

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: March 5, 2019

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 27, 2019

Date Prepared

Agenda Title: An Ordinance Repealing Oxford Codified Ordinance Chapter 1145 Entitled Planned Developments, And Adopting New Oxford Codified Ordinance Chapter 1145 Entitled Planned Developments To Update The Application Requirements And To Clarify The Comprehensive Plan Goals For Housing Type Diversity And Affordability.

Recommendation: Adoption

Discussion:

On February 19, 2019 Council repealed Oxford Codified Ordinance Chapter 1145 entitled Planned Developments and adopted new Oxford Codified Ordinance Chapter 1145 entitled Planned Developments by Ordinance No. 3513. Sections 2, 3, 4, 8, 9, 10 & 11 of Chapter 1145 were inadvertently omitted from the new text as there were no changes to those Sections.

It is necessary to repeal Ordinance No. 3513 and adopt a new Ordinance for Chapter 1145 in its entirety.

Approved By:

Initial Date

Department Head:

City Manager:

DRE 3/1/19

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 1145 ENTITLED PLANNED DEVELOPMENTS, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 1145 ENTITLED PLANNED DEVELOPMENTS TO UPDATE THE APPLICATION REQUIREMENTS AND TO CLARIFY THE COMPREHENSIVE PLAN GOALS FOR HOUSING TYPE DIVERSITY AND AFFORDABILITY.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, Ohio, the City of Oxford Planning Commission held a public hearing on January 8, 2019, and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1145 entitled Planned Developments, and adopting new Oxford Codified Ordinance Chapter 1145 entitled Planned Developments to update the application requirements and to clarify the Comprehensive Plan goals for housing type diversity and affordability.

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

SECTION I: Council hereby accepts the recommendation of the Planning Commission and repeals Oxford Codified Ordinance Chapter 1145 entitled Planned Developments, and adopts new Oxford Codified Ordinance Chapter 1145 entitled Planned Developments to update the application requirements and to clarify the Comprehensive Plan goals for housing type diversity and affordability as follows: (additions are highlighted)

1145.01 PURPOSE.

(a) Purpose. Planned developments incorporate land uses and development patterns that are intended to permit and encourage creative and flexible land development that is not permitted by-right under the administrative regulations of underlying zoning districts. The planned development is particularly well suited to address two distinct goals of the Comprehensive Plan: to provide for environmentally sensitive and cohesive developments that are an attractive alternative to traditional subdivision and infill development that fully utilizes available land and existing utility resources where they already exist.

(1) Planned developments share these common goals:

A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code.

B. Produce a development equal to or better than that resulting from single-use or traditional subdivision

C. Facilitate the construction of a variety of dwelling types to serve Comprehensive Plan goals of diverse and affordable housing.

D. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings

E. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site

E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development

F. Be functional within a time period that helps ensure a viable development

(2) Infill development also satisfies the following goals:

A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access.

B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available.

C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford.

(3) Open Space development also satisfies the following goals:

- A. Retain natural areas and landscapes.
- B. Protect environmentally sensitive land and water features.
- C. Retain or create active and passive open spaces that serve the recreation needs of the development or the City generally.
- D. Lessen the land area devoted to vehicle management.
- E. Preserve natural scenic views that contribute to the Oxford setting.

1145.02 APPROVAL REQUIREMENT.

Each planned development shall be approved according to the provisions of this chapter.

1145.03 EFFECT OF APPROVAL.

A planned development shall be valid only for the specific land uses, location, physical arrangement, and covenants and restrictions approved in a final plan.

1145.04 PROCEDURE.

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

(a) Pre-application Conference. Prior to filing a formal application for approval of planned development, the developer shall request a pre-application conference with the Zoning Administrator. The purpose of such conference is to allow the developer to present a general concept of this proposed development prior to the preparation of detailed plans. For this purpose, the presentation shall include, but not be limited to, the following:

- (1) Written letter of intent from the developer establishing developer's intentions as to development of the land.
- (2) Topographic survey and location map.
- (3) Sketch plans and ideas regarding water supply, sewage disposal, surface drainage, and street improvements.

(4) The Zoning Administrator shall advise the developer of applicable zoning requirements and Comprehensive Plan elements and the procedural steps for approval.

1145.05 APPLICATION.

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

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. The Zoning Administrator may modify this requirement based upon the type of materials included. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.

If any information is submitted in color or on non-standard paper, more copies may be required.

(a) Preliminary Plan.

- (1) Application fee.
- (2) The name, mailing address, and telephone number of the applicant and all property owners.

(3) If the applicant is not the owner, or if there are multiple owners within the proposed area, a statement from all owners that the applicant is entitled to apply on their behalf, and that they agree to be legally bound to any decision reached according to this Chapter.

(4) The name, mailing address, and telephone number of any planner, engineer, surveyor, or other design professional who assisted with preparation of the plans.

(5) Description of use and site. A written, detailed description shall include the following information. A separate response is required for each subsection.

A. A legal description of the site, including all separate lots.

B. A description of the existing uses of the site.

C. The zoning districts in which the site is located.

D. A description of the proposed planned development.

1. The number of housing units by size and type proposed within each phase.

2. A description of any nonresidential operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.

3. The hours of operation of any nonresidential use.

4. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned.

E. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.

1. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.

2. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.

3. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.

4. How any potential negative effects on adjacent land will be mitigated.

F. A statement about why the location proposed is appropriate for the planned development.

G. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

H. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes (e.g. adaptability of flats versus townhomes)

I. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.

J. A general analysis of expected traffic impact, including vehicular and pedestrian safety, resulting from the proposed development.

K. The substance of proposed covenants, easements, and other restrictions on the land and structures.

L. A list of the names and mailing addresses of all landowners within 200 feet of the site.

M. Such other information regarding the proposed uses, site design, or surrounding area as may be pertinent to the application or required by Planning Commission or Council.

(6) Site plan. A scaled site plan prepared by a surveyor or engineer licensed in the State of Ohio shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

A. North arrow.

B. Scale.

C. Vicinity map.

- D. All existing and proposed lot lines within the site.
- E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
- F. The location and intended purpose of all open spaces
- G. Approximate location, height, dimensions, and use of all proposed and existing structures.

H. Approximate location and number of different uses (i.e. dwelling types and/or commercial uses).

- I. Approximate location and design of all proposed vehicle and pedestrian routes and nonresidential vehicle management areas.
 - J. Approximate location and size of all existing and proposed utilities that will serve the planned development.
 - K. Approximate location, size, and type of all proposed signs.
 - L. Approximate location, height, and type of all proposed screening and landscaping.
 - M. Distances to residential zoning districts if within 1,000 feet.
 - N. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
 - O. The location of any nearby schools and commercial facilities.
 - P. Other information as required by the Planning Commission or Council.
- (7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.
- (8) Other. Photographs of the existing site and its surroundings.

(9) Digital Submittal. Adobe PDF version of all information submitted to also be submitted on a current digital format.

(b) Final Plan.

- (1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.
- (2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer
- (3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.
- (4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW.

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

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

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

- (a) Burden of Proof. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and

design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

(b) General Decision Standards. All planned developments shall satisfy these general decision standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Additional Final Plan Decision Standards.

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

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

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

1145.07 ACTION BY PLANNING COMMISSION AND COUNCIL.

(a) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.

(b) The Planning Commission shall base its recommendation and Council its decision upon how well the application satisfies the Decision Standards. Planning Commission, in its recommendation, and Council in its decision may waive or modify dimensional regulations of

the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code. **Dwelling unit density cannot be waived.**

(c) Council may require the developer to file performance bonds with the City to guarantee completion of any public utilities associated with the planned development and any elements of the plan that are necessary to its success, if abandoned by the developer.

1145.08 RECORDING, PERMITS, AND OCCUPANCY.

(a) Recording.

(1) An approved final plan must be filed with Butler County in legal instruments acceptable to the Law Director to ensure that all property divisions, rights-of-way, easements, covenants, restrictions, agreements, and the like are bound upon the land and its owners before any development permits are issued. All instruments so recorded shall bear the signatures of the Clerk of Council, the City Engineer, and the Zoning Administrator.

(2) Any performance bonds required to guarantee the performance of the development during and after development shall be accepted by the City Clerk before any development permits are issued.

(b) Building Permit.

(1) No development permits shall be issued until a Final Plan has been approved by the City and recorded as described in this Section.

(2) Construction permits shall not be issued unless the plans substantially conform to those approved by Council or changes to the plans are mandated in accordance with the provisions of this Chapter. Any changes to a planned development that are not approved by the Zoning Administrator shall constitute a violation of the Zoning Code.

(c) Building Use or Occupancy.

(1) No building use or occupancy will be permitted until all public utilities and streets have been accepted by Council, any private facilities that serve the same purposes have been approved by the Service Director, and all aspects of the final plan have been fulfilled to the satisfaction of the Zoning Administrator.

1145.09 PERIOD OF VALIDITY.

(a) Preliminary Plan. A preliminary planned development approval shall be valid for two (2) years. If an application for a final planned development has not been filed within two (2) years, the preliminary planned development approval is considered null and void. If the scope of the approved preliminary plan has not changed and the proposed use and site plan still satisfy the decision standards, the Planning Commission shall grant a one (1) year extension. No more than two (2) extensions shall be granted.

(b) Final Plan. A final planned development approval shall be valid for one (1) year. If an approved final planned development has not been substantially established within one (1) year of its approval, or if construction falls more than one (1) year behind the approved schedule, the Zoning Administrator shall consider the approval null and void and shall not issue any additional permits for the development. If the scope of the approved final plan has not changed and the proposed use and site plan still satisfy the decision standards, the Planning Commission shall grant a one (1) year extension. No additional extensions shall be granted for the final planned development.

(c) Extension Procedure. No application materials are required; however, the Zoning Administrator may request information he or she deems necessary for the Planning Commission to make a decision. The Planning Commission shall consider the request at its next regularly scheduled meeting. Such requests will not require a public hearing.

1145.10 CHANGES TO A PLANNED DEVELOPMENT.

(a) Minor Changes to an Approved Final Planned Development. The developer of an approved final planned development may submit a written request for approval of changes to the plan or development schedule. The Zoning Administrator and the Planning Commission Chair together may administratively approve changes to a planned development if such changes:

- (1) Do not change the use
- (2) Are of a magnitude that will not substantially alter the appearance of the development from off of the site
- (3) Will not substantially or detrimentally affect the provision of public services to the site or general vicinity
- (4) Will not substantially or detrimentally increase potential demand on public or private utilities
- (5) Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood
- (6) Are not contrary to and in no way diminish the intent of the originally approved plan

Administrative approvals shall be clearly documented, made part of the original final planned development on file, and the details of any such changes shall be reported to the Planning Commission at its next regularly scheduled meeting.

(b) Major Changes to an Approved Planned Development. Any proposed changes to an approved planned development that do not meet the criteria of a minor change are considered a major change. A major change requires an entirely new preliminary planned development application (including the fee), according to the provisions of this chapter.

(c) Changes to a Planned Development not Procedurally Approved. An existing planned development that was not approved according to the provisions of this Chapter and was never approved by a legislative, quasi-judicial, or administrative review, and that was legal at the time of its establishment is considered an approved planned development and is subject to the provisions of this chapter.

1145.11 REAPPLICATION.

(a) No application for a planned development that is substantially similar to an application that has been denied, wholly or in part, shall be accepted for one year from the date of denial. The Zoning Administrator shall determine if a similar application differs enough to be considered a different application and not subject to this section. The Zoning Administrator may consider factors such as the nature or size of a proposal, changes in the development or traffic patterns of the area, or newly discovered evidence pertinent to a decision on a previous application.

1145.12 DESIGN.

(a) Arrangement. The physical arrangement of a planned development is not subject to the specific dimensional regulations that apply in the underlying zoning district, except as specifically noted in this Chapter. Land uses may be distributed throughout the site and throughout individual buildings in whatever manner is best suited to a particular planned development. Structures, vehicle management areas, open spaces, landscaping, and other elements may be distributed throughout the site in whatever manner is best suited to a particular planned development and the surrounding area.

(b) Land Area. A planned development shall be a minimum of 1 (one) contiguous acre or more.

(c) Land Use.

(1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:

A. Any land use permitted in any residential zoning district in this Code, except Mobile

Homes.

B. Institutional, public, and semi-public land uses that serve the planned development or the general public.

C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve the planned development only.

Such commercial land uses shall be limited as follows:

1. No signs that are visible from outside of the development.
2. No direct vehicular access to a public thoroughfare.
3. No less than 95 percent of the total land area shall be devoted to residential land uses.
4. No separate structure intended to be used, in whole or part, for commercial land uses shall be constructed prior to the construction of not less than 50 percent of the dwelling units.

(2) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:

- A. Any land use permitted in the underlying zoning district.
- B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.

(3) The following land uses are permitted only in the portions of a planned development that overlay an existing industrial zoning district:

- A. Any land use permitted in the underlying zoning district.
- (4) The land uses permitted in a planned development may be distributed as follows:
- A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.
 - B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.
- (d) Residential Density. Residential density shall not exceed 110 percent of the density permitted in the underlying zoning district. Residential land uses in a planned development that overlays a commercial zoning district shall not exceed the density of the R1B Single-Family Medium-Density Residential Zoning District. Area devoted entirely to non-residential land uses, including buildings, vehicle management areas, and other associated land use elements shall be excluded from the area used to calculate residential density.

(e) Dimensional Regulations.

- (1) Building Heights shall be limited as in the underlying zoning district, regardless of land use.
- (2) Front setbacks shall be limited as in the underlying zoning district.
- (3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:
 - A. Residential zoning district - 25 feet.
 - B. Commercial zoning district - 25 feet.
 - C. Industrial zoning district - 50 feet.

(f) Open Space.

- (1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.
- (2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent.

(g) Sensitive Development Area.

- A. A Sensitive Development Area is defined as any land(s) or soil(s) proposed to be developed that, if subjected to improper use or management, is otherwise determined to be incapable or unsuitable of urban use. Sensitive Development Areas can also be considered those

lands that pose special hazards to development or the environment, consisting of lands or soils of such sensitive character that they may require special use, design and engineering restrictions.

B. For the Preliminary Planned Development, the applicant must create an inventory of sensitive environmental area identified in subsection (g)D.(1) to (8) from publicly available resources such as Butler County Soil and Conservation District, OKI, OEPA, ODNR, HAPC, FEMA, USFWS, OHPO and other public entities. This information shall be provided with the preliminary application. Design of the site shall be based on site information obtained from those public entities. An existing landscape plan shall be submitted with each application. The landscape plan shall identify existing trees, natural features and other landscaping elements.

C. After the approval of the Preliminary Planned Development, the applicant must develop a detailed site analysis of sensitive environmental areas on the site, conducted by firm(s) specialized in the areas, at a minimum: Ecological Survey, and Environmental Site Assessment. Other documentation may be required based on the site and the discretion of the Planning Commission, including, but not limited to: Stream and Wetland Mitigation, Water Way Permits, Archaeological Inventory, Historic Architecture Inventory. The applicant must also provide reports of the analyses following current professional norms for the discipline. It will be the Planning Commission's role to review information submitted by the applicant on each discipline to make the recommendations to City Council.

D. Design of the proposed Planned Development site shall be based on the site information obtained from those public entities. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:

(1) Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Clean Water Act, as amended; and in Ohio Environmental Protection Agency standards.

(2) Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps. Federal Emergency Management Agency in scientific and engineering reports entitled 'Flood Insurance Study for Butler County, Ohio and Incorporated Areas' effective 12/17/2010, with accompanying Flood Insurance Rate Maps for Butler County, Ohio and Incorporated Areas effective 12/17/2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.

a. 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:

1. Natural vegetation shall be maintained.

2. No structures shall be built or improvements made, except as follows:

(a). Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.

(b). Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.

(c) Any improvements approved in a final plan.

(d). Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director, Police Chief or Fire Chief.

(3) Steep slopes fifteen (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.

(4) Habitats of endangered wildlife, as identified on federal and state lists.

(5) Historically and culturally significant structures and sites, as listed on, but not limited to, the National Register of Historical Places or on the local inventory of historic places maintained by the City of Oxford's Historic Architectural Preservation Commission.

(6) Aquifers and tributary drainage systems.

(7) Tree growth areas or urban forested areas as defined in Chapter 935, of the Codified Ordinances of Oxford.

(8) Any area as identified on Map 3.3 of the Comprehensive Plan.

E. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce excavation and embankment; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.

The placement of buildings shall take into consideration topography, building height, orientation and drainage. Storm water Best Management Practices in Low Impact Development Designs are desirable and encouraged. City guidelines for these practices and designs can be found in the City of Oxford Storm Water Management Design Manual

F. If the Planning Commission, or its designated representative, may require the applicant to submit a statement in order to demonstrate that satisfactory efforts have been made to mitigate any special hazards posed to the site if these sensitive lands are subjected to improper use or management. The statement, if required, shall be submitted in one or more of the following forms:

(1) The statement shall describe in detail the extent of encroachment on any Sensitive Development Area, the extent and nature of the proposed alteration, the environmental impacts resulting from the proposed alteration, and the proposed methods of mitigation.

(2) A Geotechnical Report and/or a Wetlands Assessment/Delineation, prepared by a professional engineer, licensed in the State of Ohio, or by a specialist in Streams and Wetland. This report can be in lieu of a development narrative.

(h) Landscaping and Screening.

(1) A planned development shall satisfy all landscaping elements required by other sections of this Code.

(2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound.

(3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.

(i) Access and Mobility.

(1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road.

(2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.

(3) Adequate pedestrian connectivity shall be provided to and through a planned development.

(j) Utilities and Infrastructure. Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground.

(k) Plan-Specific. Any other design elements deemed necessary by Planning Commission and Council to ensure that a planned development satisfies the decision criteria of this Chapter.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 2/19/2019

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

2/14/2019
Date Prepared

Agenda Title: CONSOLIDATION OF TWO BOND ISSUE ORDINANCES

Recommendation: Approve

Discussion:

This final action will consolidate the \$2,600,000 Southpointe Roadway Project with the \$4,800,000 Aquatic Center Bonds. This will improve the marketability of the Bond issue due to the increased size of the issuance.

Approved By:

Department Head:
City Manager:

Initial Date

[Signature] 2/14/19
[Signature] 2/15/19

ORDINANCE NO.

ORDINANCE CONSOLIDATING TWO BOND ISSUES OF THE CITY OF OXFORD, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, this Council of the City of Oxford of the County of Butler, Ohio has adopted two (2) ordinances (collectively, the "Bond Ordinances"), which authorized two (2) bond issues in an aggregate principal amount of not to exceed \$7,400,000 (collectively, the "Bonds") as follows: (1) \$2,600,000 Southpointe Roadway Project Bonds and (2) \$4,800,000 Aquatic Center Bonds; and

WHEREAS, this City Council desires to consolidate the two (2) issues of Bonds into a single bond issue for sale to achieve certain cost savings.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, WITH THREE FOURTHS OF ITS MEMBERS CONCURRING, HEREBY ORDAINS THAT:

SECTION 1: Pursuant to the provisions of Section 133.30 of the Ohio Revised Code (the "Revised Code"), the two (2) separate issues of Bonds shall be consolidated into a single issue which shall be known as "Various Purpose Bonds" (the "Bonds").

SECTION 2: The Bonds shall be issued in said principal sum of not to exceed \$7,400,000 for the above-described purposes under authority of the general laws of the State of Ohio, particularly the Uniform Public Securities Law of the Revised Code. The provisions of the Bond Ordinances are incorporated herein by reference.

SECTION 3: The proceeds of the sale of the Bonds shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code, to the respective purposes and funds in accordance with the amounts of each of the issues of Bonds authorized by the separate Bond Ordinances.

SECTION 4: The City covenants that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest in the Bonds under Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code"). The City will not directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City, or take or omit to take any action that would cause the Bonds to be "arbitrage bonds" within the meaning of Sections 103(b)(2) and 148 of the Code. To that end, the City will comply with all requirements of Sections 103(b)(2) and 148 of the Code to the extent applicable to the Bonds. In the event that at any time the City is of the opinion that for purposes of this Section 4 it is necessary to restrict or limit the yield on the investment of any moneys, the City shall take such action as may be necessary. The City Council, or any other officer having responsibility with respect to the issuance of the Bonds, is authorized and directed to given an appropriate certificate on behalf of the City, on the date of delivery of said Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections

103(b)(2) and 148 and regulations thereunder, and to execute and deliver on behalf of the City an IRS Form 8038-G in connection with the issuance of the Bonds.

SECTION 5: The Clerk of this Council is hereby directed to forward a copy of this ordinance and the Bond Ordinances to the Butler County Auditor.

SECTION 6: It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council; and that all deliberations of this City Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements included in Section 121.22 of the Revised Code.

SECTION 7: This ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety, morals or welfare in order to realize savings by promptly consolidating the two (2) separate issues of Bonds into a single issue to retire existing Aquatic Center notes and proceed with the Southpointe Roadway Project, therefore this ordinance shall take effect immediately upon its passage.

PASSED: March 5, 2019

Mayor

ATTEST:

Clerk of Oxford City Council

APPROVED AS TO FORM:

City Attorney

Prepared By: Dinsmore & Shohl LLP

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance
No. _____.

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this
day to the Butler County Auditor.

Dated: March ____, 2019

Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing
ordinance.

County Auditor
Butler County, Ohio

Dated: March ____, 2019

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 19th day of February, 2019, at _____, Oxford, Ohio, with the following members present:

There was presented and read to Council by title Ordinance No. _____, entitled:

ORDINANCE CONSOLIDATING TWO BOND ISSUES OF THE
CITY OF OXFORD, OHIO, AND DECLARING AN
EMERGENCY

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 5th day of March, 2019, at _____, Oxford, Ohio, with the following members present:

There was presented and read to Council Ordinance No. _____, entitled:

ORDINANCE CONSOLIDATING TWO BOND ISSUES OF THE
CITY OF OXFORD, OHIO, AND DECLARING AN
EMERGENCY

_____ then moved that Ordinance No. _____ be passed. _____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

The ordinance was declared passed March 5, 2019.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of meetings of the Council of said City, held on the 19th day of February and the 5th day of March, 2019 to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 2/19/2019

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

2/14/2019
Date Prepared

Agenda Title: AQUATIC CENTER BONDS ORDINANCE

Recommendation: Approve

Discussion:

This bond issue is a result of the City, with Council's authorization on May 15, 2018, issuing \$4,800,000 of Bond Anticipation Notes to commence the construction of a new Aquatic Center. We will come in a bit lower since we sold the notes at a premium and have had interest income for the account holding the note proceeds. We also have received donations to help offset the costs and costs are coming in lower than anticipated.

By the Bond pricing date we will have a firm estimate of the amount we will issue. The City is being diligent to insure that we issue only the amount necessary to complete the Aquatic Center on time for the May 25th opening.

Approved By:

Department Head:
City Manager:

Initial Date

DBE 2/15/19
2/15/19

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,800,000 AQUATIC CENTER BONDS FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING AN AQUATIC CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer has heretofore certified to this Council that the estimated life of the improvements hereinafter described is at least five (5) years; and that the maximum maturity of bonds issued to pay the cost thereof is not less than twenty-five (25) years; and

WHEREAS, this Council desires to pay outstanding notes (the "Refunded Obligations") maturing in the principal amount of \$4,800,000, dated June 12, 2018.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, WITH THREE FOURTHS OF ITS MEMBERS CONCURRING, HEREBY ORDAINS THAT:

SECTION 1: It is necessary to issue and sell bonds of the City in the principal sum of not to exceed \$4,800,000 (the "Bonds") for the purpose of paying outstanding bond anticipation notes issued for the purpose of constructing and equipping an aquatic center, including activity and competition pools, diving boards, water slides, lazy river, bath house building, concessions, filtration/filter and storage rooms, indoor multi-purpose spaces, pool deck, shade structures, fencing, landscaping and parking areas, together with all necessary appurtenances, which costs may include the costs of printing the Bonds, expenses of delivery of the Bonds, registering the Bonds, service charges of the paying agent, Depository Trust Company charges, legal services, underwriting, redemption premium, OMAC fees, capitalized interest and obtaining an approving legal opinion, under authority of the general laws of the State of Ohio, particularly the Uniform Public Securities Law of the Ohio Revised Code. The Bonds shall have a maximum maturity of twenty-five (25) years.

SECTION 2: The Bonds shall be issued in such principal amount for the purpose aforesaid. The Bonds shall be dated their date of issuance, numbered from R-1 upwards in order of issuance, in the form of Various Purpose Bonds of the denomination of \$5,000 or any integral multiple thereof provided that each such Various Purpose Bond shall be of a single maturity, and the Bonds shall bear interest payable December 1, 2019 and semiannually thereafter on June 1 and December 1 in each year until maturity, maturing on December 1 of each year, in principal amounts, each as stated in the bond purchase agreement (the "Bond Purchase Agreement") which the Finance Director of the City is hereby authorized to sign.

The Bonds shall be sold together with one (1) other issue of general obligation limited tax bonds for the Southpointe Roadway Project, and designated Various Purpose Bonds ("Various Purpose Bonds") pursuant to Section 133.30 of the Ohio Revised Code.

The principal amount of Bonds shall be payable in such principal amounts such that in any fiscal year principal is payable, the total principal and interest payable shall not be more than three times the amount of such principal and interest payments in any other such fiscal year.

SECTION 3: The Various Purpose Bonds, representing two (2) issues of general obligation, limited tax bonds (including the Bonds which shall mature in the principal amounts and on the dates as set forth in the Bond Purchase Agreement, and bear interest at the rates payable as stated in the Bond Purchase Agreement) will have a combined maturity schedule and bear interest at the rates, all as stated in the Bond Purchase Agreement, provided the net aggregate interest cost for the Bonds shall not exceed six percent (6%) per annum. Each of the combined issues may be designated by series.

SECTION 4: The Various Purpose Bonds shall express upon their faces the purposes for which they are issued and that they are issued in pursuance of this ordinance. The Various Purpose Bonds shall be in fully registered form. They shall bear the signatures of the City Manager and Finance Director, provided that any or both such signatures may be facsimile signatures, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, Cincinnati, Ohio as the paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Various Purpose Bonds. The principal amount of each Various Purpose Bond shall be payable at the office of the Paying Agent and the Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 for June 1 and November 15 for December 1) on the Various Purpose Bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at this address as it appears on such registration records.

The Various Purpose Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any Various Purpose Bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Various Purpose Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holders of the Various Purpose Bonds as the absolute owners thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

The Various Purpose Bonds shall be initially issued only to a securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of beneficial interests in Various Purpose Bonds, and to effect transfers of beneficial interests in Various Purpose Bonds, and includes and means initially The Depository Trust Company (a limited purpose trust company) New York, New York ("Depository") for use in a form or system under which the physical Various Purpose Bond certificates in fully registered form are issued only to a Depository or its nominee as registered owner, with the certificated Various Purpose Bonds held and "immobilized" in the custody of the Depository, and the book entry system, maintained by and the responsibility of the Depository and not maintained by or the responsibility of the City is the record that identifies, and records the transfers of the beneficial interests of the owners of the Various Purpose Bonds (the "Book Entry System" or "Book Entry Form" and: (i) those Various Purpose Bonds shall be registered in the

name of the Depository or its nominee as registered owner, and immobilized in the custody of the Depository; and (ii) those Various Purpose Bonds shall be transferable or exchangeable in accordance with this ordinance, provided that so long as a Book Entry System is used for the Various Purpose Bonds, the Various Purpose Bonds may only be transferred to another Depository or to another nominee or a Depository without further action by the City pursuant to this section. The City may, and may require the Paying Agent and Registrar to, transfer the Bonds from one Depository to another Depository at any time.

Notwithstanding any other provision of this ordinance ("Ordinance") or any Various Purpose Bond to the contrary, with the approval of the City, the Paying Agent and Registrar may enter into an agreement with a Depository, or the nominee of a Depository, that is the registered owner of a Various Purpose Bond in the custody of that Depository providing for making all payments to that registered owner of principal of and interest and any premium on that Various Purpose Bond or any portion of that Various Purpose Bond (other than any payment of its entire unpaid principal amount) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Various Purpose Bond, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and the City. That payment in any event shall be made to the person who is the registered owner of that Various Purpose Bond on the date that principal and premium is due, or, with respect to the payment of interest, as of the applicable Interest Payment Date or other date agreed upon, as the case may be. The Paying Agent and Registrar will furnish a copy of each of those agreements, certified to be correct by an officer of the Paying Agent and Registrar to the City. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If any Depository determines not to continue to act as a Depository for the Various Purpose Bonds in a Book Entry System, the City may attempt to have established a securities depository/Book Entry System relationship with another qualified Depository under this Ordinance. If the City does not or is unable to do so, the City and the Paying Agent and Registrar, after the Paying Agent and Registrar has made provision for notification of the beneficial owners by appropriate notice to the then Depository, shall permit withdrawal of the Various Purpose Bonds from the Depository, and authenticate and deliver Various Purpose Bond certificates in fully registered form, in denominations of \$5,000 or integral multiples thereof, to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing or otherwise preparing, and delivering, replacement Various Purpose Bonds) of those persons requesting that authentication and delivery, unless City action or inaction shall have been the cause of the termination of the Book Entry System, in which event such cost and expense shall be borne by the City.

The Finance Director is authorized to execute the letter of representations with the Depository and is authorized to execute an agreement with the Paying Agent and Registrar in connection with the issuance of the Various Purpose Bonds.

SECTION 5: For the payment of the Various Purpose Bonds and the interest thereon, the full faith, credit, and revenue of the City of Oxford are hereby irrevocably pledged, and for the purpose of providing the necessary funds to pay the interest on the Various Purpose Bonds promptly when and as the same falls due, and also to provide a fund sufficient to discharge the

Various Purpose Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City within applicable limitations, in addition to all other taxes, a direct tax annually during the period the Various Purpose Bonds are to run in an amount sufficient to provide funds to pay interest upon the Various Purpose Bonds as and when the same falls due and also to provide a fund for the discharge of the principal of the Various Purpose Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Constitution of Ohio.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years and certified, extended or collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which, together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest on and the principal of the Various Purpose Bonds when and as the same shall fall due; provided, that in each year to the extent that revenues from other sources, including general fund revenues, or payments in lieu of taxes (as applicable) are available for the payment of the Various Purpose Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

SECTION 6: Said Various Purpose Bonds shall be sold to RBC Capital Markets, Cincinnati, Ohio (the "Purchaser"), in the manner provided by law at not less than 97% of par value and accrued interest provided the net interest cost for the Various Purpose Bonds does not exceed six percent (6%) per annum. The proceeds from the sale of the Various Purpose Bonds, except as any premium and accrued interest received, shall be deposited in the proper funds as required by law, and used for the purposes aforesaid and for no other purpose; and may include any expenses relating to the issuance of the Various Purpose Bonds, for which purposes and proceeds are hereby appropriated, and any premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the principal and interest of the Various Purpose Bonds in the manner provided by law.

The Finance Director is hereby authorized to execute and deliver a Bond Purchase Agreement for the Various Purpose Bonds in substantially the form submitted to this Council with such changes, including adjustments in principal payment dates and amounts payable and such final interest rates and other terms necessary to facilitate sale of the Various Purpose Bonds to the Purchaser pursuant to the terms hereof, as may be approved by the Finance Director, his execution thereof on behalf of the City to be conclusive evidence of such authorization and approval.

SECTION 7: The Various Purpose Bonds may be subject to mandatory sinking fund redemption, and/or redemption at the option of the City, upon the terms provided for in the Bond Purchase Agreement.

SECTION 8: This Council hereby authorizes the Finance Director to prepare, correct, revise, execute together with the City Manager and deliver, on behalf of the City to appropriate persons, preliminary and final drafts of a Preliminary Official Statement deemed final for purposes of Securities and Exchange Commission Rule 15c2-12 and an Official Statement relative to the sale of the Various Purpose Bonds and copies thereof are hereby authorized to be furnished to the

Underwriter for distribution to prospective purchaser of the Various Purpose Bonds and other interested persons.

SECTION 9: This Council hereby covenants that it will restrict the use of the proceeds of the Bonds hereby authorized in such manner and to such extent, if any, as may be necessary after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Code and the regulations prescribed thereunder, including any expenditure requirements, investment limitations or rebate requirements. The Finance Director or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of this City on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

The Bonds are hereby deemed designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 10: This Council hereby authorizes the Finance Director to take all steps necessary to obtain one or more municipal bond ratings for the Bonds, and a municipal bond insurance policy to facilitate sale of the Bonds.

SECTION 11: This Council hereby covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Bonds (the "Continuing Disclosure Certificate") in connection with the issuance of the Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Bonds; however, any holder of the Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this Council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 12: The Finance Director is hereby directed to forward a certified copy of this ordinance to the Butler County Auditor.

SECTION 13: It is 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 all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 14: This ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety, morals or welfare, in order to fix a favorable interest rate, therefore, this ordinance shall take immediately upon its passage.

PASSED this 5th day of March, 2019.

Mayor

ATTEST:

Clerk of Oxford City Council

APPROVED AS TO FORM:

City Attorney

Prepared By: Dinsmore & Shohl LLP

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

Based upon information provided by the Council of the City of Oxford, Ohio (herein the "City"), County of Butler, Ohio, the Finance Director, being the fiscal officer of the City within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the improvements that are to be constructed and acquired with the proceeds of the sale of not to exceed \$4,800,000 Aquatic Center Bonds to be issued to construct and acquire recreational pool facilities and equipment is at least five (5) years and the estimated weighted average useful life of the Aquatic Center improvements, assuming at least \$4,100,000 is used for recreational facilities for which I estimate a thirty (30) year useful life and not more than \$700,000 is used for recreational equipment for which I estimate a ten (10) year useful life, is not less than twenty-five (25) years, maximum maturity of bonds, calculated in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is not less than twenty-five (25) years.

IN WITNESS WHEREOF, I have hereunto set my hand, this 5th day of March, 2019.

Finance Director

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance
No. _____, passed on March 5, 2019.

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this
day to the Butler County Auditor.

Dated: March ____, 2019

Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing
ordinance.

County Auditor
Butler County, Ohio

Dated: March ____, 2019

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 19th day of February, 2019, at _____, Oxford, Ohio, with the following members present:

There was presented and read to Council by title Ordinance No. _____, entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,800,000 AQUATIC CENTER BONDS FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING AN AQUATIC CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 5th day of March, 2019, at _____, Oxford, Ohio, with the following members present:

There was presented and read to Council Ordinance No. _____, entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,800,000 AQUATIC CENTER BONDS FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING AN AQUATIC CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

_____ then moved that Ordinance No. _____ be passed. _____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

The ordinance was declared passed March 5, 2019.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of meetings of the Council of said City, held on the 19th day of February and the 5th day of March, 2019, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

14492322

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: March 5, 2019

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 27, 2019

Date Prepared

Agenda Title: A Resolution of Oxford City Council supporting Ohio House Bill 62 and the proposed increase in the Ohio Motor Fuel Tax of \$0.18 per gallon. Oxford City Council further urges Senator Coley and Representative Keller to support Ohio House Bill 62.

Recommendation: Adoption

Discussion:

As requested by Councilor Dana.

Approved By:

Department Head:

City Manager:

Initial Date

DRE 3/2/19

RESOLUTION NO.

A RESOLUTION OF OXFORD CITY COUNCIL SUPPORTING OHIO HOUSE BILL 62 AND THE PROPOSED INCREASE IN THE OHIO MOTOR FUEL TAX OF \$0.18 PER GALLON. OXFORD CITY COUNCIL FURTHER URGES SENATOR COLEY AND REPRESENTATIVE KELLER TO SUPPORT OHIO HOUSE BILL 62.

WHEREAS, the City of Oxford is estimated to receive \$263,802.00 in the State Fiscal Year of 2020 under the present Ohio Motor Fuel Tax of \$0.28 per gallon; and

WHEREAS, if the Governor's proposed \$0.18 per gallon increase becomes law, the City of Oxford is estimated to receive a total of \$455,638.00 in State Fiscal Year 2020 or an increase of 72.7% in revenue; and

WHEREAS, this is welcome news for the City of Oxford and for all local governments in the State of Ohio to improve the ability to maintain the deteriorating local roadway infrastructure. It will also help offset the loss of Estate Tax Revenue and the reduction in State Local Government funding.

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

SECTION 1: Council having reviewed Ohio House Bill 62 and the proposed increase in the Ohio Motor Fuel Tax of \$0.18 per gallon hereby supports the same and further urges Senator Coley and Representative Keller to support Ohio House Bill 62.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: STEVE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

Originating Department

Council Meeting Of: March 5, 2019

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: Feb. 28, 2019

Agenda Title: Oxford Recreation Board Meeting, 2/21/2019

Recommendation: Approve

Attendance: Present: Ken Bogard, Edna Southard, Wes Cole

Liaisons: Casey Wooddell, City Staff; Deanna Barbour, Secretary

Discussion:

Oxford Recreation Board (ORB) members met Thursday, February 21 at 11:30am at the Oxford Municipal Building.

PARKS AND RECREATION – Mr. Wooddell provided the Parks and Recreation Report. This included information on the progress of the new aquatic center. All exterior walls of the buildings are complete. Trusses and aquatic features are on-site and will begin installation of those items very soon. Both pool structures are also nearing completion.

Ms. Southard discussed how PACO can be involved in this project, specifically with bike racks. It was decided the committee should schedule a special meeting to discuss proposals for this since the timeline was narrowing down.

Mr. Wooddell discussed the fundraising campaign, noting the community foundation has sent a check to the City for the amount of donations received thus far. Also discussed was the upcoming Activity Guide for April-September 2019, which will of course include a lot of information about the new aquatic center.

TALAWANDA – Mr. Cole provided the Talawanda Athletics report. He noted there were seven state qualifiers in swimming and diving. Mr. Cole noted winter sports are drawing near to a close, but spring sports such as baseball, softball, track and lacrosse are getting started.

MIAMI – Mr. Wooddell mentioned that Miami has released its 2019 football schedule. Mr. Bogard noted the women’s basketball team has had a great season, and Mr. Wooddell added that Miami is hosting an OPRD Youth Basketball Night on Friday, March 1st.

FUTURE PLANNING – Mr. Bogard mentioned creating a 5-year plan beginning in the fall 2019, especially once we’ve gotten completely past the aquatic center project. This is a great opportunity for the Recreation Board to make recommendations on what to accomplish over the next several years, and look to address things such as tennis courts, recreation office space and indoor gym space. More to follow.

Next meeting: March 21 at Oxford Aquatic Center Site

Meeting adjourned 12:29pm

Approved By:

Initial Date

Department Head:

CDW \ 2/28/2019

City Manager:

DRE \ 3/1/19

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: March 5, 2019

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 19, 2019

Date Prepared

Agenda Title: Resolution authorizing the City Manager to waive the fees adopted in the fee Ordinance for the street closures for the Visitors Bureau (Enjoy Oxford) for the 2019 annual Summer Music Festival.

Recommendation: n/a

Discussion:

Council has approved this request every year since 2005. The fee for each street closure is \$135.00.

Approved By:

Initial Date

Department Head:
City Manager:

DRE \ 3/1/19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE THE FEES ADOPTED IN THE FEE ORDINANCE FOR THE STREET CLOSURES FOR THE VISITORS BUREAU (ENJOY OXFORD) FOR THE 2019 ANNUAL SUMMER MUSIC FESTIVAL.

WHEREAS, the Oxford Visitors Bureau has requested Council to consider waiving the fees for the street closures for the 2019 Annual Summer Music Festival; and

WHEREAS, Oxford City Council has approved this request every year since 2005. The fee for each street closure is \$135.00.

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

SECTION 1: Council having considered the request determined that the Summer Music Festival is a benefit to the entire community and that waiving the fees for the street closures is in the best interest of the community, hereby authorizes the City Manager to waive the fees for the street closures for the 2019 Annual Summer Music Festival.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)



REQUEST FOR PUBLIC PARK PERMIT



REQUEST FOR PUBLIC RIGHT-OF-WAY PERMIT

Date(s) of Event: Thursday + Tuesday July 2nd
6 / 6 / 2019 through 8 / 29 / 2019 From: 06:00 PM ☒ To: 10:00 PM

Today's Date: 2 / 15 / 2019 ☐ Emergency Utility Repair (check box, if applicable)

--- Applicant shall allow a minimum of 3 business days for processing ---

Responsible Adult:

(18 years of age or older)*

Jessica Greene
 Address: 14 W. Park Place, Suite C
 Oxford, OH 45056
 Telephone: 513-523-8687
 Cellular: 513-461-6779
 Fax: NA
 Email: jessicagreene@enjoyoxford.org

Organization: Oxford Visitors Bureau dba Enjoy Oxford
 Advisor:
 Address: same
 Telephone: same
 Cellular:
 Fax:
 Email: info@enjoyoxford.org
 Non-Profit: ☒ Yes ☐ No

* Person in charge - Primary contact

PARK REQUESTED

- ☐ Merry Day Park (adjacent to the Miami Mobile Home Park, Reagh Way Drive)
☐ Leonard Howell Park (Bonham Road)
☐ Oxford Community Park (Fairfield Road) – Contact 523-6314 to confirm date(s)
☒ Memorial Park (E. Park Place & N. Main Street – has pavilion)
☒ Martin Luther King Jr. Park (W. Park Place & N. Main Street – animal sculptures & fountain)
☐ Other: _____

TITLE OF EVENT (be specific and include projected attendance)

2019 Uptown Music Concert Series

Projected Attendance: 300-3000 Has this event been held previously? ☒ Yes ☐ No If "YES", when? Annually

Will food, goods, services or merchandise be sold at the event? ☒ Yes ☐ No

If "YES", please see Section 729.05, Sales on Certain Municipal Property Prohibited (attached to last page of application.)

Note: If you or your organization are handing out information on the public sidewalk, no permit is required.

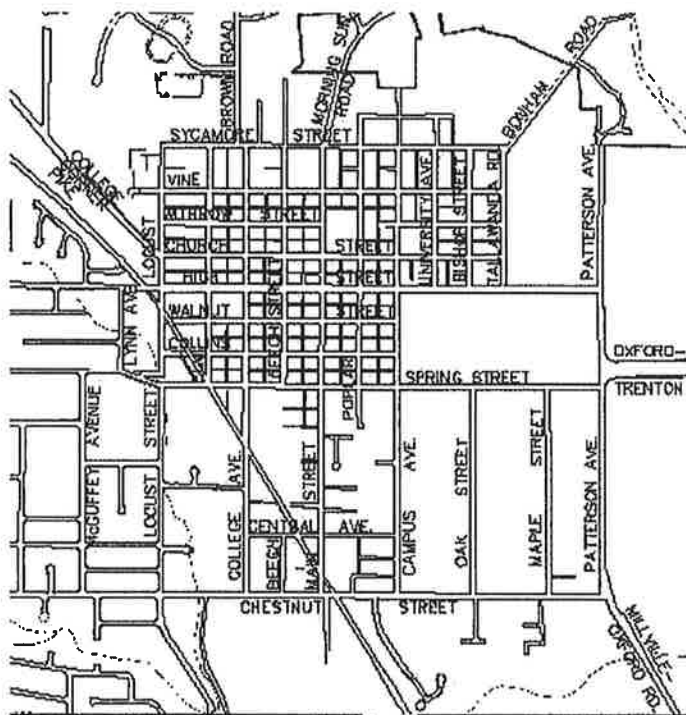
DESCRIPTION OF EVENT

Place a description of the event, along with additional requests, on the appropriate attachment. If request is only for use of a right-of-way, use the attachment labeled City of Oxford / Right-of-Way Request Details.

Applicant's Signature: Jessica Greene Date: 2 / 15 / 19

I have read and understand the rules, guidelines and conditions. Furthermore, I understand that acceptance of them is a condition of approval; and, if approval is granted, it is only for the event specified above. I also understand that the request will be reviewed by various City of Oxford officials and additional conditions may be required before final approval is granted. If additional conditions are required, I agree to meet with the appropriate officials.

Note
If your event is outside
the boundaries of this
map, either attach a
separate map or
contact the City for
assistance.



CITY OF OXFORD / RIGHT-OF-WAY REQUEST DETAILS

Instructions for Applicant: Please clearly denote the parade route, streets and/or sidewalk areas being requested. Place a concise narrative explanation on the following lines. Attach additional pages if necessary. **Note:** Any work in the public right of way requires the submittal of a maintenance of traffic plan.

Thursdays with exception of Tuesday, July 2 to host concert following Freedom Festival Parade/OP&RD. NO CONCERT JULY 4

Close Main Street between MLK & Memorial Park due to high pedestrian traffic.

Reserve parking in East Park for Band, Sound Tech and Sponsors as needed.

Unused parking spots will be opened to the general public.

Use of sidewalk areas around Park for sponsor tents and Enjoy Oxford Information Bike Cart

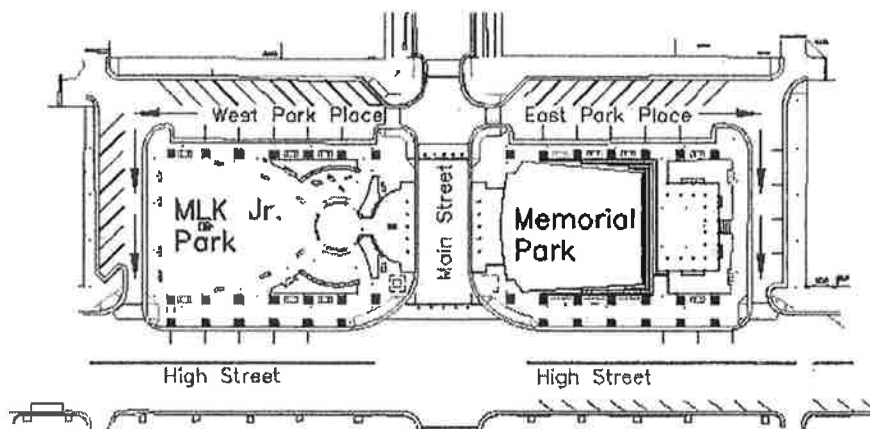
Additional Requests:
(Include details in narrative)

- ☐ No Parking Signs*
- ☐ Detour(s)
- ☐ Police Assistance

Time Details

	Start	End
Setup	6:00 pm	7:00 pm
Event	7:00 pm	9:30 pm
Breakdown	9:30 pm	10:00 pm

*Generally the responsibility of the applicant.



OXFORD MEMORIAL PARK & MARTIN LUTHER KING JR. PARK

Instructions for Applicant: Please clearly denote (1) the sections of the parks that you are requesting, (2) parking spots needed and (3) proposed street closures. Place a concise narrative explanation on the following lines. Attach additional pages if necessary.

Use of Pavilion and lighting system

Use of Memorial Park & MLK Park for Community attendance

Power on at trees

Potential for sponsors to sell their products

Additional Requests:

(Include details in narrative)

☒
☒
☒
☒
☐

Pavilion

Extra trash cans*

Special power requirements (explain in narrative)**

Street Closure**

Other: Enjoy Oxford will print and post all No Parking Signs and remove each evening

Time Details

	Start	End
Setup	6:00 pm	7:00 pm
Event	7:00 pm	9:30 pm
Breakdown	9:30 pm	10:00 pm

*See fee sheet

**** Contact the Streets & Maintenance Division 3 days prior to the event at 513-523-8412**

NOTE: Street closures will be at the discretion of the Oxford Police Department



Stipulations and Fees

Note: FULL PAYMENT REQUIRED BEFORE THE EVENT

RIGHT-OF-WAY

Applicants should allow a minimum of **three (3) business days** for the request to be processed from the time it is submitted to city officials. *(Please provide the City with as much lead time as possible. Events requiring road closures and staffing will require additional processing time. Large event requests shall be submitted no less than fourteen (14) days in advance of the event.)*

1. **Applicant shall manage all work zones in the Right-of-Way in compliance with the Ohio Manual of Uniform Traffic Control.**
2. Large events (estimated at over 500 people, including all concerts and performances, will require a pre-event meeting with the Police (524-5247) and Service Department (524-5206) prior to approval. **Note: Requests WILL NOT be approved prior to the pre-event meeting.**
3. The period of use may not exceed two (2) days without city council approval.
4. At least one legally responsible adult must sign the request.
5. The usage may not discriminate for or against a given class of people.
6. All ordinances that regulate noise **shall** be observed.
7. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.
8. The applicant is responsible for cleanup. Failure to clean up may result in subsequent requests being denied or a deposit being required. In addition, a cleaning charge may be assessed.
9. Safety staffing levels will be determined by the Oxford Police Department and the applicant may be required to hire police officers.
10. All special conditions specified by department heads must be complied with. Fees may be assessed for special services – see below.
11. NO markings may be made on streets or sidewalks within the public right-of-way.

USE OF PARKS (ALL THOSE ABOVE, PLUS)

1. No motor vehicles may be parked within the area of the park or on any sidewalk.
2. Banners are only permitted on the stage area during the function and must be removed immediately after the event. Tying is the only acceptable way of affixing a banner to the stage area.
3. No signs are permitted.
4. The applicant is responsible for damage to grass, shrubs or trees as a result of the event and agrees to compensate the City of Oxford the cost of repairs and/or replacement.
5. No structure shall be defaced and no structure shall be erected within four (4) feet of the base of a tree or shrub.
6. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within any park.
7. The applicant will be required to provide the City with a certificate of insurance naming the City as an additional insured for events with live animals or inflated play structures with a minimum of \$1M coverage. Insurance for other events may be required and reviewed on a case by case basis.

FEE INFORMATION

No Parking Signs	\$1.00/ea.
Metered Parking	\$10.00/ea
Trash Boxes	\$5.00/ea.
<u>Personnel</u>	
Police Officer(s)	Contact OPD
Street Dept. Personnel	\$25.00/hr
Electrician	\$100.00
Park & Rec Personnel	Contact OPRD

Road Closures

Main Street	\$135.00**
US 27 Detour	\$135.00**

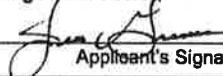
**Includes labor

Sports Fields/Gazebo

Contact OPRD – 523-6314

APPLICANT'S ASSURANCE

I have reviewed the estimated cost for the event and agree to compensate the City for services rendered as specified above. If the event runs past the stated end time, I understand that additional charges will accrue and agree to compensate the City accordingly.


Applicant's Signature

Date: 2 / 15 / 17

CITY USE ONLY

	Service	Hours	Rate	Estimate	Final
1			\$	\$	\$
2			\$	\$	\$
3			\$	\$	\$
4			\$	\$	\$
5			\$	\$	\$
Total			\$	\$	\$

	Applicant's Initials	Review Date
Police Department		
1		
2		
3		
4		
Fire Department		
1		
2		
3		
4		
Service Department		
1		
2		
3		
4		
Recreation Department (if applicable)		
1		
2		
3		
4		
City Manager		
1		
2		
3		
4		

Pre-Meeting (if applicable): Reviewed with _____ on _____.

Reviewer(s): _____

APPROVAL SECTION (with conditions)

Police Chief:	☐ Approved	☐ Not Approved	_____/____
Fire Chief:	☐ Approved	☐ Not Approved	_____/____
Service Director:	☐ Approved	☐ Not Approved	_____/____
Recreation Director:	☐ Approved	☐ Not Approved	_____/____
City Manager:	☐ Approved	☐ Not Approved	

City Manager's Signature

Date: _____

Reason(s) event not approved:

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 3/5/2019

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

2/25/2019
Date Prepared

Agenda Title: A Resolution Amending Credit Card Policy – Resolution #7039

Recommendation: Approve

Discussion:

Staff recommends Council approve these adjustments to our current credit card policy.
Page 2 of the credit card policy added:

*** Recreation Department is allowed to use their credit card for programs associated with taking participants to entertainment venues and booking entertainment for events.

This has been a past practice and when I updated the policy I put in the cards were not to be used for "Entertainment and entertainment venues" this was meant to apply for traveling purposes only. The new language will clear up any confusion.

Page 5 of the credit card policy added:

*** Administrative Assistants

This is a position some department heads rely on to order items for their departments. And as a side note on all the credit card policy forms an additional line was added for the printed signatures for ease of recognition.

Approved By:

Department Head:
City Manager:

Initial Date

DNW 2/25/19
DRR 3/1/19

RESOLUTION NO.

A RESOLUTION APPROVING AN AMENDED CREDIT CARD POLICY AS RECOMMENDED BY THE FINANCE DIRECTOR.

WHEREAS, Council previously approved a Credit Card Policy by resolution on January 15, 2019; and

WHEREAS, the Finance Director has recommended certain changes to that Policy and recommends Council approve the revised Policy.

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

SECTION 1: Council hereby accepts the recommendation of the Finance Director and approves the amended Credit Card Policy as attached hereto and incorporated herein as Exhibit "A".

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

Credit Card Policy

General Information

This policy describes the procedures for appropriate credit card use. By signing the credit card agreement form, the employee promises to comply with program rules and regulations. A credit card will be issued to an employee upon approval by the City Manager, with concurrence from the Finance Director, and after the employee executes a signed credit card agreement form. Upon receipt of the card, the employee should immediately sign the back of the card and keep it in a secure place.

A credit card that is issued with an employee's name on the face of it is to be utilized only by that employee. The custodian of the credit card is the person that is responsible for tracking and reporting monthly purchases to the Finance Department. An employee that handles a credit card is responsible for the appropriate use of City funds. The credit card is the property of the City of Oxford and may be rescinded at any time. The credit card is only to be used for the types of purchase outlined in this policy.

Each custodian should keep current record of transactions and receipts to protect himself/herself and the City. These records are important internal controls elements of the electronic purchasing process and essential to the success of the credit card program.

How It Works

The credit card simplifies the purchasing and disbursement process by facilitating point-of-demand credit. Purchasing authority is delegated to the ordering department enabling the authorized cardholder to place an order directly with the supplier.

When a purchase authorization is requested by the supplier, the depository bank credit card system validates the transaction against pre-set limits established by the City. All transactions are approved or declined (instantaneously) based on the following credit card authorization criteria:

- Number of transactions allowed per day.
- Number of transactions allowed per month.
- Single purchase limit.
- Spending limit per month
- Approved merchant commodity code.

The authorization process occurs through an electronic system that supports the credit card processing services under the City of Oxford agreement with the current depository bank at the time of purchase. In addition, the Finance Department will have the capability to view transactions daily and create reports to effectively monitor the use of the credit cards.

Purchasing Guidelines

The credit card program will not circumvent the City's purchasing rules and procedures. They are to be used for materials, supplies, training, and travel necessary for the card holder to effectively complete his/her job duties for the City of Oxford.

Each employee is responsible for the security of the card he/she is issued and for the purchases made with it. Consequences for card misuse are severe and penalties may include loss of job.

For Credit Cards that are issued for specific City functions, the guidelines for their usage is as follows:

1. It is the responsibility of the Department/Division head to have control over all purchases made using the Credit Card.
2. All purchases over \$1,000 must follow our purchasing guidelines and a purchase order must be issued prior to the purchase.
3. All requests for Credit Card deletions, additions or changes must be submitted by the Department Head to the Finance Director after completing the Credit Card Form.

Restrictions on Credit Card Use

The Credit Card cannot be used for the following.

1. Cash advances
2. Traveler's checks
3. Personal services
4. Capital equipment
5. Entertainment and entertainment venues
6. Purchases of alcoholic beverages
7. Tobacco purchases

***** Recreation Department is allowed to use their credit card for programs associated with taking participants to entertainment venues and booking entertainment for events.**

The Credit Card cannot be used for the transaction types listed below unless the Finance Director and the City Manager have specifically approved the inclusion on a specific Credit Card:

1. Airlines tickets
2. Automobiles/Vehicle Rentals
3. Hotels and Motels
4. Restaurants (when traveling per diem rates will be paid directly, credit cards should not be used when traveling)

If you have any questions regarding a restricted commodity, please contact the Finance Director, Assistant Finance Director or an Accounting Specialist in the Finance Department.

Each credit card has been assigned an individual credit limit based on the department director's approval. If that limit becomes too low to accommodate monthly requirements, the employee may request an increase through the department director, to the Finance Department. The Department should allow two days to process any limit changes to a credit card.

Certain merchants are blocked from the program, and purchases through them will be declined. If the employee feels that his/her purchase has been mistakenly declined, the employee should contact the Finance Director or Assistant Finance Director to address the issue.

Placing an Order

When placing an order, the employee should be able to provide the vendor the following credit card information, if necessary:

- Identify himself/herself as a City of Oxford employee
- Indicate that the purchase will be made using a credit card
- Provider Card Name
- Provide individual card number
- Provide the City's tax id number
- Give the expiration date of card

Complete delivery address including building and room number (this may or may not be different from the credit card address)
Any other information necessary to make the purchase.
NEVER allow a vendor to maintain your credit card information for their files.

Upon receipt of your order, the documentation received from the vendor (typically a sales receipt or packing slip) should be kept for later reconciliation. Each month the card custodian will receive a statement, which will identify all of the credit card purchases for that month. The employee should read the following instructions "Proof of Purchase Documentation and Reconciliation" carefully. These instructions will help the employee manage the paperwork associated with the credit card purchasing process.

Order Verification Procedures

The custodian is responsible for ensuring receipt of goods and services and follow-up with the vendor to resolve any delivery problems, discrepancies or damaged goods.

Items should be returned directly to the vendor by whichever means the vendor requires. The custodian is responsible for seeing that the proper credit is posted for any returned items. (see Discrepancies and Dispute Procedures)

Proof of Purchase Documentation & Reconciliation

The credit card will eliminate the time and effort spent on generating purchase requisitions and processing purchase orders.

With the authority to purchase specific goods and services comes the responsibility to maintain adequate documentation at the source of the transaction. Whenever a packing slip or sales receipt is received by the employee making the purchase, the sales receipt should be forwarded to the custodian of the card as proof that the transaction occurred. The custodian should retain this documentation until the monthly statement is received and attach it to the spreadsheet or report showing the transactions purchased and what accounts to use to allocate charges. The documentation and spreadsheet/report should be forwarded to the Finance Department for processing.

Documentation must support the legitimate business purpose of all transactions made with the credit card. In addition to sales receipts and packing slips, the following are examples of supporting documentation:

- Copies of order forms or applications.
- Services reports when service is provided by a vendor
- Internal order form
- Cash register receipts

As mentioned above, after reconciliation, the employee should forward the statements and all supporting documentation to the individual within his/her department who has been assigned responsibility for document management.

Discrepancies and Dispute Procedures

The employee that makes the purchase is responsible for following up with a vendor for any erroneous charges, disputed items, or returns. An employee may dispute a charge that appears on their account statement. Disputed charges can result from failure to receive goods or services, fraud or misuse, altered charges, defective merchandise, incorrect amounts, duplicate charges, credits not processed, etc. The employee should contact the vendor first to resolve any outstanding issues. Most issues can be resolved in this way. The Finance Department should receive a hard copy of the "Credit Card Dispute Form" to assist in resolving the discrepancy or dispute.

If the employee is unsuccessful with the vendor, then the custodian of the card should be engaged to assist in the process. The custodian should contact the Finance Department for the necessary forms to be completed. Any contact made with a vendor, as well as their response, should be attached to the form, especially noting the date that the exchange of information occurred. The bank may also requires a date when merchandise is returned and/or services are cancelled.

Custodian Purchasing Log

Each custodian should keep a purchasing log to record transactions and help reconcile to the monthly statement. A custodian may create one that works for him/her. The information that should be included on the log is as follows: the transaction date, merchant name, purchase price, and the method in which the transaction was made (i.e. telephone, mail order, internet or point-of-sale), and the account(s) where the charges will be allocated.

Payment

The City of Oxford is responsible for payment of authorized and appropriate credit card transactions. The credit card will not affect the employee's personal credit in any way.

Lost or Stolen Credit Cards

It is the responsibility of the custodian to immediately report a lost or stolen credit card. The City of Oxford is liable for all transactions until the card is reported lost or stolen. An employee using the card must report a lost or stolen credit card as soon as possible to the custodian of the credit card. The custodian must report a lost or stolen credit card by phone directly to our current depository bank and to the Finance Director by phone or e-mail at the time of the occurrence.

Verbal reports of lost or stolen credit cards must be first called into our current depository bank then followed in writing to the department director and to the Finance Director or Assistant Finance Director using the "Lost or Stolen Credit Card Notification" form. A replacement card will be issued to the custodian. The employee's quick response will reduce the risk of fraud.

Sales Tax

The City of Oxford is tax exempt. The City's tax-exempt number is **31-6001080**. When traveling, hotel charges, transportation charges and fuel charges will most likely be taxed since tax exemption applies only to sales within the State of Ohio. Hotel/Motel taxes, fuel taxes, etc. are also not exempted.

Canceling Credit Cards

A credit card must be cut in half and sent along with a written request to cancel the card by the custodian of the card including the department director's approval. This documentation should be forwarded to the Finance Department to process.

Renewal of Existing Credit Cards

A renewal credit card will be sent automatically to the card holder thirty (30) days prior to the expiration date of the existing card. The old card will need to be returned to the Finance Department, which will then destroy the old cards.

Misusing the Credit Card

The credit card represents the City's trust in the employee and his/her empowerment as a responsible employee of the City of Oxford to safeguard and protect its assets. Each employee assumes the responsibility for the protection and proper use of the credit card.

The following situations are considered "misuse" of the credit card:

1. Personal use – Purchases using the card for the sole benefit of the employee; clothing and food not authorized by the employee's director.
2. "Loaning" out the card – Assignment, transfer, or "loaning" of an individual card to an unauthorized person or to a suspended or terminated employee.
3. Administrative misuse – Lack of proper and timely reconciliation of individual card accounts; card use that is in direct violation of acquisition goals.

Misuse of the credit card will be handled promptly and uniformly for all custodians. The following are the actions that may be taken:

1. The credit card used may be suspended. The credit card will not be restored until the issue is resolved.
2. Using email - the custodian and their supervisor will be contacted of any instance of non-compliance as they occur.
3. If the Finance Department does not receive a responding email within two business days, an email will be sent to the supervisor and the department director to take action.
4. If the Finance Department does not receive a responding email within two business days, an email will be sent to the department director and the City Manager.

Based upon the severity of misuse, disciplinary measures may include personnel action up to and including termination and legal action in accordance with the terms and conditions of the Cardholder Agreement Form and the City of Oxford personnel policies.

Credit Card Maximum Limits

The maximum limit is \$5,000. Temporary increases may be available with approval of the Finance Director, City Manager and/or Assistant Finance Director if the Finance Director or City Manager is unavailable.

Credit Card Authorized Users

Department Heads, Police Lieutenants & Sergeants, Fire Captain's, Office Manager Police Division, Assistant to the City Manager, **Administrative Assistants**.

Credit Card Audit

To ensure the continued success of the credit card program, the Finance Director will, on a monthly basis, audit each account. The purpose of the audits will be to ensure that authorized policies and procedures are being adhered to by the employees utilizing the program.

Compliance Officer

City Council shall appoint a compliance officer. The compliance officer shall report at least quarterly the number of cards and account issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

Conclusion

The credit card should be used responsibly. Each employee should be aware that improper use may result in disciplinary action, up to and including termination and criminal prosecution. A purchasing log may be maintained by the department, but the original receipts will be forwarded to the Finance Department. The card may be randomly audited to track purchasing and record keeping activity.

By using the credit card for business transactions, the employee will help save the City of Oxford both time and money.

CREDIT CARD POLICY FORMS

CITY OF OXFORD

CREDIT CARD AGREEMENT

The following policies are to be followed when using City credit cards for business use:

- 1) Cards are for official business for the City of Oxford. Therefore, no personal items are to be charged to the card.
- 2) The card number is not to be provided to anyone else for use. If someone needs to charge an item (say, a phone order), then have them provide you the information and you should personally place the order.
- 3) If you charge expenses to the card, you **must obtain and submit with the bill** supporting documents for each charge. The following items are required:

- A) Detailed motel bill
- B) Detailed phone itemization (in cases where base motel bill was prepaid by city)
- C) Phone order information
- D) Itemize receipt of any other charges made to the credit card.

4) Meals: The policy regarding meal limitations for each person still applies. An employee will be reimbursed the City's current per diem rates for meals when traveling. When only traveling for a portion of the day, meal per diem reimbursement applies to the portion of day out of town. (Say, leaving Sunday afternoon or evening. In this case, the per diem limitations apply.)

Additionally, there may be instances where the card is used to buy the meals of a group of City employees and/or business visitors. In this case, the travel form must be completed documenting:

- 1) Names of all persons eating and business relationship
- 2) Business purpose of meal

Lastly, alcohol is not reimbursable by the government. Therefore, no alcohol purchases are to be paid for individuals. Pay from your personal funds, do not charged them to the card (which would require reimbursement to the City).

5) Finance charges and late fees on the credit cards will not be tolerated. Therefore, in return for the privilege of receiving a city credit card, the employee is responsible for and submitting the documentation above and approving all card charges immediately upon receipt of the bill, and submitting it to the Finance Department to be paid in a timely manner.

* * * * *

I understand and will comply with the responsibilities listed above in accepting the city credit card. I understand that non-compliance with any items above may result in surrendering of the card.

Signature Date

Print

CITY OF OXFORD
CREDIT CARD DISPUTE FORM

CARDHOLDER NAME and
RETURN ADDRESS:

PHONE NUMBER: _____

FAX NUMBER: _____

ACCOUNT NUMBER: _____

MERCHANT NAME: _____

AMOUNT: _____

TRANSACTION DATE: _____

To assist our investigation, please indicate below the reason for your dispute. If you have any questions, please call the Finance Department for assistance. Use this form to assist our current depository bank with your claim.

I did not make nor authorize the above transaction. (Please indicate the whereabouts of your Commercial Card.)

☐

There is a difference in the amount I authorized and the amount I was billed. (A copy of your charge must be enclosed.)

☐

I only transacted one charge, and I was previously billed for this sales draft.

Date of previous charge: _____

☐

The above transaction is mine, but I am disputing the transaction. (Please state your reasons why in detail.)

☐

Please send me a copy of the sales draft.

☐

I have received a credit voucher for the above transaction, but it has not yet appeared on my account. (A copy of the credit voucher must be enclosed.)

☐

My account has been charged for the above transaction, but I have not received this merchandise. The date of expected delivery was: _____. The details of my attempt to resolve the dispute with the merchant and the merchant's response are indicated below.

☐

My account has been charged for the above transaction, but the merchandise has since been returned. The details of my attempt to resolve the dispute with the merchant and the merchant's response is indicated below. (Please enclose a copy of your postal receipt.)

☐

Other (Please explain):

Cardholder Signature: _____ Date: _____

Cardholder Print: _____

CITY OF OXFORD
CREDIT CARD FORM

CARDHOLDER NAME: _____

ACCOUNT NUMBER: _____

START/END DATE: _____

☐

I would like a card issued to employee. (Please state your reasons why in detail.)

☐

I would like a card rescinded for employee. (Please state your reasons why in detail.)

☐

I would like an increase in my current credit card limit. (Please state your reasons why in detail.)

Department Head Signature: _____ **Date:** _____

Department Head Print: _____

CITY OF OXFORD

LOST OR STOLEN CARD NOTIFICATION FORM

CARDHOLDER NAME and _____

PHONE NUMBER: _____

ACCOUNT NUMBER: _____

BANK CONTACTED: (DATE&TIME) _____

To assist in processing your request please provide all the information requested. If you have any questions, please call the Finance Department for assistance.

☐

Credit card was lost and needs to be replaced. (Please indicate why you believe the card is lost.)

☐

Credit card is believed to be stolen and needs to be replaced. (Please attach a copy of a police report.)

☐

Credit card was lost and does not need replacement. (Please indicate why you believe the card is lost.)

☐

Credit card is believed to be stolen and does not need replacement. (Please attach a copy of a police report.)

☐

Other (Please explain):

Cardholder Signature: _____ Date: _____

Cardholder Print: _____

Department Head Signature: _____ Date: _____

Department Head Print: _____

Finance Director Signature: _____ Date: _____

Finance Director Print: _____

City Manager Signature: _____ Date: _____

City Manager Print: _____

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: March 5, 2019

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 27, 2019

Date Prepared

Agenda Title: An Ordinance Repealing Ordinance Number 3513 Adopted February 19, 2019.

Recommendation: Adoption

Discussion:

On February 19, 2019 Council repealed Oxford Codified Ordinance Chapter 1145 entitled Planned Developments and adopted new Oxford Codified Ordinance Chapter 1145 entitled Planned Developments by Ordinance No. 3513. Sections 2, 3, 4, 8, 9, 10 & 11 of Chapter 1145 were inadvertently omitted from the new text as there were no changes to those Sections.

It is necessary to repeal Ordinance No. 3513 and adopt a new Ordinance for Chapter 1145 in its entirety.

Approved By:

Department Head:
City Manager:

Initial Date

DRE \ 3/1/19

ORDINANCE NO.

AN ORDINANCE REPEALING ORDINANCE NUMBER 3513 ADOPTED FEBRUARY 19, 2019.

WHEREAS, staff has found when Ordinance No. 3513 New Chapter 1145 entitled Planned Developments was adopted on February 19, 2019, certain Sections of Chapter 1145 were inadvertently omitted; and

WHEREAS, the City Manager and the Community Development Director recommend Ordinance No. 3513 adopted February 19, 2019 be repealed so that new Chapter 1145 entitled Planned Developments can be properly adopted to incorporate the sections that were inadvertently omitted.

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

SECTION I: Council hereby accepts the recommendation of the City Manager and the Community Development Director and repeals Ordinance No. 3513 adopted February 19, 2019.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 5, 2019

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

January 28, 2019
Date Prepared

Agenda Title: PC-2019-03, ZONING TEXT AMENDMENT, Chapter 1145, Planned Developments, updating application requirements and clarifying the 2008 Comprehensive Plan goals for housing type diversity and affordability, City of Oxford, Applicant

Recommendation: Approval

Discussion:

This text amendment is part of an ongoing effort to promote housing type diversity and affordability of housing in Oxford. The 2008 Comprehensive Plan includes a chapter on "Housing" which highlights a goal of "Livable, attractive and affordable housing for a diverse population." However, some recent developments have focused on one housing type and market segment to the exclusion of others. The Housing Advisory Commission developed the proposed language to make housing diversity more explicit within Chapter 1145 Planned Developments goals, application, and site planning requirements. Specifically, the text amendment addresses the following:

- Makes explicit the purpose to "Facilitate the construction of a variety of dwelling types to serve Comprehensive Plan goals of diverse and affordable housing"
- Require applicants to supply a written statement regarding "How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity and affordability"
- Indicate location and distribution of dwelling types and/or commercial uses on their site plan
- Three other modernizations to the code: design professional licensing, digital submittal requirement and limits of waivers to code

The Planning Commission held a hearing on January 8 and determined that the proposed text amendment met the standards of Chapter 1135. The Commission made minor changes to the wording and then voted 6-0 to recommend approval to City Council.

Approved by:

Initial Date
Department Head: _____/_____

City Manager: DRE / 2-1-19

ORDINANCE NO. 3513

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 1145 ENTITLED PLANNED DEVELOPMENTS, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 1145 ENTITLED PLANNED DEVELOPMENTS TO UPDATE THE APPLICATION REQUIREMENTS AND TO CLARIFY THE COMPREHENSIVE PLAN GOALS FOR HOUSING TYPE DIVERSITY AND AFFORDABILITY.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, Ohio, the City of Oxford Planning Commission held a public hearing on January 8, 2019, and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1145 entitled Planned Developments, and adopting new Oxford Codified Ordinance Chapter 1145 entitled Planned Developments to update the application requirements and to clarify the Comprehensive Plan goals for housing type diversity and affordability.

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

SECTION I: Council hereby accepts the recommendation of the Planning Commission and repeals Oxford Codified Ordinance Chapter 1145 entitled Planned Developments, and adopts new Oxford Codified Ordinance Chapter 1145 entitled Planned Developments to update the application requirements and to clarify the Comprehensive Plan goals for housing type diversity and affordability as follows:

1145.01 PURPOSE.

(a) Purpose. Planned developments incorporate land uses and development patterns that are intended to permit and encourage creative and flexible land development that is not permitted by-right under the administrative regulations of underlying zoning districts. The planned development is particularly well suited to address two distinct goals of the Comprehensive Plan: to provide for environmentally sensitive and cohesive developments that are an attractive alternative to traditional subdivision and infill development that fully utilizes available land and existing utility resources where they already exist.

(1) Planned developments share these common goals:

A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code.

B. Produce a development equal to or better than that resulting from single-use or traditional subdivision

C. Facilitate the construction of a variety of dwelling types to serve Comprehensive Plan goals of diverse and affordable housing.

D. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings

E. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site

E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development

F. Be functional within a time period that helps ensure a viable development

(2) Infill development also satisfies the following goals:

A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access.

B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available.

C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford.

(3) Open Space development also satisfies the following goals:

- A. Retain natural areas and landscapes.
- B. Protect environmentally sensitive land and water features.
- C. Retain or create active and passive open spaces that serve the recreation needs of the development or the City generally.
- D. Lessen the land area devoted to vehicle management.
- E. Preserve natural scenic views that contribute to the Oxford setting.

1145.05 APPLICATION.

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

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. The Zoning Administrator may modify this requirement based upon the type of materials included. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.

If any information is submitted in color or on non-standard paper, more copies may be required.

(a) Preliminary Plan.

(1) Application fee.

(2) The name, mailing address, and telephone number of the applicant and all property owners.

(3) If the applicant is not the owner, or if there are multiple owners within the proposed area, a statement from all owners that the applicant is entitled to apply on their behalf, and that they agree to be legally bound to any decision reached according to this Chapter.

(4) The name, mailing address, and telephone number of any planner, engineer, surveyor, or other design professional who assisted with preparation of the plans.

(5) Description of use and site. A written, detailed description shall include the following information. A separate response is required for each subsection.

A. A legal description of the site, including all separate lots.

B. A description of the existing uses of the site.

C. The zoning districts in which the site is located.

D. A description of the proposed planned development.

1. The number of housing units by size and type proposed within each phase.

2. A description of any nonresidential operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.

3. The hours of operation of any nonresidential use.

4. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned.

E. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.

1. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.

2. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.

3. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.

4. How any potential negative effects on adjacent land will be mitigated.

F. A statement about why the location proposed is appropriate for the planned development.

G. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

H. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes (e.g. adaptability of flats versus townhomes)

I. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.

J. A general analysis of expected traffic impact, including vehicular and pedestrian safety, resulting from the proposed development.

K. The substance of proposed covenants, easements, and other restrictions on the land and structures.

L. A list of the names and mailing addresses of all landowners within 200 feet of the site.

M. Such other information regarding the proposed uses, site design, or surrounding area as may be pertinent to the application or required by Planning Commission or Council.

(6) Site plan. A scaled site plan prepared by a surveyor or engineer licensed in the State of Ohio shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

A. North arrow.

B. Scale.

C. Vicinity map.

D. All existing and proposed lot lines within the site.

E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.

F. The location and intended purpose of all open spaces

G. Approximate location, height, dimensions, and use of all proposed and existing structures.

H. Approximate location and number of different uses (i.e. dwelling types and/or commercial uses).

I. Approximate location and design of all proposed vehicle and pedestrian routes and nonresidential vehicle management areas.

J. Approximate location and size of all existing and proposed utilities that will serve the planned development.

K. Approximate location, size, and type of all proposed signs.

L. Approximate location, height, and type of all proposed screening and landscaping.

M. Distances to residential zoning districts if within 1,000 feet.

N. The use of land and location of structures on adjacent property and across adjacent rights-of-way.

O. The location of any nearby schools and commercial facilities.

P. Other information as required by the Planning Commission or Council.

(7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.

(8) Other. Photographs of the existing site and its surroundings.

(9) Digital Submittal. Adobe PDF version of all information submitted to also be submitted on a current digital format.

(b) Final Plan.

(1) The same items and information as required for the preliminary plan, except that the

approximations shall be refined to specific locations, dimensions, and descriptions.

(2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer

(3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.

(4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW.

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

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

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

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

Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

(b) **General Decision Standards.** All planned developments shall satisfy these general decision standards:

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

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

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

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

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

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

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

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

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

(10) Development of the site and operation of the use will not require substantial public

expenditure for additional infrastructure or services.

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

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

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

(c) Additional Final Plan Decision Standards.

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

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

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

1145.07 ACTION BY PLANNING COMMISSION AND COUNCIL.

(a) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.

(b) The Planning Commission shall base its recommendation and Council its decision upon how well the application satisfies the Decision Standards. Planning Commission, in its recommendation, and Council in its decision may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code. Dwelling unit density cannot be waived.

(c) Council may require the developer to file performance bonds with the City to guarantee completion of any public utilities associated with the planned development and any elements of the plan that are necessary to its success, if abandoned by the developer.

1145.12 DESIGN.

(a) Arrangement. The physical arrangement of a planned development is not subject to the specific dimensional regulations that apply in the underlying zoning district, except as specifically noted in this Chapter. Land uses may be distributed throughout the site and throughout individual buildings in whatever manner is best suited to a particular planned development. Structures, vehicle management areas, open spaces, landscaping, and other elements may be distributed throughout the site in whatever manner is best suited to a particular planned development and the surrounding area.

(b) Land Area. A planned development shall be a minimum of 1 (one) contiguous acre or more.

(c) Land Use.

(1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:

A. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.

B. Institutional, public, and semi-public land uses that serve the planned development or the general public.

C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve the planned development only.

Such commercial land uses shall be limited as follows:

1. No signs that are visible from outside of the development.
2. No direct vehicular access to a public thoroughfare.
3. No less than 95 percent of the total land area shall be devoted to residential land uses.
4. No separate structure intended to be used, in whole or part, for commercial land uses shall be constructed prior to the construction of not less than 50 percent of the dwelling units.

(2) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:

- A. Any land use permitted in the underlying zoning district.
- B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.

(3) The following land uses are permitted only in the portions of a planned development that overlay an existing industrial zoning district:

- A. Any land use permitted in the underlying zoning district.

(4) The land uses permitted in a planned development may be distributed as follows:

A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.

B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.

(d) Residential Density. Residential density shall not exceed 110 percent of the density permitted in the underlying zoning district. Residential land uses in a planned development that overlays a commercial zoning district shall not exceed the density of the R1B Single-Family Medium-Density Residential Zoning District. Area devoted entirely to non-residential land uses, including buildings, vehicle management areas, and other associated land use elements shall be excluded from the area used to calculate residential density.

(e) Dimensional Regulations.

(1) Building Heights shall be limited as in the underlying zoning district, regardless of land use.

(2) Front setbacks shall be limited as in the underlying zoning district.

(3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:

- A. Residential zoning district - 25 feet.
- B. Commercial zoning district - 25 feet.
- C. Industrial zoning district - 50 feet.

(f) Open Space.

(1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.

(2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent.

(g) Sensitive Development Area.

A. A Sensitive Development Area is defined as any land(s) or soil(s) proposed to be developed that, if subjected to improper use or management, is otherwise determined to be incapable or unsuitable of urban use. Sensitive Development Areas can also be considered those lands that pose special hazards to development or the environment, consisting of lands or soils of such sensitive character that they may require special use, design and engineering restrictions.

B. For the Preliminary Planned Development, the applicant must create an inventory of sensitive environmental area identified in subsection (g)D.(1) to (8) from publicly available resources such as Butler County Soil and Conservation District, OKI, OEPA, ODNR, HAPC,

FEMA, USFWS, OHPO and other public entities. This information shall be provided with the preliminary application. Design of the site shall be based on site information obtained from those public entities. An existing landscape plan shall be submitted with each application. The landscape plan shall identify existing trees, natural features and other landscaping elements.

C. After the approval of the Preliminary Planned Development, the applicant must develop a detailed site analysis of sensitive environmental areas on the site, conducted by firm(s) specialized in the areas, at a minimum: Ecological Survey, and Environmental Site Assessment. Other documentation may be required based on the site and the discretion of the Planning Commission, including, but not limited to: Stream and Wetland Mitigation, Water Way Permits, Archaeological Inventory, Historic Architecture Inventory. The applicant must also provide reports of the analyses following current professional norms for the discipline. It will be the Planning Commission's role to review information submitted by the applicant on each discipline to make the recommendations to City Council.

D. Design of the proposed Planned Development site shall be based on the site information obtained from those public entities. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:

(1) Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Clean Water Act, as amended; and in Ohio Environmental Protection Agency standards.

(2) Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps. Federal Emergency Management Agency in scientific and engineering reports entitled 'Flood Insurance Study for Butler County, Ohio and Incorporated Areas' effective 12/17/2010, with accompanying Flood Insurance Rate Maps for Butler County, Ohio and Incorporated Areas effective 12/17/2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.

a. 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:

1. Natural vegetation shall be maintained.

2. No structures shall be built or improvements made, except as follows:

(a). Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.

(b). Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.

(c) Any improvements approved in a final plan.

(d). Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director, Police Chief or Fire Chief.

(3) Steep slopes fifteen (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.

(4) Habitats of endangered wildlife, as identified on federal and state lists.

(5) Historically and culturally significant structures and sites, as listed on, but not limited to, the National Register of Historical Places or on the local inventory of historic places maintained by the City of Oxford's Historic Architectural Preservation Commission.

(6) Aquifers and tributary drainage systems.

(7) Tree growth areas or urban forested areas as defined in Chapter 935, of the Codified Ordinances of Oxford.

(8) Any area as identified on Map 3.3 of the Comprehensive Plan.

E. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce excavation and embankment; to avoid unnecessary impervious cover; to

prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.

The placement of buildings shall take into consideration topography, building height, orientation and drainage. Storm water Best Management Practices in Low Impact Development Designs are desirable and encouraged. City guidelines for these practices and designs can be found in the City of Oxford Storm Water Management Design Manual

F. If the Planning Commission, or its designated representative, may require the applicant to submit a statement in order to demonstrate that satisfactory efforts have been made to mitigate any special hazards posed to the site if these sensitive lands are subjected to improper use or management. The statement, if required, shall be submitted in one or more of the following forms:

(1) The statement shall describe in detail the extent of encroachment on any Sensitive Development Area, the extent and nature of the proposed alteration, the environmental impacts resulting from the proposed alteration, and the proposed methods of mitigation.

(2) A Geotechnical Report and/or a Wetlands Assessment/Delineation, prepared by a professional engineer, licensed in the State of Ohio, or by a specialist in Streams and Wetland. This report can be in lieu of a development narrative.

(h) Landscaping and Screening.

(1) A planned development shall satisfy all landscaping elements required by other sections of this Code.

(2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound.

(3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.

(i) Access and Mobility.

(1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road.

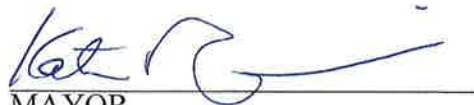
(2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.

(3) Adequate pedestrian connectivity shall be provided to and through a planned development.

(j) Utilities and Infrastructure. Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground.

(k) Plan-Specific. Any other design elements deemed necessary by Planning Commission and Council to ensure that a planned development satisfies the decision criteria of this Chapter.

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


MAYOR

ADOPTED: February 19, 2019

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 2/19/2019

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

2/14/2019
Date Prepared

Agenda Title: SOUTHPOINTE ROADWAY IMPROVEMENT BONDS ORDINANCE

Recommendation: **Approve**

Discussion:

This is the final action item resulting from the agreement entered into by the City with 4-Leaf Development LLC and OXO1 Ltd. on May 23, 2006. On May 16, 2017, the City adopted legislation resulting in five TIF Districts being formed (1 TIF and 4 RID). These five districts will bring in \$328,128.06 per year based on the City receiving 75% of the total property taxes based on the increased value due to the construction of the ANNEX project. The remaining 25% will be distributed to all the taxing entities based on the effective millage rate just as it normally would.

The not to exceed value \$2,600,000 is based on a preliminary estimated interest rate environment. The final value may vary but will be based on our annual TIF revenue being sufficient to cover the yearly debt service. These payments will take into account the issuance cost, reimbursement of the \$200,000 advance for engineering cost paid by the City prior to construction. The left over bond revenue will be the basis of how much construction of the improvements can be completed.

The City is being diligent to insure that there is no short fall in revenue to pay off the bonds, since in the original 4-Leaf Development LLC and OXO1 Ltd. agreement made the City responsible for any shortages.

Approved By:

Department Head:
City Manager:

Initial Date
12/15/19
DRE 12/15/19

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,600,000 SOUTHPOINTE ROADWAY PROJECT BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF CONSTRUCTING THE SOUTHPOINTE ROADWAY PROJECT, INCLUDING ROADWAY, PAVEMENT, DRAINAGE, EROSION CONTROL, WATER, SEWER, LIGHTING, TRAFFIC CONTROL AND OTHER MISCELLANEOUS IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer has heretofore certified to this Council that the estimated life of the improvements hereinafter described is at least five (5) years; and that the maximum maturity of bonds issued to pay the cost thereof is not less than twenty (20) years, which shall be reduced to ten (10) years by action of Council.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, WITH THREE FOURTHS OF ITS MEMBERS CONCURRING, HEREBY ORDAINS THAT:

SECTION 1: It is necessary to issue and sell bonds of the City in the principal sum of not to exceed \$2,600,000 (the "Bonds") for the purpose of paying part of the cost of constructing the Southpointe Roadway Project, including roadway, pavement, drainage, erosion control, water, sewer, lighting, traffic control and other related miscellaneous improvements, together with all necessary appurtenances thereto, which costs may include the costs of printing the Bonds, expenses of delivery of the Bonds, registering the Bonds, service charges of the paying agent, Depository Trust Company charges, legal services, underwriting, redemption premium, OMAC fees, capitalized interest and obtaining an approving legal opinion, under authority of the general laws of the State of Ohio, particularly the Uniform Public Securities Law of the Ohio Revised Code. The Bonds shall have a maximum maturity of ten (10) years.

SECTION 2: The Bonds shall be issued in such principal amount for the purpose aforesaid. The Bonds shall be dated their date of issuance, numbered from R-1 upwards in order of issuance, in the form of Various Purpose Bonds of the denomination of \$5,000 or any integral multiple thereof provided that each such Various Purpose Bond shall be of a single maturity, and the Bonds shall bear interest payable December 1, 2019 and semiannually thereafter on June 1 and December 1 in each year until maturity, maturing on December 1 of each year, in principal amounts, each as stated in the bond purchase agreement (the "Bond Purchase Agreement") which the Finance Director of the City is hereby authorized to sign.

The Bonds shall be sold together with one (1) other issue of general obligation limited tax bonds for the Aquatic Center, and designated Various Purpose Bonds ("Various Purpose Bonds") pursuant to Section 133.30 of the Ohio Revised Code.

The principal amount of Bonds shall be payable in such principal amounts such that in any fiscal year principal is payable, the total principal and interest payable shall not be more than three times the amount of such principal and interest payments in any other such fiscal year.

SECTION 3: The Various Purpose Bonds, representing two (2) issues of general obligation, limited tax bonds (including the Bonds which shall mature in the principal amounts and on the dates as set forth in the Bond Purchase Agreement, and bear interest at the rates payable as stated in the Bond Purchase Agreement) will have a combined maturity schedule and bear interest at the rates, all as stated in the Bond Purchase Agreement, provided the net aggregate interest cost for the Bonds shall not exceed six percent (6%) per annum. Each of the combined issues may be designated by series.

SECTION 4: The Various Purpose Bonds shall express upon their faces the purposes for which they are issued and that they are issued in pursuance of this ordinance. The Various Purpose Bonds shall be in fully registered form. They shall bear the signatures of the City Manager and the Finance Director, provided that any or both such signatures may be facsimile signatures, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, Cincinnati, Ohio as the paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Various Purpose Bonds. The principal amount of each Various Purpose Bond shall be payable at the office of the Paying Agent and the Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 for June 1 and November 15 for December 1) on the Various Purpose Bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at this address as it appears on such registration records.

The Various Purpose Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any Various Purpose Bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Various Purpose Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holders of the Various Purpose Bonds as the absolute owners thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

The Various Purpose Bonds shall be initially issued only to a securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of beneficial interests in Various Purpose Bonds, and to effect transfers of beneficial interests in Various Purpose Bonds, and includes and means initially The Depository Trust Company (a limited purpose trust company) New York, New York ("Depository") for use in a form or system under which the physical Various Purpose Bond certificates in fully registered form are issued only to a Depository or its nominee as registered owner, with the certificated Various Purpose Bonds held and "immobilized" in the custody of the Depository, and the book entry system, maintained by and the responsibility of the Depository and not maintained by or the responsibility of the City is the record that identifies, and records the transfers of the beneficial interests of the owners of the Various Purpose Bonds (the "Book Entry System" or "Book Entry Form" and: (i) those Various Purpose Bonds shall be registered in the

name of the Depository or its nominee as registered owner, and immobilized in the custody of the Depository; and (ii) those Various Purpose Bonds shall be transferable or exchangeable in accordance with this ordinance, provided that so long as a Book Entry System is used for the Various Purpose Bonds, the Various Purpose Bonds may only be transferred to another Depository or to another nominee or a Depository without further action by the City pursuant to this section. The City may, and may require the Paying Agent and Registrar to, transfer the Bonds from one Depository to another Depository at any time.

Notwithstanding any other provision of this ordinance ("Ordinance") or any Various Purpose Bond to the contrary, with the approval of the City, the Paying Agent and Registrar may enter into an agreement with a Depository, or the nominee of a Depository, that is the registered owner of a Various Purpose Bond in the custody of that Depository providing for making all payments to that registered owner of principal of and interest and any premium on that Various Purpose Bond or any portion of that Various Purpose Bond (other than any payment of its entire unpaid principal amount) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Various Purpose Bond, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and the City. That payment in any event shall be made to the person who is the registered owner of that Various Purpose Bond on the date that principal and premium is due, or, with respect to the payment of interest, as of the applicable Interest Payment Date or other date agreed upon, as the case may be. The Paying Agent and Registrar will furnish a copy of each of those agreements, certified to be correct by an officer of the Paying Agent and Registrar to the City. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If any Depository determines not to continue to act as a Depository for the Various Purpose Bonds in a Book Entry System, the City may attempt to have established a securities depository/Book Entry System relationship with another qualified Depository under this Ordinance. If the City does not or is unable to do so, the City and the Paying Agent and Registrar, after the Paying Agent and Registrar has made provision for notification of the beneficial owners by appropriate notice to the then Depository, shall permit withdrawal of the Various Purpose Bonds from the Depository, and authenticate and deliver Various Purpose Bond certificates in fully registered form, in denominations of \$5,000 or integral multiples thereof, to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing or otherwise preparing, and delivering, replacement Various Purpose Bonds) of those persons requesting that authentication and delivery, unless City action or inaction shall have been the cause of the termination of the Book Entry System, in which event such cost and expense shall be borne by the City.

The Finance Director is authorized to execute the letter of representations with the Depository and is authorized to execute an agreement with the Paying Agent and Registrar in connection with the issuance of the Various Purpose Bonds.

SECTION 5. For the payment of the Various Purpose Bonds and the interest thereon, the full faith, credit, and revenue of the City of Oxford are hereby irrevocably pledged, and for the purpose of providing the necessary funds to pay the interest on the Various Purpose Bonds promptly when and as the same falls due, and also to provide a fund sufficient to discharge the

Various Purpose Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City within applicable limitations, in addition to all other taxes, a direct tax annually during the period the Various Purpose Bonds are to run in an amount sufficient to provide funds to pay interest upon the Various Purpose Bonds as and when the same falls due and also to provide a fund for the discharge of the principal of the Various Purpose Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Constitution of Ohio.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years and certified, extended or collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which, together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest on and the principal of the Various Purpose Bonds when and as the same shall fall due; provided, that in each year to the extent that revenues from other sources, including general fund revenues, or payments in lieu of taxes (as applicable) are available for the payment of the Various Purpose Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

SECTION 6: Said Various Purpose Bonds shall be sold to RBC Capital Markets, Cincinnati, Ohio (the "Purchaser"), in the manner provided by law at not less than 97% of par value and accrued interest provided the net interest cost for the Various Purpose Bonds does not exceed six percent (6%) per annum. The proceeds from the sale of the Various Purpose Bonds, except as any premium and accrued interest received, shall be deposited in the proper funds as required by law, and used for the purposes aforesaid, including reimbursement to the general fund of funds advanced for the Southpointe Roadway Project, and for no other purpose; and may include any expenses relating to the issuance of the Various Purpose Bonds, for which purposes and proceeds are hereby appropriated, and any premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the principal and interest of the Various Purpose Bonds in the manner provided by law.

The Finance Director is hereby authorized to execute and deliver a Bond Purchase Agreement for the Various Purpose Bonds in substantially the form submitted to this Council with such changes, including adjustments in principal payment dates and amounts payable and such final interest rates and other terms necessary to facilitate sale of the Various Purpose Bonds to the Purchaser pursuant to the terms hereof, as may be approved by the Finance Director, his execution thereof on behalf of the City to be conclusive evidence of such authorization and approval.

SECTION 7: The Various Purpose Bonds may be subject to mandatory sinking fund redemption, and/or redemption at the option of the City, upon the terms provided for in the Bond Purchase Agreement.

SECTION 8: This Council hereby authorizes the Finance Director to prepare, correct, revise, execute together with the City Manager and deliver, on behalf of the City to appropriate persons, preliminary and final drafts of a Preliminary Official Statement deemed final for purposes of Securities and Exchange Commission Rule 15c2-12 and an Official Statement relative to the

sale of the Various Purpose Bonds and copies thereof are hereby authorized to be furnished to the Underwriter for distribution to prospective purchaser of the Various Purpose Bonds and other interested persons.

SECTION 9: This Council hereby covenants that it will restrict the use of the proceeds of the Bonds hereby authorized in such manner and to such extent, if any, as may be necessary after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Code and the regulations prescribed thereunder, including any expenditure requirements, investment limitations or rebate requirements. The Finance Director or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of this City on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

The Bonds are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. The City does not expect to issue more than \$10,000,000 of such obligations in calendar year 2019.

SECTION 10: This Council hereby authorizes the Finance Director to take all steps necessary to obtain one or more municipal bond ratings for the Bonds, and a municipal bond insurance policy to facilitate sale of the Bonds.

SECTION 11: This Council hereby covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Bonds (the "Continuing Disclosure Certificate") in connection with the issuance of the Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Bonds; however, any holder of the Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this Council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 12: The Finance Director is hereby directed to forward a certified copy of this ordinance to the Butler County Auditor.

SECTION 13: It is 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 all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 14: This ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety, morals or welfare, in order to fix a favorable interest rate therefore, this ordinance shall take immediately upon its passage.

PASSED this 5th day of March, 2019.

Mayor

ATTEST:

Clerk of Oxford City Council

APPROVED AS TO FORM:

City Attorney

Prepared By: Dinsmore & Shohl LLP

CERTIFICATE OF MEMBERSHIP

The undersigned, Finance Director of the City of Oxford, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$7,400,000 Various Purpose Bonds:

(Please type names here)

City Manager

Finance Director

Mayor

Vice-Mayor

Council Member

Council Member

Council Member

Council Member

Council Member

City Attorney

Clerk of Council

Finance Director

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified obligations.

Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

Based upon information provided by the Council of the City of Oxford (herein the "City"), Butler County, Ohio, the fiscal officer of the City within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the improvements to be acquired with the proceeds of the sale of not to exceed \$2,600,000 Southpointe Roadway Bonds for the purpose of paying part of the cost of constructing the Southpointe Roadway Project, including roadway, pavement, drainage, erosion control, water, sewer, lighting, traffic control and other miscellaneous improvements, together with all necessary appurtenances thereto is at least five (5) years, and that the estimated useful life is not less than twenty (20) years, assuming \$940,000 is spent on drainage, water and sewer improvements for which I estimate a useful life of thirty (30) years, \$1,310,000 is spent on roadway construction for which I estimate a useful life of twenty (20) years, and \$350,000 is spent on various related improvements and equipment for which I estimate a useful life of ten (10) years; and that the maximum maturity of said bonds, calculated in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is not less than twenty (20) years which shall be reduced to ten (10) years by action of Council.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of March, 2019.

Finance Director

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance
No. _____, passed on March 5, 2019.

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this
day to the Butler County Auditor.

Dated: March ____, 2019

Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing
ordinance.

County Auditor
Butler County, Ohio

Dated: March ____, 2019

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 19th day of February, 2019, at _____, Oxford, Ohio, with the following members present:

There was presented and read to Council by title Ordinance No. _____, entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,600,000 SOUTHPOINTE ROADWAY PROJECT BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF CONSTRUCTING THE SOUTHPOINTE ROADWAY PROJECT, INCLUDING ROADWAY, PAVEMENT, DRAINAGE, EROSION CONTROL, WATER, SEWER, LIGHTING, TRAFFIC CONTROL AND OTHER MISCELLANEOUS IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 5th day of March, 2019, at _____, Oxford, Ohio, with the following members present:

There was presented and read to Council Ordinance No. _____, entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,600,000 SOUTHPOINTE ROADWAY PROJECT BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF CONSTRUCTING THE SOUTHPOINTE ROADWAY PROJECT, INCLUDING ROADWAY, PAVEMENT, DRAINAGE, EROSION CONTROL, WATER, SEWER, LIGHTING, TRAFFIC CONTROL AND OTHER MISCELLANEOUS IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

_____ then moved that Ordinance No. _____ be
passed. _____ seconded the motion and, the roll being called upon the question,
the vote resulted as follows:

The ordinance was declared passed March 5, 2019.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of meetings of the Council of said City, held on the 19th day of February and the 5th day of March, 2019, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 19, 2019

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

February 11, 2019
Date Prepared

Agenda Title: Final Plat approval, Rolling Meadows Section One, 15 Acres at University Park Boulevard and U.S. 27 South, Tom Kacachos, Calista Enterprises, LLC

Recommendation: Approval

Discussion:

The 73.5 Acre Rolling Meadows Preliminary Plat was approved by City Council in 2006 as an area for future office *and* residential development. The Preliminary Plat has not expired therefore a Final Plat has to be approved prior to any land being divided or built upon. The front 40.7 Acres is zoned Office Industrial (OI) and the rear 32.7 is zoned Single Family Residential (R1A).

The owners have an interested buyer for a 15 Acre portion of the OI land that fronts on two public roadways – U.S. 27 South and University Park Boulevard. No development plans or buildings permits have been submitted for review; only the Final Plat to create the lot. Per meetings with the owner's consultants, the buyer is able to access the lot from University Park Boulevard, so no roadways need to be constructed prior to development.

Per the Subdivision Code, a review by the Planning Commission is not required. Staff has reviewed the Final Plat, the approved Preliminary Plat and the approval ordinance #2933 dated November 21, 2006. Staff finds that the Final Plat meets the requirements of 1101.203 which is that "The Final Plat must substantially correspond to the approved Preliminary Plat." – The boundary of this proposed "Section One" Final Plat does not alter the geometry of approved Preliminary Plat, nor does it prevent the future extension of roadways as previously approved. The Preliminary Plat detailed 61 Residential lots but did not specify a number of Office/Industrial lots. The amount of land needed for an individual Office/Industrial development was unknown at the time.

The approval of this Final Plat will allow the transfer of property to take place so that the buyer can move forward with the development process. Staff recommends approval of the Final Plat as the code requirements have been met.

Approved by:

Department Head: SP / 2-13-19

City Manager: DRE / 2-15-19

ORDINANCE NO.

AN ORDINANCE APPROVING THE FINAL SUBDIVISION APPLICATION
AND PLAT FOR ROLLING MEADOWS SUBDIVISION, SECTION ONE.

WHEREAS, in accordance with Oxford Codified Ordinance Section 1101.203, the City of Oxford's Community Development Department received the Final Subdivision Application and Final Plat for Rolling Meadows Subdivision, Section One (Exhibit "A") on February 5, 2019 consisting of 15.0000 acres; and

WHEREAS, the Community Development Director has reviewed the Final Plat, the approved Preliminary Plat and the preliminary approval Ordinance No. 2933 dated November 21, 2006; and

WHEREAS, the Community Development Director finds that the Final Plat meets the requirements of Oxford Codified Ordinance Section 1101.203 and further finds the Final Plat substantially corresponds to the approved Preliminary Plat; and

WHEREAS, the City Manager and the Community Development Director recommend Council approve the Final Subdivision Application and Plat attached hereto as Exhibit "A" for Rolling Meadows Subdivision, Section One as submitted.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Community Development Director and further approves the Final Subdivision application and plat for Rolling Meadows Subdivision, Section One consisting of 15.000 acres as submitted.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



Internal Use Only:

Case No.

PC-2019-09-ADM

Date Filed

2/4/19

Final Subdivision Application

Applicant Information

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

Name * Calista Enterprises LLC

Mailing Address * 116 E. High Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-839-0344

Email Address tkacachos@parkplacerealestate.net

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 South College Ave, Suite 101

City, State & Zip Code * Oxford Ohio 45056

Telephone Number(s) * 513-523-4270

Email Address brianjohnson@bayerbecker.com

Location and Lot Information

Name of Subdivision * Rolling Meadows Section One

Location of Property * 4137 Millville Oxford Road, Parcel H4100-134-000-004

Legal Description * Part of Lot 2802

Date of Planning Commission Preliminary Approval * 11/21/2006

Number of Lots * 1

Zoning District * OI

Total Area * 16.0381 Acres

Requirements and Documentation

Plat

Fifteen (15) copies of the plat on bond. Drawing size must be at least 18x24" and should never exceed 24x36." The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford¹. Scale should not exceed 1" = 100.' Plats containing less than three lots are exempted from the provisions of this section. The following information must appear on the plat:

- A. 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.
- B. A statement dedicating all proposed streets and alleys with their widths and names.

- C. The accurate outline of any portions of the property to be dedicated or granted for public use.
- D. The lines of adjoining streets and alleys with their widths and names.
- E. All lot lines together with an identification system for all lots and blocks. Lot numbers shall be secured from the County Auditor.
- F. The locations of all building lines and easements provided for public use, services or utilities.
- G. 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.
- H. The radii, arcs, lengths, points of tangency and central angles for all curvilinear streets and the radii and lengths for rounded corners.
- I. 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.
- J. 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 and name of the surveyor and engineer preparing the plat.
- K. The certificate of the surveyor attesting to the accuracy of the survey and to the correct locations of all monuments shown.
- L. 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.
- M. Acknowledgement by the owner or owners of the plat restrictions.
- N. One tracing cloth or comparable material of the approved final plat, for the City records.
- O. The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
- P. A receipt showing that all legally due taxes have been paid.
- Q. North arrow, scale and date.
- R. The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses, and drainage ways.
- S. Any existing water mains, culverts, water or sewer lines, easements, buildings and streets, within the tract or immediately adjacent thereto.
- T. Size of the tract in acres and lots in square feet and the boundary lines along with the linear measurement thereof.
- U. The proposed location and width of streets, alleys lots and easements.
- V. The seal, registry number and signature of the public surveyor who prepared the plat.
- W. Any portion of the floodplain as delineated by the Butler County Flood Insurance Rate Maps (FIRM), effective December 17, 2010, must be clearly illustrated and labeled on the plat.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Fees & Receipt

The required fee for final plan is \$470.00 plus \$10.00 per lot, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *

Tom Kachos for Collette Entegon (Tom Kachos)

Date *

2/9/2019

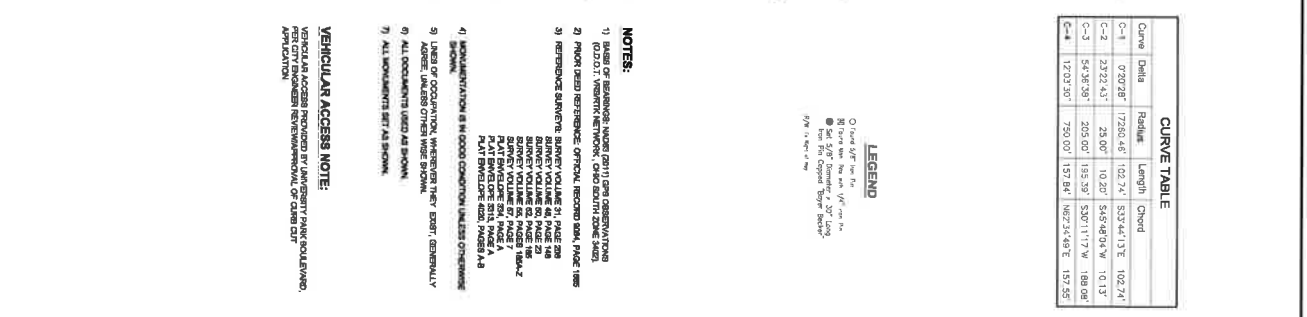
Submit Application, Plans and Documentation, and Fees

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

Send or drop off this application with required copies of the plat containing all required information as attachments and a check for fees and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

bayer becker
www.bayerbecker.com
101 S. College Avenue, Suite 101
Oxford, OH 45050 • 513.523.4270



Curve	Delta	Radius	Length	Chord
C-1	0°20'28"	17260.46'	102.74'	53°44'13"E 102.74'
C-2	23°22'43"	28.00'	10.20'	S45°48'04"W 10.13'
C-3	54°36'39"	205.00'	195.39'	S30°11'17"W 189.09'
C-4	12°03'30"	750.00'	157.84'	N62°34'49"E 157.55'

LEGEND

- Found 5/5" live fin
- 20" Targe with Roe with 1/4" ran fin
- Set 5/8" Diameter x 30" Long from Fin Capped Boyer Becker

8/78 (a kept a) my

- [illegible]

VEHICULAR ACCESS PROVIDED BY UNIVERSITY PARK BOULEVARD,
PER CITY ENGINEER REVIEW/APPROVAL OF CURB CUT
APPLICATION

ORDINANCE NO.2933

ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY APPROVAL OF THE ROLLING MEADOWS SUBDIVISION.

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

SECTION 1: Council finds that the Planning Commission held a public hearing on July 11, 2006 the purpose of which was to accept public comment on the proposed preliminary Rolling Meadows Subdivision application. Council further finds that the Planning Commission after accepting public comment at the public hearing did table the matter until October 10, 2006 to allow the applicant to amend the application and after comment and deliberation of the amendment and by motion duly adopted, the Planning Commission recommended Council approve the amended preliminary Rolling Meadows Subdivision.

SECTION 2: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and applicant's application and all documents filed by applicant and incorporates the same herein and hereby approves the amended application of the applicant for the preliminary Rolling Meadows Subdivision, subject to the following conditions:

- a. Roadways shall be installed as per drawings prepared on August 31, 2006 and submitted on September 11, 2006.
- b. Applicant shall file a petition requesting a portion of the new right-of-way, specifically Addison Drive connecting to U.S. 27 South be annexed into the City.
- c. A Traffic Impact Study shall be conducted and accepted by the City as per the Ohio Department of Transportation's letter dated July 7, 2006.
- d. A separate lot shall be created to accommodate the proposed lift station and the lot shall be deeded to the City. The lot size shall be a minimum of 6,000 square feet as required by the Sanitary Sewer Pump Station requirements. Additionally, an access easement shall be granted to the City to access the lift station for maintenance and operation purpose.
- e. The cost of maintaining and operating the lift station shall be the responsibility of the subdivision property owners.
- f. A Homeowner Association shall be created, acceptable to the City, for the maintenance, repair and upkeep of the detention basin and open space area and access provided to the City for inspection and maintenance purposes.

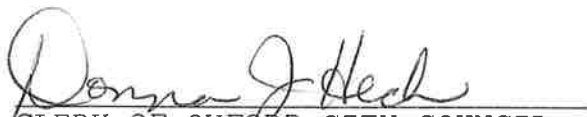
- g. The applicant is required to install signage of adequate size and shape located at the terminus of stubbed streets indicating the streets will be through streets.

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


MAYOR

ADOPTED: November 21, 2006

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVE PROWS

PREPARED BY: LAW (STAFF)