



Agenda

Oxford City Council

Court House

TUESDAY, AUGUST 1, 2017

EXECUTIVE SESSION

6:30 p.m.

1. Roll call. Kate Rousmaniere, Mayor; Mike Smith, Vice-Mayor; Glenn Ellerbe; Bob Blackburn; Kevin McKeehan; Steve Dana; Edna Southard

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

A. Public Comments.

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

4. Consent Agenda.

- A. Minutes of the July 18, 2017 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Report regarding the July 11, 2017 Planning Commission Meeting. (Jung-Han Chen, Community Development director)



Report

- C. Report regarding the July 19, 2017 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



Report

- D. Report regarding the July 26, 2017 Civil Service Commission Meeting. (Candi Fyffe, Human Resources Director)



Report

- E. A Resolution authorizing the sale of salvaged, junk and/or abandoned motor vehicles. (John Jones, Police Chief)



Staff Report/Resolution

- F. A Resolution authorizing the City Manager to enter into a contract with Data Management, Inc. for the purchase of new timeclocks and software at a cost not to exceed \$34,439.00. (Joe Newlin, Finance Director)



Staff Report/Resolution

5. Resolutions.

1. A Resolution authorizing the City Manager or his designee to provide local zoning information and facilitate potential application(s) for a cultivator, processor, testing laboratory and/or dispensary of medical marijuana pursuant to Ohio's Medical Marijuana Control Program. (Edna Southard, Councilor).



Staff Report/Resolution

2. A Resolution accepting the proposal and authorizing the City Manager to enter into an agreement with Management Partners to evaluate the options for the City of Oxford regarding the hearing of minor criminal cases in the City at a total cost not to exceed \$23,990.00. (Doug Elliott, City Manager)



Staff Report/Resolution

3. A Resolution approving the contract between the City of Oxford, Ohio and the Oxford Police Officers, Fraternal Order of Police, Lodge 38 and authorizing the City Manager and the City Law Director to sign the contract on behalf of the City. (Doug Elliott, City Manager)



Staff Report/Resolution

4. A Resolution authorizing the City Manager to enter into a three (3) year contract with Safariland VIEVU for the purchase of twenty seven (27) body worn cameras and the associated docking equipment, data storage and support for the Police Division at a cost not to exceed \$36,092.99 subject to the Law Director's approval of the contract. (John Jones, Police Chief)



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance Amending Ordinance Number 3386 Establishing Salaries And Certain Benefits For Salaried And Hourly Full-Time And Part-Time Employees Within The Service Of The City Of Oxford, Ohio Paid From January 1, 2017 Through December 31, 2017 To Reflect An Additional Two Percent (2%) Wage Increase For Certain Nonunion Employees. (Doug Elliott, City Manager)



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Accepting The Planning Commission's Recommendation For Final Plan Approval Of A Planned Development To Be Located On 23.28 Acres Of Land Between Olde Farm Road And Country Club Drive To Allow A Single-Family Residential Development With Conditions. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

2. An Ordinance Repealing Ordinance No. 3388 Adopted December 20, 2016 And Adopting A New Ordinance Providing For The Submission To The Electorate Of Amendments To The Charter Of The City Of Oxford, Ohio, And To Place The Same On The Ballot At The General Election, November 7, 2017 And Declaring An Emergency. (Doug Elliott, City Manager) (Tabled)



Staff Report/Ordinance

3. An Ordinance Accepting The Planning Commission's Recommendation For Preliminary Plan Approval Of A Planned Development On Approximately 6.45 Acres Of Land Formerly Known As The Miami Valley Lumber Site And Associated Properties To Allow A Development For Residential Use With Conditions. (Jung-Han Chen, Community Development Director).



Staff Report/Ordinance

4. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Expand An Existing Neighborhood Conservation Overlay District In A R-1A Single Family Low Density Residential District, For A Total Of 21 Parcels Located In The Vicinity Of Cedar Drive And Chestnut Street, In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director).



Staff Report/Ordinance

5. An Ordinance Approving A Conditional Use Permit For A Day Care Center In An Existing Structure Located At 5500 College Corner Pike With Conditions. (Jung-Han Chen, Community Development Director).



Staff Report/Ordinance

6. An Ordinance Adopting A New Stormwater Management Design Manual. (Mike Dreisbach, Service Director).



Staff Report/Ordinance

7. An Ordinance Repealing Current Section 507.01 Of The Oxford Code Of Ordinances Entitled Police Civil Citations, And Adopting New Section 507.01 Of The Oxford Code Of Ordinances Entitled Police Civil Citations. (John Jones, Police Chief).



Staff Report/Ordinance

8. An Ordinance Repealing Current Section 507.02 Of The Oxford Code Of Ordinances Entitled Police Civil Citation Fine, And Adopting New Section 507.02 Of The Oxford Code Of Ordinances Entitled Police Civil Citation Fine. (John Jones, Police Chief).



Staff Report/Ordinance

9. An Ordinance Amending Ordinance No. 3381. Supplemental Budget Ordinance Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2017. (Joe Newlin, Finance Director).



Staff Report/Ordinance

7. A. Announcements & Communications.

1. Remarks from City Council and City Staff.

B. Future Meetings.

WED - Aug 2 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

WED - Aug 2 Environmental Commission Meeting 7:00 p.m. Municipal Building

TUES - Aug 8 Planning Commission Meeting 7:30 p.m.

MON - Aug 14 City Council CIP Work Session 7:00 p.m.

TUES - Aug 15 City Council Work Session 6:30 p.m.

TUES - Aug 15 City Council Meeting 7:30 p.m.

WED - Aug 16 Board of Zoning Appeals Meeting 7:30 p.m.

THUR -Aug 17 Police Community Relations Commission Meeting 7:00 p.m.

MON - Aug 21 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

WED - Aug 30 Civil Service Commission Meeting 5:30 p.m. Municipal Building

8. Adjourn.

A regular meeting of the Oxford City Council was called to order by Vice Mayor Smith on Tuesday, July 18, 2017 at 7:00 p.m. Those members present were Steve Dana, Kevin McKeehan, and Edna Southard. Mayor Rousmaniere, Bob Blackburn and Glenn Ellerbe were excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. John Jones, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Mr. John Detherage, Fire Chief; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Mr. Dana moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22(G)(1) and (4) for the purpose of discussing Appointments to Boards and Commissions and Collective Bargaining. Ms. Southard seconded. The motion passed by the following roll call:

AYE: Mr. Dana, Mr. McKeehan, Ms. Southard, Vice Mayor Smith (4)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Dana moved to return from Executive Session at 7:30 p.m. Mr. McKeehan seconded. The motion passed 4-0-0.

PLEDGE OF ALLEGIANCE

Vice Mayor Smith requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Dana moved to approve the agenda with the addition of a Proclamation for "Phi Delta Theta Week". Ms. Southard seconded. The motion passed 4-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **'PHI DELTA THETA WEEK'**

Vice Mayor Smith read the Proclamation and presented it to members of Phi Delta Theta.

SWEARING-IN
CEREMONY
BENJAMIN GEIGER

Chief Detherage read the following into the record: 'Today we are here for the third of the first three Full-Time Firefighter/Paramedics in the 184 year history of the City of Oxford Fire Division. Firefighting is one of the worlds most honored but dangerous occupations. When there is an emergency in the community, firefighters are one of the first on the scene. Firefighters are civil servants, following standard policies and procedures of the fire service and of their departments; they are there to prevent human suffering and death, to stabilize the incident and prevent damages and loss of property. It is a great honor to have this opportunity to swear in Ben and he will forever be a part of Oxford Fire Division history.'

Ben completed his Firefighter 1&2 certifications at Sinclair Community College and his Paramedic certification at Cincinnati State. He started his fire service career in 2013 with the North East Champagne County Fire District in Lewisburg, Ohio. Since then he has also served with the West Chester Township Fire Department, Miami Township Fire & EMS, and still serves on a part-time basis with the Colerain Township Fire Department.'

Mr. McHugh performed the swearing-in of Benjamin Geiger and Mr. Alex Pauly (Brother in Law and Firefighter/Paramedic) pinned his badge.

Vice Mayor Smith congratulated Mr. Geiger on his appointment.

NOTICE TO
LEGISLATIVE AUTHORITY

Transfer permits from Siddhartha Inc. BDA U Shop 1st Floor Front Unit & Basement only 21 E. High Street Oxford Ohio 45056 to AKSD LLC DBA U Shop 1st Floor Front Unit & Basement only 21 E. High Street Oxford Ohio 45056. (Doug Elliott, City Manager)

Mr. Elliott advised this was a liquor permit transfer as the company was re-organizing. Mr. Elliott noted the permits remained the same in all other aspects.

Mr. McKeehan moved to accept the notice without comment. Mr. Dana seconded. The motion passed 4-0-0.

APPOINTMENTS TO
BOARDS AND COMMISSIONS

Mr. Dana moved to nominate for reappointments to the McCullough-Hyde Memorial Hospital Board of Trustees Mr. Steve Flee and Mr. Ralph Gutowski for 5 year terms ending in 2022. Mr. McKeehan seconded. The nominations passed 4-0-0.

PUBLIC COMMENTS

There were no comments from the public.

CONSENT AGENDA

MINUTES

Minutes of the June 20, 2017 City Council Work Session. (Kim Newton, Acting Clerk of Council)

Minutes of the June 20, 2017 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the May 9, 2017 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the June 7, 2017 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report regarding the June 29, 2017 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)

Ms. Southard moved to approve the consent agenda. Mr. Dana seconded. The motion passed 4-0-0.

RESOLUTIONS

RESOLUTION

FACT FINDERS REPORT

A Resolution No. 5077 accepting the Fact Finder's report and recommendations issued by Thomas J. Nowel, Fact Finder on July 14, 2017 in the matter of the Collective Bargaining agreement between the City of Oxford and the Oxford Patrol Officers F.O.P. Lodge 38. (Doug Elliott, City Manager)

Mr. Elliott advised fact finding was held on June 22, 2017 between the City and the patrol unit of 16 Police Officers. Mr. Elliott explained how the outstanding issue of wages was resolved and asked Council to accept the Fact Finder's report. Mr. Elliott noted if Council accepts the Fact Finder's report the contract between the City and the Patrol Officers would be presented at the next meeting.

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

Mr. Dana advised he felt the report was very well done and recommended that Council endorse it.

Mr. McKeehan noted he appreciated everyone's efforts to come to a reasonable agreement and Ms. Southard agreed.

Mr. Dana moved to adopt Resolution No. 5077. Ms. Southard seconded. The motion passed 4-0-0.

RESOLUTION
CONTRACT WITH
KRAMER & FELDMAN, INC.

A Resolution No. 5078 accepting the bid and authorizing the City Manager to enter into a contract with Kramer & Feldman, Inc. for the renovation of the structure at 15 S. College Avenue including the base bid and Alternatives Number 2 and Number 3 at a cost of \$2,658,672.00 plus a contingency amount of ten percent (10%) of the contract price or \$265,867.00 for a total cost not to exceed \$2,924,539.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach provided a PowerPoint and discussed how the former Lane Library building would be renovated for use as the City's Municipal Building to house the Finance Department, Community Development Department, Service Department, Human Resources Department, Economic Development Department and the City Manager's Office. Mr. Dreisbach referred to pages 37-38 of Council's packet and described the bidding process and the bids received noting the lowest and best bid was provided by Kramer & Feldman, Inc.

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

Mr. Dana noted the project was divided into 3 phases and inquired about the timeframe for each. Mr. Dreisbach advised upon award of the Kramer & Feldman, Inc. contract the contractor would have 6 months to complete the work at the former library building. Mr. Dreisbach noted phase 2 and 3 were undecided until bids were received.

Vice Mayor Smith inquired how soon the contractor could begin the work and Mr. Dreisbach advised 2-3 weeks after signing the contract. Vice Mayor Smith thanked everyone for their efforts on the Municipal Building project noting it had been a very long time coming.

Mr. Dana moved to adopt Resolution No. 5078. Mr. McKeehan seconded. The motion passed 4-0-0.

RESOLUTION
CONTRACT WITH
W.G. STANG, LLC

A Resolution No. 5079 accepting the bid and authorizing the City Manager to enter into a contract with W.G. Stang, LLC for the construction and replacement of designated curb, gutter, and sidewalk at a cost of \$302,116.00 plus a contingency amount of ten percent (10%) of the contract price or \$30,211.60 for a total cost not to exceed \$332,327.60. (Mike Dreisbach, Service Director)

Mr. Dreisbach discussed his staff report as presented on page 40 of Council's packet. Mr. Dreisbach also provided a PowerPoint which showed the scope of the curb, gutter and sidewalk project.

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

Mr. Dana noted he was pleased that the Oxford Area Trail was part of the process because it added to the City's amenities in a substantial way.

Ms. Southard noted improvements to sidewalk system was wonderful in making it more accessible for everyone.

Vice Mayor Smith inquired when the project would begin and Mr. Dreisbach advised the contractor was currently working on the S. Main Street project and would begin the curb, gutter and sidewalk project after that was complete.

Ms. Southard moved to adopt Resolution No. 5079. Mr. Dana seconded. The motion passed 4-0-0.

ORDINANCES **FIRST READING**

ORDINANCE **PRELIMINARY** **PLAN APPROVAL**

An Ordinance Accepting The Planning Commission's Recommendation For Preliminary Plan Approval Of A Planned Development On Approximately 6.45 Acres Of Land Formerly Known As The Miami Valley Lumber Site And Associated Properties To Allow A Development For Residential Use With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposal was to demolish two vacant warehouses on the property and build a total of 88 single family dwellings in a cluster of two and three family configurations. Mr. Chen noted the Planning Commission reviewed this application and deliberated in two separate meetings and on June 9, 2017 the commission discussed the project at length and made a recommendation for Council to approve the Preliminary Planned Development with 13 conditions as outlined on page 43 of Council's packet. Mr. Chen provided a PowerPoint depicting the proposed development and discussed the challenges of the site configuration and accessibility to major roadways. Mr. Chen advised the applicant would also make a presentation.

Mr. Scott Webb, Applicant/Agent, noted he was pleased to make this presentation after a number of years of work on the project. Mr. Webb advised the project was named Gaslight Avenue at Stewart Square and it was presented to the Planning Commission as a residential Planned Development. Mr. Webb noted the process began with a concept review by the Planning Commission and he returned with the Preliminary Planned Development which the Planning Commission thoroughly vetted and added conditions for approval. Mr. Webb advised he would provide a PowerPoint overview of the project and discuss the result of some of the conditions recommended by the Planning Commission and how the developer would like to proceed with the project. Mr. Webb noted the development encompassed several properties that have been underused for a long time. Mr. Webb advised the Planning Commission had been looking for the possible addition of density in the Mile Square in line with the goals of the Comprehensive Plan to use infill development as opposed to sprawl.

Mr. Webb advised the entrance to the property from S. College Avenue would be eliminated and noted in doing so the thought was to continue the private drive into Stewart Square passing the Hampton Inn and the project would start in that location with a park and water feature to signify the development.

Mr. Webb advised the connection to Heather Lane would be expanded through a series of vacations and right-of-ways. Mr. Webb noted there would be a total of 88 dwelling units with 324 proposed residents. Mr. Webb advised the project was designed as a cohesive neighborhood of brownstone style townhouses to be a compliment to Stewart Square and every unit would have a private entrance directly from the street. Mr. Webb discussed the open space areas and noted sidewalks and crosswalks would be installed throughout the development. Mr. Webb addressed the 13 conditions for approval recommended by the Planning Commission as presented on pages 45 and 46 of Council's packet.

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

Mr. Dana referred to page 53 of Council's packet and asked Mr. Webb for additional information regarding the landscaping plan, bike and motorcycle parking. Mr. Dana asked Mr. Webb to speak to the detailed lighting plan and the 1990's era ordinance to vacate a portion of Beech Street. Mr. Dana referred to page 72 of Council's packet and asked Mr. Webb to speak to the 'diverse housing opportunities'.

Mr. Webb noted there was dense vegetation on the perimeter of the property which would remain and two parks were proposed with a gazebo, landscaping and sidewalks and the landscaping plan would exceed the minimums in the zoning code. Mr. Webb advised the project was named Gaslight Avenue because gaslight style lamps were used as pedestrian lighting throughout Stewart Square and the intention was to continue that theme. Mr. Webb noted bike racks would be included on the Final Planned Development application. Mr. Webb referred to the undeveloped right-of-way of Rose Avenue which is considered an extension of Beech Street and advised there was a previous proposal approved by the Planning Commission and City Council that the right-of-ways would be vacated and a cul-de sac would be built. Mr. Webb advised that proposal had nothing to do with Miami Valley Lumber property, it never came to fruition and the vacation of the right-of-way was never finalized. Mr. Webb noted the proposal was for student housing and the diversity came from the variety of units and the fact there are no units like the ones proposed anywhere in town.

Ms. Southard asked Mr. Webb to clarify that some of the units are differently sized. Ms. Southard advised nothing would be built until the Final Plan was approved by the Planning Commission and by Council. Ms. Southard asked Mr. Webb to describe the process for this proposal. Ms. Southard inquired who would monitor the 13 conditions placed on the preliminary approval by the Planning Commission.

Mr. Webb advised the process for the Planned Development included a concept review by the Planning Commission and their comments from that review were incorporated in the Preliminary Planned Development application. Mr. Webb noted the Planning Commission approved the Preliminary Planned Development application last month and it was before Council this evening.

Mr. Webb noted assuming Council approves the Preliminary Planned Development application at their next meeting the complete engineering of the site would begin and construction drawings would be developed. Mr. Webb advised the Final Planned Development application would go before the Planning Commission and he would explain to the Planning Commission how the 13 conditions of the Preliminary Planned Development application were met and present the complete engineered site. Mr. Webb noted the Final Planned Development application would then go before City Council.

Ms. Southard noted she wanted the public to understand how the process worked. Ms. Southard noted the traffic study would be complete before the Final Planned Development application was approved.

Mr. Webb advised the majority of the units were 4 bedroom townhouses and the ones that were differently shaped were two bedroom units.

Ms. Southard inquired how the railroad track would be dealt with and Mr. Webb noted it would be handled primarily with landscaping.

Mr. Dana referred to page 54 of Council's packet 'the proposal also calls for an entrance from Stewart Square' and noted it may not be a recommended traffic arrangement to allow vehicles in and out of the project via a parking lot of an adjoining property.

Mr. Webb advised when Stewart Square was laid out in 2005 the intention was to allow a connection some day to the Miami Valley Lumber property. Mr. Webb noted it would be one of 3 potential ways to access the property and he did not expect a lot of traffic to be generated by it.

Mr. McKeehan inquired if part of the development was on the former Alba-Craft site and if there were any building restrictions. Mr. Webb advised yes and there were no restrictions on the site.

Vice Mayor Smith advised the second reading for the proposed project was August 1, 2017.

ORDINANCE
FINAL PLAN APPROVAL

An Ordinance Accepting The Planning Commission's Recommendation For Final Plan Approval Of A Planned Development To Be Located On 23.28 Acres Of Land Between Olde Farm Road And Country Club Drive To Allow A Single Family Residential Development With Conditions. (Jung-Han Chen, Community Development Director)

Vice Mayor Smith recused himself from the discussion.

Mr. Chen noted the item before Council was the Final Planned Development application for Red Brick Estates. Mr. Chen advised 50 homes would be built on the 23 acre tract of land and the homes would be managed by a Home Owner's Association. Mr. Chen noted Council approved the Preliminary Planned Development application last year. Mr. Chen provided a PowerPoint and described the project noting the Planning Commission spent a lot of time considering the approval of the project and recommended approval with 9 conditions as listed on pages 84-85 of Council's packet.

Mr. Dana noted he understood if active open space was within the development the developer needed to provide some amenities for it. Mr. Dana inquired what amenities were planned if any to follow active open space as opposed to passive open space.

Ms. Etta Reed, Bayer Becker, advised Bryan Price from Red Brick LLC was also present this evening. Ms. Reed noted provided a PowerPoint and noted the plan followed the Preliminary Plan approved by Council. Ms. Reed discussed some slight changes made for design purposes. Ms. Reed referred to condition number 8 on page 84 of Council's packet 'Phase one shall be the south end of the property.' and advised the developer had no access to Grace Lane and it was her understanding the City had a contract to purchase that property from Mrs. Lawson and she did not know the status of that contract. Ms. Reed noted the developer had no access to the sanitary sewer to start the project at the south end of the property and they needed to start at the north end. Ms. Reed advised the sanitary sewer at the north end was deep enough that they could sewer most of the property in that area. Ms. Reed advised she and Mr. Price would answer any questions.

Mr. Dana referred to condition number 9 on page 85 of Council's packet 'The typical lot plan shall be revised to reflect compliance with 35% maximum lot coverage.' and inquired if the developer was fine with that and Ms. Reed advised yes.

Mr. Doug Brooks, 227 Country Club Drive, advised he lived at the north end of Country Club Drive and the neighbors had made a case about the fragile nature of the Heritage subdivision and all of the information brought to the Planning Commission was done in good faith. Mr. Brooks noted an episode occurred in the community last Friday with a power outage for 11 hours affecting 55 houses and people got water in their basements. Mr. Brooks advised water on that end of the street and in the woods is serious and it was going to be a construction problem. Mr. Brooks noted he believed starting at the north may be a little more expensive because of the cost of the street but they have no idea of the cost of the development at the north end as opposed to the south end. Mr. Brooks advised the neighbors always thought the south end would be constructed first. Mr. Brooks noted everyone knew the City didn't own Grace Lane yet because a woman signed off on the agreement without consent of the other property owner and the land was still in the trust of the original owners. Mr. Brooks advised the neighbors assumed the City would take the land through eminent domain. Mr. Brooks noted the neighbors heard a large ditch was going to separate Heritage subdivision from the new subdivision. Mr. Brooks reiterated that the ground at the north end of Country Club was soaking wet all of the time. Mr. Brooks noted he was not sure from the planning side that this project got done in a sequence in which it could have been done to eliminate some of the questions that have come up. Mr. Brooks advised the neighbors have acted in good faith to caution the developer about the water problems. Mr. Brooks noted houses near the north end of Country Club weren't selling because they are close to the railroad tracks. Mr. Brooks advised he was trying to be a good citizen to Council and to the developer and suggested the developer pay for the road and the sewer and start at the south end of the property and make mistakes there before getting to the north end of the property.

Mr. William Condict, 132 Country Club Drive, advised he spoke to the owner of the Grace Lane property which is a stub street and she hasn't heard anything from the developer or the City in close to a month. Mr. Condict noted if the City doesn't take the property by force the road was going to wrap around and exceed the distance for a City block.

Mr. Condict noted he felt the final plan was substantially different than the preliminary plan and advised he attended the original meeting held at the Oxford Country Club and the developer said they planned to start the project from the south.

Mr. Jim Chagdes, 209 Country Club Drive, noted the Planning Commission wanted this to be a two phase project and noted it should be divided so if it was never completed it would be able to be a stand alone development. Mr. Chagdes noted if the project started at the north and it wasn't completed a lot of traffic would flow from one street. Mr. Chagdes advised starting from the south would allow the use of Savannah Drive or Olde Farm Road. Mr. Chagdes noted he understood it might cost more money to start construction from the south end of the project and that was a risk the investor needed to make. Mr. Chagdes noted the zoning code needed to be followed and the neighbors needed to be thought about. Mr. Chagdes noted concern with people currently speeding on Country Club Drive. Mr. Chagdes referred to the Decision Standard 'The use of the site will satisfy the general intent of the zoning code' and noted he had a hard time seeing that. Mr. Chagdes advised the developer was asking for multiple waivers from the zoning code and he didn't understand why they were being granted. Mr. Chagdes noted he was glad the total lot coverage was settled at 35%. Mr. Chagdes noted concern with the backyards only being 25 feet which was below code for R-1A, R-1B and the Mile Square. Mr. Chagdes noted concern with trees being cut down to build trenches in certain areas.

Mr. Bryan Price, Red Brick Development, LLC, noted his company presented a Preliminary Planned Development application to the Planning Commission and they recommended approval by City Council based on 9 conditions being met. Mr. Price advised City Council approved the Preliminary Planned Development based on those conditions. Mr. Price advised a Final Planned Development application was presented to the Planning Commission and it was the exact plan that came before Council for the Preliminary. Mr. Price noted all of the conditions were met and everything requested had been done. Mr. Price advised members of the community were creating confusion and clarified that no ditches were being dug. Mr. Price noted engineers for the project would handle the water situation and experienced contractors would be hired to do the work. Mr. Price reiterated this was the same exact plan that was presented to the Planning Commission and to City Council. Mr. Price advised the developer had noting to do with the Grace Lane situation. Mr. Price advised the City wanted 5 connections for a 25 acre development which was unheard of in any community. Mr. Price advised he was told the City purchased Grace Lane for one of the connections and they moved forward based on that direction. Mr. Price noted he was asking to start the project from the north end of the property because he doesn't know when the Grace Lane issue would be resolved.

Mr. William Condict, 132 Country Club Drive, noted the Planning Commission recommended approval of the Final Planned Development application with conditions and that didn't mean City Council had to rubber stamp it. Mr. Condict cautioned Council to be careful or they would end up with a street that wrapped half way around the development.

Mr. Dana asked for the status of the Grace Lane situation.

Mr. Elliott advised an agreement with Mrs. Lawson was reached and a short time later he learned her mother has interest in the land. Mr. Elliott noted the City's plan was to do a quick take and the City was in the process of getting an appraisal which would be filed along with other documents with the court.

Mr. Elliott advised the court would decide the fair price for the parcel. Mr. Elliott noted it was thought the land was a public stub street and through this process it was found to be privately owned.

Mr. McHugh advised he could only negotiate with Mrs. Lawson's attorney and he could not control what he may or may not be communicating to Mrs. Lawson. Mr. McHugh noted the negotiations began in the fall of 2016 and a contract was signed by Mrs. Lawson May 18, 2017. Mr. McHugh advised Mrs. Lawson's mother was a beneficial owner through a trust and that became an issue. Mr. McHugh advised he spoke to Mrs. Lawson's new attorney who also represents her mother and they are not going to comply with the contract for the City to buy the property. Mr. McHugh noted he told the attorney the City would have no choice but to appropriate the property and the City obtained an appraiser so a quick take process could begin. Mr. McHugh advised regardless of whether development occurs the City needs to acquire the property because the City should be plowing and maintaining the street.

Mr. Dana referred to Mr. Condict's comment regarding 'rubberstamping' and advised Council was examining every aspect of the Final Planned Development application and has no intention of rubberstamping it. Mr. Dana advised it was important to go to the facts and let the facts speak and to let everyone speak.

Ms. Southard noted the second reading would take place at the next meeting and thanked everyone for their comments.

Vice Mayor Smith returned to the dais.

ORDINANCE **ZONING MAP AMENDMENT**

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Expand An Existing Neighborhood Conservation Overlay District In A R-1A Single Family Low Density Residential District, For A Total Of 21 Parcels Located In The Vicinity Of Cedar Drive And Chestnut Street, In The City Of Oxford. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the original Overlay District was created in 2014 which contained 15 parcels and the extension request would add 6 more parcels. Mr. Chen noted a petition to expand the existing Overlay District was presented to City Council on April 4, 2017 and Council forwarded it to the Planning Commission for recommendations. Mr. Chen advised the Planning Commission voted to recommend approval of the request by City Council. Mr. Chen offered to answer any questions.

Ms. Carol Michael, 409 E. Chestnut Street, advised she proposed the addition to the Overlay District and it received strong support. Ms. Michael advised this was primarily a family area and one of the last remaining neighborhoods very close to the Mile Square. Ms. Michael advised the residents wanted to maintain the quality of the neighborhood.

Vice Mayor Smith inquired if the entire district was petitioned and Mr. Chen advised yes.

Ms. Melanie Brinkmann, advised she owned 920 and 926 Cedar Drive and did not respond to the petition. Ms. Brinkmann noted when the Overlay was originally created she asked that her properties not be included as they were on the edge of the district and it was not necessary for them to be included. Ms. Brinkmann encouraged Council as they adjusted the map to consider removing 920 and 926 Cedar Drive noting when the properties were purchased the Overlay District did not exist.

Ms. Southard asked Mr. Chen to explain the perimeters of the proposed district. Mr. Chen advised the original district included properties on Cedar Drive only and parcels on Chestnut Street were being added.

Mr. Dana noted the proposal to add 6 more parcels was the result of a process and that process was established by City Council. Mr. Dana advised the process was to respect the will of the neighborhood by going to the neighbors with a petition to add 6 more parcels.

ORDINANCE **CONDITIONAL USE PERMIT**

An Ordinance Approving A Conditional Use Permit For A Day Care Center In An Existing Structure Located At 5500 College Corner Pike With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed daycare business would be located in an existing vacant building in the General Business District. Mr. Chen noted the location was 5500 College Corner Pike, formerly The Planning Forum office. Mr. Chen advised a daycare center was a conditional use in the GB District. Mr. Chen noted the Planning Commission recommended approval by City Council with three conditions as presented on page 161 of Council's packet.

Ms. Southard referred to the City Engineer's memo on page 173 of Council's packet and inquired if a fence would be installed along the ditch on the property.

Mr. Chen advised the applicant would look into the matter.

Mr. Dana noted it was important that the applicant also address the lighting on the property.

Mr. Jim O'Shea, noted he was a consultant for the applicant proposing a Kid Camp Learning Center. Mr. O'Shea advised he and the applicant have reviewed the conditions for approval and have talked to the property owner about the lot consolidation. Mr. O'Shea advised Mr. Young has worked with the architect to show additional lighting for the property. Mr. O'Shea noted Mr. Young has also talked to the architect about the concern for safe pedestrian access.

Mr. Dana noted he felt the conditions proposed by the Planning Commission were being handled very well.

Mr. McKeehan and Vice Mayor Smith advised they felt this was a great use for the vacant site.

ORDINANCE
STORMWATER MANAGEMENT
DESIGN MANUAL

An Ordinance Adopting A New City Of Oxford Stormwater Management Design Manual.
(Mike Dreisbach, Service Director)

Mr. Dreisbach advised the Service Department and the Environmental Commission completed a review of the Stormwater Management Design Manual and have made modifications to clarify various requirements of the manual and to simplify the language of the manual where possible. Mr. Dreisbach noted a new chapter has been added representing Best Management Practices (BMP's) in stormwater management. Mr. Dreisbach advised the new chapter describes methods that will prevent or minimize stormwater impact through comprehensive planning and development techniques. Mr. Dreisbach noted the most substantial changes in the Stormwater Management Design Manual include rules to reflect modern standards associated with the USEPA's National Pollutant Discharge Elimination System (NPDES) and incorporating the City's desire to not only manage stormwater flow, but to also encourage the appropriate reuse of stormwater for beneficial purposes including groundwater recharge. Mr. Dreisbach advised the manual, through the use of structural BMP's such as infiltration trenches, organic filters and rain gardens, and non-structural BMP's such as conservation development and setback limits for sensitive areas, offers engineers and designers flexibility in their plans to achieve City goals while recognizing a variety of different environmental factors.

Ms. Southard inquired when the new manual would go into effect. Mr. Dreisbach advised 30 days after the adoption of the Ordinance.

Mr. Dana advised he liked the new manual very much as it addresses planning as well as construction. Mr. Dana referred to page 6 of the manual and noted it had an interjurisdictional aspect which he felt was good. Mr. Dana referred to page 10 of the manual 'Any new tree plantings shall be at least ~~15~~ 10 feet from any stormwater facility.' and asked Mr. Dreisbach if he had any comments on that change. Mr. Dreisbach advised where possible the intent was to make the manual more customer friendly by simplifying the language and where possible simplifying inquiries. Mr. Dreisbach noted the City had a detailed street tree planting list which dictates the type of tree to be planted in the right-of-way in the stormwater areas. Mr. Dana referred to page 18 of the manual 'Readers are strongly encouraged to follow the progression of prevention first and mitigation second.' and noted that theme was woven throughout the document.

Mr. Dreisbach thanked David Treleaven, the City's Environmental Specialist, and members of the Environmental Commission noting they spent many hours helping define and refine the document.

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

ORDINANCE
NEW SECTION 507.01

An Ordinance Repealing Oxford Codified Ordinance Section 507.01 Entitled Police Civil Citations And Adopting New Oxford Codified Ordinance Section 507.01 Entitled Police Civil Citations. (John Jones, Police Chief)

Chief Jones advised in 2009 legislation was adopted to enable the Police and Fire departments to write civil citations for certain violations of the City code as opposed to writing a criminal citation. Chief Jones noted a civil citation was a fine and any unpaid fines are sent to a collection agency. Chief Jones advised for certain violations he felt a civil citation was more appropriate. Chief Jones noted this process had worked effectively since 2009 and over the years staff discussed adding more violations to the enabling legislation. Chief Jones referred to page 193 of Council's packet which lists the violations included in the Police Civil Citations and the proposed additional violations which were also quality of life issues such as noise restrictions, nuisance party, Feeding of Wildlife, etc.

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

Mr. Dana noted he felt it was a wise decision to make some violations a civil offense.

Ms. Southard noted the ordinance was excellent and she hoped there was a way to let the public know about these violations because some people may not know certain things are illegal.

Chief Jones advised this topic had been discussed at Town/Gown meetings and would continue to be discussed with Miami staff.

ORDINANCE
NEW SECTION 507.02

An Ordinance Repealing Oxford Codified Ordinance Section 507.02 Entitled Police Civil Citation Fines And Adopting New Oxford Codified Ordinance Section 507.02 Entitled Police Civil Citation Fines. (John Jones, Police Chief)

Chief Jones referred to page 196 of Council's packet and discussed the proposed increase in the Civil Citation Fines noting they had not increased since 2009.

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

Councilor's noted they felt the proposed fines were appropriate.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3381. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2017. (Joe Newlin, Finance Director)

Mr. Newlin reviewed the Supplemental Budget as outlined on page 197 of Council's packet.

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

SECOND READING
ORDINANCE
CHARTER AMENDMENT

An Ordinance Repealing Ordinance No. 3388 Adopted December 20, 2016 And Adopting A New Ordinance Providing For The Submission To The Electorate Of Amendments To The Charter Of The City Of Oxford , Ohio, And To Place The Same On The Ballot At The General Election, November 7, 2017 And Declaring An Emergency. (Doug Elliott, City Manager)

Mr. Elliott advised a super majority of Council was needed to vote on the Charter Amendment Ordinance as an emergency and since only 4 members were present this evening he would ask Council to table the Ordinance until the August 1, 2017 meeting. Mr. Elliott noted if the motion to table passed, the proposed Ordinance becomes undebatable.

Mr. McKeehan moved to table the Ordinance. Ms. Southard seconded. The motion passed 4-0-0.

ANNOUNCEMENTS

Mr. Elliott updated the public regarding the City's rental inspection process and advised all rental properties were listed on the City's website under the Community Development Department's page.

Chief Jones reminded everyone to keep their vehicles locked and to remove any valuables noting there have been a lot of thefts from motor vehicles over the summer.

Mr. McKeehan advised Councilor Blackburn was back in the hospital and wished him well.

Mr. Dana congratulated Mr. Newlin on the City of Oxford, Ohio Independent Auditor's Report on Internal Controls and Compliance.

Mr. Dana reminded everyone the Town/Gown meeting would take place July 27 & 28th and noted it was a great opportunity to meet with people who are working on common issues.

Mr. McKeehan referred to the City Engineer's memo on page 50 of Council's packet regarding Ordinance 2617 and the partial vacation of Beech Street and requested staff to investigate why it did not come to fruition.

Ms. Southard advised the Porsche Car Show was Saturday, August 12th in Uptown Oxford.

Vice Mayor Smith thanked the Parks & Recreation Department and the Police and Fire Departments for all of their efforts in making the 4th of July weekend a great success.

Vice Mayor Smith reminded everyone to keep their vehicles locked.

ADJOURN

Mr. Dana moved to adjourn at 10:04 p.m. Mr. McKeehan seconded. The motion passed 4-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 1, 2017

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

July 24, 2017
Date Prepared

Agenda Title: Planning Commission Meeting Report –July 11, 2017
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Election of Officers:

Robert Bell was elected as the new Chair, Richard Daniels was elected as new Vice Chair, Bill Snively was elected as PC representative to the Environmental Commission. Richard Daniels would continue to serve on the CIC.

Concept Review- Madison Student Housing LLC, Stadium Apartments

The project designer presented the proposed project to the Commission for comments.

Zoning Items

PC-2017-10 Zoning Code Map Amendment, to amend the zoning designation of certain properties from R-1MS to R-2MS District and R-2MS to R-3MS District, City of Oxford, Applicant

This is a map amendment that reflects the Planning Commission's discussion and desire to change the zoning designation on certain areas to better represent the actuality, and to plan to encourage for increased density since these areas are either located adjacent to campus or near a major corridor to campus.

The boundary for the area changed from R-1MS to R-2MS is bordered by Campus Avenue to the east, west side of Poplar Street to the west, Chestnut Street to the south and the north properties on Central Avenue to the north.

There are two areas being considered for zoning changes from R-2MS to R-3MS. The first area is generally described to be bordered by Tallawanda Road to the east, Sycamore Street to the north, Main Street to the west and Vine Street on the south and Bishop Street to the west. The second area is considered central Mile Square and the general description is bordered by Campus Avenue to the east, Church Street to the north, Beech Street to the west and Heather Lane to the south.

The Planning Commission, after the public hearing, in a vote of 7-0-0 recommended this amendment to City Council for consideration. The Commission also discussed the area between Poplar Street and Campus Avenue, between the areas being considered to be rezoned and directed staff to initiate the map amendment for this area as well for the Planning Commission to review in September, 2017.

PC-2017-11, Zoning Code Text Amendment, to amend Chapter 1143, District by amending Chapter 1143, Section 1143.03, 1143.05 1143.07 R-1MS, R-2MS, and R-3MS, City of Oxford, Applicant

This application is part of amendments that accompany the 1143.07 R-3MS District (PC-2017-12) changes to allow accessory buildings to be used as a dwelling unit, as well as amending 1143.03 to allow two principal buildings on a same lot and clarify the language of residential building additions.

After the public hearing, the Planning Commission, in a vote of 7-0-0, recommended the proposal to City Council for consideration. Also, the Planning Commission discussed that there might be more amendments to the Mile Square Design Standards for R-1MS and R-2MS, since the Design Standards for R-3MS have been modified and directed staff to initiate the Zoning Code Text amendment to update these two sections specifically.

PC-2017-12, Zoning Code Text Amendment- Chapter 1141, Accessory, Temporary, Supplementary and Environment Regulations by Amending Section 1141.01 Accessory regulation and 1141.03 Supplementary Regulations, City of Oxford, Applicant

This application is part of amendments that accompany the 1143.07 R-3MS District (PC-2017-11) changes to allow accessory buildings to be used as a dwelling unit, as well as amending 1143.03 allowing two principal buildings on a same lot and clarifying the language of residential building additions.

The Commission, after the public hearing, recommended Council consider this amendment, in a vote of 7-0-0.

PC-2017-18, ZONING CODE TEXT AMENDMENT, to amend the Oxford Zoning Code Chapter 1147.03, Conditional Uses, by adding (39) accessory dwelling unit with use potential concerns and regulations, City of Oxford, Applicant

This application is part of amendments that specifically deal with the use regulations and potential concerns by allowing an accessory building to be used as a dwelling unit. The proposed change to Chapter 1143.07 R3MS (Single, Two- and Three-Family Mile Square Residential) Districts would allow accessory buildings to be used for dwelling units, with stipulations.

The Planning Commission, after the public hearing, recommended City Council to take legislative action for this proposed amendment, in a vote of 7-0-0.

PC-2017-19, ZONING CODE TEXT AMENDMENT, to amend the Oxford Zoning Code Chapter 1101.4 Subdivision Regulations, specifically 402, Sensitive Development Areas, City of Oxford, Applicant

This application is a directive from City Council to address the intent of the Zoning Code dealing with sensitive development areas where it is part of a development project, as well as delineate the submittal expectations, provide guidance to the developer on how to address the sensitive areas and how to compile information in order for the Planning Commission to better understand the site and make an informed recommendation to City Council. There have not been any subdivision applications since the 2011 revision was adopted, but this might be a good time before any development project is being submitted for consideration.

The major changes were to direct the project engineers to public agencies to look for readily available information that could provide a base line information to the Planning Commission when reviewing any development proposals.

The Planning Commission, after the public hearing, recommended City Council to take legislative action for this proposed amendment, in a vote of 7-0-0.

PC-2017-20, ZONING CODE TEXT AMENDMENT, to amend the Oxford Zoning Code Chapter 1145 Planned Development, specifically 1145.12 Design (g) Environmental, City of Oxford, Applicant

This application is a directive from City Council to address the intent of the Zoning Code dealing with environmental sensitive development areas that potentially exists within a development project, as well as outline the expectations of delineating the area(s), and how to address those environmental sensitive areas in

terms of development. This has been part of the effort made by the Environmental Commission (EC) to provide expertise to the Planning Commission in those sections of the Zoning Code could be strengthened, clarified and updated. This is a parallel work the EC had done with the Subdivision regulations. After the public hearing, the Planning Commission thanked the Environment Commission for taking on the task to update the Oxford Zoning Code to provide guidance to the project engineer in reviewing those environmental issues.

The Planning Commission, after the public hearing, recommended City Council to take legislative action for this proposed amendment, in a vote of 7-0-0.

The next regular meeting is scheduled for August 8, 2017.

Approved by:

	Initial	Date
Department Head:	<u>gnc</u>	<u>7-26-17</u>
City Attorney:	<u></u>	<u></u>
City Manager:	<u>DRE</u>	<u>7/28/17</u>

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 1, 2017

Jung-Han Chen
Prepared By

Account Code No. #:

July 26, 2017
Date Prepared

Budgeted Amount:

Agenda Title: Board of Zoning Appeals Meeting Report – July 19, 2017

Adjudication Hearings

BZA-2017-08, 19 E. High Street, Starbucks, variance to Section 1151.05a(2)(B) indirect lighting, Tommy Reed, Atlantic Sign Company, Appellant/Agent

Starbuck's is planning to install a reverse-lit wall sign that is not permitted in the Uptown District. A variance was heard before the Board of Zoning Appeals and the Board found that there was evidence to grant the variance. Based upon the decision standards, in a vote of 5-0-0, the requested variance was granted and the applicant was advised that this application would still require approval from the HAPC.

BZA-2017-09, 5299 College Corner Pike, variance to Section 1149.05(a)3 minimum off-street parking, Sheldon Jennings, Appellant, Agent

The request is to waive off-street parking limitations in front of a principal building. The applicant shared that he felt the variance request was incorrect and should not have been based upon the number of off-street parking as indicated on the petition application. The Board voted to table this case until next month or a different variance is agreed upon by the Appellant and the City.

Director Chen also reported that he met with the City Manager about zoning enforcement issues and the City Manager recommended preparing a memo requesting funding for a part-time zoning inspector position for consideration for next year's budget.

The next regular BZA meeting is Wednesday, August 16, 2017 at 7:30 p.m. at 118 West High St.

Approved By:

Department Head:
City Attorney
City Manager:

Initial	Date
<u>JHC</u>	<u>7/26/17</u>
<u>DRS</u>	<u>7/28/17</u>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: August 1, 2017

Candi Fyffe

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 27, 2017

Date Prepared

Agenda Title:

Report regarding the July 26, 2017 Civil Service Commission Regular Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Wednesday, July 26, 2017. Those members present were: James Burchyett, Vice-Chair, Brian Martin, and Greg Smith. Excused: Bill Brewer

Candi Fyffe, Human Resources Director, and John Jones, Police Chief, were in attendance for the City of Oxford.

Ms. Fyffe reported to the Commission that Talawanda School District Classified Staff had negotiated and passed a new contract which included removing the classified positions from the City of Oxford Civil Service. She reported that the Talawanda School Board had also approved the contract.

The Commission elected Bill Brewer as Chair and James Burchyett as Vice-Chair.

The Commission reviewed and approved the retirement of the current Police Officer eligibility list. The Commission reviewed and approved a new Police Officer eligibility list.

The next Civil Service Commission meeting is scheduled for Thursday, August 17, 2017 at 5:30 p.m.

Approved By:

Initial Date

Department Head:

City Manager:

C 7.26.17
DRB 7.28.17

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: August 1, 2017

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 18, 2017

Date Prepared

Agenda Title: Resolution to sell junk/abandoned motor vehicles to the highest bidder.

Recommendation: Adopt the resolution

Discussion: Pursuant to Oxford City Code and in accordance with ORC 4513.62, the Division of Police requests that City Council approves the sale of salvage/junk/abandoned motor vehicles described in the attached Exhibit A to the highest bidder and that the proceeds from such sale be placed in the General Fund.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAJ \ *7/18/17*

DRE \ *7/28/17*

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SALE OF SALVAGED, JUNK AND/OR ABANDONED MOTOR VEHICLES.

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

SECTION 1: The Police Chief recommends that unclaimed motor vehicles ordered into storage pursuant to Section 4513.62 of the Ohio Revised Code be sold to a motor vehicle salvage dealer or scrap metal processing facility at the highest obtainable salvage price. The motor vehicles to be sold are listed on Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2: City Council hereby accepts the recommendation of the Police Chief and authorizes the sale of the salvaged, junk and/or abandoned motor vehicles listed on Exhibit "A" to a motor vehicle salvage dealer or scrap metal processing facility at the highest obtainable salvage price. The proceeds thereof shall be placed in the General Fund.

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

MAYOR

ADOPTED:

ATTEST

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT A

The following vehicles are currently stored at the OPD impound lot and are unclaimed by the owner after due notice. OPD has obtained salvage titles for the below vehicles and we are requesting they be sold to a salvage dealer.



1997 Jeep Cherokee

VIN: 1J4GZ58S2VC763936



1997 Toyota 4Runner

VIN: JT3HN87R4V9004308

EXHIBIT A



1995 Pontiac Grand Prix

VIN: 1G2WJ12M5SF257947



1999 Ford Ranger

VIN: 1FTYR10C7XPA59525

EXHIBIT A



2005 Lincoln LS

VIN: 1LNHM86S45Y618568



2014 Nissan Sentra

VIN: 3N1AB7AP6EL673407

EXHIBIT A



2001 Hyundai Elantra

VIN: KMHDN45D91U218739



1995 Ford Ranger

VIN: 1FTCR14X1SPA35379

EXHIBIT A



1997 BMW 318

VIN: WBACG7321VAS98667



1990 Jeep Comanche

VIN: 1J7FT36L0LL245787

EXHIBIT A



1993 Chevrolet Silverado

VIN: 1GCDC14Z5PE100163

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 08/01/2017

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

07/25/2017
Date Prepared

Agenda Title: Resolution Authorizing City Manager To Enter Into A Contract With Data Management, Inc. For The Acquisition Of Timeclocks and Software

Recommendation: Approve

Discussion:

Staff recommends Data Management, Inc. We had 3 qualified bids for the purchase of new timeclocks and software. After review of the 3 bids, Data Management, Inc. was the preferred choice based on ease of use and cost effective.

Approved By:

Department Head:
City Manager:

Initial Date

[Signature] 7/25/17
[Signature] 7/28/17

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DATA MANAGEMENT INC. FOR THE PURCHASE OF NEW TIMECLOCKS AND SOFTWARE AT A COST NOT TO EXCEED \$34,439.00.

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

SECTION 1: The City Manger and the Finance Director recommend the City enter into a contract with Data Management, Inc. for the purchase of new timeclocks and software at a total cost not to exceed \$34,439.00.

SECTION 2: Council hereby accepts the recommendation of the City Manager and the Finance Director and hereby authorizes the City Manager to enter into a contract with Data Management, Inc. for the purchase of new timeclocks and software at a total cost not to exceed \$34,439.00.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: August 1, 2107

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 21, 2017

Date Prepared

Agenda Title: A Resolution authorizing the City Manager or his designee to provide local zoning information and facilitate potential application(s) for a cultivator, processor, testing laboratory and/or dispensary of medical marijuana pursuant to Ohio's Medical Marijuana Control Program.

Recommendation: N/A

Discussion:

As requested by Councilor Southard.

Approved By:

Department Head:
City Manager:

Initial Date

DRE 7-28-17

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PROVIDE LOCAL ZONING INFORMATION AND FACILITATE POTENTIAL APPLICATION(S) FOR A CULTIVATOR, PROCESSOR, TESTING LABORATORY AND/OR DISPENSARY OF MEDICAL MARIJUANA PURSUANT TO OHIO'S MEDICAL MARIJUANA CONTROL PROGRAM.

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

SECTION 1: House Bill 523 effective September 8, 2016, legalized medical marijuana in Ohio. The Ohio Medical Marijuana Control Program allows people with certain medical conditions, upon the recommendation of an Ohio-licensed physician certified by the State Medical Board, to purchase and use medical marijuana.

SECTION 2: The City Manager recommends the City of Oxford provide local zoning information and facilitate potential application(s) for a cultivator, processor, testing laboratory and/or dispensary of medical marijuana pursuant to Ohio's Medical Marijuana Control Program.

SECTION 3: Council finds it is in the best interest of the City of Oxford to provide local zoning information and facilitate potential application(s) for a cultivator, processor, testing laboratory and/or dispensary of medical marijuana pursuant to Ohio's Medical Marijuana Control Program.

SECTION 4: Council accepts the recommendation of the City Manager and authorizes the City Manager or his designee to provide local zoning information and facilitate potential application(s) for a cultivator, processor, testing laboratory and/or dispensary of medical marijuana pursuant to Ohio's Medical Marijuana Control Program.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: EDNA SOUTHARD

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: August 1, 2017

Doug Elliott
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

July 24, 2017
Date Prepared

Agenda Title: A Resolution accepting the proposal and authorizing the City Manager to enter into an agreement with Management Partners to evaluate the options for the City of Oxford regarding the hearing of minor criminal cases in the City at a total cost not to exceed \$23,990.00.

Recommendation: Approve

Discussion:

Please see the attached report.

Approved By:

Department Head:

City Manager:

Initial Date

DRE \ 7-28-17

Mary Ann Eaton

From: Douglas Elliott
Sent: Monday, July 24, 2017 3:59 PM
To: Mary Ann Eaton
Subject: Report

Background

In 2015, Mike Gmoser, the Butler County Prosecutor, provided a proposal to the City of Oxford for the abolishment of the three Butler County Area Court (part-time) judges and the establishment of an Oxford Municipal Court and two Butler County Municipal Courts with three full-time judges.

My analysis of this proposal indicated additional costs to the City of Oxford of \$200,000 to \$300,000 per year. The County Prosecutor's analysis indicated a savings to Butler County of \$260,000 not including court security (provided by the Butler County Sheriff's Office), prosecution (provided by the Butler County Prosecutor), or construction of a new municipal court facility which would meet the Ohio Supreme Court recommended standards for building construction, safety, security, and access control. His proposal would eliminate 3 part-time judges and create 3 full-time judges (including an Oxford Municipal Court) with the present caseload. Under his proposal the County would continue to pay the cost for the two new Butler County Municipal Courts serving Liberty, Milford, Wayne, Reily, Hanover, Morgan, and West Chester townships plus the City of Monroe. The residents of the City of Oxford and Oxford Township, with a proposed municipal court would no longer be supported by Butler County, but would continue to pay the same amount of Butler County taxes.

I recommended to Council on March 4, 2016 that the City of Oxford select the most cost effective option of utilizing one of the proposed Butler County Municipal Courts (in Hamilton) rather than establish an Oxford Municipal Court serving the City of Oxford and Oxford Township.

In order to move forward with the County Prosecutor's proposal, it would require adoption of a resolution by the County Commissioners in support of this proposal, as well as, introduction and adoption of state legislation. If the resolution and legislation were adopted (none has been proposed at this time), then county elections for the new judges could be held. According to the Butler County Prosecutor's proposal of 2015, the election schedule showed the election taking place in November of 2017 with the term of the judges starting in January of 2018. This schedule is no longer feasible.

On April 27, 2017, the City received a letter from Mike Gmoser Butler County Prosecuting Attorney stating that he has "overlooked for years ORC 1901.34 (D) that does not give me authority to prosecute municipal ordinance cases in the Area One County Court." He goes on to state "accordingly, I do plan to inform the City of Oxford Police Chief that it is impermissible for me to prosecute municipal ordinance cases, but will only put that into effect after your legal counsel has an opportunity to review my conclusion over the next month. I see early in July as the time when I will no longer prosecute your ordinances with a specific announcement to be made in June unless I am persuaded otherwise by your attorney. If this does go into effect, violations will have to be charged under the state code where I do have jurisdiction and the requirement to prosecute and the consequential financial loss to the city."

I received an opinion from City Attorney Steve McHugh. His opinion stated that he has been unable to find any law that would require the Butler County Prosecutor to continue to prosecute the City of Oxford's ordinance cases. If the City decides to cite all violations under state law, this would eliminate most of the City's revenue from Area I court which amounted to \$44,983 and \$45,528 in 2015 and 2016 respectively (50% of all local fines received through the Area I Court go to the Butler County Law Library).

Earlier this year, the Police Chief and I had a discussion with officials from Miami University regarding changing our criminal noise, litter, and nuisance party violations to civil citations. Many of our Miami University student violations fall

into this category. Miami University officials favor this change. If we make such violations civil citations, the City will be able to keep 100% of the fines collected minus a hearing officer fee. This is presently done with City Fire Code violations. The requested changes are on the Council agenda for a second reading and adoption at the August 1, 2017 meeting. The remaining violations will be cited under state statute which will require the Butler County Prosecutor to continue to prosecute those cases. This will probably occur on September 1, 2017.

In 2006, the City Council adopted a resolution authorizing City staff to continue working with a Municipal Court Study Committee and report its findings and recommendations to the Council when the study is completed. A seventeen page report was received in April of 2008. It provided municipal and county court caseload data for the years 2002-2006. Current data is available on the Ohio Supreme Court web site. The report stated that "More work is necessary to review the income and expenses, territorial jurisdiction, election requirements, and funding of a Municipal Court." My remarks to City Council at that time was that this change to an Oxford Municipal Court would require additional funding to the existing City Budget. No further action was taken by City Council.

Recommendation

Given the background and recent history of a proposed Oxford Municipal Court, I am recommending that City Council authorize the City Manager to sign a contract with Management Partners for \$23,990 to complete an objective, outside evaluation of the options for the City regarding hearing minor criminal cases in the City. The proposal includes interviewing stakeholders, reviewing background materials, and conducting additional research regarding options for the City to consider. After the research and interviews are complete, a comprehensive report will be provided to the City which will analyze and compare options. This report will allow City Council to make an informed decision as to which option is best for the City.

Douglas R. Elliott, Jr.
City Manager
City of Oxford
513-524-5201

www.cityofoxford.org

RESOLUTION NO.

A RESOLUTION ACCEPTING THE PROPOSAL AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MANAGEMENT PARTNERS TO EVALUATE THE OPTIONS FOR THE CITY OF OXFORD REGARDING THE HEARING OF MINOR CRIMINAL CASES IN THE CITY AT A TOTAL COST NOT TO EXCEED \$23,990.00.

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

SECTION 1: The City Manager recommends Council accept the proposal of Management Partners to evaluate the options for the City of Oxford regarding the hearing of minor criminal cases in the City, given the potential reorganization of the Butler County Area One Court at a total cost not to exceed \$23,990.00.

SECTION 2: Council accepts the recommendation of the City Manager and accepts the proposal of Management Partners to evaluate the options for the City of Oxford regarding the hearing of minor criminal cases in the City, given the potential reorganization of the Butler County Area One Court at a total cost not to exceed \$23,990.00.

SECTION 3: Council further authorizes the City Manager to enter into an agreement with Management Partners to evaluate the options for the City of Oxford regarding the hearing of minor criminal cases in the City, given the potential reorganization of the Butler County Area One Court at a total cost not to exceed \$23,990.00.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: August 1, 2017

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 21, 2017

Date Prepared

Agenda Title: Resolution approving the contract between the City of Oxford, Ohio and the Oxford Police Officers, Fraternal Order of Police, Lodge 38 and authorizing the City Manager and the City Law Director to sign the contract on behalf of the City.

Recommendation: Approval.

Discussion:

City Council voted at the July 18, 2017 meeting to accept the Fact Finding Report between the City and the Police Patrol Unit (16 Officers). The one outstanding issue which was resolved by fact-finding was wages. As a result, the agreed wage increases will be 4% in 2017 (retroactive to January 1, 2017), 3% in 2018, and 3% in 2019. There were five other issues which were tentatively agreed to by both parties before fact-finding. The additional items are as follows: maintaining the employee contribution towards health insurance at its current level, changing personal absence from 6 days to 60 hours, increasing the amount the City places in the tuition account from \$1,000 to \$3,000 per year, authorizing Field Training Officer pay at \$1.50 per hour, and establishing Detective On Call Pay at \$1,372 per year. These five items plus the wage increases are included in a new three-year labor agreement (2017-2019) which I am recommending to City Council for approval.

Approved By

Initial Date

Department Head: _____

City Manager: _____

DRE *7-28-17*

RESOLUTION NO.

A RESOLUTION APPROVING THE CONTRACT BETWEEN THE CITY OF OXFORD, OHIO AND THE OXFORD POLICE OFFICERS, FRATERNAL ORDER OF POLICE, LODGE 38 AND AUTHORIZING THE CITY MANAGER AND THE CITY LAW DIRECTOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY.

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

SECTION 1: The City Manager and the Police Chief recommend Council authorize the City Manager and the City Law Director to sign on behalf of the City the Contract referred to in substantially the same form as Exhibit "A" ("Contract") with the Oxford Police Officers, Fraternal Order of Police, Lodge 38. The purpose of this Contract is to achieve a mutual agreement and understanding between the aforementioned parties and to establish written protocol for harmonious relations between the parties. The term of this Contract is for three (3) years from January 1, 2017 through December 31, 2019.

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

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: August 1, 2017

Geoff Robinson

Account Code No. #: 140.110.61168

Prepared By

Budgeted Amount: \$43,760.00

July 24, 2017

Date Prepared

Agenda Title:	Authorization to enter a contract with VIEVU for the purchase of 27 Body Worn Cameras, docking equipment, data storage, and support for the police division.
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Recommendation:	Approve
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Discussion: The Police Division was provided with a capital improvement budget line in FY2016 in the amount of \$43,760.00 to begin a body worn camera program. Due to pending legislative actions and Ohio Supreme Court cases the purchase was delayed until 2017. During the 2016 evaluation phase at least five (5) different cameras were tested and evaluated by division staff. In addition to the camera equipment, storage solutions and software were evaluated. Of the five products evaluated, two (2) camera systems were reviewed again in 2017 for a final recommendation.

The Safariland VIEVU LE5 LITE body worn camera was the preferred model selected by the division's evaluators. This model of camera has the ability to capture over 24 hours of undistorted footage before a data download is required. The camera has a battery life of 72 hours in standby mode or 6 hours of continuous recording. Both audio and video are captured by the LE5 LITE.

The feature of the camera that sets the LE5 LITE apart from others is the mechanism that begins device recording. There is a tactile sliding door on the front of the camera unit that triggers the recording function with a downward slide of the door. This provides instant, positive feedback to the officer that they have triggered a recording event.

Safariland VIEVU supports the LE5 LITE with a cloud hosted video storage solution. This allows for secure, backed-up video files to be accessed by authorized personnel on-demand. The FBI Criminal Justice Information Services certified solution provides chain of custody tracking, case management and secure downloading of video for evidentiary or administrative purposes. The recommended data plan of \$30/month per camera will allow 1 year of unlimited storage for otherwise unsaved video files.

Safariland VIEVU has moved to a sales model that provides equipment at a nominal cost while

charging a month fee for data storage, software usage, and extended hardware warranties. Three (3) different levels of service were evaluated: \$20/month per camera, \$30/month per camera, \$55/month per camera. The difference between the \$20 and \$30 per month, per camera plans is the amount of data storage available. The \$20/month per camera plan would allow for approximately 60 days of data storage. Should a file not be marked for evidentiary, administrative, or training purposes, it would be deleted after an approximately 60 day period. The \$30/month per camera plan will allow the same data to be stored for 1 year before it is automatically purged. The \$55/month per camera provided similar data storage as the \$30/month per camera plan but included features that would not be functional for the division.

It is recommended by the division that we move forward with the purchase of body worn cameras, docking station, storage, and management software from Safariland VIEVU at the \$30/month per camera level. Included in the purchase from VIEVU will be 27 LE5 LITE body worn cameras, multi-unit docking station for data download, unlimited data storage for 370 days, and an online video management software solution. Safariland VIEVU is the sole source provider of the LE5 LITE body worn camera, the secure data hosting solution, and video management software. **The total cost for a three (3) year contract for these items is \$36,092.99.**

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAG \ 7-26-17

DRE \ 7-28-17

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR CONTRACT WITH SAFARILAND VIEVU FOR THE PURCHASE OF TWENTY SEVEN (27) BODY WORN CAMERAS MODEL LE5 LITE AND THE ASSOCIATED DOCKING EQUIPMENT, DATA STORAGE AND SUPPORT FOR THE POLICE DIVISION AT A COST NOT TO EXCEED \$36,092.99 SUBJECT TO THE LAW DIRECTOR'S APPROVAL OF THE CONTRACT.

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

SECTION 1: Council hereby authorizes the Police Division to purchase twenty seven (27) Safariland VIEVU body worn cameras model LE5 LITE and the associated docking equipment, data storage and support for the Police Division at a cost not to exceed \$36,092.99.

SECTION 2: The City Manager is hereby authorized to enter into a three (3) year contract with Safariland VIEVU for the purchase of twenty seven (27) body worn cameras model LE5 LITE and the associated docking equipment, data storage and support for the Police Division at a cost not to exceed \$36,092.99, subject to the Law Director's approval of the contract.

SECTION 3: Funds have been appropriated in an amount in excess of the purchase price authorized.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)



January 26th, 2017

To whom it may concern:

This letter is to confirm that **VIEVU**, based in Seattle WA, is the sole manufacturer of the LE5 Lite wearable video camera.

The VIEVU LE5 Lite is a standalone video camera that attaches to an officer via our exclusive spring-clip, pocket clip or molle clip design. The LE5 Lite captures full color video at 30 frames per second in FHD, HD or SD resolutions, has a 95 degree FOV, 32GB of storage, streams Wi-Fi via the 802.11 G/N network, is waterproof to an IPX-65 standard, is turned on and off with 1 single easy to operate switch and has a recording time of over 6 continuous hours. The video files are easily updated in the field by using VERIPATROL Mobile or the VIEVU Solution Connector or the VIEVU Solution smartphone app. Video files are easily transferred to the VIEVU Solution by a connection to a PC or via a multi-dock attached by an Ethernet connection. Our VIEVU Solution software utilizes FIPS140-2 digital signature process, AES 256 encryption and the Vidlock Security Suite for the highest level of security and chain of custody protection. Our VIEVU Solution is a fully hosted evidence management system that is built upon the Microsoft Azure Government Cloud and directly supports CJIS.

Best regards,

A handwritten signature in cursive script that reads "Joe Pioli".

Joe Pioli
Vice President of Sales and Marketing
VIEVU
www.vievu.com



VIEVU Solution Services Agreement
(Cloud-Based Storage)

THIS VIEVU SOLUTION SERVICES AGREEMENT (THE "**SOLUTION AGREEMENT**") IS MADE AND ENTERED INTO BY AND BETWEEN VIEVU, LLC, A STATE OF WASHINGTON LIMITED LIABILITY COMPANY ("**VIEVU**"), WITH A PRINCIPAL PLACE OF BUSINESS LOCATED AT 645 ELLIOT AVE. W., SUITE #370, SEATTLE, WA 98119, AND THE CUSTOMER LISTED ON THE ORDER (THE "**CUSTOMER**"). CUSTOMER AND VIEVU ARE EACH A "PARTY," AND TOGETHER, THE "PARTIES" TO THIS SOLUTION AGREEMENT. CAPITALIZED TERMS NOT DEFINED IN THIS ORDER SHALL HAVE THE MEANINGS GIVEN THEM IN THE VIEVU SOLUTION STANDARD TERMS AND CONDITIONS INCORPORATED HEREIN AND ATTACHED HERETO AS EXHIBIT A.

ORDER

Customer Name: City of Oxford Police Department
(Full Legal Name of Customer)

Principal Place of Business: 11 S. Poplar Street
Oxford OH 45056
(Street Address)

1. **VIEVU Solution.** Pursuant to this Order form (the "**Order**"), VIEVU will provide to Customer: (a) the cameras listed below (the "**Cameras**"); (b) web-based software application provided on a "software as a service" (SaaS) basis used to facilitate the upload and management of audio, video and other files created by a Camera, or other file content (the "**Solution Software**"); and (c) Cloud Storage (as selected below) (collectively, Cameras, Solution Software, and Cloud Storage, the "**VIEVU Solution**"), in each case subject to the standard terms and conditions set forth on Exhibit A.

2. **Solution Fees.** Except where additional price or fee is noted in this Order, the VIEVU Solution will be provided at the aggregate amount in the monthly fee listed in the table below (the "**Solution Fees**").

3. **Cameras and Solution Software.** Customer is purchasing the following Cameras and Solution Software Licenses:

<u>Camera Description</u>	<u>Solution Software Licenses</u>	<u>Solution Fee</u> (per License per Month)
LE5 Lite	27	\$__ 30.00__

4. **Cloud Storage.** Included in the Solution Fee, Customer is purchasing the following Cloud Storage option(s):

a. **Cloud Storage Limit Options:**

☐ 60 GB of Limited Storage per camera

☐ _____ GB of Limited Storage per camera

X Unlimited Storage for VIEVU Standard Definition Video per camera license (subject to archival and retention limits)

☐ Unlimited Storage for VIEVU High Definition Video per camera license (subject to archival and retention limits)

5. **Add-On Software, Hardware and/or Warranty Support.** In addition, Customer is purchasing the following add-on software, hardware and/or warranty support (the "**Add-On Services**") at the prices set forth below:

a. **Software Add-On Options:**

☐ Redaction Functionality* __N/A__ Authorized Users @ \$_____ per Authorized User per month

☐ [Other Software Add-ons]: __N/A__ Authorized Users @ \$_____ per Authorized User per month

b. **Hardware Add-On Options:**

☐ Camera upgrades every __30__ months

☐ CAS Holster Quantity: __N/A__

☐ Car Kit Quantity: __N/A__

☐ Cradle Quantity: __N/A__

☐ Standard Mounts Quantity: 0

☐ [Other Hardware Add-ons] Quantity: 1 Multi network dock

c. Warranty Period and Warranty Support Add-On Options:

i. Express, Limited Warranty Period

☐ Initial Warranty Period: 90 days

X Extended Warranty Period: 36 month

☐ Enhanced Warranty Period: _____

ii. Spares

X On-site Spares Quantity or Percentage: 1

Total Add-On Cost: \$ 1499.00

6. **Training and/or Implementation Services.** In addition to the VIEVU Solution, Customer is purchasing the following training and/or implementation services (the "**Services**") at the prices listed in the Estimate, subject to Training and Implementation Services Agreement as executed by the Parties:

a. Implementation Services:

X On-site and remote implementation support required for program (installation & set-up)

b. Training Services:

☐ Remote Training required for core program (Administrator, IT and Train-the-Trainer Training)

☐ On-site Training required for core program (Administrator, IT and Train-the-Trainer Training)

☐ Enhanced On-site Training beyond minimum required to operate program (Administrator, IT, Train-the-Trainer and End User Training)

Total Training and/or Implementation Services \$ 0.00

7. **Term.** The term of this Solution Agreement shall begin on the date that VIEVU provides Customer with access to the VIEVU Solution by VIEVU (the "**Effective Date**") and shall remain in effect for 36 months following the Effective Date (the "**Initial Term**"). After the Initial Term, this Solution Agreement shall automatically extend successive twelve (12) month periods unless Customer provides written notice of termination to VIEVU at least sixty (60) days before the end of the then current Term (the "**Extended Term**", and together with the Initial Term, the "**Term**").
8. **Termination Charge.** If this Solution Agreement is terminated after the fifteenth day following the Effective Date, but prior to the end of the Initial Term, Customer agrees to pay an early termination charge in an amount equal to \$ 1279.00 per Camera minus \$ 30.00 for each month Customer has paid the Subscription Fee paid (the "**Termination Charges**").
9. **Estimate.** Any VIEVU Estimate provided to Customer relating to the sale, purchase, price, delivery, use and support of VIEVU Solution, and other related services, shall be subject to the terms and conditions of this Solution Agreement, which shall supersede any other offer and, in the event of any conflict with the provisions of any Estimate or other verbal or written offer, the provision contained in this Solution Agreement shall control and govern.
10. **Order.** The terms of this Solution Agreement shall be incorporated into and be binding upon any estimate, quote, purchase order or delivery of Cameras and/or Solution Software that is signed, issued or accepted by Customer. Any additional or different terms set forth by Customer are expressly rejected and shall be void and without effect.

The Parties agree to the terms of this Solution Agreement, including the terms of this Order and Exhibits A attached hereto which are incorporated herein and made a part hereof. This Solution Agreement shall only be binding when executed by VIEVU, LLC.

VIEVU, LLC

CUSTOMER

Authorized Signature: _____

Authorized Signature: _____

Title: _____

Title: _____

Signature of Authorized Representative

Signature

Printed Name

Title

Date

Email Address

Phone Number

Persons Authorized to Discuss Account (optional)

Complete this section if you would like to allow up to 3 persons to be authorized to receive account information or make account level decisions. This includes but is not limited to receiving account credential information, resetting account credential information, updating billing information, discussing billing related matters, and receiving notifications.

Person 1

Printed Name _____ Title _____

Email Address _____ Phone Number _____

Person 2

Printed Name _____ Title _____

Email Address _____ Phone Number _____

Person 3

Printed Name _____ Title _____

Email Address _____ Phone Number _____

Exhibit A
VIEVU Solution - Standard Terms and Conditions

1. RIGHTS TO THE VIEVU SOLUTION

- 1.1. **License Grant.** During the Term and subject to the terms and conditions of the Solution Agreement, VIEVU hereby grants to Customer a limited, non-exclusive, non-transferable, non-sublicenseable right and license to: (a) access and use, solely in object code form, VIEVU's proprietary software (the "Camera Software") solely to the extent installed on the Cameras; and (b) the right to display, access and use the Solution Software solely for Customer's internal operations and not for competitive purposes. As between the Parties, all Intellectual Property rights, distribution rights and all other proprietary rights to the VIEVU Solution remain solely with VIEVU.
- 1.2. **License Restrictions.** Customer will not and will not attempt to: (a) reverse engineer, decompile, disassemble, or otherwise attempt to derive the source code or structure of the software used in the VIEVU Solution or in any Add-On Services; (b) provide, lease or lend the VIEVU Solution or any Add-On Services to any third party except as expressly authorized hereunder; (c) remove any proprietary notices or labels displayed on the VIEVU Solution, an Add-On Service or the Documentation; (d) create a derivative work of any part of the VIEVU Solution or any Add-On Service; (e) use the VIEVU Solution or any Add-On Service for any unlawful purpose; or (f) create Internet "links" to or from the VIEVU Solution or any Add-On Service, or "frame" or "mirror" any of VIEVU's content which forms part of any Add-On Service or the VIEVU Solution. Customer may use the VIEVU Solution and the Add-On Services only for Customer's legitimate business purposes and in compliance with applicable laws and regulations, including without limitation laws and regulations applying to privacy and personal information. Customer is solely responsible for ensuring that only authorized personnel of Customer have access to the VIEVU Solution and the Add-On Services.
- 1.3. **Use Restrictions.** Customer agrees that it will not and will not permit any Authorized User to use VIEVU Solution or any of the Add-On Services to: (a) intentionally or unintentionally violate any applicable local, state, national or international law, including, but not limited to, any regulations having the force of law; (b) upload, post, e-mail, otherwise transmit or post links to any content that the Customer does not have a right to transmit under any law or regulation or under contractual or fiduciary relationships (such as inside information, or proprietary and confidential information learned or disclosed as part of employment relationships or under nondisclosure agreements); (c) to upload, post, e-mail, otherwise transmit, or post links to any material that contains software viruses, worms, Trojan horses, time bombs, trap doors or any other computer code, files or programs or repetitive requests for information designed to interrupt, destroy or limit the functionality of any computer software or hardware or telecommunications equipment or to diminish the quality of, interfere with the performance of, or impair the functionality of the network of VIEVU; and/or (d) to infringe any patent, trademark, service mark, trade secret, copyright or other proprietary rights of any party, or contribute to inducing or facilitating such infringement. VIEVU reserves the right to delete or remove any content that may violate a third party's copyright upon receipt of notice of such violation by the third party holder of said right. Customer is responsible for maintaining the confidentiality of any non-public authentication credentials associated and used to gain access to the VIEVU Solution and Customer agrees to promptly notify VIEVU about any possible misuse of any login or any security incident related to the VIEVU Solution.
- 1.4. **Third Party Programs.** The Add-On Services are Third Party Programs. The third party owner, author or provider of such Third Party Programs retains all ownership and intellectual property rights in and to that content, and Customer's rights to use such Third Party Programs are subject to, and governed by, the terms applicable to such programs as specified by such third party owner, author or provider, unless otherwise specified on the Order.
- 1.5. **Authorized User Accounts.** For the Add-On Services, Customer is entitled to the number of users set forth on the Order. Customer is permitted to assign a user account only to its employees, agents, contractors and subcontractors and other authorized third parties (each an "**Authorized User**"). Customer will be fully responsible for the acts of its Authorized Users. If in any period it is determined that the number of users in a period exceeds the amount of Authorized User subscriptions purchased, VIEVU will notify Customer in writing and Customer will immediately pay to VIEVU any amounts that should have been paid.
- 1.6. **Storage Access.** Data storage is subject to the usage limits specified on the Order.
- 2. CONFIGURATION AND UPDATES**
- 2.1. **Camera Configuration.** Unless otherwise set forth on the Order, Customer is responsible for configuring the Cameras and implementing the VIEVU Solution in accordance with the instructions provided by VIEVU (the "**Deployment Setup Guide**").
- 2.2. **Updates to Solution Software.** VIEVU may make changes or updates to the Solution Software (such as infrastructure, security, technical configurations, application features, etc.) during the Term, including to reflect changes in technology, industry practices, patterns of system use, and availability of Third Party Programs. The functionality of the Solution Software is subject to change at VIEVU's discretion; however, such changes or updates will not result in a material reduction in the functionality of the Solution Software. All improvements, enhancements, modifications, and/or changes to the Solution Software will be done automatically and remotely by VIEVU.
- 2.3. **Software Updates.** To enable optimal access, VIEVU may verify the version of the Camera Software and/or the On Premise Software used by Customer and recommend Customer download and install updates, with or without notice, to the Cameras. Failure to install updates to the Camera Software or the On Premise Software, as applicable, may affect Customer's ability to use certain functions of the VIEVU Solution.
- 3. SERVICE SPECIFICATIONS AND THIRD PARTY PROGRAMS**
- 3.1. **Service Specifications.** The VIEVU Solution is subject to and governed by the Service Specifications. Customer

Exhibit A
VIEVU Solution - Standard Terms and Conditions

acknowledges that use of the VIEVU Solution in a manner not consistent with the Service Specifications may adversely affect the performance of the VIEVU Solution, the availability of any applicable warranty, and/or may result in additional fees.

- 3.2. Camera Specifications. The Cameras are subject to and governed by the Hardware Specifications. Customer acknowledges that use of the Cameras in a manner not consistent with the Hardware Specifications may adversely affect the performance of the Cameras, the availability of any applicable warranty, and/or may result in additional fees.

4. PAYMENT

- 4.1. Fees. The Solution Fees, any Add-On Fees and the Professional Services Fees shall be paid in accordance with the terms of the Order (collectively, the "Fees").

5. PAYMENT TERMS

- 5.1. Customer agrees to pay to VIEVU all Fees and other amounts contained in each invoice within thirty (30) days of the invoice date. All amounts due under the Solution Agreement will be paid in US Dollars. Payment obligations are non-cancelable and Fees are non-refundable, and all amounts payable will be made without setoff, deduction or withholding. VIEVU reserves the right to charge interest at the rate of 1.5% per month (or, the highest rate permitted by law, if less) on all late payments. Customer is responsible for any applicable taxes, duties or other charges.

6. SERVICE LEVELS, SUPPORT, UPDATES AND MAINTENANCE

- 6.1. VIEVU will use commercially reasonable efforts to provide the VIEVU Solution, the Add-On Services and the support, updates and maintenance related thereto in accordance with industry standards. Customer may contact VIEVU for technical support at support@vievu.com. VIEVU will use commercially reasonable efforts to respond to Customer within a reasonable period of time based on severity as determined by VIEVU in its sole discretion. Customer is entitled to technical support in English during business hours as set by VIEVU from time to time at no additional cost. Additionally, during the Term, the Customer will be entitled to maintenance upgrades and bug fixes at no additional cost.

7. SECURITY

- 7.1. VIEVU will use commercially reasonable efforts to: (a) cause its agents and employees to be informed of and to agree to be bound by applicable data privacy laws, rules, regulations, codes, policies, or procedures; and (b) maintain industry standard safeguards reasonably designed to protect the confidentiality and integrity of, and to prevent unauthorized access to or use of Customer Data. VIEVU agrees to notify Customer in the event of an actual breach of its security resulting in unauthorized access to or use of Customer Data as soon as practical, but in any event within forty eight (48) hours of discovery of the breach.
- 7.2. Customer will provide any required notices to, and obtain and keep in effect all consents, authorizations, permits or licenses that may be required for the installation and operation of the Cameras, the Add-On Services, and the

VIEVU Solution, including, without limitation any required consents regarding the processing and/or storage of Customer Data.

8. CONFIDENTIALITY

- 8.1. Disclosure. The Parties acknowledge that, in the course of performance of the Solution Agreement, one Party (the "**Disclosing Party**") may find it necessary to disclose or permit access to Confidential Information to the other Party (the "**Receiving Party**") and its personnel. Disclosing Party's disclosure of or provision of access to, Confidential Information to Receiving Party's personnel is solely for the purposes agreed under the Solution Agreement.

- 8.2. Confidential Treatment. Confidential Information disclosed to a Receiving Party will be held in confidence by the Receiving Party and not disclosed to others or used except as expressly permitted under the Solution Agreement or as expressly authorized in writing by the Disclosing Party. Each Party will use the same degree of care to protect the other Party's Confidential Information as it uses to protect its own information of like nature, but in no circumstances less than reasonable care.

- 8.3. Allowances. Notwithstanding anything to the contrary in this Section 8.3, Confidential Information may be disclosed by a Receiving Party: (a) to those of its employees, agents, and consultants who require it in connection with their duties in performing such Party's obligations under the Solution Agreement and who are contractually or legally obligated to hold such Confidential Information in confidence and restrict its use consistent with the Receiving Party's obligations under the Solution Agreement; (b) to the Receiving Party's auditors, outside counsel, accountants and other similar business advisors, or in connection with an actual or prospective sale or transfer of assets; and (c) to the extent required by law, pursuant to a duly authorized subpoena, court order or government authority, provided that: (i) the Receiving Party provides the Disclosing Party with sufficient advance notice of such disclosure requirement or obligation to permit Disclosing Party to seek a protective order or other appropriate remedy protecting its Confidential Information from disclosure; and (ii) Receiving Party limits the release of the Confidential Information to the greatest extent possible under the circumstances.

- 8.4. Exceptions. Obligations under Section 8 will not apply to information which: (a) was in the public domain or generally available to the public prior to receipt thereof by the Receiving Party from the Disclosing Party, or which subsequently becomes part of the public domain or generally available to the public before any wrongful act of the Receiving Party or an employee or agent of the Receiving Party; (b) is later received by the Receiving Party from a third party, unless the Receiving Party knows or has reason to know of an obligation of secrecy of the third party to the Disclosing Party with respect to such information; or (c) is developed by the Receiving Party independent of such information received from the Disclosing Party, as evidenced by the Receiving Party's written records. The terms of confidentiality under the Solution Agreement will not be construed to limit VIEVU's ability to use for any purpose the residuals resulting from access to or work with the Confidential Information. The term "residuals" means information in a non-tangible form which may be retained by

Exhibit A
VIEVU Solution - Standard Terms and Conditions

persons who have access to the Confidential Information, including ideas, concepts, know-how, or techniques contained therein.

9. TERMINATION

9.1. Termination for Cause. The Solution Agreement may be terminated for a breach of the Solution Agreement by either Party upon thirty (30) days' prior written notice to the other Party if such breach is not cured within such thirty (30) day period.

9.2. Obligations on Termination. Upon termination: (a) Customer agrees to pay VIEVU the Fees through the effective date of termination of the Solution Agreement and any applicable Termination Charges; (b) Customer shall cease all use of the VIEVU's Confidential Information and shall promptly return all Confidential Information disclosed; (c) VIEVU will retain Customer Data in a limited functionality account for thirty (30) days after expiration or termination of the Solution Agreement and (d) Customer shall immediately uninstall the On Premise Software. It is Customer's responsibility to remove any Customer Data within thirty (30) days. After thirty (30) days, VIEVU will disable all login credentials and delete or otherwise render inaccessible all Customer Data. Deleted Customer Data is not recoverable.

10. OWNERSHIP

10.1. Ownership of VIEVU Solution. The VIEVU Solution, the Add-On Services and all information which is provided to Customer by VIEVU under the Solution Agreement is confidential and considered Confidential Information, including, but not limited to, drawings, documentation, object code, source code, computer program listings, techniques, algorithms, processes, technical and marketing information products, specifications, formulae, equipment, business strategies, customer lists, know-how, drawings, pricing information, inventions, ideas, and their potential uses. As between the parties, all right, title and interest in and to the VIEVU Solution, the Add-On Services and all modifications, enhancements and derivatives thereto and all intellectual property contained in any of the foregoing, shall be owned by VIEVU. All use rights in and to the VIEVU Solution or the Add-On Services not expressly granted herein are reserved to VIEVU.

10.2. Ownership of Customer Data. As between VIEVU and Customer, Customer owns and will continue to own all right, title and interest in and to the Customer Data. Customer is responsible for uploading, sharing, withdrawing, managing and deleting Customer Data. Customer grants VIEVU the limited right to view, modify, collect and use Customer Data, solely for the purpose of providing the VIEVU Solution. Notwithstanding the foregoing, VIEVU may use anonymized or general information derived from such Customer Data and aggregate it with information from other customers ("**Non-Identifiable Aggregated Data**") for VIEVU's business purposes, including without limitation for analyzing customer needs and improving its services, and VIEVU will own all right, title and interest in any such Non-Identifiable Aggregated Data.

10.3. Delivery and Title to Camera. Delivery of Camera(s) sold pursuant to the Solution Agreement shall be made FCA – VIEVU's delivery point, and risk of loss of shall pass to Customer at such delivery point.

11. MICROSOFT AZURE REPRESENTATIONS

11.1. The Microsoft Azure Government Cloud provided as part of the VIEVU Solution are only available for the benefit of members of Federal Agencies, State/Local Entities, or Tribal Entities, in each case, acting in its governmental capacity (the "**Community**"). As such, Customer certifies that it is a member of the Community and Customer agrees to use Azure Government Services component of the VIEVU Solution solely in Customer's capacity as a member of the Community and for the benefit of Authorized Users that are members of the Community. Use of Azure Government Services by an entity that is not a member of the Community or to provide services to non-Community members is strictly prohibited and could result in termination of the Azure Government Services component of the VIEVU Solution, or the entire VIEVU Solution, in each case, without notice. Customer agrees that it meets these respective eligibility requirements, and covenants that it will continue to meet the respective eligibility requirements throughout the Term. VIEVU reserves the right to verify eligibility at any time and suspend the VIEVU Solution or any portion thereof if the eligibility requirements are not met.

12. INDEMNIFICATION

12.1. Customer agrees to indemnify, defend, and hold harmless VIEVU, its officers, agents, employees, affiliates, subsidiaries, assigns and successors in interest ("**VIEVU Indemnitee**") harmless from and against claims, losses, damages, liabilities, fines, penalties, costs and expenses incurred by any VIEVU Indemnitee as a result of (a) Customer's improper or misuse of the VIEVU Solution or any Add-On Services (including without limitation, in violation of applicable laws, rules, regulations or the Solution Agreement); (b) Customer Data, content or other materials supplied by Customer, (c) any breach or alleged breach by Customer of the Solution Agreement;

12.2. Infringement. VIEVU will have the obligation and right to defend any claim, suit, or proceeding brought against Customer so far as it is based on a claim that the VIEVU Solution infringes a United States copyright existing as of the Effective Date or a United States patent issued as of the Effective Date. VIEVU's obligation specified in this paragraph will be conditioned on Customer notifying VIEVU promptly in writing of the claim or threat thereof and giving VIEVU full and exclusive authority for, and information for and assistance with, the defense and settlement thereof. If such claim has occurred, or in VIEVU's opinion is likely to occur, Customer agrees to permit VIEVU, at its option and expense, either to: (a) procure for Customer the right to continue using the VIEVU Solution; (b) replace or modify the same so that it becomes non-infringing; or (c) if neither of the foregoing alternatives is reasonably available, immediately terminate VIEVU's obligations (and Customer's rights) under the Agreement with regard to such VIEVU Solution, and grant to Customer a credit for the unused portion of any license fees and refund any deposits paid by Customer for the VIEVU Solution. VIEVU shall not be liable for any such infringement claim which arises out of: (a) any combination with the VIEVU Solution with any other non VIEVU software; or (b) any modification or customization of the VIEVU Solution by Customer or any third party; or (c) any corrective VIEVU software which is delivered to Customer but is not installed or implemented by Customer;

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or (d) use of the VIEVU Solution not in compliance with its Documentation. In the event of an infringement claim based on or resulting from any of the foregoing, Customer shall indemnify defend and hold harmless VIEVU from and against all claims and actual losses, damages and expenses (including reasonable attorney's fees) related to, resulting from, or arising out of any of the foregoing.

- 12.3. **Limitation.** Notwithstanding any other provisions hereof, VIEVU will not be liable for any claim, based on Customer's use of the VIEVU Solution or the Add-On Services other than as specified by VIEVU. THE FOREGOING STATES THE ENTIRE OBLIGATION OF VIEVU, ITS LICENSORS AND ITS SUPPLIERS, AND THE EXCLUSIVE REMEDY OF CUSTOMER, WITH RESPECT TO INFRINGEMENT OF INTELLECTUAL PROPERTY OR PROPRIETARY RIGHTS. THE FOREGOING IS GIVEN TO CUSTOMER SOLELY FOR ITS BENEFIT AND IN LIEU OF, AND VIEVU DISCLAIMS, ALL WARRANTIES OF TITLE AND NON-INFRINGEMENT WITH RESPECT TO THE VIEVU SOLUTION.

13. WARRANTIES AND RETURN POLICIES

- 13.1. Customer may return any Camera in accordance with VIEVU's Camera Return Policy as set forth in <http://www.viewu.com/support/warranty-repair> within fifteen (15) calendar days of the original date of delivery. All returns must be packed in the original, unmarked packaging including any accessories, manuals, and documentation that shipped with the product. All Cameras that are returned unopened are subject to a restocking fee of 10 percent of the purchase price. All opened but undamaged Cameras are subject to a restocking fee of 25 percent of the purchase price. Damaged Cameras are ineligible for return under this Section 13.1. All return shipping costs are the responsibility of Customer and will not be refunded. No returned Camera will be accepted without the original manufacturer's packaging and a Return Material Authorization (RMA).
- 13.2. **Camera Warranty.** VIEVU warrants to Customer that, provided that the Camera has been stored and used in accordance with the Hardware Specifications and ordinary industry practices and conditions, each Camera shall be free from defects in materials and workmanship and shall conform in all material respect to the Hardware Specifications for a period from the date of delivery as set forth in the Order (the "**Warranty Period**"). The Warranty does not cover: (a) intentional damage; (b) use that is not consistent with its intended operation or the Hardware Specifications; (c) any damage caused by an attempt to open or alter the Camera or (d) the use of non-VIEVU branded or approved accessories or replacement parts. The "Enhanced Warranty" extends the Warranty coverage described in the Express, Limited Warranty, as well as spare cameras and parts from accidental and/or unintended damage. If a valid warranty claim is received by VIEVU within this "Enhanced Warranty" period as set forth in the Order, VIEVU agrees to repair or replace the product that VIEVU determines in its sole discretion to be defective under normal use, as defined in the product instructions. VIEVU's sole responsibility under this "Enhanced Warranty" is to either repair or replace with the same or like Product, at VIEVU's sole option. VIEVU DOES NOT WARRANT

THAT THE OPERATION OF THE CAMERAS WILL BE UNINTERRUPTED OR ERROR FREE.

- 13.3. **Camera Replacement Under Warranty.** In the event that a Camera does not comply with the warranty set forth above, Customer should return such non-conforming Camera to VIEVU in accordance with the instructions located at <http://www.viewu.com/support/warranty-repair/> within the Initial Warranty Period or the Extended Warranty Period (if applicable). Upon receipt of the returned Camera during the Initial Warranty Period or the Extended Warranty Period (if applicable), VIEVU will repair or replace such non-conforming Camera at no additional charge to Customer. Customer agrees that repair or replacement is the sole remedy available for any Camera malfunction or failure and agrees to indemnify, defend, and hold VIEVU harmless in the event any claim is made for remedy, including monetary damages other than as specifically allowed in this paragraph.
- 13.4. **Disclaimer of Warranty.** EXCEPT AS EXPRESSLY SET FORTH IN THIS SECTION 13, VIEVU DOES NOT GUARANTEE THAT (A) THE VIEVU SOLUTION OR ANY ADD-ON SERVICES WILL BE PERFORMED ERROR-FREE OR UNINTERRUPTED, OR THAT VIEVU WILL CORRECT ALL SERVICES ERRORS, (B) THE SERVICES WILL OPERATE IN COMBINATION WITH CUSTOMER CONTENT OR APPLICATIONS, OR WITH ANY OTHER HARDWARE, SOFTWARE, SYSTEMS, SERVICES OR DATA NOT PROVIDED BY VIEVU, AND (C) THE VIEVU SOLUTION OR ANY ADD-ON SERVICE WILL MEET CUSTOMER REQUIREMENTS, SPECIFICATIONS OR EXPECTATIONS. CUSTOMER ACKNOWLEDGES THAT VIEVU DOES NOT CONTROL THE TRANSFER OF DATA OVER COMMUNICATIONS FACILITIES, INCLUDING THE INTERNET, AND THAT THE VIEVU SOLUTION AND ADD-ON SERVICES MAY BE SUBJECT TO LIMITATIONS, DELAYS, AND OTHER PROBLEMS INHERENT IN THE USE OF SUCH COMMUNICATIONS FACILITIES. VIEVU IS NOT RESPONSIBLE FOR ANY DELAYS, DELIVERY FAILURES, OR OTHER DAMAGE RESULTING FROM SUCH PROBLEMS. VIEVU IS NOT RESPONSIBLE FOR ANY ISSUES RELATED TO THE PERFORMANCE, OPERATION OR SECURITY OF THE VIEVU SOLUTION OR THE ADD-ON SERVICES THAT ARISE FROM CUSTOMER DATA, APPLICATIONS PROVIDED BY CUSTOMER OR ANY THIRD PARTY CONTENT. The foregoing express warranties are limited to VIEVU and are not transferable and are in lieu of any other warranty by VIEVU with respect to the VIEVU Solution or the Add-On Services. VIEVU GRANTS NO OTHER WARRANTY, EITHER EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

14. DISCLAIMERS AND LIMITATIONS OF LIABILITY

- 14.1. **Maintenance of Content.** The Customer, not VIEVU is responsible for maintaining all evidence and videos taken with Cameras. Customer should routinely back up Customer Data and download all Customer Data from the Cameras before returning any Camera to VIEVU for repair or replacement. Customer agrees to indemnify and hold VIEVU harmless for any evidence or videos that cannot be recovered from Cameras.

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- 14.2. **Disclaimer of Consequential Damages.** NEITHER PARTY WILL HAVE LIABILITY WITH RESPECT TO ITS OBLIGATIONS UNDER THE AGREEMENT OR OTHERWISE, FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL, INCIDENTAL, PUNITIVE DAMAGES, LOSS OF PROFITS, LOSS OF DATA, THE COST OF COVER, SECURITY AND DATA BREACHES, AND FAILURE TO ACCESS THE VIEVU SOLUTION OR ANY ADD-ON SERVICES, EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.
- 14.3. **Limitation of Liability.** VIEVU'S AGGREGATE LIABILITY UNDER THE SOLUTION AGREEMENT SHALL BE LIMITED TO THE AMOUNT ACTUALLY PAID BY CUSTOMER FOR THE VIEVU SOLUTION DURING THE 12 MONTHS PRECEDING THE CLAIM.
- 14.4. **Other Limitations.** The obligations of VIEVU under the Agreement run only to Customer and not to its affiliates, its customers, or any other persons. Under no circumstances will any other person be considered a third-party beneficiary of the Agreement or otherwise entitled to any rights or remedies under the Agreement. Customer will have no rights or remedies against VIEVU except as specifically provided in the Agreement. No action or claim of any type relating to the Agreement may be brought or made by Customer more than one (1) year after Customer first has knowledge of the basis for the action or claim.
- 15. GENERAL TERMS**
- 15.1. **Representation and Warranty.** Customer represents and warrants that: (A) it has the power and authority to execute, deliver and fully perform the Solution Agreement, and (B) the signatory has the legal authority to bind Customer.
- 15.2. **Other Agreements.** All references to the Agreement includes all documents referenced by hyperlink herein, such documents and agreements being expressly incorporated herein by reference and including certain legal terms. The Agreement contains the entire agreement between the parties. All understandings have been included in the Agreement. Representations which may have been made by any party to the Agreement may in some way be inconsistent with this final written Agreement. All such statements are declared to be of no value in the Agreement. Only the written terms of the Agreement will bind the parties. Use of the VIEVU Solution is subject to the VIEVU Privacy Policy located at <http://www.vievu.com/about-us/privacy-policy/> and all other terms referenced by hyperlink in this Exhibit A, each of which are hereby incorporated by reference and made a part hereof.
- 15.3. **Miscellaneous.** The Agreement can only be modified in writing signed by both VIEVU and Customer. The Agreement does not create or imply any relationship in agency or partnership between VIEVU and Customer. Headings are inserted for the convenience of the Parties only and are not to be considered when interpreting the Agreement. Words in the singular mean and include the plural and vice versa. Words in the masculine gender include the feminine gender and vice versa. Words in the neuter gender include the masculine gender and the feminine gender and vice versa. If any term, covenant, condition or provision of the Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, it is the parties' intent that such provision be reduced in scope by the court only to the extent deemed necessary by that court to render the provision reasonable and enforceable and the remainder of the provisions of the Agreement will in no way be affected, impaired or invalidated as a result.
- 15.4. **Assignment.** The Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective permitted successors and assigns. VIEVU may assign or otherwise transfer its interest or any part thereof under the Agreement to another party without the consent of Customer except that such party must expressly assume responsibility for all obligations hereunder in writing. Customer may assign or otherwise transfer its interest or any part thereof under the Agreement to any person or entity only upon the written consent of VIEVU.
- 15.5. **Compliance with Legal Requirements.** Each Party shall be responsible, at its expense, for complying with all applicable laws and regulations of each jurisdiction where the VIEVU Solution are used, including laws and regulations pertaining to access or use of the VIEVU Solution.
- 15.6. **Force Majeure.** "Force Majeure Event" means any act or event that: (a) prevents a party (the "**Nonperforming Party**") from performing its obligations or satisfying a condition to the other party's (the "**Performing Party**") obligations under the Agreement; (b) is beyond the reasonable control of and not the fault of the Nonperforming Party; and (c) the Nonperforming Party has not, through commercially reasonable efforts, been able to avoid or overcome. A Force Majeure Event does not include economic hardship, changes in market conditions, and insufficiency of funds. If a Force Majeure Event occurs, the Nonperforming Party is excused from the performance thereby prevented and from satisfying any conditions precedent to the other party's performance that cannot be satisfied, in each case to the extent limited or prevented by the Force Majeure Event. When the Nonperforming Party is able to resume its performance or satisfy the conditions precedent to the other party's obligations, the Nonperforming Party will immediately resume performance under the Agreement. The relief offered by this paragraph is the exclusive remedy available to the Performing Party with respect to a Force Majeure Event.
- 15.7. **Audit.** VIEVU, or its designee, will have the right to perform audits regarding Customer's use of the VIEVU Solution and the Add-On Services, at reasonable intervals, upon reasonable notice during the Term and a period of one (1) year after termination of the Agreement. Customer agrees to make all relevant information available to VIEVU, and as appropriate, to VIEVU's designee.
- 15.8. **Applicable Law.** The Agreement is to be interpreted, construed and governed according to the laws of the State of Washington. Any claim or controversy arising out of or related to the Agreement or any breach thereof shall be submitted to a court of applicable jurisdiction in the State of Washington, King County, and each Party hereby consents to the jurisdiction and venue of such court.
- 15.9. **Waiver of Jury Trial.** EACH PARTY IRREVOCABLY AND UNCONDITIONALLY WAIVES, TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN ANY LEGAL ACTION, PROCEEDING, CAUSE OF ACTION OR COUNTERCLAIM ARISING OUT OF OR RELATING TO

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THE AGREEMENT, INCLUDING ANY EXHIBITS, SCHEDULES, AND APPENDICES ATTACHED TO THE AGREEMENT, OR THE TRANSACTIONS CONTEMPLATED HEREBY.

15.10. Attorneys' Fees. If VIEVU prevails in any suit or proceeding relating to the Agreement, VIEVU will have the right to recover from Customer its costs and reasonable fees and expenses of attorneys, accountants, and other professionals incurred in connection with the suit or proceeding, including costs, fees and expenses upon appeal, separately from and in addition to any other amount included in such judgment.

15.11. Severability. Except as provided below, each provision of the Agreement will be interpreted in such a manner and to such an extent as to be effective and valid under applicable law. If any provision is prohibited by or invalid under applicable law, that provision will be ineffective only to the extent of such prohibition or invalidity.

15.12. Survival. The terms, provisions, representations, and warranties contained in the Agreement whereby their sense and context are intended to survive the performance and termination of the Agreement, shall so survive the completion of performance and termination of the Agreement, including, but not limited to, the making of any and all payments due hereunder and Sections 1.2 4, 5, 7, 8.1, 9.2, 13 13, 14, and 15 and any other right or obligation which by its nature is reasonably intended to survive such termination or expiration

15.13. Notices. All notices required to be given in writing under the Agreement shall be in writing and shall be given or made by delivery in person, by courier service, by confirmed facsimile, or by registered or certified mail (postage prepaid, return receipt requested) at the following address:

VIEVU, LLC
645 Elliott Ave W Suite #370
Seattle, WA 98119
Attn: Legal Department

16. DEFINITIONS

16.1. "Authorized User Account" means the arrangement under the Agreement authorizing online access of an Authorized User to the VIEVU Solution, whether actually used or not.

16.2. "Cloud Storage" means the storage of Customer Data, in connection with the VIEVU Solution, maintained in a cloud in datacenters selected by VIEVU. These data centers are accessed by the Customer via an internet connection.

16.3. "Confidential Information" means information and technical data derived from or disclosed to a Receiving Party or Affiliates of the Receiving Party by the Disclosing Party or its employees, vendors, customers, representatives, Affiliates, agents and other independent contractors during the performance of obligations under the Agreement and which is not generally known to the public, including the Disclosing Party's customers or competitors or any customers or competitors of any Affiliate of the Disclosing Party. Examples of Confidential Information include, but are not limited to Customer Data, and information or data disclosed in oral, written, graphic or machine-readable form, or in forms otherwise embodying or displaying such information, or which is visible or audible to Receiving Party

by virtue of the Receiving Party visiting or performing its obligations at a facility controlled by the Disclosing Party or an Affiliate of the Disclosing Party, subsidiaries, agents or subcontractors, or by having access to the Disclosing Party's systems including, but not limited to, business plans, specifications, designs, methods, processes, ideas, concepts, drawings, software, pricing, operational plans and know-how, employee information, shareholder information, vendor information, customer information, and consumer information.

16.4. "Customer Data" means all data provided to or created by Customer, including without limitation all video and images captured by a Camera and uploaded onto the VIEVU Solution.

16.5. "Documentation" means all operating manuals and user manuals, training and marketing materials, guides, product descriptions, product specifications, technical manuals, supporting materials, and other information relating to the VIEVU Solution and provided by VIEVU to Customer.

16.6. "Federal Agency" means a bureau, office, agency, department or other entity of the United States Government.

16.7. "Geo-Redundant Storage" means multiple copies of data storage of duplicate copies of Customer Data at more than one datacenter, which such datacenters are no less than 500 miles apart geographically.

16.8. "Hardware Specifications" means: (a) the product manuals (including the Quick Start Guide and Detailed Service Specifications for Camera Support located at <http://www.viewu.com/support/camera-support/> or such other address specified by VIEVU from time to time.

16.9. "Intellectual Property" includes, but is not limited to, any trademarks, service marks, trade names, distinctive words, logos, drawings, art work, pictures, colors, designs, design and/or utility models or copyrights, or any marks or works similar thereto, and any modifications, derivations, improvements or adaptations thereof. Intellectual Property also includes, but is not limited to, the look and feel of the VIEVU Solution, the Camera and any portions thereof.

16.10. "Locally-Redundant Storage" means storage of duplicate copies of Customer Data within one datacenter.

16.11. "Training and Implementation Services" means in connection with the VIEVU Solution, VIEVU may provide certain training and/or implementation services to Customer. Any such services performed by VIEVU will be pursuant to a separate agreement entered into between the parties.

16.12. "State/Local Entity" means (a) any agency of a state or local government in the United States, or (b) any United States county, borough, commonwealth, city, municipality, town, township, special purpose district, or other similar type of governmental instrumentality established by the laws of a Customer's state and located within the Customer's state's jurisdiction and geographic boundaries.

16.13. "Tribal Entity" means a federally recognized tribal entity eligible for funding and services from the U.S. Department of Interior by virtue of its status as an Indian tribe.

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- 16.14. "Service Specifications" means collectively, (a) the system requirements; (b) the applicable portions of the VIEVU Solution User Guide; (c) the Deployment Setup Guide; and (d) any other specifications posted by VIEVU from time to time on <http://www.vievu.com/support/vievu-solution-support/>. The Service Specifications are subject to change at VIEVU's discretion; however, VIEVU changes to the Service Specifications will not result in a material reduction in the level of performance, security or availability of the applicable portion of the VIEVU Solution during the Term
- 16.15. "Third Party Programs" means all text, files, images, graphics, illustrations, information, data, audio, video, photographs, and other content and material, in any format, or services that are obtained or derived from third party sources outside of VIEVU and made available to Customer through, within, or in conjunction with Customer's use of the VIEVU Solution. Examples of Third Party Content include data feeds from social network services, rss feeds from blog posts, data libraries and dictionaries, third party add on applications and marketing data.
- 16.16. "Unlimited Storage" means unlimited video storage from video generated by VIEVU cameras while included in this agreement. Files which have not been accessed within a 30 day period may be placed in archival storage that may up to 24 hours to retrieve. Customer must implement a retention policy and may not retain all footage, but the specifics of the retention policy are at the customer's discretion.
- 16.17. "VIEVU Solution" means, collectively, the Camera, Solution Software, Cloud Storage and any Third Party Programs selected by Customer.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: August 1, 2017

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 21, 2017

Date Prepared

Agenda Title: An Ordinance Amending Ordinance Number 3386 Establishing Salaries And Certain Benefits For Salaried And Hourly Full-Time And Part-Time Employees Within The Service Of The City Of Oxford, Ohio Paid From January 1, 2017 Through December 31, 2017 To Reflect An Additional Two Percent (2%) Wage Increase For Certain Nonunion Employees.

Recommendation: Approve.

Discussion:

The City's nonunion employees received an across-the-board increase of 2% effective January 1, 2017. This ordinance was adopted December 6, 2016. Since the City's police union employees have settled for a 4% increase in wages for 2017, I am recommending to City Council that the nonunion employees receive an additional 2% wage increase retroactive to January 1, 2017.

Approved By:

Initial Date

Department Head: _____

City Manager: _____

DRE

7-28-17

ORDINANCE NO. _____

AN ORDINANCE **AMENDING ORDINANCE NUMBER 3386** ESTABLISHING SALARIES AND CERTAIN BENEFITS FOR SALARIED AND HOURLY FULL-TIME AND PART-TIME EMPLOYEES WITHIN THE SERVICE OF THE CITY OF OXFORD, OHIO, PAID FROM JANUARY 1, 2017 THROUGH DECEMBER 31, 2017 **TO REFLECT AN ADDITIONAL TWO PERCENT (2%) WAGE INCREASE FOR CERTAIN NONUNION EMPLOYEES.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT THE SALARIES, WAGES AND CERTAIN BENEFITS FOR A NUMBER OF OFFICIALS AND EMPLOYEES OF THE CITY OF OXFORD BE FIXED AS FOLLOWS:

SECTION 1: The following full-time positions are hereby established with respect to position title, authorized number and pay range:

Position		Authorization	
	Type	# of Employees	Pay Band
Office of the City Manager			
City Manager	NC	1	By Contract
Assistant to the City Manager	NC	1	5
Human Resources Director	NC	1	7
Clerk of Council/AAll	NC	1	4
Economic Development Department			
Economic Development Director	NC	1	7
Finance Department			
Finance Director	NC	1	By Contract
Assistant Finance Director	NC	1	6
Payroll & Benefits Specialist	C	1	5
Finance Specialist	C	1	5
Accounting Specialist	C	1	4
Utility Collections Specialist	C	2	4
Law Department			
Law Director	NC	1	By Contract
Parks & Recreation Department			
Parks & Recreation Director	NC	1	7
Recreation Programs Supervisor	C	1	5
Sports Activities Supervisor	C	1	5
Office Manager	NC	1	5
Receptionist	C	1	1
Sports Coordinator	C	1	3

Community Development Department			
Community Development Director	NC	1	7
Planner	C	1	6
Admin Asst to Director (Tech)	NC	1	5
Administrative Assistant II	NC	2	3
Safety Department – Fire Division			
Fire Chief/Inspector	NC	1	7
Fire Captains *See Attachment B	C	3	6
Firefighter/Paramedics *See Attachment B	C	3	5
Administrative Assistant II	NC	1	3
Safety Department – Police Division			
Police Chief	NC	1	7
Police Lieutenant	C	2	By Contract
Police Sergeant	C	6	By Contract
Police Officer	C	16	By Contract
Public Safety Assistant	C	3	By Contract
Police Records Specialist	C	1	By Contract
Dispatcher/Clerk	C	6	By Contract
Office Manager	NC	1	5
Service Department			
Service Director	NC	1	7
Environmental Specialist	C	1	5
Administrative Assistant III	NC	1	4
Custodian	NC	1	1
Engineering Division			
City Engineer	C	1	6
Engineer-In-Training (EIT)	C	1	5
Engineering Aide	C	1	4
Streets and Maintenance Division			
Streets and Maintenance Manager	C	1	6
Equipment Mechanic	C	1	5
Parks Maintenance Supervisor	C	1	5
Street Operations Specialist	C	1	4
Service Workers		9	
Wastewater Division			
Collection			
Wastewater Collection Manager	C	1	6
Service Workers		4	

Plant			
Wastewater Plant Manager	C	1	6
WWTP Laboratory Technician	C	1	3
Plant Mechanic II	C	1	4
Plant Mechanic I	C	1	3
Service Worker I	NC	1	1
WWTP Operators		3	
Water Division			
Distribution			
Water Distribution Manager	C	1	6
Service Workers		4	
Plant			
Water Plant Manager	C	1	6
Utility Maintenance Technician	C	1	2
Utility Meter Reader	NC	1	1
Water Plant Operators		2	
TOTAL Full-Time Budgeted:		111	

NC = Non-Classified Employee
C = Classified Employee

SECTION 2: The compensation plan setting forth the range of base pay bands for each position title, being pay bands 1 through 7, is attached hereto (Attachment A) and incorporated herein as the Base Pay Band Provisions.

- A.** Adoption of this ordinance reflects an ~~2%(COLA)~~ additional 2% increase (for a total of 4% for 2017) increase rounded up to the nearest penny of all employees not covered by a collective bargaining agreement. The Finance Director, Law Director and City Manager shall also receive the same increase to their current base salaries.
- B.** The City Manager, except as otherwise provided in the charter, is authorized to establish the starting salary not to exceed the position's market midpoint.
- C.** The City Manager is hereby authorized to increase an employee's salary not to exceed 5.0% within the same position per calendar year.
- D.** The City Manager is hereby authorized to increase an employee's salary not to exceed the market midpoint of the new position when a promotion occurs where an employee moves to a higher job classification.

SECTION 3: The following part-time positions are hereby established with respect to position title, authorized number and maximum compensation (rate per hour except as otherwise indicated):

Position	Authorization # of Employees	Maximum Pay Rate
Finance Department		
Accounting Assistant	1	\$15.00/hr
Parks & Recreation Department		
Park/Recreation Technician	5	\$ 12.00/hr
Program Coordinator	4	\$ 15.00/hr
Senior Program Coordinator	1	\$16.25/hr
Custodian	3	\$ 14.00/hr
Service Department		
Deputy Director	1	\$ 39.84 40.64/hr
Laborers	4	\$ 13.00/hr
Streets & Maintenance Division		
Wastewater Collection		
Water Plant Operators	2	\$ 21.00/hr
Safety Department – Fire Division		
Part-Time Firefighters/EMTs	30	\$17.00/hr
Firefighters and/or EMTs	64	\$17.00/hr
Fire Division Captains	3	\$18.00/hr
Fire Division Lieutenants	1	\$17.00 per hour
Safety Department – Police Division		
Assistant To the Chief – Parking & Transportation	1	\$26.84 27.38/hr
Assistant to Chief – Business Liasion	1	\$26.84 27.38/hr
Police Officer	6	Contract base pay
Public Safety Assistant	4	Contract base pay
Dispatcher/Clerk	4	Contract base pay
TOTAL Part-Time Authorized Strength:	136	
City-Wide		
Intern/Temporary Part-Time		\$14.00/hr

SECTION 4: The following seasonal part-time positions are hereby established with respect to position title, authorized number and maximum compensation (rate per hour except as otherwise indicated):

Position	Authorization	Pay Rate
	# of Employees	
Safety Department – Fire Division		
Fire/EMS for Miami University Coverage		\$45.00 per hour
Parks & Recreation Department		
Park/Recreation Technician	36	\$11.50/hr
Program Coordinator	3	\$14.50/hr
Service Department		
Street Department		
Laborer	7	\$ 13.00/hr
Wastewater Division		
Plant		
Laborer	1	\$ 13.00/hr
Collections		
Laborer	1	\$ 13.00/hr
Water Division		
Plant		
Laborer	1	\$13.00/hr
TOTAL Seasonal Part-Time Authorized Strength:	49	

SECTION 5: Department Heads and Supervisory Employees.

- A. Defined.** The positions of City Manager, Finance Director, Law Director, Police Chief, Community Development Director, Service Director, Parks and Recreation Director, Fire Chief, Human Resource Director and Economic Development Director are department heads. These employees in addition to Assistant Finance Director, Deputy Service Director, Streets and Maintenance Manager, Wastewater Collection Manager, Water Distribution Manager, Water Plant Manager and Wastewater Plant Manager for the purposes of group life and accidental death and dismemberment, are considered supervisory employees.
- B. Overtime.** Department heads are salaried employees and are not entitled to overtime.

- C. Vacation.** Department heads shall accrue vacation leave monthly at the following rates (except a first year department head who shall receive vacation accrual after the completion of the twelfth month):

After 12 months (1 year) - 120 hours
After 84 months (7 years) - 160 hours
After 156 months(13 years) - 200 hours

The City Manager is authorized to grant up to 80 hours of vacation leave during the first year of employment of a department head on the basis of extenuating circumstances.

The City Manager's vacation benefit shall be in accordance with the City Manager's contract.

- D. Other Benefits and Provisions.** Except as superseded by the provisions of this section, department heads and supervisory employees shall be entitled to all other benefits and provisions of this ordinance applicable to full-time employees of the City of Oxford.
- E. Sick Leave.** The Police Chief shall receive a bonus of \$310 per calendar quarter if he uses no sick leave during that quarter. If the Police Chief uses no sick leave for the calendar year, he shall receive an additional \$360. The bonus payment shall be issued at the end of each calendar quarter.

SECTION 6: General Provisions

- A. Pay Periods.** Employees shall be paid bi-weekly. Pay days shall be on Friday, except when City offices are closed for a holiday on Friday, in which case payday shall be the last workday preceding the holiday.
- B. Hours of Work.** Full-time, non-salaried employees' work week shall be forty hours. When directed by their supervisor to work overtime, such employees shall be compensated at the rate of one and one-half (1-1/2) times their base rate of pay for all hours actually worked in excess of forty hours per week. An employee who is called to work following the completion of their normal work day and one-half (1/2) or more hours prior to the commencement of their next normal work day shall receive a minimum of two (2) hours compensation for such call-in at one and one-half (1-1/2) times their normal rate.

C. Emergency Appointments. In case of civil unrest or other like emergency, the City Manager may appoint emergency police officers or other volunteer citizens as may be necessary for temporary service during the emergency and shall report this action to the City Council at its next meeting. Such emergency appointees shall be compensated for all time actually worked on behalf of the City.

D. Firefighters (excluding full-time Fire Captains and Firefighter/Paramedics. See Appendix B). Firefighters are paid according to the schedule in Section 3 hereof of part-time employees. A firefighter may receive a supplement equal to one-half their ordinary job wage if their employer does not continue pay while they are away from work attending to a fire.

No Paid-on-Call or Part-time firefighter may work in excess of fifteen hundred (1500) hours in any given Calendar year or in excess of one hundred-six (106) hours in any pay period.

Any hours worked in the employee's hired capacity or similar function to their hired capacity shall be calculated as total hours worked for that pay period and year. Performing other department sanctioned duties other than those for which the employee was hired shall not be included in total hours.

E. Shift Differential Pay. The applicable rate of shift differential for the entire shift worked will be determined by the applicable rate for the majority of the hours in an assigned shift. If an assigned shift is evenly divided between two rates, the higher rate shall be applicable to all hours of the shift worked. A full-time employee who is assigned by their supervisor to work a shift after 4:00 p.m. and before 8:00 a.m. shall receive shift differential pay for all hours worked. The differential shall be twenty-five cents (\$0.25) per hour for all hours of a shift actually worked after 4:00 p.m. and before 12:00 midnight. The differential shall be forty-five cents (\$0.45) per hour for all hours of a shift actually worked after 12:00 midnight and before 8:00 a.m. Shift differential will be paid at its normal rate for scheduled hours worked on a holiday in addition to holiday pay. Overtime may be incurred for the work week (over 40 hours) attributable to working during a shift differential period (defined above). For purposes of calculating overtime pay, the base pay rate shall include the hourly shift differential amount. The shift differential rate used for overtime calculation will be the same rate used for shift differential as determined per the guidelines above.

SECTION 7: Employee Benefits

- A. **Uniforms.** The Police Chief shall receive credit in the same manner as the Detective Sergeant as specified in the Police Sergeants and Lieutenants contract.

The City shall provide full-time employees in the Service Department and the Parks & Recreation Department, who wear a uniform in the performance of their duties, with a uniform rental service.

- B. **Sick leave.** Sick leave shall be earned by all full-time employees at the rate of ten (10) hours per month and may be accumulated without maximum. Previously accumulated sick leave may be transferred as allowed by law. Under extraordinary circumstances, the City Manager may approve the transfer of sick leave credits from one City employee to another.

- C. **Sick Leave Incentive.** A full-time, non-contract employee shall receive an incentive of two hundred dollars (\$200.00) per calendar quarter if the employee uses no sick leave during that quarter. Use of any hours, including partial hours, of sick leave will result in the employee receiving no payment for that quarter. Any employee who uses no sick leave for a calendar year shall receive an additional two hundred dollar (\$200.00) incentive. The employee shall receive all such incentive payments at the end of each calendar quarter. Any payment shall reflect applicable federal, state, and local withholdings. Sick leave used for Worker's Compensation leave as defined in the Employee Handbook shall not be considered sick leave used for purposes of this paragraph.

As a part of the sick leave incentive, as of December 31, 2007, those employees having a sick leave balance will have those hours banked. Future accruals will not be added to the hours banked, however, all banked hours and any accruals will continue to show on the individuals pay stub to be used should the hours be needed for illness. The banked hours will be held until retirement, death or lay-off, at which time not more than 1200 banked hours may be converted to vacation time at the ratio of one-to-one for the first three hundred hours and three-to-one for the remaining nine hundred hours.

- D. **Sick leave conversion.** Prior to retirement, an employee with a banked sick leave balance of 280 hours up to a maximum of 1200 hours may convert the balance to vacation or pay at a rate of 5:1. However, there must be 240 hours remaining, and such conversion may only be made by written application to the Finance Department during the month of April, and pay, when requested, will be made on or before May 20th. Should an employee on lay-off (who has converted sick leave to vacation) return to City employment, they may within one year of reinstatement repurchase their accumulated sick leave by repaying at the same rate as the pay-off. Such repayment may be in cash, by payroll deduction or use of newly accumulated vacation time.

- E. **Payment of Health Insurance Premiums.** For each full-time employee and Law Director who participates in the City group medical insurance programs, the City will make a per month per employee contribution as determined by the budget during the effective period of this Ordinance for health/medical insurance, major medical, prescription insurance, dental insurance and vision care insurance. The Employee will pay a contribution for single coverage or for family coverage, each pay period, with deductions being made from gross pay before taxes resulting in the cost being reduced.

- F. Holiday Schedule.** There shall be fourteen (14) paid holidays for full-time employees as follows: (10 holidays/4 personal days)

New Year's Day (January 1)
Martin Luther King, Jr. Day (third Monday in January)
Washington/Lincoln Day (third Monday in February)
Memorial Day (last Monday in May)
Independence Day (July 4)
Labor Day (first Monday in September)
Thanksgiving Day (fourth Thursday in November)
Day after Thanksgiving
Christmas Eve Day (The day preceding or following
Christmas Day holiday as designated by the City Manager)
Christmas Day (December 25)
Four (4) Personal Days - 32 Hours

New employees hired during the year shall have their Personal Hours pro-rated based on initial hire date. With the exception of employees who work a continuous schedule, holidays falling on a Saturday shall be observed on the preceding Friday and holidays falling on a Sunday shall be observed on the following Monday.

- G. Pay for Work on Certain Holidays.** Any full-time employee, department heads excluded, who is required by the employee's supervisor to work on a designated holiday as a part of the employee's regularly scheduled duty and within the employee's normal hours of work shall receive pay in an amount equal to one and one-half (1-1/2) times the employee's base hourly rate of pay for all hours actually worked by the employee between the hours of 12:01 a.m. and 12:00 midnight, inclusive, on the designated holiday. When such an employee works on a holiday, the employee shall be entitled to an additional day off in lieu of the holiday.

Employees called to work on a designated holiday (to perform a special project or emergency repair) may receive pay in the amount equal to one and one-half (1-1/2) times the employee's base hourly rate of pay for all hours actually worked on the holiday in addition to the eight hours straight time pay for the holiday at the discretion of the City Manager. (Employees working less than eight (8) hours on a holiday have two options: 1) the employee can claim the eight (8) hour holiday and overtime for the actual number of hours worked; or 2) the employee can claim overtime for the number of hours worked, and use personal, vacation or comp time to make up the remaining hours and receive the holiday off at another time.)

When a calendar holiday falls on either weekend day(s) (including Christmas Eve and Christmas), the following rules apply:

- a) If an employee works the designated holiday, the employee is entitled to:
 - 1) One and one-half (1-1/2) times their base hourly rate for the hours worked, and
 - 2) a paid day to be taken at another time.
- b) If an employee works a true calendar holiday(s) that falls on Saturday or Sunday, the employee is entitled to pay at one and one-half (1-1/2) times the base hourly rate for the hours worked.

H. Group Life and Accidental Death and Dismemberment Insurance.

The City will pay 100% of the premium for these fringe benefits for coverage in an amount equal to the employee's annual base salary, except that the amount of the insurance coverage provided will be subject to a reduction schedule included in the group policy. Such reductions generally begin at age 65 and are subject to ADEA regulations. These fringe benefits apply only to full-time employees working at least forty (40) hours per week and the Law Director. The City will pay 100% of the premium group life insurance coverage on the Police Chief in an amount equal to one and one-half(1-1/2)times the Police Chief's annual salary.

For each firefighter, the City will pay 100% of the premium for a Firefighter's Accident Policy, not to exceed \$10,000 in insurance coverage.

I. Longevity Bonus Pay. Longevity Bonus Pay will only be paid to eligible employees who accrue the required years of service on or before December 31, 62017and are full-time employees of the City on or before December 31, 62017. To be eligible for Longevity Bonus Pay an employee must meet both requirements.

No partial or proportionate Longevity Bonus Pay will be paid. An employee shall accrue one year of service for twelve consecutive months of full-time employment. Part-time employees who become full-time employees may use hours worked as a part-time employee towards years of credit. Credit will not be given for partial years of service.

Full-time employees who leave the City's employment and are eligible to receive longevity pay based on the anniversary date in 62017 shall be given the appropriate longevity payment with final pay. All other eligible employees will receive Longevity Bonus pay in November 62017. All eligible full-time employees shall be paid in accordance with the following schedule. Contract employees shall be paid according to the appropriate contracts. The Chief of Police shall be paid longevity according to the current schedule in the Police Supervisors' contract.

After 5 years - \$450	After 18 years - \$775
After 6 years - \$475	After 19 years - \$800
After 7 years - \$500	After 20 years - \$825
After 8 years - \$525	After 21 years - \$850
After 9 years - \$550	After 22 years - \$875
After 10 years - \$575	After 23 years - \$900
After 11 years - \$600	After 24 years - \$925
After 12 years - \$625	After 25 years - \$950
After 13 years - \$650	After 26 years - \$975
After 14 years - \$675	After 27 years - \$1000
After 15 years - \$700	After 28 years - \$1025
After 16 years - \$725	After 29 years - \$1050
After 17 years - \$750	After 30 years - \$1075

- J. Vacation.** An employee shall accrue vacation monthly at the following rate unless otherwise covered by a collective bargaining unit. At the end of the first year (after 12 months) a non-contract employee will be credited with eighty (80) hours of vacation. At that time the employee will start accruing monthly vacation according to the following schedule:

After 12 months (1 year) - 80 hours
After 24 months (2 years) - 88 hours
After 48 months (4 years) - 96 hours
After 60 months (5 years) - 104 hours
After 72 months (6 years) - 112 hours
After 84 months (7 years) - 120 hours
After 96 months (8 years) - 128 hours
After 108 months (9 years) - 136 hours
After 120 months (10 years)- 144 hours
After 132 months (11 years)- 152 hours
After 144 months (12 years)- 160 hours
After 156 months (13 years)- 168 hours
After 168 months (14 years)- 176 hours
After 180 months (15 years)- 184 hours
After 192 months (16 years)- 192 hours
After 204 months (17 years)- 200 hours

The City Manager is authorized to grant up to 40 hours of the employee's vacation leave to be used in advance of their first year anniversary on the basis of extenuating circumstances.

- K. Reimbursement.** Employees authorized and required by the assigned supervisor to drive personal vehicles on official City business shall be reimbursed for actual miles driven at the IRS standard mileage rate in effect. Employees who are out of the City on official business or at authorized training functions shall be reimbursed for meals at the actual meal cost not to exceed IRS recognized per diem rate including those rates for high cost cities (receipts are required). The City Manager is authorized to adopt specific procedures regarding travel reimbursement.

- L. Continuing Education/Tuition Reimbursement.** For 6-2017, \$1,000 will be budgeted. Depending upon the availability of funds, an employee may be reimbursed for the cost of tuition and required course books for any job-related course, provided that the employee submits a written request for reimbursement on the appropriate form, with a copy of the course description, before taking the class. If only one employee submits a request for a class and receives at least a "B" average in the class, the employee will receive 50% of the amount budgeted. An employee who receives a final grade of "A" will receive 100% of the amount budgeted as reimbursement. Should there be more than one employee requesting tuition reimbursement, the funds will be distributed equally among those employees who have completed their classes and received their final grades as noted above. For example, if three (3) employees submit requests and all three receive a final grade of "A" for their classes, the amount budgeted will be divided among the three and the funds will be distributed equally at the end of the year. Requests for reimbursement should be submitted to the Human Resources Director.

SECTION 8: Applicability

Irrespective of any language or wording herein above, this ordinance shall not be, and no provision or portion hereof shall be, applicable to any employee of the City of Oxford employed pursuant to a written contract relative to wages and working conditions. This entire ordinance is effective and applicable only as to employees whose employment is not covered pursuant to the terms and conditions of a written contract with the City.

SECTION 9: Repeal of Conflicting Ordinances

All other ordinances and resolutions or parts of ordinances and resolutions in conflict with the provisions of this ordinance be and the same are hereby repealed.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: Kate Rousmaniere

ATTACHMENT A

CITY OF OXFORD OHIO

PAY BANDS (2017)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
PAY BAND 7		
Annual	\$63,605 \$64,877	\$114,333 \$116,626
Hourly	\$30.58 \$31.19	\$54.97 \$56.07
PAY BAND 6		
Annual	\$49,476 \$50,466	\$87,834 \$89,591
Hourly	\$23.79 \$24.26	\$42.23 \$43.07
PAY BAND 5		
Annual	\$42,369 \$43,216	\$71,412 \$72,840
Hourly	\$20.37 \$20.78	\$34.34 \$35.02
PAY BAND 4		
Annual	\$37,234 \$37,979	\$60,381 \$61,589
Hourly	\$17.91 \$18.26	\$29.03 \$29.61
PAY BAND 3		
Annual	\$33,755 \$34,430	\$56,902 \$58,040
Hourly	\$16.23 \$16.55	\$27.36 \$27.90
PAY BAND 2		
Annual	\$31,569 \$32,200	\$51,237 \$52,262
Hourly	\$15.18 \$15.48	\$24.64 \$25.13
PAY BAND 1		
Annual	\$28,536 \$29,107	\$46,294 \$47,220
Hourly	\$13.72 \$13.99	\$22.26 \$22.70

ATTACHMENT B

CITY OF OXFORD OHIO

Full-Time Fire Captains' and Firefighter's Policies and Wage Rates

Holidays

Full time Fire Captains and Firefighters working a 24/48 schedule will be paid a holiday check on December 1 of each year. This check will consist of eight (8) hours pay for each of the 10 holidays. If a fire captain or Firefighter is called in to work on an unscheduled Holiday, hours worked will be paid at a double-time rate.

Personal Days

Full time Fire Captains and Firefighters working a 24/48 schedule will be entitled to take two (2) 24 hour personal days per calendar year. These hours must be taken each year and may not be accrued.

Sick Leave

Full time Fire Captains and Firefighters working a 24/48 schedule shall accrue sick leave hours at a rate of 13 hours per calendar month. Sick leave may be accumulated without maximum.

Sick Leave Incentive

Full time Fire Captains and Firefighters working a 24/48 schedule will be eligible to receive a sick leave incentive which is the same as other city employees.

Vacation

Full time Fire Captains and Firefighters working a 24/48 schedule will be eligible for vacation after one year of employment and as follows: on the first anniversary date 72 hours; on the second through ninth anniversary date 120 hours; on the 10th anniversary date and thereafter 168 hours.

Funeral Leave

Full time Fire Captains and Firefighters working a 24/48 schedule will be eligible to take up to two (2) 24 hour days per calendar year for the purpose of attending the funeral of a member of the employee's immediate family. The definition of immediate family is outlined in the Employee Handbook.

Kelly Days

Full time Fire Captains and Firefighters working a 24/48 schedule will be entitled to a Kelly day (day off on the 10th scheduled day) when the employee is scheduled to work 10 24 hour days in a 28 day cycle. This will amount to three or four Kelly days per year depending on each employee's schedule.

Life Insurance

Full time Fire Captains and Firefighters working a 24/48 schedule will be eligible for premium group life insurance (term) coverage in an amount equal to 1.5 times the employee's annual base salary paid for by the City.

Compensatory Time

Full time Fire Captains and Firefighters working a 24/48 schedule are not eligible to receive compensatory time (hours) for overtime hours worked.

All other employee benefits are outlined in the salary ordinance and employee handbook.

Fire Captain Salary Schedule

The following salary schedule shall take effect 1/1/2017 for all full-time Fire Captains. Fire Captains who are employed on January 1 of 2017 will receive the amount listed below plus any additional overall adjustment granted by Council.

<u>2017</u>	<u>\$65,258</u>
	<u>\$67,932.80</u>

2017 Holiday pay check will equal (80 hours total) at ~~\$31.37~~ ~~\$32.66~~ per hour or ~~\$2,509.60~~ \$2,612.80 total.

Firefighter Salary Schedule

Any newly hired firefighter in 2017 will be paid the following rate.

<u>2017</u>	<u>\$53,125</u>
	<u>\$54,204.80</u>

2017 Holiday pay check will equal (80 hours total) at ~~\$25.54~~ ~~\$26.06~~ per hour or ~~\$2,043.20~~ \$2,084.80 total.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: June 20, 2017

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

June 15, 2016

Date Prepared

Agenda Title: An Ordinance Repealing Ordinance No. 3388 Adopted December 20, 2016 And Adopting A New Ordinance Providing For The Submission To The Electorate Of Amendments To The Charter Of The City Of Oxford, Ohio, And To Place The Same On The Ballot At The General Election, November 7, 2017 And Declaring An Emergency.

Recommendation: Adopt the Ordinance.

The City Attorney received a call from the Butler County Board of Elections attorney stating the City's proposed Charter Amendments for the upcoming general election was submitted too early. The County's attorney referenced Sections 8 and 9 of Article 18 of the Ohio Constitution which states, "...the legislative authority of the municipality must pass an ordinance directing the board of elections to submit the amendment to the electors at the next regular municipal election, if one occurs during the 60 to 120 days after the ordinance's passage...". Because Council passed the proposed Charter Amendments Ordinance on December 20, 2016, well before the 120 day deadline, the proposed amendments will need to be refiled with the Board of Elections, which requires repealing the original Ordinance and passing new legislation. The new Ordinance will receive two readings, one on June 20th and one on July 18th. The Ordinance will need to be adopted as an Emergency on July 18th to be filed with the Board of Elections on or before August 9, 2017.

The Oxford City Charter was adopted by the voters in 1960. It adopted the Council-Manager form of government. One of the provisions of the Charter (Section 10.05) is for the City Council to appoint a Charter Review Commission every 10 years. City Council appointed five members in 2016. The members are Steve Dana, Edna Southard, Richard Keebler, Steve Snyder and Corey Watt. The Commission members were assisted by Doug Elliott, Steve McHugh, Mary Ann Eaton and Kim Newton. The Charter Review Commission met 5 times to discuss, propose, and review recommended changes to the Oxford City Charter. The recommended changes are shown on Exhibit "A" attached to this report. The recommended changes will require adoption of a City Ordinance by City Council.

Those changes will be placed on the ballot and voted on by the electors of Oxford. The proposed changes approved by City Council will appear on the general election ballot in November 2017.

Approved By:

	Initial	Date
Department Head:		
City Manager:	DRE	6/16/17

ORDINANCE NO.

AN ORDINANCE REPEALING ORDINANCE NO. 3388 ADOPTED DECEMBER 20, 2016 AND ADOPTING A NEW ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF OXFORD, OHIO, AND TO PLACE THE SAME ON THE BALLOT AT THE GENERAL ELECTION, NOVEMBER 7, 2017 AND DECLARING AN EMERGENCY.

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

SECTION I: Council hereby repeals Ordinance No. 3388 and Council, having reviewed the report and recommendation submitted by the Charter Review Commission, determines that amendments to the Charter should be submitted to the electors of the City.

SECTION II: Article XVIII, Section 9 of the Ohio Constitution and Section 10.04 of the Charter provide that amendments to the Charter may be submitted to the electors of the municipality by a vote of at least five (5) of the members of Council.

SECTION III: The question of the amendments of the Charter of the City shall be submitted to a vote of the electors of the municipality at the general election to be held on Tuesday, the 7th day of November, 2017, at the regular places of voting in the City between the hours of 6:30 a.m. and 7:30 p.m. to determine whether the Charter shall be amended with the additions and deletions from the Charter as indicated in the draft Charter revisions document attached to this Ordinance as Exhibit "A".

SECTION IV: The ballot language shall read as follows:

"Shall the Charter of the City of Oxford, Ohio be amended by:

1. removing Section 2.13 regarding police and fire personnel not being required to deliver agendas and other mail;
2. removing Section 2.14 regarding Westgate Drive being maintained as a cul-de-sac;
3. revising Section 3.02 to provide that ordinances should be introduced in the form required for final adoption and to update the language of the enacting clause of an ordinance;
4. revising Section 3.04 to provide that ordinances passed by Council should be published by placing the ordinance on the City's website and in not less than three of the most public places in the City for a period of not less than ten days and further providing that failing to publish as stated does not invalidate any ordinance;
5. revising Section 3.06 to remove the requirement that six copies of all model or standard codes adopted by Council be available in the office of the Clerk of Council,

to remove the requirement that additional copies be available for sale, and to provide that one copy of all model or standard codes adopted by Council be available for viewing at the City offices;

6. adding Section 5.03 to provide that Council has the authority to adopt personnel ordinances or rules and regulations which, if in conflict with the laws of the State of Ohio, prevail; to provide that all appointments and promotions of City employees shall be made based on merit; to provide the exempt and classified positions of the City; to provide that the City Manager shall provide the rules for merit and fitness as the basis for appointment and promotion; to provide that the City Manager shall make appointments for all positions in the classified service based on a competitive examination and on other qualifications and that appointments should be made from a list of the five candidates who ranked highest on the eligibility list; to provide that the City Manager shall make promotions for all positions in the classified service based on competitive examination and other qualifications and that promotional examinations may be restricted to current employees or may be opened to other qualified candidates; to provide that promotions shall be made from a list of the three candidates who ranked highest on the eligibility list; to provide that no officer or employee in the classified service can be demoted or removed except for cause and after a hearing and that Council will provide for enforcement by ordinance and appeals will be to the Personnel Appeals Board; and to provide that the appointment of a new employee shall not be deemed complete until a probationary period of twelve months has elapsed and not to exceed eighteen months for sworn officers and that a probationary employee can be discharged at any time during the probationary period upon the recommendation of the department head with the approval of the City Manager;
7. revising section 5.06 to provide that Council appoints a Director of Finance for an indefinite term, that the Director of Finance is the fiscal officer of the City and is responsible for the accounting, collecting, and disbursing of public funds, that the Director of Finance countersigns all bonds and notes issued by the City, and that the Director of Finance will perform other functions as assigned by ordinance and the City Manager;
8. revising Article VIII to remove the reference to Civil Service Commission and insert reference to Personnel Appeals Board;
9. revising Section 8.01 to provide that there shall be a Personnel Appeals Board consisting of three qualified electors of the City who are appointed by Council for a three year term, that Council will fill vacancies by appointment for the unexpired term, that each member cannot be a candidate for any other public office or be an employee of the City, and that the City and the Personnel Appeals Board do not have jurisdiction over and are not obligated to perform any duties with regard to the employees of the Talwanda City School District;

10. revising Section 8.02 to provide that the Personnel Appeals Board serves without compensation, hears appeals from any nonexempt employee or applicant who has successfully completed a probationary period, has the power to subpoena witnesses and require the production of documents, that all decisions of the Board are final, and that the Board has the power to hear and determine appeals of disciplinary actions, suspensions, demotions, or removals of employees if not resolved upon a hearing and determination by the City Manager;
11. revising Section 8.09 to remove reference to Civil Service Commission and insert reference to Personnel Appeals Board;
12. removing Section 9.07 regarding watchers and challengers for regularly nominated candidates;
13. removing Section 9.08 regarding election of candidates;
14. removing Section 10.01 regarding the oath of office for officers and employees;
15. revising Section 11.01 to provide that the City is the legal successor of the Village of Oxford and therefore has title to all property owned by its predecessor and that adoption and amendments to the Charter do not impair rights vested in the City nor discharge liability previously incurred by the City;
16. removing Section 11.02 regarding continuation of ordinances;
17. removing Section 11.03 regarding continuation of officers after adoption of the Charter;
18. removing Section 11.04 regarding continuation of employees after adoption of the Charter;
19. removing Section 11.05 regarding the transferring of public records and property upon termination of tenure of office or employment for officers and employees;
20. removing Section 11.06 regarding continuation of contracts and public improvements after the adoption of the Charter;
21. removing Section 11.07 regarding pending actions and proceedings that were in place at the time of the adoption of the Charter
22. removing Section 11.08 regarding when the Charter took effect when it was adopted.

SECTION V. A majority vote shall be necessary for adoption of this question. If adopted, this amendment will be effective on certification of the election results.

SECTION VI. Notice of the time and place of holding such election shall be given as required by law. The full text of the proposed amendment shall be published one (1) time per week for not less than two (2) consecutive weeks in a newspaper of general circulation in the City of Oxford, with the first publication being not less than fifteen (15) days prior to the election at which the amendment is to be submitted to the electors.

SECTION VII. The Clerk of Council shall certify this Ordinance to the Butler County Board of Elections by 4:00 p.m. on August 9, 2017.

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

SECTION IX. This Ordinance constitutes an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the City of Oxford for the reason that it is necessary to timely submit the proposed Charter Amendments to the Board of Elections for placement on the ballot for the general election to be held on November 7, 2017, in compliance with the Ohio Constitution and the City Charter, and provided it receives the affirmative vote of at least five (5) members of Council, it shall take effect and be in force immediately upon its adoption.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT "A"

CHARTER OF THE CITY OF OXFORD, OHIO

PREAMBLE

We, the people of the City of Oxford, Butler County, Ohio in order to secure for ourselves the benefits of local self-government under the constitution of the State of Ohio, do ordain and establish this Charter for the government of the Municipality of Oxford.

ARTICLE I INCORPORATION, FORM OF GOVERNMENT, POWERS

SECTION 1.01 INCORPORATION.

The present municipality, as its limits are now or may hereafter be established, shall be and continue to be a municipal corporation of the State of Ohio in perpetuity, under the name of the City of Oxford. Each provision of this Charter shall apply with equal force to this municipality.

SECTION 1.02 POWERS.

Except as prohibited by the constitution of this state or restricted by this Charter, the City of Oxford shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers in this Charter shall not be deemed to be exclusive. No act of the municipality shall be invalid or limited by reason of failure to enumerate a particular power in this Charter. The municipality shall have and may exercise any and all powers, either expressed or implied, which it would be competent for this Charter to enumerate, as fully and completely as though such powers specifically were included herein.

SECTION 1.03 MANNER OF EXERCISING POWERS.

All powers of the corporation shall be vested in an elected Council which shall enact local ordinances and resolutions, adopt budgets, determine general policies and appoint a City Manager, who shall see that the policies and legislation adopted by the Council are enforced. All powers of the corporation shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance or by general law.

SECTION 1.04 FORM OF GOVERNMENT.

The form of government provided under this charter shall be known as the Council-Manager Plan.

ARTICLE II

THE COUNCIL

SECTION 2.01 NUMBER, SELECTION AND TERM.

The City Council shall consist of seven members, elected at large, for four year overlapping terms. Except as provided in Section 2.03, all members of Council shall be elected to a full term of office. All elections of Council members shall be on a non-partisan ballot.

SECTION 2.02 QUALIFICATIONS.

Any qualified elector who has lived in the municipality for one year prior to filing a petition of candidacy shall be eligible to serve as a member of Council, when elected as hereinafter provided.

The Council shall be the judge of the election and qualifications of its own members. The seat of any member may be declared vacant by resolution of Council, five (5) members concurring.

Council shall declare vacant a seat of any member for the following reasons:

1. One who persistently fails to abide by the rules of Council.
2. One who is absent without justifiable excuses for three (3) consecutive regular meetings.
3. One who shall cease to be a qualified elector and resident of the municipality as required by the Charter unless special circumstances have been approved by five (5) members of Council concurring.
4. One who enters upon the performance of the duties of an incompatible public office.
5. One who shall hold any appointed office or employment with the municipality for which compensation is authorized.
6. One who shall violate any expressed provisions of this Charter.
7. One who shall be convicted of a crime involving moral turpitude or any felony.
8. One who shall be convicted of any other provision of the State laws as applicable to public officials for which the penalty includes forfeiture of office.

SECTION 2.03 VACANCIES, FILLING OF.

Vacancies in the office of Council members shall be filled within thirty (30) days by vote of a majority of the remaining members of Council, by the selection of a qualified elector who has resided in the municipality for at least one year immediately preceding such appointment. If Council fails to make this selection within thirty (30) days, the Mayor shall make the appointment. Such person so chosen shall serve until the next regular City Council election, occurring not less than 100 days after selection. At such election, a successor shall be elected to serve for the unexpired term, if any; if not, for a full term.

SECTION 2.04 TERM OF OFFICE.

The term of office of Council members shall begin on the third Monday following the regular City Council election. City Council election shall be held on the first Tuesday after the first Monday in November in the odd numbered years. No member of Council shall serve more than two consecutive terms.

SECTION 2.05 SALARY.

The salary of Council members, other than the Mayor, shall be at a rate established by Council, until changed by ordinance adopted by Council. No increase in salary shall ever take effect during the term of a Council member in office at the time the ordinance is adopted.

SECTION 2.06 ORGANIZATION AND MEETINGS.

Following each municipal election Council shall meet within five days after the beginning of the term of office of the newly-elected members of Council for the purpose of organizing. At such meeting, the newly-elected members of Council shall take the oath of office and the Council shall proceed to elect a Mayor and a Vice-Mayor and may transact such other business as may come before it. Thereafter, regular or special meetings shall be held as prescribed in the Council rules, and regular meetings shall occur not less frequently than once each month. All meetings of Council and its Boards and Commissions shall be open to the public except Executive Sessions as provided for by Ohio statute. A majority of the members elected shall constitute a quorum at all meetings.

SECTION 2.07 MAYOR AND VICE-MAYOR.

The Council shall select biennially from among its own members one to serve as Mayor and one as Vice-Mayor for a term of two years and until their successors are chosen and qualified. The Mayor shall preside at Council meetings, when present, and shall have a vote on all matters which come before Council, but shall exercise no administrative authority. The Mayor shall be the ceremonial head of the municipality, but shall exercise no administrative authority. The Vice-Mayor shall

preside over the meetings of the Council when the Mayor is absent and shall perform such other duties as may be assigned by Ordinance.

SECTION 2.08 SALARY OF MAYOR.

The Mayor shall be paid a salary at a rate established by Council, until changed by ordinance adopted by Council. No increase in salary shall ever take place during the term of the Mayor in office at the time the ordinance is adopted.

SECTION 2.09 CLERK OF COUNCIL.

There shall be a Clerk of Council, elected by vote of majority of the members of Council from outside its membership, to serve until a successor is chosen and enters upon the duties of the Clerk's office. The Clerk may be appointed to serve full time or part time and the Council may assign the duties of the Clerk of Council to any employee of the Municipality as an additional duty. The Clerk shall give notice of Council meetings, keep the journal, advertise public hearings, record in separate books all ordinances and resolutions enacted by Council and have the same published in the manner provided by this Charter. The Clerk shall perform such other duties as may be assigned by this Charter or by ordinance.

SECTION 2.10 RULES AND JOURNAL.

The Council shall determine its own rules of procedure in conformity with the provisions of this Charter, and shall keep a journal of its proceedings which shall be a public record.

SECTION 2.11 POWERS OF THE COUNCIL.

Among other powers the Council shall have authority to:

(1) Adopt ordinances and resolutions on any subject within the scope of its powers and to provide penalties for the violation thereof;

(2) Establish the internal organization, staffing and compensation of the departments, boards and commissions created by this Charter; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;

(3) Adopt and modify the master plan and official map of the municipality;

(4) Regulate the use of private real estate in the municipality by establishing zones, limiting the uses in each zone and limiting the height of buildings and the intensity of land use. Structures containing more than three dwelling units, as defined within the most current edition of the Ohio Building Code, are prohibited within the incorporated area as described:

Situated in the City of Oxford, Butler County, State of Ohio, bounded and described as follows: Beginning at the intersection of Chestnut Street and Patterson Avenue; thence northwardly with the centerline of Patterson Avenue to a point, which was the 1976 North Corporate line; thence with the 1976 North Corporate line to a point in the centerline of Brown Road; thence southwardly with the centerline of Brown Road to a point in the centerline of Sycamore Street; thence westwardly with the centerline of Sycamore Street to a point in the centerline of Locust Street; thence with the centerline of Locust Street southwardly to a point in the intersection of the centerline of Chestnut Street and Locust Street; thence with the centerline of Chestnut Street eastwardly to the place of beginning; excepting the following area described as beginning at the intersection of Church Street and College Avenue; thence southwardly with the centerline of College Avenue to a point in the intersection of the centerline of Walnut Street and College Avenue; thence eastwardly with the centerline of Walnut Street; thence northwardly with the centerline of Campus Avenue to a point in the intersection of the centerline of Church Street; thence westwardly with the centerline of Church Street to the point of beginning.

This prohibition shall not apply to existing structures containing more than three dwelling units which shall be permitted to continue as nonconforming as long as said use is continued, but the same shall prohibit the future construction or establishment of structures containing more than three dwelling units;

(5) Adopt a subdivision platting ordinance and approve subdivision plats which conform thereto;

(6) Enact a comprehensive building code;

(7) Authorize the levy of taxes and the issuance of bonds as provided in this Charter;

(8) Adopt an annual appropriation ordinance based upon the annual budget;

(9) Appoint and remove the City Manager, establish the Manager's salary and appoint an acting City Manager when necessary;

(10) Appoint and remove the Director of Finance and establish such Director's salary;

(11) Appoint and remove the Director of Law and establish such Director's salary;

(12) Inquire into the conduct of any municipal officer or employee in the performance of public functions of such officer or employee;

(13) Make investigations of any office, department or agency of the municipality;

(14) Grant public utility franchises by vote of 2/3 of the members of Council;

(15) Employ a public accountant to make an audit of the financial affairs of the City whenever such an audit is deemed necessary;

(16) Provide for the employment of engineering and other professional services on a consulting basis when deemed necessary;

(17) Issue subpoenas for witnesses and to require the production of books and papers which may be necessary in the conduct of any hearings or investigation.

(18) Council shall have the power to appeal the decisions of its boards and commissions on an affirmative vote of five (5) members of Council.

SECTION 2.12 UTILITY USERS LIABLE FOR OWN USES AND NOT FOR OTHERS.

Tenants and property owners shall be liable only for their own utility use unless they have made an agreement between themselves to the contrary. New tenants and new property owners shall not be liable for the utility services provided to other prior tenants or owners or provided to other existing tenants unless they have made an agreement between themselves to the contrary.

~~SECTION 2.13 — POLICE AND FIRE PROTECTION.~~

~~Police and fire personnel shall not be required to deliver agendas of Council meetings, or other ordinary mail, of the City except in situations of a true emergency need and when regular methods of communication are inadequate. Both shall perform such duties as are provided by the laws of the State of Ohio and the Ordinances of this City.~~

~~SECTION 2.14 — PUBLIC SAFETY AND PROPERTY RIGHTS.~~

~~To preserve and protect the public safety, and the rights of property owners, and to preserve the neighborhood and quality of life, Westgate Drive shall continue to be maintained as a cul-de-sac as it has been for over 100 years and Westgate Drive shall not be extended beyond the presently paved portion thereof which paved portion does not extend beyond the northern boundary of lots 1294 / 1257-006.~~

ARTICLE III ORDINANCES AND RESOLUTIONS

SECTION 3.01 ACTION OF COUNCIL.

The action of Council shall be by ordinance or resolution. On all matters of a general or permanent nature, or granting a franchise, or levying a tax, or appropriating money, or contracting an indebtedness, or issuing bonds or notes, or for the purchase, lease or transfer of property, action shall be taken formally by ordinance in the manner hereinafter provided. Action on all other matters of a temporary or informal nature may be taken by resolution.

SECTION 3.02 ENACTMENT OF ORDINANCES.

~~Each proposed ordinance shall be introduced in writing by a member of the Council, and, in addition to the title, shall contain an opening clause reading as follows: 'Be it ordained by the Council of the City of Oxford, Ohio.'~~ **Each proposed ordinance shall be introduced in writing by a member of the Council and in the form required for final adoption. The enacting clause shall be "The Council of the City of Oxford, Ohio, hereby ordains that..."** Prior to introduction, a written copy of each proposed ordinance shall be provided to all members of Council and any member of the public requesting a copy. The action proposed to be taken shall be fully and clearly set forth in the body of the ordinance. Each ordinance shall contain one subject only which shall be stated clearly in the title. No ordinance shall be passed without the concurrences of a majority of all members elected to Council, except that emergency ordinances, as hereinafter provided, shall require concurrence of 3/4 of all members elected to Council for passage. Ordinance shall be read by title only on two different days before they may be enacted. Council on motion adopted may require the second reading of a proposed ordinance in full. However, if an emergency is declared as hereinafter provided, or if by 3/4 vote of all members elected to Council, the reading by title on two different days is dispensed with, in which cases such ordinances may be read one time by title only and passed on the day of such reading. Final passage of all ordinances and resolutions shall be certified by the Mayor or Vice-Mayor and the Clerk of Council.

SECTION 3.03 EFFECTIVE DATE.

Ordinances providing for appropriations for current expenses of the municipality, or for public improvements petitioned for the owners of a majority of the foot frontage of property benefited and to be specially assessed for the cost thereof, or for raising revenue, or ordinances wherein an emergency is declared to exist, shall become effective immediately upon passage or at such later date as may be provided therein, and such ordinances shall not be subject to referendum. All other ordinances shall take effect 30 days after passage. An emergency ordinance as referred to herein is one which must be passed and made effective at once or in less than 30 days to meet an emergency in the operation of the City government, or which is necessary for the immediate preservation of the public peace, health, safety, morals or welfare. Each emergency ordinance must contain therein a separate section setting forth the reason for the emergency. No ordinance

granting a franchise or fixing a rate to be charged by a public utility shall be passed as an emergency measure.

SECTION 3.04 PUBLICATION OF ORDINANCES.

~~A summary of each ordinance must be published on adoption, in a newspaper of general circulation in the City of Oxford. The summary shall be prepared by the Clerk of Council, approved by the Law Director, and shall describe the ordinance in brief and general terms. Resolutions shall not be published, unless the Clerk of Council is directed to do so by Council. The complete text of all ordinances and resolutions shall be made available at the office of the Clerk of Council.~~

All ordinances passed by the Council shall be published except as otherwise required by law, as used in this Section "published" shall mean to post copies thereof, or a summary of such adopted legislation, on the City's website and in not less than three of the most public places in the City, as determined by the Council for a period of not less than ten days and to take such other actions as provided by Council. ~~It also includes posting on the City's website.~~ Failure to publish as required by this Section shall not invalidate any ordinance.

SECTION 3.05 INITIATIVE AND REFERENDUM.

The initiative and referendum powers, reserved to the people under the Ohio Constitution, shall be exercised in the manner provided by the Ohio Constitution, the laws of the State of Ohio and this Charter, except: that any initiative or referendum petition filed with the Auditor of the City of Oxford shall contain the signatures of not less than ten percent of the voters who voted at the preceding election for the office of Governor; that when a petition having the required number of signatures is filed with the City Auditor, it shall be held in the Auditor's office for a period of 15 days before certification of the text of the proposed ordinance is made to the Board of Elections; that the committee designated by the petitioners to file said petition shall consist of five members. In all other respects, the procedure with reference to initiative and referendum petitions shall be the same as that provided by the Constitution, laws of the State of Ohio and this Charter. Whenever the Council is required to pass more than one ordinance to complete the legislation necessary to complete and pay for any public improvement, the referendum shall apply only to the first ordinance to be passed and not to any subsequent ordinance in the series relating thereto. Resolutions are not subject to referendum.

SECTION 3.06 ADOPTION OF STANDARD CODES BY REFERENCE.

The Council may adopt model or standard codes prepared and published by public or private agencies on such matters as building construction, plumbing, heating, ventilating, air conditioning, electric wiring, smoke regulation, fire prevention and other similar regulatory subjects by

reference to the date and source of the code without reproducing the same in full in the ordinance. In all cases in which such a code shall be adopted by reference, publication of the code, at length, by the City, shall not be required. ~~One copy of all such adopted codes shall be available for viewing at City offices. However, at least six copies of all such codes shall be kept in the office of the Clerk of Council for reference and consultation by interested persons during regular office hours, and additional copies shall always be available for sale, at cost, by the Clerk of Council.~~

ARTICLE IV CITY MANAGER

SECTION 4.01 APPOINTMENT OF CITY MANAGER.

The Council shall appoint, by majority vote of all members elected thereto, an officer to the City who shall have the title of City Manager. The City Manager shall be chosen solely on the basis of executive and administrative qualifications, as judged by the adequacy of training and experience. At the time of appointment the City Manager need not be a resident of the city or state, but during tenure of office the City Manager shall reside in the municipality. No council member shall be eligible for appointment as City Manager during the term for which elected, or for two years thereafter.

SECTION 4.02 CITY MANAGER'S DUTIES.

The City Manager shall be the chief executive and administrative officer of the municipality. The City Manager shall be responsible to the Council for proper administration of all affairs of the municipality, and to that end, subject to the provisions of this Charter, shall have authority and shall be required to:

(1) See that this Charter and the ordinances and resolutions of the City are faithfully observed and enforced;

(2) Appoint and remove all officers and employees of the City except those selected or appointed by Council, or as otherwise provided in this Charter;

(3) Insure the preparation of the tax budget and annual budget, submit them to Council for approval and administer the appropriations made by the Council;

(4) Prepare and submit monthly reports to the Council. Insure the preparation and submission to Council and the public annually, not later than March 31, a complete report on the finances and administrative activities of the municipality for the preceding year; which report shall be deemed to satisfy the requirements of Section 117.19, Revised Code of Ohio. Such annual report shall be published and distributed in the manner provided by ordinance;

(5) Formulate and arrange contract, franchises and agreements subject to the approval of Council. Sign as the official signatory of the City all legal documents on behalf of the City including, but not limited to all contracts, bonds and notes on behalf of the City;

(6) Attend all meetings of Council unless otherwise directed by Council, and shall have the right to take part in the discussion of all matters coming before Council in such meetings, but shall have no vote;

(7) Serve as an ex-officio member (without vote) of all boards and commissions authorized under this Charter, except the Civil Service Commission;

(8) Delegate to subordinate officers and employees of the municipality any duties conferred upon the Manager by this Charter or by action of Council and hold them responsible for the faithful discharge of such duties;

(9) Perform such other duties, not inconsistent with this Charter, as may be required by the Council.

SECTION 4.03 ABSENCE OR DISABILITY OF CITY MANAGER.

The City Manager may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the City to perform the duties of the City Manager during the temporary absence or disability of the City Manager. If such designation has not been made, and the City Manager is unable to perform such duties or to make such designation, the Mayor on an emergency basis may appoint an acting City Manager until the next Council meeting. Council may thereafter appoint any qualified administrative officer of the municipality to perform the duties of the City Manager until the City Manager shall return or the disability ceases.

SECTION 4.04 REMOVAL OF THE CITY MANAGER.

The City Manager shall serve for an indefinite term, subject to removal by the Council at any time by a majority vote of all members elected thereto. At least 30 days before such removal shall become effective, the Council shall adopt a preliminary resolution stating the reasons for the removal. The Manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of the request, before the full Council. After such public hearing, if one is requested, and after full consideration, the Council may adopt a final resolution of removal. The Council may, at the time the preliminary resolution is passed, suspend the Manager from duty and designate an acting Manager but shall cause forthwith the payment of any salary due the Manager to the date of suspension of the Manager. Unless such suspension and removal is for misconduct of the Manager involving moral turpitude, the Manager shall be paid a salary for the period of suspension and 30 days following the removal from

office. In the case of voluntary resignation of the Manager, the Council and the Manager shall agree upon the effective date of the resignation.

SECTION 4.05 CONTRACT WITH THE CITY MANAGER.

Council shall have the right to negotiate and authorize the Mayor to sign on behalf of Council a contract of employment with the City Manager setting forth the terms of employment and separation from employment for the City Manager as deemed to be appropriate by Council. No term established herein shall establish an expectation of continued employment except as provided in the contract.

SECTION 4.06 RELATIONS BETWEEN COUNCIL AND MANAGER.

Except for the purpose of inquiry or investigation, the members of Council shall deal with the administrative employees of the municipality solely through the City Manager. No member of the Council shall interfere in the appointment or removal of officers or employees subordinate to the City Manager. In the event any member of Council is found by the Council to have violated this section, Council shall declare that seat vacant.

ARTICLE V ADMINISTRATIVE DEPARTMENTS

SECTION 5.01 CREATION OF DEPARTMENTS.

The administrative functions of the City shall be carried on by a Department of Finance, and Department of Law and such other departments as may be created by ordinance, after consultation with the City Manager.

SECTION 5.02 DEPARTMENT HEADS.

Each City department shall be headed by a full-time or part-time director. With the exception of the Departments of Finance and Law, the City Manager shall appoint all department heads. The heads of the Departments of Finance and Law shall be appointed by the Council, in accordance with the provisions of this Charter. Each department head shall be an administrative officer of the City. Two or more departments may be headed by the same person and the City Manager may serve as the director of one or more departments in addition to the duties as Manager, when approved by Council.

SECTION 5.03 PERSONNEL

The Council shall have the authority to adopt personnel ordinances or personnel rules and regulations which modify, supplement, or supersede

the laws of the State of Ohio and which, in the case of conflict, shall prevail over the laws of the State of Ohio.

All appointments and promotions of City employees shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable and except as otherwise provided by Council.

Exempt Positions:

- (1) All elected officers.
- (2) The Clerk of Council.
- (3) The City Manager.
- (4) ~~The Secretaries and~~ Assistants to the City Manager
- (5) The Directors of the departments.
- (6) ~~The Secretaries and~~ Assistants to the Directors.
- (7) Chief of Police.
- (8) Fire Chief.
- (9) Members of boards and commissions appointed by Council.
- (10) Unskilled labor, as defined by ~~Civil Service Commission~~ Council.
- (11) Temporary employees of exceptional professional or scientific qualifications engaged as consultants for special work by the City.
- (12) Seasonal and part-time employees.

Classified Service: The classified service shall comprise all positions not specifically included in this Charter in the unclassified service as exempt positions.

The City Manager shall provide rules for the determination of merit and fitness as the basis for appointment and promotion of classified personnel

Appointments for all positions in the classified service shall be made by the City Manager based on a competitive examination and on the basis of experience, character, and conduct. Appointments shall be made from a list of the five candidates ranked highest on the eligibility list for that position, provided five candidates qualify to be placed on the list.

Promotions for all positions in the classified service shall be made by the City Manager based on competitive examination and on records of merit, efficiency, character, conduct and seniority. Promotional examinations may be restricted to current employees or the City Manager may open the exam to qualified candidates from outside the City service.

Promotion appointments shall be made from a list of the three candidates ranked highest on the eligibility list for that position, provided three candidates qualify to be placed on the list.

No officer or employee in the classified service shall be demoted or removed except for cause and after a hearing, and the Council shall provide by ordinance for the enforcement of this provision and also for appeals to the ~~Civil Service Commission~~ Personnel Appeals Board for suspensions, demotions and removals by the City Manager.

An original appointment of a new employee shall not be deemed complete until a period of probation not to exceed twelve months has elapsed; except that in the police department ~~division~~ said probationary period for sworn officers, shall not exceed eighteen months. Such probationary employee may be discharged at any time within the said probationary period, upon recommendation of the head of the department in which said probationer is employed, with the approval of the City Manager.

SECTION 5.04 EMPLOYEE HANDBOOK.

An employee Handbook shall be distributed among all divisions of the City. Pending adoption of revisions to the Employee Handbook by Council, the City Manager may establish temporary provisions of the Employee Handbook.

Subject to the provisions of this Charter, and after consultations with the City Manager, the Council shall approve and adopt an Employee Handbook, which shall provide in detail the organization of the municipal government, define the powers and duties of each organizational unit and determine the employee procedures to be followed. Amendments to, and revisions of, the Employee Handbook shall be made by Council only after consultation with the City Manager. Where the Employee Handbook is silent, the officers and employees of the City shall have and may exercise all powers and duties provided for similar officers and employees by the state law. However, provisions of the Employee Handbook shall supersede those of state law in cases of conflict.

SECTION 5.05 DEPARTMENT OF LAW.

The Director of the Department of Law shall be known as the City Attorney. The City Attorney shall be an attorney-at-law, admitted to practice law in the State of Ohio, and in good provisional standing. The City Attorney shall perform such duties as may be assigned to the office of the City Solicitor by law, as well as those imposed by the Charter and City Ordinance. The City Attorney shall be appointed by Council for an indefinite term of office.

SECTION 5.06 DEPARTMENT OF FINANCE.

~~The Department of Finance shall perform those functions customarily performed by the Auditor and the Treasurer under the general laws of Ohio. The Director of the Department of Finance shall be assigned the~~

~~title of City Auditor. The City Auditor shall be appointed by Council for an indefinite term of office. The City Auditor shall be the fiscal officer of the City and shall be responsible for the accounting, collection and custody of public funds and control over disbursements. The City Auditor shall countersign all bonds and notes issued by the City and shall perform such other functions as may be assigned by ordinance or by order of the City Manager.~~

The Council shall appoint a Director of Finance for an indefinite term of office. The Director of Finance shall be the fiscal officer of the City and shall be responsible for the accounting, collection and custody of public funds, and control over disbursements. The Director of Finance shall countersign all bonds and notes issued by the City and shall perform such other functions as may be assigned by ordinance or by order of the City Manager.

ARTICLE VI TAXATION AND BORROWING

SECTION 6.01 LEVYING TAXES.

The Council shall have the power to levy taxes, without a vote of the electors, for the current operating expenses and other lawful municipal purposes, in the manner provided by the constitution and general laws of Ohio, subject to the limitations provided therein.

The authority of the Council to submit additional levies to a vote of the people under authority of the constitution or laws of the State of Ohio shall not be deemed impaired or abridged by reason of any provision contained in this Charter.

SECTION 6.02 SUBMISSION OF EXTRA LEVY TO VOTE.

The Council may at any time prior to the 15th day of September in any year declare by resolution, adopted by a vote of 2/3 of all the members thereof, that the amount of taxes which may be raised within the limitations of this Charter will be insufficient to provide an adequate amount for the necessary requirement of the City for current operating expenses, and other expenses payable from the general fund of the City, and such permanent improvements and equipment as shall have an estimated useful life of five years or more, and that it is necessary to levy taxes in excess of such limitation, in addition to the levies authorized and limited by this Charter, for the municipal purpose or purposes specified in such resolution. Such resolution shall specify the additional rate which it is necessary to levy, the purpose or purposes thereof, the number of years during which such rate shall be in effect and the date of the proposed election thereon. Such resolution shall be effective upon its adoption and shall be certified within five days thereafter to the election authorities, who shall place such question

upon the ballot at the next succeeding November election. If a majority of those voting thereon vote for the approval of such additional levy, the Council shall, for a period not in excess of that prescribed in such resolution, make such levy, or such part thereof as it finds necessary, pursuant to such approval and certify the same to the County Auditor, to be placed on the tax list and collected as other taxes.

SECTION 6.03 POWER TO INCUR DEBT.

The Council may, by ordinance, issue general obligation bonds to an amount not exceeding that authorized by the general laws of Ohio, now in effect or hereafter enacted, for any purpose for which bond issues are authorized by state law. Issuance of general obligation bonds beyond the limitations imposed on Council by state law and the state constitution, shall be dependent upon the approval of such issuance by the voters, as provided by law. Mortgage revenue bonds, special assessment bonds and all other notes or bonds exempted by statute shall not be included in calculating the net debt.

SECTION 6.04 MORTGAGE REVENUE BONDS.

The Council may, by ordinance, issue mortgage revenue bonds for any purpose and in any total amount authorized by the state constitution or laws of Ohio.

SECTION 6.05 SPECIAL ASSESSMENTS.

Special assessments may be levied by Council to pay any part of the cost of any public work or improvement authorized by ordinance. Such assessments shall be made and levied in accordance with the provisions and subject to the limitations prescribed in the Revised Code of the State of Ohio.

SECTION 6.06 TAX ANTICIPATION NOTES.

The Council may, by ordinance, issue notes in anticipation of the collection of taxes on whatever conditions may seem reasonable. Such notes shall be paid from the tax receipts of the year in which they are issued.

SECTION 6.07 EMERGENCY BORROWING.

The Council may, by ordinance, borrow money and issue notes in case of public emergency as authorized by the Ohio Revised Code.

SECTION 6.08 PROCEDURE IN BOND ISSUES.

The procedure followed in authorizing and issuing bonds and notes and applying the proceeds shall be in accordance with the provisions of the Uniform Bond Law of the State of Ohio in effect at the time.

ARTICLE VII FINANCE

SECTION 7.01 ANNUAL TAX BUDGET.

In the form and at the time required by law, the City Manager shall submit to the Council a tax budget for the ensuing fiscal year. For that purpose, at such time as the City Manager shall determine, the City Manager shall obtain from the head of each department or agency of the City plans for the work to be undertaken by such department during the next fiscal year, together with estimates of the cost of performing such work. The Department of Finance shall gather data from all departments and supply the City Manager with estimates of available revenue. From these data, the City Manager shall prepare the consolidated estimates for the annual tax budget. The Council shall consider these estimates and adopt them, with or without amendments, as the tax budget of the City for the ensuing year, and transmit them to the County Budget Commission in the form required by law.

SECTION 7.02 PREPARATION OF ANNUAL CITY BUDGET.

The City Manager shall prepare and submit to the Council each year a budget estimating the total contemplated work program and expenditures from each fund during the ensuing fiscal year. Expenditures shall not exceed the total recommended appropriations from each fund and the total estimated resources certified by the County Budget Commission and the County Auditor. Council may request the City Manager prepare a five (5) year planning budget. Such budget shall serve as the basis for the annual appropriation ordinance.

SECTION 7.03 OTHER PROCEDURES.

In all other respects the procedure for the preparation, advertising, hearing and adoption of the budget and the appropriation of municipal funds shall be governed by the general laws of the State of Ohio pertaining to such matters. Amendment to the annual appropriation ordinance shall be governed by the general laws of the State of Ohio pertaining to such matters.

SECTION 7.04 FISCAL YEAR.

The fiscal year of the City shall be the calendar year, beginning January 1 and ending December 31 each year.

SECTION 7.05 CAPITAL IMPROVEMENT RESERVE FUND.

Council may create and maintain a Capital Improvement Reserve Fund, and may from time to time transfer or appropriate thereto all moneys accruing to any other fund of the municipality not needed for the purposes of such fund and available for transfer under general law.

The unencumbered balance remains in the general fund of the municipality at the end of any fiscal year may also be transferred. Moneys in the Capital Improvement Reserve Fund shall not be expended for any purpose except to purchase equipment, apparatus or other property, or to construct buildings, structures, roads and other property or public improvements, needed for the use of the municipality, or to pay bonded obligations of the municipality by means of transfer to its bond and interest retirement fund.

ARTICLE VIII
BOARDS AND COMMISSIONS
~~**CIVIL SERVICE COMMISSION**~~

PERSONNEL APPEALS BOARD

SECTION 8.01 PERSONNEL APPEALS BOARD

There shall be a Personnel Appeals Board consisting of three qualified electors of the City who shall be appointed by the Council for three year terms. Council shall fill vacancies by appointment for the unexpired term. Each member shall neither hold nor be a candidate for any other public office nor be employed by the City.

The City and the Personnel Appeals Board shall have no jurisdiction over, nor be obligated to perform any duties with regard to employees of the Talawanda City School District.

SECTION 8.02 POWERS AND DUTIES

The Board shall have the power to hear and determine appeals of disciplinary actions, suspensions, demotions or removal of City nonexempt employees if such matters are not resolved upon a hearing and determination by the City Manager.

The Board shall serve without compensation and shall hear appeals from any nonexempt employee who has successfully completed a probationary period, or applicant for non-exempt position who has successfully completed a probationary period, upon such issues as may be subject to appeal as defined by rules established pursuant to this section. The board shall have the power to subpoena witnesses and require the production of records. The decision of the Board shall be final.

PLANNING COMMISSION

SECTION 8.03 PLANNING COMMISSION.

There shall be a City Planning Commission consisting of seven members, two of whom shall be members of Council, elected by Council for a term

of one year; and five citizen members, appointed by Council from among the qualified electors of the city. The five citizen members shall serve five year overlapping terms of office. Citizen members of the Planning Commission shall hold no other incompatible public office.

SECTION 8.04 POWERS AND DUTIES.

The Planning Commission may act as the Platting Commission of the municipality. As such, it shall provide for planning, zoning and regulations covering platting of all lands which are subject to control by the municipality, and shall cause an official map of such territories to be made. The Commission shall carry out the comprehensive plan and make such investigations, reports and recommendations relating to planning and the physical development of the City as it finds necessary and desirable.

BOARD OF ZONING APPEALS

SECTION 8.05 BOARD OF ZONING APPEALS.

There shall be a Board of Zoning Appeals consisting of five electors of the city, appointed by Council to serve for a term of three years. The Board shall establish its own rules of procedure and keep a record of its proceedings in all matters coming before the Board. No resolution overruling an action under or interpretation of the zoning ordinance by any administrative officer of the City shall be adopted except by the affirmative vote of three members of this board.

SECTION 8.06 POWERS AND DUTIES.

The board shall have the power to hear and determine appeals from refusal of building permits and to permit exceptions to and variations from the zoning regulations in individual cases as may be required to afford justice and avoid unreasonable hardship to property owners. The standards in all instances to be applied by the board shall be established by ordinance of Council.

RECREATION BOARD

SECTION 8.07 RECREATION BOARD.

There shall be a Recreation Board appointed by Council consisting of five members. Appointments shall be made for a three-year term of office. The Recreation Board shall recommend to Council future plans and development of playgrounds, parks and recreational facilities and programs for the City. The Recreation Director shall be appointed by the City Manager.

OTHER BOARDS

SECTION 8.08 OTHER BOARDS AND COMMISSIONS.

In addition to the foregoing boards and commissions, Council may create and abolish such other advisory boards, commissions and committees as may be deemed necessary.

SECTION 8.09 CITY MANAGER EX-OFFICIO MEMBER.

The City Manager or designee shall be an ex-officio member without vote of all boards and commissions created by or under authority of this Charter, except the Personnel Appeals Board.

SECTION 8.10 REMOVAL FROM OFFICE.

Council shall declare vacant an appointed official's office by a majority vote of all members of Council for any of the following reasons.

1. One who is absent without justifiable excuses for three (3) consecutive regular meetings.
2. One who shall be convicted of a crime involving moral turpitude or any felony.
3. One who shall be convicted of any other provision of the state laws as applicable to public officials for which the penalty includes forfeiture of office.

ARTICLE IX NOMINATIONS AND ELECTIONS

SECTION 9.01 MUNICIPAL ELECTIONS.

The regular municipal election for the choice of members of the Council shall be held on the first Tuesday after the first Monday in November in the odd numbered years. The Council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution.

SECTION 9.02 CONDUCT OF ELECTIONS.

Both regular and special municipal elections shall be conducted by the Board of Elections of Butler County, Ohio, under the provisions of this Charter. Where the Charter is silent, the provisions of the state election law shall be followed.

SECTION 9.03 NOMINATIONS.

No primary election shall be held for the nomination of candidates for the Council. Nominations for the office of Council member shall be made by petition signed by not less than 50 nor more than 100 electors of the

City. Petitions shall be the standard forms for the nomination of individual nonpartisan candidates for such office. Group petitions shall not be used. Petitions shall be filed with the Board of Elections in accordance with the current laws of the State of Ohio. An elector may sign only as many petitions as there are Council members to be elected at the municipal election for which the nominations are made.

SECTION 9.04 ACCEPTANCE AND VERIFICATION.

The signature of the candidate indicating acceptance of the nomination and willingness to serve if elected shall appear on each copy of the petition. The petition may be in a number of parts, but each part shall be verified under oath by the circulator, as required by law.

SECTION 9.05 BALLOTS.

The full names of all candidates nominated shall be printed on the official ballot without party designation. If two candidates with the same surname, or with names so similar as to be likely to cause confusion are nominated, the addresses of their places of residence shall be placed below their names on the ballot. The names of all candidates shall be rotated on the ballot as provided by law.

SECTION 9.06 WRITE-INS.

Only in the event that fewer candidates are nominated by petition than there are Council members to be elected at the ensuing election shall space be provided on the ballot for the writing in at the election of the names of additional persons.

~~SECTION 9.07 WATCHERS AND CHALLENGERS.~~

~~At each municipal election, each regularly nominated candidate shall be entitled, on written application to the Board of Elections at least ten days before the election, to appoint one person and one alternate to represent such candidate as a watcher and challenger at each polling place during the casting and counting of ballots, and one person and an alternate to represent such candidate as watcher and challenger during the canvas of votes at the Board of Elections.~~

~~SECTION 9.08 ELECTION.~~

~~The candidates for member of Council at the regular municipal election, equal in number to the places to be filled on Council, who received the highest number of votes shall be declared elected.~~

~~SECTION 9.09-07 RECALL.~~

Members of Council may be removed from office before the expiration of their term by the qualified voters of the city. The procedure for such recall shall be that provided in the Ohio Revised Code.

**ARTICLE X
GENERAL PROVISIONS**

~~**SECTION 10.01 OATH OF OFFICE.**~~

~~Every officer and employee of the City shall, before entering upon public duties, take and subscribe to the following oath or affirmation which shall be filed and kept in the office of the Clerk of Council:~~

~~I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio and will obey the laws thereof and that I will, in all respects, uphold and enforce the provisions of the Charter and ordinances of this city, and will faithfully discharge the duties of _____ upon which I am about to enter.~~

SECTION 10.01 OFFICIAL BONDS.

All officers and employees of the City whose duties require them to handle municipal and other public money or property shall furnish a corporate surety bond issued by a company authorized to do business in Ohio, to protect the City against loss due to their acts. The amount of the bond in each case shall be determined by Council and the premium on such bonds shall be paid from the funds of the City. All such bonds shall be filed with the Clerk of Council.

SECTION 10.02 PERSONAL INTEREST.

No member of the Council or any officer or employee of the City shall have any financial interest, direct or indirect, in any contract with or sale to the City of any materials, supplies or services, or any land or interest in land. A person who knowingly and willfully violates this section shall be guilty of malfeasance in office and upon conviction thereof shall be removed from office.

Any contract or agreement made in violation of this section shall be voidable at the election of the Council.

SECTION 10.03 REMOVAL FROM OFFICE; DISQUALIFICATION.

Whenever, in this Charter certain acts on the part of City officials are described as constituting malfeasance in office, the procedure for complaint, trial and judgment thereon shall be that prescribed in the Ohio Revised Code.

SECTION 10.04 AMENDMENTS TO THE CHARTER.

This Charter may be amended as provided in Article XVIII, Section 9, of the Ohio Constitution, by submission of a proposed amendment to the electors of the municipality and approved by a majority of those voting on the question of its adoption.

Such amendment may be initiated by either a vote of at least five (5) members of Council, or by petition to the Council signed by ten (10) percent of the voters who voted at the preceding election for the office of Governor.

At the first meeting of the Council in January 1996 and every ten (10) years thereafter, Council shall appoint a commission of not less than five (5), nor more than nine (9) electors of the municipality, to include one (1) but no more than two (2) current City Council members. It shall be the duty of the commission to review the existing Charter and make such recommendations for revision as it may see fit. The City Solicitor shall provide advice and counsel as needed by the Commission.

The Commission shall submit its written report to Council at an open meeting not later than December 31 of the same year. Thereupon, the Council may take such action as it deems warranted with respect to such recommendations.

In the event two (2) conflicting amendments to the Charter are approved at the same election by a majority of the total number of votes cast, the one receiving the highest number of affirmative votes shall be the amendment to the Charter.

SECTION 10.05 SEVERABILITY CLAUSE.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter, which would have been adopted without the invalid portion of such invalidity could have been known at the time of its original adoption.

ARTICLE XI TRANSITIONAL PROVISIONS

SECTION 11.01 ~~FISCAL~~ SUCCESSION AND VESTED RIGHT.

The City of Oxford, under this Charter, is hereby declared to be the legal successor of the Village of Oxford, under the general laws of the State of Ohio; and as such it has title to all property, real, personal, and mixed, owned by its predecessor, including all moneys on deposit and all taxes in process of collection together with all accounts receivable and rights of action. Adoption of the Charter or any amendments of it shall not impair rights vested in the City nor discharge any liability previously incurred by the City.

~~The City of Oxford under this Charter is hereby declared to be the only legal successor of the City of Oxford under the general law and as such the City has title to all property, real and personal, owned by its predecessor including all moneys on deposit and all taxes in the process of collection, together with all accounts receivable and rights of~~

~~action. The City also is liable for all outstanding orders, contracts and debts of its predecessor, and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction.~~

~~SECTION 11.02 CONTINUATION OF ORDINANCES.~~

~~All ordinances of the City in effect at the time of adoption of this Charter shall remain in effect, except as superseded by the provisions of this Charter, until they are amended or repealed.~~

~~SECTION 11.03 CONTINUATION OF OFFICERS.~~

~~All persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made, in conformity with the Charter, for the performance of such duties by a successor, or the office is abolished.~~

~~SECTION 11.04 CONTINUANCE OF EMPLOYEES.~~

~~Every employee of the City government when this Charter takes effect shall be retained in such employment and shall thereafter be subject in all respects to the provisions of this Charter.~~

~~SECTION 11.05 TRANSFER OF RECORDS AND PROPERTY.~~

~~All public records and property in the custody of officers and employees of the City shall be transferred and delivered promptly to their successors, upon termination of tenure of office or employment.~~

~~SECTION 11.06 CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS.~~

~~All contracts entered into by the City or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect shall be completed, as nearly as practicable, under the provisions of such laws.~~

~~SECTION 11.07 PENDING ACTIONS AND PROCEEDINGS.~~

~~No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, agency or officer thereof, shall be abated or affected by anything herein contained, but all such actions shall be prosecuted or defended under the laws in effect when they were filed.~~

~~SECTION 11.08 WHEN CHARTER TAKES EFFECT.~~

~~This Charter shall be voted upon at the general election held November~~

~~5, 2013, and will take effect on adoption if approved by the voters.~~

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 18, 2017

Jung-Han Chen
Prepared By:

Account Code No. #:

June 29, 2017
Date Prepared:

Budgeted Amount:

PC-2017-05, PRELIMINARY PLANNED DEVELOPMENT, Gaslight Avenue at Stewart Square, formerly Miami Valley Lumber Site and Associated Properties, 6.45 acres, Scott Webb, Applicant/Agent

Recommendation: Approval with Conditions

Discussion:

The applicant is seeking a Preliminary Planned Development to build 88 units of single family dwellings in a cluster of two and three-family configurations by demolishing two existing warehouse buildings.

The proposed dwelling units are to be considered as brown stone style architecture in a neo-traditional urban pattern with little front setback. Rose Avenue is currently 50' Right-of-Way all the way to the terminus at the railroad track. This proposal seeks vacation of two segments of ROW: Rose and a north-south alley intersecting Rose Avenue. The total number of dwelling units is subject to the completion of these ROW's. Without the vacation of the right-of-way, the dwelling units will be down to 85 units, as well as impact on parking along units 77 through 88.

Any planned development project needs to go through a two-step process; a preliminary plan and a final plan, although the process can be concurrent for small, single-phase developments. Both preliminary and final plan approvals require a Planning Commission recommendation and City Council approval.

Please note this project is an in-fill development of utilizing an abandoned lumber yard site and associated properties for residential redevelopment purposes and is to be developed with a private-street providing access to all the dwelling units with parking spaces right off this private street. There are several public right-of-ways that would need to be vacated to allow the private street to be used as planned to reach the planned number of units. It would be City Council's decision to take legislative action on those.

The site is very challenging for development due to its accessibility to major roadways, and the shape of the site also poses development challenges with an additional development pattern. By taking the planned development approach, the developer/architect could ask for dimensional requirements waived by the Planning Commission, given the challenge of the site configuration.

The Planning Commission reviewed this application and deliberated their considerations in two separate meetings. On June 9, the Commission discussed at length this project and made a recommendation for Council to approve this Preliminary Planned Development with conditions as follows:

1. The Planning Commission recommends waiving the dimensional requirements of this project on lot coverage and open space coverage, as presented.
2. The vacation of the right-of-way of the existing alley and Rose Avenue must be approved by City Council prior to submitting the Final Planned Development. Any changes from the Preliminary Planned Development reviewed by the Planning Commission will be considered as a new application, unless specifically requested by the Planning Commission and/or City Council.
3. The requirements outlined in the memo from the City Engineer must be satisfied to the City Engineer. The issues are as follows:
 - a. That, a Traffic Study would be required, and
 - b. That, all private streets, curbs and gutters must be constructed as per City of Oxford Specifications, and
 - c. That, a detailed water, sanitary and storm water design and capacity must be provided to the City Engineer for approval prior to the Final Planned Development,
 - d. That, the installation of a new and/or improved sanitary sewer main must be in a recorded easement and sized and constructed to meet the City's standards/specifications, and
 - e. That, the installation of new and/or improved water mains shall also be in a recorded easement and sized and constructed to meet the City standards/specifications, and
 - f. That, the installation of a new and/or improved storm sewer must be in a recorded easement and constructed and sized to meet the City's standards/specifications,
 - g. That, a Performance Bond will be required to ensure the streets, utilities are constructed and maintained to City Standards during the construction of the development. The subject bond will be replaced by a Maintenance Bond, once the development is completed, and
 - h. That, any off-site traffic improvements related to this project, as determined by the City Engineer, after the review of the Traffic Study, shall be paid by the Developer.
4. That, a detailed landscaping plan must be provided with the Final Planned Development and is satisfactory to meet the City's regulations, and
5. That, a detailed lighting plan must be presented with the Final Planned Development and is satisfactory to meet City's Standards, and
6. That, any open space, sidewalk and private street provided in this development shall be constructed and maintained by the property owner, and
7. That, the Final Planned Development plan shall meet Chapter 1149 Parking and Site Access of the Oxford Zoning Code, and
8. That, the final buildings constructed shall match the drawings presented, and
9. That, a Cross Access easement will be agreed to with existing neighboring properties and shall be recorded in the Butler County Recorder's Office, and
10. That, there shall be parallel parking provided on Heather Lane and Rose Avenue, and
11. That perimeter setbacks shall be maintained throughout the development with the exception of Buildings 72, 73 and 74, and
12. That, a 5' sidewalk clearance shall be maintained throughout the development, and
13. That, a centralized refuse collection solution will be identified.

Approved By:

Department Head:

City Attorney:

City Manager:

ghc / 7/5/17
DRE / 7/14/17

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY PLAN APPROVAL OF A PLANNED DEVELOPMENT ON APPROXIMATELY 6.45 ACRES OF LAND FORMERLY KNOWN AS THE MIAMI VALLEY LUMBER SITE AND ASSOCIATED PROPERTIES TO ALLOW A DEVELOPMENT FOR RESIDENTIAL USE WITH CONDITIONS.

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

SECTION 1: Council hereby finds the Planning Commission held a public hearing on May 9, 2017 and on June 13, 2017, in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant, Agent, for approval of a Preliminary Plan on approximately 6.45 acres of land formerly known as the Miami Valley Lumber site and associated properties to allow a Planned Development for residential use.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Preliminary Plan application for approximately 6.45 acres of land formerly known as the Miami Valley Lumber site and associated properties with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Plan application for approximately 6.45 acres of land formerly known as the Miami Valley Lumber site and associated properties to allow a development for residential use based on the submittals of the applicant that are incorporated and made a part of this approval with the following conditions:

1. Dimensional requirements with regard to lot coverage and open space coverage shall be waived.
2. A vacation of the right-of-way of the existing alley and Rose Avenue shall be approved by City Council prior to the submission of the Final Planned Development application. Any changes from the Preliminary Planned Development application reviewed by the Planning Commission shall be considered a new application, unless said changes were requested by the Planning Commission and/or City Council.
3. The requirements outlined in the May 30, 2017 memo from the City Engineer to the Community Development Department shall be met as follows:
 - a. A Traffic Study shall be required.
 - b. All private streets, curbs and gutters shall be constructed per City of Oxford specifications.
 - c. A detailed water, sanitary and storm water design and capacity shall be provided to the City Engineer for approval prior to the submission of the Final Planned Development application.

- d. The installation of new and/or improved sanitary sewer mains and water mains shall be placed in a recorded easement and sized and constructed to meet the City of Oxford standards/specifications.
 - f. A performance bond shall be required to ensure the streets and utilities are constructed and maintained to City standards during the construction of the development. The performance bond shall be replaced with a maintenance bond once the development is complete.
 - g. After review of the traffic study any off-site traffic improvements related to this project as determined by the City Engineer shall be paid by the developer.
- 4. A detailed landscaping plan shall be provided with the Final Planned Development application and shall satisfactorily meet the City's regulations.
 - 5. A detailed lighting plan shall be provided with the Final Planned Development application and shall satisfactorily meet the City's regulations.
 - 6. All open space, sidewalks and private streets provided in the development shall be constructed and maintained by the property owner.
 - 7. The Final Planned Development application shall meet the provisions of the Oxford Codified Ordinance Chapter 1149 regarding parking and site access.
 - 8. The buildings constructed shall match the drawings presented.
 - 9. A cross access easement shall be agreed to with the existing neighboring properties and shall be recorded in the Butler County Recorder's Office.
 - 10. Parallel parking shall be provided on Heather Lane and on Rose Avenue.
 - 11. Perimeter setbacks shall be maintained throughout the development with the exception of Buildings 72, 73 and 74.
 - 12. A five foot sidewalk clearance shall be maintained throughout the development.
 - 13. A centralized refuse collection solution shall be identified.

SECTION 4: 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)

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	July 18, 2017
<u>Case Number</u>	PC-2017-05
<u>Applicant Information</u>	Scott Webb Terry Dudley
<u>Requested Action</u>	Preliminary Planned Development
<u>Summary of Request</u>	Preliminary Planned Development to build 88 units of single family dwellings on approximately 6.45 acres, located at the former Miami Valley Lumber Yard site and associated adjoining properties.
<u>Public Hearing Information</u>	A Public Hearing took place at 118 W. High Street on May 9, 2017 (Tabled) and June 13, 2017. A Concept Review also took place with the Planning Commission in March. A Public Hearing notice was published in the Journal News on May 14, 2017. Courtesy notices were mailed to adjacent property owners on May 23, 2017. Signage was posted at the site on June 6, 2017
<u>Commission Action</u>	The Planning Commission voted 5-0-0 recommending approval with numerous conditions.
<u>Commission Findings and Conclusions</u>	The Planning Commission reviewed this development quite extensively. Concerns reviewed were increased traffic, Engineering concerns, open space, parking, refuse collection.
<u>Exhibits Submitted to the Commission</u>	1. Staff Reports Dated May 1, 2017 and June 8, 2017 2. May 30, 2017 Engineering Department Memorandum 3. Interoffice Review Transmittal Sheets 4. Surrounding Property Owner Notifications Map 5. Letter of Agency 6. Planned Development Application

Memorandum

PC-2017-05

TO: David Prytherch, Chair
Members of the Oxford Planning Commission

FROM: Jung-Han Chen
Community Development Director

SUBJECT: Gaslight Avenue Preliminary PUD

DATE: June 8, 2017

Just want to provide an update to the Commission concerning the issues raised during the May Planning Commission regular meeting related to this project.

The Commission wanted to make sure that a discussion about the Right-of-Way vacation issues has begun, so the vacation request will be filed definitely at a later date, since the density of this project depends on the vacation of the Right-of-Way. The Developer and the applicant met with Service/Engineering and staff on May 24, 2017 and this was one of the topics discussed at that meeting. The City Engineer had also prepared an updated memo, dated May 30, 201, based on this meeting.

Additionally, the Commission members also commented individually about this project and had asked the applicant to consider incorporating those comments into the drawings and presentations for the coming meeting. Those were: density issue, open space, perimeter setbacks and the private street along with the perpendicular parking off the private street. The applicant may have something ready for the Commission at its June meeting, but staff has not received any revised information/drawings/narratives reflecting the concerns raised by the Commission that can be forwarded to the Commission with the packet.



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: PC-2017-05; Preliminary Planned Development
Gaslight Ave. at Stewart Square

DATE: May 30, 2017

This memo is intended to reflect agreements made during a meeting on May 24, 2017. It is intended to address some of the issues raised in the memo dated February 10, 2017.

In attendance were: Mike Dreisbach - Service Director
Victor Popescu - City Engineer
Jung-Han Chen - Community Development Department
Jim Clawson - Developer
Bob Champa - Developer
Scott Webb - Architect / Consultant

The following issues were discussed and agreed upon.

- Ordinance No. 2617, Section 7, refers to conditions that had to be met so that a part of Beech Street is vacated. The Ordinance directed that the conditions for the vacations were to be accomplished within a year from the date of the Ordinance's approval. The time frame expired without the Ordinance's implementation. Thus, the Ordinance has expired. Since the vacation of Beech Street is essential to the Development, the Developer has agreed that all the conditions that will be set by the Planning Commission and the City Council, for the vacation of Beech Street, will be adhered to.
- In the February 10, 2017 memo, concern was expressed for the proposed access thru the parking area along the east side of the Hampton Hotel. The issue was discussed by the attendees, and it was agreed that traffic calming (i.e.

speed bumps) will be implemented thru the parking area. Additionally, the access will not be gated; rather it will consist of signage on each side of the entrance, identifying the Development.

- The access thru Heather Lane will be redesigned to accommodate two-way traffic. The present width of Heather Lane will be increased by approximately 14 feet. The increased in width is a result of the Developer dedicating additional land for this purpose.
- West Rose Avenue, within the existing 50 feet right-of-way, will be improved to meet City Standards. It will connect with the Development's entrance thru the vacated Beech Street.
- The need for a Traffic Study was discussed and agreed upon its need.
- The existing sanitary sewer main between College Avenue and Rose Avenue is in a questionable state (i.e. structural, capacity, etc.). This sanitary sewer has been a major concern for the City. Although it is a public utility, it is not in a recorded easement, and it is partially under an existing building that will be demolished. As part of this Development, the City will install a proper sanitary sewer, and the Developer will grant the necessary easement. Thus, guarantying a properly functioning sanitary main for the foreseeable future.
- The storm water will be discharged into the public storm sewer. During the plan development, parts of the existing storm sewer will be redesigned. The design will resolve many of the potential and existing issues related to the storm sewers integrity (i.e. structural, depth, seepage, etc.). Remaining sections of the existing storm sewer will be investigated to establish the need for repairs or replacements.

If there are questions, please contact the Engineering Division.

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2017-05

Date – May 9, 2017

APPLICATION

Applicant:	Scott Webb, Applicant/Agent/Architect
Location:	Former Miami Valley Lumber Yard Site and Associated Adjoining Properties
Owner of Properties:	Terry Dudley,/Prime Dudley Properties
Action Request:	Preliminary Planned Development
Current Use:	Vacant with abandoned buildings
Current Zoning	GB-General Business (Requested to be rezoned to R-2MS)
Surrounding Existing Land Uses:	Railroad tracks, single/multi-family residences, mixed-use development

GENERAL DESCRIPTION

The applicant is seeking a Preliminary Planned Development to build 88 units of single family dwellings in a cluster of two and three-family configurations. The site is approximately 6.45 acres with three access points: College Avenue, Rose Avenue and Heather Lane. This development has been proposed in conjunction with a zoning map amendment to change the area zoning from GB and R-1MS to R-2MS. The site is challenging for development purposes, due to its geographical layout, as well as the visibility and accessibility from fully paved roadways.

The proposal is to demolish two existing warehouse buildings and redevelop the entire site with a total of 88 dwelling units, including open space. A majority of them would be four-bedroom and about 14 units would be two-bedroom style housing. These dwelling units are arranged in a cluster of two, three and four units based on the locations of these units.

The site will be served with three (3) access points. The College Avenue access will be totally eliminated for vehicular traffic, but accessible by foot or bike. The remaining two access points are from Heather Lane and Rose Avenue. Heather Lane is less than 10 feet, while Rose Avenue is partially developed. Details of the roadway conditions are discussed below.

The site sits out of the traffic pattern and is not easily recognizable if a person is not familiar with the location of the site. The site frontage along College Avenue is considered unusable, if not outright dangerous to cross the railroad tracks.

The proposed dwelling units are to be considered as brown stone style in a neo-traditional urban pattern with little front setback. Rose Avenue is currently 50' Right-of-Way all the way to the terminus at the railroad track. This proposal seeks vacation of two segments of ROW: Rose and a north-south alley intersecting Rose Avenue. The total number of dwelling units is subject to the completion of these ROW's. Without the vacation of the right-of-way, the dwelling units will be down to 85 units, as well as the impact on parking along units 77 through 88.

Any planned development project needs to go through a two-step process; a preliminary plan and a final plan, although the process can be concurrent for small, single phase developments. Both preliminary and final plan approvals require a Planning Commission recommendation and City Council approval.

ZONING CODE REGULATIONS

§1141.04(j) Density computation:

Residential density for PUD is based on the underlying zoning district with a 10% bonus. Since the proposed site is considered to be an R-2MS which would allow a single or a two-family dwelling, based on the size of the lot. For this analysis, the projected density would be based on the R-2MS underlying zoning to start. Given this is a Planned Development project the computation of density would be capped at 85 units.

Findings: A total of 88 units are being proposed, which exceed the maximum number of dwelling units allowed by the Planned Development regulations.

§1145.14 (3)(e)(3) A. perimeter setback for residential district

A 25 feet perimeter setback is required that no vehicular management area or building shall be located in the perimeter setback.

Findings: The site development proposal shows that various building encroachments take place in different locations, particularly on the eastern side of the development. On the western side of the development, parking encroaches into the required setback.

§1145.12 (f) (1) Open Space

No Planned Development proposal shall have less than 20 % open space.

Findings: Only 13%, approximately 38,554 sq. ft. (less than one acre), in four (4) separate locations are identified as open space.

§1145.12(f)(2) Residential Lot Coverage: Lot coverage for residential portion shall not exceed 40 %.

Findings: The proposal shows that the total lot coverage is 50.02%.

§1145.12(h) Landscape and Screening

A planned development shall satisfy all landscaping elements required by other sections of this code. Oxford Zoning Code 1149.05 requires a landscaping plan for residential uses containing more than 3 dwelling units. **§1149.05(e)(5)B.1.a. Landscaping:** B.1.a.- states that a parking area shall have two trees per parking facility plus one tree for every five parking spaces or fraction thereof generally distributed throughout the parking area.

Findings: No detailed landscaping plan has been provided for this phase of review.

1151.05(a)(3)(A), (B) and (C) Permanent Signs:

Findings: No signage plan has been provided.

1149.05(e)(5) Bike and Motorcycle Parking:

Bike parking is required for multi-unit residential buildings. A minimum of 3 bicycle parking spaces or at least 1 bicycle space per 10 on-site vehicle parking spaces actually provided. After the first 50 bicycle parking spaces are provided, the required number of additional bicycle parking space is 1 for 20 vehicle parking spaces. Covered spaces are strongly encouraged.

Findings: No information on bike parking is provided.

AGENCY REVIEWS

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

Police:	Returned with no comments
Fire:	Returned with no comments
Engineering:	Comments attached
Econ. Dev.	Comments attached

STAFF ANALYSIS

Please note this project is an in-fill development of utilizing an abandoned lumber yard site and associated properties for residential redevelopment purposes and is to be developed with a private-street providing access to all the dwelling units with parking space right off this private street. It will be City Engineer's office to determine the necessary width of this private street to adequately serve the vehicular and parking arrangement of this project. Furthermore, there are several public right-of-ways that would need to be vacated to allow the private street to be used as planned to reach the planned number of units. It would be City Council's decision to take legislative action on those. Additionally, there is also an existing underground sewer that the developer would need to work out with the Service Department in replacing this and creating the necessary easement for maintenance purposes. There are other water and sanitary issues that will also need to be worked out with the Service Department, in addition to the storm water issue that the current layout does not provide any detailed information how the future storm water would be handled.

As mentioned earlier, there is a private street being proposed, but in reality this street is functioning as an access isle for off-street parking. It may be common in a large apartment complex that a parking isle serves the purpose of maneuvering vehicles in and out of parking spaces. It is not seen in Oxford any public or private street that has this arrangement in the recent years. There will be likely traffic blockage when any vehicle is backing out from the space. This is the reason that regulations state that the maneuvering of vehicles necessary to enter or exit shall not occur on a City Street. The turning radii might also be an area of concern. There was no comment, other than the Economic Development Director, from other City staff concerning the parking arrangement, along with the "private street" traffic design. The Planning Commission may want to ask the applicant whether a different arrangement of the layout would be more appropriate to safeguard the traffic and public safety of the residents. How would parallel parking work instead of perpendicular parking? Would it provide additional "roadway" width to allow better traffic flow? Would additional width allow some buildings to not encroach into the perimeter setback? How many parking spaces will then be provided? The Planning Commission has been discussing reducing the requirements of parking spaces and this project might be something to consider given the location of this project in proximity to Chestnut Fields Parking Lot.

It is encouraging to see cooperation between adjoining property owners in providing pedestrian connection from one property to another. The proposal also calls for an entrance from Stewart Square. It may not be a recommended traffic arrangement to allow vehicles in and out of the project via a parking lot of the adjoining property, since it may become a shortcut. It could be ideal for use as an emergency purpose as the last resort, but should not be used as a daily route, as pointed by the City Engineer.

Additionally, the City Engineer also recommends that the sanitary main and storm water main to be totally replaced.

There is an encroachment of parking into the public right-of-way along W. Rose Avenue and will need to be removed. It is also unclear whether Heather Lane will be improved by the applicant in conjunction with this project to allow better access for apartments 1-8, as well as the rest of the dwelling units.

A preliminary Planned Development proposal the developer is seeking recommendation from the Planning Commission before any detailed design work can be commenced. However, there are many

design issues that cannot be adequately analyzed without some preliminary information, such as whether lot coverage satisfies the requirement, whether the right-of-way vacation can be approved by City Council.

There is no specific step that outlines where the developer should start, and the developer needs to start the process to initiate the negotiate with the City to address those different issues. This report cannot address those issued, but to review this proposal based on the specific regulations outlined in the Zoning Code related to the Planned Development.

§1145.07 Action by Planning Commission and City Council:

- (a) The Planning Commission shall recommend to Council, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (b) The Planning Commission shall base its recommendation and City Council its decision upon how well the application satisfies the Decision Standards. Planning Commission, in its recommendation, and City Council in its decision 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 purpose of this Zoning Code.
- (c) City Council may require the developer to file performance bonds with the City to guarantee completion of any public utilities associated with the planned development and any elements of the plan that are necessary to its success, if abandoned by the developer.

The site is very challenging for development due to its accessibility to major roadways, and the shape of the site also poses development challenges with an additional development pattern. By taking the planned development approach, the developer/architect could ask for dimensional requirements waived by the Planning Commission, given the challenge of the site configuration. There are several issues that staff identified for discussion and deliberation purposes: residential density issues, encroachment into the perimeter setback, minimum open space, as well as lot coverage.

Additionally, the Planning Commission needs to consider either requiring the project to meet Design Standards of Planned Development as outlined in Oxford Zoning Code 1145.12 or considering waiving those issues identified earlier. The Planning Commission may weigh in what impact those encroachments might cause and what benefits might arise from waiving those standards to the applicant, community at large and what the applicant offers to offset those encroachments.

RECOMMENDATION

The applicant is submitting a review of a Planned Development proposal for a residential in-fill development project. This proposal has many issues that will need to be worked out between the City and the applicant/owner before the project can actually occur, particularly the right-of-way vacation, water/sanitary and storm water issues. Those issues may take place in a different tract of consideration. Given that the computation of the density of this project is predicated, to a certain degree, by the vacation of certain right-of-way vacations, the recommendation from the Planning Commission needs to be clear that the vacation must be obtained within the timeframe of the validity of the Preliminary PUD.

Additionally, the Planning Commission may also stipulate various conditions for its recommendation, should the Commission feel the project warrant its positive review. The conditions may include the following, but not limited to:

1. The Planning Commission recommends waiving the dimensional requirements of this project on perimeter setbacks, lot coverage and open space coverage, as presented.
2. The vacation of the right-of-way of the existing alley and Rose Avenue must be approved by City Council prior to submitting the Final Planned Development. Any changes from the Preliminary

Planned Development reviewed by the Planning Commission will be considered as a new application, unless specifically requested by the Planning Commission and/or City Council.

3. The requirements outlined in the memo from the City Engineer must be satisfied to the City Engineer. The issues are as follows:
 - a. That, a Traffic Study would be required, and
 - b. That, all private streets, curbs and gutters must be constructed as per City of Oxford Specifications, and
 - c. That, a detailed water, sanitary and storm water design and capacity must be provided to the City Engineer for approval prior to the Final Planned Development,
 - d. That, the installation of a new and/or improved sanitary sewer main must be in a recorded easement and sized and constructed to meet the City's standards/specifications, and
 - e. That, the installation of new and/or improved water mains shall also be in a recorded easement and sized and constructed to meet the City standards/specifications, and
 - f. That, the installation of a new and/or improved storm sewer must be in a recorded easement and constructed and sized to meet the City's standards/specifications,
 - g. That, a Performance Bond will be required to ensure the streets, utilities are constructed and maintained to City Standards during the construction of the development. The subject bond will be replaced by a Maintenance Bond, once the development is completed, and
 - h. That, any off-site traffic improvements related to this project, as determined by the City Engineer, after the review of the Traffic Study, shall be paid by the Developer.
 4. That, a detailed landscaping plan must be provided with the Final Planned Development and is satisfactory to meet the City's regulations, and
 5. That, a detailed lighting plan must be presented with the Final Planned Development and is satisfactory to meet City's Standards, and
 6. That, any open space, sidewalk and private street provided in this development shall be constructed and maintained by the property owner, and
 7. That, the Final Planned Development plan shall meet Chapter 1149 Parking and Site Access of the Oxford Zoning Code.
 8. That, the final buildings constructed shall match the drawings presented.
-

SUBMITTED

BY:


Jung Han Chen
Community Development Director

DATE: May1, 2017

GENERAL DECISION STANDARDS FOR PLANNED DEVELOPMENT

General Decision Standards. All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) 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.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (9) 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.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) 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.
- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(c) Additional Final Plan Decision Standards

- (1) The final planned development shall substantially conform to the preliminary plan.
- (2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.
- (3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: April 5, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-05 PRELIMINARY PLANNED DEVELOPMENT Gaslight Avenue at Stewart Square, formerly Miami Valley Lumber Site & Associated Properties, 6.45 acres, Scott Webb, Applicant/Agent

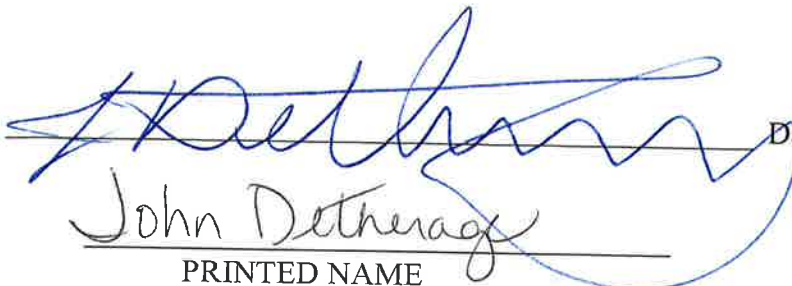
- Your earlier review comments are attached. This development when first submitted became a concept review. Since then, a revision was provided by the applicant and the attached reflects a more up-to-date plan. Please review. You may not feel you need to make changes to your previous comments.

☒ Review ☐ Revisions ☐ Other

Please return no later than: **May 2, 2017** 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:


John Detherage
PRINTED NAME

Date:

4-17-17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: April 5, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-05 PRELIMINARY PLANNED DEVELOPMENT Gaslight Avenue at Stewart Square, formerly Miami Valley Lumber Site & Associated Properties, 6.45 acres, Scott Webb, Applicant/Agent

- Your earlier review comments are attached. This development when first submitted became a concept review. Since then, a revision was provided by the applicant and the attached reflects a more up-to-date plan. Please review. You may not feel you need to make changes to your previous comments.

 X Review Revisions Other

Please return no later than: **May 2, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 2-10-17.

Drawings reviewed by: *H. Popescu*

Date: 4-13-17

 VICTOR POPESCU

PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: PC-2017-05; Preliminary Planned Development
Gaslight Ave. at Stewart Square

DATE: February 10, 2017

The following are our comments.

- Traffic Study would be necessary.
- Ordinance No. 2617, Section 7 refers to conditions that had to be met so that a part of Beech Street is vacated. The conditions were to be met within a year from the adoption of the subject Ordinance. The adoption date of the Ordinance was December 1, 1998. We found no evidence that the conditions were met.
- We do not concur with the proposed entrance along the east side of the Hampton Hotel. This proposed entrance is thru a parking area for the hotel.
- The conceptual plan indicates that the proposed entry along Hampton Hotel will be gated. Will the subject development be a gated community? If so, the other development entries will need to be gated.
- The conceptual plan is not clear on the proposed "expanded curb cut" on S. Main Street, as well as the intent of using Heather Lane for traffic purposes.
- All streets, public or private, within the proposed development must be constructed as per City of Oxford Specifications.

- The existing sanitary sewer main between College Avenue and Rose Avenue is in questionable state (i.e. structural, capacity, etc.). Although it is a public utility, it is not in a recorded easement, and it is partially under an existing building that will be demolished. The demolition operations may impact the already questionable state of the main. Additional sewer lateral taps may further impact the main's integrity. It is recommended that the existing main be replaced in its entirety, thus guarantying a properly functioning sanitary main for the foreseeable future. The main shall be located within a recorded easement.
- All water mains shall be located within recorded easements.
- The Fire Chief will determine the need and locations of the fire hydrants.
- Water meters are to be purchased from the City, and installed by the Developer / Contractor.
- The water main is to be looped.
- Water for each structure is to be individually metered. City of Oxford Specifications does not allow master metering.
- The water meters will be read, and billed by the City.
- Will there be irrigation (i.e. proposed park area)?
- All taps on live water mains shall be made by City Staff.
- The integrity of the storm sewer between College Avenue and S. Main Street must be established. The conceptual plan indicates that the storm sewer's material is clay. It is an old sewer and with construction activities around and over the sewer, it may need replacement or repairs in part. Additionally, the storm sewer must be in a recorded easement.
- Would all the storm water be discharged into the public storm sewer, or would there be a detention or retention pond incorporated into the design?
- Infrastructure (water, sanitary, and storm), and the streets (curb, and intermediate asphalt course) are to be constructed prior to initiating construction of the buildings.
- City Staff will inspect the construction of the infrastructure to assure that the City of Oxford Specifications are met.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 6, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-05, PRELIMINARY PLANNED DEVELOPMENT, 6.45 acres, GB & R1MS Districts, Former Miami Valley Lumber Site & Associated Properties, Proposed Name, Gaslight Avenue at Stewart Square, Dudley Prime Properties, LLC, Owner, Scott Webb, Applicant/Agent

 X Review Revisions Other

Please return no later than: **March 7, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

- ① Elimination of driveway entrance at S. College Ave at RRX improves the safety in my opinion.
- ② ~~Be~~ Existing buildings are attractive nuisances and I look forward to their demolition

Drawings reviewed by:  Date: 3-6-17

JOHN A. JONES, Police Chief
PRINTED NAME

PRINTED NAME



PC-2017-05

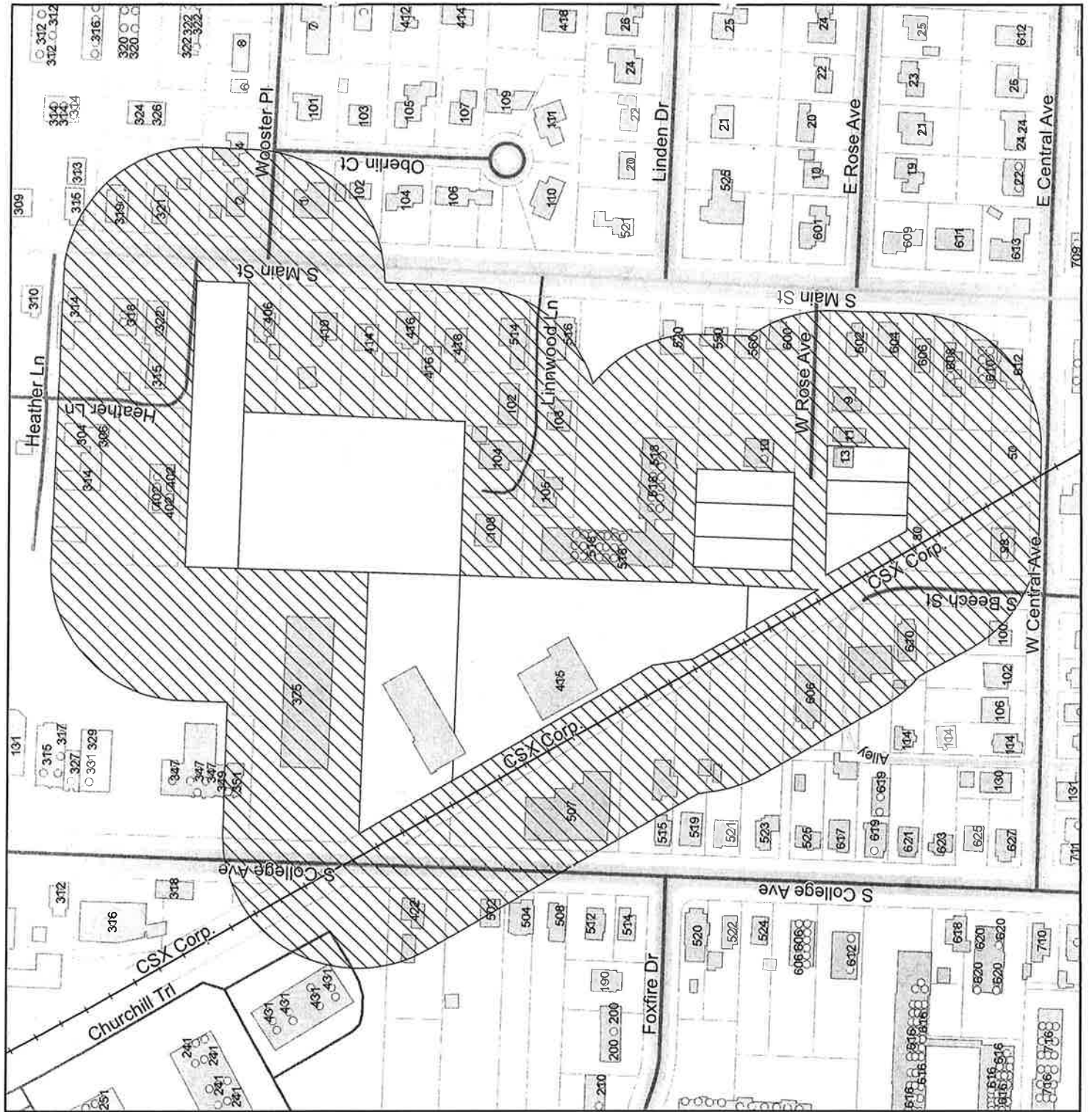
Surrounding Property Owners Notifications Map

Legend

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



1 inch = 200 feet



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 Planning Commission and act on our behalf regarding a ~~Zoning Map~~ ^{PUD} ~~Amendment~~ for our property between South College Ave. & South Main Street.

Thank-you,

Signed:

Terry Dudley

Terry Dudley

Dudley Prime Properties LLC

1-27-17

Date:



Internal Use Only:	
Case No.	PC-2017-05
Date Filed	1/27/17 Concept Review
	3/24/17 Prelim.

Planned Development Application

Application Type

Choose One

☒

Preliminary (\$400)

☐

Final (\$400)

☐

Preliminary & Final (\$400)

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 *

513-523-3838

Email Address scott@scottwebbarchitect.com

Owner Information

Name *

Dudley Prime Properties LLC

Mailing Address *

6744 Contreras Road

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

513-523-1800

Email Address _____

Engineer/Surveyor Information

Name *

Byer Becker

Mailing Address *

110 S. College Ave.

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

513-523-4270

Email Address ettareed@bayerbecker.com

Location and Lot Information

Name of Subdivision *

Former Miami Valley Lumber Site and Associated Properties

Location of Property *

South College & Main Street

Legal Description *

See Attached

Zoning District *

G & R1MS

Total Area *

~~5.41~~ Acres
6.45

Submission Requirements and Documentation

The application requirements (Section 1145.05¹) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

O. Other information as required by the Planning Commission or Council.

(7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.

(8) Other. Photographs of the existing site and its surroundings.

(b) Final Plan.

- (1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.
- (2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer
- (3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.
- (4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

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.

Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06¹.

Fees & Receipt

The required fee for preliminary and final is \$400.00 plus \$100 per acre, plus postage charge. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *

Date *

1/27/16

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 preliminary plans containing all required information as attachments and a check for fee and postage charges 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).**

For Staff Use Only

Fee Paid Date *

1/27/17

Receipt Number *

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

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

³ The United States Postal Service: <http://www.usps.com/>

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



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Application for Residential Planned Development
Gaslight Avenue at Stewart Square
Former Miami Valley Lumber Site and associated properties
Oxford Ohio

January 27, 2017

Dear Jung-Han,

Please accept this letter as a formal request for a Preliminary Plan review hearing by the City of Oxford Planning Commission and Oxford City Council for a Residential Planned Development on the Former Miami Valley Lumber Site and associated properties, located between South College Avenue and South Main Street, South of Stewart Square.

The project as presented represents a 6.45 acre Residential Planned Development in the Mile Square as a compliment to Stewart Square.

As shown on the attached drawings & renderings, the group of properties is isolated behind Stewart Square and includes both GB and R1MS properties. Spreadsheets are provided with this application describing the development potential based on the current zoning districts. Also provided is an evaluation of the property where it the R1MS portions have been "upzoned" to R3MS as has been discussed at the recent Planning Commission work sessions.

Additionally, we have provided a spreadsheet addressing the site design regulations, including occupancy, parking, lot coverage, and open space requirements. As you can see from the attached drawings, the combination of lots create an irregular shape and subsequently, an excessive amount of perimeter. Included in the spreadsheet portion of this application is a comparison of this lot with a more traditional orthogonal lot.

Also included are preliminary Site Plans, renderings, & details describing the proposed project.

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

Property Owners:

Terry Dudley
56744 Contreras Road
Oxford, Ohio 45056

Adjacent Property Owners:

Stewart Developers LLC
125 West Spring Street
Oxford, Ohio 45056

Architect:

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

Surveyor:

Bayer Becker Inc.
110 South College Avenue
Oxford, Ohio 45056

The following is the written, detailed description of the proposal as required on the Planning Application:

(5) Description of Use and Site 1145.05 (7)

- A. Legal Description/Deeds/Surveys of the Property will be included under a separate cover
- B. The Site currently contains (2) abandoned buildings (from the former Miami Valley Lumber Company) as well as vacant land. The site is currently accessed from South College Avenue, where it conflicts with a diagonal railroad crossing. The vacant land can also be accessed via a small parcel, adjacent to a 9.90' City Alley Right-of-Way connects to South Main Street

To the South of the project, the combination of a vacated Right-of-Way and a proposed extension to through the marginally improved Rose Avenue results in a third access point to the proposed development.

- C. The property is currently zoned GB along South College Avenue, with R1MS throughout the remainder of the area between South College and South Main Streets.
- D. Description of the Proposed Planned Development.

- 1. The Proposed Residential Planned Development designed to create a neighborhood of "Brownstone" style residential townhouses as compliment to Stewart Square.

The entrance from South College Street at the railroad crossing would be eliminated. The primary access to the new development is provided through Stewart Square along the east side of the development, extending the drive that follows from South Beech Street past the hotel. The axial view to the South is terminated with a fountain and outdoor gathering space across the proposed Gaslight Avenue.

The townhouses are combined in various configurations of 2 & 3 unit buildings, though each unit was a private entrance from the street; No common corridors or stairs are provided. While the units are nearly identical in floor plan, the street facades would vary with multiple exterior finishes, cornices, bays, and window shapes, creating a unique neighborhood reminiscent of older neighborhoods and in the style that compliments Stewart Square. Additionally, gas-styled street lamps used throughout Stewart Square will continue into this development, and was the inspiration for the name of the project.

A second entrance is proposed through a small that joins South Main Street at the northeast corner of the property. This parcel is adjacent to a 9.90' alley Right-of-way that is marginally improved. The proposal included herein describes combining this area with the Main Street parcel, creating an entrance to the development and providing improved connection to Heather Lane.

To the South of the project, the combination of a vacated Right-of-Way and a proposed extension to through the marginally improved Rose Avenue results in a third access point to the proposed development

Each entrance is provided with identification signage placed on brick walls. Sidewalks are provided throughout, and connect to both Stewart Square and South Main Street.

Active Open Space is provided with a Gazebo & picnic area to the west of the development, visible from South College Avenue. A series of pedestrian paths are

proposed connecting this park area to the sidewalks along South College, Stewart Square, the secondary "Central Park". Sidewalks continue throughout the development and connect to the City sidewalks along South Main Street.

A significant sanitary sewer line currently crosses the site without an easement. The design as presented allows this to remain through the new street & parking area.

2. No commercial development is proposed in this Planned Development. Though a portion of the land is Zoned GB, visibility and access are limited, and is not an attractive location for new businesses.
 3. Hours of operation are not relevant, as only residential uses are proposed.
 4. The project is intended to be built in a single phase.
- E. Narrative statement evaluating the compatibility of the proposed Planned Development with the general vicinity and adjacent properties.
1. The proposed residential development is the most compatible use to the surrounding properties. Located in the center of the block and without GB street access, a higher density residential development is ideal for this location. Working with the Stewart Square Developers has created an opportunity for access from their site, allowing the elimination of the conflicted entrance to the property along South College Street with the diagonal railroad crossing. Further, the building have been designed as a compliment to Stewart Square in style and materials
 2. The existing abandoned buildings on the site are to be removed. As described above, the entire development was designed as a compliment to the adjacent Stewart Square in respectful of the other adjacent residential properties.
 3. Noise, lighting, & nuisances will be typical for a residential neighborhood.
 4. The development is designed to provide a perimeter setback where appropriate.
- F. The Planned Development in this location serves the goals of the planned development purpose statement, as it intends to permit and encourage creative and flexible land development not permitted by right. The location is appropriate for residential development, as it represents in infill project where residential is the best use, provides connectivity to streets and adjacent developments, and continues the walkability of the Mile Square
- G. The Planned Development is necessary and desirable for the neighborhood and the community, providing new housing options in the Mile Square. It reflects the current goals of Planning Commission as they look for opportunities to allow greater density within the fabric of the community for the growing University population.
- H. Preliminary investigation and work on the adjacent properties leads us to believe all public utilities are existing & adequate for the proposed development. Improvements, if required, will be part of the Final Planned Development Application.
- I. The traffic impact would not be significant. Three entry/exits are provided without creating a new "through Street" that would encourage additional commercial traffic. Pedestrian access is accounted for through new sidewalks, connecting to Stewart Square and Main Street.
- J. There are no proposed easements or covenants or restrictions on the land or existing structures. Utility easement may need to be granted for existing or proposed utilities not currently in easements.

K. Mailing addresses of adjacent property owners are attached.

L. Other pertinent information:

The proposed development aligns with the goals of the Comprehensive Plan; it provides new, diverse housing opportunities and is designed to reflect the historic guidelines of the Mile Square and the Historic District as an extension of Stewart Square.

It improves connectivity for traffic and pedestrians, with connected street & sidewalks throughout.

The project aligns with the work and goals of Planning Commission exhibited at work sessions over the past 6 months. The increasing enrollment of Miami University has put pressure on neighborhoods and vacant land on the perimeter of the City. Planning Commission has been searching for areas where density can be thoughtfully created within the City to relieve this pressure. Creative land use on vacant property in the Mile Square such as this provides an opportunity to create a new higher density neighborhood without impacting neighbors or the existing historic housing stock.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written in a cursive style.

Scott Webb, Architect

Gaslight Avenue at Stewart Square

Dudley Prime Properties LLC

Revised Lot Areas from Bayer Becker Survey March 1, 2017
Planned Development Calculations

	Units	Bedrooms	
Proposed 4-Bedroom Townhouses	74	4	296
Proposed 2-Bedroom Townhouses	14	2	28
	88 Total Units		324 Total Beds

Site Development Regulations (1145.12 DESIGN)

Parking
 Parking Provided 231 spaces
 Regulation (2.5 per Dwelling Unit) 220 spaces

Lot Coverage		
Buildings	52,488 s.f.	18.03% Building Lot Coverage
Drives & Parking	73,533 s.f.	
Sidewalks-West	3,645 s.f.	
Sidewalks-East	11,768 s.f.	
Sidewalks -NW-Center	3,050 s.f.	
Sidewalks-South-Rose Ave.	1,107 s.f.	
Total Lot Coverage	145,591 s.f.	50.02% Total Lot Coverage
Regulation (Max 40%)	116,425 s.f.	

Open Space		
West Park Picnic Area	21,479 s.f.	
Central Park	5,925 s.f.	
Corner Park	4,320 s.f.	
Rose Ave Open Space	7,622 s.f.	
Total Qualifying Open Space	39,346 s.f.	13.52%
Regulation (Min 20%)	58,212 s.f.	

Challenges of an Irregular Lot

	Existing Lot Area	Comparative Square Lot
Overall Lot Area	291,062 s.f.	291,062 s.f.
Buildable Area	197,936 s.f.	239,640 s.f.
25' Perimeter Setback Area	93,126 s.f. 2.14 acres 32.00% of Lot Area	51,422 s.f. 1.18 acres 17.67% of Lot Area
	81.10% More Perimeter than a Comparable Square Lot	

Comparison of Total Open Space

Perimeter Setback Area	93,126 s.f.	51,422 s.f.
Proposed Qualifying Open Space	39,346 s.f.	58,212 s.f.
	132,472 s.f. 3.04 acres 20.83% More Total Open Space than a Comparable Square Lot	109,634 s.f. 2.52 acres

Gaslight Avenue at Stewart Square

Dudley Prime Properties LLC

Revised Lot Areas from Bayer Becker Survey March 1, 2017

Existing Zoning

Lot Area	Current Zoning	Lot Area	Allowable Density Units / Lot Area	Dwelling Units	PUD Bonus	Dwelling Units
Main Parcel						
Existing GB Areas (Miami Valley)	GB	129,247	1	7500	17.23	17.23
Existing R1MS Area (Center Parcel & Heather Ln.)	R1MS	108,559	1	6000	18.09	19.90
North Rose Ave. (3 Parcels)	R1MS	23,059	1	6000	3.84	4.23
South Rose Ave.	R1MS	17,920	1	6000	2.99	3.29
Total Based on Existing Lots						
(No Vacated Right-of-Way)		278,785 s.f.				44.65 Units
		6.40 Acres				4 Bedrooms
						178.59 Total Beds
Vacated Rose Ave. North						
	R1MS	4,029	1	6000	0.67	0.74
Total Based on including Vacating						
North "L" of Rose Ave. Right-of-Way		282,814 s.f.				45.39 Units
		6.49 Acres				4 Bedrooms
						181.55 Total Beds
Vacated Rose Ave. Center						
	R1MS	8,248	1	6000	1.37	1.51
Total Based on including Vacating						
Center portion of Rose Ave. Right-of-Way)		291,062				46.90 Units
		6.68 Acres				4 Bedrooms
Site Totals					187.60 Total Beds	

Gaslight Avenue at Stewart Square

Dudley Prime Properties LLC

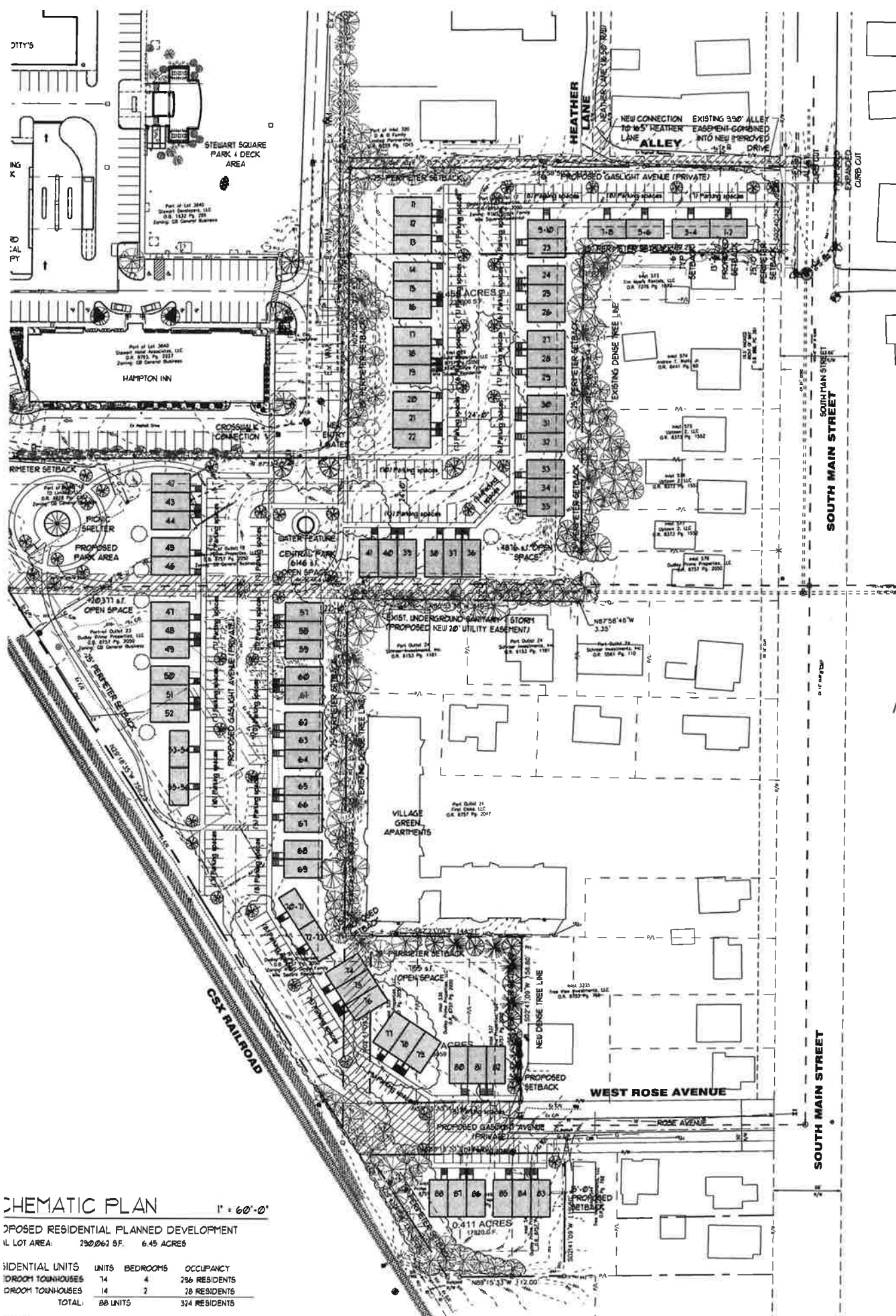
Revised Lot Areas from Bayer Becker Survey March 1, 2017

Potential Zoning Changes

GB & R-1 to R2MS

Based on discussions at Planning Commission Work Sessions addressing density increases in the Mile Square

Lot Area	Proposed Zoning	Lot Area	Allowable Density Units / Lot Area	Dwelling Units	PUD Bonus	Dwelling Units
Former GB Areas (Miami Valley)		129,247				
Former R1MS Area (Center Parcel & Heather Ln.)		108,559				
Total Northwest Parcel	R2MS	237,806	2	7500	63.41	110% 69.76
North Rose Ave. (3 Parcels)		23,059				
South Rose Ave.		17,920				
Total Existing Rose Ave.	R2MS	40,979	2	7500	10.93	110% 12.02
Total Based on Existing Lots (No Vacated Right-of-Way)		278,785 s.f. 6.40 Acres				81.78 Units 4 Bedrooms 327.11 Total Beds
Vacated Rose Ave. North	R2MS	4,029	2	7500	1.07	110% 1.18
Total Based on including Vacating North "L" of Rose Ave. Right-of-Way		282,814 s.f. 6.49 Acres				82.96 Units 4 Bedrooms 331.84 Total Beds
Vacated Rose Ave. Center	R2MS	8,248	2	7500	2.20	110% 2.42
Total Based on including Vacating Center portion of Rose Ave. Right-of-Way		291,062 6.68 Acres				85.38 Units 4 Bedrooms 341.51 Total Beds
Total of Area of Vacated Easements		12,277 s.f.				
New 20' Utility Easement		11,085 s.f.				
(Existing Storm & Sanitary Sewer through property)						



SCHEMATIC PLAN
 1" = 60'-0"

PROPOSED RESIDENTIAL PLANNED DEVELOPMENT
 TOTAL LOT AREA: 290,067 SF. 6.45 ACRES

RESIDENTIAL UNITS	UNITS	BEDROOMS	OCCUPANCY
STUDIO TOWNHOUSES	14	4	296 RESIDENTS
1-BEDROOM TOWNHOUSES	14	2	78 RESIDENTS
TOTAL:	88 UNITS		374 RESIDENTS



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

REVISIONS

PROPOSED PLANNED DEVELOPMENT

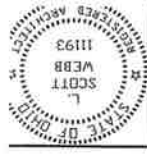
Gaslight Avenue at Stewart Square

FORMER MIAMI VALLEY LUMBER SITE
 OXFORD, OHIO 45056

January 31, 2017



ENTRANCE FROM STEWART SQUARE



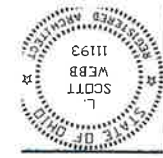

SCOTT WEBB
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PROPOSED PLANNED DEVELOPMENT
Gaslight Avenue
 at Stewart Square
 FORMER MIAMI VALLEY LUMBER SITE
 PROJECT NO. 150754

DATE	January 21, 2017
REVISIONS	



LOOKING NORTH TOWARD STEWART SQUARE



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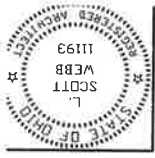
PROPOSED PLANNED DEVELOPMENT
Gaslight Avenue
at Stewart Square
OXFORD, OHIO 43086
FORMER MAINT VALLEY LUMBER SITE

DATE	January 27, 2011
REVISIONS	

A-3



STREETSCAPE LOOKING SOUTH FROM HEATHER LANE CONNECTION



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Gaslight Avenue
 at Stewart Square
 PROPOSED PLANNED DEVELOPMENT
 FORMER MIAMI VALLEY LUMBER SITE
 OXFORD, OHIO 45056

DATE	January 21, 2007
REVISIONS	

A-2



VIEW FROM ABOVE

PROPOSED PLANNED DEVELOPMENT
Gaslight Avenue
 at Stewart Square
 FORMER MIAMI VALLEY LUMBER SITE

ARCHITECT
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 WEBB**
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DATE
January 21, 2007
REVISIONS

A-1

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 18, 2017

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

June 28, 2017
Date Prepared:

PC-2017-06, FINAL PLANNED DEVELOPMENT, Red Brick Estate, 23.28 acres, R-1A District, Bryan Price, Red Brick LLC, Applicant

Recommendation: Approval with Conditions

Discussion:

The applicant is seeking a Final Planned Development approval to develop this 23 acre tract of land into 50 single-family homes between Olde Farm Road and Country Club Drive, north and west of Heritage Subdivision. The developer has planned arts and crafts style architecture.

Any planned development project needs to go through a two-step process; a preliminary plan and a final plan, although the process can be concurrent for small, single-phase developments. Both preliminary and final plan approvals require a Planning Commission recommendation and City Council approval. The Preliminary Planned Development was approved in 2016 with conditions. This is the final phase of the Planned Development that went before the Planning Commission and now is before Council for approval based on the recommendations from the Planning Commission.

There are general decision standards that the Planning Commission and City Council shall follow in reviewing preliminary and final planned development applications. For the final planned development, additional standards are added:

- a. The final planned development shall substantially conform to the preliminary plan.
- b. Any substantial changes from the preliminary plan improve the plan or were requested by the Planning Commission or Council as a part of the preliminary plan approval process.
- c. If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

The Planning Commission reviewed this application and deliberated their considerations at two separate meetings. On June 9, the Commission discussed at length this project and made a recommendation to Council for approval of this Final Planned Development with conditions as follows:

1. That, any revisions to the Homeowners Association or By-Laws information as requested by City Staff is consistent with City codes;
2. That, any revisions to wetland and conservation easement information as requested by City Staff is consistent with City codes;

3. That, sidewalk connections to existing sidewalks be adjusted on construction plans to be consistent with the Final Planned Development Plan;
4. That, Outlot lettering/numbering be consistent on the Final Plan and Construction Plans and a statement will be added to the plat that no homes are to be built on the five Outlots;
5. That, Final Plan approval be valid for five years. Phase One, including all infrastructure and homes, shall be completed within five years. A Final Plan extension may be requested per City code;
6. That, the plans be revised to reflect the street and sidewalk improvements of the stub right-of-way between Lots 9 and 10;
7. That, if all lots are not built at the end of each Phase, the remaining sidewalks will be completed at the time of completion of that Phase or within five years, whichever is sooner;
8. That, Phase One shall be the south end of the property;
9. That, the Typical Lot Plan be revised to reflect compliance with a 35% maximum lot coverage.

Approved By:

Department Head:

City Attorney:

City Manager:

JHC, 7/5/17
DRE, 7/13/17

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR FINAL PLAN APPROVAL OF A PLANNED DEVELOPMENT TO BE LOCATED ON 23.28 ACRES OF VACANT LAND BETWEEN OLDE FARM ROAD AND COUNTRY CLUB DRIVE TO ALLOW A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT WITH CONDITIONS.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on June 13, 2017 in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Red Brick Development LLC, Applicant, Agent, for approval of a Final Planned Development to be located on 23.28 acres of vacant land between Olde Farm Road and Country Club Drive to allow a single-family residential development.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code, substantially conforms to the approved preliminary plan and meets the nine (9) conditions set forth for Preliminary Plan approval and recommended approval of the Final Planned Development application for 23.28 acres of vacant land between Olde Farm Road and Country Club Drive with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Planned Development application for 23.28 acres of vacant land between Olde Farm Road and Country Club Drive to allow a single-family residential development based on the submittals of the applicant that are incorporated herein and made a part of this approval with the following conditions:

1. Any revisions to the Homeowners Association or By-Laws information as requested by City staff shall be consistent with City codes.
2. Any revisions to wetland and conservation easement information as requested by City staff shall be consistent with City codes.
3. Sidewalk connections to existing sidewalks shall be adjusted on construction plans to be consistent with the Final Planned Development plan.
4. Outlot lettering/numbering shall be consistent on the Final Plan and construction plans and a statement shall be added to the plat that no homes shall be built on the 5 outlots.
5. Final Plan approval shall be valid for 5 years. Phase One, including all infrastructure and homes, shall be completed within 5 years. A Final Plan extension may be requested per City code.
6. The plans shall be revised to reflect the street and sidewalk improvements of the right-of-way between Lots 9 and 10.
7. If all lots are not built at the end of each Phase, the remaining sidewalks shall be completed at the time of completion of that Phase or within 5 years, whichever is sooner.
8. Phase One shall be the south end of the property.

9. The typical lot plan shall be revised to reflect compliance with 35% maximum lot coverage.

SECTION 4: 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)

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

Report Date July 18, 2017

Case Number PC-2017-06

Applicant Information Bryan Price, Red Brick LLC

Requested Action Final Planned Development

Summary of Request This is a Final Planned Development to develop 23 acres of vacant land into 50 single-family homes.

Public Hearing Information A Public Hearing took place at 118 W. High Street on May 9, 2017 (Tabled) and June 13, 2017. A Preliminary Development was approved by City Council August 2, 2016, Ordinance 3359. A Public Hearing notice was published in the Journal News on May 14, 2017. Courtesy notices were mailed to adjacent property owners on May 23, 2017. Multiple signage was posted at the site on June 6, 2017

Commission Action The Planning Commission voted 4-1-0 recommending approval with numerous conditions.

Commission Findings and Conclusions The Planning Commission reviewed this final development quite extensively. Surrounding property owners spoke at each Planning Commission meeting. Concerns expressed were water runoff, first phase choice, open space, stub street development, sidewalk completion, lot size, lot coverage, stub street ownership. The Planning Commission recommended nine conditions.

Exhibits Submitted to the Commission

1. Staff Reports Dated May 2, 2017 and June 8, 2017
2. Wetland Conservation Drawings and Language
3. City Engineer Memorandum Dated June 1, 2017
4. Interoffice Review Transmittal Sheets
5. Surrounding Property Owner Notifications Map
6. Letter of Agency
7. Preliminary Development Ordinance #3359
8. Planned Development Application
9. Traffic Evaluation

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-2017-06

Date – June 13, 2017
Tabled from May 9, 2017

APPLICATION

Applicant:	Bryan Price, Red Brick Development LLC
Location:	23 vacant acres, Olde Farm Road / Country Club Drive
Owner:	Strait Gate Homes LLC
Action Request:	Recommendation for Final Planned Development – To forward a recommendation to City Council regarding Final Plan
Current Use:	Vacant Agricultural
Surrounding Existing Land Uses:	Single-Family Residential and Agricultural

DESCRIPTION

As follow-up from the tabled case May 9, 2017, Staff is providing herein a brief report including: Timeline, New Information, Brief Analysis and Recommendation. Additional reference to the May 9 Staff report is recommended. The applicant's request is to receive a recommendation of approval for the Final Planned Development for Red Brick Estates. If approved by City Council this constitutes zoning and subdivision approval to develop 23 acres of vacant land into 50 single-family home lots. The land is located between Olde Farm Road and Country Club Drive, north and west of Heritage Subdivision. Heritage Subdivision is accessed by Contreras Road. The subject land was annexed by Oxford in the 1960s. The land is zoned R1A (Single-Family Low Density) and abuts R1B (Single-Family Medium Density) to the west.

TIMELINE

June 14, 2016:	Planning Commission Preliminary Plan Recommendation of Approval
August 2, 2016:	City Council Preliminary Plan Approval
May 9, 2017:	Planning Commission Final Plan Review: Tabled

NEW INFORMATION

1. The City has a signed agreement with the owner to purchase the underlying land of the existing stub street to be named Grace Lane. (not attached)
2. The homeowner association documents have been received and reviewed by Staff. (attached)
3. The conservation easement document has been received and reviewed by Staff. (attached)
4. The City Engineer has provided an additional written statement regarding the storm water management plan. (attached)

ANALYSIS

1. The maximum lot coverage of individual lots is proposed to exceed the limit of 35% by 5%. This constitutes a potential waiver request.
2. The HOA documents have been reviewed by the Staff but no requests for revision have been received at this time.
3. The Wetland and Conservation Easement documents have been reviewed by Staff but no requests for revision have been received at this time.

4. There are three sidewalk connections that need to be revised to improve the user experience by avoiding alignment offsets.
5. There are differences in the numbering/lettering of the Outlots that needs resolved for consistency purposes. There is no statement on the drawings regarding the prohibition of homes on the Outlots.
6. The Final Plan approval is by default only valid for 1 year. This would require all of the infrastructure to be built and homes to be permitted and under construction within one year from City Council approval. The applicant is requesting the Final Plan be valid for 5 years which would still permit future extension requests.
7. The applicant is proposing dedicating street right of way for a street stub to the vacant land to the west without a plan to actually improve (pavement and sidewalks) the stub. The City Manager is planning to recommend to City Council that this approval be conditioned upon the plan being revised to include street improvements of the stub right of way.

Based upon Oxford Zoning Code Section 1145.06(c), the proposed Final Plan substantially conforms to the Preliminary Plan approved by Oxford City Council by Ordinance #3359 approved on August 2, 2016.

RECOMMENDATION

Based upon the staff's findings and analysis above, a recommendation of approval of the proposal as submitted can be forwarded based upon the following potential conditions:

1. Any revisions to home owner association or by-law information as requested by Staff consistent with City codes.
2. Any revisions to wetland and conservation easement information as requested by Staff consistent with City codes.
3. Sidewalk connections to existing sidewalks be adjusted on construction plans to be consistent with Final PD Plan
4. Outlot lettering/numbering be consistent on Final Plan and Construction Plans and a statement be added to the plat that no homes are to be built on the 5 Outlots
5. Final Plan approval be valid for five years.
6. Improvement of the stub right of way between lots 9 and 10.

SUBMITTED

BY:



Sam Perry, AICP, Planner

DATE: June 8, 2017

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-2017-06

Date – May 9, 2017

APPLICATION

Applicant:	Bryan Price, Red Brick Development LLC
Location:	23 vacant acres, Olde Farm Road / Country Club Drive
Owner:	Strait Gate Homes LLC
Action Request:	Recommendation for Final Planned Development – To forward a recommendation to City Council regarding Final Plan
Current Use:	Vacant Agricultural
Surrounding Existing Land Uses:	Single-Family Residential and Agricultural

DESCRIPTION

Following a Preliminary Plan review at Planning Commission on June 14, 2016 and a City Council review and approval on August 2, 2016, the applicant is now requesting approval of the Final Plan. The intent is to receive zoning and subdivision approval to develop 23 acres of vacant land into 50 single-family homes between Olde Farm Road and Country Club Drive, north and west of Heritage Subdivision. Heritage Subdivision is accessed by Contreras Road. The Planned Development purpose statement from Oxford Code Section 1145.01 is:

To incorporate land uses and development patterns that are intended to permit and encourage creative and flexible land development that is not permitted by-right under the administrative regulations of underlying zoning districts. The planned development is particularly well suited to address two distinct goals of the Comprehensive Plan: to provide for environmentally sensitive and cohesive developments that are an attractive alternative to traditional subdivision and infill development that fully utilizes available land and existing utility resources where they already exist.

The process of the Planned Development requires Planning Commission review and recommendation to be forwarded to City Council. Since the Final Plan review is well before the two year expiration of the Preliminary Plan, this review is the correct next step for the applicant to move forward. The applicant and applicant's consultant, Bayer Becker, have reviewed and responded to the City Council approval ordinance #3359 in preparation for this review.

SITE HISTORY BACKGROUND

The land proposed for development is a vacant and undeveloped agricultural tract approximately 500 feet wide and 2,200 feet long, parallel to Country Club Drive. In the 1970s a phase of Heritage Subdivision was proposed, but it never moved forward. As noted above, Oxford City Council approved the Red Brick Estates Preliminary Planned Development on August 2, 2016. Due to the lot configuration the applicant chose the Planned Development process route rather than the conventional Subdivision route. The Planned Development allows more flexibility in dimensional standards but requires more open green space reservation than the minimum yard setback distances of conventional subdivisions. Either route would require wetland preservation due to federal land disturbance permitting requirements.

DECISION STANDARDS

The Planning Commission and City Council must review a request for a planned development approval based upon Section 1145.06 of Oxford Zoning Code. Because it is a subdivision by definition it must also follow the Subdivision Code Section 1101 with the exception of the dimensional regulations of the underlying zoning district.

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development 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.

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

If, at any time, 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.

- (a) Burden of Proof. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

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.

- (b) General Decision Standards. All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed. **Yes**
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied. **N/A**
- (3) The uses and site plan will satisfy the general intent of this Zoning Code. **Yes**
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan. **Yes**
- (5) The size and shape of the site are sufficient for the proposed planned development. **Yes**
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. **No**
- (7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions. **No**
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses. **Yes**
- (9) 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. **Yes, based upon departmental review**
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. **Yes, based on departmental review**
- (11) 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. **Yes**

- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets. **Yes**
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. **No, based upon City Council approval and information available**

PURPOSE STATEMENTS

Below are purpose statements from both applicable sections of the Zoning Code:

R-1A Underlying Zoning: Section 1143.01(a) Purpose: This district is intended to provide areas for low-density single-family residential development, generally located within the outlying areas of the City. Such development would be located and designed to protect and enhance the open space character of selected areas within the City.

Planned Development Common Goals from Section 1145.01(a)

- (1) Planned developments share these common goals:
 - A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code. -- **Preserving vegetative buffering not required by conventional subdivision.**
 - B. Produce a development equal to or better than that resulting from single-use or traditional subdivision -- **Open space and architectural standards exceed subdivision.**
 - C. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings -- **Lacks the City Council required street connection location. Also lacks a plan for improvement of said connection.**
 - D. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site -- **Reduced side yard setbacks and lot widths / Good utilization.**
 - E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development -- **Incomplete at this time.**
 - F. Be functional within a time period that helps ensure a viable development -- **To be built in two phases, however Final Plan approval is only valid for one year, which could be less than the overall build-out plan. Extensions of the Final Plan approval or other regulatory adjustment may be necessary**
- (2) Infill (already within corporate limits) development also satisfies the following goals:
 - A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access. -- **Likely yes, because of linear tract configuration**
 - B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available. -- **Yes**
 - C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford. -- **Yes, Land currently in corporate limits.**

DESIGN REQUIREMENTS

Below are the design requirements for Planned Developments:

Section 1145.12

- (a) Arrangement. The physical arrangement of a planned development is not subject to the specific dimensional regulations that apply in the underlying zoning district, except as specifically noted in this Chapter. Land uses may be distributed throughout the site and throughout individual buildings in whatever manner is best suited to a particular planned development. Structures, vehicle management areas, open spaces, landscaping, and other elements may be distributed throughout the site in whatever manner is best suited to a particular planned development and the surrounding area. – **The lot layout has shifted somewhat due to increased wetland area and an additional street stub right of way abutting vacant land to the west. The number of buildable lots remain at 50.**

(b) Land Area. A planned development shall be a minimum of 1 (one) contiguous acre or more.

(c) Land Use.

- (1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:
 - A. Any land use permitted in any residential zoning district in this Code, except Mobile Homes. -- **Single-family arts and crafts architectural style homes are proposed.**
 - B. Institutional, public, and semi-public land uses that serve the planned development or the general public.
 - C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve the planned development only. Such commercial land uses shall be limited as follows:
 1. No signs that are visible from outside of the development.
 2. No direct vehicular access to a public thoroughfare.
 3. No less than 95 percent of the total land area shall be devoted to residential land uses.
 4. No separate structure intended to be used, in whole or part, for commercial land uses shall be constructed prior to the construction of not less than 50 percent of the dwelling units.
- (2) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:
 - A. Any land use permitted in the underlying zoning district.
 - B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.
- (3) The following land uses are permitted only in the portions of a planned development that overlay an existing industrial zoning district:
 - A. Any land use permitted in the underlying zoning district.
- (4) The land uses permitted in a planned development may be distributed as follows:
 - A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.
 - B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.

(d) Residential Density. Residential density shall not exceed 110 percent of the density permitted in the underlying zoning district. Residential land uses in a planned development that overlays a commercial zoning district shall not exceed the density of the R1B Single-Family Medium-Density Residential Zoning District. Area devoted entirely to non-residential land uses, including buildings, vehicle management areas, and other associated land use elements shall be excluded from the area used to calculate residential density. -- **Although the lots are smaller, the overall residential density of the proposed development is less than R-1A Zoning District requirements because of the substantial open space areas.**

(e) Dimensional Regulations.

- (1) Building Heights shall be limited as in the underlying zoning district, regardless of land use.
- (2) Front setbacks shall be limited as in the underlying zoning district.
- (3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:
 - A. Residential zoning district – 25 feet. -- **In compliance**
 - B. Commercial zoning district – 25 feet.
 - C. Industrial zoning district – 50 feet.

(f) Open Space.

- (1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.

- (2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent. **No detailed lot build-outs presented at this time.**
- (g) Environmental. A 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:
- (1) Natural vegetation shall be maintained. -- **The 100 foot buffer around mapped wetlands poses a conflict with building lots 47-50 making them un-buildable. The applicant requests a waiver from the buffer requirement and is planning to present a mitigation plan from Kilbane Environmental to the Planning Commission. Staff recommends review of the mitigation plans as well as a conservation easement to restrict inappropriate usage of the rear yard setback areas of lots 47-50.**
 - (2) No structures shall be built or improvements made, except as follows:
 - A. Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.
 - B. Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.
 - C. Any improvements approved in a final plan.
 - D. Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director or Chief of Police.
- (h) Landscaping and Screening.
- (1) A planned development shall satisfy all landscaping elements required by other sections of this Code. – **Street trees are proposed per subdivision requirements.**
 - (2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound. **The plan does not give any details on the drawing about what actual vegetation currently exists and how it will be preserved. All that is shown are bubbled areas. The application states that the tree line along the east property line will be maintained but there is no detail on the construction plans. The grading of Basin B (Open Space Outlot C) is within the buffer; therefore some plantings may be required.**
 - (3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.
- (i) Access and Mobility.
- (1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road. N/A
 - (2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre. N/A
 - (3) Adequate pedestrian connectivity shall be provided to and through a planned development. **Five foot wide sidewalks on both sides of the street are proposed within the development. Three sidewalk connections on the construction plans need to be adjusted because of tree lawn variation between developments. There is no sidewalk along the portion of Country Club Drive between Old Farm Road and Contreras Road (Off-site). The 2007 Oxford Area Trail Study shows a connection to this property through Open Space Outlot E.**
- (j) Utilities and Infrastructure. Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground. **The street lighting plan has not been completed by the utility company yet.**
- (k) Plan-Specific. Any other design elements deemed necessary by Planning Commission and Council to ensure that a planned development satisfies the decision criteria of this Chapter. – **The Planning Commission and City Council specified that the street stub to the vacant land west be aligned with Grace Lane. The applicant decided to locate it offset to reduce through traffic.**

COMMENT FORMS

All property owners within 200 feet have been notified by letter, multiple signs have been posted on the property and a notice has been placed in the newspaper. Additionally, the developer conducted their own informational outreach.

AGENCY REVIEWS

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

Police:	Returned without comment
Fire:	Returned without comment
Service/Engineering:	Returned with comment re: drainage and traffic
Econ. Dev.	Not returned

ANALYSIS

Necessity and Layout

The proposed planned development meets the requirements for dwelling unit density, setbacks and open space. There are less than 20 traditional subdivision lots that are vacant in the City of Oxford; indicating demand for additional lots for development. The proposed lots do not meet the R1A lot size or setback requirements; therefore a Planned Development is an appropriate process, as long as the purpose and intent goals are met for Planned Development design. The applicant has submitted a letter indicating that the Neighborhood Conservation Overlay District will be in place for this entire development.

Justification for Planned Development

The development balances the smaller lots uncharacteristic of R1A with five acres of proposed open space dispersed throughout the development. Additionally, some existing vegetation and wetland is planned to be conserved. Additional information about the mapped wetland areas is needed in order to justify the lack of buffering. The open space definitions in Subdivision and Planned Development Sections require active or passive recreation. Labels have been added; the developer plans to mow the land. A statement should be added to the layout notes that no homes are to be built on the Outlots. Section 1101.411-412 requires that the maintenance of the improvements in the common areas be properly accounted for, such as in the form of a home owner association. The documents are incomplete at this time.

Utilities

City staff does not find any concerns with utility infrastructure capacity and preliminary design to serve this site as indicated by the City Engineer's review.

Connectivity

An adjustment in the location of the proposed stub right of way is required based upon the preliminary approval ordinance. Additionally, it is recommended that the stub be paved as part of the project.

Streets

The City is in the process of resolving the right of way issue with the connection to Grace Lane.

Financial Security

Performance bonding for the public improvements for during and after the development will be required by the City as part of the final approval, per standard procedure.

RECOMMENDATION

Based upon the staff's findings and analysis above, a recommendation of approval can be forwarded based upon the following conditions:

1. Relocation and paving of the stub right of way
2. Satisfactory wetland buffering mitigation and conservation easement along lots 47-50
3. A statement be added to the plat that no homes to be built on the 5 Outlots

4. The declaration of covenants, home owner association responsibilities, maintenance of common open space and common facilities, easements and restrictions be completed, reviewed and approved by the City Law Director prior to recording of Final Plan, Record Plat or commencement of construction.
5. Sidewalk connections to existing sidewalks be adjusted on construction plans to be consistent with Final PD Plan
6. Outlot lettering/numbering be consistent on Final Plan and Construction Plans
7. 25' vegetative buffer preservation detail or plantings where removal occurs.

SUBMITTED

BY:

A handwritten signature in black ink, appearing to read "Sam Perry", written over a horizontal line.

Sam Perry, AICP, Planner

DATE: May 2, 2017

Suggested language to be placed on the Final Plan and Record Plat:

Conservation Easement Area –

As part of the conditions set forth by Oxford City Council to Red Brick Estates LLC and given the conservation values of the Easement Area, the owners of lots 47-50 hereby imposes and agrees to comply with the following activity and use limitations on the Covenant Area:

- a. **Construction** – The placement or construction of any manmade modifications such as buildings, structures, or fences on the easement area, other than construction activities that are authorized by the mitigation plan approved by the Ohio EPA are prohibited.
- b. **Dumping** – waste, garbage and unsightly or offensive materials are not permitted and may not be accumulated within the easement area.

Wetland/Conservation Easement Area –

As part of the conditions set forth by Oxford City Council to Red Brick Estates LLC and given the conservation values of the Wetland/Conservation Easement Area, the owner of open space lot A hereby imposes and agrees to comply with the following activity and use limitations on the Wetland/Conservation Easement Area:

- a. **Construction** – The placement or construction of any manmade modifications such as buildings, structures, or fences on the easement area, other than construction activities that are authorized by the mitigation plan approved by the Ohio EPA are prohibited.
- b. **Dumping** – waste, garbage and unsightly or offensive materials are not permitted and may not be accumulated within the easement area.
- c. **Cutting and other Control of Vegetation** – Any cutting of trees, ground cover, or vegetation or destroying by means of herbicides or pesticides on the Wetland/Conservation Easement Area is prohibited, other than the removal or control of invasive and noxious species and control activities that are authorized by the mitigation plan approved by Ohio EPA.
- d. **Water Courses** – Natural water courses and streams and adjacent riparian buffers may not be dredged, straightened, filled, channelized, impeded, diverted or otherwise altered on the easement area other than as part of activities that are authorized by the mitigation plan approved by the Ohio EPA.

RED BRICK ESTATES FINAL DEVELOPMENT PLAN

PART OF LOT 1728
CITY OF OXFORD, BUTLER COUNTY, OHIO
MAY, 2017

**CIVIL ENGINEER, SURVEYOR
AND LANDSCAPE ARCHITECT**

Bayer Becker, Inc.
6900 Tylersville Road
Mason, OH 45040
(513) 336-6600

OWNER/DEVELOPER

Red Brick Development LLC
4676 Somerville Road
Oxford, OH 45056
(513) 615-4138

SHEETS

1
2

DATE UNTIL SET OUR HAND ON THIS DAY OF
1, 2018

LC

STATE OF OHIO
COUNTY OF BUTLER
CITY OF OXFORD
I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR AND LANDSCAPE ARCHITECT IN THE STATE OF OHIO, AND THAT I AM THE DESIGNER OF THE ABOVE DESCRIBED PROJECT.

DATE

DATE

DATE

DATE

AT

AD 20

PAGES

BY

DEPUTY

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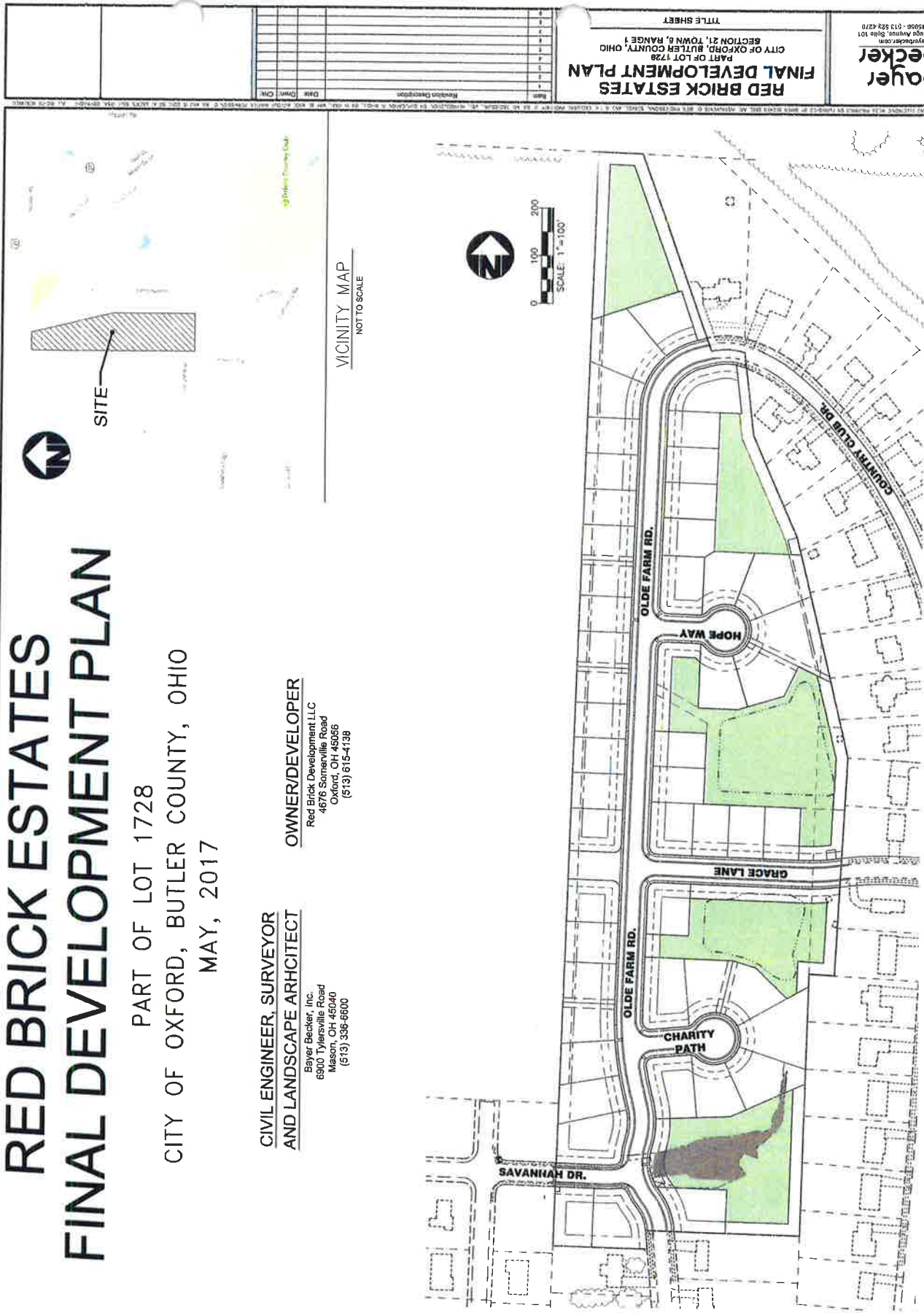
DATE

DATE

DATE

BY CITY COUNCIL

1 BE INSERTED





Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: PC-2017-06
Final Planned Development – Red Brick Estates

DATE: June 1, 2017

At request of Sam Perry, Planner, the Engineering Division is addressing the storm water issues related to the proposed development.

Form the initial stages of the proposed development, property owners on Country Club Drive and Old Farm Road have expressed concerns that the storm water draining from the proposed development would adversely affect their respective property and its value. Their concerns were heard, and taken into consideration when the stormwater management plan for the Red Brick Estates Development was designed by the Consultant, and reviewed by the Engineering Division.

Most of the expressed concerns were related to existing conditions.

- First, it must be stated that Country Club Drive and Old Farm Road was developed prior to City of Oxford's Stormwater Regulations.
- Second, the existing stormwater sewers that serve the area are limited in their presence, and not in their capacity to serve the existing area.
- Third, one can observe the topography of the developed area as being rather flat. The individual lots are flat, and in some cases, the lots are below the roadway elevation. As I stated in previous presentations to this body, the home builders were careless by not setting the home foundations at a higher elevation, and grading the lots, so as to provide a way for the storwater to reach the gutters along the streets.
- Forth, City Staff has cleaned the subject storwater sewer system, and the Oxford Country Club has replaced a deteriorated culvert on their property that

was obstructing the stormwater discharge downstream. The stated actions did improve the stormwater discharge issue.

The Stormwater Management Plan for the Red Brick Estates Development was designed to the latest standards. The Development will have two (2) detention ponds, which are designed to take in the stormwater from the Development and timely release it into the existing stormwater sewer system.

As stated by the Consultant, at the last Planning Commission meeting, the ditches are to direct and empty the accumulated stormwater into the detention ponds, which will discharge into the existing storm system.

The detention ponds were design in excess of the needed capacity, due to size restrictions presented by the existing storm system. Thus, the detention ponds discharge will be slowed, so as not to overburden the existing storm sewer, and possibly create flood issues within the Red Brick Development, and the existing Developments.

In extreme, and I must emphasize the word extreme, any overflow will be by surface down Grace Lane, toward the Oxford County Club.

In closing, I must state that this writer met with the Consultant and discussed the stormwater management plan in detail.

This writer finds the plan meets the present stormwater management specifications and BMP's for the subject development.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: April 4, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

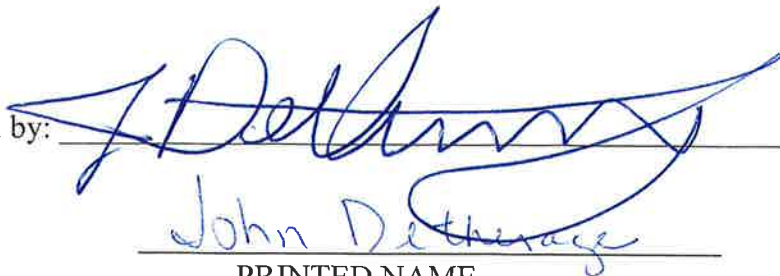
PC-2017-06, FINAL PLANNED DEVELOPMENT, Red Brick Estates, 23.28 acres, R-1A District, Red Brick LLC Applicant

☒ Review ☐ Revisions ☐ Other

Please return no later than: April 21, 2017 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:


John Detherage
PRINTED NAME

Date:

4-6-17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: April 4, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-06, FINAL PLANNED DEVELOPMENT, Red Brick Estates, 23.28 acres, R-1A District, **Red Brick LLC Applicant**

 X Review Revisions Other

Please return no later than: **April 21, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 4-14-17.

Drawings reviewed by: _____

V. Popescu

Date: _____

4-14-17

VICTOR POPESCU

PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: PC-2017-06
Final Planned Development – Red Brick Estates

DATE: April 14, 2017

The following comments are in addition to the comments stated in the May 16, 2016 memo. (attached)

Plan Sheet 1/10

- Refer to General Notes
 - Note 3.
Re-write the note. The note, as written, is not clear.
 - Note 6.
Correct the concrete class, to agree with the ODOT class.
- Refer to Utility Notes
 - Note 8.
“Labels” should read “Lengths”.
 - Note 23.
Correct note to read “... Class 53, 350 PSI”.
 - Note 24.
Add “... 350 PSI.”
- Refer to Typical Cross Section
 - Change tree lawn width to read 7' – 6”.
- Curb ramp details
 - Use ODOT Standard BP-7.1 (dated 7-18-14).

- Delete "Roadway Restoration Standard". Use City Standards.

Plan Sheets 3/10 & 4/10

- Refer to Note 3.
 - Change water service to read 1" (City Standard).

Plan Sheets 8/10

- Use current City Standards 10, 67, 68, and 78.
- Delete City Standard 65.

Plan Sheets 9/10

- Use current City Standards 11, 16, 22, and 73.

If there are questions, please contact the Engineering Division.



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, PE
City Engineer

RE: PC - 2016-11
Preliminary Planned Development
Red Brick Development

DATE: May 16, 2016

The following are comments from the Engineering Division.

- The final design must include a "sump line", located in back of the curb. The down spouts and foundation sump drains shall be connected to the "sump line", which will discharge the storm water into catch basins.
- The Traffic Evaluation, submitted with this proposed development has been reviewed and found to be acceptable, as is. The additional traffic created by the subject proposed development will not significantly increase the existing traffic volume within the existing neighborhood. It should be noted that the traffic volume on Contreras Road in the vicinity of Olde Farm Road has decrease from 2013 to 2015 (2,328 AADT vs 2,100 AADT).

If there are questions, please contact the Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: April 4, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-06, FINAL PLANNED DEVELOPMENT, Red Brick Estates, 23.28 acres, R-1A District, **Red Brick LLC Applicant**

 X Review Revisions Other

Please return no later than: **April 21, 2017** 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: _____

4/14/17

JOHN A. JONES

PRINTED NAME



PC-2017-06

Surrounding Property Owners Notifications Map

Legend

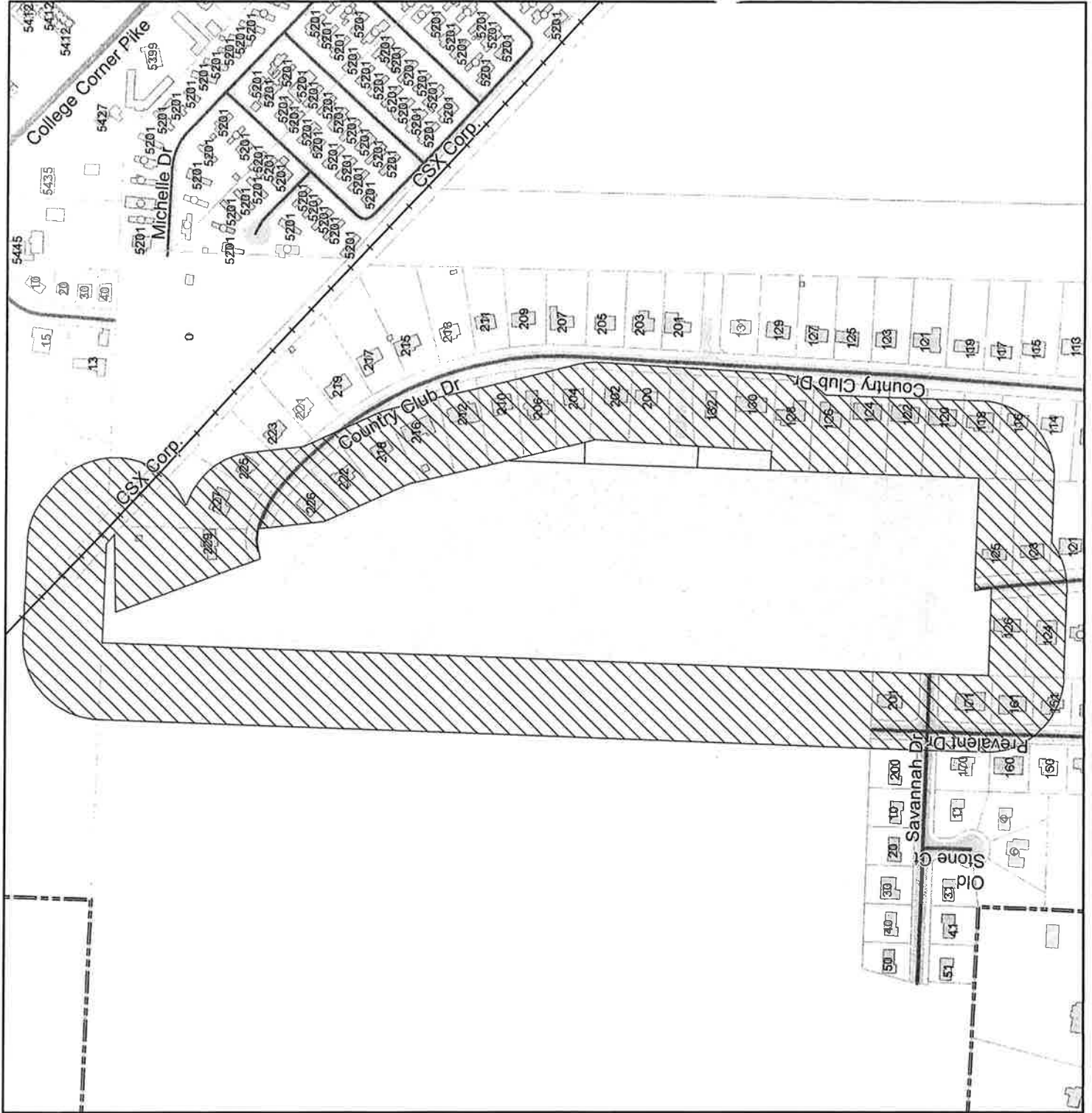
- Subject Parcels
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- 16.5' Vacated ROW
- Building Footprint
- Paved Roadway



1 inch = 350 feet

Prepared on Tuesday, April 18, 2017

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.



ORDINANCE NO. 3359

AN ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY PLAN APPROVAL OF A PLANNED DEVELOPMENT TO BE LOCATED ON 23.189 ACRES OF VACANT LAND BETWEEN OLDE FARM ROAD AND COUNTRY CLUB DRIVE TO ALLOW A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT WITH CONDITIONS.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on June 14, 2016 in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Red Brick Development LLC, Applicant, Agent, for approval of a Preliminary Planned Development to be located on 23.189 acres of vacant land between Olde Farm Road and Country Club Drive to allow a single-family residential development.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Preliminary Planned Development application with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Planned Development application for 23.189 acres of vacant land between Olde Farm Road and Country Club Drive to allow a single-family residential development based on the submittals of the applicant that are attached hereto and incorporated herein by reference as Exhibit "A" and made a part of this approval with the following conditions:

1. Storm water management shall meet or exceed City of Oxford regulations and standard specifications.
2. A stub street right-of-way shall be dedicated at the western terminus of "Grace Lane". Staff and applicant shall work together to identify a replacement lot within the project and shall make a recommendation to modify the open space requirements, if necessary to account for the street right-of-way and lot.
3. Active and passive recreation areas shall be identified and planned.
4. Outlots' name and letter labels shall be given to each lot not intended for development. A statement shall be added to the plat indicating that the front yard setback areas of all outlots shall be mowed as lawn and maintained free of undergrowth.
5. The 100' wetland buffering requirement shall be waived such that the applicant and staff shall work out other acceptable environmental practices to mitigate the reduced wetland buffering.
6. The declaration of covenants, home owner association responsibilities, maintenance of common open space and common facilities, easements and restrictions shall be reviewed and approved by the City Law Director with the Final Plan.
7. Details for street lights shall be included with the Final Plan.
8. A typical lot plot plan shall be submitted with the Final Plan.

9. Architectural elevation plans submitted with the Final Plan shall conform to the types and styles presented. Garages shall be added to the drawings and shall be consistent with the development restrictions presented.

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


MAYOR

ADOPTED: August 2, 2016

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)



Internal Use Only:	
Case No.	PC-2017-06
Date Filed	3/31/17

Planned Development Application

Application Type

Choose One

☐

Preliminary

☒

Final

☐

Preliminary & Final

Applicant Information

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

Name * Red Brick Development, LLC

Mailing Address * 4676 Somerville Road

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-615-4138 Email Address bryan@straitgatehomes.com

Owner Information

Name * Strait Gate Homes, LLC

Mailing Address * 4676 Somerville Road

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-615-4138 Email Address bryan@straitgatehomes.com

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 South College Avenue, Suite 101

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-336-6600 Email Address ettareed@bayerbecker.com

Location and Lot Information

Name of Subdivision * Redbrick Estates

Location of Property * Parcel No.: H4000022000-007,-008,-009,-010

Legal Description * Lot 1728

Zoning District * R-1A Total Area * 23.28 Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05¹) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

O. Other information as required by the Planning Commission or Council.

(7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.

(8) Other. Photographs of the existing site and its surroundings.

(b) Final Plan.

- (1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.
- (2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer
- (3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.
- (4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

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.

Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06¹.

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are \$400.00 plus \$100.00 per acre, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *

Date *



03-06-17

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 containing all required information as attachments and a check for fees 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 See City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

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



Red Brick Development LLC



4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

April 29, 2016

Mr. Sam Perry
Planner
City of Oxford
101 East High Street
Oxford, Ohio 45056

Re: Red Brick Estates
Neighborhood Conservation Overlay District

Dear Mr. Perry,

Upon approval of the Preliminary Development Plan and acquisition of the property known as parcels H4000-022-000-007, 008, 009, and 010, Red Brick Development LLC intends to request approval of a Neighborhood Conservation Overlay District to be placed on the Red Brick Estates Development.

Should you have any questions or wish to discuss further, please feel free to contact me.

Sincerely,

Bryan Price
Red Brick Development, LLC



*Where Creativity
Meets Functionality*

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

March 30, 2017

Mr. Sam Perry
Planner
City of Oxford
101 East High Street
Oxford, Ohio 45056

Re: Red Brick Estates
Final PUD Submittal

Dear Mr. Perry:

Enclosed please find the following items in support of Red Brick Development LLC's Application for Final Planned Development approval for Red Brick Estates to be located at the end of Country Club Drive, Savannah Drive and Olde Farm Road:

- 1) Executed Planned Development Application.
- 2) A check in the amount of \$2,738.17 made payable to the City of Oxford for the application fee.
- 3) Thirteen individual packets containing one (1) copy of each of the following:
 - a. Executed Planned Development Application.
 - b. List of property owners within 200 feet of the site.
 - c. Legal description of the property.
 - d. Construction Plans
 - e. Typical Building Elevations.
 - f. Landscape Plan.
 - g. Photos of the subject site and surrounding area.
 - h. Draft of proposed covenants and restrictions.
 - i. Letter from Red Brick Development LLC regarding intention to request a Neighborhood Conservation District Overlay.
- 4) A CD containing a pdf of the aforementioned items.
- 5) Applicant:

*Red Brick Development LLC
4676 Somerville Road
Oxford, Ohio 45056
513-615-4138*
- 6) Design Professionals:

Engineer, Surveyor & Landscape Architect:
*Bayer Becker
110 S. College Ave., Suite 101
Oxford, OH 45056*

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

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

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

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

<http://www.bayerbecker.com>

513-336-6600

7) Description of use and site:

- a. A legal description of the boundary of the proposed development is enclosed.
- b. The property is currently vacant.
- c. The property is zoned R-PUD, Residential Planned Unit Development.
- d. A description of the proposed planned development:

- i. The number of housing units by size and type proposed within each phase.

Red Brick Estates will contain a total of 50 single family residential lots to be constructed in 2 phases. The first phase will consist of approximately 19 lots. Lots shall have a minimum lot frontage of 75 feet and contain a minimum 8,250 SF. Front yard setbacks shall be 30 feet, rear yard 25 feet and 7.5 feet for each side yard.

- ii. A description of any nonresidential operations, including types of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.

Not applicable.

- iii. The hours of operation of any nonresidential use.

Not applicable.

- iv. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned.

Phase 1, approximately 19 lots, will consist of the northern portion of the property and will include the extension of County Club Drive. Phase 2, consisting of the remaining lots, will be located at the southern portion of the property and will include the extension of Olde Farm Road, Grace Lane, and Savannah Drive.

- e. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.

- i. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.

The proposed use, single family residential lots, will be compatible with the existing single family lots located to the south and east. Additionally, the property to the west is currently vacant and zoned R-1B for single family medium density residential.

Savannah Drive, Olde Farm Road, Country Club Drive and the existing street stub (Grace Lane) will be extended into Red Brick Estates in order to provide connectivity with the existing Heritage and Plantation West Subdivisions. Red Brick Estates will be constructing 5' wide sidewalks along both sides of all streets within Red Brick Estates development, as required by the Subdivision Regulations. Said sidewalks will connect to the existing sidewalk on Olde Farm Road, Savannah Drive, Country Club Drive and the Grace Lane.

- ii. How any existing structures, proposed structures, and the site design relate adjacent structures and sites.

The proposed homes to be constructed within Red Brick Estates will be comparable in size and contain similar building materials as the existing homes in the Heritage and Plantation Subdivisions.

- iii. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibrations or emissions.

The proposed use, residential, will not involve any operations that create potential nuisances.

- iv. How any potential negative effects on adjacent land will be mitigated.

Red Brick Estates will not have a negative effect on adjacent land. The properties to the south and east contain single family residences. While the property to the west, is a vacant field. Railroad tracks currently run to the north of the property. Red Brick Development LLC intends to maintain the existing tree buffer along the east property line of the development.

- f. A statement about why the location proposed is appropriate for the planned development.

The subject property is an ideal location for Red Brick Estates for several reasons:

- 1) *Per the Comprehensive Plan, Red Brick Estates is located in an area designated for future neighborhood growth, Character Area – Neighborhood General 3.*
- 2) *The property was zoned appropriately for residential development, R-1A single family low density residential.*
- 3) *Proposed density of the development is 2.15 units/acre. Existing density of the adjacent Heritage and Plantation Subdivisions is 1.66 and 2.46 units/acre, respectively.*
- 4) *The property contains several natural features that will be preserved within common open space.*
- 5) *Red Brick Estates will contain a Neighborhood Conservation Overlay District, similarly to the existing Heritage Subdivision to the east.*
- 6) *The infrastructure is currently in place to support a residential development of this nature.*

- g. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

There is a shortage of available single family residential lots within the City of Oxford for individuals to construct a new home. Red Brick Estates will fulfill this need. Furthermore, the development will contain over 20% open space and maintain the existing tree line along the east property line.

- h. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.

Public water and sanitary sewer are available to the property. Stormwater detention will be provided in 2 locations within the development. Overall impact from this development on the community is limited as the City has long planned for this area to be incorporated into the City's infrastructure.

- i. A general analysis of expected traffic impact, including vehicular and pedestrian safety resulting from the proposed development.

A letter discussing the expected traffic impact of Red Brick Estates, as well as how pedestrian safety will be accommodated was provided with the Preliminary PUD Submission

- j. The substance of proposed covenants, easements and other restrictions on the land and structures.
 - k. *Enclosed please find a summary of proposed covenants and restrictions for Red Brick Estates.*
- 8) A statement of conformance with the conditions required in the Preliminary PUD Plan.
- 1) *Onsite storm water management, including both the detention design and storm system has been designed to either meet or exceed the City of Oxford design regulations. Calculations for the detention basins and storm system demonstrating compliance have been attached*
 - 2) *The right-of-way for a future stub street will be dedicated to the City of Oxford to provide access to the western property. In order to discourage future traffic from passing through the adjacent Heritage Subdivision, the dedication for the future stub street has been offset from Grace Lane to align with Hope Way.*
 - 3) *Active and Passive recreation areas have been labeled on the Final PUD plan.*
 - 4) *Outlots' name and letter labels have been provided for the open space lots. A note has been added to the Final PUD plan indicating the front yard setback areas of all outlots will be mowed as lawn and maintained free of undergrowth.*
 - 5) *A buffer for the wetland has been provided as shown on the Final PUD plan.*
 - 6) *A copy of the declaration of covenants, home owner association responsibilities, maintenance of common open space and common facilities, easements, and restrictions are included for review.*
 - 7) *Street lighting is currently under design by Duke Energy and will be provided to the City of Oxford upon completion. Duke Energy does not release the final street light design this early in the construction plan review process.*
 - 8) *A typical lot plot plan has been added to the Final PUD plan.*
 - 9) *Architectural Elevation plans are included for your review. Attached garages will be provided with all homes.*

Please place this item on the June 13th Planning Commission Meeting agenda.

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

Sincerely,



Etta M. Reed, PE

Date: March 27, 2017
Description: 23.279 Acres
Part of Lot #1728
Location: City of Oxford
Butler County, Ohio



Situated in the State of Ohio, Congress Lands West of the Miami River, Section 21, Town 5, Range 1, Oxford Township and being part of Lot #1728 of the City of Oxford, Butler County and being all of the lands of Strait Gate Homes, LLC, as recorded in Official Record 8909, Page 1092 of the Butler County, Ohio, Recorder's Office and being further described as follows:

Beginning at the northwest corner of Heritage Subdivision #3 as recorded in Plat Envelope 640, Page "C" and on the easterly line of Plantation West Subdivision, Section Two as recorded in Plat Envelope 2619, Page "A" of the Butler County, Ohio, Recorder's Office and being the **True Point of Beginning**;

thence, leaving the northerly line of said Heritage Subdivision #3 and with the easterly line of said Plantation West and with the easterly line of Lot #2794, North 01° 57' 54" East, 2308.92 feet to the south line of Lot #2798;

thence, leaving the easterly line of said Lot #2794 and with the southerly line of said Lot #2798, South 87° 47' 59" East, 93.52 feet to the westerly boundary of Heritage Subdivision #4 as recorded in Plat Envelope 806, Page "D" of the Butler County, Ohio, Recorder's Office;

thence, leaving the southerly line of said Lot #2798 and with the westerly boundary of said Heritage Subdivision #4 for the following six courses:

- 1) South 19° 41' 06" East, 440.68 feet;
- 2) with a curve to the right, having a central angle of 32° 34' 26", a radius of 124.80 feet, an arc length of 70.95 feet, and a chord bearing South 88° 19' 04" East, 70.00 feet;
- 3) South 06° 32' 06" East, 175.00 feet;
- 4) South 23° 41' 06" East, 233.42 feet;
- 5) South 13° 47' 06" East, 225.00 feet;
- 6) South 13° 24' 21" East, 253.74 feet to the northwest corner of Heritage Subdivision #2 as recorded in Plat Envelope 563, Page "B" of the Butler County, Ohio, Recorder's Office;

thence, leaving the westerly boundary of said Heritage Subdivision #4 and with the westerly boundary of said Heritage Subdivision #2 for the following three courses:

- 1) South 03° 11' 54" West, 460.01 feet;
- 2) North 86° 48' 06" West, 53.94 feet;
- 3) South 01° 40' 54" West, 553.53 feet to the northerly boundary of said Heritage Subdivision #3;

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

110 South College Ave, Suite 101
Oxford, OH 45056
513-523-4270

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

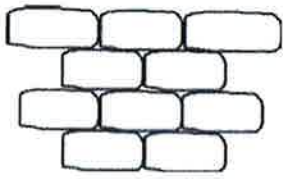
209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>

thence, leaving the westerly boundary of said Heritage Subdivision #2 and with the northerly boundary of said Heritage Subdivision #3 for the following three courses:

- 1) North 88° 19' 06" West, 324.91 feet;
- 2) South 04° 56' 06" East, 40.00 feet;
- 3) North 88° 19' 06" West, 200.15 feet to the **True Point of Beginning** containing 1,104,031 square feet or 23.279 acres of land, more or less and being subject to all legal highways, easements, restrictions and agreements of record.

Phelip Lima Mar 30, 2017 - 14:3pm
Droning name J\201515-0108C\0HC\15-0108 CDong - Loyola Tob 11



Red Brick Development LLC



4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

PRELIMINARY RESTRICTIONS FOR RED BRICK ESTATES

OXFORD, OHIO

SECTION 1: LAND USE

No lot in this subdivision shall be used except for residential purposes. No structure shall be erected on any lot except one single-family dwelling house, with a private garage, which must be attached, hereto, for not less than two automobiles but no more than three automobiles.

SECTION 2: SQUARE FOOTAGE OF STRUCTURE

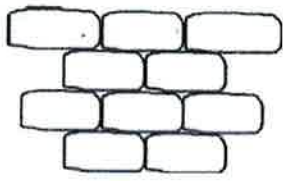
The living space, floor area, exclusive of porches, basements, and garages, of each structure shall not be less than 1,500 square feet for a ranch type home and 2,000 square feet for a two story home.

SECTION 3: ARCHITECTURAL CONTROL

Construction is prohibited on any structure, fence, wall, or building until the plans and specifications have been first approved by Bryan D. Price designee. Bryan D. Price or his designee shall have the sole discretion of approving or rejecting all plans as to design, grades, exterior materials, and the location of the building or buildings on the lot. Prior to building permit application, excavation or construction, the lot owner shall deliver to the developer two complete sets of plans and specifications for approval. Within fifteen 15-calendar days, the developer shall notify the owner of approval or disapproval of the plans.

SECTION 4: START OF CONSTRUCTION

Within one (1) year from the start of construction of a dwelling house upon any lot, said house shall have completed exterior appearance including but not limited to finished walkway, driveway of asphalt or concrete, landscaping, laying of sod or grass seeding, installed gutters and downspouts, installation of all windows and completed exterior painting.



Red Brick Development LLC



4676 Somerville Rd

Oxford, Ohio 45056

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SECTION 5: MATERIALS

All homes in the subdivision shall be constructed of not less than a Premium Maintenance Free Vinyl Product approved by Bryan D. Price or designee. Any combination of brick, stone, siding or shakes may be used. Bryan D. Price or his designee reserves the right to waive this restriction on individual request. Waiver must be in writing.

SECTION 6: VEHICLES

No truck over three-fourths ton capacity shall regularly be parked upon any lot or in any driveway in said subdivision, and only one truck of three-fourth ton or less capacity may be so parked. The parking and/or storage of machinery, equipment, school buses, commercial vehicles other than one pick-up truck is prohibited. No lot shall be used or maintained as a dumping ground for refuse or garbage or for the storage of disabled or junk cars.

SECTION 7: BOATS AND TRAILERS

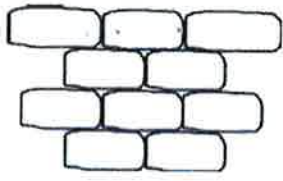
The parking and/or storage of boats, campers, trailers, and other vehicles of similar nature shall not be permitted.

SECTION 8: ANIMALS

No poultry or other livestock shall be kept on any lot in this subdivision. Each residence shall be permitted ordinary household pets of not more than two (2) dogs and two (2) cats, kept in an enclosure or on a leash. No commercial use or breeding of any animals shall be permitted on any lot in this subdivision.

SECTION 9: STORAGE BARNS

Small storage barns may be used but must not have floor storage space to exceed 120 square feet (10x12). Barns must be built in a professional manner and placed on a temporary foundation. Construction materials may include wood, Brick, or hardboard siding (no metal buildings allowed). Any storage barn built on the lot must be built to the rear of the house.



Red Brick Development LLC



4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

SECTION 10: MAILBOXES

No brick mailboxes may be used.

SECTION 11: FENCES

No materials other than open wood, open metal, or hedge shall be used as a fence and a maximum height of four feet allowed on any lot. Fences shall be permissible only to the rear of the building line of said lots.

SECTION 12: BUSINESS OR TRADE

No business or trade shall be conducted on any lot, nor shall any lot be used in any way or for any purpose which may endanger the health or unreasonably disturb the quiet of any persons residing in said subdivision.

SECTION 13: SERVERABILITY

In validation of any one of these covenants by judgement or court order shall in no way affect any of the provisions which shall remain in full force or effect.

SECTION 14: ENFORCEMENT

Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violations or to recover damages.



View from the center of Olde Farm Road looking North.



View from the South property line at Olde Farm Road looking West.



View from the South property line at Olde Farm Road looking East.



View from the South property line at Olde Farm Road looking South.



View from the center of the unnamed stub street looking West.



View of the East property line at the unnamed stub street looking South.



View of the East property line at the unnamed stub street looking North.



View from the East property line at the unnamed stub street looking East.



View from the center of Country Club Drive looking West.



View from the center of Country Club Drive looking North.



View from the center of Country Club Drive looking Southeast.



View from the center of Savannah Drive at the West property line looking North.



View from the center of Savannah Drive at the West property line looking South.



View from the center of Savannah Drive at the West property line looking West.









Where Creativity
Meets Functionality

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

April 29, 2016

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

Re: Red Brick Estates Traffic Evaluation – Vehicular and Pedestrian Impacts

Dear Mr. Popescu,

Bayer Becker has completed the following Traffic Evaluation relative to vehicular and pedestrian impacts for Red Brick Estates, a proposed residential development consisting of approximately 26 acres of property located at the end of Savannah Drive, Olde Farm Road, and Country Club Drive in the City of Oxford, Butler County, Ohio.

Trip generation calculations for the proposed development, which includes 50 single-family residential lots, were determined for the weekday average daily traffic (ADT) and for the AM and PM peak hours of adjacent street traffic using the procedures outlined in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition* and the ITE *Trip Generation Manual, 9th Edition, User's Guide and Handbook*. Site trips are presented in the following table and ITE trip generation rate information excerpts are provided by attachment.

Land Use	ITE Code	Size	Units	ADT			AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Single-Family Detached Housing	210	50	D.U.	278	277	555	11	34	45	35	21	56

Olde Farm Road, Country Club Drive, and Savannah Drive are classified as local roadways per the City of Oxford Roadway Alternatives and Classifications map, while Contreras Road is classified as an urban major collector. Based on the Ohio Department of Transportation (ODOT) traffic counts, the 2015 ADT for Contreras Road west of Patrick Drive is 2,100 vehicles per day. Because of the existing low traffic volumes on Contreras Road, the impact of the additional traffic generated by Red Brick Estates will be minimal. The ODOT traffic count data is attached.

In addition to vehicular traffic, the proposed development will accommodate pedestrian circulation via the construction of 5' wide sidewalks on both sides of all proposed roadways in accordance with the City of Oxford Subdivision Regulations. The proposed sidewalks will connect to the existing sidewalks on Savannah Drive, Olde Farm Road, and Country Club Drive, which will enable residents wishing to walk safely to the Oxford Community Park to do so via sidewalks on Savannah Drive to Prevalent Drive to Contreras Road and through the Knolls of Oxford development to the entrance of the park.

Based upon engineering judgment and the minimal amount of vehicular traffic to be generated, the proposed development will have a negligible impact on the operations of Contreras Road. Furthermore, the construction of the proposed sidewalk within Red Brick Estates will provide pedestrians a safe place to walk while also providing a connection to the adjacent subdivisions.

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

Sincerely,

Kathryn M. Dillenburger, P.E.

cc: Bryan Price, Red Brick Development LLC

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

110 South College Ave, Suite 101
Oxford, OH 45056
513-523-4270

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513-834-6151

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

<http://www.bayerbecker.com>

Land Use: 210

Single-Family Detached Housing

Description

Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.

Additional Data

The number of vehicles and residents had a high correlation with average weekday vehicle trip ends. The use of these variables was limited, however, because the number of vehicles and residents was often difficult to obtain or predict. The number of dwelling units was generally used as the independent variable of choice because it was usually readily available, easy to project and had a high correlation with average weekday vehicle trip ends.

This land use included data from a wide variety of units with different sizes, price ranges, locations and ages. Consequently, there was a wide variation in trips generated within this category. Other factors, such as geographic location and type of adjacent and nearby development, may also have had an effect on the site trip generation.

Single-family detached units had the highest trip generation rate per dwelling unit of all residential uses because they were the largest units in size and had more residents and more vehicles per unit than other residential land uses; they were generally located farther away from shopping centers, employment areas and other trip attractors than other residential land uses; and they generally had fewer alternative modes of transportation available because they were typically not as concentrated as other residential land uses.

The peak hour of the generator typically coincided with the peak hour of the adjacent street traffic.

The sites were surveyed between the late 1960s and the 2000s throughout the United States and Canada.

Source Numbers

1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 16, 19, 20, 21, 26, 34, 35, 36, 38, 40, 71, 72, 84, 91, 98, 100, 105, 108, 110, 114, 117, 119, 157, 167, 177, 187, 192, 207, 211, 246, 275, 283, 293, 300, 319, 320, 357, 384, 435, 550, 552, 579, 598, 601, 603, 611, 614, 637, 711, 735

Single-Family Detached Housing (210)

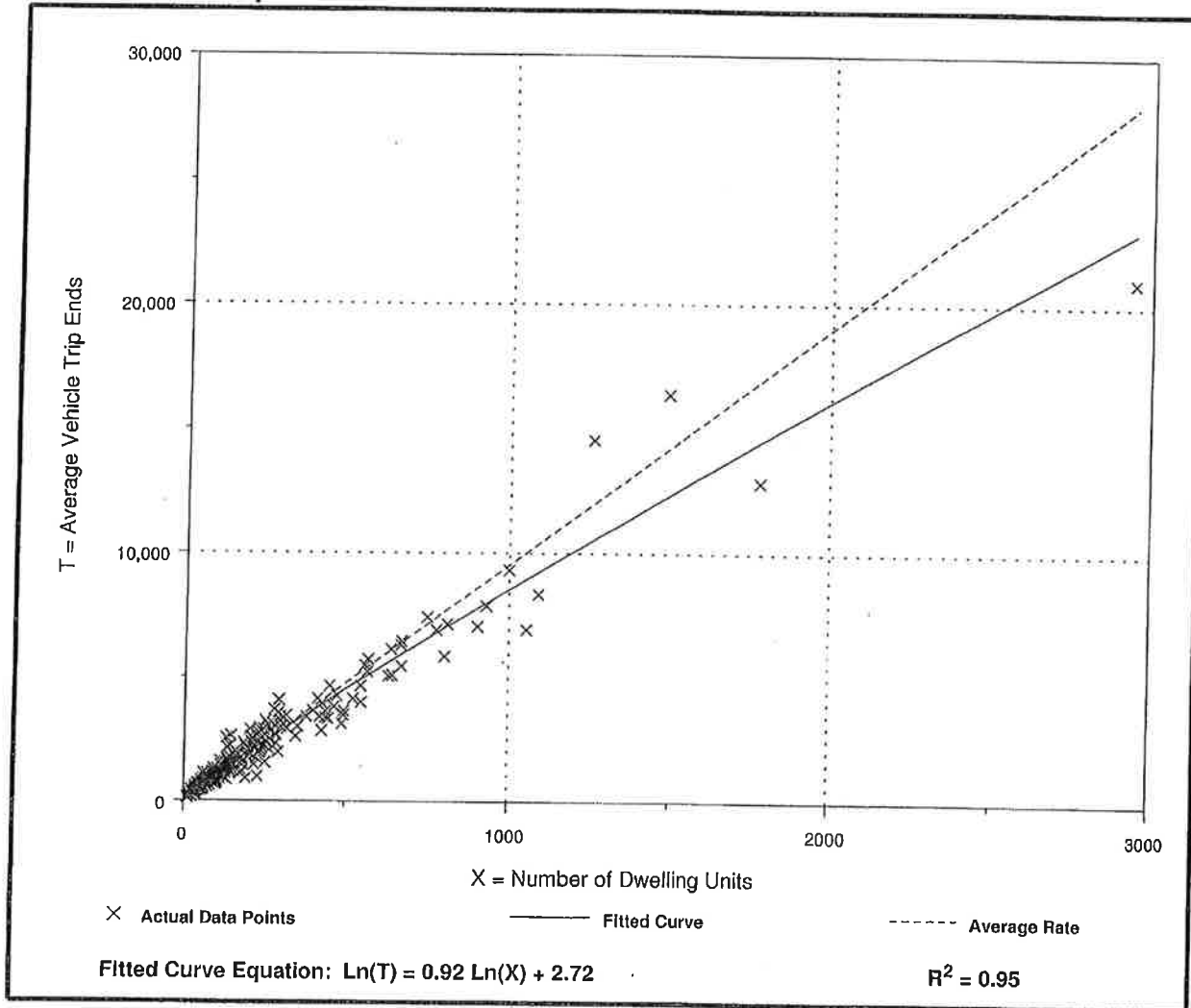
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Number of Studies: 355
Avg. Number of Dwelling Units: 198
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.52	4.31 - 21.85	3.70

Data Plot and Equation



Single-Family Detached Housing (210)

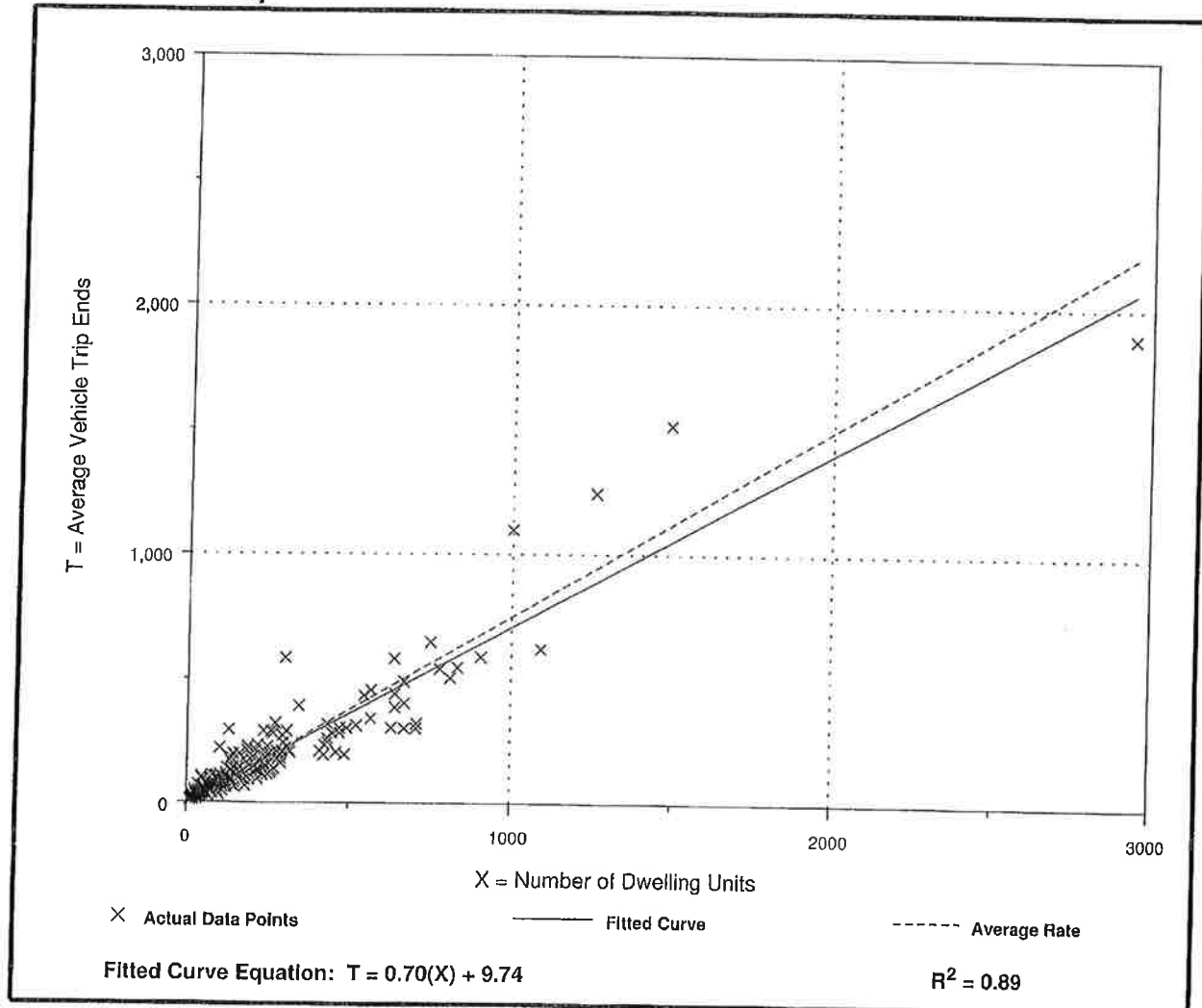
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 292
Avg. Number of Dwelling Units: 194
Directional Distribution: 25% entering, 75% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.75	0.33 - 2.27	0.90

Data Plot and Equation



Single-Family Detached Housing (210)

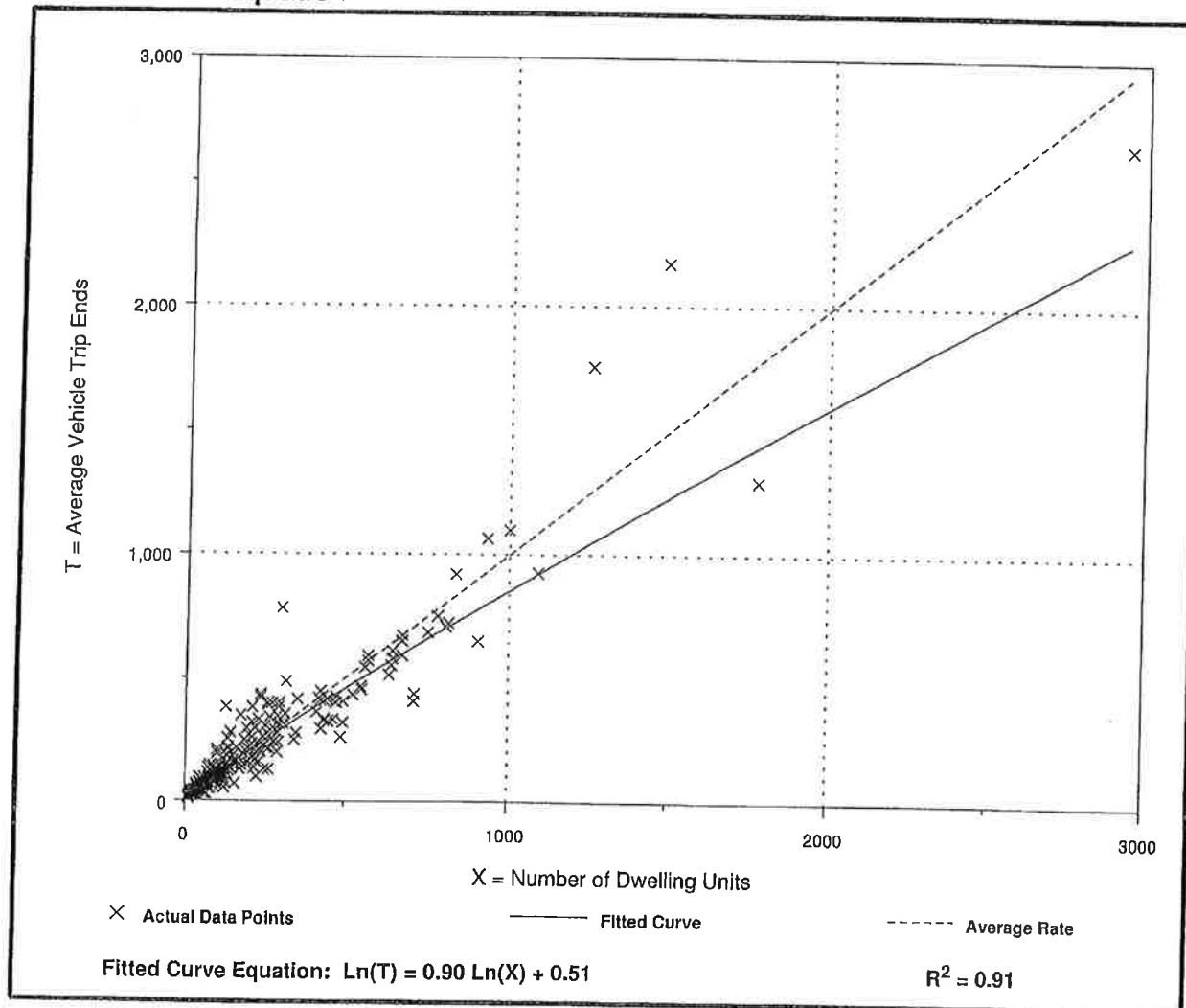
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 321
Avg. Number of Dwelling Units: 207
Directional Distribution: 63% entering, 37% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
1.00	0.42 - 2.98	1.05

Data Plot and Equation



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 18, 2017

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

June 26, 2017
Date Prepared:

PC-2017-13 ZONING MAP AMENDMENT to expand an existing establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District for Chestnut Drive and East Chestnut Street, for a total of 19 parcels, **City of Oxford, Applicant**

Recommendation: Approval

Discussion:

The proposed map amendment is to expand an existing Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District in the neighborhood of Cedar Drive and E. Chestnut Street.

The original creation of the Overlay District was approved by the Oxford City Council in 2014, containing 15 parcels, located on Cedar Drive. This amendment is to include 6 more additional parcels into the existing Overlay District. A petition to expand the existing Overlay District was presented to the City Council on April 4, 2017 and forwarded to the Planning Commission for consideration.

The expansion request has followed the same process as establishing the original district by canvassing the neighborhood and obtaining signatures of all owners who owns properties in this propose district. This process is stipulated under 1146.05 (a) Adding parcels to an Existing Overlay District. The petition shall also meet the boundary requirements as stipulated in the Chapter 1146.03(h). The petition also shall meet the minimum two-thirds requirements of owner signatures within the proposed boundary. Additionally, the dates of those signatures shall also be within six months prior to the time the petition was filed with the City Clerk.

Approved by:

Department Head:

City Attorney:

City Manager:

JHC / 6/26/17
DRE / 7/14/17

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO EXPAND AN EXISTING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1A SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT, FOR A TOTAL OF 21 PARCELS LOCATED IN THE VICINITY OF CEDAR DRIVE AND CHESTNUT STREET, IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: Council finds in accordance with Section 1146.05 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on June 13, 2017 on the City of Oxford's application for a Zoning Map Amendment to expand an existing Neighborhood Conservation Overlay District in a R-1A Single Family Low Density Residential District, for a total of 21 parcels located in the vicinity of Cedar Drive and Chestnut Street in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: The Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to expand an existing Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to expand an existing Neighborhood Conservation Overlay District in a R-1A Single Family Low Density Residential District, for a total of 21 parcels located in the vicinity of Cedar Drive and Chestnut Street in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A". Council hereby finds that the overlay petition conforms to the decision standards for approval set forth in Chapter 1146 of the Oxford Codified Ordinances.

SECTION 4: Council hereby grants the Zoning Map Amendment incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

SECTION 5: 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)

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	July 18, 2017
<u>Case Number</u>	PC-2017-13
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Code Map Amendment
<u>Summary of Request</u>	Expanding an existing residential Overlay District for Cedar Drive and East Chestnut Street,
<u>Public Hearing Information</u>	A Public Hearing took place at 118 W. High Street on June 13, 2017. A Public Hearing notice was published in the Journal News on May 14, 2017. Courtesy notices were mailed to adjacent property owners on May 23, 2017. Signage was posted at the site on June 6, 2017
<u>Commission Action</u>	The Planning Commission voted 4-1-0 recommending approval.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated May 27, 2017 2. Zoning Map Amendment Application 3. Interoffice Review Transmittal Sheets 4. Surrounding Property Owner Notifications Map 5. Resolution 5053 6. Ordinance 3280 7. Initial Application Dated January, 2017 8. Initial Petition

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2017-13

Date – June 13, 2017

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to expand an existing Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District in the neighborhood of Cedar Drive and East Chestnut Street. City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to expand an existing Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District in the neighborhood of Cedar Drive and E. Chestnut Street.

The original creation of the Overlay District was approved by the Oxford City Council in 2014, containing 15 parcels, located on Cedar Drive. This amendment is to include 6 more additional parcels into the existing Overlay District. A petition to expand the existing Overlay District was presented to the City Council on April 4, 2017 and forwarded to the Planning Commission for consideration.

ZONING CODE

The Oxford Zoning Ordinance Chapter 1146 governs the establishment, expansion and removing of the Neighborhood Conservation Overlay District.

COMPREHENSIVE PLAN

In the Overview Section of Chapter 7, Housing, in the Comprehensive Plan residents echoed the same sentiments that Oxford has a unique housing market involving a large rental population that limits opportunities for family housing options and changes the community character, specifically within the Mile Square. The public input sessions also pointed out the lack of housing opportunities for families and the hope to encourage owner-occupied housing and promote the return of full-time residents to the area. Even the Comprehensive Plan does not implicitly point to the establishment of an overlay district to encourage owner-occupied neighborhoods, but several objectives and strategies are relevant to this idea of maintaining traditional neighborhoods and owner-occupied residential dwellings.

Objective Expand Housing options

- H2.1 Update development regulations to allow for a variety of housing types in new developments.*
- H2.4 Provide financial assistance to increase homeownership opportunities for low and moderate income residents.*

Objective: Expand homeownership opportunities

- H5.1 Encourage local employers to provide homeownership incentives.*
- H5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.*
- H5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.*
- H5.4 Develop a revolving loan fund.*
- H5.5 Establish an Oxford Homeownership Office in partnership with Miami University.*
- H5.6 Support the University loan program to increase homeownership opportunities within the Mile Square.*

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development

Departments. The following comments have been received:

Police:	Received with no comments
Fire:	Received with no comments
Engineering:	Received with no comments
Econ. Dev.	Received with no comments

DECISION CRITERIA

A copy of the Decision Criteria for Overlay District is attached.

ANALYSIS

The idea of the neighborhood conservation overlay district was to preserve neighborhoods from being turned into rental properties and to maintain the traditional neighborhood owner-occupied character. The Planning Commission went through extensive discussion about this overlay district in 2012. It was designed to provide mechanisms to the neighborhoods to initiate a grass roots movement to get all the neighbors together and to petition City Council for the consideration of placing more restrictions on the underlying district.

The overlay district is not uncommon in the land use arena to put in place a specific set of regulations that are more stringent than the underlying district in order to accomplish specific objectives. The most commonly used overlay district is for the historic area. Others are used for specific design standards to promote some uniformity in certain specific subset areas.

The original Overlay District was created in 2014 by Council with modification that the Overlay District only containing 15 parcels. Here is a request to add more parcels to the existing district to expand the boundary.

The expansion request shall follow the same process as establishing the original district by canvassing the neighborhood and obtaining signatures of all owners who owns properties in this propose district. This process is stipulated under 1146.05 (a) Adding parcels to an Existing Overlay District. The petition shall also meet the boundary requirements as stipulated in the Chapter 1146.03(h). The petition also shall meet the minimum two-thirds requirements of owner signatures within the proposed boundary. Additionally, the dates of those signatures shall also be within six months prior to the time the petition was filed with the City Clerk.

This map amendment is to add 6 more parcels to the existing and 19 parcels represented to exceed the two-third signatures required for 21 parcels. The boundary is compact and reasonable.

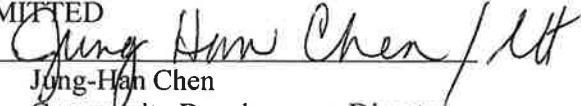
Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment recommendation. This process is far lengthier than normal map amendment process and has additional decision standard thresholds to meet. It is a process that the neighborhood had taken seriously and the neighbors have demonstrated their commitment to preserve their neighborhood and to maintain their neighborhood characters by going through an extra step to initiate.

RECOMMENDATION

Staff recommends that the Planning Commission approve this amendment and forward this request to City Council for legislative action.

SUBMITTED

BY:


Jong-Han Chen

Community Development Director

DATE: May 27, 2017

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

(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 a legitimate need for additional land area in the zoning district that will be expanded.

Planning Commission must utilize the Chapter 1146 Specific Decision Standards to consider the Neighborhood Conservation Overlay District and they are as follows:

1146.03(2) b Decision Standards for Considering Overlay District:

1. The proposed Overlay District meets the boundary criteria.
2. The proposed Overlay District will preserve and enhance the neighborhood character.
3. The proposed Overlay District will promote the public health, safety and general welfare of the people of the neighborhood.
4. The proposed Overlay District will promote and implement the intent of the Comprehensive Plan.
5. The proposed Overlay District will satisfy a legitimate need.



Internal Use Only:	
Case No.	PC-2017-13
Date Filed	4/28/17

Zoning Map Amendment Application

Applicant Information

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

Name *	Jung-Han Chen
Mailing Address *	101 E. High Street
City, State & Zip Code *	Oxford, OH 45056
Telephone Number(s) *	513-5245237
Email Address	jhchen@cityofoxford.org

Location and Lot Information

Location *	Cedar Drive and East Chestnut Street
General Description of Proposed Amendment *	Expanding an Existing Neighborhood Conservation Overlay District
Current Zoning *	R1A
Proposed Zone(s) *	R1A

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 *


 4/15/17

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/>

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-13, ZONING CODE MAP AMENDMENT - to Expand an Existing Residential Conservation Overlay District for Cedar Drive and East Chestnut Street, City of Oxford, Applicant

 X Review Revisions Other

Please return no later than: **June 5, 2017** 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:

5-16-17

John Dethridge
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-13, ZONING CODE MAP AMENDMENT - to Expand an Existing Residential Conservation Overlay District for Cedar Drive and East Chestnut Street, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 5, 2017** 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: _____

5-11-17

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-13, ZONING CODE MAP AMENDMENT - to Expand an Existing Residential Conservation Overlay District for Cedar Drive and East Chestnut Street, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 5, 2017** 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: 5/14/17

JOHN A. JONES
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-13, ZONING CODE MAP AMENDMENT - to Expand an Existing Residential Conservation Overlay District for Cedar Drive and East Chestnut Street, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **June 5, 2017** 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: 5-11-17

G-ALAN KYCE
PRINTED NAME



PC-2017-13 **Surrounding** **Property Owners** **Notifications Map**

Legend

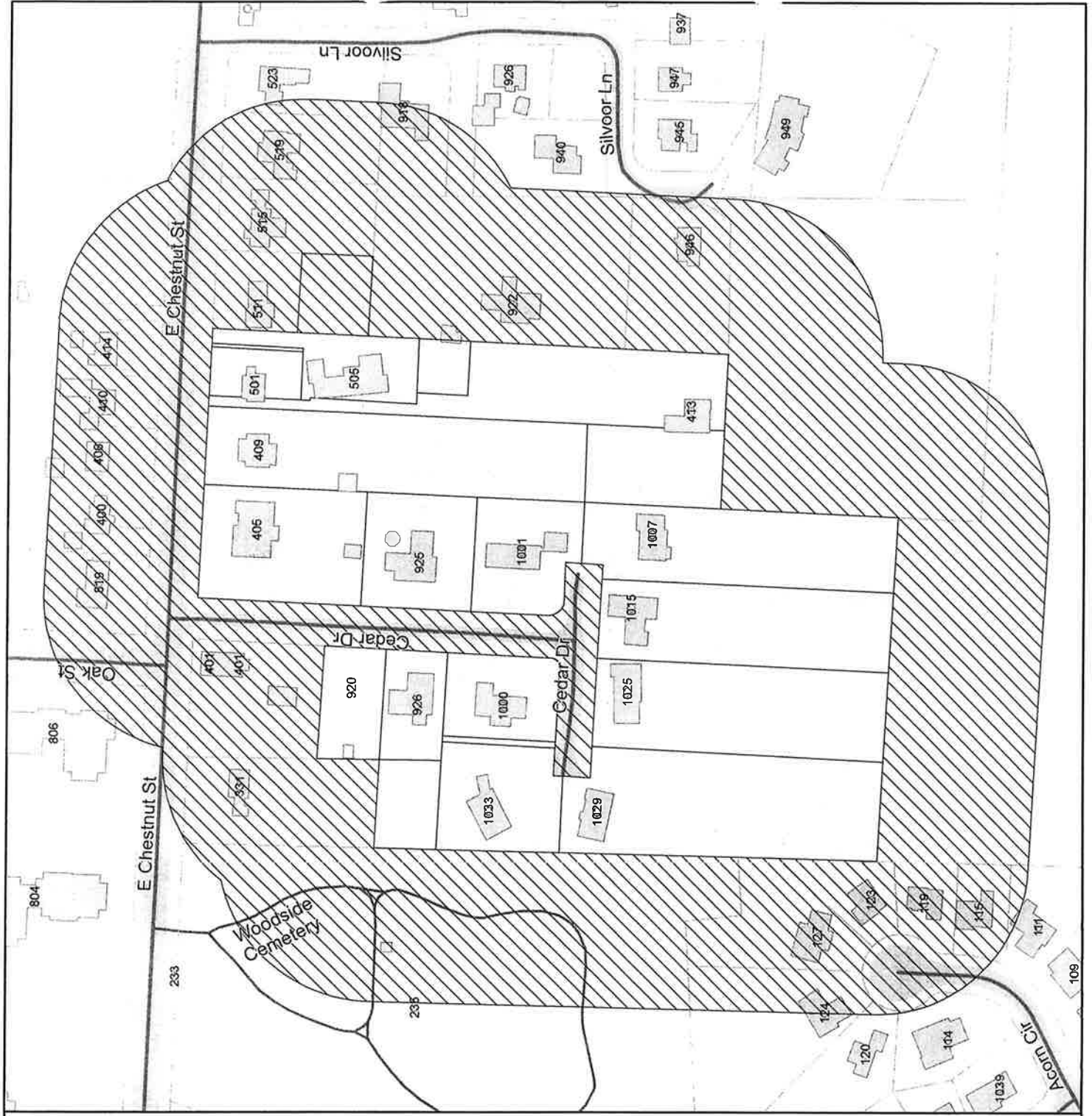
-  Subject Parcels
-  200 Ft. Buffer
-  Address Point
-  Parcel
-  Building Footprint
-  Paved Roadway



1 inch = 175 feet

Prepared on Tuesday, May 23, 2017

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.



ORDINANCE NO. 3280

AN ORDINANCE ACCEPTING AND MODIFYING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1A SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT, FOR 15 PARCELS LOCATED IN THE VICINITY OF CEDAR DRIVE, IN THE CITY OF OXFORD, OHIO.

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

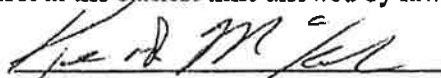
SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on August 12, 2014 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in a R-1A Single Family Low Density Residential District, for 17 parcels located in the vicinity of Cedar Drive in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: The Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

SECTION 3: Council hereby accepts and modifies the recommendation of the Oxford Planning Commission by removing 2 parcels shown on Exhibit "A" as "not signed" with Chestnut Street addresses, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in a R-1A Single Family Low Density Residential District, for the remaining 15 parcels located on Cedar Drive in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A" with the exception of the 2 parcels labeled as "not signed" with Chestnut Street addresses. Council hereby finds that the Cedar Drive overlay petition conforms to the decision standards for approval set forth in Section 1146.03 of the Oxford Codified Ordinances.

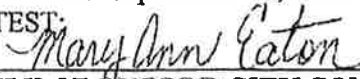
SECTION 4: Council hereby grants the Zoning Map Amendment as amended, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

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


MAYOR

ADOPTED: September 16, 2014

ATTEST:


CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KEVIN MCKEEHAN
PREPARED BY: LAW (STAFF)

RESOLUTION NO. 5053

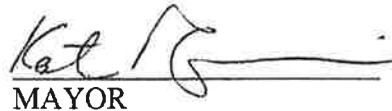
A RESOLUTION OF COUNCIL ACCEPTING THE PETITION TO EXPAND A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR CEDAR DRIVE AND EAST CHESTNUT STREET AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

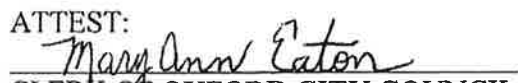
SECTION 1: The Clerk of Council and the Community Development Director have determined that the Petition to expand a Neighbor Conservation Overlay District for Cedar Drive and East Chestnut Street conforms with the petition requirements and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

SECTION 2: City Council accepts the recommendation of the Clerk of Council and the Community Development Director and further refers the petition to expand a Neighborhood Conservation Overlay District for Cedar Drive and East Chestnut Street to the Oxford Planning Commission to make recommendations to City Council.

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

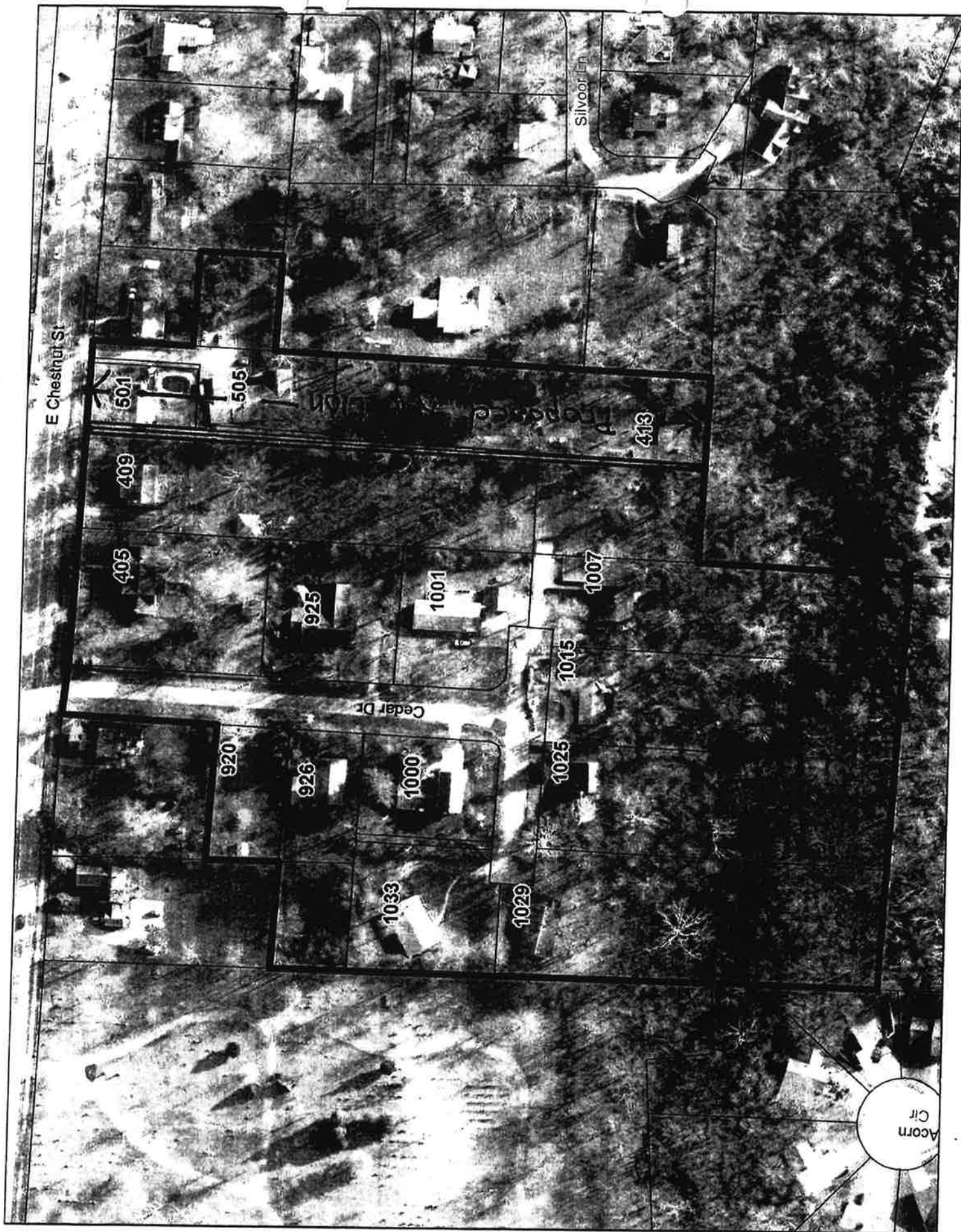

MAYOR

ADOPTED: April 4, 2017

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



E Chestnut St

Silverfoot Ln

501

505

409

405

925

1001

1007

1015

Cedar Dr

920

926

1000

1025

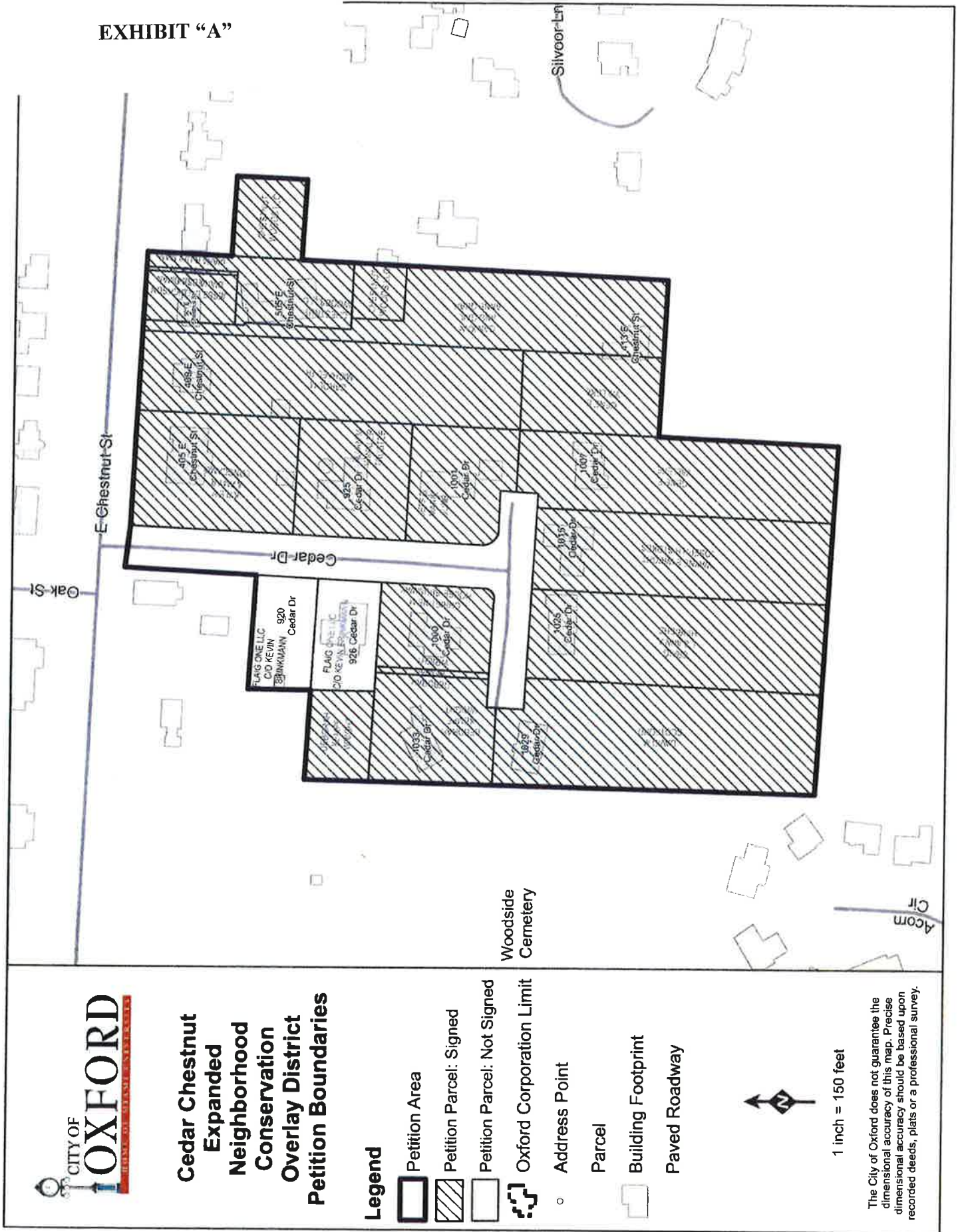
1033

1029

413

Acorn Cir

EXHIBIT "A"



TO: CEDAR DRIVE/EAST CHESTNUT ST. PROPERTY OWNERS
RE: PETITION FOR RESIDENTIAL CONSERVATION OVERLAY EXPANSION
DATE: Late JANUARY, 2017

PROPOSED: That Cedar Drive/East Chestnut St. homeowners apply for a change of zoning for the expansion of the present "neighborhood conservation overlay district." **This proposed zoning limits the number of persons in a rental residence to no more than two unrelated individuals.** If the zoning is approved, homeowners may rent property but are **limited to two unrelated persons who may live in the house.** This would still allow ownership or rental of the property to a large family, a couple, one person or two unrelated persons.

The purpose of the Conservation Neighborhood Overlay Zoning:
The purposes outlined in the ordinance are:

1. to protect the privacy of residents and to minimize noise congestion and nuisance impacts by regulating the types of rental properties occupied by unrelated persons
2. To maintain an attractive community appearance and provide a desirable living environment for residents by preserving the owner occupied character of the neighborhood
3. To prevent excessive traffic and parking in the neighborhoods

Current zoning in Cedar Drive and the Longcamp and Michael Property:
Conservation Neighborhood Overlay

Current zoning in the proposed three added properties: The current zoning is as a "Single family residence" defined as no more than FOUR unrelated people may live in the dwelling. One of these properties is currently permitted as a rental property which allows four unrelated people to live in the dwelling. This property will not be impacted by this petition unless the rental permit expires.

Process for a neighborhood to achieve expansion of the overlay zoning

1. In order for the expansion of the current overlay district, we must have **2/3 of the property owners sign a petition within 60 days** (14 of 21 lots).
2. The petition is sent to Oxford City Council that refers it to the Planning Commission for its recommendation.
3. If the recommendation is approved it is returned to City Council for second reading and approval. The process takes about three months.

Carol Michael, an East Chestnut resident whose property is already in the Cedar Drive overlay, will be contacting you soon with the opportunity for you to sign the petition. The signer of the petition must be the homeowner (if jointly owned, only one needs to sign.) You may contact Carol Michael for further information:

Carol Michael
409 E. Chestnut St.
523-3376

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO REQUEST CITY COUNCIL TO INTRODUCE AN ORDINANCE ACCEPTING A PETITION WHICH WOULD ALLOW THE INITIATION OF A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES WHICH WOULD RESTRICT THE ABILITY OF PROPERTY OWNERS TO RENT THEIR PROPERTY TO MORE THAN TWO UNRELATED INDIVIDUALS.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT WHICH DOES NOT CURRENTLY HAVE A RENTAL PERMIT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

Please see the attached map for exact boundaries.

East Boundary:	<u>505 E. Chestnut Street</u>
North Boundary:	<u>E. Chestnut Street</u>
West Boundary:	<u>Existing Cedar Drive/East Chestnut St. Overlay</u>
South Boundary:	<u>Existing Cedar Drive/East Chestnut St. Overlay</u>

Circulator's Full Name:	<u>Carol M. Michael</u>	email: <u>michaelcm@miamioh.edu</u>
Circulator's Address:	<u>409 E. Chestnut Street</u>	
Circulator's Signature:	<u>Carol M. Michael</u>	

Petition for Expansion of Cedar Drive/East Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Carol Michael, 409 East Chestnut Street

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
	920 CEDAR DR/ H4100114000023	FLAIG ONE LLC C/O KEVIN BRINKMANN		
1/28/2017	925 CEDAR DR/ H4100114000033	ALLAN M WINKLER TRUSTEE	Allan M. Winkler	
	926 CEDAR DR/ H4100114000024	FLAIG ONE LLC C/O KEVIN BRINKMANN		
2/4/17	1000 CEDAR DR/ H4100114000061	CHRISTINE M HOUSE-SHUMWAY	Christine House Shumway	
1/28/2017	1001 CEDAR DR/ H4100114000032	JEFF & MARIE JUNE	Marie June	
	1007 CEDAR DR/ H4100114000031	GENE E WILLEKE / Patricia	Patricia Willeke	
	E CHESTNUT ST/ H4100113000033	GENE E WILLEKE / Patricia	Patricia Willeke	
2/4/2017	1015 CEDAR DR/ H4100114000030	WAYNE E WRIGHT JOSEPH H STOKES	Wayne E. Wright	
1/28/2017	1025 CEDAR DR/ H4000114000029	CRAIG L & ANN A HINRICHS	Craig Hinrichs	
	1029 CEDAR DR/ H4100114000028	DAVID M SCOTTFORD	David Scotford	
1/28/2017	1033 CEDAR DR/ H4100114000026	DEBORAH KEMPF WRIGHT	Deborah K. Wright	

Petition for Expansion of Cedar Drive/East Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Carol Michael, 409 East Chestnut Street

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
1/25/2017	1033 CEDAR DR/ H4100114000025	DEBORAH KEMPF WRIGHT	Deborah K. Wright	
1/28/2017	CEDAR DR/ H4100114000027	DEBORAH KEMPF WRIGHT	Deborah K. Wright	
1/29/2017	405 E CHESTNUT ST/ H4000114000034	KYLE V & AMY R LONGCAMP	Kyle Longcamp	
1/30/2017	409 E CHESTNUT ST/ H4000113000043	CAROL M MICHAEL TR	Carol M. Michael	
2/2/2017	413 E CHESTNUT ST/ H4100113000034	GAN KAN AND GAIL ANNE QUAN	Gail A. Quan	
1/31/2017	501 E CHESTNUT ST/ H4100113000037	JESSE D J DICKSON DIANA R UHLMAN	J. Dickson	
1/31/2017	E CHESTNUT ST/ H4100113000038	JESSE D J DICKSON DIANA R UHLMAN	D. Uhlman	
	505 E CHESTNUT ST/ H4100113000036	CHESTNUT WOODS LLC		
	E CHESTNUT ST/ H4100113000040	CHESTNUT WOODS LLC		
	E CHESTNUT ST/ H4100113000035	CHESTNUT WOODS LLC		

Petition for Expansion of Cedar Drive/East Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Carol Michael, 409 East Chestnut Street

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

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	CEDAR DR/ H4100114000027	DEBORAH KEMPF WRIGHT		
	405 E CHESTNUT ST/ H4000114000034	KYLE V & AMY R LONGCAMP		
	409 E CHESTNUT ST/ H4000113000043	CAROL M MICHAEL TR		
	413 E CHESTNUT ST/ H4100113000034	GAN KAN AND GAIL ANNE QUAN		
	501 E CHESTNUT ST/ H4100113000037	JESSE D J DICKSON DIANA R UHLMAN		
	E CHESTNUT ST/ H4100113000038	JESSE D J DICKSON DIANA R UHLMAN		
2-4-17	505 E CHESTNUT ST/ H4100113000036	CHESTNUT WOODS LLC	Carl Kemmelt	2-4-17
2-4-17	E CHESTNUT ST/ H4100113000040	CHESTNUT WOODS LLC	Carl Kemmelt	2-4-17
2-4-17	E CHESTNUT ST/ H4100113000035	CHESTNUT WOODS LLC	Carl Kemmelt	2-4-17

Petition for Expansion of Cedar Drive / East Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Carol Michael, 409 East Chestnut Street

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
	920 CEDAR DR/ H4100114000023	FLAIG ONE LLC C/O KEVIN BRINKMANN		
	925 CEDAR DR/ H4100114000033	ALLAN M WINKLER TRUSTEE		
	926 CEDAR DR/ H4100114000024	FLAIG ONE LLC C/O KEVIN BRINKMANN		
	1000 CEDAR DR/ H4100114000061	CHRISTINE M HOUSE-SHUMWAY		
	1001 CEDAR DR/ H4100114000032	JEFF & MARIE JUNE		
3/7/17	1007 CEDAR DR/ H4100114000031	Andrew Willeke GENE E WILLEKE / Patricia	<i>Carol Michael</i>	
3/7/17	E CHESTNUT ST/ H4100113000033	Andrew Willeke GENE E WILLEKE / Patricia	<i>Carol Michael</i>	
	1015 CEDAR DR/ H4100114000030	WAYNE E WRIGHT JOSEPH H STOKES		
	1025 CEDAR DR/ H4000114000029	CRAIG L & ANN A HINRICHS		
	1029 CEDAR DR/ H4100114000028	DAVID M SCOTTFORD		
	1033 CEDAR DR/ H4100114000026	DEBORAH KEMPF WRIGHT		

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 18, 2017

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

June 22, 2017
Date Prepared:

PC-2017-14 Conditional Use Permit Application to allow for a daycare in a GB (General Business) District at 5500 College Corner Pike, Phil Young, Applicant

Recommendation: Approval

Discussion:

As follow-up to a March 24, 2017 building permit application, the applicant is seeking a recommendation of approval of a conditional use for a daycare. The daycare business is to be located in an existing vacant building in the General Business District. The location is 5500 College Corner Pike (U.S. 27 North), formerly The Planning Forum office. The 1.65 acre property is bounded by a retail strip center and an undeveloped agricultural tract.

The proposed daycare at this property is permitted conditionally by the Oxford Zoning Code and presents the Planning Commission with an opportunity to recommend a viable use for this long vacant property. There would be very little, if any, nuisance to adjacent properties based upon existing conditions. Staff has expressed some concerns to the applicant regarding the safety of children walking through or along the edge of the rear parking lot during drop off. Based upon the applicant's experience at his two other daycare sites, he assured City staff that they would implement a robust safety plan that would not require modifying the parking lot design.

The Planning Commission reviewed the application and discussed issues raised by staff in their report and recommended approval to City Council in a 5-0-0 vote, with conditions as follows:

1. That, a Lot Consolidation application or Cross Access Easement is submitted within one year of City Council approval;
2. That, the Applicant works with Staff to identify a solution for additional lighting in front of the building;
3. That, the Applicant works with Staff to identify a solution for safe pedestrian access from the existing multi-use path to the building.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC 6/26/17
DRK 7/18/17
[Signature]

ORDINANCE NO.

ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A DAY CARE CENTER IN AN EXISTING STRUCTURE LOCATED AT 5500 COLLEGE CORNER PIKE WITH CONDITIONS.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on June 13, 2017, for the purpose of considering the request of Phil Young, Applicant, for a conditional use permit for a day care center in an existing structure located at 5500 College Corner Pike.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted and approved a motion recommending approval of the conditional use application for a day care center at 5500 College Corner Pike with the following conditions:

- a) A Lot Consolidation application or Cross Access Easement shall be submitted within one year of City Council approval.
- b) The applicant shall work with staff to identify a solution for additional lighting in front of the building.
- c) The applicant shall work with staff to identify a solution for safe pedestrian access from the existing multi-use path to the building.

SECTION 3: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application for a pre-school in an existing structure as proposed by the applicant.

SECTION 4: 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)

Certification of Action Oxford Planning Commission Recommendation to City Council

<u>Report Date</u>	July 18, 2017
<u>Case Number</u>	PC-2017-14
<u>Applicant Information</u>	Phil Young, Kid Camp Learning Center, LLC Zeus Apartment Buildings, Inc
<u>Requested Action</u>	Conditional Use
<u>Summary of Request</u>	To allow for a daycare in the General Business District at 5500 College Corner Pike
<u>Public Hearing Information</u>	A Public Hearing took place at 118 W. High Street on June 13, 2017. A Public Hearing notice was published in the Journal News on May 14, 2017. Courtesy notices were mailed to adjacent property owners on May 23, 2017. Signage was posted at the site on June 6, 2017
<u>Commission Action</u>	The Planning Commission voted 5-0-0 recommending approval with conditions.
<u>Commission Findings and Conclusions</u>	The Planning Commission focused upon outdoor lighting on the front of the building and the existing multi-use path at the site will continue to be available and how best to direct users to the location of the path.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated June 6, 2017 2. Interoffice Review Transmittal Sheets 3. Surrounding Property Owner Notifications Map 4. Letter of Agency 5. Conditional Use Application



June 19, 2017

Mr. Phil Young
Kid Camp Learning Center LLC
2520 Ross Millville Road
Hamilton, OH 45013

Dear Mr. Young:

PC-2017-14 CONDITIONAL USE, 5500 College Corner Pike, to allow for a daycare in the GB (General Business) District, Kid Camp Learning LLC, Phil Young, Applicant/Agent

On June 13, 2017, the City of Oxford Planning Commission recommended 5-0-0 to approve your request for a Conditional Use with the following conditions:

1. That, a Lot Consolidation application or Cross Access Easement is submitted within one year of City Council approval;
2. That, the Applicant works with Staff to identify a solution for additional lighting in front of the building;
3. That, the Applicant works with Staff to identify a solution for safe pedestrian access from the existing multi-use path to the building.

Oxford City Council will hold their First Reading on Tuesday, July 18, 2017 and their Second Reading on August 1, 2017 regarding this Conditional Use. These meetings will take place at 7:30 p.m. at the Oxford Courthouse.

Should you have any questions related to this action, please contact me at 513/524-5204.

Sincerely,

Lynn Taylor
Administrative Assistant
Community Development Department

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2017-14

Date -- June 13, 2017

APPLICATION

Applicant:	Kid Camp Learning LLC (Phil Young)
Location:	5500 College Corner Pike
Owner:	Zeus Apartment Buildings Inc.
Action Request:	Conditional Use Permit Application
Current Use:	Vacant Office Building
Zoning:	GB (General Business District)

Surrounding Existing Land Uses:	Retail Service, Automobile Service, Vacant Agricultural, Light Industry
---------------------------------	---

GENERAL DESCRIPTION

As follow-up to a March 24, 2017 building permit application, the applicant is seeking a recommendation of approval of a conditional use for a daycare. The day care business is to be located in an existing vacant office building in the General Business District. The location is 5500 College Corner Pike (U.S. 27

North), briefly known as Bill's Art Store and formerly The Planning Forum office. The 1.65 acre property is bounded by a retail strip center and an undeveloped agricultural tract.

PUBLIC COMMENTS

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

AGENCY REVIEWS

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

Police:	Returned without comments.
Fire:	Returned without comments.
Engineering:	Returned with comments.
Econ. Dev.:	Returned with comments.

ZONING CODE REVIEW

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

- (21) Day Care Centers and Nursery Schools.
 - A. Potential Concerns
 - 1. Location and adequacy of planned outdoor play area. ***[meets state requirements per applicant] [see Engineering comment re: ditch]***
 - 2. Noise. ***[not neighboring residential uses]***
 - 3. Adequate drop-off facilities. ***[provided in rear; requires staff oversight for safety]***
 - B. Regulations.
 - 1. Use of outdoor play areas shall be limited to between the hours of 8:00 A.M. and 8:00 P.M. daylight hours. ***[confirmed]***

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

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

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

Yes, the use can be allowed as a conditional use.

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

Yes

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

Yes

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

Yes

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

None expected.

F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.

No excessive nuisance conditions expected.

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

No additional accessory uses expected.

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

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

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

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

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

No new construction is proposed.

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

Opportunity for comment has been provided to Police, Fire and Service Department. A pull-off alongside the existing drive may reduce any potential negative impact to the public street.

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

No features for protection are known.

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

Yes, as stated by applicant.

Below is an excerpt of Oxford Zoning Code Section 1149.02 Parking and Site Access:

(a) Any new development, redevelopment, or change to a use or structure or site (whether conforming or nonconforming) shall meet the current parking and site access regulations for the entire use and structure and site. Any nonconforming uses, structures or sites shall follow the provisions in Chapter 1137.

Regarding subsection A, above, the proposal is considered a change to the use which requires existing parking to meet current design requirements such as access, aisles and setbacks. **Those that are not met will be considered waived (see attachment) if a recommendation of approval is forwarded.** A list of the parking-related code topics, along with others is below:

- *The parking is hard surface, sufficient number of stalls and not in the required front yard setback.*
- *There is no perimeter curbing around the parking lot.*
- *The parking is fully in the rear, as partially required by GB code.*
- *Security lighting level is unknown because a photometric plan was not provided. However, three operational security lights do exist around the rear parking perimeter. Security lighting in the front is recommended.*
- *No bicycle parking is provided*
- *No dedicated sidewalk from the street to the building entry is provided, as required by GB code.*
- *The property is two tracts which should be consolidated into one in order to avoid the need for easements and prevent setback nonconformance.*

ANALYSIS

The proposed daycare at this property is permitted conditionally by Oxford Zoning Code and presents the Commission with an opportunity to recommend a viable use for this long vacant property. There would be very little, if any nuisance to adjacent properties, based upon existing conditions. Staff has expressed some concerns to the applicant regarding the safety of children walking through or along the edge of the rear parking lot during drop off. Based upon the applicant's experience at two other sites, they have ensured City staff that they will implement a robust safety plan that does not require modifying the parking lot design.

RECOMMENDATION

Based upon the zoning code review within and the above analysis, if the Planning Commission finds the proposal to meet the general and site specific requirements, it can forward a recommendation of approval to the City Council with the following potential conditions:

1. Lot consolidation application submittal prior to building permit issuance and plat recordation prior to issuance of final certificate of occupancy.
2. Installation of security lighting in the front of the facility.

Staff recommends forwarding a recommendation of approval to City Council with the above conditions.

SUBMITTED BY:

A handwritten signature in cursive script, reading "Sam Perry", with a long horizontal flourish extending to the right.

Sam Perry, AICP
Planner

DATE: June 6, 2017

ATTACHMENT

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

(1) Burden of proof.

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

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

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

(d) Action by Planning Commission.

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

City of Oxford
Inter-Office Review Transmittal Sheet



Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-14, CONDITIONAL USE, 5500 College Corner Pike, to allow for a daycare in the GB (General Business) District, Kid Camp Learning LLC, Phil Young, Applicant/Agent

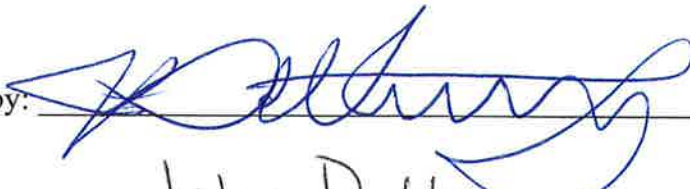
 X Review Revisions Other

Please return no later than: **June 5, 2017** 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:


John Detherage
PRINTED NAME

Date:

5-11-17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-14, CONDITIONAL USE, 5500 College Corner Pike, to allow for a daycare in the GB (General Business) District, Kid Camp Learning LLC, Phil Young, Applicant/Agent

 X Review Revisions Other

Please return no later than: **June 5, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

SEE MEMO DATED 5-11-17

Drawings reviewed by: *H. Popescu* Date: 5-11-17

 VICTOR POPESCU
PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, PE
City Engineer

RE: PC - 2017-14
Conditional Use - Kid Camp Learning LLC
5500 College Corner Pike

DATE: May 11, 2017

The following are comments from the Engineering Division.

- Although it is stated that the Play Area will be fenced, we must point out that the facility is adjacent to a ditch that carries storm water under USR 27 from the west to the east by way of a 72 inch culvert.
- A steep slope, leading to the ditch on the south side of the property, poses danger, not only to adults, but to children, as well. It is recommended that consideration be given to installing a fence along the ditch.

If there are questions, please contact the Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-14, CONDITIONAL USE, 5500 College Corner Pike, to allow for a daycare in the GB (General Business) District, Kid Camp Learning LLC, Phil Young, Applicant/Agent

 X Review Revisions Other

Please return no later than: **June 5, 2017** 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: J. G. J. Date: 5/16/17

PRINTED NAME

"In my opinion there is the need for organized daycare in Oxford and this location has plenty of indoor and outdoor area."



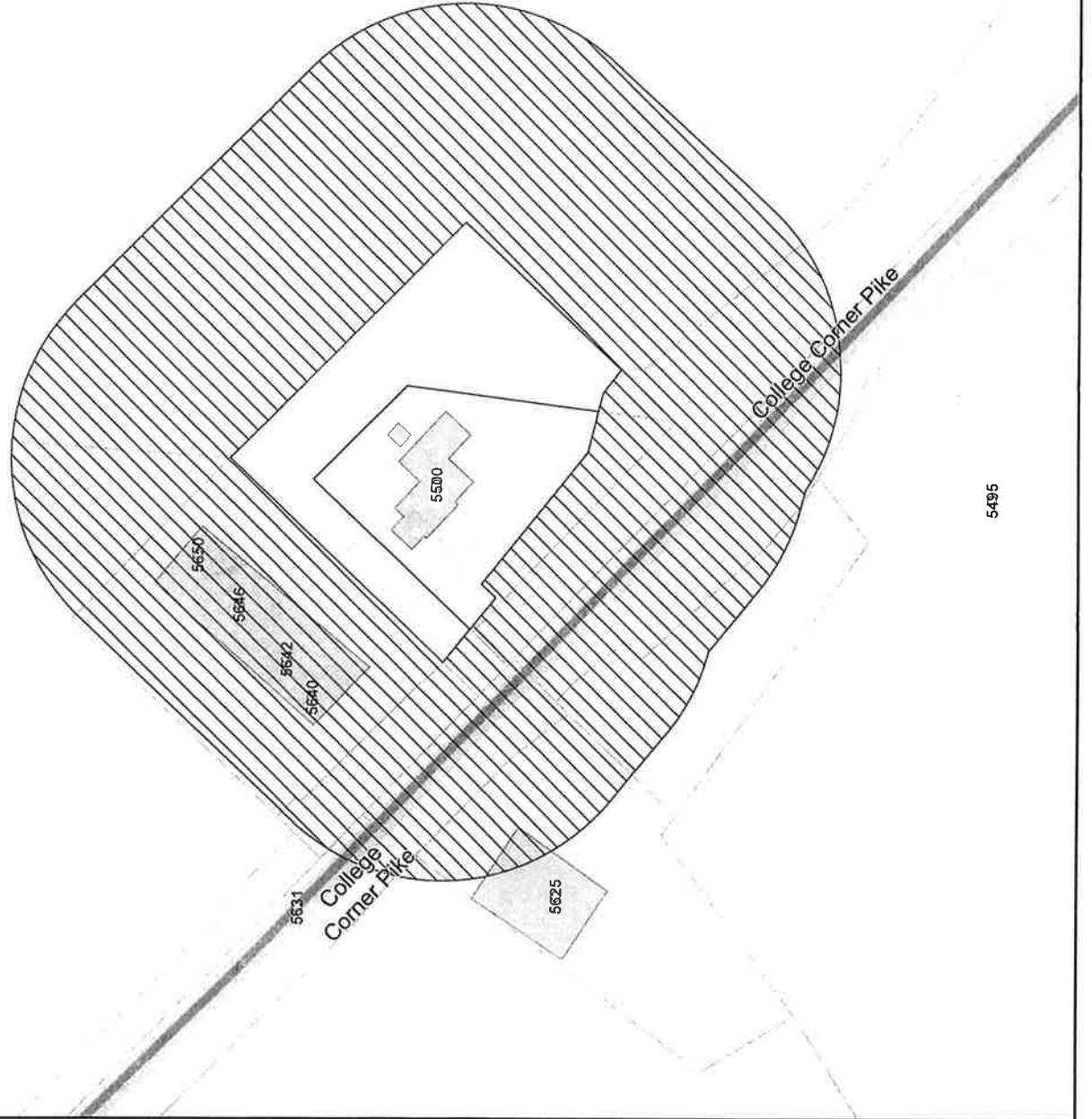
PC-2017-14 Surrounding Property Owners Notifications Map

Legend

-  Subject Parcels
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  Building Footprint
-  Paved Roadway



1 inch = 150 feet



Prepared on Tuesday, May 23, 2017

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.

Letter of Agency

To whom it may concern:

Please be advised that Phil Young has permission to represent our interest with the City of Oxford Board of Planning Commission and City Council, and act on our behalf regarding a conditional use for the proposed daycare located at 5500 College Corner Pike, Oxford, Ohio 45056.

Thank you,

Signed


Argeri Lagos, Zeus Apartment Buildings Inc.

3.31.2022
Date



Internal Use Only:

Case No.

Date Filed

 PC-2017-14
 4/4/17

Conditional Use Permit Application

Applicant Information

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

Name * Kid Camp Learning LLC

Mailing Address * 2520 Ross Millville Rd

City, State & Zip Code * Hamilton, OH 45013

Telephone Number(s) * 513 760 6222

Email Address Kidcamplearning@gmail.com

Owner Information

Name * Zeus Apartment Buildings Inc.

Mailing Address * 750 Shrine Rd.

City, State & Zip Code * Springfield, OH 45504

Telephone Number(s) * 937-925-3670

Email Address _____

Location and Lot Information

Location of Property * 5500 college corner Pk

Legal Description * Parcel H-4100028000001 AND H-4100028000008

Zoning District * GB

Total Area * 1.0595 → Check One * Acres ☒ Square Feet ☐

Existing Use Description * Business - Retail - Act Store

Proposed Use Description * Daycare

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.

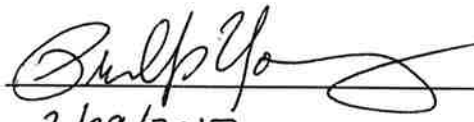
Fees & Receipt

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 *


3/29/2017

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 *

4/4/17

Receipt Number *

14334

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

Re: Application for Conditional Use
Proposed Daycare
5500 College Corner Pike
Parcel H4100028000001

March 28, 2017

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a conditional use for a proposed daycare located at 5500 College Corner Pike in the GB Zoning District.

The attached proposal has been prepared for and with assistance from the following:

Property owners:
Zeus Apartment Buildings Inc
750 Shrine Rd
Springfield, Oh 45504

Applicant:
Kid Camp Learning LLC
2520 Ross Millville Rd
Hamilton, Oh 45013

Architect:
Richard Drake
35 Rockridge Rd Suite D
Englewood Oh, 45322

- 1) Thirteen Individual packets containing one copy of each of the following items:
 - a. Conditional Use Application
 - b. List of property owners within 200 feet of the site
 - c. Site Plan
 - d. Existing pictures of the site
 - e. Letter of Agency
- A. Application Fee is attached
- B. Description of Use and site.
 1. Applicant- Kid Camp Learning LLC 2520 Ross Millville Rd Hamilton Ohio 45013

Owner- Zeus Apartment Buildings Inc 750 Shrine Rd Springfield Oh 45504

2. Letter of Agency is attached
3. The site is located on the following parcels H-4100028000001 and H-4100028000008
4. The property has been vacant for 3 years but the most recent use was Business- Retail- Art Store
5. The property is situated in the GB Zoning District
6. A description of proposed use:
 - a. A description of operations, including types of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.

Kid Camp Learning primarily operates daycare/child care facilities in Butler County, Ohio under the Young Leaders Learning Center brand. This proposed facility will be the third location for Kid Camp Learning providing high quality state licensed education based child care services to children beginning at 6 weeks of age. The owner of Kid Camp Learning (Tiffany Young) has over 15 years' experience instilling the love of education in children. She currently holds a Master's of Education degree from Miami University in Oxford. Kid Camp Learning expects to provide service to 81 children. Outdoor play will occur in a fenced area located on the property away from traffic as required by the Ohio Department of Job and Family Services. Outdoor play areas are regulated by ODJFS and are required to be 50 sq ft per child at play. Noise levels will be minimal and will not negatively affect the existing or future properties near the proposed site. 14 parking spaces will be provided to adequately meet the parking requirement for daycare facilities in the City of Oxford (1 space for every 6 children served). $81\text{ children} / 6 = 13.5$ parking spaces needed. Adequate barriers (stop blocks & mental barriers) will be provided to protect children during drop off.

- b. The hours of operation.

Hours of operation will be Mon-Fri 6am to 6pm. Outdoor play will occur in designated areas between the hours of 10am and 5pm weather permitting.

7. A Narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties.
 - a. How the use is similar to or different from the existing area uses and if there will be any interaction between the proposed use and existing uses.

The use of the property will change from general business to educational daycare. This use is different from the existing uses but does not conflict with any of the existing uses of the adjacent properties. The property is located adjacent to a retail strip center on one side and an empty lot on the other. Limited interaction may occur between the proposed use and existing use solely by customer exposure. The proposed use will not take away from business abilities of the existing uses.

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

The existing building exterior and site will remain unchanged any updates to paint or cosmetic improvements will be designed to fit into the existing neighborhood.

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

The proposed use will not involve any operations that create potential nuisances. Existing exterior lighting (3 parking lot street lamps) will remain. No new exterior lighting will be installed.

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

The proposed daycare will not have a negative effect on adjacent land.

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

The site has sat vacant for many years and previously was used as an art studio/retail shop. The daycare will serve the child care needs not being provided by the existing child care providers in the City of Oxford. The location is more appropriate for the use because it is located along a well-travelled business route just outside of the main strip making it easily accessible to residents in need of child care.

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

The daycare will serve children and families in the Oxford area. There is currently a need for high quality child care in this area as the area is currently underserved based on existing population numbers, currently leaving families with limited options.

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

Potential concerns for daycares per section 1147.03(21) of the Zoning Code:

- i. Location and adequacy of the planned outdoor play area

The location of the outdoor fenced play area will be located in the rear of the building in a grass area as generally shown on the site plan. The proposed fenced outdoor play area is 2400 square feet. Per ODJFS standards 50 sq ft of play area must be provided for each child at play. 2400 square feet will allow up to 48 children to play at the same time in the play area but under normal operation children will be restricted to under 24 children in the play area at one time to provide exceptional safety viewing capability by staff.

- ii. Noise

Noise will be virtually undetectable during normal operation and will not negatively affect surrounding properties. A limited amount of noise may be detectable during outside play times but will not be excessive or disruptive to surrounding properties.

iii. Adequate drop of facilities

Drop off will occur between the hours of 6am and 9am. Adequate staff will be provided to assist during drop off times. Parents will park and walk children into the building. A visual safety path will be provided to ensure parking lot safety.

iv. Regulations- Use of outdoor play areas shall be limited to between the hours of 8am and 8pm daylight hours only.

11. A list of the names and addresses of all the land owners within 200 feet of the site is attached.

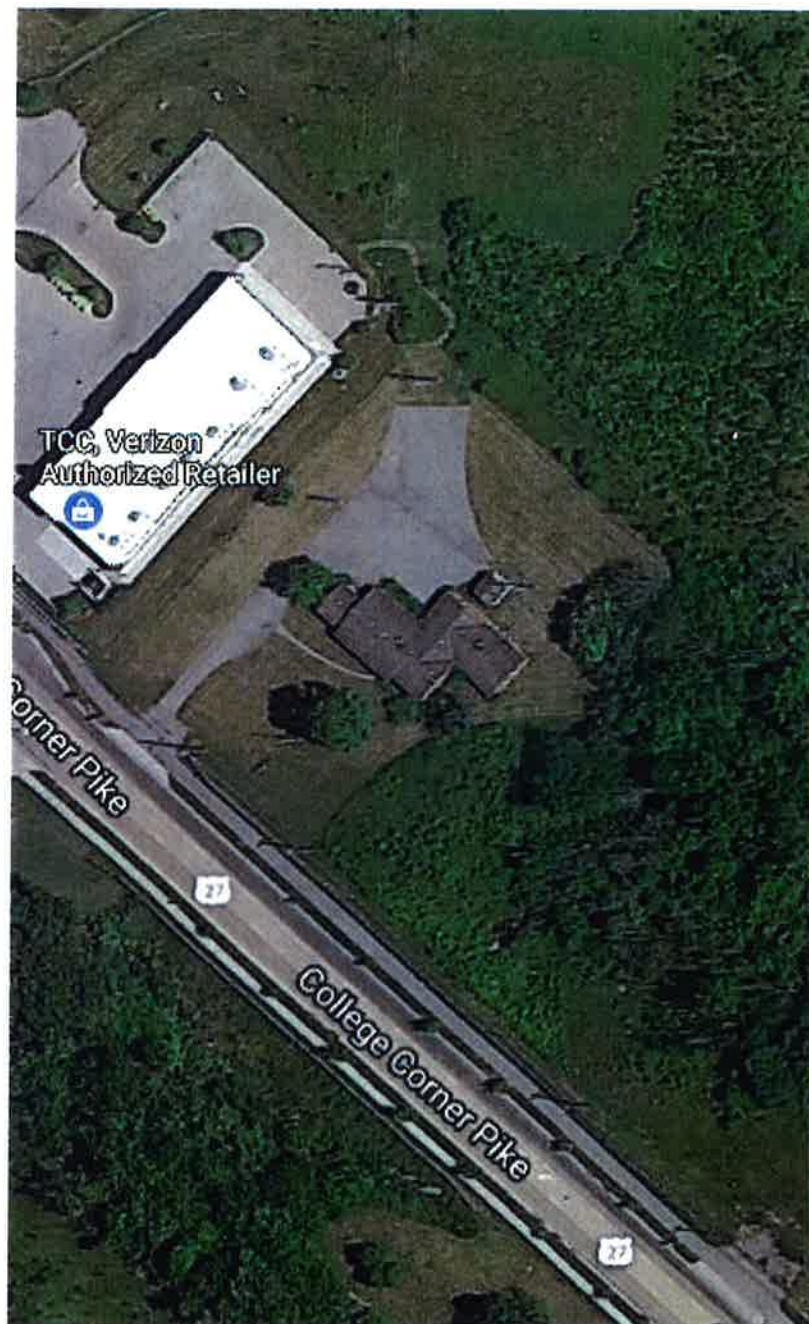
Please place this item on the next available commission meeting agenda.

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

Sincerely,

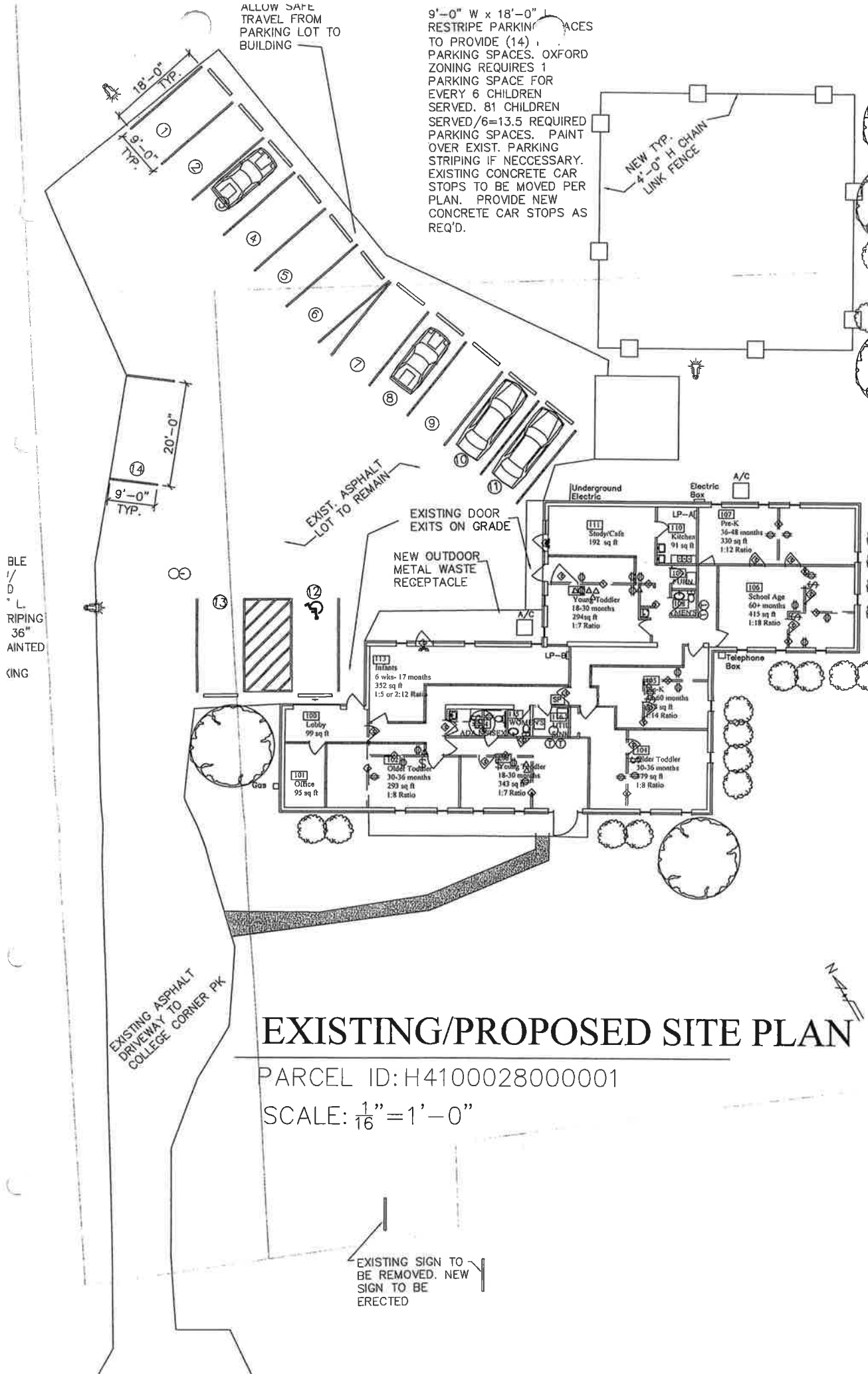
Phil Young
Kid Camp Learning LLC.
2520 Ross Millville Rd
Hamilton, Ohio 45013
Cell-513.304.5668
Office-513.760.6222
Email-kidcamplearning@gmail.com
Web-youngleaderslearningcenter.com

Site Picture #1



Site Picture #2







- SIGN NOTES:
1. LOCATE SIGN AS SHOWN ON DRAWING SHEET.
 2. SIGN TO BE OF A STANDARD REFLECTIVE ALUMINUM MATERIAL.
 3. HANDICAP SIGN TO BE AS SHOWN OR AS REQUIRED BY LOCAL CODE. HANDICAP SIGN MUST CONTAIN THE DESIGNATION "VAN ACCESSIBLE".
 4. FASTEN SIGN TO 2" STEEL PIPE AS REQUIRED AND SET INTO 12" ROUND CONCRETE 24" DEEP.
 5. BOTTOM OF THE SIGN TO BE 60" FROM FINISHED SURFACE OF THE PARKING SPACE.

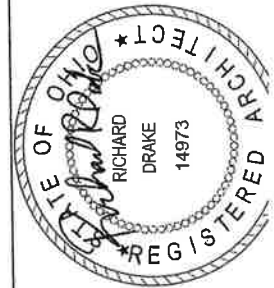
NEW ADA PARKING SIGN

SCALE: NOT TO SCALE



NEW SIGN DETAIL

SCALE: $\frac{1}{4}" = 1' - 0"$



DRAKE
architecture

ARCHITECTURE | DESIGN

ENTER

NOTES:

LANDSCAPE NOTE: ALL EXISTING LANDSCAPING TO REMAIN.

SIGNAGE NOTE: 1 NEW ADA VAN ACCESSIBLE PARKING SIGN TO BE INSTALLED IN BACK OF BUILDING. EXISTING SIGN TO BE REMOVED AND REPLACED WITH A NEW DOUBLE POST SIGN AS SHOWN ABOVE. ZONING VARIANCE IS REQUESTED WITH THE CONDITIONAL USE PROCESS TO EXCEED THE 6' MAX SIGN HEIGHT ZONING CODE 1151.05(3)b.ii PERMANENT SIGNS. VARIANCE IS REQUESTED DUE TO AN EXISTING WOODEN FENCE LOCATED IN THE RIGHT OF WAY THAT OBSTRUCTS THE VIEW OF SHORTER SIGNS FROM THE STREET.

PARKING CALCULATIONS: PER CITY OF OXFORD ZONING DEPARTMENT, 1 PARKING SPACE REQUIRED PER 6 CHILDREN SERVED AT DAYCARE FACILITY.

81 CHILDREN SERVED AT THE DAYCARE FACILITY = 14 PARKING SPACES REQUIRED.

14 PARKING SPACES PROVIDED

PROPOSED TENANT FINISH FOR:

YOUNG LEADERS LEARNING CENTER
5500 COLLEGE CORNER PIKE

SHE
NO

DATE: 3,

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: July 18 and August 1, 2017

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service

Originating Department

Michael Dreisbach

Prepared By

July 6, 2017

Date Prepared

Agenda Title: An Ordinance Authorizing Modifications to the *City of Oxford Stormwater Management Design Manual*.

Recommendation: Approve

Discussion: Oxford Codified Ordinance Section 400 requires design controls to ensure stormwater from developed areas does not have an adverse effect on natural resources and the environment. Section 135.01 created an Environmental Commission whose purpose, in part, is water resource management including a stormwater control program. The City has had a stormwater management design manual in place since the 1990's.

Service Department staff and the Environmental Commission have completed a review of the *Stormwater Management Design Manual* and have made modifications to clarify various requirements of the manual and also to simplify the language of the manual where possible. A new chapter, Chapter 4, has been added representing Best Management Practices (BMP's) in stormwater management. This chapter describes methods that will prevent or minimize stormwater impact through comprehensive planning and development techniques.

The most substantial changes in the *Stormwater Management Design Manual* include rules to reflect modern standards associated with the USEPA's National Pollutant Discharge Elimination System (NPDES) and incorporating our desire to not only manage stormwater flow, but also to encourage the appropriate reuse of stormwater for beneficial purposes including groundwater recharge.

This manual, through the use of structural BMP's (such as infiltration trenches, organic filters, and rain gardens), non-structural BMP's (such as conservation development and setback limits for sensitive areas), offers engineers and designers flexibility in their plans to achieve City goals while recognizing a variety of different environmental factors.

Approved By:

Department Head:

City Manager:

Initial

Date

WBD 7/7/17

DRE 7/14/17

ORDINANCE NO.

AN ORDINANCE ADOPTING A NEW CITY OF OXFORD STORMWATER
MANAGEMENT DESIGN MANUAL.

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

SECTION 1: The City Manager and the Service Director recommend a new City of
Oxford Stormwater Management Design Manual be adopted to provide necessary updates and
clarifications within the manual.

SECTION 2: Council accepts the recommendation of the City Manager and the Service
Director and hereby adopts a new City of Oxford Stormwater Management Design Manual as set
forth on Exhibit "A" attached hereto and incorporated herein by reference to provide necessary
updates and clarifications within the manual.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: July 18, 2017

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 6, 2017

Date Prepared

Agenda Title: An Ordinance amending Oxford Codified Ordinance Section 507.01 Police Civil Citations to allow for additional violations of conduct to be addressed with a Civil Offense Citation.

Recommendation: Approve

Discussion: In 2009 City Council adopted Chapter 507 of the Codified Ordinances entitled Police and Fire Civil Citations. This ordinance established a procedure for enforcement of several sections of the Oxford Codified Ordinances using a civil citation instead of a criminal citation that is processed through the Butler County Area One Court. The Divisions of Police and Fire have found this to be an effective tool in enforcing the existing sections covered by Chapter 507.

The Police Division requests that additional ordinances be added to the list of violation that fall under this Chapter. The additional ordinances include:

505.09	Barking or Howling Dog
505.16	Feeding of wildlife prohibited
509.10	Noise Restrictions
509.13	Nuisance Party Regulations
Chapter 521	Health, Safety and Sanitation
529.07	Open container prohibited
Chapter 725	Taxicabs
Chapter 729	Vendors and Solicitors
921.42	Tampering with water system
921.43	Unlawful hydrant use or connections
931.08	Scavenging on private premises
1511.05	Open burning; recreational fires; portable outdoor fireplaces

Approved By:

Department Head:

City Manager:

Initial Date

gg \ *7/6/17*
DRE \ *7/14/17*

ORDINANCE NO.

AN ORDINANCE REPEALING CURRENT SECTION 507.01 OF THE OXFORD CODE OF ORDINANCES ENTITLED POLICE CIVIL CITATIONS, AND ADOPTING NEW SECTION 507.01 OF THE OXFORD CODE OF ORDINANCES ENTITLED POLICE CIVIL CITATIONS.

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

SECTION 1: Council hereby finds that it is necessary to repeal Section 507.01 of the Oxford Code of Ordinances entitled Police Civil Citations and adopt new Section 507.01 of the Oxford Code of Ordinances entitled Police Civil Citations. It is the legislative determination of this Council that it is in the best interest of the City of Oxford to add additional ordinances to the list of violations to allow the Police Department to issue a civil citation for those violations.

SECTION 2: Council hereby repeals Section 507.01 of the Oxford Code of Ordinances entitled Police Civil Citations, and adopts new Section 507.01 of the Oxford Code of Ordinances entitled Police Civil Citations attached hereto and incorporated herein as Exhibit "A". Deletions are struck through and additions are bolded.

SECTION 3: 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)

EXHIBIT "A"

507.01 POLICE CIVIL CITATIONS.

(a) A person who violates a standard of conduct set forth in a section or chapter of the Oxford Codified Ordinances listed below is liable for the civil fine specified in Section 507.02.

- * 311.03 Toy Vehicles on Streets
- * 311.04 Use of Streets for Amusement, Play or Sports
- * 313.05 Pedestrian Control Signal
- * 331.12C U-turns Restricted
- * 331.42A&B Littering from Motor Vehicle
- * 331.43A Wearing Earplugs or Earphones Prohibited
- * 335.10 Expired Plates
- * 337 Section Safety and Equipment
- * 339.08C Loads Dropping or Leaking, Removal Required Tracking Mud
- * 371.01B Right of Way in Crosswalk (Pedestrian Action Creating Hazard)
- * 371.03A,C,D Crossing Roadway Outside of Crosswalk, Diagonal Crossings at Intersections
- * 373.06A Lights & Reflectors on Bicycles; Brakes
- * 373.07A Riding Bicycles on Right Side of Roadway; Obedience to Traffic Rules; Passing
- * 373.08 Bicycle Riding; Rollerblading and Skateboarding Riding Regulations
- * 373.11A Paths Exclusively for Bicycles
- * 505.01A-D Dogs and Other Animals Running at Large
- * 505.03 Annual Registration of Dogs
- * 505.09A Barking or Howling Dogs
- * 505.15A1,2,3 Dog Nuisances
- * **505.16 Feeding of Wildlife Prohibited**
- * **509.10 Noise Restrictions**
- * **509.13 Nuisance Party Regulations**
- * **Chapter 521 Health, Safety and Sanitation**
- ~~* 521.01 Abandoned Refrigerators and Airtight Containers~~
- ~~* 521.08A,B Littering or Allowing Litter to Remain on Property~~
- ~~* 521.12A Outdoor Furniture Restriction~~
- * **529.07 Open Container Prohibited**
- * **Chapter 725 Taxicabs**
- * **Chapter 729 Vendors and Solicitors**
- ~~* 729.03 Door to Door Solicitation Prohibited~~
- * **921.42 Tampering**
- * **921.43 Unlawful Hydrant Use or Connections**
- * **931.08 Scavenging on Private Premises**
- * 1151.04 Signs on Public Property
- * **1511.05 Open Burning; Recreational Fires; Portable Outdoor Fireplaces**
- * 1519.04 Fireworks - Possession, Sale or Discharge Prohibited

(b) A City officer or employee of the Oxford Police Department or Public Safety Assistant charged with the enforcement of the Oxford Codified Ordinances may as authorized issue a civil citation, a uniformed traffic citation or a misdemeanor citation for a violation of any section listed in this Section, depending on the type of offense and the totality of the circumstances.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: July 18, 2017

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 6, 2017

Date Prepared

**Agenda Title: An Ordinance amending Oxford Codified Ordinance Section 507.02
Police Civil Citation Fine to change the fine structure for civil offenses.**

Recommendation: Approve

Discussion: In 2009 City Council adopted Chapter 507 of the Codified Ordinances entitled Police and Fire Civil Citations. This ordinance established a procedure for enforcement of several sections of the Oxford Codified Ordinances using a civil citation instead of a criminal citation that is processed through the Butler County Area One Court. The original fine structure is still the current fine structure and an increase in the penalty is warranted. Increasing fines for quality of life violations, which fall under the civil offense ordinance, has been discussed and supported by the Off-campus Workgroup of the Alcohol Coordinating Committee at Miami University. Recent additions to the list of violations also require a different fine structure for more serious offenses.

The Police Division requests that the fine structure for Police Civil Citations be as follows:

For violations of Sections:

509.13 Nuisance Party Regulations

921.42 Tampering with water system

921.43 Unlawful hydrant use or connections

We recommend the following fine structure:

Initial Civil Fine	If Delinquent	If Sent for Collection
(500)	(1000)	(1250)

For all other Police Civil Citations, we recommend the following fine structure:

Initial Civil Fine	If Delinquent	If Sent for Collection
(150)	(300)	(450)

Approved By:

Department Head:

City Manager:

Initial Date

JAE \ 7-6-14
DRE \ 7/14/17

ORDINANCE NO.

AN ORDINANCE REPEALING CURRENT SECTION 507.02 OF THE OXFORD CODE OF ORDINANCES ENTITLED POLICE CIVIL CITATION FINE, AND ADOPTING NEW SECTION 507.02 OF THE OXFORD CODE OF ORDINANCES ENTITLED POLICE CIVIL CITATION FINE.

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

SECTION 1: Council hereby finds that it is necessary to repeal Section 507.02 of the Oxford Code of Ordinances entitled Police Civil Citation Fine and adopt new Section 507.02 of the Oxford Code of Ordinances entitled Police Civil Citation Fine. It is the legislative determination of this Council that it is in the best interest of the City of Oxford to update the fines that are owed for a police civil citation.

SECTION 2: Council hereby repeals Section 507.02 of the Oxford Code of Ordinances entitled Police Civil Citation Fine, and adopts new Section 507.02 of the Oxford Code of Ordinances entitled Police Civil Citation Fine attached hereto and incorporated herein as Exhibit "A". Deletions are struck through and additions are bolded.

SECTION 3: 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)

EXHIBIT “A”

507.02 POLICE CIVIL CITATION FINE.

The civil fines for violations of Section 509.13 Nuisance Party Regulations, Section 921.42 Tampering, and Section 921.43 Unlawful Hydrant Use or Connections are:

<u>Initial Civil Fine</u>	<u>If Delinquent</u>	<u>If Sent for Collection</u>
(500)	(1000)	(1250)

The civil fines for the **all other** civil offenses listed in Section 507.01 are:

<u>Initial Civil Fine</u>	<u>If Delinquent</u>	<u>If Sent for Collection</u>
(60 150)	(120 300)	(180 450)

Neither the City of Oxford, the State of Ohio, the United States Government, nor any city, federal or state agency or political subdivision is liable for a civil fine imposed pursuant to this Chapter.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Finance
Originating Department

Council Meeting Of : 7/18/2017

Account Code No. : see below

Joe Newlin

Prepared By

Budgeted Amount :

7/11/2017

Date Prepared

Agenda Title: 2017 Supplemental Budget #6
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Recommendation: Approve

Issue 1

To make adjustment to amended budget for flashing light signalization by Kramer and reimbursement from School District

Action Needed:

Revenue Side

General (110)	7,750.00	Reimbursement from School District
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Expense Side

General (110)	10,875.00	Additional appropriation for signalization
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Net Effect on Fund Balance/(s) Increase/(Decrease)	(3,125.00)
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Issue 2

To make adjustment to amended budget for 2017-2018 Priority One Grant from Ohio Department of Public Safety

Action Needed:

Revenue Side

Life Squad (210)	4,225.00	Priority One Grant
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Expense Side

Life Squad (210)	4,225.00	Additional appropriation for equipment or training
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Net Effect on Fund Balance/(s) Increase/(Decrease)	-
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Issue 3

To make adjustment to amended budget for contract with Management Partners for an evaluation of options for the City of Oxford to hear minor criminal cases for the City

Action Needed:

Revenue Side

General (110)	-	N/A
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Expense Side

General (110)	23,880.00	Additional appropriation for court evaluating options
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Net Effect on Fund Balance/(s) Increase/(Decrease)	(23,880.00)
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Issue 4

To make adjustment to amended budget for contract with Data Management Inc. for TimeClock Plus timeclock for hardware

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3381. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 6 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2017.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, 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	7,750.00
Life Squad Fund 210	4,225.00

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

General Fund 110	10,875.00
Life Squad Fund 210	4,225.00
General Fund 110	23,880.00
Capital Equipment Fund 140	7,863.00
Water Capital Equipment Fund 320	3,146.00
Wastewater Capital Equipment Fund 330	3,146.00

SECTION 4: In all other respects, Ordinance No. 3381 shall remain in full force and effect.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)