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.

CITY OF OXFORD

Richard A. Keebler, Mayor

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to City Manager		Finance Originating Department
Council Meeting Of :	7/20/2010	
Account Code No. :	see below	Joe Newlin 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:	DAB	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

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:	[signature]	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**.

____
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

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 \ 7-15-10

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

Clerk of Council
Originating Department

Mary Ann Eaton
Prepared By

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:	BPE/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 A (TAX DISTRICT)	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 # 8988982 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 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 10 day of June 2010

______________ (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 AUX/AIDS SERVICE PROVIDED FOR TTY USERS DIAL 1-800-750-0750 Rev. 6-08

8

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Manager
Originating Department

Council Meeting Of: July 20, 2010

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

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:	DAB	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

Council Meeting Of: July 6, 2010

Account Code No. #: N/A

Budgeted Amount: N/A

Clerk of Council
Originating Department

Mary Ann Eaton
Prepared By

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):

<u>SECTION 507.01</u> 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: **Douglas Elliott**

Council Meeting Of: **July 20, 2010**

Account Code No. #: **N/A**

Budgeted Amount: **N/A**

Police
Originating Department

R.B. Holzworth
Prepared By

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:	DE	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 the City Manager

Community Development
Originating Department

Council Meeting Of: July 20, 2010

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

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.

•••

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.

....

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.

Correspondence and Announcements:
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.

Other Business:
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.

Old Business:

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:	the / 7/14/10
	City Attorney:	
	City Manager:	RAE / 7/15/10