



Agenda

Oxford City Council

Court House

TUESDAY, MAY 19, 2009

EXECUTIVE SESSION

7:00 P.M.

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

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 - 'EMS Week'



Proclamation

B. Recognition - Dr. Gary Burt.

C. Public Comments.

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

4. Consent Agenda.

A. Minutes of the May 5, 2009 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)



Work Session Minutes

B. Minutes of the May 5, 2009 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)



Minutes

C. Report regarding the May 6, 2009 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

D. A Resolution authorizing the City Manager and Fire Chief to enter into an agreement with Ward Diesel Filter Systems for the purchase of ten (10) 'No Smoke' systems for Fire Department apparatus exhaust filtration at a cost not to exceed \$85,740.00 utilizing funds awarded from the 2008 Assistance to Firefighters Grant in the amount of \$77,166.00 with 10% matching funds from the City of Oxford. (John Detherage, Fire Chief)



Staff Report/Resolution

E. A Resolution authorizing the City of Oxford to participate in the Regional Income Tax Agency's ("RITA") Subpoena Program for the collection of delinquent local income tax. (Joe Newlin, Finance Director)



Staff Report/Resolution

5. Resolutions.

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 Repealing The City of Oxford Administrative Code Title Three Legislative, Chapter 111, And Title Five Administrative, Chapters 121, 123, 125, 127, 129, 145, And 147 And Adopting New Title Three Legislative, Chapter 111, And Title Five Administrative, Chapters 121, 123, 125, 127, 129, 145, And 147. (Donna Heck, Clerk of Council)



Staff Report/Ordinance

2. An Ordinance Authorizing The Tax Budget For The Year 2010 And Directing That The Same Be Transmitted To The Butler County Auditor. (Joe Newlin, Finance Director)



Staff Report/Ordinance

3. An Ordinance Approving The Extension Of The Conditional Use Permit For A Miami University Community Federal Credit Union Branch Facility With A Drive-Through At 5120 College Corner Pike Approved By Ordinance No. 2932 On November 21, 2006, For A Period Of Six Months. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

4. An Ordinance Repealing Zoning Code Section 1141.3, Supplemental Regulations, And Adopting New Section 1141.03, Supplemental Regulations. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

B. Second 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 Providing For The Issuance Of Not To Exceed \$2,600,000 Park Improvement Refunding Bonds And Declaring An Emergency. (Joe Newlin, Finance Director)



Staff Report/Ordinance

3. An Ordinance Amending Zoning Code Section 1101 'Subdivision Regulations'. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

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

A. Announcements.

1. Remarks from City Council and City staff.

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

WED - 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 Building 2nd Floor Conference Room.

TUES - June 2 City Council Meeting 7:30 p.m.

WED - June 3 Historic and Architectural Preservation Commission Meeting 7:30 p.m.

TUES - June 9 Planning Commission Meeting 7:30 p.m.

MON - June 15 Housing Advisory Commission 7:00 p.m. Municipal Building 2nd Floor Conference Room.

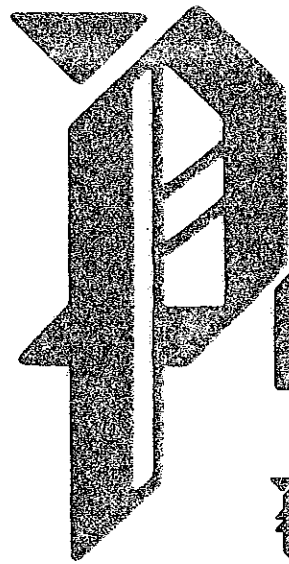
WED - June 17 Board of Zoning Appeals 7:30 p.m. Cancelled

FRI - June 19 Community Improvement Corporation 12:00 p.m. LCNB 2nd Floor Community Room

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

WED - June 24 Environmental Commission Meeting 7:00 p.m. Municipal Building

8. Adjourn



Office of the Mayor

Proclamation

Whereas: emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

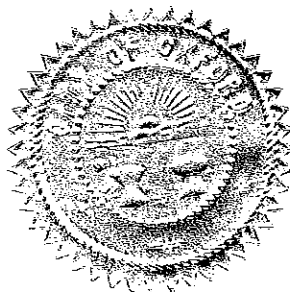
WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, do hereby proclaim the week of May 17th, 2009 as:

"EMERGENCY MEDICAL SERVICES WEEK"

with the theme, EMS: A Proud Partner in Your Community, I encourage the community to observe this week with appropriate programs, ceremonies and activities.

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



PRUDENCE Z. DANA, MAYOR

Council Minutes

May 5, 2009

Page 1

The Work Session of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, May 5, 2009 at 6:00 P.M. Those Council members present were: Ken Bogard, Doug Ross, Alysia Fischer, Kate Currie, Greg Rutherford, and Richard Keebler.

Staff members present: Doug Elliott, City Manager; Alan Kyger, Economic Development Director, Joe Newlin, Finance Director and Mary Ann Eaton, Deputy Clerk of Council.

Also present were Board Members of the Oxford Chamber of Commerce: Brian Fey, Scott Webb, JoNell Rowan, Kenny Thacker, Rich Daniels, Mike Patterson, Bob Coley, Steve Snyder, Tammy Wood and Bill Schilling.

APPROVAL OF AGENDA

Mr. Bogard moved approval of the Agenda. Mr. Keebler seconded. The motion carried 7-0-0.

PURPOSE

The purpose of the Work Session was for Council to hear a presentation from the Chamber of Commerce Board Members regarding economic development initiatives.

PRESENTATION

Mr. Brian Fey, Board Chair, Oxford Chamber of Commerce, noted Economic Development was being focused by the Chamber. Mr. Fey provided a brief history of the Chamber's activities since its inception in the 1970's.

Mr. Scott Webb, discussed ways in which economic development benefited everyone in the community including the following topics:

- Success building upon success
- Preventing retail 'leakage'
- Attracting and welcoming new businesses
- Building the tax base
- Creating jobs
- Improves services and amenities
- Helps social services and non-profits

Mr. Mike Patterson, discussed the implementation of ideas from the Comprehensive Plan such as partnering with Miami University to attract research based jobs, considering incentives such as tax credits and marketing and utilizing economic development incentives such as the enterprise zone and the revolving loan fund. Mr. Patterson noted the Chamber wanted to help the City create the strategy for an economic development plan.

Mr. Patterson noted the Chamber felt that economic development must be a priority for Council and the Planning Commission in their decision making processes. Mr. Patterson noted the Chamber felt that staff should be empowered to work with businesses and consider all proposals as economic development opportunities. Mr. Patterson noted there was a perception that it was difficult to do business in Oxford.

Mr. Scott Webb, noted Oxford was competing for business with areas such as the west side of Hamilton. Mr. Webb noted Oxford's demographics did not look good on paper and suggested creating economic development packets which highlighted the City and what it had to offer. Mr. Webb suggested looking at what the City could do to lessen the burden on new businesses coming into town.

Mr. Brian Fey, advised Mr. Kyger and Ms. Rowan were working on forming focus groups to find out what the citizens would like to see come into town.

DISCUSSION

Mr. Keebler advised the Planning Commission was looking at the re-development of the South Locust Street corridor and noted many times Council and the Planning Commission only heard from citizens who didn't want to see a proposed development come into town.

Mr. Bogard noted the lack of highway access to Oxford created difficulties.

Ms. Sarah Mabry, noted her feeling the retention of existing businesses needed to be considered as well as new businesses.

Council Minutes

May 5, 2009

Page 3

Mr. Rutherford advised regulations were costly for developers and improvements could be made to streamline many of the processes. Mr. Rutherford noted his feeling local entrepreneurs needed to be a major priority.

Mr. Ross noted there would be openings on Council in November and encouraged members of the business community to run for Council.

Ms. Currie suggested the concept of an 'incubation' process for new businesses. Ms. Currie noted 2010 was Oxford's Bicentennial which could be used as an opportunity to market Oxford.

Ms. Fischer noted it was difficult to encourage Miami University faculty and staff to live in Oxford and inquired what could be done to attract them to live in Oxford. Mr. Rutherford noted the City was looking at high speed rail and energy research.

Mayor Dana advised 2009 was Miami University's Bicentennial and a lot of alumni would be visiting the town. Mayor Dana advised Council would discuss the Chamber's presentation again at the end of the regular meeting this evening.

Mr. Elliott thanked the Chamber Board Members for attending the Work Session this evening.

AJOURNMENT

Ms. Fischer moved to adjourn at 7:03 p.m. Mr. Rutherford seconded. The motion carried 7-0-0.

A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, May 5, 2009 at 7:30 p.m. Those members present were Ken Bogard, Kate Currie, Richard Keebler, Alysia Fischer, Doug Ross and Greig Rutherford.

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 7:12 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (2) Property Acquisition. Mr. Rutherford seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. Keebler, Ms. Fischer, Mr. Rutherford, Mr. Ross,
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

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

AYE: Ms. Currie, Mr. Keebler, Mr. Ross, Mr. Rutherford, Ms. Fischer, Mr. Bogard,
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Girl Scout Troop 40315 performed the Flag Ceremony and led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Keebler moved to amend the agenda by adding item 6.A.3. An Ordinance Providing For The Issuance Of Not To Exceed \$2,600,000.00 Park Improvement Refunding Bonds. Mr. Bogard seconded. The motion passed 7-0-0.

Mr. Keebler moved to approve the agenda as amended. Mr. Bogard seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **'NALC FOOD DRIVE DAY'**

Mayor Dana read the Proclamation and presented it to Mr. Mike Johnson from the Shared Harvest Food Bank.

Mr. Mike Johnson, Director, Oxford Community Choice Pantry, advised the food drive sponsored by the letter carriers would greatly assist them in providing food assistance to the residents of the Talawanda School District who were in need of such assistance. Mr. Johnson noted the Choice Pantry served approximately 300 families in the Talawanda School District and the needs were increasing each week. Mr. Johnson thanked Mayor Dana and Council for the Proclamation.

PUBLIC COMMENTS

Mr. Matt Ciccone, updated Council regarding upcoming events for the end of the school year.

CONSENT AGENDA

Ms. Currie requested removal of Item. I. Resolution.

MINUTES

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

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

REPORTS

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

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

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

RESOLUTIONS

RESOLUTION
SMOKING RESTRICTIONS

A Resolution No. 4437 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)

RESOLUTION
CITY AUCTION

A Resolution No. 4438 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)

RESOLUTION
CONTRACT WITH
REYNOLDS, INC.

A Resolution No. 4439 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.

RESOLUTION
REVISED HANDBOOK

A Resolution No. 4440 approving revisions to the Employee Handbook and adoption of the revised Employee Handbook. (Donna Heck, Human Resources Director)

Ms. Fischer moved to approve the consent agenda. Mr. Bogard seconded. The motion passed 7-0-0.

RESOLUTION
RLF RULES AND PROCEDURES

A Resolution No. 4441 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)

Mr. Kyger discussed his staff report as presented on page 38 of the agenda.

Mr. Kyger referred to page 43 of the agenda and asked Council to make an amendment to section 6. Other Standards, in order to be in compliance with Butler County's rules and procedures.

Ms. Currie moved to strike 'Talawanda School District' and replace it with 'The City of Oxford'.
Mr. Bogard seconded. The motion passed 7-0-0.

Ms. Currie moved to adopt Resolution No. 4441 as amended. Mr. Bogard seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Fischer,
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

RESOLUTIONS

RESOLUTION
NEW MUNICIPAL POOL

A Resolution No. 4442 of Council determining that the most desirable location for a new Municipal Pool is the Community Park. (Gail Brahier, Parks and Recreation Director)

Ms. Brahier discussed her staff report as presented on page 69 of the agenda and noted the Recreation Advisory Board, the Oxford Swim Team and the Tri Board were in favor of locating a proposed new municipal pool at the Community Park. Ms. Brahier noted in 2006 Council approved funding for an Aquatic Center Feasibility Study which indicated that the Community Park was the best location for a new municipal pool. Ms. Brahier noted staff understood Council's financial commitments for other projects and a new pool could be several years away from being built but this decision would assist staff in the planning process and the Tri Board with their future plans.

Mr. Kevin Marks, Chair, Recreation Advisory Board, noted the Recreation Advisory Board had discussed a new municipal pool for a number of years and enthusiastically supported a new municipal pool being built at the Community Park. Mr. Marks advised the Board felt the Community Park offered many advantages such as space, access and parking and a pool would complete the Park. Mr. Marks noted families were already using the Park for a variety of activities and a pool would be a great addition and asset.

Mr. Doug Curry, Treasurer, Tri Board, noted he had lived in Oxford since 1995 and had seen many improvements from a recreation perspective in the City. Mr. Curry commended Ms. Brahier, the recreation staff and Council for supporting recreation and what it meant to the vibrancy of the City. Mr. Curry advised the Tri Board supported moving the aquatic center to the Community Park 100%. Mr. Curry advised the proposed move would assist the Tri Board with their long range plans to develop quality gymnasium space for area youth.

Mr. Ross noted his feeling the Community Park was not the right location for a new pool.

Mr. Rutherford noted his feeling a new pool would complete the Park. Mr. Rutherford noted when Council's transportation improvement plans were in place they would facilitate the movement of all citizens of Oxford to the Park. Mr. Rutherford commended Ms. Brahier for her efforts.

Mr. Bogard commended Ms. Brahier and the Recreation Board for their efforts. Mr. Bogard noted this would be another enhancement to the Community Park that would attract and serve families in the recreation area.

Ms. Fischer noted she was hesitant at first to support the movement of the pool to the Community Park as it was not centrally located. Ms. Fischer noted most people drove to the Tri location and would only have to drive another mile to the Community Park. Ms. Fischer noted the Tri Board's long range plan was to provide other opportunities at the Tri location that would serve the whole community and she would support moving the pool to the Community Park.

Mr. Keebler advised he remained concerned with moving the pool from its close-in location. Mr. Keebler noted he did not think it was feasible to expand or make a larger water park at the current location. Mr. Keebler noted there were economic and operational features that would make a new municipal pool work better at the Community Park and he would support the proposed Resolution.

Ms. Currie noted she was hesitant about moving the pool to the Community Park but felt there was not enough space to expand at the current location. Ms. Currie noted the Tri Board's position on the matter helped to sway her decision to support the proposed Resolution.

Ms. Dana noted her support for the Resolution and advised the public could get involved with the planning process and fund-raising activities.

Mr. Bogard moved to adopt Resolution No. 4442. 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: Mr. Ross (1)

ABS: None (0)

RESOLUTION
TRANSFER OF PROPERTY

A Resolution No. 4443 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)

Mr. Elliott advised in 1997 the City signed an agreement with D&B Family Limited Partnership to convey the Merry Day Park property to the City. Mr. Elliott advised the deed was never recorded due to discrepancies on the property description and survey. Mr. Elliott advised the City now had an accurate description of the 4.687 acres and a new survey. Mr. Elliott advised in order to resolve this issue the City needed to reimburse the Day family for property taxes they paid on the parcel. Mr. Elliott noted under state statute the City could recover a portion of the money.

Mr. Keebler and Mr. Rutherford noted their disappointment that someone had 'dropped the ball' regarding the initial transaction.

Mr. Bogard moved to adopt Resolution No. 4443. Ms. Currie seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford,
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

RESOLUTION
PROPERTY SETTLEMENT

A Resolution No. 4444 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 \$85,592.00 with the Butler County Clerk of Courts in connection with that settlement. (Mike Dreisbach, Service Director)

Mr. Bogard moved to substitute the Resolution as read by the Clerk with the one which appeared in the agenda. Mr. Keebler seconded the motion passed 7-0-0.

Mr. Dreisbach discussed his staff report as presented on page 73 of the agenda noting this was the final property acquisition for Phase II of the US-27 North improvement project.

There were no questions or comments regarding the proposed Resolution.

Mr. Keebler moved to adopted the Resolution as substituted. Mr. Rutherford seconded. The Resolution was adopted by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard,
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

RESOLUTION
ANNEXATION PETITION

A Resolution No. 4445 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 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)

Mr. Chen advised the Board of Education of the Talawanda School District had filed an annexation petition on April 28, 2009. Mr. Chen noted this was the first step in the annexation process for property on which the school district wished to build a new high school.

Mr. Bogard requested clarification regarding the Building and Planning Services paragraph on page 78 of the agenda which Mr. Chen addressed.

Mr. Bogard requested clarification regarding the Waste Collection paragraph on page 79 of the agenda which Mr. Elliott addressed.

Mr. Bogard referred to the Parks and Recreation paragraph on page 79 of the agenda and advised it sounded like the City would appropriate facilities for the Talawanda School District. Mr. Bogard advised he felt the levy funds would pay for those facilities.

Mr. Elliott noted this was the standard language for a statement of services Resolution. Mr. Elliott advised he understood Mr. Bogard's concern and this annexation was unique because it was for a school not a residential area. Mr. Elliott noted the Pre-Annexation agreement was more specific.

Mr. Rutherford suggested amending the first sentence to read 'As the *surrounding area* develops, the need for *public* parks and recreational facilities will be evaluated and appropriate facilities provided upon approval of the Council of the City of Oxford.'

Mr. Keebler suggested striking the word 'territory' and inserting the word 'City'.

Ms. Fischer moved to strike the word 'territory' and insert the word 'City'. Ms. Currie seconded. The motion passed 7-0-0.

Mr. Rutherford moved to insert the word 'public' after the words 'the need for'. Mr. Keebler seconded. The motion passed 7-0-0.

Mr. Keebler moved to adopt Resolution No. 4445 as amended. Ms. Currie seconded. The Resolution was adopted by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Mr. Rutherford, Mr. Ross, Mr. Bogard, Ms. Currie,
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ORDINANCES **FIRST READING**

ORDINANCE **SUPPLEMENTAL BUDGET**

An Ordinance Amending Ordinance No. 3033. Supplemental Budget Ordinance No. 5 To Make Supplemental Appropriations For Fiscal Year 2009. (Joe Newlin, Finance Director)

Mr. Newlin discussed his staff report as presented on page 91 of the agenda noting this was the sister legislation to Resolution No. 4443 regarding the payment of property taxes.

ORDINANCE
AMENDING ZONING CODE
SECTION 1101

An Ordinance Amending Zoning Code Section 1101 "Subdivision Regulations". (Jung-Han Chen, Community Development Director)

Mr. Chen discussed his staff report as presented on page 93 of the agenda. Mr. Chen noted the purpose of the proposed amendment was to permit properties in a recorded subdivision to undergo the same administrative review process for lot splits and consolidations that did not create additional buildable lots. Mr. Chen noted the proposed amendment would streamline the process. Mr. Chen referred to the graphics page 101 of the agenda and discussed the various options.

Mr. Rutherford inquired if the graphics could be included in the zoning code. Mr. Rutherford encouraged Mr. Chen to incorporate graphics with the explanation into the zoning code.

Mr. Bogard inquired how extensive the scope of the graphics would be and advised he would like to give staff more than two weeks to prepare something to see what the implications and scope of Mr. Rutherford's request was.

Ms. Fischer noted the subdivision regulation section was graphic heavy and she could see the merit in Mr. Rutherford's request. Ms. Fischer noted graphics could be added later as the zoning code was being over-hauled.

Mr. Keebler noted concern that the graphics would only apply to a small section of the Chapter.

Mayor Dana requested that staff take the request into consideration noting this may need to be flagged for when the zoning code rewrite was being done.

Mr. McHugh advised under the current subdivision regulations there were standard drawings and the requested drawings could be incorporated as standard drawings which were more like addendums.

ORDINANCE
PARK IMPROVEMENT
REFUNDING BONDS

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

Mr. Newlin thanked Council for adding this item to the agenda this evening. Mr. Newlin thanked Council for considering the proposed Ordinance as an emergency for the second reading. Mr. Newlin noted it was important to do this while interest rates were favorable and the City would save approximately \$200,000 over the course of the loan.

Mr. Keebler clarified if the proposed Ordinance was adopted as an emergency there would not be a 30 day waiting period.

Ms. Fischer requested that Mr. Newlin reiterate the need for the emergency at the second reading as she did not like to use emergencies lightly.

ORDINANCES
SECOND READING

ORDINANCE
SALARY ORDINANCE
AMENDMENT

An Ordinance No. 3052 Amending Salary Ordinance No. 3035, Section 1. Full-Time Positions And Section 3. Part-Time Positions. (Donna Heck, Human Resources Director)

Ms. Heck noted she and Mr. Newlin discussed the proposed changes during the First Reading and offered to answer any additional questions.

Mr. Bogard moved to adopt Ordinance No. 3052. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Fischer,
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott noted at the last meeting a group of Miami University students made a presentation to Council regarding an Amtrak stop in Oxford. Mr. Elliott advised Council passed a motion for staff to investigate the issue further and provide a proposed letter of support. Mr. Elliott advised staff prepared a letter based on an example provided by the students which also made it clear that outside funding would be necessary as this item was not included in the 5year CIP. Mr. Elliott noted Council at the end of the meeting Council could provide direction to staff regarding the letter.

Mr. Elliott advised the Fire/EMS Committee was still meeting and the last meeting would be held next week to further review staffing and funding options. Mr. Elliott noted a Work Session with Council, the Committee and the Oxford Township Trustees would be scheduled regarding the recommendations of the Committee. Mr. Elliott advised he wanted to send a letter to Oxford Township and Milford Township regarding the renegotiation of their respective contracts for Fire and EMS services unless Council directed him otherwise.

Mr. Elliott advised members of the Fire Department attended a seminar in Indianapolis and won a vehicle extrication tool valued at several thousand dollars.

Mr. Elliott advised staff would continue to meet with the school administration officials regarding the annexation and plans for the new high school.

Mr. Kyger thanked Council for meeting with the Chamber of Commerce during tonight's Work Session.

Ms. Currie moved to instruct the City Manager to send the letter of support regarding the proposed Amtrak stop. Ms. Fischer seconded. The motion passed 7-0-0.

Mayor Dana referred to the Historic and Architectural Preservation Commission flyer and the guided walking tours that were scheduled for the month of May in honor of National Historic Preservation Month and encouraged Council members to participate.

Mayor Dana advised a Work Session would be scheduled for May 19th to discuss the beginnings of a parking plan with that committee.

Mayor Dana asked Council members to check their summer schedules and if two or three members were not going to be present one of the summer meetings may be cancelled.

Mr. Ross advised a Resolution was on tonight's consent agenda which approved a City Auction to be held on Saturday, June 6, 2009 at 9:00 a.m.

Mr. Ross advised a Resolution was on tonight's consent agenda regarding restricting smoking in City Parks. Mr. Ross commended Ms. Brahier for her efforts.

Mr. Rutherford noted the walking tours in the Historic District could be an economic engine and thanked Mayor Dana for discussing the initiative.

Mr. Rutherford noted he appreciated members of the Chamber of Commerce joining Council for a Work Session this evening. Mr. Rutherford noted he looked forward to working with the Chamber and it was his understanding they would craft a proposal with economic initiatives that they felt would be of assistance to the City.

Mr. Bogard complimented Council for expediting tonight's legislation. Mr. Bogard commended Ms. Brahier for her efforts regarding smoking restrictions in City Parks as this was in response to a request from citizens of Oxford.

Ms. Fischer noted a comment was made this evening related to the proposed Amtrak stop and that it didn't necessarily have to be accessible. Ms. Fischer noted it should be accessible to all citizens. Ms. Fischer noted if the project moved forward there were people at Miami who taught Disabilities Studies that could assist with the design and were well aware of easy solutions that did not have to be expensive.

Mr. Keebler noted his feeling it was confusing to substitute legislation when a simple amendment could be made prior to considering the legislation. Mr. Keebler noted he felt amending the legislation when a simple insertion was necessary would make it much easier for the public to understand.

Mr. McHugh advised either way would accomplish the same task. Mr. McHugh noted there would be circumstances where substituting legislation would be necessary.

Ms. Currie noted she was delighted to see the Amtrak letter of support move forward. Ms. Currie noted it was nice to see examples where Council reacted quickly to issues such as the smoking restrictions at City Parks.

Mayor Dana inquired if Council had any comments or directives for staff regarding the Work Session with the Chamber of Commerce.

Mr. Keebler noted he felt Mr. Kyger was doing an excellent job of representing Council with the Chamber of Commerce and any suggestions or proposals could go through Mr. Kyger to Council. Ms. Currie agreed and encouraged everyone to think creatively with regard to economic development.

ADJOURNMENT

Mr. Bogard moved to adjourn at 8:52 p.m. Ms. Currie seconded. The motion passed 7-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: May 19, 2009

Kathryn A. Dale

Account Code No. #:

Prepared By

Budgeted Amount:

May 7, 2009
Date Prepared

Agenda Title: HAPC Meeting Report – May 6, 2009

DISCUSSION:

Requests for Review:

HAPC-04-2009 19 S. Beech Street, approval of new awnings, terrace, brick wall, sidewalks, and storefront update, Scott Webb, Applicant, Agent

Staff shared that the Applicant was requesting a COA for the following items:

1. Awning replacement along S. Beech Street, with the Oxford Real Estate logo printed on the awning with white lettering.
2. Enclosed elevated courtyard area along S. Beech Street with decorative black iron gates on the north end,
3. Brick pilaster addition to door facing S. Beech,
4. Color change to the entire building from creamy-tan to a darker brown,
5. Outdoor furniture & table umbrellas,
6. New awnings over doorways along W. Walnut Street,
7. Door replacements for doors facing W. Walnut,
8. New stoop/patio and decorative wall outside of the eastern door facing W. Walnut,
9. Removal of existing concrete and replacing with grass and/or landscaping,
10. Façade improvement alternative along S. Beech. Applicant is presenting this option, but has not determined if this option will be complete until quotes come back.

Staff shared the suggestion that the courtyard could be opened up by providing iron railing around the top of the courtyard instead of a brick wall, similar to other gated sidewalk areas around the Uptown area. Staff also shared that the initial reasoning for providing a condition to add a stairway that would access the courtyard from Walnut Street was included to avoid the application from having to go before the BZA for utilization of the 16 ½ foot vacated right-of-way; but upon further review of the regulations and previous cases, review by the BZA would not be necessary because the proposed courtyard was open and not enclosed.

The Applicant indicated that at this time they were not going to propose #10 above due to cost, but that later down the road it may become an option. The Applicant further shared that his client was prepared to complete all improvements shown in the illustrations. In regards to the brick wall, the Applicant indicated that his client liked the work of the mason and would prefer to keep it all brick so as when people walking down the sidewalk looked up, they would not look at peoples legs. The Applicant also expressed concern of having to maintain rails.

Consensus among the Commission was that they were in favor of the proposal as presented, but would be willing to look at an open brick design if it became an issue or requirement. The HAPC voted 6-0-0 to **APPROVE** the request as presented with the understanding from the Applicant that some of the final details would have to be presented.

Correspondence and Announcements:

Mr. Smith shared that he had flyers to be distributed for the Walking Tours and Historic Marker Program.

Ms. Henderson shared that there were pictures on the National Historic Preservation website showing a group from Oxford with signs of the NHP logo "This Place Matters".

Ms. Peterka shared that on May 7, 2009 the Garden Club plant sale and auction would occur between 8a.m. & noon.

Mr. Smith shared that CHAPS would be holding a round-table discussion on preservation May 16, 2009 from 10am.-12p.m. in Hamilton.

Old Business:

Updates On:

33 W. High – The Green Door: Ms. Henderson will provide a report next month and will be in contact with the store owner. The storeowner is in agreement for a modification.

117 W. Church: Mr. Smith will follow-up regarding the pillar restoration

30 W. High - Quiznos Windows: Mr. Smith will follow-up about the plywood needing removed and the trim needing finished. He will also ask when the approved door will be installed.

48 E. Park – Iggy's: Completed

20 W. High – Chase: Ms. Dale shared that the windows were installed, but not as presented on the east side facing the park and has been in contact with the Applicant on getting it corrected.

Main Street Gourmet – Deck: Ms.Dale said she would follow-up with the Building Inspector to see if there were any code or safety issues.

Ms. Dana indicated that she thought the LaBodega building needed attention and possible repainting. Ms. Henderson commented that the color palate for that building was never approved.

Other Business:

Ms. Henderson shared that Valerie Elliott had contacted her regarding the names of the Historic Districts and questioned how they were referred to on City Maps. Ms. Dale shared that the ordinances that initiated the HAPC do not specifically name the districts, only that the Commission has the duty of establishing them. Ms. Dale also stated that the names Ms. Elliott was referring to were not in any of the current regulations or documentation used by the HAPC.

Ms. Dale shared that the Planning Commission would be holding a public hearing May 12, 2009 regarding the HAPC's recommendations to amend the sign regulations in the zoning code. Ms. Kay asked that other members attend as she will be Chairing that meeting.

Ms. Henderson shared that she contacted Newman Brothers and shared that the marker program was approved and they would likely be receiving the business from the City to make the plaques and markers for the program.

The next regular HAPC meeting is scheduled for June 3, 2009.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

JHC 5/12/09

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Fire

Originating Department

Council Meeting Of: May 19, 2009

Account Code No. #: 416.150.52520

John Detherage

Prepared By

Budgeted Amount: \$85,740.00

May 8, 2009

Date Prepared

Agenda Title: A Resolution authorizing the Oxford Division of Fire to purchase ten (10) "NO SMOKE" systems for fire department apparatus exhaust filtration.

Recommendation: Adopt the Resolution.

Discussion: The "NO SMOKE" system is an apparatus mounted filtration system that automatically filters diesel exhaust while the vehicles are in the fire station. The system operates automatically upon exit and re-entering the station protecting the firefighters and visitors to the building from harmful diesel by-products. The company installs the systems on-site and they are able to be removed from current trucks when they are replaced and installed on the new vehicles. This project is to be funded with the award from the 2008 Assistance to Firefighters Grant.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JD 5-8-09

DMK 5-12-09

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER AND FIRE CHIEF TO ENTER INTO AN AGREEMENT WITH WARD DIESEL FILTER SYSTEMS FOR THE PURCHASE OF TEN (10) 'NO SMOKE' SYSTEMS FOR FIRE DEPARTMENT APPARATUS EXHAUST FILTRATION AT A COST NOT TO EXCEED \$85,740.00 UTILIZING FUNDS AWARDED FROM THE 2008 ASSISTANCE TO FIREFIGHTERS GRANT IN THE AMOUNT OF \$77,166.00 WITH 10% MATCHING FUNDS FROM THE CITY OF OXFORD.

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

SECTION 1: The City Manager and Fire Chief recommend and Council hereby accepts the recommendation of the City Manager and the Fire Chief that ten (10) 'No Smoke' exhaust filtration systems be purchased from Ward Diesel Filter Systems at a total cost of \$85,740.00.

SECTION 2: Council hereby authorizes the City Manager and Fire Chief to enter into an agreement with Ward Diesel Filter Systems for the purchase of ten (10) 'No Smoke' systems for Fire Department apparatus exhaust filtration at a cost not to exceed \$85,740.00 utilizing funds awarded from the 2008 Assistance to Firefighters Grant in the amount of \$77,166.00 with 10% matching funds from the City of Oxford.

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

Fire Department

Originating Department

Council Meeting Of: April 15, 2008

Len Endress, Fire Chief

Account Code No. #: _____

Prepared By

Budgeted Amount: None

April 10, 2008

Date Prepared

Agenda Title: Resolution authorizing the City Manager to apply for the 2008 Assistance to Firefighter Grant Program, with a 10% match.

Recommendation: Approve

Discussion: The Fire Department has made application for the 2008 Assistance to Firefighter Grant Program. This is a program that provides assistance to Fire Departments for the purchase of equipment, vehicles, and training to better their ability to respond to emergencies. Due to the City population, we are required to provide a 10% match of funds. We have applied for a total of \$353,144 for the 2008 period. The City match would be \$35,314 if all items were approved. The application was for three 12 lead cardiac monitors/defibrillators, 2 thermal imaging cameras, a diesel exhaust filtration system, and an ambulance. The first three items total \$194,144 with the ambulance being \$159,000. These will be awarded over the next twelve months. If the grant is awarded, staff will request Council approval to accept the grant and the budget adjustment to cover the 10% match as well as the approval to purchase.

The City received this grant in 2001 and 2002 for personal protective equipment and miscellaneous firefighter equipment.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

LEE \ 4/10/08

[Signature] \ 4/11/08

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 05/19/09

Account Code No. #: see below

Joe Newlin
Prepared By

Budgeted Amount: _____

05/12/09
Date Prepared

Agenda Title: A Resolution authorizing the Finance Director to request that RITA conduct a Subpoena program for the City of Oxford and deduct fees for this program from our monthly distribution.

Recommendation: Approve

Discussion:

RITA Subpoena Program

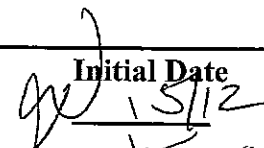
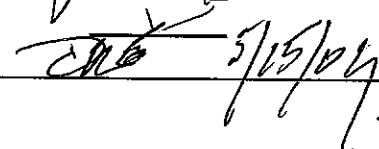
RITA provides its members the opportunity to participate in their Subpoena Program in order to collect delinquent accounts. RITA will first send out letters to active taxpayers who fail to file requesting they do so or complete the exemption section of the letter (no cost to the City). Those failing to respond will then be issued a subpoena from RITA requesting their tax records and instructed to meet with RITA representatives, who will assist them with filing the forms (\$8.00 per subpoena mailed).

My experience with this program has been favorable. RITA representatives conduct themselves in a very professional manor throughout the process and have always, in the three subpoena programs I have been involved with, collected more than the cost associated with the program. While no positive income is guaranteed proceeding with this program, it will make the taxpayers of Oxford aware that we are making a good faith effort to collect all the income tax that is due to the City of Oxford enabling us to continue providing the level of service the tax payers grown accustomed to and expect.

Approved By:

Department Head:
City Manager:

Initial Date

 5/12
 5/15/09

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF OXFORD TO PARTICIPATE IN THE REGIONAL INCOME TAX AGENCY'S ("RITA") SUBPOENA PROGRAM FOR THE COLLECTION OF DELINQUENT LOCAL INCOME TAXES.

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

SECTION 1: The City Manager and Finance Director recommend that the City participate in RITA's Subpoena Program in order to collect delinquent local income taxes.

SECTION 2: RITA will send letters to active taxpayers who fail to file their local income tax return. If the taxpayer fails to respond to the letter RITA will then issue a subpoena to request a copy of the taxpayer's tax records and instruct the taxpayer to meet with RITA representatives who will assist them with filing the person's local income tax returns. The cost of \$8.00 per subpoena issued will be deducted from one of the City's RITA distribution checks.

SECTION 3: The City of Oxford is hereby authorized to participate in the Subpoena Program with RITA to collect delinquent local income taxes and the City Manager and Finance Director are authorized to take all steps necessary to implement this program.

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)



10107 Brecksville Road • Brecksville, Ohio 44141-3275
TDD (440) 526-5332 1-800-860-RITA (440) 526-0900
Fax: (440) 526-8013

April 27, 2009

Joseph Newlin
Finance Director
City of Oxford
101 East High Street
Oxford, Ohio 45056

Dear Mr. Newlin:

The Regional Income Tax Agency offers its members the opportunity to address the issue of non-filing taxpayers, by participating in a delinquent program. We are currently scheduling programs for those municipalities interested in participating. Municipalities may choose from the following options:

1. Send Letters RITA will send a letter to those active taxpayers on our files who did not file an annual return. The letter will advise them that our records show that a tax return was due for the year(s) in question. They are instructed to file a tax return or to complete the exemption section of the letter. There is no cost for sending this letter.
2. Send Letters and conduct a Subpoena Program RITA will send letters to the non-filers. If the taxpayer fails to respond to the letter, they will be sent a subpoena for their tax records. They will be instructed to appear at your city hall or a mutually agreed upon location. RITA will provide two or three auditors that will come to the agreed upon location to complete tax returns for the people that are sent subpoenas. The cost of conducting a subpoena program is \$8.00 per subpoena.

Please complete the enclosed authorization form by selecting one of the three options and return in the envelope provided. Upon receipt of the Authorization Form, you will be contacted to schedule a date for your subpoena program.

If you would like the cost of the subpoena program (\$8.00 per subpoena mailed) to be deducted from one of your distribution checks, complete the enclosed Subpoena Deduction Form.

If you have questions, please call.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Rebraca".

Nick Rebraca
Audit Supervisor

Subpoena Deduction Form

Regional Income Tax Agency
10107 Brecksville Road
Brecksville, OH 44141

Attn: Lori Starcher

Please accept this letter as your authorization to deduct from the distribution payment made to the City/Village of _____, from R.I.T.A., the following costs incurred by R.I.T.A. as extraordinary costs in the collection of delinquent accounts or the providing of additional information regarding the tax accounts of your City/Village.

****Costs of Subpoena Programs**

I hereby represent and warrant to R.I.T.A. that the undersigned has full authority, on behalf of the aforesaid municipality, to authorize this deduction from the distribution payment from R.I.T.A. and I further warrant and represent that the said deduction has been legally and properly authorized by the aforesaid municipality by Ordinance/Resolution Number _____ or by Motion (see copy of attached Minutes of Council).

Further, I understand that this authorization will continue in full force and effect until specifically rescinded by this municipality in writing.

Very truly yours,

Tax Administrator / Finance Director

City / Village of _____

SUBPOENA PROGRAM AUTHORIZATION

1. I would like letters sent and I also want to schedule a subpoena program.
Please contact me to schedule dates for the subpoena program.
Completed authorization form must be returned before subpoenas can be
mailed. The cost of conducting a subpoena program is \$8.00 per subpoena
issued.

For the municipality of: _____

Authorized signature: _____

2. I would like letters sent. I do not want to do a subpoena program.

For the municipality of: _____

Authorized signature _____

3. I do not want to participate in the delinquent program. Do not send letters or
subpoenas.

For the municipality of: _____

Authorized signature: _____

Return to: Nick Rebraca
R.I.T.A.
PO Box 477900
Broadview Heights, Ohio 44147

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: May 19, 2009

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

May 11, 2009

Date Prepared

Agenda Title: An Ordinance Repealing The City of Oxford Administrative Code Title Three Legislative, Chapter 111, And Title Five Administrative, Chapters 121, 123, 125, 127, 129, 145 And 147, And Adopting New Title Three Legislative, Chapter 111, And Title Five Administrative, Chapters 121, 123, 125, 127, 129, 145, and 147.

Recommendation:

Discussion: Part One of the Oxford Codified Ordinances covers the Administrative Code and includes General Provisions, Legislative, Administrative, Judicial and Taxation. There have been some amendments to certain sections of the Administrative Code, however, a complete review has not been done for many years.

The Administrative Code was reviewed and a draft submitted to the Law Director for his legal review and input. The Code was then submitted to the City Manager and Department Heads for their comments. The attached legislation covers Legislative and the Administrative Sections. General Provisions, Judicial and Taxation are not included as General Provisions are standard requirements, Judicial refers only to the County Court and Taxation was amended in 2007.

Chapter 147. Employment Provisions - the Sections relating to employee benefits (147.02/03/04/05/06 and 08) have been removed. These sections are addressed each year in the Salary Ordinance.

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

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

ajh 5/12/09

DCH 5/15/09

ORDINANCE NO. _____

ORDINANCE REPEALING THE CITY OF OXFORD ADMINISTRATIVE CODE TITLE THREE LEGISLATIVE, CHAPTER 111, AND TITLE FIVE ADMINISTRATIVE, CHAPTERS 121, 123, 125, 127, 129, 145 AND 147, AND ADOPTING NEW TITLE THREE LEGISLATIVE, CHAPTER 111, AND TITLE FIVE ADMINISTRATIVE, CHAPTERS 121, 123, 125, 127, 129, 145 AND 147.

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

SECTION I: Council hereby finds that the City Manager, Law Director and Clerk of Council have reviewed the Administrative Code for the City of Oxford and as a result of said review recommend repealing Oxford Codified Ordinance Title Three Legislative, Chapter 111, and Title Five Administrative, Chapters 121, 123, 125, 127, 129, 145 and 147, and adopting new Title Three Legislative, Chapter 111, and Title Five Administrative, Chapters 121, 123, 125, 127, 129, 145 and 147.

SECTION II: Council hereby repeals Title Three and Title Five of the Oxford Code of Ordinances and adopts new Title Three and Title Five as follows:

TITLE THREE - Legislative

- Chap. 111. Council.
- Chap. 113. Ordinances and Resolutions.
- Chap. 115. Clerk of Council.

CHAPTER 111 Council

- 111.01 Meeting dates; special meetings.
- 111.02 Order of business.
- 111.03 Deadline for submitting matters for meetings.
- 111.04 Salary of Council members and Mayor.
- 111.05 Open meetings.

111.01 MEETING DATES; SPECIAL MEETINGS.

Council shall, except as otherwise provided in this chapter, meet in regular session at the Council chambers at 7:30 p.m. on the first and third Tuesday of each month. Should any holiday fall upon the date for a regular meeting, Council shall appoint another date within the same month in lieu thereof. The Mayor or any three members may call special meetings upon at least twelve hours notice to each member, **via e-mail**, served personally or left at ~~his~~ **their** usual place of residence.
(Ord. 959. Passed 12-17-63; Ord. 1656. Passed 1-19-82; Ord. 1989. Passed 1-19-88.)

111.02 ORDER OF BUSINESS.

- (1) At all meetings of Council business shall be transacted, as far as practicable, in the following order subject to the written rules of Council:
 - (2) Roll call.
 - (3) Executive Session. (If necessary.)
 - (4) Approval of Agenda.
 - (5) Mayor's Proclamations.
 - (6) Public Participation.
 - (7) Consent Agenda. (A member of Council can remove an item for separate discussion. A second is not required to remove an item.)
- Minutes. (Reading of the minutes of the previous meeting or meetings only if there is a specific request to do so by a member of Council; provided, however, before the reading can be dispensed with, a copy of such minutes must have been received by each Council member prior to the meeting. Minutes shall consist of factual statements as to formal actions taken by Council, names and topics of persons addressing Council, and names and topics of Council members presenting a concern under the agenda item "Information Items", and shall be approved by Council upon motion and vote either "as read" or "as submitted" or "as read or submitted with corrections noted".
- (8) Resolutions.
 - (9) Ordinances.
 - (10) Communications.
 - (11) Information Items.
 - (12) Executive Session. (If necessary.)
 - (13) Adjournment.
- (Ord. 2556. Passed 11-4-97.)

111.03 DEADLINE FOR SUBMITTING MATTERS FOR MEETINGS.

- (a) ~~Thursday, 12:00 noon, immediately preceding the regular Council meeting shall be the deadline for receiving matters for Council consideration.~~ **Friday, prior to Staff Meeting, preceding Council Meeting, all Directors are to submit to the Clerk of Council a description of any items to be placed on the upcoming Council Agenda.**
- (b) Matters submitted after this deadline may be scheduled for the meeting subsequent to the one mentioned in subsection (a) hereof. (Res. 1393. Passed 6-04-68.)

111.04 SALARY OF COUNCIL MEMBERS AND MAYOR.

Pursuant to the authority granted Council by Charter Section 2.08 entitled Salary of Mayor, and Section 2.05 entitled Salary, the annual salary of the Mayor is hereby set at three thousand eight hundred dollars (\$3,800) effective on adoption of this section and the annual salary of Council members increased to three thousand two hundred dollars (\$3,200) effective on adoption of this section. (Ord. 2695. Passed 9-19-00.)

111.05 OPEN MEETINGS.

(a) Meetings to be Open. All meetings of Council, other than ~~authorized executive sessions,~~ **as allowed by law**, shall be open to public attendance.

(b) Compliance with State Law. Council shall ~~fully~~ comply with both the letter and the spirit of Ohio R.C. 121.22.

(c) Purpose of Special Meetings. The regularly scheduled meetings of this body shall be held on the first and third Tuesday of each month in the Council chambers ~~in the City Building~~ **at the Court House**. Within the context of this section, a special meeting is any meeting scheduled or called for a date or place or time other than as hereinabove specified. Such special meeting, as so defined solely for the purpose of this section, may be for the purpose of:

(1) Continuing or commencing a regular meeting of Council in discussing and acting upon all such business as may come before the body; or

(2) A ~~true~~ special meeting within the context of parliamentary definition, wherein the purpose of the meeting shall be to consider only specific and enumerated matters, and in which action will not be taken on matters unrelated to the matter, or matters, for which such a meeting is held. No special meeting, as defined herein, shall be held until the Clerk of Council has given at least 24 hours advance notice of the date, time, place and purpose of such meeting to those news media that have requested notification, except in the event of an emergency. An emergency exists when immediate official action is necessary. In that event, the member, or members, calling such a meeting shall immediately notify such news media as have requested notification of the date, time, place and purpose of such meeting.

(d) Determination and Notice of Meetings.

(1) Any person may determine the date, time and place of regularly scheduled meetings by phoning or contacting the Clerk at the City Building.

(2) Any person may determine the date, time, place and purpose of special meetings, as defined herein, by making such a request, in writing, to the Clerk and sending forth their name, address and telephone number. The Clerk shall notify such person of the date, time, place and purpose of special meetings either by **e-mail** ~~mail~~ or telephone and will in any case endeavor with all reasonable effort and dispatch to make such notification immediately. When time permits reasonable anticipation of timely mail delivery, the Clerk may notify such person by mail. When, in the judgment of the Clerk, it seems reasonable to believe mail notification will not be timely, the Clerk shall make all reasonable efforts to contact such person by **e-mail** or telephone. ~~Long distance calls will only be placed collect.~~

(e) Agendas. Any person desiring information as to any specific business to be discussed at a meeting may obtain advance notification of the proposed discussion by securing a copy of the meeting agenda by any or all of the following methods. **The Agenda will be available on Saturday, Sunday, Monday or Tuesday preceding the regularly scheduled meeting:**

(1) Agendas for regularly scheduled meetings will be available **via the City of Oxford website (www.cityofoxford.org)** or without charge, **at the Municipal Building during regular business hours or** at the Police Department dispatcher's office lobby ~~on the Saturday, Sunday, Monday or Tuesday preceding the regularly scheduled meeting.~~

(2) Agendas for special meetings will be available immediately upon their preparation at the **City website (www.cityofoxford.org), at the Municipal Building during regular business hours or the Police Department lobby** dispatcher's office, without charge.

~~(3) Persons paying an annual fee of \$10.00 to the Clerk and providing the Clerk with self-addressed business size envelopes (approximately 9"x4") with sufficient first class postage affixed thereto will be mailed all Council agendas upon their preparation, for so long as the Clerk has a supply of such required envelopes. It shall be the sole obligation of the person requesting such mailings to determine that the Clerk has sufficient envelopes to continue mailing agendas for so long as such person desires to receive agendas. The fee required hereunder shall be a calendar year fee and shall be due once each calendar year regardless of the date upon which the request for such mailing is filed.~~

(Res. 2029. Passed 12-02-75; Ord. 1656. Passed 1-19-82.)

CHAPTER 113 Ordinances and Resolutions

113.01 Administrative Code adopted.

113.02 Adoption of resolutions.

113.01 ADMINISTRATIVE CODE ADOPTED.

The provisions of Part One of the Codified Ordinances shall be known and designated as the "Administrative Code" of the City of Oxford. The Administrative Code shall implement the Charter of the City of Oxford, and the provisions thereof shall be so construed. Should any provision of this Administrative Code be found to be in conflict with the Charter, the Charter provisions shall control. Any such conflict with the Charter shall render only the conflicting provisions of the Administrative Code invalid, and all other provisions of the Administrative Code shall remain in full force and effect. (Ord. 959. Passed 12-17-63.)

113.02 ADOPTION OF RESOLUTIONS.

(a) Council on recommendation of the City Manager and Law Director, hereby formally enacts reading by title for adoption of resolutions. The City Manager and Law Director recommend resolutions be enacted on vote after reading of the title once. This recommendation is pursuant to the authority provided Council by Section 1.02 and Section 3.01 of the City of Oxford Charter.

(b) Council hereby ordains that resolutions be read by title once and thereafter on motion duly made and seconded, be voted upon.

(c) The City Manager further recommends Council authorize Resolutions to be placed in the Consent Agenda and to be adopted as a part of the Consent Agenda. This recommendation is for Resolutions to be placed under the Consent Agenda item and to be adopted by Motion without reading by title as otherwise provided for by Ordinance. The City Manager's recommendation is that resolutions of general recurring matters be adopted as part of the Consent Agenda to more efficiently manage Council's business.

(d) Council further accepts the recommendation of the City Manager and hereby authorizes the adoption of Resolutions which are placed as an item in the Consent Agenda, be adopted on motion for adoption of the Consent Agenda items, without reading of the title of the Resolution. Those Resolutions not adopted as a Consent Agenda item will be acted upon after reading of the title by Motion. (Ord. 2555. Passed 11-4-97.)

TITLE FIVE – Administrative

Chap. 119.	City Manager.
Chap. 121.	Departments Generally.
Chap. 123.	Department of Finance Department.
Chap. 125.	Department of Law Department.
Chap. 127.	Department of Safety Department.
Chap. 129.	Department of Service Department.
Chap. 131.	Records Commission.
Chap. 135.	Environmental Commission.
Chap. 137.	Housing Advisory Commission.
Chap. 141.	Boards and Commissions.
Chap. 143.	Civil Rights; Community Relations Commission.
Chap. 145.	Civil Service.
Chap. 146.	Finance Commission.
Chap. 147.	Employment Provisions.
Chap. 149.	Facility Naming and/or Renaming.

CHAPTER 119 City Manager

EDITOR'S NOTE: There are no sections in Chapter 119. This chapter has been established to provide a place for cross references and future legislation.

CHAPTER 121 Departments Generally

- 121.01 Departmental organization.
- 121.02 Duties of department and division heads.
- 121.03 Recreation **Parks and Recreation** Director.
- ~~121.04 City Engineer.~~
- 121.05 ~~4 Planning and Zoning~~ **Community Development** Director.
- 121.05 Economic Development Director.**
- 121.06 Human Resources Director.**

121.01 DEPARTMENTAL ORGANIZATION.

In addition to the Department of Law and Department of Finance, the administrative service of the City shall be divided, under the City Manager, into the departments and divisions under the heads thereof as is indicated below:

<u>Departments</u>	<u>Division</u>	<u>Dept. Head</u>	<u>Division Head</u>
SAFETY	Police	Safety Director	Chief of Police
	Fire		Fire Chief
	Building Inspection	Building Administrator	
	Housing Inspection	Housing Inspector	

SERVICE	Streets	Service Director	
	Managers		
	Utilities		
	Managers		
	Engineering		City Engineer

RECREATION	Recreation Director	
PARKS & RECREATION		Parks & Recreation Director

COMMUNITY	Inspections	Community Development Director
DEVELOPMENT	Zoning	
PLANNING AND ZONING	Zoning Planning and Zoning Director	Zoning
Administrator		

~~ENGINEERING~~ ~~City Engineer~~

ECONOMIC	ECONOMIC DEVELOPMENT
DEVELOPMENT	DIRECTOR

HUMAN RESOURCES	HUMAN RESOURCES DIRECTOR
(Ord. 959. Passed 12-17-63; Ord. 1600. Passed 9-02-80.)	

121.02 DUTIES OF DEPARTMENT AND DIVISION HEADS.

(a) Each department and division head shall perform all duties required of such office by charter, ordinance or other laws, and such other duties not in conflict therewith as may be assigned by the City Manager.

(b) All department heads shall:

(1) Be immediately responsible to the City Manager for the effective administration of their departments and all activities assigned thereto.

(2) Keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the City Manager, such new practices as appear to be of benefit to the service and to the public.

(3) Submit reports of the activities of their departments when requested by the City Manager.

(4) Establish and maintain a system of records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the reports required by the City Manager.

(5) Be responsible for the proper custody and maintenance of all City property and equipment used in their departments.

(c) The heads of the various divisions shall be immediately responsible to their appropriate department head.

(Ord. 959. Passed 12-17-63.)

121.03 PARKS AND RECREATION DEPARTMENT – PARKS AND RECREATION DIRECTOR.

The **Parks and Recreation** Department shall be administered by a **Parks and Recreation** Director of Recreation, appointed by the City Manager, who shall be responsible to the Manager for all work having to do with the execution of the recreational programs and the operation of the recreation facilities of the City. The Director shall exercise supervision over all employees in the department as authorized by Council and the Manager and shall perform such other duties as may be prescribed by ordinance or required by the Manager.

(Ord. 959. Passed 12-17-63.)

~~121.04 CITY ENGINEER.~~

~~———— The Department of Engineering shall be administered by the City Engineer, appointed by the City Manager, who shall prepare the engineering drafts, plans and drawings for the use of other departments as may be requested by the Manager, render engineering advice and assistance to the various City departments as may be requested, and perform such other duties as directed by the Manager.~~

~~(Ord. 959. Passed 12-17-63.)~~

121.05 4 PLANNING AND ZONING COMMUNITY DEVELOPMENT DEPARTMENT – COMMUNITY DEVELOPMENT DIRECTOR.

(a) The **Community Development Planning and Zoning** Department shall be administered by a **Community Development Director** Planning and Zoning Director appointed by the City Manager, who shall serve as City Planner and shall work with the Planning Commission to guide and facilitate the planning functions necessary for the City and who shall also serve as Zoning Administrator if appointed to such position by the City Manager, as provided by law.

(Ord. 1601. Passed 9-2-80.)

~~———— (b) The Director shall be responsible to the Manager and shall serve as Assistant City Manager when and if so appointed by the Manager and shall also perform such other duties as may be provided for by ordinance or as directed by the Manager.~~

~~(Ord. 1673. Passed 4-20-82.)~~

121.05 ECONOMIC DEVELOPMENT DEPARTMENT – ECONOMIC DEVELOPEMET DIRECTOR.

(a) The Economic Development Department shall be administered by an Economic Development Director, appointed by the City Manager, who shall be responsible for corporate and industrial recruitment and retention. The Economic Development Director serves as staff support to the Community Improvement Corporation.

121.06 HUMAN RESOURCES DEPARTMENT – HUMAN RESOURCES DIRECTOR.

(a) The Human Resources Department is responsible for the planning and developing of a variety of personnel policies and programs. The Human Resources Director is appointed by the City Manager and assists in maintaining a balanced and productive workforce. The Human Resources Director serves as staff support to the Civil Service Commission.

CHAPTER 123 ~~Department of Finance Department~~

- 123.01 Duties and functions of City Auditor.
- ~~123.02 Merger of other offices with City Auditor.~~
- 123.03 **2** Treasury investment.
- 123.04 **3** Capital Improvement Reserve Fund.
- ~~123.05 Federal Revenue Sharing Trust Fund.~~
- 123.06 **4** Parks and Recreation Gift Fund.
- 123.07 **5** Special assessment policy.
- ~~123.08 City fees and rates.~~

123.01 DUTIES AND FUNCTIONS OF CITY AUDITOR.

The City Auditor shall be governed by the applicable Ohio Revised Code sections and shall perform such other functions as may be assigned by ordinance or by order of the City Manager or Council. (Ord. 1289. Passed 11-20-73.)

~~123.02 MERGER OF OTHER OFFICES WITH CITY AUDITOR.~~

~~Council may, by a majority vote, merge the duties of clerk of the waterworks, other utility operations and Clerk of Council with duties of the City Auditor. (Ord. 959. Passed 12-17-63.)~~

123.03 **2 TREASURY INVESTMENT.**

Whenever there are moneys in the treasury of the City which will not be required to be used for a period of six months or more, such moneys, may, in lieu of being deposited in a bank or banks, be invested in accordance with the provisions of Ohio R.C. 731.56 et seq. Investments so purchased shall be sold in accordance with Ohio R.C. 731.57. (Ord. 950. Passed 5-21-63.)

123.04 3 CAPITAL IMPROVEMENT RESERVE FUND.

(a) There is hereby established in the books and records of the City, a Capital Improvement Reserve Fund.

(b) The Capital Improvement Reserve Fund shall be used for the purposes as set forth in Section 7.05 of the Charter.

(c) The City Auditor is hereby authorized to credit to the Capital Improvement Reserve Fund, such funds authorized to be transferred or appropriated to such Fund by Council. (Ord. 939. Passed 12-18-62.)

~~123.05 FEDERAL REVENUE SHARING TRUST FUND.~~

~~———— (a) ——— There is hereby established a special fund to be known as the Federal General Revenue Sharing Trust Fund under the provisions of Ohio R.C. 5705.12.~~

~~———— (b) ——— All moneys paid to the City under the State and Local Fiscal Assistance Act of 1972 shall be credited to such Fund and expended in accordance with the terms and provisions of the Federal Act. (Ord. 1253. Passed 11-21-72.)~~

123.06 4 PARKS AND RECREATION GIFT FUND.

(a) There is hereby created a special account to be known as the Parks and Recreation Gift Fund, which is established for the purpose of providing an opportunity for citizens to make voluntary donations of money to the City, to benefit the parks and recreation facilities of the City, in either a general or a specific manner, at the option of the contributor.

(b) Money donated to such Fund shall be spent only as authorized by resolution or ordinance of Council, and Council is hereby authorized to expend funds from the Fund solely for parks and recreational purposes.

(c) Individuals and/or other entities may make gifts and contributions to the Fund, to be expended for a specific purpose and/or use as designated by the donor. All gifts and contributions to the Fund shall be deposited with the City Auditor and upon the receipt of any designated and specified gift, the Auditor shall advise Council fully of the designated nature of the gift and any and all restrictions and conditions placed by the donor upon its expenditure. Council within ninety days subsequent to such notification by the Auditor shall, by resolution or ordinance, direct the Auditor to accept or reject the specific gift. If Council fails to act by resolution or ordinance within ninety days subsequent to the above required notification by the auditor, such failure to act shall constitute a rejection of the specific gift and the Auditor shall return the same forthwith to the donor.

(d) Funds given for general park and recreational purposes and without being specifically designated, shall be automatically accepted by the Auditor and require no action of Council for acceptance. Funds donated and accepted for a specific and designated purpose may not be expended for any other purpose except upon the written permission directed to Council by the donor, his or her heirs, assigns, successors and administrators, or pursuant to order of a court of competent jurisdiction.

123.07 6 SPECIAL ASSESSMENT POLICY.

(a) Council has determined that it is beneficial to establish a consistent stated policy for special assessments.

(b) The Staff reports dated February 13, 1974 and March 29, 1974 examining special assessments are hereby received, approved and ordered filed.

(c) The base map for the Major Street Plan adopted by the Planning Commission on November 16, 1965 and Council on October 4, 1966, the base map for the General Plan of Sanitary Truck Sewers dated November, 1963, and the base map for the General Plan of Waterworks Improvements dated March, 1966, as maintained and updated are hereby ordered filed for purposes of defining the various elements of the assessment policy.

(d) The following constitute the elements of the assessment policy guidelines for special assessments:

(1) What to assess.

A. Streets. All street improvements including street reconstruction.

B. Utilities. All sewer and water line construction.

C. Curb, gutter and sidewalk repairs.

(2) How much to assess.

A. Streets. Property shall be assessed for street improvements for curb, gutter, sidewalks, trees and driveways for new construction or reconstruction of both residential and major streets.

B. Utilities. All residential utility projects shall be assessed to a standard residential service size (eight-inch sewer and six inch water.) Trunk lines shall be assessed to the total area served and interceptors shall be paid for by the City.

C. Curb, gutter and sidewalk repairs. The total cost of the repairs shall be assessed to property owners.

(3) How to assess.

A. Streets. Assessments for curb, gutter, sidewalks, trees and driveways shall be on a front foot basis unless fifty-one percent of the property owners affected petition for an alternate method of assessment, provided such method is specified and permitted by the Ohio Revised Code.

Assessment for curb, gutter and sidewalks for corner lots shall be 100 percent of the front lot and 100 percent of the side lot.

Assessments for projects on State or County routes which receive State or County funds will not be altered. The funds received will be applied to the City's share of the project costs.

Assessments for projects which include cul-de-sacs will be based upon the front foot cost of curb, gutter, sidewalks, trees and driveways. Should ~~the Council~~ Council determine that this is excessive, it may distribute a portion of the cost over the total project.

B. Utilities. Assessments for residential utility projects shall be assessed on a front foot basis, unless fifty-one percent of the residents affected petition for an alternate method of assessment. Assessments for trunk lines shall be assessed to the total area served (drainage area) on a square foot basis, provided such method is specified and permitted by the Ohio Revised Code.

C. Curb, gutter and sidewalk repairs. Assessments for curb, gutter and sidewalk repairs shall be on a front foot basis. (Res. 1844. Passed 4-16-74.)

~~123.08 CITY FEES AND RATES.~~

Misc. Copies ~~_____~~

(Under 20 pages) ~~_____~~ No charge ~~_____~~

(21 or more pages) ~~_____~~ .05 per page ~~_____~~

Final Budget ~~_____~~ At cost to city ~~_____~~

Comprehensive Annual Financial Report ~~_____~~ At cost to city ~~_____~~

Income tax rate ~~_____~~ 1.75% ~~_____~~

Hotel tax rates: ~~_____~~

Hotel tax ~~_____~~ 3.00% ~~_____~~

Convention tax ~~_____~~ 3.00% ~~_____~~

Motor vehicle license tax ~~_____~~ 5.00 per motor vehicle ~~_____~~

Property tax rate ~~_____~~ 3.65 mils ~~_____~~

Motor Coach or bus (each) ~~_____~~ 25.00 per year ~~_____~~

Taxicab (each) ~~_____~~ 10.00 per year ~~_____~~

Minimum fee per company ~~_____~~ 25.00 per year ~~_____~~

Vendor license ~~_____~~ 50.00 per calendar month, or 300.00 per year ~~_____~~

NSF check fee ~~_____~~ 15.50 per check ~~_____~~

Dog License ~~_____~~ 0.75 per Tag (City Share), plus amount charged by county ~~_____~~

~~_____~~ (Ord. 2736. Passed 11-20-01.)

CHAPTER 125 ~~Department of Law~~ Department

125.01 State law duties of City Attorney.

125.02 Specific duties of City Attorney.

125.01 STATE LAW DUTIES OF CITY ATTORNEY.

The City Attorney shall be governed by the applicable Ohio Revised Code sections.

(Ord. 1290. Passed 11-20-73.)

125.02 SPECIFIC DUTIES OF CITY ATTORNEY.

The City Attorney shall:

- (a) Prepare all contracts, bonds and other instruments in writing in which the City is concerned.
- (b) Serve the several directors and officers as legal counsel and attorney.
- (c) Be the prosecuting attorney of the Mayor's court.
- (d) When required to do so by resolution of Council, prosecute and defend on behalf of the City, all complaints, suits and controversies in which the City is a party, and such other suits, matters and controversies as the City Attorney is by resolution or ordinance directed to prosecute. The City Attorney shall not be required to prosecute any action before the Mayor for violation of an ordinance without first advising such action.
- (e) Within a reasonable time, reply orally or in writing to an inquiry of an officer of the City who entertains doubts concerning the law in any matter before such officer in his official capacity, which inquiry clearly states in writing the question upon which the opinion is desired. The right conferred upon such officers by this subsection extends to Council and to each board and commission provided by Charter, this Administrative Code or otherwise by Council.
- (f) Apply, in the name of the City, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of City funds, the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the City in contravention of the laws or ordinances governing it, or which was procured by fraud or corruption.
- (g) Apply for the forfeiture or the specific performance of an obligation or contract made on behalf of the City, granting a right or easement or creating a public duty, which is being evaded or violated.
- (h) Apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of a duty, in case an officer or board or commission of the City fails to perform any duty expressly enjoyed by law or ordinance.
- (i) Make a report to Council, at its first regular meeting in January, of the business of the office of City Attorney and such other matters as the City Attorney may deem proper to promote the good government and welfare of the City. (Ord. 959. Passed 12-17-63.)

CHAPTER 127 ~~Department of Safety~~ Department

- 127.01 ~~Director of Safety.~~ **Director.**
- 127.02 Police Division composition and control.
- 127.03 Police Chief.
- 127.04 Fire Division composition and control.
- 127.05 Fire Chief.
- 127.06 Emergency patrolmen **officers** and firemen **fighters**
- 127.07 General duties of Police and Fire Divisions.
- 127.08 Police manual of procedure.
- 127.09 Auxiliary police.
- 127.10 Code enforcement.
- 127.11 Police disposition of property.
- 127.12 Police Department fees.

127.01 ~~DIRECTOR OF SAFETY~~ DIRECTOR

The Department of Safety shall have and perform such functions relative to fire and police protection and ~~building inspection services~~ as may be assigned by ordinance or by order of the City Manager. The head of this department shall be designated as the ~~Director of Safety~~ **Director**. Under the direction of the Manager, the Director shall be the executive head of the Police and Fire Divisions and ~~building inspection services~~. The Director shall have all powers and duties connected with and incident to the regulation and government of the department except as otherwise provided by law. The Director shall be appointed by the City Manager. (Ord. 959. Passed 12-17-63.)

127.02 POLICE DIVISION COMPOSITION AND CONTROL.

The Police Division shall be composed of a Chief of Police appointed by the City Manager and such number of patrolmen **officers**, radio operators and other employees as Council shall provide by ordinance. The ~~Director of Safety~~ **Director** shall have the exclusive management and control of all other officers, secretaries, clerks and employees in the Police Division as are provided by ordinance or resolution of Council. The Director may commission private policemen **officers**, who may not be in the classified list of the Division, under such rules and regulations as Council prescribes. (Ord. 959. Passed 12-17-63.)

127.03 POLICE CHIEF.

The Chief of Police shall have exclusive control of the stationing and transferring of all patrolmen **officers** and other officers and employees in the Police Division under such general rules and regulations as the ~~Director of Safety~~ **Director** prescribes. (Ord. 959. Passed 12-17-63.)

127.04 FIRE DIVISION COMPOSITION AND CONTROL.

The Fire Division shall be composed of a Chief and an Assistant Chief appointed by the City Manager and such other officers, volunteer firemen **fighters** and employees as are provided by ordinance. The ~~Director of Safety~~ **Director** shall have the exclusive management and control over such other secretaries, clerks and employees as are provided by ordinance or resolution of Council. (Ord. 959. Passed 12-17-63.)

127.05 FIRE CHIEF.

The Fire Chief shall have exclusive control of the stationing and transferring of all volunteer firemen **fighters** and other officers and employees in the Fire Division under such general rules and regulations as the ~~Director of Safety~~ **Director** prescribes. (Ord. 959. Passed 10-17-63.)

127.06 EMERGENCY PATROLMEN OFFICERS AND FIREMEN FIGHTERS.

In case of riot or other like emergency, the City Manager may appoint additional patrolmen **officers** and officers for temporary service in the Police Division, or firemen **fighters** and officers for temporary service in the Fire Division, who need not be in the classified list of such Divisions. Such additional persons shall be employed only for the time during which the emergency exists. (Ord. 1291. Passed 11-20-73.)

127.07 GENERAL DUTIES OF POLICE AND FIRE DIVISIONS.

(a) The police force of the City shall preserve the peace, protect persons and property and obey and enforce all ordinances of Council and all criminal laws of Ohio and the United States.

(b) The Fire Division shall protect the lives and property of all people in case of fire.

(c) Both the Police and Fire Divisions shall perform such other duties as are provided by ordinance or as may be ordered by the City Manager. (Ord. 959. Passed 12-17-63.)

127.08 MANUAL OF PROCEDURE.

(a) The manual of procedure for the Division of Police shall be prepared and from time to time revised or amended by the Chief of Police.

(b) Said manual of procedure, and any revisions or amendments thereto, shall be effective only upon the written approval and authorization of the ~~Director of Safety~~ **Director**.

(c) Whenever any revision or amendment of the manual of procedure is proposed by the Chief of Police and is approved and authorized by the ~~Director of Safety~~ **Director**, said ~~Director of Safety~~ **Director** shall within ten days of such approval and

authorization cause copies of the same to be provided to all members of Council along with such explanatory matter as is determined appropriate by the Director of Safety.

(d) The Current manual of procedure approved by Council on September 16, 1981, and all subsequent revisions or amendments, shall be available in the offices of the ~~Director of Safety~~ **Director** and the Chief of Police.

(e) All members of the Police Division shall be provided with a copy of the manual of procedure and with all subsequent revisions and amendments. (Ord. 1647. Passed 11-17-81.)

127.09 AUXILIARY POLICE.

(a) There is hereby established an auxiliary police unit for the City for the purpose of aiding and assisting the regular established Police Division and of creating and sponsoring a youth cadet corps.

(b) Membership in the auxiliary police unit shall not exceed fifteen persons and applicants shall not be under the age of twenty-one years.

(c) An auxiliary police officer shall be appointed by the Chief of Police, with the approval of the City Manager, to act in the capacity of auxiliary instructor and advisor.

(d) Selection to the auxiliary police unit shall be made on the same basis as in recruiting regular personnel to the Police Division but appointees will not be under the classified service or subject to civil service rules and regulations.

(e) The Chief of Police, with the approval of the City Manager, shall establish rules and regulations for the organization, training, administration, control and conduct of the auxiliary police unit.

(f) Members of the auxiliary police unit will receive such compensation as may be determined by Council. (Ord. 1071. Passed 9-05-67.)

127.10 CODE ENFORCEMENT.

(a) The Zoning Administrator shall be appointed by the City Manager and shall be responsible for inspection and enforcement of the Zoning Code as provided in Chapter 1123.

(Ord. 1602. Passed 9-02-80.)

~~—— (b) — The Housing Inspector shall be responsible for inspections and enforcement of the Housing Code.~~

~~—— (c) — The Heating Inspector shall be responsible for inspections and enforcement of warm air heating systems and equipment.~~

~~—— (d) — The Electrical Inspector shall be responsible for inspections and enforcement of electrical work and installations. (Ord. 959. Passed 12-17-63.)~~

~~—— (e) — The Building Administrator shall be appointed by the City Manager and shall be responsible for inspection and enforcement of applicable Building Codes pursuant to Chapters 1301 and 1303. (Ord. 1660. Passed 2-02-82.)~~

127.11 POLICE DISPOSITION OF PROPERTY.

(a) Property which has been lost, abandoned, stolen or lawfully seized or forfeited and which is in the custody of the Police Division shall be safely kept pending the time it is no longer needed as evidence and disposed of pursuant to this section.

(b) The Police Division shall make a reasonable effort to locate the persons entitled to possession of property in its custody and to notify them when and where it may be claimed. In the absence of evidence identifying persons entitled to custody, it is sufficient notice to advertise once, thirty days prior to the proposed disposition of said property, in a newspaper of general circulation in the City, briefly describing the nature of the property in custody and inviting persons to view and establish their right to it.

(c) A person loses any right to possession of property:

(1) Which was the subject or was used in a conspiracy or attempt to commit, or the commission of an offense other than a traffic offense, and such person is found to be a conspirator, accomplice or offender with respect to the offense.

(2) When, in light of the nature of the property or the circumstances of such person, it is unlawful to acquire or possess it.

(d) All such property in the custody of the Oxford Police Division that has been held by the Police Division for at least ninety days shall be disposed of as follows:

(1) Drugs and drug paraphernalia, beer, intoxicating liquor and alcohol shall be destroyed in the presence of the Chief of Police and Finance Director.

(2) Firearms and dangerous ordinances suitable for police work may with Council's consent be given to the Police Division for that purpose and for the purpose of acquisition of firearms and/or ammunition for the officers of the Division. Firearms and/or ammunition may be traded to a Federal firearms licensed dealer in exchange for ammunition. Firearms, knives, bayonets, or swords suitable for sporting use, museum pieces or collectors' items may with Council's consent be sold at public auction. Those firearms and dangerous ordinance shall be destroyed in the presence of the Chief of Police and Finance Director.

(3) Obscene materials shall be destroyed in the presence of the Chief of Police and Finance Director.

(4) Vehicle and vehicle parts may be given with Council's consent to the Police Division for use in the performance of its duties. All other vehicles and vehicle parts may be sold at auction or sold as junk or scrap. If not sold at auction the vehicle or vehicle parts shall be sold as scrap or junk. The Finance Director and Chief of Police shall jointly determine which vehicles or vehicle parts are subject to be sold as junk or scrap. Such junk or scrap shall be sold to the highest bidder on a per pound basis with a minimum requirement of two bids. The bids shall be sealed and submitted to the Finance Director and shall be based on pick up at the City impound lot of the junk or scrap by the high bidder.

(5) Property turned into the Police Division as lost or abandoned by a person finding the same may, in the discretion of the Police Division when said property is lawful and appropriate for private ownership, be returned to the finder after ninety days if the owner is not located. This provision does not apply to members of the Police Division. (Ord. 2303. Passed 5-4-93.)

(6) All other unclaimed or forfeited property with Council's consent, may be used by the Police Division. If other unclaimed or forfeited property is not used by the law enforcement agency it shall either:

A. Be donated to a not for profit organization, charitable organization, or a third party for a use beneficial to the public; or

B. Be sold without appraisal with the Council's consent at public auction to the highest bidder for cash. (Ord. 2598. Passed 8-18-98.)

(e) Upon the sale pursuant to this section of any property that is required to be titled or registered under law, the state shall issue an appropriate certificate of title or registration to the purchaser.

(f) The proceeds from property disposed of pursuant to this section shall be placed in the general fund of the City. (Ord. 2303. Passed 5-4-93.)

~~127.12 POLICE DEPARTMENT FEES.~~

~~Fingerprinting \$10.00~~

~~Records Checks 10.00~~

~~Accident, crime, other reports 3.00~~

~~Purchase Meter time,~~

~~Fee for Special Event (Meter Bags) 3.00 per meter per day~~

~~Signs: "No Parking by Order of the Oxford P.D." 0.15 per sign~~

~~Impound/Immobilization Fees 50.00 for the first day or any part thereof~~

~~10.00 each subsequent day or any part thereof~~

~~Towing Charges 50.00 plus any additional charges for services requiring specialized equipment or extra personnel~~

~~Parking~~

~~Hourly meters (including garage) 0.25 per hour~~

~~10-hour meters 0.25 for two hours~~

~~Monthly garage lease 45.00 per space~~

~~(Ord. 2736. Passed 11-20-01.)~~

CHAPTER 129 ~~Department of Service~~ Department

129.01 ~~Director of Service~~ **Director.**

129.02 ~~Division of Streets & Maintenance Division; Streets Superintendent. & Maintenance Manager~~

129.03 ~~Division of Utilities; Utilities Superintendent.~~ **Water Plant Division; Water Plant Manager**

129.04 **Water Distribution Division; Water Distribution Manager**

129.05 **Wastewater Treatment Plant Division; Wastewater Plant Manager**

129.06 **Wastewater Collection Division; Wastewater Collection Manager**

129.07 **Engineering Division; City Engineer**

129.01 ~~DIRECTOR OF SERVICE DEPARTMENT - SERVICE DIRECTOR.~~

(a) The ~~Department of Service~~ **Department** shall have the custody, care and maintenance of the public buildings, grounds, streets, sewers, Municipal utilities and cemeteries owned by the City. The administrative head of this department shall be known as the ~~Director of Service~~ **Director**, who shall be appointed by the City Manager.

(b) The ~~Director of Service~~ **Director** shall manage and supervise all public works and undertakings of the City except as otherwise provided by the Charter or State law. The Director shall supervise the improvement and repair of streets, avenues, alleys, lands, lanes, squares, bridges, sidewalks, sewers, drains, ditches, culverts, streams and watercourses; the lighting, sprinkling and cleaning of public places; and the construction of public works, except those having reference to the ~~Department of Safety~~ **Department** or as otherwise provided by the Charter or State law. The Director shall manage the Municipal water works, garbage and refuse collection, sewage disposal plant, and shall make and preserve surveys, maps, plans, drawings and estimates of and for the City. The Director shall supervise the construction and have charge of the maintenance of public buildings and other property of the City. **The Director shall supervise the activities of the Engineering Division with regard to the review, planning, design and administration of all engineering related activities relative to the City's infrastructure and utility service area. The Director oversees all environmental programs within the City and insures compliance with all federal, state and local environmental regulations.** The Director shall perform such other duties as may be assigned by ordinance or as directed by the Manager. (Ord. 959. Passed 12-17-63.)

129.02 ~~DIVISION OF STREETS; STREETS SUPERINTENDENT. & MAINTENANCE MANAGER.~~

The ~~Division of Streets & Maintenance Division~~ shall be administered by a ~~Streets Superintendent, & Maintenance Manager~~ appointed by the City Manager, who shall be responsible to the ~~Director of Service~~ **Director** for all work having to do with the construction, maintenance and repair of public streets, alleys and public places, and the maintenance and operation of all public buildings, parks and other public properties, except those under the supervision of the Safety Department, and ~~shall be responsible for~~

~~the collection of garbage and refuse materials and the disposal thereof through the landfill operation. The Superintendent Streets & Maintenance Manager shall be responsible for the maintenance, operation and repair of the storm sewer system of the City and shall perform such other duties as may be prescribed by ordinance or required by the Director of Service Director. The Superintendent Streets & Maintenance Manager shall exercise supervision over all equipment operators, laborers and such other employees or assistants as are authorized by Council and the City Manager. (Ord. 959. Passed 12-17-63.)~~

**129.03 ~~DIVISION OF UTILITIES; UTILITIES SUPERINTENDENT.~~
WATER PLANT DIVISION; WATER PLANT MANAGER**

~~——— The Division of Utilities shall be administered by a Superintendent of Utilities, appointed by the City Manager, and who shall be responsible to the Director of Service for all work having to do with the operation of the waterworks, the sewage treatment plant and the sanitary sewer system of the City. The Superintendent shall exercise supervision over all utility engineers, assistant engineers, equipment operators, laborers and other employees as are authorized by Council and the Manager. The Superintendent shall perform such other duties as may be prescribed by ordinance or required by the Director of Service. (Ord. 959. Passed 12-17-63.)~~

The Water Plant Division shall be administered by the Water Plant Manager, appointed by the City Manager, who shall be responsible to the Service Director for all work having to do with the quality and quantity of water produced by the City. The Water Plant Manager shall perform such other duties as may be prescribed by Ordinance or required by the Service Director. The Water Plant Manager shall exercise supervision over all operators, utility maintenance technician and utility meter reader and such other employees or assistants as are authorized by Council and the City Manager.

**129.04 WATER DISTRIBUTION DIVISION; WATER DISTRIBUTION
MANAGER.**

The Water Distribution Division shall be administered by the Water Distribution Manager, appointed by the City Manager, who shall be responsible to the Service Director for all work having to do with the maintenance activities of the water distribution system within the City. The Water Distribution Manager shall perform such other duties as may be prescribed by Ordinance or required by the Service Director. The Water Distribution Manager shall exercise supervision over all service workers within the Division and such other employees or assistants as are authorized by Council and the City Manager.

**129.05 WASTEWATER TREATMENT PLANT DIVISION;
WASTEWATER PLANT MANAGER**

The Wastewater Treatment Plant Division shall be administered by the Wastewater Plant Manager, appointed by the City Manager, who shall be responsible to the Service Director for all work having to do with the proper discharge and disposal of products associated with wastewater treatment. The Wastewater Plant Manager shall perform such other duties as may be prescribed by Ordinance or required by the Service Director. The Wastewater Plant Manager shall exercise supervision over all operators, plant mechanics, lab technician and service workers within the division and such other employees or assistants as are authorized by Council and the City Manager.

**129.06 WASTEWATER COLLECTION DIVISION; WASTEWATER
COLLECTION MANAGER.**

The Wastewater Collection Division shall be administered by the Wastewater Collection Manager, appointed by the City Manager, who shall be responsible to the Service Director for all work having to do with the maintenance activities of the wastewater collection system. The Wastewater Collection Manager ensures prevention of overflows and bypasses of wastewater into the environment. The Manager shall perform such other duties as may be prescribed by Ordinance or required by the Service Director. The Wastewater Collection Manager shall exercise supervision over all service workers within the division and such other employees or assistants as are authorized by Council and the City Manager.

129.07 ENGINEERING DIVISION; CITY ENGINEER

The Engineering Division shall be administered by the City Engineer, appointed by the City Manager, who shall be responsible to the Service Director for all work having to do with the review, planning, design and administration of all engineering related activities relative to the City's infrastructure and utility service area. The City Engineer shall perform such other duties as may be prescribed by Ordinance or required by the Service Director. The City Engineer shall exercise supervision over all engineers, engineer-in-training, and engineering aide and such other employees or assistants as are authorized by Council and the City Manager.

CHAPTER 145 Civil Service

- 145.01 Scope.
- 145.02 Administration of personnel program.
- 145.03 Powers of City Manager.
- 145.04 Appointments by City Manager.
- 145.05 Temporary appointments.
- 145.06 Tenure of employment; removal for cause.
- 145.07 Suspensions.
- 145.08 Notice to affected officer or employee; hearing.
- 145.09 Appeals to the Civil Service Commission.
- 145.10 Hearing upon appeal; conduct and decision.
- 145.11 Layoffs.
- 145.12 Transfers and reassignments in the classified service.
- 145.13 Resignations.

145.01 SCOPE.

The purpose of this chapter is to establish, insofar as Council has the authority to do so, a personnel program for the City, including the procedures, rules and regulations relating to the appointment, promotion, suspension, demotion, removal and compensation of persons in the administrative service of the City. (Ord. 959. Passed 12-17-63.)

145.02 ADMINISTRATION OF PERSONNEL PROGRAM.

The personnel program of the City shall be administered by Council, the City Manager and the Civil Service Commission pursuant to the Charter and the provisions of this chapter not in conflict therewith. (Ord. 959. Passed 12-17-63.)

145.03 POWERS OF CITY MANAGER.

The City Manager shall:

- (a) Appoint and promote all officers and employees in the classified service pursuant to the rules and regulations of the Civil Service Commission.
- (b) Remove, demote or discipline all officers and employees in the classified service as hereinafter provided.
- (c) Recommend to Council changes in the Administrative Code.
(Ord. 959. Passed 12-17-63.)

145.04 APPOINTMENTS BY CITY MANAGER.

- (a) Appointment of officers and employees in the exempt service, except those to be appointed by Council under the Charter, shall be by the City Manager according to merit, in such manner as he determines.

(b) Appointment of officers in the classified service shall be made by the City Manager in such manner as is provided by the rules and regulations promulgated by the Civil Service Commission.
(Ord. 959. Passed 12-17-63.)

145.05 TEMPORARY APPOINTMENTS.

(a) Whenever there is no person eligible under the rules and regulations of the Civil Service for appointment to a particular position, or in case of an emergency, the City Manager may appoint a person temporarily to that position without regard to the rules of the Commission and with the approval of the Commission.

(b) A temporary appointment shall not continue longer than ~~thirty days~~, **six months (180 days)**, except as approved by the Commission, during which time the Commission shall establish a list of persons eligible for appointment. A temporary appointee shall not be eligible for regular appointment unless such person has taken the examination and stands high enough on the eligibility list to be considered for an appointment.

(c) The acceptance or refusal of a temporary appointment by an eligible person shall not affect such person's standing on the register for permanent appointment; nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position. (Ord. 1708. Passed 10-5-82.)

145.06 TENURE OF EMPLOYMENT; REMOVAL FOR CAUSE.

(a) The City Attorney, Clerk of Council and City Auditor shall serve for an indefinite term of office and may be removed at any time by majority vote of all members elected to Council.

(b) The City Manager shall serve for an indefinite term and may be removed at any time in accordance with the provisions of Charter Section 4.04.

(c) Members of boards and commissions shall serve for a definite term and may be removed before the expiration of such term only in accordance with the provisions of Charter Sections 10.03 and 10.04.

(d) Officers and employees in the exempt service who are appointed by the City Manager serve for an indefinite term and may be removed or otherwise disciplined at the discretion of the Manager. (Ord. 959. Passed 12-17-63.)

(e) The City Manager shall suspend, demote or dismiss any officer or employee in the classified service only for just and reasonable cause. (Ord. 1708. Passed 10-5-82.)

145.07 SUSPENSIONS.

(a) Officers and employees in the classified service may be suspended for cause without pay **upon recommendation by the division or department head to the City Manager for approval**, ~~by their division or department head~~, provided that such suspension does not exceed three working days, ~~without the approval of the City Manager.~~

~~—(b)— The division or department head shall report all suspensions in writing to the City Manager within three working days after the suspension is commenced. (Ord. 1708. Passed 10-5-82.)~~

145.08 NOTICE TO AFFECTED OFFICER OR EMPLOYEE; HEARING.

(a) Whenever an officer or employee in the classified service is suspended for three or fewer days, that employee shall be entitled to a prompt hearing before the City Manager. Such hearing shall afford the employee a statement of charges against him/her and an opportunity to explain or refute those charges.

(b) Whenever an officer or employee in the classified service has been suspended for more than three days, or dismissed, other than at the end of the probationary period, the City Manager shall give that employee written notice containing the specific reasons and factual basis for suspension or dismissal. The employee shall be entitled to a prompt hearing before the City Manager in order to allow the employee an opportunity to explain or refute the reasons for the discipline. Following such a hearing the City Manager shall notify the Civil Service commission of any suspension or dismissal.

(c) Whenever an officer or employee in the classified service has been suspended for more than three days, demoted or dismissed, the City Manager shall cause written notice of such discipline to be given to the affected officer or employee within five days after the effective date of such discipline. The notice shall contain a statement of the substantial reasons for such discipline and shall inform the officer or employee that he/she may file a request for hearing before the Civil Service commission within fourteen days from the date of such notice, and the request for hearing shall be in writing. (Ord. 1708. Passed 10-05-82.)

145.09 APPEALS TO THE CIVIL SERVICE COMMISSION.

If the officer or employee requests a hearing before the Civil Service Commission, the Commission shall schedule the hearing within thirty days from the date of such request and shall notify the officer or employee and the City Manager of the time and place appointed for that hearing.
(Ord. 1708. Passed 10-5-82.)

145.10 HEARING UPON APPEAL; CONDUCT AND DECISION.

(a) The Commission shall hear the evidence upon the charges and specifications contained in the notice to the officer or employee and filed with it by the City Manager. No material amendments of or additions to said charges or specifications will be considered by the Commission. The proceedings shall be as informal as is compatible with the requirements of justice and according to the rules and regulations of the Commission. A record of proceedings shall be kept by the Commission.

(b) The City Manager shall present evidence in support of the charges. The appellant or his/her designated representative shall then present evidence. Both sides may then offer rebuttal evidence. The Commission in its discretion may hear arguments. The Commission shall then move to a decision promptly and may affirm, disaffirm or modify the action of the City Manager. The written decision of the Commission shall be final and shall be given promptly to the officer or the employee and to the City Manager.

(c) If either the officer or employee or the City Manager fails to appear at the time fixed for the hearing, the Commission shall render judgment after hearing evidence, or based on the charges and specifications described in the notice to the employee. The Commission shall then move to a decision promptly. The written decision shall be final and shall be given promptly to the officer or employee and to the City Manager. (Ord. 1708. Passed 10-5-82.)

145.11 LAYOFFS.

(a) Whenever there is a lack of work or lack of funds requiring a reduction in the number of officers or employees of the City in the classified service, the required reduction shall be made in such classes as the appointing authority shall designate. Employees shall be laid off in the inverse order of their relative length and quality of service, as determined by records of merit, efficiency, character, conduct and seniority maintained under the rules and regulations of the Civil Service Commission regarding promotions. Within such affected classes all temporary employees shall be laid off before provisional employees, and the latter before probationary employees and the latter before permanent employees.

(b) The City shall give one work week's notice in writing in cases of layoffs and reductions.
(Ord. 959. Passed 12-17-63.)

145.12 TRANSFERS AND REASSIGNMENTS IN THE CLASSIFIED SERVICE.

(a) Any employee in the classified service who transfers voluntarily from one division or department to another shall lose seniority in the department or division that the employee is being transferred from and shall begin earning seniority in the new department or division.

(b) Whenever an employee in the classified service is laid off for lack of work or lack of funds, the employee's seniority rights remain only in the department in which the layoff occurs.

(c) The City Manager may transfer or reassign employees in the classified service from one department or division to another when at the City Manager's sole discretion such transfer or reassignment is warranted. Such transfers or reassignments shall be to a position in the new department or division whereby the transferee or reassignee has the same pay and similar duties to the department or division from which the employee is being transferred. The employee shall not lose seniority in the department or division from which they are transferred or reassigned under the conditions of this subsection. (Ord. 2654. Passed 9-21-99.)

145.13 RESIGNATIONS.

Any employee wishing to leave City employment in good standing shall file with his appointing authority at least one week before leaving, a written resignation, stating the date the resignation shall become effective and the reason therefor. Failure to comply with this procedure may be considered cause for denying such employee future employment by the City. (Ord. 959. Passed 12-17-63.)

CHAPTER 147 Employment Provisions

147.01 Compensation amount and source.

~~147.02 Department Heads and Supervisory Employees.~~

~~147.03 General provisions.~~

~~147.04 Employee benefits.~~

~~147.05 Disability Income Continuation Benefit.~~

~~147.06 Applicability.~~

~~147.07 Bonds.~~ **147.02 Bonds**

~~147.08 Deferred Compensation Plan.~~

147.01 COMPENSATION AMOUNT AND SOURCE.

Appointed officers and employees shall receive such compensation as Council determines by ordinance, and such compensation shall be payable from funds designated by Council.

(Ord. 959. Passed 12-17-63.)

~~————147.02 DEPARTMENT HEADS AND SUPERVISORY EMPLOYEES.~~

~~————(a)—— Defined. The positions of City Manager, Finance Director, Law Director, Police Chief, Community Development Director, Service Director, Parks and Recreation Director, Fire Chief, Human Resource Director and Economic Development Director are department heads. These employees in addition to, Deputy Service Director, Streets and Maintenance Manager, Wastewater Collection Manager, Water Distribution Manager, Water Plant Manager and Wastewater Plant Manager for the purposes of group life and accidental death and dismemberment, are considered supervisory employees.~~

~~————(b)—— Overtime. Department heads are salaried employees and are not entitled to overtime.~~

~~————(c)—— Vacation. Department heads shall accrue vacation leave monthly at the following rates (except a first year department head who shall receive vacation accrual after the completion of the twelfth month):~~

~~————After 12 months (1 year) —120 hours
————After 84 months (7 years) —160 hours
————After 156 months (13 years) —200 hours~~

~~————(1)—— The City Manager is authorized to grant up to 80 hours of vacation leave during the first year of employment of a department head on the basis of extenuating circumstances.~~

~~————(2)—— The City Manager shall receive 120 hours of vacation annually upon employment, and 160 hours annually after five years of service.~~

~~————(d)—— Other Benefits and Provisions. Except as superseded by the provisions of this section, department heads and supervisory employees shall be entitled to all other benefits and provisions of this chapter applicable to full-time employees of the City of Oxford.~~

~~————(e)—— Sick Leave. The Police Chief shall receive a bonus of three hundred ten dollars (\$310.00) per calendar quarter if he uses no sick leave during that quarter. If the Police Chief uses no sick leave for the calendar year, he shall receive an additional three hundred sixty dollars (\$360.00). The bonus payment shall be issued at the end of each calendar quarter. (Ord. 2868. Passed 11-15-05.)~~

~~————147.03 GENERAL PROVISIONS.~~

~~————(a)—— Pay Periods. Employees shall be paid. Pay days shall be on Friday, except when City offices are closed for a holiday on Friday, in which case payday shall be the last workday preceding the holiday.~~

~~————(b)—— Hours of Work. Full-time, non-salaried employees' work week shall be forty hours. When directed by their supervisor to work overtime, such employees shall~~

~~be compensated at the rate of one and one-half (1-1/2) times their base rate of pay for all hours actually worked in excess of forty hours per week. An employee who is called to work following the completion of their normal work day and one-half (1/2) or more hours prior to the commencement of their next normal work day shall receive a minimum of two (2) hours compensation for such call-in at one and one-half (1-1/2) times their normal rate.~~

~~———— (e) ——— Emergency Appointments. In case of civil unrest or other like emergency, the City Manager may appoint emergency police officers or other volunteer citizens as may be necessary for temporary service during the emergency and shall report this action to the City Council at its next meeting. Such emergency appointees shall be compensated for all time actually worked on behalf of the City.~~

~~———— (d) ——— Firefighters. Firefighters are paid according to the schedule of part-time employees. A firefighter may receive a supplement equal to one-half their ordinary job wage if their employer does not continue to pay while they are away from work attending to a fire.~~

~~———— (e) ——— Shift Differential Pay. The applicable rate of shift differential for the entire shift worked will be determined by the applicable rate for the majority of the hours in an assigned shift. If an assigned shift is evenly divided between two rates, the higher rate shall be applicable to all hours of the shift worked. A full-time employee who is assigned by their supervisor to work a shift after 4:00 p.m. and before 8:00 a.m. shall receive shift differential pay for all hours worked. The differential shall be twenty-five cents (\$0.25) per hour for all hours of a shift actually worked after 4:00 p.m. and before 12:00 midnight. The differential shall be forty-five cents (\$0.45) per hour for all hours of a shift actually worked after 12:00 midnight and before 8:00 a.m. Shift differential will be paid at its normal rate for scheduled hours worked on a holiday in addition to holiday pay. Overtime may be incurred for the work week (over 40 hours) attributable to working during a shift differential period (defined above). For purposes of calculating overtime pay, the base pay rate shall include the hourly shift differential amount. The shift differential rate used for overtime calculation will be the same rate used for shift differential as determined per the guidelines above. (Ord. 2868. Passed 11-15-05.)~~

147.04 EMPLOYEE BENEFITS.

~~———— (a) ——— Uniforms.~~

~~———— (1) ——— The Police Chief shall receive credit in the same manner as the Detective Sergeant as specified in the Police Sergeants and Lieutenants contract.~~

~~———— (2) ——— The City shall provide full-time employees in the Service Department, who wear a uniform in the performance of their duties, with a uniform rental service.~~

~~—— (b) — Sick Leave. Sick leave shall be earned by all full-time employees at the rate of ten hours per month and may be accumulated without maximum. Previously accumulated sick leave may be transferred as allowed by law. Under extraordinary circumstances, the City Manager may approve the transfer of sick leave credits from one City employee to another.~~

~~—— (c) — Sick Leave Conversion. An employee with a sick leave balance of 280 hours up to a maximum of 1200 hours may covert the balance to vacation or pay at a rate of 5:1. However, there must be 240 hours remaining, and such conversion may only be made by written application to the Finance Department during the month of April, and pay, when requested, will be made on or before May 20th. Upon retirement, death or lay-off of the employee, not more than 1200 hours accumulated sick leave may be converted to vacation time at the ratio of three sick leave days to one vacation day. Should an employee on lay-off (who has converted sick leave to vacation) return to City employment, they may within one year of reinstatement repurchase their accumulated sick leave by repaying at the same rate as the pay off. Such repayment may be in cash, by payroll deduction or use of newly accumulated vacation time.~~

~~—— (d) — Funeral Leave. Full time employees will be permitted to use up to three days funeral leave per calendar year for such time as may be reasonably needed for the purpose of attending the funeral of a member of their immediate family. After exhausting this annual allowance, an employee will be permitted to use up to three days of sick leave as may be reasonably needed for the purpose of attending the funeral of a member of their immediate family. In no case shall an employee use more than a combined total of three days funeral and/or sick leave for a single funeral. Immediate family shall be construed to mean spouse, child, parent, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, grandparent, spouse's grandparent or grandchild. Leave of absence without pay is allowed for other funerals when approved by the employee's supervisor.~~

~~—— (e) — Payment of Health Insurance Premiums. For each full-time, employee (forty hours per week) and Law Director who participates in the City group medical insurance programs, the City will pay seven hundred fifty dollars (\$750.00) per month per employee during the effective period of this Ordinance for health/medical insurance, major medical, prescription insurance, dental insurance and vision care insurance. The Employee will pay \$12.87 for single coverage and \$29.61 for family coverage, each pay period, with deductions being made from gross pay before taxes resulting in the cost being reduced to \$9.27 for single and \$21.32 for family.~~

~~_____ (f) _____ Holiday Schedule. There shall be fourteen paid holidays for full-time employees as follows:~~

~~_____ New Year's Day (January 1)
_____ Martin Luther King, Jr. Day (third Monday in January)
_____ Washington/Lincoln Day (third Monday in February)
_____ Memorial Day (last Monday in May)
_____ Independence Day (July 4)
_____ Labor Day (first Monday in September)
_____ Thanksgiving Day (fourth Thursday in November)
_____ Day after Thanksgiving
_____ Christmas Eve Day (The day preceding or following Christmas Day
holiday as designated by the City Manager)
_____ Christmas Day (December 25)
_____ Four (4) Personal Days — 32 Hours~~

~~_____ New employees hired during the year shall have their Personal Hours pro-rated based on initial hire date. With the exception of employees who work a continuous schedule, holidays falling on a Saturday shall be observed on the preceding Friday and holidays falling on a Sunday shall be observed on the following Monday.~~

~~_____ (g) _____ Pay for Work on Certain Holidays. Any full-time employee, department heads excluded, who is required by the employee's supervisor to work on a designated holiday as a part of the employee's regularly scheduled duty and within the employee's normal hours of work shall receive pay in an amount equal to one and one-half times the employee's base hourly rate of pay for all hours actually worked by the employee between the hours of 12:01 a.m. and 12:00 midnight, inclusive, on the designated holiday. When such an employee works on a holiday, the employee shall be entitled to an additional day off in lieu of the holiday.~~

~~_____ (1) _____ Employees called to work on a designated holiday (to perform a special project or emergency repair) may receive pay in the amount equal to one and one-half (1-1/2) times their base hourly rate of pay for all hours actually worked on the holiday in addition to the eight hours straight time pay for the holiday at the discretion of the City Manager.~~

~~_____ (2) _____ When a calendar holiday falls on either weekend day(s) (including Christmas Eve and Christmas), the following rules apply:~~

~~_____ A. _____ If an employee works the designated holiday, that employee is entitled to:~~

~~_____ 1. _____ One and one-half (1 1/2) times their base hourly rate for the hours worked, and~~

~~_____ 2. _____ A paid day to be taken at another time.~~

~~_____ B. — If an employee works a true calendar holiday(s) that falls on Saturday or Sunday, he or she is entitled to pay at one and one-half (1 ½) times the base hourly rate for the hours worked.~~

~~_____ (h) — Group Life and Accidental Death and Dismemberment Insurance. The City will pay one hundred percent (100%) of the premium for these fringe benefits for coverage in an amount equal to the employee's annual base salary, except that the amount of the insurance coverage provided will be subject to a reduction schedule included in the group policy. Such reductions generally begin at age 65 and are subject to ADEA regulations. These fringe benefits apply only to full-time employees working at least forty hours per week and the Law Director. The City will pay one hundred percent (100%) of the premium group life insurance coverage on the Police Chief in an amount equal to one and one-half (1-1/2) times the Police Chief's annual salary.~~

~~_____ For each firefighter, the City will pay one hundred percent (100%) of the premium for a Firefighter's Accident Policy, not to exceed ten thousand dollars (\$10,000) in insurance coverage.~~

~~_____ (i) — Longevity Bonus Pay. Any employee, not otherwise covered by a collective bargaining agreement, who was hired prior to January 1, 2000, shall continue to receive and/or be eligible for longevity pay. All employees, not otherwise covered by a collective bargaining agreement, hired on or after January 1, 2000, will not be eligible for longevity pay.~~

~~_____ (1) — No partial or proportionate Longevity Bonus Pay will be paid. An employee shall accrue one year of service for twelve consecutive months of full-time employment. Part-time employees who become full-time employees may use hours worked as a part-time employee towards years of credit. Credit will not be given for partial years of service.~~

~~_____ (2) — Full-time employees who leave the City's employment and are eligible to receive longevity pay based on the anniversary date in 2009, shall be given their longevity payment with their final pay. All other eligible employees will receive their Longevity Bonus pay the last week of November 2009. All eligible full-time employees shall be paid in accordance with the following schedule. Contract employees shall be paid according to the appropriate contracts. The Chief of Police shall be paid longevity according to the current schedule in the Police Supervisors' contract.~~

After 5 years — \$450	After 18 years — \$775
After 6 years — \$475	After 19 years — \$800
After 7 years — \$500	After 20 years — \$825
After 8 years — \$525	After 21 years — \$850
After 9 years — \$550	After 22 years — \$875
After 10 years — \$575	After 23 years — \$900
After 11 years — \$600	After 24 years — \$925

After 12 years	\$625	After 25 years	\$950
After 13 years	\$650	After 26 years	\$975
After 14 years	\$675	After 27 years	\$1000
After 15 years	\$700	After 28 years	\$1025
After 16 years	\$725	After 29 years	\$1050
After 17 years	\$750	After 30 years	\$1075

~~(j) Vacation. An employee shall accrue vacation monthly at the following rate unless otherwise covered by a collective bargaining unit (except a first year employee who shall receive the employee's vacation accrual after the completion of the twelfth month):~~

After 12 months	(1 year)q	80 hours
After 24 months	(2 years)	88 hours
After 48 months	(4 years)	96 hours
After 60 months	(5 years)	104 hours
After 72 months	(6 years)	112 hours
After 84 months	(7 years)	120 hours
After 96 months	(8 years)	128 hours
After 108 months	(9 years)	136 hours
After 120 months	(10 years)	144 hours
After 132 months	(11 years)	152 hours
After 144 months	(12 years)	160 hours
After 156 months	(13 years)	168 hours
After 168 months	(14 years)	176 hours
After 180 months	(15 years)	184 hours
After 192 months	(16 years)	192 hours
After 204 months	(17 years)	200 hours

~~The City Manager is authorized to grant up to 40 hours of the employee's vacation leave to be used in advance of their first year anniversary on the basis of extenuating circumstances.~~

~~(k) Reimbursement. Employees authorized and required by the assigned supervisor to drive personal vehicles on official City business shall be reimbursed for actual miles driven at the IRS standard mileage rate in effect. Employees who are out of the City on official business or at authorized training functions shall be reimbursed for meals at the IRS recognized per diem rate including those rates for high cost cities (receipts are required). The City Manager is authorized to adopt specific procedures regarding travel reimbursement. (Ord. 2868. Passed 11-15-05.)~~

~~147.05 DISABILITY INCOME CONTINUATION BENEFIT.~~

~~Each full-time employee of the City of Oxford, who is disabled to the extent that he or she cannot perform regular duties as a result of injuries sustained in an identifiable incident while in the course of public employment with the City, not through the employee's own negligence, shall after exhaustion of the employee's accumulated sick leave, continue to receive for a period not to exceed one calendar year from the date of sick leave exhaustion, an amount of compensation equivalent to the employee's full salary less any and all funds received from all public or private agencies by way of pension, compensation or indemnity for such disability. The employee shall make application for "Temporary Total" disability compensation under Workers' Compensation law of Ohio. Provided that where the disability is of a type or nature which will prevent the employee from returning to municipal employment, the employee shall mandatorily apply for such available benefits of said funds or money that may accrue to the employee and be payable from the Public Employees Retirement System or Police and Fire Pension Fund. Provided further, that in the case of firefighters, initial determination and recommendation of compensation shall be made by the Firefighters Dependents Board. The City Manager shall cause the employee to be examined, by a physician of the City's choice, to determine the extent of the disability and may require subsequent examinations during the period of disability.~~

~~147.06 APPLICABILITY.~~

~~Irrespective of any language or wording hereinabove, this chapter shall not be, and no provision or portion hereof shall be applicable to any employee of the City of Oxford employed pursuant to a written contract relative to wages and working conditions. This entire chapter is effective and applicable only as to employees whose employment is not covered pursuant to the terms and conditions of a written contract with the City. (Ord. 2868. Passed 11-15-05.)~~

~~147.07 BONDS. 147.02 BONDS~~

~~(a) Specification of Bonds.~~

Bond	Amount	
Public employees blanket bond (each employee)	\$ 5,000	\$ 10,000
Director of Finance (specific public official bond)	25,000	\$500,000
Money and securities (broad form policy)	5,000	\$ 10,000

~~(Ord. 1412. Passed 1-4-77.)~~

~~147.08 DEFERRED COMPENSATION PLAN.~~

~~(a) The City hereby establishes a Deferred Compensation Plan for certain employees and hereby authorizes the Mayor to execute such Plan with the International City Management Association Retirement Corporation, attached to original Resolution 2004 as Appendix A.~~

~~_____ (b) _____ The City Manager may, on behalf of the City execute all joinder agreements with such employees and other eligible officials and officers, which are necessary for such persons' participation in the Plan, an example of which appears as Appendix B, except that any joinder agreement for such designated official shall be executed by the Mayor. (Res. 2004. Passed 9-16-75.)~~

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

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance

Originating Department

Council Meeting Of: 5/19 & 6/2

Heidi Hill

Account Code No. _____

Prepared By

Budgeted Amount: _____

5/13/09

Date Prepared

Agenda Title: Year 2010 Tax Budget submitted to the County

Recommendation: Approve

Discussion:

This is the annual Tax Budget for the General Fund to be submitted for the coming year to the Butler County Tax Commission, in accordance with requirements stipulated by Ohio Revised Code. Approval by the legislative body is required by July 15th and it is due to the County by July 20th.

The tax budget required for the County is essentially a preliminary budget estimate for next year. Beginning in August we will undertake our normal detailed line-item budget analysis and preparation. We will spend approximately 3 months of intensive preparation on our detailed budget, and the final approved budget will then be submitted to the County Budget Commission to replace this preliminary estimate.

This tax budget provides our first glimpse at 2010's General Fund budget. We have prepared this budget with a 0% change from the 2009 Budget except for a few items. It was prepared as follows:

- 1) **Income Tax Revenue:** Level funding for 2010.
- 2) **Local Government Revenue Sharing (LGF):** Level funding.
- 3) **Real Estate Tax:** Increased by \$90,000 to compare with current collections.
- 4) **911 Wireless Reimbursement:** Reduced by \$250,000.
- 5) **Accident billing (cost recovery):** Reduced by \$44,000.
- 6) **Interest income was reduced:** Reduced Interest Income by \$100,000 based on current market purchases.
- 7) **All other revenue:** All other revenue budgeted with a 0% increase.

The net of the increased revenue, offset by the reductions noted above, enables the expenses to be increased by 0%. Please keep in mind this is just a preliminary estimate.

Ohio Revised Code requires one public hearing be held, advertised at least 10 days in advance. We have advertised the public hearing for the Council meeting of June 2nd.

Approved By:

Department Head:

City Manager:

Initial Date

[Signature] 5/13/09
[Signature] 5/13/09

ORDINANCE NO.

ORDINANCE AUTHORIZING THE TAX BUDGET FOR THE YEAR 2010 AND
DIRECTING THAT THE SAME BE TRANSMITTED TO THE BUTLER COUNTY
AUDITOR.

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

SECTION 1: The year 2010 tax budget, attached hereto as
Attachment A for the City of Oxford is hereby adopted and the
Finance Director is directed to transmit a copy of said budget to
the Butler County Auditor.

SECTION 2: This Ordinance shall take effect at the
earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUDENCE DANA

PREPARED BY: LAW (STAFF)

13-May-09

Director of Finance

Signed: BUDGET COMMISSION

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

[illegible]

STATEMENT OF FUND ACTIVITY

(Complete only for General Fund, Bond Retirement Fund, and any other funds
requesting general property tax revenue)

EXHIBIT I

FUND: **GENERAL FUND**

DESCRIPTION	FOR 2007 ACTUAL	FOR 2008 ACTUAL	2009 CURRENT YEAR ESTIMATE	2010 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	\$ 971,757	\$ 1,001,412	\$ 995,000	\$ 1,085,000
Municipal Income Tax	\$ 6,539,440	\$ 7,100,077	\$ 7,102,190	\$ 7,102,190
Local Govm't/Rev. Ass't. Fund	\$ 745,988	\$ 739,711	\$ 744,364	\$ 744,364
Other Revenues	\$ 2,987,707	\$ 5,038,461	\$ 3,328,113	\$ 2,814,113
TOTAL REVENUES	\$ 11,244,892	\$ 13,879,661	\$ 12,169,667	\$ 11,745,667
TOTAL EXPENDITURES	\$ 10,086,046	\$ 14,742,862	\$ 12,164,551	\$ 11,743,051
REVENUES OVER (UNDER) EXPENDITURES	\$ 1,158,846	\$ (863,201)	\$ 5,116	\$ 2,616
BEGINNING CASH BALANCE	\$ 4,635,940	\$ 5,855,274	\$ 4,996,913	\$ 5,002,029
ENDING CASH BALANCE	\$ 5,530,665	\$ 4,796,581	\$ 5,002,029	\$ 5,004,645
ENCUMBRANCES AT YEAR END	\$ 264,121	\$ 195,492	\$ -	\$ -

FUND: _____

DESCRIPTION	FOR 2006 ACTUAL	FOR 2007 ACTUAL	2008 CURRENT YEAR ESTIMATE	2009 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	\$	\$	\$	\$
Homestead and Rollbacks				
Other Revenues				
TOTAL REVENUES				
TOTAL EXPENDITURES				
REVENUES OVER (UNDER) EXPENDITURES				
BEGINNING CASH BALANCE				
ENDING CASH BALANCE				
ENCUMBRANCES AT YEAR END				

SCHEDULE OF INDEBTEDNESS

EXHIBIT II

PURPOSE OF BONDS AND NOTES	AUTHORITY FOR LEVY OUTSIDE 10 MILL LIMIT *	DATE OF ISSUE	DATE DUE	ORDINANCE OR RESOLUTION	SERIAL OR TERM	RATE OF INTEREST	AMOUNT OF BONDS/NOTES OUTSTANDING AT BEGINNING OF BUDGETED YEAR 1/1/2010	AMOUNT REQUIRED FOR PRINCIPAL & INTEREST PAYMENTS 1/1/2010 TO 12/31/2010
INSIDE TEN MILL LIMIT:								
Payable from Bond Retirement Fund								
General Obligation								
Parks Improvement Bonds	N/A	12/99	2019	Ordinance	Serial & Term	Varies	\$ 2,455,000	\$ 325,398
2002 Refunding Water Bonds	N/A	12/02	2014	Ordinance	Serial	3.42% Average	\$ 4,130,000	\$ 923,100
Revenue Bonds								
NONE								
Other -OWDA Issued Debt								
1987 OWDA Sewer debt	N/A	1987	2009	Ordinance	Serial	7.73%	\$ -	\$ -
1995 OWDA Landfill debt	N/A	1995	2015	Ordinance	Serial	4.35%	\$ 1,452,760	\$ 299,843
1997 OWDA Sewer Collection System Debt	N/A	4/97	2018	Ordinance	Serial	4.12%	\$ 321,975	\$ 50,341
1997 OWDA Sewer Plant Construction, Sewer Plant and Design Debt	N/A	5/97	2019	Ordinance	Serial	4.12%	\$ 3,638,322	\$ 487,932
1998 Sandra Drive Collection System Debt	N/A	3/98	2019	Ordinance	Serial	3.98%	\$ 172,170	\$ 22,948
TOTAL							\$ 12,170,228	\$ 2,109,561
OUTSIDE TEN MILL LIMIT:								
NONE								
TOTAL							\$	\$

* If the levy is outside the 10 mill limit by vote enter the words "by vote" and the date of the election.
If outside the 10 mill limit without a vote, enter the reference to the statute under which the levy is exempt from the 10 mill limit.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: May 19, 2009

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

May 11, 2009
Date Prepared

Agenda Title: PC-17-2006	An Ordinance Approving the Extension of the Conditional Use Permit for a Miami University Community Federal Credit Union Branch Facility with a Drive-Thru at 5120 College Corner Pike, Approved by Ordinance No 2932, on November 21, 2006 for a Period of Six Months.
---------------------------------	--

Recommendation: Approval

Discussion:

The City Council approved a Conditional Use permit for a branch facility to be located at 5120 College Corner Pike on its November 21, 2006 meeting.

Mr. Rick Parker, President/CEO of the Credit Union has made a formal request in his letter for a second six-month extension. The letter, outlining the reasons for the extension request, is attached for your consideration.

Approved By:	Department Head: City Attorney: City Manager:	<table><tr><th>Initial</th><th>Date</th></tr><tr><td>JHC</td><td>5/12/09</td></tr><tr><td></td><td>5/15/09</td></tr></table>	Initial	Date	JHC	5/12/09		5/15/09
Initial	Date							
JHC	5/12/09							
	5/15/09							

ORDINANCE NO.

AN ORDINANCE APPROVING THE EXTENSION OF THE CONDITIONAL USE PERMIT FOR A MIAMI UNIVERSITY COMMUNITY FEDERAL CREDIT UNION BRANCH FACILITY WITH A DRIVE-THROUGH AT 5120 COLLEGE CORNER PIKE, APPROVED BY ORDINANCE NO. 2932 ON NOVEMBER 21, 2006, FOR A PERIOD OF SIX MONTHS.

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

SECTION 1: Council having reviewed the request submitted by Miami University Community Federal Credit Union for an additional extension of six months of the deadline for construction of a banking facility with a drive-through at 5120 College Corner Pike, has determined the request to be reasonable.

SECTION 2: Council granted the first extension for a period of six months of the construction deadline on November 4, 2008 by adopting Ordinance No. 3025.

SECTION 3: Council hereby approves the request for an additional extension of the construction deadline and grants an additional six month extension of the Conditional Use Permit for construction of a banking facility with a drive-through at 5120 College Corner Pike.

SECTION 4: 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)



changing lives
everyday

05/11/09

City of Oxford
JUNG-HAN CHEN, AICP
Director of Community Development
101 East High St.
Oxford, Ohio 45056

Re: Request for Conditional Use Extension 5120 College Corner Pike

Dear Mr. CHEN,

The Miami University Community Federal Credit Union is requesting a six month extension to place into service our city council approved, "Conditional Use Permit". The request is predicated on two issues:

- 1) The Economic Recession of the last 18 months has had a negative impact on all financial institutions, including our Credit Union. As a result we have not yet reached the financial targets necessary to initiate construction, though we anticipate doing so in 2010.
- 2) The forthcoming phase three widening of US 27, College Corner Pike and the disruption this may cause to our building process, and new banking operations.

We will keep you and the City of Oxford well informed as to our anticipated construction start date.

Respectfully Submitted

Rick Parker
President/CEO

Miami University Community Federal Credit Union

420 Wells Mill Drive • Oxford, Ohio 45056 • phone 513-529-2739 • fax 513-529-2638 • cumemservice@muccu.org • www.muccu.org

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: May 19, 2009

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

May 13, 2009
Date Prepared

Agenda Title:	PC-06-2009 ZONING CODE TEXT AMENDMENT to amend Section 1141.03 Supplemental Regulations Related to Residential Building Additions, City of Oxford, Applicant
Recommendation:	Approval

Discussion:

The intent of Section 1141.03 is to ensure that no additional dwelling units would be permissible when the allowable number of units have already been established. This section has been construed to prohibit any additional unit to a single-family dwelling in a higher density district. It actually forces the demolition of an existing single family structure in order to build a two-family dwelling, since the language outright prohibits an additional unit to be built.

This amendment attempts to clarify the intent of the language and to preserve the property rights of individuals by expanding the language to accomplish both purposes. Additionally, this amendment also augments the definition of "addition" by stipulating certain requirements for building a habitable addition.

The Planning Commission is recommending approval of this draft language with one minor modification in reference to "...structure must exceed 30%" to now read "...shall not be less than 30%".

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC | 5/13/09

[Signature] | 5/15/09

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE SECTION 1141.03 SUPPLEMENTAL REGULATIONS, AND ADOPTING NEW SECTION 1141.03 SUPPLEMENTAL 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 May 12, 2009 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1141.03, Supplemental Regulations, and adopting new Section 1141.03, Supplemental Regulations.

SECTION II: Council finds that amending Section 1141.03 by revising Subsection (j) will preserve property rights while still allowing for the regulation of additions.

SECTION III: Council hereby repeals Section 1141.03 of the Oxford Code of Ordinances and adopts new Section 1141.03 as follows:

1141.03 SUPPLEMENTAL REGULATIONS.

In addition to all regulations specified for the Zoning Districts and in other sections of this Ordinance, the provisions of this Section inclusive shall be used for interpretation and clarification.

(a) One Principal Building Per Lot. In a Residential district there shall be no more than one principal building on one lot.

(b) Setback Requirement for Corner Lots. On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located. (See the definition of Yard- front.)

(c) Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots a line joining points along such street lines 20 feet from the point of intersection.

(d) Use of the Vacated Right of Way. On any lot, having as a portion of its area, land vacated by Ordinance No. 103, the use of that vacated portion shall be restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways, except that in the Uptown District such land vacated by Ordinance No. 103 may be used for municipally-owned parking lot municipally-regulated parking.

(e) Front Yards.

(1) The width of a lot is measured at the setback line established under the zoning district or on a plat of record on file with the Butler County Recorder.

(2) An average front yard may be established when more than 50% of the lots have been developed within that block face. The average front yard setback required shall, in no circumstances, be less than 16.5 feet, or more than 30 feet.

(3) Buildings on lots having frontage on two streets, (double frontage lots) need not have a rear yard; however, the required front yard shall be provided on both streets.

(4) Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot.

(f) Yard Requirements for Multi-Family Dwellings. Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

(g) Exceptions to Height Regulations.

(1) The height limitations contained in Chapter 1143 District Requirements do not apply to any farm structure provided they are located not less than 50 feet from a lot line of residentially zoned property, nor to church spires, belfries, cupolas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of an aircraft at an established airport.

(2) Such height regulations shall not apply to fire towers, cooling towers, gasholders or other structures where the manufacturing process requires a greater height. All such structures shall not occupy more than 25 percent of the area of the lot and shall be at least 25 feet in all parts from every lot line.

(h) Projections into Required Yards. Every part of a required yard shall be open to the sky except for accessory buildings and ordinary projections of sills, belt courses, cornices and ornamental features which may project to a distance not to exceed eighteen inches into a required yard. Architectural features may project into required yards or into courts as follows:

(1) Into any required front or side yard adjoining a side street:

A. Cornices, canopies, eaves, or the architectural features may project a distance not to exceed two feet, six inches.

B. Fire escapes may project a distance not to exceed four feet, six inches.

C. An open air ramp and necessary landing may project a distance not to exceed six feet.

D. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed three feet; provided however, that the aggregate width of such projection shall not exceed one-third of the length of the wall upon which they are located.

E. A porte-cochere or canopy may project into a required side yard provided every part of such porte-cochere or canopy is unenclosed and shall not be less than five feet from the side lot line.

(2) Subject to the limitations in the preceding paragraphs, the above named features may not project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth of the required least width of such side yard, but not exceeding three feet in any case.

(3) Rear Yard Exceptions.

A. Rear yard depths may be varied where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular. In such cases, the average depth of the rear yard shall not be less than the required minimum or narrower than 20 feet.

B. Open or lattice-enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the required rear yard may be permitted by the Zoning Administrator for a distance of not more than five feet, but only where the same are so placed as not to obstruct light and ventilation.

(i) Projection into Right-of-Way in the UP Uptown District. No part of a building shall project into the public right-of-way unless specifically allowed by the Oxford Codified Ordinance Chapter 13, Building Code; or by Chapter 1151, Signs.

(j) Residential Building Additions. ~~Any addition to a residential building that results in or enables a new dwelling unit is not permitted.~~ *No addition to an existing residential building that results in or enables a new dwelling unit shall be approved, unless it is permitted by the underlying zoning district. The addition shall also be subject to the following requirements:*

- 1. Any addition shall reflect the character, material, style, mass and architectural features of the existing structure.*
- 2. Any habitable addition must be physically attached and share a common wall with the existing structure. The common wall between the addition and the existing structure shall not be less than 30% of the total square footage of the exterior wall where the addition is to be attached. Such measurement shall be based on the total square footage of the existing wall and shall only include wall that completely encloses the interior space of the existing structure. The square footage of a wall shall be the length of the wall, where the addition is to be attached, multiplied by the height that wall, excluding attic area.*

(k) Mixed Use Buildings. Where dwelling units are erected above commercial structures in commercial districts, no side yards are required, except such side yard as may be required in the district regulations for a commercial or industrial building on the side of a lot adjoining a residential district.

SECTION IV: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any an all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including, but no limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED:

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>	May 13, 2009
<u>Case Number</u>	PC-06-2009
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Text Amendment
<u>Summary of Request</u>	Modifying Chapter 1141.03 Supplemental Regulations Related to Residential Building Additions
<u>Public Hearing Information</u>	At the May 12, 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 April 11, 2009.
<u>Commission Action</u>	The Planning Commission voted 4-0-0 to recommend approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval of the draft language with a minor modification.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report 2. Draft Language 3. Zoning Code Text Amendment Application

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-06-2009

Date – May 12, 2009

APPLICATION

Applicant:	City of Oxford
Action Request:	Amend Section 1141.03 (j) Supplemental Regulations related to Residential Building Addition.

DESCRIPTION

Previously, staff had recommended deleting the entire section of 1141.03(j) to eliminate any inconsistencies between the underlying zoning district and the supplemental regulations. The Planning Commission was not in favor of deleting this particular subsection entirely without ensuring certain provisions were in place. This proposed amendment incorporates the intent of the Planning Commission's comments while revising it to be consistent with other sections of the Oxford Zoning Code.

AGENCY COMMENTS

No comments were received from other agencies.

STAFF ANALYSIS

The City is divided into various zoning districts. Each district has outlined permitted uses and dimensional requirements. For residential zoned districts, the number of dwelling units is controlled by the underlying zoning district. Only one dwelling unit is allowed in a single-family district. Two-family dwellings and one family-dwelling are permitted in a two-family district.

Section 1141.03(j) states "**Any addition to a residential building that results in or enables a new dwelling unit is not permitted.**" It is understood that the intent of this section is to ensure that no additional dwelling units would be permissible when the allowable number of units have already been established. However, this section has been construed to prohibit any additional unit to a single-family dwelling in a higher density district. It actually forces the demolition of an existing single family structure in order to build a two-family dwelling, since the language outright prohibits an additional unit to be built.

This amendment attempts to clarify the intent of the language and to preserve the property rights of individuals by expanding the language to accomplish both purposes. Additionally, this amendment also augments the definition of "addition" by stipulating certain requirements for building a habitable addition.

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

Staff has prepared the proposed language for the Commission's consideration.

SUBMITTED

BY:

Jung-Han Chen

Jung-Han Chen, AICP

Community Development Director

DATE: April 20, 2009

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

Telephone Number(s)

513/524-5204

SUBMISSION REQUIREMENTS

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

All applications must include:

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

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

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

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

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

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

SIGNATURE OF APPLICANT: _____

Date: 3/27/09

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: 05/19/09

Joe Newlin
Prepared By

Account Code No. #: see below

Budgeted Amount: _____

05/14/09
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.

Advance to FEMA

112,670.00

From fund balance

Funding needed for the FEMA expenditures as requested in the Supplemental Budget #3. The grant is a reimbursable grant and therefore needs funding in advance.

FEMA

Return advance to General Fund

112,670.00

From grant revenue

Once the grant has been reimbursed we will return the funding back to the General Fund.

Approved By:

Department Head:
City Manager:

Initial Date

[Signature] 5/14/09
[Signature] 5/14/09

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, and changes to estimated revenues;

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

GENERAL FUND 110	14,424.00
GENERAL FUND 110	112,670.00
FEMA FUND 416	112,670.00

SECTION 3: The following transfers be executed:

Advance from:	
GENERAL FUND 110	112,670.00
FEMA FUND 416	112,670.00

Advance to:	
FEMA FUND 416	112,670.00
GENERAL FUND 110	112,670.00

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

FEMA FUND 416	112,670.00
GENERAL FUND 110	112,670.00

SECTION 5: In all other respects, Ordinance No. 3033 shall remain in full force and effect.

SECTION 6: 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

Finance
Originating Department

Council Meeting Of: 05/19/09

Joe Newlin
Prepared By

Account Code No. #: see below

Budgeted Amount: _____

05/14/09
Date Prepared

Agenda Title: Issuance of \$2,600,000 Park Improvement Refunding Bonds

Recommendation: Approve

Discussion:

Park Improvement Refunding Bonds

This ordinance is for the issuance of \$2,600,000 in bonds for refinancing. In the current market, conditions are such that the refinancing of these bonds should result in substantial savings to the City of Oxford. The emergency clause is incorporated to assure we are able to take advantage of these savings. At the last snapshot on 4/14/2009, it was estimated the City of Oxford would realize a savings of \$200,000 present value or 8.15%. The savings may not be this exact value at the time of closing but it is our hope they will be substantial none the less.

The preliminary schedule, with this passing as an emergency, has a closing date of June 24th.

Approved By:

Department Head:
City Manager:

Initial Date

[Signature] 5/14/09
[Signature] 5/15/09

CITY OF OXFORD, OHIO

ORDINANCE NO. _____

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

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") (three-fourths of all members elected to Council concurring herewith):

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 Ordinance, 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 are 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 an emergency is declared to exist to provide timely issuance of the Bonds to realize debt service savings, and passage of this ordinance as an emergency ordinance is necessary for the immediate preservation of the public peace, health, safety, morals and welfare. Therefore, this ordinance shall become effective immediately upon passage.

PASSED this 19th day of May, 2009.

Mayor

Attest:

Clerk of Council

**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
--

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:

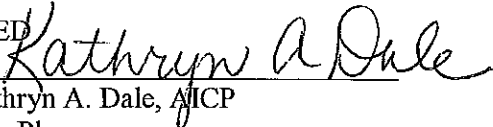
- a. Make the Code conform more closely to the Comprehensive Plan.
- b. Improve the public health, safety, and general welfare of Oxford.
- c. Clarify the intent of the Code.
- d. Better implement the intent of the Code.
- e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable.

SUBMITTED

BY:

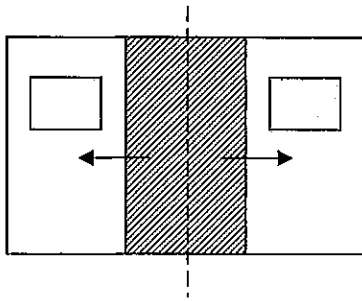

Kathryn A. Dale, AICP
City Planner

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.

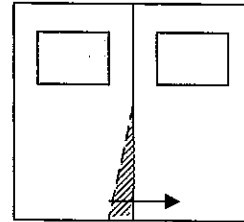
Option 4 is currently applied administratively to non-subdivision lots. This option is considered to be a replat and would require a final subdivision application and full review by the Planning Commission and City Council for approval.

Option 1



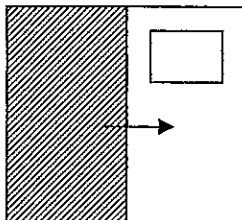
Split and Re-consolidate

Option 2



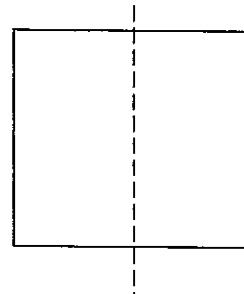
Transfer of land between owners

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: *[Signature]*

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:

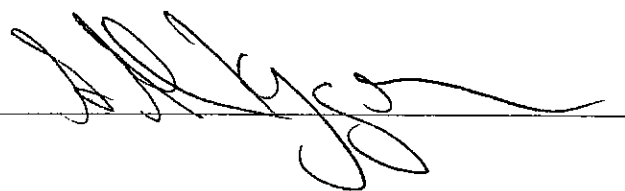
PC-04-2009 **TEXT AMENDMENT**, Chapter 1101 Subdivision Regulations, Section 1101.08 Lot Splits and Lot Consolidation, to include provisions regarding replats of approved subdivisions, **City of Oxford, Applicant**

 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.

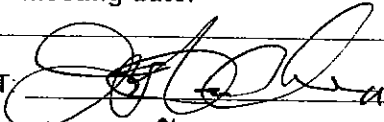
Decision Standards A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls. The proposed amendment will:

- 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