



Agenda

Oxford City Council

Court House

TUESDAY, DECEMBER 17, 2019

EXECUTIVE SESSION

7:15 p.m.

1. Roll Call. Mike Smith, Mayor; William Snavelly, Vice-Mayor; David Prytherch; Jason Bracken; Chantel Raghu; Glenn Ellerbe; Edna Southard

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

- A. Swearing In – Police Officer, Paul Hellwarth. (John Jones & Chris Conard)
- B. Appointments to Boards and Commissions.
- C. Presentation – Age Friendly Oxford – Ann Whelpton.
- D. Presentation – Oxford Farmers Market – Larry Slocum.
- E. Notice to Legislative Authority – Transfer permit from Scottys Thr3e Wise Men Brewing Company LLC DBA Scottys Brewhouse 1st Floor & Patio 325 S. College Avenue Oxford, Ohio 45056 to 325SC Restaurant Ventures LLC 1st Floor & Patio 325 S. College Avenue Oxford, Ohio 45056.



Notice

- F. Public Comments.

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

4. Consent Agenda.

- A. Minutes of the December 3, 2019 City Council Meeting. (Mary Ann Eaton. Clerk of Council)



Minutes

- B. Report regarding the December 4, 2019 Environmental Commission Meeting Report. (Mike Dreisbach, Service Director)



Report

- C. A Resolution authorizing the City Manager to close Lot 52 each Saturday in 2020 from 4:00 a.m. until 1:00 p.m. to permit the operation of the Farmers Market within Lot 52 during said time. (Doug Elliott, City Manager)



Staff Report/Resolution

5. Resolutions.

- 1. A Resolution authorizing the City Manager to sign a termination of agreement with regard to property located at 114 W. Walnut Street. (Doug Elliott, City Manager)



Staff Report/Resolution

2. A Resolution authorizing the deposit payment of \$32,099.00 payable to CSX Transportation, Inc. for the purpose of flagging and inspections related to the City's water main replacement project through the Contreras Road right-of-way. (Mike Dreisbach, Service Director)



Staff Report/Resolution

3. A Resolution approving revisions to the Employee Handbook. (Jessica Greene, Assistant City Manager/Human Resources Director) (Tabled 11/19/19)



Staff Report/Resolution



Handbook

6. Ordinances.

A. First Reading.

1. An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, by Adding New Section 521.13 Entitled Unsolicited Materials To Chapter 521 Entitled Health, Safety And Sanitation. (Doug Elliott, City Manager)



Staff Report/Ordinance

2. An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.14 Entitled Expanded Polystyrene Ban To Chapter 521 Entitled Health, Safety And Sanitation. (Doug Elliott, City Manager)



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Amending Ordinance No. 3493. Supplemental Budget Ordinance Number 9 To Make Supplemental Appropriations For Fiscal Year 2019. (Joe Newlin, Finance Director)



Staff Report/Ordinance

2. An Ordinance Approving A Conditional Use Permit To Allow For Expansion Of The Outdoor Sale Of Plants And Garden Supplies In The General Business (GB) District At 304 W. Collins Street, Oxford, Ohio 45056 With Conditions. (Sam Perry, Community Development Director)



Staff Report/Ordinance

3. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 2.5 Acres Of Land Located At 5427 and 5435 College Corner Pike, Oxford, Ohio, And Rezoning The Property From Multi-Family Residential (R-3) District To General Business (GB) District. (Sam Perry, Community Development Director)



Staff Report/Ordinance

7. A. Announcements & Communications.

1. Remarks from City Council and City Staff. The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

B. Future Meetings.

WED - Dec 18 Board of Zoning Appeals Meeting 6:30 p.m.

TUES – Dec 24 Holiday – City Offices Closed

WED - Dec 25 Holiday – City Offices Closed

WED – Jan 1 Holiday – City Offices Closed

TUES – Jan 7 City Council Meeting 7:30 p.m.

WED - Jan 8 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

TUES – Jan 14 Public Arts Commission of Oxford Meeting 4:30 p.m. Municipal Building

TUES – Jan 14 Planning Commission Meeting 7:00 p.m.

WED - Jan 15 Board of Zoning Appeals Meeting 6:30 p.m.

THUR- Jan 16 Joint Recreation and TRI Board Meeting 11:00 a.m. LCNB

MON - Jan 20 Holiday – City Offices Closed

TUES – Jan 21 City Council Meeting 7:30 p.m.

8. Adjourn.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: December 17, 2019

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 10, 2019

Date Prepared

Agenda Title: Legislative Authority Notice - Transfer permit from Scottys Thr3e Wise Men Brewing Company Ohio LLC DBA Scottys Brewhouse 1st Floor & Patio 325 S. College Avenue Oxford, Ohio 45056 to 325SC Restaurant Ventures LLC 1st Floor & Patio 325 S. College Avenue Oxford, Ohio 45056.

Recommendation: N/A

Discussion:

The permit is for:

D5I - Restaurant meeting certain criteria.

D6 - Sale of intoxicating liquor on Sunday between the hours 10:00 a.m. or 11:00 a.m. and midnight.

Approved By:

Initial Date

Department Head:

City Manager:

DRE

12-13-19

NOTICE TO LEGISLATIVE
AUTHORITY

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

TO

89228350005		TRFO	325SC RESTAURANT VENTURES LLC 1ST FL & PATIO 325 S COLLEGE AVE OXFORD OH 45056
PERMIT NUMBER		TYPE	
06	01	2018	
ISSUE DATE			
11	21	2019	
FILING DATE			
D5I D6			
PERMIT CLASSES			
09	088	A	F23336
TAX DISTRICT		RECEIPT NO.	

FROM 11/25/2019

7932515			SCOTTYS THR3E WISE MEN BREWING COMPANY OHIO LLC DBA SCOTTYS BREWHOUSE 1ST FL & PATIO 325 S COLLEGE AV OXFORD OH 45056
PERMIT NUMBER		TYPE	
06	01	2018	
ISSUE DATE			
11	21	2019	
FILING DATE			
D5I D6			
PERMIT CLASSES			
09	088		
TAX DISTRICT		RECEIPT NO.	



RECEIVED

12/2/19

City of Oxford

MAILED 11/25/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN.

12/26/2019

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES

A TRFO 8922835-0005

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

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

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

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

Searching Instructions

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

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

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

SEARCH CRITERIA**Permit Number**

89228350005

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

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 89228350005; Name: 325SC RESTAURANT VENTURES LLC; DBA: ; Address: 325 S COLLEGE AVE OXFORD 45056		
BRIAN KELLY	5% VOTING	
DAVID C WESPISER	5% VOTING	

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- [Ohio Department of Commerce](#)

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

A regular meeting of the Oxford City Council was called to order by Mayor Mike Smith on Tuesday, December 3, 2019 at 7:30 p.m. Those members present were Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu, William Snavely and Edna Southard.

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

PLEDGE OF ALLEGIANCE

Mayor Smith requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Ellerbe moved to approve the agenda. Mr. Snavely seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

RESOLUTION

COMMENDING STEVE DANA

Mayor Smith read Resolution No. 7136 commending former Vice Mayor Steve Dana for his service to the City of Oxford and its residents and presented him with a gift of appreciation from the City.

Mr. Steve Dana, advised he had words of thanks and reflections on why it has been a privilege to serve on City Council as follows: "Thanks above all I give to the City Manager, to Alan Kyger, to Chief Jones, Mike Dreisbach, Joe Newlin and Sam Perry for the careful and skillful way they have presented their analysis of projects. They have shown how well a City can serve its citizens, just as important, I've been fortunate to have the support of Mary Ann and Kim. It has been a privilege first of all to engage with the process of making public policy, to see how the pieces work together, the public, the commissions, the staff and my fellow members of Council. It has been a privilege to learn to help mold the process of making public policy that I hope has served the City well and won the trust of citizens. The most enjoyable part of this work has been seeing how Oxford's leaders embrace the opportunities for progressive action. A full throated endorsement of guidance from the Comprehensive Plan, a plan to revise this plan and a clear statement that lets sustainability be our guide. To City Council and staff, I can not help but be grateful, grateful for the opportunity to strive to earn the public's trust."

RESOLUTION

COMMENDING KATE ROUSMANIERE

Mayor Smith read Resolution No. 7137 commending former Mayor Kate Rousmaniere for her service to the City of Oxford and its residents and presented her with a gift of appreciation from the City.

Ms. Kate Rousmaniere, advised she had a few words as follows: "Serving on Oxford City Council for 8 years and as Mayor for 4 years has been one of the most incredible experiences of my life and I thank you all for giving me the opportunity to do this work. It has been productive service, I think we've gotten a lot done, we had a good time doing it, and we learned a lot. I've learned a lot about democracy which is something I want to say a bit about tonight. Like many of you, I worry a lot about the state of democracy in this country today. One of the reasons it has been so enjoyable to be involved in local government is that I can pay attention to what we are doing at the local level. I'm really happy to see and experience democracy at work in local government especially with citizen participation in Council meetings, in community meetings, and in our boards and commissions. We are often reminded that by Rules of Council, Councilors do not need to go through the City boards and commissions to purpose items for the agenda. I'm sure you will all agree with me, that the more inclusive Council is to citizen input the more welcoming we are of citizen views, and the more open and democratic our processes the better. Boards and Commissions are the workhorses on the home turf of local government. You all know this because you are all on boards and commissions, and with your support, I hope to be on the Board of Zoning Appeals soon and be able to take part in that process again. These boards and commissions consist of citizen volunteers, elected officials and staff. They work together on problem solving and developing strategies to enact the ideas that those of us sitting on the dais think about. Boards and Commissions represent the best in that way of inclusive democracy. In inclusive democracy we share decision making with everybody. Let's remember that as elected officials we also represent those people who did not vote for us. In this town there are a lot of people who did not vote for us because a lot of people do not vote, and a lot of people have different ideas than those of us who are elected officials. We may not like what other people are saying but it is our responsibility as elected officials to listen to them. Those are our people which is what democracy is all about. I believe our best skills as elected officials is listening. Especially listening to people who we are not familiar with, who we do not spend all of our time with, who may not agree immediately with everything that we think is correct. I also think an important skill is deliberating in problem solving with staff and with citizens, and then coming to consensus and compromise through inclusive and participatory democratic processes like the commissions and boards. I urge all of you to spend time with people with whom you disagree. One of the most important parts of my experience here on City Council is spending time with people who do not like what we are doing and I learn from them and try to figure out how we can make things happen better. That is what democracy looks like. Good luck in all of your future work together and with the great citizens of Oxford and with our terrific staff. I echo former Vice Mayor Dana with regard to the great joy I've had working with all of our staff in a really cohesive and collaborative way. Good luck and have a good time."

NOTICE TO LEGISLATIVE AUTHORITY

New Permit for 325SC Restaurant Ventures LLC 325 S. College Avenue Oxford, Ohio 45056.
(Alan Kyger, Economic Development Director)

Mr. Kyger explained the rationale for the new D51 liquor permit for Gaslight Grill noting it was for a restaurant meeting certain criteria.

Mr. Snavelly moved to receive the notice without comment. Mr. Ellerbe seconded. The motion passed 7-0-0.

NOTICE TO LEGISLATIVE AUTHORITY

New permit for Satguru Petroleum LLC DBA Oxford Shell 3600 Southpointe Parkway Oxford, Ohio 45056. (Alan Kyger, Economic Development Director)

Mr. Kyger explained the rationale for the new permit which was for beer, wine and mixed beverages in sealed containers for carry out only. Mr. Kyger advised the permit was for a new fuel service and convenience store approved for the corner of Southpointe Parkway and US 27 S.

Mr. Snavelly moved to receive the notice without objection. Mr. Bracken seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Ms. Claudia Zaunz, Miami University student, advised she wanted to address a problem that was very dear to her. Ms. Zaunz asked Councilor's if they remembered the last time they used public transportation. Ms. Zaunz noted the first time she noticed the lack of public transportation in the community, in the county and in the wider area was when she bought tickets for a concert in Columbus without assuming that there is no way to get there if you do not have a car. Ms. Zaunz advised she checked google maps which suggested a trip of ten hours and fifty minutes with five transitions on a regular Saturday morning. Ms. Zaunz noted as one of many students without a car it would take three hours and forty minutes to get to downtown Cincinnati, a bus trip that includes three transitions and 139 potential stops along the way. Ms. Zaunz noted she wanted to point out that people without a car are stuck in Oxford and advised no one would travel almost eleven hours if they could be there in two. Ms. Zaunz noted even within our City mobility can become a challenge, getting to Oxford Lanes for instance is only possible if you are willing to walk for a least a mile. Ms. Zaunz advised considering that it will be evening and most likely dark, few college students will go there if they do not have a car. Ms. Zaunz noted she perfectly understands the daily connections are a project far from realization due to cost issues and asked Council to keep the benefits of public transportation in mind. Ms. Zaunz advised public transportation has economic and health benefits, it lessens gas use and reduces pollution. Ms. Zaunz noted public transportation is safer as less cars are on the road, it reduces traffic and road congestion and advised household expenses can be reduced as multiple cars might not be necessary. Ms. Zaunz noted the availability of public transportation opens up personal mobility to everyone giving each person the freedom to go virtually anywhere. Ms. Zaunz advised sooner or later due to climate change our society needs to change noting her hope public transportation will be included in future projects as it offers a solution to the later problem.

Mayor Smith thanked Ms. Zaunz for her comments noting Council continues to look at the issue of public transportation.

Ms. Connie Malone, 804 Melinda Drive, advised she was in attendance this evening on behalf of Oxford Empty Bowls representing her co-organizers Ann Wengler and Alice Laatsch.

Ms. Malone advised this year's event was held on Saturday, November 9 noting it was Oxford's 17th event. Ms. Malone advised the remaining bowls will be for sale this Saturday at the Craft Show at the Oxford Community Arts Center. Ms. Malone noted the event raised \$11,032 so far this year and approximately \$110,000 for the life of the event. Ms. Malone advised the funds are shared between Talawanda Oxford Pantry and Social Services which is the primary beneficiary, the Open Hands Food Pantry, the Miami Cares Pantry and St. Mary's Backpack program. Ms. Malone thanked Council members who participated in the event and recognized John Buchholz for helping them with compostable products and two Go-Zero waste bins for food scraps. Ms. Malone noted she was proud to say that this year's Oxford Empty Bowls event produced very low waste. Ms. Malone advised with the City's cooperation her hope was for Oxford Empty Bowls to be a gateway to showing how relatively large scale community events can pretty easily move in this direction. Ms. Malone noted Empty Bowls was pleased to partner with the Oxford Parks and Recreation Department, Enjoy Oxford and countless community and university groups who come together to make this event what it is.

CONSENT AGENDA

MINUTES

Minutes of the November 18, 2019 City Council Work Session. (Doug Elliott, City Manager)

Minutes of the November 19, 2019 City Council Work Session (Mary Ann Eaton, Clerk of Council)

Minutes of the November 19 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the November 26, 2019 City Council Organizational Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the November 12, 2019 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)

Report regarding the November 12, 2019 Planning Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the November 13, 2019 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the November 20, 2019 Board of Zoning Appeals Meeting. (Sam Perry, Community Development Director)

Mr. Snavely moved to approve the consent agenda. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION **OXFORD SENIORS** **LEASE AGREEMENT**

A Resolution No. 7138 authorizing the City Manager to enter into a new lease agreement with Oxford Seniors for the use of the Oxford Senior Citizens Community Center. (Casey Wooddell, Parks and Recreation Director)

Mr. Wooddell advised the proposed Resolution was for the renewal of a 5 year lease agreement between the City of Oxford and Oxford Seniors which allows Oxford Seniors to utilize the City owned property at 922 Tollgate Drive. Mr. Wooddell outlined the modifications within the new lease agreement as detailed on page 38 of Council's packet. Mr. Wooddell offered to answer any questions.

Mr. Steve Schnabl, Executive Director, Oxford Seniors, thanked the City for being extra cooperative in the renegotiation of the lease for Oxford Seniors noting it will allow them to use the asset of the building in a way that is much more productive than in the past years. Mr. Schnabl advised Oxford Seniors has been very fortunate to have the City's support of Oxford Seniors through the ownership and stewardship of the building since it was constructed in the 1980's.

Mr. Schnabl welcomed Ms. Southard as the new Council representative on the Oxford Seniors Board and welcomed each of the new City Councilors.

Ms. Southard moved to adopt Resolution No. 7138. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION **LEASE AGREEMENT** **TALAWANDA RECREATION, INC.**

A Resolution No. 7139 granting Talawanda Recreation, Inc. (TRI) a two (2) year lease and authorizing the City Manager to execute the new lease. (Casey Wooddell, Parks and Recreation Director)

Mr. Wooddell advised the proposed Resolution was for the renewal of a 2 year lease agreement between Talawanda Recreation Inc. (TRI) and the City of Oxford noting the 2 year agreements had been done for decades. Mr. Wooddell advised the lease provides Oxford Parks and Recreation a facility to run their operations from. Mr. Wooddell noted the funds for the lease agreement are utilized by the TRI for maintenance, repairs and renovations of the facilities and grounds of the TRI property which includes the skate park, ball field, tennis courts, playgrounds, offices, fitness rooms and gymnasium.

Mr. Prytherch inquired if the TRI has a capital improvement plan and if not inquired how Council would know the funds are utilized for the improvements.

Mr. Wooddell advised he could not speak for the TRI Board noting he does sit on their board. Mr. Wooddell noted for the first time in 12 years he felt the board was having serious conversations about the future of the TRI whereas he felt it has been stagnant for a long time. Mr. Wooddell advised the TRI Board was looking at the feasibility of adding on to the facility or whether it was a better use of funds to tear down the existing building and rebuild the facility. Mr. Wooddell noted they brought on some new board members and incorporated the use of resources at Miami University in terms of staff to walk them through the process of what a new facility would look like or what adding on to the existing facility would look like. Mr. Wooddell advised the conversations were there in terms of what they are going to do, what is it going to look like and what amenities it should include that are cost effective but will serve the City long term from a recreational standpoint.

Mr. Prytherch inquired if the lease funds have been paying for maintenance of existing facilities and Mr. Wooddell advised yes.

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

Mr. Ellerbe inquired if the City decides to do improvements on some of the properties the TRI owns would the City get a credit on the lease and Mr. Wooddell advised no.

Mr. Prytherch noted he had always struggled to make sense of the arrangements with the TRI. Mr. Prytherch advised he was sure it was a great partnership although he looks at the lease rates and wants to make sure the \$40,000 will be used for something other than maintaining the existing facility.

Ms. Southard moved to adopt Resolution No. 7139. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION
AGREEMENT WITH
BUTLER COUNTY

A Resolution No.7140 authorizing the City Manager to enter into a service agreement with the Butler County Public Defender Commission to provide legal counsel to indigent persons charged with violations of Municipal Ordinances for the year 2020, and thereafter under certain terms and conditions. (Doug Elliott, City Manager)

Mr. Elliott advised County Public Defenders are by law allowed to contract with municipalities for representation of indigent persons in the court system. Mr. Elliott noted the City of Oxford has contracted with the Butler County Public Defender Commission since 2015. Mr. Elliott advised the proposed Resolution would authorize the City Manger to enter into a renewal agreement with the Public Defender Commission to provide legal counsel to indigent persons appearing in the Butler County Area One Court in 2020 at a cost of \$3,718.79 annually. Mr. Elliott recommended approval of the proposed Resolution.

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

Mr. Ellerbe inquired how many people were represented annually. Ms. Southard inquired if all of the money was spent each year. Mr. Elliott advised he would obtain that information and send it to Councilors. Mr. Snively advised the money was to contract for the services however many times they were needed noting it was not a per use charge.

Ms. Southard moved to adopt Resolution No. 7140. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION
AGREEMENT WITH
STRAND ASSOCIATES, INC.

A Resolution No. 7141 accepting the proposal and authorizing the City Manager to enter into an agreement with Strand Associates, Inc. for the evaluation of water softening technologies suitable for implementation at the City's Water Treatment Plant and to perform other tasks as defined in the City's Request for Proposals (RFP) at a cost of \$146,000.00 plus a contingency amount of ten percent (10%) of the agreement price or \$14,600.00 for a total cost not to exceed \$160,600.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised City Council has appropriated \$500,000 to address one of our consumers most pressing problems which was the total hardness of the water supplied through the City's municipal water system. Mr. Dreisbach noted the City has paid off all of the debt from previous improvements for the Seven Mile Well Field and for the Water Treatment Plant and advised it was currently a debt free utility. Mr. Dreisbach advised it was time to investigate how to best improve the water quality served to the City's customers by lowering the total hardness of the water provided. Mr. Dreisbach referred to page 60 of Council's packet and discussed the listing of surrounding water systems and the technology used to soften their water noting Oxford was the only municipal system in Butler County that does not soften its water. Mr. Dreisbach discussed in detail the nature of the Request for Proposals which was advertised twice in October in the Journal News and with professional clearinghouses. Mr. Dreisbach advised 4 proposals were received from engineering firms and noted after a comprehensive evaluation of the proposals City staff felt Strand Associates, Inc. was by far the most qualified firm for the project.

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

Mr. Snively inquired if the City had a fully operating water softening system would customers be advised to continue using the ones they might have in their homes or to stop using them at that point. Mr. Dreisbach advised there would be no reason for people who used a water softening system at home to continue operating it and incurring those expenses.

Mr. Snively inquired what the timeline of the project was. Mr. Dreisbach advised the City should have the results of the study by October 2020 and if Council so chooses staff could move forward at that point with the full design for construction to begin in 2021. Mr. Dreisbach noted the project would take approximately one year to complete.

Mr. Snavely moved to adopt Resolution No. 7141. Mr. Prytherch seconded. The motion passed 7-0-0.

RESOLUTION
TRANSFER OF FUNDS

A Resolution accepting the recommendation of the Housing Advisory Commission and authorizing the transfer of approximately \$5,825.00 from the Housing Trust Fund to the Oxford Community Foundation to administer funds for affordable housing initiatives. (Sam Perry, Community Development Director)

Mr. Perry advised he wanted pass along a recommendation from the Housing Advisory Commission (HAC) noting over the last year the HAC has learned about all of the funding and housing initiatives that are going on in Oxford and in larger Butler County. Mr. Perry advised this request may appear as if there is a change in the desire to help affordable housing although it was just broadening opportunities. Mr. Perry noted he has worked with the Finance Director in partnership with the HAC to find a way to continue the efforts. Mr. Perry advised this was a small amount of money although it could result in leverage. Mr. Perry noted \$10,000 was taken out of the General Fund in 2008 for affordable housing initiatives and the remaining \$5,825 has been sitting dormant. Mr. Perry advised moving the funds to the Community Foundation would allow contributions to be made to the fund.

Ms. Janis Dutton, Vine Street, noted she had concerns with the proposed Resolution because it looks like it bypasses the Planning Commission. Ms. Dutton advised if someone wants to build an affordable housing unit they would apply to the Community Foundation. Ms. Dutton noted she felt the Resolution should be tabled to allow for more public input.

Ms. Carla Blackmar, 400 W. Vine Street, advised in the future she would like to see the opportunity for in lieu fees for the provision of affordable housing. Ms. Blackmar noted if Oxford decided to have inclusionary housing at some point in the future and someone was not willing to build those units as part of the project then they could pay an in lieu fee and pay into something like an affordable housing trust fund. Ms. Blackmar inquired if the proposed Resolution would close the door on future opportunities with regard to using fees for a fund to lure in the type of development Oxford needs. Ms. Blackmar noted she would like to hear more about the rationale for doing this at this moment and whether it would be difficult to reopen the door of having this fund housed with the City so fees could flow into it.

Mr. Newlin advised this was a trust fund noting there really is not a trust because the money came from the General Fund. Mr. Newlin advised a fee on it would be a special revenue fee so it would be a different fund to begin with. Mr. Newlin noted an agency is holding someone else's money that is released upon an agreed procedure. Mr. Newlin advised with a special revenue fund you bring the money in and use it for a specific purpose.

Mr. Perry referred to Ms. Dutton's comments regarding the Planning Commission and noted the county offers down payment assistance programs through a direct application to the county so neither the City or this housing fund has to be involved. Mr. Perry noted the HAC has been talking about different things like an in lieu fee to have an incentive in place of actually building an affordable housing unit as part of what we typically see as student housing.

Mr. Perry advised if and when that policy gets set up the revenue fund or the fee could still be set up. Mr. Snively inquired if that fund were set up and we had an in lieu fee could this money be shifted from one account to the new account and help seed that new account and Mr. Perry advised yes. Mr. Perry noted the City could also apply for these funds directly like the City did for the recreational trail. Mr. Newlin advised in the accounting world money can only be transferred back to the fund it came from so it would go back to the General Fund and then transferred from the General Fund to the new fund.

Mr. Prytherch noted right now there was no revenue source and no way to spend the money and advised we need to develop a housing program that generates revenues and the capacity to impact housing. Mr. Prytherch noted this was more from a public accounting point of view to not carry over an inactive account from year to year. Mr. Prytherch advised this was a placeholder and allows the City to solicit private donations. Mr. Prytherch noted the goal of the HAC was to figure out what a revenue source would be and how to impact it.

Mr. Ellerbe advised moving the funds to the Community Foundation is more of a strategic planning maneuver noting the City could always set up an additional fund if necessary. Mr. Ellerbe noted fees that do not have direct actions end up being taxes that have to be voted on by the public. Mr. Ellerbe advised in planning you are allowed to negotiate during planned urban development structures you can construct a set aside and then if the developer chooses not to do that you can negotiate by offering donations to the Oxford Community Foundation as an example. Mr. Ellerbe noted right now we are working on agile ways of increasing the funding so we can develop a platform to begin doing more formal things regarding diverse housing options in Oxford.

Mr. Snively noted he agreed with Ms. Dutton's point and advised he felt the City should not give the money away and then have people donate more money to the foundation where the City has zero control over how they manage it.

Ms. Southard advised there were ways to donate to the City through the foundation already.

Ms. Raghu agreed with Ms. Dutton and Mr. Snively noting she did not see the rationale for moving the money to the foundation.

Mr. Ellerbe moved to adopt the Resolution. Ms. Southard seconded. The motion failed 0-7-0.

RESOLUTION

HANDBOOK REVISIONS

A Resolution approving revisions to the Employee Handbook. (Jessica Greene, Assistant City Manager/Human Resources Director) **(Tabled until December 17, 2019)**

ORDINANCES
FIRST READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3493. Supplemental Budget Ordinance Number 9 To Make Supplemental Appropriations For Fiscal Year 2019. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on pages 68-69 of Council's packet and offered to answer any questions.

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

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance Approving A Conditional Use Permit To Allow For Expansion Of The Outdoor Sale Of Plants And Garden Supplies In The General Business (GB) District At 304 W. Collins Street, Oxford, Ohio 45056 With Conditions. (Sam Perry, Community Development Director)

Mr. Perry advised this was one of two First Reading Ordinances which resulted from the November Planning Commission meeting. Mr. Perry provided a PowerPoint presentation and discussed the proposed project for Shademakers to expand at the current Whistlestop/Oxford Farm Service location as detailed in Council's packet on pages 71 through 103.

Mr. Scott Webb, Architect, provided a PowerPoint and discussed the proposed project in detail and as presented in Council's packet on pages 71-103.

Mr. Prytherch inquired if the drive through would be maintained as a portion of the business.

Mr. Doug Drake, owner, Shademakers, advised during the spring and summer when Shademakers is at its busiest and fullest they would not use the drive through as a drive through noting it would be part of the walking paths and advised cash registers would be set up in there. Mr. Drake noted in the fall and winter the space will be used as a drive through.

Mr. Snavely advised the Planning Commission voted 7-0-0 to recommend approval of the proposed Ordinance.

Mr. Prytherch noted he felt this was a good re-use of the site.

Ms. Southard noted she felt this was a great use of the space and wished the owners success. Ms. Southard advised she hoped Shademakers would continue to guide people towards native trees.

Mr. Ellerbe noted he felt there could not have been a better business to go into this space. Mr. Ellerbe advised this was infill and economic development sustained and improved. Mr. Ellerbe noted the appreciated the owners doing this project.

Mayor Smith noted his support for the plan noting Council would consider it for a vote in two weeks.

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 2.5 Acres Of Land Located At 5427 and 5435 College Corner Pike, Oxford, Ohio, And Rezoning The Property From Multi-Family Residential (R-3) District To General Business (GB) District. (Sam Perry, Community Development Director)

Mr. Perry advised the request is from Attorney Matt Troy for rezoning 2 parcels on College Corner Pike from R-3 Residential to General Business. Mr. Perry showed slides of the properties in question located near the intersection of Hester Road. Mr. Perry discussed his staff reports as presented on pages 104-136 of Council's packet and offered to answer any questions.

Mr. Matt Troy, Attorney, advised the parcels in question were the only two non Light Industrial or General Business zoned properties from Locust Street to Ringwood Drive. Mr. Troy noted since the goal of encouraging economic development and developing under utilized properties in this US 27 N. corridor there has been substantial changes in the area with more development. Mr. Troy noted these 2 properties were left behind and advised one of the properties was owner occupied right now and the other will be a used as a property management office. Mr. Troy noted the zoning map amendment would enable the properties to be utilized for commercial use and open up 2 properties on the US 27 N. corridor for economic development. Mr. Troy advised it would also fill in a property that has not been used for a while.

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

Mr. Ellerbe inquired what the history was with regard to the properties being zoned R-3 and Mr. Perry advised it was originally zoned R-3. Mr. Snively advised there used to be a larger section of R-3 and over time it changed to GB.

Ms. Southard noted recently Council approved the development of Wildberry which is in the same corridor.

Mr. Prytherch advised space was constrained on that corridor and noted he would rather have economic development convert residential use than add more units farther out towards College Corner. Mr. Prytherch advised over time he would like to see more infill and creative uses to get more out of College Corner Pike.

Mayor Smith advised Council would consider the proposed Ordinance again at the next meeting.

ORDINANCE
SECOND READING
CURB, GUTTER AND
SIDEWALK ASSESSMENTS

An Ordinance No. 3543 Levying Upon The Lots And Lands Enumerated In The List Of Estimated Assessments (Exhibit A) The Amounts Set Forth On Such List And Setting Forth Terms For Payment Of Assessments. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised for the City to levy a special assessment 4 separate pieces of legislation were needed noting this was the 4th piece required to levy improvement costs to the proper lot. Mr. Dreisbach advised Council adopted a declaration of necessity for the improvements, a construction contract to do the work, and a Resolution of actual costs of which the property owners are notified. Mr. Dreisbach noted the City received no challenges to the actual costs and asked for Council's approval of the proposed Ordinance.

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

Mr. Ellerbe advised the improvements will increase safety in the Mile Square noting a lot of individuals have approached him regarding safety concerns with some of the sidewalks.

Mayor Smith advised the City had sidewalks, curbs and gutters repaired in advance of paving the streets noting the property owners are assessed for the work.

Ms. Southard moved to adopt Ordinance No. 3543. Mr. Snavelly seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

DISCUSSION

Environmentally Acceptable Packaging and Products. (Chantel Raghu, Councilor)

Ms. Raghu referred to draft legislation on pages 140-142 of Council's packet regarding environmentally acceptable packaging. Ms. Raghu advised this was a two year step away process from polystyrene foam food containers. Ms. Raghu noted based on the draft legislation by the end of December 2020 the national food chains should no longer be using that product and at the end of 2021 local businesses should no longer be using it. Ms. Raghu advised the draft legislation contains a clause where demonstration of a financial hardship could exempt a business from the Ordinance. Ms. Raghu advised many other cities and countries have adopted similar legislation.

Ms. Raghu noted polystyrene breaks down very easily, it does not biodegrade, it turns into micro plastics, animals get very confused by it, they will eat it, it eventually goes into the food chain, it gets broken down into the waterways because it is so light and it can be carried out very far. Ms. Raghu advised polystyrene is a significant portion of litter that everyone should be aware of noting it can not be recycled locally.

Mr. Snavely noted the proposed legislation pertained just to restaurants and inquired why grocery stores were exempt from the Ordinance. Ms. Raghu advised grocery stores were a much bigger challenge to tackle noting she felt we need to take baby steps first and look at what other cities have done. Mr. Snavely advised he was in favor of the idea although he would like to know whether we are hitting where most of the issue is. Mr. Snavely noted he would like Council to do some research to find out where most of the polystyrene is being produced in the community. Mr. Snavely stated it seems small businesses that are restaurants are taking the brunt of the proposed legislation and the big chain stores are being exempted from it. Mr. Snavely inquired if drink cups would be included from convenience stores and gas stations. Ms. Raghu advised she would like to see small achievable steps and to grow from there. Ms. Raghu noted she did not want to harm businesses financially and advised the proposed legislation was not meant to do that. Ms. Raghu noted Buffalo Wild Wings uses paper containers and advised McDonalds has transitioned away from polystyrene as well as LaRosas.

Mr. Prytherch inquired if the discussion tonight was about whether there is a second to request the legal staff to develop Ms. Raghu's draft into an Ordinance for Council's review and Mayor Smith advised yes.

Mr. Ellerbe inquired if the goal was to reduce or eliminate plastic #6 from the City of Oxford. Ms. Raghu advised the goal was to step away from polystyrene foam in food service. Mr. Ellerbe inquired if businesses have been asked to stop using polystyrene or if this was just a symbolic Ordinance. Mr. Ellerbe inquired if this subject was raised with the Environmental Commission and Ms. Raghu advised yes. Mr. Ellerbe inquired if Ms. Raghu engaged with the community before presenting the draft Ordinance. Ms. Raghu advised everything she does and talks about is in a public fashion. Ms. Raghu noted this is being brought about because it has been raised as something that is important and something that is achievable.

Ms. Southard advised she does not accept anything in polystyrene but some people do. Ms. Southard noted the customer has the right to accept or not accept something. Ms. Southard advised she wondered if a legal solution was the best solution to the problem. Ms. Southard expressed concern for people who have immune suppression problems noting they want to have straws and containers that can be thrown away. Ms. Raghu advised the proposal does not address straws and noted there are many compostable, recyclable, and made from recycled materials food containers.

Mr. Ellerbe suggested the topic be discussed at the Environmental Commission meeting tomorrow evening and that the Environmental Commission bring it forward to Council in the orthodox fashion.

Mr. Prytherch advised he felt things that are going to affect a number of people should be vetted through a board or commission and have the maximum amount of public input.

Mr. Prytherch noted he felt then Council can feel like they did their due diligence. Mr. Prytherch advised he felt Council was going to be more active in introducing Ordinances and Council should think about how to do that in a way that is expeditious and also gauges public support to the maximum amount possible. Mr. Prytherch noted concern with enforcing something like the draft Ordinance. Mr. Prytherch noted he would be willing to second the motion to add this item to a Council agenda on the assumption it goes to a board or commission and also gets staff input.

Ms. Southard suggested Council adopt a Resolution which is not something to enforce but rather states Council suggests to the public that they refuse to accept polystyrene when they are offered it and that businesses should try to stop using polystyrene. Ms. Raghu advised her research in looking at other cities that have done this found that you do need legislation to encourage the correct behavior. Ms. Raghu noted Council could adopt a Resolution but that does not mean it is enforceable or that it is going to make any changes.

Mr. Ellerbe noted he felt an endeavor of this magnitude requires some significant investment and the investment is going to require many entities in the City. Mr. Ellerbe advised he felt passing a Resolution to inform the entire public that Council is planning to do this is something Council can do quickly and it brings that initiative to the forefront of businesses and residents in the City. Mr. Ellerbe advised then Council can take the time and do this in an enforceable and efficacious fashion while respecting the individuals in the process. Mr. Ellerbe noted he does municipal interest stuff and if Council is going to do municipal interest stuff they have to involve the entire City. Mr. Ellerbe advised a Resolution informs everyone of something Council is going to do and then Council can do this in a judicious and well thought out with due diligence being taken methodical fashion.

Mr. Snavelly advised he wanted to support Ms. Raghu's idea noting he thought it was important. Mr. Snavelly advised what makes sense to him is the idea of sending it with Council's support of the idea to the Environmental Commission to bring something back for Council to vote on.

Mayor Smith opened the discussion to the public.

Ms. Elena Albarran, advised she appreciated Ms. Raghu's work on this and encouraged Council to take bold and unpopular action on this issue. Ms. Albarran noted we can draw a line in the sand and signal what we want to see our City tolerate and through that encourage other sustainable practices. Ms. Albarran noted she felt the younger generation had concerns as well.

Noel Albarran, 5th grader, Kramer Elementary, noted he hoped Council would pair with the Talawanda School Board to limit the amount of plastic used in school lunches. Noel provided data from his Single Use Plastic at Kramer Lunch Study which reveals that 50,400 pieces of Styrofoam are produced in one Kramer school year. Adding the two other Talawanda elementary schools equals 151,200 pieces of Styrofoam and 831,600 pieces of plastic. Noel advised he would like to see a reduction in plastic covered food and silverware, and an increase in non-plastic covered food and real silverware.

Councilors thanked Noel for his report and he received a round of applause.

Ms. Taylor Meredith, advised she has been a resident of Oxford for a little over 5 years and works for Enjoy Oxford. Ms. Meredith noted she wanted to speak in support of phasing out polystyrene in the next couple of years. Ms. Meredith advised she felt it was a smart timeframe as she felt we do not have a lot of time when it comes to environmental issues. Ms. Meredith noted this seems a small step but she felt it was definitely better than nothing. Ms. Meredith advised she felt the 2 year timeframe made a lot of sense by giving the bigger chains a year and giving smaller businesses two years because they will not have as much financial support. Ms. Meredith noted it was her job to market Oxford and this was a marketable issue. Ms. Meredith advised she felt this made Oxford look good and people are going to want to invest in this town when they see we are investing in ourselves and in the people who live here.

Mr. Kyle Larson, PHD Candidate, Miami University, advised one thing he likes about the legislation Ms. Raghu proposed is that it creates the conditions for further legislation if Council would like to act on it. Mr. Larson noted there is a term called epistemic injustice and advised one thing he was concerned about is if the legislation proposed tonight was brought forward would Council call it too broad. Mr. Larson noted Ms. Raghu proposed a limited legislation as Council said it was not enough. Mr. Larson advised his hope from City Council are not slippery slope arguments but he would like City Council to recognize their responsibility to the consumer. Mr. Larson noted consumer choice was great but he did not want to get cancer. Mr. Larson advised he wanted Council to create the conditions for safe consumption.

Ms. Janis Dutton, Mile Square resident, advised she was part of Take 3 Oxford which cleans up trash in the Mile Square which will impact her statements. Ms. Dutton inquired who enforces trash and recycling laws anyway. Ms. Dutton noted it was a peculiar thing for her to observe at a City Council meeting and based on her time serving on City government that when a Council member wants to bring up legislation it is brought to Council first to approve whether to go through with it. Ms. Dutton advised she felt it was outrageous when all decisions by Council are by Resolution and Ordinance. Ms. Dutton noted she was upset that Ms. Raghu's request for legislation gets put on the agenda for the rest of Council to approve whether she can put something on the agenda as it only takes 2 people. Ms. Dutton advised this was a violation of the Charter and it is a peculiar violation of the Rules of Council noting her hope Council learns to be more professional.

Ms. Pam Hodgson, Oakhill Drive, advised she wanted to speak to the choice we have on getting these products. Ms. Hodgson noted she felt a lot of people would like to take the personal responsibility and not get those products but if we want to buy food from many of the establishments in town we are stuck with the Styrofoam. Ms. Hodgson advised we she goes out to eat with her children she has to ask repeatedly please do not bring them water in Styrofoam cups. Ms. Hodgson noted she is very vocal in her personal life about not using single use plastic but a lot of people would not speak up for that even if they would prefer to not have their products in Styrofoam. Ms. Hodgson advised she felt as a community we need to make it happen whether it is from a Resolution or an Ordinance. Ms. Hodgson noted she would like to go broader although she felt Ms. Raghu has a great idea of choosing something that is feasible. Ms. Hodgson advised she would like Oxford to be an example to other communities.

Ms. Beth Reagh, Panda Lane, advised she appreciates what has been said by Council and by members of the audience.

Ms. Reagh noted she was all for the proposed legislation and advised she had a deep concern for where our society has come and how our behavior has gone way over the mark of not having enough consciousness about our disposal and throw-away society. Ms. Reagh advised she felt we are all litterbugs and we have to do something different and something fast. Ms. Reagh noted she was pushing Council to react as fast as possible as it was necessary and should have been done yesterday.

Carla Blackmar, Organizer of Take 3 Oxford, advised she picks up trash everyday including a lot of polystyrene noting she tries to pick it up before it breaks into pieces. Ms. Blackmar advised she will always prioritize a big piece of polystyrene over any other piece of trash she is going to pick up because it represents hundreds of potential saved labor hours since polystyrene crumbles and breaks up. Ms. Blackmar noted people can find it in Seven Mile creek or in any of our waterways and often the high water mark is traced in polystyrene pieces along the sides of the waterways. Ms. Blackmar advised she felt we were often in this very difficult position as a small town in a State that is not protecting us or our natural environment or our children and in a country that is not doing a great job of protecting us from these things so it is hard to be a little town that is trying to do something different and better. Ms. Blackmar noted she appreciated the bravery of everybody here who works on that because it is not easy. Ms. Blackmar advised single use is complicated although she agrees it is good to start somewhere noting hopefully the leadership of many small places like Oxford will continue to make changes. Ms. Blackmar noted McDonalds's did not move away from polystyrene for the heck of it, they did it because lots of little places like Oxford put their foot down and she felt it would be great for Oxford to be part of that effort.

Mayor Smith thanked members of the public for their comments.

Mr. Prytherch advised he was prepared to offer a second to the idea of ordering legislation on the condition it be developed with input from the Environmental Commission, staff and legal counsel on how to best legally and effectually do that. Mr. Prytherch noted he would like to see a Resolution supporting Council's commitment to eliminate single use plastics in the City of Oxford for the next Council meeting so the conversation can be framed and then have a suite of Ordinances Council can follow up with to break it down piece by piece.

Mr. Snavelly agreed with Mr. Prytherch noting he wanted to get it done right.

Mayor Smith advised he would like an opportunity for the Chamber of Commerce and the restaurant owners to know about the proposed legislation. Mayor Smith noted he felt this was a good proposal and a good first step. Mayor Smith inquired if Council wished to send the language to the Environmental Commission to hammer out the details and do some wordsmithing.

Ms. Raghu advised she brought this matter before Council tonight to get it on the next agenda.

Mr. Elliott advised if two Councilors are in favor of considering an Ordinance at the next meeting staff would make that happen and take the initiative to answer some of the questions that have been raised.

Mr. Bracken noted he would like to see a way to enforce the legislation (penalties) and other than that he would second the motion.

Mayor Smith thanked everyone for the discussion.

ANNOUNCEMENTS

Mr. Elliott advised a Work Session would be scheduled prior to the next Council meeting to discuss the idea of a Designated Outdoor Refreshment Area and options for Phase V of the Oxford Area Trails project.

Mr. Elliott noted staff will be heavily involved in Police contract negotiations soon.

Mr. Wooddell reminded everyone of the Holiday Fest this coming Saturday at the Uptown Parks in the evening and at the Oxford Community Arts Center during the day.

Mr. Snavelly reminded Council that an Executive Session would be necessary prior to the next meeting as Council needed to make some appointments to Boards and Commissions. Mr. Snavelly asked for a full list of all vacancies on Boards and Commissions.

Mr. Prytherch noted he hoped the January Council Retreat would be scheduled soon so Council can get it on their schedules.

Mr. Prytherch applauded Councilor Raghu for taking a pro-active approach as a Councilor to introduce an Ordinance.

Mr. Prytherch advised he expressed concern a while ago about mailers being delivered to driveways noting the voluntary approach with the Cox Media circulars was not very effective. Mr. Prytherch advised in the interim some research was done about possible legal strategies, ordinances that would not prohibit those newspaper deliveries but control the time place and manner of them. Mr. Prytherch noted there were some First Amendment issues although the time, place and manner can be regulated. Mr. Prytherch advised a number of other communities including Hamilton, Upper Arlington, Vandalia and Clayton have adopted ordinances that have stood up in the courts. Mr. Prytherch noted this was something he would like Council to move forward with and Mr. Snavelly offered a second.

Mr. Elliott advised this topic has been discussed a number of times noting former City Attorney Amy Blankenship provided an example ordinance from the City of Upper Arlington. Mr. Elliott advised they discussed waiting to see how their ordinance played out and noted to his knowledge there have not been any court challenges. Mr. Elliott suggested Council allow him to work with Mr. Conard and Mr. Mazer to finalize the legislation and bring it to Council at the next meeting or the first meeting in January.

Mr. Prytherch inquired if this was something that would benefit from Board or Commission input and if so which one it would be.

Ms. Southard noted she felt it should go to a board or commission although she was not sure which one. Ms. Southard advised she felt it was important to take all perspectives into view.

Ms. Southard noted many people do need the coupons and Council needs to make sure they have access to them.

Mr. Snavelly recommended the issue go before the Environmental Commission if that was Council's desire noting they approached this issue previously. Mr. Snavelly advised now that there is draft legislation to provide them they can make a recommendation.

ADJOURN

Mr. Prytherch moved to adjourn at 10:30 p.m. Ms. Southard seconded. The motion passed 7-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: December 17, 2019

Service Department
Originating Department

Account Code #: N/A

David Treleven
Prepared By

Budgeted Amount: N/A

December 6, 2019
Date Prepared

Agenda Title:	Environmental Commission Meeting of December 4, 2019
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Recommendation:	For Review and Consideration
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Discussion:

Environmental Commission members present at the Wednesday, December 4, 2019 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Ms. Madeline Maurer; City Council Representative, Ms. Chantel Raghu; Planning Commission Representative, Ms. Carla Blackmar, Mr. Andor Kiss, Mr. Jon Ralinovsky, and Mr. Steven Elliott. A quorum was present. Also in attendance were City Councilor Mr. Jason Bracken, and graduate students from the Miami University (MU) Institute for the Environment and Sustainability Department (IES) Mr. Emmanuel Aina, Ms. Olivia Herron, Ms. Maggie Kinney, Mr. Noah Miller, Mr. Cecil Okotah, and Mr. Sam Squillante.

The minutes from the November 6, 2019 Commission meeting was unanimously approved as presented.

Mr. Squillante updated the Commission on his independent study project of preparing the greenhouse gas (GHG) inventory data forms and questionnaires for Oxford's local government operations (LGO), and compiling the provided data. This semester, Mr. Squillante has been working with Ms. Jessica Greene, Oxford's Assistant City Manager, and Staff to fine-tune the standard GHG inventory questionnaire forms from the ClearPath software (a web-based GHG inventory tool that complies with the protocols of the United Nation's Intergovernmental Panel on Climate Change). Mr. Squillante indicated that the vast majority of the data forms and questionnaires from the various Oxford municipal operations and facilities had been submitted by the December 2nd deadline, and all had been submitted by December 4, 2019. Mr. Squillante is in the process of entering the provided information into ClearPath. Mr. Squillante indicated he expected to be done with data entry by December 13, 2019, and intends to then instruct the IES Professional Service Project (PSP) student team members completing the LGO GHG inventory in the use of the ClearPath software. Mr. Squillante will also revise the inventory data forms and questionnaires based upon comments submitted by the City staff completing the inventory forms (mostly changing terminology to better reflect Oxford's specific procedures and operations).

IES graduate students, Mr. Aina, Ms. Herron, Ms. Kinney, Mr. Miller, and Mr. Okotah were present to update the Commission on their activities as the student PSP team working to complete the LGO GHG inventory for Oxford. The PSP student team is comprised of six members. Two of the team members will work on the ClearPath software program to complete the LGO GHG inventory itself, while the other four members are to prepare a guidance handbook for how to best conduct a community-wide GHG inventory. Both the LGO and community-wide GHG inventories are a requirement for participation in

(Continued)

Approved By:

Department Head:
City Manager:

Initial

Date

MDT
DRE

12/9/19
12/13/19

the Global Covenant of Mayors for Climate and Energy, (which Oxford City Council committed to in September 2019) and need to be completed by September 2021, and every two to three years afterwards. The PSP student team is to complete these efforts by May 2020. The PSP student team had prepared a formal proposal describing the project (entitled "Furthering the City of Oxford's Efforts to Measure Greenhouse Gas Emissions, in accordance with the Global Covenant of Mayors Commitment"), which had been distributed to the Commissioners prior to the evening's meeting.

Ms. Greene updated the Commission regarding on-going activities associated with compliance to the Global Covenant of Mayors for Climate and Energy (the Covenant). The Climate Action Task Force (Task Force) appears to be expanding to include the involvement of MU administration. Ms. Greene stated that the current intention was to have the Task Force composed of City departmental representatives, several City Councilors, members of the public, and MU representation. At least twice annually, meetings specifically regarding climate action(s) would occur between MU and Oxford, involving MU's President and/or Chief Financial Officer and Oxford's Mayor and/or City Manager. Commissioners suggested that the Task Force be expanded to include several board and/or commission members, as well as an individual/group specifically to provide public education and outreach. It was also suggested to include representation by Oxford's commercial interests, such as the Chamber of Commerce, rental property managers/owners, and/or businesses, etc.

Ms. Raghu informed the Commission that during the December 3, 2019 City Council meeting, legislation pertaining to a ban on expanded polystyrene (EPS) foam plastic food containers was formally presented, a motion proposed, and received a second. The EPS ban legislation is due for its first reading at the next City Council meeting on December 17, 2019. Also, potential involvement of the Environmental Commission regarding limitations to unsolicited distribution of curbside newspaper-type advertisements is likely during early 2020. A study of water softening at Oxford's Water Treatment Plant was approved by Council. It was noted that the potential availability of softened tap water could potentially reduce the use of single-use plastic water bottles. Mr. Bracken inquired what would be necessary to formally allow a second City Council representative (with voting rights) to be appointed to the Environmental Commission. The City of Oxford's Codified Ordinance creating the Environmental Commission specifically states that one member of the Commission would be a City Councilor; the Codified Ordinance would have to be revised by City Council to expand City Council representation. Ms. Blackmar suggested that as Mr. Bracken is also a City Council representative to the Planning Commission, that if he was to assume her role as the Planning Commission's representative to the Environmental Commission, that would potentially permit his direct involvement with the Environmental Commission without requiring City Council's revision of a Codified Ordinance. Ms. Blackmar indicated she would investigate if this option was possible.

Mr. Ralinovsky informed the Commission that the newly re-established Oxford Parking and Transportation Advisory Board had met for the first time and had selected officers. Given the pending topics of discussion, the initially proposed quarter-annual Board meetings have been changed to monthly meetings for the time being.

Commissioners discussed the pending ban of EPS containers associated with food services. Ms. Raghu stated that under the current Rules of Council, involvement of the Environmental Commission was not necessary for the proposed EPS ban legislation to advance in City Council. While the concept of an EPS food container ban received general support, concern existed regarding the potential impact(s) to businesses and the potential for unintended consequences. It was suggested that some of the national restaurants that have already encountered EPS containers bans elsewhere in the nation could be contacted and alternate container options and their sources be compiled. This information could then be provided to the food services in Oxford to potentially reducing commercial resistance to the ban and assist the businesses in transitioning to alternate containers.

Ms. Maurer updated the Commissioners on a recent, initial stakeholders meeting regarding watershed planning for the Acton Lake-Four Mile Creek watershed as part of an Ohio Environmental Protection Agency's (OEPA's) 9-Element Non-point Source Implementation Strategic Plan (NPS-IS Plan) requirement for the watershed. Ms. Maurer hosted the meeting in her capacity as an Urban Specialist with the Butler County Soil and Water Conservation District. The majority of watersheds in Butler

County are classified as impaired for aquatic life use and for recreation. The OEPA NPS-IS plan is a written document that summarizes the causes and sources of impairments, establishes critical areas in the watershed, identifies quantifiable objectives to address that causations and sources of impairments, and determines projects to meet those objectives. The first stake holder meeting was Monday, December 2, 2019, and was intended to get input from landowners, agencies, organizations and other stakeholders. Ms. Maurer informed the Commission that a second IES PSP student team has taken on the Acton Lake-Four Mile Creek watershed NPS-IS plan as its service project. The next stakeholder's NPS-IS meeting is scheduled for January 22, 2020 at Oxford's Lane Public Library.

A summary of the residential food scraps drop-off program was provided. Through November 27th (34 weeks of collections), approximately 18,920 pounds (over 9.4 tons) of food scraps have been collected by the residential drop-off program, averaging approximately 555 pounds per week. The food courier company (GoZERO Services) that currently provides collection services indicated that there would be no change in the weekly fees (\$228 for servicing six waste wheeler carts) for 2020.

Staff updated the Commissioners on the draft Tree Preservation and Protection ordinance. Community Development personnel are incorporating the Commission's recommendations into the existing text of the codified ordinance's Planning and Zoning Code. Mr. Wright reminded Staff to provide a copy of the Ordinance draft that is to go to the Planning Commission to the Environmental Commissioners.

Staff informed Commissioners that the Arbor Day Foundation's Tree City USA re-certification application for 2019 had been completed. Oxford satisfied the requirements for the Tree City USA designation. This will be Oxford's 24th consecutive year as a Tree City USA community.

Commissioners concluded discussions at 8:55 p.m. As the first Wednesday of January occurs on the New Year's Day holiday of January 1, 2020, the next Environmental Commission meeting is tentatively scheduled for 7:00 p.m. on January 8, 2020, in the Municipal Building's First Floor Conference Room.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 17, 2019

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 10, 2019

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to close Lot 52 each Saturday in 2020 from 4:00 a.m. to 1:00 p.m. to permit the operation of the Farmer's Market within Lot 52 during said time.

Recommendation: N/A

Discussion:

The attached request is for the use of Lot 52 for the operation of the 2020 Farmer's Market which will occur each Saturday throughout the season.

Approved By:

Initial Date

Department Head:

City Manager:

DRF

12-13-19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CLOSE LOT 52 EACH SATURDAY IN 2020 FROM 4:00 A.M. UNTIL 1:00 P.M TO PERMIT THE OPERATION OF THE FARMERS MARKET WITHIN LOT 52 DURING SAID TIME.

WHEREAS, the Oxford Farmers Market has operated in Uptown Oxford since 2004; and

WHEREAS, Council has determined that it would be beneficial for the City to permit the Farmers Market to continue operating in Lot 52 on Saturdays in 2019 and that the closure of Lot 52 between the hours of 4:00 a.m. and 1:00 p.m. is required to permit this operation; and

WHEREAS, the City Manger recommends that Council authorize the City Manager to close Lot 52 on Saturdays in 2020 from 4:00 a.m. until 1:00 p.m. to permit the operation of the Farmers Market within Lot 52 during said time.

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

SECTION 1: Council accepts the recommendation of the City Manager and hereby authorizes the City Manager to close Lot 52 on Saturdays in 2020 from 4:00 a.m. until 1:00 p.m. to permit the operation of the Farmer's Market within Lot 52 during said time.

SECTION 2: In all other respects the City of Oxford traffic code shall remain in full force and effect.

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)



- ☐ REQUEST FOR PUBLIC PARK PERMIT
- ☒ REQUEST FOR PUBLIC RIGHT-OF-WAY PERMIT

Date(s) of Event: 01 / 01 / 20 through 01 / 01 / 21 From: 05:30 AM To: 01:00 PM

Today's Date: 11 / 01 / 19 ☐ 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

Organization: Oxford Farmers Market Uptown Association

Address:

803 Morman Road

Advisor:

Larry Slocum, Market Manager

Hamilton, Oh 45013

Address:

PO Box 691

Telephone:

513-505-5238

Oxford, OH 45056

Cellular:

Telephone:

Fax:

Cellular:

Email:

info@oxfordfarmersmarket.com

Fax:

Email:

info@oxfordfarmersmarket.com

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: Lot 52 and surrounding sidewalk. The first 3 diagonal parking spaces on east park place

TITLE OF EVENT (be specific and include projected attendance)

Oxford Farmers Market

Projected Attendance: 500-1,200 Has this event been held previously? ☒ Yes ☐ No If "YES", when? since 2004

Will food, goods, services or merchandise be sold at the event? ☒ Yes ☐ No

If "YES", please see Section 729.05, Sales on Certain Municipal Property Prohibited (attached to last page of application.)

Note: If you or your organization are handing out information on the public sidewalk, no permit is required.

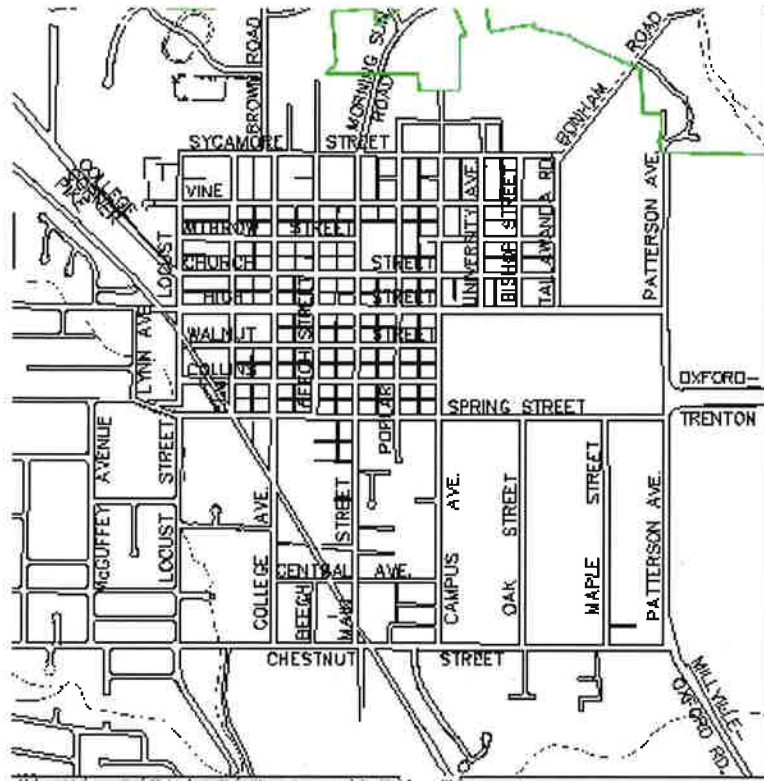
DESCRIPTION OF EVENT

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 / 19

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.

Note
If your event is outside the boundaries of this map, either attach a separate map or contact the City for assistance.



CITY OF OXFORD / RIGHT-OF-WAY REQUEST DETAILS

Instructions for Applicant: Please clearly denote the parade route, streets and/or sidewalk areas being requested. Place a concise narrative explanation on the following lines. Attach additional pages if necessary. **Note: Any work in the public right of way requires the submittal of a maintenance of traffic plan.**

Lot 52 + surrounding sidewalk First 3 diagonal parking spaces
on E. Park Place

Additional Requests:
(Include details in narrative)

- ☐ No Parking Signs*
- ☐ Detour(s)
- ☐ Police Assistance

Time Details

	Start	End
Setup	_____	_____
Event	_____	_____
Breakdown	_____	_____

*Generally the responsibility of the applicant.



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.**
2. Large events (estimated at over 500 people, including all concerts and performances, will require a pre-event meeting with the Police (524-5247) and Service Department (524-5206) prior to approval. *Note: Requests **WILL NOT** be approved prior to the pre-event 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 applicant is responsible for cleanup. Failure to clean up 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 Department and the applicant 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. NO markings may be made on streets or sidewalks within the public right-of-way.

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 applicant 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 any park.
7. The applicant will be required to provide the City with a certificate of insurance naming the City as an additional insured for events with live animals or inflated play structures with a minimum of \$1M coverage. Insurance for other events may be required and reviewed on a case by case basis.

FEE INFORMATION

No Parking Signs	\$1.00/ea.
Metered Parking	\$10.00/ea
Trash Boxes	\$5.00/ea.

Personnel

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

Road Closures

Main Street	\$135.00**
US 27 Detour	\$135.00**

****Includes labor**

Sports Fields/Gazebo

Contact OPRD – 523-6314

APPLICANT'S ASSURANCE

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

Long J. Brown

Applicant's Signature

Date: 11 / 01 / 19

CITY USE ONLY

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

	Applicant's Initials	Review Date
Police Department		
1		
2		
3		
4		
Fire Department		
1		
2		
3		
4		
Service Department		
1		
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	____/____
Fire Chief:	☐ Approved	☐ Not Approved	____/____
Service Director:	☐ Approved	☐ Not Approved	____/____
Recreation Director:	☐ Approved	☐ Not Approved	____/____
City Manager:	☐ Approved	☐ Not Approved	

City Manager's Signature

Date: _____

Reason(s) event not approved:

729.05 SALES ON CERTAIN MUNICIPAL PROPERTY PROHIBITED.

No person shall sell, offer to sell or solicit orders for goods, wares or merchandise for immediate or future delivery, or services to be furnished, performed or provided in the present or in the future, within parking meter zones or upon any municipally-owned or controlled property other than streets. This law shall not be applicable to nonprofit or charitable community organizations operating with the express consent of the Office of the City Manager and shall not apply to the lawful use of sidewalk space where such use is expressly authorized by the Codified Ordinances of Oxford, nor shall this section be applicable to the selling at a Farmers' Market of farm produce when such produce has been raised and grown by the vendors and provided that such selling has been specifically authorized and regulated by the Council. Any sale or use of alcohol upon any municipally-owned or controlled property shall be approved by City Council.

(Ord. 3211. Passed 3-19-13.)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 17, 2019

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 12, 2019

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to sign a termination of agreement with regard to property located at 114 W. Walnut Street.

Recommendation: Adopt the Resolution

Discussion:

The City of Oxford signed a property agreement in 1999 with the previous owners of property located at 114 W. Walnut Street. A new building has been constructed at this location. The current property owner is Clawson & Clawson Rentals, LLC. The current property owner has requested that the 1999 agreement be terminated since a new building has been constructed and the 1999 agreement does not pertain to it. On the legislative agenda is a Resolution authorizing the City Manager to sign a Termination of Agreement with Clawson & Clawson Rentals, LLC.

The City Manager recommends adoption of the proposed Resolution.

Approved By:

Initial Date

Department Head:

City Manager:

DRE \12-13-19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A TERMINATION OF AGREEMENT WITH REGARD TO PROPERTY LOCATED AT 114 W. WALNUT STREET.

WHEREAS, the City of Oxford signed a property agreement in 1999 with the previous owners of property located at 114 West Walnut Street a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the current property owner has requested that the 1999 agreement be terminated since a new building has been constructed on the property which has no relevance to the 1999 agreement;

WHEREAS, the City Manager recommends that Council authorize him to sign a termination agreement in the same or substantially similar form as the attached Exhibit "B" with regard to property located at 114 W. Walnut Street.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and further authorizes the City Manager to enter into and execute the termination agreement in the same or substantially similar form as the attached Exhibit "B".

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

EXHIBIT "A"

Being 60 feet off the West end of Inlot numbered One Hundred One (101) in the City of Oxford, County of Butler State of Ohio; thence east 60 feet on the South line of said lot; thence north to the North line of said lot; then west to the alley on said West line of said lot; thence south to the place of beginning. Subject to the annual ground rent of \$1.00 payable to the Treasurer of Miami University on the 18th day of October of every year.

It is understood that the quantity of land in that part of Inlot #101 as described be more or less.

TRANSFER NOT NECESSARY

KAY ROGERS

BY 1-26-99 DEPT.

L.R.

6319 PAGE 1302

AUDITOR, BUTLER CO., OHIO AGREEMENT

This Agreement made and concluded this 7 day of January, 1999, by and between the City of Oxford, Ohio, hereinafter referred to as "OXFORD", and Hugh W. Clawson, Barbara B. Clawson and James M. Clawson, hereinafter referred to as "OWNERS".

For and in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. Owners represent that they own the property located at 114 West Walnut (Unit 1, 2 and 3), Oxford, Ohio, 45056, hereinafter referred to as "PROPERTY" (and more particularly described in Exhibit "A" attached hereto).
2. The Property is zoned C-3.
3. The Owners represent that the use of the Property as of the date of this Agreement is a Three-Family residence with an occupancy of no more than 9 persons total.
4. Owners agree to reclassification of the Property as a non-conforming Two-Family residence with a maximum occupancy of 4 persons in each unit. This Agreement is alienable as such by Owners and their successors in interest. It is further understood and agreed that in the event of catastrophic loss or destruction, said Property may be rebuilt in accordance with §1133.05 of the Oxford Zoning Code.
5. The Owners and City agree to this classification to resolve a disputed claim. Both parties further acknowledge that this Agreement shall not be used against the other in this legal proceeding as neither party admits any of the allegations raised, but specifically denies the same, Oxford agrees to dismiss Owners from the suit.
6. Owners shall permit Oxford's Housing Inspector, during regular business hours and with reasonable notice to the Owners, to inspect the Property. If a citation is issued for violation of any Housing Regulations, Owners shall correct such violations within thirty (30) days after date of Owners' receipt of such citation.
7. Owners agree to comply with all local, state and federal regulations concerning the use of the Property.
8. Owners hereby release Oxford from any action or cause of action related to the use of the Property or related to the enforcement of any codes regulating the Property, and from any derivative claims arising from any cause of action (including those for attorneys' fees or costs). Owners further agree to hold Oxford harmless from any damage resulting from such use and hereby waive any right to appeal to the Board of Zoning Appeals, Common Pleas Court and Federal Court with respect to the zoning classification and maximum occupancy agreed upon by the terms of this Agreement.

9900006467
Filed for Record in
BUTLER COUNTY, OHIO
JOYCE B THALL
On 01-26-1999 At 11:52:02 am.
AGREEMENT 22.00
OR Book 6319 Page 1302 - 1305

9. This Agreement shall not be changed, modified or amended except in writing upon agreement of the parties.
10. The Owners shall notify any immediate successor entitled to the Property of the terms and conditions of this Agreement and, notify the occupants of the Property of the maximum number of persons that are permitted to reside in the Property. This Agreement is to be filed with the Butler County Recorder.
11. This Agreement shall be binding on the heirs, executors, administrators, successors, and assigns of the parties and shall continue in full force and effect as long as the Property is used and occupied as contemplated herein.

Prior Deed Reference: Vol. 6090, Page 0003 of the Deed Records of Butler County, Ohio.

IN WITNESS WHEREOF, the parties hereto have set their hands on the date and year first written above.

WITNESSES:

CITY OF OXFORD, OHIO

Donna J. Heath
Beth E. Kneely

By: Mark B. Roath
Mark B. Roath, City Manager

HUGH W. CLAWSON, BARBARA B. CLAWSON
AND JAMES M. CLAWSON, OWNERS

Chris O'Quinn
Julie L. McKee

Hugh W. Clawson
By: Hugh W. Clawson, Owner

Chris O'Quinn
Julie L. McKee

Barbara B. Clawson
By: Barbara B. Clawson, Owner

Chris O'Quinn
Julie L. McKee

James M. Clawson
By: James M. Clawson, Owner

STATE OF OHIO

:

SS:

COUNTY OF BUTLER

:

Before me, a Notary Public, this 15th day of December, 1996, personally appeared Mark B. Roath, City Manager of the City of Oxford, Ohio, and acknowledged the signing thereof to be his voluntary act and deed on behalf of the City of Oxford in his official capacity.

Donna J. Heck
Notary Public

DONNA J. HECK
Notary Public, State of Ohio
My Commission Expires Oct. 31, 2002

STATE OF OHIO

:

SS:

COUNTY OF BUTLER

:

Before me, a Notary Public, this 7th day of January, 1999, personally appeared Hugh W. Clawson, Barbara B. Clawson and James M. Clawson, and acknowledged the signing thereof to be their voluntary act and deed.

Pamela S. Lindley
Notary Public

PAMELA S. LINDLEY
Notary Public, State of Ohio
My Commission Expires 06/27/02

This instrument prepared by:

Stephen M. McHugh - #0018788
ALTICK & CORWIN CO., L.P.A.
One Dayton Centre, Suite 1700
One South Main Street
Dayton, Ohio 45402-2016
(937) 223-1201
Law Director for City of Oxford, Ohio

TERMINATION OF AGREEMENT

This **TERMINATION OF AGREEMENT** (this "Termination") is entered into as of this ____ day of _____, 20__ (the "Effective Date"), by and between the **CITY OF OXFORD**, an Ohio municipal corporation ("Oxford"), and _____, a/an _____ ("Owner"), (Oxford and Owner are collectively referred to herein as the "Parties").

RECITALS

WHEREAS, pursuant to that certain Agreement dated _____, ____ (the "Agreement") and recorded as Instrument No. _____ in the Butler County Official Records, the Parties entered into a housing agreement for the real property as more particularly described in Exhibit A attached hereto and incorporated herein (the "Property");

WHEREAS, the Parties desire to terminate the Agreement in its entirety and to hereby render it null and void.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the Parties agree as follows:

1. **Termination.** Oxford and Owner hereby agree to irrevocably and completely terminate the Agreement as of the Effective Date.
2. **Successors and Assigns.** This Termination shall be binding upon and inure to the benefit of the Parties hereto, as well as their respective heirs, representatives, successors, and assigns.
3. **Entire Agreement.** This Termination constitutes the entire agreement and understanding between the Parties, and supersedes any prior representations, warranties, promises, covenants, agreements, or guaranties of any kind or character whatsoever, whether express or implied, oral or written, between the Parties related to the Agreement.

IN WITNESS WHEREOF, the Parties have executed this Termination as of the Effective Date.

“Oxford”

CITY OF OXFORD,
an Ohio municipal corporation

By: _____
Name: _____
Title: _____

STATE OF OHIO)
) SS:
COUNTY OF BUTLER)

The foregoing instrument was acknowledged before me this _____ day of _____ 20__, by _____, the _____ of the City of Oxford, an Ohio municipal corporation, on behalf of said municipality.

Notary Public

“Owner”

a/an _____

By: _____
Name: _____
Title: _____

STATE OF _____)
) SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, the _____ of _____, a/an _____, on behalf of said _____.

Notary Public

This Instrument Prepared By:
Robert D. Ballinger
Amelia N. Blankenship
Coolidge Wall Co., L.P.A.
33 W. First Street, Suite 600
Dayton, Ohio 45402
012081\00618\01001666

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: December 17, 2019

Account Code #: 322.811.67129

Budgeted Amount: \$ 32,099.00

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

December 9, 2019

Date Prepared

Agenda Title: Agreement with CSX Transportation, Inc. for Flagging and Inspection Services

Recommendation: Approve

Discussion:

On November 5, 2019, the City Council approved Resolution No. 7127 authorizing a contract with SmithCorp, Inc. to install new borings and water conduit below and through the CSX Transportation, Inc. (CSX) right of way at Contreras Rd at a cost not to exceed \$309,101.00. The City was successful in winning a grant from the Ohio Public Works Commission in the amount of \$ 244,189.79.

As part of a license agreement with CSX, the City is required to post a deposit with CSX for the purpose of slowing and flagging trains traveling through the City's work zone, and for daily inspections of their track and supporting base to ensure the safety of trains, vehicles, and the public traveling through this area. The deposit payable to CSX prior to the beginning of work is \$32,099. Should the costs of flagging and inspection be greater than this amount, the City will be liable for the difference. Should the costs be lower than the amount deposited with CSX, the difference will be repaid to the City.

It is Staff's recommendation that Council authorize the deposit payment of \$32,099 payable to CSX Transportation, Inc. for the purposes of flagging and inspections related to the City's water main replacement project through the Contreras Road right of way.

Approved By:

Department Head:

City Manager:

Initial Date

MBD \ 12/9/19

DRE 12/13/19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE DEPOSIT PAYMENT OF \$32,099.00 PAYABLE TO CSX TRANSPORTATION, INC. FOR THE PURPOSE OF FLAGGING AND INSPECTIONS RELATED TO THE CITY'S WATER MAIN REPLACEMENT PROJECT THROUGH THE CONTRERAS ROAD RIGHT-OF-WAY.

WHEREAS, on November 5, 2019 City Council adopted Resolution No. 7127 authorizing a contract with SmithCorp, Inc. to install new borings and water conduit below and through the CSX Transportation, Inc. (CSX) right-of-way at Contreras Road; and

WHEREAS, as part of a license agreement with CSX, the City is required to post a deposit with CSX. for the purpose of slowing and flagging trains traveling through the City's work zone, and for daily inspections of their track and supporting base to ensure the safety of trains, vehicles, and the public traveling through the area; and

WHEREAS, the deposit payable to CSX prior to the beginning of the project shall be \$32,099.00; and

WHEREAS, the City Manager and the Service Director recommend the deposit payment of \$32,099.00 payable to CSX Transportation, Inc. for the purpose of flagging and inspections related to the City's water main replacement project through the Contreras Road right-of-way.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Service Director and further authorizes the deposit payment of \$32,099.00 payable to CSX Transportation, Inc. for the purpose of flagging and inspections related to the City's water main replacement project through the Contreras Road right-of-way.

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

MAYOR

ADOPTED:

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

Assistant City Manager

Originating Department

Council Meeting Of: December 17, 2019

Jessica Greene

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 12, 2019

Date Prepared

Agenda Title: A Resolution approving revisions to the Employee Handbook
--

Recommendation: Approve

Discussion:

History:

The Oxford City Charter requires in Article V, Section 5.04, that there be an Employee Handbook which is to be distributed to all divisions of the City. The Charter also requires that Council formally adopt any revisions to the Handbook.

The last review and update of the Employee handbook was approved by Council in 2012. In 2016, a Committee was formed consisting of employees and Department Heads who worked together to review and update the handbook. In 2019, additional edits were made by Ben Mazer with Coolidge Wall Co., L.P.A after a full legal review.

At the November 19, 2019 City Council meeting there were some concerns addressed by Councilors and so the issue was tabled for further review.

Updated Proposed Edits:

- We have reverted back to the original language in all sections addressing nondiscrimination. We did add pregnancy and veteran status language. (p. 1, 6, 24)
- Added proposed language for Family Medical Leave (p.18) and Military Leave (p. 20-21) that will bring us into compliance with State and Federal laws.
- Added proposed language to address nepotism. We want to be able to have part time employees work in the same division, as long as they are not supervised by a relative. (p.36)

- Other edits are language edits that help clarify sections and provide more clear guidance when necessary.
- Propose that appendixes not be included with the handbook. These sections were not included in the past and were an addition in 2016 that was never formally adopted by Council. These appendixes are guidelines for travel, computer use policy, and the substance abuse policy. These are nimble documents that may have minor edits from time to time and we are not sure they need full Council adoption for each minor change.

Approved By:

Initial Date

Department Head:

City Manager:

DRE 12/13/19

RESOLUTION NO.

A RESOLUTION APPROVING REVISIONS TO THE EMPLOYEE HANDBOOK.

WHEREAS, the City Manager and the Assistant City Manager recommend the Employee Handbook be revised and said revisions be accepted and adopted by Council as submitted in Attachment 'A' attached hereto and incorporated herein by reference.

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

SECTION 1: Council, in accordance with Article V, Section 5.04 of the Charter of the City of Oxford, Ohio, hereby accepts the recommendation of the City Manager and the Assistant City Manager and approves the revisions to the Employee Handbook attached hereto and incorporated herein by reference as Attachment 'A'.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

The full text of exhibit “A” is available in the Clerk’s office or on Oxford on Demand on the City’s homepage.

Excerpt from the Charter of the City of Oxford, Ohio

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.



City of Oxford Employee Handbook

Issued: February 17, 1994
Amended: April 22, 2002
Amended: April 3, 2003
Amended: May 5, 2009
Amended: November 6, 2012
Amended April 16, 2019

Table of Contents

Welcome.....	1
Background.....	2
Introduction	4
Chapter I—General Provision	5
1.00 Purpose.....	5
1.01 Administrative Authority.....	5
1.02 Personnel Appeals Board.....	6
Chapter II—Nondiscrimination Policy	6
2.00 Nondiscrimination	6
2.01 Sexual Harassment	6
2.02 Harassment.....	7
2.03 Accommodation to Disabilities	7
2.04 Drug Free Workplace.....	8
Chapter III—Wages and Benefits.....	9
3.00 Generally.....	9
3.01 Hours of Work	9
3.02 Overtime.....	10
3.03 Compensatory Time	10
3.04 Call-In Pay and Shift Differential Compensation	10
3.05 Temporary Move-Up Pay.....	10
3.06 Longevity Bonus.....	11
3.07 Payroll Deductions.....	11
A. Credit Union	11
B. Supplemental Tax Deferred Retirement Programs	11
C. Supplemental Medical Insurance.....	12
D. Supplemental Life Insurance	12
E. Additional Optional Payroll Deductions	12
3.08 Insurance.....	12
3.09 Worker's Compensation & Disability Income Continuation Benefit.....	12
A) Light Duty Policy.....	13

3.10 Employee Assistance Program (EAP)	14
3.11 Holidays	14
3.12 Personal Leave (5 days per year – 40 hours)	14
3.13 Vacations.....	15
3.14 Vacation Conversion	15
3.15 Leaves of Absence	16
A. Paid Sick Leave.....	16
B. Funeral Leave.	18
C. Other Bereavement Leave.....	18
D. Family and Medical Leave	18
E. Military Leave	20
F. Public Service Leave	22
G. Professional Leave	22
H. Jury Duty/Witness Fee.....	22
I. Election Leave	22
4.00 Standards of Conduct.....	23
A. Drugs and Alcohol	23
B. Problems/Concerns	23
C. Political Activity.....	23
D. Outside Work.....	23
E. Private Business Activities	24
4.01 Disciplinary Action	24
4.02 Complaint Procedure	25
Chapter V—Education	27
5.00 Continuing Education / Tuition Reimbursement	27
Chapter VI—Working Conditions	28
6.00 Employee Orientation	28
6.01 Probationary Periods	28
6.02 Performance Evaluations.....	28
6.03 Evaluation Standards.....	28
6.04 Evaluation Process	28
6.05 Promotions/Demotions	29
A. Promotions	29

B. Demotions	29
6.06 Lateral Transfers	29
6.07 Training	29
6.08 Safety	30
6.09 Maintenance	30
6.10 Use of City Property	30
6.11 Identification Cards	30
6.12 Use of City Vehicles	30
6.12 Use of City Vehicles and Employee Driving Policy	30
6.13 Uniform/Special Clothing	31
6.14 Wellness Program	32
6.15 Inclement Weather	32
6.16 Tobacco Use	32
6.17 Dress Code	32
6.18 Work Environment	33
6.19 Personal Calls, Visits and Business	33
Chapter VII—Separation from Employment	34
7.00 Termination	34
7.01 Resignation	34
7.02 Discharge	34
7.03 Retirement	34
7.04 Layoff	35
Chapter VIII—Miscellaneous	36
8.00 Records	36
Personnel Files	36
Public Access to Personnel Files	36
8.01 Nepotism	36
8.02 Conflicts of Interest	37
8.03 Gifts	38
8.04 Work Place Solicitation	38
8.05 Re-Employment	38
8.06 Death of Employee	38
A. Wages	38

B. Life Insurance	39
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Welcome

Welcome! The Citizens of Oxford rely on government through public employees to provide valuable services for our community. The City welcomes you to what we hope will be a satisfying and rewarding experience and is pleased to have you as a new member of our organization.

This handbook has been provided to explain City policies and procedures. Please read it thoroughly and retain it for future reference. The benefits, responsibilities, procedures and policies described in this handbook are subject to change, modification and revision as needed. Notice of any changes, modifications or revisions will be issued by the Human Resources Department. Any revisions or changes issued should be kept with your copy of this handbook.

It is the City's intent to provide fair and equal opportunity to all persons who enter City employment. The City's policy is to afford all individuals, without regard to their race, sex color, sexual orientation, gender identity, religion, national origin, disability, age, ancestry, marital, military or veteran status, or genetic(GINA) information of any person,, or any other protected characteristic in accordance with applicable federal, state and local laws equal opportunity to compete for employment and advancement . Accordingly, there shall be no unlawful discrimination concerning any individual or group with respect to any personnel action, including, but not limited to, the following employment decisions: hiring, tenure, job assignment, terms, conditions, or privileges of employment.

The City of Oxford strives to be a leader in providing quality service to our community and to provide our employees with an open, challenging and rewarding work environment and looks forward to working with you in delivering the best to our fellow citizens.

Background

Oxford is a "Home Rule" City, which means the structure of the government is based on a City Charter which was approved by the electorate. The Charter provides for a City Council to make policy and a City Manager to administer. This is considered a 'Council-Manager' form of government where the City Manager is responsible for carrying out the policies of the City Council and for proper and efficient management of all municipal activities. The Manager directs and coordinates the various departments and municipal services through appointed department directors who directly supervise and administer the various City programs, services and activities.

The Mayor and Council are the only elected officials of the City. The City Manager, Law Director and Finance Director are appointed by City Council. Council also appoints the Clerk of Council to serve full time or part time and may assign the duties to any employee of the municipality. All other employees are appointed by the City Manager who is considered the Appointing Authority. These appointments are made in conformance with the City Charter and the Personnel Appeals Board Rules & Regulations for those covered employees.

The following is a list of the various departments within the City of Oxford organization and a summary of their function.

City Manager

The City Manager is the Chief Executive and Administrative Officer of the City, appointed by the City Council, serving at the pleasure of the City Council for an indefinite term. The City Manager is responsible to Council for proper administration of all affairs of the City, in accordance with the authority and responsibilities defined by the City Charter.

Assistant City Manager/Human Resources Department

Under general supervision of the City Manager, serves as Human Resource Director, coordinates and manages public information and communication, serves as liaison on several boards and commissions, serves as Acting City Manager in the Manager's absence, and provides other assistance and support to the City Manager.

Law Department

The Law Director is appointed by City Council and serves at the pleasure of the City Council for an indefinite term. The Law Director can also be called the City Attorney, and must be licensed to practice law in the State of Ohio, and in good professional standing. The Law Director serves as legal counsel and attorney for the City Council and the various administrative officers of the City; and prepares and reviews legislation and other legal documents, and represents the City in legal matters.

Finance Department

The Finance Director is appointed by City Council for an indefinite term and performs those functions customarily performed by the auditor and treasurer, under the general laws of Ohio. The Finance Director is the administrative head of the Finance Department which is responsible for the accounting, collection, and custody of public funds and control over disbursements.

Service Department

The Service Department is administered by the Service Director appointed by the City Manager and has the custody, care and maintenance of the public buildings, grounds, streets, sewers, municipal utilities and cemeteries owned by the City and oversee the design of engineering drafts, plans and drawings and approves all submissions for City-wide development. The Service Department consists of the Engineering Division, Streets and Maintenance Division, Water Treatment Plant Division, Water Distribution Division, Wastewater Treatment Plant Division, Wastewater Collection Division and Environmental Services.

Community Development Department

The Community Development Department is administered by a Community Development Director, appointed by the City Manager. The Community Development Director oversees Planning and Zoning, Building and Housing, and Code Enforcement. The Community Development Director shall work with the Planning Commission to guide and facilitate the planning functions necessary for the City, as provided by law. The Community Development Department also staffs other boards and commissions dealing with zoning and development issues. ***Economic***

Development Department

The Economic Development Department is administered by the Economic Development Director, appointed by the City Manager and is responsible for corporate and industrial recruitment and retention. The Economic Development Director serves as staff support to the Community Improvement Corporation.

Parks & Recreation Department

The Parks and Recreation Department is administered by a Parks and Recreation Director, appointed by the City Manager and is responsible for the formulation and implementation of recreation programs. The Parks and Recreation Director supervises various parks and recreational facilities owned or leased by the City.

Safety Department

Police Division

The Police force of the City shall preserve the peace, protect persons and property and obey and enforce all ordinances of Council and all criminal laws of Ohio and the United States. The Police Chief is appointed by the City Manager and is responsible for the operations and staff of the Police Division.

Fire Division

The Fire Department and Emergency Medical Service shall protect the lives and property of all people in case of fire. The Fire Chief is appointed by the City Manager and has exclusive control of the stationing and transferring of volunteer firefighters and other employees of the Fire Division.

Introduction

This handbook has been prepared as a guide to assist you in understanding the City's personnel policies and practices, and to assist those persons responsible for the management of people in providing an efficient and equitable system of personnel recruitment, evaluation and promotion of employees in the day-to-day conduct of the City. This handbook applies to all City Employees both part-time and full-time as described later in this document. Additional information concerning the City's policies and practices may be obtained from the City Manager or from the Human Resources Director.

Chapter I—General Provision

1.00 Purpose

This handbook provides an overview of City rules and policies and is not a contract of employment, expressed or implied, or a guarantee of employment for any specific duration. Because the salary ordinance changes from year to year, as do conditions at the City, this handbook may be updated without prior notification as deemed necessary. The intent is, where possible, to create one unified set of procedures for all City Employees to follow. Specific departments may have additional procedures that apply to their department.

As you already know, many of the terms and conditions of your employment, including your pay and fringe benefits, are fixed by law in the Codified Ordinances of the City of Oxford or in the salary ordinance which City Council enacts each year. The salary ordinance and bargaining unit contracts are approved and adopted by Council.

Many employees of the City are covered by the City's Personnel Appeals Board's Rules and Regulations, by collective bargaining agreements and by specific departmental procedure handbooks which must be approved by the City Manager. In the event of a conflict between these rules and specific departmental procedural handbooks, the Employee Handbook shall, to the extent it is not otherwise superseded by law, take precedence. Policies apply to specific employees where so stated.

1.01 Administrative Authority

By law, all authority to hire, direct, discipline or discharge employees of the City of Oxford is vested in the City Manager or, if the City Manager so directs, in the Human Resources Director or the Department Heads. Although City Council appoints the City Manager, Council members are prohibited by law from intervening in administrative matters, including employment matters. City employees are free to talk with Council members, but must refrain from asking Council members to get involved in employment matters, the procedure of which are governed by this Handbook. City employees also must refrain from performing any work at the direction of a Council member without authorization of their Department Head or City Manager.

Once hired, all employees are required to provide satisfactory proof of citizenship or of their status as authorized resident aliens in order to permit the City to comply with current immigration regulations.

1.02 Personnel Appeals Board

The Personnel Appeals Board of the City of Oxford shall be composed of three (3) persons who shall be appointed by City Council for three (3) year (staggered) terms. Council shall fill vacancies by appointment for the unexpired term.

It shall be the duty of each member of the Board to attend all meetings of the Board and to devote as much time as is necessary to the management of the business and affairs of the Board. The Board shall have the power to hear and determine appeals of disciplinary actions, suspensions, demotions or removal of classified/nonexempt employees if such matters are not resolved upon a hearing and determination by the City Manager. A table listing of classified/non-exempt positions is included in Appendix B of the Personnel Appeals Board Rules and Procedures.

Chapter II—Nondiscrimination Policy

2.00 Nondiscrimination

As a governmental entity, the City is committed to a policy which forbids any form of discrimination against any employee. The City shall not, because of race, sex color, sexual orientation, gender identity, religion, national origin, disability, age, ancestry, marital, military or veteran status, or genetic(GINA) information of any person, refuse or otherwise discriminate against any person with respect to hire, tenure, job assignment, terms, conditions, or privileges of employment or on any matter directly or indirectly related to employment in accordance with applicable federal, state and local law.

It is the policy of the City of Oxford to ensure that the workplace is free from any form of discrimination. If you have a complaint about discrimination, you must report such conduct immediately to the City Manager, Department Head, or to the City's Human Resources Department. Upon receipt of such complaint, the City Manager or the Manager's designee shall promptly conduct an investigation of the incident. Employees may file a complaint with the Ohio Civil Rights Commission or Equal Employment Opportunity Commission. Retaliation against any employee who in good faith makes such a complaint is prohibited, and the City will not tolerate any such retaliation. However, individuals who make complaints that are demonstrated to be intentionally false may be subject to disciplinary action, up to and including, termination. If an investigation confirms the allegations, offenders will be subject to prompt corrective action, up to and including, discipline or discharge.

2.01 Sexual Harassment

It is the policy of the City of Oxford to ensure that the workplace is free from any form of sexual harassment. This statement is intended to make all employees sensitive to this matter and to advise them of their behavioral obligations.

The City prohibits sexual harassment of its employees. No one who supervises or otherwise exercises control over the terms and conditions of employment of any employee of the City shall

threaten or insinuate that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, hours or assigned duties, or any other condition of employment, or that an employee's acceptance of such sexual advances will have a positive effect on employment or career development.

Other sexually harassing conduct, whether committed by one who supervises or one who is a co-worker, also is prohibited. In this regard, it is important to remember that any unwelcome verbal or physical conduct of a sexual nature may be viewed as sexual harassment if such conduct has the purpose or effect of substantially interfering with an individual's performance or creating an intimidating, hostile or offensive work environment. The City will also take action to eliminate instances in which employees are sexually harassed by persons who are not employed by the City, but who have business contact with our personnel.

If you have a complaint about sexual harassment report such conduct immediately in accordance with the policy noted above.

2.02 Harassment

It is the City's policy to maintain a work environment free of harassment, discrimination and intimidation based on, but not limited to: race, sex color, sexual orientation, gender identity, religion, national origin, disability, age, ancestry, marital, military or veteran status, or genetic(GINA) information of any person. Prohibited harassing conduct includes, but is not limited to epithets, slurs or negative stereotyping; intimidating or hostile acts; denigrating jokes; or display or circulation of written or graphic material that denigrates or shows hostility or aversion toward an individual or group.

Harassment, discrimination and intimidation are strictly prohibited by employees, management, and any outside third party (e.g. vendor, supplier, independent contractors, and government representatives). Any employee found to be engaging in harassment of another employee or an outside third party is subject to disciplinary action up to and including termination of employment.

2.03 Accommodation to Disabilities

It is the policy of the City of Oxford to comply with the Americans with Disabilities Act (ADA) and to take all reasonable steps to make all public facilities accessible to disabled persons as required by law. Accommodations which are reasonable and necessary under the circumstances will be considered to enable disabled employees to perform the essential functions of their jobs, provided the requested accommodations do not result in an undue hardship for the City. Any questions or concerns regarding accommodation must be brought to the Human Resource Director's attention. It is the responsibility of an employee with a disability to inform the employee's supervisor and the Human Resources Director that an accommodation is required. While the performance of the individual is a primary consideration when selecting among equally effective accommodations, the City of Oxford has the ultimate discretion and may choose the less expensive or the more easily provided accommodation, if such accommodation is reasonable and effective. The City of Oxford will not provide an accommodation which is primarily for personal use.

2.04 Drug Free Workplace

The City of Oxford is committed to providing a drug free workplace. Drug abuse in the workplace is a threat to the safety and health of our employees, and it jeopardizes the efficiency of our operations and the quality of our service. For these reasons, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited. Further, employees must notify the Human Resources Director of any criminal drug statute convictions for a violation occurring on the premises of the workplace, not later than five (5) days after the conviction.

Pursuant to the Drug-Free Workplace Act of 1988, compliance with this policy is specifically made a condition of employment by the City of Oxford. Any employee who violates this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who believe they may have a drug abuse problem are urged to make use of the counseling and rehabilitation services of our employee assistance program. For additional information contact the Human Resources Director. (See also Appendix B Comprehensive Drug Abuse Policy).

Chapter III—Wages and Benefits

3.00 Generally

As noted in the introduction, the City's wage schedule as well as all benefits, are determined annually by the City Council and are set forth in the annual salary ordinance. Please refer to the current ordinance or to your collective bargaining agreement, if applicable, for details on matters such as rates of pay, longevity bonuses, shift differentials, allowances, overtime, medical, life, disability and other insurance programs, vacations, sick leave, holidays and any other wage or benefit-related matters.

3.01 Hours of Work

The City Manager determines when City offices will be open and when City services will be performed.

All employees must report to work promptly at the designated starting time and continue on duty for the entire period of their assigned workday unless their absence has been approved. If an employee cannot report for work at the assigned time, due to illness or other cause, the employee must notify the employee's supervisor or designee as soon as possible, but in no case more than one half hour after the assigned start time. Failure to do so shall result in loss of pay for the period absent and could result in disciplinary action unless good cause can be shown for failure to provide proper notice. Because of the burden it places on other employees, City management and the public, failure to fulfill this obligation (i.e., tardiness, leaving work early, wasting time) may result in discipline and possible discharge. Department Heads serve at the pleasure of the City Manager and are required to work as assigned and in accordance with the needs of their department.

Tardiness is defined to be any time later than the designated time the shift begins. If a person is tardy, the Department Head has the authority to approve the use of comp or personal time. If the employee has no personal time, or the Department Head does not approve the use of comp or personal time, the employee will not be compensated and will be docked at fifteen (15) minute increments. Repeated tardiness will not be tolerated and will result in disciplinary action.

Non-contract employees are permitted one 15 minute paid break in the morning and one 15 minute paid break in the afternoon, the time of which is subject to the approval of your supervisor. Non-contract employees shall be assigned an unpaid lunch break of up to one hour (one-half hour for some positions, one hour for other positions) the time of which will be determined by your supervisor. The lunch break is not a part of the employee's eight (8) hour workday and therefore is not paid time. Employees are to take a lunch break. In an emergency situation, the employee and the employee's supervisor may agree to alter the time of the employee's lunch break. Break time may not be combined and taken as a paid lunch break and may not be carried over to another day. Departmental procedures may dictate specific breaks or lunch breaks as authorized by the Department Head.

3.02 Overtime

The regularly scheduled work week for full-time hourly employees shall be 40 hours. The City reserves the right to revise or modify routine work schedules as deemed necessary after giving advance notice of a minimum of two weeks where possible to the affected employee(s). This policy is not a guarantee of 40 hours of work per week, 52 weeks of work per year or a guarantee of continued future employment.

When circumstances warrant, hourly employees may be required by their supervisor to work overtime. An hourly employee may receive overtime pay for overtime worked only with the prior approval of the employee's supervisor. Pursuant to the salary ordinance, compensation for overtime for non-exempt employees shall be computed at one and one-half (1 1/2) times the employee's hourly rate of pay for all hours worked in excess of 40 hours per week. Exempt employees, including the City Manager and Department Heads, do not receive overtime pay.

3.03 Compensatory Time

Compensation for overtime for a full-time non-contract employee will be in the form of pay or compensatory time off at the option of the City at the rate of one and one-half hours for each overtime hour worked for all hours exceeding 40 hours worked per week. Compensatory time off may be taken as additional vacation with the approval of the employee's Supervisors and Department Head.

Effective December 31, 2012, those employees having a comp time (hours) balance, will have those hours banked. Beginning January 1, 2013, compensation for overtime, whether in the form of pay or compensatory time off, will continue to be at the option of the City. However, no employee shall be permitted to carry over more than forty (40) hours of compensatory time from one calendar year to the next calendar year.

All banked comp time and any accruals will continue to show on the individuals pay stub and are available to be used as requested and approved. Unless used, the banked hours will be held until retirement, death, lay-off, resignation or termination, at which time the banked hours will be paid at the employee's regular rate of pay. In addition to the banked comp time, the employee will be paid for any comp time earned during the year of separation.

Contract employees' compensatory time will be as set forth in the negotiated contract.

3.04 Call-In Pay and Shift Differential Compensation

Is defined in the Salary Ordinance.

3.05 Temporary Move-Up Pay

An employee who is directed by a supervisor to temporarily perform all the duties of a position having greater responsibility, which is vacated due to another employee's termination or leave of absence, will be eligible to be paid at not less than the entry rate applicable to the temporary position for all time during which the employee performs satisfactorily the full responsibility of the temporary position, as determined by the City Manager. Under these circumstances, the employee will be eligible to receive not less than a five percent increase over the employee's regular rate of pay.

Employees who are directed by their supervisor to work for a period of time in a position having a higher salary grade than their regular position are eligible to be paid at the rate applicable to the higher grade positions for all time greater than 30 consecutive days that they satisfactorily perform the duties of the higher grade position. Payment of the higher grade will be retroactive to the first day of service in the higher position after 30 days have elapsed.

3.06 Longevity Bonus

Is defined in the Salary Ordinance.

3.07 Payroll Deductions

The City must withhold certain deductions from your paycheck for federal, state and municipal income taxes and for the Public Employees Retirement System or Police and Fire Pension Fund, residential School District taxes, if applicable and health insurance. It is the employee's responsibility to notify the Payroll and Benefits Specialist if there is a school district tax or a local tax for their residence. All payroll deductions are clearly identified on the check stub. Additional voluntary payroll deductions must be approved by the City Manager on an employee-group basis. Questions or changes concerning payroll deductions should be directed to the Payroll Specialist. Deduction Abbreviations: Listed below are the general deductions listed on your pay stub. For questions regarding other deductions, please check with the Payroll and Benefits Specialist.

Abbr.	Category	Deduction
City	Taxes	City of Oxford tax
FWT	Taxes	Federal Tax
OH	Taxes	Ohio State Tax
IN	Taxes	Indiana State Tax
TWSD	Taxes	Talawanda School District
PERS	Pension	Ohio Public Employees Retirement System
OP&F	Pension	Ohio Police and Fire Pension Fund
125M	Medical	Medical Insurance
MED	Medical	Medicare
FSA	Medical	Flexible Spending Account
OHDC	Deferred Comp	Ohio Deferred Comp
ICMA	Deferred Comp	International City Manager Association
DD	Other	Direct Deposit

A. Credit Union

The Human Resources Department maintains a listing of Credit Unions extending services to City employees. Several of the services provided are: payroll deduction, auto loans, savings and checking accounts. Questions or changes concerning payroll deductions should be directed to the Payroll Specialist.

B. Supplemental Tax Deferred Retirement Programs

The City of Oxford offers voluntary tax deferred programs which are available through payroll deduction. You may authorize a portion of your salary to be withheld (using payroll deductions) and invested for payment at a later date. The programs are intended for you to accumulate

funds that will supplement your future retirement income. Details and enrollment forms may be obtained by contacting the human resources department.

C. Supplemental Medical Insurance

The City offers a voluntary program for supplemental medical insurance whereby you authorize a payroll deduction for the various types of coverage offered. Details and enrollment forms are available by contacting the Human resources department.

D. Supplemental Life Insurance

This is a voluntary program for additional life insurance, which can also be purchased through payroll deduction. Details and enrollment forms are available by contacting the Human resources department.

E. Additional Optional Payroll Deductions

These are additional optional payroll deductions for which employees may be eligible. Each program may have an annual cap or contribution limit. Check with the human resources department for updated contribution limits.

- Flex Health Savings: You may authorize a payroll deduction for an amount to go toward healthcare expenses. You must use all funds in this account in a calendar year or you will lose it.
- Dependent Care Savings: You may authorize a payroll deduction for an amount to go toward dependent care expenses, including child and elder care.

3.08 Insurance

Life, accidental death and dismemberment and health insurance coverage is provided to regular full-time employees subject to the terms and conditions described in the salary ordinance and the applicable plan summary. An employee on unpaid leave of absence, other than for disciplinary reasons, may continue insurance benefits by paying the portion of the premium the employee would pay as an active employee. If for disciplinary reasons, the employee must pay both the portion of the premium the employee would pay as an active employee and the portion of the premium which would otherwise be paid by the City. Questions concerning insurance benefits should be directed to the Human Resources Director.

3.09 Worker's Compensation & Disability Income Continuation Benefit

Employees are covered by Worker's Compensation. There are certain requirements with regard to coverage all employees must comply with. For any work related injury or illness, all required paperwork, including a Wage Agreement, must be filed by the City/and or the employee with the Bureau of Workers' Compensation (BWC). Should the injury or illness require a health care provider or hospital visit, only the first visit is covered if the health care provider or hospital is not a BWC authorized health care provider. All subsequent visits must be to a health care provider authorized to provide benefits through the BWC or the charges will not be covered.

The employee shall be paid at their regular salary during the period of time the employee is off due to a work related illness or injury. This will be noted as Worker's Compensation pay on the timesheet and paystub. (Code is WC) The City will continue to pay premiums for health and life

insurance for the employee until such time as he or she is terminated from employment or begins to receive Ohio Public Employees Retirement System, Ohio Police and Fire Pension Fund benefits or other disability compensation.

Where the disability will prevent the employee from returning to municipal employment, the WC pay will be changed to sick leave and deducted from accrued sick leave and the employee must also apply for all available benefits and funds for which the employee is eligible under the Ohio Public Employees Retirement System or the Ohio Police and Fire Pension Fund. In all cases, the employee is required to submit to examinations by health care providers chosen by the City, conducted for the purpose of determining eligibility or continued eligibility for Disability Income Continuation benefits. In the case of firefighters, the initial determination and recommendation of compensation under the Disability Income Continuation Benefit Plan will be made by the Firefighters' Dependents Board. Consult the salary ordinance which provides and controls eligibility for this benefit or the Finance Director for detailed information regarding this benefit.

A) Light Duty Policy

The city recognizes that in particular circumstances where an employee's injury/illness, whether incurred or contracted on or off the job, prevents them from being able to return to work in a full duty work status; but are capable of performing certain job assignments, which constitute a limited portion of one or more job classifications. These temporary light-duty assignments, when available, are for eligible personnel who are temporarily unable to perform their regular assignments, but who are capable of performing alternative duty assignments. It is the policy of the City of Oxford that eligible personnel be given a reasonable opportunity to work in temporary light-duty assignments where available. A light duty assignment is strictly temporary and does not serve to permanently change or modify the essential functions of the employee's regular assignment.

Any individual requesting information concerning the possibility of a temporary light-duty assignment should make a request to their Department Head in writing and with the appropriate medical documents supporting the request.

1. Physicians release which notes the probability that the employee will be able to return to full duty at a future date and authorization for the employee to return to work on light duty and outline parameters within which employee may work (restrictions). The department head may authorize the employee to have light duty status for the specified period of time noted in the physician's release.
 - a) The determination of whether or not to place an employee on light duty is up to the department head with the following (not limited to) issues being considered.
 - b) Light duty positions available for assignment within the department to which the employee is assigned.
 - c) Medical probability that employee will be able to return to full duty.
 - d) Employee's qualifications for the assignment.

- e) Physician's written opinion that the employee is able to perform light duty activities.

An employee who receives light duty status will not work on holidays, no overtime, no off-duty employment (w/o consent of department head).

An employee who wishes to appeal the department heads decision must request a hearing in writing with the City Manager within five days of the department head's decision. This is not a grievance procedure. The City Manager has authority to adjust the decision as necessary.

3.10 Employee Assistance Program (EAP)

This is a program to assist employees and/or immediate family members (see page 19 for definition) with problems such as stress, substance abuse, mental or emotional illness, finances, legal issues, or a family crisis. This program includes up to eight (8) sessions per employee or family member per year. The EAP also offers legal help including a free thirty (30) minute consultation with an attorney and a reduced rate of 25% should you require additional legal assistance. All discussions with EAP are strictly confidential. Should it be necessary for the Human Resources Director to refer an employee to the EAP, a summary report from the EAP will be submitted to the Human Resources Director regarding the referral. Contact the Human Resources Department for additional information.

3.11 Holidays

See Salary Ordinance for designated holidays.

In order to be eligible to receive holiday pay, an employee must actually work the employee's last scheduled work day before the holiday and the employee's first scheduled work day after the holiday unless the employee uses pre-approved vacation time, compensatory time, personal time or sick leave time before or after the holiday. An employee may be required to verify and document the use of sick leave. The City reserves the right to request a doctor's note or other documentation supporting the need for sick leave time. Employees will not receive pay for holidays which occur while the employee is off work, except those holidays occurring during an employee's vacation or period of paid sick leave will be considered a holiday and the employee will not be charged a vacation or a sick day. If a designated holiday falls on an employee's scheduled day off, the employee shall receive a banked holiday to be used within one year of the date earned.

3.12 Personal Leave (5 days per year – 40 hours)

All full-time non-contract employees receive five (5) personal days (40 hours) each year. The personal days (40 hours) are posted to the employee's account the first of each year.

Personal Leave is eligible to be used for absences subject to the approval of the Department Head. An employee who wishes to use Personal Leave is required to call the employee's supervisor at least fifteen (15) minutes prior to the employee's scheduled starting time. If an employee is unable to contact the employee's supervisor, the employee shall then call the employee's respective division, department or Human Resources and leave a voice mail. Failure to do so may result in an unexcused absence for which the employee shall not receive Personal

Leave compensation and may be subject to disciplinary action. In the event an employee takes personal leave and does not have sufficient time available from the preceding pay period, such time will be deducted from the employee's compensatory time or vacation time, in that order. Employees taking Personal leave not approved prior to the leave, are required to request approval of personal leave in writing immediately upon their return to work using the City leave form.

Effective December 31, 2012, those employees having a personal leave (hours) balance, will have those hours banked. Beginning January 1, 2013, future personal hour accruals will not be added to the banked personal hours. Employees will also be required to use the yearly accrual (five days-40 hours) within one year of the date earned.

All banked personal hours and any accruals will continue to show on the individuals pay stub to be used if needed. The banked hours will be held until retirement, death, lay-off, resignation or termination, at which time the banked hours will be paid at the employee's regular rate of pay. In addition to the banked time paid, the employee will receive compensation for personal time on a pro-rata basis for the year of separation.

3.13 Vacations

Vacation Schedules are listed in the Salary Ordinance.

At the end of the first year (after 12 months) the employee will be credited with eighty (80) hours of vacation. At that time the employee will start accruing monthly vacation according to the schedule in the Salary Ordinance.

An employee may accumulate one year of earned and accrued vacation time plus eighty (80) hours vacation time and may carry the same forward each calendar year. If an employee leaves the City's employ the employee will receive vacation pay computed on a pro-rated basis and at the employee's regular pay rate for all earned but unused vacation days.

A record of each employee's vacation time is kept by the Human resources department and is available to the employee upon request. Vacation time may not be used for absences of less than fifteen (15) minutes. Vacation schedules must be approved in advance by the supervisor or department head. Conflicts in vacation schedules among employees of a department are to be resolved by the supervisor or department head. Vacation is not available until after it has been posted to the employee's account and is reflected on their previous check stub.

3.14 Vacation Conversion

A full-time, non-contract employee may request earned and accrued vacation hours, less hours used in the current calendar year, be converted to pay less all applicable deductions, provided that the employee is on active status. The request will be submitted to the Payroll and Benefits Specialist for processing and payment. The employee is required to have a balance of forty (40) hours remaining on the books once the payout is made. The forty (40) hours can be made up of vacation, personal or comp time or a combination of the three. Questions about the vacation hours for pay option should be directed to the Human Resources Director.

The maximum amount of converted vacation leave that can be considered earnable salary is the amount the employee earns in one calendar year, less any amounts (vacation) taken during the calendar year. To be considered earnable salary the leave also must have been earned in the calendar year it was converted. This concept is considered the LIFO method (last in, first out). The only exception is that leave conversion may occur in January for the prior calendar year. In this case the amount considered earnable salary would be the amount of leave earned in the prior year minus the amount of leave taken in the prior year. A payout date in January is the only way to affect an OPERS approved conversion plan that allows for employees to have the potential to convert the entire amount they earn in a year provided they have not used any leave the prior year.

The plan cannot restrict the number of times employees are eligible to take advantage of the plan. The plan must be accessible to eligible employees no less frequently than annually and budget restraints cannot dictate usage of the plan.

For conversion leave to be considered earnable salary for retiring or terminating employees, the termination date would have to occur in the month of the leave payout of your annual conversion plan or later in order for the member to take advantage of the conversion. Only the leave accrued in that calendar year may be converted. Please keep in mind; payments made at termination for accrued leave are not earnable salary. Conversion payments are only made when your policy indicates and cannot be changed to accommodate a retiring or terminating employee.

No more than eighty (80) hours per year may be converted to pay.

3.15 Leaves of Absence

A. Paid Sick Leave.

Paid sick leave is earned by all full-time non-contract employees at the rate of ten (10) hours per month (15 days per year). Sick time may be used for absences of fifteen minutes or more. An employee may be required to submit medical documentation or other verification to justify the use of sick time. An employee may take leave for illness or death of an immediate family member as defined in Subsection B or for inclement weather.

Sick leave is not available until after it has been posted to the employee's account and is reflected on the employee's previous check stub. Sick leave may not be used to supplement or add to vacation leave, but vacation leave may be used to supplement or add to sick leave. The City Manager has the authority, under extraordinary circumstances, to approve sick leave in advance. In the event an employee takes sick leave and does not have sufficient time available from the preceding pay period, such time will be deducted from the employee's compensatory time, personal time or vacation time, in that order.

Employees who wish to use sick leave are required to call their supervisors at least 30 minutes prior to their regular starting time. If an employee is unable to contact the employee's supervisor the employee shall then call the employee's respective division, department or Human Resources and leave a voice mail. Failure to do so may result in an unexcused absence for which

the employee will not receive sick leave compensation and the employee may be subject to disciplinary action. Employees on shift work must give at least two hours' notice so that a replacement can be found. Employees are required to request approval of sick leave in the timesheet tracking software (i.e. TimeClock Plus) upon their return to work.

After two (2) full work days of sick leave, the City may require proof of bona-fide illness, injury or disability from a physician duly licensed to practice medicine. Abuse of sick leave will lead to disciplinary action, up to and including, termination.

1) Sick Leave Incentive – a full-time, non-contract employee shall receive an incentive for the calendar quarter if the employee uses no sick leave during that quarter. A non-contract employee who uses no sick leave for a calendar year shall receive an additional incentive (see Salary Ordinance for details). Donation of sick time to a fellow employee, will result in forfeiture of the sick leave incentive.

When authorized by the salary ordinance, once a year, accumulated sick leave may be converted to vacation time or cash. Employees should consult the salary ordinance to determine whether this option is available and the circumstances under which it may be exercised. Questions about the sick leave conversion option should be directed to the Human resources department.

Police employees should refer to their collective bargaining agreement for information regarding sick leave benefits.

2) Donation of Sick Time - it has been the policy of the City to allow employees to donate sick time to those individuals who do not have enough time on the books to cover their absence due to unforeseen circumstances, an unexpected illness, or pregnancy. The intent of this policy is to assist employees during a difficult time by providing their co-workers with the opportunity to help.

Each request will be reviewed on a case-by-case basis to determine whether to allow such donation of time. A number of factors are considered in determining whether the individual is eligible for donation, including but not limited to, their attendance record, available time, etc.

Upon receipt of a request, the Human Resources Department will notify the Payroll and Benefits Specialist who will provide a complete report of all time the individual to receive the donation of sick time has on the books. All vacation time, comp time, personal time, and sick time hours will be considered. If the individual does not have any sick time but does have vacation, comp or personal time they will be expected to use all that time prior to any donation being approved. In unforeseen circumstances, employees with no more than 40 hours of combined sick time may be eligible for sick time donation.

Should an employee choose to donate sick time to another individual, they will not be eligible for the sick leave bonus.

The transfer of sick leave from one employee to another employee shall be at the sole discretion of the City Manager.

B. Funeral Leave.

Each full-time employee will be permitted to use up to three (3) days funeral leave per calendar year for the purpose of attending the funeral of a member of the employee's immediate family. The City Manager may approve an extension of time where circumstances warrant. An employee will be permitted to use sick leave for other family members not covered. Immediate family includes spouse, child (biological, adopted, foster or stepchild), parent, stepparent, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, great grandparents, spouse's grandparent, grandchild, aunt, uncle and non-traditional family member. No other relatives are considered immediate family members for purpose of this provision. Employee's using funeral leave are required to submit either an obituary of the decedent or provide other documentation.

C. Other Bereavement Leave.

Bereavements not covered in Section B. requiring absence of four hours or less may be granted with pay at the discretion of the Department Head or with the approval of the City Manager in the case of Department Heads. More than four (4) hours will be used as vacation or leave without pay.

D. Family and Medical Leave

Subject to certain conditions, employees who have at least 12 months of service and have worked at least 1250 hours during the prior 12-month period are entitled to a maximum of 12 weeks leave during any rolling 12-month period, for one or more of the following reasons:

- (1) Because of the birth, adoption or foster care placement of a child of the employee (leave must be taken within 12 months of the child's date of birth or in the case of adoption or foster care the first 12 months of custody);
- (2) To care for a spouse, child or parent who has a serious health condition;
- (3) Because of a serious health condition that makes the employee unable to perform the employee's job.

"Child" includes biological, adopted, foster or stepchild as well as a legal ward who is under 18 or who is 18 or older but incapable of self-care due to a physical or mental disability.

In cases where both spouses are employed by the City, their combined leave may not exceed the 12-week limit where the leave is taken because of the birth or placement of a child or to care for a sick parent. In all cases, accrued sick leave, vacation time and personal time will be counted towards the 12-week limit. Where the leave is the result of a serious health condition of the employee or the employee's spouse, child or parent, the employee's accrued sick leave, vacation and personal time will also be counted toward the 12-week limit. Whenever an employee's leave of absence exceeds the amount of applicable accrued leave time, the remainder of the leave is without pay. In other words, if an employee is eligible for both FMLA leave and paid leave such as sick, personal or vacation time, the employee is required to use all applicable paid leave before unpaid leave is granted, however paid leave must be taken at the onset of the

absence. Once the City is informed or becomes aware that the employee has an FMLA qualifying event, the City shall designate any leave taken from the onset as FMLA leave, regardless of employee preference and alternative types of leave available. If paid leave is available to the employee, the employee's paid leave will run concurrently with the FMLA leave from the onset.

Intermittent/Reduced Schedule Leave – Under certain circumstances, the FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule:

- (1) When medically necessary to care for a seriously ill family member, or because of the employee's serious health condition.
- (2) To care for a newborn or newly placed adopted or foster care child only with the employer's approval.

Employees needing intermittent or reduced leave for foreseeable medical treatment must work with their Supervisor or Department Head to schedule the leave so as not to unduly disrupt the employer's operations. In such cases, the City may require the employee to transfer temporarily to an available position with equivalent pay and benefits which better accommodates recurring periods of leave than does the employee's regular position.

Where the necessity for a leave is foreseeable, employees are expected to provide at least 30 days' advance notice. Where unanticipated events or unusual circumstances prevent 30 days' advance notice, the employee is expected to provide notice of the leave at the earliest possible date.

With any request for a leave involving serious illness of the employee or the employee's spouse, child or parent, the City shall require written certification of the illness from the health care provider of the seriously ill person. Information regarding the specific items which must be addressed in the certificate may be obtained from the Human Resources Director. Under certain circumstances, the City may, at its expense, require the employee seeking the leave to obtain the opinion of one or more independent health care providers. The City may also require an employee to provide periodic certificates, as necessary and reasonable, from the treating health care provider during the course of the leave. In such circumstances, the employee is required to return completed certifications from the treating health care provider to the City. Where the leave was occasioned by a serious health condition of the employee, the employee must present a certificate from the employee's health care provider releasing the employee to return to work.

Upon return from leave all hourly and most salaried employees will return to the position held at the commencement of the leave or to an equivalent position. Questions concerning reinstatement rights of salaried employees should be directed to the Human Resources Director.

If the employee fails to return to work upon expiration of the leave the City may, where circumstances warrant, recover the amount which the City contributed to the employee's health insurance premiums during the period of the leave.

Serious Health Condition means an illness, injury, impairment, or physical or mental condition that involves:

Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility.

- (1) Any period of incapacity requiring absence of more than three calendar days from work, school or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider.
- (2) Any period of incapacity due to pregnancy, or for prenatal care.
- (3) Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.).
- (4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.).
- (5) Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

a) Active Duty Leave – an employee may take up to 12 weeks of unpaid FMLA leave for any qualifying exigency (as defined by regulation) related to a spouse, son, daughter or parent's active duty or notification of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

b) Service member Family Leave (Caregiver) – an employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to a total of 26 work-weeks of leave during a 12-month period to care for the service member. The leave is available during a single 12-month period.

E. Military Leave

Employees may take a leave of absence to perform military service without loss of pay for a period of up to thirty (30) days for each calendar year in which they are performing service in the uniformed services. Any employee who wishes to take a leave of absence for military service is expected to provide the City with notice of the leave immediately after becoming aware of the obligation and the duration of the absence for military reasons.

1. Active Duty

In general, any employee with more than ninety (90) days tenure who voluntarily or involuntarily enters any of the Armed Services of the United States, shall be granted a military leave of absence. If not accepted for active duty, the employee shall be reinstated to the employee's former position without loss of seniority or status or reduction in pay. Employees who complete their active duty obligation (without voluntarily re-enlisting or extending that obligation) are eligible to return to their previous position within thirty (30) days of their written request, provided

such request is submitted within ninety (90) days of discharge or release from active duty. If temporary physical disability precludes the employee's performing the employee's job, the employee shall be allowed up to one (1) year from the date of application to overcome such disability and return to work. Employees returning to a previously held position under these provisions shall receive credit for military service in areas affecting status, rank, rating, increments and qualifications as though they had continued their City employment. Employees are not entitled to be credited with sick leave, personal leave and vacation accrual while on unpaid military leave.

2. Paid Military Leave for Permanent Public Employees

Ohio National Guard, Defense Corps, Naval Militia, and all U.S. Armed Forces reserve component members are authorized up to twenty-two (22) eight (8) hour working days [or 176 hours for forty (40) hours per week employees] leave with pay per federal fiscal year for training purposes or for a public safety employee, seventeen (17) twenty-four-hour days or four hundred eight (408) hours, within one federal fiscal year. A "public safety employee" is defined as a permanent public employee who is employed as a fire fighter or emergency medical technician. In order to qualify as a "permanent public employee" the employee must hold a position that requires working a regular schedule of twenty-six (26) consecutive bi-weekly pay periods, or any other regular schedule of comparable consecutive pay periods. "Permanent public employee" does not include student help, intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.

3. Call Up

Any employee called to military duty for a period in excess of the twenty-two (22) eight (8) hour working days or, for public safety employees, seventeen (17) twenty-four-hour days or four hundred eight (408) hours because of an executive order issued by the President of the United States, an act of Congress or because of an order to perform duty issued by the governor may receive the less of the following (a) the difference between the employee's gross monthly wage or salary as a permanent public employee and the sum of the permanent public employee's gross uniformed pay and allowances received that month, or (b) five hundred dollars (\$500.00) per month. No permanent public employee shall receive payments under either (a) or (b) in this section, if the sum of the permanent public employee's gross uniformed pay and allowances received in a pay period exceeds the employee's gross wage or salary as a permanent public employee for that pay period. Along with requests for such leave, employees are required to submit the published orders authorizing the military duty or a written statement from the appropriate military commander authorizing such duty. Employees requesting such leave will also be required to complete the necessary leave papers.

4. Re-Employment After Active Duty

A regular employee who is drafted or is called for active duty in the Armed Forces of the United States, the Coast Guard, Public Health Service, or Civil defense, or is drafted by the Merchant Marine Service, shall be eligible for re-employment after honorable discharge or discharge under honorable conditions from such services, provided the employee is physically and mentally able to do the work required and reports for work within ninety (90) days after the employee is released from hospitalization continuing after discharge for a period of not more than one (1)

year. The employee shall be employed in the position or a similar position to the one held at the time of entry into the Armed Forces. All salary adjustments or position upgrades shall be granted the employee upon reinstatement. In the event the employee's former job no longer exists, the employee shall be employed in such capacity for which the employee is qualified at a salary comparable with that the employee formerly received.

F. Public Service Leave

Employees who are members of the Oxford volunteer Fire Department or Emergency Medical Teams (EMT) and respond to public emergencies or are called in for mutual aid for the City of Oxford shall be eligible for full pay and benefits and shall not be required to use vacation or time-off without pay for the time away from his/her job. Attendance at non-emergency meetings or gatherings of the Oxford volunteer Fire Department or EMT during the employee's workday shall be considered "time off without pay" or vacation time. Employees who are members of such public volunteer units shall make every effort to coordinate their on call schedules to not disrupt their regular employment.

G. Professional Leave

At the sole discretion of the City Manager, an employee may be granted leave without pay for compelling reasons related to one's profession, maintaining certification or other extraordinary circumstances.

H. Jury Duty/Witness Fee

Employees who are absent as a result of being subpoenaed as witnesses or called for jury duty where the employee is not a plaintiff or a defendant in the court case or for jury duty in a Court of the United States during working hours will be paid at their regular rate of pay. The amount of compensation received as a witness or the amount received as compensation for jury duty must be provided to the City unless such duty is performed outside scheduled working hours for such employee. An employee who reports for such service and is excused shall contact his/her supervisor and report for work if requested.

I. Election Leave

An employee may serve as a judge (poll worker) of elections on the day of an election as follows: may use personal leave, vacation leave, or comp time, or take unpaid leave, to serve as a judge (poll worker) of elections on the day of an election.

4.00 Standards of Conduct

Employees are required to refrain from any action and avoid any kind of public pronouncement which reflects adversely upon the City of Oxford.

A. Drugs and Alcohol

The City strictly prohibits the use or possession, on City premises, of alcoholic beverages or drugs other than those prescribed by a physician or obtained from a legal over-the-counter source. Employees are expected to use prescription or legal over-the-counter drugs in an appropriate manner and dosage and are expected to know whether their appropriate use of such drugs may impair their ability to perform their jobs safely and competently. Employees must advise their supervisors if they are using any prescription medication or non-prescription medication that adversely affects their ability to perform their duties. A supervisor, with the approval of the Department Head, may send an employee home upon the supervisor's determination that the employee's medication is impairing or is likely to impair the employee's ability to do his or her job. No employee may report for duty while impaired by or under the influence of alcohol or illegal drugs. An employee whose work is impaired because of the use of alcohol or illegal drugs shall be ordered to undergo drug and alcohol testing and, if deemed appropriate, counseling. The employee shall submit to testing and a treatment and counseling program deemed appropriate by the City or its professional advisor. No employee who is found to have a drug or alcohol problem shall return to work until certified by the City's counseling professional that the employee is ready to return to work. Any such employee who reports to work impaired or under the influence of any such drugs or alcohol shall be relieved of his or her duties immediately and without pay. Any violation of this policy will subject the employee to discipline, including a requirement to attend counseling as well as immediate discharge. (See also Appendix B Comprehensive Drug Abuse Policy).

B. Problems/Concerns

Employees are encouraged to talk to their supervisor if they have a complaint, grievance, suggestion or problem that needs solving. In the event the employee feels uncomfortable discussing their concern with their supervisor, they are encouraged to go to the Department Head or the Human Resources Director. Other issues such as salary and benefits can be addressed to the Human Resources Director.

C. Political Activity

City employees may not use their position with the City, in any way, to influence any partisan election. To that end, City employees are absolutely forbidden to engage in any partisan political activities of any kind during working hours or while wearing a uniform, badge or any insignia identifying the employee as a City employee.

D. Outside Work

Full-time employees may engage in occasional or part-time work in addition to City employment upon written approval by the City Manager. The City Manager's written approval must be obtained before the employee begins the outside employment. Approval or denial of the request will be based, in part, on whether the outside employment is likely to cause a conflict of interest,

whether it is compatible with the employee's position, and whether it is likely to affect the employee's efficiency on the City job. See Section 8.02, which defines "conflict of interest."

Outside work is defined as any self-employment or other employment for which pay is received by salary, wages, commission or sale, for work performed in addition to full-time City employment regardless of the number of hours worked.

E. Private Business Activities

An employee shall not engage in private business activities during his/her working hours and shall not use City property or facility for such activities. Any violation of this policy will subject the employee to discipline, up to and including, immediate discharge.

4.01 Disciplinary Action

An employee may be disciplined or discharged for deficiencies in performance or conduct. Deficiencies which may result in disciplinary action or discharge include, but are not limited to, the following:

- (1) Unexcused absences or tardiness. (Excused absence – an absence that is allowed under our policy and there was leave available. Unexcused absence – leave was not allowed or there was no leave available.)
- (2) Failure or refusal to follow instructions or to abide by rules applicable to the employee's position or status.
- (3) Insubordination.
- (4) Falsification of records.
- (5) A deliberate statement or act intended to deceive a supervisor.
- (6) Harassment of a fellow employee or a member of the public on the basis of race, sex color, sexual orientation, gender identity, religion, national origin, disability, age, ancestry, marital, military or veteran status.
- (7) Unsatisfactory performance.
- (8) Improper use or treatment of city property.
- (9) On or off-duty conduct which tends to bring the City into discredit.
- (10) Abuse of sick leave or other benefits.
- (11) Use or possession of alcohol or illegal substances on the City's premises, or while on duty including all authorized break periods including, but not limited to, lunch and dinner breaks.
- (12) Reporting for work under the influence of alcohol or illegal drugs.
- (13) Unauthorized disclosure of protected or confidential information.

- (14) Retaliation against an employee for an employee's good faith exercise of a right provided for in this booklet.
- (15) Failure of persons to provide information to their supervisor in the event of loss of driving privileges.
- (16) Mifeasance, malfeasance, and/or nonfeasance.

These rules are not all-inclusive. The City may impose additional disciplinary action of its choosing on employees because of other behavior and situations. Deficiencies in performance or conduct may be grounds for a recommendation of immediate discharge depending on the nature, severity or frequency of the employee's deficient conduct or performance. Where a discharge recommendation is deemed unwarranted by the Department Head, any or all of the following actions may be taken in any order.

- (1) Verbal warning - documentation of verbal warning will be maintained by your supervisor.
- (2) Written warning – with a copy being placed in the employee's personnel file.
- (3) Suspension – employee will be placed on (paid/unpaid) leave upon approval of City Manager.
- (4) Demotion or Dismissal - recommendation will be made to the City Manager for approval.

The City reserves the right to skip progressive discipline and to terminate an employee when circumstances warrant.

Employees may appeal disciplinary actions through the complaint procedure.

4.02 Complaint Procedure

In order to ensure the effective and uniform operation of the City, any complaints or disputes concerning the interpretation of these policies or contesting the imposition of discipline or the termination of an exempt or unclassified employee must be processed through this procedure. Classified employees or employees covered by a collective bargaining agreement, as an alternative to this procedure, may utilize the appeal procedures set out in the Personnel Appeals Board rules or their collective bargaining agreement to contest suspensions, demotions or termination. This procedure does not apply to Department Heads who serve at the pleasure of the City Manager. If this grievance procedure presents a conflict, an individual may directly report to the Human Resources Director or City Manager.

The following steps must be taken with respect to any complaint:

Step One: The employee initially should attempt to informally resolve any complaints with his or her immediate supervisor within 48 hours after the employee becomes aware of the occurrence of the acts giving rise to the complaint.

Step Two: If the complaint is not resolved by the supervisor to the employee's satisfaction, the employee may, within seven (7) days of the occurrence giving rise to the complaint, present the complaint in writing to his or her department head. The department head may meet with the employee to discuss the complaint and will respond in writing to the complaint within fourteen (14) days after the presentation of the complaint. The complainant has the right to bring witnesses to such meetings.

Step Three: If the complaint is not resolved to the employee's satisfaction, in step two, the employee may present the complaint in writing to the City Manager within seven (7) days after receiving the written response to the complaint. The City Manager, or his/her designee, may meet with the employee to discuss the complaint or may refer the matter to a panel consisting of five (5) employees: (one (1) supervisory and four (4) non-supervisory employees) for review and recommendation. If the matter is referred to the employee panel, the panel will meet within seven (7) days and hear both the complainant and the City's representative on the complaint. Immediately after the hearing, the panel, by majority vote, will make a written recommendation to the City Manager for resolving the complaint. The City Manager, or his/her designee, shall consider the panel's recommendation, which is not binding, and conduct any further investigation deemed appropriate. Within seven (7) days after completion of the investigation, the City Manager will render a written decision on the complaint which is final and binding. The City Manager may extend the time period for a final decision should additional time be needed to thoroughly consider or further investigate the matter.

Any complaint regarding discipline or discharge should be kept confidential by all parties at all steps in this procedure., to the extent possible. However, an employee may designate someone else to represent him or her in writing or in person.

Complaints regarding sexual harassment will be handled in the manner set forth in Section 2.01. Complaints regarding reasonable accommodation for a qualifying disability should be directed to the Human Resources Director.

Chapter V—Education

5.00 Continuing Education / Tuition Reimbursement

The City encourages employees to pursue courses of study which will enhance existing skills or teach new skills which will enable employees to better perform their work. Employees are encouraged to take such courses as long as it does not interfere with their jobs.

Periodically, courses are offered for professional certifications. If a vacancy exists or is anticipated, the City may pay course fees and certify the enrollment of an employee who applies for the position. Failure to complete the course may eliminate the employee from future City financial participation in courses and may result in the City Manager collecting a refund of the course fee from the employee.

All requests for continuing education must be approved prior to registration.

Please see the Salary Ordinance for the current amount budgeted for tuition reimbursement.

Depending upon the availability of funds (as noted in the Salary Ordinance), an employee may be reimbursed for the cost of tuition and required course books for any job-related courses, provided that the employee submits a written request for reimbursement on the appropriate form, with a copy of the course description, before taking the class. If only one employee submits a request for a class and receives at least a "B" average in the class, the employee will be eligible to receive 50% of the amount budgeted. An employee who receives a final grade of "A" will be eligible to receive 100% of the amount budgeted as reimbursement. Should there be more than one employee requesting tuition reimbursement, the funds will be distributed equally among those employees who have completed their classes and received their final grades as noted above. For example, if three (3) employees submit requests and all three receive a final grade of 'A' for their classes, the amount budgeted is eligible to be divided among the three and the funds will be distributed equally at the end of the year. Requests for reimbursement should be submitted to the Human Resources Director.

Probationary employees are not eligible for tuition reimbursement.

Should the employee leave City employment prior to the completion of a two year (twenty-four month) period following the reimbursement of tuition, the employee will be required to refund the City for said amount.

Chapter VI—Working Conditions

6.00 Employee Orientation

All employees will undergo a City-wide orientation including explanation of the probationary period, leave policies, job safety, reporting on the job injuries and drug and alcohol policies. This orientation will be followed with the Department Head providing information for their department. Such training includes providing a copy of these policies, providing information and instruction as to job responsibilities and the operation of equipment, providing thorough instruction as to safety rules, and providing information about hours of work and the specific rules and procedures of the department.

6.01 Probationary Periods

All new and newly promoted employees, including firefighters, shall serve a twelve (12) month probationary period. Police officers shall refer to the Personnel Appeals Board Rules and Regulations Rule IX (3) to determine appropriate probationary periods. During this time, the appropriate department head or designee shall observe, train, evaluate, and counsel the employee to determine performance potential. New unclassified employees may be terminated without cause during the probationary period. If an employee who is promoted to another unclassified position fails to successfully complete the probationary period, the City will return the employee to the employee's former position. Promoted probationary unclassified employees may be terminated for those reasons set forth in this handbook or as provided by law.

6.02 Performance Evaluations

The City Manager and each department head or designee are responsible for performance evaluations. The evaluation process is intended to provide employees with information concerning employment progress and to serve as a means for improving employee performance and growth. The process is not meant to serve as a substitute for ongoing discussions between supervisors and employees concerning job performance.

The performance evaluation is a tool for monitoring job performance and providing a mechanism for goal setting and employee improvement and growth.

6.03 Evaluation Standards

It is the responsibility of the City Manager, in consultation with department heads, to develop evaluation standards. Employees may obtain information regarding evaluation standards and other details of the City's evaluation process from their department heads or the Human Resources Department.

6.04 Evaluation Process

Performance appraisals may be completed annually during the employee's month of hire (example: Employee hired 02/05/1998 –Employee evaluated annually in February). Under the evaluation process, employees are permitted to review and respond to their evaluations. Employees will be given the opportunity to comment on the evaluation and shall acknowledge receipt of their evaluations. Each evaluation is reviewed and acknowledged by the department

head and turned in to the Human Resources Department. Evaluations that have not been completed properly will be returned for additional information. Once this process is complete, the evaluations becomes a part of the employee's personnel record. Failure to complete performance evaluations shall not be a defense against personnel actions including, but not limited to, termination taken by the City.

6.05 Promotions/Demotions

A. Promotions

Vacancies in positions above the lowest rank will be filled as far as practicable by promotion. Promotions must include an increase in the scope of duties and responsibilities. Promotions will not be given merely for the purpose of effecting an increase in compensation.

When an employee is promoted, the employee's compensation level shall be as determined by the guidelines given in the Salary Ordinance. For all vacation, sick leave and holiday purposes, the employee retains his/her or her original anniversary date.

All promotions must be approved by the City Manager.

In accordance with the Personnel Appeals Board Rules and Regulations Rule IX. 3. All original and promotional appointments for classifications other than that of Police Officer shall have a probationary period of twelve (12) months.

B. Demotions

An employee may be demoted to a position of a lower grade if the City Manager deems such action appropriate. Reasons for demotion include, but are not limited to, situations where the employee does not possess the necessary qualifications to render satisfactory service in the higher grade position, the employee fails to perform the job as required by the job description or the employee was promoted but failed to satisfactorily complete the probationary period.

All demotions must be approved by the City Manager.

6.06 Lateral Transfers

After successful completion of the probationary period, an employee may be transferred to the same or similar position within the department or in a different department without being subject to a probationary period if positions are available. An employee desiring to be transferred should submit a written request to the Department Head and the Human Resources Director. Transfers must be approved by the heads of all divisions or departments involved and the City Manager.

6.07 Training

It is the City's policy to encourage job training and educational opportunities for all employees.

Training may be conducted during and/or after regular working hours. Attendance by employees at training sessions conducted after regular working hours is voluntary unless an equal amount of compensatory time off or overtime pay is approved in advance of the training. Compensation for training and travel will be as per the City Manager's policy.

6.08 Safety

The City of Oxford believes that safe working conditions for each of its employees can best be provided by the use of safety equipment, proper job instruction, frequent review of safe work practices, and adequate supervision. The City furnishes certain protective clothing and equipment to City employees for their use where required.

Steel-toed Boots – The City will provide one pair of safety steel-toed boots annually to those classes of personnel so designated by the City Manager.

Questions concerning safety should be directed to the employee's immediate supervisor. All employees, as a condition of employment, are required to follow all safety practices and procedures. The City expects each employee to cooperate fully in safety programs by developing safe working habits and reporting hazardous conditions.

6.09 Maintenance

Each employee is responsible for the condition of the equipment the employee uses on the job. Equipment which is damaged, worn, or in need of maintenance should be reported to appropriate personnel. Questions or concerns regarding the proper use of equipment should be directed to the employee's immediate supervisor.

6.10 Use of City Property

City property is to be used only for official City business and must be used in accordance with all applicable rules, operating procedures, or directives. The City Manager may expressly authorize a non-official use of property that does not interfere with City operations, does not result in appreciable cost to the City, and is not inconsistent with the interests of the City or the public.

No employee may remove City property or the property of any other employee from City premises or work sites without proper authorization. Any employee who steals City property or the property of any other employee, or who abuses, misuses, damages, or destroys City property will be subject to disciplinary action, up to and including, discharge.

6.11 Identification Cards

Identification cards are issued to all regular employees. Employees should carry their identification cards when working as required by the various department heads. These cards are the property of the City and must be returned when the employee leaves the City's employment.

6.12 Use of City Vehicles

6.12 Use of City Vehicles and Employee Driving Policy

When an employee requires transportation to perform the employee's job duties, a suitable City vehicle may be made available if the employee's use of the vehicle has been approved, in advance, by the City Manager. An employee who uses the employee's private vehicle to conduct City business may be reimbursed for mileage expenses where the employee has obtained approval in advance to use a private vehicle for City business. City vehicles will be used by City employees for City business only.

Operator's Licenses

A. Each employee driver of the City shall at all times maintain a current valid operator's license. Any employee driver failing to maintain a current valid operator's license shall be prohibited from operating any motor vehicle while performing any duties on behalf of the City.

B. Any employee driver whose operator's license is suspended, revoked or otherwise invalid is immediately prohibited from operating any vehicle while performing that person's duties on behalf of the City. Each employee driver shall immediately notify his/her immediate supervisor if his/her operator's license has been suspended, revoked or become invalid in any way. Each employee driver is responsible for knowing the status of his/her operator's license.

C. In order to ensure compliance with the foregoing requirements, each employee driver shall provide to the City's designated representative a copy of his/her operator's license at hire and each year the license is renewed. It shall be the responsibility of the Human Resources Director to obtain and review a Bureau of Motor Vehicles operator's license abstract (past two years) for each applicant for employment for an employee driver position. It shall further be the responsibility of the Human Resources Director to obtain and review a Bureau of Motor Vehicles operator's license abstract (past two years) for all existing employee drivers at least one time per calendar year.

Each employee driver is required to operate motor vehicles in a safe and legal manner whether on or off duty with the City. This includes the use of seatbelts by all employee drivers and their passengers at all times required by law and compliance with any restrictions on the employee driver's operator's license.

Employee drivers shall not operate any motor vehicle while performing duties on behalf of the City while impaired due to alcohol, prescription or nonprescription drugs or any other legal or illegal substance(s).

An employee driver involved in a motor vehicle accident while performing duties on behalf of the City shall cooperate in the filing of all law enforcement reports required by law and, in addition, shall immediately inform his/her supervisor and complete a full and accurate report on the form prescribed by the City. The employee driver may be sent for a drug/alcohol test after an accident is reported.

Any violation of the above policy or if the City Manager determines the employee's driving record is found to be unsuitable to drive a City vehicle, progressive discipline action may be taken against the employee including, but not limited to, placement on restricted duty, suspension or termination.

6.13 Uniform/Special Clothing

Contract employees will receive a clothing allowance as provided in their contracts. Work clothing is furnished for certain employees in the Service Department and the Parks & Recreation Department. The City furnishes certain special clothing and equipment to City employees for their use where required.

6.14 Wellness Program

All employees are encouraged to participate in the Wellness Program which was initiated to assist and motivate employees towards a healthier lifestyle. For more information contact the Human Resources Director.

6.15 Inclement Weather

Weather/Emergency Closing

In the event a weather emergency is declared and the City Manager closes City departments/divisions, employees will be compensated for the number of hours for which they were scheduled to work during the emergency period.

The City recognizes that on certain days it may be difficult or impossible to come into work, due to inclement weather. The City encourages employees to come into work on such occasions only if, in the employee's judgment, they are able to do so in a safe manner. However, if it is in the opinion of the City Manager such inclement weather conditions exist, the following specifies the guidelines for payment of wages on such days.

Scheduled employees who are able to come into work shall be paid their regular wage for actual time worked. Those employees concerned about weather conditions or who are not able to come to work are permitted to call in or leave early with the approval of their supervisor and shall have the option of receiving an excused day off without pay or using accrued sick, vacation, personal or comp time.

Employees who report to work and are sent home prior to the end of their regular shift will receive payment for the remaining portion of their shift.

Employees not scheduled to work because of prior approved vacation, sick leave or leave of absence, during a declared emergency or order to close, will be required to use the approved leave time.

6.16 Tobacco Use

Smoking or other use of any tobacco product is not permitted within City Buildings or within twenty-five (25) feet of the building entrance, City vehicles or City equipment. Smoking breaks should be limited and must not interfere with an employee's work. E-Cigarettes are also not permitted to be used in any City Building.

6.17 Dress Code

All City employees are expected to maintain high personal and professional standards. One of the most noticeable expressions of these standards is dress and appearance. All employees are representatives of the City and therefore dress and appearance should: (1) present a professional or identifiable appearance for customers, suppliers, and the public; (2) promote a positive working environment; (3) limit distractions caused by inappropriate dress; and (4) ensure safety while working.

The City requires that an employee's clothing and overall appearance be clean, in good taste and repair, and present a favorable public image. All attire should be appropriately fitted. Where uniforms are required, they must be worn during working hours. The uniforms should be neat and clean when the employee arrives for work.

Casual Friday – the City Manager has authorized Friday to be casual day allowing jeans and casual shirts. Employees are still expected to present a neat appearance and are not permitted to wear items that are inconsistent with this policy.

The City reserves the right to stipulate dress and grooming, and to set standards which are in the best interest of the City. It is incumbent upon each Department Head and Supervisor to inform their employees of the City's dress code and to address any problems or concerns that arise.

6.18 Work Environment

It is the responsibility of all employees to keep work areas neat, clean and orderly. Piles of unused unnecessary materials and boxes are considered a safety hazard.

6.19 Personal Calls, Visits and Business

The City expects the full attention of employees while they are working. Although employees may occasionally have to take care of personal matters during the workday, employees should try to conduct such personal business either before or after the workday or during breaks or meal periods. Regardless of when any personal call, visit or personal business is made, it should be kept to a minimum and not disrupt co-workers.

Chapter VII—Separation from Employment

7.00 Termination

Upon separation, regular employees will receive payment for all earned wages as well as earned but unused compensatory, vacation or holiday time subject to deductions for any indebtedness to the City. All City equipment and uniforms must be turned back to the City prior to receipt of your final paycheck.

7.01 Resignation

An employee may resign by presenting a written resignation to his/her department head. At least two weeks' notice should be given to resign in good standing unless, due to extenuating circumstances, the department head agrees to a shorter period.

Failure to report to work or call in for three (3) consecutive days will be deemed as a resignation of your employment.

7.02 Discharge

Except where immediate action is deemed necessary, oral or written notice of the charges supporting the recommendation for discharge will be given to the employee and the employee will be afforded an opportunity to respond to the charges and to meet with the City Manager to discuss the proposed dismissal before it becomes effective. Nothing in this section alters, or should be construed to alter, your employment at-will relationship as defined in this Handbook.

7.03 Retirement

The City of Oxford participates in two retirement programs: The Ohio Public Employees Retirement System (OPERS) and the Ohio Police and Fire Pension Fund (OP&F). Employees are enrolled in one of these programs based on their position with the City. Eligibility for retirement is in accordance with the requirements established by the respective retirement systems [Ohio Public Employees Retirement System (OPERS) or the Ohio Police and Fire Pension Fund (OP&F)]. This information is available by accessing the OPERS website www.opers.org or the OP&F website www.op-f.org. Employees who are eligible to participate in OPERS or in OP&F contribute to the respective retirement funds through payroll deductions. In addition, the City also makes contributions to the fund on behalf of each participating employee. Each participating employee receives an annual statement of their account from the respective System or Fund. Employees eligible for retirement, are urged to contact their particular retirement system as several retirement benefit payment plans are available to participating employees upon retirement. The plan selected, length of service, age at retirement and the amount contributed to the fund by the retiring employee or on their behalf will determine the amount and duration of retirement benefit payments.

In the event a participating employee leaves the City's employ prior to retirement, the employee may be eligible to receive a refund of amounts contributed to the fund. Members interested in requesting a refund are required to apply online.

7.04 Layoff

When it is necessary for one or more employees performing service in the same classification and department to be laid off due to economic consideration, lack of work, and elimination of positions due to reclassification or for any other reason, the order of layoff may be as follows:

- (1) Temporary employees;
- (2) Probationary employees (excludes promotional probation);
- (3) Regular part-time employees (based on seniority and performance evaluations).
- (4) Regular full-time employees (based on seniority and performance evaluations).

If there is a vacancy in another department and an employee facing potential layoff meets minimum job requirements for that vacancy and requests a transfer, the City Manager may approve a transfer in lieu of lay-off.

A department head, with the City Manager's approval and in agreement with the employee, may appoint a laid-off employee to a vacancy in an equivalent or lesser classification for which the employee is qualified.

Layoffs in the Police Division are governed by the terms of the collective bargaining agreements.

Chapter VIII—Miscellaneous

8.00 Records

Complete and up-to-date records on each employee are essential. It is important that each employee promptly notify the Human Resources Director and the Payroll Administrator whenever changes occur which involve the employee's:

- (1) Name
- (2) Marital Status
- (3) Change in Dependents
- (4) Address or Telephone Number
- (5) Income Tax Exemptions
- (6) Beneficiary for Retirement or Insurance Plan
- (7) Requested Payroll Deductions
- (8) Emergency Contact Information
- (9) Direct Deposit Information – paperwork required Friday before Payroll.
- (10) New employee – paperwork required Friday before payroll.
- (11) Dependent eligibility for medical coverage.

Please contact the Payroll Administrator for the necessary forms required to make any changes.

All requests regarding employee information are to be directed to the Human Resources Director in writing (this would include any payroll information).

Verification of employment and reference checks are to be directed to the Human Resources Director.

Personnel Files

Employee personnel files are the property of the City. Employees can request to review their file or request copies of performance evaluations and other documents by contacting the Human Resources Department.

Public Access to Personnel Files

Information contained in personnel files must be made available in response to public records requests in accordance with law.

8.01 Nepotism

Immediate family members of City employees may be hired by the City if qualified for the position involved. However, effective January 1, 2020, a full-time employee is not permitted to be

hired into or transferred into the same City division or department as another full-time City employee who qualifies as an immediate family member. A part-time employee may work in the same division or department as an immediate family member, as long as the immediate family member is not the employee's direct supervisor. If an employee is promoted into a supervisory position over an immediate family member, the City reserves the right, where feasible, to transfer either employee to equivalent or similar positions if available in order to prevent the direct supervision of an employee by an immediate family member. Employees currently in the same City division or department as an immediate family member, whether full-time or part-time employees, are permitted to remain in their current divisions or departments, so long as the placement was made effective prior to January 1, 2020.

City officials and employees are prohibited from making decisions that will affect an immediate family member's employment, such as raises, promotions and performance evaluations.

City officials and employees are prohibited from hiring, or using a public position to secure the hire of, an immediate family member. City officials and employees must completely remove themselves from participating in any way in the hiring process for any position in which the official or employee has an immediate family member competing for the job. The City official and employee must not participate in the process, even if the immediate family member lives in a different household.

Additionally, City officials and employees are prohibited from using their position to influence another person to hire an immediate family member.

For purposes of this provision, "immediate family member" includes spouse, child, parent, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild, spouse's grandparent or grandchild. Dependents, whether or not related by blood or legal relationship, are also included within the definition of immediate family member.

8.02 Conflicts of Interest

Conflicts of interest generally are defined as circumstances in which an employee's outside activities, interests or obligations conflict or are likely to create a conflict with the best interests of the City. Employees are expected to exercise good judgment and discretion in evaluating particular activities so as to avoid actual or apparent conflicts of interest.

In this regard, employees are reminded that the City Charter provides, at Section 10.03, as follows:

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.

See for reference, Ohio Revised Code 102.03(D) and Ohio Revised Code 102.03(E). For clarification, contact the Human Resources Department for additional information on conflict of interest.

8.03 Gifts

All public officers and employees within the State of Ohio are subject to the Ohio Ethics Law and related statutes. These statutes determine that 'a public official or employee is prohibited from accepting, soliciting, or using the authority or influence of his/her office or employment to secure anything of value, or the promise or offer of anything of value which could manifest a substantial and improper influence upon him with respect to his/her duties'. For additional information contact the Human Resources Department.

8.04 Work Place Solicitation

City resources may not be used to solicit members of the public or City employees for any purpose. No employee may solicit for any cause during working time. Notwithstanding the foregoing, an employee may obtain from the City Manager permission to solicit for charitable causes.

8.05 Re-Employment

A new employee who within the last ten (10) years worked for the State of Ohio, an agency of the State of Ohio or an Ohio public employer shall upon employment with the City of Oxford be allowed to transfer accumulated and unused sick hours to the City of Oxford.

A new employee who within the last ten (10) years worked for the State of Ohio, an agency of the State of Ohio or an Ohio public employer shall upon employment with the City of Oxford be given credit for the Ohio public service for computation of vacation time.

A former employee who is re-employed within ten (10) years shall be given credit for prior years of service to the City of Oxford and shall be treated as a new employee for the purpose of determining the transferability of accumulated and unused sick leave from another Ohio public employer and for the computation of vacation time.

A former employee who is re-employed within ten (10) years shall be given credit for prior years of service to the City of Oxford for the purpose of calculating longevity pay. A new employee will not be given credit for years of service to another employer.

Under certain circumstances, a regular employee who leaves the City's employ to serve in the armed services may be eligible for reinstatement to the position and seniority the employee would have had if the previous employment had not been interrupted.

8.06 Death of Employee

A. Wages

Upon the death of an employee, benefits due (earned wages, accrued vacation, personal time, comp time and sick leave as well as any other funds due the employee) will be made payable to the employee's estate in accordance with federal, state, and local laws.

B. Life Insurance

The beneficiary designated on the employee's life insurance record will be paid the applicable life insurance amount in force at the time of death. Formal documents set forth the eligibility, participation, coverage, benefits, limitations, exclusions, and other requirements and provisions which govern any applicable insurance policy or retirement plan. You must refer to these formal documents to locate the actual provisions that govern each such policy. You may not rely on this handbook or any other representations.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 17, 2019

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 5, 2019

Date Prepared

Agenda Title: An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.13 Entitled Unsolicited Materials To Chapter 521 Health, Safety And Sanitation.

Recommendation: Adoption.

Discussion:

Proposed Ordinance Regulating Unsolicited Written Materials.

I have worked with staff (Police Chief and Law Director) on an Ordinance regulating the delivery location of unsolicited written materials such as advertising circulars. The proposed Ordinance is modeled after legislation enacted by the City of Upper Arlington. The legislation would require the placement of unsolicited written materials on a porch nearest the front door, securely attached to the front door, through a mail slot on the front door, between the exterior front door and interior front door (if unlocked), or a distribution box located on the premises.

It is proposed to be located in Chapter 521 Health, Safety, and Sanitation of the City of Oxford's Codified Ordinances and will add new Section 521.13 Unsolicited Written Materials. It will include both civil and criminal penalties for violation of this Ordinance for both individuals and organizations.

The focus of this legislation is to prevent the littering caused by the tossing of the advertising circulars on to the streets, driveways, lawns, and sidewalks in the City of Oxford. It will not prevent the distribution only the placement.

This legislation is important for the City of Oxford since 68% of our occupied housing units are rental with a transient student population occupying most of the units. Many of the circulars remain where they have been tossed for weeks or end up in the streets especially when students are gone.

It is my hope that upon notification of the enactment of this legislation the distributor of the advertising circulars will comply with the regulations without the City needing to take any enforcement action.

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Approved By:	Department Head:	Initial Date
	City Manager:	<u>DRE</u> <u>12-13-19</u>

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF OXFORD, OHIO, BY ADDING NEW SECTION 521.13 ENTITLED UNSOLICITED MATERIALS TO CHAPTER 521 ENTITLED HEALTH, SAFETY AND SANITATION.

WHEREAS, the Constitution of the State of Ohio, in Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self- government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Oxford have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and enforce local police power regulations; and

WHEREAS, a local police power regulation only conflicts with a general law if it prescribes a rule of conduct that permits that which the state law expressly forbids, or vice versa, and does not conflict with general laws if it merely imposes a greater penalty for conduct that is prohibited by the general law, or regulates activity that is not expressly permitted by general law; and

WHEREAS, the City has substantial, legitimate interests in preserving and maintaining a high level of sanitation throughout the city by reducing visual blight and litter; and

WHEREAS, the City has experienced ongoing problems with the delivery of unsolicited written materials to areas of private property such a yards and driveways, commonly resulting in materials remaining in such locations for extended periods of time, causing visual blight and materials being blown and scattered onto neighboring property and public roads; and

WHEREAS, over a period of years the City has received many resident complaints related to unsolicited written materials being delivered to locations on the residents' property which, in addition to causing visual blight and the spread of litter, cause hardship on residents forced to collect these materials from various portions of their or neighboring property; and residents have requested cessation of delivery often without success; and

WHEREAS, the City wishes to reduce visual blight, littering, and the interference with private property associated with the delivery of unsolicited written materials while at the same time protecting the First Amendment rights of the persons and organizations delivering those materials; and

WHEREAS, the issue of unsolicited materials has been discussed by Council and attempts to deal with the adverse effects of delivery of unsolicited materials under existing ordinances and through voluntary action by those responsible for delivering such material has been unsuccessful; and

WHEREAS, based on observation from City Council members and findings in other communities, City Council finds that some of the unsolicited materials can and do migrate to public property, where upon they become litter; and

WHEREAS, in light of the thousands of unsolicited materials delivered in the City each year, the City has a reasonable basis to believe that restricting such deliveries to certain specified locations will bring about a more consistent esthetic and reduce litter; and

WHEREAS, requiring all unsolicited materials to be delivered to consistent, predictable locations will further reduce the visual impact of such materials by increasing the chances that recipients will find and collect materials and discard them in an appropriate manner; and

WHEREAS, City Council finds that this ordinance leaves open ample alternative channels of communication and does not prohibit the right for individuals to travel door-to-door to proselytize, and leave literature with residents.

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

SECTION 1. Codified Ordinance Section 521.13 is hereby added to read as follows:

§ 521.13 UNSOLICITED WRITTEN MATERIALS

(A) As used in this section:

Front door: means the street-facing entrance(s) to a principal structure. In the event no door faces the street, then any other door of a principal structure nearest the street shall be considered a front door for purposes of this section.

Person: means any person, firm, corporation, association, club, society or other organization.

Organization: means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust or other commercial or legal entity. "Organization" does not include an entity organized as or by a governmental agency for the execution of a governmental program.

Porch: means an exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.

Premises: means a lot, plot, or parcel of land including any structures, driveways, or other impervious surfaces thereon.

Principal structure: means a structure, or combination of structures of primary importance on the premises, and that contains the primary use associated with the premises. The primary use is characterized by identifying the main activity taking place on the premises.

Unsolicited written materials: means any written materials delivered to any premises without the express invitation or permission, in writing or otherwise, by the owner, occupant, or lessee of such premises.

(B) No Person shall deliver, place, or distribute unsolicited written materials to any premises other than in the following locations and manners:

- (1) On a porch, if one exists, nearest the front door; or
- (2) So that such materials are securely attached to the front door; or
- (3) Through a mail slot on the front door or principal structure, if one exists, as permitted by the United States Postal Service Domestic Mail Manual, Section 508 Recipient Services, Subsection 3.1.2; or
- (4) Between the exterior front door, if one exists and is unlocked, and the interior front door; or
- (5) Where permitted, in a distribution box located on or adjacent to the premises; or
- (6) Securely attached to a hook or within some other receptacle used for the delivery of non-U.S. Mail packages or materials, attached to the mailbox post for the premises, if it exists; or
- (7) Personally to the owner, occupant, and/or lessee of the premises.

(C) Notwithstanding subsection (B), an owner, lessee, or occupant maintains the right to restrict entry to his or her premises.

(D) Organizational Liability: Pursuant to C.O. § 501.11, it is the intent to impose organizational liability for violation of this section committed by an officer, agent, or employee of a business or organization while acting on behalf of the business or organization and within the scope of the officer's, employee's or agent's office or employment.

(E) Unsolicited written materials placed at a premises creates a rebuttable presumption that the materials were placed at the premises by the owner, officer, agent, or employee of the business, product, good, service, or message which is being advertised, promoted, endorsed, or conveyed in such materials. Where the materials are delivered as a package and relate to multiple businesses, products, goods, services, or messages, the presumption shall apply to the identified distributor of the package of materials, if any.

(F) The provisions of this section do not apply to the United States Postal Service.

(G) Violation of this section shall be a minor misdemeanor punishable by a fine of One-Hundred Fifty Dollars (\$150) per violation.

SECTION 2. The City Manager and the City Law Director are hereby authorized to take all actions necessary to implement and administer this Ordinance.

SECTION 3. This Ordinance is enacted pursuant to the home rule powers of the City of Oxford as set forth at Article XVIII, Section 3, of the Ohio Constitution.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVID PRYTHERCH

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 17, 2019

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 11, 2019

Date Prepared

Agenda Title: An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.14 Entitled Expanded Polystyrene Ban To Chapter 521 Entitled Health, Safety And Sanitation.

Recommendation: Adoption.

Discussion:

The proposed Ordinance bans the use of expanded (foam) polystyrene by food service operations in Oxford. It was requested by Councilors Raghu and Bracken. It is proposed to be located in Chapter 521 Health, Safety, and Sanitation of the City of Oxford's Codified Ordinances and will add a new Section 521.14 Expanded Polystyrene Ban. It includes both civil and criminal penalties for violations of this Ordinance for both individuals and organizations. It provides for a phasing out period of December 31, 2020 for national food service operations and December 31, 2021 for all other food service operations.

I did not include exemptions from this ban since I do not know what is meant by "reasonably feasible alternative". Including an exemption process would increase the City's compliance cost since the City does not have an Environmental Department. Council can simply extend the deadline by amending the Ordinance if it chooses to do so. Many of our restaurants do not use expanded (foam) polystyrene in their operations. The first step for the City would be to notify all restaurants and other food service operations.

Approved By:

Initial Date

Department Head:

City Manager:

DRE 12-13-19

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF OXFORD, OHIO BY ADDING NEW SECTION 521.14 ENTITLED EXPANDED POLYSTYRENE BAN TO CHAPTER 521 ENTITLED HEALTH, SAFETY AND SANITATION.

WHEREAS, the Constitution of the State of Ohio, in Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self- government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Oxford have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and enforce local police power regulations; and

WHEREAS, a local police power regulation only conflicts with a general law if it prescribes a rule of conduct that permits that which the state law expressly forbids, or vice versa, and does not conflict with general laws if it merely imposes a greater penalty for conduct that is prohibited by the general law, or regulates activity that is not expressly permitted by general law; and

WHEREAS, the City has substantial, legitimate interests in preserving and maintaining a high level of sanitation throughout the city by reducing visual blight and litter; and

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

WHEREAS, plastic debris and in particular expanded polystyrene is a distinctive litter concern because it is lightweight, floats, and readily migrates from land to waterways where it breaks down into small pieces to be mistaken for food by birds and other marine wildlife; and

WHEREAS, based on observation from City Council members and findings in other communities, City Council finds that polystyrene materials can and do migrate from public land to waterways, causing visual blight, litter and harming birds and other marine wildlife; and

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

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

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

SECTION 1. Oxford Codified Ordinance Section 521.14 is hereby added to read as follows:

§ 521.14 Expanded Polystyrene Ban

(A) As used in this section:

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

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

“Food service operation” includes a catering food service operation, food delivery sales operation, mobile food service operation, seasonal food service operation, temporary food service operation, and vending machine location.

“National food service operation” means a food service operation that is a chain of Wfranchise or corporate owned establishments located in more than one state.

“Expanded polystyrene” means a thermoplastic petrochemical material made from a styrene monomer and expanded or blown using a gaseous agent.

“Prepared Food” means food or beverages that are packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared on the premises. It is not include any raw, uncooked meat products or fruits or vegetables unless it can be consumed without further preparation; or prepackaged food that is delivered to the food service operation wholly encased, contained or packaged in a container or wrapper, and sold or otherwise provided by the food service operation in the same container packaging.

“Organization” means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust or other commercial or legal entity. “Organization” does not include an entity organized as or by a governmental agency for the execution of a governmental program.

(B) No national food service operation shall sell or otherwise provide prepared food in expanded polystyrene disposable food service ware on or after December 31, 2020. No food service operation shall sell or otherwise provide prepared food in expanded polystyrene foam disposable food service ware on or after December 31, 2021.

(C) Organizational Liability: Pursuant to C.O. § 501.11, it is the intent to impose organizational liability for violation of this section committed by an officer, agent, or employee of a business or organization while acting on behalf of the business or organization and within the scope of the officer's, employee's or agent's office or employment.

(D) Violation of this section shall be a minor misdemeanor punishable by a fine of One-Hundred Fifty Dollars (\$150) per violation.

SECTION 2. The City Manager and the City Law Director are hereby authorized to take all actions necessary to implement and administer this Ordinance.

SECTION 3. This Ordinance is enacted pursuant to the home rule powers of the City of Oxford as set forth at Article XVIII, Section 3, of the Ohio Constitution.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: CHANTEL RAGHU

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of :

12/3/2019

Account Code No. :

Budgeted Amount :

Finance

Originating Department

Joe Newlin

Prepared By

12/12/2019

Date Prepared

Agenda Title:	2019 Supplemental Budget #9
----------------------	------------------------------------

Recommendation:	Approve
------------------------	----------------

Issue 1

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

Action Needed:

Revenue Side

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

Expense Side

Hotel Tax Fund (120)	5,000.00	Increase for release of funds to Enjoy Oxford
----------------------	----------	---

Net Effect on Fund Balance/(s)	5,000.00	
Increase/(Decrease)		

Issue 2

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

Action Needed:

Revenue Side

Employee Benefit Fund (230)	287,621.00	Reimbursements
-----------------------------	------------	----------------

Expense Side

Employee Benefit Fund (230)	287,621.00	Increase for corresponding medical expenditures
-----------------------------	------------	---

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

Issue 3

To make adjustment to transfer funds to the Capital Improvement Fund for expected 2021 improvements, Uptown Water Garden (fountain) & conversion of existing street lights to LED, \$300,000 & \$350,000 respectively

Action Needed:

Revenue Side

Capital Improvement Fund (141)	650,000.00	Transfer from General Fund
--------------------------------	------------	----------------------------

Expense Side

General Fund (110)	650,000.00	Transfer to Capital Improvement Fund
--------------------	------------	--------------------------------------

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

Total Net Effect on Fund Balance/(s)	5,000.00	
Increase/(Decrease)		

Breakdown by Fund

General Fund (110)	(645,000.00)	
Hotel Tax Fund (120)	-	
Capital Improvement Fund (141)	650,000.00	
Employee Benefit Fund (230)	-	

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

5,000.00

Approved By:

Department Head:

City Manager:

Initials	Date
<i>[Signature]</i>	12/12/19
DRE	12/13/19

ORDINANCE NO.

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

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

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

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

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

General Fund 110	5,000.00
Hotel Tax Fund 120	5,000.00
Employee Benefit Fund 230	287,621.00

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

Housing Trust Fund 212	5,828.93
Hotel Tax Fund 120	5,000.00
Employee Benefit Fund 230	287,621.00
General Fund 110	650,000.00

SECTION 4: The following transfer(s) be executed:

Transfer from:

General Fund 110	650,000.00
------------------	------------

Transfer to:

Capital Improvement Fund	650,000.00
--------------------------	------------

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

Capital Improvement Fund	650,000.00
--------------------------	------------

SECTION 6: In all other respects, Ordinance No. 3493 shall remain in full force and effect.

SECTION 7: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

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: December 3, 2019

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

November 25, 2019

Date Prepared:

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

Recommendation: Approval

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

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

Approved By:

Department Head:

 / 11-26-19

City Manager:

DRE / 11-27-19

ORDINANCE NO.

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

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

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

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

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

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

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY:

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-22

Date – November 12, 2019

GENERAL INFORMATION

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

PROPOSAL SUMMARY

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

AGENCY REVIEWS

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

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

PUBLIC COMMENTS

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

STAFF RECOMMENDATION

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

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

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

WAIVER REQUESTS

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

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

STAFF ANALYSIS

Commentary

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

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

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

General Decision Standards

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

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

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

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

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

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

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

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

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

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

SUBMITTED BY:



Sam Perry, AICP
Community Development Director

DATE: October 31, 2019

APPENDIX

RELEVANT ZONING CODE PROVISIONS

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

1147.02(c) Planning Commission Review

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

(1) **Burden of Proof.**

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

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

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

1147.02(d) Action by Planning Commission

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

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

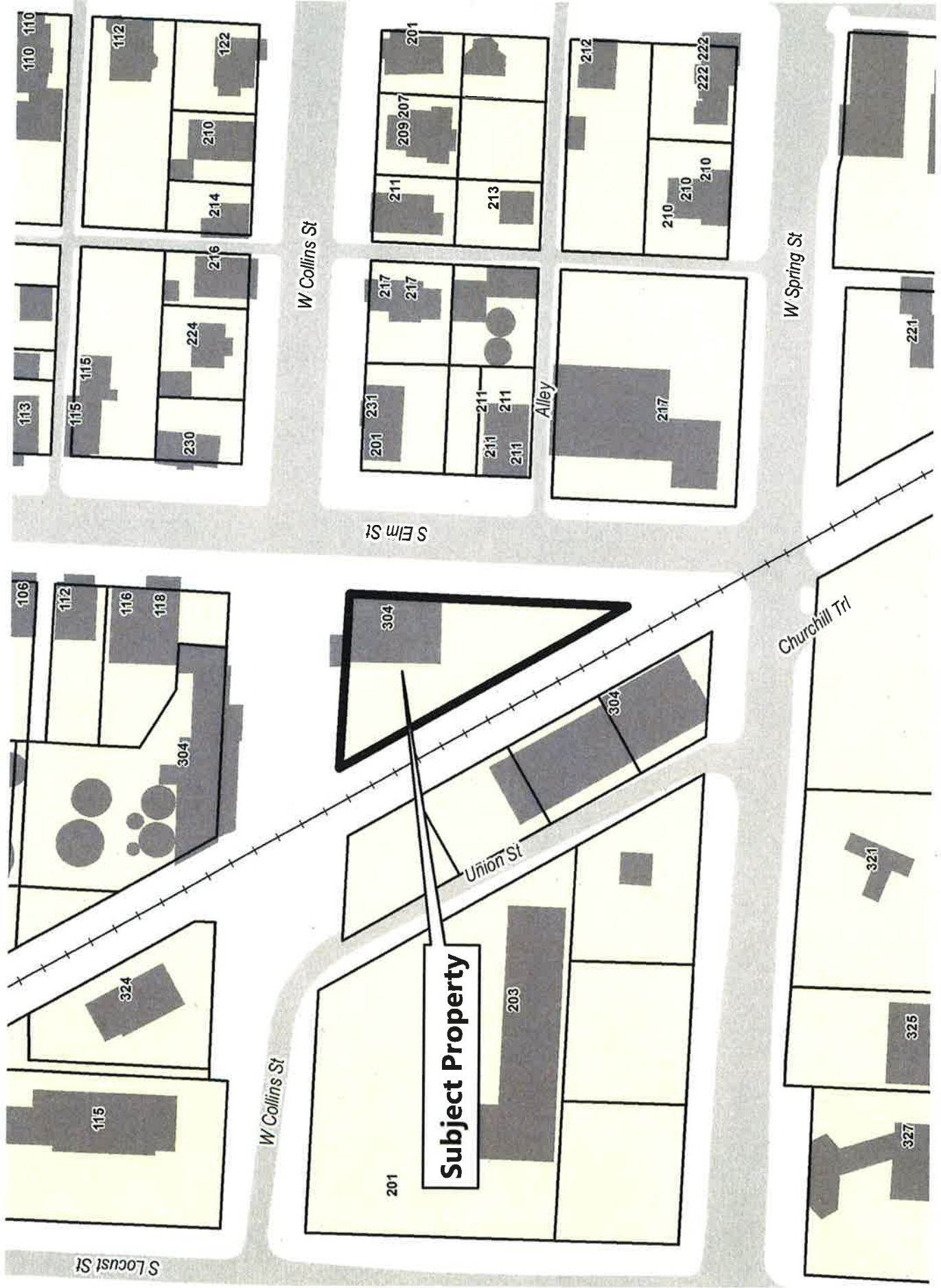
1147.03(b)(31) Temporary and/or Outdoor Sales of Plants and Garden Supplies

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

Location Map

Site Parcel(s)

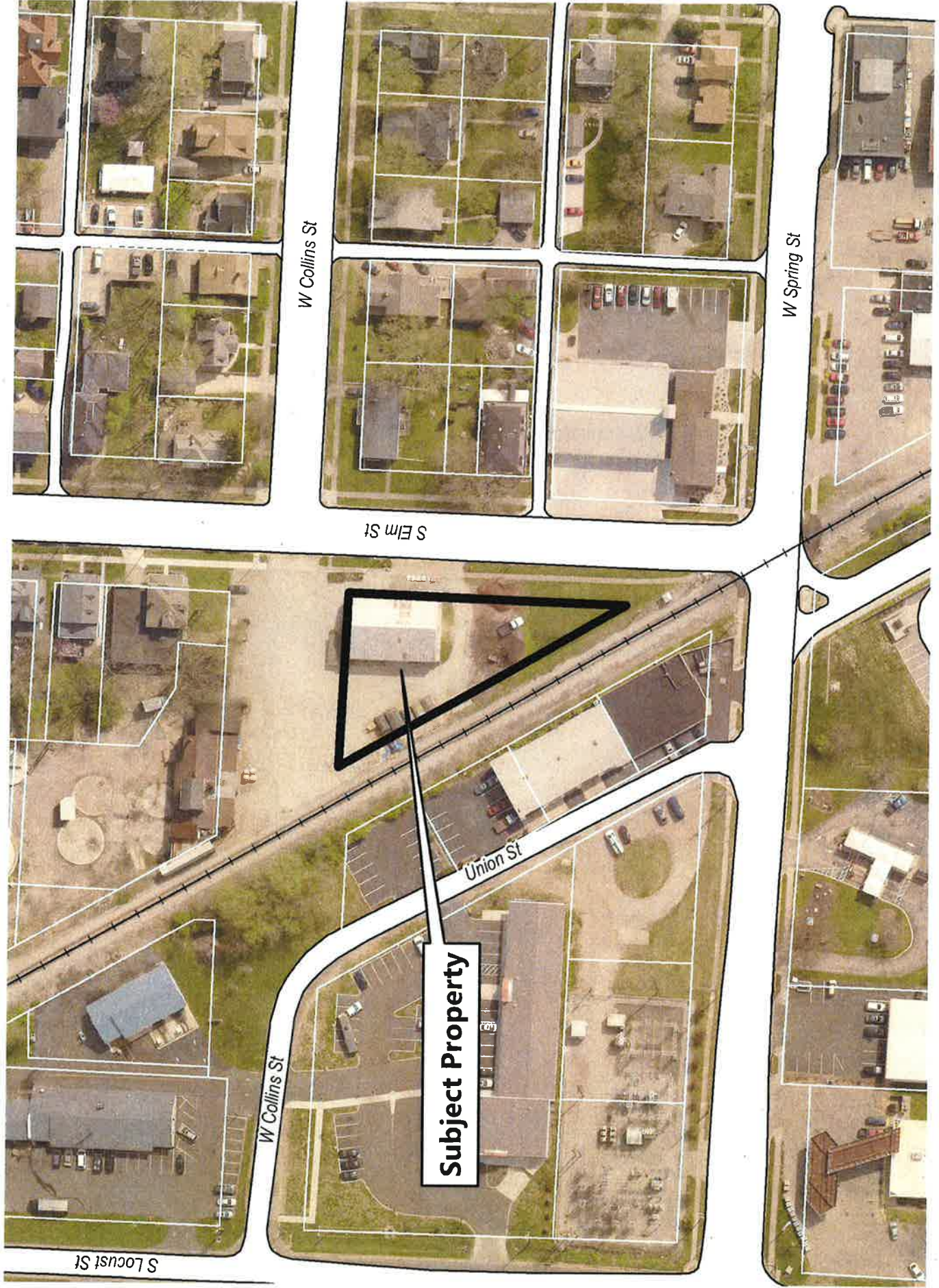
0 50 100 200 Feet



Location Map

 Site Parcel(s)

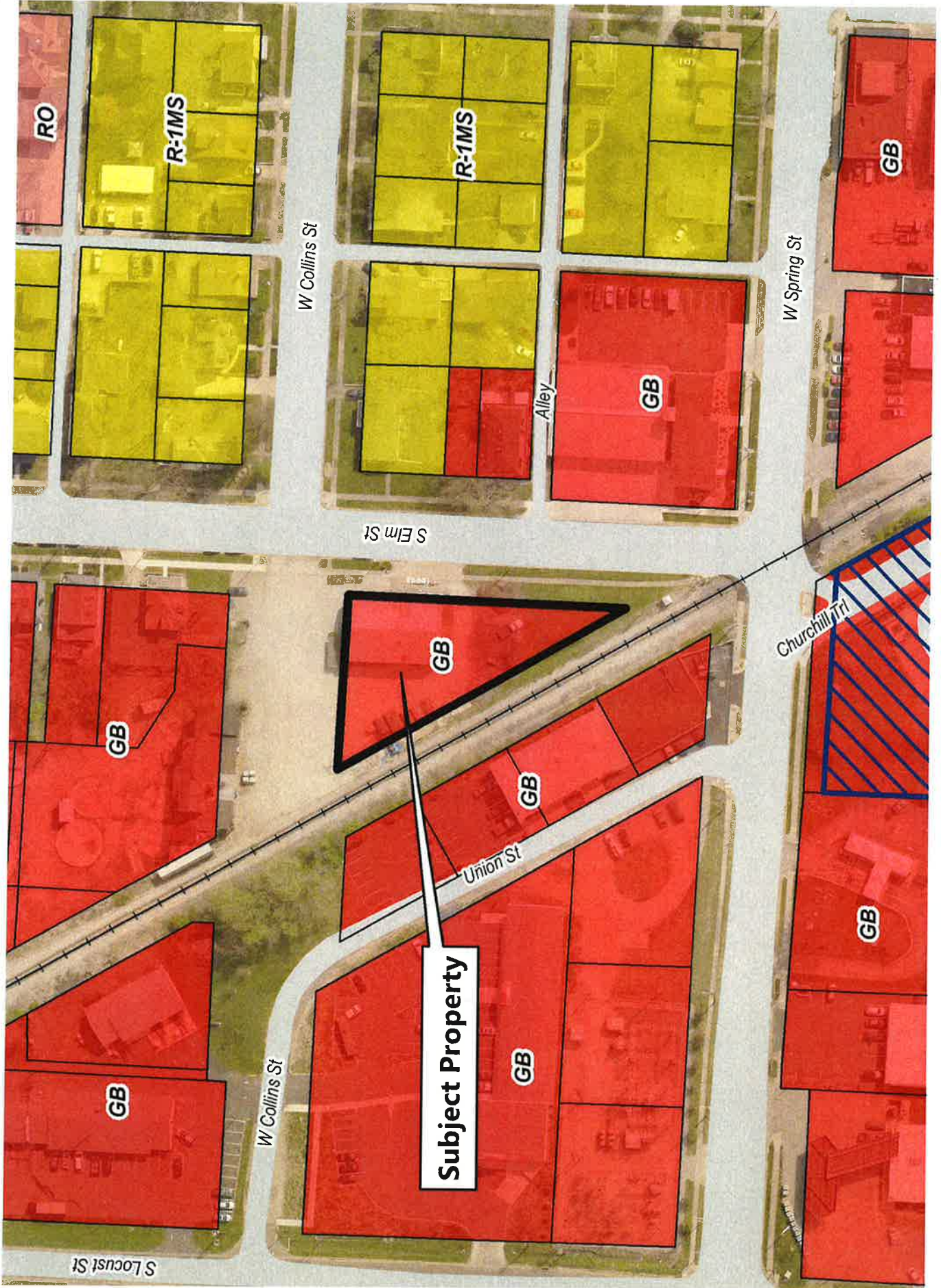
0 50 100 200 Feet



Location Map

 Site Parcel(s)

0 50 100 200 Feet



City of Oxford
Inter-Office Review Transmittal Sheet



Date: October 4, 2019

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

From: Community Development Department

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

 X Review Revisions Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by:


PRINTED NAME

Date:

10/11/19

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

 X Review Revisions Other

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

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: Scott Otto Date: 10/29/19

Scott Otto

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

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

From: Community Development Department

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

 X Review Revisions Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____



Date: _____

10/7/19

John A. Jones, Police Chief
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

 X Review Revisions Other

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

.....

Drawings are returned: w/comments without/comments

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

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

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

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

Drawings reviewed by: _____

Date: 10-15-19

G. ALAN RYCEH
PRINTED NAME



PC-2019-22

Surrounding Property Owners Notifications Map

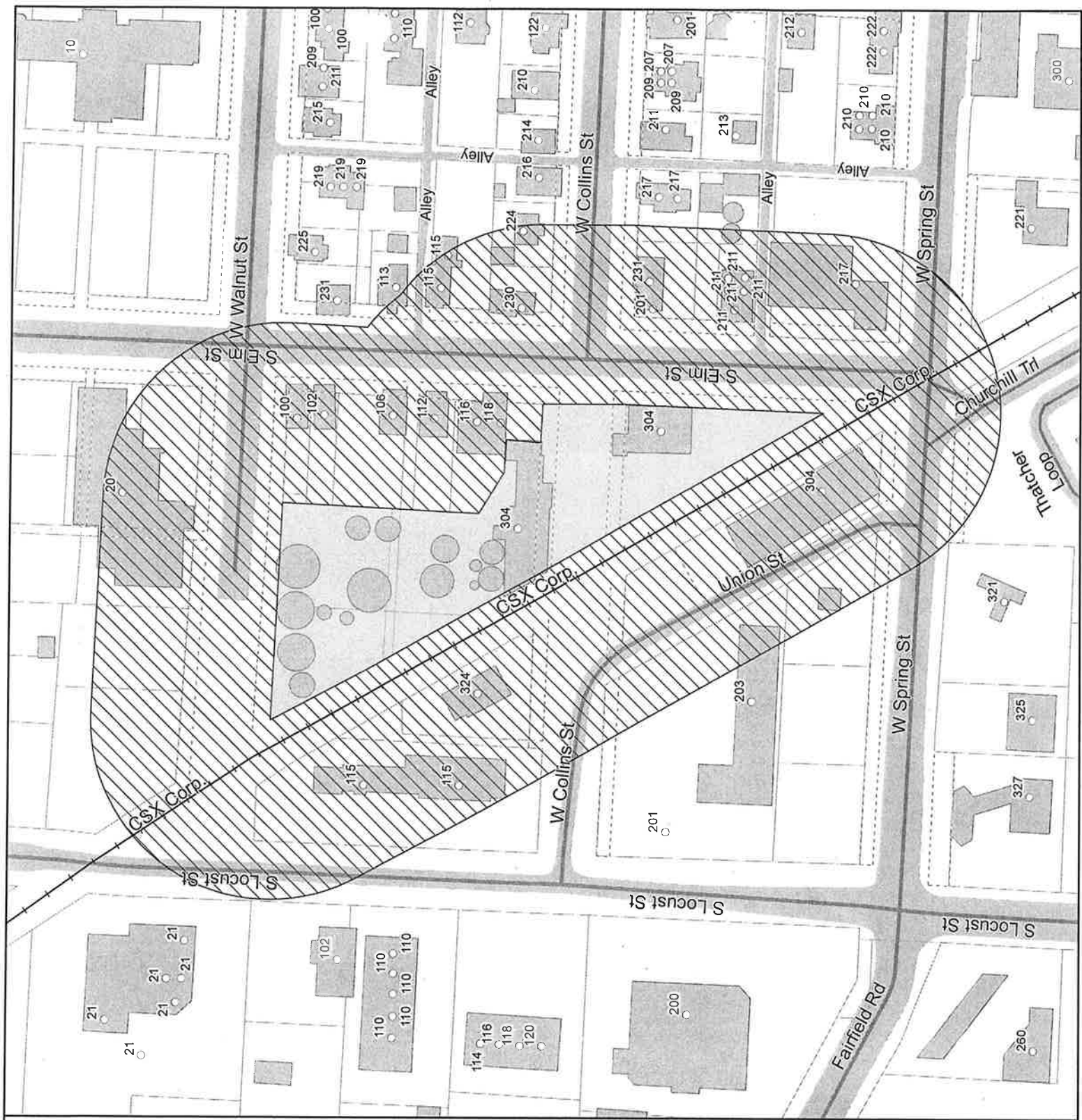
Legend

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



1 inch = 150 feet

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

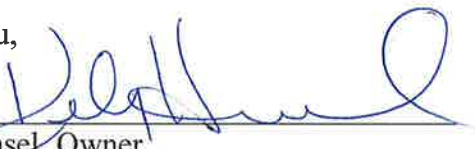


LETTER OF AGENCY

To Whom It May Concern:

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

Thank you,

Signed: 

Kelly Hansel, Owner

Whistle Stop/Oxford Farm Service

Date: 9-26-19



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

Conditional Use Permit Application

Applicant Information

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

Name * Shademakers Inc. / Scott Webb, Architect

Mailing Address * 7525 Fairfield Road / 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

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

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

Owner Information

Name * Oxford Farm Service and Whistle Stop

Mailing Address * 304 West Collins Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-0199

Email Address

Location and Lot Information

Location of Property * 304 West Collins Street

Legal Description * See attached Surveys/Site Plan

Zoning District * GB

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

Existing Use Description * Whistle Stop & Former Oxford Farm Service

Proposed Use Description * New Shademakers Nursery & Landscape Garden Center

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

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

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

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *



Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

9/30/19

Receipt Number *

274987

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

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



September 30, 2019

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

Conditional Use Application

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

Dear City of Oxford Planning Commission,

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

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

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

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

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

Please see attached Letter of Agency

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

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

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

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

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

Zoning District GB (General Business)

6. A description of the proposed use.

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

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

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

- b. The hours of operation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1147.03 USE SPECIFIC REGULATIONS & POTENTIAL CONCERNS.

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

A. Potential Concerns.

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

B. Regulations.

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

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

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

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

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

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

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

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

Concept Rendering



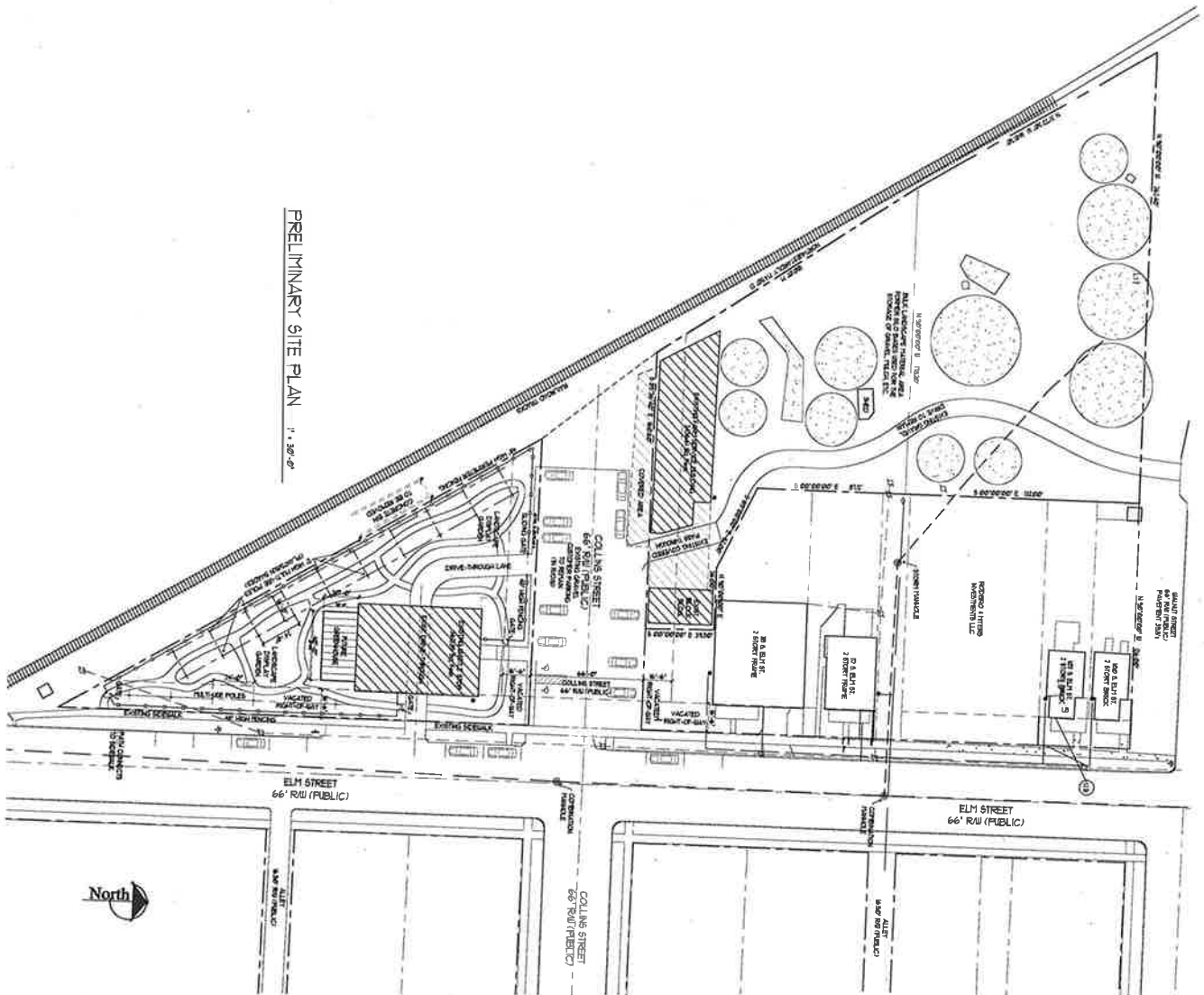
Me⁺, 1.0⁺

PROPOSED NEW LANDSCAPE & GARDEN CENTER

SHADEMAKERS
NURSERY & LANDSCAPE
304 WEST COLLINS STREET
OXFORD, OHIO 45056

[illegible]

PRELIMINARY SITE PLAN 1" = 30'-0"



A-1

September 30, 2013

PROPOSED NEW LANDSCAPE & GARDEN CENTER

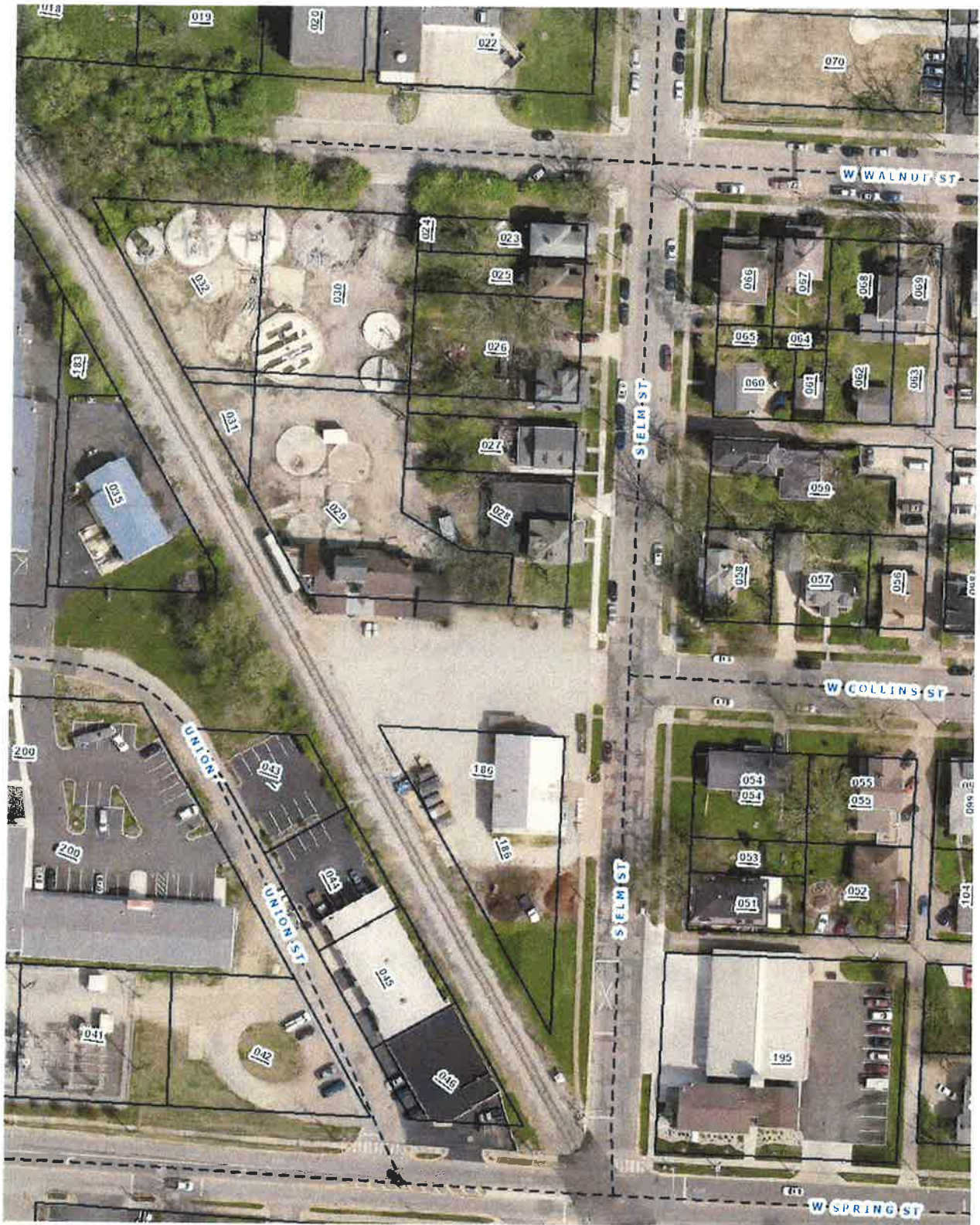
SHADEMAKERS
 NURSERY & LANDSCAPE
 304 WEST COLLINS STREET
 OXFORD, OHIO 45056

REVISIONS

SCOTT WEBB
 ARCHITECT
 100 West Union Street
 Columbus, OH 43201
 614.261.1111
 scottwebbarchitect.com

STATE OF OHIO
 L
 SCOTT WEBB
 11163
 REGISTERED ARCHITECT

Shademakers at Whistle Stop



Aerial of Site Area

Existing Buildings



Existing Whistle Stop



Former Farm Service Building

Existing Neighborhood





**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 3, 2019

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

November 25, 2019

Date Prepared:

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

Recommendation: Approval

Discussion:

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

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

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

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

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

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.

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

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

Approved By:

Department Head:

SP / 11-26-19

City Manager:

DRE / 11-27-19

ORDINANCE NO.

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

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

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

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

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

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

SECTION 2: Council hereby grants the rezoning request to General Business (GB) District for the property as requested by the Applicant, incorporating the application and documents submitted by the Applicant as a term and condition of the granting of this Rezoning Request.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY:

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-23

Date – November 12, 2019

GENERAL INFORMATION

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

PROPOSAL SUMMARY

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

AGENCY REVIEWS

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

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

PUBLIC COMMENTS

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

STAFF RECOMMENDATION

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

STAFF ANALYSIS

History

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

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

Commentary

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

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

Decision Criteria

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

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

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

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

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

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

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: November 4, 2019

APPENDIX

RELEVANT ZONING CODE PROVISIONS

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

1135.02(c) Planning Commission and Council Review

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

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

(1) **Decision standards.**

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

Text Amendments

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

Map Amendments

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

1135.02(d) Action by Planning Commission and Council

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

1135.02(e) Implementation of Amendment

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

1143.06 R-3 Multi-Family Residential District

(a) **Purpose.**

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

(b) **Uses.**

(1) **Permitted uses.**

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

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

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

- B. Front yard 25 percent of front yard.

1143.12 GB General Business District

(a) Purpose.

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

(b) Uses.

(1) Permitted uses.

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

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

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

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

C. Accessory buildings incidental to the principal use.

(2) Conditional uses.

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

A. Retail services.

1. Automobile service stations selling gasoline.

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

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

(1) Lot requirements.

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

(2)

A. Yard requirements (minimum).

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

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

B. Maximum front yard setback.

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

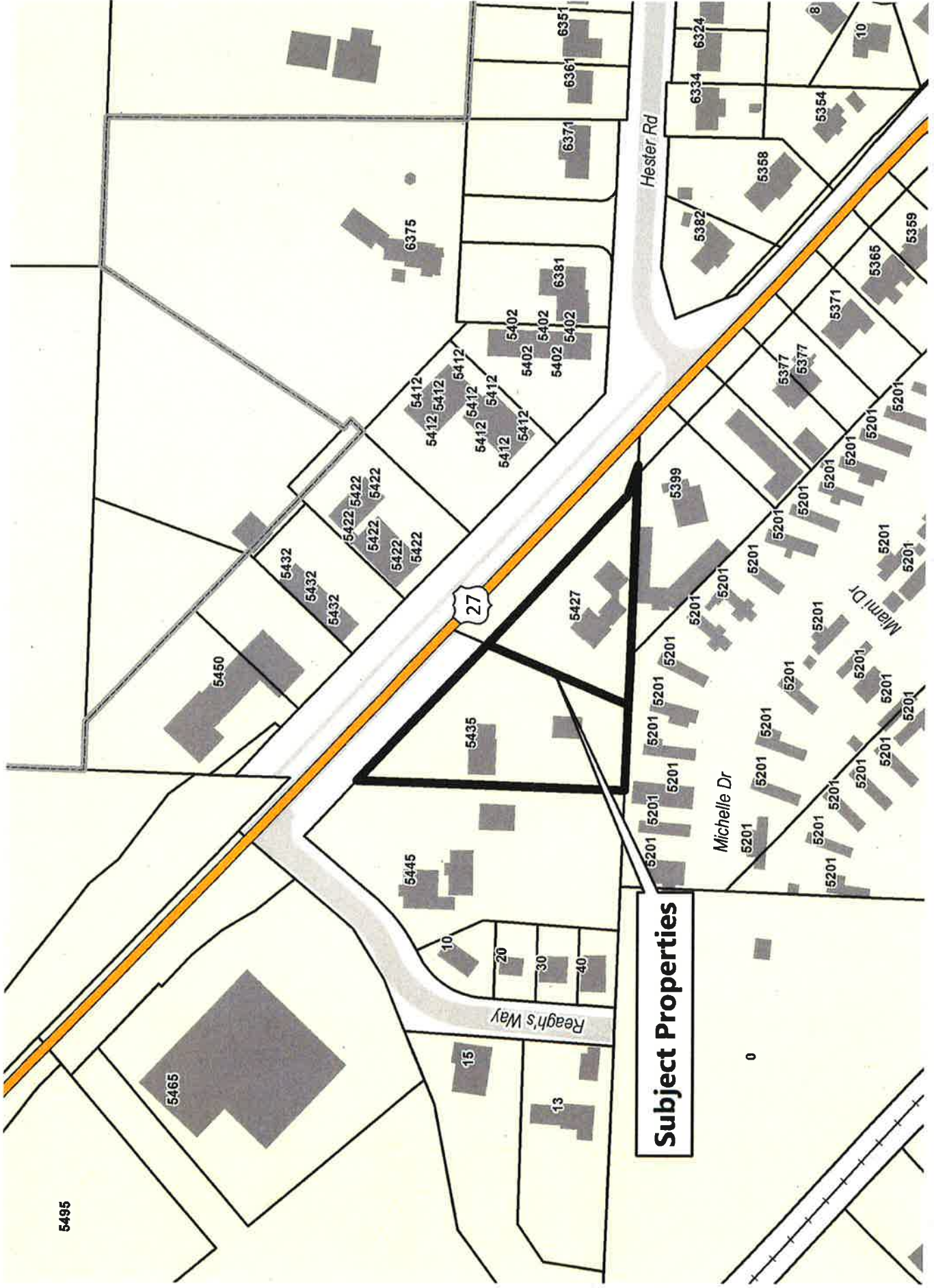
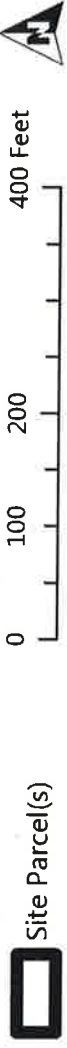
(3) Structural requirements.

Maximum building height 45 feet

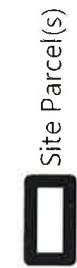
(d) Supplementary Regulations.

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

Location Map



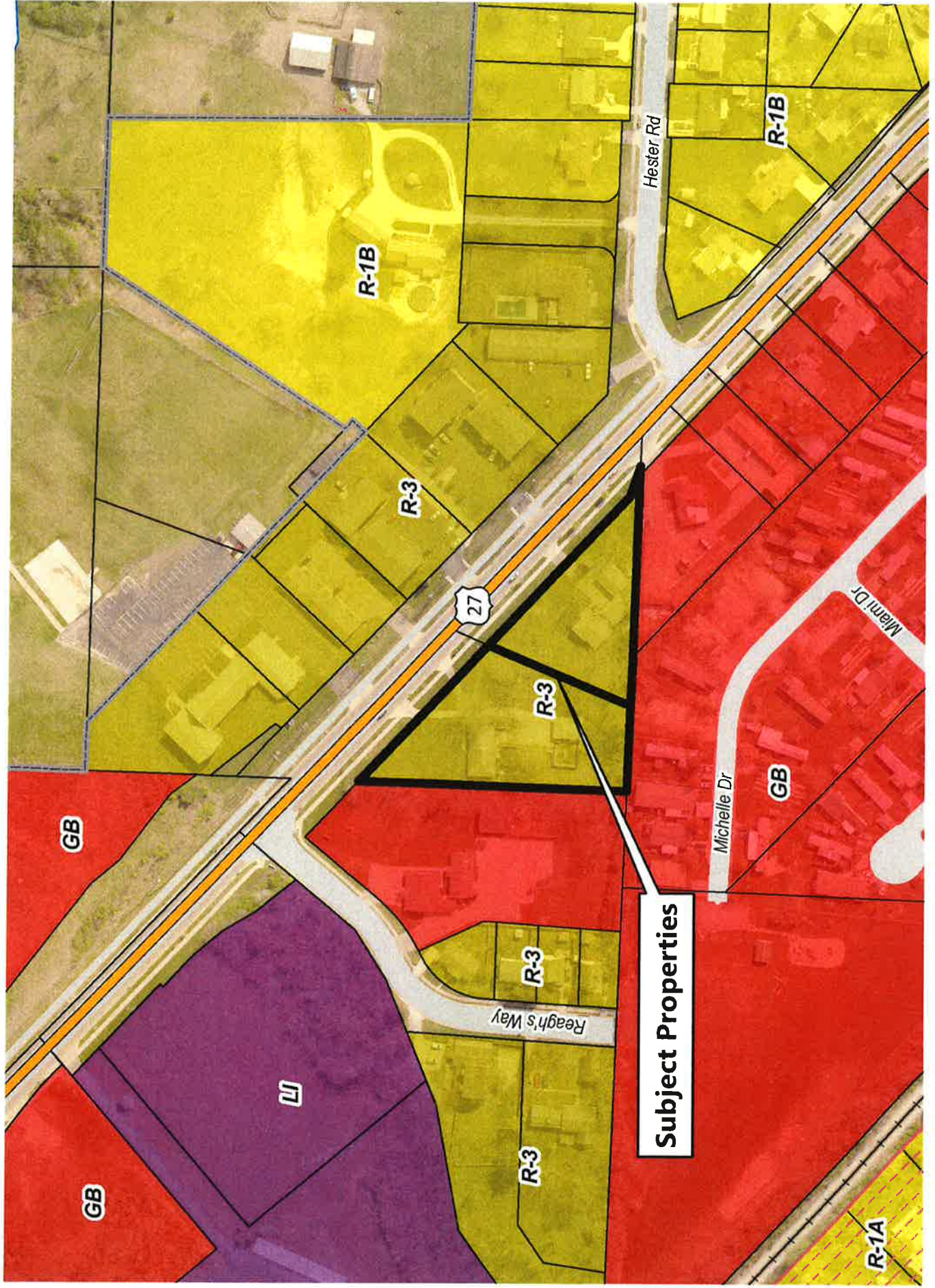
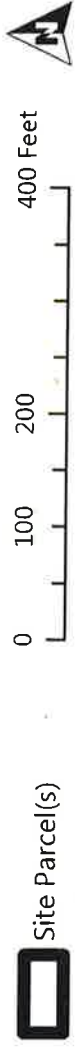
Location Map



0 100 200 400 Feet



Location Map



City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

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

From: Community Development Department

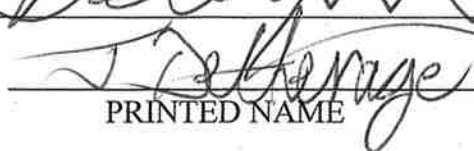
PC-2019-23, ZONING MAP AMENDMENT, 5427 & 5435 College Corner Pike, to allow for the rezoning from R3 Multi-Family Residential District to GB General Business District, **Matthew Troy, Applicant/Agent**

 X Review Revisions Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by:



PRINTED NAME

Date: 10-11-19

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

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

From: Community Development Department

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

 X Review Revisions Other

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

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: Scott Otto Date: 10/29/19

Scott Otto
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

 X Review Revisions Other

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

Drawings are returned: w/comments without/comments

Drawings reviewed by:



Date: 10/7/19

John A. Jones, Police Chief
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 4, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

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

 X Review Revisions Other

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

Drawings are returned: w/comments without/comments

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

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

In summary;

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

Drawings reviewed by: _____

Date: _____


G. Alan Ryan
PRINTED NAME

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

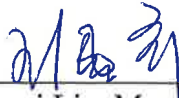
LETTER OF AGENCY

To Whom It May Concern,

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

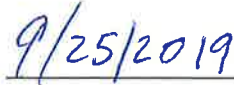
Thank you,

Signed:



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

Date:



9/25/2019

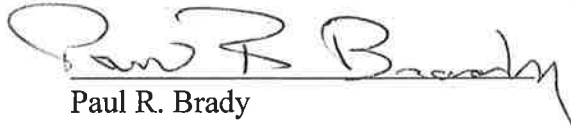
LETTER OF AGENCY

To Whom It May Concern,

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

Thank you,

Signed:

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

Paul R. Brady

Owner: 5427 College Corner Pike

Date:

26 Sept 2019



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

Zoning Map Amendment Application

Applicant Information

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

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

Location and Lot Information

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

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

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

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

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

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

Surrounding Property Owners

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

Decision Process

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

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

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

Fees & Receipt

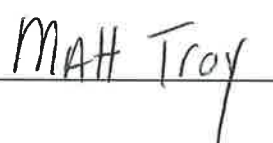
The required fee is \$150.00, plus \$10.00 postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *


 9/30/2019



Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

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

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

BOLIN & TROY, LLC

ATTORNEYS AT LAW

L. Robert Bolin
Matthew A. Troy

29 N. Beech Street
Oxford, Ohio 45056

September 30, 2019

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

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

Dear Mr. Perry,

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

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

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

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

Statement on Applicable Decision Standard Criteria

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

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

Improvements on the Properties are Not Multi-Family Residential Improvements

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

Surrounding Uses are Commercial Causing Underutilization of the Properties

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

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

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

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

Promoting Commercial Use Along the Corridor

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

Redeveloping Underutilized Property

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

Addressing a Weak Place Identified in Comprehensive Plan

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

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

Corridor Conditions Have Become More Commercial Since Adoption of Comprehensive Plan

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

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

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

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

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

Sincerely,

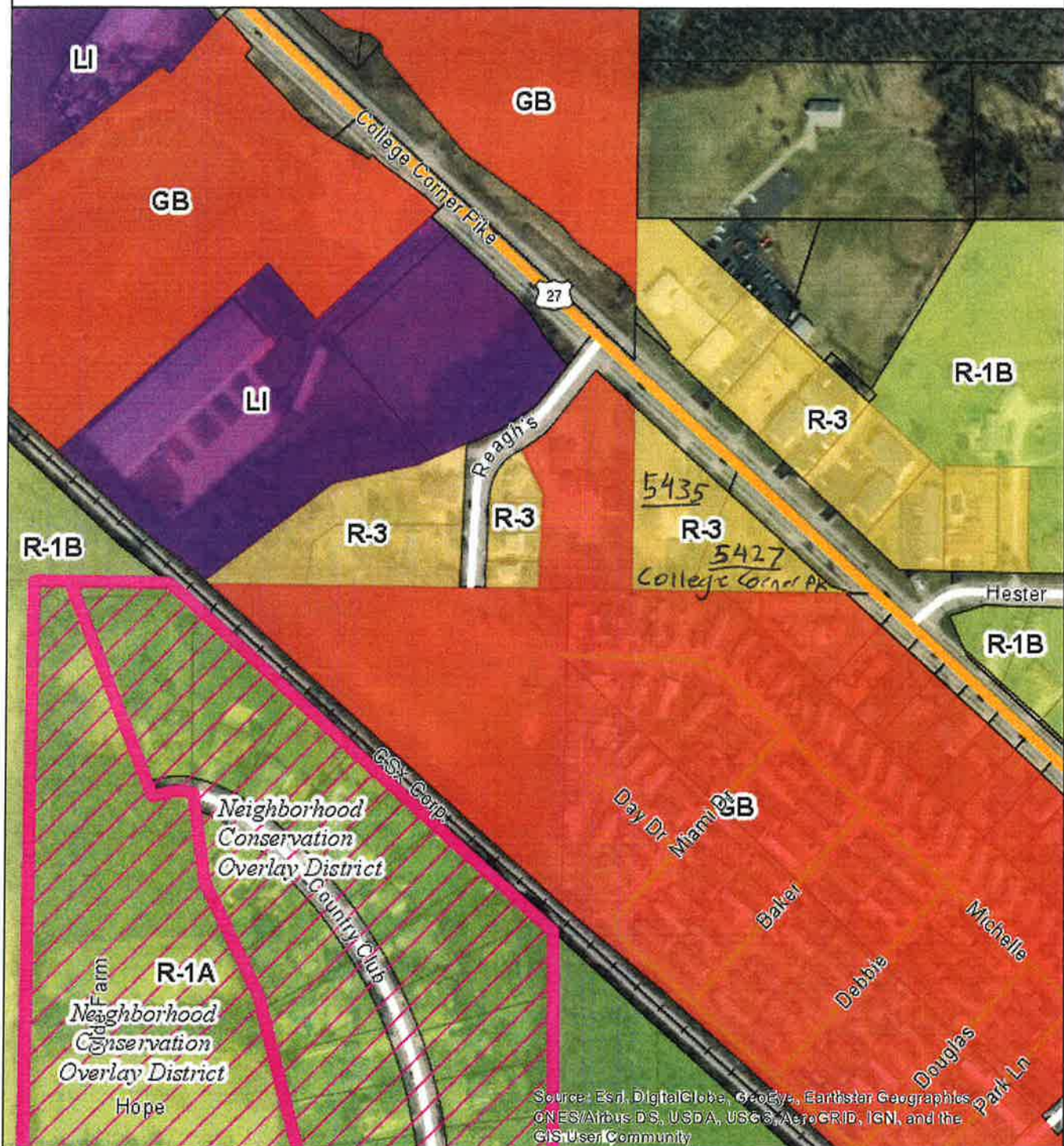


Matthew A. Troy

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

5427 and 5435 College Corner Pike

Exported on 9/30/2019



Produced using the
Interactive Zoning Map
cityofoxford.org/izm



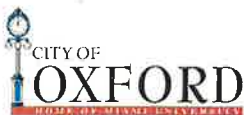
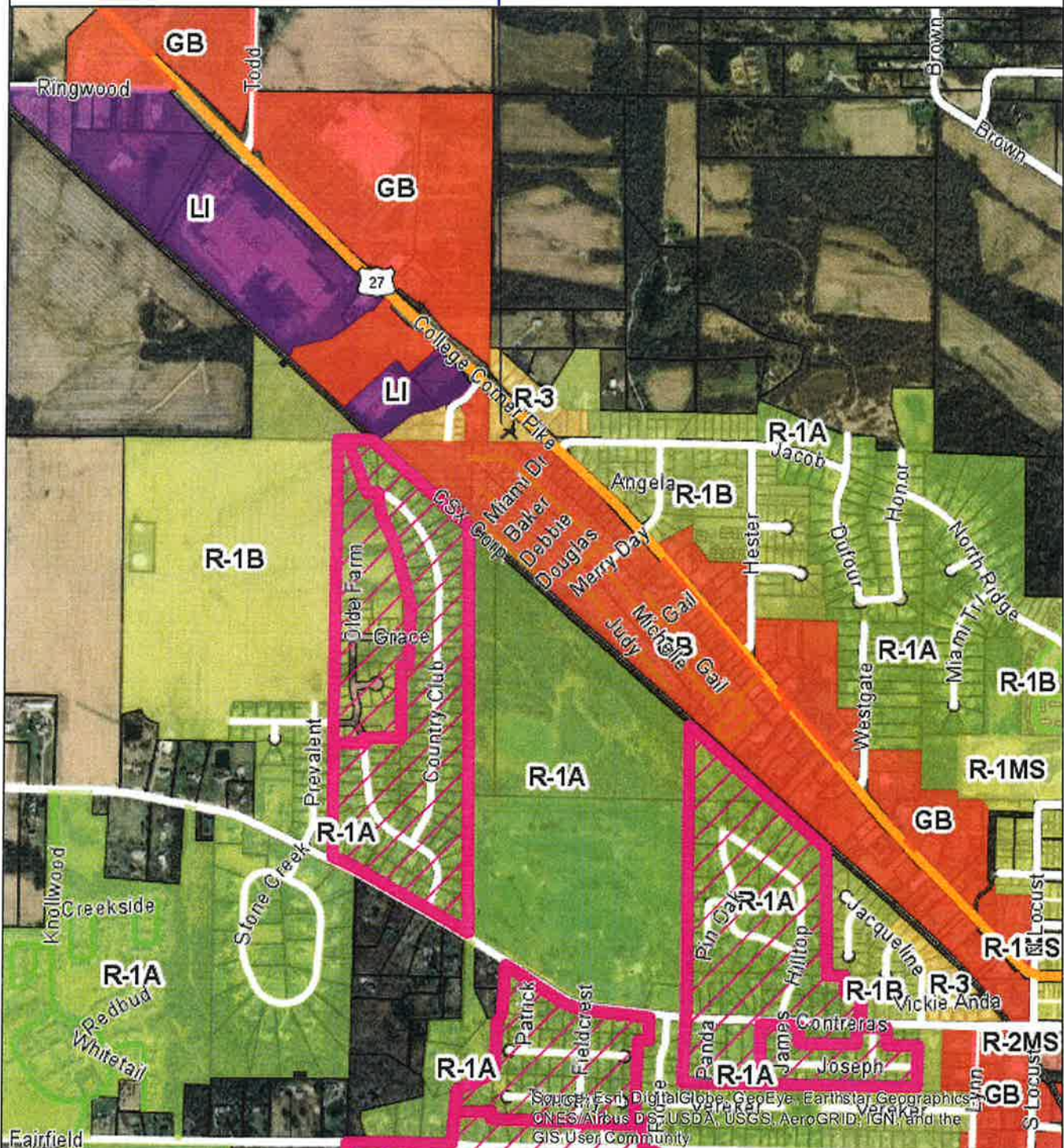
1 inch = 376 Feet

0 0.0375 0.075 0.15 mi

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

5427 and 5435 College Corner Pike

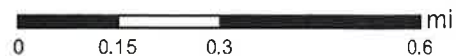
Exported on 9/30/2019



Produced using the
Interactive Zoning Map
cityofoxford.org/izm



1 inch = 1,505 Feet



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

Legal Descriptions of Property to be Rezoned

5435 College Corner Pike

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

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

Parcel Number H 4100-029-000-012

5427 College Corner Pike

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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