City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Agenda

Oxford City Council

Court House

TUESDAY, MAY 15, 2018

EXECUTIVE SESSION
None

1. Roll call. Kate Rousmaniere, Mayor; Steve Dana - Vice Mayor; Chantel Raghu; Glenn Ellerbe; Mike Smith; David Prytherch; Edna Southard

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MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items <u>not</u> 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 <u>five</u> minutes or less.

REGULAR MEETING
7:30 P.M.

PLEDGE OF ALLEGIANCE

2. <u>Approval of Agenda.</u>

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

3. Public Participation.

A. Proclamation - "Older Americans Month"

Proclamation

B. Proclamation - "Police Week"

Proclamation

C. Recognition - "Life Saving" Recognition

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.

D. Public Comments.

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4. Consent Agenda.

A. Minutes of the May 1, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes

B. Report regarding the April 18, 2018 Board of Zoning Appeals Meeting. (Sam Perry, Planner)

Report

C. Report regarding the May 2, 2018 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Planner)

Report

D. Report regarding the May 2, 2018 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report

5. Resolutions.

   1. A Resolution adopting the applicable portions of the Butler County, Ohio, Countywide All Natural Hazard Mitigation Plan (CANHMP) on behalf of the City of Oxford. (John Detherage, Fire Chief)

      Staff Report and Resolution

   2. A Resolution Accepting The Bid And Authorizing The City Manager To Enter Into A Contract With Jackson Construction, Inc. For The Construction And Replacement Of Designated Curb, Gutter, And Sidewalk At A Cost Not To Exceed $100,000.00. (Mike Dreisbach, Service Director)

      Staff Report and Resolution

   3. A Resolution Accepting The Bid And Authorizing The City Manager To Enter Into A Contract With Brian Brothers Painting And Restoration, LLC. For The Maintenance And Painting In The Municipal Parking Garage At A Cost Of $42,728.00 Plus A Contingency Amount Of Ten Percent (10%) Of The Contract Price Or $4,272.80 For A Total Cost Not To Exceed $47,000.80. (Mike Dreisbach, Service Director)

      Staff Report and Resolution

   4. A Resolution Authorizing The City Manager And The Finance Director To Release A Payment In The Amount Of $32,558.53, Payable To 4-Leaf Development, LLC, For Reimbursement Of Eligible Expenses Related To The Construction Of A Secondary Access Road Connecting With Southpointe Parkway As Defined In The Development Agreement Attached Hereto As Exhibit "A". (Mike Dreisbach, Service Director)

      Staff Report and Resolution

   5. A Resolution Of Council Authorizing The City Manager To Submit A Grant Application To The Ohio-Kentucky-Indiana (OKI) Regional Council Of Governments Requesting Funding For Alternative Transportation Projects And Authorizing The City Manager To Secure Through Property Tax Levy Funds A Minimum Of 20% Local Match For The Construction Of The Oxford Area Trail System (OATS). (Mike Dreisbach, Service Director)

      Staff Report and Resolution

   6. A Resolution Authorizing The City Of Oxford To Participate In The Regional Income Tax Agency's ("RITA") Subpoena Program For The Collection Of Delinquent Local Income Taxes. (Joe Newlin, Finance Director)

      Staff Report and Resolution

6. Ordinances.

   A. First Reading.

   B. Second Reading

1.An Ordinance Providing For The Issuance Of Not To Exceed $4,825,000 Of Bond Anticipation Notes In Anticipation of the Issuance Of Bonds For The Purpose Of Constructing And Equipping An Aquatic Center, Together With All Necessary Appurtenances, And Declaring An Emergency. (Doug Elliott, City Manager)

Staff Report and Ordinance

2.An Ordinance Approving A Conditional Use Permit To Allow An Automotive Service And Sales Facility Which Shall Be Built On A Vacant Lot In The LI (Light Industrial) District at 6705 Ringwood Road Oxford, Ohio 45056 With Conditions. (Sam Perry, Planner)

Staff Report and Ordinance

7. A. Announcements & Communications.

1. Remarks from City Council and City Staff.

B. 1. Future Meetings.

WED - May 16 Board of Zoning Appeals Meeting 6:30 p.m.

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

MON - May 21 Housing Advisory Board Meeting 7:00 p.m. Municipal Building

MON - May 28 Holiday - City Offices Closed

TUES - June 5 City Council Meeting 7:30 p.m.

WED - June 6 Historic And Architectural Preservation Commission Meeting 6:00 p.m.

WED - June 6 Environmental Commission Meeting 7:00 p.m. Municipal Building

TUES - June 12 Planning Commission Meeting 7:30 p.m.

MON - June 18 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

TUES - June 19 City Council Meeting 7:30 p.m.

WED - June 20 Board of Zoning Appeals Meeting 6:30 p.m.

THUR- June 21 Recreation Board Meeting 4:00 p.m. Senior Center

8. Adjourn.

Office of the Mayor

Proclamation

Whereas: the City of Oxford, Ohio includes countless older Americans who enrich and strengthen our community; and

WHEREAS, the Oxford area is committed to engaging and supporting older adults, their families, and caregivers; and

WHEREAS, the City of Oxford is designated by AARP and the World Health Organization as an Age Friendly Community; and

WHEREAS, the Oxford area is home to Miami University's Scripps Gerontology Center, Age Friendly Oxford Steering Committee, Oxford Seniors, and Oxford VillAGE Network; and

WHEREAS, we acknowledge the importance of taking part in activities that promote physical, mental, and emotional well-being - no matter your age; and

WHEREAS, Oxford and the greater Oxford area can enrich the lives of individuals of *every* age by:

- promoting home and community based services that support independent living;
- involving older adults in community planning, events, and other activities; and
- providing opportunities for older adults to work, volunteer, learn, lead and mentor.

NOW, THEREFORE, I, Kate Rousmaniere, Mayor of the City of Oxford, Ohio, do hereby proclaim May 2018 to be:

'OLDER AMERICANS MONTH'

in the City of Oxford and urge every resident to take time during this month to recognize older adults and the people who serve them as vital parts of our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 15th day of of May, 2018.

Kate R

KATE ROUSMANIERE, MAYOR

CITY OF OXFORD

Office of the Mayor

Proclamation

Whereas: the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the Oxford Police Division, Miami University Police Department, Oxford Township Police Department and the Butler County Sheriff's Office play an essential role in safeguarding the rights and freedoms of the citizens of Oxford, Oxford Township, and this region of Butler County; and

WHEREAS, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement Officers, and that members of our law enforcement agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, our police departments provide an increasingly vital public service role in an ever-changing world.

NOW, THEREFORE, I, Kate Rousmaniere, Mayor of the City of Oxford, Ohio, call upon all citizens of the City of Oxford and upon all patriotic, civic, and educational organizations to observe the week of May 14-18, 2018 as "Police Week" with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities, and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of the City of Oxford to observe Tuesday, May 15, 2018, as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

CITY OF OXFORD

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 11th day of May, 2018.

KATE ROUSMANIERE, MAYOR

A regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, May 1, 2018 at 7:00 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. Mike Dreisbach, Service Director; Mr. John Jones, Police Chief; Mr. Sam Perry, Planner; Mr. Casey Wooddell, Parks and Recreation Director; Mr. Alan Kyger, Economic Development Director; Mr. Mr. John Detherage, Fire Chief; Ms. Candi Fyffe, Human Resources Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Mr. Dana moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22(G)(1) for the purpose of discussing personnel. Mr. Smith seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

ADJOURN FROM EXECUTIVE SESSION

Mr. Dana moved to adjourn from Executive Session at 7:36 p.m. Mr. Smith seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION
"NALC FOOD DRIVE DAY"

Mayor Rousmaniere read the Proclamation and presented it to Mr. Bob Ratterman.

Mr. Bob Ratterman, Director, Oxford Community Choice Pantry, expressed his appreciation to Council, the letter carriers and the community, for supporting the National Association of Letter Carrier's Food Drive Day.

Mr. Ratterman noted when the school year ends later this month the Summer Harvest program begins and the pantry provides extra food for households with school aged children. Mr. Ratterman advised a lot of the food collected during this food drive goes into those bags. Mr. Ratterman reiterated that he greatly appreciated the support of the community and of Council.

Mayor Rousmaniere reminded everyone that the food drive was Saturday, May 12th and to place non-perishable food items by their mailboxes and the letter carriers would collect the donated food for families in need.

PUBLIC COMMENTS

Ms. Carol Michael, a founder and President of ShareFest, 409 E. Chestnut Street, noted she was glad to be able to speak to Council and staff this evening. Ms. Michael advised last year, the 13th year, was the best year ever for ShareFest, collecting 87 tons of furniture, clothes and household goods and 300,400 pounds of food for 5 charities. Ms. Michael noted the volunteers cleaned the City fast, helped a lot of people and saved a lot of landfill space. Ms. Michael advised ShareFest had a 300% increase in requests for off-campus pick-ups this year compared to last year which she felt speaks highly of their marketing efforts. Ms. Michael advised the bad news was that ShareFest was still in need of a very good dispatcher for the success of ShareFest as the role was absolutely critical. Ms. Michael noted a good dispatcher must be extremely comfortable and skilled at using the latest technology. Ms. Michael advised a good dispatcher must be able to keep track of 5 charity groups simultaneously and another work group not only sending them out but sometimes re-routing them to other sites. Ms. Michael noted a good dispatcher must know the crews well and judge which crews are most appropriate for which pick-ups very quickly and handle paperwork as well as the computer and phones. Ms. Michael advised the dispatcher must know the City and the university geography well and understand the site and the overall operation of ShareFest very well. Ms. Michael noted it takes a lot of special skills to play the most important role at the site. Ms. Michael reiterated that a very good dispatcher was still needed for ShareFest to be a success this year. Ms. Michael thanked everyone for their support of ShareFest.

Mayor Rousmaniere inquired what the schedule was for the dispatcher. Ms. Michael advised May 16th to May 22nd from 8:45 a.m. to 4:00 p.m.

Ms. Southard asked how people can volunteer to work the event and Ms. Michael advised those interested should visit www.sharefest.org to sign up and noted many volunteers were needed.

Mr. Dana inquired if Andrew Wilson should be the person to train a dispatcher and Ms. Michael advised if a change was necessary, Andrew Wilson should be the one to do the training.

Ms. Jessica Greene, Enjoy Oxford, announced the summer concert series will begin June 7 and there would be a concert every Thursday through September 27. Ms. Greene distributed the concert schedules to everyone and noted her hope to see them in the Uptown Park on Thursdays this summer at 7:00 p.m.

Ms. Greene encouraged everyone to vote next Tuesday, May 8th noting Enjoy Oxford had been working very diligently on promoting the Oxford Area Trail Levy and she would appreciate everyone's support.

CONSENT AGENDA

MINUTES

Minutes of the April 17, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the April 10, 2018 Planning Commission Meeting. (Sam Perry, Planner)

Report regarding the April 19, 2018 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)

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

RESOLUTIONS

RESOLUTION
ROAD SAFETY PROJECT

A Resolution No. 6081 of Council authorizing the City Manager to sign all documents associated with an application for road safety funding on behalf of Miami University, in the amount of $1,362,571.52 with a matching fund commitment of $212,901.80 to be paid by Miami University, to the Ohio Department of Transportation, Office of Systems Planning and Program Management for a project to improve safety along East High Street between South Campus Avenue and Patterson Avenue in the City of Oxford. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised his request this evening was two fold, the first one being to obtain Council's approval to apply for a grant on behalf of Miami University, and the second was to discuss the gateway opportunities to define the entrance into Miami University. Mr. Dreisbach noted Miami University had an extraordinarily thorough pedestrian traffic safety study throughout the entire campus done and one of the results of that was identifying ways to improve pedestrian safety crossing High Street and Patterson Avenue. Mr. Dreisbach advised joining the conversation this evening from Miami University were John Seibert, Architect and Director of Planning Architecture and Engineering and Cody Powell, Vice President of Facilities. Mr. Dreisbach noted Mr. Seibert and Mr. Powell would make a presentation to bring Council up to speed on what was being proposed. Mr. Dreisbach advised the High Street safety improvements would consist of consolidating crosswalks and eliminating a few mid block crosswalks as well as making them highly visible with signage and electronics and having a refuge area in the middle of the island. Mr. Dreisbach noted the second portion of the presentation would focus on gateway opportunities and advised this topic was discussed briefly during the CIP hearings last year. Mr. Dreisbach noted the City budgeted $25,000 to partner with Miami University so the landscape improvements in the right-of-way will be coordinated with what the university is proposing. Mr. Dreisbach advised he would turn the presentation over to Mr. Seibert and Mr. Powell who had some very nice drawings to share.

Mayor Rousmaniere referred to the proposed Resolution and inquired if only a City could apply for such a grant from ODOT and Mr. Dreisbach advised yes, only a municipality could obtain such a grant from ODOT. Mr. Dreisbach noted the university would pay for the local match and if the grant was awarded a supplemental budget would be needed at some point to expense the funds and the university would reimburse the City the same amount.

Mr. Powell and Mr. Seibert took some time to go through their slides, provided Council the history, and set the stage for the two projects that were mentioned. Mr. Powell and Mr. Seibert noted they enjoyed the benefit of having a great working relationship with the City. Mr. Seibert and Mr. Powell answered questions and heard concerns from City staff and Council members.

Mr. Ken Bogard, 716 Melinda Drive, inquired whether lighting on US 27 South would be improved or if that was part of a future project which Mr. Seibert addressed.

Mayor Rousmaniere reminded everyone that the gateway project would occur prior to the safety improvement project on E. High Street which was what Council was voting on this evening.

Ms. Southard moved to adopt Resolution No. 6081. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION
AGREEMENT WITH
LAYNE CHRISTENSEN COMPANY

A Resolution No. 6082 authorizing the City Manager to enter into an agreement with Layne Christensen Company for the rehabilitation of Production Well #1 at a cost of $151,444.00 plus a contingency amount of ten percent (10%) of the agreement price or $15,144.00 for a total cost not to exceed $166,588.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised this was a project to rehabilitate Production Well #1 which is located off of Bonham Road noting it was a radial collector well and critical to the system. Mr. Dreisbach advised Production Well #1 supplies the greatest amount of raw water to the system. Mr. Dreisbach noted the project consists of the abandonment of three obsolete laterals and the rehabilitation of six laterals. Mr. Dreisbach advised the project also requires video inspection of the laterals and central caisson. Mr. Dreisbach noted the City has worked with Layne Christensen in the past, their work was outstanding, and he looks forward to working with them again.

Ms. Southard inquired what the project would look like to the public. Mr. Dreisbach advised the pubic would not see anything as all the work takes place below ground.

Mr. Prytherch noted his hope the City thought about the well field as related to land use changes around it. Mr. Dreisbach advised there was a defined well head protection area that would limit development and the City would control what could be developed in that area.

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

Mr. Dana moved to adopt Resolution No. 6082. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTION
AGREEMENT WITH
WILCON CORPORATION

A Resolution No. 6083 authorizing the City Manager to enter into an agreement with Wilcon Corporation subject to approval by the Law Director for the construction of a new aquatic center in the City of Oxford at a cost of $4,174,573.00 plus a contingency amount of fifteen percent (15%) of the agreement price for a total cost not to exceed $4,801,000.00. (Casey Wooddell, Parks and Recreation Director)

Mr. Wooddell advised over the past few months the City has gone through a RFQ and a RFP process and received three proposals for the design build project of the new aquatic center. Mr. Wooddell noted after going through presentations with the design build teams and evaluating the most advantageous proposal to the City it is the recommendation of the City Manager, Service Director and himself that the City enter into an agreement with Wilcon Corporation and the design build team that they have proposed.

Mr. Wooddell showed slides of the proposed new aquatic center and discussed the proposed amenities and offered to answer any questions. Mr. Wooddell advised the Chair of the Recreation Board, Ken Bogard was in attendance and noted Ms. Southard also serves on the board.

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

Ms. Raghu inquired if the slides Mr. Wooddell shared depicted the final design. Mr. Wooddell advised he shared with Council a site plan proposal from Wilcon Corporation and once an agreement was entered into with Wilcon Corporation they would provide a final design after addressing any requests from the City before moving forward with construction.

Mr. Dana advised Wilcon did wonderful work noting he looked on line to see what they have done and it was clearly first class.

Mayor Rousmaniere inquired about the timeline. Mr. Wooddell advised pre-construction would occur the first half of this summer, breaking ground by August and being open and ready for the 2019 pool season.

Mr. Dana inquire if there Would be connection to the Oats trail and Mr. Wooddell advised yes.

Ms. Raghu inquired on behalf of the Environmental Commission if environmentally friendly aspects were being considered. Mr. Wooddell advised the Environmental Commission requested that the use of solar panels on the roof of the structure be considered and all 3 of the design build teams recommended that solar panels were cost prohibitive for a facility that is only in use 15 weeks per year. Ms. Raghu advised some solar energy companies will work with cities to put solar panels on their buildings at no cost to install. Mr. Wooddell noted that was something to look at through during the pre-construction design with Wilcon.

Mr. Prytherch noted he was happy to see the building oriented to shelter the pool from the wind as that was one of his concerns with locating the pool at the park site. Mr. Prytherch advised the park was windy all the time. Mr. Prytherch advised the Oats Trail is not necessarily an answer to access to the pool for a number of years.

Ms. Southard advised the aquatic center has been contemplated for a very long time. Ms. Southard noted the orientation will also take care of the sun because an east-west orientation would cause the sun to be in the eyes of swimmers morning and night.

Mayor Rousmaniere noted she was glad Mr. Bogard was in the audience as he has worked on this project for 20 years or more.

Mr. Prytherch advised the pool at the TRI would be de-commissioned and noted his hope Council can find the resources to start doing some park master planning regarding the future use of the TRI. Mr. Wooddell advised the City technically owns the piece of land where the current pool sits noting it was leased from the TRI in the 1970's and as soon as the pool is no longer in that location the land reverts back to the TRI. Mr. Wooddell noted the TRI Foundation owns all of the rest of the property there including the building, the basketball courts and the baseball field.

Ms. Southard advised there would be opportunities for people to donate to various aspects of the pool. Mr. Wooddell advised the intention was to sign an agreement with the Oxford Community Foundation as a pass through to accept donations toward the facility and use them appropriately.

Mr. Dana moved to adopt Resolution No. 6083. Ms. Southard seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
BOND ANTICIPATION NOTES

An Ordinance Providing For The Issuance Of Not To Exceed $4,825,000 Of Bond Anticipation Notes In Anticipation Of The Issuance Of Bonds For The Purpose Of Constructing And Equipping An Aquatic Center, Together With All Necessary Appurtenances, And Declaring An Emergency. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed Ordinance is the means to finance the aquatic center. Mr. Elliott noted the City of Oxford will issue general obligation bond anticipation notes that will have a maturity date of one year. Mr. Elliott advised at that time the City will issue general obligation bonds for 20 years. Mr. Elliott noted the proposed Ordinance was for short term financing as the construction of the aquatic center is being done and then the City will issue long term financing. Mr. Elliott advised at the next meeting staff will ask Council to adopt the Ordinance as an emergency to enable the bond anticipation notes to be priced and purchased by RBC Capital Markets by May 30th with a closing date of June 12, 2018 to have the money available to sign the contract with Wilcon Corporation.

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

Mr. Elliott, Mr. McHugh and Mr. Newlin addressed several questions from Council regarding the bonds.

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit To Allow An Automotive Service And Sales Facility Which Shall Be Built On A Vacant Lot In The LI (Light Industrial) District At 6705 Ringwood Road Oxford, Ohio 45056 With Conditions. (Sam Perry, Planner)

Mr. Perry advised the City received a proposal from a local investor to build a new building on a vacant lot on Ringwood Road in the Light Industrial (LI) District. Mr. Perry noted there was no provision in the Oxford Zoning Code for an automotive service facility to be located in the LI District. Mr. Perry advised the LI District could allow this as a Conditional Use. Mr. Perry noted the Planning Commission went through the review process had no issues with the proposed facility. Mr. Perry advised the Planning Commission recommended approval with three code waivers. Mr. Perry showed a slide of the proposed layout from architect Scott Webb who was unable to be in attendance this evening. Mr. Perry noted the facility was not intended to be a used car lot or new car lot but a high end repair facility for the local Oxford market. Mr. Perry discussed the three zoning code waivers recommended by the Planning Commission as presented on pages 47 and 48 of Council's packet.

Mr. Kyger advised he met with the applicant several months ago to find a location for the proposed facility and noted given the available space in the community he felt this was a good location. Mr. Kyger advised this type of use is not a permitted use anywhere in the Oxford Zoning Code so a Conditional Use Permit granted by City Council is required. Mr. Kyger advised he would like to see this project go forward noting the applicant is using local attorneys and other professionals and trying to do it the right way.

After comments from Council, Mr. Perry and Mr. Kyger addressed several questions from Council regarding the proposed facility.

ORDINANCES
SECOND READING

ORDINANCE
SALARY ORDINANCE

An Ordinance No. 3468 Repealing Ordinance No. 3453 Adopted November 21, 2017 And Adopting A New Ordinance Establishing Salaries And Certain Benefits For Salaried And Hourly Full-Time And Part-Time Employees Within The Service Of The City Of Oxford, Ohio, Paid From January 1, 2018 Through December 31, 2018. (Candi Fyffe, Human Resources Director)

Ms. Fyffe advised there were no changes from the first reading of the proposed Ordinance.

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

Ms. Raghu referred to the median part-time salary of approximately $14.00 per hour and noted in her calculation 50% of the part-time employees made less than that. Ms. Raghu referred to pages 77-78 of Council's packet and stated that would be 62 people that look like they were part-time with a wage of $8.50 per hour which was essentially half of the employees listed on the proposed Ordinance. Ms. Raghu noted if we extrapolate median from the $14.00 there are 31 people making less than that. Ms. Raghu stated in part she looked into what other City's say about wages for students or unskilled workers and some people say youth that are getting paid minimum wage if you raise minimum wage maybe the youth aren't able to get into the job force and some people do a staggered youth minimum wage and she felt that was something to consider in the future or now. Ms. Raghu referred to statements made during the first reading of the proposed Ordinance and noted to say that just because someone is young that they are on their parent's health insurance and that was not entirely true because not every parent has health insurance to provide for themselves or their children and that is also saying they are probably from an upper middle class household so who cares if we pay them peanuts because maybe some of them are helping their families or paying for college. Ms. Raghu stated she did not feel them being young discredits the fact that they should be paid a better wage and if a college student accepted a seasonal part-time job it's because they need the money. Ms. Raghu referred to the unskilled workers wage and noted she felt it was obvious you just can't live on that especially without benefits. Ms. Raghu advised she knew the reason this was brought forward was for a very specific reason with the police force but she did not feel she could vote in favor or it.

Mayor Rousmaniere asked Ms. Raghu to point to the area of her greatest concern. Ms. Raghu advised she and a problem with the minimum wage because if the median salary for part-time or seasonal workers is approximately $14.00 then she felt by throwing that number out there it implies that there is no harm in increasing the minimum wage. Mr. Ellerbe inquired if Ms. Raghu had a number in mind and Ms. Raghu stated no, but she felt $8.50 is not an appropriate number. Ms. Raghu stated extrapolating from nearby cities that do have a living wage the City of Cincinnati is $11.00 something as a minimum wage for workers who are contracted or subcontracted by the City and that is if they are provided health insurance and other benefits and if they don't receive health benefits it was $13.00 an hour. Ms. Raghu noted that was extrapolating from Cincinnati and she felt it might be appropriate in Oxford given our high housing.

Mayor Rousmaniere inquired what the process was by which this pay rate could be changed. Mr. Elliott advised the final decision rests with Council and noted staff brings forth the legislation and Council adopts it as written or they can change it. Mr. Elliott advised many of the employees making $8.50 work at the park for 3 months and typically if they come back the following year they are paid more money. Mr. Elliott noted these are employees working in the concession stand and they might go for a while without a customer but someone has to be on duty. Mr. Elliott advised if the bottom part of the scale was changed it affects the people making more money per hour. Mr. Elliott noted Oxford's Police Officers and Firefighters do not make what Cincinnati's Police Officers and Firefighters make. Mr. Elliott advised he felt strongly about trying to pay people a good wage and on a national scale he felt the minimum wage needed to be addressed.

Ms. Raghu noted there were approximately 100 cities across the country that do a living wage and the City of Oxford was a large employer. Ms. Raghu advised and she felt the City of Oxford had an ethical obligation towards the people that are hired regardless of how fortunate they may or may not be or how many skills they have.

Mayor Rousmaniere asked Ms. Raghu to bring forward a proposal for the next budget meeting.

Mr. Prytherch noted he felt this was much like the affordable housing issue in regard to the state of our current economy and what do we mean by affordable. Mr. Prytherch stated just as Council was trying to think through what affordable housing should look like, Council should take a look at our local wages in a methodical way.

Ms. Fyffe advised the City of Oxford was not a large employer and the City of Oxford can not be compared to Miami University which is a large employer. Ms. Fyffe noted the City must stay within the constraints of the budget and if the minimums are raised the maximums will also be raised. Ms. Fyffe referred to the employees making $8.50 per hour and noted Councilors could come to see her or go out to the park or visit with the people that actually have those positions and see what they are actually doing and what their job duties are. Ms. Fyffe advised compensation studies show that a wage is based on what education is required for the job, what experience is required for the job, what the actual job duties are and what the budget of the organization is. Ms. Fyffe noted if someone is selling popsicles or candy bars and they are 16 years old the City is not going to pay them $15 an hour. Ms. Fyffe advised if we have a fulltime custodian opening we have to be feasible for that person as we want to let them have a successful career with the City and we would not start them at $8.50 per hour. Ms. Fyffe encouraged Councilors to look at the job, look at what is required to do the job, talk to people in the field and study certain areas as Oxford can not be compared to Cincinnati or to a large employer.

Mr. Ellerbe advised Council had been focusing on the floor of various salary bands which are a band and the maximums on those are in the $12 and $13 range which is very close to what Ms. Raghu considers a living wage. Mr. Ellerbe noted the City's salary structure as designed does account for some of the concerns raised by Ms. Raghu. Mr. Ellerbe advised during the budget planning Council can address some of those issues by possibly increasing the ceilings of those bands to accommodate for some of the concerns raised this evening. Mr. Ellerbe noted he did not feel this was the right time to discuss it.

Ms. Raghu agreed it was an awkward time to discuss it and noted she personally could not vote in favor of the proposed Ordinance. Mayor Rousmaniere asked Ms. Raghu to have a proposal for the budget Work Session. Ms. Raghu noted she felt the City paid the full-time workers well and she felt that should be extended to the part-time people that do not have benefits. Ms. Raghu agreed with Ms. Fyffe's comments about the concession stand worker and noted looking at a youth minimum wage made sense because you don't want to prevent them from entering the job force like other studies have shown.

Mr. Prytherch noted Councilor's can make inquiry and visit and get an understanding of what these different wage bands are and advised he felt it would behoove Councilors to know who the various employees are and what work they are doing. Mr. Prytherch noted Councilors could do that in advance so there is research of other places and then the local conditions and then see what if anything needs to be changed.

Ms. Southard advised she felt what Council has observed both at various City events and around town is that the City has a very good record of retention and of rehiring seasonal employees and noted people come back and there must be a reason. Ms. Southard advised she felt that is to be observed and celebrated.

Mr. Dana agreed with Mr. Prytherch with regard to Councilors going to visit various employees at their jobs and understand it from the ground up. Mr. Dana noted that was one component and he felt there should be a compensation study.

Ms. Southard moved to adopt Ordinance No. 3468. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. Prytherch, Mayor Rousmaniere (6)

NAY: Ms. Raghu (1)

ABS: None (0)

ORDINANCE
NEW CHAPTER 146

An Ordinance No. 3469 Establishing The Public Arts Commission Of Oxford (PACO) and Establishing Chapter 146 Of The Oxford Codified Ordinances. (Doug Elliott, City Manager)

Mr. Elliott noted he had noting to add since the first reading of the proposed Ordinance and noted Council will need to appoint members to this Commission once the Ordinance is adopted. Mr. Elliott advised Council will make appointments in June for all of the various Boards and Commission vacancies.

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

Mr. Prytherch advised this was something people have been talking about for a very long time and it is always a pleasure to be part of something that moves from talk into reality.

Ms. Southard advised there had been a group of citizens working hard on this initiative and acknowledged Joe Prescher, Bob Benson, Steve Sullivan, Jessica Greene, Caroline Croswell and Mayor Rousmaniere.

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

Ms. Southard moved to adopt Ordinance No. 3469. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
EXTENDING UTILITIES

An Ordinance Granting The Request Of Mr. Joshua L. Lester To Connect To And/Or Extend The City's Sanitary Sewer Utility To Serve A Single-Family Residence Located At 4171 Miami Western Drive Outside The Oxford Corporate Limits With Conditions. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the applicant has withdrawn this request and asked Council to permanently withdraw this item from consideration.

Mr. Ellerbe moved to withdraw the Ordinance Mr. Dana seconded. The motion passed 7-0-0.

Mayor Rousmaniere advised the petitioner decided on another course of action.

ANNOUNCEMENTS

Mr. Perry advised the HAPC was moving forward with looking at additional interesting properties to add to the Historic Inventory. Mr. Perry noted there would be two vacancies on the HAPC this summer and advised he was looking for citizens to recruit.

Ms. Raghu encouraged everyone to vote next Tuesday.

Mr. Dana advised if anyone wanted to partner with him when he canvasses for Issue 2 he was open to suggestions noting he thought Councilors needed to put everything they had behind it. Mr. Dana advised he felt building a path around the City was the most valuable thing that could ever happen in Oxford.

Mr. Smith advised May was Historic Preservation Month and the Historic Tours would be kicked off this Saturday on Collins Street. Mr. Smith noted he was hosting the tour this Saturday at 10:30 a.m. at Collins and Elm. Mr. Smith noted Councilor Southard will host the last tour at the end of the month. Mr. Smith noted he hoped to see everyone there.

Ms. Southard advised the tours would take place May 5, May 12, May 19 and May 26 at 10:30 a.m. Ms. Southard noted the tours were all done by volunteers who want to draw attention to the historic houses and the historic character of the City. Ms. Southard advised one tour would be in Springwood on the 19th and the others would be in the Mile Square.

Ms. Southard advised the Farmers Market begins this Saturday from 8:00 a.m. to noon.

Ms. Southard noted Issue 1 on the May 8th ballot was against gerrymandering and is endorsed by Republicans and Democrats and it was a very important Issue in Ohio. Ms. Southard advised it was a bipartisan public process for drawing congressional districts and noted her hope everyone would vote in favor of it.

Mr. Prytherch referred to the Duke Energy project in the Contreras Road corridor and commended the City noting he felt the road closure was a smart idea and commended the contractor for enabling access even in crazy conditions. Mr. Prytherch noted the residents have not had much diminishment of access as a result of the way the project has been managed. Mr. Prytherch advised he heard concerns from a citizen that it was tough when sidewalks in a corridor are blocked off for months at a time. Mr. Prytherch noted he knew the contractor was trying to do their best and he wanted to relay a concern that there were some safety issues being a route to school that was hard to navigate.

Mr. Prytherch extended Council's condolences to the City Manager for his recent loss.

Mayor Rousmaniere advised ShareFest will be May 16-22 and encouraged people to go to the ShareFest Oxford website to sign up to volunteer. Mayor Rousmaniere reiterated from earlier comments that ShareFest was in need of a Dispatcher, someone who was energetic, good with technology and wants to do some great volunteering for a great organization.

Mayor Rousmaniere advised there were vacancies on every Board and Commission effective June 30th noting these were great opportunities for people who are interested in helping and working with the City.

ADJOURN

Mr. Dana moved to adjourn at 9:48 p.m. Mr. Smith seconded. The motion passed 7-0-0.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager	Community Development **Originating Department**
Council Meeting Of: May 15, 2018	
Account Code No. #:	Sam Perry **Prepared By**
Budgeted Amount:	May 9, 2018 **Date Prepared**

Agenda Title:	**Board of Zoning Appeals Meeting Report – April 18, 2018**

Adjudication Hearings

BZA-2018-09, 209 N. Campus Avenue, variance to Section 1143.05(c), minimum lot width 75' and 7,500 sf of lot area for a two-family dwelling; and Section 1143.05(c) maximum front yard lot coverage of 5%, **Scott Webb, Appellant (Tabled 4/18/2018)**

BZA-2018-10, 207 W. Collins Street, variance to Section 1143.03(c) 5' rear yard setback; variance to Section 1143.03(c) front yard lot coverage limited to 5% when the site is accessed from an alley; variance to Section 1149.04(a)(1) parking limits in the required front yard to one required parking space, **Scott Webb, Appellant (Tabled 4/18/2018)**

BZA-2018-11, 5465 College Corner Pike, WildBerry, variance to Section 1149.05(a)(1), parking regulations in a non-residential front yard setback, **Dan Thomas, Bunnell Hill Construction/Schueler Group, Appellant, Approved 4/18/2018**

The Applicant is seeking a variance to provide parking in the front yard setback of a proposed new building. The parcel is located in front of the Wildberry factory. The applicant is proposing to build a warehouse/sales office on a property recently rezoned from GB (General Business) to LI (Light Industrial) District. Based upon parking access management in the LI District, parking is prohibited within the front yard setback area for non-residential parking lots.

The Applicant explained that should they have pushed the new structure back to meet the front yard setback, it would have created an issue with grading/sloping thus impacting the existing dock for truck maneuverability on the site.

The BZA's approval was based upon Findings of Fact that the variance was not considered substantial, the essential character of the neighborhood would not be substantially altered, and the property owner was not aware of the zoning restriction.

BZA-2018-12, 225 E. Withrow, Variance to Section 1149.03 parking requirement, **Phillip Ping, Appellant, Denied 4/18/2018**

The Applicant is seeking a variance request to keep the number of existing off-street parking spaces to two while converting the existing single family residence to a 2-family structure. The Applicant does not want to expand the driveway to provide four off street parking spaces as required. Staff noted that more off street parking would lessen the stress on the neighborhood. Staff could not find any evidence to support the variance as the site could provide additional off street parking.

With a vote of 4-0-0 the BZA voted to deny the variance request.

The next regular BZA meeting will be at 6:30 p.m. on Wednesday, May 16, 2018 at 118 West High Street.

		Initial	Date
Approved By:	Department Head: Acting	SP	5/9/18
	City Attorney		
	City Manager:	DRE	5/11/18

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager	Community Development **Originating Department**
Council Meeting Of: May 15, 2018	
Account Code No. #:	Sam Perry **Prepared By**
Budgeted Amount:	May 9, 2018 **Date Prepared**

HAPC MEETING REPORT – MAY 2, 2018

New Business

HAPC-2018-04-ADM, Pre-Application, 15 E. Walnut Street, Hillel Foundation, Craig Moyer, The Architectural Group, Agent

This was a required pre-application discussion for the HAPC to hear a presentation from the architects for the Hillel Student Center expansion. The proposal is a complete interior and exterior renovation with a major addition on the rear and a clerestory window in the front. The HAPC offered constructive feedback and questions for the architects to consider in the formal application likely at the next regular meeting. This project will also go through the conditional use review process at Planning and City Council.

HAPC-2018-05, 101 E. High Street, City of Oxford Municipal Building, window change, City of Oxford / Michael Dreisbach, Applicant

Mr. Dreisbach presented a sample of the aluminum frame window that had been approved in the construction contract. This window replicates the design of the existing windows without the cost of exact material replacement (steel). The design was discussed by members and a 6-0 approval vote was recorded.

Ms. Southard reminded members of the May Historic Walking Tours which were every Saturday in May at 10:30 a.m. at various locations.

The Commission discussed a brief summary status of their 2018 Goals and Objectives. Mr. Perry reminded members of the need for two new Commission members starting July 1.

The next regular HAPC meeting is scheduled for June 6, 2018 at 6:00 p.m.

Department Head: acting SP / 5/9/18
City Attorney: /
City Manager: DRE / 5/11/18

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: May 15, 2018

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

David Treleaven
Prepared By

May 4, 2018
Date Prepared

Agenda Title:	Environmental Commission Meeting of May 2, 2018

Recommendation:	For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, May 2, 2018 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Ms. Madeline Maurer; City Council Representative, Ms. Chantel Raghu; Planning Commission Representative, Mr. Bill Snavely; Mr. Vince Hand, Mr. Jon Ralinovsky, and Mr. Andor Kiss. A quorum was present. Miami University (MU) Graduate Students Ms. Celeste Bronson, Ms. Clare Quinlan, and Ms. Sara Rudokas with the Institute for the Environment and Sustainability (IES) were also in attendance, as was Ms. Molly O'Donnell, an undergraduate student and the Secretary of Infrastructure and Sustainability for the MU's Association of Student Government.

The Minutes from the April 4, 2018 Environmental Commission meeting were unanimously approved as presented.

The IES students present are part of a Professional Service Project (PSP) team investigating applicability of Oxford's participation in the Global Covenant of Mayors for Climate and Energy program (the Covenant) on behalf of the Commission. Earlier on the morning of May 2nd, the PSP team made their final PSP presentation. Commission members in attendance at the presentation were Chair Gwyn, Vice-Chair Maurer, Mr. Hand, Mr. Kiss, and Mr. Ralinovsky. Ms. Bronson, Ms. Quinlan, and Ms. Rudokas were at the Commission meeting to summarize the final presentation. The PSP concluded that given the resources required to comply with the Covenant's action items (greenhouse gas inventory, Climate Action Plan, etc.), and time frame requirements for completion, it was not presently practical for Oxford to become a signatory to the Covenant. The PSP did find other programs to help Oxford work towards sustainability and to assist efforts to mitigate and adapt to climate change. Among these other programs, C40 Cities, ICLEI, and Minnesota GreenStep Cities were deemed appropriate for Oxford. All three programs are voluntary assistance programs, providing guidelines, best practices, and software programs (particularly for conducting the greenhouse gas inventory). The potential for a future PSP to undertake the greenhouse gas (GHG) inventory was suggested. Ms. Maurer indicated that the IES Department is intending to change the format of the PSP to a first semester course on Environmental Problems, with the PSP being conducted in the following Winter Term ("J" Term) and second semester. It was thought that a GHG inventory of either the Oxford community or governmental operations would be too much work for such a relatively short timeframe.

(Continued)

Approved By:

	Initial	Date
Department Head:	MSD	5/8/18
City Manager:	DRE	5/11/18

Councilor Raghu informed the Commission that City Council had discussed inclusion of Leadership in Energy and Environmental Design (LEED) considerations and/or components in Municipal facility improvements, renovations or new construction. Councilor Raghu also wants to require commercial residential units provide recycling for their tenants in the upcoming solid waste and recycling collection contract (existing contract expires in 2019). Councilor Raghu also has been investigating establishing or contracting with a Class II composting facility to offer curbside food waste composting. Finally, Councilor Raghu updated the Commissioners on her inquiries with Solar Power and Light regarding opportunities with solar panels for energy production.

Mr. Snavely informed the Commission that the Planning Commission had approved the draft ordinance text regarding tree preservation and replacement that the Environmental Commission had provided. However, the Planning Commissioners requested that appropriate replacement trees be provided. Staff informed the Commissioners that City Planner, Mr. Sam Perry, Environmental Commissioner, Mr. Hand, and Staff had met to discuss this request. It was concluded that the tree selection text from Oxford Codified Ordinance Chapter 1149 would be used, with a prohibition on invasive species. A motion was made to revise the tree replanting text for Chapters 1101 and 1145, as presented below. The revision was unanimously approved.

__Motion:__

The text for "Tree Replanting" in proposed revisions to Oxford Codified Ordinance Chapter 1101 and 1145 shall be amended to state: "Tree species shall be selected for the local soil and climate. Tree species considered as invasive by the Ohio Administrative Code 901:5-30 and/or the Ohio Invasive Plants Council are prohibited."

Mr. Kiss updated the Commission on the Tesla electrical vehicle charging stations. Mr. Joe Williams, Tesla's Project Manager for Charging Infrastructure, had stated that no formal legislation or contract is needed from Oxford, just permission from the City. The Commission requested that Mr. Kiss contact Oxford's City Manager, Mr. Douglas Elliott, provide the Tesla information, and request that Oxford acts upon the Tesla electrical vehicle charging station program. Mr. Kiss also informed the Commission that Miami University has reportedly chosen three locations for Tesla chargers on campus.

Agenda topics for the June 6, 2018 Environmental Commission were discussed. Ms. Anne Fiehrer Flaig, Director of the Butler County Recycling and Solid Waste District, is scheduled to make a presentation regarding the County's 15-Year Solid Waste Plan. Representatives of the citizen #Take3OxfordOH group will address the Commissioners on their concern of the delivery of unsolicited weekly newspaper advertisements and periodic telephone books. Commissioners also wish to initiate their investigation into expansion of recycling and tiered levels of residential trash collection as the replacement contract document for the refuse and recycling collection service will be updated in the upcoming year. Finally, Officer Elections are needed as the June meeting is the last of Chair Gwyn's current term.

The Commissioners concluded discussion at 8:25 p.m. The next Environmental Commission meeting is scheduled for 7:00 pm on Wednesday, June 6, 2018. As the Municipal operations for Oxford are moving during May, the next meeting is tentatively planned for the new building, located at 15 south College Avenue.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: May 15, 2018

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

April 24, 2018
Date Prepared

Agenda Title: A Resolution adopting the applicable portions of the Butler County, Ohio, Countywide All Natural Hazard Mitigation Plan (CANHMP) on behalf of the City of Oxford.

Recommendation: N/A

Discussion:

The adoption of the attached Resolution has been requested by the Butler County Emergency Management Agency. All cities and villages within the county have been asked to do the same. Approval of the Resolution is required in order for the City to qualify for federal disaster mitigation funds.

The Hazard Mitigation Plan is updated every 5 years.

Approved By:

	Initial	Date
Department Head:		
City Manager:	DRE	5/11/18

RESOLUTION NO.

A RESOLUTION ADOPTING THE APPLICABLE PORTIONS OF THE BUTLER COUNTY, OHIO, COUNTYWIDE ALL NATURAL HAZARD MITIGATION PLAN (CANHMP) ON BEHALF OF THE CITY OF OXFORD.

WHEREAS, Council is aware that Federal Emergency Management Agency (FEMA) regulations require that all local jurisdictions must have an all natural hazard mitigation plan in place as a condition for receiving federal disaster mitigation funds; and

WHEREAS, it is the intent of the Oxford City Council to adopt by reference the applicable portions of the revised Butler County, Ohio, CANHMP as the plan for the City of Oxford.

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

SECTION 1: Those portions of the Butler County, Ohio, CANHMP, which are applicable to the City of Oxford, Ohio, are hereby adopted as the All Natural Hazard Mitigation Plan for the City of Oxford, Ohio. A copy of the revised Butler County, Ohio, CANHMP is on file in the office of the Clerk of Council and the portions applicable to the City of Oxford are incorporated herein by reference.

SECTION 2: The adoption herein of the applicable portions of the revised Butler County, Ohio, CANHMP as the All Natural Hazard Mitigation Plan for the City of Oxford, Ohio does not modify, repeal or supersede any existing ordinances or regulations of the City of Oxford, Ohio.

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)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: May 15, 2018

Account Code #: 417.750.53430

Budget Amount: $100,000

Service Department
Originating Department

Michael B. Dreisbach, Service Director
Prepared By

May 8, 2018
Date Prepared

Agenda Title: Construction Contract for the Repair of Concrete Curb, Gutter, & Sidewalk

Recommendation: Approve

Discussion:

The 2018 capital improvement plan includes funding for the repair of defective curb, gutter, and sidewalk in advance of street pavement resurfacing. On March 20, 2018 the City Council approved **Resolution No. 6068** authorizing Staff to move forward with a special assessment project to repair defective curb, gutter, and sidewalks as defined in Exhibit "A" in the Resolution.

Staff prepared and filed plans with the City Clerk as required by ORC 729.03 and the Clerk served notice to the properties involved. The City advertised this project for bids on April 27 & May 4, 2018. One bid was publically opened and read aloud on May 11, 2018 with the following results:

Jackson Construction, Inc.	$100,000.00

The City has awarded several contracts to Jackson Construction, Inc. in the past and all were completed with good results. While the City was disappointed to only receive one bid, the pricing provided by Jackson Construction, Inc. is within the project estimate provided by the City Engineer. Staff contacted other potential bidders to ascertain why they did not bid on this year's contract. They all stated they have existing contracts and could not meet the deadline established by the City.

Once work has been completed by the contractor, Staff will request that Council authorize an Ordinance assessing improvement costs in accordance with Ohio Revised Code. Owners will have the opportunity to pay for the improvements in cash within 30 days of the assessing Ordinance. Should an owner choose not to pay in cash, levied amounts will be paid in five annual installments with an interest rate on deferred payments at 5%.

The lowest and best bid was provided by Jackson Construction, Inc. Staff recommends the City Council authorize the City Manager to enter into an agreement with Jackson Construction, Inc. for the construction and replacement of designated curb, gutter, and sidewalk per project specifications at a cost not to exceed $100,000.00.

Approved By:

	Initial	Date
Department Head:	MBD	5/11/18
City Manager:	DRE	5/11/18

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JACKSON CONSTRUCTION, INC. FOR THE CONSTRUCTION AND REPLACEMENT OF DESIGNATED CURB, GUTTER, AND SIDEWALK AT A COST NOT TO EXCEED $100,000.00.

WHEREAS: The City advertised for bids in the *Journal News* on April 27, 2018 and May 4, 2018. One (1) sealed bid was opened and publicly read on May 11, 2018. The best and lowest bid was provided by Jackson Construction, Inc. in the amount of $100,000.00; and

WHEREAS: The City Manager and the Service Director recommend Council accept the bid of Jackson Construction, Inc. for the construction and replacement of designated curb, gutter, and sidewalk at a cost not to exceed $100,000.00

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 bid of Jackson Construction, Inc. for the construction and replacement of designated curb, gutter, and sidewalk at a cost not to exceed $100,000.00

SECTION 2: Council further authorizes the City Manager to enter into a contract with Jackson Construction, Inc. for the construction and replacement of designated curb, gutter, and sidewalk at a cost not to exceed $100,000.00

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

____
MAYOR

ADOPTED: May 15, 2018

ATTEST:

____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT "A" 2018 Curb, Gutter, & Sidewalk Replacement & Construction

BID SCHEDULE I PROPERTY LIST

Address	Direction	Street Name	Property Owner	Lineal Ft Curb	Square Feet Sidewalk	Square Feet Sidewalk thru driveway	Square Ft Drive Apron	Square Ft Apron Remove Only
15	E	SYCAMORE	OBW LLC	35	100	25	66	
30	E	SYCAMORE	TONY MILLER BUILDERS LLC	10	75			
101	E	SYCAMORE	ROBERT L BLACKBURN TR	25		25	96	
401	N	POPLAR	RODBRO AND MYERS INVESTMENTS LLC	40				
104	E	SYCAMORE	MPR IV LLC	32	75	100	120	
105	E	SYCAMORE	TERRY MICHAEL DUDLEY	5	25			
117	E	SYCAMORE	ROBERT L BLACKBURN TR	0	100			
118	E	SYCAMORE	PENSCO TRUST CO LLC	10	100	25	36	
119	E	SYCAMORE	ROBERT L BLACKBURN TR	5	75			
120	E	SYCAMORE	DUDLEY PRIME PROPERTIES LLC		100			
324	N	CAMPUS	ROBERT L BLACKBURN TR	88	100		90	
323	N	CAMPUS	AK OXFORD PROPERTIES LLC	112	275			
217	E	SYCAMORE	MARCIA G BRADLEY	40	275			
224	E	SYCAMORE	GOLD DUST PROPERTIES LLC		100			
322		UNIVERSITY	KEITH E & PENNY GREGORY	67	100		72	
301	E	SYCAMORE	NPEF CORP & ALPHA PHI OF ZETA BETA TAU HOUSE CORP	60	125	50		
314		BISHOP	DELTA KAPPA EPSILON	50	225			
401	E	SYCAMORE	ALPHA CHAPTER HOUSE ASSN OF SIGMA CHI FRATERNITY	68	200			
320		TALLAWANDA	PHI KAPPA TAU CHAPTER HOUSE ASSN	80	50	100	90	
1010		ARROWHEAD	SCOTT F & ANTHONY AUGSPURGER	49	75	75	90	
1011		ARROWHEAD	H&P PROPERTIES INC	17	200			
1014		ARROWHEAD	OXFORD OFF CAMPUS STUDENT HOUSING LTD	20	120			
1018		ARROWHEAD	OXFORD OFF CAMPUS STUDENT HOUSING LTD	30	180			
1021		ARROWHEAD	D & J OXFORD ENTERPRISES LLC	63	30		200	
1027		ARROWHEAD	MARY BARONE	20	25	25		
1031		ARROWHEAD	JAW REALTY LLC	31	50	25	70	
1032		ARROWHEAD	DAVID C SABO	20	255	75		
1035		ARROWHEAD	JASON & STEPHANIE REYNOLDS	20			70	
1036		ARROWHEAD	ROBERT W BLACK & SHANA ROSENBERG	31			60	
1039		ARROWHEAD	SHAWN MICHAEL & ELIZABETH ANN SEXTON TR	84	50	25	75	
1040		ARROWHEAD	STEVEN & DOROTHY GORHAM	121	50		72	
95		ACORN	MARY VIERLING			25		
97		ACORN	NANCY M WELLS & JOHN L REILLY	31		65	76	
103		ACORN	JEFFREY L TRIPLETT	49	50		40	
107		ACORN	HARLEY D AND BRITTANY N ISAACS	20	50	25		
109		ACORN	ALAN S MARCUS	44	50		45	
114		ACORN	S.S. RAMA RAO PAPPU	70	100			
115		ACORN	JOSEPH W LEONARD & ETSUKO LEONARD CO TR	53			60	
119		ACORN	CHRISTOPHER G & GRACIA M ACHESON	60	25		115	
120		ACORN	DAVID WALSH & SUSAN HURST	30			75	
123		ACORN	DAVID L FORRESTER	26	50	50	100	
124		ACORN	NICOLE & CHRISTOPHER L SHIFLETT	5				
127		ACORN	CHRISTINE R STARKEY	24	50		105	
Complaint Inspection Quantities								
218		University	Michael Jarman Art LLC	43	240	0		
209		Bishop	P&J Rental LLC	0	450	0	0	
			SUBTOTALS FOR BID SCHEDULE I PROPERTIES	**1688**	**4200**	**715**	**1823**	**0**
CITY OF OXFORD QUANTITIES								

Address	Direction	Street Name	Property Owner	Lineal Ft Curb	Square Feet Sidewalk	Square Feet Sidewalk thru Alley	Square Ft Alley Apron	Square Ft Apron Remove Only
110	E	SYCAMORE	CURB AT CATCH BASIN	10				
117	E	SYCAMORE	ALLEY	43		20	54	
217	E	SYCAMORE	ALLEY	30		75		
		SUBTOTALS FOR BID SCHEDULE I CITY OF OXFORD QUANTITIES		**83**	**0**	**95**	**54**	**0**

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: May 15, 2018

Account Code #: 142.711.61002

Budgeted Amount: $50,000

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

May 11, 2018
Date Prepared

Agenda Title: Contract for Maintenance and Painting in the Municipal Parking Garage

Recommendation: Approve

Discussion: The 2018 capital budget includes $50,000 for maintenance, repair, and painting of metal surfaces in the City's parking garage at the corner of Walnut St. and Main St. Work includes stripping, sanding, priming, and painting of metal surfaces including stair treads and risers, railings, and door surfaces and frames.

The City prepared drawings and specifications and advertised for bids on April 27 and May 4, 2018.

Bids were opened publicly on May 11, 2018 and read aloud beginning at 10:30 AM. Three companies provided bids with the following results:

Bidder	Base Bid	Alternates	Total Bid
Brian Brothers	**$28,908.00**	**13,820.00**	**$42,728.00**
Kastra, LLC	42,277.00	10,000.00	52,277.00
Rizzo Brothers	43,000.00	33,000.00	76,000.00

The City has had direct experience with the low bidder, Brian Brothers Painting & Restoration, LLC. They have always provided superior service and high quality results.

It is Staff's recommendation that the City Council authorize the City Manager to enter into an agreement with Brian Brothers Painting & Restoration, LLC for an amount of $42,728.00. Staff is requesting a contingency amount of 10% for this project, therefore, the total contract not to exceed amount would be $47,000.80.

Approved By:		Initial	Date
	Department Head:	MBD	5/11/18
	City Manager:	DRE	5/11/18

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BRIAN BROTHERS PAINTING AND RESTORATION, LLC FOR THE MAINTENANCE AND PAINTING IN THE MUNICIPAL PARKING GARAGE AT A COST OF $42,728.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE OR $4,272.80 FOR A TOTAL COST NOT TO EXCEED $47,000.80.

WHEREAS: The City advertised for bids in the *Journal News* on April 27, 2018 and May 4, 2018. Three (3) sealed bids were opened and publicly read on May 11, 2018. The best and lowest bid was provided by Brian Brothers Painting and Restoration, LLC in the amount of $42,728.00; and

WHEREAS: The City Manager and the Service Director recommend Council accept the bid of Brian Brothers Painting and Restoration, LLC for the maintenance and painting in the Municipal Parking Garage at a cost of $42,728.00 plus a contingency amount of ten percent (10%) of the contract price or $4,272.80 for a total cost not to exceed $47,000.80.

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 bid of Brian Brothers Painting and Restoration, LLC for the maintenance and painting in the Municipal Parking Garage at a cost of $42,728.00 plus a contingency amount of ten percent (10%) of the contract price or $4,272.80 for a total cost not to exceed $47,000.80.

SECTION 2: Council further authorizes the City Manager to enter into a contract with Brian Brothers Painting and Restoration, LLC for the maintenance and painting in the Municipal Parking Garage at a cost of $42,728.00 plus a contingency amount of ten percent (10%) of the contract price or $4,272.80 for a total cost not to exceed $47,000.80.

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

____
MAYOR

ADOPTED: May 15, 2018

ATTEST:

____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: May 15, 2018

Account Code #: **146.490.64704**

Budgeted Amount: $2,200,000

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

May 8, 2018
Date Prepared

Agenda Title: Payment for Services Related to a Southpointe Parkway TIF Roadway

Recommendation: Approve

Discussion:

In April 2006, the Oxford City Council approved Resolution No. 4170 authorizing City Manager Jane Howington to enter into a development agreement with "Four Leaf Development Corporation", now known as 4-Leaf Development, LLC (4-Leaf). This agreement identified responsibilities of all parties related to the future development of the area now known as Southpointe Parkway, including Level 27 Apartments, The Annex, and the area to the south of The Annex development. The Oxford City Council has established Tax Increment Financing (TIF) Districts in this area to fund the construction of a secondary access roadway connecting US27 with the existing terminus of Southpointe Parkway.

On February 6, 2018, through Resolution No. 6049, Oxford City Council approved a payment to 4-Leaf Development, LLC in the amount of $54,664.27 for work related to roadway design and engineering, environmental review, traffic impact study, and clearing of trees within the roadway alignment.

On March 6, 2018, City Council approved Resolution No. 6064 authorizing additional reimbursement expenses for this project in the amount of $46,818.43 for the continuing work for roadway design and engineering.

Bayer Becker Engineering continues their work on this project and 4-Leaf Development, LLC has requested reimbursement for eligible design expenses in the amount of $32,558.53. The total of the three payments to date equals $134,040. Total expenses for the design, engineering, environmental clearance, etc.... is expected to be approximately $210,000.

This Resolution will authorize the City Manager and Finance Director to release a payment of $32,558.53, payable to 4-Leaf Development, LLC, for reimbursement of eligible expenses related to the construction of a secondary access road connecting with Southpointe Parkway as defined in the development agreement.

Approved By:

	Initial	Date
Department Head:		
City Manager:	DRE	5/11/18

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE FINANCE DIRECTOR TO RELEASE A PAYMENT IN THE AMOUNT OF $32,558.53, PAYABLE TO 4-LEAF DEVELOPMENT, LLC, FOR REIMBURSEMENT OF ELIGIBLE EXPENSES RELATED TO THE CONSTRUCTION OF A SECONDARY ACCESS ROAD CONNECTING WITH SOUTHPOINTE PARKWAY AS DEFINED IN THE DEVELOPMENT AGREEMENT ATTACHED HERETO AS EXHIBIT "A".

WHEREAS, in April 2006, Oxford City Council approved Resolution No. 4170 authorizing the City Manager to enter into a development agreement with "Four Leaf Development Corporation", now known as 4-Leaf Development, LLC. This agreement identified responsibilities of all parties related to the future development of the area now known as Southpointe Parkway, including Level 27 Apartments, The Annex, and the area to the south of the Annex development; and

WHEREAS, Oxford City Council has established Tax Increment Financing (TIF) Districts in this area to fund the construction of a secondary access roadway connecting US27 with the existing terminus of Southpointe Parkway; and

WHEREAS, work has proceeded for this project with expenses owed to 4-Leaf in the amount of $32,558.53 which includes continuing work for roadway design and engineering expenses; and

WHEREAS, 4-Leaf has requested reimbursement of these eligible costs in concurrence with the original Development Agreement dated May 23, 2006; and

WHEREAS, the City Manager and the Service Director recommend City Council authorize the City Manager and the Finance Director to release a payment in the amount of $32,558.53, payable to 4-Leaf Development, LLC for reimbursement of eligible expenses related to the construction of a secondary access road connecting with Southpointe Parkway as defined in the development agreement attached hereto as Exhibit "A".

THE COUNCIL OF THE CITY OF OXFORD HEREBY RESOLVES THAT:

SECTION 1: Oxford City Council previously approved Resolution No. 4170 authorizing the City Manager to enter into a development agreement with "Four Leaf Development Corporation", now known as 4-Leaf Development, LLC. This agreement identified responsibilities of all parties related to the future development of the area now known as Southpointe Parkway, including Level 27 Apartments, The Annex, and the area to the south of the Annex development. These responsibilities include TIF payments to be occasionally paid from the City to 4-Leaf for eligible expenses.

SECTION 2: Council accepts the recommendation of the City Manager and the Service Director and further authorizes the City Manager and the Finance Director to release a payment in the amount of $32,558.53, payable to 4-Leaf Development, LLC for reimbursement of eligible expenses related to the construction of a secondary access road connecting with Southpointe Parkway as defined in the development agreement attached hereto as Exhibit "A".

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

MAYOR

ADOPTED: May 15, 2018

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

Exhibit "A"

DEVELOPMENT AGREEMENT

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

RECITALS

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

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

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

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

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

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

ARTICLE I - WATER

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

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

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

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

ARTICLE II - SANITARY SEWER

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

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

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

ARTICLE III - ANNEXATION

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

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

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

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

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

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

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

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

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

ARTICLE IV - CONNECTOR

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

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

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

1. Annexation. The Property shall have been annexed into the City pursuant to Article III and all Ordinances with respect thereto shall be final.

2. Right of Way. 4-Leaf and the City shall have agreed upon the location of the Right of Way.

3. Financing. The City shall certify in writing to 4-Leaf that the Connector Financing is available for use in connection with the construction of the Connector.

4. Conditions to Financing. The Connector Financing shall not adversely affect the development of the Property (as determined by 4-Leaf in its sole discretion) or result in the imposition of any lien, charge, assessment, encumbrance or the like on the Property or any part of it due to the Connector Financing which would obligate any owner of the Property or any part of the Property to pay an amount greater than the amount of real estate taxes that would normally be imposed on the Property (or the relevant part of it).

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

1. Public Dedication. If the Property has been annexed into the City, upon completion of the construction of the Road, 4-Leaf will dedicate the Road as a public street. Provided that the Road has been constructed to the Engineering Specifications, the City will sign the dedication plat accepting the Road as a public street to be maintained (subject to 4-Leaf's maintenance obligations under its one year maintenance bond pursuant to Section 1101.06 of the Codified Ordinances of the City) by the City, at the City's sole cost and expense.

2. TIF District. If the Property has been annexed into the City, the City will, at 4-Leaf's request: (i) cause appropriate legislation to create one or more tax increment financing districts ("TIF Districts") under Chapter 5709 of the Code to be passed; and (ii) enter into a Service Payment Agreement ("Service Agreement") with respect thereto, all for the purpose of providing for the financing of the construction of the Road through the issuance of bonds and/or notes (the "TIF Obligations") of the City. Neither 4-Leaf nor any of its members shall be obligated to guarantee any

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

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

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

ARTICLE V - ADDITIONAL CITY COVENANTS

The City covenants and agrees to do the following:

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

The Waiver will terminate at the earlier of the following dates: (i) on the date that the total dollar amount of the Tap Fees that would have been paid to the City for taps benefiting all or any part of the Property by 4-Leaf, OXO1, or their successors and assigns, but for the Waiver, is equal to Six Hundred Thousand and 00/100 ($600,000.00) Dollars (which sum is the agreed upon cost for 4-Leaf to complete the Water Line Work); or (ii) January 1, 2036. The parties acknowledge that as of March 30, 2006, the City has waived Three Hundred Fifty Six Thousand Eighty ($356,080.00) Dollars in Tap Fees and that that amount is to be deducted from Six Hundred Thousand and 00/100 ($600,000.00) Dollars leaving the balance of Tap Fee waiver yet available to 4-Leaf and OX01 to be Two Hundred Forty Three Thousand Nine Hundred Twenty and 00/100 ($243,920.00) Dollars. The City shall certify in writing ("Tap Certification") to 4-Leaf on or before January 30th of each calendar year the total Tap Fees waived in the immediately preceding calendar year and the aggregate amount of Tap Fees waived. 4-Leaf shall also have the right to request a Tap Certification from the City from time to time.

B. Final PUD Approvals. The Annexation Agreement and the Annexation Resolution will provide, among other things, that the Property, if annexed into the City, will be zoned consistent with the approved preliminary Planned Unit Development plans and related density provisions (collectively, hereinafter the "Final Plans") attached hereto as Exhibit "F", subject only to the requirements for set-backs (front, rear and side-yard) and building height provided for in Chapter 1143 of the Codified Ordinances of the City (collectively, the "Dimensional Requirements") and signage as set forth in Chapter 1151 of the Codified Ordinances of the City. The term "Dimensional Requirements" shall not be interpreted to include any other requirements not specified in Chapter 1143 of the Codified Ordinances of the City.

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

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

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

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

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

H. Sidewalk. The City covenants and agrees, at its sole cost and expense, to construct a sidewalk (the "Sidewalk") along US 27 South in the area set forth on Exhibit "H"; provided, however, that the City shall have no obligation to construct the Sidewalk on property owned by The Board of Trustees of Miami University ("Miami") nor shall the City have an obligation to construct the bridge shown thereon. That part of the Sidewalk to be constructed by the City shall be complete on or before July 1, 2007. The City further covenants and agrees to use best efforts to negotiate with Miami to provide for the construction of the Sidewalk on property owned by Miami on or before July 1, 2007 and to use best efforts to negotiate with 4-Leaf with respect to the construction of the bridge.

ARTICLE VI - ADDITIONAL 4-LEAF COVENANTS

4-Leaf covenants and agrees to do the following:

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

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

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

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

ARTICLE VII - MANAGEMENT OF THE PROJECT

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

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

ARTICLE VIII - REPRESENTATIONS AND WARRANTIES

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

1. 4-Leaf is an Ohio limited liability company duly formed and validly existing under the laws of the State of Ohio.

2. 4-Leaf has full power and authority to enter into and perform its obligations under this Agreement. The execution, delivery, and performance of this Agreement, and all transactions contemplated hereby, have been duly authorized and approved by all necessary actions of 4-Leaf and are the legal, valid and binding obligations of 4-Leaf.

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

1. OXO1 is a limited partnership duly formed and validly existing, in the State of Ohio.

2. OXO1 has full power and authority to enter into and perform its obligations under this Agreement. The execution, delivery, and performance of this Agreement, and all transactions contemplated hereby, have been duly authorized and approved by all necessary actions of OXO1 and are the legal, valid and binding obligations of OXO1.

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

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

6. The City has full power and authority to enter into and perform this Agreement. The execution, delivery, and performance of this Agreement and all transactions contemplated hereby have been duly authorized and approved by all necessary actions of the City, and are the legal, valid and binding obligations of the City.

7. The execution and delivery of this Agreement and the performance of the duties and obligations provided for in this Agreement by the City do not violate any provisions of the City's Charter or any law, ordinance or regulation or any agreement to which the City is a party or by which the City is bound.

8. The City has received no notice of any pending or threatened claim, litigation, or other administrative action or other legal proceeding involving or affecting the transactions contemplated by this Agreement.

9. The costs of any construction, work or maintenance performed by the City contemplated by this Agreement shall not be the subject matter of any special assessment, which will be levied against the Property.

10. By virtue of this Agreement and subject to its terms: (a) 4-Leaf, OXO1 and their successors and assigns, shall have a right of access to each of the Sewer Line, the Water Line, and the POP (if any); (b) 4-Leaf, OXO1 and their successors and assigns, shall have the right to use each of the Sewer Line, Water Line and the POP (if any) at the rates paid by users of water, sewer and POP services as provided for in this Agreement; and (c) 4-Leaf, OXO1 and their successors and assigns, shall have the right to tap into the Water Line and/or the Sewer Line servicing the Property as provided for in this Agreement.

ARTICLE IX - MISCELLANEOUS

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

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

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

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

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

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

E. Execution. Neither this Agreement nor any subsequent agreement amending or supplementing this Agreement shall be binding on the Parties unless and until it has been signed on their behalf by their respective duly authorized representatives. Commencement of performance hereunder or under any subsequent agreement shall not constitute a waiver of this requirement. As used herein, the term "Agreement" shall mean this Development Agreement and the Exhibits attached hereto. This Agreement may be executed in one or more counterparts by any Party hereto and by all Parties hereto in separate counterparts, each of which, when so executed and delivered to the other Parties, shall be deemed an original. All such counterparts together shall constitute one and the same instrument.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Remainder of Page Intentionally Left Blank]

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

CITY OF OXFORD

By: Jane Howington
Jane Howington, City Manager

4-LEAF DEVELOPMENT, LLC

By: Brian D. Kelly
Pamela A. Lindley

OXO1, LTD.

By: [illegible]
Pamela A. Lindley

APPROVED AS TO FORM:

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

\\fsv1\common\prolaw\Oxford City of\LL\269760.3.doc

4-Leaf Development, LLC

125 WEST SPRING STREET
OXFORD, OHIO 45056
(513) 524-9500
F (513) 523-9415

INVOICE

DATE	INVOICE#
4/16/2018	I18FL106A

BILL TO:
City of Oxford
Attn: Doug Elliott
10 N. Poplar Street
Oxford, OH 45056

JOB:
Southpointe Crossing
New Road (bypass)

Oxford, OH 45056

DESCRIPTION	AMOUNT
Costs related to new road, per development agreement, to be part of TIF.	
Design of Construction Drawings	$ 29,598.66
Sub-Total	$29,598.66
4-Leaf Contractor's Fee 10%	$ 2,959.87
TOTAL	$32,558.53

Due upon receipt
Thank you for your prompt payment

4-Leaf Development, LLC
New Road at Southpointe - Costs part of TIF

Bill	02/26/2018	7963	Bayer Becker, Inc.	Construction Drawings for new road, Envir		20,800.19
Bill	03/22/2018	8196	Bayer Becker, Inc.	Construction Drawings for new road, Traffi		8,798.47
						29,598.66
						29,598.66
					10%	2959.866
	4/16/2018	I18FL106A				32,558.53

BAYER & BECKER, INC.
PO BOX 40
MIDDLETOWN OH 45042-0040

bayer becker

Tax ID # : 31-0928119
For ACH or Wire Transfers:
Bayer and Becker, Inc.
First Financial Bank
Account # 0000191736
ABA # 042200910

FEB 27 2018

Four Leaf Development LLC
Jim. Clawson
125 West Spring St
Oxford, OH 45056

Invoice number 7963
Date 02/26/2018

Project **16-0158 US 27/SOUTHPOINTE ROADWAY 16-0158**

For professional services rendered since date of last invoice in connection with:

Description		Contract Amount	Previous Billing	Current Billed
Traffic Impact Study		6,500.00	5,910.00	0.00
Construction Drawings		147,300.00	73,650.00	14,037.69
Meetings (allowance)		5,200.00	2,227.50	0.00
Right of Way Dedication Plat		4,400.00	0.00	0.00
Expenses (allowance)		500.00	0.00	0.00
	Total	163,900.00	81,787.50	14,037.69

Environmental Services

Sub-Consultant

	Billed Amount
S&ME Inc	4,964.50

Geotechnical Services

Sub-Consultant

	Billed Amount
S&ME Inc	1,798.00

CATEGORY	AMOUNT	JOB NAME
15008 Road	20,800.19	4-Leaf

TOTAL AMOUNT OF INVOICE 20,800.19

Invoice total **20,800.19**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
7477	12/13/2017	34,917.34			34,917.34		
7827	01/31/2018	35,562.21	35,562.21				
7963	02/26/2018	20,800.19	20,800.19				
	Total	91,279.74	56,362.40	0.00	34,917.34	0.00	0.00

To ensure proper credit please remit payment to:

Bayer & Becker, Inc.
PO BOX 40
MIDDLETOWN OH 45042-0040

Please reference the Invoice Number with your remittance in the memo to assure that payment is properly applied to your account.
For Direct Billing Inquiries: Call 859-261-1113 or Email billing@bayerbecker.com

Invoice Supporting Detail

16-0158 US 27/Southpointe Roadway 16-0158

Construction Drawings

Phase Status: Active

	Date	Units	Rate	Amount
Labor				
Licensed Engineer				
Kathryn M. Dillenburger MSOffice	01/18/2018	4.00		
Kathryn M. Dillenburger MSOffice	01/23/2018	4.00		
Kathryn M. Dillenburger MSOffice	01/24/2018	6.00		
Kathryn M. Dillenburger MSOffice	01/25/2018	4.50		
Kathryn M. Dillenburger MSOffice	01/26/2018	4.00		
Kathryn M. Dillenburger MSOffice	02/06/2018	2.00		
Kathryn M. Dillenburger MSOffice	02/09/2018	10.00		
Kathryn M. Dillenburger MSOffice	02/13/2018	5.00		
Kathryn M. Dillenburger MSOffice	02/14/2018	10.00		
Kathryn M. Dillenburger MSOffice	02/15/2018	12.00		
Kathryn M. Dillenburger MSOffice	02/16/2018	10.00		
Principal				
Etta M. Reed MSOffice	01/22/2018	2.00		
Etta M. Reed MSOffice	01/23/2018	1.50		
Etta M. Reed MSOffice	02/05/2018	0.25		
Etta M. Reed OXOffice	01/24/2018	2.00		
Etta M. Reed OXOffice	01/25/2018	2.00		
Project Manager				
Etta M. Reed MSOffice	01/15/2018	1.00		
Etta M. Reed MSOffice	01/18/2018	2.50		
Etta M. Reed MSOffice	02/13/2018	0.50		
Etta M. Reed MSOffice	02/16/2018	1.00		
Etta M. Reed OXOffice	01/16/2018	1.00		
Etta M. Reed OXOffice	01/17/2018	1.25		
Etta M. Reed OXOffice	01/19/2018	2.25		
Etta M. Reed OXOffice	02/02/2018	1.00		
Etta M. Reed OXOffice	02/07/2018	1.00		
Etta M. Reed OXOffice	02/12/2018	0.50		
	Labor total	**91.25**		

Environmental Services

Phase Status: Active

	Date	Units	Rate	Amount
Consultant				
S&ME Inc				
Sub-Consultant	02/02/2018	1.00	4,964.50	4,964.50
	Consultant total	**1.00**		**4,964.50**

Geotechnical Services

Phase Status: Active

	Date	Units	Rate	Amount
Consultant				
S&ME Inc				
Sub-Consultant	01/31/2018	1.00	1,798.00	1,798.00

Invoice Supporting Detail

16-0158 US 27/Southpointe Roadway 16-0158

Geotechnical Services

Phase Status: Active

Consultant

Consultant total	1.00	1,798.00

BAYER & BECKER, INC.
PO BOX 40
MIDDLETOWN OH 45042-0040

bayer becker

Tax ID # : 31-0928119
For ACH or Wire Transfers:
Bayer and Becker, Inc.
First Financial Bank
Account # 0000191736
ABA # 042200910

Four Leaf Development LLC
Jim. Clawson
125 West Spring St
Oxford, OH 45056

Invoice number 8196
Date 03/22/2018

Project **16-0158 US 27/SOUTHPOINTE ROADWAY 16-0158**

For professional services rendered since date of last invoice in connection with:

Description		Contract Amount	Previous Billing	Current Billed
US 27 Left Turn Lane - Construction Drawings		25,000.00	0.00	0.00
Traffic Impact Study		6,500.00	5,910.00	590.00
Construction Drawings		147,300.00	87,687.69	872.50
Meetings (allowance)		5,200.00	2,227.50	0.00
Right of Way Dedication Plat		4,400.00	0.00	0.00
Expenses (allowance)		500.00	0.00	0.00
	Total	188,900.00	95,825.19	1,462.50

Environmental Services

Sub-Consultant

CATEGORY	AMOUNT	JOB NAME
1508	8,798.47	Southpointe

TOTAL AMOUNT OF INVOICE 8,798.47

MAR 23 2018

	Billed Amount
S&ME Inc	7,335.97

Invoice total **8,798.47**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
7827	01/31/2018	35,562.21		35,562.21			
7963	02/26/2018	20,800.19	20,800.19				
8196	03/22/2018	8,798.47	8,798.47				
	Total	65,160.87	29,598.66	35,562.21	0.00	0.00	0.00

Rhonda → Add this invoice to what we need to Bill City
→ Give to Pam

To ensure proper credit please remit payment to:

Bayer & Becker, Inc.
PO BOX 40
MIDDLETOWN OH 45042-0040

Please reference the Invoice Number with your remittance in the memo to assure that payment is properly applied to your account.
For Direct Billing Inquiries: Call 859-261-1113 or Email billing@bayerbecker.com

Invoice Supporting Detail

16-0158 US 27/Southpointe Roadway 16-0158

Traffic Impact Study

Phase Status: Active

	Date	Units	Rate	Amount
Labor				
Licensed Engineer				
Kathryn M. Dillenburger MSOffice	03/14/2018	5.00		
Project Manager				
Etta M. Reed OXOffice	02/21/2018	1.00		
	Labor total	**6.00**		

Construction Drawings

Phase Status: Active

	Date	Units	Rate	Amount
Labor				
Licensed Engineer				
Kathryn M. Dillenburger MSOffice	02/22/2018	1.50		
Kathryn M. Dillenburger MSOffice	02/27/2018	2.00		
Kathryn M. Dillenburger MSOffice	02/28/2018	3.50		
Project Manager				
Etta M. Reed OXOffice	03/07/2018	0.25		
	Labor total	**7.25**		

Environmental Services

Phase Status: Active

	Date	Units	Rate	Amount
Consultant				
S&ME Inc				
Sub-Consultant	03/05/2018	1.00	7,335.97	7,335.97
	Consultant total	**1.00**		**7,335.97**

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: May 15, 2018

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

Michael Dreisbach, Service Director
Prepared By

May 9, 2018
Date Prepared

Agenda Title: Authorization to Apply for Grant Funding for Future Segments of the Oxford Area Trail System

Recommendation: Approve

Discussion:

The Oxford Electorate has approved a property levy that will generate approximately $10M over the next 10 years. This funding will allow for the construction and maintenance of the Oxford Area Trail System (OATS).

The OKI Regional Council of Governments (OKI) has a grant funding cycle for Alternative Transportation projects with an application deadline of June 1, 2018. City Staff, in conjunction with Enjoy Oxford (Oxford Visitors Bureau), seek Council approval to apply for this grant to fund a future segment(s) of the OATS trail system. This grant typically requires a local match of 20%, and future funds generated by the levy may be used for this purpose.

This Resolution will authorize the City Manager to apply for and sign all necessary documentation for alternative transportation grants through the OKI Regional Council of Governments for this designated grant cycle.

Approved By:

	Initial	Date
Department Head:	MBD	5/9/18
City Manager:	DRE	5/11/18

RESOLUTION NO.

A RESOLUTION OF COUNCIL AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE OHIO-KENTUCKY-INDIANA (OKI) REGIONAL COUNCIL OF GOVERNMENTS REQUESTING FUNDING FOR ALTERNATIVE TRANSPORTATION PROJECTS AND AUTHORIZING THE CITY MANAGER TO SECURE THROUGH PROPERTY TAX LEVY FUNDS A MINIMUM OF 20% LOCAL MATCH FOR THE CONSTRUCTION OF THE OXFORD AREA TRAIL SYSTEM (OATS).

WHEREAS, the citizens of Oxford have approved a property tax levy that will generate approximately $10M over the next 10 years to allow for the construction and maintenance of the Oxford Area Trail System (OATS); and

WHEREAS, the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments has a grant funding cycle for Alternative Transportation projects with an application deadline of June 1, 2018; and

WHEREAS, Oxford city staff, in conjunction with Enjoy Oxford (Oxford Visitors Bureau), seeks Council approval to apply for this grant to fund a segment(s) of the OATS trail system.

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

SECTION 1: The City Manager recommends he be authorized to submit a grant application requesting funding through the OKI Alternative Transportation Program and the City Manager recommends he be authorized to utilize funds raised by the OATS property tax levy to fund a minimum 20% local match for this grant. The City of Oxford will work in conjunction with Enjoy Oxford to apply for the grant funding.

SECTION 2: Council supports applying for grant funds to assist with the construction of the OATS.

SECTION 3: Should the grant be awarded to the City of Oxford, Oxford City Council agrees to obligate a minimum 20% local matching funds raised by the OATS property tax levy.

SECTION 4: Council hereby accepts the recommendation of the City Manager and further authorizes the City Manager to submit a grant application requesting funding through the OKI Alternative Transportation Program and authorizes the City Manager to secure through the OATS property tax levy a minimum 20% local match for the construction of the OATS.

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

____
MAYOR

ADOPTED: May 15, 2018

ATTEST:

____
CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KATE ROUSMANIERE
PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 05/15/18

Joe Newlin
Prepared By

Account Code No. #: see below

Budgeted Amount:________________

05/2/18
Date Prepared

Agenda Title: A Resolution authorizing the Finance Director to request that RITA conduct a Subpoena program for the City of Oxford and deduct fees for this program from our monthly distribution.

Recommendation: Approve

Discussion:

RITA Subpoena Program

RITA provides its members the opportunity to participate in their Subpoena Program in order to collect delinquent accounts. RITA will first send out letters to active taxpayers who fail to file requesting they do so or complete the exemption section of the letter (no cost to the City). Those failing to respond will then be issued an administrative subpoena from RITA requesting their tax records and instructed to meet with RITA representatives, who will assist them with filing the forms ($8.00 per subpoena mailed). The City last Subpoena Program was held in 2014.

My experience with this program has been favorable. RITA representatives conduct themselves in a very professional manor throughout the process and have always, in the four subpoena programs I have been involved with, collected more than the cost associated with the program. While no positive income is guaranteed proceeding with this program, it will make the taxpayers of Oxford aware that we are making a good faith effort to collect all the income tax that is due to the City of Oxford enabling us to continue providing the level of service the tax payers grown accustomed to and expect.

Approved By:

	Initial	Date
Department Head:	JN	5/2/18
City Manager:	DRE	5/10/18

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY OF OXFORD TO PARTICIPATE IN THE REGIONAL INCOME TAX AGENCY'S ("RITA") SUBPOENA PROGRAM FOR THE COLLECTION OF DELINQUENT LOCAL INCOME TAXES.

WHEREAS, RITA will send letters to active taxpayers who fail to file their local income tax return. If the taxpayer fails to respond to the letter RITA will then issue an administrative subpoena to request a copy of the taxpayer's tax records and instruct the taxpayer to meet with RITA representatives who will assist them with filing the person's local income tax returns. The cost of \$8.00 per subpoena issued will be deducted from one of the City's RITA Automated Clearing House distributions; and

WHEREAS, The City Manager and Finance Director recommend that the City participate in RITA's Subpoena Program in order to collect delinquent local income taxes.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Finance Director to participate in the Subpoena Program with RITA to collect delinquent local income taxes and the City Manager and Finance Director are authorized to take all steps necessary to implement this program.

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

____
MAYOR

ADOPTED: May 15, 2018

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: May 1, 2018

Doug Elliott
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

April 26, 2018
Date Prepared

Agenda Title: An Ordinance Providing For The Issuance Of Not To Exceed $4,825,000 Of Bond Anticipation Notes In Anticipation Of The Issuance Of Bonds For The Purpose Of Constructing And Equipping An Aquatic Center, together With All Necessary Appurtenances, And Declaring An Emergency.

Recommendation: Approval

Discussion:
The City of Oxford will issue Municipal General Obligation Bond Anticipation Notes (BANS) to finance the construction of the new aquatic center. The BANS will have a maturity date of June 11, 2019. Then the City will issue a General Obligation Bond for twenty years. The proposed Ordinance will provide for the issuance of not to exceed $4,825,000 of Bond Anticipation Notes in anticipation of the issuance of bonds for the purpose of constructing and equipping a new aquatic center in the City of Oxford.

Approved By:

	Initial	Date
Department Head:		
City Manager:	DRE	4/29/18

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED $4,825,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING AN AQUATIC CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Oxford (the "City") has requested proposals to design/build the Oxford Aquatic Center.

BE IT ORDAINED by the Council of the City of Oxford, Ohio, Butler, County, Ohio that:

SECTION 1. The fiscal officer of the City of Oxford has estimated that the life of the hereinafter described improvement is at least five (5) years, and has certified that the maximum maturity of the bonds issued therefor is twenty-five (25) years, and of the notes to be issued in anticipation thereof is twenty (20) years.

SECTION 2. It is hereby declared necessary to issue bonds of the City of Oxford, Ohio, in the principal sum of not to exceed $4,825,000, for the purpose of constructing and equipping an aquatic center, including activity and competition pools, diving boards, water slides, lazy river, bath house building, concessions, filtration/filter and storage rooms, indoor multi-purpose spaces, pool deck, shade structures, fencing, landscaping and parking areas, together with all necessary appurtenances, and declaring an emergency.

SECTION 3. Said bonds shall be issued in said principal sum and shall be dated approximately May 1, 2019, shall bear interest at the rate of approximately five per centum (5%) per annum, and shall mature in not more than twenty-five (25) annual installments after issuance.

SECTION 4. In anticipation of the issuance of said bonds, it is hereby declared necessary to issue and there shall be issued notes (herein the "notes") of this City in an amount not to exceed $4,825,000.

SECTION 5. That said notes shall be dated their date of issuance, bearing interest at the rate of not to exceed three per centum (3%) per annum, payable at maturity, and shall mature not more than one year from their issuance date, and shall be of such number and denomination as may be requested by the purchaser or purchasers thereof, provided that said notes shall be issued in denominations of $100,000 or integral multiples of $5,000 in excess thereof.

SECTION 6. For purposes of this ordinance, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the notes may be transferred only through a book entry, and (ii) physical note certificates in fully registered form are issued only to the Depository or its nominee as registered owner, with the notes "immobilized" to the custody of the Depository, and the book entry maintained by others than this Council is the record that identifies the owners of beneficial interests in those notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in notes or principal and interest, and to effect transfers of notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Ordinance" means this ordinance.

All or any portion of the notes may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such notes, notwithstanding any other provision of this Ordinance. If and as long as a book entry system is utilized with respect to any of such notes: (i) there shall be a single note of each maturity; (ii) those notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of notes in book entry form shall have no right to receive notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this Council. Debt service charges on notes in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in this Council's agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of notes as provided in this Ordinance.

The paying agent and registrar (the "Paying Agent and Registrar") may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any note in the custody of a Depository providing for making all payments to that owner of principal and interest on that note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Ordinance, without prior presentation or surrender of the note, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to this Council. That payment in any event shall be made to the person who is the registered owner of that note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for the notes and to this Council. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The Finance Director is authorized and directed without further action of this Council to execute, acknowledge and deliver, in the name of and on behalf of this Council, a blanket letter agreement between this Council and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the notes to the Depository for use in a book entry system, and to take all other actions the Finance Director deems appropriate in issuing the notes under a book entry system.

If any Depository determines not to continue to act as Depository for the notes for use in a book entry system, this Council and the Paying Agent and Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Ordinance. If this Council and the Paying Agent and Registrar do not or are unable to do so, this Council and the Paying Agent and Registrar, after the Paying Agent and Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the notes from the Depository and authenticate and deliver note certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive notes), if the event is not the result of action or inaction by this Council or the Paying Agent and Registrar, of those persons requesting such issuance.

SECTION 7. The Notes shall be executed by the City Manager and Finance Director, provided that one of such signatures may be a facsimile signature, and may bear the seal of the City. The Notes shall be designated "Aquatic Center Bond Anticipation Notes" and shall be payable at the principal office of the bank appearing thereon as paying agent without deduction for exchange, collection or service charges, and shall express upon their faces the purposes for which they are issued and that they are issued in pursuance of this ordinance.

SECTION 8. Said notes shall be sold at par and accrued interest, if any, by the Finance Director to RBC Capital Markets, Cincinnati, Ohio as evidenced by the execution of a Certificate of Award (the "Certificate of Award") which the Finance Director is hereby authorized to sign on behalf of the City. The proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose. The notes shall not be subject to pre-payment prior to maturity.

SECTION 9. This Council hereby authorizes the City to participate in the Ohio Market Access Program – Note Wrap - offered by the Treasurer of the State of Ohio (the "OMAP Program"), provided that (a) participation in the OMAP Program is in the best interests of the City and (b) the Finance Director affirmatively elects to participate in the OMAP Program in the Certificate of Award.

SECTION 10. The Standby Note Purchase Agreement (the "Note Purchase Agreement") required as part of the OMAP Program is hereby authorized in the form presented to this Council with such changes not materially adverse to the City as may be approved by the Finance Director, who is hereby authorized to execute the Note Purchase Agreement. This Council acknowledges the agreement of the Treasurer of State in the Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the notes at maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer of State agrees (a) to purchase the notes from the holders or beneficial owners thereof upon their presentation to the Treasurer of State for such purchase at a price of par plus accrued interest to maturity or (b) to purchase renewal notes of the City in a principal amount not greater than the principal amount of the notes plus interest due at maturity, with such renewal notes bearing interest at a rate of the lower of the maximum interest rate provided by law or the 1-year MMD (Municipal Market Data) Index for "AAA"-rated obligations plus 400 basis points (or such other rate methodology in effect as part of the OMAP Program), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, provided that in connection with the Treasurer of State's purchase of such renewal notes, this Council shall deliver to the Treasurer of State an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid, and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes levied inside the ten-mill limitation imposed by law on all property subject to ad valorem taxes levied by the City, and (ii) interest on the renewal notes is not includible in gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended to the same extent that interest on the notes is so excluded.

In addition, this Council acknowledges that the Treasurer of State will establish an "After Maturity Interest Rate," as generally provided for as part of the OMAP Program and as specifically provided for within the Note Purchase Agreement.

The City Manager and Finance Director of the City, as the officers signing the notes, are authorized to take all actions that may in their judgment reasonably be necessary to provide for such Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the notes providing notice to the holders or beneficial owners of the existence of such Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the notes for purchase by the Treasurer of State at stated maturity.

This Council hereby authorizes further representations, warranties, and/or covenants to be made regarding the City's participation in the OMAP Program by virtue of the Certificate of Award and/or other OMAP Program documents, subject to review and approval by legal counsel to the City.

SECTION 11. Said notes shall be the full general obligations of the City, and the full faith, credit and revenue of said City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of bonds anticipated by said notes or renewals thereof, and any excess fund received by the City resulting from the issuance of said notes shall be, to the extent necessary, used only for the retirement of said notes or renewals thereof at maturity, together with interest thereon, and is hereby pledged for such purpose.

SECTION 12. During the period while said notes run, there shall be levied on all the taxable property of the City, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without prior issue of said notes. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund, and together with interest pledged on the same shall be irrevocably pledged for the payment of principal and interest on said notes or the bonds in anticipation of which it is issued, when and as the same falls due; provided, however, that to the extent that surplus revenues of the City are available and appropriated to the payment of principal and interest of the notes, said tax need not be levied.

SECTION 13. Council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds of said notes in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Finance Director or any other officer having responsibility with respect to the issuance of the notes is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These notes are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The Council of the City does not anticipate issuing more than $10,000,000 of "qualified tax-exempt obligations" during calendar year 2018.

SECTION 14. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 15. That the Clerk of Council is hereby directed to forward a certified copy of this ordinance to the Butler County Auditor.

SECTION 16. That this ordinance shall take effect immediately as an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals or welfare.

PASSED this 15th day of May, 2018.

____
Mayor

ATTEST:

____
Clerk of Council

Approved as to Form:

____
Law Director

Prepared By: Dinsmore & Shohl LLP

12719435

CERTIFICATE

The undersigned hereby certifies the foregoing to be a true and correct copy of Ordinance No. ____________, passed by City Council on May 15, 2018.

____
Clerk of Council

CERTIFICATE

I hereby certify that a copy of the foregoing Ordinance was filed with the County Auditor, County of Butler, Ohio, on May _____, 2018.

____
Clerk of Council

RECEIPT

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

____
County Auditor

Dated: May _____, 2018

12719435

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 1st day of May, 2018, at ________________________________, Oxford, Ohio, with the following members present:

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

> AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED $4,825,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING AN AQUATIC CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 15th day of May, 2018, at ________________________________, Oxford, Ohio, with the following members present:

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

> AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED $4,825,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING AN AQUATIC CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

__________________ then moved that Ordinance No. ___________ be passed as an emergency measure. __________________seconded the motion and, the roll being called upon the question, the vote resulted as follows:

The ordinance was declared passed May 15, 2018.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said City, held on the 15th day of May, 2018, to the extent pertinent to consideration and passage of the above-entitled legislation.

____
Clerk of Council

12719435

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: May 1, 2018

Account Code No. #:

Budgeted Amount:

Community Development
Originating Department

Jung-Han Chen
Prepared By:

April 18, 2018
Date Prepared:

PC-2018-04, Conditional Use Permit Application, 6705 Ringwood Road, to construct an automotive service facility, Scott Webb, Applicant/Agent

Recommendation: Approval with conditions

Discussion:
This application is seeking approval to construct an automotive service facility at 6705 Ringwood Road on a existing vacant lot. The facility is intended to provide special care, modifications and repair services. Some ancillary car sales are anticipated but not to be a primary focus. It was determined that the proposed use is similar to other conditional uses listed in the LI District

Several deficiencies were identified by Staff during the plan review phase and reported to the Planning Commission for consideration: minimum parking setback in the front yard, bicycle parking and pedestrian circulation pattern.

After the public hearing, the Planning Commission discussed the Conditional Use and deliberated this applications, as required by the decision standards and voted 7-0-0 with conditions to City Council for legislative action as follows:

1. The minimum parking setback in the front yard to be waived.
2. Bicycle parking requirement is waived;
3. And the pedestrian circulation requirement is also waived.

Approved By:

Department Head:	______	______
City Attorney:	______	
City Manager:	DRE	4/25/18

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN AUTOMOTIVE SERVICE AND SALES FACILITY WHICH SHALL BE BUILT ON A VACANT LOT IN THE LI (LIGHT INDUSTRIAL) DISTRICT AT 6705 RINGWOOD ROAD OXFORD, OHIO 45056 WITH CONDITIONS.

WHEREAS: the Planning Commission held a public hearing on April 10, 2018 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant, Architect, for a conditional use permit to allow an automotive service and sales facility which shall be built on a vacant lot in the LI (Light Industrial) District at 6705 Ringwood Road, 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 for an automotive service and sales facility which shall be built on a vacant lot in the LI (Light Industrial) District at 6705 Ringwood Road 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 for an automotive service and sales facility which shall be built on a vacant lot in the LI (Light Industrial) District at 6705 Ringwood Road Oxford, Ohio 45056 with the following conditions:

1. The minimum parking setback in the front yard shall be waived.
2. The bicycle parking requirement shall be waived.
3. The pedestrian circulation requirement shall be waived.

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-2018-04 **Date – April 10, 2018**

APPLICATION

Applicant:	Scott Webb, Architect
Location:	6705 Ringwood Road
Owner:	Daniel Ratliff
Action Request:	Conditional Use Permit for Automotive Service Facility
Current Use:	Vacant Field
Zoning:	LI (Light Industrial)
Surrounding Existing Land Uses:	Church, Indoor Shooting Range, Concrete Plant, Hardware Store, Office/Industrial

GENERAL DESCRIPTION
On behalf of Zhuopeng Li, Architect Scott Webb is requesting a conditional use for an automotive service facility to be built on a vacant lot at 6705 Ringwood Road. The area is zoned Light Industrial with a mixture of light industry and service uses. The prospective owner of the property is planning to open an automotive service facility for specialty automobiles. The facility is intended to provide special care, modifications and repair services. Some ancillary car sales are anticipated but not the primary focus. City staff determined that the proposed use is similar to other conditional uses listed in the LI District because of the assembly aspect of vehicular modification.

PUBLIC COMMENTS
Public notices were mailed to surrounding property owners and a notice sign was placed in front of the property. No comments were received as of this writing.

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 with comments
Econ. Dev.:	No comment returned

ZONING CODE REVIEW

Below is an excerpt from Oxford Zoning Code Section 1147.03, Use-Specific Regulations with staff comments in ***bold/italic***:

(6) Vehicle Service and Repair.
  A. Potential Concerns.
    1. Proper design of vehicle management area.
    The design is a typical design. However some waivers may be apparent:
      - Parking in LI District 50' front yard setback (7 parking spaces are shown)
      - Bicycle parking unknown
      - Pedestrian circulation system not in design

Although there is no landscape or lighting plan, the proposed layout does not prevent compliance with Oxford Zoning Code. Lighting and landscaping can be reviewed at the time of building permit submission.

2. Proximity of service areas to lot lines and adjacent uses.

No adjacent use conflicts observed in the design. The adjacent uses are not residential. It is unknown at this time if the adjacent church would be in use during hours of operation.

3. Outdoor sales and storage.

Intended to be minimal as the storage is in the rear and the sales is limited to three, maximum, as shown on the site plan

4. Tow truck storage.

No tow truck services are intended.

B. Regulations.

1. All disassembly, service, and assembly of vehicles shall be within a completely enclosed structure.
Yes.

2. All service equipment and supplies shall be within a completely enclosed structure.
Yes.

3. Vehicles being serviced or awaiting service shall not be stored in an unenclosed area for more than 7 days.
This is an operational standard, not a design standard.

4. Vehicle service bays shall be setback a minimum of 100 feet from a residential zoning district.
Not applicable.

General Decision Standards for Conditional Uses — Section 1147.02(c)(2)

(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.

Yes, the use can be allowed as a conditional use. There is no other district where this use is permitted.

B. The use and site will satisfy the general intent of this Zoning Code.

Yes

C. The use and site will be compatible with the general intent of the Comprehensive Plan.

Yes

D. The size and shape of the site are sufficient for the proposed use.

Yes

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

None expected.

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.

No excessive nuisance conditions expected.

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.

No additional accessory uses expected other than car sales.

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 has been provided to Police, Fire and Service Department.

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

Opportunity for comment has been provided to Police, Fire and Service Department.

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.

Harmonious design is proposed. Renderings of the proposed steel building have been provided by Mr. Webb.

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.

Opportunity for comment has been provided to Police, Fire and Service Department. The site has been designed as a typical commercial parking lot; allowing cars to enter and exit the site in a forward motion. While it would have been ideal for the lots along Ringwood to have shared or otherwise coordinated entrances, that opportunity passed by when the lots were platted.

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

No features for protection are known. The lot is an open field.

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.

Yes, as stated by applicant.

RECOMMENDATION

Based upon the zoning code review within and the above analysis, if the Planning Commission finds the proposal to meet the general and site specific requirements, it can forward a recommendation of approval to the City Council. Any waivers or modifications of the dimensional regulations of Oxford Zoning Code should be discussed and listed in the written recommendation.

SUBMITTED BY:

Sam Perry

______________________________ Sam Perry, AICP

Planner

DATE: April 3, 2018

ATTACHMENT

(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 public comment 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 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.

(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.**

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

PC-2018-04
Surrounding Property Owners Notifications Map

Legend

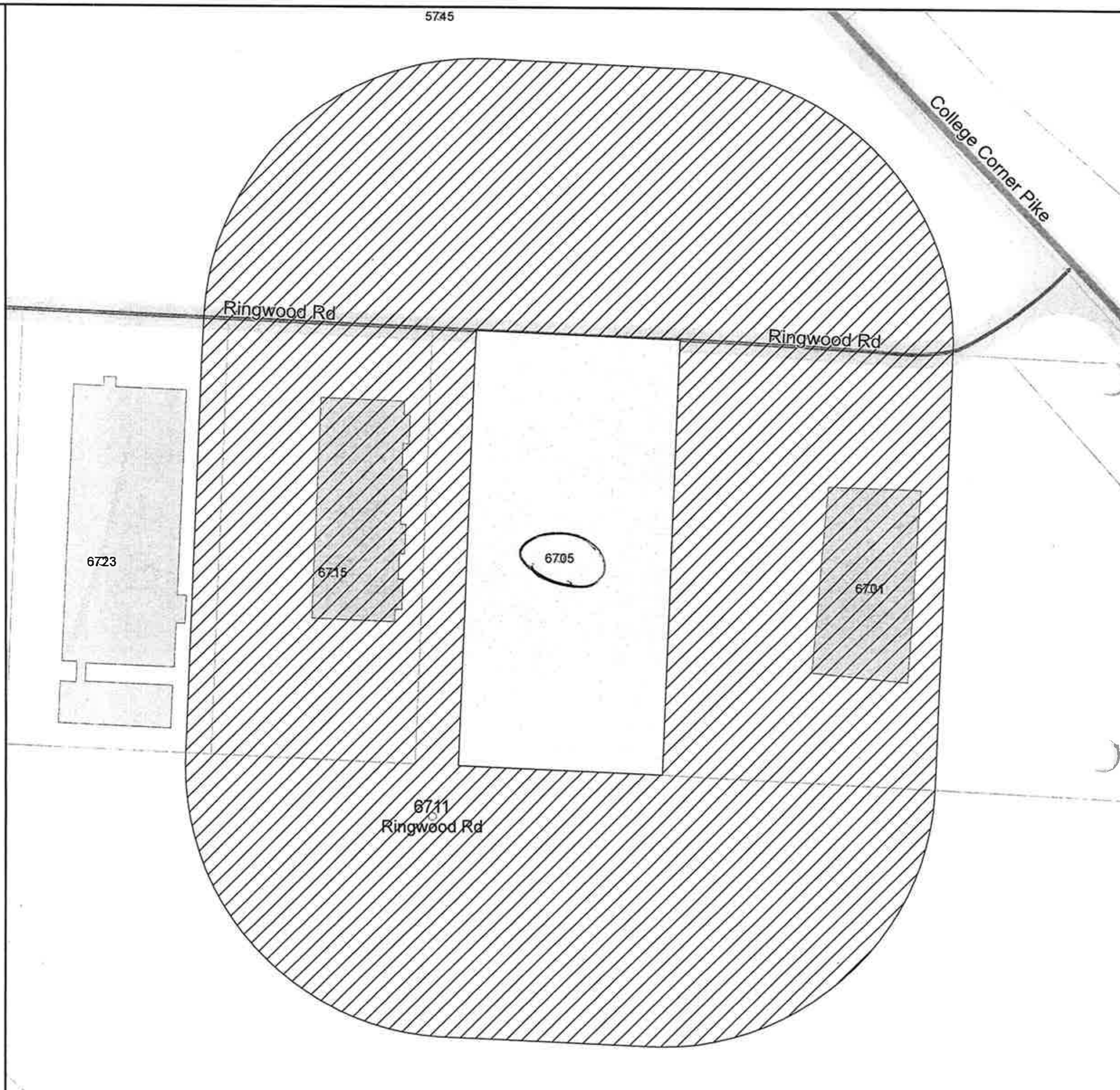
- Subject Parcel
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- 16.5' Vacated ROW
- Building Footprint
- Paved Roadway

N

1 inch = 100 feet

Prepared on Friday, March 09, 2018

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.



City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 28, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-04, CONDITIONAL USE, to allow for an automotive service facility to be constructed on a vacant lot in the LI Light Industrial District, located at ~~5711~~ 6705 Ringwood Road, **Scott Webb, Applicant, Agent**

____X_____ Review _________ Revisions ___________Other

Please return no later than: **March 26, 2018** 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: 3-12-18

____
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 28, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-04, CONDITIONAL USE, to allow for an automotive service facility to be constructed on a vacant lot in the LI Light Industrial District, located at ~~6711~~ 6705 Ringwood Road, **Scott Webb, Applicant, Agent**

____X______ Review __________ Revisions ____________Other

Please return no later than: **March 26, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 3-23-2018.

Drawings reviewed by: [signature] Date: 3-23-18

VICTOR POPESCU
PRINTED NAME

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.

RE: PC-2018-04
Conditional Use – Automotive Service Facility
6705 ~~6711~~ Ringwood Road

DATE: March 23, 2018

Due to the size of the proposed development and the approximate lot size of over an acre, the development may become subject to the OHIO EPA rules and permits for storm water.

Prior to initiating construction, the owner / developer are to obtain all necessary OHIO EPA storm water permits. Proof, that all necessary permits have been obtain, shall be provided to the Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 28, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-04, CONDITIONAL USE, to allow for an automotive service facility to be constructed on a vacant lot in the LI Light Industrial District, located at ~~6741~~ 6705 Ringwood Road, **Scott Webb, Applicant, Agent**

____X_____ Review __________ Revisions ____________ Other

Please return no later than: **March 26, 2018** 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: 3/5/18

John A. Jones
PRINTED NAME

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Planning Commission & City Council regarding the construction of a new Auto Service facility on Ringwood Road in Oxford.

Thank you,

Signed: Daniel E Ratliff
dotloop verified
02/23/18 1:08PM EST
ZNXN-FZEX-XLJR-P3RD

Daniel Ratliff

Date: 2/23/18

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Planning Commission & City Council regarding the construction of a new Auto Service facility on Ringwood Road in Oxford.

Thank you,

Signed: zhuopeng Li
Zhuopeng (Jack) Li

02/22/2018
Date:

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

Internal Use Only: Case No.	PC-2018-04
Date Filed	2/23/18

Conditional Use Permit Application

Applicant Information

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

Name *	Scott Webb, Architect
Mailing Address *	13 West Walnut Street
City, State & Zip Code *	Oxford, Ohio 45056
Telephone Number(s) *	523-3838
Email Address	scott@scottwebbarchitect.com

Owner Information

Name *	Marlys H. Ratliff & Daniel E. Ratliff - Property / Zhuopeng (Jack) Li Business Owner
Mailing Address *	3300 Farmersville W Alex Road / 613 Ogden Court Apt. 142
City, State & Zip Code *	Farmersville Ohio 45325 / Oxford, Ohio 45056
Telephone Number(s) *	
Email Address	liz32@miamioh.edu

Location and Lot Information

Location of Property *	6711 Ringwood Road
Legal Description *	Parcel H4100028000014
Zoning District *	LI
Total Area *	44,997 → *Check One* * Acres ☐ Square Feet ☑
Existing Use Description *	Vacant Land
Proposed Use Description *	Automotive Service Facility

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 * [signature]

Date * 2/23/2018

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, 101 East High Street, 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 *	2/23/18	Receipt Number *	191206

[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/

SCOTT
WEBB

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103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838
www.scottwebbarchitect.com

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

Re: Application for Conditional Use
Proposed Auto Service Facility
6711 Ringwood Road
Parcel H4100028000014 6705 correct address

February 22, 2018

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Conditional Use for an Proposed Auto Service Facility on Ringwood Road in the LI Zoning District..

The attached proposal has been prepared for and with the help of the following:

Property Owners:

Marlys H. Ratliff & Daniel E. Ratliff
3300 Farmersville W Alex Rd
Farmersville Ohio 45325

Purchaser / Business Owner:

Zhuopeng (Jack) Li
613 Ogden Court Apt. 142
Oxford, OH 45056

Architect:

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056

Civil Engineer:

Bayer Becker, Engineers & Surveyors.
318 South College Avenue
Oxford, Ohio 45056

Narrative Statement describing how the proposed Conditional Use meets the following decision standards of the zoning district in which it is located.

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

A. *The proposed use is in fact a Conditional Use in the Zoning District in which it is proposed;*

The City Planner directed my client to proceed as a conditional use in the LI District as an "other manufacturing, processing, or storage uses" considered to be of the same general character as the permitted uses.

B. *The use and site will satisfy the general intent of the Zoning Code;*

The property is Zoned LI, and is considered by staff to be the appropriate zoning district for a use of this type.

C. *The use and site will be compatible with general intent of the Comprehensive Plan;*

The Land Use Objectives and Strategies from the Comprehensive Plan recommends identifying sites for commercial, office and industrial development along the US 27 Corridor, encourages reinvestment and favors infill over sprawl. This parcel has been vacant an on the market for over 15 years.

The Economic Development section directs us to attract new businesses consistent with the skills of the local community, quality of life and identified economic needs.

D. *The size and shape of the site are sufficient for the proposed use.*

At over an acre, the size and shape of the site is adequate for the proposed use with the potential for expansion. The shape and size of the lot accommodates the building, maneuvering & parking, and respects all setbacks from all property lines.

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

The proposed use will not be disturbing to neighbors already providing light manufacturing, indoor firearm practice and training, or Sunday morning worship services.

It is important to note that the Church chose to locate in an Industrial District through an "Additional Use" process in 2002.

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.*

Automobile service facilities represent a low impact light industrial use and are permitted in other, more public commercial zoning districts.

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.*

A limited number of cars will be sold as a normal and customary accessory use to this type of business and not independent of the principle 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.*

All utilities are available at the proposed location. No special provisions are required.

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

No public expense is anticipated by this project.

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 building is intended as a single story pre-engineered metal building, similar in scale and materials as the adjacent buildings and those permitted in the LI 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.*

Access to the site has been carefully considered for the operation of the business and the adjacency of other business entrances along Ringwood Road, providing separation between this entrance and that of the indoor shooting range.

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

The proposal contained herein is designed for a vacant piece of undeveloped land with no natural scenic or historic features.

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

A professional review of the building code has been performed, and all necessary permits and licenses can be obtained for this use in this location.

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

Respectfully,

Scott Webb, Architect

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

SCOTT WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838
www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Auto Service Facility
6711 Ringwood Road
Parcels H4100028000014

February 23, 2018

Dear Mr. Chen,

In addition to the narrative statement required on the Conditional Use Application, please accept this letter as the additional narrative statement required by Section 1147.02 of the Zoning Code.

In response to the items listed in 1147.02, we offer the following:

6. *A description of the proposed use.*
   a. *A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery & service vehicles*

      The proposed building is designed to provide automotive repair & modifications inside a new building.

      The building is designed to accommodate (4) cars at a time inside the building with staging areas for cars awaiting service and parking for cars waiting to be collected by their owners.

      The proposed business does not anticipate high daily traffic counts, as most services are performed by appointment.
   b. Hours of operation

      The proposed hours of operation are from 7:30 AM to 7:30 PM to allow for drop-off and pick-up of cars before and after typical business hours.
7. *A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties;*
   a. *How is the use similar to or different from existing area uses and if there will be any interaction between the proposed and existing uses*

      The property is zoned LI and is surrounded by semi-industrial uses (Capital Varsity), a church, the new shooting range, and vacant agricultural uses outside the City limits. The site is designed to accommodate all functions of the business with no anticipated interaction with existing uses in the vicinity.

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

The property is currently undeveloped.

The proposed building will be a single story pre-engineered metal building, appropriate for the use and typical for the uses anticipated by the LI Zoning District.

c. *If the use will involve any operations that create potential nuisances, such as excessive noise, lighting, odor, fumes, vibration, or emissions.*

Automobile service facilities represent a low impact light industrial use and are permitted in other, more public commercial zoning districts. All work takes place inside the proposed building.

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

The design of the site provides for generous setbacks, and will be provided with typical parking lot and security lighting.

8. *A statement about why the location proposed is more appropriate for use than other locations;*

While our Zoning Code does not currently address businesses like this in any zoning district, it was the feeling of the City Planner that this use is typically found in GB areas and would be compatible with the intent of the LI District.

9. *A statement of the necessity or desirability of the proposed use to the neighborhood or community.*

The changing demographics of Miami students and the community at large has created an influx of exotic cars and a business opportunity in providing special care, modifications, and repairs to these customers. With limited property of this size available in the GB district, the owner broadened his search to the western edge of the City.

At just over an acre, the property in question has been on the market for over 15 years and is quite small for many potential industrial uses. As a destination business not dependent on high visibility and traffic counts, the owner has decided to investigate this property for his new business.

With the new MayDay indoor shooting range and Gillman Home Center as neighbors, the area currently accommodates retail and service businesses among the Light Industrial uses.

10. *Separate detailed statements that individually address each of the items listed as potential concerns for the proposed use.*

Based on the potential concerns of Vehicle Service and Repair Facilities itemized in 1147.03(b)(6) we offer the following;

A. Potential Concerns:

1. *Proper Design of Vehicle Management Area*

The vehicle management areas are designed to present a clear path for customers and employees to move cars through the site logically and efficiently.

The curb cut entering the property has been located to provide separation from the adjacent existing drives.

2. *Proximity of Service Areas to lot lines and adjacent uses*

   All service activities will happen inside the building. .

3. *Outdoor Sales and Storage*

   As is typical of this type of business, incidental cars for sale will be located as indicated on the site plan and inside the building.

   Parking areas are provided for cars awaiting service and those that are finished outside the building

4. *Tow Truck Storage*

   Towing services are not anticipated to be provided, so no truck storage is required.

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

Respectfully,

Scott Webb, Architect

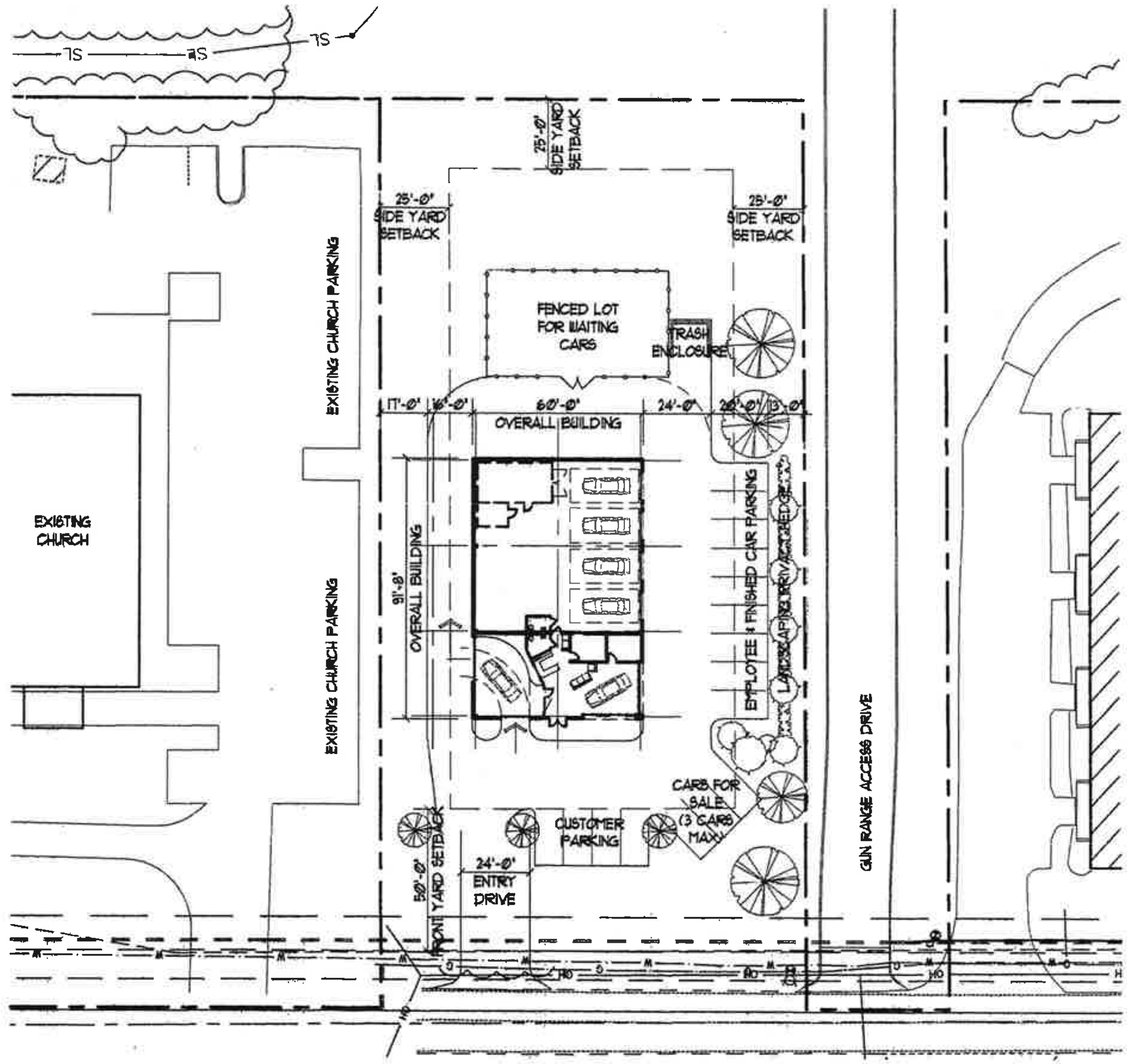
STATE OF OHIO
L SCOTT WEBB
11193
REGISTERED ARCHITECT

SCOTT WEBB ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523 3839
www.scottwebbarchitect.com

PROPOSED NEW AUTO SERVICE & SALES
Ringwood Road
OXFORD, OHIO 45056

DATE	February 22, 2018
REVISIONS	

A-1



PRELIMINARY SITE PLAN 1" = 40'-0"

STATE OF OHIO
L. SCOTT WEBB
11193
REGISTERED ARCHITECT

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103 West Walnut Street
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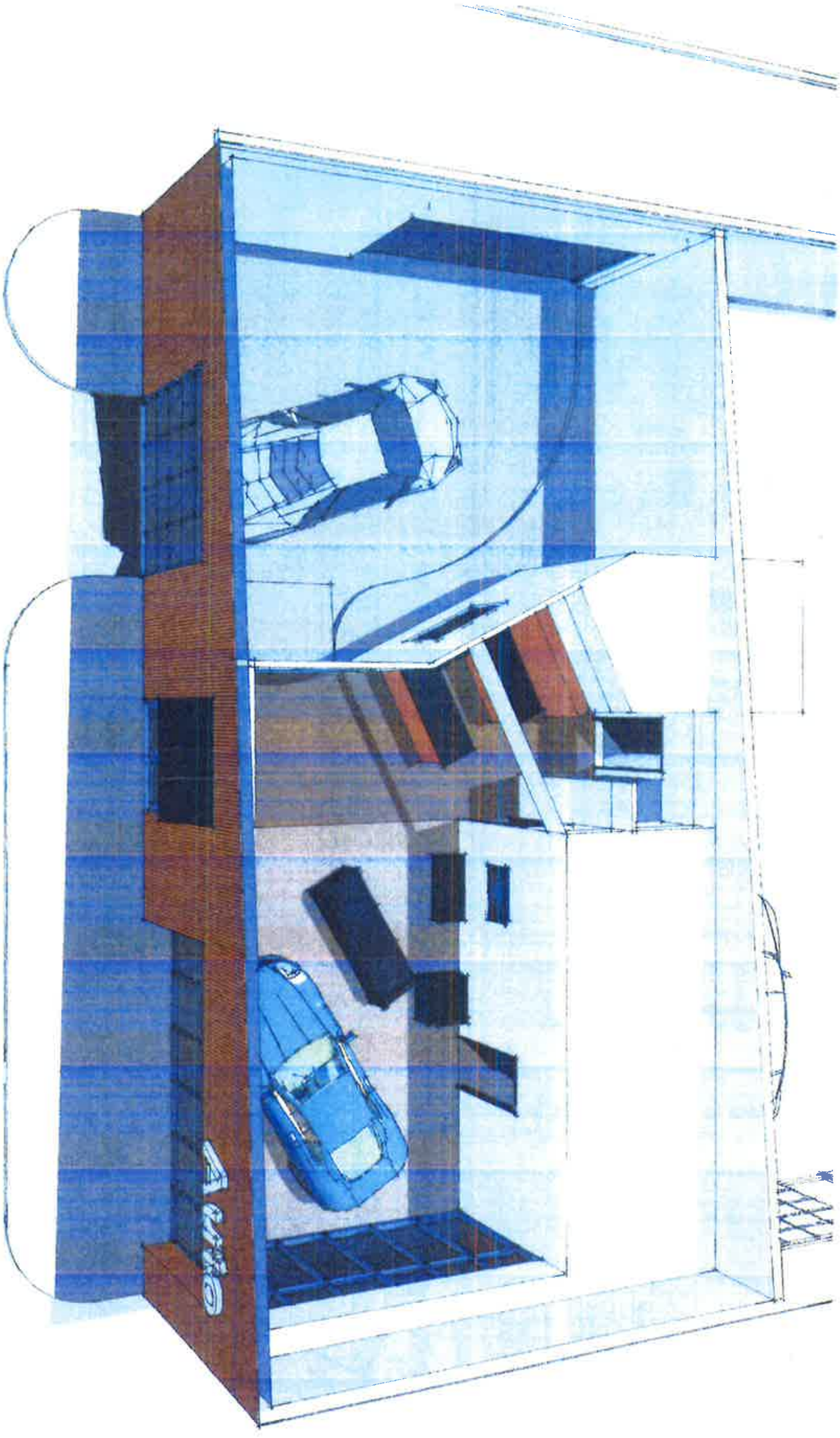
PROPOSED NEW AUTO SERVICE & SALES
Ringwood Road
OXFORD, OHIO 45056

DATE
February 22, 2018
REVISIONS

A-2



A-4

DATE
February 22, 2016
REVISIONS

PROPOSED NEW AUTO SERVICE & SALES
Ringwood Road
OXFORD, OHIO 45056

SCOTT
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103 West Walnut Street
Oxford, Ohio 45056
(513) 523 3534
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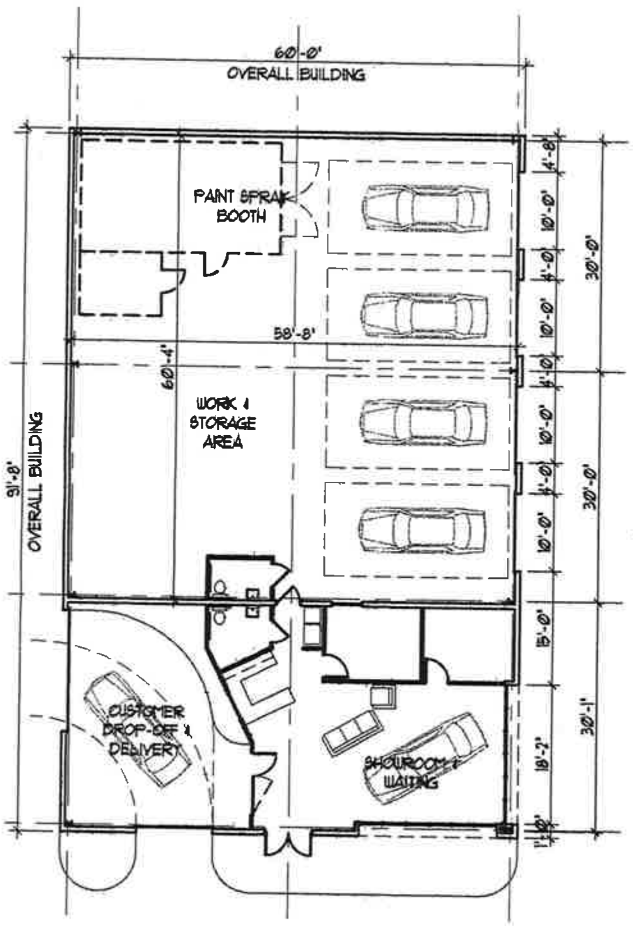
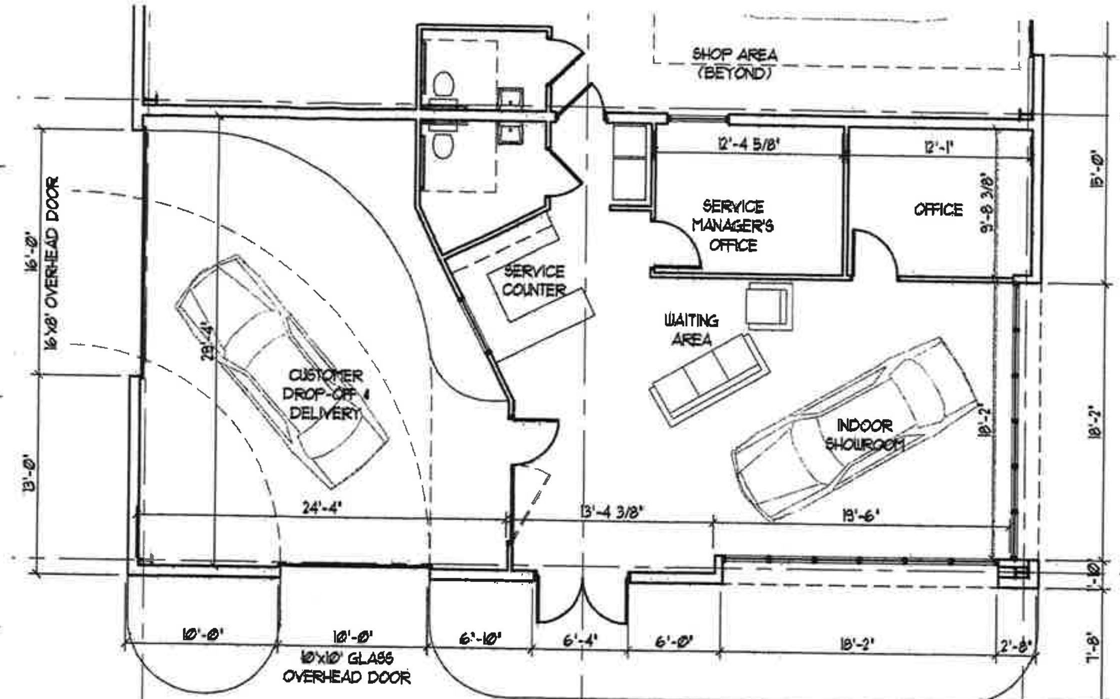
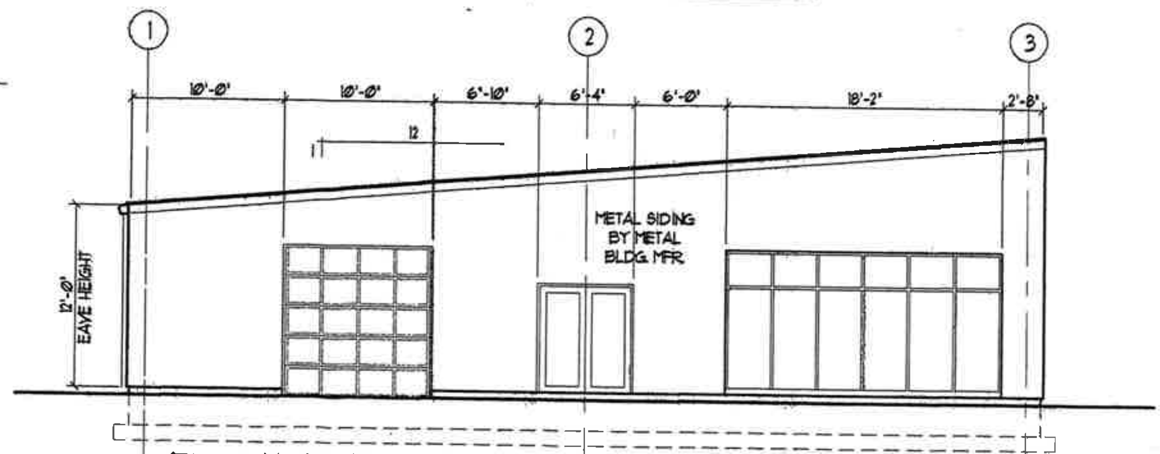
STATE OF OHIO
L. SCOTT WEBB
11153
REGISTERED ARCHITECT



OVERALL PLAN 1/16' = 1'-0'



ENLARGED OFFICE PLAN 1/8' = 1'-0'



FRONT ELEVATION 1/8' = 1'-0'

STATE OF OHIO
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PROPOSED NEW AUTO SERVICE & SALES
Ringwood Road
OXFORD, OHIO 45056

DATE	February 22, 2018
REVISIONS	

A-3