



Agenda

Oxford City Council

Court House

TUESDAY, MAY 17, 2016

EXECUTIVE SESSION

None.

1. Roll call. Kate Rousmaniere, Mayor; Mike Smith, Vice-Mayor; Glenn Ellerbe; Bob Blackburn; Kevin McKeehan; Steve Dana; Edna Southard

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. Notice to Legislative Authority - Economic Development Transfer (TREX) permit from Safekeeping for TDFD Inc. DBA LaRosas 10777 Montgomery Road, Sycamore Twp., Cincinnati, Ohio 45242 to 1028 Inc. DBA Pixxo Karaoke & Bar 17 Beech Street Oxford, Ohio 45056. (Alan Kyger, Economic Development Director).



Notice

- 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 May 3, 2016 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Report regarding the May 4, 2016 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

- C. Report regarding the May 4, 2016 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

- D. Report regarding the May 10, 2016 Civil Service Commission Meeting. (Candi Turpin, Human Resources Director)



Report

5. Resolutions.

1. A Resolution approving and authorizing a real estate purchase and sale agreement, a copy of which is attached hereto as Exhibit "A", between the City of Oxford, Ohio, and Dudley Prime Properties, LLC for the purchase of real property located at 1 W. Chestnut Street Oxford, Ohio, 45056 at a cost of one hundred fifty thousand dollars (\$150,000.00) to utilize the property for the realignment of Collins Run Road with State Route 732 (Main Street). (Mike Dreisbach, Service Director).



Staff Report/Resolution

2. A Resolution authorizing the City Manager to enter in an agreement with Southeastern Equipment Co., Inc. for the purchase of a 2016 Case model 590SN T4 backhoe at state

contract pricing at a cost not to exceed \$80,000.00 which includes a discount of \$16,826.95 for trading in a City owned 1999 Case backhoe. (Mike Dreisbach, Service Director).



Staff Report/Resolution

3. A Resolution approving and authorizing the City Manager to sign the Estoppel and Release Agreement modifying the terms of the May 23, 2006 Development Agreement. (Doug Elliott, City Manager).



Staff Report/Resolution

6. Ordinances.

- A. First Reading - None.
- B. Second Reading.

1. An Ordinance Amending Ordinance No. 3335. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2016. (Joe Newlin, Finance Director)



Staff Report/Ordinance

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

1. Remarks from City Council and City Staff.

B. Future Meetings.

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

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

MON - May 23 Charter Advisory Commission Meeting 3:00 p.m. Municipal Building

MON - May 30 Holiday - City Offices Closed

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

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

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

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

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

MON - June 20 Housing Advisory Commission 7:00 p.m. Municipal Building

TUES - June 21 City Council Meeting 7:30 p.m.

WED - June 22 Civil Service Commission Meeting 5:30 p.m. Municipal Building

8. Adjourn.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: May 17, 2016

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

May 4, 2016
Date Prepared

Agenda Title: Legislative Authority Notice - D5 Liquor Permit
17 South Beech Street.

Recommendation: Informational

Discussion:

On March 1, 2016, after due-deliberation, the Oxford City Council passed Resolution #4970 which supported the Economic Development Transfer (TRES) permit from safekeeping.

From:

TDFD Inc. DBA LaRosa's
10777 Montgomery Road, Sycamore Twp.
Cincinnati, Ohio 45242

To:

1028 Inc. DBA Pixxo Karaoke
17 South Beech Street
Oxford, Ohio 45056.

With the TRES application now having been approved by the Ohio Division of Liquor Control, this Notice of Legislative Authority application will go through the normal process with all required inspections being conducted by the Ohio Liquor Commission.

The permit is for:

D5 Spirituous liquor for on premises consumption only, beer wine and mixed beverages for on premises or off premises in original sealed containers until 2:30 a.m.

Approved By:

Department Head:
City Manager:

Initial Date



NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

8840420		TREX		1028 INC	
PERMIT NUMBER		TYPE		17 BEECH ST	
06	01	2014		OXFORD STREET 45056	
ISSUE DATE					
04	28	2016			
FILING DATE					
D5					
PERMIT CLASSES					
09	088	A	F16037		
TAX DISTRICT		RECEIPT NO.			

RECEIVED

5-4-16

City of Oxford

FROM 05/02/2016 SAFEKEEPING

8770310				T D F D INC	
PERMIT NUMBER		TYPE		DBA LAROSAS	
06	01	2014		10777 MONTGOMERY RD	
ISSUE DATE					
04	28	2016		SYCAMORE TWP	
FILING DATE		CINCINNATI OHIO 45242			
D5					
PERMIT CLASSES					
31	940				
TAX DISTRICT		RECEIPT NO.			



MAILED 05/02/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/02/2016

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A TREX 8840420

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF OXFORD CITY COUNCIL
101 E HIGH ST
OXFORD OHIO 45056

FOR OFFICE USE ONLY

☒ NEW ☐ TRANSFER ☐ REN

PERMIT # 8840420

OHIO DEPARTMENT OF COMMERCE
DIVISION OF LIQUOR CONTROL
 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005
 Telephone: (614) 644-2360 http://www.com.ohio.gov/liqr



OFFICER/ SHAREHOLDERS DISCLOSURE FORM

SECTION A. (This form must accompany all applications of a corporate business entity)

Name of Corporation <u>1028 Inc</u>	DBA Name <u>Pixxo Karaoke & Bar</u>	16 APR 26 AM 9:46
Permit Premises Address <u>17 Beech St</u>	City, State <u>Oxford OH</u>	Zip Code <u>45056</u>
Township, if in Unincorporated Area	Tax Identification No. (TIN) <u>67-6211360</u>	
Email Address: <u>Bluetopclassico@gmail.com</u>		

SECTION B.

1. Is stock publicly traded? ☐ YES ☒ NO
 If "YES", indicate exchange _____ & Do NOT complete SECTION D.

2. Does any stockholder own 5% or more shares? If YES, complete SECTION D. ☒ YES ☐ NO

3. Total Number of shares issued 100

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement enforcement action, or collect taxes.

SECTION C. List the top five (5) officers of the captioned corporation. If an office is NOT held please indicate by writing NONE.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO <u>Lei Liu</u>		
2) President <u>" "</u>		
3) Vice-President <u>none</u>		
4) Secretary <u>none</u>		
5) Treasurer <u>none</u>		

SECTION D. Stockholders holding 5% or more outstanding shares. Note: If you answered Question 1 YES, do not complete this section

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191. If none, please indicate by writing "NONE".

Stockholder's Name	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE)
1) <u>Siwng Ni</u>		<u>50</u>
Residence Address	Tax Identification No. (if applicable)	
City and State	Telephone No	
Zip Code	Date of Birth	
2) <u>Xiang Gao</u>		<u>50</u>
Residence Address	Tax Identification No. (if applicable)	
City and State	Telephone No	
Zip Code	Date of Birth	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE TO LIST STOCKHOLDERS)

STATE OF OHIO, Franklin ☒ COUNTYss

I, Lei Liu being first duly sworn, according to law, deposes and says that he/she is (Title) President

of the 1028 Inc, a corporation duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true.

(Signature) [Signature] (Print Name and Corporate Title) President, 1028 Inc

Sworn to and subscribed in my presence this 16th day of April, 2016

Notary Public, State of Ohio My Commission Has No Expiration Section 147.03 R.C.

(Notary Signature) [Signature] (Notary Expiration)

DLC4030 EOL SERVICE PROVIDER FOR TTY USERS DIAL 1-800-750-0750 Rev. 08/2015

RESOLUTION NO. 4970

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ECONOMIC DEVELOPMENT (TREX) TRANSFER FORM FROM THE DIVISION OF LIQUOR CONTROL FOR 1028 LLC.

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

SECTION 1: The Applicant 1028 LLC has requested the City of Oxford accept the Transfer of a D5 liquor permit through the Division of Liquor Control Economic Development Program (TREX).

SECTION 2: The Applicant filed an application certifying that the project will be an economic development project for the City of Oxford.

SECTION 3: Council finds that based on a review and analysis by staff that the Applicant has plans for the project and that the costs of the investment, number of jobs created and projected tax revenues to the City are realistic and accurate estimates of the Applicant's plans for this economic development project.

SECTION 4: That the Mayor is hereby authorized to execute an Economic Development (TREX) Transfer Form from the Ohio Department of Commerce- Division of Liquor Control for 1028 LLC.

SECTION 5: That copy of the Economic Development (TREX) Transfer Form is marked Exhibit A, attached hereto and incorporated herein.

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


MAYOR

ADOPTED: March 1, 2016

ATTEST:


ACTING CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

A Regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, May 3, 2016 at 7:30 p.m. Those members present were Bob Blackburn, Steve Dana, Glenn Ellerbe, Kevin McKeehan and Edna Southard. Mike Smith was excused.

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

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Dana moved to approve the agenda. Mr. Ellerbe seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PRESENTATION

OXFORD RECREATIONAL TRAIL

Ms. Jessica Greene, Oxford Visitors Bureau, noted she would address Council regarding a request to apply for a grant through OKI for the continuation of the Oxford Area Trails system. Ms. Greene advised ground had not broken yet on Phase I of the trail system although from the Oxford Area Trail committee's perspective there was a lot of positive momentum right now. Ms. Greene noted the Clean Ohio grant funds were on the way, the committee raised the required local match and Sam Perry was doing a wonderful job handling the project. Ms. Greene advised the OKI grant would be for 2019 so it would be 2 years after completion of Phase I that the grant funds would be released for the construction of Phase II. Ms. Greene noted the OAT's committee had to raise a match of \$170,000 for the Clean Ohio grant and they raised \$217,500. Ms. Greene advised recently McCullough Hyde Hospital offered \$150,000 towards the project if the trail was connected to Sycamore Street. Ms. Greene noted the OKI program was a Transportation Alternative grant for off road bike and pedestrian paths to encourage people to get out of their cars and on their bikes. Ms. Greene advised the committee felt this was a natural next step in the process. Ms. Greene showed a slide of Phase I of the trail from Kelly Dr. to the Black Bridge, under 732 to Bonham Road and connecting to an existing trail going to the DeWitt Log Cabin and then to the parking lot for the Miami University Natural Areas. Ms. Greene noted Phase II would continue at SR 73 and connect to U S 27. Ms. Greene advised the OKI grant allowed for a maximum of \$750,000 with a \$150,000 local match. Ms. Greene noted the proposed Phase II would cost approximately 1.2 million dollars and she believed the OATs committee had proven they could raise another \$150,000 and she respectfully asked the City to provide \$150,000. Ms. Greene requested Council's approval to apply for the grant on behalf of the City noting it would be similar to what had been done for the Clean Ohio grant to move the project forward.

Ms. Greene answered questions from Council and noted a Resolution for the proposed grant was on their agenda this evening.

PROCLAMATION
“LETTER CARRIERS’ FOOD DRIVE DAY”

Mayor Rousmaniere read the Proclamation and presented it to Mr. Bob Ratterman.

Mr. Bob Ratterman, Director, Oxford Community Choice Pantry, (OCCP) advised the OCCP received approximately 2,000 pounds of food from the Letter Carriers’ Food Drive Day last year noting it was truly a community effort. Mr. Ratterman advised the OCCP could not function without volunteers, the Board members and the small but dedicated staff. Mr. Ratterman noted the OCCP served 576 unduplicated households last year and there was a continuing need for the OCCP’s service which could not be done without contributions from the Oxford citizens.

Mayor Rousmaniere reminded everyone to place nonperishable food items in bags by their mailbox on Saturday, May 15, 2016.

PROCLAMATION
“HISTORIC PRESERVATION MONTH”

Mayor Rousmaniere read the Proclamation and presented it to Mr. Mike Kohus.

Mr. Mike Kohus, Chair, Historic and Architectural Preservation Commission (HAPC), accepted the Proclamation on behalf of the HAPC and thanked Council for the recognition. Mr. Kohus advised Historic Walking Tours in Oxford were scheduled for each Saturday in May and encouraged everyone to participate in at least one of them.

PUBLIC COMMENTS

Mr. Kevin Krumpak, 316 E. Vine Street, Secretary, Off Campus Affairs, noted he had served as Secretary for Off Campus Affairs for the last two years. Mr. Krumpak advised he was graduating in two weeks and it had been a pleasure to work with Council and staff. Mr. Krumpak introduced Mr. Billy Fitzgerald who would be the new Secretary for Off Campus Affairs.

Mr. Billy Fitzgerald, 301 E. High Street, advised he was looking forward to working with Council and staff next school year noting he felt a lot of great work could be accomplished.

Mayor Rousmaniere congratulated Mr. Krumpak and Mr. Blackburn noted Mr. Krumpak had a job waiting for him.

CONSENT AGENDA

Mr. Dana requested removal of item D. – Recreation Board Meeting report.

MINUTES

Minutes of the April 19, 2016 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the April 19, 2016 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the April 12, 2016 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Mr. Dana moved to approve the consent agenda excluding item D. Mr. Blackburn seconded. The motion passed 6-0-0.

REPORT

Report regarding the April 21, 2016 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)

Mr. Dana referred to page 20 of Council's packet and asked for an explanation of the proposed 'Land Swap' between the City and Miami University.

Mr. Elliott advised the proposed land swap was initiated by the former Parks and Recreation Director looking at the future development of Oxford's aquatic center. Mr. Elliott noted the proposal was to exchange City owned land adjacent to the Leonard Howell Park which was used by Miami University for special event parking for Miami University owned land not being utilized at their airport. Mr. Elliott advised during discussions it was pointed out by Service Director, Mike Dreisbach that the City owned tract was part of the City's drinking water source protection area and therefore restrictions would have to be placed on the development of the land. Mr. Elliott noted Miami University was not interested in the land swap if restrictions were placed on the City owned land and he decided to table the proposal indefinitely.

Mr. Dana thanked Mr. Elliott for the explanation.

Ms. Southard noted April 21st was the first Recreation Board Meeting with Mr. Wooddell as the Director which she attended. Mr. Southard advised many other items were discussed and it was a time for exchanging ideas.

RESOLUTIONS

RESOLUTION **GRANT APPLICATION**

A Resolution No. 4979 of Council authorizing the City Manager to submit an Ohio-Kentucky-Indiana Regional Council of Governments (OKI) grant application requesting funding in an amount not to exceed \$750,000.00. A local match of 20% (\$150,000.00) is required and shall be secured through public and private donations for Phase II construction of the Oxford Recreational Trail. (Jung-Han Chen, Community Development Director)

Mr. Chen advised Ms. Greene provided an excellent overview of the grant application proposal. Mr. Chen noted the deadline for the grant application was May 31, 2016 and with Council's approval every attempt would be made to submit the application. Mr. Chen advised he sat on the OKI committee and Mr. Dana sat on the OKI Executive Board and he felt with the local voices the City would have a good chance of being considered for the grant.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Dana noted the response of the community to Ms. Greene's efforts was very encouraging and he supported the proposed Resolution.

Mr. Dana moved to adopt Resolution No. 4979. Ms. Southard seconded. The motion passed 6-0-0.

RESOLUTION

EXTEND GRANT AGREEMENT

A Resolution No. 4980 authorizing the City Manager to sign the extended project agreement between the City of Oxford and the Ohio Department of Natural Resources for the construction of Phase I of the Oxford Recreational Trail for a period of one (1) year. (Jung-Han Chen, Community Development Director)

Mr. Chen advised Council approved the execution of this grant application with the Ohio Department of Natural Resources for \$500,000 which Ms. Greene submitted for Phase I of the Oxford Recreational Trail. Mr. Chen noted the challenging part of Phase I is that a large portion of the trail is in the flood plain. Mr. Chen advised the initial estimate for an elevated trail ramp connecting to the Black Bridge was of significant cost to meet the flood plain requirements. Mr. Chen noted Metro Parks of Butler County through its consultant came up with a different plan that may be less costly to construct. Mr. Chen advised the consultant for Metro Parks was currently working on a flood plain hydraulic study to ascertain the potential impact of constructing an earthen berm that would cause minimal impact to the flood level, thus significantly reducing the cost of connecting the bridge to the trail. Mr. Chen noted once the study was approved the construction documents could be revised and the project could be let this year with the revised design. Mr. Chen advised the contract between ODNR and the City was from June 2015 to June 2016 and a one year extension was needed to allow the project to move forward.

Mayor Rousmaniere asked Mr. Chen to show the flood plain area in question on the PowerPoint slide. Mayor Rousmaniere noted the trail was a complicated project and she supported the request for a one year contract extension.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Ellerbe moved to adopt Resolution No. 4980. Ms. Southard seconded. The motion passed 6-0-0.

RESOLUTION

BICYCLE LANE INSTALLATION

A Resolution No. 4981 authorizing the installation of striped bicycle lanes on Wells Mill Drive (entire length), McGuffey Avenue (entire length) and on US 27 South from Chestnut Street to University Park Boulevard. (Mike Dreisbach, Service Director) **(Tabled)**

Mr. Dana moved to remove the proposed Resolution from the table. Ms. Southard seconded. The motion passed 6-0-0.

Mr. Dreisbach advised Council held a Work Session on this matter on April 19, 2016 and 4 options were discussed as follows: 1) Continue with the original plan and remove parking from McGuffey Avenue. 2) Install one parking lane with reduced width travel and bike lanes requiring relocation of the roadway's center line and forcing cyclists to ride in the gutter plate. 3) Keep parking on both sides of McGuffey Avenue and install Sharrows and Shared Use Road signage. 4) Take no action at this time. Mr. Dreisbach noted at the Work Session it was the general consensus of Council to proceed with option 1 and continue with the original plan approved two years ago. Mr. Dreisbach advised since the Work Session the Service Department has received no comments from the public on the matter.

Mr. Vincent Hand, addressed Council on behalf of Oxford's Environmental Commission noting they appreciated staff's early consideration of bicycle lanes and they continued to support something that had been in the works for so long. Mr. Hand advised the Environmental Commission looked forward to continued planning and development of bicycle lanes. Mr. Hand thanked staff for their efforts in bringing this plan to fruition.

Mr. Neil Danielson, 191 Ryan Drive, advised he worked at Miami University and commuted by bicycle everyday rain or shine. Mr. Danielson noted he commuted approximately 1,500 miles per year and took this exact route twice a day. Mr. Danielson advised he supported the proposed Resolution.

Mr. Chris Otto, 505 Glenview Drive, advised he also commuted to work by bicycle everyday and walked when it was icy or snowy. Mr. Otto noted he felt anything we could do as a community to promote the ability for people to get around town was a good thing to do.

Ms. Helaine Alessio, 50 Josie Lane, thanked Council for their support of bike lanes. Ms. Alessio noted she and a student just finished a project riding bikes from the Dittmer, Millett and Chestnut Fields parking lots to the middle of campus and collected data about their heart rate, their rating of perceived effort, how they felt and how long it took. Ms. Alessio advised they came to the conclusion while the Dittmer route had a hill a little tough for many people, Millett and Chestnut Fields were ideal places to park and ride a bike to campus and to do errands by bike rather than getting into a car. Ms. Alessio noted any bike lanes that could be added and any ideas for bike lanes near Chestnut Fields and other parking lots would be very much appreciated. Ms. Alessio encouraged Council not to stop but to go forward with bike lane initiatives.

Mr. Blackburn advised he was not against bike lanes but he had a problem with taking parking away in front of residences. Mr. Blackburn noted the residences in question were not rentals, they were residential homes. Mr. Blackburn advised he would vote no on the proposed Resolution this evening.

Mayor Rousmaniere noted she would review for Council including the newer Council members how long this project had been going on and how it had proceeded. Mayor Rousmaniere discussed the following timeline and information for the record:

Council May 3, 2016 review of “Bike and pedestrian Plan”

Kate Rousmaniere

A brief history of this issue in our community

January 2012: Joint Council and Planning Commission Work Session to hear a draft of “Shifting Gears: A Bicycle and Pedestrian Plan for Oxford Ohio,” a document which referred to past planning documents that included bike and pedestrian safety features in the Oxford area from:

- 1973
- 1997 Institute of Environmental Sciences report
- 1999
- 2006 (Oxford Transportation Thoroughfare Plan)
- 2006
- 2008 (Oxford Comp Plan)
- 2008
- 2011
- 2011

July 2012 Planning Commission, Parking Advisory Transportation Board and Environmental Commission work session on Bike and Pedestrian Plan/”Shifting Gears”

October 2012 “Shifting Gears” discussed at Planning Commission

December 2012 Planning recommends to City Council to

1. Accept the proposed concept of “Shifting Gears” including goals and objectives as planning documents
2. Request Council to Direct Service, Police and Community Development Staff to undergo a technical analysis of possible safety improvements and to deliver Near Term Corridor improvement recommendations no later than April 2013 and Mid Term no later than September 2013.

October 8 2013

Staff reports on Bike and Pedestrian Safety Corridor Plan – creates map with short, mid- and long term plans.

February 11, 2014 Planning Commission

Recommends approving Bike and Pedestrian Safety Corridor Plan to Council

Maps of short, mid, and long term plans for safety improvements created.

Work schedule for safety improvements created.

March 4, 2014 City Council

Resolution #4815: accepting Planning Commission’s recommendation and approving the implementation of the Oxford Bike and Pedestrian Safety Improvement Plan and incorporating the same into the Transportation Chapter of the Oxford comprehensive plan.

1. described as a combination of a planning document and an implementation tool
2. not a zoning code but provides “elevated guidance” (Steve McHugh)
3. request that “any major changes to intersections of the implementation of dedicated bike lanes come back to Council”

Unanimously approved resolution (voice vote)

June 3, 2014

City Council debates installing bike lanes on Spring St. as recommended by Oxford Bike and Pedestrian Safety Improvement Plan” Resolution (approved by Council on March 4, 2014: Resolution #4815)

All property owners on the street are notified by mail March 17, 2014 (23 letters sent to property owners of 37 properties. 5 owners/agents replied)

Decision to implement bike lanes on Spring St. from Campus to Beech St. made in June/July 2014

August 2014

Bike lanes installed on Spring St., Campus to Beech St.

June 2015

Council discussion on extending bike lanes on Spring St. one block west (Beech to College) to intersection of College.

July 15 2015

Meeting to negotiate the bike lane extension on Spring St from Beech to College with Councilors Edna Southard and Kate Rousmaniere, Victor Popescu, Mike Dreisbach, David Prytherch, Doug Elliott.

August 2015

Bike lanes extended west on Spring one block from Beech to College; parking on north side of street eliminated; sharrows at intersection; negotiation of temporary reserved spot for Ace Hardware customers on north side of Spring West of College, per request of Ace Hardware.

April 5 2016

McGuffey Ave, Wells Mills, and U.S. 27 S bike lanes proposed by Service Director: “Resolution Implementing Parking Restrictions to Accommodate Bike Lanes,” following recommendations of Oxford Bike and Pedestrian Safety Improvement Plan” Resolution (approved by Council on March 4, 2014: Resolution #4815) extending bike lanes to McGuffey, Wells Mills and U.S. 27 S. according to Plan.

Resolution tabled.

April 19, 2016

Council and Planning Commission work session on tabled resolution to extend bike lanes to McGuffey, Wells Mills and U.S. 27 S. according to by Oxford Bike and Pedestrian Safety Improvement Plan” Resolution (approved by Council on March 4, 2014: Resolution #4815) By straw vote, majority of Council recommend full bike lanes, as recommended by Service Director.

Below is a list of the times that the topic of bike and pedestrian lanes and safety improvements for alternative transportation (different terms have been used over the years, but in 2014 the proposal was identified as: "The Oxford Bike and Pedestrian Safety Improvement Plan" Resolution (approved by Council on March 4, 2014: Resolution #4815) has been in the public eye (in public newspapers, publicly advertised citizens groups, and publically accessibly city meetings):

on Planning Commission agenda:

October 9 2012
October 8, 2013
November 12, 2013
February 11, 2014

Public citizens' meetings about the plan:

League of Women Voters, September 12, 2013
Lets Get Rolling meetings (sponsored by Oxford Visitor's Bureau)
December 2013
Fall 2015

In Oxford Press

July 13-19 2012
December 14, 2012
January 17, 2013
September 19 2014

In Hamilton Journal News:

February 13, 2014
June 23 2014
September 13 2014
July 9, 2015
February 20, 2016

Speakers at Council—multiple, including big crowd in Summer 2014

Vince Hand has spoken a number of times
Bill Scott

Other.....

- Helaine Alessio (Miami University, Department of Kinesiology and Health) Study on Spring St., (December 2014) "If You Paint it, Will They Come?"
- An investigation of Bike Lane Usage on a College Campus" finds that bike usage on Spring increased an average of 10 bikes per hour (14-24), 8 hours a day, with addition of bike lane.
- Nation-wide and state wide—major and small cities have bike lanes—Cleveland, Dayton, Cincinnati. City of Hamilton has made a big commitment to bike lanes and trails.
- Professional associations advocate for design standards of bike and pedestrian safety, roadways, parking, and awareness etc. include: League of American Bicyclists

- <http://www.bikeleague.org/> ; Association of Pedestrian and Bicycle Professionals
<http://www.apbp.org/> ; Alliance for Biking and Walking
<http://www.bikewalkalliance.org/>
- American Association of State Highway and Transportation Officials
<https://www.ihs.com/products/aashto-standards.html> has approved bike lane design guidelines
- Local organizations like Green Umbrella <http://www.greenumbrella.org/> , Ohio Bicycle Federation <http://www.ohiobike.org/>, and Ohio Bike Ways <http://www.ohiobikeways.net/> promote bike paths and bike lanes
- Butler County Engineers Office has a bike path map for the county (emphasis on trails more than paths) http://www.bceo.org/maps_biketrails.html
- OKI has a bike route guide, maps, and funding, and Summer Jones in the Alternative Transportation Coordinator

Mayor Rousmaniere advised she supported the bike lane initiative and reminded everyone this was not a new concept, it had been a matter of discussion and planning since 1973 and specifically with this Council since January 2012.

Mr. McKeehan thanked Mayor Rousmaniere for the re-cap and for letting everyone know how many meetings and discussions took place with regard to the plan. Mr. McKeehan noted his disappointment that throughout the process the impact on businesses was never ask or sought out. Mr. McKeehan advised he learned at the last meeting that resident's input was not taken into consideration when the bike lanes were drawn out and that was disappointing to him as well. Mayor Rousmaniere noted many public meetings were held. Mr. McKeehan advised at the Work Session he brought up the impact of large trucks that frequented McGuffey Avenue in and out of Kroger's predominately and he was told vehicles were vehicles. Mr. McKeehan noted his observation that if bicycles were vehicles too there should be no need for bike lanes.

Mr. Ellerbe noted he felt bike lanes were a good thing but he also wanted to take into consideration the residents in the 800 block of McGuffey Avenue and some businesses where companies needed to do work. Mr. Ellerbe inquired if residents could apply for a variance to get additional driveway space. Mr. Chen advised if a resident sought to enlarge parking areas they would typically apply for a building permit although it depended on the lot coverage. Mr. Chen noted if lot coverage exceeded the maximum code allowance then a variance hearing could be sought before the Board of Zoning Appeals.

Mayor Rousmaniere inquired if a resident could apply for a temporary parking allowance within the dedicated bike lane and Chief Jones advised no. Mr. Chen noted side streets could be utilized.

Ms. Southard noted Council was looking at striped bike lanes on Wells Mill Drive and McGuffey Avenue that linked a north south route for the general plan and she felt it was essential to continue that link. Ms. Southard advised she was in favor of the proposed Resolution.

Mr. Ellerbe noted if landscaping or construction vehicles were needed to perform work at a residence the vehicles could not park in the dedicated bike lane and inquired if there were any exceptions.

Chief Jones noted an exception would be an emergency vehicle with activated lights.

Mr. Dana moved to adopt Resolution No. 4981. Ms. Southard seconded. The motion passed 5-1-0 with Mr. Blackburn voting nay.

ORDINANCE **FIRST READING**

SUPPLEMENTAL BUDGET

An Ordinance No. 3353 Amending Ordinance No. 3335. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2016. (Joe Newlin, Finance Director)

Mr. Newlin referred to pages 46 and 47 of Council's packet and advised this was a request to transfer an additional \$1,500,000.00 from the General Fund to the Municipal Facilities Capital Improvement Fund bringing the balance to \$3,000,000.00 for the renovation of the Municipal Building and the former Lane Library Building. Mr. Newlin noted staff was in the process of evaluating architectural firms to perform the renovations and \$3,000,000.00 should be sufficient funds to do a good job on both buildings.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mayor Rousmaniere inquired when Council might see renderings of the buildings. Mr. Elliott advised he hoped to bring a Resolution to Council at the second meeting in May or first meeting in June authorizing him to sign an agreement with an architectural firm.

ANNOUNCEMENTS

Mr. Elliott advised the Charter Advisory Commission held its first meeting April 26, 2016. Mr. Elliott noted the purpose of the commission was to review the existing Charter and make recommendations for revisions as they see fit. Mr. Elliott advised the members elected Richard Keebler as the Chair person and Steve Snyder as the Vice Chair person. Mr. Elliott noted the commission reviewed the first five articles of the Charter. Mr. Elliott advised the Charter requires the commission to submit its written report to Council in an open meeting not later than 12/31/16 and any recommended changes need Council's approval before being placed on the ballot and voted on by the electors of the City. Mr. Elliott noted any proposed changes would need to be submitted to the Board of Elections by August 10, 2016 if they are to appear on the November ballot. Mr. Elliott advised the next meeting is scheduled for May 23, 2016.

Mr. Chen updated everyone on the Historic Walking Tours scheduled every Saturday in May and on ShareFest which runs from May 11th through May 17th.

Mr. Dana discussed a session he, Chief Jones and Mr. Chen attended last week at the Marcum Center entitled 'Understanding Sexual Assault'.

Mr. Dana noted the Institute for Learning in Retirement at Miami University offers a course on Oxford's Local Government and advised the course earned high praise from everyone he had spoken to. Mr. Dana noted this was a very successful contribution the City made to the community.

Ms. Southard advised 300 students participated in the Institute for Learning in Retirement's 5 week semester this year and noted the course on local government was very successful.

Ms. Southard advised the City Charter as well as Ordinances were on the City's website and easily accessible.

Ms. Southard noted the Oxford Community Choice Pantry was a recipient of ShareFest donations of food and they were very grateful for that.

Mr. Blackburn discussed the second session on heroin he and Mr. Dana attended last week noting it was focused on where people can get help and where people could go if they didn't have insurance.

Mayor Rousmaniere noted vacancies on various City Boards and Commissions and encouraged members of the community to apply.

ADJOURN

Mr. Dana moved to adjourn at 8:42 p.m. Mr. Ellerbe 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: May 17, 2016

Sam Perry
Prepared By

Account Code No. #:

May 12, 2016
Date Prepared

Budgeted Amount:

HAPC MEETING REPORT – May 4, 2016
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Presentation: 10 South College Avenue, Oxford Community Arts Center 2nd and 3rd floor window replacement

Director Caroline Croswell and Board member Jack Williams presented the history of the Community Arts Center as well as explained the completed building improvements thus far. This property is owned by Miami University which does not go through city processes for project review. However, the OCAC wishes to be an example of historic preservation for the community. Attempts were made to restore existing windows but ultimately it was determined to replace most windows in order to have operable windows and a thermal barrier. This window project was also reviewed by the State Historic Preservation Technical Review Office.

Administrative Approvals (Not requiring a meeting)

HAPC-2016-05-ADM, 13 W. High Street, Cellar Bar, installation of a wall sign, Marques Williams, Applicant/Agent (Approved March 11, 2016)

HAPC-2016-06-ADM, 13-B E. High Street, Bowtie Barber Club Barber Shop, installation of a wall sign, Keith Weiser, Applicant (Approved March 28, 2016)

HAPC-2016-07-ADM, 111 E. High Street, St. Mary's Church, window replacement, Pam Burke, Applicant, Agent (Approved April 13, 2016)

National Preservation Month Activities:

- Historic Walking Tours are every Saturday in May at 10:30 a.m. More information on www.enjoyoxford.org
- 2016 Historic Marker Applications are being accepted. No applications have been submitted thus far.
- This Place Matters social media campaign #thisplacematters #oxfordoh

Next regular meeting is June 1, 2016 at 6:00 p.m.

Department Head: City Attorney: City Manager:	<i>HC 5/11/16</i> <i>DK 5/13/16</i>
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CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: May 17, 2016

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

May 6, 2016
Date Prepared

Agenda Title:	Environmental Commission Meeting of May 4, 2016
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Recommendation:	For Review and Consideration
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Discussion:

Environmental Commission members present at the Wednesday, May 4, 2016 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Mr. Vince Hand; City Council Representative, Mayor Kate Rousmaniere; Planning Commission Representative, Mr. Robert Bell, and Ms. Madeline Maurer. A quorum was present. Mr. Ted Wong and Mr. Kevin Armitage had previously informed the Commission that they would be unable to attend this meeting.

The minutes from the April 6, 2016 Environmental Commission meeting were unanimously approved as presented.

Mayor Rousmaniere informed the Commission that the City Council had approved the installation of bicycle lanes in the parking lanes on both sides of McGuffey Avenue during the May 3, 2016 Council meeting. Ms. Jessica Green, Oxford Visitors Bureau, received City Council's permission to apply for a grant from the OKI Regional Council of Governments for the expansion of the Oxford Area Trails (OATs) from State Route 73 near the Four Mile Creek bridge to U. S. Route 27 by Pfeiffer Park. The potential grant has a matching monetary funds component, but Mayor Rousmaniere stated that Miami University and McCullough-Hyde Memorial Hospital had indicated that they both would be willing to contribute, and Ms. Green has been very effective in raising monetary contributions for a previous portion of the OATs development.

Mr. Bell stated that the Planning Commission had been informed that funds have been made available for the primary layout of the Western Knolls development. The Environmental Commission inquired if components of conservation development were to be included, as this was the point in the project development for their inclusion. Mayor Rousmaniere indicated she would bring this up in a weekly meeting with the City Manager.

Chair Gwyn provided a draft of a public awareness write-up regarding Oxford's existing electrical aggregation program. Recently, Chair Gwyn had received an unsolicited offer for electrical service through the mail. His concern is that the citizens may not be aware that Oxford has an electrical aggregation program in place. The thought at present is to utilize the nine lines of space available on Oxford's monthly utility bill to remind and inform the community of the aggregation program and to con-

(Continued)

Approved By:	Department Head:	Initial	Date
	City Manager:	<u>WPS</u>	<u>5/19/16</u>
		<u>ARE</u>	<u>5/17/16</u>

congratulate the citizens on the high rate of accounts that participate in the 100% renewable energy option (over 99% of 4,460 accounts). Commissioners offered some revisions to the text and layout of the public awareness message. Chair Gwyn indicated the suggestions would be incorporated into the message, and a revised draft would be circulated for additional comments.

Staff updated the Commission on recent activities regarding urban forestry. Oxford had formally received its 20th consecutive annual Tree City USA designation by the Arbor Foundation at an April 22, 2016 ceremony. This year's Arbor Day observation was held on Friday, April 29th, with Mayor Rousmaniere assisting in the planting of a Skyline Honey Locust tree at the Oxford Community Park (OCP). The annual Memorial Tree Plaque dedication was also held on Friday, April 29th at the OCP. Two memorial trees had been planted at the OCP in memory of Richard and Adele McLaren (a Donald Wyman Crabapple) and Marcette Snell (a Red Sunset Maple). Family and friends attended the dedication program that was coordinated by Oxford's Park and Recreation Department.

Staff informed the Commission that the local Urban Forester with the Ohio Department of Natural Resources (ODNR) did not have examples of municipal ordinances incorporating a tree species diversity planting requirement. ODNR discourages inclusion of diversity requirements in codified ordinances, and instead recommends that they be part of a long-term plan or policy. From the ODNR experiences, incorporation of diversity planting requirements into an ordinance does not provide sufficient flexibility to rapidly adjust to new problems (such as has been presented by the Emerald Ash Borer). Commissioners indicated that they would like a species diversity requirement included in a local regulation to provide an aspect of accountability.

The Commissioners concluded discussion at 8:30 p.m. The next scheduled meeting of the Environmental Commission is on Wednesday, June 1, 2016 at 7:00 p.m., in the Municipal Building's Second Floor Conference Room.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: May 17, 2016

Kim Newton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

May 11, 2016

Date Prepared

Agenda Title:

Report regarding the May 10, 2016 Civil Service Commission Regular Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Tuesday, May 10, 2016. Those members present were: Karen Martino, Chair; James Burchyett, Vice-Chair; Brian Martin, Greg Smith and Bill Brewer.

Candi Turpin, Human Resources Director; Kim Newton, Recording Secretary were in attendance for the City of Oxford. Dennis Malone, Human Resources Director and Bill Hubbard, Facilities Manager was in attendance for the Talawanda School District.

The Commission reviewed and approved two (2) eligibility lists for the Talawanda School District: Maintenance Worker and Custodial Worker. The Commission also reviewed and approved the Public Safety Assistant eligibility list for the City of Oxford

The next Civil Service Commission meeting is scheduled for Wednesday, June 22, 2016 at 5:30 p.m.

Approved By:

Initial Date

Department Head:

City Manager:

CET 5/11/16
MBE 5/13/16

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Service Department

Originating Department

City Council Meeting of: May 17, 2016

Michael B. Dreisbach

Account Code #: N/A

Prepared By

Budgeted Amount: N/A

May 11, 2016

Date Prepared

Agenda Title: Resolution to Acquire Real Property

Recommendation: Approve

Discussion:

The City has recognized the long term need to improve traffic flow along Chestnut St. and to improve the alignment of the offset intersection of Main St. (aka SR732) with Collins Run Rd. In designing improvements to this intersection, it will be necessary to acquire the parcel at 1 W. Chestnut St. (Butler County parcel number H4100115000012) and to raze the existing structure. The parcel is currently owned by Dudley Prime Properties, LLC. By purchasing this property, the City will be able to correct the offset intersection as well as install traffic control signals at the Chestnut intersections with Main St. as well as Campus Ave. These signals will allow for significant traffic flow improvements to Chestnut Street, particularly during high volume periods.

Staff has had discussions with the owners of 1 W. Chestnut to discuss an amicable agreement to transfer the property to the City. Both parties agree that a purchase price of \$150,000 is a fair and reasonable amount to transfer the property to the City of Oxford. A copy of the Real Estate Purchase and Sale Agreement, labeled as "Exhibit A", is attached to this report.

These improvements have been discussed in the City's current five-year Capital Improvement Plan, however, the City has been awarded a grant in the amount of \$331,800.00 from the Ohio Public Works Commission (OPWC) with the caveat that work must be under contract by December 31, 2016 with completion of the project in 2017. The OPWC recognizes the importance of this project as our application scored #11 out of 49 projects. Of the 49 applications, only 22 were successful in receiving funding from OPWC.

With the Council's approval of this Resolution, staff will complete the transfer of the property to the City, make arrangements for tenants to vacate the property (they are currently on a month to month basis), arrange for demolition of the structure, and prepare plans and specifications for the road construction project to include the realignment of Collins Run Rd. with Main Street and the construction of traffic control signals at the intersections of Chestnut St. & Main St. as well as Chestnut St. & Campus Ave.

Approved By:

Department Head: Initial Date
MBD \ 5/11/16

City Manager:

DRB \ 5/13/16

RESOLUTION NO.

A RESOLUTION APPROVING AND AUTHORIZING A REAL ESTATE PURCHASE AND SALE AGREEMENT, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A", BETWEEN THE CITY OF OXFORD, OHIO, AND DUDLEY PRIME PROPERTIES, LLC FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 1 W. CHESTNUT STREET OXFORD, OHIO 45056 AT A COST OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) TO UTILIZE THE PROPERTY FOR THE REALIGNMENT OF COLLINS RUN ROAD WITH STATE ROUTE 732 (MAIN STREET).

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

SECTION 1: The City Council of the City of Oxford has reviewed the Agreement attached hereto and incorporated herein as Exhibit "A", and finds the same to be acceptable and in the best interest of the City and the citizens of the City of Oxford, Ohio.

SECTION 2: City Council hereby authorizes the City Manager to enter into, in a form substantially similar to, the Real Estate Purchase and Sale Agreement attached hereto and incorporated herein as Exhibit "A" between the City of Oxford, Ohio, and Dudley Prime Properties, LLC for the purchase of real property located at 1 W. Chestnut Street Oxford, Ohio 45056 at a cost of one hundred fifty thousand dollars (\$150,000.00) to utilize the property for the realignment of Collins Run Road with State Route 732 (Main Street) and further authorizes the City Manager to take all steps necessary to complete the transaction.

SECTION 3: Funds are being appropriated for said purchase.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

REAL ESTATE PURCHASE AND SALE AGREEMENT

This Real Estate Purchase and Sale Agreement ("Agreement") dated as of the Effective Date (as defined below) is made and entered into by and between **DUDLEY PRIME PROPERTIES, LLC**, an Ohio limited liability company ("Seller"), and **CITY OF OXFORD, OHIO** an Ohio municipal corporation ("Buyer").

RECITALS

- A. Buyer wishes to purchase land owned by Seller, further identified in Section 1.
- B. Seller wishes to sell such land to Buyer on the terms and conditions herein set forth.

In consideration of the mutual covenants herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Seller agrees to sell and Buyer agrees to purchase the Property (as hereinafter defined) on the following terms and conditions:

1. **Purchase and Sale.** On the terms and conditions set forth herein Seller does hereby agree to sell to Buyer and Buyer does hereby agree to purchase from Seller that certain parcel of land located at 1 West Chestnut Street (comprised of approximately .4591 acres) (the "Property"), in Oxford Corp TAL DL, County of Butler, State of Ohio, further known as Butler County Auditor Parcel ID H4100115000012, as further described in **Exhibit A**, attached hereto and made a part hereof, together with all easements, rights and ways appurtenant thereto, or in any way belonging and all of Seller's right, title and interest, if any, in all public ways adjoining the same, and any buildings, improvements and fixtures located thereon. The Property shall be conveyed subject to all encumbrances, conditions, rights, easements, restrictions, right of ways, covenants, and other matters of record, zoning and building laws, ordinances, regulations and codes affecting or governing the Property, real estate taxes, and assessments. Buyer shall assume and pay the costs, taxes, fees and/or expenses with respect to the sale and transfer of the Property by Seller to Buyer.
2. **Purchase Price.** The purchase price for the Property (the "Purchase Price") shall be One Hundred Fifty Thousand and 0/100 Dollars (\$150,000.00) payable at Closing, as defined in Section 6 below, in immediately available funds.
3. **Condition Precedent to Closing.** The Closing of this Agreement is subject to the approval of the Oxford City Council authorizing purchase of the Property. In the event the Oxford City Council does not authorize purchase of the Property, this Agreement is without effect and the Buyer is relieved of all obligations herein.
4. **Additional Terms of Sale.** In addition to the purchase of the Property:

- 4.1 Buyer shall transfer to Seller the existing water and sewer tap to the empty lot on South Main Street, Oxford, Ohio, parcel numbers H4100103000016 and H4100103000019, and install at no cost to Seller a City utility meter and sewer tap;
- 4.2 Seller may remove any contents of Property prior to demolition of the structure;
- 4.3 Seller has right of first refusal to match any bid for demolition of the Property. If Seller elects to undertake the demolition under contract with the Buyer, the Seller must comply with all terms of any other bid including time to completion.
5. **Examination of Title.** Within ten (10) days following the Effective Date, Seller shall deliver to Buyer a copy of any existing policy of title insurance for the Property if such exists and a copy of any existing survey of the Property. If Buyer wants a survey or title review of the Property, Buyer may obtain the same at Buyer's expense within ten (10) business days from the Effective Date. Buyer shall have seven (7) days from receipt of the report of title, but in any event no later than twenty-one (21) days from the Effective Date, to advise Seller whether or not Buyer approves the status of title to the Property. Examination of title to the Property shall show that Seller has good and marketable fee simple title to the Property, free and clear of all liens and monetary encumbrances, except conditions, rights, easements, restrictions, right of ways, covenants and other matters of record, zoning, real estate taxes and assessments and encumbrances of record, which, in Buyer's opinion, acting reasonably, will not adversely affect the development of the Property (the "Permitted Exceptions"), and mortgages, deed(s) of trust, and other monetary liens, or judgments, if any, all of which mortgages, deed(s) of trust, monetary liens, or judgments Seller hereby agrees to have released and discharged of record at or prior to the Closing. In the event such examination of title indicates defects in title, Buyer shall notify Seller no later than twenty-one (21) days from the Effective Date with reasonable particularity in writing of such defects. Thereupon Seller shall have fifteen (15) days to remedy such defects to the reasonable satisfaction of Buyer, but shall have no obligation to remedy any such defect(s), or, at Seller's option, to notify Buyer that Seller will not remedy all or any of the defects. In the event Seller fails to cure such defects within such fifteen (15) day period or notifies Buyer that it will not cure such defects, Buyer, at or prior to the end of such fifteen (15) day period, may elect to terminate this Agreement without further liability. If Buyer does not terminate this Agreement within three (3) days of its receipt of written notice from Seller that Seller will not cure such defect, title to the Property shall be deemed approved by Buyer.
6. **Closing.** The closing of the purchase of the Property hereunder (the "Closing") shall be held at the offices of Buyer or at any other place or in any other manner agreed to by Buyer and Seller. The Closing shall take place on a date (the "Closing Date") designated by Buyer by written notice to Seller given at least ten (10) days prior to the date so designated which date shall be on or about June 30, 2016. Seller shall have the right to collect rent from the tenants up to and including the month of June, 2016. Seller shall not enter into any lease with tenant that extends the term of the lease beyond that of a month to month tenancy. Buyer shall not be liable to Seller for any rent owed Seller at the time of closing.

7. **Closing Documents and Adjustments.** At the Closing and upon payment of the Purchase Price, Seller shall execute and deliver to Buyer a general warranty deed which shall convey the Property free and clear of all liens and monetary encumbrances except the Permitted Exceptions, non-delinquent real estate taxes and assessments, and any matters which would be disclosed by a survey of the Property. Also at Closing, Seller shall deliver to Buyer an affidavit as to debts, liens and parties in possession in a form reasonably required by Buyer's closing agent. Seller shall deliver at the Closing to Buyer the other documents and agreements required by this Agreement and such other documents and agreements as Buyer may reasonably request in order to comply with federal, state and local laws relating to closings of real estate transactions, including a non-foreign affidavit and evidence of the authority of Seller. Real property and ad valorem taxes and assessments for the year of the Closing shall be paid by buyer. All , documentary stamps, recording costs, including the cost of recording the warranty deed, survey costs, title examination and premium costs shall be paid by Buyer. All transfer and conveyance taxes shall be paid by Buyer. Buyer to assume all future expenses.
8. **Seller's Representations and Warranties.** Seller hereby represents and warrants to Buyer as follows: (a) to the best of Seller's actual knowledge, there is no pending condemnation or similar proceeding effecting the Property or any portion thereof, (b) to the best of Seller's actual knowledge, there are no legal or administrative proceedings pending or threatened against Seller or against the Property, (c) Seller has not received any written notice of any violation of any ordinance, regulation, law or statute pertaining to the Property, and (d) the execution and performance of this Agreement by Seller will not result in a breach of or constitute a default or a condition which, with the giving of notice or the lapse of time or both would be a default under, any indenture, agreement, instrument or obligation to which Seller is a party or to which Seller or the Property is bound.
9. **Notices.** All notices to be given hereunder shall be given in writing by certified mail, return receipt requested, or by a nationally recognized overnight delivery service, or by hand delivery against signed receipt addressed to the parties as follows:
- (A) If to Seller: Dudley Prime Properties, LLC
Attention: Terry Dudley
6744 Contreras Road
Oxford, OH 45056
- (B) If to Buyer: City of Oxford
Attn: Douglas R. Elliott, Jr.
City Manager
101 East High Street
Oxford, OH 45056

Notices given by hand shall be effective on the date of delivery as shown on the signed receipt. Notices given by certified mail or by overnight delivery service shall be deemed delivered on the date of delivery (or first attempt to deliver) as shown on the return

receipt card or similar material of the overnight delivery service. Any party may change its address for notice purposes by giving notice to the other party in accordance with the provisions of this section provided that the effective date for the change of such address shall be no sooner than three (3) business days following delivery of the notice of the change of address.

10. **Authority.** Each of Buyer and Seller represent to the other that it has full power and authority to enter into this Agreement and to perform its obligations hereunder and the individuals executing this Agreement on behalf of such party have full authority to bind such party.
11. **Miscellaneous.** All prior understandings and agreements between the parties hereto are merged in this Agreement. This Agreement may be amended or modified only by a writing executed by Buyer and Seller. Risk of loss with respect to the Property shall be on Seller until the Closing. All matters which in this Agreement are by their nature intended to survive the Closing shall survive the Closing. This Agreement shall be governed by and construed in accordance with the laws of the state of Ohio. Wherever used in this Agreement, the singular number shall include the plural, the plural shall include the singular, and the use of any gender shall be applicable to all genders. Time is of the essence of this Agreement.
12. **Effective Date.** As used herein, the Effective Date is the date upon which Buyer and Seller have executed this Agreement, as evidenced by the latest date adjacent to the signature of each such person at the foot of this Agreement, and a fully executed counterpart of this Agreement has been delivered to each of Buyer and Seller.
13. **Property As Is.** Seller hereby sells and Buyer hereby buys the Property "As Is". Buyer shall have the right to inspect the Property within five (5) days of the closing date and should Buyer determine that a condition exist that would impact and cause liability to Buyer, Buyer may terminate this Agreement.
14. **1031 Exchange.** Buyer and/or Seller may wish to close this transaction in connection with an IRC Section 1031 tax-free exchange. Both parties agree to cooperate with the other in effecting such an exchange provided it can be accomplished with no additional cost or liability to the other and it will not delay the scheduled Closing.
15. **Survival.** The terms and conditions of this Purchase and Sale Agreement shall survive the execution and delivery of the deed to the Property at Closing.

IN WITNESS WHEREOF, the parties hereto have executed this Real Estate Purchase and Sale Agreement as of the Effective Date.

SELLER:

DUDLEY PRIME PROPERTIES, LLC

WITNESS

By: _____

Terry Dudley

Title: Member

Date: _____, 2016

and

WITNESS

By: _____

Kathy Dudley

Title: Member

Date: _____, 2016

BUYER:

CITY OF OXFORD

WITNESS

By: _____

Douglas R. Elliott, Jr.

Title: City Manager

Date: _____, 2016

EXHIBIT A

Legal Description

Situate and being in the City of Oxford, Butler County, Ohio and being part of Lot Number Seven Hundred Sixteen (716), more fully described as follows:

Beginning at the northwest corner of said Lot No. 716; thence South 88°30' East along the north line of said Lot a distance of 363.00 feet to a point, which point is the true point of beginning; thence South 1° West parallel to the west line of said Lot a distance of 200.00 feet to a point; thence South 88° 30' East parallel to the north line of said Lot a distance of 100.00 feet to a point; thence North 1° East parallel to the west line of said Lot a distance of 200.00 feet to a point in the north line of said Lot No. 716; thence North 88° 30' West along the north line of said Lot No. 716 a distance of 100.00 feet to the point of beginning.

Together with the right of ingress and egress to, from and on the 50.00 foot strip of land immediately east of the above mentioned tract of land.

H-4100-115-000-112

Prior Deed reference: DB 8757 pg 2050

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: May 17, 2016

Account Code #: 320.811.65129

Budgeted Amount: \$80,000.00

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

May 11, 2016

Date Prepared

Agenda Title: Purchase of Replacement Backhoe for the Water Distribution Division

Recommendation: Approve

Discussion:

The 2016 Capital Equipment Budget includes \$80,000 for the purchase of a replacement backhoe / loader for use by the Water Distribution Division of the Service Department. The City is replacing a 2008 Case backhoe which staff recommends be transferred to the Streets & Maintenance Division (Streets). The backhoe used by Streets, a 1999 model, will be traded in for credit against the new purchase. A backhoe is critical to the operation of the Water Distribution Division, and is used throughout the City on a daily basis.

The State of Ohio (Department of Administrative Services) contract for the purchase of backhoes / loaders (Index No. STS-515) includes schedule number 800185, a Case model 590SN T4 backhoe. The City of Oxford has been authorized to participate in this Cooperative Purchasing Program administered by the Ohio Department of Administrative Services. The unit price for this equipment, sold through Southeastern Equipment Co., Inc. is as follows:

Base equipment price:	\$176,049.00
DAS Discount with State Contract	(79,222.05)
Credit for backhoe trade-in	(16,826.95)

Total price:	\$80,000.00
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This Resolution will authorize the City Manager to enter into an agreement with Southeastern Equipment Co., Inc. of Monroe, OH for the purchase of a 2016 Case model 590SN T4 backhoe at a cost not to exceed \$80,000.00. Staff further recommends Council authorize the City Manager to dispose of a 1999 Case backhoe (Equipment #401) by means of trade-in with the purchase of this machine.

Approved By:

Department Head:

Initial MBD Date 5/11/16

City Manager:

[Signature] 5/13/16

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SOUTHEASTERN EQUIPMENT CO., INC. FOR THE PURCHASE OF A 2016 CASE MODEL 590SN T4 BACKHOE AT STATE CONTRACT PRICING AT A COST NOT TO EXCEED \$80,000.00 WHICH INCLUDES A DISCOUNT OF \$16,826.95 FOR TRADING IN A CITY OWNED 1999 CASE BACKHOE.

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

SECTION 1: Council hereby authorizes the Service Department to purchase a 2016 Case model 590SN T4 backhoe at state contract pricing at a cost not to exceed \$80,000.00 which includes a discount of \$16,826.95 for trading in a City owned 1999 Case backhoe.

SECTION 2: The City Manager is hereby authorized to enter into an agreement with Southeastern Equipment Co., Inc. for the purchase of a 2016 Case model 590SN T4 backhoe at state contract pricing at a cost not to exceed \$80,000.00 and to trade in a City owned 1999 Case backhoe for a discount of \$16,826.95.

SECTION 3: Funds have been appropriated for the authorized purchase price.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)



Southeastern
EQUIPMENT CO., INC.

Scott Runnells
Sales Representative

(513) 539-9214 Office
(513) 539-6917 Fax
(513) 519-6855 Mobile

QUOTATION

Customer:	CITY OF OXFORD	Date:	April 1, 2016
Contact:	ERIC KEEBLER	Phone:	513-523-8412
Address:	101 EAST HIGH STREET	Fax:	513-524-1146
City, State, Zip:	OXFORD, OH. 45056	Mobile:	
Customer No.:	570972	Email:	eekebler@cityofoxford.org

Description	Price
ONE NEW CASE 590SN T4 FINAL LOADER BACKHOE	\$176,049.00
CAB WITH HEAT	STS DISCOUNT (45%) SCHEDULE# 800185 (\$79,222.05)
4 WHEEL DRIVE STANDARD TRANSMISSION	
EXTENDAHOE	
14x17.5, 10 PR FRONT TIRES	
21Lx24 10PR (R4) REAR TIRES	
1,100 LB. FRONT COUNTERWEIGHT	
PILOT BACKHOE CONTROLS	
AUXILIARY HYDRAULICS	
COMBINATION FLIP OVER STABILIZER PADS	
CLOTH SUSPENSION SEAT	
RIDE CONTROL	
DUAL BATTERIES WITH DISCONNECT & JUMP START TERMINALS	
93" WIDE (1.25 CU. YD.) HEAVY DUTY LOADER BUCKET WITH BOLT ON CUTTING EDGE	
24" HEAVY DUTY BACKHOE BUCKET	
PLUS ALL OTHER STANDARD EQUIPMENT (SEE ATTACHED SPECIFICATIONS SHEET)	

Trade Information						
Year	Make	Model	Serial Number	Trade Value	Sale Price	96,826.95
1999	CASE	590SLII	JJG0212197	\$16,826.95	Sales Tax	EXEMPT
					FET	X
					Document Fees	X
					Insurance	X

Finance Options			Rental Information
Term	Rate	Payment	

	Daily:
	Weekly:
	Monthly:
	100% of paid rent to be applied towards the purchase of unit on rent. Carrying charges computed monthly at 1.0% of the declining balance up to (6) months. 3.0% carrying charges thereafter.
*RATES ARE SUBJECT TO CHANGE	
*SUBJECT TO CREDIT APPROVAL	

Total	96,826.95
Less Trade	(16,826.95)
Down Payment	
Balance Due	\$ 80,000.00

**UNLESS OTHERWISE NOTED ON THIS QUOTE, USED MACHINES ARE SOLD ON AN "AS IS - WHERE IS BASIS".
THERE IS NO WARRANTY EITHER EXPRESSED OR IMPLIED**

404 Breaden Road Monroe, OH 45050
www.southeasternequip.com



Index No: STS515
Eff. Date: 11/16/2015

STATE OF OHIO
DEPARTMENT OF ADMINISTRATIVE SERVICES
GENERAL SERVICES DIVISION
OFFICE OF PROCUREMENT SERVICES
4200 SURFACE ROAD, COLUMBUS, OH 43228-1395

S & L GOVERNMENT PRICING SCHEDULE

SCHEDULE NUMBER: 800185

EFFECTIVE DATES: 10/01/2011 TO 09/30/2015
Renewal through 9/30/2017

The Department of Administrative Services has completed the evaluation and analysis of the State Term Schedule (STS) offering submitted by the Contractor as listed herein. The Contractor listed herein has been determined to provide competitive, economical and reasonable pricing for the items contained in their offer. The respective offer, including the Standard Contract Terms & Conditions, any proposal amendment, special contract terms & conditions, specifications, pricing schedules and any attachments incorporated by reference and accepted by DAS become a part of this State Term Schedule.

This State Term Schedule is effective beginning and ending on the dates noted above unless, prior to the expiration date, the Schedule is renewed, terminated, or cancelled in accordance with the Standard Contract Terms and Conditions.

This State Term Schedule is available to all state agencies, state institutions of higher education and political subdivisions properly registered as members of the Cooperative Purchasing Program of the Department of Administration Services, as applicable.

Agencies are eligible to make purchases of the supplies and/or services in any amount and at any time as determined by the agency (see maximum order limit). The State makes no representation or guarantee that agencies will purchase the supplies and/or services approved in the State Term Schedule.

State agencies may make purchases under this State Term Schedule up to \$2500.00 using the state of Ohio payment card. Any purchases that exceed \$2500.00 will be made using the official state of Ohio purchase order (ADM-0523). Any non-state agency, institution of higher education or Cooperative Purchasing member will use forms applicable to their respective agency.

This State Term Schedule and any Amendments thereto are available from the DAS website at the following address: <http://procure.ohio.gov>.

CNH America dba Case Construction

STATE TERM SCHEDULE

STATE OF OHIO
DEPARTMENT OF ADMINISTRATIVE SERVICES
GENERAL SERVICES DIVISION
OFFICE OF PROCUREMENT SERVICES
4200 SURFACE ROAD, COLUMBUS, OH 43228-1395

Index No: STS515
Eff. Date: 03/25/2015

CONTRACTOR, PRICES, TERM SCHEDULE, ETC.

Contractor:

Contractor does not accept POs
CNH America dba Case Construction
621 State St
Racine, WI 53402

Contractor Contacts:

Mr. Tony Simpson 262-636-6576 Fax: 232-636-6310 Sales Contact tony.simpson@casece.com

Delivery:

30-90 Days A.R.O. - F.O.B. Destination

Terms:

Net 30 Days

Basic Order Limitations (Agencies should contact Procurement Services when they expect to exceed the Maximum Order Limitation.)

Minimum: \$25.00

Maximum: \$200,000.00

APPROVED PRODUCTS/SERVICES: Only those vendors, products, or services as listed in the price pages, approved by the Office of Procurement Services, may be purchased from this State Term Schedule. Any vendors, prices, terms, conditions, products or services not listed in the approved price sheets are outside the scope of this schedule.

MANDATORY USE CONTRACTS: All General Distribution Contracts (GDC), Limited Distribution Contracts (LDC), Multiple Award Contracts (MAC), and Request for Proposals (RFP) take precedence over this State Term Schedule (STS). This STS is only for governmental entities without a mandatory use contract.

EXCLUDED ITEMS: (State Agencies Only) in accordance with the Ohio Revised Code Section 5147.07, 125.60, through 125.6012, 5119.16 and 3304.28 through 3304.33 state agencies are required to purchase through Ohio Penal Industries (OPI); Community Rehabilitation Programs (CRP); Department of Mental Health (DMH) Office of Support Services (Central Warehouse, and Pharmacy Services); and Rehabilitation Services Commission (RSC). State agencies must obtain a waiver from OPI, CRP, DMH Central Warehouse or Pharmacy Services, and/or RSC to procure from this schedule.

SPECIAL NOTE: The state of Ohio including but not limited to its agencies, boards, commissions, departments, state universities, state vocational schools, state community colleges of Ohio, and any entity authorized by law to use this State Term Schedule (STS) is not obligated to procure any products or services from this STS. This STS shall not be construed to prevent the state from purchasing products or services using other procurement methods as authorized by law.

NOTICE TO CONTRACTOR/VENDOR: It is the responsibility of the contractor's contact to maintain this State Term Schedule with current information. All updates i.e., telephone numbers, contact names, email addresses, tax identification number, prices, and catalogs etc., are required to be processed through the formal amendment authorization process which is initiated by way of a written request from the contractor's contact.

UNSPSC CODES (OAKS Category ID) and Item Descriptions:

All purchase orders placed against this contract shall use the following UNSPSC Codes when completing requisitions.

22101500 - Earth moving machinery
Backhoes, Buckets, Planers

NOTES:

Please Note: Unless expressly stated within the body of the Contract, all Contract Terms and Conditions shall prevail over any terms stated in the contractor catalogs and pricelists.

Dealer Name & Address

0000065229
Southeastern Equipment Co., Inc.
PO Box 536
Cambridge, OH 43725-0536

Remit to:

0000065229
Southeastern Equipment Co., Inc.
PO Box 536
Cambridge, OH 43725-0536

OAKS Contract ID
800185-5



Dealer's Contact:

Name	Phone	Fax	Email Address
Mr. Mickey Gourley	740-432-6303	740-432-3303	mgourley@southeastequip.com

Case Construction Equipment - State of OH - STS Contract 800185
Discount Matrix - by Model - 03/09/2015 - 09/30/2017
OP1-5211-050 Base Authorization

Model	CNH America LLC CASE CE Price Book Version	% Off List - State of Ohio
Tractor Loader Backhoes		
580N 2WD T4 Final	PL-200 TLB SAP REVISION 15 EFF. NOVEMBER 10TH 2014	45%
580N 4WD T4 Final	PL-200 TLB SAP REVISION 15 EFF. NOVEMBER 10TH 2014	45%
590SN 2 WD T4 Final	PL-200 TLB SAP REVISION 15 EFF. NOVEMBER 10TH 2014	45%
590SN 4 WD T4 Final	PL-200 TLB SAP REVISION 15 EFF. NOVEMBER 10TH 2014	45%
580SN 2 WD T4 Final	PL-200 TLB SAP REVISION 15 EFF. NOVEMBER 10TH 2014	45%
580SN 4 WD T4 Final	PL-200 TLB SAP REVISION 15 EFF. NOVEMBER 10TH 2014	45%
580N EP 2 WD T4 Final	PL-200 TLB SAP REVISION 15 EFF. NOVEMBER 10TH 2014	45%
580N EP 4 WD T4 Final	PL-200 TLB SAP REVISION 15 EFF. NOVEMBER 10TH 2014	45%
580SN WT T4 Final	PL-200 TLB SAP REVISION 15 EFF. NOVEMBER 10TH 2014	45%
Tractor Loaders		
570N 2WD EP T4 Final	PL-200 TLL SAP REVISION 14A EFF SEPT 26TH 2014	45%
570N 4WD EP T4 Final	PL-200 TLL SAP REVISION 14A EFF SEPT 26TH 2014	45%
Forklifts		
586H 2WD T4 FINAL	PL-200 RTFL SAP REVISION 15 EFF. AUGUST 11 2014	45%
586H 4WD T4 FINAL	PL-200 RTFL SAP REVISION 15 EFF. AUGUST 11 2014	45%
588H 2WD T4 FINAL	PL-200 RTFL SAP REVISION 15 EFF. AUGUST 11 2014	45%
588H4WD T4 FINAL	PL-200 RTFL SAP REVISION 15 EFF. AUGUST 11 2014	45%
Skid Steers and Compact Track Loaders		
SR130 T4 FINAL	PL200 SL SAP REVISION 16c revised October 1, 2015	35%
SR160 T4 FINAL	PL200 SL SAP REVISION 16c revised October 1, 2015	35%
SR175 T4 FINAL	PL200 SL SAP REVISION 16c revised October 1, 2015	35%
SV185 T4 FINAL	PL200 SL SAP REVISION 16c revised October 1, 2015	35%
SR210 T4 FINAL	PL200 SL SAP REVISION 16c revised October 1, 2015	35%
SR240 T4 FINAL	PL200 SL SAP REVISION 16c revised October 1, 2015	35%
SR270 T4 FINAL	PL200 SL SAP REVISION 16c revised October 1, 2015	35%
SV280 T4 FINAL	PL200 SL SAP REVISION 16c revised October 1, 2015	35%
SV300 T4 Final	PL200 SL SAP REVISION 16c revised October 1, 2015	35%
TR270 T4 FINAL	PL200 SL SAP REVISION 16c revised October 1, 2015	35%
TR310 T4 FINAL	PL200 SL SAP REVISION 16c revised October 1, 2015	35%
TR340 T4 FINAL	PL200 SL SAP REVISION 16c revised October 1, 2015	35%
TV380 T4 FINAL	PL200 SL SAP REVISION 16c revised October 1, 2015	35%
Crawler Dozer		
650L	PL-200 CE SAP REVISION 8A EFF NOV. 11 2013	42%
750M	PL-200 CE SAP REVISION 11B EFF. NOV 10 2014	42%
850M	PL-200 CE SAP REVISION 11B EFF. NOV 10 2014	42%
1150M	PL-200 CE SAP REVISION 11B EFF. NOV 10 2014	42%
1650M	PL-200 CE SAP REVISION 11B EFF. NOV 10 2014	42%
2050M	PL-200 CE SAP REVISION 11B EFF. NOV 10 2014	42%
Wheel Loaders		
21F	PL200 CW SAP REVISION 9 EFF MAY 30 2014	42%
121F	PL200 CW SAP REVISION 9 EFF MAY 30 2014	42%
221F	PL200 CW SAP REVISION 9 EFF MAY 30 2014	42%
321F	PL200 CW SAP REVISION 9 EFF MAY 30 2014	42%
521F	PL 200 CE SAP REVISION 16 EFF. November 10 2014	45%
621F	PL 200 CE SAP REVISION 16 EFF. November 10 2014	45%
721F	PL 200 CE SAP REVISION 16 EFF. November 10 2014	45%
821F	PL 200 CE SAP REVISION 16 EFF. November 10 2014	45%
921F	PL 200 CE SAP REVISION 16 EFF. November 10 2014	45%
1021F	PL 200 CE SAP REVISION 16 EFF. November 10 2014	45%
1121F	PL 200 CE SAP REVISION 16 EFF. November 10 2014	45%
1221F	PL 200 CE SAP REVISION 16 EFF. November 10 2014	45%

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: May 17, 2016

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

May 13, 2016

Date Prepared

Agenda Title: Resolution approving and authorizing the City Manager to sign the Estoppel and Release Agreement modifying the terms of the May 23, 2006 Development Agreement.

Recommendation: Adopt the Resolution.

Discussion:

Most of the provisions of the 2006 Development Agreement between the City of Oxford, 4-Leaf Development LLC, and OX01, Ltd. have been met. The buyer of the Fields of Southpointe subdivision (OH-MU Holdings LLC) and the seller (4-Leaf Development LLC) requested a release from the City under the Development Agreement of 2006 since the buyer becomes a party to the agreement through the successors and assigns provisions of that Agreement. The City Manager recommends he be authorized to sign the Estoppel and Release Agreement in a form substantially similar to the Estoppel and Release Agreement attached hereto as Exhibit "A".

Approved By:

Initial Date

Department Head:

City Manager:

[Signature] 5/13/16

RESOLUTION NO.

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN THE ESTOPPEL AND RELEASE AGREEMENT MODIFYING THE TERMS OF THE MAY 23, 2006 DEVELOPMENT AGREEMENT.

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

SECTION 1: Council has reviewed the Estoppel and Release Agreement attached hereto and incorporated herein as Exhibit "A", and finds the same to be acceptable and in the best interest of the City and the citizens of the City.

SECTION 2: The City Manager is hereby authorized to enter, in a form substantially similar to, the Estoppel and Release Agreement attached hereto and incorporated herein as Exhibit "A" modifying the terms of the May 23, 2006 Development Agreement entered into between the City of Oxford, OXO1, Ltd., and 4-Leaf Development LLC.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

ESTOPPEL AND RELEASE AGREEMENT

THIS ESTOPPEL AND RELEASE AGREEMENT (this "*Estoppel*") is dated as of _____, 2016 by and among OH-MU HOLDINGS LLC, a Delaware limited liability company (the "*Buyer*"), 4-LEAF DEVELOPMENT LLC, an Ohio limited liability company (the "*Seller*"), and THE CITY OF OXFORD, OHIO, an Ohio municipal corporation (the "*City*").

Recitals

A. Pursuant to the terms and conditions of that certain Development Agreement dated as of May 23, 2006 (the "*Agreement*"), City, OXO1, Ltd., an Ohio partnership and Seller agreed upon terms and conditions upon which each party assumed certain obligations with respect to the Property (as defined in the Agreement and to avoid confusion for purposes of this Estoppel shall hereinafter be referred to as the "*Original Parcel*").

B. Pursuant to the terms and conditions of that certain Contract of Purchase and Sale made and entered into by and between Buyer and Seller as of March 24, 2014 as amended by that certain First Amendment to Contract of Purchase and Sale dated as of March 19, 2015; that certain Second Amendment to Contract of Purchase and Sale dated as of April 1, 2015; that certain Third Amendment to Contract of Purchase and Sale dated as of May 20, 2015; that certain Fourth Amendment of Contract of Purchase and Sale dated as of August 14, 2015; that certain Fifth Amendment of Contract of Purchase and Sale dated as of August 28, 2015; that certain Sixth Amendment of Contract of Purchase and Sale dated as of September 2, 2015; that certain Seventh Amendment to Contract of Purchase and Sale dated as of September 4, 2015, that certain Eighth Amendment to Contract of Purchase and Sale dated as of March 30, 2016, and that certain Ninth Amendment to Contract of Purchase and Sale dated as of April 13, 2016 (collectively, the "*Contract*"), Buyer and Seller agreed upon the terms and conditions upon which the Buyer would buy the Property (as defined in the Contract) from Seller.

C. Seller, Buyer, and City have agreed to modify the terms and conditions of the Agreement to limit the Agreement's application to the Property (as defined in the Contract) and provide certain additional rights as hereinafter set forth.

D. Unless otherwise specified, all terms capitalized herein and not defined herein shall have the meanings set forth in the Agreement.

NOW, THEREFORE, in consideration of the mutual representations, benefits and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Seller and Buyer covenant and agree as follows:

1. Definitions. For purposes of this Estoppel, the term "*Remainder Parcel*" shall mean the Original Parcel less and except the Property (as defined in the Contract).

2. Estoppel.

(a) All obligations of City and Seller other than those identified in Article IV(D), Article V, and Article VI (A) (except the items specified in Article V(B), (C), and (H)) have been performed or complied with by City and Seller through the date hereof. There exists no default or condition, state of facts or event that, with the passing of time or the giving of notice, or both, would constitute a default by the City or Seller in the performance of its obligations under the Agreement.

3. Waiver. The remaining Waiver, as of the date hereof, is Two Hundred Thirty-One Thousand One Hundred Ninety Four and 80/100 Dollars (\$231,194.80).

4. Release. Except with respect to the obligations of the Seller, Buyer and City under Article IV (D), the Buyer, provided it fully cooperates with the creation execution and implimentation of one or more TIF Districts as provided for in the Agreement, which District(s) shall include the Property as defined in the Contract, shall have no obligations under the Agreement for which City and Seller hereby irrevocably and unconditionally release and forever discharge the Property (as defined in the Contract), and Buyer, its successors, or assigns from any and all obligations, liabilities, promises, and/or agreements of any nature whatsoever that may be imposed on Buyer or the Property (as defined in the Contract) under the Agreement.

5. Acknowledgement. Seller acknowledges that its obligations to perform the Roadway Improvements, install the Signal, and complete the Roadway Work as set forth in Article VI(A) of the Agreement remain outstanding and shall survive the the execution of this Estoppel and the sale of the Property (as defined in the Contract) to Buyer.

6. Miscellaneous. Except as expressly set forth herein, all other terms and conditions of the Agreement are hereby ratified in full and the Agreement shall remain in full force and effect. If there is any conflict between any term or provision of the Agreement and this Estoppel, the term or provision herein shall govern and prevail.

7. Counterparts. This Estoppel may be executed in counterparts, each of which shall constitute an original though not fully executed, but all of which, when taken together, shall constitute but one instrument.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Seller, Buyer, and City acting by and through their duly authorized representatives, duly executed this Estoppel as of the date first set forth above, but actually on the dates set forth below.

SELLER

4-LEAF DEVELOPMENT LLC

By: _____
David Wespiser, Managing Member

Date: _____, 2016

CITY

THE CITY OF OXFORD, OHIO

By: _____
Douglas R. Elliott, Jr. City Manager

Date: _____, 2016

BUYER

OH-MU HOLDINGS LLC

By: _____
Loren P. King, Authorized Representative

Date: _____, 2016

SELLER

OXO1, LTD.

By: _____
[Name], [Title]

Date: _____, 2016

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**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Finance

Originating Department

Council Meeting Of : 5/17/2016

Account Code No. : see below

Joe Newlin

Prepared By

Budgeted Amount : _____

5/11/2016

Date Prepared

Agenda Title: 2016 Supplemental Budget #4

Recommendation: Approve

Issue 1

To make adjustment to amended budget for the transfer of funds from the General Fund to the Municipal Facilities Improvement Fund and appropriate them for improvements (see Exhibit "A")

Action Needed:

Revenue Side

Municipal Facilities Improvement (143) 1,500,000.00 Transfer from General Fund

Expense Side

General (110) 1,500,000.00 Appropriation from unencumbered balance for transfer to Municipal Facilities Fund
Municipal Facilities Improvement (143) 1,500,000.00 Appropriation from unencumbered balance for Municipal Facilities improvements

Net Effect on Fund Balance/(s) (1,500,000.00)
Increase/(Decrease)

Issue 2

To make adjustment to amended budget for the purchase of 1 W. Chestnut for the realign Collins Run Road with Main St. and to install traffic signals at Chestnut / Main & Chestnut / Campus

Action Needed:

Revenue Side

- N/A

Expense Side

Capital Improvement (141) 150,000.00 Appropriation from unencumbered balance for purchase of 1 W Chestnut

Net Effect on Fund Balance/(s) (150,000.00)
Increase/(Decrease)

Total Net Effect on Fund Balance/(s) (1,650,000.00)
Increase/(Decrease)

Breakdown by Fund

General (110) (1,500,000.00)
Capital Improvement (141) (150,000.00)

Net Effect on Fund Balance/(s) (1,650,000.00)
Increase/(Decrease)

Approved By:

Department Head:

City Manager:

Initials

Date

[Handwritten signatures and dates]
5/11/16
5/19/16

Exhibit "A"

<u>General Fund Analysis</u>	
Projected Ending Balance 2015 Budget	6,080,537
Projected Ending Balance 2016 Budget	7,525,888
Budgeted Expenditures & Transfers Out 2016 Budget	10,831,900
2016 Projected Ending Balance as a percentage of budgeted expenditures and transfers out	69.5%
Actual Ending Balance 2015	7,972,610
Budgeted Expenditures & Transfers Out 2016 Budget	10,831,900
Proposed Transfer 2016 to Municipal Facilities Capital Improvement Fund	1,500,000
Adjusted Ending Balance 2016	6,472,610
2016 Projected Ending Balance as a percentage of budgeted expenditures and transfers out <i>(not including one time \$1,500,000 transfer to Municipal Facilities Capital Improvement Fund)</i>	59.8%

- **The General Fund Budget for 2016 was balanced - Revenue = Expenditures**
- **Even after the one time transfer of \$1,500,000, the projected ending balance for the General Fund is 59.8% of budgeted expenditures and transfers out**
- **59.8% is a very healthy percentage of expenditures and transfers out**
- **Any left over funds in the Municipal Facilities Capital Improvement Fund after the completion of the project can be transferred back to the General Fund**

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3335. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 4 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2016.

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

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

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

General Fund 110	1,500,000.00
Municipal Facilities Capital Improvement Fund 143	1,500,000.00
Capital Improvement Fund 141	150,000.00

SECTION 3: The following transfer(s) be executed:

Transfer from:	
General Fund 110	1,500,000.00
Transfer to:	
Municipal Facilities Capital Improvement Fund 143	1,500,000.00

SECTION 4: The following increase/(decrease) in revenues be made:

Municipal Facilities Capital Improvement Fund 143	1,500,000.00
---	--------------

SECTION 5: In all other respects, Ordinance No. 3335 shall remain in full force and effect.

SECTION 6: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)