



Agenda

Oxford City Council

Court House

TUESDAY, JANUARY 21, 2020

EXECUTIVE SESSION

None.

1. Roll Call. Mike Smith, Mayor; William Snavelly, Vice-Mayor; David Prytherch; Jason Bracken; Chantel Raghu; Glenn Ellerbe; 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. 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 January 7, 2020 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Report regarding the January 8, 2020 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director)



Report

- C. Report regarding the January 8, 2020 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

- D. A Resolution declaring certain property in the Police Division's possession as surplus and not needed for any municipal purpose and authorizing its advertisement and sale to the highest bidder by internet auction. (John Jones. Police Chief)



Staff Report/Resolution

- E. A Resolution authorizing the sale of salvaged, junk and/or abandoned motor vehicles. (John Jones, Police Chief)



Staff Report/Resolution

5. Resolutions.

1. A Resolution creating a standing City of Oxford Climate Action Steering Committee and establishing its purpose, membership and structure. (Doug Elliott, City Manager).



Staff Report/Resolution

2. A Resolution authorizing the City Manager to enter into a contract with Cintas Corporation to provide uniform rental, cleaning, and building services for the City of Oxford at pricing defined in the US Communities Government Purchasing Alliance Contract for a period of thirty six (36) months. (Mike Dreisbach, Service Director).



Staff Report/Resolution

3. A Resolution authorizing the release of a public improvement bond in the form of a letter of credit in the amount of \$908,719.57 for Heritage Vineyard Subdivision and accepting a new public improvement bond in the form of a letter of credit in the amount of \$240,577.42. (Mike Dreisbach, Service Director)



Staff Report/Resolution

4. A Resolution authorizing the City Manager to enter into a contract with Lebanon Ford for the purchase of three (3) Ford Interceptor Utility vehicles with specified options at state contract pricing at a cost not to exceed \$96,834.00. (John Jones, Police Chief)



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance Amending Ordinance No. 3538. Supplemental Budget Ordinance Number 1 To Make Supplemental Appropriations For Fiscal Year 2020. (Joe Newlin, Finance Director)



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Accepting The Planning Commission's Recommendation For Final Plan Approval Of A Major Change To An Existing Planned Development at 5990 Contreras Road With Conditions. (Sam Perry, Community Development Director)



Staff Report/Ordinance

2. An Ordinance Amending Fees And Charges For Fiscal Year 2020. (Casey Wooddell, Parks and Recreation Director)



Staff Report/Ordinance

3. An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.14 Entitled Expanded Polystyrene Ban To Chapter 521 Entitled Health, Safety And Sanitation. (Doug Elliott, City Manager) (Tabled)



Staff Report/Ordinance

7. A. Discussion.

1. Alternative Strategies for Waste Reduction. (David Prytherch, Councilor)

8. A. Announcements & Communications.

1. Remarks from City Council and City Staff. The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not

necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

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

TUES – Feb 4 City Council Meeting 7:30 p.m.

WED - Feb 5 Environmental Commission Meeting 7:00 p.m. Municipal Building

TUES – Feb 11 Public Arts Commission of Oxford Meeting 4:30 p.m. Municipal Building

TUES – Feb 11 Planning Commission Meeting 7:00 p.m.

WED - Feb 12 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

THUR – Feb 13 Recreation Board Meeting 11:30 a.m. Municipal Building

MON - Feb 17 Holiday – City Offices Closed

TUES – Feb 18 Housing Advisory Commission Meeting 1:30 p.m. Municipal Building

TUES – Feb 18 City Council Meeting 7:30 p.m.

WED - Feb 19 Board of Zoning Appeals Meeting 6:30 p.m.

9. Adjourn.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: January 21, 2020

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

January 9, 2020
Date Prepared

Agenda Title:	Environmental Commission Meeting of January 8, 2020
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Recommendation:	For Review and Consideration
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Discussion:

Environmental Commission members present at the Wednesday, January 9, 2020 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Ms. Madeline Maurer; City Council Representative, Ms. Chantel Raghu; Planning Commission Representative, Mr. Jason Bracken, and Mr. Jon Ralinovsky. A quorum was present. Mr. Steven Elliott and Mr. Andor Kiss had previously notified the Commission that they would be unable to attend this meeting. Also in attendance were Oxford's City Planner, Mr. Zachary Moore, and Ms. Carla Blackmar.

The minutes from the December 4, 2019 Commission meeting was unanimously approved as presented.

Ms. Blackmar informed the Commission that she was in attendance to assist her with the pending review of the draft tree preservation and protection ordinance text by Oxford's Planning Commission. Ms. Blackmar stated that she believes that the draft text prepared by Oxford's Community Development Department was well constructed, and would allow for the maximum number of trees to be preserved and/or planted during property development. However, Ms. Blackmar also indicated that there were issues she had wished were expanded upon and/or addressed.

Mr. Zachary Moore was in attendance at the Commission meeting to present the Community Development Department's incorporation of the Environmental Commission's draft tree preservation and protection text into Oxford's Codified Planning and Zoning Code. Prior to the meeting, Mr. Moore had provided draft copies of the Planning and Zoning Code and the newly developed Chapter 1148 (Landscaping and Tree Preservation) for the Commissioners' review. Mr. Gwyn observed that several of what he considered key components of the Environmental Commission's preservation and protection draft ordinance were not included in the proposed legislation by the Community Development Department. For example, Mr. Gwyn was concerned at a specific ratio of replacement plantings for any large diameter trees that were removed were not present in the Community Development Department's proposed text. Mr. Moore agreed and he understood the Commission's concern. Mr. Moore indicated that the proposed tree protection and preservation legislation by the Community Development Department was created to address as many of the Environmental Commission's concerns regarding tree preservation and protection as practical, with an eye upon the available staffing in the Community Development Department for review, inspection, and possible enforcement.

(Continued)

Approved By:	Department Head:	Initial	Date
	City Manager:	<u>MBD</u>	<u>1/13/20</u>
		<u>DRF</u>	<u>1-17-20</u>

Mr. Moore presented and discussed some examples of current and pending developments (the credit union on Lynn Avenue, and the South Farm subdivision off of Kehr Road, respectively) as examples of how existing procedures and the proposed legislation would serve to protect and preserve existing trees and stipulate the planting of new trees.

Commissioners expressed concern regarding the potential for City Staff to make decisions regarding some development plans without the direct involvement of the Planning Commission and/or City Council. Mr. Moore indicated that inclusion of the Commission and/or Council in all development plan decisions would be time consuming for all parties involved, and that developers were often compliant with the Community Development Department's suggestions, requests, and/or stipulations in order not to slow the approval and/or development process. If there are disagreements between the developer and the Department that could not be resolved, then the Planning Commission (and ultimately, potentially the City Council) would be involved in the review and approval processes.

Mr. Moore explained the pending timeline for the proposed legislation. The Planning Commission had instructed that initial review of the proposed tree preservation and protection legislation was to be included as a discussion item in their public meeting on Tuesday, January 14, 2020. Mr. Moore stated that both of the Community Development Department's proposed text and the Environmental Commission's previously prepared Tree Ordinance Recommendations would be provided to the Planning Commission. The tentative plan is then for the Planning Commission (at their February 11, 2020 meeting) to make a formal recommendation to City Council on the code text amendments incorporating the tree preservation and protection language into the Planning and Zoning Code.

In subsequent discussion, the Environmental Commission indicated their disappointment that the proposed text to be submitted to the Planning Commission for review and discussion would not include several perceived key components of the draft tree preservation and protection ordinance initially prepared by the Environmental Commission. A Motion was proposed by Mr. Ralinovsky; Ms. Raghu seconded the Motion.

Motion:

The Environmental Commission acknowledges the effort made by the Community Development Department to incorporate the Environmental Commission's recommended tree preservation and protection requirements and guidelines into the City's existing codes. However, the Environmental Commission cannot support the Community Development's draft as presently written, without the incorporation of the following concepts that were included in the Environmental Commission's tree preservation and protection recommendations, but are not present in the draft text:

A replacement ratio for every tree with a ten-inch or greater diameter at breast height (DBH);

A minimum survival period for re-planted trees and a requirement to re-plant if new trees are not thriving;

A tree survey of the development that accurately identifies trees of ten-inches or greater DBH that are present on the property to be developed;

A tree fund that is fully utilized; and

A greater participation of the Planning Commission in landscaping plan reviews and approvals.

The Motion passed unanimously.

Ms. Raghu informed the Commission that City Council had the second reading on legislation restricting the distribution of unsolicited advertisement distributions to properties in Oxford. City Council passed the restrictions, which require the advertisements to be placed at/in designated locations on a property, rather than dropped on the ground in the proximity of the front of the property. Also, City Council had tabled discussion of the potential expanded polystyrene foam container ban, and had requested that the Environmental Commission review and make a recommendation on the potential ban.

Officer elections for the 2020 Commission's Chair and Vice-Chair positions were postponed due to the absences of two of the seven Commissioners.

Staff informed the Commission that the Professional Service Project (PSP) graduate student team from the Miami University Institute for the Environment and Sustainability Department (IES) was scheduled to make a formal presentation on Friday, January 24, 2020. The PSP presentation is intended to outline their work on completing the Oxford government operations' greenhouse gas (GHG) inventory, and their recommendations of how to best prepare a community-wide GHG inventory. These GHG inventories are a requirement of Oxford's participation in the Global Covenant of Mayors for Climate and Energy. The IES PSP presentation will be at 9:00 a.m. in the Second Floor Conference Room at the Oxford Police Department, 101 East High Street.

A summary of the residential food scraps drop-off program was provided. During the April-December 2019 time period (39 weeks of collections), approximately 22,800 pounds (11.4 tons) of food scraps were collected by the residential drop-off program, averaging approximately 585 pounds per week. The residential food scraps drop-off program is scheduled to continue in 2020.

Mr. Gwyn informed the Commission that in an email dated January 8, 2020, City Councilor David Prytherch had solicited the Environmental Commission's input and recommendations pertaining to the potential expanded polystyrene foam container ban. Ms. Raghu indicated that the City Council would like to finalize any actions on the expanded polystyrene foam ban legislation during their February 5, 2020 meeting. The Environmental Commission appointed Ms. Maurer, Mr. Bracken, and Mr. Ralinovsky to a sub-committee to investigate and research questions from City Council (as provided in Mr. Prytherch's email). The Commission concluded to hold a second meeting in January 2020 specifically on the potential expanded polystyrene foam container ban in order to have the Commission's input available for the February 5th City Council meeting. The meeting is planned for the evening of Thursday, January 23, 2020. Staff was requested to reserve the First Floor Conference Room in the Municipal Building (15 South College Avenue) for the meeting. Staff indicated that the Agenda for the meeting is to be publically released by Thursday, January 16, 2020.

Ms. Maurer reminded the Commissioners of an upcoming stakeholders meeting regarding watershed planning for the Acton Lake-Four Mile Creek watershed on January 22, 2020. The meeting is the second meeting regarding an Ohio Environmental Protection Agency's 9-Element Non-point Source Implementation Strategic Plan (NPS-IS Plan) requirement for the watershed, and is being sponsored by the Butler County Soil and Water Conservation District. The meeting is scheduled for 6:00 p.m. at Oxford's Lane Library (441 South Locust Street) and will involve participants breaking into small groups to discuss potential project ideas.

Commissioners concluded discussions at 9:25 p.m. The next Environmental Commission meeting is scheduled for 7:00 p.m. on January 23, 2020, in the Municipal Building's First Floor Conference Room to discuss the potential expanded polystyrene foam container ban. The next regularly scheduled monthly Commission meeting is scheduled for 7:00 p.m. on February 5, 2020 in the Municipal Building's First Floor Conference Room.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Council Meeting Of: January 21, 2020

Account Code No. #:

Budgeted Amount: N/A

Community Development
Originating Department

Sam Perry
Prepared By

January 16, 2020
Date Prepared

HAPC Meeting Report – January 8, 2020
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HAPC-2020-01, Certificate of Appropriateness, 45 East High Street, exterior alterations, replacement of existing one-story addition, Scott Webb, Applicant/Agent

Architect Scott Webb presented a new design for replacement of the glass, one-story addition at 45 East High Street. A Certificate of Appropriateness for a different design by a different architect was approved in March 2019, but had not been constructed. The previously approved design differentiated from Mr. Webb's design with the roof design being sloped, whereas Mr. Webb's design includes a flat roof with a heavy cornice trim detail. Both designs follow the same building footprint which was approved by a zoning variance in 1984. Mr. Webb's design was previously reviewed by HAPC in 2017 but did not proceed to the second stage of review with a HAPC vote. HAPC discussed the current design, the two previous reviews and the Design Guidelines. Discussion items were: changes in wall surface, first floor window function, ground floor patio access, roof drainage staining and foundation material. Members found the design to be acceptable as long as the applicable conditions of both approvals could be incorporated. This was acceptable to Mr. Webb. The Commission voted 5-0-0 to approve the design as-submitted with several conditions.

2020 Priorities: The Commission discussed re-directing priorities toward minor expansions of existing historic districts and completion of a Design Guidelines update rather than Mile Square inventory. This was determined based upon Commission and staff capacity.

Officer Elections: The Commission held an executive session prior to the above discussion items regarding officer roles for 2020. The Commission voted unanimously to maintain Mike Kohus as Chair until his June 2020 term expiration, at which point Chris Skoglund would become Chair in July 2020. The selection of a Vice-Chair would be delayed until that point.

Approval:	Department Head:	<u>SP</u> 1/16/20
	City Manager:	<u>DRE</u> 1/17/20

A regular meeting of the Oxford City Council was called to order by Mayor Mike Smith on Tuesday, January 7, 2020 at 7:15 p.m. Those members present were Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu, William Snavelly and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Ms. Jessica Greene, Assistant City Manager; Mr. Mike Dreisbach, Service Director; Mr. John Jones, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Sam Perry, Community Development Director; Mr. Casey Wooddell, Parks and Recreation Director; Mr. Alan Kyger, Economic Development Director; Mr. John Detherage, Fire Chief; Mr. Chris Conard, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Ms. Southard moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22(G)(1) and 3 for the purpose of discussing Appointments to Boards and Commissions and pending litigation. Mr. Snavelly seconded. The motion passed by the following roll call:

AYE: Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Bracken
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

ADJOURN FROM EXECUTIVE SESSION

Mr. Snavelly moved to adjourn from Executive Session at 7:43 p.m. Ms. Southard seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor Smith requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Snavelly moved to approve the agenda. Mr. Ellerbe seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

APPOINTMENTS TO BOARDS AND COMMISSIONS

Ms. Southard nominated Kate Rousmaniere to serve on the Board of Zoning Appeals for a term ending in 2021 and Matt Arbuckle to serve on the Civil Rights Commission for a term ending in 2023. Mr. Ellerbe seconded the nominations. The nominations passed 7-0-0.

PUBLIC COMMENTS

Mr. Chris Skoglund, 211 Ryan Drive, asked for an update on residents receiving the new lidded recycling bins. Mr. Elliott advised the transition would occur in February.

Ms. Brandy Lenos, Jimmy John's, 23 E. High Street, inquired if the restaurant could obtain a parking spot for one driver as they had no designated parking spaces. Ms. Lenos also inquired if anything could be done about their drivers receiving tickets due to the fact overnight parking was not allowed and noted sometimes their employees work until 4:30 or 5:00 a.m. Ms. Lenos was referred to Chief Jones for suggestions.

Mr. Prytherch advised the Oxford Parking and Transportation Advisory Board planned to look at some of the parking policy issues and make recommendations to "tweak" them.

Mr. Ron Siliko, 6244 Hester Road, referred to the proposed City Ordinance to ban polystyrene and Mayor Smith advised there was opportunity for public comments once Council got to that item on the agenda.

CONSENT AGENDA

MINUTES

Minutes of the December 17, 2019 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the December 17, 2019 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the December 10, 2019 Planning Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the December 11, 2019 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the December 18, 2019 Board of Zoning Appeals Meeting. (Sam Perry, Community Development Director)

RESOLUTION

SURPLUS VEHICLE

A Resolution No. 7146 declaring certain property in the Police Division's possession as surplus and not needed for any municipal purpose and authorizing its advertisement and sale to the highest bidder at public auction or internet auction. (John Jones, Police Chief)

Mr. Snavely moved to approve the consent agenda. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION **SELF BOARD APPOINTMENT**

A Resolution No. 7147 appointing Edna Southard as Council Representative to the SELF Board.
(Doug Elliott, City Manager)

Mr. Elliott referred to page 32 of Council's packet noting the Executive Director of the SELF Board, Jeffrey Diver has recommended Ms. Southard be appointed to the board as the City of Oxford's representative.

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

Ms. Southard thanked Council noting she was honored to serve.

Mr. Snavelly moved to adopt Resolution No. 7147. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION **CONTRACT WITH** **MOTOROLA SOLUTIONS**

A Resolution No. 7148 authorizing the City Manager to enter into a contract with Motorola Solutions for the purchase of sixty two (62) Motorola radios and associated accessories as set forth on Exhibit "A" attached hereto at State Contract pricing at a cost not to exceed \$90,900.00.
(John Jones, Police Chief)

Chief Jones addressed his staff report as presented on page 33 of Council's packet noting the Resolution should reflect the purchase of 26 radios, not 62 radios.

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

Mr. Prytherch moved to amend the Resolution to read "the purchase of twenty six (26) Motorola radios". Mr. Snavelly seconded. The motion passed 7-0-0.

Mr. Snavelly moved to adopt Resolution No. 7148 as amended. Ms. Southard seconded. The motion passed 7-0-0.

Mayor Smith reminded everyone Council values their comments, and Council rules limit public comments to five minutes for each person. Mayor Smith noted Council would appreciate it if presentations are not in the form of public debate and personal attacks on Council, City staff or other members of the public are also not appreciated.

ORDINANCES
FIRST READING

ORDINANCE
AMENDED FEES

An Ordinance Amending Fees And Charges For Fiscal Year 2020. (Casey Wooddell, Parks and Recreation Director)

Mr. Wooddell advised the proposed Ordinance would adjust the 2020 season pass fees for the Aquatic Center. Mr. Wooddell noted after receiving an overwhelming number of complaints during the 2019 season about how the City defined a "Family Pass" staff opted to eliminate family passes for 2020 and sell all individual passes. Mr. Wooddell advised the goal of that change was to be as fair as possible to all people regardless of their family situation. Mr. Wooddell noted the City received a lot of feedback via social media, emails, phone calls and direct conversations about the negative impact this change would have on larger families in the community. Mr. Wooddell noted in general he was pleased with the methodology of the community in terms of providing the feedback and advised it was not harsh, demoralizing or in the form of personal attacks. Mr. Wooddell noted as a follow up he met with OPRD staff and Ms. Greene and came up with a new proposal which includes a "Household" pass option rather than a family pass which opens up availability in terms of restrictions of families that were defined in a much different way in the past. Mr. Wooddell advised he supports the new proposal as presented on page 38 of Council's packet and noted he was happy to implement and enforce the proposed fees should Council vote in favor of them. Mr. Wooddell advised in terms of general fairness he also supports the fee structure as it currently exists in the fee ordinance.

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

Mr. Prytherch advised he appreciates the responsiveness noting the fee ordinance has a lot of items in it and Council changed the fee structure for aquatic center passes. Mr. Prytherch advised in retrospect he wishes he had done the math on the impact of having individual passes. Mr. Prytherch noted he appreciates that Council can amend the fee ordinance as he wants people to feel like their aquatic center is affordable for them.

Ms. Southard agreed noting she felt it was very responsive to the needs of the community. Ms. Southard advised she hoped everyone will continue to feel welcome at the aquatic center.

Mr. Ellerbe advised he appreciated the hard work and thanked Mr. Wooddell.

ORDINANCE
AMENDED FINAL
PLANNED DEVELOPMENT

An Ordinance Accepting The Planning Commission's Recommendation For Final Plan Approval Of A Major Change To An Existing Planned Development At 5990 Contreras Road With Conditions. (Sam Perry, Community Development Director)

Mr. Perry advised the proposed Ordinance was a recommendation from the December Planning Commission meeting for Council's review this evening regarding property at 5990 Contreras Road. Mr. Perry provided slides of the property noting it was owned by Peter and Connie McCarthy and advised architect Scott Webb was the applicant. Mr. Perry noted this was a revision to a previously approved Final Planned Development application of 2015. Mr. Perry provided the legislative history of the property as listed on pages 41-42 of Council's packet. Mr. Perry noted this was a historic home that the owners would like to keep intact and transfer to a new owner by finding an adaptive reuse for the property. Mr. Perry advised the previous approval was for the property to potentially be used as a professional office or up to three dwelling units. Mr. Perry noted the new request would take away the professional office option and make it only for residential use. Mr. Perry advised the use would be short term rental which was not reviewed previously in a Final Planned Development application. Mr. Perry noted a lot split was also requested as part of the new application. Mr. Perry advised the overall one acre boundary of the Planned Development would remain the same with the ability to split off a portion for a potential future residential lot (approximately 40%). Mr. Perry noted a Planned Development allows something that otherwise would not be allowed by the underlying zoning district which is R1B (Medium Density Single-Family) District which surrounds the area in question. Mr. Perry advised a Planned Development allows a use that would not otherwise be allowed and because it is one acre it meets that threshold. Mr. Perry noted a Planned Development allows Council the option to place conditions on the approval and to grant waivers if Council feels they are important for the viability of the property, the neighborhood and the community. Mr. Perry provided slides of the home on Contreras Road and the surrounding area. Mr. Perry provided a slide of the buildable area and the proposed lot line that could happen in the future. Mr. Perry provided a slide of the floor plan with the short term rental areas being shaded noting currently it was designed as two separate dwelling units for long term rental usage. Mr. Perry discussed the goals for a Planned Development which included the protection of neighbors of a planned development and the City in general and to produce a development equal to or better than that resulting from single use or traditional subdivision. Mr. Perry discussed the staff analysis noting their finding was that the proposed development was a lower intensity than the previous approval and the Planning Commission agreed with that because of the removal of the professional office. Mr. Perry advised there was no prohibition in the Oxford code of having multiple ownership so if approved, the separate lot could be sold within a certain time period which the Planning Commission agreed with. Mr. Perry noted there have been no complaints with regard to this property regarding the short term rental use that has been occurring. Mr. Perry advised short term rental provision has been an ongoing project for the City noting it has been through several reviews by the Planning Commission and a couple of reviews by City Council. Mr. Perry noted the Police Chief and the Fire Chief reviewed the application and found no safety concerns. Mr. Perry referred to page 40 of Council's packet and discussed the proposed conditions for approval as recommended by the Planning Commission.

Mr. Prytherch inquired if short term rentals were a permitted use in the zoning code and Mr. Perry advised yes, noting the bed and breakfast provision was extended to include them. Mr. Prytherch suggested using the language "Bed and Breakfast" since it is specific to the code.

Mr. Snavely advised the term "Bed and Breakfast" is going out and "Short Term Rental" is coming in.

Mr. Scott Webb, noted Mr. Perry and the Planning Commission have done a nice job over the long history of this property in trying to find a way to save the house and come up with an adaptive reuse that is compatible with the neighborhood and meets the goals of the Comprehensive Plan. Mr. Webb noted his hope this was a solution everyone would be happy with. Mr. Webb provided slides and advised the house was built in 1896 noting it originally sat on 13 acres. Mr. Webb noted the owner's goal since they purchased this property has been to maintain it and maintain its historic integrity. Mr. Webb advised the previous approval was to potentially turn the ground floor into a commercial use noting having looked at plans of what it might take to do that it would severely change the interior of the house. Mr. Webb noted it would have to be made handicapped accessible in all manners and advised there would be a lot of construction and destruction of the hardwood floors. Mr. Webb noted the new proposal was a less intensive use to keep the house more closely intact. Mr. Webb reiterated the property was located in the R1B District near R3 and Single Family districts. Mr. Webb noted that was why he and his client felt a low impact commercial use would be a good solution although instead the Airbnb, Bed and Breakfast, or Short Term Rental seems to be a better adaptive reuse of the property. Mr. Webb advised what was approved previously allows a maximum of 3 dwelling units or two dwelling units and an office noting what they intend to do instead is use the historic home as a short term rental and create a compliant R1B lot on the west side of the property. Mr. Webb reiterated there has not been complaints about the short term rental use of the property so far. Mr. Webb addressed the conditions placed on the previous approval and the ones recommended for the amended approval. Mr. Webb reiterated the footprint of the house is not intended to be changed based on the current application. Mr. Webb noted he and his client feel the proposal is less troublesome to the neighborhood than some type of commercial use on the ground floor. Mr. Webb offered to answer any questions.

Ms. Southard inquired if there was a maximum number of people who could stay in the home. Mr. McCarthy advised it was 4 unrelated for the main house and 1 unrelated for the apartment (referring to families).

Mr. Ellerbe inquired how many beds were in the house currently and Mr. McCarthy advised 4. Mr. Ellerbe inquired how many beds would be in the house if the proposal was approved and Mr. McCarthy advised 7. Mr. Ellerbe inquired if the City was going to allow a planned urban development for short term usage with no laws around it other than registration. Mr. Ellerbe noted he felt that would set a precedent for everything else that might happen based on this property.

Mr. Webb advised staff's interpretation was the previous approval allowed either 3 dwelling units in one building or 2 dwelling units and a professional office noting each dwelling unit has the opportunity for 4 people to be in it based on the code. Mr. Webb advised there were 2 dwelling units now for the potential of 8 people and if 3 dwellings were used it would allow 12 people. Mr. Webb noted short term rentals are not currently regulated although they can be registered and used for this purpose noting the purpose would continue at this location and a new use was not being created.

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

Mr. Prytherch noted he wanted what was best for the property and for the neighborhood and advised he felt this was not a bad use compared to a professional office. Mr. Prytherch advised he was struggling with the process noting planned developments were designed to provide flexibility and waivers on dimensional requirements and advised he did not think they were designed to provide to provide flexibility on uses. Mr. Prytherch noted he wanted to make sure that Council is not de-facto approving a use for which there are no regulations.

Mr. Ellerbe advised this urban proposal was very confusing to him as far as reading it and how it is supposed to apply to the current code because there is no code for short term rentals. Mr. Ellerbe noted Council did create a zone for things like this called the Residential Business District. Mr. Ellerbe advised this proposal seemed like a residential business to him.

Mr. Snavelly advised currently the property is used as a short term rental noting what Council previously approved was a planned development that allowed a professional office. Mr. Snavelly advised the biggest reservation the Planning Commission and Council had was having a professional office in an otherwise residential area. Mr. Snavelly noted the proposed Ordinance removes the opportunity for a professional office. Mr. Snavelly advised the proposal adds a request for a lot split.

Mr. Prytherch inquired if short term rentals were a legal use in the City of Oxford. Mr. Perry advised short term rentals are allowed as a permitted conditional use. Mr. Perry noted Council has previously approved a conditional use like this. Mr. Perry advised since there are no updated regulations it causes some hesitation. Mr. Perry noted when an applicant asks for permission to do something under code that is in effect they have a right to get an answer for that. Mr. Perry advised this does not preclude Council from adopting legislation in the future that would further restrict this same type of use. Mr. Snavelly inquired how many short term rentals were currently operating in the City of Oxford and Mr. Perry advised approximately 100. Ms. Southard inquired if the proposal would be grandfathered in even if Council passes legislation in the future on short term rentals. Mr. Perry advised it would as any discretionary approval. Mr. Ellerbe advised Council did the same thing for a property in the Uptown District. Mr. Prytherch noted short term rental is not in the code but Council has approved standing short term rentals as conditional uses. Mr. Prytherch advised he wanted to create predictability in Council's system noting sometimes short term rentals were approved by a conditional use, sometimes they are just operating and sometimes it is a planned development and he wanted to call them all the same thing. Mr. Snavelly advised he did not have an objection and he did not think the Planning Commission would have an objection if this was called a Bed and Breakfast.

Mr. Ellerbe inquired if the lot split could be performed regardless of the planned development proposal and Mr. Perry advised yes. Mr. Ellerbe advised he felt that was the cleanest solution to this, void the planned development, split the lot and continue to use the property as a Bed and Breakfast that is not serving breakfast. Mr. Prytherch advised it would still need to be approved as a conditional use. Mr. Ellerbe inquired if the end goal was to split the lot, sell the two lots and continue to use it as an Airbnb property and let whoever else is going to own the other side of it do what they want. Mr. Webb advised part of the reason for the planned development application with regard to uses is a planned development that exists in a residential zoning district can include any use that is permitted in a residential zoning district. Mr. Webb noted a new use was not being created as part of this planned development application.

Mr. Ellerbe advised if the planned development application was voided and the lot is split there could still be two structures on two lots doing the same thing they are currently doing noting he believed that was the goal other than the amendment to remove the professional office usage.

Mr. Prytherch inquired if occupancy was not specified and Council passed short term rental legislation in the future if it would apply to a planned development that had that use.

Mr. Perry advised Council was raising a lot of property and legal issues for discussion noting the applicant has a lot of time invested in this proposal. Mr. Perry noted the occupancy regulations on the books are intended for long term usage not for short term usage. Mr. Perry advised once new legislation is passed that could potentially retroactively affect properties that have already been approved there could be a myriad of things that apply and some that do not because they will have what is called a vested right. Mr. Perry noted some things that are clearly safety and health related could potentially apply. Mr. Perry advised things that are abstract like aesthetics tend to be harder to apply retroactively.

Mr. Bracken inquired if there was any benefit in codifying a grandfather exemption other than expediency.

Mr. McCarthy advised the property currently meets the occupancy requirements noting as a long term rental he has a permit for 5, 4 and 1. Mr. McCarthy noted that has to do with unrelated people and advised as an example a family of 3 equals 1 in terms of occupancy. Mr. McCarthy noted he was fulfilling the occupancy requirement correctly now and had no plans to change it. Mr. McCarthy advised part of the advantage of trying to keep the whole acre is if the lot was split like Mr. Ellerbe suggested he would have to take 6 feet of concrete out of the driveway noting there could be a shared driveway under this proposal. Mr. McCarthy advised if it was done the other way the garage would have to be torn down because it is a secondary building. Mr. McCarthy noted an advantage of leaving it as is was when the lot is split and sold the new owners can have a shared driveway and a garage to start with to build their house. Mr. McCarthy advised the estate as it currently sits following the code in its current status is actually harder on the historic nature of the property. Mr. Ellerbe noted the occupancy argument was hypothetical regarding a future law that might be imposed on short term rentals and advised he agreed with Mr. McCarthy's comments. Mr. Ellerbe advised the concerns he had were the exemption from future rules that short term rentals might have applied to them. Mr. Ellerbe suggested adding a condition that if there are future rules for short term rentals they apply to this planned development. Mr. Bracken and Ms. Southard agreed.

Mr. Prytherch noted he felt an applicant should not have to wait while Council takes years to finalize legislation. Mr. Prytherch advised this was a unique property and noted this was the 7th different hearing he had been involved in with this property. Mr. Prytherch noted he was anxious to see the property arrive at a good place. Mr. Prytherch advised he would like to see it called a Bed and Breakfast/STR and grant it the exception like Council did for the Uptown property. Mr. Prytherch noted one of the things from the old ordinance is that it applied to no more than 2 unrelated persons regarding the units inside the house. Mr. Prytherch advised he was going to make a motion that be applied to the lot that is split so there is some guarantee a house built there is not an investment property.

Ms. Raghu advised there is a set of exemptions for ADA compliance meant to protect small rooming houses and noted anti-discrimination laws do not apply when someone is renting 5 rooms or fewer in their own home or when owners are renting apartments in dwellings they occupy with 4 units or fewer. Ms. Raghu inquired how this would apply to ADA. Mr. Webb advised because a short term rental is still considered single-family and goes through the residential zoning code not the commercial zoning code the ADA requirements would not apply.

Mr. Perry noted if Council is inclined to have a condition regarding future regulations he would suggest limiting it to safety and health issues.

ORDINANCES

SECOND READING

ORDINANCE

NEW SECTION 521.13

An Ordinance No. 3547 Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.13 Entitled Unsolicited Materials To Chapter 521 Entitled Health, Safety And Sanitation. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed legislation is modeled after legislation enacted by the City of Upper Arlington and also some local communities in Butler County. Mr. Elliott noted the proposed legislation would require the placement of unsolicited written materials on a porch nearest the front door, securely attached to the front door, through a mail slot on the front door, between the exterior and interior front door if unlocked or in a distribution box located on the premises. Mr. Elliott advised the proposed legislation would be located in Chapter 521 Health, Safety and Sanitation of the City's Codified Ordinances and will add a new section 521.13 Unsolicited Written Materials. Mr. Elliott noted the legislation would include civil and criminal penalties for violation of the Ordinance for individuals and organizations. Mr. Elliott advised the focus of the proposed legislation is to prevent littering caused by any unsolicited written materials being tossed on the streets, driveways, lawns and sidewalks in the City of Oxford. Mr. Elliott noted the legislation would not prevent the distribution only the placement. Mr. Elliott advised he hoped upon notification of the enactment of this legislation the distributor of the advertising circulars will comply without the City taking any enforcement action. Mr. Elliott recommended Council adopt the Ordinance with one change and suggested the last "WHEREAS" on page 80 of Council's packet be struck.

Ms. Carla Blackmar, 400 W. Vine Street, advised the circulars are sometimes delivered into the gutters on streets and stated she did not know if that was an attempted work around as public perception against these becomes more hostile. Ms. Blackmar noted the people delivering them get paid by the piece and there seemed to be an incentive to put them in the street. Ms. Blackmar advised she hoped the proposed legislation will avoid that. Ms. Blackmar suggested a caveat that the packaging for the circulars must be 100% biodegradable.

Mr. John Barnhart, 20 Josie Lane, noted concern that the proposed legislation would allow someone to walk up and put a circular on his porch although he is not authorizing it to be done.

Mr. Prytherch advised Mr. Barnhart to place a no-solicitation sign near his porch and noted the proposed legislation does not give anyone the right to enter his property.

Ms. Southard noted Council has asked for voluntary compliance and has followed the process of best practices and received no compliance and therefore it was time to make this legislation possible.

Mr. Snavelly moved to remove the last WHEREAS paragraph on page 80 of Council's packet. Mr. Ellerbe seconded. The motion passed 7-0-0.

Mr. Conard advised the intent of the proposed Ordinance is to make this content neutral noting he felt that goal was accomplished.

Ms. Southard moved to adopt Ordinance No. 3547. Mr. Snavelly seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Bracken, Mr. Ellerbe
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

ORDINANCE **NEW SECTION 521.14**

An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.14 Entitled Expanded Polystyrene Ban To Chapter 521 Entitled Health, Safety And Sanitation. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed Ordinance bans the use of expanded (foam) polystyrene by food service operations in Oxford requested by Councilors Raghu and Bracken. Mr. Elliott noted it is proposed to be located in Chapter 521 Health, Safety, and Sanitation of the Codified Ordinances and will add new Section 521.14 Expanded Polystyrene Ban. Mr. Elliott advised it includes both civil and criminal penalties for violations of this Ordinance for individuals and organizations. Mr. Elliott noted it provides for a phasing out period of December 31, 2020 for national food service operations and December 31, 2021 for all other food service operations. Mr. Elliott advised many of the restaurants in Oxford do not use expanded (foam) polystyrene in their operations and noted the first step for the City would be to notify all restaurants and other food service operations. Mr. Elliott offered to answer any questions.

Mr. Ron Siliko, 6244 Hester Road, advised his opinion of government was protection of individual property and individual property rights. Mr. Siliko noted it seemed not many people in food service operations were using this product right now and inquired if there had been any discussion with them in advance of this Ordinance and if so what the response was. Mr. Siliko inquired what the volume in the Oxford waste stream was of this product specifically. Mr. Siliko inquired why the Ordinance targeted only food service operations noting retailers use the product and well as individuals.

Mr. Siliko referred to page 80 of Council's packet and asked for clarification of the definition of "Organization" and inquired if government was exempt from the Ordinance. Mr. Siliko noted in terms of Ordinances and regulations he always liked to go the voluntary route if possible. Mr. Siliko suggested people could protest restaurants that used polystyrene. Mr. Siliko advised he read a lot about food service operations and food packaging prior to this meeting and noted there are a lot of negatives to a lot of food servicing and packaging in a variety of forms. Mr. Siliko noted he did not know what the recommended products were or what the associated costs were to businesses and asked for that information to be shared if possible. Mr. Siliko inquired if the Police were the primary enforcers and if so what it looked like. Mr. Siliko asked for clarification of the fine structure and what happened if the fines were not paid.

Ms. Carla Blackmar, 400 W. Vine Street, noted she felt Mr. Siliko's questions were good and advised she wanted to know the answers too. Ms. Blackmar advised she was representing the Oxford Citizens for Peace and Justice and submitted a petition with 55 signatures asking for a ban on take out polystyrene containers very much like the one Council was considering this evening for second reading. Ms. Blackmar noted there was community support for this initiative and advised past commenters have said this would make Oxford's restaurants more appealing to them as a destination and that it helps put Oxford on the map as a place that takes action on these types of issues. Ms. Blackmar advised this was an undesirable product that has a lot of consequences in the waste stream noting there were a lot of different ways in which polystyrene ends up in the water system and take out containers is one of them. Ms. Blackmar advised she hoped Council would consider passing the proposed Ordinance this evening.

Ms. Raghu advised she appreciated everything Mr. Siliko asked and noted she understood his concern regarding regulation. Ms. Raghu referred to Mr. Siliko's comment about protesting individual businesses and advised she did not think businesses were using polystyrene out of malice or because they do not care noting she felt they truly do not know it is a problem. Ms. Raghu advised she would never encourage a protest for any individual business. Ms. Raghu noted the proposed Ordinance was out of concern for public health noting polystyrene breaks down very easily into small bits that make it out into waterways. Ms. Raghu advised the proposed Ordinance was starting very small with food service operations which are within the City's purview. Ms. Raghu referred to the enforcement question and advised this was meant to be a way to encourage businesses to do the right thing that otherwise might not happen. Ms. Raghu noted looking at other public health achievements she felt most of them are done because of law reform and very few happen from voluntary changes. Ms. Raghu cited motor vehicle safety, wearing seat belts, safer and healthier foods, vaccinations and safer work places. Ms. Raghu noted it was meant to be positive for businesses and for public health.

Mr. Bracken advised he could address the cost issue noting San Jose performed an analysis and it is never going to be more than a fraction of a percentage at most. Mr. Bracken noted for most containers the difference in price is a cent or two. Mr. Bracken advised there were readily available alternatives that many businesses have already adopted.

Mr. Prytherch inquired if the City has received any feedback from the business community.

Ms. Greene advised she sent an email to business owners explaining the Ordinance and informing them they could attend a meeting or email Council directly.

Ms. Greene noted she sent two other emails that listed this as an agenda item and telling people they could come to the Council meeting. Ms. Greene advised she also did an Uptown walk around and spoke with people at businesses. Ms. Greene noted for the most part people were ok with it and appreciated the two year implementation time frame. Ms. Greene advised a few people seemed annoyed at what they viewed as government intervention into their private business.

Mr. Ellerbe advised he went to a restaurant store and priced a package of 200 of a particular 9x9 polystyrene clam shell to go container which cost \$18.00. Mr. Ellerbe noted the exact non-polystyrene containers cost \$34.00. Mr. Ellerbe noted he averaged different styles of packaging that people may or may not use other than Styrofoam and it came to approximately \$0.15 per item. Mr. Ellerbe advised he talked to an Uptown restaurant owner and did the math for that business changing to a non polystyrene product and the cost would be approximately \$9,000 per year. Mr. Ellerbe discussed other potential situations and noted the economic impact of this change could be as much as \$900,000 per year. Mr. Ellerbe advised he spoke to Uptown business owners who said they would fold that \$9,000 into their prices and not just for to-go orders. Mr. Ellerbe noted the average price for everything in Oxford will increase approximately \$0.25 which would be a seven figure economic impact to the people of Oxford over a period of one year. Mr. Ellerbe advised business owners were angry that the City did not come to them and ask for voluntary compliance. Mr. Ellerbe noted at least two business owners said they would charge a fee for a to-go container in addition to the price increase of \$0.25. Mr. Ellerbe advised he felt the public would vilify Council for not asking business owners for voluntary compliance.

Mr. Bracken advised he would challenge some of the numbers Mr. Ellerbe presented noting the numbers he has would have Mr. Ellerbe's figures as the most extreme. Mr. Bracken noted Council has discussed this issue for many weeks and he felt there had been plenty of opportunity for public input. Mr. Bracken advised he did not think the price increase would be terribly burdensome when he looks at the numbers. Mr. Bracken noted if things are phrased in terms of volume it looks very scary and advised if it is spread out over individual purchases of a vast large public it is very insignificant.

Mr. Prytherch advised he felt Council's process for this ban was not what it could have been as he feels things go better when consensus is built. Mr. Prytherch noted he was not sure Council has gone through the process they could have to build that consensus. Mr. Prytherch advised there was still a possibility the state could preempt a local ordinance. Mr. Prytherch advised he did not want to vote against the proposed Ordinance because he felt it was worth acting on although he would still like to see some consensus and engagement with people.

Mr. Snavelly advised he talked to some business owners who were pleased they had two years to comply and said they would pass the cost along. Mr. Snavelly noted they did not come up with the numbers Mr. Ellerbe came up with and advised he did not feel they would be punitive to their customers. Mr. Snavelly advised there were a lot of restaurants in town that have already made this move and they have not raised their prices to such an extent that they are no longer in business. Mr. Snavelly noted he felt the proposed Ordinance was time sensitive and advised when he ran for Council and people asked what his number one issue was he always responded it was the environment. Mr. Snavelly advised he felt he has to honor what he said he was going to do which was to take actions that would improve and help the environment.

Mr. Snavelly noted he would like to see the ban apply to more than just food service operations and advised polystyrene was nasty for the environment and the sooner it is out of the environment the better off this community is going to be. Mr. Snavelly advised Council has received emails supporting the proposed Ordinance and noted people were glad Council was proposing it. Mr. Snavelly advised every citizen he has encountered was pleased that Council was pursuing this ban. Mr. Snavelly noted he felt Council should support the local citizens, the environment and get rid of polystyrene as soon as possible.

Ms. Southard noted being concerned about the environment and about people's health and being opposed to polystyrene is one aspect which should be separated from a concern about this particular Ordinance. Ms. Southard advised there were a lot of ways to solve a problem and noted she was not sure this Ordinance was the way to solve this problem. Ms. Southard inquired why the hospital was exempt from the ban noting they use polystyrene in a lot of different ways. Ms. Southard advised Council has already heard the Talawanda School District uses polystyrene and suggested Council start with education and asking people why polystyrene was being used. Ms. Southard noted she would like to hear more from people and advised she would like to hear what the Environmental Commission has to say. Ms. Southard noted she was concerned about how the proposed Ordinance could possibly be enforced. Ms. Southard advised she felt there were problems with this particular Ordinance and with this issue reiterating she felt Council should start with education and hear from the Environmental Commission. Ms. Southard noted she would like to know how the hospital can possibly justify using that much polystyrene. Ms. Southard advised she would like more information, more input and noted she did not think Council should perhaps target local businesses or small businesses as opposed to large entities. Ms. Southard suggested Council really hear what people have to say before they act precipitously. Ms. Southard noted her comments do not mean she favors polystyrene and advised she refuses it every time it is offered to her if she has the opportunity. Ms. Southard reiterated she was not sure legislation was the answer to this problem.

Mr. Ellerbe noted he did not have a problem legislating this in the future and advised he wanted the opportunity for the businesses to comply voluntarily and to have some dialog.

Mr. Elliott advised staff created the legislation partly based on information provided by Ms. Raghu noting it came about quickly. Mr. Elliott advised as he reads the Ordinance staff focused on the state definition of food service operation so the hospital and the school district would have to comply in two years as the Ordinance is written. Mr. Elliott noted staff added the definition of "Organization" in the proposed Ordinance although no where is it referenced and advised it got carried over from the circular Ordinance. Mr. Elliott noted the Ordinance focuses on the 122 businesses that have food service licenses in the City of Oxford, 26 of which are Miami University's so if they are excluded that leaves 96. Mr. Elliott advised the hospital and the schools are included in the list.

Mr. Snavelly referred to page 85 of Council's packet and moved to strike the paragraph defining "Organization". Ms. Raghu seconded. The motion passed 5-0-2 with Mr. Ellerbe and Ms. Southard abstaining.

Mr. Prytherch moved to remand the proposed Ordinance to the Environmental Commission to add a maximum of two months to the process. Mr. Ellerbe seconded.

Mr. Prytherch noted he did not have the confidence that this was a well crafted Ordinance and advised he wanted to get there and he felt two months was worth waiting.

Mayor Smith advised he had done his best to reach out publically and privately to encourage people to attend the meeting this evening noting those who expressed opposition to the proposed Ordinance are not here. Mayor Smith noted he felt two months would not be detrimental to build more consensus and if nothing else Council will have done a lot of public education over the last five weeks about this issue. Mayor Smith noted his hope economically as biodegradable and compostable products become more common that eventually they will be the same price or lower than polystyrene because they will be easier to make than Styrofoam in the future.

Mr. Prytherch noted sometimes when things are remanded they die and advised 4 meetings from today he wanted to see this legislation back on the agenda and advised he looked forward to voting on it.

Ms. Raghu referred to the bill in the Senate and noted she felt by remanding the Ordinance to the Environmental Commission Council was asking for it to possibly die if the Senate passes the bill.

Mr. Snavely inquired if anyone thought the Environmental Commission would recommend something that would change the Ordinance. Mayor Smith advised he did not think they would change it he felt it allowed more time for anyone that wants to express an opinion or get informed about it to be informed.

After further discussion Mr. Conard informed Council if the Ordinance is remanded to the Environmental Commission and comes back in two months or so, it should come back as a First Reading.

Mr. Prytherch suggested the Ordinance be tabled and have the Environmental Commission provide a recommendation to Council and then take it off of the table. Mr. Prytherch inquired if that would allow it to be considered a Second Reading. Mr. Conard advised it depended on if any substantial changes were made.

Mr. Prytherch withdrew his motion to remand the proposed Ordinance to the Environmental Commission. Mr. Ellerbe withdrew his second.

Mr. Prytherch moved to table the proposed Ordinance. Mr. Ellerbe seconded. The motion passed 4-3-0 with Mr. Snavely, Mr. Bracken and Ms. Raghu voting nay.

Mayor Smith advised he looked forward to seeing the proposed Ordinance off of the table in two weeks.

ANNOUNCEMENTS

Mr. Wooddell reminded everyone of the Conquer Cabin Fever Weekend event coming up January 17-20 which was a new event for Oxford and noted the details were located on the Enjoy Oxford website.

Mr. Wooddell discussed some recent articles published about the Oxford Aquatic Center.

Ms. Raghu referred to Mr. Snavely's comment about running for Council noting he was so right. Ms. Raghu noted during the election season all 3 of those elected said the environment was important and sustainability was important. Ms. Raghu advised the other 4 Councilors said the same thing when they ran. Ms. Raghu noted she ran for office because she was tired of asking people to do the right thing so she wanted to be the person that did the right thing. Ms. Raghu advised she made sure whatever she voted for she is proud of it ten years down the road noting she is proud that if people look at it they can understand where she was coming from and that there is no confusion there. Ms. Raghu advised she was excited Council was passing legislation that does the right thing no matter who might try to intimidate them noting it might be a little bit stagnant to progress and head towards the future but she felt inevitably Council will always go towards the right thing and she looked forward to helping Council along.

Ms. Southard advised the Oxford Police Academy begins February 3 noting if anyone was interested in attending they should contact John Buchholz. Ms. Southard encouraged all City Council members to attend the Police Academy at some point during their term on Council noting it was a great and important experience.

Ms. Southard advised the Martin Luther King, Jr. Day event will be held on January 20 at the Armstrong Center at Miami University noting the breakfast begins at 10:00 and the program begins at 11:00 a.m. with Carolyn Craig as the speaker. Ms. Southard advised this was always a very important event for the community and something very inspiring to attend.

Ms. Southard noted on January 15 at 7:30 p.m. the League of Women Voters was sponsoring a program on the Suffragists' and Racism which she felt was a very important topic as well. Ms. Southard noted the program would be held at the Presbyterian Seminary Building.

Mr. Bracken advised he felt Council was treating the legislation on the polystyrene ban very sensitively noting he did not believe Council was pushing the bounds. Mr. Bracken advised similar bans have been implemented in 114 municipalities including the entire state of Maine. Mr. Bracken noted he did not feel this was something so extreme it would destroy Oxford's businesses. Mr. Bracken advised there was a good solid environmental health reason to consider this since polystyrene does not biodegrade. Mr. Bracken noted his hope Council would take his comments into consideration when the Ordinance comes back for the second reading.

Mr. Prytherch inquired whether anyone had feedback on a draft model for the City of Oxford Climate Action Task Force before the language is crafted noting he shared a draft proposal with Council at their last meeting.

Ms. Southard noted she felt the draft proposal was a good start and thanked Mr. Prytherch for his efforts.

ADJOURN

Mr. Snavely moved to adjourn at 9:56 p.m. Ms. Southard seconded. The motion passed 7-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: January 21, 2020

Account Code No. #: N/A

John A. Jones

Prepared By

Budgeted Amount: N/A

January 10, 2020

Date Prepared

Agenda Title: Authorization to Dispose of Surplus Property

Recommendation: Approve

Discussion: Pursuant to Oxford City Code and in accordance with ORC 4513.62, the Division of Police obtained a salvage title to a 2007 Suzuki motorcycle (VIN # JS1GR7KAX72109397). The Police Chief requests that City Council approve the sale of the motorcycle through internet electronic auction to the highest bidder and that the proceeds from such sale be placed in the General Fund. It is believed the motorcycle will sell at a higher rate on GovDeals than to a salvage dealer.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAG \ 1-10-2020

DRE \ 1-17-20

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN PROPERTY IN THE POLICE DIVISION'S POSSESSION AS SURPLUS AND NOT NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING ITS ADVERTISEMENT AND SALE TO THE HIGHEST BIDDER BY INTERNET AUCTION.

WHEREAS, the City Manager and the Police Chief recommend certain property in the Police Division's possession be sold to the highest bidder by internet auction.

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

SECTION 1: The 2007 Suzuki motorcycle (VIN #JS1GR7KAX72109397) is hereby declared surplus for City purposes and not needed for any municipal purpose, and the same may be sold by internet auction.

SECTION 2: Council hereby authorizes the sale of said motorcycle to the highest bidder by internet auction with the proceeds thereof deposited into the General Fund.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

Exhibit A



2007 Suzuki

VIN#: JS1GR7KAX72109397

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: January 21, 2020

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

January 10, 2020

Date Prepared

Agenda Title: Resolution to sell junk/abandoned motor vehicles to the highest bidder.

Recommendation: Adopt the resolution

Discussion: Pursuant to Oxford City Code and in accordance with ORC 4513.62, the Division of Police requests that City Council approves the sale of salvage/junk/abandoned motor vehicles described in the attached Exhibit A to the highest bidder and that the proceeds from such sale be placed in the General Fund.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAG \ 1-10-2020

DRE \ 1-17-20

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SALE OF SALVAGED, JUNK AND/OR ABANDONED MOTOR VEHICLES.

WHEREAS, the Police Chief recommends that unclaimed motor vehicles ordered into storage pursuant to Section 4513.62 of the Ohio Revised Code be sold to a motor vehicle salvage dealer or scrap metal processing facility at the highest obtainable salvage price. The motor vehicles to be sold are listed on Exhibit "A" attached hereto and incorporated herein by reference.

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

SECTION 1: City Council hereby accepts the recommendation of the Police Chief and authorizes the sale of the salvaged, junk and/or abandoned motor vehicles listed on Exhibit "A" to a motor vehicle salvage dealer or scrap metal processing facility at the highest obtainable salvage price. The proceeds thereof shall be placed in the General Fund.

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

MAYOR

ADOPTED:

ATTEST

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

Exhibit A

The following vehicles are currently stored at the Oxford Police Department impound lot and are unclaimed by the owner after due notice. The Oxford Police Department has obtained salvage titles for the below vehicles and we are requesting they be sold to a salvage dealer.



1. 2002 Chevrolet
VIN#: 2G1WF55E129320407



2. 1997 Dodge

VIN#: 3B7HC13Z6VM568218



3. 1997 Jeep

VIN#: 1J4GZ78S7VC604731



4. 2002 Infiniti

VIN#: JNKDA31A52T003242



5. 1999 Ford
VIN#: 1FTYR10V0XPC05068



6. 2004 Chevrolet
VIN#: 1G1JH52F647276149



7. **1996 Saturn** (No title available to this vehicle/listed as junk)
VIN#: 1G8ZK5277TZ327966



8. **1999 Buick**
VIN#: 2G4WS52M5X1613758



9. 2000 Ford
VIN#: 1FTRX18W6YNA21550



10. 1996 Chevrolet
VIN#: 1GNDT13W0T2302760



11. 1993 Ford

VIN#: 1FAPP62T4PH158508

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council

Originating Department

Council Meeting Of: January 21, 2020

David Prytherch

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

January 14, 2020

Date Prepared

Agenda Title: A Resolution creating a standing City of Oxford Climate Action Steering Committee and establishing its purpose, membership and structure.

Recommendation: Adoption

Discussion:

Oxford City Council committed in 2019 to climate action and a pathway towards carbon neutrality by signing the Global Covenant of Mayors for Climate and Energy. Such decision-making was informed by a Climate Action Task Force, whose charge was limited and duration temporary.

The ongoing challenge of climate planning and action are complex and require a long-term mechanism for collaboration among Oxford City Council, boards/commissions, administration, and departments; neighboring jurisdictions and large institutions; local businesses; and residents.

A standing City of Oxford Climate Action Steering Committee is needed to provide such coordination and communication in setting targets for Greenhouse Gas (GHG) reduction; inventorying, monitoring and reporting GHG emissions; and recommending climate-related policy and actions.

The proposed resolution and the steering committee's charge, structure, and composition result from conversations and coordination between the City of Oxford and Miami University, which is pondering its own decision-making framework for climate action. The proposed steering committee is designed to dovetail with joint and community-wide climate action efforts.

Approved By:

Initial Date

Department Head:
City Manager:

DRE 1/17-20

RESOLUTION NO.

A RESOLUTION CREATING A STANDING CITY OF OXFORD CLIMATE ACTION STEERING COMMITTEE AND ESTABLISHING ITS PURPOSE, MEMBERSHIP AND STRUCTURE.

WHEREAS, Oxford City Council recognizes the threat posed by the global climate crisis to the public health, safety, and general welfare; and

WHEREAS, Oxford City Council has committed to climate action and a pathway towards carbon neutrality by signing the Global Covenant of Mayors for Climate and Energy; and

WHEREAS, climate planning and action are complex challenges requiring collaboration among Oxford City Council, boards/commissions, administration, and departments; neighboring jurisdictions and large institutions; local businesses; and residents; and

WHEREAS, a standing body is needed to provide such coordination and communication in setting targets for Greenhouse Gas (GHG) reduction, inventorying, monitoring and reporting GHG emissions, and recommending climate related policy and actions.

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

SECTION 1: Oxford City Council hereby establishes a City of Oxford Climate Action Steering Committee to:

- a. provide high-level coordination on integrated climate issues: within the City of Oxford and with neighboring jurisdictions, key stakeholders, and the wider community;
- b. recommend to City Council and to the City Manager climate-action targets, policies, and implementation strategies;
- c. promote coordination of -- but not substitute for -- existing boards and commissions
- d. coordinate greenhouse gas (GHG) inventorying and reporting; and
- e. regularly engage the public in forums designed to promote community-wide understanding and collaboration in climate planning and action.

SECTION 2: The Climate Action Steering Committee shall be made up of:

- a. seven (7) voting members, appointed by City Council, including:
 - i. two (2) City Councilors; and
 - ii. five (5) community members
 - iii. Council and community appointees shall ensure representation of and liaison to the City of Oxford Planning Commission, Environmental Commission, Parking

- and Transportation Advisory Board; and key community organizations and stakeholder groups; and
- b. the City Manager as an ex-officio member and/or his/her designee(s), representing high-level decision making in City management, long-range planning, and operations; and
 - c. one (1) ex-officio member representing Miami University and its body charged with long-range climate planning and action.

SECTION 3: The Climate Action Steering Committee shall meet quarterly or more often as needed, but the work of climate action -- including sector specific planning and policies and GHG inventory and reporting -- will be undertaken monthly by relevant boards and commissions and on an ongoing basis by staff.

SECTION 4: The leadership structure and procedures of the Climate Action Steering Committee will be determined by the committee, following the guidelines of Roberts Rules of Order.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVID PRYTHERCH

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: January 21, 2020

Account Code #: Multiple

Budgeted Amount: \$

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

January 7, 2020

Date Prepared

Agenda Title: Agreement with Cintas Corporation to Provide Uniform and Building Services

Recommendation: Approve

Discussion:

The City (Service Department) has contracted with Cintas Corporation for many years to provide uniform rental & cleaning services for employee uniforms as well as custodial supplies such as entry floor mats. Average weekly expenses are approximately \$960 per week for all the services provided by Cintas to the City.

There is a new Contract through US Communities Government Purchasing Alliance, Contract R-BB-19002, that will provide the same services and quantities that we currently procure, but at a significantly lower rate. Based on the new contract, we forecast City savings of approximately \$351 per week, a savings of 36% and an annual savings of ~ \$18,000.

While the contract affords savings with the same service, it does lock the City into a contract with a minimum term of 36 months. There is a "Service Guarantee" clause that allows the City to terminate the agreement should Cintas not resolve a complaint within a reasonable amount of time.

The City has used Cintas Corporation for many years, and now has the opportunity to receive significant savings through a procurement alliance contract. Staff recommends the City Council authorize the City Manager to enter into an agreement with Cintas Corporation to provide the City with uniform rental, cleaning, and building services at pricing defined in the US Communities Government Purchasing Alliance contract.

Approved By:

Department Head:

Initial Date
MBD \ 01/09/2020

City Manager:

DRE \ 1-17-20

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CINTAS CORPORATION TO PROVIDE UNIFORM RENTAL, CLEANING, AND BUILDING SERVICES FOR THE CITY OF OXFORD AT PRICING DEFINED IN THE US COMMUNITIES GOVERNMENT PURCHASING ALLIANCE CONTRACT FOR A PERIOD OF THIRTY SIX (36) MONTHS.

WHEREAS, the City has contracted with Cintas Corporation for many years to provide uniform rental and cleaning services for employee uniforms as well as custodial supplies for City owned facilities; and

WHEREAS, the City has the opportunity to enter into a new contract with Cintas Corporation through the US Communities Government Purchasing Alliance that will provide the same services and quantities that are currently purchased at a significantly lower rate; and

WHEREAS, the City Manager and the Service Director recommend City Council authorize the City Manager to enter into a contract with Cintas Corporation to provide uniform rental, cleaning, and building services for the City of Oxford at pricing defined in the US Communities Government Purchasing Alliance contract for a period of thirty six (36) months.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Service Director and accepts the pricing defined in the US Communities Government Purchasing Alliance contract for uniform rental, cleaning, and building services for the City of Oxford for a period of thirty six (36) months.

SECTION 2: Council further authorizes the City Manager to enter into a contract with Cintas Corporation to provide uniform rental, cleaning, and building services for the City of Oxford at pricing defined in the US Communities Government Purchasing Alliance contract for a period of thirty six (36) months.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)



FACILITIES SOLUTIONS AGREEMENT

Location No. G62Contract No. 210014600Customer No. MultipleMain Corporate Code → **New CC 13218**

Customer/Participating Agency City of Oxford Date _____
Address 10 E. High St → 15 S. COLLEGE AVE. City Oxford State OH Zip 45056
Phone 513-523-8412

UNIFORM PRODUCT RENTAL PRICING:

Item #	Description	Unit Price
	See addendum for price sheet	

- This agreement is effective as of this date from _____ to _____, with a minimum term of 36 months. The length of this rental agreement will commence with the actual uniform rental, not affiliated with the start date of the Master Agreement. Any negotiations of price, terms or discounts must be approved by Prince William County Public Schools for the Master Agreement. Any such changes shall take effect on the anniversary date of the master agreement. All requests for price changes must be justified and based upon verifiable criteria which may include the Bureau of Labor Statistics Consumer Price Index (CPI-U).
- Name Emblem \$ 2.00 ea • Company Emblem \$ 3.00 ea
- Customer Emblem \$ by qty ea • Embroidery \$ _____ ea
- COD Terms \$ _____ per week charge for prior service (if Amount Due is Carried to Following Week)
- Automatic Lost Replacement Charge: Item _____ % of Inventory _____ \$ _____ Ea.
- Automatic Lost Replacement Charge: Item _____ % of Inventory _____ \$ _____ Ea.
- Minimum Charge \$ 35.00 per delivery.
- Make-Up charge \$ 2.00 per garment.
- Non-Standard/Special Cut Garment (i.e., non-standard, non-stocked unusually small or large sizes, unusually short or long sleeve or length, etc.) premium \$ 0 per garment.
- Seasonal Sleeve Change \$ _____ per garment.
- Under no circumstances will the Company accept textiles bearing free liquid. Shop towels may not be used to clean up oil or solvent spills.
- Artwork Charge for Logo Mat \$ _____
- Size Change: Customer agrees to have employees measured by a Cintas representative using garment "size samples". A charge of \$ _____ per garment will be assessed for employee's size changed within 4 weeks of installation.
- Other _____

FACILITY SERVICES PRODUCTS PRICING:

Bundle*	Item #	Description	Rental Freq.	Inventory	Unit Price

*Indicated bundled items/services

- ____ ☐ _____ Initial and check box if Unilease. All Garments will be cleaned by customer
Date _____
- ____ ☐ _____ Initial and check box if receiving Linen Service. Company will take periodic physical inventories of items in possession or under control
Date _____ customer.
- ____ ☐ _____ Initial and check box if receiving direct embroidery. If service is discontinued for any employee or Customer deletes any of the garments
Date _____ direct embroidery for any reason, or terminates this agreement for any reason or fails to renew this agreement, Customer will purchase
all direct embroidered garments at the time they are removed from service at the then current replacement values.

Cintas Loc. No: _____ CUSTOMER:
Please Sign Name _____

By: _____ Please Print Name _____

Title: _____ Please Print Title _____

Accepted-GM: _____ Email _____

Omnia Partners Public Sector Participating Public Agencies Terms

1. Participating Public Agencies: Supplier agrees to extend the same terms, covenants agreed to under the Master Agreement with Lead Public Agency Prince William County Public Schools to other government agencies ("Participating Public Agencies") that, in their discretion, desire to access the Master Agreement in accordance with all terms and conditions contained herein or attached hereto. Each participating Public Agency will be exclusively responsible and deal directly with Supplier on matters relating to length of agreement, ordering, delivery, inspection, acceptance, invoicing, and payment for products and services in accordance with the terms and conditions of the Master Agreement. Any disputes between a Participating Public Agency and Supplier will be resolved directly between them in accordance with and governed by the laws of the State in which the Participating Public Agency exists.
2. Master Agreement available at <https://www.omniapartners.com/publicsector>

Supplier General Service Terms Section

3. Prices Customer agrees to rent from Company, and Company agrees to provide to Customer, the Merchandise, inventory and services described on Exhibit A, "Merchandise & Pricing" at the prices set forth in Exhibit A. There will be a minimum charge of thirty-five dollars (\$35.00) per week for each Customer location required to purchase its rental services from Company as set forth in this Agreement.
4. Buyback of Non-Standard Garments Customer has ordered from Company a garment rental service requiring embroidered garments that may not be standard to Company's normal rental product line. Those non-standard products will be designated as such under-Garment Description in Exhibit C. In the event Customer deletes a non-standard product, alters the design of the non-standard product, fails to renew the Agreement, or terminates the Agreement for any reason other than documented quality of service reasons which are not cured, Customer agrees to buy back all remaining non-standard products allocated to Customer that the Company has in service and out of service at the then current Loss/Damage Replacement Values.
5. Service Guarantee: Company guarantees to deliver the highest quality textile rental service at all times. Any complaints about the quality of the service which have not been resolved in the normal course of business must be sent by registered letter to Company's General Manager. If Company then fails to resolve any material complaint in a reasonable period of time, Customer may terminate this agreement provided all rental items are paid for at the then current replacement values or returned to Company in good and usable condition.
6. Garments' Lack of Flame Retardant or Acid Resistant Features Unless specified otherwise in writing by the Company, the garments supplied under this Agreement are not flame retardant or acid resistant and contain no special flame retardant or acid resistant features. They are not designed for use in areas of flammability risk or where contact with hazardous materials is possible. Flame resistant and acid resistant garments are available from Company upon request. Customer warrants that none of the employees for whom garments are supplied pursuant to this Agreement require flame retardant or acid resistant clothing.
7. Logo Mats In the event that Customer decides to delete any mat bearing the Customer's logo (Logo Mat) from the rental program, changes the design of the Logo Mats, terminates this agreement for any reason or fails to renew this Agreement, the Customer will purchase at the time of deletion, design change or termination, all remaining Logo mats that the Company has in service and out of service held in inventory at the then current Loss/Damage Replacement Value.

8. Adding Employees Additional employees and Merchandise may be added to this Agreement at any time upon written or oral request by the Customer to the Company. Any such additional employees or Merchandise shall automatically become a part of and subject to the terms of this Agreement. If such employees are employed at a Customer location that is then participating under this Agreement, the Customer shall pay Company the one-time preparation fee indicated on Exhibit A. Customer shall not pay Company any one-time preparation fee for garments for employees included in the initial installation of a Customer location. There will be a one-time charge for name and/or company emblems when employees are added to the program in garments requiring emblems.
9. Emblem Guarantee Customer has requested that Company supply emblems designed exclusively for Customer featuring Customer's logo or other specific identification (hereinafter "Customer Emblems"). Company will maintain a sufficient quantity of Customer Emblems in inventory to provide for Customer's needs and maintain a low cost per emblem through quantity purchases.
10. In the event Customer decides to discontinue the use of Customer Emblems, changes the design of the Customer Emblems, terminates this Agreement for any reason or fails to renew this Agreement, the Customer will purchase at the time of deletion, design change, termination or expiration, all remaining Customer Emblems that the Company allocated to Customer at the price indicated on Exhibit A of this Agreement. In no event shall the number of Customer Emblems allocated to Customer exceed the greater of (a) twelve (12) months' volume for each unique Customer Emblem or (b) a quantity agreed to by Company and Customer and noted on Exhibit A.
11. Terminating Employees Subject to the provisions of this Agreement, the weekly rental charge attributable to any individual leaving the employ of the Customer, or on a temporary leave of absence of three (3) weeks or more, shall be terminated upon oral or written notice by the Customer to the Company but only after all garments issued to that individual, or value of same at the then current Loss/Damage Replacement Values, are returned to Company.
12. Replacement In the event any Merchandise is lost, stolen or is not returned to Company, or is destroyed or damaged by fire, welding damage, acid, paint, ink, chemicals, neglect or otherwise, the Customer agrees to pay for said Merchandise at the then current Loss/Damage Replacement Values.
13. Indemnification To the fullest extent permitted by law, Company agrees to defend, indemnify, pay on behalf of and save harmless the Participating Public Agency, its elected and appointed officials, agents, employees and authorized volunteers against any and all claims, liability, demands, suits or loss, including reasonable attorneys' fees and all other costs connected therewith, arising out of or connected to the services provided by Company under this Contract, but only to the extent of Company's negligence.
14. Additional Items: Additional customer employees, products and services may be added to this agreement and shall automatically become a part of and subject to the terms hereof and all of its provisions. If this agreement is terminated early for convenience, the parties agree that the damages sustained by Company will be substantial and difficult to ascertain. Therefore, if this agreement is terminated by Customer prior to the applicable expiration date for any reason other than documented quality of service reasons which are not cured, or terminated by Company for non-payment by Customer at any time Customer will pay to Company, as termination charges and not as a penalty based upon the following schedule:

If this agreement is cancelled for convenience in the first twelve months of the term, Customer shall pay as termination charges equal to 50 weeks of rental service.

If this agreement is cancelled for convenience in months thirteen (13) through eighteen (18) of the term, Customer shall pay as termination charges equal to 36 weeks of rental service.

If this agreement is cancelled for convenience in months nineteen (19) through twenty-four (24) of the term, Customer shall pay as termination charges equal to 23 weeks of rental service.

If this agreement is cancelled for convenience after 24 months of service, Customer shall pay as termination charges of 10 weeks of rental service.

Customer shall also be responsible to return all of the Merchandise allocated to such Customer locations terminating this Agreement at the then current Loss/Damage Replacement Values and for any unpaid charges on Customer's account prior to termination.

Item	Description	Usg	Price	Description
259	PRO KNIT NG	RENTAL	\$ 0.23	PRO KNIT NG
270	CARGO PANT	RENTAL	\$ 0.33	CARGO PANT
330	COTTON WORK SHIRT	RENTAL	\$ 0.25	COTTON WORK SHIRT
340	COTTON WORK PANTS	RENTAL	\$ 0.34	COTTON WORK PANTS
370	CARGO SHORTS	RENTAL	\$ 0.31	CARGO SHORTS
385	CATHY CARGO SHORT	RENTAL	\$ 0.333	CATHY CARGO SHORT
388	SUSAN CARGO PANT	RENTAL	\$ 0.351	SUSAN CARGO PANT
389	CATHY CARGO PANT	RENTAL	\$ 0.351	CATHY CARGO PANT
390	WOMENS PANT SUSAN	RENTAL	\$ 0.27	WOMENS PANT SUSAN
865	PLEATED PANT	RENTAL	\$ 0.27	PLEATED PANT
912	COVERALL	RENTAL	\$ 0.25	COVERALL
935	COMFORT SHIRT	RENTAL	\$ 0.17	COMFORT SHIRT
945	COMFORT PANT	RENTAL	\$ 0.19	COMFORT PANT
	Uniform Advantage		\$0.09	
	Emblem Advantage		\$0.09	
	Prep Advantage		\$0.07	

Product Category	Item Number	Item Description	Weekly	EOW	Monthly
Blue 20, Gray 35, Red 15, Black 35, Brown 50	843XX	3X5 MAT	\$ 2.87	4.3	7.2
Blue 20, Gray 35, Red 15, Black 35, Brown 50	844XX	4X6 MAT	\$ 3.54	5.3	8.9
Blue 20, Gray 35, Red 15, Black 35, Brown 50	840XX	3X10 MAT	\$ 4.22	6.3	10.6
Onyx	10189	3x5 Xtraction mat	\$ 5.80	8.7	13.05
Indigo	10223	3x5 Xtraction mat	\$ 5.80	8.7	13.05
Onyx	10192	4x6 Xtraction mat	\$ 6.62	9.9	14.90
Indigo	10224	4x6 Xtraction mat	\$ 6.62	9.9	14.90
Onyx	10202	3x10 Xtraction mat	\$ 7.45	11.2	16.76
Indigo	10225	3x10 Xtraction mat	\$ 7.45	11.2	16.76
Specialty Mats	02477	3X5 SCRAPER MAT	\$ 2.43	3.7	6.1
	10184	3X5 ACTIVE SCRAPER	\$ 3.15	4.7	7.09
	84401	4X6 LOGO MAT (requires buyback)	\$ 6.30	9.5	14.18
	84001	3X10 LOGO MAT (requires buyback)	\$ 7.20	10.8	16.20
Mops	02570	24" DUST MOP	\$ 0.84	1.3	1.9
	02590	36" DUST MOP	\$ 1.13	1.7	2.5
	01947	36" MOP FRAME	NA	NA	NA
	02604	48" DUST MOP	\$ 1.38	2.1	3.1
	02650	LARGE WET MOP	\$ 1.35	2.0	3.0
	06923	Fiberglass WET MOP HANDLE	NA	NA	NA
	2700	TERRY TOWEL	\$ 0.13	19.5	0.3
Air Freshener	06116	MM AIR FRESHENER SVC	\$ 2.88	6	12
Restroom Mat	06680	RESTROOM MAT SERVICE (weekly charge for monthly change)	\$ 1.80	Unit price is based on a monthly replacement per mat. EOW replacement pricing is \$4 per mat per week. Weekly replacement pricing is \$8 per mat per week.	
	07500	CLEANING CHEMICAL DISPENSER MAINTENANCE FEE*	\$ 2.70		
FLOOR	02271	FC1 - HEAVY DUTY FLOOR CLEANER	\$ 1.26	NA	NA

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: January 21, 2020

Service Department
Originating Department

Account Code #: N/A

Michael Dreisbach
Prepared By

Budgeted Amount: N/A

January 8, 2020
Date Prepared

Agenda Title: Reduction of Public Improvement Bond for Heritage Vineyard Subdivision

Recommendation: Approve

Discussion:

The Oxford City Council approved the Heritage Vineyard subdivision, (aka Red Brick Estates Phase I) on August 2, 2016 requiring a \$908,719.57 public improvement bond to ensure completion of improvements in the public right of way (ROW). The Developer has issued a Letter of Credit to the City of Oxford for this amount. Preliminary construction on improvements in the ROW, including water, wastewater, stormwater, and basic road construction are now complete and acceptable. As such, the Developer has requested the City lower the required bonding required to ensure completion of improvements in the ROW.

The City has calculated current outstanding items to be constructed have a value of \$240,577.42. This amount will ensure the completion of the sidewalk system, planting of 55 street trees, and placement of the surface course of asphalt for the roadways.

Staff recommends the Oxford City Council reduce the required bond from the current level of \$908,719.57 to a new amount of \$240,577.42. Staff recommends the acceptance of a Letter of Credit Bond in the amount of **\$240,577.42** to ensure completion of public improvements in this subdivision.

Approved By:

Department Head:
City Manager:

Initial	Date
<u>MPD</u>	<u>1/8/2020</u>
<u>DRE</u>	<u>1-17-20</u>

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE RELEASE OF A PUBLIC IMPROVEMENT BOND IN THE FORM OF A LETTER OF CREDIT IN THE AMOUNT OF \$908,719.57 FOR HERITAGE VINEYARD SUBDIVISION AND ACCEPTING A NEW PUBLIC IMPROVEMENT BOND IN THE FORM OF A LETTER OF CREDIT IN THE AMOUNT OF \$240,577.42.

WHEREAS, the developer (Strait Gate Homes, LLC), has met certain terms and conditions for which a public improvement bond in the form of a letter of credit in the amount of \$908,719.57 was issued to the City of Oxford; and

WHEREAS, the City Manager and the Service Director recommend Oxford City Council authorize the release of the public improvement bond in the form of a letter of credit in the amount of \$908,719.57 for Heritage Vineyard Subdivision and acceptance of a new public improvement bond in the form of a letter of credit in the amount of \$240,577.42.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Service Director and authorizes the City Manager and the Service Director to take all steps necessary to release the public improvement bond in the form of a letter of credit in the amount of \$908,719.57 for Heritage Vineyard Subdivision and accept a new public improvement bond in the form of a letter of credit in the amount of \$240,577.42.

SECTION 2: The release is hereby given upon report from the City Engineer that a substantial portion of the work secured by the public improvement bond in the form of a letter of credit has been satisfactorily completed.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

City of Oxford
Engineering Division
Public Improvement Cost Estimate

PROJECT: Red Brick Estates Phase I

ENGINEER: Bayer Becker, Inc.

DATE: January 2, 2018

ITEM NO.	DESCRIPTION	QNTY	UNIT	UNIT COST	COST EXTENSION
Item 201	Clearing	2.3	AC	\$ 5,490.00	\$ 12,627.00
Item 448	1.5" Surface Course	7,387	S.Y.	\$ 8.15	\$ 60,204.05 *
Item 448	1.5" Intermediate Course	7,387	S.Y.	\$ 8.15	\$ 60,204.05
Item 304	4" Aggregate Base	1,057	S.Y.	\$ 4.30	\$ 4,545.10
Item 304	10" Aggregate Base	7,387	S.Y.	\$ 7.50	\$ 55,402.50
Item 609	Rolled Face Curb and Gutter	3,846	L.F.	\$ 15.00	\$ 57,690.00
Item 608	Curb Ramps	17	EA.	\$ 600.00	\$ 10,200.00 *
Item 608	4" Concrete Sidewalk	2,098	S.Y.	\$ 31.25	\$ 65,562.50 *
Item 611	8" Sanitary Sewer Main, SDR-35	522	L.F.	\$ 40.50	\$ 21,141.00
Item 611	8" Sanitary Sewer Main, SDR-26	1,453	L.F.	\$ 49.25	\$ 71,560.25
Item 611	Sanitary Manhole	10	EA.	\$ 3,966.00	\$ 39,660.00
Item 611	Connect Ex Lateral to Main	1	EA.	\$ 200.00	\$ 200.00
Item 611	8"x 6" Wyes	27	EA.	\$ 225.00	\$ 6,075.00
Item 611	6" Sanitary Laterals	1,301	L.F.	\$ 34.75	\$ 45,209.75
Item 611	Connect to Existing MH	1	EA.	\$ 1,085.00	\$ 1,085.00
Item 638	8" Main, Incl. Bends, tees, plugs, boxes, etc.	2,069	L.F.	\$ 48.00	\$ 99,312.00
Item 638	Temporary Fire Hydrant Assembly including bends, tees	2	EA.	\$ 2,900.00	\$ 5,800.00
Item 638	8" Valve and Box	11	EA.	\$ 1,405.00	\$ 15,455.00
Item 638	6" Fire Hydrant Assembly including bends, tees, valves, etc.	5	EA.	\$ 3,450.00	\$ 17,250.00
Item 638	1" Water Service	27	EA.	\$ 745.00	\$ 20,115.00
Item 638	Connect to Existing WM	3	EA.	\$ 1,200.00	\$ 3,600.00
Item 611	12" Storm Pipe, PVC	551	L.F.	\$ 24.50	\$ 13,499.50
Item 611	15" Storm Pipe, PVC	136	L.F.	\$ 28.75	\$ 3,910.00
Item 611	24" Storm Pipe, PVC	151	L.F.	\$ 43.50	\$ 6,568.50
Item 611	24" Storm Pipe, RCP	76	L.F.	\$ 56.00	\$ 4,256.00
Item 611	30" Storm Pipe, PVC	181	L.F.	\$ 47.00	\$ 8,507.00
Item 611	36" Storm Pipe, PVC	66	L.F.	\$ 54.00	\$ 3,564.00
Item 605	6" Sump Drain	1,107	L.F.	\$ 9.00	\$ 9,963.00
Item 611	CB-2-3 Catch Basin	3	EA.	\$ 1,825.00	\$ 5,475.00
Item 611	CB-3A Catch Basin	4	EA.	\$ 2,075.00	\$ 8,300.00
Item 611	CB-3 Catch Basin	7	EA.	\$ 2,850.00	\$ 19,950.00
Item 611	CB-3 Catch Basin, Modified	1	EA.	\$ 3,450.00	\$ 3,450.00
Item 611	CB-2-3 Outlet Structure	1	EA.	\$ 2,450.00	\$ 2,450.00
Item 611	Storm Manhole	6	EA.	\$ 2,150.00	\$ 12,900.00
Item 611	HW-1 Headwall 12" Pipe	3	EA.	\$ 1,300.00	\$ 3,900.00
Item 611	HW-1 Headwall 24" Pipe	1	EA.	\$ 2,700.00	\$ 2,700.00
Item 611	HW-1 Headwall 36" Pipe	1	EA.	\$ 3,100.00	\$ 3,100.00
Item 601	Rock Channel Protection, Type "C"	22.2	C.Y.	\$ 150.00	\$ 3,330.00
Item 611	Connect to Existing Storm Sewer	2	EA.	\$ 200.00	\$ 400.00

City of Oxford
Engineering Division
Public Improvement Cost Estimate

ITEM NO.	DESCRIPTION	QNTY	UNIT	UNIT COST	COST EXTENSION
Item 630	Signs (Stop, Yield, No Parking)	38	S.F.	\$ 25.00	\$ 937.50
Item 202	Existing Pavement Removal	721	S.Y.	\$ 50.00	\$ 36,050.00
	SUBTOTAL				\$ 826,108.70
	CONTINGENCY	10%			\$ 82,610.87 *
	GRAND TOTAL				\$ 908,719.57

ENGINEER SEAL & SIGNATURE



CITY OF OXFORD APPROVAL

[Signature]
City Engineer

1-11-2018

Date

New Letter of Credit

Total = \$ 218,577.⁴²

+ Contingency

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police

Originating Department

Council Meeting Of: January 21, 2020

Account Code #: 140.110.61104

John A. Jones

Prepared By

Budgeted Amount: \$141,000

January 9, 2020

Date Prepared

Agenda Title: Purchase for three 2020 Ford Interceptor Utility Vehicles

Recommendation: Approve

The 2020 Capital Improvement budget includes \$141,000 in the Capital Equipment Fund for the purchase of police vehicles and equipment necessary to maintain the operating integrity of the Police Department. The State Contract price per vehicle is \$32,278.

This resolution will authorize the City Manager to enter into a contract with Lebanon Ford for the purchase of three (3) Ford Interceptor Utility Vehicles with specified manufacturer installed options at State Contract pricing for an amount not to exceed \$96,834.

State Contract: RS901214-GC050

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAJ \ 1-9-2020

DRE \ 1-17-20

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LEBANON FORD FOR THE PURCHASE OF THREE (3) FORD INTERCEPTOR UTILITY VEHICLES WITH SPECIFIED OPTIONS AT STATE CONTRACT PRICING AT A COST NOT TO EXCEED \$96,834.00.

WHEREAS, the 2020 Capital Improvement Budget includes \$141,000.00 in the Capital Equipment Fund for the purchase of police vehicles and equipment necessary to maintain the operating integrity of the Police Division; and

WHEREAS, the City Manager and the Police Chief recommend City Council authorize the City Manager to enter into a contract with Lebanon Ford for the purchase of three (3) Ford Interceptor Utility Vehicles with specified options at State Contract pricing at a cost not to exceed \$96,834.00.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Police Chief and accepts the State Contract pricing for the purchase of three (3) Ford Interceptor Utility Vehicles with specified options at State Contract pricing at a cost not to exceed \$96,834.00.

SECTION 2: Council further authorizes the City Manager to enter into a contract with Lebanon Ford for the purchase of three (3) Ford Interceptor Utility Vehicles with specified options at State Contract pricing at a cost not to exceed \$96,834.00 which has previously been appropriated in the 2020 budget.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)



Oxford Division of Police
101 East High Street
Oxford, Ohio 45056

Dispatch: 513.523.4321
Office: 513.524.5240
Fax: 513.524.9111

Email:
police@cityofoxford.org
Website:
www.cityofoxford.org/police

ADMINISTRATIVE STAFF

Chief of Police
John A. Jones
513.524.5247
jjones@cityofoxford.org

Operations
Lt. Geoff Robinson
513.524.5258
grobinson@cityofoxford.org

Support Services
Lt. Lara Fenning
513.524.5242
lfenning@cityofoxford.org

Office Manager
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agabbard@cityofoxford.org

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Sgt. Jon Varley
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Sgt. Ryan Sikora
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Sgt. Ben Hool
513.524.5254
bhool@cityofoxford.org

MEMO

To: Chief John A. Jones
From: Lt. Geoff Robinson
Date: 02 JAN 2020
Re: 2020 Marked Vehicle Purchase

As part of OPD's fleet management program, I am recommending the purchase of three (3) Ford Interceptor Utility Vehicles from Lebanon Ford to replace patrol units #8646, #8647 and #8648. These new vehicles will be marked, front line patrol vehicles.

The division has seven (7) Ford Interceptor Utility Vehicles in the fleet, with three (3) additional FIU's that are still being built. Since their initial purchase in 2014 we have had no problems or issues with the utility vehicles. The officers driving these vehicles have reported adequate prisoner, storage and operating space in the vehicles. They allow necessary equipment to be safely stored in the rear cargo area while providing room for the transport of in-custody subjects.

In the 2020 Capital Budget, the division has been allocated \$141,000 for the purchase of front line police vehicles. Pricing was obtained for the 2020 Ford Interceptor Utility vehicle from Lebanon Ford, the Ohio State Contract holder. **(Contract #RS901214)** Base pricing for the 2020 model is \$31,776 with \$502 in factory options and delivery, for a **total price of \$32,278**. Included in the manufacturer options are LED Spotlights, prisoner area safety features, factory upfit prep, and fleet keying. Pricing increased \$502 or 1.6% from the 2019 purchase price. In 2019 we saw a 17.5% increase in base vehicle pricing.

Total purchase price for three (3) 2020 Ford FIU's is \$96,834. Upfitting is still being designed and quoted, however, there will be \$44,166 remaining in the budget for this purpose.

At this time, it is my recommendation to proceed with purchasing three (3) Ford Interceptor Utility Vehicles per state contract with manufacturer installed options from Lebanon Ford.

Please let me know if you have any further questions.

Respectfully,

A handwritten signature in blue ink, appearing to read "Lt. G. Robinson".

Lt. Geoff Robinson

LEBANON FORD

COMMERCIAL VEHICLE CENTER

EXPLORER 4-
DOOR

2020 4DR AWD POLICE
3.3L V6 TIVCT ENGINE
10-SPEED AUTO TRANSMISSION

Exterior
BLACK EBONY
Interior
CHARCOAL BLACK INTERIOR CLOTH
BUCKETS VINYL REAR SEATS

EXTERIOR

- . 245/55R18 A/S POLICE TIRES
- . 18" H.D. STEEL WHEELS
- . 18" WHEEL HUB CAP
- . FULL SIZE 18" SPARE W/TPMS
- . DUAL POWER MIRRORS
- . INTEGRATED SPOTTER MIRRORS
- . HALOGEN HEADLAMPS
- . PRIVACY GLASS 2ND/3RD ROW
- . DUAL EXHAUST SYSTEM
- . GRILLE - BLACK
- . KEY LOCKS (DR/PASS/LFTGT)
- . EASY FUEL CAPLESS FILLER

INTERIOR

- . BLACK VINYL FLOOR COVERING
- . PWR DR SEAT/6-WAY/M LUMBAR
- . MANUAL PASS SEAT - 2-WAY
- . CLOTH BUCKET FRONT SEATS
- . 60/40 SPLIT VINYL REAR
- . TILT STEERING WHL/ CRUISE & AUDIO CONTROLS
- . 1-TOUCH DOWN DRIVER WINDOW
- . A/C W/MANUAL CLIMATE CONTROL, SINGLE ZONE
- . CERTIFIED SPEEDOMETER
- . ENGINE HOUR / IDLE METER
- . CONSOLE MOUNTING PLATE
- . UNIVERSAL TOP TRAY
- . RED / WHITE DOME LAMP

FUNCTIONAL

- . ALL WHEEL DRIVE SYSTEM
- . COLUMN MOUNTED SHIFTER
- . HEAVY DUTY 78-AMP BATTERY
- . 220 AMP ALTERNATOR
- . POLICE BRAKES: 4 WHL DISC W/ ABS & TRACTION CONTROL
- . HEAVY DUTY SUSPENSION
- . POWER STEERING W/EPAS
- . ENGINE OIL COOLER
- . TRANSMISSION OIL COOLER
- . POWER LOCKS AND WINDOWS
- . AM/FM SINGLE CD/MP3, 6SPKR
- . ADJUST PEDALS, NON MEMORY
- . BATTERY SAVER FEATURE
- . POWERPOINTS (2)

SAFETY/SECURITY

- . 75 MPH REAR-CRASH TESTED
- . ADVANCETRAC WITH RSC
- . AIRBAGS - FRONT AND SIDE
- . AIRBAGS - SAFETY CANOPY
- . PERSONAL SAFETY SYSTEM
- . SOS POST CRASH ALERT SYS
- . TIRE PRESSURE MONITOR SYS

WARRANTY

- . 3YR/36K MILE WARRANTY

STANDARD STATE BID PRICE \$31,776.00
Included on this Vehicle
EQUIPMENT GROUP 500A
Optional Equipment
2020 MODEL YEAR
BLACK EBONY
CHARCOAL CLT FRT/VINYL RR
3.3L V6 TIVCT ENGINE
10-SPEED AUTO TRANSMISSION
FRONT LICENSE PLATE BRACKET
DARK CAR LAMPS INOP \$70.00
KEYED ALIKE 1284X \$75.00
PRE DRILL FRONT STD
HEATED MIRRORS \$59.00
LED SPOTLIGHT 51R n/c
DR/LK HANDLE INOP \$74.00
POWER WINDOW DISABLE INCLUDED
REAR CARGO LIGHT \$49.00
REAR VIEW CAMERA STD
DELIVERY FEE \$175.00
TOTAL STATE BID \$32,278.00

FRANK BEAVER LEBANON FORD
614-570-0702
RS901214
GDC050

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of :

1/21/2020

Account Code No. :

see below

Budgeted Amount :

Finance
Originating Department

Joe Newlin
Prepared By

1/15/2020
Date Prepared

Agenda Title: 2020 Supplemental Budget #1

Recommendation: Approve

Issue 1

To make adjustment to budget for receipt of EMS Grant and subsequent purchases, from unencumbered balance

Action Needed:

Revenue Side

Life Squad Gift (210) 3,637.00 Grant Receipt

Expense Side

Life Squad Gift (210) 3,637.00 Expenditures for EMS purchases

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

Issue 2

To make adjustment to budget for updated project cost for the High St. Pedestrian Safety Improvements, payment to be received from Miami University for the improvements and advance from the General Fund

Action Needed:

Revenue Side

High St. Pedestrian Safety Imp. Capital Improvement Fund (147)	451,610.00	Increase budgeted Miami Receipts
High St. Pedestrian Safety Imp. Capital Improvement Fund (147)	(630,000.00)	Decrease the budget advance from the General Fund
General Fund (110)	(630,000.00)	Decrease budgeted Repayment of Advance from High St. Pedestrian Safety Imp. Capital Improvement Fund

Expense Side

High St. Pedestrian Safety Imp. Capital Improvement Fund (147)	1,451,610.00	Increase expected cost of the High St Safety Project
High St. Pedestrian Safety Imp. Capital Improvement Fund (147)	(630,000.00)	Decrease budgeted Repayment of Advance to General Fund
High St. Pedestrian Safety Imp. Capital Improvement Fund (147)	(1,000,000.00)	ODOT Funding to Miami
General Fund (110)	(630,000.00)	Decrease budgeted Advance to High St. Pedestrian Safety Capital Improvement Fund

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

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

Breakdown by Fund

Life Squad Gift (210)	-
High St. Pedestrian Safety Imp. Capital Improvement Fund (147)	-
General Fund (110)	-

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

Approved By:

Department Head:

City Manager:

Initials Date
DRE 1/15/20
1/17/20

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3538. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 1 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2020.

WHEREAS, additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS 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 revenues be made:

High St Pedestrian Safety Cap. Imp. Fund 147	451,610.00
--	------------

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

High St Pedestrian Safety Cap. Imp. Fund 147	1,451,610.00
High St Pedestrian Safety Cap. Imp. Fund 147	(1,000,000.00)
High St Pedestrian Safety Cap. Imp. Fund 147	(630,000.00)
General Fund 110	(630,000.00)

SECTION 4: The following advance(s) be executed:

Advance from:

General Fund 110	(630,000.00)
High St Pedestrian Safety Cap. Imp. Fund 147	(630,000.00)

Advance to:

High St Pedestrian Safety Cap. Imp. Fund 147	(630,000.00)
General Fund 110	(630,000.00)

SECTION 5: The following increase/(decrease) in revenues be made:

High St Pedestrian Safety Cap. Imp. Fund 147	(630,000.00)
General Fund 110	(630,000.00)

SECTION 6: In all other respects, Ordinance No. 3493 shall remain in full force and effect.

SECTION 7: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

Original Budget		High St Pedestrian Safety (MU) Capital Improvement Fund Adjusted Budget		Delta
1,000,000.00	ODOT Receipts	1,000,000.00	ODOT Receipts	- ODOT Receipts
1,630,000.00	Miami Funding	2,081,610.00	Miami Funding	451,610.00 Miami Funding
1,630,000.00	Advance from General Fund	1,000,000.00	Advance from General Fund	(630,000.00) Advance from General Fund
4,260,000.00	Total Receipts	4,081,610.00	Total Receipts	(178,390.00) Total Receipts
1,630,000.00	High St. Pedestrian Safety (MU) Construction	3,081,610.00	High St. Pedestrian Safety (MU) Construction	1,451,610.00 High St. Pedestrian Safety (MU) Construction
1,000,000.00	ODOT Funding to Miami	-	ODOT Funding to Miami	(1,000,000.00) ODOT Funding to Miami
1,630,000.00	Repay Advance to General	1,000,000.00	Repay Advance to General	(630,000.00) Repay Advance to General
4,260,000.00	Total Expenditures	4,081,610.00	Total Expenditures	(178,390.00) Total Expenditures
Original Budget		General Fund Adjusted Budget		Delta
1,630,000.00	Repayment of Advance from High St Pedestrian Safety Capital Improvement Fund	1,000,000.00	Repayment of Advance from High St Pedestrian Safety Capital Improvement Fund	(630,000.00) Repayment of Advance from High St Pedestrian Safety Capital Improvement Fund
1,630,000.00	Total Receipts	1,000,000.00	Total Receipts	(630,000.00) Total Receipts
1,630,000.00	Advance to High St Pedestrian Safety Capital Improvement Fund	1,000,000.00	Advance to High St Pedestrian Safety Capital Improvement Fund	(630,000.00) Advance to High St Pedestrian Safety Capital Improvement Fund
1,630,000.00	Total Expenditures	1,000,000.00	Total Expenditures	(630,000.00) Total Expenditures

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 7, 2020

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

December 30, 2019
Date Prepared:

PC-2019-24, FINAL PLANNED DEVELOPMENT AMENDMENT, 5990 Contreras Road, Scott Webb, Agent
--

Recommendation: Approval

Discussion: On behalf of the McCarthy family, Architect Scott Webb is seeking an amendment to the previously approved Final Planned Development. The request is to amend the 2018 Final Planned Development approval from a three-family dwelling or two-family with office to a revised plan for a five-suite Short Term Rental. Two dwelling units will remain. Short Term Rental usage was not previously approved. The potential for office use is eliminated with this revision.

In addition to the new Short Term Rental use, the second request is also to allow the subdivision of land within the 1-Acre Planned Development boundary for a future potential separate home lot. Neither of those two changes could have been approved as minor amendments. Therefore, Planning Commission was required to review the request and forward a recommendation to City Council. The Law Director reviewed the procedural steps ahead of time to ensure consistency with other cases. The Commission held a hearing on December 10, heard from the public, heard from staff and reviewed decision standards. The Commission voted 5-1-0 to recommend approval to City Council, as requested, with the following conditions as recommended by staff:

1. The conditions of Ordinances 3334 and 3506 shall be void with the exception of 3334 condition e. as revised: The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
2. The separate lot shall be void if not split and recorded within 2 years.
3. A sanitary sewer easement shall be recorded with the lot split and copy provided to the City Engineer.

Note: This property is registered as a Short Term Rental per Oxford Code 743. The passage of this ordinance does not prevent new city-wide zoning legislation pertaining to Short Term Rentals.

Approved By:	Department Head: _____/_____
	City Manager: <u>DRF</u> / <u>1-3-20</u>

ORDINANCE NO.

ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR FINAL PLAN APPROVAL OF A MAJOR CHANGE TO AN EXISTING PLANNED DEVELOPMENT AT 5990 CONTRERAS ROAD WITH CONDITIONS.

WHEREAS, in accordance with Oxford Codified Ordinance Section 1145.10, the Oxford Planning Commission held a public hearing on December 10, 2019 on the application of Scott Webb, Applicant, for approval of a final plan for a major change to an approved, existing planned development at 5990 Contreras Road; and

WHEREAS, the Planning Commission, after due deliberation approved a motion recommending the approval of the final plan for a major change to an approved, existing planned development at 5990 Contreras Road, amending the 2018 Final Planned Development approval from a three-family dwelling or two-family dwelling with office to the revised plan for a five-suite short term rental and lot split with conditions.

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

SECTION 1: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants approval of the final plan for a major change to an approved, existing planned development at 5990 Contreras Road with the following conditions:

1. The conditions of Ordinances 3334 and 3506 shall be void with the exception of 3334 condition e. as revised: The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
2. The approval for a lot split shall be void if not split and recorded within 2 years.
3. A sanitary sewer easement shall be recorded with the lot split and a copy shall be provided to the City Engineer.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-24

Date –December 10, 2019

APPLICATION

Applicant:	Scott Webb, Agent/Architect/Applicant
Location:	5990 Contreras Road
Owner:	Peter and Constance McCarthy
Action Request:	Amendment to Final Planned Development
Current Use:	Short Term Rental and Two Family Dwelling
Proposed Use:	Short Term Rental and Lot Split
Zoning:	R1B (Single-Family Medium Density Residential) District
Surrounding Existing Land Uses:	Single and Two-Family and Multi-Family Dwelling

GENERAL DESCRIPTION

On behalf of the McCarthy family, Architect Scott Webb is seeking an amendment to the previously approved Final Planned Development. The request is to amend the 2018 Final Planned Development approval from a three-family dwelling or two-family with office to the revised plan for a five-suite Short Term Rental. The request is also to allow the subdivision of land within the 1-Acre Planned Development boundary for a future potential separate home lot.

Surrounding Area: There is a multi-family dwelling neighborhood to the east, single family to the south, north and west. This area is also in close proximity to the Lynn Avenue commercial corridor.

RECOMMENDATION

Based upon the 2015 staff findings, the current application, and recent staff meetings with the owner and buyer, a recommendation of approval can be forwarded to City Council with the following conditions:

1. The conditions of Ordinances 3334 and 3506 shall be void with the exception of 3334 condition e. as revised: The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
2. The separate lot shall be void if not split and recorded within 2 years.
3. A sanitary sewer easement shall be recorded with the lot split and copy provided to the City Engineer.

PUBLIC COMMENTS

Public notices were mailed to property owners within 200 feet of the boundary. One neighboring property responded to the mailing, requesting clarification from staff about the proposal and Oxford Zoning Code.

PROPERTY HISTORY

PC-2010-04	Rezoning from R1B to RO- Recommended by PC and subsequently denied by Council
PC-2010-08-ADM-	Lot Split (withdrawn)

PC-2010-09-ADM- Lot Split (Referred to BZA for adjudication hearing for not meeting zoning requirements)
PC-2015-16 Zoning Map amendment from R1B to R3 (withdrawn)
PC-2015-23 Preliminary Planned Development – approved with conditions
PC-2015-23 One year extension approved December 12, 2017 – due to expire 12-12-18
PC-2018-27 Final Planned Development – approved with conditions on 12-18-18

BACKGROUND

Per Zoning Code an approval of a final plan that is consistent with the approved preliminary plan, should be recommended for approval. This application is an amendment to a previously approved Final Plan. Some amendments can be approved without full Planning Commission review. This particular one had changes that were not viewed as minor by staff or legal counsel, so it was placed on the agenda for full Commission review. This type of Final Planned Development is uncommon because no new construction is planned at this time. Bishop Square, Gaslight Ave and Stewart Square are all examples of new construction Planned Developments. There is however interior reconfiguration that has been administratively permitted in 2019 because it was not prohibited by the 2018 approval.

AGENCY REVIEWS

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

Police:	Returned without comments.
Fire:	Returned without comments.
Engineering:	Returned with comments.
Econ. Dev.:	Returned with comments.

See the 2015 Staff report for findings related to the 2008 Comprehensive Plan and the Planned Development Code. Particularly the reference to the preservation of historic/cultural resources.

ANALYSIS

There is not substantially new analysis provided by staff because of the following:

- Staff views this amendment as lower intensity than the previous 2018 approval.
- There is no prohibition in Oxford Code of multiple owners of a Planned Development. The lot split otherwise complies with R1B zoning requirements and also mimics the pattern of the surrounding neighborhood. However, in order to retain some predictability for the neighborhood, a time limit of 2 years could be applied, if desired by the City.
- There have not been any complaints registered with the Community Development Department specific to the Short Term Rental use of this property. Code drafting is underway specific to STR's, however no new land use regulations are in effect. There are separate codes already in effect for any potential nuisance concerns: noise, trash, parking, lighting.
- The Fire Chief did not request additional safety provisions or raise other concerns.

SUBMITTED

BY:



Sam Perry, AICP
Community Development Director

DATE: November 27, 2019

APPENDIX

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments

. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development 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.

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

If, at any time, 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.

- (a) **Burden of Proof.** Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. 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.

- (b) **General Decision Standards.**

All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) 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.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (9) 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.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) 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.
- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- (c) Additional Final Plan Decision Standards
 - (1) The final planned development shall substantially conform to the preliminary plan.
 - (2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.
 - (3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

1145.10 – Changes to a planned development.

- (a) Minor Changes to an Approved Final Planned Development.
The developer of an approved final planned development may submit a written request for approval of changes to the plan or development schedule. The Zoning Administrator and the Planning Commission Chair together may administratively approve changes to a planned development if such changes:
 - (1) Do not change the use
 - (2) Are of a magnitude that will not substantially alter the appearance of the development from off of the site
 - (3) Will not substantially or detrimentally affect the provision of public services to the site or general vicinity
 - (4) Will not substantially or detrimentally increase potential demand on public or private utilities
 - (5) Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood
 - (6) Are not contrary to and in no way diminish the intent of the originally approved plan Administrative approvals shall be clearly documented, made part of the original final planned development on file, and the details of any such changes shall be reported to the Planning Commission at its next regularly scheduled meeting.
- (b) Major Changes to an Approved Planned Development.
Any proposed changes to an approved planned development that do not meet the criteria of a minor change are considered a major change. A major change requires an entirely new preliminary planned development application (including the fee), according to the provisions of this chapter.
- (c) Changes to a Planned Development not Procedurally Approved.
An existing planned development that was not approved according to the provisions of this Chapter and was never approved by a legislative, quasi-judicial, or administrative review, and that was legal at the time of its establishment is considered an approved planned development and is subject to the provisions of this chapter.

1143.02 – R-1B Single-Family Medium Density Residential District.

- (a) Purpose.
This district is designed to provide and preserve single family residential development of a moderately low density character within and adjacent to areas of similar development.
- (b) Uses.
 - (1) Permitted uses.
 - A. Single-family dwellings.
 - B. Accessory buildings and uses incidental to the principal use that do not include any activity conducted as business.
 - C. Day Care Home Type B family.
 - (2) Conditional uses.
The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
 - A. Community-Oriented Residential Social Service Facilities (CORSSF's).

- B. Shared Housing for the elderly.
- C. Government owned and/or operated parks and recreation facilities.
- D. Bed and breakfast homes for transients.
- E. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.
- F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
- G. Schools: primary, intermediate, and secondary, both public and private.
- H. Places of worship.

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)

(1) Lot requirements.

- A. Minimum lot area 7,500 sq. feet
- B. Minimum lot width 65 feet

(2) Yard requirements.

- A. Minimum front yard depth 30 feet
- B. Minimum rear yard depth 35 feet
- C. Minimum side yard width 8 feet on each side

(3) Structural requirements.

- A. Maximum building height 35 feet

(4) Lot coverage.

- A. Lots with vehicular access from a public street
 - 1. Lot total – 35 percent
 - 2. All enclosed buildings – 25 percent of lot
 - 3. Front yard – 25 percent of front yard
- B. Lots with vehicular access from a rear or side alley, and no access from a public street
 - 1. Lot total – 40 percent
 - 2. All enclosed buildings – 25 percent of lot
 - 3. Front yard – 5 percent of front yard

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-23

Date –October 13, 2015

APPLICATION

Applicant:	Scott Webb, Agent/Applicant
Location:	5990 Contreras Road
Owner:	Peter and Connie McCarthy
Action Request:	Preliminary Planned Development
Current Use:	Single-Family
Zoning:	R1B (Single-Family Medium Density Residential) District
Surrounding Existing Land Uses:	Single and Two-Family and Multi-Family Dwelling

GENERAL DESCRIPTION

The applicant is seeking a Preliminary Planned Development approval for the property. Based on the narrative, the applicant is seeking for approval to reconfigure the existing residence into a maximum of three (3) dwelling units, and potentially a professional office.

The property is bordered by a multi-dwelling rental property to the east, single family to the south, north and west. This area is in proximity to Lynn Avenue where commercial activities are prominent.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners. No responses were received.

PROPERTY HISTORY

PC-2010-04	Rezoning from R1B to RO- Recommended by PC and subsequently denied by Council
PC-2010-08-ADM-	Lot Split (withdrawn)
PC-2010—09-ADM-	Lot Split (Referred to BZA for adjudication hearing for not meeting certain underlying zoning requirement)
PC-2015-16	Zoning Map amendment from R1B to R3 (withdrawn)

AGENCY REVIEWS

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

Police:	Returned without comments.
Fire:	Returned without comments.
Engineering:	Returned without comments.
Econ. Dev.:	Returned with comments.

COMPREHENSIVE PLAN REVIEW

A Comprehensive Plan is a broad policy document intended to guide decision-making on long-term physical development. The Ohio Planning and Zoning Law Handbook even provides a more rigorous legal definition of a Comprehensive Plan, which is a chief policy instrument for: (1) the administration of zoning and subdivision regulations; (2) the location and classification of streets and thoroughfares; (3) the location and construction of public and semi-public buildings and related community facilities and infrastructure.....etc.

It provides the frame work to be used on a daily basis as public and private decisions are made concerning development. Administrative and legislative approvals of development proposal, including rezoning and subdivision plats, should be a central means of implementing the Comprehensive Plan. Decision by the Planning Commission should reference relevant Comprehensive Plan recommendation and policies.

There are many goals and objectives as outlined in the Comp Plan as what the community at large vision what this community would like. Various goals and objectives may seem contradictory and inconsistent; it is the purview for the City Council, Planning Commission, with the assistance from staff, to find the balance between these goals and objectives when reviewing development projects.

Relevant information from the 2008 Comprehensive Plan is provided as follows for discussion:

Land Use Chapter:

The map titled "Conservation and Development Map" on page 3.19 showed the aspiration and choices that are expressed by the community in 2008.

The area considered for redevelopment is mainly defined between Lynn Avenue and Locust Street between College Avenue and McGuffey Avenue. The subject property is adjacent to this redevelopment area. The intent of this redevelopment is to create a mixture of small and medium sized commercial uses with a well-defined landscape and public space; where residential uses shall also be integrated within the area to create a 24 hour district to create shopping and dining options within walking distance of surrounding neighborhoods.

The subject area is also considered Neighborhood General 3 under the Character Map Matrix on page 3.20, since the development of this area tends to be after WWII and does not share the same geographic configuration as the Mile Square. This character of the neighborhood is considered to be residential areas on the outskirts of the Mile Square with the lowest residential density.

Cultural Resources:

Enhance and improve the promotion and preservation of the City's historic and cultural resources. There is a large historic building located on the subject property that should be preserved.

The Comp Plan also supports and encourages the preservation, restoration, rehabilitation and reuse of historic structures and sites. Additionally, it is also recommended in the Comp Plan to consider historic and cultural resources in all land use decisions.

PLANNED DEVELOPMENT

Chapter 1145 Planned Development purpose statement provides the rationale and framework for consideration. Furthermore, the goals of any proposed planned development shall at minimum address the proposal in relation to the common goals of the Planned Development under Chapter 1145.01 and they are:

- A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code.
 - B. Produce a development equal to or better than that resulting from single-use or traditional subdivision
 - C. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings
 - D. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site
 - E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development
 - F. Be functional within a time period that helps ensure a viable development.
- (2) Infill development also satisfies the following goals:

- A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access.
- B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available.
- C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford.

ANALYSIS:

In reviewing the planned development application, the Commission should consider both the Purpose Statement and the Decision Standards of the Zoning Code Planned Development to determine the pros and cons of the request during its deliberation.

The Planned Development Chapter also pointed out that the Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. The Zoning Code assumes that a planned development is appropriate **ONLY** if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City of the neighborhood in which it is proposed.

The Applicant 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.

The focus of this report will be analyzing the proposal based upon the Decision Standards.

(1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.

Staff analysis:

The Planned Development provision allows any land use permitted in any residential zoning district in this code, except mobile homes, when a planned development proposal that overlays an existing zoning district.

The existing land use classification of the property is R1-B, and all permitted land uses includes multi-family dwelling and professional offices (permitted land uses under R-3 multi-family dwelling district)

(2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.

Staff analysis:

There was no previously considered Planned Development for this site within one year. This decision standard is not applicable.

(3) The uses and site plan will satisfy the general intend of this Zoning Code.

Staff analysis:

The purpose and intent of the Zoning Code is to promote and protect the public health, safety and general welfare of the people and to support the comfort and convenience of the Citizens of Oxford. Additional analysis, in relation to these decision standards concerning health, safety and general welfare of the people, is combined with the potential impact of the proposal.

(4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.

Staff analysis:

As written in a staff report, dated July 14 and August 11, 2015 concerning the Zoning Map Amendment, there was no direct evidence from the Comp Plan to support the site to be a multi-family dwelling. It might be arguably plausible for two-family, given the uniqueness of the size of the dwelling and the site. It certainly is an anomaly in this general vicinity. However, this site, as indicated in that particular report, was not identified as a future expansion area for commercial development.

- (5) The size and shape of the site are sufficient for the proposed planned development.***

Staff analysis:

The size and shape of the site would seem to be sufficient for the proposed development, without any consideration of potential impact.

- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.***

Staff analysis:

The proposed would have a certain degree of negative impact to existing or potential future neighboring uses, which will be further analyzed in other section of the decision standards.

- (7) 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.***

Staff Analysis:

The narrative indicates the proposed use would be (1) three-family dwelling; and (2) professional office. The uses probably would not generate any excessive noise, smoke, fumes, as the applicant indicated in his narrative. One concern is potential number of off-street parking and the amount of traffic that might generate from the proposal.

The proposal, depending on how the configuration takes place between residential and office space, could be required to provide between 11 and 14 off-street parking spaces, which is much more than typically noted in a neighborhood such as this one. The site plan also shows those future office and residential parking spaces, to be totaled around 11 spaces, without considering garage spaces. Additionally, the traffic generated from this proposal would be much different than what a typical neighborhood would be, from a residential dwelling to a mixed use structure. Even though the site is about twice the size in footage than the properties directly west to this property, being single family dwelling unit and the difference between these properties would be noticeable as far as traffic generation is considered.

- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.***

Staff Analysis:

The proposal does not seem to indicate any changes to the existing accessory structures to be utilized differently.

- (9) 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.***

Staff analysis:

The site and use could be served by public utilities with adequate capacity.

(10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services

Staff analysis:

No anticipated expenditure is expected to serve the proposed development.

(11) 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.

Staff analysis:

The character and appearance of the building would not be altered, as indicated by the applicant, since no exterior modifications is expected. Interior modifications would not be visible from the street. However, the appearance and the character of the neighborhood may be altered to be different than the rest of the neighborhood, especially the property is considered the entrance to the neighborhood to the north and neighborhood to the west, given that potential traffic is being generated from this pending proposal, and the potential number of vehicles parked on site.

(12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

Staff analysis:

No engineering input has been provided from the City Engineer Office related to the on-site traffic and traffic accessing the site related to its impact to the safety of all modes of traffic. It would be something to review the potential impact to a major collector road from a single development site that is adjacent to a minor collector street.

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

Staff analysis:

It does not appear the applicant is proposing any removal of natural vegetation and no alteration or demolition to the existing building.

The proposal is seeking for an approval for a preliminary planned development to a maximum 3-dwelling unit with a professional office. One thing to bear in mind is that there are different types of professional offices, ranging from architects, lawyers, to medical, dentist and chiropractor's offices. The extent of client visit varies greatly from one type of professional office to another. It also depends how the office is configured to receive patients. Therefore, it is very unclear how the "professional office" would turn out to be. Potentially, a significant concern would be the traffic coming and going on a regular basis in and out of the site onto a major collector street. More information will be needed to ascertain the true impact from the traffic consideration. Since this is a preliminary Planned Development, many details have yet to be determined. And it is also conceivable that the details would not be available until there are specific buyers submitting proposals. Therefore, there is a sunset provision of 2 years after the approval of the preliminary planned development, with the possibility of two one-year extension from the Commission. It is not common for the Commission to review a proposal such as this one that does not have any specific end products and is subject to market demands, dealing with the adaptive re-use of an existing building.

Given that this is a planned development, the Planning Commission can and should require any and all needed information for consideration and to review the proposal to ensure the potential impact can be minimized and mitigated and the proposal poses no detrimental effect to the surrounding neighborhood.

This building was built in 1896 and has many distinctive features and historic significance that the community should cherish. It is known as Welsh-Stewart House by many local residents for its Queen Anne Victorian style. Furthermore, it was also the home of a prominent local member, Josiah Allen Welsh, as well as Dr. William T. Stewart. The original two-story brick house has approximately 3740 square feet, which was significantly larger than any houses of that time. Subsequently, an addition was added on to increase the footage of the house to over 5,000 square feet.

Preservation of cultural and historic resources is specifically highlighted in the Comp Plan and there are specific objectives to consider for land use decisions and to promote preservation of historic structures and sites. Given the size of the structure, it is not an easy task to live in a historic structure, due to the fact it would require constant maintenance, and on-going utility expenses to keep the building in a livable condition. Without a steady income flow, the cost of maintaining the structure would be hard pressed for average family, let alone major renovations that would be necessary for the upkeep of this building.

The size of the lot makes this historic home feels more like a mini-homestead that makes this site/structure even more unique, especially for the size of the structure. This almost one-acre site is part of the reason that a Planned Development approach would seem to be more appropriate with the commitment that the building will be maintained.

The current use of the site is a two-family which would be allowed continuously. It is the transitional step changing from multi-family to the east onto single family to the west of the site, which it would make land use sense for this site. The proposal of maximum 3 families would be departure from the environment of a two-family and single family. Additionally, there is a public street, classified as minor collector road, separating the multi-family residential from single family residential district.

Adding a professional office use for the site would require additional information as to how the office would be in operation. The applicant indicates that the hours of the office portion would be from 7 am to 9 pm. Other than this, there is not much more about the proposed office use for this planned development. The hours of operation would seem to be too long, considering this is a residential neighborhood.

In order to address the potential traffic concerns, the Commission may require the City Engineer to ascertain the traffic impact in and out of the site. It would also be critical to maintain vegetation, and possibly adding some more to protect and preserve the appearance of the neighborhood.

It is important for the Commission to balance the needs of maintaining, preserving, and continuing to improve this historic structure as time goes on and the community characters as a whole in the context of this Planned Development proposal. It may also require the Commission to outline specific conditions for the proposal if the Commission feels that this proposal meets the decision standards and the purpose statement of the Planned Development.

RECOMMENDATION

Reviewing the requested Planned Development Application based on the Comp Plan and the Zoning Code's Decision Standards, the application seems to be somewhat subject to market since it does not provide much detailed information, as many other Planned Development projects normally would have. And based on the analysis, the recommendation would be to consider this Planned Development to be no more than a two-family dwelling and an office. It is unclear what the rationale was when this property was rezoned to a single family in 2003. A two-family residential might be the extent of what could be supported due to the "alleged" error on the Zoning Map. Adding an office use to the structure may provide additional income to support the historic building if the potential issues could be mitigated, such as operating hours, traffic and the protection and preservation of the neighborhood character.

SUBMITTED

BY:

Jung-Han Chen
Community Development Director

DATE: October 6, 2015

ATTACHMENT

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments

. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development 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.

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

If, at any time, 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.

- (a) Burden of Proof. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

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.

- (b) General Decision Standards.

All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) 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.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (9) 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.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) 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.

(12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

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

(c) Additional Final Plan Decision Standards

(1) The final planned development shall substantially conform to the preliminary plan.

(2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.

(3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

ORDINANCE NO. 3334

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY PLAN APPROVAL OF A PLANNED DEVELOPMENT FOR ONE (1) ACRE OF LAND AT 5990 CONTRERAS ROAD OXFORD, OHIO 45056 TO ALLOW THE RECONFIGURATION OF AN EXISTING STRUCTURE FOR RESIDENTIAL AND OFFICE USES WITH CONDITIONS.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on October 13, 2015, in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant/Agent for approval of a Preliminary Plan for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Preliminary Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses based on the submittals of the applicant that are incorporated and made a part of this approval with the following conditions:

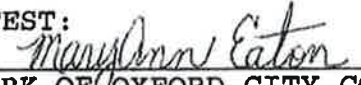
- a. The use shall be limited to a maximum of 3 dwelling units (the current efficiency apartment and 2 additional units) or 2 dwelling units (the current efficiency apartment and 1 additional unit) and 1 professional office (limited to only those professional office uses specifically enumerated in Oxford Zoning Code Section 1159.17).
- b. Maximum occupancy of any dwelling unit for which a rental permit is required shall be 4 persons, no more than two of which may be unrelated unless constituting a family as allowed in Oxford Zoning Code Sections 1146.02(a) and 1146.02(b).
- c. The office use shall be limited to a maximum of 2,500 square feet.
- d. Any sign for the Professional Office shall conform to Oxford Zoning Code Section 1151.05(a)(1) except only a free-standing sign will be permitted and the design of the sign shall be in harmony with the historic character of the home.

- e. The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress of the new uses and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
- f. The hours of operation of the professional office shall be limited to 8:00 a.m. to 8:00 p.m.
- g. The Planned Development shall in all other respects comply with Oxford Zoning Code Section 1143.09 RO Office Residential District.

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


MAYOR

ADOPTED: November 17, 2015

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)

ORDINANCE NO. 3506

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR FINAL PLAN APPROVAL OF A PLANNED DEVELOPMENT FOR ONE (1) ACRE OF LAND AT 5990 CONTRERAS ROAD OXFORD, OHIO 45056 TO ALLOW THE RECONFIGURATION OF AN EXISTING STRUCTURE FOR RESIDENTIAL AND OFFICE USES WITH CONDITIONS.

WHEREAS, Council hereby finds that the Planning Commission held a public hearing on November 13, 2018 in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant/Agent for approval of a Final Plan for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses; and

WHEREAS, the Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Final Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 with conditions.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses based on the submittals of the applicant that are incorporated and made a part of this approval with the following conditions:

- a. All conditions of Ordinance No. 3334 shall apply with the exception of condition 'g' regarding compliance with the RO District.
- b. The professional office hours shall be limited to 8:00 a.m. to 8:00 p.m. and no more than two customers shall be present simultaneously.
- c. Should the third dwelling unit or professional office tenant not be substantially established within two years of the Final Plan approval, the Final Planned Development approval shall become void.

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


MAYOR

ADOPTED: December 18, 2018

ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Aerial Map

 Site Parcel



Location Map

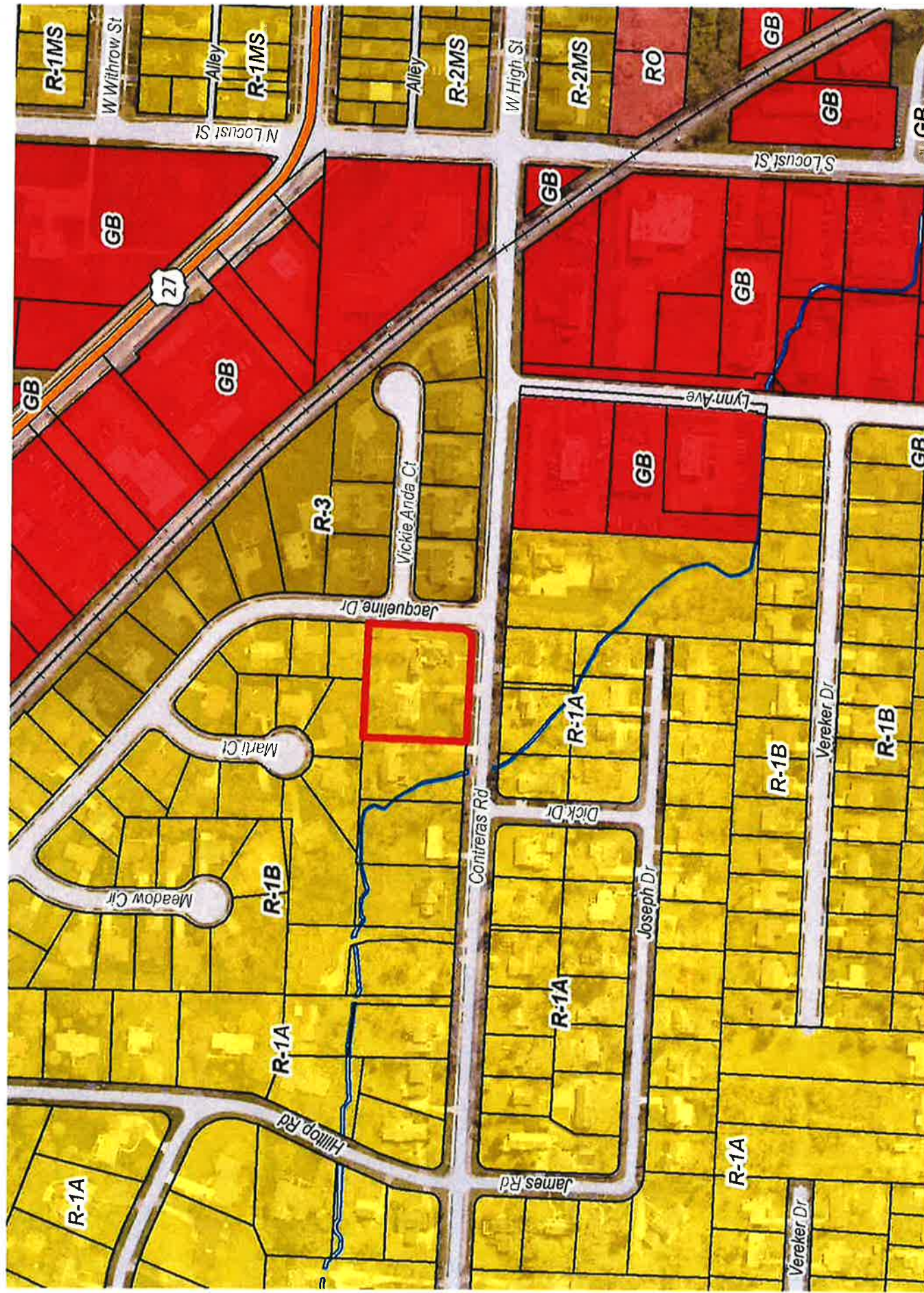
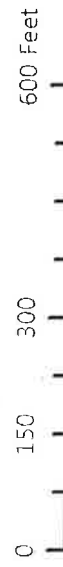
 Site Parcel



Site Parcel



Site Parcel



City of Oxford
Inter-Office Review Transmittal Sheet



Date: November 5, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-24, PRELIMINARY & FINAL PLANNED DEVELOPMENT, 5990 Contreras Road, one acre,
R-1B District, Scott Webb, Applicant, Agent

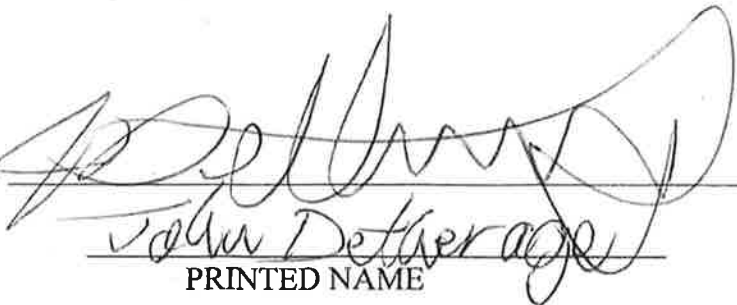
 X Review Revisions Other

Please return no later than: **November 26, 2019** 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 Dethier
PRINTED NAME

Date: 11-7-19

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 5, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-24, PRELIMINARY & FINAL PLANNED DEVELOPMENT, 5990 Contreras Road, one acre,
R-1B District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **November 26, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

See memo dated 11/25/19.

-SAO

Drawings reviewed by:

Scott Otto

Date: 11/25/19

Scott Otto

PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: PC-2019-24
Preliminary and Final Planned Development – 5990 Contreras

DATE: November 25, 2019

The Engineering Division offers the following comment:

- If the lot split is approved, please provide a recorded copy of the Plat of Survey, including the proposed private sanitary easement, to the City of Oxford Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 5, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-24, PRELIMINARY & FINAL PLANNED DEVELOPMENT, 5990 Contreras Road, one acre,
R-1B District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **November 26, 2019** 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: _____

11/19/19

John A. Jones

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 5, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-24, PRELIMINARY & FINAL PLANNED DEVELOPMENT, 5990 Contreras Road, one acre,
R-1B District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **November 26, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

IT SEEMS THIS PLAN SAVES THE EXISTING
STRUCTURE. I LIKE SAVING THE STRUCTURE.

A COMPARABLE STRUCTURE WAS DEMOLISHED
ON FIVE DRIVE AFTER AN ACCEPTABLE REUSE
COULD NOT BE OBTAINED.

Drawings reviewed by: _____


G. ALAN KYCHEN

PRINTED NAME

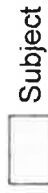
Date: 11.20.19



PC-2019-24

Surrounding Property Owners Notifications Map

Legend



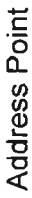
Subject



200 Ft. Buffer



Oxford Corp. Limit



Address Point



Parcel



16.5' Vacated ROW



Building Footprint



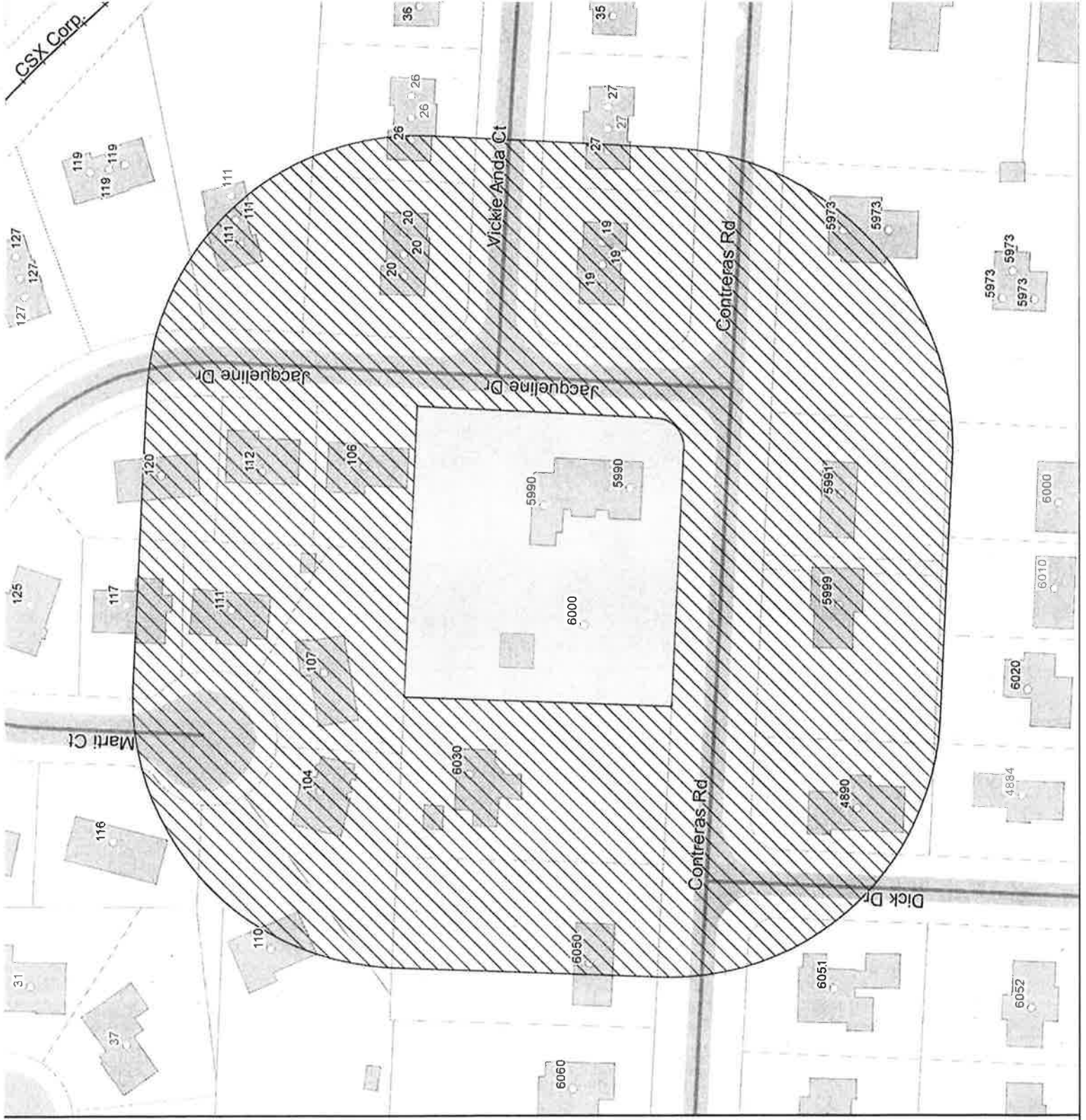
Paved Roadway



1 inch = 100 feet

Prepared on Monday, November 25, 2019

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.



LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Planning Commission & City Council regarding the proposed change to an approved Planned Development at 5990 Contreras Road.

Thank you,

Signed: Constance McCarthy
Peter & Constance McCarthy

10-28-2019
Date:



Internal Use Only:

Case No.

PC-2019-24

Date Filed

10/28/19

Planned Development Application

Application Type

Choose One

☐ Preliminary

☐ Final

☒ Preliminary & Final

Applicant Information

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

Name *

Scot Webb, Architect

Mailing Address *

103 West Walnut Street

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

523-3838

Email Address

scott@scottwebbarchitect.com

Owner Information

Name *

Peter & Constance McCarthy

Mailing Address *

6073 Contreras Road

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

431-1920

Email Address

pecomcc@gmail.com

Engineer/Surveyor Information

Name *

Bayer Becker / David Douglas Smith P.S.

Mailing Address *

318 S College Ave. / 910 Marilyn Drive

City, State & Zip Code *

Oxford, Ohio 56045

Telephone Number *

523-4270/523-9964

Email Address

ettareed@bayerbecker.com

Location and Lot Information

Name of Subdivision *

Location of Property *

Legal Description *

5990 Contreras Road

H4100016000047 - Survey Attached

Zoning District *

R-1B

Total Area *

1

Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05¹) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

- O. Other information as required by the Planning Commission or Council.
- (7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.
- (8) Other. Photographs of the existing site and its surroundings.
- (b) Final Plan.
- (1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.
 - (2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer
 - (3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.
 - (4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

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.

Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06¹.

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are \$470.00 plus \$100.00 per acre, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *

Date *

Handwritten signature and date "11/4/19" over a horizontal line.

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 containing all required information as attachments and a check for fees and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, 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).**

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

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

Sam Perry, Community Development Director
City of Oxford
Municipal Building
15 South College Avenue
Oxford, Ohio 45056



**SCOTT
WEBB**

A R C H I T E C T

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

**Re: Proposed Change to an Approved Planned Development
5990 Contreras Road**

October 28, 2019

Mr. Perry,

My clients have asked me to present a proposed change to the approved Planned Development at 5990 Contreras Road as shown on the attached drawings.

This application seeks to modify existing PUD Ordinance 3506. In lieu of the previously approved multi-family and professional office use, the applicant proposes to:

1. Separate the one acre lot into two separate lots. Lot B to be .6 acres that includes the current 5000 SF house. Lot A is .4 acres and includes the detached garage. A survey indicating the boundary lines of each lot is enclosed.
2. Use of the existing house to be non-owner occupied short term rental, residential, and to maintain the existing rental permit for 5. Five short term rental suites are proposed, in keeping with the current rental permit. The intent is to market five self-contained guest suites for stays less than 14 days as the primary use. Occasionally guests request a stay of longer than 14 days so we request that the existing rental permit remain active. The enclosed floor plan indicates the size and general layout of each suite. Site plan shows on-site parking for five spaces (a reduction from the previous PUD submission) on Lot A.
 - a. Studio Suite 555 SF.
 - b. Family Suite 791 SF
 - c. Master Suite 440 SF
 - d. Family Suite 1150 SF
 - e. Master Suite 816 SF
3. Lot B to include a future residence meeting all requirements of the R1B district.

Based on the decision standards as addressed below, we feel this could be approved as a Minor Change to an Approved Planned Development.

The attached Site Plan shows the proposed lot split and its effect on the dimensional requirements of the Approved Planned Development

Also attached is a narrative statement from the owners regarding the proposed changes and drawings of the interior alterations of the existing historic house.

1145.10 Changes to a Planned Development

The definition of a Minor Change to a Planned Development is clearly outlined in this chapter of the Zoning Code, and as decisions standards, are addressed as follows:

(1) Does not change the Use

As the site was approved for either (2) dwelling units with a max. 2,500 s.f. professional office or (3) dwelling units. The application at hand proposes a minor modification in how the (3) dwelling unit option could be realized on the site, making it available as a non-owner occupied short term rental.

(2) Are of a magnitude that will not substantially alter the appearance of development from off of the site

The proposed change does not affect the appearance of the original historic house and is in fact reduces the changes that may be required for a conversion to a commercial use.

The additional building lot is reflective of the lot sizes in the neighborhood and complies with the requirements of the underlying zoning district, compatible with the neighborhood.

(3) Will not substantially or detrimentally affect the provision of public services to the site or general vicinity

The proposed minor changes will not change the provision of public services.

(4) Will not substantially or detrimentally increase potential demand on public or private utilities.

All utilities are available on the site or in the street.

(5) Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties or the neighborhood.

While the proposed change would result in construction of an additional single family residence, the elimination of the potential commercial use will reduce the potential negative impacts on the neighborhood

(6) Are not contrary to and in no way diminish the intent of the originally approved plan.

The proposed change is represents a minor reconfiguration of one available option of the approved Planned Development.

Thank you for your consideration of this proposal. If you have any questions or need any additional information, please call.

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a light blue horizontal line.

Scott Webb, Architect

Peter & Connie McCarthy
6073 Contreras Rd.
Oxford, OH 45056
e: pecomcc@gmail.com

City of Oxford
Community Development Department
15 South College Ave.
Oxford, OH 45056
Attn: Mr. Sam Perry, Community Development Director

Dear Mr. Perry:

This application is being made on behalf of the buyers of proposed Lot B, Kelly & Dan Umbstead, long time Oxford residents. We began limited short term rental use of the studio apartment in 2015 while the house was for sale. We found that STR use created much less wear and tear on the house than our experience with long term tenants. In 2017, the short term rental use was expanded to the upstairs in the main house as our STR demand steadily grew and we continued to market the house. The second floor lobby created a natural division between suites. Locks with keypad devices were installed allowing for two separate guest suites that share the lobby. The three suites provided clean, comfortable, reasonably priced, safe accommodations that are marketed primarily to Miami parents, in a beautiful setting that is within walking distance of Oxford and Miami's campus. Over the past two years demand continued to grow (with many repeat customers) and we found that we enjoyed the STR business. As was the case with the apartment, wear and tear on our house was minimal, and this seemed to be a great use for our historic home.

All safety devices required by the City of Oxford for long term rentals are installed in each suite including smoke detectors, CO2 monitors, fire extinguishers, etc. No meals are prepared for guests, although a gift basket filled with fresh muffins, fruit, and breakfast bars is offered. To date, no complaints from the neighborhood have been received. Guests are required to sign off on a set of house rules (details below) prior to booking. What began as a hobby has grown into a viable business that helps to meet the increasing housing demand for travelers to Oxford. We actively promote local restaurants, attractions such as the Oxford Community Arts Center, and Miami University through our guidebook and verbal conversations with guests.

The first floor is currently vacant. This application proposes dividing the first floor into two additional guest suites, including one with a full kitchen. Separate entrances with keypad access will be installed and the suites will include safety devices consistent with what is provided in the current three suites. Construction to create the two new suites is limited to two bathrooms

with no demolition of the house's historic features. No significant modifications to the building exterior will be made.

On site parking is planned to accommodate five to seven guest vehicles. Additional parking is available along Jacqueline Drive.

We currently advertise on two platforms – AirBnB and VRBO/Homeaway. Both of these platforms require guests to sign off on the owner's House Rules prior to booking. Our House Rules are clearly stated on both platforms –

No Smoking

No Additional Guests without prior approval

No Excessive Noise

No Parties

No Pets

We feel the proposed plan is less impactful to the existing neighborhood than the previously approved PUD since only residential use is proposed. The location of the house is in a barrier zone between the business district at Lynn Avenue and the residential district to the west on Contreras Rd. This barrier zone includes a large multi-family complex to the east, and a multi-family PUD to the south. The property is also adjacent to single family residences (one being a student rental). This location is well suited for a bed and breakfast style short term rental.

The proposed plan is consistent with the goal of the previous PUD – that being to allow an income producing use that will help preserve this historic home that has had a rich history in the City of Oxford. We have found short term rental use to have much less wear and tear on the home than long term rental use. Because the suites are spacious, we have been able to accommodate many international families who are visiting their student during Miami breaks. These families tend to stay for longer periods, up to a month. We request maintaining our current permit for five unrelated persons to accommodate these types of situations.

It is the Umbstead's intent to continue the business model described above. The current professional office use and separate apartment use for the PUD can be removed in favor of this less impactful plan.

Sincerely,


Peter & Connie McCarthy

SITE DESIGN

SECTION 145.12

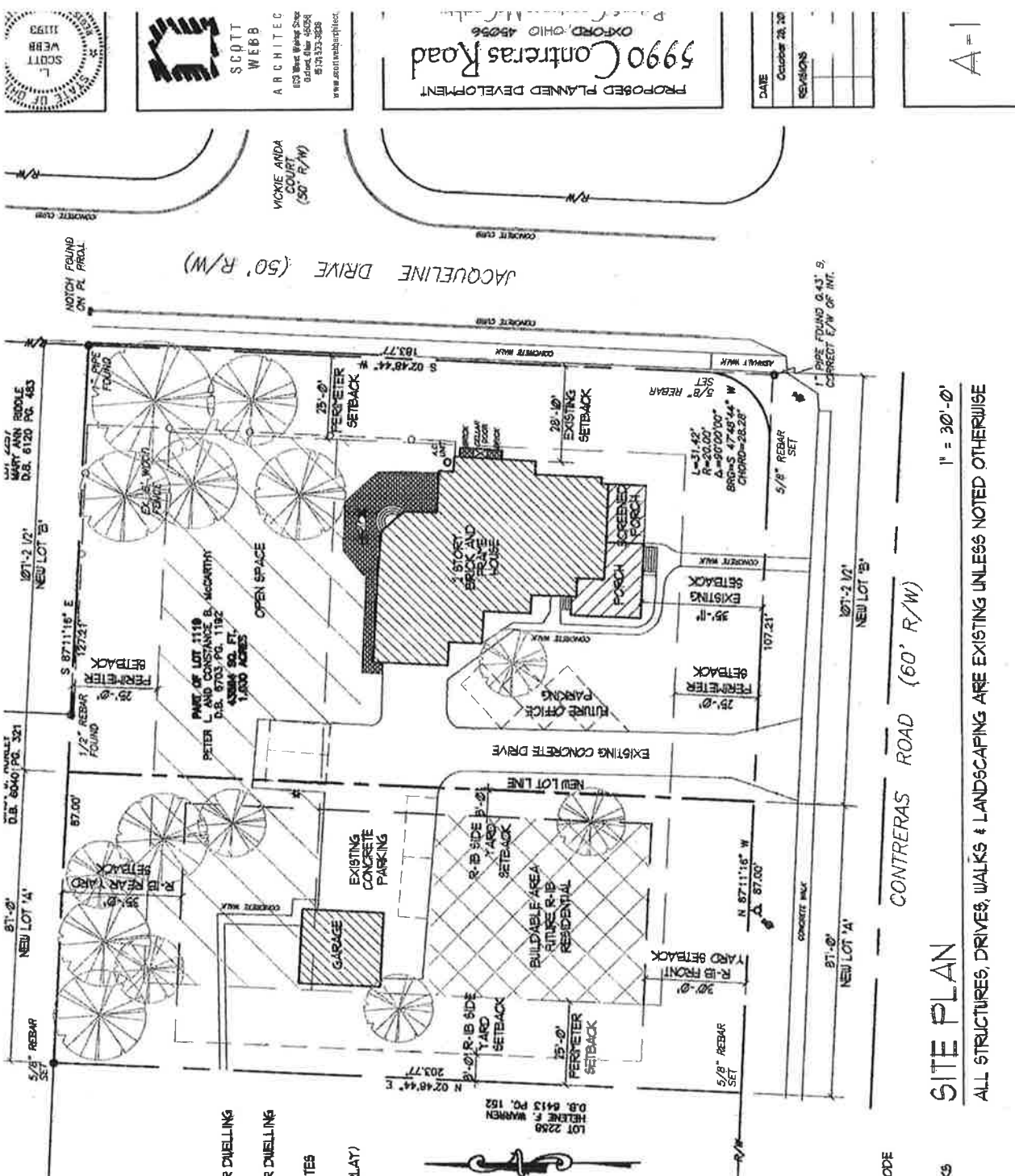
LAND AREA: 43,564 SF. (1 ACRE)
 LAND USE: LOT A: 1728 SF. (4 ACRES)
 R-B SINGLE-FAMILY RESIDENTIAL
 LAND USE: LOT B: 25,236 SF. (593 ACRES)
 NON-OWNER OCCUPIED SHORT TERM RENTAL

APPROVED MAX. RESIDENTIAL DENSITY:
 (6) UNRELATED OCCUPANTS * (3) DUELLING UNITS MAX (2) PER DUELLING
 PROPOSED RESIDENTIAL DENSITY:
 (6) UNRELATED OCCUPANTS * (3) DUELLING UNITS MAX (2) PER DUELLING
 LOT A: PERMITTED FOR (3) UNRELATED OCCUPANTS
 (5) NON-OWNER OCCUPIED SHORT TERM RENTAL SUITES
 LOT B: R-B SINGLE FAMILY LOT
 (2) UNRELATED OCCUPANTS (NEIGHBORHOOD OVERLAY)

DIMENSIONAL REGULATIONS:
 BUILDING HEIGHT MAX. 35' (UNDERLYING ZONING DISTRICT)
 FRONT SETBACK 30' (UNDERLYING ZONING DISTRICT)
 REQUIRED PERMETER SETBACK = 25'
 OPEN SPACE:
 MIN 20% OF LOT NOT INCLUDING SETBACK AREAS
 9,362 SF. OPEN SPACE AREA = 18.2%

LOT COVERAGE:
 MAX. 25% ENCLOSED BUILDINGS
 3,491 SF. EXISTING RESIDENCE
 5,300 SF. EXISTING ACCESSORY STRUCTURE
 4,021 SF. = 9.25%
 6,810 SF. AVAILABLE FOR FUTURE
 R-B RESIDENCE
 MAX. 35% LOT TOTAL
 4,021 SF. = ENCLOSED BUILDINGS
 5,301 SF. = DRIVES, SIDEWALKS & PATIOS
 3,418 SF. = 21.62% EXISTING
 + 1,253 SF. = FUTURE RESIDENTIAL PARKING
 10,610 SF. = 24.45% TOTAL EXISTING
 4,511 SF. AVAILABLE LOT COVERAGE
 FOR FUTURE R-B RESIDENCE

ENVIRONMENTAL:
 100' NATURAL BUFFER FROM NATURAL SURFACE WATER - N/A
 LANDSCAPING & SCREENING:
 EXISTING MATURE TREES EXCEEDS MINIMUMS OF THE ZONING CODE
 ACCESS & MOBILITY:
 DIRECT ACCESS FROM COLLECTOR OR ARTERIAL ROAD
 PEDESTRIAN CONNECTIVITY PROVIDED BY EXISTING SIDEWALKS
 UTILITIES & INFRASTRUCTURE:
 NO CHANGE TO EXISTING UTILITIES OR INFRASTRUCTURE



SITE PLAN

ALL STRUCTURES, DRIVES, WALKS & LANDSCAPING ARE EXISTING UNLESS NOTED OTHERWISE

1" = 30'-0"

CONTRERAS ROAD (60' R/W)

JACQUELINE DRIVE (50' R/W)

PROPOSED PLANNED DEVELOPMENT
 5990 Contreras Road
 OXFORD, OHIO 45056

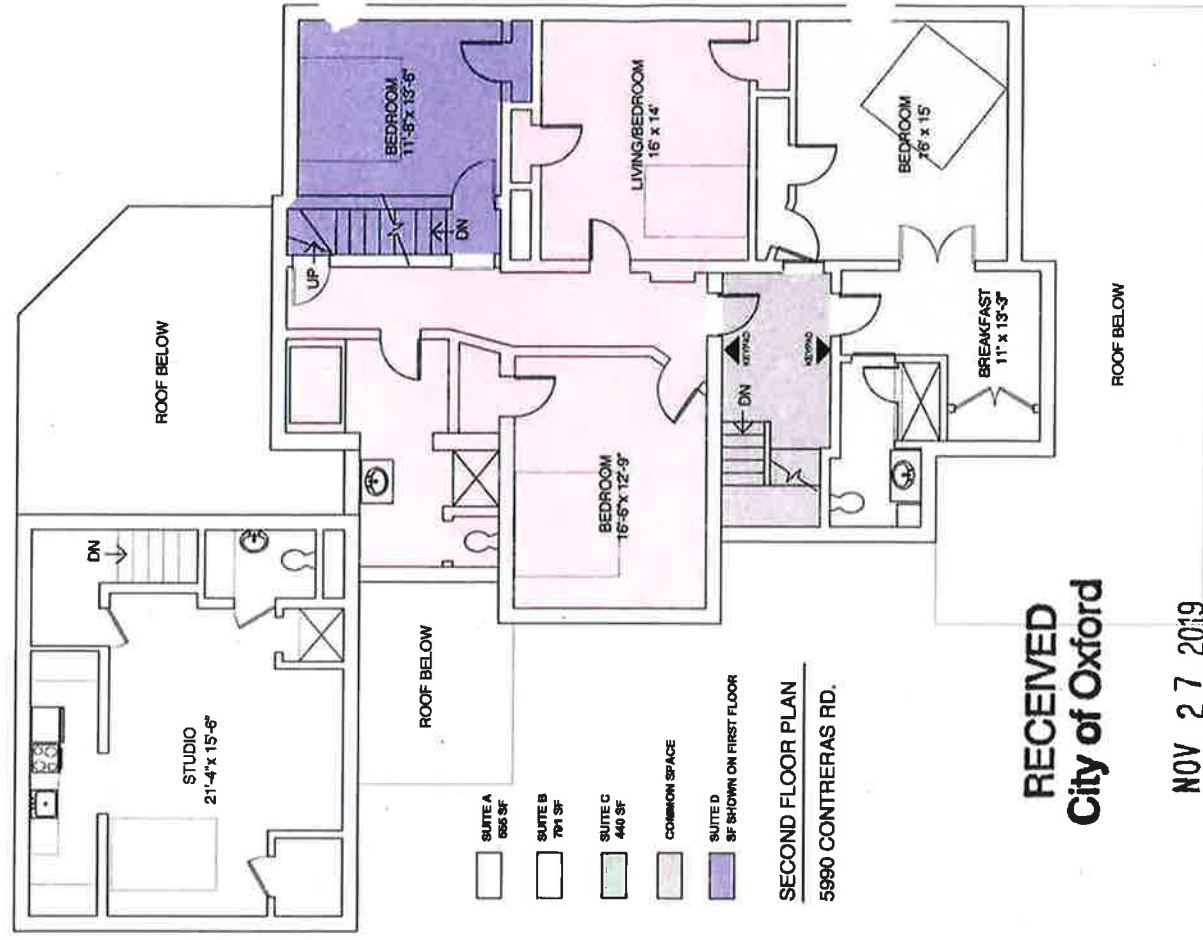
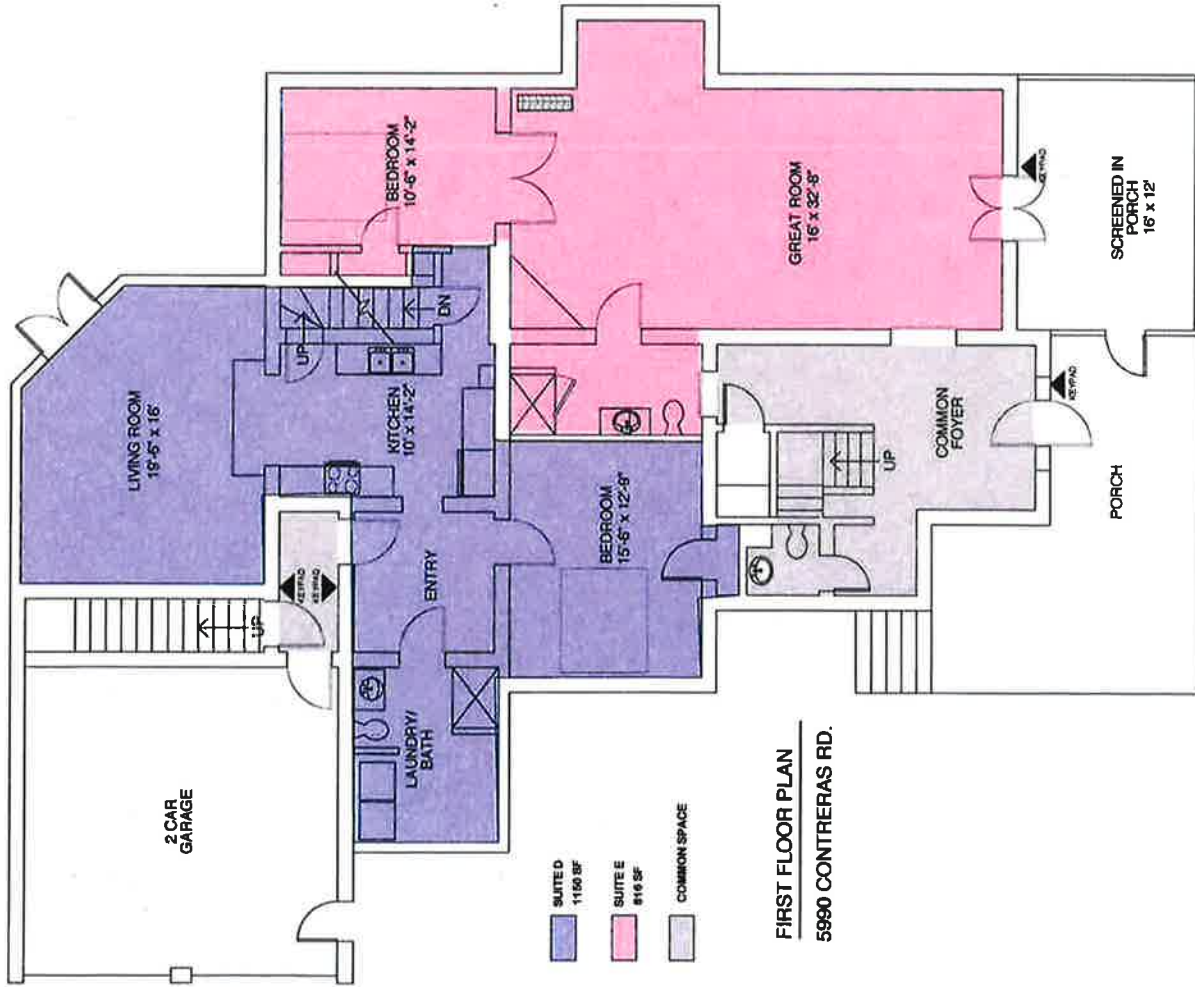
SCOTT WEBB ARCHITECT
 103 West Main Street
 Oxford, Ohio 45056
 513-323-3338
 www.scottwebbarchitect.com



DATE	October 28, 20
REVISIONS	

A=1





RECEIVED
City of Oxford

NOV 27 2019

Community Development

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

Originating Department

Council Meeting Of: Jan. 7, 2020

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: Dec. 27, 2019

Agenda Title: Aquatic Center Season Passes – Fee Update

Recommendation: Approve

The 2020 season pass fees for the Oxford Aquatic Center did not include any type of 'Family' Pass. This was due to a large volume of feedback received by the Parks and Recreation Department about how the Family pass structure was not inclusive of many families in the community. In an attempt to be as fair as possible, all passes were listed for 2020 as individual sales only, which eliminated the need to define a Family and would be equally inclusive to all members. This fee structure was supported and approved by City Council.

After direct conversations with multiple members of the community, and through over 100 comments posted on Social Media about this topic, the Parks and Recreation Department felt it best to reconsider the current pass option. The new proposal includes a "Household" Pass option. This new option allows greater flexibility to include more individuals whom live in the same household, as well as creating a more affordable option for larger households. The proposed requirements are listed below:

- Household pass includes up to 4 members of the same household
- Household Pass must include at least 1 adult, age 18+, but not more than 2 adults.
- If more than one adult is included, they must share the same permanent address.
- All minors (under age 18) listed on the Household pass must also have their parent or legal guardian listed on the Household pass.

2020 Season Passes will be available online and in-person beginning March 30, 2020.

Approved By:	Initial Date
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Department Head:	<u>CDW</u>	<u>\ 12/27/2019</u>
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City Manager:	<u>DRE</u>	<u>\ 1-3-20</u>
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ORDINANCE NO.

AN ORDINANCE AMENDING FEES AND CHARGES FOR THE FISCAL YEAR 2020.

WHEREAS, the City Manager and the Parks & Recreation Director recommend City Council amend Ordinance No. 3541, and adopt new fees for 2020, as itemized below.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Parks and Recreation Director and authorizes the amendment of the fees as contained herein. Additionally, the Council authorizes the City Manager to implement changes to existing fees or add new fees as deemed appropriate.

A. RECREATION DEPARTMENT (Residents living or working in the City of Oxford)

	<u>\$ Amount</u> <u>Residents</u>		<u>\$ Amount</u> <u>Non-residents</u>	
<u>7) AQUATIC CENTER</u>				
Season pool passes				
Household (4 or less)	210.00		231.00	
Each Additional	25.00		28.00	
Adult (18-59)	75.00	100.00	83.00	110.00
Senior (60+)	65.00	80.00	72.00	88.00
Youth (2-17)	50.00	80.00	55.00	88.00
Child under 2	FREE		FREE	

SECTION 2: This ordinance amends Ordinance No. 3541 adopted by the City of Oxford, but does not repeal the enabling language of the legislation by which these fees were previously adopted, which language shall otherwise remain in full force and effect.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY : LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 17, 2019

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 11, 2019

Date Prepared

Agenda Title: An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.14 Entitled Expanded Polystyrene Ban To Chapter 521 Entitled Health, Safety And Sanitation.

Recommendation: Adoption.

Discussion:

The proposed Ordinance bans the use of expanded (foam) polystyrene by food service operations in Oxford. It was requested by Councilors Raghu and Bracken. It is proposed to be located in Chapter 521 Health, Safety, and Sanitation of the City of Oxford's Codified Ordinances and will add a new Section 521.14 Expanded Polystyrene Ban. It includes both civil and criminal penalties for violations of this Ordinance for both individuals and organizations. It provides for a phasing out period of December 31, 2020 for national food service operations and December 31, 2021 for all other food service operations.

I did not include exemptions from this ban since I do not know what is meant by "reasonably feasible alternative". Including an exemption process would increase the City's compliance cost since the City does not have an Environmental Department. Council can simply extend the deadline by amending the Ordinance if it chooses to do so. Many of our restaurants do not use expanded (foam) polystyrene in their operations. The first step for the City would be to notify all restaurants and other food service operations.

Approved By:

Initial Date

Department Head:

City Manager:

DRE 12-13-19

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF OXFORD, OHIO BY ADDING NEW SECTION 521.14 ENTITLED EXPANDED POLYSTYRENE BAN TO CHAPTER 521 ENTITLED HEALTH, SAFETY AND SANITATION.

WHEREAS, the Constitution of the State of Ohio, in Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self- government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Oxford have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and enforce local police power regulations; and

WHEREAS, a local police power regulation only conflicts with a general law if it prescribes a rule of conduct that permits that which the state law expressly forbids, or vice versa, and does not conflict with general laws if it merely imposes a greater penalty for conduct that is prohibited by the general law, or regulates activity that is not expressly permitted by general law; and

WHEREAS, the City has substantial, legitimate interests in preserving and maintaining a high level of sanitation throughout the city by reducing visual blight and litter; and

WHEREAS, the City of Oxford has a duty to protect its natural environment, its economy, and the health of its citizens and visitors; and

WHEREAS, plastic debris and in particular expanded polystyrene is a distinctive litter concern because it is lightweight, floats, and readily migrates from land to waterways where it breaks down into small pieces to be mistaken for food by birds and other marine wildlife; and

WHEREAS, based on observation from City Council members and findings in other communities, City Council finds that polystyrene materials can and do migrate from public land to waterways, causing visual blight, litter and harming birds and other marine wildlife; and

WHEREAS, it is in the best interest of the citizens of Oxford to reduce the cost of the City's solid waste disposal and protect the environment and natural resources by discouraging the distribution and use of disposable expanded polystyrene containers such as cups, bowls, plates, and food containers, and to encourage the use of other recyclable compostable food containers associated with take-out foods; and

WHEREAS, the City of Oxford, through its policies, programs, and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the State of Ohio's waste management hierarchy to reduce, reuse, recycle, compost, and landfill.

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

SECTION 1. Oxford Codified Ordinance Section 521.14 is hereby added to read as follows:

§ 521.14 Expanded Polystyrene Ban

(A) As used in this section:

“Disposable food service ware” means single-use disposable products used in the restaurant and food service industry for serving prepared food and includes, but is not limited to, plates, trays, cups, bowls, and hinged or lidded containers (clamshells). Disposable food ware does not include straws, utensils, drink lids, or ice chests.

“Food service operation” means a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this section, “served” means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and “prepared” means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.

“Food service operation” includes a catering food service operation, food delivery sales operation, mobile food service operation, seasonal food service operation, temporary food service operation, and vending machine location.

“National food service operation” means a food service operation that is a chain of franchise or corporate owned establishments located in more than one state.

“Expanded polystyrene” means a thermoplastic petrochemical material made from a styrene monomer and expanded or blown using a gaseous agent.

“Prepared Food” means food or beverages that are packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared on the premises. It does not include any raw, uncooked meat products or fruits or vegetables unless it can be consumed without further preparation; or prepackaged food that is delivered to the food service operation wholly encased, contained or packaged in a container or wrapper, and sold or otherwise provided by the food service operation in the same container packaging.

~~“Organization” means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust or other commercial or legal entity. “Organization” does not include an entity organized as or by a governmental agency for the execution of a governmental program.~~

(B) No national food service operation shall sell or otherwise provide prepared food in expanded polystyrene disposable food service ware on or after December 31, 2020. No food service operation shall sell or otherwise provide prepared food in expanded polystyrene foam disposable food service ware on or after December 31, 2021.

(C) Organizational Liability: Pursuant to C.O. § 501.11, it is the intent to impose organizational liability for violation of this section committed by an officer, agent, or employee of a business or organization while acting on behalf of the business or organization and within the scope of the officer's, employee's or agent's office or employment.

(D) Violation of this section shall be a minor misdemeanor punishable by a fine of One-Hundred Fifty Dollars (\$150) per violation.

SECTION 2. The City Manager and the City Law Director are hereby authorized to take all actions necessary to implement and administer this Ordinance.

SECTION 3. This Ordinance is enacted pursuant to the home rule powers of the City of Oxford as set forth at Article XVIII, Section 3, of the Ohio Constitution.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: CHANTEL RAGHU

PREPARED BY: LAW (STAFF)