



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Finance
PREPARED BY:	Joe Newlin
DATE PREPARED:	9/01/2021
COUNCIL MEETING DATE:	9/7/2021
AGENDA TITLE:	A Resolution Establishing the Amounts and Rates as determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor.
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 9-3-21 [Signature] 9/1/21

DISCUSSION:

Staff recommends Council approve the resolution as it is the annual standard resolution sent to us from the Butler County Auditor.

The purpose is to legally adopt the Oxford property tax rate for next year as approved by the Auditor's office.



RESOLUTION NO.

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION OF BUTLER COUNTY, OHIO, AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

WHEREAS, Council in accordance with Ohio Revised Code, and having previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2022; and

WHEREAS, the Budget Commission of Butler County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part is within the ten mill tax limitation.

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

SECTION 1: The amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

SECTION: 2: There is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation, as set forth on Schedule A attached hereto and incorporated herein by reference:

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR

(VILLAGE COUNCIL)

Rev. Code, Secs. 5705.34, 5705.35

The Council of the CITY of **OXFORD**, Butler County, Ohio, met in

_____ session on the _____ day of _____, 20_____, at the
(regular or special)

office of _____ with the following members present:

_____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax
Budget for the next succeeding fiscal year commencing January 1, 2022; and

WHEREAS, the Budget Commission of Butler County, Ohio has certified its action thereon to this
Council together with an estimate by the County Auditor of the rate of each tax necessary to be
levied by this Council, and what part thereof is without, and what part within the ten mill tax
limitation; therefore be it

RESOLVED, By the Council of the **CITY OF OXFORD** Butler County, Ohio, that the
amounts and rates, as determined by the Budget Commission in its certification, be and the same are
hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Village the rate of
each tax necessary to be levied within and without the ten mill limitation as follows:

FUND	AMOUNT APPROVED BY BUDGET COMMISSION INSIDE 10 MILL LIMITATION	AMOUNT TO BE DERIVED FROM LEVIES OUTSIDE 10 MILL LIMITATION	COUNTY AUDITOR'S ESTIMATE OF TAX RATE TO BE LEVIED	
			INSIDE 10 MILL LIMIT	OUTSIDE 10 MILL LIMIT
GENERAL FUND	1,400,000.00		3.65	
GENERAL BOND RETIREMENT FUND				
PARK FUND		1,045,000.00		3.25
RECREATION FUND				
FIRE LEVY				
POLICE LEVY				
TOTAL	1,400,000.00	1,045,000.00	3.65	3.25

[illegible][illegible][illegible]

and be it further

RESOLVED, That the Clerk of this Council be, and he/she is hereby directed to certify a copy of
this Resolution to the County Auditor of said County.

_____ seconded the Resolution and the roll being called upon its
adoption the vote resulted as follows:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Adopted the _____ day of _____, 20____.

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

=====

CERTIFICATE OF COPY

ORIGINAL ON FILE

The State of Ohio, Butler County, ss.

I, _____, Clerk of the Council of the Village of _____,
within and for said County, and in whose custody the Files and Records of said Council are required
by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and
copied from the original _____

now on file, that the foregoing has been compared by me with said original document, and that the
the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20____

CLERK OF COUNCIL

NOTE: A copy of this Resolution must be certified to the County Auditor before the first day of
October in each year, or at such later date as may be approved by the Board of Tax appeals.

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RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION
AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.
(VILLAGE COUNCIL)

ADOPTED _____, 20____

FILED _____, 20____

CLERK OF COUNCIL

COUNTY AUDITOR

DEPUTY AUDITOR

=====



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45215

STAFF REPORT

ORIGINATING DEPARTMENT:	Parks and Recreation
PREPARED BY:	Deanna Barbour
DATE PREPARED:	August 30, 2021
COUNCIL MEETING DATE:	September 7, 2021
AGENDA TITLE:	Canon Copier Lease Agreement
BUDGETED AMOUNT:	\$19,500
ACCOUNT CODE:	Rents and Leases
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 9-3-21</i>

DISCUSSION:

The current 60 month copier lease expired in August 2020. Due to the pandemic Parks and Recreation has been paying on a month to month basis. The Canon IR Advance DX C5850i color copier from Canon Solutions America will replace the current Ricoh MPC5503 color copier from Woodhull.

The current lease for the Ricoh MPC5503 copier is \$219 per month which includes 10,000 B&W copies and zero color copies per month with a maintenance (overage) agreement of 0.009 per B&W copies and \$0.0849 per color copies. (Note: we are currently averaging approximately 6,000 B&W copies and 2000 color copies per month) Color overages are running an additional \$160-\$240 per month. Total lease range \$379.00 - \$459.00 per month.

A new 60 month lease for the Canon IR Advance DX C5850i would be \$325.00 per month, which includes 7000 B&W copies and 3000 color copies per month with a maintenance (overage) agreement of .0048 per B&W copies and \$0.039 per color copies. The total monthly payment for the lease and maintenance would be approximately \$325.00 per month for an average savings of \$54.00- \$134.00 per month.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CANON SOLUTIONS AMERICA, INC. FOR A 60-MONTH LEASE OF A CANON IR ADVANCE DX C5850I COLOR COPIER FOR USE BY THE OXFORD PARKS AND RECREATION DEPARTMENT.

WHEREAS, the City Manager has reviewed information submitted for the replacement of the existing copier equipment at the Parks and Recreation Department and has recommended that the current copier equipment be replaced with the Canon IR Advance DX C5850i color copier; and

WHEREAS, the City Manager recommends that the City enter into a 60-month lease agreement with Canon Solutions America, Inc. for leasing the Canon IR Advance DX C5850i color copier for use by the Oxford Parks and Recreation Department at a monthly cost of \$325.00.

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

SECTION 1: Council having reviewed the City Manager's recommendation hereby authorizes the City Manager to enter into an Agreement with Canon Solutions America, Inc. for a 60-month lease of the Canon IR Advance C5850i color copier for use by the Oxford Parks and Recreation Department at a monthly cost of \$325.00.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

CURRENT SITUATION



Equipment List	Location	Lease Payment Per Month	Maintenance Payment Per Month	B&W Allowance Per Month	Color Allowance Per Month	B&W Volume Per Month	Color Volume Per Month	B&W CPC Overages	Color CPC Overages	B&W Usage Costs	Color Usage Cost
1 Ricoh MPC5503	Parks & Rec	\$ 219.00	Inc.	10,000	0	5,000	2,000	0.012	0.08	\$ -	\$ 160.00
Total:		\$ 219.00	\$ -	10,000	0	5,000	2,000	-	-	\$ -	\$ 160.00

CURRENT TOTAL MONTHLY COST

\$ 379.00

PROPOSED SITUATION

Equipment List	Location	Lease Payment Per Month	Maintenance Payment Per Month	B&W Allowance Per Month	Color Allowance Per Month	B&W Volume Overages	Color Volume Overages	B&W CPC Overages	Color CPC Overages	B&W Usage Costs	Color Usage Cost
1 Canon IR ADV DX C5850i	Parks & Rec	\$ 325.00	Inc.	7,000	3,000	0	0	0.0048	0.039	\$ -	\$ -
Total:		\$ 325.00	\$ -	7,000	3,000	0	0	-	-	\$ -	\$ -

60 MONTH OPTION

NEW TOTAL MONTHLY COST

\$ 325.00

Monthly Cost Savings:

\$ 54.00

* Proposed Pricing includes Delivery, Installation, Connectivity, & Training if

* Monthly Maintenance Agreement includes On-Site Service, Parts, Labor, & Toner.

* Maintenance is FIXED for the term of the Contract. No Escalators or Increases.

* Maintenance includes 7,000 B&W and 3,000 Color per month / 21,000 B&W and 9,000 Color per quarter!

* The proposal includes a Reimbursement Check for \$1,000.00 to help offset remaining obligations.

Canon

CANON SOLUTIONS AMERICA



Office of the Mayor

Proclamation

Whereas:

this year approximately 248,530 men will be diagnosed with prostate cancer in the United States alone and roughly 34,130 will die this year from the disease; and

WHEREAS, every 15 minutes another American man dies from prostate cancer which is a little more than 93 deaths per day and 34,130 this year; and

WHEREAS, in Ohio an estimated 9,010 new cases of prostate cancer will be diagnosed and an estimated 2,000 deaths will occur in 2021; and

WHEREAS, 1 in 8 men are diagnosed with prostate cancer in his lifetime. African American men are at the highest risk for the disease with a rate of 1 in 6.2 times more likely to die from the disease; and

WHEREAS, men with relatives – father, brother, son – with a history of prostate cancer are twice as likely to develop the disease; and

WHEREAS, men who served in the military who have been exposed to chemicals and herbicides are at a higher risk for developing prostate cancer; and

WHEREAS, education regarding prostate cancer and early detection strategies are critical to saving lives, and preserving, and protecting our families. The economic and social hardship it has on families is huge; prostate cancer is estimated to cost over \$8 billion in direct medical expenditures; and

WHEREAS, nearly 3.1 million men in the U.S. are living with a prostate cancer diagnosis; that number is estimated to climb to 4 million by 2024 as men in the baby boomer generation age; and

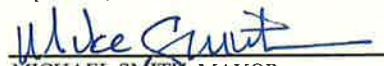
WHEREAS, all men are at risk for prostate cancer and we encourage the citizens of Oxford to increase the importance of prostate screening.

NOW, THEREFORE, I, Michael Smith, Mayor of the City of Oxford, Ohio, do hereby recognize September 2021 as:

“PROSTATE CANCER AWARENESS MONTH”

in Oxford and encourage all citizens to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 7th day of September, 2021.


MICHAEL SMITH, MAYOR





The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	August 27, 2021
COUNCIL MEETING DATE:	September 7, 2021
AGENDA TITLE:	PC-2021-27, 1701 Lake Forest Drive, FINAL SUBDIVISION , Oxford-Millville Road (US 27) Right-of-Way Dedication, 4-Leaf Development LLC, Applicant
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 9-3-21</i>

Proposal Summary:

4-Leaf Development LLC is requesting approval of a Right-of-Way Dedication Plat associated with Millville Oxford Road (US 27). The US 27 corridor adjoins two large sites being developed by the applicant, each under the name South Forest Edge, inclusive of a 36-unit Planned Development west of Lake Forest Drive and a 21-lot subdivision east of Lake Forest Drive. Both South Forest Edge developments required, as a condition of prior approvals, that right-of-way be dedicated along the US 27 corridor consistent with the Oxford Thoroughfare Plan. The Plan classifies US 27 as a Principal Arterial, which calls for a typical right-of-way section spanning 120 feet in overall width. In order to be consistent with the Plan, the developer is dedicating 60 feet of total right-of-way width from the centerline of US 27. The current right-of-way width from centerline varies between approx. 30 feet and approx. 47 feet. The total amount of area to be dedicated is 1.038 acres.

Background:

The South Forest Edge Section 1 project (36 units) has thus far garnered the following approvals:

- Preliminary Planned Development (PD) – approved by Council on March 2, 2021 by Ord. No. 3613 (Condition #5 required right-of-way dedication along US 27)
- Construction Drawings – preliminary set approved on a contingent basis by City staff on August 5, 2021. Final set to be approved at a later date.
- Final Planned Development (PD) – approved by Council on August 17, 2021 by Ord. No. 3632



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The South Forest Edge Subdivision project (21 lots) has thus far garnered the following approvals:

- Preliminary Subdivision – approved by Council on April 20, 2021 by Ord. No. 3616 (Condition #5 required right-of-way dedication along US 27)

Recommendation:

Staff recommends **approval** of the Dedication Plat for Oxford-Millville Road as presented. If approved by Council as presented, the recording of this Dedication Plat can occur independent of other Record Plats associated with the two South Forest Edge developments (i.e. no financial security or bonding is necessary prior to receiving signatures from City officials).

ORDINANCE NO.

**AN ORDINANCE APPROVING THE RIGHT OF WAY DEDICATION PLAT
FOR U.S. 27 (OXFORD-MILLVILLE ROAD) IN THE CITY OF OXFORD.**

WHEREAS, in accordance with Oxford Codified Ordinance Section 1101.203, the City of Oxford's Community Development Department received the Right of Way Dedication Plat for U.S. 27 (Exhibit "A") on August 3, 2021 consisting of 1.038 acres of additional public right of way; and

WHEREAS, the Community Development Director has reviewed the Right of Way Dedication Plat and found that the Right of Way Dedication Plat substantially conforms with the approved South Forest Edge Section 1 Final Planned Development (Ord 3632) and the approved South Forest Edge Preliminary Subdivision (Ord 3616); and

WHEREAS, the Community Development Director further finds that the Right of Way Dedication Plat meets the requirements of Oxford Codified Ordinance Section 1101.203; and

WHEREAS, the City Manager and the Community Development Director recommend Council approve the Right of Way Dedication Plat attached hereto as Exhibit "A" for U.S. 27 in the City of Oxford as submitted.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Community Development Director and further approves the Right of Way Dedication Plat attached hereto as Exhibit "A" for U.S. 27 in the City of Oxford as submitted.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

**Internal Use Only:**

Case No. _____

Date Filed _____

Final Subdivision Application

Applicant Information

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

Name * 4-Leaf Development, LLC

Mailing Address * 125 West Spring Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-524-9500

Email Address pam@hoteldevelopment.net

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 S. College Avenue, Suite 101

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-532-4270

Email Address johnbayer@bayerbecker.com

Location and Lot Information

Name of Subdivision * Dedication Plat - Oxford-Millville Road (US27)

Location of Property * 1701 Lake Forest Drive, Oxford, Ohio 45056

Legal Description * Part of Lot 3716

Date of Planning Commission Preliminary Approval * 4/20/2021

Number of Lots * 1

Zoning District * R-2A PLANNED DEV.

Total Area * 1.038 Acres

Requirements and Documentation

Plat

Fifteen (15) copies of the plat on bond. Drawing size must be at least 18x24" and should never exceed 24x36." The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford¹. Scale should not exceed 1" = 100.' Plats containing less than three lots are exempted from the provisions of this section. The following information must appear on the plat:

- A. Boundary lines of the area being subdivided with accurate distances and bearings. Each section which is presented for final plat approval must have all of the required improvements extended to the property lines where necessary in order that future final plat sections may connect with them to maintain the continuity of the approved preliminary plan.
- B. A statement dedicating all proposed streets and alleys with their widths and names.

- C. The accurate outline of any portions of the property to be dedicated or granted for public use.
- D. The lines of adjoining streets and alleys with their widths and names.
- E. All lot lines together with an identification system for all lots and blocks. Lot numbers shall be secured from the County Auditor.
- F. The locations of all building lines and easements provided for public use, services or utilities.
- G. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and any other areas for public or private use. Linear dimensions are to be given to the nearest one hundredth of a foot.
- H. The radii, arcs, lengths, points of tangency and central angles for all curvilinear streets and the radii and lengths for rounded corners.
- I. The location of all survey monuments and benchmarks together with their descriptions. There shall be a minimum of four permanent markers in each subdivision section located at or near the outer corner.
- J. The name of the subdivision, the scale of the plat, points of the compass and name of owner or owners and subdivider if other than the owner and name of the surveyor and engineer preparing the plat.
- K. The certificate of the surveyor attesting to the accuracy of the survey and to the correct locations of all monuments shown.
- L. Any private restrictions and trusteeships and their duration. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable, thus necessitating the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- M. Acknowledgement by the owner or owners of the plat restrictions.
- N. One tracing cloth or comparable material of the approved final plat, for the City records.
- O. The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
- P. A receipt showing that all legally due taxes have been paid.
- Q. North arrow, scale and date.
- R. The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses, and drainage ways.
- S. Any existing water mains, culverts, water or sewer lines, easements, buildings and streets, within the tract or immediately adjacent thereto.
- T. Size of the tract in acres and lots in square feet and the boundary lines along with the linear measurement thereof.
- U. The proposed location and width of streets, alleys lots and easements.
- V. The seal, registry number and signature of the public surveyor who prepared the plat.
- W. Any portion of the floodplain as delineated by the Butler County Flood Insurance Rate Maps (FIRM), effective December 17, 2010, must be clearly illustrated and labeled on the plat.

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.

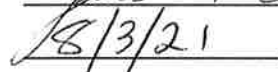
Fees & Receipt

The required fee for final plan is \$570.00 plus \$10.00 per lot, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *

Date *

Submit Application, Plans and Documentation, and Fees

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

Send or drop off this application with required copies of the plat containing all required information as attachments and a check for fees and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

Notes

- You must adhere to notification and publication requirements.
- Submit materials 14 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).**
- Per Planning and Zoning Code 1101.203(H)¹, after final recording at the Butler County Recorder's Office, the applicant shall furnish a proof of such recording for filing to the Community Development Department prior to the issuance of any construction permits for site preparation.

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/>



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Service Department
PREPARED BY:	Michael Dreisbach
DATE PREPARED:	August 20, 2021
COUNCIL MEETING DATE:	September 7, 2021
AGENDA TITLE:	Acceptance of an Easement for Oxford Area Trails - Phase III Extension to THS
BUDGETED AMOUNT:	\$ N/A
ACCOUNT CODE:	N/A
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 9-3-21 MBD 8/20/21</i>

Discussion:

On August 19, 2021, the Talawanda School District approved an easement on their property allowing construction of another segment (Phase III southern extension) of the Oxford Area Trail System from Pepper Park to Talawanda High School – Exhibits attached describing said easement.

Staff recommends the City Council authorize the City Manager to sign the Easement Agreement with Talawanda School District accepting said easement.

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EASEMENT AGREEMENT AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO WITH THE TALAWANDA CITY SCHOOL DISTRICT BOARD OF EDUCATION AND ACCEPTING SAID EASEMENT AS SET FORTH ON EXHIBITS "B" AND "C" ATTACHED HERETO TO ALLOW THE CONSTRUCTION OF A SEGMENT OF THE OXFORD AREA TRAIL SYSTEM FROM PEFFER PARK TO THE TALAWANDA HIGH SCHOOL.

WHEREAS, on August 19, 2021, the Talawanda City School District Board of Education approved an easement on their property to allow construction of another segment (Phase III southern extension) of the Oxford Area Trail System from Peffer Park to the Talawanda High School; and

WHEREAS, the City Manager and the Service Director recommend City Council authorize the City Manager to enter into an easement agreement with the Talawanda City School District Board of Education as set forth in Exhibit "A" attached hereto and accept said easement as set forth on Exhibits "B" and "C" attached hereto for the purpose of constructing a segment of the Oxford Area Trail System from Peffer Park to the Talawanda High School.

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

SECTION 1: City Council accepts the recommendation of the City Manager and the Service Director and hereby authorizes the City Manager to enter into an easement agreement with the Talawanda City School District Board of Education as set forth in Exhibit "A" attached hereto and further accepts said easement as set forth on Exhibits "B" and "C" attached hereto for the purpose of constructing a segment of the Oxford Area Trail System from Peffer Park to the Talawanda High School.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement") is entered into this 16th day of August, 2021, by and between TALAWANDA CITY SCHOOL DISTRICT BOARD OF EDUCATION ("Talawanda"), and the CITY OF OXFORD, OHIO, an Ohio municipal corporation ("Oxford"), under the following terms and conditions:

A. By virtue of an instrument recorded at Volume 8197, Page 1351 of the Official Records of Butler County, Ohio, Talawanda holds title to certain real property known as Parcel No. H4100134000015 and consisting of approximately 154.487 acres, situated in the City of Oxford, Butler County, Ohio, and described on Exhibit A attached hereto and incorporated herein (the "Talawanda Property").

B. Talawanda desires to grant to Oxford, for the benefit of Oxford and the general public, an easement over and upon a portion of the Talawanda Property for the purposes set forth in this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. **Grant of Easement.**

1.1 **Permanent Trail Easement.** Talawanda hereby grants to Oxford, its successors and assigns forever, and the general public, for the benefit of Oxford and the general public, a permanent non-exclusive easement over and upon the Talawanda Property in the area shown on Exhibit B as the "Permanent Easement" and further described on Exhibit C, attached hereto and incorporated herein (the "Easement Area"), for the purpose of providing a recreational trail for use by the general public as part of the Oxford Area Trail System (the "Trail"), and for general maintenance thereof by Oxford.

2. **Use.** The Easement Area shall not be used for any purpose inconsistent with any local, state or federal laws or regulations or for purposes other than those permitted by this Agreement; provided, however, Oxford shall in no way be liable to Talawanda for any actions of the general public in connection with the use of the Trail. Oxford shall be responsible for the initial construction and subsequent repairs, replacement, and maintenance of the Trail and shall maintain the Trail in good condition and repair. Oxford shall promptly repair any damage caused

to the Talawanda Property in connection with the construction, installation, repair, replacements, or maintenance undertaken by Oxford and its contractors in connection with its construction, repair, replacement, or maintenance of the Trail.

3. Reservation. Talawanda reserves for itself and its successors and assigns, the right to use the Easement Area for the purposes consistent with the rights conveyed by this Agreement.

4. Miscellaneous. If any term or provision of this Agreement shall, to any extent, become or be held to be invalid or unenforceable, the remaining terms and provisions of this Agreement shall be unaffected thereby and shall be valid and enforceable in accordance with their terms. No waiver or breach of a covenant or provision in this Agreement shall be deemed a waiver of any other covenant or provision in this Agreement, and no waiver shall be valid unless in writing and executed by the waiving party. Each party agrees that it shall execute any and all further documents as may be necessary or required to implement the intent of this Agreement.

5. Covenants Run with the Land. All terms, conditions and easements contained in this Agreement shall be considered as running with the land and, except as provided in Section 1.2, shall be a permanent benefit to Oxford and the general public, and a permanent burden to the Talawanda Property as provided in this Agreement.

[Signature Page Follows]

Executed by the parties as of the date first above written.

TALAWANDA CITY SCHOOL DISTRICT
BOARD OF EDUCATION

By: Chris Otto
Print Name: Chris Otto
Title: TCSD PRESIDENT

STATE OF OHIO,

SS:

COUNTY OF BUTLER:

The foregoing was acknowledged before me by this 19th day of August, 2021,
by MR CHRIS OTTO the PRESIDENT Board of Ed of the Talawanda City
School District Board of Education, on behalf of said board of education. This is an
acknowledgment clause. No oath or affirmation was administered to sign.



DENNIS P. MALONE
Notary Public, State of Ohio
My Commission Expires
01/08/2026

Notary Public

CITY OF OXFORD, OHIO
an Ohio municipal corporation

By: _____
Print Name: _____
Title: _____

STATE OF OHIO,
SS:
COUNTY OF BUTLER:

The foregoing was acknowledged before me by this ____ day of _____, 2021,
by _____ the _____ of the City of Oxford,
Ohio, an Ohio municipal corporation, on behalf of said municipal corporation. This is an
acknowledgment clause. No oath or affirmation was administered to signer.

Notary Public

This Instrument Prepared By:
Robert D. Ballinger, Esq.
Coolidge Wall Co., L.P.A.
33 West First Street, Suite 600
Dayton, Ohio 45402
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FUTURE OXFORD AREA TRAILS SYSTEM

OATS Phases

1 Completed
2017

2 Est. Completion
2020

3 Est. Completion
2022-2023

4 Est. Completion
2022-2023

PLANNED FUTURE PHASE
Est. Completion
TBD

UNPLANNED FUTURE PHASE*
Route Planning
2020

*Route shown is from preliminary study by KZF Design
drawn in 2007. More precise route planning to occur
in 2020.

Existing Bikeways

- Paved Trails
- Marked Bike Lanes
- Sharrows

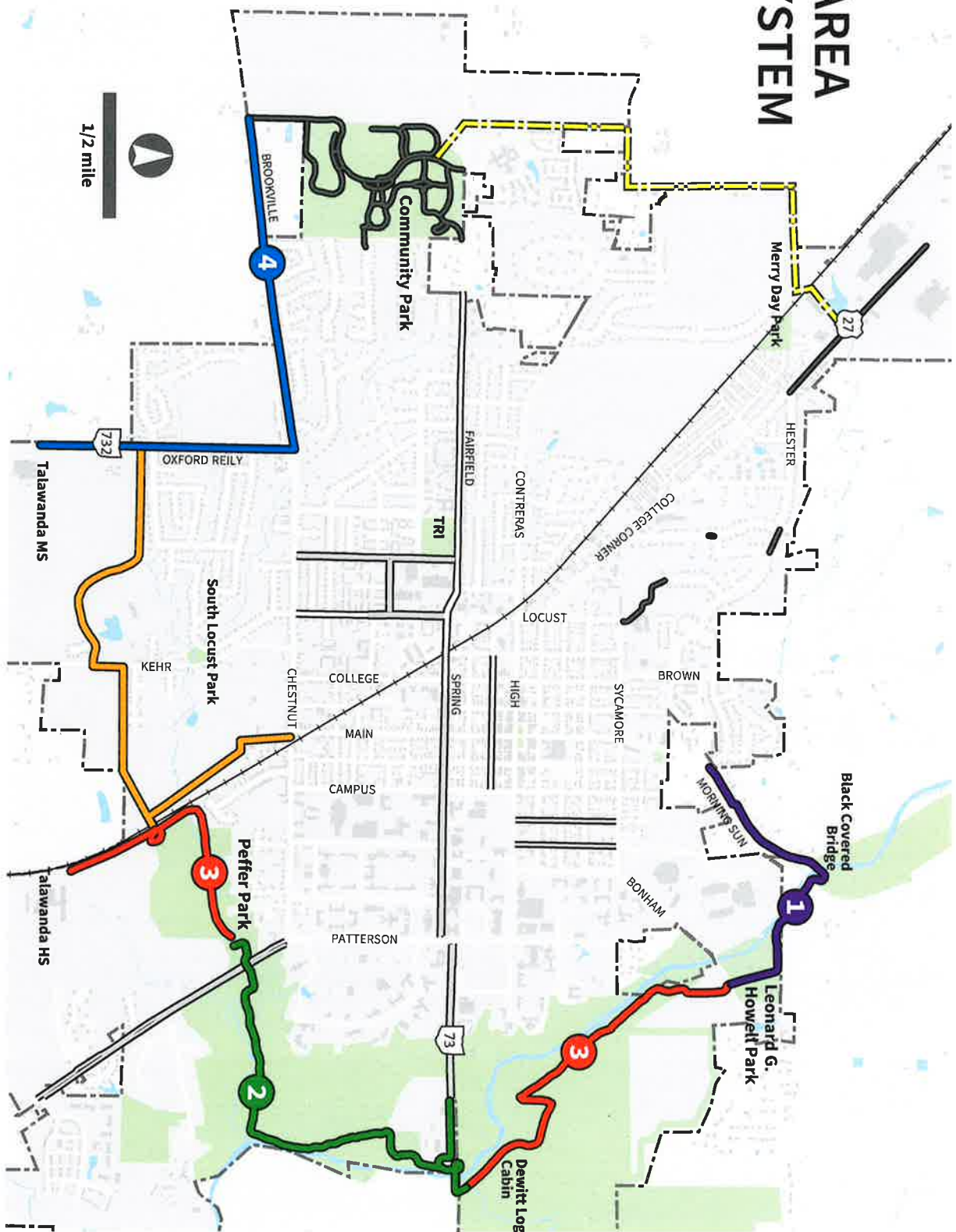


EXHIBIT A

DESCRIPTION OF TALAWANDA PROPERTY

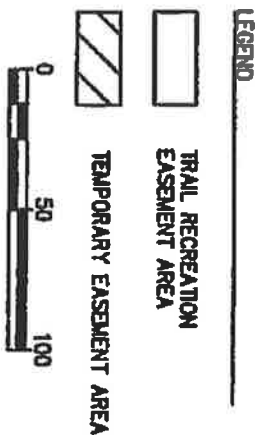
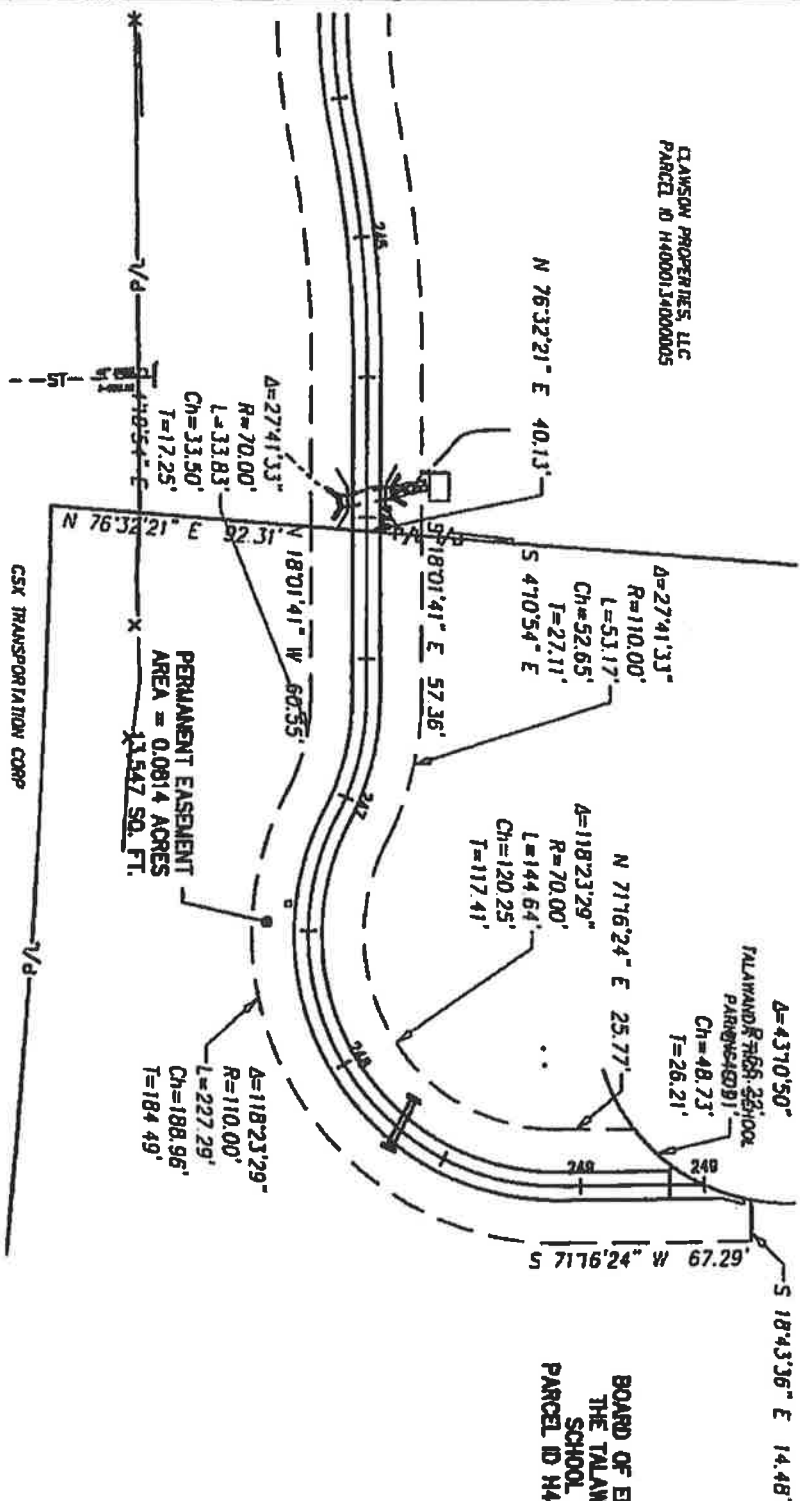
Situate in the County of Butler, in the State of Ohio, and in the City of Oxford:

Being all of Lot Number 3772 of the lots of the City of Oxford.

PPN: H4100134000015

EXHIBIT B

DEPICTION OF EASEMENT AREA



OXFORD AREA TRAILS PHASE IV
TALAWANDA HIGH SCHOOL EASEMENTS
SITUATED IN THE CITY OF OXFORD,
COUNTY OF BUTLER, STATE OF OHIO

PROJ NO: 16-0209-020
DRAWN: MD
CHECK: AT
DATE: 05-12-2021
REV:



Environmental
Design Group
ENVDESIGNGROUP.COM

EXHIBIT C

LEGAL DESCRIPTION OF PERMANENT EASEMENT



**Exhibit A
Easement for Trail Purposes
PID H4100134000015**

Situated in the State of Ohio, County of Butler, Township of Oxford (T5N, R1E) and known as being part of Oxford Township Section 35 and further being part of land described in deed to Board of Education of the Talawanda City School District as recorded in book _____ page _____ of Butler County records and being more fully described as Follows:

Beginning at the Grants Northwest Corner;

Thence N 76° 32' 21" E along the Grants North line, 92.31 feet to the True Place of Beginning for the area intended to be described herein;

Thence N 76° 32' 21" E along the Grants North line, 40.13 feet;

Thence S 18° 01' 41" E, 57.38 feet;

Thence southeasterly 53.17 feet along the arc of a curve deflecting to the right having a radius of 110.00 feet and a chord of 52.65 feet that bears S 04° 10' 54" E;

Thence southeasterly 144.64 feet along the arc of a curve deflecting to the left having a radius of 70.00 feet and a chord of 120.25 feet that bears S 49° 31' 52" E;

Thence N 71° 16' 24" E, 25.77 feet;

Thence southeasterly 49.91 feet along the arc of a curve deflecting to the left having a radius of 66.22 feet and a chord of 48.73 feet that bears S 76° 47' 26" E;

Thence S 18° 43' 36" E, 14.48 feet;

Thence S 71° 16' 24" W, 67.29 feet;

Thence northwesterly 227.29 feet along the arc of a curve deflecting to the right having a radius of 110.00 feet and a chord of 188.96 feet that bears N 49° 31' 52" W;

Thence northwesterly 33.83 feet along the arc of a curve deflecting to the left having a radius of 70.00 feet and a chord of 33.50 feet that bears N 04° 10' 54" W;

Thence N 18° 01' 41" W, 80.55 feet to the True Place of Beginning and containing 0.0814 acres of land.

CORPORATE
450 Grant Street / Akron, OH 44311
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TF 800.835.1390

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88 East Broad Street, Suite 880
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envdesigngroup.com

The community impact people.

CIVIL ENGINEERING / LANDSCAPE ARCHITECTURE / PLANNING / SURVEYING / ENVIRONMENTAL SERVICES / CONSTRUCTION MANAGEMENT



Bearings are based on grid north in the Ohio State Plane Coordinate System South Zone NAD 83 (2011)

This description was prepared and reviewed by Robert J. Warner P.S. 6931 for Environmental Design Group, LLC based on a field survey by G. J. Berding Surveying, Inc. in June 2020.

Robert J. Warner 6-18-2021
Robert J. Warner
P.S. 6931



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A Regular meeting of the Oxford City Council was called to order by Mayor Mike Smith on Tuesday, August 17, 2021 at 7:30 p.m. Members present were: Glenn Ellerbe David Prytherch, William Snavelly and Edna Southard. Jason Bracken and Chantel Raghu were excused.

Staff members present were: Doug Elliott, City Manager, Jessica Greene, Assistant City Manager, Mike Dreisbach, Service Director, Joe Newlin, Finance Director, John Jones, Police Chief, Sam Perry, Community Development Director, Chris Conard, Law Director and Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

Ms. Southard moved to approve the agenda. Mr. Snavelly seconded. The motion passed 5-0-0.

PUBLIC PARTICIPATION

RECOGNITION

OFFICER BOB LINDNER'S RETIREMENT

Chief Jones noted this evening he had the pleasure of seeing off Officer Bob Lindner who has worked for the City for many years. Chief Jones advised Bob began his career with the City of Oxford in 1979 as a volunteer Firefighter/EMT and became a Police Officer for OPD on June 21, 1985 and served until January of 1997 when he left for a job in the private sector. Chief Jones noted despite having a very successful job in the private sector, Bob could not stay away from police work, the draw of the job and his love for serving the community led him back to OPD in 2003. Chief Jones advised Bob went from part-time Police Officer to full-time Police Officer noting Bob is one of the hardest working guys he knows. Chief Jones advised Bob's preferred schedule over the last several years has always included weekend day shifts noting he was always quite the ambassador for the City. Chief Jones advised Bob liked to talk to Miami parents coming into town, especially those from his hometown in the Chicago area. Chief Jones noted Bob has always been an excellent representative for OPD and for the City and worked to solve all the City's problems at his morning coffee club each day. Chief Jones advised Bob has served in specialized positions on the motorcycle unit and he is also a tactical paramedic on OPD's Special Response Team. Chief Jones congratulated Bob on his retirement and thanked his wife Karen, daughter Ericka, son-in-law Cody and daughter Christina for sharing Bob with the City over the years.

Chief Jones presented Bob with a plaque which read "Presented to Patrolman Robert F. Lindner, Jr. by the citizens of Oxford, Ohio, in deepest appreciation of many years of selfless and dedicated service from 1985-2021."

Mr. Bob Lindner, thanked Chief Jones, the Oxford Police Administration, the Oxford City Council and citizens of Oxford noting they could not have a better group of people working for them. Mr. Lindner noted you would not find better cops anywhere in the world. Mr. Lindner thanked everyone for a great 30 years. Mr. Lindner thanked his family noting it was tough being a police officer's family especially in a small town and advised he appreciated their support over the last 30 years as well.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

Minutes of the August 3, 2021 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Report regarding the July 13, 2021 Planning Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the August 4, 2021 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

A Resolution No. 7325 authorizing the City Manager to enter into an agreement with Vigilant Solutions, LLC for a subscription to two quick deploy Automatic License Plate Reader (ALPR) systems at an annual cost not to exceed \$4,838.00 for five years. (John Jones, Police Chief)

Mr. Snavely moved to approve the consent agenda. Mr. Ellerbe seconded. The motion passed 5-0-0.

RESOLUTIONS

RESOLUTION **BROADBAND REQUEST**

A Resolution No. 7326 requesting the Butler County Commissioners to take a countywide approach to address broadband disparity. (Jessica Greene, Assistant City Manager)

Ms. Greene noted a few weeks ago a meeting was held with several Township Trustee representatives who serve within the Talawanda School District. Ms. Greene advised during the meeting they brainstormed about how to address broadband disparity in the region. Ms. Greene noted the Covid19 pandemic made it apparent how dire this issue is in the region and advised the City of Oxford donated \$16,000 from the CARES Act funding to help students get access to mobile hot spots. Ms. Greene noted the City invested over \$300,000 for public Wi-Fi within the Oxford Community. Ms. Greene advised the group decided a joint letter to the Butler County Commissioners should be drafted asking them to consider a countywide approach to address the digital divide. Ms. Greene noted if the commissioners feel they cannot lead that effort, a second option would be to ask them to consider supporting the existing request from the Butler Rural Electric Cooperative. Ms. Greene advised the Butler Rural Electric Cooperative is working to expand broadband for all of their customers noting it has been a good partnership, which will help over 2,700 residents in Butler County. Ms. Greene asked Council to join in the letter that will be signed by the Township Trustees and sent to the county commissioners.

There were no comments from the public.

Mr. Ellerbe noted he felt it was a fantastic initiative and Ms. Southard thanked Ms. Greene for her efforts.

Mr. Prytherch advised everyone agrees better internet was needed across the townships and the city and this would benefit the entire region. Mr. Prytherch noted his hope the county would buy into the idea.

Ms. Southard moved to adopt Resolution No. 7326. Mr. Snavelly seconded. The motion passed 5-0-0

ORDINANCES **FIRST READING**

ORDINANCE **FACE COVERINGS**

An Ordinance Requiring Face Coverings Inside Any Public Space Within The City Of Oxford, Ohio, To Limit The Spread Of Covid-19, And Declaring An Emergency. (Doug Elliott, City Manager)

Mr. Conard advised in light of the fact two members of Council were not able to attend tonight's meeting, it is not possible to pass the proposed Ordinance as an emergency. Mr. Conard noted it requires a super majority of 6 Councilors to vote on an emergency Ordinance. Mr. Conard noted there is nothing to prevent a First Reading of the proposed Ordinance this evening and then either a Special Meeting or at the next regularly scheduled Council meeting when 6 or 7 members of Council are present it could be passed as an emergency.

Mr. Elliott advised at the last meeting Council discussed the need to reinstitute the mask mandate. Mr. Elliott noted Council has before them an Ordinance requiring face coverings inside any public space within the City of Oxford, Ohio.

Mr. Elliott read a letter from Councilor Raghu who was not present this evening as follows:
"To my fellow city councilors, friends, and neighbors: I wish I could be telling you this in person but COVID hit very close to home and both my parents have been diagnosed with the delta variant of COVID. I have been waiting on standby while my dad has been in the hospital receiving oxygen, anti-virals, and convalescent antibodies. I have watched my normally chatty and energetic dad gasp for air as he tries to tell me his wishes for after he passes. Last Monday, as his heart rate dropped into the 30s, and he was too weak to move his eyes, he felt that he was close to death. Helpless and scared were words he used to describe his 8 days in the hospital. Fortunately, for my dad, the vaccine did its job and he was able to survive COVID and is now back at home with oxygen therapy. The elation for my dad's survival was short lived as we rushed my mom to the emergency room two nights ago for low oxygen levels, weakness, fever, and body aches.

The delta variant is highly contagious and is affecting people of all ages. Dallas County has now ran out of pediatric ICU beds. The dire situation occurring in my home state is a result of poor leadership who refuses to enact simple safety precautions to curtail the spread of this deadly virus. While the governor of Texas plays games, people will continue to die and the hospitals will continue to be over run. This did not need to happen, and we have the ability and duty to learn from Texas' mistake and protect our community. We should do everything in our power to protect our community, and I don't want anyone else to go through what I went through; not knowing if their parent will live or die. Vaccines will keep you from dying and masks will keep us from passing the virus onto people who will die. If my parents were not both struggling with COVID, I would be at home in the meeting making the common sense vote YES to keep our community safe by indoor masking. Be safe and protect each other."

Ms. Kathy Brinkman, 404 Emerald Woods Drive, read her prepared statement as follows: "I was a little kid when I stood in line at the community center in my hometown to receive the polio vaccine. I remember a line of mothers and little kids, and I remember that it was hot and my mother's face was pinched with worry. She was holding our hands and if I had been older, I might have thought to look at her face after we had received the vaccine to see if some of that worry was relived, but I was just a little kid so I didn't. There weren't any masks, I feel my mother's stress when I think about my grandchildren who are unvaccinated. The oldest is thirteen and she is fully vaccinated but the younger two are seven and eight and so they haven't had the opportunity. As for many of you, I was relived earlier this year when I had the chance and my family had the chance to receive the Covid vaccine. I was even more relived when my mother who is 96 received the vaccine before I did. The feeling that everything might eventually be ok was enormous. It was wonderful earlier this summer when it seemed like there was no longer a need for mask mandates because the science was showing that we could not carry enough virus in our bodies to transmit to others. But of course that's all changed with the Delta variant and that's why we are here tonight and that's why Governor DeWine addressed the state today about the deadliness and the high contagion rate of the Delta variant. I wear my mask in public indoors and I'll continue to whether this Resolution passes or not but we know that many masks are better than one mask. If this virus keeps mutating the next strain or the strain after this will be more deadly and if that doesn't happen and I hope it doesn't happen then what will have been the harm from wearing masks indoors while our children wait to get vaccinated. It's expected that those under 12 will be able to receive the vaccine soon. If the Delta variant is as bad as it gets, and it's bad, and our children get vaccinated then wearing our masks during this time will have been an easy thing to do. We are not asking people to be mandated to receive the vaccine we are asking people to put a cloth over their face. I'd much prefer that we had a state approach that did not mean every City had to go through this process of making a decision on their own but unfortunately that is not where we are. I applaud this City Council for taking the leadership that is needed for our community and I applaud the Talawanda School District Board for the action that they took last night." Thank you.

Ms. Dunagan, 6490 Imhoff Road, offered prayers for Councilor Raghu's family. Ms. Dunagan asked for clarification of the state of emergency noting she was confused by the Ordinance. Ms. Dunagan inquired if the City has consulted with the Board of Health. Ms. Dunagan asked what McCullough Hyde's census was right now for Covid patients, how many were in critical condition and how many deaths there had been in Oxford, Ohio.

Ms. Dunagan noted Oxford was Council's purview and Council was to set Ordinances for Oxford, Ohio regardless of what has happened in Dallas County. Ms. Dunagan inquired how many residents of Oxford have died throughout this pandemic and how many people are at risk of dying. Ms. Dunagan referred to the proposed Ordinance on page 64 of Council's packet which reads in part "Butler County, Ohio is an area of high transmission with a fully vaccinated rate of the total population below the state and United States rates" and noted she would like the definition of high transmission and inquired how much below the state and United States vaccinated rate Butler County was and why it was a concern to Council. Ms. Dunagan advised from what she had read the vaccine was an experimental vaccine which was currently in clinical trial and we do not have data that supports that it is effective and safe. Ms. Dunagan applauded the residents of Butler County who are waiting and not getting a vaccine that is untested and that we do not have safety data about. Ms. Dunagan advised she has been a basic science researcher and is currently a healthcare professional who has been taught every year during annual training to wear protective personal equipment for her own safety not for the safety of other people. Ms. Dunagan implored Council not to take away her freedom and to let her have her own liberty and justice and to let her take her own risk. Ms. Dunagan encouraged Councilors to make decisions for themselves and to wear a mask if that helps them feel safe. Ms. Dunagan noted a mask does not make her feel safe as her protection comes from almighty God.

Ms. Helaine Alessio, 50 Josie Lane, noted she was a scientist and tries to keep up with the most practiced, experienced and smart people. Ms. Alessio advised she tries to keep up with what is going on with City Council because she elected them as her leaders to keep up with not just the science but with Ordinances, with the law. Ms. Alessio noted she expected Council to follow the science in this case, mask mandates and opinions verses science, who is going to be protected by who. Ms. Alessio advised this is where public health and safety comes in and that is Council's job. Ms. Alessio noted she felt Council has done a good job over the past 30 years that she has been in Oxford. Ms. Alessio advised Council has made a lot of improvements in the City with regard to garbage collection, bike lanes, safe streets, safe crossings and now during this once in one hundred year pandemic Council will have to make a decision about whether or not we can do our part to help not only ourselves but each other to get through this. Ms. Alessio noted the science tells us that masks helps and vaccines help and if she had it her way vaccines would be mandated but that is not where the science is at this point. Ms. Alessio advised if we follow the science at this point in time masks and the vaccine are all we have.

Ms. Amy Shaiman, 11 Heather Ridge Court, noted she was speaking on behalf of herself and her family and they were in favor of masking. Ms. Shaiman referred to the proposed Ordinance on page 65 of Council's packet, Section 3.b. and suggested the language be changed from "Individuals under 6 years old" to "follow the CDC guidelines". Ms. Shaiman noted we need to protect this town and advised we have had an incredibly rough 1.5 years as have the businesses. Ms. Shaiman noted if we do not get Covid under control she worries for the town and worries about the jobs for those who work in Oxford and for the university. Ms. Shaiman advised if things spread like they did when this all started we could have to send the students home again and that would be financially devastating for this town. Ms. Shaiman noted she does not like wearing a mask although she felt if we all do we can get through this together.

Ms. Shaiman advised she hoped and prayed as a woman of faith that we as a community can look at one another and instead of seeing a potential enemy who has a different opinion, seeing a person with a different opinion who has the right to live and the right to make their own choices and to be healthy. Ms. Shaiman noted the way to make our own choices and be alive is to wear a mask while inside public spaces.

Ms. Nadja Hoffman, 122 Beechpoint Drive, noted she has been a resident in Oxford since 1983. Ms. Hoffman read her statement into the record as follows:

"As a citizen of this community I think concern for the common good is more important in this time of pandemic than concern for the individual. We know from the science and the data concerning the despair the pandemic has brought and continues to bring that concern for the common good is a matter of life and death. Millions have died and we need to protect all of the citizens of this community. A mask mandate will help do this. With individual rights also come responsibilities, responsibilities to the common good."

Mr. Eric England, 110 Melanie Lane, noted he was of the opinion that the choice is a freedom that we have and should continue to have. Mr. England advised our consideration is Oxford, Ohio and the data from other places can be alarming although science vacillates quite a bit. Mr. England noted the ethics of the vaccinations are currently in question although we are not concerned with vaccinations at this point, it is a simple mask. Mr. England advised a mask may provide some protection but when Covid was raging a year ago people were wearing masks. Mr. England noted we have to wonder how much protection masks provide and if indeed we are a nation of freedoms it would be an individual's choice. Mr. England advised services are available from places like Kroger and Wal-Mart for people to order their food and have it delivered. Mr. England noted other services were available such as Door-Dash and advised there were many ways for people to protect themselves if that is what they choose. Mr. England advised he felt businesses should have the option to say yes or no to masking which dictates who goes to that business and who does not. Mr. England referred to opinion verses science and noted science has data and it is an opinion for a moment until it changes, the world is flat until it is not, the vaccines are effective until they are not. Mr. England advised death comes to all noting his brother was deathly afraid of Covid and then he died in his sleep in February not related to Covid. Mr. England noted he felt mandating facial coverings was overstepping bounds. Mr. England asked Council to consider putting it out there as an option stressing the idea of people doing what they think is responsible.

Ms. Emily Douglass, 542 Melissa Drive, advised she has a young child who is not eligible to receive a vaccination noting it was wonderful for the people that are entitled to not get a vaccination or they have already had a vaccination and they feel like they are bulletproof. Ms. Douglass advised the problem is a person can still pass Covid to someone else noting people with children that can not get vaccinated are at risk and the numbers are rising. Ms. Douglass advised Texas has no ICU beds for children and they are getting close to not having beds for adults. Ms. Douglass noted we are mandated to wear seatbelts which only protects the person wearing it, the masks help protect the person wearing it but mostly they are there to protect others.

(Electronic public comments can be obtained by going to maeaton@cityofoxford.org and requesting them from the City Clerk or by calling 524-5201)

Mr. Snavely noted a lot of people have talked about freedom and advised he has the freedom to swing his arms but that freedom stops when he hits his neighbor's nose. Mr. Snavely noted we were talking about the transmission of a disease as the last speaker indicated. Mr. Snavely advised people may have a choice in their home not to put on a face covering although when there are other people around and you are infecting them unintentionally then it is a civic matter and something we need to take into consideration.

Mr. Ellerbe noted he was a man of faith, a man of science and a man of civic duty. Mr. Ellerbe referred to Vice Mayor Snavely's comment and noted people have plenty of freedoms until they encroach upon the freedoms of someone else. Mr. Ellerbe advised people have said they are guided by faith and if they are, they are probably familiar with Exodus and the angel of death and the mark that protected those when the angel of death comes. Mr. Ellerbe noted in this situation he believes that mark happens to be a vaccination or a mask. Mr. Ellerbe advised as a City Councilor he is concerned with the physical health of the constituents and the economic health of the City. Mr. Ellerbe noted from the research he has done Oxford has a healthcare network that is untaxed which is due to the efforts Council has made throughout the year. Mr. Ellerbe advised the City has spent hundreds of thousands of dollars and have had a lot of people in town participate in various initiatives that have protected each other. Mr. Ellerbe noted the Delta variant is targeting unvaccinated individuals, which concerns him. Mr. Ellerbe reiterated that Oxford's healthcare system is currently untaxed and Oxford's economic system revolves around people interacting with the local businesses and he wants to make that stay as unfettered as possible. Mr. Ellerbe noted he believes a mask mandate needs to exist on paper and he does not believe it needs to be enforced today. Mr. Ellerbe advised the moment the healthcare network says the needle has now moved and it could become an issue or he hears about any child that shows up in the healthcare network he would have zero issues with putting a mask mandate in place and declaring it an emergency. Mr. Ellerbe noted he feels the mask mandate should exist and he believes currently it should be tabled until the healthcare network says there is an issue with Covid in Oxford.

Ms. Southard noted she believes this is a public health issue not a freedom of choice issue and that we need to take care of one another. Ms. Southard advised she too was a person of faith and believed that one should do unto others what they would like done unto them. Ms. Southard noted that means taking care of each other. Ms. Southard advised this seems to be a contentious issue and she wished it was not because whatever Council decides they are doing it with the intent and in the interest of everyone who lives here, travels here and travels elsewhere. Ms. Southard noted the community is changing and it will soon be inundated with students from all over the country and all over the world. Ms. Southard advised some of them will have traveled from places where the pandemic has been raging or not and we do not want them to spread it and we want to protect our friends, neighbors and each other. Ms. Southard noted the university has mandated masks indoors and so has the Talawanda School District. Ms. Southard advised she would like to see the age limit lowered from 6 years old to preschool age.

Ms. Southard noted this was a public health issue that will become serious if Council does not continue to act responsibly. Ms. Southard acknowledged the large number of emails and electronic comments Council received noting 67 comments were compiled today and 56 were in favor of the mask Ordinance and 11 were opposed.

Ms. Southard noted the arguments are clearly in favor of implementing the Ordinance for the protection of everyone who lives here and who will live here soon. Ms. Southard urged Council to pass the Ordinance to protect one another and make sure people do not get sick and people do not die due to the pandemic.

Mr. Prytherch advised he was sad Council had to have this conversation noting earlier in the summer we stopped wearing masks and Council let the previous mask mandate expire because they thought we were done with it. Mr. Prytherch advised there was a readily available vaccine and the case counts were low. Mr. Prytherch noted he was dismayed that the vaccine has not been taken by more people hence we have many more people who are vulnerable to a dangerous variant. Mr. Prytherch advised what is happening in Texas could come our way and every ICU bed that is occupied by a person with Covid is one that will not be available for someone else in need of care. Mr. Prytherch noted he would speak to an analogy and stated he would love to be able to speed in his car as it feels liberating however, it would create risk for other people and some people are particularly vulnerable to his risky behavior. Mr. Prytherch advised until more people can be convinced to be vaccinated we have to do the things that will allow us to continue to live a normal life with the least amount of cost for the greatest benefit for the greatest number of people. Mr. Prytherch noted if we have to go to remote learning, do social distancing or get to a shut-down that will be way more costly than whatever inconvenience we experience by wearing a mask. Mr. Prytherch advised he was unhappy some Council members were not present this evening and Council was not able to vote on the emergency Ordinance. Mr. Prytherch suggested a Special Council Meeting be scheduled to continue this conversation.

Mayor Smith thanked everyone for their comments and advised the constituents elected Council members to make difficult decisions. Mayor Smith noted in the best interest of everyone he felt the Ordinance should be in place and advised he was sorry Council could not adopt it this evening before 20,000 students from every corner of the globe arrive in town. Mayor Smith noted he felt the best way to prevent community spread is for everyone to wear a mask. Mayor Smith thanked everyone for their participation and advised them to stay tuned as the proposed Ordinance may be adopted sooner than later.

ORDINANCE

NEW SECTION 541.08

An Ordinance By Oxford City Council Repealing The Current Section 541.08 "Ethnic Intimidation" Of The Codified Ordinances Of The City Of Oxford And Enacting A New Section 541.08 "Ethnic Intimidation" Of The Codified Ordinances Of The City Of Oxford. (Chris Conard, Law Director)

Mr. Conard noted last month Council discussed the City's Ethnic Intimidation Ordinance and how it compared to the State of Ohio's Code and other Ordinances existing around the country.

Mr. Conard advised as a result of that and his independent research he discovered the Oxford Ordinance mirrored the Ohio Revised Code although it is very limited not only in the offenses that would qualify as ethnic intimidation but it also did not protect significant segments of society. Mr. Conard noted he felt there was misunderstanding about what ethnic intimidation is and what hate speech is. Mr. Conard advised hate speech is a protected First Amendment speech however, there are limitations to how far that speech can go or that conduct can go. Mr. Conard noted conduct and words can become criminal in nature if it leads to a fight or public disturbance, etc. Mr. Conard advised he compared ordinances from other municipalities and found the one from the City of Columbus, Ohio to be very comprehensive. Mr. Conard noted the proposed amendments to Oxford's Ordinance add crimes that could be the basis for ethnic intimidation from both the Ohio Revised Code and the City's Codified Ordinances including Assault, Negligent Assault, Sexual Imposition, Criminal Trespass, Theft, Unauthorized Use of a Vehicle and Property, Disorderly Conduct, Disturbing a Lawful Meeting and Carrying a Concealed Weapon. Mr. Conard advised sex, sexual orientation, gender identity or expression, ancestry, age disability, familial status, and military status have been added to the ordinance as protected groups or individuals. Mr. Conard further explained how the offenses would be prosecuted.

Mr. Ron Siliko, 6244 Hester Road, noted when he sees ordinances that mention First Amendment rights or amendment rights it immediately gets his attention. Mr. Siliko advised while the wording of the ordinance is there to read, he had three questions. Mr. Siliko asked for specific examples of when the ordinance would be applied. Mr. Siliko inquired how citizens would be charged and adjudicated. Mr. Siliko inquired what gaps existed in the current ordinance.

Ms. Amy Shaiman, thanked Council for noticing the differences and noticing where the protections were not meeting up with the needs of the current community. Ms. Shaiman noted there were cases in Oxford where people have been victims of at least things being said to them if not more and she believed more.

Mr. Ellerbe advised he could come up with plenty of examples of where this would apply in his life only. Mr. Ellerbe noted he was happy Mr. Conard expanded the scope of this particular ordinance to protect a class as opposed to how it is currently written. Mr. Ellerbe advised he and associates of his have been a target of various kinds of harassment whether verbal or physical and some things have turned into assault, battery and worse. Mr. Ellerbe noted he has been in many places where nothing was done and that was due to discretion when it was adjudicated by an officer. Mr. Ellerbe advised he felt Oxford was not that place noting he felt the way Oxford is run those things would be addressed and with this new ordinance being adopted that would apply.

Ms. Southard thanked staff for working hard on the proposed ordinance noting she felt it was excellent and it would continue a long tradition in this town of being responsive to ethnic and other kinds of intimidation, which Council hates. Ms. Southard advised she was proud staff brought this forward and encouraged everyone to look back on the work done under City Manager Elliott since the time he arrived here to make some of these things happen.

Ms. Southard noted this was in direct response to a Work Session, which took place recently with some students regarding intimidation they were experiencing based on gender identity and other issues.

Mr. Prytherch noted he felt this was a great model of how change sometimes happens, and advised the people came to Council because of things happening to them. Mr. Prytherch noted Council can not deal with hate or legislate what people believe although the code will apply to crimes committed with the additional dimension of there being ethnic intimidation. Mr. Prytherch advised Oxford already had a codified ordinance for this but it was limited in the things it covered.

Mr. Snavelly advised it was unfortunate that ordinances and laws like this are required but they are. Mr. Snavelly noted he felt legislation at its best protects those who need protected and who are perhaps not in the majority and privileged in many ways. Mr. Snavelly applauded staff for bringing the proposed ordinance forward and echoed the comments of his colleagues.

Mr. Conard noted many people do not know what the process is for being charged and adjudicated and advised police will respond to an event, do an investigation and review the facts and evidence. Mr. Conard noted they will send that file to the prosecutor who will review it to see if the elements are met and a prima facie case exists meaning there is enough evidence to justify going forward with a prosecution at which point someone will be charged with a crime that has to be proven beyond a reasonable doubt. Mr. Conard advised it is handled and investigated just like any other criminal situation.

Mayor Smith advised Council would consider the proposed Ordinance at the next meeting.

ORDINANCE **SUPPLEMENTAL BUDGET**

An Ordinance Amending Ordinance No. 3600. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2021. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on pages 72-73 of Council's packet and offered to answer any questions.

There were no comments from the public.

Ms. Southard thanked Mr. Newlin for continuing his good work and keeping the City in line in terms of the finances.

ORDINANCES **SECOND READING**

ORDINANCE
PRELIMINARY PLANNED DEVELOPMENT

An Ordinance No. 3630 Accepting The Recommendation Of The Planning Commission And Approving The Preliminary Planned Development Application To Allow Further Commercial Development Of An 11.28 Acre Site Incorporating The MayDay Gun Range at 6711 Ringwood Drive With Conditions. (Sam Perry, Community Development Director)

Mr. Perry advised he was bringing forth a recommendation from the Planning Commission for approval of a non-residential Preliminary Planned Development at the intersection of Ringwood Drive and U.S. 27. Mr. Perry noted construction of sidewalks was the topic of conversation during the first reading of all three developments on this evening's agenda. Mr. Perry advised he spoke to all three applicants about the possible need to add language to the proposed Ordinances to apply a timeframe for completion of the sidewalks.

Mr. Webb advised the proposed Planned Development would be built in several phases and ask that the timing for construction of the sidewalks be reviewed at the Final Development stage.

There were no comments from the public.

Mr. Prytherch asked Mr. Perry to explain the phasing of the proposed project noting the Preliminary approval sets the template for the development. Mr. Prytherch inquired if the Final approval would come to Council in phases. Mr. Perry advised there were up to eight potential development sites on the property in question although there was no set number of phases as it depends on the clientele who are interested in developing the property. Mr. Perry recommended that Council consider mandating a time limit for construction of sidewalks when the Phase 1 Final approval is before them. Mr. Perry recommended the following amendment to condition 5 on page 78 of Council's packet "the timing of this connection shall be reviewed at the Final Planned Development stage". Mr. Perry noted if there is a different Planning Commission and a different Council when this comes forward the intention of this Council would be in place. Mr. Snively as the mover accepted the friendly amendment. Mr. Ellerbe noted the gist of having a time constraint is so that something will happen as opposed to not having it happen and letting things languish.

Mr. Snively moved to adopt Ordinance No. 3630. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Snively, Ms. Southard, Mr. Ellerbe, Mr. Prytherch, Mayor Smith (5)

NAY: None (0)

ABS: None (0)

ORDINANCE
FINAL PLANNED DEVELOPMENT

An Ordinance No. 3631 Accepting The Recommendation Of The Planning Commission And Approving The Final Planned Development Application For Heron Pond Located Along Kehr Road In The City Of Oxford With Conditions. (Sam Perry, Community Development Director)

Mr. Ellerbe recused himself as he resides very near the proposed development.

Mr. Perry advised the proposed residential Planned Development named Heron Pond would include 15 single-family homes located on a new private street called Heron Way. Mr. Perry referred to page 123 of Council's packet and noted the only change since the first reading was to place a time limit on completing sidewalks and trails within the proposed development.

Ms. Etta Reed, Bayer Becker, 110 S. College Avenue, advised she worked with staff and if necessary she and her client would agree to the 5 year time limit for installation of the walks. Ms. Reed noted there will be a bond in place and there would always be the ability to construct the walkways if needed. Ms. Reed offered to answer any questions.

There were no comments from the public.

Mr. Prytherch thanked the applicant noting Council asked some hard questions during the preliminary review, the applicant modified the design, and he felt the product was better due to the collaboration between Council and the applicant. Mr. Prytherch advised nice housing will be provided while improving the neighborhood around it in the process.

Ms. Southard moved to adopt Ordinance No. 3631. **Mr. Snavelly** seconded. **The Ordinance was adopted by the following roll call:**

AYE: Ms. Southard, Mr. Prytherch, Mr. Snavelly, Mayor Smith (4)

NAY: None (0)

ABS: None (0)

Mr. Ellerbe returned to the dais.

ORDINANCE
FINAL PLANNED DEVELOPMENT

An Ordinance No. 3632 Accepting The Recommendation Of The Planning Commission And Approving The Final Planned Development Application For South Forest Edge Section One With Conditions. (Sam Perry, Community Development Director)

Mr. Perry advised the proposed development would be located at the intersection of U.S. 27 S. and Lake Forest Drive and would consist of 36 single-family landminimum units. Mr. Perry briefly discussed a proposed new provision since the first reading of the Ordinance to ensure completion of the sidewalk system for the development which reads " All sidewalks shall be completed within 7 years of receipt of the final certificate of occupancy on the first home within the development."

Ms. Reed noted on behalf of 4-Leaf Development they would like 7 years to complete the sidewalk system. Ms. Reed advised there was a significant amount of sanitary that needs to be constructed which will take some time. Ms. Reed offered to answer any questions.

There were no comments from the public.

Mr. Ellerbe advised he was pleased there were now provisions in place so the sidewalks will be built noting he lived in a neighborhood where no provision was in place and no sidewalk is on one side of the street.

Mr. Snavelly agreed and noted he felt the 7-year argument that was made was reasonable.

Mr. Prytherch suggested Council consider an Ordinance setting rules regarding sidewalks that are more consistent so they do not have to be negotiated for each new development.

Mr. Ellerbe moved and Mr. Snavelly seconded to incorporate the friendly amendment allowing 7 years for sidewalk completion.

Mr. Snavelly moved to adopt Ordinance No. 3632. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ellerbe, Mr. Prytherch, Mr. Snavelly, Ms. Southard, Mayor Smith (5)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott thanked Council for the opportunity to present the Capital Improvement Program (CIP) for 2022 during the Work Session this evening. Mr. Elliott advised the goal is to incorporate the CIP into the City Manager's proposed budget for 2022.

Mr. Elliott noted the Census Bureau released the redistricting results last week, which included local population counts. Mr. Elliott advised Oxford's 2020 census of population is 23,035 residents, which is an increase of 7.8% from the 2010 census.

Mr. Dreisbach provided an update on the summer construction projects noting the City has completed over \$4 million in projects over three months.

Mr. Dreisbach thanked the City's partners at Miami University who were instrumental in helping with the High Street and Patterson Avenue improvements.

Chief Jones thanked Council for the opportunity to recognize Officer Linder this evening.

Chief Jones noted the past weekend was a very busy one for police officers and advised the reports Council sees do not always reflect how much is involved in the calls. Chief Jones advised thousands of students are about to descend upon Oxford and OPD is going to be very busy. Chief Jones asked Council to keep that in mind and noted the force was down a few officers for various reasons. Chief Jones advised he wanted Council's expectations to be realistic as they consider future initiatives and ordinances.

Mr. Wooddell advised this was the last week the aquatic center would be open on weekdays noting it would be open on weekends through Labor Day. Mr. Wooddell advised "Doggie Dip Night" would take place the evening of September 6th. Mr. Wooddell thanked the Parks and Recreation summer staff for all of their efforts noting they have had a very busy summer.

Law Director Conard formally introduced Sara Sparks, the newest associate at the Coolidge Wall law firm noting he expected Council to see her on occasion.

Mr. Ellerbe welcomed the Miami University students back to Oxford and reminded them that they spent a long time not being together last year. Mr. Ellerbe encouraged students to be mindful and respectful of each other as well as the people already in Oxford.

Mr. Snavelly thanked those who spoke this evening during public comments regarding the mask issue and other issues. Mr. Snavelly noted this was time out of their day and it is an effort to come to Council meetings. Mr. Snavelly advised whether people are for or against the mask ordinance, Council appreciates them coming and sharing their views. Mr. Snavelly noted he felt the real issue is that the vaccine could have made this issue moot. Mr. Snavelly advised he did not know where along the way vaccinations suddenly became a political issue noting it was not a political issue with small pox, polio or TB. Mr. Snavelly noted he felt there was no room for political squabbling over things science has made so clear. Mr. Snavelly noted his hope Miami University would require vaccinations. Mr. Snavelly applauded Brick Street for requiring patrons to be vaccinated noting his hope other bars and restaurants would consider doing the same.

Mr. Snavelly congratulated Officer Lindner on his retirement and thanked him for his service.

Mr. Ellerbe referred to Covid-19 and advised this has happened in history before noting this is the Spanish Flu. Mr. Ellerbe advised last year it came for those who were weak and possibly old and amino compromised and then everyone thought it went away. Mr. Ellerbe noted it came back and now it is coming for healthier individuals. Mr. Ellerbe advised the difference is that we have a vaccine that is helping people not die. Mr. Ellerbe noted the goal is for people to not get gravely ill or die and the most effective way to do that is to get vaccinated and the second most effective way is to wear a mask. Mr. Ellerbe advised he wanted to believe that this town could do that voluntarily. Mr. Ellerbe noted right now Oxford's hospital system is not taxed and advised the next meeting was in three weeks and in those three weeks if things change his attitude will completely change and he will vote in favor of the proposed ordinance.

Mr. Ellerbe encouraged everyone to pay attention to history.

Ms. Southard noted there is so much false information out there and communication is key. Ms. Southard advised this is a university town, a place where people study history and we can learn from history. Ms. Southard noted one of Council's goals some years ago was better communication with the public and advised she felt Council has done a tremendous job at a time when it has not been easy. Ms. Southard advised Council is here because they want to be here and everyone who works for the City who could work elsewhere but they want to make Oxford a better place. Ms. Southard noted the amount of anger that is going on is in part due to communication, the fact that people are tapping into wrong sources or incorrect sources of information. Ms. Southard noted her hope Council can continue to work on communication. Ms. Southard advised Council was doing their best, they were not trying to curtail anyone's civil liberties, they wanted everyone to be healthy and everyone to live.

Mr. Prytherch advised in order for Council to come back to the mask mandate on an emergency basis they need to have 6 votes in favor of it. Mr. Prytherch noted if it were passed by a majority vote this evening it would take 30 days to take effect. Mr. Prytherch noted his hope a special meeting could be scheduled to consider the ordinance as an emergency prior to the regular meeting on September 7.

Mayor Smith thanked Enjoy Oxford and Assistant City Manager, Jessica Greene for assisting with the Porsche event 10 days ago noting it was a very successful event.

ADJOURNMENT

Mr. Snavelly moved to adjourn at 9:20 p.m. Ms. Southard seconded. The motion passed 5-0-0.



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	August 27, 2021
COUNCIL MEETING DATE:	September 7, 2021
AGENDA TITLE:	PC-2021-26, 1986 Lake Forest Drive, FINAL SUBDIVISION, South Forest Edge Section 1, Forest Edge Lando Development LLC, Applicant
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 9-3-21

Proposal Summary:

The developer for South Forest Edge Section 1 is requesting approval of a Final Subdivision application associated with the Record Plat for the planned 36-unit landownership development. Approval of the Record Plat would allow for the creation of individual lots for each of the 36 dwelling units planned, with the remaining private land devoted to access (streets, parking and sidewalks), amenities, and open/green space associated with the development. This remaining land, which would essentially become one large parcel intertwined with the 36 private dwelling unit lots, would eventually be held in common by a homeowners' association (HOA) responsible for maintaining the infrastructure and features within.

Background:

The South Forest Edge Section 1 project has thus far garnered the following approvals:

- Preliminary Planned Development (PD) – approved by Council on March 2, 2021 by Ord. No. 3613
- Construction Drawings – preliminary set approved on a contingent basis by City staff on August 5, 2021. Final set to be approved at a later date.
- Final Planned Development (PD) – approved by Council on August 17, 2021 by Ord. No. 3632

Discussion and Recommendation:

The Record Plat is the legal instrument to be recorded with the Butler County Recorder which will officially subdivide new lot boundaries and establish necessary easements for access, drainage, and utilities. City staff has reviewed the proposed Record Plat instrument and believes it satisfies all prior design-related



The City of Oxford
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approval conditions inherent to past Preliminary PD and Final PD approvals, inclusive of providing a pedestrian access easement north of the main development area, between Lake Forest Drive and Magnolia Drive which is located within the Annex development. In keeping with Section 203 of the Oxford Subdivision Regulations, staff recommends the subject application be **approved** subject to the following conditions:

1. The Final Subdivision shall be valid for 1 year from the City Council ordinance date. All recordings shall be completed and construction of the infrastructure improvements started within this 1 year time period.
2. As necessary, the applicant shall update and/or re-file Construction Drawings along with any necessary cost estimates for approval by applicable City departments.
3. The applicant shall file with the City a suitable form of financial security in order to guarantee construction of the improvements. The Record Plat shall not be released to the subdivider for recording until such financial security is accepted by the City.

ORDINANCE NO.

AN ORDINANCE APPROVING THE FINAL SUBDIVISION APPLICATION AND PLAT FOR SOUTH FOREST EDGE SECTION 1 WITH CONDITIONS.

WHEREAS, in accordance with Oxford Codified Ordinance Section 1101.203, the City of Oxford's Community Development Department received the Final Subdivision Application and Final Plat for South Forest Edge Section 1 (Exhibit "A") on August 3, 2021 consisting of 11.663 acres; and

WHEREAS, the Community Development Director has reviewed the Final Plat, the approved Preliminary Plat and the Final Planned Development approval Ordinance No. 3632 adopted August 17, 2021; and

WHEREAS, the Community Development Director finds that the Final Plat meets the requirements of Oxford Codified Ordinance Section 1101.203 and further finds the Final Plat substantially corresponds to the approved Preliminary Plat and Final Planned Development; and

WHEREAS, the City Manager and the Community Development Director recommend Council approve the Final Subdivision Application and Plat attached hereto as Exhibit "A" for South Forest Edge Section 1 with the following conditions:

1. The Final Subdivision shall be valid for one year from the City Council Ordinance date. All recordings shall be completed and construction of the infrastructure improvements started within this one year time-period.
2. As necessary, the applicant shall update and/or re-file construction drawings along with any necessary cost estimates for approval by applicable City departments.
3. The applicant shall file with the City a suitable form of financial security in order to guarantee the construction of the public improvements. The Record Plat shall not be released to the sub-divider for recording until such financial security is accepted by the City.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Community Development Director and further approves the Final Subdivision application and plat for South Forest Edge Section 1 consisting of 11.663 acres with the conditions set forth above.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



Internal Use Only:

Case No. _____

Date Filed _____

Final Subdivision Application

Applicant Information

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

Name * Forest Edge Lando Development, LLC

Mailing Address * 125 West Spring Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-524-9500

Email Address pam@hoteldevelopment.net

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 S. College Avenue, Suite 101

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-532-4270

Email Address johnbayer@bayerbecker.com

Location and Lot Information

Name of Subdivision * South Forest Edge Section 1

Location of Property * 19876 Lake Forest Drive, Oxford, Ohio 45056

Legal Description * Part of Lot 3716

Date of Planning Commission Preliminary Approval * 4/20/2021

Number of Lots * 37

Zoning District * R-2A PLANNED DEV.

Total Area * 11.663 Acres

Requirements and Documentation

Plat

Fifteen (15) copies of the plat on bond. Drawing size must be at least 18x24" and should never exceed 24x36." The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford¹. Scale should not exceed 1" = 100.' Plats containing less than three lots are exempted from the provisions of this section. The following information must appear on the plat:

- A. Boundary lines of the area being subdivided with accurate distances and bearings. Each section which is presented for final plat approval must have all of the required improvements extended to the property lines where necessary in order that future final plat sections may connect with them to maintain the continuity of the approved preliminary plan.
- B. A statement dedicating all proposed streets and alleys with their widths and names.

- C. The accurate outline of any portions of the property to be dedicated or granted for public use.
- D. The lines of adjoining streets and alleys with their widths and names.
- E. All lot lines together with an identification system for all lots and blocks. Lot numbers shall be secured from the County Auditor.
- F. The locations of all building lines and easements provided for public use, services or utilities.
- G. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and any other areas for public or private use. Linear dimensions are to be given to the nearest one hundredth of a foot.
- H. The radii, arcs, lengths, points of tangency and central angles for all curvilinear streets and the radii and lengths for rounded corners.
- I. The location of all survey monuments and benchmarks together with their descriptions. There shall be a minimum of four permanent markers in each subdivision section located at or near the outer corner.
- J. The name of the subdivision, the scale of the plat, points of the compass and name of owner or owners and subdivider if other than the owner and name of the surveyor and engineer preparing the plat.
- K. The certificate of the surveyor attesting to the accuracy of the survey and to the correct locations of all monuments shown.
- L. Any private restrictions and trusteeships and their duration. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable, thus necessitating the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- M. Acknowledgement by the owner or owners of the plat restrictions.
- N. One tracing cloth or comparable material of the approved final plat, for the City records.
- O. The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
- P. A receipt showing that all legally due taxes have been paid.
- Q. North arrow, scale and date.
- R. The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses, and drainage ways.
- S. Any existing water mains, culverts, water or sewer lines, easements, buildings and streets, within the tract or immediately adjacent thereto.
- T. Size of the tract in acres and lots in square feet and the boundary lines along with the linear measurement thereof.
- U. The proposed location and width of streets, alleys lots and easements.
- V. The seal, registry number and signature of the public surveyor who prepared the plat.
- W. Any portion of the floodplain as delineated by the Butler County Flood Insurance Rate Maps (FIRM), effective December 17, 2010, must be clearly illustrated and labeled on the plat.

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.

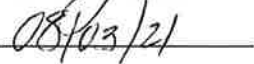
Fees & Receipt

The required fee for final plan is \$570.00 plus \$10.00 per lot, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *

Date *

Submit Application, Plans and Documentation, and Fees

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

Send or drop off this application with required copies of the plat containing all required information as attachments and a check for fees and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

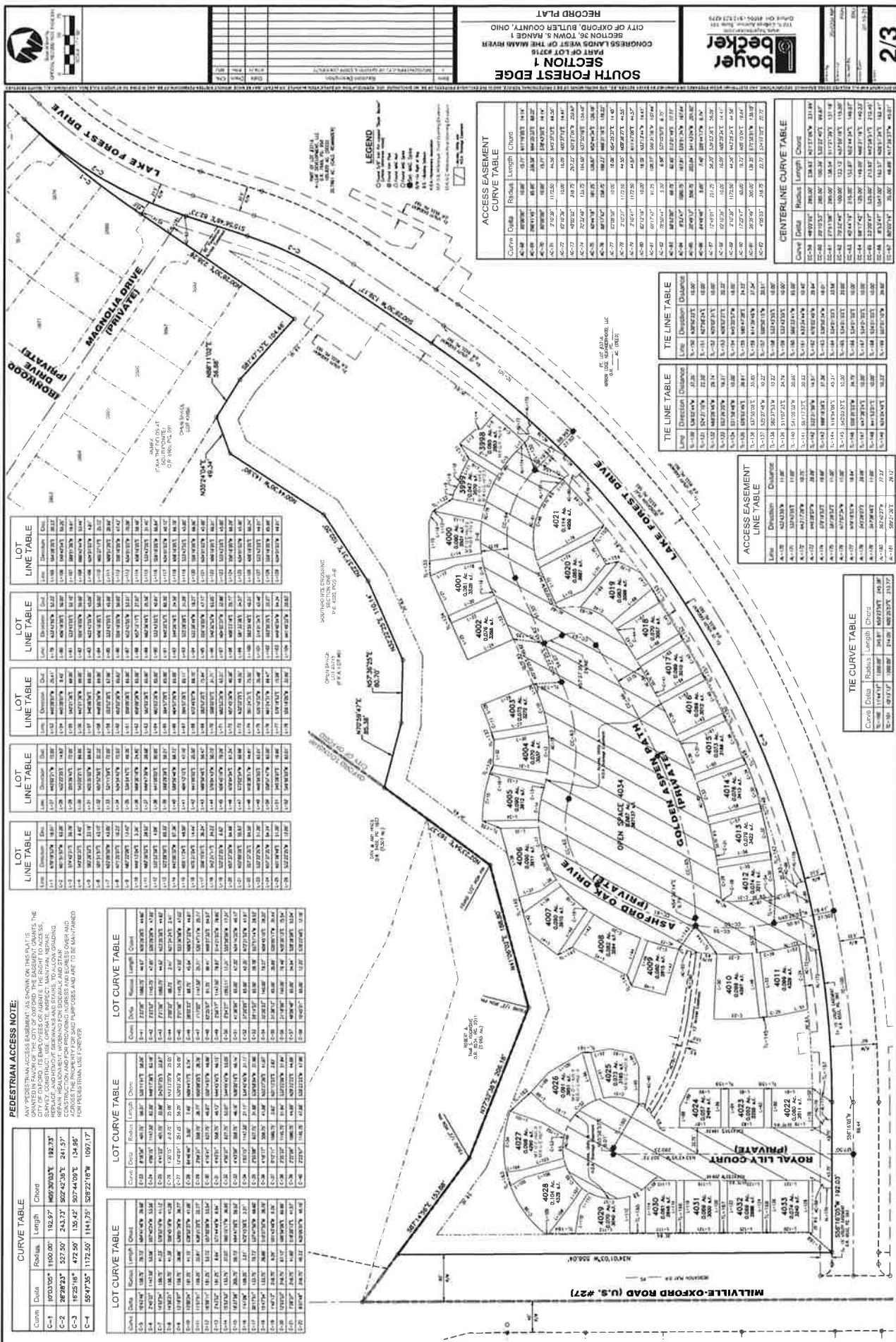
Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Notes

- You must adhere to notification and publication requirements.
- Submit materials 14 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).**
- Per Planning and Zoning Code 1101.203(H)¹, after final recording at the Butler County Recorder's Office, the applicant shall furnish a proof of such recording for filing to the Community Development Department prior to the issuance of any construction permits for site preparation.

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/>



PEDESTRIAN ACCESS NOTE:

ANY PEDESTRIAN ACCESS EASEMENT AS SHOWN ON THIS PLAN IS GRANTED IN FAVOR OF THE CITY OF OXFORD. THE EASEMENT GRANTS THE CITY OF OXFORD, ITS EMPLOYEES OR AGENTS, THE RIGHT TO ACCESS, SURVEY, CONSTRUCT, USE, OPERATE, INSPECT, MAINTAIN, REPAIR, REPLACE AND REMOVE SIDEWALKS AND STAIRS, TO ALLOW GRADING, REPAIR, REALIGNMENT, WIDENING FOR SIDEWALK AND STAIR CONSTRUCTION AND FOR PROVIDING DRAINAGE AND EGRESS OVER AND ACROSS THE PROPERTY FOR SAID PURPOSES AND ARE TO BE MAINTAINED ON PEDESTRIAN USE FOREVER.

CURVE TABLE				
Curve	Delta	Rad. $\frac{1}{\text{in.}}$	Length	Chord
1-1	10703.05"	1100.00"	192.57'	469.30/33.5° 182.73"
2-2	2628.23"	527.50'	243.73'	502.42/36.5° 241.57'
3-3	1625.16"	472.50'	135.42'	507.44/39.5° 134.96'
4-4	5547.35"	1172.50'	114.75'	528.22/48.5° 1097.17'

LOT CURVE TABLE

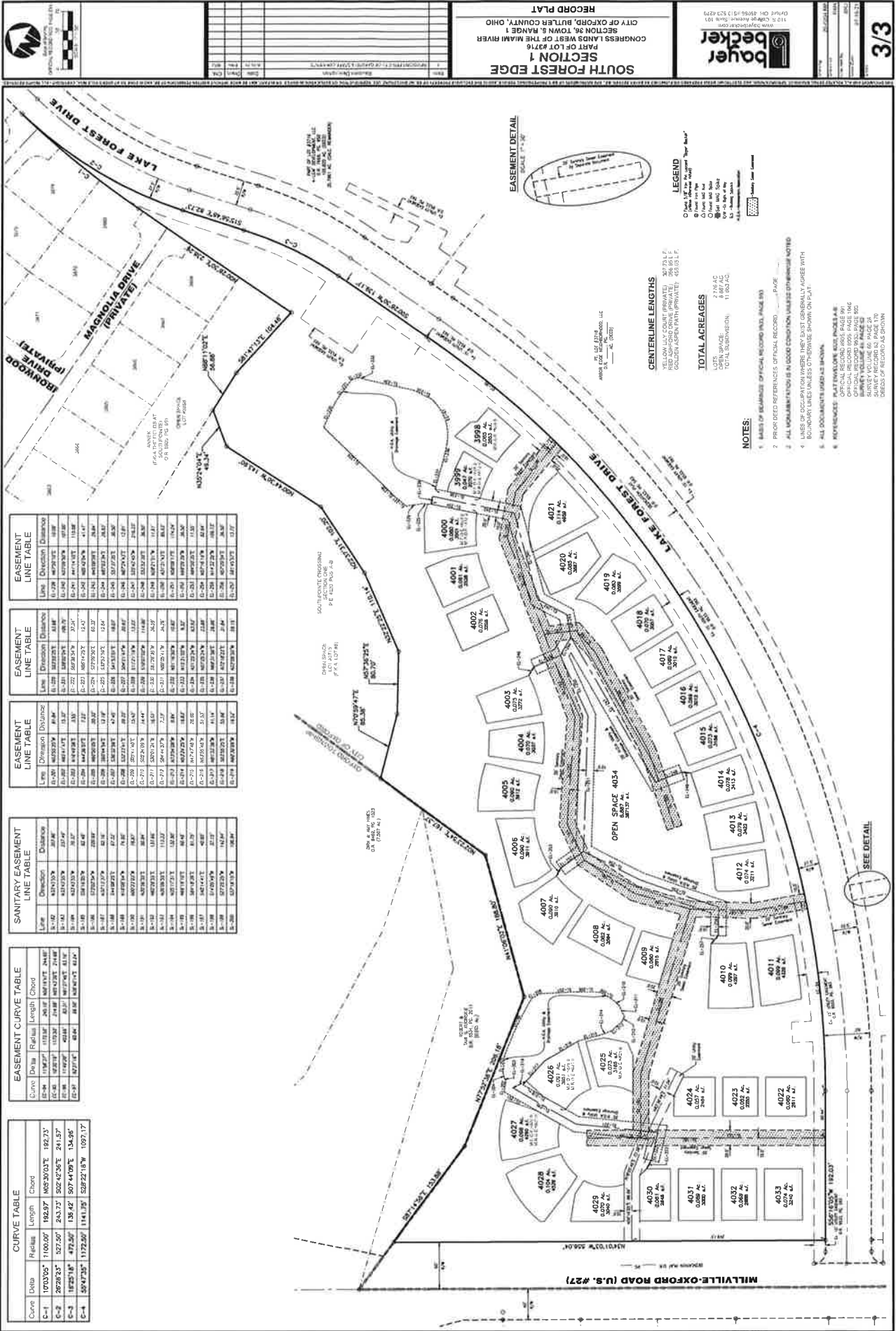
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NOT CLIBVE TABLE

LOT CURVE TABLE				
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60	2236	1088252	41	505203791.046
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62	2236	1088252	41	505203791.046
63	2236	1088252	41	505203791.046



CURVE TABLE			
Curve	Delta	Radius	Chord
C-1	107°03'05"	1100.00'	182.27'
C-2	267°28'33"	527.50'	243.73'
C-3	167°28'18"	472.50'	138.42'
C-4	50°47'25"	1722.50'	1141.25'

EASEMENT CURVE TABLE			
Curve	Delta	Radius	Chord
E-1	107°03'05"	1100.00'	182.27'
E-2	267°28'33"	527.50'	243.73'
E-3	167°28'18"	472.50'	138.42'
E-4	50°47'25"	1722.50'	1141.25'

SANITARY EASEMENT LINE TABLE			
Line	Direction	Distance	
E-1	S 107°03'05" E	182.27'	
E-2	S 267°28'33" E	243.73'	
E-3	S 167°28'18" E	138.42'	
E-4	S 50°47'25" E	1141.25'	

EASEMENT LINE TABLE			
Line	Direction	Distance	
E-1	S 107°03'05" E	182.27'	
E-2	S 267°28'33" E	243.73'	
E-3	S 167°28'18" E	138.42'	
E-4	S 50°47'25" E	1141.25'	

EASEMENT LINE TABLE			
Line	Direction	Distance	
E-1	S 107°03'05" E	182.27'	
E-2	S 267°28'33" E	243.73'	
E-3	S 167°28'18" E	138.42'	
E-4	S 50°47'25" E	1141.25'	



STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Kim Newton, Heidi Hill & Katrina Bockover
DATE PREPARED:	August 11, 2021
COUNCIL MEETING DATE:	September 7, 2021
AGENDA TITLE:	Paylocity HR/Payroll Solutions
BUDGETED AMOUNT:	19,700.00
ACCOUNT CODE:	140.450.61212
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	<i>Janice</i> DBE 9-3-21

DISCUSSION:

The attached Resolution authorizes the City Manager to enter into an annual agreement with Paylocity at an average annual cost of \$33,000 for the City's Human Resources and Payroll solutions.

Paylocity offers all-in-one solutions for HR and Payroll management, including recruitment, onboarding, payroll, workforce management (time clocks), benefits management, and employee portal. Currently, all of these functions are completed in separate programs. Combining these functions into one program will eliminate duplicate entries and possible data entry errors, allow online self-support for employees, and drastically reduce staff time.

The City obtained three (3) proposals that were carefully reviewed and vetted by the evaluation team which included, Kim Newton, HR Manager, Heidi Hill, Assistant Finance Director, and Katrina Bockover, Payroll Specialist. The evaluation team deemed the proposal submitted by Paylocity to be responsive and most qualified to provide said services.

The evaluation team is recommending City Council approve entering into a contract with Paylocity to be renewed annually at a cost not to exceed five percent (5%) annually.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ANNUAL AGREEMENT A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A" WITH PAYLOCITY AT AN AVERAGE ANNUAL COST OF \$33,000.00 FOR THE CITY'S HUMAN RESOURCES AND PAYROLL SOLUTIONS.

WHEREAS, Paylocity offers all-in-one solutions for Human Resources and Payroll management, including recruitment, onboarding, payroll, workforce management (time clocks), benefits management, and employee portal; and

WHEREAS, currently all of the above functions are completed in separate programs and combining them into one program will eliminate duplicate entries and possible data entry errors, allow online self-support for employees, and drastically reduce staff time in completing the specified functions; and

WHEREAS, the City obtained three (3) proposals that were carefully vetted by the evaluation team which included the Human Resources Manager, the Assistant Finance Director and the Payroll Specialist who deemed the proposal submitted by Paylocity to be responsive and the most qualified to provide said services.

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

SECTION 1: The City Manager recommends that Council authorize him to enter into an annual agreement a copy of which is attached hereto as Exhibit "A" with Paylocity at an average annual cost of \$33,000.00 for the City's Human Resources and Payroll solutions.

SECTION 2: Council hereby accepts the recommendation of the City Manager and authorizes the City Manager to enter into an annual agreement a copy of which is attached hereto as Exhibit "A" with Paylocity at an average annual cost of \$33,000.00 for the City's Human Resources and Payroll solutions.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



Paylocity Quote for Service

July 1, 2021

This quote valid for 30 days

Company Information	
Number of Employees	177
Number of Annual Payroll Processings	26
Number of State / Local Tax Reports	2

One-Time Fees	Qty	Cost Per	Ext. Cost
Full Bundle Pricing - Implementation			\$ 3,274.00
History Bundle (per Year)	1	\$ 700.00	\$ 700.00
Custom Payroll Reports	2		\$ 700.00
Benefits Implementation			
Time & Labor Implementation			
Total			\$ 4,674.00

Monthly Fees	Qty	Cost Per			Ext. Cost
Full Bundle Pricing	177	\$	14.75	Base \$ 118.00	\$ 2,728.75
Bi-Weekly Payroll Processing					
General Ledger Service					
Signed and Sealed Checks					
Direct Deposit					
New Hire Reporting					
Unlimited Product Training					
Report Writer (Ad Hoc Reporting)					
Comprehensive Report Library					
Analytics					
Payroll Proration/Retro-pay					
Employee Action Forms					
Time Off Accruals					
Online Quarterly Reports and W2 Access					
Tax Filing - Bi-Weekly	2				
HR Bundle	177				
Full HRIS - Reporting, PTO Mgmt., Mobile, Notifications, Unlimited Doc Storage, etc.					
Self Service Portal					
Peer-to-Peer Recognition					
Community					
Mobile Access					
Performance					
Onboarding					
Recruiting					
Compliance	177				
Benefits	177				
Time and Labor					
Total Per Month					\$ 2,728.75

Year-End Fees	Qty	Cost Per			Ext. Cost
Year-End W2/1099	177	\$	7.00	Base \$ 50.00	\$ 1,289.00
SSN Validation	177	\$	0.50	Base \$ 25.00	\$ 113.50
Quarterly Tax Return - Internet Delivery					Included
Total					\$ 1,402.50

Total Cost Summary*				
Total One-Time Fees		Total One-Time		\$ 4,674.00
Year-End Fees		Total Year-End		\$ 1,402.50
Total Yearly Fees (Annualized)		Total Per Year		\$ 32,745.00

*Annualized Fees do not include Payroll Delivery Charges

*Monthly fees based on # of Active Employees

**Plus sales tax if applicable

THE PAYLOCITY SERVICES COVERED BY THIS AGREEMENT
ARE PROVIDED IN ACCORDANCE WITH THE TERMS
AND CONDITIONS OF THIS AGREEMENT

Paylocity Associate	Date
	7/1/2021

Client Authorization
Client Name (Print)

MEMORANDUM

TO: Mayor Smith and Members of Council
FROM: Chris Conard, Law Director
RE: Amendments to Oxford's Ethnic Intimidation Ordinance
DATE: August 13, 2021

Approved - DRC 8/13/21

Council will consider amendments to the City Codified Ordinances pertaining to Codified Ordinance Section 541.08, "Ethnic Intimidation."

HATE SPEECH

There is no legal definition of "hate speech" under U.S. law, just as there is no legal definition for evil ideas, rudeness, unpatriotic speech, or any other kind of speech that people might condemn. Generally, however, hate speech is any form of expression through which speakers intend to vilify, humiliate, or incite hatred against a group or a class of persons because of race, religion, skin color, sexual identity, gender identity, ethnicity, disability, or national origin. However, the use of hate speech alone is not a criminal act.

Hate speech is protected by the First Amendment. Courts extend this protection on the grounds that the First Amendment requires the government to strictly protect robust debate on matters of public concern even when such debate evolves into distasteful, offensive, or hateful speech that causes others to feel grief, anger, or fear. Under current First Amendment law, hate speech can only be criminalized when it directly incites imminent criminal activity or consists of specific threats of violence or criminal conduct targeted against a person or group.

Finally, one must accept the limitations of legal solutions in a constantly evolving political and cultural environment. Changes in law are almost always reactionary.

Ethnic Intimidation laws are intended to deter conduct that targets individuals or groups because of hatred, bigotry and prejudice.

AMENDMENTS TO THE OXFORD CODE ON ETHNIC INTIMIDATION

The amended Ethnic Intimidation ordinance is being enacted under the City's home rule powers and expands the list of crimes that, if committed and the element pertaining to the protected classes was the motivation for the criminal conduct, prosecution for Ethnic Intimidation could be initiated.¹

Originally the City ordinance was modeled on Ohio Revised Section 2927.12 that only included the crimes of Aggravating Menacing, Menacing, Criminal Damaging and Criminal Mischief as the underlying criminal conduct that would be subject to enhanced punishment if the crime was committed because of race, color, religion, or national origin.

¹ The protected classes are race, sex, sexual orientation, gender identity or expression, color, religion, national origin, ancestry, age, disability, familial status or military status of another person or group of persons.

The new amendments add crimes that could be the basis for Ethnic Intimidation from both the Ohio Revised Code and the City's Codified Ordinances including Assault, Negligent Assault, Sexual Imposition, Criminal Trespass, Theft, Unauthorized Use of a Vehicle and Property, Disorderly Conduct, Disturbing a Lawful Meeting, and Carrying a Concealed Weapon.

The offense level is capped as a first-degree misdemeanor since municipal jurisdiction does not include felony prosecution.

Sex, sexual orientation, gender identity or expression, ancestry, age disability, familial status, and military status have been added to the ordinance as protected groups or individuals.

The ordinance was modeled after the Columbus ordinance, but I reviewed statutes and ordinances in other states before submitting the attached Ordinance to Amend.

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ORDINANCE NO.

AN ORDINANCE BY OXFORD CITY COUNCIL REPEALING THE CURRENT SECTION 541.08 “ETHNIC INTIMIDATION” OF THE CODIFIED ORDINANCES OF THE CITY OF OXFORD AND ENACTING A NEW SECTION 541.08 “ETHNIC INTIMIDATION” OF THE CODIFIED ORDINANCES OF THE CITY OF OXFORD.

WHEREAS, Article XVIII, Section 3, of the Constitution of the State of Ohio, grants municipalities the authority to exercise all powers of local self-government and to enact and enforce local police, sanitary, and other regulations that are not in conflict with the general laws; and

WHEREAS, City Council has determined that the current Section 541.08 (“Ethnic Intimidation”) of Part Five (“General Offenses”), Chapter 541 (“Property Offenses”) requires revision to better address the regulations regarding ethnic intimidation within the City of Oxford; and

WHEREAS, City Council has determined that the current Section 541.08 “Ethnic Intimidation” of the Codified Ordinances of the City of Oxford should be repealed in its entirety and replaced with a new Section 541.08 (“Ethnic Intimidation”).

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

SECTION I: The current Section 541.08 (“Ethnic Intimidation”) of the Codified Ordinances of the City of Oxford be and hereby is repealed in its entirety.

SECTION II: A new Section 541.08 (“Ethnic Intimidation”) of the Codified Ordinances of the City of Oxford be and hereby is adopted to read as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, with additions in **bold** and deletions in ~~strikethrough~~.

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

SECTION IV: This Ordinance shall take effect at the earliest time permitted by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

541.08 ETHNIC INTIMIDATION.

- (a) No person shall violate Ohio R.C. **2903.13, 2903.14, 2903.21, 2903.22, 2907.06, 2909.06, 2909.07, 2911.21, 2913.02, 2913.04, or 2917.21(A)(3) to (5), 2923.12** or Sections **509.03, 509.04, 521.08, 533.04, 537.03, 537.04, 537.05, 537.06, 537.10(a)(3) to (5), 541.03, or 541.04, 541.05, 541.051, 545.05, 545.06, 545.08, 549.02, 549.08, or 549.09** of the **General Offenses Code** by reason of or where one of the motives, reasons or purposes for the commission of the offense is the victim's race, sex, sexual orientation, gender identity or expression, color, religion, or national origin, ancestry, age, disability, familial status or military status of another person or group of persons.
- (b) Whoever violates this section is guilty of ethnic intimidation, **a misdemeanor of the first degree. If the underlying offense which is a necessary element of ethnic intimidation is itself a misdemeanor of the first degree, then upon conviction under this section, the court shall impose a mandatory minimum sentence of at least ten (10) days imprisonment. If the offender has previously been convicted under either this section or Section 2927.12, of the Ohio Revised Code, and the underlying offense is a first degree misdemeanor or the offense resulted in physical harm to any person, then upon conviction under this section the court shall impose a mandatory minimum sentence of at least ninety (90) days imprisonment.** ~~Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.~~
- (c) **This section does not apply if the facts alleged in the complaint would constitute a felony under Section 2927.12, Ohio Revised Code.**

~~(ORC 2927.12)~~



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Finance
PREPARED BY:	Joe Newlin
DATE PREPARED:	8/30/2021
COUNCIL MEETING DATE:	9/7/2021
AGENDA TITLE:	A Resolution Establishing The Coronavirus Local Fiscal Recovery Fund 429 and Authorizing The City of Oxford to Request and Receive Its Designated Share of Funds From The American Rescue Plan Act of 2021
BUDGETED AMOUNT:	
ACCOUNT CODE:	Various
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 9-3-21 [Signature] 8/30/21

DISCUSSION:

Staff recommends Council approve the creation of a new special revenue fund 429 to account for the receipt of its designated share of funds from The American Rescue Plan Act of 2021 in the 2021 operating budget. This fund will be used solely for accounting of the receipt, expenditure and/or incurrence of obligations of and for The American Rescue Plan Act funding to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals, and businesses.

RESOLUTION NO.

**A RESOLUTION ESTABLISHING THE CORONAVIRUS LOCAL FISCAL
RECOVERY FUND 429 AND AUTHORIZING THE CITY OF OXFORD TO
REQUEST AND RECEIVE ITS DESIGNATED SHARE OF FUNDS FROM THE
AMERICAN RESCUE PLAN ACT OF 2021**

WHEREAS, the American Rescue Plan Act of 2021 (“ARPA”), a 1.9 trillion economic COVID-19 stimulus package, was signed into law on March 11, 2021; and

WHEREAS, ARPA provides monetary relief to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals, and businesses; and

WHEREAS, as part of the ARPA package, \$350 billion in funding is being provided to state and local governments, as well as additional funding for other areas including, but not limited to, education, rental assistance and transit; and

WHEREAS, ARPA funds are expected to be received by the City of Oxford in two equal installments, occurring in 2021 and 2022; and

WHEREAS, the Federal Funding Accountability and Transparency Act (FFATA) requires separate accountability, generally accomplished through use of separate funds, for direct recipients as well as sub-recipients of federal awards greater than \$25,000; and

WHEREAS, Ohio Revised Code § 5705.09 requires political subdivisions to establish separate funds for each class of revenue derived from a source other than the general property tax, which the law, including federal programs, requires to be used for a particular purpose; and

WHEREAS, Ohio Revised Code § 5705.12 further requires the taxing authority of a political subdivision to establish, with the approval of the Auditor of State, a separate fund for money derived from specified sources other than the general property tax; and

WHEREAS, the Auditor of State has approved taxing authorities to establish the separate funds required for separate accountability of federal programs upon adoption of a local resolution; and

WHEREAS, the City of Oxford is preparing to request and receive its designated share of funds from ARPA and the City of Oxford will establish a Special Revenue Fund entitled Coronavirus Local Fiscal Recovery Fund 429 per the authorization of City Council.

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

SECTION 1: Council hereby affirms that all funds received from the American Rescue Plan Act of 2021 be expended and/or incurred on or before December 21, 2024 and that such expenditure and/or incurrence shall be only for eligible and permitted expenses, costs, infrastructure and other community and City investments, eligible revenue losses and/or other economic impact cost areas, expenditure factors or revenue aspects affecting the City of Oxford consistent with the federal requirements and guidelines as issued, amended and/or clarified by the U.S. Treasury Department.

SECTION 2: Council hereby authorizes the City Manager and the Finance Director, and other necessary and appropriate City of Oxford officials to act on the City's behalf to take all necessary actions to apply for and/or receive any and all such funds for which the City is eligible and which have been allocated and/or designated to or for the City under the provisions of the American Rescue Plan Act of 2021 and to account for and report as necessary on their usage; and

SECTION 3: Council hereby authorizes the City Manager and Finance Director to take all necessary action to create within the accounts of the City of Oxford a Special Revenue Fund entitled Coronavirus Local Fiscal Recovery Fund 429 ("Fund"), for receipt, expenditure and/or incurrence of obligations of and for the herein referenced funds; and

SECTION 4: Council hereby authorizes the City Manager and the Finance Director to take all necessary action to ensure that all funds received by the City of Oxford under the American Rescue Plan Act of 2021 shall be expended and/or incurred and accounted for on or before December 31, 2024.

SECTION 5: It is hereby found and determined that all formal actions of this Council relating to the adoption of this Resolution have been taken at an open meeting of this Council; and that any and all deliberations of this Council and of any of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including requirements of Section 121.22 of the Ohio Revised Code.

SECTION 6: This Resolution shall take effect at the earliest opportunity allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Assistant City Manager
PREPARED BY:	Jessica Greene
DATE PREPARED:	9/1/2021
COUNCIL MEETING DATE:	9/7/2021
AGENDA TITLE:	Employee Vaccine Incentive using ARPF
BUDGETED AMOUNT:	Up to \$17,700
ACCOUNT CODE:	
RECOMMENDATION:	Approval <i>DRE 9-3-21</i>
CITY MANAGER/DEPT HEAD APPROVAL:	

DISCUSSION:

We are trying to encourage City employees to become vaccinated. Many communities have used cash incentives as a way to encourage those who are vaccine-hesitant to get the vaccine. Behavioral scientists reviewing these practices have found that cash incentives encourage some individuals to proceed with the vaccine.

At this time we are recommending allocating our remaining CARES funds gift cards and up to \$17,700 of the American Rescue Plan Funds to provide \$100 gift cards to staff who are vaccinated.

The City has, on average, 177 staff members on the payroll. \$17,700 allows enough for all staff to receive \$100. We do not expect to reach a 100% vaccination rate, but this allocation allows for the flexibility to adjust for staff who get vaccinated in the coming months.

RESOLUTION NO.

A RESOLUTION OF COUNCIL DIRECTING THAT THE REMAINING CARES FUND GIFT CARDS AND UP TO SEVENTEEN THOUSAND SEVEN HUNDRED DOLLARS (\$17,700.00) OF AMERICAN RESCUE PLAN FUNDS BE UTILIZED TO PROVIDE ONE HUNDRED DOLLAR (\$100.00) GIFT CARDS TO CITY OF OXFORD EMPLOYEES WHO CAN PROVIDE PROOF OF THEIR COVID-19 VACCINATION.

WHEREAS, many communities have used cash incentives as a way to encourage those who are vaccine-hesitant to become vaccinated; and

WHEREAS, behavioral scientists reviewing these practices have found that cash incentives encourage some individuals to proceed with the vaccine; and

WHEREAS, the City Manager and the Assistant City Manager recommend the allocation of remaining CARES fund gift cards and up to \$17,700.00 of the American Rescue Plan funds be utilized to provide \$100.00 gift cards to City of Oxford employees who can provide proof of their Covid-19 vaccination.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Assistant City Manager and hereby directs that the remaining CARES fund gift cards and up to \$17,700.00 of the American Rescue Plan funds be utilized to provide \$100.00 gift cards to City of Oxford employees who can provide proof of their Covid-19 vaccination.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



Office of the Mayor

Proclamation

Whereas:

Oxford has always embraced the many cultures and peoples that make our country so diverse and Hispanic/Latino Americans are one of the fastest growing groups in the country; and

WHEREAS, as a result of their determination, intelligence, hard work and perseverance, Hispanic/Latino Americans have contributed immensely to the growth of our country, helping to shape the character and future of this state; and

WHEREAS, the cultural, educational, and political influences of Hispanic/Latino Americans can be seen and appreciated in all aspects of our life, from farm-worker struggles for housing and equal wages, to incredible and gifted artists, vibrant businesses, music and community festivals; and

WHEREAS, the Hispanic/Latino American community has a long and important history of commitment to our Nation's core values and the contributions of this community have advanced the City of Oxford and our country's expansion of intercultural relations of diverse-minded individuals civically engaged towards building inclusive, just, and sustainable civil societies. During National Hispanic Heritage Month we celebrate the many achievements of Hispanic/Latino Americans and recognize their contributions to our country; and

WHEREAS, National Hispanic Heritage Month is an opportunity to celebrate the spirit and accomplishments of Hispanic/Latino Americans everywhere. To honor those achievements, the Congress, by Public Law 100-402, as amended, has authorized and requested the President to issue annually a proclamation designating September 15 through October 15 as 'National Hispanic Heritage Month'.

NOW, THEREFORE, I, Michael Smith, Mayor of the City of Oxford, Ohio, do hereby proclaim September 15 thru October 15, 2021 as:

'NATIONAL HISPANIC LATINO AMERICAN HERITAGE MONTH'

in the City of Oxford and urge all citizens to join me in celebrating the significant contributions of Hispanic/Latino Americans in our country by participating in the activities and events planned for this important occasion.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 7th day of September, 2021.


Michael Smith, Mayor



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Finance
PREPARED BY:	Joe Newlin
DATE PREPARED:	8/12/2021
COUNCIL MEETING DATE:	8/17/2021
AGENDA TITLE:	Supplemental Budget Ordinance
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 8/13/21</i> <i>M 8/12/21</i>

DISCUSSION:

Issue 1

To make adjustment to budget revenue for the receipt of CARES from Butler County Business Grant Program

Action Needed:

Revenue Side

Local Coronavirus Relief Fund (428) (106,714.00)

Expense Side

Net Effect on Fund Balance/(s) (106,714.00)
Increase/(Decrease)



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

Issue 2

To make adjustment to revenue for American Rescue Relief program and increase in appropriations for expenditures from unencumbered balance

Action Needed:

Revenue Side

Coronavirus Local Fiscal Recovery Fund (429)	1,210,398.49
--	--------------

Expense Side

Coronavirus Local Fiscal Recovery Fund (429)	1,210,398.49
--	--------------

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

Total Net Effect on Fund Balance/(s) Increase/(Decrease)	(106,714.00)
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Breakdown by Fund

Local Coronavirus Relief Fund (428)	(106,714.00)
Coronavirus Local Fiscal Recovery Fund (429)	-

Net Effect on Fund Balance/(s) Increase/(Decrease)	(106,714.00)
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ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3600. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 6 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2021.

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

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

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

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

Local Coronavirus Relief Fund (428)	(106,714.00)
Coronavirus Local Fiscal Recovery Fund (429)	1,210,398.49

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

Coronavirus Local Fiscal Recovery Fund (429)	1,210,398.49
--	--------------

SECTION 4: In all other respects, Ordinance No. 3600 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: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

STAFF REPORT

ORIGINATING DEPARTMENT:	Police
PREPARED BY:	John Jones
DATE PREPARED:	August 31, 2021
COUNCIL MEETING DATE:	September 7, 2021
AGENDA TITLE:	Resolution authorizing the City Manager on behalf of the Division of Police to accept the Ohio Department of Public Safety OVI grant.
BUDGETED AMOUNT:	\$225,000
ACCOUNT CODE:	
RECOMMENDATION:	Approve <i>DRE 9-3-21</i>
CITY MANAGER/DEPT HEAD APPROVAL:	

DISCUSSION:

The Oxford Division of Police is the lead agency for a grant from the Ohio Department of Public Safety for the Butler County OVI Task Force for FY2022. In order to continue with this program, Oxford must accept the grant from the Ohio Department of Public Safety for the Butler County OVI Task Force for FY2022.

The administration of the grant involves both police and finance personnel. Oxford would serve as the lead agency for FY2022. There are 13 agencies within Butler County that participate in the grant program, and funding for FY2022 is anticipated to be around \$225,000. This amount would be awarded to Oxford for distribution to participating agencies according to the terms of memorandums of understanding executed by officials of those 13 agencies. Funding through the program is essentially completed on a reimbursement basis. Participating agencies pay their officers and then submit reimbursement from Oxford. Reimbursements are done on a monthly basis.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A \$225,000.00 GRANT AGREEMENT WITH THE OHIO DEPARTMENT OF PUBLIC SAFETY, TO ENGAGE IN AND COORDINATE AS LEAD AGENCY FOR THE COUNTYWIDE OVI TASKFORCE.

WHEREAS, the City Manager and the Police Chief recommend Council authorize the City Manager to enter into a \$225,000.00 grant agreement with the Ohio Department of Public Safety, to engage in and coordinate as Lead Agency for the countywide OVI Taskforce.

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

SECTION 1: Council, having determined that it would be beneficial to the City of Oxford to serve as Lead Agency of the OVI Taskforce by providing funding for multiple sobriety checkpoints at various locations in Butler County; Council hereby accepts the recommendation of the City Manager and the Police Chief to enter into a grant agreement.

SECTION 2: The City Manager is hereby authorized to enter into a \$225,000.00 grant agreement with the Ohio Department of Public Safety, to engage in and coordinate as Lead Agency for the County-wide OVI Taskforce.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

STAFF REPORT

ORIGINATING DEPARTMENT:	Police
PREPARED BY:	John Jones
DATE PREPARED:	August 31, 2021
COUNCIL MEETING DATE:	September 7, 2021
AGENDA TITLE:	Resolution authorizing the City Manager to enter into an agreement with Peter Reising to perform consulting services and to function as the Butler County OVI Task Force Coordinator for the 2022 grant funded through the Ohio Department of Public Safety.
BUDGETED AMOUNT:	\$30,000
ACCOUNT CODE:	
RECOMMENDATION:	Approve <i>DRE 9-3-21</i>
CITY MANAGER/DEPT HEAD APPROVAL:	

DISCUSSION:

The Oxford Division of Police is the lead agency for a grant from the Ohio Department of Public Safety for the Butler County OVI Task Force for FY2022. Peter Reising has been the OVI Coordinator since 2015 and has been coordinating the grant as a contractual employee of the City since his retirement in March 2016. The Police Chief would like to continue this arrangement for the FY2022 grant cycle.

The total maximum compensation from the contract is \$30,000. The compensation is funded by the grant.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PETER M. REISING TO PERFORM CONSULTING SERVICES AND TO FUNCTION AS THE BUTLER COUNTY OVI TASK FORCE COORDINATOR FOR THE 2022 GRANT FUNDED THROUGH THE OHIO DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, the City has been designated as lead agency responsible for the administration of a grant received from the Ohio Department of Public Safety to operate the Butler County OVI Task Force; and

WHEREAS, Peter M. Reising has been the OVI Coordinator since 2015 and has been coordinating the grant as a contractual employee of the City since his retirement in March of 2016. The Police Chief recommends this arrangement continue for the FY2022 grant cycle.

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

SECTION 1: Council accepts the recommendation of the Police Chief and hereby authorizes the City Manager to enter into an agreement with Peter M. Reising as a contractual employee acting as the OVI Task Force Coordinator for the FY2022 grant cycle.

SECTION 2: A copy of the proposed agreement with Peter M. Reising is attached hereto and incorporated herein as Exhibit "A".

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

AGREEMENT

THIS AGREEMENT entered into this 1st day of October, 2021 by and between the CITY OF OXFORD, OHIO, a municipal corporation of the State of Ohio (hereinafter referred to as the "City") and **PETER M. REISING**, 4071 California Road, Okeana, Ohio 45053 (hereinafter referred to as the "Coordinator").

I. RECITALS

The City, in association with a number of Butler County law enforcement agencies has received a FFY 2022 OVI grant funded through the Ohio Department of Public Safety. This grant will be used to fund the Butler County OVI Task Force activities related to enforcement of laws related to operating a motor vehicle while under the influence. The Oxford Police Department has been selected as the lead agency responsible for administration of the grant.

Pursuant to this end, a Management Coordinator is to be hired, and Peter M. Reising has agreed to act as the Management Coordinator (hereinafter referred to as the "Coordinator") to perform the consulting services under the following agreement:

II. TERMS OF THE AGREEMENT

- A. Services to be performed. City agrees to hire the Coordinator to provide all necessary labor, materials and record keeping in order to perform the Coordination Services for the FFY 2022 OVI grant. The Scope of Services to be performed includes compliance with all Terms and Conditions for Ohio Traffic Safety Office (OTSO) Grants as described in the FFY 2022 Competitive Grants Proposal and Award of Grant documents, compliance with any Special Conditions for OVI Task Forces as in the FFY 2022 Competitive Grants Proposal and Award of Grant documents, and submission of all required data and reports as required by this grant.
- B. Term. The Agreement shall become effective **October 1, 2021** and shall continue to be in effective until **September 30, 2022** unless terminated as set forth below.
- C. Compensation. As compensation for the services performed by the Coordinator to City will be at the following schedule.
 - a. All activities and work performed by Coordinator shall be compensated at a rate of **Sixty Dollars and .00 cents (\$60.00) per hour**. The entire amount of compensation shall not exceed the total of **Thirty Thousand Dollars (\$30,000)** dollars for a maximum 500 hours of work to be spread throughout the term of this Agreement.
 - b. Additional Obligations and Covenants of the Coordinator. As part of this agreement, the Coordinator agrees to the following items.
- D. In performing the services under this Agreement, the Coordinator shall comply with, and bear the cost of compliance with all applicable local, state, and federal requirements.
- E. Coordinator shall be responsible for and pay all federal, state and local taxes, including but not limited to all income and withholding taxes.
- F. Except with respect to payment for services, in order to receive the compensation listed above, the Coordinator must submit invoices to the City detailing the amount due, either on a bi-weekly or monthly basis, as may be determined by the City. In no event, shall billing be for a period in excess of 31 days.
- G. Obligations of the City. In the performance of this Agreement, the City agrees to be accessible to the Coordinator, to comply with all reasonable requests of the Coordinator and to provide the Coordinator reasonable access to documents that may be necessary to perform the services

under this agreement.

- H. Status of the Coordinator. It is understood and intended by both parties that the Coordinator, in performing the Services herein and receiving the compensation for such services, shall be acting as an independent contractor for the City and not as an employee or agent of the City. In that regard, no taxes or benefits shall be withheld from the compensation to be paid to the Coordinator, nor shall any such benefits, including, but not limited to unemployment compensation premiums or Workers' Compensation premium accrue to the Coordinator or be paid by the City on behalf of the Coordinator.
- I. Indemnifications. Notwithstanding any provision in this Agreement or any attachment or exhibit hereto, Coordinator shall indemnify and hold harmless against any and all liability imposed or claimed, including reasonable attorney fees and other legal expenses by and person or entity arising directly or indirectly from an act or failure to act by the Coordinator its employees, agents or subcontractors and in which injury or death to any person or damage to property is caused.
- J. Termination
 - a. This Agreement may be terminated upon the delivery of a written notice of termination to the other party at least fifteen (15) days before the effective date of the termination.
 - b. The City may terminate the Agreement effective immediately upon the material breach of this Agreement, including but not limited to, falsification of documents, dishonesty, theft or other intentional breach. In such an event, no further compensation will be due.
- K. Equal Employment Opportunity
 - a. The Coordinator will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Coordinator will take affirmative action to ensure that applicants are employed and the employees are treated during employment without regard to their race, color religion, sex or national origin. Such action shall include, but not be limited to, the following employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training including apprenticeship. The Coordinator agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
 - b. The Coordinator will, in all solicitations for advertisement for employees place by or on behalf of the Coordinator, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
 - c. The Coordinator will comply will all provisions of Executive Order No. 11246 of September 24, 1965 and be the rules regulations and relevant orders of the Secretary of Labor.
 - d. The Coordinator will furnish all information and reports required by Executive Order No. 12246 of September 24, 1965 and by the rules, regulations and relevant orders of the Secretary of Labor, or pursuant thereto and will permit access to books, record and accounts by the contracting agency and Secretary of Labor for purposes of investigation ascertain compliance with such rules, regulation and orders.
 - e. In the event of the Coordinator's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or orders this agreement may be cancelled, terminated or suspended in whole or in part, and the Coordinator may be declared ineligible for further Government Contracts in accordance with procedures authorized in Executive Order No' 11246 of September 24, 1965 and such other sanctions may be imposed and remedies invoked as provided in Executive Order No.

11246 of September 25, 1965 or by rules, regulations or order of the Secretary of Labor or as otherwise provided by law.

- f. The Coordinator will include the provisions of subparagraphs (a) through (f) in every subcontract or purchase order unless exempted by rules, regulations or order of the Secretary of Labor issue pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor vendor. The Coordinator will take such action with respect to any subcontractor or purchase order as the Contract Agency may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Coordinator becomes involved in, or is threatened with litigation with a sub- contract or Coordinator or vendor as a result of such direction by the Contracting Agency, the Coordinator may request the United States to enter into such litigation to protect the interest of the United States.
- L. Segregated Facilities. The Coordinator will not maintain any facility which is provided for their employees in a segregated manner or permit their employees to perform their services at any location under control where segregated facilities are maintained except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
- M. Conflict of Interest. The Coordinator will abide by the provision that no member, officer or employees of the grantee, or its designees or agents, no member of the governing body of the locality or localities, who exercises any functions or responsibilities with respect to the program during the tenure or for one year thereafter, shall have any direct or indirect interest in any contractor, subcontractor or the proceeds thereof, financed in whole or in part with Title I grants.
- N. Copeland "Anti-Kick Back Act." The Coordinator agrees to comply with the Copeland "Anti-Kick Back Act" (18 U.S.C. 874) as supplemented in Department of Labor Regulations (29 CFR, Part 3). The Coordinator shall not induce, by any means, any person employed in the construction, completion or in repair of public work, to give up any part of the compensation to which is otherwise entitled.
- O. Termination of Agreement for Cause. If, through any cause, the Coordinator shall fail to fulfill in a timely and proper manner her obligations under this contract, or if the Coordinator shall violate any of the covenants, agreements or stipulations of this contract, the City shall there upon have the right to terminate this agreement by giving written notice to the Coordinator of such termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Coordinator under this agreement shall, at the option of the City, become its property and the Coordinator shall be entitled to received just and equitable compensation for any work satisfactorily completed hereunder. Notwithstanding the above, the Coordinator shall not be relieved of liability to the Agency for damages sustained by the City, by virtue of any breach of the agreement by the Coordinator, and the City may withhold any payments to the Coordinator for purpose of set off until such time as the exact amount of damages due the City from the Coordinator is determined.
- P. Termination of Contract for Convenience. Either party may terminate this Agreement at any time by giving written notice of such termination and specifying the effective date thereof, at least fifteen (15) days before the effective date such termination. If the Agreement is terminated by the City as provided herein, the Coordinator will be paid an amount based on the time and expenses incurred by the Coordinator prior to the effective date of such termination.
- Q. Miscellaneous Terms.
 - a. This agreement shall comprise the entire agreement and shall supersede any and all other agreements between the parties, whether verbal and written.

- b. The laws of the State of Ohio shall control the validity, effect and interpretation of the Agreement.
- c. If any part, clause, provision or condition of this Agreement is held to be void, invalid or inoperative, such voidness, invalidity or inoperativeness shall not affect any other clause, provision or condition hereof; but the remainder of this Agreement shall be effective as though such clause, provision or condition had not been contained herein.
- d. Any notices of any communication required or permitted by this Agreement to be delivered to or served on either shall be deemed properly delivered to, served on, and received by other party when personally delivered to the party or in lieu of such personal service, when deposited in the United States mail, certified with postage prepaid, addressed to the party. Unless notified in writing otherwise, the following shall be used for notices.

City of Oxford

Chief John A. Jones
Oxford Police Department
101 E. High St.
Oxford, OH 45056

Coordinator

Peter M. Reising
4071 California Road
Okeana, OH 45056

With a Second Copy to:

Lt. Lara Fening
Oxford Police Department
101 E. High St.
Oxford, OH 45056

- e. The parties agree that the approval and acceptance of this Agreement may be executed in any number of counterpart signature pages, all of which taken together shall constitute one and the same instrument, and any party or signatory hereto may execute its approval and acceptance of the Agreement by signing any such counterpart.

R. Prohibition Against Assignment. The duties and obligations under this Agreement may not be assigned by the Coordinator without the prior written consent of the City.

Now therefore, the parties by and through their authorized officers have executed this Agreement on the _____ day of _____, 2021.

Witness:

Peter M. Reising:

Witness:

City of Oxford:

Douglas R. Elliott, Jr.
City Manager

Approved as to form:

Approved as to content:

Christopher R. Conrad
Law Director

John A. Jones
Chief of Police

Agreement with Peter M. Reising dated October 1, 2021

CERTIFICATE

The undersigned Finance Director for the City of Oxford, Ohio, hereby certifies that funds to cover payment for services or supplies embodied in this contract are presently available or in the process of collection and that Council has appropriated money for this purpose, and it remains unencumbered.

Joe Newlin
Finance Director



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Service Department
PREPARED BY:	Michael Dreisbach
DATE PREPARED:	August 20, 2021
COUNCIL MEETING DATE:	September 7, 2021
AGENDA TITLE:	Notice of Actual Costs for Special Assessment Improvements
BUDGETED AMOUNT:	\$ 150,000
ACCOUNT CODE:	417.750.54340
RECOMMENDATION:	Approval <i>DRE 9-3-21</i>
CITY MANAGER/DEPT HEAD APPROVAL:	

Discussion: On February 16, 2021, the Oxford City Council passed Resolution No. 7262 declaring the necessity to improve portions of certain properties on multiple streets in the City of Oxford. An exhibit with this Resolution identified properties that required improvements to the property's curb, gutter, sidewalk and/or driveway apron in the Right of Way (ROW).

On April 6, 2021, the Oxford City Council passed Resolution No. 7279 authorizing a construction contract with Adleta Construction, Inc. for the removal and replacement of substandard curb, gutter, sidewalk, and driveways. Adleta Construction, Inc. has completed all work necessary associated with this contract.

Since receiving notice of City's intention to move forward with improvements, several property owners elected to have the work done under their own control and at their own cost. Forty seven properties elected to have the City construct the required improvements. Per Ohio Revised Code 729.07, the attached Exhibit "A" details the actual costs incurred by the City for each property electing improvements via special assessment on their property taxes.

Upon approval of this Resolution, these costs will be filed with the Clerk of Council for public inspection. The City will also publish a notice weekly for three consecutive weeks in the *Journal News* detailing the parcels involved and the actual costs of the work performed. Additionally, the City will mail a notice of actual costs (USPS first class) to all property owners involved in the program. The letter will detail not only costs, but also payment options available to the owners. If an owner objects to the assessment, they must file their objection in writing with the Clerk of Council within two weeks after the expiration of the notice.

The City Council will have the opportunity to review any objection and then consider adopting an Ordinance levying the costs of improvements upon the parcels as detailed in Exhibit "A". The Ordinance must detail the number of annual installments, in this case five (5), with City



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

assessed interest on deferred payments at a rate of 5%. The owner may also pay cash for the assessment within 30 days after passage of the Assessing Ordinance.

Staff recommends Council authorize the Clerk to make said assessment costs available for public inspection and to publish such weekly in the *Journal News* for a period of three consecutive weeks. The Clerk shall then report to Council any objections to the assessments that may be received prior to an assessment authorizing Ordinance.

RESOLUTION NO.

A RESOLUTION DETERMINING THE TOTAL COST OF THE ASSESSMENT BY LOT, AUTHORIZING THE LIST OF ASSESSMENTS BY LOT TO BE FILED WITH THE CLERK OF CITY COUNCIL AND ORDERING THE SAME BE OPENED FOR PUBLIC INSPECTION AND AUTHORIZING THE CLERK OF CITY COUNCIL TO PUBLISH NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION THAT THE LIST OF ASSESSMENTS BY LOT IS AVAILABLE FOR PUBLIC INSPECTION.

WHEREAS, Pursuant to Ohio Revised Code 729.07, the City of Oxford Clerk of Council has reported to the Oxford City Council that the final cost of construction and repair of sidewalks, curbs and gutters was \$131,636.45; and

WHEREAS, Pursuant to Ohio Rev. Code 729.07, Oxford City Council authorized the creation of a list of estimated assessments ("Exhibit A"), which includes the total cost of construction, repair or installation to each lot or land abutting such construction, repair or installation.

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

SECTION 1: Pursuant to Ohio Rev. Code 729.07, Council authorizes Exhibit A to be filed with the Clerk of Council and be made available for public inspection.

SECTION 2: Pursuant to Ohio Rev. Code 729.08, Council authorizes the Clerk of Council to publish a notice in the *Journal News* for three (3) consecutive weeks stating that Exhibit A is on file with the Clerk of Council and is available for public inspection. The notice shall further state that any person who objects to an assessment listed on Exhibit A must file his/her objections in writing with the Oxford Clerk of Council within two (2) weeks after the expiration of the notice.

SECTION 3: Pursuant to Ohio Rev. Code 729.09, the Clerk of Council shall deliver any written objections to City Council for review and City Council will adopt an ordinance levying upon the lots and lands listed in Exhibit A the final assessment amounts with such changes or corrections, as Council deems proper. The ordinance shall state that the assessments are payable over no more than five (5) annual installments, with interest on deferred payments at the rate of 5%. The ordinance shall also state that assessments may be paid in full in cash within 30 days after passage of the ordinance.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

Curb, Gutter, Sidewalk, for 2021 Resurfacing
Assessment Property List of Final Costs

Address	Direction	Street Name	Property Owner	Parcel #	Mailing Address	Final Quantities						Estimated Cost	Cost Difference
						Linear Ft Curb	Square Feet Sidewalk	Square Feet Sidewalk thru driveway	Square Ft Drive Apron	Square Ft Apron Remove Only	Permit Fees		
814		Melissa	John Shih Hsiang Tung Revocable Trust	H4100121000023	John Shih Hsiang Tung 1350 Granite Peak Way Miamisburg, OH 45342	100	0	0	0	0	\$ 345.00	\$ 4,820.00	\$ 320.00
724		Melissa	Mina J Treick TR	H4100121000018	Ronald & Mina Treick 724 Melissa Dr. Oxford, OH 45056	25	0	0	0	0	\$ 153.00	\$ 1,271.75	\$ 146.75
710		Melissa	Helen M Griffin	H4100121000015	Helen M Griffin 710 Melissa Dr. Oxford, OH 45056	33	0	0	0	0	\$ 153.00	\$ 1,629.75	\$ (80.25)
706		Melissa	Barbara W Reed	H4100121000014	Barbara W Reed 706 Melissa Dr. Oxford, OH 45056	34	0	0	0	0	\$ 153.00	\$ 1,674.50	\$ 144.50
610		Melissa	Matthew Joseph & Hannah Elizabeth Morgan	H4100121000011	Matthew & Hannah Morgan 610 Melissa Dr. Oxford, OH 45056	42	0	0	0	0	\$ 159.40	\$ 2,038.90	\$ 148.90
542		Melissa	Jeffrey D Douglass	H4100118000040	Jeffrey D Douglass 542 Melissa Dr. Oxford, OH 45056	33	0	0	76	0	\$ 153.00	\$ 3,016.75	\$ 635.75
549		Melissa	Langford C Hargraves	H4100118000011	Langford C Hargraves 549 Melissa Dr. Oxford, OH 45056	10	0	0	0	0	\$ 153.00	\$ 600.50	\$ 150.50
725		Melissa	Mark G & Venus Schofield	H4100121000029	Mark G Schofield 725 Melissa Dr. Oxford, OH 45056	63	30	25	0	0	\$ 226.60	\$ 3,753.10	\$ 318.10
727		Melinda	Joshua & Laura Birkenbauer	H4100121000055	Josh & Laura Birkenbauer 727 Melinda Dr. Oxford, OH 45056	80	0	0	52	0	\$ 281.00	\$ 4,810.00	\$ 495.00
615		Melinda	Matthew S & Analicia J Wagers	H4100121000062	Matthew S & Analicia J Wagers 615 Melinda Dr. Oxford, OH 45056	59	0	0	39	0	\$ 213.80	\$ 3,565.80	\$ 460.80
611		Melinda	Ann M Wainscott	H4100121000063	Ann M Wainscott 611 Melinda Dr. Oxford, OH 45056	37	0	0	0	0	\$ 153.00	\$ 1,808.75	\$ 233.75
712		Melinda	William G Slaver TR	H4100121000043	William G Slaver 712 Melinda Dr. Oxford, OH 45056	28	0	0	0	0	\$ 153.00	\$ 1,406.00	\$ 146.00
818		Melinda	Judith A & Michael A Theodore	H4100121000026	Judith A & Michael A Theodore 2201 Maximilian Dr. Springhill, FL 34609	134	25	0	0	0	\$ 453.80	\$ 6,724.05	\$ 174.05
100	W	High	Michael Simonds A TR of the Michael Simonds Rev Trust	H41000040000143	George & Michael Simonds 6340 Brown Rd Oxford, OH 45056	22	225	0	0	0	\$ 153.00	\$ 3,601.25	\$ 406.25
15	N	Beech	Todd M & Monica L Spohn	H41000070000090	Todd M & Monica L Spohn 111 Saratoga Ave Apt #2311 Santa Clara, CA 95051	20	25	0	0	0	\$ 153.00	\$ 1,321.75	\$ 171.75
32	N	Beech	GTE North INC	H41000080000233	Frontier Communications Tax Department 401 Merritt 7 Norwalk, CT 06851	10	105	0	0	0	\$ 153.00	\$ 1,750.25	\$ 255.25
32	W	Church	Sous Le Ciel Investments LLC	H40000070000022 & H40000070000025	Sous Le Ciel Investments LLC 21 N Poplar St. Oxford, OH 45056	18	0	0	0	57	\$ 153.00	\$ 1,172.25	\$ 167.25
210	N	Beech	MPR II LLC	H41000080000226	MPR II LLC Attn: Adele Z Doakle 26 Portland Pl Saint Louis, MO 63108	0	300	0	0	0	\$ 25.00	\$ 3,310.00	\$ 60.00
214	N	Beech	Gold Dust Properties LLC	H40000080000225	Gold Dust Properties LLC 5899 Gold Dust Dr. Cincinnati, OH 45247	9	0	0	0	0	\$ 153.00	\$ 555.75	\$ 150.75
211	N	Beech	T H INC	H41000070000015	T H INC PO Box 357 Oxford, OH 45056	15	0	0	0	0	\$ 153.00	\$ 824.25	\$ 149.25

100	W	Vine	Rodbro and Myers Investments LLC	H4000008000219	Rodbro and Myers Investments LLC 21 N Poplar St. Oxford, OH 43056	60	175	0	0	0	217.00	\$	4,405.00	\$	413.25
308	N	Beech	College Street Properties INC	H4000008000215	College Street Properties INC 316 S. College Ave Oxford, OH 43056	35	100	0	0	0	153.00	\$	2,775.00	\$	39.25
105	W	Sycamore	Oxford Miami Properties LLC	H4100008000251	Oxford Miami Properties LLC 5235 Mission Oaks Blvd Site 315 Camarillo, CA 93012	62	125	0	0	0	223.40	\$	4,366.65	\$	416.65
321	N	Beech	College Street Properties INC	H4100007000003	College Street Properties INC 316 S. College Ave Oxford, OH 43056	29	0	0	119	0	153.00	\$	2,865.00	\$	757.50
317	N	Beech	Rangali Capital LLC & Tenet MSG LLC	H4000007000004	Rangali Capital LLC & Tenet MSG LLC PO Box 91 West Chester, OH 45071	48	203	0	84	0	178.60	\$	5,022.00	\$	1,060.45
311	N	Beech	Mark Schlichter	H4100007000005	Mark Schlichter 7900 Brookville Rd Oxford, OH 43056	20	25	0	0	0	153.00	\$	1,150.00	\$	171.75
309	N	Beech	Phinn Properties LP	H4100007000006	Phinn Properties LP 309 N. Beech St. Oxford, OH 43056	50	0	0	112	0	185.00	\$	3,420.00	\$	1,046.50
307	N	Beech	Kaufman Miller Rentals LLC	H4000007000007	Kaufman Miller Rentals LLC 4721 Riggs Rd Oxford, OH 43056	60	0	0	0	0	217.00	\$	2,700.00	\$	202.00
32	W	Vine	10K Properties LLC	H4100007000008	10K Properties LLC Joseph McCullough 101 Commerce Blvd Leweland, OH 45140	40	25	25	100	0	153.00	\$	3,546.00	\$	874.50

308	Brookview	Gayle L McCafferty Trust 3 7 94	H4100105000007	Gayle L McCafferty 1047 Celestial Dr. Cincinnati, OH 45202	20	0	0	0	0	0	153.00	\$	1,048.00	\$	148.00
307	Brookview	Christopher Curtis & Lisa Hendricks	H4100105000010	Christopher Curtis & Lisa Hendrix 307 Brookview Ct Oxford, OH 43056	39	0	0	70	0	0	153.00	\$	3,175.75	\$	737.75
311	Brookview	Myo T San & El P Lwin	H4100105000011	Myo T San & El P Lwin 617 Windingbrook Dr. Oxford, OH 43056	30	0	0	0	0	0	153.00	\$	1,395.00	\$	100.50
317	Brookview	James & Shelby Ouderkirk	H4100105000012	James & Shelby Ouderkirk 3463 Sherbrooke Dr. Cincinnati, OH 45241	30	0	0	96	0	0	153.00	\$	2,572.00	\$	675.50
518	Brookview	Callista Enterprises LLC	H4100122000053	Callista Enterprises LLC 116 E. High St. Oxford, OH 43056	30	0	0	0	0	0	153.00	\$	1,350.00	\$	145.50
600	Brookview	Beulah Mae Terry	H4100122000067	Beulah Mae Terry 600 Brookview Ct Oxford, OH 43056	79	100	0	0	0	0	277.80	\$	4,908.05	\$	308.05
604	Brookview	Garry & Sandra D Lawson	H4100122000068	Garry & Sandra D Lawson 604 Brookview Ct Oxford, OH 43056	70	100	0	72	0	0	249.00	\$	5,086.00	\$	704.50
620	Brookview	Sara L Christman	H4100122000072	Sara L Christman 620 Brookview Ct Oxford, OH 43056	18	0	0	0	0	0	153.00	\$	810.00	\$	146.50
629	Brookview	Bethel A M E Church of Oxford	H4100122000075	Bethel A M E Church PO Box 494 Oxford, OH 43056	20	0	0	0	0	0	153.00	\$	1,195.00	\$	(147.00)
617	Brookview	Steven R Frey	H4100122000078	Steven R Frey 617 Brookview Ct Oxford, OH 43056	27	75	0	0	0	0	153.00	\$	1,965.00	\$	217.50
601	Brookview	Angela L Renninger	H4100122000082	Angela L Renninger 601 Brookview Ct Oxford, OH 43056	10	0	0	0	0	0	153.00	\$	450.00	\$	150.50

650	McGuffey	JY Homes LLC	H40001220000106	JY Homes LLC Ying Han 650 McGuffey Ave Unit 4 Oxford, OH 43056	33	125	0	0	0	0	153.00	\$	2,690.00	\$	308.50
627	Brill	Juanita Franklin	H4000122000113	Juanita Franklin 627 Brill Dr. Oxford, OH 43056	70	75	50	55	0	0	249.00	\$	5,954.00	\$	814.00

615	Brill	David J & Susan M Sales	H4100122000117	David J & Susan M Sales 7548 Whitehall Circle West West Chester, OH 43083 Perkins Realty LLC	46	0	0	0	0	0	\$	172.00	\$	2,230.70	\$	2,070.00	\$	160.70
611	Brill	Perkins Realty LLC	H4100122000118	10 Patrick Dr. Oxford, OH 43056	60	25	50	62	0	0	\$	217.00	\$	5,064.75	\$	4,106.00	\$	958.75

Complaint Properties

Direct Address	ion	Street Name	Property Owner	Parcel #	Unreal Ft Curb	Square Feet Sidewalk	Square Feet Sidewalk thru driveway	Square Ft Drive Apron	Square Ft Apron Remove Only	Permit Fees	Final Cost	Estimated Cost	Cost Difference
321	N	Elm	Quin of Erika Fulton (Also sent to resident: Merle Arnold)	H41000008000133	31	55	0	0	0	\$ 153.00	\$ 2,142.50	\$ 1,895.00	\$ 247.50
214	W	Church	Mile Square Preservation LLC	H41000008000263	10	0	0	0	0	\$ 153.00	\$ 600.50	\$ 450.00	\$ 150.50
216	W	Church	Natrey LLC	H40000008000103	0	200	0	0	0	\$ 25.00	\$ 2,215.00	\$ 2,000.00	\$ 215.00

TOTAL OF RESURFACING AND COMPLAINT PROPERTIES

\$ 131,636.45

\$ 115,956.00

\$ 15,680.45

CITY OF OXFORD QUANTITIES

Address	Direct	ion	Street Name	Property Owner	Parcel #	Linear Ft Curb	Square Feet Sidewalk	Sidewalk thru driveway	Square Ft Drive Apron	Square Ft Apron Remove Only	Final Cost	Estimated Cost	Cost Difference			
610			Melissa	Curb at Catch Basin		12	0	0	0	0	\$	537.00	\$	360.00	\$	177.00
411			Brookview	Curb at Catch Basin		14	0	0	0	0	\$	626.50	\$	540.00	\$	86.50
17	N		Beech	Curb for lead replacement water service		5	0	0	0	0	\$	223.75	\$	225.00	\$	(1.25)
110	N		Beech	Alley Apron		17	0	75	0	0	\$	1,897.00	\$	1,665.00	\$	232.00
115	N		Beech	Alley Apron		20	0	70	69	0	\$	3,080.20	\$	2,580.00	\$	500.20
214	N		Beech	Curb for lead replacement water service		5	0	0	0	0	\$	223.75	\$	225.00	\$	(1.25)
215	N		Beech	Alley Apron		21	0	80	320	0	\$	7,367.75	\$	5,805.00	\$	1,562.75
308	N		Beech	Alley Apron		22	0	50	152	0	\$	4,219.60	\$	3,462.00	\$	757.60
805	S		Locust	Joanne H Harper	H4100105000014	8	0	0	0	0	\$	358.00	\$	360.00	\$	(2.00)
Full Depth Concrete Saw Cuts											\$	800.00	\$	1,700.00	\$	(900.00)



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Doug Elliott
DATE PREPARED:	9/2/21
COUNCIL MEETING DATE:	9/7/21
AGENDA TITLE:	Lease Option Agreement/Solar Energy Array
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approval <i>DRE 9-3-21</i>
CITY MANAGER/DEPT HEAD APPROVAL:	

DISCUSSION:

The City of Oxford desires to provide an economically viable reuse for the closed municipal sanitary landfill. In order to advance the City's environmental sustainability goals, the City developed a Request for Proposals (RFP) to lease the closed Municipal Sanitary Landfill for development of a Community Solar Energy Array. The RFP required the development company to design, obtain approval from the Ohio EPA, receive approval for a Point of Interconnection (POI) with Duke Energy, finance, construct, operate, and maintain the solar energy system. The City received five responses to its RFP. Four companies were selected to interview. Two companies responded to our request for interviews. After interviewing both companies and gathering additional information including references, BQ Energy Development, LLC was selected as the proposal which best met the City's needs. BQ Energy Development, LLC has developed many solar energy array projects on closed municipal landfills and brownfield sites over the last seven years. The company is currently under contract with the Solid Waste Authority of Central Ohio (SWACO) to construct a 50 MW solar energy array project on a 173 acre closed municipal landfill south of Columbus, Ohio.



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

The Service Director and I are recommending that Council authorize the City Manager to enter into a Lease Option Agreement as set forth in substantially the same form as Exhibit "A" attached hereto between the City of Oxford and BQ Energy Development, LLC for approximately 20 acres of the City owned closed municipal sanitary landfill. The option agreement shall remain in effect for a period of three years. BQ Energy Development, LLC shall make a payment of \$10,000 to the City for this option. Upon exercising the option, BQ Energy Development, LLC will pay an annual lease rate of \$519.39 per acre. Once a firm price is established for the power, the City may elect to exercise a Power Purchase Agreement to meet the City's needs or for the City's Electric Aggregation Program. Whether or not this comes to fruition will depend on the timing for availability of the power and pricing as the City is already under contract for both programs.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE OPTION AGREEMENT BETWEEN THE CITY OF OXFORD AND BQ ENERGY DEVELOPMENT, LLC FOR APPROXIMATELY 20 ACRES OF THE CITY OWNED CLOSED MUNICIPAL SANITARY LANDFILL.

WHEREAS, the City desires to provide an economically viable reuse for the closed municipal landfill; and

WHEREAS, the City of Oxford wishes to advance the community's environmental sustainability with a community solar project; and

WHEREAS, the City developed a request for proposals for a solar energy array development project on the closed sanitary landfill; and

WHEREAS, the City received five (5) responses to the request for proposals; and

WHEREAS, two (2) companies were selected as providing the best and most responsive proposals; and

WHEREAS, BQ Energy Development, LLC was selected as the firm providing the best proposal and the City Manager and the Service Director recommend the City Manager be authorized to enter into a Lease Option Agreement as set forth in Exhibit "A" attached hereto between the City of Oxford and BQ Energy Development, LLC for approximately 20 acres of the city-owned closed municipal sanitary landfill.

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

SECTION 1: City Council hereby accepts the recommendation of the City Manager and the Service Director and further authorizes the City Manager to enter into a Lease Option Agreement as set forth in substantially the same from as Exhibit "A" attached hereto between the City of Oxford and BQ Energy Development, LLC for approximately 20 acres of the city-owned closed municipal sanitary landfill.

SECTION 2: The option agreement shall remain in effect for a period of three (3) years. BQ Energy Development, LLC shall make a payment of \$10,000.00 to the City for this option.

SECTION 3: If BQ Energy Development, LLC elects to exercise the option, the per acre annual lease rate is \$519.39

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

OPTION TO LEASE REAL PROPERTY

This Option to Lease Real Property (the **Option Agreement**) under the jurisdiction and control of, The City of Oxford, whose principal office is located at 15 S. College Ave. Oxford, OH 45056, ("**LANDOWNER**") is made as of this ____th day of ____, 2021, by and between LANDOWNER, and BQ Energy Development, LLC, a New York limited liability company ("**BQ Energy**") whose principal office is located at 400 Market Industrial Park, Suite 32, Wappinger Falls, NY 12590. This Option Agreement shall be inclusive of Exhibits A, B, C, D, E and F as attached hereto. LANDOWNER and BQ Energy are sometimes herein together referred to as the **Parties** and individually as a **Party**. The **Effective Date** of this Option Agreement the is later of the two dates shown below the signatures of the Parties.

WITNESSETH:

WHEREAS, LANDOWNER is the owner of real property in Butler County, OH at 945 S. Main St. in Oxford (the **Property**) consisting of land parcels with a total area of approximately 20 acres (PARCEL ID), more or less, as more particularly described in Exhibit "A"; and

WHEREAS, BQ Energy desires to plan, finance, develop, build, own, operate and maintain renewable energy generation, and electric distribution on a portion of the Property (the **Project**); and

WHEREAS, BQ Energy requests and LANDOWNER is willing to enter into an Option to Lease for the Property or a portion of the Property, which, when defined upon mutual agreement of the Parties, shall be referred to as the **Leased Property**; and

WHEREAS, BQ Energy requests and the LANDOWNER is willing to facilitate access to the Property, as documented in the Right of Entry terms (attached as Exhibit B), for the purposes of project planning and regulatory requirements in addition to any other purposes deemed necessary by both Parties to evaluate the viability of the Project; and

WHEREAS, the Parties have mutually determined that the Project remains in their respective best interests;

NOW THEREFORE, the Parties hereby agree to the following terms and conditions of this Option Agreement:

1. LANDOWNER hereby grants to BQ Energy an exclusive option to lease a portion of the Property, during the Option Term (as defined in paragraph 3 below) (the **Option**). The Parties shall work together in good faith to agree upon a final form of lease (the **Lease**) within three years after the Effective Date, which Lease will include, but not be limited to, the terms noted in the Option. BQ Energy may exercise the Option by signing the Notice of Exercise of Option to Lease Real Property (the **Notice**) (attached as Exhibit D) and by providing a signed copy to LANDOWNER within the Option Term, whereby BQ Energy and LANDOWNER shall mutually execute the Lease within 30 business days. Concurrent with the delivery of the Notice, BQ Energy shall deliver to LANDOWNER a survey prepared by a duly licensed surveyor showing the location of the portion of the Property desired to be leased by BQ Energy under the Lease.

2. This Option Agreement is offered in return for the immediate payment of \$10,000 by BQ Energy to LANDOWNER. The Parties agree that no representative or agent of the other has made any representation or promise with respect to this Option Agreement, which is not expressly contained herein.

3. This Option Agreement shall remain in effect for a period of three years (the **Option Term**), beginning the Effective Date and expiring three years after the Effective Date, or such other date when the Parties execute the Lease, whichever is sooner.

4. Through this Option Agreement, BQ Energy requests and LANDOWNER agrees to provide BQ Energy access to the Property (refer to Exhibit B, Right of Entry) during the Option Term in order to meet development and utility/regulatory requirements. The conditions of BQ Energy's right of entry are specified in Exhibit B.

5. LANDOWNER agrees that BQ Energy is authorized, to apply for electrical interconnections to the owners of local electrical transmission and distribution systems and to use existing rights of way and other available electrical easements or rights-of-way that may facilitate such interconnection to the extent such placement does not interfere with ongoing or projected LANDOWNER activities. Landowner agrees to execute the necessary NYS interconnection application attachments (see Landowner Consent forms in Exhibit C).

6. Through this Option Agreement, BQ Energy and LANDOWNER agree that should BQ Energy elect to exercise its Option, the per annum lease rate of **\$10,746.00**.

7. LANDOWNER will provide BQ Energy with all maps, reports, studies and analysis, including those related to environmental matters, involving the Property including easements, installations and transmission line, access road and utility placement, with identifying tracts, and the impact on LANDOWNER's surrounding land not subject to this Option Agreement.

8. BQ Energy may request and LANDOWNER shall provide to the best of its ability, any existing site or legal documentation and information, may aide BQ Energy in developing the Project in a timely manner.

9. BQ Energy will adhere to LANDOWNER's insurance policies regarding on-site contractors and will provide adequate insurance coverage for any of BQ Energy's associated operations. BQ Energy's insurance will be primary coverage for any claims made as a result of BQ's activities in relation to this Option or the Lease.

10. BQ Energy will obtain all required permits and approvals to build the Project at its own cost.

11. The Parties shall: (i) on the Effective Date, enter into a memorandum of this Option Agreement in the form of Exhibit F hereto; and (ii) cause the same to be duly recorded, in the real property records in and for the County of Messina, New York.

12. BQ Energy may assign this Option Agreement without consent to an affiliate. In the event BQ Energy elects to assign this Option Agreement to someone other than an affiliate, it must obtain prior written approval from LANDOWNER. All dates, timing, and requirements under this Option Agreement shall remain in effect upon any assignment.

13. LANDOWNER will make reasonable efforts to accommodate BQ Energy's request for collateral assignment and other consents and to execute customary lender-requested certifications, representations and to supply information for the purpose of assisting BQ Energy in obtaining financing for the Project.

14. BQ Energy or LANDOWNER may publicly advertise or publicize the Project in any manner but will seek to notify the other Party of any material media requests or coverage.

15. Default by BQ Energy: In the event of the failure of BQ Energy to exercise this Option, or in the event of any default by BQ Energy after the exercise of this Option, all money paid by BQ Energy to the LANDOWNER upon the execution of this Agreement shall be retained by the LANDOWNER as liquidated damages and as consideration for the granting of this Option to the BQ Energy, and all rights of BQ Energy under this Agreement shall terminate.

16. Default by LANDOWNER: In the event LANDOWNER fails to close the lease of the Premises pursuant to the terms and provisions of this Agreement, BQ Energy shall be entitled to either sue for specific performance of this Agreement or terminate this Agreement and sue for money damages.

17. This Agreement shall not become effective and binding until fully executed by both Purchaser and Seller.

18. ~~Fee Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.~~ *Ohio.*

19. This Agreement shall apply to, inure to the benefit of and be binding upon and enforceable against the parties hereto and their respective heirs, successors, and or assigns, to the extent as if specified at length throughout this Agreement.

20. Any cost and/or fees incurred by BQ Energy or LANDOWNER in executing this Agreement shall be borne by the respective party incurring such cost and/or fee.

21. This Agreement may be executed in one (1) or more counterparts, each of which will be deemed an original but all of which together will constitute one (1) agreement. An executed counterpart of this Agreement delivered by fax or by a party's signature transmitted by electronic mail in pdf format ("pdf"), and copies of this Agreement executed and delivered in pdf format shall have the same force and effect as copies hereof executed and delivered with original signatures.

IN WITNESS WHEREOF, the Parties have, on the respective dates set forth below, duly executed this Option Agreement:

[SIGNATURE PAGES FOLLOW]

LANDOWNER

By: _____
Name:
Title:
Date:

BQ Energy Development LLC

By: _____
Name: Paul Curran
Title: Managing Director
Date:

EXHIBIT A
Description of the Property from the LANDOWNER

EXHIBIT B

Right of Entry

1. Through this Right of Entry Agreement (the Agreement), BQ Energy requests and LANDOWNER agrees to provide BQ Energy with access to the Property during the Option Term in order to perform development planning and studies for the purposes of meeting the Project's planning and regulatory requirements, in addition to any other purposes deemed necessary by both Parties.

2. BQ Energy shall be solely responsible for ensuring that its officers, employees, licensees, invitees, representatives, agents, consultants and other contractors comply with all applicable rules and regulations and shall obey LANDOWNER's rules and regulations regarding safety, access, security and knowledge of visitors' activities as such are made known prior to its entry and during its presence on the Property. BQ Energy shall be responsible for any act or omission of any officer, employee, licensee, invitee, representative, agent, consultant or any other contractor.

3. Irrespective of any other provisions hereof, the Agreement shall not allow BQ Energy, or any party acting on its behalf, to alter the condition of the Property, other than reasonable boring or excavation holes in soil or pavement as required for Project development planning and studies. Further, BQ Energy shall not interfere with or require the modification of any activities occurring on the Property.

EXHIBIT C

Landowner Consent Forms

An appropriate form for the landowner to give permission to file or interconnection and apply for landfill use permits will be inserted here.

EXHIBIT D

NOTICE OF EXERCISE OF OPTION TO LEASE REAL PROPERTY

(Date)

To: LANDOWNER
ADDRESS

In accordance with the terms and conditions of the Option to Lease Real Property as between the LANDOWNER and BQ Energy Development, LLC that has the Effective Date of _____ 2021, and pursuant to Section 1(a) therein, notice is hereby given to the LANDOWNER that BQ Energy Development, LLC hereby exercises said option and requests execution of the Lease.

BQ Energy Development LLC

By: _____

Name: _____

Title: _____

EXHIBIT E

MEMORANDUM OF OPTION TO LEASE REAL PROPERTY

3

This Memorandum of Option to Lease Real Property (this "Memorandum of Lease Option") effective as of the ____ day of _____, 2021 is entered into by BQ Energy Development, LLC, a New York limited liability company ("BQ Energy") and the LANDOWNER to evidence the existence of a certain Option to Lease Real Property (the "Contract") entered into between BQ Energy and LANDOWNER containing an option to lease certain real property now owned by LANDOWNER under the material terms and conditions more particularly described herein.

1. **OPTION.** For good and valid consideration, LANDOWNER has granted to BQ Energy an exclusive option to lease from LANDOWNER (the "Option") the property, or a portion thereof, more particularly described in Exhibit A attached hereto and incorporated herein by this reference as though fully set forth (the "Subject Property") and certain other rights of LANDOWNER associated with the Subject Property as more particularly described herein. This Contract remains in effect for a period of three years (the "Option Term"), beginning the ____ day of _____, 2021 (the "Effective Date") and expiring three years after the Effective Date, or such other date when the Parties execute the Subject Property Lease (as defined in paragraph 2 below), whichever is sooner.

2. LEASE EXECUTION DATE.

(a) Upon exercise of the option by BQ Energy, the lease of the Subject Property from LANDOWNER to BQ Energy (the "Subject Property Lease") is required to be executed within thirty (30) business days of BQ Energy's giving written notice (the "Exercise Notice") of its exercise of the Option. Concurrent with the delivery of the Exercise Notice, BQ Energy shall deliver to LANDOWNER a survey prepared by a duly licensed surveyor (the "Subject Property Survey") showing the location of the portion of the Subject Property selected to be leased by BQ Energy under the Subject Property Lease (the "Selected Portion"). LANDOWNER is required to deliver possession of the Selected Portion to BQ Energy on the Lease execution date subject only to the exceptions as may be set forth in the Subject Property Lease.

(b) Concurrent with the execution of the Subject Property Lease, BQ Energy and LANDOWNER shall execute and record a memorandum of the Subject Property Lease (the "Memorandum of Lease") describing the material terms and conditions more particularly described in the Subject Property Lease. Upon recordation of the Memorandum of Lease, this Memorandum of Option shall cease and determine and shall no longer have force or effect.

3. **PROPERTY TO BE LEASED.** The Subject Property described in Exhibit A shall encompass the Selected Portion to be leased by LANDOWNER to BQ Energy along with all of LANDOWNER's rights in and to the following as and to the extent the same is used or useable in relation to the Project and the Selected Portion: (i) rights-of-way, easements, improvements, structures and other property rights appurtenant to the Subject Property; (ii) any rights, title and interest in adjoining or adjacent streets, roads (public and private), rights-of-way and other rights of use or access appurtenant to the Subject Property; and (iii) all water and water rights, if any, in and to the Subject Property.

4. **RIGHT OF ENTRY.** The Subject Property is subject to a right of entry granted to BQ Energy by LANDOWNER in the Option granting BQ Energy access to the Property in order to perform development planning and studies for the purposes of meeting the Project's planning and regulatory requirements, in addition to any other purposes deemed necessary by both BQ Energy and LANDOWNER.

5. **ASSIGNMENT OF CONTRACT.** The Contract allows either party, with the written consent of the other party, to assign their respective rights with respect to the Subject Property to third parties.

7. **INQUIRIES.** Further inquiries concerning the terms and conditions of the Contract between LANDOWNER and BQ Energy may be addressed to:

LANDOWNER: LANDOWNER
 ADDRESS

BQ Energy: BQ Energy Development, LLC
c/o BQ Energy LLC
400 Market Industrial Park, Suite 32
Wappinger Falls, NY 12590
Attention: Paul Curran, Managing Director

8. OPERATION AND CONFLICTS. This Memorandum of Option has been prepared for recording purposes and shall not operate to alter, restrict or otherwise qualify the rights and obligations of BQ Energy and LANDOWNER under the terms and conditions of the Contract. In the event of any conflict between the terms of this Memorandum of Option and the Contract, the terms and conditions of the Contract shall control and take precedence.

(SIGNATURE PAGE FOLLOWS)

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Option to be effective as of the date and year first above written.

LANDOWNER

By: _____
Name:
Title:
Date:

STATE OF _____)
COUNTY OF _____) ss.

On the _____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

BQ Energy Development. LLC

By: _____
Name: Paul Curran
Title: Managing Director
Date: _____, 2021

STATE OF NEW YORK)
COUNTY OF _____) ss.

On the _____ day of _____ in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	August 23, 2021
COUNCIL MEETING DATE:	September 7, 2021
AGENDA TITLE:	PC-2021-21, 5158 College Corner Pike, CONDITIONAL USE, McGuffey Montessori High School, Norman Butt, AIA, Applicant/Agent
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 9-3-21</i>

Proposal Summary:

Architect Norm Butt is requesting Conditional Use approval for temporary occupancy of a tenant space in the Westgate Mall as a school facility. This particular space has been utilized by McGuffey Montessori School over the past year as an off-site location for their high school program. The applicant proposes to voluntarily restrict their occupancy to no more than five (5) persons, including a total of three (3) students and two (2) instructors. This occupancy restriction, however, is currently recommended to be modified (increased) to better accommodate future needs of the school.

Background:

The property owner, on behalf of McGuffey, had previously applied for a Building Permit application in August 2020 in order to officially request a change of use to a school. This Permit application was spurred by the effects of the COVID-19 pandemic, whereby McGuffey began to look elsewhere for additional space above and beyond their main campus on Westgate Drive in order to spread out students effectively to meet appropriate social distancing guidelines.

The Westgate Mall site is zoned GB General Business. In the GB District, a new school (no matter whether public or private) normally requires a Conditional Use review and approval prior to establishment. Due to the unique and unprecedented conditions posed by the pandemic, City staff decided to issue a temporary zoning approval to help expedite the school's expansion to meet the educational needs of its students. The temporary approval was originally valid until January 31, 2021, with the idea that staff could later reassess the status and effects of the pandemic around that date. In January, staff extended the validity to June 1,



The City of Oxford
(513) 524-5200
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Oxford, OH 45056

2021, coinciding with the Building Official's temporary approval for the change of use. Now that the temporary approvals have lapsed from both a Building and a Zoning standpoint, the applicant is applying for a formal approval of a Conditional Use to allow the school operation to continue.

Planning Commission Recommendation:

On August 10, the Oxford Planning Commission held a public hearing and reviewed the proposal and the decision standards. City staff recommended approval of the application subject to 3 conditions, highlighting that the use could be allowed to continue indefinitely in following the typical timing provisions of the Zoning Code, as opposed to being time-limited to one year per the applicant's original proposal. Melanie Ward, a nearby resident residing on Westgate Drive, provided comments to the Commission, noting some present concerns with the condition of the Westgate Mall property including foot traffic in the alley way behind the building and dumping of garbage. In discussing the case, the primary interest of the Commission was to make sure the approval was reasonably balanced so that the overall intensity limit was still respected, while at the same time allowing for a few additional students to join the program without necessitating additional bureaucratic procedures. The Commission also felt that the Conditional Use should be directly tied to McGuffey School, as opposed to a more ordinary approval whereby another school entity or user could open up later in the same space and operate under the same previous approval and conditions. Ultimately, the Commission voted 6-0-0 (1 member absent) to recommend approval of the application subject to the following conditions:

1. The school shall be limited to no more than ten (10) occupants. A change in intensity may require amendment to the Conditional Use approval consistent with procedures outlined in the Oxford Zoning Code.
2. The requested Conditional Use shall be allowed to continue indefinitely with no other deadlines imposed, except those that may apply per the Oxford Zoning Code.
3. The applicant shall apply for a Building Permit for the change of use to a school within fourteen (14) days of Council approval. *Note: The applicant has already applied for this Permit as of 8/10, and garnered approval by the Building Official. Zoning approval has not yet been issued for this Permit, as it is contingent on successful approval of a Conditional Use.*
4. The Conditional Use approval shall expire upon vacation of the space by McGuffey Montessori.

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT APPLICATION TO ALLOW A SCHOOL FACILITY TO BE LOCATED AT 5158 COLLEGE CORNER PIKE OXFORD, OHIO 45056 WITH CONDITIONS.

WHEREAS, the Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on August 10, 2021 for the purpose of considering the request of Norman Butt, Applicant/Agent, for a Conditional Use permit to allow a school facility to be located at 5158 College Corner Pike Oxford, Ohio 45056; and

WHEREAS: the Planning Commission, after a public hearing and discussion, voted and approved a motion recommending approval of the Conditional Use permit application to allow a school facility to be located at 5158 College Corner Pike Oxford, Ohio 45056 with the following conditions:

- a) The school shall be limited to no more than ten (10) occupants. A change in intensity may require amendment to the Conditional Use approval consistent with procedures outlined in the Oxford Zoning Code.
- b) The requested Conditional Use shall be allowed to continue indefinitely with no other deadlines imposed, except those that may apply per the Oxford Zoning Code.
- c) The applicant shall apply for a Building Permit for the change of use to a school within fourteen (14) days of Council approval.
- d) The Conditional Use approval shall expire upon vacation of the space by the McGuffey Montessori School.

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

SECTION 1: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the Conditional Use permit application to allow a school facility to be located at 5158 College Corner Pike Oxford, Ohio 45056 with the following conditions:

- a) The school shall be limited to no more than ten (10) occupants. A change in intensity may require amendment to the Conditional Use approval consistent with procedures outlined in the Oxford Zoning Code.
- b) The requested Conditional Use shall be allowed to continue indefinitely with no other deadlines imposed, except those that may apply per the Oxford Zoning Code.
- c) The applicant shall apply for a Building Permit for the change of use to a school within fourteen (14) days of Council approval.
- d) The Conditional Use approval shall expire upon vacation of the space by the McGuffey Montessori School.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



Community Development Department
Planning Commission Action Letter
513-524-5204

August 12, 2021

Norman D. Butt, AIA, LEED AP BD+C
The Architectural Group
135 N Main Street
Dayton, OH 45402

VIA EMAIL:
buttn@taguit.com
nhawthorne@mcguffeymontessori

RE: PC-2021-21, 5158 College Corner Pike, CONDITIONAL USE, McGuffey Montessori High School, Norman Butt, AIA, Applicant/Agent

Dear Mr. Butt:

On August 10, 2021, the City of Oxford Planning Commission voted 6-0-0 (1 member absent) to recommend approval of your Conditional Use application subject to the following conditions:

1. The school shall be limited to no more than ten (10) occupants. A change in intensity may require amendment to the Conditional Use approval consistent with procedures outlined in the Oxford Zoning Code.
2. The requested Conditional Use shall be allowed to continue indefinitely with no other deadlines imposed, except those that may apply per the Oxford Zoning Code.
3. The applicant shall apply for a Building Permit for the change of use to a school within fourteen (14) days of Council approval.
4. The Conditional Use approval shall expire upon vacation of the space by McGuffey Montessori.

Unless otherwise notified, the Oxford City Council will hold their First Reading on Tuesday, September 7, 2021 and their Second Reading on Tuesday, September 21, 2021 regarding this application.

Should you have any questions related to this action, please contact the Community Development Department at 513-524-5204.

Respectfully,

Zachary Moore, AICP
Planner
zmoore@cityofoxford.org
513-524-5204

Cc: File

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant/Agent	Norm Butt, AIA, LEED AP BD+C, Principal – The Architectural Group, Inc.
Location	5158 College Corner Pike – Parcel ID H4100019000074
Tenant	McGuffey Montessori, c/o Nancy Hawthorne
Property Owner	Main & High Development, Inc.
Action Request	Conditional Use to temporarily use tenant space as a school facility
Current Use	Temporary use as a school facility
Current Zoning	GB General Business District
Tenant Floor Area	1,305 square feet
Site Area	6.24 acres
Surrounding Land Uses	Commercial uses to west and south; Residential to east
Staff Recommendation	Approve, subject to recommended conditions

PROPOSAL SUMMARY

The applicant proposes temporary occupancy of a tenant space at the Westgate Mall as a school facility. The tenant space has actually already been utilized by McGuffey Montessori School over the past year as an off-site location for their high school program. The property owner, on behalf of McGuffey, had previously applied for a Building Permit in August 2020 in order to officially request a change of use to a school. This Permit application was spurred by the effects of the COVID-19 pandemic, which necessitated the School having to look elsewhere beyond their main campus at 5128 Westgate Drive in order to spread out students effectively to meet appropriate guidelines.

The Westgate Mall site is zoned GB General Business. In the GB District, a new school normally requires a Conditional Use review/approval prior to establishment; this includes both public and private schools. Such a review usually takes 3 to 4 months to complete. Due to the unique and unprecedented conditions posed by the pandemic, City staff decided to issue a temporary zoning approval so that the school could more immediately expand and begin their new off-site operation to meet the educational needs of its students. The letter issued to the applicant stated the approval was “valid until January 31, 2021, after which time the situation may be reassessed for compliance with the Oxford Zoning Code.” This date contrasted with the

Building Official's temporary approval which lasted until June 1, 2021. Community Development staff eventually issued a new letter to the applicant in January 2021 which extended the temporary zoning approval deadline to match that of the Building Official's. Now that the temporary approval period has lapsed from the perspective of the Zoning Code, the applicant is applying for a formal approval of a Conditional Use to allow the school operation to continue.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property. One public comment letter was received from Ms. Linda Roberts, who resides at 5207 Westgate Drive directly behind the Westgate Mall. Ms. Roberts noted concerns regarding the condition of the property and suggested a privacy fence be installed. Ms. Roberts' letter is included in the packet.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Cropenbaker, Assistant to the City Manager	Returned with Comments
<i>The proposed use of the property at 5158 College Corner Pike represents a continuation of the previously permitted use of this space, as an education center. As such, continued use of this space for the same purpose should present no unexpected or undue hardship to the area or other tenants.</i> <i>The submitted request asks for only a one-year term for the conditional use, perhaps a permanent conditional use permit would negate any future possibility of additional requests by this same applicant/location.</i> <i>The proposed use/program, high school-aged Montessori education, represents a unique service to the Oxford community.</i> <i>The Economic Development staff do not have any reservations regarding this proposal at this time.</i>		
Engineering	Scott Otto, City Engineer	Returned without Comments
Fire	John Detherage, Fire Chief	Returned without Comments
Police	John Jones, Police Chief	Returned with Comments
<i>No issues but at the beginning of the school year, school administration should contact Chief Jones to do a walk-thru and threat assessment of the building.</i>		

COMMENTARY

Prior to submission of the application, the applicant originally made the case that the educational program being conducted within the 5158 College Corner Pike tenant space was actually defined by the Ohio Building Code as a business use, and should thus should also be granted zoning approval as a permitted use without

necessitating a Conditional Use application or hearing. Community Development staff determined the use still constituted a school per the Zoning Code, even if the Building Official happened to determine it fell under a commercial category as opposed to an educational category per the Building Code.

The applicant's proposal voluntarily offers to restrict usage/operation to no more than five (5) occupants, consisting of no more than three (3) students and no more than two (2) adults. The applicant further proposes for the Conditional Use approval to carry forward on a temporary basis, expiring in June 2022. The School plans to look for an alternative space for its high school program beginning in the fall of 2022.

Staff has reviewed the applicant's narrative letter and has no reservations with the intended occupancy of the tenant space. Staff would also recommend the Commission consider amending the applicant's proposed time horizon to make the Conditional Use permanent, such that it would follow all normal timing provisions and protocols found in the Oxford Zoning Code which normally apply to all other Conditional Uses; thus, the use (as constrained to 5 occupants) could continue past the June 2022 date without need for re-approval or amendment. **Section 1147.02(e)(1)** of the Oxford Zoning Code specifies that Conditional Uses normally expire if the use ceases operation for more than 1 year.

DECISION CRITERIA

- A. The proposed use is in fact a Conditional Use appropriate in the zoning district in which it is proposed.**
Yes, schools are allowed in the GB General Business zone per **Section 1143.12(b)(2)(C)(7)** so long as a Conditional Use is reviewed and approved by City Council. The nature of a school use usually entails a larger footprint and more intense impacts, including such accessory uses as playground or athletic facilities, new parking areas, bus drop-off zones, and a brand new building footprint. The nature of this request is much more minor in scale than the more typical concept of a school facility which the Code anticipates as requiring a Conditional Use review.
- B. The use and site will satisfy the general intent of the Zoning Code.**
Section 1143.12(a) states that the purpose of the GB General Business District is *to provide for a variety of retail, service and administrative establishments required to satisfy the needs of the overall community*. While the proposal at hand does not constitute a typical commercial function, it does fulfill a community need and would, as the applicant states in his letter, reduce visible vacancy at the Westgate Mall location.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.**
As shown on Map 3.6 of the Oxford Comprehensive Plan, the property is located in the "Corridor Enhancement Area" falling generally along the College Corner Pike corridor stretching between Locust Street and the Walmart site. The proposal is compatible with the general intent of the Comprehensive Plan, in that the overall Westgate Mall site remains in commercial usage and is occupied by a new use, lowering the amount of vacancy and positively contributing to the site's economic health and viability.
- D. The use and shape of the site are sufficient for the proposed use.**
McGuffey can effectively utilize one existing tenant space for their needs and has not asked for an expansion or any additional space within the center.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**
All operation is to be contained within the existing tenant space and limited in terms of occupancy per the applicant's proposal; therefore, staff does not anticipate any additional hazardous or disturbing effects.

- 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.**
Staff does not believe the intended use will pose concerns of this nature. The use will be a natural addition to the shopping center.
- 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 accessory uses are proposed; activity is to be contained to the existing tenant space.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.**
Opportunity for comment was provided to Fire, Police, and Service Departments. See comments from Police Chief Jones. Fire and Service both returned the application without comment. Given that the proposed use is to occupy an existing developed space, utility connections are already in place.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
No additional public expenditure is anticipated.
- 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.**
This criterion generally does not apply since the use is occupying an existing tenant space.
- 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.**
This criterion generally does not apply since the site is already developed and traffic patterns have been pre-determined. Any changes to on-site traffic circulation probably would not be proportional to the level of investment directly related to establishment of the school operation within a single tenant space of the building.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**
The proposed involves an existing developed site with no significant construction impacts; therefore, this criterion does not apply.
- M. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from the existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.**
Not applicable.
- N. 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.**
Following Conditional Use approval, the applicant will need to obtain Building Permit approval in order to extend use of the space under its intended B-Business classification past the June 1, 2021 date originally issued by the Building Official on August 14, 2020. Successful completion of the Building Permit process should result in a new Certificate of Occupancy for the tenant space.

STAFF RECOMMENDATION

In consideration of the Decision Criteria, staff recommends **approval** of the Conditional Use application subject to the following conditions:

1. The school shall be limited to no more than five (5) occupants as proposed by the applicant. A change in intensity may require amendment to the Conditional Use approval consistent with procedures outlined in the Oxford Zoning Code.
2. The requested Conditional Use shall be allowed to continue indefinitely with no other deadlines imposed, except those that may apply per the Oxford Zoning Code.
3. The applicant shall apply for a Building Permit for the change of use to a school within fourteen (14) days of Council approval.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: August 2, 2021

APPENDIX A

RELEVANT ZONING CODE PROVISIONS

Within the Oxford Zoning Code, **Section 1143.12** provides the base zoning standards for the GB General Business District. **Section 1147.02(c)-(d)** governs the Planning Commission's decision making process on Conditional Uses. **Section 1147.03(b)(30)** provides Conditional Use provisions specific to schools.

1143.12 – GB General Business District.

(a) **Purpose.**

This district is intended to provide for a variety of retail, service and administrative establishments required to satisfy the needs of the overall community. This district is also intended to accommodate retail trade establishments in the community that cannot be practically provided for in a neighborhood commercial district development. This district is only appropriate within areas that are presently served, or will be served upon development, with both central water and sewer.

(b) **Uses.**

(1) **Permitted uses.**

- A. Retail services. (Not to exceed 15,000 square feet of total gross floor area)
 - 1. Apparel and jewelry.
 - 2. Books, stationery, newspapers, magazines, office equipment and office supply stores.
 - 3. Department stores.
 - 4. Drug stores selling health and personal care aids.
 - 5. Food products, including groceries, meat, fish, baked goods, confectionary, and beverages.
 - 6. Flowers, potted plants, and garden supplies.
 - 7. Hardware, paint, home furnishings, and other home improvement products.
 - 8. Optical aids.
 - 9. Photography, bicycles, gifts and toys, pets, music, sporting goods, and other hobby and craft supplies.
 - 10. Restaurants, not including drive-in or fast food.
 - 11. Sales of new and used motor vehicles by dealerships holding franchises authorized by manufacturers for the sale of new vehicles.
- B. Personal and professional services. (Not to exceed 15,000 square feet of total gross floor area)
 - 1. Accounting, advertising, architectural, auditing, bookkeeping, legal, and medical offices, and offices for other similar professional service providers.
 - 2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
 - 3. Barber and beauty shops.
 - 4. Cleaners, including dry cleaning and Laundromats.
 - 5. Home improvement services, including carpentry, electrical, heating, plumbing, and decorating.
 - 6. Offices for nonprofit, charitable, labor, and other service organizations.
 - 7. Repair establishments for bicycles, household appliances, locksmiths, shoes, and motor vehicles (if no gasoline is sold and repair work is done inside).
 - 8. Theaters, not including drive-ins.
 - 9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.
- C. Accessory buildings incidental to the principal use.

(2) **Conditional uses.**

The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

- A. Retail services.
 - 1. Automobile service stations selling gasoline.
 - 2. Bars and establishments serving alcohol.
 - 3. Banks with drive-through facilities.
 - 4. Building supplies, garden supplies.
 - 5. Drive-in and fast-food restaurants.
 - 6. Sales of motorcycles and used motor vehicles, rental and service of motor vehicles, sales and rental of boats and marine equipment, and sales and rental of trailers.
 - 7. Temporary or outdoor sales of plants and garden supplies.
- B. Personal and public services.
 - 1. Animal hospitals or kennels.
 - 2. Bowling alleys.
 - 3. Cultural institutions, including libraries, art galleries and museums.
 - 4. Hotels and motels.
 - 5. Places of worship.
 - 6. Funeral homes.
 - 7. Indoor skating rinks, arcades, and similar recreational uses.
 - 8. Instructional studios.
 - 9. Night clubs, discotheques, and other entertainment facilities.
- C. Other uses.
 - 1. Community-Oriented Residential Social Service Facilities (CORSSF's).
 - 2. Shared Housing and Congregate Housing for the elderly.
 - 3. Government owned and/or operated parks and recreation facilities.
 - 4. Bed & Breakfasts.
 - 5. Publicly owned and operated neighborhood recreation centers.
 - 6. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
 - 7. Schools: primary, intermediate, and secondary, both public and private.
 - 8. Mini-Warehouse (Self-Storage Units)
 - 9. Business Incubator
 - 10. Any permitted or combination of any retail, personal or public services that exceed 15,000 square feet of gross floor area

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)

- (1) Lot requirements.
 - A. Minimum lot frontage and width: 100 feet
 - B. No minimum lot size is specified; however, the lot size shall be adequate to provide for parking, access drive spacing, yard space and screening requirements.
- (2) Yard requirements.
 - A. Minimum setbacks.

Front yard	Rear yard	Side yard
35 feet	25 feet	0 feet

When a side or rear lot line abuts residential district lot lines, the minimum side or rear transitional setback distance shall be 25 feet in depth and shall be screened from the residential district by a dense evergreen hedge a minimum of 6 feet tall at planting and that will maintain at least 90 percent opacity over time. Existing vegetation may be considered as long as the anticipated overall opacity effect can be achieved. Alternatively, different types of screenings may be utilized subject to review and approval by the Zoning Administrator if the alternative material can achieve the overall 90% opacity effect.

- B. Maximum front yard setback.
A maximum front yard setback of 150 feet; and at least 75% of the façade of the principal building must be setback no more than 150 feet from the front lot line.
- (3) Structural requirements.
Maximum building height 45 feet

(d) Supplementary Regulations.

- (1) All merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies, shall be stored within a completely enclosed building. Displays of boats, automobiles, tractors, recreational trailers and/or mobile homes shall conform to the requirements as defined in Section 1141.03 (e)
- (2) **Landscaping:**
Landscaping of the site shall comply with the requirements of Chapter 1148.
- (3) The building should be oriented so that the principal building entrance faces the principal street or the street providing main access to the site. The entrance must be connected to the street and adjacent parking with clearly marked sidewalks/walkways. The building façades facing the street must adhere to the façade treatment as outlined in the following sections. In no instance, shall the rear of the building face the public right-of-way.
- (4) Building facades that are oriented toward a right-of-way shall be provided for visual relief as follows:
 - A. Windows and transparent doors must occupy a minimum of 60% of the entire building wall area measured between 2.5 and 7 feet in height above grade along the entire front façade. Glass block, opaque or darkly tinted glass is not considered to be transparent.
 - B. Building façades must have different articulation in height and setback. Different horizontal articulations with material, color and opening shall also be utilized when building elevation is higher than 14 feet. Preferred materials include brick, stone, glass or wood.
- (5) Each development is required; where appropriate, to provide adequate space (including easements) for alternative modes of transportation such as bike paths, multi-use paths, bus stops and turnarounds. Each development is also required to provide bicycle rack space at a rate of 3 per 10,000 square feet of gross floor area.
- (6) The front façade of the principal structure shall be finished, utilizing at least 50% natural materials including brick, stone, masonry, glass, or wood. No aluminum or vinyl siding shall be used in finishing or utilized on the front façade of the building.
- (7)
 - A. All utility boxes must be screened with appropriate landscaping material such that they are not visible from a right-of-way or other publicly accessible area.
 - B. All refuse collection and recycling containers must be enclosed or screened so as not to be visible from a right-of-way or other publicly accessible area. The structure surrounding the container(s) must be enclosed on all sides, one of which includes a gate or door that can be secured. The enclosure may consist of wood or masonry walls. Containers shall not be located in any front yard. The exterior perimeter of the enclosure(s) must be landscaped, excluding the access point.

1147.02(c) – Planning Commission Review.

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

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

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

- A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.
- N. 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.

1147.02(d) – Action by Planning Commission.

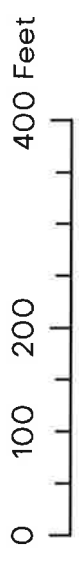
- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the application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

1147.03(b)(30) – Schools.

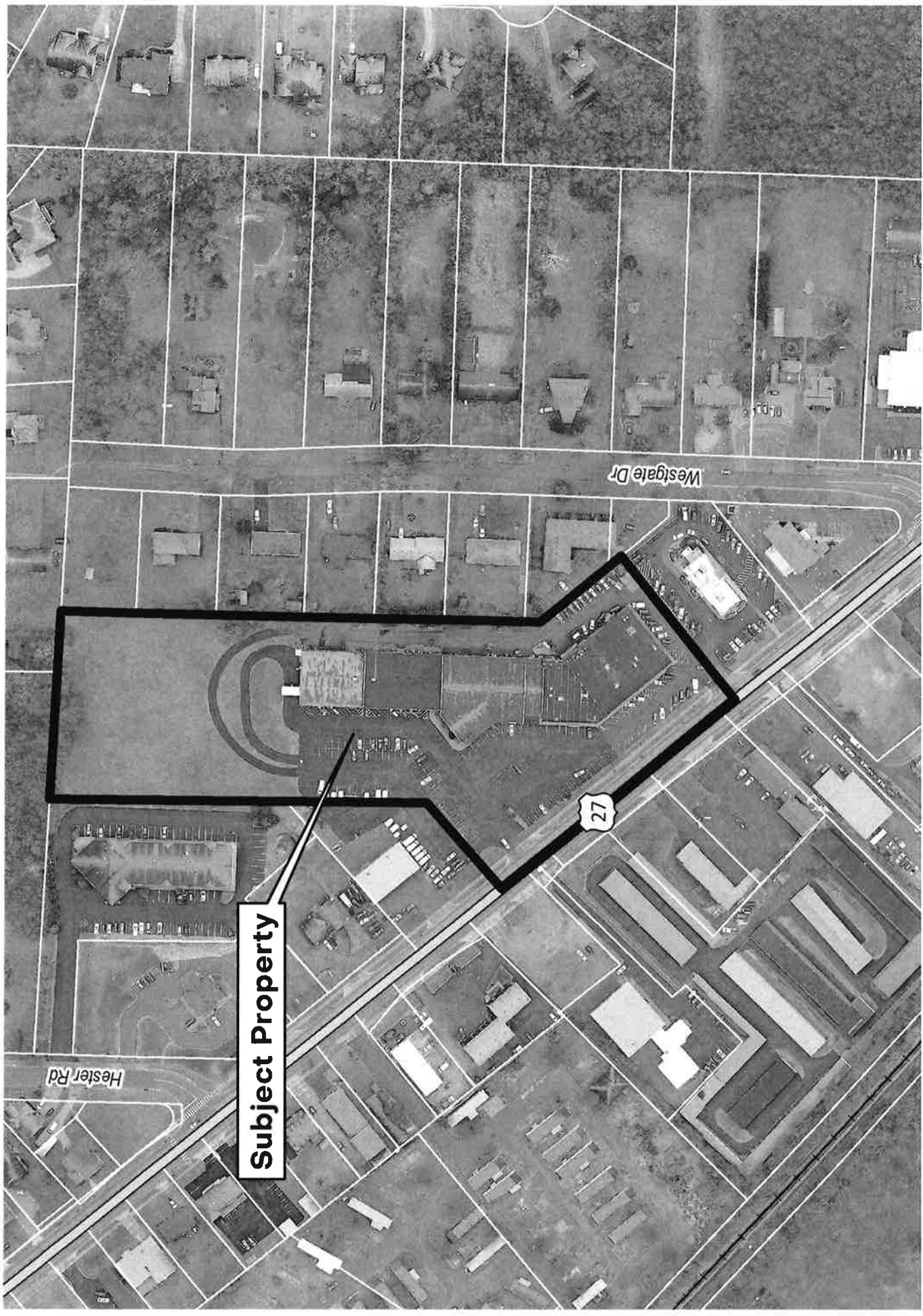
- A. Potential Concerns
 - 1. Adequate lot size to permit future expansion.
 - 2. Bus and van storage.
 - 3. Access to streets that can handle traffic generated by the use.
 - 4. Design of vehicle management area.
 - 5. Location of outdoor facilities such as ball fields and band practice areas.

6. Proximity to incompatible uses (establishments serving alcohol).
- B. Regulations.
1. Parking spaces shall not be located in a yard adjacent to a residential zoning district.
 2. Structure shall be setback a minimum of 30 feet from a residential zoning district.

Location Map

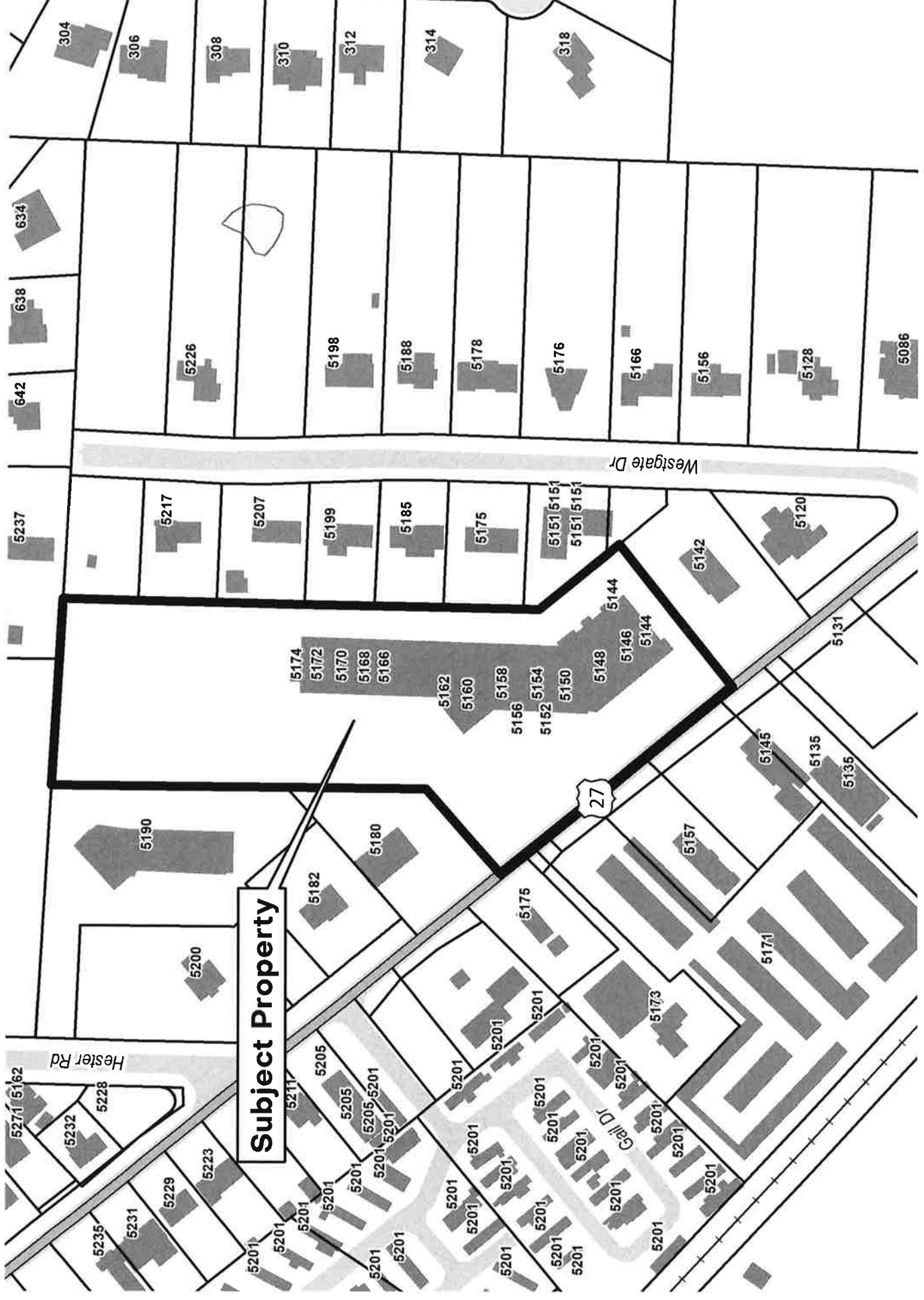
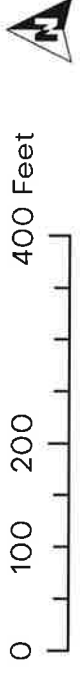


Site Parcel(s)



Subject Property

Site Parcel(s)



Location Map

 Site Parcel(s)





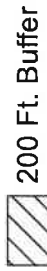
PC-2021-21

Surrounding Property Owners Notifications Map

Legend



Subject Area

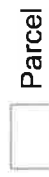


200 Ft. Buffer



Oxford Corp. Limit

Address Point



Parcel

16.5' Vacated ROW



Building Footprint



1 inch = 200 feet

Prepared on Thursday, July 08, 2021

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.





Community Development Department
Zoning Review
513-524-5204

August 11, 2020

Mr. Matt Rodbro
Main & High Development
21 N Poplar Street
Oxford, OH 45056

ALSO VIA EMAIL:

matt@redbrickproperty.com
nhawthorne@mcguffeymontessori.com

RE: 2nd Zoning Review for 5158 College Corner Pike (Permit #P2020-0144) – Temporary Approval

Dear Mr. Rodbro:

I have reviewed the revision to your Building/Zoning Permit application received August 7, 2020 for a change of use at 5158 College Corner Pike. Our department is issuing a temporary zoning approval with the following stipulations:

1. Our department agrees to the details specified for the 5158 tenant space as presented in the letter from Ms. Nancy Hawthorne addressed to me, and hereby incorporates such details as part of the approval; and
2. This does not constitute approval for the 5170 tenant space; and
3. This temporary zoning approval is being issued due to the unique and unprecedented conditions posed by the COVID-19 pandemic. The temporary change of use to a school shall be valid until January 31, 2021, after which time the situation may be reassessed for compliance with the Oxford Zoning Code. The Code provides in **Section 1143.12(b)(2)(C)** that a school is normally classified as a conditional use in the GB General Business District.

This review is only for compliance with the zoning regulations. Other departments may also have comments that will need to be addressed before any permits can be issued.

If you have any questions, feel free to contact the Community Development Department at 513-524-5204.

Respectfully,

Zachary Moore, AICP
Planner
zmoore@cityofoxford.org
513-524-5204



McGuffey Montessori

5128 Westgate Drive, Oxford, OH 45056 • (513)523-7742 • mcguffeymontessori.com

Zachary Moore
City of Oxford
15 South College
Oxford, OH 45056

Received 7/7/2020 for
Permit P2020-0144

Zachary,

Thanks so much for talking with me yesterday about our plans for keeping students and staff safe next year. This letter is to describe our needs and plans for the two spaces at Westgate Mall and to ask for Temporary Variance to use these commercial properties for school spaces for 2020-21.

Our goal is to be open for every student every day while still ensuring everyone a safe environment to work and learn. We are grateful for your help and support as we try to navigate our options for how to achieve this.

	Upper Unit (Grades 4-8)	High School (Grades 9-10)
Property Address	5170 College Corner Pike	5158 College Corner Pike
Grade levels	4-8	9-10 (3 students currently expected)
Numbers	32 students plus 2-4 staff at any given time	3-6 students plus 1-2 staff at any given time
Reason	COVID-19 safety for social distancing with additional bathrooms and sinks	
Usage	Self-contained temporary classroom space, eating packed lunch and recess	
Hours of Operation	Monday-Friday 7:50am-5:30pm	
Extracurricular Usage	Not currently expected to exceed five hours per week.	
Car traffic	Some students will be dropped off between 7:50-8am. The bulk of students will be dropped off between 8:45-9am. Most students will get picked up between 3:30 and 3:45pm. A very few will stay until 5:30pm for our afterschool program.	Students will be dropped off between 7:50-8am. Students will be picked up between 3:30-3:40pm.

Foot Traffic (to main campus at 5128 Westgate Drive)	For students we anticipate less than 6 times during the school year. Some staff will need to walk back and forth from our main campus but this will be limited to one or two people as we try to protect the cohort bubbles. I anticipate this happening 1-2 times a day at the very most.	
Work that has been done by McGuffey in the space	• No work has been done by McGuffey	• Parents removed old floor tile and are replacing it with carpet squares. • Parent Matt Gerhardt replaced a lattice partition with a solid wood panel. • Kist Electric (a parent) repaired and added some outlets. • The school paid a contractor to replace the bathroom flooring. • Red Brick Realty painted the space and is replacing the HVAC system.
Work that still needs to be done.	• We have consulted with Scofield Windows and Doors about changing the door hardware to meet safety requirements. We can hold off on this. • We will need a kitchen/utility sink installed with a garbage disposal.	Matt Rodbro indicates they will do painting, flooring, electrical tidying, improve ventilation, install a bathroom on one side of the space and install two kitchen/utility sinks with a garbage disposal.

We are eager to work on whatever permits are needed for the work already done in the High School space.

Both spaces are currently considered temporary for the 2020-21 school year. It is highly likely that we will retain one of these spaces beyond 2020-21 for the high school. Which space we choose will depend on the trajectory of high school enrollment. We should know enough by January 2021 to make a decision and begin the normal zoning process.

Sincerely,



Nancy Hawthorne
nhawthorne@mcguffeymontessori.com



Community Development Department
Zoning Review
513-524-5204

January 11, 2021

Mr. Matt Rodbro
Main & High Development
21 N Poplar Street
Oxford, OH 45056

ALSO VIA EMAIL:

matt@redbrickproperty.com
nhawthorne@mcguffeymontessori.com
buttn@taguit.com

RE: Zoning Review for 5158 College Corner Pike (Permit #P2020-0144) – Temporary Approval EXTENSION

Dear Mr. Rodbro:

This letter is in regard to the school use (McGuffey Montessori) at 5158 College Corner Pike, as had been allowed on a temporary basis per my previous zoning response letter dated August 11, 2020.

The Oxford Zoning Code provides in **Section 1143.12(b)(2)(C)** that a school is normally classified as a Conditional Use in the GB General Business District.

Upon reconsideration of the unique and unprecedented conditions posed by the COVID-19 pandemic, which have continued into 2021, the Community Development Department has decided to extend temporary zoning approval of the present school use to **May 31, 2021**. All other conditions and expectations as per the original August 11 approval letter remain in effect.

The temporary use allowance will expire on June 1, 2021, coinciding with the same expiration date as noted on the Building Official's "time-limited" Certificate of Occupancy previously issued on August 21, 2020. If the tenant desires to continue the school use on or after this date, approval of a new Building & Zoning Permit will be required. Community Development staff can reassess the circumstances at that time, in determining whether a full Conditional Use review will be necessary.

If you have any questions, feel free to contact the Community Development Department at 513-524-5204.

Respectfully,

Zachary Moore, AICP
Planner
zmoore@cityofoxford.org
513-524-5204



Courtesy Notice

Community Development Department

Review & Comment Form

513-524-5204

You are receiving this notice because your property is located within 200 feet of a site set for consideration by the Oxford Planning Commission and City Council for future development that requires special approval.

CASE NO.: PC-2021-21

CASE TITLE: **CONDITIONAL USE, 5158 College Corner Pike**, use of tenant space as a school facility, The Architectural Group c/o Norm Butt, Applicant/Agent

HEARING DATE: **August 10, 2021, 7:00pm**

LOCATION: **Oxford Courthouse, 118 West High Street, Oxford OH 45056**

DESCRIPTION: The applicant is requesting approval of an off-site school facility for McGuffey Montessori, to be located within one of the business tenant spaces of Westgate Mall. The Westgate Mall site is zoned GB General Business, and in this zone a new school facility is normally required to undergo Conditional Use review/approval prior to establishment. The Conditional Use process is a mechanism to address the external effects particular uses may have on neighboring properties, and in turn certain conditions may be imposed to help mitigate those effects. The process entails a recommendation from the Planning Commission, which is then forwarded to City Council which makes the final decision. McGuffey intends to utilize the space for its high school program, and intends to limit occupancy of the space to no more than 3 students and no more than 2 adults/teachers. The request at this point is to simply continue the present operation, as City staff had allowed the school to begin more immediate operation in 2020 without going through the typical Conditional Use process due to the unique circumstances posed by the pandemic.

You are welcome to attend the scheduled City of Oxford Planning Commission hearing as noted above. If you cannot attend, but would like to comment on this matter, please complete this form and return it at your earliest convenience to **Planner Zachary Moore, 15 S. College Avenue, Oxford, OH 45056**. You may also email any comments or questions to zmoore@cityofoxford.org.

You can view the most up to date meeting information and materials at any time by going to: cityofoxford.org/planning-commission and clicking on the upcoming meeting date

NAME (PRINT): Linda Roberts

ADDRESS: 5207 Westgate Dr. P.O. Box 358

TELEPHONE: Home 513-523-6487 Cell Work Retired

COMMENT (You may attach a separate note or letter if more space is needed):

To Zachary Moore in regards to the
locating of an off-site school facility,
"McLuffy Montessori" in Westgate
Shopping Center. Owners (Main an High
Development LLC, Red Brick)

My home is behind the said Mall.
Have complained several times concerning
the condition of the outside of the
premises, last time was in March 2019.
At that time I had visited all business
located in the facility on 29 also
vicinity of the mall, also residents
on Westgate concerning their views
on the Mall. Next to the condition
of the premises, such as over grown
shrubs, grass, tree's branch's falling, trash
thrown or blown into shrubs. Which is

very unsightly from "our side" of shrubbery on people wandering in the area.

The problem's I see are conditions of the premise and wandering people. Daily on nights there are people wandering behind the mall and use our yards for short cuts. It is very nerve racking to wonder when my security light goes off, "is it someone up to no good or just a person wandering?" (I might as well say it, "it is usually the homeless!")

I had thought it was a requirement to have a privacy fence behind their property when joining residential properties?

This was the most asked question by everyone that was spoken to!

All the interest focused by the concerned

business and residents were wanting addressed in 2019.

All business need to update and repair their business in a timely manner to keep it properly filled.

There is an old saying "you have to spend money to make money!"

This is a great location, for any type of business, but in order to attract business you have to keep up exterior and interior and conduct your management of said area, constantly.

So my main thought is this! Now that you are going to utilize some area as an off-site school facility. I think it's best to address this area

which has been overlooked. Privacy fence is needed due to the close proximity of the residence and the problems which has occurred several time, with person's being chased by police and even others running thru yards to mall area then to ~~27~~ to avoid police or whoever is chasing them. This has also been done in the reverse from center to yard

So anyone in the said business or schools there is a chance there could be an altercation with someone entering from the front to go out the back or viceversa and having an unnecessary incident. A fence would avoid that problem. Might even help the insurance to be lower!

Also every parent that has a student at MIAMI, eventually goes out 27 to patronize the business out in the area. Be it hardware, Walmart, food, car repair, car purchase, books, and I'm sure that generates lots of tax money!

I notice some work being done now, it's been awhile since I have seen any activity there at the mall.

I hope this area gets focused on and made into the area it should be like the rest of Oxford. We work on keeping our neighborhood up and it would be real nice if said business would do the same! We are All Oxford!!

P.S.
excuse writing
printer is down!

Sincerely,
Linda Rhot

**Internal Use Only:**

Case No. _____

Date Filed _____

Conditional Use Permit Application

Applicant Information

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

Name * Norman D. Butt, AIA, LEED AP BD+C, Principal -The Architectural Group, Inc.

Mailing Address * 135 N. Main Street

City, State & Zip Code * Dayton, Ohio 45402

Telephone Number(s) * 937-223-2500

Email Address buttn@taguit.com

Owner Information

Name * Main & High Development, Inc.

Mailing Address * 21 N. Polar Street

City, State & Zip Code * Oxford, Ohio ,45056

Telephone Number(s) * 513-524-9340

Email Address sarah@redbrickproperty.com

Location and Lot Information

Location of Property * 5158 College Corner Pike

Legal Description * See Attached

Zoning District * GB, General Business

Total Area * 1,318 SF → Check One * Acres ☐ Square Feet ☒

Existing Use Description * B-Business (Previous Immediate Temporary E-Educational Use/B-Business Occupancy

Proposed Use Description * E-Educational Use/OBC B-Business Occupancy

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.

4. A description of the existing uses of the site.
 5. The zoning district in which the site is located.
 6. A description of the proposed use.
 - a. A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
 - b. The hours of operation.
 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 existing area uses and if there will be any interaction between the proposed use and existing uses.
 - b. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
 - c. If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 - d. How any potential negative effects on adjacent land will be mitigated.
 8. A statement about why the location proposed is more appropriate for the use than other locations.
 9. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
 10. Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use.
 11. A list of the names and mailing addresses of all land owners within 200 feet of the site (see [next section](#)).
 12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission.
- C. Site Plan. A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.
1. North arrow.
 2. Scale.
 3. Vicinity map.
 4. All existing and proposed lot lines within the site.
 5. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
 6. Location, height, and use of all proposed and existing structures.
 7. Location and design of all proposed vehicle management areas.
 8. Location, size, and type of all proposed signs.
 9. Location, height, and type of all proposed screening and landscaping.
 10. Distances to residential zoning districts if within 1,000 feet.
 11. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
 12. Other information as required by the Planning Commission.
- D. Elevations of proposed structures, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.
- E. Other. Photographs of the existing use and its surroundings.

See Chapter 1147, Conditional Uses, for the full text, particularly 1147.03 for use-specific regulations¹.

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.

Planning Commission Review

From Section 1147.02(c)¹.

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

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

From Section 1147.02(c)(2) General Decision Standards¹. All Conditional Uses shall satisfy these General Decision Standards.

- 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 \$500.00 plus \$10.00 for postage. You may write a \$510.00 check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *



Date *

6/28/2021

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, 15 South College Avenue, 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 *

Receipt Number *

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/>



135 north main street
dayton, oh 45402-1730
tel 937.223.2500
fax 937.223.0888
www.taguit.com

June 28, 2021

zmoore@cityofoxford.org
sperry@cityofoxford.org

Zachary Moore, AICP
Planner
City of Oxford
Community Development
15 S. College Avenue
Oxford, Ohio 45056

RE: McGuffey Montessori High School
5158 College Corner Pike
Submission for Conditional Use - Temporary Educational Use/B-Business Occupancy

Dear Zachary,

On behalf of the McGuffey Montessori School I wish to thank you and Sam for your assistance in providing guidance through the processes of this submission for Conditional Use approval. This request is for temporary occupancy within the 5158 College Corner tenant suite within the Westgate Mall, a space previously approved for temporary occupancy by McGuffey for the 2020/2021 school year. It is our hope that the information provided below and defined within the numerous attachments will be positively received by the Planning Commission, and subsequently by The City Council. Approval will allow the high school program to remain temporarily in the same location for an additional year while planning resumes, which was unfortunately not able to proceed during the Covid-19 pandemic.

CONDITIONAL USE

Chapter 1147

1147.01 General

- (a) Purpose: Conditional Uses are land uses that are potentially appropriate in many zoning districts
- (b) Effect of Conditional use permit: Specific use and location

1147.02 Procedure

A. **Fee:** Addressed with application.

B. **Description of Use:**

1. **Applicant:** On behalf of the McGuffey Montessori School
Norman D. Butt, AIA, LEED AP BD+C
Principal
The Architectural Group, Inc.
135 N. Main Street
Dayton, Ohio 45402
937-223-2500
buttn@taguit.com

Applicant Tenant:

McGuffey Montessori School
Nancy Hawthorne, Head of School
5128 Westgate Drive
Oxford, OH 45056
513-523-7742
nhawthorne@mcguffeymontessori.com

Property Owner:

Main & High Development, LLC
21 N. Poplar St.
Oxford, OH 45056

Creating architecture since 1990

513-524-9340

2. Agent Letter: See attached.
3. Legal Description: See attached.
4. Existing Uses at Site: See attached.
5. Existing Zoning District: GB, General Business District
6. Proposed Use of Site (Description of the Proposed Use):
 - a. Use and Occupancy: The intended use is for continuation of the seminal high school educational program limited to the 2021/2022 school year (through June 2022) with no more than three (3) students and two (2) adults.
 - b. Approved for temporary occupancy in 2020/2021 at the same location, McGuffey utilized the space to educate two high school students under an Ohio Building Code Limited-Time Period with use classification as B-Business. The intent simultaneously was to develop their high school program while making decisions that would lead them to find permanent occupancy in another location for the 2021-2022 school year and beyond. Unfortunately, the Covid-19 pandemic impacted their occupancy and planning considerations and they were unable to fully take advantage of the allotted period of time. Due to this unforeseen event Nancy Hawthorne, Head of School, wishes to extend the temporary occupancy for one more year. The plan is to begin looking for an alternative space in September for fall 2022.

Maximum occupancy of the space would remain low at five (5) or fewer persons with specifically three (3) students enrolled as of this moment. The Ohio Building Code recognizes that an occupancy of five (5) persons or less for educational purposes is exempt from E-educational use classification. Please see the excerpt below. Consequently, as a B-Business occupancy space with a presented occupancy of less than six (6) persons the B-business use type is consistent with the allowable zoning use in that location and should not require a temporary zoning exemption or conditional use application.

Ohio Building Code (OBC)

"Section 305 EDUCATIONAL GROUP E

305.1 Educational Group E. Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any time for educational purposes through the 12th grade."

- c. No students will have driver's licenses during the 2021/2022 school year so no parking spaces nor traffic flow will be impacted by student driving and parking. Teachers will park at the Westgate location.
 - d. The students will arrive and depart directly at this 5158 location. They will occasionally walk to the Westgate campus during the school day.
 - e. Correct, we plan to begin looking for an alternative space in September for fall 2022.
 - f. Hours of our operations will be 7:30 am-4:00 pm on school days from August 15-May 25.
7. Compatibility Narrative:
 - a. The educational use is different from other uses in the mall, but will be temporary for the 2021/2022 school year and recognized by the Ohio Building Code, not as an educational use, but as a B-business occupancy since it will have less than six (6) occupants. The

use of parking will be extremely limited and have fewer persons occupying the facility with less frequency of daily turnover/visitation.

- b. No changes are necessary for the occupancy either interiorly or exteriorly.
 - c. No operations will be occurring that would create potential nuisances, such as excessive noise, lighting, odor, fumes, vibrations, or emissions.
 - d. No negative effects on adjacent lands would be applicable as no exterior changes are to occur to the facility.
8. Appropriate Location:
The temporary location works well for the school since it is close to the main campus school located at 5218 Westgate. This reduces parking at the 5159 College Corner location, as the teachers will be parking at the Westgate location. The Westgate location is currently maximized for its student population and locating the students off campus assists with occupancy issues as well as reduces traffic flow on Westgate by parents dropping off their students.
9. Location Desirability:
Occupancy of the lease space within the Mall reduces a visible vacancy, is an economic gain to the Owner and perpetuates the growth of the McGuffey Montessori School within the Community.
10. Potential Concerns: Traffic flow within the parking area would be of concern, but with no student driving involvement and teachers parking off site, this concern is mitigated.
11. Names & Address: See attached.

B. Site Plan:

- 1. See attached documents and plans indicating unchanged site conditions.

Please feel free to contact me if you have any questions or require additional information.

Respectfully,
Norman



Norman D. Butt, AIA, LEED AP BD+C
Principal
135 N. Main St
Dayton, OH 45402
937-223-2500
buttn@taguit.com

ATTACHMENTS

From: Sam Perry <sperry@cityofoxford.org>
Sent: Tuesday, June 22, 2021 5:28 PM
To: Norman Butt <buttn@taguit.com>
Cc: Zachary Moore <zmoore@cityofoxford.org>
Subject: McGuffey High

Norm,

Zach shared with me your request for continued usage as a school for 5158 CCP at the Westgate Mall property. I'm glad to hear that the high school program is successful and that continued growth is planned. Not knowing if/when the permanent location will happen, I need to remove that aspect from the analysis and focus on the fact that a school is planned for this site and no conditional use has been reviewed or approved as the code requires. Though it is likely that a school is much less intense than a business use for this site, there are other public purposes for the code requirement.

The zoning and building approval has expired several months ago. The building code purpose has primarily to do with the safety/egress of the occupants. Please correct me if I am wrong, as you are more of an expert as an architect.

The zoning code in general has more to do with ensuring a 'good fit' of the use with the surrounding uses and properties. The zoning code for schools in Oxford also has a purpose of maximizing safety and health of the students by publicly analyzing the access to and from the school. There are other purposes, but that one in particular stood out to me in Code 1147.03(b)(30). Others have to do with future growth, play areas and transportation of students. These are all external site conditions that differ from building code classifications.

I am open to meet and discuss in person or on the phone, but I'm not comfortable with checking off the zoning approval, based on the building code definition. The next available agenda for Planning Commission is August 10 with a submittal deadline of Monday, June 28 at 5:00 p.m. You are free to offer more info, meet with me or submit a conditional use application.

Sam

Sam Perry, AICP
Community Development Director
513-524-5204



CONDITIONAL USE APPLICATION

McGuffey Montessori School High School

EXISTING USES

The following represent a list of tenants, addresses, and uses (OBC defined) within the existing Westgate Mall on College Corner Pike:

5144	Oxford Health and Wellness Center & Neuropathy	B-Business Occupancy
5148	Fresenius Medical Center	B-Business Occupancy
5150	Berean Bible Church	A-3 Assembly
5152	Wonderful International Market	B-Business Occupancy
5156	Vacant	
5158	McGuffey Montessori High School	B-Business Occupancy (E-Educational)
5160	International Brotherhood of Electrical Workers	B-Business Occupancy
5162	Oxford Martial Arts & Fitness	A-3 Assembly
5164	Cash Flow Recovery, LLC – Call Center	B-Business Occupancy
5166	Bounce Back – Cash Flow Solutions, Inc.	B-Business Occupancy
5168	Vacant	
5170	Vacant	
5172	Novachem Laboratories, Inc.	B-Business Occupancy
5174	Mr. BBQ	A-2 Assembly/ B-Business Occupancy

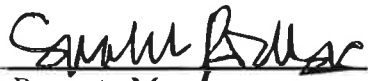
LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Norman D. Butt, AIA, LEED AP BD+C has permission to represent our interest with the City of Oxford and act on our behalf for the

Conditional Use Request at our property located at 5158 College Corner Pike,
Oxford, Ohio 45056

Thank you,

Signed: 
Red Brick Property Mgmt

06/28/2021
Date:

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that McGuffey Montessori School has permission to represent our interest with the City of Oxford and act on our behalf for the

Conditional Use Request at our property located at 5158 College Corner Pike,
Oxford, Ohio 45056

Thank you,

Signed: 

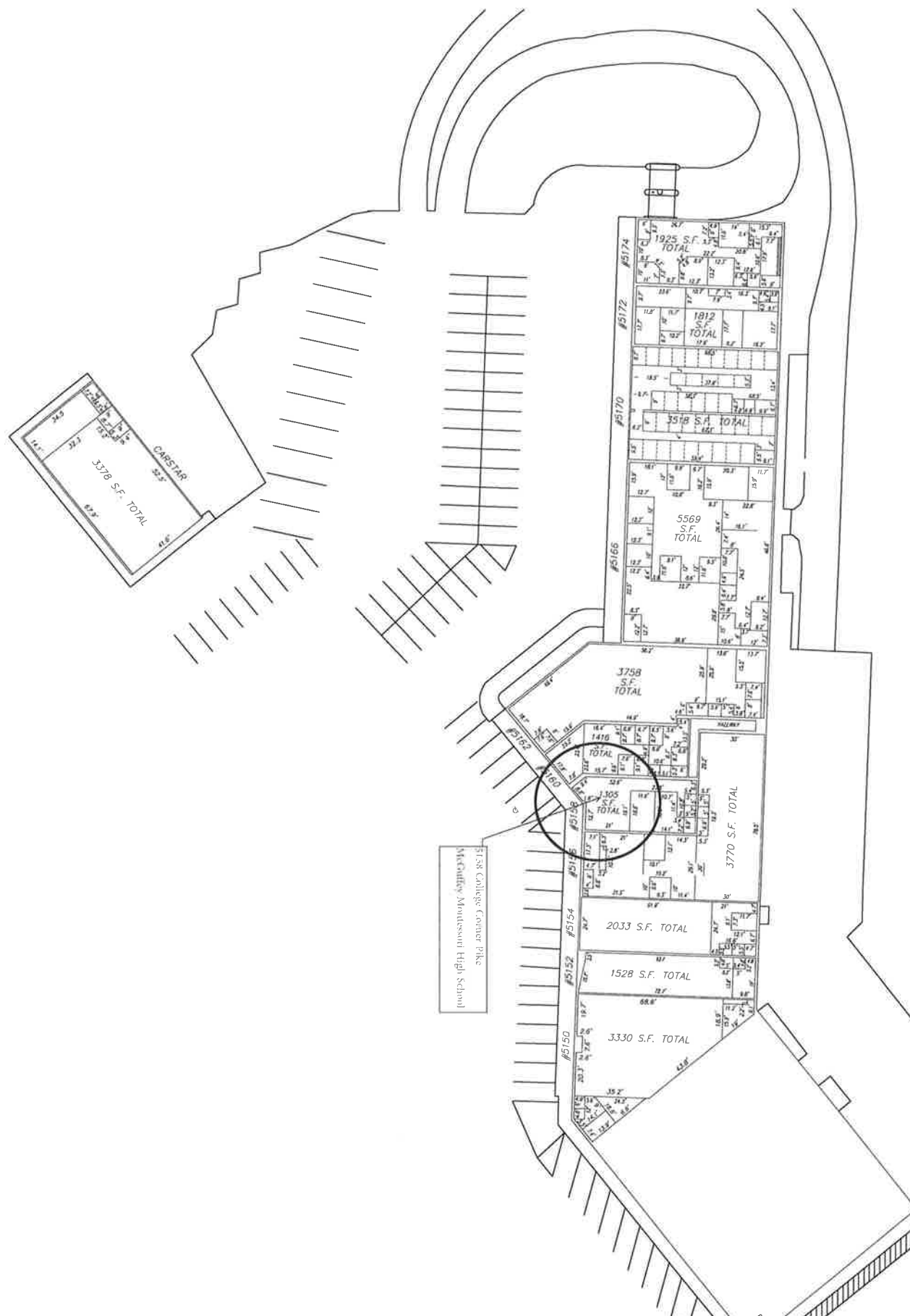
06/25/2021
Date:

Red Brick Property Mgmt

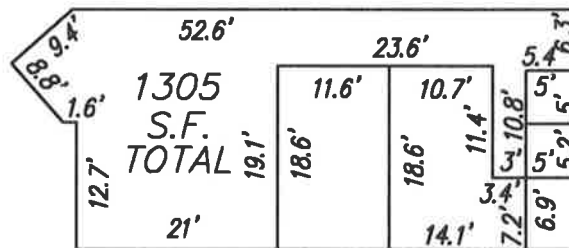
5158 200 Foot Radius Address List

Property Address	Tenant Name	Owner Name	Owner Address	
5120 College Corner Pk	MUCFCU	MUCFCU	420 Wells Mills Dr.	
5131 College Corner Pk		Mabry David C TR ETAL David C and Sarah Sharp Mabry CO TRS	102 Stone Creek Dr.	Oxford OH 45056
5135 College Corner Pk		Daniel and Lucielle Hutten	3030 Oxford Millville Rd	Oxford, OH 45056
5142 College Corner Pk	Wendy's	Main & High Development	21 N. Poplar ST	Oxford, OH 45056
5145 College Corner Pk		Hometown Laundries and Car Washes, LLC	5145 College Corner Pk	Oxford, OH 45056 1003
5157 College Corner Pk			5145 College Corner Pk	Oxford, OH 45056 1003
PROPERTY OF RADIUS:				
5144-5174 College Corner Pike	Multiple	Main & High Development	21 N. Poplar ST	Oxford, OH 45056
	5144 Oxford Health and Neuropathy Wellness Center			
	5148 Fresenius Kidney Care			
	5150 Berean Bible Church			
	5152 Wonderful International Market			
	5154 ?			
	5156 Vacant			
	5158 McGuffy Montessori High School (5128 Westgate Dr. Oxford, OH 45056			
	5160 IBEW (5158 College Corner Pk)			
	5162 Oxford Martial Arts & Fitness - Soma Academy Gracie Brazilian Jiu-Jitsu			
	5164 Cashflow Recovery, LLC, Call Center			
	5166 Bounce Back - Cashflow Solutions, Inc.			
	5168 Vacant			
	5170 Mattress by Appointment			
	5172 Nva Chan Laboratories, Inc.			
	5174 Mr. BBQ			
5171 College Corner Pk	Oxford U Lock Storage, LLC	Oxford U Lock Storage, LLC	5145 College Corner Pk	Oxford, OH 45056 0694
5173 College Corner Pk	State Line Auto Body	State Line Auto Body	8716 Tanager Woods Dr.	Cincinnati, OH 45249
5175 College Corner Pk	State Line Auto Body	Kerry Cantwell	5173 College Corner Pk	Oxford, OH 45056 1003
5180 College Corner Pike	Oxford Car Care	Main & High Development	21 N. Poplar ST	Oxford, OH 45056
5181 College Corner Pk	Glenwood Energy of Oxford Inc	Glenwood Energy of Oxford Inc.	PO Box 880	Oxford, OH 45056 0991
5182 College Corner Pk	Oxford Pit Stop	Sous Le Ciel Investments, LLC	21 N. Poplar St.	Oxford, OH 45056 1254
5190 College Corner Pk	Oxford Star, LLC	Oxford Star, LLC	5190 College Corner Pk	Oxford, OH 45056 1004
5200 College Corner Pk	Somerville National Bank	Somerville National Bank	197 S. Main St.	Somerville, OH 45064
5201 College Corner Pk	Mobile Home park	Miami of Ohio MHP Limited Liability Co	6310 E. Kemper Rd Ste. 125	Cincinnati, OH 45241 2360
5151 Westgate Dr.		4 D Investments Inc	125 W. Spring St	Oxford, OH 45056 1768
5175 Westgate Dr.		William Lader	5175 Westgate Dr.	Oxford, OH 45056 1014
5185 Westgate Dr.		Bonnie Jo Piper	5185 Westgate Dr.	Oxford, OH 45056 1014
5199 Westgate Dr.		Mildred Parks	5199 Westgate Dr.	Oxford, OH 45056 1014
5207 Westgate Dr.		Michael Roberts	PO Box 358	Oxford, OH 45056 0477
5217 Westgate Dr.		Theresa Roberts	5217 Westgate Dr.	Oxford, OH 45056 1016
Westgate Vacant Lot .42 A		Theresa Roberts	5217 Westgate Dr.	Oxford, OH 45056 1016
5237 Westgate Dr.		Cindy Hockenberry	11038 State Route 227	Camden, OH 45311
5234 Hester Rd.		Christopher M. Rodbro	6335 Fairfield Rd	Oxford, OH 45056 9745





FRONT OF
BUILDING



Drawing:
08D001-000 CP

Scale
1" = 20'

Drawn by:
ATB

Checked By:

Issue Date:
04-18-08

**WESTGATE
SHOPPING CENTER**
ADDRESS #5158
STATE ROUTE 27

INTERIOR AREA AND LAYOUT

**bayer
becker**

318 S. COLLEGE AVE.
OXFORD, OH 45056 - 513.523.4270

