



Agenda

Oxford City Council

Court House

TUESDAY, DECEMBER 16, 2008

EXECUTIVE SESSION

None

1. Roll Call. Prudence Z. Dana, Mayor; Ken Bogard, Vice-Mayor; Doug Ross; Kate Currie; Alysia Fischer; Richard Keebler; Greig Rutherford

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

A. Proclamation - 'Michael Allen Tournament of Roses Parade Day'



Proclamation

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 December 2, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)



Minutes

B. Report regarding the November 19, 2008 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



Report

C. Accepting the minutes of the November 21, 2008 Student Community Relations Commission. (Jung-Han, Community Development Director)



Minutes

D. Report regarding the November 25, 2008 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

E. A Resolution authorizing the release of a performance bond for Western Knolls Subdivision, Section 7 in the amount of \$25,500.00. (Mike Dreisbach, Service Director)



Staff Report/Resolution

F. A Resolution authorizing the City Manager to close Lot 52 on Saturdays, from 5:00 a.m. to 12:30 p.m., from May 2, 2009 through November 21, 2009, to permit the operation of the Farmer's Market within Lot 52 during said time. (Doug Elliott, City Manager)



Staff Report/Resolution

G. A Resolution authorizing the City Manager to close Lot 52 on Saturday, January 17, 2009, Saturday, February 21, 2009, Saturday, March 21, 2009, Saturday, April 18, 2009

and Saturday, December 19, 2009 from 5:00 a.m. to 12:30 p.m., to permit the operation of the Winter Farmer's Market within Lot 52 during said time. (Doug Elliott, City Manager)



Resolution

- H. A Resolution authorizing the use of the Memorial Park on Tuesdays from May 5, 2009 to November 17, 2009 from 3:00 p.m. to 7:30 p.m., to permit the operation of the Tuesday Mini Market within the Memorial Park during said time. (Doug Elliott, City Manager).



Resolution

5. Resolutions.

- A. A Resolution authorizing the City Manager to sign Preliminary Legislation and other contracts with the Ohio Department of Transportation in connection with the rehabilitation of a portion of US-27 from High Street to Chestnut Street. (Mike Dreisbach, Service Director).



Staff Report/Resolution

- B. A Resolution authorizing the City Manager to enter into a contract with Plattenburg & Associates to complete the audit of the annual financial statements for each of the five years ending December 31, 2008 through December 31, 2012. (Joe Newlin, Finance Director).



Staff Report/Resolution

- C. A Resolution authorizing the City Manager to enter into a contract with Clark, Schaefer, Hackett and Co. to prepare the conversion of its financial statements from cash-basis to accrual-basis, assist with the preparation of the Comprehensive Annual Financial Report (CAFR), and GASB 34 infrastructure services for the City of Oxford, for each of the six years ending December 31, 2008 through December 31, 2013. (Joe Newlin, Finance Director).



Resolution

- D. A Resolution authorizing the City Manager to request advanced payment of property taxes to the City in 2009 from Butler County. (Joe Newlin, Finance Director)



Staff Report/Resolution

- E. A Resolution authorizing the City Manager, Finance Director, Police Chief, and Accounting Manager to be authorized check signers on US Bank Accounts. (Joe Newlin, Finance Director).



Staff Report/Resolution

6. Ordinances. - Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.

A. First Reading.

1. An Ordinance Amending Salary Ordinance No. 3035, Section 3. Part-Time Positions. (Donna Heck, Human Resources Director)



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Amending Ordinance No. 2990. Supplemental Budget Ordinance No. 6 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)



Staff Report/Ordinance

2. An Ordinance Approving A Conditional Use Permit For Residential Land Use In The Basement Of A Proposed Mixed Use Building In The Uptown Zoning District At 18 South Poplar Street. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

7. Announcements and Communications. The comments expressed by individual members of Council or City staff during the ‘Announcements’ 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.

A. Announcements. 1. Remarks from City Council and City staff.

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

WED - Dec 17 Environmental Commission Meeting 7:00 p.m. Municipal Building
Second Floor Conference Room

WED - Dec 17 Board of Zoning Appeals Meeting 7:30 p.m.

WED - Dec 24 Civil Service Commission Meeting - Cancelled

THUR - Dec 25 Holiday - City Office Closed

FR I- Dec 26 Holiday - City Offices Closed

THUR - Jan 1 Holiday - City Offices Closed

TUES - Jan 6 City Council Retreat 4:00 p.m. Hueston Woods Lodge

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

THUR - Jan 8 Police Advisory Board 7:00 p.m. Senior Citizens Center

TUES - Jan 13 Planning Commission Meeting 7:30 p.m.

THUR - Jan 15 Recreation Board Meeting 12:00 p.m. Senior Citizens Center

THUR - Jan 15 Planning Commission Work Session 5:30 p.m.

FRI - Jan 16 Community Improvement Corporation Meeting 12:00 p.m. LCNB 2nd Floor Community Room

MON-Jan 19 Holiday - City Offices Closed

TUES - Jan 20 City Council Meeting 7:30 p.m.

8. Adjourn

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: December 2, 2008

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

November 17, 2008

Date Prepared

Agenda Title:	PC-25-2008 Conditional Use Application to Permit Residential Dwellings in the Basement of a Proposed Mixed-Use Building, Kathy Albrecht, Applicant
----------------------	---

Recommendation:	Approval
------------------------	-----------------

Discussion:

This application is to seek a Conditional Use Permit to allow residential dwellings in the basement of a proposed mixed-use building. The Planning Commission held a public hearing on November 11, 2008 to consider this request. The Commission discussed at length the use of a basement for dwelling purposes and the safety and maintenance aspects of this application, specifically regarding the window wells. At the end, the Commission voted 5-2-0 to recommend approval of this application to permit residential dwellings in the basement, subject to the follow conditions:

1. A variance must be obtained from the BZA waiving the loading space requirement for non-residential use.
2. That, a clear trash collection facility must be shown prior to the permit being granted and that the ground floor window wells shall remain free from obstructions and trash.
3. That, approval from the HAPC is required for the exterior appearance.
4. That, a detailed landscaping plan shall be provided prior to a construction permit being issued.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<u>JHC</u>	<u>11/21/08</u>
	City Manager:		

ORDINANCE NO.

ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR RESIDENTIAL LAND USE IN THE BASEMENT OF A PROPOSED MIXED USE BUILDING IN THE UPTOWN ZONING DISTRICT AT 18 SOUTH POPLAR STREET.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1129.12 on November 11, 2008 for the purpose of considering case number PC-25-2008 the request of Uptown Real Estate LLC, Applicant, for a conditional use permit for residential land use in the basement of a proposed mixed use building in the Uptown Zoning District at 18 South Poplar Street.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted and approved a motion recommending approval of the conditional use application for residential land use in the basement of a proposed mixed use building in the Uptown Zoning District at 18 South Poplar Street with the following condition:

- a. A variance must be obtained from the BZA waiving the loading space requirement for non-residential use.
- b. A refuse collection facility must be shown prior to the building permit being issued and the ground floor window wells shall remain free from obstructions and refuse.
- c. Approval from the HAPC is required for the exterior design.
- d. A detailed landscaping plan shall be provided prior to a construction permit being issued.

SECTION 3: Council having considered the decision standards in Oxford Codified Ordinance Section 1147.02 hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application for residential land use in the basement of a proposed mixed use building in the Uptown Zoning District with conditions at 18 South Poplar Street.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Certification of Action Oxford Planning Commission Recommendation to City Council

<u>Report Date</u>	December 2, 2008
<u>Case Number</u>	PC-25-2008
<u>Applicant Information</u>	Kathy Albrecht, Applicant
<u>Requested Action</u>	Conditional Use
<u>Summary of Request</u>	To allow for residential dwellings in the basement of a mixed-use building.
<u>Public Hearing Information</u>	On November 11, 2008 a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on October 10, 2008.
<u>Commission Action</u>	The Planning Commission voted 5-2-0 to recommend to City Council <i>APPROVAL</i> of the Conditional Use with conditions.
<u>Commission Findings and Conclusions</u>	At the November 11, 2008 meeting, the Planning Commission approved the Conditional Use with the following conditions: 1. A variance must be obtained from the BZA waiving the loading space requirement for non-residential use. 2. That, a clear trash collection facility must be shown prior to the permit being granted and that the ground floor window wells shall remain free from obstructions and trash. 3. That, approval from the HAPC is required for the exterior appearance. 4. A detailed landscaping plan shall be provided prior to a construction permit to be issued.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated November 11, 2008 2. Interoffice Review Transmittal Sheets from Fire, Engineering, Police & Economic Development 3. Conditional Use Permit Application 4. Legal Description 5. Site Plan, Vicinity Map 6. Street Elevation 7. Floor Plans of the Basement, First Floor, Second and Third Floors 8. Photographs

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-25-2008

Date – November 11, 2008

APPLICATION

Applicant:	Kathy Albrecht
Location:	18 S. Poplar Street
Owner:	Uptown Real Estate LLC.
Action Request:	Conditional Use Application to permit residential dwellings in the basement of a mixed-use building
Current Use:	Vacant lot
Surrounding Existing Land Uses:	Multi-family building, religion center, food service/bar

DESCRIPTION

The Applicant seeks a Conditional Use Permit to establish a residential use in the basement of a proposed mixed-use building. The proposed structure would be a (6) dwelling unit, three stories high from the street level. Two basement units would be two-bedroom units. There will also be commercial space on the first floor and 3-bedroom units on the second and third floors. The subject property is located on Poplar St, across from the Municipal Building and St. Mary's Parish Center. The proposed building would cover the entire lot, excluding the vacated right-of-way.

The lot itself is approximately 3,653 sq. ft. in size. The size of the two-bedroom dwelling units in the basement is over 1,000 sq. ft. The three-bedroom dwelling units on the upper floors are approximately 1,260 sq. ft. There will be some landscaping showing on the submitted site plan in front of the proposed building.

SURROUNDING NEIGHBORHOOD

The municipal zoning in the vicinity of this site is "UP" Uptown District.

ZONING CODE REGULATIONS

Conditional Use

The purpose of Conditional Use regulations is outlined in Section 1147.02(a):

"Purpose: Conditional uses are land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety, or general welfare if not located appropriately, operated appropriately, or mitigated with good design."

Section 1143.10(b)(2)(C)(1) Conditional Use in the UP District:

Staff Finding: Any combination of dwelling types as defined in Section 1159.05(8) A through E, on the first floor or basement are specifically listed as a Conditional Use in the UP District.

Section 1143.10(C)(1)(B) Uptown District Site Development Regulations: Minimum lot area per dwelling unit allows a certain number of dwelling types based on the lot area. For each two-bedroom dwelling, there shall be a minimum of 500 sq. ft., whereas there shall be a minimum of 600 sq. ft. of lot size for each three-bedroom dwelling.

Staff Finding: Based on the required lot area for a two and three-bedroom dwelling unit, a lot of approximately 3,600 sq. ft of area would allow for the arrangement of 2 two-bedroom and 4 three-bedroom dwelling units.

Section 1143.10(c)(3)(B) (1) Gross Floor Area Ratio: The Maximum permitted gross floor area ratio of a structure at or above grade in the Uptown District shall be three (Lot area X 3= total bldg. sq. ft.).

Staff Finding: Based on this formula, the maximum gross floor area shall not exceed 10,959 sq. ft. The proposed building at or above grade is approximately 8,788 sq. ft.

Section 1143.10(c)(3)(B)(1)(b) Residential space shall provide a maximum ratio of 2:1 of the lot area.

Staff Finding: *The total allowable residential floor area shall not exceed 7,306 sq. ft. The proposed residential structure will have a total of 7,154 sq. ft. of floor area that is within the allowable residential square footage.*

Section 1143.10(c)(B)(1)(C) Minimum Floor area per dwelling unit: 1,000 sq. ft. floor area for 2-bedroom dwelling unit, 1,200 sq. ft. for 3-bedroom dwelling unit.

Staff Finding: Based on the submittal, the proposed dwelling units for a 3-bedroom dwelling is over 1,200 square feet; the proposed 2-bedroom dwelling is over 1,000 sq. ft.

Section 1147.03 Use Specific Regulations & Potential Concerns.

Staff Finding: This section does not contain any language pertaining to utilizing the first floor as a dwelling unit in the Uptown District.

Section 1149.05(e)(2)(A)(1) Loading Spaces: One loading space shall be required for all non-residential and for residential uses with greater than three dwelling units.

Staff Finding: The proposed site development does not show any provision for a loading space for non-residential use.

Section 1141.04(j) (2) A trash collection facility shall include a large container such as dumpster or a small container such as a garbage can..... No trash collection facility shall be stored in the front yard and shall conform to side and rear yard pavement setbacks of the applicable zoning district.

Staff Finding: There were no provisions made on the submittal indicating a trash collection facility for non-residential/residential use. The proposed building would cover the entire site and would leave no area for a trash collection facility.

COMPREHENSIVE PLAN

The Housing Chapter and the Uptown Subarea of the 1998 Comprehensive Plan prescribes the development focus of this general area.

3. Improve Rental Housing

Rental housing should be improved, ensuring quality living environments that are not overcrowded, do not generate excessive noise and trash, and provide positive contributions to the Oxford community. New housing alternatives would provide a market-oriented improvement by generating competition, which should reduce costs and improve living conditions citywide due to enhanced competition among landlords. Equally important is the increase in renter participation in monitoring the quality of their neighborhoods through a partnership with the City.

Housing Strategies

A. Improving and expanding code enforcement.

See Housing, Objective I, Strategy C and Urban Design, Objective I, Strategy C.

B. Facilitating new housing alternatives.

New residential development that is intended to serve the student housing market should be considered and should include small-scale commercial activities that will support the local population. The City could facilitate private investment by marketing such areas to potential developers, facilitating infrastructure improvements and providing an appropriate zoning density incentive. One example is the Brown Road neighborhood which has begun to develop as an alternative location for students due to its close proximity to the University.

Implementation: Planning Department, Engineering Department, City Manager and City Council

Timeframe: Mid Term

C. Increasing student involvement in neighborhood stabilization.

One proven strategy in stabilizing neighborhoods is gaining involvement by stakeholders. The City should recruit and organize student groups into a neighborhood watch program that would focus on issues of safety and security, housing maintenance and waste management. Neighborhood cleanup campaigns would be beneficial as well, perhaps scheduled on a quarterly basis. The groups would monitor specific blocks and report problems to a City official who would coordinate the program and handle enforcement follow-up activities.

See Housing, Objective I, Strategy C and University and Community, Objective 2, Strategy C.

Implementation: Planning Department, Service Department and Miami University

Timeframe: Mid Term

D. Investigating a Density Transfer Program.

In general, population densities should be reduced in the Mile Square, with the exception of High Street. The City should investigate the potential of creating a program that permits the transfer of density from one area of the City to areas of Oxford where higher densities are appropriate (receiving zones) based on the Land Use Element. Under the program, the City would acquire densities from potential homeowners (by purchasing the value of occupants) and hold those in a bank, to be purchased by future builders with projects in specific locations. As an example, one benefit of such a program would be to provide a market-oriented means of reducing population density where desired. Examples of density transfer programs can be seen in Boulder, Colorado and Montgomery County, Maryland.

Implementation: Planning Department, Planning Commission and City Council

Timeframe: Mid Term

5. Uptown Subarea

A. Concerns

Uptown is the City's historic downtown and its central business district. However, several factors have come together to create a single-use business district in Uptown, which is strongly geared towards the Miami University student body. Diversifying the business base in Uptown would strengthen it as a business district and would meet the needs of a larger market – the greater Oxford community. From a functional standpoint, reducing or eliminating most truck traffic would provide a far more pleasant and safe environment. Likewise, improving the availability of off- and on-street parking in Uptown would improve accessibility for drivers.

B. Strategies

1. Encouraging higher density new construction where appropriate to provide new space for businesses. Higher density new construction should be encouraged where appropriate to provide new space for businesses. Uptown itself cannot grow horizontally without affecting adjacent residential

neighborhoods. New construction should be consistent with Uptown's historic physical character (e.g. building height, setback, design, fenestration, materials, etc.).

2. Focusing new development, reinvestment and redevelopment on primarily mixed uses, combining ground floor retail with upper story offices and housing.
3. Encouraging where feasible, retail activity on sidewalks, especially outdoor seating areas for restaurants.
4. Providing technical assistance and coordination through a small business advocate (e.g. City, chamber or other) to strengthen local businesses and improve survival rates among new start-ups. Such an advocate could be a City economic development coordinator or be staffed at the Chamber of Commerce. Another option would be the establishment of a Main Street program based on the *National Trust for Historic Preservation* model.
5. Considering the establishment of an Uptown Business Improvement District (BID) to provide enhanced services that would strengthen the district.
See Urban Design and Economic Development elements.

COMMENT

Citizen Comments: No public comments have been submitted for this project.

Agency Comments: Police Department, Fire Department and Engineering had no comments
Economic Development Director provided comments and is included in the agenda.

DECISION CRITERIA

A copy of the Zoning Code Conditional Use Decision Standards is attached.

ANALYSIS

The current site is a vacant lot. It is encouraging to see a redevelopment effort being proposed to build a mixed-use building. However, several issues that need addressed for this Conditional Use application to be conforming to the current UP regulations are:

1. There is no trash collection facility shown on the site plan.
2. There is no provision for a loading space for the proposed development.

Additionally, the site is located within the Uptown Historic District; a review by the HACP on the design appearance is required. Furthermore, a detailed landscaping plan shall be provided for the vacated right-of-way.

RECOMMENDATION

Several conditions need to be met should the Planning Commission makes a positive recommendation to the requested conditional use application.

1. That, a clear trash collection facility must be shown prior to the permit being granted.
2. That, approval from the HAPC is required for exterior appearance compatibility with the surrounding properties.
3. A detailed landscaping plan shall be provided prior to a construction permit to be issued.

SUBMITTED

BY:


Jung-Han Chen, Director
Community Development Department

DATE: November 11, 2008

ATTACHMENT

(c) Planning Commission Review: The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(1) Burden of proof:

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an Applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

(2) General decision standards: All Conditional Uses shall satisfy these General Decision Standards:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not negatively affect the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/10/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-25-2008

Description:

PC-25-2008 **CONDITIONAL USE, 18 S. Poplar Street, mixed use building, to permit commercial on first floor, residential in the basement and second and third floors, Uptown Real Estate LLC, Owner, Applicant**

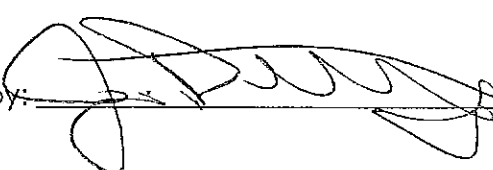
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/4/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/10/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-25-2008

Description:

PC-25-2008 **CONDITIONAL USE**, 18 S. Poplar Street, mixed use building, to permit commercial on first floor, residential in the basement and second and third floors, **Uptown Real Estate LLC, Owner, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/4/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:

A. Popper 10-30-08

Drawings reviewed by: _____

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/10/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-25-2008

Description:

PC-25-2008 **CONDITIONAL USE**, 18 S. Poplar Street, mixed use building, to permit commercial on first floor, residential in the basement and second and third floors, **Uptown Real Estate LLC, Owner, Applicant**

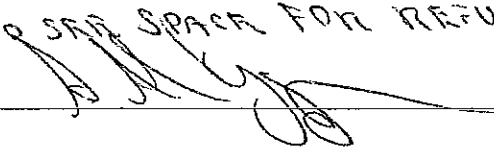
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/4/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

PROVIDING THE FIRST FLOOR REMAINS COMMERCIAL,
THE ECONOMIC DEVELOPMENT DEPARTMENT HAS NO COMMENT
CONCERNING THE USE OF THE BASEMENT AS RESIDENTIAL.
I WOULD LIKE TO SEE SPACE FOR REFUSE CONTAINERS.

Drawings reviewed by: 

Case No.: DC-25-08
Date Filed: 9/26/08

Conditional Use Permit Application
City of Oxford, Ohio

REQUIRED INFORMATION (print clearly)

Name of Applicant: Uptown Real Estate LLC
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 4600 Mason Montgomery Road, Mason OH 45040
Telephone Number(s): (513) 923-5452
Location of Property: 18 S. Poplar Street, Oxford OH
Legal Description: Lot #3635
Zoning District: Uptown
Total Area: 3,653 Acres Square Feet (circle one)
Existing Use: Vacant
Proposed Use: Multi-use: Commercial 1st Floor; Residential - Basement, 2nd & 3rd Floors

SUBMISSION REQUIREMENTS

The required fee of **\$400.00**, made payable to the City of Oxford, must accompany the application. The entire submission must be prepared in accordance with Chapter 1147, Conditional Uses, of the Zoning Code of the City of Oxford.

Attach thirteen (13) copies of a site plan indicating the following:

1. North arrow
2. Scale
3. Vicinity Map
4. All existing and proposed lot lines within the site
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way
6. Location, height, and use of all proposed and existing structures
7. Location and design of all proposed vehicle management areas
8. Location, size, and type of all proposed signs
9. Location, height, and type of all proposed screening and landscaping
10. Distances to residential zoning districts if within 1,000 feet
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way
12. Elevations of proposed structure, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use
13. Photographs of the existing use and its surroundings.
14. Other information as required by the Planning Commission

Attach a statement describing how the proposed Conditional Use meets the following Decision Standards of the zoning district in which it is to be located:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Uses and its operation have been or can be obtained for the use at the proposed location.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways.

NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

All materials must be delivered to the office of the Community Development Director, City of Oxford, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The issue will be placed on the next possible agenda.

NOTE: Incomplete applications will not be processed.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

Kathy Albrecht
Signature of Applicant
For: Uptown Real Estate LLC

Kathy Albrecht
Printed Name

Date: 7/25/08

FEE / RECEIPT

\$400 Fee Paid / Receipt Number: 14141

KENNETH R. BOWERMAN, ARCHITECT, INC.

September 25, 2008

City of Oxford
101 East High Street
Oxford, Ohio 45056-1887

Re: Conditional Use Permit Application
18 S. Poplar Street

To Whom It May Concern:

Accompanying this letter please find copies of the required documents for submission for a conditional use permit request to allow Residential use in the basement of the proposed building at 18 S. Poplar Street, Oxford, Ohio. Documents attached are Site Plan, proposed front elevation and floor plans for the building, photographs of the existing site, legal description of the site and a list of the names and addresses of all land owners within 200 feet.

For your review and as required the following is a description of use and site:

1. The Owner and applicant is Uptown Real Estate LLC, 4600 Mason Montgomery Road, Mason, Ohio 45040; phone number (513) 923-5452.
2. The applicant is the Owner.
3. The subject property is 18 S. Poplar St., Lot #3635, legal description attached.
4. The existing site is a vacant parcel located between a residential multi-family building and a restaurant.
5. The site in question lies entirely within the Uptown District
6. The proposed use of the site is a multi-use building consisting of residential units for rent on the 2nd and 3rd floors and basement of the building with vacant "shell" space for commercial use on the first floor. We would expect the tenant for the commercial space to be a service type use such as offices, insurance company, travel agent or similar and not a high traffic retail store as may be found on High Street.
7. The proposed uses are consistent with the Comprehensive Plan and provide a good transition from the intensity of the retail areas and the pure residential neighborhoods. The building has been designed to fit in and complement the surrounding buildings and character of the area. There will be no operation at this location that will provide any nuisances nor will the building and its tenants have any negative impact on the adjacent properties.
8. The proposed building has been designed specifically to fit this area with its appearance and use and is therefore more appropriate here than say a pure retail or residential neighborhood.
9. The proposed use will clean up a vacant lot, fulfill the objectives of the Comprehensive Plan and provide for additional space for service oriented type business for the downtown area.
10. There are no stated potential concerns for a residential use in this area in fact residential uses are a permitted use but only on the second floor and above.
11. A list of the names and addresses of all land owners within 200 feet of the site is attached.
12. Additional information will be provided as required and needed.

As requested on the application for Conditional Use Permit, the following is a statement describing how the proposed Conditional Use meets the Decision Standards of the Uptown Zoning district:

- A. In accordance with section 1143.10 (b) (2) (C) of the City of Oxford Zoning Code; residential uses are permitted on the first floor or basement subject to review and regulation.

- B. The use on this site will satisfy the intent of the zoning code in all respects. The uses as shown are permitted within the district and the only request is to allow a portion of the residential use to be located in the basement. The total area of the residential use proposed is within the maximum allowable area in accordance with the Code (2 x lot area)
- C. The use and development of the site are compatible with the intent of the Comprehensive Plan by maintaining the first floor professional and/or personal service or retail service space, providing additional residential units, and providing a smooth transition between districts and neighborhoods.
- D. The size and shape of the site as shown is sufficient for the proposed uses. There are no variances required for setbacks, encroachment into the vacated right of way or square footage allowances.
- E. Given the low intensity of use and the proposed nature of the tenants, there will be no hazardous or disturbing use to the neighbors; we are in fact providing an additional buffer to the differing uses.
- F. The proposed residential use and the professional type proposed tenant in the commercial space will involve no activity that will be detrimental due to the excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. All accessory uses will be directly for the use and benefit of the permitted uses and not be independent of the principal use.
- H. There are adequate services available for the proposed uses.
- I. The development of the site will not require substantial public expenditure for infrastructure or services.
- J. As shown in the site plan, floor plans and more importantly the front elevation for the proposed building, the facility shown is most sympathetic to the surrounding buildings and character of the area and neighborhood. The building has the appearance of an existing downtown area building with the commercial first floor with the cut stone detailing and the upper floors of the building finished with traditional brick in shape, size and color.
- K. There is no proposed on-site traffic and therefore no impact.
- L. There will be no loss or destruction of any features of major importance.
- M. The permits necessary for the construction of the building as proposed can and will be secured upon approval of the conditional use

In summary, we believe this request to be one that is easily approvable for many factors in addition to those stated above. The building as shown is totally within all of the allowable as provided in the zoning code, the use is compatible with the surrounding area and provides a smooth transition of uses and the areas are within the allowable per Zoning. We are not requesting additional residential area, only to be allowed to put some of the residential use in the lower level. By using the lower level for the proposed residential use we can eliminate any encroachment into the right-of-way and/or the request for an allowable fourth floor.

Given the above information in addition to the drawings provided, we would respectfully request a favorable decision on our request for a Conditional Use Permit.

Respectfully Submitted,



Kenneth R. Bowerman,
Architect
For: Uptown Real Estate LLC

Legal Description
0.084 acres

Situated in the City of Oxford, Butler County, Ohio, being part of Inlot 37 and Inlot 38 of said City of Oxford, being part of the lands of Redskin, LTD. as recorded in deed book 6354 page 592 of the Butler County Recorder's Office and being more particularly described as follows:

Commencing at the northeast corner of said Inlot 37;

thence with the east line of said Inlot 38 S 2°18'10" W for 27.07 feet to a point, said point being the True Point of Beginning;

thence on a new division line through said Inlot 37 N 87°27'09" W for 68.55 feet cross notch set;

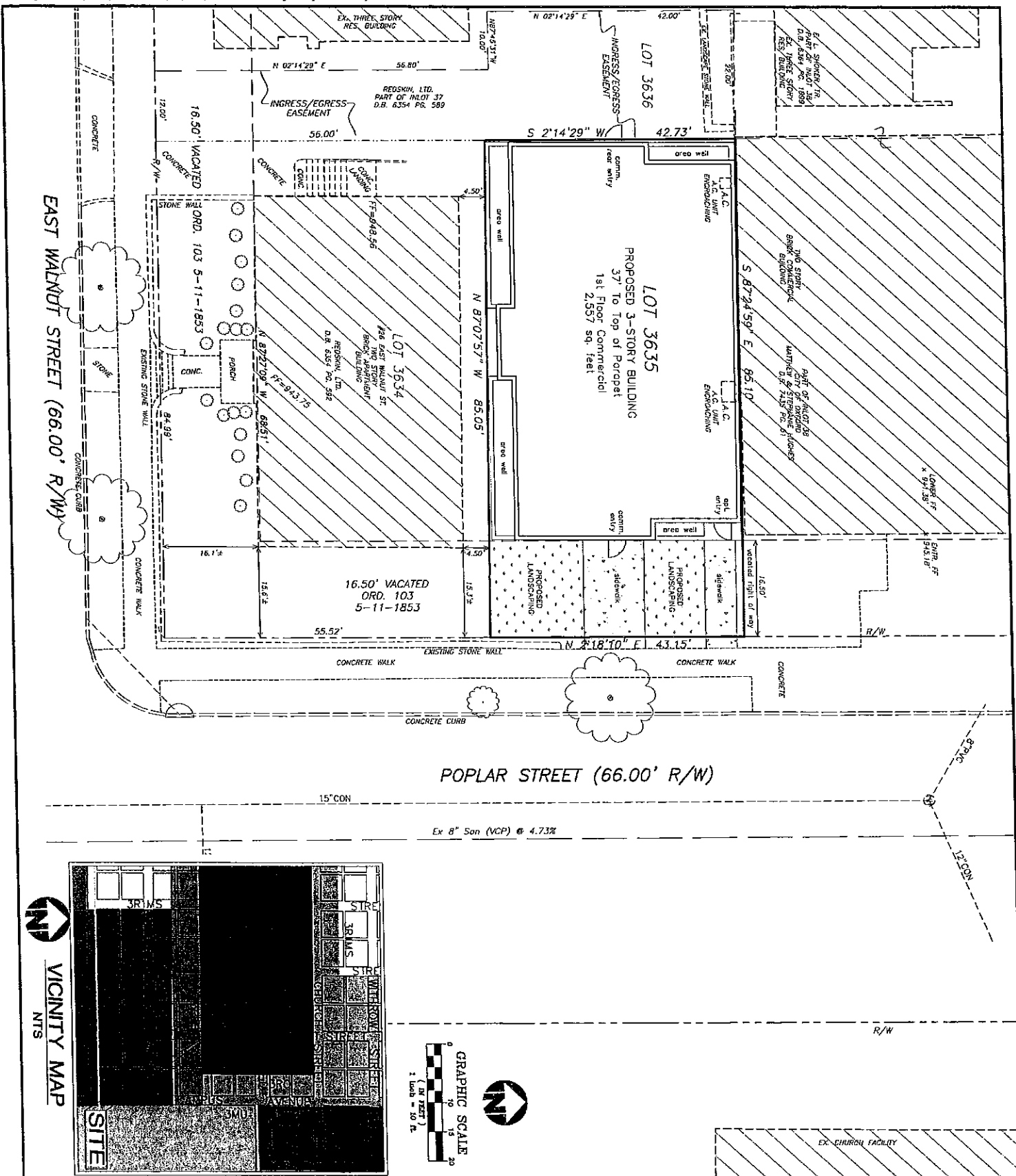
thence N 2°14'29" E for 42.73 feet to a point;

thence S 87°24'59" E for 85.10 feet to a 5/8" rebar found, said point being on the west right of way of Poplar Street;

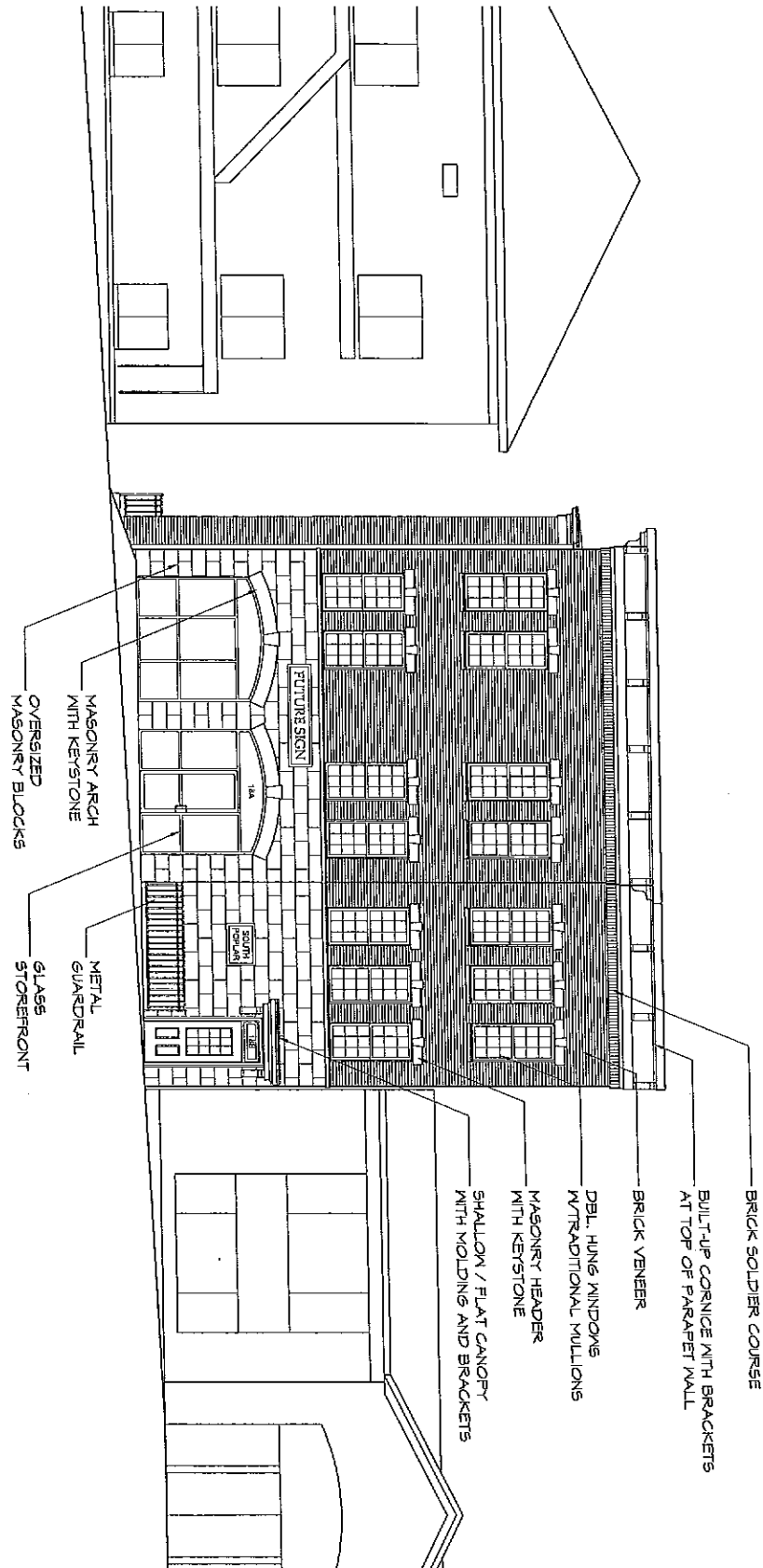
thence with said west right of way of Poplar Street S 2°18'10" W for 43.15 feet to a 5/8" rebar found;

thence N 87°07'57" W for 16.50 feet to the True Point of Beginning, containing 0.084 acres of land more or less and being subject to all legal highways, easements, restrictions and agreements of record.

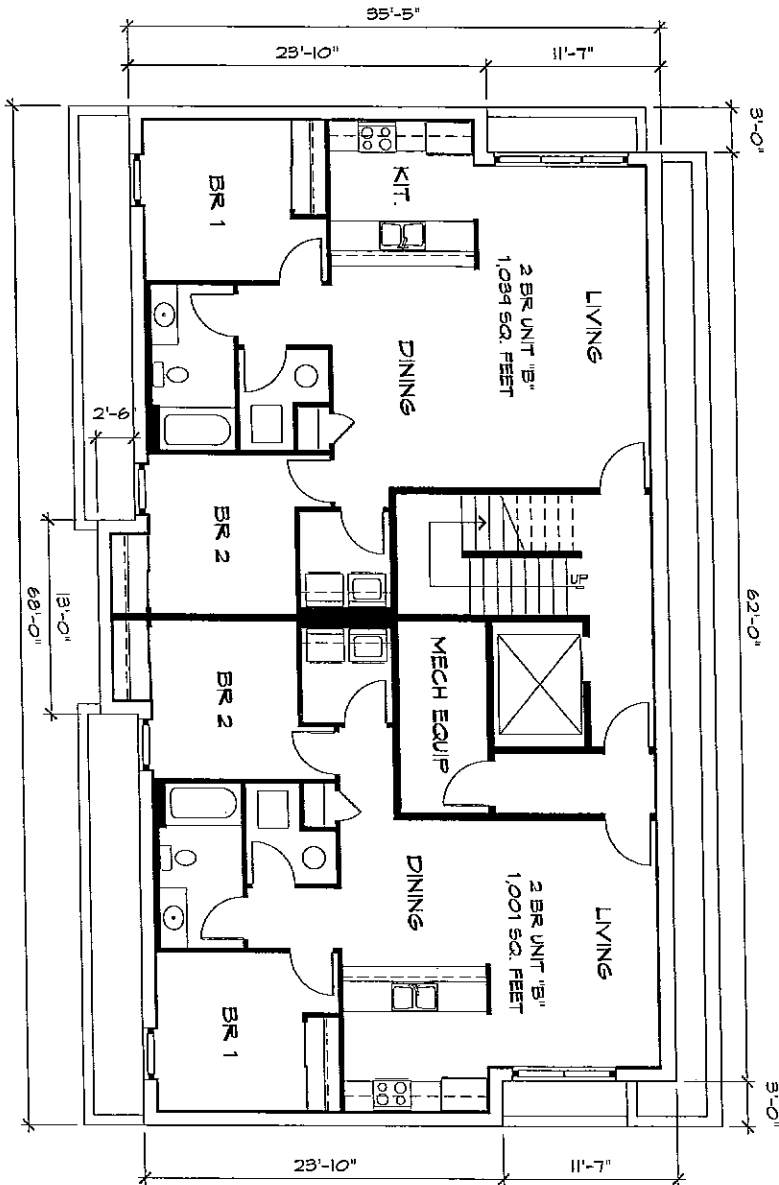
Prepared by:
DDS Surveying, Inc.
August 8, 2005
Job # 25076

[illegible]

SOUTH POPLAR STREET ELEVATION



	SHEET NO.	18 South Poplar Street Oxford, Ohio		KENNETH R. BOWERMAN ARCHITECT, INC.		REVISED	
	JOB NO.	010805		8050 HOSBROOK ROAD, SUITE 108 CINCINNATI, OHIO 45236 (513) 761-5778 761-2322 (fax)			
	DRAWN	DEM					
	SCALE	1/8" = 1'-0"					
	DATE	1/14/08					
		Miami Properties					



BASEMENT FLOOR PLAN
 GROSS SQ. FOOTAGE - 2,371 SF. THIS FLOOR -
 2,040 SF - RESIDENTIAL
 331 SF MECH SPACE

2

SHEET NO.

JOB NO.
0710808
DRAWN
DEM
SCALE
1/8" = 1'-0"
DATE
09/24/08

18 South Poplar Street
Oxford, Ohio

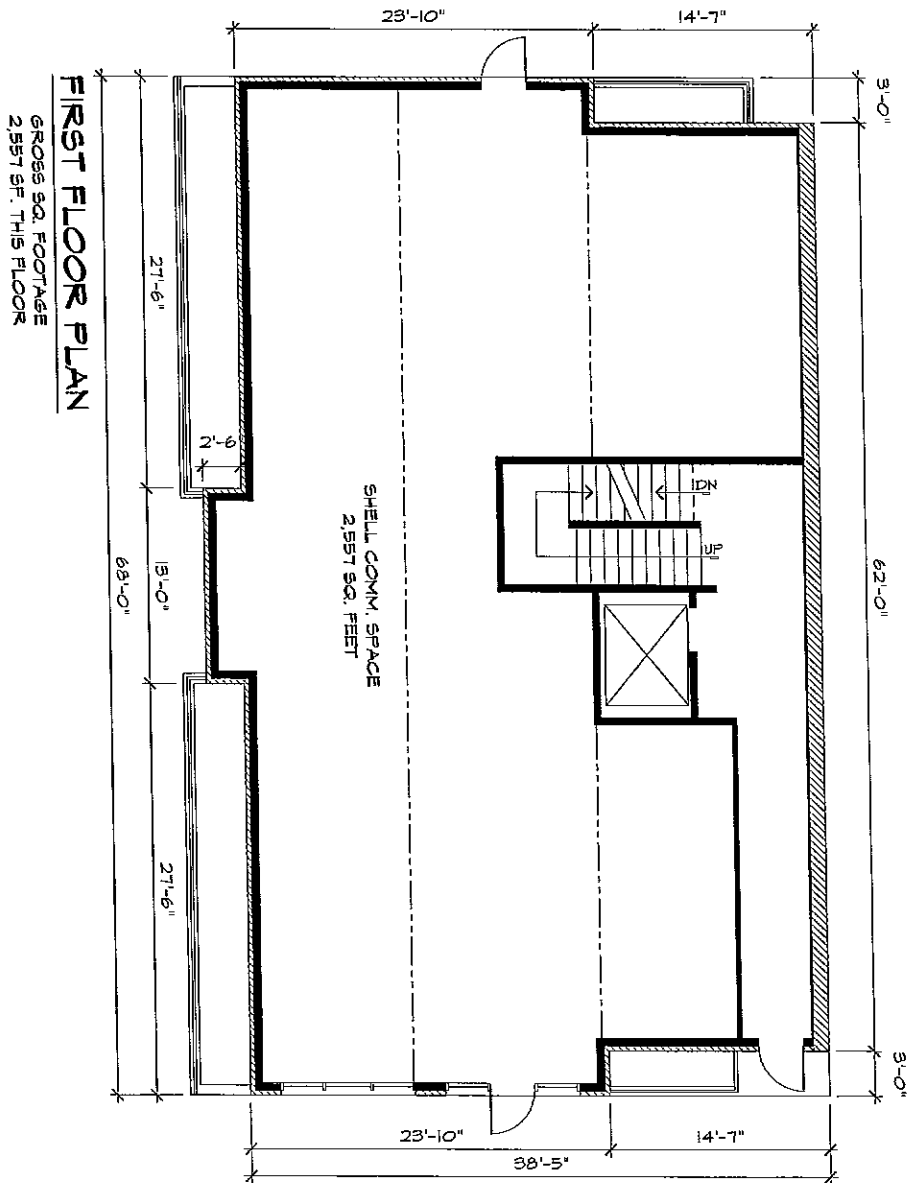
Miami Properties

KENNETH R. BOWERMAN

ARCHITECT, INC.

REVISED

8050 HOSBROOK ROAD, SUITE 105
CINCINNATI, OHIO 45236
(513) 781-8778 781-2322 (fax)



3

JOB NO.
070605
DRAWN
DEM
SCALE
1/8" = 1'-0"
DATE
09/24/06

18 South Poplar Street
Oxford, Ohio

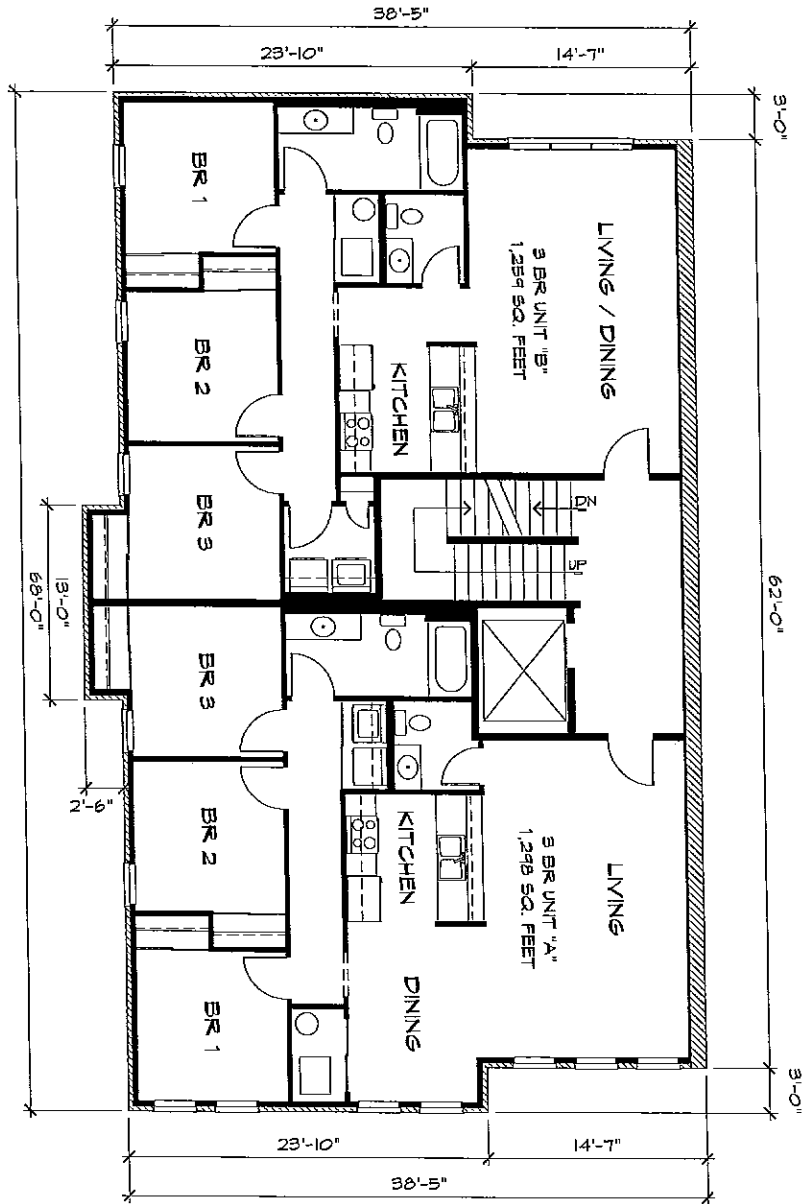
Miami Properties

KENNETH R. BOWERMAN
ARCHITECT, INC.

8050 HOSBROOK ROAD, SUITE 105
CINCINNATI, OHIO 45236
(513) 761-6778 761-2322 (fax)

REVISED

SECOND & THIRD FLOOR PLAN
 GROSS SQ. FOOTAGE
 2,357 SF. PER FLOOR



4

SHEET NO.
 JOB NO.
 070808
 DRAWN
 DEM
 SCALE
 1/8" = 1'-0"
 DATE
 04/24/08

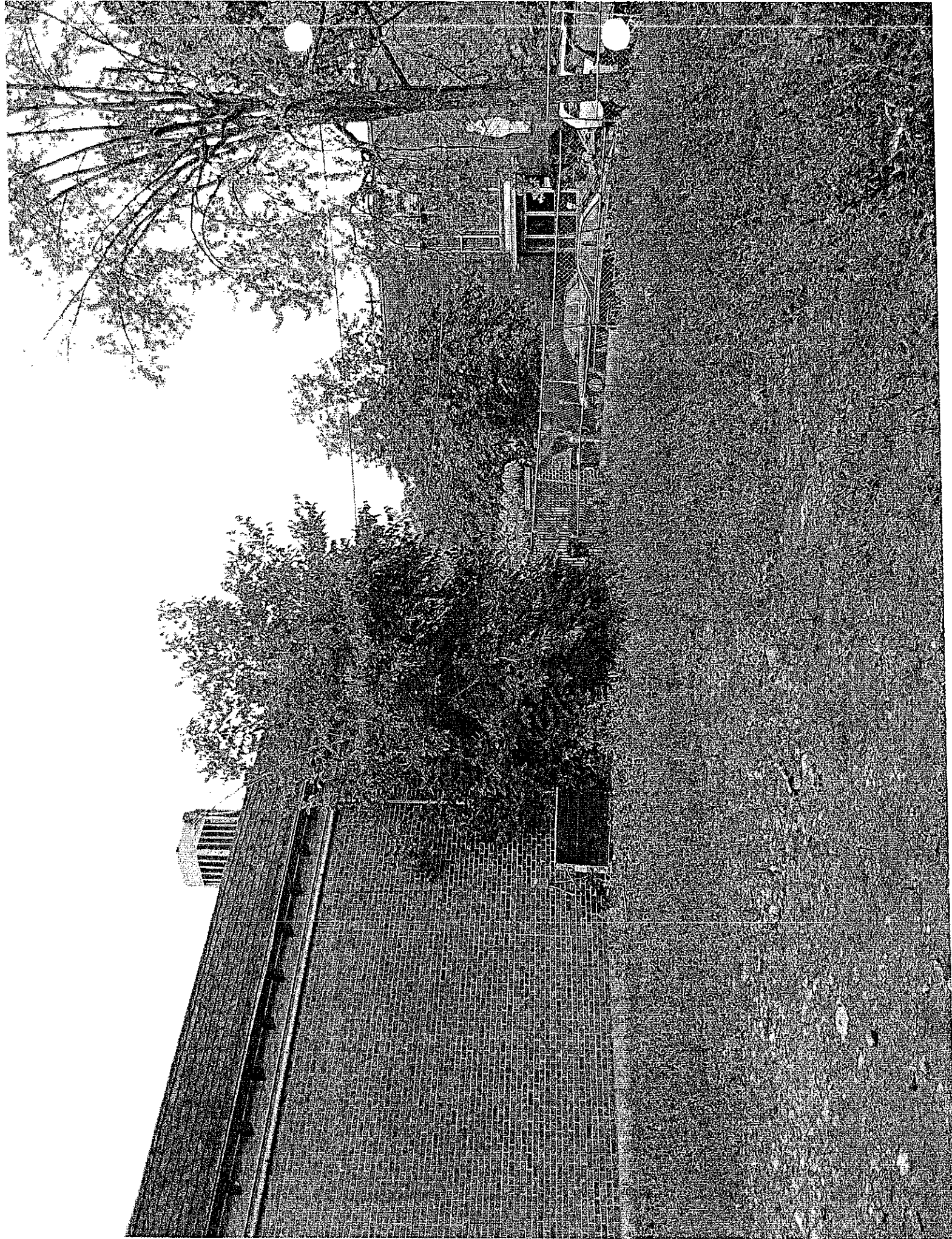
18 South Poplar Street
 Oxford, Ohio

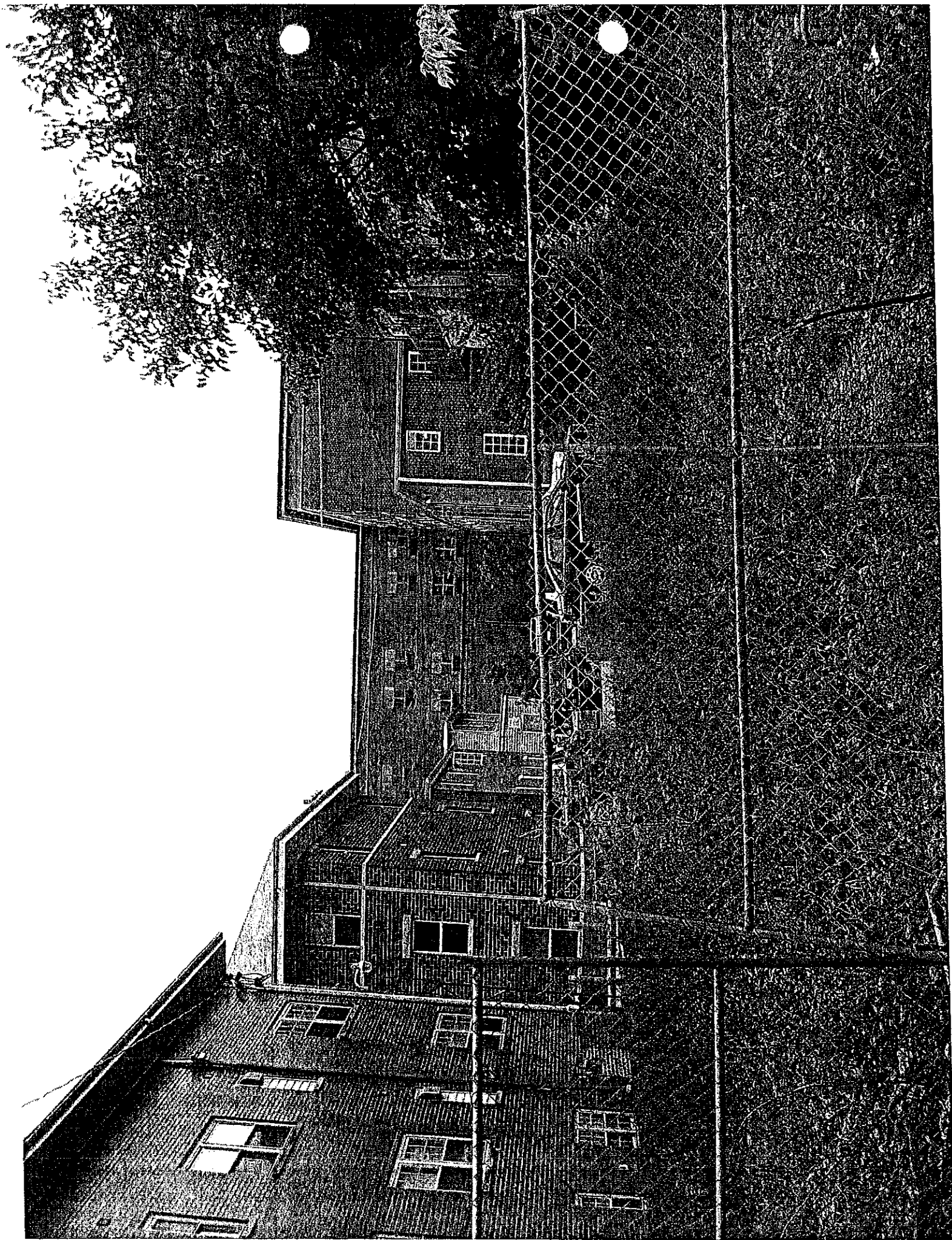
Miami Properties

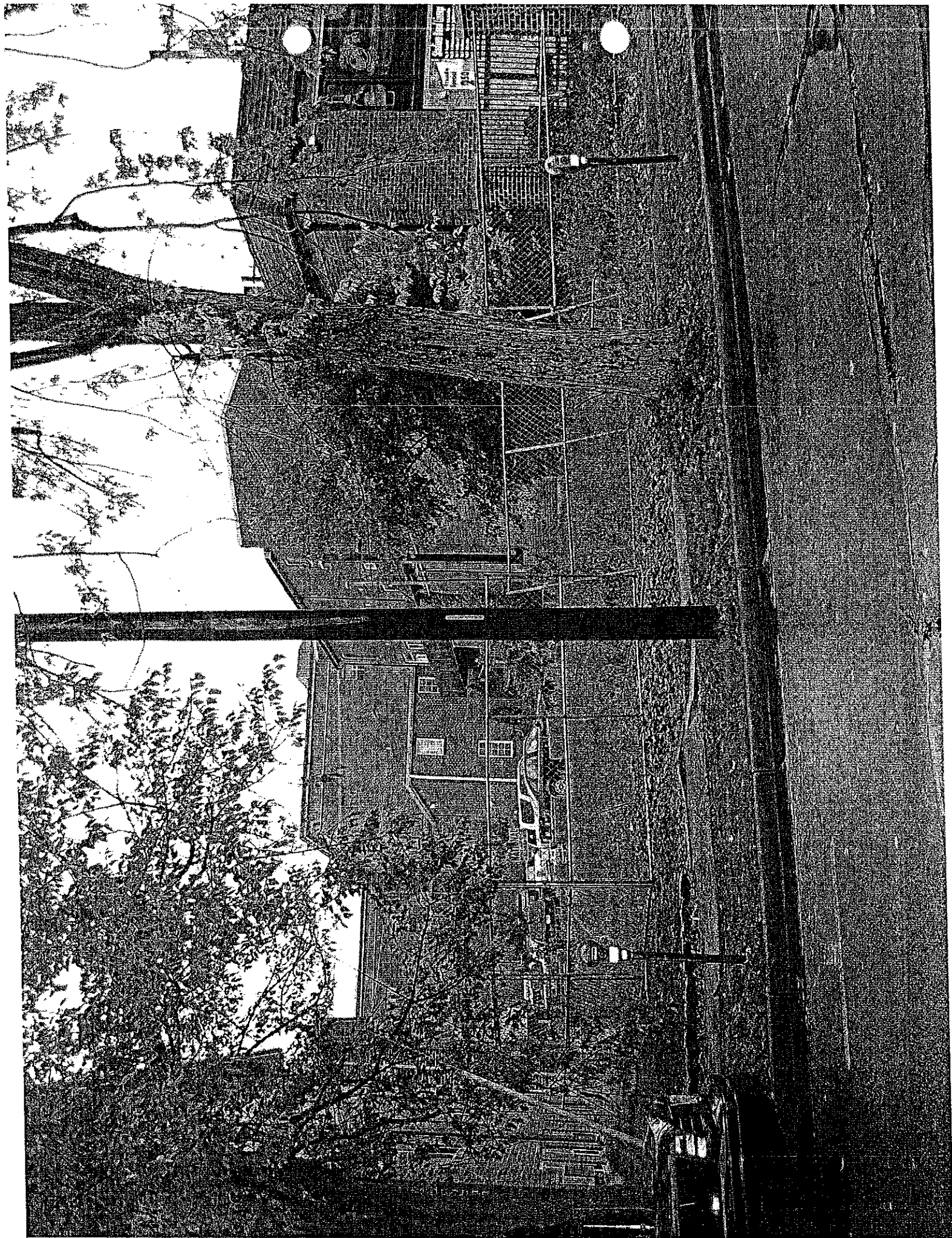
KENNETH R. BOWERMAN
 ARCHITECT, INC.

8050 HICKSBROOK ROAD, SUITE 108
 CINCINNATI, OHIO 45236
 (513) 791-6776 781-2322 (fax)

REVISED







CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: December 16, 2008

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 10, 2008

Date Prepared

Agenda Title: An Ordinance Amending Salary Ordinance No. 3035, Section 3. Part-Time Positions.

Recommendation: Approve.

Discussion: The proposed Ordinance provides clarification with regard to the pay rates for the Part-Time positions in the Fire Division. The correction allows individuals to be paid up to the amount shown depending on the various certifications and licenses they possess.

The amendment is a correction only to the pay rates and does not change the number of part-time or volunteer positions.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

Djh 12/10/08

ORDINANCE NO. _____

AN ORDINANCE AMENDING SALARY ORDINANCE NO. 3035, SECTION 3. PART-TIME POSITIONS.

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

SECTION 1: The City Manager, Fire Chief and Human Resources Director recommend Council amend the Salary Ordinance, Section 3. Part-Time Positions to correct the Fire Division's hourly rates of pay.

SECTION 2: Council hereby accepts the recommendation of the City Manager, Fire Chief and Human Resources Director and amends Section 3 of the Salary Ordinance to correct the Fire Division's hourly rates of pay.

SECTION 3: In all other respects Ordinance No. 3035, except as herein amended, shall remain in full force and effect.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

SECTION 3: The following part-time positions are hereby established with respect to position title, authorized number and maximum compensation (rate per hour except as otherwise indicated):

<i>POSITION TITLE</i>	<i>AUTHORIZATION</i>	
	<i># OF</i>	<i>PAY</i>
	<i><u>EMPLOYEES</u></i>	<i><u>RATE</u></i>
<i>ADMINISTRATION</i>		
Receptionist	1	\$14.00/hr
<i>FINANCE DEPARTMENT</i>		
Accounting Assistant	1	\$14.00/hr
<i>PARKS & RECREATION DEPARTMENT</i>		
Park/Recreation Technician	5	\$11.00/hour
Program/Facility Coordinator	3	\$14.00/hour
<i>SERVICE DEPARTMENT</i>		
Laborers	4	\$12.00/hour
Streets & Maintenance Division		
Wastewater Collection		
Water Plant Operators	2	\$20.2528/hour
<i>SAFETY DEPARTMENT - FIRE DIVISION</i>		
Part-Time Firefighters/EMT's	15	\$13/hr-meeting \$14.50
All-Other Firefighters and/or EMT's	64 24	\$13/hr-meeting \$14.50
Fire Division Captains	3	\$14/HR+\$650/yr \$15.50 (add'l)
Fire Division Lieutenants	3	\$13.50/hr+\$350/yr \$15.00 (add'l pay)
Life Squad Members	40	\$14.50/12-hr shift One-run \$29/24-hr shift 2 runs \$15.50/12-hr shift 1 run \$31/24-hr shift 2 runs \$14.50/add'l hr spent on scene- \$14.50/meeting
<i>SAFETY DEPARTMENT - POLICE DIVISION</i>		
Police Officer	6	contract base pay
Public Safety Assistant	3	contract base pay
Public Safety Communications Officer	4	contract base pay
Parking Interns	8*	\$14.00/hr *Reimbursed
TOTAL Part-Time Authorized Strength: 122		
<i>CITY-WIDE</i>		
Intern/Temporary Part-time		\$14.00/hour

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 12/16/08

Joe Newlin
Prepared By

Account Code No. #: see below

Budgeted Amount: _____

11/20/08
Date Prepared

Agenda Title: 2008 SUPPLEMENTAL BUDGET #6 - REVISED

Recommendation: Approve

Discussion:

Supplements to the 2008 Budget

Storm Water Utility Fund

Reinstate appropriation 13,839.00

Submitted a reduction in supplemental #5 erroneously, need to reinstate appropriation.

Transfer to Storm Water Fund 13,839.00

Transfer needed from the General Fund to cover the fund balance available for appropriation next year.

General Fund

Transfer to Storm Water Fund 13,839.00

Transfer needed to cover the fund balance available for appropriation next year.

Professional Services 1,360.00

Additional appropriation needed to cover the cost of the contract for RITA. They charge us a percentage based on the amount of revenue received. Income tax revenue has exceeded expectations, therefore additional appropriation is needed.

Health Insurance Fund

From fund balance

76,000.00

Additional appropriation needed to cover the cost of claims through the end of December. Traditionally every other year our health insurance has a "spike year" for claims. This is our "spike year". Our cash balance in this fund has grown by \$102,355.00 since the beginning of the year.

Approved By:

Department Head:
City Manager:

Initial Date

12/11/08
1

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 2990. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 6 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.

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:

GENERAL FUND 110	1,360.00
STORM WATER FUND 351	13,839.00

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

GENERAL FUND 110	13,839.00
GENERAL FUND 110	1,360.00
HEALTH INSURANCE FUND 230	76,000.00
STORM WATER FUND 351	13,839.00

SECTION 4: The following transfers be executed:

Transfer from:	
GENERAL FUND 110	13,839.00

Transfer to:	
STORM WATER FUND 351	13,839.00

SECTION 5: In all other respects, Ordinance No. 2990 shall remain in full force and effect.

SECTION 6: 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)

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER, FINANCE DIRECTOR, POLICE CHIEF, AND ACCOUNTING MANAGER TO BE AUTHORIZED CHECK SIGNERS ON US BANK ACCOUNTS.

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

SECTION 1: The City Manager and Finance Director recommend that City Council approve Doug Elliott, City Manager; Joe Newlin, Finance Director; Steve Schwein, Police Chief and Heidi Hill, Accounting Manager as authorized check signers on US Bank accounts to facilitate the orderly processing of payments and limiting each transaction with one signature to \$50,000.00. Any transaction over \$50,000 will require two of the authorized signatures.

SECTION 2: The City Manager and Finance Director are hereby authorized to take all steps necessary to execute all documents required to effectuate the terms of this resolution.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 12/16/08

Account Code No. _____

Heidi Hill
Prepared By

Budgeted Amount: _____

12/09/2008
Date Prepared

Agenda Title:	Resolutions for Audit and Comprehensive Annual Financial Report (CAFR) preparation
----------------------	---

Recommendation: Approve

Discussion:

The Finance Department recommends approval of the contracts for the Audit and the Comprehensive Annual Financial Report preparation based on a scoring process for each proposal submission.

The State Auditor's office prepares the RFP for the audit per the ORC. They received proposals from 9 auditing firms and scores them based on Cost Proposal, Quality/Timeliness record with AOS, Expertise and Experience, Methodology, and Miscellaneous, with 100 being the highest attainable points. Of the nine firms that submitted proposals the scores were as follows:

Balestra, Harr & Scherer, CPA's, Inc.	90.09
Caudill & Associates, CPA's	91.11
Joseph Decosimo & Company, LLC	85.67
Fox & Company	76.34
James A. George, P.C.	56.06
Charles E. Harris & Associates, Inc.	84.13
Perry & Associates, CPA's, A.C.	73.97
Plattenburg & Associates	94.23
VonLehman & Company Inc.	50.87

The State Auditor's office has awarded the bid to Plattenburg & Associates in the amount of \$117,110.00 over the course of the next 5 years.

The Finance Department sent out an RFP for the Comprehensive Annual Financial Report (CAFR) preparation and received only 2 proposals. We used a similar scoring process including Technical Knowledge, Timeliness, Thoroughness, Working relationships with staff and other government agencies, References, and Cost, with 60 being the highest attainable points. Of the two submissions we received the scores were as follows:

Clark, Schaefer, Hackett & Co.	56.98
Rea & Associates, Inc.	50.00

The Finance Department is recommending awarding the contract to Clark, Schaefer, Hackett & Co. in the amount of \$98,000.00 over the course of the next 6 years.

Approved By:

Department Head:
City Manager:

Initial Date

12/11/08
1

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PLATTENBURG & ASSOCIATES TO COMPLETE THE AUDIT OF THE ANNUAL FINANCIAL STATEMENTS FOR EACH OF THE FIVE YEARS ENDING DECEMBER 31, 2008 THROUGH DECEMBER 31, 2012.

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

SECTION 1: Council hereby determines that the City desires to complete the audit of the annual financial statements each of the five years ending December 31, 2008 through December 31, 2012.

SECTION 2: The City Manager is hereby authorized to contract with Plattenburg & Associates to complete the audit of the annual financial statements for each of the five years ending December 31, 2008 through December 31, 2012, for a total cost not to exceed \$117,110.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CLARK, SCHAEFER, HACKETT AND CO. TO PREPARE THE CONVERSION OF ITS FINANCIAL STATEMENTS FROM CASH-BASIS TO ACCRUAL-BASIS, ASSIST WITH THE PREPARATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR), AND GASB 34 INFRASTRUCTURE SERVICES FOR THE CITY OF OXFORD, FOR EACH OF THE SIX YEARS ENDING DECEMBER 31, 2008 THROUGH DECEMBER 31, 2013.

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

SECTION 1: Council hereby determines that the City desires assistance with the conversion of its financial statements from cash-basis to accrual-basis, assist with the preparation of the CAFR of the City of Oxford, and GASB 34 Infrastructure services for each of the six years ending December 31, 2008 through December 31, 2013.

SECTION 2: The City Manager is hereby authorized to contract with Clark, Schaefer, Hackett and Co. for the conversion of its financial statements from cash-basis to accrual-basis, assist with the preparation of the CAFR of the City of Oxford, and GASB 34 Infrastructure services for each of the six years ending December 31, 2008 through December 31, 2013 for a total cost not to exceed \$98,000.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 12/16/08

Heidi Hill
Prepared By

Account Code No. _____

Budgeted Amount: _____ 12/10/2008
Date Prepared

Agenda Title: Resolution for advanced property tax payment from Butler County

Recommendation: Approve

Discussion:

This resolution is to request that Butler County remit 2009 property taxes which they have already received to the City earlier than their standard pay date in March. The early payment request can accelerate the receiving of a portion of the taxes by a month or more. To qualify for the early advance, the County requires the passage of a resolution each year.

Approved By:

Department Head:
City Manager:

Initial Date

12/11/08

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO REQUEST ADVANCED PAYMENT OF PROPERTY TAXES TO THE CITY IN 2009 FROM BUTLER COUNTY.

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

SECTION 1: The City Manager and Finance Director recommend that the City Manager be authorized to request advanced payment of property taxes, as much as available as soon as possible, from Butler County in order to maximize cash flow to meet the demands of financing operations and capital expenditures.

SECTION 2: Council hereby finds that it is in the best interest of the City of Oxford to request payment of property taxes that Butler County has collected in advance of the normal payment date.

SECTION 3: Council further determines that the early receipt of said property taxes will result in additional interest income for the City.

SECTION 4: Council hereby accepts the recommendation of the City Manager and Finance Director and hereby authorizes the City Manager to submit a request to Butler County for the advanced payment of property taxes, as much as available as soon as possible.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: December 16, 2008

Account Code #: 2009 Appropriation

Budgeted Amount: \$95,000.00

Service
Originating Department

Victor Popescu, P.E.
Prepared By

December 9, 2008
Date Prepared

Agenda Title: Preliminary Legislation – Local Public Agency (LPA) Agreement with the Ohio Department of Transportation to Participate in an Urban Paving Project.

Recommendation: Approve

Discussion: The Ohio Department of Transportation (ODOT) has evaluated the road condition of certain sections of state and federal routes passing through the corporate limits of Oxford. ODOT has proposed a construction project to improve the roadway surface condition of United States Route (USR) 27. The scope of the work would include a complete milling of the roadway surface, placement of an asphalt concrete surface, and replacement of street markings. ODOT will pay 80% of the project costs under their Urban Paving Program while the City (the Local Public Agency, LPA) would be responsible for 20% of the projects cost.

Preliminary Legislation is required to proceed with this project. Council has tentatively approved \$95,000 for this project in the Capital Improvement Plan for 2009. The City estimates our cost for the project at approximately \$93,150 at this time.

The proposed project limits are:

USR 27 – from High Street to Chestnut Street.

Staff recommends City Council approve this Resolution authorizing the City Manager to sign the attached Preliminary Legislation.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date
VP 12/16/08

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN PRELIMINARY LEGISLATION AND OTHER CONTRACTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE REHABILITATION OF A PORTION OF US-27 FROM HIGH STREET TO CHESTNUT STREET.

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 Preliminary Legislation which is incorporated herein by this reference, and related contracts not attached, in connection with a project to rehabilitate a portion of US-27 from High Street to Chestnut Street which runs through the City of Oxford, Ohio.

SECTION 2: Said rehabilitation is necessary to maintain the safety and integrity of a major road within the City of Oxford, Ohio, and would be undertaken by the Ohio Department of Transportation (ODOT) utilizing their Urban Paving Project funds for 80% of the cost with the City being responsible for 20% of the cost.

SECTION 3: Council hereby accepts the recommendation of the City Manager and Service Director and approves the attached Preliminary Legislation.

SECTION 4: Council hereby authorizes the City Manager to sign the attached Preliminary Legislation, and to enter into related contracts with ODOT to complete the rehabilitation project.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW(STAFF)



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 8 • 505 SOUTH STATE ROUTE 741 • LEBANON, OHIO 45036-9518

513-932-3030 OR 1-800-831-2142 • FAX 513-932-9366

TRANSPORTATION PLANNING & PROGRAMS DEPARTMENT

June 18, 2008

Victor Popescu
City Engineer
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056

Re: BUT-27-15.08
PID 79396
Urban Paving Project

Dear Mr. Popescu :

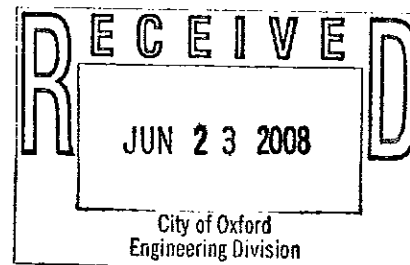
The City of Oxford requested that the above project limits be revised to avoid overlapping with an upcoming City resurfacing project. The City still plans on meeting the existing schedule for plan delivery. The below table shows the new project limits and revised estimate. The project name have been changed form BUT-27-15.75 to BUT-27-15.08 to reflect the new starting location.

Route	Begin	End	Length	Est. ODOT Cost	Est. City Cost
US 27	Chestnut St (SLM 15.08)	High St (SLM 15.77)	1.38 mi.	\$113,800	\$93,150
		Estimated Total:	1.38 mi	\$113,800	\$93,150
		Estimated Grand Total:		\$206,950	

If you need additional information, I am available at your convenience. Call me at (513) 933-6608 or e-mail me at jennifer.elston@dot.state.oh.us if you have any questions.

Respectfully,

Jennifer R. Elston, P.E.
ODOT District 8 Pavement Planning Engineer
c: file



PRELIMINARY LEGISLATION

Rev. 6/26/00

Ordinance/Resolution # _____
PID #79396
BUT-27-15.08

The following _____ is enacted by the _____ City _____ of _____ Oxford _____ ,
(Ordinance/Resolution) (Local Public Agency) (City/Village Name)
_____ Butler _____ County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter
of the stated described project.

SECTION I – Project Description

WHEREAS, the LPA/STATE has identified the need for the described project:

Urban Paving Project to plane and resurface a portion of US 27 through the City of Oxford.

NOW THEREFORE, be it ordained by the _____ City _____ of _____ Oxford _____ ,
(LPA) (City/Village Name)
Ohio.

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

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

The City will be responsible for:

- **100% of the Preliminary Engineering Phase**
- **100% of the Right-of-Way Costs**
- **100% of the non-State and/or non-Federal share of the Construction Costs**
- **All costs for added construction items requested by the sponsor which are not necessary for the improvement as determined by the State and the Federal Highway Administration**

SECTION IV – Utilities and Right-of-Way Statement

The LPA 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 also understands that right-of-way costs include eligible utility costs.

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

SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public purposes.

SECTION VI – Authority to Sign

The _____ of said _____ City of Oxford _____ is hereby empowered
 (Contractual Agent) (LPA)
 on behalf of the _____ City of Oxford _____ to enter into contracts with ODOT pre-
 (LPA)
 qualified consultants for the preliminary phase of the Project and enter into contracts with the Director of Transportation necessary to complete the above described project. Upon request of ODOT, the _____ is also empowered to assign all rights, title, and
 (Contractual Agent)
 interests of _____ City of Oxford _____ to ODOT arising from any agreement with its
 (LPA)
 consultant in order to allow ODOT to direct additional or corrective work, recover damages due to error or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Passed: _____, 2_____
 (Date)

Attested: _____
 (Clerk)

 (Officer of LPA – title)

Attested: _____
 (Title)

 (President of Council)

CERTIFICATE OF COPY
STATE OF OHIO

City of Oxford of _____
(LPA) Butler County, Ohio

I, _____, as Clerk of the _____
(LPA)
City of _____, Ohio, do hereby certify that the foregoing is a true and
(City/Village Name)
correct copy of _____ adopted by the legislative Authority of
(an Ordinance/a Resolution)
the said _____ City of Oxford on the _____ day of _____, 2____,
(LPA)
that the publication of such _____ has been made and certified of record
(Ordinance/Resolution)
according to law; that no proceedings looking to a referendum upon such _____
(Ordinance/Resolution)
have been taken; and that such _____ and certificate of publication thereof
(Ordinance/Resolution)
are of record in _____
(Ordinance/Resolution) (Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this _____ day of _____, 2____.

(SEAL)
(If Applicable)

City of _____, Ohio.
(LPA) (City/Village Name)

(Clerk)

The foregoing is accepted as a basis for proceeding with the project herein described.

For the _____ City of _____, Ohio
(LPA) (City/Village Name)

Attest: _____, Date _____
(Contractual Officer)

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 16, 2008

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 8, 2008

Date Prepared

Agenda Title: The following three Resolutions will permit the use of Lot 52 and the Memorial Park for the operation of the 2009 Farmer's Markets.

Recommendation: N/A

Discussion:

The attached request is for the use of Lot 52 and the Memorial Park for the 2009 Farmer's Markets.

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CLOSE LOT 52 ON SATURDAYS, FROM 5:00 A.M. TO 12:30 P.M., FROM MAY 2, 2009 THROUGH NOVEMBER 21, 2009, TO PERMIT THE OPERATION OF THE FARMER'S MARKET WITHIN LOT 52 DURING SAID TIME.

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

SECTION 1: Council has determined that it would be beneficial for the City to permit the Farmer's Market to operate on Lot 52 on Saturdays, between May 2, 2009 through November 21, 2009 and that the closure of Lot 52 between the hours of 5:00 A.M. and 12:30 P.M. is required to permit this operation.

SECTION 2: Council hereby authorizes the City Manager to close Lot 52 on Saturdays from 5:00 A.M. to 12:30 P.M., from May 2, 2009 through November 21, 2009 to permit the operation of the Farmer's Market within Lot 52 during said time.

SECTION 3: In all other respects the City of Oxford traffic code shall remain in full force and effect.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CLOSE LOT 52 ON SATURDAY, JANUARY 17, 2009, SATURDAY, FEBRUARY 21, 2009, SATURDAY, MARCH 21, 2009, SATURDAY APRIL 18, 2009 AND SATURDAY, DECEMBER 19, 2009 FROM 5:00 A.M. TO 12:30 P.M., TO PERMIT THE OPERATION OF THE WINTER FARMER'S MARKET WITHIN LOT 52 DURING SAID TIME.

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

SECTION 1: Council has determined that it would be beneficial for the City to permit the Winter Farmer's Market to operate on lot 52 on Saturday, January 17, 2009, Saturday, February 21, 2009, Saturday, March 21, 2009, Saturday, April 18, 2009 and Saturday, December 19, 2009 and that the closure of Lot 52 between the hours of 5:00 a.m. and 12:30 p.m. is required to permit this operation.

SECTION 2: Council hereby authorizes the City Manager to close Lot 52 on Saturday, January 17, 2009, Saturday, February 21, 2009, Saturday, March 21, 2009, Saturday, April 18, 2009 and Saturday, December 19, 2009, from 5:00 a.m. to 12:30 p.m., to permit the operation of the 2009 Winter Farmer's Market within Lot 52 during said time.

SECTION 3: In all other respects the City of Oxford traffic code shall remain in full force and effect.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE USE OF THE MEMORIAL PARK ON TUESDAYS FROM MAY 5, 2009 TO NOVEMBER 17, 2009 FROM 3:00 P.M. TO 7:30 P.M., TO PERMIT THE OPERATION OF THE TUESDAY MINI MARKET WITHIN THE MEMORIAL PARK DURING SAID TIME.

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

SECTION 1: Council has determined that it would be beneficial for the City to permit the Tuesday Mini Market to operate in the Memorial Park on Tuesdays from May 5, 2009 to November 17, 2009 from 3:00 P.M. to 7:30 p.m., to permit the operation of the Tuesday Mini Market within the Memorial Park during said time.

SECTION 2: Council hereby authorizes the use of the Memorial Park on Tuesdays from May 5, 2009 to November 17, 2009 from 3:00 p.m. to 7:30 p.m., to permit the operation of the Tuesday Mini Market within the Memorial Park during said time.

SECTION 3: In all other respects the City of Oxford traffic code shall remain in full force and effect.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)


☒ REQUEST FOR PUBLIC PARK PERMIT

☐ REQUEST FOR PUBLIC RIGHT-OF-WAY PERMIT

Date(s) of Event: please see attached for dates through 2009 From: 5 a.m./p.m. To: 12:30 a.m./p.m.

Today's Date: / / ☐ Emergency Utility Repair (check box, if applicable)

--- Applicant shall allow a minimum of 5 business days for processing ---

Responsible Adult:
(18 years of age or older)*

Address:

Telephone:

Cellular:

Fax:

Email:

LARRY SLOCUM
803 NORMAN RD
HAMILTON, OH 45013
513-505-5238
Torrey@hummingbirdarts.com

Organization:

Advisor:

Address:

Telephone:

Cellular:

Fax:

Email:

Non-Profit:

Oxford Farmers Mkt Uptown
LARRY SLOCUM
Manager

RECEIVED

* Person in charge - Primary contact

☐ Yes ☐ No

DEC 01 2008

PARK REQUESTED

☐ Merry Day Park (adjacent to the Miami Mobile Home Park, Reagh Way Drive)

☐ Leonard Howell Park (Bonham Road)

☐ Oxford Community Park (Fairfield Road) - Contact 523-6314 to confirm date(s)

☒ Memorial Park (E. Park Place & N. Main Street - has pavilion) - FOR TUES MINI-MARKET

☐ Martin Luther King Jr. Park (W. Park Place & N. Main Street - animal sculptures & fountain)

☒ Other: LOT 52 AND Surrounding sidewalk. We will use only 1/2 of sidewalk so
pedestrian traffic is not hampered

City of Oxford

TITLE OF EVENT (be specific and include projected attendance)

Oxford Farmers Mkt Uptown - SATURDAY / Oxford Farmers Mini-Market

Projected Attendance: 250-500 Has this event been held previously? ☒ Yes ☐ No If "YES", when? ALL SUMMER

DESCRIPTION OF EVENT

Place a description of the event, along with additional requests, on the appropriate attachment. If request is only for use of a right-of-way, use the attachment labeled City of Oxford / Right-of-Way Request Details.

Applicant's Signature:

Larry J. Slocum

Date: 11 / 25 / 08

I have read and understand the rules, guidelines and conditions. Furthermore, I understand that acceptance of them is a condition of approval; and, if approval is granted, it is only for the event specified above. I also understand that the request will be reviewed by various City of Oxford officials and additional conditions may be required before final approval is granted. If additional conditions are required, I agree to meet with the appropriate officials and/or the Oxford Community Event Coordinating Committee.

M.U. Use Only

The organization listed above is a registered student organization in good standing with Miami University.

Signature:

Date: / /

City Use Only

On-Site Contact Person:

Cell: () -

Distribution Checklist:

☐ O.P.D. ☐ O.F.D. ☐ Service Director ☐ Street Department ☐ O.P.R.D.
☐ O.V.C.B. ☐ QuickBase Entry ☐ M.U. Student Activities Office ☐ M.U.P.D.

Oxford Farmers Market Uptown – 2009

January 17, 2009

February 21, 2009

March 21, 2009

April 18, 2009

December 19, 2009

Beginning on May 2, 2009 and running every Saturday until November 21, 2009

Beginning on May 5, 2009 and running every Tuesday until November 17, 2000 for the Oxford Farmers

Mini-Market



Stipulations and Fees

Note: FULL PAYMENT REQUIRED BEFORE THE EVENT

RIGHT-OF-WAY

Applicants should allow a minimum of **five (5) business days** for the request to be processed from the time it is submitted to city officials. *(Please provide the City with as much lead time as possible. Events requiring road closures and staffing will require additional processing time. Large event requests shall be submitted no less than fourteen (14) days in advance of the event.)*

1. Applicant shall manage all work zones in the Right-of-Way in compliance with the Ohio Manual of Uniform Traffic Control.
2. Large events (estimated at over 500 people, including all concerts and performances, will require a pre-meeting with the Police (524-5247) and Service Department (524-5206) prior to approval. *Note: Requests **WILL NOT** be approved prior to the pre-meeting.*
3. The period of use may not exceed two (2) days without city council approval.
4. At least one legally responsible adult must sign the request.
5. The usage may not discriminate for or against a given class of people.
6. All ordinances that regulate noise **shall** be observed.
7. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.
8. The requestor is responsible for cleanup. Failure to cleanup may result in subsequent requests being denied or a deposit being required. In addition, a cleaning charge may be assessed.
9. Safety staffing levels will be determined by the Oxford Police Division and the requestor may be required to hire police officers.
10. All special conditions specified by department heads must be complied with. Fees may be assessed for special services – see below.
11. Miami University approval is required for student events.
12. NO markings may be made on streets or sidewalks within the public right-of-way.

USE OF PARKS (ALL THOSE ABOVE, PLUS)

1. No motor vehicles may be parked within the area of the park or on any sidewalk.
2. Banners are only permitted on the stage area during the function and must be removed immediately after the event. Tying is the only acceptable way of affixing a banner to the stage area.
3. No signs are permitted.
4. The requestor is responsible for damage to grass, shrubs or trees as a result of the event and agrees to compensate the City of Oxford the cost of repairs and/or replacement.
5. No structure shall be defaced and no structure shall be erected within four (4) feet of the base of a tree or shrub.
6. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.

FEE INFORMATION

No Parking Signs	\$.25 ea.
Trash Cans	\$5.00/ea.**
<i>*When required</i>	
<i>** For Additional cans</i>	
Personnel	
Police Officer(s)	Contact OPD
Sound Technician	\$25.00/hr
Street Dept. Personnel	\$25.00/hr
Electrician	\$100.00
Park & Rec Personnel	Contact OPRD

Road Closures	
Main Street	\$100.00**
US 27 Detour	\$100.00**
<i>**Includes labor</i>	

Sports Fields/Gazebo
Contact OPRD – 523-6314

APPLICANT'S ASSURANCE

I have reviewed the estimated cost for the event and agree to compensate the City for services rendered as specified above. If the event runs past the stated end time, I understand that additional charges will accrue and agree to compensate the City accordingly.

Larry J. Dorem
Applicant's Signature

Date: 11/25/08

CITY USE ONLY

	Service	Hours	Rate	Estimate	Final
1			\$	\$	\$
2			\$	\$	\$
3			\$	\$	\$
4			\$	\$	\$
5			\$	\$	\$
	Total		\$	\$	\$

	Applicant's Initials	Review Date
Police Department		
1		
2		
3		
4		
Fire Department		
1		
2		
3		
4		
Service Department		
1		
2		
3		
4		
Recreation Department (if applicable)		
1		
2		
3		
4		
City Manager		
1		
2		
3		
4		

Pre-Meeting (if applicable): Reviewed with _____ on _____.

Reviewer(s): _____

APPROVAL SECTION (with conditions)

Police Chief:	☒ Approved	☐ Not Approved	SDS 1/12/18
Fire Chief:	☒ Approved	☐ Not Approved	SD 1/22/18
Service Director:	☐ Approved	☐ Not Approved	____/____
Recreation Director:	☐ Approved	☐ Not Approved	____/____
City Manager:	☐ Approved	☐ Not Approved	

City Manager's Signature

Date: _____

Reason(s) event not approved:

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 16, 2008

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 8, 2008

Date Prepared

Agenda Title: The following three Resolutions will permit the use of Lot 52 and the Memorial Park for the operation of the 2009 Farmer's Markets.

Recommendation: N/A

Discussion:

The attached request is for the use of Lot 52 and the Memorial Park for the 2009 Farmer's Markets.

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CLOSE LOT 52 ON SATURDAYS, FROM 5:00 A.M. TO 12:30 P.M., FROM MAY 2, 2009 THROUGH NOVEMBER 21, 2009, TO PERMIT THE OPERATION OF THE FARMER'S MARKET WITHIN LOT 52 DURING SAID TIME.

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

SECTION 1: Council has determined that it would be beneficial for the City to permit the Farmer's Market to operate on Lot 52 on Saturdays, between May 2, 2009 through November 21, 2009 and that the closure of Lot 52 between the hours of 5:00 A.M. and 12:30 P.M. is required to permit this operation.

SECTION 2: Council hereby authorizes the City Manager to close Lot 52 on Saturdays from 5:00 A.M. to 12:30 P.M., from May 2, 2009 through November 21, 2009 to permit the operation of the Farmer's Market within Lot 52 during said time.

SECTION 3: In all other respects the City of Oxford traffic code shall remain in full force and effect.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CLOSE LOT 52 ON SATURDAY, JANUARY 17, 2009, SATURDAY, FEBRUARY 21, 2009, SATURDAY, MARCH 21, 2009, SATURDAY APRIL 18, 2009 AND SATURDAY, DECEMBER 19, 2009 FROM 5:00 A.M. TO 12:30 P.M., TO PERMIT THE OPERATION OF THE WINTER FARMER'S MARKET WITHIN LOT 52 DURING SAID TIME.

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

SECTION 1: Council has determined that it would be beneficial for the City to permit the Winter Farmer's Market to operate on lot 52 on Saturday, January 17, 2009, Saturday, February 21, 2009, Saturday, March 21, 2009, Saturday, April 18, 2009 and Saturday, December 19, 2009 and that the closure of Lot 52 between the hours of 5:00 a.m. and 12:30 p.m. is required to permit this operation.

SECTION 2: Council hereby authorizes the City Manager to close Lot 52 on Saturday, January 17, 2009, Saturday, February 21, 2009, Saturday, March 21, 2009, Saturday, April 18, 2009 and Saturday, December 19, 2009, from 5:00 a.m. to 12:30 p.m., to permit the operation of the 2009 Winter Farmer's Market within Lot 52 during said time.

SECTION 3: In all other respects the City of Oxford traffic code shall remain in full force and effect.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE USE OF THE MEMORIAL PARK ON TUESDAYS FROM MAY 5, 2009 TO NOVEMBER 17, 2009 FROM 3:00 P.M. TO 7:30 P.M., TO PERMIT THE OPERATION OF THE TUESDAY MINI MARKET WITHIN THE MEMORIAL PARK DURING SAID TIME.

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

SECTION 1: Council has determined that it would be beneficial for the City to permit the Tuesday Mini Market to operate in the Memorial Park on Tuesdays from May 5, 2009 to November 17, 2009 from 3:00 P.M. to 7:30 p.m., to permit the operation of the Tuesday Mini Market within the Memorial Park during said time.

SECTION 2: Council hereby authorizes the use of the Memorial Park on Tuesdays from May 5, 2009 to November 17, 2009 from 3:00 p.m. to 7:30 p.m., to permit the operation of the Tuesday Mini Market within the Memorial Park during said time.

SECTION 3: In all other respects the City of Oxford traffic code shall remain in full force and effect.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)


☒ REQUEST FOR PUBLIC PARK PERMIT

☐ REQUEST FOR PUBLIC RIGHT-OF-WAY PERMIT

Date(s) of Event: please see attached for dates through 2009 From: 5 a.m./p.m. To: 12:30 a.m./p.m.

Today's Date: / / ☐ Emergency Utility Repair (check box, if applicable)

--- Applicant shall allow a minimum of 5 business days for processing ---

Responsible Adult:
(18 years of age or older)*

Address:

Telephone:

Cellular:

Fax:

Email:

LARRY SLOCUM
803 NORMAN RD
HAMILTON, OH 45013
513-505-5238
Torrey@hummingbirdarts.com

Organization:

Advisor:

Address:

Telephone:

Cellular:

Fax:

Email:

Non-Profit:

Oxford Farmers Mkt Uptown
LARRY SLOCUM
Manager

RECEIVED

* Person in charge - Primary contact

☐ Yes ☐ No

DEC 01 2008

PARK REQUESTED

☐ Merry Day Park (adjacent to the Miami Mobile Home Park, Reagh Way Drive)

☐ Leonard Howell Park (Bonham Road)

☐ Oxford Community Park (Fairfield Road) - Contact 523-6314 to confirm date(s)

☒ Memorial Park (E. Park Place & N. Main Street - has pavilion) - FOR TUES MINI-MARKET

☐ Martin Luther King Jr. Park (W. Park Place & N. Main Street - animal sculptures & fountain)

☒ Other: LOT 52 AND Surrounding sidewalk. We will use only 1/2 of sidewalk so
pedestrian traffic is not hampered

City of Oxford

TITLE OF EVENT (be specific and include projected attendance)

Oxford Farmers Mkt Uptown - SATURDAY / Oxford Farmers Mini-Market

Projected Attendance: 250-500 Has this event been held previously? ☒ Yes ☐ No If "YES", when? ALL SUMMER

DESCRIPTION OF EVENT

Place a description of the event, along with additional requests, on the appropriate attachment. If request is only for use of a right-of-way, use the attachment labeled City of Oxford / Right-of-Way Request Details.

Applicant's Signature:

Larry J. Slocum

Date: 11 / 25 / 08

I have read and understand the rules, guidelines and conditions. Furthermore, I understand that acceptance of them is a condition of approval; and, if approval is granted, it is only for the event specified above. I also understand that the request will be reviewed by various City of Oxford officials and additional conditions may be required before final approval is granted. If additional conditions are required, I agree to meet with the appropriate officials and/or the Oxford Community Event Coordinating Committee.

M.U. Use Only

The organization listed above is a registered student organization in good standing with Miami University.

Signature:

Date:

/ /

City Use Only

On-Site Contact Person:

Cell: () -

Distribution Checklist:

☐ O.P.D.

☐ O.F.D.

☐ Service Director

☐ Street Department

☐ O.P.R.D.

☐ O.V.C.B.

☐ QuickBase Entry

☐ M.U. Student Activities Office

☐ M.U.P.D.

Oxford Farmers Market Uptown – 2009

January 17, 2009

February 21, 2009

March 21, 2009

April 18, 2009

December 19, 2009

Beginning on May 2, 2009 and running every Saturday until November 21, 2009

Beginning on May 5, 2009 and running every Tuesday until November 17, 2000 for the Oxford Farmers

Mini-Market



Stipulations and Fees

Note: FULL PAYMENT REQUIRED BEFORE THE EVENT

RIGHT-OF-WAY

Applicants should allow a minimum of **five (5) business days** for the request to be processed from the time it is submitted to city officials. *(Please provide the City with as much lead time as possible. Events requiring road closures and staffing will require additional processing time. Large event requests shall be submitted no less than fourteen (14) days in advance of the event.)*

1. Applicant shall manage all work zones in the Right-of-Way in compliance with the Ohio Manual of Uniform Traffic Control.
2. Large events (estimated at over 500 people, including all concerts and performances, will require a pre-meeting with the Police (524-5247) and Service Department (524-5206) prior to approval. *Note: Requests **WILL NOT** be approved prior to the pre-meeting.*
3. The period of use may not exceed two (2) days without city council approval.
4. At least one legally responsible adult must sign the request.
5. The usage may not discriminate for or against a given class of people.
6. All ordinances that regulate noise **shall** be observed.
7. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.
8. The requestor is responsible for cleanup. Failure to cleanup may result in subsequent requests being denied or a deposit being required. In addition, a cleaning charge may be assessed.
9. Safety staffing levels will be determined by the Oxford Police Division and the requestor may be required to hire police officers.
10. All special conditions specified by department heads must be complied with. Fees may be assessed for special services – see below.
11. Miami University approval is required for student events.
12. NO markings may be made on streets or sidewalks within the public right-of-way.

USE OF PARKS (ALL THOSE ABOVE, PLUS)

1. No motor vehicles may be parked within the area of the park or on any sidewalk.
2. Banners are only permitted on the stage area during the function and must be removed immediately after the event. Tying is the only acceptable way of affixing a banner to the stage area.
3. No signs are permitted.
4. The requestor is responsible for damage to grass, shrubs or trees as a result of the event and agrees to compensate the City of Oxford the cost of repairs and/or replacement.
5. No structure shall be defaced and no structure shall be erected within four (4) feet of the base of a tree or shrub.
6. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.

FEE INFORMATION

No Parking Signs	\$.25 ea.
Trash Cans	\$5.00/ea.**
<i>*When required</i>	
<i>** For Additional cans</i>	
Personnel	
Police Officer(s)	Contact OPD
Sound Technician	\$25.00/hr
Street Dept. Personnel	\$25.00/hr
Electrician	\$100.00
Park & Rec Personnel	Contact OPRD

Road Closures	
Main Street	\$100.00**
US 27 Detour	\$100.00**
<i>**Includes labor</i>	

Sports Fields/Gazebo
Contact OPRD – 523-6314

APPLICANT'S ASSURANCE

I have reviewed the estimated cost for the event and agree to compensate the City for services rendered as specified above. If the event runs past the stated end time, I understand that additional charges will accrue and agree to compensate the City accordingly.

Larry J. Dorem
Applicant's Signature

Date: 11/25/08

CITY USE ONLY

	Service	Hours	Rate	Estimate	Final
1			\$	\$	\$
2			\$	\$	\$
3			\$	\$	\$
4			\$	\$	\$
5			\$	\$	\$
	Total		\$	\$	\$

	Applicant's Initials	Review Date
Police Department		
1		
2		
3		
4		
Fire Department		
1		
2		
3		
4		
Service Department		
1		
2		
3		
4		
Recreation Department (if applicable)		
1		
2		
3		
4		
City Manager		
1		
2		
3		
4		

Pre-Meeting (if applicable): Reviewed with _____ on _____.

Reviewer(s): _____

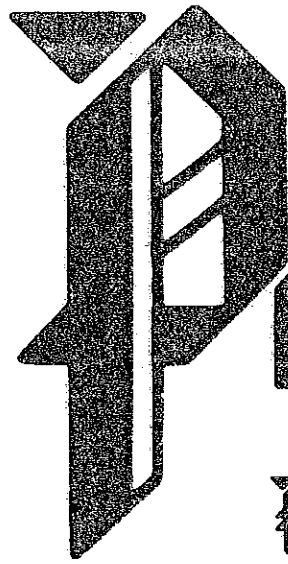
APPROVAL SECTION (with conditions)

Police Chief:	☒ Approved	☐ Not Approved	SDS 1/12/18
Fire Chief:	☒ Approved	☐ Not Approved	SD 1/22/18
Service Director:	☐ Approved	☐ Not Approved	____/____
Recreation Director:	☐ Approved	☐ Not Approved	____/____
City Manager:	☐ Approved	☐ Not Approved	

City Manager's Signature

Date: _____

Reason(s) event not approved:



Office of the Mayor

Proclamation

Whereas:

the Talawanda High School has a long tradition of excellence in its Marching Band Program; and

WHEREAS, Michael Allen, is in his fourth year as a member of the Talawanda Marching Band, and currently serves as Mellophone Section Leader and Horn Sergeant; and

WHEREAS, Michael Allen has been selected, in national competition, to participate in the Bands of America National Honor Band; and

WHEREAS, the National Honor Band will perform in the annual Tournament of Roses Parade in Pasadena, California, a prestigious event which will be seen live by over one million people and on television by millions in more than 150 countries; and

WHEREAS, by his participation, Michael Allen will present a very positive impression of the Talawanda Schools and the Oxford Community to all those who view the parade.

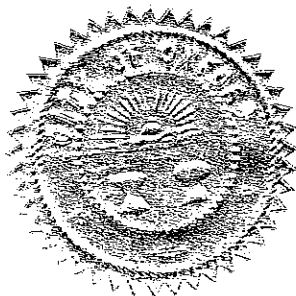
NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, do hereby proclaim January 1, 2009, as:

'MICHAEL ALLEN TOURNAMENT OF ROSES DAY'

In the City of Oxford and urge all citizens to join me in congratulating him on this wonderful accomplishment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 12th day of December, 2008.

PRUDENCE Z. DANA, MAYOR



A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, December 2, 2008 at 7:33 p.m. Those members present were Ken Bogard, Alysia Fischer, Kate Currie, Doug Ross, Richard Keebler and Greig Rutherford.

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

ADJOURN TO EXECUTIVE SESSION

Ms. Fischer moved to adjourn to Executive Session at 7:15 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (1) Personnel. Mr. Keebler seconded. The motion passed by the following roll call:

AYE: Mr. Ross, Mr. Bogard, Ms. Fischer, Ms. Currie, Mr. Keebler, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Ms. Fischer moved to return from Executive Session at 7:30 p.m. Mr. Rutherford seconded. The motion passed by the following roll call:

AYE: Ms. Currie, Mr. Keebler, Ms. Fischer, Mr. Bogard, Mr. Rutherford, Mr. Ross,
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Mayor Dana requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Currie moved to amend the agenda by removing item 6.B.1. Ms. Fischer seconded. The motion passed 7-0-0.

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

Mr. Keebler noted item 6.B.1. was requested to be withdrawn by the applicant.

PUBLIC PARTICIPATION

PRESENTATION **SHAREFEST**

Ms. Carol Michael, advised she was in attendance to give the 4th annual report of the Share-Fest initiative. Ms. Michael provided a PowerPoint presentation which covered their new logo and Mission Statement 'ShareFest is a Butler County community-wide effort to collect items from Miami University students who are leaving at the end of the school year. Collected items are distributed to residents in need, throughout Oxford and Butler County.' Ms. Michael discussed marketing efforts, expenses, volunteers and staff, collected items, benefiting agencies, results and benefits, recipient testimony, monetary contributions, and grants and sponsors. Ms. Michael recognized committee members who were in attendance and noted over 100 volunteers had worked over 1,000 hours. Ms. Michael thanked Council and City staff for their support and advised her feeling this continued to be a worthwhile project and noted her hope it was now established as a tradition in Oxford because of its many benefits.

PUBLIC COMMENTS

Ms. Connie Elliott, 118 Homestead, advised she had delivered another disaster kit to a family on Thanksgiving Day.

Mr. Thad Boggs, 109 Ardmore Drive, Secretary, Off Campus Affairs, advised the next Student Community Relations Commission meeting would take place Friday, December 5, 2008 at the Lane Library at noon. Mr. Boggs noted the meeting was not listed in the agenda and invited everyone to attend.

Mayor Dana noted Council received the minutes from the last two SCRC meetings and would include them in Council's packets in the future.

CONSENT AGENDA

MINUTES

Minutes of the November 18, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the November 11, 2008 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

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

RESOLUTIONS

None.

ORDINANCES **FIRST READING**

ORDINANCE **SUPPLEMENTAL** **BUDGET**

An Ordinance Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)

Mr. Newlin summarized the staff report on page 23 of the agenda and explained why an adjustment was needed in the Storm Water Utility Fund.

ORDINANCE **CONDITIONAL USE**

An Ordinance Approving A Conditional Use Permit For Residential Land Use In The Basement Of A Proposed Mixed Use Building In The Uptown Zoning District At 18 South Poplar Street. (Jung-Han Chen, Community Development Director)

Mr. Chen summarized the staff report on page 25 of the agenda noting the Planning Commission deliberated the application at length with regard to safety and maintenance issues involved with using a basement for residential dwellings. Mr. Chen noted he would be happy to answer any questions and the applicant was in attendance as well to answer any questions.

Mr. Kenneth Bowerman, Architect, representing Uptown Real Estate LLC, and Ms. Kathy Albrecht, Applicant advised they were requesting the use of the lower level for residential use which was a stated allowable conditional use in the zoning code. Mr. Bowerman noted they had worked very hard to design a project to improve the vacant lot which was within the allowable uses and square footages of the zoning code and was in keeping with the intent of the Comprehensive Plan. Mr. Bowerman advised the proposed mixed use building would be comprised of commercial use on the first floor with residential use on the lower, second and third floors noting they felt a four story building would be inappropriate in this location. Mr. Bowerman addressed the safety and maintenance concerns expressed by the Planning Commission. Mr. Bowerman commented on the four conditions recommended by the Planning Commission noting the landscaping plan would be designed once a potential tenant for the first floor was established.

Ms. Fischer stated she voted against approving the Conditional Use request as she was concerned with trash collecting in the window wells and would affect the egress from basement windows. Ms. Fischer also noted concern with where trash receptacles would be located on the site.

Mr. Keebler noted he felt a three story building in this location was the better choice and he voted to approve the Conditional Use request. Mr. Keebler advised his feeling the Planning Commission's intent with regard to condition b. on page 26 of the agenda was to see a workable solution for the trash collection facility. Mr. Keebler noted many Uptown residences had inadequate trash collection facilities.

Mr. Rutherford noted his hope the number of trash pickups and receptacles would be adequate since it was a problem in the Uptown residential areas.

Mr. Keebler moved to amend condition b. on page 26 of the agenda as follows: 'A clear trash collection facility must be designed into the building and approved by the Community Development Director.' Ms. Fischer seconded. The motion passed 7-0-0.

Ms. Currie also noted concern with trash collecting in the window wells as the proposed building was next door to a bar.

Mayor Dana noted the window wells would need to be designed as an exit with measures in place to limit the amount of debris collecting in them.

Mr. Rutherford noted the property owners would also be responsible for keeping the window wells clear of debris.

Mr. Ross inquired what other buildings Uptown Real Estate LLC owned in Oxford and Mr. Bowerman advised the former Snyder's building as well as several individual homes and apartment buildings.

Ms. Currie inquired if there were examples of buildings in the Uptown District with basement dwellings and this type of window well design and Mr. Chen advised no.

Mr. Keebler advised he had concerns whether this was an appropriate use in the Uptown District although at this point in time it met the code. Mr. Keebler noted he would like to see the Planning Commission review the issue. Mr. Keebler noted since the proposal met the zoning code and with the conditions contained in the Ordinance he felt Council should approve the request.

ORDINANCES
SECOND READING

ORDINANCE
NEW SECTION 1139

An Ordinance No. 3036 Repealing Zoning Code Section 1139, Variances, And Adopting New Section 1139, Variances. (Jung-Han Chen, Community Development Director) **(Tabled)**

Ms. Fischer moved to remove the proposed Ordinance from the table. Ms. Currie seconded. The motion passed 7-0-0.

Mr. Chen advised Mr. Elliott provided Council with additional information regarding the proposed Ordinance. Mr. Chen encouraged Council to keep in mind whether they adopted the 'Duncan Standards' or not, the court would use these standards.

Mr. Elliott advised he provided Council with two PowerPoint documents which detailed the Duncan Standards of which was used for the Board of Zoning Appeals training session. Mr. Elliott noted he spent time looking at various court cases and at other City's websites and most communities adopted the Duncan Standards with regard to considering variances. Mr. Elliott reiterated that if the City failed to utilize the Duncan Standards the court would use them anyway. Mr. Elliott noted his feeling Council would be well advised to adopt them as well. Mr. Elliott noted the current standards could be used in addition to the Duncan Standards but the outcome should not be based on the current standards.

Mr. Keebler noted concerns with factor A. and E. on page 75 of the agenda. Mr. Keebler inquired if factor H. 'Any other relevant factor' was determined on a case by case basis and Mr. McHugh advised yes. Mr. Keebler inquired if some of the current standards should be included in the Ordinance and Mr. Elliott noted 5 of the current standards were similar to the Duncan standards and the other two applied to use variances which the City did not allow. Mr. Keebler inquired who supplied information regarding 'other relevant factors' and Mr. McHugh advised the applicant.

Ms. Fischer inquired if Mr. McHugh was suggesting the Board of Zoning Appeals could not come up with relevant factors and Mr. McHugh advised they could provide a foundation but the burden should rest on the applicant. Mr. McHugh noted the foundation for making the determination and the testimony needed to come from the applicant as the Board of Zoning Appeals should not grant variances unless something was presented to them. Ms. Fischer noted concern that a portion of the current standard G. 'will not be detrimental to the public health, safety, or general welfare' was not part of the proposed standards. Ms. Fischer suggested adding that language as part of the decision standards and Mr. McHugh suggested adding it as part of the Board of Zoning Appeals Review under item (c) (2) on page 74 of the agenda.

Ms. Fischer moved to add 'The Board of Zoning Appeals will consider the effect of the request on the public health, safety and welfare' under item (c) (2). Ms. Currie seconded. The motion passed 6-1-0 with Mr. Rutherford voting nay.

Mr. Rutherford advised he felt a companion document was necessary to further clarify the decision standards and he had prepared such a document. Mr. Rutherford suggested adopting the proposed Ordinance and following up with additional legislation to provide clarification. Mr. McHugh advised if Council wished he could write a paragraph on each standard to provide clarification. Mr. McHugh advised against adopting additional legislation.

Mr. Keebler advised that Mr. Rutherford provided him with the document he prepared and suggested referring that document to Mr. McHugh and the rest of Council.

Mr. Bogard agreed with Mr. Keebler's suggestion and called the question.

Ms. Fischer moved to adopt Ordinance 3036 as amended. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard,
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION 351.06

An Ordinance No. 3037 Repealing Oxford Code Of Ordinances Section 351.06 And Adopting New Oxford Code Of Ordinances Section 351.06; Titled "Selling, Washing, Or Repairing Vehicle Upon Roadway Or On Private Property Open To Public Travel". (Steve Schwein, Police Chief) **(Tabled)**

Mr. Keebler moved to remove the proposed Ordinance from the table. Ms. Fischer seconded. The motion passed 7-0-0.

Chief Schwein advised Mr. McHugh modified the proposed Ordinance based on Council's discussion at the last meeting. Chief Schwein noted the proposed Ordinance should meet the Police Department's needs and offered to answer any questions.

Mr. Bogard requested clarification of the modifications to section (b) on page 70 of the agenda.

Mr. McHugh advised the language was modified to cover circumstances regarding parked vehicles to prevent a ticket being issued inappropriately.

Mr. Keebler noted he felt the modifications remedied Council's concerns and provided the means to eliminate people leaving their vehicles on public parking lots for the primary purpose of offering them for sale. Mr. Keebler noted support for the proposed Ordinance.

Mr. Rutherford noted his feeling Council was trying to take responsibility from the property owner since the Ohio Revised Code put the burden on the property owner to post no parking signs. Mr. Rutherford advised he did not know why Council needed to regulate this matter.

Ms. Currie advised the property owners were not taking the responsibility and Council was faced with 'pop-up used car lots'.

Mr. John Day, College Corner Pike, advised he paid commercial property tax and should be able to do anything he wished on his property.

Ms. Fischer noted the proposed Ordinance did not apply to private property.

Mr. Keebler called the question.

Ms. Suzanne Kostic asked for clarification regarding her property which Chief Schwein addressed.

Ms. Fischer moved to adopt Ordinance No. 3037. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Mr. Bogard, Ms. Currie, Ms. Dana (5)

NAY: Mr. Ross, Mr. Rutherford (2)

ABS: None (0)

ORDINANCE
NEW SECTION 351.13

An Ordinance No. 3038 Repealing Oxford Code Of Ordinances Section 351.13 And Adopting New Oxford Code Of Ordinances Section 351.13; Titled "Parking In Excess Of 72 Hours Prohibited". (Steve Schwein, Police Chief) **(Tabled)**

Ms. Fischer moved to remove the proposed Ordinance from the table. Mr. Bogard seconded. The motion passed 7-0-0.

Chief Schwein advised the Law Director revised the proposed Ordinance language hopefully to Council's satisfaction. Chief Schwein offered to answer any questions.

Mr. Elliott inquired if Council should move to approve the proposed Ordinance as amended and Mr. McHugh advised yes.

Mr. McHugh explained the changes in the language in section (b) and (c) on page 82 of the agenda.

Mr. Bogard inquired if the new Ordinance was an amendment or a substitution and Mr. McHugh advised a substitution would be in order.

Mr. Bogard moved to accept the new Ordinance as a substitute Ordinance. Ms. Fischer seconded. The motion passed 7-0-0.

Mr. Keebler advised he liked most of the changes and noted he would like to propose an amendment as paragraph 3 under section (b) on page 82 of the agenda.

Mr. Keebler moved to amend section (b) of the Ordinance by adding 'This section shall not apply to vehicles owned or operated by the premise owner or a premise lessee, provided said vehicle is not displayed for sale or is a vehicle displayed for the primary purpose of advertising and is in compliance with all other laws and ordinances'. Ms. Currie seconded. The motion passed 7-0-0.

Mr. Rutherford referred to sections of the Ohio Revised Code noting his feeling the proposed Ordinance was in conflict. Mr. McHugh and Chief Schwein addressed Mr. Rutherford's concerns.

Mr. Bogard moved to adopt the substituted Ordinance as amended. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Dana (5)

NAY: Mr. Ross, Mr. Rutherford (2)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott thanked Council for adopting the new Board of Zoning Appeals decision standards. Mr. Elliott advised he and Mayor Dana were suggesting a Council Strategic Planning Retreat on January 6, 2009 from 4:00 p.m. to 8:00 p.m. at Hueston Woods. Mr. Elliott advised this would be in place of the regularly scheduled Council meeting. Mr. Elliott updated Council on the Development Agreement with 4Leaf Development, LLC.

Mayor Dana thanked Mr. Dreisbach and the Service Department for the leaf clean-up efforts.

Mr. Kyger advised a building permit had been issued for the High and Main street development.

Mr. McHugh advised there was one claim remaining with regard to the High and Main lawsuit.

Mr. Ross thanked Mr. Marc Biales for writing to the Oxford Press.

Mr. Rutherford noted his hope Council had looked at the duties and responsibilities of the Environmental Commission as discussed at the last meeting. Mr. Rutherford noted the Commission had a very good meeting last week. Mr. Rutherford encouraged everyone to get their flu shot.

Mr. Bogard expressed concern regarding a letter from Time Warner Cable advising they would be limiting office hours to coincide with Miami's academic schedule. Mr. Bogard noted people would need assistance with moving from analog to digital service. Mr. Bogard also noted the 800 service number was always busy.

Mr. Keebler noted he was very disappointed with Time Warner Cable choosing to end the operation of the Oxford office. Mr. Keebler advised it was another example of how the City gets had by having a single provider. Mr. Keebler noted he could not resolve a billing matter over the phone and got it resolved quickly by visiting the Oxford office.

Mayor Dana suggested Mr. Elliott respond to Time Warner Cable in writing.

Ms. Fischer noted she would like to see the SCRC minutes as part of the consent agenda so they were part of the official record. Mr. McHugh noted he would work with the Clerk to accomplish the request. Ms. Fischer noted Mr. Rutherford mentioned the Environmental Commission looking into conservation zoning and noted she did not want parallel efforts being made but rather supplementary efforts. Ms. Fischer noted the Planning Commission could discuss the matter at their next meeting.

Mayor Dana thanked the Parks and Recreation department for planning the Holiday Festival on Friday and encouraged everyone to attend.

ADJOURN

Ms. Fischer moved to adjourn at 9:22 p.m. Ms. Currie seconded. The motion passed 7-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 16, 2008

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

December 5, 2008

Date Prepared

Agenda Title: Board of Zoning Appeals – November 19, 2008 Meeting Report
--

Recommendation: N/A

PUBLIC HEARINGS:

BZA-12-2008 5640 College Corner Pike, Variance to Section 1151.05(a)(3)B.1.c. to permit an additional wall sign, Tri-State Signs Unlimited, Applicant

The Applicant desired to have an additional wall sign on the rear of the building to provide more visibility for deliveries. The BZA voted 5-0-0 to **deny** the request based on the application, as it did not meet the Decision Standards.

BZA 15-2008 210 S. Poplar Street. Variance to Section 1143.05(c)(1)(B) lot width and 1149.04(a)(3) parking space location, Scott Webb, Applicant, Agent.

The Applicant proposed to build an additional dwelling to an existing single-family structure in a R2MS (Single and Two Family Mile Square Residential) District. The lot was one of the original lots platted in the early 1800's and did not meet the current standards for a two-family dwelling. Additionally, the location of the proposed parking spaces would be to the rear of the lot, immediately adjacent to a north-south alley thus failing to meet the 3-foot setback from the property line for off-street parking. Thirdly, the proposed driveway width would be 54 feet thus exceeding the maximum 18 feet width at the right-of-way line. The BZA voted on the three variances separately: 1. The BZA voted 5-0-0 to **approve** the request to waive the required lot width for a two-family dwelling unit. 2. The variance request to reduce setbacks from the property line for the proposed off-street parking **failed** for lack of a motion. 3. The Board voted 5-0-0 to **approve** the variance for the proposed driveway width to be 54' at the right-of-way.

BZA 16-2008 300 S. Locust Street, Variance to Sections 1143.12(d)(2)(2)A.D.: Sections 1149.05(e)(4)(F), (G); Section 1149.05(e)(5)B.1; Section 1151.02(k)(2)(B); Section 1151.05(a)(3)A; Section 1151.05(a)(3)B; Section 1151.05(a)(3)C.1.a, and b. Jonathan Woche, Applicant

This application consisted of ten different variance requests mainly concerning landscaping and signage requirements for this redevelopment.

The existing Kroger store plans to expand southward by removing six retail spaces and building approximately 24,000 square feet of space. The current code requires any new development or redevelopment to comply with applicable standards and requirements. The site was developed in the 1960's; therefore, many of the issues identified with the original layout were in regards to landscaping requirements and tree planting.

The sign variances mainly referred to the fuel center addition that Kroger plans to add to their core business. The Applicant requested four wall signs on the main building and six signs at the fuel center. Furthermore, the code required all signs be oriented toward the public right-of-way. The application showed two that did not face the right-of-way. Thirdly, the total signage allowed by the Code is 577 square feet, including the unaffected retail stores by this redevelopment, based on the Locust Street frontage. The proposed development can have only 502 square feet of sign area and the proposal shows 523 square feet of sign area. The wall sign on the canopy of the fuel center also exceeded the maximum height that would be allowed based on the distancing between the canopy to the property line.

The BZA went through each variance request separately and deliberated each request based on the Decision Standards. 1. The Board approved the request to waive the landscaping requirements related to the site (Section 1143.12(d)(2)A. and D). 2. The Board also approved variance requests Section 1149.05(e)(4)F, G and, Section 149.05(e)(5)B.1 parking islands and trees per parking area. 3. Additionally, the BZA approved a total of 7 wall signs for this redevelopment project, as well as to waive the additional 21 sq. ft. of sign area above the permitted signage. 4. Also, the Board approved the height of the wall signs on the canopy to be 3'-6". 5. The proposed freestanding sign, 7 feet in height and 70 feet in sign area also receive approval for exceeding the maximum allowable signage and height.

The next regular meeting is scheduled for December 17, 2008.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC 12/9/08

SCRC Meeting Minutes

November 21st, 2008

In Attendance:

Members: Carole Katz, Alysia Fischer, Kendall McCune, Ashley Perry, Stew Meeker, Thad Boggs, John Barrett, and John Greene.

Non-Members: Amy Numrich, Amy Macecko, Susan Mosley-Howard, Valerie Elliot, Jim Squance, Lane Clegg, Matt Frasier, Bobbe Burke, Jung-Han Chen.

Call to order:

This meeting was called to order at 12:00pm.

Public Comments:

No public comment.

Approval of Minutes from 11/07/08:

Minutes were approved.

Presentation on History of High Street by Valerie Elliot:

Valerie Elliot, the History Librarian for the Smith Library of Regional History, gave a presentation to the commission and its guests about the history of Oxford and the Mile Square.

Snow Routes:

Thad Boggs asked the commission if they knew when the new Snow Route signs would be going up. Alysia Fischer said that they can go up 30 days after they have been approved, and Jung-Han Chen informed the group that the Service Department was currently working on the new signs. Bobbe reminded the group that the change made to the signs is that now any level of snow emergency and 3 inches of snow and/or ice or greater is what has been amended. Matt Frasier asked if there was a way for students to be informed that towing would begin, so they would have time to move their cars. Jim Squance said that there is not a way to do that. Bobbe Burke told Matt that when it starts to snow that all cars should be moved then, to prevent ticketing and towing. Both Carole Katz and Bobbe Burke spoke about how the removal of the cars for plowing is an issue for smooth traffic flow in and out of the City, as well as a safety issue for the mailmen, delivery people, and children walking to and from school. Thad Boggs informed the commission that he will utilize the listserve of all Off-Campus

There was a reminder for people going out of town to get their cars off the streets, to lock windows on main floors, and to remember to bring their garbage cans in before they leave for Thanksgiving Break.

Adjournment

The last SCRC meeting of the semester will be held December 5th at noon in Lane Library's meeting room.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Service Department
Originating Department

Council Meeting of: December 16, 2008

David Treleaven
Prepared By

Account Code #: N/A

Budgeted Amount: N/A

December 3, 2008
Date Prepared

Agenda Title: Environmental Commission Meeting of November 25, 2008

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Tuesday, November 25, 2008 meeting were: Vice Chair, Ms. Gisela Bahr; City Council Representative, Mr. Greig Rutherford; Secretary, Ms. Heidi Schran; and Planning Commission Representative, Mr. Ted Wong. Oxford citizens Mr. Jackson Hey, Ms. Kaili Fuehrer, Ms. Jemma Shi, and Ms. Tessa Ralinovsky were also in attendance. The meeting was moved from the regularly scheduled Wednesday evening due to the proximity of the Thanksgiving Holiday.

The minutes from the October 22, 2008 Commission meeting were amended to show that a vote regarding amending the approved street tree list did not occur. As a quorum (five voting members of the Commission) was not present at the October, 2008 meeting, a vote on any issue should not have occurred.

Councilor Rutherford informed the Commissioners that he had recommended to City Council that the Environmental Commission take an active role in subdivision regulations regarding open cluster residential developments and conservancies. Specifically, it was envisioned that the Environmental Commission would provide thoughts and recommendations to the Planning Commission (either independently or during joint meetings/work sessions), which in turn would prepare the necessary legislation for City Council consideration.

In discussion regarding the newly amended Planning and Zoning Subdivision Regulations, the Commissioners expressed the view that open cluster development should be permitted for smaller plots of land than the current 20 acre minimum stipulation. Also, the open cluster developments should allow for multi-family and commercial land use.

The Commission adjourned at 9:15 p.m. The next Commission meeting is tentatively scheduled for Wednesday, December 17, 2008 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room. The meeting schedule was adjusted due to Christmas Day.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
<u>MBT</u>	<u>12/4/08</u>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: December 16, 2008

Mary Ann Eaton
Prepared By

Account Code No.: N/A

Budgeted Amount: N/A

December 8, 2008
Date Prepared

Agenda Title: A Resolution authorizing the release of a performance bond for Western Knolls Subdivision, Section 7 in the amount of \$25,500.00.

Recommendation: Approval

Discussion:

The City is currently holding a performance bond in the amount of \$25,500.00 to cover the cost of maintaining the improvements required for Western Knolls Subdivision, Section 7 and to install 508 lineal feet of sidewalk. These items have been completed to the satisfaction of the Engineering Division and it is therefore recommended that the performance bond be released.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND FOR WESTERN KNOLLS SUBDIVISION, SECTION 7 IN THE AMOUNT OF \$25,500.00.

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

SECTION 1: The Community Development Director and Service Director recommend the performance bond dated March 8, 2002, for Western Knolls Subdivision, Section 7 in the amount of \$25,500.00 be released.

SECTION 2: The Clerk of Council and City Manager are hereby authorized to execute the necessary paperwork, releasing the performance bond and to cause the developer to record the same and submit the recorded release back to the City.

SECTION 3: This release is hereby given upon report of the City Engineer that the work secured by the performance bond has been satisfactorily completed.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: December 16, 2008

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Donna Heck
Clerk of Council

FROM: Victor Popescu, P.E.
City Engineer

RE: Western Knolls 7 Subdivision
Bond Release

DATE: December 9, 2008

Please be advised that the Engineering Division has inspected the subject subdivision and determined that the subdivision was constructed in conformity with the plans and specifications.

Presently, the City of Oxford holds a maintenance bond for the subdivision. Maintenance bond are to guarantee the integrity of the pavement and infrastructure for a period of one (1) year. The guarantee period has expired without any needs for repair or corrective work.

We recommend the release of the performance bond.

RELEASE OF PERFORMANCE BOND

Know All Men By These Presents, that the **City of Oxford, Ohio**, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby release and discharge the lien and Performance Bond for Western Knolls Subdivision, Section 7, from Western Knolls, Inc., to the City of Oxford, Ohio filed for record on June 3, 2002 in Volume 6831, Page 2132 of the Butler County, Ohio Official Records. The real estate subject to said lien is described as follows:

Lot number Two Thousand Six Hundred Ninety One (2691) as the same is known and designated on the recorded plat of Western Knolls Subdivision, Section 7, in the City of Oxford, Butler County, Ohio.

In Witness Whereof, the undersigned has hereunto set his hand at Oxford, Butler County, Ohio this sixteenth (16th) day of December, 2008.

City of Oxford

By _____

State of Ohio, County of Butler, ss:

I hereby certify that on the sixteenth (16th) day of December, 2008, before me, a notary public in and for said State, personally appeared Douglas R. Elliott, Jr., City Manager of the City of Oxford, who acknowledged that he did sign said instrument as such City Manager and the same is his voluntary act and deed on behalf of said City of Oxford, Ohio.

Notary Public, State of Ohio

This instrument was prepared by Stephen M. McHugh, Law Director, Oxford, Ohio.

PERFORMANCE BOND

Know All Men By These Presents, That **Western Knolls, Inc.**, an Ohio corporation, hereinafter called "Obligor", is held and firmly bound unto the **City of Oxford**, hereinafter called "Obligee", in the amount of Twenty Five Thousand Five Hundred and No/100 Dollars (\$25,500.00), for the payment whereof Obligor is bound, expressly binding its successors and assigns, by these presents:

Whereas, Obligor is the developer of Western Knolls Subdivision, Section 7, in the City of Oxford, Butler County, Ohio; and

Whereas, Obligor remains obligated to maintain the improvements required for Western Knolls Subdivision, Section 7, and to install 508 lineal feet of sidewalk in said subdivision;

Now, Therefore, the condition of this obligation is that Obligor, until December 31, 2002, shall maintain the improvements and shall complete the other said improvements in Western Knolls Subdivision, Section 7.

Obligor, for itself, its successors and assigns, pledges the following described real estate as security for this obligation, hereby warranting and covenanting that title to said real estate is vested solely in Obligor, and that the same is free, clear and unencumbered, and that this pledge constitutes a first and best lien upon said real estate, and upon failure of Obligor to fully and completely perform the required obligations, Obligee may levy execution or foreclosure, so as to cause said real estate to be sold and the proceeds applied to the satisfaction of this monetary obligation in the principal sum of Twenty Five Thousand Five Hundred and No/100 Dollars (\$25,500.00) plus interest, and all costs of Court, including the costs of proceedings necessary to enforce collection, to-wit:

Lots numbered Two Thousand Six Hundred Ninety One (2691) as the same is known and designated on the recorded plat of Western Knolls Subdivision, Section 7, in the City of Oxford, Butler County, Ohio.

If Obligor shall well and truly perform the obligations hereof, then this Instrument shall be void; otherwise the same, notwithstanding any default or failure of performance on the part of Obligor, shall remain in full force and effect until canceled of record of Obligee. Further, Obligor agrees that said premises not be used as security on any further obligations without written approval of the City of Oxford.

In Witness Whereof, Joseph P. Wespiser, III, Vice-President of Western Knolls, Inc. has hereunto set his hand this eighth (8th) day of March, 2002.

Signed and acknowledged in the presence of:

Western Knolls, Inc.

Dan E. Huss

by Joseph P. Wespiser, III
Joseph P. Wespiser, III

Dawnielle Hardwick

State of Ohio, County of Butler, ss.

Be It Remembered, That on this eighth (8th) day of March, 2002, before me, a notary public in and for said State, personally came Joseph P. Wespiser, III, Vice-President of Western Knolls, Inc., the Obligor in the foregoing instrument, and acknowledged the signing thereof to be his voluntary act and deed.

In Testimony Thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforementioned.



DAWNIELLE HARDWICK
Notary Public, State of Ohio
My Commission Expires 11/28/06

Dawnielle Hardwick
Notary Public, State of Ohio.

This instrument was prepared by Dan E. Huss, Attorney at Law, Oxford, Ohio.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 16, 2008

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 8, 2008

Date Prepared

Agenda Title: The following three Resolutions will permit the use of Lot 52 and the Memorial Park for the operation of the 2009 Farmer's Markets.

Recommendation: N/A

Discussion:

The attached request is for the use of Lot 52 and the Memorial Park for the 2009 Farmer's Markets.

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CLOSE LOT 52 ON SATURDAYS, FROM 5:00 A.M. TO 12:30 P.M., FROM MAY 2, 2009 THROUGH NOVEMBER 21, 2009, TO PERMIT THE OPERATION OF THE FARMER'S MARKET WITHIN LOT 52 DURING SAID TIME.

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

SECTION 1: Council has determined that it would be beneficial for the City to permit the Farmer's Market to operate on Lot 52 on Saturdays, between May 2, 2009 through November 21, 2009 and that the closure of Lot 52 between the hours of 5:00 A.M. and 12:30 P.M. is required to permit this operation.

SECTION 2: Council hereby authorizes the City Manager to close Lot 52 on Saturdays from 5:00 A.M. to 12:30 P.M., from May 2, 2009 through November 21, 2009 to permit the operation of the Farmer's Market within Lot 52 during said time.

SECTION 3: In all other respects the City of Oxford traffic code shall remain in full force and effect.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CLOSE LOT 52 ON SATURDAY, JANUARY 17, 2009, SATURDAY, FEBRUARY 21, 2009, SATURDAY, MARCH 21, 2009, SATURDAY APRIL 18, 2009 AND SATURDAY, DECEMBER 19, 2009 FROM 5:00 A.M. TO 12:30 P.M., TO PERMIT THE OPERATION OF THE WINTER FARMER'S MARKET WITHIN LOT 52 DURING SAID TIME.

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

SECTION 1: Council has determined that it would be beneficial for the City to permit the Winter Farmer's Market to operate on lot 52 on Saturday, January 17, 2009, Saturday, February 21, 2009, Saturday, March 21, 2009, Saturday, April 18, 2009 and Saturday, December 19, 2009 and that the closure of Lot 52 between the hours of 5:00 a.m. and 12:30 p.m. is required to permit this operation.

SECTION 2: Council hereby authorizes the City Manager to close Lot 52 on Saturday, January 17, 2009, Saturday, February 21, 2009, Saturday, March 21, 2009, Saturday, April 18, 2009 and Saturday, December 19, 2009, from 5:00 a.m. to 12:30 p.m., to permit the operation of the 2009 Winter Farmer's Market within Lot 52 during said time.

SECTION 3: In all other respects the City of Oxford traffic code shall remain in full force and effect.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE USE OF THE MEMORIAL PARK ON TUESDAYS FROM MAY 5, 2009 TO NOVEMBER 17, 2009 FROM 3:00 P.M. TO 7:30 P.M., TO PERMIT THE OPERATION OF THE TUESDAY MINI MARKET WITHIN THE MEMORIAL PARK DURING SAID TIME.

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

SECTION 1: Council has determined that it would be beneficial for the City to permit the Tuesday Mini Market to operate in the Memorial Park on Tuesdays from May 5, 2009 to November 17, 2009 from 3:00 P.M. to 7:30 p.m., to permit the operation of the Tuesday Mini Market within the Memorial Park during said time.

SECTION 2: Council hereby authorizes the use of the Memorial Park on Tuesdays from May 5, 2009 to November 17, 2009 from 3:00 p.m. to 7:30 p.m., to permit the operation of the Tuesday Mini Market within the Memorial Park during said time.

SECTION 3: In all other respects the City of Oxford traffic code shall remain in full force and effect.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

☐ REQUEST FOR PUBLIC RIGHT-OF-WAY PERMIT

Today's Date:

Distribution Checklist: ☐ O.P.D. ☐ O.F.D. ☐ Service Director ☐ Street Department ☐ O.P.R.D.
☐ O.V.C.B. ☐ QuickBase Entry ☐ M.U. Student Activities Office ☐ M.U.P.D.

Oxford Farmers Market Uptown – 2009

January 17, 2009

February 21, 2009

March 21, 2009

April 18, 2009

December 19, 2009

Beginning on May 2, 2009 and running every Saturday until November 21, 2009

Beginning on May 5, 2009 and running every Tuesday until November 17, 2000 for the Oxford Farmers

Mini-Market



Stipulations and Fees

Note: FULL PAYMENT REQUIRED BEFORE THE EVENT

RIGHT-OF-WAY

Applicants should allow a minimum of **five (5) business days** for the request to be processed from the time it is submitted to city officials. *(Please provide the City with as much lead time as possible. Events requiring road closures and staffing will require additional processing time. Large event requests shall be submitted no less than fourteen (14) days in advance of the event.)*

1. Applicant shall manage all work zones in the Right-of-Way in compliance with the Ohio Manual of Uniform Traffic Control.
2. Large events (estimated at over 500 people, including all concerts and performances, will require a pre-meeting with the Police (524-5247) and Service Department (524-5206) prior to approval. *Note: Requests **WILL NOT** be approved prior to the pre-meeting.*
3. The period of use may not exceed two (2) days without city council approval.
4. At least one legally responsible adult must sign the request.
5. The usage may not discriminate for or against a given class of people.
6. All ordinances that regulate noise **shall** be observed.
7. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.
8. The requestor is responsible for cleanup. Failure to cleanup may result in subsequent requests being denied or a deposit being required. In addition, a cleaning charge may be assessed.
9. Safety staffing levels will be determined by the Oxford Police Division and the requestor may be required to hire police officers.
10. All special conditions specified by department heads must be complied with. Fees may be assessed for special services – see below.
11. Miami University approval is required for student events.
12. NO markings may be made on streets or sidewalks within the public right-of-way.

USE OF PARKS (ALL THOSE ABOVE, PLUS)

1. No motor vehicles may be parked within the area of the park or on any sidewalk.
2. Banners are only permitted on the stage area during the function and must be removed immediately after the event. Tying is the only acceptable way of affixing a banner to the stage area.
3. No signs are permitted.
4. The requestor is responsible for damage to grass, shrubs or trees as a result of the event and agrees to compensate the City of Oxford the cost of repairs and/or replacement.
5. No structure shall be defaced and no structure shall be erected within four (4) feet of the base of a tree or shrub.
6. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.

FEE INFORMATION

No Parking Signs	\$.25 ea.
Trash Cans	\$5.00/ea.**
<i>*When required</i>	
<i>** For Additional cans</i>	
Personnel	
Police Officer(s)	Contact OPD
Sound Technician	\$25.00/hr
Street Dept. Personnel	\$25.00/hr
Electrician	\$100.00
Park & Rec Personnel	Contact OPRD

Road Closures	
Main Street	\$100.00**
US 27 Detour	\$100.00**
<i>**Includes labor</i>	

Sports Fields/Gazebo
Contact OPRD – 523-6314

APPLICANT'S ASSURANCE

I have reviewed the estimated cost for the event and agree to compensate the City for services rendered as specified above. If the event runs past the stated end time, I understand that additional charges will accrue and agree to compensate the City accordingly.

Larry J. Dorem
Applicant's Signature

Date: 11/25/08

CITY USE ONLY

	Service	Hours	Rate	Estimate	Final
1			\$	\$	\$
2			\$	\$	\$
3			\$	\$	\$
4			\$	\$	\$
5			\$	\$	\$
	Total		\$	\$	\$

	Applicant's Initials	Review Date
Police Department		
1		
2		
3		
4		
Fire Department		
1		
2		
3		
4		
Service Department		
1		
2		
3		
4		
Recreation Department (if applicable)		
1		
2		
3		
4		
City Manager		
1		
2		
3		
4		

Pre-Meeting (if applicable): Reviewed with _____ on _____.

Reviewer(s): _____

APPROVAL SECTION (with conditions)

Police Chief: ☒ Approved

☐ Not Approved

SDS 1/12/18

Fire Chief: ☒ Approved

☐ Not Approved

SD 1/22/18

Service Director: ☐ Approved

☐ Not Approved

_____/____

Recreation Director: ☐ Approved

☐ Not Approved

_____/____

City Manager: ☐ Approved

☐ Not Approved

City Manager's Signature

Date: _____

Reason(s) event not approved: