City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Agenda

Oxford City Council

Court House

TUESDAY, MAY 19, 2015

EXECUTIVE SESSION
7:00 p.m.

1. Roll call. Kevin McKeehan, Mayor; Kate Rousmaniere, Vice-Mayor; Mike Smith; Bob Blackburn; Steve Snyder; Richard Keebler; Edna Southard

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MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items 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 - "Historic Preservation Month"

Proclamation

B. Request for use of the Uptown Parks - McCullough-Hyde Memorial Hospital through the Thriving Community Grant - Sharon Kline and Amy Macechko.

Memo

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, 2015 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes

B. Minutes of the May 5, 2015 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes

C. A Resolution rescinding Resolution No. 4910 adopted May 5, 2015 and adopting a revised Resolution authorizing the sale of salvaged motor vehicles. (Bob Holzworth, Police Chief)

Staff Report/Resolution

5. Resolutions.

1. A Resolution accepting the proposal and authorizing the City Manager to enter into a professional services agreement with Bayer & Becker, Inc. for the design, surveying and contract management of the Oxford Recreational Trail Phase I project at a cost of $52,570.00 plus a contingency amount of ten percent (10%) of the professional services agreement price or $5,257.00 for a total cost not to exceed $57,827.00. (Jung-Han Chen, Community Development Director)

Staff Report/Resolution

6. Ordinances.

A. First Reading - None.

B. Second Reading.

1. An Ordinance Amending Ordinance No. 3286. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2015. (Joe Newlin, Finance Director)

Staff Report/Ordinance

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

1. Remarks from City Council and City Staff.

B. Future Meetings.

WED - May 20 Civil Service Commission Meeting 6:00 p.m. Municipal Building

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

MON - May 25 Holiday - City Offices Closed

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

WED - June 3 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

WED - June 3 Environmental Commission Meeting 7:00 p.m. Municipal Building

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

MON - June 15 Housing Advisory Commission Meeting 7:00 p.m.

TUES - June 16 City Council Meeting 7:30 p.m.

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

WED - June 24 Civil Service Commission Meeting 6:00 p.m.

8. Adjourn.

Office of the Mayor

Proclamation

Whereas: historic preservation is an effective tool for economic development, tourism promotion, growth management, downtown and neighborhood revitalization, fostering local pride and maintaining overall community character while enhancing livability; and

WHEREAS, historic preservation can benefit Ohioans of all ages, walks of life and ethnic backgrounds in urban and rural communities across the state; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, Heritage Ohio in partnership with the State Historic Preservation Office and all of the local historic preservation organizations; Ohio Main Street Programs; and Certified Local Government communities encourage community reinvestment, saving resources and promoting socially, culturally, and economically rich communities; and

WHEREAS, Ohio Historic Preservation Month provides an opportunity for citizens to recognize the important role that historic preservation plays in individual lives and communities.

NOW, THEREFORE, I, Kevin D. McKeehan, Mayor of the City of Oxford, Ohio, do hereby proclaim May 2015 as:

'HISTORIC PRESERVATION MONTH'

in Oxford and call upon all our citizens to recognize and participate in this special observance of our heritage.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 1st day of May, 2014.

KEVIN D. MCKEEHAN, MAYOR

May 13, 2015

Request to the Oxford City Council:

This is a request to allow us to use more than 3 days in the uptown park for a new program, "Yoga in the Park". The idea for the "Yoga in the Park" program came from the Oxford Community Obesity Prevention workgroup. The concept of free yoga in a community park has been used successfully in communities across the US. The program would be sponsored by McCullough-Hyde Memorial Hospital and/or through the Thriving Community Grant which was received in 2015.

We are requesting the uptown park for its high visibility. Community members can drop in for free any Saturday AM between 9-10am for yoga provided by qualified yoga instructor.

We hope the City Council recognizes the positive impact this will have on our community and grant us the permission to use the uptown park for this program.

Thank you,
Sharon Klein, RN, BSN
Chair of the Community Obesity Prevention workgroup

A Work Session of the Oxford City Council was called to order by Mayor, Kevin McKeehan on Tuesday, May 5, 2015 at 6:30 P.M. Council members present were, Bob Blackburn, Richard Keebler, Kate Rousmaniere, Mike Smith, Steve Snyder and Edna Southard.

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

APPROVAL OF AGENDA

Mr. Blackburn moved to approve the Agenda. Ms. Rousmaniere seconded. The motion carried 7-0-0.

PURPOSE

The purpose of the Work Session was for Council to discuss the next steps in utilizing the Lane Library building on Walnut Street for municipal purposes.

Mr. Elliott advised he worked with Mr. Kyger and Mr. Dreisbach on developing some criteria for transitioning some of the City operations to the Lane Library site. Mr. Elliott turned the meeting over to Mr. Dreisbach.

BUILDING FUNCTION DISCUSSION

Mr. Dreisbach provided a PowerPoint presentation depicting the properties at 101 E. High Street and 15 S. College Avenue. Mr. Dreisbach noted 14,310 square feet was available at 101 E. High (Municipal Building) and 16,112 square feet was available at 15 S. College Avenue (Lane Library). Mr. Dreisbach advised the Lane Library had an elevator and a dumb waiter and the Municipal Building had a chair lift to be ADA compliant. Mr. Dreisbach discussed the available parking spaces at each location. Mr. Dreisbach discussed the Space Needs Assessment performed by Michael Schuster & Associates in 2005 noting the Police Division required 18,255 square feet and were using 6,470, and the City Administration required 16,215 square feet and were using 7,840.

Mr. Snyder inquired if changes in personnel would make an impact on the assessment done in 2005 and Chief Holzworth and Mr. Dreisbach felt it would not.

Mr. Dreisbach discussed the pros and cons of the Police Division remaining at 101 E. High Street and the pros and cons of City Administration remaining at 101 E. High Street.

Mr. Snyder and Mr. Keebler noted concern with the possibility of the City and Miami University consolidating Dispatch Services and the impact it would have on space needs.

Mayor McKeehan inquired if Michael Schuster & Associates could update their analysis and Mr. Dreisbach advised yes.

Mr. Smith suggested a third story could be added to the existing Police Division building.

Ms. Southard and Ms. Rousmaniere noted concern with Police operations being too close to the Oxford Community Arts Center where a lot of events took place and parking was limited. Ms. Southard felt traffic patterns should be taken into consideration.

After further discussion, Council asked for the space needs analysis to be reviewed based on today's operations and for Mr. Dreisbach to obtain the cost for conceptual plans from a design professional.

ADJOURNMENT

Mr. Smith moved to adjourn at 7:06 p.m. Ms. Rousmaniere seconded. The motion carried 7-0-0.

A Regular meeting of the Oxford City Council was called to order by Mayor Kevin McKeehan on Tuesday, May 5, 2015 at 7:30 p.m. Those members present were Bob Blackburn, Richard Keebler, Kate Rousmaniere, Mike Smith, Steve Snyder and Edna Southard.

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

PLEDGE OF ALLEGIANCE

Mayor McKeehan requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Smith moved to approve the agenda. Mr. Snyder seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

**PROCLAMATION
'NALC FOOD DRIVE DAY'**

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

Mr. Bob Ratterman, Director, Oxford Community Choice Pantry, noted he wanted to emphasize the word 'Community' in their name. Mr. Ratterman advised last year local residents and Miami students volunteered 3,558 hours of service for the pantry. Mr. Ratterman noted 70,528 pounds of food was donated last year from a variety of sources including the National Association of Letter Carriers Food Drive. Mr. Ratterman advised the support of the community had always been an important piece of the Oxford Community Choice Pantry's operation. Mr. Ratterman thanked City Council for the Proclamation and thanked the citizens of Oxford for their continued support.

PUBLIC COMMENTS

Mr. Ben Wright, 715 W. Chestnut Street, updated Council and the public regarding the activities of the Office of Community Engagement and Service at Miami University. Mr. Wright advised during the month of April 600 students signed up for general volunteerism specifically in the Oxford community which resulted in over 1,500 hours of community service. Mr. Wright noted one of those days was Greek Spring Clean and 287 students assisted senior citizens in the Mile Square with cleaning projects. Mr. Wright advised students didn't always get recognized for the positive things they did for the community. Mr. Wright noted the Office of Community Engagement and Service held two community dinners this semester with 60 students and citizens attending the last one as well as Mayor McKeehan, Mr. Blackburn and Ms. Southard. Mr. Wright advised students were making efforts to be part of the community.

Mayor McKeehan thanked Mr. Wright and the staff of the Office of Community Engagement and Service noting their efforts went a long way to help integrate students with the community.

Ms. Carol Michael, President, ShareFest, noted Councilor Southard suggested she speak this evening to clarify how ShareFest would operate this year since it was going to be a little different. Ms. Michael advised ShareFest was the umbrella organization that collected furniture and other belongings Miami students and others found were surplus at the end of the academic year and passed those items on to charities. Ms. Michael noted ShareFest had several purposes to help individuals in need which were; to teach sharing and environmental ethics, to save landfill space and to help clean Oxford faster. Ms. Michael advised the groups involved this year were the Family Resource Center, Butler County Children's Services, the YMCA, Habitat for Humanity and Goodwill Industries. Ms. Michael noted ShareFest had great difficulty finding a suitable site this year for the event and fortunately Goodwill Industries was willing to share their future site on S. Locust Street and ShareFest was very grateful as it was an excellent site. Ms. Michael advised the Family Resource Center would operate its special Thrift-Store during this period at Ambassador's Point Church on N. 27. Ms. Michael noted ShareFest collected over 50 tons of items last year and they hoped to break that record this year. Ms. Michael advised their appointments to pick up donations were 4 times greater than last year at this point. Ms. Michael noted ShareFest was excited, hoped to break records and still needed volunteers. Ms. Michael encouraged those interested in donating or working the event to visit www.sharefestoxford.com.

Mayor McKeehan thanked Ms. Michael for her efforts and noted the event was a lot of work. Mayor McKeehan suggested adding information regarding the Thrift-Store operation to the website.

CONSENT AGENDA

MINUTES

Minutes of the April 21, 2015 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the April 15, Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the April 22, 2015 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

RESOLUTIONS

RESOLUTION
SURPLUS VEHICLES

A Resolution No. 4910 declaring certain City property no longer needed for municipal purposes as surplus and authorizing its advertisement and sale to the highest bidder at public auction. (Bob Holzworth, Police Chief)

**RESOLUTION
CONTRACT WITH
SYNAGRO-CENTRAL, LLC**

A Resolution No. 4911 authorizing the acceptance of the bid of Synagro-Central, LLC for the land application of bio-solids in an amount not to exceed $28,530.00. (Mike Dreisbach, Service Director)

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

RESOLUTIONS

**RESOLUTION
PROPOSED CONSTITUTIONAL
AMENDMENT**

A Resolution No. 4912 in support of abolishing corporate constitutional rights and creating a truly representative democracy. (Councilors Snyder and Rousmaniere)

Ms. Rousmaniere advised she and Mr. Snyder sponsored the proposed Resolution and members of the public would address it.

Mr. Steve Nelson, Visiting Assistant Professor, Miami University, noted he was in attendance to urge Council's passage of the proposed Resolution calling for a constitutional amendment that said corporations were not people, and money was not speech. Mr. Nelson advised the most important reason for the amendment was to repair a broken democracy. Mr. Nelson noted money had always been in politics but today it seemed to own politics. Mr. Nelson advised our national and state governments operated largely on a 'pay for play' system noting the more money you had, the more government got you what you wanted. Mr. Nelson advised this undermined the core principle that government be representative of the people and the people noticed this. Mr. Nelson noted the disconnect left many people alienated, apathetic and cynical and it should not be that way in the worlds greatest democracy. Mr. Nelson advised recent supreme court decisions like *Citizens United v. the Federal Election Commission* turned our constitution against us in this long fight and our very constitution was an obstacle to reform. Mr. Nelson noted opinion polls repeatedly showed that a huge majority of Americans viewed the role money played in politics negatively and viewed the Citizens United decision as bad for small business. Mr. Nelson advised the U.S. Conference of Mayors passed a Resolution in 2012 stating the Citizens United decision contributed to the undermining impacts that 'corporate personhood' had on free and fair elections and effective self-governance and they called for other communities to join them in passing their own resolutions. Mr. Nelson noted so far more than 300 communities had declared their opposition to this new system by passing Resolutions or ballot initiatives. Mr. Nelson advised in Ohio, Oxford was preceded by Akron, Athens, Oberlin, Barberton, Fremont, Lakewood, S. Euclid, Brecksville, Newburgh Heights, Defiance, Cleveland Heights, Chagrin Falls, Mentor, Canton and Dayton and it was time to add Oxford to the list. Mr. Nelson noted by doing so we not only supported the repairing of the democratic process, we were protecting our community and our businesses from those with deep pockets and government ties to bully us from the outside.

Mr. Nelson advised the system that the Citizens United decision created was unfair particularly to small local businesses. Mr. Nelson noted small business owners believed big businesses had an unfair influence on government decisions and the political process which gave them a competitive advantage over small firms. Mr. Nelson advised small business owners wanted government to adopt policies to level the playing field with big business and bring fairness to our campaign finance laws. Mr. Nelson noted it was our right to protect our own unique character and keep the rewards of our prosperity here and it was our duty to support the advance of democratic government however we could. Mr. Nelson asked Council to give their support to this proposal as a loud step in that direction.

Mr. Matt Ziegman, 601 Oak Street, noted he was a student at Miami University. Mr. Ziegman acknowledged it was Public Service Recognition Week and as a public employee himself he wanted to thank City Council. City staff and Miami faculty for all of their efforts.

Mr. Ziegman noted voting was important but young people never seemed to vote. Mr. Ziegman advised as a member of a wide variety of social action organizations he spent hours this year and last registering student to vote. Mr. Ziegman noted he did this even though he knew Census Bureau statistics repeatedly showed 1/3 or less of registered voters between the age of 18 and 24 would actually vote. Mr. Ziegman advised this was not ideal since voting was the lifeblood of our country. Mr. Ziegman noted as he registered a student to vote he asked if she expected her vote on November 4th to make a difference and she indicated she would vote but did not expect it to make a difference. Mr. Ziegman advised the student felt elections were no longer a way for people to democratically and fairly choose a leader because the political process had been bought out or taken captive by big business and special interest groups. Mr. Ziegman noted the Citizens United decision had toppled whatever hope was left for people who thought their vote could lead to real change. Mr. Ziegman advised the Citizens United ruling made money equal to free speech and money was not free speech. Mr. Ziegman noted people with money to burn could afford to purchase air time in a way that would further their agendas, biases and speech while people like himself could not afford the same privileges in order to do the same thing. Mr. Ziegman asked Council to support the proposed Resolution if they agreed it was fundamentally wrong for money to be considered the equivalent of free speech. Mr. Ziegman noted individuals should not be permitted to use money and influence as a means to project their speech louder if its purpose was to intentionally suppress another's right to free speech.

Ms. Janis Dutton, noted she was a former Council member. Ms. Dutton advised she had a petition with more than 200 signatures plus the endorsement of a number of local organizations with regard to the proposed Resolution. Ms. Dutton noted this was a complex issue and there were only three reasons for Council to vote in favor if it. 1. Council recognizes this growing movement was sending a message all the way to Washington DC. 2. Council supported local businesses. 3. Council defended democracy not only on the national level but they defended the very Charter they swore to uphold in their oath of office and Municipal Home Rule.

Mr. Steve Jamison, 16 Carrie Circle, noted he was a resident of Oxford for 25 years and had met a lot of new people since he became involved with this movement. Mr. Jamison advised there had already been one constitutional amendment passed largely because of a similar situation. Mr. Jamison noted until the 17th amendment was passed U.S. Senators were elected by state legislature rather than by direct election.

Mr. Jamison advised that was changed as a result of the voting process being completely controlled by moneyed interests. Mr. Jamison noted the 17th amendment was proposed in 1822 and adopted in 1913 and it was time to start another one.

Mr. Snyder noted this was not the ordinary type of Resolution to come before Council. Mr. Snyder advised he felt strongly about this as it was a nonpartisan grass roots type of effort. Mr. Snyder noted this was at the root of what happened in a democracy. Mr. Snyder advised there was a disturbing trend going on in this country and he felt Council needed to join the over 300 municipalities and Councils that endorsed similar legislation.

Ms. Southard noted she felt Oxford should join other communities in supporting this move. Ms. Southard advised Oxford needed to be part of the cutting edge so people would be attracted to Oxford as an innovative and exciting place to live.

Mayor McKeehan advised he believed something needed to be done and he liked the efforts going forth. Mayor McKeehan noted he wasn't sure if the effectiveness of a number of communities, organizations and entities resolving to abolish this was as effective as the single person when it was multiplied.

Ms. Rousmaniere moved to adopt Resolution No. 4912. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTION
VEHICLE PURCHASE

A Resolution No. 4913 authorizing the City Manager to enter into an agreement with FYDA Freightliner Cincinnati, LLC for the purchase of a 2015 M2 106 cab and chassis at state contract pricing at a cost not to exceed $56,581.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach addressed his staff report as presented on page 36 of Council's packet.

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

Mr. Blackburn inquired if the vehicle would have electric windows as the City workers needed them for ventilation during the summer if they had no air conditioning. Mr. Dreisbach advised the state contract pricing included air-conditioning.

Mr. Snyder moved to adopt Resolution No. 4913. Mr. Smith seconded. The motion passed 7-0-0.

RESOLUTION
VEHICLE PURCHASES

A Resolution No. 4914 authorizing the City Manager to enter into an agreement with Middletown Ford, Inc. for the purchase of three (3) 2015 Ford trucks and specified options with 30-day tags at state contract pricing at a total cost not to exceed $79,575.66. (Mike Dreisbach, Service Director)

Mr. Dreisbach addressed his staff report as presented on page 41 of Council's packet.

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

Mr. Snyder noted these purchases were approved in the Capital Improvement Plan.

Mr. Snyder moved to adopt Resolution No. 4914. Mr. Smith seconded. The motion passed 7-0-0.

RESOLUTION
SURPLUS VEHICLES

A Resolution No. 4915 declaring certain City property no longer needed for municipal purposes as surplus and authorizing its advertisement and sale to the highest bidder at public auction or internet auction. (Mike Dreisbach, Service Director)

Mr. Dreisbach addressed his staff report as presented on page 52 of Council's packet noting with the vehicle purchases just approved by Council 5 vehicles currently in the fleet would be disposed of by auction.

Mayor McKeehan inquired if there were any comments from the public or from Council and there were none.

Mr. Keebler moved to adopt Resolution No. 4915. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTION
DEBT COLLECTION
SERVICES

A Resolution No. 4916 authorizing the City Manager to enter into an agreement with the Ohio Attorney General's Office for debt collection services. (John Detherage, Fire Chief)

Chief Detherage addressed his staff report as presented on pages 55 and 56 of Council's packet. Chief Detherage noted the Fire Department used a third party vendor to operate 'soft billing' for EMS calls. Chief Detherage advised the company made three attempts to contact the user of the service to obtain their insurance information for billing purposes. Chief Detherage noted there were a significant number of patients who did not provide the insurance information which resulted in lost revenue for the Fire Department. Chief Detherage advised the Attorney General's Office offered a debt collection program at no cost to the City. Chief Detherage noted the City would still control who was sent through the collection process and the City would have the ability to remove those without insurance from the process.

Ms. Rousmaniere and Mr. Blackburn noted they felt it would be a good program.

Ms. Southard inquired how much money the City was losing and Chief Detherage advised approximately $5,000 per month.

Mayor McKeehan inquired if Chief Detherage had contacted other communities using the Attorney General's program and Chief Detherage advised no.

Chief Detherage noted the City of Hamilton started using the program 4-5 months ago.

Mr. Snyder moved to adopt Resolution No. 4916. Ms. Rousmaniere seconded. The motion passed 7-0-0.

ORDINANCE
FIRST READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3286. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2015. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on page 69 of the agenda noting the Street Department requested authorization to purchase an additional 300 tons of salt through the Butler County Engineer's Office at last year's contract price. Mr. Newlin advised at the end of the month the price would increase from $66.71 per ton to $74.10 per ton which was an 11.15% increase.

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

Mr. Snyder noted the City got a good deal on salt last year compared to other communities. Mr. Newlin advised some communities paid over $100 per ton last year.

Mayor McKeehan noted he felt it was a wise move.

ORDINANCE
SECOND READING

ORDINANCE
PRELIMINARY SUBDIVISION
APPLICATION

An Ordinance Approving The Proposed Preliminary Subdivision Application For The Fields At Southpointe With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised based on Council's discussion at the last meeting changes were made to the legislation as presented on pages 73-75 of Council's packet. Mr. Chen noted there were ten conditions for approval of the application for Council's consideration.

Mr. Travis Vencel, Trinitas Development, LLC, advised he was happy to answer any questions and the Engineer was also present to answer any questions. Mr. Vencel noted they believed they submitted a subdivision that met the technical requirements of the subdivision Ordinance. Mr. Vencel advised they complied with the response from the Planning Commission and staff and Council and agreed to the conditions set forth. Mr. Vencel asked for Council's approval of the proposed Ordinance.

Ms. Rousmaniere referred to an email received by Council from Cal Conrad of the Three Valley Conservation Trust and asked for clarification about them not wanting the conservation easements inside the proposed development. Mr. McHugh advised the original agreement stated Three Valley Conservation Trust or another acceptable conservation oriented organization should hold the deeds to the easement land. Mr. McHugh noted if no other organization was interested in the easement the intent was that it remain green space in perpetuity and be held by the Home Owners Association.

Mr. Smith referred to the 2008 Comprehensive Plan's land use category and read the following "Lower density single-family residential units generate a net fiscal benefit on the City while higher density residential units currently generate a negative fiscal return to Oxford". Mr. Smith noted developments like the one proposed may cost the City more to provide services such as Police, EMS and Code Enforcement than they generated in tax revenues. Mr. Smith advised he felt this was something Council should think about.

Ms. Rousmaniere inquired if the Comprehensive Plan had any legal weight regarding this issue and noted she believed the zoning code superseded the Comprehensive Plan. Mr. McHugh advised the City had a subdivision code that provided certain requirements to be met for approval of a Preliminary Subdivision application. Mr. McHugh noted when those requirements were met the intent of the code was that there be approval. Mr. McHugh advised the Comprehensive Plan was a guide and should be used for guidance when property was being zoned and the property in question was already zoned R2A.

Ms. Southard asked Mr. McHugh to address whether the proposed application satisfied the general intent of the Comprehensive Plan. Mr. McHugh advised when the property was zoned R2A certain uses on certain sized lots were provided for and now Council had an application to consider the implementation of R2A zoning.

Ms. Rousmaniere inquired what the next approval process consisted of. Mr. Chen advised the developer would prepare construction drawings for the infrastructure improvements and submit them to staff. Mr. Chen noted the Final Subdivision application would go before the Planning Commission and Council and it must substantially conform to the Preliminary Subdivision application. Ms. Rousmaniere inquired if the Final Subdivision application would be more detailed and contain specific diagrams of buildings and streets. Mr. Chen advised no, just the plat. Mr. Keebler noted Council and the Planning Commission did not review buildings in a subdivision all they reviewed was the plat, the streets, and from there it was a matter of meeting the building codes. Mr. Keebler advised this was a subdivision not a planned development. Mr. Chen noted the final subdivision would show the buildable area of the lots.

Ms. Southard noted citizens had asked what the economic impact of the proposed subdivision would be and how much it would cost the City in terms of Police, Fire, street maintenance and garbage collection. Ms. Southard inquired if a study had been done to find that information out. Mr. Elliott advised water, sewer and trash services were all self supporting and other services were funded by general taxes. Mr. Elliott noted to his knowledge the City did not require impact studies to be done in the subdivision regulations. Mr. Keebler advised this conversation should have occurred when the land was annexed. Mr. Keebler noted Council agreed as part of the annexation process to provide services to the property.

Mayor McKeehan noted Trinitas came forward with a PUD early on and it had been assumed it would be a student housing development. Mayor McKeehan advised Trinitas said if the PUD failed to be approved they would come forward with a subdivision which they did. Mayor McKeehan noted Mr. Bennett said two meetings ago that what happened on a particular lot would be up to the individual lot owner. Mayor McKeehan inquired if the lots were going to be sold individually or if Trinitas was going to develop all of the lots.

Mr. Travis Vencel, Trinitas Development, LLC, advised Trinitas would develop the subdivision, plat all of the lots and install all of the infrastructure. Mr. Vencel noted at that time Trinitas would look at what was best for them economically, whether to develop each lot, sell some of the lots or do a combination thereof. Mr. Vencel advised once platted, Trinitas could look at the lots individually and decide how they would like to develop them. Mayor McKeehan inquired if Trinitas had no intention of building the subdivision out as 100% student housing. Mr. Vencel advised Trinitas would look at that as an option but he could not guarantee Trinitas would develop all of the lots.

Mr. Keebler advised during his time on Council members of the community commented to him most about off campus student housing and their feeling the City had enough student housing and did not need anymore. Mr. Keebler noted his answer had always been that Council could not control that market any more than they could control how many pizza places were in town and that Council could not stop student housing development where it was allowed by the current zoning code. Mr. Keebler stated he also told citizens he did not believe a single member of Council would vote to rezone any property for any new student housing development. Mr. Keebler advised he still believed that was a true statement. Mr. Keebler noted despite the best efforts of the City Planning staff, the Planning Commission and Council to formulate zoning and development regulations to reflect the visions expressed by citizens in the Comprehensive Plan, every so often a property owner or developer seemed to find a hole, or use the language or lack thereof to their advantage and force Council to accept something they did not plan on and did not think was appropriate and he felt this was one of those cases. Mr. Keebler advised the property owner had the right to develop this land however it was permitted by the zoning code. Mr. Keebler noted Council members who voted to rezone the land in question from Office Industrial to Single and Two-Family in April of 2014 felt the purpose statement of R2A zoning (to provide smaller neighborhoods with single family residences and a limited number of two-family residences) would be sufficient to ward off any large scale student development. Mr. Keebler advised since the code did not define or specifically limit the ratio of single family to two family dwellings for R2 zoning and did not delineate the use of minimums, the Planning staff, City Manager and Law Director felt Council had little choice but to approve this plan unless they wanted a legal battle. Mr. Keebler noted while he felt this development was clearly an end around the intent of R2 zoning he did not like how it played out he failed to see this development at this location creating any major issues in the community. Mr. Keebler advised the true impact of development at this location was determined when the county approved the original plan 10 years ago. Mr. Keebler noted when the City negotiated with the original developer to bring the land into the City, City leaders at that time believed having the development in the City would be beneficial and there was no agreement to restrict the developer to conservation style development except to protect some areas around the edges. Mr. Keebler advised promises were made and agreed to by both sides and from what he was able to determine the property owners kept their part of the bargain the best they could.

Mr. Keebler noted the market for OI use never materialized and when the City killed the connector to SR 73 project which the City not only could not afford, it would have had a significantly larger impact on farmland and natural areas at the edge of the City than the Southpointe development itself. Mr. Keebler advised the loss of future connectivity to SR 73 made the OI use even more unlikely. Mr. Keebler noted he was disappointed the development would not bring jobs that the OI area could have brought here but given the amount of multi family zoning and OI zoning in the original development he suspected lot coverages and traffic would not have been much different than with the current proposed residential development. Mr. Keebler advised he would like to see more single family and less duplex lots in the proposed subdivision and even though some felt the design only met minimum standards he felt it was better than the original PUD that was proposed. Mr. Keebler noted the developer was using minimum street widths but private alleys were being provided as a trade off which would place more parking and storage behind houses for a more attractive streetscape and they agreed to other controlled parking and screening requests Council had made. Mr. Keebler advised he hoped this and future Councils would have long memories when considering zoning and re-zoning and they needed to read between the lines and consider the worst case scenarios when making decisions. Mr. Keebler noted some have said Council should revisit R2 zoning and tighten it up but he was afraid that would hurt the ability to provide more affordable housing options for families with smaller homes and lots that R2 intended to provide. Mr. Keebler advised it was time to move on and he intended to vote yes on the proposed legislation.

Mr. Snyder clarified that the City of Oxford did not "kill" the bypass project noting it was done by ODOT under the direction of the Ohio Kentucky Indiana Regional Council of Governments because it was federal money. Mr. Snyder noted the process did not work and there was opposition to it outside of City boundaries.

Mr. Blackburn advised when he build his rental houses in Oxford he went to the Planning Department and asked what he could do to make them work, he did not say this is what I am going to do whether you like it or not. Mr. Blackburn noted he felt Trinitas did not play well with others and Oxford did not need minimum standards Oxford needed maximum standards. Mr. Blackburn advised there was a potential for 664 people to be in jeopardy by not having wide enough streets and not having ample parking. Mr. Blackburn noted normally he supported people in the rental business but this was not good for Oxford and he would vote no.

Mr. Keebler moved to adopt the proposed Ordinance. Mr. Smith seconded. The motion failed by the following roll call:

AYE: Mr. Keebler, Mayor McKeehan (2)

NAY: Ms. Rousmaniere, Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn (5)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott updated Council and the public with regard to the Municipal Electric Aggregation Program.

Mr. Dreisbach updated Council and the public with regard to construction projects on US 27, High Street, and Campus Avenue.

Mr. Kyger advised the Amtrak Government Affairs department contacted him with regard to the initiative for a potential stop in Oxford which was a good sign for the next step in the process.

Mr. Smith noted as part of Historic Preservation Month the Saturday walking tours had been very successful and would continue though the end of May.

Ms. Rousmaniere encouraged everyone to visit sharefestoxford.com to sign up for volunteer opportunities.

Mr. Keebler noted he was extremely pleased that Miami University reversed their decision with regard to the demolition of Patterson Place.

Ms. Southard noted in was a beautiful Saturday in Oxford with the Farmers Market and the Red Bricks and Roses Carriage Parade taking place Uptown.

Mayor McKeehan noted he appreciated tonight's discussions.

ADJOURN

Mr. Blackburn moved to adjourn at 8:46 p.m. Ms. Rousmaniere seconded. The motion passed 7-0-0.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: May 19, 2015

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

May 14, 2015
Date Prepared

Agenda Title: A Resolution rescinding Resolution No. 4910 adopted May 5, 2015 and adopting a revised Resolution authorizing the sale of salvaged motor vehicles.

Recommendation: Approve the Resolution.

Discussion:

The Resolution adopted May 5, 2015 authorized the sale of surplus vehicles to the highest bidder at public auction.

A public auction will not be held for these vehicles. They will be sold as scrap to the highest bidder on a per pound basis with a minimum of two bids. The Resolution needs to reflect the correct method of disposal.

Approved By:

	Initial	Date
Department Head:		
City Manager:	DRE	5/15/15

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police
Originating Department

Council Meeting Of: May 5, 2015

Robert Holzworth
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

April 24, 2015
Date Prepared

Agenda Title: **Resolution to sell police vehicles that have been retired from the fleet to the highest bidder.**

Recommendation: **Adopt the Resolution**

Discussion: Pursuant to Oxford City Code, the Division of Police requests that City Council approve the sale of vehicles described in the attached memorandum as scrap or junk to the highest bidder on a per pound basis with a minimum of two bids. Proceeds from such sale shall be placed in the General Fund.

Six (6) of the vehicles are retired police fleet vehicles, one (1) vehicle is a vehicle that was converted to city use as an unmarked vehicle, and one (1) vehicle is a retired armored SRT vehicle. All vehicles are no longer in use due to their age, inoperability, or poor condition.

Approved By:		**Initial Date**
	Department Head:	SH \ 4/24/2015
	City Attorney:	\
	City Manager:	DRE \ 5/1/15

RESOLUTION NO.

A RESOLUTION RESCINDING RESOLUTION NO. 4910 ADOPTED MAY 5, 2015 AND ADOPTING A REVISED RESOLUTION AUTHORIZING THE SALE OF SALVAGED MOTOR VEHICLES.

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

SECTION 1: Resolution No. 4910 adopted May 5, 2015 authorized the advertisement and sale of surplus vehicles to the highest bidder at public auction. A public auction will not be held.

SECTION 2: The following items are hereby declared to be valued for salvage and not needed for any municipal purpose and the same shall be sold for salvage to one buyer for the highest obtainable salvage price. The vehicles are those set forth on Exhibit "A" attached hereto.

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

____
MAYOR

ADOPTED:

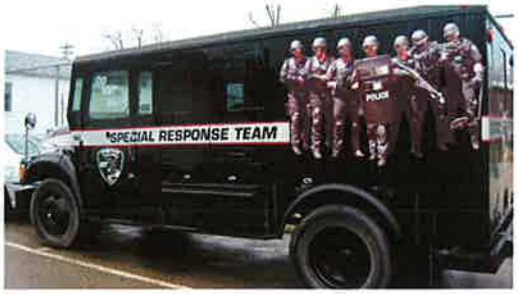
ATTEST:

____
CLERK OF OXFORD CITY COUNCIL

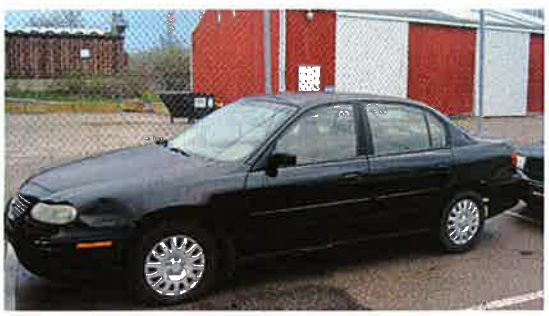
INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)

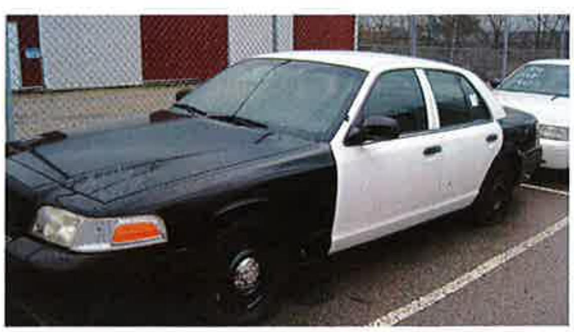
EXHIBIT "A"



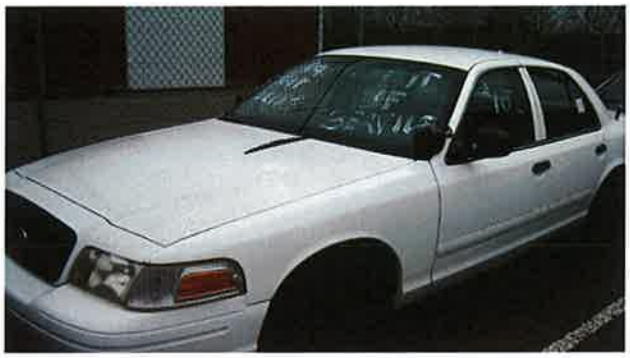
Make: 1999 Ford Armored Truck
Vin: 3FEWF8013XMA16742



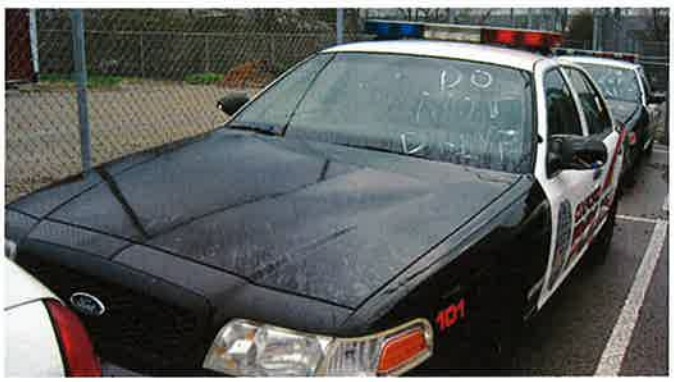
Make: 1998 Chevrolet Malibu
Vin: 1G1ND52M4W6137898



Make: 2003 Ford Crown Vic
Vin: 2FAFP71W43X119439

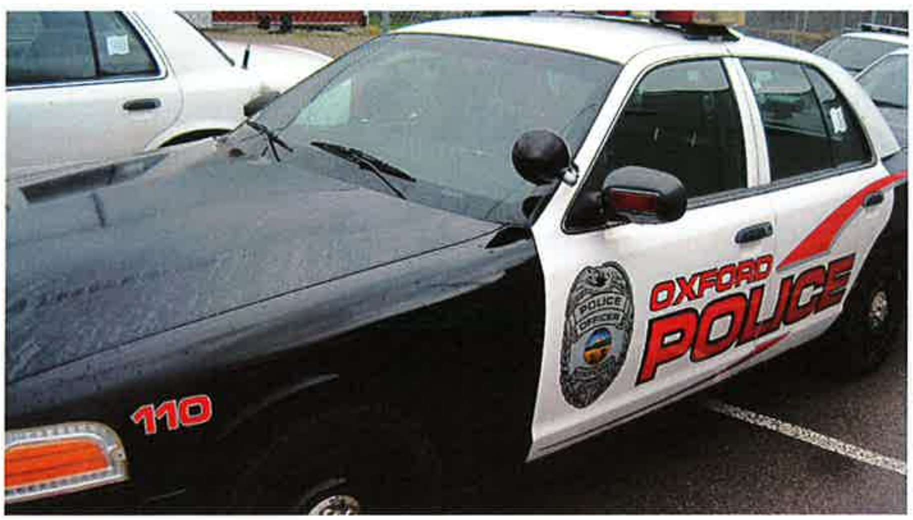


Make: 2001 Ford Crown Vic
Vin: 2FAFP71W21X175439

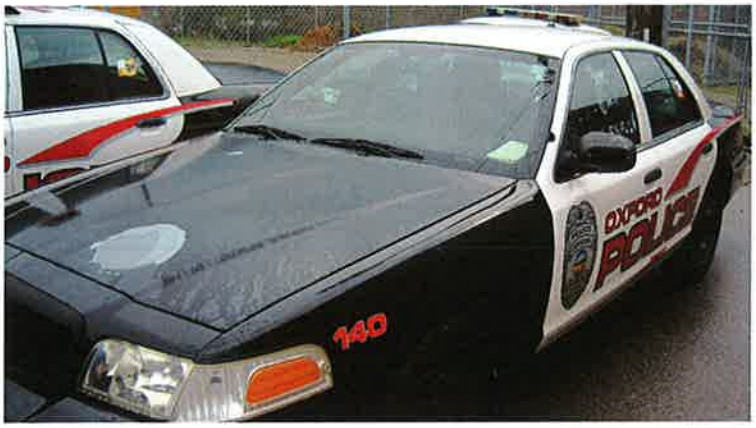


Make: 2001 Ford Crown Vic
Vin: 2FAFP71W01X175438

Make: 2003 Ford Crown Vic
Vin: 2FAFP71W23X119438



Make: 2003 Ford Crown Vic
Vin: 2FAFP71W03X119440



Make: 2004 Ford Crown Vic
Vin: 2FAFP71W54X167288

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: May 19, 2015

Account Code No. #: 144.490.64702.000

Jung-Han Chen
Prepared By

Budgeted Amount: $662,060

May 12, 2015
Date Prepared

Agenda Title:	**A resolution authorizing the City Manager to enter into a professional service contract with Bayer Becker to perform surveying, design and construction management services for Phase 1 of the Oxford Recreational Trail in the amount of $52,570.00, plus 10% of contingency in the amount of $5,257.00 for the total cost of this contract not to exceed $57,827.00**

Recommendation: Approval

Discussion:

For years, OATS (Oxford Area Trail System) has been discussed in planning documents, with the idea to create a recreational trail along the perimeter of Oxford. The Oxford Visitors Bureau took the lead role applying for the Clean Ohio Fund for the construction of Phase 1 of the Trail. A $500,000.00 grant was awarded to fund the construction with the expectation that it would be completed by June, 2016. The proposed Trail will be a 10 foot-wide paved trail from the intersection of Kelly Drive and SR 732 (Morning Sun Road) to Bonham Road, then unpaved to SR 73.

In order to move this project forward, an engineering consulting firm was needed to conduct surveying and design, along with periodic construction management. It is the hope with the engineering consulting firm selected that the project can begin surveying work in the very near future for the alignment of the Trail, so a major portion of the design could be delivered by the end of August for agency review and comments.

A Request for Qualifications (RFQ) was published in the Journal News on April 29, 2015 and four firms submitted qualifications for further consideration. Several City staff evaluated those proposals and determined that Bayer Becker was the most qualified firm for the project. Bayer Becker was asked to submit their proposal to the City for consideration.

Staff met with a Bayer Becker representative to negotiate the proposal and felt that the proposal met the expectations and the project scope. Staff is recommending approval to allow the City Manager to enter into a professional service agreement with Bayer Becker for the surveying, design and construction management of Phase I of the Oxford Recreational Trail.

Approved by:

	Initial	Date
Department Head:	JHC	5/14/15
City Attorney:		
City Manager:	DRE	5/15/15

RESOLUTION NO.

A RESOLUTION ACCEPTING THE PROPOSAL AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BAYER & BECKER, INC. FOR THE DESIGN, SURVEYING AND CONTRACT MANAGEMENT OF THE OXFORD RECREATIONAL TRAIL PHASE I PROJECT AT A COST OF $52,570.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE PROFESSIONAL SERVICES AGREEMENT PRICE OR $5,257.00 FOR A TOTAL COST NOT TO EXCEED $57,827.00.

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

SECTION 1: The City Manager and the Community Development Director recommend Council accept the proposal of Bayer & Becker, Inc. and authorize the City Manager to enter into a professional services agreement with Bayer & Becker, Inc. in a form substantially similar to Exhibit "A" attached hereto for the design, surveying and contract management of the Oxford Recreational Trail Phase I project at a cost of $52,570.00 plus a contingency amount of ten percent (10%) of the professional services agreement price or $5,257.00 for a total cost not to exceed $57,827.00.

SECTION 2: Council accepts the recommendation of the City Manager and the Community Development Director and accepts the proposal of Bayer & Becker, Inc. for the design, surveying and contract management of the Oxford Recreational Trail Phase I project at a cost of $52,570.00 plus a contingency amount of ten percent (10%) of the professional services agreement price or $5,257.00 for a total cost not to exceed $57,827.00.

SECTION 3: Council further authorizes the City Manager to enter into a professional services agreement with Bayer & Becker, Inc. in a form substantially similar to Exhibit "A" attached hereto for the design, surveying and contract management of the Oxford Recreational Trail Phase I project at a cost of $52,570.00 plus a contingency amount of ten percent (10%) of the professional services agreement price or $5,257.00 for a total cost not to exceed $57,827.00.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)

EXHIBIT "A"

318 South College Avenue
Oxford, Ohio 45056
P 513.336.6600
F 513.336.9365
www.bayerbecker.com

Bayer & Becker, Inc.

May 15, 2015

Mr. Sam Perry
Planner
City of Oxford
101 East High Street
Oxford, Ohio 45056

Re: Oxford Recreation Trail – Phase 1
Revised Proposal for Services

Dear Mr. Perry,

Thank you for the opportunity to submit our revised proposal to provide surveying and civil engineering services for Phase 1 of the proposed Oxford Recreation Trail.

As mentioned in our Statement of Qualifications, I will serve as the Principal in Charge/Design Lead for the project. We propose to submit the 60% construction drawings to you no later than August 31, 2015, assuming we are authorized to proceed on May 19, 2015.

Please review the attached Professional Services Agreement. If everything is acceptable to you, please print, sign, date and return it to our office for our signature. You may return it to our office by scanning it and emailing it back to us if you prefer. We will then execute it and return a copy to you for your records, and begin scheduling the start date of this project.

Once again, thank you for this opportunity to serve you. If you have any questions or need any further information, please feel free to contact me.

Sincerely,

Etta M. Reed, P. E.
Principal

Attachments:
Professional Service Agreement –unsigned
Fee Schedule of Services

318 South College Avenue
Oxford, Ohio 45056
P 513.336.6600
F 513.336.9365
www.bayerbecker.com

PROFESSIONAL SERVICES AGREEMENT – May 11, 2015 (Rev. May 15, 2015)

This agreement between Bayer & Becker, Inc. (BB) and the CLIENT identified herein provides for the professional services described herein of this agreement.

CLIENT:	City of Oxford Attn: Sam Perry
ADDRESS:	101 East High Street Oxford, Ohio 45056
PROJECT TITLE:	**Oxford Recreation Trail – Phase 1**

SCOPE OF SERVICES TO BE PROVIDED BY BB:

Bayer Becker shall provide design and surveying services for the construction of Phase 1 of the Oxford Recreation Trail. It is our understanding that a 10' wide paved trail shall begin at the intersection of Kelly Drive and Morning Sun Road (SR 732) and proceed north in the westerly public right of way of Morning Sun Road (SR 732) to Corso Road, at which time the path will continue on the existing pavement of Corso Road and thru the covered bridge. On the north side of the covered bridge, a 10' wide paved trail will then go under Morning Sun Road (SR 732) and follow the creek into Miami University and City of Oxford property to Bonham Road. An existing gravel trail begins at Bonham Road and proceeds southeast to SR 73. The scope of the work for the portion of the trail from the intersection of Morning Sun Road (SR 732) and Kelly Drive to Bonham Road includes a topographic survey of the CLIENT marked trail alignment, construction drawings and a signage plan. Whereas the scope of work for the trail from Bonham Road to SR 73 includes a field location of the existing trail and a signage plan.

Upon authorization to proceed, Bayer Becker will perform a topographic survey of the proposed and existing trail route from the intersection of Morning Sun Road (SR 732) and Kelly Drive to SR 73.

Using the topographic survey, BB shall prepare a concept plan for the proposed trail alignment. BB shall look at 2 concepts for the construction of the trail at the north end of the existing covered bridge – construct earthen embankment to support the trail or construct an elevated wooden pedestrian bridge. Should CLIENT decide to pursue the elevated wooden bridge, a fee will be provided for the design. Said concept plan will be presented to CLIENT for their review, comment and approval.

Once CLIENT has approved a concept plan, BB shall proceed with construction drawings.

Depending upon the alignment and elevation of the proposed trail, a retaining wall may be necessary under the existing bridge to support the trail. Design of this retaining wall is included herein. Should other retaining walls be necessary, a fee can be provided.

It is Bayer Becker's understanding that the construction drawings shall be submitted to the City of Oxford, the Butler County Engineer's Office and the Ohio Department of Transportation for their review and approval. BB shall coordinate with the Butler County Engineer's Office with regards to the location and design of the trail in relationship to the design of the new Bonham Road bridge. CLIENT will be responsible for submitting the drawings to Miami University, Metro Parks of Butler County, Oxford Township, Oxford Museum Association and Butler County Zoning for their review and comment. CLIENT will compile the comments from these agencies and forward to BB.

It is BB's understanding that hydraulic analysis will not be required where the trail encroaches in the floodway, provided the trail is designed to be constructed at or below the existing grade. For the purposes of this proposal, a hydraulic analysis will not be provided. Should it be determined that hydraulic analysis is required, a fee will be provided.

With the submittal of 60% and final construction drawings, BB shall provide an Engineer's Estimate of Probable Cost. BB will provide two (2) sets of construction drawings each to CLIENT, BCEO and ODOT with the two (2) submittals aforementioned.

Since the project is anticipated to disturb more than 1 acre of land, a Storm Water Pollution Prevention Plan will be required. Bayer Becker shall prepare an initial Storm Water Pollution Prevention Plan (SW3P) for use by the contractors to conform to the National Pollutant Discharge Elimination System permit (NPDES) if authorized by the CLIENT. Authorization for this task shall be indicated by initialing the space provided on the Attachment A Breakdown of Fees.

SCOPE OF SERVICE DEFINITIONS

Topographic & Boundary Survey

BB shall prepare a topographic survey of the proposed trail. Project limits will start at the westerly side of the intersection of Kelly Drive and Morning Sun Road (SR 732) and work along the westerly side of Morning Sun Road (SR 732) to Corso Road. Then along Corso Road to the south end of the covered bridge. All topography will be within the existing westerly right of way of Morning Sun Road (SR 732) and Corso Road. Also starting from the north side of the covered bridge trail along the north side of Four Mile Creek and under the bridge of Morning Sun Road (SR 732) to the east side of said Morning Sun Road (SR 732). BB shall also locate from the easterly side of Morning Sun Road (SR 732) from the top of the bank of existing Four Mile Creek up to seventy five (75') north of the bank, outside of the flood prone creek limits. This area will meander to the southeast to the north side of Bonham Road. Locations east of Morning Sun Road (SR 732) will be approved prior to starting field work. Topography will consist of locations of large trees 10" or greater, all swales, ditches, top of banks, toe of slopes, fences and visible or as-marked (underground) utilities marked by the City of Oxford and Miami University .

BB shall also locate the existing gravel trail approximately 6500 linear from the south end of Bonham Road to SR 73 for signage placement purposes.

Topographic survey shall show existing contours at a maximum two (2)-foot contour interval.

Existing utilities that are visible from the ground surface, or marked by the Ohio Utility Protection Service (OUPS), will be located in the field and shown on the drawings. Utilities not visible from the surface or marked in the field that are shown on construction drawings provided by the CLIENT will be depicted on the drawings and labeled as "approximate" locations. Utilities not marked in the field or shown on any construction drawings provided by the CLIENT will not be shown on the drawings.

BB shall tie into the existing property corners along the proposed trail to establish property lines using conventional survey methods.

Construction Drawings

Upon receiving the authorization to proceed from the CLIENT, BB shall prepare construction drawings for the project. The construction drawings will be based on the conceptual layout as stated above, governing agencies, and known restrictions provided by the CLIENT.

The construction drawings shall consist of a typical trail cross sections, construction specifications, quantities, plan/profile sheets of the proposed trail, plan sheets of the existing trail, a grading plan for the proposed trail and a signage plan for the entire trail.

BB shall submit the plans to both CLIENT and ODOT for review and approval. BB shall also submit a National Pollution Discharge Elimination System (NPDES) Permit to the Ohio EPA. CLIENT is responsible for all permit fees.

SCOPE OF SERVICE DEFINITIONS (Cont.)

Storm Water Pollution and Prevention Plan (SWP3)
Since the project is anticipated to disturb over 1 acre, an initial sedimentation and erosion control plan shall be prepared for erosion control measures which can be incorporated into the Storm Water Pollution Prevention Plan (SWP3) as required by the National Pollutant Discharge Elimination System (NPDES) permit. The SWP3 will be prepared by the CLIENT, contractor, or CLIENT's representative. A separate line item has been included in the Attachment A Breakdown of Fees for the preparation of a Storm Water Pollution Prevention Plan (SWP3) if the CLIENT wishes for Bayer Becker to prepare the initial SWP3 binder. If the preparation of the SWP3 is to be performed by Bayer Becker, the CLIENT shall initial Attachment A in the space provided indicating approval of this specific line item. If this is not initialed by the CLIENT, then the CLIENT, contractor, or CLIENT's representative shall be responsible for completing the SWP3 binder.

If the SWP3 is to be prepared by Bayer Becker, Bayer Becker shall prepare the initial document in binder format including a list of Best Management Practices (BMP's), receiving waters, proposed erosion control plans, clearing limits, inspection forms, and other forms as required by the NPDES, state, and local permits. This binder will then be handed over to the CLIENT, contractor, or CLIENT's representative who will then complete the appropriate forms, maintain, and update the binder throughout the course of construction. All forms and documents are to be updated by the site operator as construction progresses. Inspections, site photos and observations, updates, and recording of on site location of BMP's are not included in the fees. These services may be provided under separate contract or on an hourly basis if required by the CLIENT.

Construction Administration
BB will prepare the bid package for distribution to potential bidders to obtain bids and assist the CLIENT in determining the preferred contractor for the award of the bid. CLIENT is responsible for providing BB with the City's standard boiler plate documentation for inclusion in the bid documents. CLIENT is also responsible for the legal advertisement for bids.

BB shall prepare and provide the bid packages for purchase from the contractors.

BB will be available to interpret or provide clarification of the drawings and specifications during bidding. BB will prepare modifications to drawings in writing for distribution to bidders.

BB will assist the CLIENT in conducting a pre-bid meeting with the bidders to clarify the requirements for the project and will prepare and distribute Addenda as required including Pre-Bid Meeting minutes.

BB will review each bid and provide a written recommendation to award of the contract for the CLIENT.

BB will attend weekly coordination meetings that are anticipated to be two (2) hours in duration, excluding travel time, during the construction of the project to answer questions and coordinate with the contractor. In addition, BB will process RFI's, bid substitution requests, shop drawings, and prepare a final punch list.

Construction Observation
Construction observation services shall include photographic documentation, on-site observation of construction activities, serve as CLIENT's liaison with the contractor, serve as CLIENT's liaison to property owners, verify testing as specified in the contract documents are conducted, punch list verification, incident documentation, and NPDES inspection reporting, as requested by CLIENT.

A construction phase specialist shall make visits to the Site as requested by CLIENT. Such visits and observations are not intended to be exhaustive or to extend to every aspect of Contractor's Work in progress, but rather are to be limited to spot checking, selective sampling, and similar methods of general observation of the Work based on Engineer's exercise of professional judgment.

Reports and photos shall be accessible via clouded storage platforms available on an as-posted basis. At the end of construction all reports, photos, and test results will be provided to CLIENT in electronic media. Construction phase specialists shall not authorize deviation from contract documents, shall not approve work

SCOPE OF SERVICE DEFINITIONS (Cont.)

under a permit, shall not conduct testing activities, shall not authorize occupancy, and shall not assume contractor or owner responsibilities. In the event that the timing of a particular stage of construction cannot be observed, the CLIENT will decide in advance whether to reschedule that stage.

Photographic/Video documentation, as requested, can include; pre construction, construction materials, construction equipment, utility installation, construction activities, safety measures, post construction, general conditions, accidents, and erosion control methods.

Reporting, as requested, can include; daily observations, climatic conditions, work being conducted, testing results, change order notification, downtime, and accidents.

CLIENT shall provide BB with the following:

- Environmental assessments or evaluations within the project limits.
- Existing utility information.
- Geotechnical investigations.
- Archaeological investigations.
- Marking of the proposed trail alignment in the field prior to the topographic survey.

Proposal does not include the following:

- Preparation of legal descriptions and exhibits for easements.
- Geotechnical investigations.
- Environmental assessments or evaluations.
- 404 or 402 Permitting.
- Color renderings.
- Landscape design.
- Construction layout stakes.
- Public involvement/information meetings.
- FEMA permitting.
- Application, review and permit fees.

COMPENSATION TO BE PAID TO BB FOR PROFESSIONAL SERVICES

See Attachment A for breakdown of costs.

CLIENT shall be billed monthly based on the percentage of work complete for all items shown with prices in Attachment A and on an hourly basis **per the Attachment B rate sheet** for all items shown in Attachment A as hourly. The total contract amount is based on the not to exceed prices listed in Attachment A, plus expenses and items designated as hourly or on a per unit basis. Payment for services rendered shall not be contingent upon the sale or lease of the property upon which this proposal or drawings are based, continuation of the project, or payment by the owner to the CLIENT.

TERMS AND CONDITIONS

Billing and Payment
CLIENT shall be billed monthly based on the percentage of work complete for all items shown with prices and on an hourly basis for all items shown as hourly, plus expenses and items designated on a per unit basis.

Payment is due within 30 days of date of invoice. CLIENT hereby acknowledges that unpaid invoices shall accrue interest at 1.5 percent per month after such invoices have been outstanding for over 60 days of receipt of the invoice. CLIENT shall pay any expenses incurred by BB for collection of fees. If CLIENT objects to all or any portion of any invoice, CLIENT shall notify BB in writing within fourteen (14) calendar days of the invoice date,

TERMS AND CONDITIONS (Cont.)

identify the cause of disagreement, and pay when due that portion of the invoice not in dispute. The parties shall immediately make every effort to settle the disputed portion of the invoice. In the absence of written notification described above, the balance as stated on the invoice shall be paid in full. Payment for services rendered shall not be contingent upon the sale or lease of the property upon which this proposal or drawings are based, continuation of the project, or payment by the owner to the CLIENT.

Meetings
A meeting allowance of 12 hours has been included in the proposal. All meetings in addition to the 12 hours shall be billed at our normal hourly rates including travel time, which shall be added to the above fees.

Revision of Documents
BB shall make revisions within the original project scope of services, as required by the approving agencies up to two revisions per agency. These revisions are included in the fees noted herein. The CLIENT shall review the drawings to make comments based upon the BB design. After approving BB's documents, any subsequent revisions required by the CLIENT to the documents shall be billed separately (per standard BB Fee Schedule) in addition to the fees noted herein.

Out of Pocket Expenses
An allowance has been provided to cover out of pocket expenses may include, but are not limited to, travel expenses, long distance phone calls, courier services, printing and reproduction costs, etc. The CLIENT shall pay all recording and submittal fees.

Survey Misc.
Any survey control established in the field by BB shall be preserved.

Wetlands or Regulated Waters of the United States
Wetland delineation or the preparation and processing of application through the Section 404 and Section 401 Regulations are not included in this proposal. Additionally, stream relocations or piping requiring an individual permit through the Army Corps of Engineers and OEPA are not included in this proposal. Major revisions to the drawings due to constraints of wetland and waters of the United States regulations are not included in the fee schedule as outlined above.

Use of and Ownership of Documents
All documents in respect to this project that result from BB's services under this agreement are the property of Client upon receipt of payment in full for services rendered. Where such documents must be filed with governmental agencies, BB shall furnish copies to the CLIENT upon request. Reuse or modification by the client is prohibited. Any unapproved use or modification shall be at said Client's or others sole risk without liability or legal exposure to BB or to BB's Consultants unless approved in writing by BB prior to such time. CLIENT shall indemnify and hold harmless BB and BB's Consultants from all claims, damages, losses, and expenses, including attorney's fees arising out of or resulting there from.

When transferring documents in electronic media format, BB makes no representations as to long term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems or computer hardware differing from those used by BB at the beginning of the Project. If there is a discrepancy between the electronic files and the hard copies, the hard copies govern.

Entire and Integrated Agreement
This Agreement represents the entire and integrated agreement between BB and CLIENT and supersedes all prior negotiations, representations, and agreements, either written or oral, between the parties.

Limitation of Liability
BB'S total liability to the CLIENT for claims of any kind or nature shall be limited to the cost of services to correct any errors or omissions on the part of BB and its officers, partners, employees, subconsultants, or to its total fee for the services under this agreement, whichever is less.

TERMS AND CONDITIONS (Cont.)

Suspensions, Cancellation, Termination, or Abandonment
In the event the project described herein, or the services of BB called for under this agreement, is/are suspended, terminated, or abandoned by the CLIENT, BB shall be given written notice of such action and shall be compensated for the professional services provided up to the date of suspension, termination, cancellation, or abandonment in accordance with the provisions of this Agreement for all work performed up to the date of suspension, termination, cancellation, or abandonment including reimbursable expenses. All work shall stop upon notification of suspension, termination, cancellation or abandonment.

BB may terminate this Agreement for cause by giving CLIENT seven days written notice of the cause and five (5) working days in which to cure the cause or breach, BB shall be compensated for all work performed up to the date of termination.

Dispute Resolution
If a dispute arises out of or related to this Agreement or the breach thereof, the parties shall attempt to settle the matter between them. If no agreement can be reached, the parties agree to use mediation with a mutually agreed upon mediator before resorting to an Arbitration or judicial forum. The parties shall equally share the cost of a third party mediator. In the event of litigation, the prevailing party shall be entitled to reimbursement of all reasonable costs and attorney's fees. The parties mutually agree that a similar dispute resolution clause shall be contained in all other contracts by CLIENT concerning or related to this contract and all subcontracts executed by BB.

Successors and Assignment
Neither the CLIENT nor BB shall assign or transfer its interest in this agreement without the written consent of the other.

Construction Cost Estimates
CLIENT hereby acknowledges that BB cannot warrant that any construction cost estimates or estimated quantities provided by BB shall not vary from actual costs incurred by the CLIENT.

Severability
If any term or provision of this Agreement is declared invalid or unenforceable by any court of lawful jurisdiction, the remaining terms and provisions of this Agreement shall not be affected thereby and shall remain in full force and in effect.

Permitting
In cases where the scope of services requires BB to submit, on behalf of the CLIENT, a permit application and/or approval by a third party to this contract. BB does not make any warranties, guarantees, or representations as to the success of our effort on behalf of the CLIENT. Payment for services rendered by BB is not contingent upon the successful acquisition of these permits.

Client Provided Information
BB assumes no financial or technical responsibility for source material or field services supplied by the CLIENT. Additional work or interruptions caused by faulty data supplied by the client shall be subject to additional fees being charged.

Notices
Any notice provided for in the Agreement shall be in writing and shall be considered as having been given, unless otherwise specified in this Agreement, if mailed by certified or express mail, postage prepaid, or personally delivered. Notice of effective date, Notice to Proceed, or Change Orders may be provided in by facsimile transmission with both parties signing. Notice is deemed received the earlier of the actual receipt (with appropriate documentation) or the third day after mailing (with appropriate documentation).

TERMS AND CONDITIONS (Cont.)

Indemnification
BB agrees to indemnify and save the CLIENT harmless from and against any loss, cost, damage, expense, and liability by reason of property damage, personal injury, or both, and expenses recoverable under applicable law, but only to the extent they are caused by the negligent acts or omissions of the BB, in connection with the performance of the professional services by BB working within its scope, its employees, its agents, or its subcontractors; provided that if BB provides and maintains in force adequate insurance in accordance with the terms of this agreement, then BB's obligation to indemnify and save the CLIENT harmless shall be limited to the amounts recoverable from said insurance.

ADDITIONAL TERMS AND CONDITIONS

Preparing to serve or serving as an expert witness for the CLIENT in any litigation is not included in the fee.

Furnishing the services of special consultants for other than normal civil engineering incidental hereto is not included in the fee.

Special field investigations, including but not limited to the taking of borings, environmental investigation, and laboratory testing shall be an additional expense beyond the scope of these services, and not included in fee.

This proposal does not include performing a traffic impact analysis or determining roadway improvements.

The above contract does not include lighting, or irrigation design services. These services can be provided under separate contract.

The above contract does not include providing data for existing utility capacities.

BB shall not be responsible for, the construction means, methods, techniques, sequences or procedures, or for the safety precautions and programs in connection with the construction, since these are solely the Contractor's rights and responsibilities under the Contract Documents.

Responses to the Contractor's requests for information where the information is included in the Contract Documents, field conditions, Owner provided information, Project documentation, etc., are not included in fee.

Recording of surveys and pertinent documents, and all related filing fees, are not included in the fee.

APPROVAL

Please sign and date below indicating your approval, and return this original for our records.

Note: This agreement becomes void if not signed within 30 days of above date.

APPROVED:

Bayer & Becker, Inc.	**Client:**
Signed:	**Signed:**
Print Name: Etta M. Reed, P. E.	**Print Name:**
Title: Principal	**Title:**
Dated:	**Dated:**

ATTACHMENT A

Breakdown of Fees:

Service:	Contract Amount
Topographic and Boundary Survey	$18,300.00
Trail Construction Drawings	$25,250.00
Construction Administration	$5,280.00
Construction Observation, as requested	$75.00 per hour
Stormwater Pollution Prevention Plan (SWP3)	$1,800.00
Meetings Allowance (12 hours)	$1,440.00
Meetings in excess of allowance	Hourly
Reimbursables Allowance	$500.00

__________ Initial here if a SWP3 plan is to be prepared by Bayer Becker

ATTACHMENT B

RATES FOR SERVICES
(PER HOUR PRICE)

PRINCIPAL	$ 140.00
PROJECT MANAGER	$ 120.00
ENGINEER	$ 110.00
PLANNER	$ 110.00
LANDSCAPE ARCHITECT	$ 110.00
SURVEYOR	$ 100.00
SENIOR TECHNICIAN	$ 85.00
LANDSCAPE DESIGNER	$ 85.00
TECHNICIAN	$ 70.00
ADMINISTRATION	$ 50.00
1 MAN FIELD CREW (SURVEYING)	$ 110.00
2 MAN FIELD CREW	$ 140.00
3 MAN FIELD CREW	$ 150.00
CONSTRUCTION OBSERVER	$ 75.00
EXPENSES	Cost + 10%

Effective – July 22, 2009

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to City Manager — Finance (Originating Department)

Council Meeting Of : 5/5/2015

Joe Newlin (Prepared By)

Account Code No. : see below

Budgeted Amount :

5/13/2015 (Date Prepared)

Agenda Title:	**2015 Supplemental Budget #3**
Recommendation:	**Approve**

Issue 1
To reflect proceeds from reimbursements over budgeted amount and appropriations for the purchase of 300 additional tons of salt
2014-2015 Salt - $66.71/ton, 2015-2016 - $74.10/ton an 11.15 increase, option to purchase at 2014-2015 price ends May 31, 2015

Action Needed:

Revenue Side

Street (122)	7,084.63	Reimbursements in excess of budgeted amount ($5,000) as of 4/29/15

Expense Side

Street (122)	20,013.00	**Appropriation from unencumbered balance for the purchase of salt**
Net Effect on Fund Balance/(s) Increase/(Decrease)	(12,928.37)	
Total Net Effect on Fund Balance/(s) Increase/(Decrease)	(12,928.37)	

Breakdown by Fund

Street (122)	(12,928.37)
Net Effect on Fund Balance/(s) Increase/(Decrease)	(12,928.37)

Approved By:

	Initials	Date
Department Head:	JN	5/13/15
City Manager:	DBE	5/15/15

F:\General Accounting\2015\Ordinances\Supplementals\Staff Report SB 3

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3286. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 3 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2015.

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 revenues be made:

Street Fund 122	7,084.63

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

Street Fund 122	20,013.00

SECTION 4: In all other respects, Ordinance No. 3286 shall remain in full force and effect.

SECTION 5: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)