

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: July 17, 2018

Account Code #: 330.830.65155

Budgeted Amount: \$6,619,564.60

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

July 5, 2018
Date Prepared

Agenda Title: Authorization for Additional Fees to CR Architecture + Design for Completion Of Renovations to 101 E. High St.

Recommendation: Approve

Discussion:

On June 21, 2016, the Oxford City Council passed Resolution No. 4992 authorizing a design contract with CR Architecture + Design (CR) to produce plans, specifications, and construction administration for the renovation of buildings at 15 S. College Ave. (former Lane building) and 101 E. High St. (former Municipal Building) at a cost not to exceed \$378,400. CR has completed the design for both buildings, and construction is substantially complete at the new Municipal Building at 15 S. College Ave.

The physical renovation of the property at 15 S. College Ave. was performed by Kramer-Feldman, Inc. (KFI) with an authorized limit of \$2,924,539. The City has paid a total of \$2,313,711.34 to date on the project, but has not made a final payment on the project pending the enforcement of liquidated damages on the contractor because of their late delivery of the project to the City. The City authorized a contract deadline extension to April 2, 2018. The City opened for business in the renovated structure on May 21, 2018. As of this writing on July 5, 2018, KFI still has not completed the project as exterior lettering and other aesthetic or equipment issues have not been resolved to the satisfaction of the City. Liquidated damages for this contract equal \$1,300 per day and have become a significant area of concern for KFI to complete their contract.

Additionally, the delay by KFI has caused additional expense to our architectural firm CR. Staff is requesting authorization to increase the limit on the CR contract to allow for the additional construction administration expense as well as for additional site inspections for the project. Staff has found additional insight from our design professionals in the early phase of the project renovation will yield dividends by the end of the project in limiting change orders, etc... The City continues to hold a total of \$610,800 from the KFI contract.

The original limit on the CR contract was \$378,400. Staff is requesting an authorization from City Council for an additional amount of \$69,500 (18%) to pay for additional construction administration and site inspections. Staff is NOT requesting an additional appropriation; exiting funds, including those from KFI liquidated damages, will be utilized to fund the additional work by CR.

This Resolution will authorize the City Manager and Finance Director to increase the compensation limits on our contract with C R Architecture + Design from \$378,400 to a new maximum limit of \$447,900.00.

Approved By:

Department Head:

Initial Date
MBS 7/10/18

A. City Manager:

MBS 7/13/18

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE FINANCE DIRECTOR TO INCREASE THE COMPENSATION LIMIT ON THE CITY'S CONTRACT WITH COLE + RUSSELL ARCHITECTS, D.B.A. CR ARCHITECTURE + DESIGN FROM \$378,400.00 TO A NEW MAXIMUM LIMIT OF \$447,900.00.

WHEREAS, the original limit on the CR Architecture + Design contract was \$378,400.00. The Service Director has determined that an additional amount of \$69,500.00 (approximately 18%) is necessary to pay for additional construction administration and site inspections due to unforeseen delays caused by another contractor with regard to the renovation of the new Municipal Building located at 15 S. College Avenue; and

WHEREAS, the City Manager and the Service Director recommend Council authorize the City Manager and the Finance Director to increase the compensation limit on the City's contract with Cole + Russell Architects, D.B.A. CR Architecture + Design from \$378,400.00 to a new maximum limit of \$447,900.00; and

WHEREAS, additional appropriations are not being sought to cover the cost of the increase in the compensation limit.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Service Director and authorizes the City Manager and the Finance Director to increase the compensation limit on the City's contract with Cole + Russell Architects, D.B.A. CR Architecture + Design from \$378,400.00 to a new maximum limit of \$447,900.00.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: STEVE DANA

PREPARED BY: LAW (STAFF)

RESOLUTION NO. 4992

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COLE + RUSSELL ARCHITECTS, D.B.A. CR ARCHITECTURE + DESIGN FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE REHABILITATION OF MUNICIPAL PROPERTIES AT 15 S. COLLEGE AVENUE AND 101 E. HIGH STREET OXFORD, OHIO, AT A COST OF \$344,000.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE AGREEMENT PRICE OR \$34,400.00 FOR A TOTAL COST NOT TO EXCEED \$378,400.00.

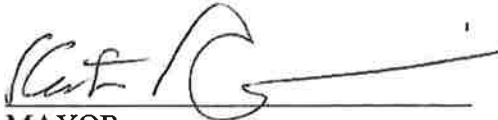
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The City Manager and the Service Director recommend Council accept the proposal attached hereto as Exhibit "A" of Cole + Russell Architects, d.b.a. CR architects + design and authorize the City Manager to enter into an agreement with Cole + Russell Architects, d.b.a. CR architecture + design for professional architectural and engineering services for the rehabilitation of municipal properties at 15 S. College Avenue and 101 E. High Street Oxford, Ohio, at a cost of \$344,000.00 plus a contingency amount of ten percent (10%) of the agreement price or \$34,400.00 for a total cost not to exceed \$378,400.00.

SECTION 2: Council accepts the recommendation of the City Manager and the Service Director and accepts the proposal attached hereto as Exhibit "A" of Cole + Russell Architects, d.b.a. CR architecture + design for professional architectural and engineering services for the rehabilitation of municipal properties at 15 S. College Avenue and 101 E. High Street Oxford, Ohio, at a cost of \$344,000.00 plus a contingency amount of ten percent (10%) of the agreement price or \$34,400.00 for a total cost not to exceed \$378,400.00.

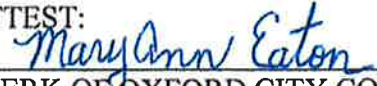
SECTION 3: Council further authorizes the City Manager to enter into the agreement attached hereto as Exhibit "A" with Cole + Russell Architects, d.b.a. CR architecture + design for professional architectural and engineering services for the rehabilitation of municipal properties at 15 S. College Avenue and 101 E. High Street Oxford, Ohio, at a cost of \$344,000.00 plus a contingency amount of ten percent (10%) of the agreement price or \$34,400.00 for a total cost not to exceed \$378,400.00.

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

COPY 
MAYOR

ADOPTED: June 21, 2016

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: July 17, 2018

Candi Fyffe

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

June 13, 2018

Date Prepared

Agenda Title: Repeal and Adopt An Ordinance Establishing Chapter 145-Personnel of the City of Oxford Administrative Code

Recommendation: Approval

Discussion:

In November 2017, the voters approved moving forward with revisions to the City of Oxford Charter. One of the revisions was the abolishment of the Civil Service Commission. To that end, Chapter 145-Civil Service of the City of Oxford Administrative Code is to be repealed and a new Chapter 145-Personnel will replace said Chapter. Changes to said Chapter 145 are attached and indicated by strikethrough.

Approved By:

Initial Date

Department Head:

City Manager:

cf \ 6/13/18
MSD \ 7/13/18

ORDINANCE NO.

AN ORDINANCE REPEALING CITY OF OXFORD ADMINISTRATIVE CODE TITLE FIVE ADMINISTRATIVE, CHAPTER 145 ENTITLED CIVIL SERVICE, AND ADOPTING NEW CITY OF OXFORD ADMINISTRATIVE CODE TITLE FIVE ADMINISTRATIVE, CHAPTER 145 ENTITLED PERSONNEL.

WHEREAS, pursuant to the approval of the Charter Amendments by the electors of the City of Oxford, the Personnel Appeals Board replaced the Civil Service Commission; and

WHEREAS, the City Manager and the Human Resource Director recommend repealing City of Oxford Administrative Code Title Five Administrative, Chapter 145 Entitled Civil Service, and adopting new City of Oxford Administrative Code Title Five Administrative, Chapter 145 Entitled Personnel.

THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:

SECTION I: Council accepts the recommendation of the City Manager and the Human Resources Director and hereby repeals Oxford Administrative Code Title Five Administrative, Chapter 145 entitled Civil Service, and adopts new City of Oxford Administrative Code Title Five Administrative, Chapter 145 Entitled Personnel as follows:

CHAPTER 145 Personnel

145.01 Scope.

145.02 Administration of personnel program.

145.03 Powers of City Manager.

145.04 Appointments by City Manager.

145.05 Temporary appointments.

145.06 Tenure of employment; removal for cause.

145.07 Suspensions.

145.08 Notice to affected officer or employee; hearing.

145.09 Appeals to the Personnel Appeals Board.

145.10 Hearing upon appeal; conduct and decision.

145.11 Layoffs.

145.12 Transfers and reassignments in the classified service.

145.13 Resignations.

145.01 SCOPE.

The purpose of this chapter is to establish, insofar as Council has the authority to do so, a personnel program for the City, including the procedures, rules and regulations relating to the appointment, promotion, suspension, demotion, removal and compensation of persons in the administrative service of the City.

145.02 ADMINISTRATION OF PERSONNEL PROGRAM.

The personnel program of the City shall be administered by Council, the City Manager and the Personnel Appeals Board pursuant to the Charter and the provisions of this chapter not in conflict therewith.

145.03 POWERS OF CITY MANAGER.

The City Manager shall:

- (a) Appoint and promote all officers and employees in the classified service pursuant to the rules and regulations of the Classified Service Procedures and Personnel Appeals Board Rules and Regulations.
- (b) Remove, demote or discipline all officers and employees in the classified service as hereinafter provided.
- (c) Recommend to Council changes in the Administrative Code.

145.04 APPOINTMENTS BY CITY MANAGER.

- (a) Appointment of officers and employees in the exempt service, except those to be appointed by Council under the Charter, shall be by the City Manager according to merit, in such manner as he determines.
- (b) Appointment of officers in the classified service shall be made by the City Manager in such manner as is provided by the Classified Service Procedures and Personnel Appeals Board Rules and Regulations.

145.05 TEMPORARY APPOINTMENTS.

- (a) Whenever there is no person eligible for appointment to a particular position, or in case of an emergency, the City Manager may appoint a person temporarily to that position. (b) A temporary appointment shall not continue longer than six months (180 days). A temporary appointee shall not be eligible for regular appointment unless such person has taken the examination and stands high enough on the eligibility list to be considered for an appointment.
- (c) The acceptance or refusal of a temporary appointment by an eligible person shall not affect such person's standing on the register for permanent appointment; nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

145.06 TENURE OF EMPLOYMENT; REMOVAL FOR CAUSE.

- (a) The City Attorney, Clerk of Council and Finance Director shall serve for an indefinite term of office and may be removed at any time by majority vote of all members elected to Council.
- (b) The City Manager shall serve for an indefinite term and may be removed at any time in accordance with the provisions of Charter Section 4.04.
- (c) Members of boards and commissions shall serve for a definite term and may be removed before the expiration of such term only in accordance with the provisions of Charter Section 8.10.
- (d) Officers and employees in the exempt service who are appointed by the City Manager serve for an indefinite term and may be removed or otherwise disciplined at the discretion of the Manager.
- (e) The City Manager shall suspend, demote or dismiss any officer or employee in the classified service only for just and reasonable cause.

145.07 SUSPENSIONS.

Officers and employees in the classified service may be suspended for cause without pay upon recommendation by the division or department head to the City Manager for approval, provided that such suspension does not exceed three working days.

145.08 NOTICE TO AFFECTED OFFICER OR EMPLOYEE; HEARING.

(a) Whenever an officer or employee in the classified service is suspended for three or fewer days, that employee shall be entitled to a prompt hearing before the City Manager. Such hearing shall afford the employee a statement of charges against him/her and an opportunity to explain or refute those charges.

(b) Whenever an officer or employee in the classified service has been suspended for more than three days, or dismissed, other than at the end of the probationary period, the City Manager shall give that employee written notice containing the specific reasons and factual basis for suspension or dismissal. The employee shall be entitled to a prompt hearing before the City Manager in order to allow the employee an opportunity to explain or refute the reasons for the discipline. Following such a hearing the City Manager shall notify the Personnel Appeals Board of any suspension or dismissal.

(c) Whenever an officer or employee in the classified service has been suspended for more than three days, demoted or dismissed, the City Manager shall cause written notice of such discipline to be given to the affected officer or employee within five days after the effective date of such discipline. The notice shall contain a statement of the substantial reasons for such discipline and shall inform the officer or employee that he/she may file a request for hearing before the Personnel Appeals Board within fourteen days from the date of such notice, and the request for hearing shall be in writing.

145.09 APPEALS TO THE PERSONNEL APPEALS BOARD.

If the officer or employee requests a hearing before the Personnel Appeals Board, the Board shall schedule the hearing within thirty days from the date of such request and shall notify the officer or employee and the City Manager of the time and place appointed for that hearing.

145.10 HEARING UPON APPEAL; CONDUCT AND DECISION.

(a) The Board shall hear the evidence upon the charges and specifications contained in the notice to the officer or employee and filed with it by the City Manager. No material amendments of or additions to said charges or specifications will be considered by the Board. The proceedings shall be as informal as is compatible with the requirements of justice and according to the rules and regulations of the Board. A record of proceedings shall be kept by the Board.

(b) The City Manager shall present evidence in support of the charges. The appellant or his/her designated representative shall then present evidence. Both sides may then offer rebuttal evidence. The Board in its discretion may hear arguments. The Board shall then move to a decision promptly and may affirm, disaffirm or modify the action of the City Manager. The written decision of the Board shall be final and shall be given promptly to the officer or the employee and to the City Manager.

(c) If either the officer or employee or the City Manager fails to appear at the time fixed for the hearing, the Board shall render judgment after hearing evidence, or based on the charges and specifications described in the notice to the employee. The Board shall then move to a decision promptly. The written decision shall be final and shall be given promptly to the officer or employee and to the City Manager.

145.11 LAYOFFS.

(a) Whenever there is a lack of work or lack of funds requiring a reduction in the number of officers or employees of the City in the classified service, the required reduction shall be made in such classes as the appointing authority shall designate. Employees shall be laid off in the inverse order of their relative length and quality of service, as determined by records of merit, efficiency, character, conduct and seniority. Within such affected classes all temporary employees shall be laid off before provisional employees, and the latter before probationary employees and the latter before permanent employees.

(b) The City shall give one work week's notice in writing in cases of layoffs and reductions.

145.12 TRANSFERS AND REASSIGNMENTS IN THE CLASSIFIED SERVICE.

(a) Any employee in the classified service who transfers voluntarily from one division or department to another shall lose seniority in the department or division that the employee is being transferred from and shall begin earning seniority in the new department or division.

(b) Whenever an employee in the classified service is laid off for lack of work or lack of funds, the employee's seniority rights remain only in the department in which the layoff occurs.

(c) The City Manager may transfer or reassign employees in the classified service from one department or division to another when at the City Manager's sole discretion such transfer or reassignment is warranted. Such transfers or reassignments shall be to a position in the new department or division whereby the transferee or re-assignee has the same pay and similar duties to the department or division from which the employee is being transferred. The employee shall not lose seniority in the department or division from which they are transferred or reassigned under the conditions of this subsection.

145.13 RESIGNATIONS.

Any employee wishing to leave City employment in good standing shall file with his appointing authority at least one week before leaving, a written resignation, stating the date the resignation shall become effective and the reason therefor. Failure to comply with this procedure may be considered cause for denying such employee future employment by the City.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CHAPTER 145

~~Civil Service~~Personnel

- 145.01 Scope.**
- 145.02 Administration of personnel program.**
- 145.03 Powers of City Manager.**
- 145.04 Appointments by City Manager.**
- 145.05 Temporary appointments.**
- 145.06 Tenure of employment; removal -for cause.**
- 145.07 Suspensions.**
- 145.08 Notice to affected officer or employee; hearing.**
- 145.09 Appeals to the ~~Civil Service Commission~~Personnel Appeals Board.**
- 145.10 Hearing upon appeal; conduct and decision.**
- 145.11 Layoffs.**
- 145.12 Transfers and reassignments in the classified service.**
- 145.13 Resignations.**

145.01 SCOPE.

The purpose of this chapter is to establish, insofar as Council has the authority to do so, a personnel program for the City, including the procedures, rules and regulations relating to the appointment, promotion, suspension, demotion, removal and compensation of persons in the administrative service of the City. (~~Ord. 3056. Passed 6-2-09.~~)

145.02 ADMINISTRATION OF PERSONNEL PROGRAM.

The personnel program of the City shall be administered by Council, the City Manager and the ~~Civil Service Commission~~Personnel Appeals Board pursuant to the Charter and the provisions of this chapter not in conflict therewith. (~~Ord. 3056. Passed 6-2-09.~~)

145.03 POWERS OF CITY MANAGER.

The City Manager shall:

- (a) Appoint and promote all officers and employees in the classified service pursuant to the rules and regulations of the ~~Civil Service Commission~~Classified Service Procedures and Personnel Appeals Board Rules and Regulations.

(b) Remove, demote or discipline all officers and employees in the classified service as hereinafter provided.

(c) Recommend to Council changes in the Administrative Code.

~~(Ord. 3056. Passed 6-2-09.)~~

145.04 APPOINTMENTS BY CITY MANAGER.

(a) Appointment of officers and employees in the exempt service, except those to be appointed by Council under the Charter, shall be by the City Manager according to merit, in such manner as he determines.

(b) Appointment of officers in the classified service shall be made by the City Manager in such manner as is provided by ~~the rules and regulations promulgated by the Civil Service Commission.~~ the Classified Service Procedures and Personnel Appeals Board Rules and Regulations.

~~(Ord. 3056. Passed 6-2-09.)~~

145.05 TEMPORARY APPOINTMENTS.

(a) Whenever there is no person eligible ~~under the rules and regulations of the Civil Service~~ for appointment to a particular position, or in case of an emergency, the City Manager may appoint a person temporarily to that position, ~~without regard to the rules of the Commission and with the approval of the Commission.~~

(b) A temporary appointment shall not continue longer than six months (180 days), ~~except as approved by the Commission, during which time the Commission shall establish a list of persons eligible for appointment.~~ A temporary appointee shall not be eligible for regular appointment unless such person has taken the examination and stands high enough on the eligibility list to be considered for an appointment.

(c) The acceptance or refusal of a temporary appointment by an eligible person shall not affect such person's standing on the register for permanent appointment; nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position. ~~(Ord. 3056. Passed 6-2-09.)~~

145.06 TENURE OF EMPLOYMENT; REMOVAL FOR CAUSE.

(a) The City Attorney, Clerk of Council and ~~City Auditor~~Finance Director shall serve for an indefinite term of office and may be removed at any time by majority vote of all members elected to Council.

(b) The City Manager shall serve for an indefinite term and may be removed at any time in accordance with the provisions of Charter Section 4.04.

(c) Members of boards and commissions shall serve for a definite term and may be removed before the expiration of such term only in accordance with the provisions of Charter Sections ~~10.03 and 10.04~~ 8.10.

(d) Officers and employees in the exempt service who are appointed by the City Manager serve for an indefinite term and may be removed or otherwise disciplined at the discretion of the Manager.

(e) The City Manager shall suspend, demote or dismiss any officer or employee in the classified service only for just and reasonable cause. (~~Ord. 3056. Passed 6-2-09.~~)

145.07 SUSPENSIONS.

Officers and employees in the classified service may be suspended for cause without pay upon recommendation by the division or department head to the City Manager for approval, provided that such suspension does not exceed three working days.

(~~Ord. 3056. Passed 6-2-09.~~)

145.08 NOTICE TO AFFECTED OFFICER OR EMPLOYEE; HEARING.

(a) Whenever an officer or employee in the classified service is suspended for three or fewer days, that employee shall be entitled to a prompt hearing before the City Manager. Such hearing shall afford the employee a statement of charges against him/her and an opportunity to explain or refute those charges.

(b) Whenever an officer or employee in the classified service has been suspended for more than three days, or dismissed, other than at the end of the probationary period, the City Manager shall give that employee written notice containing the specific reasons and factual basis for suspension or dismissal. The employee shall be entitled to a prompt hearing before the City Manager in order to allow the employee an opportunity to explain or refute the reasons for the discipline. Following such a hearing the City Manager shall notify the ~~Civil Service commission~~Personnel Appeals Board of any suspension or dismissal.

(c) Whenever an officer or employee in the classified service has been suspended for more than three days, demoted or dismissed, the City Manager shall cause written notice of such discipline to be given to the affected officer or employee within five days after the effective date of such discipline. The notice shall contain a statement of the substantial reasons for such discipline and shall inform the officer or

employee that he/she may file a request for hearing before the ~~Civil Service commission~~Personnel Appeals Board within fourteen days from the date of such notice, and the request for hearing shall be in writing.

~~(Ord. 3056. Passed 6-2-09.)~~

145.09 APPEALS TO THE ~~CIVIL SERVICE COMMISSION~~PERSONNEL APPEALS BOARD.

If the officer or employee requests a hearing before the ~~Civil Service Commission~~Personnel Appeals Board, the ~~Commission Board~~ shall schedule the hearing within thirty days from the date of such request and shall notify the officer or employee and the City Manager of the time and place appointed for that hearing.

~~(Ord. 3056. Passed 6-2-09.)~~

145.10 HEARING UPON APPEAL; CONDUCT AND DECISION.

(a) The ~~Commission Board~~ shall hear the evidence upon the charges and specifications contained in the notice to the officer or employee and filed with it by the City Manager. No material amendments of or additions to said charges or specifications will be considered by the ~~Commission Board~~. The proceedings shall be as informal as is compatible with the requirements of justice and according to the rules and regulations of the ~~Commission Board~~. A record of proceedings shall be kept by the ~~Commission Board~~.

(b) The City Manager shall present evidence in support of the charges. The appellant or his/her designated representative shall then present evidence. Both sides may then offer rebuttal evidence. The ~~Commission Board~~ in its discretion may hear arguments. The ~~Commission Board~~ shall then move to a decision promptly and may affirm, disaffirm or modify the action of the City Manager. The written decision of the ~~Commission Board~~ shall be final and shall be given promptly to the officer or the employee and to the City Manager.

(c) If either the officer or employee or the City Manager fails to appear at the time fixed for the hearing, the ~~Commission Board~~ shall render judgment after hearing evidence, or based on the charges and specifications described in the notice to the employee. The ~~Commission Board~~ shall then move to a decision promptly. The written decision shall be final and shall be given promptly to the officer or employee and to the City Manager. ~~(Ord. 3056. Passed 6-2-09.)~~

145.11 LAYOFFS.

(a) Whenever there is a lack of work or lack of funds requiring a reduction in the number of officers or employees of the City in the classified service, the required reduction shall be made in such classes as the appointing authority shall designate. Employees shall be laid off in the inverse order of their relative length and quality of service, as determined by records of merit, efficiency, character, conduct and seniority ~~maintained under the rules and regulations of the Civil Service Commission regarding promotions~~. Within such affected classes all temporary employees shall be laid off before provisional employees, and the latter before probationary employees and the latter before permanent employees.

(b) The City shall give one work week's notice in writing in cases of layoffs and reductions. ~~(Ord. 3056. Passed 6-2-09.)~~

145.12 TRANSFERS AND REASSIGNMENTS IN THE CLASSIFIED SERVICE.

(a) Any employee in the classified service who transfers voluntarily from one division or department to another shall lose seniority in the department or division that the employee is being transferred from and shall begin earning seniority in the new department or division.

(b) Whenever an employee in the classified service is laid off for lack of work or lack of funds, the employee's seniority rights remain only in the department in which the layoff occurs.

(c) The City Manager may transfer or reassign employees in the classified service from one department or division to another when at the City Manager's sole discretion such transfer or reassignment is warranted. Such transfers or reassignments shall be to a position in the new department or division whereby the transferee or re-assignee has the same pay and similar duties to the department or division from which the employee is being transferred. The employee shall not lose seniority in the department or division from which they are transferred or reassigned under the conditions of this subsection.

~~(Ord. 3056. Passed 6-2-09.)~~

145.13 RESIGNATIONS.

Any employee wishing to leave City employment in good standing shall file with his appointing authority at least one week before leaving, a written resignation, stating the date the resignation shall become effective and the reason therefor. Failure to comply with this procedure may be considered cause for denying such employee future employment by the City.

~~(Ord. 3056. Passed 6-2-09.)~~

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 17, 2018

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

July 9, 2018

Date Prepared:

PC-2018-12, Zoning Map Amendment, 5111 Morning Sun Road, Office-Light Industrial (OI) District, to Single- and Two- Family Residential (R2-MS) District, Scott Webb, Applicant/Agent

Recommendation: Denial

Discussion: On behalf of H&P Properties (Shane Coffman), Mr. Webb requested a recommendation of map amendment approval for a vacant parcel of land on the north side of Oxford. The parcel is approximately 1 acre. The surrounding corridor of Morning Sun Road (extension of North Main Street) is also zoned OI ((Office and Light Industrial) District. The amendment would remove the parcel from the OI District and add it to the adjacent R2-MS (Single- and Two-Family Mile-Square Residential) District, to the west. Notices were mailed to surrounding property owners, advertised in the newspaper and a sign was placed on the property prior to the June 12 hearing. The Commission held a hearing and discussed the case. The applicant and a real estate broker spoke documenting the past development difficulties. The Commission had difficulty in linking the past development challenges to the four decision criteria. Only one of the four criteria is required for an approval. The Commission voted 6-1 to recommend denial of the map amendment to City Council.

Approved By:

Department Head: *acting SP, 7/9/18*
City Attorney:
City Manager: *WJD 7/13/18*

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO DENY A ZONING MAP AMENDMENT APPLICATION TO REZONE THE PROPERTY LOCATED AT 5111 MORNING SUN ROAD FROM OI (OFFICE AND LIGHT INDUSTRIAL) DISTRICT TO R2MS (SINGLE AND TWO FAMILY MILE SQUARE RESIDENTIAL) DISTRICT.

WHEREAS: the Planning Commission held a public hearing on June 12, 2018 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant, Architect, for a Zoning Map Amendment, to rezone the property located at 5111 Morning Sun Road from OI (Office and Light Industrial) District to R2MS (Single and Two Family Mile Square Residential) District; and

WHEREAS, after public hearing and deliberation, the Planning Commission recommended to deny the Zoning Map Amendment application to rezone the property located at 5111 Morning Sun Road from OI (Office and Light Industrial) District to R2MS (Single and Two Family Mile Square Residential) District.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further denies the Zoning Map Amendment application to rezone the property located at 5111 Morning Sun Road from OI (Office and Light Industrial) District to R2MS (Single and Two Family Mile Square Residential) District.

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

MAYOR

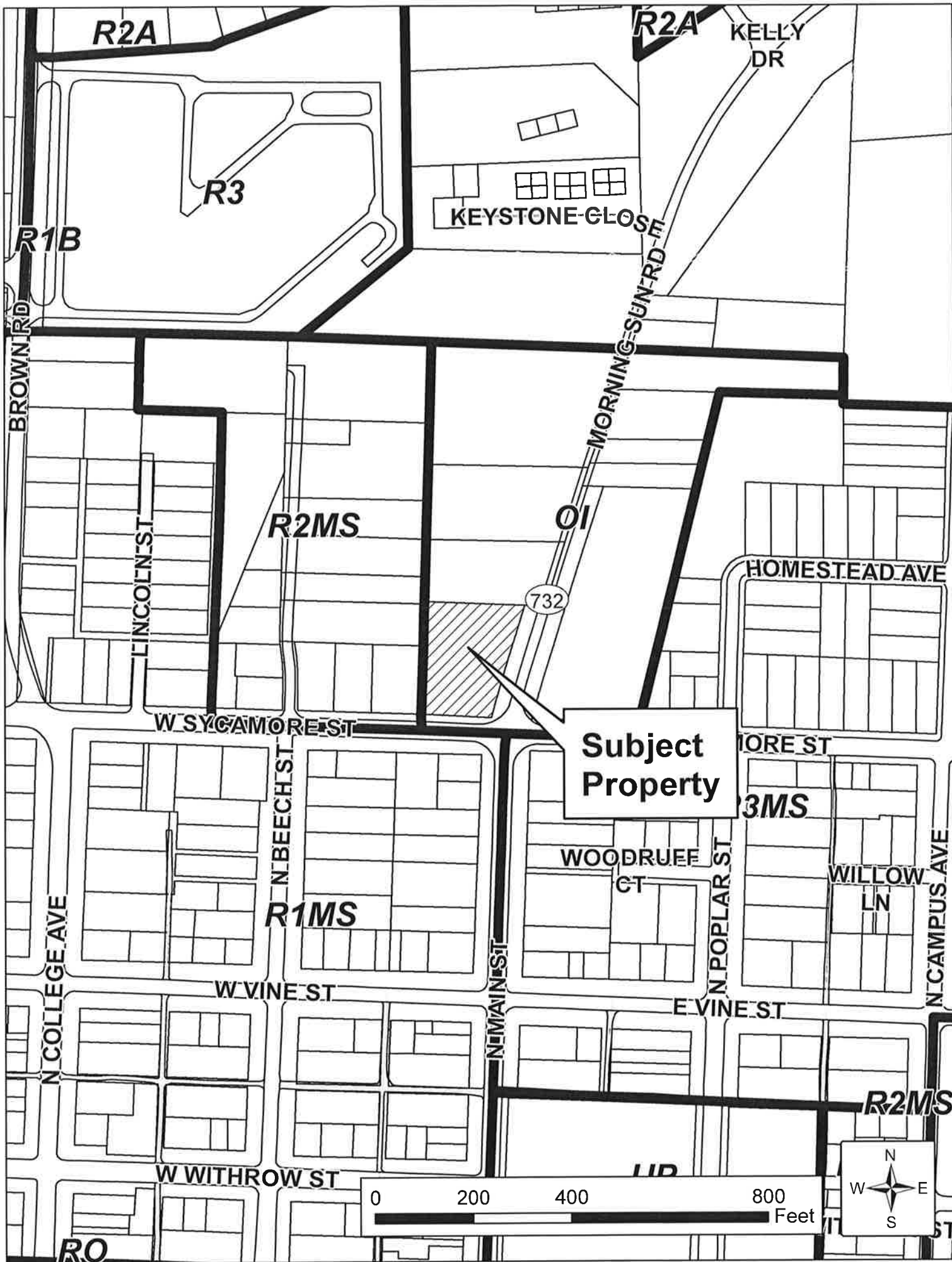
ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-12

Date – June 12, 2018

APPLICATION

Applicant:	Architect Scott Webb
Action Request:	Zoning Map Amendment from OI (Office and Light Industrial) to R2MS (Single and Two Family Residential)
Location:	5111 Morning Sun Road
Acreage:	1 Acre
Owner:	H&P Properties (Shane Coffman)
Current Use:	Vacant/Agricultural/Wooded
Surrounding Land Uses:	Professional Office
Comp Plan Designation:	Developed Area/Neighborhood General 3

DESCRIPTION

This is a map amendment request for a 1 acre parcel at the intersection of Morning Sun Road and Sycamore Street. The parcel is vacant and partially wooded.

The request is to amend the zoning map for this parcel from OI (Office and Light Industrial) to R2MS (Single and Two Family Residential). There is R2MS zoned land to the west and R1MS land to the south, across Sycamore Street. Across the street to the east is OI land, where a hotel is located.

Mr. Webb has provided a letter regarding the map amendment decision standards.

Below is the staff analysis:

SITE BACKGROUND

The farmhouse formerly on this lot was removed around 2005-07, leaving the lot currently vacant of development. The property has changed hands twice in the past 10 years but no development has resulted. City staff has reviewed at least two different development proposals, one including only this lot, one including other lots. Neither resulted in development. The lot is sloping with the general (pre-developed) topography of the area. The lot appears deceptively small from the roadway because the rear half is steeply sloping and wooded. Up to three two-family lots could be created by-right if the rezoning were granted. If the zoning remains OI, the existing dimensional requirements nearly prohibit a development without some type of variance or Planned Development approval.

COMPREHENSIVE PLAN

The comprehensive plan does not provide specific guidance on this individual parcel. The land is labeled as already developed on the Conservation and Development Map 3.6. This appears to be because it was included in with the surrounding area unless the former house was considered a “developed” condition at the time. The Character Area Map 3.7 labels the land as part of Neighborhood General 3, which is the 2,300 acre residential area outside of the Mile Square.

Although the Comp Plan does not provide specific guidance, it does provide general guidance through the Land Use Principles found on pages 3.8 to 3.12. Some pertinent excerpts of those principles are included below. *Italics are staff comments.*

Infill development and redevelopment of underutilized sites is a priority

- Reuse of vacant and underutilized sites will be encouraged prior to new development.
Utilizing land already within urbanized areas rather than sprawl is a common theme throughout the Comp Plan. This particular parcel is a vacant parcel and likely has all utilities available to the property; therefore it is a good candidate for development that does not require substantial expenditure.

Future growth at the edge of the city will preserve open space, protect the area's rural character, and be consistent with the other principles.

- New growth on the edge of the community will not compromise the rural landscape or the community's small town character.

Determining that there is a transition is not an issue, but determining where the transition should happen is difficult. Sycamore street is a natural boundary where the existing urban form changes from larger lot development to smaller residential lots. This is a result of the Mile Square boundary. Rezoning a parcel to residential on the north side of Sycamore street would likely result in an alteration to this natural boundary in the near future.

Streets will create an attractive public realm.

- Roads in rural areas will complement the character of rural areas (i.e., width, setbacks, landscaping buffers).

The street is the gateway into the community. The streetscape north of Sycamore street is currently more rural in nature than south of Sycamore Street. There are no curbs, the buildings are set back farther and there are fewer curb cuts. Although a Planned Development that maintains this character is possible with a R2MS zoning, it is not a guarantee.

Places will be connected to create better opportunities to walk, bike and access public transportation throughout the community.

- Bike paths and walking paths will be integrated into new development and areas undergoing redevelopment

A sidewalk was recently installed along this property in order to provide access to the Oxford Area Trail. Any Rezoning or redevelopment of this land should be done sensitively to avoid creating conflicts or safety issues that do not already exist.

AGENCY REVIEWS

Police:	Returned with no comments
Engineering:	Returned with no comments
Econ. Dev.	No comments returned
Fire:	Returned with no comments

DECISION CRITERIA

A copy of the Zoning Text Amendment Decision Criteria is attached.

Oxford Zoning Code Chapter 1135 outlines the map amendment process and decision standards that the Planning Commission needs to follow, and the decision standards are as follows and attached:

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

As stated by the applicant, the OI zoning was formally established by Oxford City Council in 2003. This was not an error. An error would be something that was made due to a technical problem in the recording of the line on the map. This same boundary line was clearly known and advertised the same before the hearing as it was after the publication.

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

Citing principles of economic development and infill development, an argument can be made for allowing a map amendment for whichever zoning district would permit development the soonest. However, those principles should not be cited in a vacuum. Other principles that protect the character of the area are equally important.

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

The staff interpretation of this decision criteria is that the substantial change is referring to the time period since the adoption of the Comp Plan. The physical conditions of the area have not changed; the same buildings and roads that surround this lot are the same ones that existed in 2008. However, the enrollment at Miami University has increased, new student residential development has occurred in the community and Miami itself has been in the process of implementing their Housing Master Plan.

It should be noted that the past few years have also brought significant investments from health care entities into the community. In addition to TriHealth, Oxford also has regional providers: Mercy, Primary Health and Kettering facilities. There may be potential for expanded offices in the community but it is of course unclear if this particular property would benefit from the recent health care additions in the community.

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

Vacant R2MS land is likely non-existent in Oxford, however, categorically speaking more land has been rezoned from non-residential to residential since the time of the Comp Plan. This includes the 37 acres for The Annex on Southpointe Parkway.

Much of the recent land loss from the R2MS district has been an upzoning to R3MS, which includes nearly identical development rights. Therefore this may not be considered an actual decrease.

The Planning Commission needs to evaluate the application based on the decision standards outlined in Chapter 1135 to determine whether the request meets at least one criteria and if the benefits will likely outweigh any potential pitfalls.

RECOMMENDATION

It should be noted that at least two attempts for development have been made, which document at least some difficulty. It should also be noted that although substantial effort has been made to protect rural to urban transitions in the Comp Plan, this specific gateway was not called out as an area of concern. Perhaps because of its nearly developed condition with the exception of this one lot.

If the Planning Commission deliberates through the decision criteria, this staff report and any new facts presented will provide an ample record in order for a well-founded recommendation to be forwarded to the City Council. The decision of whether to approve or deny the map amendment request from OI to

R2MS for this 1 acre parcel at 5111 Morning Sun Road should be solely focused on the findings of the four decision criteria.

SUBMITTED

BY:

A handwritten signature in cursive script, reading "Sam Perry", followed by a horizontal line extending to the right.

Sam Perry, AICP
Planner

DATE: June 7, 2018

ATTACHMENT

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

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

Map Amendments

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2018

To: Fire Department, Engineering Division, Police Department, Econ Dev Department

From: Community Development Department

PC-2018-12, ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 1, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: _____

V. Popescu
VICTOR POPESCU
PRINTED NAME

Date: _____

5-9-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-12, ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 1, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:  Date: 5/17/18

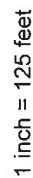
JOHN A. JONES
PRINTED NAME



51241

Morning Sun-Rd

- E Sycamore St



Woodruff Ct



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

CASE NO.: PC-2018-12

DATE OF HEARING: June 12, 2018

ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name:

Tony Miller

(Print)

Address:

4721 Riggs Rd
Oxford OH 45056

Telephone:

Home:

513-532-7565

Work:

COMMENT:

*I would like to see this parcel remain
Office Industrial.*

*This is a prime business location with-in the
city. I'd like to see more business created on the
north side of town. This lot is the first thing you
see entering town & the last thing leaving town.*

*The city needs to think about creating jobs
through promoting businesses to locate in town.*

*protect this parcel, don't change the
map. Don't create another south 27*

Signature

Date

Tony Miller

6-10-18



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

CASE NO.: PC-2018-12

DATE OF HEARING: June 12, 2018

ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name:

(Print)

Address:

Rick Metz & Jackie

310 & 314 N. Main

Box 154 B.G. 43402

Telephone:

Home: 419-3527872

Work: _____

COMMENT:

SAM —

It's OK with us!



Signature

6/11/18

Date

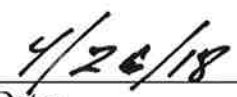
LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Board of Planning Commission & City Council regarding a proposed Zoning Map Amendment at 5111 Morning Sun Road

Thank you,

Signed: 
Shane Coffman, H & P Properties, Inc.


Date:



Internal Use Only:

Case No.

PC-2018-12

Date Filed

4/27/18

Zoning Map Amendment Application

Applicant Information

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

Name * Scott Webb, Architect

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-523-3838

Email Address scott@scottwebbarchitect.com

Location and Lot Information

Location * 5111 Morning Sun Road

General Description of Proposed Amendment * Request for a change in Zoning Designation for a single 1.25 area parcel

Current Zoning * OI (Office Industrial)

Proposed Zone(s) * R2MS Single and Two-Family Mile Square Residential

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) Initiation. A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
 - A. Application Fee.
 - B. The name, mailing address, and telephone number of the applicant.
 - C. A general description of the proposed amendment.
 - D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - E. A statement that identifies potential negative consequences of the proposed amendment.
 - F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - G. A legal description of the area to be rezoned.
 - H. The proposed zoning of the area.
 - I. The current zoning of the area.
 - J. A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

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.

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

Fees & Receipt

The required fee is \$150.00, plus \$10.00 postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *


 4/27/2018

Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required documentation as attachments and a check for fee and postage charge made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

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

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

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

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Zoning Map Amendment
5111 Morning Sun Road
Oxford, Ohio 45056

May 23, 2018

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Zoning Map Amendment for the property at 5111 Morning Sun Road, at the corner of Sycamore and Morning Sun Road. The proposed Zoning Map Amendment will change the affected property from OI (Office Industrial) to R2MS, Mile Square Single and 2-Family Residential District.

Statement responding to Decision Standards on the Application.

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

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

Prior to the 2003 Map Amendment, the property was Zoned R4A, Suburban Multiple Dwelling. In 2003, despite being surrounded by residential development, the zoning was changed to OI, Office Industrial, with Planning Commission predicting a future Medical Office use, and eliminating most other opportunities for the property owner.

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

The Comprehensive Plan refers to this area generally as part of the "*Neighborhood 3*" area on the **Character Map**, described as being on the outskirts of the Mile Square with the lowest residential density, though containing single to multi-family density per the Character Area Matrix. While the **Conservation and Development Map** considers this location as a developed area it was also identified as a "*Weak Place*", presumably due to the lack of interest in developing it over the years. "*Weak Places*" are further described as areas that need improvement, or areas where infill and redevelopment would be appropriate.

There are competing objectives and strategies in the **Land Use chapter**, *Objective 4* suggesting the need for research, development, and office space, yet further suggesting this should be along the north 27 corridor.

Objective 2 suggests enhancing the neighborhoods in the Mile Square. As this is identified as a residential area, residential infill in this location would develop a site that has been vacant for a couple decades.

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

The current zoning was likely decided with the development of a variety of medical offices further north along Morning Sun Road. After 15 years and numerous owners, the site has never produced a viable project fitting within the narrow confines of the OI Zoning District. Grading, access from the intersection and parking requirements for commercial uses on small sites has affected the feasibility of such a project.

A zoning change in this area will provide a more compatible use for the neighborhood than an Office Industrial, commercial use.

As the property resides in the Mile Square Charter Amendment area and would potentially receive a Mile Square Zoning Designation, development would be required to be compatible with the neighboring property in scale and with regard to the Mile Square Design Guidelines.

Development in line with its current Zoning designation would result in higher traffic, parking lots, and commercial buildings.

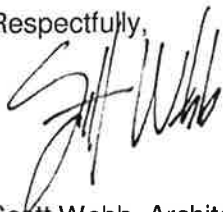
D. There is legitimate need for additional land area in the zoning district that will be expanded

Planning Commission spent over a year looking for additional density in the Mile Square, particularly in the North quadrant of the Mile Square, adjacent to the University and their parking areas.

With no interest in a commercial use for the property and Planning Commission's expressed need for additional residential development adjacent to campus, the Map Amendment would allow the development of a vacant parcel, and take pressure off of other neighborhoods in the City.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a light blue rectangular stamp.

Scott Webb, Architect

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Zoning Map Amendment
5111 Morning Sun Road
Oxford, Ohio 45056

April 27, 2018

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Zoning Map Amendment for the property at 5111 Morning Sun Road, at the corner of Sycamore and Morning Sun Road. The proposed Zoning Map Amendment will change the affected property from OI (Office Industrial) to R2MS, Mile Square Single and 2-Family Residential District.

Statement responding to questions posed on the Application.

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

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

The Comprehensive Plan refers to this area generally as part of the "Neighborhood 3" area on the Character Map, described as being on the outskirts of the Mile Square with the lowest residential density, though containing single to multi-family density per the Character Area Matrix. While the Conservation and Development Map considers this location as a developed area it was also identified as a "Weak Place", presumably due to the lack of interest in developing it over the years. "Weak Places" are further described as areas that need improvement, or areas where infill and redevelopment would be appropriate.

There are competing objectives and strategies in the Land Use chapter; *Objective 4* suggesting the need for research, development, and office space, yet further suggesting this should be along the north 27 corridor. *Objective 2* suggests enhancing the neighborhoods in the Mile Square. As this is identified as a residential area, residential infill in this location would develop a site that has been vacant for a couple decades.

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

A zoning change in this area will affect the properties in the neighborhood, by providing a more compatible use than an Office Industrial, commercial one. As the property resides in the Mile Square Charter Amendment area, and would potentially receive a Mile Square Zoning Designation, development would be required to be compatible with the neighboring property in scale and with regard to the Mile Square Design Guidelines.

Development in line with its current Zoning designation would result in higher traffic, parking lots, and commercial buildings.

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

Public facilities will not be affected, since this is an infill development, all public facilities are available at this location. At over an acre a plan development application will likely follow, ensuring comprehensive design of the site addressing storm water, etc.

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

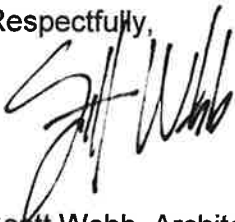
Comprehensive design of the site through a Planned Development application will address all mitigating factors, and will be designed in cooperation with Planning Commission through this process.

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

The current zoning was likely decided with the development of a variety of medical offices further north along Morning Sun Road. After 15 years and numerous owners, the site has never produced a viable project fitting within the narrow confines of the OI Zoning District. Grading, access from the intersection and parking requirements for commercial uses on small sites has affected the feasibility of such a project.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a horizontal line.

Scott Webb, Architect

Zoning Area Map Showing Adjacent Zoning



Enlarged Zoning Area Map Showing Adjacent Zoning



Aerial Photograph Showing Adjacent Development



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: July 17, 2018

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 6, 2018

Date Prepared

Agenda Title: A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Saturday, September 22, 2018, from 7:00 a.m. until 11:00 p.m. at Yager Stadium and on the lawn at Millett Hall for the 2018 Bands of America Regional Championship at Oxford event.

Recommendation: N/A

Discussion:

As requested by the Event Manager except the beginning time was amended from 5:30 a.m. to 7:00 a.m. for Council's consideration.

Approved By:

Initial Date

Department Head:

A. City Manager:

MAE / 7/13/18

RESOLUTION NO.

A RESOLUTION AUTHORIZING A TEMPORARY ABATEMENT OF THE NOISE ORDINANCE NO. 2550, SECTION 509.09, ON SATURDAY, SEPTEMBER 22, 2018 FROM 7:00 A.M. UNTIL 11:00 P.M. AT YAGER STADIUM AND ON THE LAWN AT MILLETT HALL FOR THE 2018 BANDS OF AMERICA REGIONAL CHAMPIONSHIP AT OXFORD EVENT.

WHEREAS, the City Manager and the Police Chief recommend a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, for the 2018 Bands of America Regional Championship at Oxford event on Saturday, September 22, 2018 from 7:00 a.m. until 11:00 p.m. at Yager Stadium and on the lawn at Millett Hall in accordance with the provisions set forth in the Noise Ordinance No. 2550, Section 509.11, Exceptions to Noise Restrictions, Section G: "Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the City of Oxford, Ohio."

THE COUNCIL OF THE CITY OF OXFORD HEREBY RESOLVES THAT:

SECTION 1: Council having reviewed the recommendation and finding this to be a family friendly event hereby authorizes the City Manager to issue a temporary abatement of the Noise Ordinance.

SECTION 2: The City Manager is hereby authorized to approve a temporary abatement of the Noise Ordinance No. 2550 Section 509.09 for the Bands of America Regional Championship at Oxford event on Saturday, September 22, 2018 from 7:00 a.m. until 11:00 p.m. at Yager Stadium and on the lawn at Millett Hall.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: STEVE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
NOISE ABATEMENT APPLICATION

DATE REQUESTED

9-22-18

From: 5:30 A.M.
~~P.M.~~

To: 11:00 P.M.
~~A.M.~~

ORGANIZATION (Event Sponsor)
ADDRESS:

RESPONSIBLE (must be over 18 yrs.)
PARTY:

Music for All

Conlon Griesmer

39 W. Jackson Pl. - Suite 150

Event Manager

Indianapolis, IN 46225

615-866-7200 conlon.g@musicforall.org

ACTIVITY/EVENT TO BE UNDERTAKEN: 2018 Bands of America

Regional Championship at Oxford

NUMBER OF PEOPLE ESTIMATED TO ATTEND: 6000

OPEN TO PUBLIC

YES

NO

ALCOHOL AVAILABLE

YES

NO

HELD ON PUBLIC PROPERTY

YES

NO

INTENDED AUDIENCE: High School Students and Their Families

DESCRIPTION OF EVENT: High School Marching Band Competition

PLACE OF EVENT: Yager Stadium and Millett Hall Lawn

TYPE OF SOUND EQUIPMENT TO BE USED: Stadium P.A. System -

Music Produced by Participating Bands (Band Instruments)

SOUND MONITORING PLANS (including person in charge of this process)

Stadium will be heavily monitored. We have a staff member that manages
I understand that the event/activity must be open to the public the warm-up
and be alcohol free. area.

Applicants signature Conlon Griesmer Date 4-17-18

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 17, 2018

Sam Perry

Account Code No. #:

Prepared By

Budgeted Amount:

July 11, 2018

Date Prepared

Agenda Title: Planning Commission Meeting Report- June 12, 2018
--

PC-2018-10, CONDITIONAL USE, 104 McKee Avenue, to allow for a home based business in an R1A Zoning District, **Jon Sanford, Applicant**

The applicant has been operating a home business offering music lessons during evening hours. The property is a corner lot on a cul-de-sac. There are several non-resident teachers using the applicant's home to teach piano, guitar and voice lessons. The owner had the option of scaling the business down to a permitted home occupation or applying for a conditional use for a private music school. The choice was an application for conditional use. Based on neighborhood questions about parking and traffic, the Commission voted 5-1 to table the case.

PC-2018-11, CONDITIONAL USE, 21 Lynn Avenue, Suite 101, LaRosa's, to allow for a drive through pick up window addition, **Joel Engelhard, Applicant, Agent**

This project will add a pick-up window only to the existing building. No major changes to the building or site layout. This is intended to be an added convenience for the patrons that will not require an ordering kiosk like traditional drive-throughs. Orders will be placed by phone or online. The primary concern of the Commission was that the existing parking lot circulation problems not be compounded by the addition of the pick-up window. The Commission voted unanimously to recommend approval of the conditional use.

PC-2018-12, ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

The amendment would remove the parcel from the OI District and add it to the adjacent R2-MS (Single- and Two-Family Mile-Square Residential) District, to the west. The applicant and a real estate broker spoke documenting the past development difficulties. The Commission had difficulty in linking the past development challenges to the four decision criteria. Only one of the four criteria is required for an approval. The Commission voted 6-1 to recommend denial of the map amendment.

Approved By:

Department Head:

City Attorney:

A. City Manager:

	/	7-13-18
	/	
	/	7/13/18

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: June 19, 2018

Service Department
Originating Department

Account Code #: N/A

David Treleven
Prepared By

Budgeted Amount: N/A

June 7, 2018
Date Prepared

Agenda Title:	Environmental Commission Meeting of June 6, 2018
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Recommendation:	For Review and Consideration
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Discussion:

Environmental Commission members present at the Wednesday, June 6, 2018 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Ms. Madeline Maurer; City Council Representative, Ms. Chantel Raghu; Planning Commission Representative, Mr. Bill Snively; and Mr. Jon Ralinovsky. A quorum was present. Mr. Vince Hand had previously informed the Commission that he would be unable to attend the June 6th meeting. Ms. Molly O'Donnell, a Miami University (MU) undergraduate student and the Secretary of Infrastructure and Sustainability for the MU's Association of Student Government was also in attendance, as was Oxford resident Ms. Carla Blakmar, and the Director of Butler County Recycling and Solid Waste District, Ms. Anne Fiehrer Flaig.

The Minutes from the May 2, 2018 Environmental Commission meeting were unanimously approved as presented.

Ms. Blakmar addressed the Commission regarding the weekly delivery of unsolicited newspaper advertisements and coupons, as well as telephone books on annual basis, which she (and others) considers as litter. Ms. Blakmar has formed a citizen group, #Take3OxfordOH, which encourages the collection of (at least) three pieces of litter during any outing. Members of #Take3OxfordOH have indicated particular disdain for the above-mentioned unsolicited deliveries, citing their accumulation, and their potential for stormwater and surface waters pollution. Ms. Blakmar outlined three possible approaches: outright banning of these unsolicited deliveries, requiring the advertisers to go to an "opt in" for delivery, rather than the existing "opt out", and prohibiting the use of plastic bags to contain the products. Councilor Raghu provided a summary of her research into legal aspects of the issue. Essentially, commercial speech is held to a different standard than citizen's free speech, and can be regulated. However, her review of several efforts to prohibit or limit these unsolicited deliveries indicated that it was difficult for these efforts to pass legal muster. After an extensive discussion, it was concluded that there was no particular obvious, clear direction to rectify the issues. Commissioners were asked to continue with research into the problem and potential remedies for future discussions.

Ms. Anne Fiehrer Flaig, Director of the Butler County Recycling and Solid Waste District (the District), provided the Commission with a summary of the District's most-recent 15 year Solid Waste Management Plan. While regulated by the Ohio Environmental Protection Agency, these Districts are intended for the
(Continued)

Approved By:

Department Head:
A. City Manager:

Initial Date

<u>WBD</u>	<u>7/9/18</u>
<u>MBD</u>	<u>7/13/18</u>

local input and crafting of solid waste management, and the development of funding mechanisms for this management, through a seven-member citizen's Solid Waste Policy Committee. Review of records indicate that cardboard is the most recycled item for both the commercial and residential sectors in the County, and also is the recyclable item with the most potential to provide for even more recycling. For the residential sector, curbside recycling is the avenue that provides for the greatest improvement in recycling rates. The District is instituting programs to encourage local large townships to provide for curbside recycling (as compared to public drop-boxes). Ross Township recently went into a multi-township and county contract for trash and recycling collection, and has seen a tripling in their residential recycling rates. Commissioners inquired about public education efforts by the District. Ms. Fiehrer Flaig indicated that the local County Districts, municipalities/political subdivisions, and Rumpke are working on a regional approach intended to have similar messages utilizing the same visual icons and phrasing to help uniform the public education. Commissioners inquired about increasing Oxford's commercial recycling: Ms. Fiehrer Flaig encouraged getting participation by the local Chamber of Commerce and/or other local business groups. City Staff provided pricing for trash versus recycling service within Oxford as an example of the potential financial benefits to Oxford businesses to recycle. Finally, volume-based charging for trash (referred to as "Pay-As-You-Throw") was discussed as a mechanism to increase recycling rates.

Councilor Raghu informed Commissioners that Mr. Brent Boyd from Solar Power and Light is scheduled to address City Council during an August 2018 meeting regarding Solar Power and Light's solar panel leasing program. Councilor Raghu asked that the Environmental Commissioners attend Mr. Boyd's presentation as a show of support. Councilor Raghu also informed the Commission that she was scheduling a meeting with the Ohio Environmental Protection Agency and a Class II food scrap composting operation in Richmond, Indiana to investigate the potential of intra-state cooperation, allowing Oxford residents this composting opportunity.

Staff was instructed to investigate what would be necessary for the Environmental Commission to create a position specifically for a MU student, either as a liaison or to increase the number of Commissioners. The thought was intended to have the MU's Association of Student Government's Secretary of Infrastructure and Sustainability (or similarly interested student) be involved in the community's environmental discussions and concerns.

Commissioners concluded discussion at 8:40 p.m. As the first Wednesday in July corresponds with the Fourth of July holiday, the next Environmental Commission meeting is scheduled for 7:00 pm on Wednesday, August 1, 2018, in the Municipal Building's First Floor Conference Room.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 17, 2018

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

July 10, 2018

Date Prepared:

PC-2018-11, 21 Lynn Avenue, Conditional Use Permit Application to add a drive-up window to an existing restaurant (LaRosa's), Joel Engelhard, Applicant

Recommendation: Approval

Discussion:

LaRosa's is an existing sit-down restaurant on Lynn Avenue with both a delivery and take-out service. Business owner Joel Engelhard is proposing to add a pick-up window to the existing take-out service. The orders will be placed online or by phone rather than using a kiosk as a typical drive through restaurant would use. There is an existing rear access drive behind the building that can serve as the driveway leading to the pickup window. Architect Robert Wendel is handling the design and building permit. The property is located in a General Business district, which permits drive-throughs as part of businesses. The conditional use process is in place to ensure that any negative impacts to surrounding properties and to the general public are minimized.

Notice was mailed to surrounding property owners, advertised in the newspaper and a sign was placed on the property prior to the June 12 hearing. The Commission held a hearing and discussed the case. The Commission's primary concern was that any existing parking lot circulation issues not be compounded. The architect's design included directional signage. Additionally, Mr. Engelhard will work with existing services using the rear drive so that timing conflicts are minimized. The Commission voted 7-0 to recommend approval of the conditional use, as submitted by Mr. Engelhard. If the Council approves the ordinance, the owner will be able to move forward with the building permit for the project.

Approved By:

Department Head: *aching SP / 7/10/18*

City Attorney:

A. City Manager:

APD + 7/13/18

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE ADDITION OF A DRIVE-THROUGH WINDOW AT THE LAROSA'S RESTAURANT LOCATED AT 21 LYNN AVENUE OXFORD, OHIO 45056 IN THE GENERAL BUSINESS DISTRICT.

WHEREAS, Council finds in accordance with Oxford Codified Ordinance Section 1147.02 the City of Oxford Planning Commission held a public hearing on June 12, 2018 for the purpose of considering the request of Joel Engelhard, Applicant, for a conditional use permit for the addition of a drive through window at the LaRosa's restaurant located at 21 Lynn Avenue Oxford, Ohio 45056 in the General Business District; and

WHEREAS, the Planning Commission, after public hearing and discussion, voted and approved a motion recommending approval of the conditional use permit application for the addition of a drive through window at the LaRosa's restaurant located at 21 Lynn Avenue Oxford, Ohio 45056 in the General Business District.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application for the addition of a drive through window at the LaRosa's restaurant located at 21 Lynn Avenue Oxford, Ohio 45056 in the General Business District as submitted.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-11

Date –June 12, 2018
Revised for Council-- July 17, 2018

APPLICATION

Applicant:	Joel Engelhard
Location:	21 Lynn Ave
Owner:	Uptown Investments LTD
Action Request:	Conditional Use Permit Application to add a drive-up window to an existing restaurant (LaRosa's)
Current Use:	LaRosa's Restaurant
Zoning:	GB (General Business) District
Surrounding Existing Land Uses:	Restaurants, Offices, Retail

GENERAL DESCRIPTION

The owners of the Oxford LaRosa's are seeking approval to add a drive-up window to their existing restaurant for takeout orders. The orders are placed online or by phone. The drive-up/pick-up window is considered a drive-through and therefore requires the conditional use process to determine if it is a good fit in this location. LaRosa's is located at 21 Lynn Avenue but also has access from South Locust Street near the railroad tracks. The building is shared by two other businesses: Oxford Spirits and Oxford Coffee Co. The proposed window is accessed by entering the rear service drive near Oxford Spirits and South Locust Street. The enclosed site and building plans have been prepared by Architect Robert Wendel.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners. One was received from a property owner across South Locust Street. See attached.

AGENCY REVIEWS

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

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

ZONING CODE REVIEW

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

1147.02(c) Planning Commission Review: The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing.

If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(1) **Burden of Proof.**

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health,

safety, or general welfare of the City or the neighborhood in which it is proposed.

- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

(2) General Decision Standards. All Conditional Uses shall satisfy these General Decision Standards.

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

(d) Action by Planning Commission.

- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. **In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.**

1147.03(b)(10) Drive-Through Restaurant Facilities

- A. Potential Concerns
 - 1. Design of vehicle management area.
 - 2. Noise from operation (vehicle and loudspeaker).
 - 3. Signs and menu boards.
 - 4. Location and adequacy of dumpsters.

B. Regulations.

1. Drive-through station shall not be located in a yard adjacent to a residential zoning district.
2. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district.
3. Drive-up stations shall be setback a minimum of 50 feet from a residential zoning district.

ANALYSIS:

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

(2) General Decision Standards. All Conditional Uses shall satisfy the General Decision Standards.

A. The proposed use is in fact a Conditional Use appropriate in the zoning district in which it is proposed.

Yes, the use can be allowed as a conditional use. It is specifically listed.

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

Yes, the proposed use can be satisfied by allowing a permitted use business to make changes as long as the changes are not negative to the surroundings.

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

One of the objectives of the Comp Plan is to retain and expand existing businesses. This project serves to fill a desire of the business owner, which could help to expand the business.

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

This decision standard may require some explanation from the architect since the site in this case was not originally set up for a drive up window.

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

None anticipated.

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.

Not applicable.

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

No unrelated accessory uses being proposed.

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

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

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

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

J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general

vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.

The building is existing. No significant changes to the building are proposed other than the pick up window.

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

The owner has stated to the City that the take out service is an existing service and also that there is adequate cueing in the drive alley. Additionally a striping and signage plan has been submitted. The owner has also stated to the City that they will work with any service truck or trash truck delivery schedules to minimize congestion through the cueing area.

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

One mature landscape tree is proposed to be removed for a relief lane to be added to the existing drive/alley.

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.

The business is already in operation. A building permit will be required before the construction commences.

1147 03(b)(10) Drive-Through Restaurant Facilities

A. Potential Concerns

1. Design of vehicle management area.

The vehicle management area already exists. Adjustments including striping and signage will be added. If volume for this new service becomes high, staff recommends that cars exit to the adjacent bank lot (with permission).

There are not details on the directional signage size, height and location; therefore, the signage plan details will have to be submitted later for review and will be required to comply with code as part of the building permit review process.

The pedestrian refuge areas are not typical because they are surface painting only and do not connect to walk ways, but they are an improvement over current conditions, which is no refuge at all.

2. Noise from operation (vehicle and loudspeaker).

The adjacent land is a railroad berm and a bank parking lot. There is no order kiosk; therefore additional noise should be minimal.

3. Signs and menu boards.

The only signs will be for vehicular movement. No menu board is planned that staff is aware of.

4. Location and adequacy of dumpsters.

There is an existing dumpster. The need for increased capacity is not expected.

B. Regulations.

1. Drive-through station shall not be located in a yard adjacent to a residential zoning district.

This not a full drive through station; only a pick up window. The nearest

residential district is across the railroad tracks at 325 W. High St.

2. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district.

Not applicable.

3. Drive-up stations shall be setback a minimum of 50 feet from a residential zoning district.

The pick-up window is 200 feet from the nearest residential district.

RECOMMENDATION:

The conditional use requirement for a drive-through service is primarily intended to mitigate any negative impacts to the surrounding neighborhood that might come from a completely new structure with an order kiosk **and** pick up window. This situation does not fully fit those conditions; however there is no other process in place for a zoning approval. The architect and owners have made concerted efforts to enable a retrofit of this building for this service to work well. There are some decision standards that will require discussion of the Commission, but there are none of major concern to staff at this time.

At this time there appears to be adequate information in order to forward a recommendation of approval to City Council along with any conditions of approval that the Commission deems necessary.

SUBMITTED BY:



Sam Perry, AICP
Planner

DATE: ~~June 7, 2018~~ July 13, 2018 (Minor correction to Page 1)

ATTACHMENT

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

(1) Burden of proof.

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an Applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

(2) General decision standards. All Conditional Uses shall satisfy these General Decision Standards:

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

City of Oxford
Inter-Office Review Transmittal Sheet



Date: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-11, CONDITIONAL USE, 21 Lynn Avenue, Suite 101, LaRosa's, to allow for a drive through pick up window addition, Joel Engelhard, Applicant, Agent

 X Review Revisions Other

Please return no later than: **June 1, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:

Date:

5-10-18

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-11, CONDITIONAL USE, 21 Lynn Avenue, Suite 101, LaRosa's, to allow for a drive through pick up window addition, **Joel Engelhard, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 1, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: *A. Popescu* Date: 5-9-18

VICTOR POPESCU
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-11, CONDITIONAL USE, 21 Lynn Avenue, Suite 101, LaRosa's, to allow for a drive through pick up window addition, **Joel Engelhard, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 1, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____



Date: _____

5/17/18

John A. Jones

PRINTED NAME



PC-2018-11

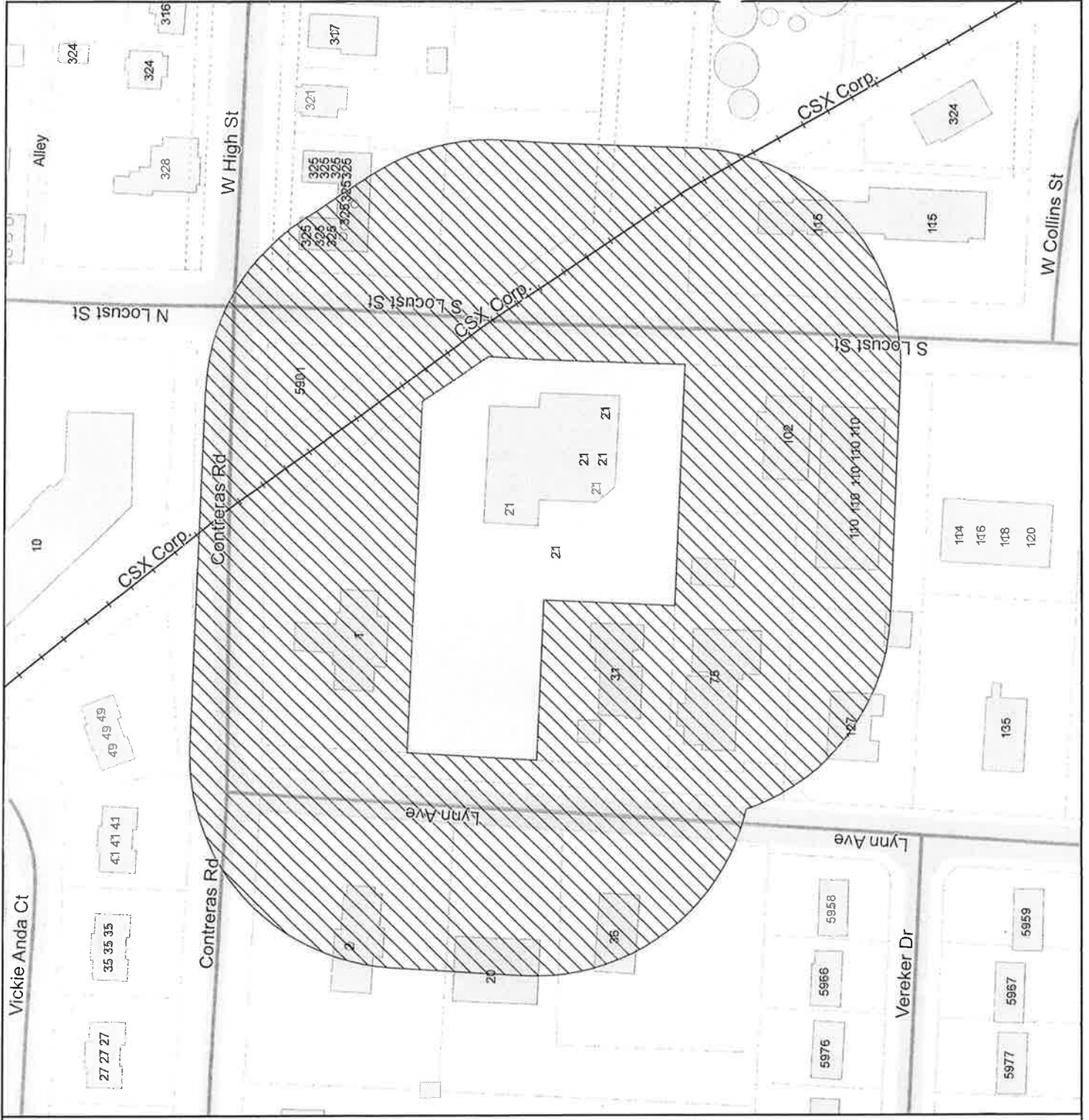
Surrounding Property Owners Notifications Map

Legend

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



1 inch = 125 feet



Prepared on Friday, May 25, 2018
The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.



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

CASE NO.: PC-2018-11

DATE OF HEARING: June 12, 2018

CONDITIONAL USE, 21 Lynn Avenue, Suite 101, LaRosa's, to allow for a drive through pick up window addition, **Joel Engelhard, Applicant, Agent**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Judy Ramsey - Locust Car Wash
(Print)
Address: 115 S. Locust Street
Oxford, OH 45056

Telephone: Home: 513-523-6786 Work: 513-523-0917

COMMENT:

Joel Engelhard has been a great neighbor to our business as well as a great supporter of our Community. I fully support a Drive Through Pick up window. I would personally appreciate the added convenience. Our tenants and customers would also support the addition, in my opinion.

Thanks!

Judy Ramsey, Pres
Signature

5-30-18
Date

Letter of Agency

To Whom It May Concern:

Please be advised that Joel and Melissa Engelhard has permission to represent our interest with the City of Oxford and act on our behalf for the Planning Commision hearing regarding the drive through pick up window addition for the property at 21 Lynn Street, Oxford, OH 45056.

Thank you.



Uptown Investments

Date

By: Authorized Member



Internal Use Only:	
Case No.	PC-2018-11
Date Filed	4/27/18

Conditional Use Permit Application

Applicant Information

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

Name * MJ RESTAURANTS / DBA OXFORD LA ROSA'S

Mailing Address * 21 LYNN AVE. SUITE 101

City, State & Zip Code * OXFORD OHIO 45056

Telephone Number(s) * 513-273-2092

Email Address jenquelhard@larosas.com / mcnelhard@larosas.com

Owner Information

Name * UPTOWN INVESTMENTS LLC

Mailing Address * 5020A COLLEGE CORNER PIKE

City, State & Zip Code * OXFORD, OHIO 45056

Telephone Number(s) * 513-205-4174

Email Address dance@hoteldevelopment.net

Location and Lot Information

Location of Property * 21 LYNN AVE SUITE 101

Legal Description * ATTACHED

Zoning District * 425. C

Total Area * NO CHANGE → Check One * Acres ☐ Square Feet ☐

Existing Use Description * RESTAURANT

Proposed Use Description * RESTAURANT

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

A. Application Fee.

B. Description of Use and Site.

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

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

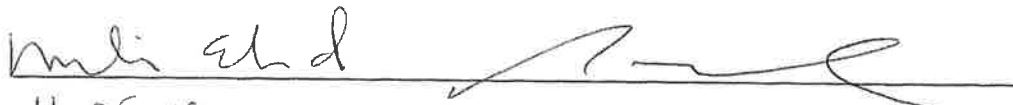
- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape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

Fees & Receipt

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

Sign and Date

Applicant Signature *



Date *

4-25-18

Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required plans and documentation as attachments and a check for fee and postage made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

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

For Staff Use Only

Fee Paid Date *

4/27/18

Receipt Number *

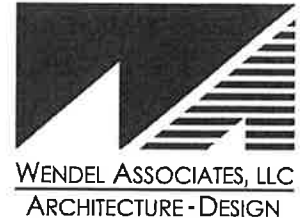
20046

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

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

April 26, 2018

City of Oxford
101 East High Street
Oxford, Ohio 45056



Re: Conditional Use

We are applying for a conditional use for the La Rosa's Restaurant located at 21 Lynn Street. We are answering all questions, as listed under the Submission Requirements and Documentation.

1. Thirteen complete sets of all information shall be submitted with the application.

A. Application fee for \$410 is included.

B. Description of use and site.

1. Applicant: Joel & Melissa Engelhard

4411 Eaton Road
Hamilton, Ohio 45013

Owner: Uptown Investments, LLC
5020a College Corner Pike
Oxford, OH 45056
513-295-4174

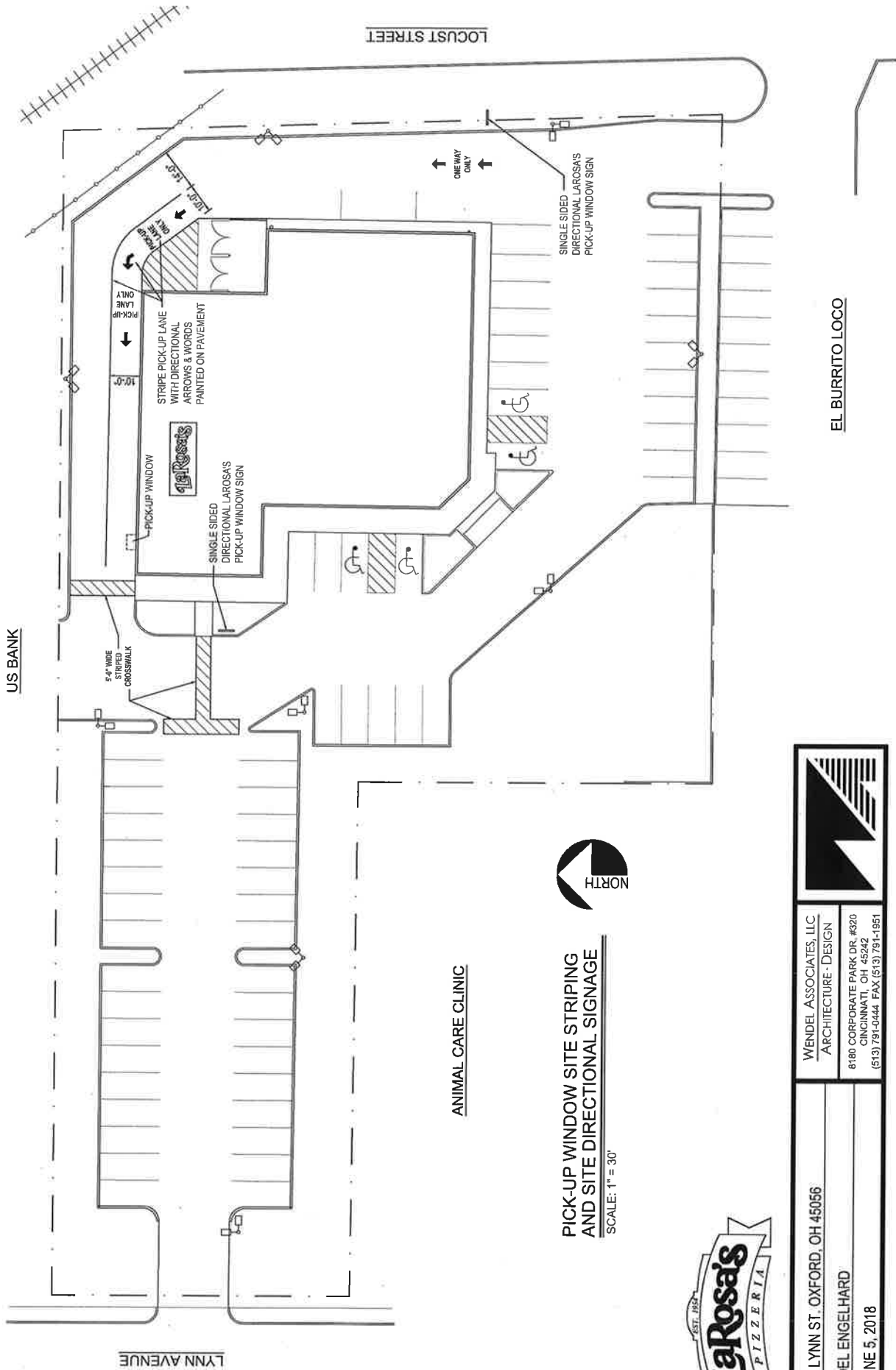
2. A letter from the owner giving the applicant the authority to apply is included.
3. A legal description of the site is attached.
4. The existing use on the site is Restaurant & Retail.
5. The zoning district is 425, C - Neighborhood Shopping Center
6. The site is occupied by a La Rosa's Restaurant and three other spaces. Two retail and a coffee shop. La Rosa's serves 250 – 300 people per day, with daily deliveries. Hours are from 11 am to 10 pm.
7.
 - a. The use is similar to the food service locations near them, except that La Rosa's will be a call ahead and pick up service only.
 - b. The building footprint will remain unchanged.
8. We are not changing anything to add to the daily operations and is really less severe than the surrounding food services.
9. This will help to alleviate parking, as the people who normally would go in for pick-up will not be parking. This adds to available dine in parking and delivery parking spots.
10. N/A
11. The use of land is restaurant, retail and office.

C. The site plan has met all of the requirements listing in this item.

Thank you for your consideration of our proposal. Please let us know if there are any other questions regarding our submittal,

Sincerely,

Robert A. Wendel, RA



EL BURRITO LOCO

ADDRESS	21 LYNN ST. OXFORD, OH 45056
OWNER	JOEL ENGELHARD
DATE	JUNE 5, 2018
WENDEL ASSOCIATES, LLC ARCHITECTURE - DESIGN	
8180 CORPORATE PARK DR. #320 CINCINNATI, OH 45242 (513) 791-0444 FAX (513) 791-1951	



PICK-UP WINDOW SITE STRIPING
AND SITE DIRECTIONAL SIGNAGE

SCALE: 1" = 30'

ANIMAL CARE CLINIC



21 LYNN STREET
OXFORD, OHIO 45056

BUILDING CODE INFORMATION

CODE JURISDICTION
- 2017 OHIO BUILDING CODE
- CITY OF OXFORD ZONING

BLDG. CODE INFO.
- OCCUPANCY - A2
- CONSTRUCTION TYPE - SB

DRAWING INDEX

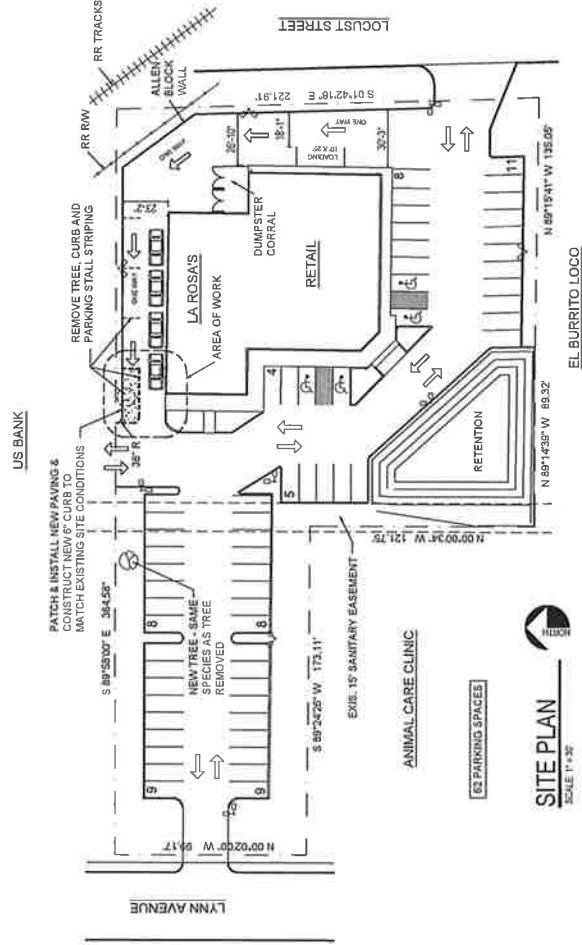
SHEET NO.	DRAWING DESCRIPTION
1	TITLE SHEET - SITE PLAN
A1	FLOOR PLAN - ELEVATION - SECTION

WARNING:

ARCHITECTURAL DRAWINGS ARE TYPICALLY DRAWN TO A REPRESENTATIVE SCALE WHICH IS NOTED IN THE DRAWING. THE DRAWING IS NOT TO BE USED AS A BASIS FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE ARCHITECT TO PROVIDE THE NECESSARY INFORMATION TO THE CONTRACTOR TO DETERMINE THE EXACT DIMENSIONS OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

NO SUBCONTRACTOR SHOULD BE PROVIDED WITH A PARTIAL SET FOR EITHER BUILDING OR MECHANICAL WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

VICINITY MAP



SITE PLAN
SCALE 1/8" = 1'-0"

62 PARKING SPACES

ANIMAL CARE CLINIC

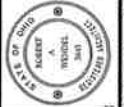
EL BURRITO LOCO

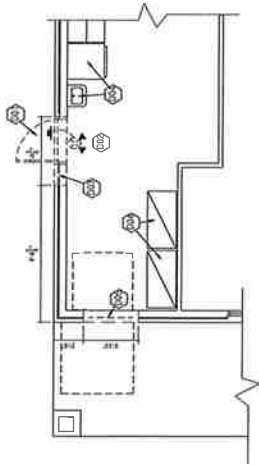
T.1

LA ROSA'S PIZZERIA PICK-UP WINDOW
21 LYNN STREET
OXFORD, OHIO 45056



WENDELL ASSOCIATES, LLC
ARCHITECTURE-DESIGN
1100 CONNOR ROAD, SUITE 200
OXFORD, OHIO 45056
P.O. BOX 1000, OXFORD, OHIO 45056
PHONE: 513.525.1234
FAX: 513.525.1235
WWW.WENDELLASSOCIATES.COM

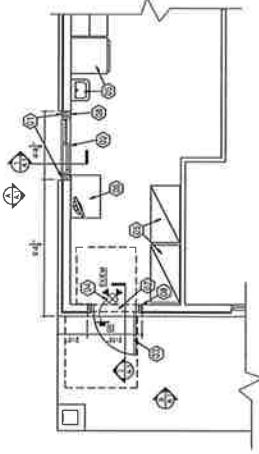




DEMOLITION PLAN
SCALE: 1/4" = 1'-0"

DEMOLITION NOTES

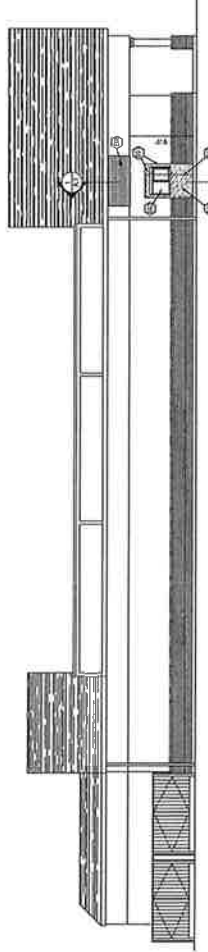
- 001 REMOVE THE EXISTING ALUMINUM DOOR, FRAME AND HARDWARE AND SALVAGE FOR REUSE OR REUSE
- 002 REMOVE THE EXISTING EMERGENCY / EXIT LIGHT FIXTURES
- 003 DEMO EXISTING WALL AND PREP FOR NEW PICKUP WINDOW START AT THE EDGE OF THE EXISTING DOOR LOCATION ALLOWING FOR NEW EDC BEARING
- 004 DEMO EXISTING EXTERIOR WALL FOR RELOCATION OF 3070 DRIVER DELIVERY DOOR



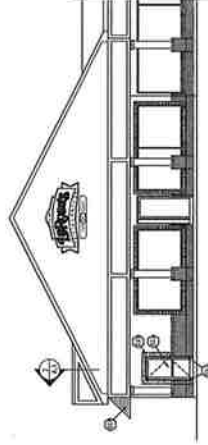
FLOOR PLAN
SCALE: 1/4" = 1'-0"

CONSTRUCTION NOTES

- 01 CONSTRUCT A 48-3/4" W. X 36-3/4" H. 3/4" AFF ROUGH OPNG. FOR NEW PICK-UP WINDOW WITH 204 HEADER & (3) 206 END BRG. RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION.
- 02 RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION. FRAME & HARDWARE REPLACE ANY DAMAGED OR DETRIMENTED DOOR HARDWARE & ACCESSORIES AS NEEDED.
- 03 RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION. FRAME & HARDWARE REPLACE ANY DAMAGED OR DETRIMENTED DOOR HARDWARE & ACCESSORIES AS NEEDED.
- 04 RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION. FRAME & HARDWARE REPLACE ANY DAMAGED OR DETRIMENTED DOOR HARDWARE & ACCESSORIES AS NEEDED.
- 05 RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION. FRAME & HARDWARE REPLACE ANY DAMAGED OR DETRIMENTED DOOR HARDWARE & ACCESSORIES AS NEEDED.
- 06 RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION. FRAME & HARDWARE REPLACE ANY DAMAGED OR DETRIMENTED DOOR HARDWARE & ACCESSORIES AS NEEDED.
- 07 PATCH & REPAIR EFS AROUND THE RELOCATED DOOR. PATCH & REPAIR EFS AROUND THE RELOCATED DOOR.
- 08 RELOCATED 3070 ALUMINUM DRIVER DOOR AND FRAME. PATCH THE EXISTING BRICK AROUND THE RELOCATED DOOR. PATCH THE EXISTING BRICK AROUND THE RELOCATED DOOR.
- 09 NEW FABRIC AWNING OVER PICK-UP WINDOW. REFER TO SECTION 3.1.1 FOR DETAILS.



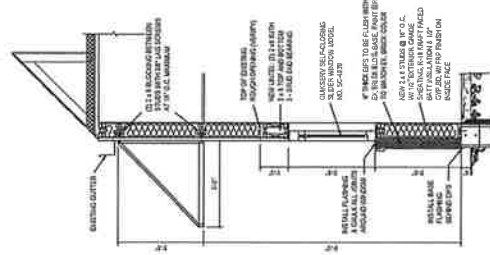
NORTH ELEVATION - A
SCALE: 1/8" = 1'-0"



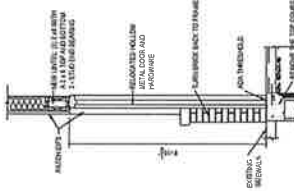
WEST ELEVATION - B
SCALE: 1/8" = 1'-0"

GENERAL CONCRETE NOTES

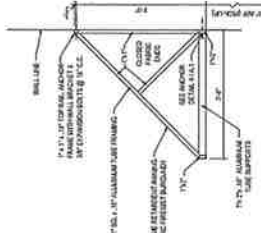
1. MATERIALS:
PORTLAND CEMENT: ASTM C150 TYPE I.
FLY ASH: ASTM C618 TYPE F. MAXIMUM FLY ASH TO CEMENT RATIO SHALL NOT EXCEED 20% AIR ENTRAINING ADMIXTURE: ASTM C260, HIGH RANGE WATER REDUCING ADMIXTURE: ASTM C494, TYPE GR G. AGGREGATES: NOMINAL 1 1/2" MAX. SIZE.
2. ALL CONCRETE SHALL BE STANDARD WEIGHT 4000 PSI COMPRESSIVE STRENGTH IN 28 DAYS WITH A SLUMP OF 7" AIR CONTENT: 2% FOR INTERIOR AND 3% FOR EXTERIOR CONCRETE AND A W/C RATIO = .45.



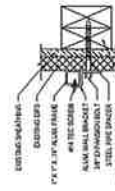
WINDOW WALL SECTION - 1
SCALE: 1/2" = 1'-0"



DOOR WALL SECTION - 2
SCALE: 1/2" = 1'-0"



AWNING SECTION - 3
SCALE: 3/4" = 1'-0"



AWNING ANCHOR DETAIL - 4
SCALE: 3/4" = 1'-0"

LA ROSA'S PIZZERIA PICK-UP WINDOW
21 LYNN STREET
OXFORD, OHIO 45056



ARCHITECTURE DESIGN
WENDEL ASSOCIATES, LLC
410 THOMAS ROAD, SUITE 101
OXFORD, OHIO 45056
TEL: 513.325.1111
WWW.WENDELASSOCIATES.COM

DATE: APRIL 11, 2017
DRAWN BY: J. WENDEL
CHECKED BY: J. WENDEL
IN CHARGE: J. WENDEL

PROJECT NO.: 17-001
SHEET NO.: 1 OF 1

SCALE: 1/8" = 1'-0"

DATE: APRIL 11, 2017

PROJECT NO.: 17-001

SHEET NO.: 1 OF 1

SCALE: 1/8" = 1'-0"

DATE: APRIL 11, 2017

PROJECT NO.: 17-001

SHEET NO.: 1 OF 1

SCALE: 1/8" = 1'-0"

DATE: APRIL 11, 2017

PROJECT NO.: 17-001

SHEET NO.: 1 OF 1

SCALE: 1/8" = 1'-0"

DATE: APRIL 11, 2017



Office of the Mayor

Proclamation

Whereas:

the Phi Delta Theta Fraternity was founded on December 26, 1848, at Miami University in Oxford, Ohio, and has grown into a prosperous, international organization in its 170 year existence; and

WHEREAS, the fraternity was founded upon the noble precepts of friendship, sound learning and rectitude; and

WHEREAS, there are 187 chapters and colonies of Phi Delta Theta in 42 states and 5 Canadian provinces; and

WHEREAS, there have been over 260,000 members initiated into Phi Delta Theta; and

WHEREAS, the Fraternity holds its annual Kleberg Emerging Leaders Institute in Oxford, Ohio, to promote the ideas of scholarship, service to others, leadership, personal development, and fraternal values and ethics to its diverse membership.

NOW, THEREFORE, I, Steve Dana, Vice Mayor of the City of Oxford, Ohio, do hereby proclaim the week of August 4th through August 7th, 2018 to be:

'PHI DELTA THETA WEEK'

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 17th day of July, 2018.



Steve Dana, Vice Mayor

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: July 17, 2018

Candi Fyffe

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

June 13, 2018

Date Prepared

Agenda Title:

A Resolution requesting City Council approval of the Classified Service Procedures and Personnel Appeals Board Rules and Regulations.

Recommendation: Approval

Discussion:

In November 2017, the voters approved moving forward with revisions to the City of Oxford Charter. One of those revisions was the implementation of the Personnel Appeals Board (PAB). The PAB replaces the Civil Service Commission. The new Board will consist of three members who were appointed in March 2018, including Bill Brewer, Greg Smith, and Brian Martin.

It is recommended that Council approve and adopt the Classified Service Procedures and Personnel Appeals Board Rules and Regulations in accordance with the authority conferred upon the City of Oxford by Sections 5.03, 8.01, and 8.02 of the Charter of the City of Oxford.

Approved By:

Initial Date

Department Head:

A. City Manager:

cf 6/13/18
[Signature] 7/13/18

RESOLUTION NO.

A RESOLUTION ADOPTING THE CLASSIFIED SERVICE PROCEDURES AND PERSONNEL APPEALS BOARD RULES AND REGULATIONS.

WHEREAS, the electors of the City of Oxford approved Charter Amendments as presented on the November 7, 2017 ballot; and

WHEREAS, pursuant to the approval of the Charter Amendments by the electors of the City of Oxford, the Personnel Appeals Board replaced the Civil Service Commission and three citizens have been appointed by Council to serve on the Personnel Appeals Board; and

WHEREAS, the City Manager and the Human Resources Director recommend City Council adopt the Classified Service Procedures and Personnel Appeals Board Rules and Regulations as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

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

SECTION 1: Council having reviewed the proposed Classified Service Procedures and Personnel Appeals Board Rules and Regulations finds them to be in the best interest of the City of Oxford.

SECTION 2: Council hereby accepts the recommendation of the City Manager and the Human Resources Director and further adopts the Classified Service Procedures and Personnel Appeals Board Rules and Regulations as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: STEVE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 6/19/2018

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

6/13/2018
Date Prepared

Agenda Title: An Ordinance Approving the Creation a New Fund for the 2019 Operating Budget to Provide for Aquatic Center Debt Service Payments

Recommendation: Approve

Discussion:

Staff recommends Council approve the creation of a new fund 150 to account for Aquatic Center debt payments in the 2019 operating budget. This is an accounting method to record all debt service revenues and expenses associated to this project.

Approved By:

Department Head:
City Manager:

Initial Date

Joe Newlin
6/13/18
1

ORDINANCE NO.

A ORDINANCE APPROVING THE CREATION OF A NEW FUND FOR THE 2019 OPERATING BUDGET TO PROVIDE FOR AQUATIC CENTER DEBT SERVICE AND DECLARING AN EMERGENCY.

WHEREAS, the City Manager and the Finance Director recommend that the City Manager and the Finance Director have oversight over the activities within the Aquatic Center Debt Service Fund and that it be used for Aquatic Center Debt Service payments.

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

SECTION 1: Council hereby approves and authorizes the Finance Director to create a Debt Service Fund #150 Aquatic Center Debt Service Fund for the sole purpose of the payment of debt associated with the Aquatic Center Capital Improvements.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary to preserve the public health, safety, and general welfare of the City of Oxford. The reason for said emergency is the bonds are to be sold and it is required by State Law that the bond proceeds be deposited within thirty days in a designated account. Therefore, this ordinance shall become effective immediately upon adoption.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

Originating Department

Council Meeting Of: July 17, 2018

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: June 27, 2018

Agenda Title: Oxford Recreation Board Meeting, 6/21/18

Recommendation: Approve

Attendance: Present: Ken Bogard (Chair), Kevin Ackley, Shaunna Tafelski
Not Present: Wes Cole, Craig Bennett, Edna Southard (Council Rep)
Liaisons: Casey Wooddell, City Staff; Deanna Barbour, Secretary
Guests: Leah Flynn, Oxford Comm. Foundation; Hollie Bonewit-Cron, Miami

Discussion:

Board Chair Mr. Bogard opened the meeting of the Oxford Recreation Board on Thursday, June 21, 2018 at the Oxford Senior Center at 4:00pm.

Report from Recreation Director: Casey Wooddell provided the Parks and Recreation Report. This report included information about the upcoming Freedom Festival events on July 2nd and 3rd. City Parade on July 2nd, followed by Music Festival event and City Event/Celebration on July 3rd at Oxford Community Park. Mr. Wooddell also discussed the new parking charge at OCP for 2018, and what effects this may have on others and how it will be implemented.

New Business:

FUNDRAISING - Mr. Wooddell informed the Board about the members appointed to the Facility Naming Committee for the new aquatic center. Those members are: Edna Southard, Richard Keebler, Prue Dana, Hollie Bonewit-Cron, Shaunna Tafelski, Jerome Conley and Doug Elliott.

Mr. Wooddell also informed the board of the continued appointments to the Recreation Board for Mr. Wes Cole and Mr. Craig Bennett, along with the new appointment of Ms. Holli Morrish from Talawanda.

Final Design aspects for the new aquatic center were discussed. Several changes are being made to the design, as well as the contract, to get it completed so Wilcon Construction can begin the project. Notable changes include increasing the size of the lazy river, adding the party deck area, decreasing the slides from two large slides to one large slide, and incorporating a smaller family slide. Adding HVAC to the concession and meeting room areas was also included.

Ms. Leah Flynn gave some updates from the Oxford Community Foundation on how to proceed with a fundraising campaign and what action steps the Board members should implement to get this moving. This includes promotion materials, signing off on an agreement with the OCF board, and putting together lists of individuals and organizations to ask for donations.

PUBLIC INFORMATION SESSION - Mr. Wooddell discussed the idea of a public information session once the contract is finalized with Wilcon and the design drawings are complete. It was suggested this could possibly happen at the End of Season pool party in September. More information to come on this topic.

GROUND-BREAKING - Additionally, a ceremonial ground-breaking event was discussed, which would take place prior to the actual ground-breaking by Wilcon. Date and time TBD.

Next meeting: Thursday, July 12 – 4pm
Meeting Adjourned: 5:20pm.

Approved By:	Initial Date
Department Head:	<u>CDW</u> \ <u>6/27/2018</u>
<u>A.</u> City Manager:	<u></u> \ <u>7/13/18</u>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: July 17, 2018

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 11, 2018

Date Prepared

Agenda Title: A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09 on Wednesday, July 25, 2018 through Friday, July 27, 2018 from 8:00 a.m. until 11:30 p.m. at the Oxford Municipal Pool for the Butler County Swim Team Championships event.

Recommendation: N/A

Discussion:

As requested by the applicant.

Approved By:

Department Head:

Initial Date

A. City Manager:



7/13/18

RESOLUTION NO.

A RESOLUTION AUTHORIZING A TEMPORARY ABATEMENT OF THE NOISE ORDINANCE NO. 2550, SECTION 509.09, ON WEDNESDAY, JULY 25, 2018 THROUGH FRIDAY, JULY 27, 2018 FROM 8:00 A.M. UNTIL 11:30 P.M. AT THE OXFORD MUNICIPAL POOL FOR THE BUTLER COUNTY SWIM TEAM CHAMPIONSHIPS EVENT.

WHEREAS, the City Manager and the Police Chief recommend a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, for the Butler County Swim Team Championships event on Wednesday, July 25, 2018 through Friday, July 27, 2018 from 8:00 a.m. until 11:30 p.m. in accordance with the provisions set forth in the Noise Ordinance No. 2550, Section 509.11, Exceptions to Noise Restrictions, Section G: "Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the City of Oxford, Ohio."

THE COUNCIL OF THE CITY OF OXFORD HEREBY RESOLVES THAT:

SECTION 1: Council having reviewed the recommendation and finding this to be a family friendly event hereby authorizes the City Manager to issue a temporary abatement of the Noise Ordinance.

SECTION 2: The City Manager is hereby authorized to approve a temporary abatement of the Noise Ordinance No. 2550 Section 509.09 for the Butler County Swim Team Championships event on Wednesday, July 25, 2018 through Friday, July 27, 2018 from 8:00 a.m. until 11:30 p.m. at the Oxford Municipal Pool.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: STEVE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
NOISE ABATEMENT APPLICATION

EVENT INFORMATION:

DATE REQUESTED FOR NOISE ABATEMENT: July 25 and 26 (July 27 raindate)

FROM: ~~9:00~~ 8:00 a.m. TO: 11:30 p.m. (July 25)
FROM: 4:00 8:00 p.m. TO: 11:30 p.m. (July 26)

ACTIVITY/EVENT TO BE UNDERTAKEN:

Butler County Swim Team Championships

LOCATION (attach copies of paperwork showing approval to use site): _____

Oxford City Pool

NUMBER OF PEOPLE EXPECTED TO ATTEND: 500+

OPEN TO PUBLIC YES (admission fee applies)
ALCOHOL AVAILABLE NO

TYPE OF SOUND EQUIPMENT TO BE USED:

Public Address system for announcements and communications to all swimmers, spectators, coaches, etc. Will be utilized to reach audience both within the gates of the pool, and out near the shelter and surrounding grass areas.

SOUND MONITORING PLANS (including person in charge of this process):

APPLICANT ORGANIZATION INFORMATION:

NAME OF ORGANIZATION: Oxford Swim and Dive Team

ADDRESS: _____ TEL. #: _____

What is the contact person's relation to the organization (title, etc.)?

Ms. Shawn Burt, President - burtsm@miamioh.edu; (513) 315-3747

ATTACH EXTRA PAGES IF THE SPACE PROVIDED ABOVE IS INSUFFICIENT AND ATTACH ANY SUPPLEMENTAL DOCUMENTATION THAT MAY BE OF RELEVANCE.

I have read and understand the rules, conditions and laws applicable to the waiver of the noise ordinances, and understand that acceptance of them is a condition of approval. I hereby certify that the event/activity, which is the subject of this application will be open to the public and alcohol free.

Applicant's signature Shawn M. Burt Date: 7/11/2018

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of :

6/19/2018

Account Code No. :

see below

Budgeted Amount :

Finance
Originating Department

Joe Newlin
Prepared By

6/12/2018
Date Prepared

Agenda Title:	2018 Supplemental Budget #4
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Recommendation:	Approve
------------------------	----------------

Issue 1

To make adjustment to budget for refund in the General Fund and increase appropriation by equal amount 424.95 for spine board on back order and increase from the unencumbered balance for the purchase of operating supplies in the pool budget

Action Needed:

Revenue Side

General (110)	424.95	Increase refund revenue
---------------	--------	-------------------------

Expense Side

General (110)	424.95	Increase operating supplies
---------------	--------	-----------------------------

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

Issue 2

To make adjustment to budget for advance of \$20,000 for this maintenance to be repaid by the OATS property tax levy as revenue becomes available and increase appropriation from the unencumbered balance for the repair and repayment of advance

Action Needed:

Revenue Side

OATS Trail (144)	20,000.00	Advance from the General Fund
General (110)	20,000.00	Repayment of advance from the OATS Fund

Expense Side

General (110)	20,000.00	Advance to the OATS Fund
OATS Trail (144)	20,000.00	Bridge repairs
OATS Trail (144)	20,000.00	Repayment of advance to the General Fund

Net Effect on Fund Balance/(s) Increase/(Decrease)	(20,000.00)	
---	-------------	--

Issue 3

To make adjustment to budget for Aquatic Center to transfer excess Note Proceeds to debt service fund and transfer \$15.00 from the General Fund to the Aquatic Center Fund for wire

Action Needed:

Revenue Side

Aquatic Center Debt Service (150)	32,639.00	Note Proceeds
-----------------------------------	-----------	---------------

Expense Side

Aquatic Center (145)	32,639.00	Transfer Note Proceeds to Aquatic Center Debt Service Fund
----------------------	-----------	--

Net Effect on Fund Balance/(s) Increase/(Decrease)	-	
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Total Net Effect on Fund Balance/(s) Increase/(Decrease)	(20,000.00)	
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Breakdown by Fund

General (110)	-
OATS Trail (144)	(20,000.00)
Aquatic Center (145)	(32,639.00)
Aquatic Center Debt Service (150)	32,639.00
Net Effect on Fund Balance/(s) Increase/(Decrease)	(20,000.00)

Approved By:

Department Head:

City Manager:

Initials

Date

[Signature] / 6/13/18
/

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3449. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 4 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2018.

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

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

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

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

General Fund 110	424.95
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SECTION 3: The following increase/(decrease)in appropriations from unencumbered balances be made:

General Fund 110	424.95
General Fund 110	20,000.00
Oxford Area Trail Fund 144	20,000.00
Oxford Area Trail Fund 144	20,000.00
Aquatic Center Capital Improvement Fund 145	32,639.00

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

Advance from:

General Fund 110	20,000.00
Oxford Area Trail Fund 144	20,000.00

Advance to:

Oxford Area Trail Fund 144	20,000.00
General Fund 110	20,000.00

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

Oxford Area Trail Fund 144	20,000.00
General Fund 110	20,000.00

SECTION 6: The following transfer(s) be executed:

Transfer from:

Aquatic Center Capital Improvement Fund 145	32,639.00
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Transfer to:

Aquatic Center Debt Service Fund 150	32,639.00
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SECTION 7: The following increase/(decrease)in revenues be made:

Aquatic Center Debt Service Fund 150	32,639.00
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SECTION 8: In all other respects, Ordinance No. 3449 shall remain in full force and effect.

SECTION 9: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)