



Agenda

Oxford City Council

Court House

TUESDAY, NOVEMBER 18, 2008

EXECUTIVE SESSION

7:00 P.M.

1. Roll Call. Prudence Z. Dana, Mayor; Ken Bogard, Vice-Mayor; Doug Ross; Kate Currie; Alysia Fischer; Richard Keebler; Greig Rutherford

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

- A. Proclamation - 'Human Rights and Social Justice Days' pg.6



Proclamation

- B. Presentation - Campus Crest Development - Joel Bartis

- C. Appointments to Boards and Commissions

- D. Public Comments

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

4. Consent Agenda.

- A. Minutes of the November 4, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council) pg.7



Minutes

- B. Report regarding the November 5, 2008 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director) Clerk of Council) pg.18



HAPC Report

- C. A Resolution authorizing the City Manager to submit to Butler County the following eligible project (s) designated as the City's portion of the 2009 Community Development Block Grant (CDBG) program. (Mike Dreisbach, Service Director) 22



Staff Report/Resolution

- D. A Resolution authorizing the City Manager to enter into an agreement with Rawdon Myers, Inc. for control improvements to the Water Treatment Plant at a cost of \$138,000.00 plus an 8.7% contingency in the amount of \$12,000.00 for a total amount not to exceed \$150,000.00. (Mike Dreisbach, Service Director) pg.24



Staff Report/Resolution

5. Resolutions. Pg.26

- A. A Resolution authorizing the Engineering Division of the City of Oxford to perform traffic engineering studies on state and/or federal routes within the City, and to authorize the City Manager to petition the director of the Ohio Department of Transportation for changes to said speed limits within the corporate limits of Oxford as dictated by the engineering studies. (Mike Dreisbach, Service Director)



Staff Report/Resolution

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

A. First Reading.

1. An Ordinance Accepting The Planning Commission's Recommendation To Deny A Zoning Map Amendment For Property Located At 22 North College Avenue, Oxford, Ohio Rezoning The Property From RO (Office Residential) District To UP (Uptown) District. (Jung-Han Chen, Community Development Director)_(Tabled).pg.28



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Repealing Oxford Code Of Ordinances Section 303.08 And Adopting New Oxford Code Of Ordinances Section 303.08; Titled "Impounding And Booting Of Vehicles; Redemption". (Steve Schwein, Police Chief) __pg.46



Staff Report/Ordinance

2. An Ordinance Amending Oxford Code Of Ordinances Chapter 311, Street Obstructions And Special Uses, To Add New Section 311.05, Storage Units. (Steve Schwein, Police Chief) _pg.51



Staff Report/Ordinance

3. An Ordinance Repealing Oxford Code Of Ordinances Section 351.06 And Adopting New Oxford Code Of Ordinances Section 351.06; Titled "Selling, Washing, Or Repairing Vehicle Upon Roadway Or On Private Property Open To Public Travel". (Steve Schwein, Police Chief).pg.53



Staff Report/Ordinance

4. An Ordinance Repealing Oxford Code Of Ordinances Section 351.13 And Adopting New Oxford Code Of Ordinances Section 351.13; Titled "Parking In Excess Of 72 Hours Prohibited". (Steve Schwein, Police Chief).pg.55



Staff Report/Ordinance

5. An Ordinance Approving The Planning Commission's Recommendation For Preliminary Approval Of The Campus Commons Subdivision With Conditions. (Jung-Han Chen, Community Development Director).pg.57



Staff Report/Ordinance

6. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For Property Located At 5445 College Corner Pike, Oxford Ohio And Rezoning The Property From R3 (Multi-Family Residential).

District To GB (General Business) District. (Jung-Han Chen, Community Development Director)_pg.106



Staff Report/Ordinance

7.An Ordinance Repealing Zoning Code Section 1139, Variances, And Adopting New Section 1139, Variances. (Jung-Han Chen, Community Development Director) (Tabled)_pg.125



Staff Report/Ordinance

8.An Ordinance Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)_pg.133



Staff Report/Ordinance

9.An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2009. (Joe Newlin, Finance Director)_pg.138



Staff Report/Ordinance

10.An Ordinance Adopting Fees And Charges For Fiscal Year 2009. (Joe Newlin, Finance Director)_pg.146



Staff Report/Ordinance

11.An Ordinance Establishing Salaries And Certain Benefits For Salaried And Hourly Full-Time And Part-Time Employees Within The Service Of The City Of Oxford, Ohio, Paid From January 1, 2009 Through December 31, 2009. (Donna Heck, Human Resources Director)_pg.163



Staff Report/Ordinance

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

A. Announcements. 1. Remarks from City Council and City staff.

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

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

THUR - Nov 20 Recreation Board Meeting 4:00 p.m. Senior Citizens Center

FRI - Nov 21 Community Improvement Corporation Meeting 12:00 p.m. LCNB 2nd Floor Community Room

FRI - Nov 21 Student Community Relations Commission Meeting 12:00 p.m. Lane Library Reading Room

TUES - Nov 25 Environmental Commission Meeting 7:00 p.m. Municipal Building
2nd Floor Conference Room

WED - Nov 26 Civil Service Commission Meeting 7:00 p.m.

THUR - Nov 27 Holiday - City Offices Closed

FRI - Nov 28 Holiday - City Offices Closed

TUES - Dec 2 City Council Meeting 7:30 p.m.

WED - Dec 3 Historic and Architectural Preservation Commission Meeting 7:30 p.m.

THUR - Dec 4 Finance Commission Meeting 5:30 p.m. Municipal Building 2nd Floor
Conference Room

TUES - Dec 9 Records Commission Meeting 5:30 p.m. Municipal Building 2nd Floor
Conference Room

TUES - Dec 9 Planning Commission Meeting 7:30 p.m.

THUR - Dec 11 Recreation and Tri Board Joint Meeting 12:00 p.m. LCNB 2nd Floor
Community Room

THUR - Dec 11 Police Advisory Board 7:00 p.m. Senior Citizens Center

MON - Dec 15 Housing Advisory Commission 7:00 p.m. Municipal Building 2nd Floor
Conference Room

TUES - Dec 16 City Council Meeting 7:30 p.m.

WED - Dec 17 Board of Zoning Appeals Meeting 7:30 p.m.

FRI - Dec 19 Community Improvement Corporation Meeting 12:00 p.m. LCNB 2nd
Floor Community Room

WED - Dec 24 Environmental Commission Meeting 7:00 p.m. Municipal Building 2nd
Floor Conference Room

WED - Dec 24 Civil Service Commission Meeting 7:00 p.m.

THUR - Dec 25 Holiday - City Office Closed

FRI - Dec 26 Holiday - City Offices Closed

8. Adjourn

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department Council Meeting

Of: November 4, 2008

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

October 27, 2008

Date Prepared

Agenda Title: An Ordinance Establishing Salaries And Certain Benefits For Salaried and Hourly Full-Time And Part-Time Employees Within The Service Of The City Of Oxford, Ohio, Paid From January 1, 2009 Through December 31, 2009.

Recommendation: Approve.

Discussion: Additions/corrections are noted in bold and items to be eliminated/changed are indicated by strikeout. The changes/additions were discussed at the PIP Work Session.

The Police Department includes the third Lieutenant position which will stay in place until the Assistant to the Chief for Parking and Transportation is created and filled. At that time, the number will revert back to two Lieutenants. The Police Department has also applied for the Weed & Seed Grant. If awarded, the department will hire another Police Officer. The numbers, however, will not increase as a position was previously approved but not budgeted.

The Cost of Living Adjustment (COLA) has increased a half percent from 3.0% to 3.5% for employees not covered by a collective bargaining agreement.

The Assistant Fire Chief has been struck from the part-time position and included as a full-time position. Part-time/other Firefighters rate of pay has increased from \$12.00 to \$13.00 per hour; Fire Division Captains will receive \$14.00 per hour; Fire Division Lieutenants will receive \$13.50 per hour; Life Squad Members rate of pay has increased from \$12.00 to \$14.50/12-hr shift - one run; \$24.00 to \$29.00/24-hr shift - two runs; \$12.00 to \$14.50/addt'l hr spent on scene; and \$12.00 to \$14.50/meeting.

The Deputy Service Director has been added as a Supervisory Employee.

The Laborer positions rate of pay has increased from \$9.00 to \$12.00 per hour.

The Retirement Incentive for Department Heads has been removed.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

DGH/MAC \ 10/27/08

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING SALARIES AND CERTAIN BENEFITS FOR SALARIED AND HOURLY FULL-TIME AND PART-TIME EMPLOYEES WITHIN THE SERVICE OF THE CITY OF OXFORD, OHIO, PAID FROM JANUARY 1, 2008 9 THROUGH DECEMBER 31, 2008 9.

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

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

<i>POSITION TITLE</i>	<i>AUTHORIZATION</i>		
	<u><i>TYPE</i></u>	<u><i># OF EMPLOYEES</i></u>	<u><i>PAY BAND</i></u>
<i>OFFICE OF THE CITY MANAGER</i>			
City Manager	(NC)	(1)	By Contract
Assistant to the City Manager	(NC)	(1)	5
Human Resources Director/Clerk of Council	(NC)	(1)	7
Deputy Clerk of Council	(NC)	(1)	3
<i>ECONOMIC DEVELOPMENT DEPARTMENT</i>			
Economic Development Director	(NC)	(1)	7
<i>FINANCE DEPARTMENT</i>			
Finance Director	(NC)	(1)	By Contract
Accounting Manager	(C)	(1)	6
Utility Billing and Collections Supervisor	(C)	(1)	6
Payroll and Benefits Specialist	(C)	(1)	5
Utility Collections Specialist II	(C)	(1)	4
Utility Collection Spec. I.	(C)	(1)	2
Accounting Specialist	(C)	(1)	4
Accounting Assistant	(C)	(1)	2
<i>LAW DEPARTMENT</i>			
Law Director	(NC)	(1)	By Contract

PARKS & RECREATION DEPARTMENT

Parks & Recreation Director	(NC)	(1)	7
Recreation Programs Supervisor	(C)	(1)	5
Sports Activities Supervisor	(C)	(1)	5
Office Manager	(NC)	(1)	5
Receptionist	(C)	(1)	1
Custodian	(NC)	(1)	1
Recreation Programs Coordinator	(C)	(1)	3
Sports Coordinator	(C)	(1)	3

COMMUNITY DEVELOPMENT DEPARTMENT

Community Development Director	(NC)	(1)	7
Planner	(C)	(1)	6
Admin. Asst. to Director (Tech)	(NC)	(1)	5
Administrative Assistant II	(NC)	(2)	3

SAFETY DEPARTMENT - FIRE DIVISION

Fire Chief/Inspector	(NC)	(1)	7
Assistant Chief/Inspector	(NC)	(1)	6
Administrative Assistant II	(NC)	(1)	3

SAFETY DEPARTMENT - POLICE DIVISION

Police Chief	(NC)	(1)	7
Police Lieutenant	(C)	(3) *	By Contract
Police Sergeant	(C)	(6)	By Contract
Police Officer	(C)	(19)	By Contract
Public Safety Assistant	(C)	(3)	By Contract
Police Records Specialist	(C)	(1)	By Contract
Public Safety Communications Officer	(C)	(9)	By Contract
Office Manager	(NC)	(1)	5
Assistant to the Chief (Tech)	(NC)	(1)	5
Properties Custodian	(C)	(1)	1
Parking Clerk	(NC)	(1)	

SERVICE DEPARTMENT

Service Director	(NC)	(1)	7
Deputy Director	(C)	(1)	6
Environmental Specialist	(C)	(1)	5
Administrative Assistant III	(NC)	(1)	4
Custodian	(NC)	(1)	1

***Temporary increase to 3 Lieutenants.**

ENGINEERING DIVISION

City Engineer	(C)	(1)	6
Engineer	(C)	(1) *	6
*authorized - not budgeted			
Engineer-in-training (EIT)	(C)	(1)	5
Engineering Aide	(C)	(1)	4

STREETS AND MAINTENANCE DIVISION

Streets and Maintenance Manager	(C)	(1)	6
Equipment Mechanic	(C)	(2) *	5
*authorized for two - budgeted for one			
Parks Maintenance Supervisor	(C)	(1)	5
Administrative Assistant I	(C)	(1)	3
Service Workers		(10)	

WASTEWATER DIVISION

Collection

Wastewater Collection Manager	(C)	(1)	6
Service Workers		(4)	

Plant

Wastewater Plant Manager	(C)	(1)	6
WWTP Laboratory Technician	(C)	(1)	3
Plant Mechanic II	(C)	(1)	4
Plant Mechanic I	(C)	(1)	3
Service Worker I	(NC)	(1)	1
WWTP Operators		(3)	

WATER DIVISION

Distribution

Water Distribution Manager	(C)	(1)	6
Service Workers		(4)	

Plant

Water Plant Manager	(C)	(1)	6
Utility Maintenance Technician	(C)	(1)	2
Utility Meter Reader	(NC)	(1)	1
Water Plant Operators		(2)	

TOTAL Full-Time Authorized Strength: 121 (#123 authorized-not budgeted)

NC = Non-Classified Employee
C = Classified Employee

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

- A.** Adoption of this ordinance reflects a ~~3.0%~~ **3.5%** (COLA) increase of all employees not covered by a collective bargaining agreement. The Finance Director, Law Director and City Manager shall also receive the same increase to their current base salaries.
- B.** The City Manager, except as otherwise provided in the charter, is authorized to establish the starting salary not to exceed the position's market midpoint.
- C.** The City Manager is hereby authorized to increase an employee's salary not to exceed 5.0% within the same position per calendar year.
- D.** The City Manager is hereby authorized to increase an employee's salary not to exceed the market midpoint of the new position when a promotion occurs where an employee moves to a higher job classification.
- E.** Employees who are below market midpoint will receive an additional 3% annual increase for 200~~8~~ **9** provided they have a satisfactory performance evaluation.

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

<i>POSITION TITLE</i>	<i>AUTHORIZATION</i>	<i>PAY</i>
	<i># OF</i>	
	<i>EMPLOYEES</i>	<i>RATE</i>
<i>ADMINISTRATION</i>		
Receptionist	1	\$14.00/hr
<i>FINANCE DEPARTMENT</i>		
Accounting Assistant	1	\$14.00/hr
<i>PARKS & RECREATION DEPARTMENT</i>		
Park/Recreation Technician	5	\$11.00/hour
Program/Facility Coordinator	3	\$14.00/hour
<i>SERVICE DEPARTMENT</i>		
Laborers	4	\$9.00 /12.00/hour
Streets & Maintenance Division		
Wastewater Collection		
Water Plant Operators	2	\$20.2528/hour
<i>SAFETY DEPARTMENT - FIRE DIVISION</i>		
Assistant Fire Chief	1	\$3,162/yr
Part-Time Firefighters	15	\$12 \$13/hr-meeting
All Other Firefighters	24	\$12 \$13/hr-meeting
Fire Division Captains	3	\$14/HR+\$650/yr (addt'l)
Fire Division Lieutenants	3	\$13.50/hr+\$350/yr (addt'l pay)
Life Squad Members	40	\$12 \$14.50/12-hr shift One run \$24 \$29/24-hr shift 2 runs \$12 \$14.50/addt'l hr spent On scene \$12 \$14.50/meeting
<i>SAFETY DEPARTMENT - POLICE DIVISION</i>		
Police Officer	6	contract base pay
Public Safety Assistant	3	contract base pay
Public Safety Communications Officer	4	contract base pay
Parking Interns	8*	\$14.00/hr *Reimbursed
TOTAL Part-Time Authorized Strength: 123 122		
<i>CITY-WIDE</i>		
Intern/Temporary Part-time		\$14.00/hour

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

<i>POSITION TITLE</i>	<i>AUTHORIZATION</i> <i># OF</i> <i><u>EMPLOYEES</u></i>	<i>PAY</i> <i><u>RATE</u></i>
<i>PARKS & RECREATION DEPARTMENT</i>		
Park/Recreation Technician	36	\$11.00/hour
Program/Facility Coordinator	3	\$14.00/hour
<i>SERVICE DEPARTMENT</i>		
<i>STREET DIVISION</i>		
Laborer	7	\$9.00 \$12.00/hour
<i>WASTEWATER DIVISION</i>		
<i><u>Plant</u></i>		
Laborer	1	\$9.00 \$12.00/hour
<i><u>Collections</u></i>		
Laborer	1	\$9.00 \$12.00/hour
<i>WATER DIVISION</i>		
<i><u>Plant</u></i>		
Laborer	1	\$9.00 \$12.00/hour

TOTAL Seasonal Part-Time Authorized Strength: 49

SECTION 5: Department Heads and Supervisory Employees.

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

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

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

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

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

- D. **Other Benefits and Provisions.** Except as superseded by the provisions of this section, department heads and supervisory employees shall be entitled to all other benefits and provisions of this ordinance applicable to full-time employees of the City of Oxford.
- E. **Sick Leave.** The Police Chief shall receive a bonus of \$310 per calendar quarter if he uses no sick leave during that quarter. If the Police Chief uses no sick leave for the calendar year, he shall receive an additional \$360. The bonus payment shall be issued at the end of each calendar quarter.
- F. ~~**Retirement Incentive.** The City shall pay seven and one half percent (7 1/2%) of the final calendar year's base salary to any department head who declares not less than fifteen (15) months prior to the retirement date their intention to retire.~~

SECTION 6: General Provisions

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

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

D. **Firefighters.** Firefighters are paid according to the schedule in Section 3 hereof of part-time employees. A firefighter may receive a supplement equal to one-half their ordinary job wage if their employer does not continue pay while they are away from work attending to a fire.

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

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

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

SECTION 7: Employee Benefits

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

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

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

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

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

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

repaying at the same rate as the pay-off. Such repayment may be in cash, by payroll deduction or use of newly accumulated vacation time.

- E. Funeral Leave.** Full-time employees will be permitted to use up to three (3) days funeral leave per calendar year for such time as may be reasonably needed for the purpose of attending the funeral of a member of their immediate family. After exhausting this annual allowance, an employee will be permitted to use up to three (3) days of sick leave as may be reasonably needed for the purpose of attending the funeral of a member of their immediate family. In no case shall an employee use more than a combined total of three (3) days funeral and/or sick leave for a single funeral. Immediate family shall be construed to mean spouse, child, parent, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, grandparent, spouse's grandparent or grandchild. Leave of absence without pay is allowed for other funerals when approved by the employee's supervisor.
- F. Payment of Health Insurance Premiums.** For each full-time, employee (forty hours per week) and Law Director who participates in the City group medical insurance programs, the City will pay eight hundred fifty dollars (\$850.00) per month per employee during the effective period of this Ordinance for health/medical insurance, major medical, prescription insurance, dental insurance and vision care insurance. The Employee will pay \$12.87 for single coverage and \$29.61 for family coverage, each pay period, with deductions being made from gross pay before taxes resulting in the cost being reduced to \$9.27 for single and \$21.32 for family.
- G. Holiday Schedule.** There shall be fourteen (14) paid holidays for full-time employees as follows:

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

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

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

Employees called to work on a designated holiday (to perform a special project or emergency repair) may receive pay in the amount equal to one and one-half (1-1/2) times the employee's base hourly rate of pay for all hours actually worked on the holiday in addition to the eight hours straight time pay for the holiday at the discretion of the City Manager.

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

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

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

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

J. Longevity Bonus Pay. Longevity Bonus Pay will only be paid to eligible employees who accrue the required years of service on or before December 31, 2008 ~~9~~ and are full-time employees of the City on or before December 31, 2008 ~~9~~. To be eligible for Longevity Bonus Pay an employee must meet both requirements.

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

Full-time employees who leave the City's employment and are eligible to receive longevity pay based on the anniversary date in 2008 ~~9~~ shall be given the appropriate longevity payment with final pay. All other eligible employees will receive Longevity Bonus pay in November 2008 ~~9~~. All eligible full-time employees shall be paid in accordance with the following schedule. Contract employees shall be paid according to the appropriate contracts. The Chief of Police shall be paid longevity according to the current schedule in the Police Supervisors' contract.

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

K. Vacation. An employee shall accrue vacation monthly at the following rate unless otherwise covered by a collective bargaining unit (except a first year employee who shall receive the employee's vacation accrual after the completion of the twelfth month):

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

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

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

SECTION 8: Disability Income Continuation Benefit

Each full-time employee of the City of Oxford, who is disabled to the extent that the employee cannot perform regular duties as a result of injuries sustained in an identifiable incident while in the course of public employment with the City, not through the employee's own negligence, shall after exhaustion of the employee's accumulated sick leave, continue to receive, for a period not to exceed one calendar year from the date of sick leave exhaustion, an amount of compensation equivalent to the employee's full salary less any and all funds received from all public or private agencies by way of pension, compensation or indemnity for such disability. The employee shall make application for "Temporary Total" disability compensation under Workers' Compensation law of Ohio.

Provided that where the disability is of a type or nature which will prevent the employee from returning to municipal employment, the employee shall apply for such available benefits of said funds or money that may accrue to the employee and be payable from the Public Employees Retirement System or Police and Fire Pension Fund. Provided further, that in the case of firefighters, the initial determination and recommendation of compensation shall be made by the Firefighters Dependents Board. The City Manager shall cause the employee to be examined, by a physician of the City's choice, to determine the extent of the disability and may require subsequent examinations during the period of disability.

SECTION 9: Applicability

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

SECTION 10: Repeal of Conflicting Ordinances

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

SECTION 11: This Ordinance shall take effect at the earliest time allowed by law.

ADOPTED: _____

MAYOR

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

ATTACHMENT A
CITY OF OXFORD OHIO
PAY BANDS (2009)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
PAY BAND 7		
Annual	\$56,462.00	\$91,297.00
Hourly	\$27.1451	\$43.8929
PAY BAND 6		
Annual	\$43,912.00	\$70,139.00
Hourly	\$21.1115	\$33.7206
PAY BAND 5		
Annual	\$37,624.00	\$57,027.00
Hourly	\$18.0884	\$27.4168
PAY BAND 4		
Annual	\$33,067.00	\$50,059.00
Hourly	\$15.8975	\$24.0668
PAY BAND 3		
Annual	\$29,961.00	\$45,430.00
Hourly	\$14.4043	\$21.8413
PAY BAND 2		
Annual	\$28,028.00	\$42,473.00
Hourly	\$13.4750	\$20.4197
PAY BAND 1		
Annual	\$25,329.00	\$38,361.00
Hourly	\$12.1774	\$18.4427

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 11/18/08

Account Code No. #: NA

Joe Newlin
Prepared By

Budgeted Amount: NA

11/14/08
Date Prepared

Agenda Title: 2009 Fee ordinance

Recommendation: Approve

Discussion:

This memo explains the modifications to the current city code as reflected in the accompanying fee ordinance. Additions, changes, or deletions in the ordinance are shown as follows:

- Additions are in bold
- Deletions are in strikeout type
- Fees not changed are in normal type

Department heads have provided explanations for fee proposals. Additional questions regarding the basis for fees may be more fully explained by the applicable department head.

Approved By:

Department Head:
City Manager:

Initial Date

11/14/08
11/14/08

PARKS & RECREATION DEPARTMENT FEES

Most increases are for sessions, monthly or yearly registrations at a \$5.00 increase.

Preschool and summer playground are successful programs which are adjusted slightly.

Athletic field rental has not been increased since we opened the OCP, therefore we are adjusting rates at a \$5.00 increase to adjust to higher operating costs.

Municipal pool rates and rentals have increased \$5.00 to adjust for higher operating costs.

The Senior Citizen Building rental rate has increased accordingly to reflect higher operating costs and building improvements.

We have not increased drop in fees or daily fees, as these are appropriate.

COMMUNITY DEVELOPMENT DEPARTMENT FEES

Reverted back to original.

POLICE DEPARTMENT FEES

Increasing the Impound/Immobilization fee for the 2nd, 3rd, 4th, etc. tow/immobilization in a calendar year.

Adding the Alcohol Offense Diversion Program fee to account for the contributions for the diversion program.

FIRE DEPARTMENT FEES

Medicare released the 2009 Ambulance inflation factor and will be increasing the allowable payment by 5% starting January 1, 2009. MED3000, our billing company, recommends that we increase our charges by the 5% to stay up with this inflation increase.

SERVICE DEPARTMENT FEES

The increase in fees within the Service Department is due primarily to inflation and increased energy costs.

Water rates, including water and sewer capacity benefit charges, are increasing 2.5%.

Refuse rates are by contract with Rumpke Waste, all solid waste fees will increase 5% for 2009 (excluding "one-time additional pick-up and yard waste stickers that will remain the same).

ORDINANCE NO.

ORDINANCE ADOPTING FEES AND CHARGES FOR FISCAL YEAR 2009

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

SECTION 1: The City Manager recommends the Council adopt fees for 2009 as itemized below.

A. RECREATION DEPARTMENT (A resident lives or works in the City of Oxford.)

	<u>\$ Amount</u> <u>Residents</u>	<u>\$ Amount</u> <u>Non-residents</u>
<u>1) FITNESS</u>		
Drop-in-fees	3.50	4.00
Aerobics per class	3.00	3.25
 <u>2)WEIGHT ROOM FEES</u>		
Adults		
1 Year	85.00 90.00	90.00 95.00
6 Months	70.00 75.00	75.00 80.00
3 Months	60.00 65.00	65.00 70.00
Drop-ins	3.50	4.00
 High School		
1 Year	50.00 55.00	55.00 60.00
6 Months	40.00 45.00	45.00 50.00
3 Months	35.00 40.00	40.00 45.00
Drop-ins	3.50	4.00
 <u>3) PRESCHOOL</u> (per week)		
Mon/Wed/Fri	31.00 32.00	33.00 34.00
Tues/Thurs	22.00 23.00	24.00 25.00
 <u>5) PLAYGROUND</u> 10 WKS.		
Daily	25.00	27.00
each additional child in family	23.00	25.00
Weekly	81.00 85.00	85.00 90.00
each additional child in family	76.00 80.00	80.00 85.00

6) DAY CAMPS

Half-day:

Pre-school camps	57.00	60.00	62.00	65.00
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7) YOUTH SPORTS LEAGUES

Basketball (11 wks)

Instructional League	41.00	45.00	45.00	50.00
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Competitive League	66.00	70.00	70.00	75.00
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8) ADULT SPORTS LEAGUES

Adult softball	400.00
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Tournament	110.00
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9) RENTAL FEES

Municipal pool

Pool rental, per hour	45.00	50.00	50.00	55.00
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(minimum 2 hours)

Guard fee, per hour	9.50	10.00	10.00	12.00
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Athletic Field Rental Fees

Per game, per field (rental)	20.00	25.00	25.00	30.00
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Per game, per field (prep)	25.00	30.00	30.00	35.00
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Per hour, per field (lights)	25.00	30.00	30.00	35.00
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Per day, per field (Rental)	100.00	110.00	150.00	160.00
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Community Park Gazebo Rental	25.00	30.00
(Minimum 2 hours)		

10) MUNICIPAL POOL

Season pool passes

Family (5 or less)	115.00	120.00	120.00	125.00
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Family (6 or less)	120.00	125.00	125.00	130.00
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Adult	85.00	90.00	90.00	95.00
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High School	65.00	70.00	70.00	75.00
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Child over 3 years	60.00	65.00	65.00	70.00
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General admission

Adult	4.00	4.00
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High School	3.75	3.75
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Child over 3 years	2.75	2.75
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Swimming lessons

Parent/toddler (6 mo. - 5 yr.)	32.00	35.00
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Swimming lessons (continued)

Skill Level I and II	34.00	36.00
Skill Level III thru IV	37.00	39.00

11) <u>SENIOR CITIZEN CENTER RENTAL</u>	30 50/hr one room
(minimum 2 hour rental)	35 60/hr two rooms
	40 70/hr three rooms
	Plus \$1 per person deposit

Special events and specialty class fees are established to cover the direct cost of each class/activity offered.

B. PLANNING COMMUNITY DEVELOPMENT DEPARTMENT**1) ADMINISTRATIVE ZONING REVIEW**

Building Accessory, Minor Improvements	15.00
One or Two-Family Residential	25.00
Three-Family or more Residential	50.00
Commercial	50.00
Sidewalk Use Permit	50.00
Signs (per sign)	25.00 per sign
Signs in conjunction with building application	10.00 per sign
Face changes of signs	no fee

2) BOARD OR COMMISSION REVIEW**GENERAL FEES FOR ALL BOARDS AND COMMISSIONS**

Significant changes to original application
may be subject to new fees as determined by the Community
Development Director at a cost not to exceed original application.
(Revisions beyond the 3rd submittal, requiring planning or
engineering review, will be charged a re-review fee per review.) 30.00

PLANNING COMMISSION

Additional Use Special Use and Conditional Use Permits	400.00
Alternate Landscaping Plan	25.00
Annexation	
100% owner petition	300.00 plus 1.00 per acre
Others	300.00 plus 3.00 per acre
Conceptual Review	No fee
Lot Changes	
Subdivision Development	
Preliminary	400.00 plus 10.00 per lot
Final	400.00 plus 10.00 per lot
Planned Development	
Preliminary	400.00 plus 100.00 per acre
Final	400.00 plus 100.00 per acre
Lot Consolidation	20.00

Lot Split	20.00
Zoning Amendments	
Code (per topic)	150.00
Map	150.00
All other for Planning Commission	
Review at public meeting only	25.00
Requiring one or more legal notices	100.00

HISTORIC & ARCHITECTURAL PRESERVATION COMMISSION

Certificate of Appropriateness	30.00
Sketch Review	No fee

BOARD OF ZONING APPEALS

Variance Petition	150.00
Appeal of Administrator's Decision	50.00
Appeal of HAPC Decision	100.00

3) DOCUMENTS, MAPS, & OTHER MATERIALS At Cost

C. INSPECTIONS

1) One, Two, and Three-Family Dwellings and Accessory Buildings (OBOA - Ohio Building Officials Association)

a. New Construction

Building	25.00 plus 10.00 per 100 square feet of gross floor area.
Mechanical	25.00 plus 4.00 per 100 square feet of gross floor area.
Electrical	25.00 plus 3.00 per 100 square feet of gross floor area.

b. Miscellaneous

Accessory Buildings	
0-600 square feet	40.00 per structure
601 + square feet	7.00 per 100 square feet
Furnace installation/replacement	30.00
Central air condition installation/replacement	30.00
Combination furnace/central air Installation/replacement	60.00
Minor Electric	30.00
Demolition	50.00
Alterations/Remodeling/Fire Repair	
0-600 square feet	40.00
601 + square feet	10.00 per 100 square feet
Partial permits (where granted)	50.00
Temporary Certificate of Occupancy	40.00
Swimming Pool	
In-ground	90.00
Above ground	40.00

2. Commercial and Residential Buildings (Ohio Basic Building Code)
Commercial and residential

a. New Construction

Building	120.00 plus 7.00 per 100 square feet of gross floor area, including accessory buildings
Mechanical	100.00 plus 3.00 per 100 square feet of gross floor area, including accessory buildings
Electrical	150.00 plus 2.50 per 100 square feet of gross floor area, including accessory buildings
Alterations/Remodeling/Fire Repair	80.00 plus 3.00 per 100 square feet
Fire Suppression Systems	150.00 plus 3.20 per 100 square feet of gross floor area.
Hood Suppression Systems	100.00
Hood System	80.00
Fire Alarm System	100.00 plus 1.00 per 100 square feet of gross floor area
Minor Electric	80.00
Second and Subsequent plan review	75.00 per hour

b. Miscellaneous

Demolition	80.00
Furnace/AC Replacement	80.00
Partial Permit (where granted)	100.00
Temporary Certificate of Occupancy	80.00

OBBC Surcharge

Applications covered by the OBBC will be assessed an additional 3% surcharge fee as mandated by Ohio Administrative Code Section 4101:2-1-50(b).

3. Other Fees

(Applies to both OBOA and OBBC buildings unless otherwise noted.)

Moving or relocating buildings	250.00
Building Permit Renewal	50.00
Electric Service Upgrade	35.00
Temporary Pole	30.00
Change of Building Plans (after approval)	50.00 plus cost of plan review
Fuel Storage Tank (per tank)	25.00
Sidewalk-Curb-Gutter Permit	25.00
Certificate of Use and Occupancy (not associated with building permit)	80.00
Awnings, tents	25.00
Signs	50.00
Fences	20.00
Reinspection Fee	30.00

Backflow Prevention Permit	25.00
Work without a permit	Greater of \$200.00 or twice the cost of the permit fee
(Starting construction without a permit)	
Gas Line (per meter)	30.00
Re-review fee (charge for Re-review of building/ Site plans for 3 rd Revision or beyond)	30.00
4. <u>Removal of structure prior to receipt of Certificate of Appropriateness</u>	50% of estimated demolition cost for each day after notification until a plan for reuse of property and a bond is filed.

5. Rental Housing Permits

Initial Establishment (or if inactive for 2 years or more)	
First unit	100.00
Each additional unit	25.00
Fraternity	300.00 for first 50 persons, 10.00 for each additional person
Annual Renewal & Ownership Transfer	
First unit	50.00
Each additional unit	25.00
Rooming house or lodging house	100.00
Fraternity	300.00 for first 50 persons, 10.00 for each additional person
Re-inspection (charge for a second site visit to re-inspection and each subsequent re-inspection. This charge also applies to additional site visits due to "no show" by agent/owner/designee)	
First unit	75.00
Each additional unit	10.00
Rooming house or lodging house	75.00
Fraternity	75.00
Board of Appeal Application	150.00

D. POLICE DEPARTMENT

Fingerprinting	15.00
Records Checks	15.00
Alarm User Permit Fees	
New Residential	20.00 annually
New Commercial/Industrial	25.00 annually
Renewal	10.00 annually
False Alarm Fees	
Residential, Commercial & Industrial	
1 to 2 Annually	No charge
Residential	
3 or more	50.00 per occurrence

False Alarm Fees (continued)

Commercial/Industrial

3 to 4 Annually	50.00 per occurrence
4 to 5 Annually	100.00 per occurrence
6 to 8 Annually	200.00 per occurrence
8 or more	400.00 per occurrence
Accident, crime, other reports	Under 20 pages, no charge 21 or more pages, 0.05 per page
Purchase Meter time, Fee for Special Event (Meter Bags)	5.00 per meter per day

Signs: "No Parking by Order of
the Oxford P.D."

0.25 per sign

Impound/Immobilization Fees

100.00 1st offense
200.00 2nd offense
300.00 3rd and all subsequent for
the first day or any part
thereof
12.00 each subsequent day or any
part thereof
20.00 each subsequent day or any
part thereof for vehicles
covered or stored within a
building

Towing Charges

100.00 1st offense
200.00 2nd offense
300.00 3rd offense plus any
additional charges for services
requiring specialized equipment
or extra personnel

Parking

Street side hourly meters	0.25 per hour
Parking garage meters	0.50 per hour
10 hour meters	0.50 for two hours
Monthly garage lease	55.00 per space

Parking Collection Fees

Retrieval of vehicle record	1.95 per look up
Citations collection fee	27.00% of unpaid fine

Alcohol Offense Diversion Program

900.00

E. FIRE/EMS DEPARTMENT

EMS Runs	BLS-E	500.00 525.00 per run
	ALS-1 E	725.00 761.25 per run
	ALS-2 E	900.00 945.00 per run
EMS Mileage Rate		12.00 12.60 per loaded mile

F. SERVICE DEPARTMENT

1) Water service

Temporary meter deposit (hydrant connection)

5/8 Inch 500.00

2 Inch 1600.00

Daily set-up and removal of device 100.00

Cost of water by volume ~~3.11~~ **3.20** per 100 cubic feet

Temporary Water Service through
an approved meter pit device prior
to meter installation:

5/8 x 3/4"	50.00	63.75
1"	130.00	165.75
1 1/2"	260.00	331.50
2"	420.00	535.50
3"	840.00	1,071.00
4"	1310.00	1,670.25
6"	2625.00	3,347.00

Bulk Water Service ~~3.11~~ **3.20** per 100 cubic feet;
requires new account fee for
service. Sanitary fees in
effect for water entering the
Sanitary system. Service
available under authority of
Service Director or his/her
designee.

Account Initiation Fee 50.00 (50% Water, 50% Sewer)

Water rates

Volume charge per 100 cu feet ~~2.31~~ **2.37**

Base monthly charge Meter size

(inch): 3/4 or smaller ~~8.41~~ **8.64**

1 ~~14.00~~ **14.39**

1 & 1/2 ~~28.00~~ **28.77**

2 ~~44.82~~ **46.05**

3 ~~84.03~~ **86.34**

4 ~~140.07~~ **143.92**

6 ~~280.13~~ **287.83**

Outside city limits 35% added to amounts above

Late fee 10%

Reconnection fee following
service termination 10.00 when past due payment is
received before 3:00 PM.
50.00 after 3:00 PM and for
weekends/holidays
reconnection

Irrigation meter 50.00

Tap-in fees

Based on tap size (inch)

1	2,500.00
2	2,845.00
4	3,500.00
6	4,325.00
8	6,525.00

On brick street

Add 30.00/per sq ft of affected area

Outside City Limits

35% added to amounts above

Separate meter pits

time and materials

Meter Vault and Lid (based on meter size)

5/8 & 3/4 (inch) **One** Included in tap fee; **515.00 each additional**

1 **One** Included in tap fee; **515.00 each additional**

2 **One** Included in tap fee; **515.00 each additional**

3" and greater installed by the contractor at developer's expense.

Water Meter Installation including RF remote sending unit.

5/8 & 3/4 (inch) ~~288.48~~ **300.00**

1 ~~287.64~~ **335.00**

1 & 1/2 ~~503.88~~ **580.00**

2 ~~636.48~~ **750.00**

3 ~~1,761.54~~ **2,400.00**

4 ~~2,800.92~~ **3,750.00**

Larger than 4 Cost to the City plus 5% 10% administrative fee.

Water Capacity benefit charges

Meter size (inch):

5/8 & 3/4	1,479.00 1,550.00
1	3,825.00 4,020.00
1 & 1/2	7,701.00 8,090.00
2	12,464.00 13,090.00
3	24,837.00 26,100.00
4	38,760.00 40,700.00
6	77,673.00 81,600.00
8	124,236.00 130,500.00
10	178,959.00 187,900.00

Fifty percent of the required capacity benefit charge will become due for all lots platted at time of recording. The remaining fees will become due with application for a building permit.

Interest rate on past due capacity benefit permits unpaid after 30 days

Highest rate allowable by law

New construction inspection

50.00 (initial inspection)

50.00 (re-inspection of failed work)

New Water Main Chlorination / Disinfection Inspection	150.00
New water main valve operation / And line flushing	150.00
New Water Main Hydrostatic Testing	100.00 per test
New Water Main Bacteria sampling / Testing	150.00 per event (includes outside laboratory fees)
Water main installation inspection / Outside of normal working hours	City cost for inspection expense
Fire Hydrant Flow Testing	100.00 per hydrant test
Damage to City facilities	Repair cost plus 40%

2. Sanitary Sewer service

Sewer rates

Volume charge Per 100 cu feet	3.72
Base monthly fee	3.63
Surcharges	
Excess suspended solids	0.177/lb
Excess biochemical oxygen demand	0.182/lb
Excess oil and grease	0.20/lb
Commercial preparer or server of food	0.10 per 100 cu feet
Sewage Sampling fee	75.00
Late fee	10%

Sewer Capacity benefit charges

Meter size (inch):

5/8 & 3/4	1,479.00	1,550.00
1	3,825.00	4,020.00
1 & 1/2	7,701.00	8,090.00
2	12,464.00	13,090.00
3	24,837.00	26,100.00
4	38,760.00	40,700.00
6	77,673.00	81,600.00
8	124,236.00	130,500.00
10	178,959.00	187,900.00

Fifty percent of the required capacity benefit charge will become due for all lots platted at time of recording. The remaining fees will become due with application for a building permit.

Interest rate on past due capacity benefit permits unpaid after 30 days	Highest rate allowable by law
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New construction and Sanitary	50.00 (initial inspection)
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Lateral repair inspection	50.00 (reinspection of failed work)
	50.00 Inspection of existing sanitary lateral repairs
Sanitary Sewer Cleaning (jet truck)	220.00 280.00 per hour (1 hr. min.)
Sanitary Sewer Main Video Inspection	220.00 280.00 per hour (1 hr. min.)
Sanitary Lateral Video Inspection	220.00 280.00 per hour (1 hr. min.)
Sanitary Sewer Manhole Inspection (vacuum method)	50.00 per manhole
Staff monitoring of private contractor Video inspection	25.00 per hour (1 hr. min.)
Sanitary Sewer Low Pressure Air Test (per City specifications)	25.00 per test section
Sanitary Sewer Main Construction (inspection services beyond normal working hours - overtime expense)	Cost to City of Oxford
Sanitary sewer Lift Station District Surcharge	Charge 35% 50% surcharge to volume fee.
Locating service for private sanitary lateral	175.00 280.00 per hour (1 hr min.)
Damage to City facilities	Repair cost plus 40%
Special Wastewater Discharge Application (tank pumping, V groundwater, etc.)	25.00
Special Wastewater Contaminated Discharge Treatment	11.16 per 100 cubic feet

3. Refuse service

Monthly rate (includes \$~~2.36~~ **2.48** Recycle fee):

Non-Dumpsters	15.74 16.53
Multi-unit dwellings with four or less units	
Dumpsters (Commercial)	
Waste-wheeler customer	19.10 20.06
Two cubic yard dumpster	68.20 71.61
Three cubic yard dumpster	89.97 94.47
Four cubic yard dumpster	114.57 120.30
Six cubic yard dumpster	167.44 175.81
Eight cubic yard dumpster	219.11 230.07
Charge per additional pickup	
Waste-wheeler customer	15.60 16.38

Two cubic yard dumpster	49.40 51.87
Three cubic yard dumpster	67.67 71.05
Four cubic yard dumpster	88.82 93.26
Six cubic yard dumpster	127.46 133.83
Eight cubic yard dumpster	166.11 174.42
Recycle dumpster/wastewheeler pickup	Contract cost to the city
Dumpster rental charge	Contract cost to the city
Late fee	10%
One-time additional pickup permit Stickers	10.00 per Sticker
Yard Waste Stickers	1.50 per Sticker
Compactor Tickets	25.00 28.50 per 1 Cu. Yd.
Portable Toilet Rental and Servicing	Contract cost to city
<u>4. Cable franchise agreement fee</u>	5% of annual gross revenue

5. Miscellaneous

DVD Copies 5.00

G. ENGINEERING DIVISION

1) Design manual fees:

Water and Sanitary Sewer Improvement Specifications	30.00
Storm Water Management Design	20.00
Digital city standard drawings	15.00 per compact disc

2) Map Order

Media:

Bond	8 1/2 x 11	B/W	4.00
Bond	8 1/2 x 11	Color	4.00
Bond	11 x 17	B/W	4.00
Bond	11 x 17	Color	4.50
Bond	24 x 36	B/W	10.00
Bond	24 x 36	Color	11.00
Bond	36 x 48	B/W	18.00
Bond	36 x 48	Color	20.00
Mylar	24 x 36	B/W	12.00
Mylar	24 x 36	Color	14.00
Mylar	36 x 48	B/W	20.00
Mylar	36 x 48	Color	22.00

Blueprints

24 x 36	NA	1.50
36 x 48	NA	3.00

Dry Mounted

24 x 36	NA	10.00 + map fee
36 x 48	NA	22.00 + map fee

Base and Zoning maps

Lots	5.00	plus media cost
Oxford Historic District	1.00	plus media cost
Corporation limits	Free	
Water lines	5.00	plus media cost
Sewer lines	5.00	plus media cost

Base and Zoning maps (continued)

Storm sewer lines	5.00	plus media cost
Zoning	5.00	plus media cost
Proposed development	5.00	plus media cost
Additional use permits	5.00	plus media cost
P.U.D.'s	5.00	plus media cost
Special use permits	5.00	plus media cost
Street index	1.00	plus media cost
Digital base map section	15.00	per diskette

3) Plans and Specifications Sales 20.00 to 500.00
(depending on the size of the project)

4) Document handling/forwarding fee 25.00
to regulating agencies

H. STREET DIVISION

Street cut surface repair Up to 40 sq.ft. - ~~\$72.00~~ 100.00
(or 40 linear ft of curb
totaling less than 40 sq. ft.)
>40 sq.ft. - ~~\$72.00~~ 100.00 +
~~1.80~~ 2.50 per additional sq.ft.

Work without a permit in ROW Greater of \$200.00 or twice
(Starting construction or the cost of the permit fee
without a permit)

Street Tree Permits No charge
Removal of hazardous trees from At cost to city plus 5%
private property Administrative fee

Street Spills Cost of time and materials for
cleanup + ~~5%~~ 10% Administrative
Fee

Right-of-way Requests

Personnel (misc. tasks)	25.00 hr
Event Electrician	100.00 + necessary materials at cost
Road Closures/Detours	100.00 135.00

Event Trash cans	5.00
Street Signs	Cost of labor/materials used + 5% 10% administrative fee
Woodside Cemetery gravesite After 3:30 Monday-Friday And weekends	200.00 Opening and closing Additional 50.00
Street Banner Installation And removal	Single banner 60.00 75.00 Double banner 150.00

I. FINANCE DEPARTMENT

Misc. Copies (Under 20 pages) (21 or more pages)	No charge .10 per Page
Final Annual Budget Document Paper Electronic Any Other Method	No charge 5.00 per DVD/CD At cost to city
Comprehensive Annual Financial Report Paper Electronic Any Other Method	No charge 5.00 per DVD/CD At cost to city
Income tax rate	1.75%
Hotel tax rates: Hotel tax Convention tax	3.00% 3.00%
Motor vehicle license tax	5.00 per motor vehicle
Property tax rate	3.65 mills
Motor Coach or Bus (Each)	25.00 per Year
Taxicab (Each) Minimum fee per company	10.00 per Year 25.00 per Year
Vendor License	50.00 per Calendar Month, or 300.00 per Year
NSF check Fee	30.00 per Check

Collections Fee on Delinquent Accounts

Phase I	10.00 per written off account
Phase II	45.00% of the amount due on accounts more than \$250.00 35.00% of the amount due on accounts less than \$250.00

Dog License	0.75 per Tag (City Share), plus amount charged by County
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SECTION 2: Council hereby accepts the recommendation of the City Manager and authorizes the adoption of the fees as contained herein. Additionally, the Council authorizes the City Manager to implement changes to existing fees or add new fees as deemed appropriate.

SECTION 3: This ordinance repeals ordinance adopted by the City of Oxford, but does not repeal the enabling language of the legislation by which these fees were previously adopted, which language shall otherwise remain in full force and effect.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 11/18/08

Joe Newlin

Account Code No. #: _____

Prepared By

Budgeted Amount: _____

11/14/08

Date Prepared

Agenda Title: 2009 BUDGET

Recommendation: Approve

Discussion:

This ordinance reflects the 2009 Operating and Capital Proposed Budget as presented and discussed with City Council in the work sessions on October 16th and October 21st. The 2009 Original Budget as presented October 21st was changed to reflect the following recommendations as discussed in the Council work session:

General Fund

Council listened to presentations from the following agencies and their funding requests which are included in the budget ordinance:

<u>Agency</u>	<u>Awarded</u>	
Oxford Community Arts Center	\$ 15,000	
Oxford Community Foundation	\$ 36,000	
Oxford Senior Citizens	\$ 18,000	
The Family Resource Center	\$ 35,000	
Oxford College Corner Clinic	\$ 3,000	
Oxford Visitors and Convention Bureau	\$ 55,500	
TOTAL GENERAL FUND COMMUNITY ASSISTANCE		\$162,500

The Family Resource Center will also retain funding for the housing assistance program, the utility assistance program, and the Empower One program for total funding of \$80,000.

Approved By:

Department Head:

City Manager:

Initial Date

[Signature] 11/14/08
[Signature] 11/14/08

General Fund

Funding was added for the salary increases for certifications within the Fire Department for the part time and volunteers based on the level of certification.

Funding was added for the settlement for the Western Knolls land purchase.

Water Fund and Sewer Fund

Funding was added to include the promotion for 2 employees, 1 within the water division and 1 within the sewer division. This is a part of the Career Advancement Program. Funding was also added for part time workers within the water and sewer divisions.

Capital Improvement Fund

A reduction for the bond proceeds for the Police/Court Facilities was made, which therefore reduced the appropriation for the facilities. This was done to account for the transfer to the General Fund for the payment of the settlement for the Western Knolls land purchase.

Adjustment:

An adjustment of \$10,000 was added to reflect increase in transfer from capital improvement fund to general fund for interest expense increasing appropriations in both funds by \$10,000.

ORDINANCE NO.

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF OXFORD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2009.

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

SECTION 1: To provide for the current expenses and expenditures of the City of Oxford during the fiscal year ending December 31, 2009, the following sums be and they are hereby set aside and appropriated as follows:

GENERAL FUND

SECURITY OF PERSONS & PROPERTY

Personnel Services	4,693,754
Other Services & Charges	<u>792,682</u>
Total Appropriation	5,486,436

PUBLIC HEALTH AND WELFARE

Personnel Services	-
Other Services & Charges	<u>179,000</u>
Total Appropriation	179,000

LEISURE TIME ACTIVITIES

Personnel Services	924,678
Other Services & Charges	<u>433,395</u>
Total Appropriation	1,358,073

COMMUNITY ENVIRONMENT

Personnel Services	463,754
Other Services & Charges	<u>360,550</u>
Total Appropriation	824,304

GENERAL GOVERNMENT

Personnel Services	858,557
Other Services & Charges	<u>1,597,283</u>
Total Appropriation	2,455,840

CAPITAL IMPROVEMENTS

Personnel Services	-
Other Services & Charges	<u>6,500</u>
Total Appropriation	6,500

TRANSFERS TO OTHER FUNDS

Personnel Services	-
Other Services & Charges	<u>1,854,398</u>
Total Appropriation	1,854,398

TOTAL GENERAL FUND APPROPRIATIONS

\$ 12,164,551

STREET FUND

Personnel Services	626,732	
Other Services & Charges	<u>177,000</u>	
TOTAL STREET FUND APPROPRIATIONS		\$ 803,732

STATE HIGHWAY IMPROVEMENT FUND

Personnel Services	-	
Other Services & Charges	<u>25,000</u>	
TOTAL STATE HIGHWAY IMPROVEMENT FUND APPROPRIATIONS		\$ 25,000

PARKING FUND

Personnel Services	365,541	
Other Services & Charges	<u>350,231</u>	
TOTAL PARKING FUND APPROPRIATIONS		\$ 715,772

PARKING IMPROVEMENT FUND

Personnel Services	-	
Other Services & Charges	<u>60,000</u>	
TOTAL PARKING IMPROVEMENT FUND APPROPRIATIONS		\$ 60,000

CAPITAL IMPROVEMENT FUNDS

COMMUNITY DEVELOPMENT BLOCK GRANT FUND

Personnel Services	-	
Other Services & Charges	<u>260,000</u>	
TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT FUND APPROPRIATIONS		\$ 260,000

COMMUNITY DEVELOPMENT BLOCK GRANT LOAN FUND

Personnel Services	-	
Other Services & Charges	<u>500,000</u>	
TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT FUND LOAN FUND APPROPRIATIONS		\$ 500,000

CAPITAL EQUIPMENT FUND

Personnel Services	-	
Other Services & Charges	<u>414,576</u>	
TOTAL CAPITAL EQUIPMENT FUND APPROPRIATIONS		\$ 414,576

CAPITAL IMPROVEMENT FUND

Personnel Services	-	
Other Services & Charges	<u>1,452,493</u>	
TOTAL CAPITAL IMPROVEMENT FUND APPROPRIATIONS		\$ 1,452,493

WATER FUNDS

WATER (OPERATING) FUND

Personnel Services	1,121,889	
Other Services & Charges	<u>1,772,538</u>	
TOTAL WATER (OPERATING) FUND APPROPRIATIONS		\$ 2,894,427

WATER IMPROVEMENT FUND

Personnel Services	-	
Other Services & Charges	<u>735,000</u>	
TOTAL WATER IMPROVEMENT FUND APPROPRIATIONS		\$ 735,000

WATER CAPACITY FUND - NE

Personnel Services	-	
Other Services & Charges	<u>6,875</u>	
TOTAL WATER CAPACITY FUND - NE APPROPRIATIONS		\$ 6,875

WATER CAPACITY FUND - NW

Personnel Services	-	
Other Services & Charges	<u>92,500</u>	
TOTAL WATER CAPACITY FUND - NW APPROPRIATIONS		\$ 92,500

WATER CAPACITY FUND - SE

Personnel Services	-	
Other Services & Charges	<u>92,500</u>	
TOTAL WATER CAPACITY FUND - SE APPROPRIATIONS		\$ 92,500

WATER CAPACITY FUND - SW

Personnel Services	-	
Other Services & Charges	<u>92,500</u>	
TOTAL WATER CAPACITY FUND - SW APPROPRIATIONS		\$ 92,500

WATER CAPITAL EQUIPMENT FUND

Personnel Services	-	
Other Services & Charges	<u>95,875</u>	
TOTAL WATER CAPITAL EQUIPMENT FUND APPROPRIATIONS		\$ 95,875

SEWER FUNDS

SEWER (OPERATING) FUND

Personnel Services	1,300,712	
Other Services & Charges	<u>1,726,050</u>	
TOTAL SEWER (OPERATING) FUND APPROPRIATIONS		\$ 3,026,762

SEWER IMPROVEMENT FUND

Personnel Services	-	
Other Services & Charges	<u>436,500</u>	
TOTAL SEWER IMPROVEMENT FUND APPROPRIATIONS		\$ 436,500

SEWER CAPITAL EQUIPMENT FUND

Personnel Services	-	
Other Services & Charges	<u>106,155</u>	
TOTAL SEWER CAPITAL EQUIPMENT FUND APPROPRIATIONS		\$ 106,155

STORM WATER FUND

Personnel Services	-	
Other Services & Charges	40,000	
TOTAL STORM WATER FUND APPROPRIATIONS		\$ 40,000

REFUSE FUNDS

REFUSE (OPERATING) FUND

Personnel Services	133,947	
Other Services & Charges	1,620,156	
TOTAL REFUSE (OPERATING) FUND APPROPRIATIONS		\$ 1,754,103

LANDFILL POST-CLOSURE INVESTMENT FUND

Personnel Services	-	
Other Services & Charges	199,200	
TOTAL LANDFILL POST-CLOSURE INVESTMENT FUND APPROPRIATIONS		\$ 199,200

OTHER FUNDS

HOTEL AND CONVENTION TAX FUND (AGENCY FUND)

Personnel Services	-	
Other Services & Charges	164,000	
TOTAL HOTEL AND CONVENTION TAX FUND APPROPRIATIONS		\$ 164,000

LIFE SQUAD GIFT FUND

Personnel Services	-	
Other Services & Charges	13,500	
TOTAL LIFE SQUAD GIFT FUND APPROPRIATIONS		\$ 13,500

AFFORDABLE HOUSING TRUST FUND

Other Services & Charges	10,000	
TOTAL AFFORDABLE HOUSING TRUST FUND		\$ 10,000

EMPLOYEES (HEALTH INSURANCE) BENEFITS FUND

Personnel Services	-	
Other Services & Charges	1,265,795	
TOTAL EMPLOYEE BENEFITS FUND APPROPRIATIONS		\$ 1,265,795

INTERNAL SERVICE FUND

Personnel Services	-	
Other Services & Charges	326,784	
TOTAL INTERNAL SERVICE FUND APPROPRIATIONS		\$ 326,784

LAW ENFORCEMENT TRUST FUND

Personnel Services	-	
Other Services & Charges	123,650	
TOTAL LAW ENFORCEMENT TRUST FUND APPROPRIATIONS		\$ 123,650

ENFORCEMENT & EDUCATION FUND

Personnel Services	-	
Other Services & Charges	6,000	
TOTAL ENFORCEMENT & EDUCATION FUND		
APPROPRIATIONS		\$ 6,000

BOARD OF BUILDING STANDARDS FUND (AGENCY FUND)

Personnel Services	-	
Other Services & Charges	1,500	
TOTAL BOARD OF BUILDING STANDARDS FUND		
APPROPRIATIONS		\$ 1,500

OXFORD NATURAL GAS REFUND FUND (AGENCY FUND)

Personnel Services	-	
Other Services & Charges	150	
TOTAL SPECIAL ASSESSMENTS FUND		
APPROPRIATIONS		\$ 150

SPECIAL ASSESSMENTS

Personnel Services	-	
Other Services & Charges	40,000	
TOTAL SPECIAL ASSESSMENTS FUND		
APPROPRIATIONS		\$ 40,000

DEBT SERVICE FUNDS

1999 PARKS IMPROVEMENT BOND FUND

Personnel Services	-	
Other Services & Charges	324,398	
TOTAL 1999 PARKS IMPROVEMENT FUND		
APPROPRIATIONS		\$ 324,398

WATER BOND RETIREMENT FUND

Personnel Services	-	
Other Services & Charges	929,350	
TOTAL WATER BOND RETIREMENT FUND		
APPROPRIATIONS		\$ 929,350

TOTAL 2009 BUDGET APPROPRIATIONS	\$ 29,173,648
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SECTION 2: The existing cash-flow advance (loan) to the CDBG fund from the General Fund for \$150,000 is hereby re-advanced for one year through the period ended December 31, 2009 in the amount of \$150,000.

SECTION 3: The City Auditor (Finance Director) is hereby authorized to draw warrants upon the Treasury from the amounts appropriated in this ordinance whenever claims are made, with the approval of the City Manager, where appropriate, and are legally contracted for in accordance with the law.

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

MAYOR

ADOPTED: _____

ATTEST: _____
DEPUTY CLERK OF COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: STAFF

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 11/18/08

Joe Newlin
Prepared By

Account Code No. #: see below

Budgeted Amount: _____

11/14/08
Date Prepared

Agenda Title: 2008 SUPPLEMENTAL BUDGET #5

Recommendation: Approve

Discussion:

Supplements to the 2008 Budget

General Fund

Community Assistance

Township – Knolls Estate Tax

11,517.00

Additional appropriation needed to pay Oxford Township for Estate tax the City of Oxford received for a resident of the Knolls of Oxford. (\$148,392 received this month)

Community Assistance

Oxford Visitor's & Convention Bureau

11,500.00

Additional appropriation needed to assist the VCB the additional leasing cost of the building they are currently leasing for 2009 calendar year.

Advance to Capital Improvement Fund

From fund balance

88,000.00

Additional advance needed for CDBG reimbursement. The earlier increase in appropriation on supplemental budget 1 will be re allocated to repay the advance.

Transfer to Housing Trust Fund

10,000.00

From prior year PO and current year appropriation

When the Housing Trust Fund was approved earlier this year, a transfer of funds was not included in the legislation. For 2008 we budgeted 5,000 in the general fund for the Housing Trust, we are requesting to transfer the funds to the Housing Trust Fund. There is also an open purchase order from 2007 for 5,000 that was encumbered that we would like to be transferred to the Housing Trust Fund as well.

Claims/Settlements paid 1,500,000.00

From fund balance

Appropriation needed to cover the cost of the settlement for the Western Knolls lawsuit. Funds transferred from Capital Improvement Fund.

Claims/Settlements paid 250,000.00

From fund balance

Appropriation needed to cover the cost of the settlement for the Western Knolls lawsuit. Funds received from insurance company.

Hotel Tax Agency Fund

Transfer to General Fund 3,148.00

Payment to VCB 8,500.00

Transfer of excess funds to General Fund. Additional appropriation needed to assist the VCB the additional leasing cost of the building they are currently leasing for 2009 calendar year.

CDBG Fund

Return Advance to General Fund 59,370.00

Appropriation needed for the return advance of CDBG funds to the General Fund from a prior supplemental budget advancing to the CDBG fund.

CDBG Loan Fund

Reduce current year expenditure. (500,000.00)

Budgeted item to be decreased due to the fact no loans were processed this year. Each year we budget this amount so appropriations are available if business qualify for loan program.

Capital Improvement Fund

Decrease is set-aside for Police/Court facilities. (1,500,000.00)

Transfer to General Fund 1,500,000.00

Transfer needed to cover the cost of the settlement for the Western Knolls lawsuit.

Decrease is set-aside for Police/Court facilities (570,000.00)

Decrease is set-aside for Pool Improvements (190,000.00)

Reduction needed to cover the cost of the settlement for the Western Knolls lawsuit in 2009 and Route 27 Phase 3 Improvements.

Stormwater Utility Fund

Reduce current year expenditure. (30,000.00)

Increase revenue 1,500.00

Budgeted item to be decreased due to the fact we are only going to spend \$10,000 this year. Increase revenue by \$1,500 for interest income received.

Approved By:

Department Head:

City Manager:

Initial Date

[Signature] 11/14/08
[Signature] 11/14/08

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 2990. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 5 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.

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 estimated revenues be made:

HOTEL TAX AGENCY FUND 120	8,500.00
GENERAL FUND 110	11,517.00
GENERAL FUND 110	250,000.00
CAPITAL IMPROVEMENT FUND 141	760,000.00
STORMWATER UTILITY FUND 351	1,500.00

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

GENERAL FUND 110	11,500.00
HOTEL TAX AGENCY FUND 120	8,500.00
HOTEL TAX AGENCY FUND 120	3,148.00
GENERAL FUND 110	88,000.00
GENERAL FUND 110	11,517.00
GENERAL FUND 110	250,000.00
GENERAL FUND 110	10,000.00
COMMUNITY DEVELOPMENT BLOCK LOAN FUND 128	(500,000.00)
CAPITAL IMPROVEMENT FUND 141	(1,500,000.00)
CAPITAL IMPROVEMENT FUND 141	1,500,000.00
CDBG FUND 126	59,370.00
STORMWATER UTILITY FUND 351	(30,000.00)

SECTION 4: The following transfers be executed:

Transfer from:

HOTEL TAX AGENCY FUND 120	3,148.00
GENERAL FUND 110	10,000.00
CAPITAL IMPROVEMENT FUND 141	1,500,000.00

Transfer to:

GENERAL FUND 110	3,148.00
AFFORDABLE HOUSING TRUST FUND 212	10,000.00
GENERAL FUND 110	1,500,000.00

SECTION 5: The following increase/(decrease)in estimated revenues be made:

GENERAL FUND 110	3,148.00
AFFORDABLE HOUSING TRUST FUND 212	10,000.00
GENERAL FUND 110	1,500,000.00

SECTION 6: The following advances be executed:

Advance from:	
GENERAL FUND 110	88,000.00
CBDG FUND 126	59,370.00

Advance to:	
CAPITAL IMPROVEMENT FUND 141	88,000.00
GENERAL FUND 110	59,370.00

SECTION 7: The following increase/(decrease)in estimated revenues be made:

CAPITAL IMPROVEMENT FUND 141	88,000.00
GENERAL FUND 110	59,370.00

SECTION 8: The following increase/(decrease)in appropriations from unencumbered balances be made:

GENERAL FUND 110	1,500,000.00
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SECTION 9: In all other respects, Ordinance No. 2990 shall remain in full force and effect.

SECTION 10: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: November 18, 2008

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

November 11, 2008

Date Prepared

Agenda Title:	An Ordinance Repealing Zoning Code Section 1139, variances, And Adopting New Section 1139, Variances.
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Recommendation:	Approval
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Discussion:

City Council went through the first reading of the proposed amendment to the Oxford Zoning Code, Section 1139, Variances and directed the Law Director to make some changes for further consideration.

The draft language reflects the discussion City Council had during the October 21, 2008 meeting.

Approved By:	Department Head:	Initial	Date
	City Attorney:		
	City Manager:		

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: October 21, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

October 10, 2008
Date Prepared

Agenda Title: PC-15-2008 PC-20-2008 ZONING CODE TEXT AMENDMENT – Chapter 1139 Variances

Recommendation: Approval

Discussion:

On July 9, 2008 the BZA underwent training to sustain and improve their effectiveness, productivity and to assure legally defensible deliberation and decision making process, and to become more familiar with evolving tools and techniques. The consultant of this training program also reviewed practices that commonly lead to litigation and demonstrated what not to do at a public hearing.

As a result of the training session, it was discovered that the decision standards used by the BZA have no legal grounds or support. The primary change to this Chapter reflects the decision standards established in the Ohio Supreme Court case *Duncan v. Village of Middlefield*.

Because the BZA is a quasi-judicial board and not a legislative body, a portion of their meetings are considered as adjudication hearing instead of a public hearing like the Planning Commission and Council meetings. What this means is that the BZA may only hear testimony that is relevant to the case and by a person who has a substantial right or will be directly affected (impacted) in a manner that is different from the effect of the general public.

The Planning Commission held a public hearing at a Special Meeting held September 30, 2008 to review the proposed changes. The Commission voted 7-0-0 to recommend approval subject to certain modifications.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<i>JHC</i>	10/13/08
	City Manager:	<i>[Signature]</i>	10/13/08

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE SECTION 1139, VARIANCES, AND ADOPTING NEW SECTION 1139, VARIANCES.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on September 30, 2008 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1139, Variances, and adopting new Section 1139, Variances.

SECTION II: Council hereby repeals Section 1139 of the Oxford Code of Ordinances and adopts new Section 1139 as follows:

1139.01 GENERAL.

(a) Purpose. A variance permits variation from the strict interpretation of this Code so that no specific provision prevents development of a specific site that would otherwise not be possible and that would satisfy the general intent of the Code. Use variances are prohibited.

(b) Variance Requirement. Each variance shall be granted according to the provisions of this chapter.

(c) Effect of Variance.

- (1) A variance shall be valid only for the specific use, site, location, and provision for which it is granted and changes to the use and site that change the facts upon which it was granted shall be strictly interpreted.
- (2) A variance does not expire, but becomes invalid if the use, site, or location is changed in some way that changes the facts upon which it was granted.
- (3) An action or construction that is undertaken following the granting of a variance does not create a nonconformity. A variance actually changes the specific provisions of the Code as they pertain to a specific use, site, and location. (Ord. 2782. Passed 5-20-03.)

1139.02 PROCEDURE.

(a) Application. An application for a variance shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for an ~~public~~ **adjudication** hearing. An application will be ~~considered complete~~ **placed on the agenda** only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements. **The Board will not hear any appeal on an application the Board deems incomplete.**

- (1) Contents of application for variance. Eight 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. The applicant is encouraged to 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.~~

~~A. C.~~ The name, mailing address, and telephone number of the applicant and the property owner.

~~B. D.~~ If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf (Letter of Agency).

~~C. E.~~ A legal description of the site, including all separate lots.

~~D. F.~~ A description of the existing uses of the site.

~~E. G.~~ The zoning district in which the site is located.

~~F. H.~~ A description of the existing and proposed use.

1. A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles.

2. The hours of operation.

~~G. I.~~ The nature and magnitude of the requested variance.

~~H. J.~~ The Code section from which the variance is requested.

~~I. K.~~ A separate narrative statement that explains how the proposed variance satisfies each of the Decision Standards required to grant ~~area~~ a variance.

~~J. L.~~ A list of the names and mailing addresses of all landowners within 200 feet of the perimeter of the site.

~~K.~~ ~~Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals.~~

- (2) Site Plan. A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

A. North arrow.

B. Scale.

C. Vicinity map.

D. All existing and proposed lot lines within the site.

E. Dimensions of all lots and of the entire site and any adjacent rights- of-way.

F. Location, height, and use of all proposed and existing structures.

G. Location and design of all proposed vehicle management areas.

H. Location, size, and type of all proposed signs.

I. Location, height, and type of all proposed screening and landscaping.

J. Distances to residential zoning districts if within 1,000 feet.

K. The use of land and location of structures on adjacent property and across adjacent rights-of-way.

L. An indication of the regulation from which the variance is requested.

M. Other information as required by the Board of Zoning Appeals.

- (3) Elevations. Elevations of proposed structures, or typical elevations if structures are not yet designed, may be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.

- (4) Other. Photographs of the existing use and its surroundings **and other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals.**
- (b) Reapplication.
- (1) No application for a variance that is substantially similar to an application that has been denied **or granted**, wholly or in part, **or revoked**, shall be submitted to the BZA for a decision. The Zoning Administrator shall determine if a similar application differs enough to be considered a different application and not subject to this section. The Zoning Administrator may consider factors such as the nature or size of a proposal, changes in the development or traffic patterns of the area, or newly discovered evidence pertinent to a decision on a previous application.
- (2) An applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals **as stipulated in this Chapter and Section 1129.09 of the Planning and Zoning Code.**
- (c) Board of Zoning Appeals Review. The Board of Zoning Appeals shall base its review of a variance application upon the complete application, upon any staff report, and upon any relevant and credible public **testimony and evidence** presented during the ~~public~~ adjudication hearing. If the Board of Zoning Appeals 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. ~~An applicant shall be required to provide all information necessary to prove that an application satisfies the Decision Standards.~~ **The applicant shall be required to present by preponderance of reliable, probative and substantial testimony and evidence that supports the applicants request for a variance.**
- (2) Decision standards. ~~All variances shall satisfy the Decision Standards of this section. Variances and nonconformities on other land, sites, or structures shall not be considered grounds for a variance. Variances shall be granted only upon a determination that practical difficulties exist with respect to the property in question that would render strict application of the Planning and Zoning Code unreasonable. This determination shall be made without regard to the existence of variances and nonconformities on other land, sites, or structures not presently under consideration.~~

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In determining whether practical difficulties exist sufficient to warrant a variance, the Board shall consider and weigh the following factors:

- ~~A. The variance would not permit or result in a use that is not permitted in the zoning district. Use variances are prohibited; and~~
- ~~B. Conditions of the land, site, structure, or element for which the application is submitted are substantially different from other sites in the same zoning district because of physical characteristics of the land including dimensions, elevation, topographical variations, soil conditions, or other extraordinary situations, and the difference supports the application; and~~
- ~~C. The conditions upon which the application is based are not the result of actions of the applicant; and~~

~~D. The variance would not confer a special privilege to the applicant but would relieve a hardship; and~~

~~E. The literal interpretation of this Zoning Code would deprive the applicant of the ability to develop a site or use the land as a conforming permitted use in that district; and~~

~~F. The variance will be the minimum variance necessary to permit reasonable use of the land, site, structure, or element for which the variance is sought; and~~

~~G. The situation permitted by the variance will be in harmony with the general vicinity, will not be detrimental to the public health, safety, or general welfare, and will satisfy the general intent of this Zoning Code.~~

A. ~~Variances shall be granted only upon a determination that practical difficulties exist with respect to the property in question that would render strict application of the Planning and Zoning Code inequitable.~~

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~~A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;~~

Deleted: B

~~B. Whether the variance is substantial (i.e. it is the minimum requested variance necessary to relieve the alleged practical difficulties);~~

Deleted: C

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~~C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;~~

Deleted: D

~~D. Whether the variance would adversely affect the delivery of governmental services (eg. water, sewer, garbage);~~

Deleted: E

Deleted: E

~~E. Whether the property owner purchased the property with knowledge of the zoning restriction;~~

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Deleted: F

~~F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;~~

Deleted: G

~~G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.~~

Deleted: H

~~H. Any other relevant factor.~~

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(d) Action by Board of Zoning Appeals.

(1) The Board of Zoning Appeals shall grant, grant with conditions, or deny a variance application as presented and shall clearly state the findings upon which its decision is based.

(2) The Board of Zoning Appeals shall base its decision only upon the Decision Standards in this Chapter. In its decision, the Board of Zoning Appeals 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.

(e) Issuance of Permits.

(1) The Zoning Administrator shall issue permits to permit the action for which a variance was sought after the Board of Zoning Appeals grants a variance. Construction permits shall not be issued unless the plans substantially conform to those upon which a variance was granted. Any

action that exceeds a granted variance shall constitute a violation of the Zoning Code. (Ord. 2782. Passed 5-20-03.)

- (2) **No order of the Board permitting erection or alteration of a building or the use of a building or premises shall be valid for a period longer than six (6) months, and upon the expiration of such period shall automatically be deemed revoked, unless a building permit for such erection or alterations is obtained and the work is started within such period, or, where no erection or alteration is necessary, the permitted use is established within such period, or an extension is requested in writing and granted by the Board.**

(f) **Appeal of Board of Zoning Appeals Decision.**

- (1) **Appeals to the decision of the Board of Zoning Appeals shall be made to the Court of Common Pleas of Butler County.**

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

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

<u>Report Date</u>	October 21, 2008
<u>Case Number</u>	PC-20-2008
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	Zoning Code Text Amendments to Chapter 1139 Variances
<u>Public Hearing Information</u>	At the September 30, 2008 Special Planning Commission meeting, a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on August 8, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 to recommend City Council approve this zoning code text amendment with modifications highlighted.
<u>Commission Findings and Conclusions</u>	After a public hearing and discussion, the Planning Commission voted to recommend approval of the zoning code text amendment with modifications.
<u>Exhibits Submitted to the Commission</u>	1. Proposed language with marked modifications. 2. Zoning Code Text Amendment Application dated July 25, 2008.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: November 4, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

October 27, 2008
Date Prepared

Agenda Title:	PC-22-2008 Zoning Map Amendment, 5445 College Corner Pike, from R3 (Multi-family Residential) District to GB (General Business) District, Oxford Talawanda Community Services, Applicant
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Recommendation:	Approval
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Discussion:

The Applicant requested a Zoning Map Amendment to change 1.47 acres at the southwestern corner of Oxford College Corner Pike (aka U.S. 27 North) and Reagh's Way from "R3" Multi-Family Residential District with a PUD overlay to "GB" General Business District. The Applicant has indicated that they intend to expand their Thrift/free store operations into the former Head Start building. The Family Resource Center would also like to use this opportunity for employee/workforce training. Staff presented that the subject property was approved for office space and a daycare center. Amending the zoning designation would eliminate the PUD and the property would be subject to the "GB" regulations of the Planning & Zoning Code. Furthermore, by including it into the "GB" General Business District the property would be more conforming by permitting the thrift store use and offices for the Family Resource Center "by right" as opposed to nonconforming in "R3" Multi-family Residential District.

The Planning Commission deliberated about why this was not included in the "GB" District during the 2003 Zoning Map Update and voted 7-0 to recommend *APPROVAL* to City Council on the basis that Decision Standard "B"; the proposed amendment making the zoning map conform more closely to the Comprehensive Plan, is satisfied.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<u>JHC</u>	<u>11/02/08</u>
	City Manager:		

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR PROPERTY LOCATED AT 5445 COLLEGE CORNER PIKE, OXFORD, OHIO AND REZONING THE PROPERTY FROM R3 (MULTI-FAMILY RESIDENTIAL) DISTRICT TO GB (GENERAL BUSINESS) DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on October 14, 2008 on the applicant Oxford Talawanda Community Services application for a Zoning Map Amendment for property located at 5445 College Corner Pike, Oxford, Ohio rezoning the property from R3 (Multi-Family Residential) District to GB (General Business) District.

SECTION 2: The Oxford Planning Commission, after due deliberation, recommended granting the Zoning Map Amendment, finding that the proposed rezoning request was in keeping with the intended characteristics of the general vicinity of the property and was an appropriate use of the property.

SECTION 3: The Planning Commission found the request does comply with the intent of the Oxford Codified Ordinances and the Oxford Comprehensive Plan

SECTION 4: Council hereby accepts the report of the Oxford Planning Commission, and after due deliberation, finds for the granting of the Zoning Map Amendment rezoning 5445 College Corner Pike Oxford, Ohio to GB (General Business) District.

SECTION 5: Council hereby grants the rezoning request to Oxford Talawanda Community Services for the property as requested by the applicant, incorporating the application and documents submitted by the applicant as a term and condition of the granting of this rezoning request and orders that the official zoning map be amended.

SECTION 6: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	November 4, 2008
<u>Case Number</u>	PC-22-2008
<u>Applicant Information</u>	Oxford Talawanda Community Services
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	To allow for the rezoning of property located at 5445 College Corner Pike, from R3 (Multi-family Residential) District to GB (General Business) District.
<u>Public Hearing Information</u>	On October 14, 2008 a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on September 12, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 to recommend to City Council <i>APPROVAL</i> of this zoning request.
<u>Commission Findings and Conclusions</u>	At the October 14, 2008 meeting, the Planning Commission approved the zoning map amendment on the basis that Decision Standard B, the proposed amendment making the zoning map conform more closely to the Comprehensive Plan, is satisfied.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated September 12, 2008 2. Interoffice Review Transmittal Sheets from Fire, Engineering, Police & Economic Development 3. Tax Map Plat 4. Property Location Map 5. Map Amendment 6. Staff Analysis 7. Zoning Map Amendment Application dated 8/28/2008 8. Quit-Claim Deed

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-22-2008

Date – October 14, 2008

APPLICATION

Applicant:	Oxford Talawanda Community Services
Location:	5445 Oxford College Corner Pike
Owner:	Diane Ruther-Vierling, Administrator
Action Request:	Zoning Map Amendment from "R3" to "GB"
Current Use:	Family Resource Center
Current Zoning	"R3" Multi-Family Residential District with PUD overlay
Surrounding Existing Land Uses:	Mix of Commercial and Single-Family Residential.

GENERAL DESCRIPTION

The subject property is located on 1.47 acres at the southwestern corner of Oxford College Corner Pike (aka U.S. 27 North) and Reagh's Way. The applicant has indicated that they intend to expand their Thrift/free store operations into the former Head Start building. The Family Resource Center would also like to use this opportunity for employee/workforce training.

SITE HISTORY

PC 02-1989: Additional Use Permit for physicians, dentists or similar offices. Request approved.
PC 09-1990: Preliminary PUD.
PC 23-1997: Additional Use Permit for office space and day care center. Request approved.
PC 34-1997: Final PUD. Lot 1952 to allow for 3; one-story office & professional buildings. Approved.
PC 18-1998: Lot Split - part of old 1952 into new 3243 and 3244. Approved.
PC 19-1998: Planned Unit Development / Amendment. Request to allow for 4 lots for Habitat for Humanity homes and a storage shed and Goodwill trailer.

SURROUNDING NEIGHBORHOOD

North: "GB" General Business – Vacant commercial lot in front of Wild Berry.
South: "GB" General Business & "R3" Multi-Family Residential – Mobile home park & single-family dwellings.
East: "R3" Multi-Family Residential – Oxford Church of God & apartment complex
West: "R3" Multi-Family Residential - Single-family dwellings & dog grooming business.

AGENCY COMMENTS

Requests for agency review were sent to the Police, Engineering, Fire Departments and Economic Development. The following comments were returned:

Police Department:	Comments returned with no comments on this request.
Engineering:	Comments returned with no comments on this request.
Fire:	Comments returned with no comments on this request.
Econ. Dev. Dept.:	States that 95% of U.S. 27 is zoned "GB" or "LI" and would expect overtime the remaining 5% will change to "GB" zoning. States that the current use does not change significantly with the proposed use.

ZONING CODE REGULATIONS

The subject property was approved as "R3" with a PUD overlay, which allowed for office space and a daycare center. Amending the zoning designation would eliminate the PUD and the property would be subject to the "GB" regulations of the Planning & Zoning Code.

The impact to this property by including it into the "GB" General Business District will actually make the property more conforming by permitting the thrift store use and offices for the Family Resource Center "by right" as opposed to non-conforming in "R3" Multi-family Residential District.

The activities and operations of the Family Resource Center are more conducive of commercial activity than residential. Due to the PUD, any future improvements to the Center would require a lengthy review process and approval from Planning & Council for any modifications to the exteriors of the buildings or uses associated with the Family Resource Center.

PUBLIC COMMENT FORMS

No comments have been received to date.

STAFF ANALYSIS

Staff agrees that the "GB" is a more appropriate zoning designation for this property. Staff further recommends that the Planning Commission consider initiating a zone map amendment to the two residential properties just south of this property along U.S. 27 (5435 & 5427 College Corner Pike) so as not to create an island of "R3" along the frontage of U.S. 27. If the Planning Commission so desires to initiate this amendment, the properties would be nonconforming, but this would not be unusual for this part of U.S. 27 for there are approximately 14 single-family residential units and 10 multi-family residential buildings that are nonconforming in the "GB" District.

RECOMMENDATION

Not applicable.

DECISION STANDARDS

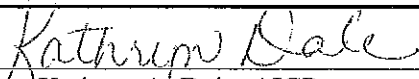
(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

SUBMITTED BY:



Kathryn A. Dale, AICP

City Planner

Community Development Department

DATE: September 12, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-22-2008

Description:

**PC-22-2008 ZONING MAP AMENDMENT, 5445 College Corner Pike, from R3 (Multi-family Residential) District to GB (General Business) District, Oxford
Talawanda Community Services, Applicant**

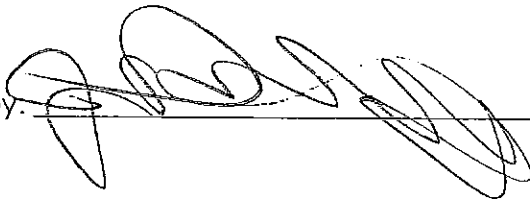
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** 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: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-22-2008

Description:

**PC-22-2008 ZONING MAP AMENDMENT, 5445 College Corner Pike, from R3 (Multi-family Residential) District to GB (General Business) District, Oxford
Talawanda Community Services, Applicant**

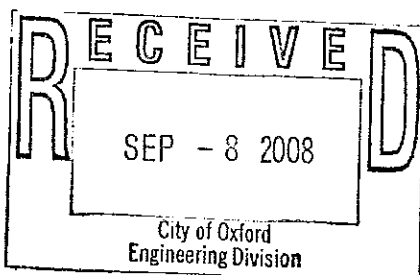
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: A. Popescu 9-17-08



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-22-2008

Description:

PC-22-2008 **ZONING MAP AMENDMENT, 5445 College Corner Pike, from R3 (Multi-family Residential) District to GB (General Business) District, Oxford Talawanda Community Services, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** 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: _____

SSC HVE

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-22-2008

Description:

**PC-22-2008 ZONING MAP AMENDMENT, 5445 College Corner Pike, from R3 (Multi-family Residential) District to GB (General Business) District, Oxford
Talawanda Community Services, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

15% OF US27 IS ZONED GB OR LI. I WOULD EXPECT
OVER TIME THE OTHER 85% WILL CONVERT TO GB ZONING.
THE CURRENT USE DOES NOT CHANGE SIGNIFICANTLY WITH
THE PROPOSED NEW USE--

Drawings reviewed by: 

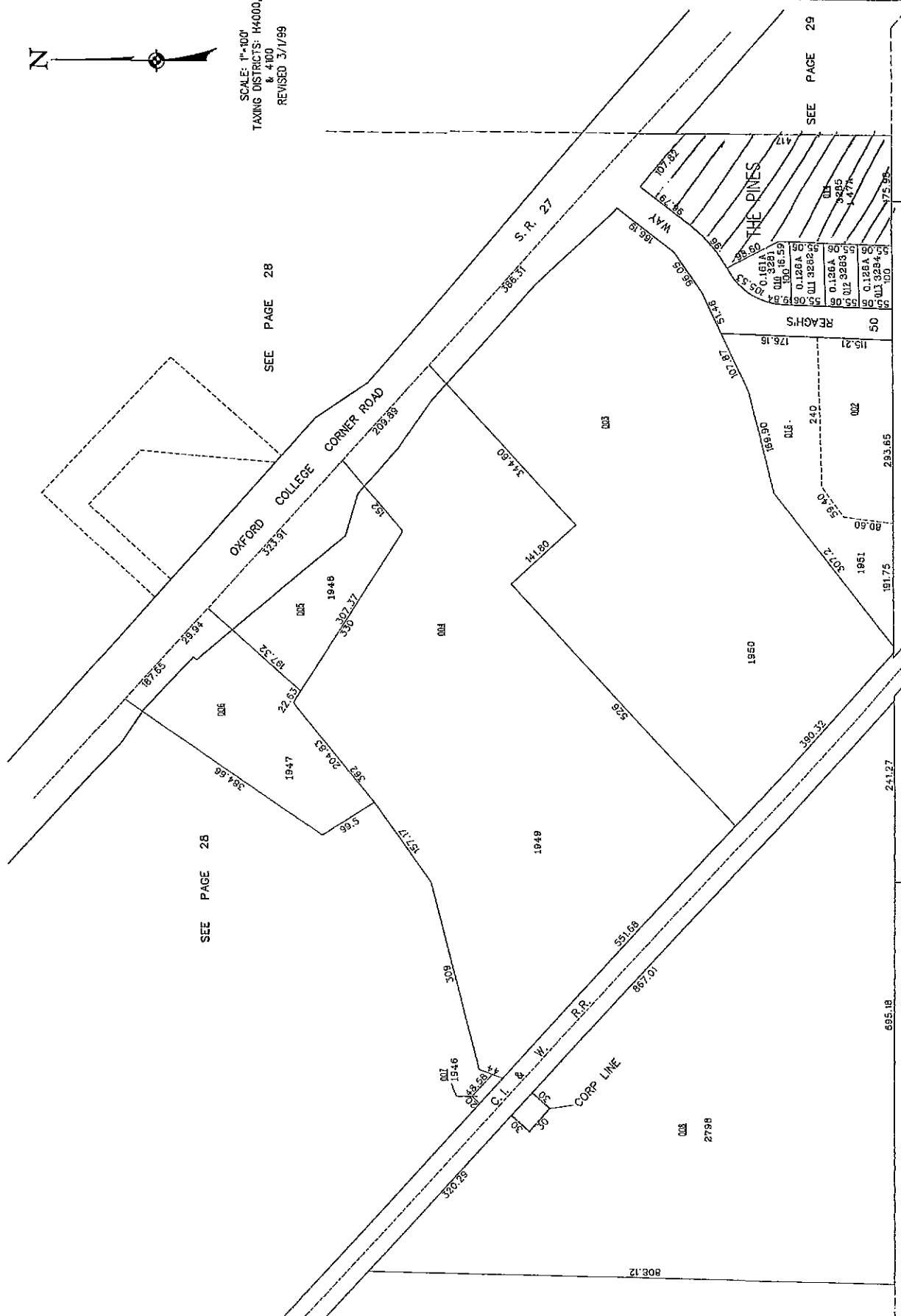
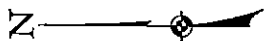
030.000

SEE PAGE 28

SEE PAGE 29

SEE PAGE 22

SCALE: 1"=100'
TAXING DISTRICTS: K4000,
& 4100
REVISED 3/1/99





PC 22-2008 Family Resource Center
"R3" to "GB"

College Corner Pike

R3

R1

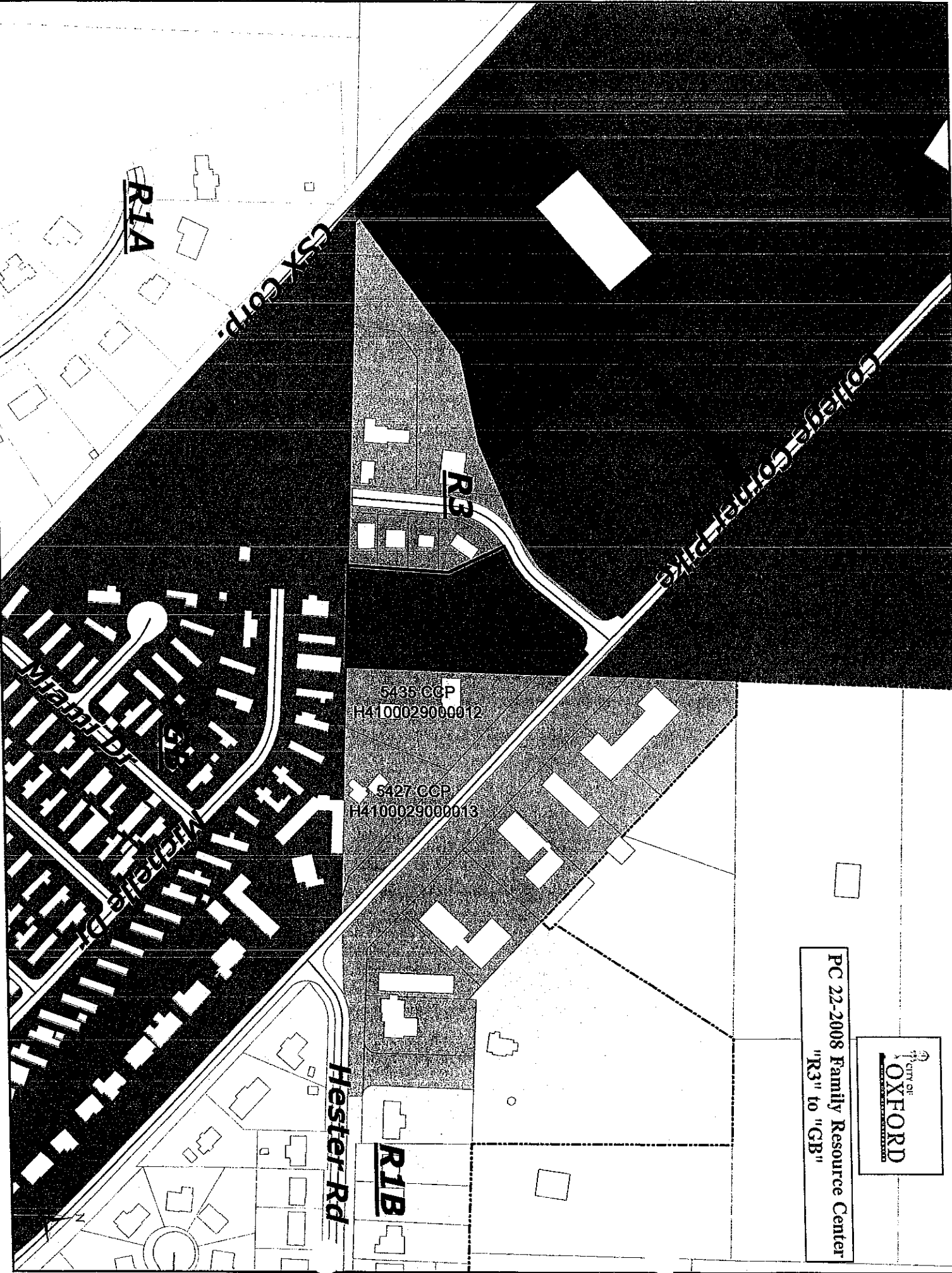
GB

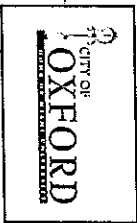
R1A

Subject Property location



PC 22-2008 Family Resource Center
"R3" to "GB"





PC 22-2008 Family Resource Center
"R3" to "GB"

R1B

R3

R1A

12/06/2008 09:19

12/06/2008 09:19

Hester Rd

Michelle Dr
College Corner Pike



Staff Analysis

Case No.: PC-22-08
Date filed: 8/28/08

Zoning Map Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: Oxford Talawanda Community Services
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: PO Box 108
Oxford OH 45056
Telephone Number(s): (513) 523-5859
Location of Property: 5445 College Corner Pike
(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.)
Legal Description: Lot: 1952 Parcel: H4100030000014
Total Area: 1.47 Acres Square Feet (circle one)
Existing Use of Property: Social Service Agency with Free Clothing Room
Current Zoning: "R3" Multi-Family PUD
Proposed Zone(s): "GA" General Business
Proposed Use: Social Service Agency with Thrift Store

SUBMISSION REQUIREMENTS

Please submit a vicinity map, at a scale and a metes and bounds description of the property, the statement described below and the required fee of \$150.00, made payable to the City of Oxford. The entire submission must be prepared in accordance with Chapter 1135, Zoning Code Amendments, of the City of Oxford Zoning Code.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of every parcel proposed to be rezoning, including those across streets, roads, alleys and highways.

Attach a statement which responds to the following questions:

- 1) What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
- 2) How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
- 3) How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
- 4) What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).
- 5) Why is the current zoning classification of the property no longer appropriate?

All materials and application fee must be delivered to the office of the Planning Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Planning Department at (513) 524-5204. The issue will be placed on the next possible agenda.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

SIGNATURE OF APPLICANT: Drane Ruthen-Venling Date: 8/28/08

PRINTED NAME: Drane Ruthen-Venling

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: 5773

Zoning Map Amendment Application

1. What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?

The Oxford Talawanda Community Services dba The Family Resource Center is requesting a zoning change from "R3" Multi-Family PUD to "GB" General Business.

The Family Resource Center, which is requesting the zone change, is located on US 27 North. According to the 1998 Comprehensive Plan, "US 27 North is not conducive to a residential neighborhood along the road frontage in its current form." The plan strategies include: "Continuing to promote US 27 North for light industrial, light manufacturing, research and development, office and flex office space." The 1998 Plan also emphasizes work force development, "Work force development is the leading economic development priority in communities across the country. This is a very real and urgent need in the Oxford area as well. The City should work with existing job training, employment service, and educational resource groups to define how Oxford residents can receive better preparation for future jobs."

According to the proposed 2008 Comprehensive Plan, US 27 North is identified as one of the weak places in the city of Oxford. The Plan suggests the following preferred uses for US 27 North: Multi-family; public land and facilities; large scale commercial; and industrial. The Plan also lists as objectives: "Attract new businesses consistent with the skills of the local community; and, "Improve the resident workforce through new employment services." One of the strategy's also address this rezoning request; "Create strategies to specifically attract service based retailers to the...Us 27 North corridor."

2. How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.

We expect little or no change to the neighborhood around the Family Resource Center. We currently offer a free clothing room as a service to our clients. Approximately 400 clients use this clothing room on a regular basis, with about 65 client visits each week. In 2007, we had over 700 Miami students and community volunteers who came to help at The Family Resource Center. We also had over 900 community residents deliver clothing donations. With the zone change, we do not expect the number of people who visit our agency to change significantly.

3. How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?

No change expected.

4. What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).

N/A

5. Why is the current zoning classification of the property no longer appropriate?

We are requesting that our zoning be changed from "R3" Multi-Family PUD to "GB" General Business because we would like to open a Thrift Store in one of our buildings. The store would be located in Building 3, which was vacated by Head Start when they moved to Kramer School earlier this summer. This store would serve the Oxford Community, and provide a work training program for the clients we currently serve. The store would also provide some revenue to the FRC to help fund our other programs.

O.R. 6281 PAGE 2005
QUIT-CLAIM DEED

JAMES G. ROBINSON, TRUSTEE, for valuable consideration paid, grants do hereby remise, release, and forever quit claim to **OXFORD/TALAWANDA COMMUNITY SERVICES, INC.** a non-profit corporation registered and doing business in the State of Ohio (Charter No.: 522801), whose tax-mailing address is 5445 College Corner Pike, Oxford, Ohio 45056, the following **REAL PROPERTY**: Situated in the County of Butler in the State of Ohio and in the Township of Oxford, to wit:

DATE 10-22-98 DW
CONVEYANCE # 0-
FEE \$ 0-
EXEMPT 4383

PLEASE SEE EXHIBIT A

Kay Rogers, Butler Co. Auditor

This conveyance has been examined and the grantor has complied with section 319.202 of the revised code.

Prior Instrument Reference: Vol. _____, Page _____ of the Deed Records of Butler County, Ohio.

Witness his hand this 8TH day of October, 1998.

Signed and acknowledged in the presence of:

Susan Cross Lipnickey
Witness Susan Cross Lipnickey

James G. Robinson
JAMES G. ROBINSON, TRUSTEE

Victoria Bosman
Witness Victoria Bosman

9800077423
Filed for Record in
BUTLER COUNTY, OHIO
JOYCE B THALL
On 10-22-1998 At 10:22 am.
DEED 14.00
Book DR Vol. 6281 Pg. 2005 - 2006

STATE OF OHIO

COUNTY OF BUTLER

SS.

BE IT REMEMBERED, That on this 8TH day of October, 1998 before me, the subscriber, a Notary Public in and for said County and State personally appeared, **JAMES G. ROBINSON, TRUSTEE**, the Grantor in the foregoing Deed, and acknowledged the signing thereof to be his voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my notarial seal on this day and year aforesaid.

Susan Cross Lipnickey
Notary Public



SUSAN CROSS LIPNICKEY, Attorney at Law
Notary Public - State of Ohio
My Commission Expires 12/31/2000
Section 147.03 O.R.C.

Instrument prepared by: James G. Robinson
Attorney at Law
Oxford, Ohio 45056

TRACT 1

Situated in Lot 4, Section 16, Town 5, Range 1 Oxford Township, Butler County, Ohio, being part of Lot ~~252~~ as known and designated in upon the list of lots in the City of Oxford and more particularly described as follows:

Beginning at 5/8" rebar set at the southeast corner of said Lot 4;

thence with the south line of said Lot 4 S 89°28'00" W for 326.03 feet to a 1/2" rebar found;

thence leaving said south line of Lot 4 for the following 6 courses:

- 1) N 2°02'00" E for 165.17 feet;
- 2) N 89°28'00" E for 150.05 feet;
- 3) N 0°00'00" E for 16.59 feet;
- 4 N 27°30'15" W for 98.60 feet;
- 5) on a curve to the left having a radius of 225.00 feet, an arc distance of 96.00 feet, chord bearing N 50°16'22" E for 95.27 feet;
- 6) N 38°03'00" E for 156.85 feet to the centerline of Oxford Corner Road (S.R. 27);

thence with said centerline of Oxford College Corner Road S 49°23'00" E for 58.78 feet to a railroad spike found on the east line of said Lot 4;

thence with said east line of Lot 4 S 0°09'00" E for 413.61 feet to the point of beginning containing 2.157 acres of land more or less and being subject to all legal highways, easements, restrictions and agreements of record.

TRACT II

Situated in Lot 4, Section 16, Town 5, Range 1 Oxford Township, Butler County, Ohio, being part of Lot ~~252~~ as known and designated in upon the list of lots in the City of Oxford and more particularly described as follows:

Commencing at 5/8" rebar set at the southeast corner of said Lot 4;

thence with the south line of said Lot 4 S 89°28'00" W for 326.03 feet to a 1/2" rebar found;

thence leaving said south line of Lot 4 N 2°02'00" E for 165.17 feet to the True Point of Beginning;

thence N 2°02'00" E for 94.52 feet;

thence N 75°09'00" E for 66.77 feet;

thence N 56°14'00" E for 105.23 feet;

thence N 38°03'00" E for 168.62 feet to a railroad spike found at center line of Oxford College Corner Road (S.R. 27);

thence with said centerline of Oxford College Corner Road S 49°23'00" E for 19.97 feet;

thence leaving said Centerline of Oxford College Corner Road S 38°03'00" W for 156.85 feet;

thence on a curve to the right having a radius of 225.00 feet, an arc distance of 96.00 feet, chord bearing S 50°16'22" W for 95.27 feet;

thence S 27°30'15" E for 98.60 feet;

thence S 0°00'00" W for 16.59 feet;

thence S 89°28'00" W for 150.05 feet to the True Point of Beginning containing 0.441 acres of land more or less, subject to all legal highways, easements, restrictions and agreements of record.

The plat of survey is recorded in Vol. 35 Page 173 of Butler County Engineer's Record of Land Surveys

U.R. 6281 PAGE 2004
QUIT-CLAIM DEED

OXFORD ADVISORY WELFARE SERVICE, INC., nka
OXFORD/TALAWANDA COMMUNITY SERVICES, INC., a non-profit
corporation registered and doing business in the State of Ohio (Charter No.:
522801), for valuable consideration paid, grants do hereby remise, release,
and forever quit claim to **JAMES G. ROBINSON, TRUSTEE**, whose
tax-mailing address is Park Place West, Oxford, Ohio 45056, the following
REAL PROPERTY: Situated in the County of Butler in the State of Ohio and
in the Township of Oxford, to wit:

Entire Lot numbered One Thousand Nine Hundred Fifty-two
(1952) as the same is known and designated on the list of Lots
for the City of Oxford, Butler County, Ohio.

Prior Instrument Reference: Vol. 6127, Page 1194 of the Deed Records of
Butler County, Ohio.

Witness their hands this 8th day of October, 1998

9800077422
Filed for Record in
BUTLER COUNTY, OHIO
JOYCE B THALL
On 10-22-1998 At 10:22 am.
DEED 14.00
Book OR Vol. 6281 Pg. 2004 - 2004

Signed and acknowledged in the presence of:

DATE 10-22-98 DW
CONVEYANCE # -0-
FEES -0-
EXEMPT 4382

Key Rings, Under Co. Auditor

This conveyance has been examined and the grantor
has complied with section 319.202 of the revised code.

**OXFORD ADVISORY WELFARE
SERVICE, INC., NKA
OXFORD/TALAWANDA
COMMUNITY SERVICES, INC.**

Witness (VICTORIA BOSMAN)

Jerome U. Conley
JEROME U. CONLEY, President

Linda K. Sprague
Witness (LINDA K. SPRAGUE)

Lisa N. Sheard
LISA N. SHEARD, Secretary

STATE OF OHIO

COUNTY OF BUTLER

SS.

IN WITNESS WHEREOF, the Grantor has caused its corporate name
to be subscribed hereto by **JEROME U. CONLEY**, its President, and **LISA N.
SHEARD**, its Secretary, thereunto duly authorized by resolution of its
Board of Directors, this 8th day of October, 1998.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and
affixed my notarial seal on this day and year aforesaid.

Linda K. Sprague
Notary Public

This instrument was prepared by: James G. Robinson
Attorney at Law
Oxford, Ohio



LINDA K. SPRAGUE
Notary Public, State of Ohio
My Commission Expires 7-10-2003

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: November 4, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

October 27, 2008
Date Prepared

Agenda Title:	PC-23-2008 Preliminary Subdivision-South Campus Avenue A Proposed Residential Subdivision in a R2MS Single and Two-Family Mile Square Residential District, Paul Baer Family Trust, Robert Broestl, Applicant/Agent
----------------------	--

Recommendation:	Approval
------------------------	-----------------

Discussion:

The Planning Commission held a public hearing on this subdivision proposal for 20 duplex lots and two single-family lots, while improving Poplar Street from the northern property line to Central Avenue as a result of the Planning Commission's deliberations. Wooster Place will be extended into a cul-de-sac. Rose Avenue and Bern Street are labeled as full extensions connecting Campus and the new Poplar Street extension. The Applicant indicated the development would occur in three phases. Three retention basins are shown on the site plan. Staff raised concerns regarding the maintenance of these and Planning Commission requested that the Applicant review if three were necessary, or if two would be sufficient to accommodate the development. The Applicant also shared that they are working with the neighboring properties to the northeast regarding flooding issues raised in previous hearings. Much discussion was had regarding the Poplar Street connection, phasing of the project and maintenance of the retention basins.

After discussion, the Planning Commission voted 7-0-0 to approve this preliminary subdivision with the following conditions:

1. That, the maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors and that Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to the City's Legal Counsel.
2. That, a pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.
3. That, vehicular ingress/egress to the existing Campus Courts Apartments shall be accessed only from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.
4. That, vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.
5. That, the proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards.
6. That, the tree plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan.
7. That, as presented, the project shall be completed in three Phases, each phase to be completed within

two years (Phase 1, Rose Street Extension & Lots D1-D6 -2010; Phase 2, Bern Street Extension & Lots D7-D14 & S1 – 2012; and Phase 3, Wooster Place Extension & Lots D15-D20 & S2 – 2014). Furthermore, that the infrastructure improvements as presented, regarding the abandonment and relocation of an existing 12” sanitary sewer line going through the parking lot of Campus Courts Apartments is completed during Phase 1.

8. That, the full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within 2 years from the start of Phase 2.
9. That, perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to City’s Legal Counsel.

Approved By:		Initial	Date
	Department Head:	<u>JHC</u>	<u>10/27/08</u>
	City Attorney:	<u> </u>	<u> </u>
	City Manager:	<u> </u>	<u> </u>

ORDINANCE NO. _____

ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY APPROVAL OF THE CAMPUS COMMONS SUBDIVISION WITH CONDITIONS.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on October 14, 2008, the purpose of which was to accept public comment on PC-23-2008 the proposed Preliminary Campus Commons Subdivision application.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the Preliminary Campus Commons Subdivision application with conditions.

SECTION 3: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and the applicant's application and all documents filed by the applicant and incorporates the same herein and hereby approves the application of the applicant for the Preliminary Campus Commons Subdivision, subject to the following conditions:

- a. The maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors and that Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to the City's legal Counsel.
- b. A pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.
- c. Vehicular ingress/egress to the existing Campus Courts Apartments shall be accessed only from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.
- d. Vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.
- e. The proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards.
- f. The tree plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan.

- g. As presented, the project shall be completed in three phases, each phase to be completed within two years (Phase 1, Rose Street Extension and Lots D1-D6 by 2010; Phase 2, Bern Street Extension and Lots D7-D14 and S1 by 2012; and Phase 3, Wooster Place Extension and Lots D15-D20 and S2 by 2014). Furthermore, the infrastructure improvements as presented, regarding the abandonment and relocation of an existing 12" sanitary sewer line going through the parking lot of Campus Courts Apartments is completed during Phase 1.
- H. The full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within 2 years from the start of Phase 2.
- I. Perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to the City's Legal Counsel.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

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

<u>Report Date</u>	November 4, 2008
<u>Case Number</u>	PC-23-2008
<u>Applicant Information</u>	Robert Broestl, Applicant
<u>Requested Action</u>	Preliminary Subdivision
<u>Summary of Request</u>	To Allow for a Proposed Residential Subdivision (R2MS single and two family residential)
<u>Public Hearing Information</u>	On October 14, 2008 a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on September 12, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 to recommend to City Council <i>APPROVAL</i> of the preliminary subdivision: 1. That, the maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors and that Homeowners Association Covenants are recoded with the Final Development Plan, and acceptable to the City's Legal Counsel. 2. That, a pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street. 3. That, vehicular ingress/egress to the existing Campus Courts Apartments shall be accessed only from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated. 4. That, vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue. 5. That, the proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards. 6. That, the tree plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan. 7. That, as presented, the project shall be completed in three Phases, each phase to be completed within two years (Phase 1, Rose Street Extension & Lots D1-D6 -2010; Phase 2, Bern Street Extension & Lots D7-D14 & S1 – 2012; and Phase 3, Wooster Place Extension & Lots D15-D20 & S2 – 2014). Furthermore, that the infrastructure improvements as presented, regarding the abandonment and relocation of an existing 12" sanitary sewer line going through the parking lot of Campus Courts Apartments is completed during Phase 1. 8. That, the full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within 2 years from the start of Phase 2.

9. That, perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to City's Legal Counsel.

**Commission Findings
and Conclusions**

At the October 14, 2008 meeting, the Planning Commission approved the preliminary subdivision with conditions listed above.

**Exhibits Submitted to the
Commission**

1. Staff Report dated September 12, 2008
2. Interoffice Review Transmittal Sheets from Fire, Engineering, Police & Economic Development
3. PowerPoint Presentation by Robert Broestl dated October 14, 2008
4. Public Comment by Brinley Varchol, dated October 14, 2008
5. Letter of Agency
6. Preliminary Subdivision Application dated August 28, 2008
7. Memorandum from Robert Broestl
8. Plat of survey
9. Lot & Street Layout
10. Storm Water Management Plan
11. Utility Layout
12. Tree Planting Plan

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-23-2008

Date – October 14, 2008

APPLICATION

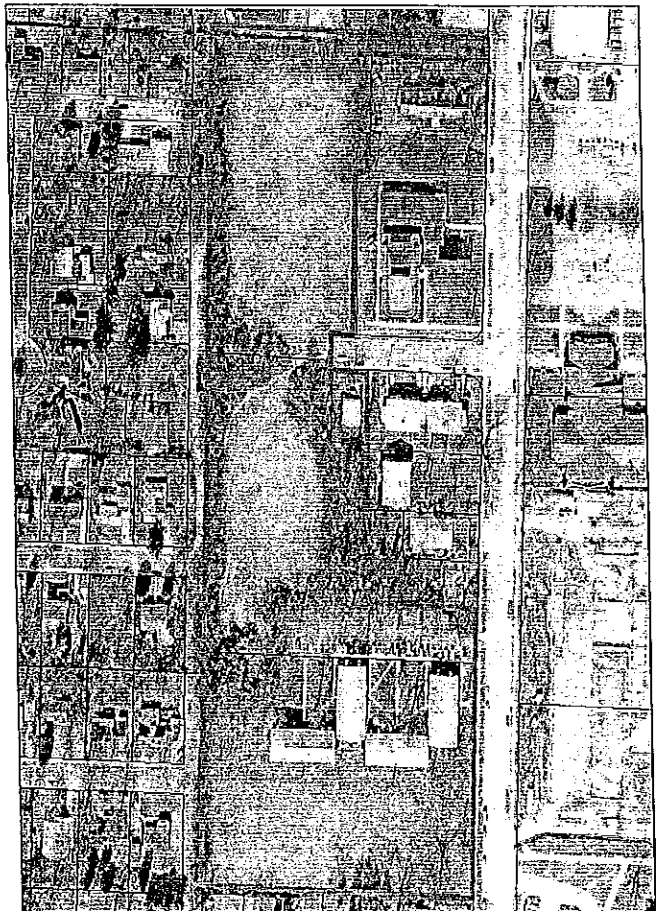
Applicant:	Paul W. Baer Trust Properties, LLC/ Robert Broestl, P.E.
Location:	South Poplar and Campus Avenue; 540 S. Campus Avenue Parcel ID: H4100103000092, H4100103000095, H4100103000097, & H4100106000150
Owner:	Paul W. Baer, Trust
Action Request:	Preliminary Subdivision Plan
Current Use:	Vacant Lots
Current Zoning	R2MS
Surrounding Existing Land Uses:	Residential and Miami University

GENERAL DESCRIPTION

The subject site consists of approximately 5.45 gross acres (7.81 gross acres including Campus Courts Apartment Complex). The Applicant is proposing 20 duplex lots and 2 single family lots (S1 existing on Bern Street and S2 located on the cul-de-sac of Wooster). The application has been modified since earlier this year to accommodate the additional right-of-way requirement along Poplar Street, improve Poplar Street from the northern property line to the new Rose Avenue extension and to ensure that all new lots meet the minimum underlying zoning requirements in regards to lot size and width.

The Applicant is also proposing to place the existing nonconforming Campus Courts Apartment Complex (48 existing units; 12 units per building; 4 buildings) on a conforming lot for the apartment complex (1.98 acres for the existing apartment complex is required and 2.36 acres is provided). The existing Campus Courts Apartment Complex satisfies all underlying zoning district regulations as well for setbacks and lot coverage.

According to the site plan, the Applicant indicates that Wooster Place would be extended into cul-de-sacs. Rose Avenue and Bern Street are labeled as full extensions connecting Campus and Main. The Applicant has also indicated the development will occur in three phases.



SITE HISTORY

- PC# 21-2006: January 2007: The Applicant requested acceptance for a residential Preliminary Planned Development from the Planning Commission for a 39-unit apartment complex. Motion to Deny the request 6-1-0.
- February 2007: Applicant withdrew application from proceeding to City Council.
- PC# 13-2007: July 2007: Applicant requested approval of a Preliminary Subdivision from the Planning Commission for 22 duplex lots and 1 single family lot. The Planning Commission tabled to obtain more information from Engineering regarding additional Poplar Street right-of-way.
- August 2007: Continued the Planning Commission hearing. Motion to recommend approval to City Council with conditions 6-0-0.
- August 30, 2007: Applicant requested that the City Council hearing be postponed for them to further consider their options and to acquire legal opinion regarding the Planning Commission and Engineering's recommendation requiring additional right-of-way being dedicated for Poplar Street.
- PC#10-2008: May 2008: Applicant requested approval of a Preliminary Subdivision from the Planning Commission for 22 duplex lots and 1 single family lot. The Planning Commission recommended 6-0 denial of the application because it failed to meet Oxford Planning and Zoning Code 1101.03(b). The design and layout of the subdivision did not conform with the requirements in Section 1101.05(d)(3) "no lot shall have an area or width less than that required by applicable sections of the zoning code." The proposed layout indicated that there were proposed lots that did not meet the minimum lot size and/or lot width of the R2MS site development standards.
- June 2008: Applicant withdraws application for PC# 10-2008.

SURROUNDING NEIGHBORHOOD

The site is located in the Mile Square and is west of the Miami University campus. The surrounding neighborhood is primarily residential to the north, west and south. There is a mix of single-family and multi-family units surrounding the property including the Faith Evangelical Lutheran Church and Delta Sigma Pi Fraternity to the northeast.

COMPREHENSIVE PLAN

Land Use Element of the Comprehensive Plan; Mile Square Subarea:

A. Concerns

Land use concerns in the Mile Square focus on several important and complicated issues, the over abundance of rental property, crowded living conditions, property maintenance issues related to rental property and a declining physical environment, including infrastructure.

These issues have combined in the Mile Square in a way that divides the City's historic center. The Mile Square combines a mix of housing types, which include student-oriented, where a majority of the rental housing stock is located, as well as associated crowded living conditions and parking problems. The Mile Square also has owner-occupied, single-family homes that are well-maintained and create a strong sense of neighborhood due to the stability of the population.

The Mile Square's traditional grid pattern has broken down in some cases. On the eastern side it has merged with the Miami University campus. On the west side of Locust Street the business district has grown into the Square. Truck traffic also bisects the Square.

B. Strategies

1. Continuing to house a mix of uses.
The Mile Square should continue to house a mix of uses, reflecting its dynamic development character and environment. However, the emphasis should be preserving single-family homes and small neighborhood. See Housing, Objective 5.
2. Undertaking a detailed survey to delineate subareas in Mile square based on the land use and density. However, to enable the City to make sound land use decision, a block-by-block survey that delineates land use, density and zoning. Such information will provide a sound basis for deciding future zoning decisions, tracking development trends and monitoring regulations to ensure the land use balance doesn't shift to a point where the Mile Square becomes less diverse.
3. Establishing a policy to discourage future right-of-way vacation.
4. Completing missing road segments, perhaps as property is developed or redeveloped.
5. Supporting the pedestrian orientation of the Mile Square through the maintenance and replacement of sidewalks, alleys and street trees.
6. Arriving at off-street parking solutions and integrating the City's recent parking study into the transportation element of this Plan to arrive at a final set of agreeable actions.

AGENCY COMMENTS

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

Police:	Requests that Poplar Street be extended to Central Avenue.
Fire:	Comments returned with no comments on this request.
Engineering:	Comments attached
Econ. Dev.:	Supports the connectivity.

PUBLIC COMMENT FORMS

To date no comment forms have been received.

STAFF ANALYSIS

The applicant has indicated that the development will occur in three phases. To date the Applicant has not indicated an exact timeline of the phasing, but has suggested that the economy of the real estate market will determine when construction will be completed. Staff suggests discussing with the applicant potentially placing a condition that the Poplar Street and Rose Avenue extensions are completed within one year of City's approval of the Final Development Plan.

The site plan indicates a 50-foot gap between Lot D7 & D8 along the proposed Poplar Street Extension. Staff suggests that a pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street. Vehicular access shall be limited to the current driveway from Campus Avenue, unless the Campus Avenue curb cut is eliminated, thus filtering all vehicular traffic to this complex away from utilizing Campus Avenue which is an emergency route.

Lot D18 is an irregular lot with frontage on the proposed Wooster Place extension and Campus Avenue. Vehicular access to this lot shall only be permitted from Wooster Place. Furthermore, a 6-foot gravel

pedestrian walking path is indicated along this lot for access from Wooster Place and Campus Avenue. This path should following the City's sidewalk standards; loose gravel is not an acceptable material. Additionally, the plans note that a Homeowners Association will be responsible for maintaining the pedestrian path as well as the proposed retention basins.

There are three retention basins shown on the site plan. The northern and southern most retention basins are located at the rear of multiple lots. The middle basin is located on the reconfigured lot for the Campus Courts Apartment Complex. As aforementioned, the plans note that a Homeowners Association will be responsible for maintaining the proposed retention basins. However, staff has concerns that ultimately the responsibility of maintenance will fall upon the property owners of these individual lots. Furthermore, staff questions that a Homeowners Association will maintain the retention basin located on the apartment complex property if this property is later sold and is not technically part of the proposed subdivision. A copy of the Homeowners Association Covenants will be required as part of the submission for the Final Development Plan and must be acceptable to the City's Legal Counsel.

Lot D13, Lot D18 and D19 have approximately 25' of buildable depth. Any future decks or patios for these units are required to meet the setback requirements. Future requests for variances of these buildings would not be looked upon favorably.

Prior to any approval, staff recommends that the Planning Commission consider the following conditions:

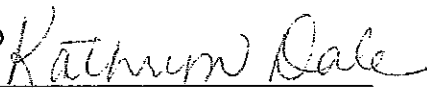
1. That, the maintenance of the pedestrian walking path and retentions areas are the sole responsibility of the property owner and its successors and that Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to the City's Legal Counsel.
2. That, a pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.
3. That, vehicular access shall be only be accessed from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.
4. That, vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.
5. That, the proposed pedestrian walking path is paved in accordance with the City of Oxford's sidewalk standards.

RECOMMENDATION

Not applicable.

SUBMITTED

BY:



Kathryn A. Dale, AICP

City Planner

Community Development Department

DATE: September 12, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-23-2008

Description:

PC-23-2008 **PRELIMINARY SUBDIVISION - South Campus Avenue** proposed residential subdivision (R2MS single and two family residential) **Paul Baer Family Trust, Robert Broestl, Applicant**

 X Review Revisions Other

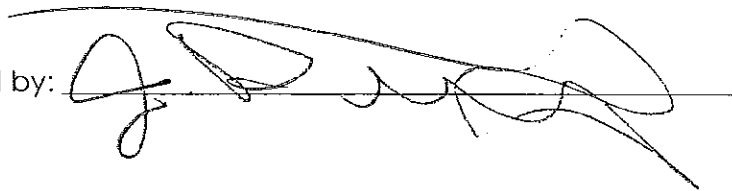
Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** 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: 9/8/08

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-23-2008

Description:

PC-23-2008 **PRELIMINARY SUBDIVISION - South Campus Avenue** proposed residential subdivision (R2MS single and two family residential) **Paul Baer Family Trust, Robert Broestl, Applicant**

 X Review Revisions Other

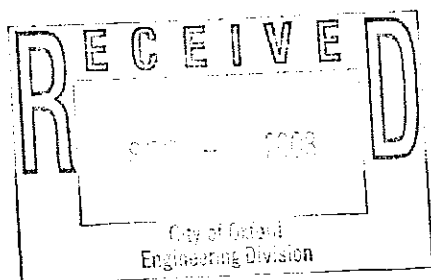
Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:

A. Popescu 10-8-08





Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Jung-Han Chen
Community Development Department

FROM: Victor Popescu, PE
City Engineer

RE: Baer Family Trust
Preliminary Subdivision Plan – Campus Commons

DATE: October 8, 2008

The following are our comments on the “Preliminary Subdivision Plan – Campus Commons”, dated August 26, 2008, and received by the Engineering Division on September 8, 2008.

Please note that, at this time, our comments address only the information required to be presented on a preliminary plan.

- Within the limits of the proposed development there are water mains, sanitary sewer mains, and storm sewers that are not indicated on the submittal.
- Is any section of the development within a floodplain?

In addition to the above comments, previously, the Engineering Division addressed issues related to the status of the utilities within the proposed development. Those issues must be addressed by the construction plans.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-23-2008

Description:

PC-23-2008 **PRELIMINARY SUBDIVISION - South Campus Avenue** proposed residential subdivision (R2MS single and two family residential) **Paul Baer Family Trust, Robert Broestl, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

*Is it possible to extend S Poplar St
to Central Ave as a part of this
project?*

Drawings reviewed by: J. Baer



Is it possible to extend S. Poplar Street to Central Avenue as a part of this project?

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-23-2008

Description:

PC-23-2008 **PRELIMINARY SUBDIVISION - South Campus Avenue** proposed residential subdivision (R2MS single and two family residential) **Paul Baer Family Trust, Robert Broestl, Applicant**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

ON A PERSONAL NOTE, I LIKE THE CONNECTIVITY
OF THE STREETS -

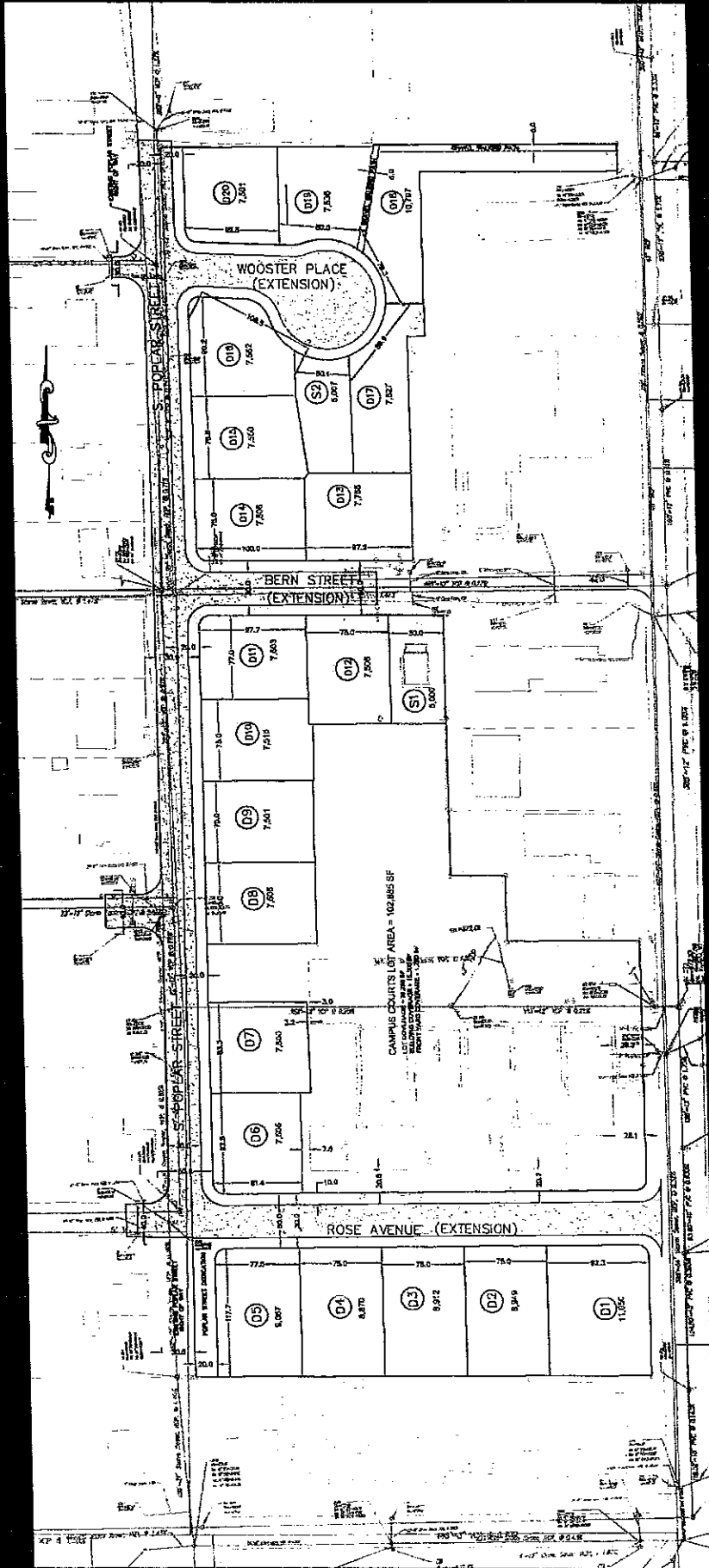
Drawings reviewed by: 

**+ CAMPUS COMMONS
PRELIMINARY
SUBDIVISION**

**PLANNING COMMISSION
MEETING**

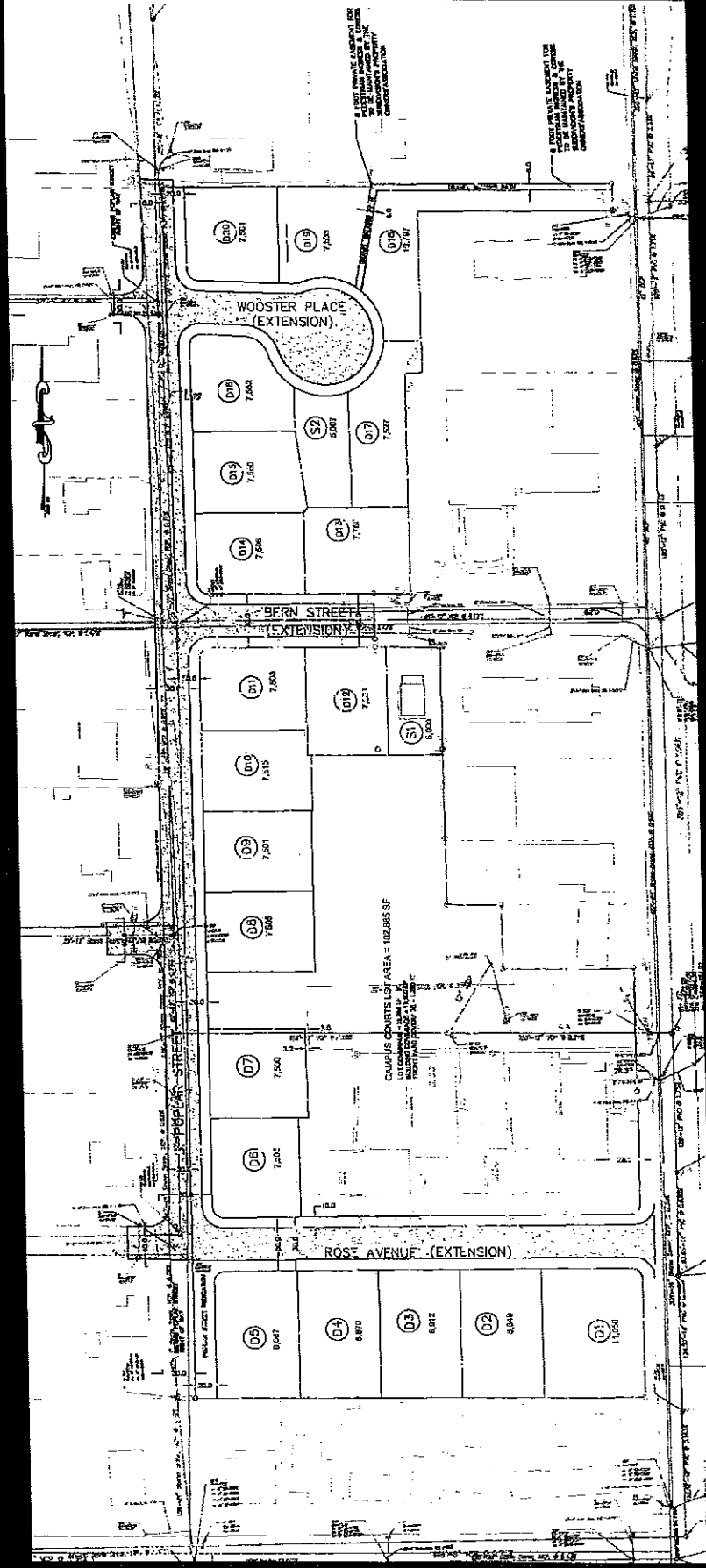
October 14, 2008

CAMPUS COMMONS LOT LAYOUT



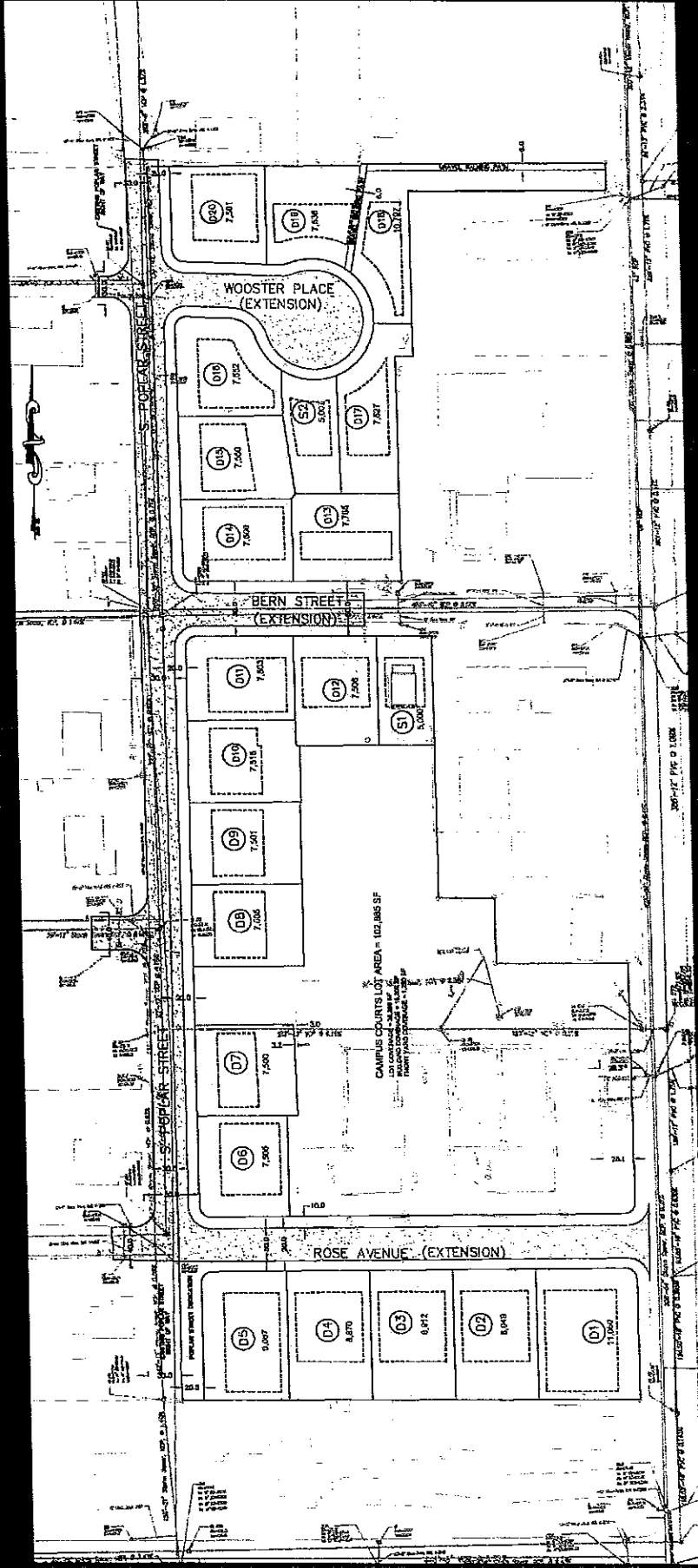
- 20 DUPLEX LOTS (75' MINIMUM WIDTH AND 7,500 SF MINIMUM AREA)
- 2 SINGLE FAMILY LOTS (50' MINIMUM WIDTH AND 5,000 SF MINIMUM AREA)
- CONFORMING LOT FOR CAMPUS COURTS APARTMENTS

CAMPUS COMMONS PROPOSED STREETS



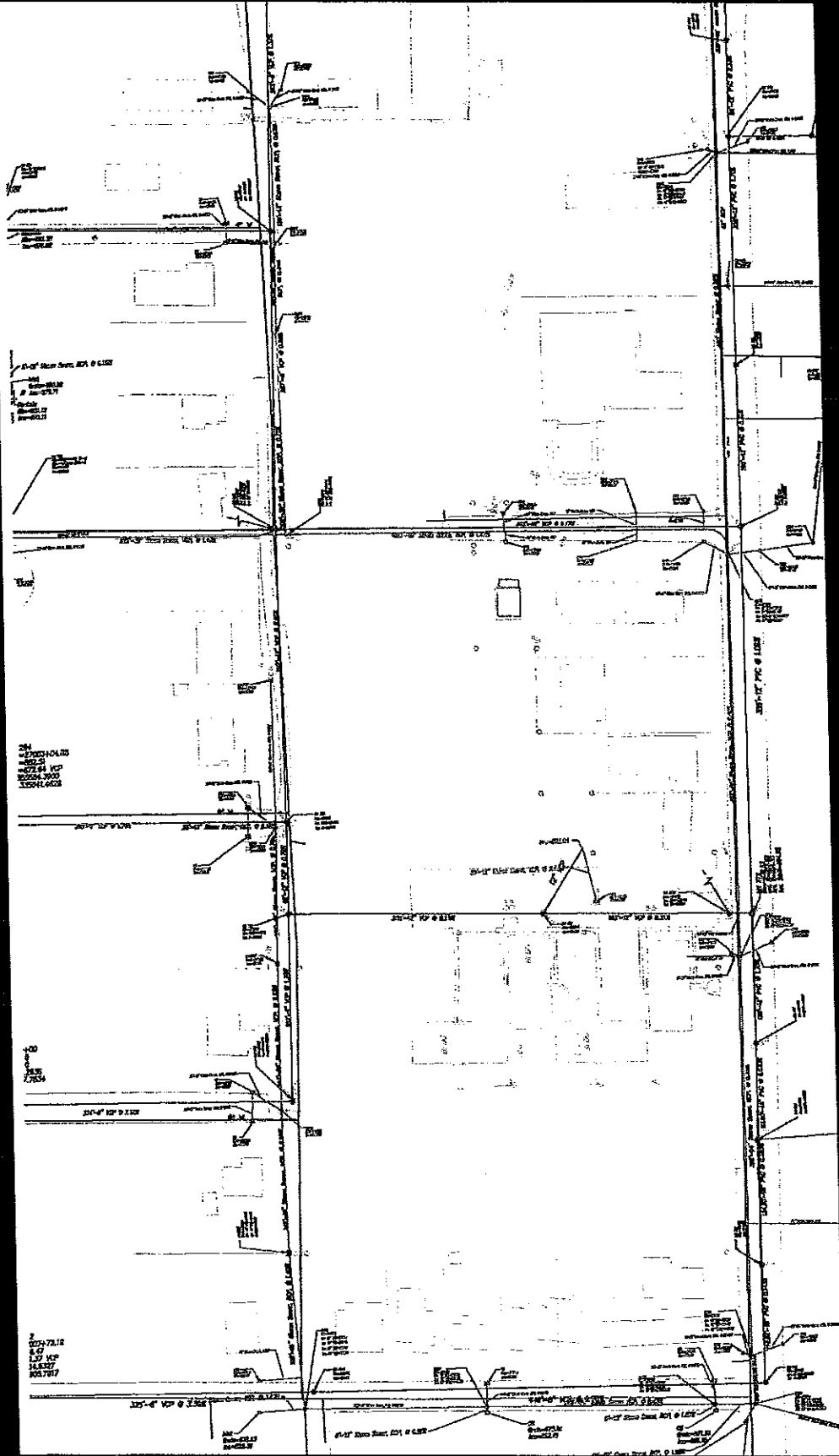
- A 20' DEDICATION ALONG THE WEST PROPERTY LINE FOR S. POPLAR STREET
- S. POPLAR STREET CONSTRUCTED FROM THE N. PROPERTY LINE TO ROSE AVENUE
- ROSE AVENUE EXTENDED THROUGH TO S. CAMPUS AVENUE
- BERN STREET EXTENDED TO INTERSECT WITH S. POPLAR STREET
- WOOSTER PLACE EXTENDED TO END IN CUL-DE-SAC
- SIDEWALKS AND WALKING PATH IMPROVE PEDESTRIAN ACCESS TO CAMPUS AVE.
- WALKING PATH TO BE CONSTRUCTED OF GRAVEL, ASPHALT, OR CONCRETE

CAMPUS COMMONS BUILDING ENVELOPES

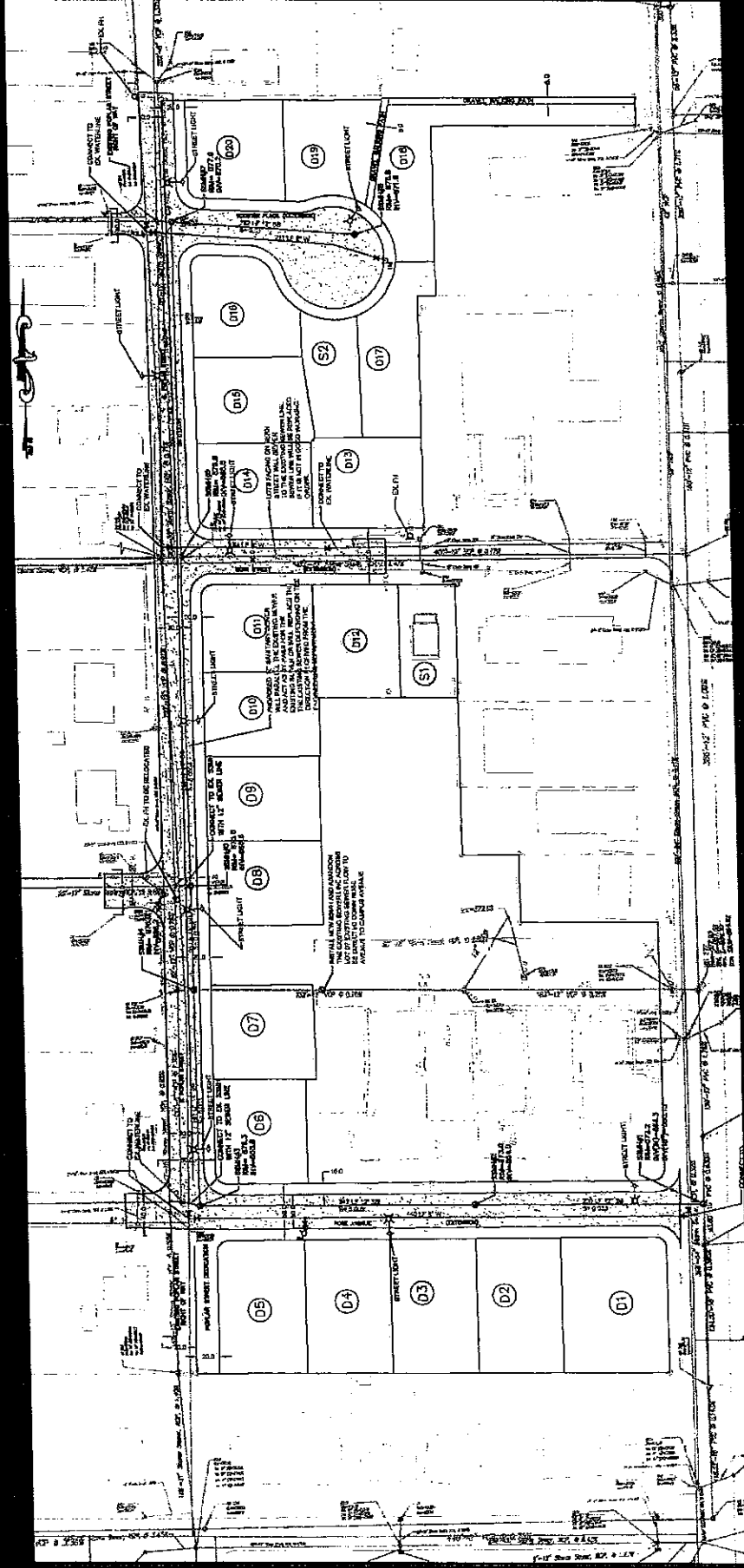


- MAXIMUM BUILDABLE AREA SHOWN BASED ON ZONING SET BACKS
- BUILDINGS WILL HAVE SMALLER FOOTPRINT THAN THE AREAS SHOWN
- MAXIMUM BUILDING SIZE WILL NOT EXCEED 35% LOT COVERAGE
- LOT D18'S IRREGULAR SHAPE ALLOWS FOR PEDESTRIAN ACCESS TO CAMPUS AVE.
- LOT D18'S VEHICULAR ACCESS WILL BE FROM WOOSTER PLACE

CAMPUS COMMONS EXISTING CITY UTILITIES

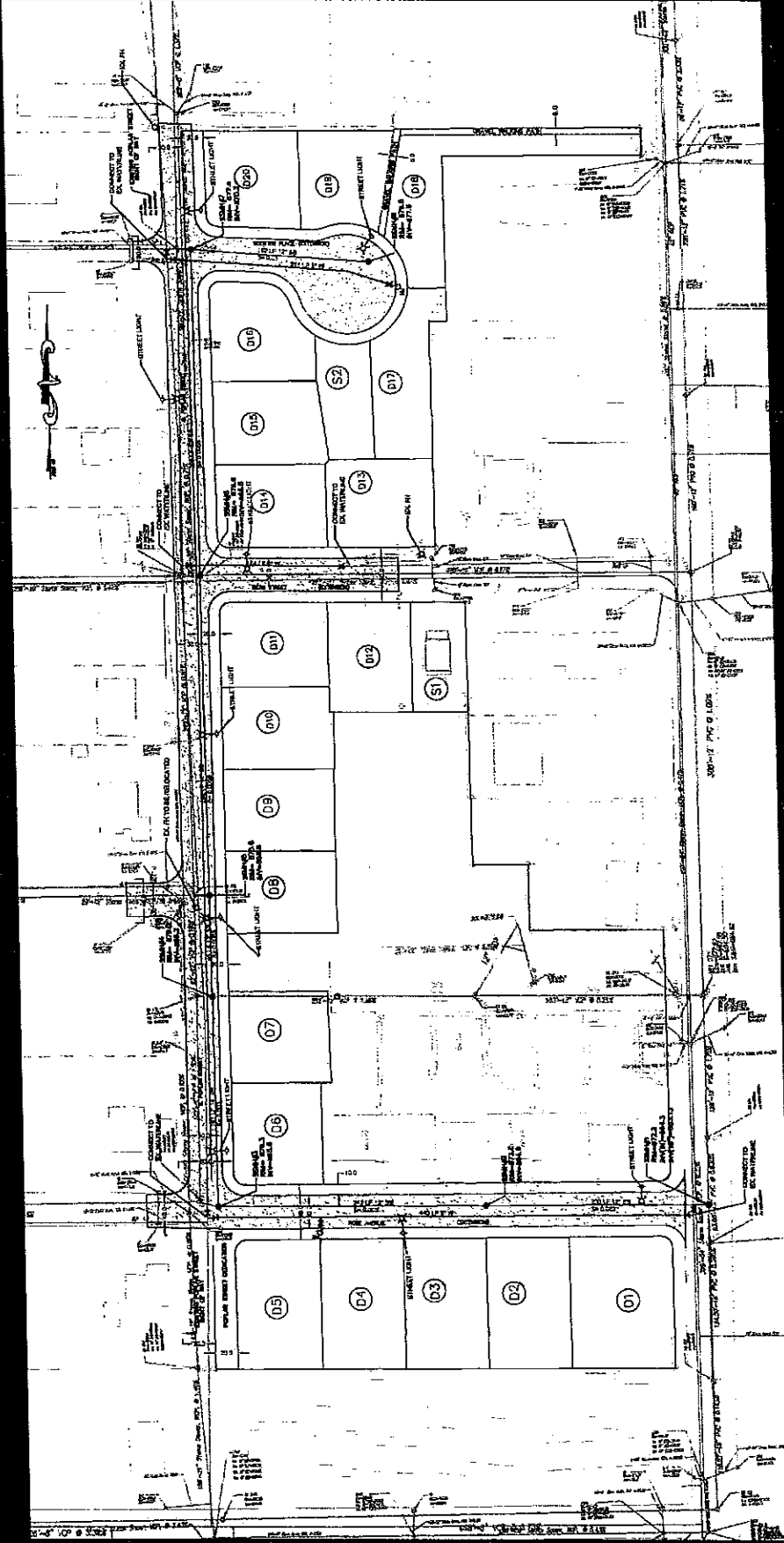


CAMPUS COMMONS PROPOSED UTILITIES - SANITARY SEWER



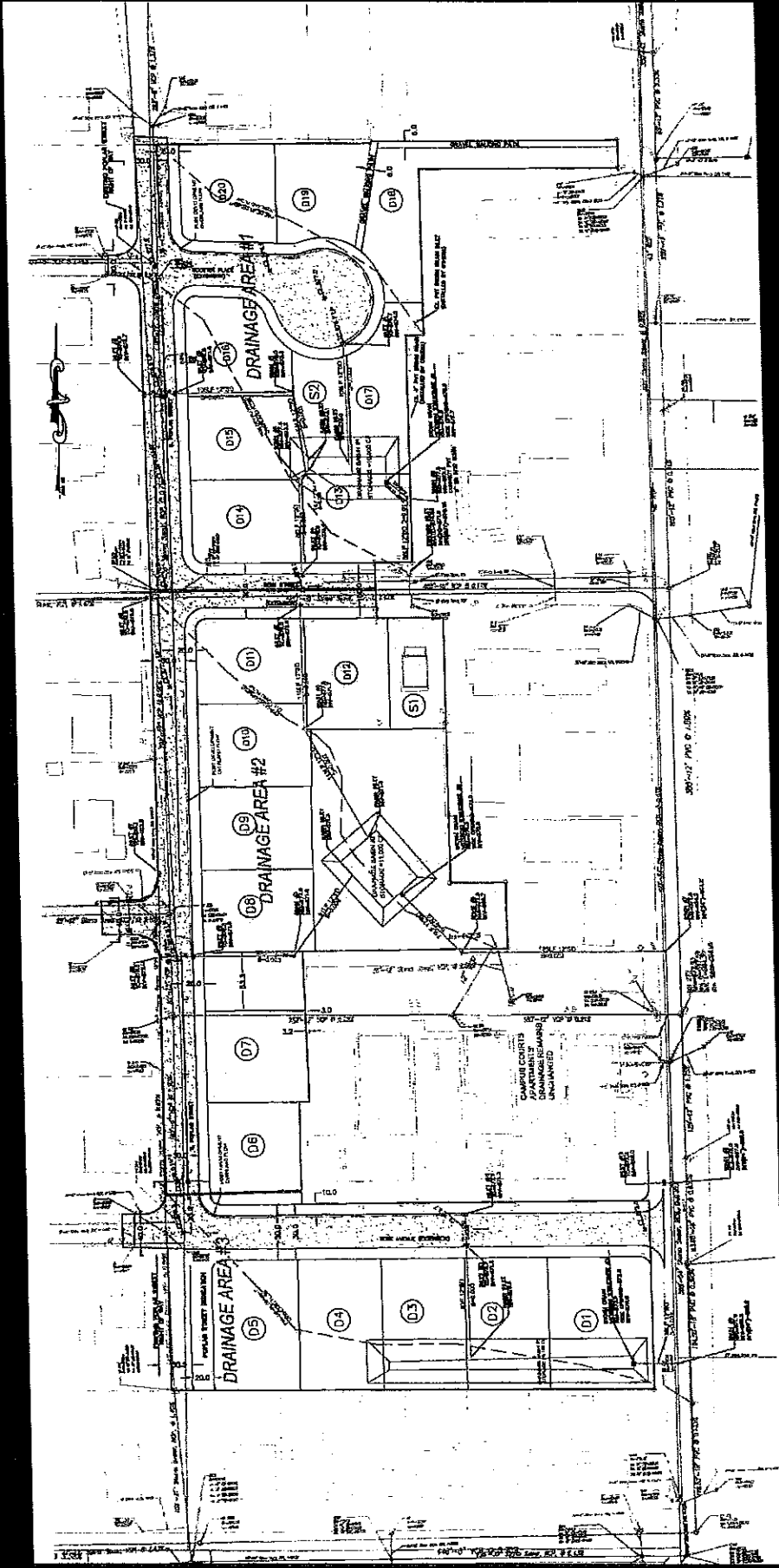
- EXISTING SANITARY SEWER FLOWS FROM THE WEST TOWARD THE DEVELOPMENT
- UPGRADE THE SEWER IN POPLAR ST. TO ACCEPT EXISTING & PROPOSED FLOWS
- RE-ROUTE SEWER LINE FLOWING THROUGH CAMPUS COURTS TO ROSE AVE.
- CONSTRUCT SEWER LINE IN WOOSTER PLACE
- UTILIZE EXISTING SEWER LINE IN BERN STREET AND UPGRADE AS NECESSARY

CAMPUS COMMONS PROPOSED UTILITIES - WATER



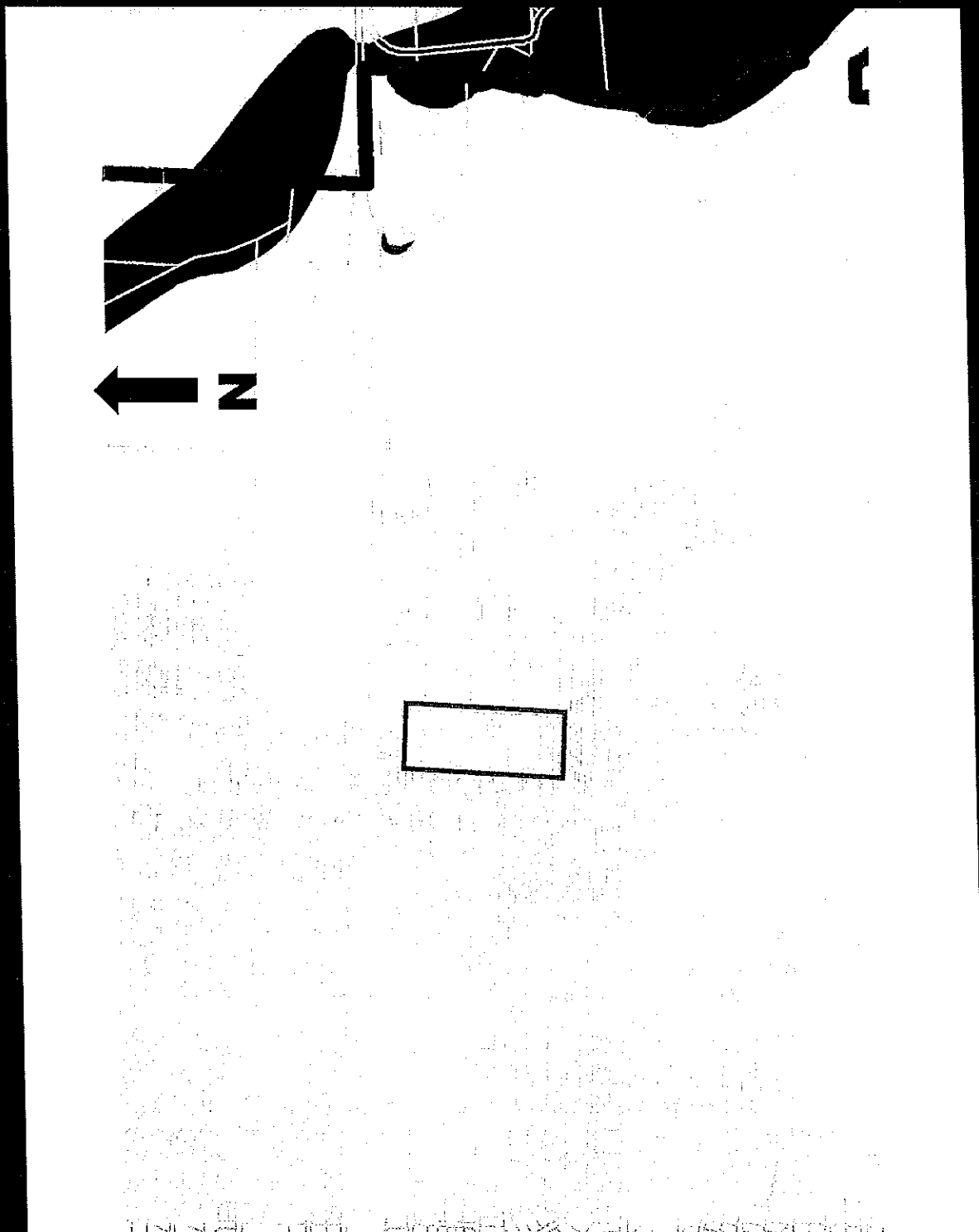
- EXISTING WATER MAIN LOCATED IN S. POPLAR R/W AND S. CAMPUS AVENUE
- NEW WATER LINES IN ROSE AVENUE, BERN STREET, AND WOOSTER PLACE
- INSTALL FIRE HYDRANTS

CAMPUS COMMONS STORM WATER MANAGEMENT

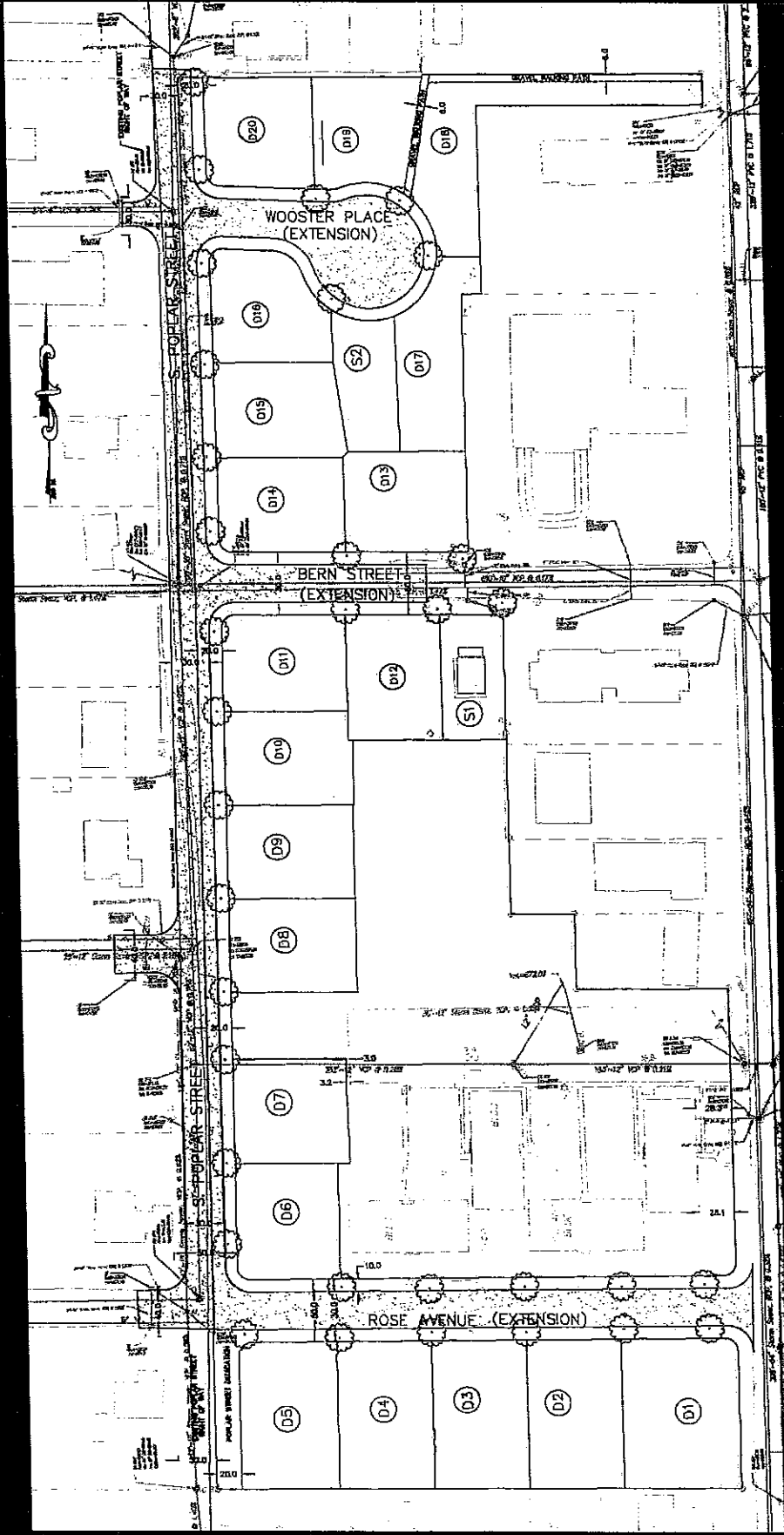


- POST DEVELOPMENT STORM WATER RUNOFF EQUAL PREDEVELOPMENT FLOWS
- THE DEVELOPMENT CONSTRUCTS 3 STORM WATER DETENTION BASINS
- STORM WATER DETENTION BASINS ARE SIZED TO CONTAIN A 100 YEAR STORM
- THE DETENTION BASINS METER THE FLOWS OUT TO THE PREDEVELOPMENT LEVEL
- STORM WATER PIPES AND DETENTION BASINS TO BE LOCATED IN EASEMENTS

BUTLER COUNTY FLOOD PLAIN MAP

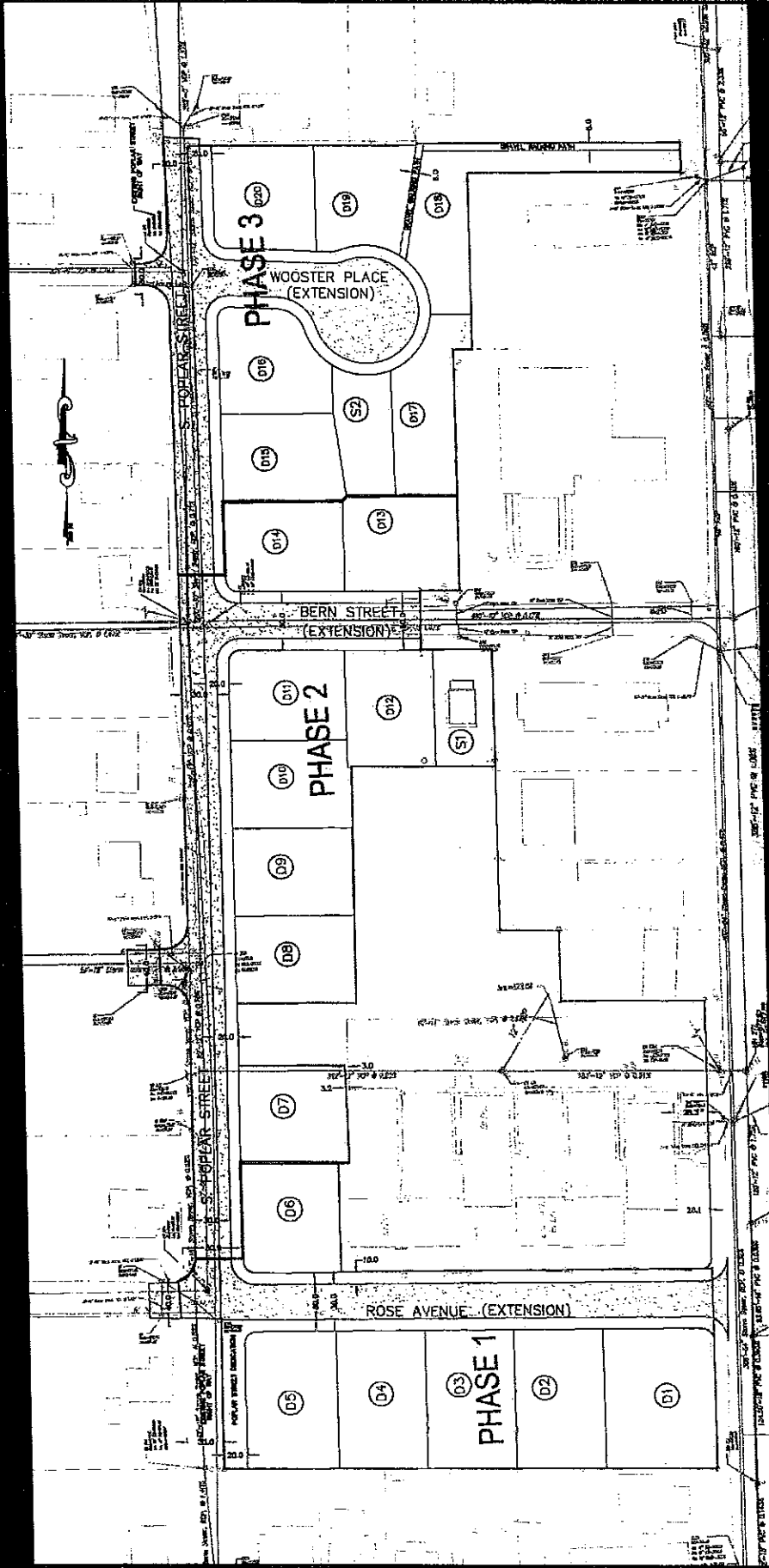


CAMPUS COMMONS TREE PLANTING PLAN



- TREE PLACEMENT AND SPECIES ALONG THE STREET TO BE COORDINATED WITH PLANNING & ENGINEERING
- WHERE POSSIBLE ADDITIONAL TREES WILL BE ADDED AT THE BACK OF THE LOTS

CAMPUS COMMONS PHASING PLAN



- PROJECT PHASING DEPENDANT ON THE ECONOMY AND THE REAL ESTATE MARKET
- PHASE 1 LOTS D1 THROUGH D6 – WITHIN TWO YEARS AFTER PLAN APPROVAL
- PHASE 2 LOTS D7 THROUGH D14 & LOT S1 – TWO YEARS (ECONOMY DEPENDANT)
- PHASE 3 LOTS D15 THROUGH D20 & LOT S2 –TWO YEARS (ECONOMY DEPENDANT)

CAMPUS COMMONS

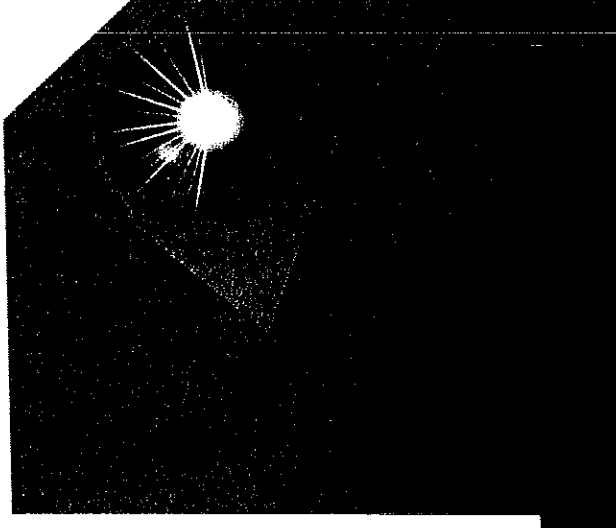
HOME OWNER'S ASSOCIATION



- HOA WILL BE A NONPROFIT CORPORATION UNDER OHIO LAW
- THE HOA MEMBERS WILL BE ALL LOT OWNERS
- THE OWNER OF CAMPUS COURTS APARTMENTS WILL GRANT AN EASEMENT TO THE HOA FOR CONSTRUCTION AND MAINTENANCE OF A DETENTION BASIN AND STORM DRAIN PIPES ON ITS LAND
- THE HOA'S BOARD OF DIRECTORS WILL MAKE ASSESSMENTS AGAINST LOT OWNERS FOR THE UPKEEP OF DETENTION BASINS, STORM DRAIN PIPES AND THE WALKING PATH

**Comments on
Planning Commission
Case # PC-23-2008
Baer Trust Properties
Preliminary Subdivision Plan**

**Presented by
Brinley & Dorothy Varchol
109 Oberlin Ct, Oxford, Ohio**



Background

- ▲ The City of Oxford (first laid out as the Village of Oxford in 1810) had, as its original boundaries, the “Mile Square”
- ▲ The concept was to provide a town, made up of businesses and residences, providing a symbiotic relationship with Miami University
- ▲ The 1998 Comprehensive Plan establishes a Vision for Oxford that includes:
 - Creating a welcoming and inclusive community open to all citizens
 - Preserving greenspace and expanding parkland
 - Enhancing the livability and affordability of Oxford area housing
 - Managing land use which accommodates growth with a moderate population increase

Background

(continued...)

- ▲ The 1998 Comprehensive Plan also states:
 - Housing conditions in Oxford must be improved to ensure that quality living environments are available to all residents
 - The housing market must be broadened to provide a full range of housing options
 - The City should continue to target available resources that facilitate affordable housing
 - In general, population densities should be reduced in the Mile Square, with the exception of High Street
 - An increase in the amount of owner-occupied housing must be made if the City is to stabilize and improve the Mile Square

Results

- ▲ Based on comments and input from the community, all of these same themes are echoed in the current draft of the 2008 Comprehensive Plan
- ▲ So, how have we fared since 1998? Obviously, not so well
 - The number of owner-occupied houses as diminished drastically
 - Trees, landscaping, and greenspace are all on the decline
 - Population density has increased throughout the Mile Square

Changes to the Neighborhood

1998 - 2008

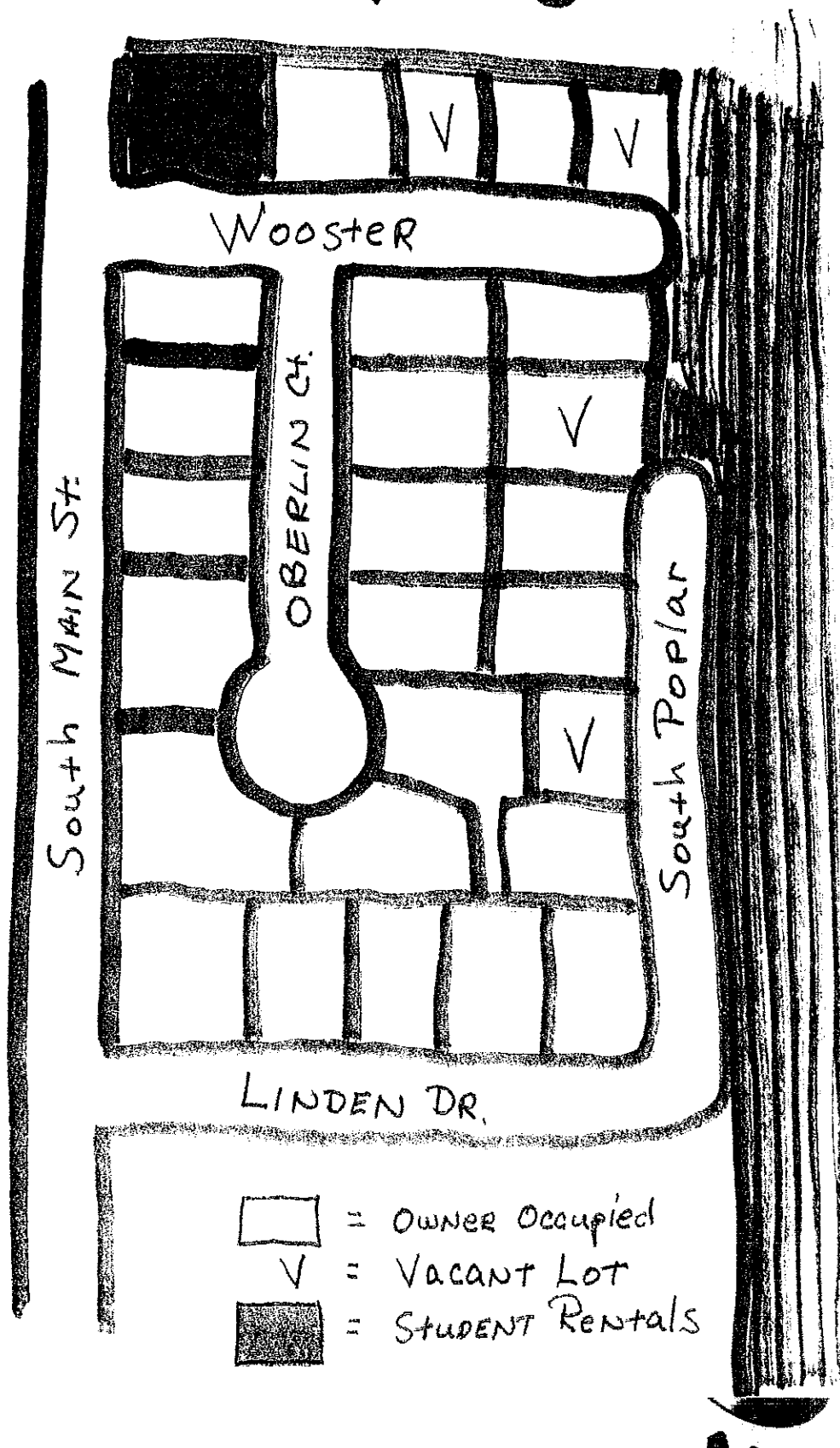
- ▲ When my wife and I moved to Oxford in 1998 our neighborhood (Wooster, Oberlin Ct, Linden and South Poplar) included:
 - 22 Owner Occupied Homes
 - 1 Student Rental
- ▲ In 2008, the changes are dramatic. Our neighborhood now includes:
 - 6 Owner Occupied Homes
 - 18 Student Rentals
 - 1 University Rental

Wooster, Oberlin, Linden & S. Poplar

1998

1998

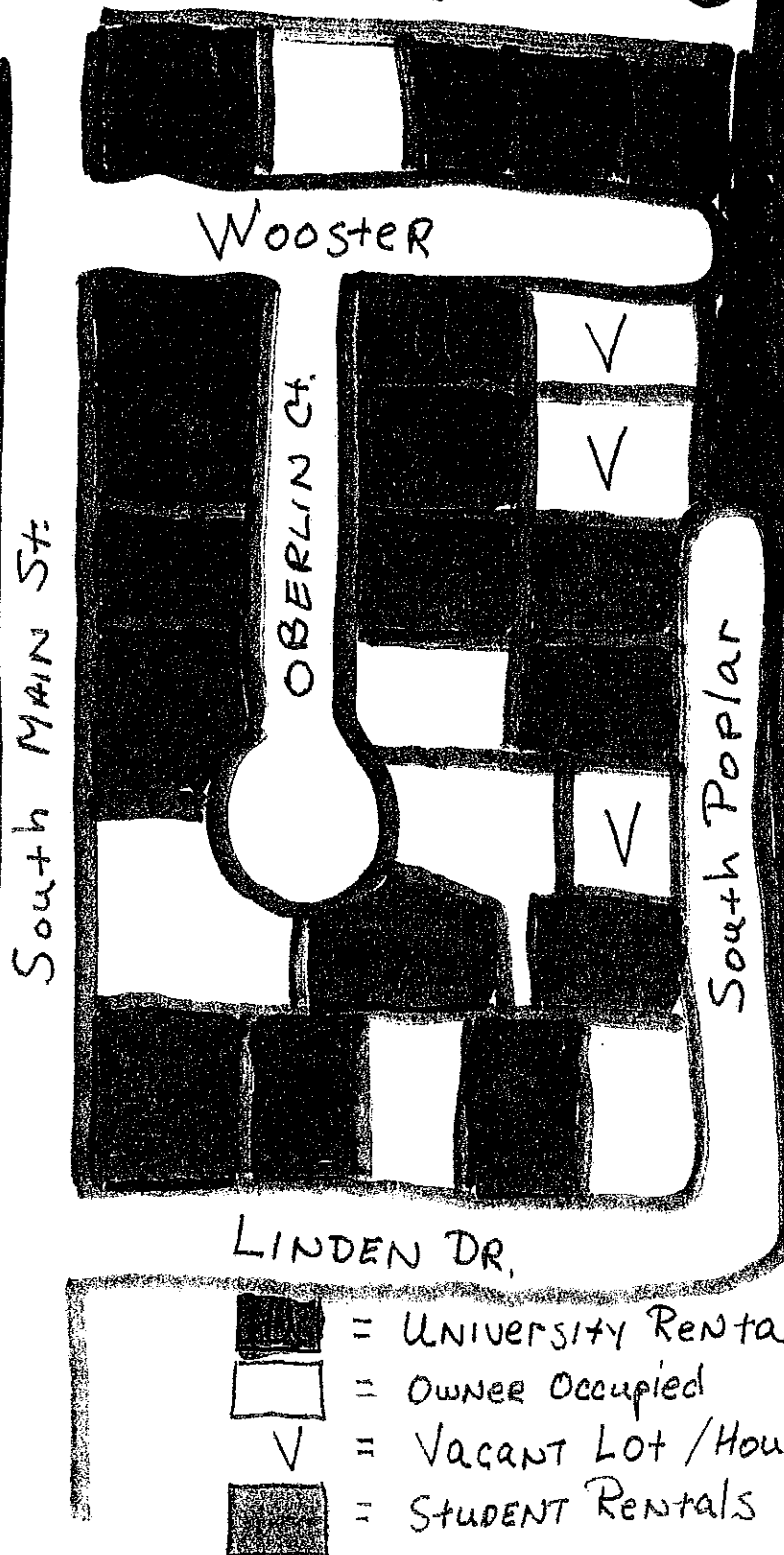
6



Wooster, Oberlin, Linden & S. Poplar

2008

2008



So, What's the Impact

- ▲ Children no longer play in the yards or on the streets of the Mile Square. There were nearly a dozen children in our neighborhood alone, in 1998
- ▲ Yards are littered with beer cans, empty pizza boxes, and the left over remnants of the weekend parties
- ▲ Trees, landscaping, and general property appearances are deteriorating. Can we keep our "Tree City" status?
- ▲ Noise, late night parties, and overflowing trash cans are the rule rather than the exception
- ▲ Parking continues to get worse

What's the Impact of this new Subdivision

- ▲ By approving this Subdivision, as presented, the City is basically giving up on the Vision of the Comprehensive Plan, to say nothing of our 1810 Charter
- ▲ The noise and danger from the increased traffic flow and student density will destroy the residential charm of this last vestige of an owner-occupied area of the Mile Square
- ▲ The greenspace, East of S. Poplar, will be destroyed. "Connectivity" is a great buzz word for city and traffic planners, but they aren't the ones who have to live with, or next to, the increased traffic, or the loss of trees and barriers

IT'S A SHAME

- ▲ My wife and I have empathy with the developers
- ▲ They have tried to satisfy the requests of both the residents and the city planners, only to be thrown a last minute curve ball by Engineering; requiring them to dedicate a portion of their property to a S. Poplar Street right-of-way that they weren't planning to develop
- ▲ Now, here we are, almost two years later, back to where we were in 2006, with the elimination of the trees and the development of S. Poplar – against the previous objections of both the residents and former members of the Planning Commission and City Council
- ▲ **Please, don't give up on your city residents, don't give up on owner-occupied housing in the Mile Square, and don't approve this Subdivision!!**



first financial wealth resource

Another step on the path to success

ACT AS AGENT LETTER

August 7, 2008

Oxford Planning Commission
And Oxford City Council
Oxford, Ohio 45056

Dear Sirs:

Please let this letter serve as our authorization for Robert E. Broestl, PE, and Michael J. Stegman and Thomas Dierling, legal co-counsel, to act as our Agents for the Campus Commons Subdivision Application process. Mr. Broestl, Mr. Stegman, and Mr. Dierling will be representing First Financial Bank, Trustee for the Paul W. Baer Trust Properties, LLC, Trust Under Will.

Sincerely,

A handwritten signature in black ink, reading "Kathy D. Carmack".

Kathy D. Carmack
First Vice-President/Trust Officer
First Financial Bank

Preliminary Subdivision Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: Paul W. Baer Trust Properties, LLC / Robert Broestl, PE
(Attach a letter of agency if the applicant is not the property owner)

Mailing Address: 30 Park Terrace Court
Walnut Creek, CA 94597

Telephone Number(s): (925) 945-6987

Name of Subdivision: Campus Commons

Location of Property: South Campus Avenue, South Poplar Street

Legal Description: See attached Plat of Survey

Zoning District: R2MS

Number of Lots: 22

Total Acreage: 5.45 Acres

Surveyor/Engineer: DDS Surveying Brosey Surveying Company

Address: 318 S. College Ave. 4045 Stillwell Rd.
Oxford, OH 45056 Hamilton, OH 45013-9172

Phone Number: (513) 523-4270 (513) 863-0237

DRAWING REQUIREMENTS

Please submit twelve copies of the plat. Drawing size must be at least 18"x 24" and should never exceed 24"x 36 ". The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1159, Zoning Code of the City of Oxford. The following information must appear on the plat:

- a) A vicinity map, drawn to scale, showing the general location within the City.
- b) The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses and drainage ways.
- c) Size of the tract in acres and lots in square feet and the boundary lines along with the linear measurement thereof.
- d) Any existing water mains, culverts, water or sewer lines, easements, buildings and streets within the tract or immediately adjacent thereto.
- e) The proposed location and width of streets, alleys lots and easements.
- f) The name of the proposed subdivision and the name of the surveyor, engineer and owner at the time of subdivision.
- g) The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
- h) North arrow, scale and date.
- i) Contours with intervals of five feet or less referenced to U. S. Geological Survey datum and obtained from a field survey.
- j) The seal, registry number and signature of the public surveyor who prepared the plat.
- k) An evaluation of existing watercourses, channels, storm sewers, culverts and proposed improvements pertaining to drainage and flood control in regard to their ability to handle the anticipated volume of run-off generated during peak flow.
- l) Any portion of the floodplain as delineated by the Flood Insurance Rate Map (FIRM) Community Panel Number 390731 0001- 0003, revised January 3, 1997, must be clearly illustrated and labeled on the plat.

Provide the names and addresses of all adjoining property owners including those across streets, roads, alleys and highways (attach a separate sheet if necessary).

See attached list _____

Note: Incomplete applications cannot be processed.

Submit this application, required copies of the preliminary plan containing all required information and the required fee (**\$400.00 plus \$100.00 per acre** for preliminary subdivision or planned unit development), made payable to the City of Oxford, to the office of the Planning Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Planning Department at (513) 524-5204. The plan will be placed on the next possible agenda. **Incomplete applications will not be processed.**

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed Planning Commission meeting date.

SIGNATURE OF APPLICANT: Robert Broestl Date: 8-29-08

PRINTED NAME: Robert Broestl

FEE / RECEIPT

\$400.00 + \$100.00 per acre Fee Paid / Receipt Number: \$ 945.00 [#] 839814

Memorandum

Date: August 28, 2008
To: City of Oxford Planning Department
From: Robert Broestl, PE
Re: Baer Family Trust
Preliminary Subdivision Plan for Campus Commons

The proposed Campus Commons Subdivision is located within the City of Oxford Mile Square and is located between S. Campus Avenue on the east and the unimproved right of way for S. Poplar Street on the west. The land to be developed consists of four separate parcels. Campus Courts Apartments straddles the lot line of two of the four parcels. One of the parcels currently has a single family house on the land. The combined land area of all four parcels equals 7.81 acres. The area set aside for the Campus Courts Apartments parcel is 2.36 acres, leaving 5.45 acres for the development.

The topography of the land is fairly flat, sloping from the northwest to the southeast. A majority of the land consists of grassy fields with a few pockets of trees in the middle and trees around the property edges. There are no water courses flowing through or around the property. Existing utilities (sanitary sewer, water and storm drain) are located in the streets and easements directly adjacent to the property.

The proposed development consists of 20 duplex lots with 75 foot minimum widths with 7,500 square foot minimum lot area and 2 single family lots with 50 foot minimum widths with 5,000 square foot minimum lot area. The proposed 30 foot wide roads in a 50 foot right of way match or exceed the character of the existing roads surrounding the development. Rose Avenue will be extended to its intersection with S. Campus Avenue, Bern Street will be extended to intersect with S. Poplar Street and Wooster Place will be extended to end in a cul-de-sac for emergency vehicle turn-around. The development will dedicate 20 feet of property along the western property line for S. Poplar Street. Poplar Street will be constructed from the end of the existing S. Poplar Street at the north property line to the extension of Rose Avenue on the south. With the construction of S. Poplar Street it is anticipated that the traffic generated by this development will use S. Poplar Street and the newly constructed roads and avoid using the existing neighborhood streets to the west.

This development will also improve pedestrian traffic heading to the Miami University Campus from the neighborhoods to the west of the proposed subdivision with the construction of concrete sidewalks as part of the street improvements. In addition a 6' wide pedestrian path will be constructed from the end of Wooster Place to S. Campus Avenue. The pedestrian path will be unfenced, constructed of gravel and maintained by a Property Owners Association.

The development of the property is scheduled to be completed in three phases. The timing of when a phase will be constructed depends on the economy and the real estate market. The proposed phasing is as follows:

- Phase 1 – Subdivision lots D1 through D6 including the construction of Rose Avenue and necessary utilities.
- Phase 2 – Subdivision lots D7 through D14 and Lot S1, including Bern Street, S. Poplar Street from Rose Avenue to Bern Street and necessary utilities.
- Phase 3 – Subdivision Lots D15 through D20 and lot S2 including S. Poplar Street to the north property line, Wooster Place and necessary utilities

The existing sanitary sewer flows toward the development from the west down Wooster Place, Oberlin Court (by easement), Linden Drive, and Rose Avenue to a sanitary sewer main located in the existing S. Poplar Street right of way. The sanitary sewer then flows through a pipe that is located in the Campus Courts Apartment parking lot to the sanitary sewer main in S. Campus Avenue. The development plans to upgrade the sanitary sewer line in S. Poplar Street to be able to accept the existing flows and the proposed flows from the new lots. The upgrade will be just for the sewer lines adjacent to, and running through the development. No sanitary sewer upgrades are planned for the sewer lines to the west of the development, as they will not be affected. The sewer flows currently flowing through the Campus Courts Apartments will be rerouted through a new sewer line in Rose Avenue to connect to the sewer main located in S. Campus Avenue.

Existing water mains currently exist in the S. Poplar right of way, Bern Street and S. Campus Avenue. The development will utilize these water mains to connect new water mains through the project along with the necessary number of fire hydrants to provide fire protection. The new water mains will be sized to provide the necessary pressure and fire flows for the development.

The storm water management plan for the development includes the construction of three detention basins that will contain the post development storm water run-off flows and meter the flow out to the predevelopment level. The basins are sized to contain the storm water run-off from a 100 year storm. Since the storm water run-off flows will be metered to match the existing flows from the undeveloped land the existing storm drain pipes should be adequately sized to accept the metered flows from the development.

- 1) Source documents are as shown herein.
- 2) Occupation in general fits Survey except as shown.
- 3) Munimentation found is in good condition.
- 4) —O— Indicates 5/8" iron rod with 1" cap (set) unless otherwise noted.
- 5) Subject to all comments first of record.

PLAT OF SURVEY

part outlets of 15
city of Oxford
Butler County, Ohio

For: PAUL W. Baer Trust
Date: June 22, 2005
Scale: 1"=60'

By: Brosey Surveying Company
Hamilton, Ohio.

I certify that the heron platted property was measured to acceptable Survey Standards only.

David R. Boring
Registered Surveyor, 6492 in Ohio



- 1) Source documents are as shown hereon.
- 2) Occupation in general fits Survey except as shown.
- 3) Monumentation found is in good condition.
- 4) —O— indicates S/S' Iron rod with I. D. cap (set) unless otherwise noted

5. Subject to all comments and restrictions of record.

lots 137B, 137C, 137F
Part of Lots 26, 35
City of Oxford

For: Ford M. Barr Trust

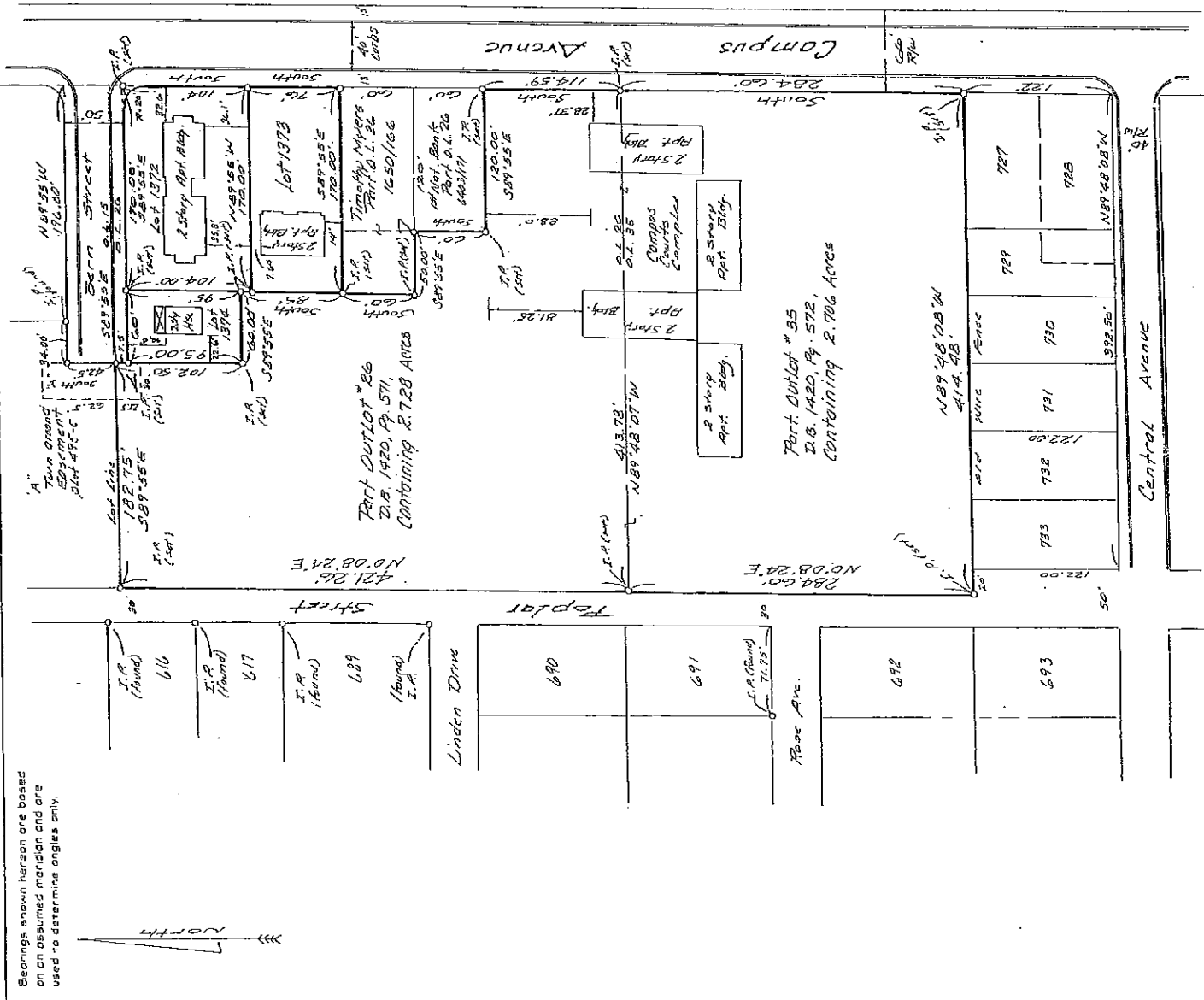
Date: June 27, 2005

Scale: 1" = 600'.
REV. 11/21/00

By: Bragley Surveying Company
Hamilton, Ohio.

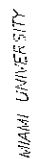
I certify that the hereon plated property was measured to acceptable Survey Standards only.

William R. Brown
Registered Surveyor, 6492 in Ohio



AUGUST 2008

SCALE 1"=50'



(20) DUPLEX LOTS (75' MIN. WIDTH & 7,500 SF MIN. AREA)
(2) SINGLE FAMILY LOT (50' MIN. WIDTH & 5,000 SF MIN. AREA)

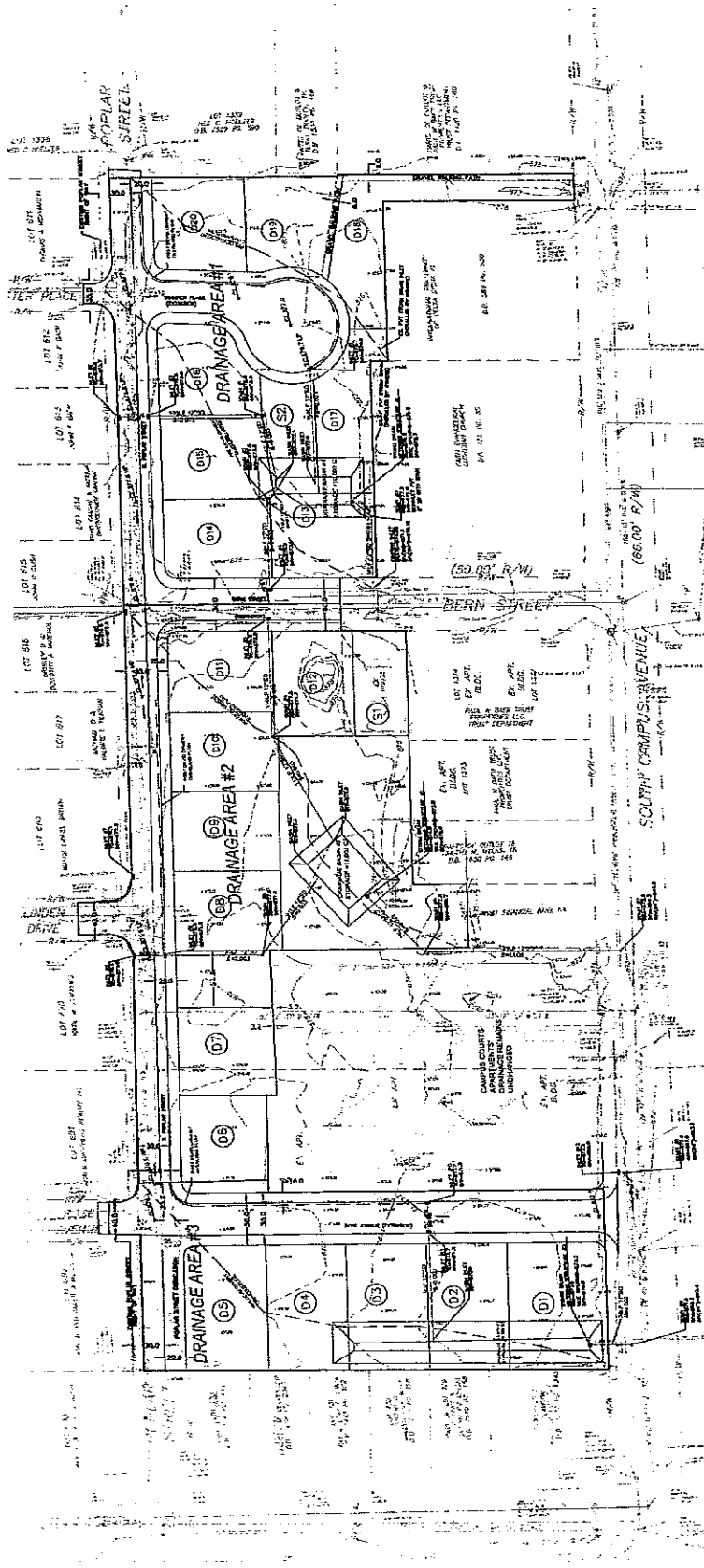
PHASE 1 - LOTS D1 THROUGH D6
PHASE 2 - LOTS D7 THROUGH D14 INCLUDING LOT S1
PHASE 3 - LOTS D15 THROUGH D20 INCLUDING LOT S2



VICINITY MAP
SCALE 1" = 1,000'

AUGUST 2008

SCALE 1"=50'

[illegible][illegible]

PROPOSED RESIDENTIAL SUBDIVISION
CAMPUS COMMONS
PAUL W. BAER TRUST PROPERTIES LLC

ROBERT BROESTL
CIVIL ENGINEERING & LAND PLANNING
PHONE (925) 683-4599



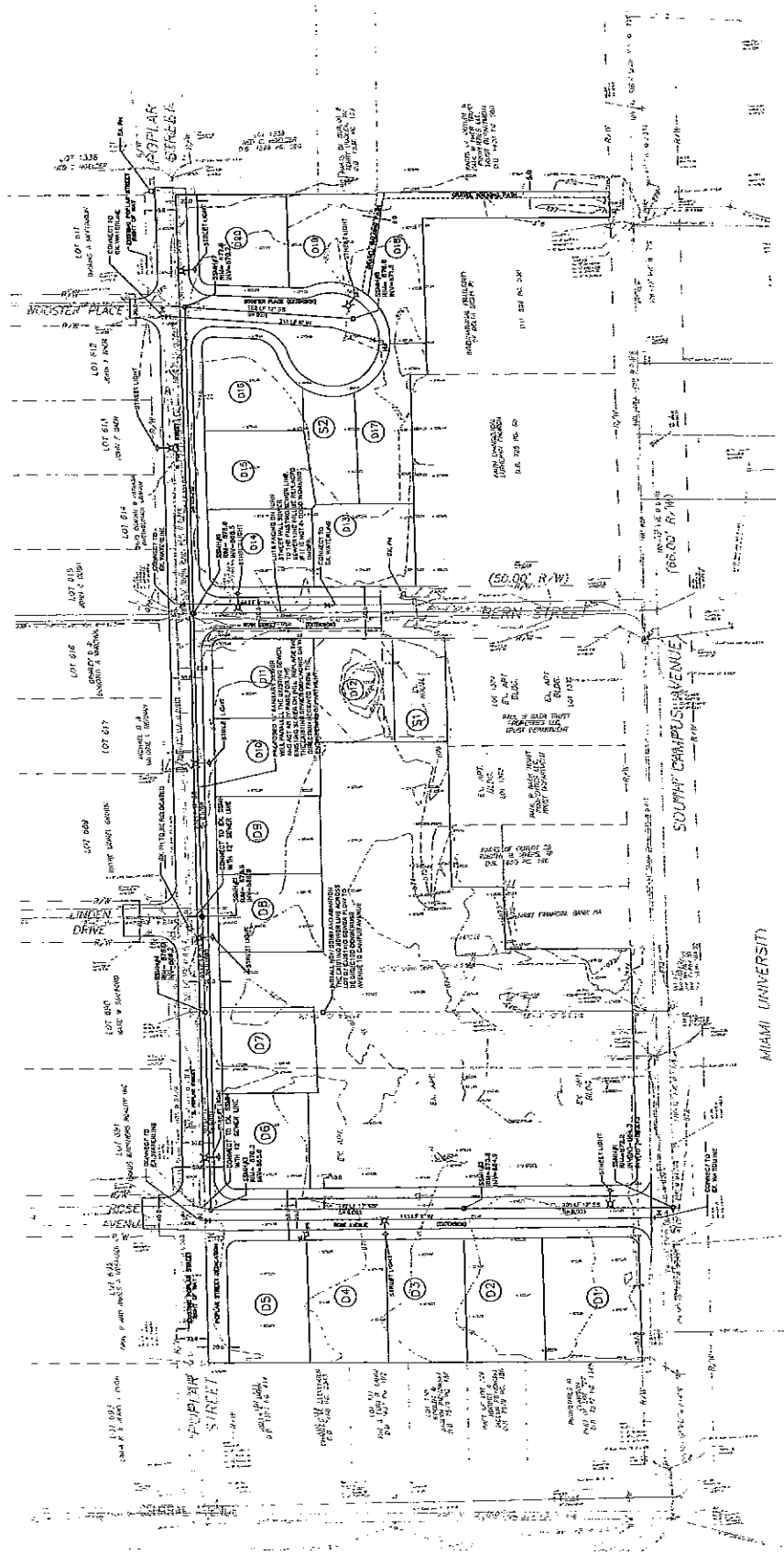
OXFORD, OH

08001	3/3	AUGUST 26, 2008
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BY	DATE	REVISION

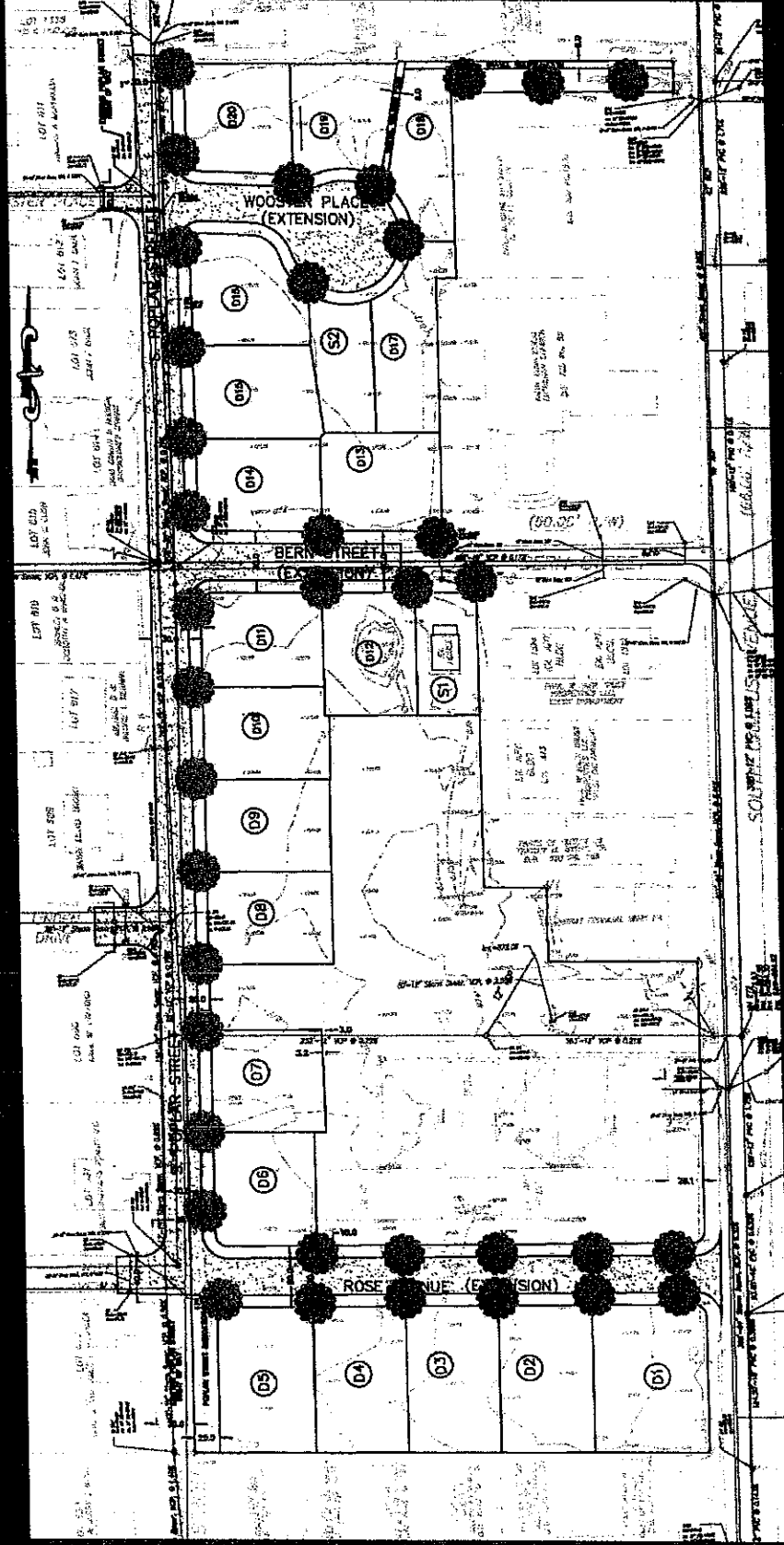
**PRELIMINARY SUBDIVISION PLAN
UTILITY LAYOUT
CAMPUS COMMONS
AUGUST 2008**



MIAMI UNIVERSITY

LARGER DRAWINGS ARE AVAILABLE IN THE PLANNING DEPARTMENT
DURING NORMAL BUSINESS HOURS.

CAMPUS COMMONS TREE PLANTING PLAN



- TREE PLACEMENT AND SPECIES ALONG THE STREET TO BE COORDINATED WITH PLANNING & ENGINEERING
- WHERE POSSIBLE ADDITIONAL TREES WILL BE ADDED AT THE BACK OF THE LOTS

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police

Originating Department

Council Meeting Of: October 21, 2008

Steve Schwein

Account Code No. #: Not Applicable

Prepared By

Budgeted Amount: Not Applicable

September 25, 2008
Date Prepared

Agenda Title: An Ordinance repealing Oxford City Code 351.13 and enacting new Ordinance 351.13 titled, Parking in Excess of 72 hours prohibited.

Recommendation: Repeal the present ordinance and enact the new ordinance and change section (b) to read "(b) No person shall park or store a vehicle, nor allow any one else to park or store a vehicle upon private property open to public travel within the City for a period longer than seventy-two (72) consecutive hours. This section does not apply to bona fide auto repair shops when such vehicle is there for repair, storage facilities, or businesses using such vehicles in the conduct of commerce."

Discussion: The Division of Police has recommended this change to OCC 351.13 based on public complaints of "pop-up" used car lots on privately owned parking lots about the city. Such lots are often used without the permission of the property owner and vehicles are often left on these lots for extended periods of time. This change would also prohibit longer term storage of vehicles, trucks, and buses within the City.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SDS 11/10/08

_____/____/____

_____/____/____

ORDINANCE NO. ____

AN ORDINANCE REPEALING OXFORD CODE OF ORDINANCES SECTION 351.13 AND ADOPTING NEW OXFORD CODE OF ORDINANCES SECTION 351.13; TITLED "PARKING IN EXCESS OF 72 HOURS PROHIBITED".

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

SECTION I: Council hereby repeals Section 351.13 Entitled "Parking In Excess Of 72 Hours Prohibited" and new Section 351.13 Entitled "Parking In Excess Of 72 Hours Prohibited" is hereby adopted as follows (language to be repealed is stricken through and language to be adopted is in italics):

351.13 PARKING IN EXCESS OF 72 HOURS PROHIBITED.

(a) No person shall park a vehicle upon a roadway within the City for a period longer than seventy-two (72) consecutive hours

(b) ~~Whoever violates any provision of this section shall pay a fine of fifty dollars (\$50.00). Failure to pay within thirty (30) days is a minor misdemeanor and a warrant shall be issued for arrest of the violator.~~

(b) *No person shall park or store a vehicle upon private property open to public travel, nor allow any one else to park or store a vehicle upon private property open to public travel, within the City for a period longer than seventy-two (72) consecutive hours. This section does not apply to bona fide auto repair shops when such vehicle is there for repair, storage facilities, or businesses using such vehicles in the conduct of commerce.*

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA
PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police

Originating Department

Council Meeting Of: October 21, 2008

Steve Schwein

Account Code No. #: Not Applicable

Prepared By

Budgeted Amount: Not Applicable

September 25, 2008

Date Prepared

Agenda Title: An Ordinance repealing Oxford City Code 351.06 and enacting new Ordinance 351.06 titled, "351.06 Selling, Washing, or Repairing vehicle upon roadway or on private property open to public travel"

Recommendation: Repeal the present ordinance and enact the new ordinance and change section (a) by inserting the words, "or private property open to public travel, unless written permission by the private property owner is posted on the vehicle" after the word "roadway" and before the word "any."

Discussion: The Division of Police has recommended this change to OCC 351.06 based on public complaints of "pop-up" used car lots on privately owned parking lots about the city. Such lots are often used without the permission of the property owner and vehicles are often left on these lots for extended periods of time.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SDS 10/08

ORDINANCE NO. _____

AN ORDINANCE REPEALING OXFORD CODE OF ORDINANCES SECTION 351.06 AND ADOPTING NEW OXFORD CODE OF ORDINANCES SECTION 351.06; TITLED "SELLING, WASHING, OR REPAIRING VEHICLE UPON ROADWAY OR ON PRIVATE PROPERTY OPEN TO PUBLIC TRAVEL".

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

SECTION I: Council hereby repeals Section 351.06 Entitled "Selling, Washing, Or Repairing Vehicle Upon Roadway" and new Section 351.06 entitled "Selling, Washing, Or Repairing Vehicle Upon Roadway Or On Private Property Open To Public Travel" is hereby adopted as follows (language to be adopted is in italics):

351.06 SELLING, WASHING, OR REPAIRING VEHICLE UPON ROADWAY
OR ON PRIVATE PROPERTY OPEN TO PUBLIC TRAVEL

(a) No person shall park upon a roadway any vehicle displayed for sale, or operate or park on any roadway any vehicle for the primary purpose of displaying advertising.

(b) *No person shall park upon private property open to public travel any vehicle displayed for sale or any vehicle displayed for the primary purpose of advertising, unless written permission by the private property owner is posted on the vehicle.*

(c) Upon any roadway no person shall repair, wash, polish or clean any vehicle, or park any vehicle for the purpose of so doing. This section shall not be construed to prohibit the making of such necessary emergency repairs as will permit a vehicle to proceed.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA
PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Council Meeting Of: October 21, 2008

Account Code No. #: Not Applicable

Budgeted Amount: Not Applicable

Police
Originating Department

Steve Schwein
Prepared By

October 6, 2008
Date Prepared

Agenda Title: An Ordinance Amending Zoning Code Regulations Pertaining to Chapter 311.05, Storage Units/Portable Storage Units."

Recommendation: Recommend passing the Ordinance

Discussion: Passing this ordinance will prohibit the placement of portable storage units on public streets, roads, highways, right of ways, and sidewalks within the City of Oxford, authorize police removal of such units illegally placed, and provide for penalties for such unauthorized placement.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SPS 1/10/08

ORDINANCE NO.

AN ORDINANCE AMENDING OXFORD CODE OF ORDINANCES CHAPTER 311, STREET OBSTRUCTIONS AND SPECIAL USES, TO ADD NEW SECTION 311.05, STORAGE UNITS.

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

SECTION I: The Oxford Codified Ordinance Section 311.05, Storage Units, be adopted and is hereby enacted as follows with the new language in italics.

311.05 STORAGE UNITS

(a) No person shall park, place or have deposited a storage unit on a public street, road, highway, right-of-way or sidewalk in the City of Oxford.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle of traffic offense, whoever violates this section is guilty of a misdemeanor of the forth degree, If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police

Originating Department

Council Meeting Of: October 21, 2008

Steve Schwein

Account Code No. #: Not Applicable

Prepared By

Budgeted Amount: Not Applicable

September 25, 2008
Date Prepared

Agenda Title: An Ordinance repealing Oxford City Code 303.08 and enacting new Ordinance 303.08 titled, "303.08 Impounding and Booting of Vehicles; Redemption."

Recommendation: Repeal the present ordinance and enact the new ordinance by adding:

"(17) When any vehicle is parked in violation of Section 351.06." and
"(18) When any vehicle is parked in violation of Section 351.13."

Discussion: The Division of Police has recommended this change to OCC 303.08 based on changes recommended to OCC 351.06 and 351.13. the recommended addition of sections 17 and 18 to 303.08 will allow police personnel to remove vehicles in violation of these two newly revised sections.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SES 10/27/08

ORDINANCE NO. ____

AN ORDINANCE REPEALING OXFORD CODE OF ORDINANCES SECTION 303.08 AND ADOPTING NEW OXFORD CODE OF ORDINANCES SECTION 303.08; TITLED "IMPOUNDING AND BOOTING OF VEHICLES; REDEMPTION".

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

SECTION I: Council hereby repeals Section 303.08 entitled "Impounding and Booting of Vehicles; Redemption" and new Section 303.08 entitled "Impounding and Booting of Vehicles; Redemption" is hereby adopted as follows (new language to be adopted is in italics).

303.08 IMPOUNDING AND BOOTING OF VEHICLES; REDEMPTION

(a) Police officers are authorized to provide for the removal and impounding of a vehicle or the booting of a vehicle, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon the right of way of any road or highway or upon private residential property under the following circumstances

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations, or firefighters or workers in any other calamity.
- (2) When any vehicle has been stolen or operated without the consent of the owner.
- (3) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates.
- (4) When any vehicle has been used in or connection with the commission of a felony.
- (5) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property.
- (6) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator.
- (7) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision.
- (8) When any vehicle has been operated by any person who is driving without a lawful vehicle license or while his license has been suspended or revoked.
- (9) When any vehicle is found for which two or more citation tags for violations of this traffic code have been issued and the owner or operator therefore has failed to respond to such citation tags as lawfully required.

- (10) When any unattended vehicle is parked so as to be in violation of Traffic Code Section 351.03.
- (11) When any unattended vehicle is parked during a snow emergency in violation of Section 351.16.
- (12) When any unattended vehicle is parked in violation of Section 351.17.
- (13) When any unattended vehicle is parked in violation of Section 351.03(r).
- (14) When any unattended vehicle is parked so as to be in violation of Oxford Code Section 351.18.
(Ord. 2515. Passed 7-1-97.)
- (15) When any unattended vehicle is parked in violation of Section 351.19.
(Ord. 2445. Passed 2-20-96.)
- (16) When vehicle is parked in violation of Section 353.03(a) upon the fourth or subsequent offense within twenty-four months.
(Ord. 2739 Passed 11-20-01.)
- (17) *When any vehicle is parked in violation of Section 351.06.*
- (18) *When any vehicle is parked in violation of Section 351.13.*

(b) Police officers are further authorized to provide for the removal and impounding or the booting of any motor vehicle when so authorized pursuant to the provisions of the Ohio Revised Code.

(c) The Police Department shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefore and the place of storage, or if the vehicle is immobilized by a boot, a notice of the booting shall be placed on the windshield that explains the reason for booting and the release procedure. Any person desiring to redeem an impounded or booted vehicle shall appear at the Police Department to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or booted or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges, or a police officer may remove the boot after all applicable fines and fees are paid.

(d) No owner or operator shall remove a boot or an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been booted or impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima facie evidence that it was so removed by the owner or operator. Whoever violates this section is guilty of obstructing justice pursuant to Section 525.08.
(Ord. 2515. Passed 7-1-97.)

(e) Impound Fees: Fees for impounded vehicles shall be those fees adopted in the City of Oxford Fee Ordinance. These fees as set forth in the Fee Ordinance shall be paid prior to release of any vehicle from the impound lot.

(f) Towing Charges: The City of Oxford will pay towing charges for vehicles towed to the City impound lot at the request of the Oxford Police Department. The fee for the towing charges are set forth in the Oxford Fee Ordinance. Additional charges at the prevailing rate may be paid for services requiring specialized equipment or extra personnel. These charges will be reimbursed to the City prior to the release of any vehicle from the impound lot.

(g) No vehicle which has been immobilized by the Oxford Police Department, by use of a boot, may be released unless and until each and everyone of the following conditions are satisfied:

- (1) Sufficient proof is presented to the Police Department showing that all outstanding fines for violations or a bond as ordered by the Court, issued for that vehicle, have been paid in full, including any court costs.
- (2) Payment is made to the Police Department for an immobilization removal fee in the amount as set forth and established by the Oxford Fee Ordinance.

(Ord. 2667. Passed 12-21-99.)

(h) Refund: Any person found not guilty or having the charge nulled when such charges authorized and directly resulted in towing and impounding or booting, shall thereupon be refunded by the City and towing and impound fees or booting fees so paid.

(i) Courtesy Notice: Whenever a police officer chalks a tire or by any other manner commences to observe a vehicle suspected of violating the 72-hour parking prohibition, such police officer shall place under the windshield wiper of such vehicle, or other convenient place, a written notification to the effect that said vehicle is subject to towing and impoundment if it remains parked for more than 72 hours. This notice is intended as a courtesy and is not jurisdictional and proof of such notification is not required in determining guilt or innocence of a defendant.

(j) Towing Requirements:

(1) Eligibility: Any wrecker service located in the City of Oxford shall be eligible to receive calls from the Police Division for wrecker service provided such person or company agrees to provide wrecker service 24 hours per day, seven days a week, and submits proof of liability insurance as well as proof of ability to perform to the Police Division. In addition, to be placed on such eligibility list, such person or company shall sign a statement provided by the Police Division to the effect that they have received a copy of Sections (f) and (j) hereof and do agree to be bound by all terms and conditions therein contained as well as administrative rules or regulations promulgated by the Chief of Police relative to towing procedure

(2) Rotation List: The Police Division shall maintain an eligibility list of wrecker operators complying with Sections (f) and (j) hereof and the police dispatcher shall call such operators in rotation. The Chief of Police may remove the name of any wrecker service operator failing to comply with Sections (f) and (j) hereof.

(3) Owner/Operator Responsibility: Wrecker service and towing charges for any vehicle not taken to the City impound lot shall be the sole responsibility of the owner or operator of such vehicle and said charges will not be paid or collected by the City except as hereinafter provided.

(4) Emergency City Responsibility: In any emergency situation, such as street repair, water main break and snow accumulation, the Chief of Police may authorize vehicles to be moved and not taken to the impound lot. When so authorized by the Chief of Police, wrecker charges will be paid by the City at an hourly rate agreed upon and established in advance by the Chief of Police and the wrecker service.

(Ord. 2515. Passed 7-1-97.)

(5) When so authorized by the Chief of Police and whenever multiple vehicles need to be towed, wrecker charges will be paid by the City at an hourly rate agreed upon and established in advance by the Chief of Police and the wrecker service.

(Ord. 2486. Passed 12-3-96.)

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRUDUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: November 4, 2008

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

October 27, 2008

Date Prepared

Agenda Title:	PC-21-2008 Zoning Map Amendment, 22 N. College Avenue, from RO (Office Residential) District to UP (Uptown) District, Melissa Friede, Applicant/Owner
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Recommendation:	Denial
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Discussion:

The Applicant requested a Zoning Map Amendment to change 0.231 acres located on the southwest corner of College Avenue and Church Street from "RO" Office Residential District to "UP" Uptown District. The Applicant indicated that they do not intend to change the property, as it will continue to be used as a restaurant. Staff presented that the proposed map amendment would have no impact to this property by including it into the "UP" Uptown District, but would actually make the property more conforming by permitting the restaurant use "by right" as opposed to a nonconforming use in "RO" Office Residential District. Should the property ownership change under the current zoning, the property may continue to be used as a restaurant or any permitted use in the "RO" District.

The Planning Commission deliberated why the "RO" district was formed and the purpose of step down zoning. Discussion also focused around the rationale of the boundary for the "UP" District. The Commission inquired the Applicant if they could provide any other reasons for this request. Only one of four Decision Standards for a Map Amendment is necessary. The Planning Commission voted 7-0 to recommend ***DENIAL*** of the request to City Council on the basis that none of the Decision Standards were met to approve the request.

Approved By:	Department Head:	Initial	Date
	City Attorney:	JHC	10/27/08
	City Manager:		

October 30, 2008

To Whom It May Concern;

I am writing to request that the first reading of our case, PC-21-2008—Zoning Map Amendment, RO District to UP District be postponed until the Tuesday, November 18, 2008 City Council Meeting.

We would like more time to review the decision standards for this case so that we are prepared to answer questions and defend our case.

Thank you very much.

Sincerely,

Missy Friede

Applicant, 22 N. College Avenue

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION TO DENY A ZONING MAP AMENDMENT FOR PROPERTY LOCATED AT 22 NORTH COLLEGE AVENUE, OXFORD, OHIO REZONING THE PROPERTY FROM RO (OFFICE RESIDENTIAL) DISTRICT TO UP (UPTOWN) DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on October 14, 2008 on the applicant, Melissa Friede's application for a Zoning Map Amendment for property located at 22 North College Avenue, Oxford, Ohio rezoning the property from RO (Office Residential) District to UP (Uptown) District.

SECTION 2: The Oxford Planning Commission, after due deliberation, recommended to deny the proposed Zoning Map Amendment, and found that the proposed rezoning request was not in keeping with the intended characteristics of the general vicinity of the property and was not the most appropriate use of the property in question.

SECTION 3: The Planning Commission found the request did not meet the Decision Standards of the Oxford Codified Ordinances and the Oxford Comprehensive Plan

SECTION 4: Council hereby accepts the report of the Oxford Planning Commission, and after due deliberation, denies the proposed Zoning Map Amendment rezoning 22 North College Avenue Oxford, Ohio to UP (Uptown) District.

SECTION 5: Council hereby denies the rezoning request for the property as requested by the applicant, finding that the Decision Standards were not met.

SECTION 6: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	November 4, 2008
<u>Case Number</u>	PC-21-2008
<u>Applicant Information</u>	Melissa Friede, Applicant/Owner
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	To allow for the rezoning of property located at 22 N. College Avenue from RO (Office Residential) District to UP (Uptown) District.
<u>Public Hearing Information</u>	On October 14, 2008 a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on September 12, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 to recommend to City Council DENIAL of this zoning request.
<u>Commission Findings and Conclusions</u>	At the October 14, 2008 meeting, the Planning Commission denied the zoning map amendment on the basis that none of the Decision Standards were met.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated September 12, 2008 2. Interoffice Review Transmittal Sheets from Fire, Engineering, Police & Economic Development 3. Tax Map Plat 4. Property Location Map 5. Proposed Map Amendment 6. Plat of Survey 7. Legal Description 8. Zoning Map Amendment Application

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-21-2008

Date – October 14, 2008

APPLICATION

Applicant:	Missy Friede
Location:	22 N. College Avenue
Owner:	Missy & Steve Friede
Action Request:	Zoning Map Amendment from "RO" to "UP"
Current Use:	Nonconforming Restaurant
Current Zoning	"RO" Office Residential District
Surrounding Existing Land Uses:	Mix of Commercial, Single-Family and Multi-Family

GENERAL DESCRIPTION

The subject property is 0.231 acres located on the southwest corner of College Avenue and Church Street. The applicant has indicated that they have no intentions of changing the property and it will continue to be used as a restaurant. The structure is listed on the National Historic Registry and is located in the Uptown Historic District.

SITE HISTORY

BZA 01-1980:	Request to use the Carriage House as offices for the Jim Alexander family business and to continue its use as a part-time residence. Request was granted September 25, 1980.
1987:	Added to the National Historic Registry.
HAPC ADM-03-2003:	Request to install fence in the Historic District. Request was approved administratively.
HAPC 21-2004:	Request to replace window and door. Request approved.
BZA 08-2007:	Modification to the property of a nonconforming use, requesting variances to 1137.06(a), 1143.09(c)(4)A.1., and 1143.09(c)(4)A.2, allowing for the creation of a conforming lot and the continuation of an existing nonconforming use. Request approved.
PC-ADM-05-2007:	Lot Split administratively approved after BZA decision.

SURROUNDING NEIGHBORHOOD

North:	"RO" Office Residential – Single-family rentals.
South:	"RO" Office Residential – 2 apartment complexes and First Merchant's Bank.
East:	"RO" Office Residential & "R2MS" Single & Two-Family Residential - Mix of residential, primarily single-family rentals.
West:	"UP" Uptown District – Commercial businesses and offices.

AGENCY COMMENTS

Requests for agency review were sent to the Police, Engineering, Fire Departments and Economic Development. The following comments were returned:

Police Department: Comments returned with no comments on this request.
Engineering: Comments returned with no comments on this request.
Fire: Comments returned with no comments on this request.
Econ. Dev. Dept.: Comments returned with no comments on this request.

ZONING CODE REGULATIONS

Any previously approved plans remain with the property if the Zone Map Amendment is approved. There will be no impact to this property by including it into the "UP" Uptown District but will actually make the property more conforming by permitting the restaurant use "by right" as opposed to non-conforming in "RO" Office Residential District. Should the property ownership change under the current zoning, the property may continue to be used as a restaurant or any permitted use in the "RO" District.

PUBLIC COMMENT FORMS

No comments have been received to date.

STAFF ANALYSIS

Upon entering and leaving the Uptown area, one would think this property and those on west side of N. College to the Church Street intersection are already included in the district because it is a thriving business. However, there are no other properties west of Church Street that is currently zoned "UP". This property, including those to the west, up to the alley, is part of the Uptown Historic District.

RECOMMENDATION

Not applicable.

DECISION STANDARDS

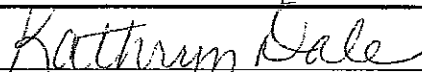
(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

SUBMITTED BY:



Kathryn A. Dale, AICP

City Planner

Community Development Department

DATE: September 12, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-21-2008

Description:

PC-21-2008 **ZONING MAP AMENDMENT, 22 N. College Avenue, from RO (Office Residential) to UP (Uptown) District, Melissa Friede, Applicant, Owner**

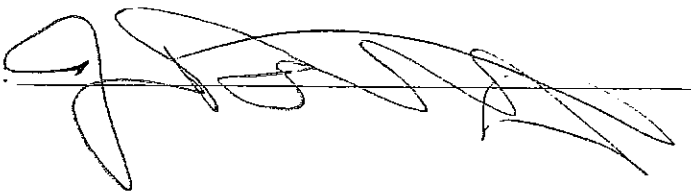
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:

A handwritten signature in black ink, appearing to be "J. Taylor", written over a horizontal line.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-21-2008

Description:

PC-21-2008 **ZONING MAP AMENDMENT, 22 N. College Avenue, from RO (Office Residential) to UP (Uptown) District, Melissa Friede, Applicant, Owner**

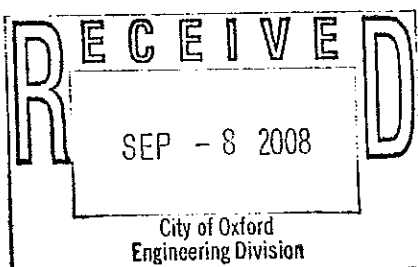
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: *A. Popescu* 9-17-08



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-21-2008

Description:

PC-21-2008 **ZONING MAP AMENDMENT, 22 N. College Avenue, from RO (Office Residential) to UP (Uptown) District, Melissa Friede, Applicant, Owner**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** 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: _____

S. Selwa

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-21-2008

Description:

PC-21-2008 **ZONING MAP AMENDMENT**, 22 N. College Avenue, from RO (Office Residential) to UP (Uptown) District, **Melissa Friede, Applicant, Owner**

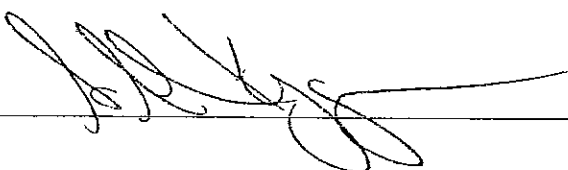
 X Review Revisions Other

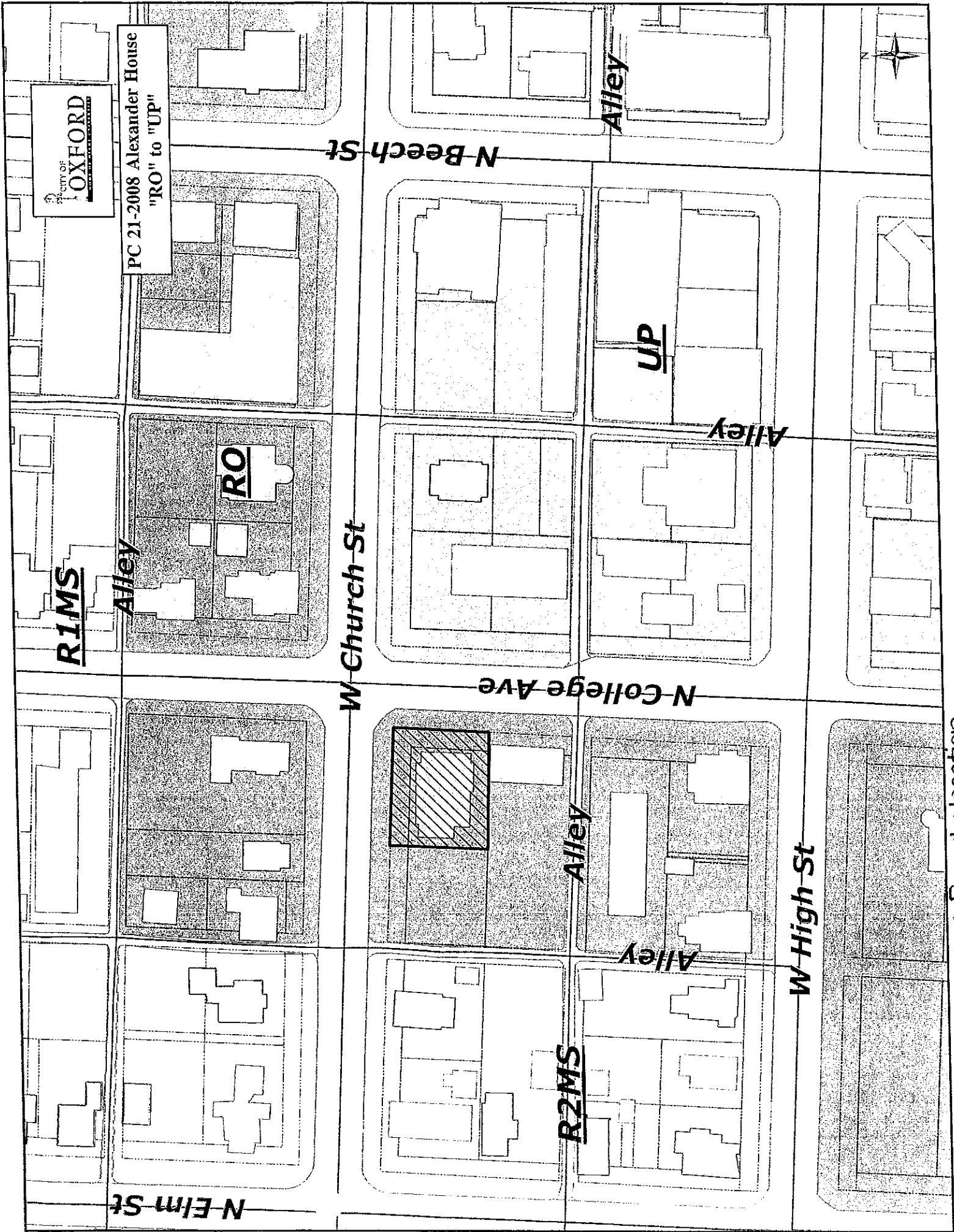
Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** 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: 



CITY OF
OXFORD
OHIO

PC 21-2008 Alexander House
"RO" to "UP"

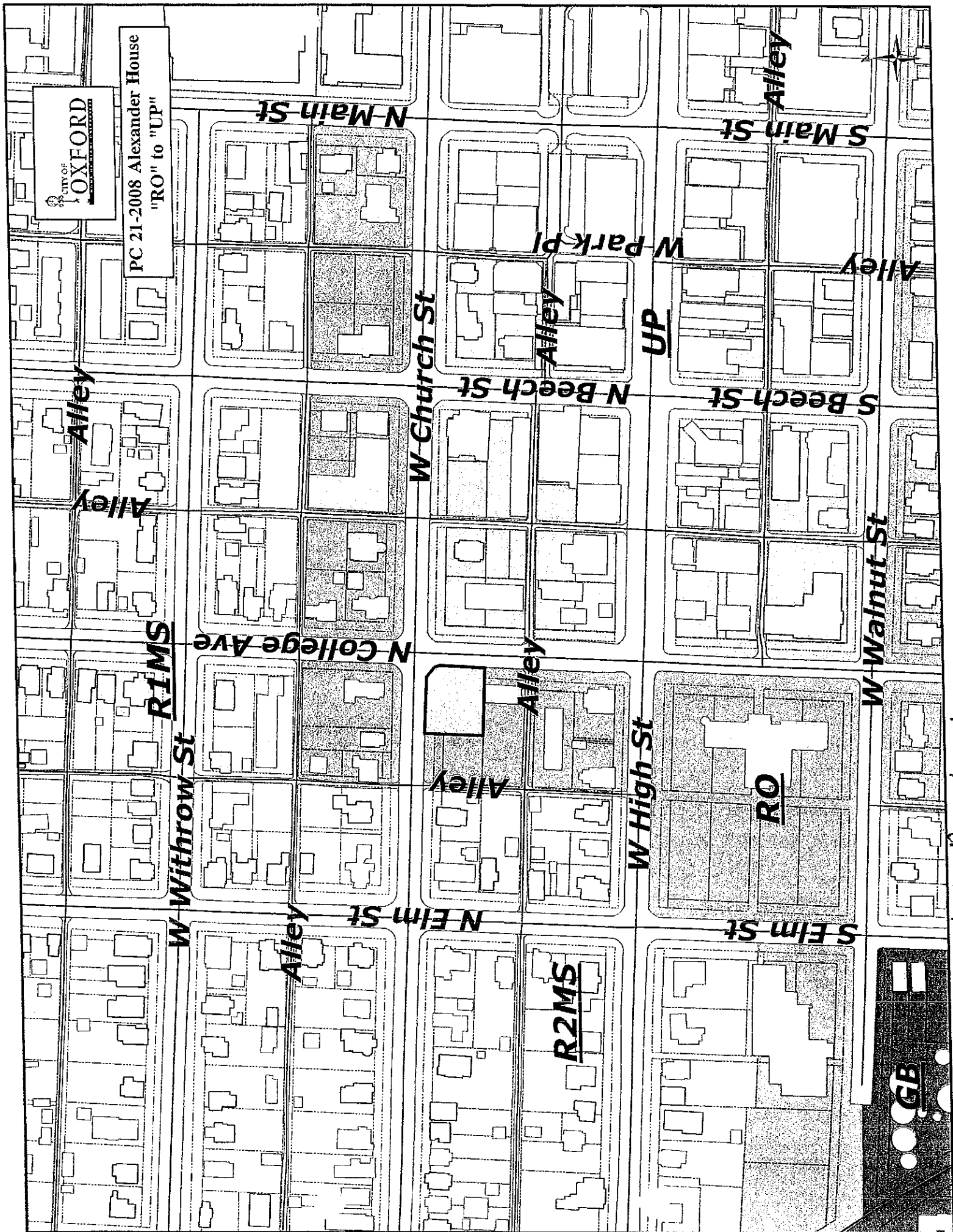
R1MS

RO

UP

R2MS

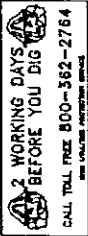
Subject Property location



CITY OF
OXFORD
OHIO

PC 21-2008 Alexander House
"RO" to "UP"

Proposed Map Amendment



APPROVED BY THE OXFORD PLANNING COMMISSION
THIS _____ DAY OF _____

PLANNING COMMISSION CHAIR _____

PLANNING DIRECTOR _____

UTILITY NOTES

ALL UNDERGROUND UTILITIES
TO BE FIELD VERIFIED BEFORE
CONSTRUCTION.

EXISTING GAS, USE AND LOT TO
BE RELOCATED TO THE PROPOSED
UTILITY EASEMENT PRIOR TO ANY
CONSTRUCTION ON TRACT A.

NOTES AND REFERENCES

NORTH BASED ON STATE PLANE
COORDINATES NAD 83 OHIO SOUTH
ZONE.

DEED REFERENCES

D.B. 6491 PG. 596-599
D.B. 5338 PG. 715
D.B. 5338 PG. 714
D.B. 6331 PG. 2337
D.B. 6331 PG. 2304
D.B. 6283 PG. 813
D.B. 1747 PG. 83
D.B. 817 PG. 83
D.B. 7131 PG. 888
D.B. 1781 PG. 821
D.B. 1440 PG. 879
D.B. 1501 PG. 741
D.B. 7228 PG. 742
D.B. 1271 PG. 298
D.B. 1753 PG. 700

SURVEY REFERENCES

D.B. N. PG. 364
D.B. 1771 PG. 298

THE PLAT OF SURVEY OF THIS PROPERTY IS
RECORDED IN VOLUME 51 PAGE 28 OF THE
BUTLER COUNTY ENGINEER'S RECORD OF LAND
SURVEYS.

TRACT A LOT COVERAGE
TRACT B 5,000 SQ. FT.
CONCRETE 582 SQ. FT.
GRAVEL 1,268 SQ. FT.
TOTAL COVERAGE
2,380 SQ. FT. X 100 = 47.60 %
5,000 SQ. FT.

TRACT B LOT COVERAGE
TRACT B 10,047 SQ. FT.
EX. BUILDING 2,278 SQ. FT.
PORCHES 1,081 SQ. FT.
PATIO 212 SQ. FT.
WALKS 718 SQ. FT.
WALLS AND STEPS 120 SQ. FT.
TOTAL COVERAGE
4,410 SQ. FT. X 100 = 43.89 %
10,047 SQ. FT.

BUILDING COVERAGE
EX. BUILDING 2,278 SQ. FT.
PORCHES 1,081 SQ. FT.
3,359 SQ. FT. X 100 = 33.43 %
10,047 SQ. FT.

FRONT YARD = 2,887 SQ. FT.
(FROM 1/4" TO PORCH AND CELLAR DOOR)
WALK AREAS N FRONT YARD = 874 SQ. FT.
3,761 SQ. FT. X 100 = 14.81 %
3,761 SQ. FT.

LEGEND	
WATER VALVE	WATER VALVE
GAS VALVE	GAS VALVE
WATER METER	WATER METER
UTILITY POLE	UTILITY POLE
LIGHT POLE	LIGHT POLE
WATER SHUT-OFF VALVE	WATER SHUT-OFF VALVE
PAVING METER	PAVING METER
DOWNPOUT	DOWNPOUT
CLEANOUT	CLEANOUT
GUT HIRE	GUT HIRE
LARGE BRN	LARGE BRN
DIAGONAL TREE W/SIDE	DIAGONAL TREE W/SIDE
CATCH BASIN	CATCH BASIN
GROUND LIGHT	GROUND LIGHT
LIGHT POLE	LIGHT POLE
MANHOLE	MANHOLE
SANITARY MANHOLE	SANITARY MANHOLE
FREE HYDRANT	FREE HYDRANT
SSN	SSN
ART CONDITIONER	ART CONDITIONER
POST	POST
X - FENCE LINE	X - FENCE LINE
W - WATER LINE	W - WATER LINE
G - GAS LINE	G - GAS LINE
UNDERGROUND ELECTRIC	UNDERGROUND ELECTRIC
OVERHEAD CABLE	OVERHEAD CABLE
UNDERGROUND TELEPHONE	UNDERGROUND TELEPHONE
STORM SEWER	STORM SEWER
SANITARY SEWER	SANITARY SEWER

GRAPHIC SCALE



I HEREBY CERTIFY THAT ALL MEASUREMENTS AND MONUMENTS SET AND/OR FOUND
AS SHOWN, CURVE DISTANCES ARE MEASURED TO THE NEAREST 1/16" IN THE FIELD
IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE
OF OHIO.

DAVID DOUGLAS SMITH PROFESSIONAL SURVEYOR NO. 7121

David Douglas Smith

PROJECT TITLE	
22 N. COLLEGE AVE.	
LOT 176	
CITY OF OXFORD,	
BUTLER COUNTY, OHIO	
FOR	
STEPHEN G. FRIEDE JR.	
& MELISSA B. FRIEDE	
Title	
Notes:	
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PROJECT TITLE	
22 N. COLLEGE AVE.	
LOT 176	
CITY OF OXFORD,	
BUTLER COUNTY, OHIO	
FOR	
STEPHEN G. FRIEDE JR.	
& MELISSA B. FRIEDE	
Title	
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**DDS****SURVEYING, INC.****DAVID DOUGLAS SMITH, P .S.****REGISTERED LAND SURVEYOR****OHIO - INDIANA - KENTUCKY****WEST VIRGINIA - NEW YORK - VERMONT**

DDS SURVEYING, INC.

P.O. BOX 150

OXFORD, OHIO 45056

OFFICE (513) 523-4270

FAX (513) 523-4270

E-MAIL DDS4111@AOL.COM

Legal Description

0.231 acres

Situated in the City of Oxford, Butler County, Ohio, being part of Lot 176 of the said City of Oxford and being of the lands of Steven G. Friede and Melissa B. Friede, as recorded in volume 6491 pages 586 through 590 of the Butler County Recorder's Office and being more particularly described as follows:

Commencing at a 5/8" rebar found at the southwest corner of said Lot 176 of the City of Oxford, said point being on the east right-of-way of a 16.50 foot alley;

thence with the south line of said Lot 176 S 87°25'07" E for 60.60 feet to a 5/8" rebar set, said point being the **True Point of Beginning**;

thence on a new division line through said Lot 176 N 02°02'18" E for 82.51 feet to a 5/8" rebar set, said point being on the north line of said Lot 176 and on the south right-of-way of Church Street;

thence with the south right-of-way of Church Street S 87°25'11" E for 121.77 feet to a 5/8" rebar set, said point also being on the west right-of-way of College Avenue;

thence with the east line of said Lot 176 and with the west right-of-way of College Avenue S 02°02'43" W for 82.51 feet to an iron fence corner post;

thence leaving the west right-of-way of College Avenue, with the south line of said Lot 176 N 87°25'07" W for 121.76 feet to the **True Point of Beginning**, containing 0.231 acres more or less, and being subject to all legal highways, easements, restrictions and agreements of record.

Prepared by:
DDS Surveying, Inc.
October 19, 2007
Job # 27048

Kathryn A Dale 2/15/08
Kathryn A Dale
City Planner
Title
Notes:

VOLUME 51 PAGE 29
BUTLER COUNTY ENGINEER
LAND SURVEYS
RECORD OF

Case No.: PC-21-08
Date filed: 7/28/08
10/14/08 mtg

Zoning Map Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: Melissa B. Friede
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 118 Hilltop Rd
Oxford OH 45056
Telephone Number(s): 513 255 093
Location of Property: 22 N College Avenue
(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.)
Legal Description: lot 174 - 441600050001771 176 ENT & S 1642 x W 16
Total Area: 0.231 Acres / Square Feet (circle one)
Existing Use of Property: Non-conforming use - Restaurant
Current Zoning: RO
Proposed Zone(s): Uptown
Proposed Use: Conforming / Permitted use Restaurant

SUBMISSION REQUIREMENTS

Please submit a vicinity map, at a scale and a metes and bounds description of the property, the statement described below and the required fee of \$150.00, made payable to the City of Oxford. The entire submission must be prepared in accordance with Chapter 1135, Zoning Code Amendments, of the City of Oxford Zoning Code.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of every parcel proposed to be rezoning, including those across streets, roads, alleys and highways.

Attach a statement which responds to the following questions:

- 1) What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
- 2) How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
- 3) How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
- 4) What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).
- 5) Why is the current zoning classification of the property no longer appropriate?

All materials and application fee must be delivered to the office of the Planning Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Planning Department at (513) 524-5204. The issue will be placed on the next possible agenda.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

SIGNATURE OF APPLICANT: [Signature] Date: 7/7/08

PRINTED NAME: Melissa B. Friede

FEE / RECEIPT
\$150 Fee Paid / Receipt Number: 14015

Submission Requirements:

Zoning Map Amendment Application

- 1) .The relationship to the proposed zone change to the City of Oxford's Comprehensive Plan is cooperative. The zone change would make the existing property use conforming rather than "non-conforming" or a use not permitted in the existing RO zone. Essentially the zoning line would continue to the other side of College Avenue rather than stop in the middle of the road.
- 2) The zone change would not affect the neighborhood in which the property is located. The business will remain the same; therefore, there should be no impact on the existing neighborhood.
- 3) Public facilities will not be affected as there are proposed changes to the use.
- 4) Not applicable: see #3.
- 5) The current zoning classification of the property is no longer appropriate because of the comprehensive plan. In the RO classification the use is not permitted and non-conforming. Changing the zoning allows the property to become conforming.

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

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

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Text Amendments

- A. The proposed amendment will make the Code conform more closely with the Comprehensive Plan.
- B. The proposed amendment will improve the public health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. ~~The proposed amendment will make the map conform more closely with the Comprehensive Plan.~~
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

- (d) Action by Planning Commission and Council.

- (1) The Planning Commission shall recommend to Council approval, approval with modifications, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) Council shall base its decision on the recommendation of Planning Commission and the decision standards of this section.

- (e) Implementation of Amendment.

- (1) The Zoning Administrator shall implement all Code amendments approved by Council when the ordinance approving the amendment becomes effective, regardless of when the amendment appears in the Zoning Code text or on the Zoning Map.
- (2) Zoning Code amendments do not expire.
(Ord. 2782. Passed 5-20-03.)

11-14-03

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Service Department
Originating Department

Council Meeting of: November 18, 2008

Michael Dreisbach
Prepared By

Account Code #: Not Applicable

November 11, 2008
Date Prepared

Budgeted Amount: Not Applicable

Agenda Title: Review of Local Speed Limits on State and/or Federal Routes

Recommendation: Approval

Discussion:

Speed limits on State and Federal Routes within the municipality of Oxford are regulated by the State of Ohio through Ohio Revised Code section 4511.21 "Speed Limits".

The City has gone through the process of an engineering study to evaluate speed limits currently posted on SR73 from the corporate limits to Patterson Ave. As required by ORC 4511.21, the Director of the Ohio Department of Transportation (ODOT) authorized a lower speed limit by exception as a direct result of the City's engineering study.

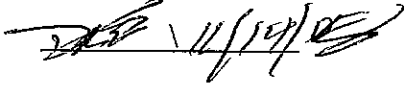
Given that the City desires to proceed with design improvements for US27 South, US27 North, and improvements for other state routes are likely in the future, the Engineering Division is requesting City Council approval to perform traffic engineering studies on all state routes within the corporate limits to determine speed limits per ODOT requirements.

This Resolution will authorize the Engineering Division of the City of Oxford to perform traffic engineering studies on state routes within the City, and to authorize the City Manager to petition the director of the Ohio Department of Transportation for changes to said speed limits within the corporate limits of Oxford as dictated by the engineering studies.

Approved By:

Department Head: Initial MBD Date 11/12/08

City Manager:

 11/14/08

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE ENGINEERING DIVISION OF THE CITY OF OXFORD TO PERFORM TRAFFIC ENGINEERING STUDIES ON STATE AND/OR FEDERAL ROUTES WITHIN THE CITY, AND TO AUTHORIZE THE CITY MANAGER TO PETITION THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR CHANGES TO SAID SPEED LIMITS WITHIN THE CORPORATE LIMITS OF OXFORD AS DICTATED BY THE ENGINEERING STUDIES.

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

SECTION 1: The City Manager and Service Director recommend the Engineering Division of the City of Oxford perform traffic engineering studies on state and/or federal routes within the City, and that the City Manager be authorized to petition the director of the Ohio Department of Transportation for changes to said speed limits within the corporate limits of Oxford as dictated by the engineering studies.

SECTION 2: Council having reviewed the recommendation of the City Manager and the Service Director hereby authorizes the Engineering Division of the City of Oxford to perform traffic engineering studies on state and/or federal routes within the City, and authorizes the City Manager to petition the director of the Ohio Department of Transportation for changes to said speed limits within the corporate limits of Oxford as dictated by the engineering studies.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: November 18, 2008

Account Code #: 322.810.50801

Budgeted Amount: \$150,000.00

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

October 31, 2008

Date Prepared

Agenda Title: Water Treatment Plant Control System Improvements

Recommendation: Approve

Discussion:

The 2008 Operating Budget includes \$150,000 for the replacement and improvement of automated controlling and telemetry equipment that operates the City's water treatment plant. Equipment to be replaced includes the primary and secondary operating computers, remote terminal units, and the telemetry system that remote utility sites use to communicate with the main computer in the water treatment plant. The system will also be upgraded to utilize the City's new 800 MHz radio system for the exchange of data between sites. This will allow the City to reduce the number of data phone lines (and their monthly charges) that are currently used for plant operations.

The City of Oxford developed project specifications and advertised for bids in the *Oxford Press* and *Hamilton Journal* on October 17 and October 24, 2008. Six firms requested bidding packages from the City. Bids were opened on October 30, 2008 with only one respondent and the following result:

Rawdon Myers, Inc.	\$138,000.00
---------------------------	---------------------

While staff wrote the specifications to be as flexible as possible, we are not surprised to receive only one response in this instance. The electronics involved with treatment plant operations are very specialized and not conducive to general bidders. Rawdon Myers, Inc. is very familiar with the operation of the City's treatment plant, and the City has been very pleased with the quality and timeliness of their work. This bid is reasonable and is below the budgeted amount for this improvement.

This Resolution will authorize the City Manager to enter into an agreement with Rawdon Myers, Inc. for control improvements to the Water Treatment Plant. Staff is requesting a contingency in the amount of 8.7%, or \$12,000, in addition to the bid amount of \$138,000, therefore staff is requesting authorization for a contract not to exceed the budgeted amount of \$150,000.

Approved By:

Department Head:

Initial Date

MBD \ 11/18/08

City Manager:

[Signature] \ 11/18/08

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RAWDON MYERS, INC. FOR CONTROL IMPROVEMENTS TO THE WATER TREATMENT PLANT AT A COST OF \$138,000.00 PLUS AN 8.7% CONTINGENCY IN THE AMOUNT OF \$12,000.00 FOR A TOTAL AMOUNT NOT TO EXCEED \$150,000.00.

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

SECTION 1: The City Manager and Service Director recommend Rawdon Myers, Inc. be retained for control improvements to the Water Treatment Plant at a cost of \$138,000.00 plus an 8.7% contingency in the amount of \$12,000.00 for a total amount not to exceed \$150,000.00.

SECTION 2: Council hereby accepts the recommendation of the City Manager and Service Director and authorizes the City Manager to enter into an agreement with Rawdon Myers, Inc. for control improvements to the Water Treatment Plant at a cost of \$138,000.00 plus an 8.7% contingency in the amount of \$12,000.00 for a total amount not to exceed \$150,000.00. The agreement shall be in a form acceptable to the Law Director.

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

ADOPTED: _____

MAYOR

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager's Office
Original Department

Council Meeting Of: November 18, 2008

Kim Newton

Account Code No. #:

Prepared By

Budgeted Amount:

November 11, 2008

Date Prepared

Agenda Title:

Authorization to Submit Eligible Project(s) to Butler County for the 2009 CDBG Program

Discussion:

This Resolution of Council will authorize the City Manager to submit to Butler County this listing of eligible projects designated as the City's portion of the 2009 CDBG program.

The 2009 Operating Budget of the City of Oxford includes \$114,570 in the Community Development Block Grant fund. These funds will be used to pay eligible expenses for the following project(s).

Handicap Ramp Improvements:	\$ 97,570
Administration:	\$ 17,000
Total:	\$114,570

As per our Cooperation Agreement, the City of Oxford is entitled to no less than ten percent (10%) of the County's CDBG allocation. The County's 2008 allocation was \$1,145,694. The 2009 CDBG allocation has yet to be determined by Congress, therefore, the County will be using the 2008 budget numbers until the 2009 allocations have been announced.

Social service/not-for-profit agencies serving the Oxford area may apply for CDBG/HOME funds directly from Butler County and have been notified as such.

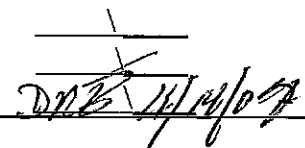
Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date


DNB 11/18/08

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT TO BUTLER COUNTY THE FOLLOWING ELIGIBLE PROJECT(S) DESIGNATED AS THE CITY'S PORTION OF THE 2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

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

SECTION 1: Council accepts the recommendation of the City Manager for the following project(s) to be included in the 2009 CDBG Program.

- | | | |
|----|--|---------------|
| 1. | City of Oxford; Handicap Ramp Improvements | 97,570 |
| 2. | Administration | <u>17,000</u> |

Total: \$114,570

SECTION 2: The City Manager is hereby authorized to submit to Butler County the recommended project(s) as listed for FY'2009 funds and to take all actions necessary to comply with all requirements and commitments for approval of the projects.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: Prue Dana

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: November 18, 2008

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

November 7, 2008

Date Prepared

Agenda Title: HAPC Meeting Report – November 4, 2008
--

DISCUSSION:

Requests for Review:

HAPC-17-2008 *107 E. Church Street, demolition of existing building to be replaced with a mixed use building, Chris and Matt Rodbro, Applicants*

Mr. Matt Rodbro, Applicant, Mr. Don Thomas, Designer, and Mr. Dan Fishbaugh, Builder presented to their plans for the demolition and building of a mixed-use building at the current Church Street Station bar. Mr. Thomas indicated the structure would feature an all brick façade, east and west side elevations brick and block, and the rear elevation block and fiber cement siding. The new structure design will also include functional shutters, large windows, decorative moldings, stone sills and fypon, keystone lintels. The Applicant had been asked but has chosen not to paint the proposed brick. Demolition is expected to begin shortly. The Commission all agreed this to be a positive addition to the Uptown.

The HAPC voted 7-0 to **APPROVE** HAPC-17-2008 with the following conditions:

1. Regarding the demolition:
That, 30 days after demolition, if construction has not commenced, the site shall be properly filled in and covered with seed and sod.
2. Regarding the re-use plan:
That, any modifications to the structure as a result of any other City Board or Commission or staff review during the permitting process, are to be represented to the HAPC.
That, final details of the building, including, but not limited to brick color and overall color scheme of any painted woodwork (i.e., trim, shutters, etc.) signage, lighting, and streetscape are presented to the HAPC.

HAPC-18-2008 *208 East High Street, fence replacement, Beta Theta Pi Fraternity, James Robinson, Applicant*

The Applicant is seeking a COA to replace a 4-foot chain link fence with a 6-foot chain link fence. Staff reported the existing fence was not visible from High Street until the demolition of the Stafford House occurred. The Applicant reported the fence to be in bad shape and the decision was made to replace it. The HAPC inquired about the reasoning for the fence and the Applicant stated the fence has deterred vandalism. Staff noted the Applicant was agreeable to adding landscaping to help screen the fence. The Applicant noted that Miami University has committed to the upkeep of the landscaping. The HAPC determined painting the fence dark green and installing landscaping that matched existing shrubbery would help soften the harshness of the new fence.

The HAPC voted 7-0 to **APPROVE** HAPC-18-2008 with the following conditions:

1. That, the fence will be painted a dark green;
2. That, shrubs shall be planted to screen the fence and will match existing shrubs;
3. That, Miami University will maintain the landscaping.

HAPC-19-2008 **14 W. Park Place, Fey Building, two-dimensional sign for Oxford Visitors and Convention Bureau, Randy Adams, Applicant**

The Applicant requested a COA for a 2' x 4.5' wall sign to be mounted on the interior brick wall of the Fey Insurance building. The Applicant provided samples of the lettering as well as paint choices. The HAPC agreed that the design was simple and articulate. The Applicant stated that the current signage would be removed from the corner of the building.

The HAPC voted 7-0 to **APPROVE** HAPC-19-2008.

HAPC-20-2008 **111 W. High Street, enclosing of windows and painting of side of building, Jack Corso, Applicant**

The Applicant seeks a COA to fill in four windows and vent located on the west side of the building with brick or plywood, and repaint to match the rest of the building. The Applicant referred to the recent removal of the Township House providing the opportunity for the Owner to repair this side of the building, noting if property is developed, would not need windows on that side of the building. The HAPC inquired if windows could be re-installed should no development take place at the former Township building site. The Applicant stated windows could be put back in.

The HAPC voted 7-0 to **APPROVE** HAPC-20-2008 with the following conditions:

1. That, the ground floor window and existing vent is filled in with brick,
2. That, the three rear windows are covered with plywood and matching shingles,
3. That, the entire side façade is painted in a uniform khaki tone.

HAPC-21-2008 **110 N. Main Street, installation of siding, Jim Robinson, Esq., Applicant/Agent, Gail Phelps, Trustee**

The Applicant seeks a COA to replace the original 8-inch white wood siding with a tan colored 4-inch Dutch-lapped vinyl siding. The detached garage would also be re-sided. Bill and Gail Phelps were present and provided a sample of the siding. Staff noted that there had been four other properties approved for vinyl siding replacement in the vicinity since 1982. Mr. Robinson noted that the home needed insulating and was the additional reasoning for the siding replacement. The HAPC was initially not in favor of removing the original wood siding or the color choice; however, understood the need for insulating the home. The HAPC inquired if white would be a possibility. The Phelps' were fine with that color choice. The HAPC also inquired about the siding choice, as lapped vinyl siding looked more like the siding currently on the home.

The HAPC voted 6-1 to **APPROVE** HAPC-21-2008 with the following conditions:

1. That, the vinyl siding shall be white in color and 5 inch lapped style,
2. That, prior to the installation of the vinyl siding, all previous siding shall be removed before any replacement occurs.

HAPC-22-2008 **32 W. High Street, window replacement, Don Thomas Applicant, Park Place Management, Owner**

Staff stated that due to recent renovations, the Applicant was seeking to replace three upper story windows fronting High Street. The renovation had created the need to address the ingress/egress portion of the Ohio Building Code requirement. The HAPC asked if the Applicant had researched the original windows before making their decision on the window replacement. The HAPC also inquired about the removal of the plywood currently located below the windows and if the Applicant would restore the existing stone lintels. The Applicant agreed to HAPC's requests.

The HAPC voted 7-0 to **APPROVE** HAPC-22-2008 with the following conditions:

1. That, the existing stone lintels are restored,

2. That, the plywood located below the upper story windows be removed, and any modifications and materials are presented to the Chairman to determine if full review before the HAPC is necessary,
3. That, research is done regarding the history of the original windows for replication and that the window choice is approved by the Chairman,
4. That, final details of the building, including but not limited to overall color scheme, signage, lighting and streetscape are presented to the HAPC.

Old Business

HAPC-14-2008 33 W. High Street, update on door paint color, Bob Blackburn, Applicant

Laura Henderson provided an update regarding her meeting with the Tenant to provide alternative green color choices for the front door. Ms. Henderson noted that Mr. Blackburn was also refreshing the paint on the building and trim. The HAPC agreed with Ms. Henderson's door color selection.

HAPC-08-2008 1 West High (2 S. Main) railing and brick selection, Bob Treadon, Applicant

The Applicant provided a sample of the brick selection for this new building. Mr. Treadon also provided drawings of the railing selection that will run along Main Street. The HAPC were in favor of the brick and railing selections.

Administrative Findings / Approvals:

HAPC-ADM-07-2008 32 W. High, residential door replacement, Tom Kacachos, Applicant

Mike Smith stated he administratively approved the door replacement; however, noted the door hasn't been replaced as of yet.

117 W. Church, column repair, Chris Winkler, Owner

Mike Smith met with the owner to discuss the bases of the large columns on the front of this property. These columns have suffered some rotting due to overgrown shrubbery. Mr. Smith noted the owner was very receptive to his recommendation that she somehow replicate the abacus molding.

Other Business:

Update on Historical Marker Program Guild and Application

Laura Henderson distributed the proposed application for the historical marker program. This will be a two-tiered award; one is the preservation award, while the second is the historical plaque for owners who had some sort of historical event or person associated with the property. Ms. Henderson requested the Commission review the application and provide feedback to her. Ms. Henderson is still working on the cost of the plaque. Generally, the cost of creating a mold is slightly higher initially; after the mold is created, the reproduction costs will decrease.

Sign Amendments/Update

Ms. Kay indicated she was still working on and would have an update for next month.

Miscellaneous

- Mike Smith announced an open invitation to Carillon Park in Dayton, Ohio for a raffle and silent auction on November 23, 2008.
- Ms. Dana brought up the idea of creating reference materials that would be available for property owners who want to restore their homes or an interest in project designs. Discussed possibly having an intern develop a resource guide that owners of historical property could utilize which would provide names and phone numbers of businesses that provide materials or historical data.
- Ms. Henderson referred to once again having the Historical Spring Open House and maybe turning it into a mini-trade show where people and businesses could come and learn more about materials available for properties in the Historical District.

The next regular HAPC meeting is scheduled for December 3, 2008

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

DAZ 11/13/08

DAZ 11/13/08

A regular meeting of the Oxford City Council was called to order by Vice Mayor Ken Bogard on Tuesday, November 4, 2008 at 7:30 p.m. Those members present were Alysia Fischer, Kate Currie, Doug Ross and Richard Keebler. Mayor Dana and Greig Rutherford were excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Steve Schwein, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Ms. Gail Brahier, Parks and Recreation Director; Mr. Alan Kyger, Economic Development Director; John Detherage, Fire Chief; Ms. Donna Heck, Human Resources Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Deputy Clerk of Council.

PLEDGE OF ALLEGIANCE

Vice Mayor Bogard requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Fischer moved to approve the agenda. Ms. Currie seconded. The motion passed 5-0-0.

PUBLIC PARTICIPATION

PUBLIC COMMENTS

Ms. Bobbe Burke, Coordinator, Off Campus Affairs, introduced Ms. Kelley Bricker who provided a report regarding the recent Make a Difference Day event.

Ms. Kelley Bricker, Stoddard Hall, advised she was a senior at Miami and a Co-Chair for the Make a Difference Day event sponsored by the Honors and Scholars Advisory Board. Ms. Bricker noted 250 student volunteers participated in the event as well as additional individual volunteers and worked on 10 different service projects within the City. Ms. Bricker advised the organizations who participated were the Family Resource Center, the Oxford Community Arts Center, the Oxford Parks and Recreation Department, the Oxford Senior Citizens Center, the Knolls of Oxford, Hueston Woods, Saint Mary's Church, Woodside Cemetery and the City of Oxford. Ms. Bricker advised evaluations were sent to the project sites to assess the event and improve the process in the future and noted the feedback so far had been very positive.

Ms. Diane Ruther, Family Resource Center, advised 45 students worked with the Family Resource Center, Lifespan and PUSH on weatherizing approximately 35 homes in the mobile home park and doing repair work and plantings. Ms. Ruther noted this was a great experience for the students and a tremendous help to clients in the mobile home park.

Vice Mayor Bogard thanked all of those involved for their efforts.

CONSENT AGENDA

MINUTES

Minutes of the October 16, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the October 21, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the October 21, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the October 14, 2008 Planning Commission Special Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the October 15, 2008 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the October 16, 2008 Recreation Board Meeting. (Gail Brahier, Parks and Recreation director)

Report regarding the October 22, 2008 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

Report regarding the October 22, 2008 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTIONS

RESOLUTION

AGENT FOR

FEDERAL FINANCIAL ASSISTANCE

A Resolution No. 4393 designating the City of Oxford's Service Director as agent for the City of Oxford to apply for federal financial assistance by reason of the September 14, 2008 wind storm. (Mike Dreisbach, Service Director)

Ms. Fischer moved to approve the consent agenda. Ms. Currie seconded. The motion passed 5-0-0.

RESOLUTIONS

None.

ORDINANCES
FIRST READING

ORDINANCE
NEW SECTION 303.08

An Ordinance Repealing Oxford Code Of Ordinances Section 303.08 And Adopting New Oxford Code Of Ordinances Section 303.08; Titled “Impounding And Booting Of Vehicles; Redemption’. (Steve Schwein, Police Chief)

Chief Schwein advised the proposed Ordinance was companion to the following ones and would allow the Police Department to boot and tow vehicles for various offenses.

ORDINANCE
NEW SECTION 311.05

An Ordinance Amending Oxford Code Of Ordinances Chapter 311, Street Obstructions And Special Uses, To Add New Section 311.05, Storage Units. (Steve Schwein, Police Chief)

Chief Schwein advised the proposed Ordinance would prohibit portable storage units to be placed in the right-of-way.

Ms. Fischer noted this would not prohibit storage units from being placed in yards and Chief Schwein advised that would need to be addressed by the Planning Commission.

ORDINANCE
NEW SECTION 351.06

An Ordinance Repealing Oxford Code Of Ordinances Section 351.06 And Adopting New Oxford Code Of Ordinances Section 351.06; Titled “Selling, Washing, Or Repairing Vehicle Upon Roadway Or On Private Property Open To Public Travel”. (Steve Schwein, Police Chief)

Chief Schwein advised the proposed Ordinance would prohibit ‘pop up’ used car parking lots within the community such as in the former Odd Lots parking lot.

Mr. Ross inquired if a person could park a vehicle in a private lot with the permission of the property owner and Chief Schwein advised yes, but not in excess of 72 hours. Chief Schwein noted the vehicle owner must also have the permission in writing and posted in the vehicle visible to the Oxford Police Department.

ORDINANCE
NEW SECTION 351.13

An Ordinance Repealing Oxford Code Of Ordinances Section 351.13 And Adopting New Oxford Code Of Ordinances Section 351.13; Titled “Parking In Excess Of 72 Hours Prohibited”. (Steve Schwein, Police Chief)

Chief Schwein advised the proposed Ordinance was a companion to the previous one and covered any reason a vehicle was parked in a particular space.

Mr. Ross inquired if a vehicle even with permission would have to be moved after 72 hours and Chief Schwein advised yes.

ORDINANCE
PRELIMINARY SUBDIVISION

An Ordinance Approving The Planning Commission’s Recommendation For Preliminary Approval Of The Campus Commons Subdivision With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen summarized the staff report on pages 46 and 47 of the agenda noting 5.45 acres would be split into 22 lots containing 20 duplexes and 2 single-family dwellings. Mr. Chen advised the applicant was in attendance and would provide a brief presentation to Council.

Mr. Michael Stegman, Attorney, representing the Paul W. Baer Trust Properties, LLC, provided a PowerPoint presentation depicting the proposed development. Mr. Stegman noted the proposal complied with the underlying R2MS zoning requirements and was approved 7-0-0 by the Planning Commission with conditions all of which were acceptable to the applicant.

Mr. Keebler noted a lot of people would like to see this property remain an open area but the applicant had the right to develop the property. Mr. Keebler advised this proposal would not require any variances, all of the lots would be conforming lots, and would comply with the Comprehensive Plan with regard to connectivity. Mr. Keebler noted he felt this was a good plan.

Ms. Currie and Mr. Bogard noted their support for the project.

ORDINANCE
ZONING MAP
AMENDMENT

An Ordinance Accepting The Planning Commission’s Recommendation And Granting A Zoning Map Amendment For Property Located At 5445 College Corner Pike, Oxford, Ohio And Rezoning The Property From R3 (Multi-Family Residential) District To GB (General Business) District. (Jung-Han Chen, Community Development Director)

Mr. Chen summarized the staff report on page 95 of the agenda and noted the Planning Commission voted 7-0-0 to recommend approval of the request.

Ms. Diane Ruther, Family Resource Center, noted the Family Resource Center was hoping to open a Thrift Store on the property which would provide jobs training opportunities for their clients and become a source of revenue for the Family Resource Center.

Ms. Fischer noted the request complied with the Comprehensive Plan with regard to the College Corner Pike corridor.

Ms. Currie, Mr. Ross and Mr. Bogard noted support for the request.

ORDINANCE
DENY ZONING MAP
AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation To Deny A Zoning Map Amendment For Property Located At 22 North College Avenue, Oxford, Ohio Rezoning The Property From RO (Office Residential) District to UP (Uptown) District. (Jung-Han Chen, Community Development Director)

Vice Mayor Bogard advised the applicant submitted a letter requesting Council to postpone the first reading of the proposed Ordinance until November 18, 2008.

Ms. Fischer moved to table the proposed Ordinance until November 18, 2008. Mr. Keebler seconded. The motion passed 5-0-0.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)

Mr. Newlin summarized the staff report on pages 132 and 133 of the agenda which explained the need for additional appropriations for fiscal year 2008.

ORDINANCE
2009 BUDGET

An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2009. (Joe Newlin, Finance Director)

Mr. Newlin advised the budget was presented to Council at Work Sessions on October 16th and October 21st. Mr. Newlin summarized the changes as shown on the staff report on pages 136 and 137 of the agenda.

ORDINANCE
2009 FEES

An Ordinance Adopting Fees And Charges For Fiscal Year 2009. (Joe Newlin, Finance Director)

Mr. Newlin noted department heads had provided explanations for fee proposals and questions regarding the basis for increased fees could be answered by the applicable department head.

Ms. Currie requested clarification regarding playground fees which Ms. Brahier addressed.

Mr. Keebler noted the fee increases were minimal which he was glad to see.

Ms. Fischer referred to page 148 of the agenda and requested an explanation for the increase in the sidewalk permit, and page 151 working without a permit and page 152 impound/immobilization fees. Ms. Fischer noted the explanations could be given during the second reading.

Mr. Bogard requested a brief explanation for the increase in the rental fee for the Senior Citizens Center and Ms. Brahier advised significant renovations had been made to the center and this would bring the rental fee more in line with what it should be for this type of facility.

ORDINANCE
2009 SALARIES

An Ordinance Establishing Salaries And Certain Benefits For Salaries And Hourly Full-Time And Part-Time Employees Within The Service Of The City Of Oxford, Ohio Paid From January 1, 2009 Through December 31, 2009. (Donna Heck, Human Resources Director)

Ms. Heck advised the proposed Ordinance would implement the changes as discussed at the October Personnel Improvement Plan Work Session. Ms. Heck summarized the staff report on page 161 of the agenda.

Mr. Ross noted at the next meeting he would like additional information regarding the limitation on hours worked by Firefighters and inquired if the City Engineer was getting paid enough.

ORDINANCES
SECOND READING

ORDINANCE
EXTEND CONDITIONAL USE

An Ordinance No. 3025 Approving The Extension Of The Conditional Use Permit For A Banking Facility With A Drive-Through (Miami University Community Federal Credit Union), Approved By Ordinance No. 2932, On November 21, 2006, For A Period Of Six Months. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Ordinance would extend the Conditional Use Permit granted by Council on November 21, 2006.

Ms. Currie moved to adopt Ordinance No. 3025. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Bogard (5)

NAY: None (0)

ABS: None (0)

ORDINANCE
ADOPTING THE
COMPREHENSIVE PLAN

An Ordinance No. 3026 Adopting The Comprehensive Plan Of The City Of Oxford Pursuant To Charter Section 8.07. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Comprehensive Plan Update had been complied over the past year with a lot of input from citizens, the Planning Commission and volunteers. Mr. Chen inquired if Council had any amendments to propose.

Ms. Currie moved to amend Chapter 12 – Implementation pages 8 and 9 to add the Housing Advisory Commission under responsibility for items H1.1, H1.3, H1.4, H2.1, H2.2, H2.3, H2.4, H2.5, H2.6, H5.2, H5.3, H5.4, H5.5, H5.6, H6.1, H6.2 and H6.3. Ms. Fischer seconded. The motion passed 5-0-0.

Mr. Keebler noted he had been involved in discussions as the plan went before the Planning Commission who made some amendments for clarification. Mr. Keebler advised this was a planning document put forth by the citizens and he was comfortable with it even though he would have liked to see some things removed.

Ms. Fischer moved to amend Chapter 12 – Implementation page 13 University and Community item UC2.2 to add “Assist with providing resources to the Office of Off Campus Affairs.” Mr. Ross seconded. The motion passed 5-0-0.

Mr. Bogard read a proposed amendment suggested by Mayor Dana.

Ms. Fischer moved to amend Chapter 5 – Transportation page 6 item T2.2 to read “Promote the Oxford Area Trails plan as identified in the Transportation or Thoroughfare plan.” Ms. Currie seconded. The motion passed 5-0-0.

Mr. Ross noted ACP and staff worked sincerely on the project and tried to involve the entire community. Mr. Ross noted his feeling it was a monumental waste of money, paper and time.

Mr. Bogard advised this was a planning document which provided a course of action for the City and surrounding area. Mr. Bogard noted it would be amended as necessary as the implementation process took place.

Ms. Currie moved to adopt Ordinance No. 3026 with amendments to the planning document. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Ms. Currie, Mr. Bogard (4)

NAY: Mr. Ross (1)

ABS: None (0)

ORDINANCE **NEW SECTION 1139**

An Ordinance Repealing Zoning Code Section 1139, Variances, And Adopting New Section 1139, Variances. (Jung-Han Chen, Community Development Director)

Mr. Chen advised Mr. McHugh revised the language in the proposed Ordinance for Council’s consideration based on Council’s discussion during the first reading.

Mr. McHugh advised Council received a draft Ordinance tonight based on comments from Council at the last meeting. Mr. McHugh outlined the changes/deletions from the original Ordinance and suggested if Council wished to consider the new language they should make a motion to substitute the revised Ordinance.

Ms. Fischer moved to table the proposed Ordinance until the next meeting since the public did not have a chance to review it. Mr. Ross seconded.

Mr. Keebler suggested substituting the draft Ordinance first so the public would have the opportunity to review it.

Ms. Fischer withdrew her motion and Mr. Ross withdrew his second.

Ms. Fischer moved to substitute the new Ordinance presented to Council tonight for PC-20-2008 dated 9/30/08. Mr. Ross seconded. The motion passed 5-0-0.

Ms. Fischer moved to table the second reading of the proposed Ordinance until the next meeting. Mr. Ross seconded. The motion passed 5-0-0.

ORDINANCE **CONDITIONAL USE**

An Ordinance No.3027 Approving A Conditional Use Permit For A Gas Station And Convenience Store In The General Business (GB) District At 300 South Locust Street, Oxford, Ohio With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised staff provided Council with a memo in their Friday Packet indicating the commitment the Schottenstein Property Group had made with regard to the existing traffic signal on South Locust Street. Mr. Chen advised Council was provided a copy of the letter from the Schottenstein Property Group this evening. Mr. Chen noted this was the only new information he had to present and that the applicant was in attendance to answer any questions.

Mr. Jonathon Wocher, Planner, McBride Dale Clarion, advised Kroger and the Schottenstein Property Group would comply with condition c. on page 193 of the agenda with regard to removing parking spaces and adding landscaping. Mr. Wocher noted the letter provided with regard to an escrow account for a proportional cost of the traffic signal upgrade and requested that Council amend condition h. on page 194 of the agenda to reference the letter. Mr. Wocher noted his feeling this project was a good reinvestment for the City and thanked Council for working with them.

Ms. Currie noted she was pleased with the additional landscaping but still had concerns with the amount of outside merchandise.

Mr. Keebler noted concern with pictures provided to Council of other Kroger fueling centers which had brooms, mops and other supplies out in the open. Mr. Keebler advised the new fueling center in Hamilton had an additional structure for storage and he would not want to see this in Oxford. Mr. Keebler advised he would rather see a larger kiosk with inside storage for those items. Mr. Keebler advised he would like to add an additional condition which would prohibit outside storage.

Mr. Bogard noted Mr. Keebler's suggestion would provide a new model for Kroger fueling centers.

Ms. Fischer inquired how the amount of \$10,000 was chosen for signalization upgrades. Ms. Fischer noted she wanted clarification for future redevelopment.

Mr. Wocher advised the signal as currently constructed was functional and could be turned back on. Mr. Wocher noted the expenditures being proposed were not needed for this particular project and since the City had a strong position that his client should contribute a proportional share it was based on those factors.

Mr. Bogard requested that Mr. Wocher address Mr. Keebler's suggestion of adding on to the Kiosk for storage purposes and Mr. Wocher advised his client would comply with the request.

Mr. Keebler moved to add condition l. as follows: 'No other outside storage or storage structures shall be permitted in the vicinity of the fueling station.' Ms. Fischer seconded. The motion passed 5-0-0.

Mr. McHugh offered language to add to condition h.

Mr. Keebler moved to add language to condition h. as follows: 'and accepting the offer of escrow for the traffic signal upgrade.' Mr. Ross seconded. the motion passed 5-0-0.

Mr. Keebler moved to adopt Ordinance No. 3027 as amended. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ross, Ms. Fischer, Mr. Keebler, Mr. Bogard (4)

NAY: Ms. Currie (1)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised three applicants were selected to interview for the Assistant Fire Chief position.

Mr. Elliott noted the crosswalk markings as requested at Spring Street and Beech Street would be complete within the next two weeks.

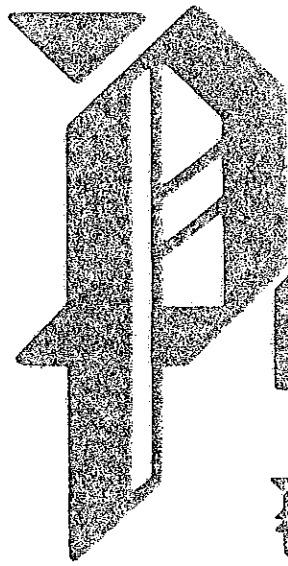
Ms. Currie noted she was delighted that staff could respond so quickly to the request.

Mr. Kyger updated Council on a meeting he, Rick Bailey and Mr. Elliott attended with ODOT District 8 with regard to US-27 South improvements. Mr. Kyger noted Council would see legislation at the next meeting requesting a speed study for US-27 South so the speed limit could be readjusted for the new road design.

Mr. Bogard thanked Council, staff and members of the audience for helping get through a large agenda this evening. Mr. Bogard thanked all of those who participated in the development of the Comprehensive Plan Update.

ADJOURN

Ms. Fischer moved to adjourn at 9:00 p.m. Ms. Currie seconded. The motion passed 5-0-0.



Office of the Mayor

Proclamation

Whereas:

The Center for American and World Cultures at Miami University announce the Fifth Annual Human Rights and Social Justice Program at Miami University "Do More Than Just Watch: Respect Human Rights, Fight for Social Justice" to be held November 18-20, 2008, and

WHEREAS, the Human Rights and Social Justice Program offers the opportunity to join forces with organizations devoted to the elimination of hunger, homelessness, poverty, modern slavery, forced migrations, physical and mental abuse, ethnocide, and genocide, to communicate information that raises awareness about human rights and social justice efforts and action in our communities and around the world; and

WHEREAS, the Human Rights and Social Justice Program creates opportunities for students and the large community to be engaged on human rights and social justice networks and service programs (volunteer programs, social service programs, learning service programs, professional development programs and others); and

WHEREAS, this event will include a variety of activities such as the Fifth Annual Information Fair and Film Festival, Special Presentations, Writing Workshop, Read-In, Photo and Art Exhibitions, and Guest Speakers related to Human Rights and Social Justice; and

WHEREAS, organizations such as Cultural Survival, Teach for America, International Red Cross, Free the Slaves, the Center for Holocaust and Humanity Education, the National Center for Homeless Education, the Hope House Rescue Mission, the Darfur Coalition, the End Slavery Coalition, the Myaamia Project, the Students for Free Tibet, the Sign Language and Culture Awareness Club, the Women's Center among other organizations will have tables with pamphlets, readings, and promotional materials and multi-media displays explaining their goals and strategies; and

WHEREAS, groups such as Su Casa, Center for Community Engagement in Over-the-Rhine, Oxford Interfaith Climate Change Work Group, Oxford Community Choice Pantry, and Oxford Citizens and Miami Students for Peace and Justice will explain their work in the local area, including ways that Miami University students can participate in their efforts in Oxford, Hamilton, Middletown, Cincinnati and neighboring areas; and

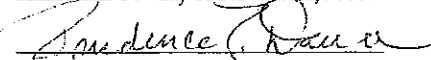
WHEREAS, representatives from Miami University's Office of Community Engagement and Service will be on hand to discuss credit and non-credit opportunities for service learning.

NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, do hereby proclaim November 18-20, 2008,

'HUMAN RIGHTS AND SOCIAL JUSTICE DAYS'

and urge all citizens to support this most worthwhile effort to raise awareness about human rights and social justice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 14th day of November, 2008.


PRUDENCE Z. DANA, MAYOR

