



Agenda

Oxford City Council

Court House

TUESDAY, JULY 6, 2010

EXECUTIVE SESSION

6:45 P.M.

1. Roll Call. Richard Keebler, Mayor; Ken Bogard, Vice-Mayor; John Harman; Bob Blackburn; Kevin McKeehan; Kate Currie; Greig Rutherford

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

- A. Presentation - Oxford Police Department
- B. Presentation - Oxford College Corner Clinic - Lisa Gadaleta
- C. Right-of-Way Request - Mobile Health Unit - Christopher Escue



Staff Report/Application

- D. Notice of Legislative Authority - Transfer permit from Oxford Inc Susan L. Rhiel Bkrty DBA LaRosas 21 Lynn Ave Suite 101 Oxford, Ohio 45056 to Wild Bistro Inc DBA Wild Bistro 37 E. High Street Oxford, Ohio 45056.



Staff Report/Notice

- E. Notice of Legislative Authority - new permit for Will's Uptown Pizza & Carryout LLC DBA Will's Pizza 11 W. Church Street Oxford, Ohio 45056.



Staff Report/Notice

- F. Notice of Legislative Authority - new permit for Fiesta Charra Inc 25 W. High Street Oxford, Ohio 45056.



Staff Report/Notice

- G. 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 June 15, 2010 City Council Work Session. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Minutes of the June 15, 2010 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- C. Report regarding the June 8, 2010 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

- D. Report regarding the June 10, 2010 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)



Report

- E. Report regarding the June 16, 2010 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



Report

- F. A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, August 20, 2010, from 8:00 p.m. to 1:00 a.m. at Cook Field on Miami's campus for a Campus Activities Council sponsored concert. (Mary Ann Eaton, Clerk of Council)



Staff Report/Resolution

- G. A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, September 10, 2010, from 9:00 p.m. to 1:00 a.m. on the patio at the Shriver Center on Miami's campus for a Program Board sponsored party. (Mary Ann Eaton, Clerk of Council)



Staff Report/Resolution

- H. A Resolution authorizing a \$326,346.50 reduction of a performance bond in the form of a letter of credit in the amount of \$431,590.50 for Campus Commons Subdivision, Phase One, and accepting a new performance bond in the form of a letter of credit in the amount of \$105,244.00. (Mike Dreisbach)



Staff Report/Resolution

5. Resolutions.

6. Ordinances.

A. First Reading.

1. An Ordinance Repealing Oxford Code Of Ordinances Section 507.01, Entitled "Police Civil Citations", And Adopting New Section 507.01 Entitled "Police Civil Citations". (Richard Keebler, Mayor).



Staff Report/Ordinance

2. An Ordinance Authorizing The City Of Oxford, Ohio, Pursuant To Ohio Revised Code Section 718.01(C) To Place On The Ballot At The General Election On November 2, 2010, A Proposed Ordinance Repealing Section 181.01, "Purpose", Section 181.03, "Imposition Of Tax", And Section 181.04, "Effective Period", Of The Oxford Codified Ordinances, And Adopting New Section 181.01, "Purpose", Section 181.03, "Imposition Of Tax", And Section 181.04, "Effective Period", Of The Oxford Codified Ordinances To Increase The Income Tax Rate By One Quarter Of One Percent (0.25%) For The Purpose Of Maintaining And Improving Current Fire And Emergency Medical Services General Operation, Equipment And Facilities And Declaring An Emergency. (Doug Elliott, City Manager).



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance To Approve Current Replacement Pages To The Oxford Codified Ordinance. (Mary Ann Eaton, Clerk of Council)



Staff Report/Ordinance

7. A. General Discussion.

1. Proposed expansion of the Colerain Township Rumpke Landfill.

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

1. Remarks from City Council and City Staff.

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

WED - July 7 Historical and Architectural Preservation Commission Meeting 7:30 p.m.

WED - July 14 Environmental Commission Meeting 7:00 p.m. Municipal Building

FRI - July 16 Community Improvement Corporation Meeting 12:00 p.m. LCNB - Cancelled

MON - July 19 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building - Cancelled

WED - July 21 Board of Zoning Appeals 7:30 p.m.

WED - July 28 Civil Service Commission Meeting 7:00 p.m.

WED - Aug 4 Historic and Architectural Preservation Commission Meeting 7:30 p.m.

MON - Aug 16 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

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

FRI - Aug 20 Community Improvement Corporation Meeting 12:00 p.m. LCNB

WED - Aug 25 Civil Service Commission Meeting 7:00 p.m.

8. Adjourn.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: July 7, 2010

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

June 22, 2010
Date Prepared

Agenda Title: Legislative Authority Notice - New permit for
Fiesta Charra Inc 25 W. High Street Oxford, Ohio 45056.

Recommendation: N/A

Discussion:

The permit is for:

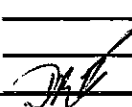
D5I - Spirituous liquor for on premises consumption only, beer
and wine for on premises, or off premises in original
sealed containers, until 2:30 a.m. (restaurants meeting
certain criteria)

This permit will go through the normal process with all required
inspections being conducted by the Ohio Liquor Commission.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

 7/2/10

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)844-2360 FAX(614)844-3166

TO

2712427	NEW	FIESTA CHARRA INC	RECEIVED JUN 22 2010 City of Oxford
PERMIT NUMBER	TYPE	25 W HIGH ST	
ISSUE DATE		OXFORD OH 45056	
06 16 2010			
FILING DATE			
D51	PERMIT CLASSES		
09 088 A		206317	
TAX DISTRICT		RECEIPT NO.	

FROM 06/21/2010

PERMIT NUMBER	TYPE	
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.



MAILED 06/21/2010

RESPONSES MUST BE POSTMARKED NO LATER THAN.

07/22/2010

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **A NEW 2712427**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

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

FOR OFFICE USE ONLY

NEW

TRANSFER

PERMIT # 2712427

OHIO DEPARTMENT OF COMMERCE

DIVISION OF LIQUOR CONTROL

6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005

Telephone: (614) 644-2431 http://www.com.ohio.gov/liqr

OFFICER/ SHAREHOLDERS DISCLOSURE FORM

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

Name of Corporation: Fiesta Charra, Inc.	DBA Name	
Permit Premises Address 25 West High Street	City, State Oxford, Ohio	Zip Code 45056
Township, if in Unincorporated Area	Tax Identification No. (TIN) 32-0012813	

SECTION B.

1. Is stock publicly traded? ☐ YES ☒ NO
If "YES", indicate exchange _____ & Do NOT complete SECTION D.
2. Does any stockholder own 5% or more shares? If YES, complete SECTION D. ☒ YES ☐ NO
3. Total Number of shares issued 1,000

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

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

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

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO None		
2) President Carla B. Taylor		1-11-65
3) Vice-President None		
4) Secretary Vicente Javier Melendez		6-19-77
5) Treasurer Carla B. Taylor		1-11-65

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

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

1) Stockholder's Name Carla B. Taylor	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE)
Residence Address 116 Melanee Drive	Tax Identification No. (if applicable)	
City and State Oxford, Ohio	Zip Code 45056	1,000
Telephone No. 513-461-9081	Date of Birth 1-11-65	
2) Stockholder's Name	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE)
Residence Address	Tax Identification No. (if applicable)	
City and State	Zip Code	
Telephone No.	Date of Birth	

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

STATE OF OHIO,

COUNTY ss

I, Carla B. Taylor being first duly sworn, according to law, deposes and says that he/she is (Title) president
of the Fiesta Charra Inc., a corporation duly authorized by law to do business in the State of Ohio, and that the
statements made in the foregoing affidavit are true.

(Signature) Carla B. Taylor (Print Name and Corporate Title) Carla B. Taylor, president

Sworn to and subscribed in my presence this June day of 2010



ROSE M. ROBERTS
Notary Public, State of Ohio
My Commission Expires
August 31, 2010

FOR TTY USERS DIAL 1-800-750-0750

(Notary Expiration)

Rev. 6-08

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: July 7, 2010

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

June 7, 2010

Date Prepared

Agenda Title: Legislative Authority Notice - New permit for Wills Uptown Pizza & Carryout LLC DBA Wills Pizza 11 W. Church Street Oxford, Ohio 45056.

Recommendation: N/A

Discussion:

The permit is for:

C1 - Beer only in original sealed container for carry out only.

C2 - Wine and certain prepackaged mixed drinks in sealed containers for carry out.

This permit will go through the normal process with all required inspections being conducted by the Ohio Liquor Commission.

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

 7/2/10

NOTICE TO LEGISLATIVE
AUTHORITY

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

TO

9663805		NEW		WILLS UPTOWN PIZZA & CARRYOUT LLC DBA WILLS PIZZA 11 W CHURCH ST OXFORD OH 45056	
PERMIT NUMBER		TYPE			
ISSUE DATE					
06 15 2010					
FILING DATE					
C1 C2		PERMIT CLASSES			
09	088	A	Z06282		
TAX DISTRICT		RECEIPT NO.			

FROM 06/18/2010

PERMIT NUMBER		TYPE		RECEIVED JUN 22 2010 City of Oxford
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT		RECEIPT NO.		



MAILED 06/18/2010

RESPONSES MUST BE POSTMARKED NO LATER THAN. 07/19/2010

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES **A NEW 9663805**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

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

FOR OFFICE USE ONLY	
NEW	TRANSFER
PERMIT # 9663805	

OHIO DEPARTMENT OF COMMERCE - DIVISION OF LIQUOR CONTROL
 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005
 Telephone: (614) 644-2431 - http://www.com.ohio.gov/liqr

LIMITED LIABILITY COMPANY DISCLOSURE FORM

(This form must accompany all applications of an LLC business entity)

SECTION A.

Name of Limited Liability Company WILL'S UPTOWN PIZZA & CARRYOUT, LLC	DBA Name Will's Pizza	
Permit Premises Address 11 West Church St.	City, State Oxford, Ohio	Zip Code 45056
Township, if in Unincorporated Area	Tax Identification No. (TIN) 27-0813294	

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with a 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

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

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

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

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO None		
2) President None		
3) Vice-President None		
4) Secretary None		
5) Treasurer None		

SECTION C. List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

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

1) Name Mark Weisman	Social Security No. (if individual) [REDACTED]	☒ Managing Member ☐ 5% or greater voting interest ☒ 5% or greater membership interest
Residence Address 6134 Holly Hill Lane	Tax Identification No. (if applicable)	
City and State West Chester, Ohio	Zip Code 45069	
Telephone No. (513) 255-2851	Date of Birth	
2) Name William Weisman	Social Security No. (if individual) [REDACTED]	☐ Managing Member ☐ 5% or greater voting interest ☒ 5% or greater membership interest
Residence Address 4211 Oxford Reilly Rd.	Tax Identification No. (if applicable)	
City and State Oxford, Ohio	Zip Code 45056	
Telephone No. (513) 266 8563	Date of Birth	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF OHIO, _____ COUNTY ss,

I, Mark Weisman being first duly sworn, according to law, deposes and says that he/she is (Title) MANAGING MEMBER
 of the Will's Uptown Pizza & Carryout LLC, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the
 forgoing affidavit are true.



(Signature) [Signature]
 Notary Public, State of Ohio
 My Commission Expires July 20, 2013

(Print Name and Title) MANAGING MEMBER

1st day of JULY

[Signature] 2110
 (Notary Public) (Notary Expiration) JULY 20, 2013

DLC4032 (LIMITED LIABILITY COMPANY DISCLOSURE FORM)

SECTION C.
(CONTINUED)

List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

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

3) Name	Lawrence Kolinski	Social Security No. (if individual)		☐ Managing Member ☐ 5% or greater voting interest ☒ 5% or greater membership interest
Residence Address	11650 West Grand Ave.	Tax Identification No. (if applicable)		
City and State	Northlake, IL	Zip Code	60164	
Telephone No.	(708) 531-1000	Date of Birth		
4) Name	Lex's Bar and Grill, LLC	Social Security No. (if individual)		☐ Managing Member ☐ 5% or greater voting interest ☒ 5% or greater membership interest
Residence Address	185 Varick Street	Tax Identification No. (if applicable)	26-0143250	
City and State	New York, NY	Zip Code	10014	
Telephone No.	(917) 776-4307	Date of Birth		
5) Name		Social Security No. (if individual)		☐ Managing Member ☐ 5% or greater voting interest ☐ 5% or greater membership interest
Residence Address		Tax Identification No. (if applicable)		
City and State		Zip Code		
Telephone No.		Date of Birth		
6) Name		Social Security No. (if individual)		☐ Managing Member ☐ 5% or greater voting interest ☐ 5% or greater membership interest
Residence Address		Tax Identification No. (if applicable)		
City and State		Zip Code		
Telephone No.		Date of Birth		
7) Name		Social Security No. (if individual)		☐ Managing Member ☐ 5% or greater voting interest ☐ 5% or greater membership interest
Residence Address		Tax Identification No. (if applicable)		
City and State		Zip Code		
Telephone No.		Date of Birth		
8) Name		Social Security No. (if individual)		☐ Managing Member ☐ 5% or greater voting interest ☐ 5% or greater membership interest
Residence Address		Tax Identification No. (if applicable)		
City and State		Zip Code		
Telephone No.		Date of Birth		
9) Name		Social Security No. (if individual)		☐ Managing Member ☐ 5% or greater voting interest ☐ 5% or greater membership interest
Residence Address		Tax Identification No. (if applicable)		
City and State		Zip Code		
Telephone No.		Date of Birth		

 OHIO DIVISION OF CONTROL
 LICENSING & REG. RM. 1-B
 JUN 15 PM 2:31

FOR OFFICE USE ONLY	
NEW	TRANSFER
PERMIT # 9663805	

OHIO DEPARTMENT OF COMMERCE - DIVISION OF LIQUOR CONTROL
 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005
 Telephone: (614) 644-2431 - <http://www.com.ohio.gov/liqr>

LIMITED LIABILITY COMPANY DISCLOSURE FORM
 (This form must accompany all applications of an LLC business entity)

SECTION A.

Name of Limited Liability Company LEX'S BAR AND GRILL, LLC		DBA Name	
Permit Premises Address 185 Varick Street, Suite 305		City, State New York, NY	Zip Code 10014
Township, if in Unincorporated Area		Tax Identification No. (TIN) 26-0143250	

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with a 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

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

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

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

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO None		
2) President None		
3) Vice-President None		
4) Secretary None		
5) Treasurer None		

SECTION C. List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

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

1) Name Benjy Federbush	Social Security No. (if individual) [REDACTED]	☒ Managing Member ☐ 5% or greater voting interest ☐ 5% or greater membership interest
Residence Address 53 Park Place	Tax Identification No. (if applicable)	
City and State New York, NY	Zip Code 10007	
Telephone No. (212) 675-5700	Date of Birth 02/02/1976	
2) Name Peter FRIEDLAND	Social Security No. (if individual) [REDACTED]	☒ Managing Member ☐ 5% or greater voting interest ☐ 5% or greater membership interest
Residence Address 1 West 64th St.	Tax Identification No. (if applicable)	
City and State New York, NY	Zip Code 10023	
Telephone No. (212) 580-2544	Date of Birth 12/04/1975	

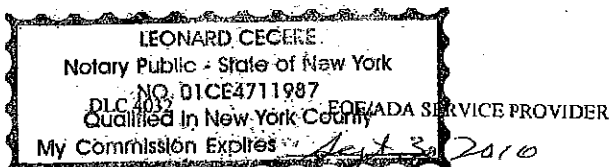
(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF OHIO, _____ COUNTY ss,

I, _____ being first duly sworn, according to law, deposes and says that he/she is (Title) _____ of the _____, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true.

(Signature) *Benjy Federbush* (Print Name and Title) **Benjamin W. Federbush**

Sworn to and subscribed in my presence this 2nd day of June, 2010



Leonard Cecere (Notary Public) 12/30/2010 (Notary Expiration)

FOR TTY USERS DIAL 1-800-750-0750

REV. 6-08

LICENSING SECTION CONTROL

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: July 7, 2010

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

June 22, 2010

Date Prepared

Agenda Title: Legislative Authority Notice - Transfer from Oxford Inc Susan L Rhel Bkrtcy DBA LaRosas 21 Lynn Avenue Suite 101 Oxford, Ohio 45056 to Wild Bistro Inc DBA Wild Bistro 37 E. High Street Oxford, Ohio 45056.

Recommendation: N/A

Discussion:

The permit is for:

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

This transfer will go through the normal process with all required inspections being conducted by the Ohio Liquor Commission.

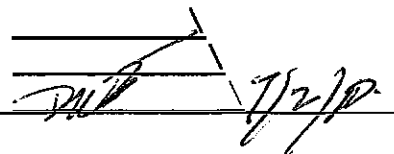
Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

 7/2/10

NOTICE TO LEGISLATIVE
AUTHORITY

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

TO

96100570005		TFOL	WILD BISTRO INC DBA WILD BISTRO 37 E HIGH ST OXFORD OH 45056
PERMIT NUMBER		TYPE	
06	01	2010	
ISSUE DATE			
06	14	2010	
FILING DATE			
D5			
PERMIT CLASSES			
09	088	A	F03169
TAX DISTRICT		RECEIPT NO.	

FROM 06/16/2010

6616309			OXFOOD INC SUSAN L RHIEL BKRTCY DBA LAROSAS 21 LYNN AV SUITE 101 OXFORD OHIO 45056
PERMIT NUMBER		TYPE	
06	01	2010	
ISSUE DATE			
06	14	2010	
FILING DATE			
D5			
PERMIT CLASSES			
09	088		
TAX DISTRICT		RECEIPT NO.	



MAILED 06/16/2010

RESPONSES MUST BE POSTMARKED NO LATER THAN.

07/19/2010

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES

A TFOL 9610057-0005

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

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

FOR OFFICE USE ONLY	
NEW	TRANSFER
PERMIT # <u>96100570005</u>	

OHIO DEPARTMENT OF COMMERCE
DIVISION OF LIQUOR CONTROL
6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005
Telephone: (614) 644-2431 http://www.com.ohio.gov/liqr

OFFICER/ SHAREHOLDERS DISCLOSURE FORM

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

Name of Corporation <u>WILD BISTRO, INC.</u>	DBA Name <u>DBA WILD BISTRO</u>	
Permit Premises Address <u>37 E. HIGH ST.</u>	City, State <u>OXFORD, OHIO</u>	Zip Code <u>45056</u>
Township, if in Unincorporated Area	Tax Identification No. (TIN) <u>26-0661501</u>	

SECTION B.

1. Is stock publicly traded? If "YES", indicate exchange _____ & Do NOT complete SECTION D.	☐ YES	☒ NO
2. Does any stockholder own 5% or more shares? If YES, complete SECTION D.	☒ YES	☐ NO
3. Total Number of shares issued <u>1,000</u>		

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

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

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

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO <u>ALAN KUO-CHING CHEN</u>		<u>08/20/1957</u>
2) President <u>ALAN KUO-CHING CHEN</u>		<u>08/20/1957</u>
3) Vice-President <u>NONE</u>		
4) Secretary <u>ALAN KUO-CHING CHEN</u>		<u>08/20/1957</u>
5) Treasurer <u>ALAN KUO-CHING CHEN</u>		<u>08/20/1957</u>

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

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

1) Stockholder's Name	Social Security I	NUMBER OF SHARES HELD (NOT PERCENTAGE)
<u>ALAN KUO-CHING CHEN</u>		
Residence Address <u>2334 EASTERN AVE</u>	Tax Identification No. (if applicable)	
City and State <u>CINCINNATI, OHIO</u>	Zip Code <u>45202</u>	
Telephone No. <u>513-560-5888</u>	Date of Birth <u>08/20/1957</u>	<u>1,000</u>
2) Stockholder's Name	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE)
Residence Address	Tax Identification No. (if applicable)	
City and State	Zip Code	
Telephone No.	Date of Birth	

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

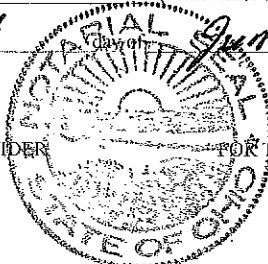
STATE OF OHIO, HAMILTON COUNTYss

I, ALAN KUO-CHING CHEN being first duly sworn, according to law, deposes and says that he/she is (Title) President of the WILD BISTRO, INC., a corporation duly authorized by law to do business in the State of Ohio, and that the

statements made in the foregoing affidavit are true

(Signature) [Signature] (Print Name and Corporate Title) ALAN KUO-CHING CHEN, President

Sworn to and subscribed in my presence this 1st



(Notary Public) [Signature] (Notary Expiration) July 31, 2010
ROY KIN-FAI CHAN
Notary Public, State of Ohio
My Commission Expires July 31, 2010

09 BUTLER		088 OXFORD		POPULATION	22,887
CLASS	RATIO	PERMIT QUOTA	PERMITS ISSUED	PERMITS AVAILABLE	APPLICATIONS ON FILE
C1	1,000	23	19	4	1
C2	1,000	23	20	3	1
D1	2,000	12	12	0	3
D2	2,000	12	12	0	4
D3	2,000	12	11	1	3
D3A	0	0	7	7	0
D4	2,000	12	1	11	0
D5	2,000	12	12	0	3

June 22, 2010

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: July 6, 2010

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 1, 2010

Date Prepared

Agenda Title: Right-of-Way Request

Recommendation: N/A

Discussion:

The applicant wishes to reserve space Uptown to park the Mobile Health Unit each Thursday-Saturday evening from August 19, 2010 through December 11, 2010 from 5:30 p.m. until 1:00 a.m.

The Police Chief recommended that the Mobile Health Unit should be parked on the East side of North Poplar Street.

The applicant, Christopher Escue will be in attendance to answer any questions.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

MAE 7/2/10

RECEIVED

JUN 14 2010

Rev. 12/08



☐ REQUEST FOR PUBLIC PARK PERMIT

☒ REQUEST FOR PUBLIC RIGHT-OF-WAY PERMIT

Date(s) of Event: 6/18/10 through 12/11/10 From: 5:30 a.m. (p.m.) To: 1:00 a.m./p.m.

Today's Date: 5/26/10 ☐ Emergency Utility Repair (check box, if applicable)

*** SEE ATTACHED CALENDAR - DATES HIGHLIGHTED**
--- Applicant shall allow a minimum of 5 business days for processing ---

Responsible Adult:
(18 years of age or older)*

Address:

Telephone:

Cellular:

Fax:

Email:

Christopher Escue

4307 Randall Drive

Hamilton OH 45011

513-406-0400

" "

escuecs@muhio.edu

Organization:

Advisor:

Address:

Telephone:

Cellular:

Fax:

Email:

Non-Profit:

The Mobile Health Unit

Dr. Reginald Fennell

107A Phillips Hall

420 South Oak Street 45056

513-529-3226

" "

Fennellr@muhio.edu

☒ Yes ☐ No

* Person in charge - Primary contact

PARK REQUESTED

- ☐ Merry Day Park (adjacent to the Miami Mobile Home Park, Reagh Way Drive)
- ☐ Leonard Howell Park (Bonham Road)
- ☐ Oxford Community Park (Fairfield Road) - Contact 523-6314 to confirm date(s)
- ☐ Memorial Park (E. Park Place & N. Main Street - has pavilion)
- ☐ Martin Luther King Jr. Park (W. Park Place & N. Main Street - animal sculptures & fountain)

☒ Other: In front of Co-Op on High Street

TITLE OF EVENT (be specific and include projected attendance)

The Mobile Health Unit Project at Miami University

Projected Attendance: ~100 per night Has this event been held previously? ☒ Yes ☐ No If "YES", when? Spring '10

DESCRIPTION OF EVENT

Place a description of the event, along with additional requests, on the appropriate attachment. If request is **only** for use of a right-of-way, use the attachment labeled City of Oxford / Right-of-Way Request Details.

Applicant's Signature: C Escue Date: 5/26/10

I have read and understand the rules, guidelines and conditions. Furthermore, I understand that acceptance of them is a condition of approval; and, if approval is granted, it is only for the event specified above. I also understand that the request will be reviewed by various City of Oxford officials and additional conditions may be required before final approval is granted. If additional conditions are required, I agree to meet with the appropriate officials and/or the Oxford Community Event Coordinating Committee.

M.U. Use Only

The organization listed above is a registered student organization in good standing with Miami University.

Signature: _____ Date: ____/____/____

City Use Only

On-Site Contact Person: _____ Cell: (____) ____-____

Distribution Checklist: ☐ O.P.D. ☐ O.F.D. ☐ Service Director ☐ Street Department ☐ O.P.R.D.
☐ O.V.C.B. ☐ QuickBase Entry ☐ M.U. Student Activities Office ☐ M.U.P.D.

THE MOBILE HEALTH UNIT RIGHT-OF-WAY REQUEST

5:30 p.m. to 1:00 a.m. Uptown

August 19,20,21,26,27,28

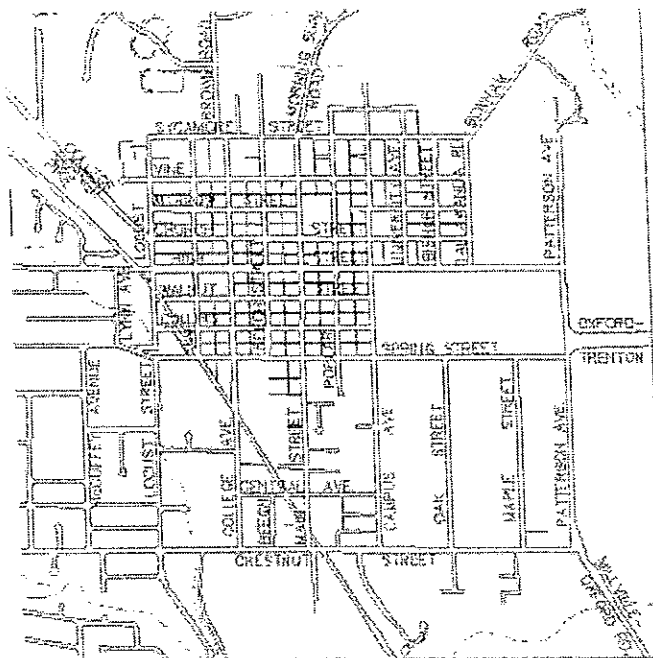
September 2,3,4,9,10,11,16,17,18,23,24,25,30

October 1,2,7,8,9,14,21,22,23,28,29,30

November 4, 5, 6,11,12,13,18,19,20

December 2, 3,4,9,10,11

Note
If your event is outside
the boundaries of this
map either attach a
separate map or
contact the City for
assistance.



CITY OF OXFORD / RIGHT-OF-WAY REQUEST DETAILS

Instructions for Applicant: Please clearly denote the parade route, streets and/or sidewalk areas being requested. Place a concise narrative explanation on the following lines. Attach additional pages if necessary.

- Request parking in front of Co-Op on High Street
 - No street closure needed
 - Unit is 37 feet long
 - Would like 6 parking signs to guarantee clearance
- 46 Dates
Between Aug- Dec
see next page

Additional Requests:
(Include details in narrative)

- ☒ No Parking Signs
☐ Detour(s)
☐ Police Assistance

Time Details

Setup
Event
Breakdown

5:30 Start
7:00 pm
7:00 pm
12:00 am

End
6:30 pm
12:00 am
1:00 am



Stipulations and Fees

Note: FULL PAYMENT REQUIRED BEFORE THE EVENT

RIGHT-OF-WAY

Applicants should allow a minimum of **five (5) business days** for the request to be processed from the time it is submitted to city officials. *(Please provide the City with as much lead time as possible. Events requiring road closures and staffing will require additional processing time. Large event requests shall be submitted no less than fourteen (14) days in advance of the event.)*

1. Applicant shall manage all work zones in the Right-of-Way in compliance with the Ohio Manual of Uniform Traffic Control.
2. Large events (estimated at over 500 people, including all concerts and performances, will require a pre-meeting with the Police (524-5247) and Service Department (524-5206) prior to approval. *Note: Requests **WILL NOT** be approved prior to the pre-meeting.*
3. The period of use may not exceed two (2) days without city council approval.
4. At least one legally responsible adult must sign the request.
5. The usage may not discriminate for or against a given class of people.
6. All ordinances that regulate noise **shall** be observed.
7. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.
8. The requestor is responsible for cleanup. Failure to cleanup may result in subsequent requests being denied or a deposit being required. In addition, a cleaning charge may be assessed.
9. Safety staffing levels will be determined by the Oxford Police Division and the requestor may be required to hire police officers.
10. All special conditions specified by department heads must be complied with. Fees may be assessed for special services – see below.
11. Miami University approval is required for student events.
12. NO markings may be made on streets or sidewalks within the public right-of-way.

USE OF PARKS (ALL THOSE ABOVE, PLUS)

1. No motor vehicles may be parked within the area of the park or on any sidewalk.
2. Banners are only permitted on the stage area during the function and must be removed immediately after the event. Tying is the only acceptable way of affixing a banner to the stage area.
3. No signs are permitted.
4. The requestor is responsible for damage to grass, shrubs or trees as a result of the event and agrees to compensate the City of Oxford the cost of repairs and/or replacement.
5. No structure shall be defaced and no structure shall be erected within four (4) feet of the base of a tree or shrub.
6. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.

FEE INFORMATION

No Parking Signs	\$.25 ea.
Trash Cans	\$5.00/ea.**
<i>*When required</i>	
<i>** For Additional cans</i>	
<u>Personnel</u>	
Police Officer(s)	Contact OPD
Sound Technician	\$25.00/hr
Street Dept. Personnel	\$25.00/hr
Electrician	\$100.00
Park & Rec Personnel	Contact OPRD

Road Closures

Main Street	\$135.00**
US 27 Detour	\$135.00**

***Includes labor*

Sports Fields/Gazebo

Contact OPRD – 523-6314

APPLICANT'S ASSURANCE

I have reviewed the estimated cost for the event and agree to compensate the City for services rendered as specified above. If the event runs past the stated end time, I understand that additional charges will accrue and agree to compensate the City accordingly.

Applicant's Signature Date: ____/____/____

CITY USE ONLY

	Service	Hours	Rate	Estimate	Final
1			\$	\$	\$
2			\$	\$	\$
3			\$	\$	\$
4			\$	\$	\$
5			\$	\$	\$
Total			\$	\$	\$

London's Zone
Brooklyn
W. 174

	Applicant's Initials	Review Date
Police Department		
1		
2		
3		
4		
Fire Department		
1		
2		
3		
4		
Service Department		
1		
2		
3		
4		
Recreation Department (if applicable)		
1		
2		
3		
4		
City Manager		
1		
2		
3		
4		

For Poplar St. only
E. side of N. Poplar

Pre-Meeting (if applicable): Reviewed with _____ on _____.

Reviewer(s): _____

APPROVAL SECTION (with conditions)

Police Chief: ☒ Approved

☐ Not Approved

Fire Chief: ☒ Approved

☐ Not Approved

Service Director: ☒ Approved

☐ Not Approved

Recreation Director: ☐ Approved

☐ Not Approved

City Manager: ☒ Approved

☐ Not Approved

[Signature]
City Manager's Signature

Date: 7-2-10

Reason(s) event not approved:

The Work Session of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, June 15, 2010 at 6:00 p.m. Those Council members present were: Ken Bogard, Kate Currie, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeehan.

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

**APPROVAL
OF AGENDA**

Mr. McKeehan moved approval of the Agenda. Mr. Harman seconded. The motion carried 7-0-0.

PURPOSE

The purpose of the Work Session was for Council to receive information regarding Fire/EMS Level of Service and discuss funding options.

**MASTER PLAN 2011-2020
CITY OF OXFORD FIRE DEPARTMENT**

Chief Detherage discussed the Master Plan for the Fire Department which was proposed to be a road map for the evolution of the Oxford Fire Department from its days of volunteer service provided by dedicated community members to a fully staffed professional service provider. Chief Detherage discussed emergency response rates noting Oxford had seen an 80% increase in calls over a 19 year period. Chief Detherage discussed fleet management, staffing options, facilities, and summarized the recommended actions for the planning period 2011-2020.

FUNDING OPTIONS

Mr. Elliott discussed the handouts he provided to Council which outlined how the additional staffing of the Fire Department had increased costs which negatively impacted the General Fund and reduced Capital Spending, what the options and objectives were, staffing options, and additional revenue requirement and recommendations which included raising new dedicated property or income tax revenue.

After discussion, the majority of Council favored working towards an income tax increase rather than a property tax increase.

Mayor Keebler requested staff to provide a chart of income tax and property tax levels from other cities at the next meeting.

Council scheduled a Special Meeting on June 29, 2010 to further discuss the issue and allow for public input.

ADJOURNMENT

Mr. Bogard moved to adjourn at 7:30 p.m. Ms. Currie seconded. The motion carried 7-0-0.

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, June 15, 2010 at 7:42 p.m. Those members present were Ken Bogard, Kate Currie, Bob Blackburn, John Harman and Kevin McKeehan. Greig Rutherford was excused.

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

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PUBLIC HEARING **TAX BUDGET**

Mr. Bogard moved to open the meeting for a Public Hearing regarding the 2011 Tax Budget at 7:43 p.m. Ms. Currie seconded. The motion passed 6-0-0.

Mr. Newlin advised this was the first step in the budgeting process. Mr. Newlin noted adjustments were made from the current year budget to allow for the funds the City would receive from Oxford Township for Fire/EMS Service, an adjustment was made since the Western Knolls payment was not due in 2011 and the amount of property tax was reduced based on the December reassessment by the County Auditor. Mr. Newlin advised spending was not increased which would bring the City to a deficit of approximately \$450,000. Mr. Newlin noted he budgeted for all of the funds in the Chart of Accounts and the real reason for doing this was to make sure there would be enough property tax coming in to meet the debt service payments.

Ms. Currie moved to close the Public Hearing at 7:45 p.m. Mr. Blackburn seconded. The motion passed 6-0-0.

NOTICE TO **LEGISLATIVE AUTHORITY**

Notice to Legislative Authority – Transfer permit from Rohan Inc DBA Johnnys Campus Deli 209 E. Sycamore Street Unit A Oxford, Ohio 45056 to Oxford Johnnys Inc 209 E. Sycamore Street Unit A Oxford, Ohio 45056.

Chief Schwein advised Officer Robinson checked the record of Johnnys Deli and found no problems and the Police Department was familiar with Mr. Reddy the new owner.

Mr. Bogard moved to accept the notice without comment. Mr. Harman seconded. The motion passed 6-0-0.

PUBLIC COMMENTS

Ms. Diana Durr, Oxford Visitors and Convention Bureau, reminded everyone it would be a very busy weekend in Oxford with participants of Race Across America coming through, the Music Festival would take place Thursday at 7:30 p.m. in the Uptown Park with the Hamilton Fairfield Symphony, and Alumni Weekend was being held with visitors starting to arrive on Thursday. Mr. Durr noted the dedication of the Township House building would take place on Friday at 10:00 a.m. at the Pioneer Farm sponsored by the Oxford Museum Association which was open to the public.

CONSENT AGENDA

MINUTES

Minutes of the June 1, 2010 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the June 1, 2010 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the June 2, 2010 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report regarding the June 2, 2010 Historic and Architectural Preservation Commission Meeting (Jung-Han Chen, Community Development Director)

RESOLUTIONS

RESOLUTION **CONTRACT WITH** **COX PAVING**

A Resolution No. 4545 accepting the bid submitted by Cox Paving, Inc. and authorizing the City Manager to enter into a contract with Cox Paving, Inc. for the construction of a temporary sidewalk on US-27 South from Chestnut Street to Southpointe Parkway at a cost of \$103,859.82 plus a contingency amount of ten percent (10%) of the contract price or \$10,386.00 for a total cost not to exceed \$114,245.82. (Mike Dreisbach, Service Director)

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

RESOLUTIONS

RESOLUTION **TEMPORARY ABATEMENT**

A Resolution authorizing a temporary abatement of the Traffic Code, Section 335.09, Display of License Plates (front plate requirement only), on Thursday, July 29, 2010 through Monday, August 2, 2010. (Steve Schwein, Police Chief) **(TABLED)**

Mr. Harman moved to remove the proposed Resolution from the table. Mr. Blackburn seconded. The motion passed 6-0-0.

Mr. Elliott advised after conferring with Chief Schwein, and as his role of Public Safety Director for the City of Oxford, on June 4, 2010 he issued a directive regarding the motor vehicle law of Ohio for the front license plate requirement that employees of the Oxford Police Division shall no longer issue citations under the City of Oxford Codified Ordinances or Motor Vehicle Law for this violation as a single offense. Mr. Elliott advised a warning shall be issued or a 'fix it' ticket whereby the fine was waived if the offense was corrected within a certain period of time. Mr. Elliott advised if an Ohio motorist was cited for another offense such as speeding, a citation for the front license plate could be issued as well. Mr. Elliott noted his feeling the proposed Resolution was unnecessary and advised Council to remove it from the agenda.

Mr. Chris Courtney, Trenton, Ohio, advised Oxford was his adopted family and home and he had done alcohol and drug counseling in the City of Oxford for the last six years. Mr. Courtney noted two to three nights a week he parked his restored 23 year old collectors car in the handicapped accessible spot in front of the Oxford Police Station. Mr. Courtney noted his car had a vanity Chevrolet logo plate on the front and on April 24, 2010 at 8:30 p.m. during a rainstorm he received a ticket for no front license plate. Mr. Courtney advised he felt this was aggressive and he disagreed with the way it was handled. Mr. Courtney noted his feeling if this was an unenforceable regulation and there was a City issued statement saying it was retracted and would no longer be enforced today it should be retracted six weeks. Mr. Courtney advised he felt his ticket was unfair and just because it was legal didn't make it right.

Mr. Elliott clarified having no front license plate was still a violation of state law and would be enforced but as a secondary offense.

Mr. Harman moved to withdraw his motion to adopt the proposed Resolution. Mr. Blackburn moved to withdraw his second.

RESOLUTION **REVOLVING LOAN FUND**

A Resolution No. 4546 approving the Oxford Community Improvement Corporation's recommendation to loan \$20,000 to Arabian Nights Authentic Lebanese Cuisine, Inc. (Alan Kyger, Economic Development Director)

Mr. Kyger addressed his staff report as presented on page 33 of the agenda. Mr. Kyger provided background information regarding the Revolving Loan Fund noting it was designated for assisting new businesses. Mr. Kyger advised the CIC recommended approval of the loan application for \$20,000 to assist in the redevelopment of the business located at 19 W. High Street for Arabian Nights Authentic Lebanese Cuisine. Mr. Kyger noted the applicants Farrah Akkoub and Michael Tyree were in attendance.

Mr. Michael Tyree, introduced his wife Farrah. Mr. Tyree thanked Council and the CIC for the opportunity to participate in the Revolving Loan Fund program noting it would enable them to bring a family style restaurant with a different culture to the City.

Mr. Harman wished the applicants success noting he had watched their clientele base grow at the Uptown Farmers Market.

Ms. Currie moved to adopt Resolution No. 4546. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTION **REVOLVING LOAN FUND**

A Resolution No. 4547 approving a \$94,889.00 Revolving Loan Fund loan to One Fourth Oxford, Inc. DBA Quarter Gastropub & Brewery. (Alan Kyger, Economic Development Director)

Ms. Currie moved to substitute the Resolution for an updated version. Mr. Harman seconded. The motion passed 6-0-0.

Mr. Kyger thanked the CIC Revolving Loan Fund Review Committee and the CIC for expediting the recommendation to approve the loan noting the next step was to take it to Butler County for ratification and he would like to take both loans to them at the same time. Mr. Kyger noted the three principals were in attendance Brandon Ney, Christopher Hensey and Janet Holmes. Mr. Kyger addressed his staff report as presented on page 37 of the agenda.

Ms. Currie asked Mr. Kyger to explain why the original Resolution was replaced with a substitute Resolution. Mr. Kyger referred to page 38 of the agenda and advised condition a and d were removed since the full CIC Board had met and a signed lease for 107 E. Church Street was secured.

Mr. Brandon Ney, introduced his partners Christopher Hensey and Janet Holmes. Mr. Ney thanked Council for participation in the Revolving Loan Fund program and offered to answer any questions concerning their establishment.

Mr. Blackburn inquired when the business was scheduled open and Mr. Ney advised August 14, 2010. Mr. Bogard noted this would be a microbrewery and inquired if other alcoholic beverages would be available. Mr. Ney advised they would operate under an Ohio A1A Tavern license which allowed them to brew and sell beer, and to sell wine and spirituous liquor.

Mr. Harman thanked Mr. Kyger on behalf of Council for his efforts to expedite the loan process.

Ms. Currie moved to adopt Resolution No. 4547. Mr. McKeehan seconded. The motion passed 6-0-0.

ORDINANCES **FIRST READING**

ORDINANCE **CODE UPDATE**

An Ordinance To Approve Current Replacement Pages To The Oxford Codified Ordinances.
(Mary Ann Eaton, Clerk of Council)

Ms. Eaton advised Council received the Code Update in their Friday Packet which contained 90 changed pages in the Traffic and General Offense Code and 70 changed pages in the Zoning Code.

Mr. Harman noted the updated code was available on the City's website.

Mayor Keebler noted the update included updated state statutes as well as Ordinances adopted by Council through June 1, 2010.

ORDINANCES **SECOND READING**

TAX BUDGET

An Ordinance No. 3117 Authorizing The Tax Budget For The Year 2011 And Directing That The Same Be Transmitted To The Butler County Auditor. (Joe Newlin, Finance Director)

Mayor Keebler advised the proposed Ordinance had been discussed at the last meeting and again tonight during the Public Hearing.

Mr. Blackburn moved to adopt Ordinance No. 3117. Mr. McKeehan seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Blackburn, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

SUPPLEMENTAL BUDGET

An Ordinance No. 3118 Amending Ordinance No. 3089. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2010. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on pages 58 and 59 of the agenda.

Mr. McKeehan moved to adopt Ordinance No. 3118. Mr. Bogard seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Blackburn, Mr. Bogard, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott referred to item E. on the Consent Agenda which was a contract with Cox Paving for the temporary sidewalk on US-27 South from Chestnut Street to Southpointe Parkway and noted this was an important project with the new High School being built as well as an agreement with the developer of Southpointe to install the temporary sidewalk. Mr. Elliott thanked Mr. Dreisbach and his staff and Miami University for saving \$45,000 by negotiating with Miami for the use of the existing pedestrian bridge at Pepper Park.

Mr. Elliott advised effective July 1, 2010 Frontier Communications would be the new service provider for Verizon landline and internet customers.

Mr. Elliott advised the owners of Wildberry located at 5475 College Corner Pike had been meeting with staff over the last month to discuss their plans for expansion. Mr. Elliott noted the City had maximum lot coverage of 33% in the Light Industrial District which was problematic for the expansion project. Mr. Elliott suggested the Planning Commission review this restrictive provision and noted other cities he was familiar with allowed 75% to 80% maximum lot coverage in industrial districts.

Mr. Elliott noted Council had a Work Session this evening regarding Fire/EMS Level of Service and Funding Options and a City Council Special Meeting regarding the same would take place June 29, 2010.

Mr. Kyger updated Council with regard to the Job Ready Sites application for the Miami Heritage Technology Park and the status of the Request for Proposals regarding a marketing study and the Western Knolls property.

Mr. McKeehan requested an update regarding the High Street construction project.

Mr. Dreisbach advised the contractor was on schedule to meet their deadline. Mr. Dreisbach noted staff realized the inconvenience to the public and to the businesses and were encouraging the contractor to finish as soon as possible.

Mr. Bogard encouraged everyone to participate in the July 3rd and 4th activities.

Ms. Currie advised there would be special events all day on July 3rd in the Uptown Parks starting with the Farmers Market. Ms. Currie encouraged groups and organizations to participate in the July 3rd parade for the City's Bicentennial. Ms. Currie noted on July 2nd a special issue of the Oxford Press would detail all of the Bicentennial and July 3rd and 4th events.

Mr. Harman noted he was the Council representative on the HAPC and advised sometimes it was a challenge to approve colors for painting buildings in the Uptown District. Mr. Harman thanked Mr. Chen and Ms. Dale for creating a color palette for the Uptown District and advised members of the HAPC would volunteer their time to show owners how to use the color palette. Mr. Harman noted staff and the HAPC had developed solutions to keep the Uptown District looking historic but yet progressive at the same time.

Mr. Blackburn noted Law Camp would take place June 25th through the 27th with 50 participants from the Oxford and Butler County Police Departments and 150 youth from Oxford and Butler County. Mr. Blackburn advised the Lions Club would cook for the group on Sunday.

Mr. Blackburn thanked Mr. Dreisbach for using local contractors for the work on High Street and US-27 North and noted the City should use local companies for all its needs.

Mayor Keebler advised Council would hold a Special Meeting on June 29, 2010. Mayor Keebler requested that legislation be brought forward at the next meeting to strike the front license plate requirement from the administrating ticketing Ordinance.

Mayor Keebler reminded everyone that the dedication of the Township House would take place on Friday at 10:00 a.m. at the Pioneer Farm.

ADJOURNMENT

Ms. Currie moved to adjourn at 8:26 p.m. Mr. Bogard seconded. The motion passed 6-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 6, 2010

Kathryn A. Dale

Account Code No. #:

Prepared By

Budgeted Amount:

June 14, 2010

Date Prepared

Agenda Title: Planning Commission Meeting Report – June 8, 2010

Recommendation: N/A

Appointments to Boards & Commissions:

Ms. Kay asked to defer having an Executive Session until all Planning Commission members were present to elect the Planning Commission's HAPC representative. Ms. Kay welcomed Mr. Richard Daniels as the newest Planning Commission Member. Ms. Kay stated that Mr. Daniels agreed to take HAPC temporarily/informally until next month's appointment.

Reports from Commissions, Boards, Committees & Staff:

Mr. Chen announced that Oxford City Council, at their June 1, 2010 meeting, directed the Planning Commission to review the home occupation section of the Oxford zoning code.

Mr. Wong announced the election of officers for the Environmental Commission. Mr. Wong stated the Commission was working on conservation development examples as requested by the Planning Commission for their future joint work sessions.

Other Business:

Mr. Craig Erickson, 5280 Morning Sun Road, inquired about a new subdivision possibly being built at the end of N. Campus Avenue, a former Faith Baptist Church site. Mr. Erickson described the work being done at the site. Staff and the Planning Commission were not aware of anything but assured Mr. Erickson that staff would look into. Mr. Erickson stated he was concerned that dirt and debris was being pushed into streams.

The next Planning Commission meeting will take place July 13, 2010.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial	Date
<i>HC</i>	6/16/10
<i>MS</i>	7/2/10

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: July 6, 2010

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

June 28, 2010

Date Prepared

Agenda Title: Report regarding the June 10, 2010 Civil Service Commission Meeting.

Recommendation:

Discussion: The Civil Service Commission held a rescheduled meeting on Thursday, June 10, 2010 at 7:00 p.m. Those members present were: Phil Russo, Chair; Susan Lipnickey; Karen Martino and Charles Crain.

Donna Heck, Human Resources Director; Steve Schwein, Police Chief; Bob Holzworth, Police Lieutenant and Mary Ann Eaton, Recording Secretary were in attendance for the City.

Also present were Don Gabbard and Linda Wendt from the Talawanda School District.

The Commission accepted the Human Resources 2009 Summary Report.

The Commission reviewed and tabled 5 job descriptions for the Talawanda School District and made suggestions for revisions.

Mr. Gabbard withdrew an examination from the agenda for the Custodian position until the job description was approved.

The Commission discussed an internal request, a Rules Amendment and the possibility of charging a fee for Civil Service examinations.

The next meeting is tentatively scheduled for July 2010.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

[Signature] 6/29/10

[Signature] 6/29/10

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: July 21, 2010

Account Code No. #:

Budgeted Amount:

Community Development
Originating Department

Kathryn A. Dale
Prepared By

June 17, 2010
Date Prepared

Agenda Title: Board of Zoning Appeals Meeting Report – June 16, 2010

Recommendation: N/A

DISCUSSION:

Public Hearing:

BZA-05-2010 606 S. Main Street, variance to Sections 1143.05(c)(4)A3, 1149.04(a)(1) front yard lot coverage & front yard parking, Jean Pierre Renzi, Applicant/Owner

The Applicant proposed to construct roughly a 16' x 25' driveway (parking area) in the front yard with a 9' wide driveway entry to the parking pad in order to preserve an existing tree. The proposed size of the driveway would allow the Applicant to satisfy the parking requirement of providing two spaces. However, based on the zoning code, only one parking space is permitted in the front yard and due to the small lot width, the front yard lot coverage required a variance.

The site has a long history in regards to the construction that has occurred on the property. Staff provided an overview of this history and how the Applicant had exhausted all other options before coming to this Board.

After much deliberation regarding the requested variances, the BZA made the following Findings of Fact to **DENY** the variances to, Section 1143.05(c)(4)A.3 and Section 1149.04(a)(1):

1. The two variances requested are substantial, and a variance of Section 1149.03(e)(2) is the minimum variance that still allows the property to be used beneficially.
2. The request would affect the essential character or substantially alter the neighborhood, as the area is predominately residential; neighboring property owners with standing testified that the character of the neighborhood would be altered and reference was made to there being only one other property in the neighborhood having parking in the front yard as a result of a garage being remodeled into living space.
3. The property owner's predicament can feasibly be obviated through some method other than these variances by granting a variance to Section 1149.03(e)(2) and exempting the Applicant from providing the two spaces of required parking.
4. Other relevant factors that the Board considered were the actions by City Departments and the Applicants' business partner resulted in the necessity for a variance.

Furthermore, the BZA made the following Findings of Fact regarding the variance to Section 1149.03(e)(2) to waive the two space, on-site parking requirement:

1. The subject property will not yield a reasonable return and cannot be used without the variance.
2. The variance is not substantial.
3. The request would not affect the essential character or substantially alter the neighborhood, as the area is predominately residential and residential parking permits are available to provide on-street parking to the tenants of the dwelling.
4. The variance would not detrimentally affect the delivery of governmental services.
5. The property owner was not aware of the zoning restrictions until approximately six months ago and since then has exhausted all other options to rectify the situation.
6. The property owner predicament cannot feasibly be obviated other than this particular variance.
7. The spirit and intent of the Zoning Code would be observed, and substantial justice would be done, by granting the variance.

After considering and weighing these facts and circumstances, the Board found that practical difficulty was shown sufficient to warrant granting the variance to Section 1149.03(e)(2), and voted 5-0-0 to **APPROVE** the application with the following conditions:

1. That, 10' of the concrete pad in the rear of the property as shown on the site plan be removed on the south side and replaced with grass.
2. That, a minimum of a 4' high permanent fence is provided along the southern property line, starting 5' from the street side of the SW corner of the house, following the southern property line to the rear property line.
3. That, the on-site parking requirement in 1149.03(e)(2) be waived provided that parking is provided on-street with a Residential Parking Permit.
4. That all work is complete and all permits necessary are obtained by August 15, 2010.

New Business/Old Business:

None.

Other Business:

Mr. Hollenbaugh thanked Mr. Houk for his service to the Board as this was his last meeting. Mr. Hollenbaugh also shared with the Board that there were three cases scheduled for July and the swearing in of appointed member Prue Dana.

The next regular meeting is scheduled for July 21, 2010.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC / 6/21/10

PRD / 7/2/10

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: July 6, 2010

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

June 22, 2010
Date Prepared

Agenda Title: A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, August 20, 2010 from 8:00 P.M. to 1:00 A.M. at Cook Field on Miami's campus for a Campus Activities Council sponsored concert.

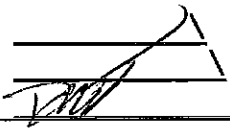
Recommendation: N/A

Discussion: This request is for the Campus Activities Council sponsored concert.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date


7/2/10

RESOLUTION NO.

A RESOLUTION AUTHORIZING A TEMPORARY ABATEMENT OF THE NOISE ORDINANCE NO. 2550, SECTION 509.09, ON FRIDAY, AUGUST 20, 2010, FROM 8:00 P.M. TO 1:00 A.M. AT COOK FIELD ON MIAMI'S CAMPUS FOR A CAMPUS ACTIVITIES COUNCIL SPONSORED CONCERT.

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

SECTION 1: The City Manager and Police Chief recommend a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, for a Campus Activities Council sponsored concert on Friday, August 20, 2010, from 8:00 P.M. to 1:00A.M. at Cook Field on Miami's campus in accordance with the provision in the Noise Ordinance No. 2550, Section 509.11 Exceptions to Noise Restrictions, Section G: "Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the City of Oxford, Ohio."

SECTION 2: Council having reviewed the recommendation and finding this to be a community event hereby authorizes the City Manager to issue a temporary abatement of the Noise Ordinance.

SECTION 3: The City Manager is hereby authorized to approve a temporary abatement of the Noise Ordinance No. 2550 Section 509.09 for a Campus Activities Council sponsored concert on Friday, August 20, 2010, from 8:00 P.M. to 1:00 A.M. at Cook Field on Miami's campus.

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)

CITY OF OXFORD
NOISE ABATEMENT APPLICATION

EVENT INFORMATION:

DATE REQUESTED FOR NOISE ABATEMENT: 8/20/2010

FROM: 8:00 ^{a.m.} ~~p.m.~~ TO: 1:00 ^{a.m.} ~~p.m.~~

ACTIVITY/EVENT TO BE UNDERTAKEN:

Welcome Concert

LOCATION (attach copies of paperwork showing approval to use site):

Cook Field

NUMBER OF PEOPLE EXPECTED TO ATTEND: 3000

OPEN TO PUBLIC

YES

NO

ALCOHOL AVAILABLE

YES

NO

TYPE OF SOUND EQUIPMENT TO BE USED: AMPLIFIED SOUND EQUIPMENT TO SUPPORT A ROCK BAND

SOUND MONITORING PLANS (including person in charge of this process):

WILL INFORM NEIGHBORHOODS ABOUT EVENT &

STUDENTS WILL TRAVEL THROUGH NEIGHBORHOOD DURING

APPLICANT ORGANIZATION INFORMATION: EVENT TO CHECK SOUND.

NAME OF ORGANIZATION: Campus Activities Council

ADDRESS: 356 Shriver Center Oxford, Oh

Is this a registered student organization at Miami University? yes

INDIVIDUAL INFORMATION (RESPONSIBLE PARTY, MUST BE OVER 18 yrs.):

NAME OF CONTACT PERSON: Vanessa BRAUN

ADDRESS: 356 Shriver Center TEL. #: 513-529-2266

What is the contact person's relation to the organization (title, etc.)?

Advisor

ATTACH EXTRA PAGES IF THE SPACE PROVIDED ABOVE IS INSUFFICIENT AND ATTACH ANY SUPPLEMENTAL DOCUMENTATION THAT MAY BE OF RELEVANCE.

I have read and understand the rules, conditions and laws applicable to the waiver of the noise ordinances, and understand that acceptance of them is a condition of approval. I hereby certify that the event/activity, which is the subject of this application will be open to the public and alcohol free.

Applicant's signature _____ Date: 5/14/10

V Braun

STAGE
WILL BE
LOCATED
SE CORNER
SOUND
WILL
TRAVEL
TOWARDS
CAMPUS



To: City Council

From: Student Community Relations Commission

Re: Fall 2010 Noise Abatement Requests

Date: June 1, 2010

Two noise abatement requests were submitted to SCRC for activities this fall. These are the same events that have been approved for abatements in the past.

1. 8/20/10 WELCOME CONCERT 8 pm – 1 am

Location: Cook Field

2009: 8/21/09 8 pm – 12 am

2008: 10 pm – 1 am

2007: 9 pm – 2 am

2. 9/10/10 PARTY ON THE PATIO 9 pm – 1 am

Location: Shriver Back Patio

2009: 9/18/09 10 pm – 2 pm

2008: 10 pm – 2 am

2007: 9 pm – 1 am

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: July 6, 2010

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

June 22, 2010
Date Prepared

Agenda Title: A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, September 10, 2010, from 9:00 p.m. to 1:00 a.m. on the patio at the Shriver Center on Miami's campus for a Program Board Sponsored party.

Recommendation: N/A

Discussion: This request is for the Program Board sponsored party.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

DAE 7/6/10

RESOLUTION NO.

A RESOLUTION AUTHORIZING A TEMPORARY ABATEMENT OF THE NOISE ORDINANCE NO. 2550, SECTION 509.09, ON FRIDAY, SEPTEMBER 10, 2010, FROM 9:00 P.M. TO 1:00 A.M. ON THE PATIO AT THE SHRIVER CENTER ON MIAMI'S CAMPUS FOR A PROGRAM BOARD SPONSORED PARTY.

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

SECTION 1: The City Manager and Police Chief recommend a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, for a Program Board sponsored party on Friday, September 10, 2010, from 9:00 P.M. to 1:00 A.M. on the patio at the Shriver Center on Miami's campus in accordance with the provision in the Noise Ordinance No. 2550, Section 509.11 Exceptions to Noise Restrictions, Section G: "Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the City of Oxford, Ohio."

SECTION 2: Council having reviewed the recommendation and finding this to be a community event hereby authorizes the City Manager to issue a temporary abatement of the Noise Ordinance.

SECTION 3: The City Manager is hereby authorized to approve a temporary abatement of the Noise Ordinance No. 2550 Section 509.09 for a Program Board sponsored party on Friday, September 10, 2010, from 9:00 P.M. to 1:00 A.M. on the patio at the Shriver Center on Miami's campus.

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)

CITY OF OXFORD
NOISE ABATEMENT APPLICATION

EVENT INFORMATION:

DATE REQUESTED FOR NOISE ABATEMENT: 9/10/2010

FROM: 9 a.m. TO: 1 a.m.
p.m. p.m.

ACTIVITY/EVENT TO BE UNDERTAKEN:

Party on the Patio

LOCATION (attach copies of paperwork showing approval to use site):

Shriver Center back patio

NUMBER OF PEOPLE EXPECTED TO ATTEND: _____

OPEN TO PUBLIC
ALCOHOL AVAILABLE

YES
YES

NO
NO

TYPE OF SOUND EQUIPMENT TO BE USED: AMPLIFIED SOUNDS -
ACOUSTIC TYRONE WELLS/ALTERNATIVE
ROCK BAND SAFETY SQUAD

SOUND MONITORING PLANS (including person in charge of this process):

WILL INFORM NEIGHBORHOODS ABOUT EVENT.

STUDENT(S) WILL DRIVE AROUND NEIGHBORHOODS
APPLICANT ORGANIZATION INFORMATION: TO CHECK SOUNDS DURING
EVENT. NOISE WILL BE

NAME OF ORGANIZATION: Program Board POINTING SOUNDS
OFF
ADDRESS: 356 Shriver Center Oxford OH BACK
PATIO.

Is this a registered student organization at Miami University? yes

INDIVIDUAL INFORMATION (RESPONSIBLE PARTY, MUST BE OVER 18 yrs.):

NAME OF CONTACT PERSON: J.S. Bragg

ADDRESS: 356 Shriver Center TEL. #: 513-529-2266

Oxford OH
What is the contact person's relation to the organization (title, etc.)?
Advisor

ATTACH EXTRA PAGES IF THE SPACE PROVIDED ABOVE IS INSUFFICIENT
AND ATTACH ANY SUPPLEMENTAL DOCUMENTATION THAT MAY BE OF
RELEVANCE.

I have read and understand the rules, conditions and laws applicable to the
waiver of the noise ordinances, and understand that acceptance of them is a
condition of approval. I hereby certify that the event/activity, which is
the subject of this application will be open to the public and alcohol free.

Applicant's signature [Signature] Date: 5-19-10

Dragg's 5/2/10



To: City Council

From: Student Community Relations Commission

Re: Fall 2010 Noise Abatement Requests

Date: June 1, 2010

Two noise abatement requests were submitted to SCRC for activities this fall. These are the same events that have been approved for abatements in the past.

1. 8/20/10 WELCOME CONCERT 8 pm – 1 am
Location: Cook Field
2009: 8/21/09 8 pm – 12 am
2008: 10 pm – 1 am
2007: 9 pm – 2 am
2. 9/10/10 PARTY ON THE PATIO 9 pm – 1 am
Location: Shriver Back Patio
2009: 9/18/09 10 pm – 2 pm
2008: 10 pm – 2 am
2007: 9 pm – 1 am

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: July 6, 2010

Account Code #: N/A

Budgeted Amount: N/A

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

June 24, 2010

Date Prepared

Agenda Title: Partial release of a Performance Bond in the amount of \$326,346.50 for Campus Commons Subdivision (Phase One) and acceptance of a new Performance and Maintenance Bond.

Recommendation: Approval

Discussion:

The Engineering Division has inspected Campus Commons Subdivision, Phase 1, and determined that the subdivision is being constructed in conformance with the plans and specifications.

Approximately 86% of planned public improvements have been completed. The remaining work within the right-of-way consists of approximately 1,700 lineal feet of sidewalk, the finish course of asphalt (1 year warranty period), installation of 29 trees, and miscellaneous signage / striping.

The City has determined the cost of the remaining public improvements to be \$62,045. In addition, the City will hold 10% of the total value of all public improvements, \$43,159, for a one year maintenance period; therefore a total of \$105,244 shall be retained from the developer's bond – in this case, a letter of credit drawn on First Financial Bank.

The City of Oxford holds a performance bond (First Financial Bank Letter of Credit) valued at \$431,590.50. The Developer has requested that the above bond be reduced to a lesser amount as 86% of all public improvements have been completed satisfactorily.

Staff recommends City Council approve the reduction of the Letter of Credit in the amount of \$326,346.50. Upon Council's approval, a new Letter of Credit will be issued payable to the City of Oxford in the amount of \$105,244.00. This amount assures completion of all remaining public improvements within the project footprint.

Approved By:

Department Head:

City Manager:

Initial MDS Date 6/24/10

[Signature] 7/2/10

RESOLUTION NO.

A RESOLUTION AUTHORIZING A \$326,346.50 REDUCTION OF A PERFORMANCE BOND IN THE FORM OF A LETTER OF CREDIT IN THE AMOUNT OF \$431,590.50 FOR CAMPUS COMMONS SUBDIVISION, PHASE ONE, AND ACCEPTING A NEW PERFORMANCE BOND IN THE FORM OF A LETTER OF CREDIT IN THE AMOUNT OF \$105,244.00.

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

SECTION 1: The developer, having partially met the terms and conditions for which a letter of credit in the amount of \$431,590.50 was given, is hereby partially released by Council and a new performance bond in the form of a letter of credit in the amount of \$105,244.00 is hereby accepted.

SECTION 2: The City Manager and the Clerk of Council are hereby authorized to execute the necessary paperwork, reducing the letter of credit performance bond and to take all other steps necessary.

SECTION 3: This reduction is hereby given upon report of the City Engineer that a portion of the work secured by the letter of credit performance bond has been satisfactorily completed.

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)



first financial wealth resource

Another step on the path to success

June 10, 2010

Victor Popescu, P.E.
City Engineer
City of Oxford
101 East High Street
Oxford, OH 45056

Subject: Partial release of Letter of Credit for Campus Commons

Dear Victor:

We have completed a substantial portion (86%) of the public improvements for the Campus Commons Subdivision. We hereby request the release of 76% of the letter of credit which allows for 14% to cover any remaining work yet to be completed plus 10% of total improvement for the maintenance bond. Upon completion of the public work and acceptance by the City, we will issue a new letter of credit for the maintenance bond to replace the letter of credit for the construction of the improvements.

The cost summary for the project is as follows:

Original letter of Credit Amount	\$ 431,590.50
Adjustment for Improvements Constructed (86%)*	<u>(\$ 369,505.50)</u>
Construction Cost for Remaining Improvements (14%)	\$ 62,085.00
10% Amount to be Retained for the Maintenance Bond	<u>\$ 43,159.00</u>
Remaining Balance on Letter of Credit	\$ 105,244.00
Letter of Credit Reduction	<u>(\$ 326,346.50)</u>

*Enclosed is a detailed breakdown showing the completed items of work.

If you require additional information to facilitate the release of the requested amount, please contact our Contractor, Doug Murdock, at 513-777-9800 or Liz Baer-Broestl, at 925-945-6987.

Sincerely,

Kathy D. Carmack
First Vice President and Trust Officer
First Financial Bank, N.A., Trustee of the Paul W. Baer Testamentary Trust
Paul W. Baer Trust Properties, LLC

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: July 6, 2010

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

June 28, 2010

Date Prepared

Agenda Title: An Ordinance Repealing Oxford Code Of Ordinances Section 507.01, Entitled 'Police Civil Citations', And Adopting New Section 507.01, Entitled 'Police Civil Citations'.

Recommendation: Approve.

Discussion:

On June 4, 2010 the City Manager issued a directive that employees of the Oxford Police Department shall no longer issue citations under the City of Oxford Codified Ordinances or Motor Vehicle Law for the display of front license plates as a single offense. The proposed Ordinance will amend Oxford Code of Ordinances Section 507.01 by striking 'Display of License Plates' from the regulations listed in the Police Civil Citations Ordinance.

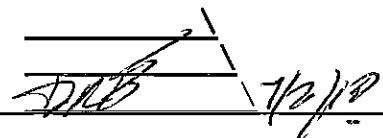
Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

The block contains handwritten signatures and initials. There are three horizontal lines for signatures, with the first two having signatures and the third having initials. To the right of these lines is the date '7/2/10'.

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODE OF ORDINANCES SECTION 507.01, ENTITLED "POLICE CIVIL CITATIONS", AND ADOPTING NEW SECTION 507.01, ENTITLED "POLICE CIVIL CITATIONS".

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

SECTION I: Council hereby repeals Section 507.01; entitled "Police Civil Citations" and new Section 507.01 entitled "Police Civil Citations" is hereby adopted as follows (language to be repealed is stricken through):

SECTION 507.01 POLICE CIVIL CITATIONS

(a) A person who violates a standard of conduct set forth in a section or chapter of the Oxford Codified Ordinances listed below is liable for the civil fine specified in Section 507.02.

*	311.03	Toy Vehicles on Streets
*	311.04	Use of Streets for Amusement, Play or Sports
*	313.05	Pedestrian Control Signal
*	331.12C	U-turns Restricted
*	331.42A&B	Littering from Motor Vehicle
*	331.43A	Wearing Earplugs or Earphones Prohibited
*	335.09A	Display of License Plates
*	335.10	Expired Plates
*	337 Section	Safety and Equipment
*	339.08C	Loads Dropping or Leaking, Removal Required Tracking Mud
*	371.01B	Right of Way in Crosswalk (Pedestrian Action Creating Hazard)
*	371.03A,C,D	Crossing Roadway Outside of Crosswalk, Diagonal Crossings at Intersections
*	373.06A	Lights & Reflectors on Bicycles; Brakes
*	373.07A	Riding Bicycles on Right Side of Roadway; Obedience to Traffic Rules; Passing
*	373.08	Bicycle Riding; Rollerblading and Skateboarding Riding Regulations
*	373.11A	Paths Exclusively for Bicycles
*	505.01A-D	Dogs and Other Animals Running at Large
*	505.03	Annual Registration of Dogs
*	505.09A	Barking or Howling Dogs
*	505.15A1,2,3	Dog Nuisances
*	521.01	Abandoned Refrigerators and Airtight Containers
*	521.08A,B	Littering or Allowing Litter to Remain on Property
*	521.12A	Outdoor Furniture Restriction
*	729.03	Door to Door Solicitation Prohibited
*	1151.04	Signs on Public Property

* 1519.04 Fireworks – Possession, Sale or Discharge Prohibited

(b) A City officer or employee of the Oxford Police Department or Public Safety Assistant charged with the enforcement of the Oxford Codified Ordinances may as authorized issue a civil citation, a uniformed traffic citation or a misdemeanor citation for a violation of any section listed in this Section, depending on the type of offense and the totality of the circumstances.

SECTION II: 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

Clerk of Council
Originating Department

Council Meeting Of: July 6, 2010

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 1, 2010

Date Prepared

Agenda Title Ordinance authorizing the City of Oxford to place on the ballot at the General Election on November 2, 2010 a proposed earnings tax increase of one quarter of one percent.

Recommendation: Approve

Discussion:

On July 29, 2010 City Council held a Special Meeting to discuss a proposed earnings tax increase to fund Fire/EMS Service Improvements. At the conclusion of the meeting the following motion was made and passed by a majority of Council:

'Council through voice vote request the City Manager to prepare legislation outlining a 0.25% earnings tax increase for the City of Oxford to fund Fire/EMS Services to be placed on the ballot in November 2010.'

The proposed Ordinance is the first step to accomplish this initiative.

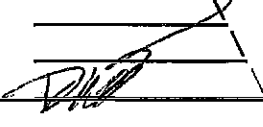
Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

 7/2/10

ORDINANCE NO.

ORDINANCE AUTHORIZING THE CITY OF OXFORD, OHIO, PURSUANT TO OHIO REVISED CODE SECTION 718.01(C) TO PLACE ON THE BALLOT AT THE GENERAL ELECTION ON NOVEMBER 2, 2010, A PROPOSED ORDINANCE REPEALING SECTION 181.01, "PURPOSE", SECTION 181.03, "IMPOSITION OF TAX", AND SECTION 181.04, "EFFECTIVE PERIOD", OF THE OXFORD CODIFIED ORDINANCES, AND ADOPTING NEW SECTION 181.01, "PURPOSE", SECTION 181.03, "IMPOSITION OF TAX", AND SECTION 181.04, "EFFECTIVE PERIOD", OF THE OXFORD CODIFIED ORDINANCES TO INCREASE THE INCOME TAX RATE BY ONE QUARTER OF ONE PERCENT (0.25%) FOR THE PURPOSE OF MAINTAINING AND IMPROVING CURRENT FIRE AND EMERGENCY MEDICAL SERVICES GENERAL OPERATION, EQUIPMENT AND FACILITIES AND DECLARING AN EMERGENCY.

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

- SECTION I: Additional revenues are necessary to maintain current fire and emergency medical service levels.
- SECTION II: The Ohio Revised Code provides that a levy of a tax on income at a rate in excess of one percent (1%) requires the approval of a majority of the electors of the City of Oxford.
- SECTION III: It is the determination of the City Council that the proposed increase in income tax would best serve the needs of the City of Oxford and shall be submitted to the electorate at the November 2, 2010, General Election.
- SECTION IV: Section 181.01, "Purpose", of the Oxford Codified Ordinances be amended to read as follows (language to be repealed is ~~stricken through~~ and language to be adopted is in **BOLD AND IN ALL CAPITAL LETTERS**):

181.01 PURPOSE.

To provide funds for the purposes of general municipal operations, procurement of capital assets, to make capital improvements, payment of debt obligations, **MAINTAINING AND IMPROVING CURRENT FIRE AND EMERGENCY MEDICAL SERVICES GENERAL OPERATION, EQUIPMENT AND FACILITIES** and for all other lawful purposes, there shall be, and is hereby levied a tax on qualifying gross income as defined in this Chapter, on earned income, net profits, and on all other taxable income, as hereinafter provided. **ONE-QUARTER OF ONE PERCENT (.25%) OF THE TAX RATE AS PROVIDED FOR IN SECTION 181.03(A) SHALL BE USED SOLELY FOR FIRE SERVICES AND EMERGENCY MEDICAL SERVICES AS PROVIDED FOR HEREIN.**

SECTION V: Section 181.03, "Imposition of Tax", of the Oxford Codified Ordinances be amended to read as follows (language to be repealed is ~~stricken through~~ and language to be adopted is in **BOLD AND IN ALL CAPITAL LETTERS**):

181.03 IMPOSITION OF TAX.

- (a) Basis of Imposition. Subject to the provisions of Section 181.14, an annual tax for the purposes specified in Section 181.04 shall be imposed on and after ~~January 1, 1994~~ **JANUARY 1, 2011**, at the rate of ~~one and three quarters (1 ¾ %)~~ **TWO PERCENT (2%)** per annum: Such tax shall be imposed upon all taxable income as follows:
- (1) Resident Individuals. On all qualifying wages, net profits, other activities and other taxable income earned and/or received during the effective period of this Chapter by residents of the City;
- (2) Non-Resident Individuals. On all qualifying wages, earned and/or received during the effective period of this Chapter by nonresidents of the City for work done or services performed or rendered within the City or attributable to the City; on all net profits earned/or received by a nonresident from the operation or conduct of any business or profession within the City; other activities and on all other taxable income earned and/or received by a nonresident derived from or attributable to sources, events or transactions within the City;
- A. Effective January 1, 2001, Oxford shall not tax the compensation paid to a non-resident individual for personal services or work performed by the individual in the City on twelve (12) or fewer days in a calendar year (which hereby classifies the individual as an "occasional entrant") unless one of the following applies:
1. The individual is the employee of another person, the principal place of business in which the employee normally works is located in another municipal corporation in this state that imposes a tax applying to compensation paid to the individual for services performed on those days, and individual is not liable to the other municipal corporation for tax on the compensation paid for such services.
 2. The individual is a professional athlete, professional coach at the collegiate or professional level, professional athletic trainer at the collegiate or professional level, athletic administrator at the collegiate or professional level, the promoter of a professional entertainment or sports event, or

an employee of such promoter, all as may be reasonably defined by the City.

- B. For purposes of the 12-day calculation, any portion of a day worked in Oxford shall be counted as one day worked in Oxford.
- C. Beginning with the thirteenth day, the employer of said individual shall begin withholding Oxford income tax from remuneration paid by the employer to the individual, and shall remit the withheld income tax to Oxford in accordance with Section 181.06 of the income tax ordinance. Since the individual can no longer be considered to have been an occasional entrant, the employer is further required to remit taxes on income earned in Oxford by the individual for the first twelve (12) days. If the individual is self-employed or an independent contractor, it shall be the responsibility of the individual to remit the appropriate income tax to the City.

(3) Resident Unincorporated Businesses.

- A. On the portion attributable to the City of Oxford of the net profits earned and/or received during the effective period of this Chapter of all residents associations, pass-through entities or other unincorporated businesses entities treated as a pass-through entity for federal income tax purposes or professions or other activities derived from sales made, work done, or services performed or rendered, and business, or other activities conducted in the City and/or derived from sales made, work done, services performed or rendered and business or other activities attributable to the City;
- B. On the portion of the distributive share of the net profits earned and/or received during the effective period of this Chapter of a resident partner or owner of a resident association, pass-through entity or other unincorporated business entity treated as a pass-through entity for federal income tax purposes not attributable to the City and upon which the City's income tax has not been imposed and levied;

(4) Non-Resident Unincorporated Businesses.

- A. On the portion attributable to the City of the net profits earned and/or received during the effective period of this Chapter of all non-resident associations, pass-through entities or other unincorporated businesses entities treated as a pass-through entity for federal income tax purposes, professions or other

activities, derived from sales made, work done or services performed or rendered, and business, or other activities conducted in the City and/or derived from sales made, work done, services performed or rendered and business or other activities attributable to the City, whether or not such association, pass-through entity or other unincorporated business entity treated as a pass-through entity for federal income tax purposes has an office or place of business in the City.

- B. On the portion of the distributive share of the net profits earned and/or received during the effective period of this Chapter of a resident partner or owner of a non-resident association, pass-through entity or other unincorporated business entity treated as a pass-through entity for federal income tax purposes not attributable to the City and upon which the City's income tax has not been imposed and levied, from wherever such business is located;
- (5) Corporations. On the portion attributable to the City of the net profits earned and/or received during the effective period of this Chapter of all corporations and all other entities and business activities not defined herein as associations, pass-through entity or unincorporated business entity treated as a pass-through entity for federal income tax purposes derived from sales made, work done or services performed or rendered and business or other activities conducted in the City, and/or derived from sales made, work done, services performed or rendered, and business, or other activities attributable to the City, whether or not such corporations, entities or business activities have an office or place of business in the City.
 - (6) Electric Companies. On the net profits of an electric company, combined company or telephone company apportioned and attributable to the City in accordance with Section 718.01(F)(6) and Chapter 5745 of the Ohio Revised Code.
 - (7) Gambling Activities. On income in excess of six hundred dollars (\$600.00) that is derived from prizes, awards, gaming, wagering, lotteries or other similar games of chance by a resident or non-resident who earned and/or received such income within the City from whatever source and from anywhere derived including but not limited the sale of lottery tickets or other gambling activity conducted within the city.
 - (8) Miscellaneous Taxable Income. On all income earned and/or received from covenants not to compete or similar agreements to the extent reported on a taxpayer's federal income tax return.

(9) Fiduciary Activities. On all guardian, executor, conservator, trustee or administrator fees earned and/or received by a taxpayer in connection with the operation or conduct of a business or profession.

(10) S Corporations (after January 1, 2004).

A. For taxable years beginning on or after January 1, 2004, the net profits from a business or profession shall be taxed only to the extent of the taxpayer's adjusted federal taxable income except that nothing shall be construed as limiting the ability of the Tax Administrator to administer, audit, or enforce the provisions of this Chapter including making all necessary adjustments and allocations to adjusted federal taxable income to produce a fair and proper allocation of net profits to the City.

B. Subsection (10)A. of this Section shall not apply to any taxpayer required to file a return under Section 5745.03 of the Ohio Revised Code or to the net profits from a sole proprietorship.

(11) Sole Proprietorships (after January 1, 2004). For taxable years beginning on or after January 1, 2004, in the case of a taxpayer who has a net profit from a business or profession that is operated as a sole proprietorship, or in the case of a taxpayer who has a net profit from a business and the taxpayer is an individual, the City shall not tax or use as the base for determining the amount of the net profit that shall be considered as having taxable situs in the City, an amount other than the net profit required to be reported on Internal Revenue Service Schedules C or F from such sole proprietorship for the taxable year; and

(12) Rental Activities. For taxable years beginning on or after January 1, 2004, in the case of a taxpayer who has a net profit from rental activity required to be reported on Internal Revenue Service Schedule E, the City shall not tax or use as the base for determining the amount of the net profit that shall be considered as having a taxable situs in the City, an amount other than the net profit from rental activities required to be reported by the taxpayer on Schedule E for the taxable year.

(b) Businesses both In and Outside the City Boundaries. Where a person conducts a business both within and outside the City, the portion of the entire net profits of such business are to be allocated as having been made within the City as may be determined from the records of such business, if such business had bona fide records which disclose with reasonable accuracy what portion of its net profits are attributable to that part of its activities conducted within the City, or at the option of the

taxpayer may be determined by the following formula, which shall be used if such taxpayer has no bona fide records showing net profits from business activities within the City, subject however to the provisions of subsection (d)(2) hereof and the Rules and Regulations as set forth in this Chapter.

(1) Multiply the entire net profits of the business by a business allocation percentage to be determined by:

- A. Ascertaining the percentage which the average original cost of the real and tangible personal property owned or used in the business and situated within the City, during the period covered by the return, is of the average original cost of all the real and tangible personal property owned or used in the business, wherever situated, during such period.
- B. Ascertaining the percentage which the gross receipts of the business from sales made and services performed in the City, during the period covered by the return, are of the total gross receipts from all sales and services, wherever made or performed, during such period.
- C. Ascertaining the percentage which total qualifying wages, sales, commissions and other compensation paid, during the period covered by the return, to employees for services performed in the City is of the total qualifying wages, salaries, commissions and other compensation paid during such period to all employees within and outside the City, excluding compensation described in Section E.
- D. Adding together the percentages determined in accordance with subsection (b)(1)A. – C. hereof, or such of the aforesaid percentages as are applicable to the particular taxpayer and dividing the total so obtained by the number of percentages used in deriving such total.
 1. A factor is applicable even through it may be allocable entirely in or outside the City.
 2. Provided however, that in the event a just and equitable result cannot be obtained

under the formula provided for herein, the Tax Administrator, upon application of the taxpayer, shall have the authority to substitute other factors and methods calculated to effect a fair and proper allocation. Should the taxpayer object to or disagree with the Tax Administrator's decision, an appeal may be filed with the Board of Review which shall have the power to adjust, modify, or overrule such decision by the Tax Administrator.

(c) Net Operating Loss (NOL).

- (1) The portion of a net operating loss sustained in any taxable year beginning with the year January 1, 1994, allocable to the City may be applied against the portion of the profit of succeeding tax years(s) allocable to the City, until exhausted, but in no event for more than three (3) taxable years immediately following the year in which the loss occurred. No portion of a net operating loss shall be carried back against net profits of any prior year.
- (2) The portion of a net operating loss sustained shall be allocated to the City in the same manner as provided herein for allocating net profits to the City,
- (3) The Tax Administrator shall provide by Rules and Regulations the manner in which such net operating loss ~~carry~~ **CARRIES** forward shall be determined.
- (4) The net operating loss of a taxpayer that loses its legal identity, by any means such as merger or consolidation, shall not be allowed as a carry forward loss deduction to the surviving or new taxpayer.
- (5) The net operating loss sustained by a business or profession is not deductible from employee earnings, but may be carried forward as provided in subsection (1) and (2). However, if a taxpayer is engaged in two or more taxable business activities to be included in the same return, the net loss of one unincorporated business activity (except any portion of a loss reportable for municipal income tax purposes to another municipality) may be used to offset the profits of another for purposes of arriving at overall net profits.

(d) Consolidated Returns.

(1) A consolidated return may be filed by a group of corporations who are affiliated through stock ownership if that affiliated group filed for the same tax period a consolidated return for Federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code. A consolidated return must include all companies that are so affiliated.

(2) Once a consolidated return has been filed for any taxable year, consolidated returns shall continue to be filed in subsequent years unless the applicable requirements of the Rules and Regulations for discontinuing the filing of consolidated returns have been met.

(e) Exclusions. The provisions of the Chapter shall not be construed as levying a tax upon the following:

(1) Proceeds from welfare benefits, unemployment insurance benefits, social security benefits, and qualified retirement plans as defined by the Internal Revenue Service.

(2) Proceeds of insurance annuities, workers' compensation insurance, permanent disability benefits, compensation for damages for personal injury and like reimbursements, not including damages for loss of profits and qualifying wages.

(3) Dues, contributions and similar payments received by charitable, religious, educational organizations or labor unions, trade or professional associates, lodges and similar organizations.

(4) Gains from involuntary conversion, cancellation of indebtedness, interest, or federal obligations and income of a descendant's estate during the period of administration, except such income as is from the operation of a business, which income is not excluded from this tax.

(5) Alimony received.

(6) Compensation for damage to property by way of insurance or otherwise.

- (7) Interest and dividends intangible property.
- (8) Military pay or allowances of members of the Armed Forces of the United States and members of their reserve components, including the Ohio National Guard (ORC Section 718.01).
- (9) Income of any charitable, educational, fraternal or other type of nonprofit association or organization enumerated in the ORC Section 718.01 to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.
- (10) Any association organization falling in the category listed in the preceding paragraph receiving income from non-exempt real estate, tangible or intangible personal property, or business activities of a type ordinarily conducted for profit by taxpayers operating for profit shall not be excluded hereunder.
- (11) In the event any association or organization receives taxable income as provided in the preceding paragraph from real or personal property ownership or income producing business locate both within and without the corporate limits of the City, it shall calculate its income allocable to the City under the method or methods provided above.
- (12) If exempt for Federal income tax purposes, fellowship and scholarship grants are excluded from municipal income tax.
- (13) The rental value of a home furnished to a religious advisor or leader as part of his compensation, or the rental allowance paid to a religious advisor or leader as part of his compensation, to the extent used by him to rent or provide a home pursuant to IRC Section 107.
- (14) Compensation paid under ORC Section 3501.28 or 3501.36 to a person serving as a precinct official, to the extent that such compensation does not exceed one thousand dollars (\$1,000) annually. Such compensation in excess of one thousand dollars may be subjected to taxation. The payer of such compensation is not required to withhold City tax from that compensation.

- (15) Compensation paid to an employee of the transit authority. Regional transit authority, or a regional transit commission created under ORC Chapter 306 for operating a transit bus or other motor vehicle for the authority or commission in or through the City, unless the bus or vehicle is operated on a regularly scheduled route, the operator is subject to such tax by reason of residence or domicile in the City, or the headquarters of the authority or commission is located within the City.
- (16) The City shall not tax the compensation paid to a nonresident individual for personal services performed by the individual in the City on twelve (12) or fewer days in a calendar year unless one of the following applies:
- A. The individual is an employee of another person, the principal place of business of the individual's employer is located in another municipality in Ohio that imposes a tax applying to compensation paid to the individual for services paid on those days; and the individual is not liable to that other municipality for tax on the compensation paid for such services.
 - B. The individual is a professional entertainer or professional athlete, the promoter of professional entertainment or sports event, or an employee of such promoter, all as may be reasonably defined by the City.
- (17) The income of a public utility when that public utility is subject to the tax levied under ORC Section 5727.24 or 5727.30, except starting January 1, 2002, the income of an electric company or combined company, as defined in ORC Section 5727.01, shall be taxed by a municipal corporation subject to ORC Chapter 5745.
- (18) An S Corporation shareholder's distributive share of net profits of the S corporation to the extent such distributive shares are allocated or apportioned to sources outside the State of Ohio other than any portion of the distributive shares of net profits that represents qualifying wages as defined in IRC Section 1402(a).

- (19) Generally the above noted items in this Section are the only forms of income not subject to the tax. Any other income, benefits, or other forms of compensation shall be taxable.
- (20) On or about January 1, 2003, items excluded from Federal Gross Income pursuant to Section 107 of the IRC

SECTION VI: Section 181.04, "Effective Period", of the Oxford Codified Ordinances be amended to read as follows (language to be repealed is ~~stricken through~~ and language to be adopted is in **BOLD AND IN ALL CAPITAL LETTERS**):

181.04 EFFECTIVE PERIOD.

The City income tax shall be levied, imposed, collected and paid, on any and all qualifying wages, commissions and other compensation, and with respect to the net profits of businesses, professions and taxable income as provided in Section 181.03(a) of this Chapter, earned and/or received on or after ~~January 1, 1994~~ **JANUARY 1, 2011**.

SECTION VII: All other sections of Chapter 181: Income Tax of the Oxford Codified Ordinances shall remain in full force and effect as written. **THESE PROPOSED CHANGES SHALL ONLY TAKE EFFECT ON JANUARY 1, 2011 IF THERE IS A MAJORITY AFFIRMATIVE VOTE FOR PASSAGE OF THE INCOME TAX INCREASE.**

SECTION VIII: The proceeds from one-quarter percent (0.25%) increase of the income tax rate are to be used solely for the purpose of maintaining and improving current **FIRE AND EMERGENCY MEDICAL SERVICES GENERAL OPERATION, EQUIPMENT AND FACILITIES.**

SECTION IX: Pursuant to Section 718.01(C) of the Ohio Revised Code, said proposed changes to the Income Tax laws shall be certified to the Board of Elections of Butler County, Ohio, and a Resolution shall be passed directing the Board of Elections to place upon the ballot for general voter approval or rejection at the General Election on November 2, 2010, as provided by law

SECTION X: This Ordinance is hereby declared to be an emergency measure and shall take effect upon its adoption for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Oxford for the reason that it is necessary to increase the current level of local income taxes in order to

maintain and improve current **FIRE AND EMERGENCY
MEDICAL SERVICES GENERAL OPERATION,
EQUIPMENT AND FACILITIES.**

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

Clerk of Council

Originating Department

Council Meeting Of: June 15, 2010

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

June 7, 2010

Date Prepared

Agenda Title: Ordinance To Approve Current Replacement Pages To The Oxford Codified Ordinances.

Recommendation:

Discussion:

The Oxford Codified Ordinances are updated once each year to incorporate all legislation passed by City Council as well as any changes in State laws. This Ordinance is to approve the update.

The update includes legislation adopted through June 1, 2010.

*** Copies of the replacement pages (Exhibit "A") are available at City Hall during normal business hours ***

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

 6/8/10

ORDINANCE NO.

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT
PAGES TO THE OXFORD CODIFIED ORDINANCES.

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

SECTION 1: Council has determined that certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution. Various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances. The City has heretofore entered into a contract with Walter H. Drane Co. to prepare and publish revisions which are before Council.

SECTION 2: The Ordinances of the City of Oxford, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2010 Replacement Pages so the Codified Ordinances are hereby approved and adopted.

SECTION 3: The following sections and chapters are hereby added, amended or appealed and respectfully indicated in order to comply with the current State law:

	<u>Traffic Code</u>
301.04	Definition of a Bicycle. (Amended)
301.321	Definition of a Road Service Vehicle. (Added)
303.082	Private Tow-Away Zones. (Amended)
331.38	Stopping for School Bus. (Amended)
333.01	Driving or Physical Control While Under the Influence. (Amended)
333.031	Approaching a Public Safety, Emergency or Road Service Vehicle. (Amended)
335.01	Driver's License or Commercial Driver's License Required. (Amended)
335.02	Permitting Operation Without a Valid License. (Amended)
335.07	Driving Under License Suspension or Restriction. (Amended)
335.072	Driving Under Financial Responsibility Law Suspension or Cancellation. (Amended)
335.10	Expired or Unlawful License Plates. (Amended)
337.02	Lighted Lights Required. (Amended)
337.03	Headlights on Motor Vehicles and Motorcycles. (Amended)
337.04	Tail Light; Illumination of Rear License Plate. (Amended)
337.05	Rear Red Reflectors. (Amended)
337.06	Safety Lighting on Commercial Vehicles. (Amended)
337.08	Red Light or Red Flag on Extended Load. (Amended)
337.10	Lights on Slow Moving Vehicles. (Amended)
337.11	Spotlight and Auxiliary Lights. (Amended)
337.12	Cowl, Fender and Back-Up Lights. (Amended)
337.13	Display of Lighted Lights. (Amended)
337.14	Use of Headlight Beams. (Amended)
337.15	Lights of Less Intensity on Slow-Moving Vehicles. (Amended)
337.16	Number of Lights. (Amended)
337.17	Focus and Aim of Headlights. (Amended)
337.19	Horn, Siren and Theft Alarm Signal. (Amended)
337.20	Muffler; Excessive Smoke, Gas or Noise. (Amended)
337.21	Rear-View Mirror; Clear View to All Sides. (Amended)

Traffic Code (Cont.)

337.22	Windshield and Windshield Wiper. (Amended)
337.24	Motor Vehicle Stop Lights. (Amended)
337.26	Child Restraint System Usage. (Amended)
337.27	Drivers and Passengers Required to Wear Seat Belts. (Amended)
341.03	Prerequisites to Operation of a Commercial Vehicle. (Amended)
351.04	Parking Near Curb; Angle Parking. (Amended)
375.05	Licensing Requirements of Operator. (Amended)

General Offenses Code

525.02	Falsification. (Amended)
525.03	Impersonation of Peace Officer. (Amended)
537.14	Domestic Violence. (Amended)
537.15	Temporary Protection Order. (Amended)
541.05	Criminal Trespass. (Amended)
549.04	Improperly Handling Firearms in a Motor Vehicle. (Amended)

SECTION 4: The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are attached hereto and incorporated herein by reference as Exhibit A. Any summary publication of this Ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 5: This Ordinance 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)