

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 6, 2016

Sam Perry
Prepared By

Account Code No. #:

November 28, 2016
Date Prepared

Budgeted Amount:

Agenda Title: Board of Zoning Appeals Meeting Report – November 16, 2016
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Adjudication Hearing

BZA-2016-10, 4965 College Corner Pike, Variance to Section 1149.03 maximum allowed parking spaces, John Bennett, JT Designers, Inc. Applicant/Agent

Oxford Zoning Code Section 1149.03(i) limits the number of parking spaces. The maximum applies to all zones and uses that also have minimum parking requirements, except for single, two and three family residential uses. The proposal is to remove the existing auto service building and construct a completely new facility with a retail cell phone store and parking.

The zoning code requires a minimum of 6 and maximum of 9 parking spaces for the proposed 1,800 square foot retail store. The requirement is based upon a minimum of 1 space for every 300 square feet of building floor area. Based upon the applicant experience in this particular industry, their belief is that the maximum parking will be insufficient. Therefore the variance request is for a total of 15 parking spaces, an increase of 6 parking spaces beyond the maximum permitted. The Board heard from staff, applicant architect and applicant legal counsel testimony. After weighing the decision standards the Board determined that there was sufficient evidence to warrant the granting of the variance. The variance request was approved as submitted with a 5-0 vote.

The next regular BZA meeting is Wednesday, December 21, 2016 at 7:30 p.m. at 118 West High St.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
<u>JHC</u>	<u>11/28/16</u>
<u>DRE</u>	<u>12/2/16</u>

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 6, 2016

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount: \$600k

November 29, 2016
Date Prepared

Agenda Title: Revision to Contract for Professional Services Bayer Becker

On May 19, 2015, City Council authorized the City staff by Resolution 4918 to contract with Bayer and Becker Engineers to render professional consulting services for Phase 1 of the Oxford Recreational Trail. The not-to-exceed amount including 10% contingency was \$57,827. To satisfy the requirements of all city departments, one section of the trail was re-routed in Leonard Howell Park, which utilized the contingency amount. Additional services are required in order to finalize plans to satisfy trail partners Miami University and MetroParks of Butler County in the amount of \$2,000. The plans will need to be revised to detail construction access and construction limits. Sufficient funding has already been appropriated to design and build Phase 1 of the trail. However, the previously approved contract limit cannot be exceeded without Council approval.

City staff has been pleased with Bayer and Becker's willingness to continue assisting to complete the design on a project that has been delayed for more than one year. The City plans to bid the project in December 2016 and open bids in January 2017 for a June 2017 completion deadline.

Approved by:

	Initial	Date
Department Head:	<u>JnC</u>	<u>11/29/16</u>
City Attorney:	<u></u>	<u></u>
City Manager:	<u>DRE</u>	<u>12/2/16</u>

RESOLUTION NO.

A RESOLUTION OF COUNCIL AMENDING RESOLUTION NO. 4918 ADOPTED MAY 19, 2015 AND AUTHORIZING ADDITIONAL PROFESSIONAL SERVICES FROM BAYER BECKER FOR PHASE I OF THE OXFORD RECREATIONAL TRAIL AT A COST NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00).

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

SECTION:1 The City Manager and the Community Development Director recommend Resolution No. 4918 adopted May 19, 2015 be amended to provide additional Professional Services from Bayer Becker for Phase I of the Oxford Recreational Trail at a cost not to exceed two thousand dollars (\$2,000.00).

SECTION 2: Council hereby amends Resolution No. 4918 adopted May 19, 2015 and authorizes additional Professional Services from Bayer Becker for Phase I of the Oxford Recreational Trail at a cost not to exceed two thousand dollars (\$2,000,00).

SECTION 3: Council hereby finds that sufficient funds for the payment of two thousand dollars (\$2,000.00) to Bayer Becker have been appropriated.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

RESOLUTION NO. 4918

A RESOLUTION ACCEPTING THE PROPOSAL AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BAYER & BECKER, INC. FOR THE DESIGN, SURVEYING AND CONTRACT MANAGEMENT OF THE OXFORD RECREATIONAL TRAIL PHASE I PROJECT AT A COST OF \$52,570.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE PROFESSIONAL SERVICES AGREEMENT PRICE OR \$5,257.00 FOR A TOTAL COST NOT TO EXCEED \$57,827.00.

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

SECTION 1: The City Manager and the Community Development Director recommend Council accept the proposal of Bayer & Becker, Inc. and authorize the City Manager to enter into a professional services agreement with Bayer & Becker, Inc. in a form substantially similar to Exhibit "A" attached hereto for the design, surveying and contract management of the Oxford Recreational Trail Phase I project at a cost of \$52,570.00 plus a contingency amount of ten percent (10%) of the professional services agreement price or \$5,257.00 for a total cost not to exceed \$57,827.00.

SECTION 2: Council accepts the recommendation of the City Manager and the Community Development Director and accepts the proposal of Bayer & Becker, Inc. for the design, surveying and contract management of the Oxford Recreational Trail Phase I project at a cost of \$52,570.00 plus a contingency amount of ten percent (10%) of the professional services agreement price or \$5,257.00 for a total cost not to exceed \$57,827.00.

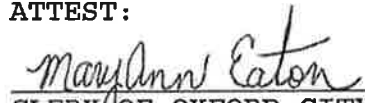
SECTION 3: Council further authorizes the City Manager to enter into a professional services agreement with Bayer & Becker, Inc. in a form substantially similar to Exhibit "A" attached hereto for the design, surveying and contract management of the Oxford Recreational Trail Phase I project at a cost of \$52,570.00 plus a contingency amount of ten percent (10%) of the professional services agreement price or \$5,257.00 for a total cost not to exceed \$57,827.00.

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


MAYOR

ADOPTED: May 19, 2015

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)



*Where Creativity
Meets Functionality*

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

November 28, 2016

Mr. Sam Perry
Planner
City of Oxford
101 East High Street
Oxford, Ohio 45056

Re: Oxford Recreation Trail – Phase 1
Contract Addendum #2 – Construction Access on Miami's Property
Proposal for Additional Professional Services

Dear Mr. Perry,

Thank you for the opportunity to submit a proposal to provide additional professional services for Phase 1 of the Oxford Recreation Trail. It is our understanding Miami University has requested that the construction access thru their property along Morning Sun Road be defined within the construction drawings. Using GIS mapping, BB shall prepare a plan delineating said access, as defined by Miami University in a plan provided to us on September 23, 2016. Additionally, the construction limits that extend beyond the County Right of Way, will be shown around the berm radius by the covered bridge.

Our fee to revise the construction drawings as aforementioned would be hourly not to exceed \$2,000.00.

This letter shall serve as an addendum to our original contracts dated May 27, 2015. All of the original terms and conditions within the stated contract shall apply to this addendum.

Please sign and date below indicating your approval, and return this original for our records.

Note: This agreement becomes void if not signed within 30 days of above date.

APPROVED:

Bayer & Becker, Inc.

Client:

Signed:

Signed:

Print Name: Etta M. Reed, PE

Print Name:

Title: Principal

Title:

Dated:

Dated:

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

318 South College Avenue
Oxford, OH 45056
513-523-4270

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

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

<http://www.bayerbecker.com>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: December 6, 2016

Kim Newton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 2, 2016

Date Prepared

Agenda Title:

Report regarding the November 30, 2016 Civil Service Commission Regular Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Wednesday, November 30, 2016. Those members present were: Karen Martino, Chair; James Burchyett, Vice-Chair; Brian Martin, Greg Smith and Bill Brewer.

Candi Turpin, Human Resources Director and Kim Newton, Recording Secretary were in attendance for the City of Oxford. Doug Elliott, City Manager and John Detherage, Fire Chief were also in attendance.

Mr. Elliott updated the Commission on the recommended change to the City Charter to eliminate the Civil Service Commission and create a Personnel Appeals Board.

The Commission reviewed and approved the protocol for the full-time Firefighter position.

The next Civil Service Commission meeting is scheduled for Wednesday, December 28, 2016 at 5:30 p.m.

Approved By:

Initial Date

Department Head:

City Manager:

ct 12/2/16
DBE 12/3/16

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW AGREEMENT WITH MILFORD TOWNSHIP, BUTLER COUNTY, OHIO, AND AUTHORIZING THE CITY OF OXFORD TO PROVIDE EMERGENCY MEDICAL SERVICES TO THE WESTERN PORTION OF MILFORD TOWNSHIP PURSUANT TO THE AGREEMENT.

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

SECTION 1: The City Manager and the Fire Chief recommend Council authorize the City Manager to enter into a new agreement with Milford Township, Butler County, Ohio, and authorize the City of Oxford to provide Emergency Medical Services to the western portion of Milford Township pursuant to an agreement in a form substantially similar to the agreement attached hereto as Exhibit "A" and acceptable to the Law Director.

SECTION 2: Council accepts the recommendation of the City Manager and the Fire Chief and hereby authorizes the City Manager to enter into a new agreement with Milford Township, Butler County, Ohio and authorizes the City of Oxford to provide Emergency Medical Services to the western portion of Milford Township, Butler County, Ohio, pursuant to an agreement in a form substantially similar to the agreement attached hereto as Exhibit "A" and acceptable to the Law Director.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT "A"

AGREEMENT BETWEEN THE CITY OF OXFORD AND MILFORD TOWNSHIP, BUTLER COUNTY, OHIO

This Agreement is made and entered into this ____ day of _____, 2017, by and between the City of Oxford and Milford Township, Butler County, Ohio.

WITNESSETH:

Whereas, Milford Township desires to avail itself of the emergency medical service offered and provided by the City of Oxford for the western 18 square mile portion of Milford Township and to fairly compensate the City of Oxford for such service; and

Whereas, the City of Oxford wishes to provide such services and to be fairly compensated.

Now, therefore, it is mutually agreed and undertaken by and between the parties as follows:

1. The City of Oxford, Ohio agrees to furnish Milford Township, Ohio emergency medical services in the western 18 square mile portion of Milford Township for a period beginning January 1, 2017 and continuing through December 31, 2018, unless sooner terminated by either party as provided hereafter.
2. The City of Oxford agrees to provide the above services on a twenty-four (24) hours per day, seven (7) days per week basis for the term of this agreement.
3. Milford Township agrees to compensate the City of Oxford a total sum of \$16,200 for each of the two contract years. Payment for services will be due as follows: \$8,100 on or before January 1, of the contract year and the remaining amount of \$8,100 on or before June 1 of the same year.
4. The City of Oxford shall be under no obligation to provide emergency medical service for Milford Township in the event Milford Township defaults or intentionally terminates its payments under this agreement.
5. Oxford's response under this agreement will be limited to one squad with a minimum of two (2) EMT's for emergency medical service (EMS) calls only. Oxford will not provide routine transportation that can be handled by private ambulance service.
6. All patient transportation will be to the McCullough-Hyde Memorial Hospital only, unless the Oxford Fire Department crew chief determines transportation to Fort Hamilton Hospital is required for unique emergency care. The Oxford Fire Department will only provide transport to other facilities if there is an extreme medical need.

7. When an additional squad is required within the Milford Township service area, either at the same EMS emergency or another simultaneous EMS emergency; or when Oxford does not have adequate resources to respond due to a preceding fire or EMS incident within its coverage area, Oxford will request mutual aid response, first from the squad contracted for the eastern half of Milford Township, then from surrounding departments. Oxford will not respond with a second squad into Milford Township except under an extreme circumstance or where mutual aid is not available.
8. Unless the initial dispatch indicates an on-scene injury or illness, Oxford will not automatically respond for stand-by on Milford Township fire dispatches within its response area except for reported structure fires. Subject to the limitations above, Oxford will respond to any fire scene for stand-by when the severity of the incident warrants as specifically requested by the Milford Township Fire Chief or officer-in-charge after their arrival on scene.
9. The Milford Township Fire Department will respond automatically on all motor vehicle accident or other rescue calls within Milford Township. The Milford Township Fire Department will respond as requested by Oxford for lifting assistance or other manpower assistance at any EMS emergency within Milford Township. The Milford Township Fire Department will be dispatched to all cardiac arrest calls for additional manpower.
10. The parties agree that negotiations for a new contract will begin no later than July 1, 2017.
11. The City agrees to provide general liability insurance with a limit of one million dollars (\$1,000,000) and to list Milford Township as an additional insured for any and all claims related to the services performed under this agreement. Milford Township agrees to carry general liability insurance with a limit of one million dollars (\$1,000,000) with the City of Oxford listed as an additional insured for any and all claims related to the services performed under this agreement. Each party shall be responsible for the cost of its own insurance.
12. The City of Oxford agrees to provide Milford Township with an annual report of all calls/runs in Milford Township including type of response.
13. The City of Oxford further agrees to provide Milford Township with a copy of the Comprehensive Annual Financial Report prepared by the City of Oxford, which shall include all income received and all expenses incurred by the Fire/EMS Division.
14. This agreement constitutes the entire understanding between the parties concerning the City of Oxford's obligation to Milford Township for providing emergency medical service in the western 18 square mile portion of Milford Township, Butler County, Ohio. Any amendment or modification to this agreement shall only be effective when reduced to writing and signed by both parties.
15. In order to facilitate communications between the City of Oxford and Milford Township, the following individuals are designated as the persons to whom all inquiries or communications should be directed on behalf of their respective entity:

City of Oxford
Douglas R. Elliott, Jr.
City Manager
101 E. High Street
Oxford, Ohio 45056

Milford Township
Brad Mills, President
Milford Township Trustee
1414 Trenton Oxford Road
Oxford, Ohio 45056

16. This contract shall become effective upon its execution by both parties. Executed on the day and date first above written.

CITY OF OXFORD, OHIO

MILFORD TOWNSHIP

Douglas R. Elliott, Jr.
City Manager
Pursuant to Resolution
No.

Brad Mills
Trustee

Paul Gillespie
Trustee

Russ McMillian
Trustee

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 6, 2016

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

November 30, 2016

Date Prepared

Agenda Title: A Resolution of Oxford City Council opposing AT&T's efforts to pursue legislation in the Ohio House and Senate eliminating local control for Ohio municipalities with regard to small cell and accessory equipment pole attachments.

Recommendation: Approve

Discussion:

As requested by Councilor Dana.

Approved By:

Initial Date

Department Head:

City Manager:

DRE 12/3/16

RESOLUTION NO.

A RESOLUTION OF OXFORD CITY COUNCIL OPPOSING AT&T'S EFFORTS TO PURSUE LEGISLATION IN THE OHIO HOUSE AND SENATE ELIMINATING LOCAL CONTROL FOR OHIO MUNICIPALITIES WITH REGARD TO SMALL CELL AND ACCESSORY EQUIPMENT POLE ATTACHMENTS.

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

SECTION 1: At the present time, no formal legislation has been introduced, no legislative hearings have taken place, and no widespread public meetings have been held. However, according to the Ohio Municipal League, AT&T is intent on having legislation passed during this lame-duck session.

SECTION 2: The City of Oxford is opposed to this effort which violates the Home Rule principles of the Ohio Constitution.

SECTION 3: The City of Oxford recently adopted legislation which encourages the location of small cells and other equipment in the public right-of-way and provides an informal administrative review process to accomplish that. Therefore, such proposed statewide blanket legislation eliminating local control is not warranted.

SECTION 4: The City of Oxford feels strongly that this legislative rush does not serve any public purpose and is opposed to this end run around the public legislative process.

SECTION 5: The City of Oxford urges Senator Coley, Representative Keller, and other members of the Ohio House and Senate to oppose this effort by AT&T to eliminate local control by Ohio municipalities for the location of small cell and accessory equipment.

SECTION 6: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:
ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: STEVE DANA

PREPARED BY LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: December 6, 2016

Account Code #: 141.720.63161

Budgeted Amount: \$570,000

Service Department

Originating Department

Michael B. Dreisbach, Service Director

Prepared By

November 21, 2016

Date Prepared

Agenda Title: Authorization to Approve Contract with Elex, Inc. for Road and Traffic Control Improvements

Recommendation: Approve

Discussion:

The City has been planning the realignment of Collins Run Rd. to meet directly with Main St. at Chestnut St. In conjunction with this project, the City will also install traffic control signals at the intersection of Main St. / Chestnut St. as well as Campus Ave. / Chestnut St.

The City has acquired all necessary right of way for the project, and the demolition of the structure at 1 W. Chestnut St. is complete.

To help fund this project, the City has been awarded a grant from the Ohio Public Works Commission in the amount of \$331,800 (maximum award based on a 79% OPWC / 21% City split of project costs).

The City developed plans and specifications for this project and advertised for bids in the Hamilton Journal on Nov 4 and 11, 2016. Plans were also advertised on multiple plan review clearinghouses. Nine sets of plans were sold with two companies providing bids for this project with the following results:

Elex, Inc.	\$479,561.40
Barrett Paving, Inc.	\$537,143.51

The City has worked with Elex, Inc. in the past with successful results.

It is Staff's recommendation that the City Council authorize the City Manager to sign an agreement with Elex, Inc. for the realignment of Collins Run Road and the installation specified traffic control signals at a cost of \$479,561.40. Staff is requesting a 10% contingency for project, therefore the approved amount not to exceed shall be **\$527,517.54**.

Approved By:

Department Head:

City Manager:

Initial

Date

MBD \ 11/21/16

DRE 12/2/16

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID SUBMITTED BY ELEX, INC. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ELEX, INC. FOR THE REALIGNMENT OF COLLINS RUN ROAD WITH MAIN STREET AND THE INSTALLATION OF TRAFFIC SIGNALIZATION AT THE INTERSECTION OF MAIN STREET AND CHESTNUT STREET AND AT THE INTERSECTION OF CAMPUS AVENUE AND CHESTNUT STREET AT A COST OF \$479,561.40 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE OR \$47,956.14 FOR A TOTAL COST NOT TO EXCEED \$527,517.54.

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

SECTION 1: The City advertised for bids in the *Hamilton Journal* on November 4, 2016 and November 11, 2016. Two (2) sealed bids were opened and publicly read on November 18, 2016. The lowest and best bid was provided by Elex, Inc. in the amount of \$479,561.40.

SECTION 2: The City Manager and the Service Director recommend City Council accept the bid of Elex, Inc. as the lowest and best bid for the realignment of Collins Run Road with Main Street and the installation of traffic signalization at the intersection of Main Street and Chestnut Street and at the intersection of Campus Avenue and Chestnut Street at a cost of \$479,561.40 plus a contingency amount of ten percent (10%) of the contract price or \$47,956.14 for a total cost not to exceed \$527,517.54.

SECTION 3: City Council hereby accepts the recommendation of the City Manager and the Service Director and finds Elex, Inc. to be the lowest and best bidder and accepts the bid of \$479,561.40 for the realignment of Collins Run Road with Main Street and the installation of traffic signalization at the intersection of Main Street and Chestnut Street and at the intersection of Campus Avenue and Chestnut Street.

SECTION 4: City Council hereby authorizes the City Manager to enter into a contract with Elex, Inc., at a cost of \$479,561.40 plus a contingency amount of ten percent (10%) of the contract price or \$47,956.14 for a total cost not to exceed \$527,517.54 for the realignment of Collins Run Road with Main Street and the installation of traffic signalization at the intersection of Main Street and Chestnut Street and at the intersection of Campus Avenue and Chestnut Street.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 12/06/16

Account Code No. _____

Joe Newlin
Prepared By

Budgeted Amount: _____

11/16/2016
Date Prepared

Agenda Title: Resolution for advanced property tax payment from Butler County

Recommendation: Approve

Discussion:

This resolution is to request that Butler County remit 2017 property taxes which they have already received to the City earlier than their standard pay date in March. The early payment request can accelerate the receiving of a portion of the taxes by a month or more. To qualify for the early advance, the County requires the passage of a resolution each year.

Approved By:

Department Head:
City Manager:

Initial Date

W 11/16/16
DRE 12/2/16

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO REQUEST ADVANCED PAYMENT OF PROPERTY TAXES TO THE CITY IN 2017 FROM BUTLER COUNTY.

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

SECTION 1: The City Manager and the Finance Director recommend the City Manager be authorized to request advanced payment of property taxes, as much as available as soon as possible, from Butler County in order to maximize cash flow to meet the demands of financing operations and capital expenditures.

SECTION 2: Council hereby finds that it is in the best interest of the City of Oxford to request payment of property taxes that Butler County has collected in advance of the normal payment date.

SECTION 3: Council further determines that the early receipt of said property taxes will result in additional interest income for the City.

SECTION 4: Council hereby accepts the recommendation of the City Manager and the Finance Director and hereby authorizes the City Manager to submit a request to Butler County for the advanced payment of property taxes, as much as available as soon as possible.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 6, 2016

Kim Newton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

November 1, 2016

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to close Lot 52 for the operation of the 2017 Farmer's Market.

Recommendation: N/A

Discussion:

The attached request is for the use of Lot 52 for the operation of the 2017 Farmer's Market which will occur each Saturday throughout the year.

Approved By:

Initial Date

Department Head:

City Manager:

DRE 12/2/16

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CLOSE LOT 52 EACH SATURDAY IN 2017 FROM 5:00 A.M. TO 12:30 P.M TO PERMIT THE OPERATION OF THE FARMER'S MARKET WITHIN LOT 52 DURING SAID TIME.

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

SECTION 1: Council has determined that it would be beneficial for the City to permit the Farmer's Market to operate on Lot 52 on Saturdays in 2017 and that the closure of Lot 52 between the hours of 5:00 a.m. and 12:30 p.m. is required to permit this operation.

SECTION 2: Council hereby authorizes the City Manager to close Lot 52 on Saturdays in 2017 from 5:00 A.M. to 12:30 P.M. to permit the operation of the Farmer's Market within Lot 52 during said time.

SECTION 3: In all other respects the City of Oxford traffic code shall remain in full force and effect.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

RECEIVED

Rev. 6/11



☒ REQUEST FOR PUBLIC PARK PERMIT

☐ REQUEST FOR PUBLIC RIGHT-OF-WAY PERMIT

Date(s) of Event: 01/01/17

Through 12/31/17 From: 5:00 a.m.. To: 12:30 p.m.

Today's Date: 11/01/16

Every Saturday of the month.

☐ Emergency Utility Repair (check box, if applicable)

--- Applicant shall allow a minimum of 3 business days for processing ---

Responsible Adult:

(18 years of age or older)* Larry Slocum

Address: 803 Morman Road, Hamilton, OH 45013

Telephone: 513-505-5238

Cellular: _____

Fax: _____

Email: larry@myschoolfamily.com

Organization: Oxford Farmers Market Association

Advisor: Larry Slocum, Market Manager

Address: _____

PO Box 691, Oxford, OH 45013

Telephone: 513-505-5238

Cellular: _____

Email: info@oxfordfarmersmarket.com

Email: _____

Non-Profit: ☒ Yes ☐ No

* Person in charge - Primary contact

PARK REQUESTED

- ☐ Merry Day Park (adjacent to the Miami Mobile Home Park, Reagh Way Drive)
- ☐ Leonard Howell Park (Bonham Road)
- ☐ Oxford Community Park (Fairfield Road) – Contact 523-6314 to confirm date(s)
- ☐ Memorial Park (E. Park Place & N. Main Street – has pavilion)
- ☐ Martin Luther King Jr. Park (W. Park Place & N. Main Street – animal sculptures & fountain)
- ☒ Other: Parking lot 52 & surrounding sidewalk. We will only use ½ sidewalk to allow for pedestrian traffic
Also, the first 3 diagonal parking spaces closest to Main Street on East Park Place.

TITLE OF EVENT (be specific and include projected attendance)

Oxford Farmers Market Uptown

Projected Attendance: 500-900 Has this event been held previously ☒ Yes ☐ No If "YES", when? since 2004

DESCRIPTION OF EVENT

Place a description of the event, along with additional requests, on the appropriate attachment. If request is **only** for use of a right-of-way, use the attachment labeled City of Oxford / Right-of-Way Request Details.

Applicant's Signature: Larry J. Slocum

Date: 11/01/16

I have read and understand the rules, guidelines and conditions. Furthermore, I understand that acceptance of them is a condition of approval; and, if approval is granted, it is only for the event specified above. I also understand that the request will be reviewed by various City of Oxford officials and additional conditions may be required before final approval is granted. If additional conditions are required, I agree to meet with the appropriate officials and/or the Oxford Community Event Coordinating Committee.

M.U. Use Only

The organization listed above is a registered student organization in good standing with Miami University.

Signature: _____ Date: / /



Stipulations and Fees

Note: FULL PAYMENT REQUIRED BEFORE THE EVENT

RIGHT-OF-WAY

Applicants should allow a minimum of **three (3) business days** for the request to be processed from the time it is submitted to city officials. *(Please provide the City with as much lead time as possible. Events requiring road closures and staffing will require additional processing time. Large event requests shall be submitted no less than fourteen (14) days in advance of the event.)*

1. **Applicant shall manage all work zones in the Right-of-Way in compliance with the Ohio Manual of Uniform Traffic Control. (Note: Applicant is responsible for damages in the right of way or adjacent property.)**
2. Large events (estimated at over 500 people, including all concerts and performances, will require a pre-meeting with the Police (524-5247) and Service Department (524-5206) prior to approval. *Note: Requests **WILL NOT** be approved prior to the pre-meeting.*
3. The period of use may not exceed two (2) days without City Council approval.
4. At least one legally responsible adult must sign the request.
5. The usage may not discriminate for or against a given class of people.
6. All ordinances that regulate noise **shall** be observed.
7. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.
8. The requestor is responsible for cleanup. Failure to cleanup may result in subsequent requests being denied or a deposit being required. In addition, a cleaning charge may be assessed.
9. Safety staffing levels will be determined by the Oxford Police Division and the requestor may be required to hire police officers.
10. All special conditions specified by department heads must be complied with. Fees may be assessed for special services – see below.
11. Miami University approval is required for student events.
12. NO markings may be made on streets or sidewalks within the public right-of-way.
13. Inflatable game requirements: 18 YOA professional operator and **copy of company's insurance policy**.
14. If food is to be distributed to the public, **written approval** from the BCHD is required.

USE OF PARKS (ALL THOSE ABOVE, PLUS)

1. No motor vehicles may be parked within the area of the park or on any sidewalk.
2. Banners are only permitted on the stage area during the function and must be removed immediately after the event. Tying is the only acceptable way of affixing a banner to the stage area.
3. No signs are permitted.
4. The requestor is responsible for damage to grass, shrubs or trees as a result of the event and agrees to compensate the City of Oxford the cost of repairs and/or replacement.
5. No structure shall be defaced and no structure shall be erected within four (4) feet of the base of a tree or shrub.
6. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.

FEE INFORMATION

No Parking Signs \$.35 ea
Metered Parking Spots \$10.00/ea
Trash Boxes \$ 5.00/ea

Personnel

Police Officer(s) Contact OPD
Sound System \$25.00
Street Dept. Personnel \$25.00/hr
Electrician \$100.00
Park & Rec Personnel Contact OPRD

Road Closures (fee includes labor)

Main Street \$135.00
US 27 Detour \$135.00

Sports Fields/Gazebo

Contact OPRD – 513-523-6314

APPLICANT'S ASSURANCE

I have reviewed the estimated cost for the event and agree to compensate the City for services rendered as part of this contract. If the event runs past the stated end time, I understand that additional charges will accrue and agree to compensate the City accordingly.

[Signature]

____ Date: 11/01/16 ____
Applicant's Signature

CITY USE ONLY

	Service	Hours	Rate	Estimate	Final
1			\$	\$	\$
2			\$	\$	\$
3			\$	\$	\$
4			\$	\$	\$
5			\$	\$	\$
			Total	\$	\$

	Applicant's Initials	Review Date
Police Department		
1		
2 <i>Applicant posts own no parking signs</i>		
3		
4		
Fire Department		
1		
2		
3		
4		
Service Department		
1 <i>Requires City Council approval.</i>		
2		
3		
4		
Recreation Department (if applicable)		
1		
2		
3		
4		
City Manager		
1		
2		
3		
4		

Pre-Meeting (if applicable): Reviewed with _____ on _____.

Reviewer(s): _____

APPROVAL SECTION (with conditions)

Police Chief: ☒ Approved

☐ Not Approved

9/9 11/2/16

Fire Chief: ☐ Approved

☐ Not Approved

1

Service Director: ☒ Approved

☐ Not Approved

11/1/16

Recreation Director: ☐ Approved

☐ Not Approved

1

City Manager: *KT* ☒ Approved

☐ Not Approved

KT

City Manager's Signature

Date:

11/3/16

Reason(s) event not approved:

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: Nov 15 & Dec 6, 2016

Account Code #: Not Applicable

Budgeted Amount: \$ Not Applicable

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

November 7, 2016

Date Prepared

Agenda Title: An Ordinance Amending Ordinance No. 3267 Granting a Franchise to Glenwood Energy of Oxford, Inc. to Allow a "Heating Value" Rider Rate

Recommendation: Approval

Discussion:

On April 19, 2011, the Oxford City Council adopted Ordinance No. 3147 granting Glenwood Energy of Oxford, Inc. (Glenwood Energy) a franchise to provide natural gas service and regulating rates and charges for the utility.

The Ordinance has since been amended one time in March 2014 (Ordinance No. 3267) to allow Glenwood Energy to recover costs associated with the relocation of gas mains to accommodate the widening of US27 South. This amendment added 24 cents to the General Service Rate (GSR) per thousand cubic feet (Mcf) and cost the typical household user (72 Mcf) approximately \$1.44 per month above the previously approved GSR.

On March 11, 2016, Glenwood Energy notified the City of a change in heating value (BTU's) of the natural gas the company supplied to its customers. Previously, the company's gas was harvested and transported from regions near the Gulf of Mexico. As natural gas supplies have become plentiful in eastern Ohio and western Pennsylvania, Glenwood has selected these regions to replace gas previously transported from the south. One result of this supply change is the BTU value of the new supply. The BTU value is 4.75% higher, thus reducing the amount of gas required to obtain the same heating equivalent. Since the company makes its earnings based on the volume of gas sold, and not the price of the raw energy, the company has collected significantly less revenue from its GSR. The cumulative loss of revenue forecast for the period January 2015 through December 2016 is \$182,709.50. This amount would be amortized over a period of 48 months adding \$0.1218 per Mcf to the GSR. This fixed component increase is referenced in Section VI (ii) of the proposed Ordinance and would raise the monthly utility bill of a typical user (72 Mcf) approximately \$1.93 per month.

(Continued)

Approved By:

Department Head:

City Manager:

Initial

Date

MBS

DRE

11/7/16

11/11/16

Section VI (i) of the Ordinance addresses the variable component of the rate calculations and allows the rate to be adjusted based on actual data obtained every six months. By allowing a variable component in the rate, the interest of both the utility user and company are protected by a review of actual costs and gas quality data to ensure fair adjustments to the GSR.

It should also be noted that rate payers have enjoyed approximately \$125,000 in savings by utilizing the higher BTU gas and the associated smaller volumes being consumed by users (these savings come from the significantly lower transportation costs associated with gas fields in OH and PA).

It is Staff's recommendation that the City Council amend Ordinance No. 3267 and authorize the BTU Rider allowing Glenwood Energy to recover costs associated with distributing higher BTU value natural gas from shale fields in OH and PA versus gas from the Gulf of Mexico region.

ORDINANCE NO.

AN ORDINANCE TO AMEND ORDINANCE NO. 3298 REGULATING THE RATES AND CHARGES TO BE CHARGED AND COLLECTED AND THE SERVICES TO BE RENDERED BY GLENWOOD ENERGY OF OXFORD, INC., ITS SUCCESSORS AND ASSIGNS, FOR GAS AND GAS SERVICE FURNISHED TO ALL OF ITS CUSTOMERS WITHIN THE CORPORATE LIMITS OF THE CITY OF OXFORD DURING THE PERIOD ENDING FEBRUARY 28, 2018 BY AUTHORIZING GLENWOOD ENERGY OF OXFORD, INC. TO IMPLEMENT AN ADJUSTMENT TO THE GENERAL SERVICE RATE AUTHORIZED BY ORDINANCE NO. 3298 TO RECOGNIZE THE IMPACT ON REVENUES OF A CHANGE IN THE HEATING VALUE OF THE NATURAL GAS FURNISHED TO CUSTOMERS SUBSEQUENT TO THE ADOPTION OF SAID ORDINANCE.

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

SECTION I: On January 6, 2015, Council of the City of Oxford adopted Ordinance No. 3298 regulating the rates and charges to be charged and collected by Glenwood Energy of Oxford, Inc. (the "Company") for gas service furnished to customers within the City of Oxford for the period ending February 28, 2018.

SECTION 2: During the 2014-2015 winter, the wholesale supplier from which the Company purchases natural gas for delivery to its customers changed the source of the gas transported to the Company via interstate pipelines from the Gulf of Mexico to shale deposits in Ohio and Pennsylvania.

SECTION 3: As a result of this change in the source of supply, the British Thermal Unit ("BTU") content of the gas that is now being delivered to Glenwood by its wholesale supplier is significantly higher than the heating value of the gas volumes that were used to develop the per-Mcf General Service Rate ("GSR") set forth in Section I.2.b. of Ordinance No. 3298. The higher BTU content of this gas means that the Company's customers require fewer Mcf of gas to meet their requirements than were assumed when the GSR was established, which, in turn, means that the GSR is not generating the level of revenue necessary to satisfy the authorized annual pro forma revenue target that the GSR was designed to achieve.

SECTION 4: Although the recovery of the actual cost of gas through the Gas Cost Recovery Rate ("GCR") authorized in Section I.3 of Ordinance No. 3298 is unaffected by the change in the source of supply, the Company's customers have realized a savings of approximately \$125,000 due to the fact that the transportation cost component of the cost of gas is now lower than when the source of gas was the Gulf of Mexico.

SECTION 5: Under these circumstances, it is reasonable to authorize the Company to recover the amount of the GSR revenue shortfall resulting from the change in the BTU content of the gas furnished to its customers in accordance with the the terms and conditions set forth below.

SECTION 6: Ordinance No. 3298 shall be amended by removing existing Section 1.2.b and replacing it with the following provision:

General Service Rate. The Company shall charge a base distribution rate of \$3.03 per Mcf of gas delivered to all general service customers, subject to an adjustment to recognize the impact on consumption of the difference between the BTU content of the gas volumes now being delivered to customers and the BTU content of the gas volumes used to calculate the \$3.03 per-Mcf GSR for purposes of Ordinance No. 3298 (the "BTU Adjustment"). The BTU Adjustment shall consist of two separate components, a Variable Component to recognize, going forward, the revenue impact of the difference between the BTU content of gas volumes currently being delivered to customers and the BTU content of the gas volumes that were used to calculate the \$3.03 per-Mcf GSR, and a Fixed Component designed to recover the pro forma revenue shortfall experienced to date by the Company as a result of the change in the source of gas supplied to customers.

i. BTU Adjustment – Variable Component. The Variable Component of the BTU Adjustment shall be an estimate of the revenue impact of the change in source of gas determined by comparing the per-Mcf BTU value of the gas volumes used to calculate the GSR rate of purposes of Ordinance No. 3298 of 1.0170 BTU/Mcf to the average monthly per-MCF BTU value of the gas delivered to customers for the most recent six (6) months for which data is available, which, as of the effective date of this ordinance, is 1.0701 BTU/Mcf, and which produces an initial Variable Component of \$0.2012 per MCF. The Variable Component shall be trued up every six (6) months to reflect the difference, plus or minus, between the estimated average monthly per-Mcf BTU value used to calculate the Variable Component then in effect and the actual average monthly BTU/Mcf value of the gas delivered to customers over the preceding six months. The Company shall provide documentation supporting the calculation of the revised Variable Component to the City Manager for review and approval no later than five (5) business days before including the revised Variable Component on customer bills.

ii. BTU Adjustment – Fixed Component. The cumulative revenue shortfall of \$182,709 attributable to the change in the source of gas supplied to customers for the period January 2015 through December 2016 shall be amortized over forty-eight (48) months and shall be recovered through the Fixed Component of the BTU Adjustment at a rate of \$0.1218 per Mcf. The Fixed Component shall be eliminated from customer bills in the month following the month in which the total amount of the cumulative revenue shortfall has been recovered. The Company shall provide documentation to the City Manager of the amount recovered through the Fixed Component no less frequently than once every six (6) months during the period the Fixed Component remains in effect.

The Variable Component and the Fixed Component of the BTU Adjustment shall be effective on a bills-rendered basis commencing with the first monthly billing following the effective date of this ordinance.

SECTION 7: The amendment adopted by this ordinance shall have no effect on any other provisions of Ordinance No. 3298, all of which shall remain in force and effect.

SECTION 8: If the Company accepts this ordinance, the Company shall file a written acceptance of this ordinance with the Clerk of the City within thirty (30) days after its passage by Council and this ordinance shall constitute a contract between the City and the Company. If the Company does not accept this ordinance, the Company shall file a complaint and appeal from this ordinance with the PUCO pursuant to Section 4909.34, ORC, within (30) days after its passage. If the Company does not file a written acceptance of this ordinance with the Clerk of the City within thirty (30) days after its passage and does not file a complaint and appeal from this ordinance with the PUCO within (30) days after its passage by Council, the Company shall be deemed to have accepted this ordinance and shall be bound by its terms as if it had filed a written acceptance.

SECTION 9: 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)



GLENWOOD ENERGY
natural gas • the GREEN energy

OXFORD

March 11, 2016

via – email -delliott@cityofoxford.org
(original mailed via UPS Ground)

Mr. Douglas R. Elliott, Jr. - City Manager
City of Oxford
101 East High Street
Oxford, OH 45056-1887

RE: Glenwood Energy of Oxford, Inc.
BTU Content Change in Natural Gas Deliveries

Dear Mr. Elliott:

As a follow up to a recent meeting between representatives of Glenwood Energy of Oxford, Inc. ("Glenwood") and Michael Dreisbach, City of Oxford Service Director, we wanted to inform your office regarding the matter of a change in the "heating value" of the natural gas delivered to the City Gate and the direct impact on the gas consumption of our ratepayers.

Over the course of the last fourteen months we have been monitoring a change in the heating value and we informed our natural gas supplier, Atmos Energy Marketing, of an imbalance of gas used (consumed by the ratepayers) and the gas purchased (i.e. delivered to the City Gate).

The heating value, measured in BTUs (or British Thermal Units), of natural gas has historically been stable. The amount of energy contained in a known, measurable volume of natural gas varies with the BTU content of that particular gas. The higher the BTU content of natural gas, the lower the volume of natural gas consumed.

Over the last fourteen months, the gas delivered to Glenwood has an increased heating value (BTU content) of nearly 1.0805, (rolling monthly average) which represents a 4.75% increase over the historical heating value of 1.0316. We have experienced BTU content factors increasing to a daily high of 1.1111 in February 2015. This rise in heating value stems directly from the change in Glenwood's natural gas supply source previously coming from the Gulf of Mexico region to supplies coming from the Ohio and Pennsylvania shale clay deposits. The natural gas flowing from the east coast towards the Midwest and the west coast contains higher concentrations of natural gas liquids (NGLs). NGLs increase the BTU content of gas.

Mr. Douglas R. Elliott, Jr.
City of Oxford
March 11, 2016
Page 2

I have attached a schedule of the monthly TETCO BTU content over the last fourteen months, as verified by Atmos Energy Marketing. The attached summary also reveals the financial impact of the change in BTU content to Glenwood through February 29, 2016. The increase in the BTU content has negatively impacted our financial position by nearly \$101,000 in lost General Service Rate and Rider revenues.

We will continue to update this summary through March 31, 2016 and will submit a final analysis to you then. We ask that the City of Oxford authorize Glenwood to implement a new Rider to permit the collection of this lost revenue. As it would be required, we will submit an annual reconciliation (true up) of this new rider each year as to the under collected position. Over time, we do expect the BTU content factor to level off and maintain some form of consistency.

Thank you for your time and consideration of this matter. If you need any additional information please don't hesitate to call us in the office at 523.2555 or email us at KGSmith@fuse.net and richperkins@waltekltd.com.

Best regards,



Richard A. Perkins, CPA
Chief Financial Officer
Glenwood Energy of Oxford, Inc.

Enclosures

CC; Mr. Michael Dreisbach – City of Oxford – (via email)
Mr. Keith G. Smith – President – Glenwood Energy of Oxford, Inc.
Mr. John Stenger – Chief Operating Officer – Glenwood Energy of Oxford, Inc.

**Effect of Increased Btu Content - GEO's UMS Thru Put/ Revenue and Billing Recognition
Supporting Calculations**

ESTIMATED 1-1-17 TO 6-30-17													
Test Period - 2014 City Ordinance -Btu	Delta "Test Period" vs Tetco	Tetco Avg Btu	Riders Billings of \$.5413 (UEX:\$.0304 Tax Adj \$.241 Pipp \$.0293 Pipeline \$.2406)										
			UMS Sales		Delta *	UMS	Loss in		MCF Billings		PUET		Total Loss Revenue and Billings
			MCF	UMS	UMS	Projected	Revenue \$3.03	GSR	Tax Adj \$.0411	Sub -Total	Revenue Billings	\$.049032 on	
A	C	B	D	E	F	G	H	I	J	K	L		
				(D * C)	(D + E)	(E * \$3.03)	(E * \$.5413)	(E * \$.0411)	(G + H + I)	(J * \$.049032)	(J + K)		
Jan-17	0.0531	1.0701	89,278	4,741	94,019	\$ 14,364.26	\$ 2,566.13	\$ 194.84	\$ 17,125.23	\$ 839.68	\$ 17,964.91		
Feb-17	0.0531	1.0701	78,957	4,193	83,150	\$ 12,703.63	\$ 2,269.46	\$ 172.32	\$ 15,145.41	\$ 742.61	\$ 15,888.02		
Mar-17	0.0531	1.0701	56,936	3,023	59,959	\$ 9,160.55	\$ 1,636.50	\$ 124.26	\$ 10,921.31	\$ 535.49	\$ 11,456.80		
Apr-17	0.0531	1.0701	29,945	1,590	31,535	\$ 4,817.99	\$ 860.72	\$ 65.35	\$ 5,744.07	\$ 281.64	\$ 6,025.71		
May-17	0.0531	1.0701	19,876	1,055	20,931	\$ 3,197.91	\$ 571.30	\$ 43.38	\$ 3,812.58	\$ 186.94	\$ 3,999.52		
Jun-17	0.0531	1.0701	10,496	557	11,053	\$ 1,688.73	\$ 301.69	\$ 22.91	\$ 2,013.33	\$ 98.72	\$ 2,112.04		
Jul-17	-	-	-	-	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Aug-17	-	-	-	-	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Sep-17	-	-	-	-	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Oct-17	-	-	-	-	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Nov-17	-	-	-	-	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Dec-17	-	-	-	-	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Average		1.0701	285,488	15,159	300,648	\$ 45,933.07	\$ 8,205.80	\$ 623.05	\$ 54,761.93	\$ 2,685.09	\$ 57,447.01	\$ 0.2012	
Cumulative Loss of Revenue and Billings as of :											12/31/2016	\$ 182,709.50	Per attached
Estimated Cumulative Loss of Revenue and Billings as of :											6/30/2017	\$ 240,156.51	

Notes:

- The estimates thru put for the period of 1-1-17 to 6-30-17 is based upon a 3 year average for the respective months.
The BTU factors for the period of 1-1-17 to 6-30-17 is based upon the actual average of 1.0701 for the actual results of April 2016 through September 2016.
- * The increase in Btu Content is confirmed by Atmos Energy and TETCO line station survey.
* Atmos Energy and TETCO expect Btu content to remain at these levels for the foreseeable future.
- * The referenced TETCO Btu content is taken daily and averaged monthly.
- * For the past ten years the local average has been 1.025 versus the current monthly average range of 1.0684 to 1.0968. We have experienced daily actuals as high as 1.1110
- * The imbalance between the Atmos Ditch quantities and the at meter reading for our UMS customers is accounted for in the normal gas cost recovery calculation (GCR).

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: December 6, 2016

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: Nov. 21, 2016

Agenda Title: Recreation Advisory Board Meeting, 11/17/16

Recommendation: Approve

Discussion:

In attendance: Ken Bogard, Edna Southard, Kevin Ackley, Craig Bennett, Shaunna Tafelski, Wes Cole Staff: Casey Wooddell, Deanna Barbour

The Recreation Advisory Board traveled to the Oxford Community Park to observe two potential site locations for the new Oxford Aquatic Park. The board members walked both sites, asked questions, and discussed pros and cons of each location.

The board members then proceeded to the Oxford Senior Center to resume the meeting and further discuss the site locations. Mr. Wooddell created a SWOT analysis of each location, and board members worked collaboratively to fill in the strengths, weaknesses, opportunities and threats of each. Areas discussed included aspects such as accessibility, safety, loss of other facilities, site lines, utility access, parking, congestion, and future improvements. Mr. Wooddell noted he would create a document for the board members outlining the discussion and send out for review. Mr. Wooddell noted he would like to see the Recreation Advisory Board come to a consensus on preferred location, and then send out for review by the Police Chief, Fire Chief, Service Director, City Engineer and City Manager before a recommendation is made to City Council for final approval.

Other aspects discussed in regards to the new Oxford Aquatic Park included transportation obstacles and design questions, such as meters vs. yards and dive well depth.

Mr. Wooddell provided board members with a document listing potential members of a steering committee to assist with the fundraising, education and design of this community project. Board members will continue this discussion at the next meeting, scheduled for December 15th at 4:00pm.

Approved By:

Department Head:

City Manager:

Initial Date

CDW \ 11/21/16

DRE \ 12/2/16

CITY OF OXFORD STAFF SUMMARY REPORT

Report to City Manager

Council Meeting Of : 12/6/2016

Account Code No. : see below

Budgeted Amount :

Finance
Originating Department

Joe Newlin
Prepared By

11/30/2016
Date Prepared

Agenda Title:	2016 Supplemental Budget #11
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Recommendation:	Approve
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Issue 1

To make adjustment to amended budget for Miami donation for Uptown Ice Rink and related expenses.

Action Needed:

Revenue Side

General Fund (110)	4,600.00	Miami Donation
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Expense Side

General Fund (110)	4,600.00	Appropriation from unencumbered balance for ice rink
--------------------	----------	--

Net Effect on Fund Balance/(s) Increase/(Decrease)	-	
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Issue 2

To make adjustment to amended budget for Building Permit revenue and associated expenditure to NIC.

Action Needed:

Revenue Side

General Fund (110)	60,000.00	Building Permit Revenue
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Expense Side

General Fund (110)	54,000.00	Appropriation from unencumbered balance for NIC expenses (90% of revenue)
--------------------	-----------	---

Net Effect on Fund Balance/(s) Increase/(Decrease)	6,000.00	
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Issue 3

To make adjustment to amended budget for projected increase in Income Tax Receipts and related expenses.

Action Needed:

Revenue Side

General Fund (110)	159,866.00	Income Tax Receipts
Fire & EMS Fund (418)	22,468.00	Income Tax Receipts

Expense Side

General Fund (110)	4,796.00	Retainage to RITA	3% of 159,866
General Fund (110)	7,155.00	Refunds RITA	1% of 159,866 plus 5,553 (current deficit)
Fire & EMS Fund (418)	674.00	Retainage to RITA	3% of 22,468
Fire & EMS Fund (418)	225.00	Refunds RITA	1% of 22,468

Net Effect on Fund Balance/(s)	169,484.00
Increase/(Decrease)	

Issue 4

To make adjustment to amended budget for projected increase in personnel cost and reduction of Butler County Sheriff Contract. Originally decreased personnel cost \$336,000 and increased Butler County Sheriff Contract.

Action Needed:

Revenue Side

- NA

Expense Side

General Fund (110)	56,000.00	Appropriation from unencumbered balance for personnel cost
General Fund (110)	(56,000.00)	Decrease in Butler County Sheriff Contract

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

Issue 5

To make adjustment to amended budget for projected increase in payment to OVB.

Action Needed:

Revenue Side

- NA

Expense Side

Hotel Tax Agency Fund (120)	23,500.00	Appropriation from unencumbered balance for payment to OVB
-----------------------------	-----------	--

Net Effect on Fund Balance/(s)	(23,500.00)
Increase/(Decrease)	

Issue 6

To make adjustment to amended budget for health care reimbursements and associated expenditures over the \$75,000 budgeted amount and other related medical expenses

Action Needed:

Revenue Side

Employee Benefits (230)	200,000.00	Reimbursements from carrier
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Expense Side

Employee Benefits (230)	200,000.00	Appropriation from unencumbered balance for medical expenses
Employee Benefits (230)	50,000.00	Appropriation from unencumbered balance for medical expenses

Net Effect on Fund Balance/(s)	(50,000.00)
Increase/(Decrease)	

Issue 7

To make adjustment to amended budget for unbudgeted resignation and allocation error in Finance and overtime usage in Fire & EMS Fund

Action Needed:

Revenue Side

Expense Side

Water Fund (321)	5,200.00	Appropriation from unencumbered balance for personnel cost
Wastewater Fund (331)	5,200.00	Appropriation from unencumbered balance for personnel cost
Refuse Fund (341)	6,850.00	Appropriation from unencumbered balance for personnel cost
Fire & EMS Fund (418)	5,000.00	Appropriation from unencumbered balance for overtime expenses

Net Effect on Fund Balance/(s) Increase/(Decrease)	(22,250.00)
---	-------------

Total Net Effect on Fund Balance/(s) Increase/(Decrease)	79,734.00
---	-----------

Breakdown by Fund

General Fund (110)	153,915.00
Hotel Tax Agency Fund (120)	(23,500.00)
Employee Benefits (230)	(50,000.00)
Water Fund (321)	(5,200.00)
Wastewater Fund (331)	(5,200.00)
Refuse Fund (341)	(6,850.00)
Fire & EMS Fund (418)	16,569.00

Net Effect on Fund Balance/(s) Increase/(Decrease)	79,734.00
---	-----------

Approved By:

Department Head:

City Manager:

Initials

Date

<u>[Signature]</u>	/	<u>11/30/16</u>
<u>DRE</u>	/	<u>12/2/16</u>

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3335. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 11 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2016.

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

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

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

General Fund 110	4,600.00
General Fund 110	60,000.00
General Fund 110	159,866.00
Fire & EMS Fund 418	22,468.00
Employee Benefits Fund 230	200,000.00

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

General Fund 110	4,600.00
General Fund 110	54,000.00
General Fund 110	4,796.00
General Fund 110	7,155.00
Fire & EMS Fund 418	674.00
Fire & EMS Fund 418	225.00
General Fund 110	56,000.00
General Fund 110	(56,000.00)
Hotel Tax Agency Fund	23,500.00
Employee Benefits Fund 230	200,000.00
Employee Benefits Fund 230	50,000.00
Water Fund 321	5,200.00
Wastewater Fund 331	5,200.00
Refuse Fund 341	6,850.00
Fire & EMS Fund 418	5,000.00

SECTION 4: In all other respects, Ordinance No. 3335 shall remain in full force and effect.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 6, 2016

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount: \$30k

November 29, 2016
Date Prepared

Agenda Title: Revision to Contract for Professional Services Environmental Design Group
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On August 16, 2016, City Council authorized the City staff by resolution 5004 to contract with Environmental Design Group (EDG) to render professional consulting services for Phase 2 of Oxford Recreational Trail. This project is a professional cost opinion also referred to as a 'preliminary design' or 'schematic design'. This is not a professional design sufficient for bidding and construction. The not-to-exceed amount approved by Council in August was \$27,000. The proposal from EDG included prices for optional services for trail renderings, which might be helpful for the City and Oxford Visitors Bureau to seek various funding sources. The proposal has not changed. City staff did not request a contingency amount in August; therefore, the additional services cannot be provided without Council approval.

At the request of Oxford Visitor's Bureau \$30,000 had already been authorized by City Council in the 2016 budget. City staff has been pleased with EDG's services and recommends that an additional \$3,000 be approved in order to receive the optional trail section renderings. The renderings, along with a cost opinion of a defined route around the southern half of the city will be the deliverables provided.

Approved by:

Department Head:
City Attorney:
City Manager:

<u>JHC</u>	<u>11/29/16</u>
<u>DRE</u>	<u>12/2/16</u>

RESOLUTION NO.

A RESOLUTION OF COUNCIL AMENDING RESOLUTION NO. 5004 ADOPTED AUGUST 16, 2016 AND AUTHORIZING ADDITIONAL PROFESSIONAL SERVICES FROM ENVIRONMENTAL DESIGN GROUP FOR PHASE II OF THE OXFORD RECREATIONAL TRAIL AT A COST NOT TO EXCEED THREE THOUSAND DOLLARS (\$3,000.00).

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

SECTION:1 The City Manager and the Community Development Director recommend Resolution No. 5004 adopted August 16, 2016 be amended to provide additional Professional Services from Environmental Design Group for Phase II of the Oxford Recreational Trail at a cost not to exceed three thousand dollars (\$3,000.00).

SECTION 2: Council hereby amends Resolution No. 5004 adopted August 16, 2016 and authorizes additional Professional Services from Environmental Design Group for Phase II of the Oxford Recreational Trail at a cost not to exceed three thousand dollars (\$3,000,00).

SECTION 3: Council hereby finds that sufficient funds for the payment of three thousand dollars (\$3,000.00) to Environmental Design Group have been appropriated.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

RESOLUTION NO. 5004

A RESOLUTION ACCEPTING THE PROPOSAL AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT ATTACHED HERETO AS EXHIBIT "A" WITH ENVIRONMENTAL DESIGN GROUP FOR PRELIMINARY DESIGN SERVICES FOR OXFORD RECREATIONAL TRAIL PHASE II AT A COST NOT TO EXCEED \$27,000.00.

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

SECTION 1: The City Manager and the Community Development Director recommend Council accept the proposal and authorize the City Manager to enter into an agreement attached hereto as Exhibit "A" with Environmental Design Group for Preliminary Design Services for Oxford Recreational Trail Phase II at a cost not to exceed \$27,000.00.

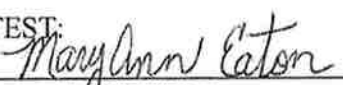
SECTION 2: Council accepts the recommendation of the City Manager and the Community Development Director and accepts the proposal of Environmental Design Group for Preliminary Design Services for Oxford Recreational Trail Phase II at a cost not to exceed \$27,000.00.

SECTION 3: Council further authorizes the City Manager to enter into an agreement attached hereto as Exhibit "A" with Environmental Design Group for Preliminary Design Services for Oxford Recreational Trail Phase II at a cost not to exceed \$27,000.00.

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


VICE MAYOR

ADOPTED: August 16, 2016

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW(STAFF)



City of Oxford
Environmental Design Group No. 16-00209-01P

Subject: Oxford Recreational Trail Phase 2 - Preliminary Design Services

Thank you for the opportunity to present this proposal for professional technical services to City of Oxford (Client) for the Oxford Recreational Trail Phase 2 – Preliminary Design Services. We are thrilled to work with you and the City of Oxford on this exciting project.

Project Understanding:

Scope Tasks

As part of this task, we will:

- Review and assess the previous 2007 preliminary trails plan prepared by KZF Design
- Using third party data, we will review existing conditions in the corridor including topography, parcels, ownership
- Prepare base mapping of the study area using GIS data including county parcel, topo, and other third party data
- Review existing right-of-way and corridors (roads, railroads, utility corridors, streams)
- Evaluate road crossings and/or intersections
- Assess physical constraints such as topography, soils, and wetlands
- Attend one (1) kickoff meeting with the Client and conduct one (1) field reconnaissance of the study corridor with the Client to assess current conditions to assess potential trail alignment
 - The kickoff meeting and field reconnaissance shall be scheduled and conducted on the same business day or within one day of one another.

- If Environmental Design Group determines that field conditions are not able to be completely assessed because of vegetation (i.e. foliage on trees), Environmental Design Group will conduct a second field visit in the fall after the foliage has dropped at no additional cost to the Client.

Task 2 – Preliminary Alignment Plan

We will provide a preliminary alignment plan describing the assessment of the proposed preferred trail alignment with any potential environmental, constructability, or private property impacts.

The alignment plan will include:

- Identification of the single preferred trail alignment to be evaluated and developed for this study
- Preferred trail alignment with descriptions or notes of special conditions or features
- Determine logical termini for preferred trail alignment
- Identify obvious and visible environmental and ecological considerations related to trail alignment
- Identify locations where bridges, boardwalks or other non-traditional trail sections would be required
- Meet current ODOT/AASHTO design standards for trail construction unless noted
 - Identify any design exceptions or alternative standards that may need to be considered to address constructability or feasibility issues
- Conduct one (1) project meeting with the Client and conduct one (1) project meeting with the Oxford Trails Committee
 - The project meeting with the Client and project meeting with the Oxford Trails Committee shall be scheduled and conducted on the same business day or within one day of one another.
- One (1) draft preliminary alignment plan and one (1) final preliminary alignment plan will be prepared as part of this scope. The Client will review the draft preliminary plan and provide its comments to Environmental Design Group. Any additional revisions to the preliminary alignment plan will be billed on a time and materials basis.
- The preliminary alignment plan will be prepared as 11 X 17 inch sheets and delivered to the Client as a high resolution pdf digital file
- The preliminary trail alignment will be exported from a .dwg to a shapefile and will be delivered to the client as a digital file. We will create a shapefile that includes all impacted parcels, with distinction between publicly owned vs. privately owned. The shapefile will be delivered to the client as a digital file.

Task 3 – Cost Opinion

We will provide a professional cost opinion for the proposed design fees and construction costs of the preferred trail alignment.

- The cost opinion will be delivered to the Client as a high resolution pdf digital file.
- General assumptions, if applicable, will be listed in writing within the cost opinion document.
- The cost opinion will be developed assuming federal funds are used for design and construction. We will provide a percentage decrease, if applicable, for state vs. locally funded projects.
- Conduct one (1) project meeting with the Client and conduct one (1) project meeting with the Oxford Trails Committee
 - The project meeting with the Client and project meeting with the Oxford Trails Committee shall be scheduled and conducted on the same business day or within one day of one another.

Compensation

For and in consideration of the above referenced services, Environmental Design Group will invoice the City of Oxford the following lump sum fees:

Task 1 – Review 2007 Preliminary Trails Plan, Field Reconnaissance, and Technical Analysis	\$ 3,296.00
Task 2 – Preliminary Alignment Plan	\$10,397.00
Task 3 – Cost Opinion	\$13,307.00
Total	\$27,000.00

This offer remains valid for 30 days; acceptance thereafter is subject to our approval.

Reimbursable expenses (i.e., prints, reproductions, photos, mileage, etc.) are included in the price shown for professional services.

Environmental Design Group, with the written approval of Client, may bill Client for additional services, meeting attendance or deliverables on a time and materials basis.

From the date of acceptance of this agreement, the above fees will apply for one year. If the work is not completed during that period, the agreement may be subject to renegotiation.

If Authorized

The following "à la carte" deliverables are above and beyond the scope tasks listed above. They are available for lump sum fees on an 'If Authorized' basis by the Client:

Task A – Develop a schematic site plan and rendering of one (1) trail head (along the preferred trail alignment)	\$ 2,390.00
Task B – Prepare one (1) ODNR Clean Ohio Trails or Recreational Trails application for the preferred alignment	\$ 2,600.00
Task C – Design two (2) renderings that highlight two focus areas along the conceptual/preferred alignment that may include plan enlargements and/or perspectives	\$ 2,040.00
Task D – One (1) trail cross section graphic (from preferred alignment)	\$ 960.00
Task E – One (1) additional trail rendering (from preferred alignment)	\$ 1,600.00

Project Schedule

Environmental Design Group is prepared to begin immediately upon authorization and will complete above scope tasks by December

Assumptions and Exclusions

Below is a list of assumptions and exclusions that apply to this proposal for technical services. These items were considered while defining the scope and fee for Environmental Design Group's services and further explain the responsibilities of Client and Environmental Design Group.

1. The City Manager will sign this Agreement on behalf of the Client. The main contact for the Client will be Sam Perry, Planner. The Client may designate an alternate contact in writing.
2. Client will use its best efforts to obtain permission for Environmental Design Group personnel to enter upon public and private lands as required to perform the described services.
3. Client will coordinate meeting attendance for meetings with City Staff.
4. Provide existing information in the client's possession to Environmental Design Group that may be useful in the performance of the professional services described in the proposal.
5. We will be utilizing third-party data from county, state, federal, and other sources. Typically, these will be combined through a GIS-based system to create our base maps. The degree of accuracy of this data (such as parcels, topography, road right-of-way, etc.) can be imperfect and/or sometimes unknown. Any information presented in this study should be further verified with more accurate evaluations (such as wetland delineations, boundary and topographic surveys, etc.)
6. The proposed field reconnaissance will be to understand general conditions of the area and should not be construed as any formal survey including identification of subsurface, boundary, topographic, right-of-way, ecological, environmental, or geotechnical conditions. Any identified locations of features will be general in nature and should not be construed as actual surveyed locations.
7. This scope of work is for a preliminary feasibility alignment study. Preliminary alignment will provide a preferred horizontal alignment to provide the Client with a corridor in which a trail may be considered. We will not be providing any in-depth design or engineering, construction documents, or plan/profiles of the proposed alignment. This study will be used to provide the Client with an approximate level of understanding for general location, design fees, construction costs and design considerations.
8. This proposal has been based on a continuous project development process from start to finish. After the project is authorized, should the project be deliberately put on hold by the Client, or otherwise be pursued in a start-stop-resume manner, Environmental Design Group reserves the right to renegotiate the fees established herein to account for the extra costs resulting there from.
9. Opinions of construction cost prepared by Environmental Design Group under this agreement are just that. Environmental Design Group does not warrant or guarantee that the project can be constructed for those amounts and the Client agrees that Environmental Design Group cannot be held liable for any discrepancies between bid costs and our opinions or estimates.
10. We will assume the soils are suitable for the proposed work.
11. The project development process requires numerous professional services that may not be specifically included in the scope of services of this proposal. While Environmental Design Group can provide many of these services, if requested by the Client, directly through Environmental Design Group or a subconsultant. Additional work will only be provided through amendment to the fees and scope of services of this agreement. Services NOT included in this scope of work include but not limited to:
 - a. Field/Boundary/Topographic Survey
 - b. Traffic study and related improvements to public roads such as road widening, traffic signals, turn lanes, and/or deceleration lanes;

- c. Building or Structures;
- d. Wetland assessments, delineations, or permitting;
- e. Phase I or other environmental studies;
- f. Irrigation design;
- g. Site electrical or lighting design;
- h. Geotechnical borings and/or soil evaluation;
- i. Construction documents for any proposed improvements;
- j. Civil engineering or landscape architecture design beyond conceptual planning.

Invoicing Procedures and Terms

Invoices will be submitted monthly based on Environmental Design Group's estimate of job progress. In addition, Environmental Design Group may suspend services under this Agreement until all outstanding invoices have been paid in full plus accrued interest.

The attached Exhibit A – Standard Provisions of Agreement – is a part of this agreement and is binding on the client.

Project Initiation Procedures

If this proposal is satisfactory, you may authorize Environmental Design Group to proceed by signing both copies of this letter and returning one copy to us. If there is a need for clarification or if changes in contractual arrangements are desired, please contact me at 330.375.1390.

We look forward to working with you.

Sincerely,

Michelle L. Johnson

Michelle L. Johnson
Director

ACCEPTED: City of Oxford

By *Douglas R. Elliott*

Title *City Manager*

Date *8.2.5-16*

Name of Client's Designated Representative:

Sam Perry

G:\25 - Parks\Oxford\Contract



**ENVIRONMENTAL DESIGN GROUP, LLC
EXHIBIT A
STANDARD PROVISIONS OF AGREEMENT
FISCAL YEAR 2016**

Client and Environmental Design Group, LLC (Consultant) agree that the following provisions shall be part of their agreement:

1. This agreement will be binding upon the heirs, executors, administrators, successors and assignees of Client and Consultant and will not be assigned by either Client or Consultant without the prior written consent of the other.
2. This agreement contains the entire agreement between Client and Consultant relating to the project and the provision of services to the project. Any prior agreements, promises, negotiations or representations that are not expressly set forth in this agreement are of no force or effect. Subsequent modifications to this agreement will be in writing and signed by both Client and Consultant. The Client may use purchase orders as an administrative convenience, however, any terms and conditions contained in such purchase orders are not to be considered terms and conditions of this agreement and will not be binding upon Consultant unless agreed to in writing by Consultant.
3. This agreement will be governed by and construed in accordance with the laws of the State of Ohio.
4. Consultant's waiver of any term, condition, or covenant, or breach of any term, condition, or covenant, will not constitute the waiver of any other term, condition, or covenant, or the breach of any other term, condition, or covenant.
5. If any term, condition, or covenant, of this agreement is held by a court of competent jurisdiction to be invalid, void or not enforceable, the remaining provisions of this agreement will be valid and binding on Client and Consultant.
6. Consultant will only act as an advisor in all governmental relations. Obtaining government approvals is not a term of this agreement unless expressly set forth herein.
7. Consultant is not responsible for delay or damages caused by activities or factors beyond Consultant's reasonable control, including but not limited to, delays or damages by reason of strikes, lockouts, work slowdowns or stoppages, accidents, acts of God, failure of Client or his agents to furnish timely information or approve or disapprove Consultant's work promptly, faulty performance by Client or other contractors, or the actions or inactions of governmental agencies including, but not limited to permit processing, changes in policy, environmental impact reports, dedications, general plans and amendments hereto, zoning matters, annexations or consolidations, use or conditional use permits, and building permits. When such delays beyond Consultant's reasonable control occur, Client agrees Consultant will not be deemed to be in default of this agreement.
8. Consultant makes no representations and does not guarantee expressly or implicitly: a) The estimated quantities made in connection with maps, plans, specifications, or drawings other than that all such figures are estimates only and Consultant shall not be responsible for interpretational differences or fluctuations. Estimates of areas provided under this agreement are not to be considered precise unless Consultant specifically agrees to provide the precise determination of such areas. b) Its findings, recommendations, specifications, or professional advice except that the work was performed pursuant to generally accepted standards of practice in effect at the time of performance.

9. All original papers, documents, drawings and other work product of Consultant, and copies thereof, produced by Consultant pursuant to this agreement will remain the property of the Consultant and may be used by Consultant without the consent of Client. Consultant retains all rights of copyright on work performed pursuant to this agreement. All services provided pursuant to this agreement may be used by Client only for the project described on the face hereof. Client may use Consultant's work product for its own future studies, grant applications and planning purposes without notice or compensation to Consultant.
10. Client acknowledges that all certifications of Consultant that appear on drawings and cost opinions shall be limited to the original purpose for which the respective drawings were to be used; that such certification and drawings are not intended to embrace any changes or modifications to such drawings regardless of their nature or scope; and that any obligations of Consultants attaching to such drawings shall be subject to the foregoing qualifications.
11. This agreement may be terminated by either party by thirty (30) days' written notice if the other party has substantially failed to perform in accordance with the terms herein through no fault of the terminating party. Otherwise, Consultant has a right to complete all services agreed to be rendered pursuant to this agreement. In the event this agreement is terminated before the completion of all services, unless Consultant is responsible for such early termination, Client agrees to release Consultant from all liability for work performed. In the event all or any portion of the work prepared or partially prepared by Consultant is suspended, abandoned, or terminated by any party or for any reason, Client will pay Consultant for all fees, charges, and services provided for the project up to the date of termination.
12. In the event that changes are made in the plans and specifications by Client or by any other person other than Consultant, which changes affect Consultant's work, any and all liability arising out of or resulting from such changes is waived by Client against Consultant, and Client assumes full responsibility and liability for such changes unless Client gives Consultant prior written notice of such changes and Consultant consents in writing to such changes.
13. All fees and other charges will be billed monthly and will be due at the time of billing unless otherwise specified in this agreement. Client agrees that the periodic billings from Consultant to Client are correct, conclusive, and binding on Client unless Client within thirty (30) days from the date of receipt of such billing, notifies Consultant in writing of alleged inaccuracies, discrepancies, or errors in the billing.
14. If client fails to pay Consultant within thirty (30) days after invoices are rendered, Client agrees Consultant will have the right to consider such default in payment a material breach of this entire agreement. Consultant may, upon written notice to Client, terminate the duties, obligations, and responsibilities of Consultant under this agreement. In such event, Client will immediately pay Consultant for all fees, charges and services provided through the date of termination. Alternately, the Consultant may choose at its sole discretion not to terminate this agreement but to suspend work until the account is brought current including accrued interest. In such event, the Client will bear any and all additional costs resulting from suspension of work including but not limited to increases to the stated fee as a result of inflation, promotions or other causes and/or additional fees incurred by Consultant as a result of changes necessitated by governmental agencies or other approving authorities.

15. Client agrees and acknowledges that any and all claims brought under, pursuant to, or related to this Agreement must be filed within ten (10) years of the date of this Agreement. Any claims filed after that date shall be time barred. Nothing herein shall be construed so as to extend any shorter applicable statutes of limitations or contractually agreed upon time periods for claims other than for breach of contract.
16. Client and Consultant agree that they will first try to resolve any claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this agreement via good faith negotiations.
17. The work is being conducted and the report prepared for the sole use of the Client and its designee(s) and represents a professional opinion based on the information available to Environmental Design Group at the time of the investigation and report.
18. Assignment of reliance to third-parties can be made, however this will be considered an out of scope service. Such letters of reliance will be provided on a case-by-case basis as requested. It is further understood that the scope, terms and conditions under which this report was originally prepared apply to any and all third party recipients.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 6, 2016

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

November 29, 2016

Date Prepared

Agenda Title: An Ordinance Providing For The Submission To The Electorate Of Amendments To The Charter Of The City Of Oxford, Ohio, And To Place The Same On The Ballot At The General Election, November 7, 2017.

Recommendation: Adopt the Ordinance.

Discussion: The Oxford City Charter was adopted by the voters in 1960. It adopted the Council-Manager form of government. One of the provisions of the Charter (Section 10.05) is for the City Council to appoint a Charter Review Commission every 10 years. City Council appointed five members in 2016. The members are Steve Dana, Edna Southard, Richard Keebler, Steve Snyder and Corey Watt. The Commission members were assisted by Doug Elliott, Steve McHugh, Mary Ann Eaton and Kim Newton. The Charter Review Commission met 5 times to discuss, propose, and review recommended changes to the Oxford City Charter. The recommended changes are shown on Exhibit "A" attached to this report. The recommended changes will require adoption of a City Ordinance by City Council. Those changes will be placed on the ballot and voted on by the electors of Oxford. The proposed changes approved by City Council will appear on the general election ballot in November 2017.

Approved By:

Department Head:

Initial Date

City Manager:

DRE

12/2/16

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF OXFORD, OHIO, AND TO PLACE THE SAME ON THE BALLOT AT THE GENERAL ELECTION, NOVEMBER 7, 2017.

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

SECTION I: Council, having reviewed the report and recommendation submitted by the Charter Review Commission, determines that amendments to the Charter should be submitted to the electors of the City.

SECTION II: Article XVIII, Section 9 of the Ohio Constitution and Section 10.04 of the Charter provide that amendments to the Charter may be submitted to the electors of the municipality by a vote of at least five (5) of the members of Council.

SECTION III: The question of the amendments of the Charter of the City shall be submitted to a vote of the electors of the municipality at the general election to be held on Tuesday, the 7th day of November, 2017, at the regular places of voting in the City between the hours of 6:30 a.m. and 7:30 p.m. to determine whether the Charter shall be amended with the additions and deletions from the Charter as indicated in the draft Charter revisions document attached to this Ordinance as Exhibit "A".

SECTION IV: The ballot language shall read as follows:

"Shall the Charter of the Municipality of Oxford, Ohio be amended by:

1. removing Section 2.13 regarding police and fire personnel not being required to deliver agendas and other mail;
2. removing Section 2.14 regarding Westgate Drive being maintained as a cul-de-sac;
3. revising Section 3.02 to provide that ordinances should be introduced in the form required for final adoption and to update the language of the enacting clause of an ordinance;
4. revising Section 3.04 to provide that ordinances passed by Council should be published by placing the ordinance on the City's website and in not less than three of the most public places in the City for a period of not less than ten days and further providing that failing to publish as stated does not invalidate any ordinance;
5. revising Section 3.06 to remove the requirement that six copies of all model or standard codes adopted by Council be available in the office of the Clerk of Council, to remove the requirement that additional copies be available for sale, and to provide

that one copy of all model or standard codes adopted by Council be available for viewing at the City offices;

6. adding Section 5.03 to provide that Council has the authority to adopt personnel ordinances or rules and regulations which, if in conflict with the laws of the State of Ohio, prevail; to provide that all appointments and promotions of City employees shall be made based on merit; to provide the exempt and classified positions of the City; to provide that the City Manager shall provide the rules for merit and fitness as the basis for appointment and promotion; to provide that the City Manager shall make appointments for all positions in the classified service based on a competitive examination and on other qualifications and that appointments should be made from a list of the five candidates who ranked highest on the eligibility list; to provide that the City Manager shall make promotions for all positions in the classified service based on competitive examination and other qualifications and that promotional examinations may be restricted to current employees or may be opened to other qualified candidates; to provide that promotions shall be made from a list of the three candidates who ranked highest on the eligibility list; to provide that no officer or employee in the classified service can be demoted or removed except for cause and after a hearing and that Council will provide for enforcement by ordinance and appeals will be to the Personnel Appeals Board; and to provide that the appointment of a new employee shall not be deemed complete until a probationary period of twelve months has elapsed and not to exceed eighteen months for sworn officers and that a probationary employee can be discharged at any time during the probationary period upon the recommendation of the department head with the approval of the City Manager;
7. revising section 5.06 to provide that Council appoints a Director of Finance for an indefinite term, that the Director of Finance is the fiscal officer of the City and is responsible for the accounting, collecting, and disbursing of public funds, that the Director of Finance countersigns all bonds and notes issued by the City, and that the Director of Finance will perform other functions as assigned by ordinance and the City Manager;
8. revising Article VIII to remove the reference to Civil Service Commission and insert reference to Personnel Appeals Board;
9. revising Section 8.01 to provide that there shall be a Personnel Appeals Board consisting of three qualified electors of the City who are appointed by Council for a three year term, that Council will fill vacancies by appointment for the unexpired term, that each member cannot be a candidate for any other public office or be an employee of the City, and that the City and the Personnel Appeals Board do not have jurisdiction over and are not obligated to perform any duties with regard to the employees of the Talwanda City School District;
10. revising Section 8.02 to provide that the Personnel Appeals Board serves without compensation, hears appeals from any nonexempt employee or applicant who has

successfully completed a probationary period, has the power to subpoena witnesses and require the production of documents, that all decisions of the Board are final, and that the Board has the power to hear and determine appeals of disciplinary actions, suspensions, demotions, or removals of employees if not resolved upon a hearing and determination by the City Manager;

11. revising Section 8.09 to remove reference to Civil Service Commission and insert reference to Personnel Appeals Board;
12. removing Section 9.07 regarding watchers and challengers for regularly nominated candidates;
13. removing Section 9.08 regarding election of candidates;
14. removing Section 10.01 regarding the oath of office for officers and employees;
15. revising Section 11.01 to provide that the City is the legal successor of the Village of Oxford and therefore has title to all property owned by its predecessor and that adoption and amendments to the Charter do not impair rights vested in the City nor discharge liability previously incurred by the City;
16. removing Section 11.02 regarding continuation of ordinances;
17. removing Section 11.03 regarding continuation of officers after adoption of the Charter;
18. removing Section 11.04 regarding continuation of employees after adoption of the Charter;
19. removing Section 11.05 regarding the transferring of public records and property upon termination of tenure of office or employment for officers and employees;
20. removing Section 11.06 regarding continuation of contracts and public improvements after the adoption of the Charter;
21. removing Section 11.07 regarding pending actions and proceedings that were in place at the time of the adoption of the Charter
22. removing Section 11.08 regarding when the Charter took effect when it was adopted.

SECTION V. A majority vote shall be necessary for adoption of this question. If adopted, this amendment will be effective on certification of the election results.

SECTION VI. Notice of the time and place of holding such election shall be given as required by law. The full text of the proposed amendment shall be published one (1) time per week for not less than two (2) consecutive weeks in a newspaper of general circulation in the

City of Oxford, with the first publication being not less than fifteen (15) days prior to the election at which the amendment is to be submitted to the electors.

SECTION VII. The Clerk of Council shall certify this Ordinance to the Butler County Board of Elections by 4:00 p.m. on July 15, 2017.

SECTION VIII. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT "A"

CHARTER OF THE CITY OF OXFORD, OHIO

PREAMBLE

We, the people of the City of Oxford, Butler County, Ohio in order to secure for ourselves the benefits of local self-government under the constitution of the State of Ohio, do ordain and establish this Charter for the government of the Municipality of Oxford.

ARTICLE I INCORPORATION, FORM OF GOVERNMENT, POWERS

SECTION 1.01 INCORPORATION.

The present municipality, as its limits are now or may hereafter be established, shall be and continue to be a municipal corporation of the State of Ohio in perpetuity, under the name of the City of Oxford. Each provision of this Charter shall apply with equal force to this municipality.

SECTION 1.02 POWERS.

Except as prohibited by the constitution of this state or restricted by this Charter, the City of Oxford shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers in this Charter shall not be deemed to be exclusive. No act of the municipality shall be invalid or limited by reason of failure to enumerate a particular power in this Charter. The municipality shall have and may exercise any and all powers, either expressed or implied, which it would be competent for this Charter to enumerate, as fully and completely as though such powers specifically were included herein.

SECTION 1.03 MANNER OF EXERCISING POWERS.

All powers of the corporation shall be vested in an elected Council which shall enact local ordinances and resolutions, adopt budgets, determine general policies and appoint a City Manager, who shall see that the policies and legislation adopted by the Council are enforced. All powers of the corporation shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance or by general law.

SECTION 1.04 FORM OF GOVERNMENT.

The form of government provided under this charter shall be known as the Council-Manager Plan.

ARTICLE II

THE COUNCIL

SECTION 2.01 NUMBER, SELECTION AND TERM.

The City Council shall consist of seven members, elected at large, for four year overlapping terms. Except as provided in Section 2.03, all members of Council shall be elected to a full term of office. All elections of Council members shall be on a non-partisan ballot.

SECTION 2.02 QUALIFICATIONS.

Any qualified elector who has lived in the municipality for one year prior to filing a petition of candidacy shall be eligible to serve as a member of Council, when elected as hereinafter provided.

The Council shall be the judge of the election and qualifications of its own members. The seat of any member may be declared vacant by resolution of Council, five (5) members concurring.

Council shall declare vacant a seat of any member for the following reasons:

1. One who persistently fails to abide by the rules of Council.
2. One who is absent without justifiable excuses for three (3) consecutive regular meetings.
3. One who shall cease to be a qualified elector and resident of the municipality as required by the Charter unless special circumstances have been approved by five (5) members of Council concurring.
4. One who enters upon the performance of the duties of an incompatible public office.
5. One who shall hold any appointed office or employment with the municipality for which compensation is authorized.
6. One who shall violate any expressed provisions of this Charter.
7. One who shall be convicted of a crime involving moral turpitude or any felony.
8. One who shall be convicted of any other provision of the State laws as applicable to public officials for which the penalty includes forfeiture of office.

SECTION 2.03 VACANCIES, FILLING OF.

Vacancies in the office of Council members shall be filled within thirty (30) days by vote of a majority of the remaining members of Council, by the selection of a qualified elector who has resided in the municipality for at least one year immediately preceding such appointment. If Council fails to make this selection within thirty (30) days, the Mayor shall make the appointment. Such person so chosen shall serve until the next regular City Council election, occurring not less than 100 days after selection. At such election, a successor shall be elected to serve for the unexpired term, if any; if not, for a full term.

SECTION 2.04 TERM OF OFFICE.

The term of office of Council members shall begin on the third Monday following the regular City Council election. City Council election shall be held on the first Tuesday after the first Monday in November in the odd numbered years. No member of Council shall serve more than two consecutive terms.

SECTION 2.05 SALARY.

The salary of Council members, other than the Mayor, shall be at a rate established by Council, until changed by ordinance adopted by Council. No increase in salary shall ever take effect during the term of a Council member in office at the time the ordinance is adopted.

SECTION 2.06 ORGANIZATION AND MEETINGS.

Following each municipal election Council shall meet within five days after the beginning of the term of office of the newly-elected members of Council for the purpose of organizing. At such meeting, the newly-elected members of Council shall take the oath of office and the Council shall proceed to elect a Mayor and a Vice-Mayor and may transact such other business as may come before it. Thereafter, regular or special meetings shall be held as prescribed in the Council rules, and regular meetings shall occur not less frequently than once each month. All meetings of Council and its Boards and Commissions shall be open to the public except Executive Sessions as provided for by Ohio statute. A majority of the members elected shall constitute a quorum at all meetings.

SECTION 2.07 MAYOR AND VICE-MAYOR.

The Council shall select biennially from among its own members one to serve as Mayor and one as Vice-Mayor for a term of two years and until their successors are chosen and qualified. The Mayor shall preside at Council meetings, when present, and shall have a vote on all matters which come before Council, but shall exercise no administrative

authority. The Mayor shall be the ceremonial head of the municipality, but shall exercise no administrative authority. The Vice-Mayor shall preside over the meetings of the Council when the Mayor is absent and shall perform such other duties as may be assigned by Ordinance.

SECTION 2.08 SALARY OF MAYOR.

The Mayor shall be paid a salary at a rate established by Council, until changed by ordinance adopted by Council. No increase in salary shall ever take place during the term of the Mayor in office at the time the ordinance is adopted.

SECTION 2.09 CLERK OF COUNCIL.

There shall be a Clerk of Council, elected by vote of majority of the members of Council from outside its membership, to serve until a successor is chosen and enters upon the duties of the Clerk's office. The Clerk may be appointed to serve full time or part time and the Council may assign the duties of the Clerk of Council to any employee of the Municipality as an additional duty. The Clerk shall give notice of Council meetings, keep the journal, advertise public hearings, record in separate books all ordinances and resolutions enacted by Council and have the same published in the manner provided by this Charter. The Clerk shall perform such other duties as may be assigned by this Charter or by ordinance.

SECTION 2.10 RULES AND JOURNAL.

The Council shall determine its own rules of procedure in conformity with the provisions of this Charter, and shall keep a journal of its proceedings which shall be a public record.

SECTION 2.11 POWERS OF THE COUNCIL.

Among other powers the Council shall have authority to:

(1) Adopt ordinances and resolutions on any subject within the scope of its powers and to provide penalties for the violation thereof;

(2) Establish the internal organization, staffing and compensation of the departments, boards and commissions created by this Charter; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;

(3) Adopt and modify the master plan and official map of the municipality;

(4) Regulate the use of private real estate in the municipality by establishing zones, limiting the uses in each zone and limiting the height of buildings and the intensity of land use. Structures

containing more than three dwelling units, as defined within the most current edition of the Ohio Building Code, are prohibited within the incorporated area as described:

Situated in the City of Oxford, Butler County, State of Ohio, bounded and described as follows: Beginning at the intersection of Chestnut Street and Patterson Avenue; thence northwardly with the centerline of Patterson Avenue to a point, which was the 1976 North Corporate line; thence with the 1976 North Corporate line to a point in the centerline of Brown Road; thence southwardly with the centerline of Brown Road to a point in the centerline of Sycamore Street; thence westwardly with the centerline of Sycamore Street to a point in the centerline of Locust Street; thence with the centerline of Locust Street southwardly to a point in the intersection of the centerline of Chestnut Street and Locust Street; thence with the centerline of Chestnut Street eastwardly to the place of beginning; excepting the following area described as beginning at the intersection of Church Street and College Avenue; thence southwardly with the centerline of College Avenue to a point in the intersection of the centerline of Walnut Street and College Avenue; thence eastwardly with the centerline of Walnut Street; thence northwardly with the centerline of Campus Avenue to a point in the intersection of the centerline of Church Street; thence westwardly with the centerline of Church Street to the point of beginning.

This prohibition shall not apply to existing structures containing more than three dwelling units which shall be permitted to continue as nonconforming as long as said use is continued, but the same shall prohibit the future construction or establishment of structures containing more than three dwelling units;

(5) Adopt a subdivision platting ordinance and approve subdivision plats which conform thereto;

(6) Enact a comprehensive building code;

(7) Authorize the levy of taxes and the issuance of bonds as provided in this Charter;

(8) Adopt an annual appropriation ordinance based upon the annual budget;

(9) Appoint and remove the City Manager, establish the Manager's salary and appoint an acting City Manager when necessary;

(10) Appoint and remove the Director of Finance and establish such Director's salary;

(11) Appoint and remove the Director of Law and establish such

Director's salary;

(12) Inquire into the conduct of any municipal officer or employee in the performance of public functions of such officer or employee;

(13) Make investigations of any office, department or agency of the municipality;

(14) Grant public utility franchises by vote of 2/3 of the members of Council;

(15) Employ a public accountant to make an audit of the financial affairs of the City whenever such an audit is deemed necessary;

(16) Provide for the employment of engineering and other professional services on a consulting basis when deemed necessary;

(17) Issue subpoenas for witnesses and to require the production of books and papers which may be necessary in the conduct of any hearings or investigation.

(18) Council shall have the power to appeal the decisions of its boards and commissions on an affirmative vote of five (5) members of Council.

SECTION 2.12 UTILITY USERS LIABLE FOR OWN USES AND NOT FOR OTHERS.

Tenants and property owners shall be liable only for their own utility use unless they have made an agreement between themselves to the contrary. New tenants and new property owners shall not be liable for the utility services provided to other prior tenants or owners or provided to other existing tenants unless they have made an agreement between themselves to the contrary.

~~SECTION 2.13 POLICE AND FIRE PROTECTION.~~

~~Police and fire personnel shall not be required to deliver agendas of Council meetings, or other ordinary mail, of the City except in situations of a true emergency need and when regular methods of communication are inadequate. Both shall perform such duties as are provided by the laws of the State of Ohio and the Ordinances of this City.~~

~~SECTION 2.14 PUBLIC SAFETY AND PROPERTY RIGHTS.~~

~~To preserve and protect the public safety, and the rights of property owners, and to preserve the neighborhood and quality of life, Westgate Drive shall continue to be maintained as a cul de sac as it has been for over 100 years and Westgate Drive shall not be extended beyond the presently paved portion thereof which paved portion does not extend~~

~~beyond the northern boundary of lots 1294 / 1257 006.~~

ARTICLE III
ORDINANCES AND RESOLUTIONS

SECTION 3.01 ACTION OF COUNCIL.

The action of Council shall be by ordinance or resolution. On all matters of a general or permanent nature, or granting a franchise, or levying a tax, or appropriating money, or contracting an indebtedness, or issuing bonds or notes, or for the purchase, lease or transfer of property, action shall be taken formally by ordinance in the manner hereinafter provided. Action on all other matters of a temporary or informal nature may be taken by resolution.

SECTION 3.02 ENACTMENT OF ORDINANCES.

~~Each proposed ordinance shall be introduced in writing by a member of the Council, and, in addition to the title, shall contain an opening clause reading as follows: 'Be it ordained by the Council of the City of Oxford, Ohio.'~~ **Each proposed ordinance shall be introduced in writing by a member of the Council and in the form required for final adoption. The enacting clause shall be "The Council of the City of Oxford, Ohio, hereby ordains that..."** Prior to introduction, a written copy of each proposed ordinance shall be provided to all members of Council and any member of the public requesting a copy. The action proposed to be taken shall be fully and clearly set forth in the body of the ordinance. Each ordinance shall contain one subject only which shall be stated clearly in the title. No ordinance shall be passed without the concurrences of a majority of all members elected to Council, except that emergency ordinances, as hereinafter provided, shall require concurrence of 3/4 of all members elected to Council for passage. Ordinance shall be read by title only on two different days before they may be enacted. Council on motion adopted may require the second reading of a proposed ordinance in full. However, if an emergency is declared as hereinafter provided, or if by 3/4 vote of all members elected to Council, the reading by title on two different days is dispensed with, in which cases such ordinances may be read one time by title only and passed on the day of such reading. Final passage of all ordinances and resolutions shall be certified by the Mayor or Vice-Mayor and the Clerk of Council.

SECTION 3.03 EFFECTIVE DATE.

Ordinances providing for appropriations for current expenses of the municipality, or for public improvements petitioned for by the owners of a majority of the foot frontage of property benefited and to be specially assessed for the cost thereof, or for raising revenue, or ordinances wherein an emergency is declared to exist, shall become effective immediately upon passage or at such later date as may be provided therein, and such ordinances shall not be subject to referendum. All other ordinances shall take effect 30 days after passage. An emergency

ordinance as referred to herein is one which must be passed and made effective at once or in less than 30 days to meet an emergency in the operation of the City government, or which is necessary for the immediate preservation of the public peace, health, safety, morals or welfare. Each emergency ordinance must contain therein a separate section setting forth the reason for the emergency. No ordinance granting a franchise or fixing a rate to be charged by a public utility shall be passed as an emergency measure.

SECTION 3.04 PUBLICATION OF ORDINANCES.

~~A summary of each ordinance must be published on adoption, in a newspaper of general circulation in the City of Oxford. The summary shall be prepared by the Clerk of Council, approved by the Law Director, and shall describe the ordinance in brief and general terms. Resolutions shall not be published, unless the Clerk of Council is directed to do so by Council. The complete text of all ordinances and resolutions shall be made available at the office of the Clerk of Council.~~

All ordinances passed by the Council shall be published except as otherwise required by law, as used in this Section "published" shall mean to post copies thereof, or a summary of such adopted legislation, on the City's website and in not less than three of the most public places in the City, as determined by the Council for a period of not less than ten days and to take such other actions as provided by Council. It also includes posting on the City's website. Failure to publish as required by this Section shall not invalidate any ordinance.

SECTION 3.05 INITIATIVE AND REFERENDUM.

The initiative and referendum powers, reserved to the people under the Ohio Constitution, shall be exercised in the manner provided by the Ohio Constitution, the laws of the State of Ohio and this Charter, except: that any initiative or referendum petition filed with the Auditor of the City of Oxford shall contain the signatures of not less than ten percent of the voters who voted at the preceding election for the office of Governor; that when a petition having the required number of signatures is filed with the City Auditor, it shall be held in the Auditor's office for a period of 15 days before certification of the text of the proposed ordinance is made to the Board of Elections; that the committee designated by the petitioners to file said petition shall consist of five members. In all other respects, the procedure with reference to initiative and referendum petitions shall be the same as that provided by the Constitution, laws of the State of Ohio and this Charter. Whenever the Council is required to pass more than one ordinance to complete the legislation necessary to complete and pay for any public improvement, the referendum shall apply only to the first ordinance to be passed and not to any subsequent ordinance in the series relating thereto. Resolutions are not subject to referendum.

SECTION 3.06 ADOPTION OF STANDARD CODES BY REFERENCE.

The Council may adopt model or standard codes prepared and published by public or private agencies on such matters as building construction, plumbing, heating, ventilating, air conditioning, electric wiring, smoke regulation, fire prevention and other similar regulatory subjects by reference to the date and source of the code without reproducing the same in full in the ordinance. In all cases in which such a code shall be adopted by reference, publication of the code, at length, by the City, shall not be required. One copy of all such adopted codes shall be available for viewing at City offices. ~~However, at least six copies of all such codes shall be kept in the office of the Clerk of Council for reference and consultation by interested persons during regular office hours, and additional copies shall always be available for sale, at cost, by the Clerk of Council.~~

ARTICLE IV CITY MANAGER

SECTION 4.01 APPOINTMENT OF CITY MANAGER.

The Council shall appoint, by majority vote of all members elected thereto, an officer to the City who shall have the title of City Manager. The City Manager shall be chosen solely on the basis of executive and administrative qualifications, as judged by the adequacy of training and experience. At the time of appointment the City Manager need not be a resident of the city or state, but during tenure of office the City Manager shall reside in the municipality. No council member shall be eligible for appointment as City Manager during the term for which elected, or for two years thereafter.

SECTION 4.02 CITY MANAGER'S DUTIES.

The City Manager shall be the chief executive and administrative officer of the municipality. The City Manager shall be responsible to the Council for proper administration of all affairs of the municipality, and to that end, subject to the provisions of this Charter, shall have authority and shall be required to:

(1) See that this Charter and the ordinances and resolutions of the City are faithfully observed and enforced;

(2) Appoint and remove all officers and employees of the City except those selected or appointed by Council, or as otherwise provided in this Charter;

(3) Insure the preparation of the tax budget and annual budget, submit them to Council for approval and administer the appropriations made by the Council;

(4) Prepare and submit monthly reports to the Council. Insure the preparation and submission to Council and the public annually, not later than March 31, a complete report on the finances and administrative activities of the municipality for the preceding year; which report shall be deemed to satisfy the requirements of Section 117.19, Revised Code of Ohio. Such annual report shall be published and distributed in the manner provided by ordinance;

(5) Formulate and arrange contract, franchises and agreements subject to the approval of Council. Sign as the official signatory of the City all legal documents on behalf of the City including, but not limited to all contracts, bonds and notes on behalf of the City;

(6) Attend all meetings of Council unless otherwise directed by Council, and shall have the right to take part in the discussion of all matters coming before Council in such meetings, but shall have no vote;

(7) Serve as an ex-officio member (without vote) of all boards and commissions authorized under this Charter, except the Civil Service Commission;

(8) Delegate to subordinate officers and employees of the municipality any duties conferred upon the Manager by this Charter or by action of Council and hold them responsible for the faithful discharge of such duties;

(9) Perform such other duties, not inconsistent with this Charter, as may be required by the Council.

SECTION 4.03 ABSENCE OR DISABILITY OF CITY MANAGER.

The City Manager may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the City to perform the duties of the City Manager during the temporary absence or disability of the City Manager. If such designation has not been made, and the City Manager is unable to perform such duties or to make such designation, the Mayor on an emergency basis may appoint an acting City Manager until the next Council meeting. Council may thereafter appoint any qualified administrative officer of the municipality to perform the duties of the City Manager until the City Manager shall return or the disability ceases.

SECTION 4.04 REMOVAL OF THE CITY MANAGER.

The City Manager shall serve for an indefinite term, subject to removal by the Council at any time by a majority vote of all members elected thereto. At least 30 days before such removal shall become effective, the Council shall adopt a preliminary resolution stating the reasons for the removal. The Manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of the request, before the full Council. After

such public hearing, if one is requested, and after full consideration, the Council may adopt a final resolution of removal. The Council may, at the time the preliminary resolution is passed, suspend the Manager from duty and designate an acting Manager but shall cause forthwith the payment of any salary due the Manager to the date of suspension of the Manager. Unless such suspension and removal is for misconduct of the Manager involving moral turpitude, the Manager shall be paid a salary for the period of suspension and 30 days following the removal from office. In the case of voluntary resignation of the Manager, the Council and the Manager shall agree upon the effective date of the resignation.

SECTION 4.05 CONTRACT WITH THE CITY MANAGER.

Council shall have the right to negotiate and authorize the Mayor to sign on behalf of Council a contract of employment with the City Manager setting forth the terms of employment and separation from employment for the City Manager as deemed to be appropriate by Council. No term established herein shall establish an expectation of continued employment except as provided in the contract.

SECTION 4.06 RELATIONS BETWEEN COUNCIL AND MANAGER.

Except for the purpose of inquiry or investigation, the members of Council shall deal with the administrative employees of the municipality solely through the City Manager. No member of the Council shall interfere in the appointment or removal of officers or employees subordinate to the City Manager. In the event any member of Council is found by the Council to have violated this section, Council shall declare that seat vacant.

ARTICLE V ADMINISTRATIVE DEPARTMENTS

SECTION 5.01 CREATION OF DEPARTMENTS.

The administrative functions of the City shall be carried on by a Department of Finance, and Department of Law and such other departments as may be created by ordinance, after consultation with the City Manager.

SECTION 5.02 DEPARTMENT HEADS.

Each City department shall be headed by a full-time or part-time director. With the exception of the Departments of Finance and Law, the City Manager shall appoint all department heads. The heads of the Departments of Finance and Law shall be appointed by the Council, in accordance with the provisions of this Charter. Each department head shall be an administrative officer of the City. Two or more departments

may be headed by the same person and the City Manager may serve as the director of one or more departments in addition to the duties as Manager, when approved by Council.

SECTION 5.03 PERSONNEL

The Council shall have the authority to adopt personnel ordinances or personnel rules and regulations which modify, supplement, or supersede the laws of the State of Ohio and which, in the case of conflict, shall prevail over the laws of the State of Ohio.

All appointments and promotions of City employees shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable and except as otherwise provided by Council.

Exempt Positions:

- (1) All elected officers.
- (2) The Clerk of Council.
- (3) The City Manager.
- (4) ~~The Secretaries and~~ Assistants to the City Manager
- (5) The Directors of the departments.
- (6) ~~The Secretaries and~~ Assistants to the Directors.
- (7) Chief of Police.
- (8) Fire Chief.
- (9) Members of boards and commissions appointed by Council.
- (10) Unskilled labor, as defined by ~~Civil Service Commission~~
Council.
- (11) Temporary employees of exceptional professional or scientific qualifications engaged as consultants for special work by the City.
- (12) Seasonal and part-time employees.

Classified Service: The classified service shall comprise all positions not specifically included in this Charter in the unclassified service as exempt positions.

The City Manager shall provide rules for the determination of merit and fitness as the basis for appointment and promotion of classified personnel

Appointments for all positions in the classified service shall be made by the City Manager based on a competitive examination and on the basis of experience, character, and conduct. Appointments shall be made from a list of the five candidates ranked highest on the eligibility list for that position, provided five candidates qualify to be placed on the list.

Promotions for all positions in the classified service shall be made by the City Manager based on competitive examination and on records of merit, efficiency, character, conduct and seniority. Promotional examinations may be restricted to current employees or the City Manager may open the exam to qualified candidates from outside the City service.

Promotion appointments shall be made from a list of the three candidates ranked highest on the eligibility list for that position, provided three candidates qualify to be placed on the list.

No officer or employee in the classified service shall be demoted or removed except for cause and after a hearing, and the Council shall provide by ordinance for the enforcement of this provision and also for appeals to the ~~Civil Service Commission~~ Personnel Appeals Board for suspensions, demotions and removals by the City Manager.

An original appointment of a new employee shall not be deemed complete until a period of probation not to exceed twelve months has elapsed; except that in the police department division said probationary period for sworn officers, shall not exceed eighteen months. Such probationary employee may be discharged at any time within the said probationary period, upon recommendation of the head of the department in which said probationer is employed, with the approval of the City Manager.

SECTION 5.04 EMPLOYEE HANDBOOK.

An employee Handbook shall be distributed among all divisions of the City. Pending adoption of revisions to the Employee Handbook by Council, the City Manager may establish temporary provisions of the Employee Handbook.

Subject to the provisions of this Charter, and after consultations with the City Manager, the Council shall approve and adopt an Employee Handbook, which shall provide in detail the organization of the municipal government, define the powers and duties of each organizational unit and determine the employee procedures to be followed. Amendments to, and revisions of, the Employee Handbook shall be made by Council only after consultation with the City Manager. Where the Employee Handbook is silent, the officers and employees of the City shall have and may exercise all powers and duties provided for similar officers and employees by the state law. However, provisions of the Employee Handbook shall supersede those of state law in cases of conflict.

SECTION 5.05 DEPARTMENT OF LAW.

The Director of the Department of Law shall be known as the City Attorney. The City Attorney shall be an attorney-at-law, admitted to

practice law in the State of Ohio, and in good provisional standing. The City Attorney shall perform such duties as may be assigned to the office of the City Solicitor by law, as well as those imposed by the Charter and City Ordinance. The City Attorney shall be appointed by Council for an indefinite term of office.

SECTION 5.06 DEPARTMENT OF FINANCE.

~~The Department of Finance shall perform those functions customarily performed by the Auditor and the Treasurer under the general laws of Ohio. The Director of the Department of Finance shall be assigned the title of City Auditor. The City Auditor shall be appointed by Council for an indefinite term of office. The City Auditor shall be the fiscal officer of the City and shall be responsible for the accounting, collection and custody of public funds and control over disbursements. The City Auditor shall countersign all bonds and notes issued by the City and shall perform such other functions as may be assigned by ordinance or by order of the City Manager.~~

The Council shall appoint a Director of Finance for an indefinite term of office. The Director of Finance shall be the fiscal officer of the City and shall be responsible for the accounting, collection and custody of public funds, and control over disbursements. The Director of Finance shall countersign all bonds and notes issued by the City and shall perform such other functions as may be assigned by ordinance or by order of the City Manager.

ARTICLE VI TAXATION AND BORROWING

SECTION 6.01 LEVYING TAXES.

The Council shall have the power to levy taxes, without a vote of the electors, for the current operating expenses and other lawful municipal purposes, in the manner provided by the constitution and general laws of Ohio, subject to the limitations provided therein.

The authority of the Council to submit additional levies to a vote of the people under authority of the constitution or laws of the State of Ohio shall not be deemed impaired or abridged by reason of any provision contained in this Charter.

SECTION 6.02 SUBMISSION OF EXTRA LEVY TO VOTE.

The Council may at any time prior to the 15th day of September in any year declare by resolution, adopted by a vote of 2/3 of all the members thereof, that the amount of taxes which may be raised within the limitations of this Charter will be insufficient to provide an adequate

amount for the necessary requirement of the City for current operating expenses, and other expenses payable from the general fund of the City, and such permanent improvements and equipment as shall have an estimated useful life of five years or more, and that it is necessary to levy taxes in excess of such limitation, in addition to the levies authorized and limited by this Charter, for the municipal purpose or purposes specified in such resolution. Such resolution shall specify the additional rate which it is necessary to levy, the purpose or purposes thereof, the number of years during which such rate shall be in effect and the date of the proposed election thereon. Such resolution shall be effective upon its adoption and shall be certified within five days thereafter to the election authorities, who shall place such question upon the ballot at the next succeeding November election. If a majority of those voting thereon vote for the approval of such additional levy, the Council shall, for a period not in excess of that prescribed in such resolution, make such levy, or such part thereof as it finds necessary, pursuant to such approval and certify the same to the County Auditor, to be placed on the tax list and collected as other taxes.

SECTION 6.03 POWER TO INCUR DEBT.

The Council may, by ordinance, issue general obligation bonds to an amount not exceeding that authorized by the general laws of Ohio, now in effect or hereafter enacted, for any purpose for which bond issues are authorized by state law. Issuance of general obligation bonds beyond the limitations imposed on Council by state law and the state constitution, shall be dependent upon the approval of such issuance by the voters, as provided by law. Mortgage revenue bonds, special assessment bonds and all other notes or bonds exempted by statute shall not be included in calculating the net debt.

SECTION 6.04 MORTGAGE REVENUE BONDS.

The Council may, by ordinance, issue mortgage revenue bonds for any purpose and in any total amount authorized by the state constitution or laws of Ohio.

SECTION 6.05 SPECIAL ASSESSMENTS.

Special assessments may be levied by Council to pay any part of the cost of any public work or improvement authorized by ordinance. Such assessments shall be made and levied in accordance with the provisions and subject to the limitations prescribed in the Revised Code of the State of Ohio.

SECTION 6.06 TAX ANTICIPATION NOTES.

The Council may, by ordinance, issue notes in anticipation of the collection of taxes on whatever conditions may seem reasonable. Such notes shall be paid from the tax receipts of the year in which they are

issued.

SECTION 6.07 EMERGENCY BORROWING.

The Council may, by ordinance, borrow money and issue notes in case of public emergency as authorized by the Ohio Revised Code.

SECTION 6.08 PROCEDURE IN BOND ISSUES.

The procedure followed in authorizing and issuing bonds and notes and applying the proceeds shall be in accordance with the provisions of the Uniform Bond Law of the State of Ohio in effect at the time.

ARTICLE VII FINANCE

SECTION 7.01 ANNUAL TAX BUDGET.

In the form and at the time required by law, the City Manager shall submit to the Council a tax budget for the ensuing fiscal year. For that purpose, at such time as the City Manager shall determine, the City Manager shall obtain from the head of each department or agency of the City plans for the work to be undertaken by such department during the next fiscal year, together with estimates of the cost of performing such work. The Department of Finance shall gather data from all departments and supply the City Manager with estimates of available revenue. From these data, the City Manager shall prepare the consolidated estimates for the annual tax budget. The Council shall consider these estimates and adopt them, with or without amendments, as the tax budget of the City for the ensuing year, and transmit them to the County Budget Commission in the form required by law.

SECTION 7.02 PREPARATION OF ANNUAL CITY BUDGET.

The City Manager shall prepare and submit to the Council each year a budget estimating the total contemplated work program and expenditures from each fund during the ensuing fiscal year. Expenditures shall not exceed the total recommended appropriations from each fund and the total estimated resources certified by the County Budget Commission and the County Auditor. Council may request the City Manager prepare a five (5) year planning budget. Such budget shall serve as the basis for the annual appropriation ordinance.

SECTION 7.03 OTHER PROCEDURES.

In all other respects the procedure for the preparation, advertising, hearing and adoption of the budget and the appropriation of municipal funds shall be governed by the general laws of the State of Ohio pertaining to such matters. Amendment to the annual appropriation ordinance shall be governed by the general laws of the State of Ohio

pertaining to such matters.

SECTION 7.04 FISCAL YEAR.

The fiscal year of the City shall be the calendar year, beginning January 1 and ending December 31 each year.

SECTION 7.05 CAPITAL IMPROVEMENT RESERVE FUND.

Council may create and maintain a Capital Improvement Reserve Fund, and may from time to time transfer or appropriate thereto all moneys accruing to any other fund of the municipality not needed for the purposes of such fund and available for transfer under general law.

The unencumbered balance remains in the general fund of the municipality at the end of any fiscal year may also be transferred. Moneys in the Capital Improvement Reserve Fund shall not be expended for any purpose except to purchase equipment, apparatus or other property, or to construct buildings, structures, roads and other property or public improvements, needed for the use of the municipality, or to pay bonded obligations of the municipality by means of transfer to its bond and interest retirement fund.

ARTICLE VIII BOARDS AND COMMISSIONS ~~CIVIL SERVICE COMMISSION~~

PERSONNEL APPEALS BOARD

SECTION 8.01 PERSONNEL APPEALS BOARD

~~There shall be a Personnel Advisory & Appeals Board consisting of three qualified electors of the City who shall be appointed by the Council for three year terms. Council shall fill vacancies by appointment for the unexpired term. Each member shall neither hold nor be a candidate for any other public office nor be employed by the City.~~

~~The City and the Personnel Advisory & Appeals Board shall have no jurisdiction over, nor be obligated to perform any duties with regard to employees of the Talawanda City School District.~~

SECTION 8.02 POWERS AND DUTIES

The Board shall have the power to hear and determine appeals of disciplinary actions, suspensions, demotions or removal of City nonexempt employees if such matters are not resolved upon a hearing and determination by the City Manager.

The Board shall serve without compensation and shall hear appeals from any nonexempt employee who has successfully completed a probationary period, or applicant for non-exempt position who has successfully completed a probationary period, upon such issues as may be subject to appeal as defined by rules established pursuant to this section. The board shall have the power to subpoena witnesses and require the production of records. The decision of the Board shall be final.

PLANNING COMMISSION

SECTION 8.03 PLANNING COMMISSION.

There shall be a City Planning Commission consisting of seven members, two of whom shall be members of Council, elected by Council for a term of one year; and five citizen members, appointed by Council from among the qualified electors of the city. The five citizen members shall serve five year overlapping terms of office. Citizen members of the Planning Commission shall hold no other incompatible public office.

SECTION 8.04 POWERS AND DUTIES.

The Planning Commission may act as the Platting Commission of the municipality. As such, it shall provide for planning, zoning and regulations covering platting of all lands which are subject to control by the municipality, and shall cause an official map of such territories to be made. The Commission shall carry out the comprehensive plan and make such investigations, reports and recommendations relating to planning and the physical development of the City as it finds necessary and desirable.

BOARD OF ZONING APPEALS

SECTION 8.05 BOARD OF ZONING APPEALS.

There shall be a Board of Zoning Appeals consisting of five electors of the city, appointed by Council to serve for a term of three years. The Board shall establish its own rules of procedure and keep a record of its proceedings in all matters coming before the Board. No resolution overruling an action under or interpretation of the zoning ordinance by any administrative officer of the City shall be adopted except by the affirmative vote of three members of this board.

SECTION 8.06 POWERS AND DUTIES.

The board shall have the power to hear and determine appeals from refusal of building permits and to permit exceptions to and variations from the zoning regulations in individual cases as may be required to afford justice and avoid unreasonable hardship to property owners.

The standards in all instances to be applied by the board shall be established by ordinance of Council.

RECREATION BOARD

SECTION 8.07 RECREATION BOARD.

There shall be a Recreation Board appointed by Council consisting of five members. Appointments shall be made for a three-year term of office. The Recreation Board shall recommend to Council future plans and development of playgrounds, parks and recreational facilities and programs for the City. The Recreation Director shall be appointed by the City Manager.

OTHER BOARDS

SECTION 8.08 OTHER BOARDS AND COMMISSIONS.

In addition to the foregoing boards and commissions, Council may create and abolish such other advisory boards, commissions and committees as may be deemed necessary.

SECTION 8.09 CITY MANAGER EX-OFFICIO MEMBER.

The City Manager or designee shall be an ex-officio member without vote of all boards and commissions created by or under authority of this Charter, except the ~~Civil Service Commission~~ Personnel Appeals Board.

SECTION 8.10 REMOVAL FROM OFFICE.

Council shall declare vacant an appointed official's office by a majority vote of all members of Council for any of the following reasons.

1. One who is absent without justifiable excuses for three (3) consecutive regular meetings.
2. One who shall be convicted of a crime involving moral turpitude or any felony.
3. One who shall be convicted of any other provision of the state laws as applicable to public officials for which the penalty includes forfeiture of office.

ARTICLE IX NOMINATIONS AND ELECTIONS

SECTION 9.01 MUNICIPAL ELECTIONS.

The regular municipal election for the choice of members of the Council

shall be held on the first Tuesday after the first Monday in November in the odd numbered years. The Council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution.

SECTION 9.02 CONDUCT OF ELECTIONS.

Both regular and special municipal elections shall be conducted by the Board of Elections of Butler County, Ohio, under the provisions of this Charter. Where the Charter is silent, the provisions of the state election law shall be followed.

SECTION 9.03 NOMINATIONS.

No primary election shall be held for the nomination of candidates for the Council. Nominations for the office of Council member shall be made by petition signed by not less than 50 nor more than 100 electors of the City. Petitions shall be the standard forms for the nomination of individual nonpartisan candidates for such office. Group petitions shall not be used. Petitions shall be filed with the Board of Elections in accordance with the current laws of the State of Ohio. An elector may sign only as many petitions as there are Council members to be elected at the municipal election for which the nominations are made.

SECTION 9.04 ACCEPTANCE AND VERIFICATION.

The signature of the candidate indicating acceptance of the nomination and willingness to serve if elected shall appear on each copy of the petition. The petition may be in a number of parts, but each part shall be verified under oath by the circulator, as required by law.

SECTION 9.05 BALLOTS.

The full names of all candidates nominated shall be printed on the official ballot without party designation. If two candidates with the same surname, or with names so similar as to be likely to cause confusion are nominated, the addresses of their places of residence shall be placed below their names on the ballot. The names of all candidates shall be rotated on the ballot as provided by law.

SECTION 9.06 WRITE-INS.

Only in the event that fewer candidates are nominated by petition than there are Council members to be elected at the ensuing election shall space be provided on the ballot for the writing in at the election of the names of additional persons.

~~**SECTION 9.07 WATCHERS AND CHALLENGERS.**~~

~~At each municipal election, each regularly nominated candidate shall be~~

~~entitled, on written application to the Board of Elections at least ten days before the election, to appoint one person and one alternate to represent such candidate as a watcher and challenger at each polling place during the casting and counting of ballots, and one person and an alternate to represent such candidate as watcher and challenger during the canvas of votes at the Board of Elections.~~

SECTION 9.08 07 ELECTION.

The candidates for member of Council at the regular municipal election, equal in number to the places to be filled on Council, who received the highest number of votes shall be declared elected.

SECTION 9.07 08 RECALL.

Members of Council may be removed from office before the expiration of their term by the qualified voters of the city. The procedure for such recall shall be that provided in the Ohio Revised Code.

**ARTICLE X
GENERAL PROVISIONS**

~~**SECTION 10.01 OATH OF OFFICE.**~~

~~Every officer and employee of the City shall, before entering upon public duties, take and subscribe to the following oath or affirmation which shall be filed and kept in the office of the Clerk of Council:~~

~~I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio and will obey the laws thereof and that I will, in all respects, uphold and enforce the provisions of the Charter and ordinances of this city, and will faithfully discharge the duties of _____ upon which I am about to enter.~~

SECTION 10.01 OFFICIAL BONDS.

All officers and employees of the City whose duties require them to handle municipal and other public money or property shall furnish a corporate surety bond issued by a company authorized to do business in Ohio, to protect the City against loss due to their acts. The amount of the bond in each case shall be determined by Council and the premium on such bonds shall be paid from the funds of the City. All such bonds shall be filed with the Clerk of Council.

SECTION 10.02 PERSONAL INTEREST.

No member of the Council or any officer or employee of the City shall have any financial interest, direct or indirect, in any contract with or sale to the City of any materials, supplies or services, or any land or

interest in land. A person who knowingly and willfully violates this section shall be guilty of malfeasance in office and upon conviction thereof shall be removed from office.

Any contract or agreement made in violation of this section shall be voidable at the election of the Council.

SECTION 10.03 REMOVAL FROM OFFICE; DISQUALIFICATION.

Whenever, in this Charter certain acts on the part of City officials are described as constituting malfeasance in office, the procedure for complaint, trial and judgment thereon shall be that prescribed in the Ohio Revised Code.

SECTION 10.04 AMENDMENTS TO THE CHARTER.

This Charter may be amended as provided in Article XVIII, Section 9, of the Ohio Constitution, by submission of a proposed amendment to the electors of the municipality and approved by a majority of those voting on the question of its adoption.

Such amendment may be initiated by either a vote of at least five (5) members of Council, or by petition to the Council signed by ten (10) percent of the voters who voted at the preceding election for the office of Governor.

At the first meeting of the Council in January 1996 and every ten (10) years thereafter, Council shall appoint a commission of not less than five (5), nor more than nine (9) electors of the municipality, to include one (1) but no more than two (2) current City Council members. It shall be the duty of the commission to review the existing Charter and make such recommendations for revision as it may see fit. The City Solicitor shall provide advice and counsel as needed by the Commission.

The Commission shall submit its written report to Council at an open meeting not later than December 31 of the same year. Thereupon, the Council may take such action as it deems warranted with respect to such recommendations.

In the event two (2) conflicting amendments to the Charter are approved at the same election by a majority of the total number of votes cast, the one receiving the highest number of affirmative votes shall be the amendment to the Charter.

SECTION 10.05 SEVERABILITY CLAUSE.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter, which would have been adopted without the invalid portion of such invalidity could have been known at the time of its original adoption.

ARTICLE XI
TRANSITIONAL PROVISIONS

SECTION 11.01 FISCAL SUCCESSION AND VESTED RIGHT.

The City of Oxford, under this Charter, is hereby declared to be the legal successor of the Village of Oxford, under the general laws of the State of Ohio; and as such it has title to all property, real, personal, and mixed, owned by its predecessor, including all moneys on deposit and all taxes in process of collection together with all accounts receivable and rights of action. Adoption of the Charter or any amendments of it shall not impair rights vested in the City nor discharge any liability previously incurred by the City.

~~The City of Oxford under this Charter is hereby declared to be the only legal successor of the City of Oxford under the general law and as such the City has title to all property, real and personal, owned by its predecessor including all moneys on deposit and all taxes in the process of collection, together with all accounts receivable and rights of action. The City also is liable for all outstanding orders, contracts and debts of its predecessor, and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction.~~

~~SECTION 11.02 CONTINUATION OF ORDINANCES.~~

~~All ordinances of the City in effect at the time of adoption of this Charter shall remain in effect, except as superseded by the provisions of this Charter, until they are amended or repealed.~~

~~SECTION 11.03 CONTINUATION OF OFFICERS.~~

~~All persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made, in conformity with the Charter, for the performance of such duties by a successor, or the office is abolished.~~

~~SECTION 11.04 CONTINUANCE OF EMPLOYEES.~~

~~Every employee of the City government when this Charter takes effect shall be retained in such employment and shall thereafter be subject in all respects to the provisions of this Charter.~~

~~SECTION 11.05 TRANSFER OF RECORDS AND PROPERTY.~~

~~All public records and property in the custody of officers and employees of the City shall be transferred and delivered promptly to their~~

~~successors, upon termination of tenure of office or employment.~~

~~SECTION 11.06 CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS.~~

~~All contracts entered into by the City or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect shall be completed, as nearly as practicable, under the provisions of such laws.~~

~~SECTION 11.07 PENDING ACTIONS AND PROCEEDINGS.~~

~~No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, agency or officer thereof, shall be abated or affected by anything herein contained, but all such actions shall be prosecuted or defended under the laws in effect when they were filed.~~

~~SECTION 11.08 WHEN CHARTER TAKES EFFECT.~~

~~This Charter shall be voted upon at the general election held November 5, 2013, and will take effect on adoption if approved by the voters.~~

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 6, 2016

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

November 9, 2016
Date Prepared:

PC-2016-20 ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, on Quail Ridge Drive, for a total of 19 parcels, **City of Oxford, Applicant**

Recommendation: Approval

Discussion:

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District in the neighborhood of Quail Ridge Drive. A total of 19 parcels were included in the petition and a total of 17 property owners' signatures were obtained, thus exceeding the two-thirds requirement of the parcels of this petitioned area. Legislation allows a neighborhood to generate a petition to create an overlay district subject to meeting certain standards and public hearing process.

The petition to establish a neighborhood conservation overlay district was filed on September 7, 2016 with the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarded to the Planning Commission on September 20, 2016. The Planning Commission recommended this Zoning Map Amendment, since having met the Decision Standards of Chapter 1146, and at least one Decision Standard of Chapter 1135.

The intent is to be a grass-roots effort which only alters one aspect of the permitted land uses (residential occupancy). Therefore the base zoning district regulations are retained. Without the overlay, a single dwelling unit can have up to four unrelated persons. With the overlay, a single dwelling unit may still be rental property, but is limited to no more than two unrelated persons. Existing dwellings with more than two unrelated persons would be allowed to continue as legal conforming.

Approved by:

Department Head:
City Attorney:
City Manager:

JHC 11/9/16
DRE 12/2/16

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1A (SINGLE FAMILY LOW DENSITY RESIDENTIAL) DISTRICT FOR 19 PARCELS LOCATED ON QUAIL RIDGE DRIVE IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: Council finds in accordance with Section 1146.03 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on November 8, 2016 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District for 19 parcels located on Quail Ridge Drive in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: The Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District for 19 parcels located on Quail Ridge Drive in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 4: Council hereby grants the Zoning Map Amendment as requested, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	December 6, 2016
<u>Case Number</u>	PC-2016-20
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	ZONING MAP AMENDMENT To establish a Neighborhood Conservation Overlay District in an R1-A (Single-Family Low Density Residential) District, on Quail Ridge Drive for a total of 19 parcels, City of Oxford, Applicant
<u>Public Hearing Information</u>	On November 8, 2016 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on October 9, 2016. Public Hearing notices were mailed out to surrounding properties on October 24, 2016.
<u>Commission Action</u>	The Planning Commission voted 5-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment having met the Decision Standards of Chapter 1146, and at least one Decision Standard of Chapter 1135
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated October 31, 2016 2. Proposed Boundary Map 3. Interoffice Reviews 4. Surrounding Property Notifications 5. Zoning Map Amendment Application Dated October 3, 2016 6. Resolution 5012 City Council Acceptance of Petition 7. Staff Summary to City Council Dated September 12, 2016 8. Petition for Residential Conservation Overlay District

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2016-20

Date – November 8, 2016

APPLICATION

Applicant: City of Oxford
Action Request: **ZONING MAP AMENDMENT** to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, in the Neighborhood of Quail Ridge Drive. **City of Oxford, Applicant**

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District in the neighborhood of Quail Ridge Drive.

A petition to establish a neighborhood conservation overlay district was filed on September 7, 2016 to the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on September 20, 2016.

ZONING CODE

The Oxford Zoning Ordinance Chapter 1146 governs the establishment of the Neighborhood Conservation Overlay District.

COMPREHENSIVE PLAN

In the Overview Section of Chapter 7, Housing, in the Comprehensive Plan residents echoed the same sentiments that Oxford has a unique housing market involving a large rental population that limits opportunities for family housing options and changes the community character, specifically within the Mile Square. The public input sessions also pointed out the lack of housing opportunities for families and the hope to encourage owner-occupied housing and promote the return of full-time residents to the area. Even the Comprehensive Plan does not implicitly point to the establishment of an overlay district to encourage owner-occupied neighborhoods, but several objectives and strategies are relevant to this idea of maintaining traditional neighborhoods and owner-occupied residential dwellings.

Objective Expand Housing options

- H2.1 Update development regulations to allow for a variety of housing types in new developments.*
- H2.4 Provide financial assistance to increase homeownership opportunities for low and moderate income residents.*

Objective: Expand homeownership opportunities

- H5.1 Encourage local employers to provide homeownership incentives.*
- H5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.*
- H5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.*
- H5.4 Develop a revolving loan fund.*
- H5.5 Establish an Oxford Homeownership Office in partnership with Miami University.*
- H5.6 Support the University loan program to increase homeownership opportunities within the Mile Square.*

AGENCY REVIEWS

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

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

DECISION CRITERIA

A copy of the Decision Criteria for Overlay District is attached.

ANALYSIS

The idea of the neighborhood conservation overlay district was to preserve neighborhoods from being turned into rental properties and to maintain the traditional neighborhood owner-occupied character. The Planning Commission went through extensive discussion about this overlay district in 2012. It was designed to provide mechanisms to the neighborhoods to initiate a grass roots movement to get all the neighbors together and to petition City Council for the consideration of placing more restrictions on the underlying district.

The overlay district is not uncommon in the land use arena to put in place a specific set of regulations that are more stringent than the underlying district in order to accomplish specific objectives. The most commonly used overlay district is for the historic area. Others are used for specific design standards to promote some uniformity in certain specific subset areas.

Many neighborhoods have gone through this process since the adoption of this enabling legislation in 2013. As of today, there have been 12 different neighborhoods throughout the City that have obtained the overlay district designation. These neighborhoods are typically located outside of the Mile Square.

A petition was filed by a group of neighbors in Quail Ridge Drive for a total of 19 parcels of tracts of land, to be considered a Neighborhood Conservation Overlay District on September 7, 2016 with the Clerk of the Oxford City Council. The petition also showed that there were 17 signatures obtained that represent 19 parcels. The signatures supporting this petition exceed the two-third requirements of the parcels of this petitioned area. The signatures represent 96% of the parcels within the boundary. A map of the proposed district is attached illustrating the area for consideration.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the petition on September 20, 2016 and forwarded this petition to the Planning Commission for Zoning Map Amendment consideration.

There are specific decision standards that the Planning Commission shall reference and the decision standards are also attached for reference. The Planning Commission also shall consider the purpose and objectives of such overlay district are to achieve the privacy of residents and to minimum noise, congestion and nuisance impact by excessive renters and to maintain an attractive community appearance and provide a desirable living environment and finally to prevent excessive traffic and parking problems in the neighborhood.

The petition met the boundary requirements as stipulated in the Chapter 1146.03(h). The petition also met the minimum two-thirds requirements of owner signatures within the proposed boundary. Additionally, the dates of those signatures were also within six months prior to the time the petition was filed with the City Clerk.

Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment recommendation. The City Council may waive certain requirements after a positive recommendation from the Planning Commission. This process is far lengthier than normal map amendment process and

has additional decision standard thresholds to meet. It is a process that the neighborhood had taken seriously and the neighbors have demonstrated their commitment to preserve their neighborhood and to maintain their neighborhood characters by going through an extra step to initiate.

This would be the 13th neighborhood seeking Neighborhood Conservation Overlay District approval.

RECOMMENDATION

Staff recommends that the Planning Commission approve this amendment and forward this request to City Council for legislative action.

SUBMITTED

BY:



Jung-Han Chen

Community Development Director

DATE: October 31, 2016

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

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

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

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

Map Amendments

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

Planning Commission must utilize the Chapter 1146 Specific Decision Standards to consider the Neighborhood Conservation Overlay District and they are as follows:

1146.03(2) b Decision Standards for Considering Overlay District:

1. The proposed Overlay District meets the boundary criteria.
2. The proposed Overlay District will preserve and enhance the neighborhood character.
3. The proposed Overlay District will promote the public health, safety and general welfare of the people of the neighborhood.
4. The proposed Overlay District will promote and implement the intent of the Comprehensive Plan.
5. The proposed Overlay District will satisfy a legitimate need.



**Quail Ridge
Neighborhood
Conservation
Overlay District
Petition Boundaries**

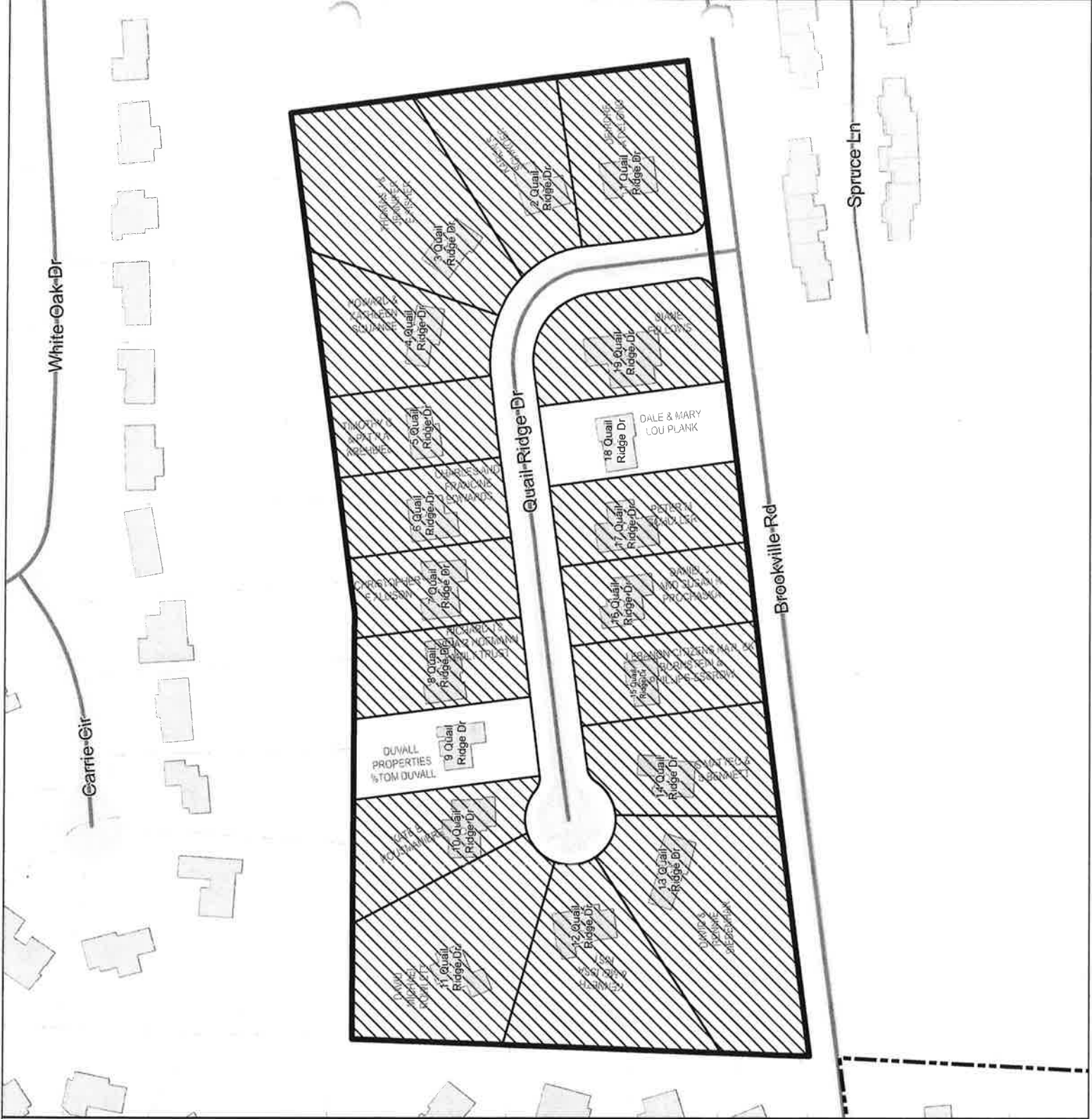
Legend

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



1 inch = 150 feet

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



City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 20, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

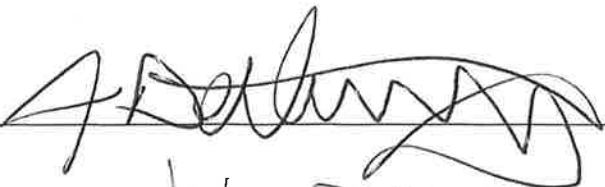
PC-2016-20 ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, on Quail Ridge Drive, for a total of 19 parcels, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **November 2, 2016** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by:


John Dethurage
PRINTED NAME

Date:

10-21-16

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 20, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-20 ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, on Quail Ridge Drive, for a total of 19 parcels, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **November 2, 2016** 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: *V. Popescu* Date: 10-28-16

VICTOR POPESCU
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 20, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-20 ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, on Quail Ridge Drive, for a total of 19 parcels, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **November 2, 2016** 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: 10/24/16

John A. Jones
PRINTED NAME



PC-2016-20

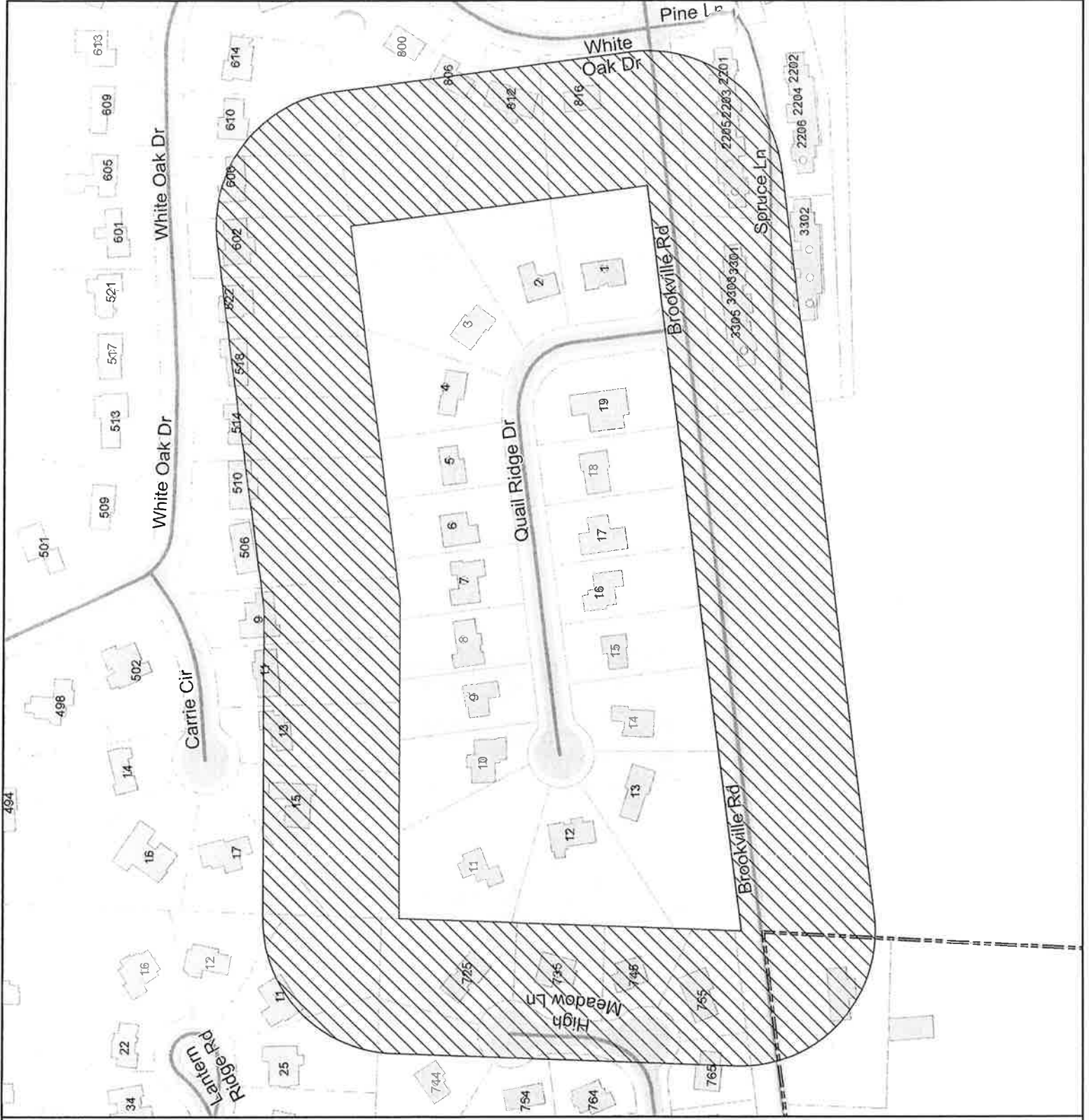
Surrounding Property Owners Notifications Map

Legend

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



1 inch = 200 feet





Internal Use Only:

Case No.

PC - 2016-20

Date Filed

10/3/16

Zoning Map Amendment Application

Applicant Information

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

Name * Jung-Han Chen

Mailing Address * 101 E. High Street

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * 513-5245204

Email Address Jhchen@cityofoxford.org

Location and Lot Information

Location * Quail Ridge Drive

General Description of Proposed Amendment * Overlay District

Current Zoning * R1A

Proposed Zone(s) * Neighborhood Conversation Overlay District

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 Search² 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.

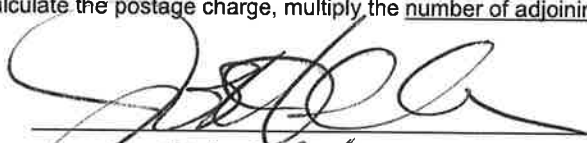
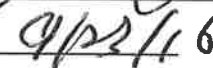
Fees & Receipt

The required fee is \$150.00, plus postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *

Date *

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

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

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

For Staff Use Only

Fee Paid Date *



Receipt Number *

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/>

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

RESOLUTION NO. 5012

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR QUAIL RIDGE DRIVE AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

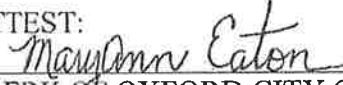
SECTION 1: The Clerk of Council and the Community Development Director having determined pursuant to Oxford Codified Ordinance §1146.03(b) that the Petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto conforms to the petition requirements of Oxford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

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

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


VICE MAYOR

ADOPTED: September 20, 2016

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: September 20, 2016

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

September 12, 2016
Date Prepared

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

The Residential Conservation Overlay District legislation was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment by restricting residential properties to be rented to no more than two unrelated individuals. The process to establish an overlay district begins with a petition with signatures of more than two-thirds of property owners within the proposed district. This petition goes before City Council for acceptance and the petition is then referred to the Planning Commission for review. There have been thirteen (13) petitions that have come before the City Council previously.

This petition for acceptance was filed by residents in the neighborhood of Quail Ridge Drive on September 7, 2016. There are a total of 19 parcels contained in the proposed overlay district boundary. The petition shows 17 valid signatures obtained, a total of 19 parcels, and the date when the owners signed the petition. A map of the proposed area is attached illustrating the area for consideration.

The signatures in this petition exceed the two-thirds requirement of the parcel owners of this petitioned area. The signatures represent 17 parcels within the boundary, which is 89%. Additionally, the boundary of the proposed overlay district also satisfies the general boundary requirements of Section 1146 of the Codified Ordinances.

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

Approved by:

	Initial	Date
Department Head:	<u>JHC</u>	<u>9/14/16</u>
City Attorney:	<u> </u>	<u> </u>
City Manager:	<u> </u>	<u> </u>

City of Oxford
9/1-6-6

RECEIVED

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OUTVERLAY DISTRICT

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO REQUEST CITY COUNCIL TO INTRODUCE AN ORDINANCE ACCEPTING A PETITION WHICH WOULD ALLOW THE INITIATION OF A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES WHICH WOULD RESTRICT THE ABILITY OF PROPERTY OWNERS TO RENT THEIR PROPERTY TO MORE THAN TWO UNRELATED INDIVIDUALS.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

Please see the attached map for exact boundaries.

East Boundary: rear lots of 1-3 Quail Ridge Drive
North Boundary: rear lots of 3-11 Quail Ridge Drive
West Boundary: rear lots of 11, 12 and 13 Quail Ridge Drive
South Boundary: Brookville Road (rear lots of 13-19 Quail Ridge Drive)

Circulator's Full Name: Debra H. Allison email: allisodh@miamioh.edu
Circulator's Address: 7 Quail Ridge Dr.
Circulator's Signature: Debra H. Allison

Circulator's Full Name: Christopher E. Allison email: allisoc@miamioh.edu
Circulator's Signature: Chris E. Allison
Circulator's Full Name:

Circulator's Signature: Jennifer Fisher
Circulator's Full Name: 3 Quail Ridge Dr.
Circulator's Signature: Jennifer E. Fisher

Circulator's Signature: James Squance
Circulator's Full Name: 4 Quail Ridge Dr.
Circulator's Signature: James Squance

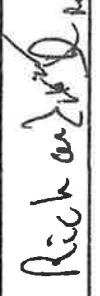
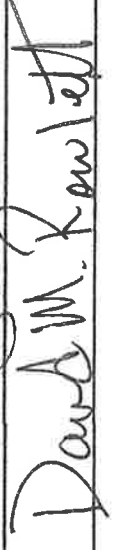
Petition for Quail Ridge Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Debra Allison, 7 Quail Ridge Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
31 AUG 16	1 QUAIL RIDGE DR	DEIRDRE A DELONG		
8/29/16	2 QUAIL RIDGE DR	KAREN S SCHROER		
8/26/2016	3 QUAIL RIDGE DR	THOMAS J & JENNIFER E FISHER		
8/28/16	4 QUAIL RIDGE DR	HOWARD & KATHLEEN SQUANCE		
8/24/16	5 QUAIL RIDGE DR	TIMOTHY C & PATTI A KREHBIEL		
8/26/16	6 QUAIL RIDGE DR	CHARLES AND FRANCINE EDWARDS		
8/24/16	7 QUAIL RIDGE DR	CHRISTOPHER E ALLISON		
8/24/16	8 QUAIL RIDGE DR	RICHARD J & LYDIA R HOFMANN FAMILY TRUST		no response
8/27/16	10 QUAIL RIDGE DR	KATE B ROUSMANIERE		
8/27/16	11 QUAIL RIDGE DR	DAVID MICHAEL ROWLETT		

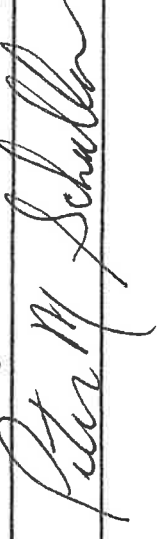
Petition for Quail Ridge Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Debra Allison, 7 Quail Ridge Drive

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This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
8/26/16	12 QUAIL RIDGE DR	KENNETH & MELISSA KIST		
26 Aug 2016	13 QUAIL RIDGE DR	DAVID & RENNIE SIEBENHAR		
8/26/16	14 QUAIL RIDGE DR	S MATTEO & S BENNETT		
8/26/16	15 QUAIL RIDGE DR	LEBANON CITIZENS NATL BK BORNSTEIN & PHILLIPS-ESCROW		
8/27/16	16 QUAIL RIDGE DR	DANIEL J AND SUSAN R PROCHASKA		
8/24/16	17 QUAIL RIDGE DR	PETER M SCHULLER		
	18 QUAIL RIDGE DR	DALE & MARY LOU PLANK		no response
8-28-16	19 QUAIL RIDGE DR	DIANE FELLOWS		

TO: QUAIL RIDGE PROPERTY OWNERS
RE: PETITION FOR RESIDENTIAL CONSERVATION OVERLAY
DATE: AUGUST 2016

PROPOSED: That Quail Ridge Drive homeowners apply for a change of zoning called a "neighborhood conservation overlay district." **This proposed zoning limits the number of persons in a rental residence to no more than two unrelated individuals.** If the zoning is approved, homeowners may rent property **but are limited to two unrelated persons who may live in the house.**

The purpose of the Conservation Neighborhood Overlay Zoning:

The purposes outlined in the ordinance are

1. To protect the privacy of residents and to minimize noise congestion and nuisance impacts by regulating the types of rental properties occupied by unrelated persons
2. To maintain an attractive community appearance and provide a desirable living environment for residents by preserving the owner occupied character of the neighborhood
3. To prevent excessive traffic and parking in the neighborhoods

Current zoning in Quail Ridge Drive: The current zoning for our area is "single family residence" defined as no more than FOUR unrelated people may live in the dwelling.

Process for a neighborhood to achieve overlay zoning

1. In order for our neighborhood to achieve this zoning, we must have **2/3 of the property owners sign a petition within 60 days (13 of 19 lots).**
2. The petition is sent to Oxford City Council that refers it to the Planning Commission for its recommendation.
3. If the recommendation is approved it is returned to City Council for second reading and approval. The process takes about three months.

A Quail Ridge resident will be contacting you soon with the opportunity for you to sign the petition. The signer of the petition must be the homeowner (if jointly owned, only one needs to sign.) You may contact any of the following individuals for further information.

Debra Allison, 7 Quail Ridge Drive, 523-5392
Christopher Allison, 7 Quail Ridge Drive, 523-5392
Jenny Fisher, 3 Quail Ridge Drive, 513-280-6272
Jim Squance, 4 Quail Ridge Drive, 423-1217

7 Quail Ridge Drive
Oxford, OH 45056
August 26, 2016

Mr. Tom Duvall
5942 Booth Road
Oxford, OH 45056

Dear Mr. Duvall,

The Quail Ridge neighbors on the enclosed list are working to petition Oxford City Council to grant a "Neighborhood Conservation Overlay" for Quail Ridge properties. If Planning Commission and City Council approve it, Quail Ridge homeowners would be restricted to rental of the home to no more than two unrelated persons. The current limit is four unrelated persons.

We are contacting the homeowners of record and asking for approval for this petition. If you are in agreement, please sign the enclosed petition and return it to me in the enclosed stamped, self-addressed envelope by September 5, 2016. If you do not support this, please write "Decline" in the signature space and date it, and return in the enclosed envelope.

Also enclosed is (1) a copy of the full ordinance passed by City Council in 2012, (2) a map that shows the boundaries for this overlay, and (3) a map that shows the already established overlays in the city, and other supporting items.

Should you have questions, you may email me at ALLISODH@MIAMIOH.EDU or call me at 523-5392.

Thank you,

Debra Allison

7 Quail Ridge Drive
Oxford, OH 45056
August 26, 2016

Mary Lou and Dale Plank
18 Quail Ridge Drive
Oxford, OH 45056

Dear Mary Lou and Dale,

The Quail Ridge neighbors on the enclosed list are working to petition Oxford City Council to grant a "Neighborhood Conservation Overlay" for Quail Ridge properties. If Planning Commission and City Council approve it, Quail Ridge homeowners would be restricted to rental of the home to no more than two unrelated persons. The current limit is four unrelated persons.

We are contacting the homeowners of record and asking for approval for this petition. If you are in agreement, please sign the enclosed petition and return it to me in the enclosed stamped, self-addressed envelope by September 5, 2016. Only one homeowner needs to sign. If you do not support this, please write "Decline" in the signature space and date it, and return in the enclosed envelope.

Also enclosed is (1) a copy of the full ordinance passed by City Council in 2012, (2) a map that shows the boundaries for this overlay, and (3) a map that shows the already established overlays in the city, and other supporting items.

Should you have questions, you may email me at ALLISODH@MIAMIOH.EDU or call me at (513) 523-5392.

Thank you,

Debi Allison

