City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Agenda

Oxford City Council

Court House

TUESDAY, SEPTEMBER 20, 2011

EXECUTIVE SESSION
None.

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

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

REGULAR MEETING
7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

   A. Presentation - Butler County Recycling and Solid Waste District Ms. Anne Fiehrer Flaig, District Coordinator

   B. Public Comments

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

4. Consent Agenda.

   A. Minutes of the September 6, 2011 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

      Minutes

   B. Report regarding the September 7, 2011 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

      Report

   C. Report regarding the September 7, 2011 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

      Report

5. Resolutions.

   1. A Resolution authorizing the City Manager to sign the Final Resolution Agreement and enter into other contracts with the Ohio Department of Transportation to administer the improvements at the intersection of US Route 127 and State Route 73 (ODOT PID #81336) (Mike Dreisbach, Service Director)

      Staff Report/Resolution

   2. A Resolution repealing Resolution No. 4389 of the Rules of Procedure for the Historic and Architectural Preservation Commission and adopting the Rules of Procedure for the Historic and Architectural Preservation Commission. (Jung-Han Chen, Community Development Director)

      Staff Report/Resolution

6. Ordinances.

   A. First Reading

1. An Ordinance To Amend Ordinance No. 3147 Regulating The Rates And Charges To Be Charged And Collected And The Services To Be Rendered By Glenwood Energy Of Oxford, Inc., Its Successors And Assigns, For Gas And Gas Service Furnished To All Of Its Customers Within The Corporate Limits Of The City Of Oxford During The Period Ending May 31, 2014, By Authorizing Glenwood Energy Of Oxford, Inc. To Impose A Charge For Performing Pressure Tests Required By Rule 4901:1-13-05, Ohio Administrative Code. (Mike Dreisbach, Service Director)

Staff Report/Ordinance

2. An Ordinance Amending Ordinance No. 3130. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2011. (Joe Newlin, Finance director)

Staff Report/Ordinance

B. Second Reading - None.

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

1. Remarks from City Council and City Staff.

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

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

FRI - Sept 23 Community Improvement Corporation Meeting 12:00 p.m. LCNB

FRI - Sept 23 Student Community Relations Commission Meeting 3:00 p.m. LCNB

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

TUES - Oct 4 City Council Meeting 7:30 p.m.

WED - Oct 4 Environmental Commission Meeting 7:00 p.m. Municipal Building

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

THUR - Oct 6 Community Relations Commission Meeting 5:00 p.m. City Manager's Office

FRI - Oct 7 Student Community Relations Commission Meeting 3:00 p.m. LCNB

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

THUR - Oct 13 Police Advisory Board Meeting 7:00 p.m. Senior Citizens Center

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

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

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

THUR - Oct 20 Recreation Board Meeting 4:00 p.m. Senior Citizens Center

FRI - Oct 21 Student Community Relations Commission Meeting 3:00 p.m. LCNB

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

8. Adjourn.

A Regular meeting of the Oxford City Council was called to order by Vice Mayor Ken Bogard on Tuesday, September 6, 2011 at 7:00 p.m. Those members present were Kate Currie, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeehan. Mayor Keebler was excused.

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

ADJOURN TO EXECUTIVE SESSION

Mr. Blackburn moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22 (G)(4) for the purpose of discussing collective bargaining strategies. Mr. McKeehan seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Blackburn moved to return from Executive Session at 7:28 p.m. Mr. Rutherford seconded. The motion passed 6-0-0.

PLEDGE OF ALLEGIANCE

Vice Mayor Bogard called for the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION & RECOGNITION
SERGEANT JIM SQUANCE

PROCLAMATION
'JIM SQUANCE DAY'

Vice Mayor Bogard read the Proclamation and presented it to sergeant Squance who would retire on Friday, September 9, 2011 after 33 years of service with the City of Oxford.

Chief Schwein noted as a Chief of 20 years it was difficult to watch people retire who helped to build the department into the kind of department he'd hoped it would be and Jim was one of those people. Chief Schwein noted Jim reached out to the community in so many different ways and he didn't think there was a 'townie' that didn't know Jim or that hadn't participated in a meeting with Jim. Chief Schwein advised he appreciated all of Jim's efforts and in tribute to his service to the City, Chief Schwein presented Jim with an honorary rocking chair. Chief Schwein introduced Ms. Amy Gabbard, Office Manager for the Police Department. Ms. Gabbard introduced Ms. Susan Myer of the Police Advisory Board. Ms. Myer presented Sgt. Squance with a plaque from the citizens of Oxford commending him for his 33 years of service to the City.

Sergeant Jim Squance acknowledged several of his long-time friends on the Police force who were in the audience including Bob Holzworth, Dan Umbstead and Tom Horvath. Sgt. Squance thanked former Police Chief Joe Statum for hiring him in 1978 and Chief Schwein for keeping him on staff all of these years. Sgt. Squance thanked Mr. Elliott and the City Managers before him and City Council for supporting the Police Department. Sgt. Squance noted he moved to Oxford from Cleveland and found his dream job, wife, family and City. Sgt. Squance thanked everyone he was able to serve over the last 33 years.

PROCLAMATION
'HISPANIC HERITAGE MONTH'

Vice Mayor Bogard read the Proclamation and presented it to Ms. Jacque Rioja and Ms. Juanita Tate of Miami University.

Ms. Jacque Rioja, advised it was a pleasure to be in attendance and Ms. Juanita Tate was with her on behalf of Miami University. Ms. Rioja noted she was glad that the City of Oxford always welcomed every celebration and contribution of the Hispanic and Latino communities as Vice Mayor Bogard just mentioned. Ms. Rioja noted she was humbled and honored for being invited to the White House by President Obama's administration over the summer where she met Latinos from around the country to discuss how to move the communities forward together. Ms. Rioja discussed Miami's UniDiversity program which was open to all of the community noting it was successful due to everyone's participation in the workshops and lectures. Ms. Rioja advised the kick-off event was the traditional UniDiversity Festival on Friday, September 16, 2011 in the Uptown Parks and she looked forward to seeing everyone there.

Ms. Juanita Tate, thanked the City for supporting the festival noting it was in its 9th year and the City had always cooperated with the set-up and tear-down of the event. Ms. Tate advised plans were already underway for the 10th anniversary of the festival which would be even bigger and better. Ms. Tate asked everyone to join them in the Uptown Parks on Friday from 5:30 to 9:30 p.m.

PROCLAMATION
'9/11 TRIBUTE'

Vice Mayor Bogard read the Proclamation in tribute to all of the victims of 9/11, and called upon Oxford citizens to observe September 11, 2011, the 10th anniversary of 9/11, as a voluntary Day of Service and Remembrance.

Vice Mayor Bogard recapped the lives lost as follows: 'At the World Trade Center in New York City at 8:46 a.m. flight 11 with 92 aboard crashed into the north tower. At 9:03 a.m. United Airlines flight 175 crashed into the south tower. There were 64 individuals aboard. In total for the towers in New York there were 2980 people including 58 Police Officers unaccounted for and over 200 Firefighters who lost their lives. At the Pentagon at 9:38 a.m. American Airlines flight 77 crashed into the Pentagon. 125 Pentagon employees lost their lives and 64 were on the plane for a total of 189. In Shanksville, PA at 10:06 a.m. flight 93 crashed into the countryside outside of Shanksville, PA and 40 brave souls lost their lives. We'll always remember Todd Beamer's last words "let's roll" as a group of passengers tried to save the plane from crashing and it was probably headed towards the White House. That was a total of 3210 lives lost 9/11.'

Vice Mayor Bogard advised there was a lot of information on 9/11 on the internet if people were interested.

Vice Mayor Bogard advised this Sunday on 9/11 the weather sirens in Oxford would sound at 1:00 p.m. EDT with other cities across the nation in different time zones and asked everyone to take a moment of silence to honor those who lost their lives on this tragic day in US history. Vice Mayor Bogard advised at 5:00 p.m. there would be a 9/11 ceremony on the front lawn at Roudebush Hall where over 3,000 flags would be displayed. Vice Mayor Bogard thanked everyone for their attention.

PUBLIC COMMENTS

Mr. Scott Webb, Board Chair, Oxford Chamber of Commerce, advised the Chamber was pleased to announce they hired Ms. Carol Dockum as their new President. Mr. Webb thanked everyone involved in the selection process including Mayor Keebler, Mr. Elliott and Mr. Kyger who conducted a second round of interviews for the Board. Mr. Webb thanked all of the candidates for the position noting there was a lot of talent within the pool of applicants. Mr. Webb advised he was excited to welcome Ms. Carol Dockum.

Ms. Carol Dockum, President, Oxford Chamber of Commerce, advised she was honored to have been selected for the position of President of the Chamber of Commerce. Ms. Dockum noted she was looking forward to working with the City and City Council to continue the enhancement of Oxford's great business community. Ms. Dockum advised Ms. JoNell Rowan would be missed and she was grateful to have the month of September to work with Ms. Rowan. Ms. Dockum advised she looked forward to making a difference and contribution to the community and thanked Council for the introduction and warm welcome.

Mr. Kevin Livingston, Secretary, Off Camus Affairs, advised the annual Housing Fair would take place tomorrow at the Shriver Center from 11:30 a.m. to 4:00 p.m. allowing students to have a convenient place to find housing and there would be 22 landlords on hand. Mr. Livingston invited everyone to attend the event.

Ms. Bobbe Burke, 722 David Drive, advised she would introduce Ms. Monica Ways, Director of the Office of Community Engagement and Service at Miami University. Ms. Burke noted Ms. Ways would provide a summary of this year's Walk About project. Ms. Burke advised this was the second year the work she did related to the Walk About project for the Office of Off Campus Affairs had been organized under the Office of Community Engagement and Service.

Ms. Monica Ways, Director, Office of Community Engagement and Service, advised as she presented a report about the 2011 Walk About project it was significant to note that Council was completely and intimately familiar with the project. Ms. Ways advised all seven Council members participated in either this year's event or last year's event. Ms. Ways noted she was grateful and appreciative for Council's tangible and visible support as this was a shared community and campus event. Ms. Ways advised since the full-scale Walk About project began in 2003 no year had existed without the participation of the City Manager, Council members, current or former Oxford Mayors, Miami's Dean of Students and the Vice President for Student Affairs. Ms. Ways noted this year 149 participants, 99 adults, 34 students and 16 children made the Walk About happen and the adult participants included long-time and new local residents. Talawanda teachers and staff, Oxford business owners, social service agency representatives, Oxford City staff, Miami University faculty and students, Oxford and Miami University police officers and Miami students, many of whom were Off Campus Senators and ASG Executive Cabinet members. Ms. Ways advised this level of visibility of officials, decision makers and student leaders could not be overstated. Ms. Ways noted using the independent sector's value of a volunteer hour the total Walk About volunteer participation equated to over $6,365 of service rendered to the community this year. Ms. Ways advised this year volunteers spent more than 300 hours and visited 976 student addresses. Ms. Ways noted volunteers who were Mile Square residents saw the event as an opportunity to meet new neighbors and exchange contact information and other repeat volunteers were as committed to educating students as they were to helping make life a little better for non students who continued to live in the Mile Square. Ms. Ways advised this year's participants had been asked for specific feedback about their Walk About experience and she looked forward to receiving their comments. Ms. Ways gave special recognition to Andrew Wilson, Sergeant Jim Squance and Bobbe Burke for their assistance with the project. Ms. Ways noted cookies were provided by the Miami University Parents Council and the event received great support from the Oxford Coalition for a Health Community. Ms. Ways gave special thanks to the local children who participated and helped to remind students they were a part of but not the only piece of this vibrant community. Ms. Ways thanked City staff and volunteers who continued to lend their support for Walk About which was all about the entire community of City and campus coming together for a common cause to welcome and inform the student citizenry.

Vice Mayor Bogard thanked Ms. Ways for her report and noted the Walk About event was an enriching experience for Council members and all of the participants who communicated important information to the students.

CONSENT AGENDA

Ms. Currie requested removal of item A. Minutes.

MINUTES

Minutes of the August 23, 2011 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the August 30, 2011 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

RESOLUTIONS

RESOLUTION
SALVAGE VEHICLES

A Resolution No. 4625 authorizing the sale of salvaged, junk and/or abandoned motor vehicles. (Steve Schwein, Police Chief)

RESOLUTION
ODOT PROJECT

A Resolution No. 4626 authorizing the City Manager to sign Preliminary Consent Legislation and other contracts with the Ohio Department of Transportation in connection with resurfacing parts of US-27 inside the corporate limits at no cost to the City of Oxford. (Mike Dreisbach, Service Director)

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

MINUTES

Minutes of the August 16, 2011 City Council Meeting. (Mary Ann Eaton)

Ms. Currie referred to page 12 of the agenda, paragraph 5, line 2 and requested the sentence be changed to read '*out* of town land lords'.

Ms. Currie moved to approve the Minutes as corrected. Mr. Harman seconded. The motion passed 6-0-0.

RESOLUTIONS

**RESOLUTION
PRE-ANNEXATION
AGREEMENT**

A Resolution No. 4627 authorizing the City Manager to enter into a pre-annexation agreement with Joanne Pelly Means, Trust for land in the Township of Oxford, Butler County, Ohio to be annexed into the City of Oxford, Butler County, Ohio, subject to the conditions stipulated in the pre-annexation agreement. (Alan Kyger, Economic Development Director)

Mr. Kyger advised staff was moving forward with the annexation of the Miami Heritage Tech Park property and noted Council adopted a Resolution over a year ago supporting the project. Mr. Kyger advised the pre-annexation agreement was standard except for the allowance of crop farming on a portion of the property until it was developed and that it be zoned Office and Light Industrial (OI) which was the equivalent of the current Butler County Zoning designation.

Ms. Currie moved to adopt Resolution No. 4627. Mr. Blackburn seconded. The motion passed 6-0-0.

**RESOLUTION
PRINCIPAL FORGIVENESS
FINANCING (GRANT)**

A Resolution No. 4628 authorizing the City Manager to apply for "Principal Forgiveness Financing" (grant) in the amount of $3,121,500 through the State of Ohio's Water Pollution Control Loan Fund for the rehabilitation of the primary digester and other associated improvements at the City's Wastewater Treatment Plant. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised this project was discussed during the five Year Capital Improvement Plan Work Session. Mr. Dreisbach noted there was an opportunity to apply for the grant and although the City was not likely to receive it, staff needed Council's approval to apply for it to possibly get some relief for the rate payers.

All of Council was in favor of the Resolution.

Mr. McKeehan moved to adopt Resolution No. 4628. Mr. Rutherford seconded. The motion passed 6-0-0.

**RESOLUTION
REHAB COLLEGE AVENUE**

A Resolution No. 4629 of Council supporting the submission of a grant application for Ohio Public Works Commission Issue 1 funds in the amount of $395,000.00 to be used for the rehabilitation of College Avenue between Spring Street and High Street. (Mike Dreisbach, Service Director)

Mr. Dreisbach noted Council was aware that another block of High Street was scheduled for rehabilitation the summer of 2012. Mr. Dreisbach advised staff was proposing to rehabilitate the brick portion of College Avenue from Spring Street to High Street and noted there was an opportunity to apply for a grant in the amount of $395,000 with a local match of $105,000. Mr. Dreisbach advised the City was very likely to receive this grant and if successful the project would begin in the summer of 2013. Mr. Dreisbach noted staff needed Council's permission and approval to apply for the grant.

Mr. Blackburn inquired if there would be two separate contractors. Mr. Dreisbach advised there would be two separate contracts but it was too early to know if there would be two separate contractors and reminded Council that the two projects were scheduled a year apart. Mr. Dreisbach advised a lot of curb, gutter and sidewalk rehabilitation would need to be done in advance of the College Avenue project.

Mr. Rutherford noted his feeling people would appreciate what would transpire because of the work done in front of the Community Arts Center. Mr. Rutherford inquired if any consideration was given to widening College Avenue in conjunction with the rehabilitation project. Mr. Dreisbach advised staff discussed the issue and it was too costly and the bricks were too scarce. Mr. Rutherford inquired if a portion on the road between Spring Street and High Street should become asphalt to reserve some of the bricks. Mr. Dreisbach advised staff felt it was important to the character of the community to retain the brick roadway for all three blocks.

Ms. Currie moved to adopt Resolution No. 4629. Mr. Harman seconded. The motion passed 6-0-0.

RESOLUTION
FACT FINDER'S REPORT

A Resolution No. 4630 accepting/rejecting the Fact Finder's Report and Recommendations issued by Mitch B. Goldberg, Fact Finder on September 2, 2011 in the matter of the collective bargaining agreement between the City of Oxford and the Oxford Police Sergeants and Lieutenants F.O.P. Lodge 38. (Doug Elliott, City Manager)

Ms. Currie moved to amend the Resolution by striking the word 'rejected' in the opening paragraph and striking the words 'rejects' and 'rejected' in paragraph two and striking the words 'not accepted' in section 3. Mr. Blackburn seconded. The motion passed 6-0-0.

Mr. Elliott advised there was one unresolved union contract which was with the Police Supervisors. Mr. Elliott noted a Fact Finding hearing took place on August 3, 2011 and staff received the Fact Finders report on September 2, 2011. Mr. Elliott advised there were 8 unresolved issues and the Fact Finder recommended no changes to each unresolved issue except for wages. Mr. Elliott noted the City's position was a 0% increase for 2011, 2% for 2012 and 2% for 2013 in keeping with the other union contracts and the union asked for 2% each of the three years. Mr. Elliott advised the Fact Finder recommended a 2% increase retroactive to July 1, 2011, 2% for 2012 and 2% for 2013. Mr. Elliott noted staff was recommending acceptance of the Fact Finder's Report.

Mr. McKeehan thanked Mr. Elliott, Chief Schwein, Mr. McHugh and Ms. Heck for their efforts and noted his hope staff was close to resolving the matter.

Ms. Currie moved to adopt Resolution No. 4630 as amended. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTION
TAX LEVIES

A Resolution No. 4631 accepting the amounts and rates as determined by the Budget Commission of Butler County, Ohio and authorizing the necessary tax levies and certifying them to the County Auditor. (Joe Newlin, Finance Director)

Mr. Newlin advised the City submitted its tax budget to the County Auditor in July and the Auditor reviewed verified the tax rate. Mr. Newlin noted the City should receive $930,000 next year in property tax based on the 3.65 mill rate which was $20,000 to $30,000 less than the prior year.

Vice Mayor Bogard inquired how long the rate has been 3.65 and Mr. Newlin advised he would have to research the issue.

Mr McKeehan moved to adopt Resolution No. 4631. Ms. Currie seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

None.

ORDINANCES
SECOND READING

None.

ANNOUNCEMENTS

Mr. Elliott reminded the public that on 9/11 the weather sirens would sound in remembrance of those who lost their lives on 9/11/01 and it would have nothing to do with a tornado warning.

Mr. Elliott advised he and Mr. Dreisbach were pleased to bring forth the legislation to rehabilitate the brick work on College Avenue noting they felt strongly it added to the character of the community, the brick lasted a long time and it slowed the cars down. Mr. Elliott noted this would be the 4th project of this kind if the City was successful in obtaining the funds and congratulated Mr. Dreisbach and his staff for pursuing the funding.

Mr. Elliott advised an agreement was reached between the City and Glenwood Energy with respect to the $80.00 pressure testing fee.

Mr. Elliott noted an Ordinance would come forward at the next meeting to amend the recently adopted Gas Rate Ordinance which would allow Glenwood Energy to begin charging the new fee. Mr. Elliott advised Glenwood Energy would begin to refund fees collected for the pressure testing prior to the Ordinance being amended.

Ms. Brahier advised the municipal pool was closed for the season and everyone had a fun and safe summer.

Mr. Kyger advised he was contacted by a business owner who noted concern that as the City rolled out the 'no parking' from 4:00 a.m. to 5:30 a.m. some Uptown employees might not be able to leave their parking space prior to receiving a ticket. Mr. Kyger noted staff may need to provide suggestions for alternate parking spaces for those affected by the new legislation.

Mr. Blackburn encouraged everyone to attend the UniDiversity Festival in the Uptown Parks on Friday, September 16, 2011.

Mr. Harman advised a fundraiser for the community food pantry would take place tomorrow at Kona Bistro from 6-10 p.m. Mr. Harman noted government funding for local food pantries had been greatly reduced and they relied on contributions to make up the difference.

Mr. Harman thanked Bobbe Burke and Monica Ways for their efforts in coordinating the Walk About event. Mr. Harman noted they accomplished a logistical masterpiece and advised it was incredibly well organized. Mr. Harman noted his hope even more volunteers would participate next year.

Ms. Currie thanked the Community Arts Center for hosting a wonderfully fun Art Parade last week Uptown. Ms. Currie noted she was happy to hear that President Hodge declared this the year of the arts at Miami University. Ms. Currie noted her hope there would be a lot more wonderful community art events in the year to come.

Mr. Rutherford advised he was impressed by the brick work that had been done and looked forward to the restoration of College Avenue. Mr. Rutherford noted discussions took place prior to Mr. Elliott being City Manager about the extension of brick roadway from Poplar Street to Campus Avenue and the inclusion of diagonal parking on one or both sides of the road. Mr. Rutherford inquired what would happen in 2014 and encouraged Council to think about the extension of brick roadway from Poplar to Campus so the next Council could make a decision regarding the issue and give Mr. Dreisbach the go ahead to seek funding.

Mr. McKeehan agreed with Mr. Rutherford regarding the restoration and extension of the brick roadways.

Vice Mayor Bogard advised if the City was flush with money in 5-6 years Council might want to consider those options. Vice Mayor Bogard noted there were also streetscape plans from College Avenue to Campus Avenue. Vice Mayor Bogard advised those were visions and projects he hoped could be accomplished in future years.

ADJOURN

Ms. Currie moved to adjourn at 8:30 p.m. Mr. Harman seconded. The motion passed 6-0-0.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: September 20, 2011

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

September 8, 2011
Date Prepared

Agenda Title:	Environmental Commission Meeting of September 7, 2011

Recommendation:	For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, September 7, 2011 meeting were: Chair, Mr. Charlie Ford; Vice-Chair, Mr. Wright Gwyn; Planning Commission Representative, Mr. Ted Wong, Mr. Vince Hand, Ms. Kelly Church, and Mr. Kevin Armitage. A quorum was present.

Minutes from the August 3, 2011 Commission meetings were unanimously accepted as presented.

Mr. Hand updated the Commission on Storm Water Sub-Committee activities. The Sub-Committee has met twice (8-24-11 and 9-7-11) since the Commission's August meeting. An on-going independent study project by two Miami University graduate students is modeling storm water runoff at the Western Knolls subdivision and the 47 acres of adjacent undeveloped land. Effects and relative costs of various storm water control best management practices (such as infiltration galleries, permeable pavement, rain gardens and swales, rain barrels and cisterns, etc.) are to be projected by the SUSTAINED modeling software from the USEPA. The Sub-Committee continues to investigate developing Oxford-specific storm water regulations. As part of the regulation development, the Sub-Committee intends to meet with various stakeholders to seek their input, review existing storm water ordinances from other entities (the Chesapeake Bay Stormwater Network, and Cuyahoga and Clermont Counties, Ohio), and review regulatory suggestions included in the low impact development public service project (prepared by Miami University graduate students during the 2009 - 2010 academic year). Copies of the 8-24-11 Sub-Committee meeting minutes and a draft copy of the "Background on stormwater management needs in Oxford" (*sic*) document finalized during the 9-7-11 meeting are attached.

The Municipal Energy Efficiency Sub-Committee is finalizing its report to the Service Department regarding alternative energy vehicles. The Sub-Committee intends to submit the report to the Service Director by mid- to late September 2011. Commissioners requested a copy of the report's text be distributed prior to its submittal.

The Commission adjourned at 8:30 p.m. The next regularly scheduled meeting of the Environmental Commission is on Wednesday, October 5, 2011 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

Approved By:

	Initial	Date
Department Head:	NBD	9/9/11
City Manager:	DMF	9/16/11

STORM WATER MANAGEMENT SUB-COMMITTEE
of the
ENVIRONMENTAL COMMISSION

Wednesday, August 24, 2011
6:30 p.m.

Lane Library Community Room
15 South College Avenue, Oxford, Ohio

MEMBERS
Vincent Hand, Sub-Committee Leader
Greig Rutherford, City Council Representative

MINUTES

I. Call to Order
6:30 pm with Rutherford, Hand, Bill Renwick, and Chad Toussant attending

II. Public Remarks
none

III. Discussion

A) Progress report from Miami student Chad Toussant
  a. Collected data from Andrew Wilson, Community Development Department, City of Oxford, and from PSP report. Now selecting data specific to Western Knolls and adding to SUSTAIN program. Mr. Renwick is available to help with GIS. Mr. Toussant expects to be done with project, including report, by Thanksgiving. Plan to do site walk in early September.
  b. By next meeting, will have a sense of the scale at which SUSTAIN works.

B) Follow-up on stormwater regulation development
  a. Draft "Background Document for Stakeholders" describe in Project Management Plan
    i. Tasks
      1. Butler County did major work on riparian buffers in their upgrade of regulations (2008).
      2. Mr. Rutherford has suggested to Council that they adopt regulations consistent with County, but no action has been taken to date.
      3. In background document, reference stream corridor part of Butler County. Mr. Rutherford will obtain this by 8/31.
      4. Mr. Hand will revise summary of regulations in Chesapeake to fit this document by 8/31.
      5. There is info from Cuyahoga County from Cleveland State that could be incorporated. Mr. Rutherford will find these.

6. Mr. Renwick will obtain the background section of the Bull Run PSP by 8/31.
7. Mr. Renwick will look at Low Impact Development IES project that might include model ordinances by 8/31.
8. Mr. Hand will create a draft document and circulate to committee via e-mail.

ii. Want to have final document (2 pages) for presentation to Environmental Commission by 9/7 meeting

iii. Document outline follows:

iv. WHY we need improved regulations
1. Erosion
2. Bull Run
3. Support City Storm Water Management Plan and its updates

v. WHAT
1. Ordinance described
2. Connection with MCM from Oxford Phase II Stormwater Management Plan

vi. HOW
1. Stormwater Utilities, incentives, others?
2. Performance standards (max runoff rates)
    a. Establish baseline runoff rates
    b. Methodologies/tools to reach specified levels
        i. Rain gardens
        ii. Pervious pavements
        iii. Etc.
3. Development standards (some land is not developable)

vii. Examples—
1. Communities that have ordinances in place
2. Benefits derived
    a. lower maintenance
    b. lower installation costs
    c. improved water quality
    d. preventing additional erosion and flooding

C) Stakeholder ID

a. Planning Commission
    i. Ted Wong
    ii. Dave Prytherch
b. Chairs of Commissions (Planning, Environmental, others?)
c. City staff: start with Doug Elliott
d. Developers
    i. CKC: Jim Clawson
    ii. Redbrick Prop Management: Matt Rodbro
    iii. Park Place Real Estate Management: Tom Kacachos
    iv. Alpha/REmax: Coe Potter
    v. Coldwell Banker:
e. Property Owners—might identify via GIS
    i. University?
    ii. Wal-Mart

iii. Schneider Electric
iv. Mark Bialis--Wildberry

D) Summary and Agenda Items for Next Meeting
   a. Next meeting will be Wednesday, 9/7, 6-7 pm, somewhere in the City Building, to finalize the background document for stakeholders.

IV. Other Business
none

V. Adjournment at 7:45 pm

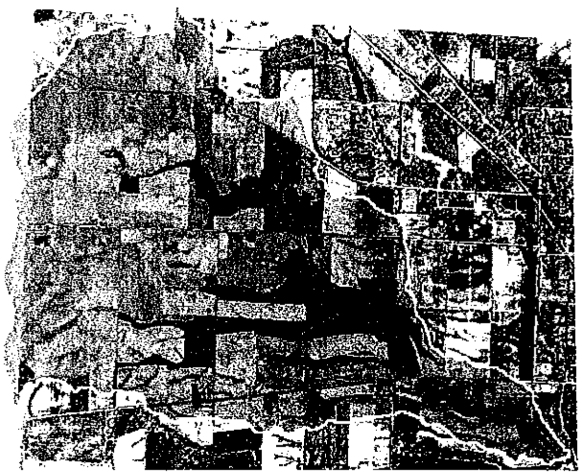
DRAFT

Background on stormwater management needs in Oxford

Managing stormwater runoff effectively while balancing new construction and population growth is a critical need for municipalities like Oxford.

We need improved stormwater regulations in order to: 1) support the City Storm Water Management Plan and its updates; and 2) control erosion, such as is occurring in the Bull Run area.

The Bull Run watershed is approximately 2 square miles in area. The waterway runs through the Tollgate/Emerald Woods, White Oak and Southern Knolls neighborhoods and is lined with homes, most of which have been built over a period of 50 years. The property owners along Bull Run have been experiencing erosion of their property as the creek undermines the banks, especially following heavy rain events. Many residents blame stormwater runoff from new construction for the erosion. While new construction in Oxford has followed established building codes, the aggregate of all the impervious surfaces means that stormwater moves faster and in greater quantity than nature originally intended.

Land use in the Bull Run watershed (yellow = agriculture, green = wooded, red = developed	
1938	2006
	

Stormwater regulations in the Chesapeake Bay watershed and in SW Ohio

A number of other localities have incorporated stormwater management principles into zoning and development regulations. Not surprisingly, the Chesapeake Bay watershed was among the first to do this, in the mid-1990's. By the end of that decade, most cities and counties in the area had adopted regulations. These were based on consensus developed at a series of regional meetings involving all stakeholders. General principles were "designed to collectively meet the objectives of Better Site Design (BSD), which are to 1) reduce overall site impervious cover, 2) preserve and enhance existing natural areas, 3) integrate stormwater management, and 4) retain a marketable product." Note that the

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importance of a marketable product is explicitly recognized. More specific principles and model regulations are available.

Closer to Oxford, Clermont County has implemented development ordinances that consider stormwater issues in new developments. The City of Cincinnati Metropolitan Sewer District (MSD) has evaluated "green infrastructure" (http://www.msdgc.org/wetweather/greenreport.htm), and the report is the source for several of examples in USEPA publications on the practice.

Suggestions on revising the building code, as described in a recent Miami University project on Low Impact Development include:

- Reduce minimum parking space requirements
- Encourage joint-use parking facilities
- Revise parking lot landscaping and perimeter buffer regulations to facilitate stormwater infiltration.
- Reduce sidewalk requirements
- Provide incentives for implementation of stormwater infiltration and detention technologies, such as rain barrels, rain gardens, bioswales and the like.

We seek your input on this important issue.

DRAFT

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: September 20, 2011

Account Code No. #:

Budgeted Amount:

Community Development
Originating Department

Kathryn A. Dale
Prepared By

September 8, 2011
Date Prepared

HAPC MEETING REPORT – September 7, 2011

DISCUSSION
Requests for Review:

HAPC-10-2011 **22 W. Park Place,** Seaview Outfitters, approval of a wall sign, **John Thomas, Applicant, Agent**

The Applicant sought a COA for a 1.5' x 18' wall sign. The material was identified as ¼" thick weather treated wood. The background of the sign is brown with black lettering and a black and white mountain graphic with a bear. Below the graphic is the web address for the company. The existing light fixtures will remain. Staff recommended that the lettering be changed to a cream or white color so that the business name is more visible from a distance and not lost in the brown background.

During deliberations the HAPC discussed the website address on the sign. Some members thought that there are other effective ways to advertise the web address, such as a window appliqué. There were also concerns of precedence and other potential requests for social media advertising. Members said that while this web address is the businesses name, there could be other addresses that are questionable. Some members also questioned the historicalness of having a web address and thought it only made the sign busier. Other discussion in support of the website was that it was not large or obtrusive, it was part of the logo and that this was something new that could be embraced if done correctly.

The Applicant indicated that many of their sales came from online purchases and that when they were closed this would be a good way for people to see what they have available prior to coming into the store. He agreed with the letter color change to cream and thought it would be better.

The HAPC voted 5-1-0 to ***APPROVE*** Case #HAPC-10-2011, for 22 W. Park Place with the following conditions:

1. That, the "Seaview Outfitters" lettering is changed to a cream color for better visibility against the dark brown background.
2. That, permits are obtained prior to installation.

HAPC-11-2011 **24 E. Park Place,** Darbar Indian Restaurant, approval of a wall sign, **Randy Adams, Applicant, Agent**

The Applicant sought a COA for a 2' x 14' wall sign. The material was identified as "Signabond", which included plastic composite with an aluminum face covered by a vinyl graphic. The graphic is multi-colored and consists of red and green lettering on a white background. The Applicant indicated that all the existing window signage would remain. No light fixtures are proposed. The Applicant shared that the sign was proposed over the window as opposed to the door primarily because of the poor visibility from High Street due to the Oxford Park amphitheater blocking the front door.

HAPC members expressed that they would prefer to see the sign centrally located over the door and possibly with individual letters. There was some discussion on the cost increase for this type of sign or to use a similar sign as presented but arched over the central door. They agreed that signage should be provided on the outside of the building, but did not think this sign location was appropriate for the building.

The HAPC voted 5-1-0 to ***DENY*** Case #HAPC-11-2011 as presented for 24 E. Park Place with the recommendation that the sign be relocated to the center bay of the building. HAPC wished to share with the Applicant that another option may be to add a "Darbar" window appliqué to the center, top window panes.

Administrative Findings/Approvals:
24 E. Park Place - broken window

Correspondence & Announcements:
None

Old Business:

Morning Sun Café Paint Update: No new information.

Future Work Sessions:

- **Chapter 1331, Historic & Architectural Commission Regulations.** Staff shared that they will be updating the photographs in the Design Guidelines document. Staffs also expressed that they could begin discussion on the regulations next month and determine if the Commission would like to forward the recommendations once the new City Council is in place.
- **Historic Tax Credit Program & Student Intern.** Staff shared that they were recommended a grad student who was very familiar with historic tax credits and grant writing. Staff just received the student's resume and indicated that this is a goal of the department to learn more about assisting property owners with projects.

New Business:
Ms. Henderson and Mr. Smith shared Valarie Elliott's concerns on what the proper name is for the Western Campus Historic District since she is preparing the Walking Tour brochure for this area. The City Council Ordinance delineating this area did not call it the same as the National Trust plaque identifying it as an historic district. Upon further reviewing the City Ordinance, the Ordinance did not name the District, but described a general geographic area. The Commission agreed that the appropriate name for the District should be the same as the National plaque which is Western College for Women.

Other Business:
Ms. Dale shared that an application should be coming next month for the Oxford Press site which will include a demolition and rebuild. She also shared that there is new ownership for the upper stories of the Chase Bank building and that the new owner intends to fix the boarded up windows. There was no timeline set.

Rich Daniels and Alan Kyger asked the Commission if they would consider moving the time up for the meetings to 6:00 p.m. Staff shared that this would ultimately have to be approved by City Council. HAPC voted 6-0-0 to request that the meetings begin at 6:00 p.m.

The next HAPC meeting is scheduled for October 5, 2011.

Approved By:

	Initials	Date
Department Head:	JAC	9/9/11
City Attorney:		
City Manager:	DRE	9/16/11

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: September 20, 2011

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach, Service Director
Prepared By

September 7, 2011
Date Prepared

Agenda Title: Final Legislation – Local Public Agency (LPA) Agreement with the Ohio Department of Transportation to Participate in an Intersection Improvement Project. ODOT PID 81336 BUT US127 / SR73

Recommendation: Approve

Discussion: As an approved project of the Northwest Butler Transportation Study (Study), and with the City of Oxford (City) acting as the local sponsor for $19,992,600 in Federal earmarks to fund improvements identified in the Study, the Ohio Department of Transportation (ODOT) is now ready to bid the project at the intersection of US127 and SR73. This project will provide a left turn lane in both directions of US127 as well as the western leg of SR73 (Oxford-Trenton Road), and will modernize the intersection's traffic control signals. The intersection of Old Huston Road and SR73 will be relocated approximately 500' to the west of its current intersection that is in dangerous proximity to US127. These improvements will combine to greatly increase the safety of this intersection.

This project's current price estimate is $4,258,952.96 including engineering costs, right of way acquisition costs, and the estimated costs for construction. Typically there would be a 20% local match requirement on parts of this federally funded project, however in this case, our federal earmark pays 100% of all costs up to $2,844,400 and ODOT is allowing the use of Toll Revenue Credits to pay for the remaining local match requirement of this project ($147,300). Therefore, there is no balance due to ODOT with the passage of this legislation.

The City owns a significant raw water main inside the project limits. While we are confident that no adjustments will be necessary to the water main, it is possible that unforeseen complications could force adjustments to the main. Should field conditions dictate, the City Water Fund may incur costs later in the project as construction progresses.

There is additional risk to the City associated with this project. Should actual final project costs exceed the project estimate, the City would be responsible for our local percentage of the overage (20%). While there is a contingency built into the estimate, and while this is not a likely scenario, this possibility does exist. This is the case even though the improvement is outside the corporate limits of Oxford. This language is defined in the contract document under Section V (5) and (6).

Approved By:

	Initial	Date
Department Head:	MBD	9/7/11
City Manager:	DKE	9/16/11

Final Legislation – Local Public Agency (LPA) Agreement with the Ohio Department of Transportation to Participate in an Intersection Improvement Project. ODOT PID #81336 - Page Two

This improvement is an unusual situation whereas the project improvement (Milford Township) is not located within the corporate limits of the local project sponsor (Oxford). The City may expect these same issues to occur with the proposed improvement of the widening of US27 to the south of Oxford (in late 2013 or early 2014). Should there be a demand by ODOT for a cost overrun, the City may request the funds transfer from another project approved by the Northwest Butler Transportation Study for federal funding, or request contributions from ODOT (as these are state routes being improved), the Butler County Engineer's Office, as well as Milford Township.

If authorized by the Oxford City Council, this project will be managed by ODOT. City staff will be on site protecting City owned infrastructure, but all project decisions including change orders and extra work orders will be managed and administered by ODOT staff. Interestingly, this project's design consultant was approved in late 2006 – it has taken almost five years to get to the point where a contract could be authorized.

While there is some financial risk associated with this project, the City has known of the risk acting as the local sponsor for federal funds associated with the Northwest Butler Transportation Study. Staff recommends the City Council approve this Resolution and authorize the City Manager to enter into contracts with the Ohio Department of Transportation for the construction of ODOT Project PID 81336.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE FINAL RESOLUTION AGREEMENT AND ENTER INTO OTHER CONTRACTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO ADMINISTER THE IMPROVEMENTS AT THE INTERSECTION OF US ROUTE 127 AND STATE ROUTE 73 (ODOT PID #81336).

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

SECTION 1: The City Manager and Service Director recommend approval of the attached Final Resolution Agreement which is incorporated herein by reference, and related contracts not attached, in connection with a project to improve the intersection of US Route 127 and State Route 73 to include the upgrade of the existing intersection through realignment and addition of turn lanes (ODOT PID #81336).

SECTION 2: Council hereby accepts the recommendation of the City Manager and Service Director and approves the Final Resolution Agreement (ODOT PID #81336).

SECTION 3: Council hereby authorizes the City Manager to sign the attached Final Resolution Agreement and to enter into related contracts with ODOT to complete the improvements at the intersection of US Route 127 and State Route 73 (ODOT PID #81336).

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)

ELLIS PROJ					
DISTRICT	08	SPN	Select From List	PID	81336
View FAQ	QUICK SEARCH	PID SPN		Search	Logout
Ellis Proj Home		Schedule Data		CMS Data	
Construction Contracts		Bridges		Roadway Segments	

The estimates shown in this application are not the official State's estimate and are not intended for purposes of award.

PROJECT INFORMATION (ELLIS)

PID	81336	**Project Name**	BUT US 127 16.37/SR 73 7.13
District	8	**Locale**	BUTLER
Project / Letting Type	LET / ODOT LET	**Status**	CANDIDATE
Work Categories	• INTERSECTION IMPROVEMENT	**Contract Features**	
Env Doc Type	CE LEVEL 2	**Reservoir Year**	
TRAC Tier		**SJN(s)**	• 487104
FAN(s)	• E070074 • E070074		

AGENCIES

Project Manager	OTIS, JOHN D	**Design Agency**	DISTRICT 8 PRODUCTION
Sponsoring Agency	OXFORD; CITY OF	**Designers**	KZF INCORPORATED
Acquisition Agency	S/W REAL ESTATE REGION	**Acquiring Agents**	S/W REAL ESTATE REGION

LOCATION INFORMATION

Fed Congress Dist	8 SHE;DAR;PRE;BUT;MIA;AUG(PT);MER(PT);MOT(PT)
Project Termini	US 127 AND SR 73 (NORTH JUNCTION)
Project Description	UPGRADE EXISTING INTERSECTION OF US 127 AND SR 73 (NORTH JUNCTION) TO STANDARDS (POTENTIAL TURN-LANES, AND POSSIBLE RELOCATION OF HUESTON ROAD CONNECTOR).

CURRENT ESTIMATES

PE	$345,971.00	View Details
RW	$623,668.48	View Details
CO	$3,289,313.48	View Details
SPR	$0.00	View Details
Other	$0.00	View Details
Total	**$4,258,952.96**	Print Page

The Ohio Department of Transportation (ODOT)

MILESTONES

MILESTONE	COMMIT DT	ACTUAL DT	BASELINE DT
Environmental Document Approved	7/1/2009	7/1/2009	
Authorized Design Consultant	11/7/2006	11/7/2006	
Stage 1 Plans - Submitted	4/27/2009	4/27/2009	
Stage 1 Plans - Complete	7/7/2009	7/7/2009	
Stage 2 Plans - Submitted	8/28/2009	8/28/2009	
Stage 2 Plans - Complete	11/6/2009	11/6/2009	
Stage 3 Plans - Submitted	12/18/2009	12/18/2009	
Stage 3 Plans - Complete	2/10/2010	2/10/2010	
Tracings Complete	4/20/2010	4/20/2010	
Final R/W Plans Submitted	12/23/2009	12/23/2009	
R/W Authorized	4/12/2010	4/12/2010	
R/W Acquisition Complete	8/25/2011	8/25/2011	
Plan Package Received in C.O.	7/22/2011	7/22/2011	
Sale	10/20/2011		
Award	10/27/2011		
District R/W Certification	8/25/2011	8/25/2011	
Preliminary R/W Plans - Submitted	8/28/2009	8/28/2009	
Preliminary R/W Plans - Approved	10/16/2009	10/16/2009	
Final Tracings - Approved	7/22/2011	7/22/2011	

[redacted] Close Window

(Resolution No. **4208**)

PID No. **81336**
Project No. ___________(2011)

FINAL RESOLUTION

The following Final Resolution enacted by the City of **Oxford**, hereinafter referred to as the Legislative Authority or Local Public Agency (LPA), in the matter of the stated described project.

WHEREAS, on **7th day of November, 2006**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of upgrading the northern intersection of State Route 73 and U.S. Route 127 to preferred design standards including left turn lanes. A section of Huston road will be relocated and the intersection with State Route 73 will be relocated 500 feet west of the U.S. Route 124/State Route 73 intersection, lying with the City of Oxford; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid Earmark and Toll Revenue Credit funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In view of the fact that the LPA's share of the project is now estimated in the amount of **One Hundred Forty Seven Thousand Three Hundred and - - - - 00/100 Dollars ($147,300.00) less Toll Revenue Credit in the amount of One Hundred Forty Seven Thousand Three Hundred and - - - - 00/100 Dollars ($147,300.00) leaving the balance due in the amount of Zero and - - - - 00/100 Dollars ($0.00)** therefore, the City will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined.

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of same to this legislative authority; and

WHEREAS, This legislative authority desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be It resolved:

I. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

II. That the LPA enter into a contract with the State, and that **City Manager** be, and is hereby authorized to execute said contract for improving the described project.

III. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the ______________ day of ____________________ , 2 , and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume ___________ , at Page __________ , and under date of ______________________________ , 2010_______ .

Legislative Authority of the
City of **Oxford**

____
City Manager

SEAL
(If Applicable)

____
Clerk (Secretary Ex-Officio)

PID No. **81336**
Project No. ______________ (2011)

CONTRACT
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Oxford**, (hereinafter referred to as the Legislative Authority or Local Public Agency (LPA).

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment (if applicable) of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: RECITALS

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: PURPOSE

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

<u>SECTION IV:</u> <u>SCOPE OF WORK</u>

The work to be performed under this contract shall consist of the following:

The project consists of upgrading the northern intersection of State Route 73 and U.S. Route 127 to preferred design standards including left turn lanes. A section of Huston road will be relocated and the intersection with State Route 73 will be relocated 500 feet west of the U.S. Route 124/State Route 73 intersection, lying within the City of Oxford; and

<u>SECTION V:</u> <u>FINANCIAL PARTICIPATION</u>

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.

2. The STATE may allocate the money contributed (if applicable) by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.

3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.

4. In view of the fact that the LPA's share of the project is now estimated in the amount of **One Hundred Forty Seven Thousand Three Hundred and - - - - 00/100 Dollars ($147,300.00) less Toll Revenue Credit in the amount of One Hundred Forty Seven Thousand Three Hundred and - - - - 00/100 Dollars ($147,300.00)leaving the balance due in the amount of Zero and - - - - 00/100 Dollars ($0.00),** therefore, the City will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined.

5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid Earmark and Toll Revenue Credit funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.**

6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA/ODOT agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA/ODOT also understands that right-of-way costs include eligible utility costs.

2. The LPA/ODOT agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:

   A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the STATE.

   B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

   C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.

2. ODOT agrees:

   A. To keep said highway open to traffic at all times;
   B. To maintain for the PROJECT in accordance with the provisions of the statutes relating thereto, including, but not limited to, Title 23, U.S.C., Section 116;
   C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
   D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
   E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
   F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows

City of **Oxford**	Ohio Department of Transportation
101 East High Street	Office of Estimating
Oxford, Ohio	1980 West Broad Street, 1st Floor
45056	Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation, and Selection for Training including Apprenticeship.

2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw material) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.

2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.

3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.

4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Butler County, Ohio.

5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.

6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.

7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XI: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

OHIO DEPARTMENT OF TRANSPORTATION	**LOCAL PUBLIC AGENCY** **City of Oxford**
______________________ Director of Transportation	______________________ **City Manager**
______________________ Date	______________________ Date

Approved:
Mike Dewine
Attorney General

By:______________________________
Stephen H. Johnson
Chief, Transportation

Date:______________________________

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: September 20, 2011

Jung Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

September 8, 2011
Date Prepared

Agenda Title:	**Revised Historic and Architectural Preservation Commission (HAPC) Rules of Procedure**

Recommendation:	**Approval**

Discussion:

At the HAPC's September 7, 2011 meeting, Commission members discussed moving the regular meeting time of 7:30 p.m. up to 6:00 p.m. HAPC members felt the public could still attend at this earlier time and could plan on their evenings not being disrupted should the meeting contain a large agenda.

Approved By:

	Initial	Date
Department Head:	JHC	9/9/11
City Attorney:		
City Manager:	DKE	9/14/11

RESOLUTION NO.

A RESOLUTION REPEALING RESOLUTION NO. 4389 OF THE RULES OF PROCEDURE FOR THE HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION AND ADOPTING THE RULES OF PROCEDURE FOR THE HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION

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

SECTION 1: The Rules of Procedure for the Historic and Architectural Preservation Commission previously enacted and amended by Resolution No. 4389 are hereby repealed as these Rules of Procedure need to be amended.

SECTION 2: The Rules of Procedure for the Historic and Architectural Preservation Commission as attached hereto and incorporated herein as exhibit "A", are adopted.

SECTION 3: This Resolution shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: JOHN HARMAN

PREPARED BY: LAW(STAFF)

Exhibit "A"

RULES OF PROCEDURE FOR THE HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION

September 2011 Revisions

Article I – Membership

The Historic and Architectural Commission is established by Ordinance No. 1544 by the Council of the City of Oxford, Butler County, State of Ohio. Membership shall consist of seven members. All members shall have, to the greatest extent practicable, interest and proficiency in historic and architectural preservation and adaptive reuse. All shall be residents of the City of Oxford. One member shall be an owner of real property or be a proprietor of a business in one of Oxford's Historic Districts. Two members should have professional training or be employed in professions related to historic preservation, architecture, architectural history, history, archaeology, planning, real estate, building construction, or law related to any of these. Two members should own real property in Oxford, and have demonstrated a special interest in historic preservation and related matters. One member shall be a member of the Oxford Planning Commission and one member shall be a member of the Oxford City Council. Members of the Commission shall be appointed by a majority of City Council and shall serve four year overlapping terms of office with one term expiring each year. The City Manager, as authorized by Section 8.12 of the Oxford Charter, shall serve as an ex-officio member of the Commission.

ARTICLE II – Jurisdiction and Function

In accordance with Ordinance No. 2734 of the Code of the City of Oxford, the Commission shall have the following jurisdiction, powers, and duties:

1. The Commission shall be empowered to conduct or coordinate a survey or surveys of all areas, places, structures, works of art, or objects in the City of Oxford which the Commission has reason to believe are or will be eligible for designation as historic sites or historic districts.
2. It shall be the duty of the Commission to recommend the designation of historic districts or sites and to review all plans for the construction, alteration, repair, moving or demolition of historic sites and structures in a historic district and it shall have sole power to issue a Certificate of Appropriateness. (See Chapter 1331 for further specification)

ARTICLE III – Offices and Duties of Members and Staff

Section 1. At the first meeting of each calendar year, the Commission shall elect one of its members as Chair and one as Vice-Chair, except that the member of the Planning Commission or Council shall not stand eligible for any of the aforementioned offices.

Section 2. The Chair shall preside at all meetings of the Commission, shall call special meetings, and shall be responsible for the preparation of the agenda of each business meetings. The Chair shall also represent the Commission in matters and areas of concern to the Commission when so directed by a majority of its members and/or by City Council. The Chair shall advise and keep the members apprised of Commission related matters; and, shall perform such other duties commonly prescribed to such office and those duties that are deemed appropriate and necessary by other members of the Commission and/or City Council.

Section 3. The Vice-Chair shall perform the same duties as the Chair in his/her absence; shall be responsible with the aid of the Historic Preservation Administrator and the Law Director for the orientation of and the dissemination of all pertinent Commission materials for all newly appointed members.

Section 4. In the event that the Chair and the Vice-Chair are both absent from a meeting, the remaining members shall select a Chair Pro-Tem who shall perform the same duties as the Chair for the balance of the meeting.

Section 5. The Recording Secretary shall record, either in manuscript or by mechanical tape recording, the proceedings of all business meetings, hearings, and public meetings, and shall prepare the minutes therefrom. All such recorded proceedings (manuscript or tapes) shall be preserved for a period of six months. A record shall be made by the Recording Secretary and be placed in the minutes of each business meeting indicating the vote of each member by name relative to each agenda item. Said minutes shall be placed in the Public Record and shall be maintained in the office of the Historic Preservation Administrator.

Section 6. The Law Director serves as the legal counselor to the Commission in accordance with Section 5.04 of the Oxford Charter and Section 125.02 of the Oxford Administrative Code and shall be responsible for advice, interpretation, and recommendation in all matters relating to Commission business.

Section 7. The Historic Preservation Administrator with the concurrence of the City Manager (see Section~~s~~ 121.02 of the Oxford Administrative Code) shall report on agenda items; shall be responsible for the compiling and maintaining of all documents and communications received by the Commission; shall notify in writing petitioners and/or affected parties and the news media of meetings, hearings and the like; shall request and assemble all pertinent documents and information relative to agenda items; shall keep the Public Record of Commission matters on file in his/her office in the Municipal Building; and, shall make available to petitioners, affected parties and/or the public the rules and regulations relative to Commission procedures.

ARTICLE IV – Meetings

Section 1. A regular business meeting of the Commission upon the call of the Chair is usually held at ~~7:30~~ **6:00** p.m. on the first Wednesday of each month, or as scheduled by the Commission. Additional business meetings may be called by the Chair or by any two (2) members when deemed necessary and appropriate, or when mandated by requirements of Section 1331 of the Oxford Code. All Commission meetings are open to the public for attendance and participation and shall be announced to the public and the news media at least two days in advance of the meetings.

Section 2. The Chair or any two (2) members may call a work session. Work sessions are for the purpose of studying appropriate matters pertinent to the duties of the Commission. The public is invited to attend the entire work session and may participate during the first and last fifteen (15) minutes, five minute time limit per person (and at other times at the discretion of the Chair), of such sessions in matters relative to the agenda or matters discussed during the work session. Notice of the call for special meetings or a work session shall be communicated to the public and the news media at least two days in advance of said meetings.

Section 3. All meetings, including Executive Sessions, shall be held and conducted in conformance with the Ohio Sunshine Law (Ohio Revised Code, Section 121.22.

Section 4. Quorum for all meetings and work sessions shall consist of four members present at the meeting.

Section 5. All questions concerning the governance of the Commission business meetings and the transaction of such business shall be decided in accordance with parliamentary rules as contained in the latest Revised Edition of Robert's Rules of Order.

ARTICLE V – Voting

Section 1. The voting members of the Commission are the five citizen members appointed by City Council, one Planning Commission representative, and one Council representative.

Section 2. A majority vote of those members present shall be necessary to pass any item of business that is brought before the Commission. Where only a quorum is present at any business meeting an affirmative vote of three (3) members is necessary to validate the passage of any motion or recommendation. Any motion where only quorum is present which results in a tie vote shall become automatically an agenda item for the next regular business meeting or, if so required by ordinance, at a specially called business meeting.

Section 3. No Commission member shall participate in the discussion or vote on any matter in which a personal interest exists. It shall be the responsibility of the Chair to inquire whether a personal interest exists. Members having such a personal interest shall absent themselves from the Commission during that portion of the meeting in which said matter is being deliberated and voted upon.

Section 4. Any member may include in the Commission's recommendations to the City Council a minority report in regard to any agenda item.

ARTICLE VI – <u>Public Hearings</u>

Section 1. Public hearings pertinent to Commission matters initiated and conducted by the City Council should be attended by Commission members for the purpose of gathering relevant information which may be presented at the hearing. At the Commission's next regular monthly business meeting or at a specially called business meeting (if so required by deadlines specified by ordinance), the Commission shall consider the matter, may solicit a written opinion from the Planning Commission and make its recommendation to City Council.

Section 2. All Commission members shall be notified by the Clerk of City Council of public hearings established by the Council on subjects pertaining to Commission matters.

Section 3. When a public hearing has been requested by a petitioner under the purview and authority of Chapter 1331 of the City Code, the Commission shall set forth the time and place of the hearing and shall give written notice to the petitioner of the time, date and place of said hearing and the Commission shall make public notice of the same. Such hearing shall be held not more than thirty days after the written request for the hearing or may be held within such a time as is mutually agreed upon by the Commission and the petitioner. The Historic Preservation Administrator shall transmit in writing its findings and final determination to the petitioner not later than thirty (30) days following the date of the hearing.

ARTICLE VII – <u>Business Procedures</u>

Section 1. Agenda items of business must be received at the City Manager's Office in the Municipal Building no later than 5:00 p.m., nineteen (19) days preceding the regular monthly business meeting. Business items that are submitted after this time shall be considered at the next business meeting or at a special meeting as required to satisfy time requirements mandated by Section 1331.

Section 2. Each agenda item of business that is submitted for the Commission's consideration must be complete, that is, it must contain all pertinent information such as: plans for new construction, renovation, rehabilitation or for alteration, repair or demolition of any area, place, structure, work of art, or object which falls under the designation of historic site or historic district. Such complete information shall be required when necessary and applicable in accordance with the requirements stipulated by the appropriate sections of <u>Chapter 1331</u> of the City Code (or other pertinent ordinances) under which the agenda item is being considered.

Section 4. In order for the Commission to fulfill its responsibilities and duties in rendering proper consideration to any petition submitted by an individual or individuals, said individual or individuals or agent or legal representative shall be present at the business meeting and shall fully inform themselves of the ordinance, rules, and regulations relative to the business item involved. It shall be the duty of the Historic Preservation Administrator to inform said party or parities in writing of the time, date, place, and purpose of the meeting. The Commission shall reserve the right to dismiss or postpone any petition if the petitioner, his agent, or legal representative is not present at the meeting or has not requested in writing a reasonable extension of time for a proper presentation of said petition.

Section 5. The Commission renders its decision on all petitions in accordance with Chapter 1331. Between the time of the receipt of a petition and the deadline for Commission approval, disapproval, or report, the Commission may:

a) conduct surveys;

b) hold special meetings (prior to or in addition to the advertised public hearing required by the various ordinances) for the purpose of eliciting pertinent information from interested parties;

c) conduct such investigations as it deems necessary and desirable.

Section 6. The Recording Secretary shall prepare an annual report for submission to City Council in February.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: September 20, 2011

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael Dreisbach, Service Director
Prepared By

September 12, 2011
Date Prepared

Agenda Title: Amending Ordinance No. 3147 to Allow Glenwood Energy of Oxford, Inc. to Collect a Fee for Gas Service Line Pressure Testing

Recommendation: Approval

Discussion:

City Ordinance No. 3147, adopted April 19, 2011, regulates the rates and prices to be charged by Glenwood Energy of Oxford, Inc. (Company) in conjunction with an Order of the Public Utilities Commission of Ohio (PUCO) in Case No. 06-350-GA-CMR. The City, through our law director and our consulting energy attorney (Bell & Royer Co., LPA), negotiated a new rate Ordinance that keeps local rate controls in place as dictated by the Oxford City Council versus defaulting to the PUCO.

Subsequent to the adoption of the Ordinance, the Company learned that PUCO would be enforcing pressure testing requirements for service lines that had been dormant for more than 30 days. This test ensures that the gas service line and appliances in the structure are sound, and that it is safe for the Company to resume gas service to the user. The Company has requested the City approve a fee of $80 for this test to recover the Company's costs in providing the test. The fee has been found to be reasonable when compared to other utility company fees. In the event that a structure fails the pressure test, the owner will have the opportunity to make repairs and the Company will perform one additional pressure test at no additional charge. No other changes in the Ordinance are being proposed.

Any funds the Company has collected to date for pressure testing will be returned to the payer as the Company did not have the authority to collect this fee. Now that this issue has been properly addressed, owners will have the information necessary to make informed decisions as to keeping or suspending gas service to buildings during periods of vacancy.

It shall also be acceptable to have a third party perform line pressure testing so long as the approved inspector follows the Company's testing procedure and adheres to Ohio Administrative Code 4901:1-13-05.

This modification to Ordinance No. 3147 changes no other aspects of the Ordinance. It is also noted that the Company may still collect a fee of $50 to reconnect service – this fee is in addition to service line pressure testing.

Approved By:

	Initial	Date
Department Head:	MRD	9/12/11
City Manager:	DRE	9/14/11

ORDINANCE NO. _______

AN ORDINANCE TO AMEND ORDINANCE NO. 3147 REGULATING THE RATES AND CHARGES TO BE CHARGED AND COLLECTED AND THE SERVICES TO BE RENDERED BY GLENWOOD ENERGY OF OXFORD, INC., ITS SUCCESSORS AND ASSIGNS, FOR GAS AND GAS SERVICE FURNISHED TO ALL OF ITS CUSTOMERS WITHIN THE CORPORATE LIMITS OF THE CITY OF OXFORD DURING THE PERIOD ENDING MAY 31, 2014, BY AUTHORIZING GLENWOOD ENERGY OF OXFORD, INC. TO IMPOSE A CHARGE FOR PERFORMING PRESSURE TESTS REQUIRED BY RULE 4901:1-13-05, OHIO ADMINISTRATIVE CODE.

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

SECTION I: On April 19, 2011, Council of the City of Oxford adopted Ordinance No. 3147 regulating the rates and charges to be charged and collected by Glenwood Energy of Oxford, Inc. (the "Company") for natural gas service furnished to customers within the City of Oxford ("City") for the period ending May 31, 2014.

SECTION II: Pursuant to Ordinance No. 3147, the Company is subject to the Minimum Gas Service Standards of the Public Utilities Commission of Ohio ("PUCO") set forth in Chapter 4901:1-13, Ohio Administrative Code ("OAC").

SECTION III: Subsequent to effective date of Ordinance No. 3147, the PUCO staff, as a result of a pipeline safety audit, advised the Company that it was not in compliance with Rule 4901:1-13-05(A)(3)(c), OAC, which requires that a pressure test be performed on the piping downstream of the meter prior to reestablishing service when service has been disconnected for thirty days or more.

SECTION IV: Historically, many landlords that rent to students have requested that natural gas service to their rental properties be disconnected during the summer months, which means that the total annual cost to the Company of performing the required pressure tests may be significant.

SECTION V: Ordinance No. 3147, as enacted, does not authorize the Company to impose a charge for performing such tests.

SECTION VI: In the interest of safety, it is important that such tests be performed; and Although the customer may engage a qualified third-party to perform such tests, having the Company perform such tests at the time the service is to be reconnected may be more convenient from the customer's standpoint.

SECTION VII: Paragraph 9 of Section 1 of Ordinance No. 3147, entitled "Miscellaneous Charges" shall be amended by adding the following provision as Paragraph 9.i. Pressure Test Fee :

i. Pressure Test Fee. The Company shall offer to perform the pressure test required by Rule 4901:1-13-05(A)(3)(c), OAC, as a condition of reestablishing service in instances where service has been disconnected for thirty (30) days or longer. The Company may charge and collect a fee of $80.00 for performing such pressure test, such fee to be in addition to the $50.00 reconnection fee authorized in Paragraph 9.e of this Section. If the piping fails the pressure test, the owner of the premises shall be responsible for all necessary repairs. Upon a request by a customer for a voluntary disconnection of service to a premises, the Company shall advise the customer of the pressure test requirement that must be satisfied prior to reestablishing service and that, if the Company performs the pressure test, the $80.00 pressure test fee will apply.

SECTION VIII. Ordinance Otherwise Unaffected. The amendment adopted by this ordinance shall have no effect on any other provision of Ordinance No. 3147, all of which shall remain in force and effect.

SECTION 1X. Company Acceptance of Ordinance. If the Company accepts this ordinance, the Company shall file a written acceptance of this ordinance with the Clerk of the City within thirty (30) days after its passage by Council and this ordinance shall constitute a contract between the City and the Company. If the Company does not accept this ordinance, the Company shall file a complaint and appeal from this ordinance with the PUCO pursuant to Section 4909.34, ORC, within (30) days after its passage. If the Company does not file a written acceptance of this ordinance with the Clerk of the City within thirty (30) days after its passage and does not file a complaint and appeal from this ordinance with the PUCO within (30) days after its passage by Council, the Company shall be deemed to have accepted this ordinance and shall be bound by its terms as if it had filed a written acceptance.

SECTION X. Effective Date. 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 City Manager		Finance	
		Originating Department	
Council Meeting Of :			
		Joe Newlin	
Account Code No. :	see below	Prepared By	
Budgeted Amount :			
		Date Prepared	

Agenda Title:	**2011 Supplemental Budget #3**
Recommendation:	**Approve**

Issue 1
OPWC Grant for College Avenue - High to Spring
$395,000 Grant with a $105,000 match

Action Needed:

Revenue Side

N/A

Expense Side

Capital Improvement Fund 141	105,000.00	Increase for city's match of projected costs (unencumbered balance)
Net Effect on Fund Balance/(s) Increase/(Decrease)	(105,000.00)	

Issue 2
Higher than expected income tax refunds
$35,332 through September $34,868 through end of the year

Action Needed:

Revenue Side

N/A

Expense Side

General Fund 110	70,200.00	Increase for income tax refunds through December (unencumbered balance)
Net Effect on Fund Balance/(s) Increase/(Decrease)	(70,200.00)	
Total Net Effect on Fund Balance/(s) Increase/(Decrease)	(175,200.00)	

Breakdown by Fund

General Fund 110	(70,200.00)
Capital Improvement Fund 141	(105,000.00)
Net Effect on Fund Balance/(s) Increase/(Decrease)	(175,200.00)

Approved By:		Initials	Date
	Department Head:	[handwritten initials]	9/16/11
	City Manager:	DRE	9/16/11

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3130. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 3 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2011.

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	70,200.00
Capital Improvement Fund 141	105,000.00

SECTION 4: In all other respects, Ordinance No. 3130 shall remain in full force and effect.

SECTION 5: 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)