consolidate with their lot. In the event that a property owner wishes to split a large platted lot into another buildable lot would require a "replat". A replat is defined as a new recording of a previously recorded subdivision. The addition of a lot requires approval from the legislative authority primarily because the intent of what was originally approved and recorded has been increased and usually involves reviews regarding stormwater, sewer, water and accessibility.

If the Planning Commission and City Council approve these amendments, Staff would still be required to have the Planning Commission Chair sign-off and review an application for a Minor Subdivision. No new streets, easements or extensions of utilities would be permitted without the full Planning Commission or City Council review and all underlying zoning requirements would have to be satisfied. Overall, this text modification can help implement these provisions when it comes to platted land and help to streamline the process for the average property owner. Any more than 3 lots would require a full subdivision review with Preliminary and Final Subdivision applications.

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:

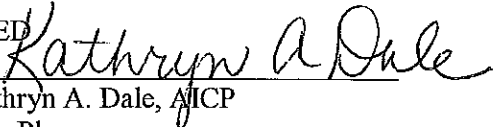
- a. Make the Code conform more closely to the Comprehensive Plan.
- b. Improve the public health, safety, and general welfare of Oxford.
- c. Clarify the intent of the Code.
- d. Better implement the intent of the Code.
- e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable.

SUBMITTED

BY:

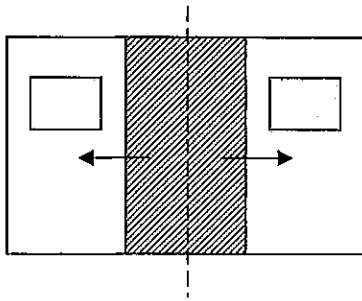

Kathryn A. Dale, AICP
City Planner

DATE: March 23, 2009

Proposed amendments would allow Options 1, 2, & 3 to be reviewed administratively by the Zoning Administrator and Planning Commission Chair. Currently these options are applied administratively to property that is not part of a recorded, formal subdivision.

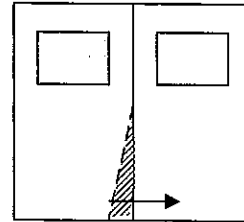
Option 4 is currently applied administratively to non-subdivision lots. This option is considered to be a replat and would require a final subdivision application and full review by the Planning Commission and City Council for approval.

Option 1



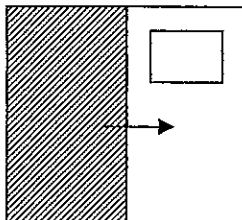
Split and Re-consolidate

Option 2



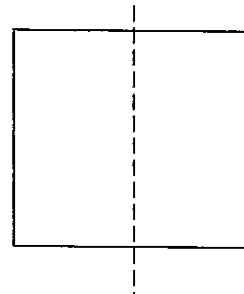
Transfer of land between owners

Option 3



Consolidate lots

Option 4



Split large lot into 2 new lots ("Replat")

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/12/ 2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-04-2009

Description:

PC-04-2009 **TEXT AMENDMENT**, Chapter 1101 Subdivision Regulations, Section 1101.08 Lot Splits and Lot Consolidation, to include provisions regarding replats of approved subdivisions, **City of Oxford, Applicant**

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/25/2009** 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: A. Popescu 3-12-09

given to Eng 3/12/09
let

Drawings reviewed by: _____

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/12/ 2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-04-2009

Description:

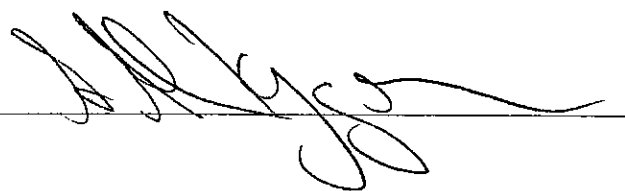
PC-04-2009 **TEXT AMENDMENT**, Chapter 1101 Subdivision Regulations, Section 1101.08 Lot Splits and Lot Consolidation, to include provisions regarding replats of approved subdivisions, **City of Oxford, Applicant**

_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/25/2009** 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: 

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 Street
Oxford, OH 45056

Telephone Number(s)

524-5204

• Include replat provisions

1101 Subdivision Regs
1101.08 Lot Split
Consolidation

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: _____

Date: 2/27/09

PRINTED NAME: Jung-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: NA

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 05/04/09

Joe Newlin
Prepared By

Account Code No. #: see below

Budgeted Amount: _____

04/28/09
Date Prepared

Agenda Title: 2009 SUPPLEMENTAL BUDGET #5

Recommendation: Approve

Discussion:

Supplements to the 2009 Budget

General Fund Settlements

14,424.00

From fund balance

Appropriation needed to make settlement for Merry Day Park. In 1997 City of Oxford entered into an agreement to purchase approximately 4.687 acres of land. Through a series of events the transfer never took place and the Day's made property tax payments through the 2008 tax year. After the deed is filed and recorded, the City of Oxford will pay the settlement to the Day's.

Approved By:

Department Head:
City Manager:

Initial Date

[Signature] 4/28
[Signature] 5/6/09

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3033. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 5 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;

SECTION 2: The following increase/(decrease)in appropriations from unencumbered balances be made:

GENERAL FUND 110	14,424.00
------------------	-----------

SECTION 3: In all other respects, Ordinance No. 3033 shall remain in full force and effect.

SECTION 4: 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

Account Code No. #: N/A

Prepared By

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:

Department Head:

City Attorney:

City Manager:

Initial Date

dlh 4/16/09

[Signature] 4/17/09

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: 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:

Department Head:
City Manager:

Initial Date
4/1/09
1

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:

<i>POSITION TITLE</i>	<i>AUTHORIZATION</i>		
	<u><i>TYPE</i></u>	<u><i># OF EMPLOYEES</i></u>	<u><i>PAY BAND</i></u>
<i>OFFICE OF THE CITY MANAGER</i>			
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
<i>ECONOMIC DEVELOPMENT DEPARTMENT</i>			
Economic Development Director	(NC)	(1)	7
<i>FINANCE DEPARTMENT</i>			
Finance Director	(NC)	(1)	By Contract
Accounting Manager	(C)	(1)	6
Assistant Finance Director			
Utility Billing and Collections Supervisor	(C)	(±) 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)	(±) 2	4
Accounting Assistant	(C)	(±) 0	2
<i>LAW DEPARTMENT</i>			
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	(C)	(1)	3 4
Street Operations Specialist			
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):

<i>POSITION TITLE</i>	<i>AUTHORIZATION</i>	
	<i># OF</i>	<i>PAY</i>
	<i><u>EMPLOYEES</u></i>	<i><u>RATE</u></i>
<i>ADMINISTRATION</i>		
Receptionist	1	\$14.00/hr
<i>FINANCE DEPARTMENT</i>		
Accounting Assistant	1 2	\$14.00/hr
<i>PARKS & RECREATION DEPARTMENT</i>		
Park/Recreation Technician	5	\$11.00/hour
Program/Facility Coordinator	3	\$14.00/hour
<i>SERVICE DEPARTMENT</i>		
Laborers	4	\$12.00/hour
Streets & Maintenance Division		
Wastewater Collection		
Water Plant Operators	2	\$20.2528/hour
<i>SAFETY DEPARTMENT - FIRE DIVISION</i>		
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
<i>SAFETY DEPARTMENT - POLICE DIVISION</i>		
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		
<i>CITY-WIDE</i>		
Intern/Temporary Part-time		\$14.00/hour

CITY OF OXFORD, OHIO

ORDINANCE NO. _____

**AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT
TO EXCEED \$2,600,000 PARK IMPROVEMENT REFUNDING
BONDS**

WHEREAS, the City of Oxford (the "City") previously issued \$3,915,000 Park Improvement Bonds, dated October 1, 1999 (the "Original Bonds") for the purpose of constructing and acquiring recreational facilities and park improvements, together with all necessary appurtenances thereto (the "Project"); and

WHEREAS, the fiscal officer of the City has heretofore estimated that the life of the Project is at least five (5) years, and certified that the maximum maturity of bonds to be issued is at least ten (10) years, and

WHEREAS, \$2,635,000 principal amount of said Original Bonds remain outstanding; and

WHEREAS, it is in the best interest of the City to advance refund all of those Original Bonds currently outstanding (except for \$180,000 maturing December 1, 2009) in a principal amount not to exceed \$2,600,000 pursuant to and as permitted by Section 133.34 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oxford, Ohio (herein, called the "Council"):

SECTION 1. That it is necessary to issue bonds of the City (the "Bonds") in a principal amount of not to exceed \$2,600,000 consisting of Current Interest Bonds as to which interest is payable on each Interest Payment Date (as defined herein) (the "Current Interest Bonds") and Capital Appreciation Bonds as to which interest is (a) compounded semiannually on the dates (each an "Interest Accretion Date") established as such in the bond purchase agreement for the proposed bonds (the "Bond Purchase Agreement") and (b) payable only at maturity (the "Capital Appreciation Bonds") in such respective principal amounts as shall be set forth in the Bond Purchase Agreement for the purpose of refunding bonds originally issued for the purpose of constructing and acquiring recreational facilities and park improvements, together with all necessary appurtenances thereto, including costs related to the refunding of the Original Bonds.

SECTION 2. That the Bonds shall be issued in such principal amount for the purpose aforesaid. The Current Interest Bonds shall be dated as stated in the Bond Purchase Agreement which the Finance Director is hereby authorized to sign, numbered from R-1 upwards in order of issuance, of the denominations of \$5,000 or any integral multiple thereof. The Capital Appreciation Bonds shall be dated the date of closing of the Bonds, shall be in the aggregate principal amount as set forth in the Bond Purchase Agreement and shall be numbered from CAB-1 upwards in order of issuance, of the denominations equal to the principal amounts that,

when interest is accrued and compounded thereon from their respective dates on each Interest Accretion Date, will equal a \$5,000 Maturity Amount (which means, with respect to a Capital Appreciation Bond, the principal and interest due and payable at the stated maturity of this Capital Appreciation Bond) and any integral multiples thereof. Each Bond shall be of a single maturity, and shall bear interest at rates per annum indicated in the Bond Purchase Agreement. Interest shall be payable on the Current Interest Bonds on June 1 and December 1, commencing December 1, 2009 or as otherwise set forth in the Bond Purchase Agreement and semiannually thereafter on the first day of June and the first day of December of each year (the "Interest Payment Date"), until the principal sum is paid. The Bonds shall mature on December 1 in each year and in such amounts as designated in the Bond Purchase Agreement. It is determined by the Council that the issuance of the Bonds in one lot as provided herein is necessary and will be in the best interest of the Council. The last maturity of the Bonds shall not be later than the year of last maturity permitted by law for the Original Bonds

The total interest on each Capital Appreciation Bond as of any date shall be an amount equal to the difference between the Compound Accreted Amount of such Capital Appreciation Bond as of such date and the principal amount of such Capital Appreciation Bond. "Compound Accreted Amount" means with respect to any Capital Appreciation Bond, the principal amount thereof plus interest accrued and compounded on each Interest Accretion Date to the date of maturity or other date of determination, as set forth in the Exhibit to the Bond Purchase Agreement as of any Interest Accretion Date of the respective Capital Appreciation Bonds, and as determined in accordance with this section as of any other date.

The Compound Accreted Amount of the Capital Appreciation Bonds of each maturity as of each Interest Accretion Date shall be set forth in the Exhibit to the Bond Purchase Agreement. The Compound Accreted Amount of any Capital Appreciation Bond for each maturity as of any other date shall be (a) the Compound Accreted Amount for such Capital Appreciation Bond on the immediately preceding Interest Accretion Date plus (b) the product of (i) the difference between (A) the Compound Accreted Amount of that Capital Appreciation Bond on the immediately preceding Interest Accretion Date and (B) the Compound Accreted Amount of that Capital Appreciation Bond on the immediately succeeding Interest Accretion Date, times (ii) the ratio of (C) the number of days from the immediately preceding Interest Accretion Date to (but not including) the date of determination (determined on the basis of a 360-day year comprised of twelve 30-day months) to (D) the number of days from that immediately preceding Interest Accretion Date to (but not including) the immediately succeeding Interest Accretion Date (determined on the basis of a 360-day year comprised of twelve 30-day months); provided, however, that in determining the Compound Accreted Amount of a Capital Appreciation Bond as of a date prior to the first Interest Accretion Date, the closing date of the Bonds shall be deemed to be immediately preceding the Interest Accretion Date and the original principal amount of that Capital Appreciation Bond shall be deemed to be the Compound Accreted Amount on the closing date of the Bond issue.

SECTION 3. That for purposes of this Resolution, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only

through a book entry, and (ii) physical bond certificates in fully registered form are issued only to the Depository or its nominee as registered owner, with the Bonds "immobilized" to the custody of the Depository, and the book entry maintained by others than this City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds shall be initially issued only to a securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds, and to effect transfers of beneficial interests in Bonds, and includes and means initially The Depository Trust Company (a limited purpose trust company) New York, New York ("Depository") for use in a form or system under which the physical Bond certificates in fully registered form are issued only to a Depository or its nominee as registered owner, with the certificated Bonds held and "immobilized" in the custody of the Depository, and the book entry system, maintained by and the responsibility of the Depository and not maintained by or the responsibility of the Council, is the record that identifies, and records the transfers of the beneficial interests of the owners of the Bonds (the "Book Entry System" or "Book Entry Form" and: (i) those Bonds shall be registered in the name of the Depository or its nominee as registered owner, and immobilized in the custody of the Depository; and (ii) those Bonds shall be transferable or exchangeable in accordance with this ordinance, provided that so long as a Book Entry System is used for the Bonds, the Bonds may only be transferred to another Depository or to another nominee of a Depository without further action by the Council pursuant to this section. The Council may, and may require the paying agent and registrar as identified in the Bond Purchase Agreement, including by an exhibit thereto (the "Paying Agent and Registrar") to transfer the Bonds from one Depository to another Depository at any time.

Notwithstanding any other provision of this ordinance or any Bond to the contrary, with the approval of the Council, the Paying Agent and Registrar may enter into an agreement with a Depository, or the nominee of a Depository, that is the registered owner of a Bond in the custody of that Depository providing for making all payments to that registered owner of principal of and interest and any premium on that Bond or any portion of that Bond (other than any payment of its entire unpaid principal amount) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this ordinance, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and the Council. That payment in any event shall be made to the person who is the registered owner of that Bond on the date that principal and premium is due, or, with respect to the payment of interest, as of the applicable Interest Payment Date or other date agreed upon, as the case may be. The Paying Agent and Registrar will furnish a copy of each of those agreements, certified to be

correct by an officer of the Paying Agent and Registrar to the Council. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this ordinance.

If any Depository determines not to continue to act as a Depository for the Bonds in a Book Entry System, the Council may attempt to have established a securities depository/Book Entry System relationship with another qualified Depository under this ordinance. If the Council does not or is unable to do so, the Council and the Paying Agent and Registrar, after the Paying Agent and Registrar has made provision for notification of the beneficial owners by appropriate notice to the then Depository, shall permit withdrawal of the Bonds from the Depository, and authenticate and deliver Bond certificates in fully registered form, in denominations of \$5,000 or integral multiples thereof, to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing or otherwise preparing, and delivering, replacement Bonds) of those persons requesting that authentication and delivery, unless Council action or inaction shall have been the cause of the termination of the Book Entry System, in which event such cost and expense shall be borne by the Council.

SECTION 4. That the Current Interest Bonds maturing on December 1, in the years, if any, designated in the Bond Purchase Agreement, may be subject to mandatory sinking fund redemption at a redemption price of 100% of the principal amount to be redeemed plus accrued interest to the date of redemption on December 1 in the years and in the respective principal amounts as set forth in the Bond Purchase Agreement.

SECTION 5. That the Bonds shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this ordinance. The Bonds shall be in fully registered form and shall bear the signatures of the City Manager and Finance Director, provided that either or both of such signatures may be facsimile signatures, and shall bear the manual authenticating signature of an authorized officer of the Paying Agent and Registrar for the Bonds. The principal amount of each Current Interest Bond shall be payable at the principal office of the Paying Agent and Registrar and interest thereon shall be mailed on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively) on the Bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The Bonds shall be designated "Park Improvement Refunding Bonds."

The Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The Council and the Paying Agent and Registrar shall not be required to transfer any Bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying agent and Registrar. Upon such transfer, a new Bond of Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The Council and the Paying Agent and Registrar may deem and treat the registered holders of the Bonds as the absolute owners thereof for all purposes, and neither the Council nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

The Finance Director may execute the letter of representations with the Depository and the Paying Agent and Registrar Agreement in connection with the issuance of the Bonds.

SECTION 6. That the Bonds shall be sold in the aggregate to RBC Capital Markets, Cincinnati, Ohio, (the "Underwriter") at not less than ninety-seven percent (97%) of their principal amount and accrued interest, in accordance with the Bond Purchase Agreement to be executed by the Finance Director, and the proceeds from such sale, except any premium or accrued interest thereon, shall be used for the purpose aforesaid and for no other purpose, which shall include payment of the outstanding principal amount of and any redemption premium on the Original Bonds and any expenses relating to the refunding of the Original Bonds or the issuance of the Bonds, and for which purpose said proceeds are hereby appropriated. Any premium and accrued interest shall be transferred to the bond retirement fund to be applied to the payment of principal and interest of the Bonds in the manner provided by law.

SECTION 7. That there is hereby created an Escrow Fund (the "Escrow Fund") to be held by the bank designated as Escrow Trustee (the "Escrow Trustee") pursuant to an Escrow Agreement (the "Escrow Agreement") signed by the Finance Director or City Manager and by the Escrow Trustee. The Finance Director or City Manager is hereby authorized to execute and deliver the Escrow Agreement with the Escrow Trustee for the refunding defeasance of a portion of the Original Bonds in such form as the Finance Director or City Manager may approve, the execution thereof by the Finance Director or City Manager to be conclusive of such authorization and approval. Proceeds of the Bonds in the amount determined necessary shall be deposited in the Escrow Fund and invested in direct obligations of, or obligations guaranteed as to payment by, the United States to retire the Original Bonds pursuant to the terms of the Escrow Agreement. An independent public accounting firm or nationally recognized bond counsel shall be retained as verification agent to determine the sufficiency of the Escrow Fund deposit and interest earnings thereon for the payment of debt charges on the Original Bonds be refunded.

SECTION 8. That the Bonds shall be the full general obligations of the City and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. Any excess fund resulting from the issuance of the Bonds, shall to the extent necessary be used only for the retirement of the Bonds at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 9. That during the period which the Bonds run, there shall be levied upon all of the taxable property in the City, in addition to all other taxes, a direct tax annually within the limitations of Section 2 of Article XII of the Constitution of Ohio, in an amount sufficient to pay the principal of and interest on the Bonds when and as the same fall due. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years and certified, extended or collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which, together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest on and the principal of the Bonds when and as the same shall fall due; provided, that in each year to the extent that revenues from other sources (the anticipated repayment revenues), are available for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

SECTION 10. That this Council hereby covenants that it will restrict the use of the proceeds of the Bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to Federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder, and will, to the extent possible, comply with all other applicable provisions of the Code and the regulations thereunder in order to retain the Federal income tax exemption for interest on the Bonds. The Finance Director or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the Council on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of the Code and the regulations thereunder.

The Bonds are hereby deemed designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3)(B) of the Code.

SECTION 11. That the Clerk of Council is hereby directed to forward a certified copy of this ordinance to the Butler County Auditor.

SECTION 12. That a summary of this Ordinance shall be prepared by the Clerk of Council, approved by the Law Director and published on adoption, in a newspaper of general circulation in the City.

SECTION 13. That the City Manager and the Finance Director are each hereby authorized to execute and deliver an agreement with the Paying Agent and Registrar for its services as paying agent, registrar and transfer agent for the Bonds in such form as such officer may approve, the execution thereof by such officer to be conclusive evidence of such authorization and approval.

SECTION 14. That it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this ordinance were taken in open meetings of this City Council, and that all deliberations of this City Council and of any of its committees that resulted in such formal action, were taken in meetings open to the public, in compliance with the law.

SECTION 15. That the Finance Director and the City Manager are each hereby separately authorized, alone or with others, on behalf of the Council to prepare and distribute to prospective purchasers of the Bonds and other interested parties, a preliminary official statement with respect to the Bonds on behalf of the City, which shall be in such form as such officials may approve, and which shall be deemed final for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1) except for certain information excluded therefrom in accordance with such Rule. Such officers are hereby authorized to prepare, execute and deliver a final official statement with respect to the Bonds on behalf of the City, which shall be in such form as the officials signing the same may approve, and which shall be deemed to be final for purposes of Securities and Exchange Commission Rule 15c2-12(b)(3), their execution thereof on behalf of the City to be conclusive evidence of such authorization and approval, and copies thereof are hereby authorized to be prepared and furnished to the purchaser of the Bonds for distribution to prospective purchasers of the Bonds and other interested persons.

SECTION 16. That this Council hereby authorizes the Finance Director to take all steps necessary to obtain one or more municipal bond ratings and, if deemed advisable, a policy of municipal bond insurance for the Bonds. The Council hereby agrees to and shall be bound by all terms and conditions of said policy (and the commitment issued therefore) if purchased by the City.

SECTION 17. That this Council hereby covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Bonds (the "Continuing Disclosure Certificate") in connection with the issuance of the Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Bonds; however, any holder of the Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this Council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 18. That it is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make the same legal, valid and binding obligations of this City have happened, been done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said Bonds.

SECTION 19. That this ordinance, to provide for the timely refunding of the Original Bonds described herein, shall take effect thirty (30) days after passage.

PASSED this ____ day of May, 2009.

Mayor

Attest:

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. _____.

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing Ordinance was certified this day to the Butler County Auditor.

Clerk of Council

Dated: May ___, 2009

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing Ordinance.

Butler County Auditor

Dated: May ___, 2009

111420

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Oxford, Ohio, met in _____ session at _____ p.m. on the 5th day of May, 2009, at _____, Oxford, Ohio with the following members present:

There was presented and read to Council by title only Ordinance No. _____ entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT
TO EXCEED \$2,600,000 PARK IMPROVEMENT REFUNDING
BONDS

The Council of the City of Oxford, Ohio, met in _____ session at _____ p.m. on the 19th day of May, 2009, at _____, Oxford, Ohio with the following members present:

There was presented and read to Council by title only Ordinance No. _____ entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT
TO EXCEED \$2,600,000 PARK IMPROVEMENT REFUNDING
BONDS

_____ then moved that Ordinance No. _____ be passed.
_____ seconded the motion and, the roll being called upon the question,
the vote resulted as follows:

AYES:

NAYS:

The Ordinance was declared passed May 19, 2009.

CERTIFICATE

The undersigned, clerk of Council, hereby certifies that the foregoing is a true and correct extract from the minutes of meetings of the Council of said city, held on the 5th day of May, 2009, and the 19th day of May, 2009, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

CERTIFICATE OF MEMBERSHIP

The undersigned, Finance Director of the City of Oxford, County of Butler, Ohio, hereby certifies that the following were the officers and members of City Council during the period proceedings were taken authorizing the issuance of not to exceed \$2,600,000 Park Improvement Refunding Bonds:

(Please Type Name Here)

Mayor	_____
Finance Director	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Director of Law	_____
Clerk	_____

Finance Director

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

Based upon information provided by the Council of the City of Oxford, Ohio (herein the "Municipality"), County of Butler, Ohio, the Finance Director, being the fiscal officer of the Municipality within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the improvements that were acquired with the proceeds of the sale of \$3,915,000 Park Improvement Bonds previously issued to construct and acquire recreational facilities and park improvements which are being refunded with the sale of not to exceed \$2,600,000 Park Improvement Refunding Bonds is at least five (5) years and the maximum maturity of said previously issued bonds, calculated in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is not less than ten (10) years.

IN WITNESS WHEREOF, I have hereunto set my hand, this ____ day of May, 2009.

Finance Director

CERTIFICATE OF MEMBERSHIP

The undersigned, Finance Director of the City of Oxford, County of Butler, Ohio, hereby certifies that the following were the officers and members of City Council during the period proceedings were taken authorizing the issuance of not to exceed \$2,600,000 Park Improvement Refunding Bonds:

(Please Type Name Here)

Mayor	_____
Finance Director	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Director of Law	_____
Clerk	_____

Finance Director

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

Based upon information provided by the Council of the City of Oxford, Ohio (herein the "Municipality"), County of Butler, Ohio, the Finance Director, being the fiscal officer of the Municipality within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the improvements that were acquired with the proceeds of the sale of \$3,915,000 Park Improvement Bonds previously issued to construct and acquire recreational facilities and park improvements which are being refunded with the sale of not to exceed \$2,600,000 Park Improvement Refunding Bonds is at least five (5) years and the maximum maturity of said previously issued bonds, calculated in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is not less than ten (10) years.

IN WITNESS WHEREOF, I have hereunto set my hand, this ____ day of May, 2009.

Finance Director

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: May 5, 2009

Account Code #: 141.720.51443

Budgeted Amount: \$1,700,000

Service Department

Originating Department

Michael Dreisbach

Prepared By

April 28, 2009

Date Prepared

Agenda Title: Settlement of Right of Way Acquisition Case – Elizabeth M. Adler, Trustee

Recommendation: Approve

Discussion:

The Ohio Department of Transportation required the City to acquire all necessary right of way for improvements to US 27 North from Locust St. to Melanee Lane / Merry Day Drive. The City settled the majority of properties, but was forced to acquire some properties through the appropriation process.

Parcel No. 17, 10 N. Locust Street, owned by Elizabeth M. Adler, Trustee, is a property in which the City and owner have agreed to an appropriate value for the necessary right of way and easements, and this case may now be settled with the approval of Council. The settlement hinges upon Council approval of Parcel No. 17 as described in the Agreed Joint Entry.

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

Parcel No. 17	\$ 41,908.00
---------------	--------------

The Agreed Joint Entry describes in detail all aspects of the settlement including payments to resolve this matter without additional litigation. This settlement resolves the final case for Phase II of the US27 North improvement project. Funds have been encumbered and are available to settle this matter (EC 080004). It is Staff's recommendation that Council authorize the City Manager to settle this case and deposit the required additional funds with the Butler County Clerk of Courts as described in the Agreed Joint Entry.

Approved By:

Department Head:

City Manager:

Initial Date
MD \ 4/28/09

[Signature] \ 5/1/09

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO SETTLE BUTLER COUNTY COMMON PLEAS CASE NO. 2006-01-0134, AND TO DEPOSIT ADDITIONAL FUNDS IN THE AMOUNT OF \$ _____ WITH THE BUTLER COUNTY CLERK OF COURTS IN CONNECTION WITH THAT SETTLEMENT.

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

SECTION 1: Council previously authorized the City Manager and Law Director to enter into settlement negotiations regarding *City of Oxford vs. Elizabeth M. Adler Trustee, et al*, Butler County Case No. CV 2006-01-0134.

SECTION 2: The City Manager and Law Director have reviewed the terms of the settlement reached through mediation conducted on April 23, 2009 with counsel for Elizabeth M. Adler, Trustee, and recommend Council accept that offer and authorize the deposit of additional funds in the amount of \$ _____ with the Butler County Clerk of Courts.

SECTION 3: Council has determined that this settlement between Elizabeth M. Alder, Trustee, and the City of Oxford will further the U.S. 27 Roadway Improvement project in an efficient manner and will benefit the citizens of the City of Oxford, and hereby accepts the recommendations of the City Manager and Law Director.

SECTION 4: Council hereby authorizes the City Manager to accept the pending offer of settlement on behalf of the City of Oxford and authorizes the City Manager to enter into a settlement agreement, which shall be acceptable to the Law Director, on behalf of the City of Oxford and to carry out all steps necessary to process the settlement agreement and the Law Director to take all steps necessary to implement the settlement of the aforementioned cases.

SECTION 5: Upon final execution of a settlement agreement as set forth herein, Council further authorizes the deposit of additional funds with the butler County Clerk of Courts in the amount of \$ _____, bringing the total settlement with Elizabeth M. Adler, Trustee, to the sum of \$ _____.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: May 5, 2009

Jung-Han Chen

Account Code No. #: N/A

Prepared By

Budgeted Amount:

April 30, 2009
Date Prepared

Agenda Title:	Resolution Acknowledging Receipt and Service of the Annexation Petition from The Board of Education of the Talawanda City School District for 154.487 Acres of Land, located off Millville Oxford Road, in the Township of Oxford, Ohio; Consenting to said Annexation; And Adopting a Statement of the Services the City of Oxford Will Provide to the Proposed Property to be Annexed to the City of Oxford, Pursuant to a Petition filed with the Board of Commissioners of Butler County, Ohio by Gary T. Stedronsky, Agent for Petitioners.
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Recommendation:	Approval
------------------------	-----------------

Discussion:

This legislation is to accept the petition filed by the Talawanda School District for the subject property to be annexed into the City. The School District is to build a new high school at this location after it is annexed into the city and will receive comprehensive municipal services.

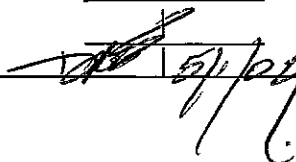
This matter has been discussed several times during City Council work sessions and has been ranked as one of the priorities for Staff to work on closely with TSD to move this project forward.

Attached is the Statement of Services in conformance with the Ohio Revised Code.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date
JHC | 4-30-09



RESOLUTION NO.

A RESOLUTION ACKNOWLEDGING RECEIPT AND SERVICE OF THE ANNEXATION PETITION FROM THE BOARD OF EDUCATION OF THE TALAWANDA CITY SCHOOL DISTRICT FOR 154.487 ACRES OF LAND LOCATED OFF MILLVILLE OXFORD ROAD, IN THE TOWNSHIP OF OXFORD, OHIO; CONSENTING TO SAID ANNEXATION; AND ADOPTING A STATEMENT OF THE SERVICES THE CITY OF OXFORD WILL PROVIDE TO THE PROPOSED TERRITORY TO BE ANNEXED TO THE CITY OF OXFORD, PURSUANT TO A PETITION FILED WITH THE BOARD OF COMMISSIONERS OF BUTLER COUNTY, OHIO, BY GARY T. STEDRONSKY, AGENT FOR PETITIONERS.

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

SECTION 1: Council, having been served and having received the notification of a petition for annexation filed by Gary T. Stedronsky as agent for the petitioner Board of Education of the Talawanda City School District (hereinafter referred to as "Talawanda School District") for 154.487 acres of land located off Millville Oxford Rd. (also known as U.S. 27), in the Township of Oxford, Ohio, hereby agrees and consents to such annexation as stated in such petition.

SECTION 2: Pursuant to and in compliance with Ohio Revised Code Section 709.023 (D), Council hereby consents to the annexation as stated in the petition filed by Gary T. Stedronsky as agent for the Petitioner Talawanda School District 154.487 acres of land located off Millville Oxford Rd. (also known as U.S. 27), in the Township of Oxford, Ohio.

SECTION 3: The Ohio Revised Code, Section 709.023 (C) provides that if, at the time a petition for annexation is filed, the territory proposed for annexation is subject to county or township zoning regulations, the legislative authority of the municipal corporation shall adopt an ordinance or resolution regarding incompatible permitted uses.

SECTION 4: Pursuant to Ohio Revised Code, Section 709.023 (C) and in accordance with Section 3 herein, should City of Oxford Zoning Regulations permit uses in the annexed territory that the City of Oxford determines are clearly incompatible with the uses permitted under current county or township zoning regulations applicable to the adjacent land remaining within Oxford Township, Council for the City of Oxford will require, in the zoning ordinance permitting the incompatible uses, Talawanda School District to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Oxford Township. For the purposes of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements; streets and street rights-of-way; and bicycle and pedestrian paths and sidewalks.

SECTION 5: The Ohio Revised Code, Section 709.023 (C) provides that the legislative authority of a municipal corporation shall adopt an ordinance or resolution indicating what services a municipal corporation will provide to the territory to be annexed to the municipal corporation upon receiving notice of the petition for annexation and a hearing date before the Board of Commissioners of Butler County, Ohio.

SECTION 6: The City of Oxford, will provide the following services to the territory sought to be annexed in the petition filed by, Gary T. Stedronsky as agent for the petitioner Talawanda School District for 154.487 acres of land plus or minus as described on Exhibit "A", attached hereto and incorporated herein, conditioned upon the property owners providing to the City of Oxford the means of ingress and egress acceptable to the City, by which the City will have access to the proposed annexed territory. These services are conditioned upon access being provided.

POLICE

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

FIRE PROTECTION

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

WATER AND SEWER

Water and Sewer, as provided by law and by service contract, will be furnished to the annexed territory where available, subject to the City's ability to provide these services, based on the current system.

PLANNING AND DEVELOPMENT

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

ZONING REGULATIONS

Subject to Section 4 adopted hereinabove, current City of Oxford Zoning Regulations will be enforced in the annexed territory.

STREET MAINTENANCE

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

BUILDING AND PLANNING SERVICES

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

WASTE COLLECTION

Waste collection services will be provided immediately upon annexation. Waste collection services will be provided in accordance with the City of Oxford's policies and schedules for commercial waste collection. The property owners will be subject to a monthly fee for waste-collection services.

PARKS AND RECREATION

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

MISCELLANEOUS

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

SECTION 7: 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)



Ennis Roberts Fischer Co., L.P.A.
Attorneys at Law

Phone: (513) 421-2540
Fax: (513) 562-4986

1714 West Galbraith Road
Cincinnati, Ohio 45239-4812

URL: www.erflegal.com

Gary T. Stedronsky (Direct Dial: 674-3447)
E-mail: gstedronsky@erflegal.com

April 28, 2009

RECEIVED

APR 30 2009

VIA CERTIFIED MAIL

Ms. Donna Heck, Clerk of Council
101 East High Street
Oxford, OH 45056

City of Oxford

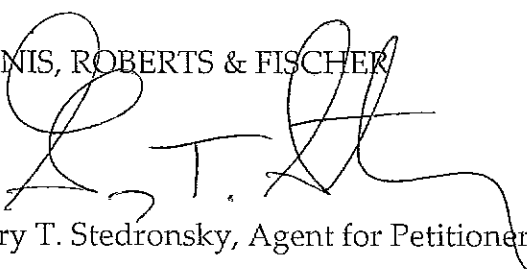
RE: *Annexation Petition of 154.487 acres, more or less from unincorporated area of Oxford Township, Butler County, Ohio to the City of Oxford, Butler County, Ohio ("Erik Annexation")*

Dear Ms. Heck:

This is to advise you that the enclosed Petition for Annexation of Territory to the City of Oxford was filed with the Board of County Commissioners of Butler County, Ohio on April 28, 2009 in accordance with Ohio Revised Code Section 709.023. Attached to the petition is a legal description of the area to be annexed, together with an accurate plat of the territory, Statement of Agent, and a listing of all parcels proposed for annexation as well as a listing of all adjoining property owners adjacent to the parcels proposed for annexation.

Very truly yours,

ENNIS, ROBERTS & FISCHER


Gary T. Stedronsky, Agent for Petitioner

Enclosure

c.c.: Michael Davis, CFO/Treasurer of Board of Education

PETITION FOR ANNEXATION OF
CERTAIN TERRITORY TO THE CITY OF OXFORD

April 28, 2009

TO: The Commissioners of Butler County, Ohio

The undersigned being all of the owners of the real estate in the territory located in the County of Butler, Oxford Township and adjacent to the City of Oxford as such territory is described upon "Exhibit A" attached hereto and made a part hereof, hereby petition for annexation of this territory to the City of Oxford, Ohio, all in accordance with Ohio Revised Code Section 709.023, to-wit:

See "Exhibit A" for territory to be annexed commonly known as the "Erik Annexation".

The territory to be annexed is further delineated upon the Plat attached hereto marked as "Exhibit B" and by reference incorporated herein.

Gary T. Stedronsky, Attorney at Law, 1714 West Galbraith Avenue, Cincinnati, OH 45239, is hereby appointed agent for the undersigned Petitioners in accordance with Ohio Revised Code Section 709.02. Said agent is hereby authorized to make any amendment or deletion to the within Petition, legal description, and Plat, which, in his absolute and complete discretion, he deems necessary or proper under the circumstances then existing and, in particular, to make any amendments in order to correct any discrepancy or mistake noted by the County Engineer in his examination of the Petition, legal description, or Plat.

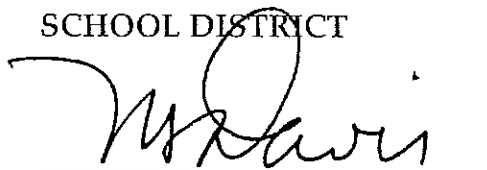
NOTICE TO PETITIONER. Your signature below is important and requests annexation of your property to the City of Oxford.

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

NAME/MAILING ADDRESS	ADDRESS OF PROPERTY	AUDITOR'S BOOK, PAGE & PARCEL #
Board of Education of The Talawanda City School District 131 West Chestnut St. Oxford, OH 45056	Millville Oxford Road	H3510038000013
	4135 Millville Oxford Road	H3510038000012
	Millville Oxford Road	H3510038000009
	Booth Road	H3510038000015
	Millville Oxford Road	H3610038000037

TOTAL ACREAGE TO BE ANNEXED: 154.487
SEE ATTACHED PLAT.

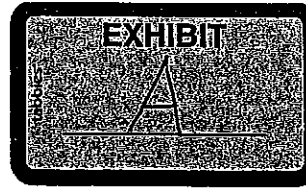
BOARD OF EDUCATION OF
THE TALAWANDA CITY
SCHOOL DISTRICT



By: Michael Davis, Treasurer¹

Date: 4/28/09

¹ The Board of Education of the Talawanda City School District has authorized Mr. Michael Davis, Treasurer, to sign this Petition on its behalf as evidenced by the Resolution attached hereto as Exhibit 1.



318. S. College Avenue
Oxford, Ohio 45056
P 513.523.4270
F 513.523.3785
www.bayerbecker.com

April 27, 2009

DESCRIPTION:

Annexation Description
Board of Education of the Talawanda
City School District
154.487 acres

LOCATION:

Part of Section 35
Oxford Township
Butler County, Ohio

Situated in Lots 1,3,4,5 and 6 in Section 35, Town 5, Range 1, Oxford Township, Butler County, Ohio, being part of being the lands of Board of Education of the Talawanda School District as recorded in deed book 8096 pages 1518-1523 and deed book 8107 pages 1766-1769 of the Butler County Recorder's Office and being more particularly described as follows:

Commencing at a railroad spike found at the southeast corner of said Section 35;

Thence with the east line of said section and with the east line of the lands of Kenneth Sr. and Beulah Betz as recorded in deed book 6083 pages 175 of the Butler County Recorder's Office, N 2°29'39" E, for 1088.41 feet to a point.

Thence continuing with said east line of the lands of Kenneth Sr. and Beulah Betz N 2°22'56" E for 623.72 feet to a wooden post found, said point being the **True Point of Beginning**;

Thence with the north line of said Kenneth Sr. and Beulah Betz N 87°42'28" W a distance of 1780.30 feet to a wooden post found, said post being on the west line of said lot 1;

Thence with the east line of said Lot 4 and with the west line of the lands of Richard S. Coombs, Tr. Etal. as recorded in deed book 8042 pages 109 of the Butler County Recorder's Office, N 01°16'37" E a distance of 146.08 feet to a 5/8" rebar set;

Thence through said Lot 4 and with the north line of said lands of Richard S. Coombs Tr. Etal. N 87°45'09" W a distance of 2058.45 feet to a Magnail found, said point being on the centerline of the B & O Railroad;

Thence with the centerline of said B & O Railroad N 21°37'55" E a distance of 102.85 feet to a 5/8" rebar found;

Thence with a curve turning to the left with an arc length of 2605.21 feet, with a radius of 3811.23 feet, with a chord bearing of N 02°43'48" E and with a chord length of 2554.78 feet, to a Magnail set, said point being on the southwest corner of the lands of Clawson Properties, LLC. , as recorded in deed book 7577 page 1342 of the Butler County Recorder's Office;

Thence with the south line of said lands of Clawson Properties, LLC. , N 76°32'51" E a distance of 579.74 feet to a wooden post found;

Thence continuing with said south line of said lands of Clawson Properties, LLC. S 88°32'26" E a distance of 1410.21 feet to base of a concrete post;

Thence with the west line of said lands of Clawson Properties, LLC. N 02°19'13" E a distance of 185.06 feet to a ½" rebar found;

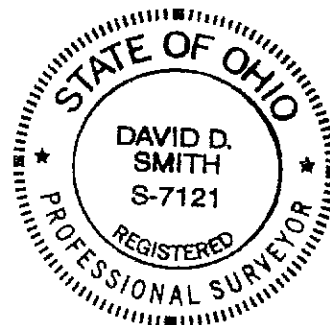
Thence continuing with said lands of Clawson Properties, LLC. S 88°19'17" E a distance of 24.24 feet to ½ " rebar found;

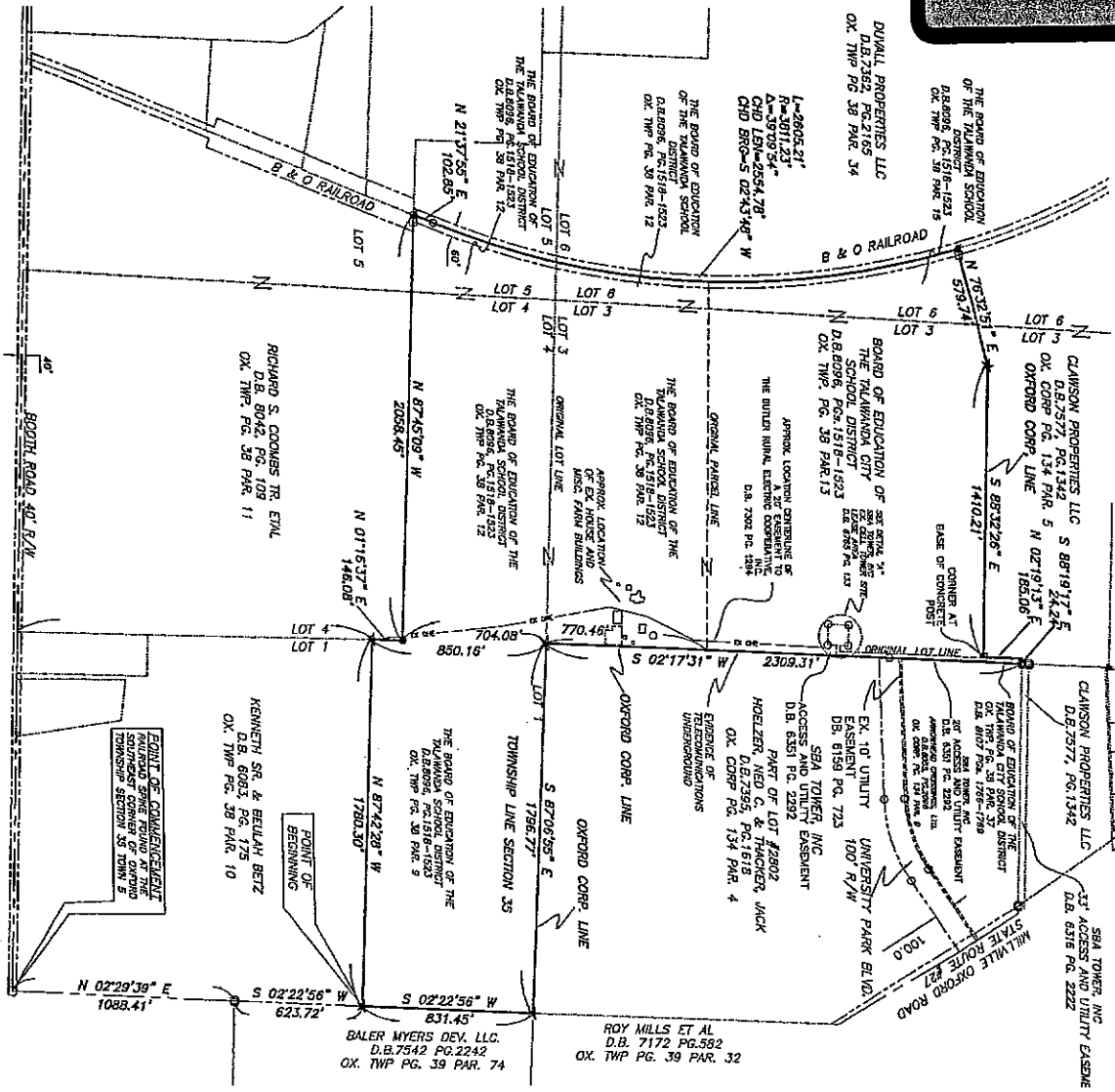
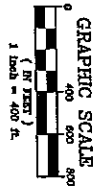
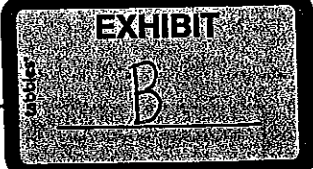
Thence with the west line of said lands of Arrowhead Crossing, Ltd. and continuing with the west line of the lands of Ned C. Hoelzer and Jack Thacker as recorded in deed book 7395 page 1648 of the Butler county Recorder's Office S 02°17'31" W a distance of 2309.31 feet to a wooden post found;

Thence with the south line of said lands of Ned C. Hoelzer and Jack Thacker S 87°06'55" E a distance of 1796.77 feet to a wooden post found;

Thence S 02°22'56" W a distance of 831.45 feet to **True Point of Beginning** containing 154.487 acres of land more or less, with 34.518 acres in Lot 1, 79.708 acres in Lot 3, 27.068 acres in Lot 4, 4.304 acres in Lot 5 and 8.794 acres in Lot 6, being subject to all legal highways, easements, restrictions and agreements of record.

This description was prepared by David Douglas Smith, Register Ohio Surveyor # 7121. A plat of the original survey for this property has been recorded in volume 52 page 165 of the Butler County Engineers Record of Land Surveys.



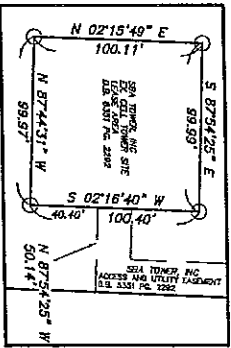


I HEREBY CERTIFY THAT ALL MEASUREMENTS AND MONUMENT SET AND/OR FOUND AS SHOWN CURVE DISTANCES ARE MEASURED ON THE ARC. ALL WORK PERFORMED IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO.

David Douglas Smith
DAVID DOUGLAS SMITH, PROFESSIONAL SURVEYOR NO. 7121 DATE 4/27/09



- MONUMENT LEGEND**
- 5/8" Iron Pin
 - 5/8" Concrete Monument
 - ▲ 5/8" Metal Nail
 - Set Cross Notch
 - Existing 5/8" Iron Pin
 - Existing 1/2" Iron Pin
 - Existing Spike
 - Existing Concrete Post
 - Existing Metal Nail/P.K. Nail
 - Existing Stone
 - Existing Iron Pipe
 - Existing A-Frame
 - Existing Cross Notch
 - Existing Wood/Steel Post



TOTAL THIS SURVEY = 164.487 ACRES

A COPY OF THIS SURVEY CAN BE FOUND IN VOLUME 52 PAGE 155 OF THE BUTLER COUNTY ENGINEER'S RECORD OF LAND SURVEYS.

AREA SUMMARY

PARCEL	ACRES
PARCEL 1	0.103
PARCEL 2	50.798
PARCEL 3	28.902
PARCEL 4	5.325
PARCEL 5	5.325
PARCEL 6	27.088
PARCEL 7	4.304
PARCEL 8	34.518
PARCEL 9	1.000
LOT 1	1.000
LOT 2	1.000
LOT 3	1.000
LOT 4	1.000
LOT 5	1.000
LOT 6	1.000
LOT 7	1.000
LOT 8	1.000
LOT 9	1.000
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LOT 99	1.000
LOT 100	1.000

SURVEY REFERENCES

DEED REFERENCES	
D.B. 6582 PG. 342	D.B. 7195 PG. 1618
D.B. 6055 PG. 2094	D.B. 6083 PG. 175
D.B. 6055 PG. 2096	D.B. 6042 PG. 109
D.B. 6351 PG. 2292	D.B. 7171 PG. 582
D.B. 6527 PG. 1273	D.B. 5181 PG. 499
D.B. 1730 PG. 200	D.B. 6402 PG. 1252
D.B. 1730 PG. 202	D.B. 6371 PG. 1254
D.B. 6527 PG. 1416	D.B. 7102 PG. 1294
D.B. 6527 PG. 1416	D.B. 6351 PG. 2292
D.B. 7015 PG. 165	D.B. 6316 PG. 2222
D.B. 7577 PG. 1342	D.B. 7577 PG. 1342

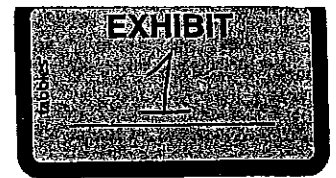
NOTES AND REFERENCES

NORTH IS BASED ON STATE PLANE COORDINATES NAD 83 OHIO SOUTH ZONE.

Rev#	Revision Description	Date	Drawn	Chk
1	ADD TAX PAGES AND PARCEL NO.			
2	ADD 0.103 ACRE TRACT TO PARCEL 13	4/08/09	DOS	BH
3	ADD RECORDING INFO	4/27/09	DOS	



BOARD OF EDUCATION OF THE TALAWANDA CITY SCHOOL DISTRICT
SECTION 35, TOWN 5, RANGE 1
Oxford Twp
Butler County, Ohio
ANNEXATION PLAT



A RESOLUTION TO INITIATE ANNEXATION PROCEEDINGS

WHEREAS, the Board of Education of the Talawanda City School District (the "Board") has purchased the following property (the "Subject Property") for construction of a new public high school:

Butler County Auditor Parcel Numbers: H3510-038-000-012
 H3510-038-000-009
 H3510-038-000-013
 H3510-038-000-015
 ~~H3610-038-000-037~~ *el*

WHEREAS, the Subject Property is located in Oxford Township and is contiguous to the City of Oxford (the "City"); and

WHEREAS, the Board desires that the Subject Property be annexed pursuant to Chapter 709 of the Revised Code, and specifically Section 709.023 of the Revised Code, thereby permitting annexation to the City but not excluding the Subject Property from the township in accordance with division (H) of Section 709.023 of the Revised Code; and

WHEREAS, it is necessary for the Board to formally authorize the initiation of annexation procedures pursuant to Section 709.023 of the Revised Code.

NOW, THEREFORE, BE IT RESOLVED and hereby determined by the Board of Education of the Talawanda City School District, that:

SECTION I

The Board does hereby authorize and approve the initiation of annexation procedures pursuant to Chapter 709 of the Revised Code, and specifically Section 709.023 of the Revised Code.

SECTION II

The Board hereby appoints Gary T. Stedronsky, Attorney with the law firm of Ennis, Roberts & Fischer, Co., L.P.A., to serve as the agent for the Board/Petitioner during the annexation proceedings.

SECTION III

In accordance with Section 709.02(E), the Board hereby designates Mr. Michael Davis, Treasurer, to serve as the Board's authorized agent to sign the petition required to initiate annexation proceedings on behalf of the Board.

SECTION IV

All formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION IV

This resolution shall be in full force and effect from and immediately upon its adoption.

MR. BUTTERFIELD MOVED, AND

MR. CROWDER seconded the motion and, after discussion, a roll call vote was taken and the results were:

Voting aye: MR. BUTTERFIELD, DR. CROWDER, MR. HUFF, MR. SMITH

Voting nay: NAVE

ABSENT: MRS. VOLMER
The Resolution passed.

Passed: 3/24, 2009

Attest:

Michael Davis
Treasurer

BOARD OF EDUCATION OF THE
TALAWANDA CITY SCHOOL DISTRICT

Barrell Smith signed
Board President w/ permission by
Michael Davis

CERTIFICATE

The undersigned Treasurer of the Board of Education of the Talawanda City School District hereby certifies that the foregoing is a true copy of a Resolution duly passed by the Board of Education of said School District on 6/24, 2009.

A handwritten signature in cursive script, appearing to read "M. Lewis", is written over a horizontal line.

Treasurer

IN RE: PETITION FOR ANNEXATION OF THE ERIK PROPERTY

I. Listing of all parcels in territory proposed for all annexation:

PETITIONER'S NAME	MAILING ADDRESS	PERMANENT PARCEL NOS.
Board of Education of the Talawanda City School District	131 West Chestnut Street Oxford, OH 45056	H3510038000013 H3510038000012 H3510038000009 H3510038000015 H3610038000037

II. Listing of parcels located adjacent to territory proposed for annexation (or directly across from it when road is adjacent to territory proposed for annexation):

ADJACENT OWNER'S NAMES	TAX MAILING ADDRESS	BUTLER COUNTY AUDITOR PROPERTY ADDRESS	PERMANENT PARCEL NO.
Clawson Properties, LLC	4141 Oxford Reily Road Oxford, OH 45056	Booth Road Oxford, OH 45056	H4000134000005
Arrowhead Crossings, LTD	9349 Waterstone Blvd. Cincinnati, OH 45249	None Listed	H4100134000009
Ned C. Hoelzer Tr. & Jack K. Thacker, Successor Tr.	3751 Darrtown Rd. Oxford, OH 45056	4137 Millville Oxford Rd. Oxford, OH 45056	H4100134000004
Kenneth E. Betz, Sr. & Beulah	5096 Booth Road Oxford, OH 45056	5096 Booth Road Oxford, OH 45056	H3510038000010
Richard S. Coombs Tr., et al.	1346 Trenton Oxford Rd. Hamilton, OH 45013	5360 Booth Road Oxford, OH 45056	H3510038000011
Duvall Properties, LLC	5942 Booth Road Oxford, OH 45056	None Listed	H3610038000034
Baker Myers Development, LLC	5020 College Corner Pike, Suite B Oxford, OH 45056	Millville Oxford Road Oxford, OH 45056	H3510039000074
Roy Mills Jr., et al.	3923 Oxford Millville Rd. Oxford, OH 45056	Millville Oxford Road Oxford, OH 45056	H3610039000032
Andrew & Sandra J. Burnett	5586 Booth Road Oxford, OH 45056	5586 Booth Road Oxford, OH 45056	H3610038000025

Note – In accordance with R.C. 709.023(B), notice of the proposed annexation will be sent by regular mail to the tax mailing address of each property owner.

STATEMENT BY AGENT OF TERRITORY SOUGHT TO BE ANNEXED
TO THE CITY OF OXFORD, OHIO

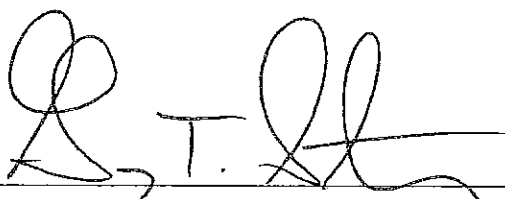
POPULAR NAME OF TERRITORY: Erik Property,
154.487 Acres, Oxford, OH

AGENT'S NAME: Gary T. Stedronsky, Esq.

ADDRESS: 1714 West Galbraith Avenue
Cincinnati, Ohio 45239
(513) 421-2540

LOT # OR ACREAGE	NAMES OF ALL OWNERS OF REAL ESTATE AS THEY APPEAR ON DEED	OWNER'S ADDRESS	SIGNED PETITION? MARK YES OR NO
154.487 Acres	Board of Education of the Talawanda City School District	131 West Chestnut Street Oxford, OH 45056	Yes

1. Number of owners of real estate in territory 1
2. Number of owners of real estate signing petition 1
3. Percent of signatures to total number of owners
of real estate 100%



Gary T. Stedronsky, Agent for Petitioner

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Original Department

Council Meeting Of: 5/5/09

Gail Brahier
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

4 / 30 /09
Date Prepared

Agenda Title: Future Site for the Oxford Municipal Pool

Recommendation: Approve

Discussion:

At the City Council work session of 4/21/09, staff recommended the most desirable site for a new municipal pool will be to locate it at the Oxford Community Park (OCP). Several reasons for this recommendation include:

- * The land is owned by the City of Oxford and there is plenty of space for development and parking.
- * There are two entries to the Oxford Community Park, from Brookville Rd. and Fairfield Rd.
- * Support from the following boards and partners:
 - Talawanda Recreation, Incorporated
 - Recreation Advisory Board
 - Oxford Swim Team Board
- * The 2006 Oxford Family Aquatic Center Feasibility Study supports the OCP location.
- * Families can partake in more than one activity at a time (such as baseball, soccer, walking, swimming, picnic, team parties, family outings)

Staff understands the financial responsibilities of the City, and recommends initiating a fundraising campaign in 2010 for development of the aquatic center. This can be accomplished by including funds in the 2010 Capital Improvement Budget to prepare a rendition of what the facility may look like at the OCP. This rendition can then be used as a tool for a fundraising campaign.

This project can also be associated with the City of Oxford's 2010 Bicentennial, and a lasting reminder of City Council's commitment to the future quality of life for Oxford citizens.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial \ Date

GAB 4/30/09

[Signature] 5/1/09

RESOLUTION NO. _____

A RESOLUTION OF COUNCIL DETERMINING THAT THE MOST DESIRABLE LOCATION FOR A NEW MUNICIPAL POOL IS THE OXFORD COMMUNITY PARK.

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

SECTION 1: Council hereby determines the most desirable location for a new municipal pool is the Oxford Community Park.

SECTION 2: Council hereby authorizes the City Manager to develop preliminary drawings and cost estimates for fund-raising initiatives for a new municipal pool to be located at the Oxford Community Park.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: May 5, 2009

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 27, 2009

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to enter into an agreement to resolve all matters associated with the transfer of property from the Estate of Ray Day and Mary L. Day to the City of Oxford for Merry Day Park and authorizing the payment of real estate property taxes.

Recommendation: Approve.

Discussion: The proposed Resolution will allow the transfer of property (Merry Day Park) from the Estate of Ray Day and Mary L. Day to the City of Oxford.

The proposed Resolution will also authorize the payment of real estate property taxes in the amount of \$14,423.26.

The proposed Resolution will resolve an on-going issue with the legal description of the property.

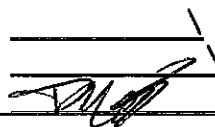
Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

 5/1/09

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO RESOLVE ALL MATTERS ASSOCIATED WITH THE TRANSFER OF PROPERTY FROM THE ESTATE OF RAY DAY AND MARY L. DAY TO THE CITY OF OXFORD FOR MERRY DAY PARK AND AUTHORIZING THE PAYMENT OF REAL ESTATE PROPERTY TAXES.

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

SECTION 1: City Council authorizes the City Manager to take all steps necessary to complete the transfer of property to resolve title issues concerning the transfer of property from the Ray Day Estate dba Miami Mobile Home Park previously agreed to between the City and Ray Day and to cause to be filed a new plat and Mylar with the Butler County Engineer's Office as a result of a survey of the land to correct an error in the legal description of the property.

SECTION 2: The City Manager is further authorized to take all steps necessary to transfer the property and reimburse the Ray Day Estate dba Miami Mobile Home Park for real estate taxes paid on the property totaling \$14,423.26. The City Manager is further authorized to file for reimbursement of real estate property taxes as allowed by law.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)