

# Resolution

RESOLUTION NO.

A RESOLUTION COMMENDING PRUDENCE Z. DANA FOR HER SERVICE TO  
THE CITY OF OXFORD AND ITS RESIDENTS.

WHEREAS, Prudence Z. Dana has served as a member of the Oxford City Council from November 2001 to November 2009 and Mayor from 2007 to 2009; and

WHEREAS, during said period, Prue has given of her time, talents and energies serving the City of Oxford and its residents faithfully and diligently; and

WHEREAS, Prue will have fulfilled her term of office on November 23, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, OHIO:

SECTION 1: That the City Council of the City of Oxford personally and collectively and on behalf of the government and citizens of the City, expresses its deep appreciation and thanks to Prudence Z. Dana for her faithful and devoted service, while serving on the Oxford City Council.

SECTION 2: That the Clerk of the City Council of the City of Oxford, Ohio is hereby directed and instructed to forward a duly attested and signed copy of this Resolution to Prudence Z. Dana.

SECTION 3: That this resolution shall be effective immediately upon its adoption.

\_\_\_\_\_  
Richard Keebler, Mayor

\_\_\_\_\_  
Kevin McKeegan

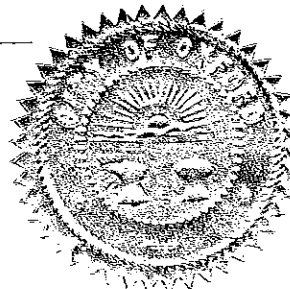
\_\_\_\_\_  
Kenneth H. Bogard  
Vice Mayor

\_\_\_\_\_  
Bob Blackburn

\_\_\_\_\_  
Kathryn Currie

\_\_\_\_\_  
John Harmon

\_\_\_\_\_  
Greig Rutherford



# Resolution

RESOLUTION NO.

A RESOLUTION COMMENDING DOUG ROSS FOR HIS SERVICE TO  
THE CITY OF OXFORD AND ITS RESIDENTS.

WHEREAS, Doug Ross has served as a member of the Oxford City Council from November 2001 to November 2009; and

WHEREAS, during said period, Doug has given of his time, talents and energies serving the City of Oxford and its residents faithfully and diligently; and

WHEREAS, Doug will have fulfilled his term of office on November 23, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, OHIO:

SECTION 1: That the City Council of the City of Oxford personally and collectively and on behalf of the government and citizens of the City, expresses its deep appreciation and thanks to Doug Ross for his faithful and devoted service, while serving on the Oxford City Council.

SECTION 2: That the Clerk of the City Council of the City of Oxford, Ohio is hereby directed and instructed to forward a duly attested and signed copy of this Resolution to Doug Ross.

SECTION 3: That this resolution shall be effective immediately upon its adoption.

\_\_\_\_\_  
Richard Keebler, Mayor

\_\_\_\_\_  
Kevin McKeehan

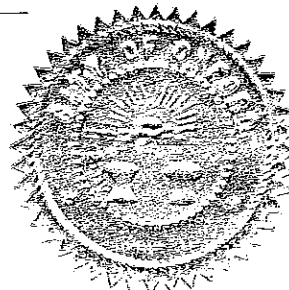
\_\_\_\_\_  
Kenneth H. Bogard  
Vice Mayor

\_\_\_\_\_  
Bob Blackburn

\_\_\_\_\_  
Kathryn Currie

\_\_\_\_\_  
John Harmon

\_\_\_\_\_  
Greig Rutherford



# Resolution

## RESOLUTION NO.

### A RESOLUTION COMMENDING ALYSIA FISCHER FOR HER SERVICE TO THE CITY OF OXFORD AND ITS RESIDENTS.

WHEREAS, Alysia Fischer has served as a member of the Oxford City Council from November 2005 to November 2009; and

WHEREAS, during said period, Alysia has given of her time, talents and energies serving the City of Oxford and its residents faithfully and diligently; and

WHEREAS, Alysia will have fulfilled her term of office on November 23, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, OHIO:

Section 1: That the City Council of the City of Oxford personally and collectively and on behalf of the government and citizens of the City, expresses its deep appreciation and thanks to Alysia Fischer for her faithful and devoted service, while serving on the Oxford City Council.

SECTION 2: That the Clerk of the City Council of the City of Oxford, Ohio is hereby directed and instructed to forward a duly attested and signed copy of this Resolution to Alysia Fischer.

SECTION 3: That this resolution shall be effective immediately upon its adoption.

\_\_\_\_\_  
Richard Keebler, Mayor

\_\_\_\_\_  
Bob Blackburn

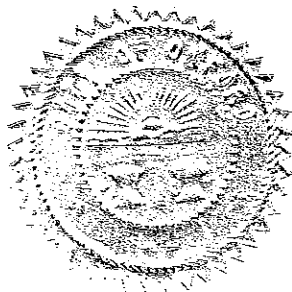
\_\_\_\_\_  
Kenneth H. Bogard  
Vice Mayor

\_\_\_\_\_  
Kevin McKeehan

\_\_\_\_\_  
Kathryn Currie

\_\_\_\_\_  
John Harmon

\_\_\_\_\_  
Greig Rutherford



# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Finance  
Originating Department

Council Meeting Of: 12/01/09

Joe Newlin  
Prepared By

Account Code No. #: see below

Budgeted Amount: \_\_\_\_\_

11/23/09  
Date Prepared

Agenda Title: Convention Tax Disposition of Funds

Recommendation: Approve

### Discussion:

### Convention Tax Disposition of Funds

This ordinance is a result of our 2010 Budget discussions. In order to simplify the method of distribution of Convention Tax receipts, a simple percentage method was recommended by staff. The current funding level of the VCB was used as an index for the rounded figure of 94% of the funds collected being distributed to the VCB on a monthly basis.

Approved By:

Department Head:  
City Manager:

Initial Date

11/23/09  
11/25/09

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE MODIFYING THE REQUIREMENTS FOR THE DISPOSITION OF HOTEL/MOTEL TAX RECEIPTS BY AMENDING SECTION 183.03 OF THE OXFORD CODE OF ORDINANCES TO COMPLY WITH THE PROVISIONS OF THE OHIO REVISED CODE CHAPTER 5739.

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

SECTION 1: Section 183.03 of the Codified Ordinances of the City of Oxford, Ohio is hereby amended as follows:

- (a) Calculation of disposition of funds:
- (1) The City Auditor shall prepare a yearly estimate, used in the preparation of the annual budget, of 3% convention tax funds to be received by the City pursuant to Section 183.02.
  - (2) The City shall distribute ~~50%~~ 94% of the convention tax funds received in a calendar year to a convention and visitors bureau operating within Butler County.
  - (3) The remaining ~~fifty percent (50%)~~ six percent (6%) shall be retained by the City and deposited in the General fund.
  - (4) ~~The City may budget and distribute more than the minimum fifty percent (50%) of convention tax required by Section ii.~~

SECTION 2: 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: STAFF

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Finance  
Originating Department

Council Meeting Of: 12/01/09

Account Code No. #: see below

Joe Newlin  
Prepared By

Budgeted Amount: \_\_\_\_\_

11/23/09  
Date Prepared

Agenda Title: 2010 ANNUNAL TRANSFER ORDINANCE

Recommendation: Approve

### Discussion:

#### Description of Budgeted Transfers for the 2010 Budget

Transfer from GENERAL FUND 110  
Transfer to STREET FUND 122

Annual General Fund Financial Support (quarterly) 400,000.00

Transfer from GENERAL FUND 110  
Transfer to CAPITAL IMPROVEMENT FUND 141

Annual General Fund Financial Support (quarterly) 517,657.00

Transfer from GENERAL FUND 110  
Transfer to CAPITAL EQUIPMENT FUND 140

Annual General Fund Financial Support (quarterly) 71,023.00

Transfer from GENERAL FUND 110  
Transfer to PARKS IMPROVEMENT BOND DEBT SERVICE FUND 152

Annual General Fund Debt Service Payment (bi-annual to match debt payment) 311,750.00

Transfer from GENERAL FUND 110  
Transfer to STORM WATER FUND 351

General Fund Financial Support (1<sup>st</sup> quarter) 20,000.00

 11/25/09

ORDINANCE NO.

AN ORDINANCE OUTLINING BUDGETED TRANSFERS FOR THE CITY OF OXFORD,  
STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2010.

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

SECTION 1: The following transfers are to be executed for the City of Oxford during the  
fiscal year ending December 31, 2010, as follows:

Transfer from:

|                                           |            |
|-------------------------------------------|------------|
| GENERAL FUND 110                          | 400,000.00 |
| GENERAL FUND 110                          | 517,657.00 |
| GENERAL FUND 110                          | 71,023.00  |
| GENERAL FUND 110                          | 311,750.00 |
| GENERAL FUND 110                          | 20,000.00  |
| PARKING FUND 130                          | 37,500.00  |
| PARKING FUND 130                          | 23,581.00  |
| PARKING FUND 130                          | 100,000.00 |
| PARKING FUND 130                          | 24,500.00  |
| CAPITAL IMPROVEMENT FUND 141              | 590,000.00 |
| WATER FUND 321                            | 100,000.00 |
| WATER FUND 321                            | 923,100.00 |
| WATER FUND 321                            | 85,000.00  |
| WATER FUND 321                            | 36,976.00  |
| SEWER FUND 331                            | 200,000.00 |
| SEWER FUND 331                            | 170,000.00 |
| SEWER FUND 331                            | 36,976.00  |
| LANDFILL POST-CLOSURE FUND 353            | 195,000.00 |
| REFUSE FUND 341                           | 26,976.00  |
| HOTEL TAX FUND 120                        | 10,500.00  |
| WATER CAPACITY BENEFIT FUND – NE FUND 381 | 5,000.00   |
| WATER CAPACITY BENEFIT FUND – NW FUND 382 | 5,000.00   |
| WATER CAPACITY BENEFIT FUND – SE FUND 383 | 5,000.00   |
| WATER CAPACITY BENEFIT FUND – SW FUND 384 | 5,000.00   |

Transfer to:

|                                               |            |
|-----------------------------------------------|------------|
| STREET FUND 122                               | 400,000.00 |
| CAPITAL IMPROVEMENT FUND 141                  | 517,657.00 |
| CAPITAL EQUIPMENT FUND 140                    | 71,023.00  |
| PARKS IMPROVEMENTS BOND DEBT SERVICE FUND 152 | 311,750.00 |
| STORM WATER FUND 351                          | 20,000.00  |
| PARKING IMPROVEMENT FUND 142                  | 37,500.00  |
| STREET FUND 122                               | 23,581.00  |
| CAPITAL IMPROVEMENT FUND 141                  | 100,000.00 |
| GENERAL FUND 110                              | 24,500.00  |
| GENERAL FUND 110                              | 590,000.00 |
| WATER CAPITAL IMPROVEMENT FUND 322            | 100,000.00 |

|                                  |            |
|----------------------------------|------------|
| WATER BOND DEBT SERVICE FUND 312 | 923,100.00 |
| WATER CAPITAL EQUIPMENT FUND 320 | 85,000.00  |
| GENERAL FUND 110                 | 36,976.00  |
| SEWER IMPROVEMENT FUND 332       | 200,000.00 |
| SEWER CAPITAL EQUIPMENT FUND 330 | 170,000.00 |
| GENERAL FUND 110                 | 36,976.00  |
| REFUSE FUND 341                  | 195,000.00 |
| GENERAL FUND 110                 | 26,976.00  |
| GENERAL FUND 110                 | 10,500.00  |
| WATER IMPROVEMENT FUND 322       | 5,000.00   |
| WATER IMPROVEMENT FUND 322       | 5,000.00   |
| WATER IMPROVEMENT FUND 322       | 5,000.00   |
| WATER IMPROVEMENT FUND 322       | 5,000.00   |

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: STAFF

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager: *Douglas Elliott*

*Police*

**Originating Department**

Council Meeting Of: *December 1, 2009*

*Robert Holzworth*

Account Code No. *N/A*

**Prepared By**

Budgeted Amount: *N/A*

*November 12, 2009*

**Date Prepared**

**Agenda Title:** A resolution to provide free 2-hr parking at meters on High Street, East and West Park, and Lot 52 during the 2009 Christmas / New Year holiday season.

**Recommendation:** Adopt the resolution.

### Discussion:

The Parking Unit recommends that FREE 2-hr holiday parking be provided at the meters on High Street (between Campus & College), on East and West Park Place, and in Lot 52, starting on Monday, December 21, 2009, at 9:00 a.m. and ending on Saturday, January 2, 2010 at 6:00 p.m.

The 182 meters will be bagged with red, plastic covers that read as follows: "Season's Greetings, Free Parking, 2 Hour Limit." There is no cost to the city as the Chamber of Commerce has graciously offered to pay for the bags. This has been well received by merchants and shoppers in the past and will hopefully be an incentive for people to come uptown to shop and/or dine.

The OPTAB (Oxford Parking & Transportation Advisory Board) is aware of and endorses this request.

**Approved By:**

**Department Head:**

**City Attorney:**

**City Manager:**

**Initial Date**

*SDS* \ *11/17/09*

*[Signature]* \ *11/25/09*

**RESOLUTION NO.**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE PARKING METER FEES ON HIGH STREET, EAST PARK PLACE, WEST PARK PLACE, AND IN LOT 52 FROM 9:00 A.M. ON DECEMBER 21, 2009 UNTIL 6:00 P.M. ON JANUARY 2, 2010. THE TWO HOUR RESTRICTION FOR METERS IN THESE LOCATIONS WILL REMAIN IN EFFECT.

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

SECTION 1: The City Manager recommends approval of the proposal of the Police Chief to waive parking meter fees on High Street, East Park Place, West Park Place and in Lot 52 from 9:00 a.m. on December 21, 2009 until 6:00 p.m. on January 2, 2010. The two hour restriction for meters in these locations will remain in effect.

SECTION 2: Council hereby accepts the recommendation of the City Manager and Police Chief and authorizes the City Manager to waive parking meter fees on High Street, East Park Place, West Park Place and in Lot 52 from 9:00 a.m. on December 21, 2009 until 6:00 p.m. on January 2, 2010. The two hour restriction for meters in these locations will remain in effect.

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

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER  
PREPARED BY: LAW(STAFF)

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Community Development

**Originating Department**

**Council Meeting Of:** November 17, 2009

Jung-Han Chen

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

**Prepared By**

**Budgeted Amount:** N/A

November 9, 2009

**Date Prepared**

**Agenda Title:** An Ordinance Approving The Extension Of The Conditional Use Permit For A Miami University Community Federal Credit Union Branch Facility With A Drive-Through At 5120 College Corner Pike, Approved By Ordinance No. 2932 On November 21, 2006, For A Period Of Six Months.

**Recommendation:** Approval

**Discussion:**

City Council approved a Conditional Use permit for a Miami University Community Federal Credit Union branch facility to be located at 5120 College Corner Pike at the November 21, 2006 meeting.

Mr. Rick Parker, President/CEO of the credit union has made a formal request in his letter for a third six-month extension. The letter, outlining the reasons for the extension request is attached for your consideration.

**Approved By:**

Department Head:

City Attorney:

City Manager:

Initial Date

JHC 11/9/09

DC 11/13/09

**ORDINANCE NO.**

AN ORDINANCE APPROVING THE EXTENSION OF THE CONDITIONAL USE PERMIT FOR A MIAMI UNIVERSITY COMMUNITY FEDERAL CREDIT UNION BRANCH FACILITY WITH A DRIVE-THROUGH AT 5120 COLLEGE CORNER PIKE, APPROVED BY ORDINANCE NO. 2932 ON NOVEMBER 21, 2006, FOR A PERIOD OF SIX MONTHS.

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

SECTION 1: Council having reviewed the request submitted by Miami University Community Federal Credit Union for an additional extension of six months of the deadline for construction of a banking facility with a drive-through at 5120 College Corner Pike, has determined the request to be reasonable.

SECTION 2: Council granted the second extension for a period of six months of the construction deadline on June 2, 2009 by adopting Ordinance No. 3058.

SECTION 3: Council hereby approves the request for an additional extension of the construction deadline and grants an additional six month extension of the Conditional Use Permit for construction of a banking facility with a drive-through at 5120 College Corner Pike.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)



changing lives  
everyday

10/23/09

City of Oxford  
JUNG-HAN CHEN, AICP  
Director of Community Development  
101 East High St.  
Oxford, Ohio 45056

Re: Request for Conditional Use Extension 5120 College Corner Pike

Dear Mr. CHEN,

The Miami University Community Federal Credit Union is requesting a six month extension to place into service our city council approved, "Conditional Use Permit". The request is predicated on two issues:

- 1) The Economic Recession of the last 23 months has had a negative impact on all financial institutions, including our Credit Union. As a result we have not yet reached the financial targets necessary to initiate construction, though we anticipate doing so in 2010.
- 2) The forthcoming phase three widening of US 27, College Corner Pike and the disruption this may cause to our building process, and new banking operations.

We will keep you and the City of Oxford well informed as to our anticipated construction start date.

Respectfully Submitted

Rick Parker  
President/CEO

Miami University Community Federal Credit Union

420 Wells Mill Drive • Oxford, Ohio 45056 • phone 513-529-2739 • fax 513-529-2638 • cumemservice@muccu.org • www.muccu.org

**ORDINANCE NO.**

AN ORDINANCE AMENDING ORDINANCE NO. 3033. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 11 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009.

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

SECTION 1: Transfer of appropriations are needed for the current fiscal year and monies are available for appropriation in those funds;

SECTION 2: The following transfers be executed:

Transfer from:

|                           |          |
|---------------------------|----------|
| STREET FUND 122 OPERATING | 1,000.00 |
| WATER FUND 321 OPERATING  | 1,350.00 |
| SEWER FUND 331 OPERATING  | 7,850.00 |
| REFUSE FUND 341 OPERATING | 500.00   |

Transfer to:

|                           |          |
|---------------------------|----------|
| STREET FUND 122 PERSONNEL | 1,000.00 |
| WATER FUND 321 PERSONNEL  | 1,350.00 |
| SEWER FUND 331 PERSONNEL  | 7,850.00 |
| REFUSE FUND 341 PERSONNEL | 500.00   |

SECTION 3: In all other respects, Ordinance No. 3033 shall remain in full force and effect.

SECTION 4: This ordinance shall take effect immediately upon its adoption.

\_\_\_\_\_  
MAYOR

ADOPTED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW (STAFF)

# CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance  
Originating Department

Council Meeting Of: 11/17/09

Joe Newlin  
Prepared By

Budgeted Amount: \_\_\_\_\_

11/11/09  
Date Prepared

Agenda Title: 2009 SUPPLEMENTAL BUDGET #9

Recommendation: Approve

## Discussion: Supplements to the 2009 Budget

### CDBG Fund

Handicap Ramps

31,000.00

From Revenue

Additional appropriation needed to cover the cost of construction costs for handicap ramps, extra monies available to the City from County.

### Capital Improvement Fund

US 27 North Improvements

314,856.00

From Fund Balance

Additional appropriation is needed to cover City's portion of US 27 North Phase III Improvements. Will use  
\$175,521 unencumbered balance of NW Butler Corridor (Budgeted \$196,493 spent \$20,792)  
\$86,969 unencumbered balance of WallMart Upgrade Traffic Light (Budgeted \$86,969 spent \$0)  
\$39,195 unencumbered balance of Street Resurfacing (Budgeted \$350,000 spent/encumbered \$310,805)  
\$13,171 unencumbered balance

Approved By:

Department Head:  
City Manager:

Initial Date

11/11/09

11/13/09

**ORDINANCE NO.**

AN ORDINANCE AMENDING ORDINANCE NO. 3033. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 9 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009.

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 estimated revenues be made:

|               |           |
|---------------|-----------|
| CDBG FUND 126 | 31,000.00 |
|---------------|-----------|

SECTION 3: The following increase/(decrease) in appropriations from unencumbered balances be made:

|                              |              |
|------------------------------|--------------|
| CDBG FUND 126                | 31,000.00    |
| CAPITAL IMPROVEMENT FUND 141 | 314,856.00   |
| CAPITAL IMPROVEMENT FUND 141 | (175,521.00) |
| CAPITAL IMPROVEMENT FUND 141 | (39,195.00)  |
| CAPITAL IMPROVEMENT FUND 141 | (86,969.00)  |

SECTION 4: In all other respects, Ordinance No. 3033 shall remain in full force and effect.

SECTION 5: This ordinance shall take effect immediately upon its adoption.

\_\_\_\_\_  
MAYOR

ADOPTED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
DEPUTY CLERK OF CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: November 17, 2009

Kim Newton

Prepared By

Account Code No. #: 140.408.50801 (70%);  
320.816.50801 (15%); 330.836.50801 (15%)

November 10, 2009

Budgeted Amount: \$72,500.00

Date Prepared

Agenda Title: 2009 CIP Server Virtualization Project

Recommendation: Approve

**Discussion:** The attached Resolution authorizes the purchase of computer equipment/software and professional services related to the City of Oxford's virtual server upgrade.

The City network infrastructure currently consists of approximately 100 computers (including laptops), wide access to email and the internet, and many specialized applications for individual departments. In keeping with the technology available at the time, gradual expansion in our technology base was made via the addition of new servers which were dedicated to handling the new applications required by the various departments. Software providers, as a rule, insist that their applications run on a dedicated server. We have specialized application packages running on individual servers for Parking, Police/Dispatch, Email Archiver, Exchange E-mail server application, remote access, database servers, file servers, and antivirus servers -- for a total of 10 servers currently in place at this time.

Given the technology available during this growth process, this "accumulation" of servers was consistent with what other organizations experienced. However, considering that they were purchased over a six- to eight-year span of time, they are not consistent as to type, processing capacity, condition, and ongoing maintenance has been an increasing burden. Additionally, this "variety" of applications and different servers has made the process of planning for, and "living through," a "disaster" or extended shutdown a nightmare. Some of the older servers are beginning to show unreliable performance and have exceeded their storage limits.

Based on the wide impact that our technology systems have on our staff and ability to perform, and the potential for the existing systems to be down from one to three days in a potential "recovery" situation, in preparing the 2009 capital budget, it was recommended by our IT consultant, LAN Solutions, to upgrade and virtualize our current server environment, and **funding of \$72,500 was included in the final budget.**

Given improvements in software, and in the greater processing and data storage capacity of the servers being built today, it is possible to move away from the old "dedicated" server approach to a platform that would reduce our current number of servers from 10 to only 4, which will create higher energy efficiency -- going green! Today's technology allows more than one software package/application to run upon a very powerful server in a very efficient manner without impacting the operation of other applications on that same server. In essence, several large servers permit a number of individual software packages to "co-exist" and cooperate with and share the basic virtual server operating system. The different applications really are not aware that they don't have a dedicated server!

I am recommending passage of this resolution, thus permitting the shift to this new platform, and suggest reliance upon our IT consultant, LAN Solutions to provide certain equipment, professional services, software, and installation for **\$56,319.70, which is \$16,180.30 less than originally budgeted.**

This shift to a "virtual server" arrangement is not a totally new or untested approach. We have been watching and waiting for it to become the new "standard", and have no concerns about the success of the migration.

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

            
            
MB 11/17/09

**RESOLUTION NO.**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LAN SOLUTIONS FOR THE PURCHASE OF COMPUTER EQUIPMENT, SOFTWARE AND PROFESSIONAL SERVICES RELATED TO THE CITY OF OXFORD'S VIRTUAL SERVER UPGRADE AT A COST NOT TO EXCEED \$56,319.70.

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

SECTION 1: Council hereby authorizes the City Manager to enter into an agreement with LAN Solutions for the purchase of computer equipment, software and professional services related to the City of Oxford's virtual server upgrade at a cost not to exceed \$56,319.70

SECTION 2: Council further finds that sufficient funds to meet the maximum amount to be expended for the purchase of computer equipment, software and professional services related to the City of Oxford's virtual server upgrade have been appropriated.

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

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development  
**Originating Department**

Council Meeting Of: December 1, 2009

Kathryn A. Dale  
**Prepared By**

Account Code No. #:

Budgeted Amount:

November 23, 2009  
**Date Prepared**

|                      |                                                               |
|----------------------|---------------------------------------------------------------|
| <b>Agenda Title:</b> | <b>Planning Commission Meeting Report – November 10, 2009</b> |
|----------------------|---------------------------------------------------------------|

|                        |            |
|------------------------|------------|
| <b>Recommendation:</b> | <b>N/A</b> |
|------------------------|------------|

**DISCUSSION:**

**Public Hearing:**

**PC-15-2009**    ***CONDITIONAL USE, 17 N. Poplar, for a Place of Worship in the UP (Uptown) District, The Oxford Vineyard, Applicant***

The Applicant sent a request prior to the meeting asking for the item to be tabled until further information could be obtained.

**New Business:**

Mr. Brewer and Mr. Chen requested guidance from the Planning Commission about how to structure the proposed commercial regulations and if these regulations should be applied as its own zoning district or as an overlay district. Mr. Chen explained the differences between the options. Each member voiced their preference on how it should be presented in January. The majority present thought these regulations should be tried first as an overlay to the existing "GB" regulations and mapped as a special overlay district from Contreras to Foxfire Drive along S. Locust Street.

**Other Business:**

Mr. Brewer acknowledged Ms. Fischer's service and last meeting as a Council Representative.

The next regular meeting is scheduled for December 8, 2009.

|                     |                         |                    |                 |
|---------------------|-------------------------|--------------------|-----------------|
| <b>Approved By:</b> | <b>Department Head:</b> | <b>Initial</b>     | <b>Date</b>     |
|                     | <b>City Attorney:</b>   | <i>JHC</i>         | <i>11/23/09</i> |
|                     | <b>City Manager:</b>    | <i>[Signature]</i> | <i>11/25/09</i> |

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Finance  
Originating Department

Council Meeting Of: 12/01/09

Account Code No. #: see below

Joe Newlin  
Prepared By

Budgeted Amount: \_\_\_\_\_

11/23/09  
Date Prepared

**Agenda Title:** 2010 ANNUNAL ADVANCE ORDINANCE

**Recommendation:** Approve

### Discussion:

#### Description of Budgeted Advances for the 2010 Budget

Advance from GENERAL FUND 110  
Advance to FEMA FUND 416

Funds to be reimbursed from FEMA (beginning of year) 26,930.00

Advance from GENERAL FUND 110  
Advance to CAPITAL IMPROVEMENT FUND 141

Funds to be reimbursed from ODOT (beginning of year) 373,522.00

Advance from GENERAL FUND 110  
Advance to CDBG FUND 126

Funds to be reimbursed from County CDBG funds (beginning of year) 150,000.00

Repayment to General Fund will be made when funds received or completion of project.

**Approved By:**

Department Head:  
City Manager:

Initial Date

*[Signature]* 11/23/09  
*[Signature]* 11/23/09

ORDINANCE NO.

AN ORDINANCE OUTLINING BUDGETED ADVANCES FOR THE CITY OF OXFORD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2010.

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

SECTION 1: The following advances are to be executed for the City of Oxford during the fiscal year ending December 31, 2010, as follows:

Advance from:

|                  |            |
|------------------|------------|
| GENERAL FUND 110 | 26,930.00  |
| GENERAL FUND 110 | 373,522.00 |
| GENERAL FUND 110 | 150,000.00 |

Advance to:

|                              |            |
|------------------------------|------------|
| FEMA FUND 416                | 26,930.00  |
| CAPITAL IMPROVEMENT FUND 141 | 373,522.00 |
| CDBG FUND 126                | 150,000.00 |

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

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MAYOR

ADOPTED:

ATTEST

---

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: STAFF

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Finance  
Originating Department

Council Meeting Of: 12/01/09

Joe Newlin

Account Code No. #: see below

Prepared By

Budgeted Amount: \_\_\_\_\_

11/18/09  
Date Prepared

Agenda Title: 2009 SUPPLEMENTAL BUDGET #10 & #11

Recommendation: Approve

### Discussion: Supplements to the 2009 Budget

Supplemental #10

#### General Fund

Income Tax Refunds

10,800.00

From Fund Balance

Additional appropriation needed to cover the cost of refunds from income tax. We divided the number of refunds year to date over 11 months and added that to the current deficit in that appropriation.

#### Hotel Tax Fund

Contractual Services – Visitor's and Convention Bureau

8,000.00

From Revenue

Additional appropriation needed to cover one half of the convention tax to pay the VCB for collections exceeding budgeted revenue.

#### Employee Benefits Fund

Claims

25,000.00

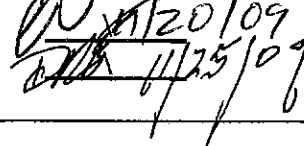
From Revenue

Additional appropriation is needed to cover possible claim overage at year end. In order to receive reimbursement for stop loss coverage (claims exceeding 35,000) all claims must be paid by 12/31/2009. This will help ensure we have enough money to pay those claims exceeding. We will use year to date reimbursements to cover the additional appropriation.

**Supplemental #11 Appropriation transfers from Operating to Personnel Services:**

|                                    |                                |          |
|------------------------------------|--------------------------------|----------|
| 122.720.52470 Gasoline             | 122.720.52110 Salaries & Wages | 1,000.00 |
| 321.812.52470 Gasoline             | 321.812.52110 Salaries & Wages | 500.00   |
| 321.817.52340 Contracted Services  | 321.817.52110 Salaries & Wages | 150.00   |
| 321.817.52380 Memberships & Subsc. | 321.817.52110 Salaries & Wages | 100.00   |
| 321.817.52370 Printing & Reprod.   | 321.817.52110 Salaries & Wages | 50.00    |
| 321.819.52440 Small Tools          | 321.819.52110 Salaries & Wages | 500.00   |
| 321.820.52330 Professional Service | 321.820.52110 Salaries & Wages | 50.00    |
| 331.830.52311 Electrical Service   | 331.830.52110 Salaries & Wages | 7,000.00 |
| 331.832.52470 Gasoline             | 331.832.52110 Salaries & Wages | 500.00   |
| 331.837.52340 Contracted Services  | 331.837.52110 Salaries & Wages | 150.00   |
| 331.837.52370 Printing & Reprod.   | 331.837.52110 Salaries & Wages | 50.00    |
| 331.837.52380 Memberships & Subsc. | 331.837.52110 Salaries & Wages | 100.00   |
| 331.840.52330 Professional Service | 331.840.52110 Salaries & Wages | 50.00    |
| 341.851.52343 General Recycling    | 341.851.52110 Salaries & Wages | 500.00   |

Approval needed by Council to transfer from operating to personnel services, no additional appropriation needed. Transfers necessary to cover the additional cost of salaries and benefits due to unbudgeted sick leave bonus and an unbudgeted promotion.

**Approved By:****Department Head:**  
**City Manager:****Initial Date**

Handwritten signature and date: 11/20/09

**ORDINANCE NO.**

AN ORDINANCE AMENDING ORDINANCE NO. 3033. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 10 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009.

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 estimated revenues be made:

|                            |           |
|----------------------------|-----------|
| HOTEL TAX FUND 120         | 8,000.00  |
| EMPLOYEE BENEFITS FUND 230 | 25,000.00 |

SECTION 3: The following increase/(decrease)in appropriations from unencumbered balances be made:

|                            |           |
|----------------------------|-----------|
| GENERAL FUND 110           |           |
| 10,800.00                  |           |
| HOTEL TAX FUND 120         | 8,000.00  |
| EMPLOYEE BENEFITS FUND 230 | 25,000.00 |

SECTION 4: In all other respects, Ordinance No. 3033 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: KEN BOGARD

PREPARED BY: LAW (STAFF)

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE ADOPTING NEW CHAPTER 507 ENTITLED "POLICE AND FIRE CIVIL CITATIONS", SECTION 507.01 "POLICE CIVIL CITATIONS", SECTION 507.02 "POLICE CIVIL CITATION FINE", SECTION 507.03 "FIRE CIVIL CITATIONS", SECTION 507.04 "FIRE CIVIL CITATION FINE", SECTION 507.05 "NOTICE OF POLICE AND FIRE CIVIL OFFENSE AND CIVIL FINE; PROCEDURES", SECTION 507.06 "ANSWER TO NOTICE OF POLICE OR FIRE CIVIL OFFENSE", SECTION 507.07 "HEARINGS", SECTION 507.08 "DEFAULT", SECTION 507.09 "CIVIL PROCEEDINGS", SECTION 507.10 "ADMINISTRATIVE REGULATIONS", SECTION 507.11 "FREEDOM FROM IMPROPER INFLUENCE", SECTION 507.12 "EX PARTE COMMUNICATIONS PROHIBITED", SECTION 507.13 "DEFINITION OF PERSON" AND SECTION 507.14 "SAVINGS", OF THE OXFORD CODE OF ORDINANCES

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

**SECTION I:**

Council hereby adopts new Chapter 507, Section 507.01 "Police Civil Citations", Section 507.02 "Police Civil Citation Fine", Section 507.03 "Fire Civil Citations", Section 507.04 "Fire Civil Citation Fine", Section 507.05 "Notice of Police and Fire Civil Offense and Civil Fine; Procedures", Section 507.06 "Answer to Notice of Police or Fire Civil Offense", Section 507.07 "Hearings", Section 507.08 "Default", Section 507.09 "Civil Proceedings", Section 507.10 "Administrative Regulations", Section 507.11 "Freedom From Improper Influence", Section 507.12 "Ex Parte Communications Prohibited", Section 507.13 "Definition of Person" and Section 507.14 "Savings", of the Oxford Code of Ordinances to read as follows:

**Chapter 507. POLICE AND FIRE CIVIL CITATIONS**

**SECTION 507.01 POLICE CIVIL CITATIONS**

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

|   |           |                                              |
|---|-----------|----------------------------------------------|
| * | 311.03    | Toy Vehicles on Streets                      |
| * | 311.04    | Use of Streets for Amusement, Play or Sports |
| * | 313.05    | Pedestrian Control Signal                    |
| * | 331.12C   | U-turns Restricted                           |
| * | 331.42A&B | Littering from Motor Vehicle                 |
| * | 331.43A   | Wearing Earplugs or Earphones Prohibited     |
| * | 335.09A   | Display of License Plates                    |
| * | 335.10    | Expired Plates                               |

- \* 337 Section Safety and Equipment
- \* 339.08C Loads Dropping or Leaking, Removal Required  
Tracking Mud
- \* 371.01B Right of Way in Crosswalk (Pedestrian Action Creating Hazard)
- \* 371.03A,C,D Crossing Roadway Outside of Crosswalk, Diagonal Crossings at  
Intersections
- \* 373.06A Lights & Reflectors on Bicycles; Brakes
- \* 373.07A Riding Bicycles on Right Side of Roadway; Obedience to Traffic  
Rules; Passing
- \* 373.08 Bicycle Riding; Rollerblading and Skateboarding Riding Regulations
- \* 373.11A Paths Exclusively for Bicycles
- \* 505.01A-D Dogs and Other Animals Running at Large
- \* 505.03 Annual Registration of Dogs
- \* 505.09A Barking or Howling Dogs
- \* 505.15A1,2,3 Dog Nuisances
- \* 521.01 Abandoned Refrigerators and Airtight Containers
- \* 521.08A,B Littering or Allowing Litter to Remain on Property
- \* 729.03 Door to Door Solicitation Prohibited
- \* 1151.04 Signs on Public Property
- \* 1519.04 Fireworks – Possession, Sale or Discharge Prohibited

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

#### SECTION 507.02 POLICE CIVIL CITATION FINE.

The civil fine for the civil offenses listed in Section 507.01 are:

| <u>Initial Civil Fine</u> | <u>If Delinquent</u> | <u>If Sent for Collection</u> |
|---------------------------|----------------------|-------------------------------|
| (\$60)                    | (\$120)              | (\$180)                       |

Neither the City of Oxford, the State of Ohio, the United States Government, nor any city, federal or state agency or political subdivision is liable for a civil fine imposed pursuant to this Chapter.

#### SECTION 507.03 FIRE CIVIL CITATIONS

(a) A person who violates a standard of conduct set forth in a section or chapter of the Ohio Fire Code listed below is liable for the civil fine specified in Section 507.04.

- \* 107.6 Overcrowding
- \* 110 Unsafe Buildings
- \* 308.3.8 Open Flame in Group R-2 Dormitories

- \* 901.8 Removal of or tampering with equipment
- \* 1028.2 Reliability of required exits
- \* Rule 33 Explosives and fireworks

(b) A City officer or employee of the Oxford Fire Department charged with the enforcement of the Oxford Codified Ordinances may as authorized issue a civil citation or a misdemeanor citation for a violation of any section listed in this Section.

#### SECTION 507.04 FIRE CIVIL CITATION FINE.

The civil fine for the civil offenses listed in Section 507.03 are:

| <u>Initial Civil Fine</u> | <u>If Delinquent</u> | <u>If Sent for Collection</u> |
|---------------------------|----------------------|-------------------------------|
| (\$500)                   | (\$1000)             | (\$1250)                      |

Neither the City of Oxford, the State of Ohio, the United States Government, nor any city, federal or state agency or political subdivision is liable for a civil fine imposed pursuant to this Chapter.

#### SECTION 507.05 NOTICE OF POLICE AND FIRE CIVIL OFFENSE AND CIVIL FINE; PROCEDURES.

(a) A City officer or employee charged with the enforcement of the Oxford Codified Ordinances may issue a notice of civil offense and civil fine to a person found to have committed a civil offense.

(b) A notice of a civil offense and civil fine must advise the person served:

(1) Unless a written answer is filed or the civil fine paid within 10 days from the date of the notice, fine will double;

(2) That a hearing will be held if requested;

(3) That failure to appear at a requested hearing will be considered an admission of the civil offense;

(4) That all available collection remedies and costs of collection will be pursued in the event the civil fine and delinquent charges are not paid;

(c) A notice of civil citation and civil fine:

(1) Must state the date that the notice is issued;

(2) Must identify the person being charged if known to the issuing officer or employee, or alternatively describe the vehicle, object or property that is the location or object giving rise to the civil citation;

(3) Must indicate the offense charged, the civil fine for the offense and the date, time and location of the offense charges;

(4) Must be signed and attested to by the issuing officer or employee;

(5) If the person charged is present, the issuing officer or employee shall personally serve the person charged with a copy of the notice;

(d) The following shall apply to all residential property to be used as rental property in the City of Oxford:

(1) Rental property owners shall designate an individual to be contacted by the City in the event of civil citation. This may be the property owner or a designated local agent; and,

(2) Rental property owners who desire to designate an agent must record the agent's telephone number and email (if any) with the City. If no agent is designated the rental property owner shall be the designated contact person.

(e) The issuing officer or employee must serve the notice of civil offense and civil fine in one of the following manners:

(1) Notice may be served personally on the offender;

(2) If the notice involves a civil citation which occurred on or immediately adjacent to the real property owned, occupied or controlled by the person being charged, the notice may be constructively served by posting a copy of the notice in a conspicuous location on the real property and by mailing a copy of the notice to said person by First Class U.S. Mail; or

(3) If the notice relates to an offense involving a motor vehicle, the notice may be constructively served by posting a copy of the notice on the motor vehicle

and by mailing a copy of the notice to the person responsible for the offense by First Class U.S. Mail.

SECTION 507.06 ANSWER TO NOTICE OF POLICE OR FIRE CIVIL OFFENSE.

(a) A person served with a notice of a police or fire civil offense may file a request for a hearing. The request may be delivered in person or mailed to the City. A request for a hearing must be filed within ten (10) days from the date of the notice.

SECTION 507.07 HEARINGS.

(a) A person who denies the commission of a police or fire civil offense may request a hearing before a hearing examiner. The request shall be filed with Safety Department's Office of Administrative Hearings, which shall set a date for the hearing and notify the person, in writing, of the date, time and location of the hearing. The hearing will be informal, but all testimony shall be under oath.

(b) All hearings shall be scheduled within ten (10) days and will be held at the next regularly scheduled hearing date not less than 10 days after the date scheduled. Any hearing date may be modified if such modification is requested by the person charged and approved by the hearing examiner. The request can be made at the onset of the hearing, or prior to the hearing by submitting a *Request for Hearing Continuance* to the Safety Department's Office of Administrative Hearings.

(c) The hearing examiner shall enter into the record of the proceedings the notice of the police or fire civil offense and civil fine, the filing of or failure to file an answer, the substance of the answer, a finding of liability, the civil fine due, payments, delinquency and collection charges, and other relevant information.

(d) The hearing examiner shall issue a decision and make findings of fact from the record and conclusions of law in support of the decision at the conclusion of the

hearing. The findings and conclusions shall demonstrate that the decision is consistent with applicable laws, ordinances, regulations and the interest of justice. Any unpaid civil fine is due and must be paid within ten (10) days after the date of the hearing examiner's decision.

#### SECTION 507.08 DEFAULT

A person who is personally or constructively served with notice of a police or fire civil offense and civil fine and fails to answer within the time provided by this Chapter, or fails to attend a requested hearing, the person is in default, and the civil fine deemed delinquent. The amount due is as specified by this Chapter for the offense charged.

#### SECTION 507.09 CIVIL PROCEEDINGS.

Whenever an officer charged with the enforcement of the Oxford Codified Ordinances is satisfied that a provision that officer is charged to enforce, or a law in force in the City applicable to the same subject matter, has been violated or is about to be violated, or that an order or direction made in pursuance of the enforcement of this Chapter has not been complied with, or is being disregarded, and whenever that officer is satisfied that civil proceedings are necessary for the enforcement of the Oxford Codified Ordinances or laws, to restrain violations thereof, that officer may apply to the Law Director, who is authorized to institute civil proceedings. Civil proceedings may be brought in the name of the City, and may include, among other things, claims for injunction, mandatory relief, restraining orders, damages, the appointment of a receiver, and such other relief as may be allowed in law or equity. Institution of civil proceedings does not exclude criminal proceedings as authorized by the Oxford Codified Ordinances or charging a person with a civil offense as authorized by this Chapter.

#### SECTION 507.10 ADMINISTRATIVE REGULATIONS.

The City Manager may adopt administrative regulations for the conduct of hearings and for the enforcement of the Oxford Codified Ordinances through the issuance of notices of civil offenses.

#### SECTION 507.11 FREEDOM FROM IMPROPER INFLUENCE.

- (a) No member of Council, member of the City administration, party to any

proceedings before a hearing examiner, or any other person shall interfere with, attempt to interfere with, or improperly influence or attempt to improperly influence a hearing examiner in the performance of the duties of office.

(b) An examiner may not conduct or participate in any hearing or decision in which the examiner or any of the following persons has a direct or substantial financial interest: a spouse, brother, sister, child, parent, or in-law of the examiner, or business firm or organization in which the examiner has a substantial interest. The examiner shall promptly report to the City Manager any attempt at interference or improper influence or any actual or potential conflict prior to such hearing.

(c) Wherever it may be shown to the satisfaction of the city manager that an examiner was subjected to improper influence, interference or interest, such improper influence, interference or interest shall be grounds for vacating any decision made by the examiner in such proceedings.

#### SECTION 507.12 EX PARTE COMMUNICATIONS PROHIBITED.

A person may not communicate with a hearing examiner to influence a decision in a matter pending before an examiner other than at a public hearing or in a writing that is made part of the record of the proceeding. This provision shall not prohibit communication between an examiner and any member of the administration assigned to assist or give legal counsel to the examiner in the pending proceeding.

#### SECTION 507.13 DEFINITION OF PERSON.

“Person” includes an individual, entity, corporation, business trust, estate, trust, partnership, and association.

#### SECTION 507.14 SAVINGS.

This Chapter does not affect any act done or committed in violation of any former ordinance relating to the same subject, or any suit or proceeding now pending in court for the violation of the provisions of any former ordinance, or any cause or causes of action accrued or existing under such ordinance, but all proceedings or prosecutions now

pending shall be conducted to final determination irrespective of this Chapter.

SECTION II: This ordinance shall take effect at the earliest time allowed by law.

\_\_\_\_\_  
MAYOR

ADOPTED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

*Police*  
Originating Department

Council Meeting Of: December 1, 2009

Account Code No. #: N/A

*Steve Schwein*  
Prepared By

Budgeted Amount: N/A

November 23, 2009  
Date Prepared

**Agenda Title:** An Ordinance adopting new chapter 507 . . . and An Ordinance repealing Oxford Code of Ordinances Sections 503.98 and Adopting new Oxford Code of Ordinances Sections 503.02 . . .

**Recommendation:** Pass the Ordinances.

**Discussion:** Chapters 507 and 503 are companion ordinances, both of which are in need of a re-write. The Police and Fire Civil Citations Chapters re-write was necessary as operationally, the ordinance was not functional for police, fire, and planning combined. One of the major issues was the issuance of a warning requirement. This revision provides another vehicle for enforcement of specific sections of the Oxford Code that do not necessarily justify a citation to Court being issued. Individuals may appeal their citation by filing a Request for Hearing.

**Approved By:**

Department Head:  
City Attorney:  
City Manager:

Initial Date

*SDS* 11/23/09

*[Signature]* 11/25/09

## ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODE OF ORDINANCES SECTIONS 503.02 AND 503.98 AND ADOPTING NEW OXFORD CODE OF ORDINANCES SECTIONS 503.02 AND 503.98; TITLED "CLASSIFICATION OF CIVIL OFFENSES" AND "CIVIL FINES".

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

SECTION I: Council hereby repeals Sections 503.02 and 503.98 entitled "Classification of Civil Offenses" and "Civil Fines" and new Sections 503.02 and 503.98 entitled "Classification of Civil Offenses" and "Civil Fines" is hereby adopted as follows: (language to be repealed is stricken through and language to be adopted is in bold):

### 503.02 CLASSIFICATION OF CIVIL OFFENSES

All civil offenses shall fall into one of the following classifications.

- (a) ~~Class A(1) and A(2)~~ **Civil Offenses**. A person who violates a standard of conduct set forth in a section or chapter of the Oxford Codified Ordinances listed below is liable for the civil fine specified in Section 503.98 for a ~~Class A(1) or A(2)~~ **Civil Offense**. If a person has previously been found to have violated the same provision of the Oxford Codified Ordinances within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine specified in Section 503.98 for the first violation of a **Class B Civil Offense**.

#### **(Civil Fines for subsequent offenses)**

##### ~~(1) Class A(1) General Offenses~~

- \* 521.11 Snow and ice removal **(Class B)**
- \* 931.02 Container requirements **(Class B)**
- \* 931.03 Placement and maintenance of containers **(Class B)**
- \* 931.04 Individual disposal prohibited **(Class B)**
- \* 931.08 Scavenging **on private premises (Class B)**
- \* 931.09 Burning **(Class B)**
- \* 931.10 Depositing solid waste or recyclable materials in public or private receptacle **(Class B)**

##### ~~(2) Class A(2) Moving, Non-Moving and Miscellaneous Offenses~~

- \* 311.03 ~~Toy Vehicles on Streets~~
- \* 311.04 ~~Use of Streets for Amusement, Play or Sports~~
- \* 313.05 ~~Pedestrian Control Signal~~
- \* 331.02C ~~U-turns Restricted~~
- \* 331.42A&B ~~Littering from Motor Vehicle~~
- \* 335.09A ~~Display of License Plates~~
- \* 337 Section ~~Safety and Equipment~~

- \* ~~339.08C~~ ~~Loads Dropping or Leaking, Removal Required, Tracking~~  
~~Mud~~
- \* ~~371.01B~~ ~~Right of Way in Crosswalk, (person suddenly leaves sidewalk~~  
~~into roadway)~~
- \* ~~505.01A D~~ ~~Dogs and Other Animals Running at Large~~
- \* ~~505.03~~ ~~Annual Registration of Dogs~~
- \* ~~505.09A~~ ~~Barking or Howling Dogs~~
- \* ~~505.15A1,2,3~~ ~~Dog Nuisances~~
- \* ~~521.12A~~ ~~Outdoor Furniture~~
- \* ~~729.03~~ ~~Door to Door Solicitation Prohibited~~
- \* ~~1151.04~~ ~~Signs on Public Property~~

(b) Class B Civil Offenses. A person who violates a standard of conduct set forth in a section or chapter of the Oxford Codified Ordinances listed below is liable for the civil fines specified in Section 503.98 for a Class B Civil Offense. If the provision is listed under paragraph (1) below, the otherwise applicable civil fine is reduced by seventy-five percent (75%) if the person charged shows in accordance with Section 503.04 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Oxford Codified Ordinances within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine specified in Section 503.98 for the violation of a Class C Civil Offense provided below, ~~unless otherwise noted~~, which fine is not subject to reduction for correction of the violation.

(1) Class B Civil Offenses With Civil Fines subject to Seventy-Five Percent (75%) reduction for Correction of Violation:

**(Civil fines for subsequent offenses)**

- \* 521.07 Fences/electric fences (~~subsequent offense~~ - Class B)
- \* 935.10 Pruning for public safety (**Class C**)
- \* 935.20 Notice to cut, destroy or remove noxious vegetation (**Class C**)
- \* Chapter 1151 Signs (**Class C**)
- \* Chapter 1305 International property maintenance Code (**Class C**)
- \* Chapter 1327 Flood protection (**Class C**)

(2) Class B Civil Offenses with Civil Fines not Subject to Seventy-Five Percent (75%) Reduction for Correction of Violation:

**(Civil Fines for subsequent offenses)**

- \* 521.02 Venting, heating and burning (**Class C**)
- \* 521.03 Barriers and warning lights (**Class C**)
- \* 521.04 Sidewalk Obstructions (**Class C**)
- \* 521.05 Notice to fill lots and remove putrid substances (**Class C**)
- \* 521.08 **C,D,E** Removal of litter on property and watercourse obstruction (**Class C**)
- \* 905.08 Sidewalk in repair and free from nuisances (**Class C**)

- (c) Class C Civil Offenses. A person who violates a standard of conduct set forth in a section or chapter of the Oxford Codified Ordinances listed below is liable for the civil fines specified in Section 503.98 for a Class C Civil Offense. If the provision is listed under paragraph (1) below, the otherwise applicable civil fine is reduced by seventy-five percent (75%) if the person charged shows in accordance with Section 503.04 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Oxford Codified Ordinances within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine specified in Section 503.98 for ~~the violation of a Class D Civil Offense~~ **the offense provided below**, which fine is not subject to reduction for correction of the violation.

- (1) Class C Civil Offenses With Civil Fines subject to Seventy-Five Percent (75%) reduction for Correction of Violation:

**(Civil fines for subsequent offenses)**

- \* 1307.01 Demolition of Buildings – General **(Class D)**
- \* 1307.02 Demolition of Buildings - Permit **(Class D)**

- (2) Class C Civil Offenses with Civil Fines not subject to Seventy-Five Percent (75%) Reduction for Correction of Violation:

**(Civil fines for subsequent offenses)**

- ~~\* 521.01 Abandoned refrigerators and Airtight containers~~
- \* 521.06 Sidewalks: Clean and in repair **(Class D)**
- \* 521.09 Noxious Odor **(Class D)**

- (d) Class D Civil Offenses. A person who violates a standard of conduct set forth in a section or chapter of the Oxford Codified Ordinances listed below is liable for the civil fines specified in Section 503.98 for a Class D Civil Offense, **except as provided in Chapter 507 of the Oxford Codified Ordinances**. If the provision is listed under paragraph (1) below, the otherwise applicable civil fine is reduced by seventy-five percent (75%) if the person charged shows in accordance with Section 503.04 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Oxford Codified Ordinances within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine specified in Section 503.98 for ~~the violation of a Class D Civil Offense~~ **for the offense provided below**, which fine is not subject to reduction for correction of the violation.

- (1) Class D Civil Offense s With Civil Fines subject to Seventy-Five Percent (75%) reduction for Correction of Violation:

**(Civil fines for subsequent offenses)**

- \* Chapter 1129 Administration [**Zoning (Class D)**]
- \* Chapter 1141 Accessory, Temporary, Supplemental and Environmental Regulations **(Class D)**
- \* Chapter 1143 Districts **(Class D)**
- \* Chapter 1147 Conditional Use **(Class D)**
- \* Chapter 1149 Vehicle Management **(Class D)**

- \* Chapter 1301 Building Code (**Class D**)
- \* Chapter 1303 Residential Code of Ohio (**Class D**)
- \* Chapter 1331 Historic preservation (**Class D**)
- \* Chapter 1501 Ohio Fire Code (**Class D**), (except as provided for in Chapter 507 of the Oxford Codified Ordinances)
- \* Chapter 1151 Open Burning (**Class D**)
- \* ~~Chapter 1519 Fireworks~~

## **SECTION 503.98 CIVIL FINES.**

The civil fines for civil offenses are:

| <u><b>Offense</b></u> | <u><b>Initial Civil Fine</b></u> | <u><b>If Delinquent</b></u> | <u><b>If Sent for Collection</b></u> |
|-----------------------|----------------------------------|-----------------------------|--------------------------------------|
| Class A(1)            | (\$34)                           | (\$68)                      | (\$100)                              |
| Class A(2)            | (\$60)                           | (\$80)                      | (\$100)                              |
| Class B               | (\$86)                           | (\$172)                     | (\$250)                              |
| Class C               | (\$150)                          | (\$300)                     | (\$500)                              |
| Class D               | (\$500)                          | (\$1000)                    | (\$1250)                             |

Neither the City of Oxford, the State of Ohio, the United States Government, nor any city, federal or state agency or political subdivision is liable for a civil fine imposed pursuant to this Chapter.

SECTION 2: This Ordinance shall take affect at the earliest time allowed by law.

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER  
PREPARED BY: LAW (STAFF)

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: December 1, 2009

Account Code #: 126.009.52402

Budgeted Amount: \$128,570.00

Service Department  
**Originating Department**

Michael B. Dreisbach, Service Director  
**Prepared By**

November 18, 2009  
**Date Prepared**

**Agenda Title: Sidewalk and Handicap Ramp Improvements – Additional Work Authorization**

**Recommendation: Approve**

### Discussion:

On October 6, 2009, the Oxford City Council passed **Resolution No. 4484** authorizing a contract with Neyra Paving, Inc. for sidewalk and handicap ramp improvements at a cost not to exceed \$97,570.00. Following the passage of this Resolution, the City was notified by Butler County that an additional \$31,000.00 in CDBG funds will be made available to the City for the expansion of the sidewalk improvement project.

On November 17, 2009, the City Council heard the first reading of a Supplemental Budget Ordinance authorizing the appropriation of an additional \$31,000 into the CDBG fund. The second reading and vote for this adjustment will occur on December 1, 2009.

The Streets & Maintenance Division has identified additional locations for sidewalk / ramp improvements that are the City's responsibility to maintain. These locations are identified on the attached "Exhibit A" sheet.

The contractor for this project is currently working on the existing City contract. It is advantageous to authorize the additional work while the contractor is still in the City thereby saving mobilization and demobilization expenses. Therefore, Staff recommends the City Council authorize the City Manager to adjust the existing contract with Neyra Paving, Inc. for an amount not to exceed \$128,570.00. This amount will then expend all CDBG funds available to the City for 2009.

Approved By:

Department Head:  
City Manager:

Initial      Date

MBD / 11/18/09  
DKS / 11/25/09

## **RESOLUTION NO.**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADJUST THE EXISTING CONTRACT WITH NEYRA PAVING, INC. FOR AN AMOUNT NOT TO EXCEED \$128,570.00 TO FULLY UTILIZE THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AVAILABLE TO THE CITY FOR THE YEAR 2009.

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

SECTION 1: On October 6, 2009, City Council adopted Resolution No. 4484 authorizing a contract with Neyra Paving, Inc. for sidewalk and handicap ramp improvements at a cost not to exceed \$97,570.00.

SECTION 2: Following the adoption of Resolution No. 4484, the City was notified by Butler County, Ohio that an additional \$31,000.00 in CDBG funds were available to the City for the expansion of the CDBG sidewalk and handicap ramp improvements project.

SECTION 3: The Streets and Maintenance Department has identified additional locations for sidewalk and handicap ramp improvements that are the City's responsibility to maintain. A list of additional locations for sidewalk and handicap ramp improvements is attached hereto as Attachment 'A' and incorporated herein by reference.

SECTION 4: The City Manager and Service Director recommend City Council authorize the City Manager to adjust the existing contract with Neyra Paving, Inc. for sidewalk and handicap ramp improvements for an amount not to exceed \$128,570.00 to fully utilize CDBG funds available to the City for the year 2009.

SECTION 5: City Council hereby accepts the recommendation of the City Manager and Service Director and authorizes the City Manager to adjust the existing contract with Neyra Paving, Inc. for sidewalk and handicap ramp improvements at a cost not to exceed \$128,570.00 to fully utilize CDBG funds available to the City for the year 2009.

SECTION 6: This resolution shall take effect at the earliest date allowed by law.

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW(STAFF)

## 2009 CDBG Walks and Ramps (additional)

Page 1  
revised 11/18/09 - EK

| Location                    | Lin Ft.Curb<br>Removal<br>& Replacement | Sq ft<br>Sidewalk<br>Removal &<br>Replacement | # of Detectable<br>Warning Mats<br>on each<br>Sidewalk Ramp |
|-----------------------------|-----------------------------------------|-----------------------------------------------|-------------------------------------------------------------|
| Morning Sun Rd @ Northside  | 132                                     | 400                                           | 0                                                           |
| Erin & Tollgate             |                                         |                                               |                                                             |
| SW corner                   | 0                                       | 100                                           | 1                                                           |
| SE corner                   | 25                                      | 200                                           | 2                                                           |
| NE corner                   | 25                                      | 100                                           | 1                                                           |
| French & Tollgate           |                                         |                                               |                                                             |
| SW corner                   | 25                                      | 100                                           | 1                                                           |
| SE corner                   | 25                                      | 200                                           | 2                                                           |
| Anderson & Tollgate         |                                         |                                               |                                                             |
| NW corner                   | 20                                      | 100                                           | 1                                                           |
| NE corner                   | 20                                      | 100                                           | 1                                                           |
| Emerald Woods & Tollgate    |                                         |                                               |                                                             |
| SW corner                   | 25                                      | 200                                           | 1                                                           |
| SE corner                   | 50                                      | 200                                           | 1                                                           |
| Erickson & Tollgate         |                                         |                                               |                                                             |
| NW corner                   | 30                                      | 100                                           | 1                                                           |
| NE corner                   | 20                                      | 200                                           | 2                                                           |
| SW corner                   | 20                                      | 75                                            | 1                                                           |
| Bull Run & Tollgate         |                                         |                                               |                                                             |
| SE corner                   | 30                                      | 75                                            | 1                                                           |
| SW corner                   | 30                                      | 75                                            | 1                                                           |
| Albert Circle & Tollgate    |                                         |                                               |                                                             |
| NW corner                   | 20                                      | 100                                           | 1                                                           |
| NE corner                   | 30                                      | 100                                           | 1                                                           |
| Robin Ct & Tollgate         |                                         |                                               |                                                             |
| SE corner                   | 20                                      | 75                                            | 1                                                           |
| SW corner                   | 20                                      | 75                                            | 1                                                           |
| Brigid & Emerald Woods      |                                         |                                               |                                                             |
| NE corner                   | 40                                      | 100                                           | 1                                                           |
| SE corner                   | 30                                      | 100                                           | 1                                                           |
| Stone Hedge & Emerald Woods |                                         |                                               |                                                             |
| NW corner                   | 20                                      | 75                                            | 1                                                           |
| SW corner                   | 20                                      | 75                                            | 1                                                           |
| Emerald Woods & Glos        |                                         |                                               |                                                             |
| NE corner                   | 15                                      | 100                                           | 1                                                           |
| SE corner                   | 20                                      | 125                                           | 1                                                           |
| French & Glos               |                                         |                                               |                                                             |
| NE corner                   | 30                                      | 150                                           | 1                                                           |
| NW corner                   | 30                                      | 150                                           | 1                                                           |
| Glos & Erin                 |                                         |                                               |                                                             |
| NW corner                   | 30                                      | 100                                           | 1                                                           |
| SW corner                   | 30                                      | 100                                           | 1                                                           |

**RESOLUTION NO. 4484**

A RESOLUTION ACCEPTING THE BID SUBMITTED BY NEYRA PAVING, INC. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NEYRA PAVING, INC. FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") SIDEWALK AND HANDICAP RAMP IMPROVEMENTS PROJECT AT A COST NOT TO EXCEED \$97,570.00 TO FULLY UTILIZE THE BUDGETED CDBG FUNDS.

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

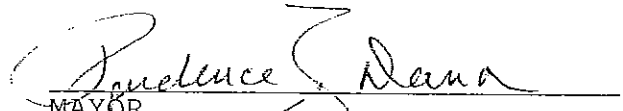
SECTION 1: The City advertised for bids in the Oxford Press and Hamilton Journal on September 11, 2009 and September 18, 2009. Nine sealed bids were opened and publicly read on September 25, 2009. The lowest bid was provided by Neyra Paving, Inc., in the amount of \$89,863.00.

SECTION 2: The City Manager and Service Director recommend Council accept the bid of Neyra Paving, Inc. as the lowest and best bid for the CDBG Sidewalk and Handicap Ramp Improvements Project and authorize the City Manager to enter into a contract with Neyra Paving, Inc. for the CDBG Sidewalk and Handicap Ramp Improvements Project for an amount not to exceed \$97,570.00.

SECTION 3: Council accepts the recommendation of the City Manager and Service Director and accepts the bid of Neyra Paving, Inc. for the CDBG Sidewalk and Handicap Ramp Improvements Project.

SECTION 4: Council further authorizes the City Manager to enter into a contract with Neyra Paving, Inc. for the CDBG Sidewalk and Handicap Ramp Improvements Project at a cost not to exceed \$97,570.00 to fully utilize the budgeted CDBG Funds.

SECTION 5: This resolution shall take effect at the earliest date allowed by law.

  
MAYOR

ADOPTED: October 6, 2009

ATTEST:

  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

**Originating Department**

**Council Meeting Of:** December 1, 2009

Mary Ann Eaton

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

**Prepared By**

**Budgeted Amount:** N/A

November 25, 2009

**Date Prepared**

**Agenda Title:** Report regarding the November 19, 2009 Civil Service Commission Meeting.

**Recommendation:**

**Discussion:** The Civil Service Commission held a special meeting on Thursday, November 19, 2009. Those members present were: Phil Russo, Chair; Susan Lipnickey and Charles Crain. Fred Russell and Karen Martino were excused. Donna Heck, Human Resources Director; and Mary Ann Eaton, Recording Secretary were in attendance for the City.

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

The Commission reviewed the report regarding the termination of an employee and a legal opinion from the Law Director regarding the methodology and process for selection of the Police Records Specialist and Public Safety Communications Officer.

The Commission reviewed a job description and two requests from the Talawanda School District regarding appointments and testing materials for administrative positions.

The next meeting is tentatively scheduled for January 2010.

**Approved By:**

Department Head:

City Attorney:

City Manager:

Initial Date

[Signature] 11/25/09

[Signature] 11/25/09