



Agenda

Oxford City Council

Court House

TUESDAY, APRIL 4, 2017

EXECUTIVE SESSION

None.

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

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

- A. Proclamation - 'Genocide and Holocaust Education and Prevention Month'



Proclamation

- B. Presentation - Casey Wooddell, Parks and Recreation Director.

- C. Public Comments.

The purpose of the Public Comments Section is for members of the Public to speak to the City Council on any subject not scheduled on the Agenda, except Consent Agenda items. City Council values your comments, and Council rules limit public comments to five minutes for each person. Presentations are not to be in the form of public debate, personal attacks on Council, City staff or other members of the public and Council shall not act except to direct the City Manager to take action or schedule the matter for discussion at a later date.

4. Consent Agenda.

- A. Minutes of the March 21, 2017 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Report regarding the March 14, 2017 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

- C. Report regarding the March 15, 2017 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



Report

- D. Report regarding the March 16, 2017 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)



Report

- E. Report regarding the March 22, 2017 Civil Service Commission Meeting. (Candi Fyffe, Human Resources Director)



Report

5. Resolutions.

1. A Resolution of Council accepting the petition to expand a Neighborhood Conservation Overlay District for Cedar Drive and East Chestnut Street and referring the petition to the Oxford Planning Commission for recommendations to City Council. (Jung-Han Chen, Community Development Director).



Staff Report/Resolution

2. A Resolution of Council authorizing the City Manager to release the final ten percent (\$7,200.00) of the \$72,000.00 cash performance bond posted by New Village Construction, LLC. (Mike Dreisbach, Service Director)



Staff Report/Resolution

3. A Resolution of Council authorizing the City Manager to accept the Ohio Public Works Commission (OPWC) - Issue One funding in the amount of \$189,750.00 for the reconstruction of the Sandra Drive Bridge over Collins Run in the City of Oxford, Ohio, and to sign the necessary agreements with the OPWC to facilitate said project. (Mike Dreisbach, Service Director)



Staff Report/Resolution

4. A Resolution accepting the bid and authorizing the City Manager to enter into an agreement with Barrett Paving Materials, Inc. for the 2017 Street Resurfacing and Maintenance work at a cost of \$339,774.25 plus a contingency amount of 3.0% of the agreement price or \$10,225.00 for a total cost not to exceed \$349,999.25. (Mike Dreisbach, Service Director)



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance Approving The Partial Vacation Of A Waterline Easement Located Within Lot 3832, Of Bishop Square Phase II As Described In Exhibit "A" Attached Hereto And Incorporated Herein For The Purpose Of Relocating Said Waterline Outside Of Its Recorded Easement. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

2. An Ordinance Accepting A Waterline Easement From EVR Investments, LLC Over The Property Of Grantor As Described In Exhibit "A" Attached Hereto And Incorporated Herein For The Purpose Of Relocating A City Owned Waterline Outside Of Its Recorded Easement. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Repealing Current Chapter 143 Of The Oxford Code Of Ordinances Entitled Civil Rights; Community Relations Commission, And Adopting New Chapter 43 Of The Oxford Code Of Ordinances Entitled Civil Rights Commission. (Doug Elliott, City Manager)



Staff Report/Ordinance

2. An Ordinance Amending Ordinance No. 3381. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2017. (Joe Newlin,

Finance Director)



Staff Report/Ordinance

7. A. Announcements & Communications.

1. Remarks from City Council and City Staff.

B. Future Meetings.

WED - Apr 5 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

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

FRI - Apr 7 Student Community Relations Commission Meeting 2:30 p.m. LCNB

TUES - Apr 11 Planning Commission Work Session 5:30 p.m.

TUES - Apr 11 Planning Commission Meeting Cancelled

THUR - Apr 13 Community Relations Commission Meeting 4:00 p.m. Municipal Building

MON - Apr 17 Housing Advisory Commission 7:00 p.m. Municipal Building

TUES - Apr 18 City Council Meeting 7:30 p.m.

WED - Apr 19 Board of Zoning Appeals Meeting 7:30 p.m.

THUR - Apr 20 Recreation Board Meeting 4:00 p.m. Senior Center

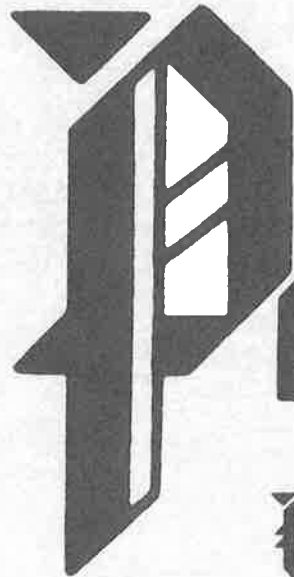
FRI - Apr 21 Student Community Relations Commission Meeting 2:30 p.m. LCNB

WED - Apr 26 Civil Service Commission Meeting 5:30 p.m.

THUR - Apr 27 Police Community Relations Commission Meeting 7:00 p.m.

FRI - Apr 28 Community Improvement Corporation Meeting 12:00 p.m. LCNB

8. Adjourn.



Office of the Mayor

Proclamation

Whereas:

the world has witnessed over a century of genocides that began in April. Millions of people have perished; cultures have been destroyed; communities and nations have been ruined; and

WHEREAS, the conflicts in Darfur, Sudan, the Democratic Republic of Congo, the Central African Republic, Myanmar, and Syria all appear to be escalating into genocide; and

WHEREAS, every April, the 'Miami University Students Against Genocide' along with the Genocide and Holocaust Education Committee organize a week long program that raises awareness of genocide and Holocaust victims and survivors; and

WHEREAS, numerous activities are planned, including a film series, a 'reading of the names' program in which the names of Holocaust victims are read, a read-in, and an information fair that will enable students and citizens alike to reflect on the moral responsibilities of individuals, societies, and governments; and

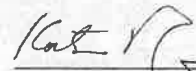
WHEREAS, supporting Genocide and Holocaust education and prevention will promote a diverse culture of inclusion, integrity, and collaboration that deepens understanding and embraces the intercultural and global experience.

NOW, THEREFORE, I, Kate Rousmaniere, Mayor of the City of Oxford, Ohio, do hereby proclaim the month of April as:

'GENOCIDE AND HOLOCAUST EDUCATION AND PREVENTION MONTH'

in the City of Oxford and encourage all students and citizens to participate in the programs being offered, to pay tribute to and honor those who have suffered unimaginable tragedy and to advocate for the prevention of future atrocities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 31st day of March, 2017.


KATE ROUSMANIERE, MAYOR



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 4, 2017

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

March 28, 2017
Date Prepared

Agenda Title:	Resolution Accepting a Petition to Expand a Neighborhood Conservation Overlay District for Cedar Drive and East Chestnut St and Referring the Petition to the Planning Commission for Recommendation
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Recommendation: Approval
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Discussion:

The Residential Conservation Overlay District legislation was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment by restricting residential properties to be rented to no more than two unrelated individuals. The process to establish an overlay district begins with a petition with signatures of more than two-thirds of parcel owners within the proposed district. This petition goes before City Council for acceptance and the petition is then referred to the Planning Commission for review. There have been thirteen (13) petitions that have come before the City Council since 2014.

The 2014 petition for the Cedar Drive Overlay was approved by Council Ordinance #3280 as the 2nd overlay. There are a total of 15 parcels contained in the original overlay district boundary. The codified ordinance permits an expansion of an overlay as long as the original overlay owners are included. The petitioner used the signature template provided by city staff for a total of 21 parcels. A map of the proposed area, including the six additional parcels is attached. There are three households represented due to some owners with multiple parcels.

The signatures in this petition exceed the two-thirds requirement of the parcel owners of this petitioned area. The signatures represent 19 parcels within the boundary, which is 90%.

This is the first step in expanding the neighborhood conservation overlay district and requires City Council to formally accept the petition and forward this petition to the Planning Commission for review. Staff recommends approval of this resolution.

Approved by:

	Initial	Date
Department Head:	<u>jhc</u>	<u>3/28/17</u>
City Attorney:	<u></u>	<u></u>
City Manager:	<u>DRE</u>	<u>3/31/17</u>

RESOLUTION NO.

A RESOLUTION OF COUNCIL ACCEPTING THE PETITION TO EXPAND A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR CEDAR DRIVE AND EAST CHESTNUT STREET AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

SECTION 1: The Clerk of Council and the Community Development Director have determined that the Petition to expand a Neighbor Conservation Overlay District for Cedar Drive and East Chestnut Street conforms with the petition requirements and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

SECTION 2: City Council accepts the recommendation of the Clerk of Council and the Community Development Director and further refers the petition to expand a Neighborhood Conservation Overlay District for Cedar Drive and East Chestnut Street to the Oxford Planning Commission to make recommendations to City Council.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

TO: CEDAR DRIVE/EAST CHESTNUT ST. PROPERTY OWNERS
RE: PETITION FOR RESIDENTIAL CONSERVATION OVERLAY EXPANSION
DATE: Late JANUARY, 2017

PROPOSED: That Cedar Drive/East Chestnut St. homeowners apply for a change of zoning for the **expansion** of the present “neighborhood conservation overlay district.” **This proposed zoning limits the number of persons in a rental residence to no more than two unrelated individuals.** If the zoning is approved, homeowners may rent property but are **limited to two unrelated persons who may live in the house.** This would still allow ownership or rental of the property to a large family, a couple, one person or two unrelated persons.

The purpose of the Conservation Neighborhood Overlay Zoning:

The purposes outlined in the ordinance are:

1. to protect the privacy of residents and to minimize noise congestion and nuisance impacts by regulating the types of rental properties occupied by unrelated persons
2. To maintain an attractive community appearance and provide a desirable living environment for residents by preserving the owner occupied character of the neighborhood
3. To prevent excessive traffic and parking in the neighborhoods

Current zoning in Cedar Drive and the Longcamp and Michael Property:
Conservation Neighborhood Overlay

Current zoning in the proposed three added properties: The current zoning is as a “Single family residence” defined as no more than FOUR unrelated people may live in the dwelling. One of these properties is currently permitted as a rental property which allows four unrelated people to live in the dwelling. This property will not be impacted by this petition unless the rental permit expires.

Process for a neighborhood to achieve expansion of the overlay zoning

1. In order for the expansion of the current overlay district, we must have **2/3 of the property owners sign a petition within 60 days** (14 of 21 lots).
2. The petition is sent to Oxford City Council that refers it to the Planning Commission for its recommendation.
3. If the recommendation is approved it is returned to City Council for second reading and approval. The process takes about three months.

Carol Michael, an East Chestnut resident whose property is already in the Cedar Drive overlay, will be contacting you soon with the opportunity for you to sign the petition. The signer of the petition must be the homeowner (if jointly owned, only one needs to sign.) You may contact Carol Michael for further information:

Carol Michael
409 E. Chestnut St.
523-3376

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO REQUEST CITY COUNCIL TO INTRODUCE AN ORDINANCE ACCEPTING A PETITION WHICH WOULD ALLOW THE INITIATION OF A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES WHICH WOULD RESTRICT THE ABILITY OF PROPERTY OWNERS TO RENT THEIR PROPERTY TO MORE THAN TWO UNRELATED INDIVIDUALS.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT WHICH DOES NOT CURRENTLY HAVE A RENTAL PERMIT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

Please see the attached map for exact boundaries.

East Boundary: 505 E. Chestnut Street

North Boundary: E. Chestnut Street

West Boundary: Existing Cedar Drive/East Chestnut St. Overlay

South Boundary: Existing Cedar Drive/East Chestnut St. Overlay

Circulator's Full Name: Carol M. Michael email: michaecm@miamioh.edu

Circulator's Address: 409 E. Chestnut Street

Circulator's Signature: *Carol M. Michael*

Petition for Expansion of Cedar Drive/East Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Carol Michael, 409 East Chestnut Street

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

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

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
<i>Sent 1/30/2017</i> 1/28/2017	920 CEDAR DR/ H4100114000023	FLAIG ONE LLC C/O KEVIN BRINKMANN	<i>Kevin Brinkmann</i>	
<i>Sent 1/30/2017</i> 1/28/2017	925 CEDAR DR/ H4100114000033	ALLAN M WINKLER TRUSTEE	<i>Allan M. Winkler</i>	
<i>Sent 1/30/2017</i> 2/4/17	926 CEDAR DR/ H4100114000024	FLAIG ONE LLC C/O KEVIN BRINKMANN	<i>Christine M. Shumway</i>	
<i>Sent 1/30/2017</i> 1/28/2017	1000 CEDAR DR/ H4100114000061	CHRISTINE M HOUSE-SHUMWAY	<i>Christine M. Shumway</i>	
	1001 CEDAR DR/ H4100114000032	JEFF & MARIE JUNE	<i>Jeff & Marie June</i>	
	1007 CEDAR DR/ H4100114000031	GENE E WILLEKE	<i>Gene E. Willeke</i>	
	E CHESTNUT ST/ H4100113000033	GENE E WILLEKE / Patricia	<i>Pat & Willeke</i>	
<i>Sent 1/30/2017</i> 2/4/2017	1015 CEDAR DR/ H4100114000030	WAYNE E WRIGHT JOSEPH H STOKES	<i>Wayne E. Wright</i>	
<i>Sent 1/30/2017</i> 1/28/2017	1025 CEDAR DR/ H4000114000029	CRAIG L & ANN A HINRICHS	<i>Craig L. Hinrichs</i>	
	1029 CEDAR DR/ H4100114000028	DAVID M SCOTTFORD	<i>David Scottford</i>	
<i>Sent 1/30/2017</i> 1/28/2017	1033 CEDAR DR/ H4100114000026	DEBORAH KEMPF WRIGHT	<i>Deborah K. Kempf</i>	

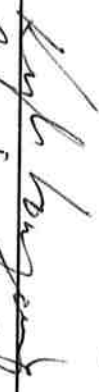
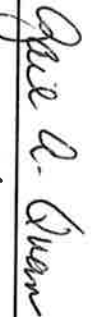
Petition for Expansion of Cedar Drive/East Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Carol Michael, 409 East Chestnut Street

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Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
1/25/2017	1033 CEDAR DR/ H4100114000025	DEBORAH KEMPF WRIGHT		
1/25/2017	CEDAR DR/ H4100114000027	DEBORAH KEMPF WRIGHT		
1/29/2017	405 E CHESTNUT ST/ H4000114000034	KYLE V & AMY R LONGCAMP		
1/30/2017	409 E CHESTNUT ST/ H4000113000043	CAROL M MICHAEL TR		
2/3/2017	413 E CHESTNUT ST/ H4100113000034	GAN KAN AND GAIL ANNE QUAN		
1/31/2017	501 E CHESTNUT ST/ H4100113000037	JESSE D J DICKSON DIANA R UHLMAN		
1/31/2017	E CHESTNUT ST/ H4100113000038	JESSE D J DICKSON DIANA R UHLMAN		
	505 E CHESTNUT ST/ H4100113000036	CHESTNUT WOODS LLC		
	E CHESTNUT ST/ H4100113000040	CHESTNUT WOODS LLC		
	E CHESTNUT ST/ H4100113000035	CHESTNUT WOODS LLC		

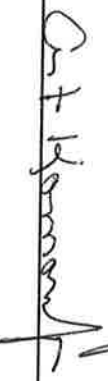
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	CEDAR DR/ H4100114000027	DEBORAH KEMPF WRIGHT		
	405 E CHESTNUT ST/ H4000114000034	KYLE V & AMY R LONGCAMP		
	409 E CHESTNUT ST/ H4000113000043	CAROL M MICHAEL TR		
	413 E CHESTNUT ST/ H4100113000034	GAN KAN AND GAIL ANNE QUAN		
	501 E CHESTNUT ST/ H4100113000037	JESSE D J DICKSON DIANA R UHLMAN		
	E CHESTNUT ST/ H4100113000038	JESSE D J DICKSON DIANA R UHLMAN		
2-4-17	505 E CHESTNUT ST/ H4100113000036	CHESTNUT WOODS LLC		2-4-17
2-4-17	E CHESTNUT ST/ H4100113000040	CHESTNUT WOODS LLC		2-4-17
2-4-17	E CHESTNUT ST/ H4100113000035	CHESTNUT WOODS LLC		2-4-17

Petition for Expansion of Cedar Drive/East Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Carol Michael, 409 East Chestnut Street

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

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

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
	920 CEDAR DR/ H4100114000023	FLAIG ONE LLC C/O KEVIN BRINKMANN		
	925 CEDAR DR/ H4100114000033	ALLAN M WINKLER TRUSTEE		
	926 CEDAR DR/ H4100114000024	FLAIG ONE LLC C/O KEVIN BRINKMANN		
	1000 CEDAR DR/ H4100114000061	CHRISTINE M HOUSE-SHUMWAY		
	1001 CEDAR DR/ H4100114000032	JEFF & MARIE JUNE		
3/7/17	1007 CEDAR DR/ H4100114000031	Andrew Wilke GENE E WILLEKE / Patricia	Andrew Wilke Trustee	
3/7/17	E CHESTNUT ST/ H4100113000033	GENE E WILLEKE / Patricia	Gene E Wilke Trustee	
	1015 CEDAR DR/ H4100114000030	WAYNE E WRIGHT JOSEPH H STOKES		
	1025 CEDAR DR/ H4000114000029	CRAIG L & ANN A HINRICHS		
	1029 CEDAR DR/ H4100114000028	DAVID M SCOTFORD		
	1033 CEDAR DR/ H4100114000026	DEBORAH KEMPF WRIGHT		

Acorn
Cir

1029

1033

920

926

1000

1025

Cedar Dr

1015

925

1001

405

1007

409

413

Proposed Addition

505

501

E Chestnut St

Silver Ln

Cedar Chestnut Expanded Neighborhood Conservation Overlay District Petition Boundaries

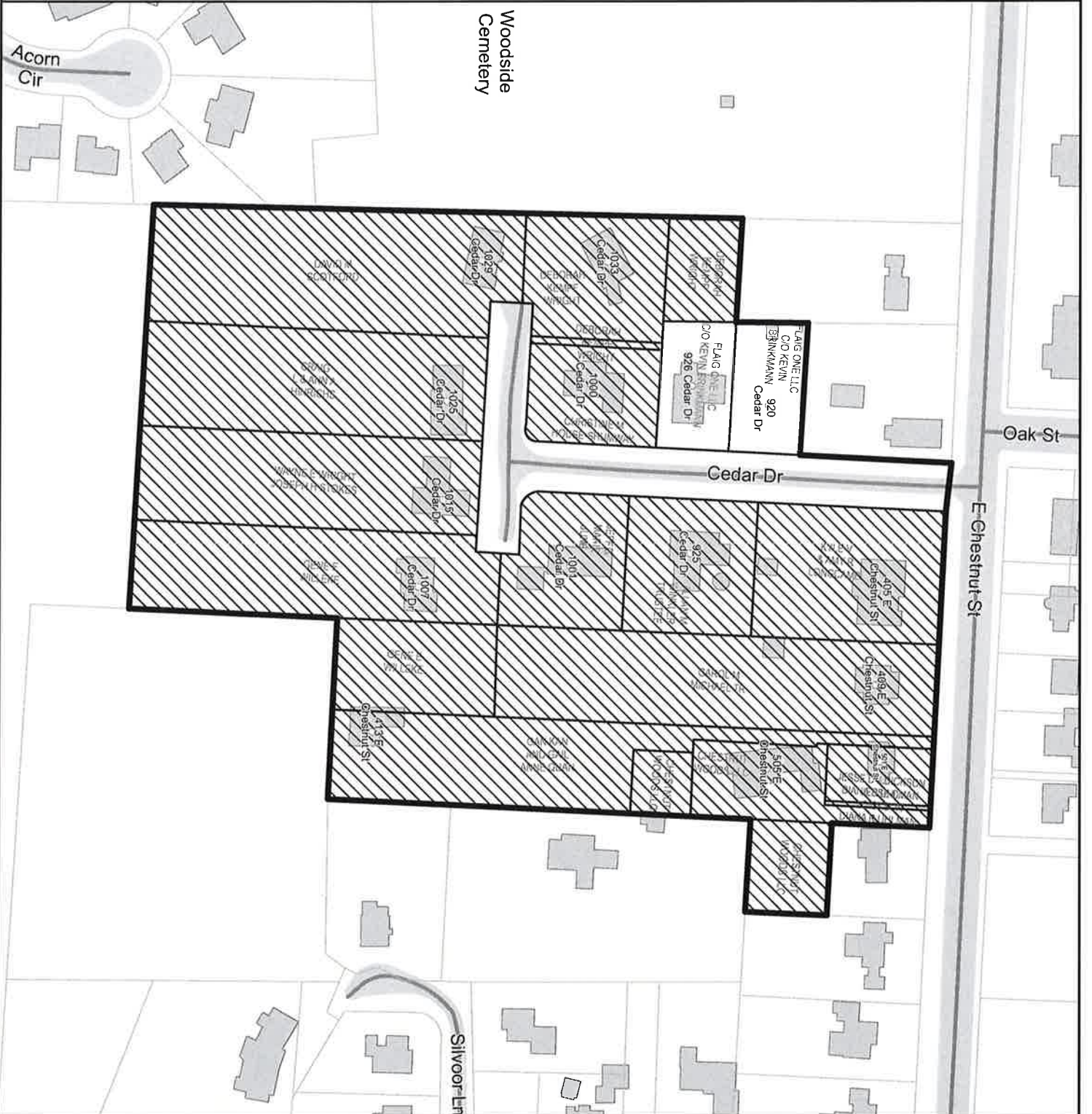
Legend

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



1 inch = 150 feet

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



ORDINANCE NO. 3280

AN ORDINANCE ACCEPTING AND MODIFYING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1A SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT, FOR 15 PARCELS LOCATED IN THE VICINITY OF CEDAR DRIVE, IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on August 12, 2014 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in a R-1A Single Family Low Density Residential District, for 17 parcels located in the vicinity of Cedar Drive in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

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

SECTION 3: Council hereby accepts and modifies the recommendation of the Oxford Planning Commission by removing 2 parcels shown on Exhibit "A" as "not signed" with Chestnut Street addresses, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in a R-1A Single Family Low Density Residential District, for the remaining 15 parcels located on Cedar Drive in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A" with the exception of the 2 parcels labeled as "not signed" with Chestnut Street addresses. Council hereby finds that the Cedar Drive overlay petition conforms to the decision standards for approval set forth in Section 1146.03 of the Oxford Codified Ordinances.

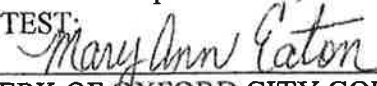
SECTION 4: Council hereby grants the Zoning Map Amendment as amended, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

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


MAYOR

ADOPTED: September 16, 2014

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 4, 2017

Account Code #: N/A

Budgeted Amount: N/A

Service Department

Originating Department

Michael B. Dreisbach, Service Director

Prepared By

March 28, 2017

Date Prepared

Agenda Title: Authorization to Release 100% of a Cash Performance Bond

Recommendation: Approve

Discussion:

As part of the redevelopment of 417 S. Locust (aka former Wal-Mart site), the developers were required to install new traffic control signals at the site's entrance/exit with Locust St. Due to delays in procuring the necessary materials, the developer was not able to meet the August 2015 deadline for completion. In order to protect the City's interest in the completion of this project, New Village Construction, LLC provided a cash bond of \$72,000 to the City to ensure the proper installation of the required traffic control system and associated appurtenances.

In February 2016, New Village Construction, LLC notified the City of the completion of all work associated with the cash surety. The Engineering Division inspected the work, and approved the installation being in conformance with the City's standards and specifications. City Council Resolution No. 4968 approved the release of 90% the cash bond on deposit with the City. The City currently has \$7,200 on deposit and available for release back to the developer.

In March 2017, the developer requested a twelve month inspection of the improvements and full release of their surety deposit with the City. The infrastructure has been performing as expected for the 12-month guarantee period. No additional improvements or repairs are required.

It is Staff's recommendation that City Council authorize the City Manager to release the final 10% of the \$72,000 cash surety posted by New Village Construction, LLC. The cash amount recommended for release is therefore **\$7,200.00**. These funds have already been appropriated and encumbered for this purpose.

Approved By:

Initial Date

Department Head:

MBD 3/28/17

City Manager:

DRE 3/31/17

RESOLUTION NO.

A RESOLUTION OF COUNCIL AUTHORIZING THE CITY MANAGER TO RELEASE THE FINAL TEN PERCENT (\$7,200.00) OF THE \$72,000.00 CASH PERFORMANCE BOND POSTED BY NEW VILLAGE CONSTRUCTION, LLC.

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

SECTION 1: The developer was required to post a cash performance bond in the amount of \$72,000.00. The developer satisfactorily completed the work and therefore Council released ninety percent (\$64,800.00) of the cash performance bond by Resolution No. 4968 adopted February 16, 2016 and retained ten percent as a surety maintenance bond in the amount of \$7,200.00. This surety maintenance bond warrantied the public improvements within the right-of-way for a period of one year from the acceptance of the improvements.

SECTION 2: The City Manager and the Finance Director are hereby authorized to execute the necessary paperwork, releasing the final ten percent (\$7,200.00) of the \$72,000.00 cash performance bond and to take all other steps necessary.

SECTION 3: This release is hereby given upon report of the City Engineer that the infrastructure has performed as expected for the 12-month guarantee period.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

RESOLUTION NO. 4968

A RESOLUTION AUTHORIZING THE CITY MANAGER TO RELEASE NINETY PERCENT (90%) OF THE \$72,000.00 CASH PERFORMANCE BOND POSTED BY NEW VILLAGE CONSTRUCTION, LLC., AND RETAINING TEN PERCENT (10%) OF THE SURETY AS A MAINTENANCE BOND FOR A PERIOD OF ONE YEAR.

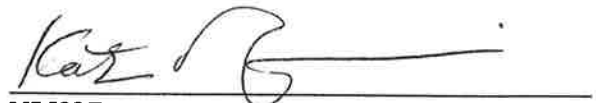
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The developer was required to post a cash performance bond in the amount of \$72,000.00. The developer has satisfactorily completed the work and therefore Council hereby releases 90% of the cash performance bond and retains 10% as a surety maintenance bond in the amount of \$7,200.00. This surety maintenance bond warrants the public improvements within the right-of-way for a period of one year from the acceptance of the improvements.

SECTION 2: The City Manager and the Clerk of Council are hereby authorized to execute the necessary paperwork, releasing ninety percent (90%) of the cash performance bond and to take all other steps necessary.

SECTION 3: This release is hereby given upon report of the City Engineer that the work secured by the cash surety bond has been satisfactorily completed.

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


MAYOR

ADOPTED: February 16, 2016

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: April 4, 2017

Account Code #: 141.720.63163

Budgeted Amount: \$275,000

Service Department
Originating Department

Michael Dreisbach, Service Director
Prepared By

March 21, 2017
Date Prepared

Agenda Title: Sandra Drive Bridge Replacement – Authorization to Accept Ohio Public Works Commission - Issue One Funding.

Recommendation: Approve

Discussion:

The Oxford City Council approved Resolution No. 4997 on July 19, 2016 authorizing City Staff to apply for Ohio Public Works Commission (OPWC) Issue One funds to assist in financing a replacement bridge for Sandra Drive over Collins Run.

The City was successful with our application and OPWC has agreed to fund 69% of the project, a grant of \$189,750. The City will provide approximately \$85,250 as the local match to completely fund the project. Staff anticipates awarding a contract for the work in December of 2017 for construction in the summer of 2018.

The OPWC requires a specific Resolution of the Oxford City Council authorizing the City Manager to sign agreements with the agency for this project. Staff recommends approval of this Resolution.

Approved By:

Department Head:

Initial Date
MBD \ 3/21/17

City Manager:

DRE \ 3/31/17

RESOLUTION NO.

A RESOLUTION OF COUNCIL AUTHORIZING THE CITY MANAGER TO ACCEPT THE OHIO PUBLIC WORKS COMMISSION (OPWC) – ISSUE ONE FUNDING IN THE AMOUNT OF \$189,750.00 FOR THE RECONSTRUCTION OF THE SANDRA DRIVE BRIDGE OVER COLLINS RUN IN THE CITY OF OXFORD, OHIO, AND TO SIGN THE NECESSARY AGREEMENTS WITH THE OPWC TO FACILITATE SAID PROJECT.

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

SECTION 1: The City Manager and the Service Director recommend the City Manager be authorized to accept the Ohio Public Works Commission (OPWC) – Issue One funding in the amount of \$189,750.00 for the reconstruction of the Sandra Drive Bridge over Collins Run in the City of Oxford, Ohio, and to sign the necessary agreements with the OPWC to facilitate said project.

SECTION 2: Council finds it is in the best interest of the City of Oxford for the City Manager to accept the Ohio Public Works Commission (OPWC) – Issue One funding in the amount of \$189,750.00 for the reconstruction of the Sandra Drive Bridge over Collins Run in the City of Oxford, Ohio, and to sign the necessary agreements with the OPWC to facilitate said project.

SECTION 3: The City Manager is hereby authorized to accept the Ohio Public Works Commission (OPWC) – Issue One funding in the amount of \$189,750.00 for the reconstruction of the Sandra Drive Bridge over Collins Run in the City of Oxford, Ohio, and to sign the necessary agreements with the OPWC to facilitate said project.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

RESOLUTION NO. 4997

A RESOLUTION OF COUNCIL SUPPORTING THE SUBMISSION OF A GRANT APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION ISSUE 1 FUNDS IN THE AMOUNT OF \$189,750.00 TO BE USED FOR THE RECONSTRUCTION OF THE SANDRA DRIVE BRIDGE OVER COLLINS RUN.

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

SECTION 1: Council, having determined the reconstruction of the Sandra Drive Bridge over Collins Run to be beneficial to the City, hereby supports the use of grant funds to assist with the cost of the reconstruction of the Sandra Drive Bridge over Collins Run.

SECTION 2: Council hereby authorizes the City Manager to submit a grant application to the Ohio Public Works Commission requesting Issue 1 funds for the reconstruction of the Sandra Drive Bridge over Collins Run.

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


MAYOR

ADOPTED: July 19, 2016

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 4, 2017

Account Code #: 141.720.51000

Budgeted Amount: \$350,000

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

March 21, 2017
Date Prepared

Agenda Title: 2017 Street Resurfacing and Maintenance Program

Recommendation: Approval

Discussion:

The 2017 Capital Improvement budget includes \$350,000 for street resurfacing and maintenance. Staff has evaluated the surface condition of City streets in order to provide data for the compilation of the 2017 Street Resurfacing Program. Several factors were considered in recommending a street for resurfacing including traffic volume, road base condition (or lack of a proper base), curb and gutter condition, drainage conditions, past street and utility cuts, proposed underground work scheduled, and current surface condition. Additionally, staff reviewed and updated the City Infrastructure Inventory which includes data on street, water, wastewater, and stormwater systems.

The list of streets proposed for resurfacing is detailed on the attached Exhibit "A". The City will also be using designated CDBG funds later in 2017 for the resurfacing of select alleys in the Mile Square. This work will be done by a separate contract.

A request for bids was published in the Hamilton Journal on March 3 and 10, 2017. Sealed proposals were opened and read aloud on March 17, 2017. Two firms submitted bids with the following results (including base bid and alternate #1 (spot asphalt repairs on Chestnut St. between Main St. and Patterson Ave.) :

Barrett Paving Materials, Inc.	\$ 339,774.25
John R. Jurgensen Co.	\$ 346,508.00

(Continued)

Approved By:

Department Head:	Initial <u>MBD</u>	Date <u>3/21/17</u>
City Manager:	<u>DRE</u>	<u>3/31/17</u>

Bids submitted included the following line item cost breakdowns:

- Asphalt milling
- Asphalt placing and compacting
- Traffic control
- Pavement / traffic marking replacements
- Thermoplastic street markings
- Blue reflective armored markers to indicate fire hydrant locations
- Yellow / white markers to enhance lane marking safety

In addition to this street maintenance project, City Staff also evaluated if any facets of the *Corridor Safety Improvement Plan* could be implemented in association with this capital project. While not directly related to this resurfacing project, Staff anticipates significant progress in sidewalk construction including the completion of the Northridge subdivision sidewalk system, new sidewalk on Morning Sun Rd. (funded by a grant from MHMH / Tri-Health) and connecting sidewalk segments on Locust St. in the commercial district (from Bishop Square to Spring St.). Staff will also be introducing a Resolution of Necessity requiring specified property owners to repair defective curb, gutter, and sidewalk segments on their property. Staff recommendations in this regard will be by separate Resolutions for Council's consideration and contract authorization.

The lowest and best bid for the 2017 Street Maintenance Program was provided by Barrett Paving Materials, Inc. with a bid of \$339,774.25. Staff is requesting a contingency amount of \$10,225.00 for this contract (3.0%). It is Staff's recommendation that Council authorize the City Manager to enter into an agreement with Barrett Paving Co. for a total amount not to exceed **\$349,999.25**.

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BARRETT PAVING MATERIALS, INC. FOR THE 2017 STREET RESURFACING AND MAINTENANCE WORK AT A COST OF \$339,774.25 PLUS A CONTINGENCY AMOUNT OF 3.0% OF THE AGREEMENT PRICE OR \$10,225.00 FOR A TOTAL COST NOT TO EXCEED \$349,999.25.

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

SECTION 1: A request for bids was published in the *Hamilton Journal* on March 3, 2017 and March 10, 2017. Sealed proposals were opened on March 17, 2017 with two firms submitting bids.

SECTION 2: Council hereby finds Barrett Paving Materials, Inc. to be the lowest and best bidder and accepts the bid of \$339,774.25 for the 2017 street resurfacing and maintenance work as described in Exhibit "A" attached hereto and incorporated herein.

SECTION 3: The City Manager is hereby authorized to enter into an agreement with Barrett Paving Materials, Inc. at a cost of \$339,774.25 plus a contingency amount of 3.0% of the agreement price or \$10,225.00 for a total cost not to exceed \$349,999.25 for the 2017 street resurfacing and maintenance work as described in Exhibit "A" attached hereto and incorporated herein.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

2017 Resurfacing

Street Name

From

To

Locust St. C	Chestnut St.	Edgehill Dr.
Locust St. D	Edgehill Dr.	Brookview (E)
Locust St. E	Brookview (E)	Brookview (W)
Locust St. F	Brookview (W)	Foxfire Dr.
Locust St. G	Foxfire Dr.	Wells Mill Dr.
Locust St. H	Wells Mill Dr.	Spring St.

Locust St. L	Church St.	Withrow St.
Locust St. M	Withrow St.	Vine St.
Locust St. N	Vine St.	Sycamore St.

Linden Dr.	Main St.	Poplar St.
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Rose Ave. A	Main St.	Poplar St.
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Walnut St. B	Elm St.	College Ave.
Walnut St. C	College Ave.	Beech St.
Walnut St. D	Beech St.	Main St.

Sycamore St. A	Locust St.	Elm St.
Sycamore St. B	Elm St.	College Ave.
Sycamore St. C	College Ave.	Lincoln St.
Sycamore St. D	Lincoln St.	Beech St.
Sycamore St. E	Beech St.	Main St.

2017 Resurfacing Alternate #1

Street Name

From

To

Chestnut St. (Spot Repairs)	RXR	Patterson Ave.
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CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: April 4, 2017

Account Code #: N/A

Budgeted Amount: \$ N/A

Service Department
Originating Department

Michael Dreisbach, Service Director
Prepared By

March 21, 2017
Date Prepared

Agenda Title: Partial Release of Easement

Recommendation: Approve

Discussion:

Construction of new buildings has begun on outlots in the Bishop Square development (formerly known as the Wal-Mart site) just off Locust Street. In order to accommodate a canopy at the northern most outlots, a City water main had to be relocated outside of its recorded easement. The developer has requested the City grant a partial release of easement for this area, specifically noted on Exhibit "A" to this report and represented by the "hatched" trapezoidal area of 0.007 acres.

In order to protect the city's relocated water main, the developer will grant two new water easements as noted on Exhibit "A" as 0.001 acres and 0.005 acres adjacent to existing easement proposed for release.

On the advice of our law director, staff has requested separate Ordinances for the release of easement and for the acceptance of easement. Staff recommends approval of both Ordinances.

Approved By:

Department Head:

City Manager:

Initial Date

MBD \ 3/21/17

DRE \ 3/21/17

ORDINANCE NO.

AN ORDINANCE APPROVING THE PARTIAL VACATION OF A WATERLINE EASEMENT LOCATED WITHIN LOT 3832, OF BISHOP SQUARE PHASE II AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR THE PURPOSE OF RELOCATING A CITY OWNED WATERLINE OUTSIDE OF ITS RECORDED EASEMENT.

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

SECTION 1: Council finds that a request to partially vacate a waterline easement located within Lot 3832, of Bishop Square Phase II has been made by the owner of Bishop Square to accommodate their out lot development project. The easement is described in the document attached hereto as Exhibit "A".

SECTION 2: Council finds that there is good cause for the partial vacation of the waterline easement located within Lot 3832, of Bishop Square Phase II as described in the document attached hereto as Exhibit "A"; and that said partial vacation of the waterline easement is not detrimental to the general public interest.

SECTION 3: Council hereby orders that the waterline easement located within Lot 3832, of Bishop Square Phase II as described in the document attached hereto as Exhibit "A" be partially vacated.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

PARTIAL RELEASE OF EASEMENT

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, THE CITY OF OXFORD, OHIO, an Ohio municipal corporation (the "City"), hereby releases, discharges and quitclaims until EVR INVESTMENTS, LLC, an Ohio limited liability company, its successors and assign, all right, title and interest in a portion of the waterline easement (the "Easement") granted to the City in the Recorded Plat of Bishops Square, of record in Plat Book 8636, Page 266, Recorder's Office, Butler County, Ohio, with such release only pertaining to the real estate described in Exhibit A attached hereto and made a part hereof. The Easement shall remain unmodified and in full force and effect as to all property encumbered thereby, other than the real property described in Exhibit A.

EXECUTED this _____ day of _____, 2017.

THE CITY OF OXFORD, OHIO,
an Ohio municipal corporation

By: _____
Name: _____
Title: _____

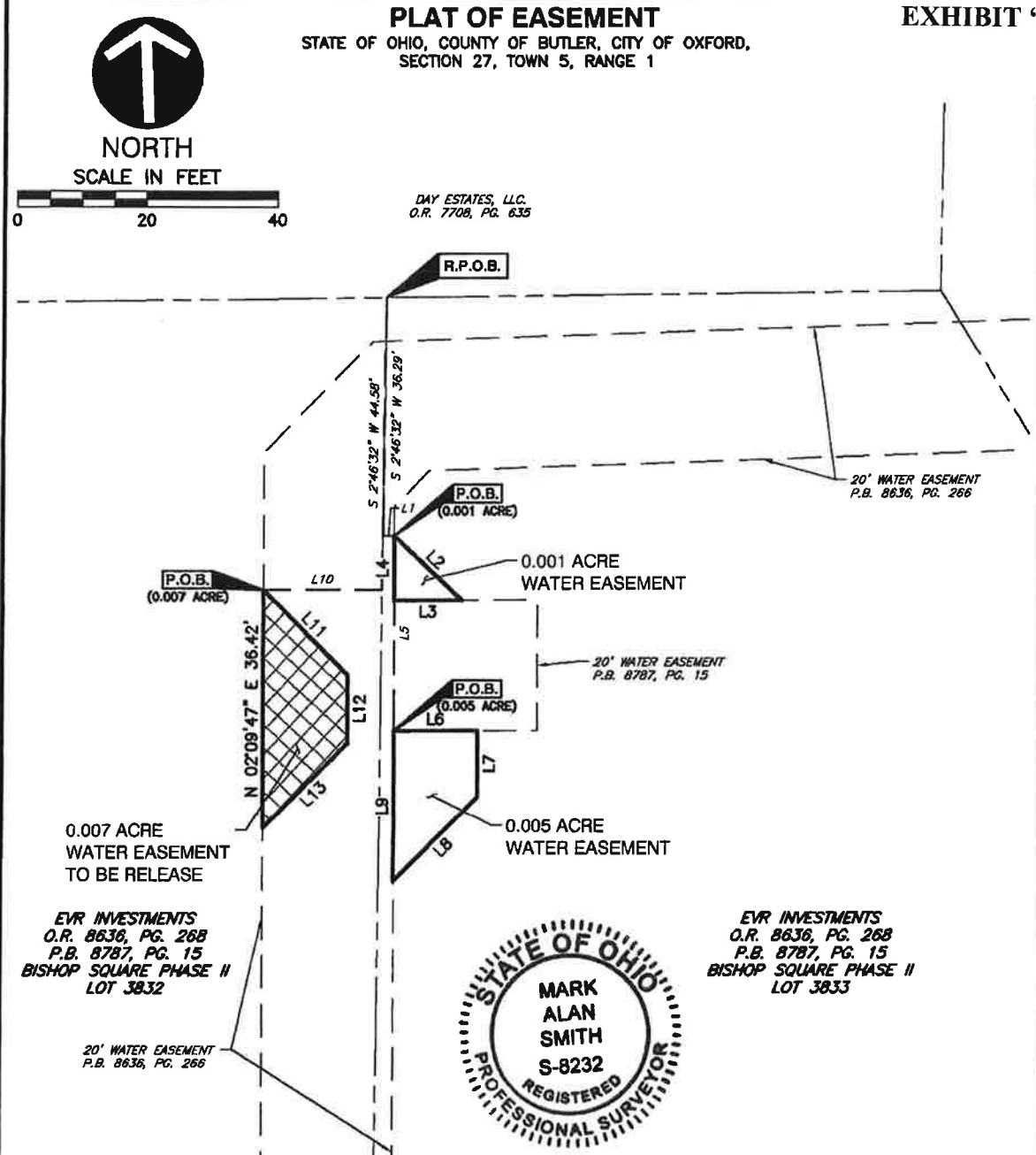
STATE OF _____ :
COUNTY OF _____ : SS

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, the _____ of the City of Oxford, Ohio, an Ohio municipal corporation.

Notary Public
[Seal]

This instrument was prepared by:
Robert S. Ryan, Esq.
Kephart Fisher LLC
407 N. Fourth Street
Columbus, Ohio 43215

EXHIBIT 'A'



EVR INVESTMENTS
O.R. 8636, PG. 268
P.B. 8787, PG. 15
BISHOP SQUARE PHASE II
LOT 3832

EVR INVESTMENTS
O.R. 8636, PG. 268
P.B. 8787, PG. 15
BISHOP SQUARE PHASE II
LOT 3833



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S 87°50'13" E	1.73'
L2	S 44°32'58" E	14.38'
L3	N 87°50'13" W	10.47'
L4	N 02°08'47" E	9.88'
L5	S 02°08'47" W	28.88'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L6	S 87°50'13" E	12.97'
L7	S 02°08'47" W	10.18'
L8	S 47°08'47" W	18.34'
L9	N 02°08'47" E	23.13'
L10	N 87°50'13" W	18.18'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L11	S 42°50'13" E	18.34'
L12	S 02°08'47" W	10.48'
L13	S 47°08'47" W	18.34'

BASIS OF BEARINGS

THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE BEARING OF SOUTH 87°21'37" EAST FOR THE SOUTH RIGHT-OF-WAY LINE OF SPRING STREET OF RECORD IN OFFICIAL RECORD 8636, PAGE 266.

[Signature] 2/13/2017
MARK ALAN SMITH
REGISTERED SURVEYOR NO. S-8232
DATE

Civil & Environmental Consultants, Inc.
250 Old Wilson Bridge Road · Suite 250 · Worthington, OH 43085
614-540-6633 · 888-598-6808
www.cecinc.com

0.001 ACRE WATER EASEMENT
0.005 ACRE WATER EASEMENT
0.007 ACRE WATER EASEMENT RELEASE

CITY OF OXFORD
BUTLER COUNTY, OHIO

DRAWN BY: JEC	CHECKED BY: JWC	APPROVED BY: MAS	DRAWING NO.: 1 OF 1
DATE: FEBRUARY 2017	DWG SCALE: 1"=20'	PROJECT NO: 163-973/170-306	

**DESCRIPTION OF 0.007 ACRES
RELEASE OF EASEMENT
BUTLER COUNTY, OHIO**

Situated in the State of Ohio, County of Butler, City of Oxford, Township 5, Range 1, Section 27, and being 0.007 acres within Lot 3832, of Bishops Square Phase II, of record in Plat Book 8787, Page 15, all being of record in the Recorder's Office, Butler County, Ohio and being more particularly described as follows:

BEGINNING FOR REFERENCE, at a corner common to said Lot 3832 and Lot 3833 as shown in said Bishop Square Phase II plat;

Thence, South 02°46'32" West, leaving said common corner, a distance of 44.58 feet, to a point;

Thence, North 87°50'13" West, a distance of 18.18 feet, to the westerly line of an existing waterline easement as shown in said Bishops Square Phase II, and being **THE POINT OF TRUE BEGINNING**;

Thence, through said Lot 3832, and through said existing waterline easement, the following courses:

South 42°50'13" East, a distance of 18.34 feet, to a point;

South 02°09'47" West, a distance of 10.48 feet, to a point;

South 47°09'47" West, a distance of 18.34 feet, to a point. in the westerly line of said existing waterline easement;

Thence, North 02°09'47" East, along the westerly line of said existing waterline easement, a distance of 36.42 feet, to **THE POINT OF TRUE BEGINNING**, containing 0.007 acres, more or less.

The bearings described herein are based on the southerly right-of-way line of Spring Street as shown in Plat Book 8636, Page 266, and as being South 87°21'37" East.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Mark Alan Smith

Mark Alan Smith P.S.
Registered Surveyor No. 8232

2/15/2017
Date

**DESCRIPTION OF 0.005 ACRES
WATER EASEMENT
BUTLER COUNTY, OHIO**

Situated in the State of Ohio, County of Butler, City of Oxford, Township 5, Range 1, Section 27, and being 0.005 acres within Lot 3833, of Bishops Square Phase II, of record in Plat Book 8787, Page 15, all being of record in the Recorder's Office, Butler County, Ohio and being more particularly described as follows:

BEGINNING FOR REFERENCE, at a corner common to said Lot 3833 and Lot 3832 as shown in said Bishop Square Phase II plat;

Thence, South 02°46'32" West, leaving said common corner, a distance of 36.29 feet, to a point;

Thence, South 87°50'13" East, a distance of 1.73 feet, to a point in the easterly line of an existing waterline easement as shown said Bishops Square Phase II;

Thence, South 02°09'47" West, through said Lot 3833 and with the easterly line of said existing waterline easement, a distance of 39.72 feet, to **THE POINT OF TRUE BEGINNING**;

Thence, South 87°50'13" East, continuing through said Lot 3833 and along the southerly line of said existing waterline easement, a distance of 12.97 feet, to a point;

Thence, continuing through said Lot 3833, the following courses;

South 02°09'47" West, a distance of 10.16 feet, to a point;

South 47°09'47" West, a distance of 18.34 feet, to a point in the easterly line of said existing waterline easement;

Thence, North 02°09'47" East, with the easterly line of said existing waterline easement, a distance of 23.13 feet, to **THE POINT OF TRUE BEGINNING**, containing 0.005 acres, more or less.

The bearings described herein are based on the southerly right-of-way line of Spring Street as shown in Plat Book 8636, Page 266, and as being South 87°21'37" East.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

A handwritten signature of Mark Alan Smith in black ink.

Mark Alan Smith P.S.
Registered Surveyor No. 8232

2/13/2017

Date

**DESCRIPTION OF 0.001 ACRES
WATER EASEMENT
BUTLER COUNTY, OHIO**

Situated in the State of Ohio, County of Butler, City of Oxford, Township 5, Range 1, Section 27, and being 0.001 acres within Lot 3833, of Bishops Square Phase II, of record in Plat Book 8787, Page 15, all being of record in the Recorder's Office, Butler County, Ohio and being more particularly described as follows:

BEGINNING FOR REFERENCE, at a corner common to said Lot 3833 and Lot 3832 as shown in said Bishop Square Phase II plat;

Thence, South 02°46'32" West, leaving said common corner, a distance of 36.29 feet, to a point;

Thence, South 87°50'13", a distance of 1.73 feet, to **THE POINT OF TRUE BEGINNING**;

Thence, South 44°32'59" East, a distance of 14.38, to a point in the north line of the existing waterline easement as shown in said Bishop Square Phase II plat;

Thence, North 87°50'13" West, along the northerly line of said existing waterline easement, a distance of 10.47 feet, to a point in the easterly line of the existing waterline easement, as shown in said Bishop Square Phase II plat;

Thence, North 02°09'47" West, along the easterly line of said existing waterline easement, a distance of 9.86 feet, to **THE POINT OF TRUE BEGINNING**, containing 0.001 acres, more or less.

The bearings described herein are based on the southerly right-of-way line of Spring Street as shown in Plat Book 8636, Page 266, and as being South 87°21'37" East.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Mark Alan Smith

Mark Alan Smith P.S.
Registered Surveyor No. 8232

2/13/2017

Date

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: April 4, 2017

Account Code #: N/A

Budgeted Amount: \$ N/A

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

March 21, 2017

Date Prepared

Agenda Title: Acceptance of a Water Easement

Recommendation: Approve

Discussion:

Construction of new buildings has begun on outlots in the Bishop Square development (formerly known as the Wal-Mart site) just off Locust Street. In order to accommodate a canopy at the northern most outlots, a City water main had to be relocated outside of its recorded easement. The developer has requested the City grant a partial release of easement for this area, specifically noted on Exhibit "A" to this report and represented by the "hatched" trapezoidal area of 0.007 acres.

In order to protect the city's relocated water main, the developer will grant two new water easements as noted on Exhibit "A" as 0.001 acres and 0.005 acres adjacent to existing easement proposed for release.

On the advice of our law director, staff has requested separate Ordinances for the release of easement and for the acceptance of easement. Staff recommends approval of both Ordinances.

Approved By:

Department Head:

City Manager:

Initial Date
MBD 3/21/17

DRE 3/21/17

ORDINANCE NO.

AN ORDINANCE ACCEPTING A WATERLINE EASEMENT FROM EVR INVESTMENTS, LLC OVER THE PROPERTY OF GRANTOR AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN, FOR THE PURPOSE OF RELOCATING A CITY OWNED WATERLINE OUTSIDE OF ITS RECORDED EASEMENT.

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

SECTION I: The City Manager and the Service Director recommend Council authorize the City Manager to accept on behalf of the City of Oxford a Waterline Easement from EVR Investments, LLC over the property of grantor as described in Exhibit "A" attached hereto and incorporated herein, for the purpose of relocating a City owned waterline outside of its recorded easement.

SECTION II: City Council hereby accepts the recommendation of the City Manager and the Service Director and authorizes the City Manager to accept on behalf of the City of Oxford a Waterline Easement from EVR Investments, LLC over the property of grantor as described in Exhibit "A" attached hereto and incorporated herein, for the purpose of relocating a City owned waterline outside of its recorded easement.

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

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

WATERLINE EASEMENT

KNOW ALL MEN BY THESE PRESENT THAT EVR INVESTMENTS, LLC, an Ohio limited liability company, (the "Grantor"), for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations paid by the CITY OF OXFORD, OHIO, an Ohio municipal corporation (the "Grantee"), the receipt of which are hereby acknowledged, does hereby for itself and its successors and assigns grant and convey to the Grantee, its successors and assigns forever, a perpetual right of way and easement to construct, install, operate, repair, replace, relocate, inspect and maintain a waterline, together with all appurtenances incidental thereto, on, over, through, under and across the property of Grantor, located in the City of Oxford, County of Butler, and State of Ohio, and described in Exhibit A, which is attached hereto and made a part of this easement (the "Easement Area").

To have and to hold said easement with all of the privileges and appurtenances thereto belonging to said Grantee, its successors and assigns forever.

In the case of underground services, the Grantee, and its successors and assigns, is hereby granted the right and easement to install all necessary service facilities, which shall remain the property of the Grantee, and its successors and assigns, from its distribution lines, in such location or locations in the Easement Area as may be necessary to serve with water services all buildings existing or to be constructed on the premises adjacent to the Easement Area.

The Grantee, its successors and assigns, shall have the right of ingress to and egress from the Easement Area, and the right to do any and all things reasonably necessary, proper or incidental to the successful operation and maintenance of said waterline and all necessary appurtenances, in accordance with ordinances for management and protection of the City of Oxford.

The Grantee, its successors and assigns, shall restore all property, excluding fences, buildings or other structures within the Easement Area, to its original condition insofar as practicable, after entering upon the Easement Area for the purposes hereinbefore set forth, including construction, repair, maintenance, replacement, relocation, operation, inspection and maintenance of all facilities and improvements of the Grantee, its successors and assigns within the Easement Area.

Grantor reserves all rights to use the Easement Area for any purposes not inconsistent with rights granted herein.

Grantor, for itself and its successors and assigns, covenants with the Grantee, its successors and assigns, that Grantor is lawfully seized of the premises as a good and indefensible estate in fee simple, have good rights to grant the same, and will warrant and defend the premises with the appurtenances there unto belonging to the Grantee, its successors and assigns, against all claims of all persons whosoever.

IN WITNESS WHEREOF, GRANTOR has caused its corporate name to be subscribed this _____ day of _____, 2017.

EVR INVESTMENTS, LLC,
an Ohio limited liability company

By: _____
Name: _____
Title: _____

STATE OF _____

COUNTY OF _____, ss:

Before me, a Notary Public, in and for said County and State, personally appeared _____, the _____ of EVR Investments, LLC, an Ohio limited liability company, who acknowledged that he did sign the foregoing instrument and the same is his free act and deed on behalf of Grantor.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2017.

Notary Public

This Instrument Prepared by:
Robert S. Ryan, Esq.
Kephart Fisher LLC
207 N. Fourth Street
Columbus,

OH

43215

CONSENT TO GRANT OF EASEMENT

RE NVC OXFORD COMMERCIAL, LLC, an Ohio limited liability company ("Tenant"), whose mailing address is 4242 Tuller Road, Dublin, Ohio 43017, is the tenant under a certain Amended and Restated Ground Lease Agreement for Commercial Development (Lot 3832 of Bishops Square Phase II) and a certain Amended and Restated Ground Lease Agreement for Commercial Development (Lot 3833 of Bishops Square Phase II) (collectively "Leases") with EVR INVESTMENTS, LLC, an Ohio limited liability company ("Grantor"), both dated May 29, 2015, memorandums of which were recorded on June 8, 2015 in Book 8800, Page 2030 and Book 8800, Page 2026, in the Butler County Recorder's Office, Butler County, Ohio.

The property subject to the Leases (the "Property") is located in the City of Oxford, Butler County, Ohio and legally described as follows:

Situate in Section 27, Town 5, Range 1, City of Oxford, Butler County, State of Ohio; being Lots 3832 and 3833 as shown on the record plat of Bishops Square Subdivision Phase II, being a Replat of Lots 3812-3813 Bishops Square, as the same are delineated on the plat of such subdivision recorded in Book 8787, Page 15, Recorder's Office, Butler County, Ohio.

Tenant acknowledges that Grantor is granting the Waterline Easement dated the ____ day of _____, 2017 to THE CITY OF OXFORD, OHIO, an Ohio municipal corporation ("Grantee"), over, upon and across a portion of the Property and, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, consents to and agrees to comply with the terms of the Waterline Easement.

TENANT:

RE NVC OXFORD COMMERCIAL, LLC,
an Ohio limited liability company

By: _____

Robert L. Fiorita, Manager

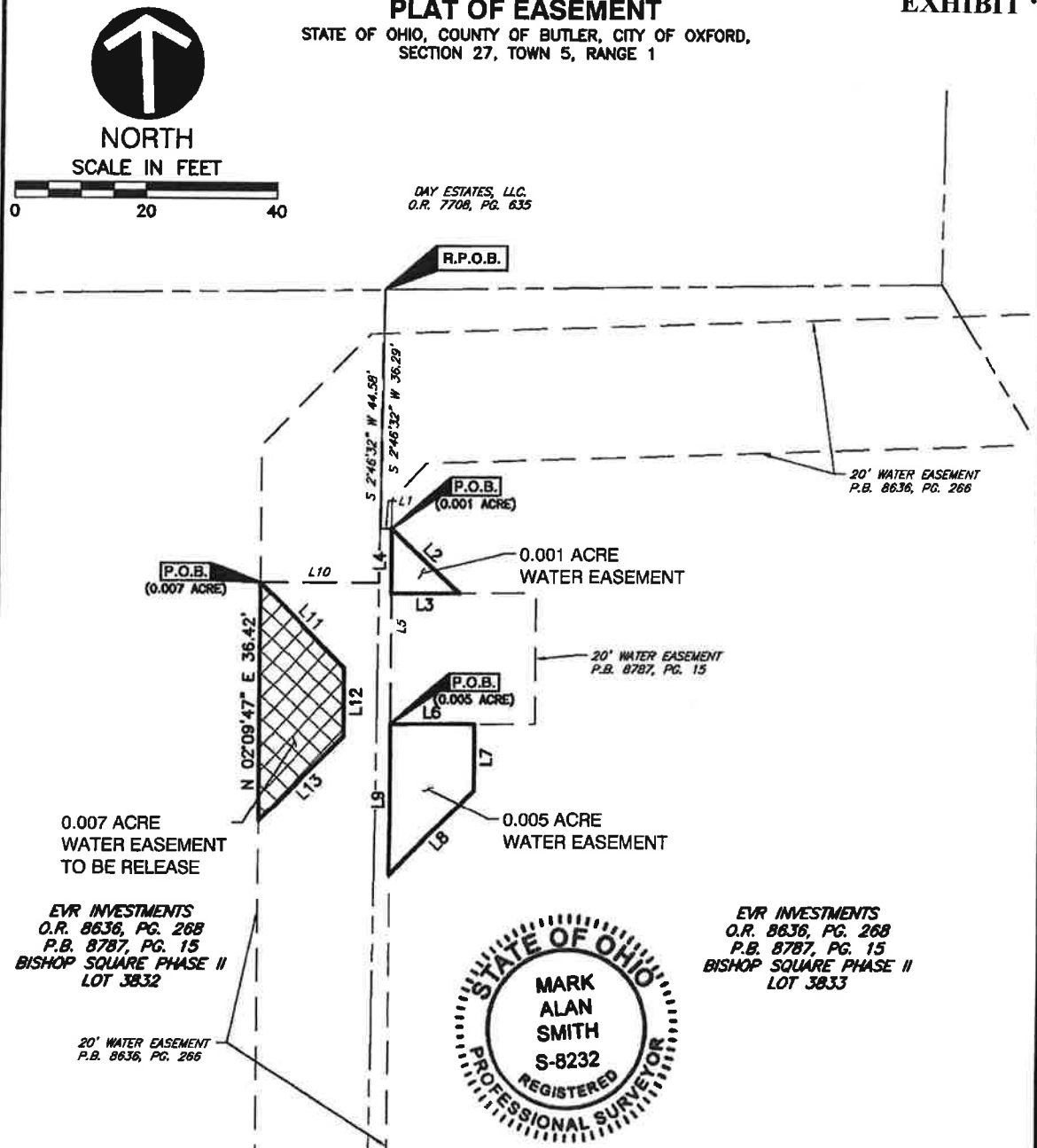
ACKNOWLEDGMENT

STATE OF OHIO)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by Robert L. Fiorita, Manager of RE NVC Oxford Commercial, LLC, an Ohio limited liability company, on behalf of said limited liability company.

Notary Public

EXHIBIT 'A'



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S 87°50'13" E	1.73'
L2	S 44°32'59" E	14.38'
L3	N 87°50'13" W	10.47'
L4	N 02°09'47" E	0.86'
L5	S 02°09'47" W	28.86'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L6	S 87°50'13" E	12.87'
L7	S 02°09'47" W	10.16'
L8	S 47°09'47" W	18.34'
L9	N 02°09'47" E	23.13'
L10	N 87°50'13" W	18.18'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L11	S 42°50'13" E	18.34'
L12	S 02°09'47" W	10.48'
L13	S 47°09'47" W	18.34'

BASIS OF BEARINGS

THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE BEARING OF SOUTH 87°21'37" EAST FOR THE SOUTH RIGHT-OF-WAY LINE OF SPRING STREET OF RECORD IN OFFICIAL RECORD 8636, PAGE 266.

Mark Alan Smith 2/13/2017
MARK ALAN SMITH
REGISTERED SURVEYOR NO. S-8232
DATE

C&E
Civil & Environmental Consultants, Inc.
250 Old Wilson Bridge Road · Suite 250 · Worthington, OH 43085
614-540-8633 · 888-598-6808
www.cecinc.com

0.001 ACRE WATER EASEMENT
0.005 ACRE WATER EASEMENT
0.007 ACRE WATER EASEMENT RELEASE

CITY OF OXFORD
BUTLER COUNTY, OHIO

DRAWN BY: JEC CHECKED BY: JWC APPROVED BY: MAS DRAWING NO.:
DATE: FEBRUARY 2017 DWG SCALE: 1"=20' PROJECT NO: 163-973/170-306 **1 OF 1**

**DESCRIPTION OF 0.005 ACRES
WATER EASEMENT
BUTLER COUNTY, OHIO**

Situated in the State of Ohio, County of Butler, City of Oxford, Township 5, Range 1, Section 27, and being 0.005 acres within Lot 3833, of Bishops Square Phase II, of record in Plat Book 8787, Page 15, all being of record in the Recorder's Office, Butler County, Ohio and being more particularly described as follows:

BEGINNING FOR REFERENCE, at a corner common to said Lot 3833 and Lot 3832 as shown in said Bishop Square Phase II plat;

Thence, South 02°46'32" West, leaving said common corner, a distance of 36.29 feet, to a point;

Thence, South 87°50'13" East, a distance of 1.73 feet, to a point in the easterly line of an existing waterline easement as shown said Bishops Square Phase II;

Thence, South 02°09'47" West, through said Lot 3833 and with the easterly line of said existing waterline easement, a distance of 39.72 feet, to **THE POINT OF TRUE BEGINNING**;

Thence, South 87°50'13" East, continuing through said Lot 3833 and along the southerly line of said existing waterline easement, a distance of 12.97 feet, to a point;

Thence, continuing through said Lot 3833, the following courses;

South 02°09'47" West, a distance of 10.16 feet, to a point;

South 47°09'47" West, a distance of 18.34 feet, to a point in the easterly line of said existing waterline easement;

Thence, North 02°09'47" East, with the easterly line of said existing waterline easement, a distance of 23.13 feet, to **THE POINT OF TRUE BEGINNING**, containing 0.005 acres, more or less.

The bearings described herein are based on the southerly right-of-way line of Spring Street as shown in Plat Book 8636, Page 266, and as being South 87°21'37" East.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Mark Alan Smith P.S.
Registered Surveyor No. 8232

2/13/2017

Date

**DESCRIPTION OF 0.001 ACRES
WATER EASEMENT
BUTLER COUNTY, OHIO**

Situated in the State of Ohio, County of Butler, City of Oxford, Township 5, Range 1, Section 27, and being 0.001 acres within Lot 3833, of Bishops Square Phase II, of record in Plat Book 8787, Page 15, all being of record in the Recorder's Office, Butler County, Ohio and being more particularly described as follows:

BEGINNING FOR REFERENCE, at a corner common to said Lot 3833 and Lot 3832 as shown in said Bishop Square Phase II plat;

Thence, South 02°46'32" West, leaving said common corner, a distance of 36.29 feet, to a point;

Thence, South 87°50'13", a distance of 1.73 feet, to **THE POINT OF TRUE BEGINNING**;

Thence, South 44°32'59" East, a distance of 14.38, to a point in the north line of the existing waterline easement as shown in said Bishop Square Phase II plat;

Thence, North 87°50'13" West, along the northerly line of said existing waterline easement, a distance of 10.47 feet, to a point in the easterly line of the existing waterline easement, as shown in said Bishop Square Phase II plat;

Thence, North 02°09'47" West, along the easterly line of said existing waterline easement, a distance of 9.86 feet, to **THE POINT OF TRUE BEGINNING**, containing 0.001 acres, more or less.

The bearings described herein are based on the southerly right-of-way line of Spring Street as shown in Plat Book 8636, Page 266, and as being South 87°21'37" East.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Mark Alan Smith

Mark Alan Smith P.S.
Registered Surveyor No. 8232

2/13/2017

Date

**DESCRIPTION OF 0.007 ACRES
RELEASE OF EASEMENT
BUTLER COUNTY, OHIO**

Situated in the State of Ohio, County of Butler, City of Oxford, Township 5, Range 1, Section 27, and being 0.007 acres within Lot 3832, of Bishops Square Phase II, of record in Plat Book 8787, Page 15, all being of record in the Recorder's Office, Butler County, Ohio and being more particularly described as follows:

BEGINNING FOR REFERENCE, at a corner common to said Lot 3832 and Lot 3833 as shown in said Bishop Square Phase II plat;

Thence, South 02°46'32" West, leaving said common corner, a distance of 44.58 feet, to a point;

Thence, North 87°50'13" West, a distance of 18.18 feet, to the westerly line of an existing waterline easement as shown in said Bishops Square Phase II, and being **THE POINT OF TRUE BEGINNING**;

Thence, through said Lot 3832, and through said existing waterline easement, the following courses:

South 42°50'13" East, a distance of 18.34 feet, to a point;

South 02°09'47" West, a distance of 10.48 feet, to a point;

South 47°09'47" West, a distance of 18.34 feet, to a point in the westerly line of said existing waterline easement;

Thence, North 02°09'47" East, along the westerly line of said existing waterline easement, a distance of 36.42 feet, to **THE POINT OF TRUE BEGINNING**, containing 0.007 acres, more or less.

The bearings described herein are based on the southerly right-of-way line of Spring Street as shown in Plat Book 8636, Page 266, and as being South 87°21'37" East.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Mark Alan Smith

Mark Alan Smith P.S.

Registered Surveyor No. 8232

2/15/2017

Date

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: March 21, 2017

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 14, 2017

Date Prepared

Agenda Title: An Ordinance Repealing Current Chapter 143 Of The Oxford Code Of Ordinances Entitled Civil Rights; Community Relations Commission, And Replacing It With New Chapter 143 Of The Oxford Code Of Ordinances Entitled Civil Rights Commission.

Recommendation: Adopt the Ordinance.

Discussion:

In 1972, the Oxford City Council created the Community Relations Commission (CRC). One of its purposes was to investigate complaints in the areas of employment, housing, and public accommodations due to discrimination based on race, color, religion, ancestry, and/or national origin. In 2008, the protected classes were expanded to include sexual orientation, gender identity, sex, disability, age, pregnancy, height, weight, or veteran status. The Commission since its inception in 1972 has always been called the Community Relations Commission. Although, in the City's Codified Ordinances, Chapter 143 is entitled Civil Rights; Community Relations Commission. (There was a brief time when the Police Advisory Board (PAB) was combined with the CRC. However, in 2005 the PAB was separated from the CRC.)

Presently, there are three City commissions which include the word "community" in the name. This includes the Student Community Relations Commission (SCRC), the Police Community Relations and Review Commission (PCRRC), and the Community Relations Commission (CRC). Each of the three commissions has a distinct and separate responsibility.

In order to address the possibility of confusion and provide some distinction between the other two commissions, the CRC members and I are recommending to City Council that the Community Relations Commission name should be changed to the Civil Rights Commission.

Approved By:

Initial Date

Department Head: _____

City Manager: _____

DRE

3/17/17

ORDINANCE NO.

AN ORDINANCE REPEALING CURRENT CHAPTER 143 OF THE OXFORD CODE OF ORDINANCES ENTITLED CIVIL RIGHTS; COMMUNITY RELATIONS COMMISSION, AND ADOPTING NEW CHAPTER 143 OF THE OXFORD CODE OF ORDINANCES ENTITLED CIVIL RIGHTS COMMISSION.

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

SECTION 1: Council hereby finds that it is necessary to repeal Chapter 143 of the Oxford Code of Ordinances entitled Civil Rights; Community Relations Commission and adopt new Chapter 143 of the Oxford Code of Ordinances entitled Civil Rights Commission. It is the legislative determination of this Council that it is in the best interest of the City of Oxford to rename Chapter 143 of the Oxford Code of Ordinances entitled Civil Rights; Community Relations Commission to Civil Rights Commission to better reflect the purpose of the commission in its title.

SECTION 2: Council hereby repeals Chapter 143 of the Oxford Code of Ordinances entitled Civil Rights; Community Relations Commission, and adopts new Chapter 143 of the Oxford Code of Ordinances entitled Civil Rights Commission attached hereto and incorporated herein as Exhibit "A". Deletions are struck through and additions are bolded.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

CHAPTER 143

~~Civil Rights; Community Relations Commission~~ Civil Rights Commission

143.01 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings ascribed in this section, unless the context requires otherwise:

- (a) "Commission" shall refer to the Oxford ~~Community Relations~~ **Civil Rights** Commission.
- (b) "~~Community Relations~~ **Civil Rights** Director" means an employee of the City appointed to these duties by Council.
- (c) "Discriminate" and "discrimination" include segregate or separate and any difference in treatment based on race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.
- (d) "Employer" means any person who employs four or more persons, within the City, including the City of Oxford, its departments, boards, commissions and authorities.
- (e) "Employment agency" means any person regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.
- (f) "Housing accommodations" includes any building or structure or portion thereof which is used or occupied or intended, arranged or designed to be used or occupied as a home residence or sleeping place of one or more individuals, groups, or families, whether or not living independently of each other; and any vacant land offered for sale or lease. It also includes any housing accommodation held or offered for sale or rent by a real estate broker, salesman or agent, or by any other person pursuant to authorization of the owner, by the owner himself, or by his legal representative. Owner-occupied dwellings which consist of not more than four units are exempt from the rental portions of this chapter.
- (g) "Labor organization" includes any organization which exists for the purpose, in whole or in part, for collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.
- (h) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee and lending institution, and the City of Oxford and all political subdivisions, authorities, agencies, boards and commissions thereof.

(i) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land or water, theater, store or other place for the sale of merchandise, or any other place of public accommodation or amusement where the accommodation, advantages, facilities or privileges thereof are available to the public.

(j) "Restrictive covenant" means any specification in a deed, land contract or lease limiting the use of any housing because of race, color, religion, national origin, ancestry, sexual orientation or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status as a condition of affiliation or approval.

143.011 ~~COMMUNITY RELATIONS~~ CIVIL RIGHTS COMMISSION.

(a) The ~~Community Relations~~ **Civil Rights** Commission shall consist of five greater Oxford area residents selected by Council to serve three-year overlapping terms: one member shall be appointed for one year, two members shall be appointed for two years, and two members shall be appointed for three years. Thereafter, members shall be appointed for three-year terms of office.

(b) The Commission, in addition to the powers and duties set forth elsewhere in this chapter, shall have the power and responsibility of studying, investigating, conducting public meetings and public hearings relative to any and all matters of factual situations wherein there is the possibility of the existence of discriminatory practices or prejudice or discrimination which in any manner could conceivably result in any degree of deprivation of the civil rights of any person within the City of Oxford.

(c) Said Commission may initiate action pursuant to these powers upon its own motion and shall have the duty of initiating such action whenever a majority of the members of said Commission deem action necessary and appropriate.

(d) No provision of this section shall be construed so as to limit the power or authority of the Commission in the area of discriminatory practices or civil rights violations, and this section shall be construed broadly to permit the Commission great latitude in these areas.

(e) In addition to other purposes contained in this chapter, it shall be a primary purpose of the Commission to become acquainted with any and all discriminatory practices, civil rights violations or matters of similar nature existing within the City of Oxford, and to acquaint both the public and Council, as well as other persons, as to the nature thereof, as well as to make findings of fact, determinations and recommendations.

(f) The Commission may accept its own rules of procedure and whenever the Commission shall convene a hearing, said Commission may administer oaths and take such testimony as shall be deemed necessary by the Commission to effectuate such hearing.

143.02 FAIR HOUSING.

It shall be unlawful discriminatory practice for any person to do any of the following:

- (a) Refuse to sell, transfer, assign, rent, lease, sublease, finance or otherwise deny or withhold housing accommodations from any person because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status of any prospective owner, occupant or user of such housing accommodation.
- (b) Represent to any person that housing accommodations are not available for inspection when in fact they are so available.
- (c) Refuse to lend money, whether secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations or otherwise withholding financing of housing accommodations from any person because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status of any present or prospective owner, occupant or user of such housing accommodation, provided such person, whether an individual, corporation or association of any type, lends money as one of the principal aspects of his business and not only as a part of the purchase price of an owner-occupied residence he is selling nor merely casually or occasionally to a relative or friend.
- (d) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or subleasing any housing accommodations or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any housing accommodations, because of race, color, religion, ancestry, national origin sexual orientation, gender identity, sex, disability, age, pregnancy, height, weight, or veteran status of any present or prospective owner, occupant or user of such housing accommodation.
- (e) Discriminate against any person in the terms or conditions of any loan of money, by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodations, because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status of any present or prospective owner, occupant or user of such housing accommodations.
- (f) Print, publish or circulate any statement or advertisement relating to the sale, transfer, assignment, rental, lease, sublease or acquisition, construction, rehabilitation, repair or maintenance of any housing which indicates any preference, limitation, specification or discrimination based upon race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.
- (g) Make any inquiry, elicit any information, make or keep any record, or use any form of application containing questions or entries concerning race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status in connection with the sale or lease of any housing accommodations or the loan of

any money, whether or not secured by a mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations.

(h) Include in any deed, land contract or lease of any housing accommodations any restrictive covenant, or honor or exercise or attempt to honor or exercise, any such restrictive covenant, provided that the prior inclusion of a restrictive covenant in the chain of title shall not be deemed a violation of this provision.

(i) Induce or solicit or attempt to induce or solicit any housing accommodations listing, sale or transaction by representing that a change has occurred or may occur with respect to the racial, religious, or ethnic composition of the block, neighborhood or area, in which the property is located, or induce or solicit or attempt to induce or solicit such sale or listing by representing that the presence or anticipated presence of persons of persons who are pregnant or of any race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, height, weight, or veteran status in the area will or may have results such as the following:

- (1) The lowering of property value.
- (2) A change in the racial, religious or ethnic composition of the block, neighborhood or area in which the property is located.
- (3) An increase in criminal or anti-social behavior in the area.
- (4) A decline in the quality of schools serving the area.

(j) Discourage or attempt to discourage the purchase by prospective purchasers of any housing accommodations by representing that any block, neighborhood or area has or might undergo a change with respect to the religious, racial, national or sexual composition of the block, neighborhood or area.

(k) Nothing in this section shall bar any religious or denominational institution or organization, or any charitable or educational organization, which is operated, supervised or controlled by or in connection with a religious organization, or any bona fide private or fraternal organization, from giving preference to persons of the same religion or denomination, or to members of such private or fraternal organization, or from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established or maintained, unless membership in such organization is restricted on the basis of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(l) Discriminate in any manner against any other person because he has opposed any unlawful practice defined in this chapter, or because he has made a charge, testified, assisted or participated in any manner, in any investigation, proceeding or hearing under the provisions of this chapter.

(m) Nothing in this chapter shall require any person to offer housing or business accommodations for sale or lease or to show such accommodations to any person if such person is not negotiating for the purchase or lease thereof in good faith.

143.03 UNLAWFUL EMPLOYMENT PRACTICES.

It shall be an unlawful discriminatory practice, except where based upon applicable national security regulations established by the United States:

(a) For any employer to refuse to hire any person or otherwise to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(b) For any employer, employment agency or labor organization to establish, announce, or follow a policy of denying or limiting, through a quota system or otherwise, the employment or membership opportunities of any person or group of persons because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(c) For any employer, labor organization or joint labor management committee controlling apprentice training programs to discriminate against any person because of race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status in admission to or employment in any program established to provide apprentice training.

(d) For any employer, employment agency or labor organization to publish or circulate or to cause to be published or circulated any notice or advertisement relating to employment or membership which indicated any preference, limitation, specifications or discrimination based upon race, religion, color, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(e) For any employment agency to fail or refuse to classify properly or refer to employment or otherwise discriminate against any person because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(f) For any employer to substantially confine or limit recruitment or hiring of employees with intent to circumvent the provisions of this chapter, to any employment agency, employment service, labor organization, training center, training school or any other employee referring source known to discriminate against persons because of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(g) For any labor organization to discriminate against any person or limit his employment opportunities or otherwise adversely affect his status as an employee, or his wages, hours or employment conditions because of his race, color, religion, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status.

(h) For any employer, employment agency or labor organization to discriminate against any person because he has opposed any practice forbidden by this chapter, or because he has made a complaint or testified or assisted in any manner any investigation or proceeding under this chapter.

(i) For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful discriminatory practice by this chapter, or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt directly or indirectly to commit any act declared by this chapter to be an unlawful discriminatory practice.

(j) Nothing in this chapter shall require any person, company or business to offer employment to any person not applying for such employment in good faith.

143.04 UNLAWFUL PUBLIC ACCOMMODATION PRACTICES.

It shall be an unlawful discriminatory practice:

(a) For any proprietor or his employee, keeper or manager of a place of public accommodation to deny to any person, except for reasons applicable alike to all persons regardless of race, color, religion, national origin, ancestry, sexual orientation, gender identity, sex, disability, age, pregnancy, height, weight, or veteran status the full enjoyment of the accommodation, advantages, facilities or privileges thereof.

(b) For any proprietor or his employee, keeper or manager of a place of public accommodation to publish, circulate, issue, display, post or mail, either directly or indirectly, any printed or written communication notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld, or denied to any person on account of race, color, religion, ancestry, national origin, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status or that such person is unwelcome, objectionable or not acceptable, desired or solicited.

(c) For any person, whether or not included in subsections (a) and (b) hereof, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful discriminatory practice under this chapter.

143.05 COMPLAINT PROCEDURE.

(a) Whenever it is charged in writing, by a person or aggrieved organization, hereinafter referred to as "complainant", that any person, employer, employment agency and labor organization, hereinafter referred to as the "respondent", has engaged in or is engaged in any unlawful discriminatory practices as defined in this chapter, or upon its own initiative, in matters relating to such discriminatory practices, the ~~Community Relations~~ **Civil Rights** Director may initiate a preliminary investigation. Such charge shall be filed with the Director within six months after the alleged unlawful discriminatory practices are committed. If the Director determines after such investigation, that it is not probable that unlawful discriminatory practices have been or are being engaged in, the Director shall notify the complainant of the determination and recommendation to not pursue further action on the matter.

(b) If the Director determines, after such investigation, that it is probable that unlawful discriminatory practices have been or are being engaged in, he shall endeavor to eliminate such practices by informal methods of conference, conciliation and persuasion. If after such investigation and conference, the Director is satisfied that any unlawful discriminatory practice of the respondent will be eliminated, it may treat the complaint as conciliated and notify the complainant that it will not initiate prosecution of the matter.

(c) If the Director fails to effect the elimination of such unlawful discriminatory practices or to obtain conciliation of the matter, or, if the circumstances warrant, in advance of or during any such preliminary investigation or endeavors to conciliate the matter, the Director shall issue and cause to be served upon the respondent a notice of an investigative hearing, notifying the respondent of an investigative hearing before the ~~Community Relations~~ **Civil Rights** Commission, at a time and place therein fixed to be held not less than ten days after the service of such notice and stating the charges specified in the original charge against the respondent.

(d) Any such charge may be amended by the Director or complainant at any time prior to or during the hearing based thereon. The respondent shall have the right to file an answer or to amend an answer to the original or amended charge, and to appear at such hearing in person, by attorney or otherwise to examine and cross-examine witnesses.

(e) The complainant shall be a party to the proceeding, and any person who is an indispensable party to a complete determination or settlement of the question involved in the proceeding shall be joined. Any person who has or claims an interest in the subject of the hearing and in obtaining or presenting relief against the acts or practices complained of, may be, in the discretion of the ~~Community Relations~~ **Civil Rights** Commission, permitted to appear for the presentation of oral or written argument.

(f) In any proceeding the ~~Community Relations~~ **Civil Rights** Commission shall not be bound by the rules of evidence prevailing in the courts of law or equity, but shall in ascertaining the practices followed by the respondent, take into account all reliable, probative and substantial evidence, statistical or otherwise, produced at the hearing, which may tend to prove the existence of an unlawful discriminatory practice or a predetermined pattern of unlawful discriminatory practice under this chapter, provided that nothing contained in this section shall be construed to

authorize or require any person to observe the proportion which persons of any race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status bear to the total population or in accordance with any criterion other than the individual qualifications of the applicant.

(g) The testimony taken at the hearing shall be under oath and shall be reduced to writing, and filed with the ~~Community Relations~~ **Civil Rights** Commission. Thereafter, in its discretion, the Commission upon notice to the plaintiff, ~~Community Relations~~ **Civil Rights** Director and to the respondent with an opportunity to be present may take further testimony or hear arguments.

(h) No person shall be compelled to be a witness against himself in any hearing, formal or informal, before the ~~Community Relations~~ **Civil Rights** Director or ~~Community Relations~~ **Civil Rights** Commission.

(i) In conducting any hearing as provided herein, the Commission may subpoena as witnesses any person believed to have knowledge of facts relevant to such hearing, may compel the production of books, papers, records or other evidence relative to such hearing by the person having custody or control thereof and may administer oaths, take testimony and issue such rules as shall be necessary to effectuate an investigatory hearing under this section.

(j) Upon written application of the respondent, complainant or Director, the ~~Community Relations~~ **Civil Rights** Commission shall issue subpoenas as if issued on its own motion.

(k) If upon all the reliable, probative and substantial evidence the Commission determines that the respondent has engaged in, or is engaging in, any unlawful discriminatory practice under this chapter, whether against the complainant or others, the Commission may endeavor to eliminate such practices by informal methods of conference, conciliation and persuasion. If the Commission fails to effect the elimination of such unlawful discriminatory practices or to obtain conciliation of the matter, or, if the circumstances warrant, in advance of or during such investigative hearing, or endeavors to conciliate the matter, the Commission may direct the ~~Community Relations~~ **Civil Rights** Director to guide the complainant in the prosecution of this matter in the appropriate court of record.

(l) If the Commission finds that no probable cause exists for crediting the charges, or if upon all the evidence the Commission finds that the respondent has not engaged in any unlawful discriminatory practice under this chapter, against the complainant or others, it shall state its findings or fact, and shall notify the complainant and respondent that it will not prosecute the matter further.

143.06 VALIDITY AND SEVERABILITY.

This chapter and each part of any section thereunder are hereby declared to be independent sections and parts of sections and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of any section or the application thereof to any person or circumstance is held to be invalid, the remaining sections or parts of sections and the application of such provision to any person or circumstances other than

those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and parts of sections would have been passed independently of such section or parts of such sections so known to be invalid.

143.99 PENALTY.

(a) Any person who fails to comply with a subpoena issued by the ~~Community Relations~~ **Civil Rights** Commission as provided in this chapter shall, upon conviction thereof, be fined not more than fifty dollars (\$50.00).

(b) Any person convicted of a violation under this chapter shall be fined not more than one hundred dollars (\$100.00) for a first offense and not more than five hundred dollars (\$500.00) for any subsequent offense.

CITY OF OXFORD STAFF SUMMARY REPORT

Report to City Manager

Finance
Originating Department

Council Meeting Of : 3/21/2017

Joe Newlin

Account Code No. : see below

Prepared By

Budgeted Amount : _____

3/29/2017
Date Prepared

Agenda Title:	2017 Supplemental Budget #3
----------------------	------------------------------------

Recommendation:	Approve
------------------------	----------------

Issue 1

To make adjustment to amended budget for sidewalk improvements on Morning Sun Road and recognizing a donation or \$140,000 from McCullough-Hyde Trihealth Hospital

Action Needed:

Revenue Side

Capital Improvement (141)	140,000.00	Donation from McCullough-Hyde Trihealth Hospital
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Expense Side

Capital Improvement (141)	140,000.00	Additional appropriation for sidewalk construction
---------------------------	------------	--

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

-

-

Issue 2

To make adjustment to amended budget for revenue in the Fire & EMS Fund for township contributions
Oxford Township original budgeted revenue \$60,000 new \$80,000 for equipment and \$90,000 for services
Milford Township original budgeted revenue \$10,200 new \$16,200 for services

Action Needed:

Revenue Side

Fire & EMS (418)	110,000.00	Oxford Township contribution
Fire & EMS (418)	6,000.00	Milford Township contribution

Expense Side

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

116,000.00

Issue 3

To make adjustment to amended budget for appropriation in Municipal Facilities Improvement Fund
Supplemental Ordinance 3398 (See exhibit "A")

Action Needed:

Revenue Side

Municipal Facilities Improvement (143)	(3,400,000.00)	Decrease Revenue for Municipal Facilities Improvements
--	----------------	--

Expense Side

Municipal Facilities Improvement (143)	3,400,000.00	Increase of Appropriations for Municipal Facilities Improvements
--	--------------	--

Net Effect on Fund Balance/(s) Increase/(Decrease)	(6,800,000.00)
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Issue 4

To make adjustment to amended budget for increase of revenue and appropriations in Board of Building Standards Fund Annex project last permits issued early this year made this nessary

Action Needed:

Revenue Side

Board of Building Standards (414)	2,000.00	Increase revenue OBBC fees
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Expense Side

Board of Building Standards (414)	2,000.00	Increase of Appropriations for payment to State
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Net Effect on Fund Balance/(s) Increase/(Decrease)	-
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Total Net Effect on Fund Balance/(s) Increase/(Decrease)	(6,684,000.00)
---	----------------

Breakdown by Fund

Capital Improvement (141)	-
Municipal Facilities Improvement (143)	(6,800,000.00)
Fire & EMS (418)	116,000.00
Board of Building Standards (414)	-

Net Effect on Fund Balance/(s) Increase/(Decrease)	(6,684,000.00)
---	----------------

Approved By:	Department Head:	Initials	Date
		<u>DR</u>	<u>1/3/28/17</u>
	City Manager:	<u>DRE</u>	<u>1/3/31/17</u>

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3381. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 3 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2017.

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

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

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

Capital Improvement Fund 141	140,000.00
Fire & EMS Fund 418	116,000.00
Municipal Facilities Improvement Fund 143	(3,400,000.00)
Board of Building Standards Fund 414	2,000.00

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

Capital Improvement Fund 141	140,000.00
Municipal Facilities Improvement Fund 143	3,400,000.00
Board of Building Standards Fund 414	2,000.00

SECTION 4: In all other respects, Ordinance No. 3381 shall remain in full force and effect.

SECTION 5: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Exhibit "A"

ORDINANCE NO. 3398

AN ORDINANCE AMENDING ORDINANCE NO. 3381 AND DECLARING IT AN EMERGENCY. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 2 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2017.

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

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

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

General Fund 110	3,400,000.00
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SECTION 3: The following transfer(s) be executed:

Transfer from:

General Fund 110	3,400,000.00
------------------	--------------

Transfer to:

Municipal Facilities Improvement Fund 143	3,400,000.00
---	--------------

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

Municipal Facilities Improvement Fund 143	3,400,000.00
---	--------------

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

Should have read:

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

Municipal Facilities Improvement Fund 143	3,400,000.00
---	--------------

SECTION 6: In all other respects, Ordinance No. 3381 shall remain in full force and effect.

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

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF CITY COUNCIL

A regular meeting of the Oxford City Council was called to order by Vice Mayor, Mike Smith on Tuesday, March 21, 2017 at 7:15 p.m. Those members present were Bob Blackburn, Steve Dana, Glenn Ellerbe, Kevin McKeehan and Edna Southard. Mayor Rousmaniere was excused.

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

ADJOURN TO EXECUTIVE SESSION

Mr. Dana moved to adjourn to Executive Session At 7:16 p.m. in accordance with Ohio Revised Code Section 121.22(G)(1) for the purpose of discussing appointments to Boards and Commissions. Mr. Blackburn seconded. The motion was adopted by the following roll call:

AYE: Mr. Blackburn, Mr. Dana, Mr. Ellerbe, Mr. McKeehan, Ms. Southard,
Vice Mayor Smith (6)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Dana moved to adjourn from Executive Session at 7:30 p.m. Mr. McKeehan seconded. The motion passed 6-0-0.

PLEDGE OF ALLEGIANCE

Vice Mayor Smith requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Dana nominated Brian Revalee to serve on the Community Relations Commission, Jon Ralinovsky to serve on the Environmental Commission, Christopher Skoglund to serve on the HAPC and Joy Usner to serve on the SCRC. Mr. Blackburn seconded. The nominations passed 6-0-0.

PUBLIC COMMENTS

Ms. Kathleen Zien, Joseph Dr., read the following into the record “this is the first Council meeting after the Thursday March 9 event to direct my concerns about regional dispatch service. Calls are now directed through the county verses what we were fortunate to have for many years with local reliable Oxford Dispatch. We’re told this is a cost saving measure but from my experience it proves to be ineffective. For emergencies long distance verses local management is critical in time lost. Recent articles in the Journal News highlight other communities not thrilled by this government funded reduction but it seems none of us have the choice in maintaining local emergency contact and subsequent responsibility. My experience relates from March 9th when railroad crossing arms were down along with flashing lights in Oxford on Contreras and Locust by US Bank. I got to the tracks at 4 p.m. and arms were down. The three cars in front of me and those behind me waited for the train – none came. Three cars in front of me cautiously drove around the gates. I chose not to and was far enough back that others easily drove around me. Dozens of cars crossed tracks as I waited. Some not even looking but barreling through others looked both ways and inched ahead. Without a City directory in hand I called the only number I remembered for emergency other than 911. I didn’t expect the county dispatcher. I told them what the situation was with vehicles going around railroad arms from both directions that it wasn’t safe and not knowing how many other crossings were affected in town. I didn’t know if anyone had yet called although it’s better to hear from 6 than none. No one official looking or in a Police cruiser came to the area. Traffic lines were getting longer on the east side of High trying to head west on Contreras. And a line of non-moving cars wanting to turn west on Contreras from College Corner Pike were stuck. A Metro Bus turned the corner, obviously couldn’t go around the arms and blocked traffic between the corner and the tracks. I dialed Oxford’s easy to remember dispatch number 524-5240 and explained the situation. I was told the information would be recorded still no one. I called a third time and left a message for Chief Jones. Called Oxford’s number again now my 4th call and said isn’t there any cruiser with a human in it on an Oxford street who could get to High and Locust to direct traffic manually. A few minutes later I saw a Police car westbound on High. He turned south on Elm and because of traffic tie ups on Spring Street for the train was also delayed. He got out of the cruiser and motioned vehicles over the tracks. From start to finish this took 23 minutes. Council and City Manager if there had been a fire emergency or EMT run fear for the worst. The delegation of Butler County Dispatch from this experience is questionable for reliability especially for a life or death circumstance. An Oxford fire truck is 41.3 feet long. They don’t articulate around railroad arms. Even an ambulance would have difficulty with the obstacle of down gates that semi overlap each other to get through. Returning home 3 hours later at 7 p.m. the railroad gates were still down with flashing lights throughout Oxford and at multiple locations. How is it that after 3 hours someone from CSX hadn’t been on site or given the City a code to override the arms. Oxford was still backed up when I got to Ox-College looked west to see the back-up on High I continued south on College. Railroad arms were down on Spring by Pohlman Motor and on College south of Ace. You wouldn’t know this if you weren’t told. I tried to quick think alternative routes to get myself home. Instead of my usual direct route of Contreras to Dick to Joseph, it was Spring east to Main, south to Chestnut, north on McGuffey then Tollgate, Erickson, Fairfield, Ridge, Contreras and finally Joseph. I’m guessing, perhaps hoping someone on Council or City staff experienced what I did as they left work that day and that there has been follow-up that I’m not aware of. Mike Smith and Kate Rousmaniere going home from campus must cross tracks. City Manager Elliott leaving the City Building to Lantern Ridge might also.

Kevin McKeehan home to Southern Knolls from Miami Savings Bank would be spared. What were Councilor's experiences that day or in getting home? If there was a fire run or heart attack with train arms down for over 3 hours Oxford has a problem. If the county dispatch is selectively slow in response or designating who covers what and when to send service providers at their discretion Oxford has a problem. The decentralized system doesn't seem to work well for us. I came from a community twice the size of Oxford with 44,000 in Park Ridge II. They had a multi suburb system, acronym was MABAS (Mutual Aid Box Alarm System). Park Ridge had their own dispatch and was first responder. If they needed backup Niles, Skokie or Glenview, IL would assist but not take precedence over efficient time sensitive local responders. I'm not able to stay until the end of tonight's meeting for staff announcements so if there's any chance a response could be offered now I would appreciate that."

Chief Jones advised when Ms. Zien called his office an officer had already been dispatched to the area in question. Chief Jones noted an officer directed traffic on Contreras and on Locust Street. Chief Jones advised a Nixle message was sent to alert residents of the malfunctioning railroad crossing signals and arms. Chief Jones noted the crossings were not affected the entire 3 hours as Ms. Zien felt was the case since she encountered the problem twice that evening. Chief Jones advised CSX was contacted and corrected the malfunction by approximately 8:17 p.m. and another Nixle message was sent. Chief Jones noted he didn't believe county dispatch was the reason for any delays that evening.

CONSENT AGENDA

MINUTES

Minutes of the March 7, 2017 City Council Work Session. (Kim Newton, Acting Clerk of Council)

Minutes of the March 7, 2017 City Council Meeting. (Kim Newton, Acting Clerk of Council)

REPORTS

Report regarding the March 1, 2017 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the March 1, 2017 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Ms. Southard moved to approve the Consent Agenda. Mr. Dana seconded. The motion passed 6-0-0.

RESOLUTION

PROPERTY & CASUALTY INSURANCE

A Resolution No. 5052 accepting the bid of Insurance Specialist Group, Inc., DBA Love Insurance Partners for the City's property and casualty insurance coverage for 2017. (Joe Newlin, Finance Director)

Mr. Newlin advised this was the third year the City had a rate guarantee from the current insurer noting the increase was 1.6% or \$2,760 over last year's cost. Mr. Newlin advised the primary increase was due to an increase in automobile coverage for a larger fleet than last year and the replacement value coverage on certain fire vehicles. Mr. Newlin advised the City received excellent service from the current insurer.

Mr. Dana noted he felt the increase was very modest.

Ms. Southard moved to adopt Resolution No. 5052. Mr. Dana seconded. The motion passed 6-0-0.

ORDINANCES **FIRST READING**

ORDINANCE **NEW CHAPTER 143**

An Ordinance Repealing Current Chapter 143 Of The Oxford Code Of Ordinances Entitled Civil Rights; Community Relations Commission, And Adopting New Chapter 143 Of The Oxford Code Of Ordinances Entitled Civil Rights Commission. (Doug Elliott, City Manager)

Mr. Elliott read the following into the record:

In 1972, the Oxford City Council created the Community Relations Commission (CRC). One of its purposes was to investigate complaints in the areas of employment, housing, and public accommodations due to discrimination based on race, color, religion, ancestry, and/or national origin. In 2008, the protected classes were expanded to include sexual orientation, gender identity, sex, disability, age, pregnancy, height, weight, or veteran status. The Commission since its inception in 1972 has always been called the Community Relations Commission. Although, in the City's Codified Ordinances, Chapter 143 is entitled Civil Rights; Community Relations Commission. (There was a brief time when the Police Advisory Board (PAB) was combined with the CRC. However, in 2005 the PAB was separated from the CRC.) Presently, there are three City commissions which include the word "community" in the name. This includes the Student Community Relations Commission (SCRC), the Police Community Relations and Review Commission (PCRRC), and the Community Relations Commission (CRC). Each of the three commissions has a distinct and separate responsibility. In order to address the possibility of confusion and provide some distinction between the other two commissions, the CRC members and I are recommending to City Council that the Community Relations Commission name should be changed to the Civil Rights Commission.

Mr. Elliott advised the CRC voted unanimously at their last meeting to recommend the name change to Council. Mr. Elliott noted he served as the Executive Director of the CRC.

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

Mr. Dana noted he felt this was a good and sensible change for all the reasons annunciated by the City Manager. Vice Mayor Smith and Ms. Southard agreed.

Mr. McKeehan inquired if the commission was named the Community Relations Commission when the Ordinance was adopted in 1972 and Mr. Elliott advised yes.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3381. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2017. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on page 31 of Council's Packet noting the amended budget included the recognition of a donation from McCullough-Hyde TriHealth for sidewalk improvements and funds received from Oxford and Milford Townships for Fire and Emergency Medical Services.

Vice Mayor Smith inquired if there were any questions or comments from the public or from Council and there were none.

ORDINANCE
SECOND READING
SUPPLEMENTAL BUDGET

An Ordinance No. 3398 Amending Ordinance No. 3381. Supplemental Budget Ordinance Number 2 To Make Supplemental Appropriations For Fiscal Year 2017. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on page 34 of Council's Packet noting the amended budget included the transfer of \$3,400,000 to complete the improvements to the Municipal Building and to the former Lane Library building which was a project the City had been looking forward to for a very long time.

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

Mr. Newlin addressed a question from Mr. Dana regarding the General Fund Analysis as shown on pages 35 and 36 of Council's Packet.

Ms. Southard moved to adopt Ordinance No. 3398. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ellerbe, Mr. McKeehan, Mr. Smith, Ms. Southard, Mr. Blackburn, Mr. Dana (6)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised at the last meeting Council adopted a Resolution opposing provisions in HB49 specifically regarding the 'throw back' rule and the centralized tax collection proposal. Mr. Elliott noted the Resolution was sent to Representative Keller and Senator Coley. Mr. Elliott advised hearings were held last week in the House Finance Subcommittee on State Government and Agency Review. Mr. Elliott noted of the 600 municipalities in Ohio that levied an income tax, none came forward in support of the bill. Mr. Elliott shared additional information regarding the hearings including the fact there was no provision for sending interest on income tax collected back to the local governments which could be as much as 600 million dollars. Mr. Elliott advised staff would watch the progression of the proposed bill carefully and noted his hope local government would prevail as centralized income tax collection was a bad idea which would hurt local governments and the businesses which reside within them.

Mr. Dana added that the tax commissioner stated this proposal would save municipalities a lot of money. Mr. Dana reiterated that 600 municipalities failed to see how it would save them any money.

Mr. Ellerbe noted 600 million dollars was a significant amount of money for a bill not to appropriate in the bill. Mr. Ellerbe advised to have a significant amount of 'ghost money' floating around in the state didn't make sense especially since it was being taken from municipalities and it affected home rule activity.

Ms. Southard encouraged fellow Councilors and citizens to voice their concerns to Representative Keller and Senator Coley.

Chief Jones referred to Oxford's Police Community Relations and Review Commission and noted at the state level the Ohio Collaborative Community Police Advisory Board made several recommendations. Chief Jones announced OPD recently received a provisional certification of compliance with current standards established at the state level regarding use of force, recruiting and hiring. Chief Jones noted OPD would work on other standards such as community outreach and bias free policing. Chief Jones advised OPD still needed an on site visit by the state so they could review OPD's records and documentation.

Mr. Kyger advised Smoke Time was open at 109 W. High Street. Mr. Kyger discussed the state laws regarding smoking in public buildings, and smoking verses vaping.

Ms. Eaton thanked Kimberly Newton for filling in for her at the last 3 Council meetings while she was recovering from an injury.

Ms. Eaton reminded Councilors to let her know if they were attending the NAACP Freedom Fund Banquet on April 2, 2017.

Mr. McHugh provided an update regarding an effort led by the City of Columbus to obtain a permanent injunction against Senate Bill 331. Vice Mayor Smith advised Senate Bill 331 took away local jurisdiction for the location of small cell phone towers and placed it in the purview of the state.

Mr. McKeehan discussed his recent trip to Austin, Texas noting it was his third time there. Mr. McKeehan commented on the massive quantities of food trucks, food trailers and containers being used as food facilities on vacant lots or in parking lots. Mr. McKeehan noted there were just as many restaurants and he wasn't sure how they all survived. Mr. McKeehan advised it was a good trip and Austin was a neat City.

Mr. Ellerbe reminded residents of the Nixle service Chief Jones referenced noting if residents wanted to subscribe to the service to go to www.cityofoxford.org and then to the Police and Parking section.

Mr. Dana congratulated the Police Division for the collaborative work they did with other law enforcement entities in preparing for Green Beer Day. Mr. Dana noted he felt the careful preparation paid off.

Ms. Southard echoed Mr. Dana's comments and congratulated OPD for the excellent work. Ms. Southard noted no one got hurt and it was a successful day.

Ms. Southard advised in addition to going to www.cityofoxford.org to subscribe to Nixle, those interested could go to www.nixle.com. Ms. Southard noted she had been a subscriber for a few years and it was a great way to be informed of emergency situations.

Ms. Southard advised the Walk 4 Seven Challenge this year begins on April 5th at 5:30 p.m. in Uptown Oxford. Ms. Southard noted this was an annual event to celebrate the National Heart Association's National Walking Day. Ms. Southard advised this was a week long program where participants tracked their steps and worked together to publicize the idea it is very essential to exercise and that the American Heart Association does great work that benefits everyone. Ms. Southard noted the event was sponsored by the Coalition for a Healthy Community.

Mr. Blackburn congratulated the City of Oxford, Miami University and the other agencies who participated in the Green Beer Day efforts.

Vice Mayor Smith recognized Chief Jones, Chief Detherage, the Miami University Police Department, the State Highway Patrol and the Butler County Sheriff's Office noting the coordination of the Green Beer Day outreach this year was fantastic. Vice Mayor Smith noted he felt the focus on underage drinking sent an even bigger message.

Vice Mayor Smith advised he visited Xenia, Ohio recently where 5 bike trails converged. Vice Mayor Smith noted the infrastructure was very interesting.

Vice Mayor Smith noted the new Rapid Fired Pizza in town was everything Mr. Kyger said it would be and he enjoyed it thoroughly.

ADJOURN

Mr. Dana moved to adjourn at 8:15 p.m. Mr. Blackburn seconded. The motion passed 6-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 5, 2017

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

March 24, 2017
Date Prepared

Agenda Title: Planning Commission Meeting Report –March 14, 2017

Zoning Items

CONCEPT REVIEW, 6.45 acres, GB & R1MS Districts, Former Miami Valley Lumber Site & Associated Properties, Proposed Name, Gaslight Avenue at Stewart Square, **Dudley Prime Properties, LLC, Owner, Scott Webb, Applicant/Agent**

Administrative Approvals

PC-2017-01-ADM, LOT CONSOLIDATION, 200 208 E. High Street, Entire Old Lot 3010, Entire Old Lot 3011, New Lot 3887, **Alpha Chapter of Beta Theta Pi House Company, Applicant**

PC-2017-02-ADM, LOT CONSOLIDATION, 4328 Kehr Road, Old Inlot 818, Old Inlot 821, Part Old Inlot 827, New Lot 3888, **Jennifer Robb, Applicant**

New Business

Livable Streets (Complete Streets) Policy

The Planning Commission reviewed the draft language and made modifications to the document and voted to recommend City Council for adoption.

Approved by:

	Initial	Date
Department Head:	<u>JHC</u>	<u>3/28/17</u>
City Attorney:	<u>DRE</u>	<u>3/31/17</u>
City Manager:	<u>DRE</u>	<u>3/31/17</u>

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: April 2, 2017

Account Code No. #:

Budgeted Amount:

Community Development
Originating Department

Sam Perry
Prepared By

March 17, 2017
Date Prepared

Agenda Title:	Board of Zoning Appeals Meeting Report – March 15, 2017
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Adjudication Hearings

BZA-2017-04, 409 E. Chestnut Street, Variance to Section 1141.01(a)(1)(c) exceeding of accessory structure square footage requirement, Carol Michael, Applicant, Owner

The applicant requested a variance from the accessory building size limit. An existing accessory structure already exists, along with the existing residence, thus by calculations the allowed square feet of an additional accessory building footprint was limited to 359 square feet. The applicant proposed square footage of 560 square feet. However, due to the lot's depth, and there being no effect on the essential character of the neighborhood, the BZA approved the request with the condition that the accessory building would be located 10 feet south of the existing garage and 3 feet east of the property line.

The April BZA meeting is cancelled due to lack of applications. The next regular BZA meeting is Wednesday, May 17, 2017 at 7:30 p.m. at 118 West High St.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial	Date
<i>jhc</i>	<i>3/17/17</i>
<i>DRK</i>	<i>3/31/17</i>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

Originating Department

Council Meeting Of: April 4, 2017

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: March 16, 2017

Agenda Title: Recreation Advisory Board Meeting, 3/16/17

Recommendation: Approve

Attendance: Ken Bogard, Edna Southard, Craig Bennett, Shaunna Tafelski, Kevin Ackley, Wes Cole **Staff:** Casey Wooddell, Deanna Barbour

Discussion:

Recreation Advisory Board (RAB) met Thursday, March 16, 2017 at the Oxford Seniors Center. RAB members began the meeting by discussing recreational activities happening around Oxford, including City, Talawanda and Miami events.

Mr. Wooddell handed out copies of the new OPRD Activity Guide for April to September 2017. Mr. Wooddell briefly discussed some of the new events and programs added to this brochure. Mr. Wooddell informed the RAB about a Community Work Day event scheduled at Merry Day Park on 4/8/17, as well as some updates coming to the Freedom Festival event this summer. Lastly, Mr. Wooddell informed the RAB that the OPRD Summer Camp POP! participants would be taking a field trip to visit the new Miami Student Athletes center this summer, thanks to a discussion brought up by Mr. Craig Bennett at the February board meeting. Special thanks to Miami Athletics on this.

Ms. Southard provided information and led discussion in regards to a potential new Oxford Choice Pantry building being located at Merry Day Park. This would require an agreement between the City of Oxford, which owns Merry Day Park, and the Oxford Choice Pantry.

Mr. Wes Cole informed the board that winter sports at Talawanda are finished, and spring sports have already begun with practices and scrimmages. First games are March 25th.

Mr. Wooddell updated the RAB that there is nothing new in regards to a set timeline for the new aquatic center. There has been some discussion about a possible 2018 opening, but more than likely still looking at 2019 season. Mr. Wooddell will communicate regularly with Mr. Elliott about the progress of a potential timeline.

Mr. Wooddell provided a sample document from Oxford Community Foundation, which was from the agreement with the City in renovating the uptown parks. It is anticipated that a similar agreement could be enacted when fundraising for the new aquatic center. Oxford Community Foundation and City of Oxford have no formal agreement in place as of now.

Mr. Wooddell led RAB members in a brainstorming activity about the features and design of the new aquatic center. All members wrote down their top three “must-have” features of the new facility. The three items included by most members were: separate competition pool, lazy river and slides. All members of the RAB agree these features are important to providing a facility that will serve all ages of our region.

RAB members also discussed innovative methods for including the community in the process, as well as boosting fundraising and educational efforts. Including children of the community was especially discussed, as this would be exciting for them and their families.

Lastly, Mr. Wooddell provided a large diagram of the aquatic center from the 2006 feasibility study. Members discussed the layout, features, operational costs, soccer field impacts, etc. of this suggested design, as well as ways to improve efficiency.

Next meeting scheduled for April 20, 4:00pm at Oxford Senior Center.

Meeting adjourned 5:15pm.

Approved By:

Department Head:

Initial Date

CDW \ 3/16/17

City Manager:

DRE \ 3/31/17

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: April 4, 2017

Candi Fyffe

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 28, 2017

Date Prepared

Agenda Title:

Report regarding the March 22, 2017 Civil Service Commission Regular Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Wednesday, March 22, 2017. Those members present were: James Burchyett, Vice-Chair, Brian Martin, Bill Brewer, and Greg Smith. Excused: Karen Martino, Chair, and Kim Newton, Recording Secretary.

Candi Fyffe, Human Resources Director was in attendance for the City of Oxford. Mary Smith was in attendance for Talawanda School District.

The Commission reviewed and approved the eligibility lists for the following positions:
Custodial Worker for Talawanda School District.

The next Civil Service Commission meeting is scheduled for Wednesday, April 26, 2017 at 5:30 p.m.

Approved By:

Initial Date

Department Head:

City Manager:

Cf 3/28/17
DRF 3/31/17