CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: October 3, 2017

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

Michael Dreisbach, Service Director
Prepared By

September 28, 2017
Date Prepared

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

Recommendation: Approve

Discussion:

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

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

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

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

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

Approved By:

	Initial	Date
Department Head:	*MBD*	9/28/17
City Manager:		

ORDINANCE NO.

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

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

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

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

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

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

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

_____
MAYOR

ADOPTED:

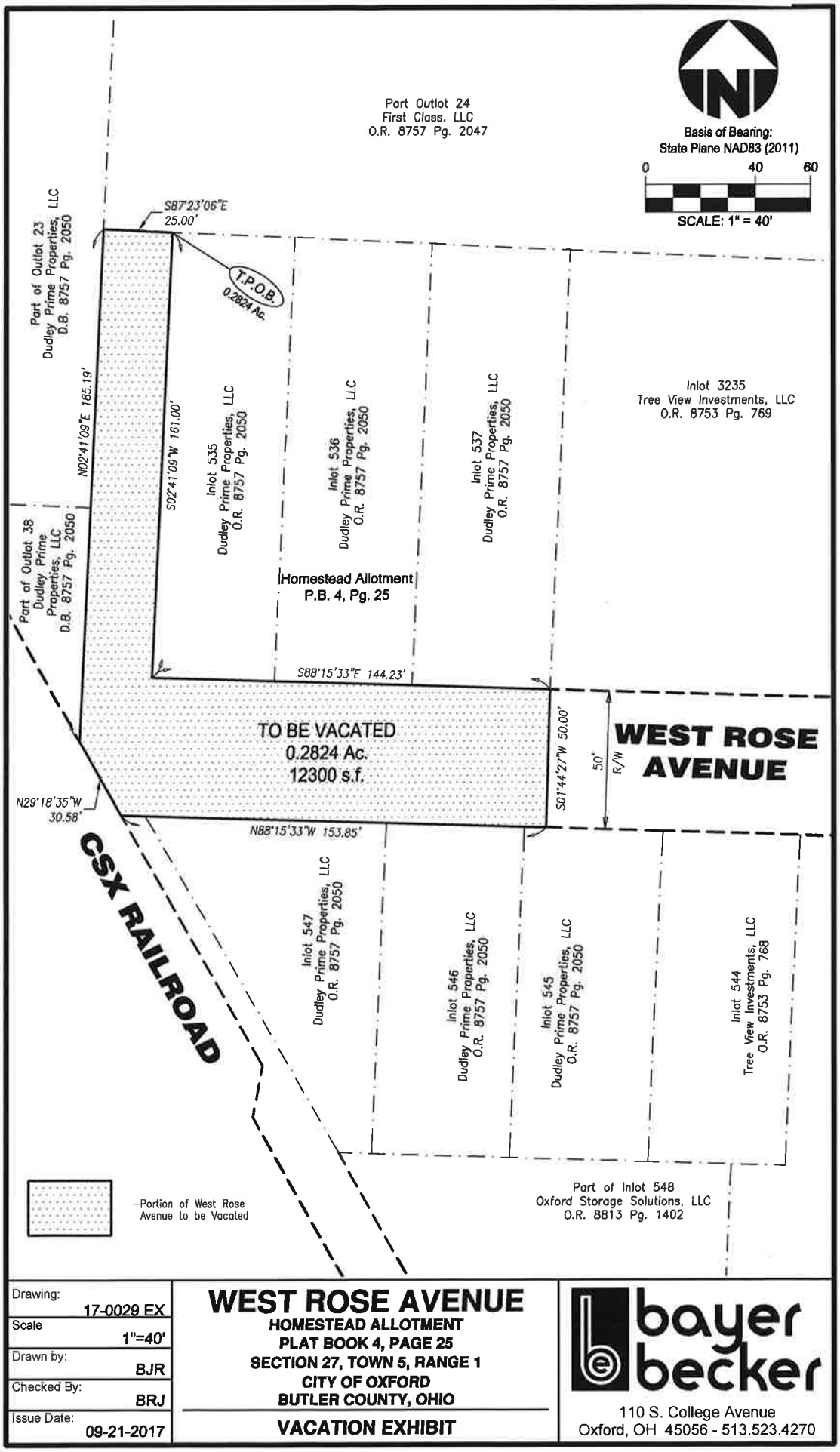
ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

EXHIBIT A



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

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

VACATION EXHIBIT

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

EXHIBIT A – 1

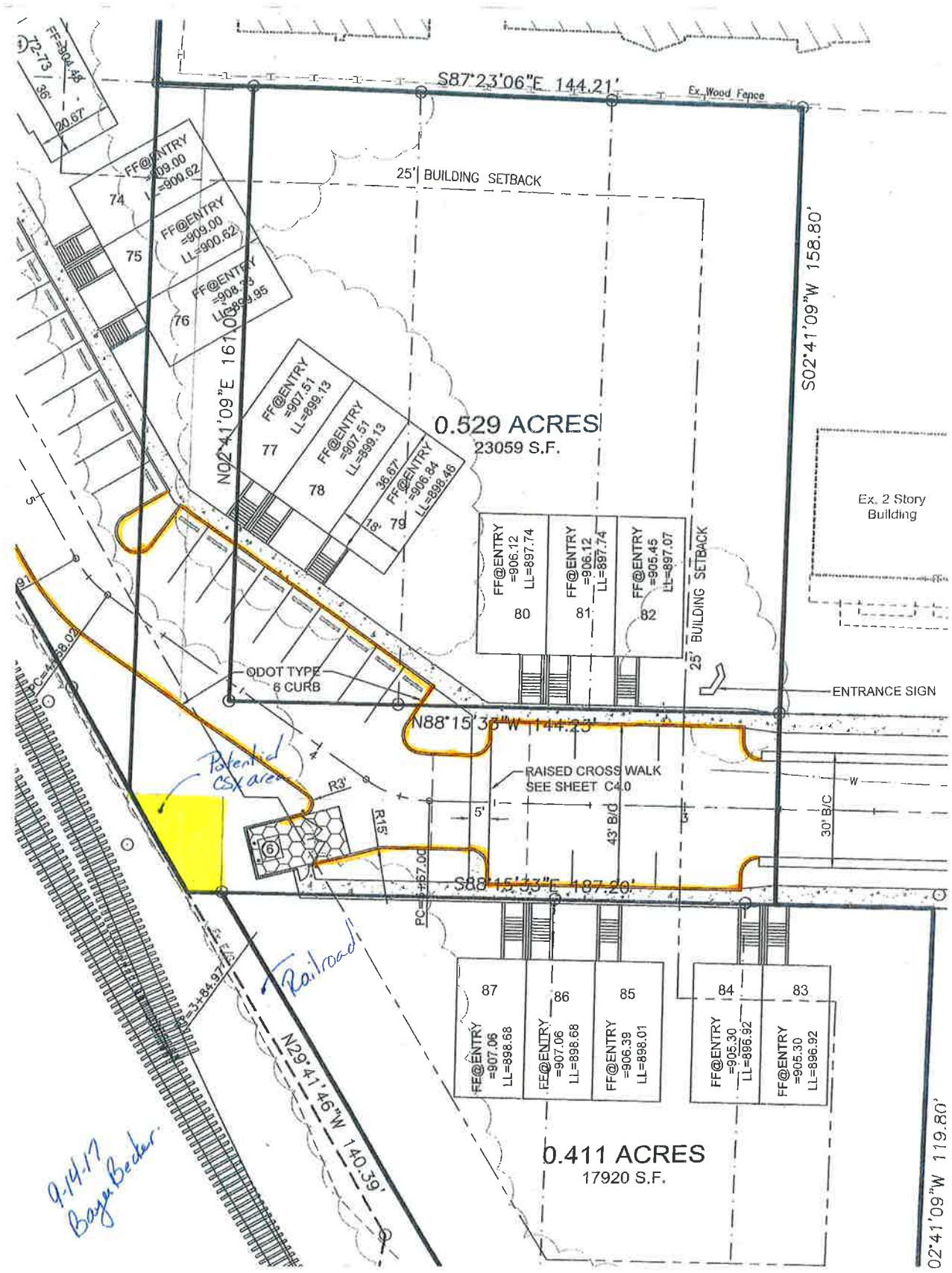

S87°23'06"E 144.21'
Ex. Wood Fence
25' BUILDING SETBACK
S02°41'09"W 158.80'
N02°41'09"E 161.00'
0.529 ACRES
23059 S.F.
Ex. 2 Story Building
25' BUILDING SETBACK
ENTRANCE SIGN
ODOT TYPE 6 CURB
N88°15'33"W 144.23'
RAISED CROSS WALK SEE SHEET C4.0
Potential CSX area
Railroad
S88°15'33"E 187.20'
N29°41'46"W 140.39'
0.411 ACRES
17920 S.F.
02°41'09"W 119.80'
9-14-17
Bayu Beder

EXHIBIT B

Date: July 20, 2017

Description: West Rose Avenue
Right of Way Vacation

Location: City of Oxford
Butler County

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

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

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

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

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

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

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

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

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

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

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

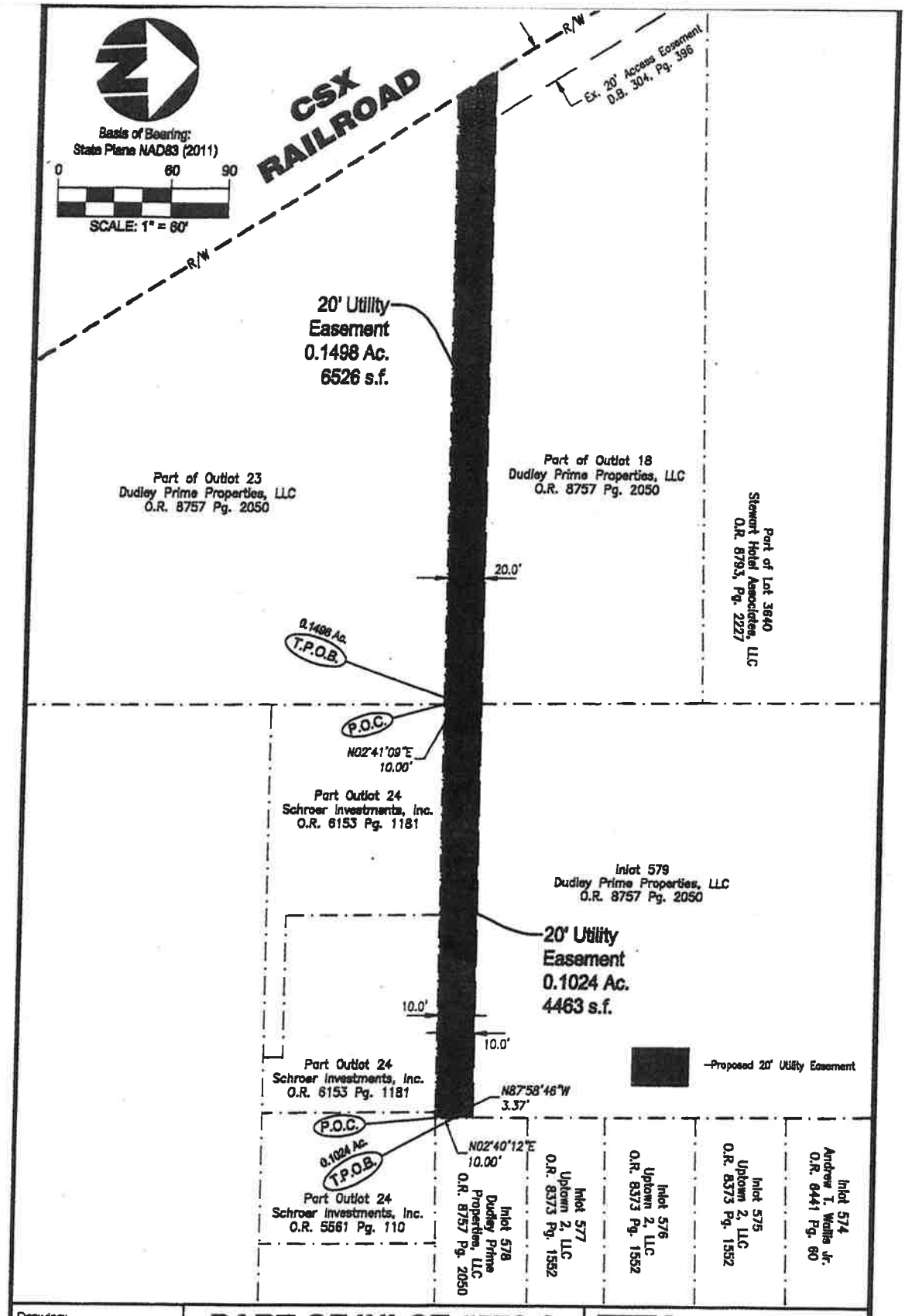
209 Grandview Drive
Fort Mitchell, Kentucky 41017
859-261-1113

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

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

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

EXHIBIT C



Drawing:	17-0029 EX
Scale	1"=60'
Drawn by:	BJR
Checked By:	BRJ
Issue Date:	07-20-17

PART OF INLOT #579 & PART OF OUTLOT #18

SECTION 27, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

UTILITY EASEMENT

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

EXHIBIT D

Date: July 20, 2017

Description: Part of Inlot #579
20' Utility Easement

Location: City of Oxford
Butler County, Ohio

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

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

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

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

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

17-0020 Easement 0.1024 Ac.doc

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

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Fort Mitchell, Kentucky 41017
859-261-1113

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

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

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

EXHIBIT E

Date: July 20, 2017

Description: Part of Outlot #18
20' Utility Easement

Location: City of Oxford
Butler County, Ohio

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

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

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

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

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513-336-6600

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EXHIBIT F

PROPERTY EXCHANGE AGREEMENT

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

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

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

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

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

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

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

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

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

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

City of Oxford

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

Dudley Prime Properties, LLC

by_____
Terry Dudley, authorized member

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: October 17, 2017

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

October 11, 2017
Date Prepared

Agenda Title:	Environmental Commission Meeting of October 4, 2017

Recommendation:	For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, October 4, 2017 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Ms. Madeline Maurer; City Council Representative, Mayor Kate Rousmaniere; Planning Commission Representative, Mr. Bill Snavely; Mr. Jon Ralinovsky, and Mr. Andor Kiss. A quorum was present. Mr. Vince Hand had previously alerted the Commission that he would be out of town and unable to attend this meeting. Ms. Page Jordan and Ms. Sara Rudokas, graduate students with Miami University's (MU's) Institute for the Environment and Sustainability (IES), and MU undergraduate student, Ms. Shannon Pressler, were also in attendance.

The Minutes from the September 6, 2017 Environmental Commission meeting were unanimously approved as presented.

Ms. Pressler informed the Commission that she was currently serving as the Treasurer with MU's "Green Oxford", a student organization primarily devoted to sustainability, with working groups on food, recycling, and water conservation. Ms. Pressler informed the Commission that Green Oxford intends to prepare educational pieces specially aimed towards on- and off-campus recycling opportunities for MU students. Ms. Pressler had located two recycling flyers in the Green Oxford offices (a general one with some Oxford specifics put out by Butler county Recycling and Solid Waste District, and a second, Oxford-specific, generated by Rumpke). The Commission verified that the information was still valid. The MU Graphics Department will assist Green Oxford in preparing a new flyer with recycling information. Chair Gwyn indicated that he would provide copies of the informational flyers he distributes as the Environmental Manager for the City of Forest Park (which also utilizes Rumpke for trash and recycling services). Mr. Kiss suggested making a duplicate informational flyer in Chinese to assist the international students from China better understand Oxford's recycling system and requirements.

Prior to the meeting, the IES Professional Service Project (PSP) student team had provided a proposal for the Commissioners' review. Ms. Jordan and Ms. Rudokas were present to answer questions and take revision suggestions, as well as provide a progress report. The Commissioners indicated that they thought the PSP proposal (entitled "Examining the Global Covenant of Mayors for Climate and Energy: A Feasibility Study for Oxford, Ohio") was well prepared, thorough, and addressed issues and questions that

(Continued)

Approved By:		Initial	Date
	Department Head:	MBT	10/13/17
	City Manager:	DRH	10/13/17

were associated with the potential of Oxford's participation in the Global Covenant of Mayors for Climate and Energy (the Covenant). The student team had identified three college cities similar to Oxford in size and/or demographics (Aspen, Colorado; San Luis Obispo, California; and West Chester, Pennsylvania) that where already part of the Covenant and intend to contact them to discuss their experiences in participation with the Covenant. The IES students also asked for the contact information for the three Oxford citizens that had requested the Commission investigate Oxford's participation in the Covenant to better understand their wants and goals.

Mayor Rousmaniere informed the Commission that the new Executive Director to the Three Valley Conservation Trust had introduced himself to City Council. Presently, the Trust has some 22,000 acres, of which 660 acres (3%) are contiguous, and 191 easements. Mayor Rousmaniere also updated Commissioners on the bicycle lanes along South Locust Street from West Spring Street/Fairfield Avenue south to Foxfire Drive, and progress with grant funding for the next phase of the Oxford Area Trail System (OATS), from State Route 73 to Peffer Park. As the grant contains a matching funds component, a recreational levy property tax is being considered to assist in the funding for the continued OATS development as well as an Aquatic Center at the Oxford Community Park.

Mr. Snavely informed the Commission that the Planning Commission had received a presentation from the Oxford Bible Fellowship (corner of East Chestnut and Maple Streets) that proposed occupying the vast majority of the remaining greenspace on the parcel with a building expansion. The Planning Commission was not in favor of the proposal as presented.

Following the September Commission meeting, Mr. Hand took on the task to refine the language of the Commission's proposed revision to Oxford's Codified Ordinance on trees (Chapter 935 Trees, Shrubs and Other Plants), including preservation and replacement of trees on private land, with an eye toward possible legal entanglements. Mr. Hand's revision broke the Commission's draft into two parts, one largely as the existing Chapter 935 currently exists, and a separate Chapter addressing preservation and/or replacement of trees on private property. The revised draft had been made available to Commissioners for their review, and comments and concerns were discussed. Chair Gwyn volunteered to incorporate the Commissioner's most recent revisions to the draft tree ordinance(s), and provide a copy to the Commission prior to the November 1st meeting.

The Commissioners concluded discussion at 8:40 p.m. The Environmental Commission is next scheduled to meet at 7:00 p.m. on November 1, 2017, in the Municipal Building's Second Floor Conference Room.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to City Manager

Finance
Originating Department

Council Meeting Of : 10/17/2017

Joe Newlin
Prepared By

Account Code No. : see below

Budgeted Amount :

10/10/2017
Date Prepared

Agenda Title: **2017 Supplemental Budget #8**

Recommendation: **Approve**

Issue 1
To make adjustment to budget for 2018 OVI Task Force Fund revenue & expenditures

Action Needed:

Revenue Side

OVI (419)	225,000.00	Advance from General Fund
OVI (419)	224,695.00	OVI reimbursements
General (110)	225,000.00	Repayment of advance from OVI Task Force Fund

Expense Side

General (110)	225,000.00	Advance to OVI Task Force Fund
OVI (419)	224,695.00	OVI Task Force Fund Expenditures
OVI (419)	225,000.00	Repayment of advance to General Fund

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

Issue 2
To make adjustment to budget for additional revenue & expenditures related to construction projects (NIC payments)

Action Needed:

Revenue Side

General (110)	100,000.00	Building, Electrical, Heating permits
Board of Building Standards (414)	4,145.00	BBS Fees

Expense Side

General (110)	100,000.00	Additional expenditures for NIC payments
Board of Building Standards (414)	4,145.00	Additional expenditures for BBS fees

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

Issue 3
To make adjustment to budget for additional revenue & expenditures related to income tax collections

Action Needed:

Revenue Side

General (110)	795,000.00	Income Tax receipts
Fire & EMS (418)	121,000.00	Income Tax receipts

Expense Side

General (110)	69,849.00	Additional expenditures for retainage & refunds for income tax collections
Fire & EMS (418)	10,479.00	Additional expenditures for retainage & refunds for income tax collections
Net Effect on Fund Balance/(s) Increase/(Decrease)	835,672.00	

Issue 4
To make adjustment to budget for additional revenue for reimbursements (Workers Compensation)

Action Needed:

Revenue Side

General (110)	52,000.00	Reimbursements

Expense Side

Net Effect on Fund Balance/(s) Increase/(Decrease)	52,000.00	

Issue 5
To make adjustment to budget for additional expenditures for legal expenses

Action Needed:

Revenue Side

Expense Side

General (110)	30,000.00	Additional expenditures for legal expenses
Net Effect on Fund Balance/(s) Increase/(Decrease)	(30,000.00)	
Total Net Effect on Fund Balance/(s) Increase/(Decrease)	857,672.00	
Breakdown by Fund		
General (110)	747,151.00	
Fire & EMS (418)	110,521.00	
Board of Building Standards (414)	-	
OVI (419)	-	
Net Effect on Fund Balance/(s) Increase/(Decrease)	857,672.00	

Approved By:		Initials	Date
	Department Head:		10/10/17
	City Manager:	DRE	10/13/17

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3381. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 8 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2017.

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

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

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

OVI Task Force Fund 419	225,000.00
OVI Task Force Fund 419	224,695.00
General Fund 110	225,000.00
General Fund 110	100,000.00
Board of Building Standards 414	4,145.00
General Fund 110	795,000.00
Fire & EMS Fund 418	121,000.00
General Fund 110	52,000.00

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

General Fund 110	225,000.00
OVI Task Force Fund 419	224,695.00
OVI Task Force Fund 419	225,000.00
General Fund 110	100,000.00
Board of Building Standards 414	4,145.00
General Fund 110	69,849.00
Fire & EMS Fund 418	10,479.00
General Fund 110	30,000.00

SECTION 4: In all other respects, Ordinance No. 3381 shall remain in full force and effect.

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

_____
MAYOR

ADOPTED: _____

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 17, 2017

Account Code #: N/A

Budgeted Amount: $ N/A

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

October 10, 2017
Date Prepared

Agenda Title: Preliminary Legislation Approving ODOT Project ID 94201 – District Wide Preventive Maintenance and Improvements for SR732 through Oxford

Recommendation: Approval

Discussion:

The Ohio Dept. of Transportation (ODOT) has identified PID No. 94201 impacting the City of Oxford for preventive maintenance activities on SR732. Expenses associated with the project are 100% State funded; there will be no local match required for the project.

Staff recommends the City Council authorize the City Manager to sign all documents necessary to expedite this highway safety project through the City of Oxford.

Approved By:

	Initial	Date
Department Head:		
City Manager:	DRE	10-13-17

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN PRELIMINARY CONSENT LEGISLATION AND OTHER CONTRACTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH A PREVENTIVE MAINTENANCE AND IMPROVEMENT PROJECT FOR STATE ROUTE 732 INSIDE THE CORPORATE LIMITS AT NO COST TO THE CITY OF OXFORD.

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 approval of the attached Preliminary Consent Legislation which is incorporated herein by this reference, and related contracts not attached, in connection with a preventive maintenance and improvement project for State Route 732 inside the corporate limits at no cost to the City of Oxford.

SECTION 2: Said project is necessary to maintain the safety and integrity of a major road within the City of Oxford, Ohio, and would be undertaken by the Ohio Department of Transportation (ODOT) with 100% of the costs being paid by ODOT.

SECTION 3: Council hereby accepts the recommendation of the City Manager and the Service Director and approves the attached Preliminary Consent Legislation.

SECTION 4: Council hereby authorizes the City Manager to sign the attached Preliminary Consent Legislation, and to enter into related contracts with ODOT to complete the preventive maintenance and improvement project for State Route 732 inside the corporate limits at no cost to the City of Oxford.

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Ordinance/Resolution # : _____
PID No : 94201
D08 GPS FY2018

The following is a/an _____ enacted by the City of Oxford,
(Ordinance/Resolution) (Local Public Agency)
Butler County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the (LPA/STATE) has determined the need for the described project:

Perform District Wide Preventive Maintenance for the General System for Fiscal Year 2018, Routes include portions of State Route 732, Straight Line Mile 0.00 to 7.33, more or less, in Butler County including a portion in the City of Oxford.

NOW THEREFORE, be it ordained by the City of Oxford, Butler County, Ohio.
(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

PID No: 94201

SECTION IV – Utilities and Right-of-Way Statement

No additional Right-of-way or Utility relocation is required for this project.

SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI Authority to Sign

I, _____ of said City of Oxford is hereby empowered on behalf of the
(Contractual Agent) (LPA)
City of Oxford to enter into contracts with the Director of Transportation which is necessary to
(LPA)
complete the above described project.

Passed: _____, 2_____.
(Date)

Attested: _____ _____
(Clerk) (Contractual Agent of LPA – title)

Attested: _____ _____
(Title) (President of Council)

The _____ is hereby declared to be an emergency measure to expedite the highway project and
(Ordinance/Resolution)
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PID No: 94201

CERTIFICATE OF COPY
STATE OF OHIO

City of Oxford, of Butler County, Ohio
(LPA)

I, _____, as Clerk of the City of Oxford
(LPA)
of Butler County, Ohio, do hereby certify that the foregoing is a true and correct copy of
_____ adopted by the legislative Authority of the said
(Ordinance/Resolution)
City of Oxford on the _____ day of _____, 2_____.
(LPA)
That the publication of such _____ has been made and certified of record according to
(Ordinance/Resolution)
Law; that no proceedings looking to a referendum upon such _____ have been taken;
(Ordinance/Resolution)
and that such _____ and certificate of publication thereof are of record in _____,
(Ordinance/Resolution) (Record No.)

Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____ 2_____.

_____
(Clerk)

(VILLAGE SEAL)

City of Oxford of Butler County, Ohio
(LPA)

(If the LPA is designated as a Village then the "Village Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

The afore going is accepted as a basis for proceeding with the project herein described.
For The City of Oxford, of Butler County, Ohio.
(LPA)

Attested: _____ _____ Date _____
(Contractual Agent)

For the State of Ohio

Attested: _____ _____ Date _____
(Director, Ohio Department of Transportation)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police
Originating Department

Council Meeting Of: October 17, 2017

Account Code No. #: N/A

John A. Jones
Prepared By

Budgeted Amount: N/A

October 11, 2017
Date Prepared

Agenda Title: Resolution Authorizing Certain Property held by the Division of Police to be sold at public auction.

Recommendation: Approve

Discussion: The bicycles listed on the attached spreadsheet are in the possession of the Police Division. These bicycles were either found abandoned property or they were seized during a criminal investigation. Reasonable efforts have been made to identify owners and notify owners to claim their property. These items have gone unclaimed and are not of use to the Police Division. It is the recommendation of the Police Chief that these items be sold at public auction, to include internet auction, to the highest bidder for cash. The proceeds from the auction will be placed in the general fund of the City. In accordance with OCC Section 127.11, an ad will be placed in the local newspaper describing the nature of the property and inviting persons to claim the property.

Approved By:

	Initial	Date
Department Head:	JAJ	10/11/17
City Attorney:		
City Manager:	DRE	10/13/17

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN PROPERTY IN THE CITY'S POSSESSION NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AS SURPLUS AND AUTHORIZING ITS ADVERTISEMENT AND SALE TO THE HIGHEST BIDDER BY PUBLIC OR INTERNET AUCTION.

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

SECTION 1: Pursuant to Oxford Codified Ordinance Section 127.11, the items (bicycles) set forth in Exhibit "A" attached hereto and incorporated herein, are hereby declared surplus and no longer needed for any municipal purpose, and the same may be sold at auction.

SECTION 2: Council hereby authorizes the sale of said items (bicycles) by public or internet auction to the highest bidder with proceeds thereof deposited in the General Fund.

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Exhibit "A"

IMPOUNDED BICYCLE INVENTORY (updated 09/26/2017)

Auction Tag #	MAKE	MODEL	COLOR(S)	SPEEDS	SERIAL NUMBER	LETTERING/DECALS/FEATURES	DAMAGE, INVENTORY ENTRY DATE	OVERALL CONDITION
	All entries May 2017 unless noted							
	Diamondback	Response XE	Blue	21	006K24982P1031-H	black/red decals	Rust	Poor
	Eddie Bauer	EBS	Blue	7	HM0401865	Silver letters	Rust	Fair
	Gary Fisher	Mako	Blue	18	WTU232C1442C	Bottle rack		Fair
	Genesis	275	Silver	21	GS160520691			Good
	Genesis	GS4268	Green	21	CS130615849	Bell		Fair
	Genesis Off Road	29 GS	Black/neon green	21	GS140411734	White letters	Rust	Poor
	Giant	Roam W1	White	24	CA0Q9886			Good
	Honda Racing	HR-260FS	Red	10	XDS01M069_UV05556585	White letters	Rust	Poor
	Huffy	Trail Runner	Magenta/pink	18	AL12C097091	Women's frame	Rusted cables	Poor
	Huffy	Mt. Echo	Purple/pink	18	GB02H08602	Women's frame	Rust	Fair
	Huffy	Rock Creek	Red/silver	18	56862T34612A	Black/white letters	Rust	Fair
	Huffy	Alpine	Yellow/black	18	AL09C027694	White letters	Rust	Poor
	Huffy	Rock Creek	Black	18	AL12E055507		Rusty gears	Fair
	Huffy	Trailworks	Blue/pink	15	6335-9160611-H6277			Fair
	Huffy	Rock Creek	Black	18	AL12E055507	Red/black frame		Fair
	Huffy	XDS	Neon Green	18	AII6A008526			Very Good
	Huffy	Unknown	Black	10	9260####26837 (#-unreadable)	Racing handlebars	Seat, brakes damaged	Poor
	Huffy	Rival	Silver	21	AL10A029291	Black/blue lettering		Very Good
	Hyper	Spinner	Black	1	DM10D096019			Fair
	Hyperbike	Spinner	Black	1	DMIOD096019			Poor
	Kent	Trouble Maker	Pink w/ green rims	1	G132133747	White letters	Broken brake cables	Fair
	Kent	City Cruiser	Red	1	GB060120860	Chrome fenders, chain guard		Poor
	Magna	Exltor	Red	21	TD1089173536	Red/black letters	Rust	Fair
	Mongoose	Wanderer	Red	21	SNFSD06L43701	White letters	Rust, broken kickstand	Fair
	Mongoose	Excursion	Black	21	SNFSD16H19074	Orange lettering		Good/Very Good
	Mongoose	Moto 100	Blue	1	170111/SNFSD014AH0444			Fair
	Murray	Mountain Shadow	Black	18	J6527028	White letters	Rust	Poor
	Next	PX 6.0	Black	18	LWCNC25899	Red letters	Rust	Poor
	Next	PC 6.0	Copper	18	LWMD009204	Black letters	Rusty chain	Good
	Next	Chaos FS20	Green	1	J1306779	Black/silver letters	Broken brake cables	Fair
	Next	Surge	Green	1	TD1086304111	n/a	Children's blke	Good
	Next	Gauntlet	White/pink	18	DJIC118990	Pink decals		Good
	Next	PX 4.0	Black	18	LWLJ008921	Spray painted red		Poor
	Next		Red	1	Property tag 17-p-00590002	red/black painted frame	Rust	Fair
	Next	Filter	Red/silver/white	1	67767169	Chain guard; torn seat, rust, flat tires		Poor
	Next	Cane Creek	Gray	1	CIC24E1002			Fair
	Pacific	Scorpio	Green	21	H0032767	Gold letters	Rust	Poor
	Pacific	Firestorm	Black	21	C97F3044	Red letters		Fair
	Pacific	4X2200	Blue	21	HI1248213		Rust	Fair
	Quest	Crestwood	Black/silver	21	806D051677	White letters	Rust	Fair
	Quest	Omega	Silver/gray	18	S6F000371	White letters	None	Good
	Quest	Crestwood	Silver/black	21	S06J001784	green lettering	Brake cables damaged	Fair
	Raleigh	M-30	Red	21	T961101462	Gold/silver letters	Rust, brake cables rusted	Poor
	Rally	Lace	Lavender	3		Children's bike; white wheels, chain guard		Fair
	Realm	VXR .08	Dark blue	18	G100513605	White letters	Rusty	Good
	Roadmaster	Granite Peak	Black	18	SNFSD15D20061	Pink stripes	None	Good
	Roadmaster	Granite Peak	Black	18	SNFSD15E839410	n/a	Rust	Poor
	Roadmaster	Granite Peaks 26	Black/silver	18	SNFSD14D09111	White letters	Rusty chain	Fair
	Roadmaster	Mountain Sport	Blue	18	GK52429146	Green/white letters	Rust	Fair
	Roadmaster	Granite Peak	Gray	18	SNFSD12DP8016	Red letters	Rusty chain, handle bars	Poor
	Roadmaster	Granite Peak	Black	18	SNFSD15EA5213		Rust	Fair
	Roadmaster	Granite Peak	Black	18	SNFSD15E83940		None	Good
	Roadmaster	Granite Peak	Teal	18	SNFSD13DK7309	Cables cut		Poor
	Roadmaster	Unknown	Black	15	GK50963888			Fair
	Roadmaster	Granite Peak	Black	18	SNFSD15DL0064	White trim		Very Good
	Roadmaster	Granite Peak	Purple	18	SNESD15D57968	green lettering	rusty chain	good
	Roadmaster	Granite Peak	Black	18	FSD15E85094	No tread on tires; bottle rack	rusty chain	Fair
	Ross	Griffin	Black	18		Rust on chain; blue lettering		Fair
	Schwinn	Frontier	Silver	21	P2BA02052	Red letters	Rust, worn	Fair
	Schwinn	Vertical PK7	Silver	21	02TD298059	Silver/black letters	Rust	Fair
	Schwinn	Frontier	Yellow	14	SB104635	Blue letters	Rust, damage to frame	Poor
	Schwinn	Ranger	Black	21	SNIDC03019621/G3570M1	Red trim		Fair
	Schwinn	High Plains	Purple/pink	21	CSC3B10029	No seat/gear cables		Poor
	Specialized	Hard Rock	Teal	21	GU087653			Fair
	Specialized	Hard Rock	Silver	24	P4EE41662	Copper handlebars and seat post		Fair
	Trek	Pure	Black/silver	7	WTU309C0564J	Saddle seat	Broken brake cables	Good
	Trek	DS 8.2	Dark blue/white	18	WTU195C0322H	White horizontal bar	Rust	Poor
	Trek	7.2 FX	Gray/silver	24	WTU107C1354F	Bottle rack	Torn seat, rust	Poor
	Trek	7.0	Silver	21	WTU086C0159K	Women's frame	Rust	Fair
	Trek	Bontrager	Black	24	2077U0311			Fair
	Trek	820	Blue	21	1015U003			Good

The Budget Work Session of the Oxford City Council was called to order by Mayor, Kate Rousmaniere on Wednesday, October 11, 2017 at 6:30 P.M. Council members present were, Steve Dana, Kevin McKeehan, Mike Smith and Edna Southard. Bob Blackburn and Glenn Ellerbe were excused.

Staff members present: Doug Elliott, City Manager; Mike Dreisbach, Service Director; John Jones, Police Chief; Alan Kyger, Economic Development Director; Joe Newlin, Finance Director; Heidi Hill, Assistant Finance Director; Jung-Han Chen, Community Development Director; Candi Fyffe, Human Resources Director; Casey Wooddell, Parks and Recreation Director and John Detherage, Fire Chief.

APPROVAL OF AGENDA

Mr. Dana moved approval of the Agenda. Ms. Southard seconded. The motion carried 5-0-0.

2018 BUDGET

Mr. Elliott presented the proposed budget for 2018 followed by Council and staff discussion. Mayor Rousmaniere excused herself.

ADJOURNMENT

Mr. McKeehan moved to adjourn at 8:25 p.m. Ms. Southard seconded. The motion carried 4-0-0.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 3, 2017

Account Code No. #:

Jung-Han Chen
Prepared By:

Budgeted Amount:

September 25, 2017
Date Prepared:

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

Recommendation: Approval with conditions

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

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

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

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

Approved By:

Department Head: JHC / 9/25/17
City Attorney: /
City Manager: DRE / 9/24/17

ORDINANCE NO.

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

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

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

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

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

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

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

_____
MAYOR

ADOPTED:
ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2017-23 **Date –September 12, 2017**

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

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

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

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

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

ZONING CODE REVIEW

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

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

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

(1) Burden of Proof.

A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

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

adequately mitigated.

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

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

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

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

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

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

F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.

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

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

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

J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.

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

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

M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

(d) Action by Planning Commission.

(1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.

(2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. **In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.**

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

A. Potential Concerns

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

B. Regulations.

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

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

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

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

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

Chapter 1149 Parking and Site Access
1149.03(h) The maximum number of spaces is limited to no more than 150% of the minimum unless approved by Conditional Use Permits. The minimum off-street parking is 28 spaces, including 3 queuing spaces based upon square footage of the building. This application shows 37 spaces, including 3 queuing spaces. The drive through land could accommodate 12 spaces, in addition to the 3 between order and pick-up windows. Additionally, the proposal shows parking spaces in front of the dumpster enclosure that are not ideal; even the refuse pick-up is only on a twice per week schedule.

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

Chapter 1151 Signs
1151.05(a)(3) GB signage regulations

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

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

ISSUES TO BE DELIBERATED:
As stated earlier, the following are the issues for the Planning Commission to discuss:

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

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

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

A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
Yes, the use can be allowed as a conditional use.

B. The use and site will satisfy the general intent of the Zoning Code.
Yes, the proposed use will be satisfied.

C. The use and site will be compatible with the general intent of the Comprehensive Plan.
Yes, the proposed use would be compatible with the general intent of the Comp Plan. US 27 (College Corner Pike) is a commercial corridor with a variety of types of commercial establishments from retail stores to restaurants with drive-throughs.

D. The size and shape of the site are sufficient for the proposed use.
The size and shape of the site does not appear to be sufficient for the proposed use

E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
None anticipated.

F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
Not applicable.

G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
No accessory use being proposed.

H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
It is anticipated that there is sufficient public services available to the proposed development. There is an existing sanitary sewer easement shown on the site plan that will be maintained unless the City Engineer indicates otherwise.

I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
Any additional expenditure for additional infrastructure or services should be borne by the development project. At this point, none is anticipated. As indicated in the narrative provided by the applicant an additional traffic study will be conducted during the school year to gauge the traffic impact from the proposed development. Furthermore, the City Engineer also provided his comments concerning this development, dated 8/18/2017.

J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
It appears that the proposed development would be consistent with the general character of this corridor and no anticipated impact to residential properties has been identified.

K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
The on-site traffic circulation might become a concern during peak business hours when all the traffic is converging at the front of the building. The City Engineer also provided his comments on this.

L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
None expected.

M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.
It is expected that other permits and licenses could be obtained by the application for the proposed use at this location.

RECOMMENDATION:

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

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

SUBMITTED

BY:

Jung Han Chen

Jung-Han Chen
Community Development Director

DATE: August 21, 2017

ATTACHMENT

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

(1) Burden of proof.

A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an Applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

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

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

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

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

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

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

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

F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.

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

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

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

J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.

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

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

M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

SF houses
5093

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 7, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 8-16-17

John Dittenage
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 7, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

SEE MEMO DATED 8-18-17

Drawings reviewed by: ____ _____ Date: 8-18-17

VICTOR POPESCU
PRINTED NAME

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

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

DATE: August 18, 2017

The Engineering Division offers the following comments.

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 7, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____ Date: 8/11/17

John A. Jones
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 7, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

____X_____ Review _____ Revisions _____Other

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

Drawings are returned: w/comments without/comments

BECAUSE COLLEGE CORNER PIKE IS THE DESIGNATED LOCATION FOR RESTAURANTS WITH DRIVE-THRUS THIS APPLICATION MAKES PERFECT SENSE.

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

Drawings reviewed by: _____ Date: 8-21-2017

G. ALAN KYCER
PRINTED NAME

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

PC-2017-23
Surrounding Property Owners Notifications Map

Legend

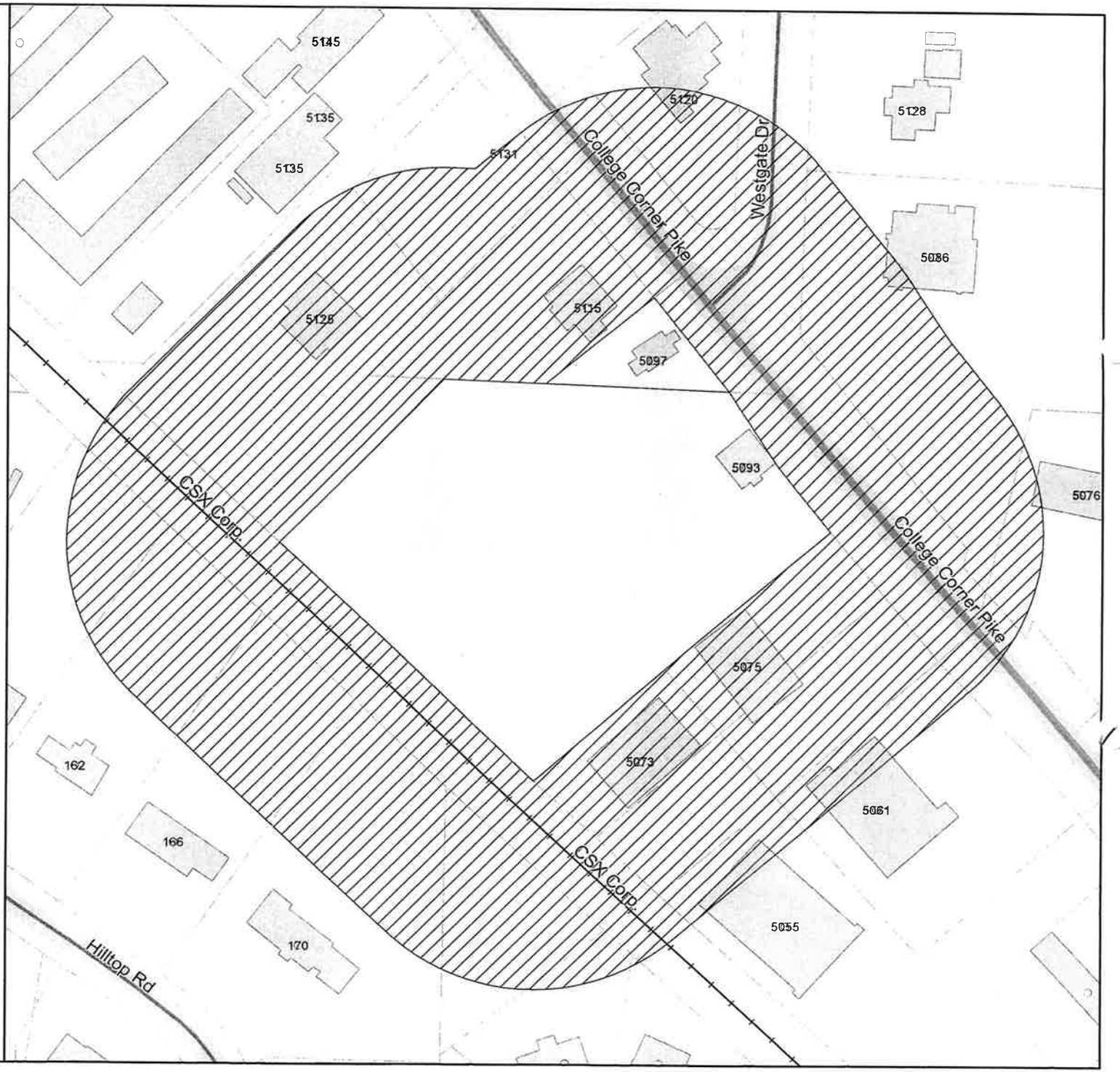
- Subject Parcels
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- 16.5' Vacated ROW
- Building Footprint
- Paved Roadway

N

1 inch = 125 feet

Prepared on Tuesday, August 29, 2017

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



July 27, 2017

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

RE: 5093-97 College Corner Pike

To Whom It May Concern,

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

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

Very truly yours,

Printed Name:
Co-Trustee
Ray Day Trust

Printed Name:
Co-Trustee
Ray Day Trust

July 28, 2017

To Whom It May Concern:

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

Gail Willis

Douglas Day

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. PC-2017-23
Date Filed 7/28/17

Conditional Use Permit Application

Applicant Information

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

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

Owner Information

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

Location and Lot Information

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

Submission Requirements and Documentation

From Section 1147.02(a)[1].

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

A. Application Fee.
B. Description of Use and Site.
A written, detailed description shall include the following information. A separate response is required for each subsection.
1. The name, mailing address, and telephone number of the applicant and the property owner.
2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
3. A legal description of the site, including all separate lots.

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

Fees & Receipt

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

Sign and Date

Applicant Signature * Paul Lenoir - Carols Corp.

Date * 7/24/17

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date * 7/24/17 Receipt Number * 160357

[1] City of Oxford Codified Ordinances: http://www.cityofoxford.org/fees-ordinances-and-charter/
[2] Butler County Auditor Real Estate Search: http://www.butlercountyauditor.org/

Lauer-Manguso & Associates Architects

July 27, 2017

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

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

Dear Mr. Chen,

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

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

Narrative Description of the Proposed Use and Site

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

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

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

Item #2 If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.

Response #2: See attached.

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

Response #3: See attached.

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

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

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

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

Item #6 A description of the proposed use to include: a) A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles. b) The hours of operation.

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

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

Item #7 A narrative statement that evaluates the compatibility of the proposed use with general vicinity and adjacent properties to include: a) How the use is similar to or different from existing area uses and if there will be any interaction between the proposed use and existing uses. b) How any existing structures, proposed structures, and the site design relate to adjacent structures and sites. c) If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions. d) How any potential negative effects on adjacent land will be mitigated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response #11: See attached.

Request for Waiver of Signage & Parking Code Requirements

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

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

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

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

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

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

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

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

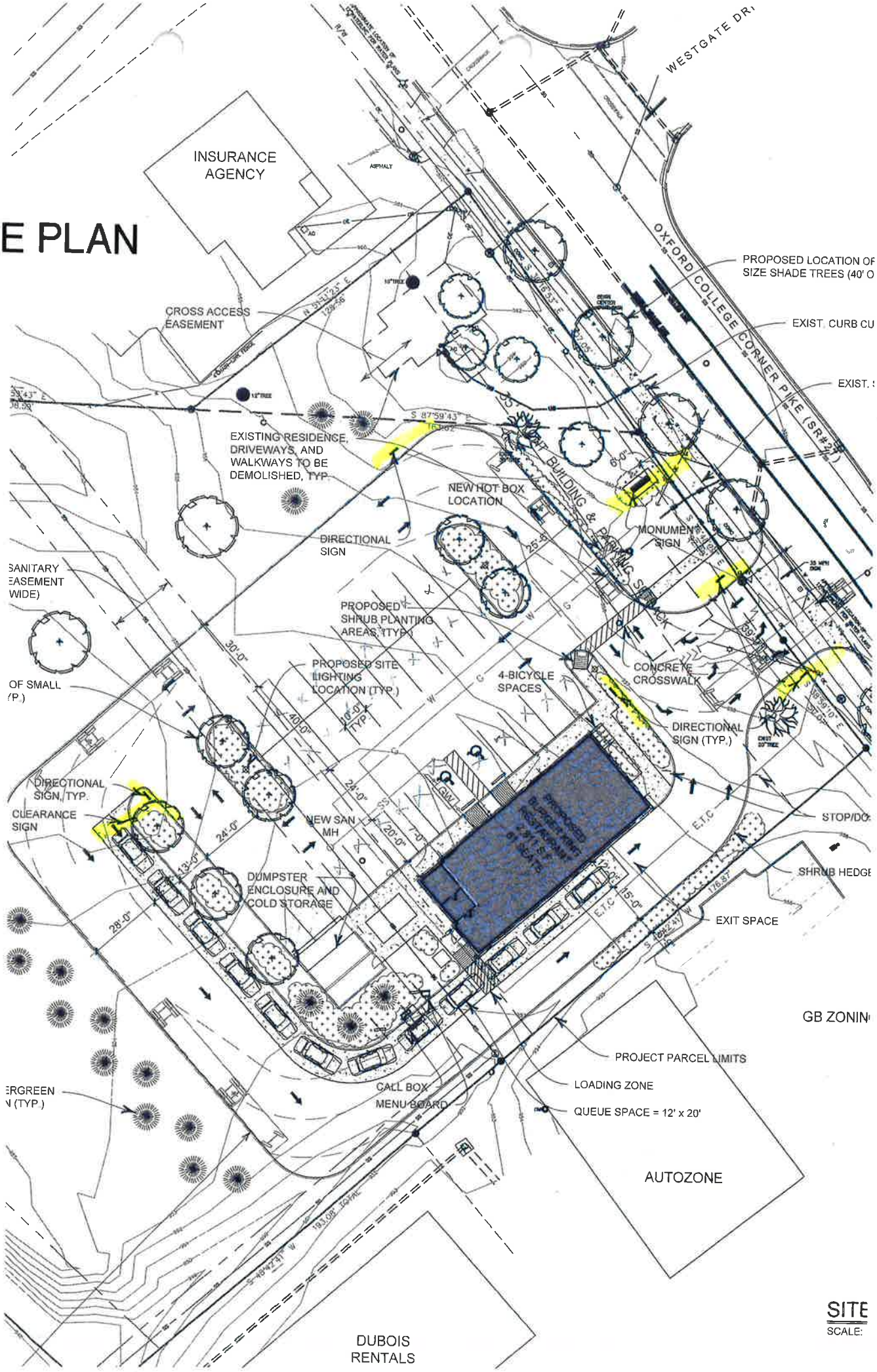
We trust the information provided satisfies the requirements for the Conditional Use Permit Application. Please contact me if you have any further comments or questions.

Respectfully submitted,

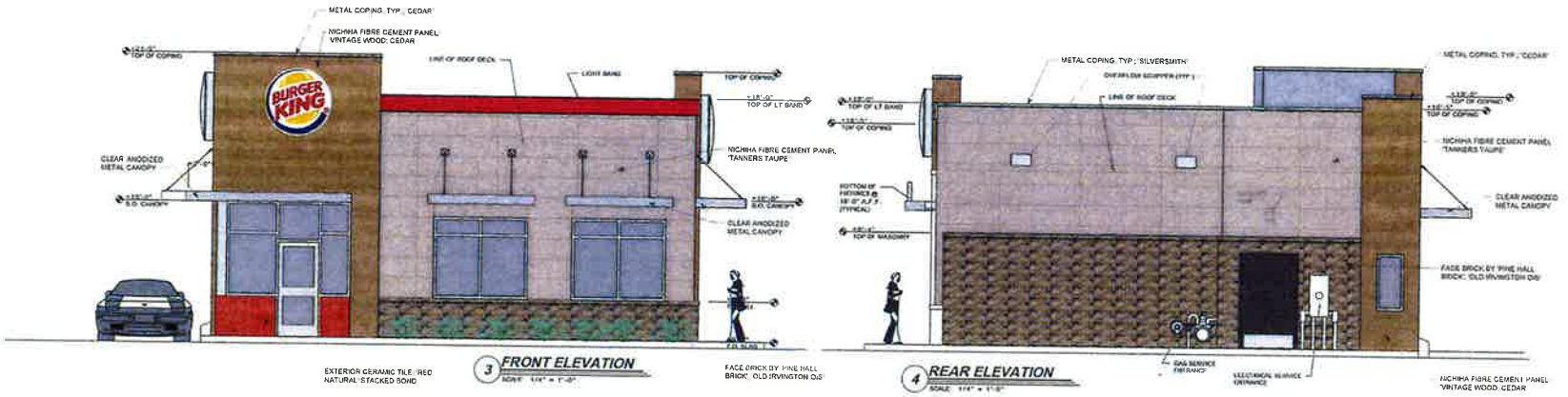
LAUER MANGUSO & ASSOCIATES
ARCHITECTS / ENGINEERS

Robert J. Blood, RLA

SITE PLAN


INSURANCE AGENCY
WESTGATE DR
OXFORD COLLEGE CORNER PIKE (SR #27)
PROPOSED LOCATION OF
SIZE SHADE TREES (40' O
EXIST. CURB CU
EXIST.
CROSS ACCESS EASEMENT
EXISTING RESIDENCE, DRIVEWAYS, AND WALKWAYS TO BE DEMOLISHED, TYP.
NEW HOT BOX LOCATION
DIRECTIONAL SIGN
MONUMENT SIGN
BUILDING & PARKING SETBACK
SANITARY EASEMENT WIDE)
PROPOSED SHRUB PLANTING AREAS, (TYP.)
PROPOSED SITE LIGHTING LOCATION (TYP.)
4-BICYCLE SPACES
CONCRETE CROSSWALK
DIRECTIONAL SIGN (TYP.)
OF SMALL (P.)
DIRECTIONAL SIGN, TYP.
CLEARANCE SIGN
NEW SAN MH
PROPOSED BURGER KING RESTAURANT W/ DRIVE-THRU 67 SEATS
STOP/DO
SHRUB HEDGE
DUMPSTER ENCLOSURE AND COLD STORAGE
EXIT SPACE
GB ZONIN
PROJECT PARCEL LIMITS
LOADING ZONE
QUEUE SPACE = 12' x 20'
CALL BOX MENU BOARD
ERGREEN N (TYP.)
AUTOZONE
DUBOIS RENTALS
SITE
SCALE:

1 MAIN ENTRANCE ELEVATION
SCALE: 1/4" = 1'-0"



3 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

4 REAR ELEVATION
SCALE: 1/4" = 1'-0"

2 DRIVE THROUGH ELEVATION
SCALE: 1/4" = 1'-0"

ISSUE DATE:

REVISIONS

BURGER KING CORPORATION

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

BK - OXFORD, OH
5093 COLLEGE CORNER PIKE

ROC-60 GA[illegible] GRILL

PROJECT NUMBER
CLS#

SHEET NUMBER

1 - View Of Site From East Corner Across Street

2 - View Of Site From East Corner

3 - View Of Site From South Corner

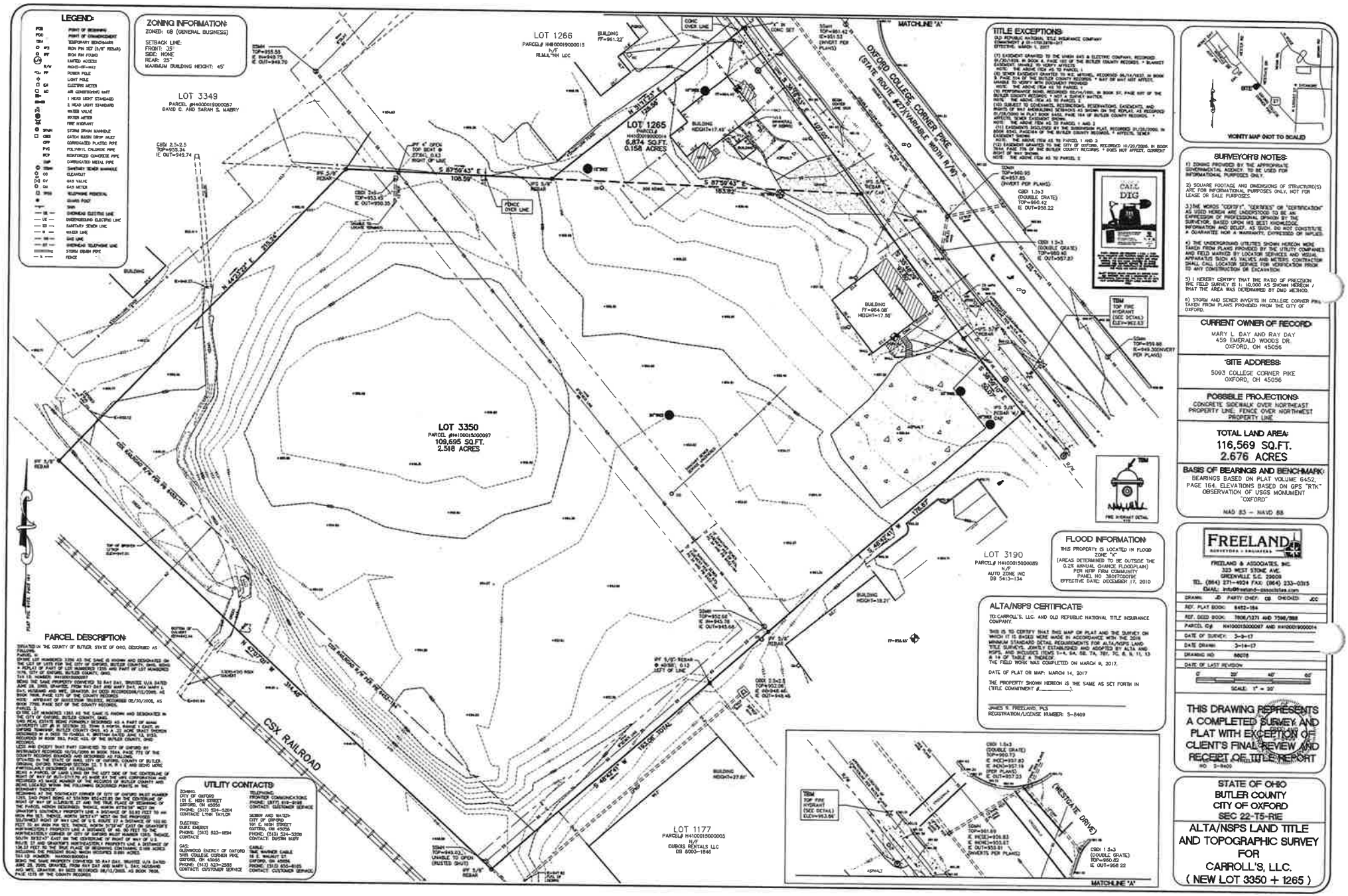
4 - Site To The Southeast

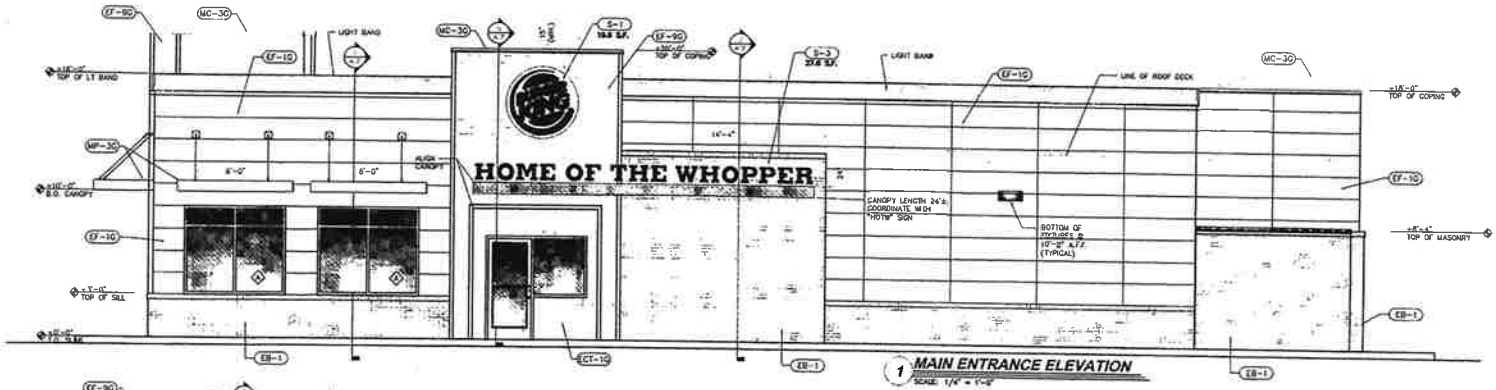
5 - College Corner Pike Toward SE

6 - Power & Sidewalk Along CCP

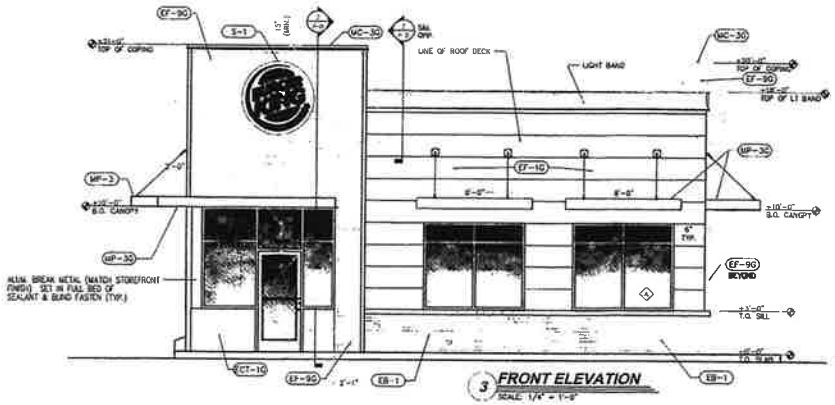
7 - Gas Service Behind Auto Zone

8 - Sanitary Sewer MH Near South Corner

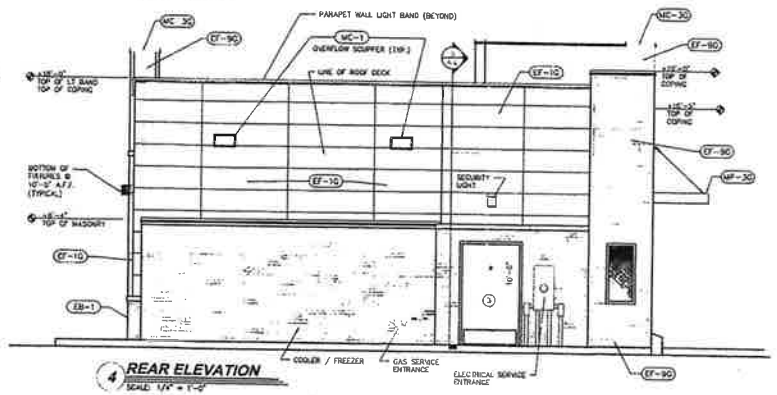

LEGEND:
ZONING INFORMATION:
ZONED: GB (GENERAL BUSINESS)
SETBACK LINE:
FRONT: 35'
SIDE: NONE
REAR: 25'
MAXIMUM BUILDING HEIGHT: 45'
LOT 1266
PARCEL# H4100019000015
N/F
RUMAL*HH LLC
LOT 3349
PARCEL #H4100019000057
DAVID C. AND SARAH S. MABRY
LOT 1265
PARCEL# H4100019000014
6.874 SQ.FT.
0.158 ACRES
LOT 3350
PARCEL #H4100015000097
109,695 SQ.FT.
2.518 ACRES
LOT 3190
PARCEL# H4100015000089
N/F
AUTO ZONE INC
DB 5413-134
LOT 1177
PARCEL# H4100015000003
N/F
DUBOIS RENTALS LLC
DB 5003-1846
OXFORD COLLEGE CORNER PIKE
(STATE ROUTE #73/VARIABLE WIDTH R/W)
CSX RAILROAD
(WESTGATE DRIVE)
MATCHLINE "A"
TITLE EXCEPTIONS:
PARCEL DESCRIPTION:
UTILITY CONTACTS:
FLOOD INFORMATION:
THIS PROPERTY IS LOCATED IN FLOOD ZONE "X"
(AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN)
PER NFIP FIRM COMMUNITY PANEL NO. 3801770009E
EFFECTIVE DATE: DECEMBER 17, 2010
ALTA/NSPS CERTIFICATE:
TO: CARROLL'S, LLC. AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 6A, 6B, 7A, 7B1, 7C, 8, 9, 11, 13 & 14 OF TABLE A THEREOF.
THE FIELD WORK WAS COMPLETED ON MARCH 9, 2017.
DATE OF PLAT OR MAP: MARCH 14, 2017
THE PROPERTY SHOWN HEREON IS THE SAME AS SET FORTH IN (TITLE COMMITMENT #_____).
JAMES R. FREELAND, PLS
REGISTRATION/LICENSE NUMBER: S-8409
VICINITY MAP (NOT TO SCALE)
SURVEYOR'S NOTES:
1) ZONING PROVIDED BY THE APPROPRIATE GOVERNMENTAL AGENCY. TO BE USED FOR INFORMATIONAL PURPOSES ONLY, NOT FOR LEASE OR SALE PURPOSES.
2) SQUARE FOOTAGE AND DIMENSIONS OF STRUCTURE(S) ARE FOR INFORMATIONAL PURPOSES ONLY, NOT FOR LEASE OR SALE PURPOSES.
3) THE WORDS "CERTIFY", "CERTIFIES" OR "CERTIFICATION" AS USED HEREON ARE UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE SURVEYOR, BASED UPON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AS SUCH, DO NOT CONSTITUTE A GUARANTEE NOR A WARRANTY, EXPRESSED OR IMPLIED.
4) THE UNDERGROUND UTILITIES SHOWN HEREON WERE TAKEN FROM PLANS PROVIDED BY THE UTILITY COMPANIES AND FIELD MARKED BY LOCATOR SERVICES AND VISUAL APPARATUS SUCH AS VALVES AND METERS. CONTRACTOR SHALL CALL LOCATION SERVICE FOR VERIFICATION PRIOR TO ANY CONSTRUCTION OR EXCAVATION.
5) I HEREBY CERTIFY THAT THE RATIO OF PRECISION FOR THE FIELD SURVEY IS 1: 10,000 AS SHOWN HEREON / THAT THE AREA WAS DETERMINED BY DMD METHOD.
6) STORM AND SEWER INVERTS IN COLLEGE CORNER PIKE TAKEN FROM PLANS PROVIDED FROM THE CITY OF OXFORD.
CURRENT OWNER OF RECORD:
MARY L. DAY AND RAY DAY
459 EMERALD WOODS DR.
OXFORD, OH 45056
SITE ADDRESS:
5093 COLLEGE CORNER PIKE
OXFORD, OH 45056
POSSIBLE PROJECTIONS:
CONCRETE SIDEWALK OVER NORTHEAST PROPERTY LINE; FENCE OVER NORTHWEST PROPERTY LINE
TOTAL LAND AREA:
116,569 SQ.FT.
2.676 ACRES
BASIS OF BEARINGS AND BENCHMARK:
BEARINGS BASED ON PLAT VOLUME 6452, PAGE 164. ELEVATIONS BASED ON GPS "RTK" OBSERVATION OF USGS MONUMENT "OXFORD"
NAD 83 - NAVD 88
FREELAND
FREELAND & ASSOCIATES, INC.
323 WEST STONE AVE.
GREENVILLE S.C. 29609
TEL. (864) 271-4924 FAX: (864) 233-0315
EMAIL: info@freeland-associates.com
DRAWN: JD PARTY CHIEF: DB CHECKED: JCC
REF. PLAT BOOK: 6452-164
REF. DEED BOOK: 7806/1271 AND 7598/788
PARCEL ID#: H4100015000097 AND H4100019000014
DATE OF SURVEY: 3-9-17
DATE DRAWN: 3-14-17
DRAWING NO: 88078
DATE OF LAST REVISION:
0' 20' 40' 60'
SCALE: 1" = 20'
THIS DRAWING REPRESENTS A COMPLETED SURVEY AND PLAT WITH EXCEPTION OF CLIENT'S FINAL REVIEW AND RECEIPT OF TITLE REPORT
NO. S-8409
STATE OF OHIO
BUTLER COUNTY
CITY OF OXFORD
SEC 22-T5-R1E
ALTA/NSPS LAND TITLE AND TOPOGRAPHIC SURVEY FOR CARROLL'S, LLC.
(NEW LOT 3350 + 1265)



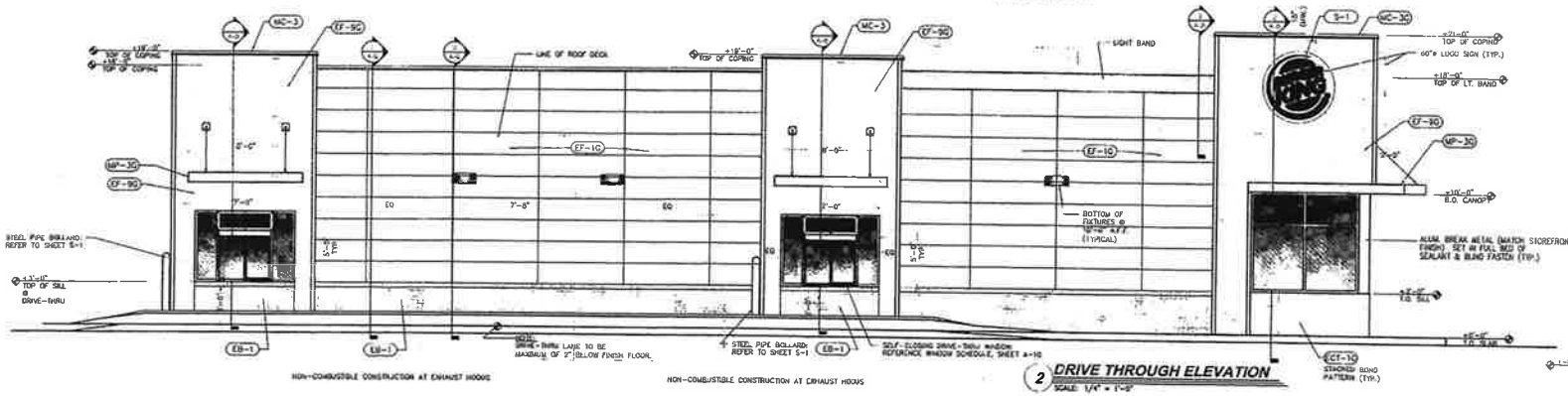
1 MAIN ENTRANCE ELEVATION
SCALE: 1/4" = 1'-0"



3 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



4 REAR ELEVATION
SCALE: 1/4" = 1'-0"



2 DRIVE THROUGH ELEVATION
SCALE: 1/4" = 1'-0"

WINDOW DECAL
SCALE: NONE

ISSUE DATE:
XXX-XX-2017
REVISIONS

BURGER KING CORPORATION

RESTAURANT FOR:
Coronis Corporation
9081 Fells Rd. P.O. Box 6969
Syracuse, New York 13217-6969
(315) 424-0513

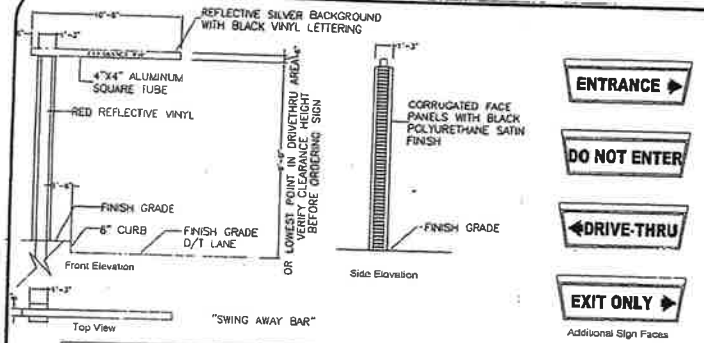
HRUEL ARCHITECT

BK-OXFORD, OH
5093 COLLEGE CNR. PIKE

ROC-60 GARDEN GRILL
EXTERIOR ELEVATIONS

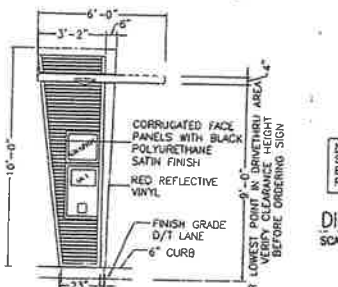
PROJECT NUMBER
CLS#

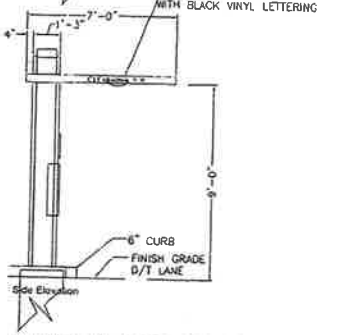
SHEET NUMBER
A-2



NOTE:
SIGN STRUCTURAL FOUNDATION AS REQUIRED BY SITE CONDITIONS. DESIGN IS THE RESPONSIBILITY OF THE SUBCONTRACTOR.

DRIVE-THRU CLEARANCE SIGN
2020 STANDARD IMAGE
SCALE:1/4"=1'-0" JANUARY 7, 2010

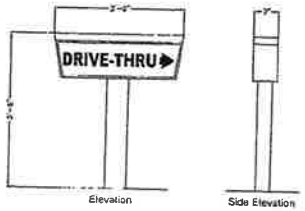




1. 120 VOLT 20 AMP ELECTRICAL SUPPLY TO SIGN
2. DATA CABLE FOR THE ACCUVIEW DISPLAY
3. BACK OF SIGN TO BE REMOVABLE FOR SERVICE ACCESS

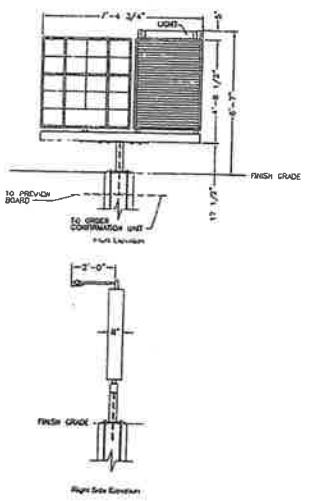
NOTE:
SIGN STRUCTURAL FOUNDATION AS REQUIRED BY SITE CONDITIONS. DESIGN IS THE RESPONSIBILITY OF THE SUBCONTRACTOR.

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

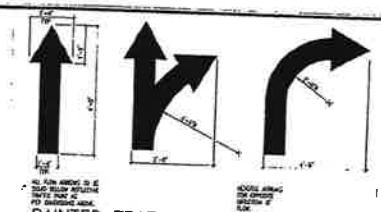


NOTE:
SIGN STRUCTURAL FOUNDATION AS REQ'D. BY SITE CONDITIONS. DESIGN IS THE RESPONSIBILITY OF THE SUBCONTRACTOR.

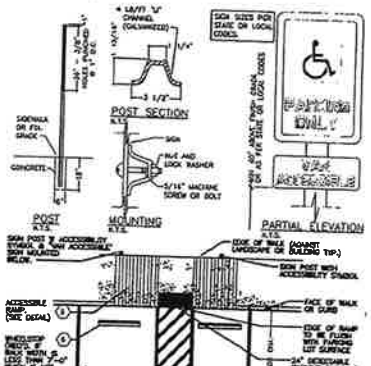
DIRECTIONAL SIGN 2020 IMAGE
SCALE:1/2"=1'-0" FEBRUARY 2, 2015

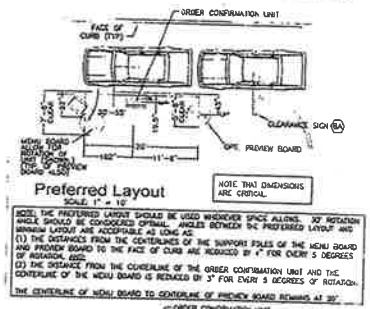


MENUBOARD ELEVATIONS
SCALE: 3/8"=1'-0"



PAINTED TRAFFIC ARROWS





SPECIFICATIONS

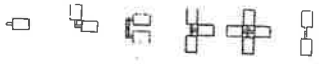
A. LAMP
- LED AREA LIGHTS
- SEE SITE LIGHTING DRAWING FOR SPECIFICATIONS

B. LUMINAIRE
- ONE PIECE NON-CORROSIVE METAL WITH BAKED-ON POWDER COATING
- COLOR: TO MATCH 5-W #2103- STONEWALK (PLATINUM)
- LUMINAIRE SHALL HAVE OPTIONAL BACKLIGHT SHIELDS PROVIDED TO CONTROL LIGHT SPILLAGE BEYOND PROPERTY LINES

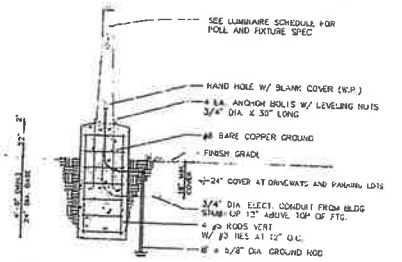
C. POLES
- 18'-0" + 25'-0" MAX. WITH 3" DIA. ROUND OR SQUARE BASE FOR 20'-0" LUMINAIRE MOUNTING HEIGHT
- POLE FINISH: ANY BASE AS AN ASSEMBLY SHALL MEET WIND LOADING REQUIREMENTS OF ALL LOCAL CODES AND ORDINANCES.
- ALL MOUNTING HARDWARE AND BASE PLATE COVER TO BE SURFACE BY MANUFACTURER
- COLOR TO MATCH 5-W #2103- STONEWALK (PLATINUM)

D. ILLUMINATION LEVELS
- BALANCE OF SITE: 1 FOOTCANDLE AVG. MAINTAINED AT A MIN. OF 0.25 FC AT 36" ABOVE SURFACE
- DRIVEWAYS: 1 FOOTCANDLES AVG.
- ENTRANCES/EXITS: 2 FOOTCANDLES AVG.
- D/T MENU BOARD: 3 FOOTCANDLES AVG.
- TRASH ENCLOSURE: 3 FOOTCANDLES AVG.
- PERIMETER OF SITE: 2 FOOTCANDLES AVG.
- LIGHTING FIXTURE MANUFACTURER/SUPPLIER TO PROVIDE COMPUTER DESIGNED LAYOUTS.

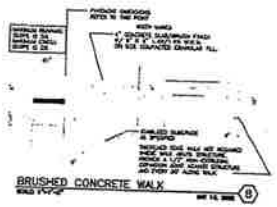
E. ELECTRICAL REQUIREMENTS
- MULTI-TAP (120V-208V) TWO-STAGE SURGE PROTECTION
- POLE GROUND:
  1. PROVIDE 4 3/8" x 8'-0" LONG COPPER CLAD CROWN GROUND ROD WITH #6AWG CLAMP ON BUILDING SIDE OF EACH POLE BASE
  2. COAT A SINGLE #8 COPPER GROUND CONDUCTOR IN CONCRETE BASE. PROVIDE 5' OF SLACK AT EACH END.
  3. BE LUMINAIRE GROUND AND POLE GROUND CONDUCTORS TO POLE GROUND LUG AND POLE CONDUCTOR TO CROWN GROUND ROD

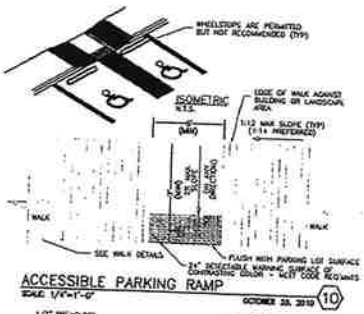


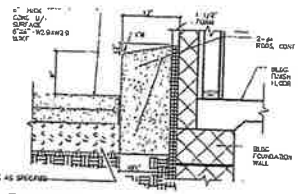
POLE CONFIGURATION
SEE CIVIL DRAWINGS FOR APPROVED SITE LIGHTING MANUFACTURERS & FIXTURES

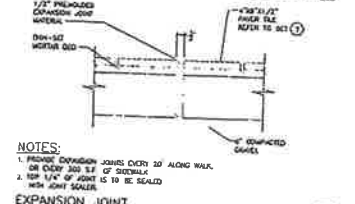


SITE LIGHTING POLE DETAIL

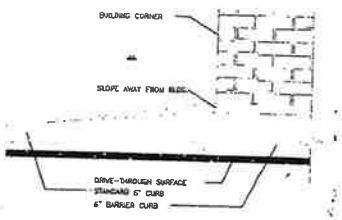




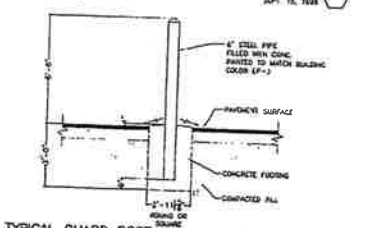




NOTES:
1. PROVIDE EXPANSION JOINTS EVERY 30' ALONG WALK, OR EVERY 300 S.F. OF SIDEWALK
2. TOP 1/4" OF JOINT IS TO BE SEALED WITH JOINT SEALER.



CURB TRANSITION
SCALE: 1"=1'-0"
APRIL 15, 2008
5



TYPICAL GUARD POST
SCALE: 3/8"=1'-0"
OCTOBER 26, 2010
16

ISSUE DATE:

REVISIONS

BURGER KING CORPORATION

RESTAURANT FOR:
Carrols Corporation
968 James Street P.O. Box 6965
Syracuse, New York 13217-6965
(315) 424-0513

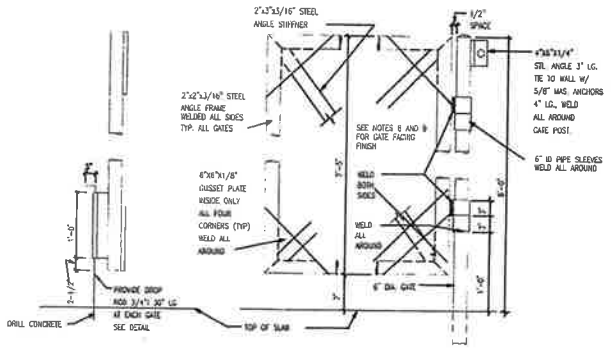
ARCHITECT
RIEL ARCHITECT

BK-OXFORD, OH
5093 COLLEGE CNR. PIKE

ROC-60 GARDEN GRILL
SITE DETAILS

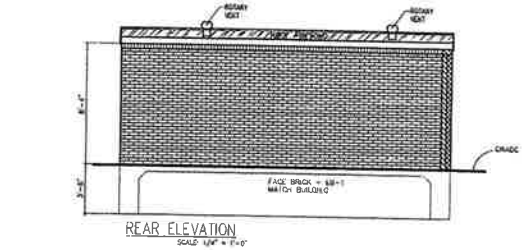
CLS#115

C-1



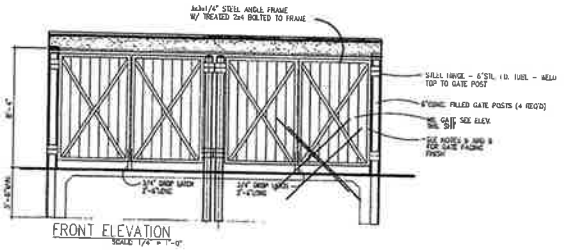
PARTIAL GATE SECTION

NTS



REAR ELEVATION

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

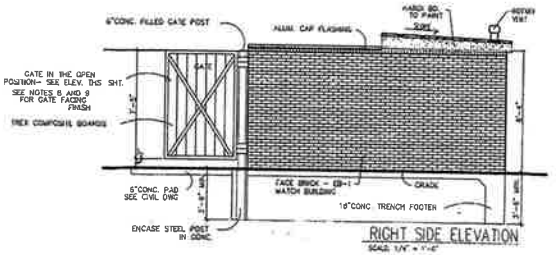


FRONT ELEVATION

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

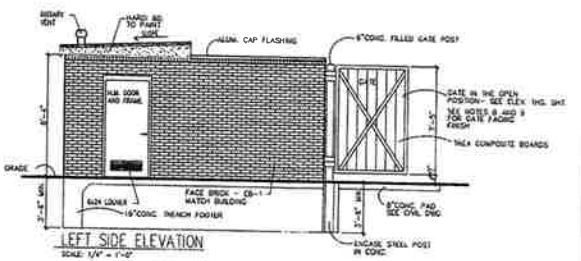
NOTES:

1. SEE SITE PLAN FOR LOCATION AND PROPOSED GRADES
2. TRASH ENCLOSURE MUST CONFORM TO ALL BUILDING SETBACKS (CHECK WITH LOCAL CODES.)
3. FLOOR DRAIN MAY BE REQUIRED (CHECK WITH LOCAL CODES.)
4. SLAB TO SLOPE 0.1" FROM BACK TO FRONT FOR DRAINAGE. 5" FLOOR DRAIN IS REQUIRED, SLOPE TO GRATE MIN. 0.1" BELOW PERIMETER OF SLAB.
5. LOCATE PERSONEL ACCESS SO THAT IT IS MOST ACCESSABLE FROM REAR DOOR OF BUILDING.
6. REVERSES OF THE ABOVE CONFIGURATIONS ARE ALSO ACCEPTABLE
7. ALL STEEL RINGERS TO BE PAINTED TO MATCH METAL ON BUILDING SEE FINISH SCHEDULE
8. ALL GATES TO BE 3/4" TREX COMPOSITE BOARDS. COLOR TO BE SELECTED BY OWNER
9. ALL GATES TO BE THRU-BOLTED TO STEEL FRAME WITH 3/8" GALV BOLTS AND HARDWARE



RIGHT SIDE ELEVATION

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

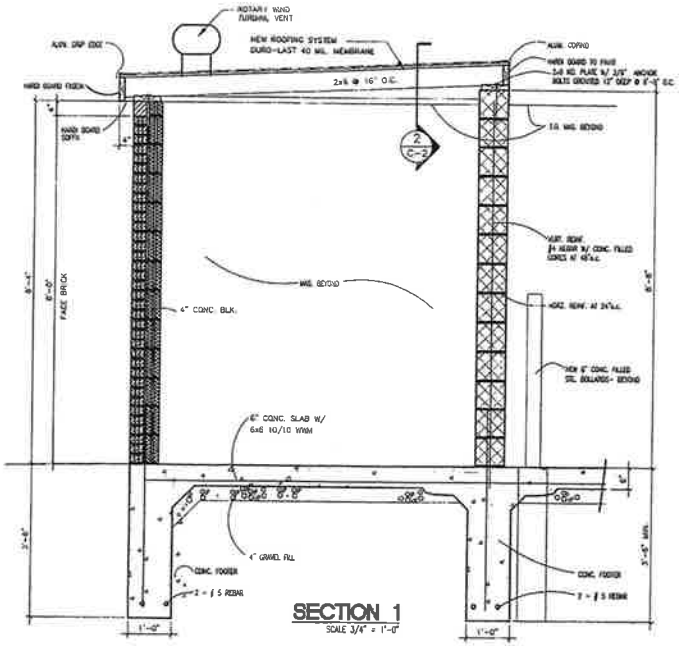


LEFT SIDE ELEVATION

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

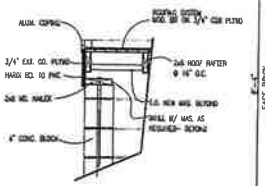
GENERAL NOTE

CARROLS SITE DETAIL SHEETS TO BE USED ALONG WITH SITE SPECIFIC SHEETS FROM CIVIL ENGINEER. ANY CONFLICTS SHALL BE CALLED TO THE ATTENTION OF THE CARROLS CONSTR. ENGINEER PRIOR TO ANY WORK BEING STARTED.



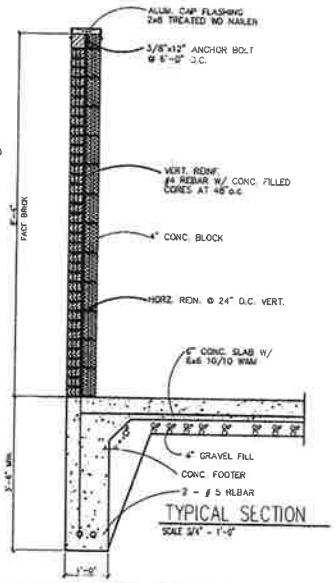
SECTION 1

SCALE 3/4" = 1'-0"



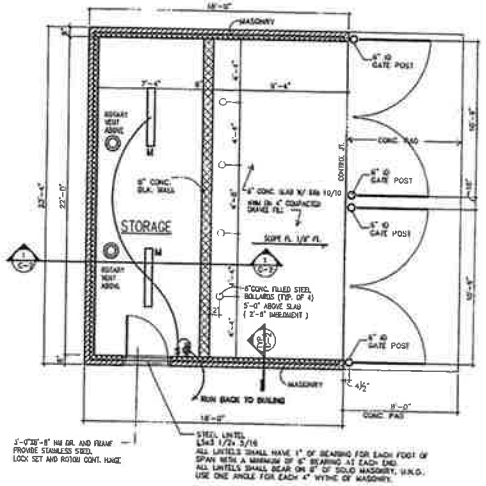
DETAIL 2

SCALE 3/4" = 1'-0"



TYPICAL SECTION

SCALE 3/4" = 1'-0"



DUMPSTER ENCLOSURE PLAN

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

ISSUE DATE:
AUGUST 25, 2016
REVISIONS

BURGER KING CORPORATION

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

A+HRUEL ARCHITECT

BK-OXFORD, OH
5093 COLLEGE CNR PIKE

ROC-60 GARDEN GRILL
DUMPSTER DETAILS

PROJECT NUMBER
CLS#115

SHEET NUMBER
C-2

bayer becker

Where Creativity Meets Functionality

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

July 27, 2017

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

Re: Burger King, City of Oxford – Trip Generation

Dear Mr. Popescu,

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

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

Land Use	ITE Code	Size	Units	AM Peak Hour			Mid-day Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Fast-Food Restaurant w/ Drive-Through Window	934	2.811	TSF	65	63	128	77	74	151	48	44	92

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

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

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

Sincerely,

Lucas W. Braun, P.E.

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

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

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

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

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

http://www.bayerbecker.com

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

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

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

Trip Generation per 1000 Sq. Feet Gross Floor Area

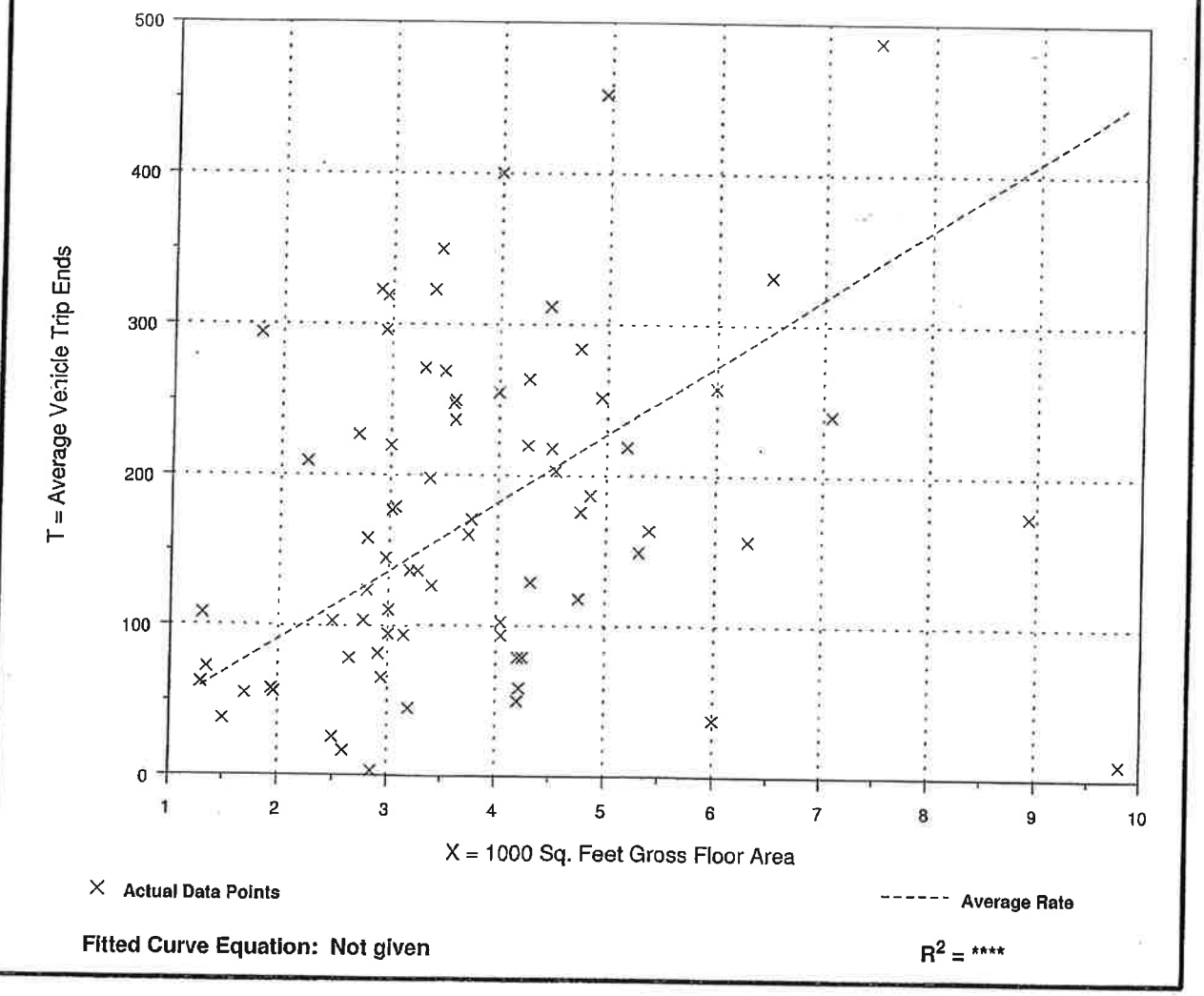
Average Rate	Range of Rates	Standard Deviation
45.42	1.02 - 163.33	28.63

$T = 45.42 (2.81) = 128$ Trips

Entering $= 0.51 (128) = 65$ Trips

Exiting $= 0.49 (128) = 63$ Trips

Data Plot and Equation



Fitted Curve Equation: Not given

R^2 = ****

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

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

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

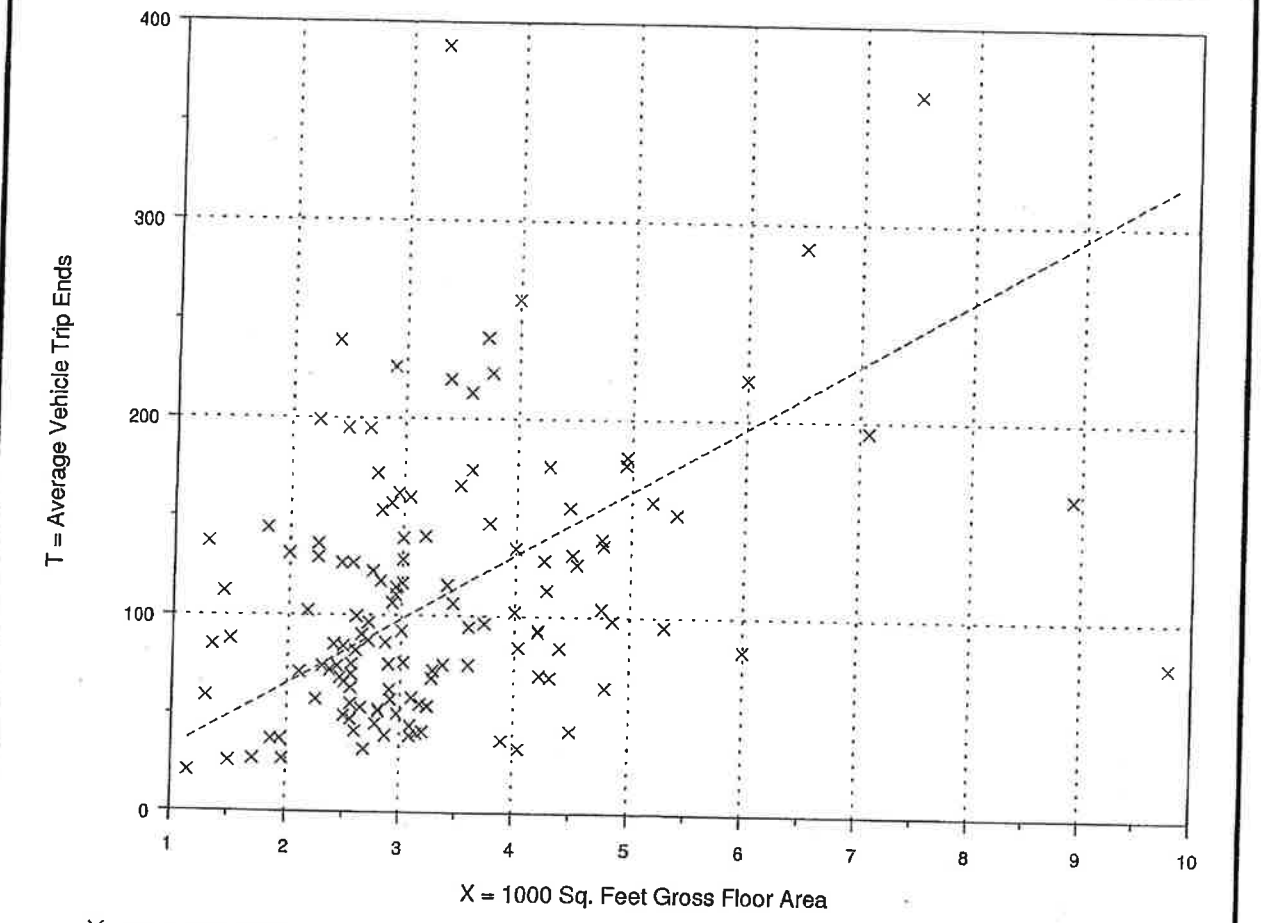
Trip Generation per 1000 Sq. Feet Gross Floor Area

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

T= 32.65(2.81) = 92 Trips

Entering = 0.52(92) = 48 Trips
Exiting = 0.48(92) = 44 Trips

Data Plot and Equation



Fitted Curve Equation: Not given

R^2 = ****

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

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

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

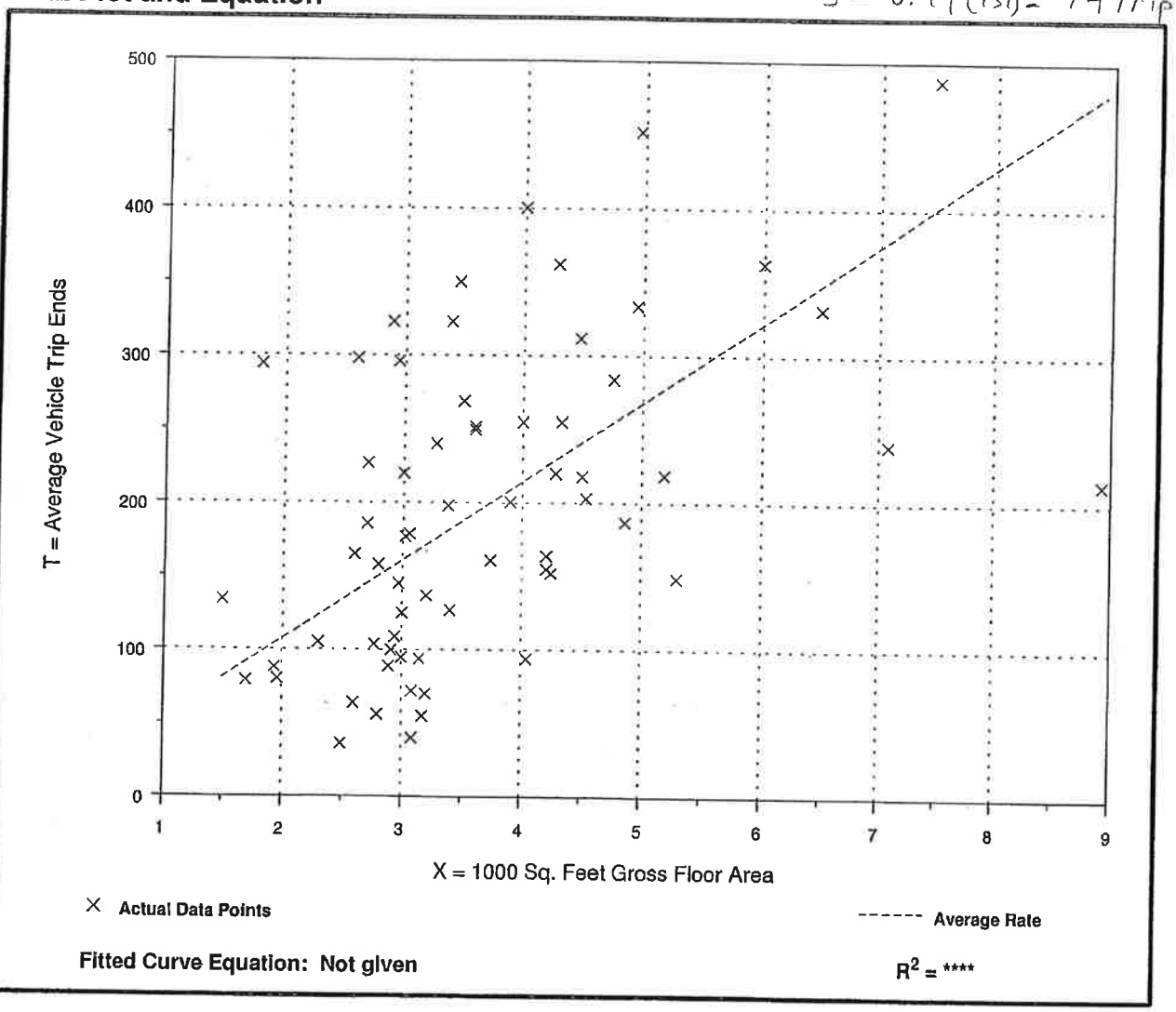
Trip Generation per 1000 Sq. Feet Gross Floor Area

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

T = 53.61 (2.81) = 151 Trips

Entering = 0.51 (151) = 77 Trips
Exiting = 0.49 (151) = 74 Trips

Data Plot and Equation



Fitted Curve Equation: Not given

R^2 = ****

OHIO DEPARTMENT OF TRANSPORTATION

MS2 Transportation Data Management System

List View | All DIRs

Record 1 of 1 Goto Record go

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

More Detail

STATION DATA

Directions: 2-WAY | NB | SB

AADT

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

|<< | < | > | >>| 1-5 of 12

Travel Demand Model

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

VOLUME COUNT

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

VOLUME TREND

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

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

SPEED

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

CLASSIFICATION

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

WEIGH-IN-MOTION

	Date	Axles	Avg GVW	Total
No Data				

PER VEHICLE

	Date	Axles	85th	Total
No Data				

GAP

	Date	Int	Total
No Data			

PARTIAL COUNT

Date	Int	24-Hr Total

NOTES/FILES

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

OHIO DEPARTMENT OF TRANSPORTATION

MS2 Transportation Data Management System

Volume Count Report

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

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

INTERVAL:15-MIN

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

OHIO DEPARTMENT OF TRANSPORTATION

MS2

Transportation Data Management System

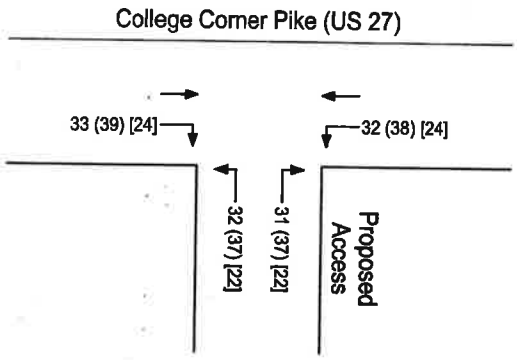
Volume Count Report

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

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

INTERVAL:15-MIN

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



bayer becker
www.bayerbecker.com
6900 Tylersville Road, Suite A
Mason, OH 45040 - 513.336.6600

N

N.T.S.

Figure

Burger King
City of Oxford, Butler County, Ohio

Site Traffic Volumes

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

EXHIBIT "A"

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

PARCEL 1I:

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

TAX I.D. NUMBER: H4100015000097

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

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

PARCEL 2:

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

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

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

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

BEING A PARCEL OF LAND LYING ON THE LEFT SIDE OF THE CENTERLINE OF RIGHT OF WAY OF BUT-27-17.70 AS
MADE BY THE URS CORPORATION AND RECORDED AS IMAGE NUMBER OF THE RECORDS OF BUTLER COUNTY AND BEING LOCATED WITHIN THE FOLLOWING DESCRIBED POINTS IN THE BOUNDARY THEREOF.

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

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

CONTINUED ON NEXT PAGE

CONTINUATION OF SCHEDULE A

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

THENCE, NORTH 51°29'46" EAST ON GRANTOR'S NORTHWESTERLY PROPERTY LINE A DISTANCE OF 40. 00 FEET TO THE NORTHEASTERLY CORNER OF CITY OF OXFORD INLOT NUMBER 1265;

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

TAX I.D. NUMBER: H4100019000014

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

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

LEGAL DESCRIPTION

END OF SCHEDULE A

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Manager
Originating Department

Council Meeting Of: October 17, 2017

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

October 10, 2017
Date Prepared

Agenda Title: A Resolution of the City Council of Oxford, Ohio to join the World Health Organization's and AARP's Network of Age-Friendly Cities and the AARP Livable Communities and commence the "Age-Friendly Oxford – A Great Community For All Ages" initiative.

Recommendation: n/a

Discussion:

As requested by members of the Oxford VillAGE Network.

Approved By:

	Initial	Date
Department Head:		
City Manager:	DRE	10/13/17

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF OXFORD, OHIO TO JOIN THE WORLD HEALTH ORGANIZATION'S AND AARP'S NETWORK OF AGE-FRIENDLY CITIES AND THE AARP LIVABLE COMMUNITIES AND COMMENCE THE "AGE-FRIENDLY OXFORD – A GREAT COMMUNITY FOR ALL AGES" INITIATIVE.

WHEREAS, according to the World Health Organization (WHO) the global population of people aged 60 and over is expected to grow from 600 million in 2000 to almost 2 billion by 2050; and

WHEREAS, in the United States, according to WHO, the population of people aged 65 and over is expected to grow from 35 million in 2000 to 88.5 million by 2050, taking the total share of the 65+ population from 12 percent to 20 percent of the total population; and

WHEREAS, according to the 2010 U.S. Census, 7.6% of the population of Oxford, Ohio is over the age of 60 (2017); and

WHEREAS, research shows that older adults overwhelmingly want to remain in their homes and communities as they age; and

WHEREAS, AARP is the World Health Organization (WHO) United States affiliate of the Network of Age-Friendly Cities Communities to encourage and promote public policies to increase the number of cities and communities that support healthy aging and thereby improve the health, well-being, satisfaction, and quality of life for older adults; and

WHEREAS, active aging is a life-long process, whereby an age-friendly community is not just "elder-friendly" but also a healthy community for ALL ages; and

WHEREAS, the WHO has noted that "making cities and communities age-friendly is one of the most effective policy approaches for responding to demographic aging," and

WHEREAS, the WHO has developed eight domains of community life that influence the health and quality of life of older people, and other communities have additional domains:

1. Outdoor spaces and buildings – accessibility to and availability of clean, safe community centers, parks, and other recreational facilities;

2. Transportation – safe and affordable modes of private and public transportation, "Complete Streets" types of initiatives, hospitable built environments;

3. Housing – wide range of housing options for older residents, aging in place and other home modification programs, housing that is accessible to transportation and community and health services;

4. Social participation – access to leisure and cultural activities; opportunities for older residents to participate in social and civic engagement with their peers and younger people;

5. Respect and social inclusion – programs to support and promote ethnic and cultural diversity, programs to encourage multigenerational interaction and dialogue, programs to combat loneliness and isolation among older residents;

6. Civic participation and employment – promotion of paid work and volunteer opportunities for older residents; opportunities for older residents to engage in formulation of policies relevant to their lives;

7. Communication and information – promotion of and access to the use of technology to keep older residents connected to their community and friends and family, both near and far; and

8. Community support and health services – access to homecare services, clinics, programs to promote active aging (physical exercise and healthy habits); and

WHEREAS, the WHO recognizes that cities and communities have different needs, resources, and varying capacities to engage their resources to take action to facilitate active aging;

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

SECTION 1: the City Council of the City of Oxford supports the City of Oxford, Ohio's application, membership and engagement in the community improvement model of the WHO and AARP Network of Age-Friendly Communities in a local initiative to be known as "Age-Friendly Oxford – a Great Community for ALL ages."

Furthermore, the Council supports the establishment of an Age-Friendly Task Force to:

- evaluate opportunities to engage in the WHO Age-Friendly Cities and Communities Network and AARP's Livable Communities Network which best match the needs of the Oxford Community
- actively seek input from diverse community partners and stakeholders including older adults
- conduct a community needs assessment for the purpose of prioritizing needs and planning projects
- make recommendations for collaboration, and resource development based on the needs assessment
- implement recommended projects as resources permit

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

_____
MAYOR

ADOPTED:
ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

October 18, 2017

Nicole Ware
AARP Associate State Director
17 South High Street Suite 800
Columbus, Ohio 43215

Dear Ms. Ware:

On behalf of the City of Oxford, Ohio, we are excited about the opportunity to join with the World Health Organization and AARP to become an Age-Friendly Community. Oxford is committed to promoting actions and policies to make our community more age-friendly to its older adults and aging population.

Oxford, Ohio is a small town of 21,371 residents in rural Northwest Butler County. The community is home to Miami University and its 19,775 students. As of the 2010 Census, 7.6 percent of Oxford's population is over the age of 60. Our challenges arise from our remote location relative to county and regional services for older adults, and a local housing, socio-economic, retail and service economy driven by a college age demographic.

For the past four years Oxford VillAGE Network, a grassroots network of older adults, and Oxford Seniors, Inc., along with support from the City and Miami University Scripps Gerontology Center have worked to study the needs of the area's older adults and address the challenges of meeting those needs. Our primary concerns are in the areas of housing, transportation, and home care-services. Our goals as a community are to ensure our aging neighbors have the opportunity to be healthy, independent and integrated into community life and remain in their homes and in this community as they age.

As a participant in the network of Age-Friendly Communities, it is the intent of the City to:

- Secure a council resolution to work toward becoming more Age-Friendly
- Create an Age-Friendly Oxford Task Force and include older adults in the Task Force
- Assist Miami University Scripps Gerontology Center with creating the community needs assessment
- Establish a Plan of Action that responds to the needs identified by older adults in the community
- Commit to measuring activities, reviewing action plan outcomes and reporting on them publicly

We are looking forward to working with AARP Ohio staff and volunteers to ensure our community has the appropriate infrastructure in place so we can all age with dignity.

Sincerely,

Dr. Kate Rousmaniere, Mayor

Douglas R. Elliott, Jr., City Manager

Membership Application

To join the **AARP Network of Age-Friendly Communities** and the **World Health Organization Global Network of Age-Friendly Cities and Communities**

- If you have questions while completing this form, please email *livable@aarp.org.*
- If you need additional space for answering the questions you may add an additional sheet of paper.

APPLICATION SUBMISSION DATE: 10/17/2017

Section 1: COMMUNITY DETAILS

NAME OF THE COMMUNITY: City of Oxford

STATE: Ohio

POPULATION SIZE: 21,371 people living in the City of Oxford.

PERCENTAGE OF RESIDENTS ABOVE THE AGE OF 60: 7.6%

NAME AND TITLE OF THE ELECTED OFFICIAL SIGNING THE OFFICIAL COMMITMENT: Dr. Kate Rousmaniere, Mayor of the City of Oxford, Ohio.

OFFICE ADDRESS OF THE SIGNER: Oxford Municipal Building, 101 E. High St. Oxford, OH 45056

Section 2: COMMUNITY CONTACT FOR THE AARP NETWORK OF AGE-FRIENDLY COMMUNITIES

The community contact is the local staff member or volunteer who is primarily responsible for carrying out the community-level work — it is not the responsible AARP staff member.

NAME: *Ann Whelpton and Jessie Leek*

POSITION: Co-Chairs of Oxford VillAGE Network

EMAIL ADDRESS: Primary contact: annwhelpton@earthlink.net; secondary contact: leekja@miamioh.edu

TELEPHONE NUMBER: Whelpton: 513-520-7742; Leek: 513-504-3022

Please describe the named person's role in the city or community's age-friendly initiative:

Oxford VillAGE Network (OVN) is an all-volunteer, grassroots advocacy group affiliated with Oxford Seniors Inc. and Miami University Scripps Gerontology Center. OVN Co-Chairs are Jessie Leek and Ann Garrison Whelpton; they have agreed to be Co-Facilitators of the Age-Friendly Oxford primarily responsible for carrying out the community level work for the Age-Friendly Oxford initiative. Ann Whelpton holds a master's degree in Education from Miami University in College Student Personnel and Guidance and Counseling. She has lived in Oxford for 46 years working in student development for Miami University and the Talawanda City School District. Ms. Whelpton has served as President of United Way and boards of other community groups. She has experience in partnership development, grant writing, counseling, case management and co-founded Oxford VillAGE Network. Jessie Leek holds a master's degree in Gerontological Studies awarded by Miami University. She has taught gerontology courses at both the undergraduate and graduate level. She is trained as a qualitative researcher. Prior to her work at Miami University, Ms. Leek has held leadership positions in non-profit organizations including those serving older adults. Ms. Leek moved to Oxford four years ago for retirement and joined Oxford VillAGE Network to help advocate for older adults in the Oxford community. Under their combined leadership OVN has been actively working on age-

friendly initiatives for four years focusing on the areas of housing, transportation, engagement and wellness. OVN's roles have been to advocate for older adults, generate information on aging and local resources, and encourage partnerships and collaboration to address unmet needs such as affordable housing, transportation options for non-drivers, and greater access to in-home careJessie Leek and Ann Garrison Whelpton will co-facilitate the various phases of this five-year process.

Section 3: COMMUNITY ACTIVITIES, ENGAGEMENTS and COLLABORATIONS

1) Please provide a brief summary of the community policies, programs and services that are targeted toward older people and how the community plans to become more age-friendly.

The Oxford, Ohio area is a safe and picturesque community with a small regional hospital, many activities associated with a large state university, Miami University, and a thriving senior center. The community's strengths related to livability for older adults are many. * Oxford Seniors, Inc. is a 580 member multi-service senior center with many programs and services for older adults. These include adult day care, congregate meals, home delivered meals, benefits counseling and outreach, transportation, health screenings, and social, wellness, cultural, arts and travel programs. * Miami University offers enrichment for older adults through its Institute for Learning in Retirement, tuition-free classes for retirees and senior citizen discounts for a wide variety of events in the arts, athletics, recreation, and lecture series. Miami's Scripps Gerontology Center, one of Ohio's Centers of Excellence in Cultural and Societal Transformation has made significant commitments to the Oxford area's age-friendly work. Scripps has conducted an initial community needs survey, provided OVN with a graduate assistant and supported the active participation of faculty and graduate students on OVN's Steering Team and working committees. * The City has recently completed safe sidewalks and walkability improvements, provides a building and space for Oxford Seniors, Inc., is in the process of building a large recreational trail system through and around the City, and has adopted policies of conservation for neighborhoods concerned with encroaching student housing. As part of a Creating Healthy Community By Design Initiative, a Walkability Audit was conducted on September 25, 2017.* Some of OVN's deliverables to date include two large community forums on Livability for older adults, partnerships with the City of Oxford and Miami University's Scripps Gerontology Center on a Housing Needs Assessment in 2014, creation of a community resource directory for older adults, lectures, working with Butler County Regional Transit Authority on increasing use of public transportation and connecting the City with a national developer of senior housing potentially interested in building in the Oxford area. * Oxford is home to The Knolls of Oxford, a continuous care retirement community including independent living, assisted living, rehabilitative care, and long-term care.These characteristics make Oxford a desirable place to retire and grow older, yet there are significant challenges for older adults living in our community. The local economy and culture are driven by the needs and interests of the transient student-age population and visitors. Senior housing needs are not fully addressed. Our remote location in Butler County makes access to regional and county resources, in-home care and non-student retail needs difficult. The Oxford area is a car dependent community making non-drivers subject to isolation. Those facing the most intensive struggles include those needing in-home assistance, their family care-givers who need respite and support, those of moderate and extreme financial need who require different housing options, those who are alone and/or do not drive and those who need employment in retirement. Actions needed are: HOUSING–A focused, creative, strategic response to housing needs for older adults is needed in order to attract a senior housing developer, access Ohio Housing Finance Authority tax credits, utilize limited land and increase housing stock for older adults. For those choosing to remain in their existing

homes, a home modification initiative would be beneficial. Formation of a housing alliance may be useful.TRANSPORTATION - Expanding routes of existing public transportation, exploring a rural ride share program, supporting Oxford Seniors' existing transportation program, promoting multi-modal transportation and conducting senior driver education and car fit programs are some of the targeted activities for the future. IN-HOME CARE AND CARE-GIVER SUPPORT – Hiring and sustaining in home care services is difficult in the Oxford area. There is a shortage of such service providers in this area. Locally, this is compounded by the driving distances and expenses incurred commuting to Oxford. Creating a pool of local qualified caregivers, creating a local job-training program for caregivers, and finding incentives such as travel stipends are needed to attract existing care-giving services to this area. COMMUNICATION AND ENGAGEMENT - Oxford area's retirees and older adults have ample opportunities for civic and social engagement in the community, but not all feel connected and isolation is an ongoing concern as people age. Awareness of and accessibility to activities and resources can be improved. Oxford has no local newspaper, surrounding rural townships have inconsistent internet service and some older adults do not retrieve information easily via the internet. Regular, coordinated communication by both traditional and new technology mechanisms are needed. Transportation and companionship to aid older adults in getting involved is important. The large student presence in Oxford provides unlimited potential for intergenerational programs to help with connectivity and inclusion for both the elderly and student populations.

2) How will the community engage and involve older people in the process of becoming a more age-friendly?

The City of Oxford is home to 1,620 residents over the age of 60. To involve older adults in the Age-Friendly Oxford Area initiative, three existing organizations for older adults will be called to action. Oxford VillAGE Network has 220 members, Oxford Seniors, Inc. has nearly 600 members and The Knolls of Oxford is home to 200 residents. These organizations each offer newsletters, events, e-mail list serves, frequent programs and speakers, and provide an excellent communication network for older adults and their families. Oxford VillAGE Network and Oxford Seniors, Inc. have an existing local partnership network (see attached list). This local partnership network must be expanded to reach older adults not represented by the above mentioned partners. Inclusion of local health and human services agencies and businesses such as pharmacies will be part of the strategy. Communication between partners will need to be routinized. A wider partnership network connecting with County, Regional and State partners is also critical to connecting Oxford's older adults to Oxford's Age-Friendly outreach.

3) Briefly describe the mechanisms the community has or is planning to put in place to facilitate collaborative planning and implementation between different agencies and departments.

* Strategic partnerships, communication and working strategically are the desired foundation of any mechanisms that are in place or will be put in place to facilitate the Age-Friendly Oxford Initiative. * The partnership between Oxford VillAGE Network, Oxford Seniors, Inc. and Miami University's Scripps Gerontology Center is in place and is advancing the initiative. A recent affiliation with Miami University's Town Gown Initiative Team will connect Age-Friendly Oxford with a major new initiative working on university/community issues.* In addition to following AARP/WHO model the Age-Friendly Oxford Initiative will use the Collective Impact Model for Change. This change model includes creating a common agenda, involving stakeholders, leveraging resources, and effective communication throughout multiple levels of an organization. * The partnership with the City will be formalized through this membership in the AARP/WHO Network. This partnership will serve to address planning and infrastructure needs (depending upon resources available) and legitimize the initiative's quest for funds and resources. * OVN's current steering team and four committees will be adapted to meet the best practices for a Task force and work groups and domains according to the WHO and AARP Age-Friendly model. The OVN Steering Team is currently comprised of ten individuals eight of whom are age 50 or over. * Once accepted into the network, an updated communication strategy and supporting technology will be put in place to keep all involved informed about and current with the initiative.

Section 4: NETWORK MEMBERSHIP

Your answers to the following questions will help us complete your membership in the global age-friendly network and better enable us to understand how to support the network.

4) How do you hope to contribute to the AARP Network of Age-Friendly Communities and the World Health Organization Global Network of Age-Friendly Communities?

Oxford is a small town in a rural setting, home to a major public university and is a community that lends itself well to collaboration and change at a grassroots level. Oxford's university environment has potential for greater utilization of university faculty and staff expertise, as well as more intergenerational programs with students. Our use of the Collective Impact Model is unique. As stated in Section 3.1 Oxford's biggest challenges are in the areas of housing, transportation, communication and in-home services. The Age-Friendly Oxford Initiative would like to serve as a partner with other communities facing the same challenges, or those seeking to develop areas in which Oxford has strengths

5) What motivated your community to join the AARP Network of Age-Friendly Communities and the World Health Organization Global Network of Age-Friendly Communities?

As noted in Section 2, Oxford VillAGE Network (advocacy), Oxford Seniors, Inc. (service providers), and Miami University Scripps Gerontology Center (research and teaching) have worked together for four years to increase awareness and communication regarding the needs of older residents. Good progress has been made learning about issues of aging, available resources, and desired solutions. Citizen involvement and a respected advocacy presence in the community now exist. Over the past year, OVN operationalized a working partnership with Miami University's Scripps Gerontology Center and formalized a partnership with Oxford Seniors, Inc. These three working partners believe the time is right to move from advocacy to impact. Expanded partnerships with those who influence planning, policy and infrastructure are now needed to address challenges related to housing, transportation, and employment. After researching numerous national models of age-friendly initiatives it was recommended by OVN, Oxford Seniors, Inc. and Scripps Gerontology Center that the WHO/AARP Network is the best match for the Oxford community. AARP/WHO Network's body of research, process, technical support, resources, partners AND focus on improved livability for ALL ages provide the best path forward. The City of Oxford recognizes the Age-Friendly work done to date as well as the opportunities ahead for improving livability for its older adults through participation in the WHO/AARP Network.

6) Please provide a digital (JPG, PNG or PDF) file or link of a logo or other image that represents your community.

The image resolution should be at least 72 dpi. As an example of an image, here's ours >

Click here to add a link to where we can find your logo. Or, send us your logo by email attachment to livable@aarp.org.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Fire
Originating Department

Council Meeting Of: October 17, 2017

John Detherage
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

October 09, 2017
Date Prepared

Agenda Title: A Resolution authorizing the City Manager to trade in four (4) surplus cardiac monitors to Zoll Medical toward the purchase of monitor accessories and disposable equipment.

Recommendation: Adopt the Resolution.

Discussion: With the recent donation of four new cardiac monitors from McCullough-Hyde Hospital Tri-Health we have been able to secure an offer from Zoll Medical for our four surplus units. They have offered $6,000.00 ($1,500.00 each) credit toward the purchase of various accessories and disposable supplies for the new monitors. Calls were made to four different medical equipment wholesalers in an effort to dispose of these units and no calls were returned, likely due to the age of the equipment. The proposed equipment list is attached.

Units for trade:
Zoll S/N
T03I49721 - Purchased 2003
T03H49265 - Purchased 2003
00009322 - Purchased 2008
00009313 - Purchased 2008

Approved By:

	Initial	Date
Department Head:		
City Attorney:		
City Manager:	DRE	10/13/17

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN CITY PROPERTY NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AS SURPLUS AND AUTHORIZING ITS TRADE TO ZOLL MEDICAL CORPORATION IN EXCHANGE FOR EMS SUPPLIES IN THE AMOUNT OF $6,000.00.

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

SECTION 1: In accordance with the staff report from the Fire Chief, certain cardiac monitors are hereby declared to be surplus and no longer needed for any municipal purpose, and the same may be traded to Zoll Medical Corporation in exchange for EMS supplies in the amount $6,000.00. The items to be traded are those set forth on Exhibit "A" attached hereto and incorporated herein.

SECTION 2: Council hereby authorizes the trade, for EMS supplies in the amount of $6,000.00, those items listed on Exhibit "A" to Zoll Medical Corporation

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

EXHIBIT "A"

Cardiac Monitor

Units for trade:

Zoll S/N

T03149721 – Purchased 2003

T03H49265 – Purchased 2003

00009322 - Purchased 2008

00009313 - Purchased 2008

ZOLL®

TO: Oxford Fire

217 S Elm Street
Oxford, OH 45056
Attn: **Jay Fields**

email: jfields@cityofoxford.org
Tel: -

ZOLL Medical Corporation
Worldwide HeadQuarters
269 Mill Rd
Chelmsford, Massachusetts 01824-4105
(978) 421-9655 Main
(800) 348-9011
(978) 421-0015 Customer Support
FEDERAL ID#: 04-2711626

QUOTATION 255666 V:1

DATE: September 28, 2017

TERMS: Net 30 Days

FOB: Shipping Point

FREIGHT: Prepay and Add

ITEM	MODEL NUMBER	DESCRIPTION	QTY.	UNIT PRICE	DISC PRICE	TOTAL PRICE	
1	8300-0802-01	**12-Lead one step ECG cable - AAMI** includes 4-Lead trunk cable and removable precordial 6 lead set.	1	$325.00	$276.25	$276.25	*
2	8000-0333	**SpO2 Rainbow DCI Pediatric Resuable Patient Cable/Sensor (3 ft)**	4	$395.00	$296.25	$1,185.00	*
3	8012-0206	**12-lead ECG Simulator**	1	$1,065.00	$798.75	$798.75	*
4	SOFT-09-2MQ	**Disposable Cuff, soft child, 2-Tube, twist lock connector, box of 20**	1	$175.00	$105.66	$105.66	*
5	SOFT-10-2MQ	**Disposable Cuff, soft small adult, 2-Tube, twist lock connector, box of 20**	1	$195.00	$143.32	$143.32	*
6	SOFT-11-2MQ	Disposable Cuff, soft Adult, 2-Tube, twist lock connector, box of 20	1	$195.00	$143.32	$143.32	*
7	SOFT-11L-2MQ	Disposable Cuff, soft Adult Long, 2-Tube, twist lock connector, box of 20	1	$225.00	$163.20	$163.20	*
8	8009-0751-01	**SeeThru CPR Simulator for E Series, R Series, and AED Pro**	1	$495.00	$371.25	$371.25	*
9	8300-000676	**OneStep Cable, X Series**	4	$425.00	$327.25	$1,309.00	*

Page 1 Subtotal **$4,495.75**

This quote is made subject to ZOLL's standard commercial terms and conditions (ZOLL T's + C's) which accompany this quote. Any purchase order (P.O.) issued in response to this quotation will be deemed to incorporate ZOLL T's + C's. Any modification of the ZOLL T's + C's must be set forth or referenced in the customer's P.O. No commercial terms or conditions shall apply to the sale of goods or services governed by this quote and the customer's P.O unless set forth in or referenced by either document.

1. DELIVERY WILL BE MADE 60-90 DAYS AFTER RECEIPT OF ACCEPTED PURCHASE ORDER.
2. **PRICES QUOTED ARE VALID UNTIL SEPTEMBER 30, 2017.**
3. APPLICABLE TAX, SHIPPING & HANDLING WILL BE ADDED AT THE TIME OF INVOICING.
4. ALL PURCHASE ORDERS ARE SUBJECT TO CREDIT APPROVAL BEFORE ACCEPTABLE BY ZOLL.
5. **FAX PURCHASE ORDER AND QUOTATION TO ZOLL CUSTOMER SUPPORT AT 978-421-0015 OR EMAIL TO ESALES@ZOLL.COM.**
6. ALL DISCOUNTS OFF LIST PRICE ARE CONTINGENT UPON PAYMENT WITHIN AGREED UPON TERMS.
7. PLACE YOUR ACCESSORY ORDERS ONLINE BY VISITING www.zollwebstore.com.

Dione Amirkhan
EMS Territory Manager
800-242-9150, x9444

ZOLL

TO: Oxford Fire

217 S Elm Street
Oxford, OH 45056
Attn: **Jay Fields**

email: jfields@cityofoxford.org
Tel: -

ZOLL Medical Corporation
Worldwide HeadQuarters
269 Mill Rd
Chelmsford, Massachusetts 01824-4105
(978) 421-9655 Main
(800) 348-9011
(978) 421-0015 Customer Support
FEDERAL ID#: 04-2711626

QUOTATION 255666 V:1

DATE: September 28, 2017

TERMS: Net 30 Days

FOB: Shipping Point

FREIGHT: Prepay and Add

ITEM	MODEL NUMBER	DESCRIPTION	QTY.	UNIT PRICE	DISC PRICE	TOTAL PRICE	
10	8900-000219-01	OneStep Pediatric CPR Electrode (1 pair)	2	$87.50	$87.50	$175.00	*
11	SOFT-07-2MQ	Disposable Cuff, soft Infant, 2-Tube, twist lock connector, box of 20	1	$175.00	$105.66	$105.66	*
12	8009-0020	CPR-D Padz and CPR Stat Padz Connector for R Series	4	$375.00	$375.00	$1,500.00	*
13	5001-9928	ZOLL E Series w/Pacing, 12 lead + 3 parameters or more Trade-In	4		($1,500.00)	($6,000.00)	**

*Reflects State of Ohio Pricing.

**Trade-In Value valid if all equipment purchased is in good operational and cosmetic condition, and includes all standard accessories. Customer assumes responsibility for shipping trade-in equipment to ZOLL Chelmsford within 60 days of receipt of new equipment. Customer agrees to pay cash value for trade-in equipment not shipped to ZOLL on a timely basis.

**Trade value guaranteed only through September 30, 2017.

This trade-in allowance is a one-time credit for Oxford Fire only. ZOLL will not accept trades on future orders that are part of the Tri-Health Grant Initiative project.

TOTAL **$276.41**

This quote is made subject to ZOLL's standard commercial terms and conditions (ZOLL T's + C's) which accompany this quote. Any purchase order (P.O.) issued in response to this quotation will be deemed to incorporate ZOLL T's + C's. Any modification of the ZOLL T's + C's must be set forth or referenced in the customer's P.O. No commercial terms or conditions shall apply to the sale of goods or services governed by this quote and the customer's P.O unless set forth in or referenced by either document.

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7. PLACE YOUR ACCESSORY ORDERS ONLINE BY VISITING www.zollwebstore.com.

Dione Amirkhan
EMS Territory Manager
800-242-9150, x9444

ZOLL QUOTATION GENERAL TERMS & CONDITIONS

1. ACCEPTANCE. This Quotation constitutes an offer by ZOLL Medical Corporation to sell to the Customer the equipment (including a license to use certain software) listed in this Quotation and described in the specifications either attached to or referred to in this Quotation (hereinafter referred to as Equipment). Any acceptance of such offer is expressly limited to the terms of this Quotation, including these General Terms and Conditions. Acceptance shall be so limited to this Quotation notwithstanding (i) any conflicting written or oral representations made by ZOLL Medical Corporation or any agent or employee of ZOLL Medical Corporation or (ii) receipt or acknowledgement by ZOLL Medical Corporation of any purchase order, specification, or other document issued by the Customer. Any such document shall be wholly inapplicable to any sale made pursuant to this Quotation, and shall not be binding in any way on ZOLL Medical Corporation.

Acceptance of this Quotation by the Customer shall create an agreement between ZOLL Medical Corporation and the Customer (hereinafter referred to as the "Contract" the terms and conditions of which are expressly limited to the provisions of this Quotation including these Terms and Conditions. No waiver change or modification of any of the provisions of this Quotation or the Contract shall be binding on ZOLL Medical Corporation unless such waiver, change or modification (i) is made in writing (ii) expressly states that it is a waiver, change or modification of this Quotation or the Contract and (iii) is signed by an authorized representative of ZOLL Medical Corporation.

2. DELIVERY AND RISK OF LOSS. Unless otherwise stated, all deliveries shall be F.O.B. ZOLL Medical Corporation's facility. Risk of loss or damage to the Equipment shall pass to the Customer upon delivery of the Equipment to the carrier.

3. TERMS OF PAYMENT. Unless otherwise stated in its Quotation payment by Customer is due thirty (30) days after the ship date appearing on ZOLL Medical Corporation invoice. Any amounts payable hereunder which remain unpaid after the date shall be subject to a late charge equal to 1.5% per month from the due date until such amount is paid.

4. CREDIT APPROVAL. All shipments and deliveries shall at all times be subject to the approval of credit by ZOLL Medical Corporation. ZOLL Medical Corporation may at any time decline to make any shipment or delivery except upon receipt of payment or security or upon terms regarding credit or security satisfactory to ZOLL Medical Corporation.

5. TAXES & FEES. The pricing quoted in its Quotation do not include sales use, excise, or other similar taxes or any duties or customs charges, or any order processing fees. The Customer shall pay in addition for the prices quoted the amount of any present or future sales, excise or other similar tax or customs duty or charge applicable to the sale or use of the Equipment sold hereunder (except any tax based on the net income of ZOLL Medical Corporation), and any order processing fees that ZOLL may apply from time to time. In lieu thereof the Customer may provide ZOLL Medical Corporation with a tax exemption certificate acceptable to the taxing authorities.

6. WARRANTY. (a) ZOLL Medical Corporation warrants to the Customer that from the earlier of the date of installation or thirty (30) days after the date of shipment from ZOLL Medical Corporation's facility, the Equipment (other than accessories and electrodes) will be free from defects in material and workmanship under normal use and service for the period noted on the reverse side. Accessories and electrodes shall be warranted for ninety (90) days from the date of shipment. During such period ZOLL Medical Corporation will at no charge to the Customer either repair or replace (at ZOLL Medical Corporation's sole option) any part of the Equipment found by ZOLL Medical Corporation to be defective in material or workmanship. If ZOLL Medical Corporation's inspection detects no defects in material or workmanship, ZOLL Medical Corporation's regular service charges shall apply. (b) ZOLL Medical Corporation shall not be responsible for any Equipment defect failure of the Equipment to perform any specified function, or any other nonconformance of the Equipment caused by or attributable to (i) any modification of the Equipment by the Customer, unless such modification is made with the prior written approval of ZOLL Medical Corporation: (ii) the use of the Equipment with any associated or complementary equipment accessory or software not specified by ZOLL Medical Corporation, or (iii) any misuse or abuse of the Equipment: (iv) exposure of the Equipment to conditions beyond the environmental, power or operating constraints specified by ZOLL Medical Corporation, or (v) installation or wiring of the Equipment other than in accordance with ZOLL Medical Corporation's instructions. (c) Warranty does not cover items subject to normal wear and burnout during use, including but not limited to lamps, fuses, batteries, cables and accessories. (d) The foregoing warranty does not apply to software included as part of the Equipment (including software embodied in read-only memory known as "firmware"). (e) The foregoing warranty constitutes the exclusive remedy of the Customer and the exclusive liability of ZOLL Medical Corporation for any breach of any warranty related to the Equipment supplied hereunder. THE WARRANTY SET FORTH HEREIN IS EXCLUSIVE AND ZOLL MEDICAL CORPORATION EXPRESSLY DISCLAIMS ALL OTHER WARRANTIES WHETHER WRITTEN, ORAL, IMPLIED, OR STATUTORY, INCLUDING BUT NOT LIMITED TO ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

7. SOFTWARE LICENSE. (a) All software (the "Software" which term shall include firmware) included as part of the Equipment is licensed to Customer pursuant to a nonexclusive limited license on the terms hereinafter set forth, (b) Customer may not copy, distribute, modify, translate or adapt the Software, and may not disassemble or reverse compile the Software, or seek in any manner to discover, disclose or use any proprietary algorithms, techniques or other confidential information contained therein, (c) All rights in the Software remain the product of ZOLL Medical Corporation, and Customer shall have no right or interest therein except as expressly provided herein. (d) Customer's right to use the Software may be terminated by ZOLL Medical Corporation in the event of any failure to comply with terms of this quotation, (e) Customer may transfer the license conferred hereby only in connection with a transfer of the Equipment and may not retain any copies of the Software following such transfer. (f) ZOLL Medical Corporation warrants that the read-only memory or other media on which the Software is recorded will be free from defects in materials and workmanship for the period and on terms set forth in section 6. (g) Customer understands that the Software is a complex and sophisticated software product and no assurance can be given that operation of the Software will be uninterrupted or error-free, or that the Software will meet Customer's requirements. Except as set forth in section 7(f), ZOLL MEDICAL CORPORATION MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE SOFTWARE AND IN PARTICULAR DISCLAIMS ANY IMPLIED WARRANTIES OR MERCHANTABILITY OR FITNESS OF A PARTICULAR PURPOSE WITH RESPECT THERETO. Customer's exclusive remedy for any breach of warranty or defect relating to the Software shall be the repair or replacement of any defective read-only memory or other media so that it correctly reproduces the Software. This License applies only to ZOLL Medical Corporation Software.

8. DELAYS IN DELIVERY. ZOLL Medical Corporation shall not be liable for any delay in the delivery of any part of the Equipment if such delay is due to any cause beyond the control of the ZOLL Medical Corporation including, but not limited to acts of God, fires, epidemics, floods, riots, wars, sabotage, labor disputes, governmental actions, inability to obtain materials, components, manufacturing facilities or transportation or any other cause beyond the control of ZOLL Medical Corporation. In addition ZOLL Medical Corporation shall not be liable for any delay in delivery caused by failure of the Customer to provide any necessary information in a timely manner. In the event of any such delay, the date of shipment or performance hereunder shall be extended to the period equal to the time lost by reason of such delay. In the event of such delay ZOLL Medical Corporation may allocate available Equipment among its Customers on any reasonable and equitable basis. The delivery dates set forth in this Quotation are approximate only and ZOLL Medical Corporation shall not be liable for or shall the Contract be breached by, any delivery by ZOLL Medical Corporation within a reasonable time after such dates.

9. LIMITATIONS OF LIABILITY. IN NO EVENT SHALL ZOLL MEDICAL CORPORATION BE LIABLE FOR INDIRECT SPECIAL OR CONSEQUENTIAL DAMAGES RESULTING FROM ZOLL MEDICAL CORPORATIONS PERFORMANCE OR FAILURE TO PERFORM PURSUANT TO THIS QUOTATION OR THE CONTRACT OR THE FURNISHING, PERFORMANCE, OR USE OF ANY EQUIPMENT OR SOFTWARE SOLD HERETO, WHETHER DUE TO A BREACH OF CONTRACT, BREACH OF WARRANTY, THE NEGLIGENCE OF ZOLL MEDICAL CORPORATION OR OTHERWISE.

10. PATENT INDEMNITY. ZOLL Medical Corporation shall at its own expense defend any suit that may be instituted against the Customer for alleged infringement of any United States patents or copyrights related to the parts of the Equipment or the Software manufactured by ZOLL Medical Corporation, provided that (i) such alleged infringement consists only in the use of such Equipment or the Software by itself and not as a part of or in combination with any other devices or parts, (ii) the Customer gives ZOLL Medical Corporation immediate notice in writing of any such suit and permits ZOLL Medical Corporation through counsel of its choice, to answer the charge of infringement and defend such suit, and (iii) the Customer gives ZOLL Medical Corporation all requested information, assistance and authority at ZOLL Medical Corporation's expense, to enable ZOLL Medical Corporation to defend such suit.

In the case of a final award of damages for infringement in any such suit, ZOLL Medical Corporation will pay such award, but it shall not be responsible for any settlement made without its written consent.

Section 10 states ZOLL Medical Corporation's total responsibility and liability's, and the Customer's sole remedy for any actual or alleged infringement of any patent by the Equipment or the Software or any part thereof provided hereunder. In no event shall ZOLL Medical Corporation be liable for any indirect, special, or consequential damages resulting from any such infringement.

11. CLAIMS FOR SHORTAGE. Each shipment of Equipment shall be promptly examined by the Customer upon receipt thereof. The Customer shall inform ZOLL Medical Corporation of any shortage in any shipment within ten (10) days of receipt of Equipment. If no such shortage is reported within ten (10) day period, the shipment shall be conclusively deemed to have been complete.

12. RETURNS AND CANCELLATION. (a) The Customer shall obtain authorization from ZOLL Medical Corporation prior to returning any of the Equipment. (b) The Customer receives authorization from ZOLL Medical Corporation to return a product for credit, the Customer shall be subject to a restocking charge of twenty percent (20%) of the original list purchase price, but not less than $50.00 per product. (c) Any such change in delivery caused by the Customer that causes a delivery date greater than six (6) months from the Customer's original order date shall constitute a new order for the affected Equipment in determining the appropriate list price.

13. APPLICABLE LAW. This Quotation and the Contract shall be governed by the substantive laws of the Commonwealth of Massachusetts without regard to any choice of law provisions thereof.

14. COMPLIANCE WITH LAWS. (a) ZOLL Medical Corporation represents that all goods and services delivered pursuant to the Contract will be produced and supplied in compliance with all applicable state and federal laws and regulations, including the requirements of the Fair Labor Standards Act of 1938, as amended. (b) The Customer shall be responsible for compliance with any federal, state and local laws and regulations applicable to the installation or use of the Equipment furnished hereunder, and will obtain any permits required for such installation and use.

15. NON-WAIVER OF DEFAULT. In the event of any default by the Customer, ZOLL Medical Corporation may decline to make further shipments or render any further warranty or other services without in any way affecting its right under such order. If despite any default by Customer, ZOLL Medical Corporation elects to continue to make shipments its action shall not constitute a waiver of any default by the Customer or in any way affect ZOLL Medical Corporation's legal remedies regarding any such default. No claim or right arising out of a breach of the Agreement by the Customer can be discharged in whole or in part by waiver or renunciation of the claim or right unless the waiver or renunciation is supported by consideration and is in writing signed by ZOLL Medical Corporation.

16. ASSIGNMENT. This Quotation, and the Contract, may not be assigned by the Customer without the prior written consent of ZOLL Medical Corporation, and any assignment without such consent shall be null and void.

17. TITLE TO PRODUCTS. Title to right of possession of the products sold hereunder shall remain with ZOLL Medical Corporation until ZOLL Medical Corporation delivers the Equipment to the carrier and agrees to do all acts necessary to perfect and maintain such right and title in ZOLL Medical Corporation. Failure of the Customer to pay the purchase price for any product when due shall give ZOLL Medical Corporation the right, without liability to repossess the Equipment, with or without notice, and to avail itself of any remedy provided by law.

18. EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION.

VETERAN'S EMPLOYMENT - If this order is subject to Executive Order 11710 and the rules, regulations, or orders of the Secretary of Labor issued thereunder the contract clause as set forth at 41 CFR 60-250.4 is hereby included as part of this order.

EMPLOYMENT OF HANDICAPPED - if this order is subject to Section 503 of the Rehabilitation Act of 1973, as amended and the rules, regulations or orders of the Secretary of Labor as issued thereunder, the contract clause at 41 CFR 60-741.7 is hereby included as part of this order.

EQUAL OPPORTUNITY EMPLOYMENT - if this order is subject to the provisions of Executive Order 11246, as amended, and the rules, regulations or orders of the Secretary of Labor issued thereunder, the contract clause set forth at 41 CFR 60-1.4 (a) and 60-1.4 (b) are hereby included as a part of this order and Seller agrees to comply with the reporting requirements set forth at 41 CFR 60-1.7 and the affirmative action compliance program requirements set forth as 41 CFR 60-1.40.

19. VALIDITY OF QUOTATION. This Quotation shall be valid and subject to acceptance by the Customer, in accordance with the terms of Section 1 hereof for the period set forth on the face hereof. After such period, the acceptance of this Quotation shall not be binding upon ZOLL Medical Corporation and shall not create a contract, unless such acceptance is acknowledged and accepted by ZOLL Medical Corporation by a writing signed by an authorized representative of ZOLL Medical Corporation.

20. GENERAL. Any Contract resulting from this Quotation shall be governed by and interpreted in accordance with the laws of the Commonwealth of Massachusetts. This constitutes the entire agreement between Buyer and Supplier with respect to the purchase and sale of the Products described in the face hereof, and only representations or statements contained herein shall be binding upon Supplier as a warranty or otherwise. Acceptance or acquiescence in the course of performance rendered pursuant hereto shall not be relevant to determine the meaning of this writing even though the accepting or acquiescing party has knowledge of the nature of the performance and opportunity for objection. No addition to or modification of any of the terms and conditions specified herein shall be binding upon Supplier unless made in writing and signed by a duly authorized representative of Supplier. The terms and conditions specified shall prevail notwithstanding any variance from the terms and conditions of any order or other form submitted by Buyer for the Products set forth on the face of this Agreement. To the extent that this writing may be treated as an acceptance of Buyer's prior offer, such acceptance is expressly made conditional on assent by Buyer to the terms hereof, and, without limitation, acceptance of the goods by Buyer to the terms hereof, and, without limitation, acceptance of the goods by Buyer shall constitute such assent. All cancellations and reschedules require a minimum of thirty (30) days notice.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Manager
Originating Department

Council Meeting Of: October 3, 2017

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

September 28, 2017
Date Prepared

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

Recommendation: Approve

Discussion:

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

Approved By:

	Initial Date
Department Head:	\
City Manager:	DJE \

ORDINANCE NO.

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

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

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

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

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Manager
Originating Department

Council Meeting Of: October 17, 2017

Doug Elliott
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

October 12, 2017
Date Prepared

Agenda Title: A Resolution approving members appointed by the City Manager to the Income Tax Board of Review for a period of three years.

Recommendation: Adopt the Resolution.

Discussion:

Chapter 181 (Income Tax) of the Oxford Codified Ordinances calls for the creation of an Income Tax Board of Review. Oxford's board has been vacant for several years. The City Manager and the Law Director recommend 3 members be appointed to the Income Tax Board of Review for a period of 3 years.

Approved By:

	Initial	Date
Department Head:		
City Manager:	DRE	10-13-17

RESOLUTION NO.

A RESOLUTION APPROVING MEMBERS APPOINTED BY THE CITY MANAGER TO THE INCOME TAX BOARD OF REVIEW FOR A PERIOD OF THREE YEARS FOR THE CITY OF OXFORD, OHIO.

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

SECTION 1: Oxford Codified Ordinance Section 181.13 authorizes the appointment of a Board of Review, to hear tax appeals for the year 2015 and all previous years, composed of three City residents appointed by the City Manager and approved by Council. The City Manager has appointed the following three City residents to serve on the Income Tax Board of Review for a period of three years: John Clements, Mike Davis, and _____.

SECTION 2: Council hereby approves of John Clements, Mike Davis and _____ being appointed by the City Manager to the Income Tax Board of Review to serve for a period of three years.

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)