



Agenda

Oxford City Council

Court House

TUESDAY, APRIL 16, 2019

EXECUTIVE SESSION

None.

1. Roll Call. Kate Rousmaniere, Mayor; Steve Dana, Vice-Mayor; Chantel Raghu; Glenn Ellerbe; Mike Smith; David Prytherch; 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. Annual Report – McCullough Hyde Memorial Hospital/TriHealth – Pam Collins.

B. Proclamation – “Earth Day”



Proclamation

C. Proclamation – “Arbor Day”



Proclamation

D. 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 2, 2019 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Report regarding the March 28, 2019 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)



Report

C. Report regarding the April 3, 2019 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

5. Resolutions.

1. A Resolution authorizing the City Manager to approve the lease and assurance of maintenance amendment and the right of way agreement amendment to allow for the City of Oxford to replace the Oxford Museum Association in a lease agreement with the Board of County Commissioners of Butler County and releasing Oxford Museum Association from the right of way agreement. (Doug Elliott, City Manager).



Staff Report/Resolution

2. A Resolution authorizing the City Manager to enter into a contract with Middletown Ford for the purchase of two (2) Ford F-250 pickup trucks with specified options at State Contract pricing at a cost not to exceed \$60,333.08. (Mike Dreisbach, Service Director).



Staff Report/Resolution

3. A Resolution authorizing the City Manager to enter into a contract with Jack Doheny Companies for the purchase of an Elgin Crosswinds 1 street sweeper with specified options at State Contract pricing at a cost not to exceed \$265,543.00. (Mike Dreisbach, Service Director)



Staff Report/Resolution

4. A Resolution declaring certain City property no longer needed for any municipal purpose as surplus and authorizing its advertisement and sale to the highest bidder by internet auction. (Mike Dreisbach, Service Director)



Staff Report/Resolution

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Staff Report/Resolution

5. A Resolution authorizing the City Manager to enter into a contract with Motorola Solutions for the purchase of eighteen (18) Motorola APX6000XE radios and associated accessories at State Contract pricing at a cost not to exceed \$74,980.00. (John Jones, Police Chief)



Staff Report/Resolution

6. A Resolution accepting the bid and authorizing the City Manager to enter into a contract with Oberson's Nursery and Landscape, Inc. for the demolition and removal of the former municipal swimming pool located at 6035 Fairfield Road at a cost of \$47,299.00 plus a contingency amount of ten percent (10%) of the contract price or \$4,729.00 for a total cost not to exceed \$52,028.00. (Casey Wooddell, Parks and Recreation Director)



Staff Report/Resolution

7. A Resolution authorizing the settlement of Butler County Common Pleas Case Numbers CV 2016 01 0668 and CV 2016 01 0229 and Twelfth District Court of Appeals Case Number CA 2018 10 0196 with Hoelzer/Hoelzer Rentals Inc. and authorizing the City Manager to take all steps necessary to resolve this matter.



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance Amending Ordinance No. 3493. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2019. (Joe Newlin, Finance Director)



Staff Report/Ordinance

2. An Ordinance Approving The Creation Of A Special Revenue Fund #426 As Opposed To A Fiduciary Fund For The 2019 Operating Budget To Provide For Fire Loss Claims And Repealing Ordinance No. 3508 Adopted January 15, 2019. (Joe Newlin, Finance Director)



Staff Report/Ordinance

3. An Ordinance Adopting Oxford Codified Ordinance Chapter 1111 Entitled Tree Preservation And Protection. (Doug Elliott, City Manager) (Tabled until 4/16/19)

B. Second Reading.

1. An Ordinance Approving A Conditional Use Permit To Allow For The Expansion Of A Place Of Worship In The MU (Miami University) District at 800 Maple Street With Conditions. (Sam Perry, Community Development Director)



Staff Report/Ordinance

2. An Ordinance Enacting New Chapter 743 Of The Oxford Codified Ordinances Entitled Short Term Rentals. (Sam Perry, Community Development Director)



Staff Report/Ordinances

3. An Ordinance Amending Ordinance 3493. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2019. (Joe Newlin, Finance Director)



Staff Report/Ordinance

7. A. Announcements & Communications.

1. Remarks from City Council and City Staff. 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.

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

WED-Apr 17 Board of Zoning Appeals Meeting 6:30 p.m.

THUR-Apr 18 Recreation Board Meeting 11:30 a.m. Goggin Ice Center

FRI- Apr 19 Student Community Relations Commission 1:30 p.m. LCNB

FRI - Apr 26 Community Improvement Corporation Meeting 12:00 p.m. LCNB

WED – May 1 Environmental Commission Meeting 7:00 p.m. Municipal Building

FRI - May 3 Student Community Relations Commission Meeting 1:30 p.m. LCNB

TUES – May 7 City Council Meeting 7:30 p.m.

WED - May 8 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

THUR – May 9 Police Community Relations and Review Commission Meeting 7:00 p.m.

TUES – May 14 Public Arts Commission of Oxford Meeting 4:30 p.m. Municipal Building

TUES – May 14 Planning Commission Meeting 7:00 p.m.

WED - May 15 Board of Zoning Appeals Meeting 6:30 p.m.

THUR – May 16 Recreation Board Meeting 11:30 a.m. Municipal Building

MON - May 20 Housing Advisory Commission Meeting 1:30 p.m. Municipal Building

TUES – May 21 City Council Meeting 7:30 p.m.

MON - May 27 Holiday – City Offices Closed

8. Adjourn.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: April 16, 2019

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

April 5, 2019
Date Prepared

Agenda Title: Environmental Commission Meeting of April 3, 2019

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, April 3, 2019 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Ms. Madeline Maurer; City Council Representative, Ms. Chantel Raghu; Planning Commission Representative, Ms. Carla Blackmar; and Mr. Andor Kiss. A quorum was present. Mr. Vince Hand and Mr. Jon Ralinovsky had previously notified the Commission that they would be unable to attend the April 2019 meeting. City Manager, Mr. Douglas Elliott; and Community Development Director, Mr. Sam Perry, were also in attendance. Also present were Ms. Joycelyn Swamidoss, a Miami University (MU) Institute for the Environment and Sustainability (IES) graduate student, and Mr. Peter McCarthy, Oxford resident.

The summary from the March 6, 2019 Environmental Commission meeting was unanimously approved as presented.

Mr. McCarthy was in attendance for the discussion on the proposed Tree Preservation and Protection Ordinance. Mr. McCarthy indicated that he was concerned that the Ordinance as proposed was over-reaching, an intrusion into right-of-use of private properties, and did not offer sufficient exemptions for trees that were to be removed for City-required infrastructures (roads, sidewalks, utilities, etc.) associated with land development.

Mr. Perry had performed tree surveys on portions of three separate areas in Oxford that are two acres or more in area, and are either associated with on-going development, or are available for development. The areas were: 1) the Habitat for Humanity properties on Fuller Way (3 acres); 2) the on-going Heritage Vineyard development of 20 acres in the Heritage Subdivision area (extending Olde Farm Road to the north); and 3) the 45 acres of available land in the Western Knolls area. The Fuller Way properties were considered moderately wooded, the area surveyed at the Heritage Vineyard development was heavily wooded (the wooded lot along the western terminus of County Club Drive), and the Western Knolls area had areas with no trees of sufficient size to be considered "protected" in the proposed Ordinance to heavily wooded. Mr. Perry's survey yielded expenses for the 50% replacement of caliper inches of protected trees removed ranged from approximately \$4,700 per lot at Habitat for Humanities' Fuller Way development to approximately \$95,000 per acre in heavily wooded areas. Mr. Perry expressed the opinion that these additional expenses were sufficient to discourage development. Mr. Perry's tree survey also encountered trees of sufficient size to be considered protected that were damaged, not desirable, or

(Continued)

Approved By:

Department Head:
City Manager:

Initial Date
MBD \ 4/9/19
DRE \ 4/12/19

had very poor form. The proposed Ordinance as written made no allowances for the condition or form of a live tree with sufficient size to be considered protected. Mr. Perry also stated that the proposed Ordinance as written was very rigid, presenting little if any opportunities for City staff, Commissions, or Council discretion in terms of tree replacements. Mr. Perry proposed adding the requirement of a tree survey to existing codes for Major Subdivision or Planned Developments, along with requiring standard drawings of protection of existing trees (existing tree protection is already included in Oxford's Codified Ordinances). Subsequent discussion indicated that the Commissioners were hesitant of removing specific requirements for replacing removed trees. It was noted that recent developments included extensive replanting of trees as part of the landscape plans approved by the Planning Commission. Commissioners indicated that comments and observations made by both Mr. McCarthy and Mr. Perry were worthwhile and remedies should be worked into a revision of the proposed Tree Preservation and Protection Ordinance. Mr. Gwyn requested that the City Manager ask the City Council to postpone the pending reading of the proposed Ordinance at the April 16th City Council meeting, and that the Environmental Commission would work on revising the text of the proposed Tree Preservation and Protection Ordinance.

Ms. Raghu informed the Commission that approximately a quarter of Oxford's financial investments (totaling approximately six million dollars) are in firms (mostly banks) with heavy fossil fuel involvements. With the efforts being made by Oxford for sustainability, and the pending Carbon Fee and Dividend federal legislation increasing the cost of the use of fossil fuels (potentially decreasing the value of Oxford's investment holdings), Ms. Raghu believed that Oxford should find other avenues for these investment dollars. Mr. Elliott informed the Commissioners that the existing fiscal policy was set by the previous City Council. A copy of this fiscal policy is to be provided to the Commissioners. Some of the existing investments are involved in instruments with time requirements, and that the State of Ohio has regulations regarding municipal investments. Ms. Raghu indicated that there is a petition in circulation calling for divestment from these fossil fuel-based investments over a five-year period.

Ms. Joycelyn Swamidoss provided Commissioners with the status report of activities associated with a Professional Service Project (PSP), with the Environmental Commission as the client. The PSP is to inventory the greenhouse gas (GHG) emissions associated with the Oxford municipal operations, to quantify Oxford's carbon footprint. With Oxford's 2019 membership in the ICLEI Local Governments for Sustainability (ICLEI), the students have access to ClearPath Pro, which is a Global Protocol for Community-Scale Emissions compliant GHG inventory software tool. Oxford's vehicle inventory has been provided to the PSP team, with the annual fuel usage report for 2018 pending (approximately 120 pages in length). Given the time constraint with the end of the academic semester in early May, the scope of work for the PSP has been revised, with the current student team preparing what information they have, create a guidance document to assist future efforts with GHG inventories of Oxford (and the community), and the GHG inventory for municipal operations is to be completed by one of the graduate students as a Practicum. The final presentation of the current GHG inventory PSP is scheduled for Wednesday, May 1, 2019 from 8:30 – 10:00 A.M. in Room 117 of MU's King Library.

Mr. Kiss informed the Commission that he had re-applied to Tesla for consideration of their installation of electrical vehicle chargers, but he was concerned that Tesla would consider the ones installed at MU as the ones for the area (considering MU and Oxford as one entity). The Ohio Environmental Protection Agency potentially has funding available for public electrical vehicle chargers as part of the Volkswagen diesel emission settlement, but details are not available at this time.

Staff updated the Commission regarding the status of the pilot residential food scraps composting project. The start date of the pilot drop-off program is Saturday, April 6, 2019 at Oxford's Streets and Maintenance Garage facility, 945 South Main Street. The drop-off hours are presently 9:30 AM – 12:30 PM on Saturdays through January 4, 2020. Directional signs will be posted at the Chestnut and South Main Streets' intersection to help guide the public to the drop-off location. Thus far, 22 of the 100 buckets available to the public have been distributed, including two to Commissioners during this meeting.

Commissioners concluded discussions at 8:50 p.m. The next Environmental Commission meeting is tentatively scheduled for 7:00 pm on Wednesday, May 1, 2019, in the Municipal Building's First Floor Conference Room.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: April 16, 2019

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: March 28, 2019

Agenda Title: Oxford Recreation Board Meeting, 3/28/2019

Recommendation: Approve

Attendance: Present: Ken Bogard, Edna Southard, Wes Cole, Kevin Ackley
Liaisons: Casey Wooddell, City Staff;

Discussion:

Oxford Recreation Board (ORB) members met Thursday, March 28 at 11:30am at the Oxford Aquatic Center construction site location.

PARKS AND RECREATION – Mr. Wooddell provided a tour of the new facility, showing the Recreation Board members the different amenities and spaces which will be available to guests, swim team members and swim lessons participants. The tour included both indoor and outdoor facilities, as well as concessions operations areas, office space, admissions, restrooms and chemical storage.

Recreation Board members discussed summer camp operations and how they'll coordinate with the new facility, as well as what affect this facility would have on soccer tournaments and such.

Next meeting: April 18, 2019 at Oxford Municipal Building

Meeting adjourned 12:40pm

Approved By:

Initial Date

Department Head: CDW \ 3/28/2019

City Manager:

DRE \ 4/12/19

A regular meeting of the Oxford City Council was called to order by Mayor, Kate Rousmaniere on Tuesday, April 2, 2019 at 7:30 p.m. Those members present were Steve Dana, Glenn Ellerbe, David Prytherch, Chantel Raghu, Mike Smith and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Mr. John Jones, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Sam Perry, Community Development Director; Mr. John Detherage, Fire Chief; Mr. Alan Kyger, Economic Development Director; Ms. Amy Blankenship, City Attorney and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION

“ANNUAL FREEDOM FUND BANQUET”

Mayor Rousmaniere read the Proclamation and presented it to Mrs. Fran Jackson.

Ms. Fran Jackson, President, Oxford Unit NAACP, thanked Council for the Proclamation on behalf of the Oxford Unit NAACP noting the Proclamation celebrated the annual Freedom Fund Banquet. Ms. Jackson advised this was the only fundraiser that finances scholarships for graduating seniors from the local high school. Ms. Jackson noted the NAACP is the oldest and most impactful civil rights organization in the United States and advised the Oxford Unit is committed to the NAACP mission and the NAACP 6 Game Changer areas. Ms. Jackson noted those areas consisted of economic stability, education, health, criminal justice, civic engagement and youth engagement. Ms. Jackson advised the Oxford Unit has been very active in trying to carry out a lot of activities in these areas. Ms. Jackson noted members of the NAACP are part of T-CAPE (Talawanda Community Advocacy for Public Education) which was created by the Talawanda School District Diversity and Equity Committee. Ms. Jackson noted the NAACP joined the League of Women Voters in the campaign of petition circulating and gathering endorsements to put an issue on the ballot to end gerrymandering in the State of Ohio. Ms. Jackson advised the issue passed in the May 2018 primary election and will be implemented after the 2020 census. Ms. Jackson noted the Oxford NAACP has participated in Miami University's Inclusion Festival and has been supportive of Miami students who struggle with issues of justice and equality on campus. Ms. Jackson advised members have participated in the Oxford Public Vigil and program following the hate crimes at the synagogue in Pittsburgh where 11 people were murdered. Ms. Jackson noted the NAACP joined the reactivated campaign led by the OCPJ of public education and lobbying the school board officials to change the race Indian based Talawanda High School Mascot noting in a close vote at the School Board meeting the name of the mascot changed. Ms. Jackson advised in the past Oxford has been listed nationally as one of the best cities to live in and the NAACP would like to see it remain that way.

Ms. Jackson noted Oxford faces and will continue to face racial inequality and injustice issues with the surge of hate and bullying in this community. Ms. Jackson advised the Oxford NAACP is committed to confronting these issues and encourages all citizens of Oxford to demonstrate in their actions that they respect one another and support equality regardless of race, color, gender, sexual orientation, disabilities, economic status, religion or other differences. Ms. Jackson stated “let’s make Oxford an example of diversity, inclusiveness, tolerance, honor, dignity and respect for one another.”

Mayor Rousmaniere thanked Ms. Jackson and the NAACP for all of their good work.

PROCLAMATION
“EDUCATION & SHARING DAY OXFORD”

Mayor Rousmaniere read the Proclamation and presented it to Rabbi Yossi Greenberg.

Rabbi Greenberg, advised it was his honor to accept the proclamation for the second year in a row as we are approaching Rabbi Menachem Schneerson’s birthday on April 16th. Rabbi Greenberg advised Rabbi Menachem Schneerson dedicated his entire life to the betterment of mankind and tirelessly advocated for a better education for all Americans.

Rabbi Greenberg thanked the Oxford community for supporting the Jewish community after the tragedy in Pittsburgh noting the support was more than the Jewish community would ever have expected. Rabbi Greenberg advised we should never have such opportunities to expect such support but when the Jewish community needs support they know they have it.

Mayor Rousmaniere and members of Council thanked Rabbi Greenberg for all of his work in the community.

PROCLAMATION
“OAGE & OXFORD-FOR-ALL-AGES DAY”

Mayor Rousmaniere read the Proclamation and presented it to Ms. Ann Whelpton.

Ms. Ann Whelpton, thanked Council and City staff for the Proclamation noting it came in conjunction with the Ohio Association of Gerontology and Education conference. Ms. Whelpton advised 225 visitors were coming to Oxford on Thursday and Friday from universities with aging services across the state and from out of state. Ms. Whelpton noted representatives from four other age friendly communities would also participate in the conference. Ms. Whelpton advised community members have been included in a number of the events. Ms. Whelpton noted she felt the Proclamation was a way to thank Miami University and the Scripps Gerontology Center for hosting the annual conference in Oxford. Ms. Whelpton thanked Council for adopting a Resolution in late 2017 that allowed the Oxford community to enter the age friendly network and start the Age Friendly Oxford initiative. Ms. Whelpton advised Oxford was in year 2 of the 5 year initiative noting the needs assessment survey was done and advised the final report was being edited and would be shared with the committees on May 2. Ms. Whelpton noted the group would figure out how to share that information with the community to form a basis of some goals for the community for the next 3 years.

Ms. Whelpton advised Council's collaborative actions have allowed the work of many volunteers and many citizens of all ages to continue this work on behalf of people of all ages in Oxford.

Mayor Rousmaniere and members of Council thanked Ms. Whelpton for her good work in the community.

REQUEST FOR USE OF PARK **COALITION FOR A HEALTHY COMMUNITY**

Ms. Sharon Klein, Coalition for a Healthy Community, noted she could not believe this was the 5th year she has made the request to have the "Yoga in the Park" event every Saturday from June to September 2019. Ms. Klein advised the event has grown each year and averages 40-45 people each weekend. Ms. Klein noted there would be alternate sites when Yoga in the Park could not be held Uptown due to other scheduled events.

Mayor Rousmaniere advised she felt this was a great event noting it would take place every Saturday from June 8th to September 28th.

Ms. Southard moved to approve the use of the Uptown Park for the Yoga in the Park event 2019.
Mr. Ellerbe seconded. The motion passed 7-0-0.

Ms. Klein reminded everyone of the Community Walking Challenge beginning Wednesday, April 3 through Tuesday, April 9th and invited everyone to the kickoff at the Leonard Howell Park on Wednesday at 5:30 p.m. Ms. Macechko with the Coalition for a Healthy Community provided Council and staff with "Rox" pedometers to use during the event.

PUBLIC COMMENTS

There were no comments from the public.

CONSENT AGENDA

MINUTES

Minutes of the March 19, 2019 City Council Meeting (Mary Ann Eaton, Clerk of Council)

RESOLUTION **SURPLUS PROPERTY**

A Resolution No. 7054 declaring certain City property no longer needed for any municipal purpose as surplus and authorizing its advertisement and sale to the highest bidder at public auction or internet auction. (John Jones, Police Chief)

Ms. Southard moved to approve the Consent Agenda. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION **CONTRACT WITH** **BEARCAT CONSTRUCTION, INC.**

A Resolution No. 7055 accepting the bid and authorizing the City Manager to enter into a contract with Bearcat Construction, Inc. for the installation of handicap ramps with tactile dome mats as set forth on Exhibit "A" attached hereto at a cost of \$89,645.00 plus a contingency in the amount of \$6,676.00 for a total cost not to exceed \$96,321.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised this was a 100% federally funded program noting as proposed it will provide for the construction of handicap ramps with tactile dome mats for 13 intersections within the City. Mr. Dreisbach noted the project will pay for approximately 850 feet of new curb and gutter, over 4,000 feet of new sidewalk and 61 new ramps. Mr. Dreisbach advised 6 bids were received noting the lowest and best bid was provided by Bearcat Construction. Mr. Dreisbach advised staff recommends Council approve a contract with Bearcat Construction for this project.

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

Mr. Dana inquired how the tactile detection mat works. Mr. Dreisbach advised the mat was imbedded in the concrete at the ramp so a sight impaired person using a cane will feel the domes on the mat and know they are entering an intersection. Mr. Dreisbach noted a person with limited vision would be able to see the contrasting colored mat and advised it was an alert system to let people know they are entering traffic.

Ms. Southard inquired if there would be more ramps to install after this project and Mr. Dreisbach advised there would be many more to install in the mile square.

Mr. Smith moved to adopt Resolution No. 7055. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION **CONTRACT WITH** **BARRETT PAVING MATERIALS, INC.**

A Resolution No. 7056 accepting the bid and authorizing the City Manager to enter into an agreement with Barrett Paving Materials, Inc. for the 2019 street resurfacing and maintenance work at a cost of \$419,969.50 plus a contingency amount of \$29,800.00 for a total cost not to exceed \$449,769.50. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised this was the City's summer paving program noting the streets proposed were listed on Exhibit "A" (page 39 of Council's packet). Mr. Dreisbach noted much of the money this year would be going towards Campus Avenue which is in need of base repairs in addition to resurfacing. Mr. Dreisbach advised the project pays for resurfacing, base repairs and also for traffic markings and raised pavement reflectors that are installed in conjunction with the program. Mr. Dreisbach noted the paving list was compared with the Corridor Safety Improvement Plan to see what improvements could be implemented with the paving program.

Mr. Dreisbach advised sharrow bicycle markings would be installed on Walnut Street noting the plan called for an oversized sidewalk on Campus Avenue and advised unfortunately that was not funded at this time. Mr. Dreisbach noted Miami University was looking at significant resources to improve pedestrian safety on High Street between Patterson Avenue and Campus Avenue. Mr. Dreisbach advised this paving program would not be impacted should the City fund that project in the future. Mr. Dreisbach noted rapid flash beacons would be installed in the vicinity of the middle school at 732 and Dana Drive and on Fairfield Road at the Community Park. Mr. Dreisbach advised Barrett Paving was the lowest bidder noting they were an excellent contractor and recommended Council approve the proposed Resolution.

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

Mr. Dana noted he was pleased to hear the rapid flash beacons would be installed.

Mr. Dreisbach advised mobile radar display units were placed on Chestnut Street and on Fairfield Road noting those would be rotated in targeted enforcement zones working with the Police Division to remind drivers of their speed in critical areas.

Mr. Prytherch noted Walnut Street was a good east west corridor noting the sharrows will not solve all of the problems but it is a great opportunity. Mr. Prytherch inquired if staff ever looked at the possibility of having 4 way stops on Walnut Street. Mr. Dreisbach advised the most common criticism staff receives is in regard to the difficulty at Walnut and Main Streets which staff has studied and the intersection does not meet a warrant for a signal or a stop sign. Mr. Dreisbach noted staff was re-evaluating the yellow zones for sight distance at all of the intersections along Main Street and may request to make some adjustments this summer.

Mayor Rousmaniere inquired if the sidewalks on the east side of Campus Avenue on Miami's campus were Miami University's responsibility and Mr. Dreisbach advised yes. Mayor Rousmaniere inquired if Miami has been asked to widen the sidewalks. Mr. Dreisbach noted it has been discussed and staff has asked them to make repairs in the meantime. Mr. Dreisbach reiterated that Miami was focused on safety improvements on High Street.

Mr. Ellerbe inquired if the base layer on Chestnut Street would be a standard re-paving or if it would be a newer technology that might provide a longer service life. Mr. Dreisbach advised the surface course would be removed and the road would be milled down 8 inches. Mr. Dreisbach noted that would be filled with solid asphalt and then a new surface course would be placed over it.

Mr. Smith moved to adopt Resolution No. 7056. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION
PROPERTY & CASUALTY
INSURANCE 2019

A Resolution No. 7057 accepting the bid of Insurance Specialist Group, Inc., DBA Love Insurance Partners for the City's property and casualty insurance coverage for 2019. (Joe Newlin, Finance Director)

Mr. Newlin advised this was the City's annual property and casualty insurance renewal noting the overall price increased \$4,041 due to the addition of several employees, increase in property values and vehicle values including a new \$500,000 pumper tanker.

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

Mr. Prytherch noted he was surprised for as much as the City did last year including the renovation of the former Lane Library that the insurance increase was minimal. Mr. Newlin advised building cost was very small noting the number of employees makes a larger impact on insurance costs.

Mr. Smith moved to adopt Resolution No. 7057. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION
LICENSE AGREEMENT

A Resolution No. 7058 authorizing the City Manager to approve the assignment of a license agreement for property located at 338 N. Locust Street Oxford, Ohio. (Sam Perry, Community Development Director)

Ms. Raghu recused herself.

Mr. Perry advised this issue was raised as a result of an inquiry for a minor construction project for Ms. Raghu and Mr. Reagh at 338 N. Locust Street. Mr. Perry noted staff and the applicants discovered there was a previous license agreement for the use of the alley right-of-way for private parking. Mr. Perry advised an agreement was made with previous owners that had not been carried through with the latest purchase of the property. Mr. Perry noted the purpose of this Resolution is to retroactively assign the agreement to the current owners.

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

Mr. Prytherch advised the right-of-way not an alley. Mr. Perry noted instead of vacating the right-of-way the City entered into a license agreement with the Oxford Community Foundation when they owned the property.

Mr. Dana moved to adopt Resolution No. 7058. Ms. Southard seconded. The motion passed 6-0-0.

RESOLUTION
OPPOSING HB 27

A Resolution No. 7059 of Oxford City Council opposing Ohio House Bill 27 and urging Senator Coley and Representative Keller to oppose House Bill 27. (Steve Dana, Councilor)

Mr. Dana read part of the Resolution as follows: "Ohio House Bill 27 would virtually eliminate sovereign immunity for emergency responders in the event of an accidental motor vehicle collision involving any emergency vehicle responding to an emergency. The bill would include police, fire and emergency medical services. This bill as drafted would only grant sovereign immunity in the event of a police chase, where the police officer operating the emergency vehicle collided with a vehicle operated by someone attempting to flee from law enforcement. This substantially narrower provision for liability defense would impede the ability of first responders to safely, quickly and efficiently execute their duties. The constant threat of lawsuits for negligence creates barriers preventing immediate action in response to an emergency. Removing liability defense for first responders will substantially increase litigation costs for each city and village. Local taxpayers would be responsible for paying for the costs of litigation, as well as claims paid by the municipality." Mr. Dana advised people could go online to see the testimony that has been given on this issue by the Ohio Municipal League. Mr. Dana reiterated that the bill as written would virtually eliminate sovereign immunity for political subdivisions except in the case of a motor vehicle collision that occurs during a police car chase. Mr. Dana noted he felt what was being proposed was dangerous and advised if someone were to go to Columbus from this jurisdiction to be a presence in opposition to this bill he would go because he felt the impact on the police and fire departments is deleterious in the highest degree.

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

Ms. Southard inquired when the bill would be voted on and Mr. Dana advised it had been through a third hearing.

Mr. Ellerbe inquired if this would supersede the existing laws. Ms. Blankenship advised that section of the Ohio Revised Code is referred to as the political subdivision tort liability act and noted the proposed HB 27 amends that act. Ms. Blankenship advised it takes out all of the language that grants sovereign immunity when police and fire are on an emergency call with the exception of when the party attempts to flee. Ms. Blankenship noted the way the bill is drafted in order for that exception to apply and sovereign immunity be allowed under HB 27 the person fleeing would have to be the plaintiff in the suit.

Mr. Prytherch inquired what the intent of the proposed bill was. Mr. Elliott noted he thought it came about after an accident in Cincinnati when a cruiser hit a vehicle while responding to an emergency.

Mayor Rousmaniere inquired if the FOP has taken a stand on this bill. Chief Jones advised the FOP was thankful that Mr. Dana brought this matter forward. Ms. Blankenship advised the City of Columbus and the Ohio Township Association have testified against the bill.

Ms. Southard thanked Mr. Dana for taking the lead on this matter.

Mr. Smith noted if the bill passes he dreaded what might happen to insurance premiums.

Mr. Dana moved to adopt Resolution No. 7059. Mr. Smith seconded. The motion passed 7-0-0.

ORDINANCES **FIRST READING**

ORDINANCE **CONDITIONAL USE**

An Ordinance Approving A Conditional Use Permit To Allow For The Expansion Of A Place Of Worship In The MU (Miami University) District at 800 Maple Street With Conditions. (Zachery Moore, Planner)

Mr. Moore advised this was the First Reading for a Conditional Use for the Oxford Bible Fellowship which was located at the northwest corner of Maple and Chestnut. Mr. Moore noted the applicant was represented by Etta Reed of Bayer Becker and Architect Doug Franklin from the Aspen Group. Mr. Moore advised the proposal was an expansion of an existing place of worship. Mr. Moore provided a PowerPoint and discussed the project in detail as well as the conditions recommended by the Planning Commission. Mr. Moore noted the new addition totals approximately 3,000 square feet of footprint and 9,000 square feet of floor area. Mr. Moore advised the purpose of the addition was for additional Sunday school space and a youth and multi purpose space on the mezzanine level. Mr. Moore advised no resident opposition was voiced at the March 12, 2019 Planning Commission meeting.

Mr. Prytherch noted the Planning Commission and Council had considered previous requests for an expansion at this location and inquired why it was coming to Council as a new conditional use. Mr. Moore advised there had been 2 attempts and 1 prior approval noting the prior approval was expired.

Mr. Garret Nates, Lead Pastor, advised this has been a process for the church and noted some big adjustments had been made. Mr. Nates advised he was grateful for the excellent recommendation from the Planning Commission and also from the neighbors.

Ms. Etta Reed, Bayer Becker, 110 S. College, advised the proposal addresses a lot of the neighbor's concerns noting all of the work is being done in the northeast corner of the property. Ms. Reed advised the previously approved plan was a new building much larger than what is being presented this evening. Ms. Reed noted this plan is not touching much of the site. Ms. Reed provided a PowerPoint and detailed the proposal.

Mr. Doug Franklin, Aspen Group, provided a PowerPoint and advised the applicant was expanding their ministry and outreach in the community. Mr. Franklin explained the building materials and how they will blend with the current facility and with the community.

Ms. Reed discussed the waivers as listed on page 52 of Council's packet and offered to answer any questions.

Mr. Smith advised the Planning Commission liked this proposal, the scale of the addition and how it matches the existing structure.

Mr. Prytherch noted he felt this project was a low impact addition to the site and advised he appreciated the applicant working with the neighbors and with staff.

Mayor Rousmaniere inquired what the timeframe was. Mr. Nates advised they would break ground in August or September.

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

ORDINANCE **NEW CHAPTER 743**

An Ordinance Enacting New Chapter 743 Of The Oxford Codified Ordinances Entitled Short Term Rentals. (Sam Perry, Community Development Director)

Mr. Dana and Mr. Prytherch recused themselves.

Mr. Perry advised the Planning Commission made a recommendation to Council in September regarding Short Term Rentals and noted Council had a Work Session and several discussions regarding Short Term Rentals since then. Mr. Perry advised he met with Mayor Rousmaniere, Mr. Elliott and Mr. Moore, to discuss what has transpired so far, what they felt the consensus was and what the issues were. Mr. Perry noted the group was not convinced there was a problem that needs to be solved at this point and they felt more data was needed. Mr. Perry advised Mr. Moore found Short Term Rental Registration legislation from the City of Louisville which was close to what they were looking for. Mr. Perry noted staff was recommending a new Chapter be added to the Business Code for Short Term Rental Registration. Mr. Perry advised at a later date staff would bring forth legislation to deny the Planning Commission's recommendation and address it after Short Term Rental registration data was collected over the next year. Mr. Perry noted registration would be free for people operating Short Term Rentals. Mr. Perry advised this would not legitimate their use because it does not touch the zoning code noting it defers enforcement until zoning regulations are established. Mr. Perry advised Council and the Planning Commission have talked at length about how long the duration should be, whether it should be in certain neighborhoods or others and what types of buildings would be allowed. Mr. Perry noted Oxford was not the only city struggling with this and noted there was not a city of Oxford's size to compare regulations with. Mr. Perry advised the Ohio Building Code regulations have not been updated for Short Term Rentals although staff believes they will be by 2020. Mr. Perry noted the proposed recommendation would establish a new Chapter in the Business Section of the Codified Ordinances which would make short term rental registration mandatory. Mr. Perry advised staff planned to use several types of outreach regarding the new registration such as the utility bill, email and US mail noting the City also had a robust contact system for rental property owners. Mr. Perry noted staff would keep the registration as simple as possible by asking for the name, contact information and location of the rental property. Mr. Perry advised property owners would have 6 months to register their Short Term Rentals and noted at that point if people are not registered the City would pursue enforcement measures. Mr. Perry advised after one year of collecting data it would be analyzed and brought back to the Planning Commission and Council.

Mr. David Prytherch, 6195 Contreras Road, inquired if stand alone short term rentals would need to be registered and Mr. Perry advised yes. Mr. Prytherch advised he had been involved in discussions on this topic for a number of years in hopes of reaching a resolution on the matter. Mr. Prytherch noted he was disappointed to see Council potentially “kicking the can down the road” so it can be discussed in another years time. Mr. Prytherch advised over two years ago Oxford was ahead of the curve on short term rental regulations noting it was talked about for a long time because these issues were complicated and noted as it was talked about Oxford got further behind the curve. Mr. Prytherch advised people invested in properties and they are operating businesses and some have expanded their operations in anticipation of future permitting. Mr. Prytherch noted he worried about the conversion of houses in an already somewhat unaffordable housing market. Mr. Prytherch advised in another year Oxford will be further behind the curve and noted it is not going to get any easier. Mr. Prytherch advised he felt this should be dealt with now or commit to the fact that the City will not realistically be able to regulate short term rentals. Mr. Prytherch noted an industry has grown under Council’s noses while they have been talking about it. Mr. Prytherch noted his hope 2019 was the year Council would act on this issue.

Mr. Richard Keebler, 11 Fox Run Drive, advised he continued to believe that allowing short term rentals in a Neighborhood Conservation Overlay District goes against the very grain of what that legislation has attempted to do which is to preserve family oriented neighborhoods. Mr. Keebler noted it was apparent the majority of Council does not agree with him on that so he will move on. Mr. Keebler advised what he has heard listening to Council discussions is that the majority of Council does believe short term rentals need some limitations. Mr. Keebler inquired why Council was attempting to delay implementation of some common sense legislation to control this use and noted simply collecting data for another year and then considering legislation while short term rental use both owner occupied and commercial rentals continue to grow unabated just does not make sense. Mr. Keebler advised he concurred with Mr. Prytherch that “kicking the can down the road” will not make policy decisions any easier and too much time has already been spent talking. Mr. Keebler noted he forwarded to Council and staff what he felt was a simple plan for continuing short term rentals in the City. Mr. Keebler advised there were two types of short term rentals in Oxford, the occasional rental by property owners who are owner occupiers, and there are people who are doing it as a business. Mr. Keebler suggested drawing up reasonable limits and conditions for owner occupied residents and make it a permitted use similar to Home Occupations which require a registration process. Mr. Keebler noted for owner occupied short term rentals exceeding those reasonable limits (more days, events, or more occupants) and for properties not owner occupied it should be considered under the Conditional Use process. Mr. Keebler implored Council to direct staff to do the following without waiting to gather more data:

1. Prepare legislation making short term rentals with reasonable limitations in owner occupied dwellings a permitted use in residential zones.
2. Prepare legislation modifying the definition of a Bed and Breakfast to include short term rentals that do not fall within the permitted use category and do require a Conditional Use approval.

Mr. Keebler noted while this will likely lead to a temporary surge in Conditional Use applications he felt it is the right thing to do. Mr. Keebler advised while leaving open some questions as to occupancy limits, standards and conditional use considerations he believes the outline he submitted to Council last weekend provides a good foundation for this legislation to help move it along.

Mr. Keebler noted ignoring the current zoning restrictions by allowing short term rentals to continue another year while data is collected only makes it more difficult to legislate in the future. Mr. Keebler advised the longer it is ignored it creates an ongoing de-facto approval of short term rentals and noted if and when the City tries to pull back it will set the City up for a lawsuit. Mr. Keebler asked Council to pass reasonable legislation and get the short term rentals under control now.

Mayor Rousmaniere inquired if the registration information could be shared with others such as Enjoy Oxford or the University Parents Association and Mr. Perry advised it would be a public record. Mayor Rousmaniere inquired if Council was “kicking the can down the road” or waiting until the market settles. Mayor Rousmaniere noted the theory behind the registration process was that Council does not really know anything about short term rentals in town right now or if they are growing or how many there are which is where the data collection comes in. Mayor Rousmaniere inquired if there were any potential legal ramifications regarding short term rentals. Ms. Blankenship advised she was not concerned about putting the registration requirement into the Business Code creating an argument for de-facto approval of short term rentals in Oxford. Ms. Blankenship noted if that argument was ever to be legally made to the City the fact that they have been existing this far would be the reasoning for arguing that there is a de-facto approval of short term rentals in Oxford not because registration requirements are in the code.

Ms. Southard referred to page 95 of Council’s packet and inquired how the six months grace period was derived and if it could be shortened. Mr. Perry suggested it could be shortened to three months.

Mr. Ellerbe agreed with a 3 month grace period before starting enforcement noting if someone took 90 days to register they were choosing not to do it. Mr. Ellerbe advised people had approached him with regard to Neighborhood Conservation Overlay Districts and noted the Housing Advisory Commission talks about preserving neighborhood character. Mr. Ellerbe advised having stand alone houses within overlay districts creates a loophole to be able to run a business in a residential area and noted he felt Council should resolve that immediately. Mr. Ellerbe noted he was ok with collecting data if it is collected quickly and advised he wanted to address non-owner occupied short term rentals in overlay districts.

Mayor Rousmaniere inquired if the registration form would ask the host to specify if the home was owner occupied and Mr. Perry advised that question could be added.

Ms. Raghu inquired what the definition of owner occupied was noting there was a non-owner occupied Airbnb in her neighborhood and the owner is there occasionally in a separate structure on the property. Mr. Perry advised that would be considered a non-owner occupied rental. Ms. Raghu agreed that the three month grace period was more appropriate and that this was something Council should not defer for another year.

Ms. Southard inquired if the registration Ordinance was adopted did that mean no other legislation would be adopted for a year and Mr. Perry advised possibly yes.

Mr. Smith advised he felt the people that are going to register would do it immediately and the people that are not going to register are going to say “catch me if you can” or plead ignorance.

Mr. Smith noted he felt Council should continue working on the zoning regulations in parallel with the registration and advised he felt they needed to be ready to go and not debated another six months.

Ms. Raghu noted if someone is renting a stand alone none owner occupied home as a business it was interesting it could be in any neighborhood that is labeled for residential use. Ms. Raghu advised it was like a sneaky business that has gone inside every residential area.

Mr. Ellerbe noted he wondered if there were home occupation by right laws that are already being violated by people using these for Airbnbs. Mr. Ellerbe inquired if additional legislation was needed or if existing laws needed to be enforced.

Mr. Ellerbe moved to amend the grace period for short term rental registration from six months to three months. Ms. Southard seconded. The motion passed 5-0-0.

Mayor Rousmaniere noted she and others listened to a WVXU radio show on this topic today and advised every city in the county was frustrated with it. Mayor Rousmaniere noted as she was listening it became clear to her that as a small college town short term rentals were needed due to having a lot of visitors on certain weekends and not having enough hotel space. Mayor Rousmaniere advised needing them has helped her think about slowing down the process noting she felt the short term rental market was much more unstable and Council does not know how many short term rentals exist in the City. Mayor Rousmaniere noted she liked the proposed Ordinance because she liked the idea of registering and gathering the data and advised she also liked amending the grace period to three months.

Ms. Raghu advised she checked Airbnb once in a while to see what the availability was for Oxford and it can average anywhere from 35 to 80. Mr. Ellerbe advised 55 in the 45056 zip code was the average which includes the township.

Mr. Dana and Mr. Prytherch returned to the dais.

ORDINANCE

SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3493. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations for fiscal year 2019. (Joe Newlin, Finance Director)

Mr. Newlin addressed the proposed Supplemental Budget as presented on pages 98-99 of Council's packet and offered to answer any questions.

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

ORDINANCE
ADOPTING CHAPTER 1111

An Ordinance Adopting Oxford Codified Ordinance Chapter 1111 Entitled Tree Preservation And Protection. (Doug Elliott, City Manager) (**Tabled until 4/16/19**)

Mayor Rousmaniere advised the Ordinance was tabled at the last meeting until April 16, 2019 and noted Mr. Elliott and Mr. Perry would attend the Environmental Commission meeting tomorrow evening to discuss the "Tree Ordinance".

ORDINANCE
SECOND READING
NEW SECTION 303.08

An Ordinance No. 3521 Repealing Oxford Codified Ordinance Section 303.08 Entitled Impounding And Booting Of Vehicles; Redemption, And Adopting New Oxford Codified Ordinance Section 303.08 Entitled Impounding And Booting Of Vehicles; Redemption. (John Jones, Police Chief)

Chief Jones advised the proposed Ordinance cleans up some language and improves the efficiency of the Parking Unit's operation noting there were no changes since the First Reading of the proposed Ordinance.

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

Mr. Dana moved to adopt Ordinance No. 3521. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised the investigation is not complete regarding the house fire in Oxford on March 23 noting once the investigation was complete staff will share the information with Council.

Mr. Elliott recapped for everyone the activities that took place when visitors from Oxford's Sister City of Differdange were in town.

Mr. Elliott updated everyone on the meeting staff had with Miami University officials regarding their safety and parking concerns with the City's e-scooter program.

Mr. Elliott updated everyone on the bond pricing which occurred on March 28, 2019 and advised the City was able to lock in an all in interest cost of under 3.13% which was close to an all time low rate for a 23 year bond. Mr. Elliott noted the City's representative from RBC Capital Markets stated "A large degree of our success today is due to the excellent A2a credit rating the City was able to achieve from Moody's. The Strength of the City's financials, conservative budgeting, and stable economy were all credit positives and led to a strong and diverse set of investors participating in this bond issue."

Mr. Dreisbach updated Council on the City's recycling opportunities noting Butler County has posted results for the 4th quarter curbside recycling numbers and the City of Oxford continues to lead all of Butler County at approximately 18%. Mr. Dreisbach noted the City continues to recycle yard waste at the City owned Class 4 composting facility. Mr. Dreisbach advised during the budget meetings for Fiscal 2019 Council directed staff to look at ways to increase recycling and sustainability in the City noting Ms. Raghu discussed food scrap composting opportunities. Mr. Dreisbach noted the City was ready to kick off a pilot program for food waste composting in the City this Saturday. Mr. Dreisbach explained how the program works and advised the facility at the City Garage would be open every Saturday from 9:30 a.m. to 12:30 p.m. Mr. Dreisbach thanked David Treleaven noting he has worked hard to get this program started while keeping up with his other duties.

Ms. Raghu thanked Mr. Dreisbach and Mr. Treleaven for their efforts on the food waste composting program noting it was exciting and a lot of people were excited about it. Ms. Raghu advised Council talks about how small Oxford is and act like the forces of economics do not apply to Oxford but she felt it was amazing to have empty storefronts in Brooklyn and in Berkeley and empty storefronts in Oxford. Ms. Raghu noted the Airbnb problem was in Cincinnati and in Oxford and there was homelessness whether it is in San Francisco or in Oxford. Ms. Raghu advised she felt it was interesting that we have the ability to do so much to stop a problem while it is still small. Ms. Raghu noted she felt there was so much we can do if we just learn from other markets and learn from what has worked for them and bring that in to Oxford.

Mr. Ellerbe thanked City staff for doing a great job. Mr. Ellerbe noted he appreciated the dinner Council had with their counterparts from Differdange.

Mr. Ellerbe noted he was glad spring break is the mark of warmer weather and advised it also means warm weather related incidents. Mr. Ellerbe encouraged everyone to be weary of their surroundings and to try to be excellent to each other.

Mr. Dana congratulated the Fire Department for the terrific job they did at the fire on Lantern Ridge Drive noting he knew the fire persons on the scene received accolades. Mr. Dana thanked the Fire Department on behalf of them and on behalf of Prue and himself.

Mr. Dana advised he was strongly in favor of the City annexing 140 acres off of Fairfield Road to lower the speed limit and make other improvements to encourage safety.

Mr. Dana advised the Housing Advisory Commission has proposed to provide formal input to the Planning Commission on certain cases noting he supported that initiative as well.

Mr. Dana applauded Miami University's recent efforts to improve pedestrian safety on campus.

Mr. Elliott advised Miami University was cooperating with the City to annex approximately 148 acres contiguous to the Community Park so the City can work on lowering the speed limit. Mr. Elliott noted the annexation had nothing to do with the ownership of the airport.

Mr. Smith thanked the Police and Fire personnel noting they have had a busy couple of weeks with a major structure fire and several serious accidents. Mr. Smith noted his hope for a quiet spring.

Ms. Southard advised the Recreation Board met at the new Aquatic Center noting the progress on the facility was amazing. Ms. Southard noted the opening was scheduled for May 25 although it was weather dependent.

Ms. Southard advised the Institute for Learning in Retirement has begun noting many senior citizens in Oxford participate in the program. Ms. Southard noted participants can sign up for as many courses as they wish for a small fee. Ms. Southard advised all of the people teaching are volunteers. Ms. Southard noted she and Mr. Elliott are coordinating a course on local government and advised Mr. Dreisbach, Chief Jones, Mr. Kyger, Mr. Perry and Mr. Wooddell were also participating in the program.

Mr. Prytherch advised residents have raised issues about the distribution of the daily advertising flyers everywhere across town. Mr. Prytherch noted he felt people liked coupons but do not want litter and advised there had to be a way to strike a balance. Mr. Prytherch noted he appreciated the thoughtful letters Council received from citizens that prompted a conversation.

Mayor Rousmaniere advised if there is no improvement in the litter situation Council may consider an Ordinance to regulate the distribution of the coupons.

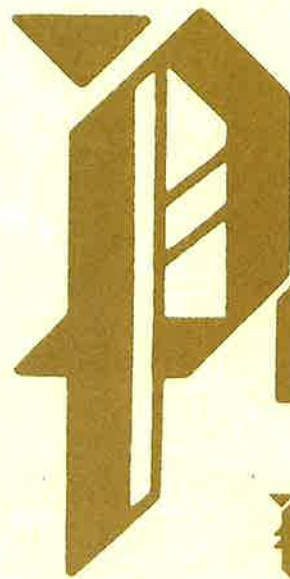
Mayor Rousmaniere noted on May 7 a Work Session may be scheduled for staff and Council to review the strategic plan that Council discussed at their retreat in January.

Mayor Rousmaniere advised the Audubon Society received a grant for \$2,500 for pollinator garden plants for gardens on the west side of the Oxford Community Arts Center noting a lot of people in town love pollinator gardens for bees, birds and bats. Mayor Rousmaniere noted that was another aspect of climate awareness that the community has been getting involved in.

Mayor Rousmaniere noted the League of Women Voters Oxford is hosting a public Climate Summit on April 10 from 7:30 – 9:00 p.m. in the Presbyterian Seminary building at the corner of Poplar and Church Streets.

ADJOURN

Mr. Dana moved to adjourn at 9:30 p.m. Mr. Smith seconded. The motion passed 7-0-0.



Office of the Mayor

Proclamation

Whereas:

in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS, trees can produce oxygen, provide habitat for wildlife, reduce the erosion of our precious top-soil by wind and water, cut heating and cooling costs, moderate the temperatures, clean the air, and help to absorb rainwater and slow the velocity of storm water runoff; and

WHEREAS, trees are a resource providing us with wood for our homes, fuel for our fires, paper, and countless other wood products; and

WHEREAS, associated with the management of the approximately 3,394 street, park, and public trees in the community, the City of Oxford has fulfilled the national Arbor Day Foundation's requirements for "Tree City USA" for twenty three consecutive years.

NOW, THEREFORE, I, Kate Rousmaniere, Mayor of the City of Oxford, Ohio, Tree City USA, do hereby proclaim that on April 26, 2019, the last Friday of the month, the City of Oxford will recognize and participate in the national and international celebration of:

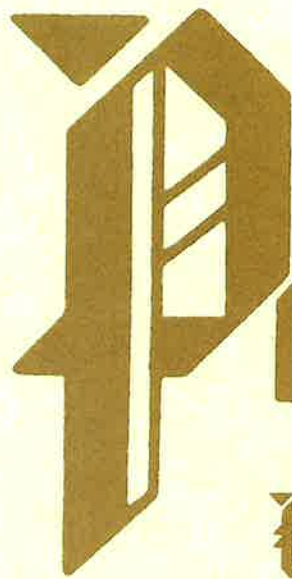
"ARBOR DAY"

I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 16th day of April, 2019.



KATE ROUSMANIERE, MAYOR



Office of the Mayor

Proclamation

Whereas:

on April 22, 1970, United States Senator Gaylord Nelson of Wisconsin and Denis Hayes organized the first nation-wide day devoted to environmental awareness and education that was celebrated by an estimated 20 million Americans; and

WHEREAS, this day of environmental awareness and education is celebrated world-wide in some 180 countries, with the participation of over 4,000 separate organizations; and

WHEREAS, individuals and institutions have a mutual responsibility to seek ecological, economical and ethical choices that enable the world, as well as our individual communities, to establish and maintain sustainable societies.

NOW, THEREFORE, I, Kate Rousmaniere, Mayor of the City of Oxford, Ohio, do hereby proclaim that on Monday, April 22, 2019 the City of Oxford will recognize and participate in the national and international celebration of:

'EARTH DAY'

I urge all citizens to celebrate Earth Day and to remind each person of their right and responsibility to the wise use of this global home, to heal, preserve and improve the Earth and the quality of life for this and future generations, and to approach every day as an Earth Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 16th day of April, 2019.

KATE ROUSMANIERE, MAYOR



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: April 16, 2019

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 11, 2019

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to approve the lease and assurance of maintenance amendment and the right of way agreement amendment to allow for the City of Oxford to replace the Oxford Museum Association in a lease agreement with the Board of County Commissioners of Butler County and releasing Oxford Museum Association from the right of way agreement.

Recommendation: Approve

Discussion:

The proposed Resolution will allow the City of Oxford to replace the Oxford Museum Association in a Lease Agreement with the Board of County Commissioners of Butler County to assume the use, possession and maintenance of the Black Covered Bridge on Four Mile Creek Road. The proposed Resolution also releases the Oxford Museum Association from the right-of-way agreement with the City of Oxford for the construction of a bike and walking path.

Approved By:

Department Head:
City Manager:

Initial Date

DRE \ 4/17/19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE LEASE AND ASSURANCE OF MAINTENANCE AMENDMENT AND THE RIGHT OF WAY AGREEMENT AMENDMENT TO ALLOW FOR THE CITY OF OXFORD TO REPLACE THE OXFORD MUSEUM ASSOCIATION IN A LEASE AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY AND RELEASING OXFORD MUSEUM ASSOCIATION FROM THE RIGHT OF WAY AGREEMENT

WHEREAS, the Board of County Commissioners of Butler County and Oxford Museum Association ("OMA") have previously entered into a Lease Agreement dated June, 1976 in which the Commissioners leased to OMA, and granted the use and possession of the Black Covered Bridge on Four Mile Creek Road, and the parking area to the southwest thereof adjacent to Corso Road, all of which are in Section 14 of the Oxford Township, Butler county, Ohio; and

WHEREAS, in June, 1976, the Commissioners leased a certain portion of Corso Road a parking area, adjacent to Corso Road, located in Oxford Township, Butler County, Ohio to the OMA ("Leased Premises"); and

WHEREAS, OMA now desires to be released from that lease and have the City take its place due to financial constraints; and

WHEREAS, the Black Covered Bridge will be part of the Oxford Oats Trail System; and

WHEREAS, City is agreeable to replacing OMA in the Lease Agreement and Right of Way Agreement.

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

SECTION 1: The City Manager recommends Council authorize him to approve the assignment of the Lease and Assurance of Maintenance Amendment (attached and incorporated herein as Exhibit A) and the Right of Way Agreement Amendment (attached and incorporated herein as Exhibit B) to allow for the City of Oxford to replace the Oxford Museum Association in a Lease Agreement with the Board Of County Commissioners of Butler County and releasing Oxford Museum Association from the Right of Way Agreement for the Black Covered Bridge on Four Mile Creek Road, and the parking area to the southwest thereof adjacent to Corso Road, all of which are in Section 14 of the Oxford Township, Butler County, Ohio.

SECTION 2: Council hereby accepts the recommendation of the City Manager and further authorizes the City Manager to take all steps necessary to execute the documents referenced herein.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Lease and Assurance of Maintenance Amendment

This Lease and Assurance of Maintenance Amendment ("Agreement") is hereby made and entered into by and between the Board of County Commissioners of Butler County, Ohio ("Commissioners"); the Oxford Museum Association, an Ohio nonprofit corporation ("OMA"); and the City of Oxford, Ohio ("City").

WHEREAS, the Commissioners and OMA have previously entered into a Lease Agreement dated June, 1976 in which the Commissioners leased to OMA, and granted the use and possession of the Black Covered Bridge on Four Mile Creek Road, and the parking area to the southwest thereof adjacent to Corso Road, all of which are in Section 14 of the Oxford Township, Butler county, Ohio. The Lease Agreement is incorporated herein by reference.

WHEREAS, on January 27, 1994, the President of the OMA, William L. King, provided the Commissioners with an Assurance of Maintenance, whereby the OMA states its commitment to the continuation of its responsibility, under the terms of the Lease Agreement, to provide maintenance to the leased property with the inclusion of a bike path on and over a portion of the leased property. The Assurance of Maintenance Agreement is incorporated herein by reference.

WHEREAS, the Commissioners and OMA desire to amend the Lease Agreement as follows.

NOW THEREFORE, for and in consideration of the mutual covenants and promises herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The OMA is hereby released as a party to the Lease Agreement and the Assurance of Maintenance, and the City shall replace the OMA as the leasehold tenant in the Lease Agreement.
2. The OMA hereby assigns all of its rights, interest, responsibilities, and duties under the terms of the Lease Agreement to the City, which includes the remaining lease term of 57 years.
3. The OMA has no further legal or contractual obligation under the terms of the Lease Agreement or Assurance of Maintenance.
4. The City agrees to be bound by the terms, rights and responsibilities of the Lease Agreement.
5. The city agrees to honor and be bound by the assurances set forth in the Assurance of Maintenance.
6. Except as specifically amended herein, the original terms and provisions of the Lease Agreement and Assurance of Maintenance remain in full force and effect, and the Commissioners and the City hereby affirm and consent to the Lease Agreement and Assurance of Maintenance as herein amended, and agree to be bound thereby.

BOARD OF COUNTY COMMISSIONERS CITY OF OXFORD, OHIO
OF BUTLER COUNTY, OHIO

By: _____
Cindy Carpenter, Commissioner

By: _____
Douglas R. Elliott, Jr., City Manager

By: _____
T.C. Rogers, Commissioner

By: _____
Donald L. Dixon, Commissioner

OXFORD MUSEUM ASSOCIATION, INC.

By: _____
Robert Carmean, President

Right of Way Agreement Amendment

This Right of Way Agreement Amendment (“Agreement”) is hereby made and entered into by and between the Board of County Commissioners of Butler County, Ohio (“Commissioners”); the Oxford Museum Association, Inc., an Ohio nonprofit corporation (“OMA”); the City of Oxford, Ohio (“City”); and the Board of Township Trustees of Oxford Township, Butler County, Ohio (“Township”), collectively referred to as “the Parties.”

WHEREAS, in June, 1976, the Commissioners leased a certain portion of Corso Road a parking area, adjacent to Corso Road, located in Oxford Township, Butler County, Ohio to the OMA (“Leased Premises”); and

WHEREAS, in or about February, 2017, the Parties previously entered into an *Agreement Granting Right to Use Public Right of Way*, in which the Commissioners and the Township granted to the City the right to use a portion of the Leased Premises, including portions of Corso Road and the Black Covered Bridge, located within Butler County, Ohio, on which to construct a bike and walking path; and

WHEREAS, dated simultaneously herewith, the Commissioners are releasing the OMA from said 1976 lease agreement; and

WHEREAS, as a result of the OMA being released from the Lease Agreement, the Parties are amending the 2017 Right of Way Agreement to release the OMA as a party to said agreement.

NOW THEREFORE, for and in consideration of the mutual covenants and promises herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The OMA is hereby released as a party to the February, 2017 *Agreement Granting Right to Use Public Right of Way*. Said Agreement is incorporated herein by reference.
2. The City is replacing the OMA as the leasehold tenant in the 1976 Lease Agreement and hereby accepts the terms of the Agreement Granting Right to Use Public Right of Way in that capacity.

[SIGNATURES ON FOLLOWING PAGE]

BOARD OF COUNTY COMMISSIONERS
OF BUTLER COUNTY, OHIO

By: _____
Cindy Carpenter, Commissioner

By: _____
T.C. Rogers, Commissioner

By: _____
Donald L. Dixon, Commissioner

CITY OF OXFORD, OHIO

By: _____
Douglas R. Elliott, Jr., City Manager

OXFORD MUSEUM ASSOCIATION, INC.

By: _____
Robert Carmean, President

BOARD OF TOWNSHIP TRUSTEES OF
OXFORD TOWNSHIP, BUTLER COUNTY,
OHIO

By: _____
Gary Salmon, Trustee

By: _____
John Kinne, Trustee

By: _____
Norma Pennock, Trustee

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 16, 2019

Account Code #: 320.810.65139 / 320.811.65140

Budgeted Amount: \$70,000.00

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

April 4, 2019
Date Prepared

Agenda Title: Purchase of Two Replacement Pickup Trucks for the Water Treatment Plant and Water Distribution Divisions of the Service Department

Recommendation: Approve

Discussion:

The 2019 Capital Equipment Budget includes \$70,000 for the purchase of two replacement pickup trucks for use by the Water Treatment Plant and Water Distribution Divisions of the Service Department. The existing vehicles are in poor condition and have been budgeted for replacement.

The State of Ohio – Department of Administrative Services (DAS) contract for the purchase of trucks, contract index # GDC093 in the Minority Business Enterprise Program, includes Item # 23AT – Ford F250 pickup truck – Extended Cab; Long Bed:

	<u>Contract Price</u>	<u>Options</u>	<u>Total Contract Price</u>
Vehicle 1: #23 AT	\$28,365.16	\$ 2,515.76	\$30,880.92
Vehicle 2: #23 AT	\$28,365.16	1,087.00	<u>\$29,452.16</u>
			\$60,333.08

Options are detailed on the attached DAS price schedule and include delivery of the vehicles to Oxford, additional keys, brake controller, all terrain tires, backup alarm, and snowplow prep package.

This Resolution will authorize the City Manager to enter into an agreement with Middletown Ford for the purchase of two Ford F-250 pickup trucks under State contract at a cost not to exceed **\$60,333.08**. Staff further recommends Council authorize the City Manager to dispose of vehicles #07-01 and #03-34 by electronic auction at the earliest date convenient to the City.

Approved By:

Department Head: MBT 4/4/19

City Manager: DRE 4/12/19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MIDDLETOWN FORD FOR THE PURCHASE OF TWO (2) FORD F-250 PICKUP TRUCKS WITH SPECIFIED OPTIONS AT STATE CONTRACT PRICING AT A COST NOT TO EXCEED \$60,333.08.

WHEREAS, the 2019 Capital Equipment Budget includes \$70,000.00 for the purchase of two (2) replacement pickup trucks for use by the Water Treatment Plant and Water Distribution Divisions of the Service Department; and

WHEREAS, the City Manager and the Service Director recommend City Council authorize the City Manager to enter into a contract with Middletown Ford for the purchase of two (2) Ford F-250 pickup trucks with specified options at State Contract pricing at a cost not to exceed \$60,333.08.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Service Director and accepts the State Contract pricing for the purchase of two (2) Ford F-250 pickup trucks with specified options at State Contract pricing at a cost not to exceed \$60,333.08.

SECTION 2: Council further authorizes the City Manager to enter into a contract with Middletown Ford for the purchase of two (2) Ford F-250 pickup trucks with specified options at State Contract pricing at a cost not to exceed \$60,333.08, which has previously been appropriated in the 2019 budget.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Middletown Ford Fleet Department
 1750 N. Verity Parkway
 Middletown, OH 45042
 (513) 420-8700

ashley.hillis@middletownford.com
darco.murphy@middletownford.com

To whom it may concern,

Thank you for allowing Middletown Ford to bid on your:

Vehicle Information							Date: 03/26/2019
Item #	Year	Make	Model	Trim	Body Style	Color	No. of Units
23AT	2019	FORD	F-250	XL	EXT CAB 4X4	OXFORD WHITE	1

Buyer Information					
Name	Address	City	State	Zip Code	Phone Number
CITY OF OXFORD					

Vehicle Bid (Per Unit)			Amount Due At Inception:	
Item ID No.	Description	Selling Price	[Down Payment:]	\$0.00
23AT	F-250 EXT CAB 4X4	\$28,365.16		
KEY	EXTRA KEY W/FOB	\$250.00		
TBM	AT TIRES	\$450.00		
76C	BACKUP ALARM	\$127.00	N/A	
41P/473	MFG SNOW PLOW PREP PKG	\$260.00		
585	SYNC	\$516.00	[Trade(s):]	
66S	UPFITTER SWITCHES	\$154.50	Trade 1	\$0.00
85S	SPRAY LINER	\$558.26		
8ft.	8' BED IN LIEU OF 6 3/4'	\$200.00	Trade 2	\$0.00
	CUSTOMER PICKUP	\$0.00	Trade 3	\$0.00
	Reg. Fee (45-Day Tag)	\$0.00		
	Other Fees	\$0.00		
	Total Due	\$30,880.92	Total Credits	\$0.00

We would also like to announce that we participate in the state's Minority Business Enterprise (MBE) Program. We greatly appreciate you giving Middletown Ford the opportunity to earn your business! The above quote is good for 30 days unless otherwise specified. Quotes given on vehicles on the State bid are good until the dates specified on the state bid. **PLEASE NOTE: Any upfits such as Dump Bodies, Utility Bodies, Snow Plows etc. May add up to 6-8 weeks onto vehicle delivery time on state bid.**

WE ALSO ACCEPT TRADE-INS!

Sincerely,
 Ashley Hillis, Fleet Manager
 Darco Murphy, Fleet Director

Middletown Ford Fleet Department
 1750 N. Verity Parkway
 Middletown, OH 45042
 (513) 420-8700

ashley.hillis@middletownford.com
darco.murphy@middletownford.com

To whom it may concern,

Thank you for allowing Middletown Ford to bid on your:

Vehicle Information							Date: 03/25/2019
Item #	Year	Make	Model	Trim	Body Style	Color	No. of Units
23AT	2019	FORD	F-250	XL	EXT CAB 4X4	OXFORD WHITE	1

Buyer Information						
Name	Address	City	State	Zip Code	Phone Number	
CITY OF OXFORD						

Vehicle Bid (Per Unit)			Amount Due At Inception:	
Item ID No.	Description	Selling Price	[Down Payment:]	\$0.00
23AT	F-250 EXT CAB 4X4 SHORT BED	\$28,365.16		
KEY	EXTRA KEY W/FOB	\$250.00		
TBM	AT TIRES	\$450.00		
76C	BACKUP ALARM	\$127.00	N/A	
41P/473	MFG SNOW PLOW PREP PKG	\$260.00		
			[Trade(s):]	
			Trade 1	\$0.00
	Delivery	\$0.00	Trade 2	\$0.00
	Title Fee	\$0.00	Trade 3	\$0.00
	Reg. Fee (45-Day Tag)	\$0.00		
	Other Fees	\$0.00		
	Total Due	\$29,452.16	Total Credits	\$0.00

We would also like to announce that we participate in the state's Minority Business Enterprise (MBE) Program. We greatly appreciate you giving Middletown Ford the opportunity to earn your business! The above quote is good for 30 days unless otherwise specified. Quotes given on vehicles on the State bid are good until the dates specified on the state bid. **PLEASE NOTE: Any upfits such as Dump Bodies, Utility Bodies, Snow Plows etc. May add up to 6-8 weeks onto vehicle delivery time on state bid.**

WE ALSO ACCEPT TRADE-INS!

Sincerely,
 Ashley Hillis, Fleet Manager
 Darco Murphy, Fleet Director

SPECIFICATIONS

Pickup – 8,500 lb. – 4WD – Ext. Cab – Short Bed---MBE
Item Number 23AT

Line No.	Standard Specification Items	Minimum Requirements	Exceptions
Powertrain			
1.	Engine Type (Liter / Cylinder)	6.0L, V8	
2.	Horsepower (Net HP)	360	
3.	Transmission	Automatic	
4.	Locking Differential	Required	
5.	Alternator (amps)	Manufacturer Standard	
6.	Battery (CCA)	Manufacturer Standard	
7.	Cooling System	Heaviest Duty Available	
8.	Alternative Fuel (Type)	Specify	
9.	Drivetrain	4WD	
Exterior			
10.	Body Side Moldings	Manufacturer Standard	
11.	Rear Door Type	Locking Tailgate	
12.	Bed Length (ft.)	5.5 – 6.5 Bidder to Specify:	
13.	Rear Step Bumper	Manufacturer Standard	
14.	Tires	All Season	
15.	Spare Tires	Full	
Safety			
16.	Restraint System (Driver & Passenger)	Required	
17.	Supplement Restraint System (Driver & Passenger)	Required	
18.	Power Antilock Brakes (Front and Rear)	Required	
19.	Rear Camera	Required	
20.	Factory Installed Running Boards	Required	
Seating			
21.	Seating Capacity	6	
22.	Front Seat Type	Split Bench	
23.	Seat Covering	Vinyl	
24.	Floor Covering	Vinyl	
Dimensions			
25.	Wheelbase (in.)	142	
26.	Fuel Capacity (Gal.)	32	
27.	Headroom (Front/Rear) (in.)	40/38	
28.	Leg Room (Front/Rear) (in.)	41/31	
29.	Hip Room (Front/Rear) (in.)	60/61	
30.	Shoulder Room (Front/Rear) (in.)	65/65	
31.	Cargo Volume (cu. ft.)	60	
32.	Payload (lbs.)	3,100	
33.	Gross Vehicle Weight Rating (GVWR)(lbs.)	8,500	

SPECIFICATIONS (CONT'D)

Pickup – 8,500 lb. – 4WD – Ext. Cab – Short Bed---MBE

Item Number 23AT

Line No.	Standard Specification Items	Minimum Requirements	Exceptions
Accessories			
34.	Air Conditioning	Required	
35.	Tilt Wheel & Cruise Control	Required	
36.	Power Windows & Door Locks	Required	
37.	Keyed Door Locks	Required	
38.	2 Sets of Keys with FOB Enabling Electronic Keyless Entry	Required	
39.	Intermittent Windshield Wipers	Required	
40.	Radio	Standard AM/FM (less SAT)	
41.	Exterior Rear View Mirror	Dual	
42.	Cargo Dome Light	Automatic	
Warranty			
43.	Rust Proofing	Min. Factory Warranty	
44.	Manufacturer Standard	Min. 3 yr./36,000 Mile	
Optional Equipment Items			
45.	Parts Manual(s)		
46.	Service Manual(s)		
47.	Additional Set of Keys with FOB Enabling Electronic Keyless Entry		
48.	Seat Belt Extender		
49.	Cloth Seat Covering		
50.	Bed Liner (Bidder to Specify Type: _____)		
51.	Tow Hitch / 7-Pin Receptacle / Brake Controller		
52.	7-Pin Trailer Receptacle Wiring (See Supplement A, page 133)		
53.	All Terrain Tires		
54.	Trailer Tow Mirrors		
55.	Backup Alarm		
56.	8 ft. Bed in Lieu of Short Bed		
57.	Manufacturer Snow Plow Prep Package (Includes HD Suspension, HD Alternator, HD Transmission Cooling, Skid Plates, Etc.) Does not include Snow Plow		
58.	Snow Plow Package (order w/Snow Plow Prep Package)		

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 16, 2019

Account Code #: 140.720.61203

Budgeted Amount: \$270,000.00

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

April 4, 2019
Date Prepared

Agenda Title: Purchase of Replacement Street Sweeper Vehicle for the Streets & Maintenance Division of the Service Department

Recommendation: Approve

Discussion: The 2019 Capital Equipment Budget includes \$270,000 for the purchase of a replacement street sweeper for the Streets & Maintenance Division of the Service Department. The existing vehicle is in very poor condition and has been budgeted for replacement.

The State of Ohio – Department of Administrative Services (DAS) contract for the purchase of street cleaning equipment, contract index # 800246, includes an Elgin Crosswind street cleaning machine sold through Jack Doheny Companies:

	<u>Contract Price</u>	<u>Options</u>	<u>Total Contract Price</u>
Elgin Crosswind 1:	\$219,711.00	\$ 45,832.00	\$265,543.00

Options are detailed on the attached DAS price schedule and include delivery of the vehicle to Oxford, stainless steel hopper, safety lighting, enhanced broom controls and dust control, and automatic broom system lubrication.

Staff evaluated several companies' products in the selection process for this machine. The Elgin Crosswinds 1 model is the best for the City's needs as it only requires one engine (most other sweepers have a separate engine for the vacuum/brushes) making it much more fuel efficient to operate while being quieter than other models, a large capacity hopper with advanced dust control, and a 12' sweep width capability.

This Resolution will authorize the City Manager to enter into an agreement with Jack Doheny Companies for the purchase of an Elgin Crosswinds 1 street sweeper with specified options under State contract at a cost not to exceed **\$265,543.00**. Staff further recommends Council authorize the City Manager to dispose of vehicle #07-50 (2007 Schwarze A7000 model) by electronic auction at the earliest date convenient to the City.

Approved By:

Department Head:

City Manager:

Initial Date

MED 4/4/19

DRE 4/12/19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JACK DOHENY COMPANIES FOR THE PURCHASE OF AN ELGIN CROSSWINDS 1 STREET SWEEPER WITH SPECIFIED OPTIONS AT STATE CONTRACT PRICING AT A COST NOT TO EXCEED \$265,543.00.

WHEREAS, the 2019 Capital Equipment Budget includes \$270,000.00 for the purchase of a replacement street sweeper for the Streets & Maintenance Division of the Service Department; and

WHEREAS, the City Manager and the Service Director recommend City Council authorize the City Manager to enter into a contract with Jack Doheny Companies for the purchase of an Elgin Crosswinds 1 street sweeper with specified options at State Contract pricing at a cost not to exceed \$265,543.00.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Service Director and accepts the State Contract pricing for the purchase of an Elgin Crosswinds 1 street sweeper with specified options at State Contract pricing at a cost not to exceed \$265,543.00.

SECTION 2: Council further authorizes the City Manager to enter into a contract with Jack Doheny Companies for the purchase of an Elgin Crosswinds 1 street sweeper with specified options at State Contract pricing at a cost not to exceed \$265,543.00, which has previously been appropriated in the 2019 budget.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Crosswind

PROVEN SINGLE-ENGINE REGENERATIVE AIR SWEEPER

Searching for a solution that eliminates maintaining and servicing an auxiliary engine on a regenerative air sweeper? Elgin Sweeper Company has the answer. The Crosswind1® eliminates all things associated with a diesel auxiliary engine, providing value to customers that extends beyond having one less engine. The Crosswind1 has undergone years of customer focused testing and validation; ensuring a design that exceeds expectations!



APPLICATION SOLUTIONS

Elgin Sweeper doesn't offer just one sweeping technology — we take an application-based approach to solving our customers' sweeping needs. Our team works with every customer to ensure they get a machine that fits their specifications, with the right truck, engine configuration, fuel requirements, and options.

POWERFUL SUPPORT

Elgin Sweepers are built for clean, backed for life. Throughout the life of the sweeper, we offer team training on proper use and maintenance. We have a world-wide network of experienced dealers with factory trained technicians and a local stock of OEM parts and accessories, to ensure total customer peace of mind.

UNMATCHED QUALITY

The Crosswind was introduced nearly 30 years ago and has been continuously improved in design and production. Elgin sweepers are manufactured in an ISO:9001 certified manufacturing plant. Products are painted prior to assembly and quality tested. The Crosswind1 is proudly assembled in the U.S.A. using only the finest materials.

QTY	Option Number	Description	Ohio STS Price	Selected
1		Crosswind 1	\$ 122,358.00	\$ 122,358.00
1	STD	Standard Electronic Controls	STD	STD
1	STD	Side Broom Outer Position Stop	STD	STD
1	STD	External Manually Operated Vacuum Enhancer	STD	STD
1	1111176	Left Hand Sidebroom Tilt with In-Cab Display	\$ 981.00	\$ 981.00
1	1111175	Right Hand Sidebroom Tilt with In-Cab Display	\$ 981.00	\$ 981.00
1	1112947	Dual Side Broom Scrubbing Position	\$ 1,588.00	\$ 1,588.00
1	1126244	Flow Blocker	\$ 2,276.00	\$ 2,276.00
1	1120875	Elgin Memory Sweep Resume Feature	\$ 2,559.00	\$ 2,559.00
1	1119215	Vacuum Enhancer In-Cab Control With in Cab Displa	\$ 470.00	\$ 470.00
1	1113732	Variable Speed - Dual Side Brooms	\$ 3,194.00	\$ 3,194.00
1	STD	Hopper Rear Door with Hydraulically Opened and Closed, Locked with External Manual Controls	STD	STD
1	1085887	6" Hopper Drain	\$ 783.00	\$ 783.00
1	1071234	Stainless Steel Hopper Screen	\$ 1,488.00	\$ 1,488.00
1	1127047	Stainless Steel Right Hand Inspection Door & Step	\$ 768.00	\$ 768.00
1	1122472	Stainless Steel- Hopper W/Warranty	\$ 16,470.00	\$ 16,470.00
1	STD	Control Console	STD	STD
1	STD	Electric Backup Alarm	STD	STD
1	1121515	Auxiliary Hydraulic Pump Use With In-Cab Hopper D	\$ 1,285.00	\$ 1,285.00
1	702020	Elgin Safety Manual	STD	STD
1	STD	LED Clearance Lights	STD	STD
1	STD	Rear Clearance And Rear Identification Lights	STD	STD
1	1121098	Two Rear LED Beacons	\$ 1,384.00	\$ 1,384.00
1	STD	Water System Controls	STD	STD
1	STD	Seven Spray Nozzles in the Pick-Up Head, Three In The Suction Nozzle and Three at Each Side Broom	STD	STD
1	STD	Molded Polyethylene 240 Gallon Water Tank	STD	STD
1	1110823	Functional Control Of Water System	\$ 711.00	\$ 711.00
1	1032481	16' 8" Water Fill Hose	STD	STD
1	1059209	Hopper Deluge	\$ 981.00	\$ 981.00
1	1120809	Low Pressure Wash Down (Not Compatible With PM10)	\$ 1,143.00	\$ 1,143.00
1	1120877	Auto Lube Sweeper Only	\$ 4,127.00	\$ 4,127.00
1	STD	Camera, Rear Mounted	STD	STD
1	4820001	Paint Cab Standard White	STD	STD
1	4810001	Paint Sweeper Standard White	STD	STD
1	Chassis	M2 Dual Steer with no auxiliary engine in lieu of 1119154 M2 Dual Steer with Shared Power 74HP	\$ 97,353.00	\$ 97,353.00
1	1075400	AM, FM, CD Radio	\$ 868.00	\$ 868.00
1	1080756	Left Hand Fender Mounted Mirror	\$ 494.00	\$ 494.00
1	1109607	12" Convex Mirrors	\$ 309.00	\$ 309.00
1	1081745	Two Bostrom 905 Vinyl Mid-Back	\$ 1,768.00	\$ 1,768.00
1	1081910	Dual Arm Rest - Vinyl (Only W/Air Ride Seats)	\$ 664.00	\$ 664.00
1	1111756	Front Spray Bar	\$ 540.00	\$ 540.00
1	STD	Crosswind 1st Year Parts/Labor	STD	STD

Total: \$ 265,543.00

- Acceptance of this Proposal is subject to availability of the Equipment listed above.
- Sales Price does not include any applicable sales taxes. Buyer is responsible for and agrees to pay all applicable sales tax.
- The Sale of New Equipment Terms and Conditions are incorporated into and made a part of this Proposal upon acceptance and execution of this Proposal by both parties.

- Execution of this Proposal by Seller and Buyer constitutes a binding agreement between the parties.
- All payments to be sent by Wire/ACH or mailed to Jack Doheny Companies, ATTN: Accounts Receivable, P.O. 609, Northville, Michigan 48168. Please reference the Invoice No. on all payments.
- If this Proposal is not executed by both parties within thirty (30) calendar days from the Proposal Date, this Proposal shall become null and void, unless subsequently executed by both Buyer and Seller.

Thank you for your consideration of this proposal.

Sincerely yours,

Rob Stineman

Rob Stineman

Regional Sales Manager

(513) 673-9708

RobStineman@DohenyCompanies.com

This proposal becomes a contract for delivery and payment of the merchandise listed above only when signed by the customer or one of its officers.

Customer: _____

By: _____

Date: _____

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Council Meeting Of: April 16, 2019

Originating Department

Account Code No. #: N/A

Mary Ann Eaton

Prepared By

Budgeted Amount: N/A

April 9, 2019

Date Prepared

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

Recommendation: N/A

Discussion:

Provided Council adopts the Resolutions authorizing contracts with Middletown Ford for the purchase of two Ford F-250 pickup trucks and with Jack Doheny Companies for the purchase of a replacement street sweeper, the attached Resolution will allow the advertisement and sale of 3 surplus vehicles listed on Exhibit "A".

Approved By:

Department Head:
City Manager:

Initial Date

DRE \ 4/12/19

RESOLUTION NO.

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

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

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

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

SECTION 1: Council accepts the recommendation of the City Manager and the Service Director and hereby declares the vehicles set forth in Exhibit "A" attached hereto and incorporated herein as surplus.

SECTION 2: Council further authorizes the advertisement and sale of the surplus vehicles set forth in Exhibit "A" attached hereto and incorporated herein to the highest bidder by internet auction or by trade-in to the dealer with the proceeds thereof deposited in the General Fund.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT “A”

#07-01	2007 Dodge Durango
#03-34	2003 Ford F-250
#07-50	2007 Schwarze A7000 Street Sweeper

CITY OF OXFORD STAFF SUMMARY REPORT

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

Police

Originating Department

Council Meeting Of: April 16, 2019

John Jones

Account Code #: 140.110.61127

Prepared By

Budgeted Amount: \$75,000

April 9, 2019

Date Prepared

Agenda Title:

Purchase of replacement Police Division radio equipment

Recommendation: Approve

The portable radios currently used by the Police Division have reached the end of their serviceable life. Scheduled software upgrades in 2019 and 2020 to the countywide radio systems may affect operation of certain features of our current radios. Under the terms of the Participation Agreement with the Butler Regional Interoperable Communications System, when subscriber equipment previously purchased by the County becomes obsolete or unusable, replacement lies with the subscribing local user. After testing Kenwood and Motorola radios, the Police Chief is recommending the purchase of Motorola APX6000XE radios with certain accessories, to replace our existing 62 radios.

For FY2019, \$75,000 is budgeted to begin a phased approach at purchasing replacement radios. This amount will purchase 18 Motorola APX6000XE radios, chargers, accessories, and six spare batteries. This resolution will authorize the City Manager to enter into a contract with Motorola for the purchase of radio equipment in the attached Quote #19-308 for an amount not to exceed \$74,980.

State Term Schedule #573077-0

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAG \ 4-9-19

DRE \ 4/12/19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MOTOROLA SOLUTIONS FOR THE PURCHASE OF EIGHTEEN (18) MOTOROLA APX6000XE RADIOS AND ASSOCIATED ACCESSORIES AT STATE CONTRACT PRICING AT A COST NOT TO EXCEED \$74,980.00.

WHEREAS, the 2019 Capital Equipment Budget includes \$75,000.00 to begin a phased approach in purchasing replacement radios for the Police Division; and

WHEREAS, the City Manager and the Police Chief recommend City Council authorize the City Manager to enter into a contract with Motorola Solutions for the purchase of eighteen (18) Motorola APX6000XE radios and associated accessories at State Contract pricing at a cost not to exceed \$74,980.00.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Police Chief and accepts the State Contract pricing for the purchase of eighteen (18) Motorola APX6000XE radios and associated accessories at State Contract Pricing at a cost not to exceed \$74,980.00.

SECTION 2: Council further authorizes the City Manager to enter into a contract with Motorola Solutions for the purchase of eighteen (18) Motorola APX6000XE radios at State Contract pricing at a cost not to exceed \$74,980.00, which has previously been appropriated in the 2019 budget.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**MOTOROLA SOLUTIONS****Equipment Proposal**

Prepared By: Chris Hanes

Address: 350 Worthington Rd, Columbus OH 43082

Phone: 937-459-3202

DATE: March 8, 2019

QUOTE #: 19-308

CUSTOMER #:

email: chris.hanes@motorolasolutions.com

PREPARED FOR: Chief John Jones
COMPANY: Oxford Police
PHONE: 513-524-5247
EMAIL:

BILL TO: Oxford Police Dept
ADDRESS: 101 E High St
Oxford, OH 45056

SHIP TO: Oxford Police Dept
ADDRESS: 101 E High St
Oxford, OH 45056

Qty.	Item	Category	Description	List Price	BC Promo Price	Total Price
APX 6000XE Model 2.5						
18	H98UCF9PW6BN	Radio	APX 6000XE, MOD 2.5	\$ 3,026.00	\$ 1,513.00	\$ 27,234.00
18	QA02006	Radio	APX 6000XE RUGGED	\$ 800.00	\$ 400.00	\$ 7,200.00
18	Q806	Radio	ASTRO DIGITAL OPERATION	\$ 515.00	\$ 257.50	\$ 4,635.00
18	H38	Radio	SMARTZONE	\$ 1,200.00	\$ 600.00	\$ 10,800.00
18	Q361	Radio	P25 9600 BAUD TRUNKING	\$ 300.00	\$ 150.00	\$ 2,700.00
18	QA01648	Radio	HARDWARE KEY	\$ 5.00	\$ 2.50	\$ 45.00
18	H869	Radio	MULTIKEY	\$ 330.00	\$ 165.00	\$ 2,970.00
18	G996	Radio	OTAP	\$ 100.00	\$ 50.00	\$ 900.00
18	QA03399	Radio	ENHANCED DATA	\$ 150.00	\$ 75.00	\$ 1,350.00
18	QA09001	Radio	WIFI	\$ 300.00	\$ 150.00	\$ 2,700.00
18	QA09007	Radio	OUT OF BOX WIFI PROVISIONING	\$ -	\$ -	\$ -
18	QA09006	Radio	ADAPTIVE NOISE SUPPRESSION	\$ 150.00	\$ 75.00	\$ 1,350.00
18	QA09000	Radio	DIGITAL TONE SIGNALING	\$ 150.00	\$ 75.00	\$ 1,350.00
18	QA09008	Radio	GROUP SERVICES	\$ 150.00	\$ 75.00	\$ 1,350.00
18	QA01767	Radio	P25 LINK LAYER AUTHENTICATION	\$ 100.00	\$ 50.00	\$ 900.00
18	H885BK	Service	3 YEAR WARRANTY	\$ 90.00	\$ 45.00	\$ 810.00
18	T7914	Radio	RADIO MANAGEMENT LICENSE	\$ -	\$ -	\$ -
18	QA00049AA	Radio	RADIO MANAGEMENT ENTITLEMENT	\$ 100.00	\$ 63.00	\$ 1,134.00
				\$ 7,466.00	\$ 3,746.00	\$ 67,428.00

APX 6000 Accessories

6	PMNN4547	BATTERY	LI-ION 3100 MAH BATTERY	\$ 155.00	\$ 77.50	\$ 465.00
18	NNTN8860	CHARGER	SINGLE UNIT CHARGER	\$ 150.00	\$ 75.00	\$ 1,350.00
1	NNTN8844	CHARGER	MULTI-UNIT CHARGER	\$ 1,250.00	\$ 625.00	\$ 625.00
0	NLN7967A	CHARGER	MULTI-UNIT WALL PLATE	\$ 21.00	\$ 10.50	\$ -
3	NNTN7624B	CHARGER	VEHICULAR CHARGER	\$ 429.00	\$ 214.50	\$ 643.50
18	NMN6274	SPEAKER	MI-XP RSM (Law)	\$ 369.00	\$ 184.50	\$ 3,321.00

0	RLN6434	CHARGER	TRAVEL CHARGER	\$	111.00	\$	55.50	\$	-
18	PMLN5875	HOLSTER	CARRY CASE - swivel	\$	65.00	\$	32.50	\$	585.00
<u>SERVICES</u>							\$		6,989.50

18	SVC03SVC0039	SERVICES	ENGRAVING	\$	31.25	\$	31.25	\$	562.50
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RADIO TOTAL	\$	67,428.00
ACCESSORIES TOTAL	\$	6,989.50
SERVICE TOTAL	\$	562.50
Final Proposal Total	\$	74,980.00

Terms and Conditions:

All Prices Quoted Per State Term Schedule #573077-0. Please reference STS# on PO.

Payment terms: Net 30. PRICE VALID UNTIL 12-1-19

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

Originating Department

Council Meeting Of: April 16, 2019

Account Code No. #: 141.610.63176

Prepared By: Casey D. Wooddell

Budgeted Amount: \$52,028

Date Prepared: March 27, 2019

Agenda Title: Resolution to Approve Demolition Project at Old City Pool

Recommendation: Approve

Discussion:

The City's 2019 Budget includes up to \$55,000 to complete the demolition of, and removal of debris, from the old city pool site, located at 6035 Fairfield Road. The City purchased this land from the TRI in the early 1970s for the purpose of constructing and operating the city pool. Now that the pool will no longer be at this location, the City is responsible for returning the site to its condition prior to the old city pool being constructed.

City staff developed standards and specifications for this project. Staff advertised a request for bids on March 8 and March 15, 2019, in the Hamilton Journal-News. Proposals were to be returned no later than 5:00pm on March 22, 2019. The following bid amounts were provided:

<u>Contractor</u>	<u>Proposal Price</u>
Oberson's	\$47,299
Dingledine	\$60,000
Evan's	\$88,025
O'Rourke	\$94,970
Baumann	\$143,680

This resolution will authorize the City Manager to enter into an agreement with Oberson's Nursery and Landscape, Inc. to complete the Demolition and Removal of the Old City Pool project at a cost of \$47,299. Staff is requesting a 10% contingency in the amount of \$4,729, bringing the total contract amount not to exceed to **\$52,028**.

Approved By:	Initial Date
Department Head:	<u>CDW</u> \ <u>3/27/2019</u>
City Manager:	<u>DRE</u> \ <u>4/12/19</u>

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH OBERSON'S NURSERY AND LANDSCAPE, INC. FOR THE DEMOLITION AND REMOVAL OF THE FORMER MUNICIPAL SWIMMING POOL LOCATED AT 6035 FAIRFIELD ROAD AT A COST OF \$47,299.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE OR \$4,729.00 FOR A TOTAL COST NOT TO EXCEED \$52,028.00.

WHEREAS, the City advertised for bids in the *Journal News* on March 8, 2019 and on March 15, 2019. (5) sealed bids were opened and publicly read on March 22, 2019. The lowest and best bid was submitted by Oberson's Nursery and Landscape, Inc. in the amount of \$47,299.00; and

WHEREAS, the City Manager and the Parks and Recreation Director recommend Council accept the bid of Oberson's Nursery and Landscape, Inc. as the lowest and best bid for the demolition and removal of the former municipal swimming pool located at 6035 Fairfield Road at a cost of \$47,299.00 plus a contingency amount of ten percent (10%) of the contract price or 4,729.00 for a total cost not to exceed \$52,028.00; and

WHEREAS, the City Manager and the Parks and Recreation Director further recommend Council authorize the City Manager to enter into a contract with Oberson's Nursery and Landscape, Inc. for the demolition and removal of the former municipal swimming pool located at 6035 Fairfield Road at a cost of \$47,299.00 plus a contingency amount of ten percent (10%) of the contract price or \$4,729.00 for a total cost not to exceed \$52,028.00.

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

SECTION 1: City Council accepts the recommendation of the City Manager and the Parks and Recreation Director and authorizes the City Manager to enter into a contract with Oberson's Nursery and Landscape, Inc. for the demolition and removal of the former municipal swimming pool located at 6035 Fairfield Road at a cost of \$47,299.00 plus a contingency amount of ten percent (10%) of the contract price or \$4,729.00 for a total cost not to exceed \$52,028.00.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: April 16, 2019

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 11, 2019

Date Prepared

Agenda Title: A Resolution authorizing the settlement of Butler County Common Pleas Case Numbers CV 2016 01 0068 and CV 2016 01 0229 and Twelfth District Court of Appeals Case Number CA 2018 10 0196 with Hoelzer/Hoelzer Rentals Inc. and authorizing the City Manager to take all steps necessary to resolve this matter

Recommendation: Approve

Discussion:

Hoelzer Hoelzer Rentals Inc filed civil case numbers CV 2016 01 0068 and CV 2016 01 0229 in Butler County Common Pleas Court against the City and various City defendants. The City filed case number CA 2018 10 0196 in the Twelfth District Court of Appeals. The parties have reached a global settlement agreement in this matter and the Law Director and the City Manager recommend City Council authorize the settlement.

Approved By:

Department Head:
City Manager:

Initial Date

DRE \ 4/12/19

RESOLUTION NO.

RESOLUTION AUTHORIZING THE SETTLEMENT OF BUTLER COUNTY COMMON PLEAS CASE NUMBERS CV 2016 01 0068 AND CV 2016 01 0229 AND TWELFTH DISTRICT COURT OF APPEALS CASE NUMBER CA 2018 10 0196 WITH HOELZER/HOELZER RENTALS INC AND AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO RESOLVE THIS MATTER.

WHEREAS, Hoelzer Hoelzer Rentals Inc. filed civil case numbers CV 2016 01 0068 and CV 2016 01 0229 in Butler County Common Pleas Court against the City and various City defendants; and

WHEREAS, the City filed case number CA 2018 10 0196 in in the Twelfth District Court of Appeals; and

WHEREAS, the parties have reached a global settlement agreement in this matter and the Law Director and City Manager recommend City Council authorize the settlement.

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

SECTION 1: Butler County Common Pleas case numbers CV 2016 01 0068 and CV 2016 01 0229 are civil cases brought by Hoelzer Hoelzer Rentals Inc. against the City of Oxford regarding a housing agreement and its application to Hoelzer property. The parties met on January 24, 2019 and successfully settled this matter in accordance with the terms as delineated in Exhibit "A", which is attached hereto and incorporated herein.

SECTION 2: The City Manager and the Law Director recommend that City Council authorize settlement of these cases on these terms.

SECTION 3: Council hereby accepts the recommendation of the City Manager and the Law Director and authorizes the settlement of Butler County Common Pleas case numbers CV 2016 01 0068 and CV 2016 01 0229 and CA 2018 10 0196 in the Twelfth District Court of Appeals in accordance with the terms of Exhibit "A".

SECTION 4: The City Manager is hereby authorized to take all steps necessary to resolve these matters in accordance with the terms of Exhibit "A".

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release ("Agreement") was made at Middletown, Ohio, in settlement discussions culminating January 24, 2019 and further memorialized by this writing, with an effective date of _____, 2019, between Hoelzer/Hoelzer Rentals, Inc., ("Hoelzer") Tres Walnut, LLC, and Dollar Investments, LLC (collectively referred to herein as "the Hoelzer/Kacachos Entities"), and the Oxford, Ohio Board of Zoning Appeals ("Oxford BZA"), the Oxford, Ohio City Council ("City Council"), Sam Perry, AICP, Community Development Director, City of Oxford ("Perry"), and the City of Oxford, Ohio ("the City"). For purposes of this Agreement, the Oxford BZA, City Council, Perry, and the City may collectively be referred to as the "Oxford Defendants." All parties to this Agreement are collectively referred to herein as "the Parties."

RECITALS

WHEREAS, certain disputes arose between Hoelzer and the Oxford Defendants, concerning zoning matters and property rights, specifically whether Hoelzer was permitted to construct a dwelling on a vacant parcel adjoining a lodging house situated on its property.

WHEREAS, the nature of the dispute was whether Hoelzer's vacant lot at 116 W. Church Street, Oxford, Ohio was bound by a previously executed and recorded agreement ("the "Housing Agreement"), dated March 9, 2001 and recorded May 22, 2001, setting forth occupancy caps for a lodging house located at 116 W. Church Street, and referencing the vacant lot in the legal description appended thereto. Specifically, the Parties disputed whether the occupancy cap stated therein applied solely to the dwelling at 116 W. Church Street or to the entirety of the property described in the legal description appended to the Housing Agreement.

WHEREAS, Hoelzer filed two separate cases in Butler County Common Pleas Court, the first styled as an administrative appeal from a proceeding before the Oxford BZA, Case No. CV 2016 01 0068, filed pursuant to Ohio Rev. Code § 2506.01, on January 11, 2016, and the second styled as a Complaint for Declaratory Judgment and Injunctive Relief, Case No. CV 2016 01 0229, filed January 26, 2016. The two cases were consolidated under Case No. CV 2016 01 0068, before Judge Gregory Stephens. Collectively, the cases consolidated with and into CV 2016 01 0068 are referenced herein as the "Underlying Case."

WHEREAS, the Court issued an Order, resolving some but not all claims in the Underlying Case on September 21, 2018, from which the Oxford Defendants appealed, in Case No. CA 2018 10 0196, Twelfth District Court of Appeals (the "Appeal").

WHEREAS, the parties mediated their dispute and desire to settle all of their claims in the Appeal and the Underlying Case.

NOW, THEREFORE, the Parties agree as follows:

1. Consideration: In consideration of settlement of this dispute and the associated releases set forth below, the Parties agree as follows:

- a) The Hoelzer/Kacachos Entities shall be allowed to build a single family residential home on the vacant lot behind the grandfathered lodging house at 116 West Church Street at projected address 118 West Church Street, parcel number **H4100008000186**, provided that the structure complies with all codified ordinances of the City of Oxford. The occupancy cap for unrelated persons living in this single family residential home shall be four (4). This cap shall be separate from and in addition to the twelve (12) person occupancy cap previously set forth in the Housing Agreement for the grandfathered lodging house and associated lot at 116 West Church Street, parcel number **H4100008000185**. The Housing Agreement referenced herein between the City of Oxford, Ohio and Ned Hoelzer, Trustee dated March 9, 2001 is recorded with the Butler County Recorder at Official Record 6609, Page 366. The appropriate Parties (i.e., the owner(s) of the property and the City) will execute a separate document nullifying this Housing Agreement dated March 9, 2001 and the City of Oxford shall cause the nullifying document to be recorded with the Butler County Recorder. Notwithstanding the nullifying agreement, the occupancy cap for the grandfathered lodging house shall remain in effect so long as the 116 West Church Property continues to be used as such, and for zoning purposes shall be a separate and distinct occupancy cap from that referenced above for the projected single family home on the adjoining lot.
- b) The Hoelzer/Kacachos Entities shall be allowed to build a single family residential home on the vacant lot with frontage on S. College Avenue, behind 129 West Walnut Street, at projected address 101 S. College Avenue, parcel number **H4100004000127**, provided that the structure complies with all codified ordinances of the City of Oxford. The occupancy cap for unrelated persons living in this single family residential home shall be four (4). This cap shall be separate from and in addition to the thirteen (13) person occupancy cap set forth in the housing agreement ("the 129 West Walnut Street Housing Agreement") for the adjoining lot and grandfathered lodging house thereon at 129 West Walnut Street, parcel number **H4100004000122**. The 129 West Walnut Street Housing Street Agreement between the City of Oxford, Ohio and Ned Hoelzer, Trustee dated January 23, 2002 is recorded with the Butler County Recorder at Official Record 7007 Page 999. The appropriate Parties (i.e., the owner(s) of the property and the City) will execute a separate document nullifying the 129 West Walnut Street Housing Agreement dated January 23, 2002 and the City of Oxford shall

cause the nullifying document to be recorded with the Butler County Recorder. Notwithstanding the nullifying agreement, the occupancy cap for the grandfathered lodging house shall remain in effect so long as the 129 West Walnut Property continues to be used as such, and for zoning purposes shall be a separate and distinct occupancy cap from that referenced above for the projected single family home on the adjoining lot.

- c) The Hoelzer/Kacachos Entities shall be allowed to build a two family residential dwelling on three adjoining, consolidated lots, located at Tallawanda Road and East Withrow, projected address 421-423 East Withrow, parcel numbers **H4100006000161** (currently 116 Tallawanda Road), **H4100006000160** (currently 114 Tallawanda Road), and **H4100006000159** (currently 112 Tallawanda Road), provided that the structure complies with all codified ordinances of the City of Oxford. The occupancy cap for unrelated persons living in this two family residential dwelling shall be eight (8). This cap shall be separate from and in addition to any occupancy cap previously set forth in the housing agreements for the adjoining existing houses at 116 Tallawanda Road, parcel number **H4100006000156**, 114 Tallawanda Road, parcel number **H4100006000157**, 112 Tallawanda Road, parcel number **H4100006000158** (Each existing house has a maximum occupancy of 8.) The 112, 114 and 116 Tallawanda Road Housing Agreements (collectively “the Tallawanda Road Housing Agreements”) between the City of Oxford, Ohio and Ned Hoelzer and Vickie Hoelzer dated May 9, 2001 are recorded with the Butler County Recorder at Official Record 6609, Page 318, Official Record 6609, Page 322, and Official Record 6609, Page 326, respectively. The appropriate Parties (i.e., the owner(s) of the property and the City) will execute separate documents nullifying the Tallawanda Housing Agreements dated May 9, 2001 and the City of Oxford shall cause the nullifying documents to be recorded with the Butler County Recorder. Notwithstanding the nullifying agreements, the occupancy cap for the grandfathered lodging houses shall remain in effect so long as the above referenced properties in this paragraph continue to be used as such, and for zoning purposes shall be a separate and distinct occupancy caps from that referenced above for the projected two-family home on the adjoining lot.

The Hoelzer/Kacachos Entities have submitted lot consolidations contemporaneous with this Agreement, and the City of Oxford shall review and approve the proposed consolidations upon the Parties’ signature of this Agreement.

The City of Oxford is aware of and does not object to the encroachments of 114 and 116 Tallawanda onto the newly consolidated lot. The Hoelzer-Kacachos entities have drafted an easement permitting said

encroachments, and submitted the same for review to the City of Oxford.

- d) The City of Oxford shall initiate a text amendment to the Oxford Zoning Code which will ultimately permit the Hoelzer/Kacachos Entities to construct a ground sign at 315 South Poplar Street for the New England Square apartment complex, with approval of same expected sometime in calendar year 2019;
- e) Upon Hoelzer/Hoelzer Rentals, Inc.'s presentation of a completed Internal Revenue Service Form W-9 to the City of Oxford, the City of Oxford shall pay Fifty Thousand Dollars (\$50,000) to Hoelzer/Hoelzer Rentals, Inc. via a check made payable to Hoelzer/Hoelzer Rentals, Inc.; and
- f) Upon execution of this Agreement, approval by the Oxford City Council and payment of the monetary consideration referenced herein, the Oxford Defendants shall dismiss the Appeal, and Hoelzer shall dismiss the Underlying Case, with prejudice to refiling. The Butler County Court of Common Pleas shall have jurisdiction to enforce the terms of this Agreement should court intervention be required.

2. Release By The Hoelzer/Kacachos Entities: In consideration of the obligations set forth in numbered paragraph 1, the Hoelzer/Kacachos Entities, on behalf of themselves, their owners, officers, employees, agents, directors, assigns, consultants, contractors, subcontractors, insurers, predecessors, subsidiaries, successors and any other person or entity claiming by or through them, and any person or entity who could in any manner make a claim by or through them, fully, finally and unconditionally release, acquit and forever discharge the Oxford Defendants, their agents, assigns, consultants, contractors, directors, employees, insurers, members, officers, predecessors, shareholders, subcontractors, subsidiaries, successors and any other person or entity which may or could be liable for any matters pled or which might have been pled in the Underlying Case, or which might have arisen at any time up to and including the date of this settlement.

3. Release By Oxford Defendants: Defendants the Oxford BZA, Oxford City Council, Perry, and the City, on behalf of themselves, and as applicable, their agents, assigns, heirs, consultants, contractors, directors, employees, insurers, members, officers, predecessors, shareholders, subcontractors, subsidiaries, successors and any other person or entity which may or could assert any claim by or through any of the Defendants, or on behalf of any Defendant, hereby release the Holzer/Kacachos Entities from any potential claim which might arise out of any nucleus of operative facts pled in this case, or which might otherwise arise at any time up to the effective date of this Agreement.

4. Indemnification: The Hoelzer/Kacachos Entities, and on behalf of themselves, their predecessors, successors, their past, present and future officers, directors, shareholders, interest shareholders, members, partners, attorneys, agents, employees, managers, representatives, assigns and successors in interest, heirs, executors, administrators, trustees, and next of kin, and all persons acting by, through, under or in concert with them, and each of them individually shall defend, indemnify and hold harmless the City of Oxford and/or its employees, officials, agents or other representatives as a result of any claims of any nature whatsoever known or unknown which are asserted or brought against the City of Oxford and/or its employees, officials, agents or other representatives which are related to any claims concerning the Underlying Case or this Agreement.

5. Non-disparagement: The Parties agree not to disparage, defame or speak negatively about the other Parties to this Agreement, including any of the other parties' representatives, consultants, contractors, employees, experts, laborers, managers, materialmen, members, officers, directors, shareholders, and/or subcontractors in any way whatsoever or to anyone whomsoever. The Parties further agree not to do or say anything that might have an adverse effect on the reputation, image, business relationships or goodwill currently enjoyed by any other party.

The Parties agree that this non-disparagement obligation extends not only to all oral or written communications, but also to any electronic communications including, but not limited to posts on any forum, including, but not limited to Facebook, Myspace, Twitter, Craig's List, Angie's List, Nextdoor.com or other similar social media.

6. No Admission of Liability: The Parties acknowledge and agree that in entering into this Agreement and in performing its terms and conditions, neither is admitting any fault and/or liability and that all, in fact, expressly deny any fault or liability.

The Parties agree that neither the existence of this Agreement, nor the terms hereof, shall be admissible in any suit, arbitration or other proceeding, except so as to enforce the terms of this Agreement between the Parties.

7. Miscellaneous: The Parties further acknowledge and agree that:

- A. They have read and that they understand this Agreement.
- B. This Agreement is contractual in nature.
- C. This Agreement is being freely and voluntarily executed by each of them after being apprised of all relevant information and data furnished by their own counsel and experts. The Parties acknowledge that they have been and are represented by

independent counsel and have consulted fully with counsel concerning the advisability of entering into this Agreement;

- D. This Agreement is not intended to and shall not be construed to give any third party any interest or rights, including, without limitation, any third party beneficiary rights with respect to or in connection with any agreement or provision contained herein or contemplated hereby.
- E. The Parties agree that they have had input into the drafting of this Agreement and that interpretation of this Agreement shall not be construed against any Parties hereto based on the drafting of this Agreement.
- F. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.
- G. The Parties represent and warrant that they are legally competent and authorized to enter into this Agreement and that any employee, officer, manager or agent signing on behalf of any Party to this Agreement has the legal authority to do so.
- H. The Parties shall pay their own attorney fees and expenses, with the exception that costs, as that term is used in Ohio Rule of Civil Procedure 54(D) shall be taxed to the Oxford Defendants.
- I. This Agreement fully and completely sets forth the Parties' agreement regarding settlement of their disputes. There are no other oral or written agreements between them regarding said disputes.
- J. Time is of the essence in all obligations under this Agreement.
- K. This Agreement shall be governed by the laws of the State of Ohio.
- L. This Agreement may be executed in any number of counterparts, and by facsimile or PDF scan, each of which shall be deemed to one and the same instrument.

In witness whereof:

Hoelzer/Hoelzer Rentals, Inc.

By: Thomas Kachos

Title

Date

Tres Walnut, LLC

By:	Title	Date
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Dollar Investments, LLC

By:	Title	Date
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Oxford, Ohio, Board of Zoning Appeals

By:	Title	Date
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Oxford, Ohio, City Council

By:	Title	Date
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The City of Oxford, Ohio

By:	Title	Date
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Sam Perry, AICP
Community Development Director, City of Oxford

0012286.0644891 4843-4357-4920v2

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of : 4/16/2019

Account Code No. : see below

Budgeted Amount :

Finance
Originating Department

Joe Newlin
Prepared By

4/11/2019
Date Prepared

Agenda Title:	2019 Supplemental Budget #4
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Recommendation:	Approve
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Issue 1

To make adjustment to budget for repairs for the Fire Station roof damaged by recent weather events, from unencumbered balance exceeding stop loss levels

Action Needed:

Revenue Side

NA

Expense Side

Fire & EMS (418)	26,000.00	Expenditures for roof repair
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Net Effect on Fund Balance/(s) Increase/(Decrease)	(26,000.00)	
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Issue 2

To make adjustment to budget for actual bond proceeds, payment of note and interest, transfer from the General Fund and issuance costs, original budgeted figures where a best guess estimate

Action Needed:

Revenue Side

Aquatic Center Debt Service Fund (150)	(18,344.60)	Reduce budgeted bond proceeds
Aquatic Center Debt Service Fund (150)	3,445.49	Increase Interest Income
Aquatic Center Debt Service Fund (150)	(14,493.54)	Reduce budgeted General Fund Transfer

Expense Side

Aquatic Center Debt Service Fund (150)	11,725.13	Increase cost of issuance
Aquatic Center Debt Service Fund (150)	(41,117.78)	Reduce interest payments
General Fund (110)	(14,493.54)	Reduce budgeted transfer from General Fund

Net Effect on Fund Balance/(s) Increase/(Decrease)	14,493.54	
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Issue 3

To make adjustment to budget for actual bond proceeds, payment of bond and interest and transfer from the TIF District's Funds, issuance costs and transfer to Southpointe Improvement Fund, original budgeted figures where a best guess estimate

Action Needed:

Revenue Side

Southpoint TIF Improvement Debt Service Fund (151)	515,884.95	Increase budgeted bond proceeds
Southpoint TIF Improvement Debt Service Fund (151)	133,482.24	Increase budgeted TIF District Funds Transfer
Southpointe TIF Capital Improvement Fund (146)	400,000.00	Increase transfer from Debt Service Fund

Expense Side

Southpoint TIF Improvement Debt Service Fund (151)	1,605.72	Increase cost of issuance
Southpoint TIF Improvement Debt Service Fund (151)	400,000.00	Increase transfer to Southpointe TIF Capital Improvement Fund
Southpoint TIF Improvement Debt Service Fund (151)	255,000.00	Increase bond principal
Southpoint TIF Improvement Debt Service Fund (151)	(7,238.53)	Reduce interest payments

Net Effect on Fund Balance/(s) Increase/(Decrease)	400,000.00	
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Issue 4

To make adjustment to budget for actual TIF proceeds and transfers from the TIF District's Funds,
original budgeted figures where a best guess estimate

Action Needed:**Revenue Side**

Southpoint TIF District 1 Fund (420)	276,006.80	Increase budgeted TIF proceeds
Southpoint TIF District 2 Fund (421)	(4,655.88)	Decrease budgeted TIF proceeds
Southpoint TIF District 3 Fund (422)	(992.60)	Decrease budgeted TIF proceeds
Southpoint TIF District 4 Fund (423)	(1,018.54)	Decrease budgeted TIF proceeds
Southpoint TIF District 5 Fund (424)	(1,076.72)	Decrease budgeted TIF proceeds

Expense Side

Southpoint TIF District 1 Fund (420)	157,718.90	Increase transfer to Southpointe TIF Debt Service Fund
Southpoint TIF District 2 Fund (421)	(7,661.39)	Decrease transfer to Southpointe TIF Debt Service Fund
Southpoint TIF District 3 Fund (422)	(5,502.81)	Decrease transfer to Southpointe TIF Debt Service Fund
Southpoint TIF District 4 Fund (423)	(5,518.09)	Decrease transfer to Southpointe TIF Debt Service Fund
Southpoint TIF District 5 Fund (424)	(5,554.37)	Decrease transfer to Southpointe TIF Debt Service Fund

Net Effect on Fund Balance/(s) Increase/(Decrease)	134,780.82
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Total Net Effect on Fund Balance/(s) Increase/(Decrease)	523,274.36
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Breakdown by Fund

Fire & EMS (418)	(26,000.00)
Aquatic Center Debt Service Fund (150)	-
General Fund (110)	14,493.54
Southpoint TIF Improvement Debt Service Fund (151)	(0.00)
Southpointe TIF Capital Improvement Fund (146)	400,000.00
Southpoint TIF District Fund 1 (420)	118,287.90
Southpoint TIF District Fund 2 (421)	3,005.51
Southpoint TIF District Fund 3 (422)	4,510.21
Southpoint TIF District Fund 4 (423)	4,499.55
Southpoint TIF District Fund 5 (424)	4,477.65

Net Effect on Fund Balance/(s) Increase/(Decrease)	523,274.36
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Approved By:

Department Head:

City Manager:

Initials

Date

[Signature] 4/12/19
DRE 4/12/19

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3493. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 4 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2019.

WHEREAS, additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues.

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

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

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

Aquatic Center Debt Service Fund 150	(18,344.60)
Aquatic Center Debt Service Fund 150	3,445.49
Southpoint TIF Improvement Debt Srv Fund 151	515,884.95
Southpoint TIF District 1 Fund 420	276,006.80
Southpoint TIF District 2 Fund 421	(4,655.88)
Southpoint TIF District 3 Fund 422	(992.60)
Southpoint TIF District 4 Fund 423	(1,018.54)
Southpoint TIF District 5 Fund 424	(1,076.72)

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

Fire & EMS Fund 418	26,000.00
Aquatic Center Debt Service Fund 150	11,725.13
Aquatic Center Debt Service Fund 150	(41,117.78)
General Fund 110	(14,493.51)
Southpoint TIF Improvement Debt Srv Fund 151	1,605.72
Southpoint TIF Improvement Debt Srv Fund 151	400,000.00
Southpoint TIF Improvement Debt Srv Fund 151	255,000.00
Southpoint TIF Improvement Debt Srv Fund 151	(7,238.53)
Southpoint TIF District 1 Fund 420	157,718.90
Southpoint TIF District 2 Fund 421	(7,661.39)
Southpoint TIF District 3 Fund 422	(5,502.81)
Southpoint TIF District 4 Fund 423	(5,518.09)
Southpoint TIF District 5 Fund 424	(5,554.37)

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

Transfer from:	
General Fund 110	(14,493.51)
Southpoint TIF Improvement Debt Srv Fund 151	400,000.00
Southpoint TIF District 1 Fund 420	157,718.90
Southpoint TIF District 2 Fund 421	(7,661.39)
Southpoint TIF District 3 Fund 422	(5,502.81)

Southpoint TIF District 4 Fund 423	(5,518.09)
Southpoint TIF District 5 Fund 424	(5,554.37)

Transfer to:

Aquatic Center Debt Service Fund 150	(14,493.51)
Southpoint TIF Capital Improvement Fund 146	400,000.00
Southpoint TIF Improvement Debt Srv Fund 151	157,718.90
Southpoint TIF Improvement Debt Srv Fund 151	(7,661.39)
Southpoint TIF Improvement Debt Srv Fund 151	(5,502.81)
Southpoint TIF Improvement Debt Srv Fund 151	(5,518.09)
Southpoint TIF Improvement Debt Srv Fund 151	(5,554.37)

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

Aquatic Center Debt Service Fund 150	(14,493.51)
Southpoint TIF Capital Improvement Fund 146	400,000.00
Southpoint TIF Improvement Debt Srv Fund 151	157,718.90
Southpoint TIF Improvement Debt Srv Fund 151	(7,661.39)
Southpoint TIF Improvement Debt Srv Fund 151	(5,502.81)
Southpoint TIF Improvement Debt Srv Fund 151	(5,518.09)
Southpoint TIF Improvement Debt Srv Fund 151	(5,554.37)

SECTION 6: In all other respects, Ordinance No. 3493 shall remain in full force and effect.

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

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Budgeted		Actual		Delta
5,015,000.00	Bond Proceeds	4,996,655.40	Bond Proceeds	(18,344.60) Bond Proceeds
110,099.00	Transfer from General Fund	95,605.46	Transfer from General Fund	(14,493.54) Transfer from General Fund
41,466.00	Prior Year Ending Balance	44,911.49	Prior Year Ending Balance	3,445.49 Prior Year Ending Balance
71,000.00	Cost of Issuance	82,725.13	Cost of Issuance	11,725.13 Cost of Issuance
4,800,000.00	Note Principal	4,800,000.00	Note Principal	- Note Principal
295,565.00	Note Interest	143,600.00	Note Interest	(151,965.00) Note Interest (41,117.78)
-	Bond Interest	110,847.22	Bond Interest	110,847.22 Bond Interest
-	Net Effect	0.00	Net Effect	0.00 Net Effect

Budgeted		Actual		Delta	
2,245,000.00	Bond Proceeds	2,760,884.95	Bond Proceeds	515,884.95	Bond Proceeds
59,867.00	Transfer from TIF District Funds	193,349.24	Transfer from TIF District Funds	133,482.24	Transfer from TIF District Funds
45,000.00	Cost of Issuance	46,605.72	Cost of Issuance	1,605.72	Cost of Issuance
2,200,000.00	Transfer to Southpointe TIF Capital Improvement Fund	2,600,000.00	Transfer to Southpointe TIF Capital Improvement Fund	400,000.00	Transfer to Southpointe TIF Capital Improvement Fund
	Bond Principal	255,000.00	Bond Principal	255,000.00	Bond Principal
59,867.00	Bond Interest	52,628.47	Bond Interest	(7,238.53)	Bond Interest
	Net Effect	0.00	Net Effect	0.00	Net Effect
Budgeted Revenue		Actual Revenue		Delta Revenue	
11,973.00	Southpoint TIF District Fund 1	287,979.80	Southpoint TIF District Fund 1	276,006.80	Southpoint TIF District Fund 1
11,973.00	Southpoint TIF District Fund 2	7,317.12	Southpoint TIF District Fund 2	(4,655.88)	Southpoint TIF District Fund 2
11,973.00	Southpoint TIF District Fund 3	10,980.40	Southpoint TIF District Fund 3	(992.60)	Southpoint TIF District Fund 3
11,973.00	Southpoint TIF District Fund 4	10,954.46	Southpoint TIF District Fund 4	(1,018.54)	Southpoint TIF District Fund 4
11,973.00	Southpoint TIF District Fund 5	10,896.28	Southpoint TIF District Fund 5	(1,076.72)	Southpoint TIF District Fund 5
59,865.00	Total	328,128.06	Total	268,263.06	Total
Budgeted Expenditures		Actual Expenditures		Delta Expenditures	
11,973.00	Southpoint TIF District Fund 1	169,691.90	Southpoint TIF District Fund 1	157,718.90	Southpoint TIF District Fund 1
11,973.00	Southpoint TIF District Fund 2	4,311.61	Southpoint TIF District Fund 2	(7,661.39)	Southpoint TIF District Fund 2
11,973.00	Southpoint TIF District Fund 3	6,470.19	Southpoint TIF District Fund 3	(5,502.81)	Southpoint TIF District Fund 3
11,973.00	Southpoint TIF District Fund 4	6,454.91	Southpoint TIF District Fund 4	(5,518.09)	Southpoint TIF District Fund 4
11,975.00	Southpoint TIF District Fund 5	6,420.63	Southpoint TIF District Fund 5	(5,554.37)	Southpoint TIF District Fund 5
59,867.00	Total	193,349.24	Total	133,482.24	Total
					193,349.24

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 4/16/2019

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

4/10/2019
Date Prepared

Agenda Title: An Ordinance Approving the Creation a New Fund for the 2019 Operating Budget to Provide for Fire Loss Claims

Recommendation: Approve

Discussion:

Only change from original is classifying the new fund as a Special Revenue Fund.

Approved By:

Department Head:
City Manager:

Initial Date
Joe Newlin 4/10/19
DRE 4/12/19

ORDINANCE NO.

AN ORDINANCE APPROVING THE CREATION OF A SPECIAL REVENUE FUND #426 AS OPPOSED TO A FIDUCIARY FUND FOR THE 2019 OPERATING BUDGET TO PROVIDE FOR FIRE LOSS CLAIMS AND REPEALING ORDINANCE NO. 3508 ADOPTED JANUARY 15, 2019.

WHEREAS, the City Manager and the Finance Director recommend Ordinance No. 3508 creating new Fiduciary Fund #426 be repealed and a new Ordinance be adopted to create Special Revenue Fund #426. The City Manager and the Finance Director have oversight over the activities within the Fire Loss Claims Fund and that it be used for collection of Fire Loss Claims proceeds as security against the total cost of removing, repairing, or securing incurred by the City of Oxford and the release of the proceeds once the repairs, removal, or securing of the building or structure have been completed and the required proof have been received by the City Manager.

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

SECTION 1: Council hereby repeals Ordinance No. 3508 adopted January 15, 2019 and approves and authorizes the Finance Director to create **Special Revenue Fund #426** Fire Loss Claims Fund for the sole purpose of collection of Fire Loss Claims proceeds as security against the total cost of removing, repairing, or securing incurred by the City of Oxford and the release of the proceeds once the repairs, removal, or securing of the building or structure have been completed and the required proof have been received by the City Manager.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 2, 2019

Zachary Moore
Prepared By:

Account Code No. #:

Budgeted Amount:

March 22, 2019
Date Prepared:

PC-2019-06, CONDITIONAL USE, 800 Maple Street, to allow for the addition to an existing structure, Oxford Bible Fellowship, Applicant

Recommendation: Approval with conditions

Proposal Summary:

On behalf of Oxford Bible Fellowship (OBF), Etta Reed, PE of Bayer Becker is requesting a conditional use permit to construct a 3,328 square foot addition to OBF's existing building located at 880 S Maple Street, south of the Miami University campus. The church is housed on a 2-acre lot situated at the northwest corner of Maple Street and E. Chestnut Street. The addition is to be located in the northeast corner of the property and would add a total of 9,021 square feet of floor area. The conditional use process is intended to address the appropriateness of the expanded use in the given location, as well as address the mitigation of any potential adverse impacts to the neighborhood resulting from the use.

Discussion and Recommended Conditions:

The Planning Commission felt that the proposed plan & building design were significantly better than previous proposals. The requested waivers were also deemed acceptable – including a lot coverage adjustment from 35% to 57%, since the current lot coverage is at 56%. There was no resident opposition voiced at the meeting. The Commission voted 7-0 to recommend approval of the church expansion plans to City Council subject to the following 4 conditions:

1. The following waivers to zoning provisions shall be granted:
 - a. The maximum lot coverage shall be adjusted from 35% to 57%.
 - b. The minimum number of loading spaces shall be adjusted from 2 to 0.
 - c. The maximum number of parking spaces shall be adjusted from 53 to 102.
2. Materials/items present behind the shed in the northwestern corner of the site shall be moved to an enclosed location on-site or moved off-site to another appropriate location, no later than the time of Building/Zoning Permit approval.
3. A fire hydrant and Fire Department Connection (FDC) shall be provided in a location along Maple Street found satisfactory to the Fire Chief.
4. Two (2) mature trees near the northern property line shall be protected during construction.

Approved By:

Department Head:
City Manager:

SP 3-29-19
DRE 3/29/19

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE EXPANSION OF A PLACE OF WORSHIP IN THE MU (MIAMI UNIVERSITY) DISTRICT AT 800 MAPLE STREET, OXFORD, OHIO 45056 WITH CONDITIONS.

WHEREAS: the Planning Commission held a public hearing on March 12, 2019 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Oxford Bible Fellowship, c/o Etta Reed, PE, Bayer Becker, for a conditional use permit to allow for the expansion of a place of worship in the MU (Miami University) District at 800 Maple Street Oxford, Ohio 45056; and

WHEREAS, the Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the conditional use permit application to allow for the expansion of a place of worship in the MU (Miami University) District at 800 Maple Street, Oxford, Ohio 45056 with conditions.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to allow for the expansion of a place of worship in the MU (Miami University) District at 800 Maple Street, Oxford, Ohio 45056 in accordance with the following conditions:

1. The following waivers to zoning provisions shall be granted:
 - a. The maximum lot coverage shall be adjusted from 35% to 57%.
 - b. The minimum number of loading spaces shall be adjusted from 2 to 0.
 - c. The maximum number of parking spaces shall be adjusted from 53 to 102.
2. Materials/items present behind the shed in the northwestern corner of the site shall be moved to an appropriate enclosed location no later than the time of Building/Zoning Permit approval.
3. A fire hydrant and Fire Department Connection (FDC) shall be provided in a location along Maple Street found satisfactory by the Fire Chief.
4. Two (2) mature trees near the northern property line shall be protected during construction.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-06

Date – March 12, 2019

GENERAL INFORMATION

Applicant:	Oxford Bible Fellowship, c/o Etta Reed, PE, Bayer Becker
Location:	800 S Maple Street
Owner:	Oxford Bible Fellowship
Action Request:	Conditional Use Permit Application for expansion of an existing Place of Worship
Current Use:	Place of Worship
Lot Size:	2.001 acres
Zoning:	MU (University) District
Surrounding Land Uses:	Institutional, Residential Single-Family

PROPOSAL SUMMARY

On behalf of Oxford Bible Fellowship (OBF), Etta Reed, PE of Bayer Becker is requesting a conditional use permit to construct a 3,328 square foot addition to OBF's existing building located at 880 S Maple Street, south of the Miami University campus. The church is housed on a 2.001-acre lot situated at the northwest corner of Maple Street and E Chestnut Street. The addition is to be located in the northeast corner of the property and would add a total of 9,021 square feet of floor area to the existing structure; this floor area is divided between 3,428 square feet at the basement level, 3,328 square feet on the main level, and 2,265 square feet on a mezzanine level. Inclusion of the basement is dependent upon church fundraising and may not become a part of the final build; if built, a majority of it would be unfinished at the time of initial construction. The conditional use process is intended to address the appropriateness of the expanded use in the given location, as well as address the mitigation of any potential adverse impacts to the neighborhood resulting from the use.

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

Police:	Returned without comments
Fire:	Returned without comments
Engineering:	Returned without comments
Econ. Dev.:	No comments returned

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property. No public comments have been received as of this report.

STAFF RECOMMENDATION

Staff recommends **approval** of the conditional use application subject to the following conditions:

- 1) The following waivers to zoning provisions shall be granted:
 - a) The maximum lot coverage shall be adjusted from 35% to 57%.
 - b) The minimum number of loading spaces shall be adjusted from 2 to 0.
 - c) The maximum number of parking spaces shall be adjusted from 53 to 102.
- 2) Materials/items present behind the shed in the northwestern corner of the site shall be moved to an enclosed location on-site or moved off-site to another appropriate location, no later than the time of Building/Zoning Permit approval.

- 3) A hydrant and FDC shall be provided in a location along Maple Street found satisfactory to the Fire Department.
- 4) Two (2) mature trees near the northern property line shall be protected during construction.

WAIVER REQUESTS

The applicant has requested the following waivers as part of the conditional use application (language below adapted from applicant cover letter):

- 1) **Section 1143.11(c)(3)C.1 – Lot Coverage – maximum is 35% total**
The existing site contains 56% lot coverage. OBF requests a waiver in order to construct the building addition and increase the lot coverage by 638 square feet to 57% lot coverage.
- 2) **Section 1149.05(e)(2) – 2 loading spaces are required**
OBF does not receive deliveries from vehicles larger than a UPS truck, therefore they do not have the need for loading spaces.
- 3) **Section 1149.03(d)(h) – maximum number of parking spaces is limited to no more than 150% of the minimum unless approved by Conditional Use Permit**
Based upon a 275 seat sanctuary, the site is to have a minimum of 35 and a maximum of 53 parking spaces. The site currently contains 103 parking spaces. With the proposed building addition, 1 parking space will be lost, reducing the total number of parking to 102 spaces. OBF requests a waiver to retain their 102 parking spaces to accommodate future growth in programs at the Church.

STAFF ANALYSIS

History

The existing church was built in the early 1980s and has undergone multiple site changes and revisions throughout its history. A summary of recent case history is provided below:

- **PC-2017-24, Conditional Use: Withdrawn by the applicant at the September 12, 2017 Planning Commission meeting.** This proposal sought the construction of a new 18,000 square foot building, containing a new sanctuary for the church. The new building would have been directly south of the existing building which was to be converted into an annex. The proposal also involved relocation of the playground facility to replace parking in the northeast corner of the site, as well as removal of the easternmost access point from Chestnut Street. An examination of the September 2017 meeting minutes revealed that several members of the Commission felt the proposed building was too large in scale, with an insufficient setback from the public right-of-way and possessing an architectural style uncharacteristic of the surrounding neighborhood.
- **PC-2017-34, Conditional Use: Approved by City Council on January 16, 2018 by Ord No. 3460.** This proposal sought to demolish the existing 8,500 square foot building and to build a new building with a footprint of approximately 12,000 square feet in the northwest corner of the lot. The proposed building was 2 stories tall with an outdoor courtyard. The period of validity for this approval has lapsed, since a construction permit was not filed within 1 year of the approval date. Nonetheless, the current application contains enough substantial deviations from the prior approval to require a new decision to be rendered by the City.
- **PC-2018-18-ADM, Minor Amendment to a Conditional Use: Approved by Staff and Planning Commission Vice Chair on June 18, 2018 (Reported at July 10, 2018 Planning Commission meeting).** To move the new structure 2 ½ feet east to accommodate the sub-grade emergency exits, courtyard, stairwell, and retaining wall on the west side of the building.

Commentary

Staff comments on site conditions and a number of key redevelopment aspects are provided below:

- **Building Addition:** The existing building consists of 2 levels: (1) the main level, containing the worship center and fellowship space; and (2) a lower level, containing meeting/office spaces, mechanical, etc. The addition will add a maximum of 3,428 square feet of space to the basement level, though only 478 square feet will be finished as part of the final build. The inclusion of the remaining “unfinished” basement space will depend on church funds available for construction. On the main level, 3,328 square feet of added space will support Sunday school classrooms and a family lobby, coupled with remodeling of the fellowship space to serve as a “hub” gathering space with a café counter, restrooms, kitchen, and nursery. The café and kitchen are not new additions, and are only being relocated as part of the renovation. A 2,265 square foot mezzanine level is proposed to be constructed as part of the addition, to house youth/multi-purpose space and a common seating area. A new elevator is proposed to connect the addition’s 3 levels, along with an emergency egress staircase descending from the mezzanine level’s western exterior down to parking lot level. To enable pedestrian connectivity to the addition’s main level, a retaining wall roughly 25 feet in length is also planned in the front yard. The addition meets district setback requirements and utilizes materials intentionally selected to match the existing building’s walls and roof.
- **Fencing:** There is an existing chain-link fence along the northern property line, as well as a wooden privacy fence along the western property line to screen the site from the adjoining heating/cooling plant for Miami University. Approximately half of the chain-link fence row (on the eastern side) is visibly rusty and missing segments, though the fence is actually on University property.
- **Landscaping:** Complementary landscaping is planned along both the new and old facades, with 4 new medium trees, ornamental shrubs, large shrubs, and “tall evergreen” arborvitae. Pursuant to Section 1149.05(e)(6)(D), an applicant may submit an “alternate design plan” for landscaping as part of a Conditional Use Permit application.
- **Lighting:** No modifications are proposed to the existing site lighting fixtures.
- **Loading:** Per Section 1149.05(e)(2), 2 loading spaces are required for the use due to redevelopment of the site. Staff supports the requested waiver for this requirement as outlined earlier in this report.
- **Parking and Circulation:** The applicant proposes eliminating the entrance lane and curb cut off Maple Street to make room for the building expansion. The lane currently provides access to 4 angled parking spaces, which will be removed along with the lane itself; however, 3 additional parking spaces will be tucked into the northeast corner of the lot, resulting in a net loss of only 1 parking space. The proposed plan contains approximately 37,000 square feet of drivable surface area, of which approximately 28,300 square feet (76.4%) currently consists of pervious pavers, with the remaining portion surfaced with concrete material. With removal of the Maple Street curb cut, the only points of access will be the 2 separated ingress and egress points off Chestnut Street and the cross-access between the church property and Miami University’s heating and cooling plant to the west.
- **Pedestrian Access:** A sidewalk connection to Chestnut Street had been a requirement of the previously approved conditional use. According to the applicant, the thinking was to extend the sidewalk which runs behind the wooden privacy fence approximately 62 feet further south to reach the main sidewalk on the north side of Chestnut Street. However, the survey of the property reveals that this sidewalk is located on University property. On another note, pedestrian connectivity between the front of the church and Maple Street, as well as between the church building and the playground facility, is maintained as part of the site plan.
- **Playground Facility:** The existing playground is currently enclosed with a fence, and is to remain untouched at the south end of the property.

- **Signage:** An existing freestanding sign is located near the corner of Chestnut Street and Maple Street. The applicant has not expressed any plans to remove, replace, or alter the existing sign.
- **Storage Shed:** A shed approximately 200 square feet in size is located in the northwest corner of the site, and is planned to remain unaffected by the proposed construction. Some excess materials, including a wheel barrow, baby pool, ladder, and wooden supports are stored in the open behind the shed. These need to be moved into an enclosed structure to comply with Section 1141.04(h)(1), which specifies *outdoor storage, including, but not limited to junk, trash, salvage, building material, or parts thereof...shall be prohibited anywhere within the City of Oxford except in an authorized junk yard or scrap processing facility.* A conditional of approval (#2) is recommended requiring these materials to be removed and stored in another enclosed location in order for a Building/Zoning Permit to be approved.
- **Trash Collection:** Trash and recycled materials are currently collected through use of a wheeled rear-loading dumpster and a wheeler tote, respectively. These containers are located within a striped area of the parking lot in the northwestern corner of the site. Section 1141.04(j)(2) requires properties to *have adequately sized, conveniently located, accessible, trash and recycling facilities, to accommodate the specific needs of the proposed use(s) on the site.* Additional standards requiring, among other things, masonry enclosures with gates for trash/recycling collection facilities apply only to *commercial or multiple-dwelling structures* according to Section 1141.04(j)(3). The applicant has expressed there will not be a larger volume of trash generated by the new facility, since the café and kitchen are not new features for the facility.

General Decision Standards

All Conditional Uses shall satisfy the General Decision Standards provided in Section 1147.02(c)(2). The standards found within this section are below with staff analysis provided for each:

- A. The proposed use is in fact a Conditional Use appropriate in the zoning district in which it is proposed.**
Yes, the use can be allowed as a conditional use. It is specifically listed.
- B. The use and site will satisfy the general intent of the Zoning Code.**
Yes, the proposed use can be satisfied by allowing an expansion to the church as long as the changes are not negative to the surroundings.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.**
The site falls within the "University District" character area, which is appropriate for "civic" uses. The expansion will take place on an existing developed site within the Mile Square, and provide a service accessible by foot and by car to members of the community including youth and college students.
- D. The size and shape of the site are sufficient for the proposed use.**
The property currently supports the Oxford Bible Fellowship Church. The lot size is adequate to permit the proposed building addition.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**
Staff finds the expansion is appropriately situated on the site so as to cause the least perceptible impact to surrounding single-family residential properties, and will be compatible in comparison to the University structures/uses in proximity.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.**

The main purpose of the addition is to provide adequate circulation and activity space for young children and elementary, middle, and high school students who are members of the church, with some oversizing to accommodate future growth of around 2-3 kids per classroom. Therefore, not much additional traffic impact is anticipated, and the size of the existing sanctuary space will be unaffected by the expansion project.

- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.**

Existing accessory uses include the playground facility on the south side of the site and storage shed in the northwest corner of the site. These facilities will remain in place, and are incidental to the principal use of the site as a Place of Worship.

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

Opportunity for comment was provided to Fire, Police and Service Departments. Though no formal comments were received from Fire, email correspondence did address siting of a future hydrant and FDC.

- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**

Opportunity for comment was provided to Fire, Police and Service Departments.

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

The proposed addition is planned to be sided with Hardie lap and panel siding, along with red brick to match the existing structure and a split face concrete block base. Staff finds the architectural styling to be compatible with the existing style and character of the existing building, and fitting into the general character of the surrounding neighborhood.

- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.**

The redesign of the site involves the elimination of a single ingress-only curb cut off Maple Street. Staff believes this serves as an overall improvement to the site design by reducing the automotive presence on the Maple Street side of the property, and any negative impacts to the public street system in terms of reduced access to/from the site will be minimal, to none.

- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**

There are a couple mature trees located along the northern property line that should be protected as much as possible from the construction activity to commence on the site. A condition of approval (#4) is recommended to this effect.

- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.**

Staff is not aware of any obstacles for the applicant or owner to obtain additional licensing or permits. A building permit will be required before the construction commences.

SUBMITTED BY:

A handwritten signature in black ink that reads "Zachary W. Moore". The signature is written in a cursive style with a large, stylized 'Z' and 'M'.

Zachary Moore, AICP
Planner

DATE: March 1, 2019

APPENDIX

RELEVANT ZONING CODE PROVISIONS

Chapter 1147 governs the Conditional Use application and outlines the potential concerns and use regulations for each permissible Conditional Use.

1147.02(c) Planning Commission Review

The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing. If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Burden of Proof.
 - A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
 - B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.
- (2) General Decision Standards. All Conditional Uses shall satisfy these General Decision Standards.
 - A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
 - B. The use and site will satisfy the general intent of this Zoning Code.
 - C. The use and site will be compatible with the general intent of the Comprehensive Plan.
 - D. The size and shape of the site are sufficient for the proposed use.
 - E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
 - F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
 - G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
 - H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
 - I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
 - J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
 - K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
 - L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
 - M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

1147.02(d) Action by Planning Commission

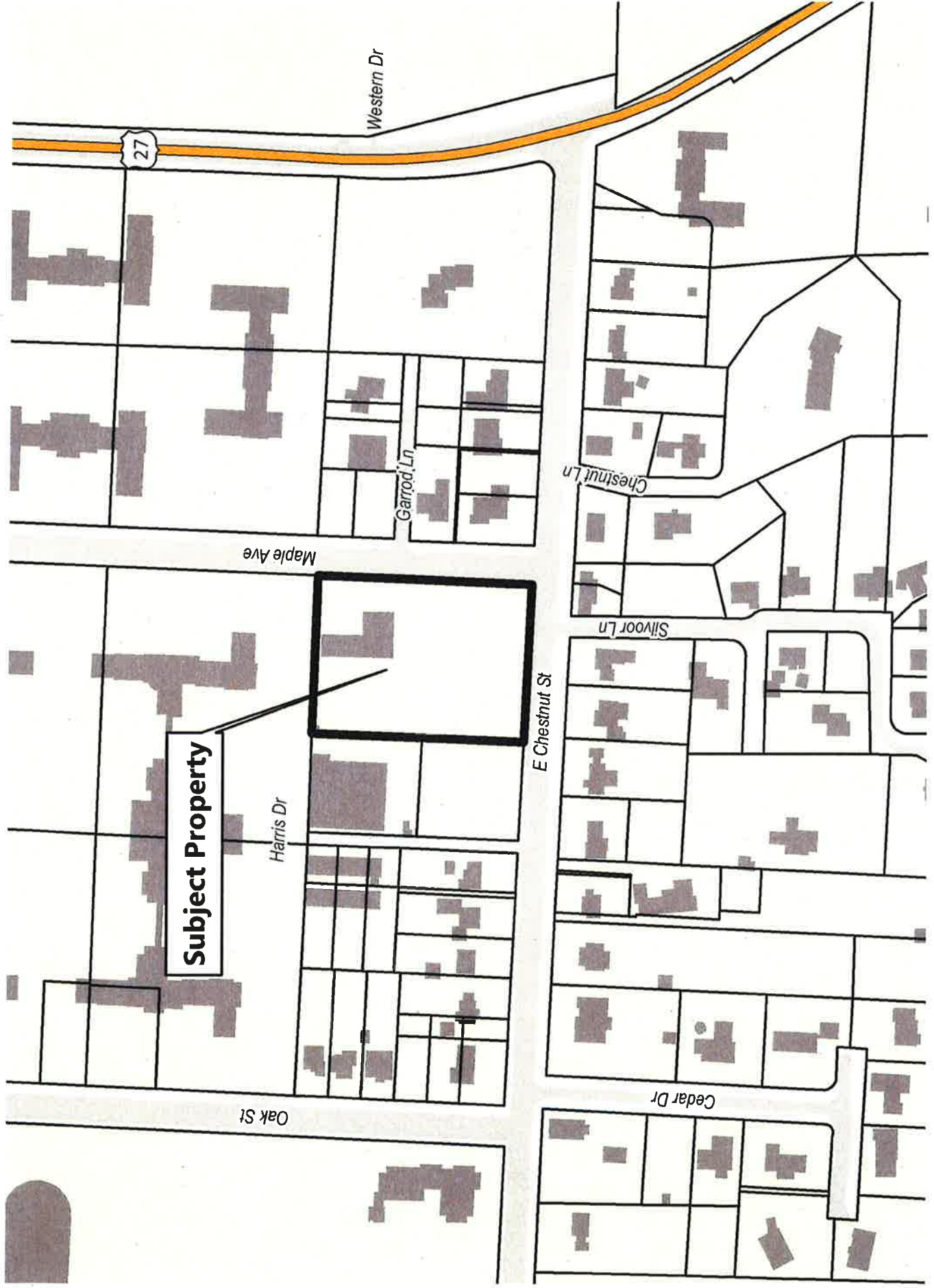
- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the

application satisfies the General Decision Standards and the Decision Standards for the proposed use. **In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.**

1147.03(b)(15) Churches, Libraries, Community and Recreation Centers

- A. Potential Concerns
 - 1. Adequate lot size to permit future expansion.
 - 2. Location and screening of outdoor recreation areas.
 - 3. Bus or van storage.
 - 4. Lighting.
 - 5. Parking and traffic impact.
- B. Regulations.
 - 1. None.

Location Map



Location Map

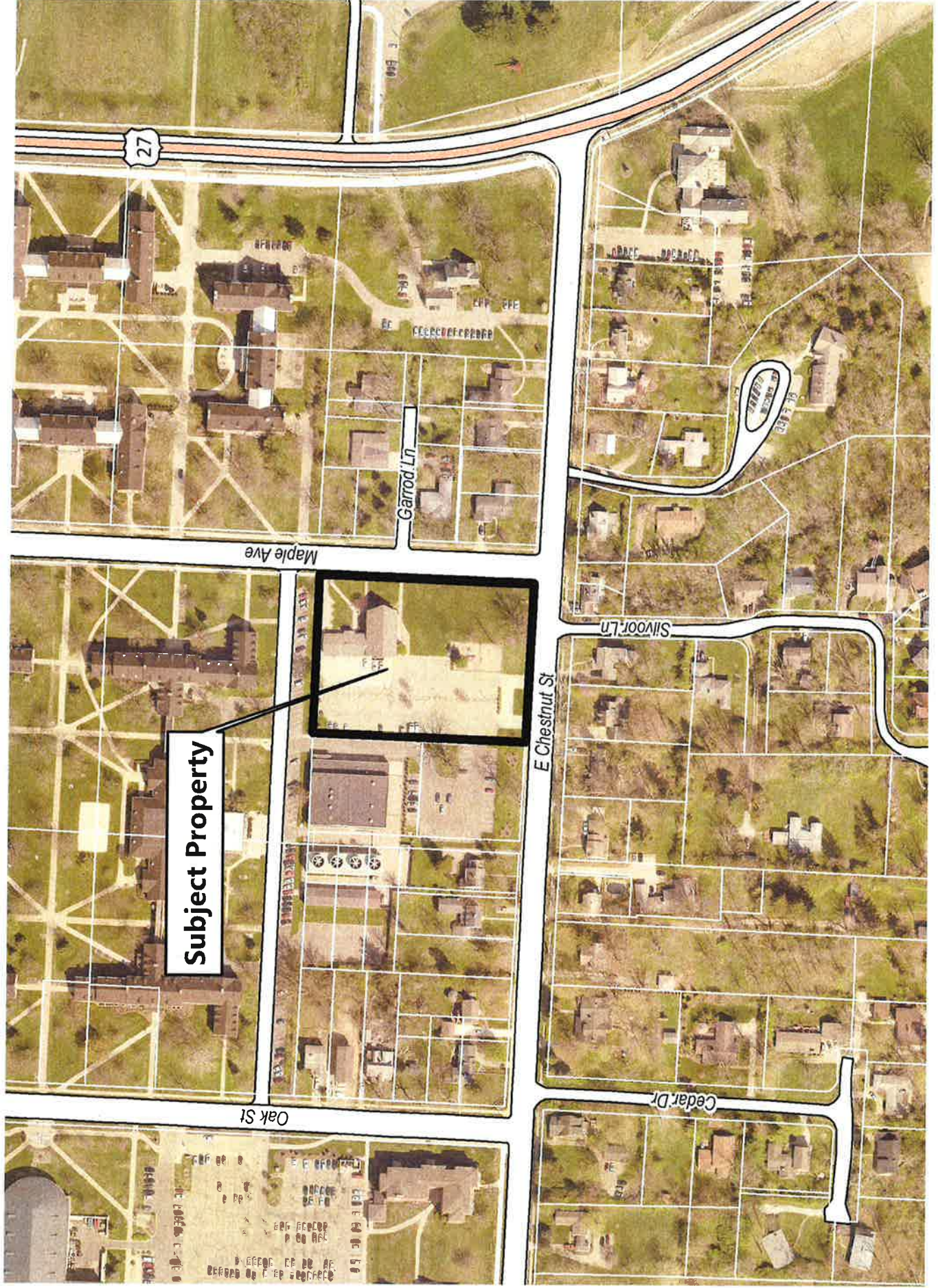
 Site Parcel(s)

500 Feet

250

125

0



Subject Property

Oak St

Maple Ave

Garrod Ln

E Chestnut St

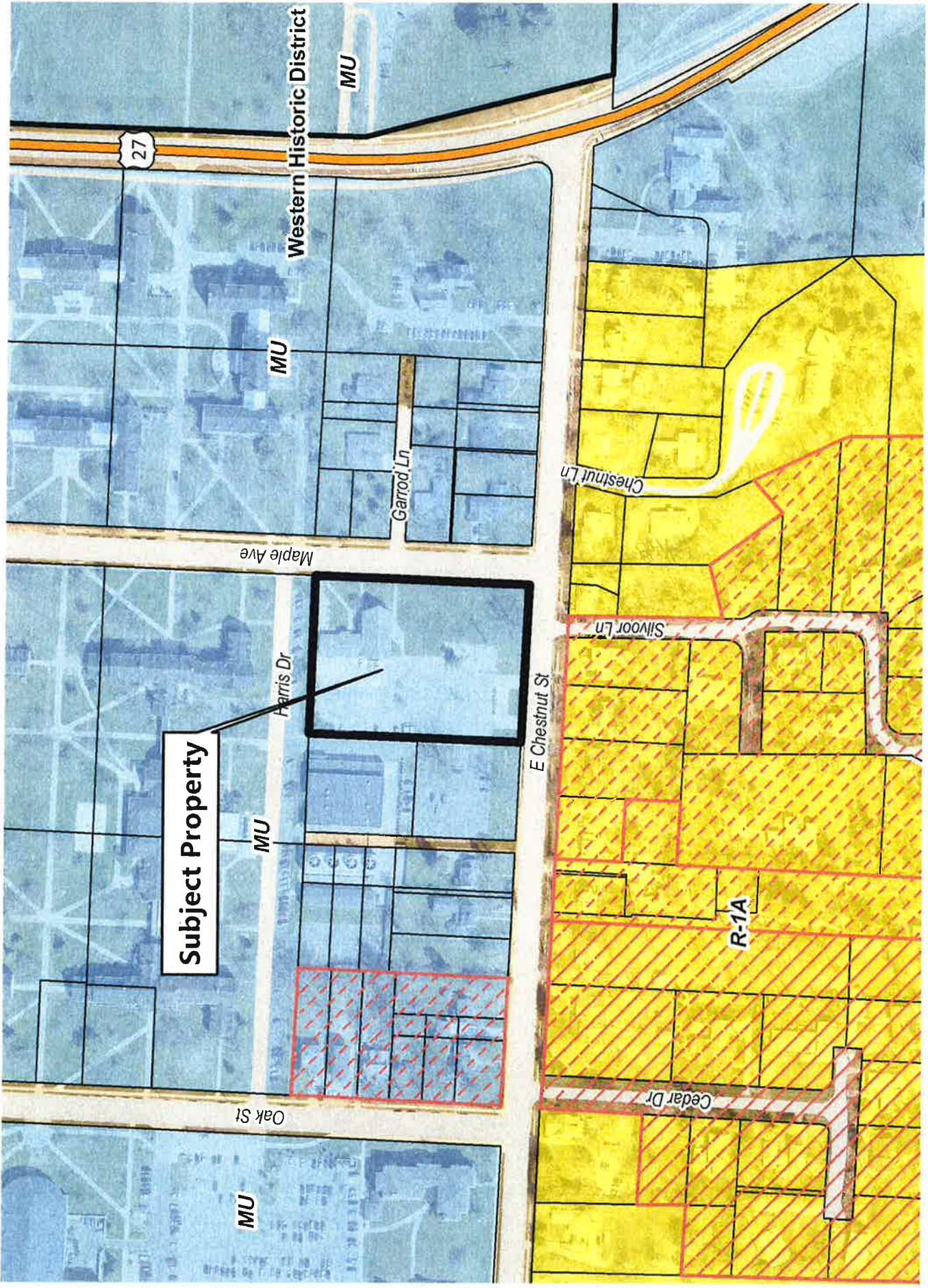
Silver Ln

Cedar Dr

Location Map



 Site Parcel(s)



RECEIVED JAN 23 2019



City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 31, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-06, CONDITIONAL USE – Addition to an existing Structure – 800 Maple Street – Oxford Bible Fellowship, Applicant

☒ Review ☐ Revisions ☐ Other

Please return no later than: February 14, 2019 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: 2-11-19

PRINTED NAME

RECEIVED JAN 28 2019

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 31, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-06, CONDITIONAL USE – Addition to an existing Structure – 800 Maple Street – Oxford Bible Fellowship, Applicant

 X Review Revisions Other

Please return no later than: **February 14, 2019** 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: Scott Otto Date: 2/11/19

Scott Otto
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

RECEIVED JAN 20 2019

Date: January 31, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-06, CONDITIONAL USE – Addition to an existing Structure – 800 Maple Street – Oxford Bible Fellowship, Applicant

 X Review Revisions Other

Please return no later than: **February 14, 2019** 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: 2/4/19

John A. Jones

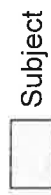
PRINTED NAME



PC-2019-06

Surrounding Property Owners Notifications Map

Legend



Subject



200 Ft. Buffer



Oxford Corp. Limit



Address Point



Parcel

16.5' Vacated ROW



Building Footprint



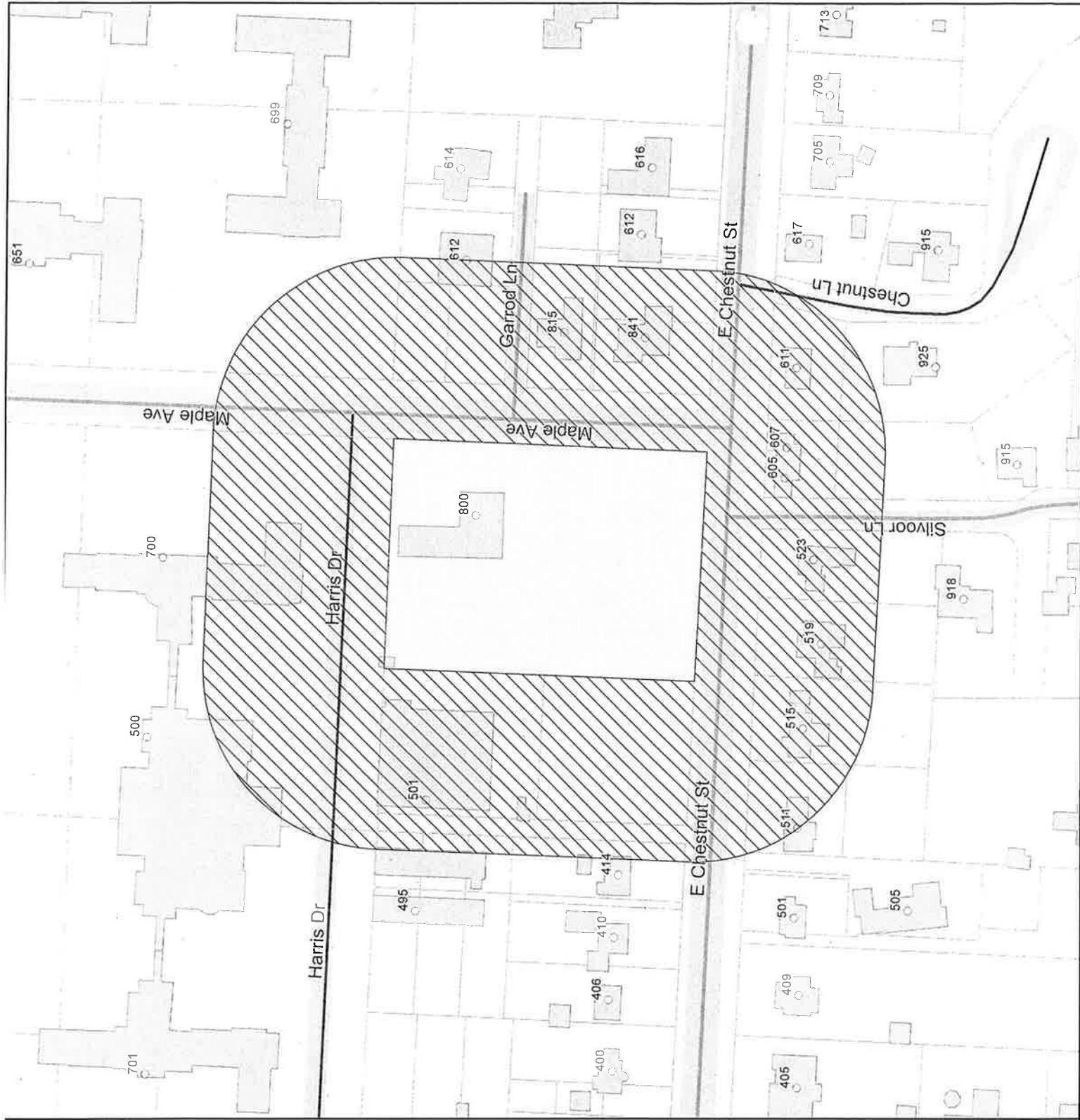
Paved Roadway



1 inch = 150 feet

Prepared on Friday, February 22, 2019

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.





Internal Use Only:

Case No.

PC-2019-06

Date Filed

1/28/19

Conditional Use Permit Application

Applicant Information

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

Name * Oxford Bible Fellowship

Mailing Address * 800 S. Maple Street

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * 513-523-5300

Email Address gnates@obf.org

Owner Information

Name * Oxford Bible Fellowship

Mailing Address * 800 S. Maple Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-523-5300

Email Address gnates@obf.org

Location and Lot Information

Location of Property * 800 S. Maple Street

Legal Description * Lot 3393 - Parcel #H4100-108-000-038

Zoning District * MU - University District

Total Area * 2.001 → Check One * Acres ☒ Square Feet ☐

Existing Use Description * Church

Proposed Use Description * Church

Submission Requirements and Documentation

From Section 1147.02(a)¹.

- (1) Contents of application for conditional use permit. Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

- A. Application Fee.
- B. Description of Use and Site.

A written, detailed description shall include the following information. A separate response is required for each subsection.

1. The name, mailing address, and telephone number of the applicant and the property owner.
2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
3. A legal description of the site, including all separate lots.

- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

Fees & Receipt

The required fees are \$400.00 plus \$10.00 for postage. You may write a \$410.00 check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *


11/21/19

Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required plans and documentation as attachments and a check for fee and postage made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the Planning Commission meeting on which the action is requested. City Staff will place a public hearing sign on the subject property. **The Applicant is responsible for removing the signage at the completion of the hearing(s).**

For Staff Use Only

Fee Paid Date *

1/28/19

Receipt Number *

239147

¹ City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter/>

² Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>



*Where Creativity
Meets Functionality*

Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

January 25, 2019

Mr. Sam Perry
Community Development Director
City of Oxford
101 East High Street
Oxford, Ohio 45056

Re: Oxford Bible Fellowship Church
Conditional Use Submittal

Dear Mr. Perry:

Enclosed please find the following items in support of Oxford Bible Fellowship's Application for Conditional Use approval of the construction of a 3,328 SF main level building addition on the property located at 800 South Maple Street. There is a basement of 3,428 SF and a mezzanine level of 2,265 SF for a total SF addition of 9,021 SF.

- 1) Executed Conditional Use Permit Application.
- 2) Check in the amount of \$410.00 made payable to the City of Oxford for the application fee.
- 3) CD containing a pdf of all the submitted documents.
- 4) Thirteen individual packets containing one (1) copy of each of the following:
 - a. Planned Development Application.
 - b. List of property owners within 200 feet of the site.
 - c. Legal description of the property.
 - d. Site plan.
 - e. Landscape plan.
 - f. Preliminary Building Elevations and Floor Plans.
 - g. Color Building Rendering.
 - h. Photos of the subject site and surrounding area.
- 5) Applicant and Property Owner:

*Oxford Bible Fellowship
800 South Maple Street
Oxford, Ohio 45056
513-523-5300*
- 6) Design Professionals:
 - a. Architect:

*Aspen Group
90 Executive Drive, Suite C
Carmel, IN 46302
317-582-5100*

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

110 S. College Ave., Ste. 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

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

<http://www.bayerbecker.com>

b. Engineer & Surveyor:
Bayer Becker
110 S. College Ave., Suite 101
Oxford, OH 45056
513-336-6600

- 7) A legal description of the boundary of the property is enclosed.
- 8) The property currently contains the Oxford Bible Fellowship Church, along with a playground, shed and associated parking.
- 9) The property is zoned MU – University District.
- 10) Description of proposed use:
- a) A description of operations, including types of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles.
- The proposed building addition will consist of classrooms and gathering spaces. The existing main level lobby and classrooms will be remodeled and two new ADA restrooms and elevator added. The sanctuary will not be modified with the proposed construction. The current occupancy of the sanctuary is 275 people.*
- b) Hours of operation.
- Normal business hours during the week are Monday thru Friday 9:00 a.m. to 4:00 p.m. However, the building is open on Sunday mornings for worship services and numerous times in the evenings during the week for meetings and other events.*
- 11) A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties.
- a) How the use is similar to or different from existing area uses and if there will be any interaction between the proposed use and existing uses.
- The proposed building addition will be located in the northeast corner of the property. Individuals will be able to access the Church from the existing parking lot to the west, and sidewalk will be constructed so individuals can access the building from Maple Street. The existing connection to the Miami University parking lot to the west will remain.*
- b) How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
- The proposed building addition will be located in the northeast corner of the property, adjacent to the institutional uses and distant from the residential land uses on and near Chestnut Street. The two-story building addition with a basement and mezzanine will be constructed of brick, split face concrete masonry units, and siding (James Hardie, LP or similar products) with large windows, which will complement the surrounding buildings located on the Miami University Campus. Additionally, the site will be beautifully landscaped providing an aesthetically pleasing view for all passing by.*
- c) If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibrations or emissions.
- The proposed building addition will not involve any operations that create potential nuisances.*
- d) How any potential negative effects on adjacent land will be mitigated.
- The building addition will not have a negative effect on adjacent land, as the use of the property will remain the same. Construction of the building addition will require the elimination of the existing*

vehicular access point on Maple Street, which will improve safety along Maple Street. Furthermore, landscaping will be installed throughout the site.

- 12) A statement about why the location proposed is more appropriate for the use than other locations.

The proposed site is an ideal location for the expansion of the church facility for the following reasons:

- a) The use will remain the same. Currently, the property contains a church with associated parking.*
- b) Due to the close proximity to the Miami University campus and within the Mile Square, it is an ideal and convenient location for students and residents to worship.*
- c) The existing green space at the south east corner of the site will remain.*
- d) The infrastructure is currently in place to support the expansion.*

- 13) A statement of the necessity or desirability of the proposed use to the neighborhood or community.

Due to recent and projected growth, the Oxford Bible Fellowship Church is in need of additional facilities. The proposed building addition will allow the Church to expand to meet the growing needs and interests of their members. The addition and remodel will also be an asset to the community and college students with the commons area and meeting spaces both indoors and outdoors.

- 14) Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use.

- a) Adequate lot size to permit future expansion.

The property currently contains the Oxford Bible Fellowship Church. The lot size is adequate to permit the proposed building addition. The possibility for future expansion on the property would be minimal.

- b) Location and screening of outdoor recreation areas.

The existing playground will remain untouched at the south end of the property. The playground is currently enclosed with a fence, and does not include screening.

- c) Bus or van storage.

The Oxford Bible Fellowship Church does not own any vans or buses which must be parked on site. They do however allow The Bridge, which is a church in Oxford that does not have a permanent facility, park a van and mini bus on their property.

- d) Lighting.

The existing site lighting will remain.

- e) Parking and traffic impact.

With the construction of the building addition, the vehicular access point on Maple Street will be eliminated, thus improving the safety of Maple Street.

Per the Zoning Code, 35 parking spaces are required for the site. The site currently contains 102 parking spaces. With the construction of the building addition 3 of the 4 parking spaces that were located in front of the building will be relocated to the rear of the building. The Church has a verbal agreement with Miami University which allows them to park in the parking lots to the north and west of the site. Additionally, on street parking is available on Maple Street. So, while parking on the site has been reduced, the Church does have additional parking available off site.

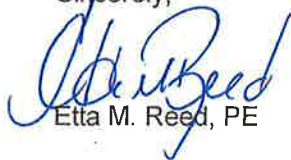
Oxford Bible Fellowship would like to request the following waivers from the City of Oxford Zoning Code:

- 1) Section 1143.11(c)(3)C.1 - Lot Coverage – 35% total
The existing site contains 56% lot coverage. Oxford Bible Fellowship Church requests a waiver in order to construct the building addition and increase the lot coverage by 638 SF to 57% lot coverage.
- 2) Section 1149.05(e)(2) - 2 loading spaces are required.
The Oxford Bible Fellowship Church does not receive deliveries from vehicles larger than an UPS truck, therefore they do not have the need for loading spaces.
- 3) Section 1149.03(d)(h) – The maximum number of parking spaces is limited to no more than 150% of the minimum unless approved by Conditional Use Permit.
Based upon a 275 seat sanctuary, the site is to have a minimum of 35 and maximum of 53 parking spaces. The site currently contains 102 parking spaces. With the proposed building addition, 1 parking space will be lost, reducing the total number of parking to 101 spaces. Oxford Bible Fellowship Church requests a waiver to retain their 101 parking spaces to accommodate future growth in programs at the Church.

Please place this item on the March 12th Planning Commission Meeting agenda.

Should you have any questions, or need any additional information, please do not hesitate to contact us.

Sincerely,



Etta M. Reed, PE

Date: July 12, 2017

Description: Lot #3393

Location: City of Oxford
Butler County



Situated in City of Oxford, Butler County, Ohio, being entire Lot #3393 of said City of Oxford and being the lands of Oxford Bible Fellowship as recorded in Official Record 7578, Page 1 of the Butler County Ohio Recorder's Office and being further described as follows:

Beginning at the southeast corner of said Lot #3393, being the intersection of the northerly right of way of Chestnut Street and the westerly right of way of Maple Street and being the **True Point of Beginning**;

thence, leaving said southeast corner of said Lot #3393 and with said northerly right of way of Chestnut Street, North 87° 15' 05" West, 251.96 feet to the southwest corner of said Lot #3393;

thence, leaving said northerly right of way of Chestnut Street and with the westerly boundary of said Lot #3393, North 02° 19' 02" East, 167.92 feet;

thence, continuing with the westerly boundary of said Lot #3393, North 02° 16' 42" East, 178.00 feet to the northwest corner of said Lot #3393;

thence, leaving said westerly boundary of Lot #3393 and with the northerly boundary of said Lot #3393, South 87° 21' 16" East, 251.80 feet to the westerly right of way of a said Maple Street and being the northeast corner of said Lot #3393;

thence, leaving said northerly boundary of Lot #3393 and with the westerly right of way of said Maple Street, South 02° 16' 15" West, 346.37 feet to the **True Point of Beginning**, containing 2.001 acres of land, more or less and being subject to all legal highways, easements, restrictions and agreements of record.

17-0141 2.001 Acres.doc

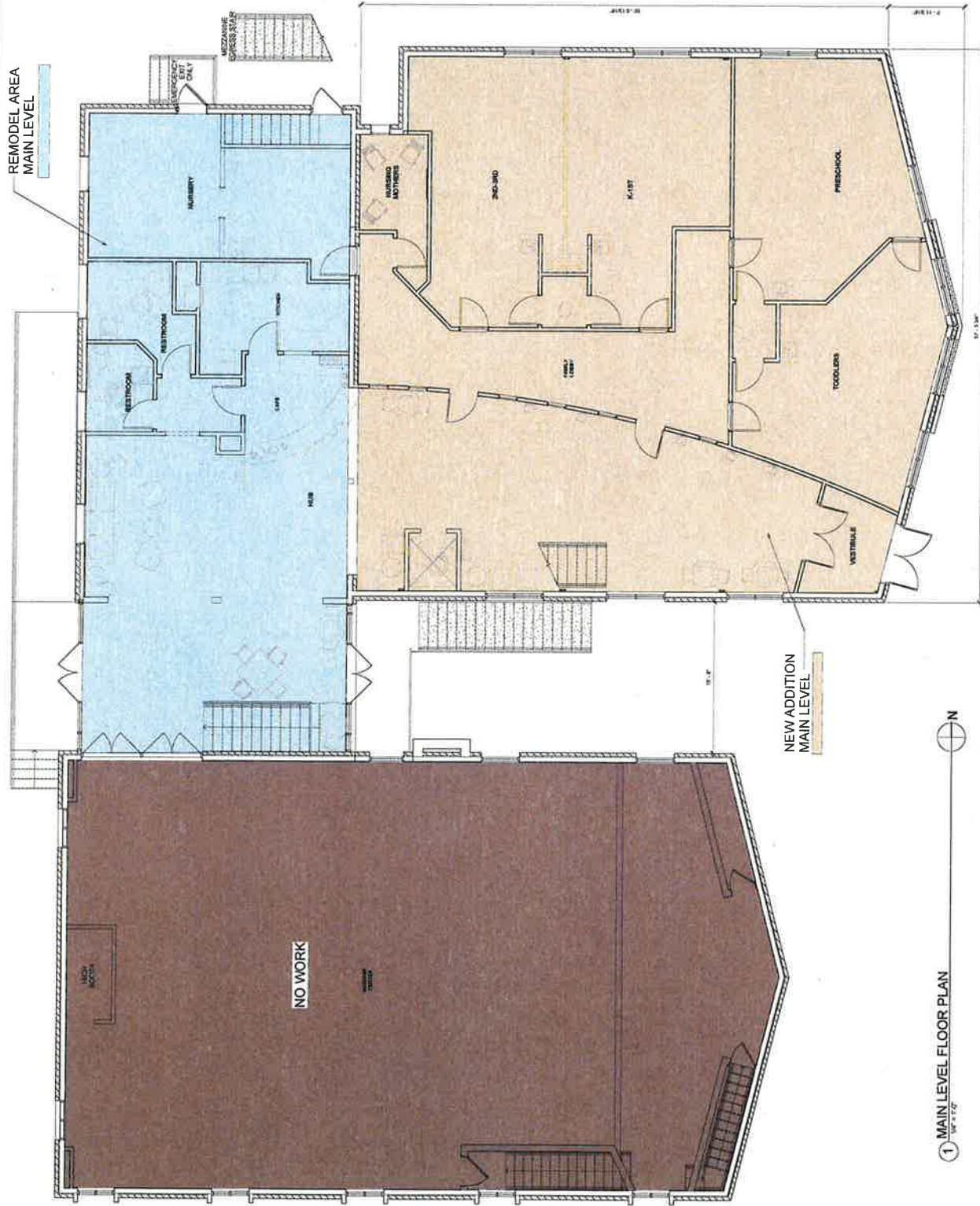
6900 Tylersville Road, Suite A
Mason, Ohio 45040
513-336-6600

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

110 South College Avenue, Suite 101
Oxford, Ohio 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

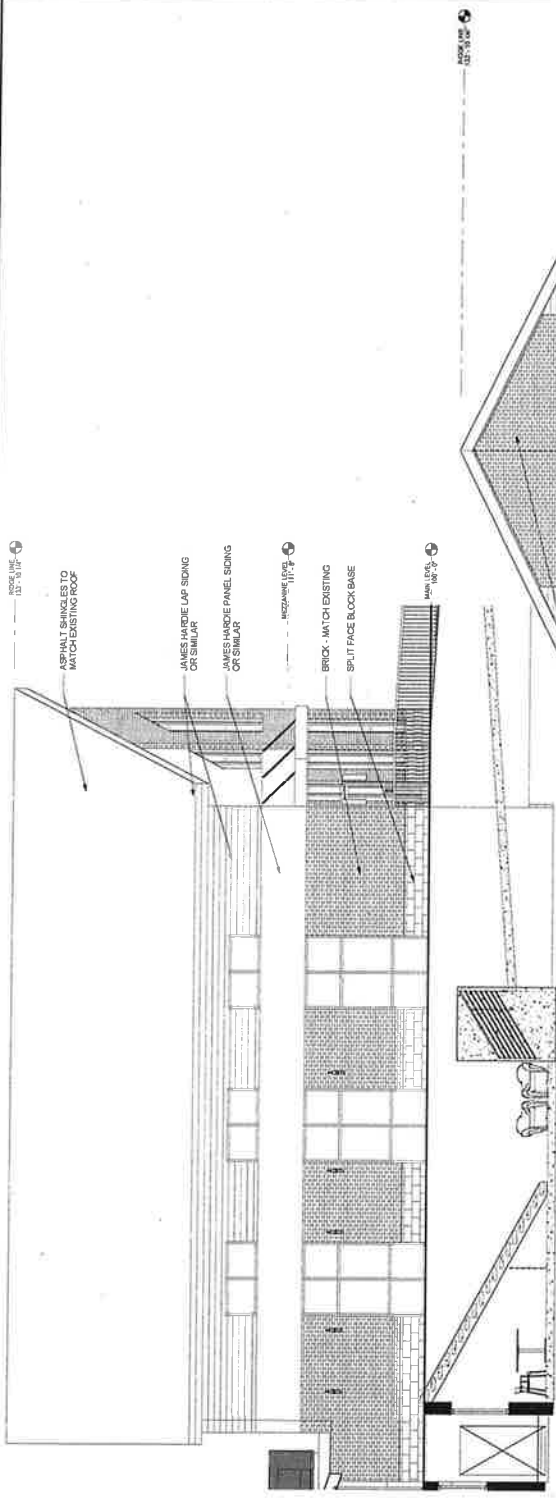
1 LOWER LEVEL FLOOR PLAN
1/4" = 1'-0"



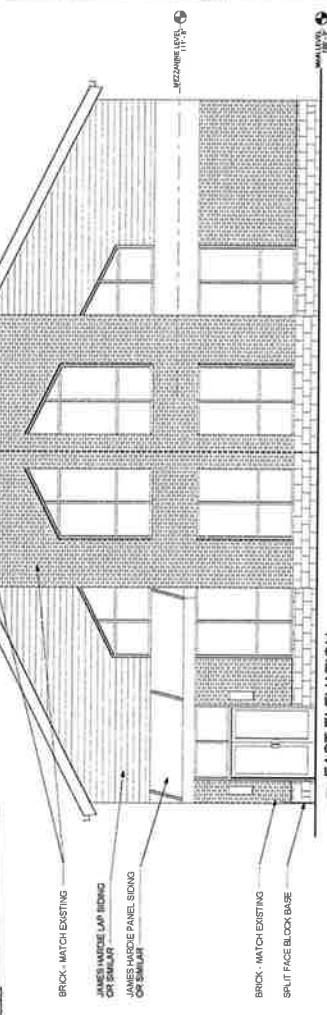
ALIGNMENT SET		
REV	DATE	DESCRIPTION

EXTERIOR ELEVATIONS

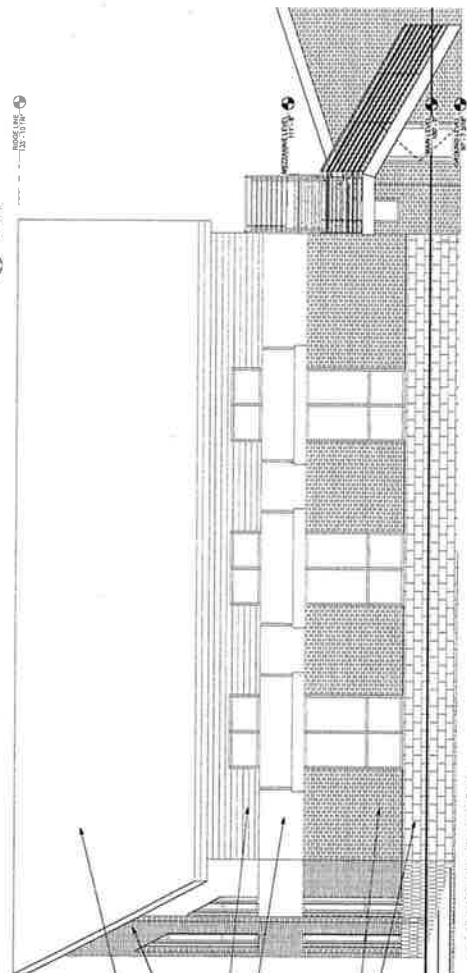
A.200



① SOUTH ELEVATION
1/4" = 1'-0"



② EAST ELEVATION
1/4" = 1'-0"



③ NORTH ELEVATION
1/4" = 1'-0"



EAST ELEVATION LOOKING FROM MAPLE STREET



NORTH EAST ELEVATION



NORTH WEST ELEVATION



EAST ELEVATION



SOUTH EAST ELEVATION



SOUTH EAST ELEVATION



CONDITIONAL USE
SUBMITTAL 11/29/19



90 Executive Dr, Suite C Carmel, IN 46032

Oxford Bible Fellowship -
Oxford, OH
800 S. Maple Avenue, Oxford, OH 46056

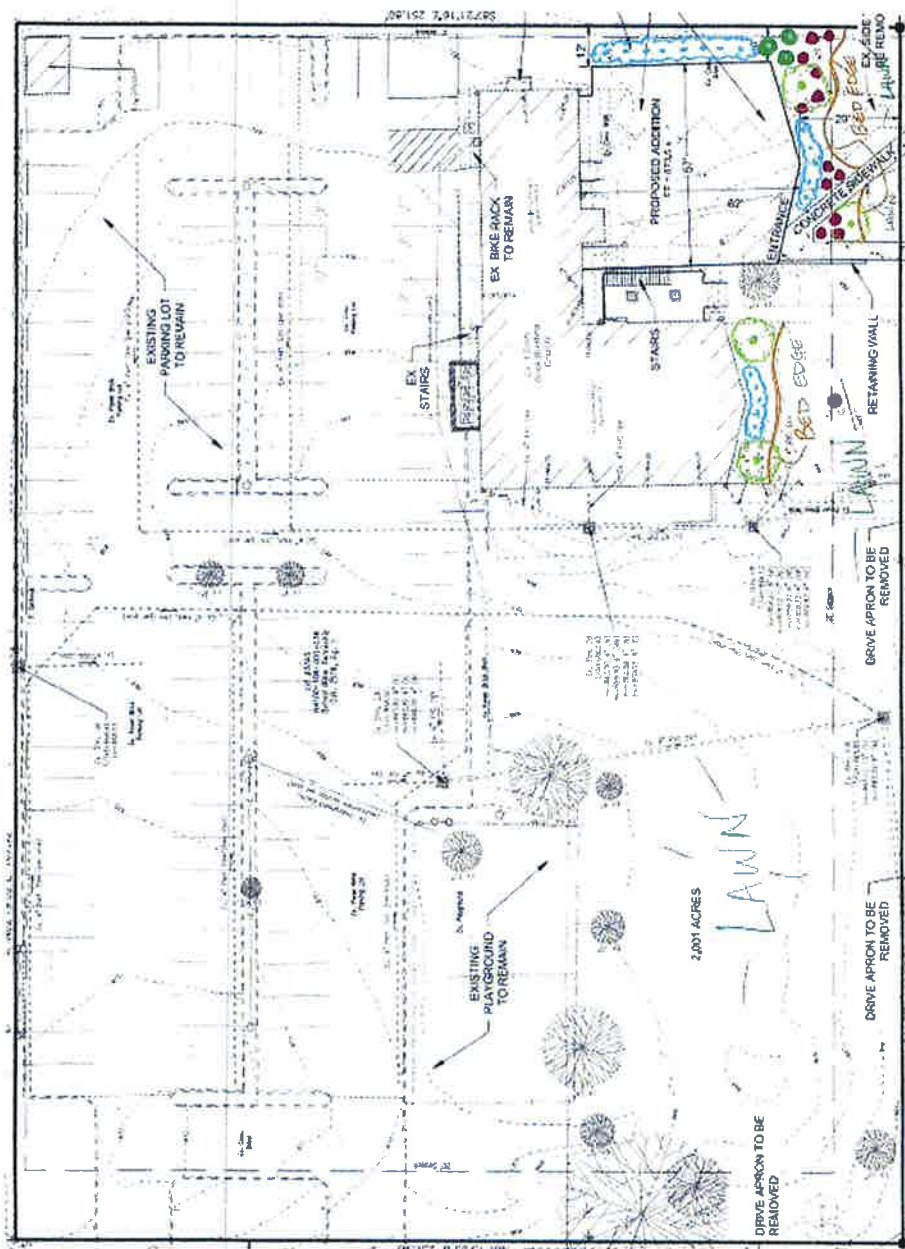
ALIGNMENT SET

No.	Date	By	Description
1	11/29/19	AS	Initial Submission
2			
3			
4			
5			
6			
7			
8			
9			
10			

EXTERIOR RENDERINGS

A.201

11/29/19 10:00 AM



DATE: 1/23/2019 1:02 PM

Plant Key:

-  Medium Tree
-  Deciduous Shrub
-  Arisea (an arbutus-like evergreen)
-  Shrub

SHADENAKERS
 LANDSCAPE ARCHITECTS
 7525 FAIRFIELD RD.
 OXFORD, OH 43056
 Cultural Skills Fellowship
 by Doug Shaker 01/23/2019

RECEIVED JAN 23 2019



1)View from the southeast property corner facing west along E. Chestnut St.



2)View from the southeast property corner facing northwest.



3) View from the southeast property corner facing north along Maple St.



4) View from the east property line along Maple St. facing west.



5) View from the east property line along Maple St. facing west.



6) View from the northeast property corner facing south along Maple St.



7) View from the northeast property corner facing southwest.



8) View from the northeast property corner facing west along Harris Dr.



9) View from the northeast property along Harris Dr. facing south.



10) View from the northwest property corner facing east along Harris Dr.



11) View from the northwest property corner facing southeast.



12) View from the northwest property corner facing south along the west property line.



13)View from the west property line facing east.



14) View from the west property line facing east.



15) View from the southwest property corner facing north along the west property line.



16) View from the southwest property corner facing northeast.



17) View from the southwest property corner facing east along E. Chestnut St.



18) View from the south property line along E. Chestnut St. facing North.

Memo



To: City Council
From: Sam Perry, Community Development 
Date: 3/25/2019
Re: Short-Term Rentals Registration Program

DRE

Under direction from the City Manager, the Community Development Department has developed a set of proposed regulations for a short-term rental registration program within the City of Oxford. Planning Commission previously recommended approval of amendments to the Zoning Code dealing with short-term rentals in September 2018. However, staff recommends holding off on adopting land use regulations at this time until the situation is better understood through means of a registration program.

Community Development staff proposes a new chapter in Part Seven (Business Regulation Code) of the Oxford Codified Ordinances. This new Chapter 743 includes provisions for applicable definitions, minimum requirements, and enforcement. There is also a blanket provision which requires adherence to all other applicable federal, state, and local regulations, including laws on nondiscrimination, zoning, building, health and safety. The proposed language borrows heavily from Chapter 115 of the Louisville/Jefferson County Metro Government's Business Regulations, though it has been tailored in many respects to appropriately fit Oxford's context.

The purpose of the proposed registration program is for the City administration to gather more significant data on short-term rentals, in order to gain a broader understanding of the present level and nature of such activities within the City, including the geographic spread and concentration of short-term rental locations. Acquiring this data will enable staff to make better informed recommendations based on information beyond minimal anecdotal knowledge, and may in turn lead to new land use regulations in the City's Zoning Code in the near future. The Planning and Zoning Code (Part Eleven) is not being amended as part of this Ordinance.

Minimum registration information is set forth in the proposed regulations, including the name and contact information for the individual "hosting" the short-term rental, the actual physical address of the rental, and a designated emergency contact should the host not reside within a reasonable distance from Oxford. Latitude is given to the Community Development Director to further develop content for the registration form; some of the additional questions likely to be included are: (1) specifying the rental's host platform (e.g., AirBnB, VRBO, etc.); (2) expressing the number of average days per month that the unit is rented; and (3) whether the unit is the host's primary residence. The form would be administered online on the City website, though a hard-copy version would also be made available for hosts to complete in-person or by mail. The department would rely on its existing communication resources (i.e., email, flyers, and possibly selective postal mail), as well as notices in utility bills (email and postal mail), to effectively inform property owners and managers within the community about the registration requirement and where to access the online form.

A grace period of six (6) months following the effective date is provided for existing short-term rentals to comply by registering with the Community Development. Following this period, the regulation allows for enforcement action to be taken should any active rentals fail to register. It is the department's intention to be as customer friendly as possible in providing notice to hosts of the registration requirement, and only in rare cases of neglect may enforcement action be exercised. Rentals which are newly established following the grace period would be required to register prior to renting to guests.

ORDINANCE NO.

ORDINANCE ENACTING NEW CHAPTER 743 OF THE OXFORD CODIFIED ORDINANCES ENTITLED SHORT TERM RENTALS.

WHEREAS, localities across the United States have implemented, or are implementing, regulations and standards for short-term rentals; and

WHEREAS, the State of Ohio currently has no regulations on short-term rentals; and

WHEREAS, the City of Oxford may consider short-term rental regulations to address the health, safety and welfare concerns of renters and residential property owners; and

WHEREAS, prior to regulating short-term rentals, City Council and City staff require further information regarding the prevalence of short-term rentals within the City; and

WHEREAS, the City of Oxford, in order to gather relevant information regarding the use of short-term rentals within the City, finds it necessary to enact a registration procedure for short-term rentals; and

WHEREAS, upon the effective date of this ordinance, hosts shall have a grace period of ~~six (6)~~ three (3) months to comply by registering existing short-term rentals with the City's Community Development Department. Following the ~~six (6)~~ three (3) month grace period, all short-term rentals shall be registered prior to renting to transient users.

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

SECTION I: Council hereby finds that it is necessary to enact new Chapter 743 of the Oxford Codified Ordinances entitled Short Term Rentals to require registration of short-term rentals operating within the City of Oxford.

SECTION II: Council hereby adopts new Oxford Codified Ordinance Chapter 743 entitled Short Term Rentals as follows:

PART SEVEN – BUSINESS REGULATION CODE CHAPTER 743 – SHORT TERM RENTALS.

743.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (a) "Director" means the Director of the City of Oxford Community Development Department or his/her designee.
- (b) "Host" means any person who is the owner of record of residential real property, or any person who is a lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for short term rental.

- (c) “Hosting Platform” means an internet-based platform that generally allows an owner or tenant to advertise the dwelling unit through a website and provides a means for potential transient users to arrange short term rental and payment through the hosting platform.
- (d) “Short Term Rental” means a dwelling unit that is rented, leased or otherwise assigned for tenancy of less than 14 consecutive days duration, where no meals are served.
- (e) “Transient User” means a person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of less than 14 consecutive days duration.

743.02 ANNUAL REGISTRATION REQUIRED.

No person, firm, or corporation shall own or operate a short term rental on any premises within the City of Oxford unless the short term rental has been registered annually with the Community Development Department.

743.03 ANNUAL REGISTRATION.

Each annual registration for a short-term rental shall be per the procedure prescribed by the Director, and shall be available for paperless, online registration upon the effective date of this chapter. The registration form, at a minimum, shall include the following:

- (a) The name, address, phone number, and email address of the host and of a person residing or located within Butler County or any other county bordering Butler County who shall be responsible for addressing any maintenance or safety concerns; and
- (b) The location of the short-term rental.

743.04 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

Each separate short term rental shall be in compliance with any currently applicable laws and regulations of the federal, state, or local governments, as may be amended from time to time including but not limited to, laws or regulations on nondiscrimination, zoning, building, safety, property maintenance, health and sanitation, fire, electrical, plumbing, mechanical, and other applicable laws.

743.99 ENFORCEMENT AND PENALTY.

Failure to comply with any section or provision of this chapter shall be deemed a violation. Enforcement of any of the provisions of the chapter may be by civil action and/or criminal prosecution. Whoever violates Section 743.02 is guilty of a minor misdemeanor.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Finance
Originating Department

Council Meeting Of : 4/2/2019

Account Code No. : see below

Budgeted Amount :

Joe Newlin
Prepared By

3/26/2019
Date Prepared

Agenda Title:	2019 Supplemental Budget #3
----------------------	------------------------------------

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

Issue 1

To make adjustment to budget for reimbursements and medical expenses from unencumbered balance, reimbursements for claims exceeding stop loss levels

Action Needed:

Revenue Side

Employee Benefits (230)	1,200,000.00	Reimbursements
-------------------------	--------------	----------------

Expense Side

Employee Benefits (230)	1,200,000.00	Expenditures for medical expenses
-------------------------	--------------	-----------------------------------

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

-

Issue 2

To make adjustment to budget for an insurance claim for damages canopy at OCP, replacement and installation from unencumbered balance

Action Needed:

Revenue Side

Capital Equipment (140)	2,024.00	Reimbursements
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Expense Side

Capital Equipment (140)	2,024.00	Expenditures for proposed settlement agreement
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Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

Issue 3

To make adjustment to budget for a receipt of Fire Loss Claims for South Beech St. building and subsequent release after City Manager receives proof of compliance unencumbered balance

Action Needed:

Revenue Side

Fire Loss Claims (426)	75,000.00	
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Expense Side

Fire Loss Claims (426)	75,000.00	
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Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

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

-

Breakdown by Fund

Employee Benefits (230)	-	
Capital Equipment (140)	-	
Fire Loss Claims (426)	-	

-

-

-

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

Approved By:

Department Head:

City Manager:

Initials

Date

13/26/19

DRE 1 3/29/19

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3493. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 3 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2019.

WHEREAS, additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues.

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

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

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

Employee Benefits Fund 230	1,200,000.00
Capital Equipment Fund 140	2,024.00
Fire Loss Claims Fund 426	75,000.00

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

Employee Benefits Fund 230	1,200,000.00
Capital Equipment Fund 140	2,024.00
Fire Loss Claims Fund 426	75,000.00

SECTION 4: In all other respects, Ordinance No. 3493 shall remain in full force and effect.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)