

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: August 3, 2010

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

July 27, 2010
Date Prepared

Agenda Title:	A Resolution Authorizing the Assessment of Delinquent Charges for the Cutting and Removal of Weeds, Vegetation and/or Grass to be Placed on the Butler County, Ohio Property Tax Duplicate
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Recommendation:	Approval
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Discussion:

Certain properties in the City have failed to abate tall grass violations, causing the City to hire a private contractor to mow these properties with City funds. A list of properties is attached with this resolution for your information. The purpose of this resolution is to assess these properties for the cost of abating the violations. The City will eventually be reimbursed either when the property tax is due or when the property is transferred.

The Butler County Auditor's Office only places delinquent charges on property taxes once per year. The deadline is September 6, 2010. Staff is also reviewing the notification process for tall grass issues for future legislation consideration.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

JHC 7/27/10

DHC 7/27/10

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE ASSESSMENT OF DELINQUENT CHARGES FOR THE CUTTING AND REMOVAL OF WEEDS, VEGETATION AND/OR GRASS TO BE PLACED ON THE BUTLER COUNTY, OHIO PROPERTY TAX DUPLICATE.

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

SECTION 1: The procedure in the Oxford Codified Ordinance Sections 935.19 to Section 935.22 for the removal of noxious weeds, vegetation and/or grass and the notice to cut was hereby followed.

SECTION 2: The owner of property indexed on the list that is attached hereto as Exhibit "A" and made a part of this Resolution being lots in the City of Oxford, Ohio, have been provided with written notice to cut and remove weeds, vegetation, and/or grass.

SECTION 3: The owner of property indexed on the list that is attached hereto as Exhibit "A" and made a part of the Resolution being lots located in the City of Oxford, Ohio, have failed to cut and remove weeds, vegetation, and/or grass in compliance with the notice.

SECTION 4: The City of Oxford, Ohio then caused said cutting and removal of weeds, vegetation, and/or grass from each property on the list that is attached hereto as Exhibit "A".

SECTION 5: All expenses and labor costs incurred by the City of Oxford, Ohio during the cutting and removal of weeds, vegetation, and/or grass were paid out of Municipal funds.

SECTION 6: The owner of the property indexed on the list that is attached hereto as Exhibit "A" was provided with written notice to refund the labor costs incurred by the City of Oxford, Ohio within fifteen (15) days after the expenses were incurred. The owner was also notified that, failure to remit the labor costs incurred by the City of Oxford, Ohio would result in an assessment to the property tax duplicate.

SECTION 7: The owner of the property indexed on the list that is attached hereto as Exhibit "A" failed to refund the labor costs incurred by the City of Oxford, Ohio and this delinquent charge can be recovered by certification to the Butler County Auditor's Office for placement on the next property tax duplicate of the owner of said property pursuant to Oxford Code Section 935.22(B) and Ohio Revised Code Section 731.54.

SECTION 8: The City Manager is hereby authorized to certify delinquent charges to the Butler County Auditor for placement on the property tax duplicate of the owners of the property indexed on the list that is attached hereto as Exhibit "A" and made a part thereof, being lots located within the City of Oxford, Ohio.

SECTION 9: Should an owner of property titled on Exhibit "A" pay to the City of Oxford all costs incurred by the City of Oxford, Ohio after the adoption of this Resolution, and prior to the filing of this resolution with the Butler County Auditor's office, the City Manager is hereby authorized to remove the owners name and parcel from Exhibit "A".

SECTION 10: The Clerk of Council shall immediately on adoption of this Resolution certify a copy of this Resolution and shall cause a copy to be filed at the Butler County Auditor's office.

SECTION 11: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION 12: 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)

EXHIBIT "A"

<u>Parcel ID#</u>	<u>Property Address:</u>	<u>Owner/Address:</u>	<u>Amount:</u>
H4100122000117 (Lot 2060)	615 Brill Drive Oxford, Ohio 45056	Kurt Greber 615 Brill Drive Oxford, Ohio 45056	\$160.00
H4100020000081 (Lot 3522 ENT)	425 Jacob Dr. Oxford, Ohio 45056	Lee Ann Shoker, TR 3687 Kehr Road Oxford, Ohio 45056	\$410.00
H4000117000015 (Lot 1736 ENT)	513 Glenview Dr. Oxford, Ohio 45056	Richard & Kathleen Schmidt 513 Glenview Dr. Oxford, OH 45056	\$150.00
H4100024000036 (Lot 1435 ENT)	6231 Hester Road Oxford, Ohio 45056	Lori O'Malley 6231 Hester Road Oxford, OH 45056	\$360.00
H4100029000001 (Lot 1532 ENT)	5111 Morning Sun Road Oxford, OH 450556	Beechwood Commons LLC 7440 Duvall Drive Bloomfield, MI 48301	\$720.00
H4100031000051 (Lot 2752 ENT)	34 Jeffrey Drive Oxford, OH 45056	Kenneth & Linda Lance 34 Jeffrey Drive Oxford, OH 45056	\$210.00
H4100024000036 (Lot 1068 ENT)	6243 Timothy Lane Oxford, OH 45056	Marjorie Legg 3103 Patrick Henry Dr., Apt 125 Falls Church, VA 22044	\$310.00

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Service Department
Originating Department

Council Meeting of: August 3, 2010

Michael Dreisbach
Prepared By

Account Code #: Not Applicable

July 27, 2010
Date Prepared

Budgeted Amount: Not Applicable

Agenda Title: Authorization to Apply for an Ohio Department of Development Grant

Recommendation: Approval

Discussion:

The Ohio Department of Development (ODOD) has \$10 million available in its Transforming Waste to Value (TWV) Grant Program. This program, funded by the American Recovery and Reinvestment Act, encourages the conversion of waste materials to energy or bio-products in order to create jobs. A total of 10-20 grants will be awarded statewide with a range of \$500,000 to \$1,000,000 each; funds may be used for engineering and purchase of eligible equipment. A local minimum match of 25% is required for projects to be funded and the work must be completed within 12 months.

The City has forecast necessary improvements to our wastewater treatment plant's (WWTP) primary anaerobic digesters and this project is currently in our five year Capital Improvement Plan. Staff has been studying various options associated with this improvement and have anticipated costs in the range of \$2.5 million to rehabilitate our digesters and their appurtenances.

The anaerobic digestion of waste at the City's wastewater treatment plant converts biomass to both energy (captured and utilized methane gas) and a soil amendment with fertilization value for agricultural use. Not only does this process reduce energy costs at the WWTP, it also reduces our solid waste landfill expenses because biosolids produced in this process are land applied to agricultural fields.

It is Staff's recommendation that the City Council authorized the City Manager to sign all necessary documents to apply for and administer a grant of up to \$1,000,000 from the Ohio Department of Development for the conversion of waste materials to energy and bio-products.

Approved By:

Department Head:

City Manager:

Initial Date

MBD 7/27/10

[Signature] 7/27/10

RESOLUTION NO.

A RESOLUTION OF COUNCIL AUTHORIZING THE CITY MANAGER TO SIGN ALL NECESSARY DOCUMENTS TO APPLY FOR AND ADMINISTER A GRANT OF UP TO ONE MILLION DOLLARS (\$1,000,000) FROM THE OHIO DEPARTMENT OF DEVELOPMENT FOR THE CONVERSION OF WASTE MATERIALS TO ENERGY AND BIO-PRODUCTS.

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

SECTION 1: Council having determined the conversion of waste materials to energy and bio-products to be beneficial to the City hereby supports the use of grant funds for the conversion of waste products to energy and bio-products.

SECTION 2: Council hereby authorizes the City Manager to sign all necessary documents to apply for and administer a grant of up to one million dollars (\$1,000,000) from the Ohio Department of Development for the conversion of waste materials to energy and bio-products.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager:	Douglas Elliott	Police Originating Department
Council Meeting Of:	July 20, 2010	R.B. Holzworth Prepared By
Account Code No. #:	N/A	July 5, 2010 Date Prepared
Budgeted Amount:	N/A	

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 very 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 approval.

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

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SDS 7/7/10

[Signature] 7/15/10

ORDINANCE NO.

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".

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 VIOLATIONS

- | | |
|--|---------|
| 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 VIOLATIONS

- | | |
|---------------------|----------|
| 72 Hour Violation | \$50.00 |
| Handicapped Parking | \$250.00 |

Other Violations

- | | |
|---|----------|
| 1 st offense if paid within 10 days | \$25.00 |
| if paid after 10 days | \$50.00 |
| 2 nd offense if paid within 5 days | \$50.00 |
| if paid after 5 days | \$75.00 |
| 3 rd & 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

Council Meeting of: August 3, 2010

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

July 15, 2010
Date Prepared

Agenda Title:	Environmental Commission Meeting of July 14, 2010
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Recommendation:	For Review and Consideration
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Discussion:

Environmental Commission members present at the Wednesday, July 14, 2010 meeting were: Chair, Mr. Charlie Ford; Vice-Chair, Mr. Wright Gwyn; City Council Representative, Mr. Greig Rutherford; Ms. Kelly Church, Mr. Kevin Armitage, and Mr. Vince Hand. A quorum was present. Planning Commission Representative, Mr. Ted Wong had previously informed the Commission that he would be unable to attend the July 14, 2010 meeting. Minutes from the June 2, 2010 meeting were unanimously approved as presented.

Commissioners reviewed a PowerPoint slide presentation that Chair Charlie Ford had prepared regarding conservation development. The presentation addressed five pertinent conservation development subjects that the Planning Commission had requested the Environmental Commission research. The subjects were: 1) locations where conservation development had worked; 2) what type of development incentives were utilized; 3) the open-space set-aside area requirements utilized; 4) codes and/or ordinances for these conservation developments; and 5) visual depictions of the conservation developments.

The Commissioners indicated that the slides detailing the market and/or financial incentives of conservation developments were confusing and would require a fair amount of explanation to assist an audiences' comprehension. The subject slides depicted costs and percentage of savings and/or increased expenditures observed at ten conservation developments for infrastructure features (grading, roadways, water and sewers, amenities, etc.), relative to the projected costs for traditional-style developments. These costs and percentages of savings/increases (presented in a report by Applied Ecological Services, Inc. [AES]), were concluded to be difficult to depict utilizing graphics only. These slides are being re-designed with both graphic depiction and presentation of a tabular summary, with a copy of the four page AES report included as a handout as part of the conservation development presentation. Commissioners are to finalize the conservation development presentation at the August 4, 2010 meeting. The earliest date for the presentation to the Planning Commission would be at the Planning Commission's August 10, 2010 meeting.

The Commission adjourned at 8:45 p.m. The next meeting is tentatively scheduled for Wednesday, August 4, 2010 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

Approved By:

Department Head:
City Manager:

Initial \ Date
MB \ 7/26/10
DH \ 7/20/10

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 3, 2010

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

July 22, 2010
Date Prepared

Agenda Title:	Board of Zoning Appeals Meeting Report – July 21, 2010
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Recommendation:	N/A
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DISCUSSION:

Ms. Prue Dana was sworn in as a new member. Mr. Gary Meyer was elected as Vice Chair.

Public Hearing:

BZA-06-2010 102 S. Locust Street, Variance to Section 1143.12(c)(2)A, front yard setback, El Burrito Loco Restaurant, David Eaton, Applicant/Agent

The Applicant was proposing to install a 14' x 40' unenclosed deck for outdoor dining which would have encroached into the front yard setback thus providing only a 16' front yard setback. The Applicant also proposed to install a 5' high privacy fence around the dining area. The existing building already encroaches by 5', previously granted in 2003.

Staff shared the Engineering report which raised concerns about the line-of-sight visibility and the height of the fence around the eating area. Staff also shared that 2 additional parking spaces would be required and documentation would have to be provided that these would be provided for by expanding the shared parking easement agreement. The applicant indicated that the eating area would service 36 additional patrons and that there were no other options available on the site to locate an eating area due to parking and the dumpster location.

Much discussion by the Board was in regards to other setbacks in the area and noted that variances had been granted to other properties for parking setbacks, but not structural setbacks. Concern was had about allowing the building setback to encroach more; the average setback for the area would be substantially altered. There were also concerns that the request would encompass other structural changes to the eating area that were not part of this presentation and that half of the front yard setback being affected. While many of the members stated they were in favor of outdoor eating, overall they felt the request was too substantial to grant.

After much deliberation regarding the requested variances, the BZA made the following Findings of Fact:

- 1.) The property in question will yield a reasonable return and can be used beneficially without the variance because it will remain as a restaurant.
- 2.) The request is substantial because other variances in this vicinity have been for parking or access purposes. The applicant is requesting that 50% of their required setback be constructed on and this could potentially affect the average setback for the area. The request is also substantial because the request if granted could include additional changes to the eating area that were not presented with this application that would not be appropriate.
- 3.) The essential character of the neighborhood would be substantially altered by the variance; however, it can also be argued that outdoor dining is desirable and could enhance the area.
- 4.) There would be no detrimental effect on government services, but concerns were raised by the Engineering Department regarding line-of-sight visibility.
- 5.) The applicant did purchase the property and was knowledgeable of the zoning restrictions because they had applied for a setback variance in 2003.
- 6.) The property owners predicament cannot feasibly be obviated through some other method other than the variance according to their testimony due to parking and trash dumpster requirements.

- 7.) The spirit and intent of the zoning requirement would not be observed and substantial justice done by granting the variance the desire to be closer to the street is too substantial
- 8.) Other relevant factors that the Board considered were the concerns regarding the line-of-sight visibility, and the height of the fence for patron safety.

After considering and weighing these facts and circumstances, the Board found that practical difficulty was not shown sufficient to warrant granting the variance to Section 1143.12(c)(2)A, and voted 4-1-0 to **DENY** the application.

BZA-07-2010 318 S. Main Street, Variance to Section 1137.04(a), nonconforming land use, porch addition, Don Thomas, Applicant/Agent

The Applicant was proposing to construct a 2-story, 10' x 16' covered porch addition for each unit on the street facing façade of the subject structure. The structure contains a nonconforming 4-family use. The proposed addition satisfies all other requirements for this zoning district in regards to setbacks and lot coverage.

The Applicant indicated they wished to provide a porch to improve the plain wall façade of the building which would be in keeping with the surrounding neighborhood and hopefully make the building more marketable to renters. There is no principal entrance facing the street, nor would the porch provide an entrance to all of the units, but it would provide the appearance of an entry facing the street. Currently, the primary entrance to the units is on the northern façade facing the side property line. The proposed porches would only be accessible from within the individual units.

After much deliberation regarding the requested variances, the BZA made the following Findings of Fact:

- 1.) The property in question will yield a reasonable return and can be used beneficially without the variance because the living space to the units will remain unchanged and can continue to be used as a 4-family without the porch addition. There is no practical difficulty to the property owner to utilize the property as intended.
- 2.) The request is not substantial as it relates to the other underlying zoning requirements and improved the aesthetics of the street, but is substantial in that it's an expansion of a nonconforming use which the code clearly states is not permitted and is not intended to serve as a true porch entrance into the building.
- 3.) The essential character of the neighborhood would not be substantially altered by the variance and adjoining properties would not suffer a substantial detriment.
- 4.) There were no comments received from the various City Departments indicating there would be a detrimental effect on government services.
- 5.) The applicant did purchase the property and was knowledgeable of the zoning restrictions.
- 6.) The property owners' predicament cannot feasibly be obviated through some other method other than the variance because any modifications to the building would require BZA review due to the nonconforming use.
- 7.) The spirit and intent of the zoning requirement would not be observed and substantial justice done by granting the variance because it's an expansion of a nonconforming use and it is not the responsibility of the code to make a building rentable and economically viable.

After considering and weighing these facts and circumstances, the Board found that practical difficulty was not shown sufficient to warrant granting the variance to Section 1137.04(a), and voted 4-1-0 to **DENY** the application.

BZA-08-2010 550 S. Main Street, Variance to Section 1149.04(a)(3),(4),(b)(3) parking spaces and driveways, John Clements, Owner

The Applicant wishes to pave their existing gravel drive; however, due to the location of the single car garage in the rear of the property and the proximity of the northern most part of the house to the northern property line the Applicant is unable to satisfy the setback requirement from the house or the property line. The current gravel driveway is 10' wide and abuts the structure and property line. The Applicant would be reducing the nonconforming driveway by paving it, but is not proposing to change the location or size.

Regarding the requested variances, the BZA made the following Findings of Fact:

- 1.) The property in question will yield a reasonable return and can be used beneficially without the variance because the house will continue to be used for residential purposes and they can retain the nonconforming

- gravel driveway.
- 2.) The request is not substantial because the parking area size and location will remain unchanged.
 - 3.) The essential character of the neighborhood would not be substantially altered by the variance and adjoining properties would not suffer a substantial detriment as a result of the variance, because the replacement of a non-conforming gravel drive with a paved drive would enhance the area.
 - 4.) There were no comments received from the various City Departments indicating there would be a detrimental effect on government services.
 - 5.) The owner was not aware of the zoning restrictions because the driveway was existing.
 - 6.) The property owner's predicament cannot feasibly be obviated through some method other than a variance because there is no other access to the existing garage.
 - 7.) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance because and the driveway would be more conforming by paving.

After considering and weighing these facts and circumstances, the Board found that practical difficulty was shown sufficient to warrant granting the variance to Section 1149.04(a)(3); Section 1149.04(a)(4); Section 1149.04(b)(3), and voted 5-0-0 to **APPROVE** the application.

New Business/Old Business:

None.

The next regular meeting is scheduled for August 18, 2010.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
<u>JHC</u>	<u>7/22/10</u>
<u>DAK</u>	<u>7/30/10</u>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: August 3, 2010

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael Dreisbach
Prepared By

July 27, 2010
Date Prepared

Agenda Title: Temporary Lowering of Speed Limit on US 27 North Through a Construction Zone

Recommendation: Approval

Discussion:

Speed limits on State and Federal Routes within the municipality of Oxford are regulated by the State of Ohio through Ohio Revised Code section 4511.21 "Speed Limits".

In conjunction with the current construction project on US27 North, and at the request of the City, the Ohio Department of Transportation (ODOT) conducted a speed study to determine if temporary construction speed limits were warranted. As a result of this study, it was determined that a speed limit of 25 mph is appropriate for the construction zone. This speed limit will not only improve the safety of construction crews working on the project, it will also improve the safety of motorists and pedestrians as they navigate through the construction zone.

The modified speed limit will automatically revert to the existing limits at the completion of the construction project.

It is Staff's recommendation that the City Council pass a Resolution requesting the Director of Transportation to declare a safe and reasonable speed limit during the construction of project BUT -27-18.55, commonly known as US 27 North – Phase III. If approved by the Director, ODOT construction crews will install the signage necessary for the speed limit modification at ODOT's expense.

Approved By:

Department Head:

City Manager:

Initial Date
MBD 7/27/10

[Signature] 7/30/10

RESOLUTION NO.

A RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO REVIEW, DETERMINE AND DECLARE A REASONABLE AND SAFE PRIMA FACIE SPEED LIMIT ON U.S. 27 NORTH DURING THE CONSTRUCTION OF PROJECT BUT-27-18.55, COMMONLY KNOWN AS U.S. 27 NORTH – PHASE III.

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

SECTION I: Speed limits on state and federal routes within the City of Oxford, Ohio are regulated by the State of Ohio through Section 4511.21, “Speed Limits”, of the Ohio Revised Code.

SECTION II: The City of Oxford has caused to be made an engineering and traffic investigation by the Ohio Department of Transportation (“ODOT”) upon U.S. 27 North between 0.99 miles south of the northern corporate line of the City of Oxford and 0.02 miles north of the northern corporate line for the purpose of determining whether temporary construction speed limits are warranted during the construction of Project BUT-27-18.55, commonly known as U.S. 27 North – Phase III.

SECTION III: It is the determination of this Council that such investigation confirms that a temporary construction speed limit of 25 mph is warranted on U.S. 27 North during the construction of Project BUT-27-18.55, commonly known as U.S. 27 North – Phase III.

SECTION IV: Pursuant to the provision of Section 4511.21 of the Ohio Revised Code, the Director of Transportation is hereby requested to review the engineering and traffic investigation and to determine and declare a reasonable and safe prima facie speed limit on U.S. 27 North between 0.99 miles south of the northern corporate line of the City of Oxford and 0.02 miles north of the northern corporate line of the City of Oxford, Ohio in Butler County during the construction of Project BUT-27-18.55, commonly known as U.S. 27 North – Phase III.

SECTION V: Council further request that on the Director of Transportation determining and declaring a reasonable and safe speed limit on the section of road hereinabove described to be 25 mph, standard signs properly posted and giving notice thereof be erected.

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)



Ohio Department of Transportation WARRANT FOR SPEED ZONE

Rev. 3/23/09 BV

Complete all Green Shaded areas.			
Road Name:	US-27	Road No.	7/27/2010
County:	Butler	Township/City/Village	City of Oxford
Begin Study At:	0.99 mile south of Oxford north Corp. line	End Study At:	0.02 mile north of north Corp.
Length:	1.01 miles	ODOT SLM:	17.6
		Average Daily Traffic (ADT):	5160
		Existing Speed Limit	18.61

For further guidance in completing this form, see the Traffic Engineering Manual, section 1203.

No. of Houses or Farms	(Hold Cursor Here for More Info)	15	Must have direct access to the roadway being studied.
No. of Small Businesses, Apts./Condos	(Hold Cursor Here for More Info)	10	Must have direct access to the roadway being studied.
No. of Medium Businesses, Apts./Condos	(Hold Cursor Here for More Info)	2	Must have direct access to the roadway being studied.
No. of Major Businesses, Apts./Condos	(Hold Cursor Here for More Info)	1	Must have direct access to the roadway being studied.
No. of Minor Street Intersections	(Hold Cursor Here for More Info)	0	Subdivision, Residential, or Other streets that mainly serve the residents of that street.
No. of Major Street Intersections	(Hold Cursor Here for More Info)	6	Streets which serve both the residents and commuters of the area.
No. of Signalized Intersections	(Hold Cursor Here for More Info)	1	Do not include intersections at the beginning or end of the section.
Lane Width	(Round down to nearest foot)	10	Average lane width of through traffic lanes.
Shoulder Width	(Round down to nearest foot)	0.5	General width of paved and/or non-paved shoulder throughout the section.
Crashes	(Latest three years of data)	17	Only include crashes within the section, excluding animal and side street crashes.
85%ile Speed of Traffic		29	Average of the 85% speed at all locations where speed samples were taken.
10-mph Pace Speed of Traffic	24 to 33	33	Average of the Pace speed at all locations where speed samples were taken.
Roadway Characteristics	(Enter letter and number or use Drop Down Box)	A3	Hold cursor over alphabetic value below to view description then enter letter and number.
Roadway Characteristics Examples:		C	B3
To View Calculation Sheet or Examples of Characteristics and Crashes to Include, use Buttons to Right.		Calculation Sheet	Characteristics
Calculated Speed	36 MPH	Approved Speed Limit	25 MPH
Requested Speed Limit	25 MPH		

* Completed by ODOT for comparison or verification of calculated speed.
Test Runs* 25 to 30 mph

Study by: Bill Vorst	Include the related Resolution(s) when submitting this form.
Additional considerations and comments:	
Construction zone which the City views has safety issues as stated in the attached letter.	
Due to construction, speed data was collected by following vehicles through the area while conducting test runs.	

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: August 3, 2010

Account Code #: 417.750.54340

Budgeted Amount: \$74,000.00

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

July 27, 2010
Date Prepared

Agenda Title: Special Assessment Project for the Repair of Curb, Gutter, & Sidewalk

Recommendation: Approve

Discussion: The 2010 capital improvement budget includes \$74,000 for the repair of defective curb, gutter, and sidewalk; specifically for properties abutting Main Street, (aka SR732), in advance of a joint construction project with ODOT in 2011. On May 4, 2010, the City Council approved **Resolution No. 4536** authorizing Staff to move forward with a special assessment project to repair defective curb, gutter, and sidewalks as defined in Exhibit "A" in the Resolution.

Staff prepared and filed plans with the City Clerk as required by ORC 729.03 and the Clerk served notice to the properties involved. The City advertised this project for bids on July 9, 2010 and July 16, 2010. Seven bidders responded and these bids were opened and publically read on July 23, 2010 with the following results:

Innovative Concrete and Utility Construction, Inc. - \$59,134.00

Jackson Construction -	\$62,036.85
R. A. Miller -	\$73,285.50
Hendy, Inc. -	\$77,800.00
Byrco, Inc. -	\$78,640.48
Adleta Construction -	\$81,218.00
Gertz Construction-	\$95,688.00

The City does not have direct experience with Innovative Concrete and Utility Construction, Inc. Staff checked references of the firm, including the City of Sharonville, Hamilton County, and Lakota Local School District – all reports were very favorable as to quality and cost control.

It is Staff's recommendation that the City Council authorize the City Manager to enter into an agreement with Innovative Concrete and Utility Construction, Inc. for the replacement of defective curb, gutter, and sidewalk at a cost of \$59,134.00. Staff is requesting a ten percent contingency authorization of \$5,913.00; therefore the total contract amount would be authorized for an amount not to exceed **\$65,047.00**. Once work has been completed on the project, Staff will report the final costs of the project to the City Council for consideration of an Ordinance levying the costs of the project to the appropriate property owners.

Approved By:

Department Head:

City Manager:

Initial

Date

[Signature]

7/27/10

[Signature]

7/30/10

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH INNOVATIVE CONCRETE AND UTILITY CONSTRUCTION, INC. FOR THE IMPROVEMENT AND REPLACEMENT OF DEFECTIVE CURB, GUTTER, AND SIDEWALK AT A COST OF \$59,134.00 PLUS A 10% CONTINGENCY FOR A TOTAL COST NOT TO EXCEED \$65,047.00.

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

SECTION 1: Council hereby finds Innovative Concrete and Utility Construction, Inc. to be the lowest and best bidder and accepts the bid of \$59,134.00 for the improvement and replacement of defective curb, gutter and sidewalk.

SECTION 2: The City Manager is hereby authorized to enter into a contract with Innovative Concrete and Utility Construction, Inc. at a cost of \$59,134.00 plus a 10% contingency for a total cost not to exceed \$65,047.00 for the improvement and replacement of defective curb, gutter, and sidewalk.

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

MAYOR

ADOPTED:
ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

CITY OF OXFORD STAFF SUMMARY REPORT

Report to 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
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Recommendation:	Approve
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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)	(33,000.00)	
Increase/(Decrease)		

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

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:	<u>[Signature]</u>	<u>1/7/15/10</u>
	City Manager:	<u>[Signature]</u>	<u>1/7/15/10</u>

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)