



Agenda

Oxford City Council

Court House

TUESDAY, OCTOBER 7, 2014

EXECUTIVE SESSION

7:15 P.M.

1. Roll call. Kevin McKeehan, Mayor; Kate Rousmaniere, Vice-Mayor; Mike Smith; Bob Blackburn; Steve Snyder; Richard Keebler; Edna Southard

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

- A. Appointments to Boards & Commissions.
- B. Public Comments.

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

4. Consent Agenda.

- A. Minutes of the September 16, 2014 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Report regarding the September 9, 2014 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

- C. Report regarding the September 17, 2014 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



Report

5. Resolutions.

- 1. A Resolution of Council accepting the petition as required by Oxford Codified Ordinance Section 1146.03 to establish a Neighborhood Conservation Overlay District for that area of Hilltop Road, part of Contreras Road, Panda Lane and Pin Oak Drive as set forth on Exhibit "A" attached hereto and referring the petition to the Oxford Planning Commission. (Jung-Han Chen, Community Development Director)



Staff Report/Resolution

- 2. A Resolution authorizing the settlement of Butler County Common Pleas Cases CV 2013 12 3427 and CV 2013 12 3433 with defendants Tracy Beckelhymer and Christopher Umbstead respectively, husband and wife, and authorizing the City Manager to take all steps necessary to resolve these cases. (Mike Dreisbach, Service Director)



Staff Report/Resolution

- 3. A Resolution to adopt the revision of the solid waste generation fee and amend Section VIII of the Solid Waste Management Plan of Butler County, Ohio. (Mike Dreisbach, Service Director)



Staff Report/Resolution

4. A Resolution accepting the bid submitted by Danis Industrial Construction Co. and authorizing the City Manager to enter into a contract with Danis Industrial Construction Co. for the replacement of the belt filter press at the City's Wastewater Treatment Plant at a cost of \$266,800.00 plus a contingency amount of ten percent (10%) of the contract price or \$26,680.00 for a total cost not to exceed \$293,480.00. (Mike Dreisbach, Service Director).



Staff Report/Resolution

5. A Resolution of Council authorizing the full payment of \$21,243.27 to CSX Transportation, Inc. for construction engineering and inspection expenses for improvements to the City's water and wastewater utilities on Chestnut Street through the railroad right-of-way. (Mike Dreisbach, Service Director).



Staff Report/Resolution

6. A Resolution declaring that it is necessary to improve those portions of certain properties on High Street, Campus Avenue, Beech Street and Locust Street in the City of Oxford, Ohio by repaving, re-curbing, and repairing the sidewalks, curbs and gutters. (Mike Dreisbach, Service Director).



Staff Report/Resolution

7. A Resolution authorizing the City Manager to submit eligible projects to the Butler County Board of Commissioners for the 2015 Community Development Block Grant Program (CDBG) Year application. (Mike Dreisbach, Service Director).



Staff Report/Resolution

8. A Resolution authorizing the City Manager to enter into a new lease with Oxford Seniors for the use of the Oxford Senior Citizen Community Center. (Gail Brahier, Parks and Recreation Director).



Staff Report/Resolution

6. Ordinances. Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.

A. First Reading.

1. An Ordinance Approving A Conditional Use Permit To Allow For Professional Office Use In A R3 (Multi-Family Residential) District To Be Located At 10 Reagh's Way, Oxford, Ohio 45056. (Jung-Han Chen, Community Development Director).



Staff Report/Ordinance

2. An Ordinance Amending Ordinance No. 3249. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2014. (Joe Newlin, Finance Director).



Staff Report/Ordinance

B. Second Reading - None.

7. A. Announcements & Communications. The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

1. Remarks from City Council and City Staff.

- B. Future Meetings. (Note: Meetings will be held at the Court House unless otherwise indicated.)

THUR - Oct 9 Community Relations Commission Meeting 4:15 p.m. Municipal Building

THUR - Oct 9 City Council Work Session 6:30 p.m.

TUES - Oct 14 Planning Commission Meeting 7:30 p.m.

WED - Oct 15 Board of Zoning Appeals Meeting 7:30 p.m.

THUR - Oct 16 Recreation Board Meeting 4:00 p.m. Senior Center

FRI - Oct 17 Student Community Relations Commission Meeting 1:00 p.m. LCNB

MON - Oct 20 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

TUES - Oct 21 City Council Meeting 7:30 p.m.

WED - Oct 22 Civil Service Commission Meeting 6:00 p.m.

FRI - Oct 24 Community Improvement Corporation Meeting 12:00 p.m. LCNB

TUES - Nov 4 City Council Meeting 7:30 p.m.

WED - Nov 5 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

WED - Nov 5 Environmental Commission Meeting 7:00 p.m. Municipal Building

TUES - Nov 11 Planning Commission Meeting 7:30 p.m.

THUR - Nov 13 Community Relations Commission Meeting 4:15 p.m. Municipal Building

FRI - Nov 14 Student Community Relations Commission Meeting 1:00 p.m. LCNB

MON - Nov 17 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

TUES - Nov 18 City Council Meeting 7:30 p.m.

WED - Nov 19 Board of Zoning Appeals Meeting 7:30 p.m.

WED - Nov 26 Civil Service Commission Meeting 6:00 p.m.

THUR - Nov 27 Holiday - City Offices Closed

FRI - Nov 28 Holiday - City Offices Closed

8. Adjourn.

A Regular meeting of the Oxford City Council was called to order by Mayor Kevin McKeehan on Tuesday, September 16, 2014 at 7:00 p.m. Those members present were Bob Blackburn, Richard Keebler, Kate Rousmaniere, Mike Smith, Steve Snyder and Edna Southard.

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

ADJOURN TO EXECUTIVE SESSION

Mr. Blackburn moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22 (G) 2 and 3 for the purpose of discussing the sale/acquisition of property and pending litigation. Mr. Smith seconded. The motion passed by the following roll call:

AYE: Mr. Blackburn, Mr. Keebler, Ms. Rousmaniere, Mr. Smith, Mr. Snyder, Ms. Southard, Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Ms. Southard moved to adjourn from Executive Session at 7:37 p.m. Mr. Blackburn seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor McKeehan requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Snyder moved to approve the agenda. Mr. Smith seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **‘CAROLINE SCOTT** **HARRISON DAY’**

Mayor McKeehan read the Proclamation and presented it to Ms. Kathleen Fox.

Ms. Kathleen Fox, advised this was the second Proclamation for Caroline Scott Harrison Day in Oxford. Ms. Fox noted this year’s event would take place on October 5, 2014 from 3-5 p.m. at the Oxford Community Arts Center and Ms. Scott Harrison’s 182 birthday would be celebrated.

Ms. Fox advised a lot had happened since the first Proclamation including the installation of a Historic Marker in front of the OCAC commemorating Ms. Scott Harrison and a book had been published about Ms. Scott Harrison written by Marjory Bowers. Ms. Fox noted a bronze statue would be created of Ms. Scott Harrison by sculptors Jerrett and Celine Hawkins who would be guests at the celebration on October 5th and they would unveil a rendering of the statue. Ms. Fox encouraged everyone to attend the event to celebrate Oxford's First Lady.

PRESENTATION

SENIOR HOUSING SURVEY

Dr. Suzanne Kunkel, Director, Scripps Gerontology Center, thanked Council for the opportunity to address them. Dr. Kunkel advised she wanted to speak about the aging of society noting the baby boom was embarking on this new stage of life and had changed expectations of aging. Dr. Kunkel advised the aging of society had been referred to as the 'Silver Tsunami' and she liked to refer to it as an opportunity and a challenge to change everything we knew about aging. Dr. Kunkel acknowledged people in the audience noting there was an impressive group of people who worked on a project to see what it might mean to grow older in Oxford and how to make the community the best possible place to grow older. Dr. Kunkel advised it was almost exactly a year since a forum was held on this topic and now she and Ms. Lind were here to present some data about what was learned as the group moved forward with some of the specific recommendations that came out of that forum. Dr. Kunkel noted Aging in Place was a national and international trend and there were several models for how to do that. Dr. Kunkel advised people wanted to stay in their communities and in their homes for as long as possible and all of the initiatives and all of the models and changes reflected the aging of society and the aging of communities. Dr. Kunkel noted she, Ms. Lind and the others would provide information and support as we faced the challenges and took advantage of opportunities represented by the aging of our community. Dr. Kunkel advised she would summarize our opportunities and challenges at this point in time as the opportunity to maintain and plan for a vibrant and diverse multi-generational community which involved retaining our older residents and attracting new ones that were in their later stages of life. Dr. Kunkel provided some national data to put into perspective what a challenge this was. Dr. Kunkel advised a recent AARP survey indicated that 2/3 of people aged 45 plus wanted to stay in their home for as long as possible and a survey done in 2014 by the National Council on Aging indicated that ¾ of people aged 60 plus planned to stay in their homes for as long as possible and the challenge was that 30% of them were not sure how they were going to do that and 80% of them had not talked to family members about their plans to stay in their home. Dr. Kunkel advised less than 40% of the respondents to this national survey felt their communities were doing an adequate job of providing affordable housing options. Dr. Kunkel noted a survey was done in Oxford as a collaborative grass roots effort and the focus was to find out what people aged 50 plus wanted, needed, planned for and expected in terms of housing and services as they aged in our community. Dr. Kunkel advised Ms. Lind would discuss those results.

Ms. Sherry Lind, Senior Research Assistant, Scripps Gerontology Center, discussed the results of the survey done in Oxford and provided a PowerPoint presentation noting those who responded to the survey had spent between half a year to 86 years living in Oxford and they lived one quarter of a year to 76 years at their current address.

Ms. Lind advised 35% of the respondents who were 50-64 years of age said Oxford was an excellent place to live and 49% said it was a good place to live. Ms. Lind noted those who were 65-85 years of age had a higher percentage that said Oxford was an excellent place to live. Ms. Lind advised apparently, the longer people lived in Oxford the more they liked it. Ms. Lind noted respondents were asked what they had ever considered doing and the top options were making modifications in their home, moving to another home, moving closer to relatives and moving to a retirement community. Ms. Lind advised respondents were asked when they thought about staying in their own homes as they aged what might cause them to consider moving and the top answers were: easier home maintenance, declining health and to live in a smaller home. Ms. Lind noted the greater number of respondents would prefer to move (if they were to move) to condos or smaller houses. Ms. Lind advised approximately 1/3 of the respondents planned to move in the next 20 years and 9% preferred to live among people their age and 64% preferred to live among people of all ages. Ms. Lind noted the Center for Housing Policy published a report in 2012 entitled "Housing and an Aging Population – Are We Prepared" and many of their recommendations corresponded with the needs and desires indicated by the respondents in Oxford's survey. Ms. Lind advised many opportunities existed if different entities already part of the Oxford area would combine their efforts to solve some of the larger issues seniors faced as they aged in place in the Oxford area. Ms. Lind noted this research could not have been conducted without the combined efforts of the City of Oxford, Oxford Seniors, and the OxfordVillage Network. Ms. Lind advised volunteer organizations, professional organizations, political entities and major employers needed to work together to plan the future and noted the residents that responded to the survey clearly wanted to stay in this area and she encouraged everyone to work together to make it good for all Oxford area residents.

Mayor McKeehan thanked Ms. Lind and Dr. Kunkel for their efforts and noted Council appreciated it.

NOTICE TO LEGISLATIVE AUTHORITY

New permit for Wills Uptown Pizza & Carryout LLC DBA Wills Pizza 11 W. Church Street
Oxford, Ohio 45056.

Mr. Kyger advised Wills Pizza had a permit to sell beer and wine for off-premises consumption (carry-out) and the new permit would allow consumption of beer and wine on the premises.

Ms. Rousmaniere noted she was involved with the Coalition for a Health Community who had a lot of discussions about alcohol and opiate abuse. Ms. Rousmaniere inquired if this establishment had a history of underage violations or other problems. Chief Holzworth advised he was not aware of any violations at this place of business and in the future records of violations could be provided.

Mr. Keebler moved to receive the notice. Mr. Snyder seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Ms. Joan Potter Sommer, Chair, Oxford VillAGE Network and Executive Director, Oxford Seniors, thanked the Scripps Gerontology Center and specifically Shetty Lind and Suzanne Kunkel for their research efforts. Ms. Potter Sommer also thanked the City of Oxford and Jung-Han Chen, Community Development Director. Ms. Potter Sommer inquired who would have known that the ideas generated from the Forum on Aging last September would have lead to this research and she looked forward to seeing the information obtained from the survey used for the betterment of Oxford.

Ms. Cheryl Young, Assistant Provost for Global Initiatives at Miami University, noted this organizational unit was formed 2 years ago and they worked with all of the internationally focused efforts at the university including International Student and Scholar Services, Study Abroad programs, Continuing Education, the Center for American and World Cultures and the Confucius Institute. Ms. Young noted Han Ban started Confucius Institutes 10 years ago throughout the world and on September 26, 2014 Hanban and across the world would celebrate the 10th anniversary of Confucius Institutes. Ms. Young introduced Ms. Chen Zhao, Director of the Confucius Institute and noted Ms. Zhao would discuss the Confucius Institute Day events.

Ms. Chen Zhao, thanked Council for the opportunity to present information about the Confucius Institute. Ms. Zhao advised there were over 1,000 Chinese Institutes and classrooms around the world and the purpose of the Chinese Institutes was to share the culture and teach the Chinese language. Ms. Zhao noted the Chinese Institute at Miami University was established in August of 2007 and since then 3 more had been established in the State of Ohio. Ms. Zhao advised each Chinese Institute had a partner in China and Miami's partner was Liaoning Normal University. Ms. Zhao noted the Chinese Institute was also a platform for enhancing multi-cultural awareness for Miami University and for the local community and encouraged everyone to see them as a resource. Ms. Zhao advised September 26th was Global Chinese Institute Day and various activities would take place at Cook Field and in the Uptown Parks from 2-8:30 p.m. Ms. Zhao noted a Tia Chi demonstration and a Kite Flying event would take place at Cook Field and informational booths, games and food would be offered in the Uptown Parks. Ms. Zhao advised if it rained, the event would move to the Shriver Center. Ms. Zhao noted her hope this first Chinese Festival would be a good experience so it would carry on in future years.

CONSENT AGENDA

MINUTES

Minutes of the September 2, 2014 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the September 3, 2014 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTIONS

RESOLUTION **NEW VEHICLE**

A Resolution No. 4856 authorizing the City Manager to enter into a contract with Statewide Ford Lincoln for the purchase of a 2015 Ford Interceptor Utility vehicle at state contract pricing at a cost not to exceed \$30,806.00. (Bob Holzworth, Police Chief)

RESOLUTION **NEW VEHICLE**

A Resolution No. 4857 authorizing the City Manager to enter into a contract with Statewide Ford Lincoln for the purchase of a 2105 Ford Interceptor sedan at state contract pricing at a cost not to exceed \$28,681.00. (Bob Holzworth, Police Chief)

Mr. Blackburn moved to approve the consent agenda. Mr. Snyder seconded. The motion passed 7-0-0.

RESOLUTION **NEIGHBORHOOD CONSERVATION** **OVERLAY DISTRICT**

A Resolution No. 4858 of Council accepting the petition as required by Oxford Codified Ordinance Section 1146.03 to establish a Neighborhood Conservation Overlay District for that area of Melissa Drive, Melinda Drive, and part of Dana and David Drives as set forth on Exhibit "A" attached hereto and referring the petition to the Oxford Planning Commission for recommendations to City Council. (Jung-Han Chen, Community Development Director)

Ms. Southard recused herself as a resident of the neighborhood in question.

Mr. Chen advised the proposed district included 70 parcels and the neighbors collected 53 signatures which exceeded the 2/3 requirement based on the Zoning Code Chapter 1146. Mr. Chen noted the petition satisfied the boundary requirement for the overlay district and encompassed Melinda Drive, Melissa Drive and parts of David and Dana Drives. Mr. Chen advised this was the first step in establishing an overlay district and if Council accepted the petition it would go before the Planning Commission for recommendations to City Council.

Ms. Linda Musmeci Kimball, 724 Melinda Drive, advised she was in attendance with Charlene York, another circulator of the petition on behalf of an overwhelming majority of neighbors who were in favor of restricting the rental use of single-family dwellings in their neighborhood and designating their neighborhood an overlay district. Ms. Musmeci Kimball noted the neighbors wanted to preserve the peace, tranquility and character of their neighborhood which was their right as a citizen and it was their right to protect the use of their property and their homes. Ms. Musmeci Kimball noted the circulators contacted or notified every home owner because there were 6 rental properties in the proposed district.

Ms. Rousmaniere advised following procedure, Council should move this item to the Planning Commission.

Mr. Snyder moved to adopt Resolution No. 4858. Mr. Blackburn seconded. The motion passed 6-0-0.

ORDINANCES **SECOND READING**

ORDINANCE **OVERLAY DISTRICT**

An Ordinance No. 3280 Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R 1-A Single Family Low Density Residential District, For 17 Parcels Located In The Vicinity Of Cedar Drive In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Chen advised he had no new information to report since the first reading of the proposed Ordinance.

Mr. Jim Michael, advised he was asked to read comments into the record for Allan Winkler who was out of town this evening. "We are here to follow up on our comments from prior meetings of Council and the Planning Commission to ask you to complete the overlay process we began in May, specifically we ask you to approve unchanged the petition that was crafted with the help of Sam Perry and Jung-Han Chen accepted by Council on June 3rd by a vote of 6-0, endorsed by the Planning Commission on August 12th by a vote of 6-1 and then considered sympathetically by Council at the first reading on September 2nd. We argued then and repeat now that we have followed the process to the letter laid out by Council in September 2012. We have signatures from 2/3 of the residents of a discrete block that follows detailed instructions for boundary outlines. The effort to preserve the neighborhood is fully consonant with the Oxford Comprehensive Plan. We seek to maintain a sense of peace and harmony in a neighborhood that has had single family homes for the past 60 years and there will be damage by further traffic on our narrow street. We underscore that this is an owner generated petition that speaks to the wishes of the community. We wish to note that every one of the signatories has a firm commitment to students and their welfare, we are or have been closely associated with Miami University and other institutions and have spent decades working closely and successfully with students. We have invited students living at 926 Cedar Drive to our September block party and will continue to do so. We simply wish to maintain the character of the neighborhood as it is and not let it become a student enclave as has been the case with so many other parts of Oxford. We wish to note that we have followed the democratic process every step of the way. The Council's procedures democratically passed and explicitly described, mandated that an overlay process could proceed with a 2/3 majority of the residents. We have provided that. We have gone to Council, the Planning Commission, and back to Council as specified in the democratic processes. In a democratic society people may disagree with an outcome but they are required to accept the will of the majority. The overlay change we seek is clearly within the contours of the law. Signatories would reject any change. We ask for your support in endorsing this overlay and making it possible at long last."

Ms. Tara Jones, Attorney, 14 W. Park Place, advised she was in attendance representing the petitioners. Ms. Jones noted some of the comments from the first reading addressed the possibility of amending the overlay boundary line and advised this boundary was drawn carefully in a geographically logical way as the Ordinance dictated. Ms. Jones noted the Ordinance gave the example of a cul-de-sac or an entire block as a preferred overlay boundary which was what this petition included. Ms. Jones encouraged Council to accept the boundary line as presented without change. Ms. Jones advised the overlay created an almost perfect rectangle and included the properties on and immediately adjacent to a cul-de-sac as suggested by the Ordinance. Ms. Jones noted excluding certain properties from the overlay opened the door for 'checkerboard' zoning and advised there might be an argument to exclude certain properties from the overlay since they were at the end corner of the boundary line but doing so undermined the overlay process. Ms. Jones noted the overlay Ordinance was not designed to require unanimous consent to the boundary line, it was designed instead to preserve the attractiveness, desirability and privacy of residential neighborhoods by precluding all or certain types of rental properties. Ms. Jones advised excluding properties from this overlay opened the door for carve-outs to every other overlay petition presented to Council in the future. Ms. Jones again encouraged Council to accept the overlay boundary line as presented without change.

Ms. Melanie Brinkman, 5720 Old Pfeiffer Lane, Blue Ash, Ohio, noted she communicated most of what she wanted say in writing earlier today to each Councilor. Ms. Brinkman advised she represented 920 and 926 Cedar Drive. Ms. Brinkman advised in looking at the previous petition Council accepted tonight she noticed it did not create a perfect rectangle. Ms. Brinkman referred to the Cedar Drive petition and noted based on the cemetery next door and university property across the street it did not create a checkerboard pattern to exclude 4 properties and the impact of including them did not make a big difference in the traffic flow. Ms. Brinkman noted a proposal was offered today which would allow the 4 properties access directly from Chestnut Street as opposed to using Cedar Drive as their main thoroughfare. Ms. Brinkman advised the Engineering Department supported plans to create a driveway network that would allow the 4 parcels to not increase congestion.

Ms. Pat Willeke, 1007 Cedar Drive, advised the Cedar Drive residents were again asking Council to approve the entire rectangle for the Cedar Drive overlay. Ms. Willeke noted the residents appreciated Council's thoughtfulness in making this decision. Ms. Willeke advised they knew that 2 of the property owners would not be happy if the entire rectangle was approved but 10 of them would be very happy. Ms. Willeke noted the residents knew that there would always be rental properties on their street. Ms. Willeke advised the residents had met every criteria to become an overlay community and their request for 14 properties and 12 owners whose properties touched each other was the only logical way for Cedar Drive to be an overlay neighborhood. Ms. Willeke again thanked Council for their careful consideration.

Mr. Tom Brinkman, 5720 Old Pfeiffer Lane, Blue Ash, Ohio, advised he represented 331 E. Chestnut Street and noted he purchased the property as a rental property, it sat next to a rental property and a cemetery and it was across from university property. Mr. Brinkman advised during the purchase process he never once drove down Cedar Drive. Mr. Brinkman noted he purchased the property for his family to enjoy for generations to come. Mr. Brinkman advised it was obvious that the owners of the 4 parcels did not want to be included in the overlay district and none of them were notified which was bad due process.

Mr. Brinkman noted he purchased the property for the flexibility of the future and when he purchased it overlay districts did not exist. Mr. Brinkman advised he respected the other property owners if they wanted to voluntarily put their home in an overlay district. Mr. Brinkman noted he had no way to voice that he didn't want to be included and when he did voice concerns at the Planning Commission meeting he was ignored. Mr. Brinkman advised excluding the 4 parcels would not create a checkerboard pattern and there would be a unanimous consent overlay district. Mr. Brinkman noted he felt this was an attempt to restrict what he expected when he purchased the property. Mr. Brinkman advised he offered to connect the properties specifically and completely to Chestnut Street but there had been no dialog until today and then it was rejected. Mr. Brinkman noted he was frustrated that there was no compromise.

Ms. Christine House Shumway, 1000 Cedar Drive, noted Mr. Brinkman also owned 920 and 926 Cedar Drive along with his wife. Ms. House Shumway advised the residents started this process on June 3rd with Council and the Brinkman's closed on their properties on June 30th. Ms. House Shumway indicated that the Brinkman's were aware that the overlay process had started before they purchased the house. Ms. House Shumway noted at the last meeting references were made about the residents of Cedar Drive being biased against students and advised most of them were teachers, mentored students and had no bias against students, the Brinkmans, landlords or the right to own and rent property. Ms. House Shumway advised the residents were only here to preserve the character of their street and they wanted to maintain it as a peaceful, quiet place to live and a safe place to raise children. Ms. House Shumway noted her hope Council would keep the overlay boundary as presented and the residents appreciated everything Council had done.

Ms. Carol Michael, 409 E. Chestnut, noted what affected Cedar Drive also affected Chestnut Street. Ms. Michael advised for many years Cedar Drive and Chestnut Street residents had worked together to maintain a high quality neighborhood of residential homes. Ms. Michael noted they worked together to reduce the speed limit to 25 mph on Chestnut Street and to get yellow curbing installed for better visibility for motorists. Ms. Michael advised they also countered the plan to re-route U.S. 27 down E. Chestnut Street. Ms. Michael noted quality of life was an important issue to them and this was a perfect application of the overlay district legislation. Ms. Michael thanked Council for the opportunity to have the overlay and encouraged Council to support the residents in maintaining the quality of this residential neighborhood.

Mr. Gene Willeke, 1007 Cedar Drive, noted he felt the driveway proposal made by the Brinkmans for a R1A District needed to go before the Board of Zoning Appeals for a zoning variance.

Mr. Blackburn advised he was not in favor of the proposal for a private driveway off of Chestnut Street to serve 4 properties and noted another curb cut was not needed there.

Mr. Snyder echoed Mr. Blackburn's comments noting he felt it would create problems in the future for that area.

Mr. Keebler advised he was not in favor of the proposal for a private driveway off of Chestnut Street noting there could be as many as 12 cars going in and out on a daily basis in close proximity to Oak Street and Cedar Drive which was a safety issue.

Mr. Keebler referred to the issue of notification and stated he didn't know what it would have changed. Mr. Keebler advised this was the notification and this was the due process to create an overlay district.

Mr. Keebler advised he would like to offer an amendment to remove 2 properties from the overlay district located at 331 E. Chestnut Street and 401 E. Chestnut Street. Mr. Keebler noted 401 E. Chestnut had been a rental for 11 years according to the owner and 331 E. Chestnut had been a rental for 7 years. Mr. Keebler advised those 2 properties were not really a part of the neighborhood, they just squared off the boundary. Mr. Keebler noted the rental permits were grandfathered for those properties and he saw nothing to be gained for the neighborhood by including those properties in the overlay.

Mr. Keebler moved to amend the proposed Ordinance by changing 17 to 15 in the caption and in Section 3 after Council hereby accepts add *and modifies* and after Planning Commission add *by removing 2 parcels shown on Exhibit "A" as "not signed" with Chestnut Street Addresses* and after District add *for the remaining 15 parcels*.

Ms. Rousmaniere noted she understood Mr. Keebler's position but she was still inclined to object to carving-out, exempting or making changes to an overlay district that was designed specifically by staff. Ms. Rousmaniere noted concern with setting a precedent. Ms. Rousmaniere advised the overlay was set-up to have 2/3 of a community as homeowners and 1/3 as rental properties and those that had rental permits may continue to hold those rental permits. Ms. Rousmaniere noted as Mr. Blackburn said at the last meeting, a family could move into a rental property and maintain the rental permit and still keep it as a rental property. Ms. Rousmaniere advised the claimed loss of flexibility of the rental properties in the proposed district perplexed her. Ms. Rousmaniere reiterated that staff created these boundaries and she was not convinced that Council should make changes.

Mr. Keebler noted Council was the voice of those who wanted to be in the overlay and those who did not and he felt there were reasonable accommodations that could be made by Council looking at the whole picture and not having a vested interest in the properties. Mr. Keebler advised he would never consider carving out properties in the middle of a proposed district. Mr. Keebler noted Council had a vested interest in protecting all of the home owners not just the ones who wanted to be in the overlay and he did not see the value of the 2 properties on E. Chestnut Street being included in the overlay when the owners did not want to be included. Mr. Keebler advised those owners had no other way to opt-out except by Council opting them out.

Mayor McKeehan referred to comments made earlier and corrected the fact that the Ordinance did not grant 1/3 the right to rent it simply said a 2/3 majority was needed to support a proposed overlay district coming before Council.

Mr. Snyder inquired if the Ordinance allowed for the changing of boundaries at this point in the process and Mr. McHugh advised Council had the authority to make changes as they deemed appropriate.

Ms. Southard noted ideally she would like to keep the overlay intact but it was also in Council's best interest to get this done sooner rather than later. Ms. Southard advised she agreed with not having a private driveway off of Chestnut Street.

Mayor McKeehan advised he could not support the private driveway because of the additional egress and the off sets in that area would create more calamity with 12 or more cars coming and going each day. Mayor McKeehan applauded Councilor Keebler for his proposed amendment noting he felt it had merit.

Mr. Keebler moved to amend the proposed Ordinance by changing 17 to 15 in the caption and in Section 3 after Council hereby accepts add *and modifies* and after Planning Commission add *by removing 2 parcels shown on Exhibit "A" as "not signed" with Chestnut Street Addresses* and after District add *for the remaining 15 parcels*. Mr. Blackburn seconded. The motion passed 6-1-0 with Ms. Rousmaniere voting nay.

Mr. Snyder moved to adopt Ordinance No. 3280 as amended. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn, Mr. Keebler, Mayor McKeehan (6)

NAY: Ms. Rousmaniere (1)

ABS: None (0)

ORDINANCE **SUPPLEMENTAL BUDGET**

An Ordinance No. 3281 Amending Ordinance No. 3249. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2014. (Joe Newlin, Finance Director)

Mr. Newlin advised he had no new information since the first reading of the proposed Ordinance.

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

Mr. Snyder moved to adopt Ordinance No. 3281. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn, Mr. Keebler, Ms. Rousmaniere, Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Kyger advised Mr. Elliott was attending the International City Managers Association conference which was why he was not in attendance.

Mr. Kyger noted the Oxford League of Women Voters would host on Wednesday, September 24, 2014 at 7:30 p.m. at the LCNB a session on the Electric Aggregation Program which would be on the ballot in November. Mr. Kyger advised the City entered into an agreement with Eagle Energy who would assist with the informational campaign and with the regulations and requirements as this program moved forward. Mr. Kyger noted this was the first informational session and others would be held prior to the election.

Mr. Chen advised on Tuesday, September 23, 2014 the Housing Advisory Commission would hold their regular meeting at 7:00 p.m. in the LCNB Community Room and Sherry Lind and Dr. Kunkel would provide a detailed presentation of the housing survey. Mr. Chen noted the presentation this evening was only a small portion of what would be presented on the 23rd.

Ms. Southard noted Uptown Oxford was a very exciting place to be these days and advised Council just heard about the Chinese Festival which would take place on September 26th and the Hispanic Festival took place last Friday which was very successful. Ms. Southard advised the annual Harvest Moon Festival would take place on Sunday, September 28, 2014 from 1 to 5 p.m. in the Uptown Parks which would include farm animals, music, food, Farmers Market vendors, free activities for kids, cooking demonstrations, educational speakers and mule drawn wagon rides. Ms. Southard noted the event was co-sponsored by the Miami Oxford Organic Network Educational Committee and by the Moon Market.

Ms. Rousmaniere advised a Health, Wellness and Safety Expo would take place at Oxford Seniors on Monday, September 23, 2014 from 3-6 p.m. sponsored by the Butler County Fall Prevention Task Force. Ms. Rousmaniere noted the Expo would feature various interactive vendors, booths, risk assessments and speakers.

Ms. Rousmaniere advised the Freedom Summer 50th Anniversary Conference and Reunion would take place October 11-14 primarily at the Marcum Center. Ms. Rousmaniere noted on Monday, October 13, 2014 at 7:30 p.m. at Hall Auditorium a free concert would take place with music from the Civil Rights Movement called 'People Get Ready'.

Mr. Blackburn noted the passing of Ronnie Brown last night noting he was a visionary and had been a teacher at the Talawanda High School.

ADJOURN

Mr. Snyder moved to adjourn at 8:51 p.m. Ms. Southard seconded. The motion passed 7-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 7, 2014

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

September 19, 2014
Date Prepared

PLANNING COMMISSION MEETING REPORT – September 9, 2014

Reports from Commissions, Boards, Committees and Staff

The HAPC held the Annual Historic Marker Ceremony on September 4, 2014 at the Oxford Community Arts Center. The event was well attended.

Mike Dreisbach, Service Director, provided an update to the Planning Commission regarding the completed pedestrian and bicycle safety improvements. Mr. Dreisbach reviewed the numerous City improvement projects completed in the last ten years and stated that they would continue following the Bike and Pedestrian Safety Improvement Plan as funds are approved by City Council. Continued efforts will be made to enhance the bicycle and pedestrian ease of travel in the community.

Public Hearing

PC-2014-11 CONDITIONAL USE, 10 Reagh's Way, to allow for a professional office use in an R3 (Multi-Family Residential) District, Oxford Women's Care Center **Coralee Shearer, Applicant.**

This application is seeking a conditional use permit to repurpose an existing vacant single family dwelling into a professional office, specifically for providing guidance to pregnant women.

The Oxford Women's Care Center has been located in Oxford for over 30 years. The current Uptown location, as indicated in the narrative provided by the applicant, is on the 2nd floor and poses physical challenges to the clients the Center serves. Additionally, many of their clients are from mobile home parks and apartment complexes along College Corner Pike, and lack vehicles to travel to the current location.

The site would be ideal for clients to visit the Center as well as the Family Recourses Center, directly adjacent to this site. Additionally, the existing handicapped ramp would be extremely useful for the Center clients with strollers. There is also a driveway that could accommodate two vehicles at any time. There is also a six foot fence in the rear of this property. The future plan includes a storage shed and a concrete slab to the back of the house. A small 1X2 foot sign would be installed to the left of the front door for the time being. A bigger sign may be needed in the future that will be reviewed and subject to the sign regulations of the City.

The property is located at the start of a dead-end street to a City park and is primarily surrounded by single family dwellings, a manufacturing facility to the north, and office to the south.

The applicant also provided some additional information to the Commission about the mission of the Center.

After the public hearing, the Commission voted 7-0-0 to recommend the approval of this Conditional Use Permit to Council for legislative action.

PC-2014-10 PRELIMINARY PLANNED DEVELOPMENT, Collegiate of Oxford, Southpointe Parkway, 37.08 acres, Trinitas Development LLC, Travis Vencel, Applicant, Agent

The applicant was seeking a preliminary approval for a new housing development on vacant land totaling 222 housing units with 784 occupants. The development would be a mixture of two-story structures and include on-site recreational amenities for the tenants.

Some potential benefits to a planned development versus a traditional subdivision are that issues of concern to the community can be handled by a single property owner versus multiple lot owners or an association. This could be an advantage to both sides if a development agreement were to be drawn up. These issues could be:

- natural resource protection
- connectivity to vacant land
- public safety ingress/egress to a major roadway
- bike/pedestrian connection to urban core and other trails
- compliance with all other specific regulations

The applicant requested this application to be tabled but asked the Planning Commission for further feedback on the current design. The general consensus was that the design was better than the last one, but still was not what the community envisioned. Additionally, a 2nd egress would be a must to provide adequate public safety.

Next Meeting

The next regularly scheduled Planning Commission meeting will take place October 14, 2014.

Approved by:

	Initial	Date
Department Head:	<u>JNC</u>	<u>9/22/14</u>
City Attorney:	<u></u>	<u></u>
City Manager:	<u>DBE</u>	<u>10/3/14</u>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 7, 2014

Sam Perry
Prepared By

Account Code No. #:

September 30, 2014
Date Prepared

Budgeted Amount:

Agenda Title: Board of Zoning Appeals Meeting Report – September 17, 2014

BZA-2014-08 115 E. Collins Street Appeal of Administrator's Decision, **Jay C. Bennett, Esq. Petitioner**

The applicant applied for a principal entrance location variance for a new structure to be built in an alley behind an existing structure at 115 East Collins Street. City staff determined that the case could not be placed on a BZA agenda because of a City of Oxford housing agreement for the property, previously recorded in public records. The BZA also heard **BZA-2014-04**, which was the variance case of issue, in order to determine if the case was in fact valid for review by the BZA. After testimony from the applicant and discussion, the BZA voted 3-1-0 that the item could not be decided by them because of the prior agreement. Therefore, the administrator decision was upheld.

BZA-2014-09 5270 Morning Sun Road, variance to Section 1141.01(a)(1)C accessory structure square foot area and 1141.01(a)(1)G accessory structure permitted in front of the principal structure, **Scott Webb, Petitioner, Agent**
The proposal was to double the capacity of an existing detached two car garage. Zoning code limits the total accessory building square footage area to 1,000 square feet or no more than 50% of the principal building, whichever is smaller. The total accessory building area would be 1,800 square feet. Zoning code also prohibits the location of an accessory building in the front yard or in front of the principal structure. The existing garage is in front of the principal structure so an addition to that nonconforming location would be in conflict with the zoning code. The subject property has frontage on Morning Sun Road (732), but no direct access. Additionally, the property is much higher elevation from the roadway. The BZA heard the applicant and discussed the case. The BZA voted 4-0-0 to approve the two variances based on the determination that there was a practical difficulty with supporting evidence from two decision standards: (b)substantiality and (c)essential character.

BZA-2014-10 201 E. Chestnut Street, variance to Section 1149.05(e)(4)D parking lot light fixture maximum height and 1151.05(e)(2) building identification sign illumination, **Scott Webb, Petitioner, Agent**
The proposal was to retain the three newly installed parking lot lights, which were 9 feet taller than the zoning code permitted (25 versus 16 feet), as well as retain the flood lighting on the entry sign. Zoning code does not permit lighting of residential building signs. The BZA heard the applicant and audience, discussed the case and voted 2-2-0 which resulted in denied variance requests.

BZA-2014-12 20-24 E. High Street and 48-56 E. Park Place Appeal of HAPC's Decision to Deny a Certificate of Appropriateness for an Application for an Addition and Demolition, HAPC-2014-15, **Jay C. Bennett, Applicant, Agent**

Property owner Sigma Chi Foundation desired to demolish/remove buildings addressed as 48-56 East Park Place and construct a new addition on the rear of its current archives/commercial tenant building located at 20-24 East High Street, leaving the remainder a vacant grassed area for future development. At the August 27 Special HAPC meeting, the HAPC voted to deny the request. The City Code allows the BZA to hear an appeal of an HAPC denial. The BZA had the option of reversing, upholding or remanding the case back to HAPC. The BZA reviewed the official transcript of the HAPC proceeding, discussed the case, as well as heard from the appellant. The BZA voted 3-1-0 to reverse the decision of the HAPC, thereby approving the re-use plan of a landscaped vacant lot with an addition on the rear of the High Street building. The BZA decided that the applicant had met the required demolition decision conditions.

Next Meeting

The next BZA meeting is scheduled for October 15, 2014

Approved By:

Department Head:

City Attorney:

City Manager:

Initial

Date

JHC / *9/30/14*
DRE / *10/3/14*

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 7, 2014

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

September 30, 2014
Date Prepared

Agenda Title:	Resolution Accepting a Petition to Establish a Neighborhood Conservation Overlay District and Referring the Petition to the Planning Commission for Recommendation
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Recommendation: Approval
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Discussion:

The Residential Conservation Overlay District legislation was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment by restricting residential properties to be rented to no more than two unrelated individuals. The process to establish an overlay district begins with a petition with signatures of more than two-thirds of property owners within the proposed district. This petition goes before City Council for acceptance and the petition is then referred to the Planning Commission for review. There have been four (4) petitions to come before the City Council previously.

This petition for acceptance was filed by residents in the neighborhood of Hilltop, Panda Lane, and Pin Oak Drive., on September 24, 2014. There are a total of 72 parcels contained in the proposed overlay district boundary. The petition shows 53 valid signatures obtained, a total of 57 parcels, and the date when the owners signed the petition. A map of the proposed area is attached illustrating the area for consideration.

The signatures in this petition exceed the two-thirds requirement of the parcel owners of this petitioned area. The signatures represent 57 parcels within the boundary, which is 79%. Additionally, the boundary of the proposed overlay district also satisfies the general boundary requirements of Section 1146 of the Codified Ordinances.

This is the first step in creating a neighborhood conservation overlay district and requires City Council to formally accept the petition and forward this petition to the Planning Commission for review. Staff recommends approval of this resolution.

Approved by:

	Initial	Date
Department Head:	<u>JHC</u>	<u>9/30/14</u>
City Attorney:		
City Manager:	<u>DRE</u>	<u>10/3/14</u>

RESOLUTION NO.

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR THAT AREA OF HILLTOP ROAD, PART OF CONTRERAS ROAD, PANDA LANE AND PIN OAK DRIVE AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

SECTION 1: The Clerk of Council and the Community Development Director having determined pursuant to Oxford Codified Ordinance §1146.03(b) that the Petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto conforms to the petition requirements of Oxford Codified Ordinance §1146.03 and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

SECTION 2: City Council accepts the recommendation of the Clerk of Council and the Community Development Director and further refers the petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto to the Oxford Planning Commission to make recommendations to City Council.

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

VICE MAYOR

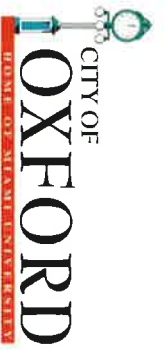
ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



Hilltop Contreras Panda Pin Oak Neighborhood Conservation Overlay District Petition Boundaries

Legend

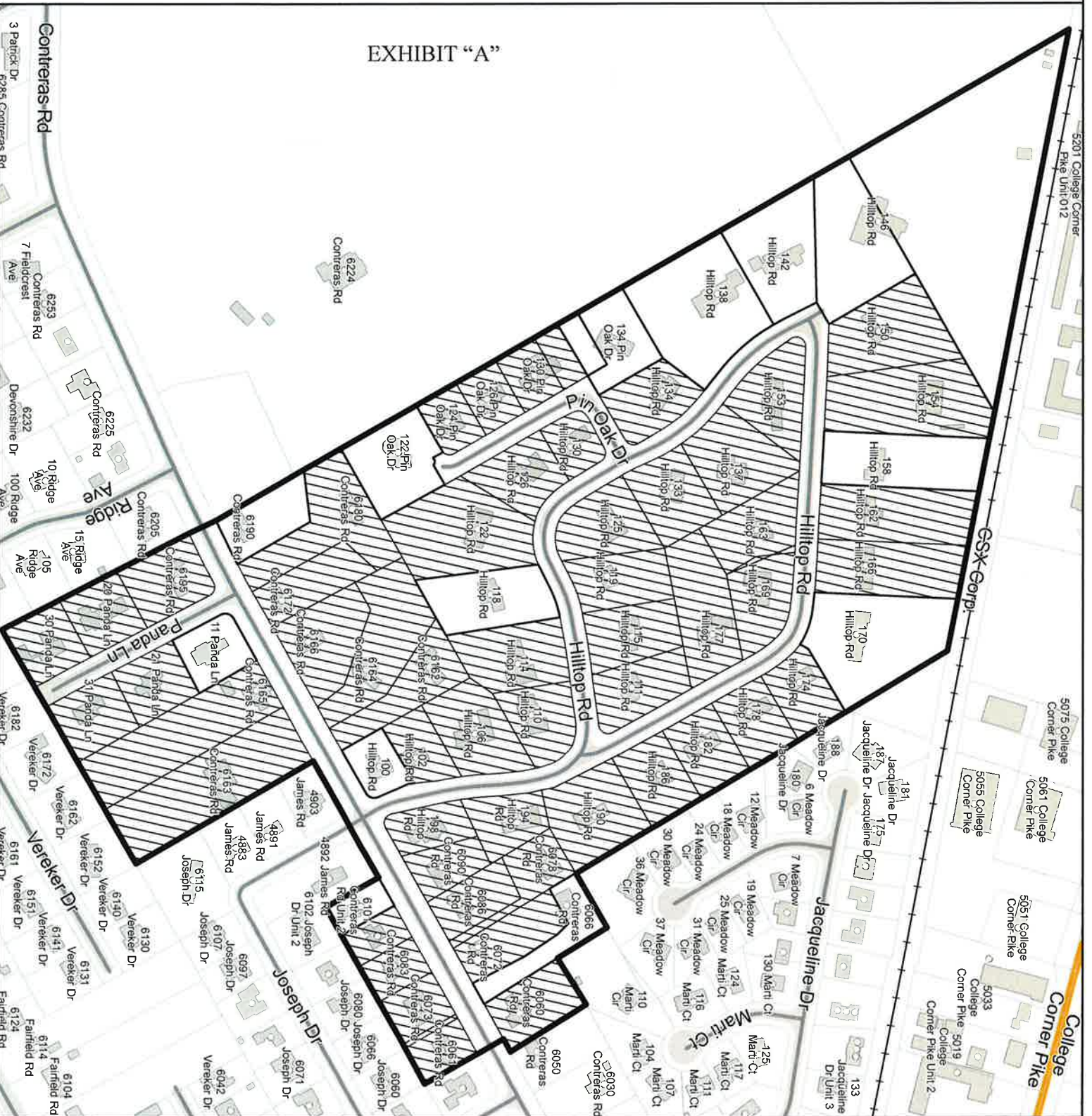
- Petition Area
- Petition Parcel: Signed
- Petition Parcel: Not Signed
- Oxford Corporation Limit
- Address Point
- Parcel
- Building Footprint
- Paved Roadway



1 inch = 300 feet

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.

EXHIBIT "A"



**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT
FOR HILLTOP RD., PANDA LN., AND ADJACENT CONTRERAS RD. CORRIDOR**

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 "Neighborhood Conservation Overlay District" of the City of Oxford Zoning Code to preserve the attractiveness, desirability and privacy of residential neighborhoods by controlling occupancy by unrelated persons. Establishment of the overlay district will have the effect of limiting occupancy and rental of single-family homes to not more than two unrelated persons throughout the overlay district. Existing rental permits are allowed to continue until such license has been let to expire for more than one year. Addition or removal of properties from the overlay district is subject to the same petitioning and approval process. A copy of Chapter 1146 is provided to advise homeowners of the restrictions imposed.

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated on the line opposite my signature. I support establishment of a neighborhood conservation overlay district within the boundaries described below (see attached map):

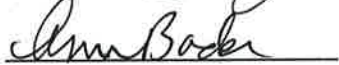
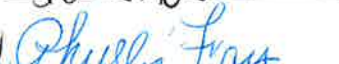
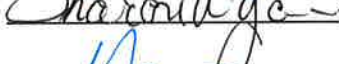
- Properties with frontage upon Contreras Road between Dick Drive and Panda Lane, including 6060 to 6195 Contreras Road
- All properties with frontage upon Hilltop Road
- All properties with frontage upon Pin Oak Drive
- All properties with frontage upon Panda Lane

PETITION CIRCULATOR/PROPERTY OWNER

<u>ROBERTA A. BENSON</u>	<u>Roberta Benson</u>	<u>6090 CONTRERAS RD.</u>	<u>7/21/14</u>
(name)	(signature)	(address)	(date)

PROPERTY OWNERS

NAME	SIGNATURE	ADDRESS	DATE
<u>Barbara S. Hamilton</u>	<u>Barbara S. Hamilton</u>	<u>102 Hilltop Rd</u>	<u>7/21/14</u>
<u>Mary Bausano</u>	<u>Mary Bausano</u>	<u>114 Hilltop Rd</u>	<u>7.21.14</u>
<u>Karen Burnard</u>	<u>Karen Burnard</u>	<u>6013 Contreras</u>	<u>7/22/14</u>
<u>Jim Davis</u>	<u>J. L. Davis</u>	<u>191 Hilltop Rd</u>	<u>7-24-14</u>
<u>Cheryl C. Vajda</u>	<u>Cheryl C. Vajda</u>	<u>6086 Contreras Rd</u>	<u>8-4-14</u>

NAME	SIGNATURE	ADDRESS	DATE
Amy Clay		6061 Contreras	8-4-14
Ann Bader		106 Hilltop Dr.	8-5-14
Mary Applebaum		125 Hilltop Road	8-5-14
Julie Gurnskas		119 Hilltop Rd	8-5-14
Mark Adams		110 Hilltop Rd	8-6-14
Phyllis Fry		6078 Contreras Rd	8-6-14
DIAN WYANT		6069 Contreras	8-7-14
MITA STEINBERG		6072 CONTRERAS	8-8-14
CINDY GRESHAM		6095 CONTRERAS	8-10-14
Paul Larson		115 Hilltop Road	8-12-14
Carol L. Richmond		111 Hilltop Rd	8-21-14
Catherine Wagner		163 Hilltop Rd	8-21-14
BENJAMIN SUTCLIFF		6083 CONTRERAS	8-21-14
DAVID S. DENNISON		198 Hilltop	8-25-14

**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT
FOR HILLTOP RD., PANDA LN., AND ADJACENT CONTRERAS RD. CORRIDOR**

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I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated on the line opposite my signature. I support establishment of a neighborhood conservation overlay district within the boundaries described below (see attached map):

- Properties with frontage upon Contreras Road between Dick Drive and Panda Lane, including 6060 to 6195 Contreras Road
- All properties with frontage upon Hilltop Road
- All properties with frontage upon Pin Oak Drive
- All properties with frontage upon Panda Lane

PETITION CIRCULATOR/PROPERTY OWNER

Dan Haizman [Signature] 190 Hilltop Rd 7/23/14
(name) (signature) (address) (date)

PROPERTY OWNERS

NAME	SIGNATURE	ADDRESS	DATE
<u>Lara Fening Moore</u>	<u>[Signature]</u>	<u>177 Hilltop Rd</u>	<u>7/24/14</u>
<u>D. R. FULTON</u>	<u>[Signature]</u>	<u>162 HILLTOP RD.</u>	<u>7/24/14</u>
<u>Jodi Clemens</u>	<u>[Signature]</u>	<u>174 Hilltop</u>	<u>7/26/14</u>
<u>John Beaton</u>	<u>[Signature]</u>	<u>182 Hilltop</u>	<u>7-26-14</u>
<u>Clyde Shannon</u>	<u>[Signature]</u>	<u>169 Hilltop</u>	<u>7/27/14</u>

[illegible]

**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT
FOR HILLTOP RD., PANDA LN., AND ADJACENT CONTRERAS RD. CORRIDOR**

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- All properties with frontage upon Pin Oak Drive
- All properties with frontage upon Panda Lane

PETITION CIRCULATOR/PROPERTY OWNER

<u>DAVID PRYTHORCH</u>	<u><i>[Signature]</i></u>	<u>6195 CONTRERAS RD</u>	<u>8/6/14</u>
(name)	(signature)	(address)	(date)

PROPERTY OWNERS

NAME	SIGNATURE	ADDRESS	DATE
<u>Kristy Small</u>	<u><i>[Signature]</i></u>	<u>21 S. Panda Lane</u>	<u>8-6-14</u>
<u>RONALD REAGH</u>	<u><i>[Signature]</i></u>	<u>20 S. PANDA LANE</u>	<u>8-6-14</u>
<u>Elena Albarrán</u>	<u><i>[Signature]</i></u>	<u>30 S. Panda Lane</u>	<u>8-6-14</u>
<u>Tom & Melissa Catania</u>	<u><i>[Signature]</i></u>	<u>6172 Contreras Rd</u>	<u>8/7/14</u>
<u>Pepper Stotler</u>	<u><i>[Signature]</i></u>	<u>666 Contreras Rd</u>	<u>8/7/14</u>

2

**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT
FOR HILLTOP RD., PANDA LN., AND ADJACENT CONTRERAS RD. CORRIDOR**

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- All properties with frontage upon Pin Oak Drive
- All properties with frontage upon Panda Lane

PETITION CIRCULATOR/PROPERTY OWNER

Janet Ziegler Janet Ziegler 126 Pin Oak Drive 7/26/2014
(name) (signature) (address) (date)

PROPERTY OWNERS

NAME	SIGNATURE	ADDRESS	DATE
Joycelyn Wilhelm	Joycelyn Wilhelm	124 Pin Oak Dr.	7/26/2014
Verne A. Roper	Verne A. Roper	126 Hilltop Rd	7-28-14
Ann B. Kerley	Ann B. Kerley	130 Pin Oak Dr.	7/29/14
Robert M. Bogan	Robert M. Bogan	134 Hilltop	7-29-14
SANDRA RICHARDSON	Sandra Richardson	130 Hilltop	7-29-14

DATE _____

[illegible]

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 7, 2014

Account Code #: 141.720.51445

Budgeted Amount: \$ Encumbered

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

October 2, 2014
Date Prepared

Agenda Title: Authorization to Settle Property Valuation Litigation
ODOT PID: 81769 Project: BUT27-10.92 Parcels 141 & 142

Recommendation: Approval

Discussion:

The City has worked with the owners of ~42 properties in order to acquire the necessary right-of-way (ROW) for roadway and sidewalk improvements to US27 South from Chestnut St. to Southpointe Parkway. To date, the City has signed agreements with all but 8 of the property owners involved in the project.

Given that the City and the Owners of Parcels 141 and 142 could not reach an agreement prior to the City's ROW certification date, the City was forced to file suit against the Owners in Butler County Court of Common Pleas. The cases were assigned as CV2013-12-3427 and CV2013-12-3433.

The City met in mediation with the owners of Parcels 141 and 142, Christopher A. Umbstead and Tracey L Umbstead (fka Beckelhymer) respectively, on October 2, 2014. The owners were represented by Counsel.

Following a careful review of fact regarding these parcels, a tentative settlement has been reached with the owners pending approval by the Oxford City Council. Settlement values are described on Exhibit "A" which was prepared by the Court appointed mediator. Adequate funds to pay for the settlement have already been encumbered by the City and are available to expense.

It is Staff's recommendation that the Oxford City Council authorize the City Manager to enter into settlement agreements with the Owners to resolve these court actions.

Approved By:

Department Head:

Initial Date
MBD \ 10/2/14

City Manager:

MBD \ 10/3/14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE SETTLEMENT OF BUTLER COUNTY COMMON PLEAS CASES CV 2013 12 3427 AND CV 2013 12 3433 WITH DEFENDANTS TRACY BECKELHYMER AND CHRISTOPHER UMBSTEAD RESPECTIVELY, HUSBAND AND WIFE, AND AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO RESOLVE THESE CASES

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

SECTION 1: Butler County Common Pleas cases CV 2013 12 3427 and CV 2013 12 3433 are appropriation cases resulting from the improvements to U.S. 27. The parties met on October 2, 2014 and successfully settled these matters in accordance with the terms as delineated in Exhibit "A", which is attached hereto and incorporated herein.

SECTION 2: The City Manager, the Law Director and the Service Director recommend that City Council authorize settlement of these cases on these terms.

SECTION 3: Council hereby accepts the recommendation of the City Manager, the Law Director and the Service Director and authorizes the settlement of Butler County Common Pleas cases CV 2013 12 3427 and CV 2013 12 3433 in accordance with the terms of Exhibit "A".

SECTION 4: The City Manager is hereby authorized to take all steps necessary to resolve these matters in accordance with the terms of Exhibit "A".

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



SETTLEMENT AGREEMENT

Case Name: City of Onond v Berkelhym & City of Onond v Unstead

Case Number: CV 2013 12 3427 & CV2017 - 12-7433

City of Onond ^{Plaintiff} Defendant(s) agree to pay to
Mary Berkelhym & Chad Unstead ^{Defendants} Plaintiff(s), the sum of
\$ 21,000 for a full and complete settlement of all claims. 14,000 - Berkelhym
7000 - Unstead

^{Plaintiff}
to pay court costs.

~~Subrogation in the amount of \$ _____ to _____
to be paid by _____
Subrogation in the amount of \$ _____ to _____
to be paid by _____~~

Release and payment of agreed settlement amount to be received by plaintiff(s) no later than
_____ days from the date of this agreement.

_____ to prepare dismissal entry.

Ch Unstead
Unstead
[Signature]
[Signature]

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 7, 2014

Account Code #: 341.851.52342

Budgeted Amount: \$56,000.00

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

September 16, 2014

Date Prepared

Agenda Title: A Resolution to Adopt Revisions to the Solid Waste Management Plan of Butler County

Recommendation: Approve

Discussion:

In 2013, the Butler County Recycling and Solid Waste District (District) Policy Committee voted to amend the District's solid waste management plan. The major product of the amendment was to LOWER the solid waste generation fee from \$2 per ton (for waste generated in Butler County) to \$1 per ton. The District felt that with additional landfill capacity at Rumpke Sanitary Landfill, they did not need to collect fees associated with the installation and operation of a solid waste transfer facility.

The District has again reviewed its revenue stream versus the costs of implementing their solid waste management plan. The District's conclusion is that the waste generation fee may again be lowered from the current \$1.00 per ton to \$0.82 per ton. This would translate to approximately \$900 in savings to the City for waste generation fees in 2015.

The District will continue to operate a recycling incentive program to reward municipalities and townships for successful recycling programs. The District will also continue its Household Hazardous Waste and Freon Appliance Recycling programs.

The District desires City Council action on this Resolution prior to November 15, 2014. The amendment will be considered ratified when Butler County townships and municipalities with a combined population consisting of 60% of the County's population have approved the amendment.

It is Staff's recommendation that the Oxford City Council approve a Resolution in support of the amended solid waste management plan for Butler County.

Approved By:

Department Head: MBD Initial MBD Date 10/3/14

City Manager: JDE Date 10/3/14

RESOLUTION NO.

A RESOLUTION TO ADOPT THE REVISION OF THE SOLID WASTE GENERATION FEE AND AMEND SECTION VIII OF THE SOLID WASTE MANAGEMENT PLAN OF BUTLER COUNTY, OHIO.

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

SECTION 1: The Butler County Recycling and Solid Waste District (District) Policy Committee prepared and adopted a resolution decreasing the generation fee from \$1.00 to \$0.82 for every ton of solid waste generated within Butler County in accordance with Ohio Revised Code Chapter 3734.

SECTION 2: Pursuant to R.C. Section 3734.55(B), all political subdivisions within the District must approve or disapprove the proposed revision by Ordinance or Resolution and successful ratification requires approval of the revision of the Solid Waste Generation Fee by political subdivisions representing at least 60% of the District's population.

SECTION 3: Council having determined the revision is in the best interest of its constituents and the citizens of Butler County hereby approves the revision of the Solid Waste Generation Fee.

SECTION 4: The Clerk of Council is hereby directed to send the District a copy of this Resolution to the attention of Ms. Anne Fiehrer Flaig, District Coordinator, Butler County Recycling and Solid Waste District, 130 High Street, Hamilton, Ohio 45011.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)



RECEIVED

City of Oxford

September 12, 2014

City of Oxford
Office of Mayor and City Council
101 E. High Street
Oxford, OH 45056

Via Certified Mail

Re: Butler County Recycling and Solid Waste District (District)
*Revision of the solid waste generation fee and amendment of Section VIII of the
Solid Waste Management Plan of Butler County, Ohio*

Dear Mayor McKeehan, Vice Mayor Ms. Rousmaniere, Mr. Smith, Ms. Southard, Mr. Blackburn,
Mr. Keebler, and Mr. Snyder;

On September 10, 2014, the District's Solid Waste Policy Committee adopted a resolution to decrease the generation fee from **\$1.00 to \$0.82** cents for every ton of solid waste generated within Butler County, Ohio and delivered to any Ohio based transfer station and/or landfill. The District Policy Committee also approved, through the above referenced resolution, the required budgetary changes resulting from the proposed generation fee decrease to Section VIII of the current solid waste management plan. Once the Policy Committee adopts the resolution, Ohio law requires the District to deliver a copy to the County Commissioners and the legislative authority of each municipal corporation and township that are under the District's jurisdiction for their approval.

Enclosed you will find the resolution adopting the fee decrease, a revised Section VIII budgetary document, and an executive summary outlining programmatic changes.

As required by Ohio law, the District established a thirty day public comment period from August 4, 2014 to September 4, 2014 and a public hearing was held on September 8, 2014 for interested residents, businesses or political jurisdictions to provide comment on the proposed generation fee decrease and solid waste plan amendments. Written comments were received from AK Steel demonstrating their support of the generation fee decrease.

Within sixty days of receiving a copy of the generation fee decrease proposal and solid waste plan amendments, the Board of County Commissioners and the legislative authority of each municipal corporation and township in the District shall approve or disapprove the proposal by ordinance or resolution to the District. The District determines that the proposal has been ratified when the municipal corporations and townships with a combined population comprising 60 percent of the District has approved the generation fee decrease and associated solid waste plan amendments. **The ratification period will begin September 15, 2014 and conclude November 15, 2014.**

For ratification to be complete, approval of the County Commissioners and the municipal corporation having the largest population within the District (City of Hamilton) is required. According to the Ohio Revised Code 3437.57, if any such board or legislative authority fails to adopt and deliver to the policy committee an ordinance or resolution approving or disapproving the revised fees and solid waste plan amendments within sixty days after the policy committee delivered its resolution adopting the proposed revised fees, it shall be conclusively presumed that the board or legislative authority has approved the proposed revised fees.

Due to the **60 day** ratification timeline, which cannot be extended, we appreciate your immediate attention to this request. A sample resolution is attached for your convenience. Please mail your resolution or ordinance approving or disapproving the generation fee decrease and associated solid waste plan amendments to (a self addressed and postage paid envelope is included for your convenience):

Ms. Anne Fiehrer Flaig
District Coordinator
Butler County Recycling and Solid Waste District
130 High Street, 5th Floor
Hamilton, Ohio 45011

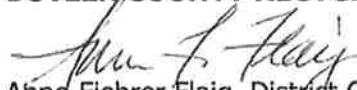
Phone: 513-887-3963

Fax: 513-887-3777

Email: FiehrerFlaigEA@butlercountyohio.org

We look forward to hearing from you **between September 15, 2014 and November 15, 2014**. Resolutions approving or disapproving the plan enacted outside of the stated time period will not be counted. Please contact me with any questions. Thank you.

BUTLER COUNTY RECYCLING & SOLID WASTE DISTRICT



Anne Fiehrer Flaig, District Coordinator

Enclosure/4

Resolution/Ordinance No. _____

A RESOLUTION/ORDINANCE TO ADOPT THE REVISION OF THE SOLID WASTE
GENERATION FEE AND AMEND SECTION VIII OF THE SOLID WASTE
MANAGEMENT PLAN OF BUTLER COUNTY, OHIO

WHEREAS, Oxford (city) is located within the jurisdiction of Butler County Recycling and Solid Waste District (District); and

WHEREAS, Butler County Recycling and Solid Waste District (District) Policy Committee prepared and adopted a resolution decreasing the generation fee from \$2.00 to \$1.00 for every ton of solid waste generated within Butler County in accordance with Ohio Revised Code Section 3734.56; and

WHEREAS, the District Policy Committee amended Section VIII of the current solid waste management plan for Butler County to include the budgetary changes that resulted from the decrease in generation fee revenue; and

WHEREAS, the District has provided a copy of the resolution and associated budgetary changes in Section VIII of the current approved solid waste plan for ratification to each of the legislative authorities of the District; and

WHEREAS, the city of Oxford (name of legislative authority) must decide whether it approves of said resolution and amended Solid Waste Plan within sixty days of receipt of the resolution and amended Solid Waste Plan.

NOW, Therefore, be it resolved by the Oxford (city council):

1. The (city of) Oxford

- a. _____ approves the resolution and amended solid waste plan or:
- b. _____ disapproves the resolution and amended solid waste plan.

2. The Clerk/Fiscal Officer is hereby directed to send the District a copy of this resolution to the attention of Ms. Anne Fiehrer Flaig, District Coordinator, Butler County Recycling and Solid Waste District, 130 High Street, Hamilton, Ohio 45011.

3. That it is found and determined that all formal actions of this Oxford (council) concerning and relating to the passage of this resolution/ordinance were adopted in an open meeting of this Oxford (council) and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

Approved: _____ Date: _____ OR

Disapproved: _____ Date: _____

Signature of Fiscal Officer/Clerk: _____ Date: _____

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 7, 2014

Account Code #: 330.830.51107

Budgeted Amount: \$300,000

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 23, 2014
Date Prepared

Agenda Title: Replacement of Belt Filter Press at the Wastewater Treatment Plant

Recommendation: Approve

Discussion:

The 2014 capital budget includes \$300,000 for the replacement of the Wastewater Treatment Plant's (WWTP) belt filter press. The existing machine has been in continuous service since the late 1990's and is due for replacement. This machine dewateres biosolids prior to placement in our storage facility. Modern machines offer higher efficiencies and lower operating costs than their predecessors. Ultimately, the biosolids are land applied as a soil amendment / fertilizer product to agricultural fields. Since disposal is priced by the ton, it is important to remove as much moisture from the product as possible prior to application.

Drawings and specifications were advertised for bids in the Hamilton Journal on September 6 and September 13, 2014. The project was also advertised in the Oxford Press. Bids were opened on September 19, 2014 with the following results:

Danis Industrial Construction Co.	\$266,800
MSD Environmental, Inc.	\$277,700
Sunesis, Inc.	\$314,215

The City has utilized Danis in the past and has been very pleased with the quality of their work. All of their references reported excellent results as well.

It is Staff's recommendation that the City Council authorize the City Manager to enter into an agreement with Danis Industrial Construction Co. for an amount of \$266,800 for the replacement of the WWTP's belt filter press. Staff is also requesting a ten percent contingency for this project in the amount of \$26,680. Therefore, the total contract not to exceed amount would be **\$293,480**.

Approved By:

Department Head:

Initial MBD Date 9/23/14

City Manager:

DRE 10/3/14

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID SUBMITTED BY DANIS INDUSTRIAL CONSTRUCTION CO. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DANIS INDUSTRIAL CONSTRUCTION CO. FOR THE REPLACEMENT OF THE BELT FILTER PRESS AT THE CITY'S WASTEWATER TREATMENT PLANT AT A COST OF \$266,800.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE OR \$26,680.00 FOR A TOTAL COST NOT TO EXCEED \$293,480.00.

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

SECTION 1: The City advertised for bids in the *Hamilton Journal* on September 6, 2014 and September 13, 2014. Three (3) sealed bids were opened and publicly read on September 19, 2014. The lowest and best bid was provided by Danis Industrial Construction Co. in the amount of \$266,800.00.

SECTION 2: The City Manager and the Service Director recommend City Council accept the bid of Danis Industrial Construction Co. as the lowest and best bid for the replacement of the belt filter press at the City's Wastewater Treatment Plant at a cost of \$266,800.00 and authorize the City Manager to enter into a contract with Danis Industrial Construction Co. for the replacement of the belt filter press at the City's Wastewater Treatment Plant at a cost of \$266,800.00 plus a contingency amount of ten percent (10%) of the contract price or \$26,680.00 for a total cost not to exceed \$293,480.00.

SECTION 3: City Council hereby accepts the recommendation of the City Manager and the Service Director and finds Danis Industrial Construction Co. to be the lowest and best bidder and accepts the bid of \$266,800.00 for the replacement of the belt filter press at the City's Wastewater Treatment Plant.

SECTION 4: City Council hereby authorizes the City Manager to enter into a contract with Danis Industrial Construction Co. for the replacement of the belt filter press at the City's Wastewater Treatment Plant at a cost of \$266,800.00 plus a contingency amount of ten percent (10%) of the contract price or \$26,680.00 for a total cost not to exceed \$293,480.00.

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

VICE 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

Service Department
Originating Department

City Council Meeting of: October 7, 2014

Michael B. Dreisbach
Prepared By

Account Code #: 332.831.50903 \$250,000
331.831.52020 \$ 18,942
322.810.50101 \$ 29,950

Budgeted Amount: \$250,000 (Sanitary work only)

September 23, 2014
Date Prepared

Agenda Title: CSX Transportation, Inc. Engineering and Inspection of Borings through RR Right of Way on Chestnut St.

Recommendation: Approval

Discussion:

On September 17, 2013, the Oxford City Council adopted Resolution No. 4770 authorizing an Agreement with RE NVC Oxford Residential, LLC to cost share in utility infrastructure costs made necessary by the redevelopment of approximately 12 acres at 419 S. Locust St. (aka "the former Wal-Mart site"). This agreement dictates the developer shall contribute \$125,000 towards utility improvements, payable after all permits for the site have been issued.

During the summer of 2014, the City completed a project upgrading Chestnut Street's existing 6" (under the RR) and 8" sanitary sewer pipe to an 18" main able to accommodate the additional loading for the proposed development. The project also installed a new 12" water main under the railroad tracks to accommodate future improvements to the water utility.

The City estimated CSX Transportation, Inc.'s (CSX) costs at \$19,950 for permitting, design evaluation, and inspection costs for the project and encumbered this amount on City purchase order #169. Now that the project is complete, CSX has invoiced the City for their costs with the final total being \$21,243.27. Given that this amount has exceeded \$20,000, Council approval is necessary to pay this final invoice for the project.

Funds are available in the Water Fund and Sanitary Sewer Fund to pay the additional charge of \$1,293.27 that was not originally encumbered for the project.

It is Staff's recommendation that the City Council authorize the full payment of \$21,243.27 to CSX Transportation, Inc. for construction engineering and inspection expenses for improvements to the water and wastewater utilities on Chestnut St. through the RR right of way.

Approved By:

Department Head: Initial Date
MBD 9/23/14
City Manager: DRE 10/3/14

RESOLUTION NO.

A RESOLUTION OF COUNCIL AUTHORIZING THE FULL PAYMENT OF \$21,243.27 TO CSX TRANSPORTATION, INC. FOR CONSTRUCTION ENGINEERING AND INSPECTION EXPENSES FOR IMPROVEMENTS TO THE CITY'S WATER AND WASTEWATER UTILITIES ON CHESTNUT STREET THROUGH THE RAILROAD RIGHT-OF-WAY.

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

SECTION:1 The City Manager and the Service Director recommend that Council authorize the full payment of \$21,243.27 to CSX Transportation, Inc. for construction engineering and inspection expenses for improvements to the City's water and wastewater utilities on Chestnut Street through the railroad right-of-way.

SECTION 2: Council hereby authorizes the full payment of \$21,243.27 to CSX Transportation, Inc. for construction engineering and inspection expenses for improvements to the City's water and wastewater utilities on Chestnut Street through the railroad right-of-way.

SECTION 3: Council hereby finds that sufficient funds for the payment of \$21,243.27 to CSX Transportation, Inc. have been appropriated.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

PURCHASE ORDER

BILL TO:



101 EAST HIGH STREET
OXFORD, OH 45056-1887
(513) 524-5200

P.O. NO.

000169

ORDER DATE

08/21/2014

VENDOR NO.

5067

VENDOR ADDRESS CSX TRANSPORTATION
PO BOX 116628
ATLANTA, GA 30368-6628

SHIP TO CONTACT ADDRESS 000
CITY OF OXFORD
101 EAST HIGH STREET
OXFORD, OH 45056

IMPORTANT: THE ABOVE PURCHASE ORDER NUMBER MUST APPEAR ON ALL BILLS AND PACKAGES. MATERIAL ON THIS ORDER IS EXEMPTED FROM THE OHIO SALES TAX AND FEDERAL EXCISE TAX.

ACCOUNT # AMOUNT

332.831.71123.000 19,950.00

PO DESCRIPTION: Inspection of borings under CSX RR prop

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
1	EA	INSPECTION OF BORINGS UNDER CSX RR PROP. 332.831.71123.000 Chestnut St. Sanitary Upgrade	19,950.00	19,950.00
TAX EXEMPT ID:			SUBTOTAL	19,950.00

TO THE VENDOR:

As a vendor of the city, if you are working within the city limits you are responsible for withholding city tax on employees' earnings and for city tax on your net profits. If you are not already in compliance with Oxford's income tax requirements, upon approval of the purchase order please contact the Regional Income Tax Agency which administers Oxford's taxes at 1-800-860-7482 or visit www.ritaohio.com.

THIS ORDER NOT VALID UNLESS SIGNED.

I hereby certify that the total amount shown for the payment of the foregoing obligation has been lawfully appropriated and is in the treasury or in the process of collection to the credit of the appropriated fund, free from any obligation or certification now outstanding.

FINANCE DIRECTOR

DATE



CITY OF OXFORD
ATTN: VICTOR POPESCU
101 EAST HIGH STREET
OXFORD OH 45056

90 169
490 19,950 -

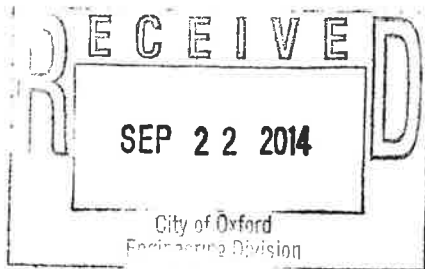
Page 1 of 1

Invoice

Bill No. : 9032757
Bill Date : 12-SEP-14
Billed Through : 12-SEP-14
Customer No. : 170589
Project No. : CS1914
Customer Ref. No. :
File No. :
Occurrence/In-Service Date

CSX Federal ID No. : 54 - 6000720
Work Site : OXFORD, OH
Project Description : C E & I SERVICES FOR SUB-GRADE INSTALLATION OF 30" STEEL CASING PIPE VIA JACK & BORE & 18" PVC FORCE MAIN WITHIN 30" STEEL CASING VIA JACK & BORE (NOT YET CONSTRUCTED FROM PREVIOUS 2009 PERMIT) @ MP BD-38.90 IN BUTLER COUNTY; CSX-630629

Item Description	Total Amount
050 LABOR ROADWAY	\$12,727.78
212 INVOICE-CONTRACT ENG	\$8,459.49
230 EXP RPTS & CORP LODG	\$56.00
Invoice Total :	\$21,243.27
Balance Due This Invoice :	\$21,243.27



Lock Box Address (payments only) :

CSX Transportation, Inc.
PO BOX 116628
ATLANTA GA 30368-6628

Balance Due This Invoice : \$21,243.27
Due Date : 12-OCT-14
Payment Terms : 30 NET

If you have any questions regarding this invoice, please contact Outside Services at OutsideServices@csx.com or call 904-279-3889. Send email correspondence to 6737 Southpoint Drive South, CSX Bldg 1 J-180, Jacksonville, FL 32216

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 7, 2014

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 24, 2014
Date Prepared

Agenda Title: Notice to Property Owners Declaring the Necessity to Improve Property.

Recommendation: Approve

Discussion: As part of the City's capital improvement program to improve sections of US27 (Poplar St. to Campus Ave. and the intersection of High St. and Tallawanda Rd.), Staff has identified property with defective or sub-standard curb, gutter, and/or sidewalks. Many of these deficiencies were identified as trip hazards and areas that contribute to lowering the expected lifespan of street improvements. Staff has already met with several property owners and informed them of the project and the need to repair defective sections of concrete. Staff also informed the owners that if the deficiencies were not corrected, the City would proceed to have the work done and charge the cost against the property. The City will follow the assessment process as defined in Ohio Revised Code Section 729. Staff has added two additional properties outside of the project limits to the listing based on public complaints or reports of persons injured while tripping over defective concrete areas.

Exhibit "A", attached to this report, shows a complete listing of the properties involved for these projects, the types of repairs that are necessary, and an estimate of probable cost for the improvements. A copy of plans and specifications for necessary repairs has been filed with the Clerk of Council's office, and are available for inspection. The total costs for the project, as well as the estimated costs to property owners, are as follows:

<u>Project</u>	<u>Total Project Cost (Public)</u>	<u>Total Costs to Property Owners</u>
High St. Reconstruction	\$ 660,000	\$ 69,740

By addressing the repairs at this time, the public investment in street and alley rehabilitation may be expected to retain its value for several additional years, eliminate significant hazards to pedestrians and cyclists, and improve the aesthetics of the community. It is Staff's recommendation that the City Council approve this Resolution so that the process to complete necessary repairs and improvements may begin. The City will serve notice to all property owners involved and they will have 30 days to make repairs from the date of service. Should a property owner disagree with the City's order, they may appeal to the City Council for a hearing on their property and the required improvements. A Resolution would then be required for the City to contract for the improvements. Once work is completed, a Resolution would need to be approved stating the total actual cost to each parcel owner, followed by an Ordinance levying special assessments to the parcels for the improvements.

Currently, \$60,000 has been appropriated for the City to contract for repairs should the property owners choose not to have the work done. Should the City have to contract for repairs in excess of this amount, a transfer from other appropriations or a supplemental appropriation will be necessary.

Approved By:

Department Head:

Initial MB Date 9/25/14

City Manager:

MB \ 10/3/14

RESOLUTION NO.

A RESOLUTION DECLARING THAT IT IS NECESSARY TO IMPROVE THOSE PORTIONS OF CERTAIN PROPERTIES ON HIGH STREET, CAMPUS AVENUE, BEECH STREET AND LOCUST STREET IN THE CITY OF OXFORD, OHIO BY RE-PAVING, RE-CURBING, AND REPAIRING THE SIDEWALKS, CURBS, AND GUTTERS.

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

SECTION I: It is necessary to improve certain properties listed on Exhibit "A", a copy of which is attached hereto and incorporated herein by reference, by re-paving, re-curbng and repairing the sidewalks, curbs, and gutters.

SECTION II: The plans, specifications and estimate of the cost of the improvements have been filed in the accordance with Ohio Revised Code Section 729.02 with the Clerk of Council.

SECTION III: It is hereby determined and declared that said improvements are conducive to the public health, convenience, safety and welfare of said City and the inhabitant thereof.

SECTION IV: Council hereby approves the plans, specifications and estimate of cost of repair on file.

SECTION V: Notice of the passage of this resolution of necessity, in accordance with Section 729.03 of the Ohio Revised Code, shall be served by the Clerk of Council upon the owners of the lots or lands abutting upon the sidewalks, curbs, and gutters to be constructed or repaired in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his or her last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods.

SECTION VI: Those sidewalks, curbs, and gutters located on the properties described in Exhibit "A" shall be repaired by the owners of the lots or lands abutting thereon in accordance with the specifications on file in the office of the Clerk of Council no later than thirty (30) days after receipt of the notice described in Section V.

SECTION VII: In the event such owner does not construct or repair such sidewalks, curbs, and gutters in accordance with such specifications and within thirty (30) days after receipt of the notice described in Section V, the City will repair such sidewalks, curbs, and gutters, and assess the costs thereof against the owner of the lots or lands abutting thereon.

SECTION VIII: The costs of the sidewalks, curbs, and gutters improvements shall be assessed by the foot front of the property bounding and abutting on the improvement, upon the following described lots of land, to-wit: All lots and land bounding and abutting upon the proposed improvement between the termini aforesaid, which said lots and lands are hereby determined to be specifically benefited by said improvement; and the cost of said improvement shall not include the costs of preliminary and other surveys, plans, specifications, profiles and estimates of printing, serving, and publishing notices, resolutions and ordinances, the amount of damages resulting from the improvement assessed in favor of any owner of land affected by the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, but the cost of said improvement to be assessed shall include the expenses of legal services including obtaining an approving legal opinion, cost of labor and material and interest on bonds and notes issued in anticipation of the levy and collection of the special assessments together with all other necessary expenditures relative to expenses of financing, and relative to re-paving, re-curb-ing, or repairing the sidewalks, curbs, and gutters.

SECTION IX: The City Engineer is hereby authorized and directed to prepare and file in the office of the Clerk of Council the estimated assessments of the cost of the improvements described in this resolution. Such estimated assessments shall be based upon the estimate of cost of said improvement now on file in the office of the Clerk of Council, and shall be prepared pursuant to the provisions of this resolution.

SECTION X: The assessments to be levied shall be paid in five (5) annual installments, with interest on deferred payments at rate of five percent (5%); provided, that the owner of any property assessed may, at his or her option, pay such assessment in cash within thirty (30) days after passage of the assessing ordinance.

SECTION XI: The entire cost of said improvements, after application of the assessments herein provided for, shall be paid by the City of Oxford from funds available for this purpose in the Capital Improvement Fund.

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

VICE MAYOR

ADOPTED:

ATTEST

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE
PREPARED BY: LAW (STAFF)

Curb, Gutter, and Sidewalk Repair Listing for October 7, 2014 City Council Agenda

[illegible]

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 7, 2014

Account Code #: N/A

Budgeted Amount: \$ N/A

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

September 25, 2014
Date Prepared

Agenda Title: Authorization to Submit Eligible Projects to Butler County Board of Commissioners for the 2015 CDBG Program Year Application

Recommendation: Approval

Discussion:

The City expects to receive approximately \$113,766 in FY2015 from Community Development Block Grant (CDBG) funds administered by the Butler County Board of Commissioners. Of this amount, \$96,701 will be available for eligible improvements in the City of Oxford. These funds have traditionally been used for the removal of architectural barriers from street corners in the City, the installation of new handicapped accessible ramps to improve access to the City's sidewalk network, and for street and alley resurfacing projects. The balance of the funds, \$17,065, will be used for administration of the CDBG program.

Application for these funds requires a Resolution of Council recommending the project. Staff is completing the City's application, due November 7, 2014, and has compiled a proposed listing of alley segments for resurfacing and alley approach aprons and sidewalks for reconstruction; these listings are attached as Exhibits "A" and "B" respectively. It is Staff's recommendation that the City Council authorize the City Manager to submit an application to Butler County for 2015 CDBG funds for these purposes.

Once funds have been approved by the federal government (HUD), Staff will advertise the project for bids (typically in fourth quarter of the year), and present a recommended contract for construction to the City Council for contract authorization.

Approved By:

Department Head:

Initial MBD Date 9/25/14

City Manager:

MD 10/3/14

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT ELIGIBLE PROJECTS TO THE BUTLER COUNTY BOARD OF COMMISSIONERS FOR THE 2015 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) YEAR APPLICATION.

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

SECTION 1: The City Manager authorizes the construction project to resurface alleys and reconstruct alley approach aprons and sidewalks by utilizing CDBG funds administered by the Butler County Board of Commissioners.

SECTION 2: The City will receive approximately \$113,766.00 from CDBG funds. Of these funds, \$96,701.00, or eighty-five percent (85%), will be used to resurface alleys and reconstruct alley approach aprons and sidewalks within the City of Oxford as set forth on Exhibits "A" and "B" attached hereto. The remaining \$17,065.00 or approximately fifteen percent (15%) of the funds will be used for the administration of the program.

SECTION 3: The City Manager is authorized to submit the recommended project for year 2015 funds and to take all actions necessary to comply with all requirements and commitments for approval of the projects.

SECTION 4: Once HUD has approved the funds for the project, the City will advertise the project for bids and authorize a contract to resurface alleys and reconstruct alley approach aprons and sidewalks within the City of Oxford.

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

VICE MAYOR

ADOPTED:

ATTEST

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CDBG Resurfacing 2015

9/22/2014

Estimate for each
block based on
2014 contract

Street Name	From	To	cond	width	length	sq feet	paving sq yds	asphalt tonnage	Type of grind	grinding square yd	
NS Btwn Elm & College	Withrow	Vine	1	11	325	3575	397	33	Full	397	\$ 3,656.73
EW Btw High & Church	College	Beech	2	12	390	4680	520	43	Full	520	\$ 4,787.00
NS Btw College & Beech	High	Church	5	14	305	4270	474	40	Full	474	\$ 4,367.62
EW Btwn Withrow & Vine	College	Beech	3	12	390	4680	520	43	Full	520	\$ 4,787.00
EW Btwn Walnut & Collins	College	Beech	4	12	385	4620	513	43	Full	513	\$ 4,725.62
EW Btwn Collins & Spring	College	Beech	4	12	380	4560	507	42	Full	507	\$ 4,664.25
EW Btwn High & Church	Elm	College	5	12	390	4680	520	43	Full	520	\$ 4,787.00
NS Btwn Elm & College	High	Church	5	12	315	3780	420	35	Full	420	\$ 3,866.42
NS Btwn College & Beech	Collins	Spring	5	12	315	3780	420	35	Full	420	\$ 3,866.42
NS Btwn College & Beech	Walnut St.	Collins St.	5	12	315	3780	420	35	Full	420	\$ 3,866.42
EW Btwn Church & Withrow	Bishop	Tallawanda Rd.	5	12	360	4320	480	40	Full	480	\$ 4,418.76
NS Btwn College & Beech	High	Walnut St.	6	14	305	4270	474	40	Full	474	\$ 4,367.62
						0	0	0	Full	0	\$ -

\$ 52,160.86

										Surface		
										Asphalt		
										tonnage		
										paving		
										sq feet		
										sq yds		

Page 1
9/22/14 - EK

Location	Lin Ft.Curb Removal & Replacement	Sq Ft Sidewalk Remove & repl 4" thick	Alley Apron Removal & Replacement with 8" concrete	Sq Ft Sidewalk Remove & repl 4" thick	# of Detectable Warning Mats
N/S alley btwn Elm & College / Withrow to Vine					
North Apron	38	85	119	0	0
South Apron	0	0	0		0
E/W alley btwn Withrow & Vine / College to Beech					
East Apron	35	80	160	0	0
West Apron	25	85	105	0	0
E/W alley btwn Walnut & Collins / College to Beech					
East Apron	0	0	0	0	0
West Apron	0	0	0	0	0
E/W alley btwn Collins & Spring / College to Beech					
East Apron	0	0	0	0	0
West Apron	0	0	0	0	0
N/S alley btwn College & Beech / Walnut to Collins					
North Apron	38	85	119	0	0
South Apron	0	0	0	0	0
EW alley btwn Church & Withrow / University to Bishop					
East End	0	0	0	0	0
West End	0	0	0	0	0
EW alley btwn Church & Withrow / Bishop to Tallawanda					
East End	0	0	0	0	0
West End	0	0	0	0	0
N/S alley btwn College & Beech / Walnut to High					
South Apron	32	135	154	0	0
West edge of alley	57	0	0	0	0
EW Alley btwn High & Church / Elm to College					
West Apron	25	152	95	0	0
NS alley btwn Elm & College / High to Church					
North Apron	40	95	133	0	0
EW alley btwn High & Church / College to Beech					
East Apron	20	20	80	0	0
EW alley btwn High & Church / Beech & East Park Pl					
West Apron	30	221	95	0	1
Foxtire & Locust					
Northeast corner	35	0	0	720	3
	20	0	0	180	1
	Lin Ft.Curb Removal & Replacement	Sq Ft Sidewalk Remove & repl 8" thick	Alley Apron Removal & Replacement with 8" concrete	Sq Ft Sidewalk Remove & repl 8" thick	# of Detectable Warning Mats
Total Estimate	395	958	1060	900	5
	X \$26.62/ft	X \$12.25/sq ft	X \$12.25/sq ft	X\$7.00/sq ft	
	\$ 10,356.90	\$ 11,735.50	\$ 12,985.00	\$ 6,300.00	\$ 875.00
Total Estimate for Alley Apron Concrete Replacement			\$ 42,252.40		

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: 10/7/14

Gail S. Brahier
Prepared By

Account Code No. #: 110.000.40613

Budgeted Amount: N/A

10/1/14
Date Prepared

Agenda Title: Senior Center Lease Agreement

Recommendation: Approve

Discussion:

The five year Lease Agreement for property located at 922 Tollgate Ave., Oxford, OH between the City of Oxford and the Oxford Seniors will soon expire. A new Lease Agreement from 1/1/15 - 12/31/19 includes minor modifications to reflect current usage. All modifications have been discussed with the current Executive Director of the Oxford Seniors:

1. The annual fee of \$4,400 reflects a minor increase of \$400. The Lease fee has not been increased in over 12 years.
2. Two annual payments will be made by Jan. 15 and Sept. 15 of each year.
3. The hours of operation include two additional hours for use by the Oxford Seniors on Monday, from 8:00 am - 7:00 pm. Tuesday through Friday the hours remain the same, 8:00 am - 5:00 pm.

The City of Oxford is pleased to provide a space for the Oxford Seniors to congregate, host programs, provide meals, and offer services to members of the senior population.

Approved By:

Department Head:

City Manager:

Initial Date

gb 10/1/14

JTB 10/3/14

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW LEASE WITH OXFORD SENIORS FOR THE USE OF THE OXFORD SENIOR CITIZENS COMMUNITY CENTER.

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

SECTION 1: The City Manager and the Parks and Recreation Director recommend the City enter into a new Lease with Oxford Seniors for the use of the Oxford Senior Citizens Community Center Building located at 922 Tollgate Drive, Oxford, Ohio.

SECTION 2: The City Manager and Parks and Recreation Director further recommend the Lease be a five year, automatically renewable Lease at an annual cost of \$4,400.00, payable in semi annual installments.

SECTION 3: Council hereby authorizes the City Manager to enter into a new five year, automatically renewable Lease with Oxford Seniors for the use of the Oxford Senior Citizens Community Center Building at an annual lease cost of \$4,400.00.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

LEASE AGREEMENT

This Lease Agreement is hereby entered into this ____ day of _____, 2014 by and between the City of Oxford, Ohio, an Ohio municipal corporation ("Oxford"), having its principal place of business at 101 East High Street, Oxford, Ohio 45056, and by Oxford Seniors an Ohio not-for-profit corporation Oxford Seniors having its principal place of business at 922 Tollgate Drive, Oxford, Ohio 45056.

WHEREAS, Oxford is the owner of the premises located at 922 Tollgate Drive, Oxford, Ohio ("Premises"); and

WHEREAS, Oxford Seniors desires to lease the Premises from Oxford for the purpose of operating a senior citizen center;

WITNESSETH, Oxford hereby leases to Oxford Seniors and the latter lets from the former, the Premises, subject to all legal restrictions and matters of record, and upon the following conditions, covenants and agreements:

TERM OF THE AGREEMENT

1. The term of this Lease Agreement shall be five (5) years beginning on January 1, 2015, and ending on December 31, 2019. This Lease Agreement shall be automatically renewed unless either party gives ninety (90) days written notice prior to the renewal date of their intention not to renew the Lease.

RENT PAYMENT

2. Rent shall be Four Thousand Four Hundred Dollars (\$4,400.00) annually, payable in two (2) Two Thousand Two Hundred Dollar (\$2,200.00) payments. Said Two Thousand Two Hundred Dollar (\$2,200.00) payments are due and payable on March 15 and September 15 of each year. Oxford Seniors agrees to pay interest at ten percent (10%) on any delinquent amount if such payment is not received on or before the aforementioned dates. Oxford reserves the right to refuse to accept rent payments made after the due date. Payment shall be made at Oxford's principal place of business in a manner mutually agreeable to the parties.

USE OF PREMISES

3. Lessee agrees to use the Premises for the purposes of operating a senior citizen center which will provide social, education, hobby, dining and health services to senior citizens in the community. The Premises shall be used and scheduled by Oxford Seniors between the hours of 8:00 a.m. and 7:00 p.m. on Monday, and 8:00 a.m. through 5 p.m. Tuesday through Friday, throughout the year. Oxford reserves any and all other times and uses of the Premises, except as provided herein.

4. A program director for the senior citizen center shall be named by Oxford Seniors, and such person shall occupy one office on the Premises and have access and be afforded exclusive use of such office at all times.

5. In addition to the program director, Oxford Seniors shall be permitted to occupy additional office space for transportation dispatchers, other staff, and volunteers.

6. Office equipment, files, radio equipment, and all other operating supplies in the possession of Oxford Seniors may be kept locked and secure from the remainder of the Premises.

7. The craft center on the Premises is for the exclusive use of Oxford Seniors.

8. Oxford Seniors agrees to provide Oxford with keys to all interior and exterior doors on the Premises.

COVENANTS OF OXFORD SENIORS

9. Oxford Seniors shall make rent payments as provided in paragraph 2 herein.

10. Oxford Seniors will occupy the Premises in a safe and proper manner; will carefully control all appliances that may be operated and will keep all sewer connections free from obstructions.

11. Oxford Seniors will not use or permit the use of the Premises for any unlawful purpose and will obey all laws, regulations, and orders of all governmental authorities or agencies, respecting the premises.

12. Oxford Seniors will not permit to be manufactured or sold on the premises any intoxicating liquor.

13. Oxford Seniors will not assign the lease, nor sublet the Premises, without the written consent of the Lessor which consent can be withheld at the sole option of Oxford.

14. Oxford Seniors will use the premises only as provided by paragraphs 3 through 8 herein.

15. Oxford Seniors will make no alterations, additions or improvements to Premises without the express written consent of the Lessor, and any alterations, additions or improvements to the Premises shall be the property of Oxford.

16. Oxford Seniors will permit the agents of Oxford to enter upon the Premises, at all reasonable times, to examine the condition of the premises and make repairs.

17. Oxford Seniors will facilitate Oxford's use of the Premises in a manner consistent with paragraphs 3 through 8 herein.

18. Oxford Seniors will surrender and deliver up the Premises, at the end of the term, in as good order and condition as the Premises now are, reasonable use and natural wear and tear, or unavoidable casualty, excepted.

19. Any failure of Oxford to enforce these rights or seek remedies upon any default of Oxford Seniors with respect to these obligations of Oxford Seniors shall not prejudice or affect the rights or remedies of Oxford in the event of any subsequent default of Oxford Seniors.

20. That every demand for rent made after it falls due shall have the same effect in law as if made on the day and at the time the rent is due.

21. Oxford Seniors shall be responsible for maintaining adequate insurance for any and all of its personal property, or the personal property of its employees, contractors, customers, invitees, agents, representatives, located on the Premises.

COVENANTS OF OXFORD

22. Oxford warrants that it is the owner of the Premises and has the power to lease the Premises and the Premises is free from all encumbrances.

23. Oxford shall provide, at its sole cost and expense, and keep in force for the benefit and protection of Oxford Seniors and Oxford, as their interests may appear, and with Oxford Seniors named as an additional insured, a general liability insurance policy or policies in standard form issued by reliable companies licensed to do business in the State of Ohio protecting both Oxford and Oxford Seniors against any and all liability occasioned by any act or occurrence on the Premises due to any act or omission of Oxford or Oxford Seniors or their agents, employees, patrons, invitees or licensors as to any single occurrence in the amount of not less than Five Hundred Thousand Dollars (\$500,000.00) and as to any loss of property in the amount of not less than Two Hundred Fifty Thousand Dollars (\$250,000.00).

DEFAULT

24. If Oxford Seniors shall fail to pay rent or any other sums owed when due and payable, or fail to perform any term or obligation contained in this Lease Agreement, Oxford at its option, may deem such failure a default under the Lease Agreement and terminate all rights of Oxford Seniors hereunder.

If Oxford Seniors abandons or vacates the Premises, while in default of the payment of rent, Oxford may consider any property left on the Premises to be abandoned and may dispose of the same in any manner allowed by law. In the event Oxford reasonably believes that such abandoned property has no value, it may be discarded. All property on the Premises is hereby subject to a lien in favor of Oxford for the payment of all sums due hereunder, to the maximum extent allowed by law.

25. In the event of a default by Oxford Seniors, Oxford may elect to (a) continue the Lease Agreement in effect and enforce all its rights and remedies hereunder, including the right to recover the rent as it becomes due; or (b) at any time, terminate all of Oxford Seniors rights hereunder and recover from Oxford Seniors all damages it may incur by reason of the breach of the lease, including the cost of recovering the premises, and including the worth at the time of such termination, or at the time of an award if suit be instituted to enforce the provisions, of the amount of the unpaid rent for the balance of the term.

26. No failure of Oxford to enforce any term hereof shall be deemed a waiver, nor shall any acceptance of a partial payment of rent be deemed a waiver of Oxford's right to the full amount thereof.

TERMINATION

27. Either party to this Lease Agreement may terminate the Lease Agreement, without cause, by providing one hundred and eighty (180) days written notice of the party's intent to terminate. Oxford Seniors shall be responsible for paying an appropriate pro-rated share of the rental payments in the event of such a termination.

ASSIGNMENT

28. Oxford Seniors shall not assign or sublease the premises unless Oxford gives its express written consent to such assignment or sublease. Oxford is under no obligation to consent to any assignment or sublease.

MISCELLANEOUS PROVISIONS

29. This Lease Agreement shall be governed, construed and enforced in accordance with the laws of the State of Ohio.

30. The covenants, terms, conditions, provisions, indemnities and undertakings in this Lease Agreement, or in any renewals thereof shall extend to and be binding upon the heirs, executors, administrators, successors, and legal representatives and permitted assigns of the respective parties hereto and shall survive the termination of this Lease Agreement without limitation.

31. The specified remedies to which Oxford may resort under the term of this Lease Agreement are cumulative and are not intended to be exclusive of any other remedies or means of redress to which Oxford may be lawfully entitled in case of any breach or any threatened breach by Oxford Seniors of any provision or provisions of this Lease Agreement.

32. This Lease Agreement may not be changed orally, but only by agreement in writing and signed by the party against whom enforcement of any waiver, change or modification or discharge is sought.

33. In the event that any provision herein shall be declared invalid or unenforceable, the remainder of this Lease Agreement shall continue in full force and effect.

34. The waiver by Oxford of any breach of any term, covenant, or condition herein shall not be deemed a waiver of such term, covenant, or condition. The acceptance of rent by Oxford shall not be deemed a waiver of any previous breach by Oxford Seniors of any covenant herein, other than the failure of Oxford Seniors to pay the rent so accepted. No covenant, term, or condition of this Lease Agreement shall be deemed waived by Oxford unless the waiver is given in writing by Oxford.

35. This Lease Agreement contains the entire agreement between the parties and shall not be modified in any manner except by a written amendment attached to this Lease Agreement and signed by both parties.

Oxford and Oxford Seniors have signed this Lease Agreement on the _____ day of _____, 2014.

Oxford Seniors

By: Joan Potter-Sommer, Executive
Director

City of Oxford, Ohio

By: Douglas R. Elliott, Jr.
City Manager

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 7, 2014

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

September 19, 2014
Date Prepared:

PC-2014-11 CONDITIONAL USE, 10 Reagh's Way, to allow for a professional office use in an R3 (Multi-Family Residential) District, Oxford Women's Care Center, Coralee Shearer, Applicant

Recommendation: Approval

Discussion:

This application is seeking the Planning Commission's consideration to reuse an existing vacant single family dwelling by the Oxford Women's Care Center, as an office to provide counseling services and necessary materials for women during and after pregnancy.

The existing single family structure has been vacant for several years and belongs to Habitat for Humanity of Greater Cincinnati. The current owner has provided consent to allow Ms. Shearer to represent them for this Conditional Use Permit application.

The Oxford Women's Care Center has been located in Oxford for over 30 years. The current Uptown location, as indicated in the narrative provided by the applicant, is on the 2nd floor and poses physical challenges to the clients the Center serves. Additionally, many of their clients are from mobile home parks and apartment complexes along College Corner Pike, who do not have vehicles for travel to the current location.

The benefit to relocate the Center at this new location is the close proximity to the Family Resource Center, since both entities overlap some clients they serve, so a "co-location" of services would be greatly beneficial to their clients to be able to visit both places conveniently. The current plan for the operation of the Center is open 18 hours a week with two part-time staff. The hours are 12- 6 p.m. on Monday and Wednesday, and 9 am -3 pm on Friday.

The Commission voted, 7-0-0, after the public hearing determining that the proposed use would be compatible with the neighborhood and the combined services by this Center and the Family Resources Center would be very beneficial to the community. The Commission recommended approval to Council for legislative action.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC 9/22/14
DRE 10/3/14

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR PROFESSIONAL OFFICE USE IN A R3 (MULTI-FAMILY RESIDENTIAL) DISTRICT TO BE LOCATED AT 10 REAGH'S WAY, OXFORD, OHIO 45056.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on September 9, 2014 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Coralee Shearer, Applicant, for a conditional use permit to allow for Professional Office use in a R3 (Multi-Family Residential) District to be located at 10 Reagh's Way Oxford, Ohio 45056.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the conditional use permit application to allow for Professional Office use in a R3 (Multi-Family Residential) District to be located at 10 Reagh's Way, Oxford, Ohio 45056.

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 to allow for Professional Office use in a R3 (Multi-Family Residential) District to be located at 10 Reagh's Way, Oxford, Ohio 45056.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

Certification of Action

Oxford Planning Commission

Recommendation to City Council

<u>Report Date</u>	October 7, 2014
<u>Case Number</u>	PC-2014-11
<u>Applicant Information</u>	Coralee Shearer, Oxford Women's Care Center Habitat for Humanity
<u>Requested Action</u>	Conditional Use 10 Reagh's Way
<u>Summary of Request</u>	Allow for a Professional Office Use in an R3 (Multi-Family Residential) District
<u>Public Hearing Information</u>	On September 9, 2014 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on August 8, 2014. Courtesy notices were mailed to adjacent property owners on August 27, 2014.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval of the Conditional Use as submitted.
<u>Commission Findings and Conclusions</u>	The Planning Commission discussed the current vacant structure being used to house the Oxford Women's Care Center as an office and continue with their providing of counseling services and necessary materials for women during pregnancy. Relocating the center is close proximity to the Family Resource Center, where the entities overlap their services. The Planning Commission agreed the new location would be compatible with the neighborhood, the hours of operation would not place a burden on the neighborhood, the Center would continue to serve the community, and a vacant property would become something productive in the neighborhood. In reviewing the decision standards, it was agreed that the location would not create any potential negative impact to the neighborhood. Signage for the Women's Center was also discussed. After discussion the Planning Commission voted to approve the Conditional Use.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated August 28, 2014 2. Interoffice Review Transmittal Sheets 3. Property Notification Map 4. Photographs 5. Letter of Agency 6. Conditional Use Permit Application Dated July 25, 2014 7. Supporting Documents 8. Photograph, Plot Plan

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-11-2014

Date – September 9, 2014

APPLICATION

Applicant:	Coralee Shearer/Oxford Women's Care Center
Location:	10 Reagh's Way
Owner:	Habitat for Humanity
Agent:	Coralee Shearer
Action Request:	Conditional Use Permit Application – Allow for a Professional Office Use in an R3 (Multi-Family Residential) District
Current Use:	Vacant Single Family Dwelling
Surrounding Existing Land Uses:	Predominantly Residential Rental, Office Uses

DESCRIPTION

This application is seeking the Planning Commission's positive consideration to reuse an existing vacant single family dwelling unit to be used by the Oxford Women's Care Center, as an office to provide counseling services and necessary materials for women during pregnancy.

The existing single family structure has been vacant for several years and belongs to Habitat for Humanity of Greater Cincinnati. The current owner has provided consent to allow Ms. Shearer to represent them for this Conditional Use Permit Application.

The Oxford Women's Care Center has been located in Oxford for over 30 years. The current Uptown location, as indicated in the narrative provided by the applicant, is on the 2nd floor and poses physical challenges to the clients the Center serves. Additionally, many of their clients are from mobile home parks and apartment complexes along College Corner Pike, who do not have vehicles to the current location.

The benefits to relocate the center at this new location is the close proximity to the Family Resource Center, since both entities overlap some clients they serve, so a "co-location" of services would be greatly beneficial to their clients to be able to visit both places conveniently. The current plan for the operation of the center is that the center will be open 18 hours a week with two part-time staff. The hours are 12- 6 on Monday and Wednesday, and 9-3 on Friday.

The average client visit is about 45 clients per month so far this year. It does not appear there is a large number of vehicular traffic generated from clients.

The site has a handicapped ramp that would be useful for the center clients with strollers and is accessible for everyone. There is also a driveway that could accommodate two vehicles at any time. There is also a six foot fence in the rear of this property. The future plan includes a storage shed and a concrete slab to the back of the house. A small 1X2 foot sign would be installed to the left of the front door for the time being. A bigger sign may be needed in the future that will be reviewed and subject to the sign regulations of the City.

The purpose of the Conditional Use Permit review process is to review the potential integration of the proposed land use within the existing surrounding land uses. In this case, it would be using an existing single family dwelling as an office. Therefore, the Commission can now consider any existing compatibility concerns and what impacts an expansion might have on that compatibility. The Commission may not find any compatibility concerns. However, if there are any potential negative impacts as a result of the expansion and site development, this is the appropriate time to discuss and recommend any mitigation measures. Additionally, the Commission could request more information prior to a decision, if it felt appropriate.

SURROUNDING NEIGHBORHOOD

All property owners within 200 feet have been notified by letter, a sign has been posted on the property and a notice has been placed in the newspaper. At the time of this writing, **no public comment has been received. City staff did receive one phone call in support of.**

The property is located at the start of a dead-end street to a City park and is primarily surrounded by single family dwellings, a manufacturing facility to the north, and office to the south.

PLANNING COMMISSION AND BOARD OF ZONING APPEALS SITE HISTORY

1998-PC-19 – PUD to create 4 lots for Habitat for Humanity.

COMPREHENSIVE PLAN (2008)

There are several specific strategies or objectives directly related to the proposed use. There are as follows:

Land Use Chapter –Principles excerpt (page 3.9)

Infill development and redevelopment of underutilized sites is a priority

Staff comments: this is to reuse an existing single family dwelling

Community Facilities and Services – Objectives excerpt (page 9.5)

Objective 5 – Expand and improve services for economically-disadvantaged residents

CF 5.1 Consider establishing a “one-stop” city service center.

CF 5.2 Continue to support housing and utility assistance efforts.

Staff comments: this may not be consider as a “one-stop” center, but proximity of different agencies would be beneficial to clients that can easily walk between the two agencies.

ZONING CODE REGULATIONS EXCERPTS

§1143.09 R3 MULTI-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose. This district is intended to accommodate multi-family structures suited to the lifestyles of individuals and families, generally located in areas adjacent to major thoroughfares and commercial areas.

(b) Uses

1. Permitted Uses
2. Conditional Uses

J. Professional Offices.

(Ord . 3186. Passed 9-18-12)

Conditional Use

The purpose of Conditional Use regulations is at Section 1147.01(a):

“Purpose. Conditional Uses are land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety, or general welfare if not located appropriately, operated appropriately, or mitigated with good design.”

§1143.09(b)(2)H.: Conditional Uses in R3:

STAFF FINDINGS: Professional Offices are specifically listed as a Conditional Use in the R3 District.

§1143.09(c): R3 Site Development Regulations:

STAFF FINDINGS: _Not applicable at this time, since it is to repurpose an existing single family dwelling for office use.

§1147.03 USE SPECIFIC REGULATIONS & POTENTIAL CONCERNS

There are no specific regulations or potential concerns listed under this section with respect to professional offices in a residential district. However, practical issues such as **traffic from client visits**, any **hours of operation**, **adequate size for future expansion** may be considered.

Traffic from client visits: how often and how many visits from client to the center that could cause excessive traffic volume in a residential district.

Staff comment: The applicant indicated in her narrative that monthly average is about 45 visits from clients. Based on the hours of operation, it is about less than 1 per hour (45 visits by 72 hours). Furthermore, the site is the first dwelling of this dead-end street, so no client traffic would go beyond this center.

Hours of operations: The applicant also indicates in her narrative that the hours are fairly limited, about 18 hours per week, with two part-time staff. Therefore, the hours of operation should not be a concern for the residential area.

Ability for future expansion: the house is approximately over 1000 square feet that may be sufficiently large for any additional office space or additional staff. However, the traffic issue could be revisited at that time.

AGENCY REVIEWS

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

Police:	Returned without comments
Fire:	Returned without comments
Engineering:	Returned without comments
Econ. Dev.	No comment received

DECISION CRITERIA

A copy of the Conditional Use Permit Decision Standards is attached.

ANALYSIS

The applicant did not provide a detailed, scaled drawing of the site. However, this is to reuse an existing building for office space, so they are sufficient to conduct the Conditional Use Permit review. It would seem that the applicant has attempted to minimize any alteration of the neighborhood.

Additionally, locating the Care Center here would further enhance the partnership relationship that is already exists between the Family Resource Center and Women's Center, since there is overlapping clients that may benefit from both entities.

At this point, there is very minimal proposal to alter the appearance of the existing house, other than adding a 1'X2' sign at the entry door. No other signage is being proposed, other than in the future there might be a need for a bigger sign allowable under the sign regulations.

Revisiting the decision standards, it would appear the proposed use would not create any potential negative impact to the neighborhood and no additional public services would be required. The site is sufficient for the proposed use and should be sufficient in the near future.

RECOMMENDATION

Staff does not see any concern of allowing this proposal to be granted. Additionally, future changes to an approved Conditional Use Permit will be evaluated by the Chair of the Planning Commission and the Community Development Director to discern potential impact and determine whether the proposed changes would require the Commission review.

SUBMITTED

BY:

Jung-Han Chen
Jung-Han Chen,
Community Development Director

DATE: August 28, 2014

ATTACHMENT

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

(1) Burden of proof.

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

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

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 22, 2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

PC-2014-11 CONDITIONAL USE, 10 Reagh's Way, to allow for a professional office use in an R3 (Multi-Family Residential) District, Oxford Women's Care Center, **Coralee Shearer, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/3/14** 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 Dethenage

PRINTED NAME

Date: 8-25-14

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 22, 2014



To: Fire Department **Engineering Division** Police Department Economic Development

From: Community Development

PC-2014-11 CONDITIONAL USE, 10 Reagh's Way, to allow for a professional office use in an R3 (Multi-Family Residential) District, Oxford Women's Care Center, **Coralee Shearer, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/3/14** 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: 8-22-14

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 22, 2014

To: Fire Department Engineering Division ~~Police Department~~ Economic Development

From: Community Development

PC-2014-11 CONDITIONAL USE, 10 Reagh's Way, to allow for a professional office use in an R3 (Multi-Family Residential) District, Oxford Women's Care Center, **Coralee Shearer, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/3/14** 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:


R. B. HOLZWORTH
PRINTED NAME

Date: 8/26/2014





09/04/2014



09/04/2014



Serving the TriState region

**Habitat
for Humanity®**
Greater Cincinnati

ReStore

"Your home improvement discount store"

July 22, 2014

To Whom It May Concern:

Habitat for Humanity of Greater Cincinnati has agreed to sell 10 Reaghs Way, Oxford, Ohio 45056 as is to the Oxford Women's Care Center. As such, Coralee K. Shearer (Director, Oxford Women's Care Center) has permission to act on my behalf concerning the Conditional Use Permit for 10 Reagh's Way.

Sincerely,

Edward W. Lee
CEO/President

4910 Para Drive • Cincinnati, OH 45237 • (513) 621-4147 • www.habitatcincinnati.org • ReStore:
(513) 721-GIVE (4483)





Internal Use Only:

Case No.

Date Filed

 PC-2014-11
 7/25/14

Conditional Use Permit Application

Applicant Information

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

Name * Oxford Women's Care Center, Coralee K. Shearer,
 Mailing Address * P.O. Box 1 Director
 City, State & Zip Code * Oxford, OH 45056
 Telephone Number(s) * 513-523-1814
 Email Address driftwoodpoint@yahoo.com

Owner Information

Name * Habitat for Humanity, Edward W. Lee, CEO
 Mailing Address * 4910 Para Drive
 City, State & Zip Code * Cincinnati, OH 45237
 Telephone Number(s) * 513-621-4147
 Email Address www.habitatcincinnati.org

Location and Lot Information

Location of Property * 10 Reagh's Way
 Legal Description * The Pines Lot #1
 Zoning District * R3
 Total Area * → Check One * Acres 1.61 ^{approx} Square Feet 7,000
 Existing Use Description * Vacant property - house
 Proposed Use Description * Professional Office Category

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 fee is \$400.00, plus postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *

Date *

Coranne K. Shearer
July 29, 2014

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 charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the 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 *

7/25/14

Receipt Number *

355

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

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

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

Conditional Use Permit Application ~ 10 Reagh's Way

Submitted by Coralee K. Shearer, Director

Oxford Women's Care Center

A. An application Fee is attached.

B. 1. The Oxford Women's Care Center, P.O. Box 1, Oxford, OH, is purchasing this property from Habitat for Humanity. The Center's phone number is 523-1814. This property has been vacant for years and had been foreclosed. Like Habitat we are a 501C3 non-profit, tax exempt, faith based group. We have been serving the Oxford area for 30 years.

The Oxford Women's Center has been located the past 20 years at 23 E. High Street. The 22 steps to the suites has always been a challenge with pregnant women, those with infants and those donating items. Also many of our clients are at Park View Arms and the Mobil Home Park and many of those do not have a vehicle. This location at 10 Reagh's Way could not be more perfect for our Center.

2. This is a letter (attached) from Ed Lee who is in charge of the Cincinnati area Habitat for Humanity stating that Coralee K. Shearer, Director for the Oxford Women's Care Center, may act in their behalf concerning the Conditional Use Permit Application. We will sign for a loan as soon as the zoning is approved.

3. The site plan. The legal description is The Pines Lot # 1

4. 10 Reagh's Way is a foreclosed Habitat for Humanity house that has been vacant for several years.

5. R3

6. a. This house would become the home of the Oxford Women's Care Center. We are a tax-exempt, non-profit Center. We provide free pregnancy tests for women facing unplanned pregnancies. We give them guidance, support and give them information on other groups that can help in the area. We provide material goods for newborns to two year olds. Items such as maternity clothes, formula, diapers, wipes, used furniture and products (such as baby shampoo, diaper cream, powder, etc). We are averaging about 45 clients a month this year so far. Many of our clients walk and many also go to the Oxford Family Resource Center which is located next door. We use no delivery or service vehicles. This would fit in with the Professional Office Category.

b. We are open Monday and Wednesday from 12-6 and Friday 9-3. We are open 18 hours a week. We have two part time employees. A Director and an Office Manager.

7. a. This property is the first home as you come onto Reagh's Way so the few cars would not enter the rest of the neighborhood. The Family Resource Center is just before this house and we deal with many of the same clients. We "partner" with the Resource Center and the Oxford Food Pantry and they send clients to us since we provide items for newborns and they do not. This property really sits between the Family Resource Center which faces College Corner Pike and the Oxford Pet Retreat Inc. at 15 Reagh's Way

b. The house will stay the same as it is. At some point we would like a cement slab in the back with a possible storage building to store donations before they come into the house to sort. We would like a slab so that it will not be wet or muddy. The house already has a high privacy fence so anything in the back should not affect the surrounding buildings.

c. Our Center produces no noise, odors, fumes, vibrations or emissions. There will be no large lights.

d. N/A

8. We feel for this non-profit that this is the perfect spot for us. The layout of the house will function well for us. It has a handicapped ramp which with mothers accompanying small children in strollers will make for safe entry and exit. Many of our clients live at the Mobil Home Park and Park View Arms. Many of our clients do not own a car so walking distance is vital for them. Plus located next to the Family Resource Center and working with many of the same clients it will be more convenient to serve them.

9. We really feel we will enhance this neighborhood since this house has been vacant for years and that is never good for a neighborhood. The grass has been mowed but the bushes and plants were way overgrown and it appeared unkempt. The porch has never had the ceiling enclosed and we feel that is an open invitation for animals to live there. We noticed some graffiti on one wall which also may be due to the vacancy. We plan to keep the house neat and attractive with seasonal flowers and having it fit nicely into the neighborhood.

10 N/A

11. On a separate sheet there is a list of 13 properties within 200 feet

12. We feel we will have very little impact on the neighborhood. We are the first house past the Resource Center so no extra traffic will affect the other houses. Walking traffic has a sidewalk and many from the Mobile Home Park walk that way to go to Wal-Mart and to the Family Resource Center.

C. Site plan

On a separate sheet

Basic information is in black

This is a typical ranch style home with a full basement. The driveway can handle two cars.

Future proposed slab outside of the back door is in red. Also a future storage shed to store items to be sorted and heavier items such as high chairs and playpens.

A small 1x2 foot sign would be to the left of the front door on the building to code. In the future a nice sign, per code, less than 12 square feet in the front yard.

Oxford Women's Care Center

~A Pregnancy Care Ministry

Coralee Shearer, **Director**

Susan Downie, **Office Manager**

Board of Directors

Christopher Owens **Chairman**, Treena Newcomer, **Vice Chair**,

Maggie Cooper, **Secretary**, Susan Downie, **Treasurer**,

Pat Haizman, **Member**

Connie Clements, **Member**

Alice Adkins, **Member**

Jade Conaster, **Member**

Advisory Committee

Bob Shearer, Tim Goldner

P.O. Box 1; Oxford, OH 45056

513-523-1814



The Oxford Women's Care Center began in Oxford in 1984. We serve the City of Oxford and surrounding communities. We are a 501C3 non-profit, tax exempt Center.

I have been the Director since July of 2012. We "partner" with several groups in town. The Family Resource Center and the Oxford Food Pantry send clients to us on a regular basis since we deal with pregnancies and support newborns to two years old's. We also "partner" with the Lane Public Library. Last year they donated about 1500 books to the Center. We encourage each client when they visit to take two books home to keep. We also have a "Learn to Earn" program where clients can put some effort in, learn information that will help them with parenting and can receive a new car seat or crib set up. We use the DVD's from the Library and clients also can attend their reading programs to earn points.

The Oxford OBGYN just partnered with us about eight months ago and now give us all of their samples so that we can get them into the hands of those who could benefit from them. Dr. Stein is the doctor that we work with at the Center.

Most of the churches in the area are involved the Center in some way. Many individuals stand behind the Center and we send several newsletters out each year to about 600 recipients. Many club groups have been involved also, to name a few, The Oxford Lion's Club, PEO chapters and Delta Theta Tau.

I am a member of the Community Impact group that is made up of most of the non-profits in the area. We also receive a wonderful grant from the Oxford Community Foundation to help with our "Learn to Earn" program.

We work with Officer Buchholz in providing a place to volunteer for the Community Service workers. We also have had several Miami Interns who help the Center. We are members of the Chamber of Commerce.

Sincerely, Coralee K. Shearer, Director



PLOT PLAN SCALE APPROX 1" = 30'

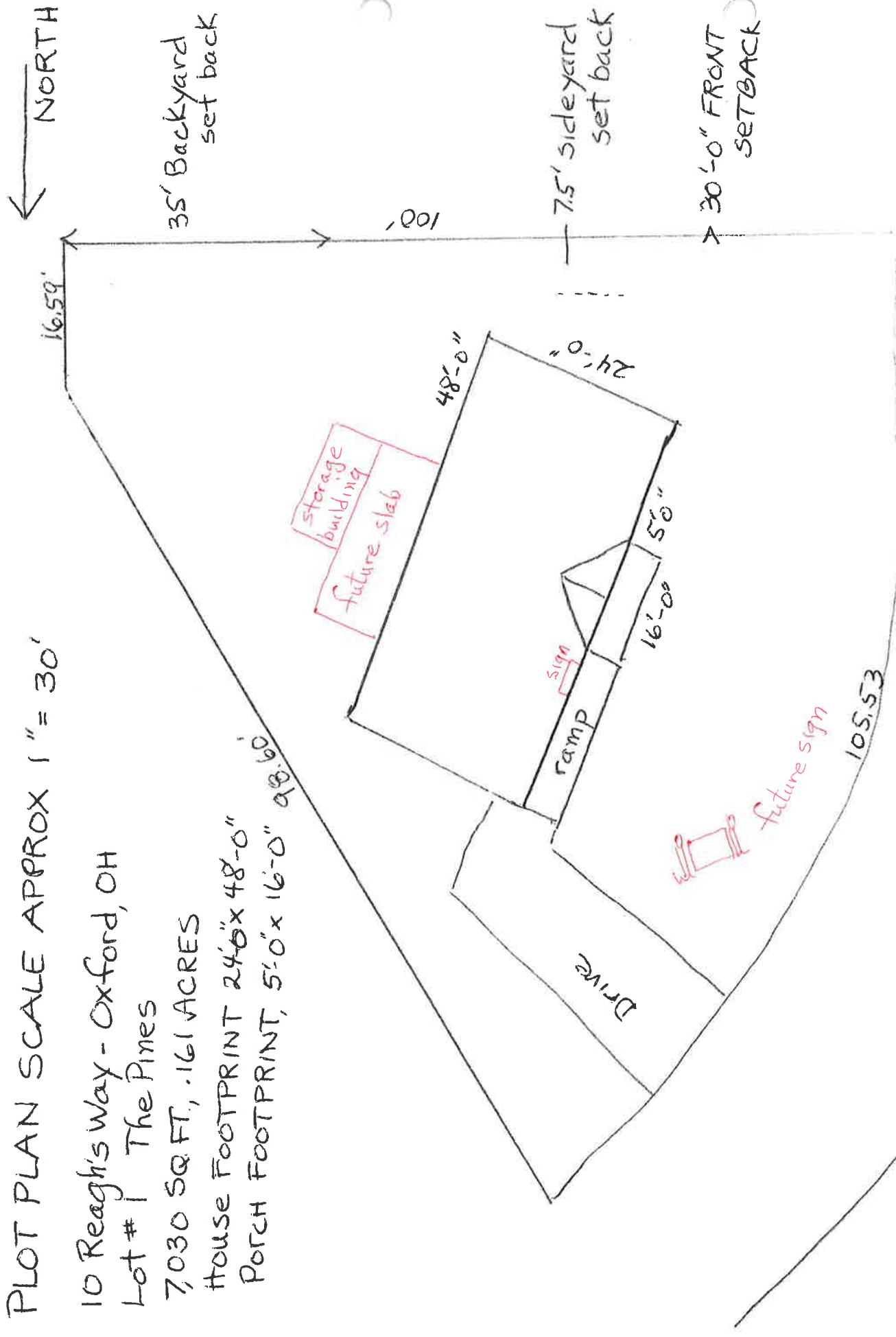
10 Reagh's Way - Oxford, OH

Lot #1 The Pines

7,030 SQ. FT., .161 ACRES

HOUSE FOOTPRINT 24'-0" x 48'-0"

PORCH FOOTPRINT, 5'-0" x 16'-0"



10 Reagh's Way

CITY OF OXFORD STAFF SUMMARY REPORT

Report to City Manager		Finance
		_____ Originating Department
Council Meeting Of :	10/7/2014	
	_____ see below	Joe Newlin
Account Code No. :		_____ Prepared By
Budgeted Amount :		10/1/2014
		_____ Date Prepared

Agenda Title:	2014 Supplemental Budget #6
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Recommendation:	Approve
------------------------	----------------

Issue 1
- BWC Grant for Fire/EMS to purchase 3 chair stairs & hose roller system, \$7,792.50 City match out of Life Squad Fund

Action Needed:

Revenue Side

Fire/EMS Fund 418	23,337.50	Grant proceeds
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Expense Side

Fire/EMS Fund 418	23,337.50	Increase of unencumbered fund balance
Life Squad Fund 210	7,792.50	Increase of unencumbered fund balance

Net Effect on Fund Balance/(s)	(7,792.50)	
Increase/(Decrease)		

Total Net Effect on Fund Balance/(s)	(7,792.50)	
Increase/(Decrease)		

Issue 2
- Additional funding needed for NIC charges due to increased construction related expenditures

Action Needed:

Revenue Side

General Fund 110	13,500.00	Increase in permits & fees
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Expense Side

General Fund 110	54,000.00	Increase of unencumbered fund balance
------------------	-----------	---------------------------------------

Net Effect on Fund Balance/(s)	(40,500.00)	
Increase/(Decrease)		

Total Net Effect on Fund Balance/(s)	(48,292.50)	
Increase/(Decrease)		

Breakdown by Fund

General Fund 110	(40,500.00)	
------------------	-------------	--

Fire/EMS Fund 418 -
Life Squad Fund 210 (7,792.50)

Net Effect on Fund Balance/(s) (48,292.50)
Increase/(Decrease)

Approved By:

Department Head:

City Manager:

Initials

Date

AO 1/10/14

DRE 1/13/14

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3249. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 6 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2014.

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

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

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

General Fund 110	13,500.00
Fire & EMS Fund 418	23,337.50

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

General Fund 110	54,000.00
Fire & EMS Fund 418	23,337.50
Life Squad Fund 210	7,792.50

SECTION 4: In all other respects, Ordinance No. 3249 shall remain in full force and effect.

SECTION 5: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED:

ATTEST:

CLERK OF CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)