



Agenda

Oxford City Council

Court House

TUESDAY, MAY 21, 2013

EXECUTIVE SESSION

None.

1. Roll Call. Richard Keebler, Mayor; Ken Bogard, Vice-Mayor; Kevin McKeehan; Bob Blackburn; Kate Rousmaniere; John Harman; Steve Snyder

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

1:00 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. Recognition - John A. Jones, Police Lieutenant.
- B. Public Comments.

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

4. Consent Agenda.

- A. Minutes of the May 7, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Report regarding the May 1, 2013 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

5. Resolutions.

- 1.A Resolution to adopt the revision of the Solid Waste Generation Fee and amend Section VIII of the Solid Waste Management Plan of Butler County, Ohio. (Mike Dreisbach, Service Director).



Staff Report/Resolution

- 2.A Resolution accepting the bid and authorizing the City Manager to enter into a contract with Architectural Maintenance Services, LLC for improvements to the Municipal Parking Garage as set forth in the Staff Summary Report attached hereto at a cost not to exceed \$280,874.00. (Mike Dreisbach, Service Director)



Staff Report/Resolution

- 3. A Resolution authorizing the City Manager to enter into a contract with Greve Chrysler Jeep Dodge for the purchase of three (3) 2013 Dodge Charger vehicles and specified options at state contract pricing at a cost not to exceed \$64,599.00. (Bob Holzworth, Police Chief)



Staff Report/Resolution

6. Ordinances.

- A. First Reading.

1. An Ordinance Adopting The 2012 Edition Of The International Property Maintenance Code As Amended And Repealing Ordinance No. 3141 And Declaring An Emergency.

(Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Repealing Oxford Codified Ordinance Section 923.16, Entitled Private Industrial Waste Treatment Facilities, And Adopting New Oxford Codified Ordinance Section 923.16, Entitled Private Industrial Waste Treatment Facilities. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

2. An Ordinance Repealing Oxford Codified Ordinance Section 931.02, Entitled Container Requirements, And Adopting New Oxford Codified Ordinance Section 931.02, Entitled Container Requirements. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

3. An Ordinance Repealing Oxford Codified Ordinance Section 1145.09 Entitled Period Of Validity, And Adopting New Oxford Codified Ordinance Section 1145.09 Entitled Period Of Validity. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

4. An Ordinance Amending Ordinance No. 3190. Supplemental Budget Ordinance Number 2 To Make Supplemental Appropriations For Fiscal Year 2013. (Joe Newlin, Finance Director)



Staff Report/Ordinance

7. A. Announcements & Communications.

1. Discussion - Merchant Surcharging. 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.

2. Remarks from City Council and City Staff.

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

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

FRI - May 24 Community Improvement Corporation Meeting 12:00 p.m. LCNB

MON - May 27 Holiday - City Offices Closed

TUES- June 4 City Council Meeting

WED - June 5 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

WED - June 5 Environmental Commission Meeting 6:30 p.m. Municipal Building

TUES - June 11 Planning Commission Meeting 7:30 p.m.

MON - June 17 Housing Advisory Commission 7:00 p.m. Municipal Building

TUES - June 18 City Council Meeting 7:30 p.m.

WED - June 19 Board of Zoning Appeals Meeting 7:30 p.m.

WED - June 26 Civil Service Commission Meeting 7:00 p.m.

FRI - June 28 Community Improvement Corporation Meeting 12:00 p.m. LCNB

8. Adjourn.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: May 21, 2013

Account Code #: 341.851.52342

Budgeted Amount: \$62,000.00

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

May 10, 2013

Date Prepared

Agenda Title: A Resolution to Adopt Revisions to the Solid Waste Management Plan of Butler County

Recommendation: Approve

Discussion:

The Butler County Recycling and Solid Waste District (District) Policy Committee recently voted to amend the District's solid waste management plan. The major product of the proposed amendment is to LOWER the solid waste generation fee from the current charge of \$2 per ton (for waste generated in Butler County) to \$1 per ton. The District feels with recent approval of additional landfill capacity at Rumpke Sanitary Landfill, they do not need to collect fees associated with the installation and operation of a solid waste transfer facility. As the city of Oxford currently disposes of approximately 5,000 tons of solid waste per year, the City will notice a decrease in County surcharges of approximately \$5,000 annually.

The District will continue to operate a recycling incentive program to reward municipalities and townships for successful recycling programs. The District will also continue its Household Hazardous Waste and Freon Appliance Recycling programs.

The District desires City Council action on this Resolution prior to June 30, 2013. The amendment will be considered ratified when Butler County townships and municipalities with a combined population consisting of 60% of the County's population have approved the amendment. Lack of action by an entity will be viewed as approval by the District. A sample Resolution prepared by the District is attached to this report.

Approved By:

Department Head:

City Manager:

Initial

Date

MD \ *5/16/13*

RESOLUTION NO.

A RESOLUTION TO ADOPT THE REVISION OF THE SOLID WASTE GENERATION FEE AND AMEND SECTION VIII OF THE SOLID WASTE MANAGEMENT PLAN OF BUTLER COUNTY, OHIO.

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

SECTION 1: The Butler County Recycling and Solid Waste District (District) Policy Committee prepared and adopted a resolution decreasing the generation fee from \$2.00 to \$1.00 for every ton of solid waste generated within Butler County in accordance with Ohio Revised Code Section 3734.56.

SECTION 2: Pursuant to Chapter 3734, all political subdivisions within the District must approve or disapprove the proposed revision by Ordinance or Resolution and successful ratification requires approval of the revision of the Solid Waste Generation Fee by political subdivisions representing at least 60% of the District's population.

SECTION 3: Council having determined the revision is in the best interest of its constituents and the citizens of Butler County hereby approves the revision of the Solid Waste Generation Fee.

SECTION 4: The Clerk of Council is hereby directed to send the District a copy of this Resolution to the attention of Ms. Anne Fiehrer Flaig, District Coordinator, Butler County Recycling and Solid Waste District, 130 High Street, Hamilton, Ohio 45011.

SECTION 5: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

Resolution/Ordinance No. _____

A RESOLUTION/ORDINANCE TO ADOPT THE REVISION OF THE SOLID WASTE
GENERATION FEE AND AMEND SECTION VIII OF THE SOLID WASTE
MANAGEMENT PLAN OF BUTLER COUNTY, OHIO

WHEREAS, Oxford (city) is located within the jurisdiction of Butler County Recycling and Solid Waste District (District); and

WHEREAS, Butler County Recycling and Solid Waste District (District) Policy Committee prepared and adopted a resolution decreasing the generation fee from \$2.00 to \$1.00 for every ton of solid waste generated within Butler County in accordance with Ohio Revised Code Section 3734.56; and

WHEREAS, the District Policy Committee amended Section VIII of the current solid waste management plan for Butler County to include the budgetary changes that resulted from the decrease in generation fee revenue; and

WHEREAS, the District has provided a copy of the resolution and associated budgetary changes in Section VIII of the current approved solid waste plan for ratification to each of the legislative authorities of the District; and

WHEREAS, the city of Oxford (name of legislative authority) must decide whether it approves of said resolution and amended Solid Waste Plan within sixty days of receipt of the resolution and amended Solid Waste Plan.

NOW, Therefore, be it resolved by the Oxford (city council):

1. The (city of) Oxford

a. _____ approves the resolution and amended solid waste plan or:

b. _____ disapproves the resolution and amended solid waste plan.

2. The Clerk/Fiscal Officer is hereby directed to send the District a copy of this resolution to the attention of Ms. Anne Fiehrer Flaig, District Coordinator, Butler County Recycling and Solid Waste District, 130 High Street, Hamilton, Ohio 45011.

3. That it is found and determined that all formal actions of this Oxford (council) concerning and relating to the passage of this resolution/ordinance were adopted in an open meeting of this Oxford (council) and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

Approved: _____ Date: _____ OR

Disapproved: _____ Date: _____

Signature of Fiscal Officer/Clerk: _____ Date: _____

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, May 7, 2013 at 7:15 p.m. Those members present were Ken Bogard, Bob Blackburn, Kevin McKeehan and Kate Rousmaniere. John Harman and Steve Snyder were excused.

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; Ms. Gail Brahier, Parks and Recreation Director; Mr. Alan Kyger, Economic Development Director; Mr. Steve McHugh, Law Director, and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Mr. Bogard moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22 (G)(1) and (G)(3) for the purpose of discussing court actions and appointments to Boards and Commissions. Mr. Blackburn seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Mr. McKeehan, Ms. Rousmaniere, Mr. Blackburn, Mayor Keebler (5)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. McKeehan moved to adjourn from Executive Session at 7:37 p.m. Mr. Blackburn seconded. The motion passed 5-0-0.

PLEDGE OF ALLEGIANCE

Mayor Keebler requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Bogard moved to approve the agenda. Mr. McKeehan seconded. The motion passed 5-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **'NALC FOOD DRIVE DAY'**

Mayor Keebler read the Proclamation and presented it to Mr. Mike Johnson.

Mr. Mike Johnson, Oxford Community Choice Pantry, noted the Oxford Community Choice Pantry appreciated Council's support and the support of the community over the years. Mr. Johnson advised the food collected by the Oxford Post Office on Saturday would be delivered to the OCCP for use by Oxford area residents in need.

PROCLAMATION
'MIAMI LITTLE LEAGUE DAY'

Mayor Keebler read the Proclamation and presented it to Mr. J.J. Slager.

Mr. J.J. Slager, Past President, Miami Little League, accepted the Proclamation on behalf of David Berg, current President. Mr. Slager thanked the Tom Pater family for all of their assistance with the Miami Little League including the renovation of the field at the TRI Center. Mr. Slager noted Miami Little League was all volunteer and they appreciated the support of the City, the Oxford Community Park, the Tri Board, the Talawanda School District and Ms. Brahier and Mr. Wooddell of the Oxford Parks and Recreation Department. Mr. Slager also thanked Miami Little League sponsors who helped to keep the fees among the lowest in the area for participants.

NOTICE TO
LEGISLATIVE AUTHORITY

New permit for Fuji House Express LLC DBA Fuji House Express 5 W. High Street Oxford, Ohio 45056.

Mr. Bogard moved to accept the notification without comment. Mr. Blackburn seconded. The motion passed 5-0-0.

Mayor Keebler noted the permit was for beer only for on premises consumption and in sealed containers for carry out.

APPOINTMENTS TO
BOARDS AND COMMISSIONS

Mr. Bogard moved to reappoint Mr. Richard Norman and to appoint Ms. Hillary Evans to the McCullough-Hyde Memorial Hospital Board of Trustees for a term ending June 30, 2018. Ms. Rousmaniere seconded. The motion passed 5-0-0.

PUBLIC COMMENTS

Mr. Alan Kyger, 6164 Contreras Road, spoke on behalf of the Oxford Chamber of Commerce. Mr. Kyger advised the Oxford Chamber of Commerce would hold the annual Wine and Art Affair on May 18th from 2:00 to 10:00 p.m. in the Uptown Parks. Mr. Kyger stressed that the event was free of charge unless people wanted to purchase adult beverages. Mr. Kyger noted Lisa Biales coordinated some wonderful musical acts for the event and noted 6 local food vendors, 13 local merchants and 16 artisans would participate in the event. Mr. Kyger advised a steering committee coordinated the entire Wine and Art Affair and deferred to Council for good weather.

CONSENT AGENDA

MINUTES

Minutes of the April 16, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the April 9, 2013 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the April 17, Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the April 18, 2013 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

Report regarding the April 24, 2013 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

RESOLUTIONS

RESOLUTION **PUBLIC/INTERNET AUCTION**

A Resolution No. 4746 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)

RESOLUTION **BOND RELEASE**

A Resolution No. 4747 authorizing the release of a maintenance bond in the form of a letter of credit in the amount of \$43,159.00 for Campus Commons Subdivision Phase I. (Mike Dreisbach, Service Director)

Mr. Bogard moved to approve the consent agenda. Mr. Blackburn seconded. The motion passed 5-0-0.

RESOLUTION **LOAN MODIFICATION**

A Resolution No. 4748 authorizing the City Manager to amend the Loan Agreement between the City of Oxford and Moon Cooperative Services, Inc. with conditions. (Alan Kyger, Economic Development Director)

Mr. Kyger advised Moon Cooperative Services took out a Revolving Loan Fund loan with the City in 2011 and in 2012 they asked for a loan modification due to higher than expected costs for the build-out of the store, and initial sales were lower than anticipated. Mr. Kyger noted the loan was modified to be an interest only loan for a period of one year and to date they were current with all of their payments. Mr. Kyger advised Moon Cooperative Services was asking for a loan modification for the coming year and the CIC Board looked at their financials and felt it was not in Moon Cooperative Services best interest to resume the full loan payment. Mr. Kyger noted the CIC Board recommended an interest only loan payment arrangement for an additional year.

Ms. Bernadette Unger, thanked Council for considering the proposed Resolution and noted her hope they would vote in favor of it and support their local cooperative.

Ms. Rousmaniere inquired if this was a typical request from a new business. Mr. Kyger advised cash flow was the biggest issue for any new business especially if it was built from scratch. Mr. Kyger noted Moon Cooperative Services headed into the project with a lot of working capital however; the expense of finishing the location and the time it took to finish the location was more than anticipated. Mr. Kyger noted the \$4,000 loan payment would be a struggle for Moon Cooperative Services and he felt it was in everyone's best interest for the City to do whatever it could to help them become more profitable. Mr. Kyger advised Moon Cooperative Services was working with an advisor from a co-op development group and he felt they were doing the right things to get the business going.

Ms. Rousmaniere moved to adopt Resolution No. 4748. Mr. Blackburn seconded. The motion passed 5-0-0.

RESOLUTION
CONTRACT WITH
WHITE ALLEN CHEVROLET

A Resolution No. 4749 authorizing the City Manager to enter into a contract with White Allen Chevrolet for the purchase of three (3) Silverado trucks and specified options at state contract pricing at a cost not to exceed \$73,460.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the proposed Resolution was for the purchase of three vehicles, two of which would be paid from the General Fund and one from the Wastewater Fund. Mr. Dreisbach noted the vehicles would be purchased on state contract and the state had obtained the lowest price. Mr. Dreisbach advised staff was asking Council's permission to purchase the vehicles. Mayor Keebler noted the vehicles were previously approved in the 2013 capital equipment budget.

Mr. Blackburn noted power locks and windows were excluded in the purchase options and Mr. Dreisbach advised excluding those options helped the City stay within the budget for the vehicle purchase.

Ms. Rousmaniere inquired if the vehicles would replace older vehicles in the City's fleet. Mr. Dreisbach advised a Resolution on the consent agenda this evening authorized the City to dispose by auction used City vehicles. Mr. Dreisbach noted two vehicles from the Street Department to be auctioned were 14 and 15 years old and ready for replacement.

Mr. McKeehan moved to adopt Resolution No. 4749. Mr. Blackburn seconded. The motion passed 5-0-0.

ORDINANCES
FIRST READING

ORDINANCE
NEW SECTION 923.16

An Ordinance Repealing Oxford Codified Ordinance Section 923.16, Entitled Private Industrial Waste Treatment Facilities, And Adopting New Oxford Codified Ordinance Section 923.16, Entitled Private Industrial Waste Treatment Facilities. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the Environmental Commission reviewed some practices across the state and across the mid-west regarding the treatment of industrial waste waters. Mr. Dreisbach noted currently in the State of Ohio waste waters could be treated and neutralized and as long as it met quality standards it could be discharged into state waters. Mr. Dreisbach advised staff concurred with the Environmental Commission's recommendation to prohibit waste waters from being injected below ground through a well which was being done in other areas of the state. Mr. Dreisbach noted this was not an immediate threat to the City but the Environmental Commission wanted to be proactive on this issue and establish a prohibition of the practice. Mr. Dreisbach advised Ms. Rousmaniere was familiar with this issue and Tyler Elliott from Miami University was in attendance to give a brief presentation to Council.

Mr. Tyler Elliott, Senior Undergraduate Student, advised Oxford Codified Ordinance Section 923.16 was regulated under the Ohio Revised Code Section 6111.043 which operated under provisions of the Safe Drinking Water Act (SDWA) of 1974. Mr. Elliott noted in 2005 the SDWA was amended to exclude from regulation the practices involving hydraulic fracturing which was known to incorporate many chemicals that could be detrimental to human health. Mr. Elliott advised the proposed amendment to Oxford Codified Ordinance Section 923.16 would be proactive in order to rectify the amendments made to the SDWA of 1974. Mr. Elliott noted he believed Oxford City Council should pass the proposed amendment because Oxford was on top of the Great Miami Buried Valley Aquifer which was considered a Sole Source Aquifer. Mr. Elliott advised if that aquifer were to become polluted a percentage greater than 50% of the residents living above the aquifer would have no access to clean drinking water unless it was shipped in from elsewhere. Mr. Elliott noted the cities of Mansfield and Cincinnati had passed similar prohibitions on this practice.

Ms. Rousmaniere advised State Representative Tim Derickson was working on this topic as well and proposed a bill which was endorsed by the Ohio EPA and the Ohio Department of Natural Resources that worked for restricting the disposal of waste fluids. Ms. Rousmaniere noted 'fracking' was more common in northern Ohio but there were people in southern Ohio including the City of Cincinnati and Representative Derickson that were concerned that these practices could come to southwest Ohio. Ms. Rousmaniere advised the Environmental Commission strongly endorsed Mr. Elliott's proposal to amend the City of Oxford's ordinance.

Mr. Bogard inquired if similar legislation would be forwarded to the Butler County Commissioners. Mr. Elliott advised the entirety of the work he had done was for the City of Oxford and he had not looked at the county-wide scale in terms of placing a prohibition.

Mr. Elliott noted within the region there had been class 2 injection wells which involved brines from the mining of oil and gas and one such well was located in Auglaize County and one was located in Pickaway County. Mr. Bogard suggested that Mr. Elliott look at Butler, Warren and Preble counties for opportunities to introduce legislation. Mr. McKeehan noted there was a far greater threat of 'fracking' in the townships and counties. Mayor Keebler advised the City wells were located outside of the City limits. Mr. Bogard noted areas such as Middletown, Trenton and Wayne Township were located directly over the aquifer.

ORDINANCE

NEW SECTION 931.02

An Ordinance Repealing Oxford Codified Ordinance Section 931.02, Entitled Container Requirements, And Adopting New Oxford Codified Ordinance Section 931.02, Entitled Container Requirements. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised approximately two years ago Council adopted Ordinance 3154 which identified the 'Mile Square Plus' zone for solid waste collection. Mr. Dreisbach noted the Ordinance required the solid waste container to be a wheeled tote provided by the City. Mr. Dreisbach advised the Ordinance based the number of required totes on the number of residents living in the dwelling and for most customer accounts that arrangement had worked fine. Mr. Dreisbach noted there had been a few cases of disparity in billing and some enforcement issues when a property did not have enough waste wheelers. Mr. Dreisbach advised to resolve those issues staff proposes that rather than basing the minimum number of totes required on the number of residents in a dwelling that it be based on the maximum permitted occupancy. Mr. Dreisbach noted this would assure adequate capacity for residents to properly dispose of their solid waste and it would resolve any disparity in billing.

Mayor Keebler asked staff to amend the proposed language to address enforcement issues for the second reading of the Ordinance. Mayor Keebler noted there should be a provision to require a property owner to obtain additional containers when litter citations were not solving the problem.

ORDINANCE

NEW SECTION 1145.09

An Ordinance Repealing Oxford Codified Ordinance Section 1145.09 Entitled Period Of Validity, And Adopting New Oxford Codified Ordinance Section 1145.09 Entitled Period Of Validity.

Mr. Chen advised the current planned development regulations in the Oxford Zoning Code did not contain a provision related to the expiration date for an approved preliminary planned development. Mr. Chen noted if an approved preliminary plan was valid indefinitely it could create difficulties in the future. Mr. Chen advised the proposed Ordinance would set a two- year time frame for the approval period with the ability to request two one-year extensions. Mr. Chen noted the proposed amendment would only apply to new planned development applications.

Mayor Keebler advised the proposed Ordinance applied to PUD's only and noted there were other validity requirements in the zoning code and this would bring the PUD regulations in line with other large developments. Mayor Keebler referred to page 53 of the agenda packet and advised 'If the scope of the approved preliminary plan has not changed and the proposed use and site plan still satisfy the decision standards, the Planning Commission shall grant a one year extension'. Mayor Keebler noted there would be a review by the Planning Commission before an extension was granted to make sure there were no major changes and that the proposed use and site plan still satisfied the decision standards.

ORDINANCE **SUPPLEMENTAL BUDGET**

An Ordinance Amending Ordinance No. 3190. Supplemental Budget Ordinance Number 2 To Make Supplemental Appropriations For Fiscal Year 2013. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on page 67 of the agenda packet which addressed the receipt and dispersal of Estate Tax funds. Mr. Newlin advised 45% of the funds were owed to Oxford Township per an agreement with the Knolls of Oxford and the City's portion of the funds would be deposited to the Capital Equipment fund for future budgets.

Mr. Bogard inquired if this was the last year the City would receive estate tax. Mr. Newlin advised it depended how it went through the court system and noted as long as a case was in the court system by January of 2012 the City could still receive revenue.

Ms. Rousmaniere asked for clarification regarding the agreement with the Knolls of Oxford. Mayor Keebler advised 45% of the estate tax was owed to Oxford Township as a term of the annexation of the Knolls of Oxford property into the City of Oxford.

ANNOUNCEMENTS

Mr. Elliott advised the petition and proposed annexation map for property located at the corner of US 27 N. and Todd Road were sent to the County Engineer and County Attorney for review and comment. Mr. Elliott noted the petition included the Gillman property, Koenig Equipment property and portions of the road right-of-way. Mr. Elliott advised if no changes were requested by the County Engineer or the County Attorney, the petition would be filed with the Butler County Commissioners Office.

Mr. Elliott advised the City received the recorded deed for the former Dairy Queen structure and it would be demolished this week.

Mr. Elliott updated Council and the public on various street improvement projects and the parking garage improvement project that would take place this summer. Mr. Elliott asked everyone to be patient and noted the improvements would improve the quality of life and the infrastructure in Oxford and the City was happy to be able to do the projects.

Mayor Keebler commended the City's Engineering staff for the curb installation next to the BP station at High Street and College Avenue.

Mr. Chen reminded everyone that 'ShareFest' would take place Thursday through Tuesday and encouraged those wanting to donate items to schedule a pick-up via the ShareFest website.

Ms. Brahier referred to the Proclamation for the Miami Little League that was presented this evening and noted the Board members were volunteers and they put in hundreds of hours each season and coaches and assistants for 44 teams were all volunteers. Ms. Brahier estimated that 5,000 hours of volunteer time was donated every season.

Ms. Brahier noted the pool would open on May 25th and she expected to have a great opening weekend.

Mr. McKeehan congratulated the Miami graduates and wished them a successful future.

Mr. McKeehan encouraged everyone to participate in ShareFest.

Mr. Bogard wished Miami graduates success in their future endeavors and careers. Mr. Bogard wished students returning in the fall to have a safe summer.

Mr. Blackburn commended Mr. Dreisbach and the contractor doing the curb and gutter work on Chestnut Street and noted the work might be done next week.

Mr. Blackburn congratulated the Miami graduates and encouraged everyone to travel safely and to have a good summer.

Mr. McKeehan advised Oxford was again in first place in the county for its percentage of recycling and thanked all of those who participate in the recycling program.

ADJOURN

Mr. Bogard moved to adjourn at 8:23 p.m. Ms. Rousmaniere seconded. The motion passed 5-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: May 21, 2013

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

May 7, 2013
Date Prepared

Agenda Title: Environmental Commission Meeting of May 1, 2013

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, May 1, 2013 meeting were: Chair, Mr. Vince Hand; Vice-Chair, Mr. Kevin Armitage; City Council Representative, Ms. Kate Rousmaniere; Planning Commission Representative, Mr. Ted Wong, and Mr. Wright Gwyn. Ms. Suzanne Zazycki with Miami University's Institute for the Environment and Sustainability Department (IES), and Mr. Jason Kline, were also in attendance.

Minutes from the April 3, 2013 Commission meeting was unanimously accepted as presented.

Ms. Suzanne Zazycki had previously requested the Commissioners consider a Professional Service Projects (PSP) to be undertaken by IES graduate students during the 2013-2014 academic year. Commissioners concluded that a PSP focused on storm water best management practices (BMPs) would be desirable. Possible PSPs included development of public education program, or the implementation of exemplary BMPs. Commissioners were asked to consider these possible PSP topics (or similar variants), with a final decision to be made during the June 5, 2013 Commission meeting.

Mr. Jason Kline asked the Commission to sponsor a Boy Scouts of America (BSA) proposed Eagle-rank service project of labeling storm water catch basins with medallions. The catch basin labeling is a component of Oxford's Storm Water Management Program as approved by the Ohio Environmental Protection Agency, and is intended to alert the public that liquids entering the catch basin drain directly to surface waterways without any type of treatment. Mr. Kline has identified approximately 306 curbside catch basins in the northwest quadrant of Oxford (excluding College Corner Pike) utilizing maps of Oxford's storm water sewer system. The Commission unanimously agreed to sponsor Mr. Kline's BSA Eagle-rank project and instructed Staff to assist Mr. Kline in its completion.

Planning Commission Representative Mr. Ted Wong updated Commissioners on progress with the pedestrian and bicycle safety improvement projects. Funding of the improvements and existing roadway widths are presenting some challenges. The potential of having a representative from the Environmental Commission included on a Transportation Subcommittee was brought to the Commission's attention.

(Continued)

Approved By:

Department Head:
City Manager:

Initial DT Date 5/16/13
JRE 5/16/13

City Council Representative, Ms. Rousmaniere informed the Commission of the status of the re-development of the former Wal-Mart property on south Locust Street. Commissioners requested that Ms. Rousmaniere inquire regarding green space(s) and storm water BMPs being incorporated into the property's development.

The Commission adjourned at 8:35 p.m. The next scheduled meeting of the Environmental Commission is on Wednesday, June 5, 2013 at 6:30 p.m. in the Municipal Building's Second Floor Conference Room. The starting time of the meeting was moved up by one-half hour for the summer months.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: May 21, 2013

Account Code #: 142.711.50602

Budgeted Amount: \$306,000

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

May 15, 2013

Date Prepared

Agenda Title: Contract for Improvements and Repairs to Municipal Parking Garage

Recommendation: Approve

Discussion: The 2013 capital budget includes \$306,000 for additional repairs and improvements to the Walnut Street parking garage. In March 2012, the City hired THP Limited Inc. (THP) of Cincinnati to perform an assessment of the parking garage's condition as well as to recommend a restoration plan for the parking facility. The plan proposed improvements over a five year period with an expected cost of \$625,000. During the summer of 2012, the City completed repairs recommended in the report for program years 1 & 2 including the installation of supplemental steel beams and supports in critical areas, concrete repairs, caulking and sealing of joints & cracks, stair tower maintenance, and the installation of a waterproof membrane on deck four of the structure.

The City prepared drawings and specifications based on Program Years 3, 4, & 5 of the THP improvement plan. The specifications included a base bid to include a traffic bearing waterproof membrane on decks two and three (deck four was completed in 2012), steel supports at perimeter walls, sealant repairs on decks two and three, and concrete ramp sealants on all levels except deck four (already complete). The City also specified five alternates for contractors to bid including: Alt. #1 – installation of supplemental floor drains; Alt. #2 – southwest stair tower roof membrane replacement; Alt. #3 – coping stone repairs and mortar tuck point repairs; Alt. #4 – rail replacement on deck one walls; and Alt. #5 – interior pipe and column paint repairs.

Bids were opened publicly on May 14, 2013 and read aloud beginning at 10:30 AM. Five companies provided bids with the following results:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alt. 1</u>	<u>Alt. 2</u>	<u>Alt. 3</u>	<u>Alt. 4</u>	<u>Alt. 5</u>	<u>Total</u>
Architectural Maintenance Services	228,674	26,700	4,500	18,200	18,072	21,000	317,146
Lithko Restoration Technologies	254,250	27,800	4,000	12,200	19,000	28,000	345,250
Structural Systems Repair Group	296,600	30,300	5,700	11,400	19,000	32,000	395,000
ZSR Contracting and Restoration	297,028	32,100	5,950	16,250	19,200	42,700	413,228
Gutknecht Construction Co.	323,200	53,600	9,492	11,820	19,593	39,269	456,974

The City has not had direct experience with the low bidder, Architectural Maintenance Services. However, THP has worked with them previously and found their work to be acceptable. Reference checks showed no reason to disallow the lowest bidder for this project. An analysis of the bids indicates the pricing provided by Architectural Maintenance Services, LLC is approximately 16% below our estimate of probable costs. Staff is recommending a contract be awarded to Architectural Maintenance Services for the base bid and alternate numbers 1, 2, and 5.

It is Staff's recommendation that the City Council authorize the City Manager to enter into an agreement with Architectural Maintenance Services, LLC for an amount of \$280,874. Staff is not requesting a contingency amount for this project, therefore, the total contract not to exceed amount would be **\$280,874.00**.

Approved By:

Department Head:

Initial

Date

MBD

5/15/13

City Manager:

CPK

5/16/13

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ARCHITECTURAL MAINTENANCE SERVICES, LLC FOR IMPROVEMENTS TO THE MUNICIPAL PARKING GARAGE AS SET FORTH IN THE STAFF SUMMARY REPORT ATTACHED HERETO AT A COST NOT TO EXCEED \$280,874.00.

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

SECTION 1: The City advertised for bids in the *Oxford Press* and *Hamilton Journal* on April 26, 2013 and May 3, 2013. Five (5) sealed bids were opened and publicly read on May 14, 2013. The lowest bid was provided by Architectural Maintenance Services, LLC in the amount of \$280,874.00.

SECTION 2: The City Manager and the Service Director recommend Council accept the bid of Architectural Maintenance Services, LLC as the lowest and best bid for improvements to the Municipal Parking Garage as set forth in the Staff Summary Report attached hereto at a cost not to exceed \$280,874.00.

SECTION 3: Council accepts the recommendation of the City Manager and the Service Director and accepts the bid of Architectural Maintenance Services, LLC for improvements to the Municipal Parking Garage as set forth in the Staff Summary Report attached hereto at a cost not to exceed \$280,874.00.

SECTION 4: Council further authorizes the City Manager to enter into a contract with Architectural Maintenance Services, LLC for improvements to the Municipal Parking Garage as set forth in the Staff Summary Report attached hereto at a cost not to exceed \$280,874.00.

SECTION 5: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager: **Douglas Elliott**

Police

Originating Department

Council Meeting Of: **May 21, 2013**

Robert Holzworth

Account Code No. #: **140.110.52520**

Prepared By

Budgeted Amount: **\$76,000**

May 15, 2013

Date Prepared

Agenda Title: Resolution authorizing the City Manager to enter into a contract with Greve Chrysler Jeep Dodge of Van Vert, Ohio for the purchase of three (3) 2013 Dodge Charger police vehicles at a price not to exceed \$64,599.00. The balance of the budgeted amount (\$11,401) will be used to customize/equip the vehicles for police service.

Recommendation: Pass the resolution

Discussion:

As stated in the 2013 CIP Budget overview section (page 127), *this purchase of cruisers and equipment is necessary to maintain the operating integrity of the Police Department.* The total state price for the three vehicles is \$64,599. This purchase is based on the 2013 State of Ohio Purchasing Contract at a price of \$21,533 per vehicle. The balance of the budgeted amount (\$11,401) will be used to outfit each vehicle with customized paint, cage, control panels (lights, siren), and markings, specific to the vehicle assignment. As proposed, two of the vehicles will be marked and assigned to the Patrol Section. The third new car will be assigned to the C.I. Unit and one of their vehicles will be re-assigned as a pool vehicle.

It's projected that the total expense for outfitting the vehicles may exceed the amount budgeted in the CIP by \$1,048.88. If approved, we plan to fund the difference from 110.110 [Operating Expenses].

The Dodge Chargers will replace three aging, well-used Crown Vic police cruisers (#101, #102 and #108). #101 and #102 have been in service for 12 years and #108 for ten years. Earlier this year, each cruiser was taken out-of-service, along with three other, older OPD vehicles (#103, #109 and #160).

This will be the second year that we've recommended Dodge Chargers as replacement vehicles. While we had no experience with this model in 2012, this year we can report that our experience duplicates that at other local agencies – complete satisfaction with their performance and durability.

The OPD car replacement schedule (as designed by retired officers Schwein and Franke) specifies that three (3) cars are needed annually to maintain the operational integrity and longevity of the OPD fleet.

Due to the need for fiscal restraint, and assuming approval of this request, we will have purchased a total of five (5) vehicles from 2010-2013, or 41.6% of the number in the replacement schedule. Our fleet manager(s) work diligently to curtail repair costs, but that is becoming increasingly difficult due to normal wear and tear on our aging fleet.

Attachment: Proposal from Greve Chrysler Jeep Dodge.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

 5/15/13

 5/14/13

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GREVE CHRYSLER JEEP DODGE FOR THE PURCHASE OF THREE (3) 2013 DODGE CHARGER VEHICLES AND SPECIFIED OPTIONS AT STATE CONTRACT PRICING AT A COST NOT TO EXCEED \$64,599.00.

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

SECTION 1: Council hereby authorizes the Division of Police to purchase three (3) 2013 Dodge Charger vehicles and specified options at State Contract pricing at a cost not to exceed \$64,599.00.

SECTION 2: The City Manager is hereby authorized to enter into a contract with Greve Chrysler Jeep Dodge for the purchase of three (3) 2013 Dodge Charger vehicles and specified options at State Contract pricing at a cost not to exceed \$64,599.00.

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

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

GREVE



CHRYSLER

Jeep

756 West Ervin Road Van Wert, Ohio 45891 855-246-4052 FAX 866-248-8919
www.grevechrysler.com • e-mail: dave.matarese@grevechrysler.com

Contractors ID # 34-1508415

2013 Dodge Charger

Base price \$21,533.00

Standard Police Equipment

- 3.6-liter High-Output V6 engine
- 220-amp high-output alternator and 800 CCA battery
- 160-mph or 260-km (certified) calibrated speedometer
 - 18"x7.5" steel wheels and bright hubcaps
- Five-speed automatic transmission with overdrive and Auto Stick®
 - Column shifter with Auto Stick
- Four-wheel independent police performance suspension
- Heavy-duty cloth front bucket seats with manual lumbar and rear fixed cloth bench seat
 - Load-leveling, height-control shock absorbers
 - P225/60R18 BSW W Rated performance tires
 - Trunk-lid keylock cylinder fob
 - Severe-duty cooling system
 - Dome lamp door switch deactivated
 - LH pillar mounted spot lamp
 - Integrated engine hour meter
 - Police equipment interface module
- Software-controlled alternating head- and taillamps (wigwag)
- Stealth mode switch (turns off instrument cluster and radio indicators; PRNDL dims to lowest legal limit)
- Easy Path wiring grommet between underhood and passenger compartments and underhood lamp
 - Independently switched white and red dome lamp
 - Full size spare tire

DODGE CHARGER DODGE CHARGER DODGE CHARGER DODGE CHARGER

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: May 21, 2013

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

May 14, 2013
Date Prepared:

Agenda Title: An Ordinance Adopting the 2012 Edition of the International Property Maintenance Code and Repealing Ordinance No. 3141
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Recommendation: Approval

Periodically, staff reviews rules and regulations that fall under the department's purview to ensure the regulations are updated to reflect the most recent practices and standards that have been commonly adopted. This is the same process used to review the property maintenance code.

Through this process, staff found that a major portion of the property maintenance code was inadvertently removed through the adoption of the tall grass abatement procedure. It is critical to readopt those regulations into the Codified Ordinances for rental and property maintenance purposes.

Some changes will benefit staff in the enforcement of the 2012 property maintenance code; such as the precise description of dangerous structures; providing authority to disconnect utility services in case of an emergency; the ability to issue "stop work orders". These are just a few changes that are in the 2012 International Property Maintenance Code for your consideration. These changes are improvements that will benefit the City Oxford.

Staff is recommending adopting this ordinance, so the property maintenance code is in line with other building related regulations.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC / 5-16-13
DLE / 5/14/13

ORDINANCE NO.

AN ORDINANCE ADOPTING THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND REPEALING ORDINANCE NO. 3141 AND DECLARING AN EMERGENCY.

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

SECTION 1: The Council for the City of Oxford hereby adopts the International Property Maintenance Code, 2012 edition, as published by the International Code Council, as the Property Maintenance Code of the City of Oxford in the State of Ohio for regulating and governing the conditions and maintenance of all property, buildings, and structures with the additions, insertions, deletions and changes prescribed in Exhibit "A", attached and incorporated by reference herein.

SECTION 2: That Ordinance No. 3141 of the City of Oxford and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The Council of the City of Oxford hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4: That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5: This Ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the citizens of Oxford, the reason for such emergency being to insure the regulations set forth in Oxford Codified Ordinance Section 1305.02 entitled Additions, Insertions and Changes to the International Property Maintenance Code are incorporated in said code.

MAYOR

ADOPTED:

ATTEST:

**CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: RICHARD KEEBLER
PREPARED BY: LAW (STAFF)**

Exhibit A

PM-101.1 Replace “*International*” with “City of Oxford”.

PM-102.3 Replace “*International*” with “City of Oxford adopted”.

PM-103.5 Fee Schedule: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as set forth in the most current annual fee schedule adopted by Council.

PM-104.2 Replace entire Paragraph with “**Inspections and Enforcement.**

a) The Code Official is hereby authorized to make inspections to determine the condition of rooming houses, lodging houses, dwellings, dwelling units, or fraternity houses and other premises located within the City. The Code Official is hereby authorized to enter, examine, and survey at all reasonable times, or at such times as may be necessary in all dwellings, dwelling units, rooming houses, lodging houses, rooming units, fraternity houses and premises. Single-family, owner-occupied dwellings will not be routinely inspected by the Code Official but will be inspected upon the filing of a written complaint as set forth hereinafter, or when the Code Official has personal knowledge of specific conditions that warrant inspection, or upon request of the owner/occupant. The Code Official will inspect owner-occupied dwellings only with the owner’s permission or in accordance with due process of law and the obtaining of an appropriate court order.

b) The Code Official will inspect any dwellings, dwelling units, rooming houses, lodging houses, rooming units, fraternity houses, any premises upon the formal written filing of a complaint signed by a person alleging a violation of this code.

Such inspection will take place within five working days from receipt of the complaint. All dwellings, dwelling units, rooming houses, lodging houses, rooming units, fraternity houses and premises requiring a rental permit shall be inspected on a regular and systematic basis. Notice shall be given to the owner or occupant or owner’s agent 24 hours in advance of any such inspection except;

1. In an emergency situation, or
2. For the purpose of validating there is no violation of Section PM-404 Occupancy Limitations, or
3. In those cases where the owner, agent, or occupant consents to inspection or when the premises are open and accessible to inspection.”

Add PM-104.7 “Coordination of inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector’s authority to enforce, the inspector shall report the findings to the code official having jurisdiction.”

PM-106.4 Replace entire paragraph with “**Violation Penalties.**

Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of \$250.00 or imprisonment for a term not to exceed thirty (30) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”

PM-107.3 Replace entire paragraph with “**Method of Service.**

1. Delivered personally: or
2. Sent by first class mail with Certificate of Mailing to the last known address: or
3. Posting in a conspicuous place on or about the structure or property affected by such notice and by first class mail to the last known address.”

PM-110.1 Replace “two years” with “one year”.

PM-111.2 Replace “three” with “five”.

PM- 111.2.1 Add “but may be employees of the jurisdiction”.

PM-111.4 Replace “two-thirds” with “three-fifths”

PM-112.4. Insert “\$100.00” and “\$500.00”.

PM-201.3. Replace “*International*” with “City of Oxford adopted”.

PM-202.0 Insert the following definitions:

“Building.

Any structure occupied or intended for supporting or sheltering any occupancy.

Dormitory.

A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

Hotel.

Any building containing six or more guestrooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

One-family dwelling.

A building containing a dwelling unit designed for a family.

Two-family dwelling.

A building containing two (2) dwelling units, each unit designed for a family.

Family.

A person living alone, or two or more persons related by blood, marriage or adoption, including minor children in the lawful custody of an adult member or members of the family, living together as a single housekeeping unit and occupying a single dwelling unit, or a group of not more than four unrelated persons living together as a single housekeeping unit occupying a single dwelling unit and using only common entrances and exists.

Fraternity/Sorority.

A building which is occupied only by a group of university or college students who are associated together in a fraternity which is chartered by a national/international fraternity or recognized by Miami University and receive from the fraternity or its agents lodging and/or meals on the premises for compensation. Occupants may also include employees and pledges of the fraternity or its agents, and non-members not to exceed ten percent (10%) of the maximum occupancy of the building whom the fraternity or its agents permit to live in the house.

Lodging house.

A dwelling where lodging, but not meals, is provided for compensation for no more than twelve (12) persons who are not transients or members of the owner's family, and do not live as a single housekeeping unit in a family-like environment on a relatively permanent basis, and in which no cooking or dining facilities are provided in individual rooms.

Public nuisance.

Includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
3. Any premises that has unsanitary sewerage or plumbing facilities;
4. Any premises designated by the code official as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or insecure so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises."

PM-302.4 Replace the entire paragraph with "Weeds"

All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all

grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

(1) All properties within the City of Oxford must be maintained in accordance with § 302.4 of the Oxford Property Maintenance Code as amended and adopted by the City of Oxford, which prohibits grass or weed growth in excess of ten inches (10”).

(2) If grass or weed growth exceeds ten inches (10”), the City will cause notice to the owner, occupant, or person having charge or management of any residential, commercial, or industrial lot or land within the corporate limits of the City. If the grass or weeds are not brought into compliance within ten (10) days of receiving notice, the City shall cause the weeds or grass to be cut at the owner’s expense. The City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54.

(3) If a property is found to be in violation of §302.4, notice shall be issued in the following manner:

- a. For properties which are occupied:
 - i. Notice will be issued by a posting placed on or near the front door of the structure and a placard conspicuously placed in the front yard of the property. Said posting and placard shall be of a size, shape and color to be clearly visible and shall contain the following information:
 - 1. The nature of the Code violation; and
 - 2. An order to cut or remove the weeds or grass within ten days; and
 - 3. Statement indicating that should the property owner or current tenant fail to comply with the order, the City will cause the weeds or grass to be cut or removed at the owner’s expense, and the City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54; and
 - 4. The penalties provided for removing the posting and placard before bringing the property into compliance; and
 - 5. Contact information of the appropriate city agency.
 - ii. Such posting and placard shall remain on the property until the property is brought into compliance with §302.4 of the International Property Maintenance Code as amended and adopted by the City of Oxford. Removal of the posting and placard before the property complies with § 302.4 shall constitute a violation of this section.
- b. For properties which are not currently occupied:
 - i. If the property owner’s address is known, notice will be issued by certified mail, return receipt requested, to the owner’s address. If the owner’s address is unknown, notice will be published in a newspaper of general circulation in Butler County. The notice shall contain the following information:
 - 1. The nature of the Code violation; and

2. An order to cut or remove the weeds or grass within ten days; and
3. Statement indicating that should the property owner fail to comply with the order, the City will cause the weeds or grass to be cut or removed at the owner's expense, and the City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54; and
4. Contact information of the appropriate city agency.

PM-304.1.1 Delete Paragraph.

Add “PM-304.3.1 Residential House Sign: All residential house signs shall be maintained in good repair with proper anchorage and in a safe condition.

- a.) The sign may be either a wall sign or a freestanding sign but not both.
- b.) No more than six square feet in area.
- c.) Indirect illumination only.

Add “PM-304.3.2 Interior unit identification: Every rooming unit and every dwelling unit in every rooming house, lodging house or fraternity house of more than three units shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door, or within thirty inches (30”) of the door, to such rooming unit or dwelling unit.”

PM-304.14 Insert “May 15” and “October 15”.

PM-305.1.1 Delete Paragraph

PM-308.2.1 Replace with “Rubbish storage facilities.

It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers unless the owner has agreed to supply such facilities.”

PM-308.3.1 Replace with “Garbage facilities.

It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers unless the owner has agreed to supply such facilities.”

PM-310 Add “SECTION 310 RENTAL PERMITS

PM-310.1 Permits required.

No person shall operate a rental unit(s), rooming house, lodging house, multiple dwelling, or fraternity house unless he has a valid rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house permit issued by the Code Official in the name of the operator for the specified rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house.

No person shall rent or lease a dwelling unit, except to a member of his or her family, without a dwelling unit rental permit issued by the Code Official in the name of the owner or operator for the specific dwelling unit. The operator shall apply to the Code Official for such permit, submitting the required form, plans and paying the required processing fee. The initial required permit shall be issued by the Code Official as soon as feasible after the Code Official has an opportunity to determine by an on-premises inspection, that the rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house complies with the applicable provisions of this chapter and is lawfully occupied under the relevant building code. A copy of this permit shall be protected and displayed in a conspicuous place on the premises at all times and shall state the maximum occupancy permitted under the provisions of this chapter, if any, as well as the name of the designated agent. Every person holding such a permit shall return such permit to the Code Official within ten days after having sold, transferred, given away or otherwise disposed of the ownership, interest, control or operation of any such rooming house, lodging house, multiple dwelling unit, dwelling unit, or fraternity house. Every rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house rental permit shall expire at the end of one year following the effective date of issuance, unless sooner revoked pursuant to PM-310.4, or by operation of PM-110. A rooming house, lodging house, multiple dwelling, dwelling unit or fraternity house rental permit may not be reissued to another operator without re-inspection of the premises by the Code Official.

Application and payment of fees for renewal of a rooming house, lodging house, multiple dwelling, dwelling unit or fraternity house rental permit shall operate as authority for the operator to continue operation of the rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house for which renewal application is made, until such time as the Code Official, in writing, denies or issues subsequent permit. No permit will be renewed more than once without an inspection by the Code Official.

PM-310.1.1 Exceptions.

Permits are not required for Single family homes that are subject to a two (2) party agreement where no monetary compensation is paid by either party and the exchange does not exceed two (2) years in duration, whereby owners occupy each other's single family home.

PM-310.2 Agent required.

Every owner of a dwelling not residing on the premises shall appoint and designate an agent to act in his behalf and shall notify the Code Official with the telephone number of the appointed agent and the notification shall contain an acceptance of such appointment signed by the designated agent. An individual may act as his or her own agent. The agent required by this section shall be a permanent resident of Butler county, Ohio, or an adjoining county or an entity operating a permanent office in Butler county, Ohio or an adjoining county. Adjoining counties are Hamilton, Montgomery, Preble and Warren Counties in Ohio, and Dearborn, Franklin and Union Counties in Indiana.

PM 310.2.1 Definitions - Agent. An Agent is defined as a responsible person or entity who acts for, or in place of, the owner of a property with the responsibility of providing a healthy and safe environment for the inhabitants by complying with all applicable rules and regulations.

PM-310.3 Appeal of permit denial.

Any person whose application for a permit has been denied may request and shall be granted a hearing on the matter pursuant to PM-111 Means of Appeals.

PM-310.4 Revocation of rental permits.

Whenever, upon inspection of any premises requiring a rental permit, the Code Official finds that conditions or practices exist which are in violation of any provision of this chapter, the Code Official shall give notice in accordance with PM-107 to the owner, or owner's agent, of such premises. At the end of the time period specified in the notice, the Code Official shall re-inspect the premises and if the Code Official finds that such conditions or practices have not been corrected and if no petition for hearing has been filed, the Code Official shall give notice in writing to the owner or owner's agent that the permit has been revoked. Upon receipt of such notice, the owner or owner's agent shall immediately cease operation of such rental unit or rental units and no person shall let for occupancy or occupy for sleeping or living purposes any dwelling unit therein.

PM-310.5 Appeal of permit revocation.

Any person who has received notice that his permit is to be revoked unless existing conditions or practices at the rental premises are corrected, may within ten days after the date of such notice request and shall be granted a hearing upon the matter pursuant to PM-111.0."

PM-401.3. Replace "*International*" with "City of Oxford".

PM-404.1.1. Add "Every window of every room used for sleeping shall be supplied with shades, draw drapes, or other devices or materials which when properly used will afford privacy to the occupant of the room."

PM-404.4.1 Replace "50" with "70" and "4.6" with "6.5".

PM404.5. Table. Living room for 1-2 occupants – replace "120" with "No requirement"

PM-505.1 Replace "*International*" with "Ohio".

PM-602.2 Replace "locality indicated in Appendix D of the *International Plumbing Code*" with "City of Oxford".

PM-602.3 Insert "October 15" and "May 15".

PM-602.3. Replace "Appendix D of the *International*" with "City of Oxford".

PM-602.4. Insert "October 15" and "May 15".

PM-603.3 Add "Access to outdoor mechanical equipment shall be maintained under all weather conditions".

PM-604.3.1.1 Replace "*International*" with "City of Oxford".

PM-604.3.2.1. Replace “*International*” with “City of Oxford”.

.PM-702.1 Replace “*International*” with “City of Oxford”.

PM-702-2. Replace “*International*” with “City of Oxford”.

PM-702.3. Replace “*International*” with “City of Oxford”.

PM-704.1. Replace “*International*” with “City of Oxford”.

PM-704.5. Add. “All rental units for which a permit is required pursuant to PM-310 shall be equipped with:

- a) A fire extinguisher in or near the kitchen
- b) A smoke detector in every room used for sleeping”

CHAPTER 8

Replace in its entirety with “**REFERENCED CODES**”

This chapter lists the standard codes which the City of Oxford has adopted and that are referenced in various sections of this document. The standards are listed herein by the title and version. The application of the referenced standards shall be as specified in Section 102.7.

Title:	Version
National Electrical Code	2011
Ohio Building Code	2011
Ohio Fire Code	2011
Ohio Mechanical Code	2011
Ohio Plumbing Code	2011
Residential Code of Ohio	2013

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 16, 2013

Account Code #: Not Applicable

Budgeted Amount: \$ N/A

Service Department
Originating Department

Michael B. Dreisbach; Director of Service
Prepared By

April 25, 2013
Date Prepared

Agenda Title: Modification to Oxford Codified Ordinance 923.16 (a)
Private Industrial Waste Treatment Facilities

Recommendation: Approval

Discussion:

The Oxford Environmental Commission, in conjunction with an undergraduate student at Miami University, has examined the issue of hydraulic fracturing and the waste products produced by the practice. Given that Oxford relies on a federally designated sole source aquifer, the Commission has recommended the City Council amend Codified Ordinance 923.16 (a) to include the following text:

923.16

(a) In lieu of introducing untreated or partially treated industrial wastes and polluted waters in the sanitary sewers of the City, the owner of premises producing such wastes may construct and operate at his expense private waste treatment facilities, with the effluent discharged to a natural outlet, provided such facilities are constructed and operated in compliance with Ohio R.C. 6111. **Discharge shall not mean injection into any land by well or otherwise, which shall be prohibited on any land in the City.**

While this is not an issue of immediate threat to Oxford, the Environmental Commission supports this amendment to protect the groundwater the City depends on from possible pollution from this developing technology.

Approved By:

Department Head:	Initial	Date
	<u>MBD</u>	<u>4/26/13</u>
City Manager:	<u>DRE</u>	<u>5/3/13</u>

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 923.16, ENTITLED PRIVATE INDUSTRIAL WASTE TREATMENT FACILITIES, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 923.16, ENTITLED PRIVATE INDUSTRIAL WASTE TREATMENT FACILITIES.

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

SECTION I: Section 923.16 of the Codified Ordinances of the City of Oxford, Ohio, entitled Private Industrial Waste Treatment Facilities, is a subsection of Chapter 923 which regulates sewers and sewage disposal.

SECTION II: City Council has determined that a provision should be added to Section 923.16 of the Codified Ordinances of the City of Oxford, Ohio, entitled Private Industrial Waste Treatment Facilities, to prohibit the disposal of effluent by means of injection into any land by well or otherwise within the City of Oxford.

SECTION III: Current Section 923.16 of the Codified Ordinances of the City of Oxford, Ohio, entitled Private Industrial Waste Treatment Facilities, is hereby repealed and new Section 923.16 is adopted to read as follows: (additions are **bolded** and deletions are ~~struck through~~)

923.16 PRIVATE INDUSTRIAL WASTE TREATMENT FACILITIES

- (a) In lieu of introducing untreated or partially treated industrial wastes and polluted waters in the sanitary sewers of the City, the owner of premises producing such wastes may construct and operate at ~~his~~ **the owners** expense private waste treatment facilities, with the effluent discharged to a natural outlet, provided such facilities are constructed and operated in compliance with Ohio R.C. 6111. **Discharge shall not mean injection into any land by well or otherwise, which shall be prohibited on any land in the City.**
- (b) Where such private waste treatment facilities are provided they shall be maintained continuously in satisfactory and effective operation by the owner at ~~his-the~~ **owners** expense.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

April 3rd, 2013

To: Whom it may concern

From: Tyler J. Elliott, Senior Undergraduate Student, Miami University

Re: Modifying Sec. 923.16(a) of Codified Ordinances of the City of Oxford, Ohio, Title III, Chapter 923

The following page explains the reasoning behind a proposed amendment to Oxford Codified Ordinance 923.16(a) that would ban the injection of wastewater into natural outlets by means of injection well.

Under the current form of the ordinance, which has not seen an update since its initial passage in 1963, there are no means to adequately protect Oxford from the disposal of unregulated wastewater. Ohio Revised Code 6111.043(b) (Regulation of the injection of sewage, industrial waste, hazardous waste, and other wastes into wells) operates under provision of the Safe Drinking Water Act of 1974 (SDWA). In 2005 the SDWA was amended so as to exclude from regulation the operations, including, but not limited to, hydraulic fracturing and other methods of natural gas extraction. Such operations create a byproduct that contains chemicals and elements known to be toxic to humans, such as barium, strontium, bromides, and benzene.

Given Oxford's location above the federally recognized Great Miami Buried Valley Aquifer, which is classified by the United States Environmental Protection Agency as a Sole Source Aquifer (a sole or principal source of drinking water that, if contaminated, "would create a significant hazard to public health")¹ a greater degree of protection deserves to be afforded to the region than that which is currently available.

Other cities in the State of Ohio have recently foreseen the potential damages that could be inflicted on their communities through wastewater injection and have passed amendments similar to this one. These most notably include Mansfield, where a voter referendum banned the practice this past November, and Cincinnati, where the City Council, in August 2012, passed an amendment to their waste disposal practices with near identical language to what the following amendment to the ordinance proposes.

¹ Federal Register Vol. 53, No. 131, July 8, 1988.

MODIFYING Sec. 923.16(a) - Private Industrial Waste Treatment Facilities, of Codified Ordinances of the City of Oxford, Ohio, Title III, Chapter 923 - Sewers and Sewage Disposal

WHEREAS, there is concern about the potential for waste being injected into the ground within the confines of the city and being harmful to its citizens and the environment; and

WHEREAS, municipalities have the power and responsibility to enact laws preserving public health, safety, and welfare of the municipality and its citizens; and

WHEREAS, officials are unable to assess the risks to the public health, safety, and welfare of injected waste; and

WHEREAS, the guarantee of safety to public drinking water cannot be adequately affirmed in areas of deep injection wells; and

WHEREAS, the City is located near the Great Miami Buried Valley Aquifer, which is recognized nationally as an important source of regional drinking water; and

WHEREAS, there is need to expressly prohibit waste disposal by injection into any land within the City; now, therefore

It is recommended to the Council of the City of Oxford, State of Ohio:

Section 1. That Section 923.16(a) - Private Industrial Waste Treatment Facilities, of Codified Ordinances of the City of Oxford, Ohio, Title III, Chapter 923 - Sewers and Sewage Disposal, be modified as follows:

923.16 PRIVATE INDUSTRIAL WASTE TREATMENT FACILITIES.

(a) In lieu of introducing untreated or partially treated industrial wastes and polluted waters in the sanitary sewers of the City, the owner of premises producing such wastes may construct and operate at his expense private waste treatment facilities, with the effluent discharged to a natural outlet, provided such facilities are constructed and operated in compliance with Ohio R.C. 6111. Discharge shall not mean injection into any land by well or otherwise, which shall be prohibited on any land in the city.

Section 2. That existing Section 923.16(a) of Chapter 923 of Title III of Codified Ordinances of the City of Oxford, Ohio be repealed.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 16, 2013

Account Code #: Not Applicable

Budgeted Amount: \$ N/A

Service Department
Originating Department

Michael B. Dreisbach; Director of Service
Prepared By

April 25, 2013; revised May 15, 2013
Date Prepared

Agenda Title: Amendment to Oxford Codified Ordinance 931.02 (d) and addition of 931.02 (e)

Recommendation: Approval

Discussion: Ordinance No. 3154, approved by Council in July 2011 for *residential* waste collection (up to and including 4-unit buildings), created the "Mile Square Plus" zone for refuse collection and required waste wheeler totes (WWT) in this zone for the collection of solid waste. The original wording of the Ordinance based the number of required WWT's totes per property on the number of residents at a property. The intent of the Ordinance was for each unit on a property to have its own WWT; the benefit being that users are more likely to have adequate capacity of their solid waste, and there would not be an issue of one unit paying for trash collection service while another unit was using the payer's capacity.

After reviewing the effects of the new Ordinance, staff has found that a disparity exists where similar buildings have been assigned different solid waste collection rates based on different residency levels. An example would be a 4-unit apartment building with only 2 people in each unit. Based on the existing Ordinance, only 2 WWT's would be required. Conversely, a 4-unit apartment building with the intended minimum of 1 WWT per unit would be billed for 4 WWT's. To correct this situation, the following amendment is proposed:

Codified Ordinance Chapter 931.02(d). {revised language in bold font.}

(d) The required minimum number of wheeled lid-attached tote containers shall be **one (1) per unit, with additional containers required** based upon the **maximum** permitted residential occupancy. The minimum number of wheeled lid-attached tote containers required ~~for a property~~ is as follows:

Maximum Permitted Occupancy

Number of residents

Waste Wheeler Tote Containers

1 – 4	1
5 – 8	2
9 – 12	3
13 and more – 16	4

Based on Council discussion at their May 7, 2013 meeting, Staff is recommending a new section (e) giving the City Manager or his/her designee the authority to provide and charge for additional waste wheeler tote containers should any property receive two or more citations during any twelve month period for violating any part of section 931.02.

Approved By:

Department Head:

City Manager:

Initial MBD Date 5/15/13

JDE 5/16/13

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 931.02, ENTITLED CONTAINER REQUIREMENTS, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 931.02, ENTITLED CONTAINER REQUIREMENTS.

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

SECTION I: Section 931.02 of the Codified Ordinances of the City of Oxford, Ohio entitled Container Requirements, regulates the type of containers utilized for the collection and disposal of solid waste and recycling.

SECTION II: City Council added a provision to Section 931.02(d) of the Codified Ordinances of the City of Oxford, Ohio that required all residential utility customers residing in rental properties in the Mile Square to utilize Waste Wheeler Totes for the collection and disposal of solid waste with the adoption of Ordinance No. 3154 on July 19, 2011. To clarify the intent of the Ordinance, additional language should be added to establish that the number of Waste Wheeler Totes required per dwelling unit shall be based upon the maximum permitted residential occupancy.

SECTION III: Current Section 931.02 of the Codified Ordinances of the City of Oxford, Ohio, entitled Container Requirements, is hereby repealed and new Section 931.02 is adopted to read as follows: (additions are **bolded** and deletions are ~~struck through~~)

931.02 CONTAINER REQUIREMENTS

- (a) No customer of any public or private premises shall permit the accumulation upon the premise of any garbage or refuse except in covered containers approved by the Service Director. Such containers shall be constructed in such manner as to be strong, not easily corrodible, rodent-proof and of a capacity of not more than 32 gallons or weighing more than 60 pounds loaded, or in a wheeled lid-attached tote (gross weight limit of 250 pounds), or in dumpster containers approved by the Service Director capable of being lifted mechanically by the waste contractor. All containers shall have tight covers, the same to be in place at all times except when garbage or refuse is being deposited or removed. In the event garbage and refuse are disposed of separately, the Service Director may require separate containers. Tree cuttings and odd articles shall be crushed and/or bundled in lengths not to exceed three feet or 50 pounds in weight. Recycling materials may be accumulated in the recycling container issued to each customer or in a larger container which is approved for garbage or refuse accumulation.

(b) (1) All residential users and customers except as provided for herein within the Mile Square "Plus" area, shall be required to utilize a wheeled, lid-attached tote (waste wheeler tote) container capable of being mechanically lifted by the collection vehicle with a gross weight limit of 250 pounds.

(2) The wheeled lid-attached tote containers shall be obtained (monthly rental or purchased) from the waste contractor. The lid of the wheeled lid-attached tote shall be tightly closed when placed curbside in the right-of-way for collection. No residential user or customer shall allow the tote to overflow. No solid waste shall be placed on top of, next to, or around the tote. Owner occupied properties are not required to utilize the wheeled lid-attached tote containers.

(c) For the purpose of Oxford Codified Ordinance Chapter 931.02, the Mile Square "Plus" area is defined as the area enclosed by, and on the exterior parameter of the intersections of East Chestnut Street and Patterson Avenue, west to West Chestnut and South Locust Streets, north to North Locust and West Sycamore Streets, east to East Sycamore Street and Tallawanda Road, south to Tallawanda Road and East High Street, east to East High Street and Patterson Avenue, and south to the intersection of Patterson Ave. and Chestnut Street. The ancillary streets of Arrowhead Drive, Acorn Circle, Lincoln Street, North Beech Street, North Poplar Street, Homestead Avenue, Bouden Lane, North Campus Avenue, and University Avenues shall be considered as included in the Mile Square "Plus" area.

(d) The required minimum number of wheeled lid-attached tote containers shall be **one (1) per unit, with additional containers required** based upon the **maximum** permitted residential occupancy. The minimum number of wheeled lid-attached tote containers required ~~for a property~~ is as follows:

Maximum permitted occupancy	
Number of Residents	Waste Wheeler Tote Containers
1 – 4	1
5 – 8	2
9 – 12	3
13 and more - 16	4

(e) The City Manager shall have the authority to provide and require the property owner to pay for additional waste wheeler tote containers should any property owner be found responsible or liable for two (2) or more citations during any twelve (12) month period for violating any provision of 931.02.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: May 7, 2012

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

April 29, 2013
Date Prepared:

Agenda Title: ZONING CODE TEXT AMENDMENT to Amend Chapter 1145 Planned Development, Specifically 1145.09 Period of Validity, to Define a Period of Validity of an Approved Preliminary, City of Oxford, Applicant

Recommendation: Approval

Discussion:

The current planned development regulations in the Oxford Zoning Code do not contain any provision related to the expiration date for an approved preliminary planned development. It allows the approved plan to be valid indefinitely, which creates potential issues in the future when the development proposal does not reflect the surrounding environment.

The purpose of a preliminary planned development is to create a gauge between the applicant and the Planning Commission and/or City Council as to how a creative development could take place. After the approval of the preliminary planned development, the developer would further develop detailed plans, based upon the approved preliminary plan. The approval of the preliminary planned development provides some assurance to the applicant/developer to move forward with the final plan and the perimeter of how the final plan should look. It also provides a reference for the decision maker when reviewing the final planned development. More importantly, it provides the applicant/developer to secure financing for the development.

Based on these considerations, it would not be unreasonable to set a two-year time frame for the approval period, with the possibility to obtain two extensions, each extension being good for a one-year period. An application seeking an extension shall be filed prior to the expiration date of the approval period. The original proposal by City Staff was to provide four-extensions with each extension valid for a 6-month period. The Planning Commission felt that providing a one-year extension would be more beneficial to the applicant to have every aspect of the project in place.

Please also note that this amendment does not affect any previously approved preliminary PUD by City Council. This amendment only applies to new PUD applications.

The Planning Commission held a public hearing on this matter on April 9, 2013 and voted 7-0-0 unanimously to recommend City Council for approval.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC, 4/29/13
DRE, 5/3/13

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1145.09 ENTITLED PERIOD OF VALIDITY, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1145.09 ENTITLED PERIOD OF VALIDITY.

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 9, 2013 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1145.09 entitled Period of Validity, and adopting new Oxford Codified Ordinance Section 1145.09 entitled Period of Validity.

SECTION II. Council hereby finds that it is necessary to establish a time Period of Validity for preliminary and final planned developments to assure the orderly development of land.

SECTION III: Council hereby repeals Section 1145.09 of the Oxford Code of Ordinances and adopts new Section 1145.09 as follows: (additions are bolded and deletions are struck through)

1145.09 PERIOD OF VALIDITY.

~~(a) If an approved final planned development has not been substantially established within one year of its approval, or if construction falls more than one year behind the approved schedule, the Zoning Administrator shall consider the approval null and void and shall not issue any permits for the development.~~

(a) PRELIMINARY PLAN. A preliminary planned development approval shall be valid for two (2) years. If an application for a final planned development has not been filed within two (2) years, the preliminary planned development approval is considered null and void. If the scope of the approved preliminary plan has not changed and the proposed use and site plan still satisfy the decision standards, the Planning Commission shall grant a one (1) year extension. No more than two (2) extensions shall be granted.

~~(b) An applicant may request a time extension from the Planning Commission. No application materials are required, however, the Zoning Administrator may request information he or she deems necessary for the Planning Commission to make a decision. Planning Commission shall consider the request at its next regularly scheduled meeting. Such request does not require a public hearing.~~

(b) FINAL PLAN. A final planned development approval shall be valid for one (1) year. If an approved final planned development has not been substantially established within one (1) year of its approval, or if construction falls more than one (1) year behind the approved schedule, the Zoning Administrator shall consider the approval null and void and shall not issue any additional permits for the development. If the scope of the approved final plan has not changed and the proposed use and site plan still satisfy the decision standards, the Planning Commission shall grant a one (1) year extension. No additional extensions shall be granted for the final planned development.

~~(e) If the scope of the approved planned development has not changed and the proposed use and site plan still satisfy the decision standards, the Planning Commission shall grant a 6-month extension of time for compliance. No more than four such extensions may be granted.~~

(c) EXTENSION PROCEDURE. No application materials are required; however, the Zoning Administrator may request information he or she deems necessary for the Planning Commission to make a decision. The Planning Commission shall consider the request at its next regularly scheduled meeting. Such requests will not require a public hearing.

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

MAYOR

ADOPTED:

ATTEST:

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 7, 2013
<u>Case Number</u>	PC-07-2013
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	PC-07-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1145 Planned Developments to include the period of validity for an approved preliminary planned development, City of Oxford, Applicant
<u>Public Hearing Information</u>	On March 12, 2013 a Public Hearing took place at 118 W. High Street. A second hearing took place on April 9, 2013. A Public Hearing notice was published in the Oxford Press on February 8, 2013.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	At the first Public Hearing the Planning Commission felt the proposed language needed reworked to better clarify the intent. The case was Tabled. After listening to the Planning Commission's input, Staff made revisions which detailed the period of validity, and the number of extensions allowed for preliminary and final planned developments. The Planning Commission approved the new language.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated February 25, 2013 2. Versions of zoning code text language submitted to the Planning Commission 3. Interoffice Review Transmittal Sheets 4. Zoning Code Text Amendment Application dated January 23, 2013

Memorandum

TO: David Prytherch, Chair
Oxford City Planning Commission

FROM: Jung-Han Chen
Community Development Director

SUBJECT: **PC-07-2013 ZONING CODE AMENDMENT** to amend Chapter 1145
Planned Development to include the period of validity for an approved
Preliminary Planned Development

DATE: April 2, 2013

At the last regular meeting, Commission felt the proposed language needed to be reworked to clarify the intent. The Community Development staff made revisions to the language to reflect some of the discussion that took place at the meeting, which is attached in your packet for your consideration.

Staff also took the opportunity to further review the proposed language and made some additional changes to the text. Some highlights of the proposed revision are as follows:

1. Stipulate the period of validity based on the status of an approved planned development, whether preliminary or final planned development. It now provides the number of extensions that can be granted by the Planning Commission.
2. Limit the extension for an approved final planned development to only two extensions.
An approved planned development is considered null and void if it has not been substantially established within one year of its approval. Therefore, the recommended language to request for an extension is limited to one (1) year only.

Let me know if you have any other questions on this.

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-07-2013

Date – March 12, 2013

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING CODE TEXT AMENDMENT to Amend Chapter 1145 Planned Developments, Specifically 1145.09 Period of Validity, to Define a Period of Validity of an Approved Preliminary PUD, City of Oxford, Applicant

DESCRIPTION

The current planned development regulations in the Oxford Zoning Code do not contain any provision related to the expiration date for an approved preliminary planned development. It allows the approved plan to be valid indefinitely, which creates potential issues in the future when the development proposal does not reflect the surrounding environment.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1145.09 Period of Validity

COMPREHENSIVE PLAN

Not applicable

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

Police:	No comment
Fire:	No comments received
Engineering:	No comment
Econ. Dev.	Comment received

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

The purpose of a planned development is to incorporate land uses and development patterns that are intended to allow and encourage creative and flexible land development that would otherwise not be permitted. The planned development is a good alternative to a traditional subdivision and infill development that utilizes available land and existing utility resources where they already exist.

The current provisions regarding the period of validity only addresses the final planned development approval, but not the approved preliminary planned development. This could be potentially problematic when the preliminary planned development is approved years prior that the conditions and circumstances of the surrounding environment may be totally different, and the environment when the approval was approved is no longer the same. In the absence of any sunset provisions, the decision body would have to honor the approved preliminary plan even though the approval may have been years ago.

Staff initiated email correspondence to all Ohio planners to see what their jurisdictions' regulations might be on this matter. For those who responded to this request, the approval period ranged from 6 months to three years. The validity also varied based on either the approval of the final plan or on the final plan

application submission date. Additionally, those who responded to this request also aired some caution as to whether the planned development is an overlay district or a rezoning request. Geographically, those who responded to this request were located in the southwest region of Ohio, so there were some locality factors that could be drawn upon when considering proposed changes.

Additionally, the purpose of preliminary planned development is to create a gauge between the applicant and the Planning Commission and/or City Council as to how a creative development could take place. After the approval of the preliminary planned development, the developer would further develop detailed plans, based upon the approved preliminary plan. The approval of the preliminary planned development provides some assurance to the applicant/developer to move forward with the final plan and the perimeter of how the final plan should look. It also provides a reference for the decision maker when reviewing the final planned development. More importantly, it provides the applicant/developer to secure finance for the development.

Based on these considerations, it would not be unreasonable to set a two-year time frame for the approval period, with the possibility to obtain four extensions, each extension being good for a 6-month period. An application seeking an extension shall be filed prior to the expiration of the approval period.

RECOMMENDATION

Staff recommends that the Commission concur with the changes and forward to Council for legislation.

SUBMITTED

BY:


Jung-Han Chen
Community Development Director

DATE: February 25, 2013

ATTACHMENT

(c) 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 also 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.

- (1) 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.

Text Amendments

- A. The proposed amendment will make the Code conform more closely to the Comprehensive Plan.
- B. The proposed amendment will improve the public health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.

Revised Draft language to Section 1145.09 for 4/9/13 Planning Commission meeting

1145.09 PERIOD OF VALIDITY

- (a) **PRELIMINARY PLAN.** A preliminary planned development approval shall be valid for two (2) years. If an application for a final planned development has not been filed within two (2) years, the preliminary approval is considered null and void. If the scope of the approved preliminary has not changed and the proposed use and site plan still satisfy the decision standards, the planning Commission shall grant a 6-month extension. No more than four (4) extensions shall be granted.
- (b) **FINAL PLAN:** A final planned development approval shall be valid for one (1) year. If an approval final planned development has not been substantially established within one (1) year of its approval, or it construction falls more than one (1) year behind the approved schedule, the Zoning Administrator shall consider the approval null and void and shall not issue any permits for the development. If the scope of the approved final plan has not changed and the proposed use and site plan still satisfy the decision standards, the Planning Commission shall grant a 6-month extension, No more than two (2) extensions shall be granted for the final planned development
- (c) **EXTENSION PROCEDURE.** No application materials are required, however, the Zoning Administrator may request information if he or she deems necessary for the Planning Commission to make a decision. The Planning Commission shall consider the request at its next regular scheduled meeting. Such requests will not require a public hearing.

Planning Commission Language of 3/12/13 Planning meeting

1145.09 PERIOD OF VALIDITY

(a) An application for a final planned development shall be filed within two (2) years from the approval date of the preliminary planned development, otherwise the approved preliminary planned development is considered null and void, unless an extension of the approval has been granted by the Planning Commission within this two-year period. An extension application may be filed in accordance with subsection (c) and (d) of this section.

~~(a)~~ (b) If an approved final planned development has not been substantially established within one year of its approval, or if construction falls more than one year behind the approved schedule, the Zoning Administrator shall consider the approval null and void and shall not issue any permits for the development.

~~(b)~~ (c) An applicant may request a time extension from the Planning Commission. No application materials are required, however, the Zoning Administrator may request information he or she deems necessary for the Planning Commission to make a decision. The Planning Commission shall consider the request at its next regularly scheduled meeting. Such request does not require a public hearing. An application seeking an extension shall be filed prior to the expiration of the approval period.

~~(c)~~ (d) If the scope of the approved planned development has not changed and the proposed use and site plan still satisfy the decision standards, the Planning Commission shall grant a 6-month extension of time for compliance. No more than four such extensions may be granted.

Existing Zoning Code Language

1145.09 PERIOD OF VALIDITY.

(a) If an approved final planned development has not been substantially established within one year of its approval, or if construction falls more than one year behind the approved schedule, the Zoning Administrator shall consider the approval null and void and shall not issue any permits for the development.

(b) An applicant may request a time extension from the Planning Commission. No application materials are required, however, the Zoning Administrator may request information he or she deems necessary for the Planning Commission to make a decision. Planning Commission shall consider the request at its next regularly scheduled meeting. Such request does not require a public hearing.

(c) If the scope of the approved planned development has not changed and the proposed use and site plan still satisfy the decision standards, the Planning Commission shall grant a 6-month extension of time for compliance. No more than four such extensions may be granted.

City of Oxford
Inter-Office Review Transmittal Sheet

dist @ PC mtg
3/12/13

Date: 3/5/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-07-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1145 Planned
Developments to include the period of validity for an approved preliminary planned development, **City
of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/8/13** 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



Date: 3-11-13

John Detherage
PRINTED NAME

RECEIVED
MAR 12 2013
CITY OF OXFORD

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/5/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-07-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1145 Planned
Developments to include the period of validity for an approved preliminary planned development, **City
of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/8/13** 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: 

Date: 3-6-13

VICTOR POPESCU
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/5/13

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-07-2013 ZONING CODE TEXT AMENDMENT to Amend Chapter 1145 Planned
Developments to include the period of validity for an approved preliminary planned development, **City
of Oxford, Applicant**

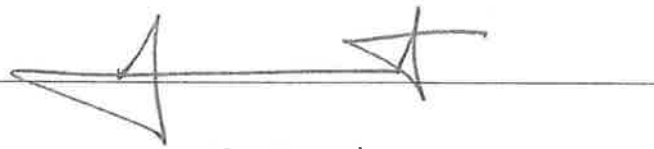
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/8/13** 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:



Date: 3-6-2013

R.B. HOLZWORTH
PRINTED NAME

Case No.: PC-07-2013
Date Filed: 1/23/13

Zoning Code Text Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant:

Sam Perry, City of Oxford

Mailing Address:

(Attach a Letter of Agency if the applicant is not the property owner.)

101 E. High St., Oxford, OH 45056

Telephone Number(s)

Email Address

1145, Planned Development

SUBMISSION REQUIREMENTS

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

All applications must include:

- A. A general description of the proposed amendment.
- B. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- C. A statement that identifies potential negative consequences of the proposed amendment.
- D. Any existing section number and text that is proposed to be deleted or amended.
- E. Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
- F. A narrative statement that describes the expected effects of the proposed text.
- G. 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 plus actual postage**, payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056 45 days prior to the proposed meeting date. Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

SIGNATURE OF APPLICANT:

Sam Perry

Date: 1-23-13

PRINTED NAME:

Sam Perry

FEE / RECEIPT

\$150 Fee plus Actual Postage Paid / Receipt Number:

NA

CITY OF OXFORD STAFF SUMMARY REPORT

Report to City Manager

Finance
Originating Department

Council Meeting Of : 5/7/2013

Joe Newlin

Account Code No. : see below

Prepared By

Budgeted Amount : _____

4/29/2013
Date Prepared

Agenda Title:	2013 Supplemental Budget #2
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Recommendation:	Approve
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Issue 1

Received \$255,569.76 in Estate Tax
45% of Knolls of Oxford revenue less associated fees - \$106,082.83

Action Needed:

Revenue Side

General 110	255,569.76	Estate Tax Received
Capital Equipment 140	140,000.00	Transfer from General Fund

Expense Side

General 110	106,082.83	Amount owed to Oxford Township per Knolls of Oxford agreement (45%)
General 110	140,000.00	Transfer to Capital Equipment Fund

Net Effect on Fund Balance/(s) Increase/(Decrease)	149,486.93
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Total Net Effect on Fund Balance/(s) Increase/(Decrease)	149,486.93
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Breakdown by Fund

General 110	9,486.93
Capital Equipment 140	140,000.00

Net Effect on Fund Balance/(s) Increase/(Decrease)	149,486.93
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Approved By:

Department Head:

City Manager:

Initials

Date

[Signature] , 4/29/13

[Signature] , 5/3/13

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3190. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 2 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2013.

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:

General Fund 110	255,569.76
Capital Equipment Fund 140	140,000.00

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

General Fund 110	106,082.83
General Fund 110	140,000.00

SECTION 4: The following transfer(s) be executed:

Transfer from:	
General Fund 110	140,000.00

Transfer to:	
Capital Equipment Fund 140	140,000.00

SECTION 5: In all other respects, Ordinance No. 3190 shall remain in full force and effect.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)