

Resolution

RESOLUTION NO. 7130

**A RESOLUTION COMMENDING KATE ROUSMANIERE FOR HER SERVICE TO
THE CITY OF OXFORD AND ITS RESIDENTS.**

WHEREAS, Kate Rousmaniere has served two terms as a member of the Oxford City Council from November of 2011 to November of 2019 and as Mayor from November of 2015 to November 2019; and

WHEREAS, during said period, Kate has given of her time, talents and energies serving the City of Oxford and its residents faithfully and diligently; and

WHEREAS, Kate fulfilled her most recent term of office on November 25, 2019.

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

SECTION 1: That the City Council of the City of Oxford personally and collectively and on behalf of the government and citizens of the City, expresses its deep appreciation and thanks to Kate Rousmaniere for her faithful and devoted service, while serving on the Oxford City Council.

SECTION 2: That the Clerk of the City Council of the City of Oxford, Ohio is hereby directed and instructed to forward a duly attested and signed copy of this Resolution to Kate Rousmaniere.

SECTION 3: That this resolution shall be effective immediately upon its adoption.

Mike Smith, Mayor

Bill Snively, Vice Mayor

David Prytherch

Jason Bracken

Chantel Raghu

Glenn Ellerbe

Edna Southard

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: December 3, 2019

Account Code #: 322.810.67122

Budgeted Amount: \$500,000

Service Department
Originating Department

Michael B. Dreisbach, Service Director
Prepared By

November 18, 2019
Date Prepared

Agenda Title: Authorization for an Agreement with Strand Associates, Inc, Consulting Engineers, to Evaluate Technology and Systems for Water Softening and Associated Water Treatment Plant Improvements

Recommendation: Approve

Discussion:

The City has appropriated \$500,000 in the Water Capital Improvement Fund for the evaluation of water softening technologies suitable for implementation at the City's water treatment plant. The City's raw water resources are rich in minerals, but have a relatively high total hardness of 380 mg/L coming from calcium and magnesium. This presents the need for most users to invest in and maintain their own private water softening systems. When softening is performed at the Plant level with significant economies of scale, it will be much more cost effective than individual investments at the consumer level.

The City developed a scope of work for a Request for Proposals (RFP) from qualified engineering firms and published the RFP in the Hamilton Journal News and other professional clearinghouses on Oct 18 and 25, 2019. Requirements of the proposal include evaluation of the four technologies well suited for Oxford, including Lime Softening, Fluidized Bed Reactor Softening, Membrane Softening, and Ion Exchange Softening. Advantages and disadvantages will be evaluated for these four technologies including utilizing the existing footprint of the Plant, production and disposal costs of softening materials, difficulties with magnesium softening and its impact on our finished water, and modular capabilities to treat average daily production versus total Plant capacity.

The City is requiring a complete corrosion control treatment desktop study to evaluate the impact of softening, and to determine the likely requirement for corrosion control. Once a softening technology has been selected for the City, a complete pilot study will be required for evaluation on a large scale prior to implementation. In addition to tasks related to water softening, the City is also requiring a review of water disinfection including the type of chlorine best suited for chemical oxidation and disinfection of finished water; removal of underground threats to the Four Mile Aquifer including an underground fuel tank utilized for emergency power generation; evaluation of alternatives to fuel emergency power generation; and an evaluation of pump well overflow drains to correct original design deficiencies.

Approved By:

Department Head:
City Manager:

Initial Date

MBD \ 11/18/19

DRE \ 11/27/19

Below is a listing of surrounding water systems and the technology they use to soften their water. All the utilities except Oxford and Eaton use water softening technology for their utilities. The City of Oxford's finished water contains the most hardness of any surrounding utility at 380 mg/L.

<u>System Name</u>	<u>County</u>	<u>Source</u>	<u>Raw Hardness Mg/L</u>	<u>Finished Hardness Mg/L</u>	<u>Softening Process</u>
CINCINNATI	BUTLER	Ground	250	134	Lime
FAIRFIELD	BUTLER	Ground	450	120-140	Lime
MIDDLETOWN	BUTLER	Ground	365	120	Lime
NEW MIAMI	BUTLER	Ground	340	120-140	Ion Exchange
OXFORD	BUTLER	Ground	380	380	N/A
TRENTON	BUTLER	Ground	376	150	Ion Exchange
SWRWD NORTH	BUTLER	Ground	340	150	Pellet/ Lime
SWRWD SOUTH	BUTLER	Ground	280	130	Ion Exchange
HAMILTON	BUTLER	Ground	450	140	Lime
EATON	PREBLE	Ground	360	360	N/A

The City received four responses to our RFP. The Proposals were evaluated by the following individuals from the Oxford Service Department: Service Director, Deputy Service Director, City Engineer, Water Treatment Plant Manager, and Water Plant Operator. The responses were evaluated for the following criteria: Project Understanding; Work Plan and Approach; Qualifications and Availability of Project Manager and Key Staff; Qualifications / Experience with Similar Projects; and Ability to Meet the City's Project Schedule. Based on these criteria, the responding firms were ranked as follows:

<u>Proposing Engineering Firm</u>	<u>Ave. Score</u>	<u>Proposed Fee</u>
Strand Associates, Inc.	92.2	\$ 109,000 (+ \$37,000 for Pilot Study)
CDM Smith	87.8	87,560
Jones & Henry	84.8	73,840
SH2Oaf Consulting	78.2	67,987

Strand Associates, Inc. was the number one selection of every individual on the selection team. While their fee was higher than other proposers, it is inclusive of all tasks requested in the RFP. Strand Associates has completed numerous softening facilities, ranging in capacity from 1 MGD (million gallons per day) to 60 MGD. The Strand proposal also brings numerous other disciplines to the team including a professional geologist, process control engineers, architect, and structural and electrical engineers.

Work on this evaluation will be completed by October 2020. Upon successful demonstration of a pilot study, the City would evaluate moving forward with full scale designs and specifications for construction in 2021 (pending permitting from the Ohio Environmental Protection Agency).

The Strand Associates proposal was clearly the best proposal received by the City. It is Staff's recommendation that the Oxford City Council authorize the City Manager to enter into an Agreement with Strand Associates, Inc. for the evaluation of water softening technologies and other tasks defined in the City's RFP, for a contract amount of \$146,000. Staff is requesting a ten percent contingency in the amount of \$14,600, therefore the total contract amount not to exceed shall be **\$ 160,600.00**.

RESOLUTION NO.

A RESOLUTION ACCEPTING THE PROPOSAL AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH STRAND ASSOCIATES, INC. FOR THE EVALUATION OF WATER SOFTENING TECHNOLOGIES SUITABLE FOR IMPLEMENTATION AT THE CITY'S WATER TREATMENT PLANT AND TO PERFORM OTHER TASKS AS DEFINED IN THE CITY'S REQUEST FOR PROPOSALS (RFP) AT A COST OF \$146,000.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE AGREEMENT PRICE OR \$14,600.00 FOR A TOTAL COST NOT TO EXCEED \$160,600.00.

WHEREAS, the City has appropriated \$500,000.00 in the Water Capital Improvement Fund for the evaluation of water softening technologies suitable for implementation at the City's Water Treatment Plant; and

WHEREAS, the City developed a scope of work for a Request for Proposals (RFP) from qualified engineering firms and published the RFP in the *Journal News* and with professional clearinghouses on October 18, 2019 and on October 25, 2019; and

WHEREAS, the City received four responses to its RFP and after a comprehensive evaluation by the City's Service Director, Deputy Service Director, City Engineer, Water Treatment Plant Manager and Water Plant Operator it was determined that the best proposal for this project was provided by Strand Associates, Inc. in the amount of \$146,000.00; and

WHEREAS, the City Manager and the Service Director recommend Council accept the proposal and authorize the City Manager to enter into an agreement with Strand Associates, Inc. for the evaluation of water softening technologies suitable for implementation at the City's Water Treatment Plant and to perform other tasks as defined in the City's RFP at a cost of \$146,000.00 plus a contingency amount of ten percent (10%) of the agreement price or \$14,600.00 for a total cost not to exceed \$160,600.00.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Service Director and accepts the proposal of Strand Associates, Inc. for the evaluation of water softening technologies suitable for implementation at the City's Water Treatment Plant and to perform other tasks as defined in the City's RFP at a cost of \$146,000.00 plus a contingency amount of ten percent (10%) of the agreement price or \$14,600.00 for a total cost not to exceed \$160,600.00.

SECTION 2: Council further authorizes the City Manager to enter into an agreement with Strand Associates, Inc. for the evaluation of water softening technologies suitable for implementation at the City's Water Treatment Plant and to perform other tasks as defined in the City's RFP at a cost of \$146,000.00 plus a contingency amount of ten percent (10%) of the agreement price or \$14,600.00 for a total cost not to exceed \$160,600.00.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY:

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 3, 2019

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

November 25, 2019

Date Prepared:

PC-2019-23, ZONING MAP AMENDMENT, 5427 & 5435 College Corner Pike, from R-3 Multi-Family Residential to GB General Business District, Attorney Matthew A. Troy, Applicant, Agent

Recommendation: Approval

Discussion:

On behalf of two property owners, Attorney Matthew Troy requested a rezoning of two parcels located at 5427 and 5435 College Corner Pike, comprising a site totaling approximately 2.5 acres. Each parcel currently supports a single-family dwelling, and there is no history of previous zoning cases specific to either parcel. The site is located east of the Family Resource Center (FRC), north of the Miami Mobile Home Park (MMHP), northwest of the Budget Inn, and southwest of several apartment complexes located across College Corner Pike (inclusive of Wintergreen Apartments). The re-zoning would complete a gap in the GB district between the FRC and the Budget Inn. There are no immediate plans for development of either parcel. Below are the two purpose statements of the districts excerpted from Oxford Zoning Code.

(FROM): R-3 Purpose: This zone is intended to accommodate multi-family structures suited to the lifestyles of individuals and families, generally located in areas adjacent to major thoroughfares and commercial areas.

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

On November 12, 2019, the Commission reviewed the case with the four decision criteria and voted 6-0-1 to recommend approval, as requested, to City Council. There was one abstention. The Commission discussion identified decision standard C and D in its recommendation. The Commission cited the roadway improvements as one of the changes supporting criterion C and cited Mr. Kyger's memo regarding availability of commercial sites as supporting criterion D. Below is the full list of decision standards excerpted from Oxford Zoning Code 1135:

- (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 legitimate need for additional land area in the zoning district that will be expanded.

Approved By:

Department Head:

SP / 11-26-19

City Manager:

DRE / 11-27-19

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR 2.5 ACRES OF LAND LOCATED AT 5427 AND 5435 COLLEGE CORNER PIKE, OXFORD, OHIO, AND REZONING THE PROPERTY FROM MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT TO GENERAL BUSINESS (GB) DISTRICT.

WHEREAS, in accordance with Chapter 1135 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on November 12, 2019, on the application of Matthew A. Troy, Attorney, for a Zoning Map Amendment for 2.5 acres of land located at 5427 and 5435 College Corner Pike, Oxford, Ohio, rezoning the property from Multi-Family Residential (R-3) District to General Business (GB) District; and

WHEREAS, the Oxford Planning Commission, after due deliberation, recommended granting the Zoning Map Amendment, and found that the proposed rezoning request was in keeping with the intended characteristics of the general vicinity of the property and was the most appropriate use of the property in question; and

WHEREAS, the Planning Commission found the request does comply with the intent of the Oxford Codified Ordinances and of the Oxford Comprehensive Plan.

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

SECTION 1: Council hereby accepts the recommendation of the Oxford Planning Commission, and after due deliberation, finds for the granting of the Zoning Map Amendment rezoning 2.5 acres of land located at 5427 and 5435 College Corner Pike, Oxford, Ohio from Multi-Family Residential (R-3) District to General Business (GB) District.

SECTION 2: Council hereby grants the rezoning request to General Business (GB) District 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.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY:

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-23

Date – November 12, 2019

GENERAL INFORMATION

Applicant:	Matthew A. Troy, Attorney
Location:	5427 & 5435 College Corner Pike
Owner:	5427: Paul R. Brady & 5435: Baby Boss Real Estate Management LLC (c/o Xunqi Liu)
Action Request:	Zoning Map Amendment from R-3 Multi-Family Residential District to GB General Business District
Current Use:	Single-Family Residential
Lot Sizes:	5427 – 1.1 acres; 5435 – 1.4 acres; Total – 2.5 acres
Zoning:	R-3 Multi-Family Residential District
Surrounding Land Uses:	Institutional (Church & Non-Profits); Mobile Home Park; Multi-Family Residential; Motel

PROPOSAL SUMMARY

On behalf of two property owners, Attorney Matthew Troy is requesting a rezoning of two parcels located at 5427 and 5435 College Corner Pike, comprising a site totaling approximately 2.5 acres. Each parcel currently supports a single-family dwelling, and there is no prior history of discretionary City approvals specific to the two parcels. The site is located east of the Family Resource Center, north of the Miami Mobile Home Park (MMHP), northwest of the Budget Inn, and southwest of several apartment complexes located across College Corner Pike (inclusive of Wintergreen Apartments).

AGENCY REVIEWS

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

Police:	Returned without comments
Fire:	Returned without comments
Engineering:	No comments returned
Econ. Dev.:	Returned with comments

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property. Staff received one phone call from a resident who received the notice and was curious what business was planned for the site; she was informed that this request is only to re-zone the property to allow for business use, and that there was no actual business development planned or submitted for the site at this time.

STAFF RECOMMENDATION

Based upon a review of the Decision Standards, below analysis and supporting findings, staff recommends approval of the map amendment request. The Commission can cite the staff findings or made its own in its recommendation to City Council.

STAFF ANALYSIS

History

According to City records, the earliest maps show the site within a large swath of R-2 zoning extending south along the west side of College Corner Pike. In 2003, much of this R-2 swath was rezoned to GB

General Business, though a pocket on the north side of the corridor was zoned R-3A. Eventually by 2006, the zoning classification was shortened to R3. In 2008, the parcel to the west of the subject site located at 5445 College Corner Pike, which supports the Family Resource Center, was rezoned to GB.

Commentary

Staff comments on relevant chapters of the Oxford Comprehensive Plan are provided below:

- **Chapter 3 – Land Use:** The Conservation and Development Map (Map 3.6) shows the site within a “Corridor Enhancement Area,” wherein the Plan describes the development intent is to *enhance landscaping, signage and access along the corridor to improve the local image when entering the city. Promote and attract new commercial uses, and enhance connectivity and the design of existing uses through public and private investment.* As provided in Table 3.4, preferred land uses for this area are multi-family, public land and facilities, large scale commercial, and industrial. Additionally, the Character Area Map (Map 3.7) classifies the site as part of the “Corridor” Character Area, which essentially describes existing conditions during 2008 as being an area *generally made up of non-residential uses (e.g. commercial or office).* Furthermore, the land use chapter makes it clear that infill development and redevelopment of underutilized sites should be a priority. By opening up another potential site for redevelopment as commercial use within existing city limits, this allows business activity to continue to be concentrated within the already urbanized area and lessens potential for sprawl.
- **Chapter 6 – Economic Development:** This chapter identifies two primary areas to target economic development: redevelopment of the Locust Street Corridor, and an economic expansion area centered on US 27 south. Though the College Corner Pike Corridor is not specifically targeted, there is a stated objective to attract new businesses consistent with the skills of the local community, quality of life and identified economic needs, in areas as designated on the Conservation and Development Map from Chapter 3. One of the key comments from the public expressed in this Chapter was to promote businesses that meet the daily needs of residents. A large segment of Oxford’s population, particularly those who are more financially disadvantaged, lives within proximity of the subject site. By rezoning the site to GB, this could create an opportunity to develop businesses that could serve the needs of nearby residents within a more reasonable walking distance. Furthermore, the Plan states that income tax is the largest generator of revenues to the City, therefore additional business activity could also benefit the City financially.

Decision Criteria

A copy of the Zoning Text Amendment Decision Criteria is attached and below. At least one of these criteria must be met in order to recommend approval.

Oxford Zoning Code Chapter 1135 outlines the map amendment process and decision standards that the Planning Commission needs to follow, and the decision standards are as follows and attached in the Appendix:

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.**
There is no error associated with the site requested to be rezoned. The current Official Zoning Map, as well as several iterations that preceded, clearly document the zoning classifications that have been designated for the site in the past.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.**
Based on the analysis provided in this report, staff finds that rezoning the property to GB would result in a Zoning Map that conforms more closely to the vision expressed by the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.**

Prior to 2008, a cluster of R3 zoning existed over a large area of approximately 12 acres, stretching from west of Reagh's Way to east of the intersection between Hester Road and College Corner Pike. Following the rezoning of the Family Resource Center site in 2008, this effectively split this large pocket of R3 into two pieces, one situated on Reagh's Way and one on College Corner and Hester. However, the use of the FRC property as office space has meant that the two residential properties making up the subject site have been located between two commercial uses (the other being the Budget Inn motel) for at least three decades. A PUD enabling the establishment of the FRC non-profit use was approved in 1990, and according to the Butler County Auditor the Budget Inn was built in 1950. Improvements made to College Corner Pike in 2009 also constitute another substantial change in area conditions since the property was originally zoned residential. The project resulted in a curbed roadway with an added turn lane, new sidewalks, crosswalks, and a bike path. The enhanced roadway could help attract new businesses to the area.

D. There is a legitimate need for additional land area in the zoning district that will be expanded.

A cursory review of sites zoned GB within Oxford reveals that very few vacant "greenfield" sites with adequate frontage on an existing public road (i.e. "shovel ready" sites) remain for new development. All GB parcels within the Locust Street business area are entirely built out, and there are a total of 5 vacant GB sites along College Corner Pike, ranging in size from less than 10,000 square feet, to approximately 25 acres east of Walmart. There are a number of single-family residential properties (ranch houses) south of the Budget Inn that are zoned GB, however the sizes of these lots (around 11,000 square feet each) are probably not as conducive to new commercial redevelopment as the larger properties in question.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: November 4, 2019

APPENDIX

RELEVANT ZONING CODE PROVISIONS

Chapter 1135 governs the process of reviewing and approving zoning amendments, including amendments to the Official Zoning Map. Chapter 1143 provides standards specific to zoning districts; standards applicable in both the R3 and GB districts are provided.

1135.02(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.

1135.02(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.

1135.02(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.

1143.06 R-3 Multi-Family Residential District

(a) **Purpose.**

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

(b) **Uses.**

(1) **Permitted uses.**

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Multi-family dwellings.
- D. Accessory buildings and uses incidental to the principal use that do not

- include any activity conducted as business.
 - E. Day Care Home Type B family.
- (2) Conditional uses.
The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
 - A. Community-Oriented Residential Social Service Facilities (CORSSF's).
 - B. Shared Housing and Congregate Housing for the elderly.
 - C. Government owned and/or operated parks and recreation facilities.
 - D. Bed and breakfast homes.
 - E. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.
 - F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
 - G. Schools: primary, intermediate, and secondary, both public and private.
 - H. Places of worship.
 - I. Nursing homes for convalescent patients.
 - J. Professional Offices.
- (c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)
 - (1) Lot requirements.
 - A. Minimum lot area
 - 1. One-family dwelling 6,000 sq. feet
 - 2. Two-family dwelling 7,500 sq. feet
 - 3. Three-family dwelling and up 9,000 sq. feet
 - B. Maximum Residential Density – Occupancy shall be limited to one person per 450 square feet of lot area for multi-family dwelling use.
 - C. Minimum Lot Width
 - 1. One-family dwelling 60 feet
 - 2. Two-family dwelling 75 feet
 - 3. Three-family dwelling 90 feet
 - 4. Four-family dwelling 100 feet
 - 5. Five to 24-family dwelling 120 feet
 - (2) Yard requirements.
 - A. Minimum front yard depth 30 feet
 - B. Minimum rear yard depth
 - 1. One, two, and three-family dwelling 35 feet
 - 2. Four-family dwelling 40 feet
 - 3. Five to 24-family dwelling 45 feet
 - C. Minimum side yard width on each side
 - 1. One- and two-family dwelling 7.5 feet
 - 2. Three to 24-family dwelling 15 feet
 - (3) Structural requirements.
 - A. Maximum building height 35 feet
 - B. Number of Principal Buildings Per Lot or Development Site.
For lots or developments three acres and over, the project shall follow the PUD process in Section 1145 in order to permit more than one principal building per lot. For lots or developments under three acres, the project is not required to follow the PUD process for more than one building.
 - C. Minimum floor area per dwelling unit in multi-family dwellings
 - 1. Efficiency 400 sq. feet
 - 2. One-Bedroom 600 sq. feet
 - 3. Two-Bedroom 800 sq. feet
 - 4. Three-Bedroom 1,000 sq. feet
 - 5. Four-bedroom 1,200 sq. feet
 - (4) Lot coverage.
 - A. Lot total 50 percent
 - a. Stormwater Reduction Incentive.

Lot coverage up to 70% may be allowed if the stormwater management plan reduces projected runoff rate more than required. For every one percent reduction in the rate of stormwater runoff, the allowable lot coverage may be increased by one percent, up to 70% maximum lot coverage.

- B. Front yard 25 percent of front yard.

1143.12 GB General Business District

(a) Purpose.

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

(b) Uses.

(1) Permitted uses.

A. Retail services. (Not to exceed 15,000 square feet of total gross floor area)

1. Apparel and jewelry.
2. Books, stationery, newspapers, magazines, office equipment and office supply stores.
3. Department stores.
4. Drug stores selling health and personal care aids.
5. Food products, including groceries, meat, fish, baked goods, confectionary, and beverages.
6. Flowers, potted plants, and garden supplies.
7. Hardware, paint, home furnishings, and other home improvement products.
8. Optical aids.
9. Photography, bicycles, gifts and toys, pets, music, sporting goods, and other hobby and craft supplies.
10. Restaurants, not including drive-in or fast food.
11. Sales of new and used motor vehicles by dealerships holding franchises authorized by manufacturers for the sale of new vehicles.

B. Personal and professional services. (Not to exceed 15,000 square feet of total gross floor area)

1. Accounting, advertising, architectural, auditing, bookkeeping, legal, and medical offices, and offices for other similar professional service providers.
2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
3. Barber and beauty shops.
4. Cleaners, including dry cleaning and Laundromats.
5. Home improvement services, including carpentry, electrical, heating, plumbing, and decorating.
6. Offices for nonprofit, charitable, labor, and other service organizations.
7. Repair establishments for bicycles, household appliances, locksmiths, shoes, and motor vehicles (if no gasoline is sold and repair work is done inside).
8. Theaters, not including drive-ins.
9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.

C. Accessory buildings incidental to the principal use.

(2) Conditional uses.

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

A. Retail services.

1. Automobile service stations selling gasoline.

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

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

(1) Lot requirements.

No minimum lot size or lot width is specified, however, lot size and width shall be adequate to provide for parking, access drive spacing, yard space and screening requirements.

(2)

A. Yard requirements (minimum).

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

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

B. Maximum front yard setback.

A maximum front yard setback of 150 feet; and at least 75% of the façade of the principal building must be setback no more than 150 feet from the front lot line.

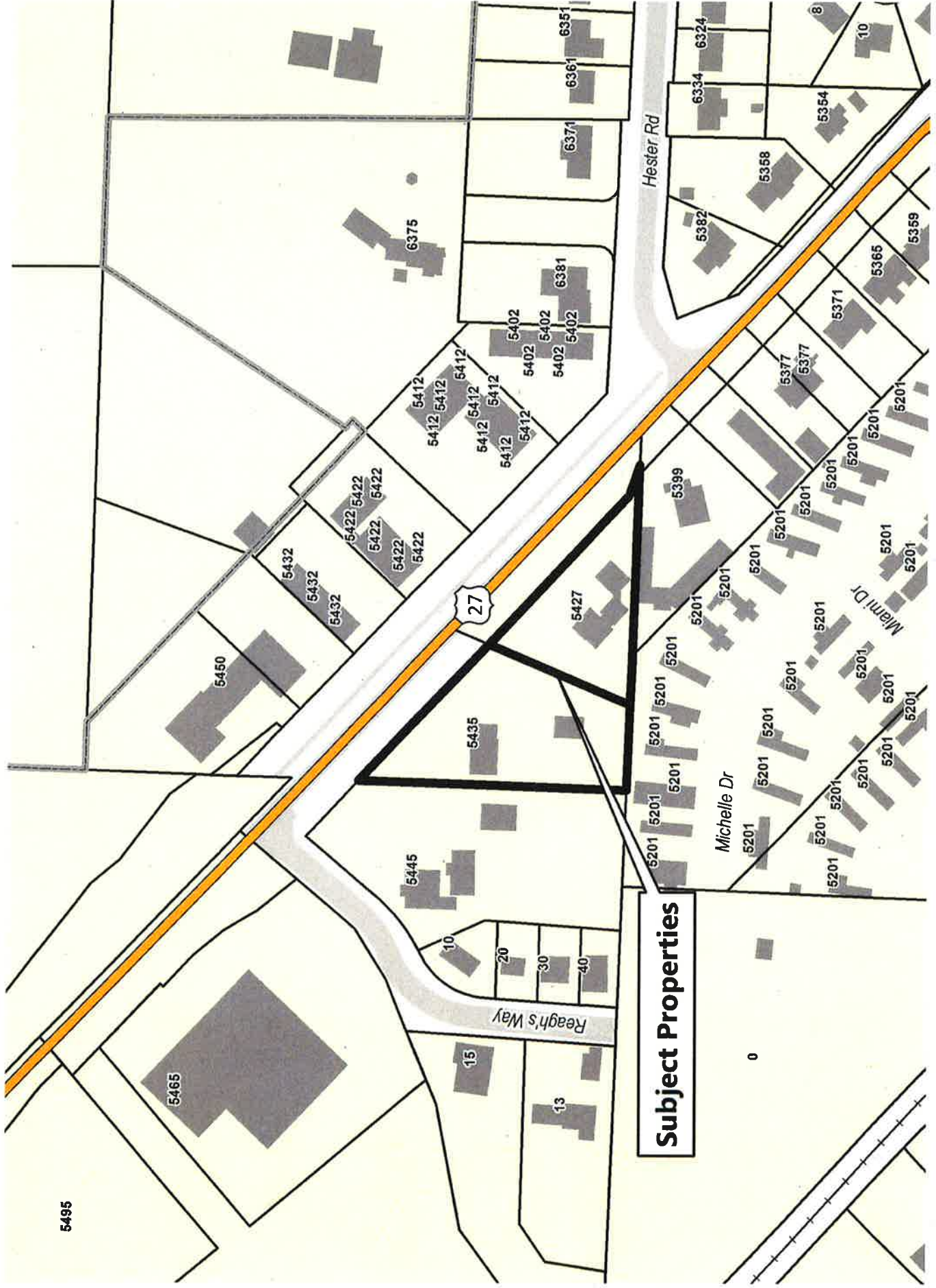
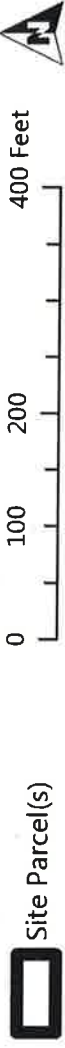
(3) Structural requirements.

Maximum building height 45 feet

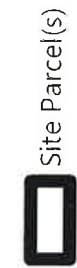
(d) Supplementary Regulations.

- (1) All merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies, shall be stored within a completely enclosed building. Displays of boats, automobiles, tractors, recreational trailers and/or mobile homes shall conform to the requirements as defined in Section 1141.03 (e)
- (2) Landscaping:
The required front yard, with the exception of the area used for vehicle access shall be landscaped with trees, shrubs and ground cover. A minimum of 1 tree for every 25 linear feet of frontage shall be planted in this area provided that the placement of the trees does not interfere with sight distance entering or leaving the site. Each tree shall be a minimum of 6 feet tall and have a minimum 2-inch diameter at breast height (DBH).
 - A. A minimum of 50% of the trees shall be hardwood type, as listed on the City's Tree List maintained by the Environmental Commission.
 - B. All landscaping material must be maintained in good condition. Any missing or dead materials must be replaced in a timely manner.
- (3) The building should be oriented so that the principal building entrance faces the principal street or the street providing main access to the site. The entrance must be connected to the street and adjacent parking with clearly marked sidewalks/walkways. The building façades facing the street must adhere to the façade treatment as outlined in the following sections. In no instance, shall the rear of the building face the public right-of-way.
- (4) Building facades that are oriented toward a right-of-way shall be provided for visual relief as follows:
 - A. Windows and transparent doors must occupy a minimum of 60% of the entire building wall area measured between 2.5 and 7 feet in height above grade along the entire front façade. Glass block, opaque or darkly tinted glass is not considered to be transparent.
 - B. Building façades must have different articulation in height and setback. Different horizontal articulations with material, color and opening shall also be utilized when building elevation is higher than 14 feet. Preferred materials include brick, stone, glass or wood.
- (5) Each development is required; where appropriate, to provide adequate space (including easements) for alternative modes of transportation such as bike paths, multi-use paths, bus stops and turnarounds. Each development is also required to provide bicycle rack space at a rate of 3 per 10,000 square feet of gross floor area.
- (6) The front façade of the principal structure shall be finished, utilizing at least 50% natural materials including brick, stone, masonry, glass, or wood. No aluminum or vinyl siding shall be used in finishing or utilized on the front façade of the building.
- (7)
 - A. All utility boxes must be screened with appropriate landscaping material such that they are not visible from a right-of-way or other publicly accessible area.
 - B. All refuse collection and recycling containers must be enclosed or screened so as not to be visible from a right-of-way or other publicly accessible area. The structure surrounding the container(s) must be enclosed on all sides, one of which includes a gate or door that can be secured. The enclosure may consist of wood or masonry walls. Containers shall not be located in any front yard. The exterior perimeter of the enclosure(s) must be landscaped, excluding the access point.

Location Map



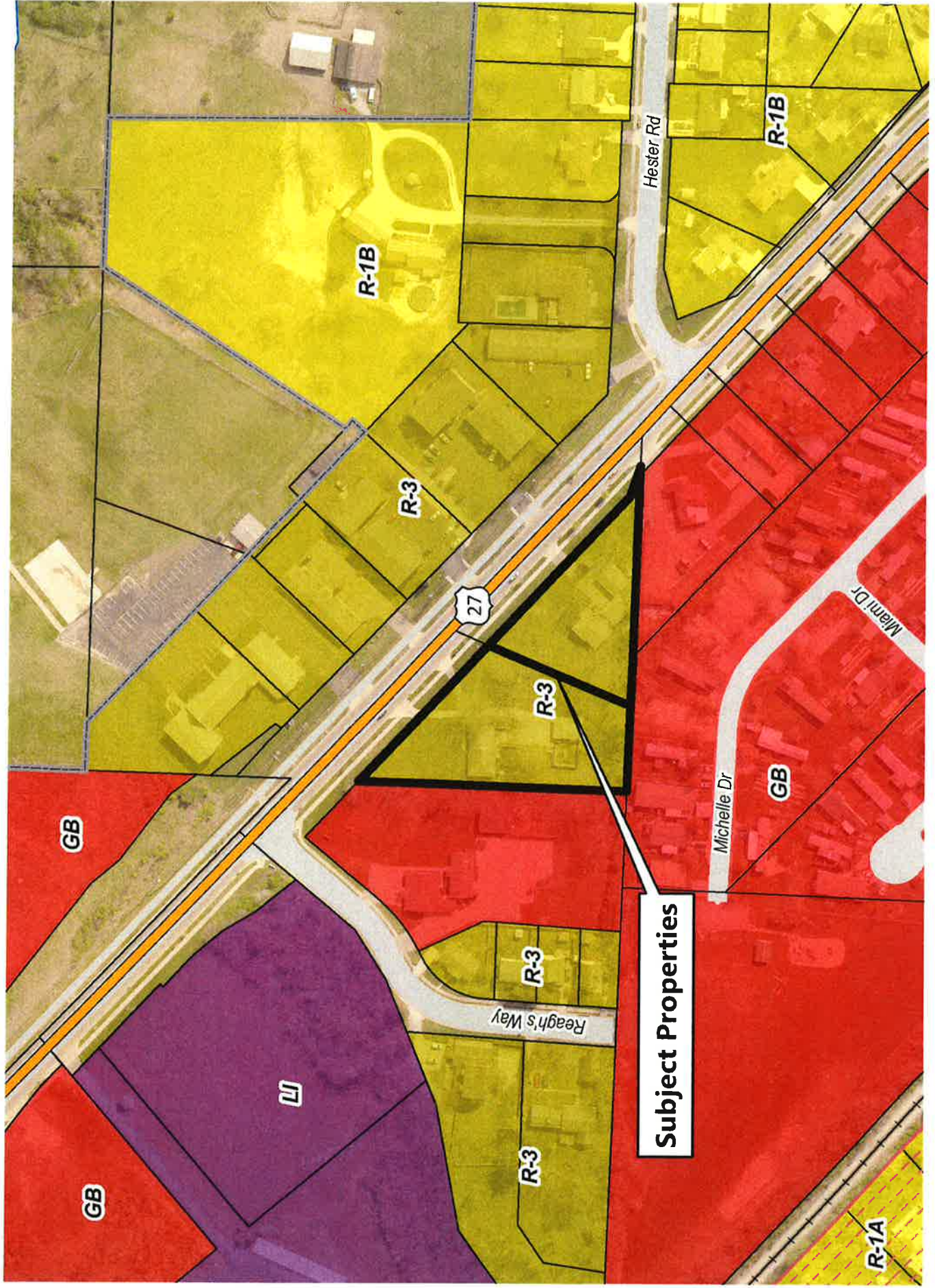
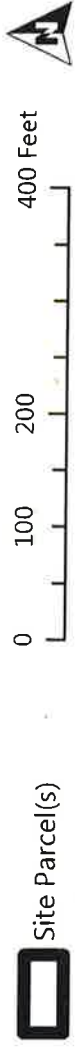
Location Map



0 100 200 400 Feet



Location Map



City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

To: **Fire Department** Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-23, ZONING MAP AMENDMENT, 5427 & 5435 College Corner Pike, to allow for the rezoning from R3 Multi-Family Residential District to GB General Business District, **Matthew Troy, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **October 30, 2019** 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:


PRINTED NAME

Date: 10-11-19

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

To: Fire Department **Engineering Division** Police Department Econ Dev Department

From: Community Development Department

PC-2019-23, ZONING MAP AMENDMENT, 5427 & 5435 College Corner Pike, to allow for the rezoning from R3 Multi-Family Residential District to GB General Business District, **Matthew Troy, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **October 30, 2019** 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: Scott Otto Date: 10/29/19

Scott Otto
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-23, ZONING MAP AMENDMENT, 5427 & 5435 College Corner Pike, to allow for the rezoning from R3 Multi-Family Residential District to GB General Business District, Matthew Troy, Applicant/Agent

 X Review Revisions Other

Please return no later than: **October 30, 2019** 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: 10/7/19

John A. Jones, Police Chief
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

To: Fire Department Engineering Division Police Department **Econ Dev Department**

From: Community Development Department

PC-2019-23, ZONING MAP AMENDMENT, 5427 & 5435 College Corner Pike, to allow for the rezoning from R3 Multi-Family Residential District to GB General Business District, **Matthew Troy, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **October 30, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

I strongly support the rezoning of these two parcels from R3 to GB.

I agree with all the points Mr. Troy made in his request letter.

In summary;

- Oxford needs more available General Business 'GB' zoned sites.
- Butler County/Oxford Township zoning has US27 north of the corporate limits as future commercial area. The County is projecting US27 North to be a commercial growth area.
- College Corner Pike was once a residential corridor. In the 1960's and 70's additional space was needed outside the Uptown District. College Corner Pike was then zoned to be the next commercial area in Oxford. With retail commercial zoning being placed on the land closest to town and Light Manufacturing out near the edge of town. Existing residential areas tended to remain zoned residential.
- In the 1970s, when the Locust Street District was created, business growth moved to this district and The Pike experienced slower growth.
- The Uptown District, Locust Street District and The Pike combined now have approximately 96% occupancy rate. Oxford needs more 'GB' sites and the Uptown and Locust Street Districts have no ability to expand. The only current business district, which can expand, is the College Corner Pike District.
- These two sites are an attractive size. Being .97 acres & .62 acres with a total of 1.6 acres. The current available sites along The Pike tend to be smaller. .57a, .36a, .38a. There are two larger tracts 23.7a and 14.4a.
- These two parcels currently create a small island of residential use sandwiched between a commercial uses along a corridor of primarily commercial use. This action will eliminate this island.

Drawings reviewed by:  Date: 10-15-19

G. Alan Ryan
PRINTED NAME

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

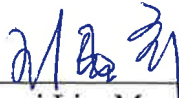
LETTER OF AGENCY

To Whom It May Concern,

Please be advised that Matthew A. Troy, Attorney has permission to represent our interest with the City of Oxford's Planning Commission and City Council regarding a proposed Zoning Map Amendment at 5427 College Corner Pike and 5435 College Corner Pike.

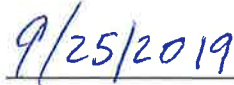
Thank you,

Signed:



Xunqi Liu, Manager
Babyboss Real Estate Management, LLC
Owner: 5435 College Corner Pike

Date:



9/25/2019

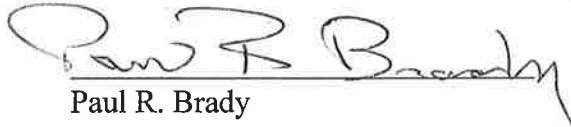
LETTER OF AGENCY

To Whom It May Concern,

Please be advised that Matthew A. Troy, Attorney has permission to represent my interest with the City of Oxford's Planning Commission and City Council regarding a proposed Zoning Map Amendment at 5427 College Corner Pike and 5435 College Corner Pike.

Thank you,

Signed:

A handwritten signature in dark ink, appearing to read "Paul R. Brady", written over a horizontal line.

Paul R. Brady

Owner: 5427 College Corner Pike

Date: 26 Sept 2019



Internal Use Only:	PC-2019-23
Case No.	
Date Filed	9/30/19

Zoning Map Amendment Application

Applicant Information

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

Name *	Matthew A. Troy, Attorney
Mailing Address *	29 N. Beech St.
City, State & Zip Code *	Oxford, Ohio 45055
Telephone Number(s) *	(513) 523-6369
Email Address	matt@bolintroy.com

Location and Lot Information

Location *	5427 & 5435 College Corner Pike, Oxford, Ohio 45056
General Description of Proposed Amendment *	Map Amendment to Make Zoning Consistent on US 27 N. Corridor
Current Zoning *	R3
Proposed Zone(s) *	GB

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) **Initiation.** A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (b) **Application.** If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete 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.

- (1) **Contents of application.** The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
 - A. Application Fee.
 - B. The name, mailing address, and telephone number of the applicant.
 - C. A general description of the proposed amendment.
 - D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - E. A statement that identifies potential negative consequences of the proposed amendment.
 - F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - G. A legal description of the area to be rezoned.
 - H. The proposed zoning of the area.
 - I. The current zoning of the area.
 - J. A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

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.

- 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.

Fees & Receipt

The required fee is \$150.00, plus \$10.00 postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *


 9/30/2019



Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required documentation as attachments and a check for fee and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

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

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

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

BOLIN & TROY, LLC

ATTORNEYS AT LAW

L. Robert Bolin
Matthew A. Troy

29 N. Beech Street
Oxford, Ohio 45056

September 30, 2019

Sam Perry, Director, Community Development
City of Oxford
Municipal Building
15 South College Ave.
Oxford, Ohio 45056

RE: Application for Zoning Map Amendment
5427 and 5435 College Corner Pike
Oxford, Ohio 45056

Dear Mr. Perry,

Thank you for taking time with me earlier this year to discuss this Zoning Map Amendment Application (the "Application"). I am bringing the Application on behalf of two Oxford property owners in regards to their respective neighboring properties: Mr. Paul Brady, who owns 5427 College Corner Pike; and Babyboss Real Estate Management, LLC, which owns 5435 College Corner Pike (the two owners are further described as the "Owners" and the properties are further described as the "Properties"). The Properties are located in the US 27 N Corridor (the "Corridor") as identified in the Comprehensive Plan (the "Plan"). See Maps 3.17 and 3.18 in the Plan.

The Owners are requesting that the City amend the zoning map on their Properties from Multi-Family Residential (R3) to General Business (GB). The amendment will enable consistent zoning and usage with the surrounding properties in the Corridor. On the Southwest side of College Corner Pike, these are the only two properties that are not zoned GB or Light Industrial (LI) from Locust St. all the way to Gillman's Hardware on the corner of Ringwood Road, a stretch of nearly two (2) miles.¹ The zoning for the Properties causes them "stick out" in a way that makes them underutilized and in need of redevelopment.

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City County for a Zoning Map Amendment for the properties at 5427 and 5435 College Corner Pike.

¹ On the Southwest side of College Corner Pike there are no other non GB or LI properties besides the Properties. Across the street, on the Northeast side of College Corner Pike there are several properties zoned R3, including the Ambassador's Point Church, Wintergreen Apartments, and several other apartment buildings. There are also R3 properties located behind the Family Resource Center, accessible from Reagh's Way that do not front College Corner Pike.

Statement on Applicable Decision Standard Criteria

A proposed Zoning Map Amendment Application will only be approved when it meets at least one of the four criteria outlined in Section 1135.02(c)(1) of the Oxford Codified Ordinances. Applicant presents a brief statement on each of the four criteria below:

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.*

Improvements on the Properties are Not Multi-Family Residential Improvements

As stated, the two properties are zoned R3; however, the current improvements on the properties more closely resemble single family residential construction, unlike the multi-family apartment buildings on the other side of College Corner Pike. This may not be an error in the Official Zoning Map but the inconsistency between zoning and construction has contributed to inefficient and/or underutilized use, where the improvements on the Properties do not allow for the intended use. That being said, since the Properties are surrounded by commercial use, GB is a more appropriate use for the Properties than any residential zoning.

Surrounding Uses are Commercial Causing Underutilization of the Properties

Since the Properties are surrounded by commercial use, they “stick out” on the zoning map and by viable usage. The inconsistency in zoning likely makes the Properties less marketable and causes underutilization.

The lot at 5435 College Corner Pike has a long history of underutilization. On July 1, 2011, it became a bank owned property by Deed in Lieu of Foreclosure. See Volume 8070, Page 363 Butler County Official Records. The bank was unable to sell the property for more than six years until November 8, 2017. See Volume 9102, Page 1797, Butler County Official Records. The bank sale was likely at a significant loss where the sales price reported by the Butler County Auditor was \$80,000.00 and the original mortgage signed in December 19, 2008 was for \$169,000.00.

The bank’s difficulty in selling the property without significant loss was probably due to the inconsistency of the zoning on the Properties. That is, the market was extremely limited for sale because buyers did not want to pay the market rate for a single-family residence, in a multi-family district, and where the property is surrounded by commercial use. Eventually, the current owner acquired the property on October 1, 2018 and is now asking the City to amend the zoning to GB. See Volume 9216, Page 759, Butler County Official Records.

- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.*

Promoting Commercial Use Along the Corridor

Enhancement and Redevelopment of the Corridor is a significant goal of the plan. Table 3.4 states that the intent of Corridor Enhancement is in part to: "Promote and attract new commercial uses[.]" Since these properties are located in the Corridor and adding new commercial uses to the Corridor is a goal, changing the zoning on this properties to allow for commercial use is consistent with the Comprehensive Plan. So, too the Comprehensive Plan in Objective 4, LU 4.1 on page 3.22 includes a strategy to support the plan, to: "Identify sites for commercial, office and industrial development along the U.S. 27 North corridor." This application proposes to do just that.

Redeveloping Underutilized Property

A key directive of the Comprehensive Plan is to: "Give priority to infill and redevelopment." See pages 2.1 and 2.2. As noted above, these properties are underutilized where they are surrounded by commercial properties. One of the properties has been vacant for a long period of time, likely because owners were not able to sell the property as a commercial property where that would be the obvious use given the surroundings. By changing the zoning to GB for these two properties, the Owners will be able to redevelop the properties consistent with the Plan.

Addressing a Weak Place Identified in Comprehensive Plan

Table 2.3 on Page 1.5 of the Plan indicates that a key finding based on public participation in the Plan was that the Corridor was identified as a "Weak Place". This is likely why a key directive of the plan is to: "Redevelop the U.S. 27 North corridor in a planned and coordinated manner." See page 2.4. Redevelopment of the Corridor also aligns with goals of promoting new commercial uses along the corridor and giving priority to redevelopment of underutilized properties such as these.

- C. *There has been a substantial change in area conditions that necessitates the amendment.*

Corridor Conditions Have Become More Commercial Since Adoption of Comprehensive Plan

Since the Plan was adopted on November 4, 2008, the area conditions on the Corridor have changed. A number of properties have been redeveloped, including properties such as O'Reilly Autoparts, the Verizon Store, the new Burger King, the new Wild Berry Facility, the State Farm Office and many more. As the corridor has become less residential and more commercial sites such as these two properties become less and less viable for residential uses. Indeed because of the change in area conditions, the properties are underutilized and will likely remain so without a zoning map amendment.

- D. *There is a legitimate need for additional land area in the zoning district that will be expanded.*

These are the only two residential and non-GB (or LI) zoned properties for a nearly two (2) mile stretch on the Southwest side of College Corner Pike. To support the goals of the

Plan such as commercial development Corridor and redevelopment of underutilized sites, there are little or no other properties so readily available. So too, the Comprehensive Plan states on page 3.6 that “[t]he amount of development residential land within Oxford can accommodate the project population growth through the year 2030.” Therefore, removing these properties from R3 will not overly limit the availability of residential land in the City.² So too, although this Amendment would allow for commercial uses of the two properties, residential uses would still be allowed.

If I can provide any additional information, please contact me.

Sincerely,

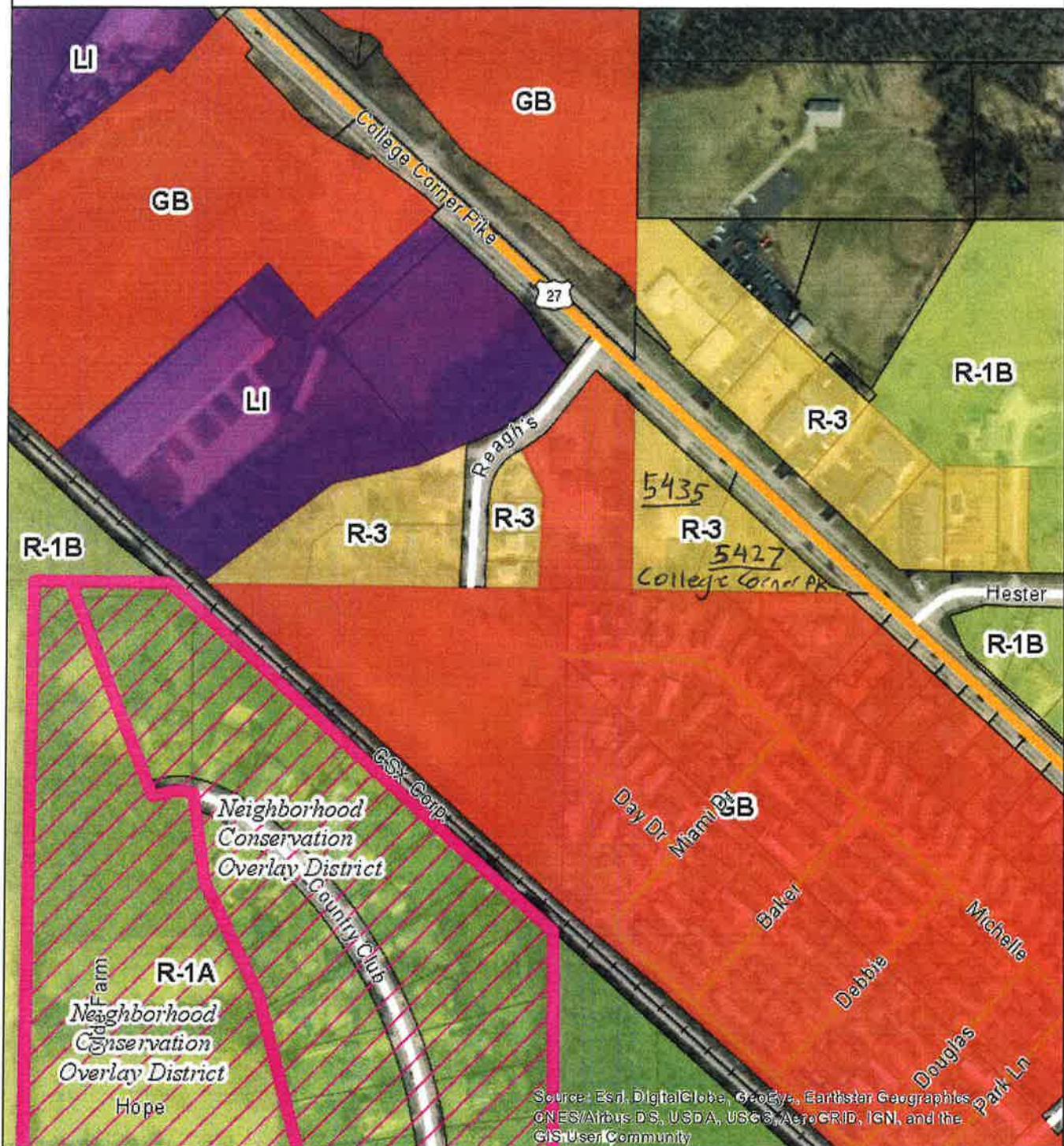


Matthew A. Troy

² The amendment would consequently mean two fewer properties zoned as R3; however, the amendment in truth does not remove multi-family use as neither property has a history of multi-family use and the construction at both is not designed for multi-family use.

5427 and 5435 College Corner Pike

Exported on 9/30/2019



Produced using the
Interactive Zoning Map
cityofoxford.org/izm

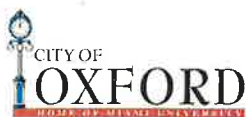


1 inch = 376 Feet

0 0.0375 0.075 0.15 mi

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

Exported on 9/30/2019



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

Legal Descriptions of Property to be Rezoned

5435 College Corner Pike

Entire Lot numbered One Thousand Nine Hundred Fifty-three (1953) as the same is known and designated on the List of Lots in the City of Oxford, Butler County, Ohio.

Being the same premises conveyed by deed recorded in Butler County Official Records, Book 8345, Page 2267.

Parcel Number H 4100-029-000-012

5427 College Corner Pike

Entire Lot Number One Thousand Nine Hundred Fifty-four (1954) as the same is known and designated upon the List of Lots in the City of Oxford, Butler County, Ohio.

Subject to all legal highways, easements, conditions and restrictions of record, and zoning laws, if any.

SAVE AND EXCEPT: Situated in the City of Oxford, Butler County, Ohio and being a part of the Original Oxford Township Section 16, Town 5 North, Range 1 East, and also being part of Oxford City Lot 1954 and being more fully described as follows:

Being a parcel of land lying on the left and right sides of the centerline of Right of Way of BUT-27-18.55 as shown on a centerline plat made by the URS Corporation and recorded in Plat Book 51, Page 159 of the Butler County Records, and being located within the following described points of the boundary thereof;

Beginning at a point at the northeast corner of City Lot 1954, said point also being the Grantor's northeast corner, said point being located at centerline Station 992+41.65 of US 27, said point also being the TRUE POINT OF BEGINNING for the following parcel herein described:

Thence South 46° 26' 41" East, 361.49 feet, along the east line of City Lot 1954 and the Grantor's east line, to Grantor's southeasterly property corner and the southeasterly corner of Oxford City Lot 1954;

Thence North 87° 40' 11" West 60.70 feet, along Grantor's southerly property line and the southerly line of Oxford City Lot 1954 to a rebar set; thence North 46° 26' 41" West along the proposed southwesterly right of way line of US 27 a distance of 4.26 feet to a rebar set; thence North 73° 05' 30" West along the proposed southwesterly right of way line of US 27 a distance of 22.30 feet to a rebar set; thence North 49° 18' 26" West along the existing southwesterly right of

way line of US 27 a distance of 100.12 feet to a rebar set; thence North 44° 47' 27" West along the existing southwesterly right of way line of US 27 a distance of 173.23 feet to a rebar set on Grantor's northwesterly property line and the northwesterly line of Oxford City Lot 1954; thence North 23° 15' 33" East. 53.31 feet along the Grantor's northwesterly property line and northwesterly line of Oxford City Lot 1954 to the TRUE POINT OF BEGINNING containing 0.3853 acres, of which 0.3850 acres are Present Road Occupied.

The above described area is containing Auditor Parcel Number H 4000-029-000-013 (City Lot 1954). Grantor claims title by instrument(s) recorded in Official Record 6239, Page 2167 of the Butler County Records.

The bearings used in this description are based on the Ohio State Plane Coordinate System, South Zone, NAD 83. All rebars set are to 5/8" diameter by 30" long rebars with ID Cap "URS Corp." and to be set after acquisition and before construction of the project designated BUT-27-18.55 per the plans on file with the Oxford City Engineer.

This description was prepared by Dan Stankavich, Professional Surveyor Number 7122, on November 12, 2007 for the URS Corporation, and is based on a survey performed in 2000 for the URS Corporation under the direction of David D. Smith, Professional Surveyor Number 7121, and updated by the URS Corporation in November of 2006, under the direct supervision of Dan Stankavich, Professional Surveyor Number 7122.

Auditor Parcel No. H 4100-029-000-023, commonly known as 5427 College Corner Road, Oxford, Ohio 45056.

Being the same premises conveyed by deed and recorded in Volume 9172, Page 1879 of the Butler County, Ohio Official Records.

Mailing Addresses of Property Owners Within 200 Feet of 5427 and 5435 College Corner Pike

Mailing Address	Owner
5445 COLLEGE CORNER PIKE Oxford, Ohio 45056	OXFORD TALAWANDA COMMUNITY SERVICES INC
6317 BUCKLEY RD Oxford, Ohio 45056	AROMA PROPERTIES LLC
10 REAGHS WAY PO Box 1 Oxford, Ohio 45056 0150	OXFORD WOMENS CARE CENTER
20 REAGHS WAY OXFORD OH 45056	BROCK, STEPHANIE
30 REAGHS WAY OXFORD OH 45056	MACE, DIANNA & SHARON
40 REAGHS WAY OXFORD OH 45056	HUBBARD, GLORIA S
101 E HIGH ST OXFORD OH 45056 1887	CITY OF OXFORD OHIO
6310 E KEMPER RD Suite 125 CINCINNATI OH 45241 2360	MIAMI OF OHIO MHP LLC
5399 COLLEGE CORNER PIKE OXFORD OH 45056 1048	SHIVANI LLC
5377 COLLEGE CORNER RD OXFORD OH 45056 1009	CHARLES W BAKER
5382 COLLEGE CORNER PIKE OXFORD OH 45056 1008	ARLA, ANGEL
6381 HESTER RD OXFORD OH 45056 1027	WATTS, TERESA L TR OF THE TERESA L WATTS TRUST AGMNT
5480 HAMILTON RICHMOND RD HAMILTON OH 45013 9721	OWENS, BRYAN F JR TR ETAL
PO BOX 498008 CINCINNATI OH 45249 3107	TJ OHIO ENTERPRISES LLC
PO BOX 10 BATH IN 47010 0010	KDOANS LLC
6381 HESTER RD OXFORD OH 45056 1027	CHURCH OF GOD OF OXFORD

Mailing Addresses of Property Owners for Property to be Rezoned (5427 and 5435 College Corner Pike)

Mailing Address	Owner
15 FOX RUN Oxford, Ohio 45056	BABY BOSS REAL ESTATE MANAGEMENT LLC
PO BOX 531 OXFORD OH 45056 0646	PAUL R BRADY

A Work Session of the Oxford City Council was called to order by Mayor, Kate Rousmaniere on Monday, November 18, 2019 at 5:30 P.M. at 322 McGuffey Hall on Miami University's campus. Council members present were Steve Dana, Glenn Ellerbe, David Prytherch, Mike Smith and Edna Southard.

Councilors elect Jason Bracken and Bill Snavely were also in attendance.

Staff members present: Doug Elliott, City Manager, Mike Dreisbach, Service Director; Joe Newlin, Finance Director, Jessica Greene, Assistant City Manager, Alan Kyger, Economic Development Director; John Jones, Police Chief and John Detherage, Fire Chief.

APPROVAL OF AGENDA

Mr. Dana moved to approve the agenda. Ms. Southard seconded. The motion carried 6-0-0.

PURPOSE

The purpose of the Work Session was for Council members to attend a presentation given by Miami University Officials regarding the higher education arena and public/private partnerships.

PRESENTATION

A PowerPoint presentation was provided by President Crawford and Dr. Creamer followed by a question and answer period.

ADJOURNMENT

Mr. Dana moved to adjourn at 7:05 p.m. Mr. Ellerbe seconded. The motion carried 6-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: December 3, 2019

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

November 19, 2019

Date Prepared

Agenda Title: Legislative Authority Notice - New permits for Satguru Petroleum LLC DBA Oxford Shell 3600 Southpointe Parkway Oxford, Ohio 45056.

Recommendation: N/A

Discussion:

The permits are for:

C1 - Beer only in original sealed container for carry out only.

C2 - Wine and mixed beverages in sealed containers for carry out.

Approved By:

Initial Date

Department Head:

City Manager:

DRE

11-27-19

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

7750454		NEW		SATGURU PETROLEUM LLC DBA OXFORD SHELL 3600 SOUTHPOINTE PKWY OXFORD OH 45056	
PERMIT NUMBER		TYPE			
ISSUE DATE					
11 08 2019					
FILING DATE					
C1 C2		PERMIT CLASSES			
09 088 A		C54719			
TAX DISTRICT		RECEIPT NO.			

FROM 11/14/2019

PERMIT NUMBER		TYPE		RECEIVED 11-19-19 City of Oxford
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT		RECEIPT NO.		



MAILED 11/14/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN. 12/16/2019

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A NEW 7750454**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF OXFORD CITY COUNCIL
101 E HIGH ST
OXFORD OHIO 45056

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. For best results, search only **ONE** criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

SEARCH CRITERIA**Permit Number**

7750454

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 7750454; Name: SATGURU PETROLEUM LLC; DBA: DBA OXFORD SHELL; Address: 3600 SOUTHPOINTE PKWY OXFORD 45056		
ARADHANA KAUSHAL	5% MEMBER	VICE PRES.
SANJEEV KAUSHAL	5% MEMBER	PRESIDENT

- [Ohio.Gov](#)
- [Ohio Department of Commerce](#)

[Commerce Home](#) | [Press Room](#) | [CPI Policy](#) | [Privacy Statement](#) | [Public Records Request Policy](#) | [Disclaimer](#) | [Employment](#) | [Contacts](#)

The Organizational meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, November 26, 2019 at 7:00 p.m. Those members present were Steve Dana, Glenn Ellerbe, David Prytherch, Chantel Raghu, Mike Smith and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Ms. Jessica Greene, Assistant City Manager; Mr. Joe Newlin, Finance Director; Mr. Chris Conard, Law Director; and Ms. Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

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

OATHS OF OFFICE

Mr. Conard performed the swearing-in of the elected Council members: Mr. Jason Bracken, Mr. William Snavelly and Mr. Glenn Ellerbe. Oaths of Office were signed and photos taken.

ADJOURN TO EXECUTIVE SESSION

Mr. Smith moved to adjourn to Executive Session at 7:07 p.m. in accordance with Ohio Revised Code Section 121.22 (G) (1) for the purpose of discussing the selection of Mayor and Vice Mayor and Council appointments to Boards and Commissions. Mr. Ellerbe seconded. The motion passed by the following roll call:

AYE: Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Smith, Mr. Snavelly, Ms. Southard (7)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Ellerbe moved to adjourn from Executive Session at 8:07 p.m. Mr. Prytherch seconded. The motion passed 7-0-0.

ELECTION OF MAYOR

Mr. Ellerbe nominated Mr. Smith for the position of Mayor. Mr. Snavelly seconded. The motion passed 7-0-0.

MAYOR OATH OF OFFICE

Mr. Conard performed the swearing-in of Mayor, Mr. Mike Smith.

ELECTION OF VICE MAYOR

Mr. Prytherch nominated Mr. Bill Snavelly for the position of Vice Mayor. Ms. Raghu seconded. The motion passed 7-0-0.

VICE MAYOR OATH OF OFFICE

Mr. Conard performed the swearing-in of Vice Mayor, Bill Snavelly.

COUNCIL BOARD AND COMMISSION APPOINTMENTS

Mr. Snavelly nominated himself and Mr. Bracken to serve on the Planning Commission, Mr. Smith to serve on the Recreation Board, Ms. Southard to serve on the Historic and Architectural Preservation Commission, Mr. Prytherch and Mr. Ellerbe to serve on the Community Improvement Corporation, Mr. Ellerbe to serve on the Student Community Relations Commission, Ms. Raghu to serve on the Environmental Commission, Mr. Bracken and Mr. Ellerbe to serve on the Housing Advisory Commission, Mr. Smith and Mr. Bracken to serve on the Firefighters Dependents Board, Ms. Raghu and Mr. Smith to serve on the Woodside Cemetery Board, himself to serve as the OKI representative, Ms. Southard to serve on the Senior Citizens Board of Trustees, himself to serve on the Butler County Land Use Coordinating Committee, Ms. Raghu to serve on Enjoy Oxford Board, Ms. Southard to serve on the Public Arts Commission of Oxford, and Mr. Prytherch to serve on the Oxford Parking and Transportation Advisory Board for terms ending December 1, 2020. Mr. Ellerbe seconded. The nominations passed 7-0-0.

ADJOURN

Ms. Southard moved to adjourn at 8:15 p.m. Mr. Ellerbe seconded. The motion passed 7-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 3, 2019

Sam Perry

Account Code No. #:

Prepared By

Budgeted Amount: N/A

November 26, 2019
Date Prepared

Agenda Title: Planning Commission Meeting Report- November 12, 2019
--

Various updates from Boards, Committees, and Staff were provided. Everyone thanked Councilor Dana for his service.

PC-2019-22, CONDITIONAL USE, 304 W. Collins St, Expansion of Outdoor Sales at Whistlestop, **Architect Scott Webb, Applicant, Agent**

Architect Scott Webb presented the case on behalf of Shademakers. The plan is to fill the currently open areas with seasonal landscaping displays. The alley right of way would not have any new permanent improvements as part of this project. The Commission reviewed the case with the A-M decision standards and voted 7-0 to recommend approval of the case, as proposed, to City Council with waivers and conditions. There were public comments in support of the proposal. The Commission agreed with the staff findings that this is a good use of an unusual shaped property.

PC-2019-23, ZONING MAP AMENDMENT, 5427 & 5435 College Corner Pike, from R-3 Multi-Family Residential to GB General Business District, **Attorney Matthew A. Troy, Applicant, Agent**
On behalf of two property owners, Attorney Matthew Troy requested a rezoning of two parcels located at 5427 and 5435 College Corner Pike, comprising a site totaling approximately 2.5 acres. There are two houses within the re-zoning area. The site is located east of the Family Resource Center (FRC), north of the Miami Mobile Home Park (MMHP), northwest of the Budget Inn, and southwest of several apartment complexes located across College Corner Pike. The re-zoning would complete a gap in the GB district between the FRC and the Budget Inn. There are no immediate plans for development of either parcel. The Commission heard from staff and the applicant. There were no public comments. The Commission reviewed the four decision standards and found alignment with two, although only one was required. The Commission voted to recommend approval of the re-zoning request to City Council.

Approved By:	Department Head:	 , 11-26-19
	City Manager:	 , 11-27-19

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: November 19, 2019

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

November 7, 2019
Date Prepared

Agenda Title: An Ordinance to Levy Assessments for Curb, Gutter, and Sidewalk Repairs

Recommendation: Approve

Discussion:

Through a series of Resolutions, the City has caused the repair of deficient curb, gutter, and sidewalk on parcels identified in the attached Exhibit "A" including:

May 2019 *Resolution No. 7080 – Declaring the necessity to make improvements*
June 2019 *Resolution No. 7088 – Authorizing a contract to perform the improvements*
September 2019 *Resolution No. 7107 – Determination of the total cost of assessment by lot*

The proposed assessment costs were advertised as required by Ohio Revised Code; no objections were received from parcel owners as detailed in Exhibit "A". Upon passage of this Ordinance, an owner may pay cash for the assessment within 30 days. Otherwise, the amount will be levied to the owner's property tax bill and must be paid in five (5) annual installments with City assessed interest on deferred payments at a rate of 5%.

Staff recommends City Council approve this assessment Ordinance, and authorize the City Manager or his designee to take all steps necessary to cause the amounts listed in Exhibit "A" to be levied upon the lots and lands enumerated in the listing.

Approved By:

Department Head: Initial Date
 MBD 11/8/19

City Manager: DRE 11/15/19

ORDINANCE NO.

AN ORDINANCE LEVYING UPON THE LOTS AND LANDS ENUMERATED IN THE LIST OF ESTIMATED ASSESSMENTS (EXHIBIT A) THE AMOUNTS SET FORTH ON SUCH LIST AND SETTING FORTH TERMS FOR PAYMENT OF ASSESSMENTS.

WHEREAS, in accordance with Section 729.07 of the Ohio Revised Code, Council filed a list of estimated assessments (Exhibit A) with the Clerk of City Council and ordered it open for public inspection; and

WHEREAS, pursuant to Ohio Revised Code Section 729.08, Council published a notice in the *Journal News*, beginning September 22, 2019 and ending October 6, 2019 stating that the list of estimated assessments (Exhibit A) was on file with the Clerk of City Council and was available for public inspection; and

WHEREAS, the Clerk of City Council has received no written objections to the assessments.

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

SECTION 1: Property owners shall be assessed the actual cost over five years as set forth on Exhibit "A" attached hereto.

SECTION 2: Property owners may pay the assessment in five (5) annual installments with interest on deferred payments at 5%. Conversely, property owners may pay the assessment in cash within 30 days after passage of this Ordinance.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

					Curb, Gutter, Sidewalk, for 2019 Resurfacing					FINAL QUANTITIES				
Direct							Square Feet		Square Ft		Square Ft			
Address	ion	Street Name	Property Owner	Parcel #	Lineal Ft Curb	Square Feet Sidewalk	Sidewalk thru driveway	Square Ft Drive Apron	Remove Only	Final Cost				
21	W	VINE	RODBRO & MYERS INVESTMENTS LLC	H4100007000013	62	225				\$	5,339.10			
32	W	VINE	10K PROPERTIES LLC	H4100007000008	50	0				\$	2,415.00			
28	W	VINE	10K PROPERTIES LLC	H4100007000009	50	50				\$	2,936.00			
24	W	VINE	10K PROPERTIES LLC	H4100007000010	60	30				\$	3,210.60			
17	W	VINE	RODBRO & MYERS INVESTMENTS LLC	H4100007000012	15					\$	724.50			
15	W	VINE	MARK W SCHALLIP	H4100007000061	15	0				\$	724.50			
222	N	MAIN	COLLEGE PROPERTIES INC	H4100007000063	10					\$	483.00			
18	E	VINE	FIRST BAPTIST CHURCH OF OXFORD	H4100007000129	25	25	0			\$	1,468.00			
28	E	VINE	HOELZER/HOELZER RENTALS INC	H4100007000127	40	75	25	0		\$	3,124.75			
223	N	POPLAR	HOELZER/HOELZER RENTALS INC	H4000007000148	15	0				\$	724.50			
301	N	POPLAR	NORTH SEA INVESTMENT GROUP LLC	H4100007000145	74	200				\$	5,658.20			
114	E	VINE	THREE GOOD HOUSES LLC	H4100007000146	39	100				\$	2,925.70			
116	E	VINE	THREE GOOD HOUSES LLC	H4100007000193	25	50				\$	1,728.50			
118	E	VINE	JOHN JAMES PROCHAZKA JR	H4100007000192	46					\$	2,221.80			
130	E	VINE	LEAH RINDLER-KNAPKE	H4100007000191	15	25				\$	985.00			
224	E	VINE	PJ KELLEMS CONSULTING LLC	H4100006000188	20					\$	966.00			
230	E	VINE	REDHAWK RENTAL PROPERTIES LLC	H4000006000190	43	50	30			\$	3,091.40			
115	E	WALNUT	SLOW IDAHO LTD	H4100003000187		50				\$	521.00			
111	E	WALNUT	OXFORD RESIDENTIAL & MIAMI STUDENT RENTALS LLC	H4100003000186		55				\$	573.10			
101	E	WALNUT	SUMME CARL A & HERBERT J	H3800040000019	28.5	175	90	126		\$	6,482.35			
19	E	WALNUT	HOLY TRINITY EPISCOPAL CHURCH	H4100003000271	60	148				\$	4,440.16			
11	E	WALNUT	B'NAI B'RITH HILLEL FOUNDATION INC	H4100003000101	0	95				\$	989.90			
7	E	WALNUT	CALISTA ENTERPRISES LLC	H4100003000102		75				\$	781.50			
3	E	WALNUT	TRES WALNUT LLC	H4100003000103	35	150				\$	3,253.50			
16	S	CAMPUS	UN CHRISTIAN FELLOWSHIP MIAMI U & WESTERN COLLEGE	H4000003000221		140				\$	1,458.80			
22	S	CAMPUS	MIAMI REALTY ASSN OF ALPHA DELTA PHI INC	H4000003000220	52	185				\$	4,439.30			
100	S	CAMPUS	TRES WALNUT LLC	H4000003000219	28.5	25	0	0		\$	1,637.05			
112	S	CAMPUS	DELTA XI CHAPTER OF TAU KAPPA EPSILON FRAT INC	H4000003000215	16					\$	772.80			
206	S	CAMPUS	TWO HUNDRED & SIX MU PSI CORP	H4100003000209		150				\$	1,563.00			
210	S	CAMPUS	STEPHENSON-OBRIEN LLC	H4000003000207		185				\$	1,927.70			
214	S	CAMPUS	DAVIS STEFAN S	H4000003000206	5	50				\$	762.50			
113		PLUM	TRES WALNUT LLC	H4100106000124	35		0	112		\$	3,292.10			
120	E	CHESTNUT	MICHAEL J SUM	H4100106000113	10	0				\$	483.00			
12	S	POPLAR	SIMONDS GEORGE M TR OF THE GEORGE M SIMONDS REV TRUST	H4100003000150	10	45				\$	951.90			
23	E	COLLINS	PJ KELLEMS CONSULTING LLC	H4000003000129	5					\$	241.50			
210	S	POPLAR	JOHN JAMES PROCHAZKA	H4100003000128	5	50				\$	762.50			
211	S	POPLAR	DANMARK INVESTMENT GROUP LLC	H4100003000199		175				\$	1,823.50			
101	E	COLLINS	TRES WALNUT LLC	H4000003000198	5	0				\$	241.50			
115	S	POPLAR	MORRISON RENTALS OXFORD LLC	H4100003000192	10					\$	483.00			
113	S	POPLAR	MORRISON RENTALS OXFORD LLC	H4100003000191	5	90				\$	1,179.30			
103	S	POPLAR	ROBINSON GROOVE LLC	H4000003000185	5	75				\$	1,023.00			
218		University	Michael Jarman Art, LLC	H4100006000038	43	240				\$	4,577.70			
209		Bishop	P&J Rental LLC	H4100006000178	0	450	0	0		\$	4,689.00			
											Total Cost	\$ 88,077.21		

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

Originating Department

Council Meeting Of: Dec. 3, 2019

Account Code No. #: 110.620.52320

Prepared By: Casey D. Wooddell

Budgeted Amount: Per Lease

Date Prepared: 11/22/2019

Agenda Title: Renewal of T.R.I. Lease Agreement

Recommendation: Approve

Discussion:

The Parks and Recreation Department is housed on 9 acres of land owned by the Talawanda Recreation, Incorporated (TRI), and located at 6025 Fairfield Rd. in Oxford. The current lease agreement expires 12/31/19.

The attached two year lease renewal is for 2020 and 2021, which includes a 2% increase each year, or \$39,365 and \$40,152 respectively. The funds for this lease agreement are utilized by the TRI for maintenance, repairs and renovations of the facilities and grounds of the TRI property, which includes the skate park, ball field, tennis courts, playgrounds, offices, fitness rooms and gymnasium.

This agreement has served both the City of Oxford and TRI Board well for many years by providing facilities for recreation programs and office space for Park and Recreation staff to run operations.

Approved By:

Initial Date

Department Head: CDW \ 11/22/19

City Manager:

DKE \ 11/27/19

RESOLUTION NO.

A RESOLUTION GRANTING TALAWANDA RECREATION, INC. (TRI) A TWO (2) YEAR LEASE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NEW LEASE.

WHEREAS, the City Manager having reviewed the proposed two (2) year lease between the City and the TRI, hereby recommends Council authorize him to sign on the City's behalf, the new Lease attached hereto as Exhibit "A".

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

SECTION 1: Council hereby accepts the City Manager's recommendation and authorizes the City Manager to execute on the City's behalf the new Lease with the TRI. Council supports the TRI facility and believes it is important to ensure continued use of the facility by the citizens of Oxford.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY:

PREPARED BY: LAW (STAFF)

EXHIBIT 'A'

LEASE AGREEMENT

This agreement entered into at Oxford, Ohio, this _____ day of _____, ~~2017~~ **2019**, between Talawanda Recreation Incorporated, hereinafter referred to as "TRI" and the City of Oxford, Butler County, hereinafter referred to as "City". This lease supercedes the previous lease entered into by the parties.

WHEREAS, TRI, a corporation not for profit and being the owner of the following described real estate:

Situate in the City of Oxford, Butler County, Ohio, and being a part of Lot No. 1668 of said City and bounded as described as follows: Beginning at a point in the North line of Section 27, Town 5, Range 1 East and formerly of Oxford Township, located 936.45 feet West of the Northeast corner of the Northwest quarter of said Section; thence from said point of beginning South 0° 53' East 227.18 feet; thence South 88° 54'; West 334.37 feet; thence South 0° 53' East 390.82 feet; thence South 88° 54' West 300.00 feet; thence North 0° 53' West 618.00 feet to a point in the North line of said section 27; thence North 88° 54' East along the Section line 634.37 feet to the point of beginning containing 6.00 acres of land more or less. The above described tract includes a strip of land 53 feet wide along the North line which will ultimately become a part of Fairfield Road, the North 40 feet being the portion already dedicated for said road.

desires to lease to the City the land, facilities and building, and;

WHEREAS, the City desires to lease said land, facilities and buildings.

NOW, THEREFORE, the parties hereto agree as follows:

SECTION 1: TRI does hereby lease unto the City the above described real estate, including buildings and facilities for the rent fee of ~~\$37,836~~ **\$39,365** during the first year of the lease and ~~\$38,593~~ **\$40,152** during the second year of said lease. The rent shall be paid quarterly on January 15, April 15, July 15 and October 15 of each year. The City shall be entitled to possession immediately upon execution of this lease agreement, and the City shall quietly have and enjoy said premises during the lease term free from hindrance by TRI; and if any part of said premises shall be destroyed or rendered untenable by fire or other unavoidable casualty, no rent shall be charged during the time that the same shall be untenable by the City because of such destruction or untenable condition and any rent previously paid shall be prorated and refunded to the City.

SECTION 2: The term of said lease shall be from January 1, ~~2018~~ **2020** through December 31, ~~2019-2021~~. It is specifically provided that either party may terminate this lease at any time hereafter by giving a written six months advance notice to the other party of the termination date. Upon the termination by either party, the rent shall be pro-rated as of the effective termination date with the same paid on a pro-rated basis to TRI or refunded on a pro-rated basis to the City, as the case may be.

SECTION 3: City, at its own expense, agrees to provide janitorial and custodial services for said buildings and grounds.

SECTION 4: TRI agrees to provide repairs for the exterior and interior of said building. It is the obligation of TRI to see to it that the building and grounds are in compliance with the laws of Ohio so that the same may be lawfully used by the City for recreational and other public programs.

SECTION 5: It is further agreed that TRI shall continue to develop and improve the recreational site at the expense of TRI and in a manner that does not interfere with possession or use by the City and does not require an increased rental sum from the City.

SECTION 6: It is further agreed that TRI shall maintain insurance on the building and contents and shall carry public liability coverage, and shall hold the city harmless for liability related to defects in building, structures, contents, and grounds of which TRI has actual or constructive notice.

SECTION 7: It is further agreed that the City shall employ a full-time Parks and Recreation Director for said facility at the expense of the City, and an appropriate office will be provided for the Parks and Recreation Director by TRI.

SECTION 8: TRI agrees to provide heating and electrical service in good working order for said facility during the term of this lease.

SECTION 9: It is further agreed that the City shall be responsible for gas, electric, water, refuse collection and sewer charges for said facility at the expense of the City.

SECTION 10: The City shall maintain public liability insurance and shall hold TRI harmless for injuries resulting from any cause other than defects in the building, structures, contents, and grounds of which TRI has actual or constructive notice.

SECTION 11: It is understood between the parties that said facility shall be used for civic and recreational purposes only and cannot be used for partisan political purposes.

SECTION 12: It is further agreed between the parties that the Parks and Recreation Director shall be the sole control of the City.

SECTION 13: It is further agreed by the parties that during the term of this lease the parties will work cooperatively to study the possibility of expanding the TRI recreation facility and how to fund any expansion.

IN WITNESS THEREOF, the parties have caused signatures to be subscribed hereon binding the parties to the contents herein contained.

WITNESSES:

TALAWANDA, RECREATION, INC.

By: _____
President

By: _____
Secretary

CITY OF OXFORD, OHIO

By: _____
Douglas R. Elliott, Jr.
City Manager

State of Ohio,
County of Butler, ss:

The foregoing instrument was acknowledged before me this _____ day of _____, ~~2017~~ **2019**, by _____, President of Talawanda Recreation, Inc., an Ohio corporation, on behalf of the corporation.

Notary Public

State of Ohio,
County of Butler, ss:

The foregoing instrument was acknowledged before me this _____ day of _____, ~~2017~~ **2019**, by Douglas R. Elliott, Jr., City Manager, for the City of Oxford, on behalf of the City of Oxford.

Notary Public

State of Ohio,
County of Butler, ss:

The undersigned Clerk of Council of the City of Oxford, does hereby attest that the foregoing instrument was executed by, Douglas R. Elliott, Jr., City Manager pursuant to Resolution authorizing the execution of said instrument dated _____, ~~2017~~ **2019** and being Resolution No. _____ whereby Council of the City of Oxford expressly authorized the execution of said lease.

Clerk of Council

Resolution

RESOLUTION NO: 7129

A RESOLUTION COMMENDING STEVE DANA FOR HIS SERVICE TO THE CITY OF OXFORD AND ITS RESIDENTS.

WHEREAS, Steve Dana has served his term as a member of the Oxford City Council from November of 2015 to November of 2019 and as Vice Mayor from November of 2017 to November of 2019; and

WHEREAS, during said period, Steve has given of his time, talents and energies serving the City of Oxford and its residents faithfully and diligently; and

WHEREAS, Steve fulfilled his term of office on November 25, 2019.

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

SECTION 1: That the City Council of the City of Oxford personally and collectively and on behalf of the government and citizens of the City, expresses its deep appreciation and thanks to Steve Dana for his faithful and devoted service, while serving on the Oxford City Council.

SECTION 2: That the Clerk of the City Council of the City of Oxford, Ohio is hereby directed and instructed to forward a duly attested and signed copy of this Resolution to Steve Dana.

SECTION 3: That this resolution shall be effective immediately upon its adoption.

Mike Smith, Mayor

Bill Snavelly, Vice Mayor

David Prytherch

Jason Bracken

Chantel Raghu

Glenn Ellerbe

Edna Southard

A regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, November 19, 2019 at 7:30 p.m. Those members present were Steve Dana, Glenn Ellerbe, David Prytherch, Chantel Raghu, Mike Smith and Edna Southard.

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

ADJOURN TO EXECUTIVE SESSION

Mr. Dana moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22(G)(1) for the purpose of discussing Appointments to Boards and Commissions. Ms. Southard seconded. The motion passed by the following roll call:

AYE: Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ADJOURN FROM EXECUTIVE SESSION

Mr. Dana moved to adjourn from Executive Session at 7:30 p.m. Mr. Ellerbe seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Dana moved to appoint Deloris Rome Hudson and Pat Sidley to the McCullough Hyde Memorial Hospital Board of Trustees. Mr. Ellerbe seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Mr. Jim Robinson, Oxford, Ohio, advised the citizens of this community respect, enjoy and are greatly benefitted by the works of City Council and particularly those who are coming to the end of their terms, Steve Dana and Kate Rousmaniere. Mr. Robinson noted Mr. Dana's critical analysis of matters that come before Council is much needed input into the decision making process of Council. Mr. Robinson advised Mr. Dana has served the City ably and with great determination. Mr. Robinson noted the term "Mayor Kate" is not an abbreviation of her name and position, it was a term of endearment. Mr. Robinson advised citizens of this community have benefitted by her calm and steady leadership, openness to new ideas and taking a leadership role in the Oxford/Miami University cooperation. Mr. Robinson noted it often goes un-noticed how many hours Councilors put into this job for little or no pay which was not the issue. Mr. Robinson advised the issue was how much time they spend not only at Council meetings but at meetings of the Boards and Commissions on which they serve and the time they spend with their constituents. Mr. Robinson noted the citizens appreciate Vice Mayor Dana and Mayor Rousmaniere and advised the City is better off for their involvement on City Council. Mr. Robinson thanked Vice Mayor Dana and Mayor Rousmaniere and noted they leave a great legacy.

CONSENT AGENDA

MINUTES

Minutes of the November 5, 2019 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the November 5, 2019 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORT

Report regarding the November 6, 2019 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTION

A Resolution No. 7129 authorizing the City Manager to request advanced payment of property taxes to the City in 2020 from Butler County. (Joe Newlin, Finance Director)

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

RESOLUTIONS

RESOLUTION **HOLIDAY PARKING**

A Resolution No. 7130 authorizing the City Manager to waive parking meter fees on High Street, East Park Place, West Park Place, Poplar Street, Main Street and Beech Street between Walnut Street and Church Street, and in the southern (2-Hr) section of Lot 52 from 9:00 a.m. on December 16, 2019 until 6:00 p.m. on December 31, 2019. The two hour restriction for meters in these locations shall remain in effect. (John Jones, Police Chief)

Chief Jones advised this was the annual waiver of fees during the holiday season noting it was a low volume time in Oxford. Chief Jones advised OPD has offered free parking for many years Uptown for a maximum two hour limit. Chief Jones noted the free parking has been well received in the past.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Dana noted it was a great measure to encourage people to frequent the Uptown businesses.

Mr. Prytherch inquired if OPD would enforce the two hour limit to make sure there is turn-over and not employee vehicle storage during the course of a day. Chief Jones advised OPD would enforce the two hour limit to their best ability.

Mr. Ellerbe inquired if the new parking system would change how this initiative is handled and Chief Jones advised yes. Chief Jones noted if smart meters are eventually installed Uptown, the free parking can be programmed into the meters.

Ms. Southard moved to adopt Resolution No. 7130. Mr. Dana seconded. The motion passed 7-0-0.

RESOLUTION **NEW OVERLAY DISTRICT**

A Resolution No. 7131 of Council accepting the petition as required by Oxford Codified Ordinance Section 1146.03 to establish a neighborhood conservation overlay district for parcels located on Miami Trail, Northridge Drive, Red Cedar Circle, Dufour Lane, Honor Lane and Jacob Drive as set forth on Exhibit "A" attached hereto and referring the petition to the Oxford Planning Commission for recommendations to City Council. (Sam Perry, Community Development Director)

Mr. Perry advised this is something Council has seen 18 times previously noting it was initiated by citizens Elise Clerkin, April Smith and Margi Moul who worked as a team to collect the signatures. Mr. Perry advised an overlay district would add additional restrictions that are not available to the R1A or any of the residential districts. Mr. Perry noted residential rentals would still be allowed but at a lower density of 2 unrelated persons instead of 4 unrelated persons.

Mr. Perry advised 71% of parcel owner's signatures were collected which exceeds the requirement and allows the petition to be referred to the Planning Commission for a zoning map amendment if Council so chooses. Mr. Perry noted Scott Straker, a resident of the neighborhood was in attendance to answer any questions.

Mr. Scott Straker, advised he and his neighbors looked forward to bettering the neighborhood and protecting their property values by maintaining the highest possible standards. Mayor Rousmaniere inquired how the petitioning process went and Mr. Straker advised very well.

Mr. Smith advised having done this in his neighborhood he realizes it is a lot of work noting Council appreciates the petitioner's work.

Mr. Dana noted he felt this was a good example of citizens and government working together.

Mr. Dana moved to adopt Resolution No. 7131. Mr. Smith seconded. The motion passed 7-0-0.

RESOLUTION **BOND RELEASE**

A Resolution No. 7132 authorizing the release of a performance bond in the form of a check in the amount of \$14,000.00 for improvements made at the north terminus of Honor Lane in the City of Oxford. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the City was holding a \$14,000 cash bond to ensure a turn-around was completed for Honor Lane. Mr. Dreisbach noted the construction was complete and approved by the City. Mr. Dreisbach recommended Council's approval to release the bond.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Dana referred to page 62 of Council's packet and asked Mr. Dreisbach to show everyone where the north terminus of Honor Lane was. Mr. Dreisbach provided a slide depicting where the hammerhead turn-around was installed. Mr. Dreisbach noted it was designed to meet the fire code so the largest fire apparatus can turn around safely in that space.

Ms. Southard moved to adopt Resolution No. 7132. Mr. Smith seconded. The motion passed 7-0-0.

CONTRACT WITH **ELEX, INC.**

A Resolution No. 7133 accepting the bid and authorizing the City Manager to enter into a contract with Elex, Inc. for the signalization of the intersection of Chestnut Street and College Avenue at a cost of \$219,490.65 plus a contingency amount of ten percent (10%) of the contract price or \$21,949.00 for a total cost not to exceed \$241,439.65. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the City previously installed new traffic signals on Chestnut Street at Campus Avenue and at Main Street.

Mr. Dreisbach noted this was a continuation of the City's efforts to help traffic flow smoothly and safely along Chestnut Street. Mr. Dreisbach advised the equipment was state of the art with vehicle, pedestrian, bicycle and scooter detection, modern LED street lighting, and backlit LED street name signs. Mr. Dreisbach noted new pavement markings would be installed through the intersection. Mr. Dreisbach commended City Engineer, Scott Otto for being successful in obtaining a grant from the Ohio Public Works Commission which will pay for 69% of the project up to a maximum of \$151,800. Mr. Dreisbach advised the City has worked with Elex, Inc. in the past with very good results and recommended Council's approval of the proposed contract.

Mr. Chris Skoglund, 211 Ryan Drive, referred to the pavement markings and inquired if a left turn lane would be added at this intersection and Mr. Dreisbach advised yes.

Mayor Rousmaniere asked for clarification regarding pedestrian, bicycle and scooter detection. Mr. Dreisbach advised the light on Chestnut Street would stay green unless there was a demand from the cross street which is where the detector will be aimed.

Ms. Southard noted vehicles on Chestnut Street at 2:00 a.m. will not have to stop unless someone on College Avenue is waiting to turn onto Chestnut Street.

Mr. Prytherch noted if the traffic light could be optimized to make it just as easy as a timed signal for a pedestrian he felt that would be awesome for everyone. Mr. Dreisbach advised staff would do their best to balance everyone's needs.

Mr. Dana noted he felt this was excellent signalization at a point that definitely needs it and congratulated the Service Department for moving ahead with it. Mr. Dana advised the grant writing was superior.

Mr. Ellerbe inquired if there would be a yellow flashing light after 11 p.m. and Mr. Dreisbach advised only lights with older technology have the flashing yellow light phase. Mr. Ellerbe inquired when implementation would occur and Mr. Dreisbach advised construction summer of 2020.

Mr. Smith moved to adopt Resolution No. 7133. Mr. Dana seconded. The motion passed 7-0-0.

CONTRACT WITH CUMMINS SALES & SERVICE

A Resolution No. 7134 accepting the bid and authorizing the City Manager to enter into a contract with Cummins Sales & Service for the procurement and installation of an emergency generator and automatic transfer switch to provide emergency electrical power for production wells #6, 7 & 8 at the City's Seven Mile Well Field at a cost of \$70,329.00 plus a contingency in the amount of ten percent (10%) of the contract price or \$7,000.00 for a total cost not to exceed \$77,329.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the City has \$79,000 budgeted from the Water Equipment Fund for the proposed project. Mr. Dreisbach noted this area was previously served with a portable generator which was 35 years old and in disrepair.

Mr. Dreisbach advised the generator was disposed of noting the proposed equipment would be a permanent installation. Mr. Dreisbach advised the City has dealt with Cummins Sales & Service and has been very pleased with them. Mr. Dreisbach noted the price was for the equipment and delivery and advised there would be some additional cost to install the equipment. Mr. Dreisbach noted he felt this was a great price for the emergency generator that will run all 3 wells at the Seven Mile well field and recommended approval of the contract.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mayor Rousmaniere inquired where the Seven Mile well field was located and Mr. Dreisbach advised it was in the Village of Seven Mile.

Mr. Dana moved to adopt Resolution No. 7134. Mr. Smith seconded. The motion passed 7-0-0.

APPROVAL OF A GRANT APPLICATION

A Resolution No. 7135 authorizing the City Manager to apply for an Abandoned Gas Station Cleanup Grant from the Ohio Development Services Agency for the property located at 110 East High Street Oxford, Ohio. (Doug Elliott, City Manager)

Mr. Elliott read his staff report into the record as follows:

“The Ohio Development Services Agency (ODSA), in partnership with the Ohio EPA and Bureau of Underground Storage Tank Regulations (BUSTR), provides grants to political subdivisions under the Abandoned Gas Station Cleanup Grant Program for the investigation and/or remediation of abandoned gas stations with a documented petroleum release from an Underground Storage Tank (UST). The program provides funding to assess and cleanup abandoned gas station/service station properties. In order to be eligible to receive funding, the gas station property must satisfy two criteria. First, the property must be unoccupied and out of use. Second, the property must be designated by BUSTR as having a “Class C Release.” Eligible sites may be awarded up to \$100,000 for site assessment and \$500,000 for site cleanup.

The property at 110 East High St. (site of former Follett’s Co-Op Bookstore) is owned by 110 High St., LLC which is represented by Benjamin W. Federbush. Mr. Federbush is interested in developing the site but he must remove any existing fuel storage tanks and cleanup any contaminated soil before development may begin. Mr. Federbush is requesting that the City apply for this grant and provide the funding as a pass-through to his consultant which is Patriot Engineering and Environmental, Inc.

Patriot Engineering and Environmental, Inc. has completed the initial site assessment and determined that there has been a release of petroleum, contaminating the property, and recommends applying for this cleanup program. The cleanup will mitigate a contaminated site and improve the overall environment of the City. The site has already received the Class C Release designation according to Patriot.

Funds will be provided from the State of Ohio through this Program with Oxford reimbursing Patriot. The City Manager (myself) recommends that Council adopt this Resolution authorizing the City to sign a relevant agreement with Benjamin W. Federbush for the assessment and remediation of the site located at 110 East High Street.”

Mr. Elliott advised Michael Weinstein from Patriot Engineering and Environmental was present to answer any questions and noted Mr. Dreisbach would provide a slide of the project site.

Mayor Rousmaniere inquired what the timeline was for the project.

Mr. Michael Weinstein, advised the state was currently holding the award of any new grants noting they have indicated that should change anytime. Mr. Weinstein noted the Class C designation has already been obtained and advised once the state indicates they are accepting new grant applications it takes 45-90 days to be awarded. Mr. Weinstein advised the required work would begin immediately. Mr. Weinstein addressed the slide depicting the project site and described how the project would unfold noting he felt it would take 12-18 months.

Mr. Dana inquired what would be entailed during the 12-18 month period. Mr. Weinstein advised the state has a very prescriptive program and it takes 12-18 months to get through that process. Mr. Dana inquired if construction would commence at that point. Mr. Weinstein advised his company would remove the underground tanks and ready the site for development noting there could be some overlap with new construction.

Mr. Prytherch noted some of the contamination and underground tanks are within the owner's property and some of the contamination and underground tanks are in the public right-of-way owned by the City of Oxford. Mr. Elliott noted the grant award would come to the City and typically the state would want the City to own the property although there was a provision if there is no responsible party that they will allow the City to be a pass-through to a private entity to clean up a site.

Ms. Southard noted this will affect foot traffic and potentially traffic on the road and inquired if that was part of the grant. Mr. Weinstein advised at this point he had no intention of working in the roadway. Mr. Weinstein noted his company would work with the City to create a safe pedestrian walk-around until the area was mitigated.

Mr. Smith inquired who would pay for any overages if the grant does not cover all of the work. Mr. Weinstein advised his company has done a fair amount of the work necessary to obtain the Class C designation and he felt this was not a \$500,000 cleanup. Mr. Smith inquired who would pay for the demolition of the existing building and Mr. Weinstein advised the grant would pay a percentage of the demolition. Mr. Smith noted demolition will require a Certificate of Appropriateness (COA) from the HAPC and advised before a COA can be issued a redevelopment plan must be presented to the HAPC.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Prytherch noted he felt it was an important clarification that Council was not doing this on behalf of the property owner, it was being done as a pass through.

Mr. Prytherch advised he felt Council has a strong interest in seeing redevelopment at the site in question and wants to partner in the redevelopment process. Mr. Prytherch noted in applying for the grant Council was making a significant contribution to moving the project forward.

Mr. Ellerbe advised when the Resolution is adopted he felt the City will have done a great service in moving forward economic development especially for this developer. Mr. Ellerbe noted his hope the developer intends to redevelop the site expeditiously as well as in compliance with Oxford's historical architecture without a great deal of friction.

Mr. Weinstein advised his company would remove the tanks and address what is underneath the sidewalk. Mr. Weinstein noted it is his intention and the property owner's intention to take the project through Ohio's voluntary action program and advised the property owner was putting forth a great deal of time and effort to ensure the property was cleaned up properly, signed off by himself, BUSTR and the Ohio EPA.

Mr. Dana moved to adopt Resolution No. 7135. Ms. Southard seconded. The motion passed 7-0-0.

EMPLOYEE HANDBOOK REVISIONS

A Resolution approving revisions to the Employee Handbook. (Jessica Greene, Assistant City Manager/Human Resources Director)

Ms. Greene advised the employee handbook went through a major revision in 2016 with several department heads and a committee of staff noting it did not go before Council although it should have. Ms. Greene noted when she began the position of Assistant City Manager/Human Resources Director in 2019 she was getting acclimated in the role of Human Resources. Ms. Greene advised these things are dynamic and constantly changing as state and federal laws change and as issues are realized within departments. Ms. Greene noted she City's attorney reviewed the revisions and did additional language clean up. Ms. Greene highlighted the revisions as presented on pages 77-93 of Council's packet.

Mr. Dana referred to page 79 of Council's packet and inquired why the reference to the Ohio Civil Rights Commission and the Equal Employment Opportunity Commission were struck through. Mr. Conard advised his colleague Mr. Mazer worked on the handbook revisions and noted the strike through was made because the obligations of the City are to behave and act in a way that is nondiscriminatory. Mr. Conard noted the rights of an employee or any individual has to pursue through the Ohio Civil Rights Commission or the Equal Opportunity Commission exist independent of anything the City has in its handbook. Mr. Conard advised if an employee wants to pursue that avenue he or she could do that and noted the City was under no legal obligation to advise them to file a complaint with the Ohio Civil Rights Commission. Mr. Conard noted by putting it in the handbook there is an argument to be made that it could place a duty on the City that it otherwise does not have.

Ms. Raghu noted she felt this was whittling down checks and balances for the committees and how complaints are being reviewed. Ms. Raghu advised she felt if the right was there it should be in the handbook so the employee is aware of it.

Mr. Ellerbe advised he felt the City should not put itself in an actionable position by having some code in a handbook. Mr. Ellerbe noted there could be an unwritten policy of saying these are your rights and advised once that was codified if someone did not inform an individual of their rights and they subsequently find that out they have a case.

Ms. Raghu moved to remove the strikeout from “The employee shall further be advised of the right to file a complaint with the Ohio Civil Rights Commission or Equal Employment Opportunity Commission.”

Mr. Conard advised as an attorney he was uncomfortable placing obligations on a person that do not otherwise exist. Mr. Conard noted if the purpose was notice there is a way to put notice in the handbook without making it a duty so the person subject to discipline would be reading the very document that contains the rights that he or she has. Mr. Conard suggested language as follows as a separate paragraph: “Any employee shall be advised that if they are subject to discipline they have potential remedies through the EEOC or OCRC.”

Ms. Raghu withdrew her motion.

Mr. Prytherch moved to replace the struck though sentence to read “Any employee shall be advised that if they are subject to discipline they have potential remedies through the EEOC or the OCRC.” Ms. Raghu seconded.

Mr. Bill Snavelly, Dana Drive, referred to paragraph 2 on page 79 of Council’s packet and referenced the striking of gender identity noting he was concerned why that was stricken. Mr. Snavelly advised he was aware of a lot of research on the problems people with different gender identities have noting he did not see why the City would want to discriminate against them. Mr. Snavelly advised he felt striking gender identity was problematic unless there was a protection for them somewhere else. Mr. Snavelly noted given the severity of the difficulties those people can face it should remain in.

Mayor Rousmaniere inquired if gender identity was in the City’s Civil Rights Code and Mr. Elliott advised he did not have that code with him

Mr. Conard advised the City has its own civil rights code that provides for additional protections than state and federal law might have. Mayor Rousmaniere inquired if the handbook has to match the Civil Rights Code.

Mr. Elliott suggested tabling the proposed Resolution.

Mayor Rousmaniere noted the questions were 1. Is Gender Identity in the City’s Civil Rights Code and 2. To what extent does the Civil Rights Code and the Employee handbook have to protect the same things?

Ms. Greene suggested Councilors send her their questions and she would address them for another meeting if the proposed Ordinance is tabled this evening. Mr. Dana agreed with Ms. Greene’s suggestion.

Ms. Southard agreed with tabling the proposed Ordinance and inquired why ancestry was stricken.

Ms. Greene noted it would be helpful if Council would email her their concerns and she would discuss them with Mr. Mazer who assisted her with this update greatly noting she would understand his reasoning better and have answers for Councilors.

Mr. Elliott advised the City's Civil Rights code does include gender identity.

Ms. Raghu noted she felt there was a lot of loosening of how tightly the City has to comply with the Americans with Disabilities Act.

Mr. Jason Bracken, 401 Church Street, advised he agreed with Mr. Snavely's comments noting he felt there were a lot of strike throughs in one paragraph that should not be stricken in terms of discrimination.

Mr. Prytherch withdrew his motion and Ms. Raghu withdrew her second.

Mr. Ellerbe moved to table the proposed Resolution. Mr. Dana seconded. The motion passed 7-0-0.

ORDINANCE **FIRST READING**

An Ordinance Levying Upon The Lots And Lands Enumerated In The List Of Estimated Assessments (Exhibit A) The Amounts Set Forth On Such List And Setting Forth Terms For Payment Of Assessments. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the City's assessment program requires 4 pieces of legislation noting Council has already passed 3 of them, a resolution of necessity, a construction contract and a resolution determining the actual costs for each parcel for property owners that chose to have the City make their curb, gutter and sidewalk improvements. Mr. Dreisbach advised the proposed Ordinance would levy the assessments to the property taxes for Oxford residents that choose for the City to do the work. Mr. Dreisbach noted the assessments were advertised and the Clerk has received no objections or requests for a hearing and asked for Council's approval of the proposed Ordinance.

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

ORDINANCES
SECOND READING

ORDINANCE
CREATION OF NEW FUND

An Ordinance No. 3536 Approving The Creation Of A New Fund For The 2020 Operating Budget To Provide For High Street Pedestrian Safety MU Capital Improvement Fund Collection Of Receipts And Improvements To Existing Property And Necessary Equipment For The High Street Pedestrian Safety MU Construction Project. (Joe Newlin, Finance Director)

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

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

Mr. Dana moved to adopt Ordinance No. 3536. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3537 Amending Ordinance No. 3493. Supplemental Budget Ordinance Number 8 To Make Supplemental Appropriations For Fiscal Year 2019. (Joe Newlin, Finance Director)

Mr. Newlin advised there were no adjustments and the Supplemental Budget was the same as it was for the first reading.

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

Mr. Smith moved to adopt Ordinance No. 3537. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. Prytherch
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
APPROPRIATIONS FOR
FISCAL YEAR 2020

An Ordinance No. 3538 To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Oxford, State of Ohio, During The Fiscal Year Ending December 31, 2020. (Joe Newlin, Finance Director)

Mr. Newlin advised there were no adjustments since the first reading of the proposed Ordinance.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Prytherch noted a lot went into maintaining a balanced budget for a City and advised for departments to keep doing what they are doing and expand what they are doing within fixed budgets was a challenge. Mr. Prytherch advised he was thankful that this was a straight forward process and that the City was well managed financially.

Mr. Dana moved to adopt Ordinance No. 3538. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
BUDGETED TRANSFERS

An Ordinance No. 3539 Outlining Budgeted Transfers For The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2020. (Joe Newlin, Finance Director)

Mr. Newlin advised there were no changes since the first reading of the annual Transfer Ordinance.

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

Mr. Dana moved to adopt Ordinance No. 3539. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Smith
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
BUDGETED ADVANCES

An Ordinance No. 3540 Outlining Budgeted Advances For The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2020. (Joe Newlin, Finance Director)

Mr. Newlin advised there were no changes since the first reading of the annual Advance Ordinance.

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

Ms. Southard moved to adopt Ordinance No. 3540. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Dana, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Smith, Ms. Southard
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
FEES & CHARGES
FOR FISCAL YEAR 2020

An Ordinance No. 3541 To Adopt Fees And Charges For Fiscal year 2020. (Joe Newlin, Finance Director)

Mr. Newlin referred to page 129 of Council's packet and advised the \$1 charge for a 65 gallon recycle container should be stricken as it was now included in the monthly fee.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Prytherch inquired if there was a fee for short term rentals and Mr. Perry advised no although it could be added at a later date.

Ms. Southard moved to adopt Ordinance No. 3541. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
SALARIES & BENEFITS
FOR FISCAL YEAR 2020

An Ordinance No. 3542 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, 2020 Through December 31, 2020. (Jessica Greene, Assistant City Manager)

Ms. Greene referred to page 140 of Council's packet and advised the part-time Community Outreach Specialist position was moved from the Police Division to the City Manager's Office noting everything else was the same as the first reading of the proposed Ordinance.

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

Mr. Dana moved to adopt Ordinance No. 3542. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised he and staff held a new City Council member Orientation Session last Friday noting Mr. Snavelly and Mr. Bracken attended to review the governmental structure, operations, current issues and other useful information. Mr. Elliott noted he and staff looked forward to working with them in their new role with the City.

Mr. Elliott reminded Council under the City Charter newly elected Council members take office on the third Monday after the General Election and advised the Organizational Meeting will be held Tuesday, November 26 at 7:00 p.m. at the Courthouse. Mr. Elliott noted at the meeting the newly elected Council members will be sworn in and the full Council will adjourn to Executive Session to determine who will be the next Mayor and Vice Mayor as well as what Boards and Commissions they will serve on.

Mr. Elliott noted Council held a Joint Work Session last night with Miami University officials and advised he appreciated the time Miami University officials took to present information regarding private/public partnerships. Mr. Elliott noted it was very useful to see what Miami's future concerns are and what actions they are taking to make sure we still have the wonderful university that we have in Oxford. Mr. Elliott advised he looked forward to working with Miami University on some of the partnership opportunities they discussed.

Mr. Elliott advised the Police Community Relations and Review Commission met last week which he and Chief Jones attended noting a new member was introduced to the commission. Mr. Elliott noted they also discussed officer wellness, the process for welfare checks and ways to inform citizens of their rights.

Mr. Newlin advised it was a pleasure working with Mayor Rousmaniere and Vice Mayor Dana and thanked them for their service to the City noting he felt they did a good job of representing all of the people who voted for them.

Mr. Kyger congratulated Mayor Rousmaniere and Vice Mayor Dana noting they will have their Tuesday nights free. Mr. Kyger noted it had been a pleasure working with them.

Mr. Conard advised although he was new to the City of Oxford he had been to many Council meetings over the years noting it was evident to him the passion they put into this job and the integrity and the commitment they made to it. Mr. Conard noted the community was well served by their presence on Council.

Ms. Eaton agreed with Mr. Conard's comments and noted she will miss Mayor Rousmaniere and Vice Mayor Dana very much.

Ms. Raghu welcomed Mr. Snavelly and Mr. Bracken and noted her hope one of them can sing since Vice Mayor Dana will be leaving.

Mr. Ellerbe thanked Miami University for having the Work Session with Council noting he felt it was a big step forward in terms of town/gown relations. Mr. Ellerbe advised he hoped the university and the City can increase communications and strategic alignment.

Mr. Ellerbe advised it had been a pleasure serving with Mayor Rousmaniere and Vice Mayor Dana. Mr. Ellerbe noted Mayor Rousmaniere would be moving into the role of Township Trustee and advised he hoped to see Vice Mayor Dana on various commissions and at various happenings in the City. Mr. Ellerbe noted he felt Kate did an excellent job as Mayor.

Mayor Rousmaniere congratulated Mr. Ellerbe on his re-election to City Council.

Mr. Dana acknowledged that Council and staff had accomplished much noting the extraordinary work and dedication staff brings.

Mr. Dana noted he discerns a shifting of paradigms within City Council. Mr. Dana referred to Mr. Snavelly's remarks in the Voter Information Guide to support his candidacy "Integrate climate policy into the Comprehensive Plan". Mr. Dana noted he felt that was much to be applauded and a major step forward.

Mr. Dana advised he felt one can think of opportunity and opportunities that still lie before us quoting Mr. Elliott's weekly report as follows: "if more cities required renewable energy for their electric aggregation programs the utilities would be compelled to purchase or develop more renewable energy resources." Mr. Dana referred to his fondness of the Ohio Municipal League noting there were cities out there to be persuaded and he felt Oxford could take a role in leading them in that direction.

Mr. Dana advised he felt members of Council have worked well together and well with commissions and asked that it continue.

Mr. Smith wished everyone Happy Holidays and noted the following Saturday, November 30 is Shop Small Saturday and encouraged everyone to support the local merchants.

Mr. Smith advised it had been his pleasure to serve with Mayor Rousmaniere and Vice Mayor Dana over the past years and reminded everyone of the hours and days and years they have put into their positions that often go un-thanked.

Ms. Southard echoed all of the accolades and thanks to Mayor Rousmaniere and Vice Mayor Dana and thanked them for all of their good work. Ms. Southard advised she felt Council accomplished much and that Council has always been very collegial. Ms. Southard noted she appreciated the kindness, generosity and the spirit in which Council has been able to work together. Ms. Southard advised she looked forward to the new Council noting she was delighted that Mr. Ellerbe will continue on Council. Ms. Southard thanked all of the candidates who ran for City Council and welcomed those who will be on the dais with her and the other Councilors.

Ms. Southard referred to the Empty Bowls event which took place earlier in November and advised the event raised between \$8,000 and \$9,000 for the local food pantry. Ms. Southard noted she was pleased to have served on the food pantry board with Steve Dana when he was President of the board and advised she later became the president and advised it was always a pleasure to serve with Bob Ratterman who was the Director for many years.

Ms. Southard noted Council had been talking about Home Rule and advised she hoped we can continue to preserve and retain Home Rule. Ms. Southard referred to renewable energy credits and noted she had solar panels on the roof of her house. Ms. Southard advised the state makes it more and more difficult to do that as the State of Ohio will no longer buy renewable energy credits. Ms. Southard noted people who have credits to sell have to go out of state to sell them. Ms. Southard advised she felt this was another example of the state taking over and not encouraging the values we care about such as renewable energy.

Mr. Prytherch congratulated the candidates who ran for Council noting it was nice to have a competitive race and he felt it was a productive and constructive race. Mr. Prytherch advised he was happy to see Mr. Kyger and Mr. Skoglund in attendance as Council knows they are committed no matter what and it was not just about the office. Mr. Prytherch congratulated Mr. Snaveley, Mr. Bracken and Mr. Ellerbe on being elected to Council noting he felt Oxford had a great Council going.

Mr. Prytherch noted it had been a pleasure to work with Mayor Rousmaniere and Vice Mayor Dana and advised he felt Council has changed and improved the way they work which was a collaborative effort. Mr. Prytherch noted he expected to see Mayor Rousmaniere and Vice Mayor Dana serving in other areas of the City. Mr. Prytherch thanked Mayor Rousmaniere and Vice Mayor Dana noting Council will not be the same without them.

Mayor Rousmaniere thanked everyone for their kind words.

Mayor Rousmaniere advised she visited Oxford's Sister City Differdange in Luxembourg last week noting the Oxford "Police Pens" were a big hit. Mayor Rousmaniere noted she felt the Sister City partnership was great and thanked Mr. Elliott for pushing the initiative forward.

Mayor Rousmaniere referred to the Joint Work Session with Miami University and noted town/gown work was hard but it is good, ongoing and non-negotiable, it had to continue.

Mayor Rousmaniere advised she would continue working with the Coalition for a Healthy Community noting she was at Park View Arms this evening with Butler County Legal Aid lawyers working with Park View Arms residents on understanding their leases. Mayor Rousmaniere advised she felt the Coalition for a Healthy Community was a fantastic organization and noted it was wider than the City so she can still serve on it as a Township Trustee. Mayor Rousmaniere stated "Making the healthiest choice the easiest choice" which matches the City's town/gown award as the healthiest college town in America.

Mayor Rousmaniere advised she may want to serve on the Planning Commission and noted she would be a Township Trustee. Mayor Rousmaniere advised she was also staying involved with the Senior Center Board and the Oxford NAACP. Mayor Rousmaniere noted she had a job at Miami University which she loved and advised she really loves this work and it has been a joy. Ms. Rousmaniere noted she needs to spend more time with family as well. Mayor Rousmaniere thanked Council and staff for their great work. Mayor Rousmaniere noted she felt boards and commissions were the heart and soul of the city

ADJOURN

Mr. Dana moved to adjourn at 9:00 p.m. Mr. Smith seconded. The motion passed 7-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 3, 2019

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

November 4, 2019

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to enter into a service agreement with the Butler County Public Defender Commission to provide legal counsel to indigent persons charged with violations of Municipal Ordinances for the year 2020, and thereafter under certain terms and conditions.

Recommendation: Approve.

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

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

The proposed Resolution would authorize the City Manager to enter into a renewal agreement with the Public Defender Commission to provide legal counsel to indigent persons appearing in Butler County Area One Court in 2020 at a cost of \$3718.79.

Approved By:

Initial Date

Department Head:

City Manager:

DBE 11-27-19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE AGREEMENT WITH THE BUTLER COUNTY PUBLIC DEFENDER COMMISSION TO PROVIDE LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH VIOLATIONS OF MUNICIPAL ORDINANCES FOR THE YEAR 2020, AND THEREAFTER UNDER CERTAIN TERMS AND CONDITIONS.

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

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

SECTION 1: The City Manager be and is hereby authorized to enter into a Service Agreement with the Butler County Public Defender Commission to provide required legal services for indigent persons, a copy of said Service Agreement is attached hereto as Exhibit "A" and incorporated by reference herein. The cost of said contract shall be paid in accordance with the terms set forth in the Agreement. Said amounts shall be paid from the appropriate fund.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY:

PREPARED BY: LAW (STAFF)

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

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

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

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

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

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

WHEREAS, this Agreement has been authorized by the CITY by Res.#
_____, passed by the Oxford City Council on
_____.

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

1. REPRESENTATION

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

2. COMPENSATION

- 2.1 For and in consideration of the CITY'S annual payment of the sum of \$3,718.79 to the COUNTY, said sum to be paid in equal monthly installments of \$309.89 per month due on or before the 15th of each month, for which the Public Defender Office provides representation in Area 1 County Court in consideration of the COUNTY being authorized to receive and keep any and all reimbursement, if any, it may be able to obtain from the Ohio Public Defender Commission for such representation, the COUNTY agrees to have its Public Defender attorneys undertake the representation of indigent adults who are charged in the Area 1 County Court with the commission of an offense that is a violation of a Oxford City Ordinance for which the penalty includes a potential loss of liberty. The parties further agree that due to the staffing commitment required from the COUNTY by the Area 1 County Court, this payment may also include some contribution for representation in connection with

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

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

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

3. DURATION OF CONTRACT and TERMINATION

- 3.1 The term of this agreement shall be for one year, January 1, 2020 to December 31, 2020. This contract may be renewed for additional one year terms upon proper resolution of each entity agreeing to the one year extension and proper appropriation of funding for the new year. Copies of the resolutions are to be sent to the Ohio Public Defender, 250 East Broad Street, Suite 1400, Columbus, Ohio 43215.

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

4. TERMS OF AGREEMENT

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

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

5. MODIFICATION

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

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

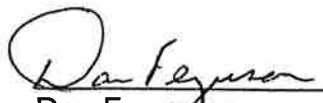
BUTLER COUNTY PUBLIC DEFENDER COMMISSION


Jack F. Grove Date 10/14/19
Chairperson

CITY OF OXFORD

Douglas R. Elliott Date
City Manager

Approved as to Form Only:


Dan Ferguson Date 10/19/19
Assistant Prosecuting Attorney

Approved as to Form Only:


Christopher Conrad Date 11/5/19
City of Oxford Law Director

Approved: _____
Ohio Public Defender Date

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

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

Date

Date

Date

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 3, 2019

Account Code No. #: 212.310.52494

Sam Perry
Prepared By

Budgeted Amount: N/A

November 21, 2019
Date Prepared

Agenda Title: Housing Trust Fund
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Recommendation: Approve

Background: In 2008, City Council placed \$10,000 into a fund as seed money intended for affordable housing purposes. In 2009, \$5,000 was used in partnership with the Community Foundation to purchase a home. The remaining funds have sat dormant. On October 21, 2019, the Housing Advisory Commission voted to recommend to City Council to transfer the balance of approximately \$5,825.00 to the Community Foundation. This is the amount that includes interest. City staff and Commission reps have met with the OCF staff to arrange the details of the administration of this fund. If the fund is not transferred it should be moved back into the general fund because of lack of activity. This would not preclude the establishment of a new fund in the future.

Staff recommends transfer of the fund remains to Oxford Community Foundation.

Approved By:	Department Head:	Initial	Date
		<u>SP</u>	<u>11-26-19</u>
	City Manager:	<u>DRE</u>	<u>11-27-19</u>

RESOLUTION NO.

A RESOLUTION OF COUNCIL ACCEPTING THE RECOMMENDATION OF THE HOUSING ADVISORY COMMISSION AND AUTHORIZING THE TRANSFER OF APPROXIMATELY \$5,825.00 FROM THE HOUSING TRUST FUND TO THE OXFORD COMMUNITY FOUNDATION TO ADMINISTER FUNDS FOR AFFORDABLE HOUSING INITIATIVES.

WHEREAS, in 2008, City Council placed \$10,000 into a fund as seed money intended for affordable housing purposes; and

WHEREAS, in 2009, \$5,000.00 was used in partnership with the Oxford Community Foundation to purchase a home and the remaining funds have sat dormant; and

WHEREAS, at its regular meeting on October 21, 2019, the Housing Advisory Commission voted to recommend that City Council approve the transfer of approximately \$5,825.00 from the Housing Trust Fund to the Oxford Community Foundation to administer funds for affordable housing initiatives.

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

SECTION 1: Council, having determined the transfer of funds to be beneficial to the citizens of the City of Oxford hereby accepts the recommendation of the Housing Advisory Commission to transfer approximately \$5,825.00 from the Housing Trust Fund to the Oxford Community Foundation to administer funds for affordable housing initiatives.

SECTION 2: Council further authorizes the transfer of approximately \$5,825.00 from the Housing Trust Fund to the Oxford Community Foundation to administer funds for affordable housing initiatives.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY:

PREPARED BY: LAW (STAFF)

OXFORD HOUSING TRUST FUND

Purpose:

The purpose Oxford Housing Trust Fund is to assist in the research, creation and/or preservation of housing in the City of Oxford with the ultimate goal of ensuring sufficient availability of affordable housing options for low and moderate-income households.

Affordable Housing Defined:

Affordable housing is defined as *housing with purchase values or rent costs that are less than 30% of the annual household income of a household with an annual income 80% or less of the median income for Butler County as defined on the Department of Housing and Urban Development's annually published tables.*

Goals:

The Housing Trust Fund may be utilized for the following:

1. Creation of new affordable units
2. Conversion of market rate rental units to affordable housing units
3. Preservation of existing housing in the Mile Square for homeownership
4. Market studies and other forms of research or analysis geared toward understanding housing conditions, trends and/or projections
5. Other programs or projects that will further availability of affordable housing for permanent residents or help off-set costs for permanent residents to afford to live in Oxford

Funding Sources:

1. Donations from private individuals
2. Public funds
3. Endowments from individuals and foundations

Management:

Applicants seeking funding would submit an application to the Community Foundation. The Community Foundation would relay the application to Community Development staff to ensure that the funding request aligns with the purpose and goals established for the Fund.

RESOLUTION NO. 4348

A RESOLUTION REPEALING RESOLUTION NO. 4323 APPROVING THE CREATION OF A NEW FUND FOR THE 2008 OPERATING BUDGET TO PROVIDE FOR AFFORDABLE HOUSING AND ADOPTING A REVISED RESOLUTION APPROVING THE CREATION OF A NEW FUND FOR THE 2008 OPERATING BUDGET TO PROVIDE FOR AFFORDABLE HOUSING.

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

SECTION 1: The City Council hereby approves and authorizes the Finance Director to create a Special Revenue Fund #212 Housing Trust Fund for the purpose of collecting donations toward the education and promotion of the awareness of affordable housing in accordance with guidelines set by Ohio Revised Code section 5705.09.

SECTION 2: The City Manager and Finance Director hereby recommend that the Housing Advisory Commission have oversight over the activities within the Housing Trust Fund and it be used to provide financial assistance to provide affordable housing units and to maintain affordability within the proposed developments in the City of Oxford. The Housing Advisory Commission is also charged with the development of revenue generation activities to fund this endeavor.

SECTION 3: Resolution No. 4323 adopted February 5, 2008 is hereby repealed in its entirety.

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

MAYOR

ADOPTED: May 6, 2008

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUDENCE DANA

PREPARED BY: LAW (STAFF)

RESOLUTION NO. 4323

A RESOLUTION APPROVING THE CREATION OF A NEW FUND FOR THE 2008 OPERATING BUDGET TO PROVIDE FOR AFFORDABLE HOUSING.

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

SECTION 1: The City Council hereby approves and authorizes the Finance Director to create a Special Revenue Fund #212 Housing Trust Fund for the purpose of collecting donations toward the education and promotion of the awareness of affordable housing in accordance with guidelines set by Ohio Revised Code section 5709.09.

SECTION 2: The City Manager and Finance Director hereby recommend that the Housing Advisory Commission have oversight over the activities within the Housing Trust Fund and it be used to provide financial assistance to provide affordable housing units and to maintain affordability within the proposed developments in the City of Oxford. The Housing Advisory Commission is also charged with the development of revenue generation activities to fund this endeavor.

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

MAYOR

ADOPTED: February 5, 2008

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUDENCE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: Dec. 3, 2019

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: Oct. 16, 2019

Agenda Title: Senior Center Lease Agreement

Recommendation: Approve

Discussion:

The current five year Lease Agreement for City property located at 922 Tollgate Rd., Oxford, OH between the City of Oxford and the Oxford Seniors is scheduled to expire 12/31/2019. A new Lease Agreement from 1/1/2020 - 12/31/2024 includes some modifications. All modifications have been discussed with and approved by the current Executive Director of Oxford Seniors, as well as the President of the Senior Center Board.

1. The annual fee was decreased from \$4,400 to \$1, due January 1 each year.
2. Oxford Seniors will provide most of their own housekeeping services and supplies, whereas the City previously provided all of these. The City will continue providing some services and supplies as well, as the facility will remain available for community use outside of Oxford Seniors operation hours, and also used for other City functions.
3. Oxford Seniors will have free access to the facility outside of regular operation hours, provided the facility is not reserved for another event.

While item 2 listed above will be an additional expense to Oxford Seniors, those expenses will be offset by reduced expenses in items 1 and 3. The City will continue to provide building maintenance and landscaping services.

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

Approved By:

Initial Date

Department Head:

CDW \ 10/16/2019

City Manager:

DRE \ 11-27-19

RESOLUTION NO.

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

WHEREAS, the City Manager and the Parks and Recreation Director recommend the City enter into a new Lease agreement with Oxford Seniors for the use of the Oxford Senior Citizens Community Center Building located at 922 Tollgate Drive, Oxford, Ohio; and

WHEREAS, the City Manager and the Parks and Recreation Director further recommend the Lease be a five year, automatically renewable Lease at an annual cost of \$1.00 payable in January of each year.

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

SECTION 1: Council hereby authorizes the City Manager to enter into a new five year, automatically renewable Lease as set forth in Exhibit "A" attached hereto with Oxford Seniors for the use of the Oxford Senior Citizens Community Center Building at an annual lease cost of \$1.00.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY:

PREPARED BY: LAW (STAFF)

LEASE AGREEMENT

EXHIBIT 'A'

This Lease Agreement is hereby entered into this _____ day of _____, ~~2014~~ **2019** by and between the City of Oxford, Ohio, ("Oxford"), having its principal place of business at **15 S. College Ave, Oxford, Ohio 45056**, and Oxford Seniors, an Ohio not-for-profit corporation, having its principal place of business at 922 Tollgate Drive, Oxford, Ohio 45056.

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

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

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

TERM OF THE AGREEMENT

1. The term of this Lease Agreement shall be five (5) years beginning on **January 1, 2020, and ending on December 31, 2024**. This Lease Agreement shall be automatically renewed unless either party gives ninety (90) days written notice prior to the renewal date of their intention not to renew the Lease.

RENT PAYMENT

2. Rent shall be ~~Four Thousand Four Hundred Dollars (\$4,400.00)~~ **one dollar (\$1)** annually, payable in two ~~(2) Two Thousand Two Hundred Dollar (\$2,200.00)~~ payments. ~~Said Two Thousand Two Hundred Dollar (\$2,200.00) payments are due and payable on March 15 and September 15 of each year. Oxford Seniors agrees to pay interest at ten percent (10%) on any delinquent amount if such payment is not received on or before the aforementioned dates.~~ **by January 1 of each year.** Oxford reserves the right to refuse to accept rent payments made after the due date. Payment shall be made at Oxford's principal place of business in a manner mutually agreeable to the parties.

USE OF PREMISES

3. Lessee agrees to use the Premises for the purposes of operating a senior citizen center which will provide social, educational, hobby, dining and health services to senior citizens in the community. The Premises shall be used and scheduled by Oxford Seniors between the hours of 8:00 a.m. to ~~7:00~~ **7:30 p.m.** on Monday and 8:00 am to 5:00 p.m. Tuesday through Friday, throughout the year. Oxford reserves any and all other times and uses of the Premises, except as provided herein.

4. **Oxford Seniors may utilize the Premises at no cost at any other time outside of regular business hours, provided the facility is available for use, not already reserved by another individual or organization, and provided the additional reservation time(s) are approved by the Oxford Parks and Recreation Department. All additional reservation times must be added to the reservation calendar.**

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

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

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

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

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

HOUSEKEEPING AND FACILITY MAINTENANCE

10. **Oxford will be responsible for housekeeping services (i.e. trash, sweeping, mopping, cleaning restrooms and kitchen areas, dusting, etc.) on Monday of each week.**

11. **Oxford Seniors will be responsible for housekeeping services, as indicated in paragraph 10, on Tuesday to Friday of each week.**

12. **Oxford Seniors shall be responsible for purchasing and maintaining all necessary supplies to provide proper housekeeping services. These supplies include, but are not limited to, trash bags, cleaning supplies, toilet paper, paper towels and hand soap.**

13. **Should either party utilize the Premises, or allow another party or organization to utilize the Premises, outside of regular business hours for Oxford Seniors, said party is responsible for the housekeeping duties and supplies related to such usage of the Premises.**

14. **Oxford shall be responsible for all necessary building maintenance aspects of the facility, other than those indicated elsewhere in this agreement. Such maintenance duties include, but are not limited to, HVAC, electrical, plumbing, flooring, light fixtures, appliances, etc.**

15. **Oxford shall be responsible for all necessary exterior maintenance and landscaping duties associated with the Premises.**

COVENANTS OF OXFORD SENIORS

16. Oxford Seniors shall make **the** rent payments as provided in paragraph 2 herein.

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

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

19. Oxford Seniors will not permit to be manufactured, **distributed** or sold on the premises any intoxicating liquor, **except with proper authorization from City Council, and when proper event permits, when required, are obtained.**

~~20. Oxford Seniors will not assign the lease, nor sublet the Premises, without the written consent of the Lessor which consent can be withheld at the sole option of Oxford.~~

20. Oxford Seniors will use the premises only as provided by paragraphs 3 through **89** herein.

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

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

23. Oxford Seniors will facilitate Oxford's use of the Premises in a manner consistent with paragraphs 3 through **89** herein.

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

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

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

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

28. **Oxford Seniors shall provide Oxford with a copy of its general liability insurance policy, with City of Oxford, 15 S. College Ave. Oxford, OH 45056, named as an additional insured. Such liability policy shall be in the amount of One Million Dollars (\$1,000,000) combined single limit bodily injury and property damage liability.**

COVENANTS OF OXFORD

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

30. Oxford shall provide Oxford Seniors with a copy of its general liability insurance policy, with Oxford Seniors, 922 Tollgate Road Oxford, OH 45056, named as an additional insured. Such liability policy shall be in the amount of One Million Dollars (\$1,000,000) combined single limit bodily injury and property damage liability. , at its sole cost and expense, and keep in force for the benefit and protection of Oxford Seniors and Oxford, as their interests may appear, and with Oxford Seniors named as an additional insured, general liability insurance policy or policies in standard form issued by reliable companies licensed to do business in the State of Ohio protecting both Oxford and Oxford Seniors against any and all liability occasioned by any act or occurrence on the Premises due to any act or omission of Oxford or Oxford Seniors or their agents, employees, patrons, invitees or licensors and as to any loss of property in the amount of not less than Two Hundred Fifty Thousand Dollars (\$250,000.00).

DEFAULT

31. If Oxford Seniors shall fail to pay rent or any other sums owed when due and payable, or fail to perform any term or obligation contained in this Lease Agreement, Oxford at its option, may deem such failure a default under the Lease Agreement and terminate all rights of Oxford Seniors hereunder. If Oxford Seniors abandons or vacates the Premises, while in default of the payment of rent, Oxford may consider any property left on the Premises to be abandoned and may dispose of the same in any manner allowed by law. In the event Oxford reasonably believes that such abandoned property has no value, it may be discarded. All property on the Premises is hereby subject to a lien in favor of Oxford for the payment of all sums due hereunder, to the maximum extent allowed by law.

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

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

TERMINATION

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

ASSIGNMENT

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

MISCELLANEOUS PROVISIONS

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

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

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

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

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

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

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

Oxford and Oxford Seniors have signed this Lease Agreement on the _____ day of _____, ~~2014~~ **2019**.

City of Oxford, Ohio

Oxford Seniors

By: Mr. Douglas R. Elliott, Jr.
City Manager

By: Mr. Steve Schnabl
Executive Director

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Council Meeting Of: December 3, 2019

Account Code No. #:

Budgeted Amount: N/A

Community Development
Originating Department

Sam Perry
Prepared By

November 26, 2019
Date Prepared

HAPC Meeting Report – November 13, 2019
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HAPC-2019-22, 36 W High Street, installation of an indirect halo lit wall sign, Jane Fiehrer, Sign Connection, Applicant

Doughby's Restaurant requested a new sign to replace the existing box sign. The lighting technology is a newer type for Uptown Oxford, with Starbucks being the first. The lighting is reflected off the rear of the sign lettering. Although the majority of signs are approved administratively, Staff and Vice-Chair believed this should be reviewed by the Commission because of the infrequency. The Commission discussed the design with the sign contractor and business owner and determined it was appropriate with a vote of 5-0. A variance would still be required because of the zoning code requirement for flood lighting only.

HAPC-2019-23, Pre-Application, 131 W High Street, proposed new 3-story mixed use structure, Matt Rodbro, Applicant

Greg Meyer of Treadon and Associates presented a concept for a 3-story mixed use building to be cast stone on the first floor and brick on the upper two floors. The applicant team explained that they had been through several revisions internally as part of a goal to respect the Community Arts Center and Uptown gateway. The building would cover the entire site except for an area for trash and other services along the alley. The pre-application review is intended to provide a venue for general feedback, not an approval or denial. The Commission discussed the importance of the property as a gateway as well as the challenging large size of the property. There were questions and comments about materials, colors, patio, topography, landscaping and façade articulation. The applicant team was thankful for the feedback and would consider the comments in their final design.

Old Business

- A. Review of Properties Outside of the Historic District – Work Session with City Council coming on 11-19
- B. Historic District Paint Colors – No changes at this time

Approval:

Department Head:

SP | 11-26-19

City Manager:

DRE | 11-27-19

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of : 12/3/2019

Account Code No. : _____

Budgeted Amount : _____

Finance

Originating Department

Joe Newlin

Prepared By

11/21/2019

Date Prepared

Agenda Title:	2019 Supplemental Budget #9
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Recommendation:	Approve
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Issue 1

To make adjustment to budget for Hotel & Convention Tax receipts and increase expenditures to Enjoy Oxford

Action Needed:

Revenue Side

General Fund (110)	5,000.00	Hotel Tax Receipts
Hotel Tax Fund (120)	5,000.00	Hotel Tax Receipts

Expense Side

Hotel Tax Fund (120)	5,000.00	Increase for release of funds to Enjoy Oxford
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Net Effect on Fund Balance/(s) Increase/(Decrease)	5,000.00	
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Issue 2

To make adjustment to budget for Housing Trust Fund an increase expenditures transfer the funds to the Oxford Community Foundation

Action Needed:

Revenue Side

Housing Trust Fund (212)	23.69	Interest Income
--------------------------	-------	-----------------

Expense Side

Housing Trust Fund (212)	5,828.93	Increase for release of funds to Oxford Community Foundation
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Net Effect on Fund Balance/(s) Increase/(Decrease)	(5,805.24)	
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Issue 3

To make adjustment to budget for Employee Benefit Fund an increase revenues for reimbursements and corresponding expenditures

Action Needed:

Revenue Side

Employee Benefit Fund (230)	287,621.00	Reimbursements
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Expense Side

Employee Benefit Fund (230)	287,621.00	Increase for corresponding medical expenditures
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Net Effect on Fund Balance/(s) Increase/(Decrease)	-	
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Total Net Effect on Fund Balance/(s) Increase/(Decrease)	(805.24)	
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Breakdown by Fund

General Fund (110)	5,000.00	
Hotel Tax Fund (120)	-	
Housing Trust Fund (212)	(5,805.24)	
Employee Benefit Fund (230)	-	

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

(805.24)

Approved By:

Department Head:

City Manager:

Initials

Date

DR , 11/21/19
DRE , 11/27/19

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3493. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 9 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2019.

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

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

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

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

General Fund 110	5,000.00
Hotel Tax Fund 120	5,000.00
Housing Trust Fund 212	23.69
Employee Benefit Fund 230	287,621.00

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

Housing Trust Fund 212	5,828.93
Hotel Tax Fund 120	5,000.00
Employee Benefit Fund 230	287,621.00

SECTION 4: In all other respects, Ordinance No. 3493 shall remain in full force and effect.

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

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY:

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 3, 2019

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount: N/A

November 26, 2019
Date Prepared

Agenda Title:	Board of Zoning Appeals Meeting Report – November 20, 2019
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BZA-2019-11, 102 Oberlin Court, Appeal of Administrator's Decision, allowing for the construction of a fence and materials used, **Brinley Varchol, 109 Oberlin Court, Appellant**
This property fronts on Oberlin Court but the rear yard also touches South Main Street. This was a very rare case: typically appeals of *denied* permits are taken, when the appellant believes the staff incorrectly denied a permit or that relief of the zoning code should be granted. In this case, a resident appealed the staff's *approval* of a fence permit in the summer of 2019 because the resident believed it did not meet the architectural standards of the zoning district. The discussion centered around the interpretation of 'decorative metal' in the Mile Square Architectural Guidelines. Staff and appellant presented their cases. The property owner also spoke and stated it was temporary. The resident/appellant was found to be correct (BZA Vote 4-1), therefore city staff will be more specific with fence designs in the Mile Square districts. The fence will *not* have to be removed because the permit had already been issued by the City. The appellant was satisfied with the outcome.

BZA-2019-12, 100 W. Church Street, Variance to Section 1137.04(b)(5)A occupancy reduction requirement for alteration of an existing 4-family structure in the RO District, **Scott Webb, Appellant**
Prior to the meeting, staff and Law Director determined that this case was not necessary. This reconfiguration did not require an occupancy reduction because a Two-Family building with an occupancy of . The project could move forward to building permit without a variance.

BZA-2019-13, 802 S Beech Street, Variance to Section 1143.03(c) front, side and rear setbacks for the reconstruction of an existing single family structure in the R1MS District, **Scott Webb, Appellant**
The applicant/owner requested relief from the required setbacks of the R-1MS zoning district in order to reconstruct a single-family dwelling on top of an existing foundation at 802 South Beech Street. In April of this year, a stop work order was issued when staff discovered that the property owner had begun demolition work on the property without first obtaining a permit. The reason for the partial demolition was to install a new section of foundation, as part of an overall renovation project. Following issuance of a Building/Zoning Permit in August, continued work on the property revealed previous damage which would necessitate a complete rebuild. The new building would be re-built on the same location, which required complete reduction of the 20 foot front yard and 7.5 foot side yard setbacks, as well as a 60% reduction of the 35 foot rear yard setback. The BZA heard staff and applicant testimony and found four of the seven decision standards were met. The property is unbuildable because of it's narrow depth. The BZA voted 5-0 to approve all three variances.

Approved By:

Department Head:

City Manager:

Initial

Date

SP / 11-26-19

DRE / 11-27-19

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: Dec. 3, 2019

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: Nov. 13, 2019

Agenda Title: Oxford Recreation Board Meeting, 11/12/2019

Recommendation: Approve

Attendance: Present: Ken Bogard, Edna Southard, Wes Cole, Kevin Ackley, Craig Bennett,
Holli Morrish

Liaisons: Casey Wooddell, City Staff; Deanna Barbour, Secretary

Discussion:

Oxford Recreation Board (ORB) members met Tuesday, November 12 at 12:00pm at the TRI Community Center. The Oxford Recreation Board members took a tour of the city park facilities in the Parks and Recreation department van. This tour included stops at the TRI Community Center grounds, Inloes Park, Merry Day Park, Oxford Dog Park, Leonard Howell Park, Artz Park, S. Locust Park and Oxford Community Park. Not all Recreation Board members were familiar with each park location and what amenities were included. Touring the parks and facilities will help the Recreation Board members in developing a five year plan.

Discussion items included the new tennis/pickleball courts scheduled to be built in 2020 at the TRI Community Center, renovation and enhancement plans for Leonard Howell Park, the need for a larger dog park facility, and the baseball field renovation project at Oxford Community Park. The purpose of this meeting was simply for information gathering and discussion; no decisions were made.

Next meeting: January – official date TBD.

Meeting adjourned 1:05pm

Approved By:

Initial Date

Department Head:

CDW \ 11/13/2019

City Manager:

DRE \ 11/27/19

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: December 3, 2019

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

November 19, 2019

Date Prepared

Agenda Title: Legislative Authority Notice - New permit for 325 SC Restaurant Ventures LLC 325 S. College Avenue Oxford, Ohio 45056.

Recommendation: N/A

Discussion:

The permit is for:

D5I - Restaurant meeting certain criteria.

Approved By:

Initial Date

Department Head:

City Manager:

DRE \ 11-27-19

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

8922835		NEW		325SC RESTAURANT VENTURES LLC	
PERMIT NUMBER		TYPE		325 S COLLEGE AVE	
ISSUE DATE				OXFORD OH 45056	
10 31 2019					
FILING DATE					
D5I					
PERMIT CLASSES					
09	088	A	C54519		
TAX DISTRICT			RECEIPT NO.		

FROM 11/07/2019

RECEIVED

PERMIT NUMBER		TYPE			
ISSUE DATE					
FILING DATE					
PERMIT CLASSES					
TAX DISTRICT			RECEIPT NO.		

11-19-19
City of Oxford



MAILED 11/07/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN. 12/09/2019

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 8922835

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF OXFORD CITY COUNCIL
101 E HIGH ST
OXFORD OHIO 45056

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. **For best results, search only ONE criteria at a time.** If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

SEARCH CRITERIA**Permit Number**

8922835

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 8922835; Name: 325SC RESTAURANT VENTURES LLC; DBA: ; Address: 325 S COLLEGE AVE OXFORD 45056		
BRIAN D KELLY	5% MEMBER	
DAVID C WESPISER	5% MEMBER	
JAMES CLAWSON	5% MEMBER	
ROBERT L CIAMPA	5% MEMBER	

- [Ohio.Gov](#)
- [Ohio Department of Commerce](#)

[Commerce Home](#) | [Press Room](#) | [CPI Policy](#) | [Privacy Statement](#) | [Public Records Request Policy](#) | [Disclaimer](#) | [Employment](#) | [Contacts](#)

ORDINANCE NO. _____

TO AMEND THE CODE OF THE CITY OF OXFORD, OHIO,
CHAPTER ___, TO ADD A NEW ARTICLE __ PERTAING TO
ENVIRONMENTALLY ACCEPTABLE PACKAGING AND
PRODUCTS

WHEREAS, the City of Oxford has a duty to protect its natural environment, its economy, and the health of its citizens and its visitors; and

WHEREAS, polystyrene foam containers and packaging have a harsh environmental impact on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife and solid waste generation; and

WHEREAS, plastic debris and in particular expanded polystyrene foam ("EPS") is a distinctive litter concern because it is lightweight, floats, and readily travels from land to inland waterways and out to the ocean where it breaks down into small pieces to be mistaken for food by birds and other marine wildlife; and

WHEREAS, polystyrene is made up of multiple units of styrene and styrene is believed to be a carcinogen by the Department of Health and Human Services and the International Agency for Research on Cancer. Hot foods, oily foods, acids, warm liquids, and alcohol cause EPS to partially break down and can leach styrene into the food or drink the container is holding. Polystyrene is slow to degrade, and if disposed of improperly, the foam can leach chemicals into the environment harming water sources.

WHEREAS, it is in the best interest of the citizens of Oxford to reduce the cost of City solid waste disposal and to protect the environment and natural resources by discouraging the distribution and use of disposable EPS containers such as cups, bowls, plates, and food containers, and to encourage use of other recyclable or compostable food containers associated with all take out foods; and

WHEREAS, the City of Oxford, through its policies, programs and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the State of Ohio's waste management hierarchy to reduce, reuse, recycle, compost, and landfill.

WHEREAS, countries around the world, including the United States, Canada, Argentina, Brazil, Chile, Colombia, China, India, Australia, Greece, Ireland, Italy, England, Wales, Netherlands, Scotland, Germany, Israel, South Africa, Rwanda, Kenya, Congo, Japan, Taiwan and others have taken measures to reduce plastic pollution;

WHEREAS, regulating and eventually prohibiting the use of polystyrene/plastic foam take-out food packaging and encourage the use of food service ware that is locally recyclable or compostable, and, restricting the use of polystyrene/plastic foam products that are not wholly encapsulated or encased by a more durable material will further protect the City, its marine life

and wildlife, its residents and visitors, and will support the City's goal of reducing waste and litter for a cleaner environment for generations to come.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF OXFORD, IN CITY COUNCIL ASSEMBLED:

Definitions:

The definitions set forth in this Section shall govern the application and interpretation of this Part.

A. **"Disposable food service ware"** means single-use disposable products used in the restaurant and food service industry for serving prepared food and includes, but is not limited to, plates, trays, cups, bowls, trays, and hinged or lidded containers (clamshells). Disposable food ware does not include straws, utensils, drink lids, or ice chests.

B. **"Food service operation"** means a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this division, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.

Except when expressly provided otherwise, "food service operation" includes a catering food service operation, food delivery sales operation, mobile food service operation, seasonal food service operation, temporary food service operation, and evening machine location.

As defined in Ohio Revised Code Chapter 3717

C. **"National food service operation"** means a food service operation that is a chain of franchised or corporate owned establishments located in more than one state.

D. **"Polystyrene foam"** means a thermoplastic petrochemical material made from a styrene monomer and expanded or blown using a gaseous agent (expanded polystyrene) including, but not limited to, fusion of polymer spheres (expandable polystyrene) including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). "Polystyrene foam" is commonly made into disposable food service ware products. "Polystyrene foam" does not include clear or solid polystyrene (oriented polystyrene).

E. **"Prepared food"** means food or beverages that are packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises. "Prepared food" does not include (1) any raw, uncooked meats products or fruits or vegetables unless it

can be consumed without further preparation; or (2) prepackaged food that is delivered to the food service operation wholly encased, contained or packaged in a container or wrapper, and sold or otherwise provided by the food service operation in the same container or packaging.

Polystyrene Foam Disposable Food Service Ware Prohibited

- A. No national food service operation shall sell or otherwise provide prepared food in polystyrene foam disposable food service ware on or after Dec, 1, 2020.
- B. No food service operation shall sell or otherwise provide prepared food in polystyrene foam disposable food service ware on or after Dec 1, 2021.

Exemptions to the Polystyrene Foam Disposable Food Service Ware Prohibition

- A. A national food service operation or food service operation may seek an exemption from the prohibition under Section due to an “unique packaging hardship” under Subsection B of this Section or a “financial hardship” under Subsection C of this Section.
- B. The national food service operation or food service operation must demonstrate that no reasonably feasible alternative exists to a specific and necessary polystyrene foam disposable food service ware to qualify for an “unique packaging hardship” exemption.
- C. The national food service operation or food service operation must demonstrate both of the following to qualify for a “financial hardship” exemption: (1) a gross income **under \$300,000** on their annual income tax filing for the most recent tax year, and (2) with respect to each specific and necessary polystyrene foam disposable food service ware, that there is no feasible alternative that would cost the same or less than the polystyrene foam disposable food service ware.
- D. The national food service operation or food service operation may submit a written application for an exemption on a form provided by the **Environmental Department**. The Environmental Specialist **of the Environmental Department** or designee (“Director”) may require the applicant to submit additional information or documentation to make a determination regarding an exemption request. A request for exemption shall be reviewed on a case by case basis, and may be granted in whole or in part, with or without conditions, for a period of up to twelve (12) months. The national food service operation or food service operation must apply for a new exemption period no later than sixty (60) days prior to the expiration of the then current exemption period to preserve a continuous exemption status. Each application shall be reviewed anew and will be based on the most current information available. The determination of the Director shall be final and is not subject to appeal.

Section . This ordinance shall be effective on December 1, 2020.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 3, 2019

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

November 25, 2019

Date Prepared:

PC-2019-22, CONDITIONAL USE, 304 W. Collins St, Expansion of Outdoor Sales at Whistlestop, Architect Scott Webb, Applicant, Agent

Recommendation: Approval

Discussion: On behalf of Shademakers Nursery and Landscape, Inc., Architect Scott Webb requested approval of a Conditional Use for Outdoor Sales of Plants and Garden Supplies. The location is an existing similar use known as Whistlestop, which is a pet food and garden supply service located near the intersection of South Elm Street and Spring Street across from the Fire Station. Doug and Rob Drake, owners of Shademakers, would like to take over the Whistlestop site and building with their existing business currently located just outside of Oxford corporate limits. The only construction planned is a fence and a greenhouse addition. Their plan is to fill the currently open areas with seasonal landscaping displays. The alley right of way would not have any new permanent improvements as part of this project. The existing use is a conditional use and would be allowed to continue if no expansion was planned. On November 12, 2019, the Commission reviewed the case with the A-M decision standards and voted 7-0 to recommend approval of the case, as proposed, to City Council with the following waivers and conditions. The Commission agreed with the staff findings that this is a good use of an unusual shaped property. The Commission did make some changes to the staff recommended waivers and conditions with the following being the final list:

1. Waiver of 35' front and 25' rear yard setbacks for greenhouse addition
2. Waiver for wayfinding signs within the property north of Collins R/W be limited to 12 square feet (rather than 4 sq ft by code)
3. Waiver for up to three wall signs allowed, rather than two, with the sign facing south to be up to 5 feet in height
4. A boundary survey be completed prior to the fence installation
5. The boundary fence be an open design
6. Street trees to be planted in the tree lawn along South Elm Street
7. 12' poles to be decorative or painted a dark color
8. Accessible/handicap parking signage to be installed
9. Any new outdoor lighting to comply with nuisance code
10. Written agreement with City Manager or Service Director to continue using Collins R/W for parking and access prior to opening of new business

Approved By:

Department Head:

 / 11-26-19

City Manager:

 / 11-27-19

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW EXPANSION OF THE OUTDOOR SALE OF PLANTS AND GARDEN SUPPLIES IN THE GENERAL BUSINESS (GB) DISTRICT AT 304 W. COLLINS STREET, OXFORD, OHIO 45056 WITH CONDITIONS.

WHEREAS: the Planning Commission held a public hearing on November 12, 2019 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Shademakers, Inc. c/o Scott Webb, Architect, for a conditional use permit to allow for expansion of the outdoor sale of plants and garden supplies in the General Business (GB) District at 304 W. Collins Street, Oxford, Ohio 45056; and

WHEREAS, the Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the conditional use permit application to allow for expansion of the outdoor sale of plants and garden supplies in the General Business (GB) District at 304 W. Collins Street, Oxford, Ohio 45056 with conditions.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to allow for expansion of the outdoor sale of plants and garden supplies in the General Business (GB) District at 304 W. Collins Street, Oxford, Ohio 45056 with the following conditions:

1. The 35' front and 25' rear yard setbacks for the greenhouse addition shall be waived.
2. Wayfinding signs within the property north of the Collins Street right-of-way shall be limited to 12 square feet.
3. Three wall signs shall be allowed. The sign facing south shall be up to 5 feet in height.
4. A boundary survey shall be completed prior to the fence installation.
5. The boundary fence shall be an open design.
6. Street trees shall be planted in the tree lawn along S. Elm Street.
7. The 12' poles shall be decorative or painted a dark color.
8. Accessible/handicap parking signage shall be installed.
9. New outdoor lighting shall comply with the nuisance code.
10. An agreement shall be entered into with the City Manager for the use of the Collins Street right-of-way for parking and access prior to the opening of the new business.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY:

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-22

Date – November 12, 2019

GENERAL INFORMATION

Applicant:	Architect Scott Webb
Location:	304 W. Collins
Owner:	Whistlestop/Oxford Farm Service
Action Request:	Conditional Use Permit Application Expansion of Outdoor Sales of Plants and Garden Supplies
Current Use:	Pet Food and Feed / Supply Store
Lot Size:	1.75 Acres
Zoning:	GB (General Business) District
Surrounding Land Uses:	Fire Station, Residential, Railroad, Auto Service

PROPOSAL SUMMARY

On behalf of Shademakers Nursery and Landscape, Inc., Architect Scott Webb is requesting approval of a Conditional Use for Outdoor Sales of Plants and Garden Supplies. The location is an existing similar use known as Whistlestop, which is a pet food and garden supply service located near the intersection of South Elm Street and Spring Street across from the Fire Station. Doug and Rob Drake, owners of Shademakers, would like to take over the Whistlestop site and building with their existing business currently located just outside of Oxford corporate limits. The only construction planned is a fence and a greenhouse addition. Their plan is to fill the currently open areas with seasonal landscaping displays.

AGENCY REVIEWS

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

Police:	Returned without comments
Fire:	Returned without comments
Engineering:	Returned without comments
Econ. Dev.:	Returned with comments

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted along Elm Street. No public comments have been received as of this report.

STAFF RECOMMENDATION

Staff finds that the proposal brings a beneficial and productive use to the site and recommends **approval** of the conditional use application subject to the following waivers and conditions:

1. Waiver of 35' front and 25' rear yard setbacks for greenhouse addition
2. Waiver for wayfinding signs within the property north of Collins R/W be limited to 12 square feet (rather than 4 sq ft by code)
3. Waiver for up to three wall signs allowed, up to 3' in height, no more than 25% the length of any façade (rather than only 2 signs by code)
4. A boundary survey be completed prior to the fence installation
5. Street trees to be planted in the tree lawn along South Elm
6. 12' poles to be decorative or painted a dark color
7. Wayfinding signs within the property south of Collins R/W be limited to 4 square feet
8. Accessible/handicap parking signage to be installed
9. Any new outdoor lighting to comply with nuisance code

10. Written agreement with City Manager or Service Director to continue using Collins R/W for parking and access

WAIVER REQUESTS

The applicant has requested waivers, included with staff suggested waivers:

- 1) **Section 1143.12(c)(2) – General Business District Setbacks: 35 foot front, 25 foot Rear**
A greenhouse is proposed to be added to the south façade of the existing building. Because of the shape of the lot and existing building location, the addition cannot be placed as shown without waivers. The proposed front setback is approximately 20 feet. The proposed rear setback is approximately 20 feet, per the site plan.
- 2) **Section 1151.05(c)(3) – Non-advertising, internal site signage: limited to 4 sq ft**
The owner wishes to include wayfinding signage throughout the site for customers. There is not a limit on the number of signs, only the size and no commercial message. The intent is for safety and efficiency only. In the rear area, for bulk storage, larger signs should be permissible.
- 3) **Section 1151.02(k)(2)B – Maximum number of wall signs: 1 per business/street facing**
There are currently three Whistlestop signs, but with the name change, new signage must comply with code. Two signs are allowed, one facing Elm and one the Collins R/W, but none are allowed facing Spring because of lack of frontage.

STAFF ANALYSIS

Commentary

Staff comments on site conditions and key aspects of the project:

- **Future Land Use:** This property is considered a developed area by the 2008 Comprehensive Plan with no changes anticipated. A recent re-zoning attempt of this property to residential failed. A community planning exercise (Design Charrette) was held for this property in 2018 which resulted in a variety of dense residential and mixed use concepts. Many of the ideas kept the retail element intact. The retail element of Shademakers is therefore consistent and does not prevent a future redevelopment from happening in the currently open areas.
- **Multimodal Safety / Equality:** As noted, the site is awkwardly positioned along the railroad tracks and a major road corridor. Therefore, the surrounding area acts as a gateway for transition between the Uptown historic urban core and the Locust Street commercial area. While this property itself may not increase traffic demand, the expansion of the use in the open areas should not diminish the potential for future improvements in multi-modal transportation. The Elm Street sidewalk ends abruptly at this location with no Spring Street pedestrian crossing being provided.
- **Screening / Compatibility:** The existing use of the property is within the same category as the proposed use; however it is increasing in scope and intensity. There is not a requirement for screening because the surrounding zoning is the same as the site zoning. However, the proposed fence, which is allowed by code, could create a barrier that is unwelcome in a front yard area. Oxford Code does require a 2 foot setback for any commercial fence in a front yard. Street trees could be added in the tree lawn to mitigate the impact of the fence.
- **Lighting:** No details are provided on lighting, however Oxford Code does contain sufficient provisions that prohibit glare and also limit height. Poles for seasonal lighting displays are proposed, which should be designed to blend in with the landscaping as in a park-type atmosphere.
- **Parking:** The parking is unpaved, which is prohibited for new construction or redevelopments. Because the construction is limited on this property, Oxford Code does not require paving. However, it is within the scope of the Planning Commission's recommendation if any requirements

of the Oxford Parking Standards should be implemented. These would not apply to the Collins Street R/W area, as right of way is managed by the City Manager and Service Director.

General Decision Standards

All Conditional Uses shall satisfy the General Decision Standards provided in Section 1147.02(c)(2). The standards found within this section are below with staff analysis provided for each:

- A. The proposed use is in fact a Conditional Use appropriate in the zoning district in which it is proposed.**
Yes, the use can be allowed as a conditional use. It is specifically listed.
- B. The use and site will satisfy the general intent of the Zoning Code.**
Yes, the proposed use can be satisfied by allowing this change of operator of this property.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.**
The 2008 Comp Plan states several times that infill of existing land should be preferred. This proposal uses an existing site to a slightly higher degree of intensity than currently used.
- D. The size and shape of the site are sufficient for the proposed use.**
As noted in the applicant's narrative, the size of the site is well suited for the use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**
The hours of operation are normal business hours.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.**
None expected beyond existing conditions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.**
There are no accessory uses proposed. If there were any major changes, an amendment to the conditional use would be considered.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.**
Opportunity for comment was provided to Fire, Police and Service Departments with no concerns expressed.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
Opportunity for comment was provided to Fire, Police and Service Departments with no concerns expressed. Planning staff did suggest a separate written agreement between the applicant and city administration. The Service Director supports the concept.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.**

Other than the greenhouse, there are no structural changes expected. The fence and lighting added will need to be done in an appropriate way.

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

There are not substantial changes to the site design regarding vehicular movements. The flow direction and access are the same as existing conditions.

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

The train station building was removed from the property many years ago. The remaining grain mill building still stands in poor condition; it is not part of the area to be used for this business.

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

Permits will be required for the fence and greenhouse as well as any electrical circuits added. Staff is not aware of any other permits being required.

Conclusion: The property would be a challenging site to completely redevelop. The application proposed brings an excellent opportunity to the community to continue beneficial use of the site in a key location without negatively impacting the neighborhood or the corridor. The waivers and conditions recommended by staff are a starting point for discussion and can be removed or edited as needed. Any final conditions or waivers should be proportional to the application or otherwise directly related to the application.

SUBMITTED BY:



Sam Perry, AICP
Community Development Director

DATE: October 31, 2019

APPENDIX

RELEVANT ZONING CODE PROVISIONS

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

1147.02(c) Planning Commission Review

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

(1) **Burden of Proof.**

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

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

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

1147.02(d) Action by Planning Commission

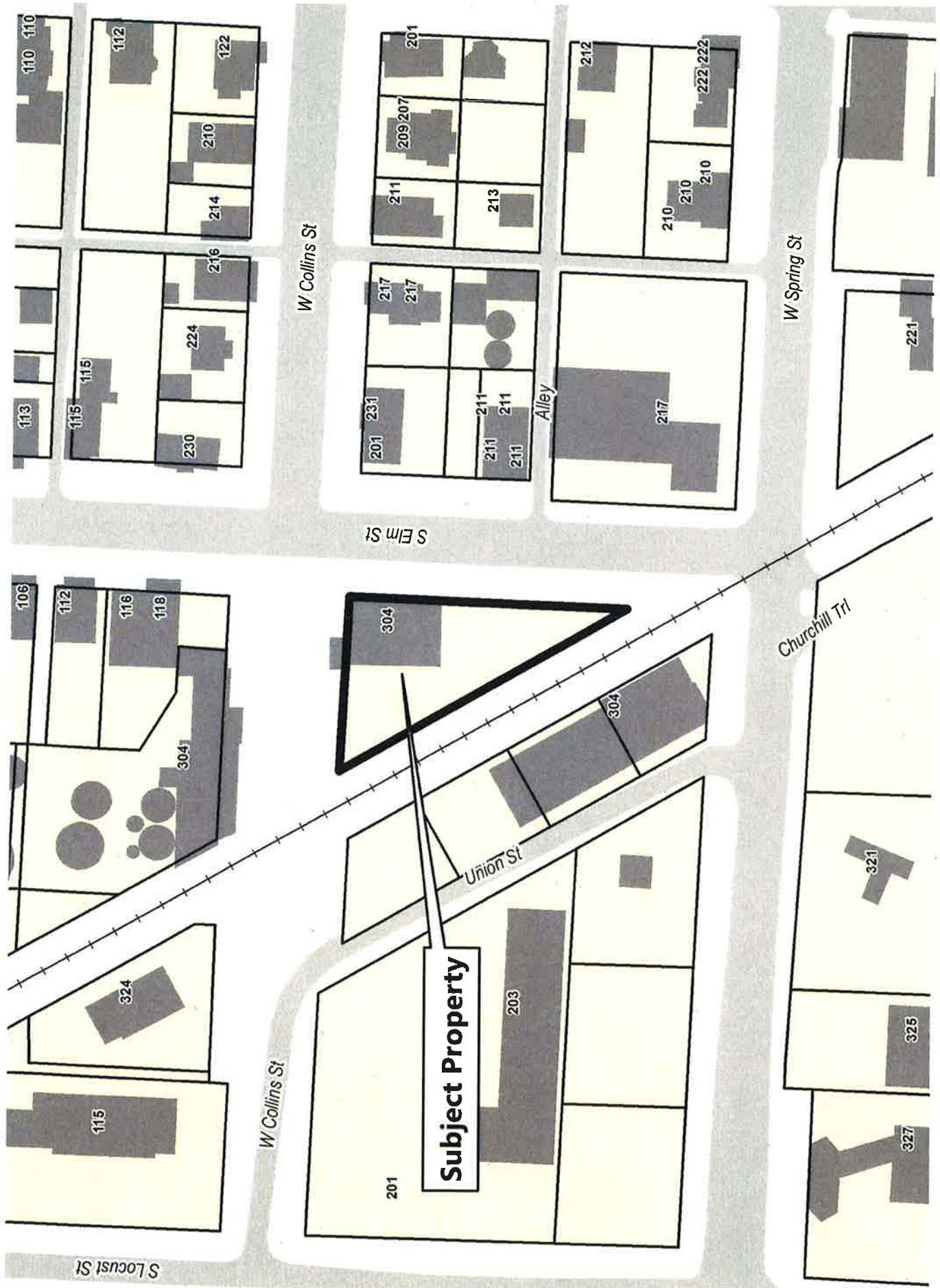
- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the

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

1147.03(b)(31) Temporary and/or Outdoor Sales of Plants and Garden Supplies

- 1) Potential Concerns.
 - a) Signs.
 - b) Sight distance at corner lots.
- 2) Regulations.
 - a) Storage of goods shall not reduce the usable number of parking spaces by more than 10 percent of the required total.
 - b) Goods shall not be stored in a driveway required to access required parking spaces.

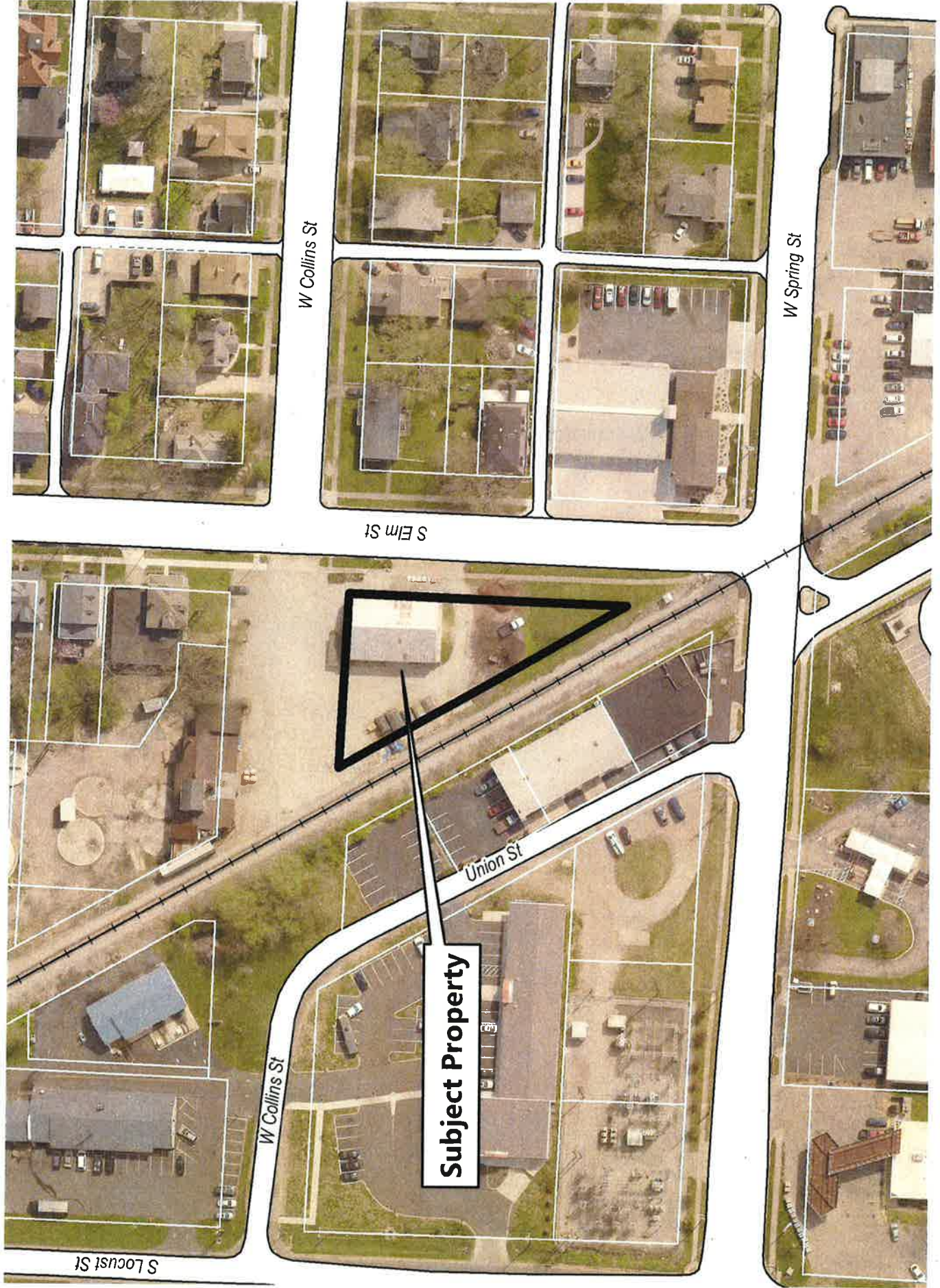
200 Feet



Location Map

Site Parcel(s)

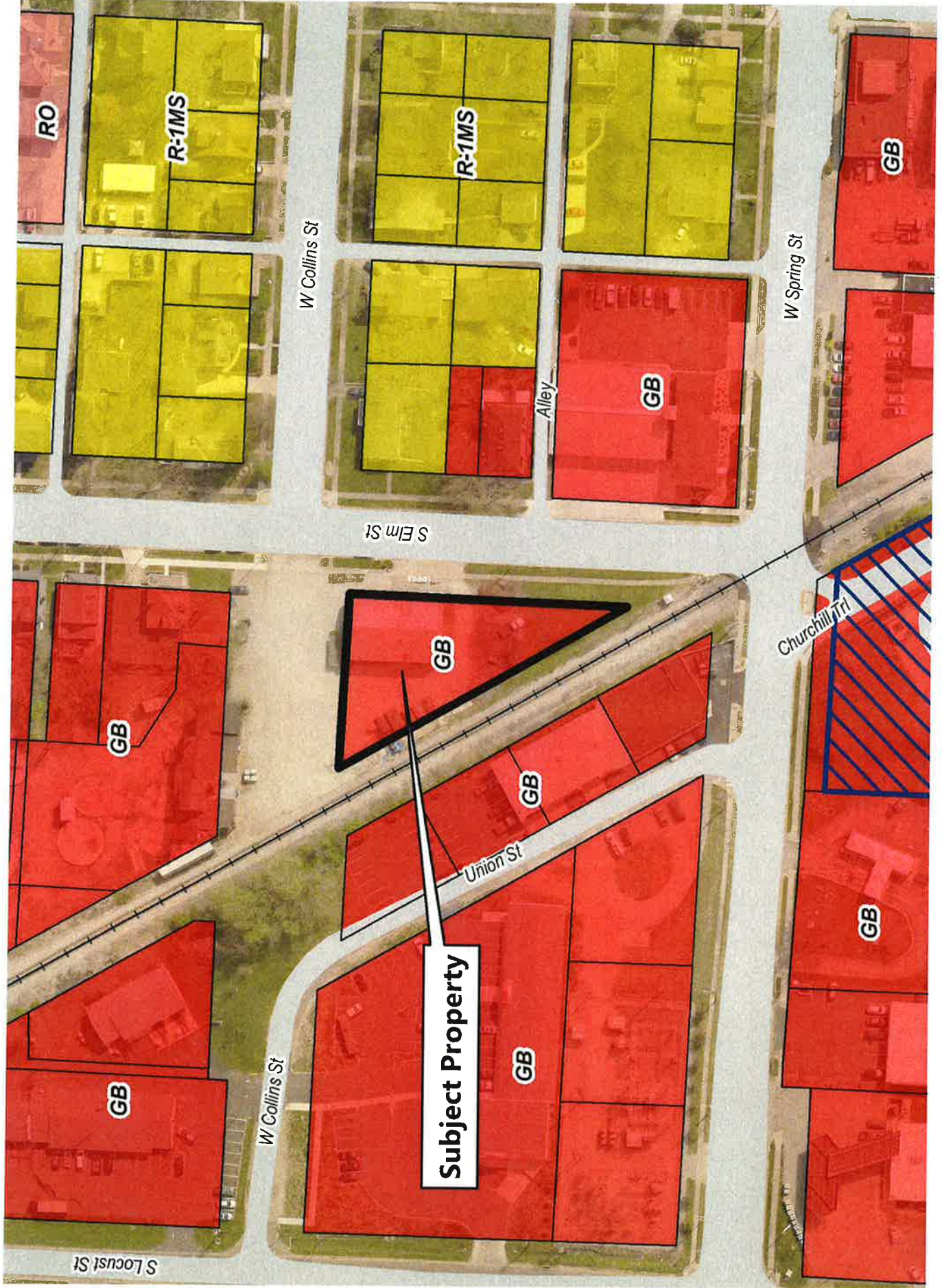
0 50 100 200 Feet



Location Map

 Site Parcel(s)

0 50 100 200 Feet



City of Oxford
Inter-Office Review Transmittal Sheet



Date: October 4, 2019

To: **Fire Department** Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-22, CONDITIONAL USE, 304 W. Collins Street, Oxford Farm Service and Whistle Stop, to allow for a new nursery and landscape garden center, Shademakers, Scott Webb, Applicant/Agent

 X Review Revisions Other

Please return no later than: **October 30, 2019** 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:


PRINTED NAME

Date:

10/11/19

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-22, CONDITIONAL USE, 304 W. Collins Street, Oxford Farm Service and Whistle Stop, to allow for a new nursery and landscape garden center, Shademakers, Scott Webb, Applicant/Agent

 X Review Revisions Other

Please return no later than: **October 30, 2019** 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: Scott Otto Date: 10/29/19

Scott Otto

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

To: Fire Department Engineering Division **Police Department** Econ Dev Department

From: Community Development Department

PC-2019-22, CONDITIONAL USE, 304 W. Collins Street, Oxford Farm Service and Whistle Stop, to allow for a new nursery and landscape garden center, Shademakers, Scott Webb, Applicant/Agent

 X Review Revisions Other

Please return no later than: **October 30, 2019** 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: _____

10/7/19

John A. Jones, Police Chief
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-22, CONDITIONAL USE, 304 W. Collins Street, Oxford Farm Service and Whistle Stop, to allow for a new nursery and landscape garden center, Shademakers, Scott Webb, Applicant/Agent

 X Review Revisions Other

Please return no later than: **October 30, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

I am excited on many levels for the opportunity for Shademakers to be bringing their business into Oxford and in the reusing and redeveloping the old Whistle Stop and Oxford Farm Service sites.

I would hope the City of Oxford, Oxford Planning Commission and Oxford City Council will also see the value of Shademakers locating on this site and will work with Shademakers in this relocation.

The current use of the site has been inside sales for plant and pet supplies and the outside area displayed mulch and seasonal items. The proposed use follows this same path. Just with a bit more exterior display area.

My only wish was that the fence would not be needed. Allowing for a beautiful open view into the display area. I understand the need for the fence; you don't want merchandize leaving the site unpaid for.

Drawings reviewed by: _____

Date: 10-15-19

G. ALAN RYCEH
PRINTED NAME



PC-2019-22

Surrounding Property Owners Notifications Map

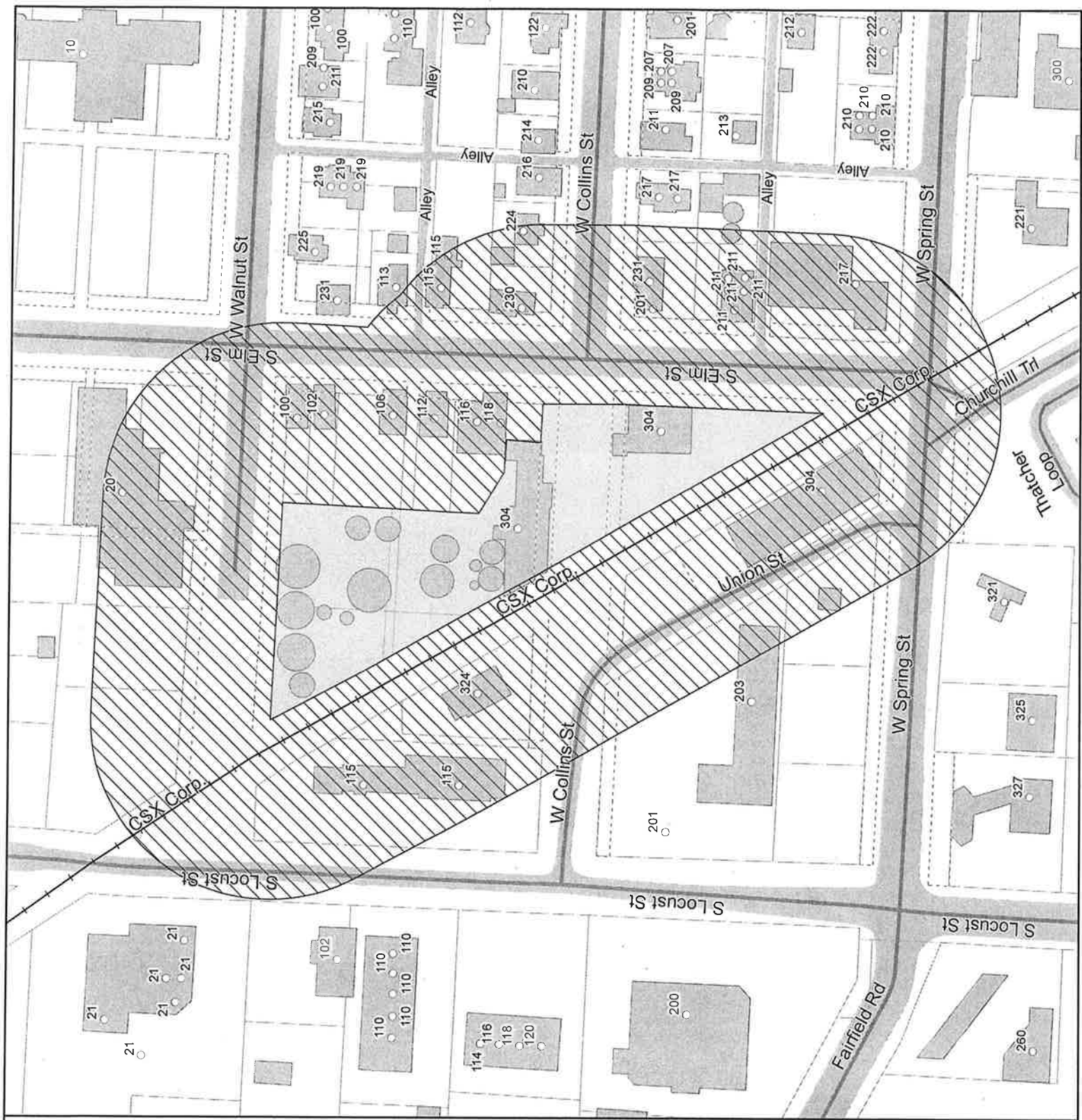
Legend

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



1 inch = 150 feet

Prepared on Monday, October 28, 2019
The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.

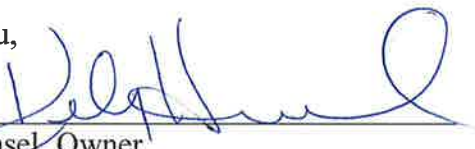


LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Shademakers Nursery & Landscape, Inc. (Rob and Doug Drake, owners) and Scott Webb, Architect have permission to represent my interest with the City of Oxford and act on our behalf for the Planning Commission hearing November 12, 2019 regarding the Conditional Use at our property located at 304 W Collins St. Oxford, OH 45056

Thank you,

Signed: 

Kelly Hansel, Owner

Whistle Stop/Oxford Farm Service

Date: 9-26-19



Internal Use Only:	PC-2019-22
Case No.	
Date Filed	9/30/19

Conditional Use Permit Application

Applicant Information

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

Name * Shademakers Inc. / Scott Webb, Architect

Mailing Address * 7525 Fairfield Road / 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-2427 / 523-3838

Email Address doug@shademakersinc.com, rob@shademakersinc.com/scott@scottwebbarchitect.com

Owner Information

Name * Oxford Farm Service and Whistle Stop

Mailing Address * 304 West Collins Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-0199

Email Address

Location and Lot Information

Location of Property * 304 West Collins Street

Legal Description * See attached Surveys/Site Plan

Zoning District * GB

Total Area * 22,613 + 52,910 → Check One * Acres ☐ Square Feet ☒

Existing Use Description * Whistle Stop & Former Oxford Farm Service

Proposed Use Description * New Shademakers Nursery & Landscape Garden Center

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

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

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

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *



Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required plans and documentation as attachments and a check for fee and postage made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

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

For Staff Use Only

Fee Paid Date *

9/30/19

Receipt Number *

274987

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

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



September 30, 2019

Planning Commission
City of Oxford
101 E. High St.
Oxford, OH 45056

Conditional Use Application

Shademakers Nursery and Landscape: new location at Whistle Stop & Oxford Farm Service property
304 W Collins St.
Oxford, OH 45056

Dear City of Oxford Planning Commission,

We submit this application and supporting documents for the purpose of opening a new retail location for Shademakers Nursery and Landscape, Inc. at the current location of The Whistle Stop and Oxford Farm Service. We hope that this information will show the Commission that this project is worthy of your support. There are so many multi-faceted benefits to this proposal that many of the narrative descriptions below overlap and we apologize if there is some repetition in these answers. We look forward to feedback from City staff, the Commission and the surrounding community.

The written, detailed answers to the questions on the application about the use and site are below:

1. The name, mailing address, and telephone number of the applicant and the property owner.

Please see attached Conditional Use Permit Application for the name, mailing address, and telephone number of the applicant and the property owner.

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

Please see attached Letter of Agency

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

Parcel Numbers: **H4100004000029**
 H4100004000030
 H4100004000031
 H4100004000032
 H4100004000184
 H4100004000185
 H4100004000186

4. A description of the existing uses of the site:

Most of the property is sitting vacant and is not being maintained. There is a retail store in the main steel barn with a drive-thru selling pet food and related supplies as well as gardening plants and related supplies. The owner plans to close the business soon. In the past, a full-service feed mill, Oxford Farm Service, was operated on the property but that division of the business has been closed for several years. Much of the property has fallen into disrepair and has not been maintained as it once was.

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

Zoning District GB (General Business)

6. A description of the proposed use.

- a. A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles:

The proposed use will be a Retail Garden Center selling all types of plants, gardening supplies, gifts and décor, both indoors and outdoors. Also, seasonal specialty items such as pumpkins, Fall Mums, cut Christmas Trees, Poinsettias and holiday greenery. Interactive outdoor displays will include samples of landscaping services such as stone and paver brick sidewalks, patios and retaining walls.

Deliveries and landscape operations will remain primarily at Shademakers' original location 3 miles West of Oxford, although some materials from this location will be delivered. Vehicle traffic will vary by season, peaking at an estimated 10-20 vehicles per hour (estimated). Incoming delivery vehicles will be intermittent, peaking at an estimated 10-12 per week. Customer traffic will be increased from current use, and although traffic from delivery and service vehicles will be increased, it will be much less than when the feed mill was in business.

- b. The hours of operation:

9AM-8PM Mon-Sat, 12PM-4PM Sun. Hours will vary by season.

7. A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties.

- a. How the use is similar to or different from existing area uses and if there will be any interaction between the proposed use and existing uses:

Differences and similarities: This is an unusually shaped property that has challenging dimensions for usability and has never been visually attractive. It is a unique property for the area and the proposed changes will dramatically increase the aesthetics of the neighborhood. The plants and materials for sale will be displayed in an interactive manner that will resemble a public garden or park. There will be walking paths and seating throughout the area available for customers and the general public to enjoy during business hours. Displays will be rotated for maximum color and visual impact during every season of the year. The less visually pleasing products such as bulk mulch and topsoil will be stored on and loaded from existing concrete pads left behind from the feed mill

business. This area is separated from the retail and display areas and is almost entirely out of public view from the streets. This “backlot” will be maintained to be clean and presentable to customers who access the area to have these bulk materials loaded.

Compatibility with vicinity and adjacent properties One block away from the property, the Oxford Community Arts Center (OCAC) has a beautiful public garden (installed by Shademakers) which has been a great start to revitalizing this neighborhood, a revitalization that Shademakers will be proud to continue. A cooperative partnership between OCAC and the proposed Shademakers location has been discussed and will have multiple layers of benefit. Shademakers would have special extended hours of operation and promotions during OCAC events. This will provide a more invested community feel and shared experience as residents and visitors will be more inclined to walk around the neighborhood.

Across the street is the Junction House and the recently renovated City of Oxford Firehouse (also landscaped by Shademakers). Both buildings have the historic charm that Oxford is known for, but both feel somewhat detached from the rest of the neighborhood to the North. This is partly due to the unusual shape and vacant look of the Whistle Stop property. The interactive outdoor displays will enhance these beautiful buildings while the long, narrow shape of the property will provide a “bridge” of activity and continuity to the rest of the neighborhood.

Interaction between proposed use and existing use: Part of the current use of the property is the same as proposed: the sale of plants and supplies but on a much smaller scale with no interactive displays. The Whistle Stop has a loyal customer base and we plan to keep many of the same product lines for continuity. We do not wish to completely replace the Whistle Stop brand but honor the work of the Hansel family and the Agricultural history of the property.

- b. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites:

The existing structures have some similarity to the large steel building on the adjacent property to the West, but the steep slope and railroad tracks create a wide separation between the two properties. Otherwise the existing structures are significantly different from other adjacent sites. The proposed improvements will bring these unusual buildings and site design more into harmony with the surroundings since the extensive displays will become the focal points of the property. The main existing steel barn will remain as-is with minor cosmetic improvements. An attached “lean-to” greenhouse is proposed for the south end of the barn as shown on the attached site plans. This greenhouse will be used to grow and protect existing outdoor inventory from frost and will not be part of the indoor sales area.

There will be several proposed multi-use posts installed strategically through the display/sales area. These posts will serve as attachment points for overhead lighting, directional and informational signs, brackets for hanging baskets and seasonally changed items such as shade canopies and a steel cable system to display cut Christmas trees. The decaying portable sheds behind the main barn will be completely removed. The old mill building will remain in place but will be locked and inaccessible to the public. Its rustic appearance will be enhanced by displays along the South façade.

- c. If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions:

There will be increased vehicle noise during business hours, but not beyond normal expectations for a GB zoned area. There will be more lighting installed but it will be subtle and inviting. There will be no harsh, high intensity spotlights or security lights to create a nuisance for surrounding properties. There will be no additional odors, fumes, vibration, or emissions than there are with the current use.

- d. How any potential negative effects on adjacent land will be mitigated:
n/a

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

Shademakers' current location is 3 miles West of town and has very low visibility to attract new customers and is out of the way and inconvenient for existing customers to visit. Ownership has been considering opening a 2nd in-town location for many years, but since a large space is required to accommodate a garden center, the right property and situation has not been available.

This property is large enough and is in a high visibility location with adequate parking. The barn and unusually shaped outdoor spaces would work very well as an interactive, display-based garden center but may not be conducive to other types of businesses. The current owner is ready to close the business, so the timing and situation is an excellent fit for Shademakers and is of mutual benefit to the community at large.

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

This property has been problematic for years due to its unusual shape and the aesthetics of the existing buildings. It was a perfect location for a feed mill along the railroad tracks back when it was on the far edge of town. Oxford has long since grown around and beyond the property, and the buildings now look out of place in the middle of town. This long narrow property is partially landlocked between existing homes and railroad tracks and does not offer flexibility for many business opportunities. However, the proposed use is not just a consolation for a difficult site, this unique site is actually very desirable for what is envisioned.

A wide-open rectangular site would not be as visually interesting as this property for the displays that are planned. This type of interactive display garden will fit this site and neighborhood like the missing piece of a puzzle. This neighborhood needs a thriving, active business entity in this problematic location and the community will be gaining a new type of business that has not existed in Oxford in recent history.

The value of having a business that offers something different in our community cannot be overstated. Although there are stores in town that sell garden plants and supplies (groceries, discount chains, hardware stores, farm/produce markets) there are no dedicated, full service Garden Centers in or near Oxford that will have the wide range of products and the immersive interactive displays that are planned here.

The variety of unique products and the creative style offered by Shademakers will add value to the community as well. Shademakers is an experienced, innovative business with deep roots here. We understand Oxford's uniquely diverse customer base, the town's seasonal nature and most importantly, we have a strong history of service to our community.

10. Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use.

1147.03 USE SPECIFIC REGULATIONS & POTENTIAL CONCERNS.

(31) Temporary and/or Outdoor Sales of Plants and Garden Supplies.

A. Potential Concerns.

1. Signs.
2. Sight distance at corner lots.

B. Regulations.

1. Storage of goods shall not reduce the usable number of parking spaces by more than 10 percent of the required total.
2. Goods shall not be stored in a driveway required to access required parking spaces.

Signs: The Location and Orientation of the existing building suggests signs would be appropriate on the (3) public faces of the building, facing South Elm Street, Over the building entrance, facing the Collins Street parking area, and above the new greenhouse facing spring street.

Additional way-finding and identification signs would be provided throughout the landscape display garden, identifying product types, etc. These additional signs will face the interior of the site for the benefit of the customers, not intended to be visible from the street.

Sight Distances: Sight distances exceed the requirements described in the Zoning Code.

Storage of Goods in Parking Areas: the entire site is designed to display landscape products on a rotating basis, depending on the seasons, and will not be located in the parking areas.

11. A list of the names and mailing addresses of all land owners within 200 feet of the site
See attached list.
12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission.

Aesthetic improvement: Shademakers has a strong reputation for creating beautiful permanent landscapes, but we are also known for installing temporary garden displays for public events such as the Oxford Wine Festival, Miami University's Commencement and Lecture Series, events for local Garden Clubs as well as private weddings. This highly visible location will provide the opportunity to display the very best of every product and service that Shademakers has to offer. The neighborhood and community at large will come to anticipate new displays and build excitement for seasonal changeovers. This phenomenon already exists at our current low visibility rural location, so we look forward to this interaction with a much larger audience.

Historic appreciation: The old mill on the property is an important historical building and it will be treated as such. Although it has no artistic nor architectural flair like other buildings in the area, it will be honored rather than being thought of as an abandoned eyesore. At the current Shademakers location there are two very old barns that are treated similarly and they are very much appreciated by customers and neighbors who have wanted to hear about their history. When these stories are told, those people are able to see these bygone structures from a different perspective. Many people in our community have moved here from other places and they are interested in hearing about our rich agricultural heritage that sometimes gets overshadowed by the well documented histories of Oxford and Miami.

Concept Rendering



Me⁺, 1.0⁺

PROPOSED NEW LANDSCAPE & GARDEN CENTER

SHADEMAKERS

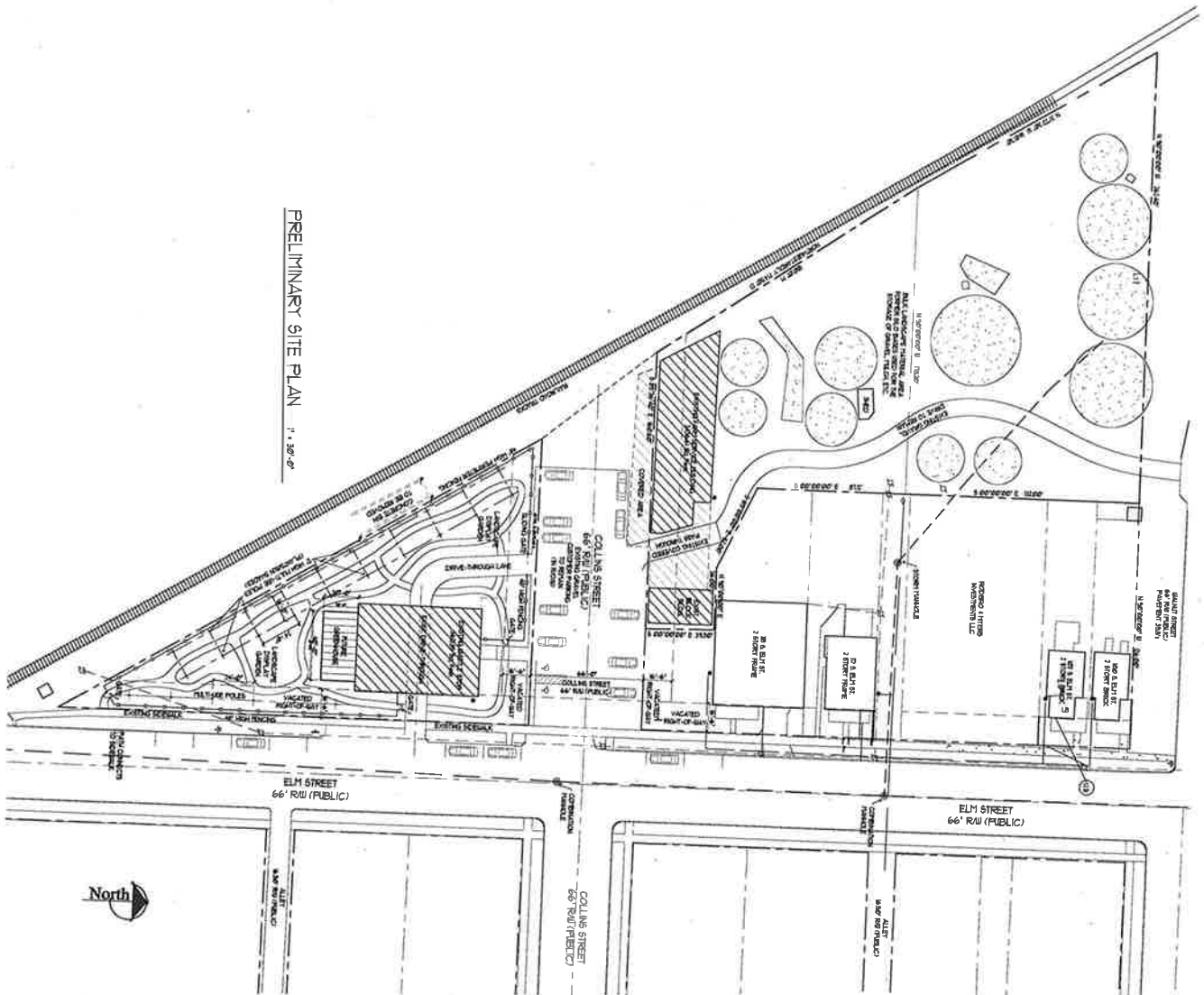
NURSERY & LANDSCAPE

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**WEBB
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PRELIMINARY SITE PLAN 1" = 30'-0"



A-1

September 30, 2013

PROPOSED NEW LANDSCAPE & GARDEN CENTER

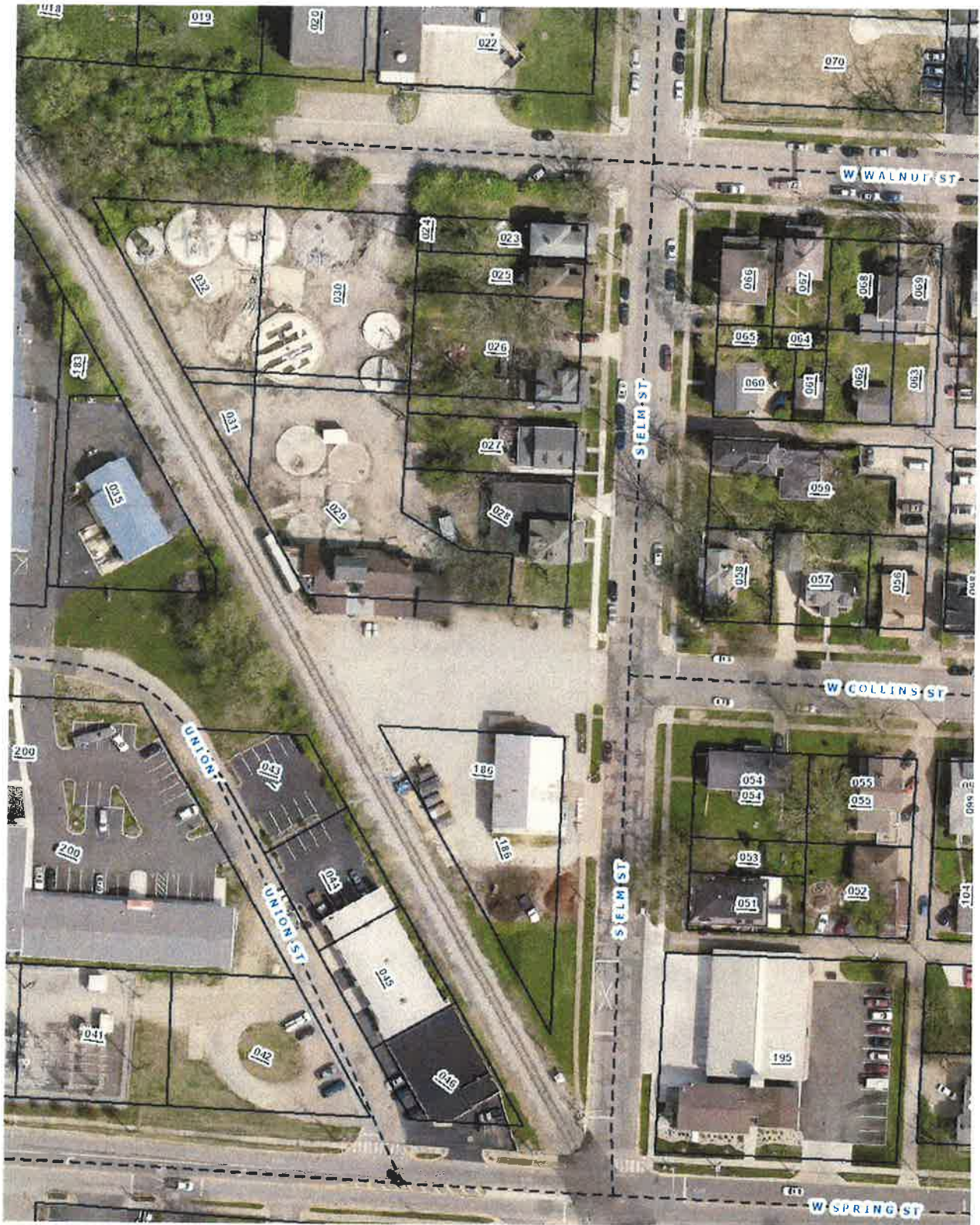
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STATE OF OHIO
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11163
REGISTERED ARCHITECT

Shademakers at Whistle Stop



Aerial of Site Area

Existing Buildings



Existing Whistle Stop



Former Farm Service Building

Existing Neighborhood



