City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Agenda

Oxford City Council

Court House

TUESDAY, FEBRUARY 6, 2018

EXECUTIVE SESSION
None.

1. Roll call. Kate Rousmaniere, Mayor; Steve Dana - Vice Mayor; Chantel Raghu; Glenn Ellerbe; Mike Smith; David Prytherch; Edna Southard

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MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items <u>not</u> 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 <u>five</u> minutes or less.

REGULAR MEETING
7:30 P.M.

PLEDGE OF ALLEGIANCE

2. <u>Approval of Agenda.</u>

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 16, 2018 City Council Joint Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes

B. Minutes of the January 16, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes

C. Minutes of the January 30, 2018 Special City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes

D. Report regarding the January 17, 2018 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report

E. 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 $82,497.00. (John Jones, Police Chief)

Staff Report/Resolution

F. A Resolution declaring certain City property no longer needed for any municipal purpose as surplus and authorizing its advertisement and sale to the highest bidder at public auction or internet auction. (John Jones, Police Chief)

Staff Report/Resolution

5. Resolutions.

1. A Resolution repealing Resolution No. 6037 adopted January 16, 2018. (Doug Elliott, City Manager)

Staff Rpeort/Resolution

2. A Resolution to proceed with submitting the question of levying an additional tax in excess of the ten-mill limitation, as stated in Section 5705.19 and Subsection 5705.19(H) as amended, of the Ohio Revised Code, for Parks and Recreational purposes, which levy shall be Three and Twenty Five Hundredths (3.25) mills to run for ten (10) years, and declaring the question of the additional tax levy shall be submitted to the electors at the Primary Election to be held May 8, 2018. (Doug Elliott, City Manager)

Staff Report/Resolution

3. A Resolution authorizing the City Manager to permit the Oxford Farmers Association to allow a Farmer's Market vendor to sell tasting samples of wine for consumption on premises, and wine in sealed containers for consumption off the premises of the Oxford Farmers Market with conditions. (Doug Elliott, City Manager)

Staff Report/Resolution

4. A Resolution approving the 2018 Butler County Solid Waste Management Plan. (Mike Dreisbach, Service Director)

Staff Report/Resolution

5. A Resolution authorizing the City Manager and the Finance Director to release a payment in the amount of $54,664.27, payable to 4-Leaf Development, LLC, for reimbursement of eligible expenses related to the construction of a secondary access road connecting with Southpointe Parkway as defined in the development agreement attached hereto as Exhibit "A". (Mike Dreisbach, Service Director)

Staff Report/Resolution

6. A Resolution appointing Vice Mayor, Steve Dana as Council representative to the Supports to Encourage Low-Income Families (SELF) Board. (Kate Rousmaniere, Mayor)

Staff Report/Resolution

7. A Resolution repealing Resolution No. 4262 adopted June 19, 2007 and adopting new Rules of Order for the Oxford Recreation Board. (Casey Wooddell, Parks and Recreation Director)

Staff Report/Resolution

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

   A. First Reading - None.

   B. Second Reading - None.

7. A. Announcements & Communications.

1. Remarks from City Council and City Staff.

B. 1. Future Meetings.

WED - Feb 7 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

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

THUR -Feb 8 Civil Rights Commission Meeting 4:00 p.m. Lane Library

TUES - Feb 13 Planning Commission Meeting Cancelled

THUR - Feb 15 Recreation Board Meeting 4:00 p.m. Senior Center

THUR - Feb 15 Police Community Relations & Review Commission 7:00 p.m.

FRI - Feb 16 Student Community Relations Commission Meeting 2:30 p.m. LCNB

MON - Feb 19 Holiday - City Offices Closed

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

WED - Feb 21 Board of Zoning Appeals Meeting 6:30 p.m.

8. Adjourn.

A Joint Work Session of the Oxford City Council and the Historic and Architectural Preservation Commission was called to order by Mayor, Kate Rousmaniere on Tuesday, January 16, 2018 at 6:30 p.m. Council members present were Steve Dana, Glenn Ellerbe, David Prytherch, Chantel Raghu, Mike Smith and Edna Southard. HAPC members present were Mike Kohus, Bobbe Burke, Kelsey Stryffe, Lynn Kronholm and Chris Skoglind. Ms. Southard serves on the HAPC as their Council Representative.

Staff members present: Doug Elliott, City Manger; Jung-Han Chen, Community Development Director; Sam Perry, Planner; Joe Newlin, Finance Director; Alan Kyger, Economic Development Director; Steve McHugh, Law Director and Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

Ms. Southard moved to approve the agenda. Mr. Dana seconded. The motion carried 7-0-0.

PURPOSE

The purpose of the Work Session was for Council to receive information on the Uptown District Inventory and for Council to provide the HAPC with direction for their work in 2018.

PRESENTATION

Mr. Smith as a former member of the HAPC and former Council Representative on the HAPC presented a PowerPoint and discussed the work of the HAPC from 2015 to present. Mr. Smith noted in 2016 and 2017 a subcommittee of the HAPC created a model for an inventory of Uptown sites based on direction from Council in 2015. Mr. Smith advised the model was presented to the full commission and in August of 2017 public outreach occurred to invite district property owners and other interested parties to Open Houses held at the Lane Library and at the Oxford Courthouse for people to review the Inventory and provide feedback. Mr. Smith showed a slide of the 3 Oxford Historic Districts which include the University Historic District, the Uptown Historic District and the Western Historic District. Mr. Smith advised the purpose of the inventory was to follow 2015 direction from City Council, to complete information gaps in the Uptown District, to improve the Certificate of Appropriateness (COA) process and to look for themes to emerge for future focus. Mr. Smith noted there were 156 total sites in the inventory which covered 46 acres and an 8-10 City block area. Mr. Smith advised each site was categorized as one of the following: Historic, Non Historic Contributing, Historic Non Contributing or Non Contributing.

Mr. Smith discussed possible next steps for the HAPC which included Council adopting the new inventory as an amendment to the existing HAPC Guidelines, updating the Guidelines to reflect overall district architecture and materials and to make some code revisions with respect to terminology and demolition criteria.

Mr. Smith referred to a possible Guidelines Update and suggested it include guidance for styles and buildings beyond High Street and contain additional guidance for common projects such as signs, fences and siding and window replacements.

Mr. Smith discussed future planning initiatives and 2018 work priorities and goals for the HAPC.

Discussion took place between members of Council, staff and Mr. Kohus, the HAPC Chair. Mayor Rousmaniere referred to the possible next steps for the HAPC and suggested adding "To Promote Public Awareness".

The consensus of Council and staff was for Council to adopt the new inventory by Resolution at a Council meeting in February, 2018 and for the HAPC to work with the Planning Commission to initiate any necessary zoning code text amendments.

Mr. Dana moved to adjourn at 7:18 p.m. Mr. Smith seconded. The motion carried 7-0-0.

A regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, January 16, 2018 at 7:30 p.m. Those members present were Steve Dana, Glenn Ellerbe, David Prytherch, Chantel Raghu, Mike Smith and Edna Southard.

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

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION
NU ALPHA WEEK

Mayor Rousmaniere read the Proclamation and presented it to Ms. Jean Luechauer, Chapter Founder, who was in attendance with other chapter members.

Ms. Jean Luechauer, thanked Mayor Rousmaniere and Council for the Proclamation and noted a meeting took place last night to celebrate their 50th anniversary and she told everyone the highlight of her sorority time was Chartering this Chapter and having it last this long. Ms. Luechauer advised the Nu Alpha Chapter of the Delta Theta Tau sorority had done many things for organizations within the community and she was very proud of that.

Mayor Rousmaniere thanked the sorority for all the work they do.

NOTICE TO LEGISLATIVE AUTHORITY

Transfer permit from Stella 12 Beech LLC DBA Stella 12 Beech 1st Floor 12 S. Beech Oxford, Ohio 45056 to Soaring A&R LLC 1st Floor 12 S. Beech Oxford, Ohio 45056. (Alan Kyger, Economic Development Director)

Mr. Kyger explained this was a liquor permit transfer due to the business changing hands. Mr. Kyger noted the permit was for beer, wine, liquor and Sunday sales.

Ms. Southard moved to accept the notice without comment. Mr. Dana seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Mr. Sam Perry, 8953 Simpson Road, College Corner, Ohio, noted he was speaking on behalf of the Oxford Day of Prayer Committee and advised it would take place on May 3, 2018, the same day as National Day of Prayer. Mr. Perry noted a breakfast would be held at the Elms Hotel that Thursday morning for City leaders. Mr. Perry advised it was a no strings attached breakfast and a prayer would be given to honor and support City leaders. Mr. Perry noted invitations would be delivered to the invitees.

Ms. Amy Macechko, 110 Prevalent Drive, noted she was in attendance as the project coordinator for the Coalition for a Healthy Community to thank Council and staff for all of their support of the Coalition's work. Ms. Macechko noted the financial commitment, people power and general support has been overwhelming. Ms. Macechko noted the Coalition's Mental Health Work Group has been very intentional about providing Mental Health First Aid Trainings for as many members of the community as possible. Ms. Macechko advised the Coalition was fortunate to have folks from Montgomery County provide a training for Public Safety Officials. Ms. Macechko noted 24 individuals from the City, Miami University and from a few surrounding areas gave up 8 hours of their day to be intentional about learning skills so they can better help the folks they serve in the community. Ms. Macechko thanked Chief Jones for getting the word out to all of the agencies and for rallying everyone to attend. Ms. Macechko advised it was a wonderful day of learning for all involved.

CONSENT AGENDA

MINUTES

Minutes of the January 2, 2018 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the January 2, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the January 3, 2018 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the January 3, 2018 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

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

RESOLUTIONS

RESOLUTION
TAX LEVY

A Resolution No. 6037 declaring it necessary to levy an additional tax in excess of the ten-mill limitation, as stated in Section 5705.19 and Subsection 5705.19(H) as amended, of the Ohio Revised Code, for Parks and Recreational purposes, which levy shall be Three and Twenty Five Hundredths (3.25) Mills to run for ten (10) years, and declaring the question of the additional tax levy shall be submitted to the electors at the Primary Election to be held May 8, 2018. (Doug Elliott, City Manager)

Mr. Elliott advised City Council held a Work Session in December and one item discussed was funding for the Oxford Area Trail. Mr. Elliott noted as a result of that discussion Council requested legislation to place an additional property tax levy on the May 8, 2018 ballot. Mr. Elliott advised the purpose for the proposed levy is the Oxford Area Trail and the legislation states for Parks and Recreational purposes which follows the Ohio Revised Code for levies in excess of the ten mill limit adopted by Municipalities. Mr. Elliott noted at the January 2 meeting Council adopted three resolutions for 3 different tax rates, 2.5 mills, 3.25 mills and 3.65 mills all 3 for 10 years. Mr. Elliott advised the City received the Butler County Auditor's certificates of estimated property tax revenues for the 3 resolutions so Council would have some options given the tight time limit to place a levy on the May ballot. Mr. Elliott noted it is estimated the first levy will generate $808,819 each year, the second will generate $1,051,465 each year and the third will generate $1,180,876 each year. Mr. Elliott advised he and the Finance Director recommend Council adopt the 3.25 mill levy rate to provide sufficient funds to meet the future revenue requirements of the OAT project. Mr. Elliott noted if Council chooses the higher or lower levy rate staff would provide substitute legislation. Mr. Elliott advised the legislation must be adopted and submitted to the Butler County Board of Elections before February 7, 2018 to appear on the Primary Ballot May 8, 2018. Mr. Elliott referred to pages 28-29 of Council's packet and explained the financial impact for people. Mr. Elliott advised if Council chooses to adopt legislation tonight to move forward with the levy the message needed to get out to the public because it is an additional levy.

Ms. Jessica Greene, Enjoy Oxford, noted she was in attendance as a member of the Oxford Area Trails Committee and advised this was very exciting. Ms. Greene noted the committee has worked on this project off and on for 30 years. Ms. Greene advised the Oxford Area Trails committee was willing to lead and educate the public about this initiative and already have donors to help with advertising and signage.

Mr. Mark Boardman, 4385 Harris Road, noted he was in attendance of behalf of the Three Valley Conservation Trust and in addition he personally supported the trail system. Mr. Boardman advised this was a question of quality of life and it was something for the future. Mr. Boardman noted the trail would take years to complete but at the end it is going to be a huge benefit. Mr. Boardman urged Council to adopt the legislation noting it was a legacy of conservation and a legacy of quality of life that Council could add to.

Mr. Jon Ralinovsky, 3 Peabody Drive, advised he would be happy to serve on a committee to help educate the public about the proposed levy should Council choose to approve it.

Mr. Chris Adrian, 517 Winding Brook Drive, advised he was a longtime biker. Mr. Adrian noted he wanted to compete with Mr. Ralinovsky in helping to educate the public. Mr. Adrian noted he worked on the school levy and he felt the new High School was a benefit to the town and a legacy for the future. Mr. Adrian advised as a biker he was not really a trail person but he sees it as a huge benefit to the community. Mr. Adrian noted when he has been on the trail he sees a variety of people using it and it was something that can touch so many people in the community.

Mr. Dana advised he felt the recommended millage had been very carefully thought through and all the factors had been weighed. Mr. Dana noted he was a strong proponent of the proposition submitted by the City Manager.

Ms. Southard agreed with Mr. Dana and noted her hope the proposed levy moves forward.

Mayor Rousmaniere referred to pages 28-29 of Council's packet and noted she would like clarification with regard to costs of the levy for people who live in their home, rent a home and for businesses. Mr. Elliott advised in general the 10% reduction applies to farmland and residential property containing single family, two family or three family dwellings. Mr. Elliott noted staff could talk to the county auditor for further clarification. Mr. Elliott advised the 2.5% rollback is for an owner occupied dwelling.

Mr. McHugh noted all the properties would be taxed and the category would be for residential or commercial.

Mr. Elliott noted Oxford had the lowest property tax rate in the county and the highest income tax rate which includes a 1% school tax and a 2% City tax.

Mr. Ellerbe inquired what Oxford's property tax rate would be if the proposed levy passes and Mr. Elliott advised he would research the issue and get back to Council.

Mr. Prytherch thanked everyone who helped get this project to where it is today noting it had been a conversation for a very long time, people worked very hard to envision it and worked hard to make sure it was included in the Comprehensive Plan. Mr. Prytherch noted like all good plans it did not implement itself, there were lulls and the baton was passed to new people along the way. Mr. Prytherch noted he felt incredible progress was made absent a dedicated funding stream through the initiative of citizens. Mr. Prytherch advised he felt Phase I was an incredible community asset. Mr. Prytherch noted Council was not passing a tax levy they were asking the voters if this was a priority and it was up to the voters to say whether or not this is a priority to them. Mr. Prytherch advised he felt the trail was connectivity and it was an economic development tool that brings visitation to Oxford. Mr. Prytherch noted he did not doubt the trail would raise property values. Mr. Prytherch advised he felt the 3.25 rate was a good number that allows Oxford to apply for the big grants to bring money in for the trail.

Mr. Dana moved to adopt Resolution No. 6037. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION
AMENDING THE BAYER & BECKER CONTRACT

A Resolution No. 6038 authorizing the City Manager to amend the existing professional services contract with Bayer & Becker, Inc. a copy of which is attached hereto as Exhibit "A" for the design of the OATS Trail Phase II at a cost of $246,205.00 plus a contingency amount of 2.35% of the contract price or $5,795.00 for a total cost not to exceed $252,000.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised this resolution piggybacks on the resolution Council just approved as it will help design and engineer the next segment of the trail to be constructed in 2019 and 2020. Mr. Dreisbach provided a PowerPoint and noted this segment will ultimately connect SR73 by the Water Treatment Plant and Ditmer Field along Four Mile Creek, across Collins Run and come out to US27 at Peffer Park. Mr. Dreisbach advised the design will include 2 options, one would connect the Ditmer parking lot with the trail and the other would connect the Art Museum with the trail. Mr. Dreisbach noted design and engineering costs for both options are included in the proposed resolution. Mr. Dreisbach advised this segment will build approximately 8,000 linear feet which would be a 10 foot wide asphalt trail that easily accommodates a bicycle in one direction and two people walking in the other. Mr. Dreisbach thanked Sam Perry, Jung-Han Chen and Jessica Greene for keeping the funds rolling and keeping the project moving forward. Mr. Dreisbach noted they were successful in getting a $750,000 grant from OKI. Mr. Dreisbach congratulated City Engineer, Victor Popuscu who has qualified with ODOT for LPA status which will save 10% of the project costs. Mr. Dreisbach noted this segment of the trail was expected to cost 1.2 million dollars and the City had a substantial commitment from Miami University to help with the local match on this project as they will benefit from it greatly. Mr. Dreisbach advised the design and engineering will include improvements at the 73 parking lot at the DeWitt Cabin such as a kiosk with information for visitors, a sitting wall and improved parking areas. Mr. Dreisbach noted the proposed resolution will cover the costs of engineering and design for the next segment of the trail and Bayer Becker was the selected vendor advising they designed the last phase through an extensive and exhaustive RFQ process and they were a local engineering firm. Mr. Dreisbach noted Bayer Becker partnered with Stantec who will provide the geotechnical and structural work for the project as there are two bridges involved on this segment of the trail. Mr. Dreisbach advised the costs for this segment were higher than what was budgeted almost a year ago so this resolution goes hand in hand with the Supplemental Budget that Council will be asked to approve for second reading this evening. Mr. Dreisbach noted if Council approves the proposed resolution the Supplement Budget will need to be approved as well to proceed with the project.

Mayor Rousmaniere inquired if the trail segment was going underneath SR73.

Ms. Etta Reed, Bayer Becker, advised yes, it was going over Four Mile, under 73, under 27 and over Collins Run. Ms. Reed noted Stantec will also provide environmental services because of the large streams and creeks involved.

Ms. Southard noted this segment will link with the Miami Natural Area paths which is a very valuable resource in the community for hikers.

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

Mr. Dana referred to page 44-47 of Council's packet and noted he felt the environmental review is very impressive which makes this a strong proposal.

Mr. Prytherch noted it was wonderful that Mr. Popescu obtained the LPA status as it would allow additional money to be spent on the trail and design. Mr. Prytherch noted he was pleased to have good local engineering expertise.

Mr. Dana moved to adopt Resolution No. 6038. Mr. Smith seconded. The motion passed 7-0-0.

RESOLUTION
CUSTODIAL SERVICES

A Resolution No. 6039 authorizing the City Manager to enter into a contract with Mid-American Cleaning Contractors, Inc. to provide custodial services for the Oxford Parks and Recreation Department at the costs outlined in Exhibit "A" attached hereto. (Casey Wooddell, Parks and Recreation Director)

Mr. Wooddell noted the proposed Resolution would allow the Parks and Recreation Department to contract their housekeeping and custodial services at the TRI Community Center and the municipal pool. Mr. Wooddell advised over the past few years it had been difficult to retain in-house employees for this position. Mr. Wooddell noted the Talawanda School District used the services of Mid-American Cleaning Contractors and local employees and supervisors were in Oxford everyday of the week.

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

Mr. Dana noted he felt Mid-American Cleaning Contractors had a good track record especially since they service other entities in Oxford.

Mayor Rousmaniere asked for clarification regarding the need to contract these services. Mr. Wooddell advised it had been difficult to retain employees in this position and there had been 6 in the position over the last 2 years. Mr. Wooddell noted the money spent hiring, recruiting and training for this position would be better spent on using a contractor.

Mr. Elliott noted this was a part-time position with no benefits and he felt that was part of the reason for the high turn-over in employees.

Ms. Raghu noted there was some controversy when Talawanda hired this contractor because some School District Employees lost their jobs. Ms. Raghu inquired if the City had any control over which employees were selected by Mid-American to work for the City and Mr. Wooddell advised no.

Mr. Smith moved to adopt Resolution No. 6039. Mr. Dana seconded. The motion passed 6-1-0 with Ms. Raghu voting nay.

**RESOLUTION
AGREEMENT WITH
NUPARK, INC.**

A Resolution No. 6040 authorizing the City Manager to enter into an agreement with NUPARK, INC. for the purchase of an Automated License Plate Recognition (ALPR) Parking Management System through the National Cooperative Purchasing Alliance (Contract #05-17) at a cost not to exceed $63,775.00. (John Jones, Police Chief)

Chief Jones advised OPD was responsible for managing the Parking Unit which manages the public resource of parking in Oxford. Chief Jones advised OPD needed to upgrade their parking software in order to improve certain customer services related items and to improve the effectiveness of enforcement. Chief Jones noted along with the software OPD needed a new automated license plate recognition system as the existing one failed and has been out of service for a year. Chief Jones advised staff evaluated three software vendors and the current vendor on their ability to meet OPD's list of requirements as well as future integration abilities with technological upgrades such as pay-by-phone services, online citation payments and appeals, and multi-space meters. Chief Jones noted NuPark was determined to best fulfill all of the requirements needed of a LPR parking management system and was the most economical. Chief Jones advised staff felt the new system would improve enforcement, encourage turnover and meet the goals of the Parking Unit.

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

Mr. Ellerbe inquired what Chief Jones felt the payback period would be on the new device. Chief Jones advised approximately a month once the APLR was activated and up and running. Mr. Ellerbe inquired if the app would warn people of their meter expiration and Chief Jones advised it would be a third party app but he felt that was possible.

Mr. Prytherch asked Chief Jones to remind him how enforcement works with the ALPR. Chief Jones advised an alert is received in the parking vehicle when the ALPR detects a vehicle with outstanding parking tickets. Chief Jones noted the Parking Control employee would verify the information and take the appropriate action. Mr. Prytherch inquired if the ALPR could be used to detect vehicles parked over the time limit and Chief Jones advised yes. Mr. Prytherch noted turnover in parking was key for economic development and for the vibrancy of Uptown Oxford.

Ms. Raghu inquired if the proposed system would eventually be outdated. Chief Jones advised the proposed parking software was very up and coming and he did not think it would be outdated very quickly.

Mr. Ellerbe moved to adopt Resolution No. 6040. Ms. Southard seconded. The motion passed 7-0-0.

ORDINANCES
SECOND READING

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance No. 3460 Approving A Conditional Use Permit To Allow For The Expansion Of A Place Of Worship In The MU (Miami University) District At 800 Maple Street, Oxford, Ohio 45056 With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised he had no new information since the first reading of the proposed Ordinance and asked for Council's approval of the Planning Commission's recommendations.

Mr. Garrett Nates, Pastor of Oxford Bible Fellowship, advised he had noting new to add.

Mr. Dana inquired if the issue of signage was resolved and Mr. Chen advised the applicant would follow the zoning code which allows one sign on the site in question. Pastor Nates added that the sign would be placed on Maple Street rather than on Chestnut Street.

Mr. Vincent Hand, thanked Pastor Nates for taking into consideration the concerns of the neighborhood.

Mayor Rousmaniere noted Council appreciates the communication between all involved regarding the proposed redevelopment.

Mr. Dana moved to adopt Ordinance No. 3460. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3461 Amending Ordinance No. 3449. Supplemental Budget Ordinance Number 1 To Make Supplemental Appropriations For Fiscal Year 2018. (Joe Newlin, Finance Director)

Mr. Newlin referred to page 117 of Council's packet and explained the adjustment Mr. Dreisbach mentioned with regard to OAT funding.

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

Ms. Southard moved to adopt Ordinance No. 3461. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. Prytherch
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott noted he would address the issue of sidewalks and snow removal. Mr. Elliott advised the City has 64.5 miles of sidewalk excluding Miami University sidewalks and of that total 24.8 miles are in the Mile Square. Mr. Elliott noted things to keep in mind were how to effectively accomplish the task of snow removal and how to pay for it. Mr. Elliott advised one option was to pay a contractor to plow the snow and the other option was to purchase the equipment and hire additional staff. Mr. Elliott noted it could be paid for through special or betterment assessment on Mile Square property owners. Mr. Elliott advised the other option is to use General Fund dollars which raises an issue of equity if the City does not clean all sidewalks or if a person lives in a neighborhood without sidewalks. Mr. Elliott noted any of the options would add significant costs to the City depending on the miles of sidewalk serviced, the amount and frequency of snowfall and the extent of voluntary compliance. Mr. Elliott advised the City has never budgeted for snow removal on sidewalks and he estimated it would cost $10,000-$15,000 to clear one snow event. Mr. Elliott noted the City had Ordinances that require property owners or occupants with abutting lands to keep their sidewalk free of ice and snow and if violated a person would be guilty of a minor misdemeanor. Mr. Elliott advised he would not address the court cases surrounding similar Ordinances at this time. Mr. Elliott noted each year the City reminds citizens of their responsibility to keep their sidewalks free from ice and snow and presently the City does not cite anyone for failure to comply. Mr. Elliott advised Mr. Dreisbach created a chart that indicates how other cities handle the issue of sidewalk maintenance and provided the chart to Council members.

Mr. Wooddell advised the Parks and Recreation Department is taking registrations for tickets to the Bows and Bowties Dance. Mr. Wooddell noted this event used to be called The Daddy-Daughter Dance. Mr. Wooddell advised the event was moved to Kramer Elementary School this year to better accommodate everyone for a 1 day event verses a 2 day event. Mr. Wooddell noted the goal moving forward was to move the event to the Oxford Community Arts Center.

Mr. Kyger noted it was the middle of Miami's winter term and most students were out of town. Mr. Kyger reminded everyone the Chamber of Commerce, Visitors Bureau and the City of Oxford partnered to create a "Warm Up Oxford" video to encourage citizens to attend the many events in January and to visit all of the local businesses.

Mr. Kyger noted Royal 24 Fitness opened at 507 S. College Avenue and he expected another 4 businesses to open once winter term was over.

Mr. Dana noted OKI was instrumental in the passage of the Resolution to work on the OATS trail. Mr. Dana advised the Ohio Kentucky Indiana Regional Council of Governments is the metropolitan planning organization for the 8 county region in Ohio and their Charter is land use and transportation planning but as Councilor Prytherch said it is really about connectivity. Mr. Dana noted OKI was a vital partner with the City in funding infrastructure that enhances the quality of life. Mr. Dana advised the reason City Council sends a member to the OKI meetings is to cultivate and strengthen the relationships between the two entities. Mr. Dana noted Mr. Dreisbach and his staff play a critical role and they execute it very well. Mr. Dana advised he felt they should be congratulated for that.

Mayor Rousmaniere advised the Town Gown Initiative Team had a Listening Luncheon last week and about 20 organizations from the community attended to speak about the work they are doing related to the community. Mayor Rousmaniere noted the group met afterward for a rap-up session which led to several themes that were issues for this Town Gown Initiative Team including transportation, communication, City/University planning, intergenerational relationships and health and safety issues.

DISCUSSION
SIDEWALKS & SNOW REMOVAL

Mr. Prytherch noted he appreciated all of the research done so far on the issue of sidewalks and snow removal. Mr. Prytherch noted at times the pedestrian infrastructure is impassable which is a problem for kids walking to the school bus or for people in a wheelchair. Mr. Prytherch questioned whether the issue should be discussed by Council as a whole or if a small working group should continue the research. Mr. Prytherch questioned whether a small group should meet with the City Manager and staff to research what can be done legally and what can be done practically. Mr. Prytherch noted he understood Mr. Elliott's point but he felt there could be a phased approach that starts with emails, to working with local groups like Chamber of Commerce to actively reach out to people, to thinking about enforcing the Ordinance. Mr. Prytherch questioned whether people thought it was important enough that a sub-set of Council work on the issue or if we had all the needed information. Mr. Prytherch noted he felt more research needed to be done with regard to what the range of choices were. Mr. Prytherch advised he would like someone to develop a plan that Council can act on and respond to. Mr. Prytherch noted as someone who walks he gets frustrated in the winter time because the sidewalks are not as safe and accessible for pedestrians as the streets are for motorists.

Mayor Rousmaniere noted Mr. Prytherch had some procedural questions. Mayor Rousmaniere advised Mr. Dreisbach provided a terrific chart which was a Municipal Survey of Sidewalk Maintenance Procedures in 8 towns around the region including some college towns.

Ms. Southard advised she would like to hear from Councilors and share ideas as a group first before tackling the procedural question.

Mr. Smith noted compliance seemed to vary depending on how much snow we have and he felt it would be difficult to get compliance from students even if they were in town over winter term.

Mr. Ellerbe advised he felt if would be a great opportunity for philanthropy organizations or for people needing to complete community service requirements. Mr. Ellerbe noted Council could start pointing some of those resources at the problem. Mr. Ellerbe advised he felt some people were lax about complying with the Ordinance because with Ohio weather they know it usually takes care of itself in a few days. Mr. Ellerbe noted it was still a safety issue and suggested engaging philanthropic organizations and those who need to fulfill community service requirements.

Ms. Southard noted she felt there was a difference between the Uptown areas compared to sidewalks on side streets and inquired how much time people would have to clear their sidewalks if the City were to enforce the Ordinance. Ms. Southard inquired who would do the enforcement and how it would work. Ms. Southard noted a goal of the community was to keep people in their own homes, especially the elderly and the infirm and some people can not go outside a shovel snow. Ms. Southard agreed with Mr. Ellerbe's suggestion of recruiting people from various organizations to assist with snow removal. Ms. Southard advised she felt the community has always worked together well and she was sure this was a problem that could be solved by working together. Ms. Southard noted she did not think it should all fall on the City and she felt taxpayers would be unhappy if they had to pay much more for that service.

Ms. Raghu agreed with Ms. Southard.

Mr. Dana noted he felt the issue should be assigned to some kind of a task force of citizens and members of Council. Mr. Dana advised the Planning Commission with public input solved the issue of short term rentals.

Mr. Ellerbe seconded Mr. Dana's suggestion.

Mayor Rousmaniere noted the procedure could be everything from recommending management of snow to City managing and organizing a volunteer program to when the announcement is placed on the webpage. Mayor Rousmaniere advised staff has discussed the issue at length and has explored the possibility of creating a Special Improvement District. Mayor Rousmaniere noted a snow task force might be able to come up with a list of suggestions/ideas.

Ms. Southard advised she would like to hear from staff.

Mr. Elliott advised the options were for the City to perform the snow removal on sidewalks or for the City to pay someone to do it. Mr. Elliott noted if the City performed the snows removal a significant budget would be needed. Mr. Elliott advised if Council wanted the City to perform the snow removal resources would have to be committed and the Ordinance would need to be updated as right now failure to remove snow and ice from the sidewalks is a minor misdemeanor.

Mr. Chris Skoglind, 211 Ryan Drive, noted where he lived previously this was an issue and as he listened to Council's discussion this evening he felt Council was over engineering it. Mr. Skoglind advised he was a Councilor in his former community and they sent a note out in November reminding property owners it was their responsibility to clear their sidewalks.

Mr. Skoglind noted he lived in New York City and the City did not shovel property owner's sidewalks, it was their obligation. Mr. Skoglind advised in his former community people found it was cheaper to pay a fine than to have the sidewalk shoveled and he did not think Council wanted to create that circumstance. Mr. Skoglind suggested sending a reminder to property owners reminding them winter was coming and sidewalks were their responsibility. Mr. Skoglind noted the reminder should also tell people they needed to remove snow from around fire hydrants and mailboxes. Mr. Skoglind advised his former community dealt with rental properties too and they emphasized that it was the property owners responsibility to clear the sidewalks. Mr. Skoglind noted Boy Scouts and other organizations in his former community cleared the sidewalks for the elderly or others who could not do it themselves. Mr. Skoglind suggested Council consider his suggestions and nothing more.

Mayor Rousmaniere advised a snow task force could lay out all of the questions. Mr. Prytherch noted the task force could write the letter to be sent to property owners next November and see how it works in year one, talk to the business owners in the Uptown area and reach out to the fraternal organizations. Mr. Prytherch noted he felt it needed to be a phased approach, try voluntary compliance first as see how it works. Mr. Prytherch volunteered to work with others to help get people to brainstorm. Mayor Rousmaniere advised a snow task force might involve meeting for coffee for an hour to discuss ideas to present to the City Manager such as a timeline for the reminder to property owners, a face book post and finding contacts for the volunteer organizations. Mayor Rousmaniere and Mr. Prytherch thanked staff for providing research on the issue of sidewalks and snow removal.

ADJOURN

Mr. Dana moved to adjourn at 8:59 p.m. Mr. Smith seconded. The motion passed 7-0-0.

A special meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, January 30, 2018 at 7:00 p.m. Those members present were Steve Dana, Glenn Ellerbe, David Prytherch, Mike Smith and Edna Southard. Chantel Raghu was excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Joe Newlin, Finance Director, Ms. Amy Blankenship, Assistant Law Director and Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

Mr. Dana moved to approve the agenda. Mr. Smith seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION
REPEAL RESOLUTION 6035

A Resolution No. 6041 repealing Resolution No. 6035 adopted January 2, 2018. (Doug Elliott, City Manager)

Mr. Elliott explained the attorney for the Board of Elections requested that certain language be added to Oxford's Resolution determining the necessity of levying an additional tax for parks and recreational purposes. Mr. Elliott noted Council needed to repeal Resolution No. 6035 adopted January 2, 2018 and adopt new language as specified by the Board of Election's attorney.

Ms. Southard inquired why Oxford Township was not included in the proposed levy. Mr. Elliott advised the City of Oxford did not have the taxing authority.

Ms. Jessica Greene, Enjoy Oxford, thanked Council for taking the extra steps to make sure the levy appeared on the May 8, 2018 ballot. Ms. Greene noted she would reach out to township residents and encourage them to make donations to the project.

Mayor Rousmaniere inquired if Ms. Greene would have promotional materials regarding the trail project once an issue number was assigned and Ms. Greene advised yes. Mayor Rousmaniere noted she spoke to the Kiwanis Club about the proposed levy and they were more interested in the new aquatic center project. Mr. Dana advised the promotional material must stipulate that the new aquatic center was a separate project. Mr. Prytherch noted that communication will be the key throughout the entire process.

Mr. Dana moved to adopt Resolution No. 6041. Ms. Southard seconded. The motion passed 6-0-0.

RESOLUTION OF NECESSITY

A Resolution No. 6042 determining the necessity of levying an additional tax in excess of the ten-mill limitation for Parks and Recreational purposes as authorized by the Ohio Revised Code which levy shall be three and twenty five hundredths mills (3.25) which is an additional levy of three and twenty five hundredths mills (3.25), to run for ten (10) years, pursuant to Section 5705.19 and Subsection 5705.19(H) as amended, of the Ohio revised Code, and requesting the Butler County Auditor top certify matters in connection therewith. (Doug Elliott, City Manager)

Ms. Southard moved to adopt Resolution No. 6042. Mr. Dana seconded. The motion passed 6-0-0.

ADJOURN

Mr. Dana moved to adjourn at 7:10 p.m. Mr. Smith seconded. The motion passed 6-0-0.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: **February 6, 2018**

Sam Perry
Prepared By

Account Code No. #:

Budgeted Amount:

January 25, 2018
Date Prepared

Agenda Title:	**Board of Zoning Appeals Meeting Report – January 17, 2018**

Annual Activities

- All board members took an oath of office, led by Law Director Steve McHugh.
- Paul Brady was re-elected as Chair. Michael Schnipper was elected as Vice-Chair.
-

Adjudication Hearings

BZA-2018-01, 5745 College Corner Pike, Gillman Home Center, variance 1149.02(a) hard surface requirement, **Paul Eichold, Appellant**

This was a second case related to Gillman's Home Center's plans for additional building material storage. The existing rear vehicular access area is gravel due to the site being developed before being annexed into the City of Oxford in 2014. An area of hard surface (asphalt or concrete) is required by Zoning Code between the customer lot, retail building and the new storage building. The board reviewed the case using the decision criteria and determined that the variance was warranted. The variance relieving Gillman's of the new hard surface vehicular access area was approved with a vote of 5-0-0.

BZA-2018-02, 322 S. Main Street & 315 Heather Lane, variance to Section 1137.04(b)(5)(A) occupancy reduction for reconfiguration of nonconforming land uses, **Scott Webb, Appellant**

This request was for relief from the 30% occupancy reduction requirement of Oxford Zoning Code. The connected buildings have a total of four dwelling units, which is a nonconforming use in the R3MS district. The owner plans a proposed modification to the existing carport to correct inappropriate structural repair and further enclose it from the elements. The modification is considered structural which triggers the occupancy reduction requirement. The Zoning Code for nonconforming use modifications does not differentiate between living quarters and non-living quarters. The owner is requesting to maintain 15 permitted occupants rather than reduce to 10, as required by Code. The board reviewed the case using the decision criteria and determined that the variance was warranted. The variance was approved with a vote of 4-0-0. One member was recused.

BZA-2018-03, 112 S. Poplar Street, variances to Section 1143.05(c)(1)(B) minimum lot width for a 3-family dwelling; Section 1143.07(c)maximum front yard coverage of 5%, **Scott Webb, Appellant**

These two variance requests were due to the owner's plans to clear the existing buildings from this property and build a new 3-unit building. There are currently three units on this property. Oxford Zoning Code requires that lot width be at least 60 feet wide for a 3-family dwelling, 50 feet wide for a 2-family dwelling or 40 feet for a 1-family dwelling. The subject lot is 52 feet wide. Zoning Code also limits the allowable front yard coverage to 5% of the total front yard area. Due to the proposed sidewalk, the lot coverage is 9.5%. The board reviewed the case using the decision criteria and determined that the variances were warranted. The variances were approved with a vote of 4-1-0. A variance request for the principal entrance location would be heard at a later date.

The next regular BZA meeting will be 6:30 p.m. on Wednesday, February 21, 2018 at 118 West High Street.

Approved By:

	Initial	Date
Department Head:	jhc	1/25/18
City Attorney		
City Manager:	DKE	2/1/18

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police
Originating Department

Council Meeting Of: February 6, 2018

John A. Jones
Prepared By

Account Code No. #: **140.110.61104**
410.110.52520

Budgeted Amount: **$111,000.00**

Jan 29, 2018
Date Prepared

Agenda Title: **Resolution authorizing the City Manager to enter into a contract with Lebanon Ford for the purchase of three (3) Ford Interceptor Utility Vehicles at State Contract pricing for an amount not to exceed $82,497 and to dispose of three (3) surplus vehicles by public or online auction.**

Recommendation: **Approve**

Discussion: The 2018 budget includes $55,500 in the Capital Equipment Fund and $55,500 in the Law Enforcement Trust Fund for the purchase of three (3) police cruisers and equipment necessary to maintain the operating integrity of the Police Division.

Two (2) of the cruisers will be placed into front line service as marked patrol vehicles, replacing cruisers #153 and #154. One (1) of the cruisers will be placed into front line service as a marked K9 vehicle. It will replace K9 cruiser #8645. All three vehicles to be replaced are 2008 Ford Crown Victoria cruisers that have lasted beyond their anticipated lifespan of eight years.

This resolution will allow 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 $82,497.00. Staff further recommends Council authorize the sale of surplus vehicles, #153, #154, #8645 by public or online auction at the earliest convenience of the City.

State Contract # RS901214

Approved By:

	Initial	Date
Department Head:	JJ	1-29-18
City Attorney:		
City Manager:	DRE	2/1/18

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 $82,497.00.

WHEREAS, the 2018 Budget includes $55,000.00 in the Capital Equipment Fund and $55,000.00 in the Law Enforcement Trust Fund for the purchase of three (3) police cruisers and equipment necessary to maintain the operating integrity of the Police Division; and

WHEREAS, two of the cruisers will be placed into front line service as marked patrol vehicles, replacing cruisers #153 and #154. One of the cruisers will be placed into front line service as a marked K9 vehicle, replacing K9 cruiser #8645; 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 $82,497.00.

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 a cost not to exceed $82,497.00.

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 $82,497.00, which has previously been appropriated in the 2018 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: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: February 6, 2018

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

February 1, 2018
Date Prepared

Agenda Title: Resolution declaring certain City property no longer needed for any municipal purpose as surplus and authorizing its advertisement and sale to the highest bidder at public auction or internet auction.

Recommendation: N/A

Discussion:

Provided Council adopts the Resolution authorizing a contract with Lebanon Ford for the purchase of three Ford Interceptor Utility vehicles, the attached Resolution will allow the advertisement and sale of 3 surplus vehicles listed on Exhibit "A".

Approved By:

	Initial	Date
Department Head:	JJ	2-1-18
City Manager:	DRE	2/1/18

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN CITY PROPERTY NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AS SURPLUS AND AUTHORIZING ITS ADVERTISEMENT AND SALE TO THE HIGHEST BIDDER AT PUBLIC AUCTION OR INTERNET AUCTION.

WHEREAS, the vehicles set forth in Exhibit 'A' attached hereto and incorporated herein, are surplus and no longer needed for any municipal purpose, and

WHEREAS, the City Manager and the Police Chief recommend the vehicles set forth in Exhibit "A" attached hereto and incorporated herein be declared surplus and that the same be advertised and sold to the highest bidder at public auction or internet auction at the earliest convenience of the City.

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 hereby declares the vehicles set forth in Exhibit "A" attached hereto and incorporated herein as surplus.

SECTION 2: Council further authorizes the advertisement and sale of the surplus vehicles set forth in Exhibit "A" attached hereto and incorporated herein to the highest bidder at public auction or internet auction with proceeds thereof deposited in 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: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT "A"

#153 – 2008 Ford Crown Victoria, VIN #2FAFP71V78X106179

#154 - 2008 Ford Crown Victoria, VIN #2FAFP71V08X120926

#8645 -2008 Ford Crown Victoria, VIN #2FAHP71V28X164645

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Manager
Originating Department

Council Meeting Of: January 30, 2018

Doug Elliott
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

January 26, 2017
Date Prepared

Agenda Title: A Resolution repealing Resolution No. 6037 adopted January 16, 2018.

Recommendation: Approve

Legislation for the OAT Levy was submitted to the Butler County Board of Elections (BOE). An attorney from the Butler County Prosecutor's Office reviews and approves all such legislation for the BOE. The attorney representing the Butler County Board of Elections has requested that certain language be added to the Resolution of Necessity and to the Resolution to Proceed.

A Special Council Meeting was held Tuesday, January 30, 2018 for Council to repeal Resolution No. 6035 adopted January 2, 2018 and adopt a new Resolution determining the necessity of levying an additional tax and it was filed with the Butler County Auditor on Wednesday, January 31, 2018.

A Resolution to repeal Resolution No. 6037 (Resolution to Proceed) is on the February 6, 2018 agenda as well as a new Resolution to proceed with the levy. Legislation must be filed with the Board of Elections on Wednesday, February 7, 2018.

Discussion:
Approved By:

	Initial	Date
Department Head:	\	
City Manager:	DRE \	2-1-18

RESOLUTION NO.

A RESOLUTION REPEALING RESOLUTION NO. 6037 ADOPTED JANUARY 16, 2018.

WHEREAS, Oxford City Council adopted Resolution No. 6037 on January 16, 2018 determining the necessity of levying an additional tax for parks and recreational purposes.

WHEREAS, the Butler County Prosecutor's office suggested verbiage changes to Resolution No. 6037 and Council will repeal Resolution No. 6037 and pass a revised version based on the County Prosecutor's suggestions.

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

SECTION 1: Council hereby repeals Resolution No. 6037 adopted January 16, 2018 in order to adopt a revised version of the Resolution to Proceed with the submission of the question of a additional tax and it shall be filed with the Butler County Board of Elections and with the Butler County Auditor.

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

____
MAYOR

ADOPTED:

ATTEST:

____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Manager
Originating Department

Council Meeting Of: January 30, 2018

Doug Elliott
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

January 26, 2017
Date Prepared

Agenda Title: A Resolution to proceed with submitting the question of levying an additional tax in excess of the ten-mill limitation, as stated in Section 5705.19 and Subsection 5705.19(H) as amended, of the Ohio Revised Code, for Parks and Recreational purposes, which levy shall be Three and Twenty Five Hundredths (3.25) mills to run for ten (10) years, and declaring the question of the additional tax levy shall be submitted to the electors at the Primary Election to be held May 8, 2018.

Recommendation: Approve

Legislation for the OAT Levy was submitted to the Butler County Board of Elections (BOE). An attorney from the Butler County Prosecutor's Office reviews and approves all such legislation for the BOE. The attorney representing the Butler County Board of Elections has requested that certain language be added to the Resolution of Necessity and to the Resolution to Proceed.

A Special Council Meeting was held Tuesday, January 30, 2018 for Council to repeal Resolution No. 6035 adopted January 2, 2018 and adopt a new Resolution determining the necessity of levying an additional tax and it was filed with the Butler County Auditor on Wednesday, January 31, 2018.

A Resolution to repeal Resolution No. 6037 (Resolution to Proceed) is on the February 6, 2018 agenda as well as a new Resolution to proceed with the levy. Legislation must be filed with the Board of Elections on Wednesday, February 7, 2018.

Discussion:
Approved By:

	Initial	Date
Department Head:		
City Manager:	DRE	2/1/18

RESOLUTION NO.

RESOLUTION TO PROCEED WITH SUBMITTING THE QUESTION OF LEVYING AN ADDITIONAL TAX IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, FOR PARKS AND RECREATIONAL PURPOSES, WHICH LEVY SHALL BE THREE AND TWENTY FIVE HUNDREDTHS (3.25) MILLS TO RUN FOR TEN (10) YEARS, AND DECLARING THE QUESTION OF THE ADDITIONAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE PRIMARY ELECTION TO BE HELD MAY 8, 2018.

WHEREAS, this Council has heretofore determined the necessity of levying an additional tax in excess of the ten-mill limitation for the benefit of this City pursuant to the provisions of section 5705.19 of the Ohio Revised Code for Parks and Recreational purposes.

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

SECTION I: Council has received certification issued by the County Auditor for Butler County, Ohio, pursuant to section 5705.03, as amended, of the Ohio Revised Code.

SECTION II: The amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the City of Oxford.

SECTION III: It is necessary to levy an additional tax in excess of said Ten (10) Mill limitation, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for Parks and Recreational purposes, upon the entire territory of the City of Oxford, at a rate not exceeding Three and Twenty Five Hundredths Mills (3.25) Mills for each One Dollar ($1.00) of valuation which amounts to Thirty Two and One Half Cents ($0.325) for each One Hundred Dollars ($100.00) of valuation, said proposed rate is an additional levy of Three and Twenty Five Hundredths (3.25) Mills for a ten (10) year period of time.

SECTION IV: The City of Oxford will proceed with the submission of the question of the tax to electors. Said levy shall be submitted to the electors of this City at the Primary Election to be held on Tuesday, May 8, 2018, and at the regular place or places of voting within this City as established by the Board of Elections of Butler County, Ohio during the election hours established by state law or by said Board of Elections. This ballot measure shall be submitted to voters in the entire territory of the City of Oxford.

SECTION V: The form of the ballot to be used at said election shall be substantially as follows:

PROPOSED ADDITIONAL TAX LEVY

CITY OF OXFORD, OHIO

A majority affirmative vote is necessary for passage

An additional tax for the benefit of the City of Oxford, Ohio, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for parks and recreational purposes, at a rate not exceeding Three and Twenty Five Hundredths Mills (3.25) Mills for each One Dollar ($1.00) of valuation, which amounts to Thirty Two and One Half Cents ($0.325) for each One Hundred Dollars ($100.00) of valuation, said proposed rate is an additional levy of Three and Twenty Five Hundredths (3.25) Mills, for a ten (10) year period of time, beginning in the year 2018, and first due in calendar year 2019.

	FOR THE TAX
	AGAINST THE TAX

SECTION VI: Said levy shall be placed upon the tax list and duplicate of the then current year of 2018 (the proceeds of which levy first would be available for collection in the calendar year of 2019), if a majority of the qualified electors of this City voting thereon vote in favor thereof.

SECTION VII: The Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Butler County, Ohio, not later than four o'clock (4:00) pm on the ninetieth (90th) day before the date of said election and to notify said Board of Elections of Butler County, Ohio, to cause notice of the election on the question of levying said tax to be given as required by law.

SECTION VIII: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IX: Pursuant to Section 5705.19, as amended, of the Revised Code, this Resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

DTE 140R
Rev. 05/11
R.C. § 5705.03(B)

Certificate of Estimated Property Tax Revenue

Use this form when a taxing authority certifies a millage rate and requests the revenue produced by that rate.

The county auditor of Butler County, Ohio, does hereby certify the following:

1. On January 31st, 2018, the taxing authority of the Oxford City Council (political subdivision name) certified a copy of its resolution or ordinance adopted January 30th, 2018, requesting the county auditor to certify the current tax valuation of the subdivision and the amount of revenue that would be produced by three & twenty-five hundreths (3 .25) mills, to levy a tax outside the 10-mill limitation for Parks and Recreational purposes pursuant to Revised Code § 5705.19 (H), to be placed on the ballot at the May 8th, 2018, election. The levy type is Additional.

2. The estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be $ 1,051,465.

3. The total tax valuation of the subdivision used in calculating the estimated property tax revenue is $ 323,527,790

Auditor's signature

Date 1/31/18

Instructions

1. "Total tax valuation" includes the taxable value of all real property in the subdivision as indicated on the tax list most recently certified for collection and estimates of the taxable value of personal and public utility personal property for the first year the levy will be collected as set forth on the worksheets prescribed in conjunction with this form. If the subdivision is located in more than one county, the home county auditor (where the greatest taxable value of the subdivision is located) shall obtain the assistance of the other county auditors to establish the total tax valuation of the subdivision.

2. For purposes of this certification, "subdivision" includes any agency, board, commission or other authority authorized to request a taxing authority to submit a tax levy on its behalf.

3. "Levy type" includes the following: (1) additional, (2) renewal, (3) renewal with an increase, (4) renewal with a decrease, (5) replacement, (6) replacement with an increase and (7) replacement with a decrease levies.

4. Please file this certificate with the subdivision as soon as possible, so the taxing authority can pass a resolution to proceed not later than 90 days before the election.

FILED

JAN 31 2018

BUTLER COUNTY AUDITOR

CERTIFICATE OF CLERK

I hereby certify that the attached document is a true and correct copy of Resolution No. 6042 which was adopted by Oxford City Council on January 30, 2018 by a vote of 6-0-0 and became effective immediately.

1. Oxford City Council Resolution No. 6042

A RESOLUTION DETERMINING THE NECESSITY OF LEVYING AN ADDITIONAL TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE WHICH LEVY SHALL BE THREE AND TWENTY FIVE HUNDREDTHS MILLS (3.25) WHICH IS AN ADDITIONAL LEVY OF THREE AND TWENTY FIVE HUNDREDTHS MILLS (3.25), TO RUN FOR TEN (10) YEARS, PURSUANT TO SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION THEREWITH.

1-31-18
Date

Mary Ann Eaton
Mary Ann Eaton
Clerk of Oxford City Council

CERTIFICATE OF FILING

I hereby certify that I filed a certified copy of the attached Resolution No. 6042 with the Auditor of Butler County, Ohio, on January 31, 2018.

1/31/18
Date

Michael B. Dreisbach
Service Director

RESOLUTION NO. 6042

RESOLUTION DETERMINING THE NECESSITY OF LEVYING AN ADDITIONAL TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE WHICH LEVY SHALL BE THREE AND TWENTY FIVE HUNDREDTHS MILLS (3.25) WHICH IS AN ADDITIONAL LEVY OF THREE AND TWENTY FIVE HUNDREDTHS MILLS (3.25), TO RUN FOR TEN (10) YEARS, PURSUANT TO SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION THEREWITH.

WHEREAS, this Council anticipates an additional tax levy in excess of the ten-mill limitation as described herein; and

WHEREAS, pursuant to Section 5705.03 of the Ohio Revised Code, this Council is required to certify to the Butler County Auditor a resolution requesting the County Auditor to certify certain matters in connection with such a tax levy.

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

SECTION I: That, in accordance with the provisions of the Ohio Revised Code, Council determines it necessary that an additional tax be levied in excess of the ten-mill limitation for the benefit of this City, for the purpose, as stated in Section 5705.19(H), as amended, of the Ohio Revised Code, of parks and recreational purposes as authorized by the Ohio Revised Code at a rate not exceeding Three and Twenty Five Hundredths Mills (3.25) for each One Dollar ($1.00) of valuation, which amounts to Thirty Two and One Half Cents ($0.325) for each One Hundred Dollars ($100.00) of valuation, for a ten (10) year period of time. The tax is to be levied upon the entire territory of the City of Oxford.

SECTION II: That Council seeks to have the question of the passage of said additional tax levy submitted to the electors of the City at an election to be held on May 8, 2018. The ballot measure shall be submitted to the entire territory of the City of Oxford. The City of Oxford is located entirely within Butler County. If approved by the electors, said tax levy shall first be placed upon the 2018 tax list and duplicate, for first collection in calendar year 2019.

SECTION III: That pursuant to Section 5705.03 of the Ohio Revised Code, the Butler County Auditor is hereby requested to certify to this Council within ten (10) days after receiving this resolution, the total current tax valuation of the City and the dollar amount of the revenue that would be generated by the number of mills specified in Section 1 hereof, and the Clerk of Council is hereby directed to certify forthwith a copy of this Resolution to the County Auditor at the earliest possible time so that said County Auditor may certify such matters in accordance with said Section 5705.03 of the Ohio Revised Code.

SECTION IV: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION V: This Resolution shall take effect immediately upon passage.

Kate R

MAYOR

ADOPTED: January 30, 2018

ATTEST: MaryAnn Eaton

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Manager
Originating Department

Council Meeting Of: February 6, 2018

Doug Elliott
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

January 25, 2018
Date Prepared

Agenda Title: A Resolution authorizing the City Manager to permit the Oxford Farmers Market Association to allow a Farmer's Market vendor to sell tasting samples of wine for consumption on premises, and wine in sealed containers for consumption off the premises of the Oxford Farmers Market with conditions.

Recommendation: n/a

Discussion:

The Oxford Farmers Market Association (OFMA) is requesting permission to permit the Hanover Winery to provide tasting samples and sell wine by the bottle at the Oxford Farmers Market. The OFMA is required to obtain a F-10 State of Ohio liquor permit. This is a specific permit which allows a farmers market vendor to sell tasting samples and bottles of wine at a farmers market. Since the farmers market is on City property (Lot 52), it also requires the approval of City Council. The wine will be tasted and sold under a tent which will be roped off. The vendor will be required to check identification to make certain that wine is sold to or tasted by individuals 21 years of age or older. This arrangement is different than the Oxford Wine Festival since consumption of wine will be confined to the Hanover Winery tent.

Approved By:		Initial Date
	Department Head:	
	City Manager:	DRE 2/1/18

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PERMIT THE OXFORD FARMERS MARKET ASSOCIATION TO ALLOW A FARMER'S MARKET VENDOR TO SELL TASTING SAMPLES OF WINE FOR CONSUMPTION ON PREMISES, AND WINE IN SEALED CONTAINERS FOR CONSUMPTION OFF THE PREMISES OF THE OXFORD FARMERS MARKET WITH CONDITIONS.

WHEREAS, the Oxford Farmers Market is open year round in Oxford's scenic Uptown area; and

WHEREAS, with over 40 vendors, the Oxford Farmers Market is one of the region's largest markets; and

WHEREAS, the Oxford Farmers Market Association wishes to allow the Hanover Winery to sell tasting samples of wine for consumption on premises, and wine in sealed containers for consumption off the premises of the Oxford Farmers Market.

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

SECTION 1: Council having considered the request finds it would be beneficial for the Oxford Farmers Market and its customers to allow the sale of wine at the Oxford Farmers Market with three conditions:

1. The Oxford Farmers Market Association shall obtain a F-10 State of Ohio Liquor Permit, which will allow the Oxford Farmers Market Association's vendor to sell wine at the Oxford Farmers Market.
2. The winery wishing to sell tasting samples of wine at the Oxford Farmers Market shall carry a one million dollar liability insurance policy.
3. The winery tent shall be roped off and each person entering the roped off area shall be at least 21 years of age to purchase wine.

SECTION2: The City Manager is hereby authorized to take all steps necessary to permit the Oxford Farmers Market Association to allow a Farmer's Market vendor to sell tasting samples of wine for consumption on premises, and wine in sealed containers for consumption off the premises of the Oxford Farmers Market pursuant to the conditions set forth above.

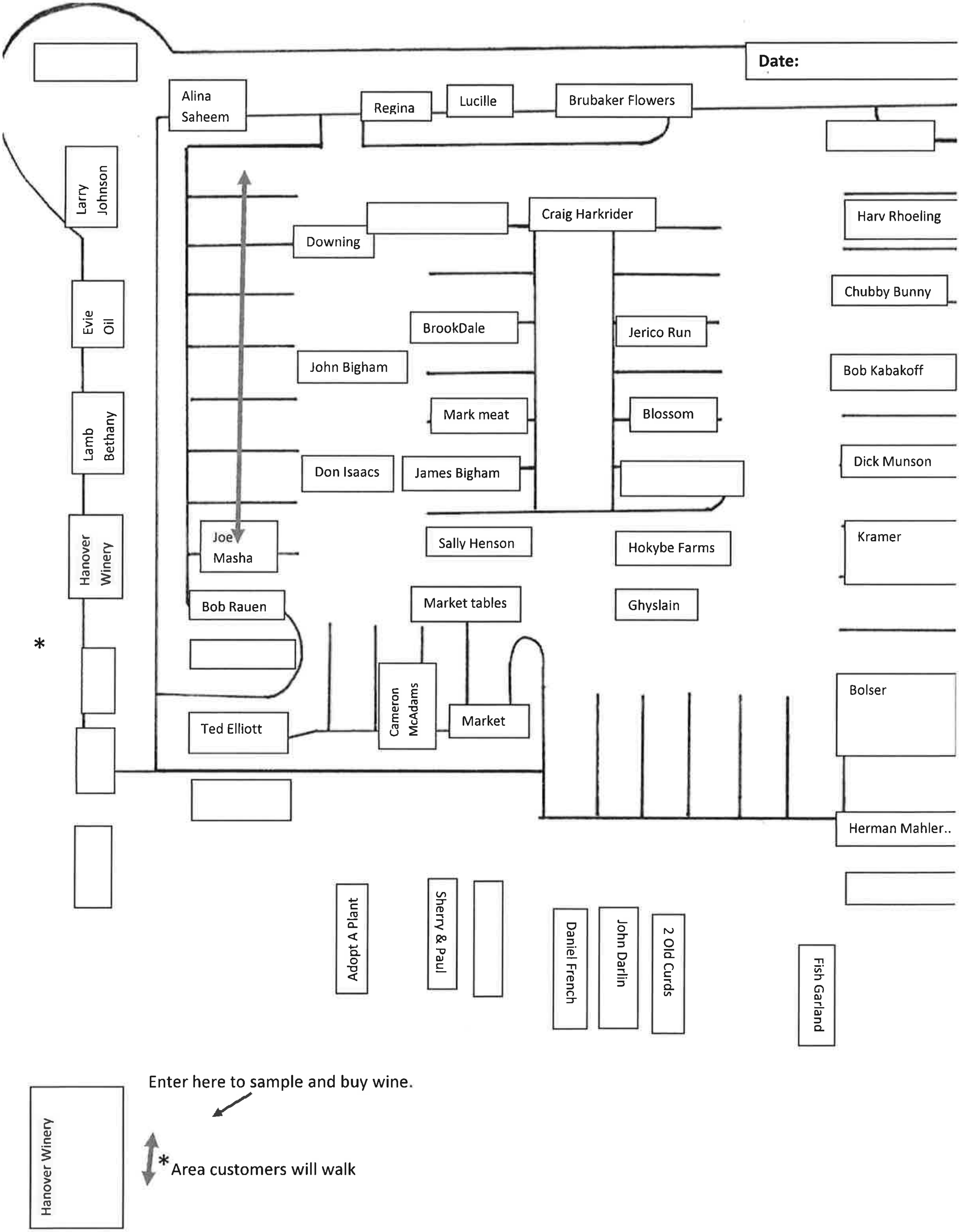
SECTION 3: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:
ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)


Date:
Alina Saheem
Regina
Lucille
Brubaker Flowers
Larry Johnson
Downing
Craig Harkrider
Harv Rhoeling
Chubby Bunny
Evie Oil
BrookDale
Jerico Run
John Bigham
Bob Kabakoff
Mark meat
Blossom
Lamb Bethany
Don Isaacs
James Bigham
Dick Munson
Hanover Winery
Joe Masha
Sally Henson
Hokybe Farms
Kramer
Bob Rauen
Market tables
Ghyslain
*
Bolser
Ted Elliott
Cameron McAdams
Market
Herman Mahler..
Adopt A Plant
Sherry & Paul
Daniel French
John Darlin
2 Old Curds
Fish Garland
Enter here to sample and buy wine.
Hanover Winery
* Area customers will walk

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: February 6, 2018

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

David Treleaven
Prepared By

January 18, 2018
Date Prepared

Agenda Title: Resolution of Support for the Butler County Solid Waste Management Plan Update

Recommendation: Approve

Discussion:

The Staff of the Butler County Solid Waste Management District presented their 15-Year Solid Waste Management Plan Update (2018-2032) to the City Manager in a January 8, 2018 email, which was subsequently forwarded to City Councilors and Staff.

The major change included in the Plan Update is an increase in the solid waste generation fee by \$0.18 per ton starting on January 1, 2020, to a total of \$1.00 per ton. The current generation fee (\$0.82 per ton) has been in effect since 2015. The \$0.18 increase in the generation fee will return the rate to what it was prior to 2015.

Oxford's residential refuse volume has averaged approximately 5,000 tons over the last two years. If the increased generation fee was applied to this volume, Oxford would be paying approximately \$900 more annually due to the \$0.18 increase in the generation fee. Rumpke utilizes an average generation of 1.3 tons of trash per year per household (50 pounds per week); the \$0.18 generation fee increase would increase the cost of the average household by approximately \$0.25 per year.

Rumpke indicates there is currently an estimated 11 – 12 years of capacity remaining in the Hughes Road landfill facility in Colerain Township, Hamilton County. There is an expansion request for that facility that is awaiting approval by the Ohio Environmental Protection Agency (approval anticipated during 2018). The expansion should increase the expected capacity of the facility to at least 40 years.

Details of the Plan Update are attached as an executive summary prepared by Butler County staff.

Each community in Butler County will be asked to ratify the updated plan. The deadline to act on the plan is Tuesday, April 3, 2018.

Approved By:

	Initial	Date
Department Head	MBD	1/18/18
City Manager	DRE	2/1/18

RESOLUTION NO.

A RESOLUTION APPROVING THE 2018 BUTLER COUNTY SOLID WASTE MANAGEMENT PLAN.

WHEREAS, pursuant to the provisions of Chapter 3734, Ohio Revised Code (the Act), the Butler County Solid Waste Management District Policy Committee (the "Policy Committee") has adopted the 15 year Butler County Solid Waste Management Plan Update (2018-2032) for Butler County Solid Waste Management District (the District); and

WHEREAS, pursuant to the Act, all political subdivisions within the District must approve or disapprove the proposed Plan by ordinance or resolution; and

WHEREAS, successful ratification requires approval of the proposed Solid Waste Management Plan by political subdivisions representing at least 60% of the District's population; and

WHEREAS, the District has provided a compact disc and executive summary of the Draft Solid Waste Management Plan for ratification to each of the legislative authorities of the District; and

WHEREAS, the Council of the City of Oxford must decide whether it approves of said Solid Waste Management Plan within ninety days of receipt of the Draft Plan; and

WHEREAS, the Council of the City of Oxford has reviewed the Plan and has determined that the Butler County Solid Waste Management Plan is in the best interests of its constituents and the citizens of Butler County; and

WHEREAS, the Plan includes a detailed budget outlining revenues and operational costs, and continues the provision of a solid waste generation fee to fund the Plan. The generation fee is assessed on all waste generated in Butler County and tipped in Ohio landfills; and

WHEREAS, the solid waste generation fee is scheduled to increase from $0.82/ton to $1.00/ton effective January 1, 2020, and such fee remains among the lowest in the state of Ohio, and will support implementation of programs and services specified in the 2018 Solid Waste Management Plan.

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

SECTION 1: Oxford City Council in Butler County, Ohio, has reviewed the Butler County Solid Waste Management Plan and has determined that the Butler County Solid Waste Management Plan is in the best interests of its constituents and the citizens of Butler County and hereby approves the 2018 Butler County Solid Waste District Management Plan.

SECTION 2: It is found and determined that all formal actions of the Council of the City of Oxford concerning and relating to the passage of this resolution were adopted in an open meeting of the Council of the City of Oxford and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3: The Clerk is hereby directed to send the District a copy of this resolution to the attention of Anne Fiehrer Flaig, District Coordinator, Butler County Recycling and Solid Waste District, 130 High Street, Hamilton, Ohio 45011.

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

____

MAYOR

ADOPTED:

ATTEST:

____

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

Butler County
OHIO
Recycling and Solid Waste District
130 High Street • Hamilton, Ohio 45011-2753 • 513.887.3653 • 513.887.3777 Fax
www.butlercountyrecycles.org

January 3, 2018

City of Oxford
Office of Mayor and City Council
101 E. High Street
Oxford, OH 45056

Via Certified Mail

Re: *2018 Solid Waste Management Plan Update*

Dear Mayor Rousmaniere, Vice Mayor Dana, Mr. Smith, Mr. Ellerbe, Ms. Southard, Mr. Prytherch, and Ms. Raghu:

Butler County Recycling and Solid Waste District's (District) seeks approval of its 15-year Solid Waste Management Plan Update (2018-2032).

As required by Ohio law, the District established a thirty day public comment period from October 16, 2017 to November 14, 2017 with a public hearing held November 20, 2017 for interested residents, businesses and political jurisdictions to provide comments on the proposed Solid Waste Plan. The only comments received originated from a Butler County township seeking installation of roadside litter signage on township roadways. There was consensus among the Solid Waste Policy Committee that a combination of funding from the Solid Waste District and collaboration with the Butler County Engineer would result in strategic placement of signage to address roadside litter.

The Solid Waste Plan Update includes provision for a solid waste generation fee increase of \$0.18/ton, which will result in a generation fee of \$1.00/ton effective January 1, 2020. The solid waste generation fee is assessed on waste generated within Butler County and tipped in Ohio transfer stations and/or landfills.

Enclosed you will find:

- A sample resolution for approving the Plan Update
- An Executive Summary outlining key provisions of the 2018 Solid Waste Management Plan
- A Compact Disc with the Solid Waste Management Plan

A complete Plan document is also available to download at www.butlercountyrecycles.org.

The District has chosen the ratification period: **January 4 - April 3, 2018**. Within **ninety (90) days** of receiving a copy of the Solid Waste Plan Update, the Board of County Commissioners and the legislative authority of each municipal corporation and township in the District shall approve or disapprove the proposal by ordinance or resolution to the District.

The District determines that the Plan Update has been ratified when a combination of municipal and township jurisdictions with a combined population comprising 60 percent of the District has approved the Plan. That combination must include the approval of the County Commissioners and the municipal corporation having the largest population within the District (City of Hamilton). According to Ohio Revised Code 3437.57, if any such board or legislative authority fails to adopt and deliver to the policy committee an ordinance or resolution approving or disapproving the Solid Waste Management Plan Update within ninety days after the policy committee delivered its resolution adopting the proposed Plan, it shall be presumed that the board or legislative authority has disapproved the Plan Update.

Due to the 90 day timeframe - which cannot be extended - we appreciate your immediate attention to this request. A sample resolution is attached for your convenience. Please mail your resolution or ordinance approving or disapproving the Plan Update to:

Ms. Anne Fiehrer Flaig, Director
Butler County Recycling and Solid Waste District
130 High Street, 5th Floor
Hamilton, Ohio 45011

Phone: 513-887-3963
Fax: 513-887-3777
Email: FiehrerFlaigEA@butlercountyohio.org

A self-addressed, postage paid envelope has been included for your convenience. We look forward to hearing from you between January 4 - April 3, 2018. Resolutions approving or disapproving the plan enacted outside of the time period stated above cannot be counted. Please do not hesitate to contact me with questions.

I am available to share a brief powerpoint presentation about the county Solid Waste Plan with council members, if this is helpful.

Sincerely,
BUTLER COUNTY RECYCLING & SOLID WASTE DISTRICT

Ann F. Flaig

Anne Fiehrer Flaig

Enclosure

BUTLER COUNTY RECYCLING & SOLID WASTE DISTRICT

2018 PLAN UPDATE SUMMARY

Background:

As a result of House Bill 592, each Ohio county is required to establish or join other counties to form a solid waste management district. There are 52 solid waste districts in Ohio. Butler County Solid Waste Management District was established in 1989 and is in compliance with regulations and goals set by the Ohio Environmental Protection Agency (Ohio EPA). Ohio EPA requires that nine waste reduction strategies be implemented that will enable the District to meet following the goals:

Goal #1

Ensure adequate infrastructure for residents and businesses to recycle solid waste.

Goal #2

Reduce/recycle at least 25 percent of the waste generated by the residential/commercial sector and 66 percent of waste generated by the industrial sector.

Goal #3

Provide a web site, resource guide, inventory of available infrastructure, and a speaker or presenter.

Goal #4

Provide education, outreach, and technical assistance regarding reduction, recycling composting, reuse and other alternative waste management methods to target audiences.

Goal #5

Provide strategies for scrap tires, lead-acid batteries, household hazardous wastes, yard waste, and electronic devices.

Goal #6

Explore economic incentives for source reduction and recycling programs.

Goal #7

Evaluate the impact of recycling programs on reducing greenhouse gas emissions.

Goal #8

Option of providing programs to develop markets for recyclable materials and recycled-content materials.

Goal #9

Report annually to Ohio EPA regarding implementation of the District's solid waste management plan.

Per Ohio law, each Solid Waste District develops a long term (15 year) solid waste management plan. The Plan must: demonstrate access to at least 10 years of landfill capacity for all solid waste generated within the county; demonstrate strategies to meet waste reduction and recycling goals established by Ohio EPA; and, provide a budget for financing and implementing the Plan.

Structure:

Butler County is a single county solid waste management District governed by the Board of County Commissioners and the policy committee. Day to day District operation is the responsibility of Solid Waste District staff. District staff are under the general supervision of Butler County Water and Sewer Department and the Butler County Commissioners.

Butler County's integrated solid waste management plan relies heavily on neighboring counties for landfill, transfer facility, and recycling processing infrastructure. The Solid Waste District operates in an open market system - customers have a choice of waste hauler in a competitive marketplace.

Analysis:

Using 2014 as the baseline reference year, the methods of managing waste and volumes of waste were analyzed. Total waste generated in Butler County was 678,445 tons (CY 2014), a per person generation of 9.90 pounds per person per day. Of this, approximately 65 percent is generated from the residential/commercial sector, 15 percent from the industrial sector, and 20 percent is exempt. Recycling activity captured 14 percent of all waste generated, composting accounts for 1 percent and 85 percent of waste is disposed.

Recycling activities of commercial and industrial sector businesses were managed by private service providers. Businesses contract with service providers for collection and recycling services. Residential recycling is collected and processed by private service providers. All six municipal political jurisdictions and one township procure one contractor, to provide trash and recycling collection services for single-family households. The remaining political jurisdictions operate with individual contracts or private subscriptions, a system where residents contract directly with the hauler of their choice. Curbside subscription recycling is available in 6 townships. The District provides 20+ community recycling drop-off locations throughout the County.

The District provides residential programs for hard to dispose materials. Services include long term household hazardous waste drop off service. Special collection events are offered annually for scrap tires. Freon-appliance collection is available "on-demand" several months of the year.

There were 9 registered Class IV compost and yard waste management facilities accepting District materials in 2014. Four of those facilities are located in Butler County however the facilities primarily serve municipal yard and leaf management purposes, and are not accessible to the general public. Yard waste facilities reported composting 13,445 tons of yard and food waste.

Three private waste haulers operate in the District and direct-hauled or transferred waste to seven Ohio landfills and eight out-of-state landfills. About 9 percent of the District's landfilled waste was first transferred through one of four transfer facilities before being landfilled.

Planning:

From 2000 to 2015, Butler County's population grew by 13.2 percent, the second highest growth rate in the region behind Warren County, and much higher than the 2.3 percent for the state as a whole. In 2015, Butler was the seventh most populous county in Ohio. The County is unique because the population is almost equally distributed between municipalities and townships. Of the (13) unincorporated townships, (3) are rapidly growing and urban.

The Solid Waste Management Plan covers the period from 2018 through 2032. Over these fifteen years, the District is expecting to see an increase in recycling and composting and a decrease in waste disposal resulting in an overall decrease in waste generation. The residential/commercial waste reduction rate is projected to increase to 17 percent (a 3 percent increase). Waste will continue to be managed through recycling, composting and disposal.

To achieve the goals of the state plan and meet local needs, the SWMD must ensure that a variety of stakeholders have access to reduction and recycling programs. These stakeholders include residents, businesses, institutions, schools, and community leaders. The following programs and services collectively represent the SWMD's strategy for advancing waste reduction and recycling. The District will continue to provide:

- *Drop-off Recycling program*
- *Commercial/Industrial Technical Assistance*
- *Southwest Ohio P2 Internship Program*
- *County Office Recycling Program*
- *Multi-Family Housing Cooperative*
- *Special Event Recycling*
- *HHW semi-permanent drop-off (also accepts used oil and lead-acid batteries)*
- *Annual scrap tire collection event*
- *Curbside Freon Appliance collection ("on-demand" several months of the year)*
- *Food Waste Management Program*
- *Business and Institutional Grant Program*
- *Roadside Litter Collection*
- *Disaster Debris Management*
- *Data collection (every other year surveys with emphasis on capturing largest generators)*
- *Outreach, Education, Awareness, and Technical Assistance*

In addition to above services, residents can expect an expansion of services to include electronics as well as emphasis on community stakeholder outreach to foster additional subscription curbside recycling participation. These new programs include:

- *Electronics Program (television and computer drop-off)*
- *Township Trustee Outreach (educate on availability of recycling to achieve best recycling rate)*
- *Resident Outreach (to most populated areas of the county)*

Revenue and Investment:

The District's primary funding source is revenue derived from a solid waste generation fee. Generation fees are collected on each ton of solid waste that is generated within the levying District and accepted at either a transfer facility or landfill located in Ohio. Revenues are forecasted to remain static based on lack of growth in revenues over the past 4 years. At the current $0.82 per ton generation fee the District is spending out of its reserve funds. As such, this Plan ratifies a fee increase of $0.18 per ton. The $1 per ton generation fee is expected to result in approximately $80,000 in additional annual revenue to ensure programming planned in this Plan Update will be implemented. The budget set forth in the Plan Update reduces the reserve funds to maintain a 12-month operating budget. Priorities are to keep the generation fee at the minimum level needed. Collection of the increased generation fee will to go into effect January 1, 2020.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: February 6, 2018

Account Code #: **146.490.64704**

Budgeted Amount: $2,200,000

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

Jan. 29, 2018
Date Prepared

Agenda Title: Payment for Services Related to a Southpointe Parkway TIF Roadway

Recommendation: Approve

Discussion:

In April 2006, the Oxford City Council approved Resolution No. 4170 authorizing City Manager Jane Howington to enter into a development agreement with "Four Leaf Development Corporation", now known as 4-Leaf Development, LLC (4-Leaf). This agreement identified responsibilities of all parties related to the future development of the area now known as Southpointe Parkway, including Level 27 Apartments, The Annex, and the area to the south of The Annex development. The Oxford City Council has established Tax Increment Financing (TIF) Districts in this area to fund the construction of a secondary access roadway connecting US27 with the existing terminus of Southpointe Parkway.

Work has proceeded for this project with expenses owed to 4-Leaf in the amount of $54,664.27. Work performed to date has been predominantly for roadway design and engineering, environmental review, traffic impact study, and clearing of trees within the roadway alignment. 4-Leaf has requested reimbursement of these eligible costs in concurrence with the original Development Agreement dated May 23, 2006.

This Resolution will authorize the City Manager and Finance Director to release a payment of exactly $54,664.27, payable to 4-Leaf Development, LLC, for reimbursement of eligible expenses related to the construction of a secondary access road connecting with Southpointe Parkway as defined in the development agreement.

Approved By:

	Initial	Date
Department Head:	MBD	1/31/18
City Manager:	DRE	2/1/18

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE FINANCE DIRECTOR TO RELEASE A PAYMENT IN THE AMOUNT OF $54,664.27, PAYABLE TO 4-LEAF DEVELOPMENT, LLC, FOR REIMBURSEMENT OF ELIGIBLE EXPENSES RELATED TO THE CONSTRUCTION OF A SECONDARY ACCESS ROAD CONNECTING WITH SOUTHPOINTE PARKWAY AS DEFINED IN THE DEVELOPMENT AGREEMENT ATTACHED HERETO AS EXHIBIT "A".

WHEREAS, in April 2006, Oxford City Council approved Resolution No. 4170 authorizing the City Manager to enter into a development agreement with "Four Leaf Development Corporation", now known as 4-Leaf Development, LLC. This agreement identified responsibilities of all parties related to the future development of the area now known as Southpointe Parkway, including Level 27 Apartments, The Annex, and the area to the south of the Annex development; and

WHEREAS, Oxford City Council has established Tax Increment Financing (TIF) Districts in this area to fund the construction of a secondary access roadway connecting US27 with the existing terminus of Southpointe Parkway; and

WHEREAS, work has proceeded for this project with expenses owed to 4-Leaf in the amount of $54,664.27 which includes roadway design and engineering, environmental review, a traffic impact study, and clearing trees within the roadway alignment; and

WHEREAS, 4-Leaf has requested reimbursement of these eligible costs in concurrence with the original Development Agreement dated May 23, 2006; and

WHEREAS, the City Manager and the Service Director recommend City Council authorize the City Manager and the Finance Director to release a payment in the amount of $54,664.27, payable to 4-Leaf Development, LLC for reimbursement of eligible expenses related to the construction of a secondary access road connecting with Southpointe Parkway as defined in the development agreement attached hereto as Exhibit "A".

THE COUNCIL OF THE CITY OF OXFORD HEREBY RESOLVES THAT:

SECTION 1: Oxford City Council previously approved Resolution No. 4170 authorizing the City Manager to enter into a development agreement with "Four Leaf Development Corporation", now known as 4-Leaf Development, LLC. This agreement identified responsibilities of all parties related to the future development of the area now known as Southpointe Parkway, including Level 27 Apartments, The Annex, and the area to the south of the Annex development. These responsibilities include TIF payments to be occasionally paid from the City to 4-Leaf for eligible expenses.

SECTION 2: Council accepts the recommendation of the City Manager and the Service Director and further authorizes the City Manager and the Finance Director to release a payment in the amount of $54,664.27, payable to 4-Leaf Development, LLC for reimbursement of eligible expenses related to the construction of a secondary access road connecting with Southpointe Parkway as defined in the development agreement attached hereto as Exhibit "A".

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

4-Leaf Development, LLC
New Road at Southpointe - Costs part of TIF

Type	Date	Num	Source Name	Memo	Amount
Property Held for Development					
Southpointe Common Area Dvlp					
Bill	03/22/2017	5060	Bayer Becker, Inc.	Roadway Concept	1,110.00
Bill	04/01/2017	558829	Ace Hardware & Building Supply	Supplies to clear trees for road	21.28
Bill	04/01/2017	558663	Ace Hardware & Building Supply	Supplies to clear trees for road	24.30
Bill	04/01/2017	17H0331E	Hotel Development Services, LLC	CB-PD 3/31/17 Look at trees that need to l	72.12
Bill	04/25/2017	5304	Bayer Becker, Inc.	ROADWAY CONCEPT, CONSTRUCTION	3,227.50
Bill	04/30/2017	17H0430C	Hotel Development Services, LLC	CB-PD 4/14/17 - Cut down trees to clear fc	288.46
Bill	04/30/2017	17H0430C	Hotel Development Services, LLC	JM-PD 4/14/17 - Cut down trees to clear fc	414.00
Bill	04/30/2017	17H0430C	Hotel Development Services, LLC	SJ-PD 4/28/17 - Cutting Trees down to cle	172.50
Bill	04/30/2017	17H0430C	Hotel Development Services, LLC	REIMBURSEMENT FOR PAYROLL TAX F	120.94
Bill	10/31/2017	7080	Bayer Becker, Inc.	Construction Drawings, Meeting, Right a w	1,460.00
Bill	11/13/2017		Sintz Excavating	Excavating to clear for soil test drilling alon	680.00
Bill	11/15/2017	7213	Bayer Becker, Inc.	Construction Drawings, Meeting	6,422.50
Bill	12/13/2017	7477	Bayer Becker, Inc.	Traffic Impact Study, Construction Drawing	34,917.34
Bill	12/21/2017	TREE CLEARING	Della Rumpler	LABOR for LENNY RUMPLER to CLEARI	547.50
Bill	12/31/2017	17H1231N	Hotel Development Services, LLC	CB PD 10/13/17 - Work and clear for Sintz	216.35
Total Southpointe Common Area Dvlp					49,694.79
Total Property Held for Development					49,694.79
TOTAL					**49,694.79**
				10%	4969.479
					54,664.27

4-Leaf Development, LLC

125 WEST SPRING STREET
OXFORD, OHIO 45056
(513) 524-9500
F (513) 523-9415

INVOICE

DATE	INVOICE#
1/25/2018	I18FL025A

BILL TO:
City of Oxford
Attn: Doug Elliott
10 N. Poplar Street
Oxford, OH 45056

JOB:
Southpointe Crossing
New Road (bypass)

Oxford, OH 45056

DESCRIPTION		AMOUNT
Costs related to new road, per development agreement, to be part of TIF.		
Design, environmental, studies, etc. by Bayer Becker		$ 47,137.34
Tree removal, including excavation		$ 2,557.45
Sub-Total		$49,694.79
4-Leaf Contractor's Fee	10%	$ 4,969.48
TOTAL		$54,664.27

Due upon receipt
Thank you for your prompt payment

RESOLUTION NO. 4170

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH FOUR LEAF DEVELOPMENT CORPORATION.

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

SECTION 1: Council having received the recommendation of the City Manager and having received an oral report on the Development Agreement between the City of Oxford and Four Leaf Development Corporation, finds the same to be in the City's best interest.

SECTION 2: Council hereby authorizes the City Manager to enter into a Development Agreement with Four Leaf Development Corporation, which is substantially in the same form as the proposed Development Agreement, incorporated herein, and dated April 2006.

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

Joe Conley

MAYOR

ADOPTED: April 18, 2006

ATTEST:

Donna Heck

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: JEROME CONLEY

PREPARED BY: LAW(STAFF)

Exhibit "A"

DEVELOPMENT AGREEMENT

This Development Agreement (the "Agreement") is made and entered into as of this 23 day of May, 2006 ("Effective Date") by and between **4-Leaf Development, LLC**, an Ohio limited liability company, its successors and assigns (collectively, hereinafter referred to as "4-Leaf") located at 22 East High Street, Oxford, Ohio, 45056, and **OXO1, Ltd.**, an Ohio limited partnership, its successors and assigns (collectively, hereinafter referred to as "OXO1) located at 319 N. Magnolia Avenue, Orlando, Florida and **The City of Oxford, Ohio**, an Ohio municipal corporation (the "City") located at 101 East High Street, Oxford, Ohio, 45056. 4-Leaf, OXO1 and the City, at times hereafter, may be collectively referred to as the "Parties" or individually as a "Party" under the following circumstances.

RECITALS

A. 4-Leaf and OXO1 own the Property (hereinafter defined) upon which they plan to develop a planned commercial, business and single and multi-family residential project (collectively the "Project"); and

B. The City has agreed to make City sanitary sewer and water service available to the Project; and

C. The Parties desire to annex real property owned by 4-Leaf and OXO1 as more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Property") into the City in order to facilitate the development of the Project; and

D. The Parties desire to provide for various other covenants and agreements with respect to the development of the Property and the Project; and

E. The Parties desire to formalize the understandings between them with respect to the Project and the Property.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the Parties agree as follows:

ARTICLE I - WATER

A. Upgrade of Existing Line. 4-Leaf agrees to upgrade the existing water main and related improvements located on US 27 South adjacent to the Property (the "Water Line Work") and to extend water service into the Property by way of Southpointe Parkway ("Parkway Water Line Work") substantially in accordance with the plans and specifications set forth on Exhibit "B" attached hereto, at 4-Leaf's initial cost and expense. When the Water Line Work and the Parkway Water Line Work are completed and accepted by the City (pursuant to Chapter 921 of the Codified Ordinances of the City), the water main and related improvements, as upgraded (collectively, hereinafter referred to as the "Water Line"), shall be owned and maintained by the

City, subject to the obligation of 4-Leaf to provide a one-year maintenance bond ("Waterline Maintenance Bond") for the Water Line Work and the Parkway Water Line Work (pursuant to Chapter 921 of the Codified Ordinances of the City). The Parties acknowledge and agree that the Waterline Maintenance Bond shall be in the amount of Sixty Nine Thousand One Hundred Fifty Four and 60/100 ($69,154.60) Dollars.

B. Water Services. The Parties agree that 4-Leaf and OXO1 shall have the right at all times to tap into the Water Line (without the obligation to pay a tap or connection fee subject to the exhaustion of the Waiver as provided in Article V A.) with lines of the size shown on attached Exhibit "B" and at the places shown on attached Exhibit "B" and 4-Leaf and OXO1 shall have the right to use the City water service for the benefit of the Property and the Project. .

C. Rates. Until such time as the Property is annexed into the City, water service will be provided to the Property and/or the Project at the rates paid by users of water service which are not located in the City. At such time as the Property is annexed into the City, water service will be provided to the Property and/or the Project at the rates paid by City users of water service.

ARTICLE II - SANITARY SEWER

A. Sanitary Sewer Line Extension. 4-Leaf agrees to install a sanitary sewer line and related improvements to the Property substantially in accordance with the plans and specifications set forth as Exhibit "C" attached hereto (the "Sewer Line Work"), at 4-Leaf's cost and expense. When the Sewer Line Work is completed and accepted by the City (pursuant to Chapter 923 of the Codified Ordinances of the City), the new sanitary sewer line and related improvements, excluding service laterals, (collectively, hereinafter referred to as the "Sewer Line") shall be owned and maintained by the City, subject to the obligation of 4-Leaf to provide a one-year maintenance bond (the "Sewer Line Maintenance Bond") for the Sewer Line Work pursuant to Chapter 923 of the Codified Ordinances of the City. The Parties acknowledge and agree that 4-Leaf's Sewer Line Maintenance Bond shall be in the amount of Twenty Five Thousand, Eight Hundred Sixty Two and 67/100 ($25,862.67) Dollars. The City and OXO1 will sign a mutually agreeable Easement Agreement for that part of the public Sewer Line located on the Property owned by OXO1 allowing for inspection, maintenance and repair of the sewer line.

B. Sanitary Sewer Services. The Parties agree that 4-Leaf and OXO1 shall at all times have the right to tap into the Sewer Line (without the obligation to pay a tap or connection fee subject to the exhaustion of the Waiver as provided in Article V A.) with lines of the size shown on attached Exhibit "C" and at the places shown on attached Exhibit "C" and 4-Leaf and OXO1 shall have the right to use City sewer sanitary service for the benefit of the Property and the Project.

C. Rates. Until such time the Property is annexed into the City, sanitary sewer service will be provided to the Property and/or the Project at the rates paid by users of sanitary sewer service which are not located in the City. At such time as the Property is annexed into the City, sanitary sewer service will be provided to the Property and/or the Project at the rates paid by City users of sanitary sewer service.

ARTICLE III - ANNEXATION

A. Annexation. The Parties acknowledge and agree that the Property is currently located in Oxford Township, Butler County, Ohio (the "Township"), and the Parties desire the Property to be annexed into the City. The Parties acknowledge that 4-Leaf and OXO1 will file the annexation petition (the "Petition") necessary to commence the process of annexation under Section 709.022 of the Ohio Revised Code ("Code") or Section 709.023, as provided below, and further that each of the Parties will take such other actions reasonably required to further the process of annexation under Section 709.022 or Section 709.023, as provided below, of the Code.

B. Procedure. The City shall immediately commence good faith negotiations with the Township and proceed diligently to enter into an Annexation Agreement ("Annexation Agreement") with the Township as provided for in Section 709.192 of the Code. The Annexation Agreement shall be satisfactory to 4-Leaf and OXO1 as it relates to the zoning of the Property and/or liens or assessments to be placed on the Property, in 4-Leaf's and OXO1's sole discretion, and shall provide, among other things, that at the time that the Property is annexed into the City the Property shall be zoned in accordance with Exhibit "D" attached hereto ("Zoning Designations"). 4-Leaf and OXO1 shall have no right to reject the Annexation Agreement except with respect to whether the Property shall be zoned in accordance with the Zoning Designations or if the Annexation Agreement requires that any lien or assessment be placed on the Property. Immediately upon execution, the City shall provide 4-Leaf and OXO1 with a certified copy of the Annexation Agreement together with a resolution of services and intent (the "Annexation Resolution") passed by the City which Annexation Resolution shall, among other things: (a) authorize the City Manager to execute and deliver the Annexation Agreement on behalf of the City; (b) provide that the Property shall be annexed into the City pursuant to and consistent with the terms of the Annexation Agreement; and (c) contain such other provisions and/or assurances as 4-Leaf or OXO1 may request with respect to the zoning of the Property and/or liens or assessments affecting the Property, including, but not limited to, provisions that the Property will be accepted as zoned by the City consistent with the Zoning Designations. At such time, the Petition shall be filed pursuant to Section 709.022 of the Code.

If, after negotiating with the Township in good faith, the City reasonably determines, that the City and the Township are unable to come to an agreement with respect to the Annexation Agreement, the City shall give 4-Leaf and OXO1 written notice ("Annexation Notice") of such fact. The Annexation Notice may only be given by the City to 4-Leaf and OXO1 after June 1, 2006 but on or before September 1, 2006 (the "Outside Date"). In such case, 4-Leaf and OXO1 will, within fifteen calendar days of the Annexation Notice, file a Petition pursuant to Section 709.023 of the Code. Contemporaneously, the City agrees to accept from 4-Leaf and OXO1, an application to zone the Property and to have the application heard by the Planning Commission at the first available date. The application will call for the Property to be zoned consistent with the Zoning Designations, subject to the City of Oxford conditions for development of a Planned Unit Development relating solely to Dimensional Requirements (defined below) and signage as set forth in Chapter 1151 of the Ordinance. The rezoning will then be heard by City Council. If, simultaneously with the annexation of the Property becoming final, the City:

fails to rezone the Property consistent with the Zoning Designations or otherwise agreed by 4-Leaf and OXO1,

denies the replat of the Property consistent with the Zoning Designations,

refuses to issue a zoning permit for the Property consistent with the Zoning Designations, or

makes such zoning upon conditions unacceptable to 4-Leaf and/or OXO1, in their sole and absolute discretion,

then 4-Leaf and/or OXO1, in their sole and absolute discretion, may withdraw the Petition or institute a detachment proceeding, which the City expressly agrees not to oppose.

C. Failure of Petition. If the Petition is not filed pursuant to Article III B above on or before the Outside Date, the obligation of 4-Leaf and OXO1 to file the Petition shall terminate as of the Outside Date and thereafter none of the Parties shall have any further rights or obligations to the other pursuant to this Article III. All other rights and obligations of the Parties set forth in this Agreement, except as otherwise provided in this Agreement, shall be unaffected and shall continue in full force and effect.

ARTICLE IV - CONNECTOR

A. Connector. The City has received approval for federal funding ("Federal Funding") for the preliminary engineering and environmental work (the "Studies") for the construction of a roadway connector (the "Connector") between US 27 and State Route 73 which shall cross the Property in the area generally shown on Exhibit "E". The City is required, as a condition to the receipt of the Federal Funding, to generate matching funds ("Matching Funds") of up to twenty (20%) percent of the total cost of the construction of the Connector. The Federal Funding and Matching Funds may be collectively referred to hereafter as the "Connector Financing". Upon completion of the Studies to the reasonable satisfaction of the City, the City shall diligently proceed to finalize the Connector Financing to enable the construction of the Connector to commence at the earliest possible time.

B. Right of Way. Subject to the conditions set forth in Section C hereof, upon the written request of the City, 4-Leaf agrees to transfer to the City or its designee fee simple title to that part of the Property (the "Right of Way") upon which the Connector will be constructed. The Right of Way will be conveyed to the City or its designee by means of a Quit Claim Deed ("Deed") duly executed by an authorized representative of 4-Leaf. The Right of Way will be conveyed to the City free and clear of all mortgage liens but subject to easements, conditions and restrictions of record. The acreage of the Right of Way shall not exceed ten (10) acres (unless otherwise agreed to by the Parties) and shall be located in an area mutually agreed upon by 4-Leaf and the City.

C. Conditions. 4-Leaf's obligation to deliver the Deed to the City or its designee shall be subject to the following conditions ("Connector Conditions"):

1. Annexation. The Property shall have been annexed into the City pursuant to Article III and all Ordinances with respect thereto shall be final.

2. Right of Way. 4-Leaf and the City shall have agreed upon the location of the Right of Way.

3. Financing. The City shall certify in writing to 4-Leaf that the Connector Financing is available for use in connection with the construction of the Connector.

4. Conditions to Financing. The Connector Financing shall not adversely affect the development of the Property (as determined by 4-Leaf in its sole discretion) or result in the imposition of any lien, charge, assessment, encumbrance or the like on the Property or any part of it due to the Connector Financing which would obligate any owner of the Property or any part of the Property to pay an amount greater than the amount of real estate taxes that would normally be imposed on the Property (or the relevant part of it).

D. Failure of Connector Conditions. If any of the Connector Conditions are not met to the satisfaction of 4-Leaf, in its sole discretion, or waived by 4-Leaf, in its sole discretion, before December 31, 2008 (the "Outside Date for the Connector"), 4-Leaf's obligations under Article IV(B) shall terminate as of the Outside Date for the Connector and thereafter 4-Leaf may elect to construct (in such a way as to comply with all applicable laws pertaining to competitive bidding and prevailing wages for public projects) and dedicate a road ("Road") in the area generally shown for the Connector on Exhibit "E" in accordance with the Butler County, Ohio, engineering specifications (the "Engineering Specifications"). If 4-Leaf elects to construct the Road, 4-Leaf and the City agree as follows:

1. Public Dedication. If the Property has been annexed into the City, upon completion of the construction of the Road, 4-Leaf will dedicate the Road as a public street. Provided that the Road has been constructed to the Engineering Specifications, the City will sign the dedication plat accepting the Road as a public street to be maintained (subject to 4-Leaf's maintenance obligations under its one year maintenance bond pursuant to Section 1101.06 of the Codified Ordinances of the City) by the City, at the City's sole cost and expense.

2. TIF District. If the Property has been annexed into the City, the City will, at 4-Leaf's request: (i) cause appropriate legislation to create one or more tax increment financing districts ("TIF Districts") under Chapter 5709 of the Code to be passed; and (ii) enter into a Service Payment Agreement ("Service Agreement") with respect thereto, all for the purpose of providing for the financing of the construction of the Road through the issuance of bonds and/or notes (the "TIF Obligations") of the City. Neither 4-Leaf nor any of its members shall be obligated to guarantee any

service payments ("Service Payments") made in lieu of taxes or any short-fall thereof under the Service Agreement nor shall the Service Agreement be recorded as an encumbrance against the Property nor shall 4-Leaf or any of its members be required to reimburse the Talawanda School District for its lost revenue.

3. Other Rights And Obligations. All other rights and obligations of the Parties set forth in this Agreement, except as otherwise provided in this Agreement, shall be unaffected by the failure of the Connector Conditions.

E. Other Roads. 4-Leaf shall have the right to develop that part of the Property (the "Undeveloped Property") to the east of the area in which the Connector or the Road is proposed as shown on Exhibit "E" attached hereto. The City agrees not to unreasonably withhold or delay its approval of the development of the Undeveloped Property, so long as adequate access to the Property for public safety purposes is provided for. The City agrees to recommend that the existing lane adjacent to the Undeveloped Property is sufficient to adequately serve public safety purposes with respect to the development of the Undeveloped Property.

ARTICLE V - ADDITIONAL CITY COVENANTS

The City covenants and agrees to do the following:

A. Water and Sewer Taps. The City hereby waives (the "Waiver") all tap and/or connection fees or permit charges (collectively, hereinafter the "Tap Fees") for taps into the Water Line and/or the Sewer Line for the benefit of all or any part of the Property or the Project. The City hereby agrees that 4-Leaf and OXO1 shall have the right to assign all or any of its rights under the Waiver without the City's prior consent so long as the assignment is only for the benefit of the Property or any part of it.

The Waiver will terminate at the earlier of the following dates: (i) on the date that the total dollar amount of the Tap Fees that would have been paid to the City for taps benefiting all or any part of the Property by 4-Leaf, OXO1, or their successors and assigns, but for the Waiver, is equal to Six Hundred Thousand and 00/100 ($600,000.00) Dollars (which sum is the agreed upon cost for 4-Leaf to complete the Water Line Work); or (ii) January 1, 2036. The parties acknowledge that as of March 30, 2006, the City has waived Three Hundred Fifty Six Thousand Eighty ($356,080.00) Dollars in Tap Fees and that that amount is to be deducted from Six Hundred Thousand and 00/100 ($600,000.00) Dollars leaving the balance of Tap Fee waiver yet available to 4-Leaf and OX01 to be Two Hundred Forty Three Thousand Nine Hundred Twenty and 00/100 ($243,920.00) Dollars. The City shall certify in writing ("Tap Certification") to 4-Leaf on or before January 30th of each calendar year the total Tap Fees waived in the immediately preceding calendar year and the aggregate amount of Tap Fees waived. 4-Leaf shall also have the right to request a Tap Certification from the City from time to time.

B. Final PUD Approvals. The Annexation Agreement and the Annexation Resolution will provide, among other things, that the Property, if annexed into the City, will be zoned consistent with the approved preliminary Planned Unit Development plans and related density provisions (collectively, hereinafter the "Final Plans") attached hereto as Exhibit "F", subject only to the requirements for set-backs (front, rear and side-yard) and building height provided for in Chapter 1143 of the Codified Ordinances of the City (collectively, the "Dimensional Requirements") and signage as set forth in Chapter 1151 of the Codified Ordinances of the City. The term "Dimensional Requirements" shall not be interpreted to include any other requirements not specified in Chapter 1143 of the Codified Ordinances of the City.

C. Point of Presence. Prior to December 31, 2008, and on annexation of the Property, the City may, at the City's option, cause a fiber optic point of presence ("POP") to be installed at no cost or expense to 4-Leaf or OXO1 in the right of way area for US 27 adjacent to the Property which shall, in part, serve the Property and the Project. Once installed, 4-Leaf and OXO1 shall have the right to tap into the POP and extend and use POP service for the benefit of the Property and the Project, subject to the payment of applicable service and connection rates established by the City or authorized third party provider for City users from time to time.

D. Easements. The City will grant to 4-Leaf and OXO1 such easements as are reasonably requested by 4-Leaf or OXO1 for constructing and tapping into, accessing or using the Water Line, the Sewer Line and the POP.

E. Right of Way. At the time 4-Leaf conveys title to the Right of Way as provided for in Article IV of this Agreement, the City will execute and deliver to 4-Leaf such documentation as 4-Leaf may require, including but not limited to IRS Form 8283, so that 4-Leaf can substantiate its non-cash charitable contribution to the City in the amount of the agreed-upon fair market value of the Right of Way. The fair market value of the Right of Way shall be the value determined by a qualified real estate appraiser from Butler County, Ohio, hired by 4-Leaf and approved by the City (which approval shall not be unreasonably withheld or delayed).

F. Ordinances. The final ordinances which the City agrees to pass pursuant to this Agreement or in connection with the performance of any of its obligations under this Agreement, including, but not limited to Annexation Resolution, and the ordinance authorizing the execution and delivery of this Agreement shall be deemed "final" for purposes of this Agreement at the later of: (i) thirty (30) days after such ordinance is passed by City Council; or (ii) the date the referendum period with respect to such ordinance has expired.

G. ODOT. The City covenants and agrees to cooperate with and assist 4-Leaf with respect to any Ohio Department of Transportation requirements, including permitting, applications and approvals. The City covenants and agrees to support 4-Leaf's effort with respect to such matters in any reasonable respect.

H. Sidewalk. The City covenants and agrees, at its sole cost and expense, to construct a sidewalk (the "Sidewalk") along US 27 South in the area set forth on Exhibit "H"; provided, however, that the City shall have no obligation to construct the Sidewalk on property owned by The Board of Trustees of Miami University ("Miami") nor shall the City have an obligation to construct the bridge shown thereon. That part of the Sidewalk to be constructed by the City shall be complete on or before July 1, 2007. The City further covenants and agrees to use best efforts to negotiate with Miami to provide for the construction of the Sidewalk on property owned by Miami on or before July 1, 2007 and to use best efforts to negotiate with 4-Leaf with respect to the construction of the bridge.

ARTICLE VI - ADDITIONAL 4-LEAF COVENANTS

4-Leaf covenants and agrees to do the following:

A. Turn Lanes; Traffic Light. If the Property is annexed into the City, 4-Leaf will construct, at its sole cost and expense, the turning and deceleration lanes ("Roadway Improvements") and install a traffic signal ("Signal") according to the plans and specifications set forth on Exhibit "G" (collectively, the "Roadway Work"). Upon completion of the Roadway Work, 4-Leaf shall dedicate the Roadway Improvements as publicly dedicated improvements. Thereafter, the Roadway Improvements shall be maintained by the City, at its sole cost and expense, subject to the obligation of 4-Leaf to provide a one-year maintenance bond for the Roadway Improvements pursuant to Section 1101.06 of the Codified Ordinance of the City. After 4-Leaf installs the Signal, it shall be maintained by the City, at its sole cost and expense, subject to the obligation of 4-Leaf to provide a one-year maintenance bond for the Signal pursuant to Section 1101.06 of the Codified Ordinances of the City.

B. Conservation Easements. If the Property is annexed into the City, at the request of the City, 4-Leaf shall grant to Three Valley Conservation Trust, or another eligible entity agreed upon by the City and 4-Leaf, a conservation easement over that part of the Property denoted as "green space" on Exhibit "F" hereto, subject to such terms and conditions (including, but not limited to the documentation of the value of the charitable gift for IRS purposes) as are acceptable to 4-Leaf, in its sole discretion.

C. Easements. 4-Leaf will grant to the City such easements over the Property in areas acceptable to 4-Leaf as may be reasonably requested by the City for the Water Line and the POP.

D. Southpointe Parkway. The City acknowledges that 4-Leaf has commenced development of the Project prior to the annexation of the Property into the City. The Parties further acknowledge and agree that the construction of the public improvements for the Project, including but not limited to Southpointe Parkway, commenced prior to the finalization of the annexation of the Property into the City. All such public improvements shall be completed by 4-Leaf in accordance with the Engineering Specifications as defined in Article IV D. hereof. Further, if the Property has been annexed into the City, the Parties agree that upon completion of the construction of these public improvements in accordance with the Engineering Specifications, the City will accept them as public improvements which will be maintained by the City, subject to 4-Leaf's obligation to post a one-year maintenance bond in the amount as required.

ARTICLE VII - MANAGEMENT OF THE PROJECT

A. Control. Except with respect to that part of the Project owned by OXO1, 4-Leaf shall have sole control over the Project and is entitled to take such action as is commercially proper and necessary to perform its obligations hereunder, provided that such action of 4-Leaf shall not be inconsistent with the terms of this Agreement or contrary to law.

B. No Conflict. The City acknowledges that 4-Leaf, OXO1 and affiliates of each, have or will have a number of development projects in Butler County, Ohio and surrounding areas and that the activities of 4-Leaf, OXO1 or affiliates of each with respect to such other projects shall not constitute a conflict of interest or otherwise entitle the City to any claim against 4-Leaf, OXO1 or affiliates of each, or any such other project, under this Agreement or otherwise.

ARTICLE VIII - REPRESENTATIONS AND WARRANTIES

A. Representations and Warranties of 4-Leaf. 4-Leaf represents and warrants to the other Parties as follows:

1. 4-Leaf is an Ohio limited liability company duly formed and validly existing under the laws of the State of Ohio.

2. 4-Leaf has full power and authority to enter into and perform its obligations under this Agreement. The execution, delivery, and performance of this Agreement, and all transactions contemplated hereby, have been duly authorized and approved by all necessary actions of 4-Leaf and are the legal, valid and binding obligations of 4-Leaf.

B. Representations and Warranties of OXO1. OXO1 represents and warrants to the other Parties as follows:

1. OXO1 is a limited partnership duly formed and validly existing, in the State of Ohio.

2. OXO1 has full power and authority to enter into and perform its obligations under this Agreement. The execution, delivery, and performance of this Agreement, and all transactions contemplated hereby, have been duly authorized and approved by all necessary actions of OXO1 and are the legal, valid and binding obligations of OXO1.

C. Representations and Warranties of the City. The City represents and warrants to the other Parties as follows:

5. The City is a duly established and validly existing municipality and political subdivision in and of the State of Ohio.

6. The City has full power and authority to enter into and perform this Agreement. The execution, delivery, and performance of this Agreement and all transactions contemplated hereby have been duly authorized and approved by all necessary actions of the City, and are the legal, valid and binding obligations of the City.

7. The execution and delivery of this Agreement and the performance of the duties and obligations provided for in this Agreement by the City do not violate any provisions of the City's Charter or any law, ordinance or regulation or any agreement to which the City is a party or by which the City is bound.

8. The City has received no notice of any pending or threatened claim, litigation, or other administrative action or other legal proceeding involving or affecting the transactions contemplated by this Agreement.

9. The costs of any construction, work or maintenance performed by the City contemplated by this Agreement shall not be the subject matter of any special assessment, which will be levied against the Property.

10. By virtue of this Agreement and subject to its terms: (a) 4-Leaf, OXO1 and their successors and assigns, shall have a right of access to each of the Sewer Line, the Water Line, and the POP (if any); (b) 4-Leaf, OXO1 and their successors and assigns, shall have the right to use each of the Sewer Line, Water Line and the POP (if any) at the rates paid by users of water, sewer and POP services as provided for in this Agreement; and (c) 4-Leaf, OXO1 and their successors and assigns, shall have the right to tap into the Water Line and/or the Sewer Line servicing the Property as provided for in this Agreement.

ARTICLE IX - MISCELLANEOUS

A. Ordinance. The City hereby acknowledges and agrees that Ordinance 2845 (the "Utility Ordinance") is amended by this Agreement and that 4-Leaf's and OXO1's performance pursuant to this Agreement shall constitute the satisfaction of all of 4-Leaf's and OXO1's obligations under the Utility Ordinance.

B. Duration. The term of this Agreement shall commence on the date set forth above and shall remain in effect and as a continuing obligation of the Parties, subject only to such rights, or obligations that terminate pursuant to the terms hereof.

C. Wavier. The failure of any Party to insist upon strict adherence to any term of this Agreement on any occasion shall not be considered a waiver of any right thereunder, nor shall it deprive that Party of the right thereafter to insist upon strict adherence to that term or any other term of this Agreement. Any waiver must be made in writing.

D. Notices. All notices, requests, consents, approvals, demands, and other communications required or permitted to be given or made under this Agreement shall be in writing and shall be deemed to have been duly given when (i) delivered personally or (ii) three calendar days after deposit in the United States Mail, postage prepaid, by certified mail, return receipt requested, or (iii) upon delivery by nationally recognized overnight courier, addressed as follows or to such other person or address as either party shall designate by notice to the other party given in accordance herewith:

4-Leaf:	4-Leaf Development, LLC James M. Clawson 22 East High Street Oxford, Ohio 45056 Facsimile: (513) 523-9415
Copy to:	Catherine L. Evans, Esq. Millikin & Fitton Law Firm Six South Second Street P.O. Box 598 Hamilton, Ohio 45012 Facsimile: (513) 863-0031
OXO1:	College Suites 319 N. Magnolia Avenue Orlando, Florida 32801
City:	City of Oxford Jane Howington, City Manager 101 E. High Street Oxford, OH 45056-1887 Facsimile: (513) 523-7769
Copy to:	Stephen M. McHugh, Esq. Altick & Corwin Co., L.P.A. 1700 One Dayton Centre One South Main Street Dayton, OH 45402 Facsimile: (937) 223-5100

Failure of any Party to provide any notice to the other Party's legal counsel shall not be deemed a failure of the notice for purposes of this section.

E. Execution. Neither this Agreement nor any subsequent agreement amending or supplementing this Agreement shall be binding on the Parties unless and until it has been signed on their behalf by their respective duly authorized representatives. Commencement of performance hereunder or under any subsequent agreement shall not constitute a waiver of this requirement. As used herein, the term "Agreement" shall mean this Development Agreement and the Exhibits attached hereto. This Agreement may be executed in one or more counterparts by any Party hereto and by all Parties hereto in separate counterparts, each of which, when so executed and delivered to the other Parties, shall be deemed an original. All such counterparts together shall constitute one and the same instrument.

F. Severability. If any provision of this Agreement is or should become wholly or partially invalid or unenforceable for any reason whatsoever or violate any applicable law, this agreement is to be considered divisible as to such provision and such provision is to be deleted from this Agreement, and the remainder of this Agreement shall be deemed valid and binding as if such provision were not included herein. There shall be substituted for any such provision deemed to be deleted a suitable provision which, as far as is legally possible, comes nearest to what the parties desired or would have desired according to the sense and purpose of this Agreement had this point been considered when concluding this Agreement.

G. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio, without regard to its rules as to conflicts of laws. The Parties hereto further agree that any action, suit, or proceeding in respect of or arising out of this Agreement, its validity or performance shall be initiated and prosecuted as to all parties and their heirs, successors and assigns and consent to and submit to the exercise of jurisdiction over its person by any court situated therein having jurisdiction over the subject matter.

H. Relationship of the Parties. Except as expressly stated and provided for herein, neither anything contained in this Agreement nor any acts of the Parties hereto shall be deemed or construed by the Parties hereto, or any of them, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or of association between any of the Parties to this Agreement.

I. No Third Party Beneficiary. Except as otherwise specified herein, the provisions of this Agreement are for the exclusive benefit of the City, 4-Leaf, OXO1, any lender providing financing to 4-Leaf or OXO1 and their successors and permitted assigns, and not for the benefit of any other person or entity, nor shall this Agreement be deemed to have conferred any rights, express or implied, upon any other person or entity.

J Dispute Resolution. The Parties agree that, in order to carry out the spirit and intent behind this Agreement, each shall cooperate fully with the others in furtherance of the objectives of this Agreement. If, however, a matter arises that is addressed in this Agreement or the interpretation of which cannot be mutually resolved and remains in dispute, the Parties agree that some method of alternative dispute resolution is appropriate to resolve the differences. To that end, the Parties agree to submit unresolved Agreement matters in dispute to either arbitration or mediation, as may be mutually agreed. In the event that any Party notifies the others in writing that such alternative dispute resolution is requested by such Party ("Notice"), the Party receiving the Notice shall have thirty (30) days in which to respond and agree to the method proposed. In the event no written agreement is reached, any Party may pursue any resolution of the dispute through any remedy available to such Party in law or in equity, including the filing of a lawsuit in a court of competent jurisdiction.

The arbitration proceedings will be conducted in Butler County, Ohio under the commercial Arbitration Rules of the American Arbitration Association ("AAA") in effect at the time the demand for arbitration is made, except that the decision of the arbitrator shall include written findings of fact and conclusions of law. The arbitrator shall be selected by agreement of the Parties, but if they do not so agree within twenty (20) days of the date of the initial request by the Party for arbitration, the selections shall be made pursuant to the designated rules of the AAA. The decision of the arbitrators shall be exclusive, final, and binding on all parties, their respective successors and assigns. To the extent permitted at law, each party to the arbitration proceeding will bear its own expenses in the arbitration for expenses of presenting that party's case. Other arbitration costs, including arbitrators' fees, administrative fees, and fees for jointly required or obtained records or transcripts, will be shared equally by the parties to the arbitration proceeding.

Mediation shall be determined by each Party selecting and mutually agreeing upon a mediator and shall take place in Butler County, Ohio. The costs of mediation shall be equally shared and paid.

K. Diligent Performance. With respect to any duty or obligation imposed on a party to this Agreement, unless a time limit is specified for the performance of such duty or obligation, it shall be the duty or obligation of such Party to commence and perform the same in a diligent and workmanlike manner and to complete the performance of such duty or obligation as soon as reasonably practicable after commencement of the performance thereof. Notwithstanding the above, time is of the essence in regard to payment obligations.

L. Time of the Essence. Time is of the essence for all matters in this Agreement herein and the Parties shall diligently pursue and complete their obligations hereunder.

M. Force Majeure. A Party shall not be in default in the performance of an obligation under this Agreement, other than an obligation requiring the payment of a sum of money, if and so long as the non-performance of such obligation shall be directly caused by labor disputes, lockouts, acts of God, enemy action, civil commotion, riot, governmental regulations not in effect at the date of execution of this Agreement, conditions that could not have been reasonably foreseen by the claiming party, inability to obtain construction materials or energy, fire or unavoidable casualty or other causes beyond the reasonable control of the Party.

N. Approvals. Except as required by statute, whenever a Party to this Agreement is required to consent to, or approve, an action by another Party or to approve any such action to be taken by another Party, unless the context clearly specifies a contrary intention or specific time limitation, such approval or consent shall be given within fifteen (15) business days (i.e., Saturdays, Sundays, and legal holidays excluded) and shall not be unreasonably withheld or delayed by the Party from whom such approval or consent is required. If a Party suffers damage due to another Party unreasonably withholding or delaying approval or consent, such other Party shall reimburse such Party for such damages.

O. Binding Effect. This Agreement and all of the provisions hereof shall run with the land and shall be binding upon and inure to the benefit of the Parties and their respective successors and permitted assigns.

P. Successors and Assigns/Memorandum of Agreement. Subject to the limitations otherwise contained in this Agreement, the covenants, terms, and conditions contained in this Agreement shall inure to the benefit of, and be binding upon, the successors and assigns of the Parties hereto, including any person or entity to which 4-Leaf or OXO1 may sell or transfer a portion of the Project. This Agreement is a condition for the development of the Project and shall be a restriction that runs with the land. This Agreement or a memorandum thereof shall be recorded by the Parties hereto.

Q. Entire Agreement/Merger. This Agreement contains the entire agreement among the Parties hereto with respect to the subject matter set forth herein and supersedes any and all other agreements, oral or written, with respect to the subject matter of this Agreement.

R. Construction. No provision of this Agreement shall be construed by any court or other judicial authority against any Party hereto by reason of such Party's being deemed to have drafted or structured other provisions. The Parties have been represented by counsel with regard to this Agreement.

This Agreement embodies the entire agreement and understanding of the Parties hereto with respect to the subject matter herein contained, and supersedes all prior agreements, correspondence, arrangements, and understandings relating to the subject matter hereof. No representations, promise, inducement, or statement of intention has been made by any Party which has not been embodied in this Agreement, and no Party shall be bound by or be liable for any alleged representation, promise, inducement, or statement of intention not so set forth. This Agreement may be amended, modified, superseded, or cancelled only by a written instrument signed by all of the Parties hereto, and any of the terms, provisions, and conditions hereof may be waived only by a written instrument signed by the waiving Party. Failure of any Party at any time or times to require performance of any provision hereof shall not be considered to be a waiver of any succeeding breach of such provision by any Party.

[Remainder of Page Intentionally Left Blank]

The Parties have signed and executed this Agreement on the date first written above.

CITY OF OXFORD

By: Jane Howington

Jane Howington, City Manager

4-LEAF DEVELOPMENT, LLC

By: Brian D. Kelly

Pamela S. Lindley

OXO1, LTD.

By: Robert Ange

Pamela S. Lindley

APPROVED AS TO FORM:

By: ______________________

Stephen M. McHugh, Law Director
City of Oxford, Ohio

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CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: February 6, 2018

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

January 18, 2018
Date Prepared

Agenda Title: A Resolution appointing Steve Dana as Council Representative to the Self Board.

Recommendation: Approve

Discussion:

As requested by Mayor Rousmaniere. Vice Mayor Dana will fill Mayor Rousmaniere's unexpired term on the SELF Board ending January 31, 2019.

Approved By:

	Initial	Date
Department Head:		
City Manager:	DRE	2/1/18

RESOLUTION NO.

A RESOLUTION APPOINTING STEVE DANA AS COUNCIL REPRESENTATIVE TO THE SUPPORTS TO ENCOURAGE LOW-INCOME FAMILIES (SELF) BOARD.

WHEREAS, Oxford City Council supports the efforts of the Supports to Encourage Low-Income Families (SELF) Board in helping low-income residents of Butler County to achieve self sufficiency.

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

SECTION 1: Steve Dana shall be appointed as Council representative to the SELF Board to fill Kate Rousmaniere's unexpired term ending January 31, 2019.

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

____
MAYOR

ADOPTED:

ATTEST:

____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: Feb. 6, 2018

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: Jan. 24, 2018

Agenda Title: A Resolution requesting City Council approval of the updated Rules of Order for the Oxford Recreation Board.

Recommendation: Approve

The five members of the Oxford Recreation Board, along with assistance from City Council Representative Edna Southard, City Manager Doug Elliott, Parks and Recreation Director Casey Wooddell, and Secretary Deanna Barbour, reviewed the current Rules of Order for the Oxford Recreation Board. These Rules of Order were last updated in June 2007.

Upon review of the Rules, the Board and others made some changes and updates to clean up the language of this document and provide more accurate information to lead and guide the members of the Board, both present and future.

On January 18, 2018, the Board members carried a motion 5-0 in favor of recommending these changes to City Council.

Approved By:	Initial Date
Department Head:	CDW \ 1/24/18
City Manager:	DRE \ 2/1/18

RESOLUTION NO.

A RESOLUTION REPEALING RESOLUTION NO. 4262 ADOPTED JUNE 19, 2007 AND ADOPTING NEW RULES OF ORDER FOR THE OXFORD RECREATION BOARD.

WHEREAS, the Recreation Board Rules of Order were last updated in 2007 and adopted by City Council on June 19, 2007; and

WHEREAS, Recreation Board members and City staff recently reviewed the Rules of Order and found some changes and updates were necessary to provide more accurate information to lead and guide the members of the Board, both present and future; and

WHEREAS, the City Manager and the Parks and Recreation Director recommend that City Council repeal Resolution No. 4264 adopted June 19, 2007 and adopt the new Rules of Order for the Oxford Recreation Board attached hereto as Exhibit "A".

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

SECTION 1: Council having reviewed the proposed Rules of Order for the Oxford Recreation Board hereby accepts the recommendation of the City Manager and the Parks and Recreation Director and repeals Resolution No. 4262 adopted June 19, 2007 and adopts the new Rules of Order for the Oxford Recreation Board attached hereto as Exhibit "A".

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

____
MAYOR

ADOPTED:

ATTEST:

____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: EDNA SOUTHARD

PREPARED BY: LAW(STAFF)

EXHIBIT 'A'

RULES OF ORDER
OF
THE OXFORD RECREATION BOARD

ARTICLE I

SECTION 1 The name of this organization shall be the Oxford Recreation Board, as stipulated in the Charter of the City of Oxford, Ohio, Section **8.07.**~~-and further described in the Ohio Revised Code, Sections 755.12 to 755.18.~~

ARTICLE II – MEMBERS OF THE BOARD

SECTION 1 There shall be ~~a Recreation Board consisting of a minimum of~~ five members **appointed by City Council**. ~~and a maximum of seven members~~, Two members ~~of whom~~ shall be recommended to City Council by the **Talawanda** Board of Education. ~~Said Board to serve for an overlapping term of three (3) years. Of the members first appointed, one shall serve for one year, two for two years, and two for three years. Thereafter,~~ Appointments shall be made for a three year term of office. The **Oxford** Recreation Board shall recommend to Council future plans and development of playgrounds and recreational facilities and programs for the City.

SECTION 2 **There shall also be one member from City Council appointed to the Recreation Board. This member will also be a voting member, in addition to the five regular members.**

~~SECTION 3 The **Parks and** Recreation Director shall be an ex-officio member of the Board.~~

SECTION 3 In the event of the resignation of any board member, or his/**her** death, inability to service, or absence without acceptable reason from three regular consecutive meetings, City Council will appoint a member to finish any unexpired term that might remain.

ARTICLE III – OFFICERS OF THE BOARD

SECTION 1 ~~The officers of the Oxford Recreation Board shall be a Chair and an Executive Secretary, both of whom shall serve in these capacities for one year. They may serve a maximum of three successive terms.~~ **At the first meeting of each calendar year, the Board shall elect one of its members as Chairperson. It shall be the duty of the Chairperson to preside at all meetings of the Board, and to perform such other duties as determined by the Board.** ~~**He/she shall be an ex-officio member of all committees of the Board.**~~

SECTION 2 ~~The officers shall be elected by the Board at the first meeting in January of each year.~~ **At the first meeting of each calendar year, the Board shall appoint a person to act as Secretary of the Board, who may be a City staff member and who may not be a member of the Board.**

The secretary shall attend all meetings of the board and keep minutes of such meetings. He/she shall conduct such correspondence as the Board may direct. He/she shall be responsible for maintaining a file of the Board correspondence and business.

SECTION 3 In the event of the resignation or death of ~~any officer~~ **the Chairperson**, the Board shall elect a successor **to complete any unexpired term** after the appointment by City Council to fill the vacancy.

In the event of the resignation or death of the Secretary, the Board shall appoint a new Secretary to fill the remainder of the unexpired term.

~~ARTICLE IV – OFFICERS OF THE BOARD~~ ~~**DEFINITION OF OFFICERS**~~

~~SECTION 1 The Chair shall preside at all meetings of the Board and shall perform such other duties as determined by the Board. He/she shall be an ex-officio member of all committees of the Board.~~

~~SECTION 2 The Executive Secretary shall keep minutes of all meetings of the Board. He/she shall conduct such correspondence as the Board may direct. He/she shall be responsible for maintaining a file of the Board correspondence and business.~~

ARTICLE **IV** – **PARKS AND** RECREATION DIRECTOR

SECTION 1 The **Parks and** Recreation Department shall be administered by a **Parks and Recreation** Director ~~of Recreation~~, appointed by the City Manager, and who shall be responsible to the City Manager for all work having to do with the execution of the **Parks and** Recreation Programs and the operation of the **Parks and** Recreation Facilities of the City. The **Parks and Recreation** Director shall exercise supervision over all employees in the department as authorized by Council and the City Manager, and shall perform such other duties as may be prescribed by ordinance or required by the City Manager.

SECTION 2 He/she shall have a seat on the **Oxford** Recreation Board and the right to speak on all matters before the **Oxford** Recreation Board, but shall not have the right to vote.

ARTICLE **V** – MEETINGS

SECTION 1 The fiscal year shall begin on the first day of January.

SECTION 2 The stated meetings of the Board shall be held on the ~~first Monday~~ **third Thursday** of the month, unless otherwise ordered by the **Oxford** Recreation Board.

SECTION 3 Special meetings of the Board may be held at any time or place at the call of the Chair**person** or upon request by two members of the **Oxford** Recreation Board. ~~Public notice must be given in the newspaper in advance.~~

SECTION 4 A quorum shall consist of a majority of the members of the Board.

SECTION 5 The order of business of the Board shall be as follows:

1. Call to Order
2. Roll Call
3. Report of **Parks and** Recreation Director
4. Report of Committees
5. Old Business
6. New Business
7. Adjournment

SECTION 6 All meetings shall be open to the public. ~~Executive sessions may be called upon request by two members of the Board. Executive sessions shall be open sessions. and must be publicized in the local paper.~~

ARTICLE **VI** – COMMITTEES

SECTION 1 The Chair**person** may appoint such committees, standing or special as may be authorized by the Board.

ARTICLE VII – AMENDMENTS

SECTION 1 These Rules of Order may be altered, amended or repealed at any stated meeting of the Board by a majority vote of the entire Board with the approval of City Council.