



**AGENDA**  
**OXFORD CITY COUNCIL REGULAR MEETING**

**COURTHOUSE**

**TUESDAY, AUGUST 1, 2023 AT 7:30 PM**

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**Executive Session 6:30 P.M. R.C. 121.22(G)(4) To prepare for, conduct, or review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.**

William Snavelly, Mayor

Chantel Raghu, Vice-Mayor

Jason Bracken

Glenn Ellerbe

Amber Franklin

Alex French

David Prytherch

**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, 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.

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1. Roll Call.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Public Participation.
  - A. Dubno Sister City Update, Mike Smith
  - B. Discussion Item - Annual Review of Council Goals. (Jessica Greene, Assistant City Manager)
  - C. 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. To speak, you may approach the podium and wait to be addressed by the Mayor. You will need to state your name and address for the public record. 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.**

5. Consent Agenda.

All matters under the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion. Any City Council member may, however, remove an item from consent by request. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.

- A. Minutes of the July 18, 2023, City Council meeting (Heather Barbour, Clerk of Council)
- B. Notice to Legislative Authority - Gajanan Inn LLC DBA Colony Food Mart 5284-86 College Corner Pike, 1st Floor Oxford, Ohio 45056. (Doug Elliott, City Manager)

6. Resolutions.

- A. A Resolution accepting the Fact Finder's report and recommendations issued by Tobie Braverman, Fact Finder, on July 28, 2023, in the matter of the collective bargaining agreements between the City of Oxford and the Oxford Patrol Officers F.O.P. Lodge 38 and the City of Oxford and the Oxford Police Sergeants and Lieutenants F.O.P. Lodge 38. (Doug Elliott, City Manager)
- B. A Resolution authorizing the City Manager to enter into a contract with Kings Ford, Inc., for the purchase of a 2023 Ford F-150 Hybrid and with the trade-in of a 2015 Dodge Durango, at a cost not to exceed \$56,650.13. (Michael Dreisbach, Service Director)
- C. A Resolution to utilize up to \$20,000 of American Rescue Plan Funds for the utility and property maintenance fees for City acquired property for Housing and Economic Recovery. (Jessica Greene, Assistant City Manager)

7. 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

B. Second Reading

1. An Ordinance amending and supplementing the Oxford Municipal Code by establishing a new chapter to part 7, business regulation code, chapter 744, creating a tobacco retailer license for the sale of tobacco and paraphernalia products in the City of Oxford. (Jessica Greene, Assistant City Manager)
2. An Ordinance amending the Oxford Municipal Code, Chapter 5, Section 537.16, relating to the illegal distribution of tobacco products to prescribe the minimum legal age of sale for all tobacco products at twenty-one. (Jessica Greene, Assistant City Manager)

8. Announcements & Communications.

A. Municipal Electric Aggregation Program Supplier Discussion

B. Remarks from City Council and City staff.

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

C. Future Meetings.

(Note: Meetings are held at the Court House unless otherwise indicated.)

DATE

Meeting

| 1. | Date   | Meeting                                          | Location           | Time      |
|----|--------|--------------------------------------------------|--------------------|-----------|
|    | Aug 1  | CANCELED- Records Commission Meeting             | Municipal Building | 5:00 p.m. |
|    | Aug 2  | Environmental Commission                         | Municipal Building | 7:00 p.m. |
|    | Aug 8  | Public Arts Commission of Oxford                 | Municipal Building | 4:30 p.m. |
|    | Aug 8  | Planning Commission                              | Courthouse         | 7:00 p.m. |
|    | Aug 9  | Historic & Architectural Preservation Commission | Courthouse         | 6:15 p.m. |
|    | Aug 14 | Oxford Parking & Transportation Advisory Board   | Municipal Building | 9:30 a.m. |
|    | Aug 15 | City Council                                     | Courthouse         | 7:30 p.m. |
|    | Aug 16 | Board of Building Appeals                        | Courthouse         | 5:30 p.m. |

|        |                                                |                     |           |
|--------|------------------------------------------------|---------------------|-----------|
| Aug 17 | Police Community Relations & Review Commission | Courthouse          | 7:00 p.m. |
| Aug 21 | Housing Advisory Commission                    | LCNB Community Room | 3:30 p.m. |
| Aug 22 | Board of Zoning Appeals                        | Courthouse          | 6:30 p.m. |
| Sep 4  | City Offices CLOSED - Holiday                  |                     |           |
| Sep 5  | City Council                                   | Courthouse          | 7:30 p.m. |

9. Adjourn.



**MINUTES**  
**OXFORD CITY COUNCIL REGULAR MEETING**  
**COURTHOUSE**  
**TUESDAY, JULY 18, 2023 AT 7:30 PM**

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**MEETING PROCEDURE:** Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda, and Consent Agenda items, will be heard under Public Comments – and (2) Comments on all Resolutions and Ordinances will be heard during Council consideration of said item. Please wait until you are recognized by the Mayor, 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.

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1. Roll Call.

A regular meeting of the Oxford City Council was called to order by Mayor Snively on Tuesday, July 18, 2023, at 7:30 p.m. Members in attendance were Jason Bracken, Glenn Ellerbe, Amber Franklin, Alex French, David Prytherch, and Chantel Raghu.

Staff Members in Attendance

Mr. Doug Elliott, City Manager; Ms. Jessica Greene, Assistant City Manager; Mr. Geoff Robinson, Police Lieutenant; Mr. Sam Perry, Community Development Director; Mr. Mike Dreisbach, Service Director; Mr. Chris Conard, Law Director; and Ms. Heather Barbour, Clerk of Council.

2. Pledge of Allegiance.

3. Approval of Agenda.

Motion – To Approve the Agenda.  
(Voice Vote) 1st Ms. Raghu 2nd Ms. French  
AYE # 7  
NAY # 0  
ABS # 0

4. Public Participation.

A. Proclamation - The American Cancer Society's Relay for Life Oxford Day

Ms. Jennifer Lake accepted the Proclamation on behalf of the Oxford Relay for Life Committee. Ms. Lake shared how she became involved with Relay for Life in 1999. Ms. Lake mentioned the many ways her committee has raised money over the years. Ms. Lake thanked Mayor Snively and the Council for the Proclamation and invited everyone to attend the luminary event on July 20, 2023.

B. Presentation - Sharefest Update, Ms. Carol Michael

Ms. Carol Michael gave a detailed report and donation totals for Sharefest 2023. Ms. Michael mentioned a few changes the committee plans to make next year to improve the event. Ms. Michael thanked the Sharefest committee, volunteers, City Council, and City Staff for another successful year. Mayor Snively thanked Ms. Michael and the Sharefest Committee for their hard work. Ms. Michael's full report can be found in minutes.

C. Presentation - OPD Tobacco / Vape Enforcement Update (Geoff Robinson, Police Lieutenant)

Lieutenant Robinson presented findings on the 2022 vape enforcement compliance checks. Lieutenant Robinson gave examples of a test process and what Retail Licensing might look like in Oxford. Lieutenant Robinson spoke about products advertised as legal CBD being tested at the crime lab for content. Lieutenant Robinson addressed questions and comments from the Council. Lieutenant Robinson's slides are included in minutes. Mayor Snively thanked Lieutenant Robinson for his presentation.

D. 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. To speak, you may approach the podium and wait to be addressed by the Mayor. You will need to state your name and address for the public record. 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.**

Public Comment - Ann Fuehrer, Dana Drive - Ms. Fuehrer on behalf of Oxford Area Solutions for Housing. Ms. Fuehrer spoke about community-based action planning for a response to and prevention of homelessness in the area. Ms. Fuehrer invited the public to the next meeting on Monday, July 24, 2023, at the Presbyterian Church Seminary Building from 5-7 pm.

Public Comment -Robin Baughman, Ryan Drive - Mr. Baughman spoke about the lack of adult-type stores uptown. Mr. Baughman mentioned he would like to see more stores like the Apple Tree and adult restaurants.

Public Comment -Anne Bailey, 192 Stone Creek Drive - Ms. Bailey spoke on behalf of the Eradicating Systemic Poverty Team of the Oxford Presbyterian Church. Ms. Bailey spoke in support of what Ms. Fuehrer shared and added that she believes shelter, safe and secure shelter is a basic entitlement all people should have, even when they cannot provide it for themselves.

Public Comment -Tom Radomski-Bomba, 6094 Fairfield Road -Mr. Radomski-Bomba spoke as the President of the Union that represents the City's Firefighters, Local 5272 of the International Association of Firefighters. Mr. Radomski-Bomba mentioned not seeing anything on the agenda about a levy and that we are about three weeks away from the deadline to add items to the November ballot. Mr. Radomski-Bomba thanked the Council for their time and consideration.

5. Consent Agenda.

All matters under the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion. Any City Council member may, however, remove an item from consent by request. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.

Motion – To Adopt the Consent Agenda.  
(Voice Vote) 1st Ms. Raghu 2nd Mr. Prytherch  
AYE # 7  
NAY # 0  
ABS # 0

Motion – To Remove Item C.  
(Voice Vote) 1st Mr. Bracken 2nd  
AYE # 7  
NAY # 0  
ABS # 0

Mr. Bracken noticed a minor typo and asked Lieutenant Robinson to provide more information to the public as to how the police obtained this vehicle. Lieutenant Robinson explained that this vehicle was towed in and left behind. Lieutenant Robinson mentioned that after 30 days, the police take ownership through a process with the state.

- A. Minutes of the June 20, 2023, City Council Work Session. (Heather Barbour, Clerk of Council)

- B. Minutes of the June 20, 2023, City Council meeting. (Heather Barbour, Clerk of Council)
  
- C. A Resolution declaring certain City property no longer needed for any municipal purpose as surplus and authorizing its advertisement and sale to the highest bidder at public auction or internet auction. (Geoff Robinson, Police Lieutenant)

6. Resolutions.

- A. A Resolution expressing the City of Oxford's opposition to Issue 1 and support for preserving Ohio's Constitution and Majority Rule. (David Prytherch and Jason Bracken, Councilors)

Motion – To Adopt Resolution No. 7511.  
(Voice Vote) 1st Ms. Raghu 2nd Mr.Prytherch  
AYE # 7  
NAY # 0  
ABS # 0

Mr. Prytherch and Mr. Bracken spoke about the importance of this Resolution and started the discussion.

Public Comment - Kathie Brinkman, 404 Emerald Woods Drive- Ms. Brinkman spoke in favor of this Resolution. Ms. Brinkman thanked the Council for putting this Resolution on the agenda and added," Don't sit this one out."

Public Comment -Stephanie Southard, 111 Ryan Drive- Ms. Southard spoke in favor of this Resolution. Ms. Southard mentioned bond issues that would become an issue if Issue 1 passes. Ms. Southard was pleased to see a waiting line at the board of elections when she voted.

Public Comment -Elizabeth Wardle, Lantern Ridge-Ms. Wardle spoke in favor of this Resolution. Ms. Wardle thanked the Council for putting this Resolution on the agenda. Ms. Wardle gave several examples of amendments that passed with less than 60%.

- B. A Resolution authorizing the sister city agreement of partnership between the City of Dubno and the City of Oxford and authorizing the Mayor to sign the agreement on behalf of the City. (Doug Elliott, City Manager)

Motion – To Adopt Resolution No. 7512.

(Voice Vote) 1st Ms. Raghu 2nd Mr. Prytherch

AYE # 7

NAY # 0

ABS # 0

Mr. Elliott presented the staff report and addressed questions and comments from the Council.

Public Comment - Jim Sandlin, 105 Olde Farm Road- Mr. Sandlin spoke in favor of this Resolution and the next. Mr. Sandlin is pleased that the City of Oxford will show encouragement to the People of Dubno in a very practical way.

- C. A Resolution authorizing an agreement for a sister city relationship memorandum of understanding between the City of Dubno, Rivne Oblast, Ukraine, and the City of Oxford and authorizing the Mayor to sign the memorandum of understanding on behalf of the City. (Doug Elliott, City Manager)

Motion – To Adopt Resolution No. 7513.

(Voice Vote) 1st Ms. Raghu 2nd Ms. French

AYE # 7

NAY # 0

ABS # 0

Mr. Elliott presented his staff report and addressed questions and comments from the Council.

Public Comment -None.

- D. A Resolution adopting a statement indicating the services the City of Oxford, Ohio, will provide to the territory proposed to be annexed to the City of Oxford, Ohio, pursuant to a petition filed with the board of County Commissioners of Butler County, Ohio, as provided by Ohio Revised Code Section 709.023(C). (Doug Elliott, City Manager)

Motion – To Adopt Resolution No. 7514

(Voice Vote) 1st Ms. Raghu 2nd Ms. French

AYE # 7

NAY # 0

ABS # 0

Mr. Elliott presented his staff report and addressed questions and comments from the Council.

Public Comment -Robin Baughman, Ryan Drive- Mr. Baughman asked if the income from the Fairfield Hotel would cover the cost of the services.

Public Comment -Paul Orrell, owner of 508 N Campus Ave- Mr. Orrell asked if the annexation were to go through, does the City get involved with the regulations of the construction of the Fairfield Inn?

- E. A Resolution regarding the zoning buffers in a proposed annexation of property containing 6.726 acres from Oxford Township, Butler County, Ohio, to the City of Oxford, Butler County, Ohio, Pursuant to the requirement of section 709.023(C) of the Ohio Revised Code. (Doug Elliott, City Manager)

Motion – To Adopt Resolution No. 7515.  
(Voice Vote) 1st Ms. Raghu 2nd Ms. French  
AYE # 7  
NAY # 0  
ABS # 0

Mr. Elliott presented his staff report and addressed questions and comments from the Council.

Public Comment -None.

- F. A Resolution authorizing the City Manager to enter into an agreement with Chapman Ford for the purchase of five (5) – 2023 Ford Interceptor Utility Vehicles for use in the Police Division at a cost not to exceed \$245,000.00. (Geoff Robinson, Police Lieutenant)

Motion – To Adopt Resolution No. 7516.  
(Voice Vote) 1st Ms. Raghu 2nd Ms. French  
AYE # 7  
NAY # 0  
ABS # 0

Lieutenant Robinson presented his staff report and addressed questions and comments from the Council.

Public Comment - None.

- G. A Resolution authorizing the City Manager to apply for a \$60,000 Interact for Health grant to support the proposed Tobacco Retail Licensing program. (Jessica Greene, Assistant City Manager)

Motion – To Adopt Resolution No. 7517.  
(Voice Vote) 1st Ms. Raghu 2nd Ms. Franklin  
AYE # 7  
NAY # 0  
ABS # 0

Ms. Greene presented her staff report and addressed questions and comments from the Council.

Public Comment - Robin Baughman, Ryan Drive- Mr. Baughman asked what problem would we be solving with this Resolution. Mr. Baughman mentioned that vaping and smoking aren't illegal, but underage use is.

7. 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 Ordinance No. 3697 Supplemental Budget Ordinance Number 4 to make supplemental appropriations for fiscal year 2023. (Heidi Hill, Acting Finance Director)

Mr. Elliott presented the staff report and addressed questions from the Council.

Public Comment -None.

Motion – To Suspend the Second Reading of Ordinance No. 3729.  
(Roll Call Vote) 1st Mr. Ellerbe 2nd Mr. Bracken

AYE # 7  
NAY # 0  
ABS # 0

Motion – To Adopt Ordinance No. 3729.  
(Roll Call Vote) 1st Ms. French 2nd Mr. Ellerbe

AYE # 7

Mr. Ellerbe, Ms. Franklin, Ms. French, Mr. Prytherch, Ms. Raghu, Mr. Bracken, and Mayor Snavelly.

NAY # 0

ABS # 0

2. An Ordinance amending and supplementing the Oxford Municipal Code by establishing a new chapter to part 7, business regulation code, chapter 744, creating a tobacco retailer license for the sale of tobacco and paraphernalia products in the City of Oxford. (Jessica Greene, Assistant City Manager)

Ms. Greene presented her staff report and addressed questions from the Council.

Public Comment -Stephaine Southard, Ryan Drive- Ms. Southard asked how many vape shops are located in the mile square. Ms. Southard asked if fees are currently being paid by tobacco licensures, whether they're in supermarkets or gas stations.

3. An Ordinance amending the Oxford Municipal Code, Chapter 5, Section 537.16, relating to the illegal distribution of tobacco products to prescribe the minimum legal age of sale for all tobacco products at twenty-one. (Jessica Greene, Assistant City Manager)

Ms. Greene presented her staff report and addressed questions from the Council.

Public Comment - Stephaine Southard, Ryan Drive- Ms. Southard wanted to verify the current minimum legal age is 21.

## B. Second Reading

1. An Ordinance granting upon annexation the request of the Ohio Association of Regular Baptist Churches to connect to and/or extend the City water and sanitary utilities to serve a proposed 92-unit hotel at 525 North Campus Avenue outside the Oxford Corporate Limits. (Michael Dreisbach, Service Director) **Postponed at the June 20, 2023, City Council Meeting at Applicant's and Owner's Request**

Mr. Dreisbach presented his staff report and commented on the changes made since the first reading. Mr. Dreisbach addressed questions and comments from the Council.

Public Comment -None.

Motion – To Amend Ordinance No. 3727. Amending Section 1 by changing 6 feet to 6 inches and adding to serve a 92-unit hotel after attached hereto.

(Voice Vote) 1st Mr. Prytherch 2nd Mr. Ellerbe

AYE # 7

NAY # 0

ABS # 0

Motion – To Adopt Ordinance No. 3727.

(Roll Call Vote) 1st Ms. Raghu 2nd Mr. Prytherch

AYE # 7

Ms. Franklin, Ms. French, Mr. Prytherch, Ms. Raghu, Mr. Bracken, Mr. Ellerbe, and Mayor Snaveley.

NAY # 0

ABS # 0

8. Announcements & Communications.

A. Remarks from City Council and City staff.

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B. Future Meetings.

(Note: Meetings are held at the Court House unless otherwise indicated.)

DATE Meeting

|    |         |                                   |                    |           |
|----|---------|-----------------------------------|--------------------|-----------|
| 1. | Date    | Meeting                           | Location           | Time      |
|    | July 20 | Climate Action Steering Committee | Municipal Building | 8:30 a.m. |

|         |                                                  |                    |           |
|---------|--------------------------------------------------|--------------------|-----------|
| July 25 | Board of Zoning Appeals - CANCELED               | Courthouse         | 6:30 p.m. |
| Aug 1   | City Council                                     | Courthouse         | 7:30 p.m. |
| Aug 2   | Environmental Commission                         | Municipal Building | 7:00 p.m. |
| Aug 8   | Public Arts Commission of Oxford                 | Municipal Building | 4:30 p.m. |
| Aug 8   | Planning Commission                              | Courthouse         | 7:00 p.m. |
| Aug 9   | Historic & Architectural Preservation Commission | Courthouse         | 6:15 p.m. |
| Aug 14  | Oxford Parking & Transportation Advisory Board   | Municipal Building | 9:30 a.m. |
| Aug 15  | City Council                                     | Courthouse         | 7:30 p.m. |
| Aug 17  | Police Community Relations & Review Commission   | Courthouse         | 7:00 p.m. |

9. Adjourn.

Motion – To Adjourn at 9:47 pm.  
 (Voice Vote) 1st Ms. Raghu 2nd Ms. French  
 AYE # 7  
 NAY # 0  
 ABS # 0

**ShareFest**  
**2023 Annual Report to Oxford City Council**

Presented by Carol Michael  
President of the ShareFest Board of Directors  
Tuesday, July 18, 2023

The **2023 ShareFest** was held on Thursday, May 11 through Tuesday, May 16.

**Section 1: Quantities Collected**

We picked up materials from all residence halls on campus and accepted drop offs at our Chestnut Fields Parking Lot location from off campus students and community members.

This year we diverted over **79 tons** of food, clothing, furniture, household goods, and e-waste from the landfill.

Our beneficiary groups included:

- GoodWill which received 7 trailers full of goods
- TOPSS which received 3,624 pounds of food for their clients in addition to 1,579 pounds of materials which were passed along to several families connected with the Family Resource Center
- Open Hands Pantry in Hamilton which received an estimated 9.75 tons of food and materials to support their operation
- Parkview Arms Resident Council which received approximately 1,200 pounds of furniture and household goods for a number of families in their community
- Cohen Recycling which hauled away 8 gaylords of e-waste including 2 full buckets of batteries
- Butler County Success which received 1,150 pounds of materials for students and families from several schools across Butler County
- And also Thread Up Oxford which received some shelving units and hangers for their operation

**Section 2: Volunteers**

We are proud of the nearly 50 volunteers from the community who helped make ShareFest possible including my fellow ShareFest Board members:

Sam Perry, Secretary  
Karen Baker, Treasurer  
Rob Abowitz, Chair of Planning Committee  
Chantel Raghu  
Shana Rosenberg  
and, Olivia Herron, the new Director of Sustainability at Miami University

Site Coordinators      Carla Blackmar Rice  
                                 Alice Latsch - TOPSS

Pick Up Volunteers    Kate Rousmaniere - Parkview Arms Resident Association  
                                 Jamie Priessman from Parkview Arms residents  
                                 Jane Fields

Steve Chaffin  
Jon Rolinovsky  
Suzy Hummel (TOPSS)  
Brittany Marissa (Delta Sigma Pi)  
Linda Simmons (TOPSS)  
Sherry Martin (TOPSS)  
And several others from TOPSS and our community at large.

There were 26 volunteers from Open Hands Food Pantry in Hamilton.

We also had approximately 10 paid staff from GoodWill of Greater Cincinnati including two supervisors.

We had fewer volunteers this year than previous years, mostly because several Talawanda athletic teams were unavailable this year due to their competition schedule during ShareFest.

### **Section 3: Marketing**

- With the help of 45 Miami student volunteers, we hung 2000 color door tags on rental properties across Oxford to remind them to participate in ShareFest.
- In coordination with the Miami ASG Secretary of Off Campus Affairs, we sent two emails to over 7500 off campus Miami students.
- We posted about ShareFest on several Facebook pages including Miami Parents & Families, Oxford Talk, and Oxford Neighborhood Share.
- The City of Oxford provided information about ShareFest in its Move-Out Guide on the City website and social media.
- We sent an email to Oxford landlords.
- We posted several times in the Miami Student Life Instagram account.
- We hung posters on almost 200 dumpsters throughout the City of Oxford.
- Our partners at GoodWill also sent marketing emails and social media posts.

### **Section 4: Expenses**

Our expenses continue to be very modest thanks to gifts in kind from the City of Oxford which provided two roll-off dumpsters for damaged and unacceptable donations and Miami University which permitted the use of a section of Chestnut Fields Parking Lot, provided signage for the lot and permitted the use of a service vehicle for doing pick-ups and drop-offs. Our partners at Thread Up Oxford also provided the use of their large van for doing pick-ups.

Our other expenses which amounted to under \$500 were covered by past donations from individuals and churches in the City of Oxford.

### **Section 5: Off Campus Student and Community Donations**

This year we recorded over 520 drop-offs of donations from students who live off campus and their parents and members of the Oxford community. This was almost double the number of drop-offs from 2022. We believe that this increase was caused by increased awareness among students and community members

active participation in the e-waste component of ShareFest. Once again, free e-waste recycling was enabled by our partner at Butler County Recycling and Solid Waste.

#### **Section 6: Apartment Complex Pick-Up Sites**

This year we piloted an initiative to establish donation sites in the rental offices of several large apartment complexes. Participating this year were Level 27, The Annex, The Commons, Oxford West, Hawks Landing, The Verge, and Chestnut Place apartment complexes. The response was modest but we are optimistic that more students in these complexes will take advantage of these new drop-off sites in future years.

#### **Section 7: Implications for the Future**

Overall it was a very successful year for ShareFest. During our annual debrief meeting with beneficiary groups, volunteers and the Board we discussed several topics for future consideration including:

##### **A. Getting materials to individuals and families in Oxford**

Some residents of Oxford remember years ago when ShareFest gave a majority of items to the Family Resource Center which held a sale that was very popular among the community. A sale is no longer held for a variety of reasons (no location available, many volunteers needed, etc.) yet we still seek ways to support low-income families in our immediate community. We may explore inviting families and individuals to make their needs known to TOPSS or the Family Resource Center such that materials can be set aside for them. Storage and transportation continue to be barriers for meeting this goal.

##### **B. Diverting more mattresses from the landfill**

Next year we plan to collaborate with NewLife Furniture in Cincinnati. We have already made contact with this agency which may be able to help us divert dozens if not hundreds of unwanted, good-condition mattresses from the landfill.

##### **C. Diverting more furniture from off campus students**

Still, as we drive around town during and immediately after Miami's graduation, we see what appears to be still-useful furniture on curbs and in dumpsters in spite of our efforts to reach students and encourage participation in ShareFest. The shortage of able-bodied volunteers in our community with vehicles suitable for moving furniture continues to be a challenge.

We continue to appreciate the partnership with the City of Oxford and welcome your continued support and guidance in this important endeavor.



# Vape Task Force

## *Oxford Division of Police*

Oxford City Council Meeting // 18 JUL 2023

### Identified need

- Increased complaints from parents
- Observations from officers – Specifically SROs
- Test process for potential TRL legislation
- Follow-up to 2022 compliance checks
  - March 2022 – 6 passed, 2 failed
  - August 2022 – 10 passed, 2 failed

Oxford City Council 18 JUL 2023

## Complaints from Parents



- Police Chief's Office receives complaints from community members asking for help
- Social media unit sees direct/indirect complaints
- Officers are dispatched to homes to talk with families, collect devices

Oxford City Council 18 JUL 2023

## SRO Observations / Reports



- School Resource Officer Observations
  - TMS – Estimated 87 Vape devices collected.
  - THS – Estimated 124 Vape devices collected.
    - 23 contained marijuana products
    - Multiple disruptions reported over trading, selling, holding vape devices

Oxford City Council 18 JUL 2023

## Test Process, Retail Licensing



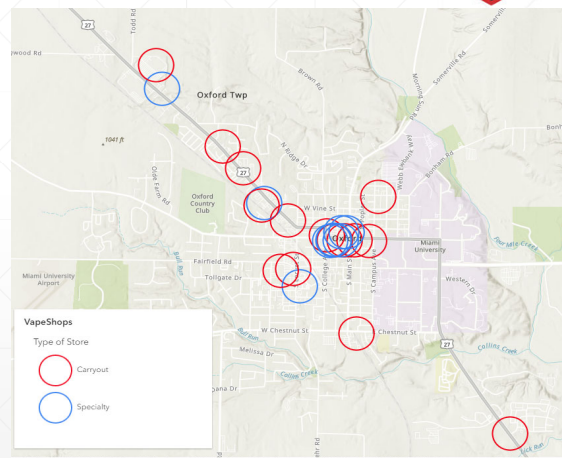
- What would regular citywide compliance checks look like?
- Can the police department manage compliance?
- What is being sold in the open market?
- What are stores actually selling? Tobacco, CBD, THC products?

Oxford City Council 18 JUL 2023

## Vape Task Force



- 1 Sergeant, 5 Officers
- Identify all retail locations for tobacco sales in Oxford, OH
- Purchase for testing Delta 8, Delta 9 – THC
- Compliance checks with under 21 informants



Oxford City Council 18 JUL 2023

## Vape Task Force

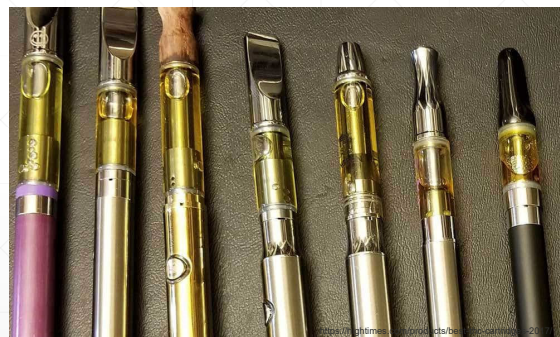
- 9 shops in Oxford dedicated to tobacco, vape, smoking related products.
- 15 stores in Oxford sell tobacco and/or vape products secondary to other products. (gas stations, convenience stores, etc.)



Oxford City Council 18 JUL 2023

## Vape Task Force

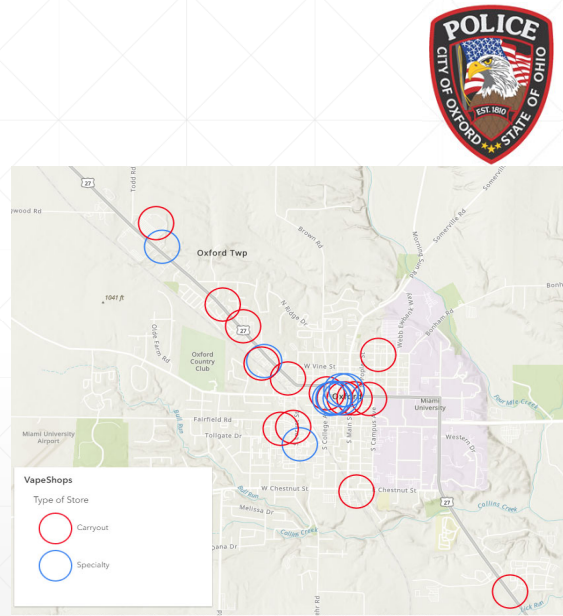
- Plain clothes officers made purchases of products advertised as legal CBD
  - Products at crime lab for testing
- Trend of mislabeled products seen across the region, must follow a prescribed process for charges to be filed



Oxford City Council 18 JUL 2023

## Vape Task Force

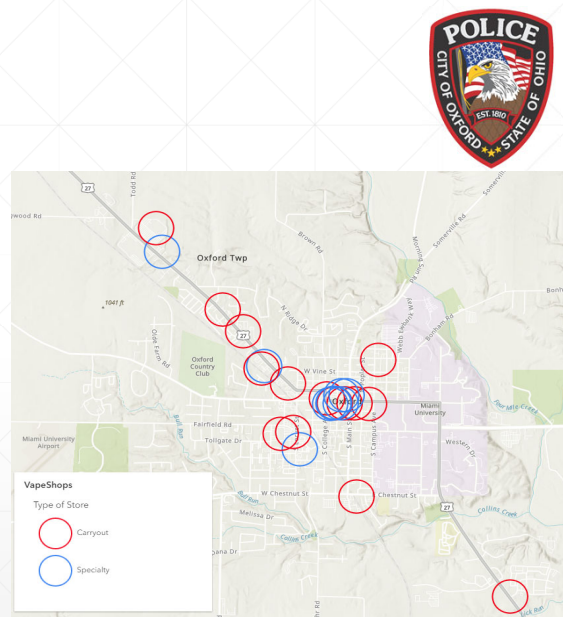
- Compliance checks completed in four (4) rounds
- 55 attempts to purchase tobacco products made
- 48 attempts passed, no sale
- 7 attempts failed, positive sale
  - Of 7 fails, **4 were from 1 store**
- Follow-ups to retailers began this week



Oxford City Council 18 JUL 2023

## Moving Forward

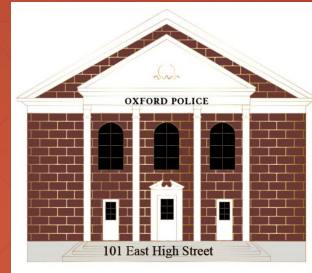
- Issue findings to stores, filing complaints where necessary
- Conduct compliance checks in Fall 2023
- Assist Community Dev. with TRL rollout as needed



Oxford City Council 18 JUL 2023

# Questions or Comments

Oxford City Council 18 JUL 2023





The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | City Manager                                                                                                                                                   |
| <b>PREPARED BY:</b>                     | Doug Elliott                                                                                                                                                   |
| <b>DATE PREPARED:</b>                   | 7/28/2023                                                                                                                                                      |
| <b>COUNCIL MEETING DATE:</b>            | August 1, 2023                                                                                                                                                 |
| <b>AGENDA TITLE:</b>                    | Notice to Legislative Authority - Gajanan Inn LLC DBA Colony Food Mart 5284-86 College Corner Pike, 1st Floor Oxford, Ohio 45056. (Doug Elliott, City Manager) |
| <b>COUNCIL GOAL AREA:</b>               |                                                                                                                                                                |
| <b>BUDGETED AMOUNT:</b>                 |                                                                                                                                                                |
| <b>ACCOUNT CODE:</b>                    |                                                                                                                                                                |
| <b>RECOMMENDATION:</b>                  | Approval                                                                                                                                                       |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | DRE                                                                                                                                                            |

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### DISCUSSION:

Transfer of Permit No. 2998351 from Rajvi Inc DBA Colony Food Mart 5284-86 College Corner Pike, 1st FL Oxford, Ohio 45056 to Gajanan Inn LLC DBA Colony Food Mart 5284-86 College Corner Pike, Oxford, Ohio 45056.

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

|               |     |                |                                                                                                |
|---------------|-----|----------------|------------------------------------------------------------------------------------------------|
| 2998351       |     | TRFO           | GAJANAN INN LLC<br>DBA COLONY FOOD MART<br>5284-86 COLLEGE CORNER PK 1ST FL<br>OXFORD OH 45056 |
| PERMIT NUMBER |     | TYPE           |                                                                                                |
| 06            | 01  | 2023           |                                                                                                |
| ISSUE DATE    |     |                |                                                                                                |
| 07            | 10  | 2023           |                                                                                                |
| FILING DATE   |     |                |                                                                                                |
| C2 C2X D6     |     | PERMIT CLASSES |                                                                                                |
| 09            | 088 | A              | F29836                                                                                         |
| TAX DISTRICT  |     |                | RECEIPT NO.                                                                                    |

FROM 07/26/2023

|               |     |                |                                                                                            |
|---------------|-----|----------------|--------------------------------------------------------------------------------------------|
| 7177849       |     |                | RAJVI INC<br>DBA COLONY FOOD MART<br>5284-86 COLLEGE CORNER PK 1ST FL<br>OXFORD OHIO 45056 |
| PERMIT NUMBER |     | TYPE           |                                                                                            |
| 06            | 01  | 2023           |                                                                                            |
| ISSUE DATE    |     |                |                                                                                            |
| 07            | 10  | 2023           |                                                                                            |
| FILING DATE   |     |                |                                                                                            |
| C2 C2X D6     |     | PERMIT CLASSES |                                                                                            |
| 09            | 088 |                |                                                                                            |
| TAX DISTRICT  |     |                | RECEIPT NO.                                                                                |

RECEIVED

RECEIVED JUL 28 2023  
City of Oxford



MAILED 07/26/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 08/28/2023

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 2998351**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF OXFORD CITY COUNCIL  
15 SOUTH COLLEGE AVE  
OXFORD OHIO 45056



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | City Manager                                                                                                                                                                                                                                                                                                                                                                       |
| <b>PREPARED BY:</b>                     | Doug Elliott                                                                                                                                                                                                                                                                                                                                                                       |
| <b>DATE PREPARED:</b>                   | 7/19/2023                                                                                                                                                                                                                                                                                                                                                                          |
| <b>COUNCIL MEETING DATE:</b>            | August 1, 2023                                                                                                                                                                                                                                                                                                                                                                     |
| <b>AGENDA TITLE:</b>                    | A Resolution accepting the Fact Finder's report and recommendations issued by Tobie Braverman, Fact Finder, on July 28, 2023, in the matter of the collective bargaining agreements between the City of Oxford and the Oxford Patrol Officers F.O.P. Lodge 38 and the City of Oxford and the Oxford Police Sergeants and Lieutenants F.O.P. Lodge 38. (Doug Elliott, City Manager) |
| <b>COUNCIL GOAL AREA:</b>               | Essential Operations                                                                                                                                                                                                                                                                                                                                                               |
| <b>BUDGETED AMOUNT:</b>                 |                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>ACCOUNT CODE:</b>                    |                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>RECOMMENDATION:</b>                  | Approval                                                                                                                                                                                                                                                                                                                                                                           |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | DRE                                                                                                                                                                                                                                                                                                                                                                                |

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### DISCUSSION:

Labor agreements with the Police Sergeants/Lieutenants and Patrol Officers expired on December 31, 2022. Negotiating targets were discussed with City Council in executive session before the October 4, 2022 Council meeting. Multi-unit bargaining began in November of 2022. The parties reached an impasse on several items and agreed to mediation. Mediation was held on April 12, 2023 and no agreement was reached on several items.. The next step was fact finding which occurred on July 13, 2023. In fact finding both parties provide a written statement defining all unresolved issues and summarizing the position of the party with regard to each unresolved issue. The fact finder holds a hearing with both parties presenting their position on the issues. The fact finder issues a report stating her finding on each unresolved issue. The City received this report on July 28, 2023. Each party has seven days to accept or reject the report. An executive session to review the report with City Council is scheduled before our August 1, 2023 meeting. The City Council must vote to accept or reject the report. On the legislative agenda, is a resolution to accept the fact finder report. If Council chooses to reject the fact finder report, the word accept can be replaced with reject in the resolution. In order for a fact-finding report to be rejected, at least one party must have 3/5 of its eligible voters vote to reject the

recommendations (5 of 7 councilors).

The Fact Finder's report was not received by 3:15 pm on Friday, July 28, 2023. Once the Fact Finder's report has been received, it will be available online. [City of Oxford Public Portal](#).

The Fact Finder's report was added to the packet on Monday, July 31, 2023.

## RESOLUTION NO.

A RESOLUTION ACCEPTING THE FACT FINDER'S REPORT AND RECOMMENDATIONS ISSUED BY TOBIE BRAVERMAN, FACT FINDER, ON JULY 28, 2023, IN THE MATTER OF THE COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY OF OXFORD AND THE OXFORD PATROL OFFICERS F.O.P. LODGE 38 AND THE CITY OF OXFORD AND THE OXFORD POLICE SERGEANTS AND LIEUTENANTS F.O.P. LODGE 38.

WHEREAS, the City and the Oxford Patrol Officers F.O.P. Lodge 38 and the City and the Oxford Sergeants and Lieutenants F.O.P. Lodge 38 were unable to resolve all issues in their recent labor negotiations, as a result of which the unresolved issues were submitted to fact-finding; and

WHEREAS, the City Manager has reviewed the Fact Finder's report and recommendations with City Council in executive session.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: The Council of the City of Oxford accepts the Fact Finder's report and recommendations based upon its review thereof with the City Manager in executive session.

SECTION 2: The Fact Finder's report and recommendations issued by Tobie Braverman, Fact Finder, on July 28, 2023, as set forth in Exhibit "A" attached hereto and incorporated herein by reference, is hereby accepted.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio revised code.

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

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)

**FACT FINDING REPORT  
STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD  
JULY 28, 2023**

In the Matter of:

**CITY OF OXFORD POLICE OFFICERS,  
FOP LODGE 38  
P A T R O L   O F F I C E R S   &  
SERGEANTS/LIEUTENANTS**

**CASE NO: 2022-MED-09-0908  
2022-MED-09-0909**

and

**CITY OF OXFORD, OHIO**

**REPORT AND RECOMMENDATIONS OF FACT-FINDER  
TOBIE BRAVERMAN**

**APPEARANCES**

For the Employer:

Benjamin A. Mazer, Assistant Law Director  
Douglas R. Elliott, Jr., City Manager  
Jessica Greene, Assistant City Manager  
John Jones, Police Chief  
Heidi Hill, Acting Finance Director

For the Union:

R. Jessup Gage, Attorney  
Jeffrey Gray, Attorney  
Geoff Robinson, Supervisors' President  
Matthew Hardin, Patrol Officers' President  
Ryan Sikoff, Union Representative  
Adam Price, Union Representative  
Scott Campbell, Union Representative  
Kevin Dinkelacker, Attorney  
Adam Drapcho, Law Clerk

## **INTRODUCTION**

The undersigned was selected by the parties and appointed by SERB by letter dated May 22, 2023 to serve as Fact-Finder in the matters of the City of Oxford Police Officers, FOP Lodge 38 and Oxford Police Sergeants and Lieutenants, FOP Lodge 38 (hereinafter referred to as "Unions") and City of Oxford (hereinafter referred to as "Employer" and "City") pursuant to OAC 4117-9-5(D). The parties agreed to extend the deadline for the Fact Finder's Report and Recommendations until July 28, 2022. Hearing was held at Oxford, Ohio on July 13, 2023. The Unions were represented by R. Jessup Gage, Attorney, and the Employer was represented by Benjamin A. Mazer, Assistant Law Director. The Fact-Finder offered mediation prior to hearing, but the Union declined. The matter proceeded to hearing on all outstanding issues and was submitted to the Fact-Finder based upon the documentary evidence, testimony presented and discussions had during the course of the day. The parties have executed a 4117.14(G)(11) waiver regarding wage increases. The parties have additionally agreed to delivery of the Fact-Finder's Report and Recommendations via email.

## **FACTUAL BACKGROUND**

The Employer is the City of Oxford which is located in Southwest, Ohio in Butler County. According to the most recent census data, its population is 23,000. The City is dominated by the presence of Miami University which is the largest employer and had a student enrollment of just under 20,000 in 2023. Because of the large influx of students, the City's population swells during the academic year and shrinks significantly over the summer months.

The command and patrol sworn officers of the City's Police Department are both represented by FOP Lodge 38, but are party to two separate Collective Bargaining Agreements with the City. All other City employees are unrepresented. The patrol bargaining unit currently includes twenty full-

time officers, and the supervisor's bargaining unit is comprised of eight full-time sergeants and lieutenants. Both Collective Bargaining Agreements ("CBA") expired on December 31, 2022. The two bargaining units bargained together, and after a number of bargaining sessions, the parties reached impasse and submitted the matter to Fact-Finding. The parties have agreed that the effective date of a new Agreement, including any wage increases will be retroactive to January 1, 2023.

All tentative agreements made between the parties are deemed to have been incorporated herein, are adopted as part of the parties' final agreement and are attached hereto as Exhibit A.

The unresolved issues are as follows:

#### PATROL OFFICERS

Article I Section 2 - Recognition - Part-time Officers

Article III & Appendix A - Wages & Wage Schedule

Article IX - Leaves

Article X - Sick Leave and Recuperative Leave

Article XI - Life and Health Insurance

Article XII - Longevity Pay

Article XVII - Investigation of Officers

#### SERGEANTS & LIEUTENANTS

Article III & Appendix A - Salary & Salary Schedule

Article IX - Leaves

Article X - Sick Leave and Recuperative Leave

Article XI - Life and Health Insurance

Article XII - Longevity Pay

Article XVII - Investigation of Officers

Unless noted otherwise, the recommendations below are intended to apply to both CBA's. Based upon the considerations enumerated in Ohio Revised Code §4117.14 including past collectively bargained agreements between the parties, comparison of the issues submitted relative

to other public employees doing comparable work, the interests and welfare of the public, the ability of the Employer to finance and administer the issues proposed, the effect of the adjustments on the normal standard of public service, the lawful authority of the Employer, other factors traditionally considered in the determination of issues submitted, the Fact-Finder makes the following recommendations.

## **ISSUES**

### **ARTICLE I Recognition (Patrol unit)**

#### **Section 2 Part Time Officers**

Union Position: The Union initially proposed the elimination of all part-time employees, but amended its proposal to reduce the current annual \$100,000. limit on expenditures for part-time officers to \$50,000. There are currently only two part-time officers, with one having been hired just before hearing in this matter, and the Employer has not ever reached the \$100,000. limit during the term of the current CBA. This indicates a lack of need for part-time officers and demonstrates that the current expenditure limit is unnecessary. According to Lieutenant Geoff Robinson, who oversees staffing matters as part of his duties, part-time officers are time consuming to train, difficult to schedule and have a negative impact on morale. The Union therefore seeks the reduction in their permitted use, and ultimately the elimination of part-time officers.

Employer Position: The current contractual language includes a cap on the amount which may be expended for the employ of part-time officers to \$100,000. per year. The fact that the Employer has not utilized the full amount indicates that the language is not an attempt to erode the bargaining unit as the Union alleges. The use of part-time officers does, however, give the Employer some needed flexibility in scheduling. The ability to hire part-time officers is also a valuable recruiting tool since it gives the Employer the opportunity to both offer part-time employment for those who may not wish to work full time and to evaluate part-time employees who it may wish to

hire as future full-time officers. The language should therefore remain unchanged.

Discussion: The Union seeks to reduce the current annual expenditure limit on part-time officers, arguing that since the Employer has not used the full amount permitted, it should be reduced by half. As noted, there are currently only two part-time officers, and there was no evidence of a plan to increase that number in the immediate future or to replace full-time officers with part-time ones. The Employer, however, seeks to maintain the current language in the interest of flexibility in scheduling and recruiting. Both arguments have some legitimacy. Despite the validity of both parties' arguments, there was no evidence that there is any imminent risk of erosion of the bargaining unit or significant deleterious impact on morale through the Employer's use of part-time employees. The ability to hire a limited number of part-time officers does, however, allow the Employer to have some flexibility in recruitment and scheduling. In the absence of some actual or impending harmful impact on the bargaining unit, there does not appear to be any significant reason to alter the part-time expenditure limit. It is finally noted that in the 2020 negotiations the Employer sought to increase the expenditure limit for part-time employees. This Fact-Finder determined that there was insufficient evidence to support the need for such an increase. The same rationale pertains to the reduction sought by the Union here.

Recommendation: Current Language

### **ARTICLE III & Appendix A - Wages (Patrol)**

Union Position: The Union proposes a 6% increase in wages effective on January 1 in each year of the CBA. Lieutenant Geoff Robinson, who is involved in hiring testified that staffing has become a bit of a challenge due to the increased time required for administrative duties, which takes away from time spent on patrol. In recent years there has been an increase in the number of officers leaving the Employer for other agencies, with three leaving since 2020. Additionally, applications for employment have steadily decreased. As a result, recruitment and retention are important considerations in the determination of wages. The Employer is in a very

solid financial condition, and the Employer has made no contention of any inability to pay. The Employer's tax collections, other than in 2020, have consistently risen. The Employer has a General Fund carry over of approximately 63%. The Employer can undoubtedly afford the \$70,000. difference between the Union's proposal and the Employer's proposal. There is a definite need for good quality police officers, and there are fewer candidates overall. Because of this shortage, many jurisdictions are dramatically raising wages. As a result, it is necessary to increase wages substantially to recruit and retain officers. The Union advances five political jurisdictions, which are in Butler and contiguous counties, as comparable based on population and median household value. Among those jurisdictions, the Employer is below the average wage by 12.35% and ranks sixth in wages before any wage increase. Additionally, those jurisdictions will be receiving an average wage increase of 4.95% in 2023 and an average of 3% in the following two years. In Loveland and Monroe, the increase in 2023 are 8% and 7% respectively. A minimum of a 4.95% increase will be necessary to keep this group from falling further behind comparable departments. The Union's proposed increase will bring this group more in line with comparable jurisdictions.

Employer Position: The Employer proposes a wage increase in the amount of 4% effective January 1, 2023; 3% effective January 1, 2024 and 3% effective January 1, 2025. The Employer advances all other represented political subdivisions in Butler County, of which there are seven, as the appropriate jurisdictions with which to compare the City of Oxford. In utilizing those seven jurisdictions as comparables, the Employer notes that this group would be above both the average entry wages of \$60,728.03 by just under \$7,900. and below the top wage of \$81,627.75 by just over \$900. In actual wage numbers, this group would be second only to the City of Fairfield, which has a substantially greater population, at the entry level, by only just over \$100. The entry level wage is important in order to attract and retain candidates. While the Employer's wage at the top level is not as high as some jurisdictions, specifically the cities of Fairfield and West Chester, these jurisdictions both have substantially greater populations and

different tax bases than the Employer's, and it is simply not realistic to expect the Employer to be able to match their rates. In looking at the SERB wage report, the state wide average for increases in 2023 is 3.06% and 2.8% for 2024. The proposed increase here is above those state wide averages. It is also important to note that the Employer has already agreed to increases in detective on call pay, shift differential pay and training officer pay. The increase proposed by the Union would cost an additional \$70,000 per year over the Employer's proposal at a time when other expenditures are steadily increasing.<sup>1</sup> The Employer will be purchasing five new cruisers which have already been delayed. The General Fund must be used for a variety of expenditures, and the Employer must be mindful of those other needs.

Discussion: As noted above, there is no issue of ability to pay on the Employer's part. The Employer is financially sound, operates with a substantial annual carry over balance and is able to complete large projects and purchases without borrowing. While it was not discussed in any depth by the parties, it is noted that recent inflation must be considered as a factor in what is fair and equitable in wage increases. While inflation has slowed to approximately 3% in recent months, there is no doubt that it has reduced the spending power of all wages since its onset in the wake of the pandemic. There is also no question that recruitment and retention of safety forces has become a serious issue across the state. While, as the Employer notes, not all officers who move to other departments do so because of wages alone, it is unquestionably a significant driver of those decisions. The uncontested testimony from Lieutenant Robinson, was that while in the past the Employer was known for being a department at which officers stayed until retirement, in the past three years, three officers have left for employment with other law enforcement agencies. While there has certainly not been a mass exodus, this represents a concerning trend.

The parties here have both placed great emphasis on comparable jurisdictions as the basis

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<sup>1</sup> This figure relates to the total for both CBA's.

for their respective wage proposals. As is frequently the case, while there is some overlap between the political subdivisions selected as comparable, there is a significant disparity between the jurisdictions selected as comparable by the parties. While the Employer has relied on jurisdictions exclusively with Butler County, the Union has utilized jurisdictions within Butler County and contiguous counties with comparable population sizes and median household value. These differing approaches, while both legitimate, lead to different results when the wages of this bargaining unit are compared. Ultimately, it is clear that with a wage increase of 4% or more, this group will remain at neither the top nor the bottom of the comparable jurisdictions relied upon by the parties.

Ultimately, the Fact-finder's decision here is driven by consideration of inflationary pressure and remaining competitive for purposes of recruitment and retention. While comparable jurisdictions are important for these considerations, in the final analysis, no two jurisdictions are identical. In fact, Oxford is unique among the entities advanced by both parties because it is the only one which is a college town dominated by a major university. This results in a population which swells during the academic year and shrinks in the summer months. This cannot be said for any of the jurisdictions selected as comparable by the parties. Nonetheless, the Employer must be able to recruit and retain quality officers, and the wages of officers must be able to keep up with inflation. These factors, taken together with the fact that the Employer is in a very sound financial condition, ultimately dictate a generous increase. The Fact-finder is persuaded that an increase more substantial than that proposed by the Employer is necessary to keep the patrol officers competitive and recoup some of the buying power lost through recent inflation. On the other hand, increases in the percentages proposed by the Union go beyond what is necessary to maintain competitive rates, particularly in light of increases already agreed upon in other items of the CBA. Wage increases which represent a compromise between the proposals of the parties are appropriate.

Recommendation: Amend Appendix A Wage Schedule as follows:

Patrol Officer wages will increase as follows: 5.0 % effective January 1, 2023; 4.5% effective January 1, 2024; and 4.5% effective January 1, 2025.

### **ARTICLE III & Appendix A - Wages (Sergeants & Lieutenants)**

Employer Position: The Employer proposes increases of 3.5% effective January 1, 2023, 3.0% effective January 1, 2024 and 3.0% effective January 1, 2025 for the Supervisors' bargaining unit. The Employer again compares this bargaining unit to the same political jurisdictions in Butler County. With the proposed increase, the average starting wage for Sergeants will be just under \$6,000, above the average starting wage for the comparable jurisdictions. The proposed top wage would be almost \$1,400, above the county wide average. Both would be below only Fairfield City and West Chester, both of which have populations more than double that of Oxford. For those among the comparable jurisdictions which have Lieutenants, the wages are above the average at both the entry and top levels, and are higher than all jurisdictions except West Chester. The proposed increases are additionally above state wide average increases. The tentative agreements between the parties for this CBA also include reducing the salary steps for Sergeants and Lieutenants from three to two steps and an increase in the shift bonus, which will additionally increase wages. Finally, the wage increases negotiated in comparable Butler County jurisdictions are at or below the increase offered by the Employer.

Union Position: The Union proposes increases of 6% effective January 1, 2023, 5.5% effective January 1, 2024 and 5.5% effective January 1, 2025 for the Supervisors' bargaining unit. As with the patrol officers, when considering the jurisdictions proposed as comparable by the Union, the Sergeants are 2.74% below the average, and the Lieutenants are 3.57% below the average wages. The increase proposed by the Union would close that gap and help in retaining these officers. The considerations for the wage increase proposed by the Union are substantially the same for this group of officers as for patrol.

Discussion: The parties are in agreement that the wage increase for the Supervisors' unit

should be at a lesser percentage than the patrol unit. This is a continuation of the effort to gradually decrease the percentage variation between the top patrol officer rate and Sergeant rate which was begun in 2017. Without repeating the discussion above, the same considerations pertain to the Sergeant and Lieutenant bargaining unit as patrol. As a result, the recommendation is the same with the one half percent reduction in the second and third years as proposed by both parties.

Recommendation: Amend Appendix A Wage Schedule as follows:

Sergeant and Lieutenant wages will increase as follows: 5.0% effective January 1, 2023; 4.0% effective January 1, 2024; and 4.0% effective January 1, 2025.

## **ARTICLE XI - Leaves**

Employer Position: The Employer proposes language which would delete the maternity leave provisions of the current CBA and replace it with an eight week Paid Parental Leave ("PPL"). The language then permits an additional four weeks unpaid parental leave for which any accrued leaves may be used. PPL was implemented for all City employees in 2022. In April, 2022 both of these bargaining units executed Memoranda of Understanding ("MOU") which implemented PPL and which acknowledged that the PPL would supercede and replace the existing maternity leave language of the Agreements. The Employer now seeks to incorporate that portion of the MOU's into the CBA. The deletion of the maternity leave language will not decrease the rights of employees who require additional leave beyond the twelve weeks in the PPL language. They would still be eligible for additional leave as needed pursuant to the FMLA.

Union Position: The Union has accepted the Employer's proposal for eight weeks of PPL, but seeks to retain the current maternity leave language. This would allow maternity leave which extends beyond the paid eight week leave for up to six months when necessary. While the maternity leave benefit may not be utilized often, it is important that it be available for those who may need it. Whether or not any employee's extended maternity leave is covered by FMLA depends on each individual case, and FMLA may therefore not be available. The language

should therefore be retained.

Discussion: The evidence at hearing was that since the implementation of PPL in April, 2022 it has been used only by men in these two bargaining units. There have not been any maternity leaves and because there are so few women in these bargaining units, it is not a benefit which is widely used. On the other hand, clearly there may be more women in these units in the future, and there must be an avenue for extended maternity leave as required by medical necessity. While the maternity leave language was necessary to insure the ability to take such leave prior to the addition of PPL, its necessity is greatly diminished by virtue of the PPL which permits eight paid weeks and four unpaid weeks of leave as required, with the ability to receive pay during those later four weeks by using accumulated leave. As noted by the Employer, additional leave would still be covered by FMLA. Additionally, it must be noted that Article IX(1) permits leaves of up to one year upon approval of the City Manager. This, together with the PPL would clearly permit a maternity leave of six months if it was required by medical necessity. In light of this, the maternity leave language in Section 3 is no longer required, is to a great extent redundant and is likely to lead to confusion as to which provisions are applicable in the event of a maternity leave..

Recommendation: Delete Article IX Section 3.

## **ARTICLE X Sick and Recuperative Leave**

Union Position: The Union proposes the addition of a sick leave buy back provision in the CBA. These bargaining units represent an unusual aberration in that their CBA does not include any sick leave buy back. All comparable bargaining units include either a contractual sick leave buy back or permit a sick leave buy back upon retirement pursuant to the minimums of O.R.C. §124.39(B). The history of negotiations on this issue for these bargaining units is not entirely clear, but it appears that some time prior to 1992 the issue of caps on sick leave was raised in bargaining. Those employees who had sick leave in excess of the new cap could sell

back their excess sick leave. The language was eliminated when the last employee with that excess sick leave retired. The result was that no new employee hired after 1992 could sell back sick leave. While it appears that the benefit may have been bargained away, if that was the case, it was done more than thirty years ago. In that three decade interim period, every other department has included the benefit. The lack of a sick leave buy back is unusual and clearly puts this department at a disadvantage in recruitment and retention. The Union's proposal would provide a benefit comparable to those of comparable departments.

Employer Position: The elimination of sick leave buy back was agreed upon in 1992 as noted by the Union. The last CBA which has any mention of sick leave buy back 2005-2007 for patrol, and 2008-2010 for supervisors as officers who had banked sick leave retired. Regardless of the specific history, sick leave buy back was eliminated from both Agreements. Presumably something was given up for in exchange, but the specifics of the bargaining history have unfortunately been lost. The Employer is opposed to its reinstatement. The Employer further notes that the CBA's include an incentive for not using sick leave for the calendar year, which the Employer believes is the better approach. Additionally, the sick leave cap has been eliminated and PPL has been provided.

Discussion: There is no doubt that the majority of police departments have sick leave buy back provisions either in their CBA or by statute. The provision was eliminated here in 1992 and phased out over time. While there was no evidence presented as to what benefit was provided in exchange for the elimination of the sick leave buy out at that time, it is noted that in this Fact-Finder's 2020 Report and Recommendations, it is stated that the incentive bonus was negotiated in exchange for the elimination of the buy out, thus indicating that at that hearing, there was some evidence to that effect. There is additionally no doubt that the proposed sick leave buy back is an economic issue with considerable cost to the Employer over time. It is not uncommon for the benefit to grow over time once implemented, thus becoming a greater expense with successive contracts. While it is true that sick leave buy back is a very common benefit in many

jurisdictions, it is unclear that such a benefit which only takes effect upon retirement has any impact on recruitment. The Fact-Finder was not provided with any estimates as to the costs of such a benefit over the term of the CBA, and its financial impact is therefore unclear. In light of the generous wage increases recommended together with the new PPL benefit which allows employees to take parental leave without impacting accumulated leave and the recommendation regarding longevity pay, the addition of the sick leave buy back is not recommended at this time.

Recommendation: Current Language.

#### **ARTICLE XI - Life and Health Insurance**

Employer Position: The Employer proposes a potential increase in the employee's portion of the health insurance premium of up to 10% over current contribution rates over the course of the Agreement. The current language provides for a fixed dollar amount of the employee's contribution for health insurance. The amount currently for single coverage is \$38.64 and \$100.78 for family coverage per bi-weekly pay period. That amount has remained the same since 2017. The Employers costs, however, have risen in that time. The amount the Employer contributes monthly for insurance is \$1,250.00 per employee. The Employer's proposal is not a definite increase, but an option to increase the employee contribution by a total of 10% over current contribution rates over the life of the Agreement. The City is self insured and uses a third party administrator to administer claims. The fund balance has been declining since 2017, and it is important to retain healthy fund balances in order to avoid having to alter benefits. It is anticipated that this may be necessary in the next few years, and increasing the employee contributions would help to delay any coverage modifications. There is an advisory committee which advises the Employer on insurance matters, thus giving the Union a voice in the consideration of any increase as well as in the modification of benefits.

Union Position: The Employer is asking for additional contributions toward insurance from the employees without any evidence that there is a current need. The fund balances over

the past years, as demonstrated by the Employer, have varied year to year. There is no evidence that there is any current urgent need to increase the health insurance fund balances. If the Employer seeks to increase the employee contribution, there should be some clear indication of the reason for the increase and the impact of the increase. If the contribution is to increase, there should be participation by the Union in determining the impact of that increase on benefits. The insurance committee is strictly advisory and has no actual control over changes. Under this proposal, the Employer could in fact decrease its own contributions while increasing those of the employees. Such a result would clearly be unfair.

Discussion: The Employer notes that its insurance fund balances have declined since 2017. There is no doubt that medical and prescription costs have risen over that same time period. What is not clear, however, is the degree of need for an increase in the employee contributions at this time. The Employer did not present any evidence that the need for an increase in either the employer or employee contribution to health care premiums is imminent. The lack of immediate need is reinforced by the fact that the Employer's proposal is contingent. The proposed language gives the Employer the right to increase employee contributions by up to 10%, of the current contribution rates, but does not immediately impalement any such increases. Of concern, however, is the fact that, as the Union notes, pursuant to the proposal, the Employer could increase employee contributions while decreasing its own in an equivalent amount. The language recommended below, however, prevents that eventuality. In light of the wage increases recommended together with the other economic increases already agreed upon by the parties as well as the longevity pay recommendation below, it is not unreasonable to permit the Employer to increase employee health care contributions, which have remained the same since 2017, if deemed necessary during the life of the Agreement.

Recommendation: Beginning on January 1, 2024, the employee's medical, dental, prescription and vision insurance premium may increase up to 10% over the 2023 employee contribution rates. The Employer will not reduce its own premium contributions or insurance benefit levels for the term of this Agreement in the event that employee contributions are increased. The possible 10% increase is indicated below as a range. A dollar amount within the below range is to be withheld from the employee's bi-weekly paycheck, dependent on coverage level:

- Single Coverage: \$38.64 per pay up to \$42.50 per pay
- Family Coverage: \$100.78 per pay up to \$110.88 per pay

## **ARTICLE XII Longevity Pay**

Union Position: The Union proposes an increase in the Longevity Pay amounts as well as a change from a fixed dollar amount to a percentage based on the employee's salary. The current amounts have not changed since they were negotiated in 2002. Clearly the value of those amounts has decreased dramatically in twenty years. The proposal additionally provides for four percentage payment amounts based on four ranges of years of employment triggered at years ten, fifteen, twenty and thirty, rather than the dollar amount increases currently provided for at each successive year of employment. The estimated cost of the payment for both bargaining units is approximately \$54,300. In examining comparable bargaining units, whether using the Union's comparables or the Union's, these two groups are below the longevity pay rates of most groups, and are dramatically below the longevity pay of most of the Butler County departments.

Employer Position: The longevity pay has been a fixed dollar amount since the 2002 contract. If the longevity pay is changed to a percentage, the financial impact will be significant. Some of the comparables cited have substantially higher longevity pay because they have lower wages than the Employer. The proposal has a significant financial impact, particularly at the higher ranks and years of service. The Employer notes that the longevity pay is additionally added into the employee's base wage with the result being that those higher rates are applied to overtime and all other future wage increases, adding further to the overall cost.

Discussion: There is no question that the longevity pay of these two bargaining units is significantly lower than that of comparable jurisdictions both as selected by the Union and the Employer. While the Employer notes that some of these other groups have lower wages, that is

clearly not universally the case. It is also the case that many of the comparable departments base longevity pay on a percentage of base wages. The conversion to percentage based longevity would provide a modest increase for some, and a appreciable increase for others, primarily those with significant numbers of years of service. While it would increase overall wage costs for the Employer, it would at the same time aid in retention, which has become more of an issue in recent years. The percentages proposed by the Union, however would represent a rather dramatic increase for many and create a sizeable increase in costs for the Employer. A more modest percentage increase would clearly still provide an increase for most employees in the first year while moderating the overall impact for those at the top.

Recommendation: Delete current longevity pay steps. Replace as follows:

5<sup>th</sup> anniversary up to employee's 9<sup>th</sup> anniversary: .25% of base salary  
10<sup>th</sup> anniversary up to employee's 14<sup>th</sup> anniversary: .50% of base salary  
15<sup>th</sup> anniversary up to employee's 19<sup>th</sup> anniversary: .75% of base salary  
20<sup>th</sup> anniversary and above: 1% of base salary

## **ARTICLE XVIII - Investigations**

Employer Position: The Employer proposes the elimination of the requirement that citizen complaints against officers be notarized. The complaint still must be signed and include language warning the citizen that making a false statement could lead to prosecution. The rationale for eliminating the requirement is a concern that the notarization requirement could have a chilling effect on citizens who may wish to make a complaint. When formal complaints are lodged, the notarization is sometimes done by a dispatcher, who then has information which can potentially be relayed to the officer against whom the complaint is lodged. Additionally, some citizens have expressed that having to swear to the complaint may prevent them from making the complaint.

Union Position: The notarization requirement on citizen complaints insures that the complaining citizen is bringing an honest and accurate complaint. The Union notes that a complaint can, and frequently is, investigated even if never reduced to writing on the official

form. There is insufficient evidence that any citizen had been deterred from lodging a complaint or that the notarization requirement results in any sort of misuse. There is insufficient reason to delete the requirement which serves to protect officers against spurious and unsupported complaints.

Discussion: The Employer's rationale for eliminating the notarization requirement is not based on any actual evidence that the requirement has ever deterred any citizen from filing a complaint. The evidence at hearing was that there has been only one known occasion when a citizen came to the station to file a complaint and left with the form but never actually filed it. While the Police Chief heard second hand that the notarization requirement was in part the reason, this is insufficient to demonstrate that the requirement has had any actual chilling effect. It does, however, protect officers by requiring that the complaining citizen swear to the facts advanced before an investigation based on that complaint, which can impact their employment, commences. The chief testified that on a single occasion, a dispatcher who had notarized a citizen complaint, inappropriately advised an officer regarding the complaint. That incident was addressed through the disciplinary process and has not recurred. There is always a notary present at the police station, and the document can be notarized either there, or elsewhere. In the absence of evidence that the requirement is onerous, has actually deterred the filing of complaints or has resulted in significant or repeated misuse, there is simply an insufficient basis to eliminate the requirement which protects officers against complaints based on falsehoods.

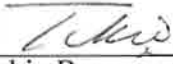
Recommendation: Current Language.

Dated: July 28, 2023

  
\_\_\_\_\_  
Tobie Braverman, Fact-Finder

## CERTIFICATE OF SERVICE

The foregoing Report and Recommendations was delivered via email and this 28<sup>th</sup> day of July, 2023 to R. Jessup Gage at [Jessupgage@hllmlaw.com](mailto:Jessupgage@hllmlaw.com) Counsel for City of Oxford Police Officers, FOP Lodge 38 and Oxford Police Sergeants & Lieutenants, FOP Lodge 38 and to Benjamin A. Mazer, [Mazer@coollaw.com](mailto:Mazer@coollaw.com), Counsel for City of Oxford.

  
\_\_\_\_\_  
Tobie Braverman

**EXHIBIT A  
TENTATIVE AGREEMENTS**

**SUPERVISORS' CBA**

ARTICLE IV - Work Day and Work Period - Section 1

ARTICLE VII - Holidays - Sections 1 & 2

ARTICLE X - Sick Leave & Recuperative Leave - Sections 1(A); 1(B) and Paid Parental Leave

APPENDIX A & SALARY SCHEDULE - Shift Bonus; Emergency Pay & Supervisors starting salary

ARTICLE XII - Uniforms and Clothing - Sections 1, 2 & 3

ARTICLE XXI - Detective Sergeant On Call Pay

**PATROL CBA**

ARTICLE VI - Shift Supervisor Pay

ARTICLE VII - Holidays

ARTICLE X - Sick Leave & Recuperative Leave - Sections 1(A); 1(B) and Paid Parental Leave

ARTICLE XIII - Uniforms and Cleaning - Sections 1, 2 & 3

APPENDIX A & SALARY SCHEDULE - Lateral Hires; Detective On Call Pay; Field Training Officer Pay; Shift Differential & Emergency Pay

ARTICLE IV - Work Day and Work Period



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                                  |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | Service                                                                                                                                                                                                                                                          |
| <b>PREPARED BY:</b>                     | Mike Dreisbach                                                                                                                                                                                                                                                   |
| <b>DATE PREPARED:</b>                   | 7/21/2023                                                                                                                                                                                                                                                        |
| <b>COUNCIL MEETING DATE:</b>            | August 1, 2023                                                                                                                                                                                                                                                   |
| <b>AGENDA TITLE:</b>                    | A Resolution authorizing the City Manager to enter into a contract with Kings Ford, Inc., for the purchase of a 2023 Ford F-150 Hybrid and with the trade-in of a 2015 Dodge Durango, at a cost not to exceed \$56,650.13. (Michael Dreisbach, Service Director) |
| <b>COUNCIL GOAL AREA:</b>               | Essential Operations                                                                                                                                                                                                                                             |
| <b>BUDGETED AMOUNT:</b>                 | \$39,000                                                                                                                                                                                                                                                         |
| <b>ACCOUNT CODE:</b>                    | Multiple                                                                                                                                                                                                                                                         |
| <b>RECOMMENDATION:</b>                  | Approval                                                                                                                                                                                                                                                         |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | MBD 7/21/23                                                                                                                                                                                                                                                      |

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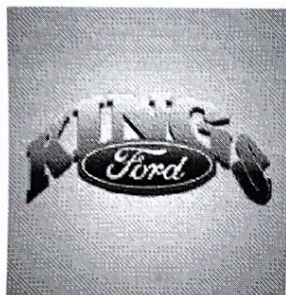
### DISCUSSION:

The 2023 capital equipment budget includes funding for the purchase of a new Service Dept. vehicle. Staff attempted to procure a hybrid engine truck through joint purchasing agreements without success. An opportunity has arisen where a Ford F-150 full hybrid engine pickup truck is available at Kings Ford, Inc. This vehicle meets the needs of the Department and continues the practice of purchasing EV or hybrid vehicles when possible.

The vehicle has a retail price of \$65,370.00. After discounts and trade-in of a high mileage 2015 Dodge Durango, the purchase price of the vehicle is \$53,952.50. Staff is requesting a 5% contingency amount as the dealership is not able to hold the vehicle pending Council authorization of the purchase. The contingency amount would allow for the purchase of another hybrid truck should one be available. No supplemental funding is requested for this purchase; necessary funds will be used from existing appropriations.

This Resolution will authorize the City Manager to enter into an agreement with Kings Ford, Inc. for the purchase of a 2023 Ford F-150 Hybrid pickup truck with trade-in of a 2015 Dodge Durango, at a cost not to exceed **\$56,650.13**.





## Purchase Agreement

Randy Kleine  
Kings Ford  
9555 Kings Automall Rd  
Cincinnati, OH 45249

| Buyer                                                              | Co-Buyer | Vehicle                                                                                                |
|--------------------------------------------------------------------|----------|--------------------------------------------------------------------------------------------------------|
| Mike Dreisbach<br>C: (513) 524-5206<br>mdreisbach@cityofoxford.org |          | 2023 Ford F-150 XLT<br>VIN: 1FTFW1ED9PFB99812<br>Stock #: T230500<br>Mileage: 9<br>Color: Oxford White |

| Customer Trade |                            |                   |         |         |        |
|----------------|----------------------------|-------------------|---------|---------|--------|
|                | Year Make Model            | VIN               | Engine  | Mileage | Payoff |
| 1              | 2015 Dodge Durango (White) | 1c4rdjag5fc796071 | 3.6L V6 | 175,896 | \$0.00 |

| Purchase Details          |                    |
|---------------------------|--------------------|
| Retail Price:             | \$65,370.00        |
| Sales Price:              | \$60,370.00        |
| <b>Savings:</b>           | <b>\$5,000.00</b>  |
| Accessories:              | \$0.00             |
| Service Contract:         | \$0.00             |
| GAP:                      | \$0.00             |
| Government Fees:          | \$182.50           |
| Proc/Doc Fees:            | \$250.00           |
| Total Taxes:              | \$0.00             |
| <b>Total Sales Price:</b> | <b>\$60,802.50</b> |
| Trade Allowance:          | \$6,850.00         |
| Trade Payoff:             | \$0.00             |
| Trade Equity:             | \$6,850.00         |
| Rebate:                   | \$0.00             |
| Cash Down:                | \$0.00             |
| <b>Cash Price:</b>        | <b>\$53,952.50</b> |

X

Customer Signature

X

Manager Signature

Disclaimer:

Printed 7/19/23 2:05 PM

With Approved Credit - Amount Financed Includes Pulse, Road Key Replacement, Theft Registration



**RESOLUTION NO.**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KINGS FORD, INC., FOR THE PURCHASE OF A 2023 FORD F-150 HYBRID AND WITH THE TRADE-IN OF A 2015 DODGE DURANGO, AT A COST NOT TO EXCEED \$56,650.13.

WHEREAS, the 2023 capital equipment budget includes funding for the purchase of a new Service Department vehicle; and

WHEREAS, the vehicle has a retail price of \$65,370.00. After discounts and the trade-in of a high-mileage 2015 Dodge Durango, the purchase price of the vehicle is \$53,952.50; and

WHEREAS, staff is requesting a 5% contingency amount as the dealership is not able to hold the vehicle pending Council authorization of the purchase. The contingency amount would allow for the purchase of another hybrid truck should one be available; and

WHEREAS, the City Manager and the Service Director recommend City Council authorize the City Manager to enter into a contract with Kings Ford, Inc., for the purchase of a 2023 Ford F-150 Hybrid at a cost not to exceed \$56,650.13.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Service Director to purchase a 2023 Ford F-150 Hybrid at a cost not to exceed \$56,650.13.

SECTION 2: Council further authorizes the City Manager to enter into a contract with Kings Ford, Inc., for the purchase of a 2023 Ford F-150 Hybrid at a cost not to exceed \$56,650.13. Council further authorizes the trade-in of the 2015 Dodge Durango.

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

\_\_\_\_\_  
MAYOR

ADOPTED:  
ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW(STAFF)



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                           |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | City Manager                                                                                                                                                                                                              |
| <b>PREPARED BY:</b>                     | Jessica Greene                                                                                                                                                                                                            |
| <b>DATE PREPARED:</b>                   | 7/25/2023                                                                                                                                                                                                                 |
| <b>COUNCIL MEETING DATE:</b>            | August 1, 2023                                                                                                                                                                                                            |
| <b>AGENDA TITLE:</b>                    | A Resolution to utilize up to \$20,000 of American Rescue Plan Funds for the utility and property maintenance fees for City acquired property for Housing and Economic Recovery. (Jessica Greene, Assistant City Manager) |
| <b>COUNCIL GOAL AREA:</b>               | Housing Opportunities for Everyone                                                                                                                                                                                        |
| <b>BUDGETED AMOUNT:</b>                 | \$20,000                                                                                                                                                                                                                  |
| <b>ACCOUNT CODE:</b>                    |                                                                                                                                                                                                                           |
| <b>RECOMMENDATION:</b>                  | Approval                                                                                                                                                                                                                  |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | Jessica Greene                                                                                                                                                                                                            |

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### DISCUSSION:

The City of Oxford has acquired four pieces of property using ARPA funds.

- 2 for affordable housing, 603 and 607 W. Chestnut Street
- 2 for Economic Recovery, 101 and 102 Elm Street.

All four of these property parcels currently have utility fees and property maintenance fees.

Lawn maintenance is currently paid at \$25.00 per mow/per property.

Utilities are averaging close to \$30.00 per month for gas and electricity.

We are requesting to use up to \$20K of our ARPA funds for the care and upkeep of these properties to allow us time to create a long-term plan for these property locations.

## RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO UTILIZE UP TO \$20,000.00 OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR THE UTILITY AND PROPERTY MAINTENANCE FEES FOR CITY ACQUIRED PROPERTY FOR HOUSING AND ECONOMIC RECOVERY.

WHEREAS, the 2023 City of Oxford Comprehensive Plan has a goal of Housing Opportunities for Everyone and an action item of H1-A4 “Leverage land and other tangible assets to address housing supply gaps by boosting inventory”; and

WHEREAS, the City of Oxford Comprehensive Plan has a goal of A Thriving and Resilient Year Round Economy with an action of E2-A3 “Support the development of College@Elm Innovation and Entrepreneurship Center”; and

WHEREAS, the City utilized American Rescue Plan funds to acquire 603 and 607 W. Chestnut to help with Affordable Housing Opportunities and assist with an identified housing gap; and 101 and 103 Elm Street as property to support Economic Recovery and support the College@Elm development; and

WHEREAS, these properties need to be maintained, and the City may use American Rescue Plan funds to assist with affordable housing and economic recovery efforts; and

WHEREAS, the City Manager and Assistant City Manager recommended that the City Manager utilize up to \$20,000.00 of ARPA funds for the utility and property maintenance fees for City acquired property for housing and economic recovery.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: Council hereby accepts the recommendation of the City Manager and further authorizes the City Manager to utilize up to \$20,000.00 of ARPA funds for the utility and property maintenance fees for City acquired property for housing and economic recovery.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | City Manager                                                                                                                                                                                                                                                                                             |
| <b>PREPARED BY:</b>                     | Jessica Greene                                                                                                                                                                                                                                                                                           |
| <b>DATE PREPARED:</b>                   | 7/11/2023                                                                                                                                                                                                                                                                                                |
| <b>COUNCIL MEETING DATE:</b>            | August 1, 2023                                                                                                                                                                                                                                                                                           |
| <b>AGENDA TITLE:</b>                    | An Ordinance amending and supplementing the Oxford Municipal Code by establishing a new chapter to part 7, business regulation code, chapter 744, creating a tobacco retailer license for the sale of tobacco and paraphernalia products in the City of Oxford. (Jessica Greene, Assistant City Manager) |
| <b>COUNCIL GOAL AREA:</b>               | A Connected, Livable, and Equitable Community for All                                                                                                                                                                                                                                                    |
| <b>BUDGETED AMOUNT:</b>                 | \$48,000 annually                                                                                                                                                                                                                                                                                        |
| <b>ACCOUNT CODE:</b>                    |                                                                                                                                                                                                                                                                                                          |
| <b>RECOMMENDATION:</b>                  | Approval                                                                                                                                                                                                                                                                                                 |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | Jessica Greene                                                                                                                                                                                                                                                                                           |

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### DISCUSSION:

The City of Oxford has 17 vape shops/tobacco retailers in a 7-square-mile area. Evidence demonstrates that our area youth can routinely obtain nicotine products at vape shops. Resident parents have contacted the City raising this alarming fact. The Oxford Coalition for a Healthy Community and the Talawanda school system have reported that youth vaping is a substantial concern. Youth access to tobacco is a public health concern for our community.

This proposed Tobacco Retail Ordinance will establish density restrictions, create safe zones, and provide staffing for enforcement.

### Goals of the Program:

- Decrease underage youth access to tobacco/nicotine products.
- Limit startups of new vape/tobacco shops based on safe zones and density restrictions.

- Set a reasonable number of retail tobacco establishments in our community and restrict their location by establishing safe zones.

#### **Retail license and fee:**

Tobacco retailers will be required to register their business with the City and pay an annual licensing fee. This fee will contribute toward the cost of enforcement staffing and allow the City to monitor business locations and quantities to maintain the density and safe zone requirements.

#### **Density Restrictions and Establishment of Safe Zones:**

Allows for 1 Tobacco Retailer for every 1,500 people, rounded up, based upon the biennial census. Utilizing the 2020 census report, the City of Oxford can have 16 Tobacco Retail Establishments. This number includes *all* retailers selling tobacco products, including groceries, pharmacies, gas stations, etc.

We also recommend the creation of Safe Zones where tobacco cannot be sold. Tobacco retailers will be prohibited near parks, schools, and daycares. In the Oxford community, this will ban tobacco retailers in most of the Uptown area.

We reviewed requiring a certain distance between retailers, but our research found that many established businesses, such as groceries and pharmacies, would be impacted. For this reason, we have stricken this part of the program. This means that tobacco retailers will still be able to be side by side in areas of town where they are allowed.

This new ordinance does not close any existing tobacco retailers. Instead, this new law will apply to new establishments and establishments that close and may try to reopen under the same use.

#### **Administration of the program:**

The original intent of this program model was for it to be a partnership with the Butler County General Health District (BCGHD), where they would collect all fees and handle the licensing and enforcement activity. After a review of the program model by the County Prosecutor, we learned that the BCGHD would be able to process the license but not be able to conduct enforcement or revoke licenses. With this information, we propose to bring the program into the administrative functions of the City of Oxford.

#### **Licensing Implementation:**

The Economic Development staff members will conduct the administration of the business license.

- Letters will be sent once a year indicating the cost of the annual license.
- Aim to build an online form and online payment mechanism. Paper may also be accepted.
- Staff will develop a sign for retailers to post in their establishments that they have a City license.
- Staff will work with our BSA portal to build out a platform for business licensing, invoicing, and certificates.
- Our contracted outside hearing officer will conduct the appeals process for a denied or repealed license.

#### **Enforcement of the Program:**

- The Community Development code enforcement staff will conduct the enforcement of this program.

- Because we only have 1 code enforcement officer, we will need to hire new staff to assist with this additional code enforcement activity. We recommend hiring a PT code enforcement officer to lead this program's enforcement.
- If the violations escalate, the enforcement will elevate to the Police Division and will need to utilize our contracted outside hearing officer to conduct administrative hearings.

### **Costs of the Program:**

It is anticipated that the annual cost of this program to the City will be \$48K.

- \$33K for a new PT code enforcement officer
  1. This Code Enforcement person will lead the tobacco retail enforcement and coordinate the enforcement schedule and timelines with the Coalition for a Healthy Community.
  2. They may also assist with other City code enforcement needs.
- \$15K in other administrative needs (BSA system set up, community education, enforcement administration etc.)

This new staff role will be paid for by the licensing fee and grants. We intend to apply for a grant through Interact for Health for the startup of this public health program. The grant is anticipated to bring in \$30K annually for 2 years for a total of \$60K. The proposed license program will likely bring in \$4,250 per year (\$250 per license x 17 retailers.)

After two years, the City will need to decide if the program's value is worth the cost to the City.

### ***Staff recommendations:***

Recommend to City Council the adoption of this new Tobacco Retail Licensing Program and seek grants to cover new staffing costs.

Implement the program only if a grant covers staffing costs.

Conduct a 2-year pilot, then reassess the program to determine if it addresses the goals of limiting youth access to tobacco, new vape stores, and improving public health in our community.

## **ORDINANCE NO.**

### **AN ORDINANCE AMENDING AND SUPPLEMENTING THE OXFORD MUNICIPAL CODE BY ESTABLISHING A NEW CHAPTER TO PART 7, BUSINESS REGULATION CODE, CHAPTER 744, CREATING A TOBACCO RETAILER LICENSE FOR THE SALE OF TOBACCO AND PARAPHERNALIA PRODUCTS IN THE CITY OF OXFORD.**

WHEREAS, tobacco kills over 480,000 people in the United States each year, 90% of smokers first try a tobacco product by age 18, and more than 95% of addicted smokers start before age 21; and

WHEREAS, the developing teenage brain is particularly vulnerable to the effects of nicotine, and about 350 youth become regular smokers each day in the United States; and

WHEREAS, 29.8% of high school seniors in Ohio have vaped in the past 30 days; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, the City of Oxford desires to ensure proper training and enforcement of the restrictions on the sales of tobacco and nicotine-containing products to those under the age of 21; and

WHEREAS the Oxford Comprehensive Plan lists a goal of a Connective, Livable, and Equitable community for all and outlines an action of supporting high-quality health services for the region; and

WHEREAS, the density of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased youth smoking rates; and

WHEREAS, several studies have found that the density of tobacco retailers near schools was associated with an increased prevalence of students reporting experimental use of tobacco products, and

WHEREAS, the Cities of Kent, Hamilton, Cincinnati, and other local communities have established similar licensing programs for the sale of tobacco and related products.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oxford, Ohio:

SECTION I: That Part 7 of the Business Regulation Code of the Oxford Municipal Code is hereby amended to include Chapter 744, entitled "Tobacco Retailer Licensing Requirements," as seen attached hereto as Exhibit No. 1 and incorporated herein by reference.

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

---

MAYOR

ADOPTED:

ATTEST: \_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)

## **Exhibit No. 1**

### **CHAPTER 744: Tobacco Retailer Licensing Requirements**

#### **744.01 Definitions.**

#### **744.02 Tobacco Retail License Required; Application Procedure.**

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#### **744.01. Definitions.**

As used in this chapter:

(a) "Tobacco Retailer License" means a license issued by the City of Oxford for the sale of tobacco products. "Tobacco retailer license" and "license" are used interchangeably in this Ordinance and shall have the same meaning.

(b) "Licensee" means the holder of a valid license for the sale of tobacco products.

(c) "Person" means any natural person.

(d) "Property line" means the boundary of the land parcel, tract or lot surrounding the business premises.

(e) "Public place" means any area to which the public is invited or in which the public is permitted, including, but not limited to, any right of way, mall or shopping center, park, playground, and any other property owned by the City, and any school district or any park district.

(f) "Tobacco Retailer" means any person, partnership, joint venture, society, club, trustee, trust, association, organization, or corporation who owns, operates, or manages any tobacco retail establishment or moveable place of business. Tobacco retailer does not mean the non-management employees of any tobacco retail establishment.

(g) "Tobacco Retail Establishment" means any place of business where tobacco products are available for sale, whether or not the business is open to the public, whether the business is a "movable place of business" defined under this section, or a business or entity that maintains a

private membership-based point of sale. The term includes but is not limited to grocery stores, tobacco product shops, kiosks, convenience stores, gasoline service stations, bars, country clubs, cigar lounges, restaurants, and delivery services offered by Tobacco Retail Establishment.

(h) "Self-service displays" means any display from which customers may select a tobacco product without assistance from the tobacco retailer or the tobacco retailer's agent or employee and without direct person-to-person transfer between the purchaser and the tobacco retailer or tobacco retailer's agent or employee. A tobacco vending machine is a form of self-service display.

(i) "Tobacco product" means

(1) Any product containing, made of, or derived from tobacco or nicotine, regardless of source, that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, shisha, or snus;

(2) Any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine, including but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah; or

(3) Any component, part, or accessory, instrument, or paraphernalia of subsections (1) or (2) above, whether or not any of these contain tobacco or nicotine or whether or not sold separately, including but not limited to liquids used in electronic smoking devices, filters, rolling papers, blunt or hemp wraps, hookahs, and pipes.

(4) Tobacco product does not include any product that is a drug, device, or combination of products specifically authorized for smoking cessation purposes by the United States Food and Drug Administration, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

(j) "Vending machine" includes any mechanical or electronic device designed to do both of the following:

(1) Receive a coin or bill, credit or debit card, or token, made for that purpose;

(2) In return for the insertion or deposit of a coin, bill, credit or debit card, or token, automatically dispenses any tobacco products.

(k) "Sale" is not only the transfer coin, bill, credit or debit card, or token made for that purchase, but also includes but not limited to the delivery, barter, exchange, transfer or gift, or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(l) "Possess" or "Possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(m) "Moveable Place of Business" means any form of business that is operated out of a kiosk, truck, van, automobile, bike, e-scooter, or other type of vehicle or transportable shelter and that is not affixed address or other permanent type of structure licensed for over-the counter sales transactions.

(n) "Licensed Product" means the term that collectively refers to any tobacco product.

(o) "Arm's Length Transaction" means a sale in good faith and for valuable consideration that reflects the fair market value between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies, or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this chapter, is not an Arm's Length Transaction.

(p) "Compliance Check" means the system the City of Oxford uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this Ordinance. Compliance checks can involve the use of persons under the age of 21 who purchase or attempt to purchase licensed products. Compliance checks may be conducted by the City of Oxford, other units of government, or designated agencies for educational, research, and/or training purposes, or for investigating or enforcing federal, state, or local laws and regulations relating to licensed products.

(q) "Delivery Sale" means the sale of any tobacco product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the counter sales transaction, or vending machine in a licensed retail establishment. Delivery sale includes, but is not limited to, the sale of any tobacco product when the sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery sale includes delivery by licensees or third parties by any means, including curbside pick-up.

(r) "Youth-oriented facility" means any facility with residents, customers, visitors, or inhabitants of which 25 percent or more are under the age of 21 or that primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21. Youth-oriented facility includes, but is not limited to, public or private schools, a licensed day care facility or preschool, playgrounds, a library open to the public, recreation centers, and parks.

#### **744.02. Tobacco Retail License Required; Application Procedure.**

(a) Tobacco Retail License required. No person, tobacco retailer, or tobacco retail establishment shall sell or offer to sell any tobacco product without first having obtained a license from the City of Oxford.

(b) Tobacco Retail License Application. An application for a license to sell tobacco products must be made on a form provided by the City of Oxford. The application must contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the City of Oxford deems necessary. If the City of Oxford determines that an application is incomplete,

the application will be returned to the applicant with notice of the deficiency and the requisite information necessary to make the application complete.

(c) One year license term. The license term shall be a twelve (12) month period, beginning on March 1. In cases of applications for a new license submitted after March 1 of a given year and more than 60 days before the following March 1, the City of Oxford may issue a license for the remainder of the standard term period, but such license term will only extend to the following last day of February. The license fee remains the same regardless of the time of application. The license fee will not be prorated no matter the date an application is filed during the standard term period.

(d) Violation, suspension, or revocation. Any license issued may be suspended or revoked following the procedures set forth in this Chapter.

A tobacco retailer or retail establishment that violates any provision of this Ordinance, or any other federal, state, or local law relating to tobacco product sales, shall be subject to the penalties prescribed in this Chapter and pursuant to Section 537.16 of the Oxford Municipal Code pertaining to the illegal distribution and sale of tobacco products. These penalties include, but are not limited to fines and/or the prohibition of the sale of tobacco products.

A violation of other federal, state, and/or local laws relating to tobacco product sales shall be included in the determination and accrual of violations against a tobacco retail establishment's license as prescribed in this Chapter.

(e) Transfers. All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued. The transfer of any license to another location or person is prohibited.

(f) Display. All tobacco retail licenses must be posted and displayed at all times in plain view of the public or clientele of the tobacco retail establishment.

(g) Renewals. The renewal of a license issued under this Ordinance shall be handled in the same manner as the original application. The request for a renewal must be made at least 30 days, but no more than 60 days, before the expiration of the current license on the last day of February.

(h) Issuance as privilege and not a right. The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.

(i) Instructional program. Licensees must ensure that their employees complete a training program on the legal requirements related to the sale of licensed products and the possible consequences of license violations. The training shall include information that the sale of tobacco products to persons under 21 years of age is illegal; the types of identification legally acceptable for proof of age; and that sales to persons under 21 years of age shall subject the tobacco retailer and/or retail establishment to penalties. Licensees must maintain documentation demonstrating their compliance and must provide this documentation at the time of renewal, or whenever requested to do so during the license term.

#### **744.03 Grounds for Denial of License.**

(a) Grounds for denying the issuance or renewal of a license include, but are not limited to, the following:

- (1) The applicant is under 21 years of age.
  - (2) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to licensed products.
  - (3) The applicant has had a license to sell tobacco products suspended or revoked within the preceding 18 months of the date of application.
  - (4) The applicant fails to provide the information required on the licensing application or provides false or misleading information.
  - (5) The applicant is prohibited by federal, state, or other local law, Ordinance, or other regulation from holding a tobacco retailer license.
  - (6) The business for which the tobacco retailer license is requested is a moveable place of business. Only fixed-location retail establishments are eligible to be licensed.
  - (7) The number of licenses in the City of Oxford have already been exceeded or will be exceeded by the issuance of the requested license.
  - (8) The business for which the license is requested does not comply with the proximity requirements.
- (b) If a license is mistakenly issued or renewed to an applicant, the City of Oxford, may revoke the license upon the discovery that the applicant was ineligible for the license under this Ordinance. The City of Oxford will provide the tobacco retailer license holder with notice of the revocation, along with information on the right to appeal.
- (c) If a tobacco retail license is suspended or revoked, whether due to applicant or licensee ineligibility, or determination of a violation under this Ordinance, or any other federal, state, or local law or regulation, the license fee is forfeited to the City of Oxford and shall not be refunded to the applicant or licensee.

#### **744.04 License Fees and Fines.**

- (a) No tobacco retailer license shall be issued under this Ordinance until the appropriate license fees are paid in full. No tobacco retailer license shall be renewed if the tobacco retailer or tobacco retail establishment has outstanding fines pursuant to this Ordinance.
- (b) The fee for a tobacco retailer license or renewal shall be \$250.00.

#### **744.05 Tobacco Retailer Density.**

(a) The total number of tobacco retailer licenses within the City of Oxford shall be limited to one license for each 1,500 inhabitants of the City of Oxford. The calculation shall be rounded up to the nearest whole number.

(b) For the purposes of this section, the total inhabitant population of the City of Oxford shall be determined by the most current published population value available from the U.S. Census Bureau decennial census as of the date the license application is filed.

(c) No new tobacco retail license shall be issued if the existing number of tobacco retailer licenses equals or exceeds the total number of authorized tobacco retail licenses pursuant to this Section.

(d) Notwithstanding subsections 744.05 (a) and (c), a tobacco retailer operating lawfully on the date this Ordinance is adopted that would otherwise be eligible for a tobacco retailer license for the location for which a license is sought may receive or renew a license for that location so long as all of the following conditions are met:

1. The license is obtained by April 1, 2024 and is renewed without lapse or permanent revocation (as opposed to temporary suspension);
2. The tobacco retail establishment is not closed for business or otherwise suspends tobacco sales, whether voluntarily or due to license suspension for more than sixty (60) consecutive days; and
3. The tobacco retailer does not substantially change the business premises or business operation. Examples of a substantial change to the business operation includes, but is not limited to:
  - a. The transferring of a location:
    - i. To a new Proprietor(s) in an Arm's Length Transaction; or
    - ii. For which a significant purpose is avoiding the effect of violations of this Ordinance; and
    - iii. The tobacco retailer retains the right to operate under other applicable laws.
4. If the City of Oxford determines that a tobacco retailer has substantially changed the business premises or operation and the tobacco retailer disputes this determination, the tobacco retailer bears the burden of proving by a preponderance of evidence that such change(s) do not constitute a substantial change.

#### **744.06 Proximity of Tobacco Retail Establishments to Youth-Oriented Facilities.**

No license shall be granted to any person or entity for a tobacco retail establishment location that is within 500 feet of a youth-oriented facility, as measured by the shortest line from the property line of the space to be occupied by the proposed tobacco retail licensee to the nearest property line of a youth-oriented facility. This restriction does not apply to an existing tobacco retailer holding a current state tax license for the sale of tobacco products in that same location for at least one year before the date this section was enacted into law.

#### **744.07 Prohibited Sales.**

(a) Legal age. No tobacco retailer, tobacco retail establishment, or person shall sell any tobacco product to any person under the age of 21 under this Chapter and under Section 537.16 of the Oxford Municipal Code.

(b) Age verification. Licensees must verify by means of government-issued photographic identification containing the bearer's date of birth that the purchaser of any tobacco product is at least 21 years of age.

(c) Signage. Notice of the legal sales age for the purchase of tobacco products, age verification requirements, and possible penalties for underage sales must be posted within 6 feet of each cash register or place where payment may be made in a place conspicuous to both employees and customers, and where the sign(s) are unobstructed in their entirety. The sign shall state, "The sale or provision of tobacco products to an individual under 21 years of age is prohibited by law." The sign required shall be 5 ½ inches by 8 ½ inches and the statement required shall be printed in 36-point boldfaced type. The required signage will be provided to the licensee by the City of Oxford.

(d) Samples prohibited. No tobacco retailer, tobacco retail establishment, or person shall distribute samples of any licensed product free of charge or at a nominal cost, regardless of the age of the person acquiring the product. The distribution of a licensed product as a sample, free donation, or at otherwise nominal cost, is prohibited and shall subject the tobacco retailer or tobacco retail establishment to the penalties prescribed under this Chapter and those prescribed by other local, state or federal laws pertaining to samples, donation, or otherwise nominally priced tobacco products.

(e) No tobacco retailer, tobacco retail establishment, or person shall sell or offer to sell any licensed product in any manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation.

(f) Any person, tobacco retailer or tobacco retail establishment found to be selling a tobacco product without a license required under Section 744.02 shall be issued a No Sales Order for

Tobacco Products and shall be ineligible to receive a tobacco retailer license for a period of three (3) years.

#### **744.08 Compliance Checks and Inspections.**

(a) All licensed premises must be open to inspection by the City of Oxford or its authorized designees during regular business hours. The tobacco retail establishment shall be subject to at least two (2) unannounced compliance checks per year by the City of Oxford or its authorized designees.

(b) Compliance checks must include verification that a tobacco retail establishment maintains a current tobacco retailer license to sell tobacco products.

(c) Compliance checks may include the participation of a person under the age of 21, to enter the licensed premises to attempt to purchase licensed products.

(c) Unannounced follow-up compliance checks of all non-compliant tobacco retail establishments are required within three months of any violation of this Ordinance. The results of all compliance checks shall be published annually and made available to the public as determined by the City of Oxford.

#### **744.09 Exceptions and Defenses.**

It is an affirmative defense to a violation of this Ordinance for a person to have reasonably relied on proof of age as described by state law.

#### **744.10 Violations and Administrative Penalties.**

(a) First Violation: Any person, tobacco retailer or tobacco retail establishment holding a tobacco retailer license and cited for violating Chapter 744, or whose employee has violated Chapter 744, shall be charged a fine of \$500 for a first violation.

(b) A second violation at the same tobacco retail establishment premises within a 12-month period shall result in a fine of \$750, and the City of Oxford shall suspend the tobacco retailer license for a period of not less than 30 and not more than 60 consecutive days.

(c) A third violation at the same tobacco retail establishment premises within a 12-month period shall result in a fine of \$1,000, and the City of Oxford shall suspend the tobacco retail establishment's license for a period of not less than 60 consecutive days. In addition to the designated fine, the City of Oxford may revoke the tobacco retail establishment's license.

(d) A fourth violation at the same tobacco retail establishment premises within a 12-month period shall be a misdemeanor of first degree and result in a fine of \$1,000 and the tobacco retail establishment's license shall be revoked.

#### **744.11 Appeals.**

If the City of Oxford denies the issuance of a tobacco retailer license, or suspends or revokes a tobacco retailer license, or issues a citation for violating this Chapter, the City of Oxford, shall send the applicant or licensee written notice of the action and notice of the right to an appeal. Such notice shall be sent by Certified Mail with return receipt requested.

Upon receipt of written notice of any citation or fines accrued under this Chapter, or the denial, suspension, or revocation of the license, the licensee shall have the right to appeal to the City of Oxford. An appeal must be appropriately filed within ten (10) days after the receipt of notice of the determination of a violation or change of license status due to suspension or revocation. The appellant shall bear the burden of proof.

#### **774.12 Severability.**

If any section or provision of this Ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given full force and effect without the invalidated section or provision.



The City of Oxford  
(513) 524-5200  
15 S. College Ave.  
Oxford, OH 45056

## STAFF REPORT

|                                         |                                                                                                                                                                                                                                                                  |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINATING DEPARTMENT:</b>          | City Manager                                                                                                                                                                                                                                                     |
| <b>PREPARED BY:</b>                     | Jessica Greene                                                                                                                                                                                                                                                   |
| <b>DATE PREPARED:</b>                   | 7/12/2023                                                                                                                                                                                                                                                        |
| <b>COUNCIL MEETING DATE:</b>            | August 1, 2023                                                                                                                                                                                                                                                   |
| <b>AGENDA TITLE:</b>                    | An Ordinance amending the Oxford Municipal Code, Chapter 5, Section 537.16, relating to the illegal distribution of tobacco products to prescribe the minimum legal age of sale for all tobacco products at twenty-one. (Jessica Greene, Assistant City Manager) |
| <b>COUNCIL GOAL AREA:</b>               | A Connected, Livable, and Equitable Community for All                                                                                                                                                                                                            |
| <b>BUDGETED AMOUNT:</b>                 |                                                                                                                                                                                                                                                                  |
| <b>ACCOUNT CODE:</b>                    |                                                                                                                                                                                                                                                                  |
| <b>RECOMMENDATION:</b>                  | Approval                                                                                                                                                                                                                                                         |
| <b>CITY MANAGER/DEPT HEAD APPROVAL:</b> | Jessica Greene                                                                                                                                                                                                                                                   |

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### DISCUSSION:

These amendments to section 5 of the Oxford Municipal Code support the proposed new chapter 7 and establish a Tobacco Retail Licensing Program. This section deals with prohibited tobacco distribution practices. Please reference the staff report under the proposed Chapter 7 ordinance for more details on this program.

**AN ORDINANCE AMENDING THE OXFORD MUNICIPAL CODE, CHAPTER 5, SECTION 537.16 RELATING TO THE ILLEGAL DISTRIBUTION OF TOBACCO PRODUCTS TO PRESCRIBE THE MINIMUM LEGAL AGE OF SALE FOR ALL TOBACCO PRODUCTS AT TWENTY-ONE.**

WHEREAS, tobacco kills over 480,000 people in the United States each year, 90% of smokers first try a tobacco product by age 18, and more than 95% of addicted smokers start before age 21; and

WHEREAS, the developing teenage brain is particularly vulnerable to the effects of nicotine, and about 350 youth become regular smokers each day in the United States; and

WHEREAS, 29.8% of high school seniors in Ohio have vaped in the past 30 days; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, the City of Oxford desires to ensure proper training and enforcement of the restrictions on the sales of tobacco and nicotine-containing products to those under the age of 21; and

WHEREAS the Oxford Comprehensive Plan lists a goal of a Connective, Livable, and Equitable community for all and outlines an action of supporting high-quality health services for the region; and

WHEREAS, the density of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased youth smoking rates; and

WHEREAS, several studies have found that the density of tobacco retailers near schools was associated with an increased prevalence of students reporting experimental use of tobacco products, and

WHEREAS, the Cities of Kent, Hamilton, Cincinnati, and other local communities have established similar licensing programs for the sale of tobacco and related products.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oxford, Ohio:

SECTION I: That Part 5, Chapter 537 Offenses against Persons, Section 537.16 Prohibited Tobacco Distribution Practices of the Oxford Municipal Code, is hereby amended as seen attached hereto as Exhibit No. 1 and incorporated herein by reference. With capitalization being new text and strikeout being deleted text.

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

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MAYOR

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

ATTEST:

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CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: WILLIAM SNAVELY  
PREPARED BY: LAW (STAFF)

## **Exhibit No. 1:**

### **Chapter 537 Amendments**

That Part 5, Chapter 537 Offenses against Persons, Section 537.16 Prohibited Tobacco Distribution Practices of the Oxford Municipal Code, is hereby amended as follows, with capitalization being new text and strikeout being deleted text.

#### **537.16 PROHIBITED TOBACCO DISTRIBUTION PRACTICES.**

(a) Tobacco PRODUCT SAMPLE Sales Prohibited. No person, manufacturer, producer, distributor, wholesaler of or retailer of cigarettes or tobacco products, TOBACCO RETAILER, OR TOBACCO RETAIL ESTABLISHMENT, or any agent, employee or representative of a manufacturer, producer, distributor, wholesaler of or retailer of cigarettes or other tobacco products, TOBACCO RETAILER, OR TOBACCO RETAIL ESTABLISHMENT shall knowingly distribute or furnish without charge or at nominal charge, or cause to be furnished or distributed without charge or at a nominal charge, cigarettes or other tobacco products, or coupons for cigarettes or other tobacco products, in any public place or at any event open to the public, except in retail tobacco stores for the purpose of promoting cigarettes or other tobacco products. PURSUANT TO THIS CHAPTER AND PURSUANT TO CHAPTER 744 OF THE OXFORD MUNICIPAL CODE.

(b) Vendor Assisted Sales. It shall be unlawful for any person, manufacturer, producer, distributor, wholesaler or retailer of cigarettes or other tobacco products, TOBACCO RETAILER, OR TOBACCO RETAIL ESTABLISHMENT, or any agent, employee, or representative of a manufacturer, producer, distributor, wholesaler or retailer of cigarettes or other tobacco products, TOBACCO RETAILER, OR TOBACCO RETAIL ESTABLISHMENT to distribute or furnish without charge or at nominal charge, or cause to be furnished or distributed without charge or at a nominal charge, cigarettes or other tobacco products, or coupons for cigarettes or other tobacco products, by means of self-service displays, VENDING MACHINES, or any other means other than vendor assisted sales PURSUANT TO THIS CHAPTER AND TO CHAPTER 744 OF THE OXFORD MUNICIPAL CODE.

(C) NO PERSON, MANUFACTURER, PRODUCER, DISTRIBUTOR, OR WHOLESALER OF TOBACCO PRODUCTS, TOBACCO RETAILER, OR TOBACCO RETAIL ESTABLISHMENT; OR ANY AGENT, EMPLOYEE OR REPRESENTATIVE OF A MANUFACTURER, PRODUCER, DISTRIBUTOR, WHOLESALER OF TOBACCO PRODUCTS, TOBACCO RETAILER, OR TOBACCO RETAIL ESTABLISHMENT, SHALL DO ANY OF THE FOLLOWING:

(1) GIVE, SELL, OR OTHERWISE DISTRIBUTE TOBACCO PRODUCTS TO ANY PERSON WITHOUT FIRST ACQUIRING A TOBACCO RETAILER LICENSE PURSUANT TO CHAPTER 744 OF THE OXFORD MUNICIPAL CODE;

(2) GIVE, SELL OR OTHERWISE DISTRIBUTE TOBACCO PRODUCTS TO ANY PERSON UNDER TWENTY-ONE YEARS OF AGE AS PRESCRIBED UNDER THIS CHAPTER AND UNDER CHAPTER 744 OF THE OXFORD MUNICIPAL CODE

(D) Penalty. Whoever violates this section is guilty of illegal distribution OR SALE OF cigarettes or other tobacco products, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of this section, Ohio R.C. 2927.02 or a similar municipal ordinance, illegal distribution OR SALE of cigarettes or other tobacco products is a misdemeanor of the third degree.

(E) ORGANIZATIONAL LIABILITY. PURSUANT TO CODIFIED ORDINANCES SECTION 501.11, IT IS THE INTENT TO IMPOSE ORGANIZATIONAL LIABILITY FOR VIOLATION OF THIS SECTION COMMITTED BY AND OFFICER, AGENT, OR EMPLOYEE OF A BUSINESS OR ORGANIZATION WHILE ACTING ON BEHALF OF THE BUSINESS OR ORGANIZATION AND WITHIN THE SCOPE OF THE OFFICER'S, EMPLOYEE'S OR AGENT'S OFFICE OR EMPLOYMENT.

(F) ANY VIOLATION OF THIS SECTION IS ALSO A VIOLATION OF CHAPTER 744 OF THE OXFORD MUNICIPAL CODE GOVERNING LICENSING AND CONDUCT REQUIREMENTS FOR ANY TOBACCO RETAILER OR TOBACCO RETAIL ESTABLISHMENT. A VIOLATION OF THIS SECTION SHALL SUBJECT THE OFFENDER TO THE PENALTIES PRESCRIBED UNDER THIS SECTION AND TO THOSE PRESCRIBED UNDER CHAPTER 744 OF THE OXFORD MUNICIPAL CODE.

(G) FOR THE PURPOSES OF THIS SECTION, "TOBACCO PRODUCT" HAS THE SAME DEFINITION AND MEANING AS PRESCRIBED BY CHAPTER 744 OF THE OXFORD MUNICIPAL CODE.