



Agenda

Oxford City Council

Court House

TUESDAY, APRIL 15, 2014

EXECUTIVE SESSION

7:15 P.M.

1. Roll Call. Kevin McKeehan, Mayor; Kate Rousmaniere, Vice-Mayor; Mike Smith; Bob Blackburn; Steve Snyder; Richard Keebler; 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 - 'Preservation Month'



Proclamation

B. 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 April 1, 2014 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Report regarding the April 2, 2014 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

C. Report regarding the April 2, 2014 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

D. A Resolution authorizing the City Manager to enter into a contract with the Auditor of State's Office to complete the audit of the annual financial statements for the year ended December 31, 2013. (Joe Newlin, Finance Director)



Staff Report/Resolution

E. A Resolution authorizing the City Manager to sign preliminary consent legislation and other contracts with the Ohio Department of Transportation in connection with the Bridge Inspection Program inside the Oxford Corporate limits (PID No. 97103) at no cost to the City of Oxford. (Mike Dreisbach, Service Director)



Staff Report/Resolution

F. A Resolution authorizing the City Manager to enter into a contract with the Butler County Board of Commissioners for the maintenance of Oxford's portion of the 800 megahertz radio system at a cost not to exceed \$21,005.00 for 2014. (Bob Holzworth, Police Chief)



Staff Report/Resolution

5. Resolutions.

1. A Resolution urging Oxford Area voters to support State Issue 1, renewal of the State Capital Improvements Program on the May 6, 2014 ballot. (Doug Elliott, City Manager).



Staff Report/Resolution

2. A Resolution authorizing the City Manager to enter into a contract with E-9 Corporation for the purchase of a new Computer Aided Dispatch and Records Management System (CAD/RMS) to be purchased through the U.S. General Services Administration (GSA) contract #GS-35F-03775 at a cost of \$164,340.00 plus a contingency amount of 9.5% of the contract price or \$15,660.00 for a total cost not to exceed \$180,000.00. (Bob Holzworth, Police Chief).



Staff Report/Resolution

3. A Resolution authorizing the City Manager to enter into a contract with Global Software Corporation for data conversion related to the purchase of a new Computer Aided Dispatch and Records Management System (CAD/RMS) at a cost not to exceed \$20,000.00. (Bob Holzworth, Police Chief).



Staff Report/Resolution

4. A Resolution authorizing the City Manager to enter into an agreement with Duke Energy Retail Sales, LLC for the procurement of electricity generation and transmission for the City's consumption for a period of thirty six months beginning May 2014. (Mike Dreisbach, Service Director).



Staff Report/Resolution

5. A Resolution accepting the bid and authorizing the City manager to enter into a contract with Barrett Paving Materials, Inc. for resurfacing and maintenance work at a cost of \$272,751.45 plus a contingency amount of ten percent (10%) of the contract price or \$27,248.00 for a total cost not to exceed \$299,999.45. (Mike Dreisbach, Service Director).



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance To Facilitate Competitive Retail Electric Service To Promote Electrical Savings, Lower Cost Electricity Supplies And Other Benefits For Certain Electricity Consumers, Authorizing All Actions Necessary To Effect An Electric Aggregation Program Pursuant To Section 4928.20 Of The Ohio Revised Code And Article XVIII Section 4 Of The Ohio Constitution; Directing The Butler County Board Of Elections To Submit A Ballot Question To The Electors; And Authorizing An Agreement With An Agent For Such Purposes. (Doug Elliott, City Manager).



Staff Report/Ordinance

2. An Ordinance Accepting The Annexation Petition From Douglas R. Elliott, Jr. For 33.550 Acres Of Land In The Township Of Oxford, Butler County Ohio, And Accepting Said Territory To Be Annexed. (Doug Elliott, City Manager).



Staff Report/Ordinance

3. An Ordinance Declaring Parcel Number H4100110000010 Located Along Millville-Oxford Road In Oxford To Be Surplus Property And No Longer Needed For Municipal Purposes; And Authorizing The City Manager To Enter Into An Agreement With Miami University For The Sale Of The Property. (Mike Dreisbach, Service Director).



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Approving A Zoning Map Amendment For Approximately 39 Acres Of Land Fronting Southpointe Parkway In Oxford, Ohio, Rezoning The Property From OI (Office and Light Industrial) District To R2A (Single and Two Family Residential) District. (Jung-Han Chen, Community Development Director).



Staff Report/Ordinance

7. A. Announcements & Communications. The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

1. Remarks from City Council and City Staff.

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

WED - Apr 16 Board of Zoning Appeals Meeting 7:30 p.m.

THUR- Apr 17 Recreation Board Meeting 4:00 p.m. Senior Center

MON - Apr 21 Housing Advisory Commission Meeting 7:00 p.m.

WED - Apr 23 Civil Service Commission Meeting 7:00 p.m.

FRI - Apr 25 Community Improvement Corporation Meeting 12:00 p.m. LCNB

FRI - May 2 Community Relations Commission Meeting 4:00 p.m. Municipal Building

TUES - May 6 City Council Meeting 7:30 p.m.

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

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

THUR - May 8 Student Community Relations Commission Meeting 4:00 p.m. LCNB

TUES - May 13 Planning Commission Meeting 7:30 p.m.

MON - May 19 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

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

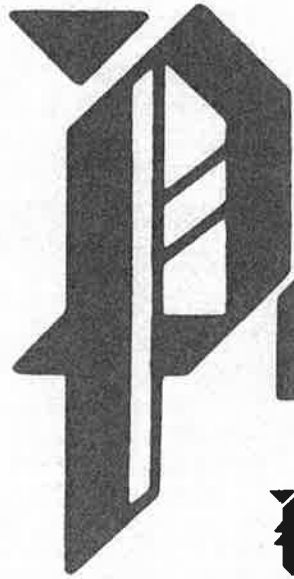
WED-May 21 Board of Zoning Appeals Meeting 7:30 p.m.

FRI - May 23 Community Improvement Corporation Meeting 12:00 p.m. LCNB

MON - May 26 Holiday - City Offices Closed

WED - May 28 Civil Service Commission Meeting 7:00 p.m.

8. Adjourn.



Office of the Mayor

Proclamation

Whereas:

historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

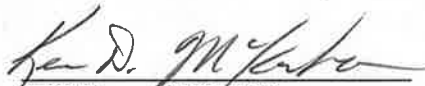
WHEREAS, 'New Age of Preservation: Embark, Inspire, Engage' is the theme for National Preservation Month 2014, cosponsored by the City of Oxford and the National Trust for Historic Preservation.

NOW, THEREFORE, I, Kevin D. McKeehan, Mayor of the City of Oxford, Ohio, do hereby proclaim May 2014 as:

'NATIONAL PRESERVATION MONTH'

and call upon the people of Oxford to join their fellow citizens across the United States in recognizing and participating in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 15th day of April, 2014.


KEVIN D. MCKEEHAN, MAYOR



A Regular meeting of the Oxford City Council was called to order by Mayor Kevin McKeehan on Tuesday, April 1, 2014 at 7:30 p.m. Those members present were Bob Blackburn, Richard Keebler, Kate Rousmaniere, Mike Smith and Edna Southard. Steve Snyder was excused.

Staff members present: Mr. Doug Elliott, City Manager; 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.

PLEDGE OF ALLEGIANCE

Mayor McKeehan requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Keebler moved to amend the agenda to add two settlement approvals under the Announcements and Communications portion of the agenda. Mr. Smith seconded. The motion passed 6-0-0.

Mr. Blackburn moved to approve the agenda as amended. Ms. Southard seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **'EARTH DAY'**

Mayor McKeehan read the Proclamation and presented it to Ms. Rousmaniere who is the Council representative on the Environmental Commission.

PROCLAMATION **'ARBOR DAY'**

Mayor McKeehan read the Proclamation and presented it to Ms. Rousmaniere who is the Council representative on the Environmental Commission.

PUBLIC COMMENTS

There were no comments from the public.

CONSENT AGENDA

MINUTES

Minutes of the March 18, 2014 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the March 11, 2014 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the March 19, 2014 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Mr. Keebler moved to approve the consent agenda. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTION **WAIVE FEES**

A Resolution No. 4819 authorizing the City Manager to waive the fees adopted in the Fee Ordinance for the street closures for the Visitors Bureau for the 2014 Annual Summer Music Festival. (Doug Elliott, City Manager)

Ms. Jessica Greene, Executive Director, Oxford Visitors Bureau, thanked Council for their continued support of the Oxford Summer Music Festival. Ms. Greene advised the concerts would run for 13 weeks this summer from June 5th until August 28th and 10 of the bands were from the local area. Ms. Greene noted the music festival was only possible because of a very generous business community that contributed to and sponsored the event. Ms. Greene advised the Visitors Bureau was partnering with the Oxford Parks and Recreation Department for the July 3rd fireworks celebration and a band would perform at the Oxford Community Park. Ms. Greene noted it would be a very busy spring and summer in Oxford with the Oxford Kinetics Festival taking place this Sunday, the Red Brick and Roses Carriage Parade on April 27th and the Adidas Soccer Tournament in April. Ms. Greene advised the Porsche Show was coming back this year and Beta Theta Pi was holding its convention in Oxford this year so there would be big crowds in town this summer.

Mayor McKeehan advised Council had waived the fees for the music festival for a number of years and Mr. Keebler noted it was a great community event and Council should continue to waive the fees.

Ms. Rousmaniere moved to adopt Resolution No. 4819. Mr. Blackburn seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

ORDINANCE
ZONING MAP
AMENDMENT

An Ordinance Approving A Zoning Map Amendment For Approximately 39 Acres Of Land Fronting Southpointe Parkway In Oxford, Ohio, Rezoning The Property From OI (Office and Light Industrial) District To R2A (Single And Two Family Residential) District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the area in question for rezoning consideration was shown in Council's packet on pages 31 and 32 and when Council considered a zoning map amendment there were decision standards to be followed as shown on page 30 of Council's packet which were:

(1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Map amendments:

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely to the Comprehensive Plan.
- C. There has been a substantial change in the area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Mr. Chen advised the Planning Commission discussed this request for 1 ½ hours as there were complicated issues to address including the history of the site and the development agreement and in the end the vote was 2-3-0 recommending that the request be denied. Mr. Chen asked Council to keep in mind that the Planning Commission was a land use advisory commission and Council was the final decision making body regarding a zoning map amendment. Mr. Chen advised the applicant, Scott Webb would make a presentation regarding the rezoning request.

Mr. Scott Webb, Applicant, Agent, noted he would rather be before Council asking to rezone the property for residential use than to be the person asking to place a Tech Park in the middle of a neighborhood. Mr. Webb provided a PowerPoint presentation and advised the entire development was purchased adjacent to the City of Oxford and the process of planned development was taken on through the Butler County Board of Zoning and the County Commissioners. Mr. Webb noted the development was based on a by-pass being built around Oxford and some connector roads that came out of the Thoroughfare Plan connecting US-27 to SR 73 and that never came to be. Mr. Webb advised the property in question was specifically designed around a connector road and meetings were held with the County Commissioners, County Engineer and ODOT who determined where the connector road would be, how wide the right-of-way needed to be and how sharp the curves could be and after all that work was done the property was annexed into the City.

Mr. Webb noted as part of the annexation process, a Development Agreement was entered into between his client and the City of Oxford which obligated the City to accept the zoning that was determined by the county. Mr. Webb advised the City rezoned the property with City designations that matched the county designations as close as possible.

Mr. Webb referred to Decision Standard B. (The proposed amendment will make the map conform more closely to the Comprehensive Plan.) and stated the 2008 Comprehensive Plan was adopted after the current zoning was in place. Mr. Webb noted the 1998 Comprehensive Plan was in effect when this process started and it did not mention any commercial development in this area. Mr. Webb advised the zoning did not follow the Comprehensive Plan, the Comprehensive Plan was written around the zoning the City inherited from the county. Mr. Webb noted the Thoroughfare Plan adopted in 2007 was an aspirational document like the Comprehensive Plan which was supposed to guide development for the next 10 plus years. Mr. Webb advised during this process the connector road which was the impetus for the Tech Park and annexation and all things that followed never happened.

Mr. Webb referred to Decision Standard C. (There has been a substantial change in area conditions that necessitates the amendment.) and advised in 2008 City Council passed an Ordinance which basically said the connector road would never be built and he and his client felt that was a significant change as they were left with a right-of-way that would go nowhere and a Tech Park in the middle of a residential neighborhood. Mr. Webb noted it was clear the entire site was designed around the connector road. Mr. Webb advised staff from Miami University went to Washington and lobbied for federal money for the project and his client donated 10 acres of right-of-way through the property at no charge to the City. Mr. Webb noted everyone was on the same page until it was decided that the connector road was not going to happen.

Mr. Webb referred to Decision Standard D. (There is a legitimate need for additional land area in the zoning district that will be expanded.) and noted there was 158 acres of OI property in the City and he was not asking to rezone a significant portion of it. Mr. Webb advised the property had been set aside as OI for 8 years and marketing efforts had been made by the owners, the real estate companies and the Economic Development Department and no one had expressed any interest in any kind of a Tech building on the site. Mr. Webb noted there was also a competing Tech Park on SR 73 which had been awarded grant money as a Jobs Ready site so there was a lot of OI property in the City. Mr. Webb advised the OI District was very restrictive and as long as the property in question was zoned OI there was not much else his client could do with it. Mr. Webb noted R2A allowed single and two family dwellings with smaller lots than R1 and advised for years people had talked about the need for affordable housing and senior housing in Oxford and he and his client felt there was a legitimate need for more R2 zoning in the City. Mr. Webb noted according to engineering standards, R2 created less traffic than a commercial operation would at the site in question.

Mr. Webb referred to Decision Standard A. (There is an error on the Official Zoning Map or in the delineations between districts thereon.) and noted the City inherited the zoning, it was not Council's choice.

Mr. Webb recapped his discussion of each Decision Standard and noted part of the Comp Plan talked about maintaining the rural small town character on the City's perimeters and noted his client would have a better opportunity to preserve the small town character if the property in question was zoned for residential use, not for 45' tall office buildings. Mr. Webb advised Miami University looked at locating some data centers on the property in question and noted technology changed faster than land did and Miami learned they did not need data centers because they could use the 'Cloud'. Mr. Webb noted the Sheriff's Office expressed some interest in locating an emergency center on the property in question and then decided against it. Mr. Webb advised there were two ideal businesses in Oxford that fit this model and both of them had moved to West Chester. Mr. Webb reiterated that OI was a very restrictive zone as it did not allow goods for sale, storage of goods, loading docks or truck traffic. Mr. Webb advised OI was for very specific uses and he and his client felt OI was no longer appropriate for the property in question. Mr. Webb noted he appreciated Council's consideration of the zoning map amendment.

Mr. Alan Kyger, 6164 Contreras Road, advised he was speaking to Council as the Executive Director of the Community Improvement Corporation (CIC) and not as the City's Economic Development Director. Mr. Kyger noted an agenda item for the CIC meeting last Friday was a discussion of the Southpointe Tech Park and a letter from the CIC was provided to Council with their recommendation. Mr. Kyger advised some individuals inquired why the CIC discussed this matter and read the following from the 1982 incorporation of the CIC "The purposes for which the corporation is formed are advancement, encouragement and promotion of industrial, economic, commercial and civil development in Oxford, Ohio and the surrounding area'. Mr. Kyger noted he felt the potential rezoning of 38 acres and the potential elimination of the Southpointe Tech Park was worthy of the CIC being aware of and discussing. Mr. Kyger advised he did not expect the CIC to take action but he wanted them to be aware of the situation. Mr. Kyger noted Jim Clawson was on the CIC Board and he did not ask for this item to be on the agenda nor he did vote on this item although he was there for discussion purposes and left so the remaining CIC members could discuss the matter among themselves. Mr. Kyger advised the board looked at the history of the site and the effect the elimination of the connector road had on the project, the current level of OI inventory, the number of requests that had been made for OI land and what effect losing 38 acres of OI land would have on the community. Mr. Kyger noted the CIC Board voted to send Council a letter of support for the rezoning due to the abundance of available OI land and due to the lack of interest from anyone requesting use of the OI land. Mr. Kyger noted the CIC Board felt rezoning the site increased the potential for some type of development on this site.

Mr. Michael Davis, 2100 Dana Drive, CFO, Talawanda School District, advised he was also a member of the CIC and voted in support of the rezoning issue last week. Mr. Davis noted in his opinion, the rezoning would help increase the tax base and additional property tax would drive revenue for the City. Mr. Davis added that he felt R2A zoning would help promote construction of the 38 acres and new construction was one way to grow the tax base for the school district. Mr. Davis noted values had been flat over the last several years due to recessionary pressures and he felt this would be a benefit to the school district and the children of Talawanda.

Mr. Rich Daniels, 451 Emerald Woods Drive, noted he felt the discussion so far had given good reasons to support the request. Mr. Daniels advised he was involved with the North West Butler County Transportation Study that went through all the things that resulted in this property in the beginning. Mr. Daniels noted he was also on the CIC Board and was part of the discussion last Friday. Mr. Daniels advised he felt the bottom line was to determine the best use of the property in the interest of the community. Mr. Daniels noted he felt flexibility would allow for economic development in the sense of construction, jobs and things that would grow the community. Mr. Daniels advised he felt the tech park well was pretty dry and why let the property sit there and grow weeds when it had the potential to be developed as a community. Mr. Daniels advised he participated in a focus group a couple of weeks ago for the housing study being done by the Oxford Village Network and the study would show there was a need in Oxford for senior housing. Mr. Daniels noted senior housing did not mean one thing it was a range of things and having the flexibility to address those with land that was not encumbered by small space or other entities close to it could result in some interesting development that would benefit the community.

Ms. Rousmaniere noted Southern Knolls and Gardenia Drive were good examples of the R2A District and it was difficult for her to think about a R2A District next to a huge apartment complex to the north and the possibility of another one to the right of the property in question. Ms. Rousmaniere inquired if OI regulations could be revised if OI was the problem. Mr. Chen advised a sub-committee could be created to look at revising OI regulations if the Planning Commission felt it was an issue they wanted to address. Mr. Webb noted there were a couple of acres of GB next to the property in question that was intended to help serve the function of a small neighborhood. Mr. Webb referred to page 31 of the agenda and noted the R4 district shown to the right of the property in question was intended to be a condominium development driven by the notion of empty nesters and young seniors and it was not intended to be a large apartment complex. Mr. Webb noted the zoning stepped down on the site with R2 being closer to the street, the R4 student housing complex being closer to the City and the proposed higher priced condos and large lot R1 zoning being deeper inside the property.

Mr. Keebler advised there was other OI property available in the City but this was the only 'shovel ready' site and it was well served by utilities including fiber. Mr. Keebler noted to discuss all the other proposed development on this site was probably a pipe dream because of the investment required. Mr. Keebler advised OI would allow any size office or office complex and when people looked at zoning they tended to look at the broadest use. Mr. Keebler noted he understood a tremendous investment was made for this site and it wasn't working out. Mr. Keebler referred to the decision standards and noted he felt the only one that fit was #3 and there had been a substantial change in area conditions. Mr. Keebler advised it was nice of the developer to donate land for the road right-of-way but he was going to get a nice road paid for by someone else so it was a good trade off but now it wasn't going to happen. Mr. Keebler noted the expense for the developer to construct a substantial road to support 39 acres of OI land was never prepared for. Mr. Keebler advised he was not convinced there was a market for more R2 zoning in this town yet he understood the developer's dilemma. Mr. Keebler noted the success of the Level 27 apartment complex indicated that students didn't want to move there and he did not feel it was the place for senior housing. Mr. Keebler advised he felt the decision standards needed to be reworked but Council had the ability to rezone this property under decision standard #3.

Mr. Blackburn referred to comments made by Mr. Davis and advised with a Tech Park would provide the same tax base and maybe more. Mr. Blackburn agreed with Mr. Keebler that this was not the place for senior housing.

Mr. Elliott advised Oxford's location was a problem and development all through Ohio had moved out towards the interstates. Mr. Elliott noted typically cities were reluctant to change zoning but there was other OI property in Oxford. Mr. Elliott referred to the new high school off of US 27 and noted usually there was more residential zoning around schools over time.

Ms. Southard referred to page 39 of the agenda and noted staff pointed out that traffic could be an issue and inquired if US 27 could support the traffic generated by industrial or residential development. Ms. Southard referred to page 38 of the agenda and noted according to the Fire Chief, another access road would be required for Fire and EMS safety. Ms. Southard inquired if Council wanted suburban sprawl in this area.

Mr. Webb advised there were engineering standards that ODOT used to determine how much a road could handle and when a traffic signal was needed and those were based on trip generation numbers. Mr. Webb noted the numbers seemed to show that OI created more traffic at 5:00 p.m. while residential spread it out through the day. Mr. Webb advised as far as ODOT was concerned there was not enough difference to affect the capacity of US 27 and a traffic signal could not be installed until DOT said it was needed. Mr. Webb noted ingress/egress was a good point but we were dealing with zoning, not roads. Mr. Webb advised if the property was rezoned, the next step would be a sub-division application which would go to the Planning Commission and Council and there were opportunities to make sure that access to the site was addressed. Mr. Webb referred to Ms. Southard's question about sprawl noting it depended on what people felt sprawl was. Mr. Webb noted he felt a Tech Park at this location was less appealing than more homes. Ms. Southard referred to page 33 of the agenda and noted the percent of vacant housing units was 16.9 and Mr. Webb advised that was an overall statistic and not specific to R2. Ms. Southard noted Council wanted a community that had a lot of opportunities for living and for working and Oxford especially needed job opportunities. Ms. Southard noted the economy may change and business might be brought here more successfully by leaving the property zoned OI.

Ms. Rousmaniere reiterated her interest in looking at revisions to the OI regulations in the future.

Mr. Keebler noted there was OI and R1A acreage across the road from the property in question and the R1A portion could be rezoned to OI if the need ever occurred. Mr. Keebler agreed with Mr. Elliott and advised the reason Oxford did not have growth in business was because of transportation issues and by not being close to an interstate.

Mayor McKeehan noted he felt Oxford was a nice place to live because it was not easy to get to. Mayor McKeehan advised he watched the Planning Commission meeting online recently and encouraged Councilors to do the same to see the Planning Commission's process and hear the questions they had on this rezoning request. Mayor McKeehan inquired if the right-of-way would remain on the site and Mr. Webb advised that provision of the development agreement had a sunset clause which had expired. Mayor McKeehan inquired if rezoning would be in conflict with the development agreement and Mr. Elliott and Mr. McHugh advised no. Mayor McKeehan noted he felt there would be a need for single family housing in Oxford in the near future.

Mayor McKeehan advised he felt the vacancy rate in Oxford was skewed high due to student housing. Mayor McKeehan noted the land could be zoned back to OI if need be but in 8 years no interested had been expressed mostly due to transportation issues. Mayor McKeehan reminded everyone that R2 could be single family housing and it wasn't just for duplexes.

Mr. Kyger advised as Economic Development Director he received requests from Butler County and from Jobs Ohio for development sites and every request except for one was for existing facilities. Mr. Kyger noted companies wanted to lease property for a few years to determine if it would work or not, and if not they would move elsewhere. Mr. Kyger noted sprawl had already happened in Oxford and Council had to determine the best zoning for it.

Ms. Rousmaniere referred to page 26 of the agenda 'The Land Use Principals' and advised #6 read as follows: Future growth at the edge of the City will preserve open spaces, protect the area's rural character, and be consistent with the other principals. Ms. Rousmaniere noted that could be an argument for housing or it could be the opposite.

Mr. Keebler noted with the R1A, R4 and R2A that was already zoned, the rural character was already established. Mr. Keebler advised there was a nice R4 development approved for this site that had expired and noted his hope it would come back sometime.

ORDINANCES

SECOND READING

ORDINANCE

SUPPLEMENTAL BUDGET

An Ordinance No. 3269 Amending Ordinance No. 3249. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2014. (Joe Newlin, Finance Director)

Mr. Newlin advised he had no new information since the first reading of the proposed Ordinance which would appropriate funds for the Fire Station improvements once the plans were finalized.

Mr. Blackburn moved to adopt Ordinance No. 3269. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Smith, Ms. Southard, Mr. Blackburn, Mr. Keebler, Ms. Rousmaniere,
Mayor McKeehan (6)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

MOTIONS TO APPROVE SETTLEMENTS

Mr. Keebler moved that the City of Oxford and Edwina Green, owner of property along Millville-Oxford Road, enter into an agreement whereby the City will pay a total amount of \$110,000 for the purchase of that property to allow for the widening and improving of U.S. 27. Mr. Blackburn seconded. The motion passed 6-0-0.

Mr. McHugh advised the motion was for the City to purchase the entire property as part of the U. S. 27 South appropriation process.

Mr. Keebler moved that the City of Oxford and Bruce and Diane Perry of 6 McKee Avenue enter into an agreement whereby the City will pay a total amount of \$131,660 for the taking of property along 3 parcels owned by Bruce and Diane Perry to allow for the widening and improving of U.S. 27. Mr. Blackburn seconded. The motion passed 6-0-0.

Mr. McHugh advised a significant amount of property was being taken especially from the primary residence lot. Mr. McHugh noted there was a shed in the area of the take and the City would assist in relocating the shed as part of the agreement.

Mr. Elliott advised a pre-construction meeting took place last week at the ODOT District 8 office in Lebanon for the US 27 South improvement project. Mr. Elliott noted road construction would begin in July and two lanes of traffic would be maintained during construction of the new bridge. Mr. Elliott advised utility relocation of electric, water and gas would continue in the meantime.

Mr. Elliott advised the City reached an agreement with one more property owner for the US 27 project and there were 8 cases remaining to settle.

Mr. Elliott advised the City was approached by the Village of College Corner to provide EMS service to the Preble County portion of College Corner. Mr. Elliott noted the City already provided EMS service to the Butler County portion of College Corner and he wanted Council's input before he responded to the Village Law Director. Mr. Elliott advised the additional runs might stretch Oxford's resources more than we'd like to see.

Mr. Keebler advised the City was under no obligation to serve that area as they were their own entity and it had to come down to the safety of our own residents. Mr. Keebler noted at some point in time the townships (Oxford and Milford) would have to come up with another way to cover their calls. Mr. Keebler advised the City could start charging Miami University for false alarms to cover the cost of additional EMT's and noted OFD had 4 false alarm calls from Miami today. Mr. Keebler noted there was a school involved in the Preble County portion of College Corner.

Mr. Blackburn noted College Corner provided mutual aid to Oxford for fire calls when needed.

Mr. Chen advised at the March Student Community Relations Commission (SCRC) meeting the commission adopted a Resolution to study a Bike Sharing Program in Oxford. Mr. Chen noted Ari Frum, Secretary for Off Campus Affairs and Elizabeth, Secretary for Sustainable Initiatives were in attendance. Mr. Chen noted the idea was to do a detailed study of the feasibility of bike sharing, the number of bikes needed, locations and cost issues with no commitment from the City.

Mr. Ari Frum, Secretary, Off Campus Affairs, noted he wanted to share with Council that the SCRC adopted the Resolution to perform the Bike Sharing Program study and answer any questions Council may have.

After discussion, Council was in favor of the study and asked that more information be provided within the next few months.

Mayor McKeehan advised there were a number of upcoming vacancies on Boards and Commissions and encouraged members of the public to apply for the positions. Mayor McKeehan noted the vacancies as follows:

Board of Appeals (Building & Housing) – 3 vacancies, terms ending 2016 and 2018

Board of Zoning Appeals – 1 vacancy, term ending 2017

Civil Service – 1 vacancy, term ending 2017

Community Relations Commission – 3 vacancies, terms ending 2015 and 2017

Environmental Commission – 3 vacancies, terms ending 2015 and 2018

Historic and Architectural Preservation Commission – 1 vacancy, term ending 2018

Housing Advisory Commission – 1 vacancy, term ending 2018

Income Tax Board of Review – 2 vacancies, terms ending 2015 and 2017

Records Commission – 1 vacancy (no specific terms)

Recreation Board – 1 vacancy, term ending 2017

Mayor McKeehan noted it was important for the citizens to assist the City out and learn more about what was going on in the community.

Ms. Rousmaniere announced the Kinetics Festival was Sunday, April 6th from 12:00 to 5:00 p.m. at Millett Hall which featured human powered sculptures. Ms. Rousmaniere noted the food was fantastic and the event was fascinating, fun and wacky.

Ms. Southard noted citizens had a lot of questions about road construction and the City's website contained valuable information regarding the projects.

Ms. Southard advised on Green Beer Day she did a ride-along with the Oxford Police Department until 3:00 a.m. Ms. Southard advised the Police Department averted many catastrophes and many bad things did not happen because of their good work. Ms. Southard encouraged people not to drink from rooftops noting it was very dangerous.

Mr. Blackburn encouraged everyone to attend the Kinetics Festival.

ADJOURN

Ms. Rousmaniere moved to adjourn at 9:09 p.m. Mr. Keebler 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 15, 2014

Sam Perry
Prepared By

Account Code No. #:

Budgeted Amount:

April 7, 2014
Date Prepared

HAPC MEETING REPORT – APRIL 2, 2014

Requests for Review (Certificate of Appropriateness):

HAPC-2014-06 23 East High Street Units 4 and 5, replacement of siding, windows and deck, **Scott Webb, Applicant/Agent**

There is an existing building on an alley lot rear of 23 East High Street (behind Jimmy John's location). The property owner desires to upgrade the two apartment units as well as the building exterior. The designer proposed to use a simulated brick, vinyl siding material. There would also be new vertically proportioned windows with shutters. The deck railing would be upgraded and stairs repaired where needed. The Commission reviewed the sample of the siding material and discussed the appropriateness of the project details. The Commission approved the design as proposed, with the condition that the adjacent ground level exterior of the building be painted to correspond with the new siding above. The vote was 5-0-1 (with 1 abstention).

Old Business

The Commission discussed a request for minor revisions to the Phi Gamma Delta COA that was approved in January 2014. More information was needed and the request would be handled administratively.

Discussion Items

- Commission member Mike Kohus briefed the Commission on a recent training in Covington also attended by city staff. The training demonstrated how to care for historic buildings as well as many sessions on funding and administration.
- National Preservation Month, May, was discussed – walking tours, marker applications, new state marker ceremony

Upcoming Dates

May 7, 2014 – Next regular HAPC meeting

September 10-13, 2014 – International Preservation Trades Conference, Belmont College

Department Head:
City Attorney:
City Manager:

JHC 4/8/14
ME 4/14/14

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: April 15, 2014

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

April 4, 2014
Date Prepared

Agenda Title: Environmental Commission Meeting of April 2, 2014

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, April 2, 2014 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Mr. Vince Hand; City Council Representative, Ms. Kate Rousmaniere; Planning Commission Representative, Mr. Robert Bell, and Mr. Kevin Armitage. A quorum was present. Mr. Ted Wong had previously notified the Commission that he would be unable to attend the April meeting. Also in attendance were graduate students Ms. Emma Troesch and Mr. Alex Del Valle from the Miami University Institute for the Environment and Sustainability. Ms. Troesch and Mr. Del Valle are part of a student team conducting a Professional Service Project (PSP) regarding stormwater (entitled "Oxford Stormwater Management and Outreach") on behalf of the Environmental Commission. Also in attendance were Mr. Steve Dana and Ms. Prue Dana.

Minutes from the March 5, 2014 Commission meeting were unanimously accepted as presented.

Mr. Dana asked the Environmental Commission to consider monitoring and/or conduct a survey regarding the student and public use of the Butler County Regional Transit Authority (BCRTA) bus system in Oxford. Mr. Dana suggested surveying riders to determine if they were foregoing use of private vehicles by routes and by time-of-day, to investigate if route(s) adjustment(s) might result in an increase of riders. Mr. Dana stated that OxVillage, a local citizen group, has been discussing ridership with BCRTA, and that coordination between OxVillage and the Environmental Commission on this matter may be advantageous. OxVillage has been established to encourage development of situations to encourage "aging in place" in Oxford. Currently, housing and transportation issues are on OxVillage's agenda. Creation of a "Park-and-Ride" program along US Route 27 south of town to help reduce the workday influx of private vehicles into the community was also discussed.

Ms. Dana spoke to Commissioners regarding development of a "Green Belt" in/around the City of Oxford and in Oxford Township. The intent of the Green Belt would be to prevent urban sprawl by establishing limits on the nature and type of future development in the area. One of the first steps would likely be determining what lands already have potential development controls (i.e., City-owned, under a conservation easement with the Three Valley Trust, etc.), and to develop an application process for private land owners to participate in a Green Belt. It was noted that other localities have established tax levies to assist in the development of Green Belts.

(Continued)

Approved By:

Department Head:
City Manager:

Initial Date

MBD 4/7/14
DRE 4/11/14

Ms. Troesch and Mr. Del Valle updated Commissioners on the status of the PSP. Mapping of structural storm water best management practices (BMPs) continue, with focus on identifying larger scale features, such as detention and retention basins. The student team anticipates approximately three-quarters of the community (the southwestern, southeastern, and northeastern portions) will be surveyed with at least the majority of large scale BMPs located and mapped. The public education and outreach portion of the PSP is currently summarizing programs from 12 other communities (predominately in Ohio) similar to Oxford in size, area, and/or setting. The students indicated that community-based social marketing appears to be a common theme in successful education and outreach programs. Staff commented that the southwest Ohio Regional Storm Water Collaborative that Oxford has joined this year is highly focused on community-based social media approach to public education and outreach. The final presentation of the student team's PSP will be sometime in the first full week of May 2014. Commissioners will be informed when the exact date and time has been determined.

Commissioners were informed that a requested zoning change of land in the southeastern portion of the community (along US Route 27) was discussed by both the Planning Commission and the City Council. The property is currently zoned as light industry/commercial and the change to residential 2A was requested. During ensuing discussion, it was mentioned that permitting the change to residential zoning may allow the stipulation of utilizing an open space, conservation development of the land, encouraging more green space to be retained.

Copies of the existing refuse and recycling contract documents and specifications were distributed. Commissioners were asked to review the documents and specifications. A list of other Ohio communities similar to Oxford (i.e., smaller cities with associated colleges or universities) had been compiled. The intent is to have Commissioners contact these communities to determine how their refuse and recycling is addressed.

Staff informed Commissioners that the ceremonial planting of a tree in observation of Arbor Day was scheduled for Tuesday, April 22, 2014 at 11:00 a.m. in the Oxford Community Park (OCP). A London Plane Tree shall be planted in an island in the OCP's north parking lot. Earth Day's activities are scheduled for Saturday, April 26, 2014 in the Uptown Parks from 11:00 a.m. until 3:00 p.m.

The Ohio Department of Natural Resources, Division of Forestry has informed Staff that it will be presenting one of its Tree Academy training courses in Hamilton, Ohio this fall. More details will be provided to the Commission as they are received.

The Commission adjourned at 8:00 p.m. The next scheduled meeting of the Environmental Commission is on Wednesday, May 7, 2014 at 7:00 p.m., in the Municipal Building's Second Floor Conference Room.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 04/15/14

Heidi Hill
Prepared By

Account Code No. _____

Budgeted Amount: _____

04/08/14
Date Prepared

Agenda Title: Resolution for Audit

Recommendation: Approve

Discussion:

The Finance Department recommends approval of the contract for the audit with the Auditor of State Office. The City of Oxford is required by the Auditor of State to be audited by their office instead of contracted out as in previous years.

Prior year's audit cost was \$25,780, or approximately 7.8% increase in comparison.

Approved By:

Department Head:
City Manager:

Initial Date

[Signature] 4/8/14
[Signature] 4/11/14

RESOLUTION NO.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE AUDITOR OF STATE'S OFFICE TO COMPLETE THE AUDIT OF THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED DECEMBER 31, 2013.

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

SECTION 1: Council hereby determines that the City desires to complete the audit of the annual financial statements for the year ended December 31, 2013.

SECTION 2: The City Manager is hereby authorized to contract with the Auditor of State's Office to complete the audit of the annual financial statements for the year ended December 31, 2013, for a total cost not to exceed \$27,798.00.

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

MAYOR

ADOPTED:

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 15, 2014

Account Code #: N/A

Budgeted Amount: \$ N/A

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

April 7, 2014

Date Prepared

Agenda Title: Preliminary Legislation to Participate in ODOT Bridge Inspection Program

Recommendation: Approve

Discussion:

The City currently inspects, at our sole expense, four bridge structures within the corporate limits of Oxford. Ohio Dept. of Transportation (ODOT) has funding available to assume this responsibility from the Local Public Agency (Oxford).

ODOT scope for the project (PID 97103) will include bridge load rating calculations, scour assessments, bridge inspections, and fracture critical plan development. Additional scope may be added at the sole discretion of ODOT.

While this program relieves the City of inspection costs, the City will still be responsible for maintenance and improvement costs associated with the structures. The savings to the City by joining this program is approximately \$3,000 annually.

As with other ODOT LPA projects, a request for Final Legislation will follow this Preliminary Legislation. Staff does not expect changes when the Final Legislation is developed. Staff recommends the City Council authorize the City Manager to sign agreements approving this project (PID 97103).

Approved By:

Department Head:

Initial

Date

MDS

4/9/14

City Manager:

DRE

4/11/14

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN PRELIMINARY CONSENT LEGISLATION AND OTHER CONTRACTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE BRIDGE INSPECTION PROGRAM INSIDE THE OXFORD CORPORATE LIMITS (PID NO. 97103) AT NO COST TO THE CITY OF OXFORD.

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 approval of the attached Preliminary Consent Legislation which is incorporated herein by this reference, and related contracts not attached, in connection with a project to inspect bridges inside the corporate limits at no cost to the City of Oxford.

SECTION 2: Said bridge inspection is necessary to maintain the safety and integrity of bridges within the City of Oxford, Ohio, and would be undertaken by the Ohio Department of Transportation (ODOT) with 100% of the costs being paid by ODOT.

SECTION 3: Council hereby accepts the recommendation of the City Manager and the Service Director and approves the attached Preliminary Consent Legislation.

SECTION 4: Council hereby authorizes the City Manager to sign the attached Preliminary Consent Legislation, and to enter into related contracts with ODOT to participate in the bridge inspection program.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)

PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Ordinance/Resolution # : _____

PID No. : 97103

County/Route/Section : _____

The following is a/an _____ enacted by the _____ of _____
(Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the (LPA) has determined the need for the described project:

Bridge Inspection Program Services, including, but not limited to bridge load rating calculations, scour assessments, bridge inspections, and fracture critical plan development.

NOW THEREFORE, be it ordained by the _____ of _____ County, Ohio.
(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

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

The State shall assume and bear 100% of all of the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).

The LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

SECTION V Authority to Sign

I, _____ of said _____ is hereby empowered on behalf of the
(Contractual Agent) (LPA)
_____ to enter into contracts with the Director of Transportation which is necessary to
(LPA)
complete the above described project.

Passed: _____, 2 _____.
(Date)

Attested: _____
(Clerk)

(Contractual Agent of LPA – title)

Attested: _____
(Title)

(President of Council)

The _____ is hereby declared to be an emergency measure to expedite the highway project and
(Ordinance/Resolution)
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**CERTIFICATE OF COPY
STATE OF OHIO**

_____ of _____ County, Ohio
(LPA)

I, _____, as Clerk of the _____
(LPA)
of _____ County, Ohio, do hereby certify that the foregoing is a true and correct copy of
_____ adopted by the legislative Authority of the said
(Ordinance/Resolution)

_____ on the _____ day of _____, 2_____.
(LPA)

That the publication of such _____ has been made and certified of record according to
(Ordinance/Resolution)

Law; that no proceedings looking to a referendum upon such _____ have been taken;
(Ordinance/Resolution)

and that such _____ and certificate of publication thereof are of record in _____,
Page _____ (Ordinance/Resolution)
(Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this _____ day of _____ 2_____.

(Clerk)

(CITY SEAL)

_____ of _____ County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")

The foregoing is accepted as a basis for proceeding with the project herein described.

For the _____ of _____ County, Ohio.
(LPA)

Attested: _____ Date _____
(Contractual Agent)

.....
For the State of Ohio

Attested: _____ Date _____
(Director, Ohio Department of Transportation)

CITY OF OXFORD

STAFF SUMMARY REPORT

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

Police

Originating Department

Council Meeting Of: *April 15, 2014*

Chief Holzworth

Account Code No. #: *110.140.52340*

Prepared By

Budgeted Amount: *\$21,005*

April 8, 2014

Date Prepared

Agenda Title: Resolution to enter into an agreement with the Butler County Board of Commissioners to maintain 800 megahertz radio system public safety radios and consoles at a cost of \$21,005 for 2014.

Recommendation: Approve

According to the participation agreement we have with the Butler County Board of Commissioners, they agree to provide and we agree to maintain radios and consoles necessary to operate the Butler Regional Interoperable Communications System (BRICS). The County developed a maintenance program so we can meet our maintenance responsibilities in the most cost effective way.

We will pay a flat rate per year for our public safety radios and dispatch consoles on the system. For radios, routine repairs will be completed by BRICS technicians and factory repairs will be covered by the maintenance pool. For consoles, BRICS will provide local support; maintenance will be contracted at a group rate from Motorola, as console maintenance is included in Motorola's Maintenance Agreement with the County. Motorola bills the County for console maintenance and they will in turn bill us per the participation agreement.

Using a maintenance pool will provide economies of scale not otherwise available to us. In-house repairs and reserves of parts and spare radios will save money. A flat, predictable maintenance cost will simplify budgeting for what would otherwise be an unknown cost.

Technicians and support staff at BRICS will be available for routine assistance during business hours and for emergencies after hours. Radios needing work or factory service can be swapped out for a spare on site, nearly eliminating downtime. The amount listed covers 59 portables, 1 control station and 4 consoles for OPD and 40 portables, 12 mobile maintenance and 1 control station for the OFD. This cost breakdown is as follows: OPD - \$19,680 and OFD - \$1,325. The annual total has not increased; BSCO has modified its billing practices.

A copy of the 47-page participation agreement will be made available upon request.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

 4/8/14
 4/8/14


RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE BUTLER COUNTY BOARD OF COMMISSIONERS FOR THE MAINTENANCE OF OXFORD'S PORTION OF THE 800 MEGAHERTZ RADIO SYSTEM AT A COST NOT TO EXCEED \$21,005.00 FOR 2014.

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

SECTION 1: Council hereby authorizes the City Manager to enter into a contract with the Butler County Board of Commissioners for the maintenance of Oxford's portion of the 800 megahertz radio system, namely: 59 portables, 1 control station and 4 consoles operated by the Oxford Police Department, and 40 portables, 12 mobiles and 1 control station operated by the Oxford Fire Department.

SECTION 2: Funds have been appropriated for the annual fees: \$19,680.00 for the police equipment and \$1,325.00 for the fire equipment.

SECTION 3: The contract period is April 1, 2014 through March 31, 2015.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: April 15, 2014

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 7, 2014

Date Prepared

Agenda Title: A Resolution urging Oxford area voters to support State Issue 1, renewal of the State Capital Improvements Program, on the May 6, 2014 ballot.

Recommendation:

Discussion:

The proposed constitutional amendment will reauthorize the State of Ohio to issue general obligation bonds to pay for or help local governments pay for infrastructure capital improvements. Projects would be limited to roads and bridges, waste water treatment systems, water supply systems, solid waste disposal facilities, and storm water and sanitary collection, storage, and treatment facilities, including real property or interests in real property, facilities and equipment related or incidental thereto, and the cost of acquisition, construction, reconstruction, expansion, improvement, planning and equipping. The reauthorization will be the third time state and local governments have partnered on this initiative to leverage \$1.875 billion in bonds over ten years for local infrastructure projects. The reauthorization will not raise taxes and will benefit cities and villages across the state. The City of Oxford has utilized Issue 1 funds for several projects over the years including the rehabilitation of High Street and of College Avenue and for major projects involving the City's water/wastewater facilities and infrastructure.

Approved By:

Initial Date

Department Head:

City Manager:

DM E 4-11-14

RESOLUTION NO.

A RESOLUTION URGING OXFORD AREA VOTERS TO SUPPORT STATE ISSUE 1, RENEWAL OF THE STATE CAPITAL IMPROVEMENTS PROGRAM ON THE MAY 6, 2014 BALLOT.

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

SECTION 1: Council finds that Ohio has in place a state program of support for local communities which not only helps to fund infrastructure projects, but also creates large numbers of construction and allied jobs. The Ohio State Capital Improvements Program has successfully provided support for more than 11,500 such projects and resulting job creation since its inception in 1987.

SECTION 2: Council further finds that Issue 1 on the May 6, 2014 statewide ballot provides Ohio voters with the opportunity to renew the program by authorizing issuance of \$1.875 billion in capital improvement bonds over ten years for local community road, bridge, sewer, water and other infrastructure projects.

SECTION 3: Council hereby supports Issue 1 and urges Oxford area voters to support State Issue 1, renewal of the State Capital Improvements Program which will not raise taxes and will be a benefit to the cities and villages across the state.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DOUG ELLIOTT

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager:	Douglas Elliott	Police Originating Department
Council Meeting Of:	April 15, 2014	R.B. Holzworth
Account Code No. #:	140.110.52603	Prepared By
Budgeted Amount:	\$164,340 (+ 9.5% Contingency)	April 9, 2014 Date Prepared

Agenda Title: CAD|RMS for OPD and OFD

Recommendation: Approve

Discussion: The Division of Police currently uses a number of computer applications to complete day-to-day dispatching, report writing and records management. Compatibility between these applications is limited at best and does not allow for a seamless, integrated interaction of data flow. Data entry is often duplicated (which allows for unintentional errors), unsupported programs are still utilized and our work flow is terribly inefficient. Information sharing within OPD is difficult. The need for compatibility continues to grow daily as the amount of data used by the division increases and the speed at which it must be accessed is nearly instantaneous.

An OPD staff committee consisting of representatives from communications, records, patrol, and administration began diligently researching CAD/RMS solutions in 2012. The committee undertook a protracted, rigorous due diligence process (which included multiple site visits with the two primary vendors, web meetings, and contact with current users, etc.). At the conclusion of this process, it was the team's consensus that the Interact product is the most suitable (and cost-effective) solution for Oxford. Upon review of their findings and spending time with personnel from Interact and Visionair, I concur and recommend the acquisition of Interact for \$164,340 plus a 9.5% contingency fee.

This is not a decision made cavalierly; in fact, it is likely the most important organizational decision we'll make this year (maybe decade) as these processes literally touch and define nearly every facet of work life at OPD. In combination with the soon-to-be finalized mobile computing project, there will be a discernible improvement in our efficiency.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

 \ 4/9/2014
 \ 4/11/14

STAFF SUMMARY REPORT (continued)

Account Code No. #: **140.110.52603**
Budgeted Amount: **\$164,340 (+ 9.5% Contingency)**
Agenda Title: **CAD|RMS for OPD and OFD**

While there are a considerable number of CAD/RMS options available in today's market, the due diligence process looked carefully at the following three CAD/RMS vendors:

- Interact
- Visionair
- Global

Note: CAD = Computer Aided Dispatch and RMS = Records Management System

Global is our current supplier and priced their enhanced product at \$201,644 for the first year. Visionair provides CAD|RMS for BCSO and their price to us is listed as \$445,217. While they are reportedly working on a price reduction, that amount has not been forthcoming and is not available for this report. Their best suggestion to us was that we would need to plan for and fund a staged, multi-year implementation. The Interact price for year 1 is \$164,340. Even setting price considerations aside, the team felt there was a tighter alignment between the Interact features and our requirements. While we don't anticipate using the 9.5% contingency amount (not to exceed \$15,660), we want to plan for and fund any unanticipated project disruptions.

While the benefits of linking with a larger agency (BCSO) are truly considerable, they couldn't overcome the price differential (currently ~ \$280,000) and the fact that it was apparent to the entire review team that our organizational needs would be completely secondary to Visionair. Interact, on the other hand, will, at least based on input from other user agencies, make our needs a priority. It is without hesitation or reservation that we submit this purchase request.

There would be 2nd year recurring costs with any of the options. The 2nd year annual cost for Interact will be \$30,665.

While Interact is the provider/partner, the actual contract will be with:

E-9 Corporation
6551 Loisdale Court, Suite 530
Springfield, VA 22150

This is a \$200,000 project, allocated as follows:

Purchase	\$164,340
Contingency	\$ 15,660
Data Conversion	\$ 20,000

Note

E-9 is a GSA approved vendor and this contract number (GS-35F-0377S) is listed FY2014. GSA is one of the three central management agencies in the Federal Government.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH E-9 CORPORATION FOR THE PURCHASE OF A NEW COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM (CAD/RMS) TO BE PURCHASED THROUGH THE U.S. GENERAL SERVICES ADMINISTRATION (GSA) CONTRACT #GS-35F-03775 AT A COST OF \$164,340.00 PLUS A CONTINGENCY AMOUNT OF 9.5% OF THE CONTRACT PRICE OR 15,660.00 FOR A TOTAL COST NOT TO EXCEED \$180,000.00.

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

SECTION 1: The City Manager and the Police Chief recommend City Council authorize the City Manager to enter into a contract with E-9 Corporation for the purchase of a new Computer Aided Dispatch and Records Management System (CAD/RMS) to be purchased through the U.S. General Services Administration (GSA) contract #GS-35F-03775 at a cost of \$164,340.00 plus a contingency amount of 9.5% of the contract price or \$15,660.00 for a total cost not to exceed \$180,000.00.

SECTION 2: City Council accepts the recommendation of the City Manager and the Police Chief and hereby authorizes the City Manager to enter into a contract with E-9 Corporation for the purchase of a new Computer Aided Dispatch and Records Management System (CAD/RMS) to be purchased through the U.S. General Services Administration (GSA) contract #GS-35F-03775 at a cost of \$164,340.00 plus a contingency amount of 9.5% of the contract price or \$15,660.00 for a total cost not to exceed \$180,000.00.

SECTION 3: Funds sufficient to pay the amount due have been appropriated.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

COPY



6551 Loisdale Court, Suite 530
Springfield, VA 22150
571-451-0857



TO:

Oxford Police Department
Attn: Geoff Robinson
101 E. Hight Street
Oxford, OH 45056
513-524-5258
grobinson@cityofoxford.org

GS-35F-0377S

Quote No.: 031814

Date: March 18, 2014

Quote for Oxford Police Department

SINS	CLIN	Product	Description	Unit Cost	Quantity	Extended Cost
132-33	5	CAD-CLNT-DISP	InterActCAD Client License	\$ 10,450.00	2	\$ 20,900.00
132-33	5	CAD-CLNT-DISP	InterActCAD Client License Admin/Backup	\$ 5,225.00	2	\$ 10,450.00
132-33	1	CAD-SRVR-LIC	InterActCAD Server Software License	\$ 11,875.00	1	\$ 11,875.00
132-33	27	CAD-CLNT-NCIC	InterAct CAD NCIC Query Only Client License	\$ 1,187.50	2	\$ 2,375.00
132-33	27	CAD-CLNT-NCIC	InterAct CAD NCIC Query Admin/Backup	\$ 593.75	2	\$ 1,187.50
132-33	26	CAD-SRVR-NCIC	InterAct CAD NCIC Query Only Server Module	\$ 4,750.00	1	\$ 4,750.00
132-50	3	TR-01C	CAD User Training-New Install	\$ 3,000.00	2	\$ 6,000.00
132-50	1	TR-01A	CAD System Admin 1	\$ 6,000.00	1	\$ 6,000.00
132-33	57	CI-INST	InterAct Installation Services	\$ 187.50	48	\$ 9,000.00
132-33	55	CI-PM	InterAct Project Management Services	\$ 187.50	112	\$ 21,000.00
132-34	5	CAD-CLNT-DISP	Annual Support/Maintenance	\$ 1,870.00	2	\$ 3,740.00
132-34	5	CAD-CLNT-DISP	Annual Support/Maintenance Admin/Backup	\$ 935.00	2	\$ 1,870.00
132-34	1	CAD-SRVR-LIC	Annual Support/Maintenance	\$ 2,125.00	1	\$ 2,125.00
132-34	27	CAD-CLNT-NCIC	Annual Support/Maintenance Admin/Backup	\$ 212.50	2	\$ 425.00
132-34	27	CAD-CLNT-NCIC	Annual Support/Maintenance	\$ 106.25	2	\$ 212.50
132-34	26	CAD-SRVR-NCIC	Annual Support/Maintenance	\$ 935.00	1	\$ 935.00
Sub-Total						\$ 102,845.00
132-33	20	GEO-CLNT-SL	InterActGIS Client License	\$ 3,562.50	2	\$ 7,125.00
132-33	20	GEO-CLNT-SL	InterActGIS Client License Admin/Backup	\$ 1,781.25	2	\$ 3,562.50
132-33	18	GIS-SVR	InterActGIS Server Software License	\$ 3,325.00	1	\$ 3,325.00
132-33	19	GIS-SVR-AVL	InterActAVL Dispatch Server Software License	\$ 4,750.00	1	\$ 4,750.00
132-50	12	TR-03A	GEO Admin Training	\$ 2,000.00	1	\$ 2,000.00
132-34	20	GEO-CLNT-SL	Annual Support/Maintenance	\$ 637.50	2	\$ 1,275.00
132-34	20	GEO-CLNT-SL	Annual Support/Maintenance Admin/Backup	\$ 318.75	2	\$ 637.50
123-34	18	GIS-SVR	Annual Support/Maintenance	\$ 595.00	1	\$ 595.00
123-34	19	GIS-SVR-AVL	Annual Support/Maintenance	\$ 850.00	1	\$ 850.00
Sub-Total						\$ 24,120.00
132-33	161	MC-RMS-DATA	InterAct Mobile RMS Data Share Framework	\$ 4,750.00	1	\$ 4,750.00
132-33	165	MC-RMS-ADPTR	InterActMobile InfoExchange Adaptor	\$ 2,375.00	1	\$ 2,375.00
	ODC	CI-UPGD-MCNGPOS	InterActMobile Upgrade Add'l Devices	\$ 100.00	25	\$ 2,500.00
132-34	146	MC-RMS-DATA	Annual Support/Maintenance	\$ 1,000.00	1	\$ 1,000.00
132-34	150	MC-RMS-ADPTR	Annual Support/Maintenance	\$ 500.00	1	\$ 500.00
132-33	57	CI-INST	InterAct Installation Services	\$ 187.50	32	\$ 6,000.00
Sub-Total						\$ 17,125.00
132-33	57	CI-INST	InterAct Installation Services	\$ 187.50	8	\$ 1,500.00
	ODC	OL-RMS-USER	InterAct Online RMS (Annual)	\$ 500.00	33	\$ 16,500.00
	ODC	TR-OL-REM	InterActRMS Remote Training/Day 12 students	\$ 750.00	3	\$ 2,250.00
Sub-Total						\$ 20,250.00
Grand Total						\$ 164,340.00

Second Year Annual Recurring Costs: \$30,665.00

Contact Information:

John P. Plott

John P. Plott
President/CEO
E-9 Corporation
VA Verified Service-Disabled Veteran-Owned Small Business
Telephone: 571-451-0857
Mobile: 703-994-2774
Fax: 1-888-491-0053

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager:	Douglas Elliott	Police Originating Department
Council Meeting Of:	April 15, 2014	R.B. Holzworth
Account Code No. #:	140.110.52603	Prepared By
Budgeted Amount:	\$20,000	April 9, 2014 Date Prepared

Agenda Title: One-Time Data Conversion | CISCO Format to SQL

Recommendation: Approve

Discussion:

The acquisition of a new, modern CAD/RMS system will require a one-time fee to convert current data files so that specific CISCO records can be exported to another public safety software system. The process will convert CISCO data to SQL File Format, and includes the CAPS, TIES, CITATIONS, and PROPERTY modules. [SQL is a file extension for a Structured Query Language file format written in ASCII.] This is a large scale conversion project. For example, we generated slightly over 28K CFS in 2013 and this is only one of the modules that will need converted. The fee will be paid to Global Software, the current holder of the data.

Once converted and in our possession, the data will be accessible (viewable) but not modifiable. This should eliminate any future reliance on Global Software.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

 4/9/2014
 4/11/14


RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GLOBAL SOFTWARE CORPORATION FOR DATA CONVERSION RELATED TO THE PURCHASE OF A NEW COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM (CAD/RMS) AT A COST NOT TO EXCEED \$20,000.00.

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

SECTION 1: The City Manager and the Police Chief recommend City Council authorize the City Manager to enter into a contract with Global Software Corporation for data conversion related to the purchase of a new Computer Aided Dispatch and Records Management System (CAD/RMS) at a cost not to exceed \$20,000.00.

SECTION 2: City Council accepts the recommendation of the City Manager and the Police Chief and hereby authorizes the City Manager to enter into a contract with Global Software Corporation for data conversion related to the purchase of a new Computer Aided Dispatch and Records Management System (CAD/RMS) at a cost not to exceed \$20,000.00.

SECTION 3: Funds sufficient to pay the amount due have been appropriated.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)



a division of HARRIS

COPY

Global Software Order

Date: March 17, 2014
Account Manager: Frank Millis

Customer Name: Oxford, OH Police Department
Project Number: OHOXFOPOD-01
Customer Contact: Mr. Geoff Robinson
Voice: (513) 524-5258
Email: grobinson@cityofoxford.org

Requested by: Geoff Robinson

Description of services: Oxford Police implemented Cisco in February 2000. Oxford is now seeking a new system for CAD, RMS, and Mobile. Oxford has 4 dispatch seats, 26 sworn officers, and 10 concurrent Cisco licenses. This proposal encompasses a data conversion so that specific Cisco records can be exported to another public safety software system.

Is there a cost associated with this order: Yes

Timeline: Resources will be assigned following execution of this order.

Description	Quantity	Unit Price	Cost
Cisco Data Conversion to SQL File Format. Includes CAPS, TIES, Citations, and Property	1	\$20,000.00	\$20,000.00

TERMS:

- The City of Oxford Police will be invoiced upon execution of this Order.
- This proposal is valid for 90-days from March 17, 2014.
- The City of Oxford Police will be notified of the upgrade date once resources are scheduled.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 15, 2014

Account Code #: Multiple Accounts – All Funds

Budgeted Amount: \$660,000.00

Service Department

Originating Department

Michael B. Dreisbach, Service Director

Prepared By

April 8, 2014

Date Prepared

**Agenda Title: Purchase of Electricity Generation Supply for City of Oxford Municipal Accounts
Serviced by Duke Energy of Ohio**

Recommendation: Approve

Discussion:

The 2014 operating budget includes approximately \$660,000 for the purchase of electricity for City operated buildings and structures, recreation areas, street lighting, and traffic control. The vast majority of City electrical needs are serviced by Duke Energy while a small portion of accounts are serviced by Butler Rural Electric. The City currently consumes approximately 5 million kilowatt hours of electricity annually for our operations.

In June 2011, the City renewed an agreement with Duke Energy Retail Sales, LLC (**DERS**) to provide for the generation of electrical power for City facilities and operations. This agreement provided pricing of \$0.0549 per kilowatt hour of electricity (\$0.0399 for street lighting) through May 2014.

City Staff requested new pricing from DERS to determine if the City should extend our current agreement for electric power generation. DERS provided new pricing, guaranteed for a period of 36 months, of \$0.0526 per kilowatt hour (\$0.0409 for street lighting). This pricing is advantageous to the City compared to our current agreement. The new pricing should result in savings of approximately \$11,000 annually for City operations.

Energy prices (electric generation) trended lower until February 2014 where pricing bottomed and began to climb. Given the increase in demand for electricity generation, it seems prudent to lock in pricing for the next 36 month period. Approval of this Resolution will limit the City's demand to be included in electric aggregation initiatives during the period of the contract.

It is Staff's recommendation that the City Council authorize the City Manager to sign agreements with Duke Energy Retail Sales, LLC for the procurement of electricity generation services for a 36 month period beginning May 2014.

Approved By:

Department Head:

Initial MBD Date 4/9/14

City Manager:

DRE \ 4/11/14

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DUKE ENERGY RETAIL SALES, LLC FOR THE PROCUREMENT OF ELECTRICITY GENERATION AND TRANSMISSION FOR THE CITY'S CONSUMPTION FOR A PERIOD OF THIRTY SIX MONTHS BEGINNING MAY 2014.

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

SECTION 1: As previously adopted by Council for the City of Oxford, the 2014 operating budget includes \$660,000.00 for the purchase of electricity for City buildings, structures, recreation areas, street lighting, and traffic control.

SECTION 2: The City Manager and the Service Director recommend Council authorize the City Manager to enter into an agreement with Duke Energy Retail Sales, LLC for the procurement of electricity generation and transmission for the City's consumption for a period of thirty six months beginning May 2014.

SECTION 3: Council accepts the recommendation of the City Manager and Service Director and hereby authorizes the City Manager to enter into an agreement with Duke Energy Retail Sales, LLC for the procurement of electricity generation and transmission for the City's consumption for a period of thirty six months beginning May 2014 at a weighted kilowatt/hour rate of 5.26 cents per kilowatt hour (kWh). The agreement shall be in a form acceptable to the City Law Director.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)

DUKE ENERGY RETAIL SALES, LLC
AMENDMENT TO THE RETAIL POWER SALES AGREEMENT
AGREEMENT NO. 374, DATED 10/23/2009 WITH CITY OF OXFORD

Pricing & Term Description:

For energy delivered beginning on the first eligible meter read extending through the May 2014 meter read:

- Energy charge of \$0.0399 /kWh for traffic and street lighting starting

For energy delivered beginning on the January 2012 meter read extending through the May 2014 meter read:

- Energy charge of \$0.0549 /kWh fixed for all other meters

Peace of Mind Guarantee #1

Duke Energy Retail (DER) offers a full requirements fixed price of \$0.0399 per kWh for traffic and street lighting/0.0549 per kWh for all other meters. Duke Energy Ohio's (DEO) current Standard Service Offer (SSO) structure is scheduled to terminate on December 31, 2011. DEO is currently engaged in proceedings before the Public Utilities Commission of Ohio (PUCO) to implement a revised SSO pricing structure. In addition to the fixed price DER is offering, DER offers to Customer the one-time flexibility to switch to the same price structure as DEO's revised SSO. If Customer elects to be served under the revised DEO SSO price structure, Customer must so notify DER by the earlier of (i) 30 days after that price structure is established by the PUCO, and (ii) December 31, 2011.

If the Customer chooses the revised DEO SSO price structure, DER will have the sole discretion to determine whether it will serve the customer using the price determined under the revised SSO price structure, or to return the customer to DEO to be served under the DEO SSO. For purposes of exercising this choice, the DEO revised SSO shall be deemed to be established by the PUCO as of the date of the initial PUCO Order approving the DEO SSO; however, if the DEO SSO includes a competitive bidding process (CBP) then the DEO SSO price shall be deemed to have been established when the PUCO first certifies the results of the initial CBP auction.

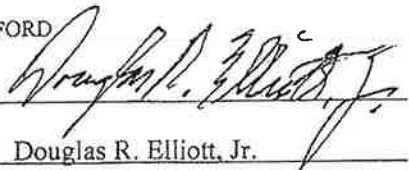
Peace of Mind Guarantee #2

If Duke Energy Retail Sales, LLC: (1) makes a standard offer consisting of a fixed price for electric generation service through May 2014; and (2) the offer is a uniform rate that is available to all local government facilities in the Duke Energy Ohio service area; and (3) such rate is below the prices in this contract; then the Energy charge to Customer under this Addendum shall decrease to the fixed price in the standard offer. Such decrease shall be effective for service rendered on and after the effective date of the standard offer.

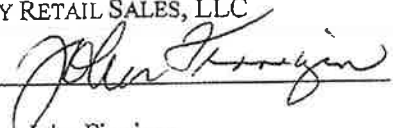
The pricing and terms contained in this Agreement are void unless signed and returned to Duke Energy Retail Sales, LLC by 12:01 p.m. on 6/10/11.

Acceptance and Approval

CITY OF OXFORD

Signature: Print Name: Douglas R. Elliott, Jr.Title: City ManagerDate: June 7, 2011

DUKE ENERGY RETAIL SALES, LLC

Signature: Print Name: John FinniganTitle: Sales ManagerDate: 6/8/11

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 15, 2014

Account Code #: 141.720.51000

Budgeted Amount: \$300,000

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

April 7, 2014

Date Prepared

Agenda Title: 2014 Street Resurfacing and Maintenance Program

Recommendation: Approval

Discussion: The 2014 Operating Budget includes \$300,000 for street maintenance and improvements. Staff has evaluated the surface condition of City streets in order to provide data for the compilation of the 2014 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.

In addition to typical street maintenance and resurfacing, the City also specified 1900 tons of asphalt base material for failed road base excavation and replacement. The repair of these failed areas will greatly improve the service life of the wear course of asphalt. This is a significant change from last year's project where 100 tons was specified. The majority of this base will be used in the rehabilitation of Spring St.

The list of streets proposed for improvement is detailed below:

Spring Street from Patterson Ave. (US 27) to Main St. (SR 732)
Gardenia Drive from Kehr Road to the eastern terminus

The rehabilitation of Spring St. has been deferred for several years pending completion of major construction projects along this corridor by Miami University including Armstrong Student Center. In advance of street rehabilitation, Miami will complete substantial curb, gutter, and sidewalk improvements. The new street will also be marked with dedicated bike lanes (from Patterson Ave. to Campus Ave.). Staff continues to evaluate a recommendation to continue dedicated bike lanes to the west beyond Campus Ave.

The developer of Gardenia Dr. has installed all street infrastructure except the surface course of asphalt. The City has asked that this be completed, but the developer is not able to comply at this time. This expense is directly attributable to the developer, and will be recovered by the City through acceptance of undeveloped real estate for resale. Proceeds in excess of the City's costs will be paid to the developer.

Approved By:

Department Head:

Initial

Date

MBD \ 4/9/14

City Manager:

DRE \ 4/11/14

A request for bids was published in the *Oxford Press* and *Hamilton Journal* on March 21 and 28, 2014. Sealed proposals were opened and read aloud on April 4, 2014. Three firms submitted bids with the following results:

Barrett Paving Materials, Inc.	\$ 272,751.45
Mt. Pleasant Blacktopping Co.	324,366.45
John R. Jurgensen Co.	348,010.00

Bids submitted included the following line item cost breakdowns:

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

The lowest and best bid for the 2014 street maintenance program was provided by Barrett Paving Materials, Inc. at a cost of \$272,751.45. Staff is requesting an authorized contingency amount of ten percent of the contract or \$27,248. It is Staff's recommendation that Council authorize the City Manager to enter into an agreement with Barrett Paving Materials, Inc. for a total amount not to exceed **\$299,999.45**.

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARRETT PAVING MATERIALS, INC. FOR RESURFACING AND MAINTENANCE WORK AT A COST OF \$272,751.45 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT(10%) OF THE CONTRACT PRICE OR \$27,248.00 FOR A TOTAL COST NOT TO EXCEED \$299,999.45.

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 *Oxford Press* and *Hamilton Journal* on March 21, 2014 and March 28, 2014. Sealed proposals were opened on April 4, 2014 with three (3) firms submitting bids.

SECTION 2: Council hereby finds Barrett Paving Materials, Inc. to be the lowest and best bidder and accepts the bid of \$272,751.45 for the 2014 resurfacing and maintenance work on Spring Street from Patterson Avenue to Main Street and on Gardenia Drive from Kehr Road to the eastern terminus.

SECTION 3: The City Manager is hereby authorized to enter into a contract with Barrett Paving Materials, Inc. at a cost of \$272,751.45 plus a contingency amount of ten percent (10%) of the contract price or \$27,248.00 for a total cost not to exceed \$299,999.45 for resurfacing and maintenance work on Spring Street from Patterson Avenue to Main Street and on Gardenia Drive from Kehr Road to the eastern terminus.

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

MAYOR

ADOPTED:

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 Manager

Originating Department

Council Meeting Of: April 15, 2014

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 4, 2014

Date Prepared

Agenda Title: An Ordinance to initiate a Governmental Electric Aggregation Program.

Recommendation: Adopt the Ordinance.

Discussion:

In Ohio, local communities are allowed by law, to join their citizens together to buy electricity as a group and thereby gain 'buying power' to solicit the lowest price for the group's electricity needs. This is called Governmental Aggregation. I am recommending an opt-out form of aggregation. Under this type of aggregation all eligible consumers located in Oxford are automatically included except consumers who choose not to participate. The first step is for City Council to adopt legislation to place the issue on the ballot. After adoption by City Council, the issue will be placed on the ballot for the general election. Citizens of Oxford will then have an opportunity to vote on this ballot issue. If the opt-out ballot issue passes, then the City must address how the program will be developed and hold at least two public hearings for citizen input on the plan.

Presently in the City of Oxford, the residents have only two choices for their electric energy needs. One is the standard Duke Energy rate and the other is to select a supplier through the Electric Choice Program (There are presently 66 options available. In 2012, twenty-five options were available. In 2011, eleven options were available. In 2010, three options were available). If an electric Aggregation Program is adopted by City Council and the residents, this will provide a third option.

Approved By:

Initial Date

Department Head:

City Manager:

DEE 4-11-14

ORDINANCE NO.

ORDINANCE TO FACILITATE COMPETITIVE RETAIL ELECTRIC SERVICE TO PROMOTE ELECTRICAL SAVINGS, LOWER COST ELECTRICITY SUPPLIES AND OTHER BENEFITS FOR CERTAIN ELECTRICITY CONSUMERS, AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN ELECTRIC AGGREGATION PROGRAM PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE AND ARTICLE XVIII SECTION 4 OF THE OHIO CONSTITUTION; DIRECTING THE BUTLER COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS; AND AUTHORIZING AN AGREEMENT WITH AN AGENT FOR SUCH PURPOSES.

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

SECTION 1: Article XVIII Section 4 of the Ohio Constitution grants the City of Oxford certain authority related to utility service and pursuant to Chapter 4928 of the Ohio Revised Code, to facilitate competitive retail electric service to promote electricity savings, lower cost electric supplies, and other benefits, certain governmental entities may aggregate certain electricity consumers within their jurisdictions.

SECTION 2: Pursuant to ORC Section 4928.20, the City of Oxford is authorized to act as an aggregator by establishing an automatic opt-out governmental aggregation program for the provision of competitive retail electric service ("Electric Aggregation") for the benefit of certain electricity consumers within the City so that the consumers may realize lower cost electricity supplies and other benefits from the aggregation and combined purchasing of electric supplies.

SECTION 3: Electric Aggregation provides an opportunity for electricity consumers collectively to realize electric savings, lower cost electricity supplies, and other benefits that the consumers may not otherwise be able to realize individually.

SECTION 4: In the public interest, the City of Oxford desires to submit to the electors of the City of Oxford the question of whether the City of Oxford should create an Electric Aggregation program to facilitate competitive retail electric service to promote electricity savings, lower cost electric supplies, and other benefits in accordance with ORC Section 4928.20.

SECTION 5: This Council finds and determines that to facilitate competitive retail electric service to promote electric savings, lower cost electricity supplies, and other benefits, it is in the best interest of the City of Oxford and certain electricity consumers within the jurisdiction of the City of Oxford to establish an Electric Aggregation program in the City of Oxford pursuant to ORC Section 4928.20. Provided that this Ordinance and Electric Aggregation program is approved by the electors of the City of Oxford in accordance with this Ordinance, the City of Oxford is hereby authorized to take all actions necessary to affect an Electric Aggregation program pursuant to ORC Section 4928.20. The City of Oxford may exercise this authority jointly with other entities to the full extent permitted by law. Further, for such purposes, the City Manager of the City of Oxford is hereby authorized to execute and deliver an agreement with a to-be-named agent ("Agent") to assist the City of Oxford as its consultant and agent to effect the Electric Aggregation program. Actions necessary to effect the Electric Aggregation program include determining and entering into service agreement(s) with suppliers to facilitate the sale and purchase of all electricity, competitive retail electric services, and retail electric generation to serve the enrolled consumers.

The City of Oxford shall be authorized by the electors to be the only entity authorized to act for and on behalf of the enrolled electric consumers to determine and select the provider(s) to supply the commodity and all other services for Electric Aggregation program and the enrolled consumers.

SECTION 6: The Electric Aggregation program shall not apply to persons that are not eligible pursuant to Rules and/or Orders of the Public Utilities Commission of Ohio ("Commission") or not eligible pursuant to the adopted plan of operations and governance ("Plan") for the Electric Aggregation program.

SECTION 7: The Board of Elections of Butler County is hereby directed to submit the following question to the electors of the City of Oxford at the fall election on November 4, 2014:

To facilitate competitive retail electric service to promote electric savings, lower cost electricity supplies, and other benefits, shall the City of Oxford have the authority to aggregate retail electrical loads and enter into service agreements for the sale and purchase of electricity and other services, such aggregation to occur automatically unless any person affirmatively elects not to be enrolled by a stated procedure?

FOR, the City of Oxford to facilitate competitive retail electric service to promote electricity savings and other benefits by acting as an aggregator.

NOT FOR, the City of Oxford to facilitate competitive retail electric service to promote electricity savings and other benefits by acting as an aggregator.

The Clerk of this Council is instructed to file a certified copy of this Ordinance and the proposed form of the ballot question with the Butler County Board of Elections not later than August 6, 2014, which is ninety (90) days prior to November 4, 2014.

The Electric Aggregation program shall not take effect unless approved by a majority of the electors voting upon the proposed ballot question at the election held in accordance with this Ordinance and ORC Section 4928.20. Upon approval, the Electric Aggregation shall take effect at the earliest permissible point in time and continue thereafter in accordance with ORC Section 4928.20, and other requirements of ORC Chapter 4928.

SECTION 8: Upon approval by a majority of the electors voting at the election provided for in this Ordinance, the City of Oxford shall develop and adopt a Plan of operations and governance for the Electric Aggregation program. Before adopting such Plan, at least two public hearings on the Plan shall be held. Before the first hearing, notice of the first hearing shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Oxford. The notice shall summarize the Plan and state the date, time, and location of each hearing. Consumers enrolled in the Electric Aggregation program shall be supplied their electrical requirements and other services in accordance with supply agreement(s) determined and arranged by the City of Oxford, as opportunities become available to provide benefits to consumers. The City of Oxford shall be authorized by the electors to be the only entity authorized to act for and on behalf of the consumers that have enrolled in the Electric Aggregation program to determine and select the supplier(s) to provide the electricity and all other services for the Electric Aggregation program.

SECTION 9: The adopted Plan shall not aggregate any retail electrical load within the City of Oxford, unless the person whose electrical load is to be so aggregated is notified in advance that the person will be enrolled automatically in the Electric Aggregation program and shall remain so enrolled, unless the person affirmatively elects not to be so enrolled by a stated procedure. The disclosure shall state the rates, charges, and other terms and conditions of the enrollment. Once enrolled the consumer may only opt-out of the Electric Aggregation program every two years without paying a switching fee. Any such person that opts-out of the Electric Aggregation program shall default to the standard offer service of the person's electric distribution utility, until the person chooses an alternative supplier.

SECTION 10: The Butler County Board of Elections shall cause an appropriate notice to be duly given of the election to be held on November 4, 2014, on the foregoing proposal and otherwise to provide for such election in the manner provided by the laws of the State of Ohio.

SECTION 11: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in compliance with the law.

SECTION 12: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: April 15, 2014

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 7, 2014

Date Prepared

Agenda Title: An Ordinance Accepting The Annexation Petition From Douglas R. Elliott, Jr. For 33.550 Acres Of Land In The Township Of Oxford, Butler County Ohio, And Accepting Said Territory To Be Annexed.

Recommendation: Adopt the Ordinance

Discussion:

The City was approached by representatives of a bank that owns a parcel of land across the street from Wal-Mart on the corner of US 27 North and Todd Road. The property owner desires water and sewer service from the City. The City's policy requires annexation in order to receive water and sewer service. This tract of land is presently vacant and consists of 13.72 acres. The City included two other parcels of land in the annexation. The other two parcels are Koenig Equipment (9.66 acres) and Gillman's (6.76 acres). Both of these Property owners signed agreements with the City stating that they agreed to annex when requested by the City. Koenig signed in 1998 and Gillman's in 2005. Portions of eight other parcels were included in the petition (two owned by the City of Oxford). These additional parcels consist of right-of-way. This is the final legislative step in this annexation process.

Approved By:

Initial Date

Department Head:

City Manager:

DRE 4-11-14

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE ANNEXATION PETITION FROM DOUGLAS R. ELLIOTT, JR. FOR 33.550 ACRES OF LAND IN THE TOWNSHIP OF OXFORD, BUTLER COUNTY OHIO, AND ACCEPTING SAID TERRITORY TO BE ANNEXED.

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

SECTION 1: On December 30, 2013 Douglas R. Elliott, Jr., Agent for the petitioners, filed a petition with the Board of County Commissioners of Butler County, Ohio, to obtain annexation to the City of Oxford, Butler County, Ohio, territories consisting of 33.550 acres of land contiguous to the City of Oxford and the existing corporation line of the Township of Oxford, Ohio. Said petition was filed with the consent of all parties utilizing the annexation procedure set forth in Sections 709.021 and 709.023 of the Ohio Revised Code.

SECTION 2: The Board of County Commissioners did, by Resolution No.14-01-00490 adopted on January 30, 2014, approve the annexation of the proposed territory to the City of Oxford as hereinafter described. Such approval was subject to the terms and conditions contained in the Statement of Services Resolution No. 4806 a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3: The Board of County Commissioners did, through the Clerk of the Board of County Commissioners, Butler County, Ohio, certify a transcript of the proceedings in connection with the map and petition required herein to the Clerk of Oxford City Council who received the same on or about January 31, 2014.

SECTION 4: A certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for annexation and the papers relating to all proceedings heretofore with the County Commissioners, are all on file with the Clerk of the City of Oxford, and have been for more than sixty (60) days.

SECTION 5: The proposed annexation, as applied for in the petition of the owners of the real estate in the territory sought to be annexed and filed with the Board of County Commissioners, Butler County, Ohio, in which the petition prayed for annexation to the City of Oxford, Ohio, of certain territory adjacent thereto as hereinafter described, be and the same is hereby accepted and deemed annexed to the City of Oxford, subject to all the terms and conditions provided herein and contained within the Statement of Services Resolution No. 4806 attached hereto and incorporated herein as Exhibit "A". The territory to be annexed is more particularly described in Exhibits "B" and "C," attached hereto and incorporated herein.

SECTION 6: The Clerk of the City of Oxford be and is hereby authorized and directed to make five copies of this ordinance, to each of which shall be attached a copy of the map accompanying this petition for annexation, a copy of the transcript of the proceedings of the Board of County Commissioners of Butler County, Ohio, related thereto, and certified as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder, one copy to the County Engineer, and one copy to the Ohio Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective and the Clerk shall do all other things as required by law.

SECTION 7: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

RESOLUTION NO. 4806

RESOLUTION ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF OXFORD, OHIO WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF OXFORD, OHIO PURSUANT TO A PETITION FILED WITH THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, OHIO BY DOUGLAS R. ELLIOTT JR., AGENT FOR PETITIONERS, AS PROVIDED BY OHIO REVISED CODE SECTION 709.023.

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

SECTION 1: Council, having received the notification of a petition for annexation from First Baptist Church, John T. Ratliff, Ringwood Properties Ltd., Irving Materials Inc., Koenig Equipment, Inc., Merion Realty, Inc., GHCOL LLC., and Timothy H. Myers Tr. of the Ernest A. Myers Trust for 33.550 acres of land in the Township of Oxford, Butler County, Ohio hereby accepts said petition.

SECTION 2: Council hereby adopts this resolution indicating what services the City will provide to the land to be annexed to the City in accordance with Ohio Revised Code Section 709.023(C).

SECTION 3: The City of Oxford, Ohio hereby states that it will provide, upon the finalization of the annexation, the following services to the Territory: law enforcement, recreation programming, maintenance of any and all public streets and alleyways, keeping same open, in repair and free from nuisance, and professional planning staff; which said services shall be available immediately or as required thereafter upon finalization of the annexation. In addition, the facilitation of public utility services which include potable water, sanitary and storm sewerage, solid waste collection and disposal, electricity, street lighting and fire inspection, fire protection, paramedic and ambulance services, and any and all other services provided to or made available to the citizens of the City of Oxford, Ohio, as appropriate shall be available as the Territory is developed and such services become appropriate. Extension of all public utility services shall be subject to such regulations, conditions and fees as the City deems appropriate.

SECTION 4: The Clerk is hereby directed to forward a certified copy of this resolution to the Board of County Commissioners of Butler County, Ohio.

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


MAYOR

ADOPTED: January 7, 2014

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

Date: December 10, 2013

Description: 33.550 Acres
Annexation

Location: U.S. Route. # 27, Todd Road and
Ringwood Road
Oxford Township, Butler County



Situated in Part of Original Lots 5 and 6, Section 16, Town 5, Range 1, Oxford Township, being parts of the lands of the Koenig Equipment, Inc., as recorded in Official Record 6242, Page 1972 and part of the lands of Merion Realty Inc., as recorded in Official Record 8362, Page 287 and part of the lands of the City of Oxford, as recorded in Official Record 8300, Page 352 and being part of the lands of City of Oxford, as recorded in Official Record 8113, Page 2303, and part of the lands of First Baptist Church of Oxford, as recorded in Official Record 6971, Page 1245 and part of the lands of Timothy H. Myers Tr. of the Ernest A. Myers Trust Agreement dated June 10, 1988., as recorded in Official Record 6253, Page 40, being part of the lands of John T. Ratliff, as recorded in Official Record 8635, Page 1681, and part of the lands of Ringwood Properties LTD., as recorded in Official Record 7278, Page 1348 and Official Record 8191, Page 1665, being part of the lands of Irving Materials, Inc., as recorded in Deed Book 1741, Page 373, and all of the lands of GHCOL LLC., as recorded in Official Record 7505, Page 1174 all of the Butler County, Ohio Recorder's Office and being more particularly described as follows:

Beginning at the northeast corner of said Lot 5, and being on the centerline of Todd Road, and on the City of Oxford corporation line and also being the northwest corner of the lands of Wal-Mart Real Estate Business Trust as recorded in Official Record 7739, Page 1755 of the Butler County Recorder's Office and the **True Point of Beginning**;

thence, with the east line of said Lot 5, with the west line of said lands of Wal-Mart Real Estate Business Trust and with said City of Oxford corporation line, South 02° 16' 58" West, 528.10 feet to the southwest corner of said lands of Wal-Mart Real Estate Business Trust and being on the north line of the lands of the City of Oxford as recorded in Deed Book 8209, Page 707 of the Butler County Recorder's Office and being on the centerline of Oxford College Corner Road (U.S. RT. #27);

thence, leaving said east line of said Lot 5, and said west line of said lands of Wal-Mart Real Estate Business Trust, with said City of Oxford corporation line, with the centerline of Oxford College Corner Road (U.S. RT. #27) and with said north line of the City of Oxford as recorded in Deed Book 8209, Page 707, with a curve to the right, having a central angle of 00° 39' 10", a radius of 12277.70 feet, an arc length of 139.87 feet, and a chord bearing North 43° 25' 36" West, 139.87 feet;

thence, continuing with said City of Oxford corporation line, with said centerline of Oxford College Corner Road (U.S. RT. #27) and with said north line of the City of Oxford as recorded in Deed Book 8209, Page 707 and with the north line of the lands of the City of Oxford as recorded in Deed Book 8229, Page 879, and the lands of the City of Oxford as recorded in Official Record 8113, Page 2303 of the Butler County Recorder's Office, North 43° 06' 01" West, 589.74 feet to a point and being South 43° 06' 01" East, 388.63 feet from the northwest corner of said lands of the City of Oxford as recorded in Official Record 8300, Page 352;

120846-000 131210 Legal.doc

6900 Tylersville Road, Suite A
Mason, Ohio 45040
513-336-6600

209 Grandview Drive
Fort Mitchell, Kentucky 41017
859-261-1113

318 South College Avenue
Oxford, Ohio 45056
513-523-4270

P.O. Box 3706
Lawrenceburg, Indiana 47025
812-537-9064

thence, leaving said centerline of Oxford College Corner Road (U.S. RT. #27), along said City of Oxford corporation line and being 20.00 feet south of the centerline of Ringwood Road and through said lands of City of Oxford as recorded in Official Record 8113, Page 2303 and said lands of First Baptist Church of Oxford and said lands of John T. Ratliff and said lands of Timothy H. Myers Tr. of the Ernest A. Myers Trust Agreement dated June 10, 1988 and said lands of Ringwood Properties Ltd. and said lands of Irving Materials, Inc., North 87° 18' 21" West, 879.06 feet;

thence, leaving said City of Oxford corporation line and through the right of way of said Ringwood Road and continuing with the east line of the lands of Peter C. Crum as recorded in Official Record 8416, Page 405 of the Butler County Recorder's Office, North 02° 17' 59" East, 348.19 feet;

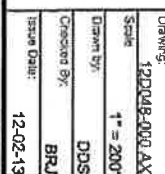
thence, continuing with said east line of Peter C. Crum, North 47° 49' 59" East, 426.71 feet to the northeast right of way of said Oxford College Corner Road (U.S. RT. #27) being in said lands of Koenig Equipment, Inc.;

thence, along said northeast right of way of Oxford College Corner Road (U.S. RT. #27) and through said lands of Koenig Equipment, Inc., North 42° 10' 01" West, 503.10 feet to the south line of the lands of Proeschel Farms, LLC. as recorded in Official Record 6546, Page 437 of the Butler County Recorder's Office;

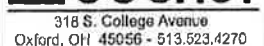
thence, with said south line of Proeschel Farms, LLC, South 88° 03' 28" East, 1446.58 feet to the centerline of said Todd Road, being the west line of the lands of Diana Zehler as recorded in Official Record 8260, Page 526 of the Butler County Recorder's Office;

thence, with said centerline of Todd Road and with said west line of the lands of Diana Zehler, South 02° 17' 03" West, 1004.85 feet to west line of the lands of Diana Zehler the **True Point of Beginning** containing 33.550 acres more or less and being subject to all legal highways, easements, restrictions and agreements of record.

The above description was prepared from an annexation plat by Bayer Becker, David Douglas Smith, Registered Surveyor #7121 in the State of Ohio, December 10, 2013.



ANNEXATION PLAT



OWNER INFORMATION

- ① OWNER: CITY OF OXFORD
O.R. 8300, PG. 352
PARCEL #H3610016000044
2.252 ACRES
- ③ OWNER: FIRST BAPTIST CHURCH
O.R. 8971, PG. 1245
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H400028000036
0.096 ACRES
- ⑥ OWNER: JOHN T. RATLIFF
O.R. 8635, PG. 1881
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4100028000014
0.069 ACRES
- ⑦ OWNER: RINGWOOD PROPERTIES LTD.
O.R. 7278, PG. 1348
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4100028000012
0.069 ACRES
- ⑧ OWNER: RINGWOOD PROPERTIES
O.R. 8191, PG. 1665
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4100028000010
0.069 ACRES
- ⑨ OWNER: IRVING MATERIALS INC.
D.B. 1741, PG. 373
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4100028000011
0.025 ACRES
- ⑩ OWNER: KOENIG EQUIPMENT, INC.
O.R. 8242, PG. 1972
PARCEL #H3610016000040
9.662 ACRES
- ⑪ OWNER: MERION REALTY, INC.
O.R. 8382, PG. 287
PARCEL #H3610016000002
14.428 ACRES
- ⑫ OWNER: GHCOL LLC
O.R. 7503, PG. 1174
PARCEL #H3610016000043
6.756 ACRES
- ⑬ OWNER: CITY OF OXFORD
O.R. 8113, PG. 2303
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4000280000019
0.049 ACRES
- ⑭ OWNER: TIMOTHY H. MYERS TR.
OF THE ERNEST A. MYERS TRUST
AGREEMENT DATED JUNE 10, 1988
O.R. 8253, PG. 40
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4000280000015
0.005 ACRES

ADJOINERS

- ① CITY OF OXFORD
O.R. 8209, PG. 707
PARCEL #H4100028000023
- ② CITY OF OXFORD
O.R. 8220, PG. 879
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4000280000024
- ③ CITY OF OXFORD
O.R. 8113, PG. 2303
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4000280000018
- ④ FIRST BAPTIST CHURCH OF OXFORD
O.R. 8971, PG. 1245
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4000280000008
- ⑤ JOHN T. RATLIFF
O.R. 8635, PG. 1881
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4100028000014
- ⑥ RINGWOOD PROPERTIES LTD.
O.R. 7278, PG. 1348
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4100028000012
- ⑦ RINGWOOD PROPERTIES, LTD.
O.R. 8191, PG. 1665
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4100028000019
- ⑧ IRVING MATERIALS INC.
D.B. 1741, PG. 373
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4100028000011
- ⑨ WAL-MART REAL ESTATE
BUSINESS TRUST
O.R. 7759, PG. 1755
LOT 1942
PARCEL #H4100028000016
- ⑩ PETER C. CRUM
O.R. 8418, PG. 405
PARCEL #H3610016000032
- ⑪ PROSCHEL FARMS LLC
O.R. 6546, PG. 437
PARCEL #H3510016000001
- ⑫ CITY OF OXFORD
O.R. 8153, PG. 436
PART OF LOT 1942 CITY OF OXFORD
PARCEL #H4100028000022
- ⑬ TIMOTHY H. MYERS TR.
OF THE ERNEST A. MYERS TRUST
AGREEMENT DATED JUNE 10, 1988
O.R. 8253, PG. 40
PART OF LOT 1943 CITY OF OXFORD
PARCEL #H4000280000015
- ⑭ DIANA ZEHLER
O.R. 8250, PG. 536
PARCEL #H3610016000003

PERCENTAGE OF CONTIGUOUS = 36.0%

THIS PLAT IS BASED UPON DEED RECORDS
AND OTHER SOURCES AND IS NOT THE RESULT
OF A FIELD SURVEY.

OXFORD-COLLEGE CORNER RD.
U.S. ROUTE #27, TODD RD. AND RINGWOOD RD.
PART OF ORIGINAL LOTS #5 AND #6
SECTION 16, TOWN 5, RANGE 1
OXFORD TOWNSHIP, BUTLER COUNTY, OHIO
ANNEXATION PLAT


318 S. College Avenue
Oxford, OH 45056 - 513.523.4270

Drawing:
12D048-008 AX
Scale:
1" = 200'
Drawn By:
DDS
Checked By:
BRJ
Issue Date:
12-02-13
SHEET 2

List of Parcels Across the Road from Annexation Territory

Square D Co.

Mailing Address:

1415 S Roselle Rd
Palatine, IL 60067 7337

Parcel #H4100028000013

Terry Dudley, Etal

Mailing Address:

6744 Contreras Rd
Oxford, OH 45056

Parcel #H4000028000005

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

City Council Meeting of: April 15, 2014

Account Code #: N/A

Budgeted Amount: \$ N/A

Service Department

Originating Department

Doug Elliott, City Manager

Prepared By

April 7, 2014

Date Prepared

Agenda Title: Authorization to Sell Surplus Real Property

Recommendation: Approve

Discussion:

As a result of litigation to acquire the necessary right-of-way for construction of improvements to US27 South (aka Millville-Oxford Road), the City took possession of Butler County parcel No. H4100110000010 from Ms. Edwina Green. This parcel is adjacent to US27 on the east side of the roadway, just south of the Collins Run bridge, and contains approximately 425' of frontage and 1.668 acres.

This parcel is surrounded by lands owned by the State of Ohio for use by Miami University (Miami). Miami has expressed a desire to purchase this parcel as it is at the main entrance to the campus area. Once improvements are completed to US27, this parcel will not serve any meaningful purpose to the City, therefore, I recommend the City Council authorize the City Manager to take all actions necessary to finalize the sale of this parcel to Miami University.

Approved By:

Department Head:

City Manager:

Initial

Date

DRE \ *4-11-14*

ORDINANCE NO.

ORDINANCE DECLARING PARCEL NUMBER H4100110000010 LOCATED ALONG MILLVILLE-OXFORD ROAD IN OXFORD TO BE SURPLUS PROPERTY AND NO LONGER NEEDED FOR MUNICIPAL PURPOSES; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MIAMI UNIVERSITY FOR THE SALE OF THE PROPERTY.

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

SECTION 1: The City Manager hereby recommends Parcel Number H4100110000010 located along Millville-Oxford Road in Oxford be declared surplus land.

SECTION 2: The City Manager further recommends Parcel Number H4100110000010 be sold to Miami University for \$60,000.00.

SECTION 3: Council hereby finds Parcel Number H4100110000010, being particularly described as set forth in Exhibit "A" attached hereto and incorporated by reference herein, is no longer needed for municipal purposes and said property is hereby declared to be surplus and authorizes the property be sold for \$60,000.00 to Miami University.

SECTION 4: The City Manager is hereby authorized to sell Parcel Number H4100110000010 to Miami University and to enter into an Agreement for the sale of the property, the terms of which, as to material matters, are the same as the terms contained in this ordinance and to take all actions required to complete the sale.

SECTION 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this council, and that all deliberations of this Council and of any of its committees that resulted in that formal action were in meetings open to the public, to the extent required by the Charter, by the ordinances of this city, and by any applicable state law.

SECTION 6. This Ordinance shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

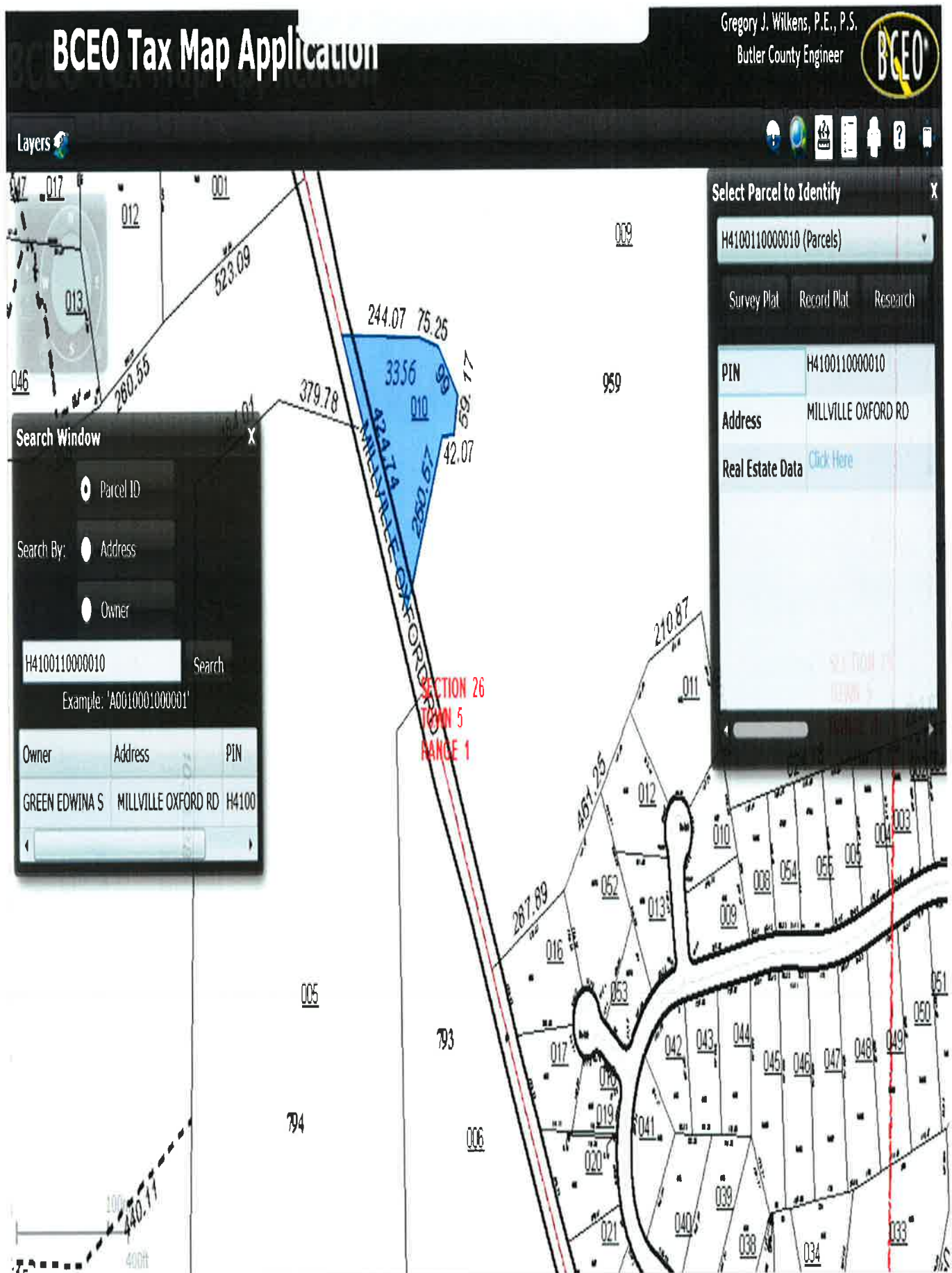
ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

EXHIBIT 'A'



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 1, 2014

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

March 24, 2014
Date Prepared:

PC-2014-02 ZONING MAP AMENDMENT - To Amend Zoning Classification of Approximately 57.5 Acres of Underdeveloped Land Currently Classified Office & Light Industrial (OI) District to Single and Two-Family Residential (R-2A) District, Generally Located Southeast of the US 27 Intersection and Southpointe Parkway, Scott Webb, Applicant, Agent

Recommendation: Disapproval

Discussion:

The applicant is requesting to change the zoning classification of approximately 39 acres of land fronting on Southpointe Parkway from OI to R2A. The application refers to 57.586 acres; however, a southern portion of land shown in the applicant's submittal is already zoned R2A. Therefore, the actual rezone area is approximately 39 acres.

DECISION CRITERIA

The Planning Commission must deliberate the request based upon the following four questions from Section 1135.02(c)(1):

1. There is an **error on the Official Zoning Map** or in the delineations between districts thereon.
2. The proposed amendment will make the map **conform** more closely to the **Comprehensive Plan**.
3. There has been a **substantial change** in the area conditions that necessitates the amendment.
4. There is a **legitimate need** for additional land area in the zoning district that will be expanded.

Based on the staff report and presentation from the applicant, the Planning Commission inquired about the reasoning and the rational of the request and began a lengthy discussion on the merits of the request. The Planning Commission did not feel there was an error on the Official Zoning Map and focused on the substantial change of the neighborhood and legitimate needs for additional land.

The site was annexed into the City in 2007 and was granted the right to build a connector road from US 27 to Four Mile Creek. There were extensive efforts from MU and the City securing federal money to plan and potentially build a connector road. It was the applicant/owner's argument that the fate of this connector road was no longer viable and the funding for constructing the roadway was dispersed for other roadway projects. The conditions have changed.

Based on the lengthy discussion and public hearing, the Planning Commission voted 2-3-0 to deny the requested zoning map amendment and is forwarding the recommendation to City Council for legislative action.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC 13-25-14
DKE 3/26/14

ORDINANCE NO.

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR APPROXIMATELY 39 ACRES OF LAND FRONTING SOUTHPONTE PARKWAY IN OXFORD, OHIO, REZONING THE PROPERTY FROM OI (OFFICE AND LIGHT INDUSTRIAL) DISTRICT TO R2A (SINGLE AND TWO FAMILY RESIDENTIAL) DISTRICT.

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

SECTION 1: In accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on March 11, 2014, on applicant Scott Webb's application for a Zoning Map Amendment for approximately 39 acres of land fronting Southpointe Parkway in Oxford, Ohio, rezoning the property from OI (Office and Light Industrial) District to R2A (Single and Two Family Residential) District.

SECTION 2: The Oxford Planning Commission after due deliberation, recommended to Council that the proposed Zoning Map Amendment be denied, the majority finding that the zoning change did not meet at least one of the Decision Standards for a Zoning Code Amendment as required under Section 1135.02 of the Codified Ordinances of the City Of Oxford.

SECTION 3: Council hereby accepts the report of the Oxford Planning Commission, and after due deliberation, hereby approves the Zoning Map Amendment rezoning approximately 39 acres of land fronting Southpointe Parkway in Oxford, Ohio, rezoning the property from OI (Office and Light Residential) District to R2A (Single and Two Family Residential) District, finding that the rezoning does meet at least one of the Decision Standards for a Zoning Code Amendment, is an appropriate use of the property in question and does not conflict with the Oxford Comprehensive Plan.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	April 1, 2014
<u>Case Number</u>	PC-2014-02
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	PC-2014-02 ZONING MAP AMENDMENT to rezone approximately 57.5 acres of undeveloped land currently classified Office and Light Industrial (OI) District to Single and Two-Family Residential(R-2A) District, generally located southeast of the US 27 intersection and Southpointe Parkway, Scott Webb, Applicant, Agent
<u>Public Hearing Information</u>	On March 11, 2014 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on February 7, 2014. Public Hearing notices were mailed out to surrounding properties on February 19, 2014.
<u>Commission Action</u>	The Planning Commission voted 3-2-0 recommending <u>disapproval</u> to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission after deliberating the Zoning Map Amendment request, voted to disapprove based upon Decision Standards Chapter 1135, Section 1135.02(c)(1).
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated March 11, 2014 2. Proposed Rezone Area Maps 3. Census Bureau Data 4. City Staff Emails 5. Inter-Office Review Transmittal Sheets 6. Comprehensive Plan Map and Matrix 7. Miscellaneous Documentation from Original August, 2007 Zoning Map Amendment, Including Ordinances from City Council 8. Resolution from Butler County Commissioners, Dated December, 2004 to Redistrict in Oxford Township 9. Resolution from Butler County Commissioners Approving the Final Planned Unit Development for College Suites 10. Resolution and Development Agreement Between the City of Oxford and Four Leaf Development Corporation 11. Ordinance from City Council Accepting the Annexation Petition 12. Map Showing Rezone Area and Connector Road 13. Property Notifications Map 14. Letter of Agency 15. Zoning Map Amendment Application Dated January 24, 2014 16. Overall Development Plan Map from Applicant

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-2014-02

Date – March 11, 2014

APPLICATION

Applicant:	Scott Webb, Architect
Location:	Portions of vacant parcels on south side of Southpointe Parkway
Owner:	4-Leaf Development LLC – Jim Clawson
Agent:	Scott Webb, Architect
Action Request:	Zoning Map Amendment – To Amend Zoning Classifications of approximately 39 acres from OI (Office & Light Industrial) to R2A (Single and Two-Family Residential)
Current Use:	Vacant Agricultural
Surrounding Existing Land Uses:	Multi-Family Residential, Vacant Agricultural and Low Density Residential

DESCRIPTION

The applicant is requesting to change the zoning classification of approximately 39 acres of land fronting on Southpointe Parkway from OI to R2A. The application refers to 57.586 acres, however, a southern portion of land shown in the applicant's submittal is already zoned R2A. Therefore, the actual rezone area is approximately 39 acres. See attached area zoning map for clarification.

SURROUNDING NEIGHBORHOOD

All property owners within 200 feet have been notified by letter, a sign has been posted on the property and a notice has been placed in the newspaper.

ZONING APPROVALS SITE HISTORY

- A planned unit development was approved in 2004 by the Butler County Planning Commission
- A final PUD, College Suites, 29 acres, was approved in 2005
 - Apartment buildings were built 2006-07
- The overall development (172 acres) was annexed/zoned into the City of Oxford in 2007
 - The zoning class for the subject property was set as "OI" in August 2007 (see attached 26 page document)
- A condominium preliminary planned unit development was approved by the City of Oxford in 2007.
 - Adjacent vacant portion currently zoned R-4
 - Did not move forward, therefore preliminary approval expired
- Note that no specific site layout has been approved (preliminary or final), for the "Subject Property" proposed for rezoning from OI to R2A.

COMPREHENSIVE PLAN (2008)

In reviewing any development proposal, the Land Use Chapter of the Comp Plan will be consulted based on the intent of the Comp Plan and the Conservation and Development Map, and the Character Map.

The Land Use Principals (p. 3.9-3.12):

1. **The community's small college town character will be preserved and enhanced.**
2. Uptown and new commercial development will have a mix of uses that are distinctive and contribute to enhancing the community's overall identity.
3. Infill development and redevelopment of underutilized sites is a priority.
4. The development of new residential areas, and redevelopment of existing residential areas, will have strong neighborhood qualities.
5. Green spaces and public spaces will be incorporated as part of future development.
6. **Future growth at the edge of the city will preserve open spaces, protect the area's rural character, and be consistent with the other principals.**
7. New commercial and light industrial developments will be developed with pedestrian amenities and green spaces.
8. Streets will create an attractive public realm.
9. Places will be connected to create better opportunities to walk, bike and access public transportation throughout the community.
10. Environmentally sensitive and sustainable practices will be encouraged in future developments.

The subject area is identified on the **Conservation and Development Map** in the following ways:

- Economic Expansion Area
- Mixed Use Center
- Traditional Neighborhood Design

(See enclosed excerpt of explanation chart from page 3.19 of 2008 Comprehensive Plan)

Transportation (p. 5.1-5.7)

- Key Findings of Public Input to "Increase connectivity and accessibility" (bottom of page 5.2)
- Existing Conditions and Trends for "Connectivity between local streets and cross-town connectivity" (bottom of page 5.3)
- Objectives 1-8 (p. 5.6-5.7)

Housing (p. 7.1-7.6)

- Pertinent Key Findings are:
 - Provide diverse housing opportunities
 - Create more affordable housing options
- Pertinent Existing Conditions and Trends are:
 - Median value of Oxford home is higher than state and county (in 2008 and currently)
 - Oversupply of housing units projected
- Pertinent Objectives are:
 - Objective 2: Expanding housing options
 - H2.5: Incorporate a variety of housing options and prices as part of mixed use development
 - Objective 5: Expanding home ownership
 - Home ownership incentive programs through employers
 - Objective 7: Encourage and utilize sustainable building practices
 - Low-impact conservation development
 - Incentives for energy conservation and efficiency

Utilities (p. 8.1-8.4)

- Pertinent Objectives are:
 - Objective 1: Provide and maintain high quality services
 - Objective 5: Promote utilization of environmentally friendly utility practices

Community Facilities and Services (p. 9.1-9.5)

- Pertinent Key findings from Public Input
 - Maintain quality EMS and Fire Departments
- Pertinent Objectives
 - Objective 3: Improve city services
 - CF 3.4: Improve fire and emergency medical services

COMMENT FORMS

No public comment forms were received at the time of this report.

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering & Economic Development Departments.

The following comments were received:

Police:	Returned without comment
Fire:	See attached email
Service/Engineering:	See attached email
Econ. Dev.	Returned with comment

DECISION CRITERIA

The Planning Commission must deliberate the request based upon the following four questions from Section 1135.02(c)(1):

1. There is an **error on the Official Zoning Map** or in the delineations between districts thereon.
2. The proposed amendment will make the map **conform** more closely with the **Comprehensive Plan**.
3. There has been a **substantial change** in the area conditions that necessitates the amendment.
4. There is a **legitimate need** for additional land area in the zoning district that will be expanded.

ANALYSIS

The application proposes to reclassify the subject property from OI to R2A. For comparison purposes, below are the two purpose statements of the districts:

OI: Section 1143.13(a) Purpose: This district is intended to provide for research and development and professional office facilities that have minimal impact upon the surrounding environment.

R2A: Section 1143.04(a) Purpose: This district is designed to provide and preserve neighborhoods of smaller single-family residences within and adjacent to areas of similar development. This district also provides for a limited number of two-family residences.

1. Error on the Official Zoning Map

The review and approval for the current OI zoning designation is well documented and was surveyed by a professional surveyor. There is no indication that the location of the boundaries or the actual zoning class itself, are in error. This decision standard is intended to correct typographical or survey errors that were not discovered in the original approval procedure.

2. Conformance with the Comprehensive Plan

The 2008 Comprehensive Plan contains many topics that guide decision-making. One of the major themes noted above is a Land Use Principal to preserve the community's small town college character. As identified by the applicant, a connector road through the subject property does not exist and is not shown on city plans. While it was one element of the original PUD, it should be noted that the land is still served by a major arterial roadway, U.S. 27 South. It may be difficult to ascertain how creating an "Economic Expansion Area" is consistent with preserving small town character. However, there is increased focus for cities to have sustainable economies. More diversified employment bases in small college towns can seek to achieve this goal. Given that at least a portion of the land is serviced by a major roadway, it is conceivable that preserving at least a portion for non-residential development is justifiable. Additionally, if the entire area proposed were to be rezoned to residential, it is not reasonable to expect that the adjacent

two acre GB district can provide the variety of daily needs that were expected when the “Mixed Use Center” was placed on the Conservation and Development Map of the Comprehensive Plan (see attached). Recent advances in mass transit may have helped mitigate this need; however long range planning objectives should be maintained.

One objective in the Land Use chapter of the Comp Plan is for development in outlying areas to appropriately transition from rural to small town character. The Comp Plan anticipates the negative image of an abruptly dense commercial or industrial gateway entry to the city. The subject property was approved as part of a Business Planned Development (B-PUD) in Butler County. This means that the scale, density and overall look of the development has to be agreed upon as part of future land divisions for lots. No site layouts have been approved for commercial or industrial development; only for the apartments north of the subject property. Therefore there is no danger that the current OI zoning prevents the city from approving a development scheme more restrictive than the base zoning district allows. This is one of the reasons for a Planned Development; to guide development in context with its surroundings without the rigidity of only base zoning codes. Zoning codes are important, but in key areas, they may not give enough guidance. Recent planned development approvals demonstrate that this is possible.

Although recent transportation planning efforts have focused on bike and pedestrian safety improvements, much discussion and planning effort has gone into all transportation modes in and around the city, including, but not limited to mass transit. While OI land uses do generate trips during peak times such as shift changes, low to medium density residential development could have a much higher traffic volume. A traffic study comparing the two zoning classes for the maximum potential demands on the transportation systems could be done before a rezoning moves forward. A study should anticipate the completed 27 South safety improvement project. Additionally, there was considerable public input on the lack of connectivity in Oxford. If additional residential development were to occur on the subject property, the development should provide for all modes of transportation connectivity. One example of a potential improvement could be converting one of the scheduled five foot sidewalks along U.S. 27 to a lighted multi-use path. This would facilitate 24 hour connectivity with an otherwise unconnected portion of urbanized area of Oxford. Other mitigating measures, such as intersection improvements and secondary access roads, could result from a professional analysis. See attached comments from Fire Chief and Service Director.

The Comp Plan contains much information regarding Oxford housing stock. The pertinent themes of supply/demand, affordability and diversity are summarized above on page 2 of this report. A recent housing unit vacancy rate from the U.S. Census Bureau is 16.9% (+/- 3.3% error). There are 6,893 housing units in Oxford, with 1,874 of those being owner-occupied. The median home value is \$194,800. See attached Census Bureau report.

3. Substantial Changes

Since the time of the August 2007 Office and Light Industrial (OI) zoning designation, only the following substantial changes have occurred in the area:

- Thoroughfare Plan not showing connector road was approved in October 2007 (not a visible change)
- University Park Boulevard and signalized intersection
 - New high school is 0.75 miles away from site may therefore not be adversely affected by OI zoning
- Plans for 27 South safety improvement/widening have been approved and project underway
 - Currently utility relocation is underway

4. Legitimate Need

Based upon the supply/demand information from the Comprehensive Plan followed up with recent information from the U.S. Census, there will be limited need in the 20 year planning horizon for substantial amounts of new residentially zoned land. There are significant amounts of undeveloped (no infrastructure) R1A and R1B zoned land, of which, portions could be rezoned to R2A. A couple examples

are Western Knolls, Olde Farm Road, as well as adjacency to many other subdivisions, already abutting to stubbed roadways for future continuation.

There are five R2A zoning districts in Oxford, all of which are fully developed except for one. The one undeveloped is the 33 acres directly south of the subject property. Therefore, the 33 acres within the existing development could be developed for the proposed use, if the infrastructure were installed.

CONCLUSION

Vacant office and light industrial lands have not experienced development in recent years. However, the Commission will need to deliberate the value of maintaining zoning for such vacant land with mitigating the potential new impacts of additional residential land outside the urban core.

RECOMMENDATION

If there is value in considering residential zoning, additional information addressing staff concerns should be submitted prior to a recommendation of approval. Until such time, the zoning request can be denied or tabled. Staff can allow a re-application in less than one year if new evidence is submitted or if there are changes in the area. The Commission can table the decision and give the applicant an opportunity to submit additional information at a future meeting. The Commission can then review and deliberate on the additional information and forward a final recommendation to City Council for legislative action.

SUBMITTED

BY:



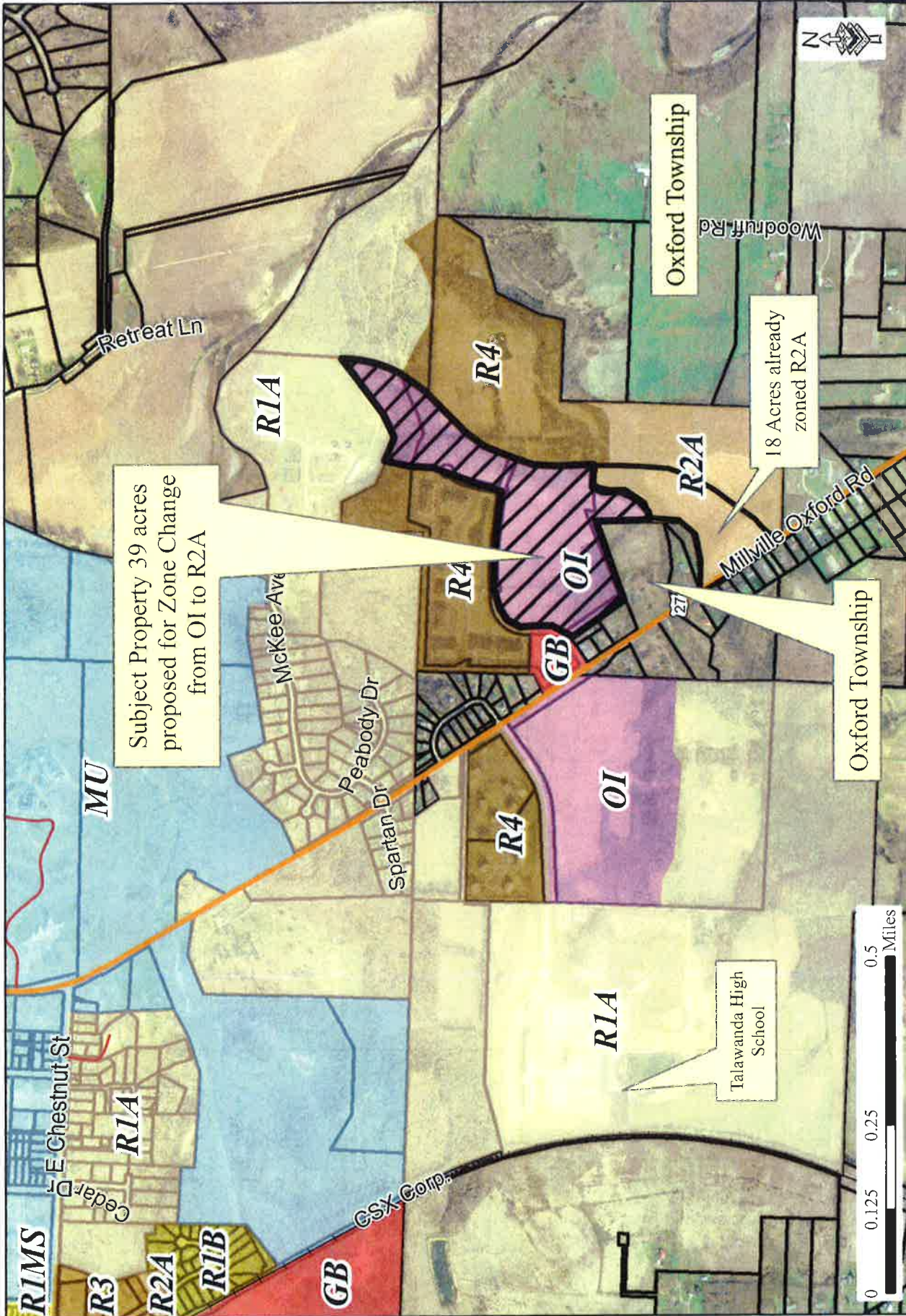
Sam Perry, Planner

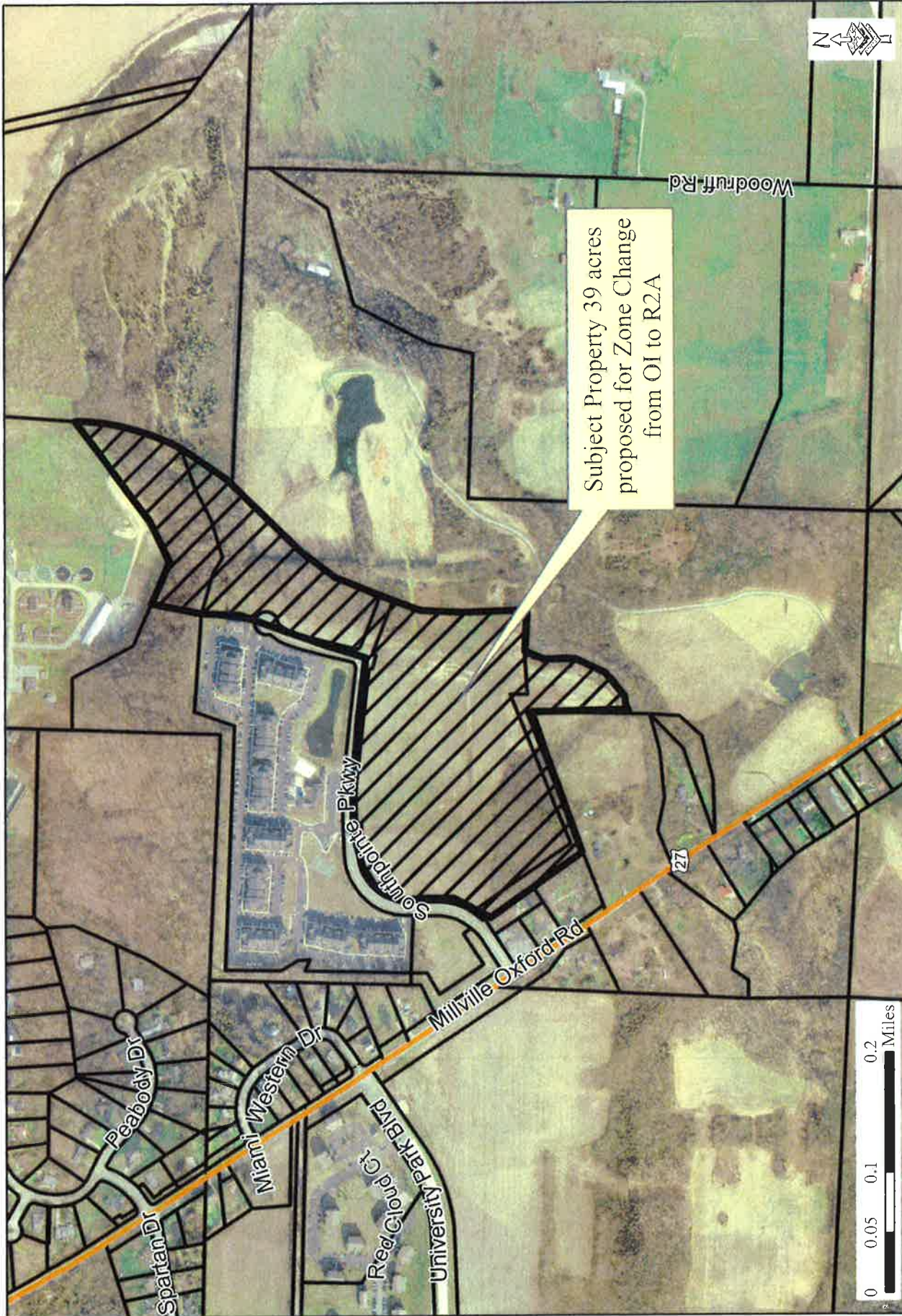
DATE: March 5, 2014

ATTACHMENT

Chapter 1135 Zoning Code Amendments

- (c) **Planning Commission and Council Review.** The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.
- If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.
- (1) **Decision standards.** A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.
- Map Amendments**
- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
 - B. The proposed amendment will make the map conform more closely to the Comprehensive Plan.
 - C. There has been a substantial change in area conditions that necessitates the amendment.
 - D. There is a legitimate need for additional land area in the zoning district that will be expanded.





Aerial Photo of Proposed Rezoning Area



Proposed Rezoning Area



DP04

SELECTED HOUSING CHARACTERISTICS

2008-2012 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Subject	Oxford city, Ohio			
	Estimate	Margin of Error	Percent	Percent Margin of Error
HOUSING OCCUPANCY				
Total housing units	6,893	+/-426	6,893	(X)
Occupied housing units	5,730	+/-379	83.1%	+/-3.3
Vacant housing units	1,163	+/-251	16.9%	+/-3.3
Homeowner vacancy rate	4.2	+/-3.6	(X)	(X)
Rental vacancy rate	13.0	+/-4.5	(X)	(X)
UNITS IN STRUCTURE				
Total housing units	6,893	+/-426	6,893	(X)
1-unit, detached	2,866	+/-294	41.6%	+/-3.6
1-unit, attached	262	+/-104	3.8%	+/-1.5
2 units	465	+/-173	6.7%	+/-2.5
3 or 4 units	638	+/-185	9.3%	+/-2.6
5 to 9 units	573	+/-180	8.3%	+/-2.6
10 to 19 units	1,357	+/-256	19.7%	+/-3.4
20 or more units	473	+/-176	6.9%	+/-2.5
Mobile home	259	+/-91	3.8%	+/-1.3
Boat, RV, van, etc.	0	+/-21	0.0%	+/-0.4
YEAR STRUCTURE BUILT				
Total housing units	6,893	+/-426	6,893	(X)
Built 2010 or later	29	+/-31	0.4%	+/-0.5
Built 2000 to 2009	903	+/-219	13.1%	+/-3.1
Built 1990 to 1999	1,260	+/-241	18.3%	+/-3.5
Built 1980 to 1989	885	+/-214	12.8%	+/-3.0
Built 1970 to 1979	1,602	+/-297	23.2%	+/-3.8
Built 1960 to 1969	930	+/-191	13.5%	+/-2.5
Built 1950 to 1959	369	+/-121	5.4%	+/-1.8
Built 1940 to 1949	133	+/-72	1.9%	+/-1.1
Built 1939 or earlier	782	+/-210	11.3%	+/-3.0
ROOMS				
Total housing units	6,893	+/-426	6,893	(X)
1 room	88	+/-82	1.3%	+/-1.2
2 rooms	155	+/-92	2.2%	+/-1.3

Subject	Oxford city, Ohio			
	Estimate	Margin of Error	Percent	Percent Margin of Error
3 rooms	763	+/-222	11.1%	+/-3.0
4 rooms	1,427	+/-251	20.7%	+/-3.2
5 rooms	1,249	+/-263	18.1%	+/-3.8
6 rooms	1,322	+/-290	19.2%	+/-4.1
7 rooms	855	+/-202	12.4%	+/-3.0
8 rooms	447	+/-118	6.5%	+/-1.6
9 rooms or more	587	+/-136	8.5%	+/-1.9
Median rooms	5.3	+/-0.3	(X)	(X)
BEDROOMS				
Total housing units	6,893	+/-426	6,893	(X)
No bedroom	118	+/-89	1.7%	+/-1.3
1 bedroom	802	+/-217	11.6%	+/-2.9
2 bedrooms	2,081	+/-336	30.2%	+/-4.2
3 bedrooms	1,962	+/-255	28.5%	+/-3.4
4 bedrooms	1,647	+/-207	23.9%	+/-3.1
5 or more bedrooms	283	+/-118	4.1%	+/-1.7
HOUSING TENURE				
Occupied housing units	5,730	+/-379	5,730	(X)
Owner-occupied	1,874	+/-210	32.7%	+/-3.3
Renter-occupied	3,856	+/-338	67.3%	+/-3.3
Average household size of owner-occupied unit	2.28	+/-0.14	(X)	(X)
Average household size of renter-occupied unit	2.41	+/-0.21	(X)	(X)
YEAR HOUSEHOLDER MOVED INTO UNIT				
Occupied housing units	5,730	+/-379	5,730	(X)
Moved in 2010 or later	1,450	+/-268	25.3%	+/-4.2
Moved in 2000 to 2009	3,191	+/-330	55.7%	+/-4.7
Moved in 1990 to 1999	631	+/-141	11.0%	+/-2.3
Moved in 1980 to 1989	222	+/-97	3.9%	+/-1.7
Moved in 1970 to 1979	146	+/-67	2.5%	+/-1.1
Moved in 1969 or earlier	90	+/-40	1.6%	+/-0.7
VEHICLES AVAILABLE				
Occupied housing units	5,730	+/-379	5,730	(X)
No vehicles available	508	+/-171	8.9%	+/-2.7
1 vehicle available	2,395	+/-325	41.8%	+/-4.3
2 vehicles available	1,659	+/-250	29.0%	+/-4.0
3 or more vehicles available	1,168	+/-207	20.4%	+/-4.0
HOUSE HEATING FUEL				
Occupied housing units	5,730	+/-379	5,730	(X)
Utility gas	3,165	+/-292	55.2%	+/-4.3
Bottled, tank, or LP gas	67	+/-57	1.2%	+/-1.0
Electricity	2,477	+/-312	43.2%	+/-4.2
Fuel oil, kerosene, etc.	21	+/-25	0.4%	+/-0.4
Coal or coke	0	+/-21	0.0%	+/-0.5
Wood	0	+/-21	0.0%	+/-0.5
Solar energy	0	+/-21	0.0%	+/-0.5
Other fuel	0	+/-21	0.0%	+/-0.5
No fuel used	0	+/-21	0.0%	+/-0.5
SELECTED CHARACTERISTICS				
Occupied housing units	5,730	+/-379	5,730	(X)
Lacking complete plumbing facilities	42	+/-57	0.7%	+/-1.0
Lacking complete kitchen facilities	63	+/-71	1.1%	+/-1.2
No telephone service available	331	+/-131	5.8%	+/-2.2

Subject	Oxford city, Ohio			
	Estimate	Margin of Error	Percent	Percent Margin of Error
OCCUPANTS PER ROOM				
Occupied housing units	5,730	+/-379	5,730	(X)
1.00 or less	5,730	+/-379	100.0%	+/-0.5
1.01 to 1.50	0	+/-21	0.0%	+/-0.5
1.51 or more	0	+/-21	0.0%	+/-0.5
VALUE				
Owner-occupied units	1,874	+/-210	1,874	(X)
Less than \$50,000	86	+/-62	4.6%	+/-3.1
\$50,000 to \$99,999	67	+/-47	3.6%	+/-2.6
\$100,000 to \$149,999	377	+/-133	20.1%	+/-6.3
\$150,000 to \$199,999	457	+/-108	24.4%	+/-5.8
\$200,000 to \$299,999	689	+/-139	36.8%	+/-6.5
\$300,000 to \$499,999	172	+/-75	9.2%	+/-3.9
\$500,000 to \$999,999	18	+/-25	1.0%	+/-1.3
\$1,000,000 or more	8	+/-12	0.4%	+/-0.6
Median (dollars)	194,800	+/-12,655	(X)	(X)
MORTGAGE STATUS				
Owner-occupied units	1,874	+/-210	1,874	(X)
Housing units with a mortgage	1,189	+/-156	63.4%	+/-5.2
Housing units without a mortgage	685	+/-130	36.6%	+/-5.2
SELECTED MONTHLY OWNER COSTS (SMOC)				
Housing units with a mortgage	1,189	+/-156	1,189	(X)
Less than \$300	0	+/-21	0.0%	+/-2.5
\$300 to \$499	17	+/-20	1.4%	+/-1.7
\$500 to \$699	43	+/-35	3.6%	+/-2.8
\$700 to \$999	189	+/-72	15.9%	+/-6.0
\$1,000 to \$1,499	385	+/-126	32.4%	+/-8.7
\$1,500 to \$1,999	318	+/-99	26.7%	+/-7.6
\$2,000 or more	237	+/-84	19.9%	+/-7.1
Median (dollars)	1,443	+/-144	(X)	(X)
Housing units without a mortgage	685	+/-130	685	(X)
Less than \$100	7	+/-11	1.0%	+/-1.6
\$100 to \$199	0	+/-21	0.0%	+/-4.3
\$200 to \$299	59	+/-47	8.6%	+/-6.3
\$300 to \$399	157	+/-63	22.9%	+/-9.1
\$400 or more	462	+/-117	67.4%	+/-10.8
Median (dollars)	497	+/-52	(X)	(X)
SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME (SMOCAPI)				
Housing units with a mortgage (excluding units where SMOCAPI cannot be computed)	1,189	+/-156	1,189	(X)
Less than 20.0 percent	669	+/-127	56.3%	+/-8.7
20.0 to 24.9 percent	257	+/-99	21.6%	+/-7.5
25.0 to 29.9 percent	138	+/-55	11.6%	+/-4.6
30.0 to 34.9 percent	34	+/-41	2.9%	+/-3.4
35.0 percent or more	91	+/-56	7.7%	+/-4.4
Not computed	0	+/-21	(X)	(X)
Housing unit without a mortgage (excluding units where SMOCAPI cannot be computed)	685	+/-130	685	(X)
Less than 10.0 percent	369	+/-81	53.9%	+/-12.1
10.0 to 14.9 percent	70	+/-49	10.2%	+/-6.9
15.0 to 19.9 percent	54	+/-40	7.9%	+/-5.9

Subject	Oxford city, Ohio			
	Estimate	Margin of Error	Percent	Percent Margin of Error
20.0 to 24.9 percent	37	+/-48	5.4%	+/-6.5
25.0 to 29.9 percent	34	+/-33	5.0%	+/-4.8
30.0 to 34.9 percent	15	+/-24	2.2%	+/-3.5
35.0 percent or more	106	+/-74	15.5%	+/-9.2
Not computed	0	+/-21	(X)	(X)
GROSS RENT				
Occupied units paying rent	3,689	+/-323	3,689	(X)
Less than \$200	86	+/-68	2.3%	+/-1.9
\$200 to \$299	49	+/-58	1.3%	+/-1.5
\$300 to \$499	224	+/-115	6.1%	+/-3.0
\$500 to \$749	1,550	+/-275	42.0%	+/-6.1
\$750 to \$999	876	+/-215	23.7%	+/-5.2
\$1,000 to \$1,499	433	+/-160	11.7%	+/-4.3
\$1,500 or more	471	+/-168	12.8%	+/-4.8
Median (dollars)	736	+/-50	(X)	(X)
No rent paid	167	+/-102	(X)	(X)
GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME (GRAPI)				
Occupied units paying rent (excluding units where GRAPI cannot be computed)	3,483	+/-307	3,483	(X)
Less than 15.0 percent	186	+/-73	5.3%	+/-2.1
15.0 to 19.9 percent	321	+/-119	9.2%	+/-3.2
20.0 to 24.9 percent	204	+/-112	5.9%	+/-3.3
25.0 to 29.9 percent	147	+/-74	4.2%	+/-2.1
30.0 to 34.9 percent	170	+/-101	4.9%	+/-2.9
35.0 percent or more	2,455	+/-309	70.5%	+/-5.4
Not computed	373	+/-169	(X)	(X)

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

The median gross rent excludes no cash renters.

In prior years, the universe included all owner-occupied units with a mortgage. It is now restricted to include only those units where SMOCAPI is computed, that is, SMOC and household income are valid values.

In prior years, the universe included all owner-occupied units without a mortgage. It is now restricted to include only those units where SMOCAPI is computed, that is, SMOC and household income are valid values.

In prior years, the universe included all renter-occupied units. It is now restricted to include only those units where GRAPI is computed, that is, gross rent and household income are valid values.

The 2007, 2008, 2009, 2010, 2011, and 2012 plumbing data for Puerto Rico will not be shown. Research indicates that the questions on plumbing facilities that were introduced in 2008 in the stateside American Community Survey and the 2008 Puerto Rico Community Survey may not have been appropriate for Puerto Rico.

Median calculations for base table sourcing VAL, MHC, SMOC, and TAX should exclude zero values.

Telephone service data are not available for certain geographic areas due to problems with data collection. See Errata Note #93 for details.

While the 2008-2012 American Community Survey (ACS) data generally reflect the December 2009 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2008-2012 American Community Survey

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

Sam Perry

From: John Detherage
Sent: Monday, March 03, 2014 4:32 PM
To: Sam Perry
Subject: RE: 27 South proposed rezone

Sam,

I believe that the secondary ingress/egress road that was included in the Tech Park plan should remain if the zoning changes to residential. Looking at the map submitted by the applicant, I would guess that the occupancy would be in excess of 1,000. With the occupancy of Level 27 you would have somewhere in the neighborhood of 2,000 people relying on one way in and one way out, including emergency vehicles. The residents of this area would be best served with an additional access road.

John P. Detherage
Fire Chief
City of Oxford Fire Department
101 East High St.
Oxford, Ohio 45056
Office: (513) 523-6324
Cell: (513) 839-1570

From: Sam Perry
Sent: Monday, March 03, 2014 11:54 AM
To: John Detherage
Cc: Jung-Han Chen
Subject: 27 South proposed rezone

John,

Attached are some maps and the applicant's request letter.

Thanks,
Sam

Sam Perry

Planner
City of Oxford
Community Development Department
101 East High Street | Oxford, Ohio 45056
p. (513) 524-5204 | f. (513) 524-5266
sperry@cityofoxford.org | <http://www.cityofoxford.org>

NOTICE: This email communication is informal in nature and is for general guidance and information purposes only. It is not intended to serve as an administrative ruling, decision, determination, or interpretation by the Community Development Department. If you have a question relating to a specific permit application, variance request, interpretation of the Oxford Planning and Zoning Code, or other matter requiring administrative action, please direct a written inquiry to the Community Development Department, 101 East High Street, Oxford, OH 45056.

Sam Perry

From: Mike Dreisbach
Sent: Wednesday, March 05, 2014 9:52 AM
To: Sam Perry
Cc: Jung-Han Chen; Richard Dils; Victor Popescu; Scott Otto
Subject: Southpointe Crossing Rezoning

Sam,

Based on a cursory review of existing utilities servicing Southpointe Crossing, there should be adequate capacity for water and sanitary sewer service in the subject area. However, the applicant's engineer must verify water pressure, flow, and fire flow capabilities. The applicant must also verify site elevations to ensure gravity flow of all sanitary sewers servicing the area.

Of concern will be traffic generated by the site, and timing of the proposed trips. Residential use will likely have high trip generation at opposite times of an OI zone. That, coupled with high trip generation from the new high school across US27, warrants the applicant be required to conduct a fresh traffic analysis of current conditions and forecasted conditions following the completion of roadway improvements to US27. The roadway improvements should be completed by the end of 2015. While new turning lanes will be constructed by ODOT as part of US27 improvements, a traffic control signal will not be constructed by ODOT at Southpointe Crossing and US27. The traffic study will take into account the new traffic control signal at the intersection of University Park Blvd and US27.

Based on the conclusion of the traffic study, the applicant should be required to construct, at their expense, improvements required by the new zoning of the development.

Thanks,

Mike



Michael B. Dreisbach
Director of Public Services
101 East High Street
Oxford, OH 45056
513.524.5206

CONFIDENTIALITY NOTICE:

This information transmitted is intended only for the person or entity to which it is addressed and may contain personal information which is privileged and confidential. If you receive this material/information in error, please contact the sender and delete or destroy the material/information immediately

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 27, 2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-2014-02 ZONING MAP AMENDMENT, the rezoning of 57.586 acres of undeveloped land currently Office & Light Industrial (OI) District to a Single- and Two-Family Residential (R-2A) District, generally located Southeast of the intersection of US 27 South and Southpointe Parkway, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Comments or status update requested by: Becky Kolb

Please return no later than: **2/26/14** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by:  Date: 2/18/2014

R. B. HOLZWORTH

PRINTED NAME

Economic Development

From: Community Development

 X Review Revisions Other

Please return no later than: **2/26/14** Note: If no comments are received, we will assume the project meets your department's standards.

w/comments

I also disagree with the applicant's assertion that the City is supporting one Tech Park over the other. Yes, the owners of the Miami Heritage Tech Park organized a \$3.5M Ohio Jobs Ready Sites Grant application, which the Oxford CIC supported and submitted. Had the owners of the Southpointe Tech Park put forth a grant application, I can almost guarantee the Oxford CIC would have supported the application. As a point of clarification, the City is not providing the \$3.3M in matching funds; the MHTP developer is required to provide these funds.

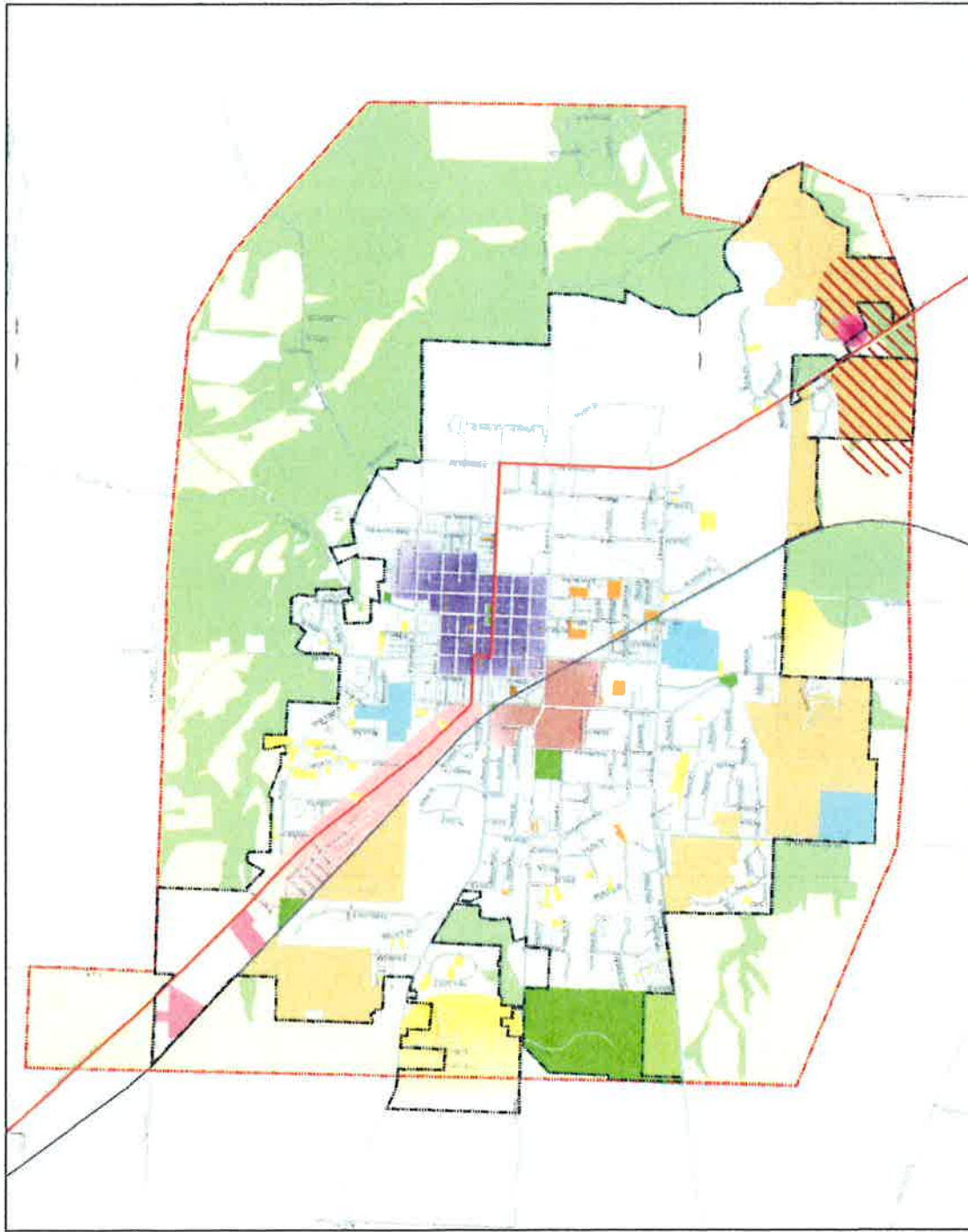
I would like to see some of this land retain its OI zoning. My suggestion is most of parcel #H4100143000004 remain as OI. See the attached sketch. This parcel is 21 acres. I would guess the area I marked is approximately 15 acres.

Drawings reviewed by: [Signature] Date: 2-26-14

G. ALAN KECER

PRINTED NAME

MAP 3.6 CONSERVATION AND DEVELOPMENT MAP



- Concept Areas**
- Neighborhood Expansion
 - Mixed Use Center
 - Corridor Enhancement Area
 - Neighborhood Enhancement Area
 - Redevelopment
 - Potential Park Expansion
 - Conservation Development
 - Natural Areas
 - Traditional Neighborhood Development
 - Economic Expansion Area

- Developable Character Areas**
- Corridor
 - Neighborhood General 1
 - Neighborhood General 2
 - Neighborhood General 3

- Railroad
- U.S. Highway
- Existing Roadway
- Parks
- Civic Sites
- Developed Areas
- City Boundary
- Sewer / Study Boundary



Date Created: 7/14/08

ACP (Data Source: Butler County GIS)

Oxford Tomorrow: Community Update

Larger document available

TABLE 3.4 CONCEPT AREA MATRIX

Concept Area Descriptions													
Concept Areas	Location	Land Area (Acres)	Development Intent	Building Blocks	Preferred Uses								
					SF	TF	ASF	MF	CIVIC	NC	LSC	IND	
Corridor Enhancement	U.S. Route 27 from Locust Street extending Northwest	175	Enhance landscaping, signage and access along the corridor to improve the local image when entering the city. Promote and attract new commercial uses and enhance connectivity and the design of existing uses through public and private investment.	Height (Feet) Lot Coverage Front Setback Bldg. Square Feet	45' 75% 25'-30' >30,000				✓			✓	
Mixed Use Center	Community gateways along and U.S. Route 27 (southeast)	400	Develop a small-scale commercial mixed use center intended to serve the daily needs of residents including single-family areas found in neighborhoods and multifamily development, as well as future office, commercial and light industrial development in surrounding areas.	Height (Feet) Lot Coverage Front Setback Bldg. Square Feet	45' 50% 50'-100' >4,000	✓		✓	✓				
Neighborhood Enhancement	Area north of Spring Street around Updown and Homestead	184	Stabilize and enhance existing neighborhoods within the Mile Square. This should include the maintenance and improvements to public and private property that reflects the traditional neighborhood characteristics and commercial features that exist in the area.	Height (Feet) Lot Coverage Front Setback Bldg. Square Feet	35' 30% 20' >3,500		✓		✓				
Neighborhood Expansion	Areas located on the periphery of the City to the south and west	159	Primarily undeveloped land within or contiguous to existing city boundaries that can accommodate new residential growth. New growth in these areas should reflect the qualities of the surrounding character areas and interconnect with other neighborhoods. New growth should be in a conservation pattern as described below under Conservation Development.	Height (Feet) Lot Coverage Front Setback Bldg. Square Feet	35' 30% 20' >3,500	✓		✓			✓		
Park Expansion	Area located to the south of the Community Park	32	Expand the Community Park to serve a variety of active and passive recreational uses. New park development should be easily accessed by a variety of mobility options.	Height (Feet) Lot Coverage Front Setback Bldg. Square Feet	NA								
Redevelopment	Commercial area between College Street and McCutley Avenue, and extending from south of Spring Street to West High Street	72	Redevelop with a mix of small and medium sized commercial uses with a well defined streetscape and public spaces. Residential uses should also be integrated within the area to create a 24-hour district, and to create shopping and dining options within walking distance of surrounding neighborhoods.	Height (Feet) Lot Coverage Front Setback Bldg. Square Feet	45' 50% 25'-30' >10,000				✓			✓	
Traditional Neighborhood Development	Vacant residential areas on the edge of the city. Some of these areas may already be platted	598	Growth in a traditional neighborhood pattern in areas that are appropriate for a variety of residential development types because of their proximity to planned or existing roadways and utilities. New development should be walkable with a distinct center and edge, open spaces, well designed streets and public spaces, and include multiple housing options.	Height (Feet) Lot Coverage Front Setback Bldg. Square Feet	35' 30% 20' >3,500		✓		✓			✓	
Conservation Development	Areas zoned primarily for agriculture or low density residential development within the Study Area but are beyond the city limits and may have entitlement rights.	1,556	Conserve areas that have value as open space but are subject to development because entitlement to development may exist. If developed these areas should incorporate conservation practices preserving and enhancing the natural environment and rural character.	Height (Feet) Lot Coverage Front Setback Bldg. Square Feet	35' 30% 20' >3,500	✓				✓			
Natural Areas	Natural areas within the Study Area but beyond the city limits and may have entitlement rights	736	Preserve and enhance natural or agricultural areas where appropriate. These areas have environmental significance and may have development constraints. These areas may also have zoning entitlements. If developed the development should incorporate context sensitive design to protect existing natural areas. Areas that are protected should be connected to the extent possible to create a greenbelt around the city.	Height (Feet)	35'	✓				✓			
Economic Expansion Area	Area located to the southeast portion of Oxford, near US 27	232	Develop new office, commercial and light industrial along U.S. 27 south. Development in this area is encouraged primarily for fiscal reasons, but may integrate some residential uses. Development should be set back from the roadway in a manner that does not compromise the rural nature of the south gateway into the city. The development pattern will be consistent with the desire to enhance small town character.	Height (Feet) Lot Coverage Front Setback Bldg. Square Feet	45' 50% 50'-100' >30,000		✓					✓	✓

The information presented in this table are recommendations for how these concept areas should be designed. Design flexibility should be granted as deemed appropriate by the city. The building blocks and preferred uses may slightly vary.

LEGEND

SF	Single Family	Civic	Public Land and Facilities
TF	Two Family	NC	Neighborhood Commercial
ASF	Attached Single Family	LSC	Large Scale Commercial
MF	Multi-Family	IND	Industrial

larger document available



August 27, 2007

Mr. Scott Webb, Architect
103 W. Walnut Street
Oxford, OH 45056

RE: PC-07-2007 – ZONING MAP AMENDMENT

Dear Mr. Webb:

On August 7, 2007, the City of Oxford City Council approved Planning Commission's recommendation for approval of a Zoning Map Amendment - U.S. 27 South/Southpointe Parkway Butler County Land Use Classification to OI (Office & Light Industrial) and R1A (Single Family Low Density Residential). Attached is legislation regarding this case.

Should you have any questions related to this action, please contact me at 513/524-5204.

Sincerely,

Lynn Taylor
Administrative Assistant
Community Development Department

Enclosure

Cc: File
Inspections

ORDINANCE NO. 2966

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR PROPERTY LOCATED ON SOUTHPOINTE BLVD. IN OXFORD, OHIO AND REZONING THE PROPERTY FROM BUTLER COUNTY ZONING CLASSIFICATION TO OI – OFFICE AND LIGHT INDUSTRIAL, R3 – MULTI-FAMILY RESIDENTIAL, R1A- SINGLE-FAMILY LOW DENSITY RESIDENTIAL, AND R2A – SINGLE AND TWO-FAMILY RESIDENTIAL.

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 May 8, 2007, at 7:30 p.m., on the applicant's Scott Webb, Architect and 4-Leaf Development's application for a Zoning Map Amendment for property located on Southpointe Blvd. Oxford, Ohio rezoning the property from Butler County Zoning Classification to OI – Office and Light Industrial, R3 – Multi-Family Residential, R1A – Single-Family Low Density Residential, and R2A – Single and Two-Family Residential.

SECTION 2: The Oxford Planning Commission, after due deliberation, recommended granting the Zoning Map Amendment, and found that the proposed rezoning request was in keeping with the development plan submitted for the annexation request and would be zoned consistent with the zoning designations as assigned to the property by Butler County.

SECTION 3: The Planning Commission found the request does comply with the intent of the Oxford Codified Ordinances and the Oxford Comprehensive Plan.

SECTION 4: Council hereby accepts the report of the Oxford Planning Commission, and after due deliberation, finds for the granting of the Zoning Map Amendment rezoning Southpointe Blvd Oxford, Ohio to OI, R3, R1A, and R2A.

SECTION 5: Council hereby grants the rezoning request for the property as requested by the applicant, incorporating the application and documents submitted by the applicant as a term and condition of the granting of this rezoning request and orders that the official zoning map be amended.

SECTION 6: This Ordinance shall take effect at the earliest time allowed by law.


VICE MAYOR

ADOPTED: August 7, 2007

ATTEST:


DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVE PROWS

PREPARED BY: LAW (STAFF)

RESOLUTION NO. 04-12-3188

Resolved by the Board of County Commissioners of Butler County, Ohio, That

WHEREAS, by advertisement, a public hearing to amend the Butler County Rural Zoning Resolution was held on December 16, 2004 on the application of 4 Leaf Development, LLC (case RZC 04-07), to redistrict the following described property in Oxford Township from A-1 (Agricultural District) to R-PUD (Residential – Planned Unit Development District) and B-PUD (Business – Planned Unit Development District):

LEGAL DESCRIPTION

For the property proposed for B-PUD Zoning District: Situated in Section 25, 35 and 36, Town 5, Range 1, Oxford Township, Butler County, Ohio and being particularly described as follows: Beginning at a point found by measuring from the Northwest corner of aforementioned Section 36, along the Westerly line of said section, South 02°28'10" West, 615.40 feet, thence South 01°44'05" West, 253.05 feet to the true point of beginning; thence from the point of beginning thus found, leaving said section line, South 87°14'09" East, 330.30 feet; thence Due North, 21.57 feet; thence along a curve to the right having a radius of 250.00 feet, through a central angle of 88°04'43", an arc length of 384.32 feet, a chord bearing of North 44°02'21" East, a chord distance of 347.58 feet; thence North 88°04'43" East, 246.98 feet; thence along a curve to the right having a radius of 300.00 feet, through a central angle of 08°12'01", an arc length of 42.94 feet a chord bearing of North 87°49'17" East, a chord distance of 42.90 feet; thence South 83°43'17" East, 491.06 feet; thence along a curve to the right having a radius of 500.00 feet, through a central angle of 09°03'38", an arc length of 79.07 feet, a chord bearing of South 79°11'28" East, a chord distance of 78.99 feet; thence North 15°20'21" East, 289.64 feet; thence along a curve to the right having a radius of 300.00 feet, through a central angle of 31°56'45", an arc length of 167.27 feet a chord bearing of North 30°13'37" East, a chord distance of 165.11 feet; thence North 13°17'40" East, 480.78 feet; thence South 65°04'57" East, 200.61 feet; thence North 66°10'51" East, 199.92 feet; thence North 54°30'09" East, 547.69 feet; thence North 02°09'54" East, 703.10 feet; thence along a curve to the right having a radius of 1050.00 feet, through a central angle of 45°24'22", an arc length of 832.11 feet, a chord bearing of South 24°52'05" West, a chord distance of 810.51 feet; thence South 47°34'16" West, 284.49 feet; thence along a curve to the left having a radius of 1050.00 feet, through a central angle of 47°05'46", an arc length of 863.08 feet, a chord bearing of South 24°01'23" West, a chord distance of 838.99 feet; thence South 00°28'30" West, 469.17 feet; thence along a curve to the right having a radius of 1150.00 feet, through a central angle of 55°47'35", an arc length of 1119.84 feet, a chord bearing of South 28°22'18" West, a chord distance of 1076.12 feet; thence South 56°16'05" West, 189.92 feet to a point in the centerline of Millville Oxford Road (S.R. #27); thence along said centerline, North 36°07'54" West, 634.48 feet; thence leaving said centerline, South 87°07'17" East, 229.75 feet; thence North 77°43'45" East, 206.02 feet; thence North 40°56'29" East, 188.72 feet; thence North 02°47'48" East, 100.00 feet; thence North 02°18'57" East, 504.29 feet; thence South 70°13'00" West, 666.96 feet; thence North 33°20'39" West, 571.95 feet; thence South 57°31'51" West, 270.00 feet to a point in the centerline of Millville Oxford Road (S.R. #27); thence along said centerline, North 33°20'39" West, 66.75 feet to a point in the aforementioned Westerly line of Section 36; thence North 33°30'05" West, 258.81 feet; thence leaving said centerline, North 61°53'58" East, 190.11 feet to a point in the aforementioned Westerly line of Section 36; thence along said section line, North 01°44'05"

East, 41.91 feet to the point of beginning containing 0.621 acres of land in aforementioned Section 35 and containing 7.926 acres of land in aforementioned Section 25 and containing 49.111 acres of land in aforementioned Section 36 for a total of 57.658 acres of land and being subject to all easements and right-of-ways of record.

For the property proposed for the R-PUD zoning district; situated in Section 25 and 36, Town 5, Range 1, Oxford township, Butler County, Ohio and being a 28.955 acre tract of land in part of the lands of 4-Leaf Development, LLC and being further described as follows: Beginning at the Northwest corner of aforementioned Section 36; thence along the Northerly line of said Section 36, South 86°09'03" East, 1071.50 feet; thence leaving said section line, North 02°09'54" East, 653.45 feet; thence South 88°01'08" East, 258.05 feet; thence South 25°28'00" East, 301.09 feet; thence South 65°04'57" East, 200.61 feet; thence South 13°17'40" West, 480.78 feet to a point in the centerline of a future roadway; thence along said centerline, along a curve to the left having a radius of 300.00 feet, through a central angle of 31°56'45", an arc length of 167.27 feet, a chord bearing of South 30°13'37" West, a chord distance of 165.11 feet; thence South 15°20'21" West, 289.64 feet; thence along a curve to the left having a radius of 500.00 feet, through a central angle of 09°03'38", an arc length of 79.07 feet, a chord bearing of North 79°11'28" West, a chord distance of 78.99 feet; thence North 83°43'17" West, 491.06 feet; thence along a curve to the left having a radius of 300.00 feet, through a central angle of 08°12'01", an arc length of 42.94 feet, a chord bearing of north 87°49'17" West, a chord distance of 42.90 feet; thence South 88°04'43" West 246.98 feet; thence along a curve to the left having a radius of 250.00 feet, through a central angle of 88°04'43", an arc length of 384.32 feet, a chord bearing of South 44°02'21" West, a chord distance of 347.58 feet; thence Due South, 21.57 feet; thence leaving said centerline, North 87°14'09" West, 330.30 feet to a point in the Westerly line of aforementioned Section 36; thence along said section line, North 01°44'05" East, 253.03 feet; thence North 02°28'10" East, 615.40 feet to the point of beginning containing 22.133 acres of land in aforementioned Section 36 and containing 6.822 acres of land in aforementioned Section 25 for a total of 28.955 acres of land and being subject to all easements and right-of-way of record.

Also a 85.240 acre tract of land further described as follows: Situated in Section 25 and 36, Town 5, Range 1, Oxford township, Butler County, Ohio and being in part of the lands of 4-Leaf Development, LLC and being further described as follows: Beginning at a point found by measuring from the Northwest corner of aforementioned Section 36, along the Westerly line of said section, South 02°28'10" West, 615.40 feet; thence South 01°44'05" West, 294.94 feet; thence leaving said section line, South 61°53'58" West, 190.11 feet to a point in the centerline of Millville Oxford Road (S.R. #27); thence along said centerline, South 33°30'05" East, 258.81 feet; thence South 33°20'39" East, 66.75 feet; thence South 33°49'14" East, 1064.89 feet; thence South 36°07'54" East, 634.48 feet to the true point of beginning; thence from the point of beginning thus found, leaving said centerline, North 56°16'05" East, 186.92 feet; thence along a curve to the left having a radius of 1150.00 feet, through a central angle of 55°47'35", an arc length of 1119.84 feet, a chord bearing of North 28°22'18" East, a chord distance of 1076.12 feet; thence North 00°28'30" East, 469.17 feet; thence along a curve to the right having a radius of 1050.00 feet, through a central angle of 47°05'46", an arc length of 863.08 feet, a chord bearing of north 24°01'23" East, a chord distance of 838.99 feet; thence North 47°34'16" East, 284.49 feet; thence along a curve to the left having a radius of 1050.00 feet, through a central angle of 45°24'22", an arc length of 832.11 feet, a chord bearing of North 24°52'05" East, a chord distance of 810.51 feet; thence North 02°09'54" East, 703.10 feet; thence South 48°04'03" East, 142.19 feet; thence South

50*19'03" East, 87.12 feet; thence South 53*19'03" East, 145.86 feet; thence South 57*49'03" East, 105.60 feet; thence South 64*04'03" East, 126.72 feet; thence South 61*49'03" East, 465.96 feet; thence South 51*34'03" East, 91.08 feet; thence South 32*19'03" East, 117.48 feet; thence South 29*04'03" East, 264.00 feet; thence South 33*19'03" East 108.90 feet; thence South 38*19'03" East, 122.10 feet; thence South 53*34'03" East, 490.38 feet to a point in the aforementioned northerly line of Section 36; thence along said section line, North 87*33'59" West, 681.89 feet to a point in the centerline of Woodruff Road; thence leaving said section line, along said centerline, South 02*36'27" West, 107.75 feet; thence leaving said centerline, South 36*36'27" West, 296.86 feet; thence South 64*10'57" West, 429.00 feet; thence South 33*19'27" West, 363.00 feet; thence South 14*35'27" West, 189.75 feet; thence South 88*19'28" West, 656.79 feet; thence South 02*37'42" West, 1619.45 feet; thence due West, 176.56 feet to a point in the aforementioned centerline of Millville Oxford Road (S.R. #27); thence along said centerline, North 36*07'54" West, 634.48 feet to the point of beginning containing 54.808 acres of land in aforementioned Section 36 and containing 30.43 acres of land in aforementioned Section 25 for a total of 85.240 acres of land and being subject to all easements and right-of-ways of record.

WHEREAS, the Butler County Planning Commission recommended the aforesaid map amendment be approved subject to staff comments at a public hearing held in conjunction therewith on November 9, 2004; and

WHEREAS, the Butler County Rural Zoning Commission recommended said map amendment be approved subject to staff comments at a public hearing held in conjunction therewith on November 22, 2004; and

WHEREAS, the Board of Butler County Commissioners concurs with the findings of the Butler County Planning Commission and the Butler County Rural Zoning Commission that said amendment is an appropriate use of the land.

THEREFORE BE IT RESOLVED that the Commission approves the request for case RZC 04-07 based on the aforementioned reasons and subject to the following conditions:

1. Development is tied into City of Oxford public water and sanitary sewer services as noted on the Preliminary PUD Plan.
2. Proposed US 27 / SR 73 Connector Road shall be a "Boulevard" type street design with raised concrete median and heavily landscaped to provide a buffer between B-PUD and R-PUD uses.
3. Proposed US 27 / SR 73 Connector Road location and design criteria is tentative and subject to change by ODOT and BCEO, and the relocation of the road may result in a "Major Change" to the district boundaries.
4. Landscaping plan shall be submitted with each Final Development Plan per Article 13.0606.
5. Per Article 13A0314, the proposed R-PUD development shall not exceed twelve (12) dwelling units per acre as noted on the Preliminary PUD Plan. This density shall be calculated for both sections of the R-PUD District (not each district on their own).
6. Enough screening shall be provided through mounding and landscaping so that the Commercial use on the west side of Woody's Drive is not visible from US 27 or any property not located within the proposed PUD Development. Commercial development shall not be accessible from US 27.
7. Signage design plan shall be submitted with each phase of the final development. Signage should be coordinated across the entire development.
8. A flood study will be required on all streams and creeks on the property. The results of this study shall delineate the flood plain boundary on the Final PUD plan for each portion of the development.

9. Per Article 13B.032 YARD REQUIREMENTS, The perimeter of the B-PUD shall maintain a minimum of fifty (50) feet for side and rear yard setback requirements.
10. The permitted uses in the B-PUD District shall be limited to Office and Research and Development. Light Warehousing and Distribution may be permitted on a case by case basis which maintains the character of the Tech Park and as approved by the Planning Commission. Retail will be permitted in the "commercial" area.
11. Unless designated on the Final PUD Plan, all open space is to be left undisturbed.
12. An overall coordinated pedestrian plan which provides access to all lots in the development is required prior to approval by the Butler County Board of Commissioners.
13. A Traffic Impact Study (TIS) will be required prior to approval of the first phase of the Final PUD plan.

Commissioner Furmon moved for the foregoing resolution. Commissioner Jolivette seconded the motion and upon call of the roll, the vote resulted as follows:

Commissioner Jolivette	Yea
Commissioner Fox	Yea
Commissioner Furmon	Yea

Adopted: December 16, 2004

Attest:



Clerk

Note: The map amendment is not effective until thirty (30) days after the date of approval by the Board of Butler County Commissioners.

COPY

RESOLUTION NO. 05-05-1031

Resolved By the Board of County Commissioners of Butler County, Ohio, That

WHEREAS, the application by 4 Leaf Development, was submitted to Board of County Commissioners for Final Planned Unit Development (PUD) Plan approval for College Suites; and

WHEREAS, said application was reviewed by the Butler County Planning Commission at a public hearings held in conjunction therewith:

THEREFORE BE IT RESOLVED that on the authority vested in the Butler County Board of Commissioners the Board hereby approves the Final Planned Unit Development (PUD) Plan for College Suites subject to the following conditions:

1. All drainage easements must be maintained by an incorporated Property Owners Association or petition the County Commissioners for their maintenance. If the ditch petition process is chosen, it must be completed prior to final plat approval. There will be no exceptions. (The ditch petition process takes approximately 60 days.)
2. All erosion and sediment control regulations must be met throughout the duration of construction, including the EPA NPDES Permit and the Butler Soil and Water Conservation District (BSWCD) Earth Moving Permit. The BSWCD Earth Moving Permit application and fee must be submitted with the construction drawings.
3. Any roadway improvements required on U.S. 27 based on the submitted traffic impact study shall be completed by the developer at the developer's expense.
4. Additional sidewalks need to be added as shown on the attached drawing. Either the integral curb and walkway is to be used, or a separate stand alone sidewalk. Curb ramps are required where the sidewalk changes grade with the street/parking lot.
5. The use of gates at the entrance is acceptable to the City of Oxford Fire Department so long as the following items are included: Yelptone activated, a minimum of a twelve (12) foot wide by twelve (12) foot high opening required per lane for ingress/egress, manual override capacity, set gates so that in the case of a power failure, the gates automatically open and the submission of a set of plans and specifications for the gates prior to approval.

RESOLUTION NO. 4170

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

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

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

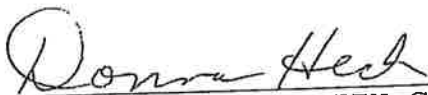
SECTION 2: Council hereby authorizes the City Manager to enter into a Development Agreement with Four Leaf Development Corporation, which is substantially in the same form as the proposed Development Agreement, incorporated herein, and dated April 2006.

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


MAYOR

ADOPTED: April 18, 2006

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: JEROME CONLEY

PREPARED BY: LAW(STAFF)

DEVELOPMENT AGREEMENT

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

RECITALS

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

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

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

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

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

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

ARTICLE I - WATER

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

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

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

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

ARTICLE II - SANITARY SEWER

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

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

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

ARTICLE III - ANNEXATION

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

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

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

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

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

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

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

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

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

ARTICLE IV - CONNECTOR

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

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

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

1. Annexation. The Property shall have been annexed into the City pursuant to Article III and all Ordinances with respect thereto shall be final.
2. Right of Way. 4-Leaf and the City shall have agreed upon the location of the Right of Way.
3. Financing. The City shall certify in writing to 4-Leaf that the Connector Financing is available for use in connection with the construction of the Connector.
4. Conditions to Financing. The Connector Financing shall not adversely affect the development of the Property (as determined by 4-Leaf in its sole discretion) or result in the imposition of any lien, charge, assessment, encumbrance or the like on the Property or any part of it due to the Connector Financing which would obligate any owner of the Property or any part of the Property to pay an amount greater than the amount of real estate taxes that would normally be imposed on the Property (or the relevant part of it).

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

1. Public Dedication. If the Property has been annexed into the City, upon completion of the construction of the Road, 4-Leaf will dedicate the Road as a public street. Provided that the Road has been constructed to the Engineering Specifications, the City will sign the dedication plat accepting the Road as a public street to be maintained (subject to 4-Leaf's maintenance obligations under its one year maintenance bond pursuant to Section 1101.06 of the Codified Ordinances of the City) by the City, at the City's sole cost and expense.
2. TIF District. If the Property has been annexed into the City, the City will, at 4-Leaf's request: (i) cause appropriate legislation to create one or more tax increment financing districts ("TIF Districts") under Chapter 5709 of the Code to be passed; and (ii) enter into a Service Payment Agreement ("Service Agreement") with respect thereto, all for the purpose of providing for the financing of the construction of the Road through the issuance of bonds and/or notes (the "TIF Obligations") of the City. Neither 4-Leaf nor any of its members shall be obligated to guarantee any

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

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

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

ARTICLE V - ADDITIONAL CITY COVENANTS

The City covenants and agrees to do the following:

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

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

B. Final PUD Approvals. The Annexation Agreement and the Annexation Resolution will provide, among other things, that the Property, if annexed into the City, will be zoned consistent with the approved preliminary Planned Unit Development plans and related

density provisions (collectively, hereinafter the "Final Plans") attached hereto as Exhibit "F", subject only to the requirements for set-backs (front, rear and side-yard) and building height provided for in Chapter 1143 of the Codified Ordinances of the City (collectively, the "Dimensional Requirements") and signage as set forth in Chapter 1151 of the Codified Ordinances of the City. The term "Dimensional Requirements" shall not be interpreted to include any other requirements not specified in Chapter 1143 of the Codified Ordinances of the City.

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

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

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

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

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

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

use best efforts to negotiate with Miami to provide for the construction of the Sidewalk on property owned by Miami on or before July 1, 2007 and to use best efforts to negotiate with 4-Leaf with respect to the construction of the bridge.

ARTICLE VI - ADDITIONAL 4-LEAF COVENANTS

4-Leaf covenants and agrees to do the following:

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

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

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

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

ARTICLE VII - MANAGEMENT OF THE PROJECT

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

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

ARTICLE VIII - REPRESENTATIONS AND WARRANTIES

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

1. 4-Leaf is an Ohio limited liability company duly formed and validly existing under the laws of the State of Ohio.
2. 4-Leaf has full power and authority to enter into and perform its obligations under this Agreement. The execution, delivery, and performance of this Agreement, and all transactions contemplated hereby, have been duly authorized and approved by all necessary actions of 4-Leaf and are the legal, valid and binding obligations of 4-Leaf.

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

1. OXO1 is a limited partnership duly formed and validly existing, in the State of Ohio.
2. OXO1 has full power and authority to enter into and perform its obligations under this Agreement. The execution, delivery, and performance of this Agreement, and all transactions contemplated hereby, have been duly authorized and approved by all necessary actions of OXO1 and are the legal, valid and binding obligations of OXO1.

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

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

6. The City has full power and authority to enter into and perform this Agreement. The execution, delivery, and performance of this Agreement and all transactions contemplated hereby have been duly authorized and approved by all necessary actions of the City, and are the legal, valid and binding obligations of the City.
7. The execution and delivery of this Agreement and the performance of the duties and obligations provided for in this Agreement by the City do not violate any provisions of the City's Charter or any law, ordinance or regulation or any agreement to which the City is a party or by which the City is bound.
8. The City has received no notice of any pending or threatened claim, litigation, or other administrative action or other legal proceeding involving or affecting the transactions contemplated by this Agreement.
9. The costs of any construction, work or maintenance performed by the City contemplated by this Agreement shall not be the subject matter of any special assessment, which will be levied against the Property.
10. By virtue of this Agreement and subject to its terms: (a) 4-Leaf, OXO1 and their successors and assigns, shall have a right of access to each of the Sewer Line, the Water Line, and the POP (if any); (b) 4-Leaf, OXO1 and their successors and assigns, shall have the right to use each of the Sewer Line, Water Line and the POP (if any) at the rates paid by users of water, sewer and POP services as provided for in this Agreement; and (c) 4-Leaf, OXO1 and their successors and assigns, shall have the right to tap into the Water Line and/or the Sewer Line servicing the Property as provided for in this Agreement.

ARTICLE IX - MISCELLANEOUS

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

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

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

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

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

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

E. Execution. Neither this Agreement nor any subsequent agreement amending or supplementing this Agreement shall be binding on the Parties unless and until it has been signed on their behalf by their respective duly authorized representatives. Commencement of performance hereunder or under any subsequent agreement shall not constitute a waiver of this

requirement. As used herein, the term "Agreement" shall mean this Development Agreement and the Exhibits attached hereto. This Agreement may be executed in one or more counterparts by any Party hereto and by all Parties hereto in separate counterparts, each of which, when so executed and delivered to the other Parties, shall be deemed an original. All such counterparts together shall constitute one and the same instrument.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Remainder of Page Intentionally Left Blank]

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

CITY OF OXFORD

By: Jane Howington
Jane Howington, City Manager

4-LEAF DEVELOPMENT, LLC

By: Barry D. Kelly
Pamela S. Lindley

OXO1, LTD.

By: Rosemary Capi
Pamela S. Lindley

APPROVED AS TO FORM:

By: [Signature]
Stephen M. McHugh, Law Director
City of Oxford, Ohio

ORDINANCE NO. 2965

AN ORDINANCE ACCEPTING THE ANNEXATION PETITION FROM 4-LEAF DEVELOPMENT, LLC, AND OXO1, LTD. FOR 172.512 ACRES OF LAND ABUTTING MILLVILLE OXFORD ROAD, IN THE TOWNSHIP OF OXFORD, OHIO AND ACCEPTING SAID TERRITORY TO BE ANNEXED.

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

SECTION 1: 4-Leaf Development, LLC and OXO1, Ltd. filed a petition with the Board of County Commissioners of Butler County, Ohio, to obtain annexation to the City of Oxford, Butler County, Ohio, territories consisting of 172.512 Acres of Land bounded by Millville Oxford Road, in the Township of Oxford, Ohio. Said petition was filed with the consent of all parties pursuant to Ohio Revised Code Section 709.022.

SECTION 2: The Board of County Commissioners did, by Resolution No. 07-04-0638, adopted April 12, 2007, approve the annexation of the proposed territory to the City of Oxford as hereinafter described. Such approval was subject to the terms and conditions contained in the Annexation Agreement, provided for by Ohio Revised Code Section 709.192, attached hereto and incorporated herein as Exhibit "A".

SECTION 3: The Board of County Commissioners did, through the Clerk of the Board of County Commissioners, Butler County, Ohio, certify a transcript of the proceedings in connection with the map and petition required herein to the Clerk of the Oxford City Council who received the same on the 13th day of April, 2007.

SECTION 4: Sixty (60) days from the date of the filing have now elapsed in accordance with the provisions of Ohio Revised Code 709.04.

SECTION 5: The proposed annexation, as applied for in the petition of 4-Leaf Development, LLC and OXO1, Ltd. being the petitioner and owner of the real estate in the territory sought to be annexed and filed with the Board of County Commissioners, Butler County, Ohio, in which the petition prayed for annexation to the City of Oxford, Ohio, of certain territory adjacent thereto as hereinafter described, and which petition was approved for annexation to the City of Oxford, Ohio, by the Board of County Commissioners on April 12, 2007, be and the same is hereby accepted and deemed annexed to the City of Oxford, subject to all the *terms and conditions provided herein and contained within the Annexation Agreement*, attached hereto and incorporated herein as Exhibit "A", the acceptance of public roads and streets, and the submittal of a performance and maintenance bond pursuant to Section 1101.06 of the Oxford Code of Ordinances. The territory to be annexed is more particularly described in Exhibits "B" and "C", attached hereto and incorporated herein.

SECTION 6: A certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for annexation and the papers relating to all proceedings heretofore with the County Commissioners, are all on file with the Clerk of the City of Oxford, and have been for more than sixty (60) days.

SECTION 7: The Clerk of the City of Oxford be and is hereby authorized and directed to make three copies of this ordinance, to each of which shall be attached a copy of the map accompanying this petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners of Butler County, Ohio, related thereto, and certified as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective and the Clerk shall do all other things as required by law.

SECTION 8: This Ordinance shall take effect at the earliest time allowed by law.


VICE MAYOR

ADOPTED: August 7, 2007

ATTEST:


DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: JEROME CONLEY

PREPARED BY: LAW (STAFF)

Rezone Area Connector Road

Exhibit D-Exhibit
PRELIMINARY PUD PLAN EXHIBIT

4-LEAF DEVELOPMENT, LLC.

SECTIONS 25, 36 & 36, TOWN 5, RANGE 1,
OXFORD TOWNSHIP, BUTLER COUNTY, OHIO

OCTOBER, 2004

REV. NOVEMBER, 2004

SCALE: 1" = 100'

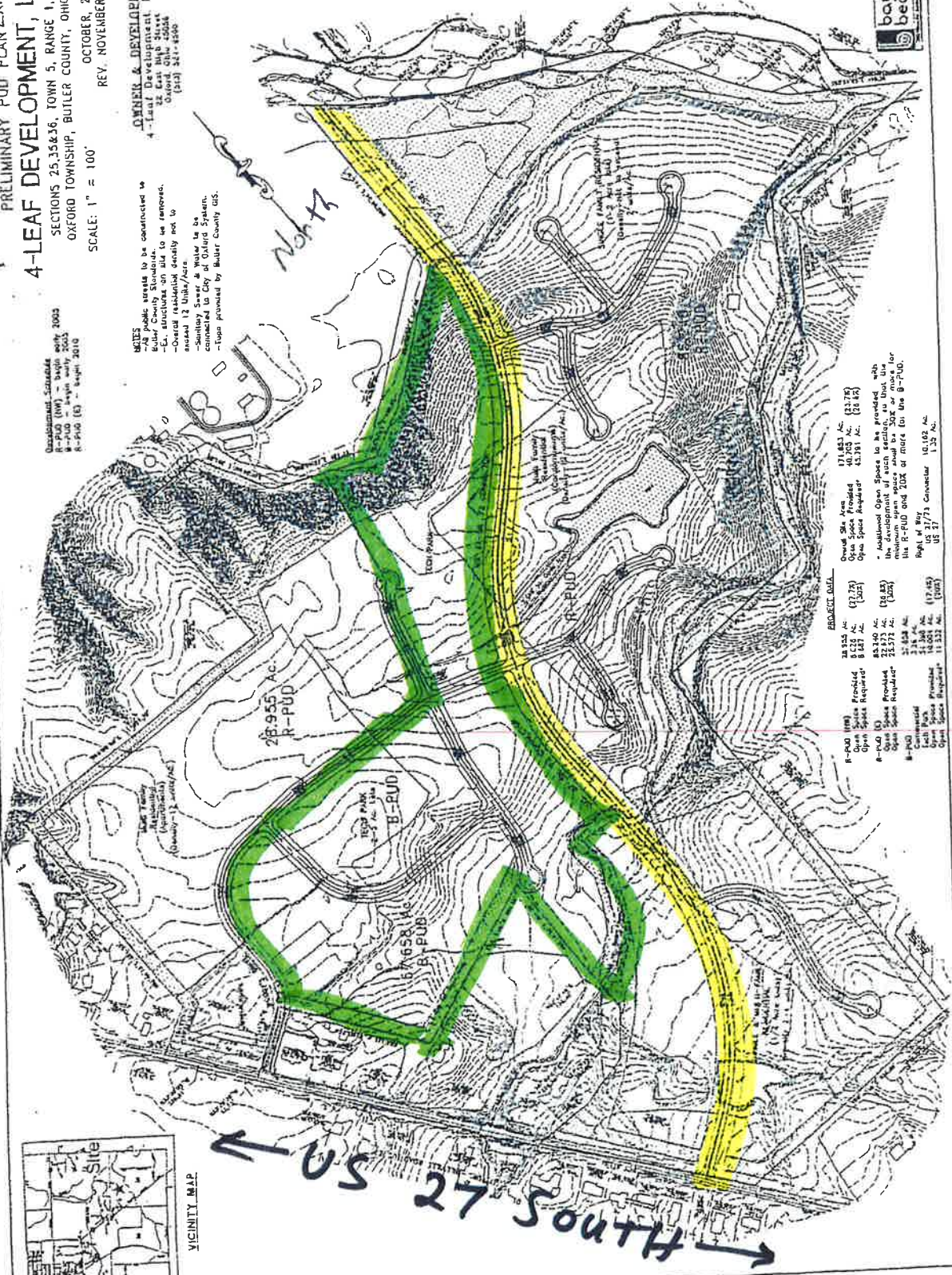
OWNER & DEVELOPER
4-Leaf Development, LLC
2500 East 12th Street
Cincinnati, OH 45204
(513) 521-4500

NOTES:
-Easements to be connected to
Butler County Statewide.
-Easements on site to be removed.
-Overall residential density not to
exceed 12 Units/Acre.
-Boundary lines shown to be
consistent with City of Oxford System.
-Easements provided by Butler County GIS.

QUANTITIES:
R-PUD (100) = 171,883 Ac.
R-PUD (100) = 171,883 Ac.
R-PUD (100) = 171,883 Ac.



VICINITY MAP



PROJECT DATA

Item	Quantity	Unit
Overall Site Area	171,883	Ac.
Open Space Provided	43,381	Ac.
Open Space Required	43,381	Ac.
Additional Open Space to be provided	0	Ac.
Additional Open Space to be removed	0	Ac.
Additional Open Space to be provided for the R-PUD and 20% of more for the B-PUD.	0	Ac.
Right of Way	15,432	Ac.
US 27/71 Connector	1,322	Ac.
US 27	1,322	Ac.

PC-2014-02

Surrounding Property Owners Map

Legend

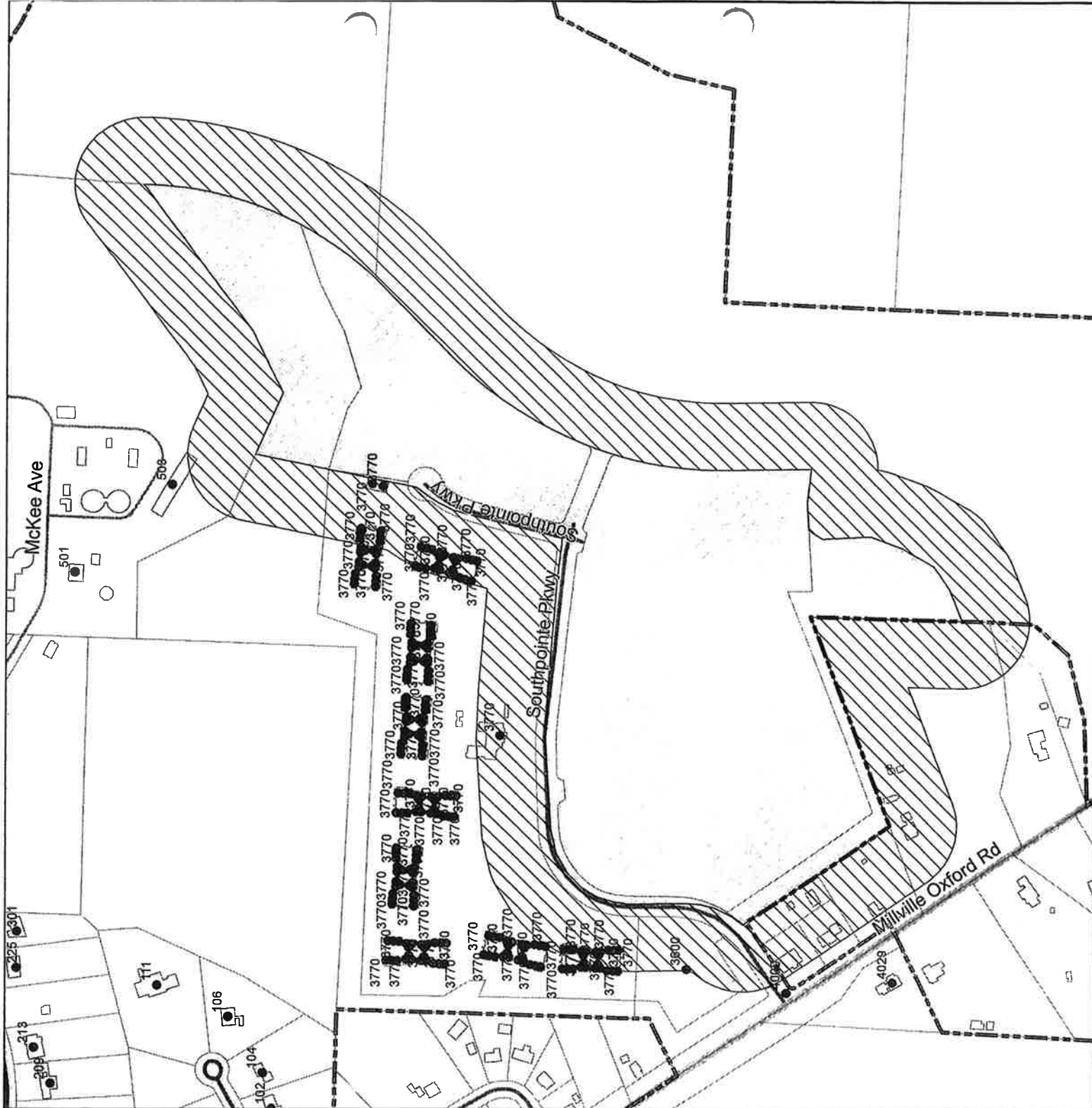
-  Subject Area
-  200 Ft. Buffer
-  Oxford Corporation Limit
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



1 inch = 400 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.



4-Leaf Development, LLC
125 West Spring Street --- Oxford, OH 45056
(513) 524-9500 / FAX (513) 523-9415

LETTER OF AGENCY

January 24, 2014

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford and act on our behalf for the Planning Commission and City Council meetings regarding a Zoning Map Amendment for a portion of Southpointe Crossings.

Thank-you,

Signed: _____

James Clawson

4-Leaf Development LLC

Jan 24, 2014
Date: _____

Zoning Map Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: Scott Webb
(Attach a Letter of Agency if the applicant is not the property owner.)
Mailing Address: 103 W. Walnut St.
Oxford, Oh. 45050
Telephone Number(s): 513-3838 Email Address: _____
Location of Property: US 27 & Southpointe Parkway
(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.)
Legal Description: _____
Total Area: 57.580 Acres / Square Feet (circle one)
Existing Use of Property: Undeveloped land
Current Zoning: 01
Proposed Zone(s): R2A SINGLE & TWO FAMILY RESIDENTIAL
Proposed Use: Single & 2-family residential

SUBMISSION REQUIREMENTS

Please submit a vicinity map, at scale and a metes and bounds description of the property, the statement described below and the required fee of **\$150.00 plus actual postage**, made payable to the City of Oxford. The entire submission must be prepared in accordance with Chapter 1135, Zoning Code Amendments, of the City of Oxford Zoning Code.

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

Attach a statement which responds to the following questions:

- What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
- How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
- How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
- What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).
- Why is the current zoning classification of the property no longer appropriate?

All materials and application fee must be delivered to the office of Community Development, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. Submit materials 45 days prior to the proposed meeting date.

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

SIGNATURE OF APPLICANT: Scott Webb Date: 1/24/14

PRINTED NAME: Scott Webb

FEE / RECEIPT

\$150 Fee plus Actual Postage Paid / Receipt Number: 19538.27

Jung-Han Chen
Community Development Director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Zoning Map Amendment
Changing the Existing OI District, Southpointe Crossings
To R2A Single and Two-Family Residential

January 24, 2014

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Zoning Map Amendment OI portion of the Southpointe Crossings on Southpointe Parkway. The proposed Zoning Map Amendment will change the affected property from Office/Light Industrial (OI) to Single and Two-Family Residential (R2A).

This proposal affects 57.586 acres owned by 4-Leaf Development LLC and was annexed into the City of Oxford beginning March 2007.

Decision Standards

In accordance with the decision standards for map amendments described in Section 1135.02(c)(1), we offer the following:

A. There is an error on the Official Zoning Map or in the delineations between districts

This property was purchased around 2004 as part of a larger acquisition of land outside the incorporated limit of Oxford. The Zoning for this property was originally set by Butler County, based on a desire to attract new business to the area through the creation of a "Tech Park". This concept was predicated on the construction of a "connector road" between US27 and State Route 73. The owners of the property proposed granting nearly 10 acres of Right-of-Way to the County for construction of the road.

An Annexation and Development Agreement between the property owners and the City of Oxford insured that this zoning would remain when annexed into the City of Oxford.

The City of Oxford, however, rejected this location for the proposed connector, and backed an alternate location for a Tech Park on State Route 73 and Oxford Milford Road, now known as the Miami Heritage Tech Park.

These decisions lead to an error in the Zoning Map by creating an unconnected commercial parcel of land surrounded entirely by residential zoning.

B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.

The 1998 Comprehensive Plan was in effect as this property was annexed into the City of Oxford. This Plan lists south 27 as a "Growth Area 2010 & Beyond". This was in fact the same designation that was given to other entrances into the City including Brown Road & Oxford Reily Road (State Route 732). The plan did not however specify these growth areas as residential or commercial.

After this property was annexed into the City of Oxford, a new committee was formed to update the Comprehensive Plan. At this time, the idea of the connector road and Tech Park were still very active, and is subsequently reflected in the 2008 Comprehensive Plan, listing this as an "Economic Expansion Area" (the only one on the entire map).

While the current zoning designation may conform to the latest version of the Comprehensive Plan, the 2008 Comprehensive Plan and the current Zoning classification were based on factors that have since changed, as described below.

C. There has been a substantial change in area conditions that necessitates the amendment

Substantial changes have occurred in the area conditions since this property was annexed into the City of Oxford.

This property was purchased around 2004 as part of a larger acquisition of land outside the incorporated limit of Oxford. Work began with the Butler County Planners & Commissioners, ODOT, Miami University, and the City of Oxford, to possibly locate the proposed "Connector Road" through this parcel as part of the Butler County Thoroughfare Plan and to establish Zoning Districts provided in the Butler County Zoning Resolution.

In 2005, an application for utility service from the City of Oxford was presented and a Development Agreement was drafted. Part of this agreement required the owners of the property to install a new waterline from Patterson Ave. to the property in question and allow annexation into the City of Oxford. The City of Oxford agreed to maintain the zoning districts established by Butler County and construct a sidewalk providing safe pedestrian access from the property to Patterson Avenue.

It was not known in 2005, that the new Talawanda High School would be located across the street from this property.

2005 & 2006 saw the approval and construction of the multi-family development now known as "Level 27".

In April of 2007, as the annexation proceeded, application was made to the City of Oxford to establish zoning designations reflecting those approved by the County Commissioners, as described in the approved Development Agreement.

Meanwhile, in early 2008, the Butler County Thoroughfare Plan was making its way through the various affected City and Township governments. In June of 2008 The Butler County Commissioners put the Plan hold, awaiting the City of Oxford's vote for their continued support of the proposal, as they had done for years. This Plan included

the proposed US 27 – State Route 73 connector road, cutting through this property as a potential location; The owners of the property offered over 10 acres of Right-of-Way to help implement the plan, and to service the proposed Southpointe Crossings Tech Park.

This plan however would never come to fruition. June through October of 2008 saw the Oxford City Council debate the plan they had supported for years, resulting in the passing of ordinances and position statements that effectively eliminated the connector through this property, opting for an “inside” passage instead.

Concurrent to the events described above, 2008 also saw the passage of a Levy to construct a new High School. As we now know, the site that was chosen is in close proximity to the property in question, further changing the area conditions.

Since 2004, when the development was originally conceived, the area conditions have changed dramatically. The abandonment of the 27-73 connector road on which the Tech Park was dependent, and the location of the new High School combine to make the OI zoning no longer appropriate for this location.

- D. There is legitimate need for additional land area in the zoning district that will be expanded.*

While it is unclear whether there is legitimate need for additional residential zoning areas, there certainly is not a need for (2) separate and distinct Tech Parks in the City of Oxford.

In 2010, the City through the CIC worked with Todd Dockum to procure a \$3.5 Million grant through the Ohio Job Ready Sites Program, earning a #1 ranking in 2010. In doing so, the City committed to \$3.3 Million in local matching funds, effectively choosing which potential Tech Park location to support.

Subsequently, there is no longer a need for OI area in this location.

Statement responding to questions posed on the Application.

In response to the decision standards outlined in the application, we offer the following:

- A. What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?*

The 1998 Comprehensive Plan was in effect as this property was annexed into the City of Oxford. This Plan lists south 27 as a “Growth Area 2010 & Beyond”. This was in fact the same designation that was given to other entrances into the City including Brown Road & Oxford Reily Road (State Route 732). The plan did not however specify these growth areas as residential or commercial.

The 2008 Comprehensive Plan was created after the Zoning for this property was set, and reflects the idea of the connector road and Tech Park, listing this as an “Economic Expansion Area” (the only one on the entire map).

- B. How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.*

A zoning change in this area will eliminate an isolated Office/light Industrial zone in the middle of a residential area and near the new High School.

- C. *How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?*

Public facilities will not be affected, as a substantial part of the infrastructure for the area is already in place. Residential uses place a lesser demand on public facilities & roads than Office/Light Industrial uses.

Eliminating the commercial use of this property may eliminate the need for another traffic signal, as less traffic would be generated by residential uses.

- D. *What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).*

Changing the property to a Residential Zoning district makes it more compatible with the neighboring residential uses, lessening the need for mitigating actions.

- E. *Why is the current zoning classification of the property no longer appropriate?*

As described above, a number of factors make this zoning classification no longer appropriate:

The original zoning of the property was established by the County based on a road that will not be built.

We currently have an isolated Office/Light Industrial zone in the middle of an entirely residential area.

The Location of the new High School has added significant traffic to this part of town and the City was unable to align the entrance with that of the Southpointe Crossings development. To eliminate the commercialization of this portion of town could potentially eliminate the need for an additional traffic signal.

The City of Oxford has pledged money and invested resources in an alternate location for this use: The Miami Heritage Tech Park.

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

Respectfully,

Scott Webb, Architect

