Agenda

Oxford City Council

Court House

TUESDAY, JULY 20, 2010

EXECUTIVE SESSION
None

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

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

REGULAR MEETING
7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

   A. Proclamation - 'Phi Delta Theta Week'

      Proclamation

   B. Presentation - David Brown - Deputy Auditor

   C. Presentation - Oxford Police Department - John Buchholz

   D. Notice to Legislative Authority - transfer permit from Church Street Station LLC DBA Church Street Station 107 E. Church Street & Patio Oxford, Ohio 45056 to Topshelf Shots Inc. 17 N. Poplar Street Oxford, Ohio 45056.

      Staff Report/Application

   E. 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.

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4. Consent Agenda.

   A. Minutes of the June 29, 2010 City Council Special Meeting. (Mary Ann Eaton, Clerk of Council)

      Minutes

   B. Minutes of the July 6, 2010 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

      Minutes

   C. Report regarding the July 7, 2010 Historical and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

      Report

5. Resolutions.

A. A Resolution authorizing the City Manager to enter into a contract with RE/Max Alpha Commercial Group to list for sale and market the City owned real estate known as "Western Knolls'. (Alan Kyger, Economic Development Director)

Staff Report/Resolution

B. A Resolution requesting and authorizing the Butler County Board of Elections to place upon the City of Oxford, Ohio Ballot at the General Election on November 2, 2010, the question of whether Ordinance No. 3121 increasing by one quarter of one percent (.25%) the City of Oxford income tax rate to a total rate of two percent (2%) shall be approved in accordance with Section 718.01 of the Ohio Revised Code, the increase to provide for maintaining and improving current Fire and Emergency Medical Services, general operation, equipment and facilities. (Doug Elliott, City Manager)

Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance Repealing Traffic Code Section 353.99 Of The Codified Ordinances Of The City Of Oxford, Entitled "Penalty" And Adopting New Section 353.99, Entitled "Penalty". (Steve Schwein, Police Chief)

Staff Report/Ordinance

2. Ordinance Amending Ordinance No. 3089 Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2010. (Joe Newlin, Finance Director)

Staff Report/Ordinance

B. Second 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

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

   1. Remarks from City Council and City Staff.

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

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

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

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.

Office of the Mayor

Proclamation

Whereas: the Phi Delta Theta Fraternity was founded on December 26, 1848, at Miami University in Oxford, Ohio, and has grown into a prosperous, international organization in its 162 year existence; and

WHEREAS, the fraternity was founded upon the noble precepts of friendship, sound learning and rectitude; and

WHEREAS, there are 163 chapters and 8 colonies of Phi Delta Theta in 41 states and 5 Canadian provinces; and

WHEREAS, there have been over 235,613 members initiated into Phi Delta Theta; and

WHEREAS, the Fraternity holds its annual Emerging Leaders Institute in Oxford, Ohio, to promote the ideas of scholarship, service to others, leadership, personal development, and fraternal values and ethics to its diverse membership.

NOW, THEREFORE, I, Richard A. Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim the week of July 26, 2010 through August 1, 2010 to be:

'PHI DELTA THETA WEEK'

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 16th day of July, 2010.

Richard A. Keebler, Mayor

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: July 20, 2010

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

July 12, 2010
Date Prepared

Agenda Title: Notice to Legislative Authority - Transfer permit from Church Street Station LLC DBA Church Street Station 107 E. Church Street & Patio Oxford, Ohio 45056 to Topshelf Shots Inc 17 N. Poplar Oxford, Ohio 45056.

Recommendation: N/A

Discussion:

The permit is for:

D1 - Beer only for on premises consumption or in sealed containers for carry out.

D3 - Spirituous liquor for on premises consumption only until 1:00 a.m.

D3A - Extend issued permit privileges until 2:30 a.m.

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:	RPE/MAE	7/15/10

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

89889820005 PERMIT NUMBER	TFOL TYPE	TOPSHELF SHOTS INC 17 N POPLAR OXFORD OH 45056
06 01 2009 ISSUE DATE		
06 21 2010 FILING DATE		
D1 D3 D3A PERMIT CLASSES		
09 088 TAX DISTRICT A	F03219 RECEIPT NO.	

RECEIVED
JUN 25 2010
City of Oxford

FROM 06/23/2010 SAFEKEEPING

1468034 PERMIT NUMBER	TYPE	CHURCH STREET STATION LLC DBA CHURCH STREET STATION 107 E CHURCH ST & PATIO OXFORD OHIO 45056
06 01 2009 ISSUE DATE		
06 21 2010 FILING DATE		
D1 D3 D3A PERMIT CLASSES		
09 088 TAX DISTRICT	RECEIPT NO.	

MAILED 06/23/2010 RESPONSES MUST BE POSTMARKED NO LATER THAN. 07/26/2010

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 8988982-0005
(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

DLC 4052 REV. 03/09

FOR OFFICE USE ONLY	
NEW	TRANSFER
PERMIT # 8988952 0005	

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

OH. DIV. LIQUOR CONTROL
FRONT DESK-3
2010 JUN 17 PM 2:41

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

Name of Corporation Topshelf Shots, Inc.	DBA Name
Permit Premises Address 17 N Poplar	City, State Oxford, Oh Zip Code 45056
Township, if in Unincorporated Area	Tax Identification No. (TIN) 27-2130484

SECTION B.

1. Is stock publicly traded? ☐ YES ☑ NO
   If "YES", indicate exchange ______________ & Do NOT complete SECTION D.
2. Does any stockholder own 5% or more shares? If YES, complete SECTION D. ☑ YES ~~☐ NO~~
3. Total Number of shares issued 100

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

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

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

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO NONE		
2) President Theodore L. Wood		8/28/61
3) Vice-President NONE		
4) Secretary NONE		
5) Treasurer NONE		

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 Theodore L. Wood	Soci	BER OF SHARES HELD (NOT PERCENTAGE)
Residence Address 20 Red Cedar Circle	Tax Identification No. (if applicable) 27-2130484	
City and State Oxford, Ohio	Zip Code 45056	100
Telephone No. 513-461-9032	Date of Birth 08/28/61	
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, COUNTYss

I, Theodore Wood being first duly sworn, according to law, deposes and says that he/she is (Title) President of the Topshelf Shots, 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) ____________ (Print Name and Corporate Title) Pres Topshelf Shots Inc.

Sworn to and subscribed in my presence this 16 day of June 2010

Ashlee Willis
(Notary Public) (Notary Expiration)

NOTARIAL SEAL STATE OF OHIO

ASHLEE WILLIS
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
July 06, 2013
Recorded in
Butler County

DLC4030 FOR AUX SERVICE PROVIDER FOR TTY USERS DIAL 1-800-750-0750 Rev. 6-08

A Special Meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, June 29, 2010 at 7:00 p.m. Those members present were Ken Bogard, Kate Currie, Bob Blackburn, John Harman, Kevin McKeehan and Greig Rutherford.

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

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

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

STAFF PRESENTATION/PROPOSED EARNINGS TAX INCREASE TO FUND FIRE/EMS SERVICE IMPROVEMENTS

Mr. Elliott provided a PowerPoint Presentation and discussed the various reasons why a tax increase was necessary to continue funding the City's Fire/EMS services. Mr. Elliott noted the increased call volume, increased training requirements, difficulty in recruiting and retaining volunteers, and the need to improve response time. Mr. Elliott discussed the staffing increases since 2007 which resulted in a change from an all volunteer operation in 2006 to a combined operation in 2010. Mr. Elliott advised the additional staff resulted in increased costs which had negatively impacted the General Fund and reduced capital spending. Mr. Elliott advised the options to remedy the situation included reduced spending; other revenue options (fees), improving operations and a tax increase. Mr. Elliott discussed the city's objectives which included the restoration of the General Fund, the restoration of transfers to Capital Funds, additional staffing for the Fire/EMS Division, the creation of separate Fire/EMS Fund to account for all revenue and expenditures and for Council to decide on the required property or income tax increase to place on the November ballot. Mr. Elliott discussed several staffing options and recommendations and summarized the fiscal effects of $1 million in additional revenue. Mr. Elliott discussed several cost saving initiatives the City had recently implemented. Mr. Elliott noted what the current tax rates in other Butler County jurisdictions were.

COUNCIL DISCUSSION

Ms. Currie inquired what the cost would be to add one part-time Firefighter/EMS per shift and Mr. Elliott advised $200,000 which included fringe benefits. Ms. Currie noted concern that the option of a 0.25% earnings tax increase may not be enough to reach the staffing goal. Mayor Keebler advised Council needed to look at the reality of what could be attained. Mayor Keebler noted the potential proceeds would be deposited in a separate fund making the General Fund whole. Mayor Keebler advised people needed to understand that Council chose to add staffing to the Fire/EMS Division knowing it would result in deficit spending because Council felt they did not have a choice.

Mayor Keebler noted it was too difficult to rely on volunteers to cover the calls and the City had experienced slow responses or no response to an emergency call. Mayor Keebler noted the dedicated group of volunteers had been overtaxed and could not donate enough time because of the increase in calls and other commitments in their schedules although volunteers would always be an important part of the Fire Department. Mayor Keebler noted all too often no one showed up for a call which was why Council felt the need to enter into deficit spending by hiring part-time Firefighters and EMS personnel knowing full well deficit spending could not continue. Mayor Keebler noted response times had improved dramatically with the addition of part-time staffing which included paramedic service for the first time in Oxford. Mayor Keebler advised Council felt they had to provide a better level of service to Oxford citizens and noted he did not think Council could ask for more than a 0.25% tax increase. Mr. Bogard noted the issue could be revisited in 2-3 years. Mr. Rutherford advised City services would have to be reduced or income tax would have to be increased and he would like to see a 0.25% tax increase established so the City was fiscally sound and could maintain the current level of service as well as add some much needed improvements to the Fire Department.

PUBLIC PARTICIPATION

Mr. Paul Brady, College Corner Pike, advised he felt the issue should be placed on the ballot and let the citizens decide its outcome. Mr. Brady advised the Fire Department's Master Plan called for substantially more money than what a 0.25% tax increase would provide and noted concern with multiple tax increases being placed on future ballots. Mr. Brady discussed the possibility of Miami University assisting more with funding the Fire Department noting they had paid 1/3 of the cost for new vehicles since the 1990s. Mr. Brady noted in 2009 44% of EMS calls were for Miami University or Mile Square addresses. Mr. Brady discussed the soft billing process for Fire and EMS runs and possible ways to improve the revenue generated. Mr. Brady noted his feeling what Council was looking at with a 0.25% tax increase could not be sustained.

Mr. Elliott advised the Fire Department's Master Plan had not been adopted and noted Mr. Brady made some very good points. Mr. Elliott thanked Mr. Brady for attending the Ad-Hoc Fire/EMS Committee meetings.

Ms. Prue Dana, 6314 Fairfield Road, advised having been a part of Council when the decision was made to go into deficit spending she felt a sense of responsibility to respond to Council at this time. Ms. Dana noted she echoed Mr. Brady's comments but felt the information staff provided was very good as well. Ms. Dana advised she supported Option 'A' at this time because of the economic situation everyone was in and Option 'A' would allow the City to maintain the current staffing level. Ms. Dana noted the importance of making this plea very clear to the voters and very clear that it would be an earnings tax because of the number of retirees in Oxford. Ms. Dana noted she saw earnings tax as a way to spread out the responsibility to everyone who worked in and around Oxford which answered the question of Miami University's responsibility. Ms. Dana thanked Council for their hard work on this initiative and offered to participate in any way possible to help educate the public and let them know how critical this issue was.

COUNCIL DISCUSSION

Mayor Keebler reiterated that the Fire Department's Master Plan had not been adopted but he would like to work towards the adoption of it. Mayor Keebler noted in this economy the City needed to maintain what was in place and make improvements where possible. Mayor Keebler advised Mr. Brady made good points and the City needed to continue working with the university on ways to enhance what the City was able to collect for services performed. Mayor Keebler noted he appreciated Miami University's voluntary contribution of 1/3 of the cost of new Fire Department apparatuses which they had been doing since the 1990's. Mayor Keebler advised approximately 50% of current City earnings tax came from Miami University employees. Mayor Keebler noted it was important to cover the City's deficit and during the budgeting process Council needed to work with the City Manager and Fire Chief to decide how to make the best use of funds to provide the needed Fire and EMS coverage for the citizens.

Ms. Currie noted it was a difficult decision for Council to add the part-time staffing for the Fire Department knowing they couldn't think about funding it until now but the department was not able to cover the Fire and EMS runs. Ms. Currie noted the critical issue would be to maintain what was in place now and if an income tax increase was not passed she did not know how the City would be able to maintain the current staffing. Ms. Currie noted Council moved forward and did what they needed to do to keep the citizens safe and now a tax increase was necessary to maintain that.

Mr. Bogard advised it had been seventeen years since the last tax increase and the City had increased services over those years. Mr. Bogard noted Council needed to be clear and distinct with their message to the public that this would be the plan for the first phase of improvements in the Fire/EMS Department. Mr. Bogard noted the future economy might take care of additional staff and equipment as Council planned for the future. Mr. Bogard advised he felt Council needed to maintain the current staffing and when the economy improved additional staff and equipment could be added. Mr. Bogard reiterated that Council needed to have a clear and distinct message and plan as they went to the voters this fall for a levy.

Mr. Rutherford advised he wanted the public to realize that if the economy were good right now the City would be in the same situation. Mr. Rutherford noted there was a significant need to provide additional Fire/EMS staffing so the City could properly serve the citizens in a timely manner. Mr. Rutherford advised the problem of Fire/EMS service was one that had been building regardless of economic times. Mr. Rutherford noted the impact of the current economy was that the City was deficit spending on an unsustainable path. Mr. Rutherford advised Council was proposing an earnings tax as it would distribute the burden most equitably. Mr. Rutherford advised a significant number of calls for the Fire Department came from campus and were unnecessary, non-transport calls and perhaps the Bursars Office could bill for those calls. Mr. Rutherford suggested issuing a civil citation to those who called for service and then refused transport. Mr. Rutherford advised he would like to see a residency requirement for Miami University students and for the City to look into the tax sharing provision in the Ohio Revised Code for those students who left Oxford for the summer. Mr. Rutherford advised Mr. Newlin was looking into the possibility of a public safety fee.

Mr. Harman advised if a tax increase made it on the November ballot education of the public would be paramount. Mr. Harman noted the public needed to know Council was looking at other revenue sources but those couldn't completely fund what was needed for the Fire Department. Mr. Harman advised the citizens also needed to know the City had been successful in saving costs in other areas. Mr. Harman noted it was the education overall that would determine whether or not a tax increase would pass if it made it to the November ballot.

Mr. Blackburn noted the public didn't really know Council had tried other possible ways to increase revenue. Mr. Blackburn advised Council wanted to stay away from a property tax because Butler County had pounded on everyone. Mr. Blackburn advised he didn't know if the Bursar at Miami could or would bill for emergency services. Mr. Blackburn noted issuing a civil citation for an unnecessary call was not a bad idea but he did not know if the judge would uphold it. Mr. Blackburn reiterated that Council was looking at an earnings tax not an income tax and it would not affect senior citizens.

Mr. McKeehan noted he was not a big fan of taxes but the City needed Fire and EMS coverage to provide for the safety of our residents and visitors. Mr. McKeehan reiterated that Council was working on other means of increasing revenue. Mr. McKeehan advised he was very concerned that earnings taxes would decrease over the next few years via Miami as they were looking very hard at reducing their budget.

Mr. Rutherford moved that 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 and EMS services to be placed on the ballot in November 2010. Mr. Blackburn seconded. The motion passed by the following roll call:

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

NAY: Mr. Harman (1)

ABS: None (0)

ADJOURNMENT

Mr. Rutherford moved to adjourn at 8:31 p.m. Ms. Currie seconded. The motion passed 7-0-0.

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, July 6, 2010 at 6:45 p.m. Those members present were Ken Bogard, Kate Currie, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeehan.

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.

ADJOURN TO EXECUTIVE SESSION

Mr. Bogard moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22 (G)(2) for the purpose of considering the sale of property. Ms. Currie seconded. The motion passed by the following roll call:

AYE: Mr. Blackburn, Mr. Bogard, Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Blackburn moved to return from Executive Session at 7:36 p.m. Mr. McKeehan seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. Harman Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. McKeehan moved to approve the agenda. Mr. Bogard seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PRESENTATION
OXFORD POLICE DEPARTMENT

Chief Schwein noted the Police Department lost part of its canine team last spring with the passing of Simon whose handler was Officer Shawn Terrell from 2002 to 2010. Chief Schwein, Lieutenant Horvath and Sergeant King presented Officer Terrell with a plaque and a tombstone for Simon who was buried on Officer Terrell's property.

PRESENTATION
OXFORD COLLEGE CORNER CLINIC

Ms. Lisa Gadaleta, reviewed the Clinic's 2009 annual report with Council noting they provided 144 patients with medications at a cost of $230 per patient per year, assisted 16 patients in filing for disability status and enrolled 30 patients in pharmacy assistance programs. Ms. Gadaleta advised there were 332 total visits to the clinic and 86% of those visits were in Ohio and 14% were in Indiana. Ms. Gadaleta thanked Council for their support and offered to answer any questions.

Mayor Keebler thanked Ms. Gadaleta for the report and for the good work the clinic provided.

RIGHT-OF-WAY REQUEST
MOBILE HEALTH UNIT

Mr. Christopher Escue, Project Coordinator for Miami University's Mobile Health Unit addressed Council noting they provided health education for Miami University and the community on campus and Uptown Oxford. Mr. Escue advised the university wished to park the Mobile Health Unit Uptown on various weekends from August to December.

Chief Schwein advised the vehicle could be parked on the East side of N. Poplar Street.

Mayor Keebler encouraged members of the community to visit the Mobile Health Unit noting they provided a comprehensive service.

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

NOTICE TO
LEGISLATIVE AUTHORITY

Transfer permit from Oxfood Inc Susan L. Rhiel Bkrtcy DBA LaRosas 21 Lynn Ave Suite 101 Oxford, Ohio 45056 to Wild Bistro Inc DBA Wild Bistro37 E. High Street Oxford, Ohio 45056.

Chief Schwein advised this was a new permit for Wild Bistro and Officer Robinson had contacted them to schedule training for their employees.

Mayor Keebler noted the permit was owned by the former owners of LaRosas and had been tied up in bankruptcy court. Mayor Keebler advised it was now being transferred to Wild Bistro.

Ms. Currie moved to accept the notice without comment. Mr. Rutherford seconded. The motion passed 7-0-0.

NOTICE TO
LEGISLATIVE AUTHORITY

New permit for Wills Uptown Pizza & Carryout LLC DBA Wills Pizza 11 W. Church Street Oxford, Ohio 45056.

Mr. Rutherford recused himself.

Chief Schwein advised the permit would be held by the owners of two existing businesses in Oxford with liquor permits which had no violations for the past two years. Chief Schwein noted the employees of this establishment would receive the same training as any new business in Oxford.

Ms. Currie moved to accept the notice without comment. Mr. McKeehan seconded. The motion passed 6-0-0.

Mr. Rutherford returned to the dais.

NOTICE TO
LEGISLATIVE AUTHORITY

New permit for Fiesta Charra Inc 25 W. High Street Oxford, Ohio 45056.

Chief Schwein advised the Police Department would work with the owners of Fiesta Charra regarding their adherence to liquor laws.

Ms. Currie moved to accept the notice without comment. Mr. Bogard seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Ms. Bobbe Burke, 722 David Drive, made a personal appeal to Council to participate in the welcome back Walk About which would take place August 22nd and 23rd. Ms. Burke noted it made a huge impact with the students when members of Council and staff participated in the event. Ms. Burke thanked Council members for their participation in the past and noted her hope they would participate again.

Ms. Kathleen Zien, 6060 Joseph Drive, inquired what the term limits were for members of the Board of Zoning Appeals. Ms. Zien asked staff to go through the records to see how long the current Chair of the Board of Zoning Appeals had been on the board and how many years as Chair. Ms. Zien noted her feeling it was unfortunate that recent member Mr. Houk was not reappointed despite his willingness to serve another term. Ms. Zien noted Mr. Houk had served on the Planning Commission and HAPC and was knowledgeable about the Zoning Code. Ms. Zien encouraged Council not to reappoint those who did not well serve this critical assignment. Ms. Zien noted her feeling Council had not reappointed good people to the BZA and had retained those who were unprepared for meetings. Ms. Zien noted a Council member had not attended a BZA meeting since 2006 and encouraged them to do so as it would be an eye opener. Ms. Zien noted variances should be the exception not the rule and every one granted was in opposition to the Comprehensive Plan or Zoning Code and approved a deviation from what were to be well designed conditions and standards for Oxford. Ms. Zien advised when she addressed Council during public comments again she would discuss the June BZA meeting and the impact of what the phrase 'standing' meant.

CONSENT AGENDA

MINUTES

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

MINUTES

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

REPORTS

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

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

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

RESOLUTIONS

RESOLUTION
NOISE ABATEMENT

A Resolution No. 4548 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)

RESOLUTION
NOISE ABATEMENT

A Resolution No. 4549 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)

RESOLUTION
PERFORMANCE BOND

A Resolution No. 4550 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)

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

ORDINANCES
FIRST READING

ORDINANCE
NEW SECTION 507.01

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)

Mr. Elliott advised in June he 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. Mr. Elliott noted after discussion of the issue Mayor Keebler requested legislation to remove the regulation under the Police Civil Citation Ordinance.

Mr. Harman advised the proposed Ordinance would make the citation $165.00 as opposed to $60.00 under the Police Civil Citation Ordinance. Mr. Harman noted he did not understand the rationale behind the proposed Ordinance.

Mayor Keebler advised until six months ago there were no civil citations for motor vehicle offenses and Council adopted an Ordinance to make the process more user friendly. Mayor Keebler noted Officers were sometimes hesitant to write citations because of the cost of the fine under the motor vehicle laws. Mayor Keebler advised Oxford became the 'front license plate citation capital of Ohio' and he did not feel the offense belonged in the Police Civil Citation Ordinance. Mayor Keebler noted he did not want to encourage Officers to issue a civil citation because it was less expensive for the violator.

Mayor Keebler requested clarification of the fines and court costs and Chief Schwein advised he would obtain the information.

Mr. Rutherford advised he felt it was admiral for staff with the Law Director and Police Chief to establish the Civil Citation provision within the code. Mr. Rutherford noted the front license plate issue seemed to get out of control. Mr. Rutherford suggested issuing a citation with no fee for a first offense, a civil citation fee of $60.00 for a second offense and issuing the citation under the Oxford Traffic Ordinance for a third offense which would send the violator to court and would be $105.00 in addition to other fees. Mr. Rutherford inquired if there would be a legal difficulty with what he suggested.

Mr. Elliott advised 'fix it' tickets or warnings could be issued.

Mr. McHugh advised Council might want to consider removing the front license plate regulation from the Police Civil Citation Ordinance and inquired what else would become a warning. Mr. McHugh advised Council to be consistent with what violations would become a warning.

Ms. Currie, Mr. Bogard and Mr. McKeehan were in favor of the proposed Ordinance.

Ms. Kathleen Zien, 6060 Joseph Drive, inquired if an Indiana vehicle would receive a ticket for not having a front license plate and Mayor Keebler advised no.

ORDINANCE
INCOME TAX RATE INCREASE

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)

Mr. Elliott advised Council held a Special Meeting on June 29, 2010 to discuss a proposed earnings tax increase to fund Fire/EMS Service Improvements and to receive citizen input. Mr. Elliott noted as a result of the meeting Council directed staff to prepare legislation to put on the November 2, 2010 General Election Ballot the question of whether or not to increase the City's earnings tax by .25% to 2%. Mr. Elliott advised the reasons a tax increase was being proposed were the increased call volume, increased training requirements and difficulty recruiting and retaining volunteers. Mr. Elliott noted there was also a need to improve response times and in 2007 an Assistant Fire Chief position was added, in 2008 a first shift of part-time Firefighters/EMTs were added and in 2010 a second shift of part-time Firefighters/EMTs were added moving from an all volunteer department to a combination department. Mr. Elliott advised response times had improved by an average of 3.5 minutes which was significant.

Mr. Elliott advised the improvements had increased spending by $1,000,000 and staff felt it was necessary to ask the voters for an increase in the income tax to fund the improvements and possible future improvements. Mr. Elliott noted the PowerPoint programs that were presented at the Special Meeting and previous meetings were on the City's website so voters could review them and encouraged citizens to contact his office or the Fire Chief with questions regarding the need for the proposed increase. Mr. Elliott advised the proposed legislation needed to be filed with the Board of Elections by August 4, 2010. Mr. Elliott noted this was the first reading of the proposed Ordinance which was required by statute and the second reading would occur at the next meeting as an emergency so it would be in effect by the August 4th deadline. Mr. Elliott advised a corresponding Resolution would be placed on the next agenda as well. Mr. Elliott noted his hope citizens would attend the next meeting to offer their comments.

Mayor Keebler advised service was also upgraded from Basic EMT service to Paramedic service on the first out ambulance and Council agreed to deficit spend to make that happen.

Ms. Kathleen Zien, 6060 Joseph Drive, discussed a recent article in the Oxford Press and the issue of Miami students being residents of Oxford. Ms. Zien noted what Oxford could receive from a property tax was more significant and justified than an earnings tax and suggested adding an annual fee to rental permits to cover fire and police services. Ms. Zien suggested a minimum fee of $50.00 per renter per year by landlords who were filing for or renewing rental permits. Ms. Zien noted the property tax to protect homes was likely larger than an earnings tax on someone making minimum wage. Ms. Zien advised her feeling landlords should pay a proportional price to cover their properties and many tenants who required City services. Ms. Zien noted whether an unattended cigarette resulted in a fire call, or drunken behavior caused an ambulance call, the logical assumption was there was more risk for emergency services with non-owner occupied homes. Ms. Zien noted her belief a property tax worked for everyone who had property to be protected by fire and police staff. Ms. Zien advised her feeling an earnings tax was not an appropriate method for dollars to cover firemen or equipment. Ms. Zien noted there were clearly defined geographic boundaries for City services and if someone lived in that footprint not worked in it they should rightly pay for the services. Ms. Zien noted many people commuted to Oxford to work and she did not expect to pay for their City services nor should they pay for hers. Ms. Zien noted if the university was an issue being exempt from paying property taxes staff should check with other college towns and smaller cities to see how they financed their safety departments. Ms. Zien provided Mr. Elliott with a list of cities to check. Ms. Zien noted her hope Council would consider this a viable alternative solution to an earnings tax.

Mr. Richard Daniels, Emerald Woods Drive, referred to page 61 of the agenda 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'. and suggested leaving some flexibility by removing the word 'solely'. Mr. Daniels noted he felt it was good that the proposed tax was tied to earnings because incomes would eventually increase as would the cost for services so there would be a natural rise on both sides of the equation.

Mr. Elliott advised Council had spent a lot of time discussing which way to proceed with a tax increase. Mr. Elliott noted one reason the earnings tax was proposed over a property tax was that the university was exempt from paying property tax. Mr. Elliott advised he was familiar with many of the cities on the list Ms. Zien provided and noted Athens had a separate EMT Service that was funded by a county-wide property tax. Mr. Elliott advised there were many different funding schemes and each community had to decide what was best for them. Mr. Elliott noted the issue of fees had been discussed and when fees were charged there had to be a direct benefit such as solid waste pick-up or water and sewer. Mr. Elliott noted Council and staff recognized this was a difficult time for the electorate to provide a tax increase but Council felt the Fire and EMS service had to be improved due to inadequate response or no response to emergency calls.

Mayor Keebler advised Council had discussed the tax increase issue extensively in Work Sessions that were open to the public and at their Special Meeting June 29, 2010 that was taped and broadcasted.

Mr. Rutherford advised Council's goal was to maintain and improve Fire and EMS service for people who lived here and worked here, worked here but did not live here, for those who studied here and for those who visited here. Mr. Rutherford noted anyone who requested service received it without discrimination. Mr. Rutherford advised an income tax was most equitable because it included those who worked here but did not live here and could potentially include those who studied here. Mr. Rutherford advised raising the fee for rental permits would impact the people who lived here and may be struggling with low wages and other difficulties. Mr. Rutherford advised those with rental income paid income tax on the rental income. Mr. Rutherford noted the proposed earnings tax would not affect retirement income. Mr. Rutherford advised his feeling Council needed to investigate whether or not there could be a public safety fee for non-residents or all of those who studied here because the City provided public safety to them although they did not contribute to the system.

Ms. Currie advised she saw this as one of the most important votes she would have a chance to make while on Council and sadly she would not be at the next meeting to vote on it. Ms. Currie noted Council felt it was imperative that the City provided Fire and EMS service to the community because people's lives were at stake and it was a huge decision. Ms. Currie advised as a community everyone needed to step up and assume responsibility for providing Fire and EMS service for themselves and for their neighbors. Ms. Currie noted last year Council made the decision to improve services because they felt it couldn't wait until a tax increase was passed. Ms. Currie advised that decision put the City in a pinch financially but she still believed it was the right decision and she hoped the community would come to see it was the right decision and move forward and pass the proposed earnings tax increase to keep strengthening the Fire and EMS services for the entire community into the future.

Mr. McKeehan advised the proposed earnings tax increase would not buy any tremendous luxuries for the Fire/EMS Department it would maintain the current level of service with very little added in. Mr. McKeehan noted it was Council's decision to go for a bare bones tax increase given the current economy.

Mr. Bogard referred to page 61 of the agenda and Mr. Daniels suggestion to remove the word 'solely' and inquired if some of those funds could redirected in the future.

Mr. Elliott advised he was recommending a dedicated fund be created for the proposed .25% increase. Mr. Elliott noted the goal was also to restore the financial condition of the General Fund. Mr. Elliott advised with the addition of the second shift part-time Firefighter/EMTs the City now had an estimated $550,000 deficit for this year of which approximately $300,000 was for the second shift. Mr. Elliott noted the City would create a separate fund to account for all Fire and EMS expenditures. Mr. Elliott advised if the proposed tax increase did not pass the second shift would be eliminated or cuts would be made elsewhere. Mr. Elliott noted the goals were for the proposed tax increase to pass, to maintain the current level of service and to restore the financial condition of the General Fund.

Mr. McHugh advised the proposed Ordinance was very similar to a real estate tax levy which was set up for a purpose and could only by law be used for that purpose. Mr. McHugh advised the proposed Ordinance was an emergency Ordinance and by Charter required a ¾ majority affirmative vote by Council which was 6 members. Mr. McHugh advised if the proposed Ordinance was not passed as an emergency it would not appear on the November ballot.

Mr. Bogard noted his hope Council would vote unanimously in favor of the proposed Ordinance.

Mr. Harman advised his concern was the citizens of Oxford including Miami University staff and faculty who had suffered two years of a salary freeze as well as other citizens who had not seen a salary increase in numerous years. Mr. Harman advised his feeling an earnings tax increase at this particular time was inappropriate and Council should look for other methods of increasing revenue.

Mr. Blackburn noted Council looked at a property tax increase and did not feel it was appropriate due to the high property taxes already being paid. Mr. Blackburn noted the proposed earnings tax increase would not provide for a full-time Fire Department a new Fire Station or new vehicles it would only maintain the current level of service.

Mr. Rutherford encouraged citizens to attend the July 20, 2010 Council meeting to voice their opinions regarding the issue.

Mayor Keebler advised what Mr. Harman said was true but he felt it was a small price to pay for the improvements that had been made in the Fire/EMS Department. Mayor Keebler noted it was a matter of public safety which trumped. Mayor Keebler advised the City needed more improvements in the Fire/EMS Department than what Council was asking for. Mayor Keebler advised it was a tough decision and it was up to Council to work with the citizens.

ORDINANCES
SECOND READING

ORDINANCE
CODE UPDATE

An Ordinance No. 3119 To Approve Current Replacement Pages To The Oxford Codified Ordinances. (Mary Ann Eaton, Clerk of Council)

Ms. Eaton noted the replacement pages would bring the code books current to June 1, 2010.

Mr. Bogard moved to adopt Ordinance No. 3119. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Bogard, Ms. Currie, Mr. Harman Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

GENEAL DISCUSSION

Proposed expansion of the Colerain Township Rumpke Landfill.

Mayor Keebler advised Council received approximately 22 letters from Oxford citizens asking Council to take a position a court matter occurring in Hamilton County regarding the proposed expansion of the Rumpke landfill. Mayor Keebler noted he wasn't sure why another legislative body that had nothing to do with Colerain Township would have any legal standing in a court matter and he did not think it was an issue for Council to take a position on.

Mr. McHugh advised he would want to study the case before Council made any motion for or against the matter. Mr. McHugh noted to have a say in the litigation Council would have to be a party to it and it would be unusual for the City to become involved in this way.

After discussion Council concurred with Mayor Keebler and Mr. McHugh noting the best thing the City could do was continue promoting recycling initiatives for residences and commercial properties.

ANNOUNCMENTS

Mr. Elliott updated Council with regard to Census information.

Mr. Dreisbach updated Council with regard to the City's yard waste program.

Mr. Kyger updated Council with regard to the Miami Heritage Technology Park, the Revolving Loan Fund applications and the Marketing and Demographic RFP.

Ms. Currie encouraged everyone to attend the unveiling of the Bicentennial sculpture at the Community Park on Saturday, July 17, 2010 at 6:30 p.m. followed by a vintage baseball game. Mr. Currie noted she enjoyed all of the 4th of July festivities and thanked the Parks and Recreation Department for their efforts.

Mr. Bogard congratulated Gail Brahier, Parks and Recreation Director and her staff for the successful 4th of July activities and Kate Currie for the Bicentennial theme. Mr. Bogard advised the Adidas Soccer Tournament would return to Oxford's Community Park in 2011. Mr. Bogard provided a schedule of upcoming events at the Community Park. Mr. Bogard requested that Mr. Dreisbach provide an update on the improvement projects underway in the City and their estimated completion dates at the next meeting.

Mr. Rutherford encouraged everyone to visit two new restaurants Uptown, SoHi Grilled Sandwiches and Krishna Indian Restaurant. Mr. Rutherford encouraged everyone to visit the Farmers Markets and support the local growers.

Mr. Harman advised the 4th of July events were phenomenal and thanked the Parks and Recreation Department, Police Department, Fire Department, Service Department and Diana Durr of the Visitors and Convention Bureau for all of their efforts.

Mr. Blackburn advised Law Camp was another successful event. Mr. Blackburn noted the July 4th events were great. Mr. Blackburn encouraged residents at patronize the local BP station.

Mr. McKeehan thanked all of the City Departments for the wonderful 4th of July noting it was always enjoyed by his family. Mr. McKeehan advised he read an article recently about the Miller-Coors Plant in Trenton winning an award for recycling in excess of 98.9% of their plant's waste and noted it was staggering to comprehend a plant of that size could achieve such an award. Mr. McKeehan noted with that in mind everyone could do a better job of recycling.

ADJOURNMENT

Ms. Currie moved to adjourn at 9:10 p.m. Mr. Blackburn seconded. The motion passed 7-0-0.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: July 20, 2010

Account Code No. #:

Budgeted Amount:

Community Development
Originating Department

Kathryn A. Dale
Prepared By

July 8, 2010
Date Prepared

Agenda Title:	**HAPC Meeting Report – July 7, 2010**

DISCUSSION:
Requests for Review:
HAPC-11-2010 48 E Park Place, installation of signage, Patricia Loomis, Applicant

The Applicant sought a COA for the installation of a non-illuminated 2' x 6.5' sign. The sign is to be made of ½ inch laminated PVC material. No lighting was proposed. The sign has a seafoam green background with reddish pink lettering, clip art of a hand and flowers. Staff indicated that an ivory background may blend better with the overall storefront colors. The Applicant was also proposing to add white screen print, script lettering to the existing awnings. However, this lettering would constitute a sign and the Applicant would have to go to the Board of Zoning Appeals for additional signage.

The Commission was in favor of the screen print lettering on the awnings and said it looked very eloquent. In regards to the main, central sign there was a lot of discussion on the color selections and logo. Some members suggested that the lettering be the same script as the lettering on the awnings. Other options were discussed so the Applicant would not have to go before the BZA.

The HAPC voted 7-0-0 to ***APPROVE*** the COA for the proposed, central main sign with the following conditions:

1. That, the background color may remain the light green as presented,
2. That, the logo and flowers are removed from the sign,
3. That, the lettering on the sign is changed to hunter green, and
4. That, a hunter green border is added to the sign.

The HAPC voted 7-0-0 to support the Applicant's request for BZA approval for the additional signage on the awnings as presented, should the Applicant decide to request a variance.

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HAPC-12-2010 101 W. High Street, demolition and installation of gas canopy and exterior modifications of building fascia, United Dairy Farmers, Applicant

The Applicant sought a COA for the following items:

1.) To demolish the existing UDF gas canopy, and reconstruct the canopy as a detached/stand alone structure from the rest of the building.
2.) To remove the existing 5' x 5' white fascia around the top of the existing building and replace with 5' x 3' synthetic stucco with dental detailing.
3.) To remove the stockade fence around the dumpster area and replace with a brick enclosure similar to the existing building.
4.) Concept review of wall signage.

Staff presented the proposed modifications and explained that internally lit signs were not permitted in the

Uptown District per Section 1151.05(a)(2)B.1. and if the Applicant wished to pursue the signage as presented, BZA would have to approve a variance. The Applicant said they looked at some other signage packages available and presented that they could install 10" thick, red metal letters, with multiple, single straight arm lights above the sign. The light fixture would be white/cream to blend with the color of the synthetic stucco and essentially disappear into the façade. No sign modifications are proposed at this time to the pole sign at the corner. The new cornice will consist of a tan metal.

The Applicant also presented that the dumpster gate would be a stained cedar fence, similar to what exists now because it is easier to repair if damaged or broken, but the rest of the enclosure would be the same brick and block as the building.

The HAPC voted 7-0-0 to ***APPROVE*** the COA demolition of and re-use plan for 101 W. High Street, gas canopy and façade improvements to the primary structure with the following conditions:

1. That, any modifications to the structure as a result of any other City Board or Commission; or permit review decisions are re-presented to the HAPC.
2. That, construction shall commence within 30 days after demolition of the gas canopy.
3. That, final details of the building, including but not limited to brick selection, dumpster gate material, signage and lighting, are presented to the HAPC prior to ordering the material or product.

The HAPC voted 7-0-0 to ***APPROVE*** the COA for the red, 10 inch, non-internally lit metal signage along Beech and High Streets with the following conditions:

1. That, the sign is externally lit with the white/crème fixtures as presented and that the final light fixture is presented to the HAPC Chair prior to installation.

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HAPC-13-2010 ***15 N. Poplar Street, partial demolition of an existing building and construction of a 4-story mixed use building, Fishbaugh & Sons Construction Co., Inc., Applicant/Agent***

The Applicant sought a COA for approval to demolish the two-story building at 15 N. Poplar, with the exception of the common wall between 15 & 17 N. Poplar and all of the ground floor walls to rebuild a 4-story building with additional space at the rear of the existing building footprint. Staff indicated that the plans submitted for report review did not include the rear elevation or note building materials and colors.

The Applicant distributed revised drawings and shared that the building would be all brick with a block wall on the north due to the potential of the other property owner exploring a vertical building addition. The Applicant described the modifications from the drawing provided in their packets and highlighted some of the building features. A rear elevation drawing was also provided.

The HAPC, staff and the Applicant discussed the option to provide false/abandoned windows on the rear elevation as there were no windows being provided at all. There was also discussion about continuing the front façade so as to turn the alley corner or wrap around at least one bay due to the visibility of the southern side of the building from High Street. HAPC asked the Applicant if they would consider a stained or colored block to match the brick color on the northern elevation too since it will be visible for a period of time from Church Street.

The HAPC voted 7-0-0 to ***APPROVE*** the COA for demolition of and re-use plan at 15 N. Poplar Street with the following conditions:

1. That, a minimum of one commercial window is provided on the southern façade, near the front of the building and is of similar size as the front commercial windows.
2. That, the front façade treatment is wrapped around the south side of the building along the alley.
3. That, the north elevation consists of a stained or colored block that matches the brick color selection.
4. That, the appearance of false or abandoned windows with limestone lintels is provided on the

east/rear elevation of the building.

5. That, 30 days after demolition, if construction has not commenced, the site shall be properly filled in and covered with seed and sod.
6. That, any modifications to the structure as a result of any other City Board or Commission; or permit review decisions are re-presented to the HAPC.
7. That, all final details of the building, including but not limited to brick color, window frame selections, door selections, cornice and band finishes and color, signage, lighting, and streetscape are presented to the HAPC.

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HAPC-14-2010 7 W. High Street, demolition of an existing building and construction of a 4-story mixed use building, Scott Webb, Applicant/Agent

The Applicant sought a COA for approval to demolish the existing Qdoba building and build a new mixed-use, four-story building. The structure will be one building with a split, rounded façade to give the impression of separate buildings. The structure will have a flat-roof and two-tone, full brick façades on all sides of the building. The Applicant presented the inspiration for some of the details. The Applicant also brought the brick color and limestone selections. Staff asked the Applicant to explain how the building would tie into the other neighboring buildings and how the cornice details would transition between the two four-story buildings.

HAPC discussed adding some dental details to the center bay so the center bay is not so plain compared to the elegant details provided on either side of this building section.

The HAPC voted 7-0-0 to ***APPROVE*** the COA demolition of and re-use plan at 7 W. High Street with the following conditions:

1. That, additional dentals are provided on the center cornice and presented to the Chair for review.
2. That, 30 days after demolition, if construction has not commenced, the site shall be properly filled in and covered with seed and sod.
3. That, any modifications to the structure as a result of any other City Board or Commission; or permit review decisions are re-presented to the HAPC.
4. That, all final details of the building, including but not limited to brick color, window frame selections, door selections, cornice and band finishes and color, signage, lighting, and streetscape are presented to the HAPC.

<u>Correspondence and Announcements:</u>
Ms. Dale distributed the Heritage publication and announced an upcoming workshop in Hamilton regarding tax credits. She also shared that staff had forwarded all of the recent project drawings to the various departments for preliminary comments since there were so many substantial projects occurring simultaneously this year. The Service Department provided general comments and these were distributed to the applicants.

<u>Other Business:</u>
Mr. Smith shared that he and Ms. Henderson spoke at the Township House Dedication on June 18, 2010 and that it was a very nice ceremony.

Ms. Dale shared that the Service Department would like to install a tempered or Plexiglas window in the stairwells of the City Garage due to water and flooding in the elevator shaft. HAPC was favorable of the idea as long as it looked like a real window, with either a frame matching the railings or an invisible frame. Prefer a material that would not yellow, but the Chair could review administratively.

<u>Old Business:</u>

Pillar Restoration Guide:
Mr. Smith is still working on.

Historic Marker Concept:
Staff and Mr. Smith are still acquiring quotes.

New Business:
HAPC 06-2010 ***17 N. Poplar****, outdoor patio furniture selection,* ***Ted Wood***

Mr. Wood presented an octagonal, picnic table style, with seats attached to place outside of his new establishment at 17 N. Poplar Street. The tables will seat up to 8 people and have seating that is open so people are not climbing over the seat like a traditional picnic table. The tables will be stained with the same mahogany stain to match the establishments doors and window trim. At this time he plans to provide 4 tables, but may include a 5th later. He indicated that eventually he would consider umbrellas, but had not really looked into it all that much yet. The Commission indicated that they would be favorable of umbrellas and think a white, cream or navy blue umbrella would look nice with the improvements he plans for this building. Mr. Wood also stated that he will be in contact with Ms. Peterka to discuss landscape materials for the planters he intends to have on the patio area. He stated that he was looking at wood planters that could be stained mahogany as well.

The HAPC voted 7-0-0 to ***APPROVE*** the COA for the outdoor patio furniture with the following conditions:

1. That, the tables are stained mahogany, as presented.
2. That, the umbrellas are white, cream or navy blue.

Administrative Findings / Approvals:
HAPC-ADM-05-2010 127 W. Church Street, face change signage, John Richter, Vineyard Church, Applicant/Agent.

The next regular HAPC meeting is scheduled for August 4, 2010.

Approved By:		**Initials**	**Date**
	Department Head:	JHC	7/14/10
	City Attorney:		
	City Manager:	[illegible]	7/15/10

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager | **Economic Development** — **Originating Department Council**

Meeting Of: July 6, 2010

Alan Kyger — **Prepared By:**

Account Code No. #: N/A

Budgeted Amount: N/A

June 30, 2010 — **Date Prepared**

Agenda Title: Resolution authorizing the City Manager to enter into a contract with RE/Max Alpha Commercial Group to list for sale and market the City real estate referred to as "Western Knolls"

Recommendation: Approval

Discussion:
From December 2008 to present the City of Oxford has owned 47.46 acres of land on Oxford Reily Road and Brookville Road. Butler County parcel number H4100119000029. During this time period the City of Oxford has marketed the land and advertized the property as "For Sale By Owner".

In March of 2010 the City of Oxford released a Request for Proposals titled "Real Estate Listing/Western Knolls". The scope of work for this RFP was listed as: The City of Oxford is seeking proposals to market and assist in selling 47 acres of City land known as Western Knolls. The following items are to be provided:

- Listing Fee(s)
- Selling Fee(s)
- Marketing Plan & Methods
- Identify the Sales Team to be assigned this listing.
- List the experience levels of the members of the sales team.
- List the experience levels of the real estate firm.

RE/Max Alpha Commercial Group was the lone real estate firm to submit an RFP. RE/Max Alpha Commercial Group is a local firm and meets the all the criteria in the RFP. Their proposal is for:

- A 12 month Listing.
- A 6% Commission on all sales due at closing.

As the listing contract is finalized, staff recommends excluding two potential purchasers from this listing agreement. Foundation Development Group LLC and Mr. Thomas Pruckno. Both firms have been in contact with the City concerning purchasing some of this property prior to the RFP being accepted.

Approved By:		Initial \ Date
	Department Head:	AK \ 7-1-2010
	City Attorney:	\
	City Manager:	DRB \ 7-05-10

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RE/MAX ALPHA COMMERCIAL GROUP TO LIST FOR SALE AND MARKET THE CITY OWNED REAL ESTATE KNOWN AS "WESTERN KNOLLS'.

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

SECTION 1: The City of Oxford advertised for a Request for Proposal and RE/Max Alpha Commercial Group was the only firm that responded.

SECTION 2: The City Manager and Economic Development Director recommend RE/Max Alpha Commercial Group be retained to list for sale and market the City owned real estate known as "Western Knolls" for a period of one (1) year with six percent (6%) commission payable at closing, excepting two (2) potential buyers.

SECTION 3: Council hereby accepts the recommendation of the City Manager and Economic Development Director and authorizes the City Manager to enter into a contract with RE/Max Alpha Commercial Group to list for sale and market the City owned real estate known as "Western Knolls" for a period of one (1) year with six percent (6%) commission payable at closing, excepting two (2) potential buyers. The contract shall be in a form acceptable to the Law Director.

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
HOME OF MIAMI UNIVERSITY

REQUEST FOR PROPOSAL

Real Estate Listing

Western Knolls Property

INTRODUCTION

The City of Oxford is seeking proposals from real estate firms to develop a comprehensive marketing strategy to assist the City in selling 47 acres of undeveloped land. This property is commonly referred to as Western Knolls. The area surrounding this parcel has been developed as a subdivision and many quality single-family residential units have been built in those early sections. The remaining undeveloped 47 acres was purchased by the City in 2008.

City of Oxford, home of the Miami University, is located on the northwestern corner of Butler County and is a half-hour from a major interstate. Oxford is a small town-gown community and provides a full range of municipal services, including water, sewer, police and fire services. Miami University, a nationally and internationally recognized public university, affords Oxford to possess a unique quality of life, which includes a wide variety of cultural, athletic and fine arts activities.

The property is on the southwestern edge of the City. This area has easy access to the historic Uptown Business District, as well as Oxford's groceries, pharmacies and other retail trade centers.

SCOPE OF WORK

The City of Oxford is seeking proposals to market and assist in selling this property. The information below is the minimum information the City of Oxford is seeking in this PFP.

- List for sale 47 acres of land owned by the City of Oxford.
- Listing Fee
- Selling Fee
- Marketing Plan & Methods
- Identify the Sales Team to be assigned this listing.
- The experience level of the members of the sales team.
- The experience level of the real estate firm.

Optional information;

- Ability to assist in either "Master Planning" or re-developing the site into smaller more marketable parcels.

The City of Oxford is seeking to identify and select a Real Estate company to perform the activities listed above. The remainder of this document provides additional information that will allow a service provider to understand the scope of the effort and develop a proposal for the City of Oxford.

EXECUTIVE SUMMARY

The RE/Max Alpha Commercial Group is pleased to present its proposal for the disposition of a 47.46 acre tract of land in Oxford known as the Western Knolls. This is an important assignment to our group and we are confident that our sales experience, development experience and the support of an international real estate company with commercial offices and divisions in 1,200 markets and 22 countries will be successful in the disposition of this property.

Our marketing approach features a comprehensive plan to locate potential purchasers using a wide range of marketing tools. Some of the tools we will use are proprietary to RE/Max Commercial while others emphasize communication and cooperation with commercial practitioners throughout the United States as well as internationally. Some of the tools we will use in marketing this assignment include:

- Developing a complete and accurate marketing package in order to present all of the features of this property
- Using the sales and development experience of the RE/Max Alpha team to create unique and innovative marketing approaches
- Using the resources of RE/Max International to the fullest extent
- Communicating with the owners on a pre-determined schedule to keep them informed of all activity for the property
- Advise the owners about the merits of each individual offer
- Closely monitoring the due diligence process
- Following through after the sale to ensure that all aspects of the purchase agreement have been completed

In the current credit market any development project will have difficulty finding funding sources. Our proposal emphasizes the importance of developing alternative sources of capital by working with local, state and federal agencies to uncover all possible funding alternatives as well as encouraging the owners to be receptive to alternative funding proposals. Our proposal also includes the possibility of requesting a zoning change to PUD in order to increase the potential uses of the parcel and the selling price.

Our fee structure is 6% of the selling price payable at closing. No other fees will be charged. We propose an initial listing term of 12 months.

Thank you for reviewing our proposal. We will be happy to meet with the owners to further discuss and refine our proposal.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: July 20, 2010

Account Code No. #: N/A

Budgeted Amount: N/A

City Manager
Originating Department

Mary Ann Eaton
Prepared By

July 15, 2010
Date Prepared

Agenda Title: Resolution requesting and authorizing the Butler County Board of Elections to place upon the City of Oxford, Ohio Ballot at the General Election on November 2, 2010, the question of whether Ordinance No. 3121 increasing by one-quarter of one percent (.25%) the City of Oxford income tax rate to a total of two percent (2%) shall be approved in accordance with Section 718.01 of the Ohio Revised Code, the increase to provide for maintaining and improving current Fire and Emergency Medical Services, general operation, equipment and facilities.

Recommendation: Adopt the Resolution

Discussion:

This Resolution in conjunction with Ordinance No. 3121 will allow the proposed income tax increase of .25% in the form of an earnings tax to be placed upon the City of Oxford's ballot at the General Election on November 2, 2010.

Approved By:

	Initial	Date
Department Head:		
City Attorney:		
City Manager:	DMB	7/15/10

RESOLUTION NO.

RESOLUTION REQUESTING AND AUTHORIZING THE BUTLER COUNTY BOARD OF ELECTIONS TO PLACE UPON THE CITY OF OXFORD, OHIO BALLOT AT THE GENERAL ELECTION ON NOVEMBER 2, 2010, THE QUESTION OF WHETHER ORDINANCE NO. 3121 INCREASING BY ONE-QUARTER OF ONE PERCENT (.25%) THE CITY OF OXFORD INCOME TAX RATE TO A TOTAL RATE OF TWO PERCENT (2%) SHALL BE APPROVED IN ACCORDANCE WITH SECTION 718.01 OF THE OHIO REVISED CODE, THE INCREASE TO PROVIDE FOR MAINTAINING AND IMPROVING CURRENT FIRE AND EMERGENCY MEDICAL SERVICES, GENERAL OPERATION, EQUIPMENT AND FACILITIES.

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

SECTION I: City Council has determined that a 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 II: City Council has, accordingly, adopted Ordinance No. 3121 changing the income tax rate from one and three-quarters percent (1.75%) to two percent (2%), effective January 1, 2011.

SECTION III: In accordance with Section 718.01(C) of the Ohio Revised Code, this City Council hereby authorizes, requests, and directs the Butler County Board of Elections to place upon the ballot at the General Election on November 2, 2010, the question of whether Ordinance 3121 amending the Income Tax Rate of the City of Oxford to increase it to two percent (2%) for the purposes proposed be approved.

SECTION IV: City Council directs that, in accordance with Section 718.01(C) of the Ohio Revised Code, the ballot presented to the electorate at the General Election on November, 2010, shall be in the following form:

A majority affirmative vote is necessary for passage.

Shall the Ordinance providing for an additional one-quarter of one percent (0.25%) levy on income for the purpose of maintaining and improving current fire and emergency medical services general operation, equipment and facilities be passed?

FOR THE INCOME TAX ____________

AGAINST THE INCOME TAX ____________

SECTION V: That the Clerk of Council be, and hereby is, directed to certify a copy of this Resolution and Ordinance No. 3121 to the Butler County Board of Elections on or before August 4, 2010, and that this Resolution is sufficient authority upon certification to and filing with the Butler County Board of Elections to cause that governmental body to place the subject issue upon the General Election ballot on November 2, 2010.

SECTION VI: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meeting or meetings of this Council, and that all deliberations of this Council were in meetings open to the public and in full compliance with all legal requirements, including without limitations, those set forth in Section 121.22 of the Ohio Revised Code.

SECTION VII: This Resolution 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:	**Douglas Elliott**	**Police** Originating Department
Council Meeting Of:	**July 20, 2010**	
Account Code No. #:	**N/A**	**R.B. Holzworth** Prepared By
Budgeted Amount:	**N/A**	**July 5, 2010** Date Prepared

Agenda Title: An Ordinance Repealing Parking Code Section 353.99 of the Codified Ordinances of the City of Oxford, entitled PENALTY, and adopting New Section 353.99, entitled PENALTY.

Recommendation: Approve

Discussion:

It is nearly time for the Parking Unit to reorder rolled ticket stock for the ruggedized RECON handhelds used in parking enforcement. As part of this process, and at the behest of the Parking Unit, the Oxford Parking & Transportation Advisory Board (OPTAB) has engaged in discussion about the initial fee escalation time period for meter violations – currently set at 48 hours in OCC 353.99 (a)(1). The OPTAB recommends that this time period be **EXTENDED TO 7 DAYS.**

The Parking Unit is in total agreement as 2 days (48 hours) is often a <u>very</u> difficult requirement, particularly for transient parkers who are unfamiliar with Oxford parking rules and the location of the drop boxes. A fairly large percentage of appeals are filed by motorists who, in good faith, pay the citation in the mail, only to receive a letter weeks later indicating that they missed the 48-hr deadline and the fine has escalated twice and a $1.95 RoVR (Retrieval of Vehicle Registration) fee has attached. In other words, a $10 citation has escalated to $26.95 with a balance due of $16.95. While the payment details are clearly printed on the back of every citation, and we consider the postmark date as the payment date, many of our customers feel somewhat abused by this business practice. The Parking Unit and the OPTAB are working diligently to make parking in Oxford as easy to understand and customer-friendly as possible. If approved, a violator would have seven days to do one of the following: 1) pay in person or on the phone using a credit card, 2) place their payment in a drop box, or 3) mail the payment, ensuring that it was postmarked within the seven day period.

This would be a positive change and we recommend <u>approval</u>.

[Note: A printout of the revised verbiage on the rolled parking citations is attached for your information.]

Approved By:		**Initial Date**
	Department Head:	SDc \ 7/7/10
	City Attorney:	X
	City Manager:	DAE \ 7/15/10

ORDINANCE NO.

ORDINANCE REPEALING TRAFFIC CODE SECTION 353.99 OF THE CODIFIED ORDINANCES OF THE CITY OF OXFORD, ENTITLED "PENALTY", AND APOPTING NEW SECTION 353.99, ENTITLED "PENALTY".

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

SECTION I: Council hereby finds that the Oxford Parking & Transportation Advisory Board, along with the Oxford Division of Police, recommend repealing Section 353.99 of the Codified Ordinances of the City of Oxford, Ohio, and adopting new Section 353.99 in order to extend the initial payment period for parking meter violations within the City of Oxford.

SECTION II: Council hereby repeals Section 353.99 of the Oxford Code of Ordinances and adopts new Section 353.99 as follows (language to be repealed is ~~stricken through~~ and the language to be adopted is in **bold**):

353.99 PENALTY.

(a) Whoever violates any provision of Chapter 353 shall pay a fine as follows:

(1) Ten dollars ($10.00) if the fine is paid at the Municipal Building within ~~48 hours~~ **seven days** of the day the violation notice is issued.

(2) Fifteen dollars ($15.00) if the fine is paid at the Municipal Building within fifteen days after issue of the violation notice.

(3) Twenty-five ($25.00) if the fine is not paid at the Municipal Building within fifteen days after issue of the violation notice.

(b) In addition to any penalty provided for in part (a) of this section, ~~(meter feeding)~~ whoever violates any provision of Section 353.03(a), **Meter Feeding,** shall pay a fine as follows:

(1) Twenty-five dollars ($25.00) for the first offense, if the fine is paid at the Municipal Building within five days after issuance of the violation notice. Fifty dollars ($50.00) if the fine is not paid at the Municipal Building within five days after issuance of the violation notice.

(2) Fifty dollars ($50.00) for a second offense within twelve months if the fine is paid at the Municipal Building within five days after issuance of the violation notice. Seventy-five dollars ($75.00) if the fine is not paid at the Municipal Building within five days after issuance of the violation notice.

(3) Seventy-five dollars ($75.00) for a third offense, or any subsequent offenses, within twelve months if the fine is paid at the Municipal Building within five days after issuance of the violation notice. One hundred dollars ($100.00) if the fine is not paid at the Municipal Building within five days after issuance of the violation notice.

SECTION III: 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)

Pay in person or by mail at the
City of Oxford Municipal Building
101 East High Street
Oxford, Ohio 45056
Hours: M-F, 8:00 a.m. – 5:00 p.m.

Drop Boxes: A payment drop box is located on W. Park Place & W. High Street and in front of the Oxford Police Department (Poplar Street side of the Municipal Building). Place **both** ticket and payment in envelope before inserting payment.

Checks payable to: **CITY OF OXFORD**

FINE SCHEDULE FOR METER VIOLATONS

a. If paid within 7 days	$10.00
b. If paid after 7 days but within 15 days	$15.00
c. If paid after 15 days	$25.00

FINE SCHEDULE FOR NON-METER VIOLATONS

72 Hour Violation	$50.00
Handicapped Parking	$250.00

Other Violations

1st offense if paid within 10 days	$25.00
if paid after 10 days	$50.00
2nd offense if paid within 5 days	$50.00
if paid after 5 days	$75.00
3rd & subsequent offenses if paid within 5 days	$75.00
if paid after 5 days	$100.00

For payments received via the U.S. Postal Service, the postmark date is considered to be the date of payment.

IMMOBILIZATION AND/OR IMPOUNDMENT

OCC 303.08 (A)(9) states that any vehicle found to have **two (2)** or more unpaid parking citations may be immobilized or impounded.

APPEAL PROCESS

Appeal forms available at the Oxford Police Department or online at www.cityofoxford.org.

Deadline to submit an appeal is ten (10) days from the date of issuance.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to City Manager		Finance Originating Department
Council Meeting Of :	7/20/2010	
		Joe Newlin
Account Code No. :	see below	Prepared By
Budgeted Amount :		7/14/2010 Date Prepared

Agenda Title:	**2010 Supplemental Budget #6**
Recommendation:	**Approve**

Issue 1

* Sidewalk Special Assessment Project mostly on Rt 732 - Urban Paving project in 2011.
* Special Assessment 417 Fund balance as of 6-30-2010 **$74,015**
* Estimate of work to be performed **$85,800 includes 10% contingency**
* Budget for US 27 South Sidewalk Project **$190,000**
* Contract for US 27 South Sidewalk Project **$114,246**
* Unencumbered balance **$75,754**
* Transfer to Special Assessment Fund will be recorded upon passage.

Action Needed:

Revenue Side

Capital Improvement 141	(12,800.00)	Transfer from General Fund
Special Assessment 417	12,800.00	Transfer from General Fund

Expense Side

General 110	(12,800.00)	Transfer to Capital Improvement Fund
General 110	12,800.00	Transfer to Special Assessment Fund
Capital Improvement 141	(12,800.00)	US 27 South Sidewalk Project
Special Assessment 417	45,800.00	Increase in appropriation for prior year's reimbursement

Net Effect on Fund Balance/(s) Increase/(Decrease)	(33,000.00)
Total Net Effect on Fund Balance/(s) Increase/(Decrease)	(33,000.00)

Breakdown by Fund

General 110	-
Capital Improvement 141	-
Special Assessment 417	(33,000.00)

Net Effect on Fund Balance/(s) (33,000.00)
Increase/(Decrease)

Approved By:		Initials	Date
	Department Head:		7/15/10
	City Manager:	DRB	7/15/10

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3089 SUPPLEMENTAL BUDGET ORDINANCE NUMBER 6 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010.

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

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

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

GENERAL FUND 110	(12,800.00)
GENERAL FUND 110	12,800.00

SECTION 3: The following transfers be executed:

Transfer from:

GENERAL FUND 110	(12,800.00)
GENERAL FUND 110	12,800.00

Transfer to:

CAPITAL IMPROVEMENT FUND 141	(12,800.00)
SPECIAL ASSESSMENTR FUND 417	12,800.00

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

CAPITAL IMPROVEMENT FUND 141	(12,800.00)
SPECIAL ASSESSMENTR FUND 417	12,800.00

SECTION 5: The following increase/(decrease)in appropriations from unencumbered balances be made:

CAPITAL IMPROVEMENT FUND 141	(12,800.00)
SPECIAL ASSESSMENTR FUND 417	45,800.00

SECTION 6: In all other respects, Ordinance No. 3089 shall remain in full force and effect.

SECTION 7: This ordinance shall take effect immediately upon its adoption.

____
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
Prepared By

Account Code No. #: N/A

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:	DRB	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
Prepared By

Account Code No. #: N/A

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:	DH	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 FACILITES 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 excerpt 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**.

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MAYOR

ADOPTED: _____________

ATTEST:

____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)