

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of :

9/19/2017

Account Code No. :

see below

Budgeted Amount :

Finance

Originating Department

Joe Newlin

Prepared By

9/12/2017

Date Prepared

Agenda Title: Investment Policy Updates

Recommendation: Approve

Diversification:

- 1.) Increase limit in money market or pooled investment programs from 60% to 75%.
- 2.) Increase issuer limit from 35% to 50%. Government agencies have reduced the amount of issuance; the lower percentage hinders investment opportunities.

Maturity Guidelines:

- 1.) No more than 50% of the portfolio may have a maturity beyond 36 months, presently at 25% of the portfolio. Give the City more flexibility to position a portfolio of investments.
- 2.) Average maturity of the portfolio will never exceed three years, increased from two and a half years. Maximum maturity limit on any one investment remains at five years.
- 3.) Remove the 3rd guideline that 20% of the portfolio will be invested in liquid instruments or marketable securities that can be sold to raise cash in one business days' notice. The language is gray and could have different interpretations. If the decision is made to include language, would recommend reducing to 15%.

Permissible Investments:

- 1.) Commercial Paper Changes.
 - a. Permit up to 25% of the interim funds to be invested in commercial paper, Presently at 10%.
 - i. Maintain 5% limit per issuer, per ORC 135.14.
 - b. Extend maturity limit from 180 days to 270 days.
 - i. Would match limits per ORC 135.14.

Approved By:

Department Head:

City Manager:

Initials

Date

[Signature] 9/12/17
DRE 9/15/17

ORDINANCE NO.

AN ORDINANCE REPEALING ORDINANCE NO. 2944 AND ADOPTING A NEW INVESTMENT POLICY.

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

SECTION 1: The Investment Committee recommends the adoption of a new Investment Policy prepared by the Finance Director which reflects changes and modifications proposed for the City's investments.

SECTION 2: Council having reviewed the new Investment Policy accepts the recommendation of the Investment Committee and the Finance Director and repeals Ordinance No. 2944 and adopts the new Investment Policy attached hereto and incorporated herein by reference as Exhibit "A".

SECTION 3: This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Exhibit “A”

The City of Oxford Investment Policy

Policy Statement

The purpose of this investment policy, in conjunction with the Ohio Revised Code, as amended, will govern the investments and the investment activities of the City of Oxford.

Scope

This investment policy applies to the investment of all funds of the City of Oxford both short-term operating funds and longer-term funds, including investments of proceeds from certain bond issues.

Investment Review Committee

An Investment Review Committee is established for the purpose of periodically reviewing the City's investment function and advising the Finance Director regarding such investments. The committee shall meet at least once every six months and shall select a chairperson to conduct its meetings. The committee shall consist of the City Manager, the Law Director, and the Finance Director. The committee shall keep records of its proceedings and shall adopt rules for its own proceedings. The committee may adopt procedures for implementing this policy, and may submit revisions to this policy from time-to-time as deemed necessary for City Council to consider.

Investment Objectives

The City's investment portfolio is designed and managed in a manner responsive to the public trust and consistent with state and local statutes. Investments are made on the basis of the following list of objectives which are listed in the order of importance:

1. Safety and security of City funds and investments.
2. Preservation of capital and protection of principal.
3. Maintenance of sufficient liquidity to meet operating needs.
4. Diversification of investments to avoid unreasonable or avoidable risks.
5. Market rate of return on the portfolio within the above constraints.

The City is generally restricted to investing in certificates of deposit, savings accounts, money market accounts, the State Treasury Asset Reserve (STAR Ohio), obligations of the State of Ohio, and obligations of the United States government or certain agencies thereof. The City is authorized to invest in any instrument or security outlined in ORC 135.14, as amended. All investment transactions will be completed on a competitive basis, whenever possible.

Investments will be made with care and judgment which persons of prudence, discretion, and intelligence exercise in the management of their own affairs. Additionally, purchases will be executed, not for speculation, but for investment, considering the safety of the capital as well as the probable income to be derived.

Standard of Care

A. Delegation of Authority

In accordance with City Charter Article V Section 5.05, responsibility for administration of the cash management and investment program is delegated to the Finance Director ~~(City Auditor)~~, who shall establish written procedures for the operation of the investment program consistent with the investment policy. Such procedures shall include an internal control structure adequate to provide a satisfactory level of accountability, maintaining records incorporating descriptions and amounts of investments, transaction dates, and other relevant information, and regulating the activities of subordinate employees. The Finance Director in conjunction with the City Manager may utilize the advice of a licensed and designated investment advisor to fully authorize the buying or selling of investments in accordance with the goals and objectives of this policy and to sign investment-related agreements with authorized financial institutions, and broker/dealers on behalf of the City of Oxford.

B. Defining Investment Treasury

In compliance with the Codified Ordinance of the City of Oxford Chapter 123 Section 123.03, the investment treasury is defined as whenever there are funds in the treasury of the City which will not be required to be used for a period of six months or more may be invested in accordance with the provisions of Ohio Revised Code Section 731.56, as amended. Investments purchased shall also be sold in accordance with Ohio Revised Code Section 731.57, as amended.

C. Prudence

All participants in the cash management and investment process will act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City.

Investment officers acting in accordance with written procedures and this policy and exercising due diligence will be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action which may include the liquidation or sale of securities is carried out in accordance with terms of this policy.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

D. Ethics and Conflicts of Interest

All participants involved in the investment process will refrain from personal business activity that could conflict or appear to conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Employees and investment officials will disclose to Council any material interests in financial institutions with which the City of Oxford conducts business. They will further disclose any personal financial or investment positions that could be related to the performance of the investment portfolio. Employees and officers will refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City of Oxford.

Investment Parameters

1. Diversification

It is the policy of the City to diversify its deposits and investments by investment instrument, and by maturity scheduling.

The following diversification limitations shall be imposed on the City's portfolio of deposits and investments at the time of purchase of each deposit or security:

Instrument:

- ✦ No more than ~~60%~~ **75%** of the overall portfolio may be invested in cooperative, money market or pooled investment programs, and,
- ✦ No more than 20% of the overall portfolio may be invested in the securities of a single issue, except the U.S. Treasury.
- ✦ No more than ~~35%~~ **50%** of the overall portfolio may be concentrated into a single issuer, except for obligations or securities guaranteed by the United States.

2. Maturity Guidelines

To the extent possible, the Finance Director will attempt to match the investments with anticipated cash flow requirements to take best advantage of prevailing economic and market conditions. The maximum maturity of any eligible instrument is five years from the settlement date, unless per a related bond indenture the investment is matched to a specified obligation or debt of the subdivision.

Maturity guidelines will be as follows:

1. No more than ~~25%~~ **50%** of the portfolio may have a maturity beyond 36 months.
2. The average maturity of the portfolio will never exceed ~~two and one-half~~ **three** years, and
3. At least ~~20%~~ **15%** of the portfolio will be invested in liquid instruments or marketable securities that can be sold to raise cash in one business day's notice.

Any investment made should be purchased with the expectation it will be held to maturity. Investments may be sold to meet unexpected liquidity needs, to capture a capital gain, to reinvest in a preferred investment, or if otherwise determined to be in the best interests of the City.

Reserve funds and other funds with longer-term investments horizons may be invested in securities exceeding five (5) years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of funds. The intent to invest in securities with longer maturities will be disclosed in writing to City Council.

Because of inherent difficulties in accurately forecasting cash flow requirement, a portion of the portfolio should be continuously invested in readily available funds such as STAR Ohio, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

Permissible Investments

The Finance Director may invest in any instrument or security authorized by Ohio Revised Code Section 135.14, as amended. Permissible investments include:

- A. United States Treasury bills, notes, bonds, or any other obligation or security issued by the United States Treasury or any other obligation guaranteed as to principal and interest by the United States. Stripped principal or interest obligations of such eligible obligations are strictly prohibited.
- B. Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including but not limited to, the Federal National Mortgage Association, Federal Home Loan Bank, Federal Farm Credit Bank, Federal Home Loan Mortgage Corporation, Government National Mortgage Association, and Student Loan Marketing Association. All federal agency or instrumentality securities must be direct issuances of the federal agency or instrumentality.
- C. STAR Ohio is eligible as long as the fund maintains the highest letter rating provided by at least one nationally recognized standard rating service as outlined in Ohio Revised Code Section 135.45.
- D. Bonds and other obligations of the State of Ohio.
- E. Interim deposits (such as Certificates of Deposit) in the eligible institutions applying for interim moneys as provided in Ohio Revised Code Section 135.08.
- F. No-load money market mutual funds consisting exclusively of obligations described in section VII A or B of this policy and expressly excluding derivatives in accordance with Ohio Revised Code Section 135.14.
- G. Up to **ten twenty-five percent** of interim moneys available for investment may be invested in the following:
 - a. Commercial paper notes issued by an entity that is defined in division (D) of section 1705.01 of the Revised Code and that has assets exceeding five hundred million dollars, to which all of the following apply:
 - b. The notes are rated at the time of purchase in the highest classification established by at least two nationally recognized standard rating services.
 - c. The aggregate value of the notes does not exceed ten percent of the aggregate value of the outstanding commercial paper of the issuing corporation.
 - d. The notes mature not later than ~~one hundred eighty~~ **two hundred seventy days** after purchase
- H. Repurchase Agreements with eligible institutions.

Repurchase Agreements

Written repurchase agreements with any eligible public depository mentioned in Ohio Revised Code Section 135.03, or with any dealer who is a member of the NASD. All repurchase agreements must be entered into subject to a Master Repurchase agreement providing for the terms outlined below and satisfactory to the Law Director of the City of Oxford.

The market value of the securities subject held as collateral for an overnight repurchase agreement (including sweep accounts) or term repurchase agreements must exceed the

principal by at least 2%, the securities must be marked to market daily and the stated margin will be maintained by the initial seller during the life of the transaction. No one repurchase agreement may exceed \$2,000,000. The City retains the right to terminate the agreement and sell the securities outside the repurchase agreement. Reverse repurchase agreements are strictly prohibited.

Term repurchase agreements may not exceed 30 days. Any repurchase agreement with an eligible securities dealer must be transacted on a delivery versus payment basis. For all securities purchased pursuant to a repurchase agreement with an institution or dealer, the institution or dealer must agree in writing to unconditionally repurchase any of the securities used for any repurchase agreement transaction.

Collateralization

All deposits will be collateralized pursuant to the requirements of the Ohio Revised Code. Eligible securities used for collateralizing deposits will be held by the depository and/or a third party bank or trust company, subject to security and custodial agreements.

The security agreement will provide that eligible securities are being pledged to secure City deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted, or released providing collateral values are maintained, and, the events which will enable the City to exercise its rights against the pledged securities including failure to meet deposit repayment or collateral terms, or the deposit institution's insolvency. In the event that the securities are not registered or inscribed in the name of the City, such securities will be delivered in a form suitable for transfer or with an assignment in blank to the City or its custodial bank.

The custodial agreement will provide that securities held by the bank or trust company, as agent of and custodian for the City, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement will also describe how the custodian will confirm the receipt, substitution, or release of the securities. The agreement will provide for daily revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. The agreement will provide that the custodian will exercise the City's rights to the security or as instructed by the City. Such agreement will include all provisions necessary to provide the City with a perfected interest in the securities

Derivatives

Investments in derivatives are strictly prohibited. A derivative is defined in Ohio Revised Code Section 135 as a financial instrument or contract or obligation whose value is based upon or linked to another asset or index or both, separate from the financial instrument, contract, or obligation itself. However, any eligible investment with a variable interest rate payment based upon a single interest payment or single index comprised of other investments consisting of US government or federal agency or instrumentality obligations is not considered a derivative if it matures in two years or less.

Pooling

The pooling of funds by subdivisions is prohibited except as provided in Ohio Revised Code Section 715.02 or Section. IV Article XVIII of the Ohio Constitution, and STAR Ohio.

Safekeeping and Custody

1. Eligible Institutions and Dealers

Any financial institution located within the State of Ohio as defined by ORC 135.03 is eligible to serve as an approved depository and/or investment provider. Only securities dealers and brokers that are members of the National Association of Securities Dealers (NASD) are eligible to be an investment provider. Investment advisors must be an eligible financial institution as defined by ORC 135.03, or an advisor that is registered with the Securities and Exchange Commission.

A list will be maintained of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security broker/dealers selected by creditworthiness (e.g. a minimum capital requirement of \$100,000,000 and at least five years of operation). These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

All financial institutions and broker/dealers with which the City conducts business must supply the following information to the City of Oxford as an investment advisor/manager:

- Audited financial statements,
- Proof of National Association of Securities Dealers (NASD) certification,
- Proof of State of Ohio registration,
- Certification of having read the City's Investment Policy.

The City will bid for investment advisory and management services for no more than a five year period. A contract outlining services to be provided will be maintained by the Finance Director and on file with the Clerk of Council of the City of Oxford.

In accordance with Ohio Revised Code, a signed copy of this policy will be kept on file for each investment advisor, financial institution, and broker/dealer doing investment business with the City of Oxford. The signature indicating that the investment advisor has received, read, comprehended, and will abide by its content when recommending, buying, or selling any investment security of the City.

The Finance Director is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners, and custodians. An annual review of the financial condition and registration of qualifies financial institutions; broker and dealers will be conducted by the Finance Director.

To the extent that the City uses the services of an outside Investment Manager, it shall be the responsibility of the Investment Manager to establish appropriate credit criteria for broker/dealers with which they execute investment transactions on behalf of the City. Upon request, the Investment Manager will provide the City with a complete list of approved brokers.

2. Internal Control

The City will establish an annual process of independent review which will assure compliance with policies and procedures. A system of internal controls will be designed to protect the city from theft, loss, and misuse of public funds. The City will attempt to prohibit collusion, by separating investment transactions from the accounting and recording of those transactions. The City will assure the timely delivery and matching of custodial trust receipts.

3. Delivery vs. Payment

All investment securities purchased by the City or held as collateral on either deposits or investments will be held in third-party safekeeping at a financial institution (to be designated as the "Custodian") qualified to act in this capacity. All securities held for the City account will be held free and clear of any lien and all transactions will be conducted on a delivery-vs.-payment basis. The Custodian shall issue a safekeeping receipt to the City listing the specific instrument, rate, maturity and other pertinent information. On a monthly basis, the custodian will also provide reports which list all securities held for the City, the book value of holdings and the market value as of month-end.

Appropriate City officials and representatives of the Custodian responsible for, or in any manner involved with, the safekeeping and custody process of the City shall be bonded in such a fashion as to protect the State from losses from malfeasance and misfeasance.

Reporting

The Investment Review Committee is responsible for oversight of reporting in compliance with the specific requirements of the Ohio Revised Code. Such reporting will include all items as required by Ohio Revised Code and other such information as deemed appropriate for the proper management and oversight of the City's investment function.

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return throughout budgetary and economic cycles. A series of appropriate benchmarks shall be established against which portfolio performances will be compared on a regular basis.

The market value of the portfolio will be calculated at least quarterly and a statement of the market value of the investment portfolio will be issued at least quarterly. This will ensure that review of the investment portfolio, in term of value and price volatility, has been performed consistent with the Government Finance Officers Association's Recommended Practices.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: October 3, 2017

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

September 25, 2017

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to enter into a service agreement with the Butler County Public Defender Commission to provide legal counsel to indigent persons charged with violations of Municipal Ordinances for the year 2018, and thereafter under certain terms and conditions.

Recommendation: Approve.

County Public Defenders are by law allowed to contract with municipalities for representation of indigent persons in the court system.

The Butler County Public Defender Commission has contracts with the cities of Fairfield and Hamilton and contracted with the City of Oxford on February 3, 2015.

The proposed Resolution would authorize the City Manager to enter into a renewal agreement with the Public Defender Commission to provide legal counsel to indigent persons appearing in Butler County Area One Court in 2018 at a cost of \$3,438.55 annually.

Approved By:

Initial Date

Department Head:

City Manager:

DRE \ 9/29/17

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE AGREEMENT WITH THE BUTLER COUNTY PUBLIC DEFENDER COMMISSION TO PROVIDE LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH VIOLATIONS OF MUNICIPAL ORDINANCES FOR THE YEAR 2018, AND THEREAFTER UNDER CERTAIN TERMS AND CONDITIONS.

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

SECTION I: It is the legislative determination of the City Council that it is in the public interest, and the legal responsibility of the City, to provide the required legal service for all indigent persons charged with violations of the Codified Ordinances of Oxford, Ohio, which could result in their loss of liberty.

SECTION II: The City Manager be and is hereby authorized to enter into a Service Agreement with the Butler County Public Defender Commission to provide required legal services for indigent persons, A copy of said Service Agreement is attached hereto as Exhibit "A" and incorporated by reference herein. The cost of said contract shall be paid in accordance with the terms set forth in the Agreement. Said amounts shall be paid from the appropriate fund.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



County of Butler

**LAW OFFICE OF THE
BUTLER COUNTY PUBLIC DEFENDER
315 HIGH STREET, 8TH FLOOR
HAMILTON, OHIO 45011
PHONE: (513) 887-3540
FAX: (513) 887-3545**

MICHAEL P. WEISBROD
PUBLIC DEFENDER

August 10, 2017

Please return to the Public Defender's office at the address above.

Thank you

**AGREEMENT FOR INDIGENT DEFENSE SERVICES
IN BUTLER COUNTY AREA 1 COURT
Public Defender and Assigned Counsel**

This Agreement is entered into by and between the Butler County Public Defender Commission, with a mailing address of 315 High Street, 8th Floor, Hamilton, Ohio 45011 (hereinafter referred to as the "COUNTY"), and the City of Oxford, with a mailing address of 101 E. High Street, Oxford, Ohio 45056, (hereinafter referred to as the "CITY").

WHEREAS, the CITY recognizes its responsibility under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with a violation of a City ordinance for which the penalty or any possible adjudication includes the potential loss of liberty, and

WHEREAS, Butler County has adopted a program whereby a Public Defender Commission has been formed and has established a Public Defender Office for providing indigent defense and if there is a conflict, then the court will appoint assigned counsel attorneys.

WHEREAS, the COUNTY Public Defender Commission pursuant to Ohio Revised Code §120.14 and §120.16 may enter into a contract with a municipal corporation whereby the County provides legal representation to indigent persons charged with a violation of an ordinance of a municipal corporation for which the penalty or possible adjudication includes the potential loss of liberty and under which the municipal corporation shall pay the COUNTY for these services.

WHEREAS, these contracts must contain terms in conformance with Ohio Administrative Code §120-1-09 and the parties must follow the Ohio Public Defender Commission standards and guidelines and the COUNTY Maximum Fee Schedule for Appointed Counsel, in order for the COUNTY to obtain reimbursement for indigent defense costs pursuant to Ohio Revised Code §120.18, §120.33 and §120.35, and pay the CITY its appropriate share if such has not already been calculated in the formula to determine compensation, and

WHEREAS, this Agreement has been authorized by the CITY by Res.#

_____, passed by the Oxford City Council on

_____.

NOW THEREFORE, the parties do mutually agree to bind themselves as follows:

1. REPRESENTATION

- 1.1 The COUNTY, on behalf of the CITY, agrees to provide legal representation in Area 1 County Court on or after the commencement date and during the term of this agreement in cases where the defendant is indigent and charged with the commission of an offense or act which is a violation of a CITY ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty.
- 1.2 Indigency shall be determined in accordance with the standards of indigency and other rules and guidelines established by the Ohio Public Defender Commission and the State Public Defender, pursuant to Ohio Revised Code §120.03 and Ohio Administrative Code §120-1-03. In addition to indigency determination, all rules, standards and guidelines issued by the Office of the Ohio Public Defender and Ohio Public Defender Commission shall be followed.
- 1.3 A major purpose of this agreement is to enable the COUNTY and CITY to obtain partial reimbursement of its costs to have the Public Defender office or appointed counsel in conflict situations, provide legal representation in Area 1 County Court for indigent persons charged with any violation of a CITY ordinance for which the penalty or any possible adjudication includes the potential loss of liberty. Any question regarding terms or performance of this agreement should be resolved in favor of obtaining this result.

2. COMPENSATION

- 2.1 For and in consideration of the CITY'S annual payment of the sum of \$3,438.55 to the COUNTY, said sum to be paid in equal monthly installments of \$286.55 per month due on or before the 15th of each month, for which the Public Defender Office provides representation in Area 1 County Court in consideration of the COUNTY being authorized to receive and keep any and all reimbursement, if any, it may be able to obtain from the Ohio Public Defender Commission for such representation, the COUNTY agrees to have its Public Defender attorneys undertake the representation of indigent adults who are charged in the Area 1 County Court with the commission of an offense that is a violation of a Oxford City Ordinance for which the penalty includes a potential loss of liberty. The parties further agree that due to the staffing commitment required from the COUNTY by the Area 1 County Court, this payment may also include some contribution for representation in connection with

certain violations under the Ohio Revised Code as contemplated by the parties.

- 2.2 In addition to the payments for the Public Defender services; in conflict situations, where assigned counsel is appointed, the County will pay the attorney and bill the CITY monthly for the municipal code violation cases the County paid assigned counsel in any particular month, based on qualifying attorney vouchers. The COUNTY will issue an invoice to the CITY.
- 2.3 Amounts paid by the CITY for representation of such indigent persons, whether by a contractual amount or fee schedule, shall not exceed the fee schedule in effect and adopted by the COUNTY Commissioners.
- 2.4 Applications for transcripts and expert fees may be made to the court by the Public Defender or Assigned Counsel. When granted by the court and in municipal code violation cases, the county will pay, bill the CITY and the CITY will reimburse the COUNTY.
- 2.5 The type of case (ORC vs Municipal Code) for payment purposes is based on the offense charged, not the offense of conviction or plea. If any ORC violation is charged at the same time as a Municipal Code violation, then the CITY is not required to reimburse the COUNTY.
- 2.6 The COUNTY shall promptly pay over to the CITY any reimbursement received from the Office of the Ohio Public Defender Commission pursuant to Chapter 120 of the Ohio Revised Code for any amounts the CITY expended pursuant to this agreement for assigned counsel fees, and expert and transcript costs.

(There is no sharing of state reimbursement for the County Public Defender office costs.)

3. DURATION OF CONTRACT and TERMINATION

- 3.1 The term of this agreement shall be for one year, January 1, 2018 to December 31, 2018. This contract may be renewed for additional one year terms upon proper resolution of each entity agreeing to the one year extension and proper appropriation of funding for the new year. Copies of the resolutions are to be sent to the Ohio Public Defender, 250 East Broad Street, Suite 1400, Columbus, Ohio 43215.

- 3.2 If COUNTY or CITY shall fail to fulfill in a reasonable, timely and proper manner its obligations under this agreement or if either party shall substantially violate any of the covenants, agreements or stipulations of this agreement, then the aggrieved party shall hereupon have the right to terminate this agreement by giving written notice to the other party of such termination and specifying an effective date thereof at least thirty (30) days before the effective date of said termination. Termination by either party shall not constitute a waiver of any other right or remedy it may have in law or in equity for breach of this agreement by the other party.
- 3.3 Written notice shall be considered furnished when it is sent by Certified Mail; return receipt requested or is hand delivered.

4. TERMS OF AGREEMENT

- 4.1 Indigency and client eligibility for representation under this agreement shall be determined in conformity with the standards of indigency and other rules and standards established by the Ohio Public Defender Commission and the State Public Defender.
- 4.2 Recognizing that the requests for reimbursement must be received by the State Public Defender in a timely manner, the Municipal Court Clerk shall promptly notify the COUNTY of the CITY ordinance cases completed and pending in any month.
- 4.3 After approval, the County Auditor shall thereafter, process the fees and expenses approved by the Court in accordance with the procedure set forth in Ohio Revised Code §120.33.
- 4.4 There shall be no discrimination against any employee who is employed in the work covered by this agreement or against any application for such employment because of race, color, religion, sex, age, handicap or national origin. This provision shall apply to, but not be limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, raises of pay or other forms of compensation, and selection for training, including apprenticeship. The COUNTY shall insert a similar provision in any subcontract for services covered by this agreement.

- 4.5 No personnel of the parties or member of the governing body of any locality or other public official or employee of any such locality in which, or relating to which, the work under this Agreement is being carried out, and who exercises any functions or responsibilities in connection with the review or approval of the understanding or carrying out of any such work, shall, prior to the completion of said work, voluntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of said work.

5. MODIFICATION

- 5.1 This contract may not be amended orally.
- 5.2 This contract may be amended only by written addendum, signed and executed by the parties named herein, or their successors.

IN WITNESS WHEREOF, the parties have hereunto set their hands.

BUTLER COUNTY PUBLIC DEFENDER COMMISSION



Jack F. Grove Date
Chairperson

CITY OF OXFORD

Douglas R. Elliott Date
City Manager

Approved as to Form Only:



Dan Ferguson Date
Assistant Prosecuting Attorney

Approved as to Form Only:

Stephen M. McHugh Date
City of Oxford Law Director

Approved: _____
Ohio Public Defender Date

By adoption of its Resolution No. _____ adopted on _____, the Board of County Commissioners of Butler County has approved all provisions of this Agreement which pertain to the financing of defense counsel for indigent persons who are charged with a violation of the ordinances of the City of Oxford.

**Board of County Commissioners of
Butler County, Ohio**

Date

Date

Date

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: October 3, 2017

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

September 28, 2017

Date Prepared

Agenda Title: An Ordinance Repealing Oxford Ordinance 3426 adopted September 19, 2017.

Recommendation: Approve

Discussion:

Ordinance No. 3426 was adopted on September 19, 2017 amending Section 1143.03 of the Oxford Code of Ordinances. Additional changes to Section 1143.03 were recommended by the Planning Commission. It is necessary to repeal Ordinance No. 3426 and adopt all of the changes recommended by the Planning Commission.

Approved By:

Initial Date

Department Head:
City Manager:

MAE
9/28/17

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD ORDINANCE 3426 PASSED ON SEPTEMBER 19, 2017.

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

SECTION I: Council hereby finds that Ordinance 3426 passed on September 19, 2017 amended Section 1143.03 of the Oxford Codified Ordinances and since that time additional changes are needed to Section 1143.03.

SECTION II: Council hereby repeals Ordinance 3426 in order to adopt an updated version of Section 1143.03.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 3, 2017

Account Code #: 320.811.65132

Budgeted Amount: \$150,000.00

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

September 20, 2017

Date Prepared

Agenda Title: Replacement Truck Body and Equipment for the Water Distribution Div. of the Service Dept.

Recommendation: Approve

Discussion:

The 2017 capital equipment budget includes \$150,000 for the purchase of a replacement truck, body, and associated equipment for the Water Distribution Division of the Service Department. The current vehicle will be replaced as a cab/chassis contract through the Ohio Dept. of Transportation state contract #023-18.

The National Joint Powers Alliance, authorized by Ohio Revised Code 2744.01 (Ann. 9.48) has awarded a competitively bid contract (#080114) that includes a complete truck body and equipment system (dump body, hydraulic system, hoist, snow plow / hitch, tow hitch, tailgate spreader, lights, and material pre-wet system) provided by Henderson Products - Ohio at a cost of 56,411.00.

The City has used Henderson Products on multiple truck builds and is very satisfied with the quality of their projects and craftsmanship. The total budget authorized for this truck purchase is \$150,000. Given the cost of the cab/chassis and the value of this proposed equipment contract, the total spent for this vehicle will be \$135,903.00.

This Resolution will authorize the City Manager to enter into an agreement with Henderson Truck Equipment - Ohio for the purchase of specified truck equipment at a cost not to exceed **\$56,411.00**.

Approved By:

Department Head:

Initial

Date

MBD \ 9/20/17

City Manager:

DRE \ 9/29/17

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HENDERSON PRODUCTS - OH FOR THE PURCHASE OF SPECIFIED TRUCK EQUIPMENT THROUGH THE NATIONAL JOINT POWERS ALLIANCE CONTRACT # 080114 AT A COST NOT TO EXCEED \$56,411.00.

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

SECTION 1: The 2017 Capital Equipment Budget includes \$150,000.00 for the purchase of a replacement truck, body, and associated equipment for the Water Distribution Division of the Service Department.

SECTION 2: The City Manager and the Service Director recommend Council authorize the City Manager to enter into an agreement with Henderson Products - OH for the purchase of specified truck equipment through the National Joint Powers Alliance Contract # 080114 at a cost not to exceed \$56,411.00.

SECTION 3: Council hereby accepts the recommendation of the City Manager and the Service Director and authorizes the City Manager to enter into an agreement with Henderson Products – OH for the purchase of specified truck equipment through the National Joint Powers Alliance Contract # 080114 at a cost not to exceed \$56,411.00.

SECTION 4: Funds have been appropriated in an amount in excess of the purchase price.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



**CITY OF OXFORD
ATTN: ERIC KEEBLER**

SINGLE AXLE EQUIPMENT PACKAGE

REVISED 8/29/17

***HENDERSON PRODUCTS-OH IS PLEASED TO PROVIDE YOU WITH THE
FOLLOWING QUOTE***

*HENDERSON PRODUCTS IS A DIVISION OF HENDERSON MANUFACTURING AND THUS ALLOWS US
THE ABILITY TO FOCUS ON A SPECIFIC PRODUCT LINE, HENDERSON. OUR OHIO FACILITY ONLY
INSTALLS HENDERSON PRODUCTS AND THEREFORE WE ARE ABLE TO OFFER A SUPERIOR
INSTALLATION AND SERVICE TO OUR CUSTOMERS.*

SNOW PLOW

- **HENDERSON MODEL RSP 10'x 42" REVERSABLE SNOW PLOW**
- FULL TRIP MOLDBOARD WITH ADJUSTABLE MOLDBOARD ATTACK ANGLE
- ENTIRE PLOW IS CONTINUOUSLY WELDED
- 8 FULL LENGTH VERTICAL RIBS CONTINUOUSLY WELDED
- "J" STYLE MOLDBOARD FOR REDUCED BLOW BACK
- 4"x4"x3/8" STEEL TUBE PUSH FRAME FOR ADDED STRENGTH
- 4"x4"x3/4" FULLY GUSSETED BOTTOM ANGLE
- 4"x2"x10" NITRIDED DOUBLE ACTING REVERSING CYLINDERS WITH COMPRESSION RELIEF VALVE (SAME AS LIFT CYLINDER ON HITCH)
- RUBBER SNOW DEFLECTOR WITH PLOW MARKERS
- SCREW JACK ADJUSTABLE MUSHROOM SHOES
- DUAL WRAP AROUND CURB GUARDS
- 5/8"X8"X10' STANDARD HIGHWAY PUNCH CUTTING EDGE
- MOLDBOARD AND PUSH FRAME POWDERCOATED BLACK
- PARKING JACK
- PIN AND LOOP HITCH RING WITH OSCILLATOR BAR ALLOWING PLOW TO CONFORM TO THE ROAD
- BUILT IN LEVEL-LIFT WITH NO MOVING PARTS
- INSTALLED

SNOW PLOW HITCH

- **HENDERSON MODEL HFF-LP-QCP FRONT FRAME SNOW PLOW HITCH**
- HENDERSON PIN AND LOOP QUICK HITCH
- HENDERSON FULL 5/8" STEEL SIDE PLATES MOUNTED FLUSH TO THE FRAME FOR MAXIMUM STRENGTH
- LIFT BEAM FOLDS FLAT WHEN NOT IN USE
- FACTORY BUMPERS REINSTALLED
- 5 POSITION TELESCOPING LIFT ARM
- 4" DOUBLE ACTING NITRIDED LIFT CYLINDER TO MATCH PLOW ANGLE CYLINDERS
- BUILT IN LEVEL LIFT WITH NO MOVING PARTS

- PAINTED AND INSTALLED
- SNOW PLOW HITCH INSTALLED 100% TO YOUR SPECIFICATIONS-NO EXCEPTIONS

CENTRAL HYDRAULIC SYSTEM

- **CERTIFIED POWER/STORM GAURD LOAD SENSE SYSTEM**
- CHELSEA WET SPLINE PTO-CONSTANT MESH
- DANFOSS PUMP
- CERTIFIED POWER POWDERCOATED VALVE ENCLOSURE AND 30 GALLON OIL TANK
- CABLE CONTROLS-MOUNTED PER YOUR PREFERENCE
- MANUAL DUAL KNOB SPREADER CONTROLS
- HENDERSON STEEL FLOOR PLATE
- ALL WEATHERHEAD"RHINO-GUARD" HOSES AND FITTING WITH STAINLESS STEEL QUICK COUPLERS-REAR QUICK COUPLERS TO BE MOUNTED IN REAR CORNER POST OF BODY
- ALL PRESSURE HOSES SAE 100R2
- ALL FITTING JIC STYLE
- MID-STATE STAINLESS STEEL REAR HYDRAULIC TUBES MOUNTED WITH POLY BUSHINGS-FLARED FITTINGS, NO COMPRESSION FITTINGS
- MID-STATE STAINLESS STEEL FRONT HYDRAULIC TUBES MOUNTED WITH POLY BUSHINGS-FLARED FITTINGS, NO COMPRESSION FITTINGS
- HYDRUALIC SYSTEM TO BE FULLY TESTED AND PROPERLY CALIBRATED
- INSTALLED 100% TO YOUR SPECIFICATIONS-NO EXCEPTIONS

DUMP BODY

- **HENDERSON MODEL MARK E 10' STAINLESS STEEL DUMP BODY**
- CROSSMEMBERLESS FLOOR-UNIBODY DESIGN
- ENTIRE BODY IS CONTINUOUSLY WELDED
- SLOPED LOWER MATERIAL SHEDDING RUB RAIL.
- 10' LONG
- 7' WIDTH
- 30" SIDES
- 38" MANUAL LATCH TAILGATE
- COAL DOOR IN CENTER OF TAILGATE
- 6 PANEL WELD ON BRACING ON TAILGATE
- 3/16" AR400 STEEL FLOOR 190,000 PSI IMPACT RESISTANCE
- SLOPED BOX TOP RAIL 4"x5" SEAMLESS AND BOXED
- DOUBLE V-CRIMPED SIDE BRACING
- 3/4" STAINLESS STEEL TARPRAIL FULL LENGTH OF BODY-BOTH SIDES
- 4" SIDE TO FLOOR RADIUS-FORMED NOT WELDED
- FULL DEPTH STAINLESS STEEL REAR CORNER POSTS
- 22"x86" CONTINUOUSLY WELDED STAINLESS STEEL FULL CAB SHIELD
- HENDERSON POWDERCOATED STEEL PULL OUT LADDER WITH 2 STEPS ON DRIVERS SIDE
- (2) 17" STAINLESS GRAB HANDLES
- ALL LED FMVSS # 108 MARKER LIGHTS
- INSTALLED AND NOT PAINTED

Home > Cooperative Purchasing > State Legal References >



Cooperative Purchasing

[View Full List of States](#)

Ohio

OHIO REV. CODE ANN. §2744.01 Definitions.

(F) "Political subdivision" or "subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

OHIO REV. CODE ANN. §9.48 Joint purchasing programs.

(A) As used in this section, "political subdivision" has the same meaning as in section 2744.01 of the Revised Code and includes a county hospital as defined in section 339.01 of the Revised Code.

(B) A political subdivision may do any of the following:

(1) Permit one or more other political subdivisions to participate in contracts into which it has entered for the acquisition of equipment, materials, supplies, or services, and may charge such participating political subdivisions a reasonable fee to cover any additional costs incurred as a result of their participation;

(2) Participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing political subdivision is eligible for membership.

(3) Participate in contract offerings from the federal government that are available to a political subdivision including, but not limited to, contract offerings from the general services administration.

(C) Acquisition by a political subdivision of equipment, material, supplies, or services, through participation in a contract of another political subdivision or participation in an association program under division (B)(1) or (2) of this section, is exempt from any competitive selection requirements otherwise required by law, if the contract in which it is participating was awarded pursuant to a publicly solicited request for a proposal or a competitive selection procedure of another political subdivision within this state or in another state. Acquisition by a political subdivision of equipment, materials, supplies, or services pursuant to division (B)(3) of this section is exempt from any competitive selection requirements otherwise required by law. No political subdivision shall acquire equipment, materials, supplies, or services by participating in a contract under this section if it has received bids for such acquisition, unless its participation enables it to make the acquisition upon the same terms, conditions, and specifications at a lower price.

(D) A political subdivision that is eligible to participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing political subdivision is eligible for membership may purchase supplies or services from another party, including another political subdivision, instead of through participation in contracts authorized by division (B)(2) of this section if the political subdivision can purchase those supplies or services from the other party upon equivalent terms, conditions, and specifications but at a lower price than it can through those contracts. Purchases that a political subdivision makes under this division are exempt from any competitive selection procedures otherwise required by law. A political subdivision that makes any purchase under this division shall maintain sufficient information regarding the purchase to verify that it satisfied the conditions for making a purchase under this division. Nothing in this division restricts any action taken by a political subdivision as authorized by division (B)(1) of this section.

(E) The authorization granted to a municipal corporation under this section shall be in addition to, and not in derogation of, the powers and authority granted by state law, the Ohio Constitution, and the provisions of a municipal charter, ordinance, or resolution.

Link to the full statute can be found here: <http://codes.ohio.gov/orc/gp9.48>

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 3, 2017

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

September 25, 2017

Date Prepared:

PC-2017-27, Zoning Code Text Amendment- to amend Chapter 1143 Districts, Specifically Section 1143.03(d) R-1MS Mile Square Design Standards and Section 1143.05(d) R-2MS Mile Square Design Standards, City of Oxford, Applicant

Recommendation: Approval

Discussion:

This application is a request from the Planning Commission to amend the Design Standards for the R-1MS and R-2MS Districts, since the already recommended changes to the R-3MS District could be applied to these two districts as well. This will provide consistency for the Mile Square as far as the Design Standards are concerned.

The intent of the amendment is to amend design standards in R-1MS and R-2MS Districts, so all the general design standards for the Mile Square will be consistent. Staff reviewed the amended changes to the R-3MS District language and removed those provisions that would not be applicable to single and two-family dwelling units. They may be specific features that are only applicable to R-3MS that were the outcomes of the Commission efforts to manage redevelopment project in that particular district.

The Planning Commission reviewed the application and recommended approval to City Council in a 7-0-0 vote.

Approved By:

Department Head:

City Attorney:

City Manager:

JHC / 9/26/17
DRE / 9/29/17

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1143.05 ENTITLED R-2MS SINGLE AND TWO-FAMILY MILE SQUARE RESIDENTIAL DISTRICT, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1143.05 ENTITLED R-2MS SINGLE AND TWO-FAMILY MILE SQUARE RESIDENTIAL DISTRICT.

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

SECTION I: Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held a public hearing on September 12, 2017 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1143.05 entitled R-2MS Single and Two-Family Mile-Square Residential District, and adopting new Oxford Codified Ordinance Section 1143.05 entitled R-2MS Single and Two-Family Mile Square Residential District.

SECTION II: Council hereby repeals Ordinance No. 3427 adopted September 19, 2017 for Oxford Codified Ordinance Section 1143.05 entitled R-2MS Single and Two-Family Mile-Square Residential District, and adopts new Oxford Codified Ordinance Section 1143.05 entitled R-2MS Single and Two-Family Mile-Square Residential District as follows (additions are bolded and deletions are struck through):

1143.05 R-2MS SINGLE- AND TWO-FAMILY MILE-SQUARE RESIDENTIAL DISTRICT.

(a) Purpose. This district is designed to preserve and encourage a mix of single-family and two-family ~~residences in the established residential areas of historically significant character~~ **dwelling within an urban environment at densities that reflect Oxford's historic development pattern within the Mike Square District.**

(b) Uses.

(1) Permitted uses.

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Accessory buildings and uses incidental to the principal use that do not include any activity conducted as a business.
- D. Day Care Home Type B family.

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

- A. Community-Oriented Residential Social Service Facilities (CORSSF's).
- B. Shared Housing and Congregate Housing for the elderly.
- C. Government owned and/or operated parks and recreation facilities.
- D. Bed and breakfast homes.
- E. Private and publicly owned commercial and noncommercial recreational areas, uses and facilities of an open space nature, such as golf courses, tennis courts, parks, forests, wildlife preserves, etc.
- F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
- G. Schools: primary, intermediate, and secondary, both public and private.
- H. Places of worship.
- I. Fraternity and sorority houses.
- J. Parking lots.

~~The Mile Square Design Standards encourages all new and renovated building to be outstanding examples of architecture and planning. These standards are a planning instrument. It does not dictate any architectural style or design. Design regulations are intended to allow imaginative design that is respectful to its neighbors. The regulations are meant to help achieve good design and to establish consistent framework for assessing proposed development. The Mile Square Design Standards are intended to be predictable. It is also intended that it be flexible. The predictability and flexibility embodied in these standards are intended to permit creativity and diversity in architectural design, because the construction, renovation, and maintenance of outstanding buildings and public spaces continue to contribute to the health, welfare, character, and history of the City and its citizens. The design of all new construction and exterior renovation in the R1 MS, Single Family, Mile Square Residential District shall conform to the following requirements:~~

Purpose and Applicability.

- A.** The purpose of the Mile Square Design Standards is to establish design standards for all new, expanded, or renovated buildings so they are part of the urban form and character of the Mile Square District. These standards are not intended to dictate any specific architectural style or design but rather are intended to allow imaginative design that is respectful to surrounding properties and the overall district.. The Mile Square Design Standards are intended to provide predictable requirements while also allowing for flexibility in design.
- B.** The design of all new construction and exterior alteration or renovation in the R2-MS District shall conform to the following requirements.

(1) Front Façade.

- A.** All development shall be located parallel to the associated public street with the main entry door designed to face onto the associated public street unless an alternative orientation is consistent with the majority of homes along the same block face.



Figure <>: Example of residential development that is oriented toward the primary street.

Streetscape.

- ~~A.~~ The restoration or alteration of existing buildings must follow the historical characteristics of the existing building.
- ~~B.~~ Commercial appearance at ground level must agree to the following guidelines:
 - ~~1.~~ Storefronts must be aligned with the modular bays.
 - ~~2.~~ Upper Stories must have a repetitive solid/void organization, ranging from narrow piers between openings (as in the main façade of the Bank One building) to spaces of equal width to the window openings.

- E. Plank siding treatments shall be horizontally oriented. Vertical planking may be allowed in a 90 degree board and batten treatment.**
- F. Brick or masonry that has not previously been painted shall not be painted unless the painting of brick or masonry is consistent with the architectural style or era of the building.**
- G. All wood siding materials shall be painted.**
- H. For expansions and additions of existing buildings, the widths, lengths, and composition of siding must be consistent between the existing structures and any new additions. Decorative trim, such as window trim, fascia boards, and cornice work must also be consistent with the existing structure. Any additions or expansions of an existing building shall also comply with Section 1141.03 (h) (Residential Building Additions).**

(5) (4) Roofs.

- ~~A. Any new roof must relate to the architectural theme and details of the existing structure.~~
- ~~B. Flat roofs are prohibited for residential buildings except for porch roofs.~~
- ~~C. New roof forms must complement existing roofs in material and style.~~
- ~~D. Roof pitches for residential structures must be steep. A minimum pitch ratio of 6 to 12 is required.~~
- ~~E. Decorative cornices and parapets are encouraged.~~
- A. Flat roofs are prohibited for residential buildings except for small areas on a rear roof that are used and sized for the placement of roof-mounted mechanical systems.**
- C. Roof pitches for residential structures must be steep. A minimum pitch ratio of 6 to 12 is required with the exception of porch roofs that should have a minimum pitch ratio of 4 to 12.**
- D. Decorative cornices and parapets are encouraged.**
- E. The addition of antennae, satellite dishes, and skylights should be placed on the rear of the building, roof, or on a non-visible accessory building to the maximum extent feasible.**

(6) Gutters & Downspouts.

- ~~A. Gutters and downspouts shall be an integrated component of the structure.~~
- ~~B. Gutters and downspouts are to be located on the roof corners, where they will not interfere with the appearance of the structure.~~

(7) Entrances & Doors.

- ~~A. For all doors, the recommended material is "wood appearing" type of material.~~
- ~~B. Commercial structures must avoid using doors, screen doors, and storm doors, which are clearly designed for residential purposes.~~
- ~~C. Screen/storm doors must be simple in design and contain full-height screening or glass. Mill finish is not allowed. Wood is the preferred material and any treatment must match the color of the existing door/trim or be a clear varnish.~~
- ~~D. Entrances and doors which are to be closed off must not be removed and the hole filled in with some type of permanent material. Rather, the door must be left hanging and fixed shut so it is possible to reopen it in the future.~~

(5) Doors

- A. Doors shall be made of wood or "wood appearing" types of material.**
- B. All doors shall be constructed to be exterior doors. The use of an indoor door on the exterior of the building is prohibited.**

(8) (6) Windows.

any street. The garage with more than two parking bays should have the side wall facing the street (i.e., side loading garage). All garage doors shall be compatible with the dwelling style and colors.

- B.** The front façade of any garage facing on to the street shall be set back a distance equal to or more than the front façade of the remainder of the principal building.
- C.** To the maximum extent feasible, a detached garage be accessed from the alley if alleys are available for vehicular traffic.
- D.** The architectural style and materials of any accessory building should generally be compatible with the principal building as should the roof type and roof slope. Roofs for any accessory building shall be subject to the same standards as for principal structures pursuant to Subsection (4) above.

~~(12)~~ Awnings & Canopies.

- ~~A.~~ Awnings and canopies must be flat, downward sloping at a sharp angle, and have open ends or triangular end pieces matching the main structure. Basic design shapes (umbrella, diagonal, concave, etc.) are recommended.
- ~~B.~~ Solid, dark colors are preferred.
- ~~C.~~ Awnings and canopies must be proportional in size and shape to the opening or area that they are covering. Avoid irregular shapes or styles.
- ~~D.~~ Soft, pliable materials are encouraged. Metal or other similar material is not recommended.
- ~~E.~~ Retractable awnings and canopies are encouraged, as they can be closed in the winter months to allow more sunlight into an establishment.
- ~~F.~~ Awnings and canopies must be designed without ground supporting members which attach to a public sidewalk.
- ~~G.~~ The Zoning and Building Codes must be consulted for other specific requirements.

~~(13)~~**(9)** Fences & Gates.

- ~~A.~~ Chain link fences are prohibited.
- ~~B.~~ Traditional fence forms, such as picket fences and plain board fences, must be utilized and they must be kept as low as possible.
- ~~C.~~ Traditional materials, such as wood and wrought iron, are strongly encouraged.
- B.** When fencing is to be used, traditional fence forms, such as picket fences and plain board fences, shall be utilized and shall comply with the fencing height restrictions of Section 11.41.01.
- C.** Fencing shall only be constructed of wood, wrought iron, decorative metal fencing, or fencing material that resembles wood materials

~~(14)~~**(10)** Chimney & Flues.

- A.** Where a building is designed with chimneys or where a chimney is to be added to an existing structure, brick or stone are the preferred materials. **Other siding may be allowed if the entire building is sided in similar materials**

~~(15)~~**(11)** Shutters.

- A.** Shutters do not have to be operable. However, when present they must appear to be functional and they must be proportionally equal to the adjacent window opening.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: October 3, 2017

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

September 27, 2017

Date Prepared

Agenda Title: 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 2018 grant funded through the Ohio Department of Public Safety. The Oxford Division of Police is the lead agency responsible for the administration of the grant.

Recommendation: Approve

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 FY2018. 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 2016. The Police Chief would like to continue this arrangement for the FY2018 grant cycle.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAB \ *9/27/17*

DRE \ *9/29/17*

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 2018 GRANT FUNDED THROUGH THE OHIO DEPARTMENT OF PUBLIC SAFETY.

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

SECTION 1: 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.

SECTION 2: 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 FY2018 grant cycle.

SECTION 3: 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 Coordinator for the FY2018 grant cycle.

SECTION 4: A copy of the agreement with Peter M. Reising is attached hereto and incorporated herein as Exhibit "A".

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

EXHIBIT "A"

AGREEMENT

THIS AGREEMENT entered into this 1st day of October, 2017 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 2018 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 2018 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 2018 Competitive Grants Proposal and Award of Grant documents, compliance with any Special Conditions for OVI Task Forces as in the FFY 2018 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, 2017** and shall continue to be in effective until **September 30, 2018** 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 **Fifty-six Dollars and .36 cents (\$56.36) per hour**. The entire amount of compensation shall not exceed the total of **Twenty-Nine Thousand and Three Hundred and Seven Dollars and Twenty Cents (\$29,307.20)** dollars for a maximum 520 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

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 relived 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
11 S. Poplar Street
Oxford, OH 45056

Coordinator

Peter M. Reising
4071 California Road
Okeana, OH 45056

With a Second Copy to:

Lt. Lara Fening
Oxford Police Department
11 S. Poplar Street
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 _____, 2017.

Witness:

Peter M. Reising:

Witness:

City of Oxford:

Douglas R. Elliott, Jr.
City Manager

Approved as to form:

Approved as to content:

Stephen M. McHugh
Law Director

John A. Jones
Chief of Police

Agreement with Peter M. Reising dated October 1, 2017

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

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: October 3, 2017

Account Code #: N/A

Budgeted Amount: N/A

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

September 28, 2017

Date Prepared

Agenda Title: Ordinance Authorizing the Vacation of Undeveloped Right of Way on West Rose Avenue and Beech Street, Accepting A 20' Utility Easement, and Approving a Property Exchange Agreement.

Recommendation: Approve

Discussion:

As part of the redevelopment of the area to the south and east of Stewart Square (aka former lumberyard site), the developer (Dudley Prime Properties, LLC) has requested the City vacate certain unimproved right of way (ROW) at the western terminus of West Rose Avenue and ROW on Beech Street north of the CSX railroad tracks. The vacation area equals 0.2824 acres.

This future development, now known as "Gaslight Avenue at Stewart Square", also contains City owned sanitary and storm sewers that are not currently in recorded easements. The developer desires to grant the City a 20' utility easement for our infrastructure in exchange for the vacated ROW. The easement area equals 0.2522 acres.

Exhibit A highlights the ROW to be vacated with Exhibit B providing the legal description for the land to be vacated. Exhibit A-1 shows area that may be impacted by CSX interest in the ROW vacation and that the proposed project may still be constructed without the area that may be vacated to CSX.

Exhibit C highlights the Utility Easement to be provided to the City with Exhibits D & E providing the legal description for the area spanning two separate parcels. Exhibit F is a Property Exchange Agreement describing in detail the exchange of vacated City ROW for a new 20' utility easement.

The land areas of the property exchange are comparable and the City has no long term capital projects planned for the areas involved with the vacation of ROW. Staff recommends the City Council vacate the ROW detailed in this report and authorize the City Manager to take all measures necessary to record such with the Butler County Recorder's Office including authorization to sign a Property Exchange Agreement with Dudley Prime Properties, LLC.

Approved By:

Department Head:

City Manager:

Initial Date
MBD \ 9/28/17

_____ \ _____

ORDINANCE NO.

AN ORDINANCE VACATING 0.2824 ACRES OF RIGHT-OF-WAY OFF OF WEST ROSE AVENUE AND BEECH STREET.

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

SECTION 1: Council finds that there is good cause to vacate right-of-way off of West Rose Avenue and Beech Street more particularly described and depicted on the document attached hereto as Exhibit "A".

SECTION 2: Council further finds that such vacation will not be detrimental to the general interest.

SECTION 3: Council hereby orders that the right-of-way off of West Rose Avenue and Beech Street described and depicted on the document attached hereto as Exhibit "A" be vacated.

SECTION 4: Council hereby directs the Clerk of Council to cause a certified copy of this Ordinance to be recorded in the official records of the Butler County Recorder.

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

MAYOR

ADOPTED:

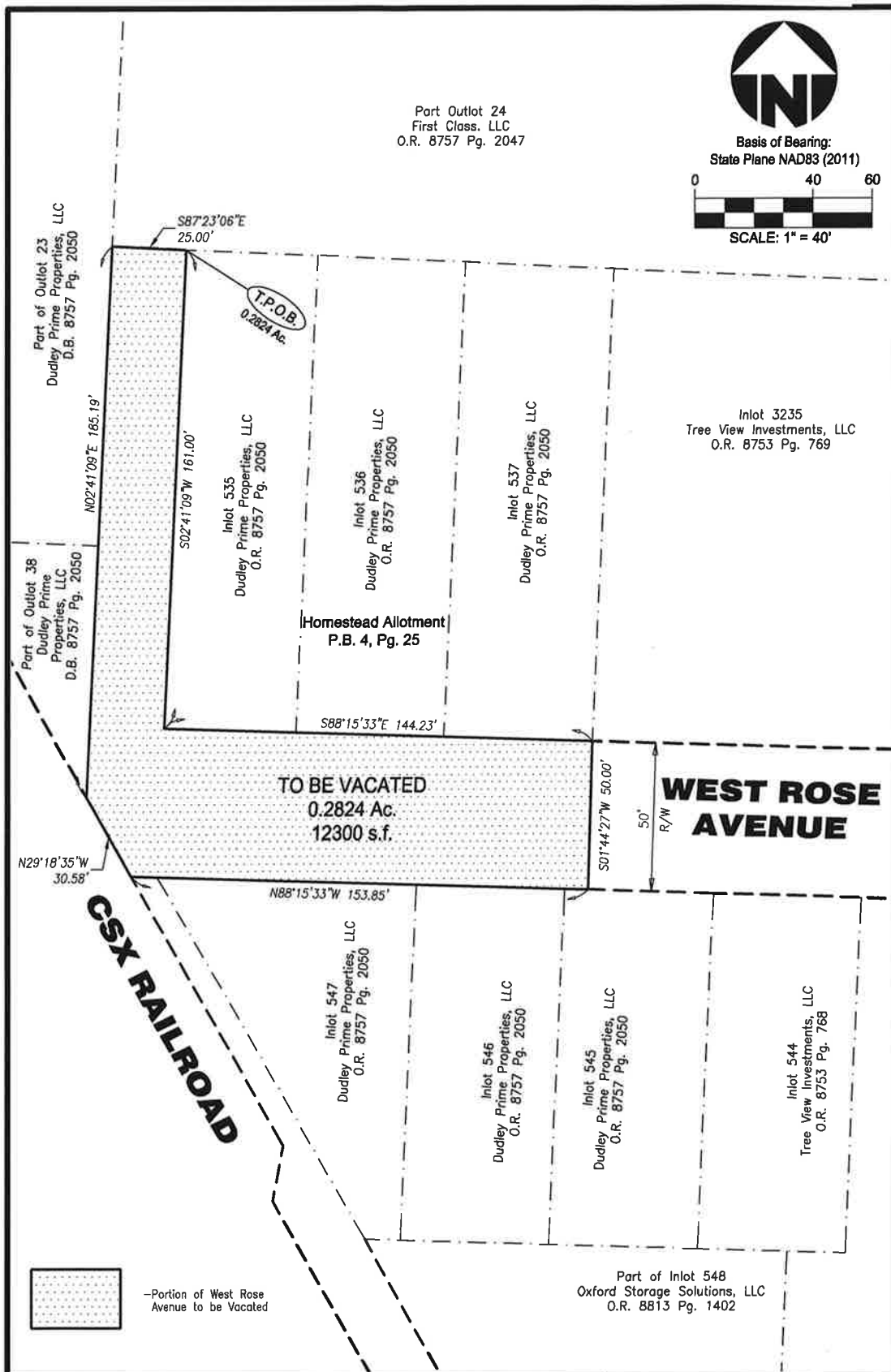
ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

EXHIBIT A

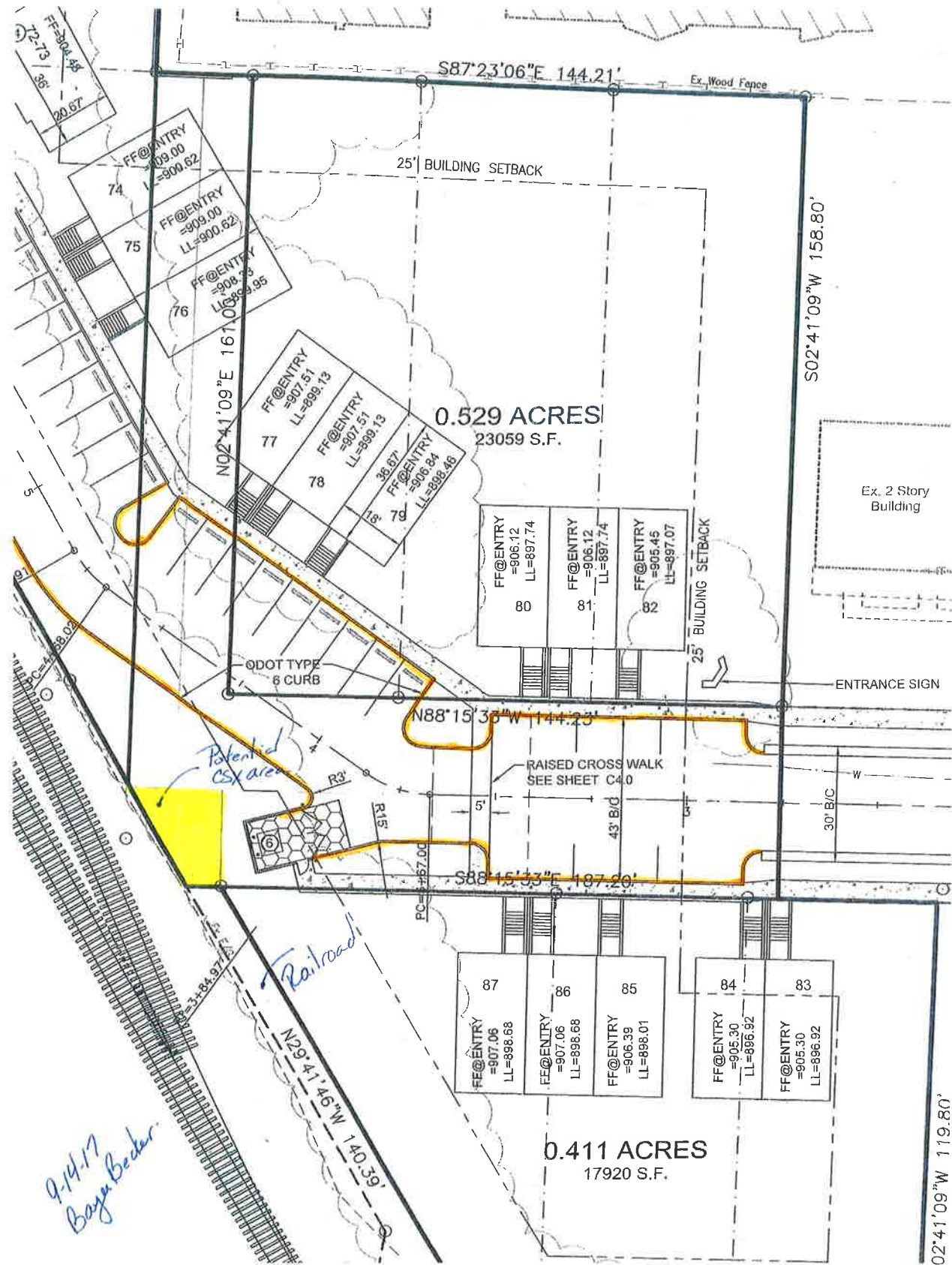


Drawing: 17-0029 EX
Scale: 1"=40'
Drawn by: BJR
Checked By: BRJ
Issue Date: 09-21-2017

WEST ROSE AVENUE HOMESTEAD ALLOTMENT PLAT BOOK 4, PAGE 25 SECTION 27, TOWN 5, RANGE 1 CITY OF OXFORD BUTLER COUNTY, OHIO VACATION EXHIBIT

bayer becker
110 S. College Avenue
Oxford, OH 45056 - 513.523.4270

EXHIBIT A - 1



Date: July 20, 2017

Description: West Rose Avenue
Right of Way Vacation

Location: City of Oxford
Butler County



Situated in the City of Oxford, Butler County, Ohio, and being the Vacation of a Portion of West Rose Avenue and being more particularly described as follows:

Beginning at the northwest corner of Inlot #535 of the City of Oxford and being the easterly terminus of West Rose Avenue right of way and being the **True Point of Beginning**;

thence, leaving said northwest corner of said Inlot #535, with the westerly boundary of said Inlot #535 and with the easterly right of way of said West Rose Avenue, South 02° 41' 09" West, 161.00 feet to the southwest corner of said Inlot #535 and being on the northerly right of way of said West Rose Avenue;

thence, leaving said southwest corner of said Inlot #535, and the easterly right of way of West Rose Avenue, with the southerly boundary of said Inlot #535 extended and with said northerly right of way of West Rose Avenue, South 88° 15' 33" East, 144.23 feet to the southeast corner of Inlot #537 of the City of Oxford;

thence, leaving said southeast corner of Inlot #537 and leaving the said northerly right of way of West Rose Avenue, South 01° 44' 27" West, 50.00 feet to the southerly right of way of a said West Rose Avenue and being on the northerly boundary of Inlot #545 of the City of Oxford;

thence, with the northerly boundary extended of said Inlot #545 and with the southerly right of way extended of said West Rose Avenue, North 88° 15' 33" West, 153.85 feet to the easterly right of way of CSX Railroad;

thence, leaving the southerly right of way of said West Rose Avenue extended and with the easterly right of way of said CSX Railroad, North 29° 18' 35" West, 30.58 feet to the southeast corner of Part of Outlot #38 of the City of Oxford and being the westerly right of way of said West Rose Avenue;

thence, leaving said easterly right of way of CSX Railroad, with the easterly boundary of said Part of Outlot #38 and with the westerly right of way of said West Rose Avenue, North 02° 41' 09" East, 185.19 feet to the southwest corner of Part of Outlot #24 of the City of Oxford and being on the northerly terminus of said right of way of West Rose Avenue;

thence, leaving said southeast corner of Part of Outlot #24, with the southerly boundary of said Part of Outlot #24 and with the northerly terminus of said right of way of West Rose Avenue, South 87° 23' 06" East, 25.00 feet to the **True Point of Beginning**, containing 0.2824 acres of land, more or less and being subject to all legal highways, easements, restrictions and agreements of record.

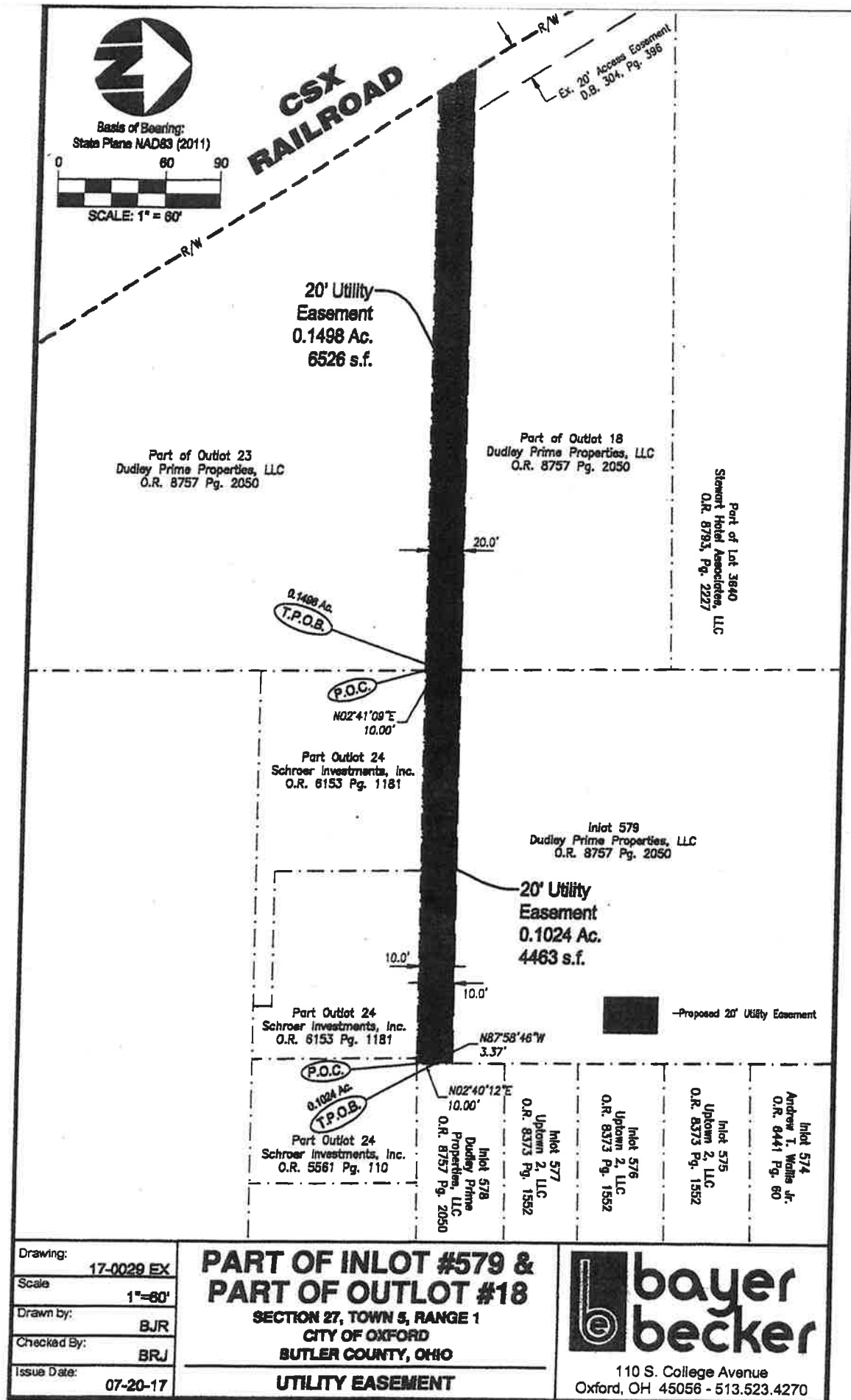
The above description was prepared from an exhibit prepared by Bayer Becker, Brian R. Johnson, Registered Surveyor #8484 in the State of Ohio, July 20, 2017.

6900 Tylersville Road, Suite A
Mason, Ohio 45040
513-336-8600

209 Grandview Drive
Fort Mitchell, Kentucky 41017
859-261-1113

110 South College Avenue, Suite 101
Oxford, Ohio 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151



Date: July 20, 2017
Description: Part of Inlot #579
20' Utility Easement
Location: City of Oxford
Butler County, Ohio



Situated in City of Oxford, Butler County, Ohio, and being a Twenty (20.00') Foot Utility Easement in part of Inlot #579 and being in part of the lands of Dudley Prime Properties, LLC as recorded in Official Record 8757, Page 2050 of the Butler County, Ohio, Recorder's Office and taken Ten (10.00') Feet evenly off the following described centerline:

Commencing at the southwest corner of said Inlot #578; thence, with the westerly boundary of said Inlot #578, North 02° 40' 12" East, 10.00 feet to the centerline of a Twenty (20.00') Foot Utility Easement and being the **True Point of Beginning**;

thence, leaving said westerly boundary of Inlot #578 and through said Inlot #579, North 87° 58' 46" West, 3.37 feet;

thence, North 86° 53' 58" West, 219.70 feet to its terminus. The lines of said strip to be shortened or lengthened to the westerly boundary line of said Inlot #579.

The above description was prepared from an exhibit prepared by Bayer Becker, Brian R. Johnson, Registered Surveyor #8484 in the State of Ohio, July 20, 2017.

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1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

Engineering – Surveying – Landscape Architecture – Planning
www.bayerbecker.com

Date: July 20, 2017
Description: Part of Outlot #18
20' Utility Easement
Location: City of Oxford
Butler County, Ohio



Situated in City of Oxford, Butler County, Ohio, and being a Twenty (20.00') Foot Utility Easement in part of Outlot #18, and being in part of the lands of Dudley Prime Properties, LLC as recorded in Official Record 8757, Page 2050 of the Butler County, Ohio, Recorder's Office and taken Ten (10.00') Feet evenly off the following described centerline:

Commencing at the southeast corner of said Outlot #18; thence, with the easterly boundary of said Outlot #18, North 02° 41' 09" East, 10.00 feet to the centerline of a Twenty (20.00') Foot Utility Easement and being the **True Point of Beginning**;

thence, leaving said easterly boundary of said Outlot #18 and through said Outlot #18, North 86° 53' 58" West, 326.36 feet to its terminus. The lines of said strip to be shortened or lengthened to the easterly right of way of CSX Railroad.

The above description was prepared from an exhibit prepared by Bayer Becker, Brian R. Johnson, Registered Surveyor #8484 in the State of Ohio, July 20, 2017.

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PROPERTY EXCHANGE AGREEMENT

This agreement made this _____ day of _____, 2017 by and between the City of Oxford, Butler County, Ohio, hereinafter called "Oxford" and Dudley Prime Properties, LLC hereinafter called "Dudley" witnesseth:

Whereas, Oxford desires to acquire a Twenty (20) foot wide utility easement in, over, and across certain property owned by Dudley within the City of Oxford; and

Whereas, Dudley owns certain property adjacent on the north and south sides of West Rose Avenue, and on the east and west sides of a 25 foot wide strip running north of the westerly 25 feet of Rose Avenue, and referred to as Beech Street located north of the railroad tracks, or in some instances as an alley, and desires that Oxford will vacate said portions of said streets and convey said vacated streets to Dudley as the adjacent property owner;

Now, therefore, the said parties do hereby agree as follows:

1. Oxford will proceed to vacate a portion of West Rose Avenue and Beech Street north of the railroad tracks as depicted on a Vacation Exhibit by Bayer Becker engineers dated July 20, 2017 and attached hereto as Exhibit A and more fully described in the Bayer Becker legal description attached hereto as Exhibit B. Said total land area to be vacated containing 0.2824 acres, more or less.

Oxford acknowledges that by Ordinance No. 2617 dated December 1, 1998 and recorded May 4, 1999 in Butler County Official Records Vol. 6357, Page 2236, said streets were vacated subject to two conditions, one of which was the dedication of a cul de sac on 3,928 square feet to be dedicated to the City by the adjacent property owners which was to occur within one year of the adoption of Ordinance No. 2617 or the vacation granted shall be void. Oxford warrants that said condition was not met within said time period and therefore such previous vacation was void.

Oxford further agrees that the southwest portion of Rose Avenue to be vacated is crossed for 30.58 feet by the CSX Railroad property and that the County records are unclear as to whether CSX holds title to its property or if it is merely a right of way.

2. Upon completion of said street vacation and conveyance to Dudley of the entire vacated area adjacent by perpendicular line to the Dudley Property, and excepting only that portion that could possibly be claimed by the railroad if it holds title to the southwest corner of Rose Ave. that it crosses, Dudley will execute and deliver to Oxford a Twenty (20) foot wide utility easement over, in and through a portion of Inlot 579 and Part of Outlot 18 as depicted on the Bayer Becker utility easement plat dated July 20, 2017, attached hereto as Exhibit C and more fully described in the legal description attached hereto as Exhibits D and E, prepared by Bayer Becker dated July 20, 2017.

The small portion of the vacated streets in the Southwest corner adjacent to the railroad track shall not be a part of this agreement and is subject to further determination by the City as to whether it will be conveyed to Dudley or to the railroad.

In witness whereof, the parties have hereunto set their signatures on the date indicated.

City of Oxford

by: _____
By authority of City of Oxford Resolution
_____ adopted _____

Dudley Prime Properties, LLC

by _____
Terry Dudley, authorized member

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: October 3, 2017

Account Code #: N/A

Budgeted Amount: N/A

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

September 28, 2017

Date Prepared

Agenda Title: **Authorizing the Vacation of Undeveloped Right of Way on West Rose Avenue and Beech Street, Accepting A 20' Utility Easement, and Approving a Property Exchange Agreement.**

Recommendation: Approve

Discussion:

As part of the redevelopment of the area to the south and east of Stewart Square (aka former lumberyard site), the developer (Dudley Prime Properties, LLC) has requested the City vacate certain unimproved right of way (ROW) at the western terminus of West Rose Avenue and ROW on Beech Street north of the CSX railroad tracks. The vacation area equals 0.2824 acres.

This future development, now known as "Gaslight Avenue at Stewart Square", also contains City owned sanitary and storm sewers that are not currently in recorded easements. The developer desires to grant the City a 20' utility easement for our infrastructure in exchange for the vacated ROW. The easement area equals 0.2522 acres.

Exhibit A highlights the ROW to be vacated with Exhibit B providing the legal description for the land to be vacated. Exhibit A-1 shows area that may be impacted by CSX interest in the ROW vacation and that the proposed project may still be constructed without the area that may be vacated to CSX.

Exhibit C highlights the Utility Easement to be provided to the City with Exhibits D & E providing the legal description for the area spanning two separate parcels. Exhibit F is a Property Exchange Agreement describing in detail the exchange of vacated City ROW for a new 20' utility easement.

The land areas of the property exchange are comparable and the City has no long term capital projects planned for the areas involved with the vacation of ROW. Staff recommends the City Council vacate the ROW detailed in this report and authorize the City Manager to take all measures necessary to record such with the Butler County Recorder's Office including authorization to sign a Property Exchange Agreement with Dudley Prime Properties, LLC.

Approved By:

Department Head:

City Manager:

Initial Date

MBD \ 9/28/17

DRE \ 9/28/17

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROPERTY EXCHANGE AGREEMENT WITH DUDLEY PRIME PROPERTIES LLC FOR THE CITY OF OXFORD TO ACCEPT A TWENTY FOOT WIDE UTILITY EASEMENT IN EXCHANGE FOR VACATION OF RIGHT OF WAY IN OXFORD, OHIO.

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

SECTION 1: The City has reached an Agreement with Dudley Prime Properties LLC (“Dudley”) wherein the City will vacate a portion of West Rose Avenue and Beech Street north of the railroad tracks as depicted on a Vacation Exhibit by Bayer Becker engineers dated July 20, 2017 in exchange for Dudley granting the City a twenty (20) foot wide utility easement over, in and through a portion of Inlot 579 and Part of Outlot 18 as depicted on the Bayer Becker utility easement plat dated July 20, 2017. The Agreement with Dudley, including the Agreement’s exhibits A-E, is attached hereto and incorporated herein as Exhibit 1.

SECTION 2: Council hereby approves the Agreement with Dudley, and authorizes the City Manager to take all steps necessary to enter into said Agreement.

SECTION 3: Council hereby accepts the twenty (20) foot wide utility easement over, in and through a portion of Inlot 579 and Part of Outlot 18 as depicted on the Bayer Becker utility easement plat dated July 20, 2017.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

Exhibit “1”

EXHIBIT A

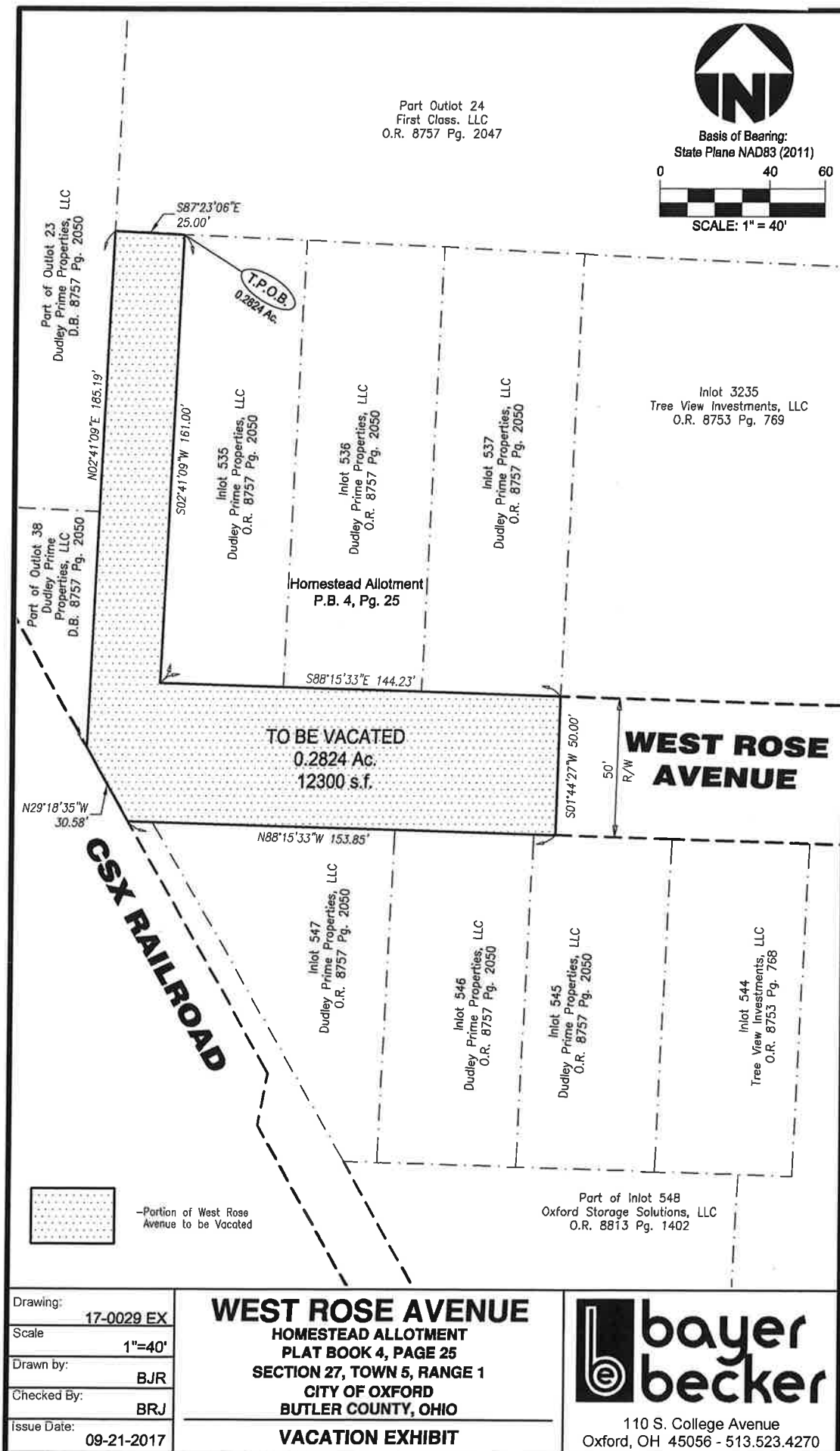
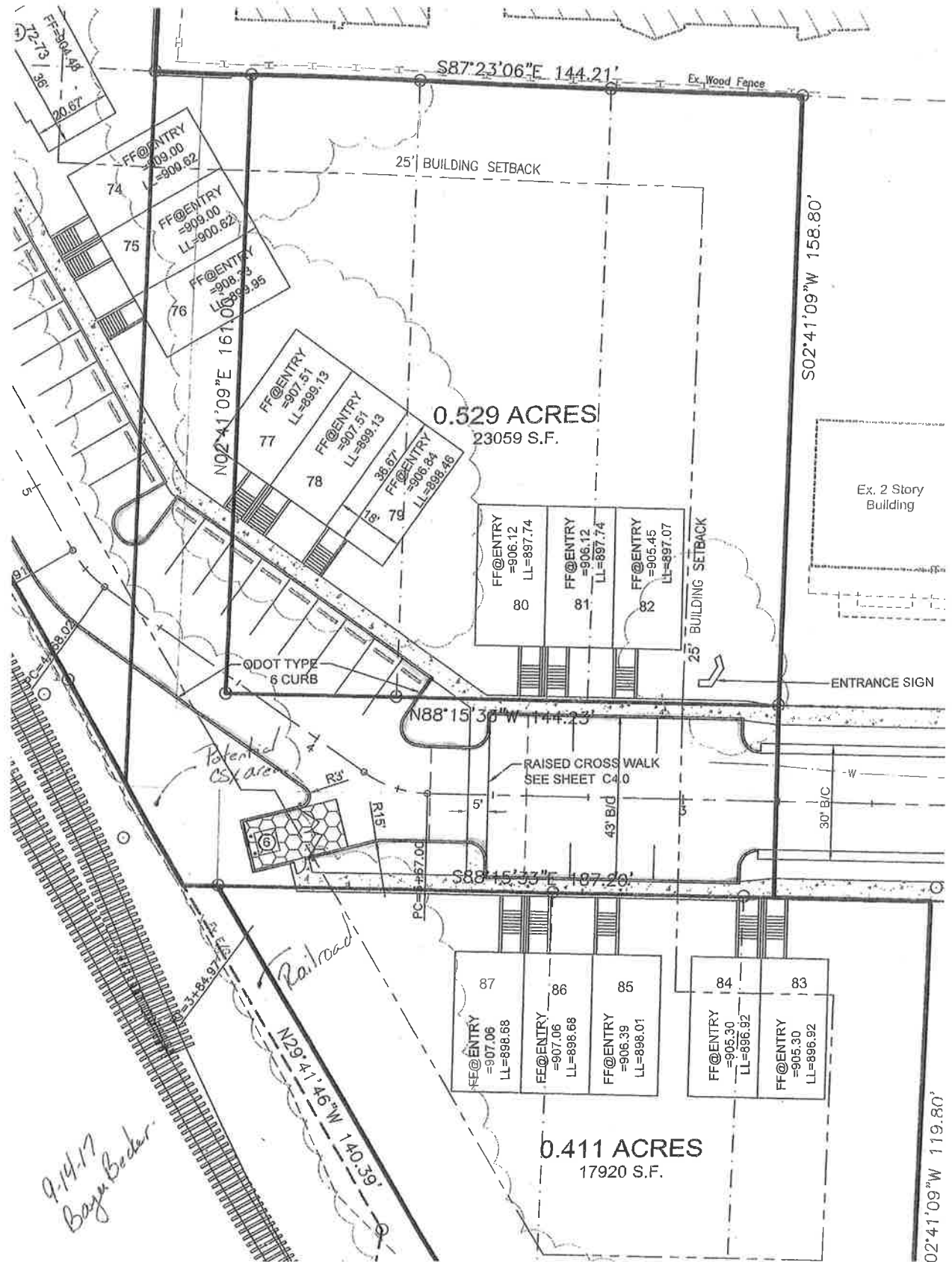


EXHIBIT A - 1



Date: July 20, 2017

Description: West Rose Avenue
Right of Way Vacation

Location: City of Oxford
Butler County



Situated in the City of Oxford, Butler County, Ohio, and being the Vacation of a Portion of West Rose Avenue and being more particularly described as follows:

Beginning at the northwest corner of Inlot #535 of the City of Oxford and being the easterly terminus of West Rose Avenue right of way and being the **True Point of Beginning**;

thence, leaving said northwest corner of said Inlot #535, with the westerly boundary of said Inlot #535 and with the easterly right of way of said West Rose Avenue, South 02° 41' 09" West, 161.00 feet to the southwest corner of said Inlot #535 and being on the northerly right of way of said West Rose Avenue;

thence, leaving said southwest corner of said Inlot #535, and the easterly right of way of West Rose Avenue, with the southerly boundary of said Inlot #535 extended and with said northerly right of way of West Rose Avenue, South 88° 15' 33" East, 144.23 feet to the southeast corner of Inlot #537 of the City of Oxford;

thence, leaving said southeast corner of Inlot #537 and leaving the said northerly right of way of West Rose Avenue, South 01° 44' 27" West, 50.00 feet to the southerly right of way of a said West Rose Avenue and being on the northerly boundary of Inlot #545 of the City of Oxford;

thence, with the northerly boundary extended of said Inlot #545 and with the southerly right of way extended of said West Rose Avenue, North 88° 15' 33" West, 153.85 feet to the easterly right of way of CSX Railroad;

thence, leaving the southerly right of way of said West Rose Avenue extended and with the easterly right of way of said CSX Railroad, North 29° 18' 35" West, 30.58 feet to the southeast corner of Part of Outlot #38 of the City of Oxford and being the westerly right of way of said West Rose Avenue;

thence, leaving said easterly right of way of CSX Railroad, with the easterly boundary of said Part of Outlot #38 and with the westerly right of way of said West Rose Avenue, North 02° 41' 09" East, 185.19 feet to the southwest corner of Part of Outlot #24 of the City of Oxford and being on the northerly terminus of said right of way of West Rose Avenue;

thence, leaving said southeast corner of Part of Outlot #24, with the southerly boundary of said Part of Outlot #24 and with the northerly terminus of said right of way of West Rose Avenue, South 87° 23' 06" East, 25.00 feet to the **True Point of Beginning**, containing 0.2824 acres of land, more or less and being subject to all legal highways, easements, restrictions and agreements of record.

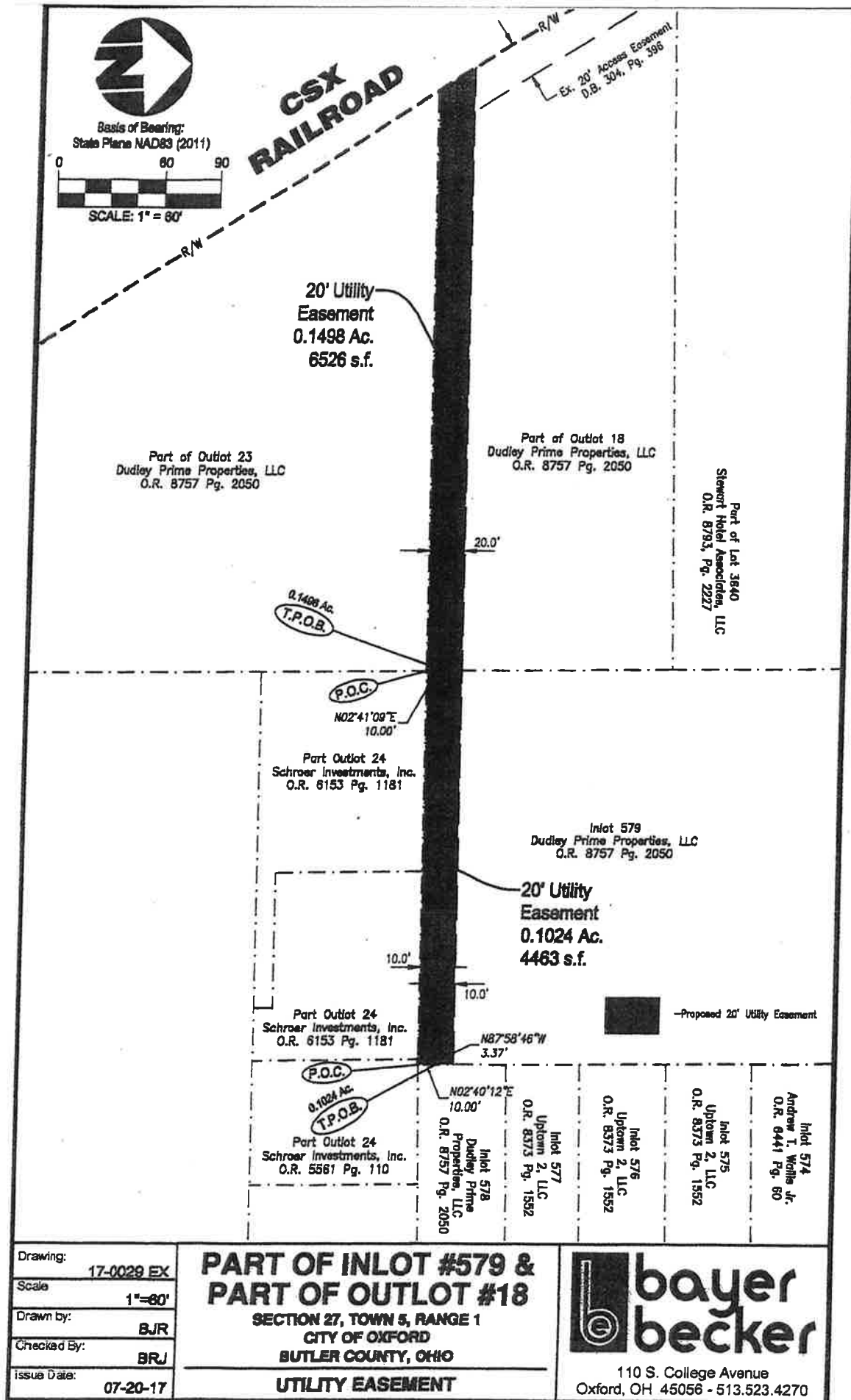
The above description was prepared from an exhibit prepared by Bayer Becker, Brian R. Johnson, Registered Surveyor #8484 in the State of Ohio, July 20, 2017.

6900 Tylersville Road, Suite A
Mason, Ohio 45040
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513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151



Date: July 20, 2017
Description: Part of Inlot #579
20' Utility Easement
Location: City of Oxford
Butler County, Ohio



Situated in City of Oxford, Butler County, Ohio, and being a Twenty (20.00') Foot Utility Easement in part of Inlot #579 and being in part of the lands of Dudley Prime Properties, LLC as recorded in Official Record 8757, Page 2050 of the Butler County, Ohio, Recorder's Office and taken Ten (10.00') Feet evenly off the following described centerline:

Commencing at the southwest corner of said Inlot #578; thence, with the westerly boundary of said Inlot #578, North 02° 40' 12" East, 10.00 feet to the centerline of a Twenty (20.00') Foot Utility Easement and being the **True Point of Beginning**;

thence, leaving said westerly boundary of Inlot #578 and through said Inlot #579, North 87° 58' 46" West, 3.37 feet;

thence, North 86° 53' 58" West, 219.70 feet to its terminus. The lines of said strip to be shortened or lengthened to the westerly boundary line of said Inlot #579.

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513-834-6151

Engineering – Surveying – Landscape Architecture – Planning
www.bayerbecker.com

Date: July 20, 2017
Description: Part of Outlot #18
20' Utility Easement
Location: City of Oxford
Butler County, Ohio



Situated in City of Oxford, Butler County, Ohio, and being a Twenty (20.00') Foot Utility Easement in part of Outlot #18, and being in part of the lands of Dudley Prime Properties, LLC as recorded in Official Record 8757, Page 2050 of the Butler County, Ohio, Recorder's Office and taken Ten (10.00') Feet evenly off the following described centerline:

Commencing at the southeast corner of said Outlot #18; thence, with the easterly boundary of said Outlot #18, North 02° 41' 09" East, 10.00 feet to the centerline of a Twenty (20.00') Foot Utility Easement and being the **True Point of Beginning**;

thence, leaving said easterly boundary of said Outlot #18 and through said Outlot #18, North 86° 53' 58" West, 326.36 feet to its terminus. The lines of said strip to be shortened or lengthened to the easterly right of way of CSX Railroad.

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PROPERTY EXCHANGE AGREEMENT

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Whereas, Oxford desires to acquire a Twenty (20) foot wide utility easement in, over, and across certain property owned by Dudley within the City of Oxford; and

Whereas, Dudley owns certain property adjacent on the north and south sides of West Rose Avenue, and on the east and west sides of a 25 foot wide strip running north of the westerly 25 feet of Rose Avenue, and referred to as Beech Street located north of the railroad tracks, or in some instances as an alley, and desires that Oxford will vacate said portions of said streets and convey said vacated streets to Dudley as the adjacent property owner;

Now, therefore, the said parties do hereby agree as follows:

1. Oxford will proceed to vacate a portion of West Rose Avenue and Beech Street north of the railroad tracks as depicted on a Vacation Exhibit by Bayer Becker engineers dated July 20, 2017 and attached hereto as Exhibit A and more fully described in the Bayer Becker legal description attached hereto as Exhibit B. Said total land area to be vacated containing 0.2824 acres, more or less.

Oxford acknowledges that by Ordinance No. 2617 dated December 1, 1998 and recorded May 4, 1999 in Butler County Official Records Vol. 6357, Page 2236, said streets were vacated subject to two conditions, one of which was the dedication of a cul de sac on 3,928 square feet to be dedicated to the City by the adjacent property owners which was to occur within one year of the adoption of Ordinance No. 2617 or the vacation granted shall be void. Oxford warrants that said condition was not met within said time period and therefore such previous vacation was void.

Oxford further agrees that the southwest portion of Rose Avenue to be vacated is crossed for 30.58 feet by the CSX Railroad property and that the County records are unclear as to whether CSX holds title to its property or if it is merely a right of way.

2. Upon completion of said street vacation and conveyance to Dudley of the entire vacated area adjacent by perpendicular line to the Dudley Property, and excepting only that portion that could possibly be claimed by the railroad if it holds title to the southwest corner of Rose Ave. that it crosses, Dudley will execute and deliver to Oxford a Twenty (20) foot wide utility easement over, in and through a portion of Inlot 579 and Part of Outlot 18 as depicted on the Bayer Becker utility easement plat dated July 20, 2017, attached hereto as Exhibit C and more fully described in the legal description attached hereto as Exhibits D and E, prepared by Bayer Becker dated July 20, 2017.

The small portion of the vacated streets in the Southwest corner adjacent to the railroad track shall not be a part of this agreement and is subject to further determination by the City as to whether it will be conveyed to Dudley or to the railroad.

In witness whereof, the parties have hereunto set their signatures on the date indicated.

City of Oxford

by: _____
By authority of City of Oxford Resolution
_____ adopted _____

Dudley Prime Properties, LLC

by _____
Terry Dudley, authorized member

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 3, 2017

Account Code #: 320.811.65132

Budgeted Amount: \$150,000.00

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 20, 2017
Date Prepared

Agenda Title: Purchase of Replacement Dump Truck for Water Distribution Division of the Service Department

Recommendation: Approve

Discussion:

The 2017 Capital Equipment Budget includes \$150,000 for the purchase of a replacement two ton dump truck for use by the Water Distribution Division of the Service Department. The existing vehicle is in fair condition, but is nearing the end of its useful service life and has been budgeted for replacement:

07-35 11 years old International 440 2-ton dump truck

This truck is used on a daily basis for utility service operations and is critical in the performance of duties.

The State of Ohio – Department of Transportation contract for the purchase of trucks, contract # 023-18, includes Freightliner item M2 106 – conventional chassis (exhibits attached), for a 2018 conventional chassis. The unit price for this vehicle, sold through FYDA Freightliner is as follows:

	<u>Contract Price</u>	<u>Options</u>	<u>Total Contract Price</u>
Contract Item M2 106	\$79,492.00	\$ None	\$79,492.00

A 10' stainless steel dump body and associated equipment will be added to the chassis after acceptance of the vehicle under a separate contract and vendor.

This Resolution will authorize the City Manager to enter into an agreement with FYDA Freightliner Cincinnati, LLC for the purchase of a 2018 M2 106 cab and chassis under State contract at a cost not to exceed **\$79,492.00**. Staff further recommends Council authorize the sale of a surplus truck identified as #96-51 (1996 Chevy Kodiak dump truck) by public or electronic auction at the earliest convenience of the City.

Approved By:

Department Head:

City Manager:

Initial Date
MB \ 9/20/17

DRE \ 9/29/17

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH FYDA FREIGHTLINER CINCINNATI, LLC FOR THE PURCHASE OF A 2018 M2 106 CAB AND CHASSIS UNDER STATE CONTRACT PRICING AT A COST NOT TO EXCEED \$79,492.00.

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

SECTION 1: The 2017 Capital Equipment Budget includes \$150,000.00 for the purchase of a replacement truck, body, and associated equipment for the Water Distribution Division of the Service Department.

SECTION 2: The City Manager and the Service Director recommend Council authorize the City Manager to enter into an agreement with FYDA Freightliner Cincinnati, LLC for the purchase of a 2018 M2 106 cab and chassis under State Contract pricing at a cost not to exceed \$79,492.00.

SECTION 3: Council hereby accepts the recommendation of the City Manager and the Service Director and authorizes the City Manager to enter into an agreement with FYDA Freightliner Cincinnati, LLC for the purchase of a 2018 M2 106 cab and chassis under State Contract pricing at a cost not to exceed \$79,492.00.

SECTION 4: Funds have been appropriated in an amount in excess of the purchase price.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

Prepared for:
Eric Keebler
ODOT-City of Oxford
101 East High Street
Oxford, OH 45056
Phone: 135238412

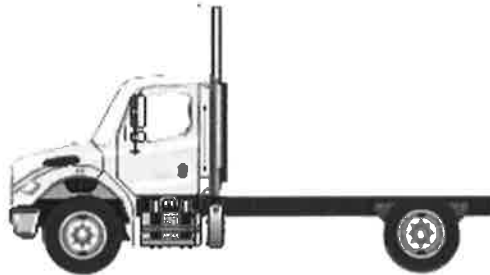
Prepared by:
Mike Bailey
FYDA FREIGHTLINER
CINCINNATI
1 FREIGHTLINER DRIVE
CINCINNATI, OH 45241
Phone: 513-772-7171

A proposal for
ODOT-City of Oxford

Prepared by
FYDA FREIGHTLINER CINCINNATI
Mike Bailey

Aug 28, 2017

Freightliner M2 106



Components shown may not reflect all spec'd options and are not to scale



Prepared for:
Eric Keebler
ODOT-City of Oxford
101 East High Street
Oxford, OH 45056
Phone: 135238412

Prepared by:
Mike Bailey
FYDA FREIGHTLINER
CINCINNATI
1 FREIGHTLINER DRIVE
CINCINNATI, OH 45241
Phone: 513-772-7171

QUOTATION

M2 106 CONVENTIONAL CHASSIS

SET BACK AXLE - TRUCK
CUM L9 330 HP @ 2000 RPM, 2200 GOV RPM, 1000
LB/FT @ 1400 RPM
ALLISON 3000 RDS AUTOMATIC TRANSMISSION WITH
PTO PROVISION
RS-23-161 23,000# R-SERIES SINGLE REAR AXLE
26,000# FLAT LEAF SPRING REAR SUSPENSION WITH
HELPER AND RADIUS ROD
DETROIT DA-F-14.7-3 14,700# FF1 71.5 KPI/3.74 DROP
SINGLE FRONT AXLE

16,000# FLAT LEAF FRONT SUSPENSION
106 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL
CAB
3825MM (151 INCH) WHEELBASE
7/16X3-9/16X11-1/8 INCH STEEL FRAME
(11.11MMX282.6MM/0.437X11.13 INCH) 120KSI
1725MM (68 INCH) REAR FRAME OVERHANG
BODY COMPANY INSTALLED ADDITIONAL FRONT
FRAME REINFORCEMENT FOR SNOW PLOW

		PER UNIT	TOTAL
VEHICLE PRICE	TOTAL # OF UNITS (1)	\$ 76,006	\$ 76,006
EXTENDED WARRANTY		\$ 3,709	\$ 3,709
DEALER INSTALLED OPTIONS		\$ 0	\$ 0
CUSTOMER PRICE BEFORE TAX		\$ 79,715	\$ 79,715

TAXES AND FEES

FEDERAL EXCISE TAX (FET)	\$ (223)	\$ (223)
TAXES AND FEES	\$ 0	\$ 0
OTHER CHARGES	\$ 0	\$ 0

TRADE-IN

TRADE-IN ALLOWANCE	\$ (0)	\$ (0)
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BALANCE DUE	(LOCAL CURRENCY)	\$ 79,492	\$ 79,492
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COMMENTS: Projected delivery on ___ / ___ / ___ provided the order is received before ___ / ___ / ___.

APPROVAL: Please indicate your acceptance of this quotation by signing below: Customer:

X_____ Date: ___ / ___ / ___.

Daimler Truck Financial

Financing that works for you.

See your local dealer for a competitive quote from Daimler Truck Financial, or contact us at Information@dtfoffers.com.

Daimler Truck Financial offers a variety of finance, lease and insurance solutions to fit your business needs. For more information about our products and services, visit our website at www.daimler-truckfinancial.com.

Prepared for:
Eric Keebler
ODOT-City of Oxford
101 East High Street
Oxford, OH 45056
Phone: 135238412

Prepared by:
Mike Bailey
FYDA FREIGHTLINER
CINCINNATI
1 FREIGHTLINER DRIVE
CINCINNATI, OH 45241
Phone: 513-772-7171

SPECIFICATION PROPOSAL

Description
Price Level
M2 PRL-16M (EFF:04/25/17)
Data Version
SPECPRO21 DATA RELEASE VER 017
Interior Convenience/Driver Retention Package
NO INTERIOR CONVENIENCE PACKAGE
Vehicle Configuration
M2 106 CONVENTIONAL CHASSIS 2018 MODEL YEAR SPECIFIED SET BACK AXLE - TRUCK STRAIGHT TRUCK PROVISION LH PRIMARY STEERING LOCATION
General Service
TRUCK CONFIGURATION DOMICILED, USA 50 STATES (INCLUDING CALIFORNIA AND CARB OPT-IN STATES) CONSTRUCTION SERVICE ROAD AND HIGHWAY MAINTENANCE BUSINESS SEGMENT DIRT/SAND/ROCK COMMODITY TERRAIN/DUTY: 100% (ALL) OF THE TIME, IN TRANSIT, IS SPENT ON PAVED ROADS MAXIMUM 8% EXPECTED GRADE SMOOTH CONCRETE OR ASPHALT PAVEMENT - MOST SEVERE IN-TRANSIT (BETWEEN SITES) ROAD SURFACE MEDIUM TRUCK WARRANTY EXPECTED FRONT AXLE(S) LOAD : 14600.0 lbs EXPECTED REAR DRIVE AXLE(S) LOAD : 23000.0 lbs EXPECTED PUSHER AXLE(S) LOAD : 0.0 lbs



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 3, 2017

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

September 25, 2017

Date Prepared:

Agenda Title: Planning Commission Meeting Report- September 12, 2017

Zoning Items:

PC-2017-23, CONDITIONAL USE, 5093-5097 College Corner Pike, to allow for the construction of a restaurant upon 2.68 acres, in a General Business (GB) District, Carrols, LLC, Applicant/Agent

The Applicant was seeking a conditional use to build a restaurant with a drive-thru lane in the GB District. Concerns addressed were the maximum number of parking allowed, required loading space and signage.

After reviewing the application, staff report and applicant explanation, the Planning Commission voted, in a 6-0-1 vote to recommend approval of this Conditional Use Permit Application with the following conditions.

1. The loading space requirement is waived
2. The three parking spaces in front of the dumpster location will be eliminated
3. The allowable off-street parking will be capped at 34, including 3 queuing spaces
4. Only the three medallion wall signs, as submitted, are approved
5. The monument sign will meet the requirements of the Oxford sign regulations and shall not include a reader board as part of the design
6. The resolutions to City Engineer comments dated August 18, 2017 will be satisfactory to the City Engineer

PC-2017-24, CONDITIONAL USE, 800 S. Maple Street, to allow for the expansion of an existing church upon 2.001 acres, Oxford Bible Fellowship, Applicant

The Applicant was seeking approval to allow for the expansion of an existing church at 800 Maple Street. The proposal is to build an 18,000 plus square feet standalone building, directly south to the existing church building, approximately 5,600 square feet. The applicant came before the Planning Commission at their May meeting for a concept review and received comments from the Commission as to what issues need to be worked into this project.

After reviewing the application, staff report and the presentation from the applicant, and comments from the neighbors, the Commission felt that the proposed new building design did not take into the suggestions from the Commission from May. After hearing the comments from the Planning Commission, the applicant decided to withdraw the application and reconsider the approach for this new building proposal.

PC-2017-25, PRELIMINARY PLANNED DEVELOPMENT, Stadium Apartments, 1.55 acres, R-3MS District, Homestead Avenue, University Avenue and E. Sycamore Street, Madison Student Housing LLC, Applicant

The Applicant was seeking approval for a residential building project, encompassing 2/3 of a city block between East Sycamore Street, Homestead Avenue and University Avenue. The proposal is to build three new buildings, and retain one existing apartment building, for a total of 59 dwelling units on 1.55 acres of consolidated land.

After reviewing the application, staff report and the presentation from the applicant, the Planning Commission asked specifically how this development project would be adhering to the City Charter's limitation of 3 dwellings per structure. Given that this was the crux of the development project, the Applicant requested to table this case for the applicant and staff to determine that this project would satisfy the City's Charter requirements until next month.

PC-2017-26, ZONING CODE MAP AMENDMENT, to amend the zoning classification of certain properties between Poplar Street and Campus Avenue, Single and Two Family Mile Square Residential (R-2MS) District to Single, Two and Three Family Mile Square Residential (R-3MS) District, City of Oxford, Applicant

This is a map amendment that reflects Planning Commission's earlier discussion of PC-2017 map amendment. The Planning Commission felt that this area deserved discussion whether a zoning re-classification would be warranted.

The Planning Commission voted to table this case until next month.

PC-2017-27, ZONING CODE TEXT AMENDMENT, to amend Chapter 1143.03(d) Mile Square Design Standards, and Chapter 1143.05(d) Mile Square Design Standards, City of Oxford, Applicant

This application is a request from the Planning Commission to amend the Design Standards for the R-1MS and R-2MS Districts, since the already recommended changes to the R-3MS District could be applied to these two districts as well. This will provide consistency for the Mile Square as far as the Design Standards are concerned.

After reviewing the application and staff report, the Planning Commission voted 7-0-0 to recommend approval of this application to City Council for legislative action.

The next regular meeting is scheduled for October 10, 2017.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC 9/26/17
DRE 9/29/17

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: September 19, 2017

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

September 14, 2017

Date Prepared

Agenda Title: An Ordinance To Appropriate For Public Use, All Right Title And Interest In A Certain Parcel Of Property Located Along The West Side Of Country Club Drive For The Purpose Of Acquiring Fee Simple Interest For A Road Project In The City Of Oxford, Ohio And Declaring An Emergency.

Recommendation: Adopt the Ordinance

Discussion:

In 1966, the Heritage Subdivision #2 was approved by the Village of Oxford. The approved plat included a stub street shown as Parcel A which was never deeded over to the City. Recently, the City Council approved the Subdivision Plat for Red Brick Estates which included a street entitled Grace Lane which connects to the Parcel A stub street. The City attempted to negotiate the purchase of this stub street from the current owner but was unsuccessful. Therefore, I am recommending legislative action to acquire this stub street. The legislation includes a Resolution of necessity and an Ordinance to appropriate the stub street for public use.

Approved By:

Department Head:

Initial Date

City Manager:

DRE

9/15/17

ORDINANCE NO.

AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY LOCATED ALONG THE WEST SIDE OF COUNTRY CLUB DRIVE FOR THE PURPOSE OF ACQUIRING FEE SIMPLE INTEREST FOR A ROAD PROJECT IN THE CITY OF OXFORD, OHIO AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, BY TWO-THIRDS OF ALL COUNCIL MEMBERS ELECTED CONCURRING THAT:

SECTION 1: The City Council of Oxford, Ohio by Resolution No. _____ passed September 19, 2017 declared its intention to appropriate certain real property hereinafter described as fee simple interest for a road project opening a street which shall be open to the public without charge and for road purposes. Notice of the passage of the above-referenced resolution of intent to appropriate was served upon the owner of, person in possession of, or person having a record interest in the said property, or his or her authorized agent, in accordance with Ohio Revised Code Section 719.05. The City has been unable to agree with the owner of the said real property as to compensation to be paid for said interest in real property.

SECTION 2: The City's acquisition of fee simple interest in the real property described in Section 3 herein is necessary for public right-of-way and a road project opening a street, and the property is hereby appropriated for a public use. Council finds that the acquisition of property for these purposes is in the public interest and a proper public purpose.

SECTION 3: The lands and estates or interests therein to be appropriated, being necessary for a public right-of-way and road project, are located at

Entire Parcel "A", Heritage Subdivision #2, City of Oxford, Butler County, Ohio, as recorded in Plat Book 26, Page 25 now know as Plat Envelope 563B, of the Butler County, Ohio Plat Records.

SECTION 4: The Law Director is hereby authorized and directed to apply to the Court of Common Pleas, Butler County, Ohio for the purposes of assessing the compensation to be paid for said real property.

SECTION 5: The value of said appropriated real property, including any residual damages, has been appraised at \$11,250.00 by a certified real estate appraiser. The Law Director is hereby authorized and directed to deposit the same with the Clerk of Courts for the purpose of effecting immediate possession of said real property according to law and file all pleadings necessary to appropriate the real property. The costs and expenses of such appropriation are to be paid out of the appropriate fund or funds.

SECTION 6: This Ordinance is hereby declared to be an emergency measure necessary to preserve the public health, safety, and general welfare of the City of Oxford. The reason for said emergency is the immediate necessity to assemble properties necessary for opening of a street and to assure the street is open to the public without charge and for road purposes. Therefore, this ordinance shall become effective immediately upon adoption.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 3, 2017

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

September 25, 2017

Date Prepared:

PC-2017-23, Conditional Use Permit - 5093 College Corner Pike, the construction of a restaurant with a drive-through lane, Paul Plenowicz, Applicant/Agent

Recommendation: Approval with conditions

Discussion:

This application is seeking approval to build a restaurant with a drive-thru lane in the GB District. The proposed restaurant is approximately 2,800 square feet of building that would seat 61 customers. The site is situated between an auto parts store and an insurance office on the west side of US 27 (College Corner Pike). Two existing residential buildings will be demolished to make room for this new restaurant. The site is approximately 2.7 acres in size.

Several issues were identified that required Planning Commission's decision: (1) maximum number of off-street parking; (2) the required loading space and the usability of the space; (3) the total allowable signage and the size of wall signs.

The Planning Commission reviewed the application, discussed issues raised by staff in their report, worked with the applicant about the project and recommended approval to City Council in a 6-0-1 vote, with conditions as follows:

1. The loading space requirement is waived
2. The three parking spaces in front of the dumpster location will be eliminated
3. The allowable off-street parking will be capped at 34, including 3 queuing spaces
4. Only the three medallion wall signs, as submitted, are approved
5. The monument sign will meet the requirements of the Oxford sign regulations and shall not include a reader board as part of the design
6. The resolutions to City Engineer comments dated August 18, 2017 will be satisfactory to the City Engineer

Approved By:

Department Head:

City Attorney:

City Manager:

JHC, 9/25/17
DRE, 9/29/17

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A FAST-FOOD RESTAURANT WITH DRIVE-THROUGH WINDOW IN THE GENERAL BUSINESS DISTRICT TO BE LOCATED AT 5093 COLLEGE CORNER PIKE OXFORD, OHIO 45056 WITH CONDITIONS.

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

SECTION 1: Council finds in accordance with Oxford Codified Ordinance Section 1147.02 the City of Oxford Planning Commission held a public hearing on September 12, 2017 for the purpose of considering the request of Carrols, LLC, Applicant, for a conditional use permit for a fast-food restaurant with drive-through window in the General Business District to be located at 5093 College Corner Pike Oxford, Ohio 45056.

SECTION 2: The Planning Commission, after public hearing and discussion, voted and approved a motion recommending approval of the conditional use permit application for a fast-food restaurant with drive-through window to be located at 5093 College Corner Pike Oxford, Ohio 45056 with the following conditions:

1. The loading space requirement shall be waived.
2. Three parking spaces in front of the dumpster location shall be eliminated.
3. Allowable off-street parking shall be capped at 34, including 3 queuing spaces.
4. Only three medallion wall signs, as submitted shall be approved.
5. The monument sign shall meet the requirements of the Oxford sign regulations and shall not include a reader board as part of the design.
6. Resolutions to the City Engineer's comments dated August 18, 2017 shall be addressed to his satisfaction.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application for a fast-food restaurant with drive-through window in the General Business District to be located at 5093 College Corner Pike Oxford, Ohio 45056 with the six conditions recommended by Planning Commission being incorporated as a requirement of this approval.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2017-23

Date –September 12, 2017

APPLICATION

Applicant:	Carrols, LLC
Location:	5093 College Corner Pike
Owner:	Ray Day Trust
Agent:	Paul Plenowicz
Action Request:	Conditional Use Permit Application to build a restaurant with drive-thru lane
Current Use:	Residential units
Zoning:	GB (General Business) District
Surrounding Existing Land Uses:	Auto parts store, insurance agency, funeral home

GENERAL DESCRIPTION

This application is seeking approval to build a restaurant with a drive-thru lane in the GB District. The proposed restaurant is approximately 2,800 square feet of building that would seat 61 customers. The site is situated between an auto parts store and an insurance office on the west side of US 27 (College Corner Pike). Two existing residential buildings will be demolished to make room for this new restaurant. The site is approximately 2.7 acres in size.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners. None were received.

AGENCY REVIEWS

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

Police:	Reviewed with no comment
Fire:	Reviewed with no comment
Engineering:	Received comments
Econ. Dev.:	Received with comments

ZONING CODE REVIEW

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

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

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

(1) **Burden of Proof.**

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

adequately mitigated.

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

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

(d) Action by Planning Commission.

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

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

- A. Potential Concerns
 - 1. Design of vehicle management area.
 - 2. Noise from operation (vehicle and loudspeaker).
 - 3. Signs and menu boards.
 - 4. Location and adequacy of dumpsters.
- B. Regulations.
 - 1. Drive-through station shall not be located in a yard adjacent to a residential zoning district.

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

ANALYSIS:

The applicant is proposing to build a restaurant with drive through on a large tract of land located off College Corner Pike (US 27 North) that currently has two single family dwellings on the site. The new building will be located on the southeast corner of the site, in close distance to an auto parts store.

The site itself is sloping toward the railroad track, with the College Corner Pike frontage being the highest elevation. The building is a long narrow configuration, with the narrower end facing College Corner Pike. As started earlier, the existing residential dwellings will be demolished including the removal of an existing curb cut that is currently serving the residence on the north end of the property.

The applicant identified several code compliance issues that need to be addressed by the Commission, but here are issues staff identified.

Chapter 1149 Parking and Site Access

1149.03(h) The maximum number of spaces is limited to no more than 150% of the minimum unless approved by Conditional Use Permits. The minimum off-street parking is 28 spaces, including 3 queuing spaces based upon square footage of the building. This application shows 37 spaces, including 3 queuing spaces. The drive through land could accommodate 12 spaces, in addition to the 3 between order and pick-up windows. Additionally, the proposal shows parking spaces in front of the dumpster enclosure that are not ideal; even the refuse pick-up is only on a twice per week schedule.

1149.05(e)2 Loading spaces: one loading space shall be required for all non-residential uses. The proposal shows the loading space located in the drive-through lane.

Chapter 1151 Signs

1151.05(a)(3) GB signage regulations

1. Single tenant site: No more than a total of 2 wall or freestanding signs are permitted per site.
 - a. Wall Signs: No more than 2 signs as follows;
 - i. If the average front setback of the structure is less than 100 feet, then the sign may be no more than 3 feet tall.

The proposal shows that there are 4 signs: 1 freestanding and 3 wall signs. Only two signs are allowed. The size of the wall sign is 5 feet; taller than the 3 feet allowed by Code.

ISSUES TO BE DELIBERATED:

As stated earlier, the following are the issues for the Planning Commission to discuss:

1. The maximum number of parking allowed.
2. The required loading space and the usability of the space.
3. The issue of signage.

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

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

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

Yes, the use can be allowed as a conditional use.

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

Yes, the proposed use will be satisfied.

- C. The use and site will be compatible with the general intent of the Comprehensive Plan.**
Yes, the proposed use would be compatible with the general intent of the Comp Plan. US 27 (College Corner Pike) is a commercial corridor with a variety of types of commercial establishments from retail stores to restaurants with drive-throughs.
- D. The size and shape of the site are sufficient for the proposed use.**
The size and shape of the site does not appear to be 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.**
None anticipated.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.**
Not applicable.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.**
No accessory use being proposed.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.**
It is anticipated that there is sufficient public services available to the proposed development. There is an existing sanitary sewer easement shown on the site plan that will be maintained unless the City Engineer indicates otherwise.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
Any additional expenditure for additional infrastructure or services should be borne by the development project. At this point, none is anticipated. As indicated in the narrative provided by the applicant an additional traffic study will be conducted during the school year to gauge the traffic impact from the proposed development. Furthermore, the City Engineer also provided his comments concerning this development, dated 8/18/2017.
- 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.**
It appears that the proposed development would be consistent with the general character of this corridor and no anticipated impact to residential properties has been identified.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.**
The on-site traffic circulation might become a concern during peak business hours when all the traffic is converging at the front of the building. The City Engineer also provided his comments on this.

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

None expected.

- 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.**

It is expected that other permits and licenses could be obtained by the application for the proposed use at this location.

RECOMMENDATION:

Staff did provide a cursory review on the proposal prior to the applicant submitting the Conditional Use Permit application, but not in the detailed manner that is provided in this report. The proposed use is consistent with the general character of this corridor and the layout of the proposed building would work in general. However, the issues staff, along with the applicant, identified will need to be worked out between the applicant and the Planning Commission. In order to provide some platform for the Commission to deliberate, staff would provide the following recommendations for the Commission to consider:

That, the maximum number of allowable off-street parking should be capped at 34, including 3 queuing spaces; by eliminating those 3 parking spaces located in front of the dumpster. Staff would also recommend that the reader board be removed from the freestanding sign for traffic safety concerns, since Burger King is a national brand name and does not need a reader board to alert travelers about their products. The number of wall sign should be limited to no more than one wall sign and the sign height to be limited to 3 feet.

SUBMITTED

BY:



Jung-Han Chen
Community Development Director

DATE: August 21, 2017

ATTACHMENT

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

(1) Burden of proof.

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

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

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

City of Oxford
Inter-Office Review Transmittal Sheet

SF houses
5093
✓

Date: August 7, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-23, CONDITIONAL USE, 5093-5097 College Corner Pike, to allow for the construction of a restaurant upon 2.68 acres, in a General Business (GB) District, **Carrols, LLC, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **September 5, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by:


John Detherage
PRINTED NAME

Date:

8-16-17

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 7, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-23, CONDITIONAL USE, 5093-5097 College Corner Pike, to allow for the construction of a restaurant upon 2.68 acres, in a General Business (GB) District, **Carrols, LLC, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **September 5, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 8-18-17

Drawings reviewed by: *A. Popescu* Date: 8-18-17

 VICTOR POPESCU
PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: PC-2017-23
Conditional Use - Burger King
5093 - 5097 College Corner Pike

DATE: August 18, 2017

The Engineering Division offers the following comments.

- The CSX Railroad Right-of-Way, as indicated on the site plan, appears to be in error. The Railroad Right-of-Way does not encroach on the Burger King property.
- A proper Traffic Impact Study is required. Data for the study shall be gathered after the start of Miami University fall semester.
- Additional pavement markings in the USR 27 center lane, indicating left turn movements when heading north, will be needed. Engineering Division will review and approve the pavement markings.
- A Stormwater Management plan is required.
- A culvert is located under the Railroad, back end of the property. Will the culvert size be adequate to accommodate the additional stormwater, once the property is developed?
- The site plan indicates that an existing water service will be utilized for the proposed Development. The water meter appears to be located within the limits of the proposed driveway. If so, a traffic bearing meter pit lid will be required.
- No permanent structures will be allowed within the limits of then sanitary sewer easement.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 7, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-23, CONDITIONAL USE, 5093-5097 College Corner Pike, to allow for the construction of a restaurant upon 2.68 acres, in a General Business (GB) District, **Carrols, LLC, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **September 5, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:  Date: 8/11/17

John A. Jones
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 7, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-23, CONDITIONAL USE, 5093-5097 College Corner Pike, to allow for the construction of a restaurant upon 2.68 acres, in a General Business (GB) District, **Carrols, LLC, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **September 5, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

BECAUSE COLLEGE CORNER PIKE IS THE
DESIRED LOCATION FOR RESTAURANTS WITH DRIVE-THRU'S
THIS APPLICATION MAKES PERFECT SENSE.

"Because College Corner Pike is the desired location for restaurants with drive-thru's, this application makes perfect sense."

Drawings reviewed by:  Date: 8-21-2017

G. ALAN KYRSON
PRINTED NAME



PC-2017-23

Surrounding Property Owners Notifications Map

Legend

 Subject Parcels

 200 Ft. Buffer

 Oxford Corp. Limit

 Address Point

 Parcel

 16.5' Vacated ROW

 Building Footprint

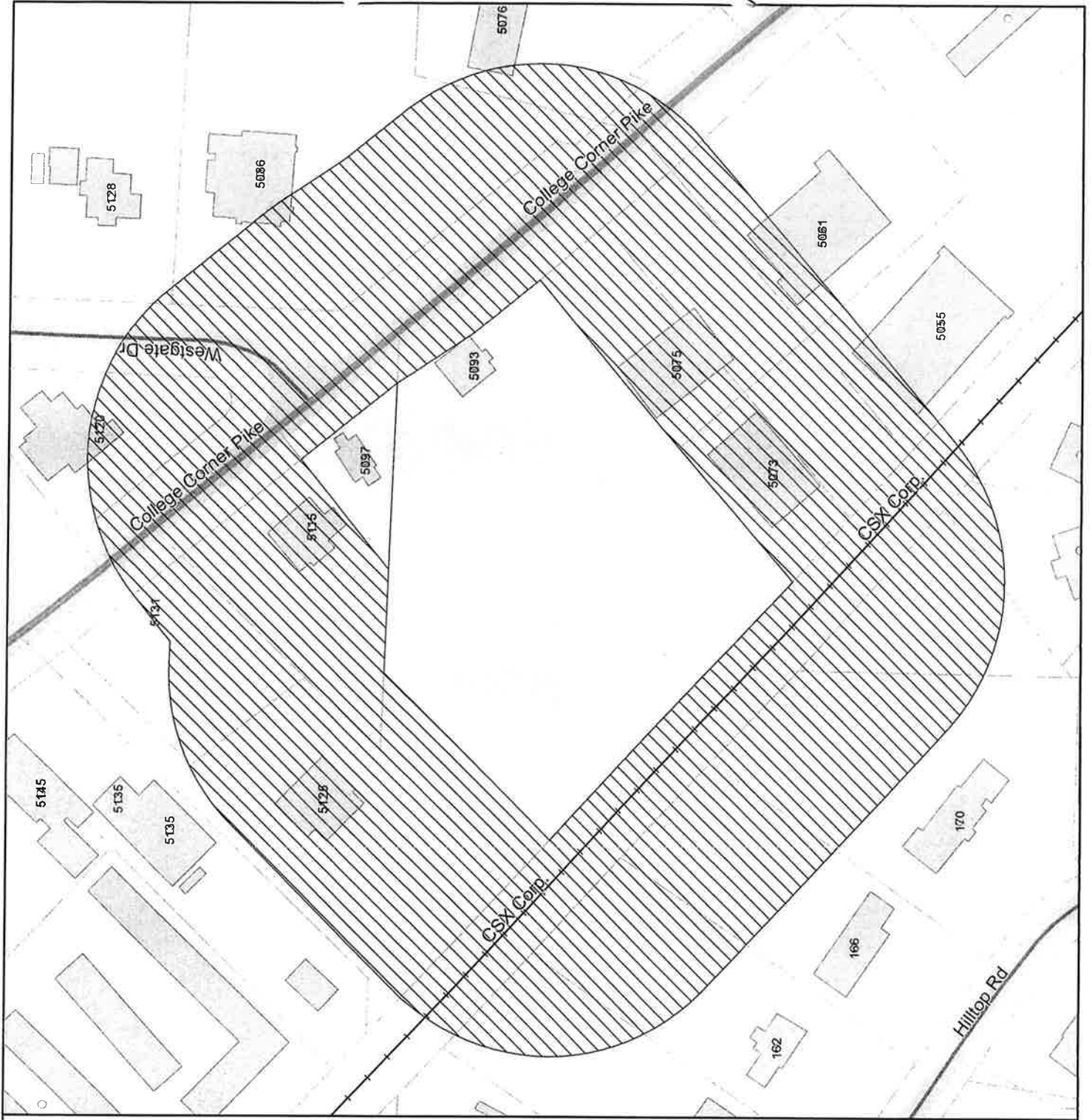
 Paved Roadway



1 inch = 125 feet

Prepared on Tuesday, August 29, 2017

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



July 27, 2017

City of Oxford
101 E. High Street
Oxford, Ohio 45056

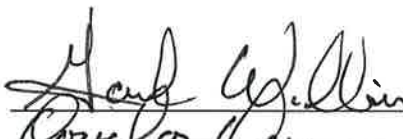
RE: 5093-97 College Corner Pike

To Whom It May Concern,

In accordance with our discussions with both the project developer (FSZ One, LLC) and Carrols, LLC (Burger King franchisee), the following shall serve as formal written notification that the Ray Day Trust, the owners of the above referenced property, do hereby authorize Carrols, LLC to proceed with approvals.

This letter shall also serve as our permission for Carrols, LLC to file any needed applications with the City of Oxford or other agency for the purposes of securing any necessary approvals.

Very truly yours,



Carol Willis

Printed Name:
Co-Trustee
Ray Day Trust



Douglas Day

Printed Name:
Co-Trustee
Ray Day Trust

July 28, 2017

To Whom It May Concern:

We the undersigned Gail Willis and Douglas Day as co-trustees of the Ray Day Trust, grant to FS Real Estate Development, LLC, the right to pursue any and all governmental approval necessary to allow the development of a restaurant in the following property: Butler County, Ohio, Parcel numbers, H4100015000097 and H4100019000014.

A handwritten signature in cursive script, appearing to read "Gail Willis", written over a horizontal line.

Gail Willis

A handwritten signature in cursive script, appearing to read "Douglas Day", written over a horizontal line.

Douglas Day



Internal Use Only:

Case No.

PC-2017-23

Date Filed

7/28/17

Conditional Use Permit Application

Applicant Information

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

Name * CARROLS, LLC
 Mailing Address * 968 JAMES STREET
 City, State & Zip Code * SYRACUSE, NY 13203
 Telephone Number(s) * (315) 424-0513
 Email Address PLENOWICZ @ CARROLS.COM

Owner Information

Name * RAY DAY TRUST
 Mailing Address * 459 EMERALD WOODS DRIVE
 City, State & Zip Code * OXFORD, OHIO 45056
 Telephone Number(s) * (513) 523-6447
 Email Address N/A

Location and Lot Information

Location of Property * 5093-97 COLLEGE CORNER PIKE
 Legal Description * ATTACHED
 Zoning District * G13
 Total Area * 2.68 → Check One * Acres ☒ Square Feet ☐
 Existing Use Description * RESIDENTIAL
 Proposed Use Description * BURGER KING RESTAURANT

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

A. Application Fee.

B. Description of Use and Site.

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

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

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *

Paul Jennings - Carrolls Corp.
7/24/17

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

7/24/17

Receipt Number *

160337

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/>



Lauer-Manguso & Associates Architects

July 27, 2017

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

**RE: Conditional Use Permit Application
Proposed Burger King
5093 College Corner Pike
LMA Project #17036**

Dear Mr. Chen,

In regards to the project referenced above, please find enclosed thirteen (13) complete sets of the Conditional Use Permit Application. Specifically, the application materials provided include:

- Conditional Use Permit Application form
- Application Fee in the amount of \$410.00 payable to the City of Oxford
- Narrative Description of the Proposed Use and Site (follows)
- Letter of Agency from the property owner
- Legal Description of the site and property survey (Exhibit "A")
- Listing of all property owners within 200 feet of project boundaries
- Site Plan (including proposed monument sign detail)
- Exterior Elevations (color rendered, including signage locations)
- Dumpster Enclosure details
- Signage & Drive-Through details
- Photographs of the existing use and surroundings
- Trip Generation Letter prepared by Bayer & Becker, Inc.
- Request for Waiver of Signage & Parking Code Requirements (follows)

Narrative Description of the Proposed Use and Site

Item #1 The name, mailing address and telephone number of the Applicant and the Property Owner.

*Response #1: Applicant name: Carrols, LLC
968 James Street, PO Box 6969
Syracuse, NY 13217
(315) 424-0513*

*Property Owner: Mary L. Day and Ray Day (RAY DAY TRUST)
459 Emerald Woods Drive
Oxford, Ohio 45056
(513) 523-6447*

Item #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.

Response #2: See attached.



Item #3 A legal description of the site, including all separate lots.

Response #3: See attached.

Item #4 A description of the existing uses of the site.

Response #4: The existing site contains two residences that are currently occupied.

Item #5 The zoning district in which the site is located.

Response #5: The zoning district is GB (General Business).

Item #6 A description of the proposed use to include: 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.

Response #6: a) The proposed use of the site is for a Burger King restaurant that provides fast-food options for public consumption. Customers of the restaurant will be able to dine-in or purchase this fare to-go via a drive-through service. It is anticipated that the proposed Burger King will generate approximately 370 customer vehicle trips per day. Deliveries to the restaurant will occur twice each week. Trash pick-up will also occur twice each week. A Trip Generation Letter has been prepared for the proposed project and has been included with this application. A Traffic Impact Study will also be prepared as requested by the City of Oxford once school is back in session.

b) The restaurant hours of operation are typically 6:00 am – 12:00 am, although the drive-through service may be open slightly longer.

Item #7 A narrative statement that evaluates the compatibility of the proposed use with general vicinity and adjacent properties to include: 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.

Response #7: a) The proposed use is compatible with the general vicinity of the project which can be characterized as a mixture of light commercial uses. Within 600 feet of the proposed Burger King location, there are several other restaurants already in operation. Most notably is a Wendy's which offers a similar fast food menu and has a drive-through service option. Other restaurants located in this vicinity include Bob Evans, Dominos Pizza, and Chef Lins Asian Restaurant & Sushi. It is likely that guests of the nearby Comfort Inn, customers of the various shopping venues (AutoZone, Dollar General, Carquest Auto Parts, & the Westgate Shopping Center), and employees of the adjacent insurance agency and credit union could all interact with the proposed Burger King.



b) The existing structures on the project site will be removed. The proposed structures (restaurant building and trash enclosure) have been oriented so that they are located adjacent to the neighboring AutoZone building and parking area along the southeastern property line. The proposed setback distance for the Burger King restaurant building will also closely resemble the existing setback distances for other commercial uses in the vicinity. In regards to site design, the proposed access drive for Burger King has been located as far from the Westgate Drive intersection as possible while still being aligned with the existing access drive for the Smith & Ogle Funeral Home located across College Corner Pike from the project site. The proposed vehicle use areas have been confined to the northeast corner of the site, creating a pavement setback of approximately 120 feet from property lines adjacent to the nearest existing residential uses.

c) The proposed use will not create excessive noise, lighting, odor, fumes, vibrations or emissions. The noise level emitted from the proposed Burger King drive-through order confirmation unit is 54 decibels (dbA) at 32' from the speaker post. The code requirement within 25 feet of a property line is a maximum 55 dbA at nighttime and maximum 70 dbA during the daytime. The order confirmation unit is also located such that any sound leaving the site is directed towards the rear yard of the adjacent AutoZone building. The proposed site lighting design for the project will comply with the City of Oxford photometric code, including the provision of deflectors that conform to dark sky standards. In addition, two rooftop exhaust units will be installed on the Burger King restaurant building that remove the cooking fumes from the outdoor environment. The prevailing wind direction for this area (S,SW) will also help carry sound, miscellaneous fumes and emissions from idling vehicles away from the nearest residential use.

d) Any potential negative effects on adjacent land will be mitigated through the implementation of permanent stormwater management facilities, required erosion control techniques during construction, and the effective use of plant material to provide visual and sound buffers. A professional engineer, licensed in the state of Ohio, will perform the site grading and drainage design for the project. A landscape architect will provide the landscape design. It is anticipated that the stormwater from the proposed Burger King restaurant and vehicle use area will be treated for quality and detained prior to discharging into the existing drainage channel located in the western corner of the property. This strategy follows the natural drainage pattern of the site. A mixture of deciduous shade trees, small flowering trees, evergreen trees and shrub hedges will be oriented both within and adjacent to the proposed vehicle use area so that undesirable sights, sounds and lighting will be screened from adjacent land.

Item #8 A statement about why the location proposed is more appropriate for the use than other locations.

Response #8: The proposed site is ideally suited for the development of a new Burger King restaurant as it fits the need for road frontage, traffic flow and parking/drive-through capacity. The diversity and growth of other commercial establishments in the area are indicative of a location with the potential for long-term success. Furthermore, the size, **shape and topography** of this particular property allows for **much more** natural buffering from adjacent uses than is typically available for fast food restaurants.



- Item #9 A statement of the necessity or desirability of the proposed use to the neighborhood or community.

Response #9: A new Burger King restaurant is desirable to the community as it provides another dining alternative for them. The restaurant will also provide a number of both full-time and part-time employment opportunities for residents.

- Item #10 Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use (Drive-Through Restaurant Facilities).

Response #10: (1) Design of vehicle management area – The rationale for the proposed vehicle access drive and vehicle use area location was addressed in Item #7b above. Upon entering the site, vehicular traffic will be directed to turn right where a parking area for dine-in customers is located and the entrance to the drive-through queue will be found. Within the parking area, individual 10'x20' spaces will be served by a 24' wide two-way access aisle. The proposed drive-through lane (12' wide) has the capacity to stack twelve (12) vehicles without interference to other vehicular movements, including three (3) queue spaces between the order confirmation unit and the pay/pick-up windows. A drive-through bypass lane (15' wide) has also been provided. Sufficient pavement width has been provided around the perimeter of the vehicle management area so that both restaurant delivery vehicles and large emergency vehicles can navigate the site in a counter-clockwise direction. At the request of the City Engineer, the proposed access drive curb cut width has been increased to 39 feet at the right-of-way to provide a left-turn lane for traffic wishing to turn north out of the proposed establishment.

(2) Noise from operations (vehicle and loudspeaker) – The anticipated noise level and mitigation from the proposed 'loudspeaker' was addressed in Item #7c above. The noise emitted from vehicles on-site, particularly those idling while in the drive-through lane (40-50 dbA range typical) is also expected to comply with the noise ordinance for the City of Oxford. In addition to the prevailing winds helping to carry any noise generated from the proposed operation away from the nearest residential use, the drive-through lane and loudspeaker are located approximately 250 feet from the nearest residential property line.

(3) Signs and menu boards – Signage for the proposed Burger King restaurant is proposed to be located on both the building and throughout the site. Per the established national prototype, signage on the proposed building consists of three 60 inch diameter Burger King logos and 'Home of the Whopper' in block lettering above the main entrance canopy. On the site, one monument style sign (5'-5" ht. x 8'-10" width) is proposed that contains both a 48 inch diameter Burger King logo and 4' square reader board. Additional site signage proposed includes directional signs (3'-6" ht x 3' width), a drive-through clearance sign (9' ht. with 10'-6" bar), an order confirmation unit (10' ht. max.), and a menu board (6'-7" ht. x 7'-5" width). A variance request, or conditional use modification/waiver or code, will be required for the proposed project signage and has been addressed below in further detail.

(4) Location and adequacy of dumpsters – The proposed dumpster enclosure is located approximately 30 feet behind the restaurant building. This offset distance is typically much closer, but the existence of a 25' wide sanitary sewer easement has dictated



the proposed alignment. This enclosure (18' long x 23'-4" wide x 8'-8" ht.) is oriented towards the parking access aisle, and away from the street, creating an efficient turning movement for the trash pick-up vehicle. The enclosure itself will be constructed from masonry units with a brick façade to match that same element on the proposed restaurant building. Steel gate posts and framing with Trex composite boards will screen the two dumpster locations within the enclosure when they are not being serviced. The proposed trash enclosure also contains a roofed and vented cold storage area (7'-4" wide x 22' long) that is accessible through a man door.

Item #11 A list of the parcel numbers, names and mailing addresses of all land owners within 200 feet of the site.

Response #11: See attached.

Request for Waiver of Signage & Parking Code Requirements

A preliminary review of the proposed Burger King Site Plan and Exterior Elevations by the Community Development Director and his staff has resulted in the requirement to request variances for both the quantity of signage proposed and for the quantity of parking spaces proposed. Although the maximum driveway width allowed is 26 feet at the right-of-way, the City Engineer has recommended an additional 13 foot wide left-turn only lane. Therefore, a variance is not required for this additional lane width.

Per Section 1151.05 (Permanent Signs) in the Oxford zoning code, the maximum total sign area for all signs on a development in the General Business District (GB) shall be no more than 2 square feet of sign per linear front foot of the site. The project site has nearly 250 feet of frontage which would equate to approximately 500 square feet of total sign area. The combined square footage of the proposed project signage totals approximately 242 square feet (monument sign=48 sf, 3 logo signs on building=19.6 sf each or 59 sf total, 'Home Of The Whopper' signage=48 sf, directional signs (7)=3 sf each or 21 sf total, order confirmation unit=30 sf, menu board=36 sf).

However, for a single tenant site, no more than a total of 2 wall or freestanding signs are permitted per site. This project proposes one freestanding monument sign and a total of four wall (logo) signs on the building.

Furthermore, if the average front setback of the structure is less than 100 feet, then the signage may be no more than 3 feet tall. The three Burger King logo signs proposed for the building are 5 feet in diameter. These logo signs are also placed on three sides of the proposed building, not just the front as required.

In regards to parking, the minimum site requirement per code has been calculated to be 19 spaces (1 space req'd per 150 sf of usable floor area, or $2,811 \text{ sf} / 150 = 18.74 = 19$ spaces). The maximum site requirement for parking has been calculated to be 29 spaces (150% of the minimum requirement, or $19 \times 1.5 = 28.5 = 29$ spaces). However, the 3 queue spaces located between the order box and the pay/pick-up window count towards the total parking space requirement. Therefore, the maximum number of parking spaces allowed for this site is 26 spaces.



Proposed Burger King - 5093 College Corner Pike
Conditional Use Permit Application
July 27, 2017
Page 6

Previous development of this proposed 61 seat prototype building in other locations of the country have resulted in the Applicant's desire to provide approximately 30-35 spaces in order to adequately serve their customers during peak business hours.

In summary, the Applicant respectfully requests a recommendation from the Planning Commission for the waiver of the following dimensional or quantity regulations of the zoning code:

1. More than a total of 2 wall or freestanding signs (1 freestanding and 4 wall signs proposed)
2. Signage may be no more than 3 feet tall (5 feet diameter proposed)
3. Signage limited to front of buildings (logo signs proposed on three sides)
4. Parking spaces limited to a minimum of 19 spaces and a maximum of 26 spaces (34 spaces proposed)

We trust the information provided satisfies the requirements for the Conditional Use Permit Application. Please contact me if you have any further comments or questions.

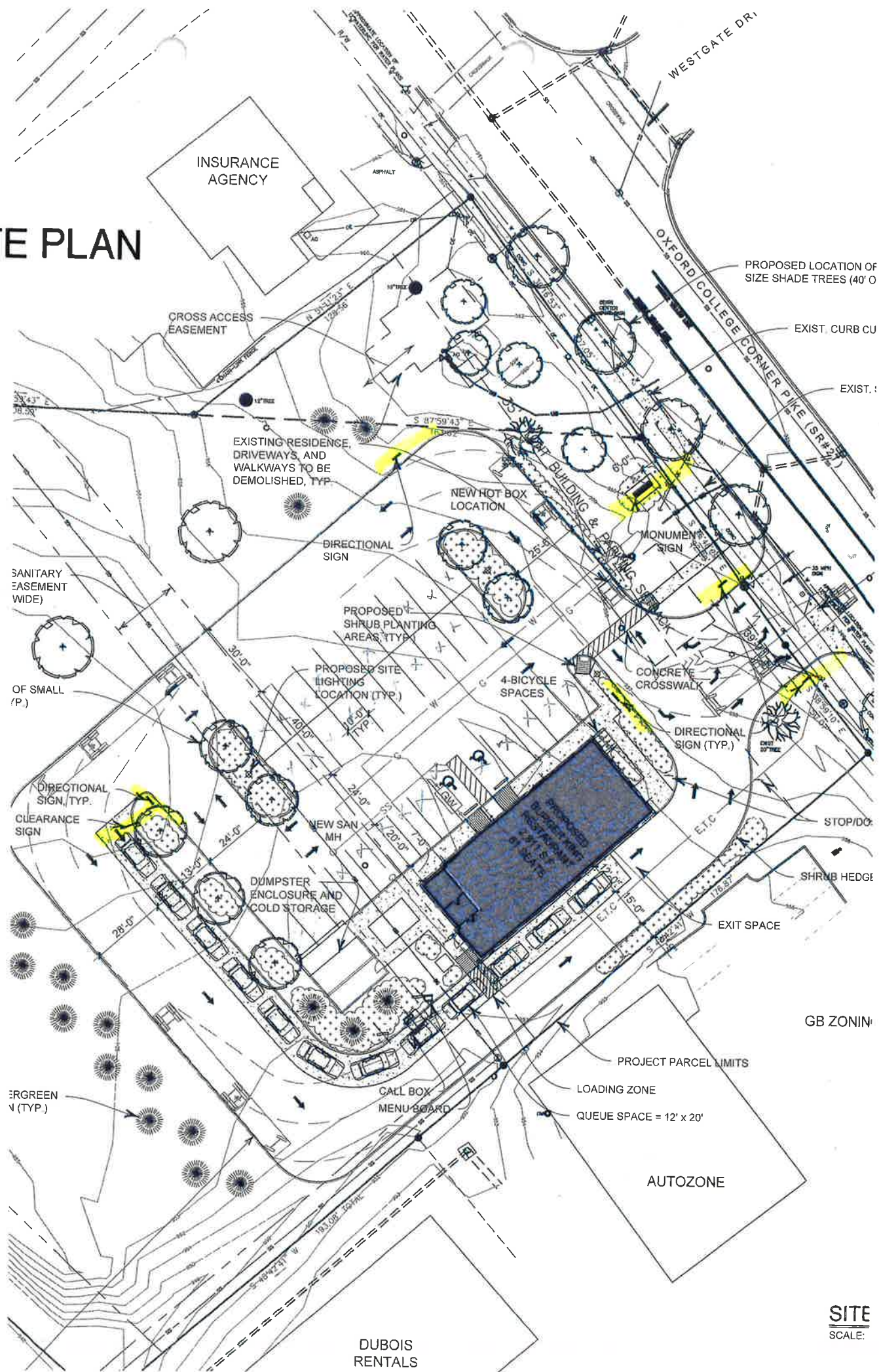
Respectfully submitted,

LAUER MANGUSO & ASSOCIATES
ARCHITECTS / ENGINEERS

A handwritten signature in blue ink, appearing to read 'Robert J. Blood'.

Robert J. Blood, RLA

SITE PLAN







1 - View Of Site From East Corner Across Street



2 - View Of Site From East Corner



3 - View Of Site From South Corner



4 - Site To The Southeast



5 - College Corner Pike Toward SE



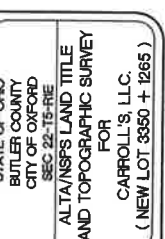
6 - Power & Sidewalk Along CCP

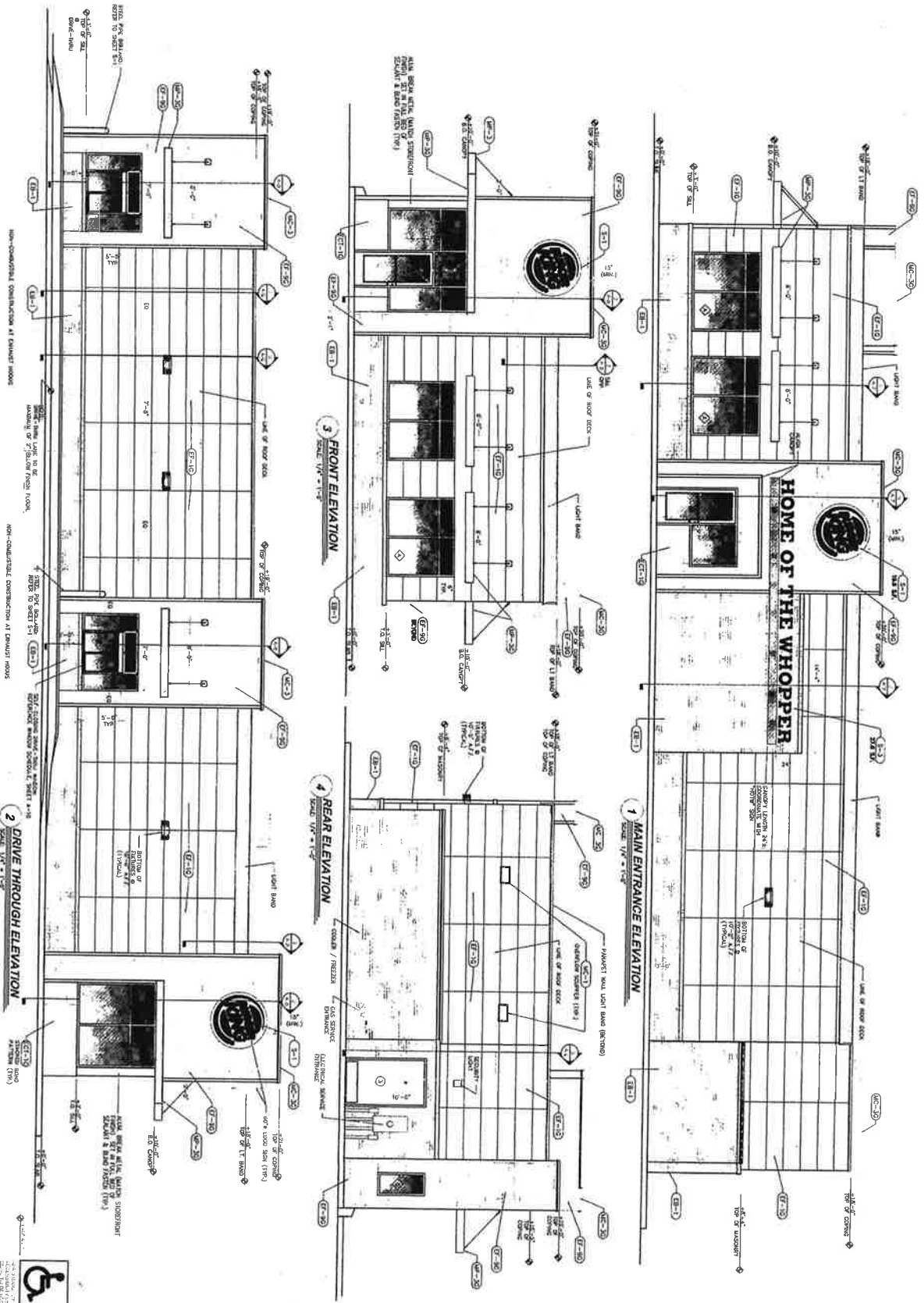


7 - Gas Service Behind Auto Zone



8 - Sanitary Sewer MH Near South Corner





BK-OXFORD, OH
5093 COLLEGE CNR. PIKE
ROC-60 GARDEN GRILL
EXTERIOR ELEVATIONS

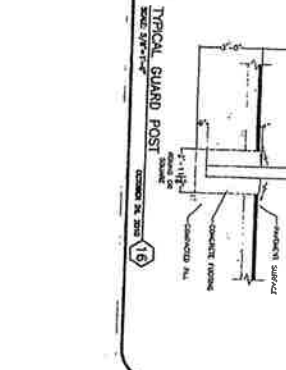
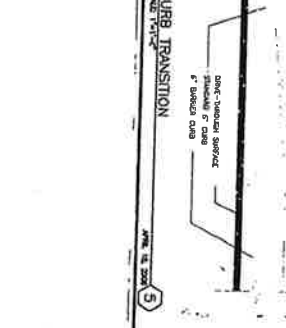
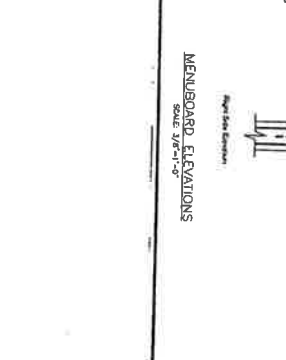
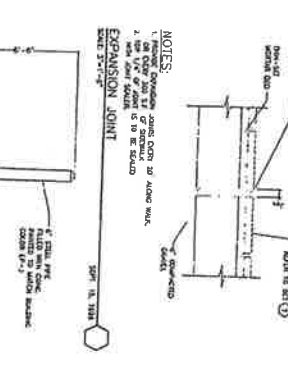
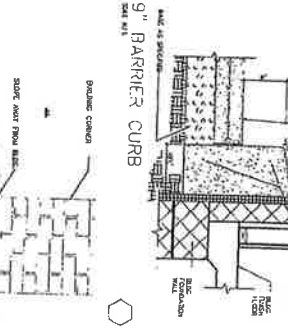
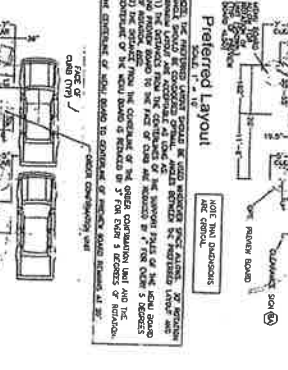
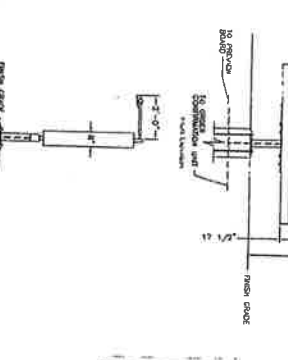
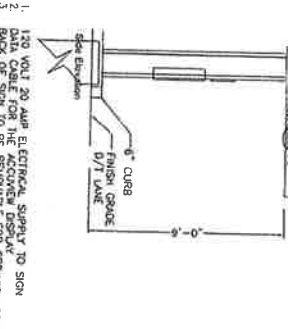
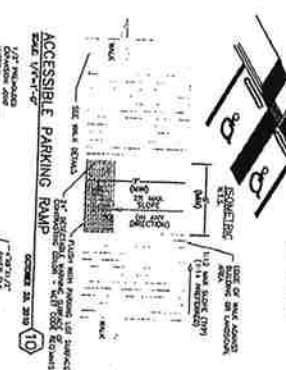
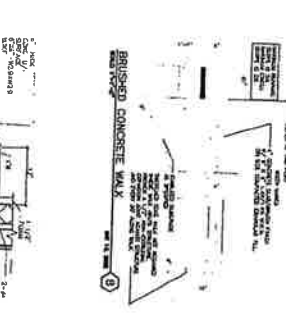
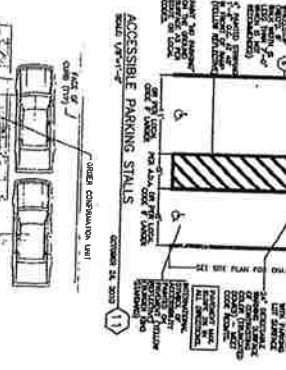
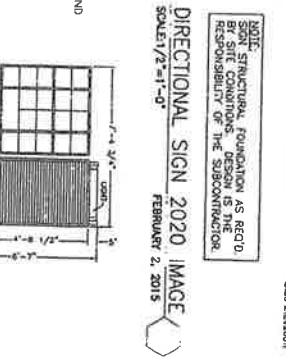
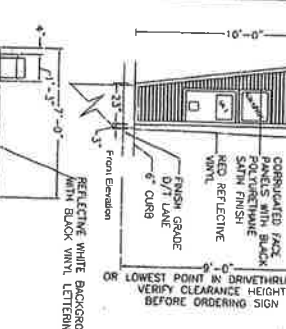
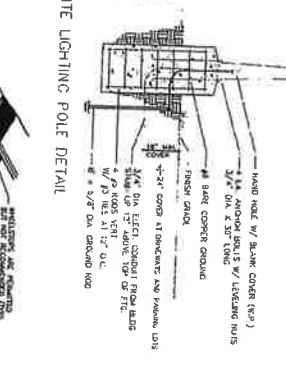
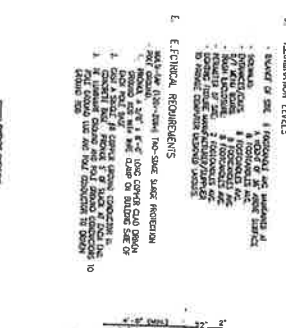
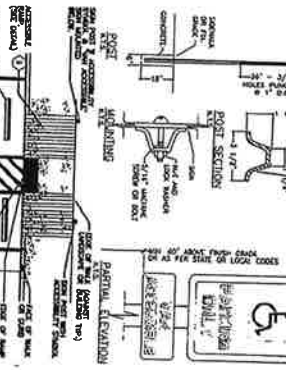
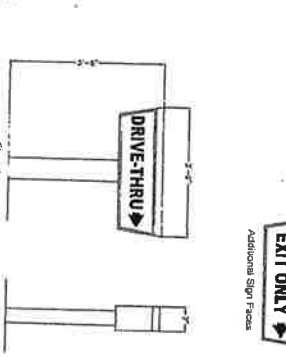
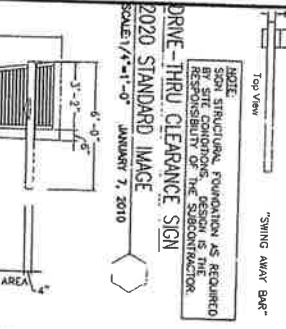
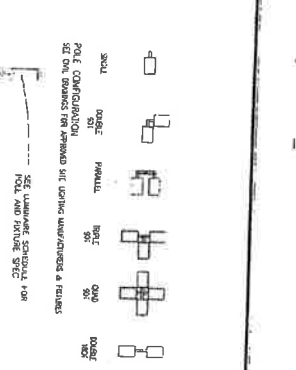
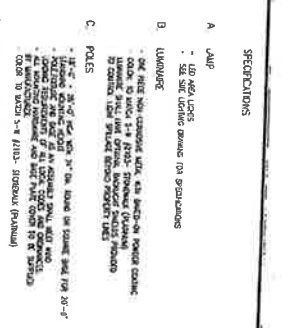
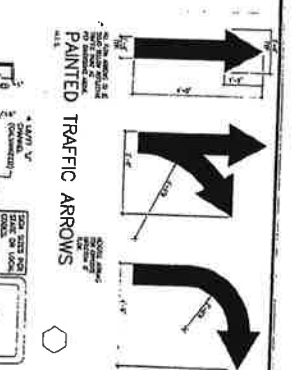
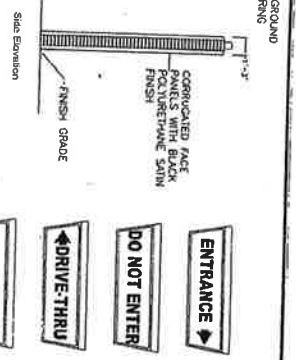
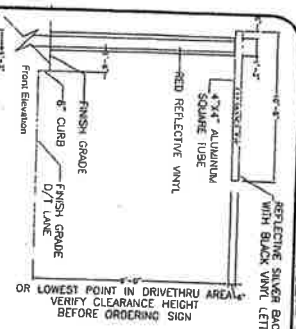
RESTAURANT FOR:
Corralls Corporation
968 Jones Street P.O. Box 6969
Syracuse, New York 13217-6969
(315) 424-0513

ARIEL ARCHITECT
1647 FOREST DRIVE, SUITE 100, SYRACUSE, NY 13211
TEL: 462-7577 FAX: 462-7578



BURGER KING
CORPORATION

ISSUE DATE:
200-01-2017
REVISIONS



ISSUE DATE:	
REVISIONS:	

BURGER KING CORPORATION

RESTAURANT FOR:
Corralls Corporation
555 James Street P.O. Box 6995
Syracuse, New York 13217-6995
(315) 424-0513

THRIEL ARCHITECT
1000 FOREST DRIVE, SUITE 200, SYRACUSE, NY 13210
(315) 424-0513

BK-OXFORD, OH
5093 COLLEGE CNR. PIKE

ROC-60 GARDEN GRILL
SITE DETAILS

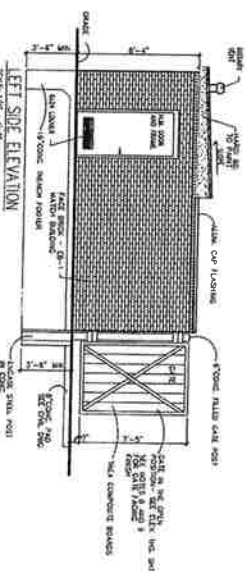
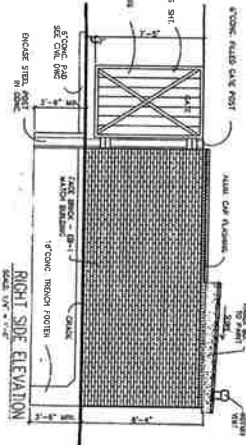
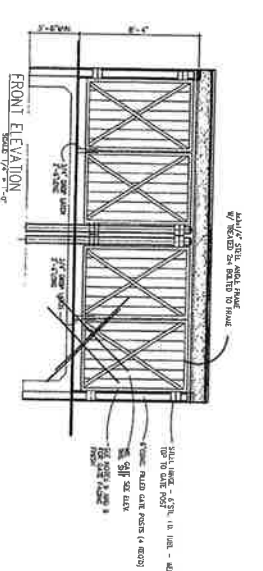
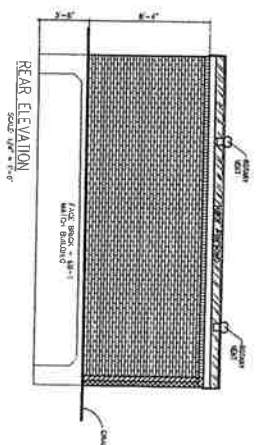
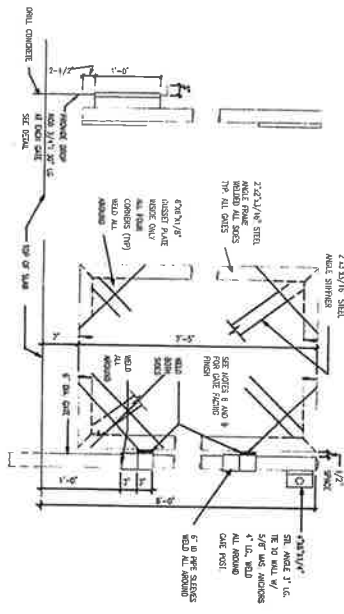
C-1

ORDER CONFIRMATION UNIT
SCALE: 1/4" = 1'-0"

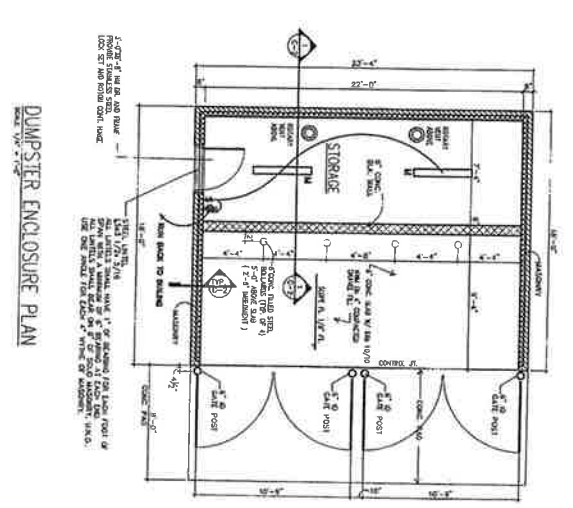
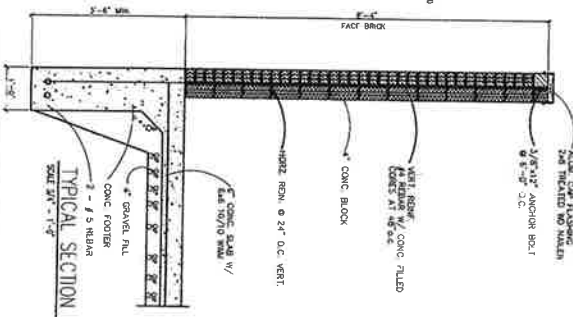
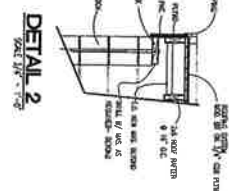
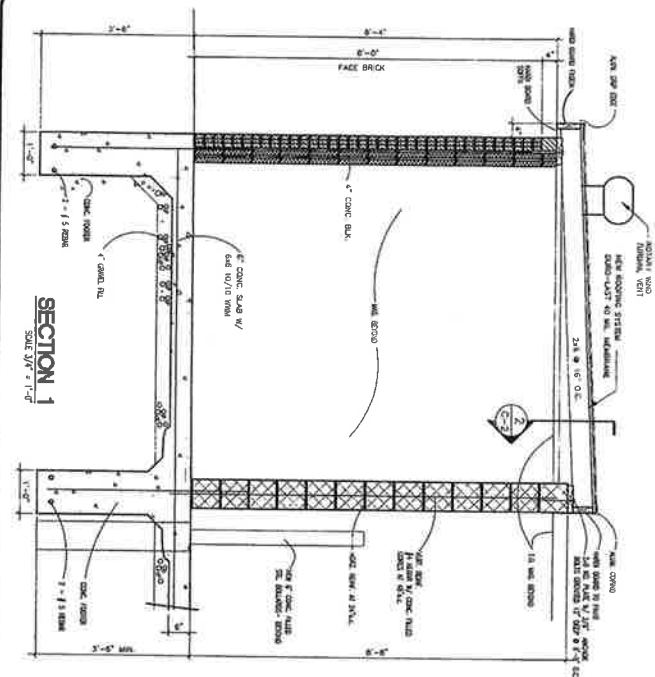
MINIMUM LAYOUT
DRIVE-THRU ORDER STATION 2020 IMAGE
SCALE: 1/4" = 1'-0"

CURB TRANSITION
SCALE: 1/4" = 1'-0"

TYPICAL GUARD POST
SCALE: 1/4" = 1'-0"



- NOTES:**
1. SEE PLAN FOR LOCATION AND DIMENSIONS OF GATES.
 2. GATES TO BE CONSTRUCTED TO ALL BUILDING STANDARDS.
 3. GATES TO BE CONSTRUCTED TO ALL BUILDING STANDARDS.
 4. GATES TO BE CONSTRUCTED TO ALL BUILDING STANDARDS.
 5. GATES TO BE CONSTRUCTED TO ALL BUILDING STANDARDS.
 6. GATES TO BE CONSTRUCTED TO ALL BUILDING STANDARDS.
 7. GATES TO BE CONSTRUCTED TO ALL BUILDING STANDARDS.
 8. GATES TO BE CONSTRUCTED TO ALL BUILDING STANDARDS.
 9. GATES TO BE CONSTRUCTED TO ALL BUILDING STANDARDS.



GENERAL NOTE
ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



Where Creativity
Meets Functionality

Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

July 27, 2017

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

Re: Burger King, City of Oxford – Trip Generation

Dear Mr. Popescu,

Bayer Becker has prepared the following trip generation calculations relative to vehicular traffic for the proposed Burger King site, a 2,811 square foot fast-food restaurant located on College Corner Pike (US 27) in the City of Oxford, Butler County, Ohio. Access to the site will be located approximately 200 feet south of Westgate Drive (measured center to center) and across from the existing access for the Smith & Ogle Funeral Home.

Trip generation calculations for the proposed development were determined for the AM, mid-day, and PM peak hours of adjacent street traffic using the procedures outlined in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition* and the ITE *Trip Generation Manual, 9th Edition, User's Guide and Handbook*. For the mid-day peak hour (11 AM – 1 PM), the AM peak hour of the generator was utilized. It is expected that the AM peak hour of the generator occurs during the lunch hour, whereas the PM peak hour of the generator accounts for the dinner traffic. Also, the AM peak hour of the generator has a higher trip generation rate and is therefore, more conservative of the peaks. Site trips are presented in the following table and ITE trip generation rate information excerpts are provided by attachment.

Land Use	ITE Code	Size	Units	AM Peak Hour			Mid-day Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Fast-Food Restaurant w/ Drive-Through Window	934	2,811	TSF	65	63	128	77	74	151	48	44	92

College Corner Pike (US 27) is classified as an urban principal arterial per the City of Oxford Roadway Alternatives and Classifications map. Based on a 24-hour automatic traffic count obtained from the Ohio Department of Transportation (ODOT), the 2017 annual average daily traffic (AADT) for College Corner Pike (US 27) south of Westgate Drive is 12,523 vehicles per day (vpd) (6,246 vpd northbound, 6,277 vpd southbound). The ODOT traffic count data is attached.

Trips generated by the proposed development were distributed based upon knowledge of the study area and existing traffic patterns. It was estimated that approximately 50% of site traffic would enter/exit the study area to/from the south and 50% to/from the north on College Corner Pike (US 27). Therefore, the site generated traffic volumes found on the attached figure are expected to enter/exit the proposed Burger King development to/from the north and south on College Corner Pike (US 27) during the weekday AM, mid-day, and PM peak hours of adjacent street traffic.

Following approval of the Conditional Use of the site, with acceptance of the trip generation calculations, and once school is in session, a comprehensive Traffic Impact Study will be completed. Should you have any questions or need anything further at this time, please do not hesitate to contact us.

Sincerely,

Lucas W. Braun, P.E.

cc: Robert Blood, Lauer-Manguso & Associates Architects and Engineers

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

110 South College Ave, Suite 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>

Fast-Food Restaurant with Drive-Through Window (934)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 75
Average 1000 Sq. Feet GFA: 4
Directional Distribution: 51% entering, 49% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

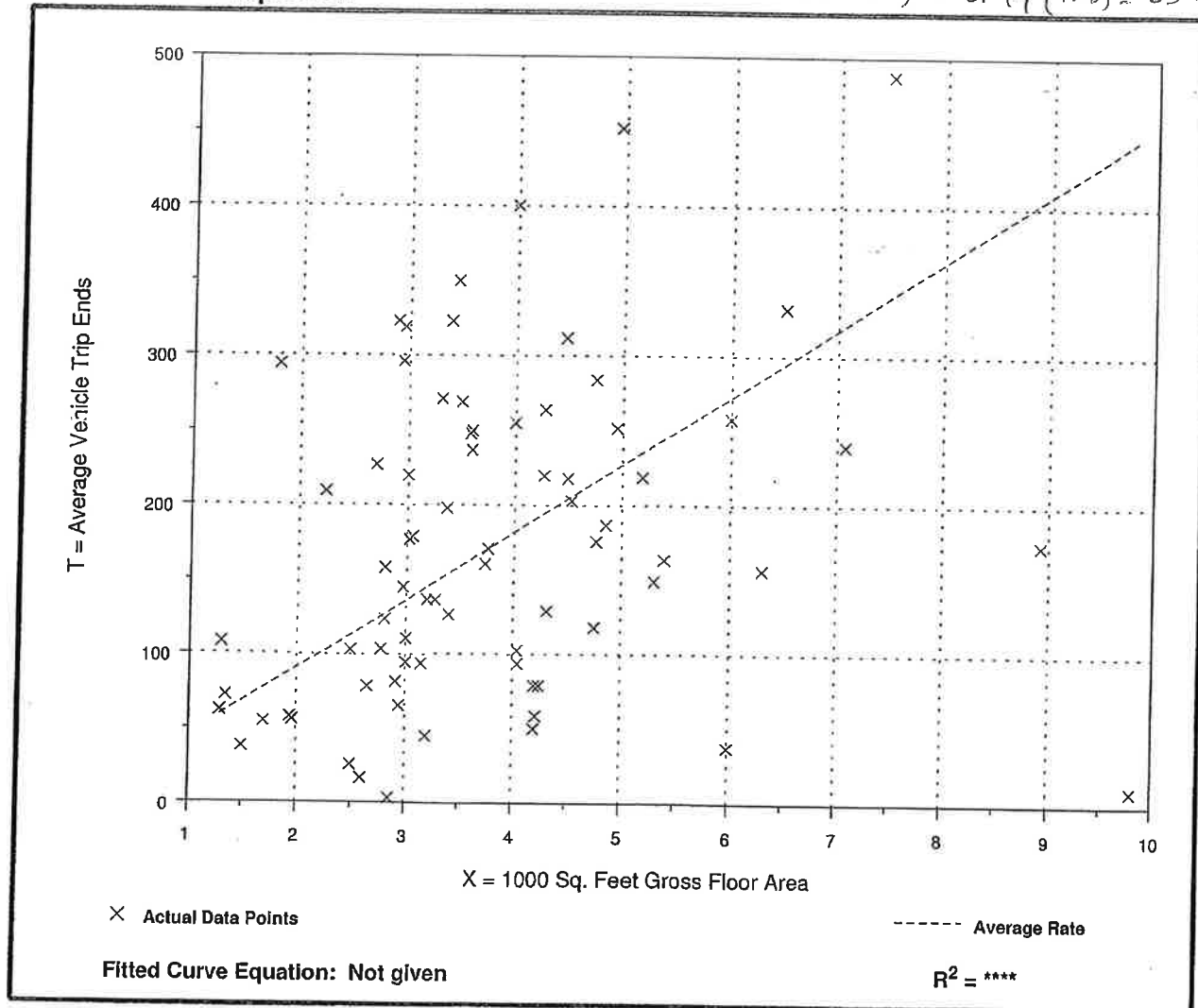
Average Rate	Range of Rates	Standard Deviation
45.42	1.02 - 163.33	28.63

$$T = 45.42 (2.81) = 128 \text{ Trips}$$

$$\text{Entering} = 0.51 (128) = 65 \text{ Trips}$$

$$\text{Exiting} = 0.49 (128) = 63 \text{ Trips}$$

Data Plot and Equation



Fast-Food Restaurant with Drive-Through Window (934)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 132
Average 1000 Sq. Feet GFA: 3
Directional Distribution: 52% entering, 48% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

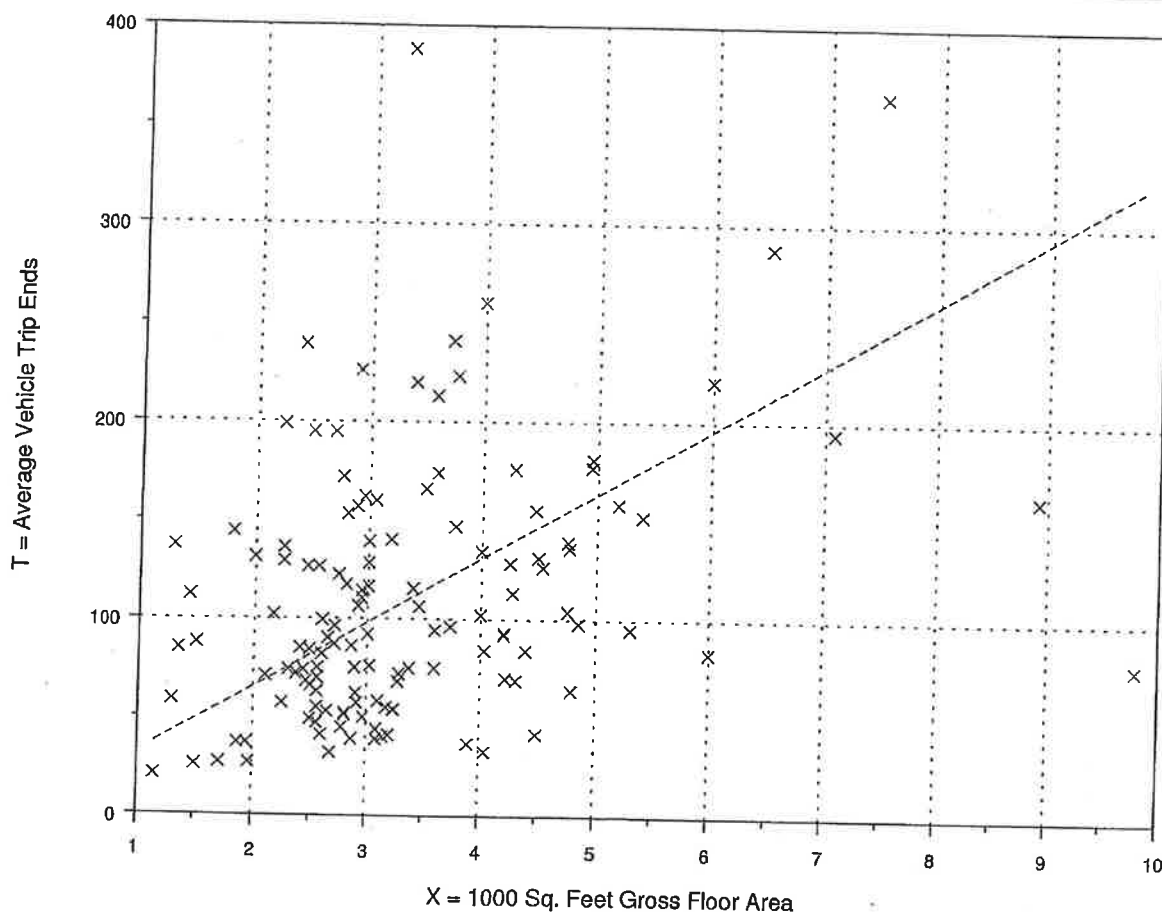
Average Rate	Range of Rates	Standard Deviation
32.65	7.96 - 117.15	19.73

$$T = 32.65(2.81) = 92 \text{ Trips}$$

$$\text{Entering} = 0.52(92) = 48 \text{ Trips}$$

$$\text{Exiting} = 0.48(92) = 44 \text{ Trips}$$

Data Plot and Equation



Fitted Curve Equation: Not given

$R^2 = ****$

Fast-Food Restaurant with Drive-Through Window (934)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
A.M. Peak Hour of Generator

Number of Studies: 65
Average 1000 Sq. Feet GFA: 4
Directional Distribution: 51% entering, 49% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

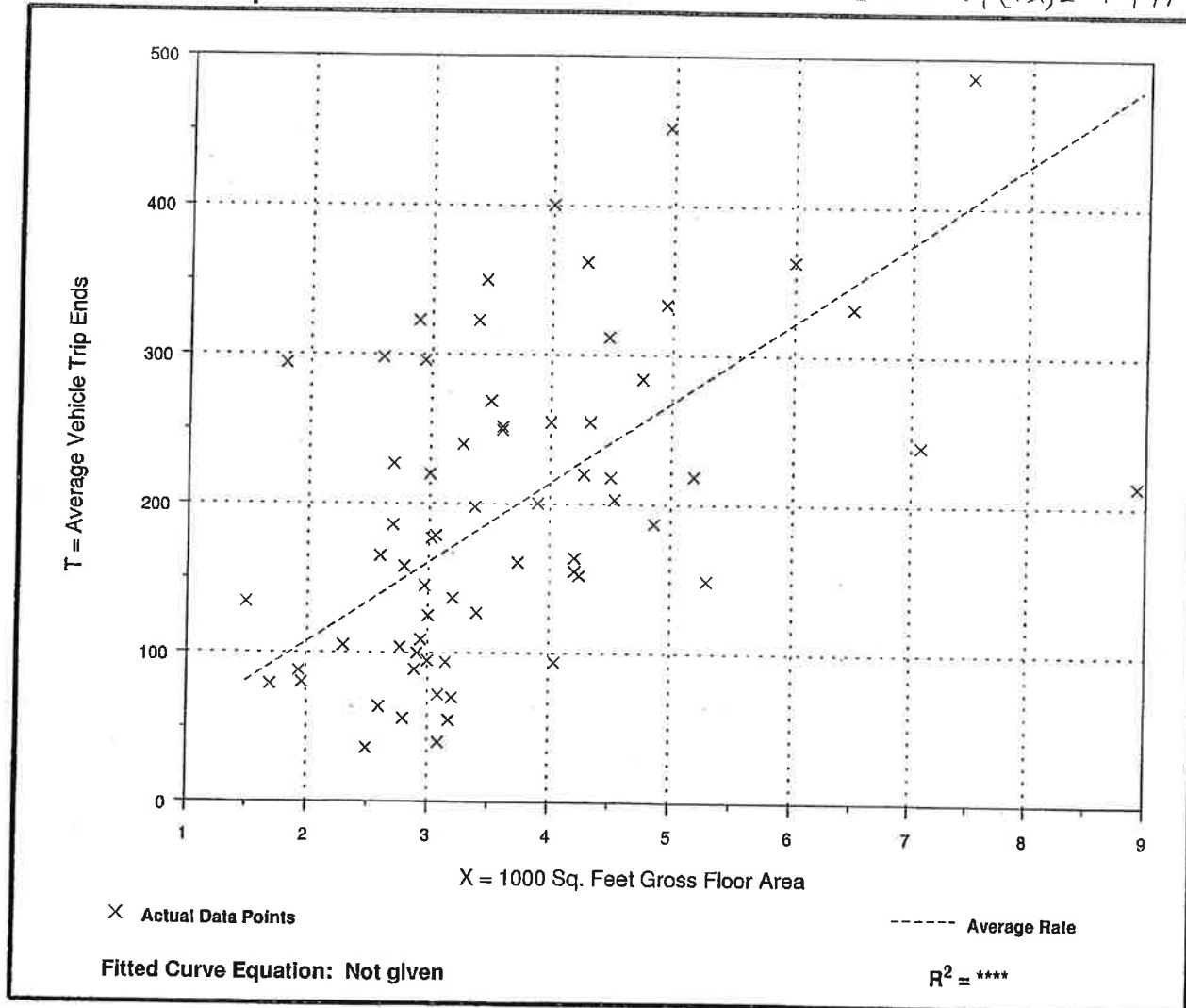
Average Rate	Range of Rates	Standard Deviation
53.61	12.96 - 163.33	26.27

$$T = 53.61(2.81) = 151 \text{ Trips}$$

$$\text{Entering} = 0.51(151) = 77 \text{ Trips}$$

$$\text{Exiting} = 0.49(151) = 74 \text{ Trips}$$

Data Plot and Equation



OHIO DEPARTMENT OF
TRANSPORTATION

Transportation Data Management System

List View

All DIRs

Record	1	of 1	Goto Record	go
Location ID	3709		MPO ID	
Type	SPOT		HPMS ID	
On NHS			On HPMS	
LRS ID	SBUTUS00027**C		LRS Loc Pt.	17.098
SF Group	URBAN_OTHER_PRINCIPAL_ARTERIAL		Route Type	US
AF Group	URBAN_OTHER_PRINCIPAL_ARTERIAL		Route	00027
GF Group	URBAN_OTHER_PRINCIPAL_ARTERIAL		Active	Yes
Class Dist Grp			Category	State Program
WIM Group				
QC Group	Default			
Funct'l Class	Other Principal Arterial		Milepost	
Located On	COLLEGE CORNER PIKE			
Loc On Alias				
US27 OXFORD-COLLEGE SE OF WESTGATE, IN OXFORD				
More Detail				
STATION DATA				

Directions: 2-WAY NB SB ?

AADT ?

Year	AADT	DHV-30	K %	D %	PA	BC	Src
2017	12,523				11,377 (91%)	1,145 (9%)	
2016	14,457 ³		8	52	13,918 (96%)	538 (4%)	Grown from 2015
2015	14,160 ³		8	52	13,632 (96%)	527 (4%)	Grown from 2014
2014	13,901	1,165	8	52	13,383 (96%)	517 (4%)	
2013	16,087				15,590 (97%)	430 (3%)	

1-5 of 12

Travel Demand Model									
Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV

VOLUME COUNT			
Date	Int	Total	
Wed 4/5/2017	15	13,379	
Tue 12/2/2014	60	12,906	
Tue 4/10/2012	60	15,709	
Mon 4/2/2012	60	16,480	

VOLUME TREND ?

Year	Annual Growth
2017	-13%
2016	2%
2015	2%
2014	-14%
2013	0%
2012	0%
2011	16%
2007	-4%
2003	-3%
2000	0%

|<<| <| >| >>| 1-10 of 12

SPEED					
	Date	Int	Pace	85th	Total
	Wed 4/5/2017	15	0 - 40	39*	13,379
	Tue 12/2/2014	60	0 - 40	39*	12,906
					

CLASSIFICATION			
	Date	Int	Total
	Wed 4/5/2017	15	13,379
	Tue 12/2/2014	60	12,906
	Tue 4/10/2012	60	15,709
	Mon 4/2/2012	60	16,480
			

WEIGH-IN-MOTION				
	Date	Axles	Avg GWV	Total
No Data				

PER VEHICLE				
	Date	Axles	85th	Total
No Data				

GAP			
	Date	Int	Total
No Data			

PARTIAL COUNT

Date Int 24-Hr Total

NOTES/FILES			
	Note	Date	
	3709.xlsx	4/28/2017 tec.engineering	
	3709 SD.JPG	4/28/2017 tec.engineering	
	3709 RT.JPG	4/28/2017 tec.engineering	
	3709 PD.JPG	4/28/2017 tec.engineering	

OHIO DEPARTMENT OF
TRANSPORTATION

Transportation Data Management System

Volume Count Report

LOCATION INFO	
Location ID	3709_NB
Type	SPOT
Funct'l Class	3
Located On	COLLEGE CORNER PIKE
Direction	NB
County	BUTLER
Community	OXFORD
MPO ID	
HPMS ID	
Agency	ODOT

COUNT DATA INFO	
Count Status	Accepted
Start Date	Wed 4/5/2017
End Date	Thu 4/6/2017
Start Time	12:00:00 AM
End Time	12:00:00 AM
Direction	
Notes	
Station	000037091050
Study	
Speed Limit	
Description	
Sensor Type	Tube Class

INTERVAL: 15-MIN					
Time	15-min Interval				Hourly Count
	1st	2nd	3rd	4th	
0:00-1:00	7	5	9	7	28
1:00-2:00	8	8	8	8	32
2:00-3:00	4	4	2	4	14
3:00-4:00	8	3	7	7	25
4:00-5:00	15	20	43	42	120
5:00-6:00	28	20	29	35	112
6:00-7:00	49	61	60	59	229
7:00-8:00	47	59	79	94	279
8:00-9:00	100	76	61	71	308
9:00-10:00	84	95	88	83	350
10:00-11:00	120	83	116	114	433
11:00-12:00	140	150	120	125	535
12:00-13:00	119	120	104	93	436
13:00-14:00	101	128	136	130	495
14:00-15:00	104	138	143	137	522
15:00-16:00	146	148	151	144	589
16:00-17:00	165	181	114	151	611
17:00-18:00	109	103	107	83	402
18:00-19:00	87	77	71	97	332
19:00-20:00	86	76	69	52	283
20:00-21:00	60	61	47	48	216
21:00-22:00	42	34	51	18	145
22:00-23:00	35	28	26	28	117
23:00-24:00	22	17	11	10	60
Total					6,673
AADT					6,246
AM Peak	11:00-12:00				535
PM Peak	15:30-16:30				641

OHIO DEPARTMENT OF
TRANSPORTATION

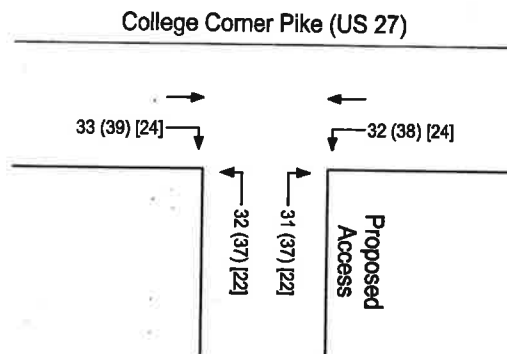
Transportation Data Management System

Volume Count Report

LOCATION INFO	
Location ID	3709_SB
Type	SPOT
Funct'l Class	3
Located On	COLLEGE CORNER PIKE
Direction	SB
County	BUTLER
Community	OXFORD
MPO ID	
HPMS ID	
Agency	ODOT

COUNT DATA INFO	
Count Status	Accepted
Start Date	Wed 4/5/2017
End Date	Thu 4/6/2017
Start Time	12:00:00 AM
End Time	12:00:00 AM
Direction	
Notes	
Station	000037091050
Study	
Speed Limit	
Description	
Sensor Type	Tube Class

INTERVAL:15-MIN					
Time	15-min Interval				Hourly Count
	1st	2nd	3rd	4th	
0:00-1:00	13	2	8	8	31
1:00-2:00	10	5	7	13	35
2:00-3:00	13	9	1	6	29
3:00-4:00	17	7	15	8	47
4:00-5:00	15	20	38	38	111
5:00-6:00	37	53	57	62	209
6:00-7:00	76	84	100	88	348
7:00-8:00	85	73	101	111	370
8:00-9:00	81	64	92	86	323
9:00-10:00	85	92	86	85	348
10:00-11:00	116	96	112	117	441
11:00-12:00	147	130	107	124	508
12:00-13:00	130	113	112	74	429
13:00-14:00	115	112	120	138	485
14:00-15:00	116	116	127	122	481
15:00-16:00	116	151	192	163	622
16:00-17:00	146	137	110	117	510
17:00-18:00	93	91	73	92	349
18:00-19:00	101	47	78	92	318
19:00-20:00	74	60	61	54	249
20:00-21:00	65	50	33	46	194
21:00-22:00	28	36	37	37	138
22:00-23:00	22	25	24	19	90
23:00-24:00	13	6	11	11	41
Total					6,706
AADT					6,277
AM Peak	11:00-12:00				508
PM Peak	15:15-16:15				652



Figure

Burger King
City of Oxford, Butler County, Ohio

Site Traffic Volumes

xx - Weekday AM Peak Hour
(xx) - Weekday Mid-day Peak Hour
[xx] - Weekday PM Peak Hour

EXHIBIT "A"

SITUATED IN THE COUNTY OF BUTLER, STATE OF OHIO, DESCRIBED AS FOLLOWS:

PARCEL 1:

ENTIRE LOT NUMBERED 3350 AS THE SAME IS KNOWN AND DESIGNATED ON THE LIST OF LOTS FOR THE CITY OF OXFORD, BUTLER COUNTY, OHIO, BEING A REPLAT OF PART OF LOT NUMBERED 1255 AND PART OF LOT NUMBERED 1176, CITY OF OXFORD, BUTLER COUNTY, OHIO.

TAX I.D. NUMBER: H4100015000097

BEING THE SAME PROPERTY CONVEYED TO RAY DAY, TRUSTEE U/A DATED JUNE 28, 2005, GRANTEE, FROM RAY DAY AND MARY DAY, AKA MARY L DAY, HUSBAND AND WIFE, GRANTOR, BY DEED RECORDED 08/12/2005, AS BOOK 7606, PAGE 1271 OF THE COUNTY RECORDS.

NOTE: AFFIDAVIT OF SUCCESSOR TRUSTEE, RECORDED 08/30/2006, AS BOOK 7790, PAGE 507 OF THE COUNTY RECORDS.

PARCEL 2:

ENTIRE LOT NUMBERED 1265 AS THE SAME IS KNOWN AND DESIGNATED IN THE CITY OF OXFORD, BUTLER COUNTY, OHIO.

SAID REAL ESTATE BEING FORMERLY DESCRIBED AS A PART OF MIAMI UNIVERSITY LOT #5 IN SECTION 22, TOWN 5 NORTH, RANGE 1 EAST, IN OXFORD TOWNSHIP, BUTLER COUNTY OHIO, AS A .22 ACRE TRACT THEREIN DESCRIBED IN A DEED TO ISABELL K. BRITAIN DATED JUNE 13, 9153, RECORDED IN BOOK 563, PAGE 423, OF THE BUTLER COUNTY, OHIO RECORDS.

LESS AND EXCEPT THAT PART CONVEYED TO CITY OF OXFORD BY INSTRUMENT RECORDED 10/20/2005 IN BOOK 7644, PAGE 772 OF THE COUNTY RECORDS BOUNDED AND DESCRIBED AS FOLLOWS:

SITUATED IN THE STATE OF OHIO, CITY OF OXFORD, COUNTY OF BUTLER, ORIGINAL OXFORD TOWNSHIP, SECTION 22, T 5 N, R 1 E AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PARCEL OF LAND LYING ON THE LEFT SIDE OF THE CENTERLINE OF RIGHT OF WAY OF BUT-27-17.70 AS

MADE BY THE URS CORPORATION AND RECORDED AS IMAGE NUMBER OF THE RECORDS OF BUTLER COUNTY AND BEING LOCATED WITHIN THE FOLLOWING DESCRIBED POINTS IN THE BOUNDARY THEREOF.

BEGINNING AT THE SOUTHEAST CORNER OF CITY OF OXFORD IN LOT NUMBER 1265, SAID POINT BEING AT STATION 952+22.85 ON THE CENTERLINE OF RIGHT OF WAY OF U.S. ROUTE 27 AND THE TRUE PLACE OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE, NORTH 87°59'56" WEST ON GRANTOR'S SOUTHERLY PROPERTY LINE A DISTANCE OF 52.92 FEET TO AN IRON PIN SET;

CONTINUED ON NEXT PAGE

CONTINUATION OF SCHEDULE A

THENCE, NORTH 38°53'47" WEST ON THE PROPOSED SOUTHWEST RIGHT OF WAY LINE OF U.S. ROUTE 27 A DISTANCE OF 102.00 FEET TO AN IRON PIN SET;

THENCE, NORTH 51°29'46" EAST ON GRANTOR'S NORTHWESTERLY PROPERTY LINE A DISTANCE OF 40.00 FEET TO THE NORTHEASTERLY CORNER OF CITY OF OXFORD INLOT NUMBER 1265;

THENCE, SOUTH 38°53'47" EAST ON THE CENTERLINE OF RIGHT OF WAY OF U.S. ROUTE 27 AND GRANTOR'S NORTHEASTERLY PROPERTY LINE A DISTANCE OF 136.37 FEET TO THE TRUE PLACE OF BEGINNING CONTAINING 0.109 ACRES INCLUDING THE PRESENT ROAD WHICH OCCUPIES 0.091 ACRES.

TAX I.D. NUMBER: H4100019000014

BEING THE SAME PROPERTY CONVEYED TO RAY DAY, TRUSTEE U/A DATED JUNE 28, 2005, GRANTEE, FROM RAY DAY AND MARY L. DAY, HUSBAND AND WIFE, GRANTOR, BY DEED RECORDED 08/12/2005, AS BOOK 7606, PAGE 1275 OF THE COUNTY RECORDS.

NOTE: AFFIDAVIT OF SUCCESSOR TRUSTEE, RECORDED 08/30/2006, AS BOOK 7790, PAGE 507 OF THE COUNTY RECORDS.

LEGAL DESCRIPTION

END OF SCHEDULE A