City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

# Agenda

## Oxford City Council

## Court House

## TUESDAY, JUNE 3, 2008

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## EXECUTIVE SESSION

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

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**MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items 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.**

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## REGULAR MEETING
## 7:30 P.M.

## PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

A. Swearing In - Mr. Thomas Horvath, Police Lieutenant.

B. Proclamation - Len Endress

C. Proclamation - John Buchholz

D. Proclamation - Matt Franke

E. Appointments to Boards and Commissions

F. 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 20, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

5.20.08 Work Session Minutes

C. Report regarding the May 13, 2008 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Planning Commission Report

D. Report regarding the May 15, 2008 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

Recreation Board Report

E. Report regarding the May 21, 2008 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

BZA Report

F. A Resolution authorizing the City Manager to enter into the Mutual Aid Agreement with Miami University. (Steve Schwein, Police Chief)

Mutual Aid Documents

G. A Resolution declaring certain unclaimed eyeglasses no longer of value to the City and authorizing the donation of same to the Lion's Club. (Steve Schwein, Police Chief)

Staff Report/Legislation regarding unclaimed eyeglasses

H. A Resolution authorizing the Chief of Police and Finance Director to dispose of contraband no longer needed as evidence. (Steve Schwein, Police Chief)

Contraband documents

I. A Resolution authorizing the Oxford Division of Police to retain for use by the municipality certain unclaimed property in its possession. (Steve Schwein, Police Chief)

Unclaimed property documents

J. A Resolution authorizing the City Manager to renew the contract for Information Technology Support Services with LAN Solutions at a cost not to exceed $49,500.00. (Doug Elliott, City Manager)

Staff Report

Legislation for LAN Solutions

B. Minutes of the May 20, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council and Janice Grill)

5.20.08 Minutes

5. Resolutions.

A. A Resolution approving the contract between the City of Oxford, Ohio and the Oxford Police Officers, Fraternal Order of Police, Lodge 164 and authorizing the City Manager and City Law Director to sign the contract on behalf of the City. (Doug Elliott, City Manager)

Staff Report and Legislation

B. A Resolution approving and authorizing an agreement, a copy of which is attached hereto, between the City of Oxford and Dr. Gregory Caulkins, for appointment as the Medical Director for the City of Oxford, and to authorize the City Manager to execute the same. (John Detherage, Fire Chief)

Medical Director Documentation

C. A Resolution to support the City of Oxford's participation in the Rails-To-Trails Conservancy's 2010 campaign endorsing the 2010 Campaign. (Gail Brahier, Parks and Recreation Director)

Staff Report

Legislation

D. A Resolution authorizing the City Manager to sign final legislation and other contracts with the Ohio Department of Transportation in connection with the rehabilitation of a

portion of High Street (US 27) from Main Street to Beech Street. (Mike Dreisbach, Service Director)

ODOT Staff Report/Legislation/Documentation

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.An Ordinance Authorizing The Tax Budget For The Year 2009 And Directing That The Same Be Transmitted To The Butler County Auditor. (Joe Newlin, Finance Director)

Tax Budget Documentation

2.An Ordinance Repealing Current Section 521.12 Outdoor Furniture Restriction And Adopting New Section 521.12 Outdoor Furniture Restriction, Reducing The Penalty For Violation. (Jung-Han Chen, Community Development Director)

Section 521.12 Documents

3.An Ordinance Amending The Oxford Code Of Ordinances By Repealing Chapter 1301, Ohio Building Code And Adopting New Chapter 1301, Ohio Building Code. (Jung-Han Chen, Community Development Director)

Building Code Documents

4.An Ordinance Repealing Oxford Zoning Code Section 1141.03, Supplemental Regulations, And Adopting New Section 1141.03, Supplemental Regulations. (Jung-Han Chen, Community Development Director)

Staff Report

1141.03 Documents

5.An Ordinance Accepting The Planning Commission's Recommendation To Deny The Preliminary Subdivision Application For A Residential Subdivision On South Campus Avenue In the R2MS (Single and Two-Family Mile Square Residential) District. (Jung-Han Chen, Community Development Director)

Preliminary Subdivision Documentation

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) (Tabled)

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 - 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 Civil Service Commission Meeting 7:30 p.m.

      TUES - July 01 City Council Meeting (Cancelled)

8. Adjourn

# CITY OF OXFORD
# STAFF SUMMARY REPORT

**Report to the City Manager**

**Finance**
**Originating Department**

**Council Meeting Of: 6/3 & 6/17**

**Account Code No.** _____

**Heidi Hill**
**Prepared By**

**Budgeted Amount:** _____

**5/27/08**
**Date Prepared**

**Agenda Title:** **Year 2009 Tax Budget submitted to the County**

**Recommendation:** **Approve**

**Discussion:**

This is the annual Tax Budget for the General Fund to be submitted for the coming year to the Butler County Tax Commission, in accordance with requirements stipulated by Ohio Revised Code. Approval by the legislative body is required by July 15th and it is due to the County by July 20th.

The tax budget required for the County is essentially a preliminary budget estimate for next year. Beginning in August we will undertake our normal detailed line-item budget analysis and preparation. We will spend approximately 3 months of intensive preparation on our detailed budget, and the final approved budget will then be submitted to the County Budget Commission to replace this preliminary estimate.

This tax budget provides our first glimpse at 2009's General Fund budget. It was prepared as follows:

**1) Income Tax Revenue:** Increased income tax based on current year to date percentage increase in revenue.

**2) Local Government Revenue Sharing (LGF):** Level fund.

**3) Tangible Personal Property Tax:** Level fund for potential phase out.

**4) Interest income was reduced within miscellaneous:** Due to federal rate cuts, interest income will not flourish as it has in prior years.

**5) All other revenue**: Increases vary, but generally range between a 0%-3% increases.

The net of the income tax and other increases, offset by the reductions noted above, enables the expenses to be increased by 6%. Please keep in mind this is just a preliminary estimate.

Ohio Revised Code requires one public hearing be held, advertised at least 10 days in advance. We have advertised the public hearing for the Council meeting of June 17th.

| **Approved By:** | **Initial** | **Date** |
|---|---|---|
| **Department Head:** | JN | 5/29 |
| **City Manager:** | | |

**ORDINANCE NO.**

ORDINANCE AUTHORIZING THE TAX BUDGET FOR THE YEAR 2009 AND DIRECTING THAT THE SAME BE TRANSMITTED TO THE BUTLER COUNTY AUDITOR.

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

SECTION 1: The Year 2009 Tax Budget, attached hereto as 'Attachment A' for the City of Oxford is hereby adopted and the Finance Director is directed to transmit a copy of said budget to the Butler County Auditor.

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

_____
MAYOR

ADOPTED: _____

ATTEST:

_____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

# CITY OF OXFORD

## BUTLER COUNTY, OHIO

**27-May-08**

This Budget must be adopted by the Council or other legislative body on or before July 15th, and two copies must be submitted to the County Auditor on or before July 20th. FAILURE TO COMPLY WITH SECTION 5705.28, O.R.C. SHALL RESULT IN LOSS OF LOCAL GOVERNMENT FUND ALLOCATION.

TO THE BUTLER COUNTY AUDITOR:

The following Budget for the fiscal year beginning 01 / 01 / 2009, has been adopted by the City of Oxford City Council and is herewith submitted for consideration of the Butler County Budget Commission.

Signed _____
Joseph G. Newlin

Title Director of Finance

# SCHEDULE A

## SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY COMMISSION, AND COUNTY AUDITOR'S ESTIMATED RATES

| FOR SUBDIVISION USE | | FOR BUDGET COMMISSION USE | | FOR COUNTY AUDITOR USE | |
|---|---|---|---|---|---|
| FUND (Include only those funds which are requesting general property tax revenue) | BUDGET YEAR AMOUNT REQUESTED OF BUDGET COMMISSION INSIDE / OUTSIDE | BUDGET YEAR AMOUNT APPROVED BY BUDGET COMMISSION INSIDE 10 MILL LIMITATION | BUDGET YEAR AMOUNT TO BE DERIVED FROM LEVIES OUTSIDE 10 MILL LIMITATION | COUNTY AUDITOR'S ESTIMATE OF TAX RATE TO BE LEVIED | |
| | | | | INSIDE 10 MILL LIMIT BUDGET YEAR | OUTSIDE 10 MILL LIMIT BUDGET YEAR |
| | COLUMN 1 | COLUMN 2 | COLUMN 3 | COLUMN 4 | COLUMN 5 |
| GENERAL FUND | $ 963,355 | $ | $ | | |
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| | | | | | |
| TOTALS: ALL FUNDS | $ 963,355 | $ | $ | | |

INSTRUCTIONS: List only those funds which are requesting general property tax revenue. Complete column 1 with the amount that you are requesting for general property taxes. DO NOT COMPLETE COLUMNS 2 THROUGH 5.

Signed: BUDGET COMMISSION _____

# SCHEDULE B

## LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

| FUND | MAXIMUM RATE AUTHORIZED TO BE LEVIED | TAX YEAR COUNTY AUDITOR'S ESTIMATE OF YIELD OF LEVY (Carry to Schedule A Column 3) |
|---|---|---|
| **GENERAL FUND:** | | |
| Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | $ |
| Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| **TOTAL GENERAL FUND OUTSIDE 10 MILL LIMITATION** | | $ |
| **OTHER FUNDS:** | | |
| Fire Fund, Levy authorized by voters on 05/08/1990, not to exceed cont. years. Authorized under Section _____, O.R.C. | | $ |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |
| _____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C. | | |

# STATEMENT OF FUND ACTIVITY

(Complete only for General Fund, Bond Retirement Fund, and any other funds requesting general property tax revenue)

*EXHIBIT I*

FUND: **GENERAL FUND**

| DESCRIPTION | FOR 2006 ACTUAL | FOR 2007 ACTUAL | 2008 CURRENT YEAR ESTIMATE | 2009 BUDGET YEAR ESTIMATE |
|---|---|---|---|---|
| REVENUES: | | | | |
| Property Taxes (Real & Personal) | $ 911,586 | $ 971,757 | $ 942,000 | $ 963,355 |
| Municipal Income Tax | $ 6,556,224 | $ 6,539,440 | $ 6,530,028 | $ 6,904,324 |
| Local Govmn't/Rev. Ass't. Fund | $ 749,446 | $ 745,988 | $ 765,791 | $ 765,791 |
| Other Revenues | $ 2,230,579 | $ 2,987,707 | $ 2,591,716 | $ 2,352,290 |
| TOTAL REVENUES | $ 10,447,835 | $ 11,244,892 | $ 10,829,535 | $ 10,985,760 |
| TOTAL EXPENDITURES | $ 10,067,011 | $ 10,086,046 | $ 10,815,212 | $ 10,945,577 |
| REVENUES OVER (UNDER) EXPENDITURES | $ 380,824 | $ 1,158,846 | $ 14,323 | $ 40,182 |
| BEGINNING CASH BALANCE | $ 4,156,496 | $ 4,537,320 | $ 5,696,166 | $ 5,710,489 |
| ENDING CASH BALANCE | $ 4,315,311 | $ 5,432,045 | $ 5,710,489 | $ 5,750,671 |
| ENCUMBRANCES AT YEAR END | $ 222,009 | $ 264,121 | $ - | $ - |

FUND: _____

| DESCRIPTION | FOR 2006 ACTUAL | FOR 2007 ACTUAL | 2008 CURRENT YEAR ESTIMATE | 2009 BUDGET YEAR ESTIMATE |
|---|---|---|---|---|
| REVENUES: | | | | |
| Property Taxes (Real & Personal) | $ | $ | $ | $ |
| Homestead and Rollbacks | | | | |
| Other Revenues | | | | |
| TOTAL REVENUES | | | | |
| TOTAL EXPENDITURES | | | | |
| REVENUES OVER (UNDER) EXPENDITURES | | | | |
| BEGINNING CASH BALANCE | | | | |
| ENDING CASH BALANCE | | | | |
| ENCUMBRANCES AT YEAR END | | | | |

# SCHEDULE OF INDEBTEDNESS

*EXHIBIT II*

| PURPOSE OF BONDS AND NOTES | AUTHORITY FOR LEVY OUTSIDE 10 MILL LIMIT * | DATE OF ISSUE | DATE DUE | ORDINANCE OR RESOLUTION | SERIAL OR TERM | RATE OF INTEREST | AMOUNT OF BONDS / NOTES OUTSTANDING AT BEGINNING OF BUDGETED YEAR 1/1/2009 | AMOUNT REQUIRED FOR PRINCIPAL & INTEREST PAYMENTS 1/1/2009 TO 12/31/2009 |
|---|---|---|---|---|---|---|---|---|
| **INSIDE TEN MILL LIMIT:** | | | | | | | | |
| Payable from Bond Retirement Fund | | | | | | | | |
| **General Obligation** | | | | | | | | |
| Parks Improvement Bonds | N/A | 12/99 | 2019 | Ordinance | Serial & Term | Varies | $ 2,635,000 | $ 324,398 |
| 2002 Refunding Water Bonds | N/A | 12/02 | 2014 | Ordinance | Serial | 3.42% Average | $ 4,880,000 | $ 929,250 |
| | | | | | | | | |
| **Revenue Bonds** | | | | | | | | |
| NONE | | | | | | | | |
| | | | | | | | | |
| **Other -OWDA Issued Debt** | | | | | | | | |
| 1987 OWDA Sewer debt | N/A | 1987 | 2009 | Ordinance | Serial | 7.73% | $ - | $ - |
| 1995 OWDA Landfill debt | N/A | 1995 | 2015 | Ordinance | Serial | 4.35% | $ 1,681,906 | $ 299,843 |
| 1997 OWDA Sewer Collection System Debt | N/A | 4/97 | 2018 | Ordinance | Serial | 4.12% | $ 357,936 | $ 50,341 |
| 1997 OWDA Sewer Plant Construction, Sewer Plen and Design Debt | N/A | 5/97 | 2019 | Ordinance | Serial | 4.12% | $ 3,966,190 | $ 487,932 |
| 1998 Sandra Drive Collection System Debt | N/A | 3/98 | 2019 | Ordinance | Serial | 3.98% | $ 172,170 | $ 22,948 |
| | | | | | | | | |
| | | | | | | | | |
| **TOTAL** | | | | | | | **$ 13,693,201** | **$ 2,114,711** |
| **OUTSIDE TEN MILL LIMIT:** | | | | | | | | |
| NONE | | | | | | | | |
| | | | | | | | | |
| **TOTAL** | | | | | | | $ | $ |

* If the levy is outside the 10 mill limit by vote enter the words "by vote" and the date of the election.
If outside the 10 mill limit without a vote, enter the reference to the statute under which the levy is exempt from the 10 mill limit.

**CITY OF OXFORD**
**STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development Department
**Originating Department**

**Council Meeting Of:** June 2, 2008

**Account Code No. #:**

Jung-Han Chen
**Prepared By**

**Budgeted Amount:**

May 22, 2008
**Date Prepared**

| | |
|---|---|
| **Agenda Title:** | **AN ORDINANCE REPEALING CURRENT SECTION 521.12 OUTDOOR FURNITURE RESTRICTION AND ADOPTING NEW SECTION 521.12 OUTDOOR FURNITURE RESTRICTION.** |

| | |
|---|---|
| **Recommendation:** | **Approval** |

**Discussion:**
Council member Fischer requested this item be brought back to City Council to amend the penalty provision of this Section as shown in 521.12 (b).

**Approved By:**

| | Initial | Date |
|---|---|---|
| **Department Head:** | JHC | 5/22/08 |
| **City Attorney:** | | |
| **City Manager:** | | |

**ORDINANCE NO.**

AN ORDINANCE REPEALING CURRENT SECTION 521.12 OUTDOOR FURNITURE RESTRICTION AND ADOPTING NEW SECTION 521.12 OUTDOOR FURNITURE RESTRICTION, REDUCING THE PENALTY FOR VIOLATION.

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

SECTION I: The City of Oxford, Ohio, seeks to promote a clean environment free of trash, litter, and other blighting effects in order to promote the health, safety, and welfare of the community.

SECTION II: Current Section 521.12 Outdoor Furniture Restriction is repealed and new Section 521.12 Outdoor Furniture Restriction is adopted to read as follows:

521.12 OUTDOOR FURNITURE RESTRICTION.

(a) No person shall allow to remain, keep, store or maintain any couches, chairs, tables, or other furniture not manufactured for outdoor use; plywood boards; construction materials; saw horses; tubes, pipes; or rigid materials suspended between two supports so as to be used as a table in any yard, alley, front porch, unenclosed rear porch or in any other outside area. However, it will be an affirmative defense to any alleged violation of this provision that such furniture was placed in an outside location designated for the collection of garbage, refuse or recyclable materials, in accordance with the City's garbage, refuse and recycling service, for the purpose of having such furniture removed, and said placement at said location is not more than 24 hours before the designated collection time or that the plywood boards; construction materials; sawhorses; tubes; pipes or rigid materials are actively being used for construction purposes.

(b) Whoever violates this section is guilty of a ~~misdemeanor of the fourth degree~~ minor misdemeanor on the first offense, and each subsequent offense shall render such person guilty of a misdemeanor of the ~~third~~ fourth degree.

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
DEPUTY CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: ALYSIA FISCHER
PREPARED BY: LAW (STAFF)

**CITY OF OXFORD**
**STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development Department
**Originating Department**

**Council Meeting Of:** June 2, 2008

**Account Code No. #:**

Jung-Han Chen
**Prepared By**

**Budgeted Amount:**

May 22, 2008
**Date Prepared**

| **Agenda Title:** | **An Ordinance Amending Chapter 1301 of the Oxford Codified Ordinance and Adopting Changes to 1301 Ohio Building Code** |
|---|---|

| **Recommendation:** | **Approval** |
|---|---|

**Discussion:**
As directed by City Council to rectify different allowance between City regulations regarding projections into the right-of-way, the recommended language is being proposed for City Council's consideration.

Ohio Building Code Chapter 32: Encroachment into the public right-of-way allows certain architectural elements to be extended over the right-of-way. However, some allowances need modified to better suit the Oxford community. By amending Chapter 1301 to prohibit certain building elements would provide a clean and easy reference for building designers to follow. It also retains design flexibility to compliment the nostalgic ambience the Uptown has to offer. With the proposed amendment, the discrepancies would be minimized between various codes,

The Planning Commission provided staff invaluable guidance to develop this legislation and supports the amendment, even though the Planning Commission does not normally take a position on building code issues.

**Approved By:**

| | **Initial** | **Date** |
|---|---|---|
| **Department Head:** | JHC | 5/22/08 |
| **City Attorney:** | | |
| **City Manager:** | | |

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE OXFORD CODE OF ORDINANCES BY REPEALING CHAPTER 1301, OHIO BUILDING CODE AND ADOPTING NEW CHAPTER 1301, OHIO BUILDING CODE.

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

SECTION 1: City Council hereby finds that the City of Oxford Planning Commission reviewed the revisions at a public meeting on the 13th day of May 2008, and that following the public meeting did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1301, Ohio Building Code, and adopting new Chapter 1301, Ohio Building Code.

SECTION 2: City Council finds that this Code amendment is in the best interest of the City and will serve to protect the health, safety and welfare of the citizens of Oxford.

SECTION 3: City Council finds the revisions are necessary in defining how building structures in the City of Oxford are to be constructed.

SECTION 4: City Council hereby repeals the entirety of current Chapter 1301 of the Oxford Code of Ordinances and adopts new Chapter 1301, a copy of which as been attached hereto as Exhibit "A" and is incorporated herein by reference.

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

_____
MAYOR

ADOPTED: _____

ATTEST:

_____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Exhibit "A"

## CHAPTER 1301- OHIO BUILDING CODE

### 1301.01 ADOPTION.

The Ohio Building Code (OBC) as adopted by the Ohio Board of Building Standards, Department of Industrial Relations and as published in the Ohio Administrative Code (OAC), including all such amendments, changes and replacements as are from time to time adopted, is hereby adopted by reference and fully incorporated herein so that each Ohio Building Code in effect in Ohio shall at all times be effective as the law of this Municipality except as the same shall be expressly altered or modified by legislation enacted and contained in this chapter.
(Ord. 2842. Passed 3-15-05.)

### *1301.02 ADDITIONS, INSERTIONS AND CHANGES.*

***1301.02.1:*** ***No encroachment shall be permitted which extends past the curb line or into an alley right-of-way, except as permitted in 1301.02.4.***

***1301.02.2:*** ***Awnings, canopies and marquees must be supported from the building only.***

***1301.02.3*** ***No balcony shall be projected beyond or over the right-of-way.***

***1301.02.4*** ***Where the vertical clearance above grade to a projecting architectural feature or mechanical equipment is more than 15 feet (4572 mm) above grade, a maximum encroachment of 2 feet is permitted into an alley right-of-way.***

***1301.02.5:*** ***No temporary encroachment shall be permitted.***

### 1301.03 COPIES.

Copies of Codes as adopted in this chapter are on file with the Clerk of Council for inspection by the public, and also on file in the County Law Library, and the Clerk has copies available for distribution to the public at cost.
(Ord. 2842. Passed 3-15-05.)

### 1301.04 FIRE INSURANCE PROCEEDS.

(a) The City hereby adopts and accepts the provisions set forth in Ohio R.C. 3929.86, particularly subsections (c) and (d) thereof, providing for the transfer and receipt of portions of fire insurance proceeds as set forth in such section.
(b) The City Manager is hereby designated as the officer of the City authorized to carry out the duties under Ohio R.C. 3929.86.
(Ord. 2842. Passed 3-15-05.)

**1301.99 PENALTY**

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than six months or both. Each day during which noncompliance or violation continues shall constitute a separate offense. The municipality may institute injunction proceedings in the Common Pleas Court to abate the nuisance or failure to cease work after receipt of a stop work order.

# CITY OF OXFORD
# STAFF SUMMARY REPORT

**Report to the City Manager**

Community Development Department
**Originating Department**

**Council Meeting Of:** June 2, 2008

Jung-Han Chen
**Prepared By**

**Account Code No. #:**

**Budgeted Amount:**

May 22, 2008
**Date Prepared**

| | |
|---|---|
| **Agenda Title:** | **PC-06-2008- Zoning Text Amendment- To Amend Chapter 1141, Section 1141.03 Supplemental Regulations, Regarding Projections into the Right-of-Way in the (UP) Uptown District** |

| | |
|---|---|
| **Recommendation:** | **Approval** |

**Discussion:**

As directed by City Council, to rectify different allowances between City regulations regarding the projections into the right-of-way, staff prepared the recommended language to address the discrepancies while addressing the community's desire to maintain appropriate streetscape.

The recommended change is to simply insert one paragraph making reference to the City's Building Code which pertains to the projection into the public right-of-way in the Oxford Zoning Code, unless specifically allowed by the Zoning Code.

Approval of this legislation should occur after the recommended changes in the City's Building Code, Codified Ordinance Chapter 1301, is adopted.

The Planning Commission is recommending approval of this text amendment. The Planning Commission also supports changes being made to Codified Ordinance Chapter 1301, Building Code.

| **Approved By:** | **Initial** | **Date** |
|---|---|---|
| **Department Head:** | JHC | 5/22/08 |
| **City Attorney:** | | |
| **City Manager:** | | |

**ORDINANCE NO.**

ORDINANACE REPEALING ZONING CODE SECTION 1141.03, SUPPLEMENTAL REGULATIONS, AND ADOPTING NEW SECTION 1141.03, SUPPLEMENTAL REGULATIONS.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on May 13, 2008 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1141.03, Supplemental Regulations, and adopting new Section 1141.03, Supplemental Regulations..

SECTION II: Council hereby repeals Section 1141.03 of the Oxford Code of Ordinances and adopts new Section 1141.03 as follows:

**1141.03 SUPPLEMENTAL REGULATIONS.**

In addition to all regulations specified for the Zoning Districts and in other sections of this Ordinance, the provisions of this Section inclusive shall be used for interpretation and clarification.

(a) One Principal Building Per Lot. In a Residential district there shall be no more than one principal building on one lot.

(b) Setback Requirement for Corner Lots. On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located. (See the definition of Yard- front.)

(c) Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots a line joining points along such street lines 20 feet from the point of intersection.

(d) Use of the Vacated Right of Way. On any lot, having as a portion of its area, land vacated by Ordinance No. 103, the use of that vacated portion shall be restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways, except that in the Uptown District such land

vacated by Ordinance No. 103 may be used for municipally-owned parking or municipally-regulated parking.

(e) Front Yards.

(1) The width of a lot is measured at the setback line established under the zoning district or on a plat of record on file with the Butler County Recorder.

(2) An average front yard may be established when more than 50% of the lots have been developed within that block face. The average front yard setback required shall, in no circumstances, be less than 16.5 feet, or more than 30 feet.

(3) Buildings on lots having frontage on two streets, (double frontage lots) need not have a rear yard; however, the required front yard shall be provided on both streets.

(4) Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot.

(f) Yard Requirements for Multi-Family Dwellings. Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

(g) Exceptions to Height Regulations.

(1) The height limitations contained in Chapter 1143 District Requirements do not apply to any farm structure provided they are located not less than 50 feet from a lot line of residentially zoned property, nor to church spires, belfries, cupolas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of an aircraft at an established airport.

(2) Such height regulations shall not apply to fire towers, cooling towers, gasholders or other structures where the manufacturing process requires a greater height. All such structures shall not occupy more than 25 percent of the area of the lot and shall be at least 25 feet in all parts from every lot line.

(h) Projections into Required Yards. Every part of a required yard shall be open to the sky except for accessory buildings and ordinary projections of sills, belt courses, cornices and ornamental features which may project to a distance not to exceed eighteen inches into a required yard.

Architectural features may project into required yards or into courts as follows:

(1) Into any required front or side yard adjoining a side street:

A. Cornices, canopies, eaves, or the architectural features may project a distance not to exceed two feet, six inches.

B. Fire escapes may project a distance not to exceed four feet, six inches.

C. An open air ramp and necessary landing may project a distance not to exceed six feet.

D. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed three feet; provided however, that the aggregate width of such projection shall not exceed one-third of the length of the wall upon which they are located.

E. A porte-cochere or canopy may project into a required side yard provided every part of such porte-cochere or canopy is unenclosed and shall not be less than five feet from the side lot line.

(2) Subject to the limitations in the preceding paragraphs, the above named features may not project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth of the required least width of such side yard, but not exceeding three feet in any case.

(3) Rear Yard Exceptions.

A. Rear yard depths may be varied where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular. In such cases, the average depth of the rear yard shall not be less than the required minimum or narrower than 20 feet.

B. Open or lattice-enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the required rear yard may be permitted by the Zoning Administrator for a distance of not more than five

feet, but only where the same are so placed as not to obstruct light and ventilation.

***(i) Projection into Right-of-Way in the UP Uptown District. No part of a building shall project into the public right-of-way unless specifically allowed by the Oxford Codified Ordinance Chapter 1301, Building Code; or by Chapter 1151, Signs.***

(j) Residential Building Additions. Any addition to a residential building that results in or enables a new dwelling unit is not permitted.

(k) Mixed Use Buildings. Where dwelling units are erected above commercial structures in commercial districts, no side yards are required, except such side yard as may be required in the district regulations for a commercial or industrial building on the side of a lot adjoining a residential district.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IV: 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

| | |
|---|---|
| **Report Date** | May 13, 2008 |
| **Case Number** | PC-06-2008 |
| **Applicant Information** | City of Oxford, Applicant |
| **Requested Action** | Zoning Text Amendment |
| **Summary of Request** | Request for additional regulations regarding projections into the right-of-way in the (UP) Uptown District. |
| **Public Hearing Information** | At the March 11, 2008 a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on February 8, 2008.<br><br>The Planning Commission tabled the consideration in its March 11, 2008 meeting.<br><br>On May 13, 2008, this case was brought back before the Planning Commission for consideration. |
| **Commission Action** | The Planning Commission voted 6-0-0 to recommend City Council approval. |
| **Commission Findings and Conclusions** | The Planning Commission voted to recommend approval without conditions. |
| **Exhibits Submitted to the Commission** | 1. Community Development Staff Report dated May 8, 2008 and Staff Report dated February 28, 2008<br>2. Inter-Office Review Transmittal Sheets.<br>3. Zoning Code Text Amendment Application dated January 25, 2008.<br>4. Staff Drawing.<br>5. Chapter 32 Encroachments into the public right-of-way. |

# City of Oxford
*Community Development Department*
# STAFF REPORT

## Planning Commission

**Case # PC-06-2008**

**Date – March 11, 2008**
**REVISED - May 13, 2008**

| **APPLICATION** | |
|---|---|
| Applicant: | City of Oxford |
| Action Request: | Chapter 1141, Section 1141.03 Supplemental Regulations, additional regulations regarding projections into the right-of-way in the (UP) Uptown District. |

**DESCRIPTION**

During the public comment forum at the January 15, 2008 City Council meeting, concerns were raised on how the Planning Department staff interprets projections into the right-of-way in the Uptown zoning district, and conflicting language between the Ohio Building Code and the Oxford Planning & Zoning Code. At the February 5, 2008 City Council meeting, City Council referred the matter back to the Planning Commission for further review.

The Ohio Building Code contains an entire chapter dedicated to encroachments into the public right-of-way; however, from only the building construction aspect. There are other City rules and regulations that staff have to follow when reviewing building applications. The Oxford Zoning Code is one of those additional regulations that each application must adhere to as well.

The Oxford Zoning Code allows different building elements to project into a required *yard* as outlined in Section 1141.03(h). The Oxford Zoning Code also allows signs to project into the public right-of-way per Chapter 1151. The Definition Section of the Code provides some insight for interpretation, but other than these provisions, the Zoning Code is silent in the projecting into the pubic right-of-way issue.

**§1159.03 DEFINITIONS**

*(8) **BUILDING LINE** - A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be set back from said right-of-way property line.*

**§1159.17 DEFINITIONS**

*(19) **PUBLIC WAY** - Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use.*

**§1159.20 DEFINITIONS**

*(3) **SETBACK** - The distance between the building and any lot line.*

**§1159.25 DEFINITIONS**

*(1) **YARD** - An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.*

Property located in the "UP" Uptown District has a front yard and rear yard setback requirement of zero feet. Setback requirements are taken from the property line, and in the "UP" District this is typically the same as the right-of-way line. Based on the Definitions and Sections mentioned above, the Planning Department staff has interpreted that projections are permitted provided that the projections are *in* the required yard.

Some building elements listed in the Ohio Building Code that may not be covered in the Zoning Code could cause ambiguity and confusion in future building applications. Those elements would need to be considered and deliberated under the umbrella of the right-of-way encroachment issue. City Council has advised there is a need to reconcile the inconsistency between these two codes.

*Staff presented recommended language to Planning Commission during its March meeting. The Planning Commission felt that the proposed zoning language could create more confusion on this issue. Therefore, the Planning Commission tabled the case and directed staff to come back with a cleaner approach. Unfortunately, staff did not complete the modified language prior to the agenda being published for the April regular meeting. Therefore, this case is being brought back to the Planning Commission's consideration.*

*The proposed language is very simple. It states that the projection into the right-of-way in the Uptown District is governed under the Oxford Codified Ordinance Chapter 13, Building Code and Chapter 1151, Signs. The actual changes will take place in the Oxford Building Code. In the Oxford Building Code, the regulations will follow the Ohio Building Code except the Oxford Code will prescribe what are not permissible. Attached is the proposed language to modify the Oxford Building Code for your information.*

## STAFF ANALYSIS

The proposed language will remove the Placement of Any Building Elements Over the Right-Of-Way from the Oxford Zoning Code to the Oxford Building Code. The Oxford Zoning Code will only make reference that any projection into the Right-of-Way will be governed by the Oxford Building Code.

### Decision Criteria

Any proposed amendment shall be considered and approved only if it meets at least one of the following criteria and if its benefits will likely outweigh any potential pitfalls. The proposed amendment will:

a. Make the Code conform more closely to the Comprehensive Plan.
b. Improve the public health, safety, and general welfare of Oxford.
c. Clarify the intent of the Code.
d. Better implement the intent of the Code.
e. Improve enforcement of the Code.

## RECOMMENDATION

Not Applicable

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SUBMITTED

BY: Jung-Han Chen /ltt
Jung-Han Chen, Director
Community Development Department

DATE: February 28, 2008
Revised May 8, 2008

## 1141.03 SUPPLEMENTAL REGULATIONS.

In addition to all regulations specified for the Zoning Districts and in other sections of this Ordinance, the provisions of this Section inclusive shall be used for interpretation and clarification.

(a) One Principal Building Per Lot. In a Residential district, there shall be no more than one principal building on one lot.

(b) Setback Requirement for Corner Lots. On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located. (See the definition of Yard- front.)

(c) Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots a line joining points along such street lines 20 feet from the point of intersection.

(d) Use of the Vacated Right of Way. On any lot, having as a portion of its area, land vacated by Ordinance No. 103, the use of that vacated portion shall be restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways, except that in the Uptown District such land vacated by Ordinance No. 103 may be used for municipally owned parking or municipally regulated parking.

(e) Front Yards.

(1) The width of a lot is measured at the setback line established under the zoning district or on a plat of record on file with the Butler County Recorder.

(2) An average front yard may be established when more than 50% of the lots have been developed within that block face. The average front yard setback required shall, in no circumstances, be less than 16.5 feet, or more than 30 feet.

(3) Buildings on lots having frontage on two streets, (double frontage lots) need not have a rear yard; however, the required front yard shall be provided on both streets.

(4) Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot.

(f) Yard Requirements for Multi-Family Dwellings. Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

(g) Exceptions to Height Regulations.

(1) The height limitations contained in Chapter 1143 District Requirements do not apply to any farm structure provided they are located not less than 50 feet from a lot line of residentially zoned property, nor to church spires, belfries, cupolas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of an aircraft at an established airport.

(2) Such height regulations shall not apply to fire towers, cooling towers, gasholders or other structures where the manufacturing process requires a greater height. All such structures shall not occupy more than 25 percent of the area of the lot and shall be at least 25 feet in all parts from every lot line.

(h) Projections into Required Yards. Every part of a required yard shall be open to the sky except for accessory buildings and ordinary projections of sills, belt courses, cornices and ornamental features, which may project to a distance not to exceed eighteen inches into a required yard. Architectural features may project into required yards or into courts as follows:

(1) Into any required front or side yard adjoining a side street:

A. Cornices, canopies, eaves, or the architectural features may project a distance not to exceed two feet, six inches.

B. Fire escapes may project a distance not to exceed four feet, six inches.

C. An open-air ramp and necessary landing may project a distance not to exceed six feet.

D. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed three feet; provided however, that the aggregate width of such projection shall not exceed one-third of the length of the wall upon which they are located.

E. A porte-cochere or canopy may project into a required side yard provided every part of such porte-cochere or canopy is unenclosed and shall not be less than five feet from the side lot line.

(2) Subject to the limitations in the preceding paragraphs, the above named features may not project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth of the required least width of such side yard, but not exceeding three feet in any case.

(3) Rear Yard Exceptions.

A. Rear yard depths may be varied where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular. In such cases, the average depth of the rear yard shall not be less than the required minimum or narrower than 20 feet.

B. Open or lattice-enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the required rear yard may be permitted by the Zoning Administrator for a distance of not more than five feet, but only where the same are so placed as not to obstruct light and ventilation.

**(i) Projection into Right-of-Way in the UP Uptown District. No part of a building shall project into the public right-of-way unless specifically allowed by the Oxford Codified Ordinance Chapter 13, Building Code; or by Chapter 1151, Signs.**

(j) Residential Building Additions. Any addition to a residential building that results in or enables a new dwelling unit is not permitted.

(k) Mixed Use Buildings. Where dwelling units are erected above commercial structures in commercial districts, no side yards are required, except such side yard as may be required in the district regulations for a commercial or industrial building on the side of a lot adjoining a residential district.

(Ord. 2924. Passed 9-19-06)

**CODIFIED ORDINANCE OF OXFORD**
**CHAPTER 13: BUILDING CODE**

## 1301.01 ADOPTION.

The Ohio Building Code (OBC) as adopted by the Ohio Board of Building Standards, Department of Industrial Relations and as published in the Ohio Administrative Code (OAC), including all such amendments, changes and replacements as are from time to time adopted, is hereby adopted by reference and fully incorporated herein so that each Ohio Building Code in effect in Ohio shall at all times be effective as the law of this Municipality except as the same shall be expressly altered or modified by legislation enacted and contained in this chapter.
(Ord. 2842. Passed 3-15-05.)

## 1301.02 ADDITIONS, INSERTIONS AND CHANGES.

**1301.02.1: No encroachment shall be permitted which extends past the curb line or into an alley right-of-way, except as permitted in 1301.02.4.**

**1301.02.2: Awnings, canopies and marquees must be supported from the building only.**

**1301.02.3 No balcony shall be projected beyond over the right-of-way.**

**1301.02.4 Where the vertical clearance above grade to a projecting architectural feature or mechanical equipment is more than 15 feet (4572 mm) above grade, a maximum encroachment of 2 feet is permitted into an alley right-of-way.**

**1301.02.5: No temporary encroachment shall be permitted.**

## 1301.03 COPIES.

Copies of Codes as adopted in this chapter are on file with the Clerk of Council for inspection by the public, and also on file in the County Law Library, and the Clerk has copies available for distribution to the public at cost.
(Ord. 2842. Passed 3-15-05.)

## 1301.04 FIRE INSURANCE PROCEEDS.

(a) The City hereby adopts and accepts the provisions set forth in Ohio R.C. 3929.86, particularly subsections (c) and (d) thereof, providing for the transfer and receipt of portions of fire insurance proceeds as set forth in such section.
(b) The City Manager is hereby designated as the officer of the City authorized to carry out the duties under Ohio R.C. 3929.86.
(Ord. 2842. Passed 3-15-05.)

# City of Oxford
*Community Development Department*
# STAFF REPORT

## Planning Commission

**Case # PC-06-2008** **Date – March 11, 2008**

**APPLICATION**

| | |
|---|---|
| Applicant: | City of Oxford |
| Action Request: | Chapter 1141, Section 1141.03 Supplemental Regulations, additional regulations regarding projections into the right-of-way in the (UP) Uptown District. |

**DESCRIPTION**

During the public comment forum at the January 15, 2008 City Council meeting, concerns were raised on how the Planning Department staff interpret projections into the right-of-way in the Uptown zoning district, in addition to conflicts between the Ohio Building Code and the Oxford Planning & Zoning Code. At the February 5, 2008 City Council meeting, City Council referred the matter to the Planning Commission for further review.

The Ohio Building Code contains an entire chapter dedicated to encroachments into the public right-of-way; however, from only the building construction aspect. There are other City rules and regulations that staff have to follow when reviewing building applications. The Oxford Zoning Code is one of those additional regulations that each application must adhere to as well.

The Oxford Zoning Code allows different building elements to project into a required *yard* as outlined in Section 1141.03(h). The Oxford Zoning Code also allows signs to project into the public right-of-way per Chapter 1151. The Definition Section of the Code provides some insight for interpretation, but other than these provisions, the Zoning Code is silent in the projecting into the pubic right-of-way issue.

**§1159.03 DEFINITIONS**

*(8) **BUILDING LINE** - A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be set back from said right-of-way property line.*

**§1159.17 DEFINITIONS**

*(19) **PUBLIC WAY** - Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use.*

**§1159.20 DEFINITIONS**

*(3) **SETBACK** - The distance between the building and any lot line.*

**§1159.25 DEFINITIONS**

*(1) **YARD** - An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.*

Property located in the "UP" Uptown District has a front yard and rear yard setback requirement of zero feet. Setback requirements are taken from the property line, and in the "UP" District this is typically the same as the right-of-way line. Based on the definitions and Sections mentioned above, the Planning Department staff has interpreted that projections are permitted provided that the projections are *in* the required yard.

Some building elements listed in the Ohio Building Code that may not be covered in the Zoning Code could cause ambiguity and confusion in future building applications. Those elements would need to be considered and deliberated under the umbrella of the right-of-way encroachment issue. City Council has advised there is a need to reconcile the inconsistency between these two codes.

## STAFF ANALYSIS

The proposed language essentially replicates the minimum requirements of the Ohio Building Code with the exception of attributes that are unique to Oxford such as flower boxes and awnings, canopies and marquees higher than 15 feet.

Any projection into the public right-of-way, other than those explicitly allowed by the Oxford Zoning Code, would require approval either from City Council or from the Board of Zoning Appeals.

## Decision Criteria

Any proposed amendment shall be considered and approved only if it meets at least one of the following criteria and if its benefits will likely outweigh any potential pitfalls. The proposed amendment will:

a. Make the Code conform more closely to the Comprehensive Plan.
b. Improve the public health, safety, and general welfare of Oxford.
c. Clarify the intent of the Code.
d. Better implement the intent of the Code.
e. Improve enforcement of the Code.

## RECOMMENDATION

Not Applicable

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SUBMITTED
BY: Kathryn A Dale
Kathryn A. Dale, AICP
City Planner
Community Development Department
DATE: February 28, 2008

ATTACHMENT – Chapter 32 of the 2007 Ohio Building Code.

# CHAPTER 1141
## Accessory, Temporary, Supplemental and Environmental Regulations

**1141.01 Accessory regulations.**
**1141.02 Temporary regulations.**
**1141.03 Supplemental regulations.**
**1141.04 Environmental regulations.**

## 1141.03 SUPPLEMENTAL REGULATIONS.

In addition to all regulations specified for the Zoning Districts and in other sections of this Ordinance, the provisions of this Section inclusive shall be used for interpretation and clarification.

(a) One Principal Building Per Lot. In a Residential district there shall be no more than one principal building on one lot.

(b) Setback Requirement for Corner Lots. On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located. (See the definition of Yard- front.)

(c) Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots a line joining points along such street lines 20 feet from the point of intersection.

(d) Use of the Vacated Right of Way. On any lot, having as a portion of its area, land vacated by Ordinance No. 103, the use of that vacated portion shall be restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways, except that in the Uptown District such land vacated by Ordinance No. 103 may be used for municipally-owned parking or municipally-regulated parking.

(e) Front Yards.

(1) The width of a lot is measured at the setback line established under the zoning district or on a plat of record on file with the Butler County Recorder.

(2) The required front yard depth may be reduced. The amount of reduction shall be based on the average setback of the principal buildings along the street frontage of the block where the new construction is proposed. A new building may project to, but not beyond, the average front yard so established.

(3) Buildings on lots having frontage on two streets, (double frontage lots) need not have a rear yard; however, the required front yard shall be provided on both streets.

(4) Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall

have its principal entrance upon a street bordering such lot

(f) Yard Requirements for Multi-Family Dwellings. Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

(g) Exceptions to Height Regulations.

(1) The height limitations contained in Chapter 1143 District Requirements do not apply to any farm structure provided they are located not less than 50 feet from a lot line of residentially zoned property, nor to church spires, belfries, cupolas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of an aircraft at an established airport.

(2) Such height regulations shall not apply to fire towers, cooling towers, gasholders or other structures where the manufacturing process requires a greater height. All such structures shall not occupy more than 25 percent of the area of the lot and shall be at least 25 feet in all parts from every lot line.

(h) Projections into Required Yards. Every part of a required yard shall be open to the sky except for accessory buildings and ordinary projections of sills, belt courses, cornices and ornamental features which may project to a distance not to exceed eighteen inches into a required yard.

Architectural features may project into required yards or into courts as follows:

(1) Into any required front or side yard adjoining a side street:

A. Cornices, canopies, eaves, or the architectural features may project a distance not to exceed two feet, six inches.

B. Fire escapes may project a distance not to exceed four feet, six inches.

C. An open air ramp and necessary landing may project a distance not to exceed six feet.

D. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed three feet; provided however, that the aggregate width of such projection shall not exceed one-third of the length of the wall upon which they are located.

E. A porte-cochere or canopy may project into a required side yard provided every part of such porte-cochere or canopy is unenclosed and shall not be less than five feet from the side lot line.

(2) Subject to the limitations in the preceding paragraphs, the above named features may not project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth of the required least width of such side yard, but not exceeding three feet in any case.

(3) Rear Yard Exceptions.

A. Rear yard depths may be varied where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular. In such cases, the average depth of the rear yard shall not be less than the required minimum or narrower than 20 feet.

B. Open or lattice-enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the required rear yard may be permitted by the Zoning Administrator for a distance of not more than five feet, but only where the same are so placed as not to obstruct light and ventilation.

(i) **Projection into Right-of-Way in the UP Uptown District. No part of a building shall project into the pubic right-of-way unless specifically allowed by this chapter. Signs are regulated under Chapter 1151.**

(1) **Projection below grade. A part of a building erected below grade that is necessary for structural support of the building or structure shall not project beyond the lot lines, except that the footings of street walls or their supports which are located below grade shall not project more than 12 inches beyond the right-of-way line.**

(2) **Projections above grade and below 8 feet in height. Encroachment into the public right-of-way above grade and below 8 feet shall be prohibited except as provided in this section. Doors and windows shall not open or project into the public right-of-way.**

A. **Street level:**

i. **Architectural features: Columns and pilasters, including bases and molding, belt courses, lintels, sills, architraves, pediments and similar architectural features shall not project more than 4 inches into the public right-of-way.**

ii. **Awnings, canopies. The vertical clearance from the public right-of-way to the lowest part of any awnings, including valances, shall be 7 feet minimum.**

(3) **Projection above grade more than 8 feet. No balcony or deck is permitted to project into the right-of-way.**

A. **Windows and architectural features: When the vertical clearance above grade to projecting windows, architectural features is more than 8 feet, 1 inch of encroachment is permitted for each additional 1 inch of clearance above 8 feet, but the maximum encroachment shall be 2 feet.**

B. **Awning, canopies, and marquees: Awnings, canopies, marquees with less than 15 feet clearance above the sidewalk can be extend as far as without supporting structure attached to the sidewalk.**

C. **Flower boxes: Flower boxes may be extended as far as without supporting structure attached to the sidewalk.**

(j)~~(i)~~ Residential Building Additions. Any addition to a residential building that results in or enables a new dwelling unit is not permitted.

(k)~~(j)~~ Mixed Use Buildings. Where dwelling units are erected above commercial structures in commercial districts, no side yards are required, except such side yard as may be required in the district regulations for a commercial or industrial building on the side of a lot adjoining a residential district.

(Ord. 2782. Passed 5-20-03.)

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/14/2008

To: (Fire Department) Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-06-2008

Description:

**PC-06-2008** **ZONING TEXT AMENDMENT** Chapter 1141, Section 1141.03 Supplemental Regulations, additional regulations regarding projections into the right-of-way in the (UP) Uptown District, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/5/08** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments (without/comments)

Drawings reviewed by: Alan Enders Fire Chief

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/14/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-06-2008

Description:

**PC-06-2008** **ZONING TEXT AMENDMENT** Chapter 1141, Section 1141.03 Supplemental Regulations, additional regulations regarding projections into the right-of-way in the (UP) Uptown District, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/5/08** 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 2-20-2008

Drawings reviewed by: 2-20-08

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

# Memo

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

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case #: PC-06-2008
Zoning Text Amendment

DATE: February 20, 2008

The Engineering Department assumes that the proposed "Zoning Text Amendment" may address building encroachment in the public right-of-way.

If the assumption is correct, the Engineering Division is not supportive of any type of encroachments within the public right-of-way.

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/14/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-06-2008

Description:

**PC-06-2008** **ZONING TEXT AMENDMENT** Chapter 1141, Section 1141.03 Supplemental Regulations, additional regulations regarding projections into the right-of-way in the (UP) Uptown District, **City of Oxford, Applicant**

___X___ Review _____ Revisions _____Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/5/08** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by: S Sellers

Case No.: PC-6-2008
Date filed: 1/25/08

# Zoning Code Text Amendment Application

City of Oxford, Ohio

**REQUIRED INFORMATION**

Name of Applicant: City of Oxford
(Attach a letter of agency if the applicant is not the property owner.)

Mailing Address: 101 E. High St

Telephone Number(s) 524-5204

1141.03 Supplemental Regulations, Projections into the ROW in the Uptown District

**SUBMISSION REQUIREMENTS**

A written, detailed description, where applicable, is required for each subsection.

All applications must include:

1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Planning Commission and Council Review The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

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

a. make the Code conform more closely with the Comprehensive Plan.
b. improve the public health, safety, and general welfare of Oxford.
c. clarify the intent of the Code.
d. better implement the intent of the Code.
e. improve enforcement of the Code.

All materials and the application fee in the amount of $150.00 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Community Development Department at (513) 524-5204.

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

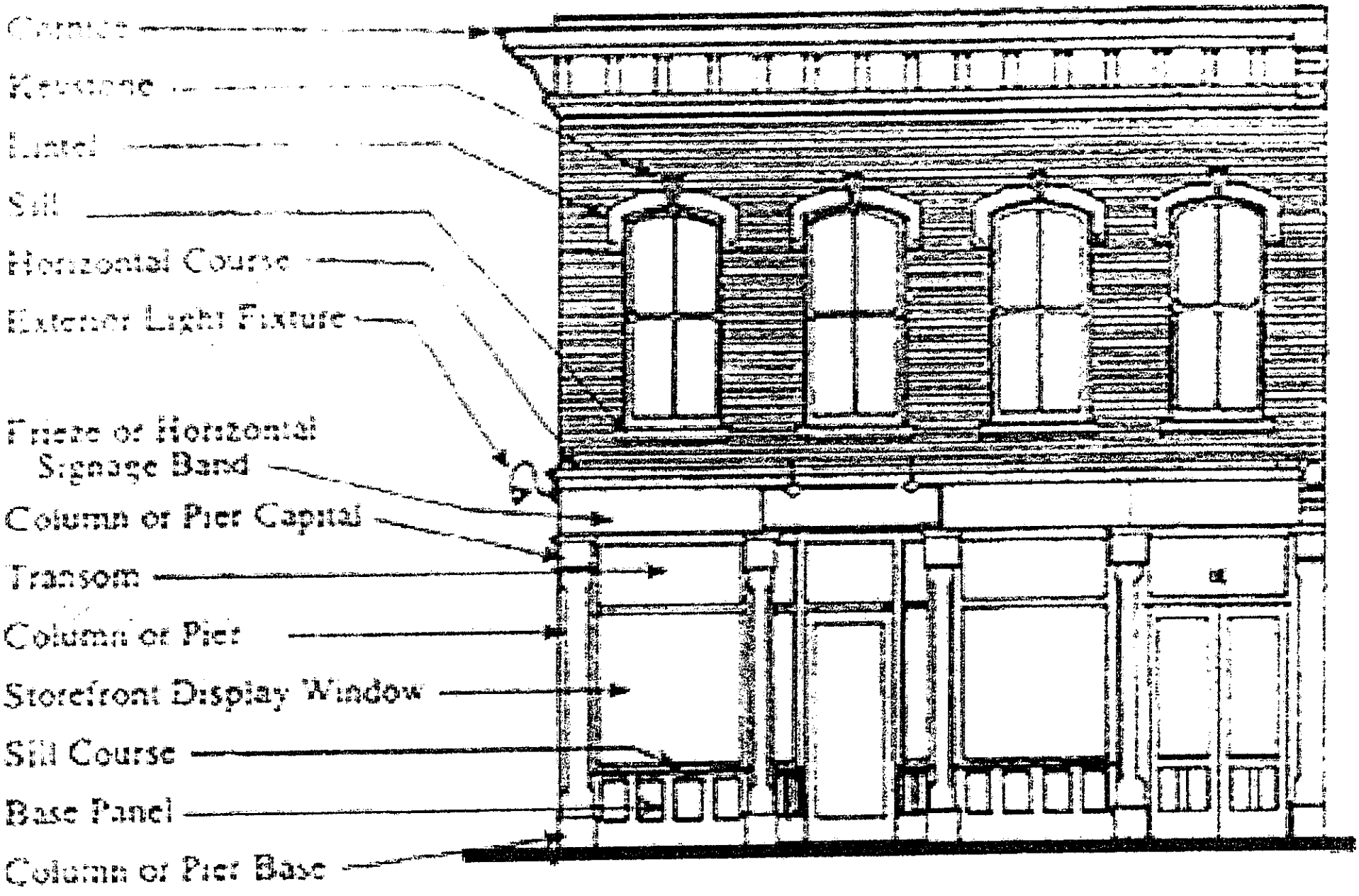
SIGNATURE OF APPLICANT: Jung-Han Chen Date: 1.25.08

PRINTED NAME: Jung-Han Chen

**FEE / RECEIPT**

$150 Fee Paid / Receipt Number: NA

Staff provided



# CHAPTER 32

# ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

## SECTION 3201
## GENERAL

**3201.1 Scope.** *In the absence of local, state or federal laws or other ordinances regulating the public right-of-way, the* provisions of this chapter shall govern the encroachment of structures into the public right-of-way.

**3201.2 Measurement.** The projection of any structure or portion thereof shall be the distance measured horizontally from the lot line to the outermost point of the projection.

**3201.3 Other laws.** *Deleted.*

**3201.4 Drainage.** Drainage water collected from a roof, awning, canopy or marquee, and condensate from mechanical equipment shall not flow over a public walking surface.

## SECTION 3202
## ENCROACHMENTS

**3202.1 Encroachments below grade.** Encroachments below grade shall comply with Sections 3202.1.1 through 3202.1.3.

**3202.1.1 Structural support.** A part of a building erected below grade that is necessary for structural support of the building or structure shall not project beyond the lot lines, except that the footings of street walls or their supports which are located at least 8 feet (2438 mm) below grade shall not project more than 12 inches (305 mm) beyond the street lot line.

**3202.1.2 Vaults and other enclosed spaces.** The construction and utilization of vaults and other enclosed space below grade shall be subject to the terms and conditions of the authority or legislative body having jurisdiction.

**3202.1.3 Areaways.** Areaways shall be protected by grates, guards or other approved means.

**3202.2 Encroachments above grade and below 8 feet in height.** *Subject to the local authority having jurisdiction, encroachments* into the public right-of-way above grade and below 8 feet (2438 mm) in height shall be prohibited except as provided for in Sections 3202.2.1 through 3202.2.3. Doors and windows shall not open or project into the public right-of-way.

**3202.2.1 Steps.** Steps shall not project more than 12 inches (305 mm) and shall be guarded by approved devices not less than 3 feet (914 mm) high, or shall be located between columns or pilasters.

**3202.2.2 Architectural features.** Columns or pilasters, including bases and moldings shall not project more than 12 inches (305 mm). Belt courses, lintels, sills, architraves, pediments and similar architectural features shall not project more than 4 inches (102 mm).

**3202.2.3 Awnings.** The vertical clearance from the public right-of-way to the lowest part of any awning, including valances, shall be 7 feet (2134 mm) minimum.

**3202.3 Encroachments 8 feet or more above grade.** Encroachments 8 feet (2438 mm) or more above grade shall comply with Sections 3202.3.1 through 3202.3.4.

**3202.3.1 Awnings, canopies, marquees and signs.** Awnings, canopies, marquees and signs shall be constructed so as to support applicable loads as specified in Chapter 16. Awnings, canopies, marquees and signs with less than 15 feet (4572 mm) clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. Stanchions or columns that support awnings, canopies, marquees and signs shall be located not less than 2 feet (610 mm) in from the curb line.

**3202.3.2 Windows, balconies, architectural features and mechanical equipment.** Where the vertical clearance above grade to projecting windows, balconies, architectural features or mechanical equipment is more than 8 feet (2438 mm), 1 inch (25 mm) of encroachment is permitted for each additional 1 inch (25 mm) of clearance above 8 feet (2438 mm), but the maximum encroachment shall be 4 feet (1219 mm).

**3202.3.3 Encroachments 15 feet or more above grade.** Encroachments 15 feet (4572 mm) or more above grade shall not be limited.

**3202.3.4 Pedestrian walkways.** The installation of a pedestrian walkway over a public right-of-way shall be subject to the approval of local authority having jurisdiction. The vertical clearance from the public right-of-way to the lowest part of a pedestrian walkway shall be 15 feet (4572 mm) minimum.

**3202.4 Temporary encroachments.** *Vestibules* and storm enclosures shall not be erected for a period of time exceeding 7 months in any one year and shall not encroach more than 3 feet (914 mm) nor more than one-fourth of the width of the side-walk beyond the street lot line. Temporary entrance awnings shall be erected with a minimum clearance of 7 feet (2134 mm) to the lowest portion of the hood or awning where supported on removable steel or other approved noncombustible support.

HISTORY: Eff. 7-1-07

**CITY OF OXFORD**
**STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development Department
**Originating Department**

**Council Meeting Of:** June 2, 2008

**Account Code No. #:**

Jung-Han Chen
**Prepared By**

**Budgeted Amount:**

May 23, 2008
**Date Prepared**

| | |
|---|---|
| **Agenda Title:** | **PC-10-2008 Preliminary Subdivision-South Campus Avenue A Proposed Residential Subdivision in a R2MS Single and Two-Family Mile Square Residential District** |

| | |
|---|---|
| **Recommendation:** | **Deny** |

**Discussion:**

The Planning Commission held a public hearing on this subdivision request to divide 7.8 gross acres of land into 22 duplex lots and 1 single family and to create a separate lot for the existing Campus Court Apartment complex. After the public hearing, the Planning Commission determined that the proposed subdivision did not meet the subdivision standards on several issues; certain proposed lots failed to meet the minimum size requirements, and also failed to provide drainage and flood control to handle the anticipated growth.

The Planning Commission voted 6-0-0 to recommend denial of the subdivision request based on the reason that the request did not meet the minimum standards as stipulated in the Oxford Subdivision Regulations to City Council.

| **Approved By:** | **Initial** | **Date** |
|---|---|---|
| **Department Head:** | | |
| **City Attorney:** | | |
| **City Manager:** | JHC | 5/23/08 |

**ORDINANCE NO.**

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION TO DENY THE PRELIMINARY SUBDIVISION APPLICATION FOR A RESIDENTIAL SUBDIVISION ON SOUTH CAMPUS AVENUE IN THE R2MS (SINGLE AND TWO-FAMILY MILE-SQUARE RESIDENTIAL) DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission on May 13, 2008 held a public hearing for the purpose of considering the request of Paul W. Baer Trust Properties, LLC/Robert Broestl, P.E., Applicant, for a preliminary subdivision on South Campus Avenue in the R2MS (Single and Two-Family Mile Square Residential) District.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted 6-0-0 to recommend City Council deny the request for a preliminary subdivision based on the following concerns: (1) lots not meeting minimum size requirements and (2) lack of an evaluation of drainage issues; flooding issues and storm sewer issues.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and the report submitted by the Planning Commission and incorporates the same herein and further denies the application for a preliminary subdivision on South Campus Avenue in the R2MS (single and Two-Family Mile Square Residential) District.

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

| | |
|---|---|
| **Report Date** | May 13, 2008 |
| **Case Number** | PC-10-2008 |
| **Applicant Information** | Robert Broestl, Architect, Applicant<br>Paul Baer Family Trust |
| **Requested Action** | Preliminary Subdivision |
| **Summary of Request** | Request for approval of a Preliminary Subdivision in an R2MS District located on South Campus Avenue. |
| **Public Hearing Information** | On May 13, 2008, a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on April 11, 2008. Courtesy notices were mailed to adjacent property owners and public hearing signage was posted at the property. |
| **Commission Action** | During the May Planning Commission meeting, the Commission voted to recommend City Council deny the request for a preliminary subdivision in a 6-0-0 vote. |
| **Commission Findings and Conclusions** | After the public hearing and discussion among Planning Commission members, concerns were raised regarding lots not meeting minimum size requirements, lack of an evaluation of drainage/flooding issues/storm sewers. |
| **Exhibits Submitted to the Commission** | 1. Community Development Staff Report dated April 23, 2008<br>2. Inter-Office Review Transmittal Sheets dated March 25, 2008 and May 9, 2008 (Engineering Department)<br>3. Review and Comment form.<br>4. Emails received from the public.<br>5. Photographs showing flooding in the area provided by Mr. William C. Schilling, Executive Director, Delta Sigma Pi.<br>6. Copy of an old Preliminary Subdivision application dated May 24, 2007 that was withdrawn.<br>7. Letter of Agency.<br>8. Preliminary Subdivision Application dated March 15, 2008.<br>9. Plat.<br>10. Preliminary Subdivision Plan Campus Commons dated March, 2008.<br>11. Vicinity Map. |

# City of Oxford
*Community Development Department*
# STAFF REPORT

## Planning Commission

**Case # PC-10-2008** **Date – May 13, 2008**

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**APPLICATION**

| | |
|---|---|
| Applicant: | Paul W. Baer Trust Properties, LLC/ Robert Broestl, P.E. |
| Location: | South Poplar and Campus Avenue; 540 S. Campus Avenue<br>Parcel ID: H4100103000092, H4100103000095, H4100103000097, & H4100106000150 |
| Owner: | Paul W. Baer, Trust |
| Action Request: | Preliminary Subdivision Plan |
| Current Use: | Vacant Lots |
| Current Zoning | R2MS |
| Surrounding Existing Land Uses: | Residential and Miami University |

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## GENERAL DESCRIPTION

The subject site consists of approximately 6.08 gross acres (7.8 gross acres including Campus Courts Apartment Complex). The Applicant is proposing 22 duplex lots and 1 single family lot (S1 on Bern Street west of Faith Evangelical Lutheran Church). The application has been modified since last year in order to accommodate the additional right-of-way requirement along Poplar Street. The Applicant is also proposing to modify the existing nonconforming Campus Courts Apartment Complex (48 existing units; 12 units per building; 4 buildings) and create a smaller, less conforming lot for the apartment complex. According to the site plan, the Applicant indicates that Linden Drive, Bern Street and Wooster Place would be extended into cul-de-sacs. Rose Avenue is also labeled as a full extension connecting Campus and Main.

## SITE HISTORY

January 2007: The Applicant requested acceptance for a residential Preliminary Planned Development from the Planning Commission. Motion to Deny the request 6-1-0 (PC# 21-2006).

February 2007: Applicant withdrew application from proceeding to City Council.

July 2007: Applicant requested approval of a Preliminary Subdivision from the Planning Commission. The Planning Commission tabled to obtain more information from Engineering regarding additional Poplar Street right-of-way (PC# 13-2007).

August 2007: Continued the Planning Commission hearing. Motion to recommend approval to City Council with conditions 6-0-0.

August 30, 2007: Applicant requested that the City Council hearing be postponed for them to further consider their options and to acquire legal opinion regarding the Planning Commission and Engineering's recommendation requiring additional right-of-way being dedicated for Poplar Street.

## SURROUNDING NEIGHBORHOOD

The site is in the Mile Square and is west of Miami University campus. The surrounding neighborhood is primarily residential to the north, west and south. There is a mix of single-family and multi-family units surrounding the property including the Faith Evangelical Lutheran Church and Delta Sigma Pi Fraternity to the northeast.

## COMPREHENSIVE PLAN

Land Use Element of the Comprehensive Plan; Mile Square Subarea:

**A. Concerns**

Land use concerns in the Mile Square focus on several important and complicated issues, the over abundance of rental property, crowded living conditions, property maintenance issues related to rental property and a declining physical environment, including infrastructure.

These issues have combined in the Mile Square in a way that divides the City's historic center. The Mile Square combines a mix of housing types, which include student-oriented, where a majority of the rental housing stock is located, as well as associated crowded living conditions and parking problems. The Mile Square also has owner-occupied, single-family homes that are well-maintained and create a strong sense of neighborhood due to the stability of the population.

The Mile Square's traditional grid pattern has broken down in some cases. On the eastern side it has merged with the Miami University campus. On the west side of Locust Street the business district has grown into the Square. Truck traffic also bisects the Square.

**B. Strategies**

1. Continuing to house a mix of uses.
   The Mile Square should continue to house a mix of uses, reflecting its dynamic development character and environment. However, the emphasis should be preserving single-family homes and small neighborhood. See Housing, Objective 5.

2. Undertaking a detailed survey to delineate subareas in Mile square based on the land use and density. However, to enable the City to make sound land use decision, a block-by-block survey that delineates land use, density and zoning. Such information will provide a sound basis for deciding future zoning decisions, tracking development trends and monitoring regulations to ensure the land use balance doesn't shift to a point where the Mile Square becomes less diverse.

3. Establishing a policy to discourage future right-of-way vacation.

4. Completing missing road segments, perhaps as property is developed or redeveloped.

5. Supporting the pedestrian orientation of the Mile Square through the maintenance and replacement of sidewalks, alleys and street trees.

6. Arriving at off-street parking solutions and integrating the City's recent parking study into the transportation element of this Plan to arrive at a final set of agreeable actions.

## AGENCY COMMENTS

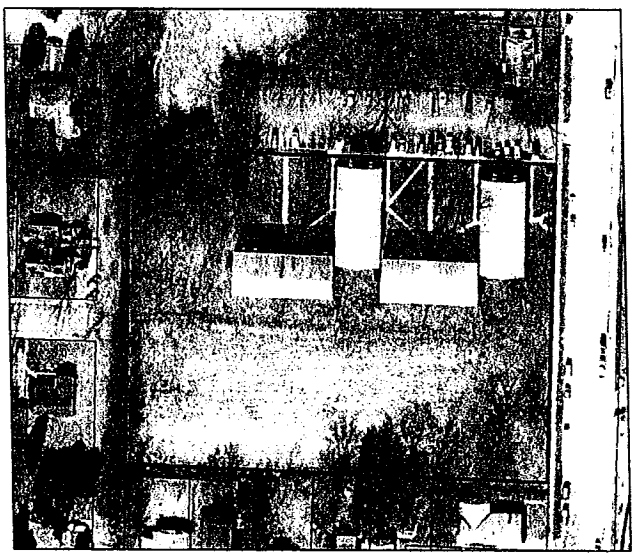
Requests for review were made to the Police, Fire and Engineering Departments. The following comments have been received:

| | |
|---|---|
| Police: | Not enough information or details given regarding parking to comment on. |
| Fire: | Streets need to be put in at the start of the project. No way to know if project will ever put in thru streets. Appears doubtful. That was comment on last proposal for this property. |
| Engineering: | No comments received to date. |

## PUBLIC COMMENT FORMS

A comment form was received by a neighboring property owner in opposition to the development and his concerns regarding congestion.

## STAFF ANALYSIS



As aforementioned, the Applicant is proposing to modify the existing nonconforming Campus Courts Apartment Complex (48 existing units; 12 units per building; 4 buildings; 2.89 acres) and create a smaller, less conforming lot (1.72 acres) for the apartment complex. Modification to a nonconforming site will require BZA approval, including relief of setback requirements and lot coverage of the existing buildings. Under the current zoning code, this use is not permitted, even as a Conditional Use, in the "R2MS" District. According to the "R3" District, where this use would be permitted, 1,800 sq. ft. of Lot Area per unit is required or 1.98 acres for the existing apartment complex. The Applicant should consider modifying the site plan so the Lot Area conforms to the "R3" requirements.

Lot D12 is required to have a 75 foot lot width along Bern Street. Furthermore, the single-family lot on Bern is required to have a 50 foot lot width and 5,000 sq. ft. of lot area. Approval by the Planning Commission should be contingent upon receiving all necessary variances from BZA.

Lot D20 is an irregular lot with frontage on the proposed Wooster Place extension and Campus Avenue. Access to this lot shall only be permitted from Wooster Place.

Lot D10, Lot D18 and D21 have approximately 30' of buildable depth. Any future decks or patios for these units are required to meet the setback requirements. Future requests for variances of these buildings would not be looked upon favorably.

## SUMMARY

Prior to any approval, staff recommends that the Planning Commission consider the following conditions:

1. That, all appropriate BZA requests pertaining to the proposed Campus Courts Apartment Complex lots are granted prior to submitting a Final Plat and Construction Drawings.
2. That, all appropriate BZA requests pertaining to Lots D12 and S1 are granted prior to submitting a Final Plat and Construction Drawings.
3. That, ingress/egress to D20 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.

## RECOMMENDATION

Not applicable.

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SUBMITTED BY: Kathryn A. Dale

Kathryn A. Dale, AICP
City Planner
Community Development Department

DATE: April 23, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/25/2008

To: (Fire Department) Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-10-2008

Description:

**PC-10-2008 PRELIMINARY SUBDIVISION - South Campus Avenue** proposed residential subdivision (R2MS Single and Two Family Residential) **Paul Baer Family Trust, Robert Broestl, P.E. Architect, Applicant**

____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

Streets need to be put in At start of project. No way to know if project will ever put in Thru streets. Appears doubtful, That was Comment on last proposal for this property.

Drawings reviewed by: Lon Endress, Fire Chief 3/26/08

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

# Memo

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

TO: Jung-Han Chen
Community Development Department

FROM: Victor Popescu, PE
City Engineer

RE: Baer Family Trust
Preliminary Subdivision Plan – Campus Commons

DATE: May 9, 2008

The following are our comments on the "Preliminary Subdivision Plan – Campus Commons", dated March 2008.

Please note that this is the 4th submittal that the Engineering Division has reviewed.

- It is recommended that the Developer construct the Poplar Street roadway within the development limits.
- By constructing the Poplar Street roadway, the Temporary Turnaround for the Burn Street extension will be eliminated.
- The submittal proposes to build structure D7 over an existing sanitary sewer. This will not be allowed. Access to the sanitary sewer main must be available at all times. In addition this sanitary sewer main is in poor condition, and must be replaced.
- The submittal indicates a sanitary sewer main on Poplar Street from Central Avenue to Rose Avenue. The indicated sanitary sewer main does not exist.
- The sanitary sewer main on Poplar Street from Rose Avenue to the Burn Street extension is in poor condition.

- The sanitary sewer main on Bern Street extension can not be used. The main was abandoned. Thus, the Developer will need to install a new main.

- The submittal indicates a short storm sewer originating on lot D8, no catch basin or headwall, heading south to a catch basin. From that point a short storm sewer heads east. What is this all about?

- Lot D20 has a narrow strip of land that fronts South Campus Avenue. Will there be access (driveway) from South Campus Avenue for this lot?

- A 4 inch storm sewer originates on lot D19 and heads south to Bern Street extension. The size must be upgraded and an indication must be shown as to what it ties into on Bern Street extension.

- The sanitary sewer mains on Rose Avenue, Linden Drive, and Wooster Avenue have experienced major back-ups during heavy rain events.

- What size water mains are needed for Linden Drive, Rose Avenue, and Wooster Avenue?

- Water mains will need to be extended to serve a number of lots within the development.

- New fire hydrants will need to be installed to serve the proposed development.

- What is proposed for the Storm Water management? Will there be underground detention, detention ponds, etc.?

All utility work within the proposed development must be in accordance with the latest "City of Oxford Water and Sanitary Sewer Specifications".

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/25/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-10-2008

Description:

**PC-10-2008 PRELIMINARY SUBDIVISION - South Campus Avenue** proposed residential subdivision (R2MS Single and Two Family Residential) **Paul Baer Family Trust, Robert Broestl, P.E. Architect, Applicant**

____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

not enough info/detail give for comment Eg: parking off sewer

Drawings reviewed by: _____

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

# CITY OF OXFORD
# PLANNING COMMISSION
# REVIEW AND COMMENT FORM

**Case No.:** **PC-10-2008** **Date of Hearing:** **May 13, 2008**

**PC-10-2008 PRELIMINARY SUBDIVISION - South Campus Avenue** proposed residential subdivision (R2MS Single and Two Family Residential) **Paul Baer Family Trust, Robert Broestl, P.E. Architect, Applicant**

If you cannot attend the public hearing on this subdivision being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **April 28, 2008** to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: _____

Address: Thomas J. Carroll
542 W. [illegible]
[illegible], IL [illegible]

Telephone: Home: 847-272-2037 Work: 847-272-2037

COMMENTS: I FEEL THAT part of the city IS too congested. WE HAVE 3 homes in AREA WOOSTER/OBERLIN IS Miami U. interested in purchasing the property? TOM

Signature _____ Date 3/29/08

As a homeowner on Central Avenue, just south of the proposed project by the Paul Baer Family Trust, I am concerned by the high density nature of this project, as well as the proposed opening up of Rose Avenue through to Campus Street. I am concerned with the possible effect that this increase in traffic - both automobile and human - will have on a neighborhood of single-family dwellings. It is hard to tell what direction Oxford demographics may take in the future, but I worry that this proposed change will prevent the neighborhood between Campus and Main, north of Chestnut, from ever returning to a neighborhood of families.

I can understand the desire of the Baer family to try to recoupe the value of the land at that site, but at what cost to it's surroundings or to the homes which have existed in this quiet neighborhood for over half a century? The pressure of traffic here has already been pushed to the limit by Miami University having now completely built over the former Bunger field, which once ran uninterrupted from Campus to Chestnut. Parking restrictions had to be created on Central Avenue as residents could not park on their own street, because of the increase in traffic due to the Recreation Center. I worry what even more traffic will bring. Will these family homes start to disappear in favor more high density housing?

I hope the Planning Commission will take these worries into consideration as they decide what the future of this area will be.

Thank you for your consideration.

Sincerely,

Chris Stousland, owner
107 E. Central Ave
Oxford

Letter read & submitted @ PC 5/13/08 mtg by Sharon Peterson

Baer Property Rec'd by ~~Susan~~ Peterson @ 5/13/08 PC Mtg.

TO : Oxford Planning Commission
FR: Gisela Bahr
RE: Public Hearing on May 13, 2008

Since I am unable to attend your hearing I'd like to put my concerns in writing.

I understand there are vacancies in the available housing in the City of Oxford. So why build more? What we do need is affordable housing for the people who work in Oxford but can't afford to live here but have to commute to the city, which increases car traffic and air pollution. But the project under consideration by you would not meet this well known need. The Campus Avenue location makes it certain that all houses, whether intended or not, will be taken over by students, and no non-student would want to live among such an overwhelming number of students. What would be created with this 'sub-division' would be a kind of mini-campus. Do you think this is what Oxford needs – a mini-campus in the original square mile?

Don't get me wrong, I like students. After all, they provided me with a rewarding career during my professional years at Miami. But I also remember what Oxford looked like 35 years ago when I got here – a charming, family friendly, and CLEAN community. Do you really want to contribute to the downslide we have been experiencing ever since? There are some who consider Oxford only in terms of making money. And student housing is a great money maker. But I should hope that you who are supposed to plan for the good of all Oxford citizens, would be led by different values and principles. In which case you ought to realize that the proposed housing project is not what Oxford needs right now, which is affordable housing for regular, working people.

My other concern is this: At an earlier hearing there was talk of building up Beech Street and thereby cutting down a number of wonderful old but perfectly healthy trees that give us clean air. But the city of Oxford wants to be recognized as a "green city" and that requires, among other things, to increase rather than diminish trees, preserve as much green space as possible, and not cover ground with concrete wherever preventable. I do hope you are in accord with the city's ambitions to "~~grow~~ go green."

Respectfully,
Gisela Baer
Gisela Bahr
102 E Central Avenue, Oxford

To: Oxford Planning Commission
From: Sharon Peterson
Re: Public Hearing May 13, 2008
South Campus Avenue subdivision/Baer Property

My understanding of this proposal is for 22 duplexes and one single family home to be built on the South Campus property. Given the location of this property I think we know that these units will be for students. Would that give us another 90+ students and perhaps as many cars in this location?

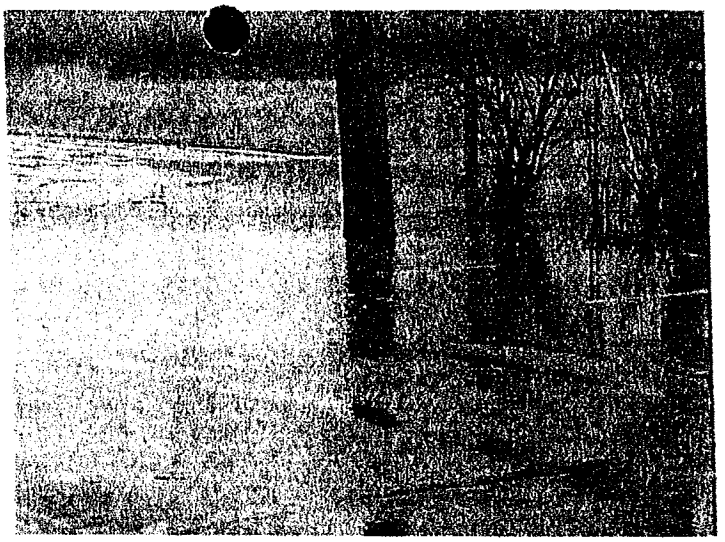
A statement under the Comprehensive Plan caught my eye: *In general, population densities should be reduced in the Mile Square, with the exception of High Street.* If this is part of the comprehensive plan, why would we consider building 22 duplexes and a single family home at the site on South Campus Avenue? Has consideration been given to building single family homes only in this area? How many acres are available at this site?

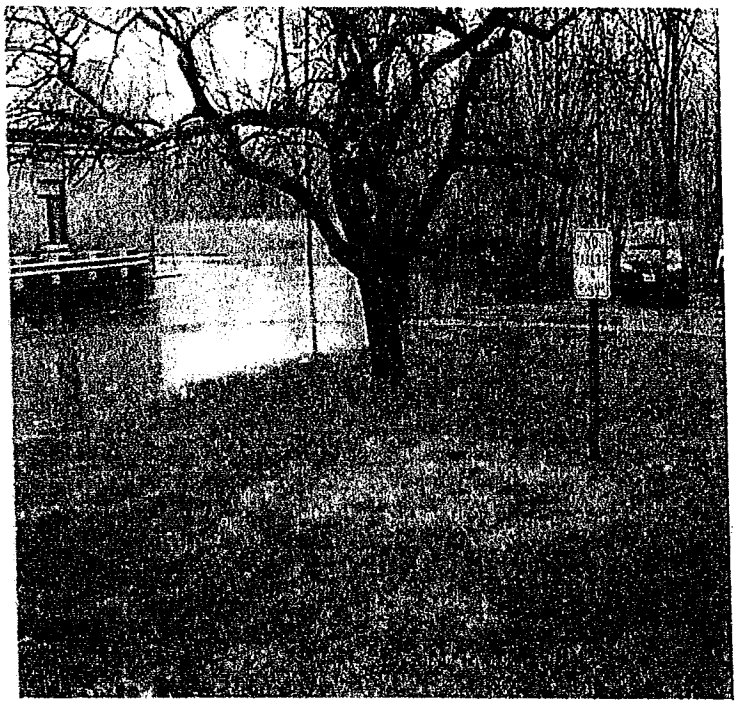
A proposal to have Rose Avenue become a through street from South Main to South Campus is another concern. Given the current heavy parking usage along So. Campus Avenue, we would lose parking and have another street coming out onto Campus Avenue. As it is now, we have three streets feeding into this end of So. Campus, it is difficult to ease out onto Campus with cars parked on both sides of these streets (Ardmore, Plum, and E. Central). Perhaps the police department staff would have a record of accidents occurring along that section of So. Campus.

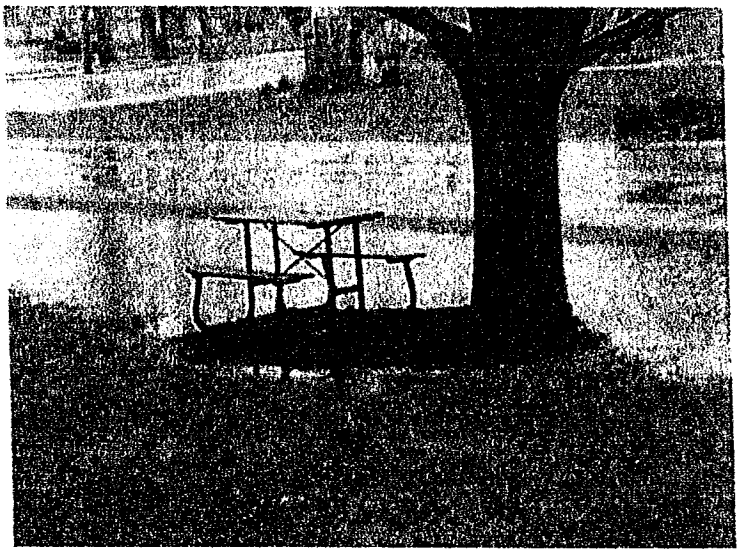
I ask you to consider these concerns; density, parking, traffic flow, lose of green space, and the future of the mile square, as you ponder this proposal.

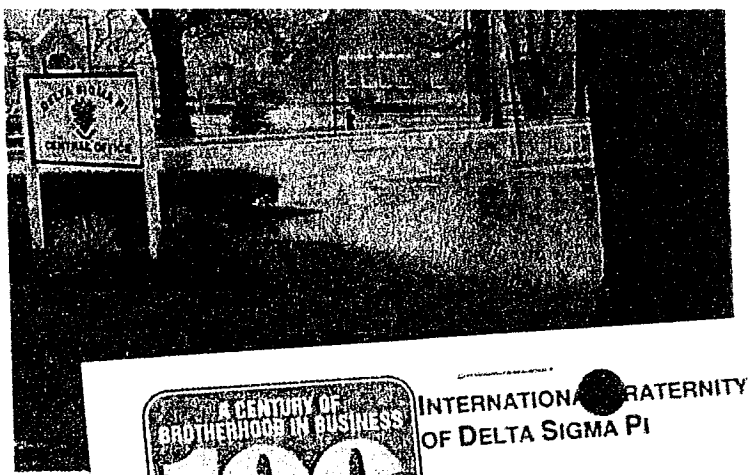
Thank you,
Sharon Peterson
101 East Central Avenue
Oxford

Baer Property Rec'd by Sharon Peterson @ 5/13/08 PC Mtg









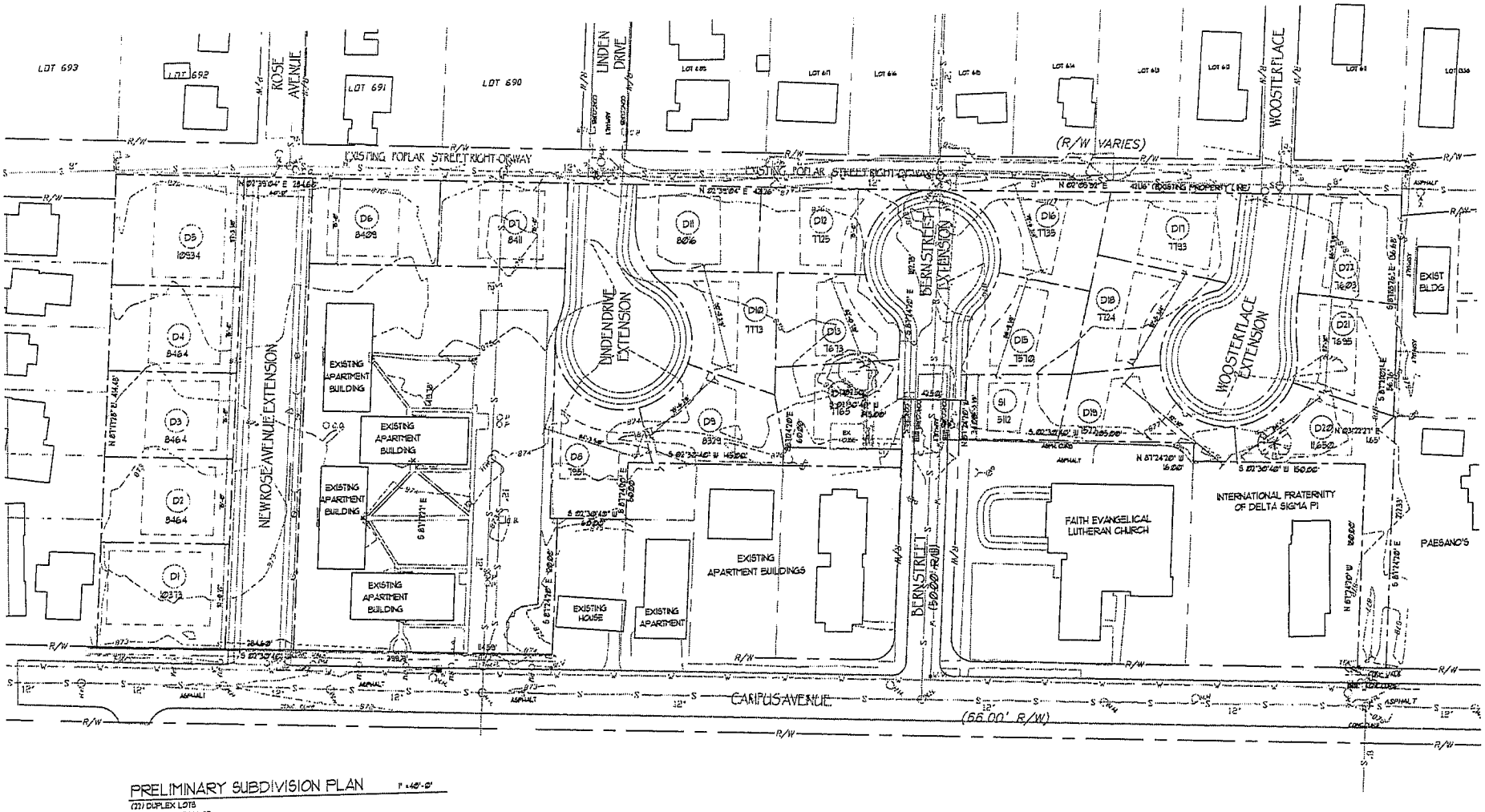

INTERNATIONAL FRATERNITY
OF DELTA SIGMA PI

WILLIAM C. SCHILLING
*Executive Director*

330 South Campus Avenue
Oxford, OH 45056
Web Site: www.dspnet.org

513-523-1907, Ext. 231
Fax: 513-523-7292
Email: bill@dspnet.org


Rec'd 5/13/08 PC Mtg. from Bill Schilling




## PRELIMINARY SUBDIVISION PLAN

1" = 40'-0"

(22) DUPLEX LOTS
(1) SINGLE FAMILY LOT

| | |
|---|---|
| TOTAL LAND AREA: | 7.8 ACRES (HOUSE INCLUDED) |
| LESS CAMPUS COURTS: | - 1.73 ACRES |
| | 6.07 ACRES |

ZONING DISTRICT: R-2MS

SITE DEVELOPMENT REGULATIONS:

| | |
|---|---|
| MINIMUM LOT AREA | 2-FAMILY = 7,500 SF. |
| MINIMUM LOT AREA | 1-FAMILY = 5,000 SF. |
| MINIMUM LOT WIDTH | 2-FAMILY = 75 FEET |
| MINIMUM LOT WIDTH | 1-FAMILY = 50 FEET |

Old Prelim Sub that was w/drawn

SCOTT WEBB ARCHITECT
102 West Walnut Street
Oxford, Ohio 45056
(513) 523-3658
www.scottwebbarchitect.com

REVISIONS

PROPOSED RESIDENTIAL SUBDIVISION
Campus Commons
PAUL H. BAER FAMILY TRUST
1 CAMPUS AVENUE
RD, OHIO 45056

May 24, 2007

A-1

fIRST
first financial wealth resource

Another step on the path to success

ACT AS AGENT LETTER

March 3, 2008

Oxford Planning Commission
And Oxford City Council
Oxford, Ohio 45056

Dear Sirs:

Please let this letter serve as our authorization for Robert E. Broestl, Professional Engineer, to act as our Agent for the Campus Commons Subdivision Application process. Mr. Broestl will be representing First Financial Bank, Trustee for the Paul W. Baer Trust Properties, LLC Under Will.

Sincerely,

Kathy D. Carmack
First Vice President/Trust Officer
First Financial Bank

Case No.: PC-10-2008
Date filed: 3/17/08

# Preliminary Subdivision Application

City of Oxford, Ohio

## REQUIRED INFORMATION

| | |
|---|---|
| Name of Applicant: | Paul W. Baer Trust Properties, LLC / Robert Broestl, P.E. |
| | (Attach a letter of agency if the applicant is not the property owner) |
| Mailing Address: | 30 Park Terrace Court |
| | Walnut Creek, CA 94597 |
| Telephone Number(s): | (925) 945-6987 |
| Name of Subdivision: | Campus Commons |
| Location of Property: | South Campus Avenue, South Poplar Street |
| Legal Description: | See attached Plat of Survey |
| Zoning District: | R2MS |
| Number of Lots: | 23 |
| Total Acreage: | 6.08 Acres |
| Surveyor/Engineer: | DDS Surveying / Brosey Surveying Company |
| Address: | 318 S. College Ave. / 4045 Stillwell Rd. |
| | Oxford, OH 45056 / Hamilton, OH 45013-9172 |
| Phone Number: | (513) 523-4270 / (513) 863-0237 |

## DRAWING REQUIREMENTS

Please submit twelve copies of the plat. Drawing size must be at least 18"x 24" and should never exceed 24"x 36 ". The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1159, Zoning Code of the City of Oxford. The following information must appear on the plat:

a) A vicinity map, drawn to scale, showing the general location within the City.
b) The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses and drainage ways.
c) Size of the tract in acres and lots in square feet and the boundary lines along with the linear measurement thereof.
d) Any existing water mains, culverts, water or sewer lines, easements, buildings and streets within the tract or immediately adjacent thereto.
e) The proposed location and width of streets, alleys lots and easements.
f) The name of the proposed subdivision and the name of the surveyor, engineer and owner at the time of subdivision.
g) The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
h) North arrow, scale and date.
i) Contours with intervals of five feet or less referenced to U. S. Geological Survey datum and obtained from a field survey.
j) The seal, registry number and signature of the public surveyor who prepared the plat.
k) An evaluation of existing watercourses, channels, storm sewers, culverts and proposed improvements pertaining to drainage and flood control in regard to their ability to handle the anticipated volume of run-off generated during peak flow.
l) Any portion of the floodplain as delineated by the Flood Insurance Rate Map (FIRM) Community Panel Number 390731 0001- 0003, revised January 3, 1997, must be clearly illustrated and labeled on the plat.

Provide the names and addresses of all adjoining property owners including those across streets, roads, alleys and highways (attach a separate sheet if necessary).

See attached list

**Note: Incomplete applications cannot be processed.**

Submit this application, required copies of the preliminary plan containing all required information and the required fee **($400.00 plus $100.00 per acre** for preliminary subdivision or planned unit development), made payable to the City of Oxford, to the office of the Planning Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Planning Department at (513) 524-5204. The plan will be placed on the next possible agenda. **Incomplete applications will not be processed.**

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

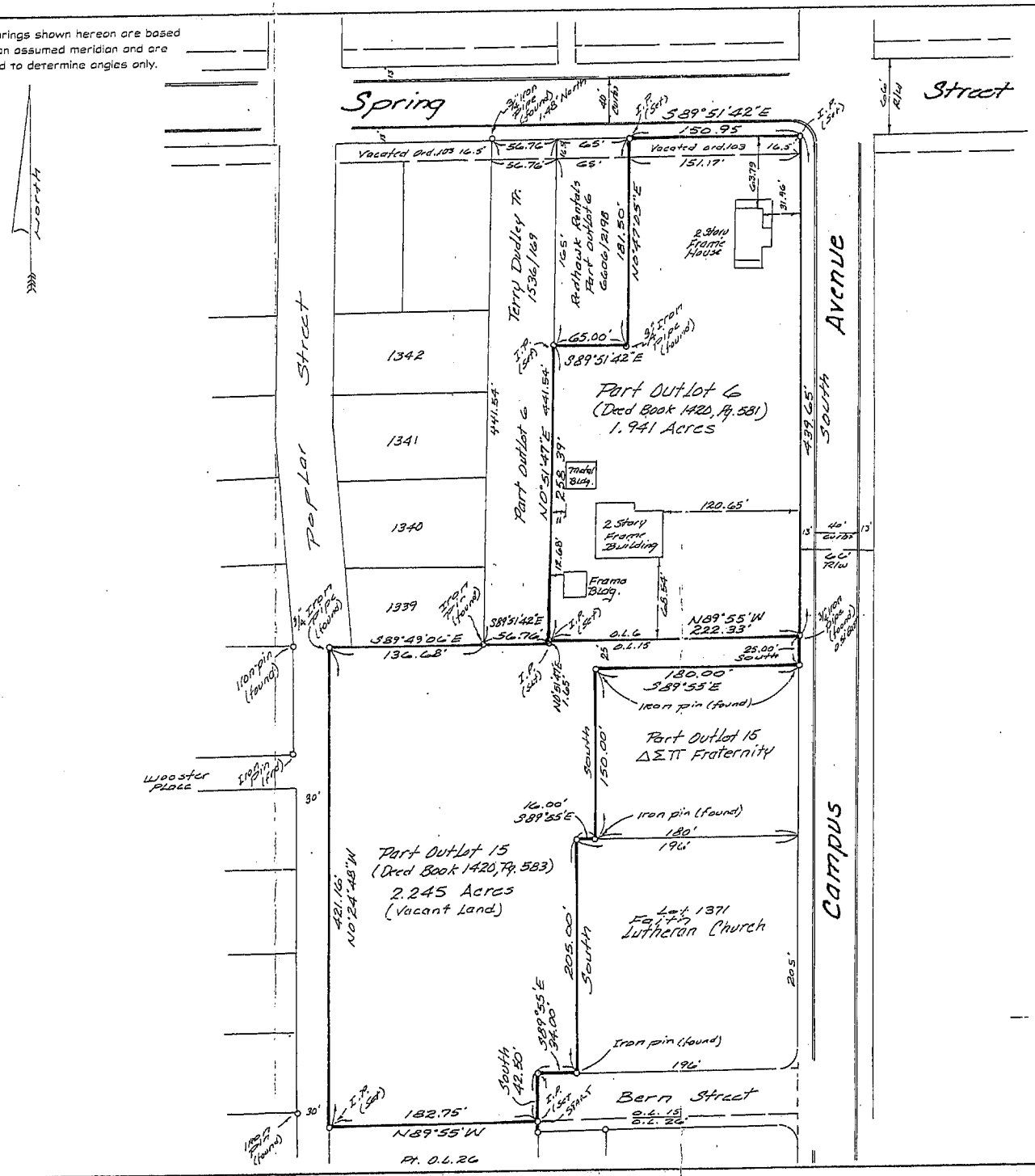
**SIGNATURE OF APPLICANT:** Robt E Broestl **Date:** 3-15-08

**PRINTED NAME:** Robert E. Broestl

**FEE / RECEIPT**

$400.00 + $100.00 per acre Fee Paid / Receipt Number: $1,008.00 #807435

Bearings shown hereon are based on an assumed meridian and are used to determine angles only.




Volume _____ Page _____.
Butler County Engineer's
Record of Land Surveys.

NOTES
1) Source documents are as shown hereon.
2) Occupation in general fits Survey except as shown.
3) Monumentation found is in good condition.
4) —o— Indicates 5/8" iron rod with I. D. cap [set] unless otherwise noted.
5) Subject to all easements & restrictions of record.

# PLAT OF SURVEY

Part Outlots 6 & 15
City of Oxford
Butler County, Ohio

For: Paul W. Baer Trust
Date: June 22, 2005
Scale: 1" = 60

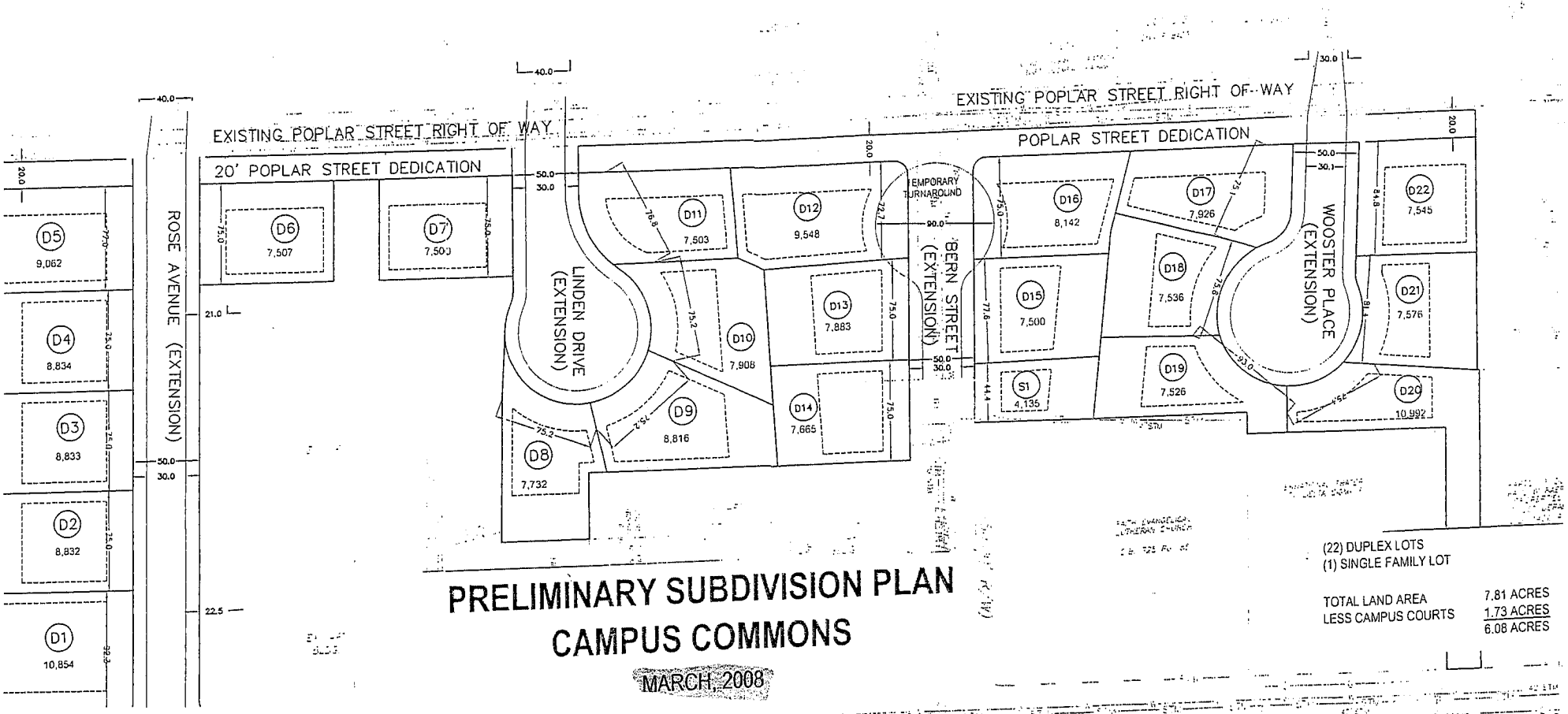
0' 60' 120'

By: Brosey Surveying Company
Hamilton, Ohio.

I certify that the hereon platted property was measured to acceptable Survey Standards only.

Daniel R. Brosey
Registered Surveyor, 6492 in Ohio

STATE OF OHIO
DANIEL R. BROSEY
6492
REGISTERED
PROFESSIONAL SURVEYOR

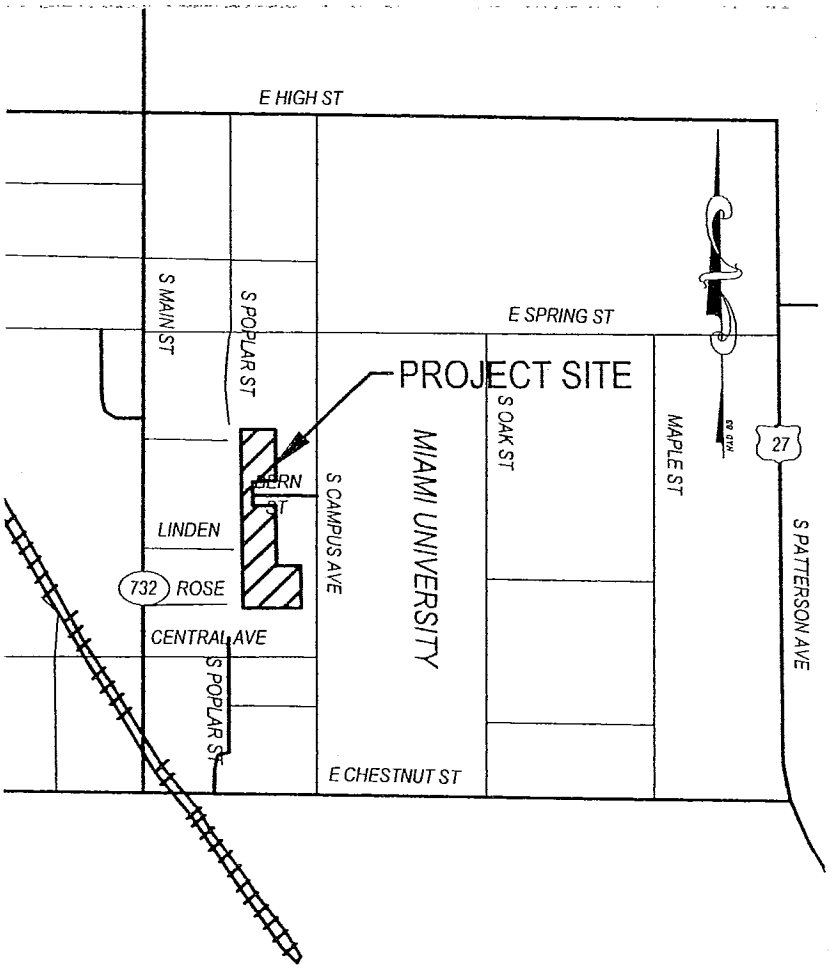



# PRELIMINARY SUBDIVISION PLAN
# CAMPUS COMMONS

MARCH, 2008

(22) DUPLEX LOTS
(1) SINGLE FAMILY LOT

| | |
|---|---|
| TOTAL LAND AREA | 7.81 ACRES |
| LESS CAMPUS COURTS | 1.73 ACRES |
| | 6.08 ACRES |




# VICINITY MAP

SCALE 1" = 1,000'

**CITY OF OXFORD**
**STAFF SUMMARY REPORT**

# REVISED

**Report to the City Manager**

**Council Meeting Of:** June 3, 2008

**Account Code No. #:**

**Budgeted Amount:**

Community Development Department
**Originating Department**

Jung-Han Chen
**Prepared By**

May 28, 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 with the following conditions:

1. That, the lot consolidation be approved and recorded prior to the release of any construction permits;
2. That all comments by the City engineer were addressed regarding the alleyway access, at the owner's expense and meeting City standards;
3. That, the dumpster shall be located behind the building, screened and accessible by Rumpke; and,
4. That, the finished building complies substantially with drawings presented and fits historically with the original building.

At the May 6, 2008 Council meeting for the first reading, the applicant was requested to submit a revised plan indicating the location of the dumpster. The applicant submitted revised drawings May 13, 2008 which showed the dumpster in the alley, in addition to a front porch addition that had not been discussed or presented to the Planning Commission. At the May 20, 2008 Council meeting the second reading was scheduled to occur. Ultimately the applicant requested that the second reading be tabled and Council agreed to table.

Before the item was officially tabled, Council discussed the case indicating that the alleyway was not an appropriate location for the dumpster. The applicant has revised the site plan (submitted 05.28.08) illustrating the dumpster location at the east end of the parking area. During this discussion period a question was raised by Council members about a reference on page 2 of the Planning Commissions' staff report concerning the

front yard lot coverage indicating that the front yard lot coverage was exceeded and nonconforming. Further discussion with the applicant has clarified that the information they provided regarding lot coverage requirements was presented awkwardly and is clarified in this revised submission. Staff has concluded that all site development regulations pertaining to lot size, setbacks, lot coverage and building height are satisfied and there are no nonconforming issues.

The applicant is submitting covered stoop landings at the entrances of the building. Porches would require approval due to the specific concerns listed in the Conditional Use chapter of the Code relating to noise and screening of activity areas. The applicant has removed the proposed porches since these were not submitted to Planning Commission for consideration. The stoops are not considered as potential gathering or activity areas and are looked at simply as an architectural feature, typically necessary at the foot of a doorway.

| **Approved By:** | | **Initial** | **Date** |
|---|---|---|---|
| | **Department Head:** | **JHC** | **05/28/08** |
| | **City Attorney:** | | |
| | **City Manager:** | | |

**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

| | |
|---|---|
| **Report Date** | May 6, 2008 |
| **Case Number** | PC-07-2008 |
| **Applicant Information** | Bob Dearth, Applicant, Agent<br>Ned Stephenson, Owner |
| **Requested Action** | Conditional Use Permit |
| **Summary of Request** | Request approval to allow for a Fraternity House in the R2MS District. |
| **Public Hearing Information** | 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. |
| **Commission Action** | After public hearing and discussion, the Planning Commission voted 4-2-0 to recommend City Council approval. |
| **Commission Findings and Conclusions** | 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. |
| **Exhibits Submitted to the Commission** | 1. Community Development Staff Report dated March 15, 2008.<br>2. Inter-office Review Transmittal Sheets from Fire, Engineering and Police Departments dated March 4, 2008.<br>3. E-mails received from community members to Planning Commission.<br>4. Conditional Use Permit Application dated February 22, 2008.<br>5. Agency letter dated February 22, 2008.<br>6. Architect Statement Letters dated February 1, 2008 and February 20, 2008.<br>7. Site Plan.<br>8. Site Plan Description from Applicant.<br>9. Building elevations.<br>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 Dale

Kathryn A. Dale, Planner
Community Development Department

DATE: March 15, 2008

(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 are submitted if use is approved

Drawings reviewed by: Ken Endres Fully 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:

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____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

SEE MEMO DATED 3-17-08

Drawings reviewed by: _____ 3-17-08

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

# 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-07-2008
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

RECEIVED
MAY 28 2008
City of Oxford
Engineering Division

Date: 5/28/2008

To: Fire Department (Engineering Division) Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-07-2008

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 ____X____ Revisions _____Other

Comments or status update requested by: Kathryn A. Dale

Please return no later than: **ASAP – Specific reference to your conversation with the applicant as it relates to the alleyway improvements and what they are responsible for would be helpful to address.** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: (w/comments) without/comments

see attached memo dated 5/29/08

Drawings reviewed by: Scott Otte

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

# Memo

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

TO: Community Development

FROM: Victor Popescu, P.E.
City Engineer

BY: Scott Otto
EIT

RE: Case #: PC-08-2008
320 E. Vine Street

DATE: May 29, 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 offers the following comments:

- The alley shall not be vacated. Thus, the "Site/Zoning Information" calculations shall be revised to exclude the area occupied by the alley.
- Due to concerns for emergency and refuse vehicle access to the property, the developer shall be responsible for the required improvements to the entire alley right-of-way from Vine Street to Sycamore Street.
- 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-07-2008

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

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: S Sawyer

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 neightborhoods, 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 #9.

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 0193

Location of Property: 320 E Vine St

Legal Description: See site / zoning map

Zoning District: RZMS

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 distribute 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.**

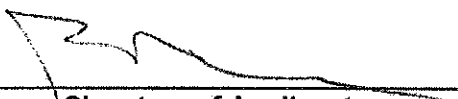
---

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**

Bob Dearth

**Printed Name**

**Date:** 2-22-08

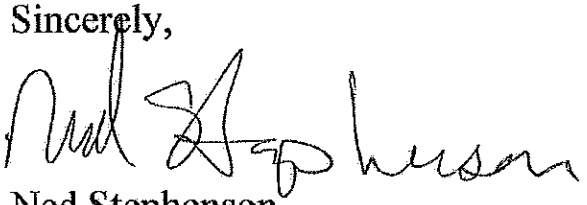
**FEE / RECEIPT**

$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,



Ned Stephenson
320 E. Vine Street
Oxford, OH 45056

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 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
Revised May 28, 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

Scheme 2a: Existing Lot Area: (15,629 SF)

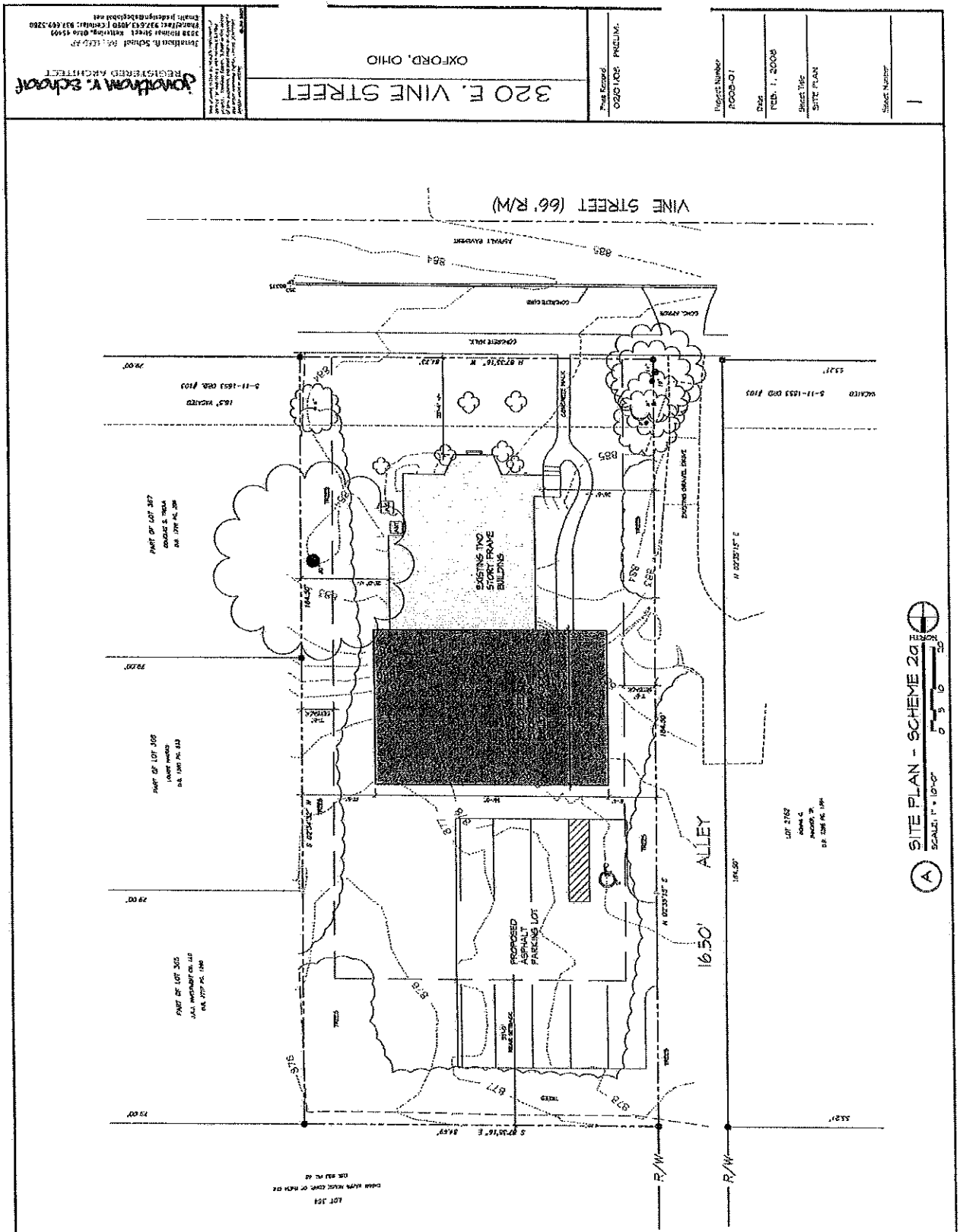
| | Allowed | Proposed |
|---|---|---|
| Building Coverage: max. 25% = | | 1,328 SF Existing |
| | | 2,072 SF Proposed Addition |
| | 3,907 SF | 3,400 SF |
| Site Coverage: max. 40% = | | 1,328 SF Existing Building |
| | | 2,072 SF Proposed Addition |
| | | 40 SF Covered Entry Stoop (2 stoops at 20 SF) |
| | | 152 SF New Sidewalks |
| | | 2,617 SF Parking Area |
| | | 40 SF Dumpster Pad/Enclosure |
| | 6,251 SF | 6,249 SF |
| Front Yard: max. 5% coverage= | 1,694 SF x 5% = | 84 SF Allowed |
| | | ~~58~~ SF Actual Sidewalk to street 60 (3' x 20') |

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)
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




* Reviewed by Planning Commission

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 (See Attached Addendum #1)
7. 
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

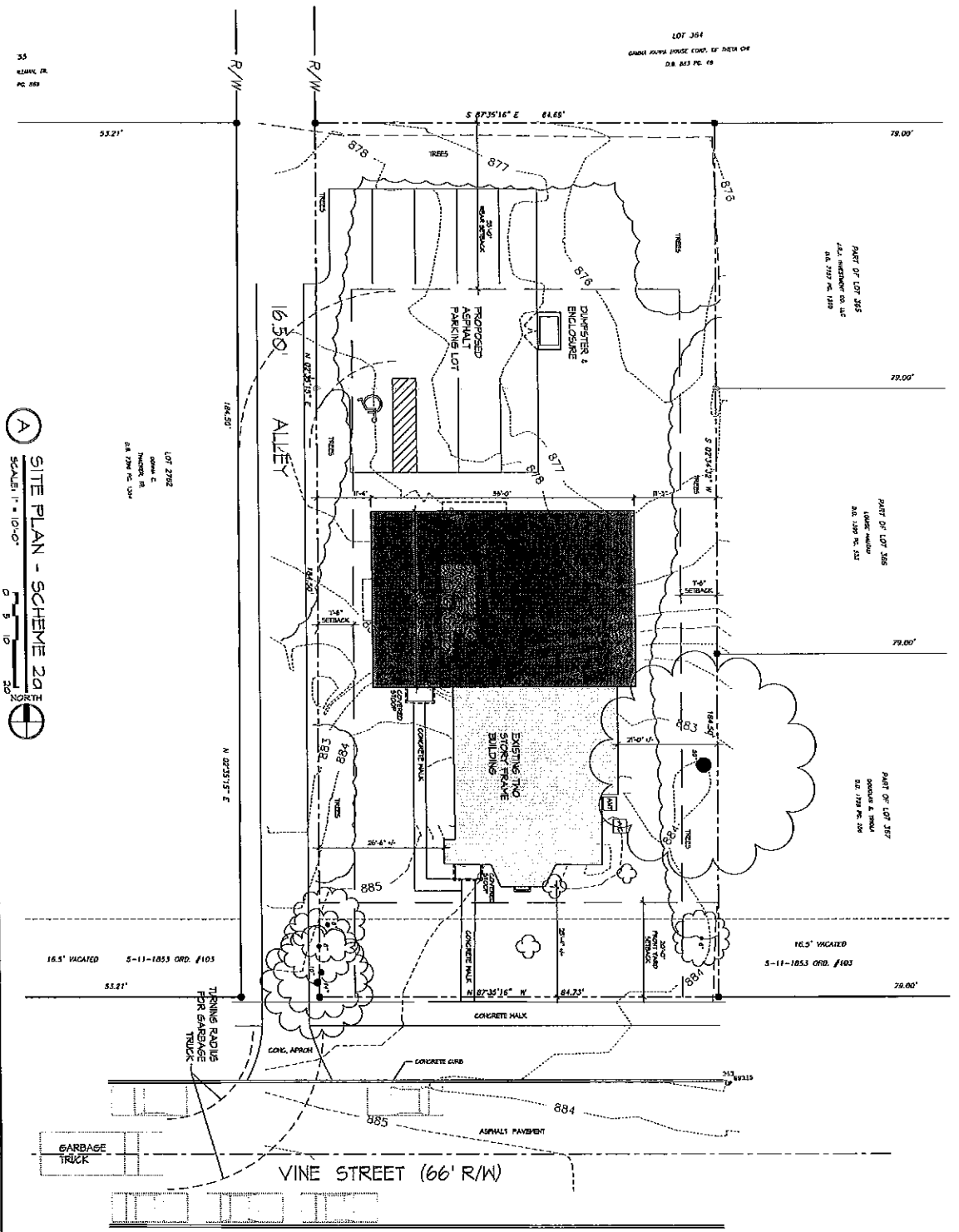
Addendum #1

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!




A SITE PLAN - SCHEME 2a
SCALE: 1" = 10'-0"
0 5 10 20
NORTH

| | |
|---|---|
| Sheet Number | 1 |
| Sheet Title | SITE PLAN |
| Date | APRIL 4, 2008 |
| Project Number | 2008-01 |

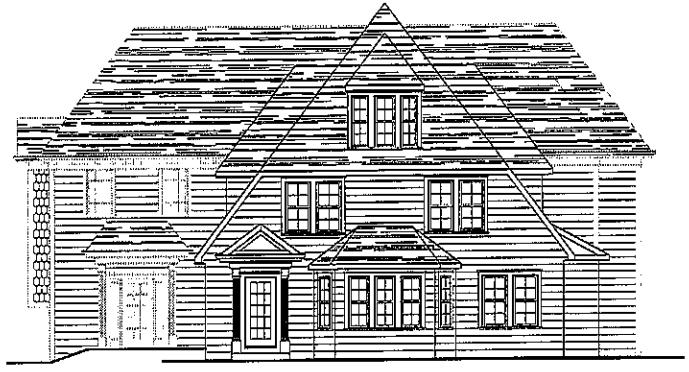
| Print Record | |
|---|---|
| 02/01/08 | PRELIM. 1 |
| 03/14/08 | PRELIM. 2 |
| 04/04/08 | PRELIM. 3 |
| 05/27/08 | PRELIM. 3-A |

# 320 E. VINE STREET

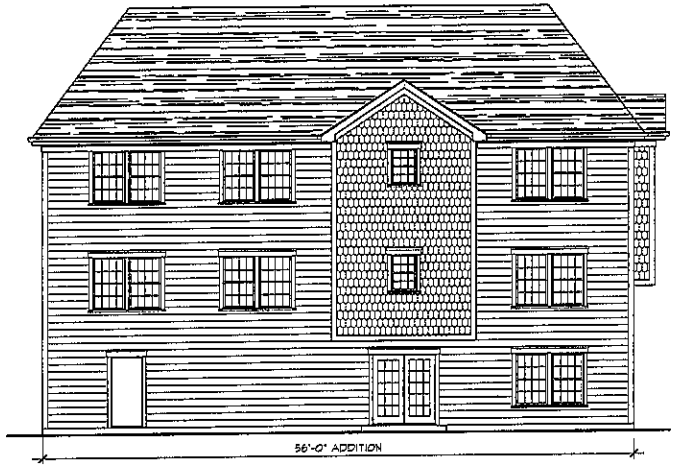
OXFORD, OHIO

jonathan r. schaaf
REGISTERED ARCHITECT
Jonathan R. Schaaf RA | LEED AP
3038 Nutmeg Street Kettering, Ohio 45409
Phone/Fax: 937.643.4090 | Cellular: 937.609.5280
Email: jrsdesign@sbcglobal.net

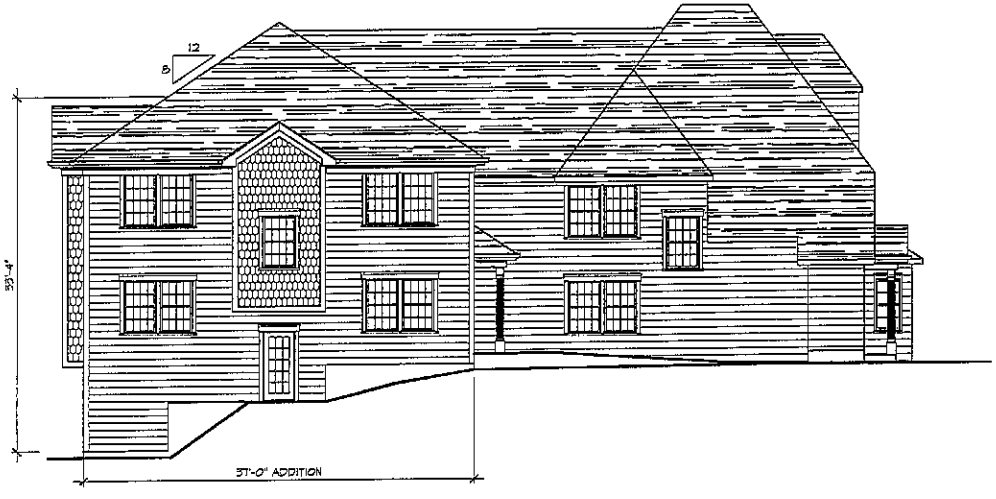
These drawings and specifications are the property and copyright of Jonathan R. Schaaf RA | LEED AP and shall not be reused without written permission. Visual contact with these drawings and specifications shall constitute prima facie evidence of the acceptance of these restrictions.



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 PA LEED AP
2038 Jamison Street Kettering, Ohio 45409
Phone: 937.643.4600 Fax: 937.643.4601 Cellular: 937.689.5280
email: jrsdesign@sbcglobal.net

This drawing is the exclusive property of ... and is not to be ... without the ... of ...

STATE OF OHIO
JONATHAN ROBERT SCHAAF
REGISTERED ARCHITECT

320 E. VINE STREET
OXFORD, OHIO

Print Record
02/01/06 PRELIM. 1
03/14/06 PRELIM. 2
04/04/06 PRELIM. 3
05/27/06 PRELIM. 3-A

Project Number
2006-01

Date
APRIL 4, 2006

Sheet Title
EXTERIOR ELEVATIONS

Sheet Number
3

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

**PC 07-2008**
**320 E. Vine**
**Surrounding**
**Fraternity Houses**

**Legend**

OxParcels2007

**Building Footprints**

Use

- CITY
- COMMERCIAL
- FRATERNITY
- IND
- INSTITUTIONAL
- MF
- MIXED
- MU
- SF

N

# CITY OF OXFORD
# STAFF SUMMARY REPORT

**Report to the City Manager**

**Council Meeting of:** June 3, 2008

**Account Code #: N/A**

**Budgeted Amount: N/A**

Service Department
**Originating Department**

Victor Popescu, City Engineer
**Prepared By**

May 22, 2008
**Date Prepared**

**Agenda Title:** Final Legislation – Local Public Agency (LPA) Agreement with the Ohio Department Of Transportation to Participate in a Project to Rehabilitate a Portion of High Street.

**Recommendation:** Approval

**Discussion:**
City Staff requested assistance from the Ohio Department of Transportation (ODOT) to rehabilitate a section of High Street, specifically from Main Street to Beech Street. This section of brick surfaced USR 27, is in very poor condition with the road base failing in several sections of the roadway. The City has requested ODOT use a portion of the FY 2005 federal highway funding earmark for this project prior to the funding authorization expiring.

The project scope involves the removal (and storage) of existing brick: removal of existing concrete/aggregate roadway base: replacement of the aggregate and concrete base, and installation of existing bricks. In addition, City Staff will be installing a new ductile iron water main below the reconstructed brick surface.

Bids for the project will be opened by ODOT on July 9, 2008.

The City Council approved Preliminary Legislation for this project at it's meeting of January 15, 2008.

Final Legislation is required to proceed with this project. While a project of this nature typically requires a 20% match from local funds, in this case, ODOT is applying Toll Revenue Credit to cover the required local match.

Staff recommends City Council approve this Resolution authorizing the City Manager to sign the attached Final Legislation and Contract with the Ohio Department of Transportation.

**Approved By**:

| | Initial | Date |
|---|---|---|
| Department Head: | MB | 5/27/08 |
| City Attorney: | | |
| City Manager: | | |

**RESOLUTION NO.**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN FINAL LEGISLATION AND OTHER CONTRACTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE REHABILITATION OF A PORTION OF HIGH STREET (US 27) FROM MAIN STREET TO BEECH STREET.

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

SECTION 1: The City Manager and Service Director recommend approval of the attached Final Legislation which is incorporated herein by reference, and related contracts not attached, in connection with a project to rehabilitate a portion of High Street (US 27) from Main Street to Beech Street which runs through the City of Oxford, Ohio.

SECTION 2: Said rehabilitation is necessary to maintain the safety and integrity of a major road within the City of Oxford, Ohio, and would be undertaken by the Ohio Department of Transportation (ODOT) utilizing the remaining portion of the FY2005 federal highway funding earmarked for this project as well as a toll revenue credit to cover the required local match.

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

SECTION 4: Council hereby authorizes the City Manager to sign the attached Final Legislation, and to enter into related contracts with ODOT to complete the rehabilitation project.

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

_____
MAYOR

ADOPTED: _____
ATTEST:

_____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW(STAFF)

OHIO DEPARTMENT OF TRANSPORTATION
DISTRICT 8 • 505 S. ST. RT. 741 • LEBANON, OH 45036 • (800) 831-2142

**James G. Beasley, P.E., P.S.**
Director

**Ted Strickland**
Governor

**Hans R. Jindal, P.E.**
District 8 Deputy Director

May 19, 2008

Victor Popescu, P.E.
City Engineer
City of Oxford
101 East High Street
Oxford, Ohio 45056

Re: BUT US 27 - 16.40
PID 83549

Dear Victor:

I am transmitting herewith the following items of FINAL LEGISLATION for consideration and approval concerning the above referenced project.

A. Two (2) copies of a Final Resolution
B. Three (3) copies of a Contract

Please note that **NO CHANGES** can be made to the contract. The Final Resolution is a sample which may be utilized by the City or a similar Resolution will be needed from the City in the City format. This project is in the July 9, 2008 Bid Letting. I trust you will arrange to have the City Council consider this Legislation at the earliest possible date and return the following Signed items to me by June 26, 2008 to meet this schedule.

A. **One (1) copy of Final Resolution** ( Original Signature required)
B. **Two** (2) **Originals of Contract** ( Both with Original Signatures)

Please note that the City is not required to deposit any additional funds at this time. Should the project be awarded at bids higher than the current estimate or should change orders increase the cost of the project, the City will be Invoiced for amounts over the available Earmark funds.
Please contact me at 513-933-6582 when Final Legislation is ready ,or if you have any questions concerning the enclosed documents.

Respectfully,

Steven L. DeHart

Steven L. DeHart
District Legislative Liaison

c: Douglas Elliott
Legislation File/wa
Reading File

RECEIVED
MAY 22 2008
City of Oxford
Engineering Division

(Resolution No. **4321**) PID No. **83549**
Project No. _____ (2008)

# FINAL RESOLUTION

The following Final Resolution enacted by the City of **Oxford,** Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on **15th day of January 2008**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

**Remove and salvage existing roadway brick surface on High Street from Beech Street to Main Street. Place a new compacted 6" aggregate base, shallow pipe underdrains and construct a new 10" concrete base. Reset brick roadway surface. Place all necessary traffic control devices, located within the City of Oxford;** and

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

**The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right of Way, excluding in-house preliminary engineering and Right of Way charges incurred by the State.**

**In addition, the City also agrees to assume and bear one hundred percent (100%) of the cost of any construction items requested by the City on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.**

The share of the cost of the LPA is now estimated in the amount of **One Hundred Two Thousand Three Hundred and - - - - 00/100 Dollars, ($102,300.00) less the amount of Toll Revenue Credit in the amount of One Hundred Two Thousand Three Hundred and - - - - 00/100 Dollars ($102,300.00) leaving a total amount due of Zero and - - - - 00/100 Dollars, ($0.00),** but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

I. That the estimated sum of **Zero and - - - - 00/100 Dollars**, **($0.00)**, is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.

II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

III. That the LPA enter into a contract with the State, and that **City Manager** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____ , 2 ____ , and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____ , at Page _____ , and under date of _____ , 2 _____ .

Legislative Authority of the
City of **Oxford**, Ohio

**City Manager**

SEAL
(If Applicable)

_____
Clerk (Secretary Ex-Officio)

PID No. **83549**
Project No. _____ (2008)

# CONTRACT
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Oxford**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

## WITNESSTH:

**WHEREAS**, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

**WHEREAS**, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

**WHEREAS**, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

**WHEREAS**, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

**WHEREAS**, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

**NOW, THEREFORE,** in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

## SECTION I: RECITALS

The foregoing recitals are hereby incorporated as a material part of this contract.

## SECTION II: PURPOSE

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

## SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

## SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

**Remove and salvage existing roadway brick surface on High Street from Beech Street to Main Street. Place a new compacted 6" aggregate base, shallow pipe underdrains and construct a new 10" concrete base. Reset brick roadway surface. Place all necessary traffic control devices, located within the City of Oxford.**

## SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.

2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.

3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.

4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **One Hundred Two Thousand Three Hundred and - - - - 00/100 Dollars, ($102,300.00) less the amount of Toll Revenue Credit in the amount of One Hundred Two Thousand Three Hundred and - - - - 00/100 Dollars ($102,300.00) leaving a total amount due of Zero**
5. **and - - - -00/100 Dollars, ($0.00)**

**The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right of Way, excluding in-house preliminary engineering and Right of Way charges incurred by the State.**

**In addition, the City also agrees to assume and bear one hundred percent (100%) of the cost of any construction items requested by the City on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.**

6. The LPA agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

## SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:

   A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.

   B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

   C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

## SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.

2. The LPA agrees:

   A. To keep said highway open to traffic at all times;
   B. To provide adequate maintenance for the PROJECT in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116;
   C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
   D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
   E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
   F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

## SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

## SECTION IX: NOTICE

Notice under this contract shall be directed as follows

| | |
|---|---|
| City of **Oxford** | Ohio Department of Transportation |
| **101 E. High Street** | Office of Estimating |
| **Oxford,** Ohio | 1980 West Broad Street, 1st Floor |
| **45056** | Columbus, Ohio 43223 |

## SECTION X: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.

2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.

3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.

4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.

5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.

6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.

## SECTION XI: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

**IN WITNESS THEREOF**, the parties hereto have caused this contract to be duly executed in duplicate.

**SEAL**
(If Applicable)

| **OHIO DEPARTMENT OF TRANSPORTATION** | **LOCAL PUBLIC AGENCY**<br>**City of Oxford** |
|---|---|
| Director of Transportation | **City Manager** |
| Date | Date |

# CITY OF OXFORD
# STAFF SUMMARY REPORT

**Report to the City Manager**

Parks and Recreation
**Original Department**

**Council Meeting Of:** 6/3/08

Gail Brahier
**Prepared By**

**Account Code No. #:** N/A

**Budgeted Amount:** N/A

5/28/08
**Date Prepared**

**Agenda Title:**

Rails-to-Trails 2010 Campaign for Active Transportation

**Recommendation:** Approve

**Discussion:**

In the 2005 federal transportation bill, SAFETEA-LU, Congress funded the Non-motorized Transportation Pilot Program, a demonstration effort to promote active transportation for urban mobility. The basic premise of the pilot program is that focused community investments in active transportation infrastructure with supporting programs will increase the share of trips taken by biking or walking. Interconnected active transportation systems will decrease congestion and improve the health and environment of communities by providing new choices to people for every day travel decisions.

Four pilot communities were awarded $25 mil each through the Pilot Program, and are currently engaged in planning infrastructure and programmatic efforts to shift trips to bicycling and walking. The Campaign for Active Transportation seeks to expand the approach to dozens more and attract a level of investment sufficient to enable active transportation to play a larger role in meeting America's mobility needs. The federal transportation bill is up for re-authorization in 2010.

continue ~

| **Approved By:** | **Initial \ Date** |
|---|---|
| **Department Head:** | ***gsb*** **\ 5/28/08** |
| **City Attorney:** | \ |
| **City Manager:** | \ |

Rails-to-Trails will take case statements from across the country and combine them into a strong message to encourage federal legislators to fund the Pilot Project for several more communities. Case statements are due to Rails-to-Trails by June 30, 2008.

The Oxford case statement is a synopsis of several plans and studies which have already been completed to help position Oxford to be chosen as one of the communities. Oxford is poised to act if designated as a Pilot Site for an Active Transportation Community.

City Council's Resolution will enable the committee to seek additional letters of support from local administrators, commissioners, and state and federal legislators.

# CITY OF OXFORD
# STAFF SUMMARY REPORT

**Report to the City Manager**

Parks and Recreation
**Original Department**

**Council Meeting Of:** 6/3/08

Gail Brahier
**Prepared By**

**Account Code No. #:** N/A

**Budgeted Amount:** N/A

5/28/08
**Date Prepared**

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continue ~

| **Approved By:** | **Initial \ Date** |
|---|---|
| **Department Head:** | *gsb* \ 5/28/08 |
| **City Attorney:** | \ |
| **City Manager:** | \ |

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The Oxford case statement is a synopsis of several plans and studies which have already been completed to help position Oxford to be chosen as one of the communities. Oxford is poised to act if designated as a Pilot Site for an Active Transportation Community.

City Council's Resolution will enable the committee to seek additional letters of support from local administrators, commissioners, and state and federal legislators.

**RESOLUTION NO.**

A RESOLUTION TO SUPPORT THE CITY OF OXFORD'S PARTICIPATION IN THE RAILS-TO-TRAILS CONSERVANCY'S 2010 CAMPAIGN FOR ACTIVE TRANSPORTATION.

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

SECTION 1: The City Manager and Parks and Recreation Director recommend that the City of Oxford participate in the Rails-to-Trails Conservancy's 2010 Campaign for Active Transportation.

SECTION 2: Council finds that participating in the Rails-to-Trails Conservancy's 2010 Campaign for Active Transportation, which encourages alternative modes of transportation such as biking and walking, is in the best interest of the City and will serve to protect the health, safety and welfare of the citizens of Oxford.

SECTION 3: Council hereby supports the City of Oxford's participation in the 2010 Campaign for Active Transportation for the significant non-motorized transportation opportunities it will provide.

SECTION 4: 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**

Clerk of Council
**Originating Department**

**Council Meeting Of:** June 3, 2008

Donna Heck
**Prepared By**

**Account Code No. #:** N/A

**Budgeted Amount:** N/A

May 29, 2008
**Date Prepared**

**Agenda Title:** Resolution approving the contract between the City of Oxford, Ohio and the Oxford Police Officers, Fraternal Order of Police, Lodge 164 and authorizing the City Manager and City Law Director to sign the contract on behalf of the City.

**Recommendation:** Approval.

**Discussion:** January 1, 2008 marked the end of the existing contract between the City and the Fraternal Order of Police, Lodge 164.

Negotiations have been completed and approval of this Resolution will authorize the City Manager and Law Director to sign the recommended contract, the term of which is three years.

**Approved By:**

| | Initial | Date |
|---|---|---|
| **Department Head:** | | |
| **City Attorney:** | | |
| **City Manager:** | | |

**RESOLUTION NO.**

A RESOLUTION APPROVING THE CONTRACT BETWEEN THE CITY OF OXFORD, OHIO AND THE OXFORD POLICE OFFICERS, FRATERNAL ORDER OF POLICE, LODGE 164 AND AUTHORIZING THE CITY MANAGER AND CITY LAW DIRECTOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY.

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

SECTION 1: The City Manager and Chief of Police recommend Council authorize the City Manager and City Law Director to sign on behalf of the City the Contract referred to in substantially the same form as Exhibit "A" ("Contract") with the Oxford Police Officers, Fraternal Order of Police, Lodge 164. The purpose of this Contract is to achieve a mutual agreement and understanding between the aforementioned parties and to establish written protocol for harmonious relations between the parties. The term of this Contract is for three (3) years from January 1, 2008 through December 31, 2010.

SECTION 2: Council hereby accepts the recommendation and approves the contract finding that the contract will benefit the community and it is in the best interest of the City to authorize the City Manager and City Law Director to sign the contract on behalf of the City.

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)

EXHIBIT "A"

# CONTRACT

Between

# THE CITY OF OXFORD

And

# THE OXFORD POLICE OFFICERS

January 1, 2008 - December 31, 2010

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ARTICLE XXIV - Modification ..... 20

This agreement, made and entered into on the 1st day of January, 2008, in the City of Oxford, County of Butler, State of Ohio, by and between the City of Oxford, hereinafter called "City" and the Fraternal Order of Police, Lodge 38, hereinafter called "Police", has as its purpose the promotion of harmonious relations between the City and the Police, the formalization of the complete agreement between them on all matters pertaining to wages, hours, or terms and other conditions of employment, and the establishment of an equitable and peaceful procedure for the resolution of differences which may arise concerning those matters.

The parties hereto agree that each has had full and unrestricted right and opportunity to make, advance and discuss all matters properly within the province of collective bargaining. It is expressly understood that all matters not included in this agreement are by intention and design specifically excluded and fall, for the life of this agreement, within the powers, duties and responsibilities of the City. This agreement constitutes the full and complete agreement of the parties and there are no others, either oral, written, or by custom except those as herein expressly contained. Therefore, the Police and the City, for the life of this agreement, each voluntarily and unqualifiedly waive the right, and each agrees that the other shall not be obligated to bargain collectively with respect to any subject or matter referred to or covered in this agreement, or with respect to any subject or matter not specifically referred to or covered in this agreement, even though such subject or matter may not have been within the knowledge or contemplation of either or both of the parties at the time that they negotiated and signed this agreement. Each of the parties to this agreement, for the term of this agreement, specifically waives the right to demand or request changes herein, whether or not the subjects were known to the parties at the time of execution hereof as proper subjects for collective bargaining and it is agreed that the City shall not be subject to provide additional wages, compensation, fringe benefits, or emoluments of any kind beyond that which is specified in this agreement.

## ARTICLE I
## Recognition

1. The Fraternal Order of Police, Lodge 38, is recognized as the exclusive representative for collective bargaining purposes for all full-time sworn police officers below the rank of sergeant as established by certification, as amended, granted by the State of Ohio State Employment Relations Board, dated May 17, 1984, more specifically referred to as Case No. 84-VR-04-0454. The term "Police" when used in this agreement refers only to those employees, individually and collectively, included within that certification.

2. The bargaining unit also excludes part-time officers hired by the City who shall be certified peace officers to act as a law enforcement officers. Provided, however, that City expenditures for such part-time officers does not exceed $100,000 per year and such individuals are not used to replace full-time bargaining unit officers for purposes of overtime on said full-time officers' regular schedule.

## ARTICLE II
## Dues Deduction

The City agrees to deduct and remit to the Police periodic dues, initiation fees, and assessments of members of FOP Lodge 38 upon presentation of written deduction authorization (see Appendix C) by the employee. It is agreed that the written deduction authorizations specified shall be irrevocable for the term of this agreement and that said authorizations shall stipulate that the same is irrevocable for the term of this agreement and that thereupon the City will treat the same as irrevocable during the term of this agreement irrespective of any attempts to negate said authorizations.

Should any member of the bargaining unit not become a member of FOP Lodge 38 within sixty (60) days of becoming a member of the bargaining unit, the City, upon written request and certification by the Police as to the facts, will deduct a fair share from said member's pay pursuant to and by virtue of the authority provided in the Ohio Collective Bargaining Law. The Police agree that any such fair share officer will be fully represented by the Police the same as if he or she were a member of the Police and will be entitled to attend and participate in meetings of the bargaining unit and will be entitled to vote on the contract with the City as well as any and all contract matters or provisions in the same manner as are members of the FOP Lodge 38.

The Police agree to indemnify and hold the City harmless against any and all claims and liability arising by virtue of its deduction from any Police Officer's pay made pursuant hereto and for disposition and use of deductions so made once they have been received by the Police.

## ARTICLE III
## Wages

The wage rates which shall be effective during the term of this agreement are set forth in Appendix A.

## ARTICLE IV
## Work Day and Work Period

1. The normal work day shall be ten (10) consecutive hours of work inclusive of a thirty (30) minute meal period, except that those officers assigned to special duty shall have a normal work day consisting of eight (8) consecutive hours of work inclusive of the thirty (30) minute meal period.

2. The normal work week shall be forty (40) hours per one week pay period.

3. A one week pay period begins at 7:00 a.m. on Monday and ends one hundred sixty eight (168) hours later.

4. A day begins at 7:00 a.m. and concludes twenty four (24) hours later.

5. While remaining on duty and in communication with the Dispatcher's office, a police officer shall be entitled to two separate twenty (20) minute breaks per work day while working a ten hour shift; officers working an eight hour shift shall be entitled to two separate fifteen (15) minute breaks per work day. Any officer requested to work beyond the end of his/her shift shall be entitled to a twenty (20) minute break if requested to work twelve (12) hours, or, should the officer be requested to work fourteen (14) hours, he/she shall be entitled to a thirty (30) minute meal period. Officers working other overtime shall be entitled to the following breaks: one fifteen (15) minute break if requested to work no less than four (4) hours; or one twenty (20) minute break if requested to work no less than five (5) hours; or one (30) minute meal period if requested to work no less than six (6) hours; or according to the normal schedule if requested to work a full eight (8) or ten (10) hour shift. Unless specifically approved by the shift supervisor, no two officers shall be on break at the same time. Before commencing a break, every officer shall notify the dispatcher of his/her intent and location and shall be subject to an order from the shift supervisor to return to duty. Upon completion of a break, the officer shall also notify the dispatcher.

6. Changes in an officer's work schedule when such officer is not being paid overtime therefore and when such change is not occasioned by sickness, funeral, injury, or attendance at schools, training sessions, lectures, meetings, jury duty or vacancy in the division wherein the City did not have thirty (30) days advance notice of said school, training session, lecture, meeting, jury duty or vacancy in the division or where the schedule change is occasioned by the cancellation of an officer's attendance at any school, training session, lecture, or meeting and the City desires to substitute and assign another officer to such school, training session, lecture, or meeting, shall require that thirty (30) days notice thereof be given to the affected officer. In order to assure the City's ability to comply with this Article, it shall be mandatory that an officer provide the City with written notice thirty-seven (37) days in advance of request for holiday time off, personal days, and compensatory time days off, unless the City does not reschedule another officer to work as a result of such request. Changes in an officer's work shift or working hours may be made with less than thirty (30) days notice by mutual agreement between the City (through the scheduling officer) and the affected officer(s).

7. Two police officers may exchange shift assignments with approval of the scheduling officer provided (1) both officers sign the shift trade agreement form in Appendix B; (2) each shift trade is scheduled in such a way that each officer is still scheduled for eighty (80) hours work within the two-week pay period described above; and (3) no officer may work more than six consecutive days through the use of shift trades.

8. Within 30 days of both parties accepting this contract, the City will provide a schedule through December 31, 2005. For subsequent contract years, the City will provide the schedule for the next calendar year by October 1st of the current calendar year. Nothing herein shall restrict the rights of the City to change the schedule in accordance with the terms of this contract and the law.

ARTICLE V
Overtime

1. Overtime is defined as any time worked in excess of forty (40) hours during any one week pay period, but excluding any excess hours spent on jury duty. When directed by his/her supervisor to work overtime, a police officer will be compensated for all such hours actually worked at a rate of one and one-half (1-1/2) times his/her normal rate. Compensation will be in the form of pay or compensatory time off at the option of the City. Work assignments shall not be offered based solely on the officer's acceptance of compensatory time off. Compensatory time shall be taken as additional vacation subject to the approval of the officer's supervisor; however, no officer shall be permitted to carry over more than forty (40) hours of compensatory time from one calendar year to the next calendar year. The overtime rate of pay is applicable to any hours worked in addition to the forty (40) hours of straight-time compensation for any one week pay period. Such straight-time compensation may include hours actually worked, paid leave or sick leave, holiday time, or vacation, or jury duty hours, or a combination of hours actually worked, paid leave and/or jury duty hours. Additional rules and restrictions on the accumulation and use of compensatory time shall be agreed by the parties' Labor Management Committee and approved by the City Manager.

2. An officer who is called to duty following the completion of his/her normal work day and three (3) or more hours prior to the commencement of his/her next normal work day shall receive a minimum of two (2) hours compensation for such call-in at one and one-half (1-1/2) times his/her normal rate.

3. An officer who is required to appear in Court to testify as a witness on behalf of the State or City in a State or City case or pursuant to a subpoena in a civil case by reason of his/her duties and actions as an Oxford police officer, if not on duty at such time, shall receive a minimum of three (3) hours compensation at one and one-half times his/her normal rate. Court appearances in civil cases resulting from special duty employment shall not qualify for compensation pursuant to this section.

An officer who is called for jury duty will be scheduled to work an eight-hour day shift for those days which the officer serves as a juror. The officer shall report for duty at the Oxford Police Headquarters to work those hours of any day shift which is not spent as a juror. An officer shall remit to the Finance Department any funds received for serving as a juror, except that the officer shall be allowed to retain mileage fees. No officer shall be paid for more than forty (40) hours per work week for time actually spent as a juror.

4. The working of overtime is mandatory. Where possible, the City will post available overtime in advance and fill slots from the work force on a volunteer basis. On occasions when it is not possible to post overtime in advance, the City will contact officers in an attempt to fill the slot on a volunteer basis. An officer shall have the right to tentatively refuse such overtime if he has personal plans and makes them known to the City. However, if the City is unable to fill a slot on a volunteer basis, the City will have the right to order an officer to work the required overtime.

5. Overtime will be allocated to officers in accordance with the following procedures:

A. Coverage for partial shift, i.e., 0300 to 0700 or 1700 to 2100:

1) Shift coverage overtime shall be offered to the officer(s) working the shift prior to the vacancy, being offered to the officer with the lowest overtime balance first.

2) If the officer(s) working the shift prior to the overtime decline the overtime, it shall be offered to the officer(s) working the shift immediately following the vacancy, being offered to the officer with the lowest overtime balance first.

3) If the above officers decline the overtime, then it shall be offered to officers not working, being offered to the officer with the lowest overtime balance first.

B. Coverage for an entire shift:

1) The shift shall be divided in half, with the first half being offered to the officer(s) working the shift prior to the vacancy, being offered to the officer with the lowest overtime balance first.

2) The second half of the shift will be offered to the officer(s) working the following shift, being offered to the officer with the lowest overtime balance first.

3) If the above officers decline the overtime, then it shall be offered to officers not working, being offered to the officer with the lowest overtime balance first.

4) In providing shift coverage, officers will not routinely work more than fifteen (15) consecutive hours.

C. Overtime balance:

The overtime balance referred to above shall be determined by the current sum of all overtime hours worked plus hours offered and declined; however, only shift coverage overtime hours will be included in the balance.

D. Special duty overtime hours (from sign-up sheets):

Special duty (i.e., north end, uptown walking, litter, etc.) overtime hours will be separate from shift coverage overtime, with a list showing a current balance for each officer, regardless of rank. Assignments will be made based on the current balances, picking the officer with the lowest balance first, then the second lowest, etc., until the detail is filled.

E. Call out overtime hours:

When specialized skills are required, the supervisor will determine who shall be called out.

F. Assignments:

1) The overtime balance sheets will be maintained for one calendar year. The overtime records will be maintained by computer in the Sergeant's office and available for officers to inspect upon request.

2) At the beginning of the calendar year, assignments will be based upon the officer(s) length of service, being offered to the officer with the longest tenure first.

3) If two officers have the same overtime balance, the overtime will be offered first to the officer with the longer length of service.

4) The word "offered" used in the above items means that the City has attempted in good faith to contact the appropriate officer either in person or by telephone but actual contact is not required. Messages will be left on recording machines, if available.

5) The above procedure shall not be required in an emergency situation.

6) All shift coverage overtime necessitated by the absence of a police officer will be offered to the police officers first before being offered to any supervisor.

## ARTICLE VI
## Shift Supervisor Pay

Whenever there is no shift supervisor on duty and the Chief, a lieutenant or a sergeant has assigned in writing a police officer to serve temporarily as acting shift supervisor, said police officer will be compensated at his/her normal rate of pay plus the amounts set forth below. To qualify for assignment as an acting shift supervisor, an officer must meet the eligibility requirements for the promotional exam for sergeant. Assignments will be made from a rotating list set up in order of seniority. When no such assignment is made no police officer shall have the responsibility of shift supervisor and there shall be no acting shift supervisor unless the above required written assignment has been made.

Effective January 1, 2002 - $2.05 per hour

## ARTICLE VII
## Holidays

For purposes of determining holiday pay, police shall be entitled to fourteen (14) paid holidays each year: Designated holidays are New Year's Day (January 1), Easter Sunday, Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25); undesignated holidays are the employee's birthday and six (6) personal absence days. Upon the approval of his/her supervisor, the employee on his/her birthday may take the day off or take it at a later date in the same year. Police officers scheduled to work on a designated holiday may with his/her supervisor's approval choose not to work on that holiday. Shift trades will be allowed on

designated holidays as long as the shifts being traded are during the same holiday. Those who work will be compensated at a rate of pay two and one-half (2-1/2) times their normal hourly rate, or they can receive pay at one and one half (1-1/2) times their normal hourly rate with, instead of the additional pay, an additional ten (10) hours of leave at a date to be used later.

Designated holidays not worked and undesignated holidays may be taken on any scheduled working day, not a designated holiday, with the approval of the employee's supervisor. Officers who generally work an eight (8) hour shift, and who are scheduled to work a ten (10) hour shift during a holiday week (but not the holiday) shall accrue the holiday at ten (10) hours. When an officer does not work a designated holiday, the officer may with approval take that holiday on a scheduled working day or may turn in the holiday for straight time (non-overtime) pay. Designated holiday hours turned in for pay shall not be added to the forty (40) hour work week for purposes of determining overtime. All holidays shall be used within one year of the date earned except that no officer shall lose holidays because his/her request for specific days off was not approved.

In addition, New Year's Eve and Christmas Eve shall be compensated at one and one-half (1-1/2) times the base rate for all hours actually worked. This provision applies only to officers actually working. Officers not working this holiday are not entitled to any additional compensation or time off.

## ARTICLE VIII
## Vacation

Police will be credited with accrued vacation annually on the anniversary date of their employment according to the following schedule:

| | |
|---|---|
| 1st thru 4th anniversary | 80 hours |
| 5th thru 9th anniversary | 120 hours |
| 10th thru 14th anniversary | 160 hours |
| 15th anniversary and subsequent | 200 hours |

Vacation credited but unused by the following anniversary date of the employee may be carried forward up to a maximum of four (4) working days or forty (40) hours, whichever is greater.
Any officer who is ordered to perform official duty during scheduled vacation shall be compensated at a rate of one and one-half (1-1/2) times his/her normal rate for any hours actually worked.

Prior to October 1 of any calendar year, an officer may turn in up to eighty (80) hours of accrued vacation for pay, provided that such officer has used at least forty (40) hours of vacation time in the preceding 52 week period. An officer planning to turn in vacation for pay shall notify the City in writing no later than September 15$^{th}$ of the current year. This declaration is non-binding, however, failure to submit said declaration renders an officer ineligible to turn in vacation for pay for the subsequent year.

## ARTICLE IX
## Leaves

1. Leaves of absence. A leave of absence without pay for a period of up to one (1) year may be granted upon approval of the City Manager. Return of the employee within the approved time period entitles the employee to reinstatement in the position held prior to the granting of the leave. Failure to return to work upon the termination of a leave of absence shall result in termination of employment. The City may require that any employee requesting leave under the provisions of the Family and Medical Leave Act of 1993 utilize accrued paid time off (vacation, personal or compensatory time off, and sick leave if a sickness is involved) before any non-paid time off shall be utilized. No benefits shall accrue during the period of the leave of absence, unless any such time is mutually designated Family Medical Leave time. During such 12 week period the City will provide health insurance coverage as required by law.

2. Funeral leave. Police will be permitted to use up to three (3) days funeral leave per calendar year for such time as may be reasonably needed for the purpose of attending the funeral of a member of his/her immediate family. After exhausting this annual allowance, an officer will be permitted to use up to two working weeks of his/her sick leave for such time as may be reasonably needed for the purpose of attending the funeral of a member of his/her immediate family. An officer shall not use more than a combined total of three (3) days funeral and/or sick leave for a single funeral, except for the death of a spouse or child. Immediate family shall be construed to mean spouse, child, parent, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, grandparent, spouse's grandparent or grandchild. Leave of absence without pay is allowed for other funerals when approved by the employee's supervisor.

3. Maternity Leave. Maternity leave shall consist of sick leave and/or vacation time, with pay, and/or leave of absence without pay. After the employee utilizes, for maternity purposes, all of her accrued sick leave and vacation leave, she will be placed on leave of absence without pay for a period not to exceed six (6) months. During such leave of absence the City will continue the employee's group health insurance at the expense of the employee if the employee requests unless such leave without pay is mutually designated as Family Medical Leave time where health insurance will be provided as required by law. Additional leave of absence without pay may be granted by the City Manager upon request, for good cause upon showing of unusual circumstances. If the City Manager has reason to believe that an employee is unable to fulfill her usual duties by reason of pregnancy, the City Manager may request in writing that the employee begin sick leave, vacation leave or leave of absence without pay at a date earlier than that selected by the employee. Benefits other than health insurance do not accrue during the period of leave of absence without pay.

## ARTICLE X
## Sick Leave and Recuperative Leave

1. Sick Leave. Police officers shall earn sick leave at a rate of ten (10) hours per month and may accumulate a maximum of 1200 hours. Sick leave is used to compensate the employee at his/her regular rate when absent due to the illness of the officer. Sick leave is also charged when an employee leaves work for any medical appointment. Sick leave may also be used as follows:

A. A police officer may use up to ten percent (10%) of his/her accumulated sick leave balance (as of January 1st each year) each year either for sickness in the immediate family requiring the employee's absence from work or for paternity leave arising from the birth of a child to his spouse, or a combination of both. Immediate family is defined as spouse or child of the officer, parent (including step-parent) of the officer, or any relative residing in the officer's household. A police officer shall not use more than ten percent (10%) of his/her accumulated sick leave as of January 1st in any one year for said purposes.

B. Sick leave may be used by an officer when an officer is unable to report to work due to a bonafide quarantine of a contagious condition afflicting a member of his/her household. The ten percent (10%) per year limit noted above shall not apply in such cases.

C. An officer may also use a day of sick leave when he/she cannot come to work due to snow conditions and when his/her supervisor has determined that snow conditions prevented the employee from reporting for work.

A police officer shall receive a bonus of three hundred ten dollars ($310.00) per calendar quarter if the officer uses no sick leave during that quarter. Use of any hours of sick leave will result in the officer receiving no payment for that quarter. Any officer who uses no sick leave for a calendar year shall receive an additional three hundred sixty dollars ($360.00). The police officer shall receive all such bonus payments at the end of each calendar quarter. Any payment shall reflect applicable federal, state and local withholdings. Sick leave used for recuperative leave as defined in paragraph C-2 (below) shall not be considered sick leave used for purposes of this paragraph. This sick leave incentive will be part of any Employer absentee control policy, whether or not such policy is part of this contract.

In case of illness, officers shall be allowed to use accrued compensatory time, vacation hours or holiday hours in the same manner as presently prescribed for use of sick leave.

2. Recuperative Leave. A police officer who is disabled to the extent that he/she cannot perform regular duties as a result of injury sustained in an identifiable incident while in the course of public employment with the City, not through his/her own negligence, after exhaustion of fifteen (15) days of the employee's accumulated sick leave, shall continue to receive for a period not to exceed one calendar year from that date an amount of compensation equivalent to his/her full salary less any and all funds or monies received from public or private agencies by way of pension, compensation, or indemnity for such disability. The police officer shall make application for "temporary total" disability compensation under the Workers' Compensation Law of Ohio, provided that where the disability is of a type or nature which will prevent the police officer from returning to full police duties, the employee shall (mandatory) apply for such available benefits of said funds or money that may accrue to him/her and be payable from the Police and Firemen's Disability and Pension Fund. The City Manager shall cause the employee to be examined by a physician of the City's choice to determine the extent of the disability and may require subsequent examinations during the period of disability. In no case will the City pay a recuperative leave allowance for any period of time in excess of the "temporary total" disability time as determined and awarded by the Ohio Bureau of Workers' Compensation. For purposes of

eligibility for the Sick Leave Bonus in paragraph 1C, above, the use of sick leave for recuperative leave purposes as set forth in that paragraph shall not act to disqualify an employee who is otherwise eligible for a sick leave bonus.

3. Reinstatement. An employee absent from work because of any service connected occupational illness or injury as determined by the Ohio Industrial Commission shall be entitled to reinstatement at the same rate of pay received prior to the date of such illness or injury plus any contractual increases upon approval of his/her application to return to work.

## ARTICLE XI
## Life and Health Insurance

1. Life Insurance. The City will provide, at no cost to the police, group life insurance coverage on each officer in an amount equal to one and one-half (1-1/2) times the officer's annual base salary. In addition, eligible officers may contract with the City's insurance carrier for additional units of life insurance at the expense of the officer and at no cost to the City.

2. Health Insurance.

A. Effective January 1, 2005, the employee will contribute ten percent (10%) of the annual premium cost of health insurance due and owing provided the employee by the City. The amount contributed shall be withheld from employee's bi-weekly paycheck.

B. The City agrees to establish a health insurance advisory committee to annually review the health insurance coverage for full-time employees of the City. The committee shall be composed of: one police officer below the rank of sergeant, one sergeant or lieutenant, one non-sworn employee of the police division, one water division employee, one wastewater division employee, one streets division employee, one recreation department employee, one Municipal Building employee not employed in the Police Division, and one administrative officer of the City.

C. The committee shall review coverage and advise the City Manager on coverage issues with the goal of limiting the cost of the health insurance plan to the City's monthly contribution rate.

D. A majority of those appointed shall constitute a quorum and all votes shall require a majority of the committee membership to pass any proposal. It is the intent that all City employees have a voice in the health insurance afforded them and the Health Insurance Committee shall work to this end.

3. Other Insurance Coverage. Police officers may purchase, through payroll deduction, other insurance coverage as may be made available to police officers by the City through the mutual agreement of the City and the Police.

## ARTICLE XII
## Longevity Pay

Police officers shall receive longevity pay each year, based on his/her anniversary date, according to the following schedule:

Effective January 1, 2005:

| | | |
|---|---|---|
| 5th anniversary - $475 | 13th anniversary - $675 | 22nd anniversary - $900 |
| 6th anniversary - $500 | 14th anniversary - $700 | 23rd anniversary - $925 |
| 7th anniversary - $525 | 15th anniversary - $725 | 24th anniversary - $950 |
| 8th anniversary - $550 | 16th anniversary - $750 | 25th anniversary - $975 |
| 9th anniversary - $575 | 17th anniversary - $775 | 26th anniversary - $1,000 |
| 10th anniversary - $600 | 18th anniversary - $800 | 27th anniversary - $1,025 |
| 11th anniversary - $625 | 19th anniversary - $825 | 28th anniversary - $1,050 |
| 12th anniversary - $650 | 20th anniversary - $850 | 29th anniversary - $1,075 |
| | 21st anniversary - $875 | 30th anniversary - $1,100 |

Effective January 1, 2003 and each year thereafter, the longevity pay shall be rolled into the base rate of pay.

## ARTICLE XIII
## Uniforms

1. If the City should decide to change all or part of the standard uniform, the City will purchase the initial annual supply of new items for each officer except when the change in the uniform was made at the request of the police officers. At the fifth (5th) anniversary of such uniform change, all previously issued styles and types of uniforms shall be considered obsolete and no longer acceptable as part of the standard uniform.

2. Effective January 1, 2005, the officers will receive a uniform and cleaning allowance of seven hundred fifty dollars ($750.00) for each year of this contract. The police officer permanently assigned as Detective shall receive an additional one hundred and fifty dollars ($150.00) for each year of this contract.

3. Special assignment such as motorcycle, bike, and equine patrol will be supplied uniforms on a replacement basis for required items as approved by the Chief of Police.

4. On a one-time basis, in addition to the allowance set forth above, in paragraph 2, officers shall receive a two hundred fifty dollar ($250.00) additional allowance payable on or before May 1, 2008. In addition, all officers shall be required to report for duty in current black uniforms by July 1, 2008.

## ARTICLE XIV
## Training Reimbursement

A "training day" is defined as a work day or part of a work day during which an officer is scheduled to attend a law enforcement training program and the officer is not responsible for routine calls.

1. The expenses for permanent, full-time police officers who are required, or requested, by the City to attend training programs, schools, or other instructional programs shall be reimbursed by the City as follows:

A. Registration fees or tuition.

B. Costs of lodging, meals and mileage shall be at the same terms and conditions as other City employees as set forth in the City of Oxford Travel Policy or as otherwise set by ordinance.

2. For training day(s) outside the City and Oxford Township, the City will attempt to schedule a police officer so that attendance at such training as well as related travel time will coincide with the officer's normal work week. When total travel time and instructional time (in combination with regular hours worked if applicable) will exceed forty (40) hours in a one week pay period, police officers may request approval of the Police Chief for compensation for all such excess hours. Compensation will be in the form of scheduled time off or pay, at the police officer's base rate of pay, at the option of the Police Chief. The following rules will apply to compensation for training time:

A. If an officer is assigned to attend training during a one-week pay period, he will be compensated for a minimum of forty (40) hours provided regular hours worked, travel time, and instructional time total a minimum of thirty-five (35) hours.

B. When an officer attends training which overlaps two one-week pay periods, the officer will be compensated for a total of forty (40) hours each week provided the average total of regular hours worked, travel time, and instructional time for each of those weeks is a minimum of thirty-five (35) hours.

C. In reviewing requests for compensation of hours in excess of forty (40) hours in a one-week pay period as provided above, the Police Chief shall not approve such request if the average number of hours per pay period, including regular hours, travel time, and instructional time, for two or more pay periods affected by the training will not exceed forty (40) hours.

D. The actual time designated as meal period during training shall not be counted as hours worked.

E. Study time necessitated by an officer's attendance at training shall not be counted as hours worked.

3. For training day(s) (including in-service or range training) within the city or Oxford Township, normal compensation rules apply. Officers shall work a combination of regular hours plus instructional hours equal to their normal work day, either eight (8) hours or ten (10) hours. Officers working in excess of their normal hours on this type of training day shall be entitled to overtime.

## ARTICLE XV
## Grievance Procedure

1. Scope of Grievance Procedure.

The purpose of this grievance procedure is to establish effective machinery for the fair, expeditious and orderly adjustment of grievances in the Oxford Police Department. A grievance is a complaint involving the alleged violation, misinterpretation or misapplication of the terms of this written agreement. The following matters shall not constitute a grievance under the provisions of this procedure:

A. The interpretation, application or enforcement of Federal or State Law; or the City Charter, an ordinance, personnel policy or departmental regulation.

B. Unsafe or unhealthy working conditions.

C. Arbitrary, unreasonable, or inconsistent working conditions.

2. Representation, Class Grievances.

A grievance may be brought under this procedure by one or more grieving officers. The grieving officer may, at Steps 1 and 2 below, bring a grievance representative. The representative selected by the grieving officer(s) may consist of any of the following persons:

A. An official of the Fraternal Order of Police.
B. A delegate of the Fraternal Order of Police.
C. An attorney of the grieving officer's choice.
D. Any other person of the grieving officer's choice.

Any grievance brought by one or more officers that affects all officers shall be submitted directly to the Chief at Step One.

3. Time Limitations.

The grieving officer shall bring the grievance to his/her immediate supervisor at Step One below, within two (2) working days of its occurrence; or if at the time the officer is unaware of the grievance, within two (2) working days of his/her knowledge of its occurrence. A grievance not brought within the time limits prescribed for every step, shall not be considered timely and shall

be void. The City's failure to respond to a grievance within the specified time limits shall automatically forward the grievance to the next higher step. Failure to appeal a decision within the specified time limits shall be deemed an acceptance of the decision. Time limit extensions beyond those stipulated in this agreement may be established by mutual agreement of the parties concerned.

For purposes of grievance filing times, immediate supervisor shall mean the highest ranking officer who is working at the time the grievance is filed. In the event that a grievance is filed with a lieutenant, a sergeant or officer of lesser rank under this section, the lieutenant, sergeant or such officer shall transmit the grievance to the Chief of Police or, in the absence of the Chief, to the day shift lieutenant to be processed pursuant to Step One below. The Chief of Police shall have five (5) days after his/her receipt of the grievance to rule in accordance with Step One below.

4. Steps.

Step One. The grieving officer shall submit the grievance in writing on a form provided by the City (see Appendix D) to the Chief of Police within two (2) working days as outlined above. The written grievance at this step and all steps thereafter, shall contain the following information: (1) a statement of the grievance; (2) the facts upon which it is based; (3) the remedy or adjustment sought; and (4) the signature of the grieving officer. The Chief of Police shall meet with the grieving officer(s) within five working days of the Chief's actual receipt of the written grievance. The Chief of Police shall respond in writing to this grievance within five (5) working days of said meeting. The written response at this Step, and management responses at all steps thereafter, shall contain the following information: (1) an analysis of the facts upon which the grievance is based; (2) an analysis of the validity of the grievance; (3) the remedy or adjustment, if any, to be made; and (4) the signature of the appropriate management representative. The Chief of Police shall retain one copy of the grievance and disposition and forward one copy to the City Manager and one copy to the grieving officer.

Step Two. Should the grieving officer not be satisfied with the response he or she received in Step One within three (3) working days after his/her receipt thereof, the grieving officer may submit the written statement of the grievance prepared for Step One to the City Manager and request a meeting with the City Manager. Upon receipt of the grievance, the City Manager will schedule a meeting to be held within twenty (20) working days of his/her receipt of the request. Upon completion of such meeting, the City Manager shall determine whether the Step One response is consistent with this agreement. The City Manager shall render his/her decision thereon in writing within twenty (20) working days after his/her meeting with the grieving officer. If the City Manager does not render a decision in writing within twenty (20) working days as required and the cost to the City for the remedy or adjustment sought is less than one hundred dollars ($100.00), the grievance will be considered decided in favor of the grieving officer. Such a default will not be binding on either party as to future grievances.

Step Three. This provision for binding arbitration shall be in lieu of any other recourse, including court action, and neither the City nor the FOP Lodge 38 nor any member thereof shall

be entitled to file any court action relative to a grievance and binding arbitration is mandatory, subject to the approval of FOP Lodge 38, and any right to court action is expressly waived. However, arbitration awards and/or decisions are subject to court action.

If the grievance is not settled at Step Two, the matter shall be submitted to binding arbitration or the Manager's decision shall become final. A request for arbitration shall be made by either party to the other within ten (10) working days following the decision of the City Manager.

If the parties fail to agree on an arbitrator, the parties shall jointly contact the Arbitration and Mediation Service of Cincinnati, Ohio within ten (10) working days after the request to obtain a list of seven (7) arbitrators who maintain offices within 125 miles of Oxford, Ohio from which the parties shall select within ten (10) working days after receipt of the list, by the method of ranking and striking names off the list, an arbitrator. The arbitrator shall have no power to add to or subtract from any terms of this agreement. The decision of the arbitrator shall be final and binding upon the parties hereto. The costs and expenses of the arbitration shall be paid equally by the City and FOP Lodge 38. Arbitration shall commence within thirty (30) working days after selection of an arbitrator.

No individual member of FOP Lodge 38 shall have the right to invoke the arbitration procedure without the consent of FOP Lodge 38 and if such consent is refused, the member shall have no further recourse to, or against, FOP Lodge 38 or the City.

## ARTICLE XVI
## Special Duty Employments

Police officers may work for private employers during off-duty hours while wearing City of Oxford uniforms and using City supplied equipment provided permission has been obtained from the Police Chief. Hours worked for private employers during off-duty hours shall not be included in determining eligibility for overtime pay or any other City benefits, rights, or privileges. A procedure developed by FOP Lodge 38, and approved by the Police Chief will be used for handling requests from private employers for off-duty employment opportunities.

1. Private employers requesting off-duty police officers for special duty employments will pay an officer $35.00 per hour with a three hour minimum, or such rate as may be established from time to time by the Police Officers, with the approval of the Police Chief.

2. The administration of this procedure will be handled through FOP Lodge 38. An officer will be notified of his assignment to an off-duty employment on a form provided by the FOP and all other details will be the responsibility of FOP Lodge 38.

3. The police officers agree to lieutenants and sergeants participating with them in special duty employment and the procedure and methods adopted shall be consistent with this purpose.

4. An officer who is called out from a special duty assignment shall have the right to submit a written request to the Police Chief for a written explanation and justification of that decision.

## ARTICLE XVII
## Professional Liability Insurance

The City will provide, at no cost to the police, professional liability insurance equivalent to the City's current plan, provided that such a policy is readily available to Ohio municipalities at a reasonable price. Such a policy shall only be obtained from an insurance company authorized to do business in the State of Ohio.

## ARTICLE XVIII
## Investigation of Officers

1. The parties recognize that the City has the right to expect a professional standard of conduct be adhered to by all police officers and, pursuant to the Charter, to investigate complaints or charges made by officials, officers or citizens. Internal investigations will be undertaken to inquire into any alleged misconduct of police officers at the sole discretion of the City. Standards of conduct and performance will be as prescribed by the Police Manual of Procedure prepared by, and revised from time to time by, the City. Reports of internal investigations of allegations of misconduct in which no further action is taken as a result of such investigation will be filed in a limited access file to which, and to the extent provided by law, only the City Manager, Chief of Police, Law Director, or the police officer investigated will have access for a period of two years. Final results of such investigation shall also be made available to the Complainant. After such two-year period, the reports will be destroyed, consistent with existing laws. Discipline and disciplinary procedures are expressly reserved to the City as management rights, are not negotiable and are not a subject of this contract.

2. Any time any individual, including but not limited to, a member of the general public, or an employee, agent or officer of the City of Oxford, makes a complaint about a police officer, said complaint shall be in writing, signed by the individual making the complaint, before a notary public or other person authorized by law to administer oaths. The form for the complaint shall specifically inform the individual making the complaint that he or she shall be subject to the penalties provided in Section 2921.13 for Falsification. Said complaint shall be forwarded to the Chief of Police who shall, if necessary, undertake an investigation. Said investigation shall proceed by the Chief of Police appointing an officer or officers or other agents as the City deems necessary. Any officer being investigated, before he is required to answer any questions or make any response in writing, shall be allowed to examine a copy of the complaint and to consult with a representative of his choosing. No disciplinary action will be taken based on charges not included in the written complaint. At the end of said investigation the Chief of Police shall issue a written report concerning the findings of the investigation, and give a copy of said report to the officer.

3. No officer ordered to investigate another officer shall be disciplined for the conduct of that investigation absent fraud or intentional misconduct by the investigating officer. The parties recognize that the City has the right to expect a professional standard of conduct be adhered to by all police officers. Internal investigations will be undertaken to inquire into any alleged misconduct of police officers at the sole discretion of the City. Standards of conduct and performance will be as prescribed by the Police Manual of Procedure prepared by, and revised

from time to time by, the City. Reports of internal investigations of allegations of misconduct in which no further action is taken as a result of such investigation will be filed in a limited access file to which only the City Manager, Chief of Police, Law Director, or the police officer investigated will have access for a period of two years. After such two-year period, the reports will be destroyed, consistent with existing law. Discipline and disciplinary procedures are expressly reserved to the City as management rights, are not negotiable and are not a subject of this contract.

4. The parties are agreed that during the term of this Agreement the above three paragraphs will be submitted to the parties' Labor Management Committee for the purpose of study and refinement consistent with the study and recommendation of the International Association of the Chiefs of Police submitted to the City of Oxford titled *Policing Oxford in the Twenty First Century.*

## ARTICLE XIX
## Labor Management Committee

In the interest of furthering harmonious relations, a joint committee of not more than six (6) members, half from management and half from the police officers, will convene at least once every six (6) months, but not more than once per month, for purposes of discussing work related issues. Management members shall be selected by management and police members shall be selected by the police officers. Such meetings shall be arranged in advance and will convene at a time convenient to both parties but not later than ten (10) calendar days from the date a request for such meeting is made.

Such meetings shall be advisory, discretionary, non-binding, and not subject to the provisions of the grievance procedure. An agenda of items for discussion will be submitted at the time the conference is requested. Additional matters may be introduced by either side during such meetings. Either party may terminate a meeting at any time.

Police officers in attendance at such meetings will not be paid for time so spent, but insofar as possible meetings will be scheduled when designated police representatives are not on duty.

## ARTICLE XX
## Miscellaneous Provisions

1. Off-Duty Employment. An officer may request to engage in off-duty employment by submitting a written request to the Chief of Police in person prior to engaging in such employment. Failure of the Chief to respond within five working days of, but excluding, the date received will constitute approval of the request. Denial of such a request shall be subject to the contract grievance procedure.

2. Residence. All officers shall reside within a twenty (20) mile radius of the Oxford Police Headquarters. This limitation shall not preclude any residence within Butler County, Ohio. For purposes of encouraging employees to reside within the corporate limits of Oxford, Ohio, the City, with the agreement of the Union, may offer financial incentives such as a daycare subsidy,

free parking, and a free recreation program admittance to employees who relocate or reside within the corporate limits of the City of Oxford.

3. Quotas. The City agrees not to adopt a quota system. This provision in no way restricts the City's right to evaluate the productivity of police officers.

4. Tuition. The City will reimburse a police officer for fifty percent (50%) of the actual costs of required books, tuition and course-related fees provided the officer receives a final grade of no less than "B" or "Pass" in a course graded only on a "Pass-Fail" basis. An officer who receives a final grade of "A" will receive full reimbursement for books, tuition and course related materials. If funds are completely depleted, the City will place one thousand dollars ($1,000.00) in a fund for each contract year. The City will issue such reimbursement within fourteen (14) calendar days of receipt of proof of grade and itemized receipts for required books, tuition and fees. All courses must be approved in advance, in writing, by the City Manager. Only job related course work and major fields of study may receive this benefit.

5. Weapon and Badge. Upon service retirement with at least fifteen (15) years of service with the City of Oxford, the City will give the retiring police officer his/her duty weapon and two uniform badges.

6. Light Duty. In the sole discretion of the Chief of Police, an officer whose physical/medical condition prevents him/her from performing his/her normal work assignments may be re-assigned to "light-duty" by the Chief of Police. The decision of the Chief shall not be grievable.

7. Assignments. To be eligible for assignment as a juvenile officer or detective, a police officer must meet the eligibility requirements for the promotional exam to the rank of sergeant and must have achieved an average or above average overall rating on his/her most recent performance evaluation. The Chief shall make these assignments in his sole discretion.

8. Discipline Review Committee. The City recognizes the right of the F.O.P. Lodge #38 to create a Discipline Review Committee. Whenever F.O.P. Lodge #38 feels that a disciplinary action taken by the City should be reviewed by a committee of the disciplined officer's peers (i.e., members of the same bargaining unit), the City, upon receipt of a signed release from the disciplined officer, agrees to provide to such a committee of three (3) peers (one bargaining unit member selected by the FOP President, one selected by the Chief and the remaining member to be selected by the first two members of the peer review committee) access to the investigative file used as a basis for the disciplinary action. After reviewing the file, the committee shall issue its comments in a report to the Chief of Police and City Manager. Meetings of such committees and the preparation of such reports shall be conducted during off-duty time of the officers participating. Nothing in this paragraph shall restrict the City's right to take disciplinary action against any officer at any time. Further, the provisions of this paragraph are in no way intended to restrict the disciplined officer's rights to due process either under this contract or any other applicable laws, rules or regulations.

9. FMLA and ADA. Nothing in this Agreement will be used or construed to prevent or inhibit the Employer from complying with the provisions of the Americans With Disabilities Act (ADA) or the Family Medical Leave Act (FMLA).

10. After two years, a written reprimand shall be of no force and effect for purposes of discipline, provided no intervening discipline has occurred. Such documentation will be removed from the personnel file in accordance with law.

## ARTICLE XXI
## Term of Agreement

This agreement shall commence January 1, 2008, and shall continue in full force and effect until December 31, 2010, after which it shall continue in full force and effect from year to year thereafter unless written notice is given by one party to the other in accordance with applicable provisions of the Ohio Revised Code that a party desires to renegotiate this agreement.

## ARTICLE XXII
## Management Rights

The management and direction of the affairs of the City are retained by the City. This includes, but is not limited to: the selection, transfer, assignment and layoff of employees, the termination of probationary employees, the termination for just cause of other employees; the making, amending and enforcing of work rules and regulations; the disciplining of employees; the securing of revenues of the City; the exercise of all functions of government granted to the City by the constitution and the statutes of the State of Ohio and the City Charter and Ordinances; the determination from time to time as to what services the City shall perform; the establishment or continuation of policies, practices, or procedures for the conduct of its affairs and, from time to time, as to what services the City shall perform; the changing or abolition of such procedures; the determination of the number of hours per day or week any operation may be carried on; the selection and determination of the number of employees required; the establishment and changing of work schedules and assignments; the contracting for the performance of such work as the City determines advisable and the taking of such other measures as the City and/or management may determine to be necessary for the orderly and efficient operation of the City; and the determination of the size and composition of the work force. The City retains all rights except to the extent this agreement specifically and expressly provides to the contrary. The City will not use this section to contravene rights granted by this agreement to members of the bargaining unit individually or collectively.

## ARTICLE XXIII
## No Strike

Neither the Fraternal Order of Police nor any member of the bargaining unit included in this contract shall take part in, cause, or aid in any strike, slowdown, picketing or any other interference with the operations of the City during the term of this agreement. "Strike" means

concerted action in failing to report to duty, willful absence from one's position, stoppage of work, slowdown, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment. In addition to other rights and remedies prescribed by law, the City shall have the right to discharge or otherwise discipline any employee violating this section, in accordance with Civil Service rules and regulations.

If there is any violation of this section, the Fraternal Order of Police together with its officers and agents, shall publicly denounce said violation, disclaim approval, order those taking part in such violation to return to work immediately.

## ARTICLE XXIV
## Modification

The provisions of this agreement shall be conclusive as to all bargainable matters relating to wages, hours of work, and working conditions. Therefore, the City and the Police for the term of this agreement each agree that the other shall not be obligated to bargain collectively with respect to any subject matter referred to or governed by this agreement unless the City and the Police mutually agree to alter, amend, supplement, enlarge or modify any of its provisions.

Should any provision of the agreement be found to be illegal or unenforceable by a court of competent jurisdiction, all other provisions of this agreement shall remain in full force and effect for the duration of this agreement.

IN WITNESS WHEREOF, the parties hereto have caused their names to be subscribed by their authorized representatives.

Fraternal Order of Police,
Lodge 38

President

Secretary

Labor Representative

Labor Representative

City of Oxford

City Manager

Law Director

Special Labor Counsel, Frost Brown Todd LLC

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Original on file City of Oxford HR Department

APPENDIX A
WAGE SCHEDULE

Officers will be paid biweekly in accordance with the following schedule:

ALL PATROL OFFICERS WITH 36 MONTHS SERVICE IN POSITION

For those calendar years beginning January 1, 2008 and 2009 the salary of current patrol officers will be increased by 3.5% each year. For the year beginning January 1, 2010 the salary of current patrol officers shall be the cost of living increase given to employees not under a collective bargaining agreement and that amount by which the salary of current patrol officers are under the average salary of the following police departments. The salary of the six departments shall be the base salary as determined on 12/1/09 paid to the most senior patrol officer in the six departments on January 1, 2010 as published in an executed collective bargaining agreement for that jurisdiction. If the wage increase number is not so published or known as of December 1, 2009, then the effective salary shall be the wage paid to the most senior officer in that jurisdiction on December 1, 2009. The six departments follow:

1. City of Hamilton Police Department
2. West Chester Township Police Department
3. Butler County Sheriff's Department
4. City of Middletown Police Department
5. City of Trenton Police Department
6. Fairfield Township Police Department

On January 1, 2010, after adding the cost of living increase granted to City employees not in a bargaining unit to the patrol officer's 2009 salary, the resulting sum shall be compared to the average salary calculated. If the average salary is greater than the amount the patrol officers are to be paid after including the cost of living increase, than an amount sufficient to increase their salary to the average amount will be added to their base wage amount. This amount together with the cost of living increase granted cannot exceed a total of five percent (5%) of the base wage paid the prior year. The same formula shall be implemented in following years.

ALL PATROL OFFICERS WITH LESS THAN 36 MONTHS SERVICE DURING CONTRACT

| | |
|---|---|
| Starting Salary | 85% of applicable rate above |
| With 6 Mos. Service | 87.5% of applicable rate above |
| With 12 Mos. Service | 90% of applicable rate above |
| With 18 Mos. Service | 92.5% of applicable rate above |
| With 24 Mos. Service | 95% of applicable rate above |
| With 30 Mos. Service | 97.5% of applicable rate above |
| With 36 Mos. Service | 100% of applicable rate above |

P.F.D.P.F. "PICK-UP" PLAN

During the term of the contract, the City and the Police Officers will maintain the I.R.S. approved "pick-up" plan to exclude employee pension fund contributions from taxable income.

MERIT PAY

If the City maintains a merit pay plan for other City employees after January 1, 2002, Police Officers will be eligible for merit pay raises recommended by the Police Chief and approved by the City Managers. If, for economic reasons, merit pay increases are not given or available to other City employees, Police Officers will not be eligible for merit raises during this same period of time. Performance standards for merit pay purposes may be recommended by the Labor Management Committee to the Police Chief. Merit pay issues are not subject to the grievance or arbitration procedures of this Agreement.

SHIFT DIFFERENTIAL

During the period of the contract, Police Officers working 1700 to 0700 hours will receive shift differential pay in the amount of 50 cents per hour. Commencing January 1, 2003 the permanently assigned detective shall be paid the shift differential of two hundred and thirty dollars ($230.00) rolled into his base pay.

APPENDIX B

REQUEST FOR PERMISSION TO TRADE
SHIFT ASSIGNMENTS BETWEEN OFFICERS

The undersigned officers hereby request written permission and authorization to trade shift assignments as set forth below with the express understanding that no overtime will accrue to either officer as a result of said trade of assignments. In order to induce the City to authorize this request, each of the undersigned officers hereby expressly waives any right to overtime as a result of said shift trade and understands that each officer will be paid on the same basis as he or she would have been paid had his or her regular shift been worked. We understand, and consent to, the payrolls being calculated and paid just as if no shift trade had taken place.

| | |
|---|---|
| Officer #1,_____, (Name) | Officer #2,_____, (Name) |
| desires to work from _____ (Time) | desires to work from _____ (Time) |
| to _____ (Time) on _____ (Date) | to _____ (Time) on _____ (Date) |
| for Officer #2 | for Officer #1. |

SO AGREED AND REQUESTED BY:

_____
Signature - Officer #1

_____
Signature - Officer #2

The above shift assignment trade is hereby:

_____ Authorized and approved _____ Not authorized and disapproved

_____
Scheduling Officer

APPENDIX C

PAYROLL DEDUCTION AUTHORIZATION

The undersigned hereby authorizes the City of Oxford to deduct from his or her payroll checks such sums as are requested by the President and the Secretary of F.O.P. Lodge #38 in writing and representing dues, and/or initiation fees, and/or assessments, due to F.O.P. Lodge #38 from the undersigned. This authorization shall be effective from January 1, 2005, and shall continue in full force and effect until December 31, 2007, and once signed and submitted to the City of Oxford by the undersigned shall be irrevocable. The undersigned further agrees that the City may deduct the amount or amounts requested by F.O.P. Lodge #38 and may make said deductions in the time and manner requested by F.O.P. Lodge #38 and that any further complaint as to the amount or manner of deductions shall be resolved between the undersigned and F.O.P. Lodge #38. This authorization is made pursuant to Article II of the Contract between the City of Oxford and the Oxford Police Officers and that the amounts deducted hereunder shall be remitted by the City to F.O.P. Lodge #38.

_____

Signature of Police Officer

Dated:_____

APPENDIX D

GRIEVANCE SUBMITTAL

STATEMENT OF GRIEVANCE: _____

_____

_____

_____

PERTINENT FACTS: _____

_____

_____

_____

_____

_____

REMEDY OR ADJUSTMENT SOUGHT: _____

_____

_____

_____

Signature of Grieving Officer: _____

Date of Step One Submittal: _____

Date of Step Two Submittal: _____
(Note: Step Two Submittal must include Step One Response.)

Date of Step Three Submittal: _____
(Note: Step Three Submittal must include official consent to arbitrate signed by appropriate officials of FOP Lodge 38.)

If additional space is necessary, please attach additional sheets.

# CITY OF OXFORD
# STAFF SUMMARY REPORT

**Report to the City Manager**

Clerk of Council
**Originating Department**

**Council Meeting Of:** June 3, 2008

Donna Heck
**Prepared By**

**Account Code No. #:** N/A

**Budgeted Amount:** N/A

May 29, 2008
**Date Prepared**

**Agenda Title:** Resolution approving the contract between the City of Oxford, Ohio and the Oxford Police Officers, Fraternal Order of Police, Lodge 164 and authorizing the City Manager and City Law Director to sign the contract on behalf of the City.

**Recommendation:** Approval.

**Discussion:** January 1, 2008 marked the end of the existing contract between the City and the Fraternal Order of Police, Lodge 164.

Negotiations have been completed and approval of this Resolution will authorize the City Manager and Law Director to sign the recommended contract, the term of which is three years.

**Approved By:**

| | Initial | Date |
|---|---|---|
| **Department Head:** | | \ |
| **City Attorney:** | | \ |
| **City Manager:** | | \ |

**RESOLUTION NO.**

A RESOLUTION APPROVING THE CONTRACT BETWEEN THE CITY OF OXFORD, OHIO AND THE OXFORD POLICE OFFICERS, FRATERNAL ORDER OF POLICE, LODGE 164 AND AUTHORIZING THE CITY MANAGER AND CITY LAW DIRECTOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY.

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

SECTION 1: The City Manager and Chief of Police recommend Council authorize the City Manager and City Law Director to sign on behalf of the City the Contract referred to in substantially the same form as Exhibit "A" ("Contract") with the Oxford Police Officers, Fraternal Order of Police, Lodge 164. The purpose of this Contract is to achieve a mutual agreement and understanding between the aforementioned parties and to establish written protocol for harmonious relations between the parties. The term of this Contract is for three (3) years from January 1, 2008 through December 31, 2010.

SECTION 2: Council hereby accepts the recommendation and approves the contract finding that the contract will benefit the community and it is in the best interest of the City to authorize the City Manager and City Law Director to sign the contract on behalf of the City.

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: Doug Elliott, Jr.** *Police*
**Originating Department**

**Council Meeting Of: June 3, 2008**

**Account Code No. #: N/A** *Steve Schwein*
**Prepared By**

**Budgeted Amount: N/A** **May 21, 2008**
**Date Prepared**

**Agenda Title: Resolution to destroy items held by the Oxford Police Department that have no evidentiary or monetary value.**

**Recommendation: Approve**

**Discussion:** The attached list of property is being held by the Division of Police. The list consists of items including but not limited to alcoholic beverages, drug paraphernalia, evidentiary kits and other items confiscated as a result of usual and customary police activities. No item listed is necessary for evidentiary use nor is it of monetary value to be auctioned by the City of Oxford.

The Chief of Police requests authorization to specify a date at which time, in the presence of the Finance Director and Property Officer, the items listed may be correctly disposed of.

**Approved By:**

| | Initial | Date |
|---|---|---|
| **Department Head:** | SDS | 5/21/8 |
| **City Attorney:** | | |
| **City Manager:** | | |

**RESOLUTION NO.**

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE AND FINANCE DIRECTOR TO DISPOSE OF CONTRABAND NO LONGER NEEDED AS EVIDENCE.

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

SECTION 1: The Chief of Police in the presence of the Finance Director is hereby authorized to dispose of the contraband set forth on Exhibit "A" attached hereto and incorporated herein, consisting of alcoholic beverages and other items confiscated as a result of usual and customary police activities and for which there is no value to the City in retaining same.

SECTION 2: 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)

EXHIBIT "A"

# Memo

To: Chief S. Schwein
From: Property Officer Ron Brooks
Property Technician Mike O'Leary
Subject: Property to be Destroyed
Date: 21 May 2008

Sir,

All of the following properties are no longer needed for purposes of evidence and those items turned in as found property have not been claimed and have no value. All attempts to contact owners were made. We request authorization to destroy these items.

| | |
|---|---|
| 10739 | Miami Univ. ID card (unclaimed) |
| 10865 | Ohio driver's license (unclaimed) |
| | |
| 1983-636 | 2 bags clothing articles and sexual assault exam kit |
| 1983-637 | 2 bags clothing articles and sexual assault exam kit |
| 1983-638 | bedding items, loose hair fibers and cut rope |
| 1983-639 | bedding items, loose hair fibers and cut rope |
| 1983-640 | dish cloth, rope, door molding splinter, napkin |
| 1983-641 | bath towel |
| 10799 | Beam's Eight Star whiskey bottle |
| | |
| 9437 | fake VT ID card |
| 9439 | OH ID card |
| 9655 | sexual assault exam kit |
| 9756 | sexual assault exam kit |
| 9759 | fake VA driver's license |
| 9760 | pair of shorts |
| 9760-001 | pair of underwear |
| 9760-002 | pullover shirt |
| 9760-003 | toothbrush |
| 9760-004 | tissues with semen |
| 9887 | sexual assault exam kit |
| 9898 | fake NY driver's license |
| 10023 | fake VA driver's license |
| 10070 | fake OH driver's license |
| 10071 | fake MD driver's license |

| | |
|---|---|
| 10160 | Miami Univ. ID card (unclaimed) |
| 10163 | Wells Fargo Visa card (unclaimed) |
| 10185 | purse w/ contents (unclaimed) |
| 10202 | Milwaukee beer can w/ sample |
| 10258 | fake FL driver's license |
| 10324 | sexual assault exam kit |
| 10324-001 | bra & dress |
| 10376 | cash register receipts |
| 10378 | DVD of alcohol buys |
| 10388 | DNA swabs |
| 10389 | DNA swabs |
| 10390-002 | sexual assault exam kit |
| 10538 | 150 capsules |
| 10626 | Ohio driver's license |
| 10632 | fake NY driver's license |
| 10633 | fake DL id card |
| 10634 | Ohio ID (used illegally) |
| 10635-001 | Ohio driver's license (used illegally) |
| 10635-002 | Miami Univ ID card |
| 10689 | fake OK ID card |
| 10697 | fake TX driver's license |
| 10700 | fake FL driver's license |
| 10701 | fake MA driver's license |
| 10702 | fake IL driver's license |
| 10703 | Ohio driver's license |
| 10704 | Natural Light beer can w/ sample |
| 10720 | fake NY driver's license |
| 10722 | fake VA ID card |
| 10729 | fake IL driver's license |
| 10830 | Bud Light beer bottle w/ sample |
| 10849 | fake OH driver's license |
| 10850 | fake OH driver's license |
| 10850-001 | bar wristband |
| 10851 | fake OH driver's license |
| 10851-001 | bar wristband |
| 10852 | fake IL ID card |
| 10864 | VA driver's license |
| 10877 | NY & OK driver's licenses |
| 10878 | MA driver's license (used illegally) |
| 10879 | CA driver's license |
| 10880 | fake TX driver's license |
| 10895 | fake DE driver's license |
| 10923 | fake MD driver's license |
| 10925 | fake IN driver's license |
| 10926 | fake VA ID card |
| 10929 | fake DE driver's license |

| | |
|---|---|
| 10930 | fake VA ID card |
| 10934 | fake NY driver's license |
| 10936 | plastic cup w/ beer sampl |
| 11021 | 3 paper bar wristbands |
| 11022 | 2 paper bar wristbands |
| 11023 | 2 paper bar wristbands |
| 11023-001 | fake FL drivers license |
| 11084 | Fifth Third Master Card (unclaimed ) |
| 11138-001 | checkbook box |
| 11138-002 | Heineken carton |
| 11677 | black bag of drug paraphernalia |
| | |
| 10381 | fraudulent check |
| 11257 | damaged garden hoe |
| 11642 | 1 gallon milk |
| | |
| 10231 | partial Absolut Vodka bottle |
| 11741-001 | baggie of marijuana |
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| 9934 | Natural Light & Keystone beers |
| 10047 | 12 pack Killians Red beer |
| | two 24oz. Coors Light beer cans |
| 10047-001 | metal sifter & 2 marijuana pipes |
| 10408-001 | ten inch knife |
| 10408-002 | 3 Xanax pills in bottle |
| 10447 | glass dice pipe |
| 10450 | Crosman .22 cal pellet rifle |
| 10628-001 | silver siffer w/ marijuana residue |
| 11101 | Steel Reserve beer can w/ sample |
| | |
| 9871 | IL driver's license (used illegally) |
| 10293 | pair of panties |
| 10724 | rolling papers & pipe w/ residue |
| 10761 | fake TN ID card |
| 10803-001 | bar wristband |
| 10803-002 | fake MA driver's license |
| 10825 | plastic cup w/ alcohol sample |
| 10869 | plastic cup w/ alcohol sample |
| 10869-001 | fake PA driver's license |
| 10917 | 5 cans Natural Light beer |
| | 2 open bottles Coors Light beer |
| 11063 | urine sample |
| 11201 | jar w/ marijuana buds and pipe |
| 11808 | pipe, grinder, roller & tweezers |
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| 9358 | stolen report paperwork |

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|---|---|
| 9916 | 2 Ohio driver's licenses |
| 9916-001 | AAA card |
| 9916-002 | gray Brick Street wristband |
| 10050 | Natural Light beer can w/ sample |
| 10051 | Busch Light beer can w/ sample |
| 10051-001 | SC ID card |
| 10140 | NY driver's license |
| 10140-001 | photo of alcohol |
| 10141 | NY driver's license |
| 10141-001 | photo of alcohol |
| 10147 | MD driver's license |
| 10281 | Miller Lite beer can w/ sample |
| 10281-001 | cigarette w/ green leafy substance |
| 10281-002 | urine sample |
| 10384-001 | pills & marijuana |
| 10463 | 4 cans beer |
| 10534 | BB rifle |
| 10534-001 | pellet gun |
| 10534-002 | BB rifle |
| 10563 | Bud Light beer can w/ sample |
| 10563-001 | small amount marijuana |
| 10563-003 | urine sample |
| 10577 | Budweiser beer can w/ sample |
| 10577-001 | pipe w/ residue |
| 10579 | 2 plastic cups w/ sample; Franzia, Capt. Morgan |
| 10616-001 | wristband |
| 10654 | NY driver's license |
| 10655 | Bud Light beer bottle w/ sample and can of Natural Light beer |
| 10656 | fake LA ID card |
| 10656-001 | case Natural Light beer |
| 10657 | Natural Light beer can w/ sample |
| 10658 | Natural Light beer can w/ sample |
| 10665 | Natural Light beer can w/ sample |
| 10665-001 | Natural Light beer can w/ sample |
| 10732 | fake MI driver's license |
| 10733 | 2 cans Natural Light beer |
| 10735 | 6 cans Natural Light beer, 1 open Natural Light beer, 1 bottle Budweiser Select & 1 bottle brown liquid |
| 10784 | SC driver's license |
| 10784-001 | Natural Light beer can w/ sample |
| 10785 | Natural Light beer can w/ sample |
| 10788-001 | damaged chair & stool |
| 10815 | fake NY driver's license |
| 10913 | pipe, rolling papers & bud of green vegetation |
| 10916 | 2 bar wristbands and OH driver's license |

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|---|---|
| 10955 | Hypnotiq bottle w/ sample |
| 10958 | black airsoft gun |
| 11000 | KY driver's license |
| 11027 | fake OH drivers license |
| 11090 | fake SC ID card & bar wristband |
| 11090-001 | bar wristband |
| 11145 | wrapper w/ white rocks |
| 11145-001 | marijuana pipe w/ residue |
| 11145-002 | marijuana pipe w/ residue |
| 11145-003 | marijuana pipe w/ residue |
| 11209 | glass jar w/ green leafy substance |
| 11209-001 | 3 marijuana pipes & glass bong |
| 11209-002 | tin w/ grinder, bottle, scissors, stems & seeds |
| 11236 | Heineken beer bottle w/ sample |
| 11258 | bar wristband & fake MO drivers license |
| 11263 | metal pipe w/ residue |
| 11264 | BLUE Tyvek wristband |
| 11308 | 1.5 gms marijuana |
| 11308-001 | car key (unclaimed) |
| 11350 | tray, vegetation residue & pill residue |
| 11350-001 | baggies w/ white rock substance |
| 11350-002 | metal pipe & glass pipe w/ residue |
| 11350-003 | 7 pill bottles and drug paraphernalia |
| 11350-004 | pipe, dugout, grinder & push tool |
| 11350-005 | 2 baggies w/ residue, rolling papers & dugout |
| 11350-006 | lockbox w/ seeds, stems & residue |
| 11350-007 | cigar box w/ papers |
| 11350-008 | baggie w/ green vegetation |
| 11350-009 | pill residue |
| 11350-010 | pink plastic straw |
| 11378 | broken Cingular cell phone |
| 11398-001 | Ohio driver's license |
| 11437 | 8 cans Busch Light |
| 11441 | glass bong w/ residue |
| 11462 | butane lighter |
| 11465-002 | Ohio driver's license |
| 11468 | baggie of marijuana |
| 11469 | baggie of marijuana |
| 11490 | folded paper w/ white powder |
| 11492 | baggie of white powder in metal box |
| 11492-001 | plastic straw w/ residue |
| 11493 | FL drivers license |
| 11544 | Ohio driver's license |
| 11545 | Ohio drivers license |
| 11545-001 | Ohio drivers license |
| 11562 | marijuana |

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|---|---|
| 11666 | marijuana in envelope w/ rolling papers |
| 11574 | smoking pipe w/ residue |
| 11574-001 | baggies, scale & 2 glass jars w/ residue |
| 11574-002 | ZX digital scale |
| 11574-003 | notebook w/ purple cover |
| 11574-004 | cloth case w/ glass pipe |
| 11574-005 | metal one hitter pipe w/ residue |
| 11574-006 | 11 glass pipes and glass bong |
| 11574-007 | glass bong, grinder & sifter |
| 11574-008 | rolling papers |
| 11714 | drug paraphernalia |
| 11715 | marijuana |
| | |
| 9903 | 2 cans Natural Light beer |
| 10005 | urine sample |
| 10005-001 | marijuana & paraphernalia |
| 10042 | Natural Light beer can w/ sample |
| 10556 | 2 marijuana pipes with residue |
| 10580 | Bud Light beer can w/ sample |
| 10580-001 | rolling papers & marijuana shredder |
| 10650 | headlight lens & paint samples |
| 10679 | Natural Light beer can w/ sample |
| 10773 | purse w/ contents (unclaimed) |
| 10821 | Nokia cell phone |
| 11061-007 | marijuana pipe w/ residue |
| 11061-008 | rolling papers & marijuana seeds |
| 11061-009 | drug paraphernalia |
| 11087 | partial marijuana joint |
| 11095 | marijuana roach, pipe & rolling papers |
| 11299 | air soft rifle |
| 11299-001 | air soft rifle |
| 11498 | glass pipe w/ residue |
| 11574-001 | 2 baggies of marijuana |
| 11574-002 | marijuana pipe w/ residue |
| 11574-003 | empty baggie & plastic container |
| 11574-004 | marijuana joint |
| | |
| 8933-001 | receipts |
| 9992 | set of keys (unclaimed) |
| 10121-001 | paperwork from thefts |
| 10209 | letter |
| 10324-001 | bra & dress |
| 10399 | sideview mirror |
| 10585 | envelope with personal papers (unclaimed) |
| 10874 | Ohio license plate |
| 10956 | 9' steak knife |

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|---|---|
| 10963 | broken cell phone |
| 10993-001 | Steel beer can w/ sample |
| 10993-002 | Ohio license plates |
| 11226 | wallet w/ contents (unclaimed) |
| 11337 | marijuana bong |
| 11361 | 4 beer cans & 1 plastic cup w/ sample |
| 11785-003 | "Bring The Troops Home" sign (unclaimed) |
| | |
| 9695 | baseball cap |
| 10103 | black sweatshirt (unclaimed) |
| 10362 | plastic cup w/ alcohol sample |
| 10488 | palm prints |
| 10491 | 2 Ohio license plates (removed from vehicle after arrest) |
| 10576 | Corona bottle w/ sample |
| 10638 | Ohio ID card |
| 10783 | broken bicycle horn |
| 10944 | set of keys (unclaimed) |
| 11013 | Ohio driver's license |
| 11028 | blue plastic cup w/ alcohol sample |
| 11028-001 | empty Absolut Kurant bottle |
| 11029 | red plastic cup w/ sample |
| 11050 | Indiana license plate |
| 11051 | Ohio license plates |
| 11052 | Ohio license plate |
| 11198 | (2) .22 bullets |
| 11216 | bloody clothing |
| 11346 | shattered light bulb |
| 11399 | Fifth Third card & Ohio Dept. Rehab Release card |
| 11665 | Natural Light beer bottle w/ sample |
| 11671 | 4 damaged solar lights |
| | |
| 9731 | NY driver's license |
| 9921 | fake MD driver's license |
| 9994 | Natural Light beer can w/ sample |
| 9995 | metal "brass knuckles" |
| 10251 | pipe, marijuana & lighter |
| 10323 | pair of gym shoes |
| 10335 | rock ( used as entry tool ) |
| 10375 | black/blue/tan backpack ( poor condition ) |
| 10392 | handwritten letter |
| 10620 | WI driver's license |
| 10620-001 | SC ID card |
| 10620-002 | Brick Street cover ticket |
| 10670 | Natural Light beer can w/ sample |
| 10671 | Natural Light beer can w/ sample |
| 10672 | marijuana |

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|---|---|
| 10673 | Ohio driver's license (wrong person) |
| 10674 | SC ID card |
| 10748 | glass pipe w/ marijuana residue |
| 10748-001 | glass pipe & bottle w/ 2 Concerta pills |
| 10962 | IL ID card |
| 11003 | marijuana |
| 11069 | bottle Jagermeister |
| 11144 | Bowling Green State ID card |
| 11180 | brass knuckles |
| 11180-001 | Bud Light beer can w/ sample |
| 11297 | Michigan drivers license |
| 11298 | two Bengals drinking glasses |
| 11302 | Ohio driver's license |
| 11389 | marijuana, marijuana cigarette & rolling papers |
| 11394 | 2 plastic wrapped bundles of marijuana |
| 11540 | VA driver's license (unclaimed) |
| 11757 | 2 plastic pitchers w/ alcohol samples |
| 11777-001 | 17 sealed cans of beer |
| 11810 | one sandal |
| 11811 | paper w/ marijuana & plastic bag |
| 11814 | Ohio driver's license |
| 11869 | glass pipe and jar w/ marijuana |
| | |
| 6650-002 | 2 packs Marlboro cigarettes |
| 8141-001 | DNA swab |
| 8169 | DNA swab |
| 8170 | DNA swab |
| 8171 | DNA swab |
| 8172 | DNA swab |
| 8173 | DNA swab |
| 8178 | DNA swab |
| 8179 | DNA swab |
| 8180 | DNA swab |
| 8186 | DNA swab |
| 8220 | DNA swab |
| 8220-001 | sweatpants |
| 8262 | DNA swab |
| 8262-001 | DNA swab |
| 8262-002 | DNA swab |
| 8262-003 | DNA swab |
| 8262-004 | DNA swab |
| 8262-005 | DNA swab |
| 8262-006 | DNA swab |
| 8262-007 | DNA swab |
| 8262-008 | DNA swab |
| 8262-009 | DNA swab |

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|---|---|
| 8262-010 | DNA swab |
| 8262-011 | DNA swab |
| 8262-012 | DNA swab |
| 8262-013 | DNA swab |
| 8262-014 | DNA swab |
| 8262-015 | DNA swab |
| 8319 | DNA swab |
| 8319-001 | DNA swab |
| 8319-002 | DNA swab |
| 8319-003 | DNA swab |
| 8319-004 | DNA swab |
| 8319-005 | DNA swab |
| 8319-006 | DNA swab |
| 8319-007 | DNA swab |
| 8319-008 | DNA swab |
| 8319-009 | DNA swab |
| 8347 | DNA swab |
| 8776 | computer tower |
| 8800 | DNA swab |
| 8915 | sexual assault exam kit |
| 9365-001 | 2 cell phones & paperwork |
| 9517 | sexual assault exam kit |
| 9649 | baseball cap |
| 9649-001 | baseball cap |
| 9649-002 | shirt |
| 9649-003 | laser light |
| 9675 | sexual assault exam kit |
| 9699-003 | Ohio drivers license |
| 9709 | DNA swab |
| 9761 | DNA swab |
| 9769 | DNA swab |
| 9772 | cell phone |
| 9772-001 | Mapquest directions |
| 9820 | DNA swab |
| 9854 | DNA swab |
| 9854-001 | DNA swab |
| 9860 | 2 pairs of torn panties |
| 9879-001 | DNA swab |
| 9987-003 | copies of counterfeit money |
| 10048 | fraudulent cashier's check & UPS envelope |
| 10210 | 19 pills and rolling papers w/ plastic container |
| 10210-003 | drug paraphernalia: pots, soil, lights, mirror & cords |
| 10210-004 | large glass bowl w/ lid |
| 10210-005 | drug paraphernalia & marijuana |
| 10210-006 | pipe, hose & bong w/ hoses |
| 10394 | DNA swab |

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|---|---|
| 10414 | DNA swab |
| 10414-001 | DNA swab |
| 10451 | pillow |
| 10451-001 | blanket |
| 10451-002 | Speedy Rewards pamphlet |
| 10451-003 | doctor's appointment card |
| 10451-004 | light |
| 10517 | stolen vehicle photos |
| 10520 | DNA swab |
| 10522 | certified mail |
| 10525 | certified mail & check copies |
| 10593-001 | piece of duct tape |
| 10593-002 | piece of duct tape |
| 10612 | cut Master lock |
| 10612-001 | crime scene photos |
| 10620 | WI driver's license |
| 10620-001 | SC ID card & Georgia Southern Univ. card |
| 10620-002 | Brickstreet free ticket |
| 10622 | pair of pajamas |
| 10723 | counterfeit Walmart "moneygram" |
| 10757-008 | 2 light bulbs, pipes & tubing |
| 10757-009 | grinder |
| 10757-010 | drug paraphernalia |
| 10757-012 | butane container |
| 10762-014 | white pills |
| 10762-015 | metal pipe w/ residue |
| 10763 | capsules |
| 10791 | bag w/ possible meth items |
| 10792 | old purse |
| 10792-001 | 3 old credit cards |
| 10814 | swab of blood from floor |
| 10814-001 | swab of blood from wall |
| 10814-002 | broken light bulb w/ blood splatters |
| 10814-003 | cardboard w/ blood |
| 10814-004 | shirt w/ blood stains |
| 10814-006 | saliva swabs |
| 10836 | stripped shirt w/ blood stains |
| 10836-001 | kitchen knife |
| 11039 | sexual assault exam kit |
| 11089 | 5 Visa travelers cheque's |
| 11089-001 | UPS Express w/ email letters |
| 11231-004 | damaged cell phone (unclaimed) |
| 11231-006 | cradle only for telephone (unclaimed) |
| 11238 | sexual assault exam kit |
| 11238-001 | pillow case and bed sheet |
| 11238-003 | Barq's empty soft drink can |

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|---|---|
| 11261 | used condom |
| 11261-002 | condom wrapper |
| 11261-004 | blue jeans |
| 11261-005 | thong underwear |
| 11261-007 | brown teddy bear |
| 11261-008 | sheet and 1 pillow cases |
| 11261-009 | sweatshirt |
| 11261-010 | green blanket |
| 11261-011 | comforter |
| 11261-012 | shirt |
| 11261-013 | shorts |
| 11261-014 | bra |
| 11261-015 | sweatshirt |
| 11261-016 | sexual assault exam kit |
| 11261-018 | DNA swab |
| 11261-019 | blue shorts |
| 11414 | starter checkbook |
| 11694 | sexual assault exam kit |
| 11761 | sexual assault exam kit |
| | |
| 8821 | forged check |
| 9954 | Ohio ID card |
| 10136 | fake LA driver's license |
| 10137 | IL driver's license & NIU ID card |
| 10411 | MI ID card |
| 10837 | plastic cup w/ sample |
| 11300 | gum box with marijuana lighter |
| 11300-001 | drug paraphernalia |
| 11449 | front Pontiac bumper |
| 11534 | small purse (unclaimed) |
| 11638 | blk padded bag, digital scale w/residue |
| 11638-001 | baggie of marijuana, silver grinder w/marijuana ,glass pipe w/ residue |
| 11638-002 | digital scale |
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| 8649 | machete |
| 9872 | fake MD driver's license |
| 9895 | scale, rolling papers, razor & marijuana |
| 9952-001 | butterfly knife |
| 10234 | door handles |
| 10234-001 | detachable face of car stereo |
| 10234-002 | two white unknown pills |
| 10515 | IN driver's license (used illegally) |
| 10540 | 1 OHI and 1 UTC made out to Benson |
| 10615 | Keystone Light beer can w/ sample |
| 10884 | paint chips from accident |

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|---|---|
| 10986 | IL ID card |
| 10986-001 | Natural Light beer can w/ sample |
| 11253 | baggie containing marijuana |
| 11253-001 | rolling papers and wooden pipe |
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| 9779 | Brickstreet drinking bracelet |
| 9912 | red plastic cup w/ alcohol |
| 9997 | Natural Light beer can w/ sample |
| 9998 | Natural Light beer can w/ sample |
| 10011 | Natural Light beer can w/ sample |
| 10165 | Ohio driver's license (unclaimed) |
| 10196 | glass pipe |
| 10282 | Ohio driver's license |
| 10348 | Bud Light beer bottle w/ sample |
| 10419-001 | 2 empty Bud Light beer cans |
| 10419-002 | Brickstreet drinking bracelet |
| 10424 | Bud Light beer can w/ sample |
| | Blue plastic cup w/ sample |
| 10442 | pink drinking bracelet |
| 10442-001 | Ohio driver's license |
| 10442-002 | pink drinking bracelet |
| 10442-003 | Ohio driver's license (used illegally) |
| 10507 | IN driver's license (used illegally) |
| 10507-001 | Brickstreet drinking bracelet |
| 10508 | 5 sealed/1 open Budweiser beer bottles |
| 10516-001 | Ohio driver's license (unclaimed) |
| 10600 | broken wood panel |
| 10619 | PA driver's license |
| 10640 | MU ID card (replaced) |
| 10651 | torn shirt |
| 10660 | Milwaukee's Best beer can w/ sample |
| 10663 | Natural Light beer can w/ sample |
| 10664 | Keystone Light beer can w/ sample |
| 10666 | Natural Light beer can w/ sample |
| 10667 | Keystone beer cans w/ sample |
| 10668 | Natural Light beer can w/ sample |
| 10668-001 | Ohio driver's license |
| 10683 | broken front end portion of auto |
| 10698 | 4 pills |
| 10698-001 | pills |
| 10698-002 | marijuana |
| 10698-003 | marijuana & paraphernalia |
| 10698-004 | pill |
| 10711 | Bank of America card (unclaimed) |
| 10786 | Gap button up shirt |
| 10790 | Ohio driver's license (unclaimed) |

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|---|---|
| 10915 | Natural Light beer can w/ sample |
| 10921 | rock |
| 10953 | marijuana cigarette |
| 10988 | IN driver's license |
| 11035 | brass knuckles |
| 11097 | pipe, plastic bag & green face paint |
| 11114 | Indiana health and Works cards (unclaimed) |
| 11199 | baggie of marijuana |
| 11200 | Budweiser drinking bracelet |
| 11200-001 | fake IL driver's license |
| 11249 | small stick |
| 11321 | alcohol |
| 11321-001 | white paper w/crushed up pill |
| 11321-002 | urine sample |
| 11334 | bottle of vodka |
| 11342 | hospital band w/ name |
| 11342-001 | urine sample |
| 11342-002 | expired urine sample kit |
| 11411 | 7 badly damaged traffic cones |
| 11474 | plastic container w/ marijuana |
| 11644 | fake FL driver's license |
| 11644-001 | MN driver's license |
| 11698 | Natural Light beer can w/ sample |
| 11765 | Pete's Wicked lager bottle w/ sample |
| 11884 | piece of broken glass bottle |
| 11886 | piece of broken flood light |
| | |
| 9630-001 | Bud Light beer bottle w/ sample |
| 9982 | Captain Morgan Rum bottle w/ sample |
| 10013 | Natural Light beer can w/ sample |
| 10038 | Fifth Third credit card (unclaimed) |
| 10053 | marijuana cigarette |
| 10606 | Ohio driver's license (unclaimed) |
| 10652 | fake OH driver's license |
| 10714 | Natural Light beer can w/ sample |
| 10715 | Bud Light beer can w/ sample |
| 10823 | fingerprints |
| 11291 | 8 grams of green leafy vegetation |
| 11291-001 | pack of J.B. rolling papers |
| | |
| 9196 | 4 keys on hook (unclaimed) |
| 9197 | Budweiser beer can w/ sample |
| 9197-001 | boot knife |
| 9197-002 | rolling papers |
| 9197-003 | 3 bags marijuana |
| 9197-004 | can w/ marijuana |

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|---|---|
| 9197-005 | wooden baton |
| 9197-006 | razor blade |
| 9201 | case Natural Light beer & some empties |
| 9201-001 | rolling papers |
| 9201-002 | marijuana |
| 9719 | plastic cup w/ beer sample |
| 9906 | marijuana cigarette & wrapper |
| 9906-001 | fixed blade knife w/ swastika & sheath |
| 9914 | plastic cup w/ sample |
| 10013 | Natural Light beer can w/ sample |
| 10014 | Ohio driver's license |
| 10015 | fake MI driver's license |
| 10045 | Killians beer bottle |
| 10190 | King Cobra bottle w/ sample |
| 10190-001 | marijuana |
| 10191 | King Cobra bottle w/ sample |
| 10233 | IL ID card |
| 10254 | Seagrams wine cooler w/ sample |
| 10279-001 | Orloff Vodka w/ sample |
| 10280 | purse w/ contents (unclaimed) |
| 10317 | Bud Light & Natural Light beers |
| 10317-001 | bag of marijuana |
| 10317-002 | bag of marijuana |
| 10317-003 | glass bong |
| 10431 | rolling papers & marijuana seeds |
| 10446 | baggie of marijuana |
| 10446-001 | cocaine |
| 10446-002 | glass pipe w/ residue |
| 10446-003 | cigarette pack w/ marijuana |
| 10446-004 | glass pipe w/ residue |
| 10446-005 | marijuana |
| 10446-006 | drug paraphernalia |
| 10449 | Busch Light beer can w/ sample |
| 10449-001 | metal cigarette w/ marijuana residue |
| 10449-002 | 2 gms marijuana |
| 10487 | Natural Light beer can w/ sample |
| 10487-001 | Natural Light beer can w/ sample |
| 10487-002 | Natural Light beer can w/ sample |
| 10533 | rolling papers & bag of marijuana |
| 10695 | Bud Light beer can w/ sample |
| 10696 | Bud Light beer bottle w/ sample |
| 11703 | Bud Light beer can w/ sample |
| 10713 | Natural Light beer can w/ sample |
| 10730 | 40oz Colt 45 bottle w/ sample |
| 10779 | PA ID card |
| 10780 | Natural Light beer can w/ sample |

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|---|---|
| 10781 | lighter used to start fire |
| 10782 | marijuana in cigarette box |
| 10824 | Tilt Malt beverage w/ sample |
| 10824-001 | Sparks beverage can |
| 10824-002 | marijuana |
| 10831 | Ohio driver's license (illegally used) |
| 10831-001 | National City bank card (unclaimed) |
| 10831-002 | Ohio Savings bank card (unclaimed) |
| 10833 | 4 Bud Light beer cans |
| 10841 | NY driver's license (used illegally) |
| 10873 | Keystone Light beer can w/ sample |
| 10873-001 | Natural Light beer can w/ sample |
| 10875 | 2 bottles vodka |
| 10998 | greenish yellow mushrooms |
| 10998-001 | white paper w/ wet looking substance |
| 10998-002 | glass bowl |
| 10998-003 | plastic bags |
| 10998-004 | white rock substance in vial |
| 10998-005 | rolling machines |
| 10998-006 | white box w/ glass bong and stopper |
| 11030 | MN driver's license |
| 11031 | plastic cup w/ beer sample |
| 11032 | Natural Light beer can w/ sample |
| 11064 | blood kit |
| 11081 | Natural Light beer can w/ sample |
| 11118 | drug paraphernalia |
| 11118-001 | drug paraphernalia |
| 11118-002 | drug paraphernalia |
| 11120 | IL driver's license |
| 11160 | Seagram's bottle w/ sample |
| 11161 | TN driver's license |
| 11161-001 | ID driver's license |
| 11232 | large glass bong |
| 11248 | IL driver's license |
| 11322 | 2 bags marijuana & pack of rolling papers |
| 11322-001 | IN driver's license & student ID card |
| 11322-002 | baggie of marijuana & glass pipe w/ residue |
| 11365 | glass pipe w/ marijuana residue |
| 11365-001 | marijuana in cigarette pack |
| 11387 | glass bong w/ marijuana residue, rolling papers, marijuana & smoked marijuana cigarettes |
| 11396 | Natural Light beer can w/ sample |
| 11397 | Natural Light beer can w/ sample |
| 11397-001 | 2 fake MD driver's licenses |
| 11573 | Coors Light beer bottle w/ sample |
| 11573-001 | Sailor Jerry Spiced Rum bottle |

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|---|---|
| 11702 | Budweiser beer bottle w/ sample |
| 10171 | Social Security card (unclaimed) |
| 10365 | misc keys (unclaimed) |
| 10572 | broken concrete horse |
| 10885 | damaged Motorola cell phone |
| 11442 | various license plates |
| 11717 | 25 various license plates (removed from salvage vehicles |
| 11863 | prescription bottle w/ pills |
| 11924 | 2 Marksman Wrist Sling Shots |
| 10840 | 2 marijauna roaches |
| 10843 | juice container w/ vodka |
| 10848 | fake NY driver's license |
| 10866 | red plastic cup w/ sample |
| 10866-001 | red plastic cup w/ sample |
| 10867 | plastic cup w/ sample |
| 10868 | plastic cup w/ sample |
| 10902 | plastic cup w/ mixed drink sample |
| 10903 | plastic cup w/ mixed drink sample |
| 10904 | plastic cup w/ mixed drink sample |
| 10907 | fake KY driver's license |
| 10922 | urine sample |
| 10922-001 | marijuana |
| 10922-002 | marijuana |
| 10922-003 | rolling papers |
| 10922-004 | Seagram's liquor bottle |
| 10961 | baggie of marijuana |
| 10961-001 | baggie of marijuana |
| 10961-002 | marijuana in plastic vile |
| 10992 | Bud Light bottle |
| 10992-001 | Ohio ID card |
| 10992-002 | Bud Light beer bottle w/ sample |
| 10992-003 | marijuana |
| 11074 | CD and memory card (unclaimed) |
| 11184 | empty Carlos Tequila bottle |
| 11184-001 | 2 water bottles w/ Tequila |
| 11237 | 2 baggies of marijuana |
| 11237-001 | smoking pipe |
| 11393-002 | Ohio driver's license (replaced) |
| 9525-001 | coat, wire cutters, skit mask & magnet |
| 9525-004 | cell phone, ID card, 2 Visa cards & Ohio temp. card |
| 10316 | 5 counterfeit money orders |
| 10316-001 | voided money order |

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|---|---|
| 10363 | paper wristband |
| 10363-001 | Ohio driver's license and MU ID card |
| 10377 | 2 pellet guns, pellets & nylon bag |
| 10395 | Milwaukee's Best Ice beer can w/ sample |
| 10396 | Natural Light beer can w/ sample |
| 10441 | marijuana and paraphernalia |
| 10462 | Bud Light beer can w/ sample |
| 10551 | misc firecrackers |
| 10578 | broken vehicle marker light lens |
| 10952 | Natural Light beer can w/ sample |
| 11162 | broken taillight lens |
| 11206 | case Natural Light beer |
| 11293 | wooden pipe w/ marijuana residue |
| 11364-001 | can of spray paint |
| 11530 | smashed Energizer "D" battery |
| 11588 | baggie containing marijuana |
| | |
| 5758 | stainless steel knife |
| 5758-001 | S&W .38 revolver w/ ammo |
| 5758-002 | H&R 10 gauge shotgun w/ one expended round |
| 9449 | paper towels w/ blood sample |
| 9450 | ceramic cup |
| 9460-004 | old ball cap, dew rag & wood stick |
| 9463 | DNA swabs |
| 9471-002 | 2.7 gms marijuana |
| 9471-006 | Miami Univ ID card (unclaimed) |
| 9471-009 | 3 purple pills & unknown substance |
| 9471-010 | 6.3 gms white unknown powder |
| 9478-004 | empty PSP game box |
| 9478-007 | cell phone |
| 9484-001 | small bag of baggies |
| 9484-002 | razor blade |
| 9700 | marijuana & marijuana roaches |
| 9700-002 | marijuana, roaches & paraphernalia |
| 9728 | drug paraphernalia |
| 9728-002 | drug paraphernalia |
| 9728-003 | drug paraphernalia |
| 9728-004 | drug paraphernalia & brass knuckles |
| 9728-005 | drug paraphernalia |
| 9728-006 | drug paraphernalia |
| 9728-008 | marijuana roaches |
| 9745 | crime scene photos |
| 9832 | glass samples |
| 9832-020 | pair hiking shoes |
| 9832-021 | shoe impression photos |
| 9858 | theft photos |

| | |
|---|---|
| 9945 | Bud Light beer can w/ sample |
| 9996 | DNA swabs |
| 10094 | lid to scale w/ cocaine residue |
| 10094-001 | plastic bag w/ white substance |
| 10094-002 | white powder, spoon & unknown pills |
| 10094-004 | 5 fake IN & MD driver's licenses & bar wristbands |
| 10094-005 | MU student ID & Chase Visa card |
| 10094-006 | plastic bag of marijuana |
| 10094-007 | marijuana roaches, scale & baggies |
| 10094-008 | air pistol & 2 magazines |
| 10094-009 | unused Brick Street wristbands |
| 10138 | medicine directions on bag |
| 10149 | plastic cup w/ beer sample |
| 10156-001 | photos |
| 10159-001 | computer tower |
| 10159-003 | shredder basket |
| 10159-006 | hang file w/ receipt |
| 10170-004 | bag w/ white residue |
| 10170-005 | (1) Adderall pill |
| 10220 | Natural Light beer can w/ sample |
| 10243 | red plastic cup w/ beer sample |
| 10243-001 | red plastic cup w/ beer sample |
| 10244-013 | info from computer |
| 10244-014 | contents of computer |
| 10278-002 | sealed Bud Light beer can |
| 10387 | shoe impressions |
| 10409-002 | large Pioneer speaker (poor condition) |
| 10409-004 | Sansui black & white TV (inoperable) |
| 10409-006 | broken B&D drill |
| 10409-007 | Weed Eater trimmer (inoperable) |
| 10409-008 | Hitachi stereo (poor condition) |
| 10410-001 | marijuana & rolling papers |
| 10410-002 | urine sample |
| 10476 | photos of assault |
| 10497 | marijuana bong |
| 10502 | photos of victim |
| 10511 | cigarette pack |
| 10524 | handwriting sample |
| 10524-001 | copy of statement |
| 10524-002 | copies of signatures |
| 10524-003 | copy of check |
| 10524-004 | handwriting sample |
| 10557 | wooden cabinet to grow mushrooms |
| 10557-001 | 12 jars w/ unknown substances |
| 10557-002 | 3 trays w/ mushrooms |
| 10557-004 | backpack w/ drug paraphernalia |

| | |
|---|---|
| 10557-005 | plastic box w/ drug paraphernalia |
| 10557-006 | storage boxes w/ gloves |
| 10565 | photos of cell phone |
| 10621-001 | 4 cut telephone lines |
| 10623-001 | Bud Light beer can w/ sample |
| 10624 | marijuana pipe |
| 10624-001 | claw hammer & knife |
| 10624-002 | cigarettes & cocaine |
| | Newport cigarettes & suspected cocaine |
| 10631 | damaged metal exterior door |
| 10726 | fake TX driver's license |
| 10727 | 2 Natural Light beer cans |
| 10797 | fake RI ID card |
| 10801 | fake FL driver's license |
| 10802 | fake MI driver's license |
| 10809 | fake WI driver's license |
| 10810 | fake VA driver's license |
| 10844 | fingerprints |
| 10844-006 | photo of scene |
| 10845 | fake MI driver's license |
| 10846 | fake VA driver's license |
| 10847 | fake TX driver's license |
| 10848 | fake NY driver's license |
| 10871 | fake NY driver's license |
| 10932 | fake KY driver's license |
| 10949 | fake OH driver's license |
| 10972 | fake TX driver's license |
| 11007 | blue pillow |
| 11007-001 | bed sheet |
| 11008 | paintball gun |
| 11010 | utility knife |
| 11040 | old cell phone |
| 11125 | broken pipe w/ residue |
| 11125-002 | car and house keys (unclaimed) |
| 11165 | insect spray, math book, drinking cup & water bottle |
| 11166-001 | Walmart receipt |
| 11166-003 | 2 checkbooks & 2 checks |
| 11166-004 | 2 Meijer receipts |
| 11166-005 | 8 plastic Walmart bags |
| 11166-006 | 2 plastic craft sheets |
| 11166-007 | 4 tri-hole folders |
| 11166-008 | partial envelope |
| 11166-009 | notebook paper |
| 11166-010 | 2 pieces poster board |
| 11166-011 | 2 Walmart bags |
| 11271 | 35 voided Kroger gift cards |

| | |
|---|---|
| 11325-003 | metal rod (broken door jam) |
| 11391 | Camel tin w/ drug paraphernalia |
| 11391-001 | skull pipe and aluminum pipe |
| 11391-002 | one hitter pipe w/ residue |
| 11391-003 | wood pipe and marijuana |
| 11554 | metal pipe w/ marijuana residue |
| 11554-001 | drug paraphernalia |
| 11554-002 | drug paraphernalia |
| 11554-003 | bottle of pills |
| 11583 | drug paraphernalia |
| 11583-002 | fixed blade knife |
| 11584 | baggie of drug paraphernalia |
| 11663 | bud of marijuana |
| 11793 | baggie of marijuana |
| 11898 | baggie of marijuana |
| 11898-001 | plastic container w/ marijuana |
| 11898-002 | digital scale w/ marijuana residue |
| 11898-003 | baggies w/ residue, snack bags & container w/ residue |
| 11898-004 | coin bank |
| 11898-006 | fake Ohio driver's license |
| | |
| 9735 | 2 cans Natural Ice beer |
| 10002 | Natural Light beer can w/ sample |
| 10043 | Natural Light beer can w/ sample |
| 10138 | medicine directions on bag |
| 10200 | rock-like substances |
| 10200-001 | marijuana & paraphernalia |
| 10200-002 | drug paraphernalia |
| 10320 | condom wrapper |
| 10320-001 | used condom |
| 10320-002 | bed sheet |
| 10320-003 | old blanket |
| 10343 | 2 Miller Lite beer cans w/ Brickstreet wristband |
| 10350 | Bud Light beer bottle w/ sample |
| 10353 | drug paraphernalia |
| 10353-002 | rolling papers |
| 10353-003 | scale & rolling papers |
| 10380 | CA driver's license (used illegally) |
| 10405 | 6 pack Blue Moon Ale beer |
| 10485 | Heineken beer bottle w/ sample |
| 10496 | purse w/ suspected Xanax |
| 10496-001 | pipe w/ marijuana residue |
| 10496-002 | syringe, water bottle & used cotton swabs |
| 10496-003 | syringe w/ 4 metal spoons w/ residue |
| 10496-004 | empty prescription bottle |
| 10496-005 | pill bottle w/ ibuprofen |

| | |
|---|---|
| 10496-006 | 2 plastic wrappers & 2 straws |
| 10496-007 | glass mirror w/ residue |
| 10496-008 | straw, wrapper, electric bong & plastic bong |
| 10496-009 | 3 packs bottle rockets |
| 10496-010 | blue case w/ pill |
| 10496-011 | bank statement |
| 10496-012 | 2 fake dollars rolled into straws |
| 10496-013 | rolling papers, residue & glass bong |
| 10496-014 | baggie w/ residue |
| 10496-015 | 3 plastic wrappers w/ residue |
| 10496-016 | glass vial w/ residue |
| 10496-017 | spoon w/ burnt residue |
| 10496-018 | small part of a blue pill |
| 10496-019 | plastic jar w/ crystal substance |
| 10496-020 | wrappers, w/ residue, straws, crystal substance, drug paraphernalia & butterfly knife |
| 10496-021 | empty prescription bottle |
| 10496-022 | Visa card |
| 10544 | plastic cup w/ alcohol sample |
| 10562 | Adipex pill |
| 10562-002 | white pills |
| 10562-003 | plastic vial w/ white substance |
| 10562-004 | vial & filters in baggie |
| 10562-005 | vial w/ white rock substance |
| 10562-006 | playing card & evidence pill tin |
| 10562-007 | spoon w/ white residue |
| 10562-008 | lighters, steel wool & scale |
| 10562-009 | ink pen & wooden stick |
| 10562-010 | empty prescription bottle |
| 10562-011 | bong w/ residue |
| 10562-012 | pieces of mail |
| 10583 | marijuana & pipe |
| 10583-001 | plastic cup & whiskey bottle |
| 10583-003 | pill bottle w/ Adderall tablet |
| 10591 | Busch Light beer can w/ sample |
| 10636 | Budweiser beer can |
| 10659 | Natural Light beer can w/ sample |
| 10659-001 | Natural Light beer can w/ sample |
| 10661 | plastic bottle w/ Captain Morgan Rum |
| 10676 | Natural Light beer can w/ sample |
| 10677 | Budweiser beer bottle w/ sample |
| 10678 | Natural Light beer can w/ sample |
| 10685 | plastic cup w/ sample |
| 10685-001 | fake NY driver's license |
| 10686 | 8 cans Busch Light beer |
| 10687 | Natural Light beer can w/ sample |

| | |
|---|---|
| 10699 | Natural Light beer can w/ sample |
| 10699-001 | Natural Light beer can w/ sample |
| 10699-002 | Busch Light beer can w/ sample |
| 10712 | Natural Light beer can w/ sample |
| 10712-001 | FL driver's license/falsified citation |
| 10716 | Natural Light beer can w/ sample |
| 10717 | Natural Light beer can w/ sample |
| 10718 | plastic cup w/ sample |
| 10719 | Ohio driver's license |
| 10872 | Natural Light beer can w/ sample |
| 10905 | expired Ohio driver's license (unclaimed) |
| 10951 | Natural Light beer can w/ sample |
| 11004 | marijuana pipe and marijuana roaches |
| 11004-001 | Miller Lite beer can |
| 11033 | plastic cup of beer |
| 11055 | baggie of marijuana |
| 11055-002 | smoking pipe |
| 11055-003 | knife |
| 11058 | baggie containing psilocybin mushrooms |
| 11059 | marijuana |
| 11060 | plastic jar w/ marijuana & 2 cigarette plastics |
| 11060-001 | small zip lock bag, pack of zig zag rolling papers, ripped plastic bag, box of sandwich bags |
| 11060-002 | multiple marijuana seeds & leaves, tin foil w/ marijuana seeds, orange candle w/ marijuana on top, white paper w/ marijuana on top |
| 11060-003 | brown wood box w/ nail clippers/2 org and yellow pills |
| 11066 | dugout w/ pipe & marijuana |
| 11130 | 2 MO driver's lcienses |
| 11131 | marijuana, pipe and scale |
| 11145 | white rocks |
| 11145-001 | pipe w/ residue |
| 11145-002 | pipe w/ residue |
| 11145-003 | pipe w/ residue |
| 11203 | marijuana bong |
| 11203-001 | 2 smoking pipes |
| 11203-002 | bong, baggies, papers & growing substance |
| 11203-004 | scales, smoking pipes & marijuana |
| 11203-005 | smoking pipe |
| 11203-006 | sifter, Heineken keg & marijuana bong |
| 11259 | 2.5 grams cocaine |
| 11260-001 | 2 plastic wrappers containing cocaine |
| 11260-002 | blade measuring scale |
| 11260-003 | ZX series measuring scale |
| 11294 | 14 grams marijuana |
| 11333 | marijuana, pipe & rolling papers |

| | |
|---|---|
| 11392 | baggie of marijuana |
| 11400 | marijuana |
| 11400-001 | drug paraphernalia |
| 11430-001 | KY drivers license |
| 11431-002 | Washington DC driver's license |
| 11440 | baggie of marijuana |
| 11460 | (2) 30 packs Keystone beer |
| 11460-001 | sifter, marijuana & rolling papers |
| 11460-002 | marijuana |
| 11499 | baggie of marijuana |
| 11499-001 | baggie of marijuana |
| 11499-002 | orange pills |
| 11499-003 | baggie w/ 2 orange pills |
| 11499-004 | digital scale |
| 11499-005 | metal can w/ marijuana |
| 11499-006 | baggie of marijuana |
| 11499-008 | large container of marijuana |
| 11499-009 | 2 glass jars w/ residue |
| 11499-010 | large container of marijuana |
| 11499-011 | drug paraphernalia |
| 11499-016 | glass jar, grinder, drug paraphernalia |
| 11499-018 | paper w/ drug names |
| 11499-019 | drug paraphernalia |
| 11504 | bag of marijuana |
| 11511-001 | marijuana |
| 11516 | Tupperware container w/ residue |
| 11516-001 | pipe w/ residue |
| 11516-003 | Talawanda Middle School ID card |
| 11516-004 | baggie of suspected marijuana |
| 11516-005 | blue pipe w/ residue |
| 11516-006 | 6 bottle rockets & firecrackers |
| 11516-007 | fake TX driver's license |
| 11516-008 | wooden box w/ drug paraphernalia |
| 11516-009 | 9 bottle rockets |
| 11516-010 | drug paraphernalia |
| 11516-011 | drug paraphernalia |
| 11516-012 | drug paraphernalia |
| 11516-015 | drug paraphernalia |
| 11516-017 | drug paraphernalia |
| 11516-019 | yellow folded paper with cocaine |
| 11516-020 | drug paraphernalia |
| 11516-021 | plastic baggie w/ white substance |
| 11516-024 | silver digital scale |
| 11516-025 | black/purple glass pipe w/ residue |
| 11516-026 | yellow pad of paper |
| 11516-027 | white pill |

| | |
|---|---|
| 11516-028 | envelope w/ address |
| 11516-029 | razor blade, rolled up bill and glass vial |
| 11516-030 | rolling papers, razor blade baggies |
| 11516-031 | yellow piece of paper w/ notes |
| 11517 | multi-colored glass pipe in cloth bag |
| 11517-001 | Chase Bank credit card receipt |
| 11517-002 | glass jar w/ marijuana |
| 11517-003 | orange pill bottle w/ marijuana |
| 11517-004 | glass Mason jar w/ marijuana |
| 11517-006 | drug paraphernalia |
| 11517-007 | drug paraphernalia |
| 11517-008 | prescription pill bottle |
| 11517-009 | drug paraphernalia |
| 11517-010 | Concourse Hotel receipt |
| 11517-011 | jar of marijuana |
| 11517-012 | digital scale |
| 11517-013 | baggie of pink pills |
| 11517-014 | multi-colored glass pipe |
| 11517-015 | container w/ white substance |
| 11517-018 | 2 large bags of marijuana |
| 11526 | bag of marijuana |
| 11554 | metal pipe w/ marijuana residue |
| 11554-001 | straw w/ residue and plastic wrapper |
| 11554-002 | marijuana and marijuana cigarette |
| 11554-003 | pill bottle w/ pills |
| 11554-004 | KY instruction permit (unclaimed) |
| 11554-005 | KY ID card (unclaimed) |
| 11555 | marijuana |
| 11555-001 | 2 pipes and rolling papers |
| 11555-002 | lockbox w/ marijuana |
| 11555-003 | bong, scale and ashtray |
| 11555-004 | 2 bags of marijuana |
| 11555-005 | mail |
| 11555-007 | Ohio driver's license |
| 11555-009 | pipe and baggie w/ residue |
| 11555-010 | marijuana Botony book |
| 11563 | baggie of marijuana |
| 11566-002 | 2 vials w/ white powder |
| 11566-003 | 2 large bags of marijuana |
| 11566-004 | scales |
| 11566-005 | marijuana shifter and residue |
| 11566-006 | Flu and Severe Cold box w/ pills |
| 11566-007 | bag of marijuana |
| 11566-009 | bag w/ Visine and marijuana residue |
| 11566-010 | marijuana stem |
| 11567 | psilocybin mushrooms |

| | |
|---|---|
| 11567-001 | glass pipe |
| 11567-005 | baggie w/ seeds |
| 11567-006 | bottle w/ 9 pills |
| 11567-007 | 12 Adderall tablets, 1 capsule |
| 11567-010 | large glass bong |
| 11567-011 | marijuana, pills, pipe and bag |
| 11567-012 | lighter, rolling papers, marijuana & pipe |
| 11567-013 | digital scale |
| 11567-014 | digital scale |
| 11637 | fake MO driver's license |
| 11643 | marijuana pipe and bong |
| 11674 | case w/ smoking pipe w/ residue |
| 11674-001 | drug paraphernalia |
| 11674-002 | digital scale |
| 11674-003 | paper notebook |
| 11674-004 | cloth bag w/ glass pipe |
| 11674-005 | one hitter pipe |
| 11674-006 | 11 g;ass pipes and 1 glass bong |
| 11674-007 | glass bong, grinder and sifter |
| 11675 | 1 Adderall pill |
| 11675-002 | drug paraphernalia |
| 11675-003 | 3 plastic wrappers w/ white residue |
| 11675-004 | drug paraphernalia |
| 11675-005 | drug paraphernalia |
| 11684 | marijuana and burnt roach |
| 11691 | baggie of marijuana |
| 11712-001 | drug paraphernalia |
| 11712-002 | container w/ residue and 2 grinders |
| 11712-003 | drug paraphernalia |
| 11712-004 | Ball jar w/ marijuana |
| 11712-005 | bottle w/ 2 blue pills |
| 11712-007 | drug paraphernalia |
| 11712-008 | pill bottle w/ marijuana stem and scales |
| 11721 | drug paraphernalia |
| 11750-002 | plastic bags, sugar bag w/ marijuana |
| 11758 | baggie of marijuana |
| 11776 | marijuana and wooden pipe |
| 11798 | 2 bags marijuana & Camel tin w/ residue |
| 11799 | baggie of marijuana |
| | |
| 11056 | Ohio license plate |
| 11218 | Natural Light beer can w/ sample |
| 11218-001 | Miami Univ ID card |
| 11218-002 | IN driver's license |
| 11254 | Ohio driver's license (unclaimed) |
| 11304 | sifter w/ marijuana |

| | |
|---|---|
| 11304-001 | Ohio driver's license |
| 11304-002 | bar wristband |
| 11312 | Natural Light beer can w/ sample |
| 11313 | Corona bottle w/ sample |
| 11335 | Indiana driver's license (unclaimed) |
| 11336 | Ohio license plate (unclaimed) |
| 11345-001 | (10) Bud Light beers, Milwaukee's Best beer and Natural Light beer can |
| 11345-002 | backpack full of beer |
| 11349 | plastic cup w/ mixed drink sample |
| 11366 | Bud Light pint of beer |
| 11366-001 | pack rolling papers |
| 11366-002 | bag of marijuana |
| 11436 | set of keys (unclaimed) |
| 11458 | Ohio temporary license plate |
| 11461-001 | GA driver's license |
| 11461-002 | OH driver's license |
| 11521 | Daisy BB rifle w/ BB's |
| 11667 | Miami Hamilton ID card (unclaimed) |
| 11668 | Ohio driver's license (unclaimed) |
| 11687 | glass bottle of car refreshner |
| 11885 | white globe shaped plastic foam broken |
| | |
| 10186 | Ohio driver's license (unclaimed) |
| 10692 | bent screwdriver |
| 11159 | Ohio driver's license & MU ID card |
| | |
| 10448 | broken car mirror |
| 10693 | 2 starter checkbooks, receipt, 2 CD's |
| 11251 | black handled lockblade knife |
| 11629 | 2 bladed S&W knife |
| 1285 | 2 grams marijuana in baggie |
| 1285-001 | yellow container with 32 pills & residue |
| 1286 | film container with 1 gram marijuana |
| 11318 | 1.3 grams marijuana |
| 11438 | drug paraphernalia |
| 11438-001 | baggie of marijuana |
| 11580 | metal faucet w/ marijuana residue |
| 11630 | metal pipe containing marijuana |
| | |
| 10007 | set of keys (unclaimed) |
| 10100 | wallet w/ contents (unclaimed) |
| 10116 | set of keys (unclaimed) |
| 10126 | Sandisk memory card (unclaimed) |
| 10127 | Arizona driver's license (unclaimed) |
| 10148 | set of keys (unclaimed) |

| | |
|---|---|
| 10205 | set of keys (unclaimed) |
| 10226 | First Financial Visa card (unclaimed) |
| 10227 | Miami Univ. ID card (unclaimed) |
| 10249 | wallet clip w/ misc cards (unclaimed) |
| 10268 | set of keys (unclaimed) |
| 10273 | "Susan" street sign (unclaimed) |
| 10300 | Social Security card (unclaimed) |
| 10304 | expired electrical glove |
| 10313 | set of keys (unclaimed) |
| 10325 | wallet w/ contents (unclaimed) |
| 10345 | set of keys (unclaimed) |
| 10373 | manila folder with misc papers (unclaimed) |
| 10383 | set of keys (unclaimed) |
| 10415 | USbank card (unclaimed) |
| 10430 | set of keys (unclaimed) |
| 10452 | damaged Motorola cell phone |
| 10453 | set of keys (unclaimed) |
| 10504 | set of keys (unclaimed) |
| 10542 | damaged Nokia cell phone |
| 10561-001 | fake VA driver's license |
| 10643 | set of keys (unclaimed) |
| 10684 | (1) .40 cal bullet |
| 10710 | AAA card & misc insurance cards (unclaimed) |
| 10710-001 | NY driver's license (unclaimed) |
| 10774 | Bank of America Visa card (request to destroy) |
| 10775 | Visa credit card (unclaimed) |
| 10776 | Ohio driver's license (unclaimed) |
| 10778 | State of Ohio handicap placard (unclaimed) |
| 10787 | Ohio driver's license (unclaimed) |
| 10796 | Cigma Medical card (unclaimed) |
| 10798 | Ohio driver's license (replaced) |
| 10808 | Ohio license plate (replaced) |
| 10834-001 | Fifth Third Mastercard (unclaimed) |
| 11933 | Fifth Third Visa card |

# CITY OF OXFORD
# STAFF SUMMARY REPORT

**Report to the City Manager: Doug Elliott, Jr.** *Police*
**Originating Department**

**Council Meeting Of: June 3, 2008**

**Account Code No. #:** N/A *Steve Schwein*
**Prepared By**

**Budgeted Amount:** N/A May 21, 2008
**Date Prepared**

**Agenda Title:** **Resolution Authorizing Certain Property held by the Oxford Police Department be declared of use by the City of Oxford.**

**Recommendation: Approve**

**Discussion:** Certain items currently in the possession of the Property Division of the Oxford Police Department are of use to the City of Oxford. These items have been turned in to the Property Officer and no one has claimed ownership. Therefore, it is the request of the Chief of Police that these items be released to the City of Oxford for use in general business. A list of the items being recommended for City use is attached.

**Approved By:**

| | Initial | Date |
|---|---|---|
| **Department Head:** | SDS | 5/21/8 |
| **City Attorney:** | | |
| **City Manager:** | | |

**RESOLUTION NO.**

A RESOLUTION AUTHORIZING THE OXFORD DIVISION OF POLICE TO RETAIN FOR USE BY THE MUNICIPALITY CERTAIN UNCLAIMED PROPERTY IN ITS POSSESSION.

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

SECTION 1: Pursuant to Oxford Codified Ordinances Section 127.11, the Division of Police having possession of certain unclaimed property consisting of a blue emergency light, a pair of handcuffs and case, twenty (20) .45 bullets, an open pack of copy paper, a MIT jump pack, a Ryobi spiral saw with case, a FinePix digital camera, shipping supplies, a Canon digital camcorder, and a laptop hard drive, and hereby requests the retention and use of said items for municipal purposes.

SECTION 2: Council, having reviewed the items listed, finds it to be beneficial to the City to retain this unclaimed property and authorizes the City's retention and use of said items.

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)

# Memo

To: Chief S. Schwein
From: Property Officer Ron Brooks
Property Technician Mike O'Leary
Subject: Property Use by City of Oxford
Date: 21 May 2008

The following items have been turned into the Oxford Police Department. No one has come forward to claim them. These particular items can be used by the City. I would recommend that they be accepted through a Council resolution.

| | | |
|---|---|---|
| 8693-002 | blue emergency light | 05-23-2006 |
| 8693-003 | pair of handcuffs and case | 05-23-2006 |
| 9471-001 | (7) .45 HP bullets | 11-22-2006 |
| 9484-003 | (13) .45 bullets | 11-22-2006 |
| 9987-007 | open pack of copy paper | 03-20-2007 |
| 10006 | MIT jump pack | 03-24-2007 |
| 10102 | Ryobi spiral saw w/ case | 04-06-2007 |
| 10134 | FinePix digital camera | 04-12-2007 |
| 10159 | shipping supplies | 04-18-2007 |
| 11061-004 | Canon digital camcorder | 10-19-2007 |
| 11132 | laptop hard drive | 11-02-2007 |

# CITY OF OXFORD
# STAFF SUMMARY REPORT

**Report to the City Manager**

City Manager
**Originating Department**

**Council Meeting Of:** June 3, 2008

Kim Newton
**Prepared By**

**Account Code No. #:** 110.408.52340 (60%); 321.816.52340 (20%); 331.836.52340 (20%)

May 28, 2008
**Date Prepared**

**Budgeted Amount:** $91,500.00

**Agenda Title:** Renewal of contract for Information Technology Support Services (ITSS) to LAN Solutions.

**Recommendation:** **Approve**

**Discussion:**

Last year the City of Oxford received five (5) RFP's for the City's IT/network support. Of the five proposals received, LAN Solutions was awarded the contract in the amount of $45,000 annually, beginning June 1, 2007.

LAN Solutions proposal for 2008 (June 2008 through May 2009) includes a ten percent (10%) increase from last year's rate for an annual cost of $49,500. This increase allows for additional services added to the primary services, such as additional workstations, laptops, servers and software, as well as the increase in transportation costs associated with growing gas prices.

The ten percent increase remains competitive with the proposals received over a year ago (see breakdown below):

**LAN Solutions**
$3,750 per month/$45,000 annually

**DLP Technologies, Inc**
$4,100 per month/$49,200 annually

**NextStep Networking**
$5,365.00 per month/$64,380 annually

**EC Link**
$79 per hour (remote/on site); $105 per hour for additional services; $500 assessment fee (one time only); $250 per month for spam filtering

**International Business Solutions**
$300,000 annually

| **Approved By:** | **Initial Date** |
|---|---|
| **Department Head:** | _____\ |
| **City Attorney:** | _____\ |
| **City Manager:** | _____\ |

# CITY OF OXFORD
# STAFF SUMMARY REPORT

**Report to the City Manager: Doug Elliott, Jr.** *Police*
**Originating Department**

**Council Meeting Of: June 3, 2008**

*Steve Schwein*
**Account Code No. #:** N/A **Prepared By**

**Budgeted Amount:** N/A May 21, 2008
**Date Prepared**

**Agenda Title:** **Resolution Authorizing Certain Property held by the Oxford Police Department be declared of no use to the City of Oxford and donated to the Lions Club of Oxford.**

**Recommendation: Approve**

**Discussion:** Certain items currently in the possession of the Property Division of the Oxford Police Department are of no use to the City of Oxford. These items have been turned in to the Property Officer and no one has claimed ownership. Therefore, it is the request of the Chief of Police that these items be released to the City of Oxford for donation to the Lions Club of Oxford.

**Approved By:**

| | Initial | Date |
|---|---|---|
| **Department Head:** | SDS | 5/21/8 |
| **City Attorney:** | | |
| **City Manager:** | | |

**RESOLUTION NO.**

A RESOLUTION DECLARING CERTAIN UNCLAIMED EYEGLASSES NO LONGER OF VALUE TO THE CITY AND AUTHORIZING THE DONATION OF SAME TO THE LION'S CLUB.

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

SECTION 1: Pursuant to Oxford Codified Ordinances Section 127.11, four pairs of eyeglasses currently in the custody of the Division of Police are hereby declared surplus and of no value for City purposes and not needed for any municipal purpose, and same may be donated.

SECTION 2: Council hereby authorizes the donation of said eyeglasses to the Lion's Club for charitable use.

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)

# Memo

To: Chief S. Schwein
From: Property Officer Ron Brooks
Property Technician Mike O'Leary
Subject: Glasses for Lion's Club
Date: 21 May 2008

In accordance with past practice I'm submitting this request for City Council's approval to release the below listed eyeglasses to the Lion's Club. In their present form the items have no value at auction, so unless given to the Lion's Club, we'll destroy them. These glasses were turned in as "found" and the owner is unknown.

| | |
|---|---|
| 11172 | brown frame prescription eyeglasses |
| 11497 | brown frame prescription eyeglasses |
| 11559 | purple frame prescription eyeglasses |
| 11560 | black frame prescription eyeglasses |

# CITY OF OXFORD
# STAFF SUMMARY REPORT

**Report to the City Manager**

City Manager's Office

**Originating Department**

**Council Meeting Of:** June 3, 2008

Mary Ann Eaton

**Account Code No. #:** N/A

**Prepared By**

**Budgeted Amount:** N/A

May 28, 2008

**Date Prepared**

**Agenda Title:** A Resolution authorizing the City Manager to enter into the Mutual Aid Agreement with Miami University.

**Recommendation:**

**Discussion:**

The proposed Resolution authorizes an Agreement for mutual aid between the City of Oxford and Miami University. This Agreement would replace the existing Agreement which expires on June 30, 2008.

**Approved By:**

| | Initial | Date |
|---|---|---|
| Department Head: | | \ |
| City Attorney: | | \ |
| City Manager: | | \ |

**RESOLUTION NO.**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUTUAL AID AGREEMENT WITH MIAMI UNIVERSITY.

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

SECTION 1: The City Manager and Police Chief recommend the City enter into a Mutual Aid Agreement with Miami University to provide additional police protection and to provide support in times of emergency.

SECTION 2: Council accepts the recommendation of the City Manager and Police Chief and hereby authorizes the City Manager to enter into a Mutual Aid Agreement with Miami University on behalf of the City for a period of four (4) years with the right to cancel the Agreement upon a sixty (60) day written notice of intent to terminate.

SECTION 3: The City Manager and Chief of Police are further authorized to present to Miami University, the signed Mutual Aid Agreement for approval by the University.

SECTION 4: 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 AND MIAMI UNIVERSITY
LAW ENFORCEMENT MUTUAL ASSISTANCE AGREEMENT

WHEREAS, the City of Oxford, Ohio maintains a police department pursuant to Sections 3 and 7 of Article XVIII of the Ohio Constitution and Miami University maintains a police department pursuant to Ohio Revised Code 3345.04; and

WHEREAS, the City of Oxford and Miami University are both parties to the Butler County Intra-County Mutual Police Aid Agreement; and

WHEREAS, the City of Oxford and Miami University are authorized by Ohio Revised Code 3345.041 to enter into a Law Enforcement Mutual Assistance Agreement authorizing Miami University to perform police functions on behalf of the City of Oxford and, authorizing the city of Oxford to perform police functions on behalf of Miami University; and

WHEREAS, the City of Oxford and Miami University have previously entered into Law Enforcement Mutual Assistance Agreements and;

WHEREAS, the current Law Enforcement Mutual Assistance Agreement between Miami University and the City of Oxford is scheduled to terminate on June 30, 2005~~8~~
; and

WHEREAS, the City of Oxford and Miami University now desire to enter into a new Law Enforcement Mutual Assistance Agreement;

NOW THEREFORE, in consideration of the mutual promises and undertakings set forth below, the City of Oxford and Miami University (hereinafter referred to individually as "Party" and collectively as "Parties") agree as follows:

**1. Effective Date and Scope of Agreement**

A. This Agreement is effective on the 1St day of July, 2005~~8~~ and supercedes and replaces the Law Enforcement Mutual Assistance Agreement effective July 1, 2005~~dated May 4, 2004 executed by the Parties~~.

B. This Agreement supplements the Butler County Intra-County Mutual Police Aid Agreement, attached hereto as Exhibit A and incorporated herein, to which both City of Oxford and Miami University are signatories. This Agreement further defines the terms and conditions pursuant to which the Parties shall provide mutual law enforcement assistance to each other. All terms and conditions of the Butler County Intra-County Mutual Police Aid Agreement are applicable to this Agreement.

**2. Definitions**

For the purposes of the Agreement, the following terms shall have the following meanings.

A. Law Enforcement Authority is defined as either the police department (including its sworn officers) of Miami University (herein "Miami University Police Department" or "MUPD") or the police department (including its sworn officers) of the City of Oxford (herein "Oxford Police Department" or "OPD").

B. Concurrent Law Enforcement Authority is defined as the geographical area where both Law Enforcement Authority have the legal right and obligation under this Agreement to provide law enforcement services pursuant to this Mutual Assistance Agreement.

C. Law Enforcement Services is defined as the performance of any police function, the exercise of any police power or the rendering of any police services.

**3. Concurrent Law Enforcement Authority**

Pursuant to this Agreement, MUPD and OPD shall have Concurrent Law Enforcement Authority over the entire rights of way of the following streets, including the intersection at either end of the specified right-of-way and all intersections contained within the described rights-of-way:

1. Chestnut Street between Campus Avenue and Patterson Avenue;
2. Campus Avenue between Chestnut Street and High Street;
3. Sycamore Street from Tallawanda Street to Bouden Lane;
4. The entire length of Tallawanda Street;
5. State Route 73 from Patterson Avenue to the City of Oxford limits;
6. Spring Street from Campus Avenue to Patterson Avenue;
7. Patterson Avenue (also known as U.S. Highway 27) from south Patterson Avenue at the University Property limit north to the City of Oxford corporation limits;
8. High Street (also known as U.S. Highway 27) from Patterson Avenue to Campus Avenue;
9. Bonham Road from Sycamore Street and Tallawanda Street to the Miami University property limit;
10. The entire length of Oak Street; and
11. The entire length of Maple Street.

Each Law Enforcement Authority is authorized by this Agreement to perform any law enforcement services in any area of Concurrent Law Enforcement Responsibility. Whenever an accident occurs in any of the areas described in #1-11 above, the Law Enforcement Authority with the first officer on the scene shall assume responsibility. MUPD shall issue citations under the Oxford City Code for all parking and moving violations that occur in the areas described in #1-11 above.

During each year of this Agreement the chiefs of police of MUPD and OPD will review the enforcement practices on these streets to ensure appropriate enforcement for the

benefit of the people and report the results of such review to the Vice President for Finance and Business Services at Miami University and the City Manager of Oxford.

**4. Additional Law Enforcement Assistance**

A. Major Events

Each Party shall advise the other Party of significant community or university events (i.e., concerts, athletic events, Red Brick Rasta). The chief of the police department where the event is occurring (i.e., the city or on university property) may request the law enforcement assistance of the other department. MUPD will coordinate traffic control with Oxford Police and will assist in the off-campus control of traffic related to significant campus events.

B. Maintenance of Law and Order

Whenever either the OPD or MUPD determines that it does not have sufficient law enforcement resources to meet a particular situation or set of circumstances effectively and expeditiously, the senior officer of the police department on duty and in charge of the police department is authorized to request law enforcement assistance from the other police department. This authorization includes responding to a significant crime which includes homicide, aggravated assault, rape, robbery, burglary, breaking and entering, and civil disorder (riot, attempted riot, and disruptive crowds).

C. Major Case Investigation

When a significant crime has occurred, the chief of the police department of either MUPD or OPD may request the law enforcement assistance of the other police department in investigating the significant crime. Joint investigations must be approved by the chiefs of each Law Enforcement Authority.

D. Witness to Offense/Traffic Violation or Accident

1. An officer witnessing potentially life-threatening, substantial property damage, traffic violations or criminal violations outside the officer's jurisdiction is empowered to stop the violator. The witnessing officer will then notify the on-duty supervisor of the responsible department and advise the nature of the incident, its location and the witnessing officer's unit number. The responsible department will respond in one of the following manners:

    A. Relinquish authority over the incident to the witnessing officer, or

    B. Dispatch an officer or officers to the scene who will take charge of the incident. The responsible department has the option of relinquishing authority for the incident to the witnessing officer, subject to the approval of the officer on duty and in charge of the responsible department.

2. If any officer of either jurisdiction observes any incident in the other jurisdiction involving bodily injuries or substantial property damage, then such officer shall respond to such incident following the notification procedures specified above, with the full authority of an officer of the other jurisdiction including the authority to make arrests. Such authority shall continue until such time as appropriate personnel from the other jurisdiction has responded.

3. The following violations are considered to be life threatening and/or substantial property damage offenses:

Aggravated Vehicular Homicide (ORC Sec. 2903.06)
Vehicular Homicide (ORC Sec. 2903.07)
Willful or Wanton Disregard of Safety on Highways (ORC Sec. 4511.20) Willful or Wanton Disregard of Safety Elsewhere (ORC Sec. 4511.201) Operation Without Reasonable Control (ORC Sec. 4511.202)
Operating a Motor Vehicle under the Influence - OMVI (ORC Sec. 4511.19 - 4511.196)
Left of Center (ORC Sec. 4511.30)
Intoxicated Persons on a Public Highway (ORC Sec. 4511.481)
Leaving the Scene of an Accident (ORC Sec. 4549.02)
Obeying Traffic Control Devices (ORC Sec. 4511.12)
Any felony defined in the Ohio Revised Code.

4. In the event that police personnel and equipment are involved in providing assistance under this Agreement, and such responding personnel and equipment are required by their own department, each party to this Agreement reserves the right to withdraw such personnel and equipment for such purposes.

5. In any situation in which assistance is provided pursuant to the terms of this Agreement, the officer in charge of the Requesting Department shall have full charge of and authority over any assisting equipment and personnel responding to such call. No oath of office need be administered to police officers of the Responding Department when the performance of such officers' duties is pursuant to this Agreement.

6. No charge shall be made for services rendered pursuant to the terms of this Agreement, it being understood that the mutual promises contained herein serve as adequate consideration.

7. All personnel of the Responding Department, while providing assistance under this Agreement, shall at all times be acting within the scope of their employment by the Responding Department, and will not be considered employees of the Requesting Department. Each Party to this Agreement will continue to be responsible for all forms of compensation and benefits related to the employment as well as equipment, uniforms and other tangible articles, which it would otherwise pay or furnish while any of its officers is (are) providing assistance under this Agreement. Under no circumstances will either party be required to

assume any of such employment-related obligations or expenses by virtue of having made one or more request for, or received, assistance under this Agreement.

**5. Warrants, Subpoenas, and Other Legal Process**

Warrants, subpoenas and other legal process shall be served by the appropriate police department: MUPD for those documents addressed to persons on University property and OPD for those documents addressed to persons living in the City of Oxford with appropriate control documentation maintained by the serving department. Any exception to this provision shall be agreed upon by the chiefs of MUPD and OPD or in their absence the senior officer on duty.

**6. Liability Between the Parties**

Neither the City of Oxford nor Miami University shall be obligated to reimburse the other for loss or damage to equipment while law enforcement officers are engaged in activity in accordance with this Agreement, nor shall there be any reimbursement, indemnity award, or premium contributions assessed against the other for workers compensation benefits arising by reason of injury or death to an employee of either while engaged in rendering services under this Agreement. Each party shall be responsible for any claim or cause of action made against the party of its law enforcement officers arising out of the performance of duties under this Agreement and neither party shall be required to indemnify, defend, or hold harmless the other for any such claim or cause of action.

7. Duration of Agreement

A. This Agreement shall expire on June 30, 2012~~08~~.

B. The Oxford City Manager and the Vice President for Finance and Business Services at Miami University may enter into such additional Memoranda of Understanding, setting forth additional procedures, not inconsistent with the terms hereof, for implementing this Agreement. The parties agree to be bound by the terms of any such memoranda as fully as if it were part of this Agreement.

C. This Agreement may be terminated by either party with a 60-day written notification of intent to terminate.

| Miami University | The City of Oxford |
| --- | --- |
| ~~Richard Norman~~<br>Adolph Haislar<br>Interim Vice President for Finance and<br>~~University~~ Business Services | ~~Jane Howington~~<br>Doug Elliott<br>City Manager |
| John M. McCandless<br>Chief of Police<br>Miami University Police | Stephen D. Schwein<br>Chief of Police<br>Oxford Police Department |

EXHIBIT "A"

# BUTLER COUNTY
# INTRACOUNTY MUTUAL POLICE AID AGREEMENT

**WHEREAS**, certain political subdivisions, elected officials and local governmental units within Butler County, Ohio, desire to mutually obtain and provide additional police protection and related support in times of emergency; and

**WHEREAS**, said political subdivisions and local governmental units wish to contract with each other to provide for mutual assistance and interchange, and use of their police personnel and equipment in times of emergency within the territories of the parties hereto; and

**WHEREAS**, Sections 311.07, 311.29, 505.43, 505.431, 737.04 and 737.041 of the Ohio Revised Code specifically authorize political subdivisions and local governmental units to enter into mutual police aid agreements;

**NOW, THEREFORE, BE IT RESOLVED** by and among the parties hereto that any number of political subdivisions, elected officials and governmental units within Butler County, Ohio, including police districts, may become parties to this Agreement by appropriate authorization and execution of a copy hereof by the elected official, or by the respective legislative bodies of said political subdivisions and governmental units, and by depositing a copy with the Butler County Emergency Management Agency, 315 High Street, Hamilton, Ohio. The Butler County Emergency Management Agency shall immediately send to each new party to this Agreement a copy of each signed Agreement and a list indicating the names of the political subdivisions and governmental units which have executed the Agreement, and shall send annually thereafter to each party a current list of parties to this Agreement. The Butler County Emergency Management Agency shall also annually provide the Prosecuting Attorney of Butler County with a current list of all parties to this Agreement.

The parties hereto mutually agree as follows:

1. All parties agree that all calls for assistance pursuant to this Agreement shall be upon the direction of the senior on-duty officer in charge of the law enforcement agency requesting assistance to the senior on-duty officer(s) in charge of the law enforcement agency(s) from which assistance is requested. Such senior on-duty officer shall perform any duties imposed by law upon the Mayor of any municipality, or the President of any Board of Township Trustees, in regards to responding to a request for assistance under the terms of this Agreement.

2. When the senior on-duty officer in charge of any law enforcement agency which is a party to this Agreement calls for assistance, he/she shall state the specific equipment and manpower needed, and shall give explicit directions as to the location where assistance is required.

3. Each party to this Agreement will respond with such police equipment and manpower as is requested by the senior on-duty officer in charge of the law enforcement agency of any other party to this Agreement. However, such response will only be to the extent that, in the judgment of the senior on-duty officer in charge of the law enforcement agency receiving the request, such request would not impede the proper protection of the receiving agency=s own territory. In the event that the senior on-duty officer in charge of the law enforcement agency which receives the request determines that all of the equipment and manpower as requested cannot be provided consistent with the proper protection of his/her own territory, said party shall provide as much equipment and manpower as deemed advisable under the circumstances.

4. In any situation in which additional assistance is called pursuant to the terms of this Agreement, the senior on-duty officer in charge of the requesting department shall have full charge and authority over any responding agency equipment and personnel. No Oath of Office need be administered to responding police officers by the authorities of the requesting jurisdiction when the performance of the officers= duties within such other jurisdiction are pursuant to this Agreement. Such officers shall have the same powers of enforcement and arrest as if acting within their own jurisdictions.

5. The senior on-duty officer in charge of the requesting department shall determine the radio frequency upon which mutual assistance radio communications will be transmitted. Radio communications will be transmitted in clear speech rather than varying departmental radio codes.

6. Notwithstanding the requirement for the approval of the senior on-duty officer as contained herein, the provisions of this Agreement shall also apply to an officer who responds, in accordance with the operating procedures of his/her employing law enforcement agency, to an emergency call for assistance from another officer, outside of the responding officer=s jurisdiction.

7. Notwithstanding the provisions of Section 311.07 of the Ohio Revised Code, no charges shall be made to any party hereto for services rendered pursuant to the terms of this Agreement, it being understood that the mutual promises contained herein serve as adequate consideration.

8. In no case shall the party herein called upon, or rendering such service, be liable in damages to any other party hereto, or contractual obliges, for failure to answer any police call for assistance, for lack of speed in answering such call, for any inadequacy of equipment or negligent operation of equipment, or for any cause whatsoever growing out of use of such police equipment and personnel. Neither shall the party which issued such call be liable in any manner for damages, loss of equipment or personnel, or personal injuries suffered by the party answering such call. Each party shall assume the cost of damage or loss of equipment or apparatus that it may incur while in the other party=s municipality or territory, or while responding to a call pursuant to the terms of this Agreement.

9. Chapter 2744 of the Ohio Revised Code, so far as it is applicable to the operation of law enforcement agencies, applies to the contracting political subdivisions and government units hereunder and to their law enforcement agency members when such members are rendering service outside of their own political subdivision or governmental unit pursuant to this Agreement.

10. Law enforcement agency members acting outside of the political subdivision or governmental unit in which they are employed may participate, if the rules of the Board of Trustees of the policemen=s pension or indemnity fund provide therefore, in any pension or indemnity fund established by their employer to the same extent as while acting within the employing political subdivision or governmental unit. They are entitled to all rights and benefits of Chapter 4123 of the Ohio Revised Code to the same extent as while performing service within their own political subdivision or governmental unit, provided that such members are acting upon authorization of a duly-designated officer or employee of the employing subdivision.

11. This Agreement reflects the most comprehensive countywide system of mutual police aid permitted by Ohio law. It shall be reviewed annually by the Director of the Butler County Emergency Management Agency who may propose revisions to the Agreement. Any party to the Agreement may also, from time to time, propose revisions to the Agreement. All parties hereto, and the Butler County Chiefs Association, shall be notified of any proposed revision(s) to the Agreement.

Revisions must be ratified by all parties to the Agreement, either by the implementation of a new Agreement or by the signing of an addendum to the current Agreement.

12. This Agreement shall remain in effect indefinitely with respect to each party hereto. Any party may withdraw from the Agreement upon the giving of at least three months written notice of its intention to withdraw to each current party as well as to the Butler County Emergency Management Agency and the Butler County Prosecuting Attorney.

13. This Agreement shall become operative as to the undersigned party when deposited with the Butler County Emergency Management Agency.

14. This Agreement may be executed in multiple counterparts.

**IN WITNESS THEREOF**, Jane Howington (Name of Signer), as City Manager (Title of Elected Official), **/OR**

on behalf of Oxford City Council (Name of Political Subdivision or Governmental Unit), pursuant to Resolution No. 3813,

adopted on March 19, 2002 by the legislative body of said political subdivision or governmental unit,

has executed this Agreement on March 20, 2002.

Jane Howington
Name

City Manager
Title

City of Oxford
Contracting Entity

Received By:

Dir., Butler County Emergency Management Agency — Date

Asst. Prosecuting Attorney of Butler County — 6/17/02 — Date

Approved as to Form:

Prosecuting Attorney OR Director of Law

Date: _____

A work session of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, May 20, 2008 at 6:00 P.M. Those Council members present were, Ken Bogard, Alysia Fischer, Kate Currie, Richard Keebler and Doug Ross. Greig Rutherford arrived at 6:10 p.m.

Staff members present: Doug Elliott, City Manager; Gail Brahier, Parks and Recreation Director; Mike Dreisbach, Service Director; Alan Kyger, Economic Development Director; Joe Newlin, Finance Director; Steve McHugh, Law Director and Mary Ann Eaton, Deputy Clerk of Council.

**APPROVAL OF AGENDA**

Mr. Bogard moved approval of the Agenda. Ms. Fischer seconded. The motion carried 6-0-0.

The purpose of the Work Session was for Council to receive information regarding the Mayor's Agreement on Climate Control and information regarding the 2010 Campaign For Active Transportation.

**U.S. Mayor's Climate Protection Agreement**

Mayor Dana introduced Dr. Orie Loucks, Mr. Don Pestana, Ms. Ann Geddes, and Ms. Jane Strippel.

Dr. Loucks advised the US Mayor's Climate Protection Agreement was first proposed at the US Conference of Mayors in 2005 and 840 cities to date were participating in the initiative.

Mr. Pestana advised this initiative would commit local governments to be advocates for the cause and take an inventory of global warming emissions. Mr. Pestana discussed the 12 areas of investigation for cities to consider and the 'Big Three' action areas which included Efficiency, Green Vehicles and Equipment, and Renewable Energy such as solar and wind installations.

Ms. Geddes discussed the rationale for action and the benefits of those actions as well as types of legislation regarding the issue.

Mr. Pestana discussed the implementation process and noted several programs/agencies which offered tools for education.

Ms. Strippel noted the many people and organizations in Oxford who had committed to working on the initiative.

The consensus of Council was that they wanted to study the information distributed this evening and receive input from staff before making any commitments.

Mayor Dana suggested perhaps legislation supporting the initiative could come forward later this summer.

**Oxford 2010 Campaign For Active Transportation**

Ms. Brahier advised her feeling Oxford should be able to participate in the Nonmotorized Transportation Pilot Program funded by a federal government bill which was up for re-authorization in 2010. Ms. Brahier distributed a draft case statement which the Rails-to-Trails Conservancy could take to Washington in the fall for consideration by the legislators. Ms. Brahier noted the case statement was due by June 30, 2008 and requested Council to consider a Resolution of support on their June 3, 2008 agenda.

The consensus of Council was very much in support of this initiative.

Ms. Brahier recognized Mr. Paul Allen, Ms. Diana Durr, and Mr. Jon Ralinovsky who were in attendance on behalf of the Rails-to-Trails Conservancy.

**ADJOURNMENT** Ms. Fischer to adjourn at 7:00 p.m. Mr. Bogard 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 20, 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; Mr Joe Newlin, Finance Director; Mr. Len Endress, Fire Chief; Mr. Alan Kyger, Economic Development Director; Ms. Gail Brahier, Parks and Recreation Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Deputy Clerk of Council.

## ADJOURN TO EXECUTIVE SESSION

Mr. Ross moved to adjourn to Executive Session at 7:08 p.m. in accordance with Ohio Revised Code section 121.22 (G) for the purpose of discussing (1) Appointments to Boards Commissions. 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. Bogard moved to return from Executive Session at 7:28 p.m. Ms. Fischer 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 ALLEGIENCE

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**

**INTRODUCTION**

Mr. Elliott introduced Mr. Joseph Newlin, Finance Director and welcomed him as the City's new Finance Director.

Mr. Newlin thanked Council for having the faith in him to represent the City of Oxford. Mr. Newlin noted he is from Avon Lake, Ohio, approximately 18 miles west of Cleveland, which is very similar to Oxford in size. Mr. Newlin noted he has had the opportunity to meet his staff and stated he is looking forward to serving the City.

**RECGONITION**
**JANICE GRILL**

Mayor Dana read and presented Ms. Grill with a Certificate of Appreciation for her efforts in transcribing the minutes over the past year.

**APPOINTMENTS TO**
**BOARDS AND COMMISSIONS**

Mr. Bogard moved to reappoint Mr. Howard Bradley to the Board of Appeals Building/Housing) for a term expiring June 30, 2013, Mr. Howell Lloyd to the Historic and Architectural Preservation Commission for a term expiring June 30, 2012, Mr. Kevin McKeehan to the Advisory Utilities Commission for a term expiring June 30, 2011, Ms. Vanessa Cummings to the Housing Advisory Commission for a term expiring June 30, 2012, and Ms. Brandy Darby and Ms. Holli Morrish to the Recreation Board for a term expiring June 30, 2011. Ms. Fischer seconded. The motion passed 7-0-0.

**PUBLIC COMMENTS**

**Ms. Connie Elliott**, 5201 College Corner Pike, noted her presentation on May 7th went well. Ms. Elliott stated since the presentation, she has received four more applications for the Smokey and Tornado Project. Ms. Elliott advised she is working on getting more kits assembled. Ms. Elliott noted she had in her possession a letter to the editor of the Oxford Press as her way of expressing thanks for the grant, which she summarized. Ms. Elliott expressed her gratitude to the Oxford Community Foundation for their help.

**Ms. Kathleen Zien**, 6060 Joseph Drive, referred to the 320 East Vine application which indicated there should be a list with names and addresses of all adjoining property owners within 200 feet of that site. Ms. Zien noted the list is not included with either the application or the staff report. Ms. Zien stated she mentioned the same circumstance at the Planning Commission meeting last week in reference to a proposed building located in the alleyway behind the former First financial Bank and which would come before BZA tomorrow.

Ms. Zien stated for the apartment proposed there is a request for residential on all three floors. Ms. Zien pointed out several of the owners within 200 feet of the proposed building. Ms. Zien stated the Oxford Press is immediately to the west of the proposed apartment. Ms. Zien suggested the comment sheet was probably sent to owner of record, Cox Publishing, at the Dayton address, but the local office never received a comment sheet. Ms. Zien suggested agenda items such as changes in zoning and land use should be flagged directly to affected citizens. Ms. Zien stated the directive to applicants is they must find the names of owners on the Butler County Auditor's site. Ms. Zien noted applications that don't include a list of neighbors submitted should be considered incomplete and not processed. Ms. Zien stated she has not seen City signs posted at properties regarding public hearings. Ms. Zien asked Council to request staff to reinitiate the signage program for hearings coming before all boards including more description describing what the hearing concerns.

## CONSENT AGENDA

Ms. Fischer requested removal of item B. Minutes and item G. Resolution. Ms. Dana requested removal of item C. Minutes.

## MINUTES

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

## REPORTS

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

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

## RESOLUTIONS

## RESOLUTION
## SURPLUS PROPERTY

A Resolution No. 4351declaring certain surplus 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)

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

**MINUTES**

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

Ms. Fischer noted corrections to the minutes on pages 12, 13, and 24 of the agenda. Ms. Dana noted a correction to page 25.

Ms. Fischer moved to approve the minutes as corrected. Ms. Currie seconded. The motion passed 7-0-0.

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

Mayor Dana advised she was not present for the special meeting and would abstain from approving the minutes.

Ms. Fischer moved to approve the minutes. Mr. Bogard seconded. The motion passed 6-0-1 with Mayor Dana abstaining.

**RESOLUTION**
**CITY AUCTION**

A Resolution No. 4352 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)

Ms. Fischer invited Ms. Currie to explain plans for Bicentennial activities.

Ms. Currie stated events are being planned for the 2010 Bicentennial, and one of the suggestions was kinetic sculpturing in which people would use bicycles. Ms. Currie asked if the City could possibly donate bicycles that had been impounded.

Mr. Dreisbach explained there is a summer auction each year usually in June on a Saturday. Mr. Dreisbach stated he would make note of the request and confer with the law director.

Mr. Keebler moved to adopt Resolution 4352. Ms. Fischer seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

**RESOLUTION**

**RESOLUTION**
**ANNEXATION AGREEMENT**

A Resolution No. 4353 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)**

Ms. Currie moved to remove the Resolution from the table. Mr. Bogard seconded. The motion passed 7-0-0.

Mr. Chen noted Attachment C of the annexation agreement was not included at the last meeting and has since been included for Council's consideration. Mr. Chen stated the southern part of the 20 acres shows 35 units. Mr. Chen noted the lots meet the standards as based on R1B zoning. Mr. Chen reminded Council this is a concept to show the general layout.

**Ms. Betty Quantz**, 322 West Vine, asked who would be maintaining the detention lots. Ms. Quantz noted this issue is not addressed in the development agreement.

**Ms. Lorie Batdorf**, Executive Director, Neighborhood Housing Services (NHS), noted in conjunction with Miller-Valentine, they have submitted an application to the State Housing Agency for the low-income tax credits. Ms. Batdorf stated there is going to be detention, but she does not know if it has been determined whose responsibility it would be at this time.

**Dr. Orie Loucks**, 6195 Fairfield Road, expressed concern regarding the language of the agreement as well as Exhibit C as it relates to a functioning Comprehensive Plan. Dr. Loucks suggested this might open the door to suburban mistakes in Oxford. Dr. Loucks asked if there would be further opportunity to work with the owner to try to develop a land use that could be just as economically advantageous to the owner while meeting conservation and greening goals. Dr. Loucks noted concern with the number of small lots all on one street.

Mr. Chen explained this is a concept plan. Mr. Chen stated if the City accepts the territory, there would have to be a zoning change and they would have to meet subdivision regulations. Mr. Chen stated the Planning Commission is addressing open space cluster development.

Ms. Batdorf noted based on what has been submitted to the State Housing and Finance Agency as well as the City, while it is conceptual, it does meet the requirements. Ms. Batdorf noted because of concerns brought forth, they choose to scale back the number of houses proposed.

Mayor Dana noted in the annexation agreement under item two, it is a conceptual preliminary plan.

Ms. Fischer asked about the time line regarding the project.

Ms. Batdorf stated this is an all or nothing project based on the tax credit application. Ms. Batdorf explained NHS is heading into round two of the process. Ms. Batdorf noted the actual application was submitted in February and more documentation has to be submitted by Thursday, including the annexation agreement. Ms. Batdorf stated NHS would receive a decision by July 3. Ms. Batdorf stated the State would perform an environmental study on the property, which would take approximately 60 to 90 days. Ms. Batdorf estimated closing on the property would probably take place around the end of 2008 and perhaps groundbreaking some time in the first quarter of 2009.

Mr. Keebler reiterated the Planning Commission is addressing an alternate subdivision plan. Mr. Keebler noted the only thing available at the present time is the current subdivision ordinance. Mr. Keebler stated the alternate plan may or may not be available for this project. Mr. Keebler asked if the affordable housing had to be on one street or a pocket within the entire subdivision.

Ms. Batdorf stated the majority of the project would consist of single-family affordable housing. Ms. Batdorf noted there are wetlands, a playground and picnic area included.

Mr. Bogard noted the objective of the project in creating affordable housing in Oxford for staff, young faculty and others who work throughout the City as well as at the University so they can afford to live within the City. Mr. Bogard asked if Exhibit C has to be accepted as part of the annexation agreement.

Mr. McHugh noted the idea of including Exhibit C was to have a limit in design intent. Mr. McHugh stated it was his understanding the design was also submitted to the State along with the application for the grant. Mr. McHugh explained the application met the regulations at the point of review.

Mr. Bogard asked if the subdivision would all be built out at once.

Ms. Batdorf stated it would be built in phases.

Mr. Rutherford referred to item three in the annexation agreement, which uses the word "multifamily." Mr. Rutherford stated based on conversations he had with the Ohio Housing Finance Agency, the wording is incorrect.

Ms. Batdorf noted she contacted the Ohio Housing Finance Agency as well and acknowledged the wording could easily say, obtaining housing funding from Ohio Housing Finance Agency for single-family units.

Mr. Rutherford suggested just deleting the word "multifamily."

Mr. Rutherford referred to item number two of the annexation agreement. Mr. Rutherford asked if an engineering drawing was submitted to the State showing metes and bounds along with the application making it impossible for adjustments.

Ms. Batdorf stated there were unofficial engineering documents submitted by Miller-Valentine. Ms. Batdorf noted the current conceptual plan is the second or third plan that has been submitted with changes made. Ms. Batdorf explained the goal of keeping the housing affordable.

Mr. Rutherford suggested the plan as submitted lacks imagination and it is a segregated plan with the big lots separated from the small lots. Mr. Rutherford noted he understood the subdivision regulations that are in place would have to be met at the time of submittal of the subdivision plans.

Mr. McHugh concurred with Mr. Rutherford concerning the subdivision regulations, but didn't know how that would affect the grant.

Mr. Rutherford stated he didn't want to force them into a situation where the grant is lost, but open up future possibilities. Mr. Rutherford addressed energy conservation.

Ms. Batdorf noted one of the specific requests from the Township regarded the properties facing Booth and Kehr Roads have larger lots.

Mr. Keebler noted the setbacks on the lots.

Ms. Currie asked about the final number of lots.

Ms. Batdorf stated there would be 45 total, with 35 in the application. Ms. Batdorf noted there would be five lots strategically placed throughout that could be owner-occupied immediately.

**Ms. Betty Quantz**, 322 West Vine, stated the Planning Commission has not approved the subdivision plat. Ms. Quantz noted there is quite a bit more in the development agreement that is not on Exhibit C.

Mayor Dana noted the matter before Council involves the annexation and invited Mr. Chen to provide further explanation.

Mr. Chen stated the plan was shared with the Planning Commission. Mr. Chen reiterated this is a conceptual plan. Mr. Chen stated the plan is subject to modification based on engineering findings.

Mr. Bogard asked if it were possible to adopt the annexation plan without Exhibit C.

Mr. Elliott suggested saying Exhibit C has been reviewed as opposed to agreed to.

Mr. McHugh stated it is a conceptual plan and not a preliminary subdivision plan. Mr. McHugh noted it is intended for submittal with the application.

Ms. Fischer suggested removing item number two from the annexation agreement.

Ms. Fischer moved to remove item number two from the annexation agreement, to remove the word "multifamily" from item number three of the annexation agreement and replace it with the word "single-family," and to remove Exhibit C from the annexation agreement. Mr. Ross seconded.

Mr. McHugh suggested adding the word "single-family" immediately preceding the number 35 in item number three of the annexation agreement. Ms. Fischer agreed.

Ms. Fischer moved to remove item number two from the annexation agreement, to remove the word "multifamily" from item number three of the annexation agreement, insert the word "single-family immediately preceding the number 35 in item number three of the annexation agreement, and to remove reference to Exhibit C from the annexation agreement. Mr. Ross seconded. The motion passed with the following roll call:

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

NAY: None (0)

ABS: None (0)

Mr. Ross asked if Mr. Colwell would still be the owner of the property.

Ms. Batdorf stated he would own the remaining 20 acres. Ms. Batdorf stated if the tax credits are awarded, NHS would purchase the southernmost 20 acres on Kehr and Booth Roads.

Mr. Ross asked if NHS were successful with the State of Ohio, would they be the developer and the owner.

Ms. Batdorf stated that was correct.

Mr. Ross asked if local people would be used to build the houses.

Ms. Batdorf stated they try to do so primarily; however, Miller-Valentine has a construction unit as well.

Mr. Ross asked for approximate cost of the homes upon completion.

Ms. Batdorf explained there is a 15-year tax credit on the development and purchase could take place following that 15-year time frame. Ms. Batdorf stated as money is invested in the property and buys down the debt on the property, someone could buy the house for what is owed on the debt. Ms. Batdorf noted the market value of the home does not change.

Ms. Fischer clarified these would be rentals for a 15-year period of time.

Ms. Batdorf noted there are restricted covenants such as they cannot be student housing. Ms. Batdorf stated they are income eligible and equity can be passed on from one family to another.

Ms. Fischer referred to item number five of the annexation agreement where it refers to an advisory opinion, and asked for an explanation.

Mr. McHugh stated the intent was to allow the applicant to come in with their application for rezoning and get feedback from Council even if the annexation had not yet proceeded. Mr. McHugh noted this would allow Council to provide feedback and comments.

Mr. Chen noted it provides an outlet should any of the applications or processes overlap.

Mr. Keebler stated in the past, the City has chosen to annex a parcel for a particular reason and then the development didn't occur.

Mayor Dana noted the intention of the NHS to reapply for the tax credits should they be denied the first time.

Ms. Batdorf noted the lengthy process of applying for tax credits. Ms. Batdorf stated other applications have had to be resubmitted and have been successful the second time.

Ms. Fischer suggested tying the property more clearly to affordable housing.

Mr. McHugh explained the most probable time line.

Mayor Dana noted the importance of the City to make a statement.

Mr. McHugh stated once notice is received, time would start running and then there would be a period of time where action would have to be taken. Mr. McHugh noted during that period of time, NHS would receive notification regarding the tax credits. Mr. McHugh stated the agreement could be amended before acceptance of the annexation.

Mr. Bogard referred to item number 11 of the annexation agreement and asked Mr. McHugh for clarification.

Mr. McHugh noted this was included to cover the possibility of being outside time.

Mr. Rutherford suggested striking the word "or otherwise agreed by the owner" from item number 11 of the annexation agreement.

Mr. Keebler noted that gives the City the opportunity to make something more restrictive.

Ms. Fischer referred to item number four of the annexation agreement and suggested changing "promises" to "ability" of the owner.

Mr. Bogard suggested "agreement of the owner."

Ms. Fischer moved to amend item number four of the annexation agreement changing the word "promises" to "agreement." Mr. Bogard seconded. The motion passed 7-0-0.

Mr. Rutherford referred to item number 11 of the annexation agreement and expressed further concern.

Mr. McHugh stated the property would not be rezoned until it is annexed.

Mr. Ross noted there is currently housing available for under $100,000 for sale in the City.

Mayor Dana stated these would be single-family homes built to match market rate on Silverleaf and are made affordable due to the tax credits.

Mr. Ross noted this might have been well meaning five years ago.

Mayor Dana stated these houses would have to meet certain standards due to the tax credits.

Mr. Ross expressed concern with taking a rural viewshed for this purpose.

**Ms. Kathleen Zien**, 6060 Joseph Road, asked for further clarification from Mr. McHugh regarding the time line.

Mr. McHugh explained the time line for the annexation process.

Ms. Zien noted Council is being rushed since the grant has already been applied for.

Mayor Dana stated there are several rounds to the grant procedure. Mayor Dana noted the whole process started over seven to ten years ago.

Ms. Zien expressed concern with trying to wrap this up before vacations start.

Mayor Dana explained the importance of all Council members being present for significant votes.

Mr. Bogard requested a spelling correction on page 48.

Mr. Bogard moved to adopt Resolution 4353, as amended. Ms. Currie seconded. The Resolution was adopted by the following roll call:

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

NAY: Mr. Ross (1)

ABS: None (0)

**ORDINANCE**
**FIRST READING**

None

**ORDINANCE**
**SECOND READING**

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 stated Council has received a new drawing; however, the Planning Commission has not reviewed the new drawing. Mr. Chen noted the applicant requested the proposed Ordinance be tabled until June 3, 2008.

**Ms. Betty Quantz**, 322 West Vine, referred to page 84 and noted the City Engineer stated the alley has not been vacated. Ms. Quantz asked how they could block the alley with the dumpster. Ms. Quantz referred to the dotted lines near the front porch and asked if they depicted parking spaces.

**Ms. Kathleen Zien**, 6060 Joseph Road, Ms. Zien addressed the importance of submitting complete applications. Ms. Zien noted the addition of the dumpster and the elevation on page 86. Ms. Zien stated the defense of decision standards still stands weak. Ms. Zien suggested decision standards should be voted on individually. Ms. Zien referred to decision standard five or E., and suggested having more than one fraternity house in the neighborhood offers little comfort to the surrounding neighbors. Ms. Zien referred to decision standard eight or H., and suggested little could be known about the affect on public facilities and services since the increased occupancy was not shared by the applicant with the City Engineer. Ms. Zien referred to decision standard ten or J., and noted a two-story addition with more than 100 percent increase in current footprint changes the character. Ms. Zien referred to decision standard B. or two, and noted the general intent to maintain single and two-family residences in an area of remaining historic housing stock evident to the immediate west. Ms. Zien referred to decision standard 11 or K., and noted the increased occupancy would create an impact on traffic. Ms. Zien stated the fact the applicant has looked for a house for a year and two properties fell through does not constitute a hardship. Ms. Zien suggested Council has to be the conscience for the community.

Ms. Fischer noted she was very pleased that Mr. Dearth had stated the dumpster had been dealt with and expressed concern that the solution involved putting it in the middle of City property.

Mr. McHugh recommended the City not allow a dumpster in an alley that is not vacated. Mr. McHugh stated should the alley be vacated, they would only get half while the property owner on the other side gets half.

Ms. Fischer referred to the covered porch as it relates to lot coverage. Ms. Fischer noted a staff report was not provided between the last meeting and this meeting addressing the changes.

Mr. Keebler noted the Planning Commission set forth four conditions including addressing the dumpster issue; the alley improvements, the lots must be properly consolidated and recorded, and the inclusion of the detailed elevations. Mr. Keebler stated oftentimes the Planning Commission would approve with conditions to be brought forth to Council. Mr. Keebler stated he reviewed the lot coverages and noted they did have a small amount left. Mr. Keebler stated that while he didn't think the case needed to go back before the Planning Commission, he felt all issues should be dealt with before coming back to Council. Mr. Keebler requested further staff report.

Ms. Currie noted there are several issues regarding this application that concern her such as parking. Ms. Currie expressed concern with added density in the area. Ms. Currie stated when she found the fraternity to the north of the subject property; she had to walk through large quantities of trash in their parking lot, which had overflowed from their dumpsters.

Mr. Bogard noted he could understand the concern regarding the parking situation. Mr. Bogard suggested off-site parking at Millette. Mr. Bogard stated if there are properties throughout the City with inadequate trash containers, they should be upgraded to handle the capacity for that house.

Mr. Rutherford noted a fraternity house is a conditional use. Mr. Rutherford suggested the possibility of opening the alley up through to Sycamore Street, which would help with the mitigation of vehicles in and out of the property. Mr. Rutherford proposed the possibility of a conditional use renewal where if the conditional use is not good for the community and the public and is properly demonstrated and documented, it could be rescinded for a certain period of time.

Mayor Dana suggested that should be discussed when talking about zoning.

Ms. Fischer noted she would like a report from Mr. McHugh regarding that possibility.

Mr. Rutherford suggested the owner might be willing to enter into that agreement voluntarily.

Mr. McHugh noted he would deliver an opinion on that at the next meeting.

Mr. Rutherford asked Mr. Chen for clarification regarding the statement in the staff report that states, "all requirements pertaining to lot size, setbacks, lot coverage and building height appears 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."

Mr. Chen noted he would like to confer with Ms. Dale as to her exact meaning regarding that paragraph.

Mayor Dana stated she has concern with decision standards D, F, K and L especially the number of cars and parking.

Mr. Keebler moved to table the proposed Ordinance. Mr. Rutherford seconded. The motion passed with the following roll call:

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

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

ABS: None (0)

**ANNOUNCEMENTS**

Mayor Dana asked Council to comment on the “Mayor's Neighborhood Walk.”

Mr. Bogard stated the walks are a great idea, and suggested an overall plan and timetable for addressing any problems discovered during the walk.

Ms. Fischer suggested naming the walks “Council Neighborhood Walks.” Ms. Fischer stated it was a very useful activity and she would like to see it expanded.

Mr. Ross stated his neighbors would like to see speed limits and codes enforced and they would like to stop seeing the advertisements thrown in their driveways.

Mayor Dana suggested the walks take place three or four times a year.

Mr. Rutherford requested the citizens of the neighborhood receive a notice prior to the walk.

Mayor Dana requested consensus to ask the Planning Commission to review agricultural and conservation zoning.

Mayor Dana referred to the Sharefest pictures available on the website.

Mr. Elliott referred to the earlier workshop concerning the U.S. Mayor's Climate Protection Agreement. Mr. Elliott addressed the connector project and the safety aspect by removing the heavy through truck traffic and their many hazardous emissions.

Mr. Elliott noted the award from the Government Finance Office Association for the Distinguished Budget Award.

Mr. Elliott noted the appointment of John Detherage as the next fire chief following the retirement of Chief Endress.

Mr. Elliott thanked Janice Grill for her services. Mr. Elliott noted the new Granicus system would provide summary minutes.

Mr. Elliott stated the CIC recently made application for the Ohio Job Ready Sites grant.

Mr. Ross noted an ongoing problem on West Chestnut Street following student move-out.

Mr. Ross stated while the U.S. Mayor's Climate Protection Agreement does have some great ideas, it also creates more government, more fines, more regulation and more un-funded government mandates. Mr. Ross quoted Dr. Walter E. Williams, "at the first Earth Day celebration in 1969, environmentalist Nigel Calder warned the threat of a new ice age must now stand alongside nuclear war as the likely source of wholesale death and misery for mankind. In 1968, Paul Ehrlich, Vice President Al Gore's mentor, predicted there would be a major food shortage in the U.S. in the 1970's, hundreds of millions of people are going to starve to death. Harvard University biologist, George Wald, in 1970 warned civilization will end within 15 or 30 years unless immediate action is taken against problems facing mankind. That was the same year Senator Gaylord Nelson warned in Look Magazine that by 1995, somewhere between 75 and 85 percent of all the species of living animals will be extinct." Mr. Ross suggested you not drink Al Gore's kool-aid.

Mr. Rutherford suggested Council investigate the possibility of utilizing laptop computers as opposed to massive amounts of paper documents. Mr. Rutherford noted he is learning to be a good steward of God's creation.

Mr. Bogard noted the 27 North paving. Mr. Bogard asked Mr. Dreisbach about the Locust Street project between Contreras and Spring Street.

Mr. Dreisbach noted that would be paved in the next few days and would be opened as soon as possible.

Mr. Bogard noted the High Street improvements beginning June 2nd from Main Street to Beech Street.

Mr. Bogard reminded everyone May 21 is Healthy Ohio Fitness Walk.

Mr. Bogard suggested Mr. Ross contact the Oxford Press regarding the advertisements left in driveways.

Ms. Fischer stated the neighborhoods looked pretty good following move out until people started coming through and ripping through the trash bags. Ms. Fischer noted a house where the students moved out and dumped all their uneaten food into the tree line, and it has remained there for the past week.

Ms. Fischer addressed Mr. Elliott's earlier comments regarding the connector and requested numbers showing the amount of pollution being pushed out into the Township.

Mr. Elliott stated his focus was that travel time would be reduced by six minutes, which is significant.

Ms. Fischer suggested a conversation with Miami University and their use of diesel vehicles.

Ms. Fischer suggested a discussion regarding dropping the penalty regarding litter back to a minor misdemeanor prior to the commencement of the fall term at the University.

Ms. Currie asked if businesses are informed prior to road closings.

Ms. Currie asked what part the City would play in the 27/73 connector.

Mr. Elliott stated it is his understanding Council supports the connector.

Mayor Dana requested staff along with Mr. Bogard write a report regarding the connector project.

Mayor Dana noted the school proposal, under one roof, she passed out earlier.

Mayor Dana expressed condolences and sympathies to the parents of Aaron Miller, a University student who passed away.

**ADJOURN**

Mr. Fischer moved to adjourn at 10:13 p.m. Ms. Currie seconded. The motion passed 7-0-0.

# CITY OF OXFORD
# STAFF SUMMARY REPORT

**Report to the City Manager**

Community Development
**Originating Department**

**Council Meeting Of:** June 3, 2008

**Account Code No. #:**

Kathryn A. Dale
**Prepared By**

**Budgeted Amount:**

May 22, 2008
**Date Prepared**

| **Agenda Title:** | **Planning Commission Meeting Report – May 13, 2008** |
|---|---|

| **Recommendation:** | **N/A** |
|---|---|

**DISCUSSION**

***Reports from Commissions, Boards, Committees and Staff***

Mr. Brady reported the Uptown Revitalization Committee was scheduled for May 19, 2008 at 5:00 pm in the Municipal Building, 2nd floor Conference Room. *(This meeting was rescheduled to May 22, 2008)*

***Communications***

Ms. Fischer asked who she should forward emails to when receiving messages from the public about agenda items. Mr. Chen indicated that emails could be forwarded to him.

***Public Hearing***

***PC-06-2008*** ***ZONING TEXT AMENDMENT*** *Chapter 1141, Section 1141.03 Supplemental Regulations, additional regulations regarding projections into the right-of-way in the (UP) Uptown District,* ***City of Oxford, Applicant (Tabled)***

Staff presented that the proposed language simply cross referenced the Oxford Codified Ordinance Chapter 13 Building Code requirements for projections. The Planning Commission stated this seemed to be the most efficient way to address these requirements. Planning Commission voted 6-0-0 that the decision criteria for a text amendment was satisfied and recommended approval to City Council.

***PC-04-2008*** ***CONDITIONAL USE PERMIT –*** *Southpointe, to allow for a commercial development to include an automobile service station in the General Business (GB) Zoning District,* ***Scott Webb, Architect, Applicant (Tabled)***

Staff shared that the Applicant submitted a revised site plan just prior to this meeting and additional new information was discovered regarding the property boundaries that could substantially change the proposed plan beyond what the Applicant had just submitted. The Planning Commission voted to keep the item tabled due to new information being submitted and needing review by staff, in addition to ensuring that all proper drawings are before the Planning Commission for consideration.

***PC-09-2008*** ***FINAL PLANNED DEVELOPMENT, US 27 South,*** *condominium development,* ***Scott Webb, Applicant, Agent (Tabled)***

Mr. Keebler indicated that information was still missing that was requested at the last meeting and motioned that the case remained on the table. The motion was seconded and will remain tabled until June.

***PC-10-2008*** ***PRELIMINARY SUBDIVISION - South Campus Avenue*** *proposed residential subdivision (R2MS single and two family residential)* ***Paul Baer Family Trust, Bob Broestl, Bellecci and Associates, Inc., Applicant***

Staff presented the facts of the case and that variances were necessary for the existing Campus Commons apartment complex and two of the lots being proposed. Staff provided the Planning Commission with a letter from the Engineer received after their

agenda packets were sent out. At the conclusion of the public input, the Planning Commission deliberated and expressed concerns that Poplar Street was not being constructed, that one item listed on the application was not submitted, there was discussion about items not shown that are typically not required until the final development plan and construction drawing phase and the primary concern was that the lots did not meet the minimum standards. The Planning Commission voted 6-0-0 to recommend denial to City Council.

***PC-11-2008*** ***CONDITIONAL USE, Parking Lot Behind Former First Financial Bank Building.***, *to permit a ground floor residential use in the Uptown District,* ***Stewart Developers LLC, Applicant; Scott Webb, Architect, Applicant***

Staff presented the facts of the case including HAPC's recent approval and BZA's upcoming meeting to determine if a structure can be located with it's principal entrance along an alleyway. Discussion was had about parking, trash, building mass, occupancy, vacancies Uptown and in the Mile Square for both commercial and residential and pro's and con's of having all residential vs. commercial in the alley. The Planning Commission read through and voted on each of the Decision Standards. All Decision Standards were considered satisfied with the exception of two, which had a split vote. Planning Commission voted on a motion to approve. The vote tied at 3-3. Based on the Planning Commission's rules and regulations, this case will be automatically brought back for reconsideration in June before being forwarded to City Council.

***PC-12-2008*** ***FINAL SUBDIVISION REPLAT*** – *consolidation of Lots 3461 and 3462, to new Lot 3722, 200 Hunter Woods Drive, Long Meadow Subdivision,* ***Charles P. Williams, Applicant***

The Applicant emailed a request to table this item until further notice.

***Items Related to the Oxford Comprehensive Plan***

Staff shared that the next Comp Plan Steering Committee meeting was going to be held May 27, 2008 at 7:00 p.m. with a joint work session with City Council to start at 6:00 p.m.

***OTHER BUSINESS***

***Rules of Procedure Handout Discussion***
Planning Commission to review more by next meeting.

***PC-14-2007*** ***ZONING CODE TEXT AMENDMENT*** *Chapter 1143 Districts-Section 1143.10(c)(2) Site Development Yard Requirements to require a minimum 2 foot setback along all east/west alley's in the "UP" District,* ***City of Oxford, Applicant***

Staff shared that the Fire Chief expressed that even with the increased width of the alley's, he likely would not send equipment into the alley. Since the Chief has expressed this is not necessary, staff is recommending this proposed amendment be withdrawn and the case be closed. The Planning Commission had no objections.

***PC-17-2007*** **ZONING CODE TEXT AMENDMENT** Chapter 1133 Provisions of Zoning Districts – Section 1133.01 Establishment of Zoning Districts by creating an Agricultural District; Chapter 1143 Districts by creating a new Section 1143.15 Agricultural District, **City of Oxford, Applicant**

Mr. Brewer shared that a worksession was scheduled for May 29, 2008 and this will be discussed more at that worksession in addition to subdivision and open space regulations.

The next regular meeting is scheduled for June 10, 2008.

| **Approved By:** | | **Initial Date** |
|---|---|---|
| | **Department Head:** | **JHC\5/23/08** |
| | **City Attorney:** | \ |
| | **City Manager:** | \ |

# CITY OF OXFORD
# STAFF SUMMARY REPORT

**Report to the City Manager**

Parks and Recreation
**Original Department**

**Council Meeting Of:** 6/3/08

Gail Brahier
**Prepared By**

**Account Code No. #:** N/A

**Budgeted Amount:** N/A

5/29/08
**Date Prepared**

**Agenda Title:**
Recreation Advisory Board – 5/15/08

**Recommendation:** N/A

**Discussion:**

The Recreation Advisory Board met on 5/15/08 at the Oxford Senior Center and Community Building. Members present were Brandy Darby, Chair, Holli Morrish, Jon Ralinovsky, Shaunna Tafelski, Kevin Marks and Ken Bogard, Council Representative. Staff Members present were Gail Brahier and Deanna Barbour.

Ms. Brahier introduced two new employees of the Parks and Recreation Department; Will Reed, Recreation Program Coordinator, and Casey Wooddell, Sport Coordinator. She said both have Bachelor of Science Degrees in their respective fields and bring a variety of experiences which will enhance our program offerings.

Ms. Brahier discussed the 2010 Campaign for Active Transportation with the Board and reviewed the upcoming work session with City Council on 5/20. Ms. Brahier said the committee was asking for a Resolution of support from Council. Ms. Brahier noted there would also be a presentation from another group at the same work session regarding the Mayor's Agreement on Climate Change.

~ continue ~

| **Approved By:** | **Initial \ Date** |
|---|---|
| **Department Head:** | ***gsb*** **\ 5/29/08** |
| **City Attorney:** | \ |
| **City Manager:** | \ |

Discussion continued regarding the opening of the Municipal Pool for Memorial Weekend. Ms. Brahier reviewed the major repairs completed for the season, and noted the heater may need replaced rather than repaired this year. Mr. Bogard asked about the pool losing water? Ms. Brahier noted they will be observing it this summer and will complete a dye test to see if they can spot where the pool is losing water. She mentioned this was done several years ago and there were no significant areas identified for water loss. Ms. Brahier noted there was a large crack down the middle of the pump room roof which looked like it was caused from the building settling over the years, and this would be sealed. She added that she would not allow the public to use that area as a sun deck this summer, but will allow swim team officials to use it for the swim meets.

Mr. Bogard reviewed the findings of the City Council work session regarding the possible location of the Police Station and Courthouse. Mr. Bogard expressed the importance of retaining Area 1 Court in Oxford. Ms. Morrish and Ms. Darby agreed the courthouse would be best located somewhere other than the uptown business district.

Ms. Tafelski volunteered to be a parade judge for the July 3rd parade.

Ms. Brahier mentioned the City will be hosting a 5th Year Anniversary Celebration of the Community Park on either October 11th or 18th, depending on what date the kite group could commit. Mr. Marks inquired if soccer groups could still play on that day. Ms. Brahier noted with the southern soccer fields open, it should not be a problem.

Meeting adjourned at 5:10 pm

* The Recreation Advisory Board does not meet during the summer months.

# CITY OF OXFORD
# STAFF SUMMARY REPORT

**Report to the City Manager**

Community Development
**Originating Department**

**Council Meeting Of:** June 3, 2008

**Account Code No. #:**

Kathryn A. Dale
**Prepared By**

**Budgeted Amount:**

May 22, 2008
**Date Prepared**

| **Agenda Title:** | **Board of Zoning Appeals – May 21, 2008 Meeting Report** |
|---|---|

| **Recommendation:** | **N/A** |
|---|---|

***PUBLIC HEARING***

***BZA-03-2008 5041 College Corner Pike, Car Quest,*** *requesting a variance to Chapter 1151 Signs, Section 1151.05(a)(3)C.1.b for a freestanding sign,* ***Patrick Reist, Agent, Applicant***

Applicant requested a two foot height variance for a freestanding sign. The Applicant requested that the case be tabled in order to request an additional variance for the setback. Hearing will continue in June.

***BZA-04-2008 Alley, former parking lot behind 25 W. High Street,*** *requesting a variance to Chapter 1141.03(e)(4) Front Yards,* ***Scott Webb, Architect, Applicant***

Staff presented the facts of the case and that the Applicant requested to construct a structure with its principal entrance along an alleyway. The Applicant presented the details of the building design and how it related to surrounding buildings. BZA determined this was a Lot of Record. The BZA voted 3-1-0 to approve the application with conditions. Mr. Houk voted no because he did not believe Decision Standard "D" & "G" were satisfied, those being that he did not believe there was a practical difficulty or that a special privilege would be granted and that the proposal was not in harmony with the general vicinity, as well as safety concerns since the Fire Chief indicated he would not send a fire truck into the alley.

***BZA-05-2008 112 S. Poplar,*** *requesting a variance to Chapter 1143 Districts, Section 1143.05(c)(4)A R-2MS District, Lot Coverage,* ***Scott Webb, Architect, Applicant***

The Chair asked the Applicant if he was aware that staff was recommending this be tabled due to additional variances being necessary. Mr. Webb stated he was and requested the case be tabled to include the additional variances.

***BZA-06-2008 Main & High Street,*** *former Wendy's, requesting a variance to Chapter 1143 Districts, Section 1143.10(c)(2) Yard Requirements,* ***Robert Treadon, Applicant, Agent***

Staff presented the facts of the case and that the Applicant was requesting a variance to the minimum 16.5' front yard setback and asking for a 10.5-foot encroachment for a proposed building to be setback 6 feet from the property line. The Applicant presented the details of the building design and explained that approval had been received from HAPC. The BZA voted 4-0 to deny the request because Decision Standards "B", "D", "E", "F", and "G" were not satisfied and no information was presented by the Applicant indicating otherwise.

The next regular meeting is scheduled for June 18, 2008. There are three new applications scheduled for review and two tabled cases as well.

| **Approved By:** | | **Initial** | **Date** |
|---|---|---|---|
| | **Department Head:** | JHC | 5/23/08 |
| | **City Attorney:** | \ | \ |
| | **City Manager:** | \ | \ |