



Agenda

Oxford City Council

Court House

TUESDAY, JANUARY 5, 2016

EXECUTIVE SESSION

7:00 P.M.

1. Roll call. Kate Rousmaniere, Mayor; Mike Smith, Vice-Mayor; Glenn Ellerbe; Bob Blackburn; Kevin McKeehan; Steve Dana; Edna Southard

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

A. Proclamation - "Rev. Dr. Martin Luther King, Jr. Day"



Proclamation

B. Appointments to Boards and Commissions.

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. City Council values your comments, and Council rules limit public comments to five minutes for each person. Presentations are not to be in the form of public debate, personal attacks on Council, City staff or other members of the public and Council shall not act except to direct the City Manager to take action or schedule the matter for discussion at a later date.

4. Consent Agenda.

A. Minutes of the December 15, 2015 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Report regarding the December 16, 2015 Civil Service Commission Meeting. (Candi Turpin, Human Resources Director)



Report

C. Report regarding the December 16, 2015 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



Report

5. Resolutions.

1. A Resolution approving the contract between the City of Oxford, Ohio, and the Oxford Police Employees Association and authorizing the City Manager and the City Law Director to sign the contract on behalf of the City. (Doug Elliott, City Manager).



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R-1A (Single Family Low Density Residential) District For 45 Parcels Located On Hidden Creek Drive, Deer Trail Circle, And Fox Run Circle, In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director).



Staff Report/Ordinance

2. An Ordinance Approving A Conditional Use Permit To Allow For Alcohol Service At A Nano Brewery At The Property Located At 5958 Fairfield Road In The General Business District With Conditions And Waiving The Fifty (50) Foot Setback Requirement. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

3. An Ordinance Amending Ordinance No. 3335. Supplemental Budget Ordinance Number 1 To Make Supplemental Appropriations For Fiscal Year 2016. (Joe Newlin, Finance Director)



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Levying Upon The Lots And Lands Enumerated In The List Of Estimated Assessments (Exhibit A) The Amounts Set Forth On Such List And Setting Forth Terms For Payment Of Assessment. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

2. An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement Between The City Of Oxford And Duke Energy Ohio, Inc. For A Permanent Easement Over Portions Of Real Property Commonly Known As Leonard Howell Park To Allow The Relocation Of Electric Infrastructure In Advance Of Construction To Replace The Bonham Road Bridge. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

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

1. Remarks from City Council and City Staff.

B. Future Meetings.

WED - Jan 6 Historic and Architectural Preservation Commission Meeting Cancelled

WED - Jan 6 Environmental Commission Meeting 7:00 p.m. Municipal Building

TUES - Jan 12 Planning Commission Meeting 7:30 p.m.

MON - Jan 18 Holiday - City Offices Closed

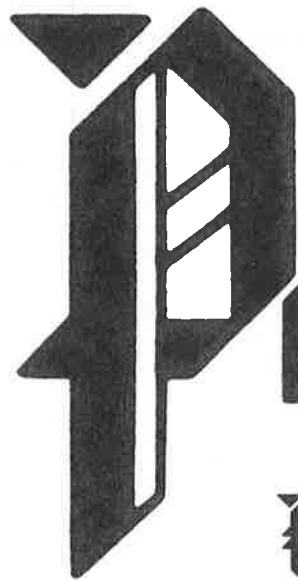
MON - Jan 18 Housing Advisory Commission Meeting Cancelled

TUES - Jan 19 City Council Meeting 7:30 p.m.

WED - Jan 20 Board of Zoning Appeals Meeting 7:30 p.m.

WED - Jan 27 Civil Service Commission Meeting 6:00 p.m. Municipal Building

8. Adjourn.



Office of the Mayor

Proclamation

Whereas:

Dr. Martin Luther King, Jr. during his lifetime pursued a dream of justice and racial equality for all Americans; and

WHEREAS, Dr. King believed in the promotion and exercise of human rights and fundamental freedoms for all people; and

WHEREAS, Dr. King's leadership and notable contributions on behalf of civil rights gave fresh emphasis to democratic ideals and the recognition of equality of all people; and

WHEREAS, the memory of Dr. King and his achievements continues to inspire countless millions around the world in the face of oppression and discrimination; and

WHEREAS, Dr. King's contributions to freedom, equality, justice and humanity are of great importance and value to all our lives.

NOW, THEREFORE, I, Kate Rousmaniere, Mayor of the City of Oxford, Ohio, do hereby proclaim January 18, 2016:

"REV. DR. MARTIN LUTHER KING, JR. DAY"

in the City of Oxford and urge all citizens to honor Dr. King by showing understanding toward their fellow man, promoting peace, and helping freedom exist everywhere for all people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 5th day of January, 2015.



KATE ROUSMANIERE, MAYOR

A Regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, December 15, 2015 at 7:30 p.m. Those members present were Bob Blackburn, Steve Dana, Glenn Ellerbe, Kevin McKeegan, Mike Smith and Edna Southard.

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

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Dana moved to approve the agenda. Mr. Smith seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

RECOGNITION

DENNIS J. COLYER

POLICE SERGEANT

Acting Police Chief Jones noted it was an honor to stand in for Chief Holzworth as an important event was occurring this evening in OPD history. Acting Chief Jones advised tonight we would recognize achievements in service of one of the finest members of the OPD and of the community in general, and we would promote an officer who is very worthy of replacing the retiring member. Acting Chief Jones noted Sergeant Denny Colyer joined the OPD in January of 1982 and his retirement was effective 2 days ago giving him 33 years and 11 months of service and successful employment in the Police Division. Acting Chief Jones advised Denny was raised in Oxford and he and his wife Christine had three daughters and one granddaughter. Acting Chief Jones noted along with his patrol duties Denny acted as the department's armor, the co-web administrator, field training officer and crime prevention officer. Acting Chief Jones advised Denny worked third shift most of his career, protecting Oxford as most of the citizens slept. Acting Chief Jones noted on January 1, 2008, Denny was promoted to Sergeant and he formalized his already existing leadership role as a veteran officer on the shift. Acting Chief Jones advised Denny graduated from the 121st Administrative Officers course at the Southern Police Institute at the University of Louisville and he graduated first academically of all of the students enrolled in the undergraduate portion of the program. Acting Chief Jones noted Denny finished out his career as a Sergeant working weekend day shift and took on several projects as assigned. Acting Chief Jones asked Council, staff and the public to join him in recognizing Sergeant Colyer for his many years of service to the City of Oxford. Acting Chief Jones read and presented Sergeant Colyer with a plaque. Acting Chief Jones introduced Bob Snyder from Hamilton Lodge 38 of the Fraternal Order of Police.

Mr. Bob Snyder, read and presented Sergeant Colyer with a certificate of retirement from Hamilton 's Fraternal Order of Police Lodge 38.

Sergeant Colyer thanked everyone present for attending his recognition this evening and especially thanked his wife for enduring years and years of him working midnight shift. Sergeant Colyer noted he had three wonderful daughters, two of which were present this evening. Sergeant Colyer thanked his fellow Oxford employees noting they had been a second family to him over the years. Sergeant Colyer noted the City had been an amazing place to work and he couldn't say enough about his 34 years working for the City.

SWEARING IN
THOMAS R. SIKORA
POLICE SERGEANT

Acting Chief Jones advised all City positions were important and employees were the City's most valuable asset. Acting Chief Jones noted it was clear to him the role of sergeant could make or break a police department. Acting Chief Jones advised sergeants were first line supervisors who produced the actual department product and service to the citizens of the community. Acting Chief Jones noted the sergeant accomplished this task by having direct contact with the officers he or she supervised to ensure accountability and performance objectives. Acting Chief Jones advised the work of sergeants could enhance or weaken the community's perception of the department's professionalism and the successful police agency depended greatly on effective leadership development for rank and file officers and for supervisory officers. Acting Chief Jones noted once promoted, new sergeants must instantly become leaders, and expectations of them were high. Acting Chief Jones announced Ryan Sikora would fill the vital role of Police Sergeant in Oxford's Police Agency. Acting Chief Jones advised Ryan had been with the department since 1997 and he was married to Shelly Sikora, a detective for the OPD. Acting Chief Jones noted they had two children, Samantha and Jack. Acting Chief Jones advised Ryan graduated from Frostburg State University in Maryland and he was a former OPD SWAT team member, field training officer, bicycle officer and he was the current K-9 officer with his partner, Cole. Acting Chief Jones noted Ryan had been an informal leader for many years in the department and great things were expected from him as he continued to serve the community.

Mr. McHugh performed the swearing in of Sergeant Ryan Sikora and Officer Shelly Sikora pinned the Sergeant's badge on Ryan's uniform.

Acting Chief Jones noted the department looked forward to Sergeant Sikora's service and leadership moving forward.

Mayor Rousmaniere congratulated Denny Colyer and Ryan Sikora and noted it was an honor to witness the beginning and end of two sergeant's careers.

PRESENTATION
OXFORD FARMERS MARKET

Mr. Larry Slocum, thanked the OPD for making sure Lot 52 was clear of vehicles on Saturday mornings so the Farmers Market vendors could set up. Mr. Slocum introduced Mr. Warren Waldron who accompanied him with the musical market report.

Mr. Slocum noted the market had improved over the years and currently had 47 vendors with two more slated. Mr. Slocum advised people were coming to the market from Harrison, Eaton, Cincinnati and Indiana to name a few areas as a result of all the work that goes on here.

Mr. Slocum presented a check to Mr. Elliott as partial reimbursement to the City for the use of Lot 52 for the market.

Councilors thanked Mr. Slocum and Mr. Waldron for their presentation.

PUBLIC COMMENTS

Mr. Adam Kinman, 629 5th Street Rising Sun, Indiana, addressed Council as a striking worker from Merit Erectors/ Avenue Fabricating. Mr. Kinman noted he was striking because Merit Erectors abuse workers and puts their profits ahead of the safety and well-being of workers and the community. Mr. Kinman advised he and his fellow strikers were calling on Merit Erectors to do the following: Stop verbal and physical abuse of workers. Workers were not slaves and deserved respect on the jobsite; Properly train and certify welders. Improper welds weren't just dangerous for workers – they're dangerous for the general public who use those buildings; Provide safe and humane working conditions. Safety equipment should be made available by Merit and workers should be trained and encouraged to use them; Pay workers properly, on time, and fairly so they can support their families. With the grueling work Merit workers do and the toll it takes on their bodies, they need healthcare and retirement benefits. Mr. Kinman advised he was addressing Council because Merit Erectors currently had the bid on the new Kramer Elementary School and he wanted to bring to light some of the issues with Merit including falsified welding certificates which were uncovered by Channel 19.

Mr. Mitch Oberding, 50 19th Street Newport, KY., noted he worked with the Cincinnati Interfaith Workers Center and he supported the striking workers. Mr. Oberding referred to packets handed out to Council and noted they contained examples of what the Cincinnati Interfaith Workers Center had uncovered and what Channel 19 had recovered with regard to Merit Erectors business practices. Mr. Oberding advised he wanted to make Council aware of what might be happening in Oxford.

Mr. Blackburn inquired if this information was presented to the school board and Mr. Oberding advised no. Ms. Rousmaniere thanked Mr. Kinman and Mr. Oberding for their presentation noting it was a City and community issue and advised them to contact the school board. Mr. Blackburn suggested they set up a meeting with the school board's Fiscal Officer as it was their project.

CONSENT AGENDA

MINUTES

Minutes of the November 17, 2015 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the November 24, 2015 City Council Organizational Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the December 1, 2015 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the December 2, 2015 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the December 2, 2015 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTION **NEW COPIER**

A Resolution No. 4954 authorizing the City Manager to enter into an agreement with Woodhull, LLC for a 60-month lease of a Ricoh Aficio MP C2503 color copier. (John Detherage, Fire Chief)

RESOLUTION **2016 FARMERS MARKET**

A Resolution No. 4955 authorizing the City Manager to close Lot 52 each Saturday in 2016 from 5:00 a.m. to 12:30 p.m. to permit the operation of the Farmers Market within Lot 52 during said time. (Doug Elliott, City Manager)

Mr. Dana moved to approve the consent agenda. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION **NOISE ABATEMENT**

A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, On Thursday, April 14, 2016 from 8:00 a.m. until 10:00 p.m. and on Friday, April 15, 2016 from 8:00 a.m. until 10:00 p.m. at Millett Hall on Miami University's campus for the WGI Sport of the Arts Drum Line Competition. (Jung-Han Chen, Community Development Director)
(Tabled)

Mr. Smith moved to remove item 5.1. from the table. Ms. Southard seconded. The motion passed 7-0-0.

Mr. Chen noted Council tabled the proposed Resolution at their November 17th meeting and staff was directed to seek ways to mitigate the noise traveling to Mr. Erickson's property during the Drum Line Competition event at Millett Hall. Mr. Chen advised staff including himself, Acting Chief Jones and Mr. Kyger met with officials from Miami University and Winter Guard International to discuss the concerns raised by Mr. Erickson. Mr. Chen displayed a slide showing a proposed layout for the 2016 event which moved the outdoor practice area south, away from Mr. Erickson's property and towards Sycamore Street.

Mr. Dana inquired how many feet or yards the practice area would be from the property line and Mr. Chen advised approximately 550 feet. Mr. Ellerbe inquired if there was an established decibel limit with a noise abatement and Mr. Chen advised the noise limit could exceed the 70 dbA stipulated in the General Offense Code. Mr. Ellerbe noted the event had taken place in 2014 and in 2015 and inquired if there were complaints aside from Mr. Erickson and Mr. Elliott and Mr. Chen advised no. Mr. Ellerbe inquired if any measurement of decibels were taken from the perimeter of the Millett parking lot during the event and Mr. Chen advised he did not know.

Mr. Bart Woodley, Winter Guard International, noted the event running from 8 a.m. to 10 p.m. was a change from the 2015 event which began at 7:00 a.m. Mr. Woodley clarified the number of groups warming up at a time would be 9 not 20 as was mentioned during the last discussion. Mr. Woodley noted Ms. Greene from the Oxford Visitors Bureau had information to share regarding local impact.

Ms. Jessica Greene, Oxford Visitors Bureau, noted it was the Visitors Bureau's job to welcome and promote Oxford and to encourage groups like Winter Guard International to come to Oxford for economic impact. Ms. Greene advised this group had been here several times and brought over 1,000 youth to Oxford over two weekends and those youth were given free time to explore Uptown. Ms. Greene noted she attended the event last spring and found the group to be respectful and kind. Ms. Greene advised the group utilized hotel rooms in Oxford and already secured 80 room nights for the 2016 event. Ms. Greene noted the group paid Miami University facility fees and used university catering. Ms. Greene advised having the youth in the community over two weekends did create an economic impact for Oxford. Ms. Greene noted these were high school students possibly looking at Miami University as a future school. Ms. Greene encouraged Council to welcome the group to Oxford for many years to come.

Mr. Mike Rudolph, 200 Morgan Circle, noted the Resolution under consideration was tabled at the November 17, 2015 City Council meeting and he was pleased to hear progress in negotiating some options to help address the noise concerns presented at that meeting had been worked upon and hopefully would provide relief to the neighbor that presented opposition. Mr. Rudolph advised the neighbor expressed "there is an incredible amount of noise" and noted that comes from an event like this and it is to be expected. Mr. Rudolph advised as past President of the Talawanda Band Boosters and as an active band parent, he could attest as well as anyone that these are not quiet events and they are not intended to be. Mr. Rudolph noted this was an opportunity for talented young men and women to display their percussive skills for judges in route to a hopeful place in the finals competition. Mr. Rudolph advised at the November 17th Council meeting statements were made by legal counsel for the neighbor opposing the Resolution that this event would not be in the best interest of the City and it would have no positive impact to the City. Mr. Rudolph noted as a band parent who traveled with the Talawanda and Miami University Marching Bands, he knew the cities they visited benefitted financially from them being there and he found it hard to believe this was not the case with the WGI event and the hundreds of people who come to watch the competition over the two day period. Mr. Rudolph advised he felt it was in the best interest of the City to have such an event that once again put Oxford on the map as being able to host events with the fine facilities that Oxford and Miami University had available. Mr. Rudolph spoke as the immediate past chairman of the Oxford Chamber of Commerce and stated he believed the community had a vested interest in the commerce that comes along with an event like this as well as future visitor traffic it could help create as people see the attributes of our City and its surroundings.

Mr. Rudolph advised over the past two years when WGI had been in the area numerous Talawanda youth and friends of theirs from the surrounding Butler, Warren and Preble County middle and high schools have attended this event and noted the impact of these events on the youth was very important. Mr. Rudolph advised many of the band youth in Oxford view their band family as just that, a family. Mr. Rudolph noted as the Talawanda Marching Band traveled this year to Colerain, Bellbrook, Lebanon, Mason and Indianapolis for 2015 competitions he watched an amazing group of young people grow in their confidence, discipline, and in their passion for music, life, and for the success of an organization bigger than themselves. Mr. Rudolph advised he understood how difficult it was to weigh the written noise ordinances along with the concerns of a home owner and any future precedent a decision might set. Mr. Rudolph noted Council was charged with doing what was right for the community and he believed as a life long resident of the Oxford community that events like this were great for the Oxford community and asked Council to help support this and future events such as this one in any way possible. Mr. Rudolph advised he believed in doing what was right for the greater good and he believed allowing WGI to call Oxford home for its preliminary competition in April was right for the community.

Mr. Steve Lytle, Director, Miami University Marching Band, noted he did not have a direct connection to this event although his students volunteered and helped with the event the last two years and will do so in 2016. Mr. Lytle advised when the Miami University Marching Band traveled an overnight 2-3 day trip would cost \$20,000 to \$35,000 depending on what was involved. Mr. Lytle noted for an organization of 240 verses the number of organizations participating here it was easy to see how much money in total was being spent for these types of activities. Mr. Lytle advised WGI was one of 3 non-profit organizations located in Dayton or Indianapolis that had international reputations for being the leaders in excellence in high school music activities. Mr. Lytle noted the activity of WGI coming here and exploring Oxford as an option for events and competitions could open Oxford up to other potential events which could have greater economic impact.

Mr. Jim Robinson, addressed Council on behalf of Craig Erickson clarifying neither he or Mr. Erickson had any direct or indirect quarrels with the qualities of the WGI organization. Mr. Robinson noted the issue was not the quality or type of organization that made an application for a noise abatement. Mr. Robinson advised he felt the reconfiguration was speculative and it was certainly an attempt to mitigate the problem and he was sure it was done in good faith. Mr. Robinson noted the reconfiguration did not address key issues such as the exact number of drummers playing at any one time and it did not address any supervisory involvement to minimize the sound impact on the community. Mr. Robinson advised Mr. Erickson took a decibel reading last year in the presence of Oxford Township police and it registered in excess of 100 at his property line. Mr. Robinson noted the application itself was for an abatement in Millett Hall, it did not ask for an abatement for the surrounding area. Mr. Robinson advised with great respect for Ms. Greene from the Visitors Bureau and all she does he was glad those facts were on the table and Council could weigh them. Mr. Robinson noted he and his client hoped there would have been an attempt by WGI to forge a plan that might further mitigate the sound problem over and above some relocation of activities. Mr. Robinson advised he and his client understood the contract was between Miami University and WGI, not the City, and they request that the organization comply with the rules and regulations adopted by Council that everyone is subject to.

Mr. Robinson noted WGI had not applied for an abatement in the past and because of the problems that occurred City staff felt they should do so to avoid future problems. Mr. Robinson advised if the abatement was denied they could still come and plan accordingly to comply with the ordinances.

Mayor Rousmaniere asked Mr. Robinson to clarify his concern with supervisory involvement during the event. Mr. Robinson advised he and his client understood there was supposed to be someone in a supervisory capacity available to be a front person for receiving complaints or handling problems from a supervisory capacity and they did not know who that person was.

Ms. Stephanie Davis, Director of Events and Facilities, Miami Athletics, advised each year Miami hosted the event there had been a supervisor present from WGI and from Miami Athletics on site and available for any questions that needed answered. Ms. Davis noted there was also senior administration available at each event to take any concerns to the next level if necessary.

Mayor Rousmaniere inquired if Miami Athletics had a decibel measuring device.

Mr. Woodley advised playing a timpani drum was 105 decibels and if a decibel limit was set the drum line competition would not be able to happen. Mr. Woodley referred to page 53 of Council's packet and advised the staff report indicated the abatement was for in and around Millett Hall.

Mr. Kyger clarified that the work group recognized from the beginning that the need for a noise abatement would remain. Mr. Kyger noted no matter where the participants were relocated there was going to be a need for a noise abatement unless the event was cancelled. Mr. Kyger referred to the layout of the proposed 2016 event and advised it was the best attempt to move the activities as far away from Mr. Erickson's property as possible.

Mr. Dana inquired if staff had heard of any instance in which an individual was forced to seek medical help because of the alleged damage. Mr. Elliott advised if someone called for EMS the City would have a record of it, but if not, the City would have no knowledge. Mr. Elliott noted he believed Mr. Erickson stated at a previous meeting that he sought medical help and that was the only incident he was aware of.

Mr. Craig Erickson, Morning Sun Road, noted he was thrilled the group was coming to Oxford and he was thrilled a large group of students and others were coming here to use facilities and see Oxford. Mr. Erickson advised the issue was about enabling the suspension of sound regulations for a period of 14 hours each day. Mr. Erickson noted the issue was permitting a large number of people to practice outside and generate a fantastic volume of sound over prolonged periods of time without interruption and without regulation. Mr. Erickson advised the level of sound he measured averaged 100 decibels. Mr. Erickson noted anyone from the Speech and Hearing Clinic at Miami would tell you that exposure to even a level of 85 decibels times 8 hours a day can cause a physical problem and damage to one's hearing was a serious problem. Mr. Erickson advised this event affected the entire north end of Oxford and asked Council to maintain the noise regulations and work out a way the group could monitor and control the activities during the event as it was a public health issue.

Ms. Southard inquired if Millett Hall was within the City's jurisdiction with regard to the noise regulations and Mr. Elliott advised yes. Ms. Southard noted she felt this was a bigger issue and had to effect more than one person. Mr. Elliott advised the City only received one complaint.

Mr. Ellerbe referred to the proposed reconfiguration of the event for 2016 and inquired if there would be spectator parking in front of the band trailers on the north side of the Millett Hall parking lot and Mr. Chen advised yes. Mr. Ellerbe inquired if the walkway going into Millett Hall was approximately 550 feet from the tree line affecting the property in question and Mr. Chen advised yes. Mr. Ellerbe advised he had done some math and he believed the decibel range would go from 105-110 to the 70 range with the new configuration assuming nothing was in the way. Mr. Ellerbe noted due to the fact there would be cars and vans in front of the drummers he did not see a problem and he would expect the noise level to be in the 60-70 range once it hit the tree line even with the noise abatement. Mr. Ellerbe advised he was more concerned with residents on Sycamore Street with the new configuration.

Mr. Blackburn noted he owned rentals in that area and he would talk to those residents.

Mr. Ellerbe advised with the proposed configuration and an amendment to the Resolution the only real concern he had was how it would affect the residents on Sycamore Street.

Ms. Southard advised whether the Resolution passed or not Council should ask for more data so they knew how the sound was affecting neighboring properties.

Mayor Rousmaniere noted this was a request to authorize a temporary abatement of the noise ordinance and its not saying there won't be any noise. Mayor Rousmaniere advised there would be noise coming from the drum competition.

Mr. McKeehan moved to amend the proposed Resolution by inserting the words 'and its surrounding parking areas' after the words Millett Hall in the caption of the proposed resolution and in sections 1 and 3. Ms. Southard seconded. The motion passed 7-0-0.

Mr. Ellerbe inquired if it was possible for City staff to take some measurements during the 2016 event for data collection purposes and report those findings to Council and Mr. Elliott advised yes, although the City would need to lease or buy the equipment.

Mr. McKeehan moved to adopt Resolution No. 4956 as amended. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION **MUTUAL ASSISTANCE** **AGREEMENT**

A Resolution No. 4957 authorizing the City Manager to enter into a Law Enforcement Mutual Assistance Agreement with Miami University. (John Jones, Acting Police Chief)

Acting Chief Jones noted this agreement expired in June and was extended through October so the parties involved could review and discuss it.

Acting Chief Jones advised the Miami University Police Department and the Oxford Police Department felt things were working well and would like to extend the agreement for the next three years. Acting Chief Jones noted all Butler County agencies participated in a Butler County Mutual Aid Agreement but this one further specified items pertaining to Oxford and Miami since they worked closely together.

Mr. Ellerbe suggested OPD could borrow sound testing equipment from Miami and Acting Chief Jones stated he could certainly ask.

Mayor Rousmaniere inquired if there were any additional comments from Council or from the public and there were none.

Mr. McKeehan moved to adopt Resolution No. 4957. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION
GRANT APPLICATION

A Resolution No. 4958 authorizing the City Manager to apply for the 2016 Assistance to Firefighters Grant Program with a ten percent (10%) match by the City. (John Detherage, Fire Chief)

Mr. Elliott advised Chief Detherage was on vacation. Mr. Elliott noted as in years past, staff is requesting permission to apply for the Federal Assistance to Firefighters Grant and the grant application will request funding for two new EMS cots/loading systems. Mr. Elliott advised these systems will eliminate the weight placed on the EMS provider while lifting and loading patients, making this operation safer for the provider and the patient. Mr. Elliott noted this project will replace the current cots which are over 10 years old and showing their age. Mr. Elliott advised the expected cost of the project is not to exceed \$86,000 with the City portion being 10% or \$8,600 to be paid from the fire budget with funds budgeted for the purchase of one system. Mr. Elliott noted previous grants had paid for the diesel exhaust filtration systems at the Fire Station, thermal imaging cameras and Level I Firefighter training. Mr. Elliott asked for Council's permission to apply for the grant and noted his hope the grant application would be successful.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Ellerbe inquired if the grant would affect the Capital Improvement line item that addresses the same thing. Mr. Elliott advised \$40,000 was budgeted for one cot system and if the grant was successful only \$8,600 would be spent for two cot systems.

Mr. Dana moved to adopt Resolution No. 4958. Mr. Blackburn seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
CURB, GUTTER & SIDEWALK
ASSESSMENTS

An Ordinance Levying Upon The Lots And Lands Enumerated In The List Of Estimated Assessments (Exhibit A) The Amounts Set Forth On Such List And Setting Forth Terms For Payment Of Assessment. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised this was the fourth and final piece of legislation for the High Street reconstruction project. Mr. Dreisbach noted last summer High Street was reconstructed and restored to a brick surface between Poplar Street and Campus Avenue. Mr. Dreisbach advised as part of the project the City had to ensure the curbs, gutters and sidewalks were in good condition in the work area. Mr. Dreisbach noted by Ordinance, property owners were responsible for the costs of maintaining their curbs, gutters and sidewalks. Mr. Dreisbach referred to Exhibit "A" on page 68 of Council's packet and advised those property owners chose to be assessed rather than perform the work themselves. Mr. Dreisbach noted Council had done the previous 3 steps of passing a Resolution of necessity declaring the work needed to be done, a Resolution awarding the construction contract and a Resolution providing the exact costs for each parcel. Mr. Dreisbach advised tonight's Ordinance once approved would authorize the City to send the data to Butler County so the \$55,000 expenditure could be reimbursed to the City through property tax assessments. Mr. Dreisbach noted the property owners had the option of paying cash within 30 days after the Ordinance was adopted or being assessed for 5 years at 5% interest.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Dana referred to Exhibit "A" and inquired if the improvements and costs were average for these projects over the past several years. Mr. Dreisbach advised most of this work was performed in commercial areas which were typically more expensive than projects in residential areas.

Mayor Rousmaniere advised the proposed Ordinance would be on the next agenda for second reading.

ORDINANCE
EASEMENT AGREEMENT

An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement Between The City Of Oxford And Duke Energy Ohio, Inc. For A Permanent Easement Over Portions Of Real Property Commonly Known As Leonard Howell Park To Allow The Relocation Of Electric Infrastructure In Advance Of Construction To Replace The Bonham Road Bridge. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised Council adopted several pieces of legislation over the past several months to prepare for the replacement of the Bonham Road bridge.

Mr. Dreisbach noted the Butler County Engineer's Office was replacing the bridge at no cost to the City and several things had to take place in advance of the construction. Mr. Dreisbach advised Duke Energy needed to relocate a utility pole which serves the City's water utility and an easement was needed for the relocation. Mr. Dreisbach noted all easements needed Council's approval by Ordinance.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. McKeehan noted legislation regarding this project had been on Council's agenda in some form over the last 5 years. Mr. Elliott reminded everyone the City initiated the annexation legislation related to this project.

Mayor Rousmaniere noted the proposed Ordinance would be on Council's next agenda for second reading.

ORDINANCE
SECOND READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3340 Amending Ordinance No. 3286. Supplemental Budget Ordinance Number 8 To Make Supplemental Appropriations For Fiscal Year 2015. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on pages 76-77 of Council's packet noting the only change from the first reading was item 5 relating to the administrative expenses for Community Development Block Grant projects. Mr. Newlin advised the City had not received its reimbursement from the county yet for those administrative expenses.

Mr. Dana inquired why the reimbursement was outstanding. Mr. Newlin advised the submission was made in November and it took some time to receive the reimbursement check from the county.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Dana moved to adopt Ordinance No. 3340. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Dana, Mr. Ellerbe, Mr. McKeehan, Mr. Smith, Ms. Southard, Mr. Blackburn
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott announced for the public that Lt. John Jones was appointed as Acting Police Chief while Chief Holzworth was on medical leave. Mr. Elliott noted Council was aware of the appointment and Acting Chief Jones was doing a wonderful job for the City. Mr. Elliott advised Chief Holzworth was expected to return in mid January.

Mr. Elliott advised the City had 3 unions in the Police Division and the non-sworn union had 9 Dispatchers, 2 Public Safety Assistants a Parking Clerk and a Property Custodian. Mr. Elliott noted the non-sworn labor agreement would expire December 31, 2015 and negotiations were scheduled. Mr. Elliott advised Mr. McHugh filed for the City a petition for clarification of the bargaining unit that had to be filed with the State Employee Relations Board since the City was changing the title/duties of Dispatcher to Dispatcher/Clerk. Mr. Elliott noted the Dispatch Center was being restructured and he hoped the negotiations were concluded by year end so by the January 5th Council meeting an agreement could be adopted. Mr. Elliott advised the transition was moving smoothly to the Butler County Sheriff's Office doing the dispatching for Oxford with a target date of January 1, 2016.

Mr. Elliott advised 2,600 subsequent opt-out letters for the City's Electric Aggregation Program were mailed December 12, 2015.

Mr. Elliott announced a notice would be posted on the City's website tomorrow seeking Oxford residents to apply for positions on the new Police Community Relations and Review Commission which consisted of 7 members appointed by City Council. Mr. Elliott advised the members should be reflective of Oxford's diverse community.

Mr. Elliott wished everyone happy holidays.

Mr. Dreisbach wished everyone happy holidays.

Mr. Kyger encouraged everyone to shop local and reminded them that parking Uptown was free.

Mr. McKeehan noted he was Chair of the Lions Club Christmas Tree Sale and it was a very successful event again this year. Mr. McKeehan wished everyone happy holidays.

Mr. Ellerbe congratulated the new sergeant and the retiring sergeant and wished everyone a happy holiday.

Mr. Dana advised he attended a Planning and Zoning Workshop in Dayton recently and it was very productive. Mr. Dana highlighted one of 4 sessions he attended regarding the City of Kettering's new Zoning Code which allowed the elimination of subjective and time consuming Planned Developments and special districts without sacrificing great design and great projects. Mr. Dana noted he sent this information to Mr. Chen and to Mr. Prytherch and he hoped it would help Oxford.

Mr. Smith advised Channel 12 had a camera focused on the south side of High Street and their weather broadcast showed Oxford's beautiful Uptown. Mr. Smith noted a more attractive shopping district would be hard to find. Mr. Smith wished everyone happy holidays.

Ms. Southard advised the Oxford Farmers Market for December was this Saturday from 10 a.m. to 12:00 p.m. Uptown. Ms. Southard noted many vendors donated extra produce to the Oxford Community Choice Pantry. Ms. Southard noted two recent events benefitted the Oxford Community Choice Pantry, the Turkeys for Touchdowns event and the Empty Bowls event. Ms. Southard advised as President of the Oxford Community Choice Food Pantry Board she talked with Ben Wright at the university about how to reach students who might benefit from the food pantry.

Ms. Southard wished everyone a very happy holiday.

Mr. Blackburn wished everyone a Merry Christmas and Happy New Year. Mr. Blackburn encouraged those traveling to travel safe.

Mayor Rousmaniere advised the Family Resource Center had a new thrift store in building 1 and it was open 11:00 a.m. to 6:00 p.m. Monday through Friday. Mayor Rousmaniere noted donations could be made at building 3 from 9:00 a.m. to 1:00 p.m.

Mayor Rousmaniere advised she attended the Coalition for a Healthy Community meeting recently and learned in January, Primary Health Solutions would open an office on Locust Street. Mayor Rousmaniere noted Primary Health Solutions was federally funded in part and it would be a health center for Medicaid and Medicare patients and for those without health insurance. Mayor Rousmaniere advised Butler County Behavioral Health would also be there and it would be an office for people with physical needs and for people with mental health needs. Mayor Rousmaniere noted the organizers identified 1,000 clients who were interested in these services and she felt it would be a great contribution to the Oxford community.

ADJOURN

Mr. Dana moved to adjourn at 9:17 p.m. Ms. Southard seconded. The motion passed 7-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: January 5, 2016

Kim Newton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 17, 2015

Date Prepared

Agenda Title:

Report regarding the December 16, 2015 Civil Service Commission Regular Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Wednesday, December 16, 2015. Those members present were: Karen Martino, Chair; James Burchyett, Vice-Chair; Greg Smith and Brian Martin. Bill Brewer was excused.

Candi Turpin, Human Resources Director; Kim Newton, Recording Secretary were in attendance for the City of Oxford. Dennis Malone, Human Resources Director was in attendance for the Talawanda School District.

The Commission reviewed and approved the Eligibility list for Plant Mechanic I in the Waste Water Treatment Plant for the City of Oxford as well as the Food Service Eligibility list for the Talawanda School District.

The next Civil Service Commission meeting is scheduled for Wednesday, January 27, 2016 at 5:30 p.m.

Approved By:

Initial Date

Department Head:

City Manager:

Ckt 12.17.15
PRE 12/31/15

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 5, 2015

Sam Perry
Prepared By

Account Code No. #:

Budgeted Amount:

December 28, 2015
Date Prepared

Agenda Title: Board of Zoning Appeals Meeting Report – December 16, 2015

Administrative Appeal

BZA-2015-14, Parcel H4000008000186, Appeal of Administrator's Decision, vacant alley lot behind 116 W. Church Hoelzer/Hoelzer Rentals Inc. , Jack Grove, Appellant/Agent

In August 2015 a variance request was submitted for a vacant alley parcel behind 116 West Church Street. The request was a variance for relief from the requirement for the principal entrance of a new structure to be upon the street, so it could instead be upon the alley. Upon researching the property record, staff determined that a 2001 Housing Agreement restricted the property owner to only the 12-person Grandfathered Lodging House. Allowing the variance request to be heard would have violated the terms of the agreement set forth between the owner and the Oxford City Council, therefore the BZA decided to uphold the staff's decision to not place the variance request on the agenda.

Adjudication Hearing

BZA-2015-16, 10 N. Beech Street Variance to Section 1151.05(a)(2)B indirect illumination; Section 1151.05(a)(2)A permitted wall signs; Section 1151.05(a)(2)A1a sign height Gregory Meyer, Robert Treadon & Associates, Applicant/Agent

Architect Greg Meyer, on behalf of the property owners, sought three variances (Sign height, type and lighting) regarding the sign for a new mixed use building on the site of the former Princess Theater. The sign formerly at this location was legal nonconforming and lost its legal nonconforming status when it was removed as part of the building demolition. The proposal is to reconstruct the sign to replicate the former sign in design, size and location. The sign will be built of new materials that mimic the former materials with the exception of the proposed digital display message board. Contrary to the submitted drawings, verbal testimony at the hearing was that a digital display was not planned. The Board deliberated using the eight decision criteria and voted 4-0 to approve the sign height and type variances. The board tabled the sign lighting variance with a vote of 4-0 to allow the owners to come back with additional information.

Approved By:

Department Head:

City Manager:

Initial Date
JHC / 12/28/15

DRE / 12/31/15

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: January 5, 2016

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 29, 2015

Date Prepared

Agenda Title: A Resolution approving the contract between the City of Oxford, Ohio, and the Oxford Police Employees Association and authorizing the City Manager and the City Law Director to sign the contract on behalf of the City.

Recommendation: Adopt the Resolution

Discussion:

An agreement has been reached with the Oxford Police Employees Association. This group includes public safety assistants, public records specialists, and dispatcher/clerks (formerly public safety communication officers). The term is for three years (2016, 2017, and 2018). The agreement includes a 2% pay increase for 2016. It also includes a re-opener on wages for 2017 and 2018. I am recommending that City Council approve the agreement with the Oxford Police Employees Association.

Approved By:

Initial Date

Department Head: _____

City Manager: DEE 12/31/15

RESOLUTION NO.

A RESOLUTION APPROVING THE CONTRACT BETWEEN THE CITY OF OXFORD, OHIO, AND THE OXFORD POLICE EMPLOYEES ASSOCIATION AND AUTHORIZING THE CITY MANAGER AND THE CITY LAW DIRECTOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY.

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

SECTION 1: The City Manager and the Acting Chief of Police recommend Council authorize the City Manager and the City Law Director to sign on behalf of the City, the Contract attached hereto and incorporated herein by reference as Exhibit 'A' with the Oxford Police Employees Association, for the purpose of achieving a mutual agreement and understanding between the aforementioned parties and to establish a written protocol for harmonious relations between the parties. The term of this contract shall be for three (3) years beginning January 1, 2016 through December 31, 2018.

SECTION 2: Council hereby accepts the recommendation of the City Manager and the Acting Police Chief and approves the contract finding that the contract will benefit the community and it is in the best interest of the City to authorize the City Manager and the City Law Director to sign the contract in substantially the same form as Exhibit 'A' attached hereto and incorporated herein by reference on behalf of the City.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

EXHIBIT "A"

CONTRACT

Between

THE CITY OF OXFORD

And

THE NON-COMMISSIONED POLICE DEPARTMENT EMPLOYEES

PAID FROM:

January 1, 2016 - December 31, 2018

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This agreement, made and entered into on the _____ day of _____, 2016, in the City of Oxford, County of Butler, State of Ohio, by and between the City of Oxford, hereinafter called "City" and the Non-Commissioned Police Department Employees, hereinafter called "Employees", has as its purpose the promotion of harmonious relations between the City and the Employees, the formalization of the complete agreement between them on all matters pertaining to wages, hours, or terms and other conditions of employment, and the establishment of an equitable and peaceful procedure for the resolution of differences which may arise concerning those matters.

The parties hereto agree that each has had full and unrestricted right and opportunity to make, advance and discuss all matters properly within the province of collective bargaining. It is expressly understood that all matters not included in this agreement are by intention and design specifically excluded and fall, for the life of this agreement, within the powers, duties and responsibilities of the City. This agreement constitutes the full and complete agreement of the parties and there are no others, either oral, written, or by custom except those as herein expressly contained. Therefore, the Employees and the City, for the life of this agreement, each voluntarily and unqualifiedly waive the right, and each agrees that the other shall not be obligated, to bargain collectively with respect to any subject or matter referred to, or covered in this agreement, or with respect to any subject or matter not specifically referred to or covered in this agreement, even though such subject or matter may not have been within the knowledge or contemplation of either or both of the parties at the time that they negotiated and signed this agreement. Each of the parties to this agreement, for the term of this agreement, specifically waives the right to demand or request changes herein, whether or not the subjects were known to the parties at the time of execution hereof as proper subjects for collective bargaining and it is agreed that the City shall not be subject to provide additional wages, compensation, fringe benefits, or emoluments of any kind beyond that which is specified in this agreement.

ACCEPTED:

Non-Commissioned Police
Department Employees

City of Oxford

Matt Stitzel, President

Douglas R. Elliott Jr., City Manager

Cindy Blevins, Secretary/Treasurer

Stephen M. McHugh, Law Director

Dan Haughey, Legal Counsel

Robert B. Holzworth, Chief of Police

ARTICLE I Recognition

1. The Oxford Police Employees Association is recognized as the exclusive representative for collective bargaining purposes for the non-commissioned employees consisting of the public safety assistants, police records specialists and dispatcher/clerks as established by certification granted by the State of Ohio State Employment Relations Board, dated September 2, 1999, more specifically referred to as Case No. 99-REP-05-0113. The term "Employee" when used in this agreement refers only to those employees, individually and collectively, included within that certification.
2. The bargaining unit excludes all part-time and all other non-commissioned employees of the Police Department in the City.

ARTICLE II Dues Deduction

The City agrees to deduct and remit to Oxford Police Employees Association periodic dues, initiation fees, and assessments of members of Oxford Police Employees Association upon presentation of written deduction authorization (see Appendix C) by the Employee. It is agreed that the written deduction authorizations specified shall be irrevocable for the term of this agreement and that said authorizations shall stipulate that the same is irrevocable for the term of this agreement and that thereupon the City will treat the same as irrevocable during the term of this agreement irrespective of any attempts to negate said authorizations.

Should any member of the bargaining unit not become a member of Oxford Police Employees Association within sixty (60) days of becoming a member of the bargaining unit, the City, upon written request and certification by the Employees as to the facts, will deduct a fair share from said employee's pay pursuant to and by virtue of the authority provided in the Ohio Collective Bargaining Law. The Employees agree that any such fair share employee will be fully represented by the Employees the same as if he or she were a member of the Employees and will be entitled to attend and participate in meetings of the bargaining unit and will be entitled to vote on the contract with the City as well as any and all contract matters or provisions in the same manner as are members of the Oxford Police Employees Association.

The Employees agree to indemnify and hold the City harmless against any and all claims and liability arising by virtue of its deduction from any employee's pay made pursuant hereto and for disposition and use of deductions so made once they have been received by the Employees.

ARTICLE III Wages

The wage rates which shall be effective during the term of this agreement are set forth in Appendix A.

ARTICLE IV
Work Day and Work Period

1. The normal work day for Records Specialist and dispatcher/clerks shall be eight (8) consecutive hours of work inclusive of a thirty (30) minute meal period. The Public Safety Assistants shall have a normal work day consisting of ten (10) consecutive hours of work inclusive of the thirty (30) minute meal period.
2. The normal work week shall be forty (40) hours per one week pay period.
3. A one week pay period begins at 7:00 a.m. on Monday and ends one hundred sixty eight (168) hours later.
4. A day begins at 7:00 a.m. and concludes twenty four (24) hours later.
5. While remaining on duty and in communication with the Dispatcher's office, an employee shall be entitled to two separate twenty (20) minute breaks per work day while working a ten hour shift; employees working an eight hour shift shall be entitled to two separate fifteen (15) minute breaks per work day while working an eight (8) hour shift. Any employee requested to work beyond the end of his/her shift shall be entitled to a twenty (20) minute break if requested to work twelve (12) hours, or, should the employee be requested to work fourteen (14) hours, he/she shall be entitled to a thirty (30) minute meal period every four to five (4-5) hours. Employees working other overtime shall be entitled to the following breaks: one fifteen (15) minute break if requested to work no less than four (4) hours; or one twenty (20) minute break if requested to work six (6) or more hours; or one (30) minute meal period if requested to work no less than six (6) hours; or according to the normal schedule if requested to work a full eight (8) or ten (10) hour shift. Unless specifically approved by the shift supervisor, no two employees shall be on break at the same time. Before commencing a break, every employee shall notify the dispatcher/clerk of his/her intent and location and shall be subject to an order from the shift supervisor to return to duty. Upon completion of a break, the employee shall also notify the dispatcher/clerk.
6. Changes in an employee's work schedule when such employee is not being paid overtime therefore and when such change is not occasioned by sickness, funeral, injury, or attendance at schools, training sessions, lectures, meetings, jury duty or vacancy in the division wherein the City did not have thirty (30) days advance notice of said school, training session, lecture, meeting, jury duty or vacancy in the division or where the schedule change is occasioned by the cancellation of an employee's attendance at any school, training session, lecture, or meeting and the City desires to substitute and assign another employee to such school, training session, lecture, or meeting, shall require that thirty (30) days notice thereof be given to the affected employee. In order to assure the City's ability to comply with this Article, it shall be mandatory that an employee provide the City with written notice thirty-seven (37) days in advance of request for holiday time off, personal days, and compensatory time days off, unless the City does not reschedule another employee to work as a result of such request. Changes in an employee's work shift or working hours may be made with less than thirty (30) days notice by mutual agreement between the City (through the scheduling officer) and the affected employee(s).

7. Two employees may exchange shift assignments with approval of the scheduling officer provided (1) both employees sign the shift trade agreement form in Appendix B; (2) each shift trade is scheduled in such a way that each employee is still scheduled for forty (40) hours work within the one-week pay period described above; and (3) no employee may work more than six consecutive days through the use of shift trades.

8. Within 30 days of both parties accepting this contract, the City will provide a schedule through December 31, 2016. For subsequent contract years, the City will provide the schedule for the next calendar year by October 1st of the preceding calendar year. Nothing herein shall restrict the rights of the City to change the schedule in accordance with the terms of this contract and the law.

ARTICLE V Overtime

1. Overtime is defined as any time worked in excess of forty (40) hours during any one week pay period, but excluding any excess hours spent on jury duty. When directed by the supervisor to work overtime, an employee will be compensated for all such hours actually worked at a rate of one and one-half (1-1/2) times his/her normal rate. Compensation will be in the form of pay or compensatory time off at the option of the City. Work assignments shall not be offered based solely on the employee's acceptance of compensatory time off. Compensatory time shall be taken as additional vacation subject to the approval of the employee's supervisor; however, no employee shall be permitted to carry over more than forty (40) hours of compensatory time from one calendar year to the next calendar year. The overtime rate of pay is applicable to any hours worked in addition to the forty (40) hours of straight-time compensation for any one week pay period. Such straight-time compensation may include hours actually worked, paid leave or sick leave, holiday time, or vacation, or jury duty hours, or a combination of hours actually worked, paid leave and/or jury duty hours. Additional rules and restrictions on the accumulation and use of compensatory time shall be agreed by the parties' Labor Management Committee and approved by the City Manager.

2. An employee who is called to duty following the completion of the normal work day and three (3) or more hours prior to the commencement of the next normal work day shall receive a minimum of two (2) hours compensation for such call-in at one and one-half (1-1/2) times the normal rate.

3. An employee who is required to appear in Court to testify as a witness on behalf of the State or City in a State or City case or pursuant to a subpoena in a civil case by reason of the employee's duties and actions as an Oxford employee, if not on duty at such time, shall receive a minimum of three (3) hours compensation at one and one-half (1-1/2) times the normal rate. Court appearances in civil cases resulting from special duty employment shall not qualify for compensation pursuant to this section.

An employee who is called for jury duty will be scheduled to work an eight-hour day shift for those days which the employee serves as a juror. The employee shall report for duty at the Oxford Police Headquarters to work those hours of any day shift which is not spent as a juror. An employee shall remit to the Finance Department any funds received for serving as a juror,

except that the employee shall be allowed to retain mileage fees. No employee shall be paid for more than forty (40) hours per work week for time actually spent as a juror.

4. The working of overtime is mandatory. Where possible, the City will post available overtime in advance and fill slots from the work force on a volunteer basis. On occasions when it is not possible to post overtime in advance, the City will contact employees in an attempt to fill the slot on a volunteer basis. An employee shall have the right to tentatively refuse such overtime if the employee has personal plans and makes them known to the City. However, if the City is unable to fill a slot on a volunteer basis, the City will have the right to order an employee to work the required overtime.

5. Overtime will be allocated to employees, by classification, in accordance with the following procedures:

A. Coverage for partial shift, i.e., 0300 to 0700 or 1700 to 2100:

1) Shift coverage overtime shall be offered to the employee(s) working the shift prior to the vacancy, being offered to the employee with the lowest overtime balance first.

2) If the employee(s) working the shift prior to the overtime decline the overtime, it shall be offered to the employee(s) working the shift immediately following the vacancy, being offered to the employee with the lowest overtime balance first.

3) If the above employees decline the overtime, then it shall be offered to employees not working, being offered to the employee with the lowest overtime balance first.

B. Coverage for an entire shift:

1) The shift shall be divided in half, with the first half being offered to the employee(s) working the shift prior to the vacancy, being offered to the employee with the lowest overtime balance first.

2) The second half of the shift will be offered to the employee(s) working the following shift, being offered to the employee with the lowest overtime balance first.

3) If the above employees decline the overtime, then it shall be offered to employees not working, being offered to the employee with the lowest overtime balance first.

4) In providing shift coverage, employees will not routinely work more than fifteen (15) consecutive hours.

C. Overtime balance:

The overtime balance referred to above shall be determined by the current sum of all overtime hours worked plus hours offered and declined; however, only shift coverage overtime hours will be included in the balance.

D. Call out overtime hours:

When specialized skills are required, the officer in charge will determine who shall be called out.

E. Assignments for scheduled overtime (known 72 hours in advance) by classification:

1) The overtime balance sheets will be maintained for one calendar year. The overtime records will be kept electronically and will be available for employees to inspect upon request.

2) At the beginning of the calendar year, assignments will be based upon the employee(s) length of service, being offered to the employee with the longest seniority, by classification, first.

3) If two employees have the same overtime balance, the overtime will be offered first to the employee with the longer length of service (seniority) by classification.

4) The word "offered" used in the above items means that the City has attempted in good faith to contact the appropriate employee either in person or by text, email or telephone but actual contact is not required.

5) The above procedure shall not be required in an emergency situation.

ARTICLE VI
TAC Pay

1. The person assigned to handle the TAC duties will receive on a pro-rated annualized basis during the term of this contract One Thousand Dollars (\$1,000.00) for performing those services.

2. The employee assigned as assistant to the TAC LEEDs officer who has been trained and appointed to the position by the Police Chief will receive on a pro-rated annualized basis during the term of this contract Two Hundred Fifty Dollars (\$250.00) for performing those services.

ARTICLE VII
Holidays

For purposes of determining holiday pay, employee shall be entitled to fourteen (14) paid holidays each year: Designated holidays are New Year's Day (January 1), Martin Luther King, Jr., Day (3rd Monday in January), President's Day (3rd Monday in February), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25); undesignated holidays are the employee's birthday and five (5) personal absence days. The Employee may trade in the current contract year, one of the fourteen (14) designated holidays the employee is scheduled to be off for Easter. Employees will be expected to take Easter off if they

trade another holiday for Easter. No employee in any current contract year shall have more than fourteen (14) designated holidays, nor shall an employee use the trade of a holiday to receive additional pay. The Employee shall make the designation of the holiday to be traded for Easter at least thirty-seven (37) days before the earlier of the holiday to be traded for or before Easter if the holiday to be traded for falls after Easter. For the contract year January 1, 2016 to December 31, 2016 the election must be made within ten (10) days of the approval of this contract, if the holiday to be traded is less than thirty-seven (37) days from the date this contract is signed. Employees who work a designated and eligible holiday shall be eligible to take a subsequent day off with supervisor approval. Upon the approval of the supervisor, the employee on his/her birthday may take the day off or take it at a later date in the same year. Employees scheduled to work Christmas Eve and/or New Year's Eve will be compensated at one and one-half (1-1/2) times their normal rate for the hours worked. This provision applies only to employees actually working. Employees not working these two days are not entitled to any additional compensation or time off. Employees scheduled to work on a designated holiday may with his/her supervisor's approval choose not to work on that holiday. Those who work will be compensated at a rate of pay two and one-half (2-1/2) times their normal hourly rate, or they can receive pay at one and one half (1-1/2) times their normal hourly rate, instead of the additional pay, and an additional day of leave to be used at a later date. No shift trades will be allowed on designated holidays. Designated holidays not worked and undesignated holidays may be taken on any scheduled working day, not a designated holiday, with the approval of the employee's supervisor. When an employee does not work a designated holiday, the employee may with approval take that holiday on a scheduled working day or may turn in the holiday for eight (8) hours straight time (non-overtime) pay. Employees assigned to a ten (10) hour shift may, with the approval of the employee's supervisor, turn in designated holidays not worked for ten (10) hours straight time (non-overtime) pay. Designated holiday hours turned in for pay shall not be added to the forty (40) hour work week for purposes of determining overtime. All holidays shall be used within one year of the date earned except that no employee shall lose holidays because his/her request for specific days off was not approved.

ARTICLE VIII Vacation

Employees will be credited with accrued vacation monthly for each pay date through the year based on their employment according to the following schedule:

1 st through 4 th anniversary	6.667 hours/month
5 th through 9 th anniversary	10 hours/month
10 th through 14 th anniversary	13.334 hours/month
15 th anniversary and subsequent	16.667 hours/month

An Employee may accumulate one year of earned and accrued vacation time (based on the previous table) and may carry the same forward each calendar year. Any employee who is ordered to perform official duty during scheduled vacation shall be compensated at a rate of one and one-half (1-1/2) times the employees normal rate for any hours actually worked.

Prior to October 1 of any calendar year, an employee may turn in up to eighty (80) hours of accrued vacation for pay, provided that such employee has used not less than forty (40) hours of vacation time in the preceding fifty-two (52) week period for time off. An employee planning to turn in vacation for pay shall notify the City in writing no later than September 15th of the current year.

ARTICLE IX Leaves

1. Leaves of absence. A leave of absence without pay for a period of up to one (1) year may be granted upon approval of the City Manager. Return of the employee within the approved time period entitles the employee to reinstatement in the position held prior to the granting of the leave. Failure to return to work upon the termination of a leave of absence shall result in termination of employment. The City may require that any employee requesting leave under the provisions of the Family and Medical Leave Act of 1993 utilize accrued paid time off (vacation, personal or compensatory time off, and sick leave if a sickness is involved) before any non-paid time off shall be utilized. No benefits shall accrue during the period of the leave of absence, unless any such time is mutually designated Family Medical Leave time. During such 12 week period the City will provide health insurance coverage as required by law.

2. Funeral Leave. Full-time employees will be permitted to use up to three (3) days funeral leave per calendar year for such time as may be reasonably needed for the purpose of attending the funeral of a member of their immediate family. After exhausting this annual allowance, an employee will be permitted to use up to three (3) days of sick leave as may be reasonably needed for the purpose of attending the funeral of a member of their immediate family. In no case shall an employee use more than a combined total of three (3) days funeral and/or sick leave for a single funeral. Immediate family shall be construed to mean spouse, child (biological, adopted, foster or stepchild), parent, step-parent, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, great-grandparent, spouse's grandparent or grandchild, aunt, uncle, and non-traditional family member. No other relatives are considered immediate family members for purpose of this provision. Employee using funeral leave are required to submit either an obituary or provide other documentation. Leave of absence without pay is allowed for other funerals when approved by the employee's supervisor.

Other Funeral Leave. Funerals not covered in the previous paragraph requiring absence of four hours or less may be granted with pay at the discretion of the Department Head or with the approval of the City Manager in the case of Department Heads. Leave of more than four (4) hours will be taken as vacation leave or leave without pay.

3. Maternity Leave. Maternity leave shall consist of sick leave and/or vacation time, or any other earned and accrued time, with pay, and/or leave of absence without pay. After the employee utilizes, for maternity purposes, all of her accrued sick leave and vacation leave, she will be placed on leave of absence without pay for a period not to exceed six (6) months. During such leave of absence the City will continue the employee's group health insurance at the expense of the employee if the employee requests unless such leave without pay is mutually designated as Family Medical Leave time where health insurance will be provided as required by law. Additional leave of absence without pay may be granted by the City Manager upon request,

for good cause upon showing of unusual circumstances. If the City Manager has reason to believe that an employee is unable to fulfill her usual duties by reason of pregnancy, the City Manager may request in writing that the employee begin sick leave, vacation leave or leave of absence without pay at a date earlier than that selected by the employee. Benefits other than health insurance do not accrue during the period of leave of absence without pay.

ARTICLE X

Sick Leave and Recuperative Leave

1. Sick Leave. Employees shall earn sick leave at a rate of ten (10) hours per month. Sick leave is used to compensate the employee at his/her regular rate when absent due to the illness of the employee. Sick leave is also charged when an employee leaves work for any medical appointment. Sick leave may also be used as follows:

A. An employee may also use a day of sick leave when he/she cannot come to work due to snow conditions and when his/her supervisor has determined that snow conditions prevented the employee from reporting for work.

In case of illness, employees shall be allowed to use accrued compensatory time, vacation hours or holiday hours in the same manner as presently prescribed for use of sick leave.

2. Recuperative Leave. An employee who is disabled to the extent that he/she cannot perform regular duties as a result of injury sustained in an identifiable incident while in the course of public employment with the City, not through his/her own negligence, after exhaustion of fifteen (15) days of the employee's accumulated sick leave, shall continue to receive for a period not to exceed one calendar year from that date an amount of compensation equivalent to his/her full salary less any and all funds or monies received from public or private agencies by way of pension, compensation, or indemnity for such disability. The employee shall make application for "temporary total" disability compensation under the Workers' Compensation Law of Ohio, provided that where the disability is of a type or nature which will prevent the employee from returning to full duties, the employee shall mandatorily apply for such available benefits of said funds or money that may accrue to him/her and be payable from the Public Employees Retirement System. The City Manager shall cause the employee to be examined by a physician of the City's choice to determine the extent of the disability and may require subsequent examinations during the period of disability. In no case will the City pay a recuperative leave allowance for any period of time in excess of the "temporary total" disability time as determined and awarded by the Ohio Bureau of Workers' Compensation.

3. Reinstatement. An employee absent from work because of any service connected occupational illness or injury as determined by the Ohio Industrial Commission shall be entitled to reinstatement at the same rate of pay received prior to the date of such illness or injury plus any contractual increases upon approval of his/her application to return to work.

4. Sick Leave Incentive. A non-commission police employee shall receive a bonus of two hundred dollars (\$200.00) per calendar quarter if the employee uses no sick leave during that quarter. Use of any hours of sick leave will result in the employee receiving no payment for that quarter. Any employee who uses no sick leave for a calendar year shall receive an additional

two hundred dollars (\$200.00). The employee shall receive all such bonus payments at the end of each calendar quarter. Any payment shall reflect applicable federal, state, and local withholdings. Sick leave used for recuperative leave as defined in paragraph 2 (above) shall not be considered sick leave used for purposes of this paragraph. This sick leave incentive will be part of any Employer absentee control policy, whether or not such policy is part of the contract.

5. An employee has the option of requesting payment of their current sick leave balance (the hours listed in Appendix E plus any converted hours) over a period of three years starting with the first full payroll period following the adoption of this contract. An employee will elect by April 30th for the year 2010 and January 31st of each year of this contract whether to convert up to one-third of the total hours listed in Appendix E, as of December 31, 2009. If the employee elects not to convert all or a portion of one-third of those hours each year then those hours that are not converted shall not be converted under this payout provision. At no time shall an employee have in accrued hours, whether from Appendix E or hours accrued after December 31, 2009, less than 80 hours. To be eligible to convert in any one year, the employee must have or be expected to accrue more than 80 hours. If the employee's accrued balance falls below 80 hours and remains there for 60 days the payout of sick leave shall cease until the employee has accrued and maintains 80 hours of sick leave. If approved, no additional bonus payments will be converted and added to the employee's balance. Payments shall be made in equal payments with the employee's regular payroll check. This amount will not increase the employee's hourly rate. Payroll personnel will manage the process, reducing the employee's hourly balance by each payroll period.

6. Regardless of the payment option selected by the employee, the remaining current sick leave balance (as shown on Appendix E, as defined above) will be paid for up to 1200 hours of sick leave at the rate of one hour of pay for each two (2) hours of accumulated sick leave up to 600 hours and one hour for each hour for the next 600 hours on retirement or death of the employee.

ARTICLE XI Life and Health Insurance

1. Life Insurance. The City will provide, at no cost, group life insurance coverage on each employee in an amount equal to one (1) times the employee's annual base salary. In addition, eligible employees may contract with the City's insurance carrier for additional units of life insurance at the expense of the employee and at no cost to the City.

2. Health Insurance. Effective January 01, 2013, the employee will contribute up to fifteen percent (15%) of the annual premium costs of health insurance due and owing provided to the employee by the City, provided the amount paid is equal to that which all other City employees pay for health insurance coverage. The amount contributed shall be withheld from employee's bi-weekly paycheck.

3. Other Insurance Coverages. Employees may purchase, through payroll deduction, other insurance coverages as may be made available to employees by the City through the mutual agreement of the City and the employees.

4. The City, subject to the requirements of the insurer, will study and if appropriate, establish a pre-tax health insurance cafeteria plan option.

ARTICLE XII Longevity Pay

Employees shall receive longevity pay each year on the pay date after his/her anniversary date according to the following schedule:

Effective January 1, 2010:

After 5 years - \$475	After 18 years - \$ 800
After 6 years - \$500	After 19 years - \$ 825
After 7 years - \$525	After 20 years - \$ 850
After 8 years - \$550	After 21 years - \$ 875
After 8 years - \$575	After 22 years - \$ 900
After 10 years - \$600	After 23 years - \$ 925
After 11 years - \$625	After 24 years - \$ 950
After 12 years - \$650	After 25 years - \$ 975
After 13 years - \$675	After 26 years - \$1000
After 14 years - \$700	After 27 years - \$1025
After 15 years - \$725	After 28 years - \$1050
After 16 years - \$750	After 29 years - \$1075
After 17 years - \$775	After 30 years - \$1100

An employee not actively employed on his/her anniversary date shall not be eligible for longevity pay. Employees hired after January 1, 2000, will be first eligible for longevity pay on their anniversary date in the calendar year 2010.

ARTICLE XIII Uniforms and Cleaning

1. Effective January 1, 2010, the uniform and cleaning allowance of Five Hundred Fifty Dollars (\$550) for the police records specialist and dispatcher/clerk and Six Hundred Seventy-five Dollars (\$675.00) for public safety assistant was added to the base salary. The parties agreed that on January 1, 2010, moving forward, the uniform and cleaning allowance was included in each employee's base salary. If the City should decide to change all or part of the standard uniform, the City will purchase the initial annual supply of new items for each employee except when the change in the uniform is made at the request of the employees. Employees shall be entitled during the term of this contract to wear department-approved casual clothes instead of a uniform. The Casual wear must display the City of Oxford Police Department name or logo permanently on shirts, jackets, sweaters and similar items. Casual wear purchased shall not be deemed a change in the standard uniform.

ARTICLE XIV
Training Reimbursement

A "training day" is defined as a work day or part of a work day during which an employee is scheduled to attend a training program and the employee is not responsible for the employee's job duties.

1. The expenses for full-time employees who are required, or requested, by the City to attend training programs, schools, or other instructional programs shall be reimbursed by the City as follows:

A. Registration fees or tuition.

B. Costs of lodging, meals and mileage shall be at the same terms and conditions as other City employees as set forth in the City of Oxford personnel handbook or as otherwise set by ordinance.

2. For training day(s) outside the City and Oxford Township, the City will attempt to schedule a employee so that attendance at such training as well as related travel time will coincide with the employee's normal work week. When total travel time and instructional time (in combination with regular hours worked if applicable) will exceed forty (40) hours in a one week pay period, employees will be compensated for all such excess hours in accordance with the Fair Labor Standards Act and Regulations. Compensation will be in the form of scheduled time off or pay, at the employee's base rate of pay, at the option of the Police Chief. The following rules will apply to compensation for training time:

A. If an employee is assigned to attend training during a one-week pay period, he/she will be compensated for a minimum of forty (40) hours provided regular hours worked, travel time, and instructional time total a minimum of thirty-five (35) hours.

B. When an employee attends training which overlaps two one-week pay periods, the employee will be compensated for a total of forty (40) hours each week provided the average total of regular hours worked, travel time, and instructional time for each of those weeks is a minimum of thirty-five (35) hours.

C. In reviewing requests for compensation of hours in excess of forty (40) hours in a one-week pay period as provided above, the Police Chief shall not approve such request if the average number of hours per pay period, including regular hours, travel time, and instructional time, for two or more pay periods affected by the training will not exceed forty (40) hours.

D. The actual time designated as meal period during training shall not be counted as hours worked.

E. Study time necessitated by an employee's attendance at training shall not be counted as hours worked.

3. For training day(s) (including in-service) within the City or Oxford Township, normal compensation rules apply. Employees shall work a combination of regular hours plus instructional hours equal to their normal work day, either eight (8) hours or ten (10) hours. Employees working in excess of their normal hours on this type of training day shall be entitled to overtime.

ARTICLE XV Grievance Procedure

1. Scope of Grievance Procedure.

The purpose of this grievance procedure is to establish effective machinery for the fair, expeditious and orderly adjustment of grievances in the Oxford Police Department. A grievance is a complaint involving the alleged violation, misinterpretation or misapplication of the terms of this written agreement. The following matters shall not constitute a grievance under the provisions of this procedure:

A. The interpretation, application or enforcement of Federal or State Law; or the City Charter, an ordinance, personnel policy or departmental regulation.

B. Unsafe or unhealthy working conditions.

C. Arbitrary, unreasonable, or inconsistent working conditions.

2. Representation, Class Grievances.

A grievance may be brought under this procedure by one or more grieving employees. The grieving employee may, at Steps 1 and 2 below, bring a grievance representative. The representative selected by the grieving employee(s) may consist of any of the following persons:

A. An official of the Fraternal Order of Police.

B. A delegate of the Fraternal Order of Police.

C. An attorney of the grieving employee's choice.

D. Any other person of the grieving employee's choice.

Any grievance brought by one or more employees that affects all employees shall be submitted directly to the Police Chief at Step One.

3. Time Limitations.

The grieving employee shall bring the grievance to his/her immediate supervisor at Step One below, within two (2) working days of its occurrence; or if at the time the employee is unaware of the grievance, within two (2) working days of his/her knowledge of its occurrence. A grievance not brought within the time limits prescribed for every step, shall not be considered timely and shall be void. The City's failure to respond to a grievance within the specified time limits shall automatically forward the grievance to the next higher step. Failure to appeal a decision within the specified time limits shall be deemed an acceptance of the decision. Time

limit extensions beyond those stipulated in this agreement may be established by mutual agreement of the parties concerned.

For purposes of grievance filing times, immediate supervisor shall mean the highest ranking employee who is working at the time the grievance is filed. In the event that a grievance is filed with a lieutenant, a sergeant or employee of lesser rank under this section, the lieutenant, sergeant or such employee shall transmit the grievance to the Police Chief or, in the absence of the Police Chief, to the day shift lieutenant to be processed pursuant to Step One below. The Police Chief shall have five (5) days after his/her receipt of the grievance to rule in accordance with Step One below.

4. Steps.

Step One. The grieving employee shall submit the grievance in writing on a form provided by the City (see Appendix D) to the Police Chief within two (2) working days as outlined above. The written grievance at this step and all steps thereafter shall contain the following information: (1) a statement of the grievance; (2) the facts upon which it is based; (3) the remedy or adjustment sought; and (4) the signature of the grieving employee. The Police Chief shall meet with the grieving employee(s) within five working days of the Police Chief's actual receipt of the written grievance. The Police Chief shall respond in writing to this grievance within five (5) working days of said meeting. The written response at this Step, and management responses at all steps thereafter, shall contain the following information: (1) an analysis of the facts upon which the grievance is based; (2) an analysis of the validity of the grievance; (3) the remedy or adjustment, if any, to be made; and (4) the signature of the appropriate management representative. The Police Chief shall retain one copy of the grievance and disposition and forward one copy to the City Manager and one copy to the grieving employee.

Step Two. Should the grieving employee not be satisfied with the response he or she received in Step One within three (3) working days after his/her receipt thereof, the grieving employee may submit the written statement of the grievance prepared for Step One to the City Manager and request a meeting with the City Manager. Upon receipt of the grievance, the City Manager will schedule a meeting to be held within twenty (20) working days of his/her receipt of the request. Upon completion of such meeting, the City Manager shall determine whether the Step One response is consistent with this agreement. The City Manager shall render his/her decision thereon in writing within twenty (20) working days after his/her meeting with the grieving employee. If the City Manager does not render a decision in writing within twenty (20) working days as required and the cost to the City for the remedy or adjustment sought is less than one hundred dollars (\$100.00), the grievance will be considered decided in favor of the grieving employee. Such a default will not be binding on either party as to future grievances.

Step Three. This provision for binding arbitration shall be in lieu of any other recourse, including court action, and neither the City nor the Oxford Police Employees Association nor any member thereof shall be entitled to file any court action relative to a grievance and binding arbitration is mandatory, subject to the approval of Oxford Police Employees Association, and

any right to court action is expressly waived. However, arbitration awards and/or decisions are subject to court action.

If the grievance is not settled at Step Two, the matter shall be submitted to binding arbitration or the Manager's decision shall become final. A request for arbitration shall be made by either party to the other within ten (10) working days following the decision of the City Manager.

If the parties fail to agree on an arbitrator, the parties shall jointly contact the Federal Mediation Conciliation Service within ten (10) working days after the request to obtain a list of seven (7) arbitrators from which the parties shall select within ten (10) working days after receipt of the list, by the method of alternately striking names off the list, an arbitrator. The arbitrator shall have no power to add to or subtract from any terms of this agreement. The decision of the arbitrator shall be final and binding upon the parties hereto. The costs and expenses of the arbitration shall be paid equally by the City and Oxford Police Employees Association. Arbitration shall commence within thirty (30) working days after selection of an arbitrator.

No individual member of Oxford Police Employees Association shall have the right to invoke the arbitration procedure without the consent of Oxford Police Employees Association and if such consent is refused, the member shall have no further recourse to, or against, Oxford Police Employees Association or the City.

ARTICLE XVI Professional Liability Insurance

The City will provide, at no cost to the employees, professional liability insurance equivalent to the City's current plan, provided that such a policy is readily available to Ohio municipalities at a reasonable price. Such a policy shall only be obtained from an insurance company authorized to do business in the State of Ohio.

ARTICLE XVII Investigation of Employees

1. The parties recognize that the City has the right to expect a professional standard of conduct be adhered to by all employees and, pursuant to the Charter, to investigate complaints or charges made by officials, employees or citizens. Internal investigations will be undertaken to inquire into any alleged misconduct of employees at the sole discretion of the City. Standards of conduct and performance will be as prescribed by the Police Manual of Procedure prepared by, and revised from time to time by, the City. Reports of internal investigations of allegations of misconduct in which no further action is taken as a result of such investigation will be filed in a limited access file to which, and to the extent provided by law, only the City Manager, Police Chief, Law Director, or the employee investigated will have access for a period of two years. Final results of such investigation shall also be made available to the Complainant. After such two-year period, the reports will be destroyed, consistent with existing laws. Discipline and disciplinary procedures are expressly reserved to the City as management rights, are not negotiable and are not a subject of this contract.

2. Any time any individual, including but not limited to, a member of the general public, or an employee, agent or employee of the City of Oxford, makes a complaint about an employee, said complaint shall be, if possible, in writing, signed by the individual making the complaint, before a notary public or other person authorized by law to administer oaths. The form for the complaint shall specifically inform the individual making the complaint that he or she shall be subject to the penalties provided in Section 2921.13 for Falsification. The fact a complaint is not signed by the complainant, will not prevent the investigation, but may be considered a factor in the investigation. Said complaint shall be forwarded to the Police Chief who shall, if necessary, undertake an investigation. Said investigation shall proceed by the Police Chief appointing an employee or employees or other agents as the City deems necessary. Any employee being investigated, before the employee is required to answer any questions or make any response in writing, shall be allowed to examine a copy of the complaint and to consult with a representative of the employee's choosing. No disciplinary action will be taken based on charges not included in the written complaint. At the end of said investigation the Police Chief shall issue a written report concerning the findings of the investigation, and give a copy of said report to the employee.

3. The parties recognize that the City has the right to expect a professional standard of conduct be adhered to by all employees. Internal investigations will be undertaken to inquire into any alleged misconduct of employees at the sole discretion of the City. Standards of conduct and performance will be as prescribed by the Police Manual of Procedure prepared by, and revised from time to time by, the City. Reports of internal investigations of allegations of misconduct in which no further action is taken as a result of such investigation will be filed in a limited access file to which only the City Manager, Police Chief, Law Director, or the employee investigated will have access for a period of two years. After such two-year period, the reports will be destroyed. Discipline and disciplinary procedures are expressly reserved to the City as management rights, are not negotiable and are not a subject of this contract.

ARTICLE XVIII Labor Management Committee

In the interest of furthering harmonious relations, a joint committee of not more than six (6) members, half from management and half from the employees, will convene at least once every six (6) months, but not more than once per month, for purposes of discussing work related issues. Management members shall be selected by management and members shall be selected by the employees. Such meetings shall be arranged in advance and will convene at a time convenient to both parties but not later than ten (10) calendar days from the date a request for such meeting is made.

Such meetings shall be advisory, discretionary, non-binding, and not subject to the provisions of the grievance procedure. An agenda of items for discussion will be submitted at the time the conference is requested. Additional matters may be introduced by either side during such meetings. Either party may terminate a meeting at any time.

Employees in attendance at such meetings will not be paid for time so spent, but insofar as possible meetings will be scheduled when designated representatives are not on duty.

ARTICLE XIX
Miscellaneous Provisions

1. Off-Duty Employment. An employee may request to engage in off-duty employment by submitting a written request to the Police Chief in person prior to engaging in such employment. Failure of the Police Chief to respond within five working days of, but excluding, the date received will constitute approval of the request. Denial of such a request shall be subject to the contract grievance procedure.
2. Quotas. The City agrees not to adopt a quota system. This provision in no way restricts the City's right to evaluate the productivity of employees.
3. Tuition. The City will reimburse an employee for fifty percent (50%) of the actual costs of required books, tuition and course-related fees provided the employee receives a final grade of no less than "B" or "Pass" in a course graded only on a "Pass-Fail" basis. An employee who receives a final grade of "A" will receive full reimbursement for books, tuition and course related materials. If funds are completely depleted, the City will place one thousand dollars (\$1,000.00) in a fund for each contract year. The City will issue such reimbursement within fourteen (14) calendar days of receipt of proof of grade and itemized receipts for required books, tuition and fees. All courses must be approved in advance, in writing, by the City Manager. Only job related course work and major fields of study may receive this benefit.
4. Headset and Badge. Upon service retirement with at least fifteen (15) years of service with the City of Oxford, the City will give the retiring employee if applicable his/her uniform badge and, if applicable, duty headset.
5. Light Duty. In the sole discretion of the Police Chief, an employee whose physical/medical condition prevents him/her from performing his/her normal work assignments may be re-assigned to "light-duty" by the Police Chief. The decision of the Police Chief shall not be grievable.
6. Discipline Review Committee. The City recognizes the right of the Oxford Police Employees Association to create a Discipline Review Committee. Whenever Oxford Police Employees Association feels that a disciplinary action taken by the City should be reviewed by a committee of the disciplined employee's peers (i.e., members of the same bargaining unit), the City, upon receipt of a signed release from the disciplined employee, agrees to provide to such a committee of three (3) peers access to the investigative file used as a basis for the disciplinary action. After reviewing the file, the committee shall issue its comments in a report to the Police Chief and City Manager. Meetings of such committees and the preparation of such reports shall be conducted during off-duty time of the employees participating. Nothing in this paragraph shall restrict the City's right to take disciplinary action against any employee at any time. Further, the provisions of this paragraph are in no way intended to restrict the disciplined employee's rights to due process either under this contract or any other applicable laws, rules or regulations.

7. FMLA and ADA. Nothing in this Agreement will be used or construed to prevent or inhibit the Employer from complying with the provisions of the Americans With Disabilities Act (ADA) or the Family Medical Leave Act (FMLA).

8. Parking for Night Shift Personnel. The City will provide up to two parking spaces at the west side of the Municipal Building which is designated for night shift dispatch personnel.

9. During the period of the contract, Employees serving as a certified trainer for new hires will receive new hire trainer pay in the amount of One Dollar (\$1.00) per hour so long as the Employee is certified.

ARTICLE XX Term of Agreement

This agreement shall commence _____, 2016, and shall continue in full force and effect until December 31, 2018, after which it shall continue in full force and effect from year to year thereafter unless written notice is given by one party to the other in accordance with applicable provisions of the Ohio Revised Code that a party desires to renegotiate this agreement.

ARTICLE XXI Management Rights

The management and direction of the affairs of the City are retained by the City. This includes, but is not limited to: the selection, transfer, assignment and layoff of employees, the termination of probationary employees, the termination for just cause of other employees; the making, amending and enforcing of work rules and regulations; the disciplining of employees; the securing of revenues of the City; the exercise of all functions of government granted to the City by the constitution and the statutes of the State of Ohio and the City Charter and Ordinances; the determination from time to time as to what services the City shall perform; the establishment or continuation of policies, practices, or procedures for the conduct of its affairs and, from time to time, as to what services the City shall perform; the changing or abolition of such procedures; the determination of the number of hours per day or week any operation may be carried on; the selection and determination of the number of employees required; the establishment and changing of work schedules and assignments; the contracting for the performance of such work as the City determines advisable and the taking of such other measures as the City and/or management may determine to be necessary for the orderly and efficient operation of the City; and the determination of the size and composition of the work force. The City retains all rights except to the extent this agreement specifically and expressly provides to the contrary. The City will not use this section to contravene rights granted by this agreement to members of the bargaining unit individually or collectively.

ARTICLE XXII No Strike

Neither the Fraternal Order of Police nor any member of the bargaining unit included in this contract shall take part in, cause, or aid in any strike, slowdown, picketing or any other interference with the operations of the City during the term of this agreement. "Strike" means

concerted action in failing to report to duty, willful absence from one's position, stoppage of work, slowdown, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment. In addition to other rights and remedies prescribed by law, the City shall have the right to discharge or otherwise discipline any employee violating this section, in accordance with Civil Service rules and regulations.

If there is any violation of this section, the Fraternal Order of Police together with its employees and agents, shall publicly denounce said violation, disclaim approval, order those taking part in such violation to return to work immediately.

ARTICLE XXIII Modification

The provisions of this agreement shall be conclusive as to all bargainable matters relating to wages, hours of work, and working conditions. Therefore, the City and the Employee for the term of this agreement each agree that the other shall not be obligated to bargain collectively with respect to any subject matter referred to or governed by this agreement unless the City and the employee mutually agree to alter, amend, supplement, enlarge or modify any of its provisions.

Should any provision of the agreement be found to be illegal or unenforceable by a court of competent jurisdiction, all other provisions of this agreement shall remain in full force and effect for the duration of this agreement.

IN WITNESS WHEREOF, the parties hereto have caused their names to be subscribed by their authorized representatives.

ACCEPTED:

Non-Commissioned Police
Department Employees

City of Oxford

Matt Stitzel, President

Douglas R. Elliott, Jr., City Manager

Cindy Blevins, Secretary/Treasurer

Robert B. Holzworth, Police Chief

Dan Haughey, Legal Counsel

Stephen M. McHugh, Law Director

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APPENDIX A
WAGE SCHEDULE

Employees will be paid bi-weekly in accordance with the following schedule:

ALL EMPLOYEES WITH 36 MONTHS SERVICE IN POSITION

<u>Contract Year</u>	<u>Salary</u>
January 1, 2013 to December 31, 2013	
Police Records Specialist	\$48,831 annual (\$23.48 hr.)
Public Safety Assistant	\$48,831 annual (\$23.48 hr.)
Dispatcher/Clerk	\$48,831 annual (\$23.48 hr.)

ALL EMPLOYEES WITH LESS THAN 36 MONTHS SERVICE DURING CONTRACT

With 0-12 Mos. Service	80% of applicable rate above
With 13-24 Mos. Service	90% of applicable rate above
With 25-36 Mos. Service	100% of applicable rate above

P.E.R.S. "PICK-UP" PLAN

During the term of the contract, the City and the Employees will maintain the I.R.S. approved "pick-up" plan to exclude employee pension fund contributions from taxable income.

SHIFT DIFFERENTIAL

During the period of this contract, Dispatcher/clerks working 1500 hours up to 0700 hours will receive shift differential pay in the amount of \$0.55 per hour. During the period of this Contract, Public Records Specialists and Public Safety Assistants working 1700 hours up to 0700 hours will receive shift differential pay in the amount of \$0.55 per hour.

WAGE REOPEN

This contract shall be subject to a wage reopener on or about September 1, 2016 for the calendar years 2017 and 2018. If at any time during 2016 the Bargaining unit deems the City has given wage increases to City employees not a member of this Bargaining Unit, and excluding Police Patrol Officers, Police Supervisors, new hires, promotions or those employees entitled to step increases, than in that situation the Bargaining Unit may request to reopen the contract sooner than September 1, 2016 for the purpose of seeking the pay increase given to other non excluded City employees.

The undersigned employees hereby request written permission and authorization to trade shift assignments as set forth below with the express understanding that no overtime will accrue to either employee as a result of said trade of assignments. In order to induce the City to authorize this request, each of the undersigned employees hereby expressly waives any right to overtime as a result of said shift trade and understands that each employee will be paid on the same basis as he or she would have been paid had his or her regular shift been worked. We understand, and consent to, the payrolls being calculated and paid just as if no shift trade had taken place.

for Employee #1.

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APPENDIX C
PAYROLL DEDUCTION AUTHORIZATION

The undersigned hereby authorizes the City of Oxford to deduct from his or her payroll checks such sums as are requested by the President and the Secretary/Treasurer of Oxford Police Employees Association in writing and representing dues, and/or initiation fees, and/or assessments, due to Oxford Police Employees Association from the undersigned. This authorization shall be effective from January 1, 2016, and shall continue in full force and effect until December 31, 2018, and once signed and submitted to the City of Oxford by the undersigned shall be irrevocable. The undersigned further agrees that the City may deduct the amount or amounts requested by Oxford Police Employees Association and may make said deductions in the time and manner requested by Oxford Police Employees Association and that any further complaint as to the amount or manner of deductions shall be resolved between the undersigned and Oxford Police Employees Association. This authorization is made pursuant to Article II of the Contract between the City of Oxford and the Oxford Employees and that the amounts deducted hereunder shall be remitted by the City to Oxford Police Employees Association.

Signature of Employee

Dated: _____

APPENDIX D
GRIEVANCE SUBMITTAL

STATEMENT OF GRIEVANCE: _____

PERTINENT FACTS: _____

REMEDY OR ADJUSTMENT SOUGHT: _____

Signature of Grieving Employee: _____

Date of Step One Submittal: _____

Date of Step Two Submittal: _____

(Note: Step Two Submittal must include Step One Response.)

Date of Step Three Submittal: _____

(Note: Step Three Submittal must include official consent to arbitrate signed by appropriate officials of Oxford Police Employees Association.)

If additional space is necessary, please attach additional sheets.

APPENDIX E
ACCRUED SICK LEAVE AS OF DECEMBER 31, 2015

<u>NAME</u>	<u>ACCRUED HOURS</u>
Chris Warren	107.50
Cindy Blevins	20.00

w:\wdox\client\012081\00100\00782550.doc

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 5, 2016

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

December 23, 2015
Date Prepared:

PC-2015-28 ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle in the proposed overlay district. **City of Oxford, Applicant**

Recommendation: Approval

Discussion:

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R1-A (Single-Family Low Density Residential) District in the neighborhood of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle. A total of 45 parcels were included in the petition and a total of 43 property owners' signatures were obtained, representing 96% of property owners' provided signatures. Legislation allows a neighborhood to generate a petition to create an overlay district subject to meeting certain standards and public hearing process.

The petition to establish a neighborhood conservation overlay district was filed on October 6, 2015 with the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on October 20, 2015. The Planning Commission reviewed the request on December 8, 2015. The Planning Commission recommended approval of this amendment and is forwarding this request to City Council for legislative action.

The intent is to be a grass-roots effort which only alters one aspect of the permitted land uses (residential occupancy). Therefore the base zoning district regulations are retained. Without the overlay, a single dwelling unit can have up to four unrelated persons. With the overlay, a single dwelling unit may still be rental property, but is limited to no more than two unrelated persons. Existing dwellings with more than two unrelated persons would be allowed to continue as legal nonconforming.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC / 12/23/15
DRE / 12/31/15

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1A (SINGLE FAMILY LOW DENSITY RESIDENTIAL) DISTRICT FOR 45 PARCELS LOCATED ON HIDDEN CREEK DRIVE, DEER TRAIL CIRCLE, AND FOX RUN CIRCLE, IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: Council finds in accordance with Section 1146.03 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on December 8, 2015 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District for 45 parcels located on Hidden Creek Drive, Deer Trail Circle, and Fox Run Circle, in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: The Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District for 45 parcels located on Hidden Creek Drive, Deer Trail Circle, and Fox Run Circle, in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 4: Council hereby grants the Zoning Map Amendment as requested, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

SECTION 5: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:
ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KATE ROUSMANIERE
PREPARED BY: LAW (STAFF)



**Hidden Creek
Deer Trail Fox Run
Neighborhood
Conservation
Overlay District
Petition Boundaries**

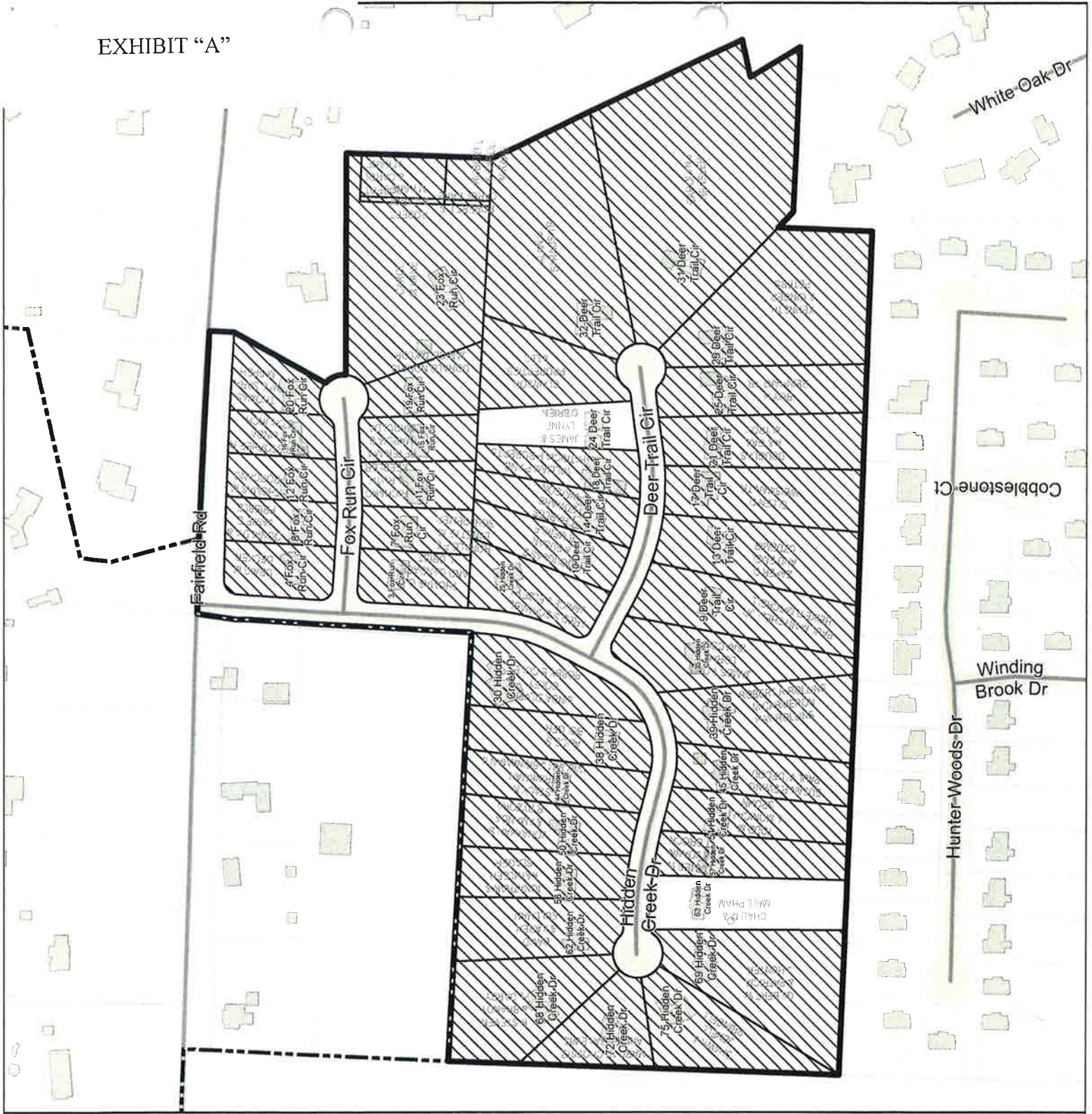
Legend

-  Petition Area
-  Petition Parcel: Signed
-  Petition Parcel: Not Signed
-  Oxford Corporation Limit
-  Address Point
-  Parcel
-  Building Footprint
-  Paved Roadway



1 inch = 275 feet

The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.



**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	January 5, 2016
<u>Case Number</u>	PC-2015-28
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	ZONING MAP AMENDMENT To establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, in the Neighborhood of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle
<u>Public Hearing Information</u>	On December 8, 2015 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on November 8, 2015. Public Hearing notices were mailed out to surrounding properties on November 20, 2015.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment having met the Decision Standards of Chapter 1146, and at least one Decision Standard of Chapter 1135
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated November 25, 2015 2. Interoffice Reviews 3. Surrounding Property Notifications 4. Zoning Map Amendment Application Dated October 23, 2015 5. Resolution 4938 City Council Acceptance of Petition 6. Petition Boundary Map 7. Petition for Residential Conservation Overlay District

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-28

Date – December 8, 2015

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, in the Neighborhood of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle. City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District in the neighborhood of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle.

A petition to establish a neighborhood conservation overlay district was filed on October 6, 2015 to the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on October 20, 2015.

ZONING CODE

The Oxford Zoning Ordinance Chapter 1146 governs the establishment of the Neighborhood Conservation Overlay District.

COMPREHENSIVE PLAN

In the Overview Section of Chapter 7, Housing, in the Comprehensive Plan residents echoed the same sentiments that Oxford has a unique housing market involving a large rental population that limits opportunities for family housing options and changes the community character, specifically within the Mile Square. The public input sessions also pointed out the lack of housing opportunities for families and the hope to encourage owner-occupied housing and promote the return of full-time residents to the area. Even the Comprehensive Plan does not implicitly point to the establishment of an overlay district to encourage owner-occupied neighborhoods, but several objectives and strategies are relevant to this idea of maintaining traditional neighborhoods and owner-occupied residential dwellings.

Objective Expand Housing options

- H2.1 Update development regulations to allow for a variety of housing types in new developments.*
- H2.4 Provide financial assistance to increase homeownership opportunities for low and moderate income residents.*

Objective: Expand homeownership opportunities

- H5.1 Encourage local employers to provide homeownership incentives.*
- H5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.*
- H5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.*
- H5.4 Develop a revolving loan fund.*
- H5.5 Establish an Oxford Homeownership Office in partnership with Miami University.*
- H5.6 Support the University loan program to increase homeownership opportunities within the Mile Square.*

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

Police:	No comments received
Fire:	Received with no comments
Engineering:	Received with no comments
Econ. Dev.	Received with no comments

DECISION CRITERIA

A copy of the Decision Criteria for Overlay District is attached.

ANALYSIS

The idea of the neighborhood conservation overlay district was to preserve neighborhoods from being turned into rental properties and to maintain the traditional neighborhood owner-occupied character. The Planning Commission went through extensive discussion about this overlay district in 2012. It was designed to provide mechanisms to the neighborhoods to initiate a grass roots movement to get all the neighbors together and to petition City Council for the consideration of placing more restrictions on the underlying district.

The overlay district is not uncommon in the land use arena to put in place a specific set of regulations that are more stringent than the underlying district in order to accomplish specific objectives. The most commonly used overlay district is for the historic area. Others are used for specific design standards to promote some uniformity in certain specific subset areas.

Many neighborhoods have gone through this process since the adoption of this enabling legislation in 2013. As of today, there have been 12 different neighborhoods throughout the City that have obtained the overlay district designation. These neighborhoods are typically located outside of the Mile Square.

A petition was filed by a group of neighbors in Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels of tracts of land, to be considered a Neighborhood Conservation Overlay District on October 6, 2015 with the Clerk of the Oxford City Council. The petition also showed that there were 43 signatures obtained that represent 43 parcels. The signatures supporting this petition exceed the two-third requirements of the parcels of this petitioned area. The signatures represent 96% of the parcels within the boundary. A map of the proposed district is attached illustrating the area for consideration.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the petition on October 20, 2015 and forwarded this petition to the Planning Commission for Zoning Map Amendment consideration.

There are specific decision standards that the Planning Commission shall reference and the decision standards are also attached for reference. The Planning Commission also shall consider the purpose and objectives of such overlay district are to achieve the privacy of residents and to minimum noise, congestion and nuisance impact by excessive renters and to maintain an attractive community appearance and provide a desirable living environment and finally to prevent excessive traffic and parking problems in the neighborhood.

The petition met the boundary requirements as stipulated in the Chapter 1146.03(h). The petition also met the minimum two-thirds requirements of owner signatures within the proposed boundary. Additionally, the dates of those signatures were also within six months prior to the time the petition was filed with the City Clerk.

Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment recommendation. The City Council may waive certain requirements after a positive recommendation

from the Planning Commission. This process is far lengthier than normal map amendment process and has additional decision standard thresholds to meet. It is a process that the neighborhood had taken seriously and the neighbors have demonstrated their commitment to preserve their neighborhood and to maintain their neighborhood characters by going through an extra step to initiate.

Given that there will be a total of 12 neighborhoods having the overlay district designation, it might be the time to look at the overall City's zoning map to create different zoning districts to reflect those changes.

RECOMMENDATION

Staff recommends that the Planning Commission approval of this amendment and forward this request to City Council for legislative action.

SUBMITTED

BY:



Jung-Han Chen

Community Development Director

DATE: November 25, 2015

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Planning Commission must utilize the Chapter 1146 Specific Decision Standards to consider the Neighborhood Conservation Overlay District and they are as follows:

1146.03(2) b Decision Standards for Considering Overlay District:

1. The proposed Overlay District meets the boundary criteria.
2. The proposed Overlay District will preserve and enhance the neighborhood character.
3. The proposed Overlay District will promote the public health, safety and general welfare of the people of the neighborhood.
4. The proposed Overlay District will promote and implement the intent of the Comprehensive Plan.
5. The proposed Overlay District will satisfy a legitimate need.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 19, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

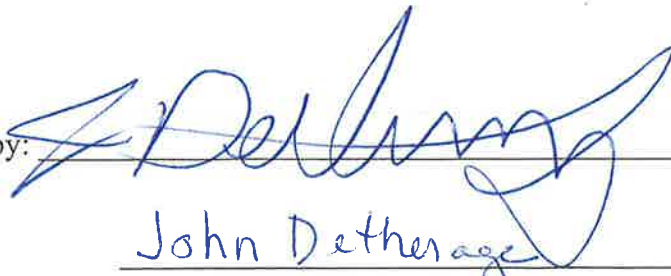
PC-2015-28 ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **12/4/2015** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:


John Detherage

PRINTED NAME

Date:

12-1-15

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 19, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-28 ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **12/4/2015** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: _____

H. Popescu

Date: _____

11-20-15

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 19, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-28 ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **12/4/2015** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by: [Signature] Date: 11-23-15

G. Allen Kuster
PRINTED NAME



PC-2015-28
Surrounding
Property Owners

Map

Notifications

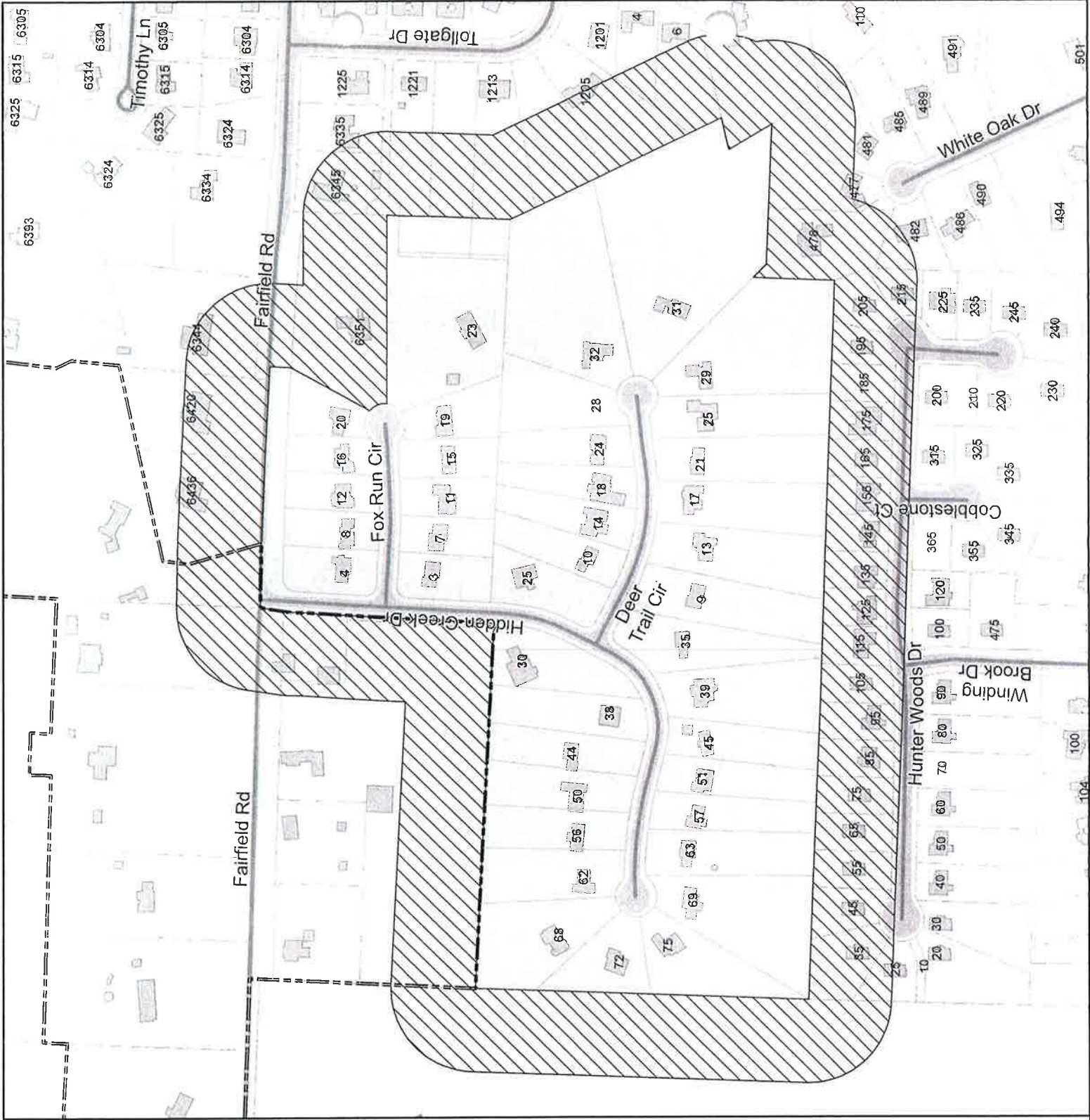
Legend

-  Subject Area
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  Building Footprint
-  Paved Roadway



1 inch = 325 feet

Prepared on Friday, November 20, 2015
The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.





**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2015-28

DATE OF HEARING:

December 8, 2015

ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, **City of Oxford, Applicant**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience before the hearing date to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name:

Ellen Weisman

Address:

17 Deer Trail Circle

Oxford, OH 45056

Telephone:

Home: 513-523-1070

Work: _____

COMMENTS:

I am unable to attend the meeting/hearing on December 8, but I am in support of the amendment to establish a conservation overlay district in our neighborhood.

Thank you.

Ellen Weisman

Signature

11/30/15

Date



**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2015-28

DATE OF HEARING: December 8, 2015

ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, **City of Oxford, Applicant**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience before the hearing date to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Ron and Lynn Schloemer

Address: 7 FOX RUN CIRCLE

OXFORD, OH 45056

Telephone: Home: 523-8210 Work: 523-9355

COMMENTS:

We built our home on Fox Run Circle in 1987 and wholeheartedly support this amendment. This is a stable neighborhood and one of the most desirable in Oxford. We'd like it to stay that way.

Lynn Schloemer
Signature

11-29-15
Date



**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2015-28

DATE OF HEARING: December 8, 2015

ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, **City of Oxford, Applicant**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience before the hearing date to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: JAMES BROCK

Address: 57 HIDDEN CREEK DR.

Telephone: Home: 523-3241 Work: 529-2846

COMMENTS:

I ~~am~~ very strongly support this 100%

J Brock
Signature

11/23/15
Date



**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2015-28

DATE OF HEARING: December 8, 2015

ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, **City of Oxford, Applicant**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience before the hearing date to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Thomas M. Porcano

Address: 12 Fox Run Circle

Oxford, OH 45056

Telephone: Home: 513 255 7583 Work:

COMMENTS:

I fully support the proposed amendment!

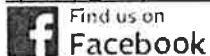
Thomas M. Porcano
Signature

11/30/15
Date

Lynn Taylor

From: Sam Perry
Sent: Thursday, December 03, 2015 1:35 PM
To: Lynn Taylor
Subject: FW: Support for overlay district

Sam Perry, AICP
Planner
City of Oxford
Community Development Department
101 East High Street | Oxford, Ohio 45056
p. (513) 524-5204 | f. (513) 524-5266
sperry@cityofoxford.org | <http://www.cityofoxford.org>



From: Douglas Troy [<mailto:douglas.troy@gmail.com>]
Sent: Thursday, December 03, 2015 1:22 PM
To: Sam Perry; chchen@cityofoxford.org
Subject: Support for overlay district

I am writing to express support for the overlay district that includes my property, 21 Deer Trail Circle. I am unable to attend the hearing in person. Please contact me if needed, 523-6989.

Sincerely,
Douglas Troy

Jung-Han Chen

From: Kullman, David <kullmade@miamioh.edu>
Sent: Thursday, December 03, 2015 3:12 PM
To: Sam Perry; Jung-Han Chen
Subject: Support for Zoning Map Amendment

To Whom It May Concern:

I am writing to express my strong support for the Zoning Map Amendment (Case No. PC-2015-28) that will be heard by the Planning commission on December 8. I was one of the persons who collected signatures for the petition, and only one household out of the 17 on Hidden Creek Drive failed to sign it. Similar results were obtained on Deer Trail Circle and Fox Run Circle. It is safe to conclude that the neighborhood is wholeheartedly behind this proposed zoning change.

David E. Kullman
62 Hidden Creek Drive
Oxford, Ohio 45056
513-523-3887

Jung-Han Chen

From: Zafer D. Ozdemir <zaferdozdemir@gmail.com>
Sent: Thursday, December 03, 2015 11:18 AM
To: Jung-Han Chen; Sam Perry
Subject: Fwd: E-Mail Option to Support Neighborhood Overlay (DEADLINE TODAY)

Hi,

We support this amendment.

Thanks,

Zafer & Emel Ozdemir
13 Deer Trail Circle

----- Forwarded message -----

From: Crist, Candace <cristcl@miamioh.edu>
Date: Thu, Dec 3, 2015 at 11:06 AM
Subject: E-Mail Option to Support Neighborhood Overlay (DEADLINE TODAY)
To:

Greetings Neighbors,

For those of you who may not have had time to mail back the form with your comments of support, there is still time to help! You can e-mail your support, but please do so by the end of today. Please e-mail these two people:

- JHChen@cityofoxford.org
- SPerry@cityofoxford.org

Thank you again!

Candace Crist

----- Forwarded message -----

From: Jung-Han Chen <JHChen@cityofoxford.org>
Date: Thu, Dec 3, 2015 at 9:44 AM
Subject: RE: email address needed
To: "Kullman, David" <kullmade@miamioh.edu>
Cc: Sam Perry <sperry@cityofoxford.org>

Sam Perry

From: Marcia Baxter Magolda <baxtermb@me.com>
Sent: Thursday, December 03, 2015 10:56 PM
To: Sam Perry; Jung-Han Chen
Subject: Support for Hidden Creek overlay

Please accept this email in support of the overlay being requested for the Hidden Creek neighborhood. My spouse and I own a home at 15 Fox Run Circle. We believe that the overlay is important to maintain the nature of the neighborhood.

Thank you for your consideration.
Marcia Baxter Magolda

Sent from my iPhone

Sam Perry

From: jaimie pribble <jaimiepribble@yahoo.com>
Sent: Thursday, December 03, 2015 5:29 PM
To: Sam Perry
Subject: Zoning Map Amendment

To The Oxford Planning Commission

My husband and I (Don & Jaimie Pribble) are writing to express support for the zoning map amendment(Case # PC-2015-28) to create a Neighborhood Conservation Overlay District for our neighborhood including Hidden Creek, Fox Run and Deer Trail.

We have lived in this neighborhood since 1986. We strongly believe this is a positive plan for our neighborhood and we encourage you to approve it.

Thank you for your consideration. Jaimie & Don Pribble, 8 Fox Run Circle



Internal Use Only:	PC-2015-28
Case No.	
Date Filed	10/23/15

Zoning Map Amendment Application

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name *	Jung-Han Chen
Mailing Address *	101 E. High St.
City, State & Zip Code *	Oxford, OH 45056
Telephone Number(s) *	513-524-5237
Email Address	jhchen@cityofoxford.org

Location and Lot Information

Location *	Fox Run Circle, Deer Trail Circle and Hidden Creek Drive
General Description of Proposed Amendment *	Neighborhood Conservation Overlay District
Current Zoning *	R-1A
Proposed Zone(s) *	Overlay District

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) Initiation. A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
- Application Fee.
 - The name, mailing address, and telephone number of the applicant.
 - A general description of the proposed amendment.
 - A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - A statement that identifies potential negative consequences of the proposed amendment.
 - Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - A legal description of the area to be rezoned.
 - The proposed zoning of the area.
 - The current zoning of the area.
 - A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

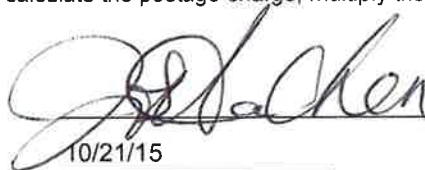
Fees & Receipt

The required fee is \$150.00, plus postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *

Date *


10/21/15

Submit Application, Submission Requirements and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required documentation as attachments and a check for fee and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

Direct questions to the Community Development Dept. at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the proposed Planning Commission meeting on which the action is requested. City Staff will place a public hearing sign on the subject property. **The Applicant is responsible for removing the signage at the completion of the hearing(s).**

For Staff Use Only

Fee Paid Date *

NA

Receipt Number *

¹ City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

² Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

³ The United States Postal Service: <http://www.usps.com/>

RESOLUTION NO. 4938

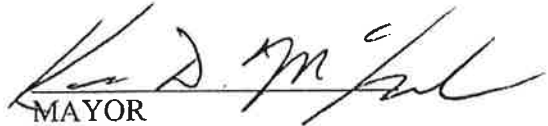
RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR THAT AREA OF HIDDEN CREEK DRIVE, DEER TRAIL CIRCLE, AND FOX RUN CIRCLE AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

SECTION 1: The Clerk of Council and the Community Development Director having determined pursuant to Oxford Codified Ordinance §1146.03(b) that the Petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto conforms to the petition requirements of Oxford Codified Ordinance §1146.03 and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

SECTION 2: City Council accepts the recommendation of the Clerk of Council and the Community Development Director and further refers the petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto to the Oxford Planning Commission to make recommendations to City Council.

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


MAYOR

ADOPTED: October 20, 2015

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

(Statement of Petition)

**OXFORD ZONING PETITION FOR
RESIDENTIAL CONSERVATION OVERLAY DISTRICT**

This petition is submitted, pursuant to Oxford zoning code chapter 1146, to request City Council to introduce an ordinance accepting a petition which would allow the initiation of a zoning map amendment to create a district within the described boundaries, which would restrict the ability of property owners to rent their property to more than two unrelated individuals.

This petition, if accepted, would allow the petitioner to initiate a zoning map amendment to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Boundary description:

The proposed boundary of this neighborhood overlay includes all the homes and lots accessed from Hidden Creek drive, Deer Trail Circle, and Fox Run Circle. The exterior boundary follows the rear lot lines of those homes.

Circulators:

Christopher Church
16 Fox Run Circle
(513) 523-4356
churchcr@MiamiOH.edu

Christopher R Church

Candace Crist
3 Fox Run Circle
(513) 524-3040
cristcl@MiamiOH.edu

Candace L. Crist 9-25-2015

David Kullman
62 Hidden Creek Drive
(513) 523-3887
kullmade@MiamiOH.edu

David E. Kullman

Douglas Meikle
10 Deer Trail Circle
(513) 524-9190
meikled@MiamiOH.edu

Douglas Meikle

Petition for Hidden Creek Deer Trail Fox Run Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: David Kullman, 62 Hidden Creek Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
10/2/15	DEER TRAIL CIR	CLAWSON PROPERTIES II LLC	Barbara Clawson	
10/4/15	9 DEER TRAIL CIR	PAUL M MITCHELL JR HEIKE R MITCHELL	Paul M Mitchell	
10/3/15	10 DEER TRAIL CIR	DOUGLAS B & SUSAN B MEIKLE	Douglas Meikle	
10/3/15	13 DEER TRAIL CIR	ZAFER D AND EMEL OZDEMIR	[Signature]	
10/5/15	14 DEER TRAIL CIR	CHARLES EDWARD WATSON	Charles Watson	
10/4/15	17 DEER TRAIL CIR	ELLEN D WEISMAN TR	Ellen D. Weisman, trustee	
10/30/15	18 DEER TRAIL CIR	WILLIAM P AND PATRICIA P ROBERTS	William P. Roberts	
10/3/15	21 DEER TRAIL CIR	DOUGLAS A & GAIL M TROY	Douglas A. Troy Gail M. Troy	
10/3/15	24 DEER TRAIL CIR	JAMES & LYNNE O'BRIEN		Deline
10/3/15	25 DEER TRAIL CIR	ROY H REINHART TR	Betty J. Reinhart	
10/3/15	29 DEER TRAIL CIR	KENNETH & GINGER PETERS	Kenneth Peters	

Petition for Hidden Creek Deer Trail Fox Run Neighborhood Conservation Overlay District, Oxford, Ohio

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Date	Address	Name(s)	Signature	Notes
10/5/15	31 DEER TRAIL CIR	CAROLYN J HENSLEY	<i>Carolyn J. Hensley</i>	
10/3/15	32 DEER TRAIL CIR	ALAN C STRAUS TR	<i>Alan C. Straus</i>	
	FOX RUN CIR	ROBERT & CAROL M KANE		
	FOX RUN CIR	ROBERT L & CAROL KANE		
	FOX RUN CIR	ROBERT & CAROL M KANE		
	FOX RUN CIR	ROBERT L & CAROL M KANE		
	3 FOX RUN CIR	THOMAS O AND CANDACE L CRIST		
	4 FOX RUN CIR	CRAIG M DECKER		
	7 FOX RUN CIR	RONALD F & LYNETTE M SCHLOEMER		
	8 FOX RUN CIR	DONALD A & JAMIE E PRIBBLE		
	11 FOX RUN CIR	RICHARD & RUTH KEEBLER		

FOX RUN 115
(1) Approved

Petition for Hidden Creek Deer Trail Fox Run Neighborhood Conservation Overlay District, Oxford, Ohio

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Date	Address	Name(s)	Signature	Notes
	31 DEER TRAIL CIR	CAROLYN J HENSLER		
	32 DEER TRAIL CIR	ALAN C STRAUS TR		
10/5/15	FOX RUN CIR	ROBERT & CAROL M KANE	Carol M. Kane	
10/5/15	FOX RUN CIR	ROBERT L & CAROL KANE	Carol M. Kane	
10/5/15	FOX RUN CIR	ROBERT & CAROL M KANE	Carol M. Kane	
10/5/15	FOX RUN CIR	ROBERT L & CAROL M KANE	Carol M. Kane	
9-24-15 9-24-2015	3 FOX RUN CIR	THOMAS O AND CANDACE L CRIST	Thomas O. Crist Candace L. Crist	
9/30/15	4 FOX RUN CIR	CRAIG M DECKER	Craig M Decker	
9/25/15	7 FOX RUN CIR	RONALD F & LYNETTE M SCHLOEMER	Ronald F. Schloemer Lynette M. Schloemer	
10/3/15	8 FOX RUN CIR	DONALD A & JAMIE E PRIBBLE	Donald A. Pribble Jamie E. Pribble	
10/3/15	11 FOX RUN CIR	RICHARD & RUTH KEEBLER	Richard Keebler Ruth Keebler	

Petition for Hidden Creek Deer Trail Fox Run Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: David Kullman, 62 Hidden Creek Drive

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Date	Address	Name(s)	Signature	Notes
10/5/15	12 FOX RUN CIR	THOMAS M PORCANO		
9-24-15	15 FOX RUN CIR	PETER M & MARCIA B MAGOLDA	 	
10-1-15	16 FOX RUN CIR	CHRISTOPHER R & LINDA S CHURCH	 	
9-24-15	19 FOX RUN CIR	DONALD NORRIS JANICE TAYLOR	 	
10-3-15	20 FOX RUN CIR	THOMAS W & SARA M SPEH	 	
10-3-15	23 FOX RUN CIR	CAROL M KANE		
	25 HIDDEN CREEK DR	FRED S SCHNABL JANICE L ELZEY		
	30 HIDDEN CREEK DR	LINDA SILVER COLEY BOBBY E COLEY		
	35 HIDDEN CREEK DR	JAMES T ORIS LORI G ISAACSON		
	38 HIDDEN CREEK DR	ALICE S BOLGER		
	39 HIDDEN CREEK DR	ROBERT R ROLLINS M CARMERON HAY ROLLINS		

Petition for Hidden Creek Deer Trail Fox Run Neighborhood Conservation Overlay District, Oxford, Ohio

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	15 FOX RUN CIR	PETER M & MARCIA B MAGOLDA		
	16 FOX RUN CIR	CHRISTOPHER R & LINDA S CHURCH		
	19 FOX RUN CIR	DONALD NORRIS JANICE TAYLOR		
	20 FOX RUN CIR	THOMAS W & SARA M SPEH		
	23 FOX RUN CIR	CAROL M KANE		
9/26/15	25 HIDDEN CREEK DR	FRED S SCHNABL JANICE L ELZEY	Don Elzey	
9/26/15	30 HIDDEN CREEK DR	LINDA SILVER COLEY BOBBY E COLEY	Bobby E Coley	
9/26/15	35 HIDDEN CREEK DR	JAMES T ORIS LORI G ISAACSON	James T Oris Lori G Isaacson	
9/25/15	38 HIDDEN CREEK DR	ALICE S BOLGER	Alice S. Bolger	
9/25/15	39 HIDDEN CREEK DR	ROBERT R ROLLINS M CARMERON HAY ROLLINS	Robert R. Rollins	

HIDDEN CREEK (17)

SEPT 06 2015

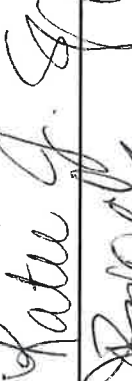
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Date	Address	Name(s)	Signature	Notes
10/4/15	44 HIDDEN CREEK DR	STACY N BRINKMAN WILLIAM J BRINKMAN II		
9/28/15	45 HIDDEN CREEK DR	SUSAN R EWING PAUL W DECOU		
9/25/15	50 HIDDEN CREEK DR	JONATHAN S & AMANDA R PYZOKA		
	51 HIDDEN CREEK DR	TODD M & MONICA L SPOHN		See Next Page
9/25/15	56 HIDDEN CREEK DR	JONATHAN & KATHLEEN SLAGER		
9/25/15	57 HIDDEN CREEK DR	JAMES W & JOANN T BROCK		
9/25/15	62 HIDDEN CREEK DR	DAVID & KAREN KULLMAN		
9/25/15	63 HIDDEN CREEK DR	CHAU M & MAI L PHAM		DECLINED
9/25/15	68 HIDDEN CREEK DR	R STEVEN & BRANDY L DARBY		
9/25/15	69 HIDDEN CREEK DR	GILBERT W & PATRICIA J HUNTER		
	72 HIDDEN CREEK DR	MARC NACHOWITZ ANN-ELIZA LEWIS		
				

Petition for Hidden Creek Deer Trail Fox Run Neighborhood Conservation Overlay District, Oxford, Ohio

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	45 HIDDEN CREEK DR	SUSAN R EWING PAUL W DECOU		
	50 HIDDEN CREEK DR	JONATHAN S & AMANDA R PYZOHA		
9/28/15	51 HIDDEN CREEK DR	TODD M & MONICA L SPOHN	<i>Todd M. Spohn Monica Spohn</i>	
	56 HIDDEN CREEK DR	JONATHAN & KATHLEEN SLAGER		
	57 HIDDEN CREEK DR	JAMES W & JOANN T BROCK		
	62 HIDDEN CREEK DR	DAVID & KAREN KULLMAN		
	63 HIDDEN CREEK DR	CHAU M & MAI L PHAM		
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Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
9/28/15	75 HIDDEN CREEK DR	SHAWN & JENELL PRINCELL		

OCT 06 2015
CITY OF OXFORD

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 5, 2016

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

December 28, 2015
Date Prepared:

PC-2015-27 CONDITIONAL USE 5958 Fairfield Road to allow for alcohol service at a nano brewery, **Dean Scales, Applicant/Agent**

Recommendation: Approval

Discussion:

The applicant seeks approval of a conditional use to allow a small brewery alcohol service inside an existing building located at 5958 Fairfield Road. This property is located on the northwest corner of the intersection of Lynn Avenue and Fairfield Road. The property is zoned General Business, which allows establishments serving alcohol as a conditional use per Oxford Zoning Code Section 1143.12(b)2. The property is currently being used as a computer service store. In addition to the general decision standards, the conditional use requires the following to be addressed: **1) Traffic, 2) Noise and 3) 50 foot setback requirement.** At the Planning Commission hearing, concerns were expressed regarding hours of operation, parking, proximity to neighboring residential homes, outdoor seating and sound systems, signage and lighting. After reviewing the proposal with the code requirements the Planning Commission recommended waiving the 50 foot setback requirement and approving the conditional use request with nine conditions:

1. That, close of business will be 10:30 p.m. weekdays and midnight weekends and holidays;
2. That, traffic will be limited to 15 vehicle trips per peak hour;
3. That, the design of a fence along the western lot line be mutually agreed upon by the applicant and adjacent property owner; however compliant with the regulations of the Oxford Zoning Code;
4. That, the applicant shall provide updated operator contact information, every six months, to the three closest residential lot owners of record in order to facilitate efficient correction of any noise, trash, odor or other negative impacts;
5. That, the conditional use shall be void if current owner discontinues being the owner and manager of the establishment;
6. That, the applicant shall enter into discussion and attempt a formal agreement with adjacent properties to share their parking lots and assure their cleanliness during use;
7. That, any future outdoor patio to be constructed shall only be located on the Lynn Avenue side of the property, as presented in applicant's plans;
8. That, there will be no outside sound system;
9. That, exterior lighting will be cut-off-type fixtures

Approved By:

Department Head:

City Manager:

JHC / 12/28/15

DRE / 12/31/15

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR ALCOHOL SERVICE AT A NANO BREWERY AT THE PROPERTY LOCATED AT 5958 FAIRFIELD ROAD IN THE GENERAL BUSINESS DISTRICT WITH CONDITIONS AND WAIVING THE FIFTY (50) FOOT SETBACK REQUIREMENT.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on December 8, 2015, for the purpose of considering the request of Dean Scales, Applicant, Agent for a conditional use permit to allow for alcohol service at a Nano Brewery at the property located at 5958 Fairfield Road in the General Business District.

SECTION 2: The Planning Commission, after public hearing and discussion, voted and approved a motion recommending the fifty (50) foot setback requirement be waived in accordance with Oxford Codified Ordinance Section 1147.02(d)(2) and recommended approval of the conditional use application to allow for alcohol service at a Nano Brewery at the property located at 5958 Fairfield Road in the General Business District with the following conditions:

1. Close of business shall be 10:30 p.m. weekdays and midnight on weekends and holidays.
2. Traffic shall be limited to 15 vehicle trips per peak hour.
3. The design of a fence along the western lot line shall be mutually agreed upon by the applicant and adjacent property owner and it shall be compliant with the regulations of the Oxford Zoning Code.
4. Every six months, the applicant shall provide updated operator information to the three closest residential lot owners of record to facilitate efficient correction of any noise, litter, odor or other negative impacts.
5. The conditional use shall be void if current owner discontinues being the owner and manager of the establishment.
6. The applicant shall enter into discussion and attempt a formal agreement with adjacent properties to share their parking lots and shall assure their cleanliness during use.
7. Any future outdoor patio to be constructed shall only be located on the Lynn Avenue side of the property, as presented in the applicant's plans.
8. There shall be no outside sound system.
9. Exterior lighting shall be cut-off-type fixtures.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and incorporates the same herein and further waives the fifty (50) foot setback requirement and grants the conditional use permit application to allow for alcohol service at a Nano Brewery at the property located at 5958 Fairfield Road in the General Business District pursuant to the conditions set forth above.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

Certification of Action Oxford Planning Commission Recommendation to City Council

<u>Report Date</u>	January 5, 2016
<u>Case Number</u>	PC-2015-27
<u>Applicant Information</u>	Dean Scales AFT Properties, LLC
<u>Requested Action</u>	Conditional Use
<u>Summary of Request</u>	To allow for alcohol service at a nano brewery located at 5958 Fairfield Road, Oxford, Ohio
<u>Public Hearing Information</u>	A Public Hearing took place at 118 W. High Street on December 8, 2015. A Public Hearing notice was published in the Journal News on October 30, 2015 and courtesy notices were mailed to adjacent property owners on November 5, 2015. Signage was posted at the site on December 1, 2015.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 with conditions, recommending approval of the Conditional Use.
<u>Commission Findings and Conclusions</u>	Much discussion took place regarding this application. Concerns were expressed regarding hours of operation, parking, proximity to neighboring residential homes, outdoor seating and sound systems, signage and lighting. A neighboring property owner was present and expressed his concerns. After review the Planning Commission approved the conditional use request with nine conditions: 1. That, close of business will be 10:30 p.m. weekdays and midnight weekends and holidays; 2. That, travel will be limited to 15 vehicle trips per peak hour; 3. That, the design of a fence along the western lot line be mutually agreed upon by the applicant and adjacent property owner; however compliant with the regulations of the Oxford Zoning Code; 4. That, the applicant shall provide updated operator contract information to the three closest residential lot owners of record in order to facilitate efficient correction of any noise, trash, odor or other negative impacts occurring every six months; 5. That, the conditional use shall be void if current owner discontinues being the owner and manager of the establishment; 6. That, the applicant shall enter into discussion and attempt a formal agreement with adjacent properties to share their parking lots and assure their cleanliness during use; 7. That, any future outdoor patio to be constructed shall only be located on the Lynn Avenue side of the property, as presented in applicant's plans; 8. That, there will be no outside sound system; 9. That, exterior lighting will follow light spillage and down lighting

regulations of the Oxford Zoning Code.

**Exhibits Submitted to the
Commission**

1. Staff Report Dated December 2, 2015
2. Interoffice Review Transmittal Sheets
3. Property Notification Map
4. Review and Comment Form Response
5. Letter of Agency
6. Conditional Use Permit Application October 23, 2015
7. Supporting Documents from Applicant

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-27

Date – December 8, 2015

APPLICATION

Applicant:	Dean Scales
Location:	5958 Fairfield Road
Owner:	AFT Properties LLC (c/o Ken Thacker)
Action Request:	Conditional Use Permit Application for Alcohol Service
Current Use:	Computer Service Store
Zoning:	GB (General Business) District
Surrounding Existing Land Uses:	Single Family Residences, Professional Office, Retail

GENERAL DESCRIPTION

The applicant is seeking approval of a conditional use to allow a small brewery alcohol service inside an existing building located at 5958 Fairfield Road. This property is located on the northwest corner of the intersection of Lynn Avenue and Fairfield Road. This same applicant previously attended a Planning Commission meeting and notified the Commission of the forthcoming conditional use submittal. The property is zoned GB, which allows establishments serving alcohol as a conditional use per Oxford Zoning Code Section 1143.12(b)2. The property is currently being used as a computer service store.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a notice sign was placed on the property. One written comment letter (attached) was received from the significant other of the adjacent property owner to the west (5966 Fairfield Road).

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

Police:	No comments received
Fire:	Received with no comments
Engineering:	Comments returned via email attached.
Econ. Dev.:	Comments attached

ZONING CODE REVIEW

Below is an excerpt of Oxford Zoning Code Section 1143.12(b)2 – Conditional Uses in GB District:

- (2) **Conditional uses.** The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
- A. Retail services.
 - 1. Automobile service stations selling gasoline.
 - 2. Bars and establishments serving alcohol.**
 - 3. Banks with drive-through facilities.
 - 4. Building supplies, garden supplies.
 - 5. Drive-in and fast-food restaurants.
 - 6. Sales of motorcycles and used motor vehicles, rental and service of motor vehicles, sales and rental of boats and marine equipment, and sales and rental of trailers.
 - 7. Temporary or outdoor sales of plants and garden supplies.
 - B. Personal and public services.
 - 1. Animal hospitals or kennels.

2. Bowling alleys.
 3. Cultural institutions, including libraries, art galleries and museums.
 4. Hotels and motels.
 5. Places of worship.
 6. Funeral homes.
 7. Indoor skating rinks, arcades, and similar recreational uses.
 8. Instructional studios.
 9. Night clubs, discotheques, and other entertainment facilities.
- C. Other uses.
1. Community-Oriented Residential Social Service Facilities (CORSSF's).
 2. Shared Housing and Congregate Housing for the elderly.
 3. Government owned and/or operated parks and recreation facilities.
 4. Bed and breakfast homes.
 5. Publicly owned and operated neighborhood recreation centers.
 6. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
 7. Schools: primary, intermediate, and secondary, both public and private.
 8. Mini-Warehouse (Self-Storage Units)
 9. Business Incubator

Conditional Use Concerns and Regulations for Specifically Bars and Taverns— Section 1147.03(b)(11):

(11) Bars and Taverns.

A. Potential Concerns.

1. Evening traffic.

The applicant is expecting peak trips during a 2-3 hour time block after 5:00 p.m.

2. Noise from operations (music).

The applicanat is not planning to operate the sit-down portion as a bar with music/entertainment, nor plans to have any outdoor entertainment or an outdoor consumption area.

3. Location and adequacy of dumpsters.

N/A: The applicant is not expecting to need a dumpster.

B. Regulations.

1. Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district

N/A: The parcel is in a commercial district.

2. Structure shall be setback a minimum of 50 feet from a residential zoning district

The structure is 9 feet from the adjacent residential district at its closest point. The applicant is requesting a waiver of the 50 foot requirement.

General Decision Standards for Conditional Uses — Section 1147.02(c)(2)

(2) General Decision Standards. All Conditional Uses shall satisfy these General Decision Standards.

A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.

Yes, the use can be allowed as a conditional use.

B. The use and site will satisfy the general intent of this Zoning Code.

Yes, the proposed use can satisfy the intent as long as any potential concerns and regulations are appropriately handled from an operational standpoint.

C. The use and site will be compatible with the general intent of the Comprehensive Plan.

The Land Use Chapter dealing with prioritizing infill development supports the re-use of this existing small commercial lot.

D. The size and shape of the site are sufficient for the proposed use.

The lot size is just over 10,000 square feet. According to the above regulations, the size of the site is insufficient due to the requirement that the structure be set back a minimum of 50 feet from the adjacent residential district. This may be mitigated depending upon an appropriate operational plan and management for the business.

E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

Based upon the applicant's description, the brewing function will be subtle and the patronage will be interior; therefore the use may not disturb neighboring uses. Limiting the evening hours to match surrounding businesses on the Lynn Avenue corridor may be appropriate to maintain the character of this transitional corridor between residential and commercial.

F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.

Based upon the applicant description, the electric-powered brewing will be quiet and the smell will be subtle.

G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.

There is no separate accessory use expected.

H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.

All municipal services are available to this property including a public street with curb cut to the rear parking area.

I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.

None is expected.

J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.

The applicant's plan is to use the existing building with some changes to the doors, windows and siding as well as additional walkways and a seating area for smokers that are not permitted inside. A hand sketched elevation and hand sketched plot plan have been provided.

K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.

The applicant is expecting a total 10-20 trips per hour during peaks. Some delivery trucks are expected by the applicant. It is unknown the size of the trucks or times of day they would access the site. No traffic study information was available for the adjacent signalized intersection.

L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

The site is not listed as being historic or having a historic building.

M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

Yes, as stated by applicant. Additionally a permit from the Ohio Department of Commerce will be required.

ANALYSIS

This parcel has been commercially zoned for many years, most recently a computer service store. Changing the use to a brewery that serves alcohol on site requires a conditional use approval. The conditional use hearing gives an opportunity to the public to hear and discuss any concerns raised and how those might be handled if the use were to be approved. Based upon the available information, the only clear zoning code conflict is the distance that the building is set back from the residential district. Fifty (50) feet is required, and only nine (9) feet is provided.

Given the written comments of concern from the adjacent property, the operation and management of the drink service aspect, is the key concern. It is unpredictable as to how patrons would conduct themselves after leaving the establishment. The business owner should either consider eliminating the on-site consumption or conduct it in a fashion that minimizes potential impacts to the adjacent residents.

Staff conducted research on the hours of operation of the businesses on the Lynn Avenue corridor and slightly beyond. Staff found that the average closing time of the four restaurants accessed from Lynn Avenue is 10:30 p.m. Limiting the brewery drink service to this same closing time may bring some consistency to the corridor to consider the needs of the adjacent residents. Attached is a map of the businesses depicting the total number of evening hours per week that they are open.

Vehicle trip generation is an additional area of concern for this proposal. The applicant anticipates an early evening peak of 10-15 unique trips per hour. This is likely an increase over the previous two businesses at this location. Additionally there is no information as to the size of the delivery vehicle and any impact it may have on the right of way during peak travel.

Based upon the submitted narrative from Mr. Scales, a concerted effort is being made to maintain a subtle yet successful brewery and drink service. Mr. Scales intends to operate the business in a way that does not disrupt the adjacent neighborhood. For this reason, conditions can be written into an approval that are unique to Mr. Scales's management technique. If he were to no longer be part of this business at this location, the conditional use approval could be voided. This would also have to be a condition.

It is a goal of the City of Oxford to promote economic development through business starts. The City can encourage this business by permitting it in this location but also establish thresholds that are appropriate. If those thresholds are exceeded it will be time to find a new location in Oxford.

RECOMMENDATION

Staff finds that based upon the available information the proposed brewery with drink service meets the general and specific requirements of the Oxford Zoning Code, with the waiver of the 50' requirement upon compliance with the following conditions:

- Close of business by 10:30 p.m.
- Limited to 15 unique vehicle trips per peak hour
- The installation of a 6 foot tall privacy fence along the entire western lot line, with 4 feet height limit along the shared front yard
- Applicant shall provide at least annually an updated operator contact information to the three closest residential lot owners of record in order to facilitate efficient correction of any noise, trash, odor or other negative impact occurring
- Conditional use shall be void if current applicant is not the owner and manager of the establishment

The Commission can agree with staff's recommendation of approval with conditions or find otherwise based upon new evidence presented and discussion. If the Commission has sufficient information it will need to forward a recommendation to City Council of approval, approval with conditions or denial with reasons based upon referenced Oxford Zoning Code.

SUBMITTED BY:



Sam Perry, AICP
Planner

DATE: December 2, 2015

ATTACHMENT

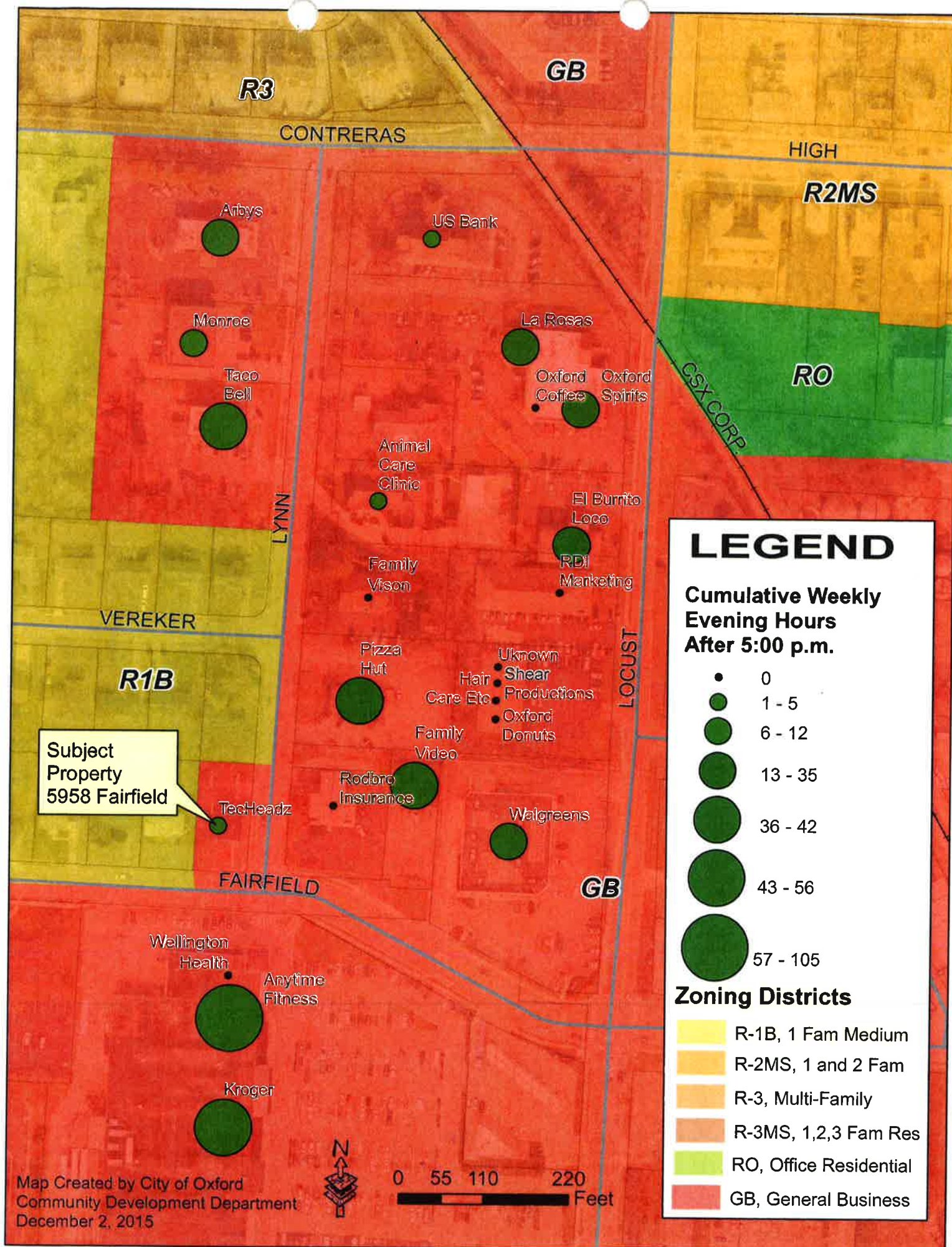
(c) Planning Commission Review. The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. If the Planning Commission finds that the information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

(1) Burden of proof.

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

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

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



City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 19, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-27 **CONDITIONAL USE 5958 Fairfield Road** to allow for alcohol service at a nano brewery, **Dean Scales, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **12/4/2015** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:



John Dethelage

PRINTED NAME

Date:

12/1/15

Sam Perry

Engineering

From: Victor Popescu
Sent: Monday, November 30, 2015 11:43 AM
To: Sam Perry
Cc: Jung-Han Chen; Mike Dreisbach
Subject: RE: Fairfield/Lynn

Sam:

We do not have traffic counts or a traffic study for that intersection. It is important to note that over time, changes have occurred in that area (I.E. K-Mart was replaced by Kroger, Kroger remodeled and expanded, 5/3 Bank was replaced by Rodbro Insurance, Walgreen was built, etc.).

Also, I am not aware of any complaints registered, related to the signal timing.

I cannot visualize what a traffic study will accomplish for the proposed project. The lot is too small to draw a large crowd, and parking is not allowed on Lynn Street.

Victor Popescu, P.E.
City Engineer
City of Oxford
1-513-524-5208

CONFIDENTIALITY NOTICE:

This information transmitted is intended only for the person or entity to which it is addressed and may contain personal information which is privileged and confidential. If you receive this material/information in error, please contact the sender and delete or destroy the material/information immediately.

From: Sam Perry
Sent: Monday, November 30, 2015 11:18 AM
To: Victor Popescu
Cc: Jung-Han Chen; Mike Dreisbach
Subject: Fairfield/Lynn

Victor,

Are you aware of any traffic studies or counts done for the signalized intersection of Lynn and Fairfield? The question may come up as part of Planning's review of the proposed brewery, so just checking your files.

Thanks,
Sam

Sam Perry, AICP
Planner
City of Oxford
Community Development Department
101 East High Street | Oxford, Ohio 45056

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 19, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-27 CONDITIONAL USE 5958 Fairfield Road to allow for alcohol service at a nano brewery, **Dean Scales, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **12/4/2015** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

I have met several times with the applicant. I feel their business plan, as it has been presented, could be a good addition to the Locust Street Business District. I say this with two additional thoughts.

One: Because it abuts a residential area, having the approval of the adjoining neighbors is important.

Two: To guarantee the business plan of a small neighborhood friendly Nano-brewery is (and will continue to be) a small neighborhood friendly establishment, I would suggest either creating a Good Neighbor Agreement or incorporating this type of concept into the Conditional Use.

Drawings reviewed by: [Signature] Date: 12-4-15

G. Alan Korman
PRINTED NAME



PC-2015-27 Surrounding Property Owners Map

5958 77 Rd.

Legend

- Subject Property
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- Building Footprint
- Paved Roadway



1 inch = 75 feet

Prepared on Wednesday, November 04, 2015

The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.





**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

- My fiancé Kyle Mur will be
Attending the hearing in
December.

CASE NO.: PC-2015-27

DATE OF HEARING: December 8, 2015

CONDITIONAL USE, 5958 Fairfield Road, to allow for alcohol service at a nano brewery,
Dean Scales, Applicant/Agent

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience before the hearing date to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Bryanna M. Marcum.
Address: 5966 Fairfield RD.
Oxford, OH 45056.
Telephone: Home: (513) 503-3418 Work: _____

COMMENTS:

I would like to start by saying that I love the idea of having a brewery in Oxford, but what I don't like is it being right next door to my home. We recently purchased our house, and if we ever go to sell our home, believe it would depreciate the value of the house we worked hard to obtain. Matter #2 that bothers me, is that we have 2 children ages 2 & 4. They should not have to grow up around a brewery, and I feel as though it would be a major headache with even more activity throughout the night. We also have two large dogs, if there were happen to be an incident with drunken idiots trying to pester my dogs, that will keep them up & barking all night long. & having a child in school, I would like to say, that

B. Marcum
Signature

11.11.2015
Date

this is just not a good place for the brewery. Please take what I've said into consideration.

Subject: 5958 Fairfield Rd Oxford Oh 45056

From: kenthacker@century21.com (kenthacker@century21.com)

To: brewwithde@yahoo.com;

Date: Tuesday, October 20, 2015 9:42 AM

Letter of Agency

To Whom it may Concern,

Dean Scales is entitled to apply for a Conditional Use permit on my behalf at 5958 Fairfield Rd Oxford OH 45056.

AFT Properties, LLC - President.

Thanks,

Ken Thacker

Broker

CENTURY 21 Thacker & Associates, Inc.

513.524.2221 | Office

513.615.8970 | Mobile

513.524.0941 | Fax

The sender believes that this E-mail and any attachments were free of any virus, worm, Trojan horse, and/or malicious code when sent. This message and its attachments could have been infected during transmission. By reading the message and opening any attachments, the recipient accepts full responsibility for taking protective and remedial action about viruses and other defects. The sender's employer is not liable for any loss or damage arising in any way from this message or its attachments



Internal Use Only:	
Case No.	PC-2015-27
Date Filed	10/23/15

Conditional Use Permit Application

for Dec 8

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name * Dean Scales

Mailing Address * 4423 Taft Rd

City, State & Zip Code * Kenosha, WI 53142

Telephone Number(s) * 262-220-9425

Email Address BREWWITHDE@yahoo.com

Owner Information

Name * Ken Thacker

Mailing Address * 3741 Darrcity Rd

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * 513-615-8970

Email Address kenthacker@century21.com

Location and Lot Information 5958

Location of Property * ~~5859~~ Fairfield Rd; Oxford, OH 45056

Legal Description * Lot 968

Zoning District * General Business

Total Area * 4302 sq ft → Check One * Acres ☐ Square Feet ☒

Existing Use Description * computer repair store

Proposed Use Description * nano brewery

Submission Requirements and Documentation

From Section 1147.02(a)¹.

- (1) Contents of application for conditional use permit. Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

A. Application Fee.

B. Description of Use and Site.

A written, detailed description shall include the following information. A separate response is required for each subsection.

1. The name, mailing address, and telephone number of the applicant and the property owner.
2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
3. A legal description of the site, including all separate lots.

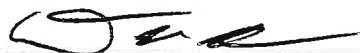
- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape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

Fees & Receipt

The required fee is \$400.00, plus postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *



Date *

10/23/15

Submit Application, Submission Requirements and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required plans and documentation as attachments and a check for fee and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

Direct questions to the Community Development Dept. at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the Planning Commission meeting on which the action is requested. City Staff will place a public hearing sign on the subject property. **The Applicant is responsible for removing the signage at the completion of the hearing(s).**

For Staff Use Only

Fee Paid Date *

10/23/15

Receipt Number *

67786

¹ City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter/>

² Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

³ The United States Postal Service: <http://www.usps.com/>

6.

A. We are opening a nano brewery to sell craft beer. There will be two main points of our operations: brewing beer, as labeled "The Brewery" and selling beer, as labeled "The Tap Room."

The Brewery:

We intend to be a 100% fully electric brewery. Starting out, we will only brew in the morning, a few days a week. As time moves on, we will brew 4-7 days a week throughout the full work day. While we are brewing, we will let 2-8 people at a time come by and learn about brewing/take a tour. This will likely be few and far between because it will not be part of our posted hours. Brewing is a quiet process; the sound of a small pump running is the loudest it can get. In a craft brewery, the smell of brewing beer is similar to putting Grape Nuts cereal in a microwave. It is not strong enough, even when vented out of the roof, to make an odor outside of the brewery. Delivery for the brewery should be approximately two days a week, around 12:00 -3:00 pm. As we get larger, we could have two days a week during which kegs are being picked up to be sold at bars inside and outside of Oxford.

The Tap Room

We will sell craft beer by the flight, pint, and growler. We will also sell wine by the glass, T-shirts, and glassware. We expect to see a higher volume of people in the first few weeks, but then will settle into normal nano brewery flow of business. Estimated peak for growler service is Monday - Friday, 5:30- 7:00 pm, about 10-15 people an hour. We expect to cater to professionals after work so that they can take home craft beer for their evenings and weekends. The rest of our business hours will be people coming in to sit down and try a beer or two and socialize, with an average flow of 10 people per hour.

Craft beer drinkers are more of a laid back group. They are NOT looking for drinking games, \$1 drafts, or to get drunk as fast as they can. Visiting a nano brewery is about trying new beers, discovering what you enjoy, and talking with the people around you. As a nano brewery, we will be able to have a revolving selection of unique beers. This will entice people to visit this Oxford business more often. Though we will have a small outside sitting area, we will not allow our customers to take their beverages outside. Ohio law does not permit glass to be used in outside service, and we do not want our fine beer served in plastic cups. Because of the craft brew clientele and the absence of outside service, this would minimize outside noise. Delivery for the tap room side should also be about 1-2 days a week around 12:00- 3:00 pm. We will not serve food, but will keep menus of local Oxford businesses that deliver. If customers want to have dinner and our beer, they can have it delivered to the brewery. Our hope is that this will help support local businesses and allow us to concentrate on making great beer.

B. Brewery

Monday- Sunday 8:00 am-8:00 pm

Tap Room

Monday- Friday 4:00 pm-1:00 am

Saturday and Sunday 12:00 pm-1:00 am

7.

A. The view looking out from this location is mostly businesses. Though this location is adjacent to residential property, the neighborhood is largely a business/food district, with most of Oxford's fast food restaurants and businesses operating primarily as a restaurant, not a bar, within 1- 3 blocks of us. Our style of business operates with later hours, but it is not be inconsistent with neighboring businesses:

Anytime Fitness: open 24 hours a day, Monday through Sunday

Kroger: open until 1:00 am, Monday through Sunday

Pizza Hut: open until 11:00 pm, Sunday through Thursday; 12:00 am, Friday and Saturday

Taco Bell drive through open until 1:00 am, Sunday through Thursday; 3:00 am, Friday and Saturday

There are a number of other business with 1-3 blocks open until 10:00 pm, Sunday through Thursday; 11:00 pm, Friday and Saturday

Most of these businesses would be open later if they could bring in the customers, but they have chosen hours for what work best for their businesses. Our type of business requires extended hours. We do understand that our immediate neighbors are not trying to run a businesses, but rather to relax at the end of a long day. A nano brewery has a quiet, laid back atmosphere. Our presence should not change how our neighbors end their day. We should blend in nicely.

B. The appearance of the existing structure works well in its location. We will relocate the front door a few feet west to fit our needs, and we will add an extra exit door on the back of the building. The entrance/exit updates will not significantly change the current aesthetic. Additional enhancements would improve curb appeal (new paint, bike racks, landscaping, new walkways, and a small sitting area on the Lynn St. side).

C. In our opinion, there should be no potential nuisances with our operation. We realize there are stereotypes associated with serving alcohol, and these potential concerns are addressed in other sections of this document.

D. We took the time to talk to each of the neighbors to personally address potential concerns with them. We found that noise and odor are their only concerns. We do not foresee any issues with noise because of the relaxed nano brewery environment and because service only takes place indoors. Pertaining to odors, brewing beer smells similar to putting Grape Nuts cereal in a microwave. It is not strong enough, even when vented out of the roof, to be noticed outside of the brewery.

8. We struggled to find any locations that meet our size needs and are available in Oxford better than the proposed location. The other commercial properties are difficult to access, lack parking, do not meet our size requirements, and rent was disproportionate to the traffic. With the Kroger across the street and with many of Oxford's fast food restaurants and businesses operating primarily as a restaurant, not a bar, within 1-3 blocks, the proposed location should be great for reminding people we are here.

9. Craft breweries entice people to visit new cities, and we think this would be great for Oxford. Looking around Oxford for a location for the brewery, we do not think we could find a better spot for ourselves and the community. Craft beers generally cost \$6 or more per pint; craft brew drinkers are generally individuals who have more disposable income. They are not going to drive to Oxford exclusively to buy a single pint. Beyond consuming our wares, they are going to want to get a meal, check out a show, rent a hotel room-- simply put, support the rest of Oxford.

10. Bars and Taverns

A. Potential Concerns

1. *Evening traffic.* Though we will be adding additional business to the area, we do not feel this will have a significant impact to the evening traffic that already exists. Considering the hours of operation of the businesses in a 1-3 block radius of us, we think we will blend right in.

2. *Noise from operations (music).* With a nano brewery, noise is not normally a problem. We do not see it being an issue in our establishment. We will NOT have live music, drinking games, or prices that contribute to binge drinking.

3. *Location and adequacy of dumpsters.* Because we are a keg to glass, we will not produce trash like a bar would. 95% of our operation will not make any garbage. We will even share our spent grains from brewing to a local farmer.

B. Regulations

1. *Site shall be a minimum of 500 feet from church school, or similar institution, except in a commercial zoning district.* This is a commercially zoned property.

2. *Structure shall be setback a minimum of 50 feet from a residential zoning district.* We request an exception for this item. As previously noted, the potential concerns pertaining to a bar/tavern are not applicable to nano breweries.

11. See attached list.

12. Although there are two houses within 50 feet of our location, we have spoken to our neighbors, including the two lining the property, and all have welcomed us. We are committed to being good neighbors, and we want to make this relationship work for us and Oxford. This city feels like home to us, which is why we are moving to this area from Wisconsin to become a part of the Oxford community.

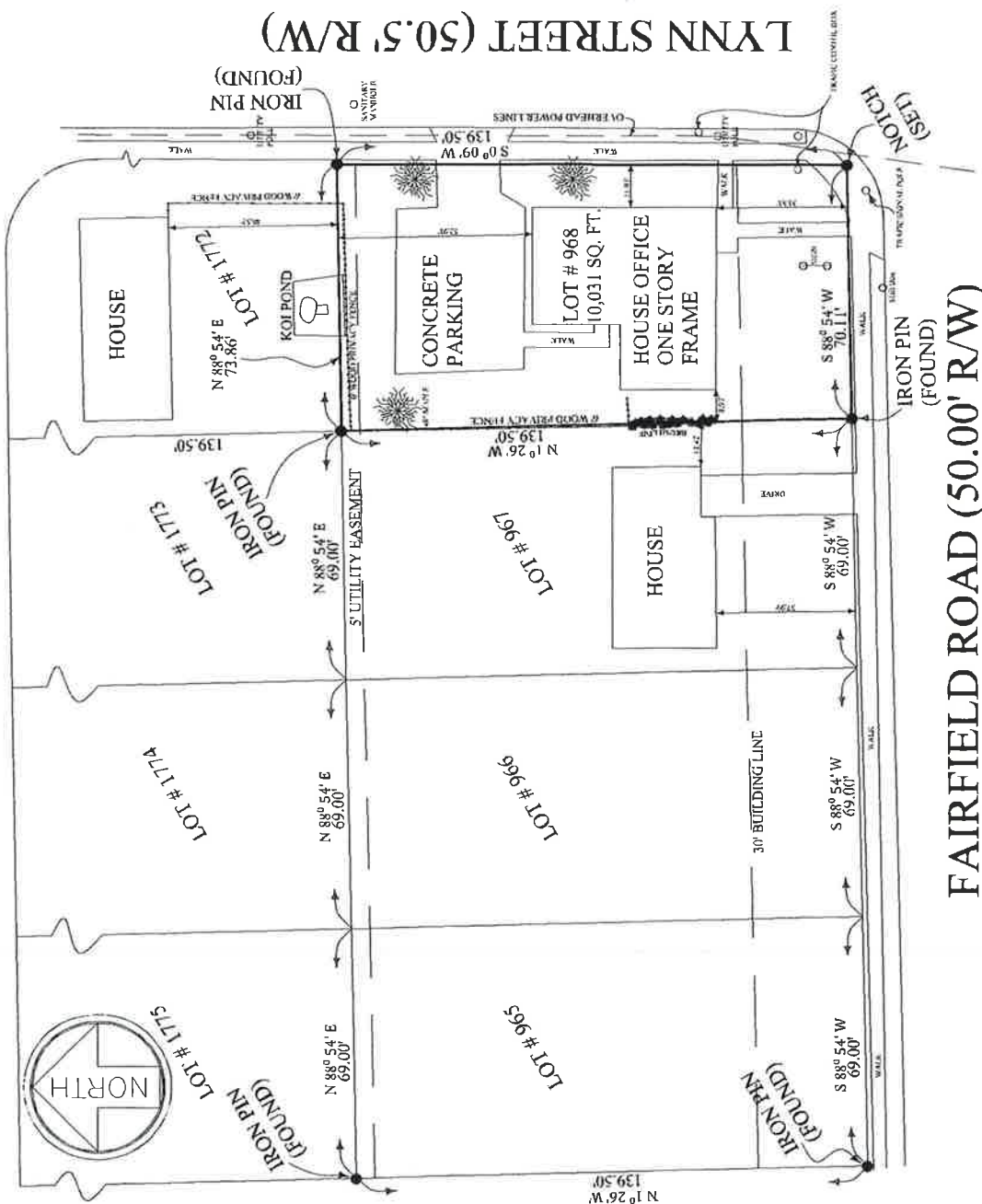
Plat of Survey

Plot Plan, Lot #~~900~~ Sunvale Subdivision,
Section A, Plat Book 16, Page 43,
City of Oxford #968
Butler County, Ohio

For: Dean Scales

Date: 10/21/2015

Scale: 1"=20'



FAIRFIELD ROAD (50.00' R/W)

NOTES

- 1) Source documents are as shown hereon.
- 2) Occupation in general fits Survey except as shown.
- 3) Monumentation found is in good condition.
- 4) -o- Indicates 5/8" Iron rod with I.D. cap unless otherwise noted.
- 5) It appears that additional right of way has been conveyed to the City of Oxford, due to the fact that city utilities are in and near the Southeast corner of Lot #968. No record of said additional right of way found.

By: Brosey Land Surveyors

I certify that the hereon platted property was measured to acceptable Survey Standards only.

Registered Surveyor, 6492 in Ohio



1. Dean Scales; 4423 Taft Rd; Kenosha, WI 53142; 262-220-9425
Ken Thacker; 3741 Darrcity Rd; Oxford, OH 45056; 513-615-8970
2. See attached email
3. 5859 Fairfield Rd; Oxford Ohio, 45056; _____ 968 ENT
4. The site is currently being used as a tech computer repair store with people coming and going looking for computer help and repairs. Tec Headz is open Monday-Friday 9:00 am - 6:00 pm, Thursday and Friday from 9:00 am - 5:30 pm, and Saturday and Sunday by appointment.
5. Zoning district is GB = General Business

Site Plan:

1. See attached survey
2. See attached survey
3. See attached Google map
4. See attached survey
5. See attached survey
6. Not changing from what it is today: 18' at highest point
7. See attached survey
8. See attached live drawings of property for new front of building sign. Size to still be decided but will not be any larger than 6x6. Also, the sign that is currently on the front yard will stay.
9. See attached hand scale drawing, live drawing, and attached survey; these illustrate our proposed enhancements. The sitting area along Lynn St. (will be 8x28), the back door landing area, and the walkways will be cobblestone and will be ground level.
10. See attached survey
11. See attached Google Maps

House

Fence

Driveway

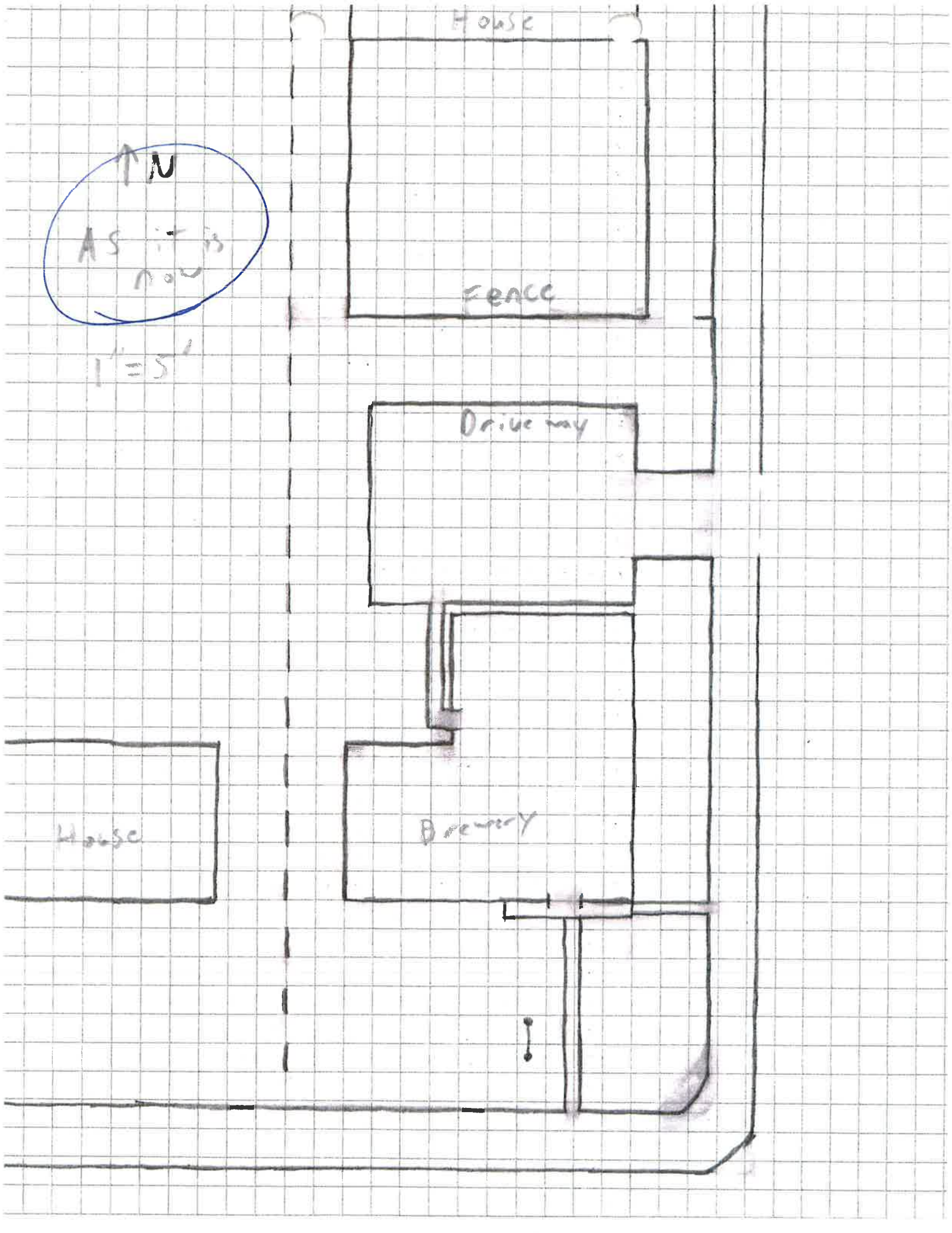
Brewery

House

↑ N

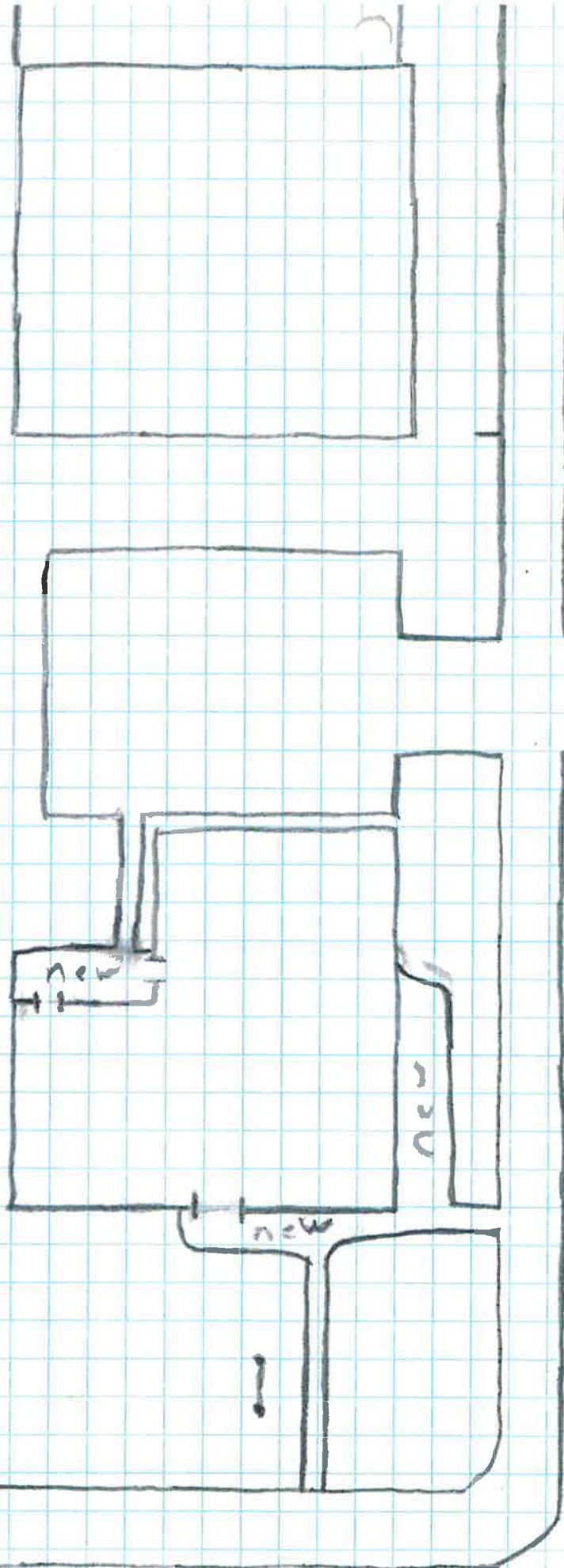
AS it is
now

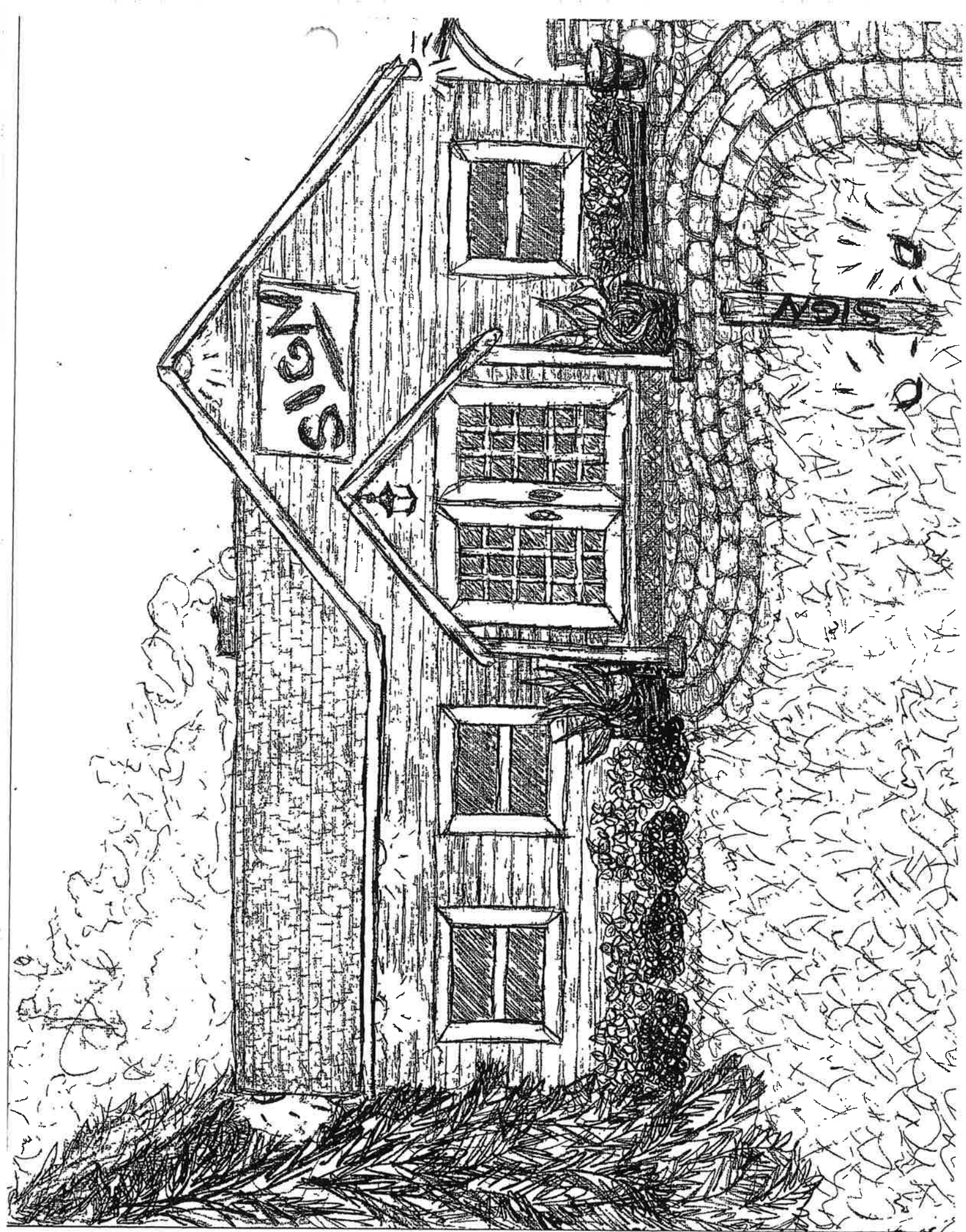
1" = 5'

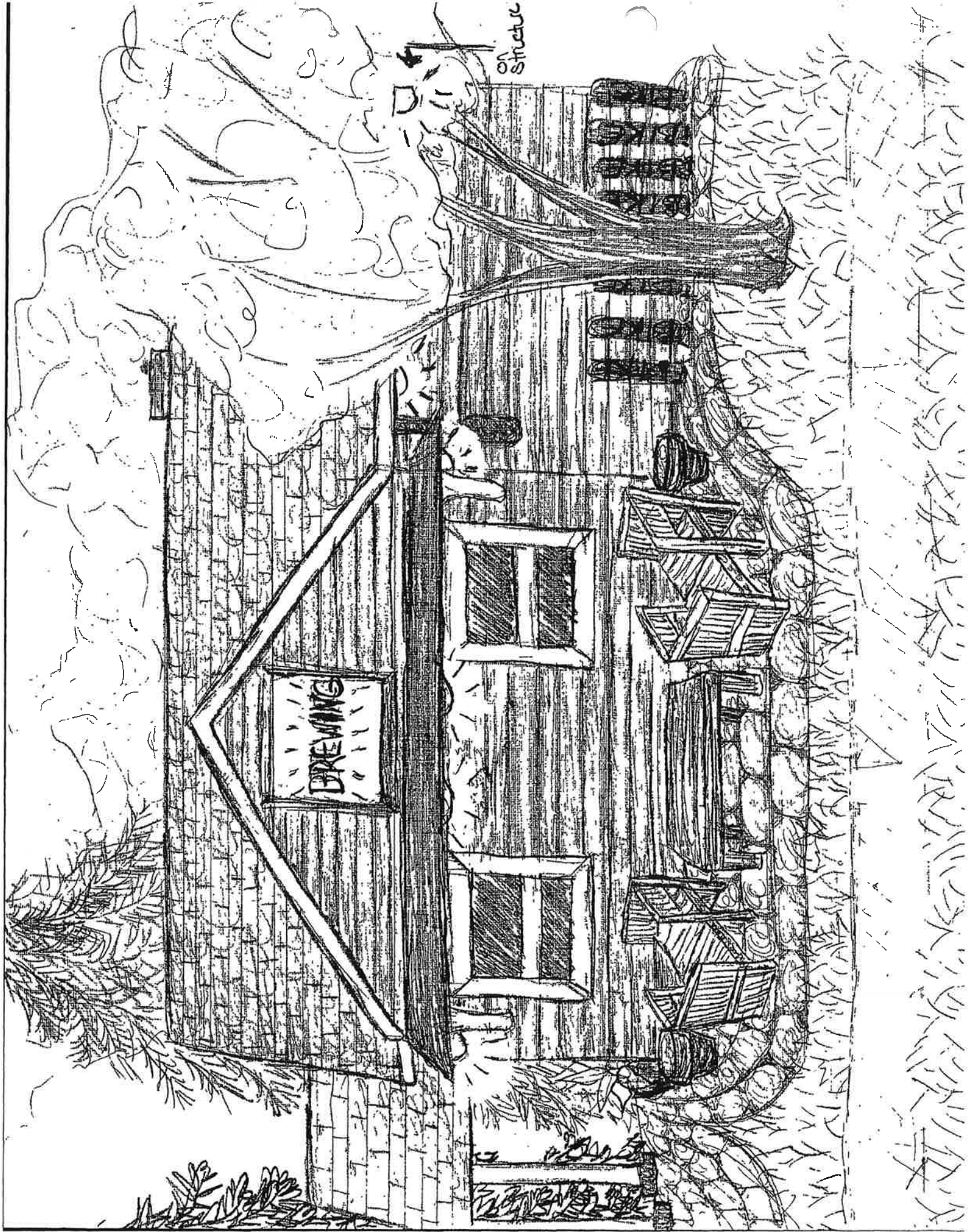


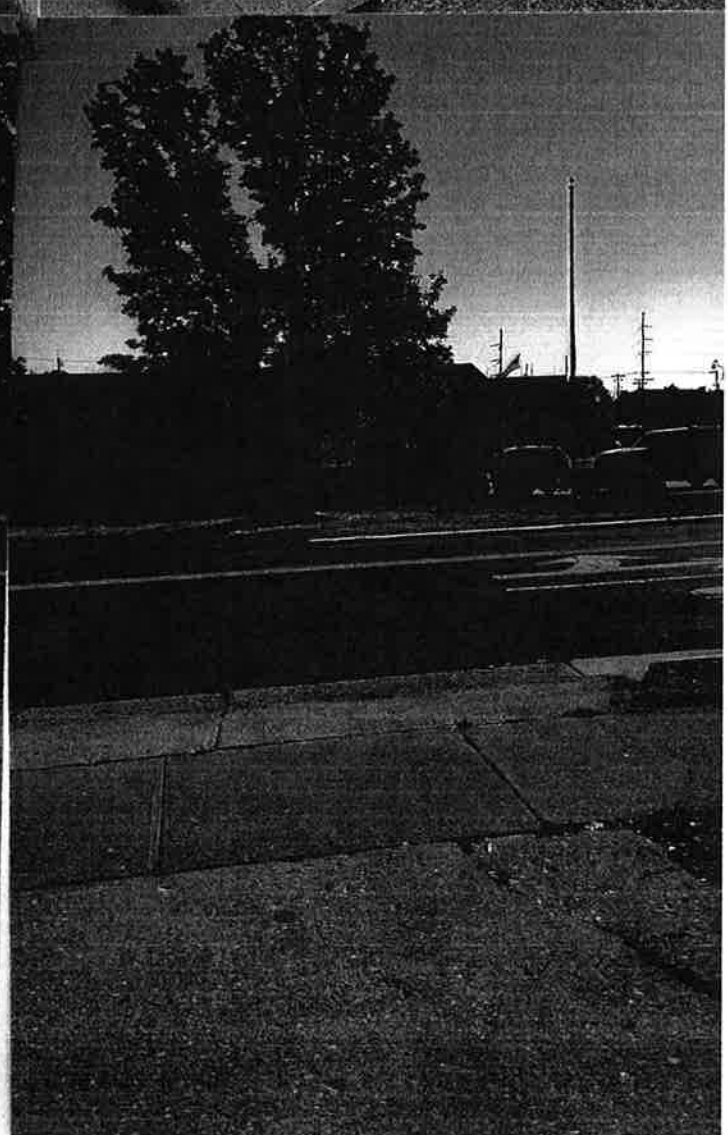
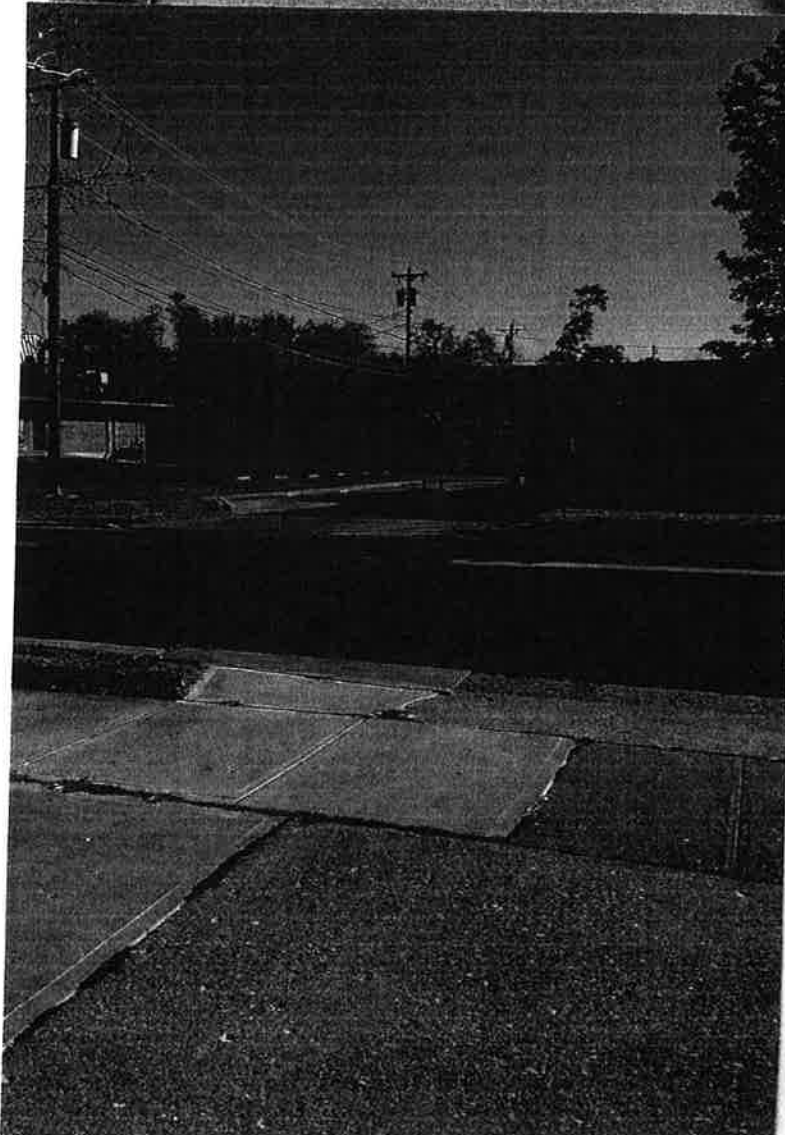
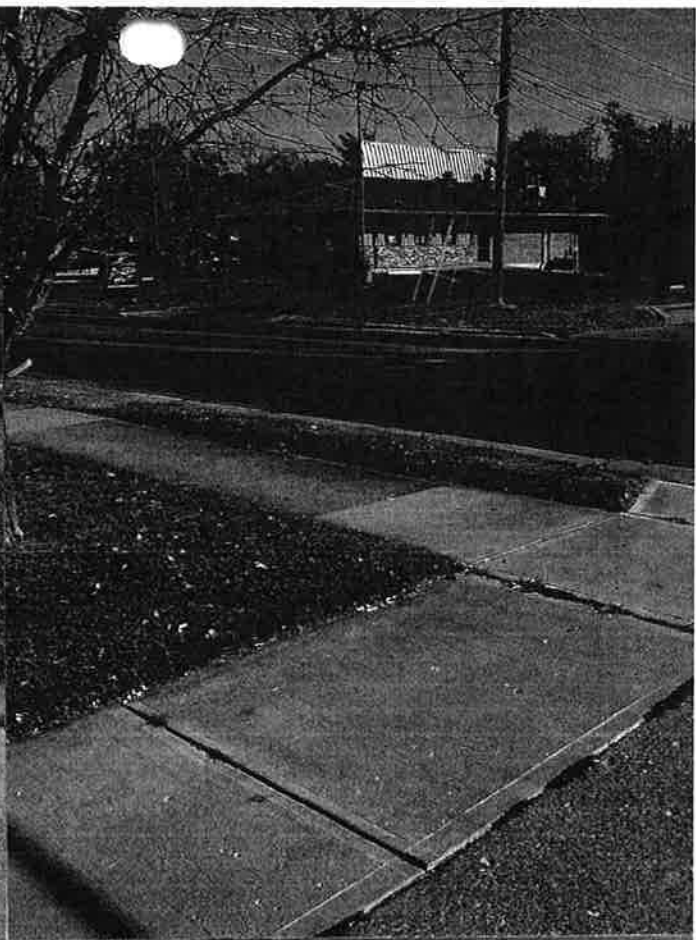
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Added
walkway/
Door move

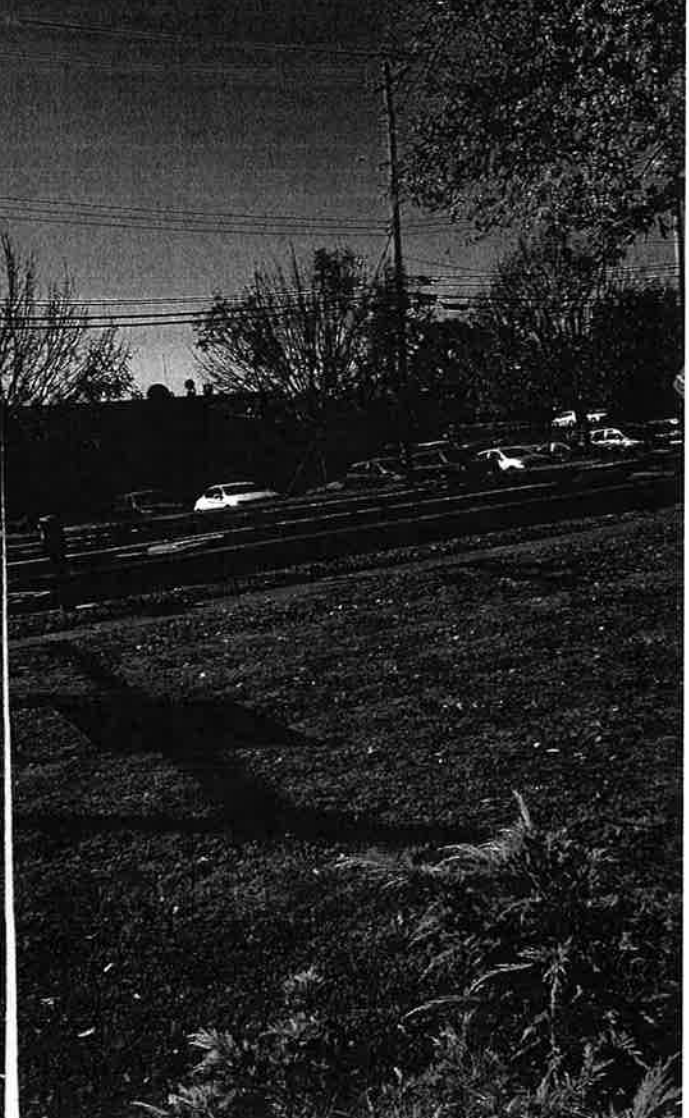
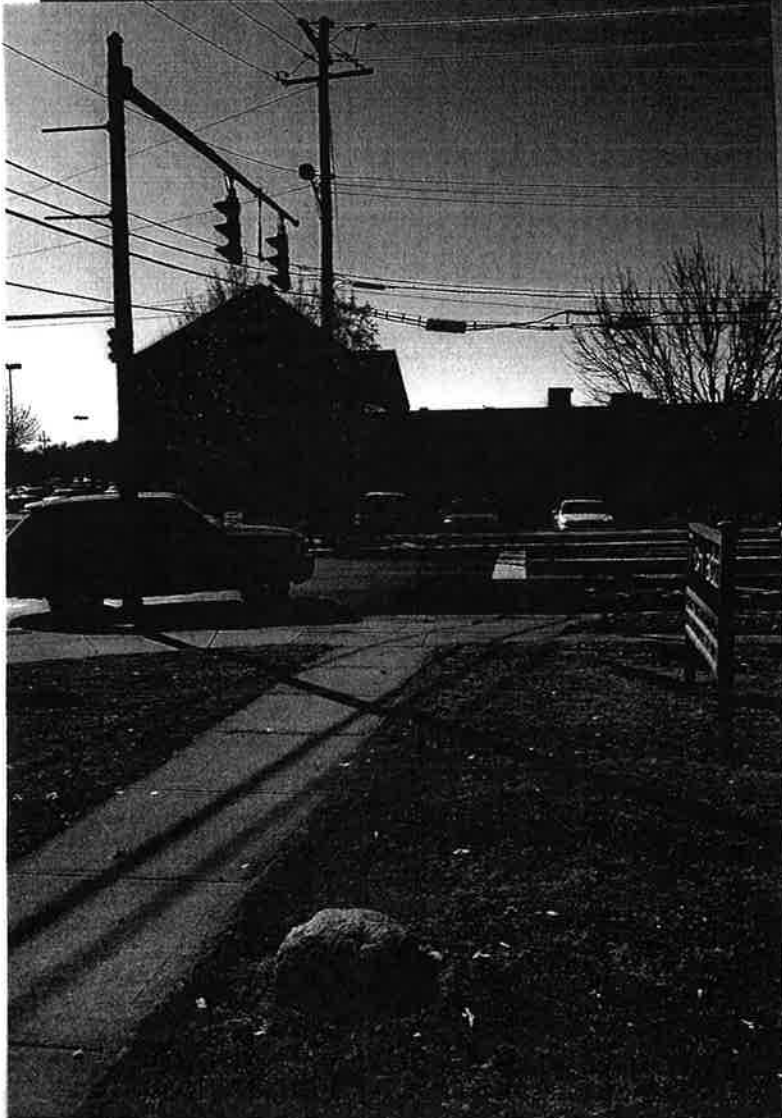
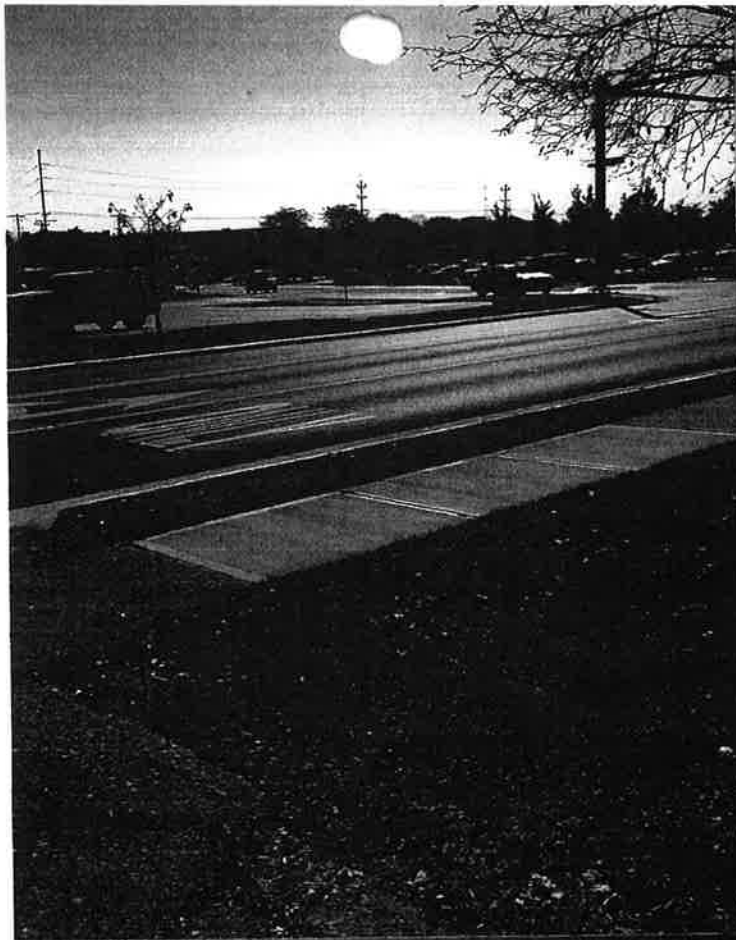
1" = 5'

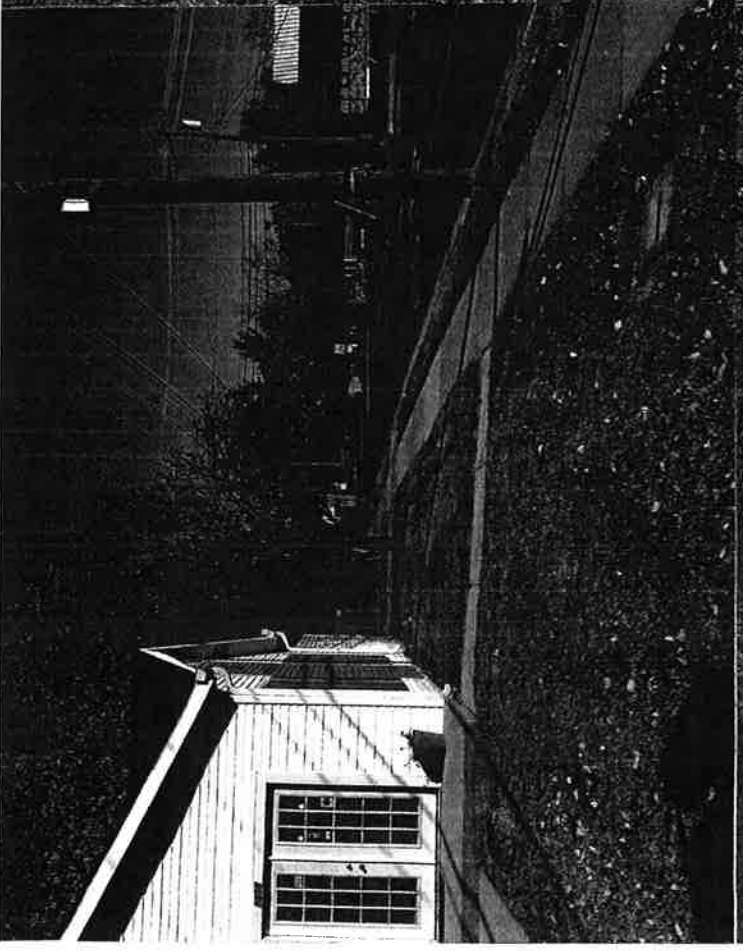
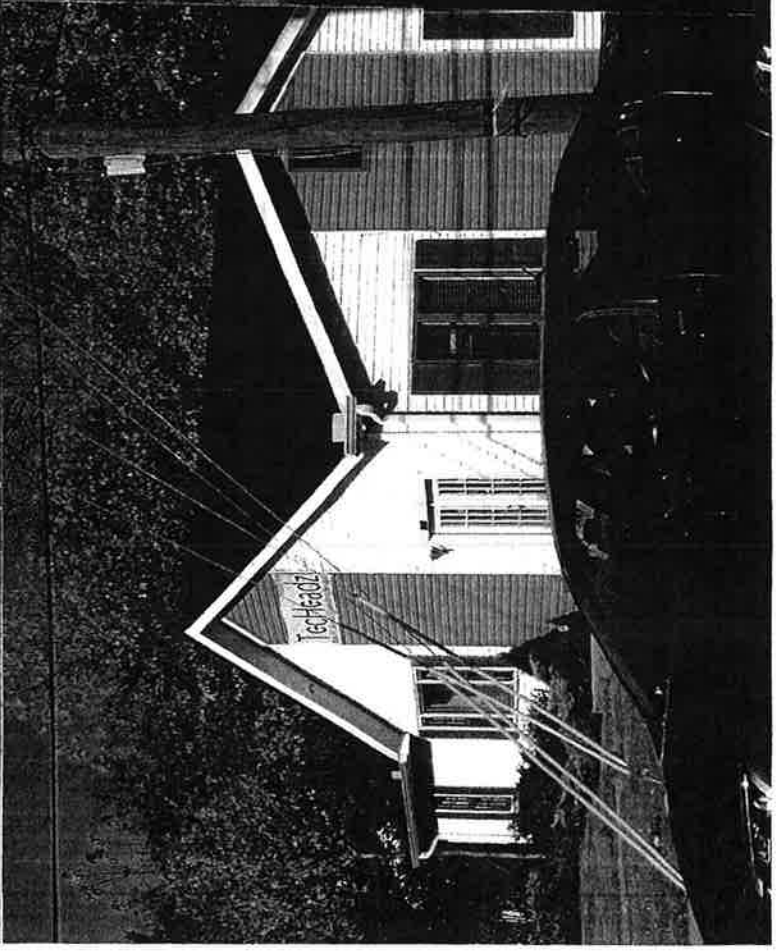
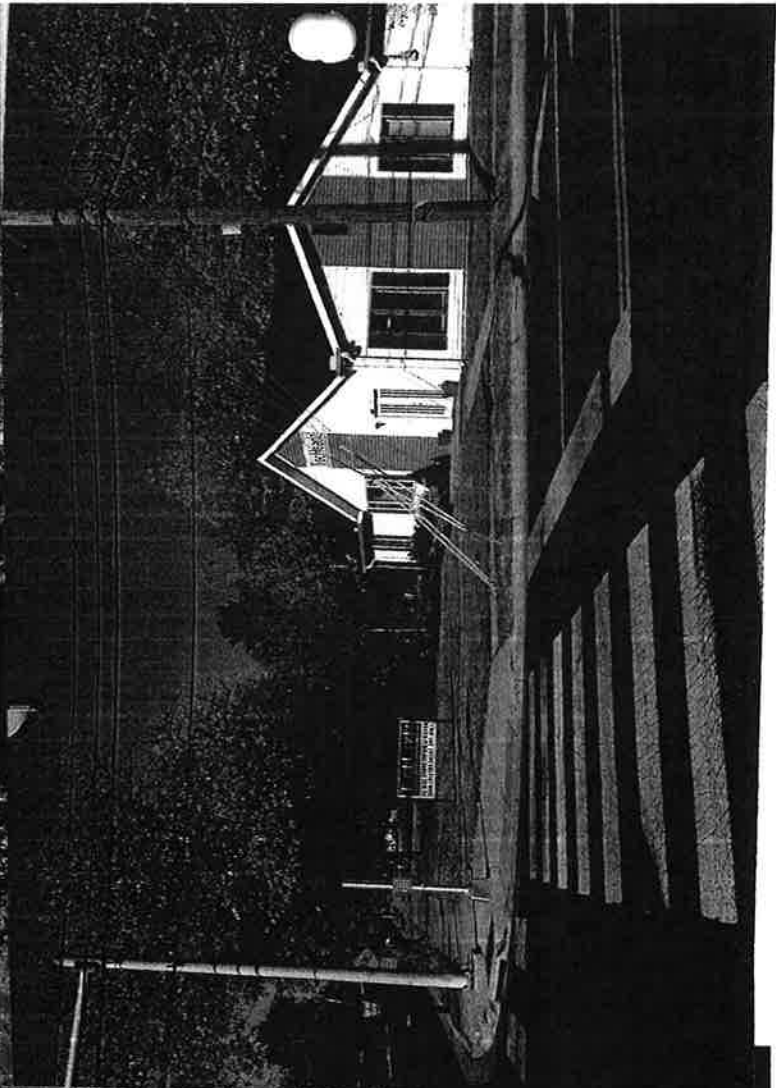














CITY OF OXFORD STAFF SUMMARY REPORT

Report to City Manager

Finance
Originating Department

Council Meeting Of : 1/5/2016

Account Code No. : see below

Joe Newlin

Prepared By

Budgeted Amount :

12/17/2015

Date Prepared

Agenda Title:	2016 Supplemental Budget #1
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Recommendation:	Approve
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Issue 1

To reflect advance needed for OVI Task Force Grant expenses must be paid prior to requesting drawing the funds for the grant

Action Needed:

Revenue Side

OVI Task Force Grant (419)	224,409.00	Advance from General Fund
General (110)	224,409.00	Repayment from OVI Task Force Grant Fund

Expense Side

General (110)	224,409.00	Advance to OVI Task Force Grant Fund from unencumbered balance
OVI Task Force Grant (419)	224,409.00	Repayment of advance to General Fund from unencumbered balance

Net Effect on Fund Balance/(s)
Increase/(Decrease)

Issue 2

To adjust budget to match Capital Improvement plan presented to Council in August 2015 necessary to complete projects as presented at the August 20, 2015 Workshop

Action Needed:

Revenue Side

N/A

Expense Side

Water Capital Equipment (320)	1,800.00	Computer Hardware
Water Capital Equipment (320)	2,200.00	Infrastructure Updates
Wastewater Capital Equipment (330)	2,200.00	Infrastructure Updates
Enforcement & Education (412)	(4,273.00)	Cruiser Replacement

Net Effect on Fund Balance/(s)
Increase/(Decrease)

Issue 3

To make adjustments to budget to match expected cost associated with moving dispatch service to Butler County Sheriff cost approximate expected shift in expenditures

Action Needed:

Revenue Side

N/A

Expense Side

General (110)	(281,472.00)	Saleries & Benefits
General (110)	(54,528.00)	Overtime
General (110)	336,000.00	Butler County Sheriff Contract

Net Effect on Fund Balance/(s) Increase/(Decrease)	-
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Total Net Effect on Fund Balance/(s) Increase/(Decrease)	(1,927.00)
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Breakdown by Fund

General (110)	-
OVI Task Force Grant (419)	-
Water Capital Equipment (320)	(4,000.00)
Wastewater Capital Equipment (330)	(2,200.00)
Enforcement & Education (412)	4,273.00

Net Effect on Fund Balance/(s) Increase/(Decrease)	(1,927.00)
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Approved By:

Department Head:

City Manager:

Initials

Date

[Signature] / 12/17/15
DRE / 12/31/15

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3335. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 1 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2016.

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

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues;

SECTION 2: The following increase/(decrease) in appropriations from unencumbered balances be made:

General Fund 110	224,409.00
OVI Task Force Fund 419	224,409.00
Water Capital Equipment Fund 320	1,800.00
Water Capital Equipment Fund 320	2,200.00
Wastewater Capital Equipment Fund 330	2,200.00
Enforcement & Education Fund 412	(4,273.00)
General Fund 110	(281,472.00)
General Fund 110	(54,528.00)
General Fund 110	336,000.00

SECTION 3: The following advances(s) be executed:

Advance from:

General Fund 110	224,409.00
OVI Task Force Fund 419	224,409.00

Advance to:

OVI Task Force Fund 419	224,409.00
General Fund 110	224,409.00

SECTION 4: The following increase/(decrease) in revenues be made:

OVI Task Force Fund 419	224,409.00
General Fund 110	224,409.00

SECTION 5: In all other respects, Ordinance No. 3335 shall remain in full force and effect.

SECTION 6: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: December 15, 2015

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

August 24, 2015
Date Prepared

Agenda Title: An Ordinance to Levy Assessments for Curb, Gutter, and Sidewalk Repairs

Recommendation: Approve

Discussion:

Through a series of Resolutions, the City has caused the repair of deficient curb, gutter, and sidewalk on parcels identified in the attached Exhibit "A" including:

Oct. 2014 Resolution No. 4864 – Declaring the necessity to make improvements
March 2015 Resolution No. 4901 – Authorizing a contract to perform the improvements
July 2015 Resolution No. 4922 – Determination of the total cost of assessment by lot

The proposed assessment costs were advertised as required by Ohio Revised Code; no objections were received from parcel owners as detailed in Exhibit "A". Upon passage of this Ordinance, an owner may pay cash for the assessment within 30 days. Otherwise, the amount will be levied to the owner's property tax bill and must be paid in five (5) annual installments with City assessed interest on deferred payments at a rate of 5%.

Staff recommends City Council approve this assessment Ordinance, and authorize the City Manager or his designee to take all steps necessary to cause the amounts listed in Exhibit "A" to be levied upon the lots and lands enumerated in the listing.

Approved By:

Department Head:

Initial Date
MB 12/7/15

City Manager:

DRE 12/11/15

ORDINANCE NO.

ORDINANCE LEVYING UPON THE LOTS AND LANDS ENUMERATED IN THE LIST OF ESTIMATED ASSESSMENTS (EXHIBIT A) THE AMOUNTS SET FORTH ON SUCH LIST AND SETTING FORTH TERMS FOR PAYMENT OF ASSESSMENTS.

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

SECTION 1: Pursuant to Ohio Rev. Code 729.07, Council filed a list of estimated assessments (Exhibit A) with the Clerk of City Council and ordered it open for public inspection.

SECTION 2: Pursuant to Ohio Rev. Code 729.08, Council published a notice in *The Journal News*, beginning July 26, 2015 and ending August 9, 2015 stating that the list of estimated assessments (Exhibit A) was on file with the Clerk of City Council and was available for public inspections.

SECTION 3: The Clerk of Council has received no written objections to the assessments.

SECTION 4: Property owners shall be assessed the actual cost over five years as set forth on Exhibit "A" attached hereto.

SECTION 5: Property owners may pay the assessment in five (5) annual installments with interest on deferred payments at 5%. Conversely, property owners may pay the assessment in cash within 30 days after passage of this Ordinance.

SECTION 6: This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: December 15, 2015

Account Code #: N/A

Budgeted Amount: N/A

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

November 24, 2015

Date Prepared

Agenda Title: Granting an Easement to Duke Energy for Relocation of a Utility Pole

Recommendation: Approve

Discussion:

In order to accommodate the planned replacement of the Bonham Road bridge over Four Mile Creek in 2016, Duke Energy will need to relocate a utility pole and support structure on land owned by the City of Oxford at Leonard Howell Park. The easement is for a 16' strip along the Bonham Road right of way.

A copy of the easement language and drawing of the proposed easement are attached to this report.

This Ordinance of Council will authorize the City Manager to sign a grant of easement on behalf of the City thereby allowing the relocation of electric infrastructure in advance of construction to replace the Bonham Rd. bridge.

Approved By:

Department Head:

City Manager:

Initial

Date

MBD

11/24/15

DRE

12/11/15

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EASEMENT AGREEMENT BETWEEN THE CITY OF OXFORD AND DUKE ENERGY OHIO, INC. FOR A PERMANENT EASEMENT OVER PORTIONS OF REAL PROPERTY COMMONLY KNOWN AS LEONARD HOWELL PARK TO ALLOW THE RELOCATION OF ELECTRIC INFRASTRUCTURE IN ADVANCE OF CONSTRUCTION TO REPLACE THE BONHAM ROAD BRIDGE.

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

SECTION I: The City Manager recommends that the City of Oxford enter into an easement agreement with Duke Energy Ohio, Inc. for the purpose of obtaining a permanent easement over portions of real property commonly known as Leonard Howell Park to allow the relocation of electric infrastructure in advance of construction to replace the Bonham Road bridge.

SECTION II: City Council hereby accepts the recommendation of the City Manager and authorizes the City Manager to enter into an agreement with Duke Energy Ohio, Inc. for the purpose of obtaining a permanent easement over portions of real property commonly known as Leonard Howell Park to allow the relocation of electric infrastructure in advance of construction to replace the Bonham Road bridge.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

GRANT OF EASEMENT

(Pt. Parcel # H4100009000016)

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, **THE VILLAGE OF OXFORD, OHIO (A.K.A. THE CITY OF OXFORD)**, a municipal corporation under the laws of the State of Ohio, (hereinafter referred to as "Grantor"), hereby grant(s) unto **DUKE ENERGY OHIO, INC.**, an Ohio corporation, with a mailing address of 139 East Fourth Street, Cincinnati, OH 45202 and its successors and assigns (hereinafter referred to as "Grantee"), a perpetual, non-exclusive easement, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify and remove electric and/or telecommunication overhead line or lines, including but not limited to, all necessary and convenient supporting structures (such as poles), wires, cables, guy wires with anchors, grounding systems, counterpoises, and all other appurtenances, fixtures and equipment (hereinafter referred to as the "Facilities") for the transmission and distribution of electrical energy, and for technological purposes (including but not limited to telecommunications), in, upon, over, along, under, through and across the following described real estate:

Situate in Section 23, Town 5, Range 1 East of the Miami Meridian, in Oxford Township, Butler County, Ohio, being part of Lot 4 of the Subdivision of Lands of the Miami University (n.k.a. New Lot 3850 as shown on Lot Consolidation Plat recorded in O. R. Book 8796, Page 1932), and being that property conveyed to THE VILLAGE OF OXFORD, BUTLER COUNTY, OHIO from LLEWELLYN BONHAM AND FRANCES MAC F. BONHAM by deed dated August 5, 1926, and recorded in **Deed Book 274, Page 371** in the Office of the Recorder of Butler County, Ohio (hereinafter referred to as "Grantor's Property").

Said easement being that area indicated, relative to landmarks and property lines, as shown on a drawing marked Exhibit "A", attached hereto and becoming a part hereof, and shall be further evidenced by the Facilities where constructed on Grantor's Property (hereinafter referred to as "the Easement Area").

This easement grant shall include, but not be limited to, the following respective rights and duties of Grantor and Grantee:

1. Grantee shall have the right of ingress and egress over the Easement Area, and over the adjoining land of Grantor's Property (using lanes, driveways, and adjoining public roads where practical as determined by Grantee).

2. Grantee shall have the right to cut down, clear, trim, remove, and otherwise control any trees, shrubs, overhanging branches, and/or other vegetation upon or over the Easement Area. Grantee shall also have the right to cut down, clear, trim, remove, and otherwise control any trees, shrubs, overhanging branches, and/or other vegetation which are adjacent to the Easement Area but only to the extent such vegetation may endanger, as reasonably determined by Grantee, the safe or reliable operation of the Facilities, or where such vegetation is trimmed consistent with generally accepted arboricultural practices.

3. Grantee shall have the right to allow third parties (a) to attach equipment to Grantee's Facilities and (b), to trench with Grantee's Facilities, and with either (a) or (b), any such equipment shall include, but not be limited to, wires, cables, and other fixtures; provided, that Grantor shall pursue any claim with the third party and not Grantee, if any such claim arises out of any third party's attachment.

4. To the best of Grantor's knowledge, the Easement Area and the adjoining land of Grantor's Property, have never been used to release, discharge, generate or store any toxic, hazardous, corrosive, radioactive or otherwise harmful substance or material.

5. Grantor shall not place, or permit the placement of, any obstructions, which may interfere with the exercise of the rights granted herein to Grantee. Grantee shall have the right to remove any such obstruction.

6. Grantee shall have the right to pile dirt and other material and to operate equipment upon the surface of the Easement Area and the adjoining land of Grantor's Property, but only during those times when Grantee is constructing, reconstructing, maintaining, repairing, replacing, relocating, adding to, modifying, or removing the Facilities.

7. Excluding the removal of vegetation and obstructions as provided herein, any physical damage to the surface area of the Easement Area and the adjoining land of Grantor's Property resulting from the exercise of the rights granted herein to Grantee, shall be promptly paid by Grantee, or repaired or restored by Grantee to a condition which is reasonably close to the condition it was in prior to the damage, all to the extent such damage is caused by Grantee or its contractors or employees. In the event that Grantee does not, in the opinion of Grantor, satisfactorily repair any damage, Grantor must, within ninety (90) days after such damage occurs, file a claim for such damage with Grantee at (a) 139 East Fourth Street, Cincinnati, OH 45202 Attn: Right of Way Services, or (b) by contacting an authorized Right of Way Services representative of Grantee.

8. Grantor shall have the right to use the Easement Area and the adjoining land of Grantor's Property in any manner which is consistent with the rights granted herein to Grantee, and shall comply with all applicable codes when making use of the land near the Facilities.

9. Notwithstanding anything to the contrary contained herein, Grantor shall not without the prior written consent of Grantee (a) construct or install, or permit the construction or installation of any building, house, or other above-ground structure, or portion thereof, upon the Easement Area; or (b) excavate or place, or permit the excavation or placement of any dirt or other material upon or below the Easement Area; or (c) cause, by excavation or placement of material, either on or off the Easement Area, a pond, lake, or similar containment vehicle that would result in the permanent retention of water in any manner within the Easement Area. This Grant does not prohibit Grantor from constructing a paved road, curbs, sidewalks, poured in-place mulch, retaining walls and paved parking surface upon the Easement Area.

10. Grantor warrants that it has the necessary authority and title to Grantor's Property to grant this easement to Grantee,

11. The respective rights and duties herein of Grantor and Grantee shall inure to the benefit of, and shall be binding upon the respective successors, assigns, heirs, personal representatives, lessees, licensees, and/or tenants of Grantor and Grantee. Easement, Grantor and Grantee, as used herein, shall be deemed to be plural, when required to be so. The exercise of any or all of the rights and privileges of Grantee set forth herein, shall be at the sole discretion of Grantee.

IN WITNESS WHEREOF, Grantor has caused this Grant of Easement to be signed by its duly authorized representative(s), effective the _____ day of _____, 2015.

THE VILLAGE OF OXFORD, OHIO, a municipal corporation under the laws of the State of Ohio, Grantor

By: _____ By: _____

Name: _____ Name: _____

Title: _____ Title: _____

STATE OF _____)
) SS:
COUNTY OF _____)

Personally appeared before me this day _____ and _____, duly authorized representative(s) of Grantor and acknowledged the signing of this Grant of Easement by _____ to be a voluntary act and deed for and on behalf of Grantor, and having been duly sworn/affirmed, state(s) that any representations contained therein are true to the best of _____ personal knowledge.

WITNESS my hand and notarial seal, this _____ day of _____, 2015.

My Commission Expires: _____ Signed Name: _____

My County of Residence: _____ Printed Name: _____

This Instrument Prepared by Janice L. Walker, Attorney-at-Law, 139 E. Fourth St. Cincinnati, OH 45202.

For Grantee's Internal Use:

Etax #: E7956465

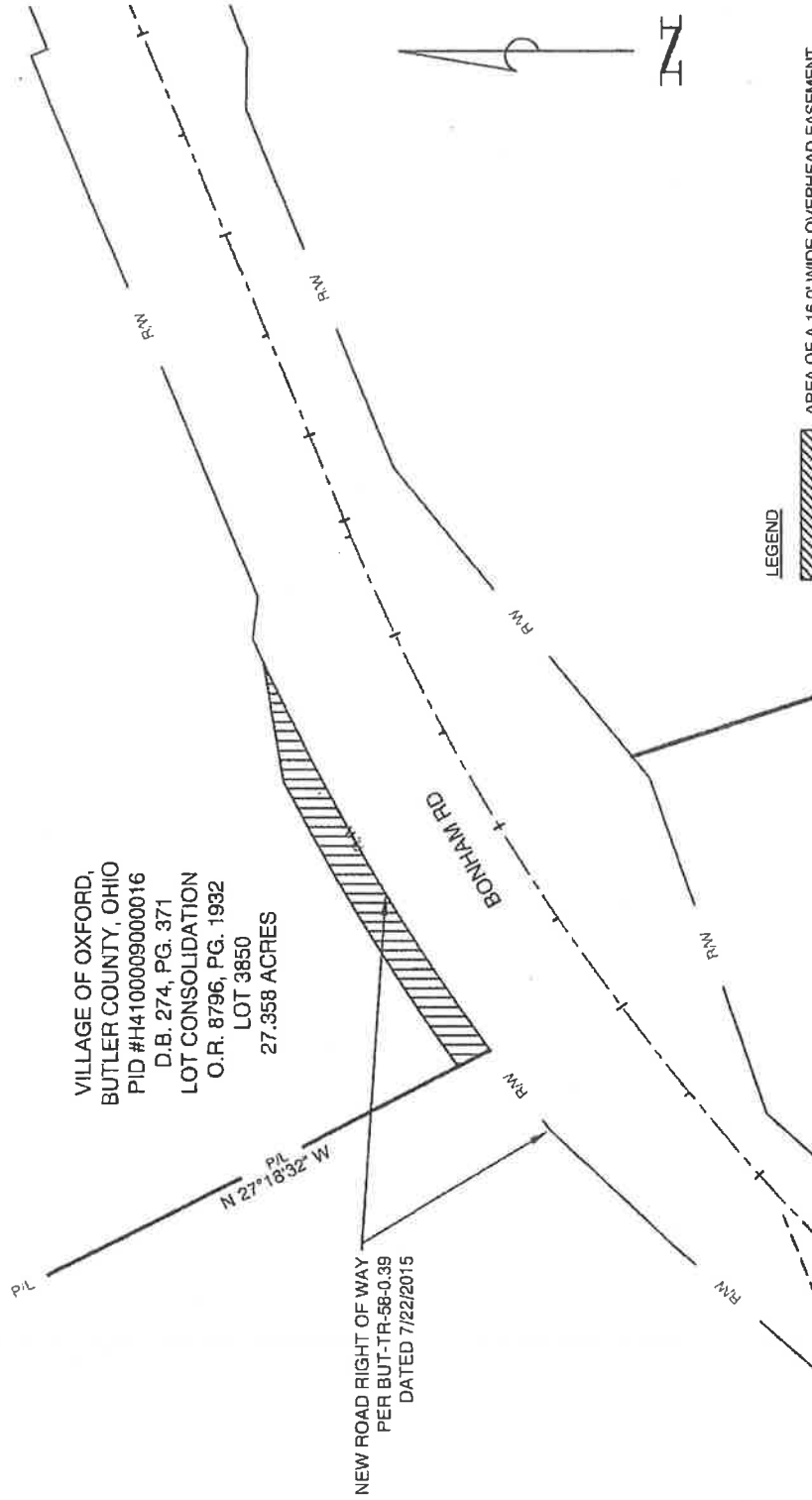
LU#1676353

Pole: BTO-14982

Prep/Chk: TLM/_____ Exec/Rec: _____

Prepared Date: November 2, 2015

THIS IS NOT A SURVEY. LOCATIONS SHOWN ARE APPROXIMATE. THE ACTUAL CENTERLINE
LOCATION OF THE UTILITY LINE IS THE CENTERLINE OF THE EASEMENT.



VILLAGE OF OXFORD,
BUTLER COUNTY, OHIO
PID #H4100009000016
D.B. 274, PG. 371
LOT CONSOLIDATION
O.R. 8796, PG. 1932
LOT 3850
27.358 ACRES

NEW ROAD RIGHT OF WAY
PER BUT-TR-58-0.39
DATED 7/22/2015

LEGEND

AREA OF A 16.0' WIDE OVERHEAD EASEMENT

SAFETY EXPECTATIONS FOR
THIS JOB ARE THAT YOU

- REDUCE RISK
- REMOVE EXPOSURE TO HAZARDS
- REINFORCE SAFE BEHAVIOR



DUKE ENERGY OHIO, INC. - EXHIBIT "A"

PROPERTY OWNER:
VILLAGE OF OXFORD

LOCATION:
BONHAM RD, SEC 23, T-5, R-1E
VILLAGE OF OXFORD, BUTLER CO, STATE OF OHIO

DATE: 8/21/2015 DRAWN BY: DES CHECKED BY:
REVISION DATE: REVISOR BY:



139 E. FOURTH STREET
CINCINNATI, OHIO 45202

SURVEY # 104145-449381
LU # 1676353 Site # 104145
eMax # E7956465