

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 15, 2011

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

February 3, 2011
Date Prepared

HAPC MEETING REPORT – FEBRUARY 2, 2011

Election of Officers:

The election of HAPC officers took place. Mr. Mike Smith will remain as the Chair and Ms. Laura Henderson will remain as the Vice-Chair.

DISCUSSION

Requests for Review:

There were none.

Administrative Findings/Approvals:

HAPC-ADM-12-2010 36 W. High Street (former Maid Rite) installation of new sign face and gooseneck light fixtures, **Farrah Akkoub, Applicant, Agent** *Approved Administratively 12/16/2010*

HAPC-ADM-01-2011 24 E. Park Place, Darbar Restaurant, installation of window signage, **Khan Signs, Applicant/Agent** *Approved Administratively 1/7/2011*

Correspondence & Announcements:

Ms. Henderson shared that she had ordered a booklet from the National Trust that discussed guidelines for historic districts and that she would share with the Commission at the next meeting.

New Business:

- HAPC 2010 Annual Summary Approval – Accepted with no changes
- 2011 Meeting Dates – Accepted
- 2011 Historic Marker Candidates/Historic Open House

Ms. Dale shared that she was able to schedule with the Oxford Community Arts Center the date of the Historic Marker Award Ceremony for May 16, 2011. Ms. Dale also distributed “reminder” flyers for the application deadline and stated that there would be an announcement in the paper as well. Ms. Dale shared that there would be one application submitted for sure and possibly a second. No Commission members were aware of there being any other applications. Ms. Dale asked the Commission to start thinking about what would happen if no applications were received and whether nominations would have to be made by the Commission. Ms. Henderson and Mr. Smith indicated they would speak to some people about their intent on submitting a nomination. Mr. Daniels suggested sending an application and letter to current owners of properties listed in some of the history books about Oxford.

The next regular HAPC meeting is scheduled for March 2, 2011.

Approved By:

Department Head:
City Attorney:
City Manager:

Initials	Date
<i>JHC</i>	<i>2/8/11</i>
<i>DLE</i>	<i>2/8/11</i>

CITY OF OXFORD STAFF SUMMARY REPORT

Report to City Manager

Finance

Originating Department

Council Meeting Of : 2/1/2011

Account Code No. : see below

Joe Newlin

Prepared By

Budgeted Amount : _____

1/25/2011

Date Prepared

Agenda Title:	2011 Supplemental Budget #1
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Recommendation:	Approve
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Issue 1

ODOT updated estimate of City's portion of SR 732 repaving project

Action Needed:

Revenue Side

- N/A

Expense Side

Capital Improvement 141	11,442.00	Increase for Urban Paving SR 732
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Net Effect on Fund Balance/(s) Increase/(Decrease)	(11,442.00)	
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Issue 2

Distribution of Estate Tax to Oxford Township per agreement received by the City in December of 2010.

Action Needed:

Revenue Side

- N/A

Expense Side

General 110	63,505.81	Payment to Oxford Township Estate Tax
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Net Effect on Fund Balance/(s) Increase/(Decrease)	(63,505.81)	
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Issue 3

Adjusting original 2011 budget to reflect the establishment of Fire/EMS Fund 418

Decrease original revenues & expenditures in General Fund and increase revenues and expenditures in Fire/EMS Fund

Upon passage all expenditures and revenues posted year to date in the General fund will be reversed and posted to Fire/EMS Fund 418

Action Needed:

Revenue Side

General 110	(407,000.00)	Fire & Life Squad Grant, Oxford Township Contract, EMS Billing
Fire/EMS 418	407,000.00	Fire & Life Squad Grant, Oxford Township Contract, EMS Billing

Expense Side

General 110	(1,342,342.00)	150 - Firefighting & Training, 151- EMS & 160 - Emergency Management Services
Fire/EMS 418	1,342,342.00	Fire/EMS

Net Effect on Fund Balance/(s) Increase/(Decrease)	-
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Issue 4

Adjusting Fire/EMS budget for new revenues and expenses connected with .25% Income Tax and related expenses and additional revenue from Milford Township

Action Needed:

Revenue Side

Fire/EMS 418	977,200.00	Income Tax - \$971,000 and \$6,200 Milford Township
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Expense Side

Fire/EMS 418	38,840.00
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Net Effect on Fund Balance/(s) Increase/(Decrease)	938,360.00
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Issue 5

Adjusting Fire/EMS budget for prior years outstanding encumbrances funds to be transferred to Fire/EMS Fund from General Fund
Transfer will occur after passage of legislation.

Action Needed:

Revenue Side

Fire/EMS 418	46,899.00	Transferred from General Fund
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Expense Side

General 110	(46,899.00)	Decrease in prior years encumbrances
General 110	46,899.00	Increase in appropriation for transfer to Fire/EMS
Fire/EMS 418	46,899.00	Increase in appropriation for Prior years encumbrances

Net Effect on Fund Balance/(s) Increase/(Decrease)	-
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Issue 6

Adjusting Fire/EMS budget for revenue to cover first months expenses and advance funds to cover future expenditures
Transfer and advance will occur after passage of legislation and advance will be repaid when funds become available.

Action Needed:

Revenue Side

Fire/EMS 418	80,000.00	Transferred from General Fund
Fire/EMS 418	245,000.00	Advanced from General Fund
General 110	245,000.00	Repayment of advanced from Fire/EMS Fund

Expense Side

General 110	80,000.00	Transfer to Fire/EMS
General 110	245,000.00	Advanced to Fire/EMS Fund
Fire/EMS 418	245,000.00	Repayment of advanced to General Fund

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

Issue 7

Adjusting Water Debt Service Fund to account for Bond Refinancing and 2011 new debt payments

Action Needed:

Revenue Side

Water Bond Debt Service 312	3,452,757.95	Bond Proceeds
Water Bond Debt Service 312	(35,939.72)	Decrease in budgeted transfer for current years debt service

Expense Side

Water Bond Debt Service 312	3,360,000.00	Retirement of Outstanding Bonds - Principle
Water Bond Debt Service 312	37,144.17	Retirement of Outstanding Bonds - Interest
Water Bond Debt Service 312	55,613.78	Debt Issuance Costs
Water Bond Debt Service 312	60,000.00	Principle Payment (830,000 - 770,000)
Water Bond Debt Service 312	(95,939.72)	Interest Payment (57,160.28 - 153,100.00)
Water 321	(35,939.72)	Decrease budgeted transfer to Water Bond Debt Service

Net Effect on Fund Balance/(s)	35,939.72
Increase/(Decrease)	

Total Net Effect on Fund Balance/(s)	899,351.91
Increase/(Decrease)	

Breakdown by Fund

General 110	791,836.19
Fire/EMS 418	83,018.00
Capital Improvement 141	(11,442.00)
Water Bond Debt Service 312	-
Water 321	35,939.72

Net Effect on Fund Balance/(s)	899,351.91
Increase/(Decrease)	

Approved By:	Department Head:	Initials	Date
		<i>[Signature]</i>	11/27/11
	City Manager:	<i>[Signature]</i>	11/28/11

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3130. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 1 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2011.

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

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

SECTION 2: The following increase/(decrease)in revenues be made:

General Fund 110	(407,000.00)
Fire/EMS Fund 418	407,000.00
Fire/EMS Fund 418	977,200.00
Water Bond Debt Service Fund 312	3,452,757.95
Water Bond Debt Service Fund 312	(35,939.72)

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

Capital Improvement Fund 141	11,442.00
General Fund 110	63,505.81
General Fund 110	
Personnel Services	(1,067,172.00)
Other Services & Charges	(275,170.00)
Fire/EMS Fund 418	
Personnel Services	1,067,172.00
Other Services & Charges	275,170.00
Fire/EMS Fund 418	38,840.00
General Fund 110	(46,899.00)
General Fund 110	46,899.00
General Fund 110	80,000.00
General Fund 110	245,000.00
Fire/EMS Fund 418	245,000.00
Water Bond Debt Service Fund 312	3,360,000.00
Water Bond Debt Service Fund 312	37,144.17
Water Bond Debt Service Fund 312	55,613.78
Water Bond Debt Service Fund 312	60,000.00
Water Bond Debt Service Fund 312	(95,939.72)
Water Fund 321	(35,939.72)

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

Transfer from:	
General Fund 110	46,899.00
General Fund 110	80,000.00

Transfer to:	
Fire/EMS Fund 418	46,899.00
Fire/EMS Fund 418	80,000.00

ORDINANCE NO.

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

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General Fund 110	(407,000.00)
Fire/EMS Fund 418	407,000.00
Fire/EMS Fund 418	977,200.00
Water Bond Debt Service Fund 312	3,452,757.95
Water Bond Debt Service Fund 312	(35,939.72)

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

Capital Improvement Fund 141	11,442.00
General Fund 110	63,505.81
General Fund 110	
Personnel Services	(1,067,172.00)
Other Services & Charges	(275,170.00)
Fire/EMS Fund 418	
Personnel Services	1,067,172.00
Other Services & Charges	275,170.00
Fire/EMS Fund 418	38,840.00
General Fund 110	(46,899.00)
General Fund 110	46,899.00
General Fund 110	80,000.00
General Fund 110	245,000.00
Fire/EMS Fund 418	245,000.00
Water Bond Debt Service Fund 312	3,360,000.00
Water Bond Debt Service Fund 312	37,144.17
Water Bond Debt Service Fund 312	55,613.78
Water Bond Debt Service Fund 312	60,000.00
Water Bond Debt Service Fund 312	(95,939.72)
Water Fund 321	(35,939.72)

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

Transfer from:	
General Fund 110	46,899.00
General Fund 110	80,000.00

Transfer to:	
Fire/EMS Fund 418	46,899.00
Fire/EMS Fund 418	80,000.00

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: February 15, 2011

Gail Brahier

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 9, 2011

Date Prepared

Agenda Title: Recreation Advisory Board

Recommendation: N/A

Discussion: The Recreation Advisory Board met on 1/27/11 at the Oxford Senior Citizen and Community Center. In attendance: Shaunna Tafelski, Chair, Brandy Darby, Holli Moorish, Mary Glasmeier, Ken Bogard - City Council Representative, staff members: Gail Brahier, Deanna Barbour, Casey Wooddell, and intern Chris Smith.

Ms. Moorish distributed renditions of the new high school sports complex and aerial photos of the progress. Discussion occurred regarding fencing around the football field, targeted move-in date, and re-use of the current high school. The board requested to have the May meeting at the high school site for an update.

Ms. Brahier distributed the department's 2010 Annual Report, noting the department directly served 79,121 participants (registered for a class, took part in an event). She also noted pool attendance was 19,441; pool operating budget just under \$100,000 with revenue at app. \$62,333. Total department revenue was \$289,846, with \$7,593 of in-kind donations.

Ms. Brahier advised the dates for the Adidas Soccer Tournament is April 8-10, and April 15-17. Opening Day for MLL is May 7, so there will not be a conflict. Little League is bringing the SW Ohio District 9 Seniors Tournament to OCP July 15-18. In addition, the SW Ohio Swim Championships will be held at the Oxford Municipal Pool July 19-21.

Ms. Glasmeier stated the Dog Park is very busy with regular users, and inquired if the small section of unused property adjacent to the park might be donated for a parking lot. Ms. Brahier said she will look into it.

Continue...

Approved By:

Department Head:

City Attorney:

Initial Date

GB \2/8/11

Doc \2/11/11

City Manager: _____ \

Ms. Moorish complimented sports staff for the manner they handled a coach issue regarding BB.

Mr. Bogard gave a brief synopsis of the Randall Arendt workshop to be held 1/31 at MU, noting former Mayor Prue Dana, current Councilman Greig Rutherford, and the MU Geography Department were instrumental in bringing Mr. Arendt to Oxford; adding the topic will be conservation planning and will involve township, school and city administrators. He said there will be a follow-up workshop 2/28.

Mr. Bogard mentioned Oxford was hosting the City Manager's and Mayor's meeting of SW Ohio 1/27 at the Knolls of Oxford.

Next Meeting: February 17, 4 pm, Senior Center

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 18, 2011

Account Code No. #:

Kathryn A. Dale
Prepared By

Budgeted Amount:

January 12, 2011
Date Prepared

PLANNING COMMISSION MEETING REPORT – JANUARY 11, 2011

Election of Officers:

The election of Planning Commission officers took place. Ms. Susan Kay was re-elected to serve as Planning Commission Chair; Mr. David Prytherch will serve as Vice-Chair; Mr. Marvin Hurston was re-elected to serve as Secretary to the Commission.

Mr. David Prytherch was elected to continue to serve on CIC, Mr. Ted Wong will continue to serve on the Environmental Commission as will Mr. Richard Daniels on the HAPC.

Reports from Commissions, Boards, Committees and Staff:

The 2010 Planning Commission Annual Report was accepted by the Commission for advancement to City Council.

Mr. Chen and Mr. Prytherch shared that January 31, 2011, Randall Arendt, a nationally recognized planner, would be speaking publically at 4:30 p.m. at 115 Shideler Hall on Conservation Development and New Urbanism. A dinner and workshop will be held at 6:00 p.m. for elected officials, administrators and commission members to discuss development scenarios for the south of Oxford City/Township. The event is sponsored by the Wilks Scholar program for Shaping Sustainable Communities.

DISCUSSION

Public Hearing:

PC-13-2010 FINAL SUBDIVISION, Campus Commons, Phase 2 & 3, Robert Broestl, Paul W. Baer Trust, Applicant, Agent

The Applicant seeks approval of the Final Subdivision Plat Phase 2 and 3 of the Campus Commons Subdivision. Based on the submittal, Phase 2 and 3 are approximately 3.221 acres. The Preliminary Subdivision was approved by City Council in 2008; the Final Subdivision of Phase 1 was approved in 2009; and building construction was completed in 2010. The overall layout shows that there are a total of 14 building lots. The Applicant has eliminated one single family lot along the new Wooster cul-de-sac. This Final Subdivision application is complete and substantially reflects the design and layout of the approved Preliminary Plan and all the proposed lots in these two phases appears to have met or exceeded the minimum dimensional standards of the "R2MS" Single and Two-Family Mile Square Residential District. The conditions of Ordinance #3030 appear to be satisfied at this time as well.

A neighboring property owner spoke and stated that while they were not in favor of the development initially, it has turned out to be very good and the developer has made changes during the construction to accommodate neighbor concerns. He asked that the developer consider two additional items: 1) that any

existing, mature trees where Poplar Street will be extended northward will be preserved, and 2) that additional trees are provided in the tree lawn on the west side of Poplar Street.

After further discussion with the Planning Commission, the Applicant was favorable in keeping the same number of trees shown the landscaping plan, but redistributing them so that some are provided on the west side of Poplar Street. The Applicant indicated that they would try to preserve as many existing trees as possible, but was concerned that the grading and installation of utilities would damage the root systems, making it impossible to guarantee that the existing trees could be retained.

Upon reviewing the application, the Planning Commission found that the Final Subdivision application was complete and substantially reflected the design and layout of the approved Preliminary Plan and voted 4-0-0 to recommend *approval* as presented to City Council with the following conditions:

1. That, the construction drawings must be approved by all City agencies prior to the commencement of any work for Phase 2 and 3.
2. That, the number of trees shown on the landscaping plan is redistributed to provide trees on the west side of Poplar Street.
3. That, the developer makes an amicable attempt to preserve any existing, mature trees on the site where possible.

New Business:

There was no new business.

Other Business:

The Planning Commission was provided a copy of the 2011 meeting dates for approval.

The next regular meeting is scheduled for February 8, 2011. No cases are scheduled to be heard. The date may be tentatively reserved to meet with City Council regarding the revised subdivision regulation language or to serve as a work session for other zoning language that needs to be discussed.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial	Date
JHC	1/2/8/11
DAE	1/2/11/11

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: February 15, 2011

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 7, 2011

Date Prepared

Agenda Title: A Resolution expressing opposition to House Bill 3.

Recommendation: Adopt the Resolution.

Discussion:

Legislation has been introduced to repeal the Ohio Estate Tax. The City of Oxford over the last 11 years has received on average \$346,000 per year from the Ohio Estate Tax. It has ranged from a high of \$658,541 in FY2008 to a low of \$37,575 in FY2006. Some Ohio communities include an estimate in their annual revenue projections and some do not, the City of Oxford has done it both ways. Regardless of whether or not it is included in a city's revenue projections for the year, it provides a needed source of revenue which can be used for operating cost or capital improvements. The loss of this revenue source means it will need to be made up from another source or overall spending for capital improvements or operations will need to be reduced.

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

 2/11/11

RESOLUTION NO.

A RESOLUTION EXPRESSING OPPOSITION TO HOUSE BILL 3.

WHEREAS: HB 3 has been introduced in the Ohio House of Representatives to repeal the Ohio Estate Tax; and

WHEREAS: the Ohio Estate Tax provides needed revenue to the City of Oxford for General Fund operations and capital improvements; and

WHEREAS: the Ohio Estate Tax represents an average of 3.5% of the City of Oxford's General Fund revenue.

Now, therefore, BE IT RESOLVED that the City Council of the City of Oxford is opposed to HB 3 and any amendments that would postpone the effective date. The City Council urges support from the Governor and the Ohio Legislature to continue to provide this financial support to local governments.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: February 15, 2011

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 7, 2011

Date Prepared

Agenda Title: Report regarding the January 26, 2011 Civil Service Commission Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Wednesday, January 26, 2011 at 7:00 p.m. Those members present were: Phil Russo, Chair; Susan Lipnickey; Karen Martino and Mike Pavloff. Charles Crain was excused.

Donna Heck, Human Resources Director; Tom Horvath, Police Lieutenant and Mary Ann Eaton, Recording Secretary were in attendance for the City.

Don Gabbard and Mary Smith from the Talawanda School District were also in attendance.

The Commission approved the Eligibility List for District Custodial Personnel for Talawanda Schools.

The Commission received a report regarding the Police Officer age restriction and discussed the issue which would go before Council for a second reading on February 1, 2011.

The Commission reviewed and approved the Police Officer Interview Protocol as amended.

The next meeting is scheduled for February 23, 2011.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

[Signature] 2/8/11

[Signature] 2/11/11

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Service

Originating Department

Council Meeting Of: January 18, 2011

Michael B. Dreisbach

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

January 11, 2011

Date Prepared

Agenda Title: An Ordinance Amending Section 935.20, Notice to Cut, Destroy, Or Remove, Providing Single Notice By Publication And Placing A Placard On The Property.

Recommendation: Adopt the Ordinance

Discussion:

The proposed amendment will bring Section 935.20 into concurrence with the proposed change to Chapter 1305, International Property Maintenance Code Section 302.4.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

 1/18/11

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 935.20, *NOTICE TO CUT, DESTROY, OR REMOVE*, PROVIDING NOTICE BY PLACING A PLACARD AND POSTING ON THE PROPERTY IF THE PROPERTY IS OCCUPIED AND PROVIDING NOTICE BY CERTIFIED MAIL OR PUBLICATION IF THE PROPERTY IS UNOCCUPIED.

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

SECTION 1: The City Council hereby amends Section 935.20, Notice to cut, Destroy, or Remove to read as follows:

(a) All properties within the City of Oxford must be maintained in accordance with § 935.19 of the Codified Ordinances of the city of Oxford, which prohibits grass or weed growth in excess of ten (10) inches.

(b) Should the owner, occupant, or person having charge or management of any residential, commercial, or industrial lot or land within the corporate limits of the City fail to comply with § 935.19, the City will cause the weeds or grass to be cut at the owner's expense. The City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54.

~~(a)-(c) The owner, occupant, or person having charge or management of any residential, commercial, or industrial lot or land within the corporate limits of the City, within ten (10) calendar days of the date receiving written notice as set forth in subsection (d) of this Section is sent by the City Manager or designee shall cut or destroy any noxious vegetation upon any such lot or parcel of land and prevent noxious vegetation from exceeding a height of ten (10) inches. Lots or parcels of land include areas within rights of way and between curbs and sidewalks.~~

~~(b)-(d) If an occupied property is in violation of this Section, If such owner, occupant, or person having charge or management of any such lot or parcel of land is a resident or nonresident whose address is known, such written notice shall be sent by certified mail, return receipt requested or served in person by the City Manager or designee. If the address of the owner or person having charge or management of any such lot or parcel is unknown, it shall be sufficient to post such notice on the property ten (10) calendar days before proceeding with the City causing the weeds or grass to be cut at the owner's expense.. If an unoccupied property is in violation of this Section and the property owner's address is known, notice will be issued by certified mail, return receipt requested, to the owner's address. If an unoccupied property is in violation of this Section and the owner's address is unknown, notice will be published in a newspaper of general circulation in Butler County.~~

- (e) Those occupied properties found to be in violation of § 935.19 shall have a posting placed on or near the front door of the structure and a placard conspicuously placed in the front yard of the property for a period of ten (10) calendar days. Said posting and placard shall be of a size, shape and color to be clearly visible and shall contain the following information:

1. The nature of the code violation;
2. An order to cut or remove the weeds or grass within ten (10) calendar days;
3. Statement indicating that should the property owner fail to comply with the order, the City will cause the weeds or grass to be cut or removed at the owners' expense, and the City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54;
4. The penalties provided for removing the posting and placard before bringing the property into compliance; and
5. Contact information of the appropriate city department.

- (f) Such posting and placard shall remain on the property until the property is brought into compliance with § 935.19 of the Codified Ordinances of the City of Oxford. Removal of the posting and placard before the property complies with § 935.19 shall constitute a violation of this section.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 3: This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: February 15, 2011

Service Department
Originating Department

Account Code #: N/A

David Treleven
Prepared By

Budgeted Amount: N/A

February 3, 2011
Date Prepared

Agenda Title: Environmental Commission Meeting of February 2, 2011

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, February 2, 2011 meeting were: Vice-Chair, Mr. Wright Gwyn; City Council Representative, Mr. Greig Rutherford; Planning Commission Representative, Mr. Ted Wong, Ms. Kelly Church, and Mr. Vince Hand. A quorum was present. Chair, Mr. Charlie Ford, and Mr. Kevin Armitage had previously notified the Commission that they would be unable to attend the regularly scheduled Commission meeting. Ms. Melissa Benoit, a graduate student with Miami University's (MU's) Institute of Environmental Sciences (IES), was also in attendance.

Minutes from the January 5, 2011 meeting were unanimously accepted as presented.

Ms. Benoit updated the Commission on the IES public service project investigating stream channel erosion of private property within the community, specifically along Bull Run. In January 2011, surveys were mailed to 679 property owners in the Bull Run watershed. The surveys are intended to gauge the level of citizen's awareness and knowledge of stream channel erosion, the citizen's interest in additional information, and to assist the students in developing a public education program on channel erosion. Approximate 200 of the surveys have already been returned. This is considered to be very good return rate, and possibly reflects the interest of the property owners to the issue.

Summaries of the Municipal Energy Efficiency and the Storm Water Management Sub-Committee January 19, 2011 meetings were presented. Copies of the Sub-Committee minutes as prepared by the Sub-Committee members accompany this Staff Summary Report.

Misters Ted Wong, Charlie Ford, Wright Gwyn, and Kevin Armitage of the Municipal Energy Efficiency Sub-Committee publically met at the Lane Library on January 19, 2011. Oxford's Director of Service, Mr. Michael Dreisbach, was also in attendance. Mr. Dreisbach provided a detailed presentation describing efforts Oxford has undertaken to increase energy efficiency with the Water and Waste Water Treatment Plant's operations, traffic and holiday light conversions to LED, and buildings' operation. In a brief discussion regarding how the Commission could assist Oxford, research into establishing electric vehicle charging stations in the community was suggested.

(Continued)

Approved By:

Department Head:
City Manager:

Initial \ Date
WGT \ 2/7/11
WGT \ 2/14/11

Councilor Greig Rutherford and Mr. Vince Hand held an organizational meeting of the Storm Water Management Sub-Committee on January 19, 2011 at the Lane Library. Goals and objectives include the incorporation of the storm water management program with broader issues, such as planning, zoning, and subdivision regulations; investigation into best management practices suited for various types of Oxford's current and future conditions; and investigation into incentive and disincentives to effective storm water management. For example, the use of water meters for outside water use is a disincentive to utilizing rain barrels.

Proclamations for Earth Day (April 22, 2011) and Arbor Day (April 29, 2011) were reviewed and unanimously approved for submittal to the City Council. The "EarthFest" Earth Day celebration is scheduled for Saturday, April 16, 2011 in the Uptown Parks. It was suggested that a display depicting materials that are acceptable as part of Oxford's residential recycling program be prepared as part of the EarthFest activities. The Arbor Day activities typically include a celebratory planting of an Arbor Day Tree and a ceremony recognizing those who have donated a Memorial Tree at the Oxford Community Park. Staff shall keep the Commissioners informed of details for the activities for these events as they are known.

The Commission adjourned at 8:45 p.m. The next regularly scheduled meeting of the Environmental Commission is on Wednesday, March 2, 2011 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

Meeting Minutes

City of Oxford Environmental Commission Energy Efficiency Subcommittee Meeting

Wednesday January 19, 2011

7:00 pm

Environmental Commission Subcommittee members present:
Kevin Armitage, Wright Gwyn, Charles Ford, and Ted Wong

Others: Michael Dreisbach (City of Oxford Director of Services), and Steve Dana (Oxford citizen)

The discussion began at 7:00 pm with Ted Wong introducing the Environmental Commission Energy Subcommittee members to Michael Dreisbach (City of Oxford Director of Services).

Mr. Dreisbach explained what steps the City has taken in the past decade to increase efficiency of its facilities and infrastructure.

Water Plant

The City has been modernizing the water plant since the 1990's. And has installed many new high efficiency motors through grants from Duke Energy. And maintains the filtering screens often to prevent calcification that impedes water flow resulting in greater energy use.

The plant pumps during off peak hours to fill the reservoirs and manage demand to control energy costs.

Crews work to find water leaks and meter reading routes have been optimized for efficiency.

The City has installed Supervisor Control and Data Acquisition (SCADA) controls to minimize heating of well houses.

Whenever possible, the City pumps water from local sources vs. pumping from the 7 Mile well field; this saves a lot of energy costs.

The water plant plans to move away from using chlorine gas to treat water and will switch to sodium hypochlorite.

Waste Water Treatment Plant

Mr. Dreisbach explained that water treatment consumes a lot of energy and monetary resources in any community.

An important step the city has taken to be more environmentally conscious and conserve energy as well improving personal safety has been to switch from chlorine gas as a treatment to using UV light to eliminate pathogens in wastewater.

The plant has also switched from using jets and blowers to aerate the waste water to a disc aeration system that has reduced energy consumption by 50% since 2006.

The plant is now equipped with Variable Frequency Motors (VFD) that can be adjusted to meet demand.

Biosolids are used as fertilizer in local community vs. being shipped to landfill or incinerator.

Engineers are designing new digesters for the plant that will make use of the methane by-product to heat and power the plant. These plans will be implemented as soon as funds become available.

T-8 fluorescent bulbs have been installed throughout the plant.

Mr. Dreisbach explained Oxford is an isolated community and we do not have other nearby communities to pool our financial resources with to create efficiencies and consolidations, such as Cincinnati Water Works or Metropolitan District in Hamilton County.

The City has been working to keep storm water runoff from getting into the sanitary sewer system. City staff is diligent about monitoring for leakage into sanitary sewer system.

Traffic Lights & Lighting

The City has been on track to convert conventional traffic lights to LED at the rate of 1-2 intersections per year. But has had to temporarily suspend the program do to lack of funding. The City applied for Federal Stimulus funding to keep the program going but was not awarded any funding.

Mr. Dreisbach said that all holiday lighting has been switched to LED and has resulted in 85% energy savings.

Miscellaneous

Plowing consumes lots of fuel, drivers instructed not to idle vehicles when not in use.

Lights off in offices not in use. City is working to replace conventional switches with occupancy sensors.

Buildings are old and antiquated and need many improvements. Workers continually replace insulation and weather-stripping.

Wright Gwyn mentions programs offered by Duke Energy to replace switches and controls.

Current Plans and Priorities

City gets a 12% discount from Duke Energy (Retail Servicing Plan) and Mr. Dreisbach explains this is a low risk option against betting on market rates for energy needs. The City plans to buy energy through a broker and manage the risk of escalating market rates for energy.

Mr. Dreisbach mentions that any new designs for building or infrastructure are subject to a Value Engineering Check. And that there must be a substantial cost benefit to any project and a certain amount of time for return on investment.

The City has adopted some Leadership in Energy and Environmental Design (LEED) standards without officially using LEED as an endorsing organization.

The City closely watches surrounding peers (Talawanda Schools, Butler County, and Miami University) for ideas and methods for conservation.

Mr Dreisbach explains the City seeks consultation help from Siemens, Honeywell, and Johnson Controls but has not retained the services of an Energy Service Company (ESCO's) on a loan basis because the City has an excellent bond rating and incurring more debt may affect that rating.

On the subject of how the Environmental Commission Energy Subcommittee may be of service to the City, Mr. Dreisbach asked the Subcommittee to investigate and research the feasibility of the City acquiring the Chevrolet Volt or like vehicle, and the idea of installing charging stations Uptown.

The meeting adjourned at 8:00 pm

Storm Water Management Sub-Committee

of the

Oxford Environmental Commission

Wednesday, January 19, 2011

7:00 until 8:00 p.m.

**Lane Library Community Room B
15 South College Avenue, Oxford, Ohio**

Members

Vincent Hand, Sub-Committee Leader

Greig Rutherford, City Council representative

Agenda

Call to order

7:03 pm, with both members in attendance

Public comments

None

Rutherford noted that a number of citizens are interested in attending this subcommittee, e.g. Steve Dana, Bill Renwick, David Pennock.

Review Subcommittee charter from the Commission

October Environmental Commission minutes state that the Commission wants "to be of assistance to Oxford's storm water management program."

Establish Subcommittee goal and objectives

Committee recognizes that stormwater flow from Oxford can affect downstream jurisdictions, and also recognizes that US EPA describes stormwater as a significant threat to water quality in the U. S.

Committee wants to connect stormwater management plan with broader issues, such as planning and zoning codes, and subdivision regulations.

Various types of built environments: current vs. future, urban vs. suburban—what are BMPs for each?

Committee noted some advantages to effective stormwater management, such as decreased maintenance costs.

Investigate (dis)incentives to effective stormwater management, such as the meters on outside taps allowing for a decrease in sewage assessment, which are a disincentive.

Determine next steps

Resources to acquire:

- Stormwater infrastructure map
- Butler County has a stormwater management plan for unincorporated areas.

What is basis for suggestion that there is a single Home Sewage Treatment System (HSTS) in Oxford, as reported in the Stormwater Management Plan? What remains to be done to determine all non-stormwater flows?

Current IES project on Bull Run erosion will need follow-up.

Next meeting set for Thursday, February 10, 6:30 PM in the Oxford Lane Public Library, assuming that the community room can be reserved.

Adjourn

8 pm.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: January 18, 2011

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

December 20, 2010

Date Prepared

Agenda Title:	An Ordinance to Amend the Oxford Code of Ordinances by Repealing Chapter 1305, International Property Maintenance Code and Adopting New Chapter 1305, International Property Maintenance Code
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Recommendation:	Approval
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Discussion:

Periodically, Staff reviews City codes and regulations and will recommend updates to reflect those changes that have occurred in previous years. This amendment specifically deals with property maintenance issues including rental properties.

Several changes are being recommended. The first change is to modify Section 103.5 to reflect the rental fees that were adopted by City Council during the 2011 budget process. The second change is to modify Section 302.4 to streamline the notification process regarding tall grass. All changes are italicized and in bold, attached.

The current tall grass notification and abatement process is quite lengthy and cumbersome. After grass has exceeded 10" in height, the City will notify the property owner through certified mail. Quite often the City will not receive the Return Receipt until after 30 days have passed; thus, the grass has grown an additional foot. With the proposed process, the City will publish a notice on or about April 15 of each calendar year advising property owners of the tall grass ordinance and the consequences of failing to meet the ordinance. This new process will significantly cut down the waiting period from over 30 days to around 10 days.

Approved By:	Department Head:	Initial	Date
	City Attorney:		
	City Manager:		<u>1/23/11</u>

ORDINANCE NO.

AN ORDINANCE ADOPTING THE 2003 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS AMENDED AND REPEALING ORDINANCE NO. 2904.

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

SECTION 1: The Council for the City of Oxford hereby adopts the International Property Maintenance Code, 2003 edition, as amended, as the Property Maintenance Code of the City of Oxford in the State of Ohio for regulating and governing the conditions and maintenance of all property, buildings, and structures with the additions, insertions, deletions and changes prescribed in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 2: That Ordinance No. 2904 of the City of Oxford entitled AN ORDINANCE ADOPTING THE 2003 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND REPEALING ORDINANCE NO. 2630 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The Council of the City of Oxford hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4: That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Exhibit A

103.5 Fee Schedule. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

Rental Housing Permits

Initial Establishment (or if inactive for two years or more)

First Unit	\$100.00	\$100.00 \$110.00
Each additional unit	\$25.00	\$25.00 \$ 30.00
Fraternity	\$300.00	\$300.00 \$ 330.00 for first 50 persons, \$10.00 \$ 15.00 for each additional person

Annual Renewal & Ownership Transfer

First Unit	\$50.00	\$50.00 \$ 55.00
Each additional unit	\$25.00	\$25.00 \$ 30.00
Rooming or Lodging House	\$100.00	\$100.00 \$110.00
Fraternity	\$300.00	\$300.00 \$330.00 for first 50 persons, \$10.00 \$ 15.00 for each additional person

Late Fee **\$10.00 after 60 days expired**

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

~~Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.~~

(1) All properties within the City of Oxford must be maintained in accordance with § 302.4 of the International Property Maintenance Code as amended and adopted by the City of Oxford, which prohibits grass or weed growth in excess of ten inches (10").

(2) If grass or weed growth exceeds ten inches (10"), the City will cause notice to the owner, occupant, or person having charge or management of any residential, commercial, or industrial lot or land within the corporate limits of the City. If the grass or weeds are not brought into compliance within ten (10) days of receiving notice, the City shall cause the weeds or grass to be cut at the owner's expense. The City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54.

(3) If a property is found to be in violation of §302.4, notice shall be issued in the following manner:

a. For properties which are occupied:

i. Notice will be issued by a posting placed on or near the front door of the structure and a placard conspicuously placed in the front yard of the property. Said posting and placard shall be of a size, shape and color to be clearly visible and shall contain the following information:

- 1. The nature of the Code violation; and*
- 2. An order to cut or remove the weeds or grass within ten days; and*
- 3. Statement indicating that should the property owner or current tenant fail to comply with the order, the City will cause the weeds or grass to be cut or removed at the owner's expense, and the City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54; and*
- 4. The penalties provided for removing the posting and placard before bringing the property into compliance; and*
- 5. Contact information of the appropriate city agency.*

ii. Such posting and placard shall remain on the property until the property is brought into compliance with §302.4 of the International Property Maintenance Code as amended and adopted by the City of Oxford. Removal of the posting and placard before the property complies with § 302.4 shall constitute a violation of this section.

b. For properties which are not currently occupied:

i. If the property owner's address is known, notice will be issued by certified mail, return receipt requested, to the owner's address. If the owner's address is unknown, notice will be published in a newspaper of general circulation in Butler County. The notice shall contain the following information:

- 1. The nature of the Code violation; and*
- 2. An order to cut or remove the weeds or grass within ten days; and*
- 3. Statement indicating that should the property owner fail to comply with the order, the City will cause the weeds or grass to be cut or removed at the owner's expense, and the City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54; and*
- 4. Contact information of the appropriate city agency.*

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: February 1, 2011

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

January 18, 2011
Date Prepared

Agenda Title:	PC-13-2011 Final Subdivision-Campus Commons Subdivision Phase 2 and 3, Paul W. Baer, Trust Properties, Robert Broestl, Applicant/Agent
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Recommendation:	Approval
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Discussion:

The Planning Commission held a Public Hearing on this Final Subdivision proposal on January 11, 2011.

The Applicant seeks approval of the Final Subdivision Plat Phase 2 and 3 of the Campus Commons Subdivision. Based on the submittal, Phase 2 and 3 are approximately 3.221 acres. The Preliminary Subdivision was approved by City Council in 2008; the Final Subdivision of Phase 1 was approved in 2009; and building construction was completed in 2010. The overall layout shows that there are a total of 14 building lots. The Applicant has eliminated one single-family lot along the new Wooster cul-de-sac. This Final Subdivision application is complete and substantially reflects the design and layout of the approved Preliminary Plan and all the proposed lots in these two phases appears to have met or exceeded the minimum dimensional standards of the "R2MS" Single and Two-Family Mile Square Residential District. The conditions of Ordinance #3030 appear to be satisfied at this time as well.

A neighboring property owner spoke and inquired if the Developer would consider two additional items: 1) that any existing, mature trees where Poplar Street will extend northward could be preserved; and, 2) that additional trees be provided in the tree lawn on the west side of Poplar Street.

After further discussion with the Planning Commission, the Applicant was favorable to keeping the same number of trees shown on the landscaping plan, but redistributing them so that some will be provided on the west side of Poplar Street. The Applicant indicated he would try to preserve as many existing trees as possible, but was concerned that the grading and installation of utilities would damage the root systems, making it impossible to guarantee that the existing trees could be retained.

Upon reviewing the application, the Planning Commission found that the Final Subdivision application is complete and substantially reflects the design and layout of the approved Preliminary Plan and voted 4-0-0 to recommend *APPROVAL* as presented to City Council with the following conditions:

- 1.) That, the construction drawings must be approved by all City agencies prior to the commencement of any work for Phase 2 and 3.
- 2.) That, the number of trees shown on the landscaping plan is redistributed to provide trees on the west side of Poplar Street.
- 3.) That, the developer makes an amicable attempt to preserve any existing, mature trees on the site where possible.

Approved By:		Initial	Date
	Department Head:	JHC	1/18/2011
	City Attorney:		
	City Manager:	JRE	1/29/11

ORDINANCE NO.

ORDINANCE APPROVING THE FINAL SUBDIVISION APPLICATION FOR CAMPUS COMMONS SUBDIVISION, PHASES TWO AND THREE WITH CONDITIONS.

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

SECTION 1: In accordance with Oxford Code Section 1101.03, the Oxford Planning Commission held a public hearing on January 11, 2011, on the application of Paul W. Baer Trust Properties, L.L.C./Robert Broestl, P.E., for approval of the final subdivision for Campus Commons Subdivision, Phases Two and Three.

SECTION 2: After due deliberation, the Planning Commission recommended the approval of the Final Subdivision application for Campus Commons Subdivision, Phases Two and Three.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Subdivision application for Campus Commons Subdivision, Phases Two and Three with the following conditions:

- a) The construction drawings must be approved by all City agencies prior to the commencement of any work for Phases Two and Three.
- b) The trees shown on the landscaping plan are redistributed to provide trees on the west side of Poplar Street.
- c) The developer makes an amicable attempt to preserve any existing, mature trees on the site where possible.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	February 1, 2011
<u>Case Number</u>	PC-13-20101
<u>Applicant Information</u>	Robert Broestl, P.E. Paul W. Baer Trust Properties LLC
<u>Requested Action</u>	Final Subdivision – Campus Commons, Phase 2 and 3
<u>Summary of Request</u>	To Allow for the Development of Phase 2 and 3 of an Approved Preliminary Subdivision in a R2MS (Single and Two Family Residential) District
<u>Public Hearing Information</u>	On January 11, 2011, a Public Hearing was held at 118 West High Street. A Legal notice of the hearing was published in the Oxford Press on December 10, 2010.
<u>Commission Action</u>	The Planning Commission voted 4-0-0 to recommend to City Council <i>APPROVAL</i> of the final subdivision with the following conditions: 1. That, the construction drawings must be approved by all City agencies prior to the commencement of any work for Phase 2 and 3. 2. That, the number of trees shown on the landscaping plan is redistributed to provide trees on the west side of Poplar Street. 3. That, the developer makes an amicable attempt to preserve any existing, mature trees on the site where possible.
<u>Commission Findings and Conclusions</u>	At the January 11, 2011 meeting, the Planning Commission approved the final subdivision with conditions listed above.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated December 28, 2010 2. Interoffice Review Transmittal Sheets from Fire, Engineering, Police & Economic Development dated November 25, 2010 3. Ordinance No. 3079 4. Letter of Agency 5. Final Subdivision Application 6. Applicant Correspondence 7. Deed of Easement – Storm Drain 8. Deed of Easement – Pedestrian Path Across Designated Lots 9. Amendment to Declaration of Covenants, Easements, etc. 10. Approved Preliminary Campus Commons Subdivision Map 11. Phase 2 & 3 Project Plans 12. Phase 2 & 3 Final Plat Exhibit

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-13-2010

Date – January 11, 2011

APPLICATION

Applicant:	Paul W. Baer Trust Properties, LLC/ Robert Broestl, P.E.
Location:	South Poplar St. and Campus Avenue; 540 S. Campus Avenue Parcel ID: H4100103000092, H4100103000095, H4100103000097, & H4100106000150
Owner:	Paul W. Baer, Trust
Action Request:	Final Subdivision Phase II & III
Current Use:	Vacant
Current Zoning	R2MS
Surrounding Existing Land Uses:	Single-Family/Multi-Family & Miami University

GENERAL DESCRIPTION

The Applicant seeks approval of the Final Subdivision Plat Phase II and III of the Campus Commons Subdivision. Based on the submittal, Phase II and III are approximately 3.221 acres. The Preliminary Subdivision was approved by City Council in 2008; the Final Subdivision of Phase I was approved in 2009; and building construction was completed in 2010. Along with the approval of the Preliminary Subdivision were outlined conditions needing completion during each phase. The conditions for approval are listed below for reference:

<u>Approved Preliminary:</u>	<u>Phase I</u>	<u>Phase II & III</u>
7.81 gross acres <i>including</i> <i>Campus Courts Apartment Complex</i>	4.589 acre tract	3.221 acre tract
20 two-family residential lots	7 two-family residential lots	13 two-family residential lots
2 single-family residential lots		1 single-family residential lots

City Council approved Planning Commission's recommendation November 18, 2008 with conditions as outlined in Ordinance #3030:

1. The maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors and that the Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to City's Legal Counsel.
2. A pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.
3. Vehicular ingress/egress to the existing Campus Courts Apartments shall be accessed only from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.
4. Vehicular ingress/egress to Lot D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.
5. The proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards.
6. The Tree Plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan.
7. As presented, the project shall be completed in three phases, each phase to be completed within two years (Phase 1, Rose Street Extension and Lots D1-D6 by 2010; Phase 2, Bern Street Extension and Lots D7-D14 and S1 by 2012; and Phase 3, Wooster Place

Extension and Lots D15-D20 and S2 by 2014) . Furthermore, the infrastructure improvements as presented, regarding the abandonment and relocation of an existing 12" sanitary sewer line going through the parking lot of Campus Courts Apartments is completed during Phase 1.

8. The full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within 2 years from the start of Phase 2.
9. Perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to the City's Legal Counsel.

The property is zoned "R2MS" Single and Two-Family Mile Square Residential and is required to have 7,500 sq. ft. lots with 75 foot lot widths. All of the lots as presented in this Final Subdivision application satisfy the zoning requirements.

SURROUNDING NEIGHBORHOOD

The site is located in the Mile Square and is west of the Miami University campus. The surrounding neighborhood is primarily residential to the north, west and south. There is a mix of single-family and multi-family units surrounding the property including the Faith Evangelical Lutheran Church and Delta Sigma Pi Fraternity to the northeast.

COMPREHENSIVE PLAN

The 2008 Comprehensive Plan focused on connectivity via roadways, sidewalks and walking paths; continuing missing road segments and infill development. To continue the neighborhood qualities of the Mile Square, this proposed subdivision has included street trees, adequate lighting, and tree lawns. Water and sanitary services are also being upgraded for better service.

SUBDIVISION REGULATIONS

This Final Subdivision application is complete and substantially reflects the design and layout of the approved Preliminary Plan. Subdivision is an administrative review to evaluate the proposed subdivision based on the City's regulations, specifically, the division of parcels, and utility service to the proposed divided lots. The issue centered on any proposed subdivision is whether there would be sufficient municipal services to support the development and whether the development will meet the minimum standards stipulated in the City's regulations.

AGENCY COMMENTS

Requests for Agency Review were sent to the Police, Economic Development, Engineering and Fire Departments. The returned comments are attached for your consideration.

Police Department:	Returned with no comments.
Engineering:	See attached.
Fire:	Returned with no comments.
Econ. Dev.:	Supported the connectivity of Poplar Street.

PUBLIC COMMENT FORMS

Comment forms were sent December 13, 2010 to property owners of record within 200 feet of the subject property. A legal notice was published December 10, 2010, in the Oxford Press. No citizen comments were received.

STAFF ANALYSIS

It appears that this Final Subdivision submittal reflects substantially the approved design and layout of the Preliminary Plan. Additionally, all the proposed lots in these two phases appears to have met or exceeded the minimum dimensional standards of the "R2MS" Single and Two-Family Mile Square Residential District. The conditions of Ordinance #3030 appear to be satisfied at this time.

The overall layout shows that there are a total of 14 building lots. The Applicant has eliminated one single-family lot along the new Wooster cul-de-sac. Other than this, there are only few very minor differences between the Preliminary and current submittal.

At the time of this writing, the construction drawings have just begun circulated for approval. Therefore, the securing of all signatures for the construction must be a condition for approval of these two final phases.

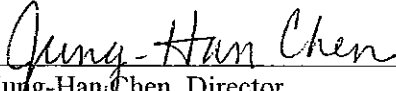
RECOMMENDATION

Staff is recommending the approval of Final Phase II and III of the Campus Commons Subdivision subject to the following condition:

1. That, the construction drawings must be approved by all City agencies prior to the commencement of any work for Phase II and III.

SUBMITTED

BY:


Jung-Han Chen, Director
Community Development Department

DATE: December 28, 2010

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/25/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-13-2010**

Description:

PC-13-2010 Final Subdivision, Campus Commons Subdivision, Phase 2&3, Paul W. Baer, Trust Properties, LLC, Robert Broestl, Applicant, Agent

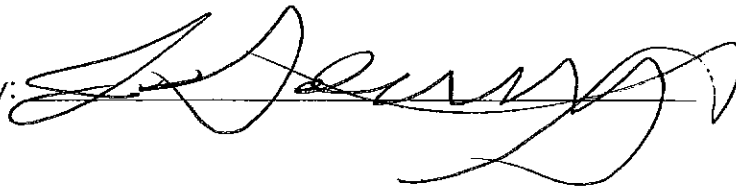
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/30/2010 Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by:



Date: 12-3-10

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/25/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-13-2010**

Description:

PC-13-2010 Final Subdivision, Campus Commons Subdivision, Phase 2&3, Paul W. Baer, Trust Properties, LLC, Robert Broestl, Applicant, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/30/2010 Note: If no comments are received, we will assume the project meets your department's standards.

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

SEE ATTACHED MEMO DATED 12-16-2010

Drawings reviewed by: *A. Popson*

Date: 12-16-2010

11/24@2³⁰pm



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case #: PC-13-2010
Campus Commons Phase 2 & 3; Final Plat

DATE: December 16, 2010

The following are our comments on the submittal received on November 29, 2010, with a deadline of December 30, 2010 for comments.

Plan Sheet 1/3.

- Refer to notes – bottom right of sheet.
 - Note G has Lot D7 listed in both Phase 1 and Phase 2.
- Refer to the Subdivision Map.
 - Verify the location and length of the storm sewer running across proposed extension of Poplar Street and in between Lots D15 and D16.

Plan Sheet 2/3.

- Refer to the Typical Street Section.
 - Label slope of the “tree lawn”.
- Refer to the Subdivision Map.
 - Verify the location and length of the storm sewer running across proposed extension of Poplar Street and in between Lots D14 (not labeled) and D15 (not labeled). As shown on this sheet, it contradicts the location and length of the proposed storm sewer on Plan Sheet 1/3.

Plan Sheet 2/3.

- Unless this submittal is a draft of the Final Plat, the stamp and signature of the "Surveyor of Record" is required prior to further processing.

If there are questions, contact the writer of this memo in the Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/25/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-13-2010**

Description:

PC-13-2010 Final Subdivision, Campus Commons Subdivision, Phase 2&3, Paul W. Baer, Trust Properties, LLC, Robert Broestl, Applicant, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/30/2010 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by: SSalmer

Date: 11/24/10

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/25/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-13-2010**

Description:

PC-13-2010 Final Subdivision, Campus Commons Subdivision, Phase 2&3, Paul W. Baer, Trust Properties, LLC, Robert Broestl, Applicant, Agent

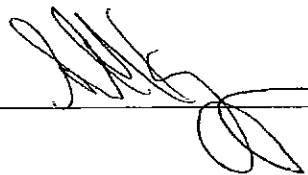
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: 12/30/2010 Note: If no comments are received, we will assume the project meets your department's standards.

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

THE CONNECTING STREETS WILL BE A BENEFIT TO THE AREA

Drawings reviewed by: 

ALAN K. GREEN

Date: 12-2-2010

ORDINANCE NO. 3079

ORDINANCE APPROVING THE FINAL SUBDIVISION APPLICATION FOR CAMPUS COMMONS SUBDIVISION, PHASE ONE WITH CONDITIONS.

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

SECTION 1: In accordance with Oxford Code Section 1101.03, the Oxford Planning Commission held a public hearing on July 14, 2009 and August 11, 2009 on the application of Paul W. Baer Trust Properties, L.L.C./Robert Broestl, P.E. for approval of the final subdivision for Campus Commons Subdivision, Phase One.

SECTION 2: After due deliberation, the Planning Commission recommended the approval of the Final Subdivision application for Campus Commons Subdivision, Phase One.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Subdivision application for Campus Commons Subdivision, Phase One with the following conditions:

- a) The final approval from the Ohio EPA is received regarding the sanitary sewer.
- b) The Home Owners Association Declarations are reviewed and approved by the Law Director prior to the final recording.
- c) All proper recordings including the Home Owners Association Declarations shall be filed and recorded at the Butler County Recorder's Office within one (1) year or the approval shall be considered null and void.

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

MAYOR

ADOPTED: September 15, 2009

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)



first financial wealth management

Another step on the path to success

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Robert Broestl, Liz Baer-Broestl, and Michael Stegman has permission to represent our interest with the City of Oxford and act on our behalf regarding the Final Subdivision Application for Campus Commons Phase 2 and Phase 3. The future subdivision will be located at our property at S. Poplar Street and Bern Street, Oxford, Ohio 45056.

Thank-you,

Signed:

Kathy D. Carmack

First vice President and Trust Officer

First Financial Bank, N.A., Trustee of the Paul W. Baer Testamentary Trust

Paul W. Baer Trust Properties, LLC

Date:

11/18/10

Case No.: PC-13-2010
Date filed: 11/24/10

Final Subdivision Application
City of Oxford, Ohio

Name of Applicant: Paul W. Baer Trust Properties, LLC/Robert Broestl, PE
(Attach a Letter of Agency if the Applicant is not the property owner)
Mailing Address: 30 Park Terrace Court, Walnut Creek, CA 94597
E-mail: rbroestl@bellecci.com
Telephone Number(s): 925-685-4569
Name of Owner(s)/Subdivider: Paul W. Baer Trust Properties, LLC
Mailing Address: c/o Kathy Carmack, First Vice President/Trust Officer, First Financial Bank
300 High Street, Hamilton, OH 45011 E-mail Address: Kathy.Carmack@bankatfirst.com
Name of Subdivision: Campus Commons Phase 2 and Phase 3
Date of Planning Commission preliminary approval: 10 / 14 / 08 Zoning District: R2MS
Number of Lots: 9 Ph. 2/5 Ph. 3 Total Acreage: 3.221 Acres
Surveyor/Engineer: David Douglas Smith, PS Phone Number: 513-523-4270
Address: Bayer Becker, 318 S. College Avenue, Oxford, OH 45056
Engineer: Robert Broestl, PE, 30 Park Terrace Ct, Walnut Creek, CA 94597 Phone: 925-685-4569

REQUIRED ITEMS FOR SUBMITTAL:

I. Please submit one copy of the plat on mylar and ten copies of the plat on bond. Drawing size must be at least 18" x 24" and should never exceed 24" x 36 ". The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford. Scale should not exceed 1" = 100'.

II. The following information must appear on the plat:

1. Boundary lines of the area being subdivided with accurate distances and bearings. Each section which is presented for final plat approval must have all of the required improvements extended to the property lines where necessary in order that future final plat sections may connect with them to maintain the continuity of the approved preliminary plan.	
2. A statement dedicating all proposed streets and alleys with their widths and names.	
3. The accurate outline of any portions of the property to be dedicated or granted for public use.	
4. The lines of adjoining streets and alleys with their widths and names.	
5. All lot lines together with an identification system for all lots and blocks. Lot numbers shall be secured from the County Auditor.	
6. The locations of all building lines and easements provided for public use, services or utilities.	
7. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and any other areas for public or private use. Linear dimensions are to be given to the nearest one hundredth of a foot.	
8. The radii, arcs, lengths, points of tangency and central angles for all curvilinear streets and the radii and lengths for rounded corners.	
9. The location of all survey monuments and benchmarks together with their descriptions. There shall be a minimum of four permanent markers in each subdivision section located at or near the outer corner.	
10. The name of the subdivision, the scale of the plat, points of the compass and name of owner or owners and subdivider if other than the owner.	
11. The certificate of the surveyor attesting to the accuracy of the survey and to the correct locations of all monuments shown.	

12. Any private restrictions and trusteeships and their duration. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable, thus necessitating the preparation of a separate instrument, reference to such instrument shall be made on the plat.	
13. Acknowledgement by the owner or owners of the plat restrictions.	
14. One tracing cloth or comparable material of the approved final plat, for the City records.	
15. The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.	

III. A list of the names, mailing addresses and parcel numbers of all property owners within 200 feet of the site, including those across streets, roads, alleys and highways. NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number. *Property Owner names will not be included in the agenda packet.

Submit this application, required copies of the final plan containing all required information and the fee (**\$400.00 PLUS \$10.00 PER LOT**), payable to the City of Oxford) to the office of the Community Development Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. All required information must be submitted at least forty five (45) days in advance of the Planning Commission meeting at which action is requested.

NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

SIGNATURE OF APPLICANT:

Robert Broestl

Date: 11/22/2010

PRINTED NAME: Robert Broestl

FEE / RECEIPT

\$400.00 PLUS \$10.00 PER LOT Fee Paid / Receipt Number: 926268
(\$400 + \$140 = \$540 Fee)

Memorandum

Date: November 21, 2010

To: City of Oxford Planning Department

From: Robert Broestl, PE

Re: Baer Family Trust

Final Subdivision Plan for Campus Commons Phase 2 and Phase 3

The City of Oxford City Council gave preliminary approval of the Campus Commons subdivision on November 18, 2008 (Ordinance No. 3030), with the following conditions:

- a. The maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors and that the Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to the City's Legal Counsel.
- b. A pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.
- c. Vehicular ingress/egress to the existing Campus Courts Apartments shall be accessed only from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.
- d. Vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.
- e. The proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards.
- f. The tree plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan.
- g. As presented, the project shall be completed in three phases, each phase to be completed within two years (Phase 1, Rose Street Extension and Lots D1-D6 by 2010; Phase 2, Bern Street Extension and Lots D7-D14 and S1 by 2012; and Phase 3, Wooster Place Extension and Lots D15-D20 and S2 by 2014). Furthermore, the infrastructure improvements as presented, regarding the abandonment and relocation of an existing 12" sanitary sewer line going through the parking lot of Campus Courts Apartments is completed during phase 1.
- h. The full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within two years from the start of Phase 2.
- i. Perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to the City's Legal Counsel.

Phase 2 and Phase 3 of the Campus Commons Subdivision are located within the City of Oxford Mile Square and are located between S. Campus Avenue on the east and the unimproved right of way for S. Poplar Street on the west. The land to be developed consists of three separate parcels. The combined land area of the three parcels in the Final Plat for Phase 2 and Phase 3 equals 3.221 acres.

The topography of the land is fairly flat, sloping from the northwest to the southeast. A majority of the land consists of grassy fields with trees around the property edges. There are no water courses flowing through or around the property. Existing utilities (sanitary sewer, water and storm drain) are located in the streets and easements directly adjacent to the property.

The proposed development for Phase 2 consists of 8 duplex lots with 75 foot minimum widths with 7,500 square foot minimum lot area and 1 single family lot with 50 foot minimum width and 5,000 square foot minimum lot area. The proposed development for Phase 3 consists of 5 duplex lots. One single family lot was eliminated from Phase 3. The proposed 30 foot wide roads in a 50 foot right of way match or exceed the character of the existing local roads surrounding the development. Twenty (20) feet of property will be dedicate along the western property line for S. Poplar Street from Bern Street to the northern property line and an additional 42.5 feet of right of way will be dedicated for the construction of Bern Street. Poplar Street will be constructed from approximately 170' north of the Rose Avenue/Poplar Street intersection to the northern property line where it connects to existing Poplar Street. Bern Street will be extended to intersect S. Poplar Street. Property for the construction of Wooster Court will also be dedicated.

The existing sanitary sewer flows toward the development from the west down Wooster Place, Oberlin Court (by easement), and Linden Drive, to a sanitary sewer main located in the existing S. Poplar Street right of way. Phase 2 will connect to the 18" sewer line constructed in phase 1 and upsize the sanitary sewer main in S. Poplar Street from a 12" to an 18" line to the sewer manhole at the Bern Street intersection. A sewer main will be constructed in Phase 3 to serve the lots on Wooster Court.

Existing water mains currently exist in the S. Poplar Street and Bern Street right of way. Phase 2 and Phase 3 will utilize these water mains to serve the new lots along S. Poplar Street and Bern Street. New fire hydrants will be added along S. Poplar Street to provide fire protection. A new water main and a fire hydrant will be constructed for the lots on Wooster Court.

The storm water management plan for Phase 2 and Phase 3 includes the construction of one detention basin that will contain the post development storm water run-off flows and meter the flow out to the predevelopment level. The basin is sized to contain the storm water run-off from a 100 year storm. Since the storm water run-off flows will be metered to match the existing flows from the undeveloped land the existing storm drain pipes should be adequately sized to accept the metered flows from the development. The land where the basin is to be constructed is shown on the Final Plat as a storm drain easement to the Home Owners Association for the operation and maintenance of the storm water detention basin.

Deed of Easement

Storm Drain Easement – Phases 2 & 3

KNOW ALL BY THESE PRESENTS that **Paul W. Baer Trust Properties, LLC**, an Ohio limited liability company ("Grantor"), in consideration of One Dollar and other valuable consideration, the receipt and sufficiency of which are acknowledged, hereby grants, bargains, sells and conveys, with limited warranty covenants, to **Campus Commons Home Owners' Association, Inc.**, an Ohio nonprofit corporation ("Grantee"), in perpetuity, a nonexclusive easement on and over such part of Grantor's land as is depicted as "H.O.A.S.D.E." (Home Owners' Association Storm Drain Easement) on the Final Record Plat of Campus Commons Subdivision, Phases 2 and 3, City of Oxford, Butler County, Ohio, as recorded in Volume _____, Page _____, of the Official Records of Butler County, Ohio, which burdened land is part of Lots, 3780, 3781, 3782, 3783, 3785, 3786, 3787, 3788 and 3789 of Phases 2 and 3 of such subdivision and Lot 3740 of Phase 1 of such subdivision (recorded in Volume 8169, Page 2065, of the Official Records of Butler County, Ohio) for the purposes of the usage, maintenance and replacement of a storm water detention basin and associated intake and outtake pipes and manholes, all of which shall be undertaken at Grantee's expense.

Provided, however, that the Grantee may further grant use of such detention basin and associated pipes and manholes to only the Grantee's constituent members and/or applicable municipal or governmental entities.

This Easement shall run with the land, benefiting forever the Grantee and its successors, and burdening forever the Grantor, its successors and assigns.

IN WITNESS WHEREOF, Paul W. Baer Trust Properties, LLC, a member-managed Ohio limited liability company, by and through its sole member, has set its hand this ____ day of _____, 20__.

Paul W. Baer Trust Properties, LLC

By: First Financial Bank, N.A., Trustee of the Paul W. Baer Testamentary Trust, its sole member

By: _____
Kathy D. Carmack, First V.P. & Trust Officer

State of Ohio)
County of Butler)

The foregoing instrument was acknowledged before me this __ day of _____,
20__ by Kathy D. Carmack, First V.P. & Trust Officer of First Financial Bank, N.A., as Trustee
of the Paul W. Baer Testamentary Trust, being the sole member of Paul W. Baer Trust
Properties, LLC, an Ohio limited liability company, on behalf of the company.

Notary Public -- State of Ohio
Commission Expiration Date:

This Instrument Prepared by:
Michael J. Stegman, Attorney-at-Law
Kohnen & Patton LLP
201 East Fifth Street, Suite 800
Cincinnati, Ohio 45202
(513) 381-0656

Deed of Easement

Pedestrian Path Across Designated Lots

KNOW ALL BY THESE PRESENTS that **Paul W. Baer Trust Properties, LLC**, an Ohio limited liability company ("Grantor"), in consideration of One Dollar and other valuable consideration, the receipt and sufficiency of which are acknowledged, hereby grants, bargains, sells and conveys, with limited warranty covenants, to **Campus Commons Home Owners' Association, Inc.**, an Ohio nonprofit corporation ("Grantee"), in perpetuity, a nonexclusive easement on and over such part of Grantor's land as is depicted as _____ on the Final Record Plat of Campus Commons Subdivision, Phases 2 & 3, City of Oxford, Butler County, Ohio, as recorded in Volume _____, Page _____, of the Official Records of Butler County, Ohio, which burdened land is part of Lots 3790 and 3791 of such subdivision, for the purposes of pedestrian foot traffic over such depicted part of the Grantor's land and the maintenance and replacement of the associated pedestrian path, all of which shall be undertaken at Grantee's expense.

Provided, however, that the Grantee may further grant use of such pedestrian path to only the Grantee's constituent members and such members' invitees.

This Easement shall run with the land, benefiting forever the Grantee and its successors, and burdening forever the Grantor, its successors and assigns.

IN WITNESS WHEREOF, Paul W. Baer Trust Properties, LLC, a member-managed Ohio limited liability company, by and through its sole member, has set its hand this ____ day of _____, 20____.

Paul W. Baer Trust Properties, LLC

By: First Financial Bank, N.A., Trustee of the Paul W. Baer Testamentary Trust, its sole member

By: _____
Kathy D. Carmack, First V.P. & Trust Officer

State of Ohio)
County of Butler)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Kathy D. Carmack, First V.P. & Trust Officer of First Financial Bank, N.A., as Trustee of the Paul W. Baer Testamentary Trust, being the sole member of Paul W. Baer Trust Properties, LLC, an Ohio limited liability company, on behalf of the company.

Notary Public – State of Ohio
Commission Expiration Date:

This Instrument Prepared by:
Michael J. Stegman, Attorney-at-Law
Kohnen & Patton LLP
201 East Fifth Street, Suite 800
Cincinnati, Ohio 45202
(513) 381-0656

**AMENDMENT TO
DECLARATION OF
COVENANTS, EASEMENTS,
RESTRICTIONS AND
ASSESSMENT LIEN**

This is Amendment to Declaration of Covenants, Easements, Restrictions and Assessment Lien made on or as of the ____ day of _____, 20 __, by Paul W. Baer Trust Properties LLC, an Ohio limited liability company (the "Declarant").

WHEREAS, on November 10, 2009, the Declarant executed a Declaration of Covenants, Easements, Restrictions and Assessment Lien for Campus Common Subdivision, City of Oxford, Butler County, Ohio, which Declaration was recorded on November 10, 2009 in Volume 8171 Page 143, of the Official Records of Butler County, Ohio; and

WHEREAS, the Declaration provided that it would include adjoining land of the Declarant should the Declarant add such land to the development; and

WHEREAS, the Declarant has added such land to the development by recording a Final Record Plat of Campus Commons Subdivision, Phases 2 and 3, City of Oxford, Butler County, Ohio, as recorded in Volume ____, Page ____, of the Official Records of Butler County, Ohio;

NOW, THEREFORE, the Declarant amends the Declaration as follows:

EXHIBIT A to the Declaration is replaced with the Exhibit A attached to this Declaration and made a part of it.

IN WITNESS WHEREOF, the undersigned Declarant has caused this instrument to be executed in its behalf on this ____ day of _____, 20__.

Paul W. Baer Trust Properties, LLC

By: First Financial Bank, N.A., Trustee of the Paul W. Baer Testamentary Trust, its sole member

By: _____
Kathy D. Carmack, First V.P. & Trust Officer

State of Ohio)
County of Butler)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Kathy D. Carmack, First V.P. & Trust Officer of First Financial Bank, N.A., as Trustee of the Paul W. Baer Testamentary Trust, being the sole member of Paul W. Baer Trust Properties, LLC, an Ohio limited liability company, on behalf of the company.

Notary Public – State of Ohio
Commission Expiration Date:

Exhibit A

Phase 1

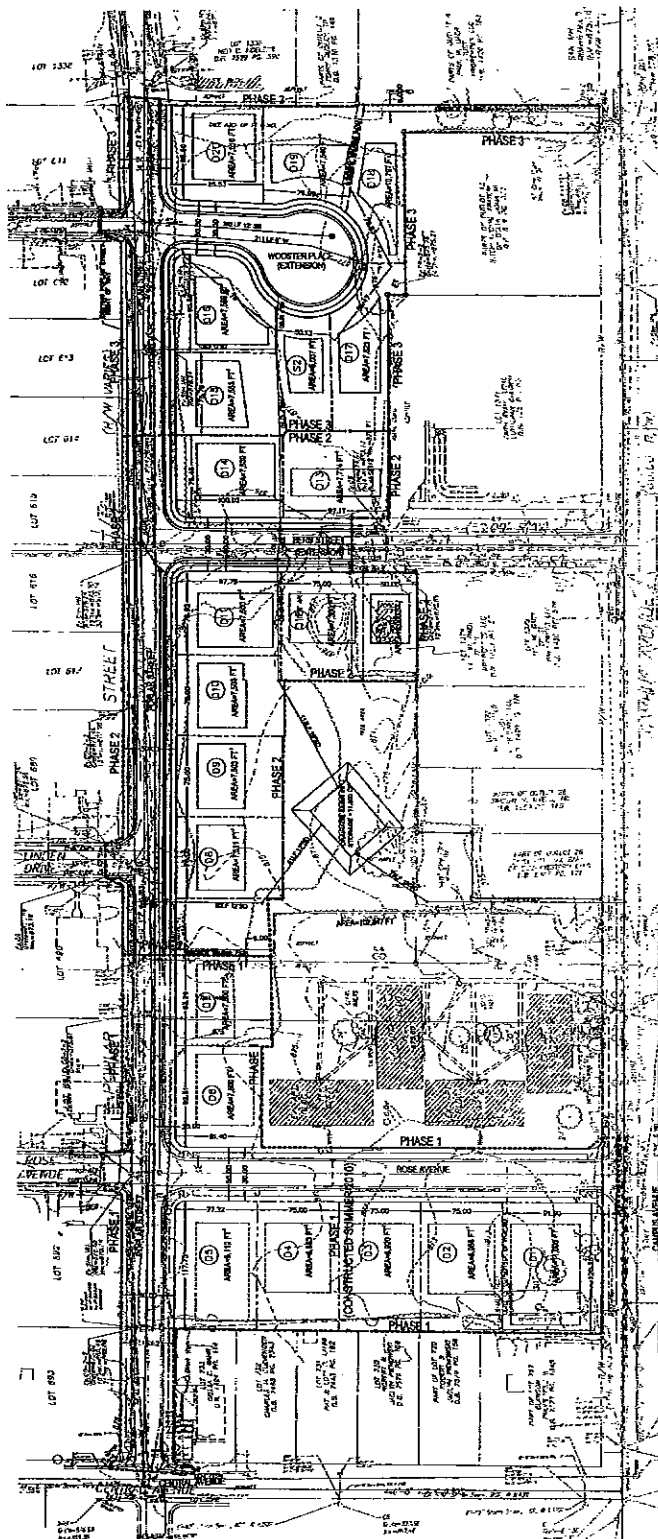
Entire Lots Numbered 3733, 3734, 3735, 3736, 3737, 3738 and 3739, as the same are known and designated on the list of lots for the City of Oxford, Butler County, Ohio, and as set forth on the plat of Campus Commons, Phase 1, as recorded in Volume 8169, Page 2065, of the Official Records of Butler County, Ohio.

Phase 2 & 3

Entire Lots Numbered 3779, 3780, 3781, 3782, 3783, 3784, 3785, 3786, 3787, 3788, 3789, 3790, 3791 and 3792, as the same are known and designated on the list of lots for the City of Oxford, Butler County, Ohio, and as set forth on the plat of Campus Commons, Phases 2 & 3, as recorded in Volume _____, Page _____, of the Official Records of Butler County, Ohio.

OXFORD, OHIO
NOVEMBER 2010

SCALE 1" = 50'

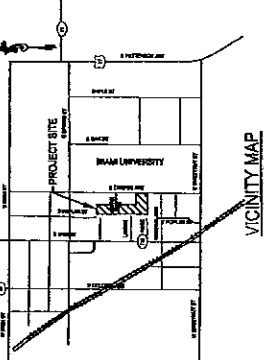


PRELIMINARY CAMPUS COMMONS SUBDIVISION APPROVED BY THE CITY COUNCIL
ON NOVEMBER 16, 2008 ORDINANCE NO. 3099 SUBJECT TO THE FOLLOWING
CONDITIONS:

**PRELIMINARY CAMPUS COMMONS
SUBDIVISION MAP APPROVED NOVEMBER 18, 2008**

OWNER

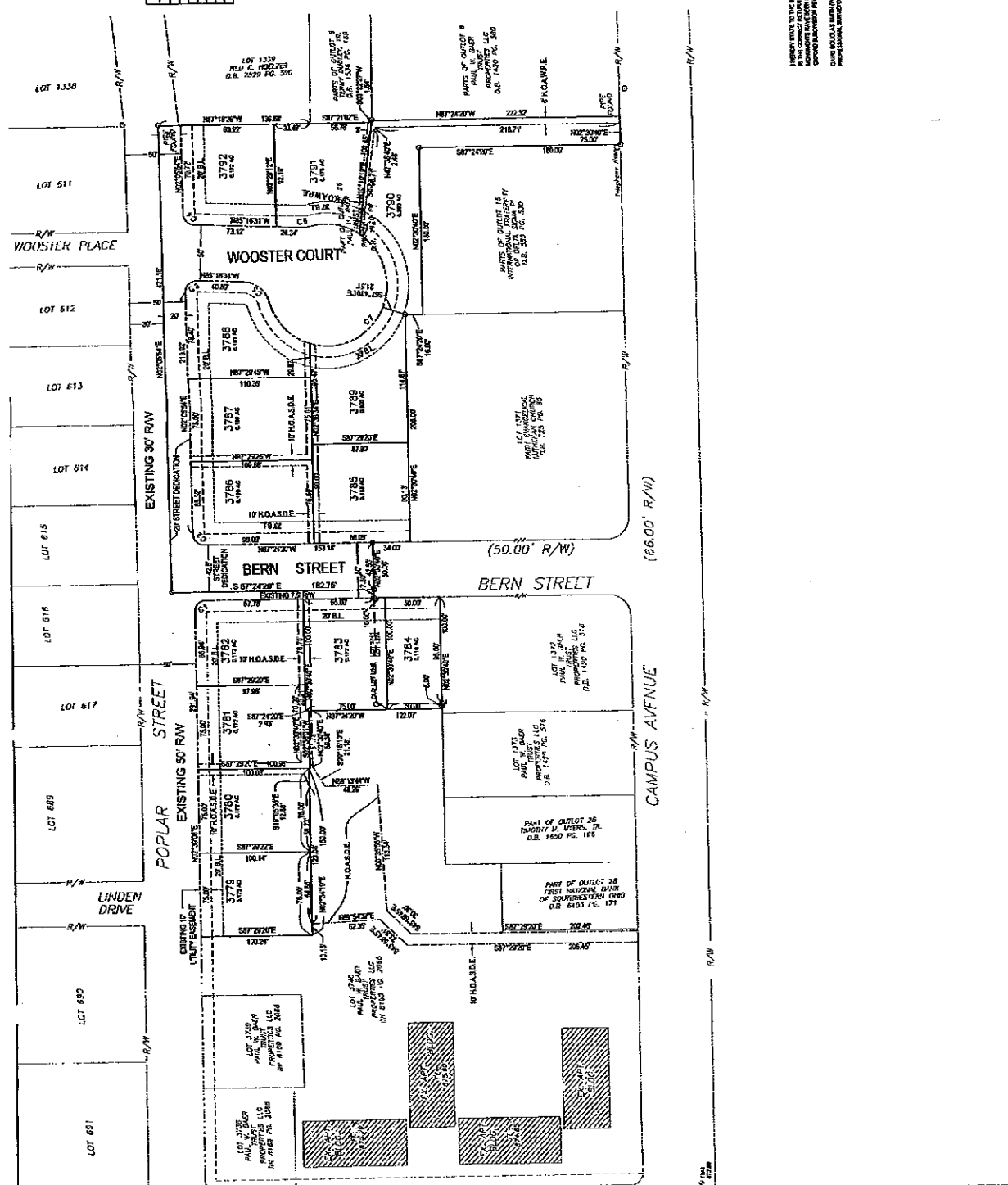
PAUL W. BAER TRUST PROPERTIES, LLC
BY: FIRST FINANCIAL BANK, N.A., TRUSTEE
OF THE PAUL W. BAER TESTAMENTARY, ITS
SOLE MEMBER



OXFORD, OH BUTLER COUNTY 11-27-79  PHONE (625) 685-4590 CIVIL ENGINEERING & LAND PLANNING ROBERT BROESTL	CAMPUS COMMONS - PHASE 2 & 3 TITLE SHEET 3 1
	REVISION DATE NO. 1



NUMBER	THREE NAME : COMMON	LAST NAME
1	PAULINE SUNSET MAPLE	ASPER TRUNCATUS PLATANUS "WARRIOR REEF"
2	AMAR MAPLE	ACER DUMALE
3	PROLIFERUS CHAMPALE	MAHUA PRANSITRE
4	ASHORUM CHAMPALE	MAHUA TOROSOR
5	WORTH 25.1 TRILLIAC	SYNDRICA RETICULATA "WORTH 25.1"
6	ALUMBIUM BELLERODENDRY	AME ANCHETRE GRANDIS LOCA VITULUM BELLANCE



**LARGER DRAWINGS ARE AVAILABLE IN THE COMMUNITY DEVELOPMENT
DEPARTMENT DURING NORMAL BUSINESS HOURS**

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: February 15, 2011

Account Code #: 141.720.50802

Budgeted Amount: \$150,000.00

Service Department
Originating Department

Michael B. Dreisbach, Service Director
Prepared By

February 7, 2011
Date Prepared

**Agenda Title: Final Legislation – Local Public Agency (LPA) Agreement with the Ohio Department of Transportation to Participate in an Urban Paving Project
ODOT PID #77746 BUT SR 732 8.69**

Recommendation: Approve

Discussion:

The Ohio Department of Transportation (ODOT) has evaluated the road condition of certain sections of state routes passing through the corporate limits of Oxford. ODOT has proposed a construction project to improve the street surface condition of SR 732 (Main Street) from Chestnut Street to the northern corporate limits. The scope of work would include a complete milling of the roadway surface at a minimum of 3.25 inches in depth, replacement of asphalt intermediate and surface courses, and replacement of street markings. ODOT would pay 80% of eligible project costs under their Urban Paving Program while the City (the Local Public Agency, LPA) would be responsible for 20% of the project costs plus 100% of local costs (such as construction engineering).

Preliminary legislation was approved for this project by the Oxford City Council on February 2, 2010. ODOT has produced a final estimate of costs for the project at \$466,887 of which the local share is calculated at \$161,442.00. The City has already appropriated \$150,000 for the project with the necessary balance being appropriated through Supplemental Budget #1 on Council's Feb. 15, 2011 agenda.

The current schedule for this project includes opening bids on March 10, 2011 and ODOT should award a contract on March 17, 2011. Work will begin on the project in mid to late May with construction being complete by the end of June 2011.

Staff recommends City Council approve this Resolution authorizing the City Manager to sign the attached Final Legislation as well as to enter into contracts with the Ohio Department of Transportation to complete ODOT project PID #77746 at a cost not to exceed \$161,442.00.

Approved By:

Department Head:

Initial Date
MBD \ 2/8/11

City Manager:

DAC \ 2/10/11

RESOLUTION NO.

A RESOLUTION BY THE OXFORD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF STATE ROUTE 732 FROM CHESTNUT STREET TO THE CITY OF OXFORD'S NORTHERN CORPORATE LIMITS. (PID NO. 77746)

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

SECTION 1: The Ohio Department of Transportation ("ODOT") has evaluated the road condition of certain sections of state routes through the corporate limits of the City of Oxford.

SECTION 2: ODOT has proposed a construction project to improve the street surface condition of State Route 732 from Chestnut Street to the northern corporate limits of the City of Oxford (PID No. 77746), the scope of which shall include a complete milling of the roadway surface at a minimum of 3.25 inches in depth, replacement of asphalt intermediate and surface courses, and replacement of street markings. The total project cost is \$466,887.00.

SECTION 3: ODOT has proposed to pay for eighty percent (80%) of eligible project costs under its Urban Paving Program while the City of Oxford is responsible for twenty percent (20%) of the project costs plus the following local costs:

- 100% of the Preliminary Engineering Phase;
- 100% of the right-of-way costs;
- 100% of the non-State and/or non-Federal share of the construction costs; and
- all costs for added construction items requested by the sponsor which are not necessary for the improvement as determined by the State and Federal Highway Administration.

SECTION 4: All right-of-way required for this project will be acquired and/or made available in accordance with current State and Federal regulations.

SECTION 5: All utility accommodation, relocation and reimbursement will comply with the current provisions of 23 C.F.R. §645 and the ODOT Utilities Manual.

SECTION 6: Upon completion of the project, the City shall (1) provide adequate maintenance for the project in accordance with all applicable State and Federal law; (2) provide ample financial provisions, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold the right-of-way inviolate for public purposes.

SECTION 7: Current estimates indicate the local cost to the City of Oxford for this project is \$161,442.00.

SECTION 8: The City has already appropriated \$150,000.00 for the project with the necessary balance being appropriated through Supplemental Budget Number 1 on Council's February 15, 2011 agenda.

SECTION 9: The City Manager recommends he be authorized by City Council to advise the Director of Transportation that the City of Oxford supports the completion of the above described project.

SECTION 10: City Council hereby accepts the recommendation of the City Manager and requests the Director of Transportation to proceed and complete the above described project.

SECTION 11: City Council hereby authorizes the City Manager to enter into an Agreement with the State of Ohio Department of Transportation for the resurfacing of State Route 732 (PID 77746), a copy of which is attached hereto and incorporated by reference as Attachment "A" and to take all steps necessary to complete the project including the execution of all required forms.

SECTION 12: The Clerk of Council shall transmit to the Director of Transportation a fully executed copy of this Resolution and the attached Agreement following its passage.

SECTION 13: This Resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

Attachment "A"


[construction](#) | [contracts](#) | [districts](#) | [engineering](#) | [financial](#) | [intranet](#) | [odot home](#) | [offices](#) | [otis](#) | [policy](#) | [services](#)


ELLIS PROJ					
DISTRICT	08	SPN	Select From List	PID	77746
View FAQ	QUICK SEARCH	☒ PID ☐ SPN		Search	Logout
Ellis Proj Home		Schedule Data		CMS Data	
Construction Contracts		Bridges		Roadway Segments	

The estimates shown in this application are not the official State's estimate and are not intended for purposes of award.

PROJECT INFORMATION (ELLIS)

PID	77746	Project Name	BUT SR 732 8.69
District	8	Locale	BUTLER
Project / Letting Type	LET / ODOT LET	Status	ACTIVE
Work Categories	• RESURFACING, UNDIVIDED SYSTEM		
Env Doc Type	EXEMPT	Reservoir Year	
TRAC Tier		SJN(s)	• 486829
FAN(s)	• E090464 • E090464		

AGENCIES

Project Manager	RUDD, GREGORY L	Design Agency	OXFORD; CITY OF
Sponsoring Agency	OXFORD; CITY OF	Designers	OXFORD; CITY OF
Acquisition Agency		Acquiring Agents	

LOCATION INFORMATION

Fed Congress Dist	8 SHE;DAR;PRE;BUT;MIA;AUG(PT);MER(PT);MOT(PT)
Project Termini	SR 732: SLM 8.69 TO SLM 9.85
Project Description	URBAN PAVING PROJECT IN OXFORD. (FY2011)SR 732: INTERSECTION WITH CHESTNUT (SLM 8.69) TO NORTH CORP. LINE (SLM 9.85)

CURRENT ESTIMATES

PE	\$1,000.00	View Details
RW	\$0.00	View Details
CO	\$465,887.00	View Details
SPR	\$0.00	View Details
Other	\$0.00	View Details
Total	\$466,887.00	

The Ohio Department of Transportation (ODOT)

**OHIO DEPARTMENT OF TRANSPORTATION
ACCOUNT RECEIVABLE**

Make check payable to: Treasurer of State

Mail to: Jeffrey M. Hisem, Administrator
Attn: Sue Thomas
Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

Division: Construction Administration
PID No. 77746
Project No. _____ (2011)
Invoice No. 9914
December 28, 2010

To: **Heidi Hill**
Finance Director
101 East High Street
Oxford, Ohio
45056

Federal Project No. E090(464)
Butler County
City of Oxford
State Route 732
Section 8.69

PLEASE ENCLOSE ONE COPY OF THIS INVOICE TO IDENTIFY YOUR REMITTANCE

Proposal of Participation	Type of Agreement	Amount
		\$161,442.00
Contract amount	\$145,110.30	
ODOT Engineering amount	\$ 14,674.30	
RRFA	\$ 1,657.40	

For the improvement of that portion of **State Route 732**, more particularly described as follows:

Plane a minimum of 3-1/4" of existing asphalt and pave 1-3/4" of intermediate course and 1-1/2" surface course on State Route 732 from Chestnut Street to Oxfords' north corporation line. Install raised pavement markers and pavement markings, lying within the City of Oxford.

c: Original & 2cc City of Oxford
District (8) Engineer
Accounts Receivable
Invoice File

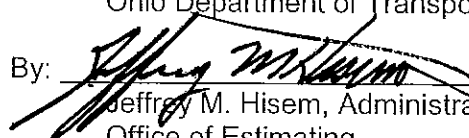
Total Amount Due	\$161,442.00
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Approved For Payment

Signature _____

Title _____

Date _____

Ohio Department of Transportation
By: 
Jeffrey M. Hisem, Administrator
Office of Estimating

FINAL RESOLUTION

The following Final Resolution enacted by the City of **Oxford**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on **18th day of November, 2010**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

Plane a minimum of 3-1/4" of existing asphalt and pave 1-3/4" of intermediate course and 1-1/2" surface course on State Route 732 from Chestnut Street to Oxfords' north corporation line. Install raised pavement markers and pavement markings, lying within the City of Oxford; and

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

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right-of-Way, excluding in-house preliminary engineering and Right-of-Way charges incurred by the State.

The share of the cost of the LPA is now estimated in the amount of **One Hundred Sixty One Thousand Four Hundred Forty Two and - - - 00/100 Dollars, (\$161,442.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum of **One Hundred Sixty One Thousand Four Hundred Forty Two and - - - 00/100 Dollars, (\$161,442.00)**, is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that **City Manager** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____, 20____, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under date of _____, 20____.

Legislative Authority of the
City of **Oxford**, Ohio

City Manager

SEAL
(If Applicable)

Clerk (Secretary Ex-Officio)