



Agenda

Oxford City Council

Court House

TUESDAY, MAY 20, 2008

EXECUTIVE SESSION

1. Roll Call. Prudence Z. Dana, Mayor; Ken Bogard, Vice-Mayor; Doug Ross; Kate Currie; Alysia Fischer; Richard Keebler; Greig Rutherford

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

REGULAR MEETING 5:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

A. Introduction - Joseph Newlin, Finance Director

B. Recognition - Janice Grill



Certificate

C. Appointments to Boards and Commissions

D. Public Comments

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

4. Consent Agenda.

A. Minutes of the May 6, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)



5/6/08 Work Session Minutes

B. Minutes of the May 6, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council and Janice Grill)



5/6/08 Minutes

C. Minutes of the May 9, 2008 City Council Special Meeting. (Mary Ann Eaton, Deputy Clerk of Council)



5/9/08 Minutes

D. Report regarding the May 7, 2008 Historical and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)



HAPC Report

E. Report regarding the May 14, 2008 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)



Civil Service Report

F. A Resolution declaring certain City property, one (1) American outdoor weather warning siren , no longer needed for any municipal purpose and authorizing the City Manager to donate to a City that would use it or sell it as scrap. (Len Endress, Fire Chief)



Warning Siren



Siren Resolution

- G. A Resolution declaring certain surplus City property no longer needed for any Municipal purpose and authorizing its advertisement and sale to the highest bidder at public auction. (Mike Dreisbach, Service Director)



City Auction



Auction Resolution



Exhibit "A"

5. Resolutions.

- A. A Resolution authorizing the City Manager to enter into an Annexation Agreement with Bill D. Colwell for 40.113 acres of land on Kehr Road in the township of Oxford, Ohio to be annexed to the City of Oxford Corporation Limit, subject to the conditions stipulated in the Annexation Agreement. (Jung-Han Chen, Community Development Director) (Tabled)



Annexation Agreement Documents

6. Ordinances. - Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.

- A. First Reading.

1. None.

- B. Second Reading.

1. An Ordinance Approving A Conditional Use Permit To Permit A Fraternity House In The R2MS (Single and Two-Family Mile Square Residential) District Located At 320 E. Vine Street, Oxford, Ohio. (Jung-Han Chen, Community Development Director)



Staff Report, Ordinance & Planning Documents



Elevation Map



Site Plan



Site Plan 2

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

- A. Announcements.

1. Remarks from City Council and City staff.

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

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

MON - May 26 Holiday - City Offices Closed

TUES - May 27 Comprehensive Plan Steering Committee Joint Meeting 6:00 p.m.

WED - May 28 Environmental Commission Meeting 7:00 p.m. Municipal Building 2nd Floor Conference Room

THUR - May 29 Planning Commission Work Session 6:00 p.m.

TUES - Jun 3 City Council Work Session 6:00 p.m.

TUES - Jun 3 City Council Meeting 7:30 p.m.

WED - Jun 4 Historical and Architectural Preservation Commission Meeting 7:30 p.m.

MON - Jun 9 Comprehensive Plan Steering Committee Meeting 6:00 p.m.

TUES - Jun 10 Records Commission Meeting 5:30 p.m. Municipal Building 2nd Floor Conference Room

TUES - Jun 10 Planning Commission Meeting 7:30 p.m.

MON - Jun 16 Housing Advisory Commission 7:00 p.m. Municipal Building 2nd Floor Conference Room

TUES - Jun 17 City Council Meeting 7:30 p.m.

WED - Jun 18 Board of Zoning Appeals 7:30 p.m.

FRI - Jun 20 Community Improvement Corporation 12:00 p.m. LCNB 2nd Floor Meeting Room

WED - Jun 25 Environmental Commission Meeting 7:00 p.m. Municipal Building 2nd Floor Conference Room

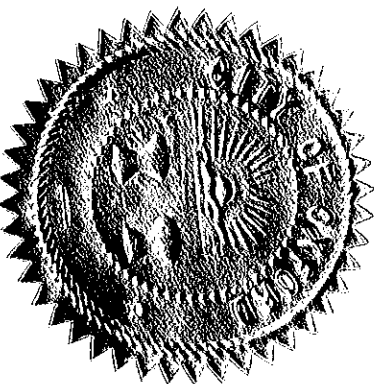
WED - Jun 25 Civil Service Commission Meeting 7:30 p.m.

8. Adjourn

WHEREAS, Janice Grill has served as the Stenographer for the Oxford City Council, Planning Commission, and Board of Zoning Appeals since May of 2007 and has attended City Meetings regularly; and transcribed the Minutes accurately and completely.

THEREFORE, Oxford City Council recognizes Janice Grill for her dedication and service to the citizens of Oxford through her transcribing efforts.

May 20, 2008



Prue Z. Dana, Mayor

A work session of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, May 6, 2008 at 6:00 P.M. Those Council members present were, Ken Bogard, Alysia Fischer, Kate Currie, Richard Keebler, Doug Ross, and Greig Rutherford.

Staff members present: Doug Elliott, City Manager; Jung-Han Chen, Community Development Director; Mike Dreisbach, Service Director; Steve Schwein, Police Chief; Alan Kyger, Economic Development Director; Steve McHugh, Law Director and Mary Ann Eaton, Deputy Clerk of Council.

APPROVAL OF AGENDA

Mr. Ross moved approval of the Agenda. Ms. Fischer seconded. The motion carried 7-0-0.

The purpose of the Work Session was for Council and staff to continue discussion regarding the location for the proposed new Court and Police facility.

Mr. Elliott noted at the March 6, 2008 Work Session Council discussed financing for the proposed Municipal facilities and tonight he would like Council to provide feedback regarding their thoughts and hopes for the project. Mr. Elliott advised out of the 15 site selections his hope was to narrow them down to 2 or 3 so the appraisal process could begin.

Mr. Elliott provided a handout to Council which included 15 locations suggested to date, site selection criteria, a comparative evaluation of the sites, an individual site selection evaluation, and an aerial photo of each location.

Council discussed the various locations and the consensus was that Southpointe Crossing as well as University Parkway were not conducive for this project.

The sites which seemed most favorable were the former Odd Lots site, the former Miami Valley Lumber site, the Main and Sycamore Street area, and the Tri property. Council also discussed Miami University's former food storage building.

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Mr. Elliott advised he would provide a synopsis of Council's written responses in their Friday Packet.

ADJOURNMENT

Mr. Keebler moved to adjourn at 7:00 p.m.
Ms. Currie seconded. The motion carried
7-0-0.

A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, May 6, 2008 at 7:30 p.m. Those members present were Ken Bogard, Kate Currie, Richard Keebler, Alysia Fischer, Doug Ross and Greig Rutherford.

Staff members present: Mr. Doug Elliott, City Manager, Mr. Mike Dreisbach, Service Director, Mr. Steve Schwein; Police Chief, Mr. Jung-Han Chen, Community Development Director; Ms. Heidi Hill, Acting Finance Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Deputy Clerk of Council.

**ADJOURN TO
EXECUTIVE SESSION**

Ms. Currie moved to adjourn to Executive Session at 7:00 p.m. in accordance with Ohio Revised Code section 121.22 (G) for the purpose of discussing (1) Appointments to Boards and Commissions and (3) Pending litigation. Ms. Fischer seconded. The motion passed by the following roll call:

AYE: Ms. Currie, Mr. Ross, Ms. Fischer, Mr. Keebler, Mr. Bogard, Mr. Rutherford
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

**RETURN FROM
EXECUTIVE SESSION**

Mr. Rutherford moved to return from Executive Session at 7:28 p.m. Ms. Currie seconded. The motion passed by the following roll call:

AYE: Ms. Fischer, Mr. Rutherford, Mr. Keebler, Ms. Currie, Mr. Bogard, Mr. Ross
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Mayor Dana requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Fischer moved to approve the agenda. Mr. Rutherford seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **'NALC FOOD DRIVE DAY'**

Mayor Dana read the Proclamation and presented it to Mr. Phil Best who through his association with the Choice Pantry stated he would see the letter carriers received the Proclamation.

PROCLAMATION **'PARENTS WHO HOST** **LOSE THE MOST'**

Mayor Dana read the Proclamation and presented it to Ms. Amy Macechko. Ms. Macechko thanked Mayor Dana and the members of Council for the proclamation. Ms. Macechko stated this was the third year that the Talawanda School District received a grant from the Drug-free Action Alliance to canvass the community with the important message regarding providing alcohol to underage students. Ms. Macechko thanked the many business owners who allowed the materials to be in their establishments for distribution. Ms. Macechko thanked both the Oxford Police Department and the Miami University Police Department for their collaboration with the Talawanda School District to increase enforcement during the prom and graduation season to ensure the students' safety and health.

PROCLAMATION **'EMS WEEK'**

Mayor Dana read the Proclamation and presented it to Mr. Jordan Gula.

PRESENTATION

Spring Clean Oxford – Ms. Bobbe Burke, 722 David Drive, noted one of the joys of her job was working with the students on their initiatives. Ms. Burke stated there were two big clean up days, one in the fall and one in the spring. Ms. Burke noted for many years the spring event had been hosted by the Greek community. Ms. Burke introduced Jessica Tepas, President of the Panhellenic Association; Jamie Kyriakedes, President of the Interfraternity Council; and Kendall McCune, Vice President for Community Relations/Community Service from the Panhellenic Association who joined her in the presentation.

Ms. Kendall McCune, thanked Ms. Burke as well as Council for allowing them to provide a presentation. Ms. McCune noted the packet that had been provided to Council prior to the meeting. Ms. McCune advised there were 553 participants for the event and noted the projects included in the packet. Ms. McCune stated the students enjoyed giving back to the community that they were so proud to be a part of.

PRESENTATION

McCullough-Hyde Memorial Hospital – Mr. Richard Daniels noted this was his 29th and last presentation of the annual report for the hospital. Mr. Daniels stated a lot of things had changed over the years. Mr. Daniels stated one major event at the hospital in the past year was the chef's celebration that the physicians sponsored, which raised over \$100,000 last November, and went toward the purchase of medical equipment. Mr. Daniels noted that was the third annual event of that nature, and just shy of \$300,000 had been raised during those events. Mr. Daniels stated the Ross Medical Center was just recently opened in Ross Township. Mr. Daniels advised such services as physical therapy, x-ray, magnetic resonance imaging, ultrasound, lab, endoscopy suite, pain management services and physician time-share space were offered presently at that space. Mr. Daniels stated that space was approximately 18,000 square feet and they gained access to another 5,500 square feet where they planned to put an urgent care facility, occupational health, CT scanning and additional physician office space. Mr. Daniels advised as far as hospital activity in the past year, there had been a slight decrease in inpatient status and a slight growth in outpatient status. Mr. Daniels noted it had been another tough year from a financial perspective. Mr. Daniels stated some of the loss from the year before was gained back. Mr. Daniels noted during his 28 years of service, five years or six had been losing financially. Mr. Daniels noted the improvement from a 1.3 million dollar loss to a .5 million dollar loss last year. Mr. Daniels noted his desire to perform well this year to keep the organization growing and continue its viability. Mr. Daniels advised over the past three or four years, the total revenue had increased approximately 22 percent, but deductions from revenue had increased 85 percent. Mr. Daniels explained deductions were what insurance companies did not pay, bad debts that had to be written off, charity care, what Medicare did not pay, and what Medicaid did not pay. Mr. Daniels summarized the amount of care provided at less than the charged rate had increased significantly. Mr. Daniels noted the hospital wrote off last year approximately 35 million dollars worth of care. Mr. Daniels addressed charity care, and noted the increase over the last several years. Mr. Daniels explained that was good in the sense that the bad debts have stayed flat for about four years while charity care increased from about 600,000 to 1.7 million dollars over the last four years. Mr. Daniels advised by identifying the people who did not have the resources to pay for the services as early as possible deleted the costly process of billing. Mr. Daniels stated the trust grew by approximately one million dollars this past year, and the Board transferred three-quarters of a million dollars to the hospital to purchase a cardiac monitoring system for the whole hospital. Mr. Daniels addressed the new project regarding the oncology clinic with a goal of raising \$578,000 to renovate space in the hospital to relocate the service and expand it. Mr. Daniels noted to date; approximately \$380,000 had been raised with the expectation of raising the rest before the end of the year. Mr. Daniels noted the auxiliary pledged \$100,000 towards that project. Mr. Daniels noted the volunteers from the community, from Miami University, from the school systems in the area contributed over 20,000 hours of volunteer time. Mr. Daniels advised there are approximately 125 adult volunteers, 18 to 25 teen volunteers in the summer, and between 100 and 150 Miami students who volunteered. Mr. Daniels offered to address any questions or concerns.

PROCLAMATION
'RICHARD DANIELS DAY'

Mayor Dana read the Proclamation as a surprise and presented it to Mr. Daniels.

APPOINTMENTS TO
BOARDS AND COMMISSIONS

TRANSPORTATION NEEDS ASSESSMENT
AND FEASIBILITY SUBCOMMITTEE

Mr. Ross moved to appoint Prue Dana, Ed Deville, Tim McGowan, Perry Gordon, Diane Ruther-Verling, and Debbie Reiff to the Transportation Needs Assessment and Feasibility Subcommittee. Mr. Bogard seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Mayor Dana outlined the rules and procedures regarding public comments.

Mayor Dana read the following statement: 'The City of Oxford and Oxford Division of Police are committed to providing the safest environment possible to all individuals living, working in and visiting our City. This includes individuals who our police officers are attempting to arrest as well as the police officers themselves. The recent deployment of an ECD electronic device and the subsequent death of the individual involved have resulted in the immediate suspension of the ECD by the Oxford police officers until such time as a thorough investigation of the incident by the Butler County Sheriff's Department has been completed and that investigation has been reviewed by Butler County Prosecutor's Office. Both the investigation and the review will look at the incident itself, the policy, the procedure, the training and the medical cause of the death of Kevin Piskura. Until such time as all of this information is made available, the Oxford police officers' ECD use will remain suspended at the direction of the Oxford Police Chief, Steve Schwein. Prior to any decision or re-issuance of the ECDs, a thorough and comprehensive public discussion on deployment policy will be undertaken by the Council. Oxford City Council continues in offering its condolences to the Piskura family and joins them in asking for your patience and understanding while the answers to these questions are sought.

Mr. Thad Boggs, 109 Ardmore Drive, advised that on April 24th for the first time in several years, Miami's Associated Student Government held its first elections for off-campus senators. Mr. Boggs noted over 40 candidates ran for 24 spots, with over 1500 students voting. Mr. Boggs stated following elections, there was a training session to prepare the off-campus senators for next year. Mr. Boggs stated in conjunction with the Miami Office of Off-Campus Affairs, there had been three separate training sessions for students moving off campus in the hope of developing more knowledgeable tenants who were aware of their rights and responsibilities as tenants and residents of Oxford. Mr. Boggs extended his thanks to Mayor Dana and Council for inviting them along on the neighborhood walk last Friday.

Mr. Boggs noted it was a valuable experience. Mr. Boggs invited all to Oxford Exodus this coming Friday starting at 8:30 p.m. Mr. Boggs reiterated his desire to work with Council next year.

Ms. Janice Dutton, 302 West Vine Street, noted as a member of the Oxford Citizens for Peace and Justice, she wanted to speak on the Taser policy. Ms. Dutton stated regardless of the results of the investigation, they would like to ask Council to institute a full policy review allowing public input. Ms. Dutton stated since 2001, there had been more than 300 deaths following the use of Tasers and other such devices in the United States and Canada. Ms. Dutton quoted a 2004 report from Amnesty International calling the use of Tasers a domestic human rights issue. Ms. Dutton noted in 2006, the US Department of Justice launched an investigation into deaths in custody with Amnesty International testifying in that investigation in 2007. Ms. Dutton advised in 2005, police officers in five states filed lawsuits against Taser International claiming they suffered serious injuries after being shocked with the devices during training sessions. Ms. Dutton outlined several of the injuries alleged. Ms. Dutton noted in 2005, the Department of Homeland Security stated Immigration and Customs and Border Patrol had rejected arming their officers with Tasers. Ms. Dutton advised Taser International settled a lawsuit filed by its own shareholders who claimed the company obscured the truth about the safety of its weapons in 2006. Ms. Dutton stated in November of 2007, the United Nations Committee Against Torture expressed concerns that Tasers were instruments of torture and could cause death. Ms. Dutton noted while they were not speaking specifically to the most recent incident, there had been three incidents of tasing in three and a half months in Oxford, and the Oxford Citizens for Peace and Justice would like to see a full policy review. Ms. Dutton suggested review of such research as a report by the Police Executive Research Forum from the US Department of Justice. Ms. Dutton noted the Canadian government launched an investigation in their country citing a University of Chicago study in which 11 pigs were tased and three died in a matter of hours. Ms. Dutton stated there was a difference between cause of death, something that contributed to death and correlation of death.

Ms. Linda Kimball, 724 Melinda Drive, noted Ms. Dutton had performed extensive research. Ms. Kimball stated as a community, we faced a dilemma with regard to deployment of Tasers. Ms. Kimball noted City police officers were faced with challenges almost every day in their professions and may find their own safety jeopardized by performing their duties. Ms. Kimball outlined the various organizations that claimed the Taser is a safe, less lethal weapon. Ms. Kimball noted it was with the belief that Tasers were safe that they were used. Ms. Kimball stated what was learned in Oxford was depending on the location of the application of the Taser, the health or the condition of the individual tased, the 50,000 volts of electrical current passing through a suspect's body may not be safe or less lethal than a firearm. Ms. Kimball stated there was ample and growing evidence that this particular brand of Taser was a potentially lethal weapon. Ms. Kimball noted Amnesty International concluded their very extensive report on Tasers with, "because of safety concerns and potential for abuse, we do not believe Tasers should ever be used as a low or medium level force option by police officers, nor should they be permitted for sale to the general public.

As a general policy, Amnesty International called on all governments and law enforcement agencies to either cease using Tasers and similar devices pending the results of further studies into their use and effects or to limit their use to situations where officers would otherwise be justified in resorting to firearms where no lesser alternatives were available." Ms. Kimball suggested calling for a moratorium until there was independent study and research conducted on Taser safety and a full public policy and procedures review on Taser use.

Mr. Terry Perlin, 926 Silvoor Lane, noted the context in which such devices were used deserved special recognition. Mr. Perlin stated Oxford was not an average town, but a college town. Mr. Perlin referred to a report by the Harvard School of Public Health of binge drinking, which noted excessive drinking usually supported by commercial and other establishments within the town had become the norm and had increased in recent years. Mr. Perlin noted there was no scientific study of Tasers, either their use or abuse or their health consequences. Mr. Perlin noted the manufacturer, Taser International, described the devices as non-lethal alternatives. Mr. Perlin referred to the definition of "non-lethal" included on the Taser International website as "no injury or death is intended." Mr. Perlin stated while Tasers might be safe for some, they might not be safe for others such as elderly citizens with pacemakers or implantable ventricular assist devices. Mr. Perlin referred to the reports by both Amnesty International and the World Health Organization that argued repeated Taser use was the moral and physical equivalent of torture.

Ms. Connie Elliott, stated she would be giving her first presentation regarding the Smokey and Tornado Project tomorrow evening. Ms. Elliott outlined some of the other speakers who would be participating at the Family Resource Center at 5:30 p.m. tomorrow evening.

Ms. Betty Quantz, 322 West Vine, noted she attended a Council meeting several months ago where a check was received from the Butler County Environmental Services. Ms. Quantz referred to page 32 of the agenda where it stated Oxford qualified for a reimbursement of \$22 per ton of recycling. Ms. Quantz wondered if rates would go down as a result of that reimbursement.

CONSENT AGENDA

Ms. Fischer requested removal of item B. Minutes.

MINUTES

Minutes of the April 15, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the April 2, 2008 Historical and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

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Report regarding the April 8, 2008 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the April 16, 2008 Board of Zoning Appeals Meeting. (Donna Heck, Human Resources Director)

Report regarding the April 17, 2008 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

Report regarding the April 23, 2008 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTIONS

RESOLUTION

REPEALING RESOLUTION NO. 4323

A Resolution No. 4348 repealing Resolution No. 4323 approving the creation of a new fund for the 2008 operating budget to provide for housing and adopting a revised Resolution approving the creation of a new fund for the 2008 operating budget to provide for affordable housing. (Heidi Hill, Acting Finance Director)

RESOLUTION

AGREEMENT WITH

A&A SAFETY

A Resolution No. 4349 authorizing the City Manager to enter into an agreement with A&A Safety, Inc. for the purchase of a Wachs ERV-750 Valve Maintenance Trailer and specified equipment at a cost not to exceed \$41,900.00. (Mike Dreisbach, Service Director)

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

MINUTES

Minutes of the April 15, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council and Janice Grill)

Ms. Fischer referred to page 20 of the agenda (page 12 of the minutes) and clarified paragraph two.

Ms. Fischer moved to approve the minutes as clarified. Mr. Rutherford seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION **ANNEXATION AGREEMENT**

A Resolution authorizing the City Manager to enter into an Annexation Agreement with Bill D. Colwell for 40.113 acres of land on Kehr Road in the township of Oxford, Ohio to be annexed to the City of Oxford Corporation Limit, subject to the conditions stipulated in the annexation Agreement. (Jung-Han Chen, Community Development Director)

Mr. Chen explained this was the proposed annexation agreement the City would execute with the property owner. Mr. Chen noted in March, Council accepted the annexation petition. Mr. Chen stated this was the second step, which outlined the responsibilities of each party pertaining to the annexation and land development. Mr. Chen noted should Council authorize the City Manager to enter into the agreement, sometime in June or July, it should come before Council for acceptance of the territory into the City. Mr. Chen offered to address any questions or comments.

Ms. Betty Quantz, 322 West Vine, noted in the Council packet, there was a site map, but there wasn't one included in the packet she had. Ms. Quantz asked if there was one available to the public at this time. Ms. Quantz stated in light of the fact there was no site map available, once again Council was being asked to vote for something without seeing the map. Ms. Quantz referred to page 42 of the agenda, under number two regarding the preliminary development plan, attached as Exhibit C. Ms. Quantz asked if Exhibit C was available for public comment. Ms. Quantz asked if it was the Planning Commission who conceptually approved the preliminary development plan. Ms. Quantz referred to page 43, item number five, where it stated, "if annexation had not yet been completed, City Council would review the request to provide an advisory opinion." Ms. Quantz asked what an advisory opinion was when it was not a resolution or an ordinance. Ms. Quantz referred to item six on page 43 where it stated, "the owner shall also pay for any additional capacity if existing water service will not support the development of the property as determined by the Service Director." Ms. Quantz stated she assumed this meant the developer would pay for any increase in pipe should it be necessary. Ms. Quantz referred to number nine on page 43, and made a typographical correction. Ms. Quantz referred to number 11 on page 43, where it referenced 90 days and asked when the clock started on that time period. Ms. Quantz asked if it were possible to get the rezoning done in 90 days.

Dr. Orie Loucks, 6195 Fairfield Road, noted his concern with the absence of Appendix C. Dr. Loucks noted he attended the Oxford Township Trustees' meeting in their consideration for this proposal for annexation, and noted the concern by Oxford Township residents regarding the project for low-income housing and its concentration on 20 acres. Dr. Loucks explained they were being asked to consider rezoning for the full 40 acres with no information provided for what was planned on the remaining 20 acres. Dr. Loucks stated the Oxford Township Trustees requested a very different diagram for the development of the property.

Dr. Loucks suggested setting aside approval of the resolution until the Oxford Township Trustees had agreed on an appropriate distribution of conventional residential housing and low-income housing on the 40-acre parcel.

Ms. Betty Quantz, 322 West Vine, noted she also had a question regarding whether or not the Oxford Township Trustees had been approached about revenue sharing for this parcel.

Mayor Dana asked Mr. Chen to elaborate on the annexation procedure this Applicant pursued. Mayor Dana stated there was an initial meeting with Township Trustees discussing annexation in general. Mayor Dana noted she attended the April 14, 2008 Oxford Township Trustee meeting where they listed concerns, which she would share with Council, that were addressed in the annexation agreement.

Mr. Chen noted the path the Applicant had chosen was known as the single-owner petition, which was an expedited process. Mr. Chen stated the Applicant filed a petition with the County Commissioners, who forwarded the petition to the Township and the City for comments. Mr. Chen noted the Township and the City needed to respond to the County Commissioners within 30 days stating whether they agreed or rejected the petition or they could simply not respond to the petition inquiry. Mr. Chen noted following that, the County Commissioners could vote to grant the annexation or deny it, but denial had to be based on very limited criteria. Mr. Chen advised after that, within either 60 or 120 days, the annexing municipality would have to go through the final acceptance.

Mr. Elliott noted this was one of three expedited methods. Mr. Elliott stated the method chosen basically meant the land remained in the Township. Mr. Elliott noted it stated in the statute that the township would continue to receive the Township property taxes.

Mr. Keebler referred to Resolution 4336, which was approved by Council. Mr. Keebler asked if that went to the County Commissioners and Mayor Dana advised yes. Mr. Keebler asked if that was all Council was required to do prior to what was presently before them and Mr. Chen advised yes. Mr. Keebler asked if Mr. Chen knew the status of the Township's comments to the County Commissioners. Mayor Dana stated she asked the Township, and noted they had tabled it from one month to the next month. Mayor Dana noted since the Township did not comment, it was viewed as acceptance by the County Commissioners. Mr. Elliott noted that was in accordance with the statute. Mr. Keebler asked if the County Commissioners had voted to approve the annexation and Mr. Elliott advised yes.

Ms. Fischer referred to Exhibit C, which was not available in the packet. Ms. Fischer stated because Exhibit C was not available, she could not vote in favor of it. Ms. Fischer referred to number five on page 43 of the agenda, where it says the City agreed to accept an application to rezone the property. Ms. Fischer noted that stated merely the acceptance of an application, not an agreement to rezone the property. Ms. Fischer referred to number 11 on page 43 where it noted if the City failed to rezone the property, the owner could de-annex.

Mr. Bogard inquired what the beginning date of the process was and when the ending date was anticipated.

Mr. McHugh noted it had to sit for 60 days from the date it was received by the Clerk. Mr. McHugh stated at that point, Council had 120 days to make a determination whether to accept or deny.

Mr. Rutherford noted the absence of Exhibit C. Mr. Rutherford addressed the 20 acres of land for affordable housing, 35 units, and asked about a plan for the site. Mr. Rutherford noted the mention of Miller-Valentine and stated they oftentimes constructed multi-family dwelling units.

Mr. Keebler noted single-family housing units were presented to the Planning Commission.

Mr. Rutherford expressed concern with completing the rezoning process within 90 days. Mr. Rutherford referred to number eight on page 43 regarding a traffic impact study and asked about the scope of the study. Mr. Rutherford noted he was quite dissatisfied with the document as presented and would not be able to vote for it.

Mr. Ross noted the lack of sidewalks on Kehr Road from Chestnut to Booth. Mr. Ross stated it was a very unsafe place to be.

Mr. McHugh stated Exhibit B referenced in Section 3 of the resolution referred to the Annexation Agreement, which was included in the agenda on page 42. Mr. McHugh noted in referring to the Annexation Agreement, referenced there was the petition, which was located at page 46 of the agenda. Mr. McHugh noted the application for rezoning could actually go to the Planning Commission prior to Council considering the 60-day period.

Mayor Dana stated Council voted on the initial acceptance of the annexation, which started the process. Mayor Dana noted the desire of the Township Trustees to meet and discuss the annexation procedures. Mayor Dana noted Mr. Salmon was very familiar with the annexation procedures. Mayor Dana noted she attended the March 14 meeting of the Oxford Township Trustees at which time they stated to her that they wanted to make sure the annexation of the area went to the centerline of the roads and possibly clustering the development leaving more green space. Mayor Dana outlined several other concerns they had and noted she would bring them forward.

Ms. Fischer noted her support for low and moderate-income housing and the project as it was brought forth at Planning.

Ms. Fischer moved to table the Resolution until a properly labeled Exhibit B and Exhibit C were presented to Council and the public. Ms. Currie seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford (6)

NAY: Ms. Dana (1)

ABS: None

ORDINANCE
FIRST READING

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit To Permit A Fraternity House In The R2MS (Single and Two-Family Mile Square Residential) District Located At 320 E. Vine Street, Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the applicant was seeking a conditional use to allow a fraternity house to be located at 320 East Vine Street. Mr. Chen advised the Planning Commission discussed this issue in a very detailed manner. Mr. Chen noted the Planning Commission discussed the suitability of the site for the proposed use as well as the traffic impact, whether the proposed use was compatible with the general intent of the Comprehensive Plan and whether the proposed building was harmonious with the character of the general vicinity. Mr. Chen noted the Planning Commission's vote was four to two, recommending that Council allow the conditional use permit to be approved.

Ms. Betty Quantz, 322 West Vine Street, noted she had previously spoken about the dream of having families return to the Mile Square. Ms. Quantz stated her corner of the Mile Square was so fortunate that one house had recently sold to a family, while two others had been sold as student rentals. Ms. Quantz noted property became devalued with a fraternity next to or across the street. Ms. Quantz referred to the staff comments on page 73, which refer to the criteria for decision making, number one, and states, "Noise: Although there is an obvious increase in occupancy numbers, the proximity to existing multi-family residences and fraternities should minimize the impact to the site's neighbors." Ms. Quantz stated in her opinion, everything on the east of Main Street, anything goes. Ms. Quantz noted it's laughable that there would be no additional impact for the movement of traffic on adjacent public streets.

Mayor Dana invited comments from Mr. Bob Dearth.

Mr. Bob Dearth, 351 Oregon Street, Cincinnati, Applicant, stated he would be happy to address the issue of the proposal, present some maps and diagrams as well as answer any questions that might arise. Mr. Dearth stated the proposed residence application was for approximately 25 students. Mr. Dearth presented a map with blue dots representing fraternities within the Mile Square and the R2MS area with the light blue dot the proposed location at 320 Vine Street. Mr. Dearth noted it was contiguous to the other fraternities.

Ms. Fischer requested the use of 320 East Vine as opposed to just 320 Vine.

Mr. Dearth apologized and noted it was indeed 320 East Vine. Mr. Dearth presented the elevations of the building. Mr. Dearth noted the current structure was an approximately 2600-square foot multiple-family dwelling with eight occupants. Mr. Dearth stated the un-maintained alley was adjacent to another multi-family dwelling and the occupants of the buildings used the un-maintained alley as a pseudo driveway and parked in the unimproved area in the back. Mr. Dearth noted on-street parking was limited. Mr. Dearth stated they were proposing a two-story plus a basement addition. Mr. Dearth noted it would appear as a three-story addition from the rear due to the topography of the lot. Mr. Dearth advised there were two lots that needed to be consolidated to meet code requirements. Mr. Dearth stated the coverage areas had been scrupulously addressed with the architect. Mr. Dearth noted the addition of a front porch to enhance the character and preserve the perspective of the building. Mr. Dearth noted landscaping would be included in the plan as well. Mr. Dearth noted they were one of the newest fraternities on campus and outlined their objectives. Mr. Dearth stated there were no outdoor recreation areas planned.

Mayor Dana asked how many parking spaces were proposed.

Mr. Dearth noted there were eight as required. Mr. Dearth noted the limitation due to the coverage ratio and stated if there were some flexibility under that, they would put more off-street parking in.

Ms. Janice Dutton, 302 West Vine Street, stated when she served on the Planning Commission and City Government for 12 years, staff reports included all information required to make a decision. Ms. Dutton suggested in order to make a decision regarding this matter, Council needed to know what the Comprehensive Plan said about this area as well as what the purpose of R2MS was. Ms. Dutton noted the Comprehensive Plan was a contract the City and Council made with the citizens of Oxford. Ms. Dutton stated an unimproved area in the back in a residence was really known as the back yard of a single-family home.

Ms. Kathleen Zien, 6060 Joseph Drive, suggested the Councilors ask any questions of Mr. Dearth so as to maybe trigger something the public might like to comment on. Ms. Zien noted she had spoken to Chairman Brewer with the Planning Commission regarding this application. Ms. Zien stated Chairman Brewer introduced this case and opened the floor for public comment. Ms. Zien noted she thought the Applicant would present his case, but nothing happened. Ms. Zien stated Mr. Dearth's presentation to the Planning Commission was brief. Ms. Zien noted her questions should have been easily addressed such as what the current occupancy was. Ms. Zien stated future occupancy was not included in either the staff report or the application. Ms. Zien advised after the public portion closed, it was brought forth that occupancy would be increased threefold to 25. Ms. Zien noted Mr. Bob Karrow wanted to ask what impact the increase in occupancy would have on sewer and water. Ms. Zien stated the tripling of the number of tenants wasn't available for the City Engineer's review as well. Ms. Zien stated had the information been provided before the public comments, those present would have been able to follow up.

Ms. Zien noted the formula of two parking spaces for every five beds for fraternities was not realistic. Ms. Zien referred to the on-site parking diagram on page 71 and noted it looked to accommodate nine vehicles. Ms. Zien noted Mr. Dearth had previously projected a minimum of 75 percent of the home's occupants would have vehicles. Ms. Zien stated when she attempted to photograph the house; there was no curbside parking to be found for four city blocks. Ms. Zien noted to permit additional group housing in that neighborhood already strapped with students and currently exceeding parking limitations wasn't responsible as evidenced by some of the public letters on pages 62 through 65 of the agenda. Ms. Zien stated other citizens and a librarian knew more about the building and its history than the applicant or realtor. Ms. Zien supplied a brief history of the home. Ms. Zien stated the fraternity to the north had to get their portion of the alley vacated before they could put on an addition. Ms. Zien stated the basement and garage floor drains of the subject property dumped excess water into City storm sewers. Ms. Zien stated she was advised the drains were installed due to water problems. Ms. Zien noted the low-lying portion of the back yard accumulated excess water following heavy rains. Ms. Zien noted significant excavation work for drainage would be mandatory should one build there. Ms. Zien stated the house was close to the eastern boundary of the property and would certainly have an impact on the owners of that. Ms. Zien referred to page 54 of the staff report and page 66 of the application, as well as the Auditor's site, which all have this listed as two-family. Ms. Zien noted it was a single-family residence through 1987. Ms. Zien stated as late as June 2003, rental permits for the address showed occupancy for single-family, albeit four unrelated. Ms. Zien stated she asked at the Planning Commission meeting when this single-family residence morphed into a two-family duplex. Ms. Zien suggested Mr. McHugh might be able to address the time line. Ms. Zien referred to page 71, the aerial drawing, which showed the shaded addition with more than 100 percent increase to the current footprint. Ms. Zien questioned why the south elevation drawing was missing from both agendas. Ms. Zien noted the drawing on page 71 had not been amended to show where a dumpster would be located as requested by the Planning Commission. Ms. Zien noted it did not matter that there were fraternities nearby. Ms. Zien referred to the Applicant's description regarding the fraternity on page 74, which reads, "with overriding principles of brotherhood and behavior as gentlemen, all activity will be conducted inside and will not involve excessive noise, odors, emissions, glare or traffic." Ms. Zien noted she could not believe that statement even on paper. Ms. Zien referred to the confusion concerning the decision criteria and suggested the use of either numbers or letters consistently. Ms. Zien suggested approval could not be justified at the second reading under standards two, three, five, six, ten, and eleven.

Ms. Arnina, 215 North Beech Street, stated as a student, she completely disagreed with the addition of another fraternity house. Ms. Arnina noted that while no one encouraged excess noise, a fraternity house would always produce excess noise.

Ms. Betty Quantz, 322 West Vine, referred to page 55 of the agenda, under staff findings, where it stated everything appears to be satisfied with the exception of the front yard coverage. Ms. Quantz noted this was a nonconforming situation and no changes were proposed in this area, except Mr. Dearth said there was a new enhanced porch that had been added to the front yard. Ms. Quantz questioned if the Planning Director was privy to that information.

Ms. Quantz also noted that if any modifications took place in front of the existing house, the applicant should be required to make the situation less nonconforming.

Mr. Bob Dearth clarified there were in fact nine parking spots. Mr. Dearth noted there was added to the drawing a properly located dumpster site, although it was not included in the packet submitted to Council. Mr. Dearth noted the porch addition was a proposed balancing aesthetic with the code issue; however, if it should not be allowed for any reason, it would be eliminated. Mr. Dearth noted it was only to enhance the appearance of the building and property.

Mr. Ross asked Mr. Dearth if they presently rent the address.

Mr. Dearth stated they did not. Mr. Dearth noted that was one of the reasons he was uncertain what the authorization was for the multiple occupancy of the property. Mr. Dearth stated it was his understanding, not being the property owner, that eight people currently occupied it.

Mr. Ross asked if Chi Psi is a social fraternity or affiliated with certain programs.

Mr. Dearth stated he hoped they were a distinguished social fraternity in the sense they have had the first educational trust established nationally, the first leadership program established, educational program established for their undergraduates and had been a model for those kinds of programs for other fraternities and sororities. Mr. Dearth noted they were welcome on campuses because of those leadership and self-development programs.

Mr. Scott Webb, Architect, noted he would like to make a general comment neither for nor against, but first and foremost, there was no such thing in the code as a use variance and the applicant was not asking for one. Mr. Webb stated the vote was really not for whether or not there may be another fraternity in the City of Oxford. Mr. Webb stated the only zoning designation that a fraternity was allowed was the zoning district in which the property resides. Mr. Webb noted no variances were currently being requested.

Mr. Rutherford noted Mr. Webb was correct a fraternity house was a conditional use, which was allowed in the R2MS. Mr. Rutherford referred to decision standards one through 13, and noted he would like them addressed individually with a synopsis by both staff and the applicant. Mr. Rutherford stated he believed this should be remedied before it returns to Council.

Mr. Keebler stated the general decision standards were not voted on individually. Mr. Keebler noted four of the Planning Commission members felt the decision standards were satisfied and two did not. Mr. Keebler stated there was only one zone in the City where fraternity houses have been deemed appropriate. Mr. Keebler noted he believed the fraternity had searched for an appropriate piece of property for approximately a year. Mr. Keebler noted this was the proper zone, the coverage requirements were met, there were other fraternities in close proximity and for those reasons the Planning Commission felt it was appropriate.

Ms. Fischer noted she was disturbed with the Oxford Mile Square rental map that was supplied to members of Council. Ms. Fischer stated she could see simply from her own block that the map was inaccurate. Ms. Fischer expressed concern with possibly stratifying the City. Ms. Fischer stated after this came out in the Miami Student, the story of this coming through Planning, she called over to the office of Greek life and asked them about it and the first they had heard about it was when they read about it in the Miami Student. Ms. Fischer stated she would like input from Miami on whether this was appropriate. Ms. Fischer noted her concern that Miami University and the Office of Greek Life haven't weighed in. Ms. Fischer referred to page 56, staff analysis where it noted there were approximately five fraternities within a 200-foot radius and 11 fraternities within a 500-foot radius. Ms. Fischer stated that was very problematic thinking because you could then just leapfrog fraternity houses throughout the community. Ms. Fischer referred to the decisions standards. Ms. Fischer noted this zoning district was designed to preserve and encourage a mix of single-family and two-family residences in the established residential area of historically significant character. Ms. Fischer referred to decision standard C., the use and site will be compatible with the general intent of the comprehensive plan. Ms. Fischer noted 7.7 in housing, states in general population density should be reduced in the Mile Square with the exception of High Street, and 7.9 states we should encourage owner-occupied residential rehabilitation in the Mile Square. Ms. Fischer noted this property was four doors down from R1MS. Ms. Fischer noted in land use, Mile Square subarea, emphasis should be on preserving single-family homes in small neighborhoods. Ms. Fischer referred to 8.23, land-use plan, which showed the next block over from the subject property indicated fraternities for land use. Ms. Fischer stated she is glad to hear the Applicant is addressing the dumpster issue.

Mayor Dana noted in her review of the Planning Commission meeting, she recalls discussion concerning the dumpster, the parking and access through the back in particular. Ms. Dana noted she felt this should be judged fairly in accordance with the decision standards.

Mr. McHugh referred to page 57 and referred to the burden of proof, which dealt with zoning regulations.

Ms. Fischer noted the Applicant had previously stated this would be a dry fraternity and asked if that would be germane to the discussion regarding public health, safety or general welfare.

Mr. McHugh noted he felt it might be germane, although it would be almost impossible to enforce.

Ms. Fischer noted if the fraternity was a dry fraternity that would preclude certain outdoor activities.

ORDINANCES
SECOND READING

ORDINANCE
SUPPLEMENTAL
BUDGET

An Ordinance No. 2999 Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 1 To Make Supplemental Appropriations For Fiscal Year 2008. (Heidi Hill, Acting Finance Director)

Ms. Hill noted the only addition from the first reading was to include the additional \$4,000 appropriation as discussed at the last meeting.

Ms. Fischer moved to adopt Ordinance 2999. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Fischer
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
SCRC

An Ordinance No. 3000 Repealing Ordinance No. 2502 And Changing The Student/Community Relations Committee To The Student/Community Relations Commission. (Jung-Han Chen, Community Development Director)

Ms. Fischer noted she looked forward to having this in place for the next academic year.

Ms. Fischer moved to adopt Ordinance 3000. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
ZONING MAP
AMENDMENT

An Ordinance No. 3001 Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 3.26 Acres Of Land Located On The Northeast Corner Of U.S. 27 S. And Southpointe Parkway Oxford, Ohio And Rezoning The Property From R-3 (Multi-Family Residential) To GB (General Business) District. (Jung-Han Chen, Community Development Director) **(Tabled)**

Ms. Fischer left the dais momentarily.

Mr. Keebler moved to remove the proposed Ordinance from the table. Mr. Bogard seconded. The motion passed by the following roll call:

AYE: Mr. Rutherford, Mr. Bogard, Ms. Currie, Mr. Ross, Ms. Dana, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

Mr. Chen noted he had no additional comments or information. Mr. Chen stated Council had received the additional attachment requested from the last Council meeting.

Mayor Dana invited public comment. Mayor Dana noted this is a rezoning issue at this time and invited new or additional information.

Mr. McHugh noted he had a written comment available for Council that was dropped off.

Dr. Orie Loucks, 6195 Fairfield Road, noted his optimism that approval could be granted of a modified ordinance. Dr. Loucks referred to the lower left-hand corner of page 99, where it depicts in detail the space shaded in gray on the previous page. Dr. Loucks stated the ordinance as it was just read was for the rezoning of land located on the northeast corner of US 27 and Southpointe Parkway. Dr. Loucks noted when you looked at the details on page 99 there were .55 acres of open space designated between the commercial area and US 27. Dr. Loucks reiterated the commercial area was inside and did not front on US 27 and noted the ordinance should not state it was at the northeast corner of 27 and Southpointe. Dr. Loucks requested Council amend the ordinance to reflect the plan that should have been accepted when the property was annexed continues the designation of .559 acres of open area, which is the berm between the commercial area and US 27. Dr. Loucks noted he would also like to see the ordinance recognize two of the points in the County Commissioner's resolution of December 16, 2004 that specifically designates that the retail for this PUD would be in the commercial area and also the commercial area shall not be accessible from US 27.

Ms. Brenda Stevens, 4265 Schollenbarger, stated she was pleased the Planning Commission did not approve the gas station until the Ordinance was passed as stated in the minutes. Ms. Stevens noted her concern about the connector and its impact on this. Ms. Stevens mentioned the idea of a hub on 27. Ms. Stevens noted the amount of negative sentiment expressed at the Planning Commission meeting.

Ms. Kathleen Zien, 6060 Joseph Drive, asked if the Council had any new information that may have been learned other than what had been provided that they could share with the public.

Mayor Dana noted Council had ample time to review everything and would entertain discussion from the public before Council discussion.

Ms. Zien asked if what the public received in the past two weeks was anything Council saw at the time of the vote.

Ms. Fischer stated it was not.

Mayor Dana noted she did attend the meeting of the Butler County Planning Commission when this went through the first time.

Ms. Zien noted she remembered the meeting where drawings were asked for and the City Manager's response was they were too large to include in the agenda, but they were rolled in front of her on the desk and available for review. Ms. Zien stated a GB zoning designation would ensure a gas station in this location since that use prematurely came to Planning on April 8th. Ms. Zien noted on page A5 of the May 2nd Oxford Press, Mr. Webb indicated if Council votes against this, the developer would be free to recede from the City and to void the annexation. Ms. Zien stated this was a great idea. Ms. Zien noted with the annexation Southpointe had police, fire and EMT emergency support, but had not really contributed to pay for it. Ms. Zien stated the Oxford Press continued with, "the violation would not stop development, it would mean revenue would not be received by the City of Oxford." Ms. Zien noted there was very little City income tax created from student occupancy. Ms. Zien suggested letting Southpointe recede and the County take responsibility for their protection. Ms. Zien addressed an August 24, 2007 letter from Mr. Webb to the Planning Department, which stated, the owner/developer decided to make the internal roads within the development private rather than public dedicated streets. Ms. Zien stated as private streets, the width of the paving had been modified. Ms. Zien asked if that violated the agreement. Ms. Zien stated she felt the developer did not work within the City rules. Ms. Zien stated the motion to table this issue on April 15th only if the public would not comment at the next meeting spoke volumes about listening to a concerned audience. Ms. Zien stated it was pretty clear through citizen input; community and Township comments, emails and the Comprehensive Plan that citizens were supportive of the GB zone.

Ms. Betty Quantz, referred to the green space Dr. Loucks spoke to, which appeared as a band on the map. Ms. Quantz asked what was located on the other side of the band.

Mr. Rutherford stated there was a landscape buffer that wrapped around the edge of the site and segregated the development from the adjacent site.

Ms. Quantz asked if the map she had is what was approved with the annexation and development agreement and Mr. Elliott stated that was Exhibit D, which showed the zoning designations.

Mr. Webb noted there is no mystery strip of land; it goes straight from the US 27 right-of-way to the 50-foot buffer that was deeded as a separate parcel. Mr. Webb stated the 3.26 acres does not include the separate 50-foot deeded right-of-way buffer. Mr. Webb advised there had never been proposed nor is there allowed any access to US Route 27.

Mr. Rutherford noted the ordinance is technically incorrect when it refers to 3.26 acres of land located on the northeast corner of US 27 South and Southpointe Parkway.

Mr. Webb stated the property does not in fact touch US 27.

Mr. Rutherford asked Mr. Chen if there was a lot number or parcel number that could be included in the ordinance.

Mayor Dana suggested amending the ordinance to include a reference to inside the buffer.

Ms. Fischer referred to the minutes from the last meeting, page 14, where she requested all exhibits be provided and they still had not been provided. Mr. Fischer noted she felt this was problematic. Ms. Fischer noted the Exhibits D, E, and F, written in handwriting, does not have a time and date stamp. Ms. Fischer stated she would still have to vote against this.

Mr. Elliott assured Ms. Fischer that Exhibit D is what was included in the development agreement.

Mr. Keebler stated he appreciated Dr. Loucks' comments.

Ms. Currie agreed she would like to see an amendment clarifying the description of the property.

Ms. Betty Stevens referred to the July 17, 2007 Council minutes regarding the rezoning agreement with Southpointe which indicated at the time of the annexation the rezoning had to go forth and if City Council failed to rezone property consistent with zoning designations or otherwise agreed by 4-Leaf or denies a replat of the property consistent with rezoning or refuses to issue a zoning permit, then 4-Leaf can withdraw from the agreement.

Mayor Dana noted that was correct and thanked Ms. Stevens.

Mr. Rutherford agreed with Mr. Fischer on the importance of receiving all the documents. Mr. Rutherford stated he believed the ordinance needed to be clarified and requested all future properties include metes and bounds.

Mr. Ross noted he did not want to welsh on a deal. Mr. Ross noted concern with the fact there was still no sidewalk. Mr. Ross stated he had heard many times the City gave away \$600,000. Mr. Ross noted by going on his gut feeling, he would have to vote against this ordinance.

Mr. Bogard agreed with Mr. Keebler that Council is attempting to rectify a situation regardless of whose fault it might have been.

Mr. Rutherford advised the language should be understandable by someone who had not been involved in the discussions surrounding the issue.

Mr. Elliott stated he had the parcel number, but the parcel numbers were often changed. Mr. Elliott noted the zoning map would be updated, which would be the controlling factor.

Mr. Bogard suggested the language in his amendment covers not only the title, but also language in Section 1 and Section 4, which is similar.

Mr. Bogard moved to amend the Ordinance title to read, "an Ordinance accepting the Planning Commission's recommendation and granting a zoning map amendment for 3.26 acres of land located just northeast of US 27 south and Southpointe Parkway, Oxford, Ohio and rezoning the property from R3 (Multi-family Residential) to GB (General Business) Zoning district."
Mr. Keebler seconded. The motion failed with the following roll call:

AYE: Mr. Bogard, Mr. Keebler, Ms. Dana (3)

NAY: Ms. Currie, Ms. Fischer, Mr. Ross, Mr. Rutherford (3)

ABS: None (0)

Ms. Fischer moved to table the Ordinance until a map with the parcel ID number was provided to Council.

Mr. Elliott noted he had the map available and provided it to Council for review.

Mr. Rutherford noted he would like to include the map as an exhibit.

Mr. Rutherford moved to amend the Ordinance title to read, "an Ordinance accepting the Planning Commission's recommendation and granting a zoning map amendment for 3.26 acres of land located at the west end of Southpointe Parkway, Oxford, Ohio and rezoning the property from R3 (Multi-family Residential) to GB (General Business) zoning district." Section 4, "Council hereby accepts the recommendation of the Oxford Planning Commission and after due deliberation finds for the granting of the zoning map amendment rezoning 3.26 acres of land

identified as Butler County Parcel ID Number H3610068000001 as included on Exhibit A hereto attached located at the west end of Southpointe Parkway, Oxford, Ohio, and rezoning the property from R3 (Multi-family Residential) to GB (General Business) zoning district. Section 1, "Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on March 11, 2008 at 7:30 p.m. on the Applicant's, City of Oxford, application for a zoning map amendment for 3.26 acres of land identified as Butler County Parcel ID Number H3610068000001 and located at the west end of Southpointe Parkway, Oxford, Ohio, requesting the rezoning of the property from R3 (Multi-family Residential) to GB (General Business) zoning district. Ms. Currie seconded. The motion passed with the following roll call:

AYE: Mr. Rutherford, Mr. Bogard, Ms. Currie, Mr. Ross, Ms. Dana (5)

NAY: Ms. Fischer, Mr. Keebler (2)

ABS: None (0)

Mr. Ross asked if the buffer would go back to a natural area or would it remain a mown area.

Mr. Rutherford noted while it's not germane to the actual zoning, that section of the agreement states it is supposed to be planted.

Ms. Fischer pointed out Council just amended the ordinance to include an exhibit the public has not seen.

Mr. Bogard moved to adopt Ordinance 3001 as amended. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. Keebler, Mr. Rutherford, Ms. Dana (5)

NAY: Ms. Fischer, Mr. Ross (2)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott thanked Council for the earlier workshop dealing with building site options. Mr. Elliott stated they have advertised for the Fire Chief position and are reviewing four applicants this week. Mr. Elliott noted there is a need for Community Relations Commission members as several terms have expired. Mr. Elliott stated there was an incident reported in the Miami Student and he encouraged people to inform the City of any problems so they can be addressed.

Mr. Kyger stated he is pleased to rejoin the City in a staff capacity. Mr. Kyger noted a CIC meeting this coming Friday with a possible collaboration between the CIC and the Miami Heritage Tech Park.

Mr. Chen noted Sharefest started Thursday and runs from May 8 to May 12.

Mr. Ross noted at the northeast corner of Campus and Chestnut there was a white trailer parked in the front yard of a building. Mr. Ross stated the other trailers that were in competition with this trailer were parked where they should be. Mr. Ross sought consensus from Council that the City Manager speak with representatives from Miami University about parking vehicles in the yard. Mr. Ross noted they were buying back books.

Mr. Rutherford noted there was a parking lot close by.

Mr. Keebler suggested it would be community minded if they sought another location that was in keeping with City ordinances.

Ms. Currie stated she could bring that up during the ad hoc committee meeting.

Mr. Elliott indicated he would contact the University.

Mr. Rutherford asked if the Uptown Revitalization Committee had any text available for the Planning Commission to review.

Mr. Elliott stated there would be an update at the next Council meeting.

Mr. Bogard noted he and Mr. Elliott attended the OKI annual luncheon last week where Lieutenant Governor Fisher addressed economic development. Mr. Bogard stated he represented the City at Earth Day in Hamilton and accepted the challenge from the City of Fairfield on recycling efforts.

Ms. Currie noted she plans to distribute the forms for the Bicentennial logo contest to various places in town and through the art teachers at the elementary schools as well.

Mr. Keebler noted the importance of the inclusion of documentation to make decisions. Mr. Keebler stated it was also the responsibility of Council members to do independent due diligence if they were not satisfied with what was provided prior to Council meetings.

Ms. Fischer noted the low-lying plane that was flying over the City today advertising insurance.

Mr. Elliott stated he did some research and a complaint would be filed with the FAA.

Ms. Fischer noted last Friday a student reported to the Miami Police that six persons had verbally and physically attacked her around midnight near Havighurst Hall.

Ms. Fischer stated during the course of the attack, the student reported the assailants used racist, homophobic and sexist language. Ms. Fischer noted the Miami Police Department was investigating this incident. Ms. Fischer stated Miami's Associate Vice President for Institutional Diversity, Dr. Christine Taylor, sent out a message pointing out that ensuring Miami is a welcoming and supportive environment was a collective responsibility. Ms. Fischer asked that responsibility be expanded to all in the City of Oxford. Ms. Fischer noted Dr. Taylor asked members of the community to make the community more inclusive and welcoming, embracing our differences and have the courage to speak up and speak out against acts of intolerance in public as well as private settings. Ms. Fischer noted the members of Spectrum made ribbons to be worn for those who wanted to demonstrate support for a climate of inclusion and acceptance at Miami. Ms. Fischer stated Council recently expanded the City's anti-discrimination ordinance. Ms. Fischer asked Chief Schwein to comment on how people might be able to report problems when they occur.

Chief Schwein noted the police department would serve as the conduit for passing concerns along to the Community Relations Commission. Chief Schwein encouraged people to report incidents to the police department so they could determine if it was a violation of law. Chief Schwein reiterated that if the City doesn't know about it, there is no way the problem could be addressed.

Mayor Dana thanked City staff and Carol Katz for leading the neighborhood walk last week. Mayor Dana noted Sharefest and graduation. Mayor Dana asked that the Oxford Press investigate the ordinance regarding dog waste previously mentioned by Mr. Hurston and let people know what their responsibilities were. Mayor Dana noted the Council work session to discuss the Mayors' Agreement on Climate Change as well as the 2010 Campaign on May 20th. Mayor Dana noted the Comprehensive Plan Steering Committee Joint Meeting May 27th at six o'clock. Mayor Dana noted that she, Ms. Currie and Ms. Fischer all rode their bikes to the Council meeting this evening and would challenge the men on Council to ride next time. Mayor Dana noted May 16th was Bike to Work Day.

ADJOURN

Mr. Fischer moved to adjourn at 11:06 p.m. Ms. Currie seconded. The motion passed 7-0-0.

A special meeting of the Oxford City Council was called to order by Vice Mayor Ken Bogard on Friday, May 9, 2008 at 2:00 p.m. Those members present were Alysia Fischer, Kate Currie, and Richard Keebler. Doug Ross arrived at 2:07 p.m.

APPROVAL OF AGENDA

Ms. Fischer moved approval of the agenda. Ms. Currie seconded. the motion passed 4-0-0.

Mr. Bogard advised the purpose of the meeting was to discuss an amendment to the City Managers Employment Agreement.

RESOLUTION **AMENDMENT TO** **EMPLOYMENT AGREEMENT**

A Resolution No. 4350 amending Section 15 of the Employment Agreement entered into by the City of Oxford and Douglas R. Elliott, Jr. and authorizing the Mayor to enter into an amendment of the residency provision of the contract. (Ken Bogard, Vice Mayor)

Mr. Elliott advised due to personal issues and the housing market he would like an extension of the residency provision included in his Employment Agreement.

Ms. Fischer noted she would prefer considering a three month extension as opposed to a six month extension as three months would coincide with the academic year.

Council discussed the notion that three months may not be an adequate time frame and another extension would have to be considered.

Mr. Bogard inquired if Mr. Elliott would consider renting a residence if necessary and Mr. Elliott advised yes.

Ms. Fischer moved to adopt Resolution No. 4350. Mr. Keebler seconded. The Resolution was adopted by the following roll call:

AYE: Ms. Currie, Mr. Keebler, Mr. Ross, Mr. Bogard (4)

NAY: Ms. Fischer (1)

ABS: None. (0)

ADJOURNMENT

Ms. Fischer moved to adjourn at 2:11 p.m. Ms. Currie seconded. The motion passed 5-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: May 20, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

May 8, 2008
Date Prepared

Agenda Title: HAPC Meeting Report – May 7, 2008

DISCUSSION:

Request for Review:

HAPC-03-2008 22 West Park Place installation of signage, Dodi Wolke, Applicant

The Applicant was seeking a COA for a 1.5' x 5' wall sign. The sign material is laminated pressed board and is located between the Ball of Oxford's display window and Panama Red Tattoo Parlor directing customers to the floral shop entrance.

Discussion was had regarding the sign satisfying the zoning code requirements and whether or not the sign was a directional sign or wall sign. Staff indicated they would make that determination based on the definitions.

HAPC voted 7-0-0 to approve Case HAPC-03-2008 with the following conditions:

1. That, that sign be modified or shorted to satisfy all applicable zoning code requirements regarding signage.

HAPC-04-2008 37 East High Street new signage and lighting, Loy Zheng, Applicant

The Applicant was seeking a COA for three outdoor wall halogen floodlights over a new 1.7' x 23' wall sign on the façade of the building. The sign material is wood lettering painted a gold color with bowls painted the same as the dot in the "i".

The applicant shared that the bowls identified as the dot in the "i" would be painted red. There was discussion among the Commission regarding the actual scale and spacing of the sign and the background color of the building. Further discussion was had that the lighting should be similar in style as the gooseneck lights seen along High Street.

HAPC voted 7-0-0 to approve Case HAPC-04-2008 with the following conditions:

1. That, that sign is centered and not as spaced out across the front as shown (less than 23 foot spacing),
2. That, non-halogen lighting, similar in style to the neighboring businesses gooseneck lighting is provided.
3. That, the approved colors of the signage includes the current green background, gold lettering and red bowls.
4. That, the address numerals are provided on the front door transom.
5. That, all sign modifications and lighting are reviewed by the Chair for approval before installation.

HAPC-05-2008 17 West Walnut Street to allow for demolition of an existing structure replacing with asphalt, Mitch Mesler, Applicant

The Applicant was seeking a COA to demolish a single car garage off the alley at the rear of the house. The

Applicant intends to salvage the concrete foundation to utilize as a parking space. The Commission and applicant shared discussion about keeping the area orderly and maintained.

HAPC voted 7-0-0 to approve Case HAPC-05-2008 citing that the conditions of removal were satisfied and the building was non-contributing.

HAPC-07-2008 Former parking lot behind 25 W. High Street to allow for construction of a three-story residential structure, Scott Webb, Architect, Applicant

The Applicant was seeking approval to construct a new 3-story residential building in the alleyway behind the former 1st Financial Bank and north of 20 W. Walnut. The structure will be one building with the main entrance facing east along the north/south alley. The structure is a flat-roofed brick-constructed building, with the first story finished with stucco or cream brick. The second and third stories are a brownish red brick separated with a cream brick band. Double hung windows topped with a curved lintel are provided around the building and finally, the Applicant is proposing to add a decorative cornice and eaves at the roofline of the building. Additional review by the BZA, Planning Commission and Council are necessary for full approval.

The Commission and applicant discussed the symmetry of the windows on the front façade of the building and installing a decorative gate at the common stairwell entrance for residents to provide another step of security considering the building is located in the alleyway. Discussion was had too that any exterior doors to the residential units would likely be heavy steel, six panel doors. The applicant indicated that lighting would be minimal and provided in the main courtyard where the entries into the units are all located. Any signage will likely be an engraved stone plaque or incorporated into the arched lintel of the second story stairwell on the front façade of the building. The applicant provided samples of the brick and stone selected for the project, which will also be used on the proposed building located on the former First Financial Bank site.

HAPC voted 7-0-0 to approve Case HAPC-07-2008 with the following conditions:

1. That, any modifications to the structure as a result of any other City Board or Commission decisions are represented to the HAPC.
2. That, prior to approval of a Building & Zoning permit for new construction, that any lighting fixtures and signage is presented to and approved by the HAPC.

HAPC-08-2008 High & Main Street, formerly Wendy's, to allow for demolition of an existing structure and construct a new mixed use, Robert Treadon, Applicant, Agent

The Applicant was seeking approval to demolish the former Wendy's building and construct a new 3-story mixed use building at the corner of Main & High Streets. The structure will be one building with commercial entrances facing both street frontages. The structure is a flat-roofed brick-constructed building, with the first story finished with a cream stone. The second and third stories are a brownish red brick. The windows have flat, stone lintels and sills with double hung four-pane glass windows on the second and third floors. Commercial, metal double doors are proposed for the entry into the proposed office/retail spaces, cased with a broken transom. A series of windows on either side of the entrance are shown. The Applicant is also proposing to add a decorative cornice at the roofline of the building. A retaining wall is necessary along Main Street and is shown as being constructed with decorative stone material. A black cast iron, standard colonial handrail, similar in style as the parking garage, is proposed along the top of the retaining wall. Additional review by the BZA is necessary for full approval.

The applicant and Commission discussed possibly modifying the central commercial entrances on either street front to create unique storefronts. The applicant provided a revised High Street elevation based on Staff's comments regarding the symmetry of the window placements. The Commission voiced support of the modifications as presented. The applicant also provided sample materials of the stone and brick to be utilized. The brick will be the Traditional Miami blended brick used on Miami's campus buildings. The applicant indicated that lighting and signage as well as possible final details for entryways will come in for additional review dependant upon commercial tenant requests. The Commission expressed concerns on the Main Street façade that it was a little to "institutional" and needed some detail so it wasn't so monotonous.

HAPC voted 7-0-0 to approve Case HAPC-08-2008 as presented with the High Street façade modification to the upper story windows and with the following conditions:

1. That, any modifications to the structure as a result of any other City Board or Commission decisions are represented to the HAPC.
2. That, 30 days after demolition, if construction has not commenced, the site shall be properly filled in and covered with seed and sod.
3. That, final details of the building, including but not limited to brick color, stone type, signage, lighting, and streetscape are presented to the HAPC.
4. That, the Architect looks at emphasizing the Main Street façade with more embellishments such as, but not limited to brick inlays.

Administrative Findings / Approvals:

HAPC-ADM—03-2008 15B E. High Street, Kaplan John Minnis Building, installation of a sign to an interior wall, Kaplan Test Prep & Admissions, Applicant

Mr. Smith shared that he administratively approved a small glass display board inside the stairwell leading to Kaplan's. He confirmed that although the picture appears as though the sign is projecting from the wall, it is indeed flat.

HAPC-ADM-04-2008 14 North Poplar Street Oxford Methodist Church, installation of a handicap ramp and railing, Oxford Methodist Church, Applicant, Scott Webb, Architect

HAPC-ADM-05-2008 22 S. Campus, Alpha Delta Phi Fraternity, installation of a handicap ramp, railing, sidewalk and guardrail, Patrick Armstrong, Architect, Applicant

Mr. Smith shared that he administratively approved the two above cases due to ADA requirements and the definition of Minor Environmental Change.

Correspondence and Announcements:

Ms. Dale distributed the Historic Preservation Workshop Brochure she received in the mail. The Commission recommended that Mr. Smith or staff should attend the Tax Credit session May 20, 2008.

Old Business:

Historic Brochure and Marker Update

Ms. Henderson distributed the final copy of the brochure. The Commission shared concerns that the map was not legible. Ms. Dale will be providing Ms. Henderson with another map to try and use.

Sign Discussion – Tabled

Other Business:

Ms. Dana shared that Ms. Currie is involved with the Bicentennial planning and shared that children are encouraged to enter into a competition to design the logo for the event.

Ms. Zien presented concerns on the garage located at 117 W. High, the antique store displaying merchandise on the sidewalk, trash at 22 E. Walnut and the proposed fraternity at 320 E. Vine.

The next regular HAPC meeting is scheduled for June 4, 2008.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

AK 5/12/08

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CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: May 20, 2008

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

May 15, 2008

Date Prepared

Agenda Title: Report regarding the May 14, 2008 Civil Service Commission meeting.

Recommendation:

Discussion: The Civil Service Commission held their meeting on Wednesday, May 14, 2008. Those members present were: Phil Russo, Chair; Susan Cross Lipnickey; Charles Crain, Sue Morris and Fred Russell. Donna Heck, Human Resources Director; Mary Ann Eaton, Recording Secretary; Chief Steve Schwein and Lt. Robert Holzworth were in attendance for the City. Mr. Don Gabbard and Mr. Mike Davis were in attendance for Talawanda Schools.

The Commission approved the State Personnel Board of Review Annual Report for submission to the State.

The Commission discussed the Police Officer Eligibility List with regard to the number of candidates that have been removed due to withdrawals, failure of the CVSA, etc. and tabled the discussion to the next meeting. The Commission requested additional information regarding the Lateral Entry process also be part of the Agenda for this discussion.

The Commission approved the Police Lieutenant Eligibility List and advised they would like to hear from the three candidates regarding their impressions of the Assessment process. Chief Schwein advised he would be making a recommendation for appointment of the Lieutenant position as well as another Sergeant position to the City Manager.

The Commission also approved the Custodian Eligibility List and Central Office Secretary Eligibility List for Talawanda Schools

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Fire Department

Originating Department

Council Meeting Of: May 20, 2008

Len Endress, Fire Chief

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

May 13, 2008

Date Prepared

Agenda Title: Resolution declaring certain City property, one (1) American outdoor weather warning siren, no longer needed for any municipal purpose and authorizing the City Manager to donate to a City that would use it or sell it as scrap.

Recommendation:

Discussion: During the last several years, the City has added and upgraded the outdoor weather warning siren system. As a result, the City has one (1) American outdoor weather warning siren of no value to the City. Staff, therefore, requests that Council declare the siren surplus and of no further use to the City and authorize the City Manager to donate the siren to another City such as College Corner, Ohio or West College Corner, Indiana, or to dispose of it as scrap.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

LE \5-13-08

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RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN CITY PROPERTY, ONE (1) AMERICAN OUTDOOR WEATHER WARNING SIREN, NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING THE CITY MANAGER TO DONATE TO A CITY THAT WOULD USE IT OR SELL IT AS SCRAP.

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

SECTION 1: The Oxford Fire Department has one (1) American outdoor weather warning siren no longer needed for any municipal purpose and of no value to the City, and hereby declares the equipment obsolete for City purposes and of no value to the City, and the same is hereby declared to be surplus.

SECTION 2: Council hereby authorizes the City Manager and Fire Chief to dispose of the American outdoor weather warning siren by donation to another City or to sell it as scrap.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: May 20, 2008

Account Code #: NA

Budgeted Amount: N A

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

May 12, 2008
Date Prepared

Agenda Title: Authorization to Auction Unclaimed, Excess or Obsolete Equipment

Recommendation: Approval

Discussion:

Staff is requesting City Council's authorization to conduct an auction on **Saturday, June 21, 2008**. As required by law, the appropriate legal advertising with the required 30-day notice was published in the *Oxford Press* on April 18, 2008. Attached to this report (Attachment "A") is a listing of items recommended for auction. Staff has tentatively retained the services of Cox (Delbert) Auctioneer & Associates of Shandon, OH to facilitate the auction.

It is Staff's recommendation that Council authorize an auction sale to dispose of unclaimed, excess, or obsolete equipment on Saturday, June 21, 2008. Said auction would be held on the grounds of the Municipal Garage on Collins Run Road beginning at 9:00 am.

Approved By:

Initial	Date
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Department Head: MBD \ 5/13/08

City Manager: _____

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN SURPLUS CITY PROPERTY NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING ITS ADVERTISEMENT AND SALE TO THE HIGHEST BIDDER AT PUBLIC AUCTION.

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

SECTION 1: Pursuant to Ohio Revised Code Section 4513.62 and Oxford City Code Section 127.11, the items set forth in Exhibit 'A' attached hereto and incorporated herein, are hereby declared surplus for City purposes and no longer needed for any municipal purpose, and same may be sold at auction.

SECTION 2: Council hereby authorizes such sale of said items to the highest bidder with proceeds thereof deposited in the General Fund.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

Attachment "A"**2008 City of Oxford
Auction Items**Misc.

Computer keyboards
 Computer mice
 2 laptops (no hard drive)
 Computer monitors
 Computer batteries
 Computer Printers
 IBM Server
 Old Sports Lighting
 Misc. Snow Plow Equipment
 1. 7 Foot Meyers Plow with Hanger
 2. 6 Foot Meyers Plow with Hanger
 Firewood
 Old Fire Siren (Scrap)
 Plastic Tool Box for Ford Ranger
 Misc Office Furniture
 Misc. Electric Boxes

OPD Property Room Items

Prop. #	Description	In.Dt
8678-021	plastic box w/ 30 misc knives	051706
8678-022	wooden box w/ batteries & flashlights	051706
8678-026	Dorcy flashlight	051706
8880	black backpack	071406
9329	S&W lockblade knife	102206
9478	black leather coat	112606
9478-001	2 backpacks	112606
9478-002	black vinyl briefcase	112606
9478-003	60 various CD's	112606
9478-005	XM satellite radio	112606
9478-006	Durabrand portable CD player	112606
9478-008	Sega game system	112606
9660	canvas bag w/ misc CD's	011207
9698	3 swords w/ plastic sheaths	012207
9727-005	LandsEnd notebook	013007
9727-009	CD case w/ 30 misc CD's	013007
9727-012	2 portable CD players & 1 headphone	013007

9727-014	CD case w/ 11 misc CD's	013007
9727-016	Korg musical instrument tuner	013007
9727-017	AWS blade scale	013007
9727-020	Carplay wireless connector	013007
9727-022	7 misc DVD movies	013007
9727-024	3 Playstation games	013007
9727-026	54 misc CD's	013007
9727-027	29 misc CD's	013007
9727-028	23 misc CD's	013007
9727-029	7 misc CD's	013007
9965	17 various CD's	031207
9965-001	19 various CD's	031207
9970	Pioneer stereo/CD player	031407
9987	CPU	032007
10088	pocket knife	040407
10094-006	black cloth bag	040507
10125	woman's ring	041307
10146	MP3 car CD player	041607
10189	set of Nike golf clubs w/ bag	042207
10283	Gerber pocket knife	050607
10369	Brunswick bag w/ 2 bowling balls	052907
10393	cement lawn elephant	060707
10418	Barbie cosmetic case	061407
10464	box cutter knife	070107
10584	one ear ring	080707
10669	purse w/ misc computer items	082007
10766	Blue Tooth ear phone	083107
10800	belt buckle "handgun"	090207
10989	video camera & tripod	100707
11090-002	cornhole set	103107
11164-001	pocket knife	111207
11166	2 plastic pumpkins	111207
11166-002	2 plastic pumpkins	111207
11236-001	38 music CD's	112707
11373	2 coats, 1 sweatshirt & 2 ski masks	010708
11415	red Nautica coat	012208
11507	bike backpack	021408

ADDITIONAL MISCELLANEOUS ITEMS

Vehicles

1978 GMC VAN VIN #TPL3583506415

1998 GMC 1 ton dump truck with snow plow and salt spreader mileage 74,754

Fleet vehicle #62	Vin # 1GDJC34FXWF069937	
1993 F250 4x4 Utility Truck mileage 102,964		
Fleet vehicle #36	Vin # 1FTHF26H9PLB12184	
1996 Ford Explorer	Vin # 1FMDU34X9TUC75275	Original title
Fleet vehicle # 115		
1999 Ford Crown Victoria	Vin # 2FAFP71W9XX218005	Original Title
Fleet vehicle # 128		
1997 Ford Crown Victoria	Vin # 2FALP71W6VX171175	Original Title
Fleet vehicle # 139		
1981 Kawasaki KZ1 motorcycle	Vin # JKAKZCC15BB503867	Original Title
1981 Kawasaki KZ1 motorcycle	Vin # JKAKZCC14BB503830	Original Title

Bicycles

Prop. #	Description	In.Dt
9967	BLUE ROLAND BOULEVARD BICYCLE	03/13/2007
9971	YELLOW ROADMASTER BICYCLE	03/14/2007
9988	WHITE / BLUE DIAMOND BICYCLE	03/20/2007
10009	RED TREK GIRLS BICYCLE	03/25/2007
10027	PURPLE HUFFY ROCKTRAIL BICYCLE	03/26/2007
10101	GRAY HUFFY SNAKEROCK BICYCLE	04/06/2007
10101-001	BLACK DIAMONDBACK BICYCLE	04/06/2007
10107	RED ROSS MT OLYMPUS BICYCLE	04/09/2007
10211	BLUE SCHWINN FRONTIER BICYCLE	04/25/2007
10347	BLUE BLUE / BLACK MONGOOSE BICYCLE	05/18/2007
10421	GREEN HUFFY SNAKE ROCK BICYCLE	06/17/2007
10432	TEAL MURRAY EXTREME BICYCLE	06/19/2007
10437	SILVER HUFFY ALUMISHOCK BICYCLE	06/21/2007
10459	RED NEXT MOUNTAIN BICYCLE	06/30/2007
10477	SILVER EQUATOR CATAPULT BICYCLE	07/06/2007
10523	BLACK ROADMASTER MT CLIMBER BICYCLE	07/20/2007
<u>Bicycles (con't)</u>		
10528	PURPLE CHILD'S KENT BICYCLE	07/20/2007
10543	BLACK SCHWINN WOODLANDS BICYCLE	07/26/2007
10567	CHILD'S PINK HUFFY BICYCLE	07/31/2007
10567-001	CHILD'S RED ROADMASTER BICYCLE	07/31/2007
10599	BLUE GIANT MOUNTAIN BICYCLE	08/09/2007
10617-001	GOLD FREE SPIRIT MOUNTAIN BICYCLE	08/14/2007
10617-002	SILVER MURRAY ULTRATERRAIN BICYCLE	08/14/2007
10629	BLACK BICYCLE (NO MAKE)	08/17/2007

10642	BLUE ROADMASTER MT SPORT BICYCLE	08/18/2007
10688	PURPLE SCHWINN FRONTIER BICYCLE	08/21/2007
10765	GREEN SPECTRA MOUNTAIN BICYCLE	08/31/2007
10789	PURPLE MURRAY MT CLIMBER BICYCLE	09/04/2007
10807	SILVER ROSS EURO SPORT BICYCLE	09/07/2007
10819	RED SCHWINN WOMEN'S BICYCLE	09/09/2007
10826	GREEN MURRAY HERCULINE BICYCLE	09/07/2007
10827	RED LEGRAN GIRL'S BICYCLE	09/07/2007
10856	BLACK MAGNA ALPINE BICYCLE	09/16/2007
10876	WHITE HUFFY BICYCLE	09/18/2007
10960	BLUE NEXT POWER CLIMBER BICYCLE	10/02/2007
11005	YELLOW NEXT ULTRA SHOCK BICYCLE	10/11/2007
11088	BLUE RALLYE CHILD'S BICYCLE	10/30/2007
11096	BLUE TREK 820 BICYCLE	10/30/2007
11123	GREEN GIANT BOULDER BICYCLE	11/05/2007
11195	BLUE FREE SPIRIT DESCENT PRO BICYCLE	11/18/2007
11196	SILVER NEXT MOUNTAIN BICYCLE	11/18/2007
11212	SILVER MONGOOSE BICYCLE	11/20/2007
11224	BLUE MONGOOSE BICYCLE	11/22/2007
11277	PURPLE ROADMASTER MT FURY BICYCLE	12/08/2007
11353	GREEN NEXT T-22 INVADER BICYCLE	01/02/2008
11364	PURPLE DYANCRAFT MAGNA BICYCLE	01/06/2008
11479	BLACK COYOTE PASS CHILD'S BICYCLE	02/10/2008
11556	BLACK ROADMASTER MT CLIMBER BICYCLE	02/26/2008
11557	GREY TREK MINI BICYCLE	02/26/2008
11692	WHITE / BLACK HUFFY BICYCLE	03/26/2008

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: May 6, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

April 28, 2008
Date Prepared

Agenda Title:	Resolution Authorizing the City Manager to Enter Into an Annexation Agreement with Bill D. Colwell for 40.113 Acres of Land on Kehr Road in the Township of Oxford, Ohio to Be Annexed to the City of Oxford Corporation Limit, Subject to the Conditions Stipulated in this Agreement.
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Recommendation:	Approve
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Discussion:

City Council accepted the annexation petition filed by Jill McGrail, Esq., Agent for the petitioner, regarding this property in March 2008. Since then, staff has been working with the representatives of the petitioners to finalize the Annexation Agreement in detailing the responsibilities of each party.

This agreement outlines the future development of the site and the technical issues identified by staff to be addressed as this property is being developed.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<i>JHC</i>	4/28/08
	City Manager:	<i>[Signature]</i>	5/1/08

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH BILL D. COLWELL FOR 40.113 ACRES OF LAND ON KEHR ROAD IN THE TOWNSHIP OF OXFORD, OHIO TO BE ANNEXED TO THE CITY OF OXFORD CORPORATION LIMIT, SUBJECT TO THE CONDITIONS STIPULATED IN THE ANNEXATION AGREEMENT.

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

SECTION I: Ohio Revised Code § 709.192(A) authorizes cities and townships to enter into annexation agreements to govern the terms and conditions of property annexation.

SECTION II: The City desires to annex the parcel of property consisting of 40.113 acres of land more or less, more particularly identified in Exhibit "A" attached hereto and incorporated herein by reference ("Parcel").

SECTION III: The City desires to annex the Parcel under such terms and conditions as are contained in the Annexation Agreement, attached hereto and incorporated herein as Exhibit "B" ("Annexation Agreement").

SECTION IV: Council finds that the annexation of the Parcel in accordance with the terms of the Annexation Agreement is in the best interests of the City and would promote the health, safety and welfare of the citizens and hereby approves the same.

SECTION V: The City Manager is hereby directed to execute the Annexation Agreement on behalf of the City.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

RECEIVED

08 MAR 21 AM 11:56
BUTLER COUNTY
BK: 7619 PG 24 COMMISSIONERS

EXHIBIT "A"

Situate in Lot #2, Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio and being bounded and described as follows: Beginning at the northwest corner of said Lot #2 and in the center line of Kehr Road; thence North $89^{\circ} 09' 12''$ East 1689.46 feet to the northeast corner of said Lot; thence South $03^{\circ} 08' 35''$ East along the east lot line 956.30 feet; thence North $89^{\circ} 30'$ West 246.00 feet; thence South $03^{\circ} 08' 35''$ East 400.00 feet to a point in the center line of Booth Road; thence North $89^{\circ} 30'$ West along said center line 1474.50 feet to a point in the center line of Kehr Road; thence North $01^{\circ} 53'$ West 1315.00 feet to the point of beginning containing 49.971 acres more or less and being subject to the legal right-of-way of the public highways and also to any easements of record.

The same being subject to the payment of an annual ground rent due and payable to the Treasurer of Miami University, every year.

A survey of this property was made by J. Paul Albert, Ohio Registered Surveyor

#2999. (Not a complete field survey — see plat).

Butler County Engineer's Record of Land Surveys, Volume 9, Page 81.

SAVE AND EXCEPTING THEREFROM the following tracts:

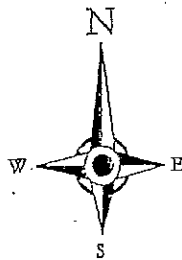
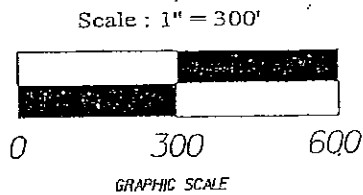
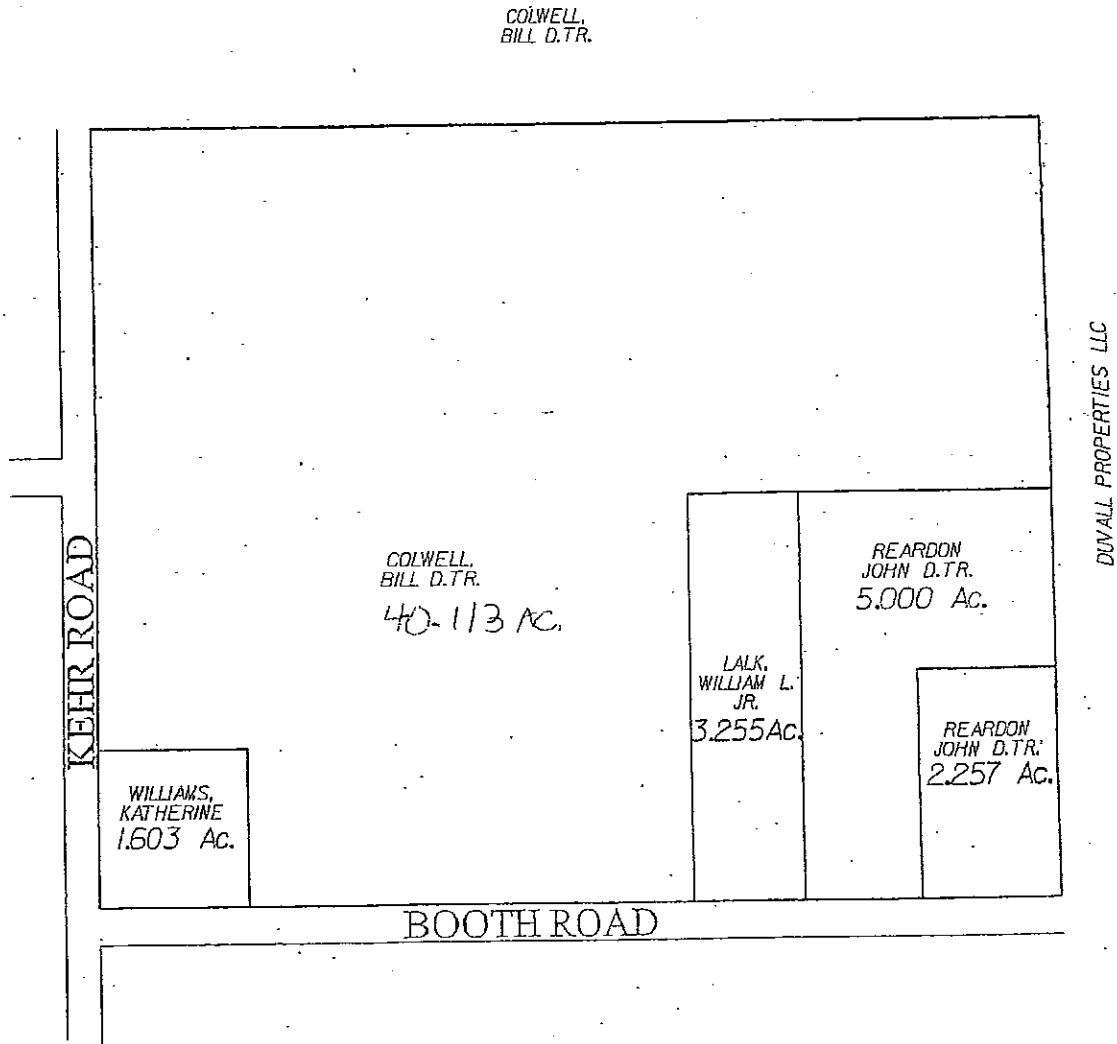
[i.] 5.00 acres conveyed to Mary Marguerite Harris to Georgiana Reardon by deed dated May 12, 1980 and recorded in Volume 1396, Page 308 of the Butler County, Ohio Deed Records.

[ii.] 1.603 acres conveyed by Mary M. Harris to Eugene Young, Trustee by deed dated October 24, 1986 and recorded in Volume 1580, Page 50 of the Butler County, Ohio Deed Record.

[iii.] 3.255 acres conveyed by Samuel William Harris and James J. Harris, co-executors of the Estate of Mary Marguerite Harris to William L. Kalk, Jr. by deed dated September 23, 1988 and recorded in Volume 1646, Page 227 of the Butler County, Ohio Deed Records.

Being the same premises conveyed to Bill D. Colwell, Trustee by six deeds all recorded on June 17, 1991 in Volume 1726 on Pages 631, 635, 639, 643 and 647 of the Butler County, Ohio Deed Records.

EXHIBIT A



Prepared By:



SCHAEFFER ENGINEERING

ENGINEERS
SURVEYORS

1253-G Lyons Road Dayton, Ohio 45458 Tel: (937) 434-5104

MV COMMUNITIES
CITY OF OXFORD
BUTLER COUNTY
SEC. 34, TOWN 5, RANGE 1

EXHIBIT "B"

ANNEXATION AGREEMENT

This Annexation Agreement is hereby entered into this ____ day of _____ 2008, by and between the City of Oxford, Ohio, a municipal corporation, hereinafter referred to as "City", and Bill D. Colwell Trustee hereinafter referred to as "Owner".

WHEREAS, the Owner owns property in Oxford Township (hereinafter referred to as "Property") and has filed the petition to have the Property annexed into the City and to receive municipal services for development purposes, and;

WHEREAS, the City has agreed to make municipal services available to the Property; and,

WHEREAS, the City desires to enter into an annexation agreement to outline the issues and concerns identified by the City to ensure these issues will be addressed appropriately when the Property is developed; and

WHEREAS, the Owner desires to formalize the understanding between parties with respect to the future development of the Property.

NOW, THEREFORE, to allow the Property to be annexed into the City and to be able to develop the Property in the future, the City and Owner hereby agree as follows:

1. The Owner has filed an annexation petition requesting that the Property be annexed into the City and the annexation proceeding is pending upon the execution of the Agreement. The petition seeks to annex 40.113 acres known as Lot 2 on Kehr Road, Butler County Ohio (Parcel #3510037000001) and more particularly described on Exhibit A attached hereto. The said petition is attached hereinafter as Exhibit b.
2. The City has conceptually approved the preliminary development plan for the Property as submitted, attached hereto as Exhibit C.
3. A portion of the Property, (i.e 20 acres of land), is designated as an affordable housing project site per an application that was jointly filed by Miller Valentine Apartment III LLC and The Neighborhood Housing Services of Hamilton, Inc. The application seeks multifamily housing funding programs administered by the Ohio Housing Finance Agency to construct approximately 35 housing units available for low and moderate-income families based on the area median income as defined on the U. S. Department of Housing and Urban Development's annual published tables.
4. The City has agreed to take those actions required to annex the Property at the earliest time practical after the execution of the Agreement based on the promises of the Owner to develop affordable housing.

5. The City agrees to accept an application to rezone the Property after the execution of this Agreement and to have the application heard by the Planning Commission at the first available date, even if prior to the completion of the annexation. The application will seek to rezone the property to R1-B. The rezoning request will be heard by City Council. If the annexation has not yet been completed, City Council will review the request to provide an advisory opinion. City Council will consider the rezoning application request officially as soon as practical following annexation of the Property to the City.
6. The City agrees to make municipal water service available to the Property. The cost to connect to the existing nearest municipal water service to the Property will be the Owner's responsibility. The installation of said connection to the municipal water service shall conform to the specifications and standards of the City's ordinance and regulations existing at the time municipal water service is installed on the Property.. The Owner shall also pay for any additional capacity if existing water service capacity will not support the development of the Property, as determined by the Service Director.
7. The City also agrees to make the municipal sanitary sewer service available to the Property. The cost of connecting the Property to the nearest existing municipal sanitary sewer service will be the Owner's responsibility. The installation of such connection to the municipal sanitary sewer service shall conform to the specifications and standards of the City's Ordinances and regulations as applicable. The Owner shall also pay for the upsizing of any existing sanitary lines necessary to support the development of the Property, as determined by the Service Director.
8. The Owner is responsible to conduct a traffic impact study for the development of the Property prior to submitting any subdivision requests to the Oxford Planning Commission for review. The Owner is responsible for the signalization of the entrance/entrances as determined by the Service Director, based on a complete traffic impact study for the development of the Property.
9. The Owner agrees to dedicate sufficient right-of-way to construct an acceleration/deceleration lane at Kehr Road and Booth Road entrances to the Property where the subdivision is proposed. The City Engineer will determine the necessary right-of-way width. All roadway construction in and around the development of the Property shall meet the City of Oxford's specifications and be at the Owners expense.
10. The Owner will provide the City Engineer a detailed plan of how to handle additional storm water generated from the development for review. The City Engineer shall determine whether the proposed plan to handle additional storm water is satisfactorily meeting the standards and specifications of the City's Ordinances and regulations as applicable and advise the Owners of any deficiencies that need to be corrected prior to approving the proposed storm water-handling plan.
11. If the City fails to rezone the Property as requested here or otherwise agreed by the Owner within ninety (90) days after Council approval of the annexation

(including any applicable mandatory waiting periods), the City agrees to cooperate with the Owner and de-annex the Property as soon as possible.

12. All utility, roadways and traffic signal must be constructed in conformance to the City of Oxford's specifications.
13. Future development of the Property shall meet the minimum requirements as stipulated in the City of Oxford Planning and Zoning Code and other specifications and requirements set forth in the City's Ordinances and regulations, as amended.
14. This Agreement is intended to be severable. If part of the Agreement is deemed unenforceable, the remainder shall be enforced to the extent necessary to accomplish the goals of the Owner to develop the Property as requested or to de-annex the Property.
15. Any modifications to this Agreement shall require the approval of both parties and shall be in writing.
16. This Agreement shall be recorded in the Butler County Recorder's Office and the terms, conditions shall be binding upon the parties herein and all successors's and assigns, and these terms and conditions shall run with the land.

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

CITY OF OXFORD

OWNER

BY: _____
Douglas R. Elliott
City Manager

BY: _____
Bill D. Colwell, Trustee

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

ACKNOWLEDGEMENT

STATE OF OHIO)
) SS
County of BUTLER)

BE IT REMEMBERED, that on this _____ day of _____, 2008, before me, the subscriber, a Notary Public in and for said County and State, personally came **Bill D. Colwell, Trustee, Owner of the land**, and acknowledged the signing of the foregoing instrument, and that the same is his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year above written.

Notary Public

STATE OF OHIO)
) SS
County of BUTLER)

BE IT REMEMBERED, that on this _____ day of _____, 2008, before me, the subscriber, a Notary Public in and for said County and State, personally came **Douglas R. Elliott, City Manager**, and acknowledged the signing of the foregoing instrument, and that the same is his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year above written.

Notary Public

RECEIVED

69 JUN 31 AM 11:56
BUTLER COUNTY
BK: 7819 PG 124 COMMISSIONERS

EXHIBIT "A"

Situate in Lot #2, Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio and being bounded and described as follows: Beginning at the northwest corner of said Lot #2 and in the center line of Kehr Road; thence North $89^{\circ} 09' 12''$ East 1689.46 feet to the northeast corner of said Lot; thence South $03^{\circ} 08' 35''$ East along the east lot line 956.30 feet; thence North $89^{\circ} 30'$ West 246.00 feet; thence South $03^{\circ} 08' 35''$ East 400.00 feet to a point in the center line of Booth Road; thence North $89^{\circ} 30'$ West along said center line 1474.50 feet to a point in the center line of Kehr Road; thence North $01^{\circ} 53'$ West 1315.00 feet to the point of beginning containing 49.971 acres more or less and being subject to the legal right-of-way of the public highways and also to any easements of record.

The same being subject to the payment of an annual ground rent due and payable to the Treasurer of Miami University, every year.

A survey of this property was made by J. Paul Albert, Ohio Registered Surveyor

#2999. (Not a complete field survey — see plat).

Butler County Engineer's Record of Land Surveys, Volume 9, Page 81.

SAVE AND EXCEPTING THEREFROM the following tracts:

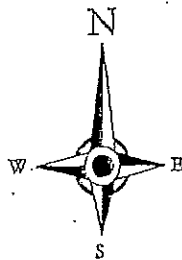
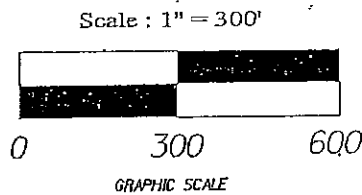
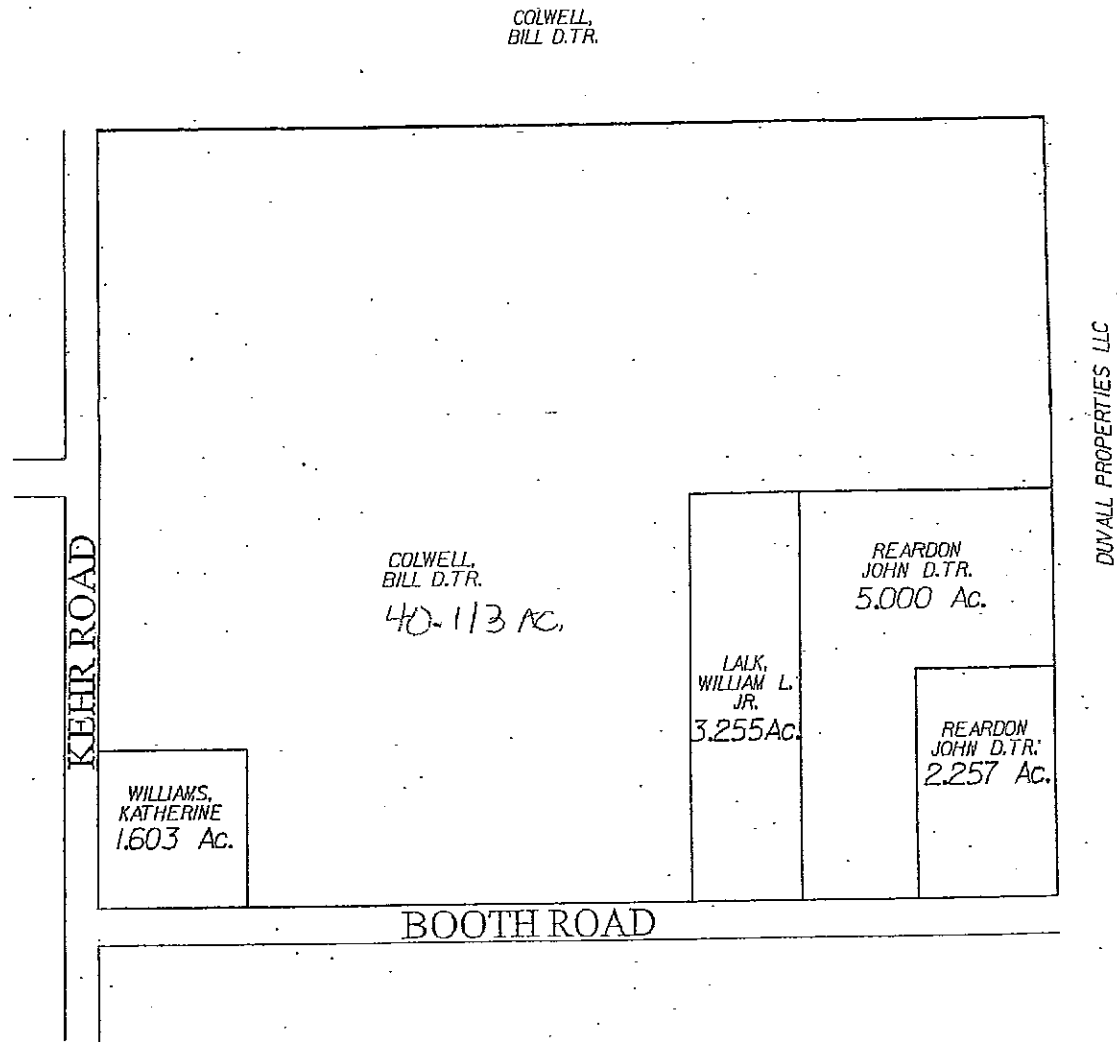
[i.] 5.00 acres conveyed to Mary Marguerite Harris to Georgeana Reardon by deed dated May 12, 1980 and recorded in Volume 1396, Page 308 of the Butler County, Ohio Deed Records.

[ii.] 1.603 acres conveyed by Mary M. Harris to Eugene Young, Trustee by deed dated October 24, 1986 and recorded in Volume 1580, Page 50 of the Butler County, Ohio Deed Record.

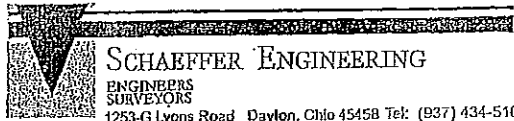
[iii.] 3.255 acres conveyed by Samuel William Harris and James J. Harris, co-executors of the Estate of Mary Marguerite Harris to William L. Kalk, Jr. by deed dated September 23, 1988 and recorded in Volume 1646, Page 227 of the Butler County, Ohio Deed Records.

Being the same premises conveyed to Bill D. Colwell, Trustee by six deeds all recorded on June 17, 1991 in Volume 1726 on Pages 631, 635, 639, 643 and 647 of the Butler County, Ohio Deed Records.

EXHIBIT A



Prepared By:



MV COMMUNITIES
CITY OF OXFORD
BUTLER COUNTY
SEC. 34, TOWN 5, RANGE 1

EXHIBIT "b"

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF
BUTLER COUNTY, OHIO
PETITION BY OWNER OF REAL ESTATE FOR ANNEXATION
TO
CITY OF OXFORD, OHIO

The undersigned, being all of the owners of a freehold estate in land adjacent to the City of Oxford, Butler County, herein respectfully petition that the real estate hereinafter described be annexed to the City of Oxford, Butler County, Ohio.

Said Petitioners state:

- 1) The full description of the territory sought to be annexed is:

A 40.113 acre tract being part of Lot 2 on Kehr Road, Butler County Ohio (Section 34, Township 5, Range 1); Part of Parcel #H3510037000001 (as more particularly described on Exhibit A).
- 2) The number of owners of real estate in the territory sought to be annexed is 1, being Bill D. Colwell, Trustee, et al., the Petitioners.
- 3) Jill R. McGrail, Esq. and Thomas H. Bergman & Associates, LLC, whose address is 4695 Lake Forest Drive, Suite 200, Cincinnati, Ohio 45242, are hereby appointed and authorized to act as agent for the Petitioners in securing such annexation.
- 4) WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

OWNER NAME:

By: Bill D. Colwell
Bill D. Colwell, Trustee

Date Signed: 2/19/2008

This instrument prepared by:
Thomas H. Bergman & Associates, LLC
4695 Lake Forest Drive, Suite 200
Cincinnati, Ohio 45242
513-563-0906

EXHIBIT "C"

ROBERTS DR.

KEHR ROAD

BOOTH RD.

SILVERLEAF DR.

20 Ac. +/-

20 Ac. +/-

DETENTION LOT
41
7838 SF

DETENTION LOT

NATURE
PRESERVE



SETBACK REQUIREMENTS
- 5' FRONT YARD SETBACK
- 5' SIDE YARD SETBACK
- 5' REAR YARD SETBACK

MY COMMUNITIES
CITY OF OXFORD
SEC. 54, 10 MIN., RANGE 1



Project Name	10000 SQUADRA DRIVE, SUITE 100, OXFORD, OHIO 45056
Client	10000 SQUADRA DRIVE, SUITE 100, OXFORD, OHIO 45056
Scale	1" = 50'
Drawn By	10000 SQUADRA DRIVE, SUITE 100, OXFORD, OHIO 45056
Check By	10000 SQUADRA DRIVE, SUITE 100, OXFORD, OHIO 45056
Date	10000 SQUADRA DRIVE, SUITE 100, OXFORD, OHIO 45056

RESOLUTION NO. 4336

A RESOLUTION ACCEPTING THE ANNEXATION PETITION FOR 40.113 ACRES OF LAND ON KEHR ROAD OWNED BY BILL D. COLWELL, IN THE TOWNSHIP OF OXFORD, OHIO; CONSENTING TO SAID ANNEXATION; AND ADOPTING A STATEMENT OF THE SERVICES THE CITY OF OXFORD WILL PROVIDE TO THE PROPOSED TERRITORY TO BE ANNEXED TO THE CITY OF OXFORD, PURSUANT TO A PETITION FILED WITH THE BOARD OF COMMISSIONERS OF BUTLER COUNTY, OHIO, BY JILL R. MCGRAIL, ESQ. AGENT FOR PETITIONER, BILL D. COLWELL.

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

SECTION 1: Council, having received the notification of a petition for annexation from Jill R. McGrail, Esq. Agent for petitioner, for 40.113 acres of land on Kehr Road, in the Township of Oxford, Ohio, hereby accepts said petition.

SECTION 2: Council hereby consents to the annexation petition from Jill R. McGrail, Esq. Agent for petitioner, for 40.113 acres of land on Kehr Road, in the Township of Oxford, Ohio.

SECTION 3: The Ohio Revised Code provides that the legislative authority of a municipal corporation shall adopt an ordinance or resolution indicating what services a municipal corporation will provide to the territory to be annexed to the municipal corporation upon receiving notice of the petition for annexation.

SECTION 4: The City of Oxford, will provide the following services to the territory sought to be annexed in the petition filed by Jill R. McGrail, Esq., agent for Petitioner, consisting of 40.113 acres plus or minus as described on Exhibit "A", attached hereto and incorporated herein, conditioned upon the property owners providing to the City of Oxford the means of ingress and egress acceptable to the City, by which the City will have access to the proposed annexed territory. These services are conditioned upon access being provided.

POLICE

Police service will be provided on a twenty-four (24) hour basis. Additional police services/equipment will be provided as required.

FIRE PROTECTION

The Oxford Fire Department will provide fire protection and emergency ambulance service as stated in the Fee Ordinance in the territory to be annexed. Additional fire protection and services/equipment will be provided as required.

WATER AND SEWER

Water and Sewer, as provided by law and by service contract, will be furnished to the annexed territory where available, subject to the City's ability to provide these services, based on the current system and the then current Fee Ordinance. Upgrading the present system will be necessary and will be done at the owner's expense.

PLANNING AND DEVELOPMENT

A professional planning and engineering staff and economic development staff will be available to service the annexed territory.

ZONING REGULATIONS

Current City of Oxford Zoning Regulations will be enforced in the annexed territory.

STREET MAINTENANCE

The Division of Streets will provide a full range of street maintenance activities, upon the owners dedicating streets to the public and deeding the same to the City.

BUILDING AND PLANNING SERVICES

Building inspection and planning services by the City of Oxford's professional staff will be provided to the territory on annexation.

WASTE COLLECTION

Residential waste collection services will be provided immediately upon annexation. Residential waste collection services are provided on a weekly basis and consist of curb-side pick-up. The property owners will be subject to a monthly fee for waste-collection services.

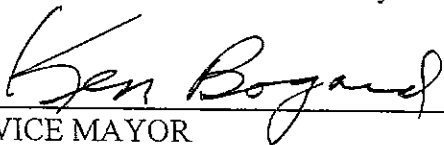
PARKS AND RECREATION

As the territory develops, the need for parks and recreational facilities will be evaluated and appropriate facilities provided upon approval of the Council of the City of Oxford. The City of Oxford currently provides to its citizens play fields, a swimming pool, tennis courts, and ball fields.

MISCELLANEOUS

Any and all other services provided to the citizens of the City of Oxford will be provided to the proposed territory upon annexation.

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


VICE MAYOR

ADOPTED: March 4, 2008

ATTEST:


DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: May 6, 2008

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

April 21, 2008
Date Prepared

Agenda Title: PC-07-2008 **CONDITIONAL USE, 320 E. Vine Street** to permit a fraternity house in a R2MS (Single- and Two-Family Mile Square Residential) District, **Bob Dearth, Chi Psi Fraternity, Applicant, Agent**

Recommendation: Approval

Discussion:

The Applicant is requesting approval of a Conditional Use Permit to allow for a fraternity in a R2MS District. The application is to build an approximately 2,000 sq. ft. two-story addition to the rear of an existing house. Access to this proposed use will utilize an unimproved alley. Furthermore, the subject property is made up of two lots.

The Planning Commission went through a lengthy discussion on the following issues: suitability of the site for the proposed use; traffic impact of the proposed use to the neighborhood; compatibility with the general intent of the Comp Plan, and the character of the proposed building is harmonious with the character of the general vicinity.

After a public hearing and discussion, the Planning Commission voted 4-2-0 to recommend City Council approve the proposed conditional use to permit a fraternity house at this location.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

<i>JHC</i>	4/22/08

ORDINANCE NO.

ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO PERMIT A FRATERNITY HOUSE IN THE R2MS (SINGLE AND TWO-FAMILY MILE SQUARE RESIDENTIAL) DISTRICT LOCATED AT 320 EAST VINE STREET, OXFORD, OHIO.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on April 8, 2008, for the purpose of considering the request of Bob Dearth, Applicant, Agent, for a conditional use permit to permit a Fraternity House in the R2MS (Single and Two-Family Mile Square Residential) District located at 320 East Vine Street, Oxford, Ohio.

SECTION 2: The Planning Commission, after public hearing and discussion, voted to approve a motion recommending approval of the conditional use application to permit a Fraternity House in the R2MS (Single and Two-Family Mile Square Residential) District located at 320 East Vine Street, Oxford, Ohio with the following conditions:

- a. The lot consolidation be approved and recorded prior to the release of any construction permits.
- b. All comments by the City Engineer are addressed regarding the alleyway access, at the owner's expense and the development meets City standards.
- c. The dumpster shall be located behind the building, screened and accessible by a waste hauler.
- d. The finished building complies substantially with the drawings presented and fits historically with the original building.

SECTION 3: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to permit a Fraternity House in the R2MS (Single and Two-Family Mile Square Residential) District located at 320 East Vine Street, Oxford, Ohio as proposed by the applicant.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Certification of Action
Oxford Planning Commission
Recommendation to City Council

<u>Report Date</u>	May 6, 2008
<u>Case Number</u>	PC-07-2008
<u>Applicant Information</u>	Bob Dearth, Applicant, Agent Ned Stephenson, Owner
<u>Requested Action</u>	Conditional Use Permit
<u>Summary of Request</u>	Request approval to allow for a Fraternity House in the R2MS District.
<u>Public Hearing Information</u>	On April 8, 2008, a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on March 7, 2008.
<u>Commission Action</u>	After public hearing and discussion, the Planning Commission voted 4-2-0 to recommend City Council approval.
<u>Commission Findings and Conclusions</u>	After a lengthy discussion, the Planning Commission voted to recommend approval with the following conditions: that the lot consolidation be approved and recorded prior to the release of any construction permits; that all comments by the City engineer were addressed regarding the alleyway access, at the owner's expense and meeting City standards; that the dumpster shall be located behind the building, screened and accessible by Rumpke; and, that the finished building complies substantially with drawings presented and fits historically with the original building.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report dated March 15, 2008. 2. Inter-office Review Transmittal Sheets from Fire, Engineering and Police Departments dated March 4, 2008. 3. E-mails received from community members to Planning Commission. 4. Conditional Use Permit Application dated February 22, 2008. 5. Agency letter dated February 22, 2008. 6. Architect Statement Letters dated February 1, 2008 and February 20, 2008. 7. Site Plan. 8. Site Plan Description from Applicant. 9. Building elevations. 10. Map, surrounding fraternity houses.

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-07-2008

Date – April 8, 2008

APPLICATION

Applicant:	Bob Dearth
Location:	320 E. Vine Street (H4100006000180 & H4100006000128)
Owner:	Ned Stephenson
Action Request:	Approval of a Conditional Use for a Fraternity House in the "R2MS" Single & Two-Family Residential District.
Current Use:	Two Family Rental
Current Zoning	"R2MS" Single & Two-Family Residential District.
Surrounding Existing Land Uses:	Mix of single & two-family rentals and fraternity houses.

GENERAL DESCRIPTION

The Applicant requests approval of a Conditional Use Permit to allow a fraternity house at the above location. The Applicant is proposing to eliminate the two-family use, remodel the existing house and construct a two-story, 37'x 56', 2,072 sq.ft. addition on the rear of the existing house. The fraternity house is indicating access for parking off of a paper alley. The current address and neighboring property currently share access through this alley. The Applicant has contacted the Service and Engineering Department to inquire what the requirements would be to upgrade the alley for access. The Applicant wishes to have alley access in order to satisfy lot coverage requirements.

Furthermore, the subject property is made up of two lots. The Applicant has submitted a consolidation plat that can be approved administratively.

SURROUNDING NEIGHBORHOOD

The municipal zoning in the vicinity of this site is "R2MS" Single & Two-Family Residential District.

ZONING CODE REGULATIONS

Conditional Use

The purpose of Conditional Use regulations is at Section 1147.01(a):

"Purpose. Conditional Uses are land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety, or general welfare if not located appropriately, operated appropriately, or mitigated with good design."

§1143.05(b)(2)L: Conditional Uses in R2MS:

STAFF FINDINGS: Fraternity and Sorority Houses are specifically listed as a Conditional Use in the R2MS District.

§1143.05(c): R2MS Site Development Regulations:

STAFF FINDINGS: All requirements pertaining to lot size, setbacks, lot coverage and building height appear to be satisfied with the exception of the front yard lot coverage. This is a nonconforming situation and no changes are proposed in this area, thus the existing sidewalks and original structure may remain where they are. Should any modification take place in front of the existing house, the Applicant would be required to make the situation less nonconforming and possibly require additional review by the BZA if they did not comply with the regulations.

§1147.03(b)(19) Use Regulations & Potential Concerns:

(19) Fraternity & Sorority Houses

A. Potential Concerns.

1. Noise
2. Location of accessory uses such as ball fields and swimming pools
3. Appropriate screening of high activity areas from adjacent properties

B. Requirements.

1. A solid fence, wall, or hedge at least 6 feet in height is required along any property line within 75 feet of an activity area including porches and patios
2. Adequate waste and recycling facilities

STAFF FINDINGS: There are no accessory uses proposed at this time. A dumpster shall be located next to or in the proposed parking area. No new patios or porches are being proposed at this time. Existing 4-5 foot chain link fences are along the eastern property line and a 6 foot wood privacy fence is along the northern property line. These existing fence lines are also fairly well vegetated.

The Applicant has indicated in their letters that if this existing screening is deemed insufficient, they are open to providing a solid fence along the property lines to create adequate separation from the adjacent properties.

OTHER FINDINGS: All Mile Square Design Standards will be reviewed more closely during the permit review process.

AGENCY COMMENTS

Requests for review were sent to Engineering, Police and Fire.

Police: "While the general area does accommodate some student housing, I cannot recommend the building of a fraternity house in a single and two-family residential district knowing that there will be a surplus of vehicles per the number of required vehicles."

Engineering and Fire have not returned their review to date.

PUBLIC COMMENT FORMS

No comments have been received to date.

DECISION CRITERIA

A copy of the Zoning Code Conditional Use Decision Standards is attached.

STAFF ANALYSIS

Staff has provided a map of surrounding fraternities. There are approximately 5 fraternities within a 200 foot radius, and 11 fraternities within a 500 foot radius.

Staff suggests that the Planning Commission consider the following items prior to approving the proposed project.

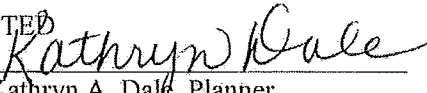
1. That, the lot consolidation is approved and recorded prior to the release of any construction permits.
2. That, all comments by the City Engineer are addressed regarding the alleyway access.

RECOMMENDATION

Not Applicable

SUBMITTED

BY:


Kathryn A. Dale, Planner
Community Development Department

DATE: March 15, 2008

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.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/4/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-08-2008

Description:

PC-07-2008 CONDITIONAL USE 320 E. Vine Street to permit a fraternity house in a R2MS (Single and Two-Family Mile Square Residential) District, **Bob Dearth, Chi Psi Fraternity, Applicant, Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/28/2007** Note: If no comments are received, we will assume the project meets your department's standards.

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

No Comments

*Will address sprinklers when building plans
submitted if use is approved*

Drawings reviewed by: *Sen Ender Kelly 3/26/08*

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/4/2008

To: Fire Department

Engineering Division

Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-08-2008

Description:

PC-07-2008

CONDITIONAL USE 320 E. Vine Street to permit a fraternity house in a R2MS (Single and Two-Family Mile Square Residential) District, **Bob Dearth, Chi Psi Fraternity, Applicant, Agent**

☒ Review

☐ Revisions

☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/28/2007** 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 3-17-08

Drawings reviewed by: A. P. Perren 3-17-08



Memo

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

TO: Community Development

FROM: Victor Popescu, P.E.
City Engineer

RE: Case #: PC-0⁷8-2008
320 E. Vine Street

DATE: March 17, 2008

Section 301.03 of the City of Oxford Codified Ordinances defines an "Alley" as a "... street or highway intended to provide access to the rear or side of lots or buildings in urban districts..."

Thus the Engineering Division recommends approval of the subject case with the following conditions.

- The alley shall not be vacated. Thus, the "Site/Zoning Information" calculations shall be revised to exclude the area occupied by the alley.
- The Developer shall be responsible for the required improvements to the alley.
- The improvements to the alley shall include clearing, grading, paving, and the erecting of the necessary signs, as per City of Oxford Standards.
- Parking shall be prohibited within the right-of-way of the alley at all times.

If there are questions, please contact the Engineering Division at 513-524-5208.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/4/2008

To: Fire Department

Engineering Division

Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-07-⁷2008

Description:

PC-07-2008 **CONDITIONAL USE 320 E. Vine Street** to permit a fraternity house in a R2MS (Single and Two-Family Mile Square Residential) District, **Bob Dearth, Chi Psi Fraternity, Applicant, Agent**

☒ Review

☐ Revisions

☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/28/2007** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

While the General Area does accommodate some student housing, I cannot recommend the building of a fraternity house in a single & two family residential district knowing that there will be a surplus of vehicles per the number of required spaces.

Drawings reviewed by: SS Schwen

Rec'd 4.8.08 PC Mtg.

WS Schedule

From: Carole Katz [ckatz@one.net]
Sent: Tuesday, April 08, 2008 2:25 PM
To: alysiafischer@hotmail.com; bbrewer@designedlearning.com; prbrady@ix.netcom.com; mannwell41@woh.rr.com; kaysa@muohio.edu; rakfire@earthlink.com; prythedl@muohio.edu
Subject: planning commission agenda tonight

Dear members of the Oxford Planning Commission,

I won't be able to attend tonight's meeting, but but I would like to offer my opinion on two items on the agenda.

New Gas Station at Southpointe on US27 South: I saw this notice in last Friday's Oxford Press, and hope that the Commission will be able to bring this request to a halt right now. My impression, from statements by city officials and residents, and the outcome of recent Comprehensive Plan Update meetings, was that the people of Oxford do not want urban sprawl spreading to the south of the city, as it has to the north. I certainly do not. Besides for the fact that gas stations in general are aesthetically unappealing and an inappropriate gateway business for our community, and that the environmental risks are unjustified when there are many other service stations in the vicinity, I think a service station in this location would actually deter people from coming into town. If you allow this gas station to go forward, you will be doing the other merchants in Oxford a disservice, and only add to the decline of our uptown business district.

320 East Vine Street fraternity house: As a resident of the Mile Square, I'm particularly sensitive to neighborhood issues like noise, litter and parking. I am not in favor of building a new fraternity house anywhere in the Mile Square. I understand that the young men of the fraternity would like a house in which to live, meet and hold parties, but that area is already oversaturated, population-wise. Adding to the density would only add to the problems of that neighborhood, and, again, go against the wishes of the people of Oxford as I perceive them. I'm also concerned that if this conditional use is approved, other groups or organizations will want similar treatment in other residential neighborhoods, which might be hard to deny based on this precedent.

I hope you will take these points into consideration as you address these items this evening. Thank you.

Carole Katz
214 West Withrow
523-8693

Rec'd 4.8.08 PC Mtg.

WS Schedule

From: Levy, Jonathan Dr. [levyj@muohio.edu]
Sent: Tuesday, April 08, 2008 2:43 PM
To: alysiafischer@hotmail.com; Brewer, William; prbrady@ix.netcom.com; mannwell41@woh.rr.com; Kay, Susan; rakfire@earthlink.com; Prytherch, David Lloyd Dr.
Subject: Agenda for 4-8-08

Dear members of the Oxford Planning Commission,

While I will not make it to tonight's meeting, please allow me to comment on 2 agenda items.

Regarding the plans for a new fraternity house on East Vine Street, I believe this is heading us in the wrong direction. The City should be doing all it can to encourage more families and long-term resident in the Mile Square. Adding another fraternity house hinders rather than helps in this effort. Another fraternity house will inevitably add to trash, noise, parking problems and, paradoxically, increased housing prices and rental prices. All these probable outcomes result in families not considering the Mile Square as a viable living option.

Second, I am strongly opposed to the proposed gas station at Southpoint on 27 South. I was one of the Comprehensive Plan Update meetings and it was clear from this gathering that the Oxford residents were strongly against this plan or any large development on 27 south of Oxford. The gas station clearly would be opening up urban sprawl in that direction. We have plenty of gas stations in town. If by some chance you miss getting gas in Oxford, there are nearby stations in whatever direction you travel. A new station is certainly not necessary and is obviously aesthetically unappealing. It will detract from businesses already present. It should not be allowed.

Thank you for consideration of the opinions of Oxford residents like myself.

Best regards,
Jonathan Levy
214 West Withrow
523-8693

Jonathan Levy
Associate Professor of Geology
Miami University
Oxford, OH 45056
513-529-1947 (voice)
513-529-1542 (fax)
levyj@muohio.edu

Rec'd 4.8.08 PC Itg.

To: Planning Commission

From: Emily Murphree, Mile Square Resident

I urge you to deny the request before you to allow 320 E. Vine to be remade into a Chi Psi Fraternity House. This runs counter to the city's long term plan to reduce the density of the Mile Square population. Should you have suspicions about the gap between fraternities' statements of principles of gentlemanly behavior and their actual deeds, you might consult the *Miami Student*. I provide opening paragraphs and dates of several recent articles.

University sanctions Sigma Alpha Mu for alcohol violation

Caitlin Varley

Issue date: 3/28/08 **Section:** Campus

Miami University's chapter of Sigma Alpha Mu has been sanctioned for the second time this school year for serving alcohol to a minor.

At a hearing conducted by the Office of Ethics and Student Conflict Resolution Jan. 23, Sigma Alpha Mu admitted to serving alcohol to a minor at a party at their off-campus house in late October 2007. They were found to be in violation of the Code of Student Conduct, Section 105B.

Theta Chi faces scrutiny in light of Feb. incident

Drew Isler

Issue date: 2/28/06 **Section:** Campus

Miami University's Theta Chi fraternity is undergoing university judicial hearings to determine whether it should be held responsible for the actions of a first-year pledge who was found intoxicated and then hospitalized.

Beta Theta Pi applies restrictions after underage drinking incident

Brianna Mulligan

Issue date: 4/8/08 **Section:** Campus

Miami University's Interfraternity Council (IFC) will soon hear a case dealing with accusations of Beta Theta Pi hazing pledges earlier this semester.

So far, the fraternity's Alpha chapter has not been punished by the IFC judicial system, but has

executed its own punishment.

The incident took place when a Beta pledge was caught drinking underage. Miami viewed the underage intoxication of a pledge as a form of hazing, forcing the fraternity to take action to deal with the accusations. After the allegations of hazing were made, Beta's self-governance board initiated a series of policies, including a limit on social privileges and a requirement to attend an alcohol-related class.

Those of us who continue to live in the Mile Square would sincerely appreciate your help. There is too much noise, trash, and rowdy behavior in this area already. Shoe-horning in another fraternity house will only worsen the situation. (I would attend tonight's meeting, but I am giving an exam from 6—9 pm.)

Case No.: 4/8/08 PC-7-08
Date Filed: 2/22/08

Conditional Use Permit Application
City of Oxford, Ohio

REQUIRED INFORMATION (print clearly)

Name of Applicant: Bob Dearth, Chi Psi Fraternity
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 118 Hilltop Road Oxford OH 45056
Telephone Number(s): 513-255-0113
Location of Property: 320 E Vine St
Legal Description: see site / zoning map
Zoning District: R2MS
Total Area: 15,629 Acres / Square Feet (circle one)
Existing Use: 2 Family
Proposed Use: Fraternity Lodge

SUBMISSION REQUIREMENTS

The required fee of \$400.00, made payable to the City of Oxford, must accompany the application. The entire submission must be prepared in accordance with Chapter 1147, Conditional Uses, of the Zoning Code of the City of Oxford.

Attach thirteen (13) copies of a site plan indicating the following:

1. North arrow
2. Scale
3. Vicinity Map
4. All existing and proposed lot lines within the site
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way
6. Location, height, and use of all proposed and existing structures
7. Location and design of all proposed vehicle management areas
8. Location, size, and type of all proposed signs
9. Location, height, and type of all proposed screening and landscaping
10. Distances to residential zoning districts if within 1,000 feet
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way
12. Elevations of proposed structure, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use
13. Photographs of the existing use and its surroundings.
14. Other information as required by the Planning Commission

Attach a statement describing how the proposed Conditional Use meets the following decision standards of the zoning district in which it is to be located:

1. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
2. The use and site will satisfy the general intent of this Zoning Code.
3. The use and site will be compatible with the general intent of the Comprehensive Plan.
4. The size and shape of the site are sufficient for the proposed use.
5. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

6. 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.
7. 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.
8. 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.
9. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
10. 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.
11. 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.
12. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
13. All necessary permits and licenses for the Conditional Uses and its operation have been or can be obtained for the use at the proposed location.

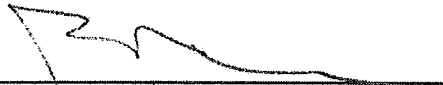
On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways.

NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

All materials must be delivered to the office of the Community Development Director, City of Oxford, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The issue will be placed on the next possible agenda.

NOTE: Incomplete applications will not be processed.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

 _____ Signature of Applicant	<u>Bob Dearsh</u> _____ Printed Name	Date: <u>2-22-08</u>
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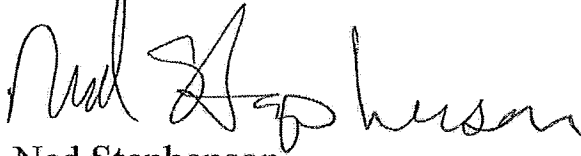
FEE / RECEIPT

\$400 Fee Paid / Receipt Number: pd #13601

February 22, 2008

I, Ned Stephenson, owner of 320 E. Vine Street, so hereby allow Bob Dearth and the Chi Psi Fraternity to act as agents for the Conditional Use application dated February 22, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read "Ned Stephenson". The signature is fluid and cursive, with the first name "Ned" and last name "Stephenson" clearly distinguishable.

Ned Stephenson
320 E. Vine Street
Oxford, OH 45056

jonathan r. schAAF
REGISTERED ARCHITECT

3038 Mirlmar Street Kettering, Ohio 45409
Phone/Fax: 937.643.4090 | Cellular: 937.609.5280
Email: jrsdesign@sbcglobal.net

February 1, 2008

**RE: 320 E. Vine Street
Fraternity House**

The project site at 320 E. Vine Street in the City of Oxford is zoned R2MS (Single Family & Two Family Mile Square Residential). The existing structure is a 2 story duplex residence. The proposed use for this site is a new fraternity house for Chi Psi. Under the R2MS zoning classification, fraternity and sorority houses are indicated as conditional use item "I".

The area of the site is 15,629 SF. The proposed building and parking areas will meet the maximum lot coverage of 40% (6,251 SF) for lots with vehicular access from a side alley, and no access from the public street. A new two story addition is proposed to the rear of the existing two story building. A new parking lot will be constructed to the rear of the lot with access from the alley along the west property line. The parking lot will accommodate the parking requirements of zoning code section 1149 for fraternity houses and will provide for the appropriate screening/buffers.

The proposed building addition will be designed in a complementary style to the architecture of this surrounding neighborhood and in accordance with zoning code requirements for R2MS. The project will include full interior and exterior improvements for the existing building that will mend the new and existing together as one building.

jonathan r. schAAF
REGISTERED ARCHITECT

3038 Mirimar Street Kettering, Ohio 45409
Phone/Fax: 937.643.4090 | Cellular: 937.609.5280
Email: jrsdesign@sbcglobal.net

February 20, 2008

**320 E. Vine Street
Fraternity House**

Site/Zoning Information

Existing Zoning: R2MS Single Family & Two Family Mile Square Residential
Existing Lot Area: 15,629 SF
Existing Alley Area: 3,044 SF
Total Area with Alley Vacation: 18,673 SF

Scheme 2a: Areas without Alley Vacation: (15,629 SF)

	<u>Allowed</u>	<u>Proposed</u>
Building Coverage: max. 25% =	3,907 SF	1,328 SF Existing 2,072 SF Proposed Addition
Site Coverage: max. 40% =	6,251 SF	6,087 SF
Front Yard Area: min. 5% =	781 SF	2,318 SF

2,687 SF Parking

Front Yard Setback: 20'
Rear Yard Setback: 35'
Side Yard Setback: 7.5'
Max. Height: 35'

Parking: 2 spaces per 5 permitted beds.
3' from property line, 3' from building

Building Code Information

R-2 Occupancy Classification
VB Construction Type – no ratings required for structural elements
Occupant Load – 1 per 200 gross SF
Egress Width - .2" / occupant stairs / .15" / egress components (with sprinkler system)
1 hour fire rating on stairs

Base Allowable height – 2 stories
Base Allowable area – 7,000 SF / floor

Allowable height w/ sprinkler – 3 stories
Allowable area w/ sprinkler – 21,000 SF / floor

Jonathan V. Schauf
 REGISTERED ARCHITECT
 Jonathan V. Schauf 166 E. 125th St.
 3030 Highland Street, Kenton, Ohio 45005
 Phone/Fax: 937.653.4010 / 937.653.4010
 Email: jvschauf@jvschauf.com

320 E. VINE STREET
 OXFORD, OHIO

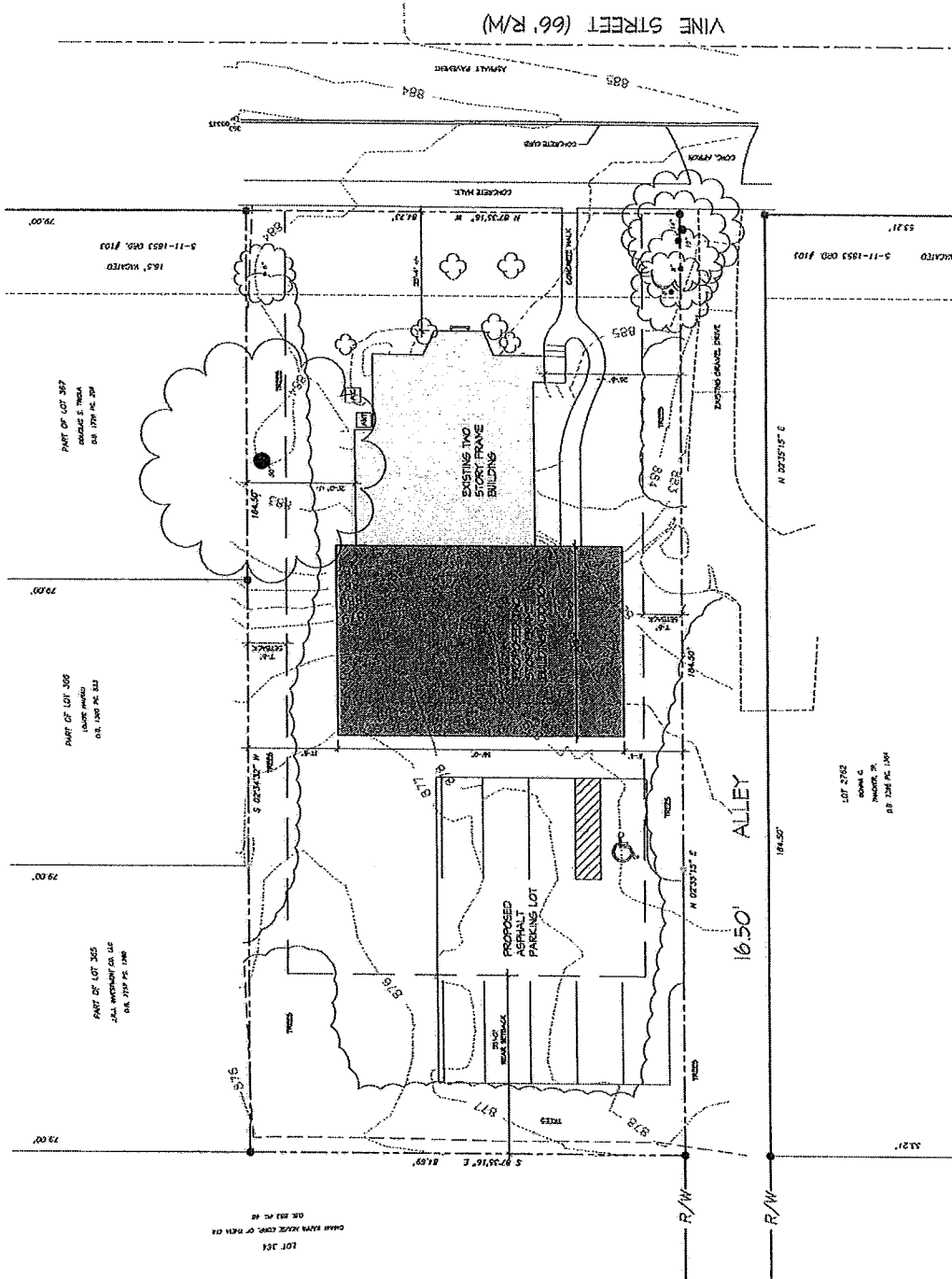
Print Record
 02/01/05 PRELIM.

Project Number
 2000-01

Date
 FEB. 1, 2005

Sheet Title
 SITE PLAN

Sheet Number
 1



(A) SITE PLAN - SCHEME 2000-01
 SCALE: 1" = 10'-0"

Site Plan Descriptions (1-14)

1. See site plan
2. See site plan
3. See site plan
4. See site plan
5. See site plan
6. See elevations and photos
7. See site plan
8. N/A
9. No changes, see photos
10. Approximately 200 feet to R3MS, approximately 200 feet to R1MS and approximately 1000 feet to RO and MU.
11. Adjacent property uses are single and two family residences and a fraternity (behind). Across the right of way are single family residences.
12. See elevations
13. See photos
14. N/A

Statements describing how the proposed Conditional Use meets the following decision standards of the zoning district of R2MS:

1. Per zoning code: 1143.05 (b) (2) I. Fraternity and sorority houses
2. The use and site satisfies the intent of the Zoning Code in that it is a residential facility that will be improved and maintained by a responsible national organization.
3. The use and site are compatible with the general intent of the comprehensive plan in that it provides responsible preservation and improvement of a building with character in a MS residential district.
4. The size and shape of the site are more than sufficient for the proposed use; please refer to architect outline and site plan.
5. The use will not be hazardous or disturbing to existing neighboring uses that are permitted in the zoning district. In fact, a fraternity house is adjacent to the site on the North side.
6. ~~See attached Addendum #1~~ (See Attached Addendum #1)
7. ~~See attached Addendum #1~~
8. The use and site will be adequately served by public services already in tact with exception of the alley. Please refer to letter to city from applicant and all other correspondence and decisions to date.
9. Development of the site and the operation of the use will not require substantial public expenditure for additional infrastructure or services. Applicants will pay for any improvements necessary to existing adjacent alley.

10. The site has been designed to be harmonious in character and appearance with the general, existing and intended character of the vicinity. Please refer to the elevations and photos enclosed of sites in the immediate vicinity of the site.
11. There will be no additional impact on the movement of traffic on adjacent public streets by on-site traffic or traffic accessing the site. The existing alley will continue to be the access to the site.
12. The proposed construction will have little to no impact on the existing site in that there is a consolidation of two lots on the site.
13. All necessary permits and licenses for use as a fraternity are already in place. The fraternity is a Miami University supported organization with a national presence and a local chapter.

***Additional notes:

Conditional Use Concerns and Regulations: Planning and Zoning Code Book: Section 1147.03 (19) Fraternity and sorority houses

A. Potential Concerns

1. Noise: Although there is an obvious increase in occupancy numbers; the proximity to existing multiple family residences and fraternities should minimize the impact to the site's neighbors.
2. Location of accessory uses such as ball fields and swimming pools: The location of the accessory use facilities is well within walking distance from the site and the same distance from existing properties with the same use.
3. Appropriate screening of high activity areas from adjacent properties: There is an existing natural barrier on the east and north boundaries of the property. If these are deemed insufficient, the applicant will provide a solid fence along the property lines to create an adequate separation from these adjacent properties.

B. Requirements

1. See A. (3.)
2. Adequate waste and recycling facilities: The size of the site and accessibility from the alley, will allow for easy access for waste removal and recycling facilities.

To: missy@remax-alpha.com
From: ohpancake@aol.com
Cc: heidencm@muohio.edu, danmawer@chelseamoore.com
Date: 22 Feb 2008, 12:08:07 PM
Subject: Text for Conditional Use Application

Addendum #1

HTML content follows

6. The Alpha Rho Delta Chapter of Chi Psi Fraternity, chartered in 2005, is a group of young men joined by a commitment to scholarship, fellowship and leadership. They are a new chapter of Chi Psi Fraternity which dates to 1841, and is presently made up of thirty chapters (referred to as "Alphas") spread throughout fine Universities and Colleges within the United States. Chi Psi's overriding principals are brotherhood and behavior as gentlemen. The National Fraternity has achieved a number of notable "firsts": The first national fraternity to establish a visitor program representing a traveling leadership consultant for its chapters; The first Educational Trust, established to supplement the host institution's curriculum with supplemental programs teaching leadership skills, programs for setting and achieving personal goals and career guidance programs.

A new "Lodge" at 321 Vine Street will not have any outside ball courts or meeting areas. Membership meetings will be conducted inside will not involve excessive noise, odors, emissions, glare or traffic. There will be no activities that involve processes, materials, equipment, or conditions of operation that would be detrimental to any person, property or general welfare of the immediate area.

7. The only use of this facility will be for Fraternity housing and general meetings, training and fellowship of the members. There will be no unrelated activities permitted, as regulated by both Miami University, the National Fraternity and the local Alumni Corporation that will participate in the ownership of the property. The National Fraternity maintains a mandatory Property and Liability Insurance program for all of its Alphas and strict underwriting guidelines for participation in these programs are enforced by frequent on-site visits by the National visitors and the local alumni corporation officers.

More new features than ever. Check out the new AOL Mail!

Jonathan V. Schauf
 REGISTERED ARCHITECT
 3338 Midway Street, Kelleysburg, Ohio 43021
 Phone/Fax: 937.693.4030 / Cell: 937.693.5280
 Email: jschauf@jonvsof.com

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320 E. VINE STREET
 OXFORD, OHIO

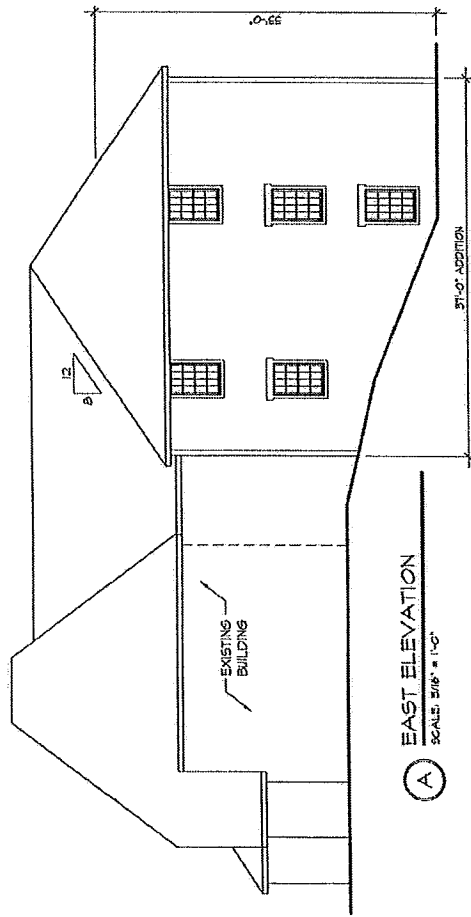
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Project Number
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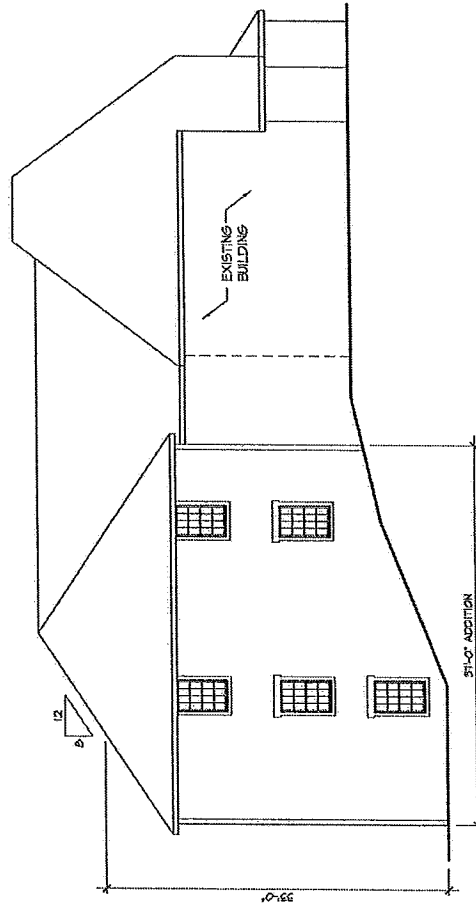
Date
 FEB. 1, 2008

Sheet Title
 EXTERIOR
 ELEVATIONS

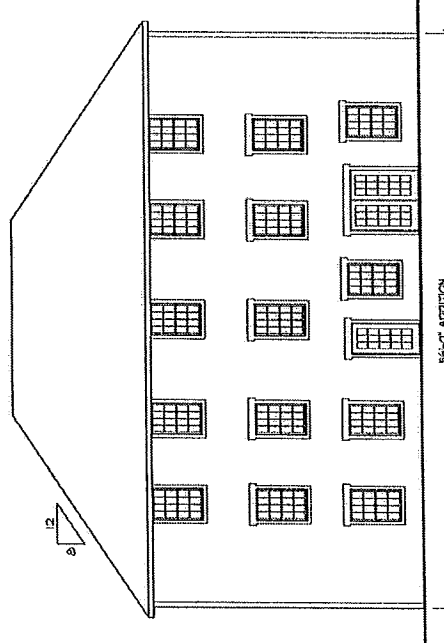
Sheet Number
 4



(A) EAST ELEVATION
 SCALE: 3/16" = 1'-0"



(C) WEST ELEVATION
 SCALE: 3/16" = 1'-0"



(B) NORTH ELEVATION
 SCALE: 3/16" = 1'-0"

PRELIMINARY ONLY

PC 07-2008
320 E. Vine
Surrounding
Fraternity Houses

- Legend**
- ☐ OxParcels2007
 - Building Footprints**
 - Use**
 - CITY
 - COMMERCIAL
 - FRATERNITY
 - IND
 - INSTITUTIONAL
 - MF
 - MIXED
 - MU
 - SF





A SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



B NORTH ELEVATION
SCALE: 3/16" = 1'-0"

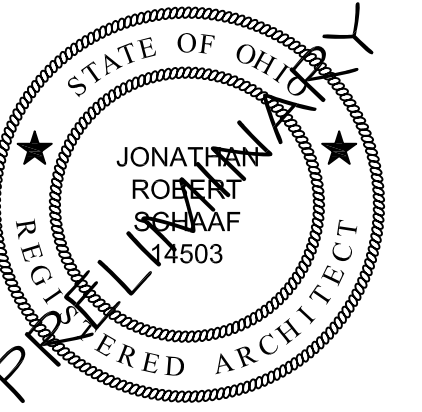


C WEST ELEVATION
SCALE: 3/16" = 1'-0"

Jonathan R. Schaaf
REGISTERED ARCHITECT

Jonathan R. Schaaf RA | LEED AP
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320 E. VINE STREET

OXFORD, OHIO

Print Record

02/01/08 PRELIM. 1
03/14/08 PRELIM. 2

Project Number

2008-01

Date

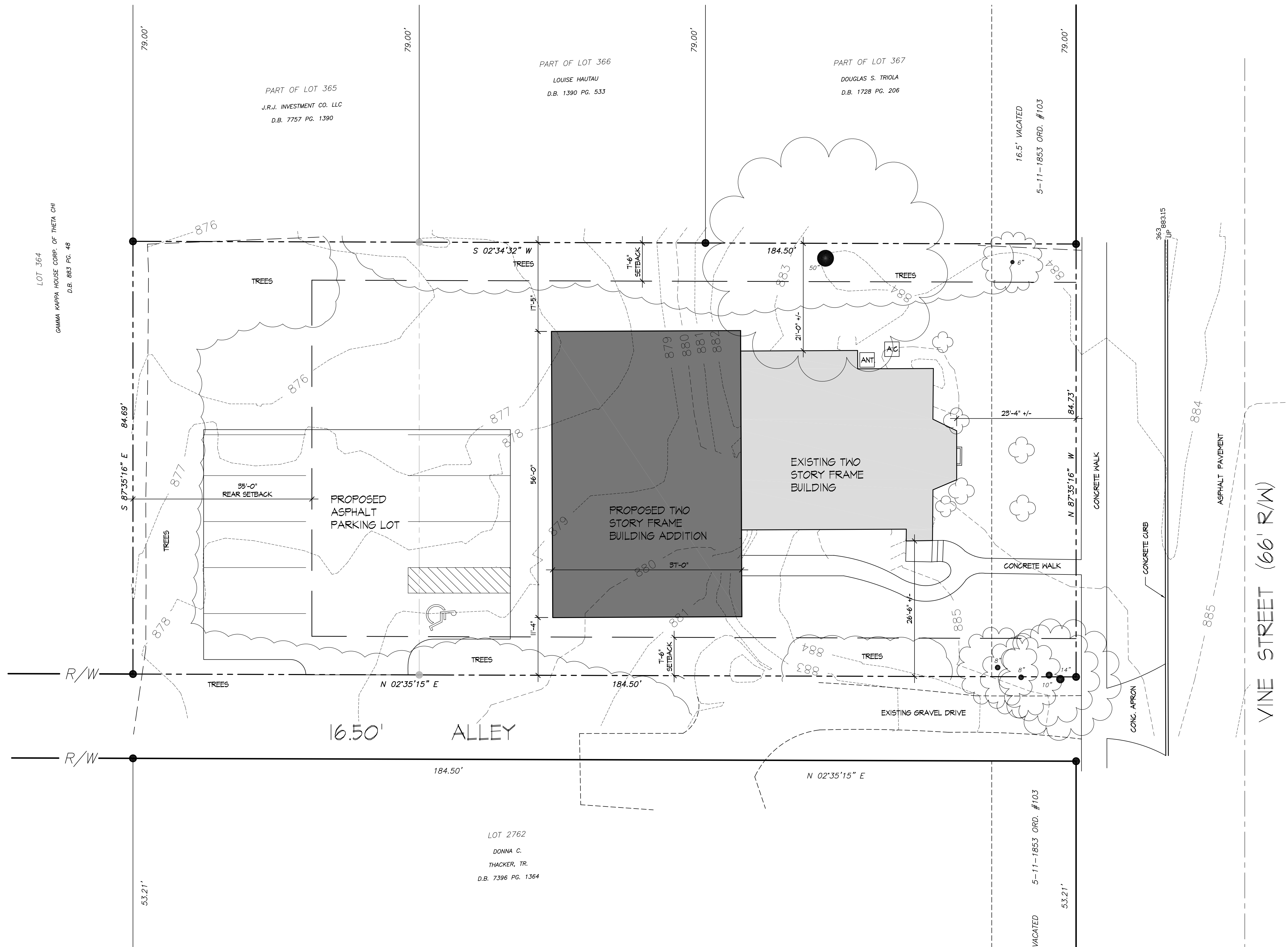
MARCH 14, 2008

Sheet Title

EXTERIOR ELEVATIONS

Sheet Number

3



320 E. VINE STREET

OXFORD, OHIO

Print Record
02/01/08 PRELIM.
Project Number
2008-01
Date
FEB. 1, 2008
Sheet Title
SITE PLAN
Sheet Number
1

jonathan r. schAAF
REGISTERED ARCHITECT

Jonathan R. Schaaf

RA | LEED AP

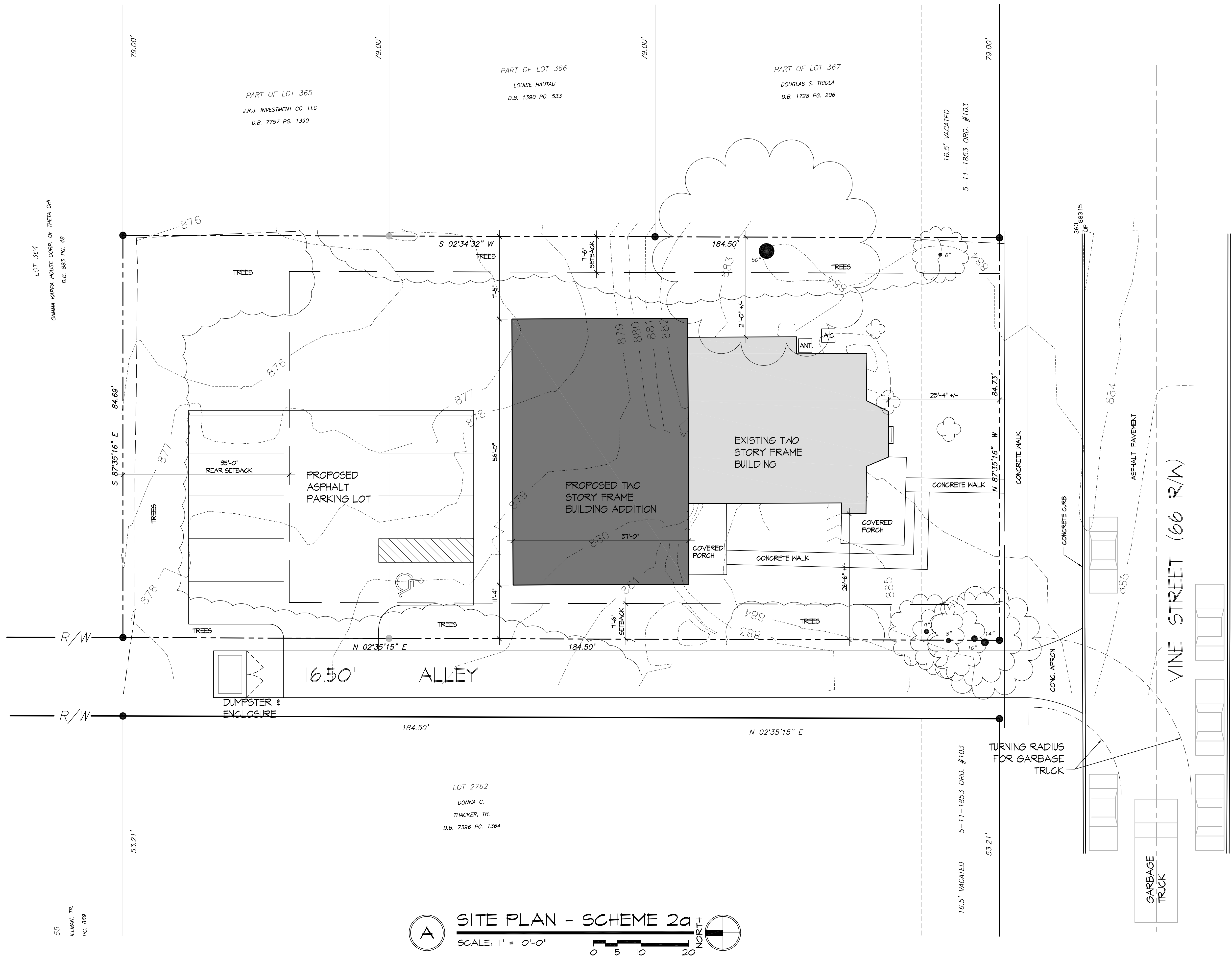
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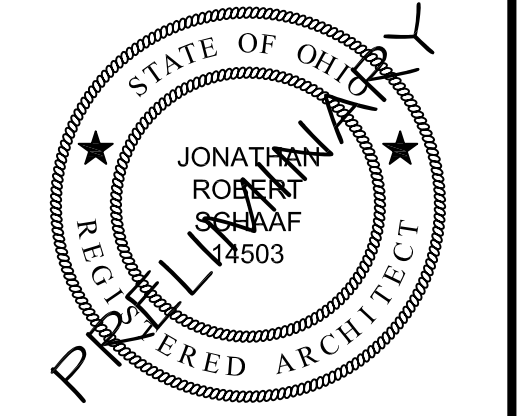


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REGISTERED ARCHITECT

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320 E. VINE STREET

OXFORD, OHIO

Print Record
02/01/08 PRELIM. 1
03/14/08 PRELIM. 2
04/04/08 PRELIM. 3
Project Number
2008-01
Date
APRIL 4, 2008
Sheet Title
SITE PLAN
Sheet Number
1