

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3449. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 7 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2018.

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:

Employee Benefits Fund 230	663,000.00
OVI Task Force Fund 419	305.00

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

General Fund 110	15,000.00
Employee Benefits Fund 230	663,000.00
Refuse Fund 341	29,000.00
OVI Task Force Fund 419	21,326.09
OVI Task Force Fund 419	(10,043.32)

SECTION 4: In all other respects, Ordinance No. 3449 shall remain in full force and effect.

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

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 18, 2018

Sam Perry
Prepared By

Account Code No. #:

Budgeted Amount: N/A

December 12, 2018
Date Prepared

Agenda Title: Planning Commission Meeting Report- November 13, 2018
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PC-2018-27, FINAL PLANNED DEVELOPMENT, 5990 Contreras, finalizing previously approved 2015 preliminary plan Ordinance 3334 for up to 3 units, Scott Webb Applicant/Agent

The Preliminary Plan was approved in 2015 with a one year extension granted in 2017. There have not been any changes to the proposal. This Final Planned Development is unusual compared to others in that no visible demolition or construction is proposed. It is essentially more than what is permitted 'by-right' with R1B zoning but less than what could be allowed if rezoned.

The 5,000 square foot home is currently permitted as a two-unit dwelling prior to the creation of the R1B district. Per the Preliminary approval granted by Council in 2015 either a third dwelling unit or professional office could be added to the interior; but not both.

The owner does not have a professional office user planning to occupy the building but is requesting to finalize the plan rather than have another extension of the Preliminary through 2019.

Notice was mailed to surrounding property owners, a staff report was provided and comments from the applicant and public were heard. Since an exact plan of what the third unit would be was not defined, staff suggested some parameters to minimize the potential for nuisance to the surrounding neighborhood. The Commission took some of the suggestions of staff and all but one of the conditions from Preliminary Ordinance 3334, recommending approval with a 6-0-1 vote (one abstention).

The recommended conditions are as follows: 1) All conditions of Ordinance 3334 except for compliance with the RO district. 2) Professional office limited to 8 a.m. to 8 p.m. with no more than 2 customers present simultaneously. 3) If the third dwelling unit or professional office tenant is not substantially established within 2 years of the approval ordinance, the final planned development approval is void.

PC-2018-28, ZONING MAP AMENDMENT, 5234 Hester Road, 2.17 acre vacant parcel, from R-1B (Single Family Medium Density Residential) District to GB (General Business) District, Danny Nagar, Century Hotel Group, Applicant/Agent

This request for rezoning was presented by engineers from Bayer Becker and prospective owner Danny Nagar, of Century Hotel Group. Although the request is from a hotel group, the Commission did not review and comment on a hotel development plan. If the property was rezoned, a conditional use for a hotel would come back before the Commission for review.

Staff presented information from the 2008 Comprehensive Plan as well as recent findings and data since the adoption of the plan. Comments and concerns were heard from adjacent property owners about potential negatives that could come with the expansion of the commercial area. A real estate broker also spoke about the complexities of assembling smaller lots that fronted on College Corner Pike. The hotel proprietor spoke about sound and light controlling measures that were possible. Commission members discussed goals for affordable housing; specifically that rezoning this parcel could remove an opportunity. The Commission discussed the four decision standards and did not find that any of them were supported by the information presented for rezoning this parcel from R1B to GB.

The Commission voted unanimously 7-0 to recommend denial of the request to City Council. However, prior to placement on a Council agenda, the request was withdrawn by the applicant.

The meeting adjourned at 9:27 p.m.

Meeting minutes of this meeting are available through Oxford On Demand on www.cityofoxford.org

Approved By:

Department Head:

Sp / 12-12-18

City Manager:

DRE / 12-14-18

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 12/18/2018

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

12/12/2018
Date Prepared

Agenda Title: An Ordinance Approving the Creation a New Fund for the 2019 Operating Budget to Provide for Fire Loss Claims

Recommendation: Approve

Discussion:

Staff recommends Council approve the creation of a new fund 426 to account for Fire Loss Claims proceeds in the 2019 operating budget. This is an accounting method to record all Fire Loss Claims proceeds as security against the total cost of removing, repairing, or securing incurred by the City of Oxford and the release of the proceeds once the repairs, removal, or securing of the building or structure have been completed and the required proof have been received by the City Manager.

Approved By:

Department Head:
City Manager:

Initial Date

12/12/18
DRE 12/14/18

ORDINANCE NO.

AN ORDINANCE APPROVING THE CREATION OF A NEW FUND FOR THE 2019 OPERATING BUDGET TO PROVIDE FOR FIRE LOSS CLAIMS.

WHEREAS, the City Manager and the Finance Director recommend that the City Manager and the Finance Director have oversight over the activities within the Fire Loss Claims Fund and that it be used for collection of Fire Loss Claims proceeds as security against the total cost of removing, repairing, or securing incurred by the City of Oxford and the release of the proceeds once the repairs, removal, or securing of the building or structure have been completed and the required proof have been received by the City Manager.

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

SECTION 1: Council hereby approves and authorizes the Finance Director to create a Fiduciary Fund #426 Fire Loss Claims Fund for the sole purpose of collection of Fire Loss Claims proceeds as security against the total cost of removing, repairing, or securing incurred by the City of Oxford and the release of the proceeds once the repairs, removal, or securing of the building or structure have been completed and the required proof have been received by the City Manager.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 18, 2018

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 11, 2018

Date Prepared

Agenda Title: A Resolution of Council naming Amelia N. Blankenship, attorney at Coolidge Wall Co., L.P.A. as City Attorney for the City of Oxford effective January 1, 2019.

Recommendation: Adopt the Resolution

Discussion:

The City's Law Director of nearly 30 years, Steve McHugh, is retiring from the City effective December 31, 2018. Amy Blankenship has assisted the Law Director for the last several years, filling in for him at Council, Planning Commission and Board of Zoning Appeals meetings. Amy has also assisted with litigation cases and labor negotiations for the City.

The City Manager recommends and Council has shown support for naming Amelia N. Blankenship as the City Attorney effective January 1, 2019.

Approved By:

Initial Date

Department Head:

City Manager:

DRE \ 12-14-18

RESOLUTION NO.

A RESOLUTION OF COUNCIL NAMING AMELIA N. BLANKENSHIP, ATTORNEY AT COOLIDGE WALL CO., L.P.A. AS CITY ATTORNEY FOR THE CITY OF OXFORD EFFECTIVE JANUARY 1, 2019.

WHEREAS, the City of Oxford desires to retain the services of Coolidge Wall Co., L.P.A. to provide legal services to the City of Oxford; and

WHEREAS, the City of Oxford desires to name Amelia N. Blankenship, attorney at Coolidge Wall Co., L.P.A., as City Attorney for the City of Oxford in accordance with the terms set forth in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, Coolidge Wall Co., L.P.A. desires to provide legal services and authorizes Amelia N. Blankenship to be named City Attorney for the City of Oxford in accordance with the terms set forth in Exhibit "A" attached hereto and incorporated herein by reference.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOVES THAT

SECTION 1: City Council hereby names Amelia N. Blankenship, attorney at Coolidge Wall Co., L.P.A., as City Attorney for the City of Oxford in accordance with the terms set forth in Exhibit "A" attached hereto and incorporated herein by reference effective January 1, 2019.

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)

AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT is made and entered into this **18th day of December, 2018** by and between the City of Oxford, whose address is 15 South College Avenue, Oxford, Ohio 45056 and Coolidge Wall Co., L.P.A., whose address is 33 West First Street, Suite 200, Dayton, Ohio 45402.

WHEREAS, the City of Oxford desires to retain the services of Coolidge Wall Co., L.P.A. to provide legal services to the City of Oxford; and,

WHEREAS, the City of Oxford desires to name Amelia N. Blankenship, attorney at Coolidge Wall Co., L.P.A., as City Attorney for the City of Oxford;

WHEREAS, Coolidge Wall Co., L.P.A. desires to provide legal services and authorize Amelia N. Blankenship to be named City Attorney for the City of Oxford in accordance with the terms outlined herein.

NOW, THEREFORE, the parties agree as follows:

1. The City of Oxford shall pay to Coolidge Wall Co., L.P.A in the form of a legal services retainer, the sum of Eighty-Five Thousand Dollars (\$85,000.00) per year. Said sums shall be payable in twelve (12) equal monthly installments commencing on January 1, 2019. No deductions for health insurance or public employee's retirement benefits shall be made from said compensation. Any written waivers necessary to effectuate the waiver of any benefits shall be executed by Coolidge Wall Co., L.P.A. and/or Amelia N. Blankenship, Esq.
2. In exchange for the aforementioned legal services retainer of Eighty-Five Thousand Dollars (\$85,000.00) per year, Amelia N. Blankenship, or a licensed attorney employed by Coolidge Wall, L.P.A. working at Ms. Blankenship's direction, shall provide the following legal services: the approval and drafting of legislation;

attendance at all regularly scheduled meetings of City Council, Planning Commission and Board of Zoning Appeals; attendance at one (1) staff meeting per month; attendance at special meetings as requested; providing legal opinions to the City Manager, Department Heads and elected and appointed officials; review of legal agreements pertaining to the ordinary course of daily business of the City; drafting of legal agreements pertaining to the ordinary course of daily business of the City and attention to other such matters as are necessary to carry out the duties of City Attorney.

3. All other Coolidge Wall Co. L.P.A. employees providing services under the terms of this Agreement shall work under the direct supervision of a licensed attorney who shall at all times remain responsible for the performance of said work.
4. In addition to the foregoing legal services retainer, legal services rendered to the City by Coolidge Wall Co., L.P.A. in connection with litigation, or in connection with matters which are not legal issues addressed by the City in the ordinary course of daily business (otherwise known as outside retainer matters) shall be compensated on a case-by-case basis at an hourly rate of One Hundred Thirty Five Dollars (\$135.00) per hour. Prior to initiating an outside retainer matter to be billed at an hourly rate, Ms. Blankenship shall acquire the approval of the Oxford City Manager. Coolidge Wall Co., L.P.A. shall keep records of time spent and expenses incurred for such litigation or other outside retainer matters and shall bill the City for payment by detailed monthly invoice.
5. The City will re-negotiate two (2) labor contracts in 2019. Ms. Blankenship will serve as labor counsel to negotiate and, if needed, mediate, those contracts for a maximum fee of Two-Thousand Dollars (\$2,000.00) per contract.
6. Either the City or Coolidge Wall Co., L.P.A. may terminate this Agreement for any reason upon sixty (60) days written notice to the other party. In the event of termination, all unpaid legal services that are due and owing shall be paid up to and including the period of notice.
7. Coolidge Wall Co., L.P.A. may periodically request reasonable retainer and hourly rate increases.

8. This Agreement embodies the entire agreement and understanding between the parties, and there are no other agreements and understandings, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby. This Agreement shall be governed by the laws of the State of Ohio.

IN WITNESS WHEREOF, this Agreement, which is subject to the terms and conditions stated is accepted as of the later date this document is signed by both parties.

City of Oxford, Ohio

By _____

Douglas R. Elliott, Jr., City Manager

Coolidge Wall Co., LPA

By _____

Amelia N. Blankenship

By _____

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 18, 2018

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

November 6, 2018

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to close Lot 52 each Saturday in 2019 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 2019 Farmer's Market which will occur each Saturday throughout the season.

Approved By:

Initial Date

Department Head: _____

City Manager: DRE \ 12-14-18

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CLOSE LOT 52 EACH SATURDAY IN 2019 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 2019 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 2019 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 / 19 through 12 / 31 / 19 From: 5:00 a.m.~~to~~ To: 1:00 ~~am~~ p.m.

Today's Date: 11 / 05 / 18 ☐ 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)*

Address: Larry J Slocum
803 Morman Road
Hamilton, OH 45013

Telephone: _____

Cellular: 513-505-5238

Fax: _____

Email: lslocum@gmail.com

Organization: Oxford Farmers Market Uptown Association

Advisor: _____

Address: PO Box 691

Oxford, OH 45056

Telephone: 513-505-5238

Cellular: _____

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 parking lot. We will leave half the sidewalk for pedestrian traffic. Also, the first 3 diagonal parking spaces closest to Main Street on East Park Place.

TITLE OF EVENT (be specific and include projected attendance)

Oxford Farmers Market

Projected Attendance: 500-1,000 Has this event been held previously? ☒ Yes ☐ No If "YES", when? Since 2004

DESCRIPTION OF EVENT

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

Applicant's Signature: Larry J. Slocum Date: 11 / 05 / 18

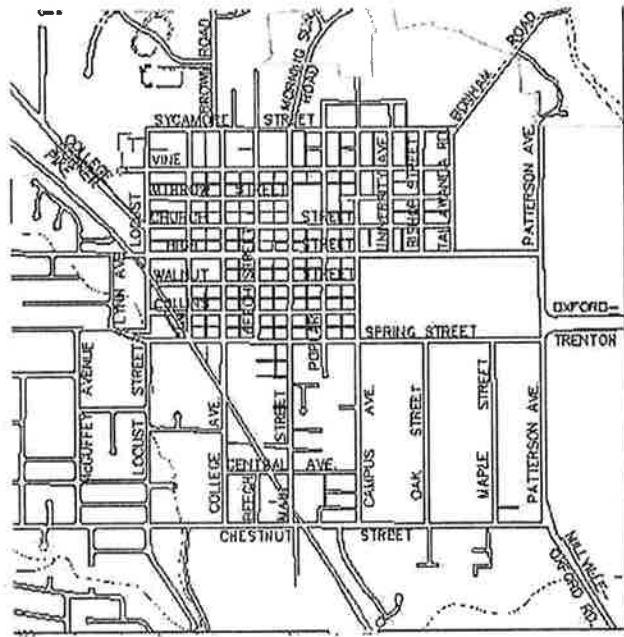
I have read and understand the rules, guidelines and conditions. Furthermore, I understand that acceptance of them is a condition of approval; and, if approval is granted, it is only for the event specified above. I also understand that the request will be reviewed by various City of Oxford officials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

M.U. Use Only

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

Signature: _____ Date: / /

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.

Additional Requests:
(Include details in narrative)

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

<u>Time Details</u>		
	Start	End
Setup		
Event		
Breakdown		



Stipulations and Fees

Note: FULL PAYMENT REQUIRED BEFORE THE EVENT

RIGHT-OF-WAY

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

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

USE OF PARKS (ALL THOSE ABOVE, PLUS)

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

FEE INFORMATION

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

Personnel

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

Road Closures (fee includes labor)

Main Street	\$135.00
US 27 Detour	\$135.00

Sports Fields/Gazebo

Contact OPRD – 513-523-6314

APPLICANT'S ASSURANCE

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

Larry J. Korum
Applicant's Signature

Date: 11 / 05 / 18

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:

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: December 4, 2018

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

November 19, 2018

Date Prepared

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

Recommendation: Approve

Discussion:

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

March 2018 *Resolution No. 6068 – Declaring the necessity to make improvements*
May 2017 *Resolution No. 6085 – Authorizing a contract to perform the improvements*
October 2018 *Resolution No. 7023 – Determination of the total cost of assessment by lot*

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

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

Approved By:

Department Head:

Initial Date
MB 11/19/18

City Manager:

DRE 11/30/18

ORDINANCE NO.

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

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

WHEREAS, pursuant to Ohio Revised Code Section 729.08, Council published a notice in the *Journal News*, beginning October 21, 2018 and ending November 4, 2018 stating that the list of estimated assessments (Exhibit A) was on file with the Clerk of City Council and was available for public inspection; and

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

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

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

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

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT 'A'

2018 Curb, Gutter, & Sidewalk Replacement & Construction

PROPERTY LIST

Final Quantities											
Direct Address	Street Name	Property Owner	Parcel #	Uneal Ft Curb	Square Feet Sidewalk	Square Feet Sidewalk thru driveway	Square Ft Drive Apron	Square Ft Apron Remove Only	Final Cost	Estimated Cost	Cost Difference
15	E SYCAMORE	OBW LLC	H4100007000137	35	50	0	66		\$2,738.50	\$3,019.00	-\$280.70
30	E SYCAMORE	TONY MILLER BUILDERS LLC	H4000011000018	0	25				\$222.50	\$1,000.00	-\$777.50
101	E SYCAMORE	ROBERT L BLACKBURN TR	H4100007000139	25		0	96		\$2,226.80	\$2,089.00	\$137.80
401	N POPLAR	RODRIGO AND MYERS INVESTMENTS LLC	H4100011000004	40					\$1,712.00	\$1,600.00	\$112.00
104	E SYCAMORE	MPR IV LLC	H4100011000003	30	75	100	120		\$4,387.50	\$3,860.00	\$527.50
105	E SYCAMORE	TERRY MICHAEL DUDLEY	H4100007000140	5	25				\$436.50	\$400.00	\$36.50
117	E SYCAMORE	ROBERT L BLACKBURN TR	H4100007000206	0	50				\$445.00	\$800.00	-\$355.00
118	E SYCAMORE	PENSCO TRUST CO LLC	H4100010000036	10	100	25	36		\$1,999.50	\$1,749.00	\$250.50
119	E SYCAMORE	ROBERT L BLACKBURN TR	H4100007000205	5	25				\$436.50	\$800.00	-\$363.50
120	E SYCAMORE	DUDLEY PRIME PROPERTIES LLC	H4100010000037		100				\$890.00	\$800.00	\$90.00
324	N CAMPUS	ROBERT L BLACKBURN TR	H4100007000204	88	0		0		\$3,766.40	\$5,130.00	-\$1,363.60
323	N CAMPUS	AK OXFORD PROPERTIES LLC	H4100006000026	97	50				\$4,596.60	\$6,680.00	-\$2,083.40
217	E SYCAMORE	MARCIA G BRADLEY	H4000006000027	40	275				\$4,159.50	\$3,800.00	\$359.50
224	E SYCAMORE	GOLD DUST PROPERTIES LLC	H4000010000047		75				\$667.50	\$800.00	-\$132.50
322	E UNIVERSITY	KEITH E & PENNY GREGORY	H4000006000028	57	50		72		\$3,752.20	\$4,128.00	-\$375.80
301	E SYCAMORE	NPEF CORP & ALPHA PHI OF ZETA BETA TAU HOUSE CORP	H41000060000115	55	25	0			\$2,576.50	\$3,850.00	-\$1,273.50
314	E BISHOP	DELTA KAPPA EPSILON	H41000060000121	45	175				\$3,483.50	\$3,800.00	-\$316.50
401	E SYCAMORE	ALPHA CHAPTER HOUSE ASSN OF SIGMA CHI FRATERNITY	H41000060000137	68	125				\$4,022.90	\$4,320.00	-\$297.10
320	TALLAWANDA	PHI KAPPA TAU CHAPTER HOUSE ASSN	H4100006000138 & H4100006000139	50	25	100	90		\$4,437.00	\$5,310.00	-\$873.00
1011	ARROWHEAD	H&P PROPERTIES INC	H4000114000012	0	150				\$1,335.00	\$2,280.00	-\$945.00
1014	ARROWHEAD	OXFORD OFF CAMPUS STUDENT HOUSING LTD	H4100114000037	0	120				\$1,068.00	\$1,760.00	-\$692.00
1018	ARROWHEAD	OXFORD OFF CAMPUS STUDENT HOUSING LTD	H4100114000038	20	130				\$2,013.00	\$2,640.00	-\$627.00
1021	ARROWHEAD	D & J OXFORD ENTERPRISES LLC	H4000114000059	53	0		200		\$4,678.40	\$4,560.00	\$118.40
1027	ARROWHEAD	MARY BARONE	H4100114000059	0	25	25			\$470.00	\$1,225.00	-\$755.00
1031	ARROWHEAD	JAW REALTY LLC	H4100114000057	0	25	0	70		\$1,066.00	\$2,495.00	-\$1,429.00
1032	ARROWHEAD	DAVID C SABO	H4100114000041	20	255	75			\$3,868.00	\$3,515.00	\$353.00
1035	ARROWHEAD	JASON & STEPHANIE REYNOLDS	H4100114000056	20			70		\$1,699.50	\$1,430.00	\$269.50
1036	ARROWHEAD	ROBERT W BLACK & SHANA ROSENBERG	H4100114000042	21			60		\$1,621.80	\$1,780.00	-\$158.20
1039	ARROWHEAD	SHAWN MICHAEL & ELIZABETH ANN SEXTON TR	H4100114000055	64	50	0	75		\$4,087.95	\$4,660.00	-\$572.05
97	ACORN	NANCY M WELLS & JOHN L REILLY	H4100129000002	31		20	76		\$2,440.60	\$2,509.00	-\$68.40
103	ACORN	JEFFREY L TRIPLETT	H4100129000004	44	50		40		\$2,810.20	\$2,720.00	\$90.20
107	ACORN	HARLEY D AND BRITTANY N ISAACS	H4100129000005	20	50	0			\$1,301.00	\$1,425.00	-\$124.00
109	ACORN	ALAN S MARCUS	H4100114000046	34	0		45		\$1,997.45	\$2,565.00	-\$567.55
114	ACORN	S.S. RAMA RAO PAPPU	H4000114000054	50	75				\$2,807.50	\$3,600.00	-\$792.50
115	ACORN	JOSEPH W LEONARD & ETSUKO LEONARD CO TR	H4000114000048	53			60		\$2,991.40	\$2,660.00	\$331.40
119	ACORN	CHRISTOPHER G & GRACIA M AGHESON	H4100114000049	60	25		0		\$2,790.50	\$3,635.00	-\$844.50
120	ACORN	DAVID WALSH & SUSAN HURST	H4100114000053	30			75		\$2,187.75	\$1,875.00	\$312.75
123	ACORN	DAVID L FORRESTER	H4100114000050	26	50		100		\$3,257.80	\$2,790.00	\$467.80
124	ACORN	NICOLE & CHRISTOPHER L SHIPLETT	H4100114000052	5					\$214.00	\$200.00	\$14.00
127	ACORN	CHRISTINE R STARKEY	H4000114000051	24	0		105		\$2,292.45	\$2,305.00	-\$12.55
SUBTOTALS FOR BID SCHEDULE I PROPERTIES				1225	2255	395	1456	0	\$93,954.80		

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: December 18, 2018

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

December 6, 2018
Date Prepared

Agenda Title: Environmental Commission Meeting of December 5, 2018

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, December 5, 2018 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Ms. Madeline Maurer; City Council Representative, Ms. Chantel Raghu; Planning Commission Representative, Ms. Shana Rosenberg; Mr. Vince Hand, Mr. Jon Ralinovsky, and Mr. Andor Kiss. A quorum was present. Oxford resident, Mr. Andy Rice, was also in attendance.

The minutes from the November 7, 2018 Environmental Commission meeting was unanimously approved as presented.

Mr. Rice updated the Commission on a requested resolution for City Council to consider. The resolution called for the United States Congress to create a carbon fee and dividend program to reduce the impact of climate change. The provided resolution text was largely taken from the City of Oberlin's resolution, the only city in Ohio that has thus far approved such a resolution. Mr. Rice stated that bi-partisan legislation (entitled: "The Energy Innovation and Carbon Dividend Act of 2018") was introduced in the U.S. House of Representatives in late November 2018. The legislation would assess fees on the production or importation of certain fossil fuels, ideally reducing greenhouse gas emissions. The assessed fees collected are to be distributed on a pro-rata basis back to the citizenry and legal residents of the nation. The intent of the legislation is to at least maintain, if not improve, economic vitality while encouraging the transition to a renewable, sustainable energy economy. While all Commissioners present agreed a cost of carbon usage was a necessary component to reducing fossil fuels consumption and increasing the attractiveness of renewable energy, there was concern whether action by the Commission and City Council calling on federal action on an international concern was an appropriate action and use of time. Mr. Gwyn stated that he would prepare a cover letter to the resolution providing an explanation for the Commission's request that the Council review and consider the resolution (with drafts provided to the Commissioners for review and comment). Ms. Rosenberg moved the following Motion, Councilor Raghu seconded:

Motion:

The Environmental Commission recommends that City Council review, consider, and adopt the attached Resolution requesting that the United States Congress pass a carbon fee and dividend legislation.

Approved By:

Department Head:
City Manager:

Initial Date

WCS \ 12/10/18
DRE \ 12/14/18

The Motion was adopted by the following roll call: AYE: Mr. Gwyn, Ms. Mauer, Ms. Raghu, Ms. Rosenberg, Mr. Kiss (5); NAY: Mr. Hand, Mr. Ralinovsky (2); ABS: None (0)

Councilor Raghu informed the Commission that at the December 4th City Council meeting, Councilor David Prytherch had suggested that the Planning and Environmental Commissions meet (early January 2019 was suggested) to determine a recommendation to City Council regarding formal participation in the Global Covenant of Mayors for Climate and Energy. Also, City Council approved \$11,000 for a food scrap recycling-composting pilot program. City Staff provided Commissioners a summary of information learned during a preliminary investigation into the establishment of a pilot program.

Mr. Hand had prepared and distributed a summary of the effort associated with the Commission's development of the draft Tree Preservation and Protection Ordinance, and suggestions of what could be done differently in the future to streamline future similar projects. Earlier and more frequent consultation with key stakeholders, including in-person meetings, were seen as a way to make sure the product met expectations and reduce lost time and efforts if the Commission was heading in a wrong direction. Preparation of a clear and concise statement outlining objectives was suggested, again to ensure the project would address the concerns and intents of the request, and minimized lost time by pursuing unnecessary issues. Finally, it was recommended to delegate tasks to sub-groups of Commissioners to investigate particular facets of the project's investigation.

Commissioners discussed the upcoming contract specifications for solid waste and recycling collection and disposal services. Having the contract period run the full five years (currently it is 2 years, with the option of up to three one-year extensions with a not-to-exceed fee increase each of those three years) could allow for lower prices for the life of the contract (recommended by the Director of the Hamilton County Recycling and Solid Waste District). Commissioners were in agreement that increasing the default residential container size to the 65-gallon wheeled, lidded cart was a good idea in an effort to increase recycling volumes. The question was then raised as to what was most important to the Commissioners to be addressed in the contract specifications. It was concluded that increasing recycling rates and volumes, incentivizing small volumes of trash with lower monthly rates, and increasing public education regarding trash and recycling services should be areas of focus. A sub-group of Ms. Mauer, Mr. Hand and Mr. Ralinovsky were tasked to determine possible avenues to address these three areas of focus.

City Staff updated the Commissioners on the year's urban forestry efforts. Staff had recently completed the re-certification application for Tree City USA (due on Friday, December 7th). If awarded, this would be Oxford's 23rd consecutive year of the Tree City USA designation. All four of the required components for the designation were met. Oxford planted 108 trees during 2018, with 52 public, parks, or street trees removed (net gain of 56 trees, increasing the number of public trees to approximately 3,400 trees). Oxford was credited with expending approximately \$128,000 on urban forest activities in monetary funding, labor, and expenses associated with the Class IV Compost Facility for yard waste, for a per capita expenditure of \$5.99.

The current and pending projects that the Commission was working on and intended to work on were listed, with the intent to consider formation of additional sub-groups to work on the projects. These include the food scrap pilot program, the solid waste contract specifications, Tesla electric vehicle charging stations, the greenhouse gas inventory for municipal operations that the Miami University Institute for the Environment and Sustainability graduate students were working on, and Mr. Prytherch's suggestion regarding formal participation in the Global Covenant of Mayors for Climate and Energy.

Commissioners concluded discussions at 8:40 p.m. The next Environmental Commission meeting is tentatively scheduled for 7:00 pm on Wednesday, January 2, 2019, in the Municipal Building's First Floor Conference Room. Several Commissioners indicated that they were not yet sure of their availability for a meeting on January 2, 2019.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 4, 2018

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

November 26, 2018
Date Prepared:

PC-2018-27, FINAL PLANNED DEVELOPMENT 5990 Contreras Road, finalizing previously approved 2015 Preliminary Plan Ordinance 3334 for up to 3 units

Recommendation: Approval with conditions

Discussion:

The Preliminary Plan was approved in 2015 with a one year extension granted in 2017. There have not been any changes to the proposal. This Final Planned Development is unusual compared to others in that no visible demolition or construction is proposed. It is essentially more than what is permitted 'by-right' of R1B zoning but less than what could be allowed if rezoned.

The 5,000 square foot home is currently permitted as a two-unit dwelling prior to the creation of the R1B district. Per the Preliminary approval granted by Council in 2015 either a third dwelling unit or professional office could be added to the interior; but not both.

The owner does not have a professional office user planning to occupy the building but is requesting to finalize the plan rather than have another extension of the Preliminary through 2019.

Notice was mailed to surrounding property owners, a staff report was provided and comments from the applicant and public were heard. Since an exact plan of what the third unit would be was not defined, staff suggested some parameters to minimize the potential for nuisance to the surrounding neighborhood. The Commission took some of the suggestions of staff and all but one of the conditions from Preliminary Ordinance 3334, recommending approval with a 6-0-1 vote (one abstention).

The recommended conditions are as follows: 1) All conditions of Ordinance 3334 except for compliance with the RO district. 2) Professional office limited to 8 a.m. to 8 p.m. with no more than 2 customers present simultaneously. 3) If the third dwelling unit or professional office tenant is not substantially established within 2 years of the approval ordinance, the final planned development approval is void.

Approved By:

Department Head:
City Manager:

SP / 11-28-18
DRE / 11-30-18

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR FINAL PLAN APPROVAL OF A PLANNED DEVELOPMENT FOR ONE (1) ACRE OF LAND AT 5990 CONTRERAS ROAD OXFORD, OHIO 45056 TO ALLOW THE RECONFIGURATION OF AN EXISTING STRUCTURE FOR RESIDENTIAL AND OFFICE USES WITH CONDITIONS.

WHEREAS, Council hereby finds that the Planning Commission held a public hearing on November 13, 2018 in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant/Agent for approval of a Final Plan for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses; and

WHEREAS, the Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Final Plan application for one (1) acre of land at 5990 Contreras Road 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 further approves the Final Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses based on the submittals of the applicant that are incorporated and made a part of this approval with the following conditions:

- a. All conditions of Ordinance No. 3334 shall apply with the exception of condition 'g' regarding compliance with the RO District.
- b. The professional office hours shall be limited to 8:00 a.m. to 8:00 p.m. and no more than two customers shall be present simultaneously.
- c. Should the third dwelling unit or professional office tenant not be substantially established within two years of the Final Plan approval, the Final Planned Development approval shall become void.

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

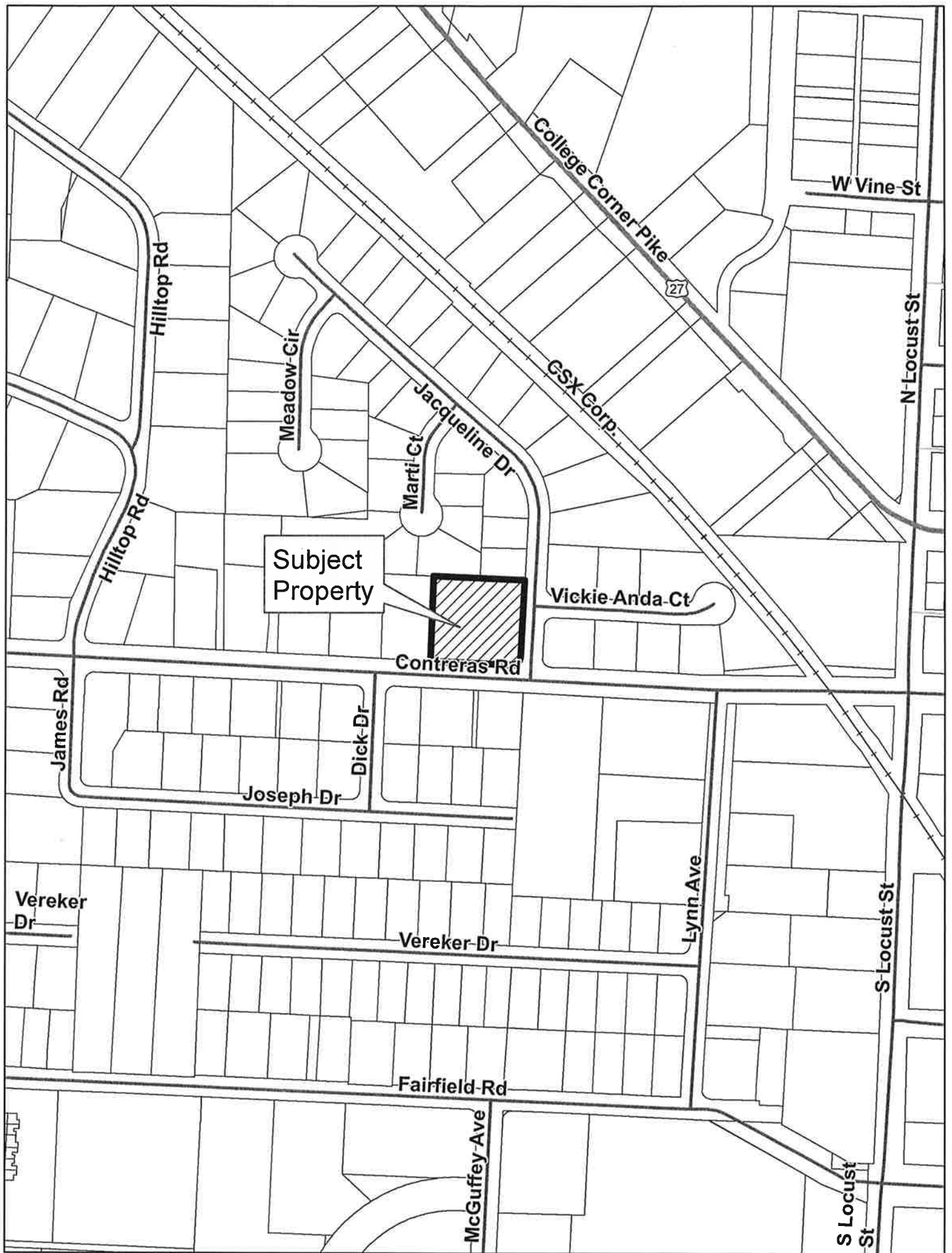
MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



ORDINANCE NO. 3334

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY PLAN APPROVAL OF A PLANNED DEVELOPMENT FOR ONE (1) ACRE OF LAND AT 5990 CONTRERAS ROAD OXFORD, OHIO 45056 TO ALLOW THE RECONFIGURATION OF AN EXISTING STRUCTURE FOR RESIDENTIAL AND OFFICE USES WITH CONDITIONS.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on October 13, 2015, in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant/Agent for approval of a Preliminary Plan for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Preliminary Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses based on the submittals of the applicant that are incorporated and made a part of this approval with the following conditions:

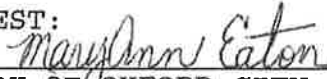
- a. The use shall be limited to a maximum of 3 dwelling units (the current efficiency apartment and 2 additional units) or 2 dwelling units (the current efficiency apartment and 1 additional unit) and 1 professional office (limited to only those professional office uses specifically enumerated in Oxford Zoning Code Section 1159.17).
- b. Maximum occupancy of any dwelling unit for which a rental permit is required shall be 4 persons, no more than two of which may be unrelated unless constituting a family as allowed in Oxford Zoning Code Sections 1146.02(a) and 1146.02(b).
- c. The office use shall be limited to a maximum of 2,500 square feet.
- d. Any sign for the Professional Office shall conform to Oxford Zoning Code Section 1151.05(a)(1) except only a free-standing sign will be permitted and the design of the sign shall be in harmony with the historic character of the home.

- e. The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress of the new uses and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
- f. The hours of operation of the professional office shall be limited to 8:00 a.m. to 8:00 p.m.
- g. The Planned Development shall in all other respects comply with Oxford Zoning Code Section 1143.09 RO Office Residential District.

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


MAYOR

ADOPTED: November 17, 2015

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-27

Date –November 13, 2018

APPLICATION

Applicant:	Scott Webb, Agent/Applicant
Location:	5990 Contreras Road
Owner:	Peter and Constance McCarthy
Action Request:	Final Planned Development
Current Use:	Two-Family Dwelling
Zoning:	R1B (Single-Family Medium Density Residential) District
Surrounding Existing Land Uses:	Single and Two-Family and Multi-Family Dwelling

GENERAL DESCRIPTION

On behalf of the McCarthy family, Architect Scott Webb is seeking a Final Planned Development approval for the property. The application request is to finalize the 2015 Preliminary Planned Development to reconfigure the existing residence into a maximum of three (3) dwelling units, with potentially one of the units being a professional office. Currently the property is a permitted two-family dwelling.

There is a multi-family dwelling neighborhood to the east, single family to the south, north and west. This area is also in close proximity to the Lynn Avenue commercial corridor.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners. No responses were received as of this writing.

PROPERTY HISTORY

PC-2010-04	Rezoning from R1B to RO- Recommended by PC and subsequently denied by Council
PC-2010-08-ADM-	Lot Split (withdrawn)
PC-2010—09-ADM-	Lot Split (Referred to BZA for adjudication hearing for not meeting certain underlying zoning requirement)
PC-2015-16	Zoning Map amendment from R1B to R3 (withdrawn)
PC-2015-23	Preliminary Planned Development – approved with conditions
PC-2015-23	One year extension approved December 12, 2017 – due to expire 12-12-18

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.:	Not returned.

See the 2015 Staff report for findings related to the 2008 Comprehensive Plan and the Planned Development Code.

ANALYSIS

Per Zoning Code an approval of a final plan that is consistent with the approved preliminary plan, should be recommended for approval. This type of Final Planned Development is uncommon because no construction is actually proposed. The only construction that may happen would be interior reconfiguration. Anything else substantial such as exterior or site changes would have to come back for Commission review. Minor changes could potentially be approved administratively. There is no clear detail for an actual professional office tenant with this proposal. The applicant is simply requesting a finalization of the preliminary rather than requesting another extension or losing the previous approval altogether. If proper parameters are placed on the office tenant with this final plan, the predictability can be ensured for neighborhood. Some minor tweaking to the conditions placed on the preliminary plan Ordinance #3334 can resolve the case.

RECOMMENDATION

Based upon the 2015 staff findings, the current final plan application and staff discussions with both the applicant and the owner, a recommendation of approval can be forwarded to City Council with the following conditions:

1. All conditions of Ordinance 3334 apply with the exception of removal of condition 'g' regarding compliance with the RO district.
2. The professional office tenant shall be limited to no more than 10 customers per day within the previously approved parameters of 8 a.m. to 8 p.m. with no more than 2 customers present simultaneously.
3. The professional office tenant shall be limited to no more than 1 non-resident employee present at any given time.
4. If the third dwelling unit or professional office tenant is not substantially established within 2 years of the approval ordinance, the final planned development approval is void.

SUBMITTED

BY:



Sam Perry
Community Development Director

DATE: November 8, 2018

ATTACHMENT

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments

Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development 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.

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

If, at any time, 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.

- (a) Burden of Proof. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

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.

- (b) General Decision Standards.

All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) 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.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (9) 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.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) 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.
- (12) The site is designed so that on-site traffic and traffic accessing the site will

not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

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

(c) Additional Final Plan Decision Standards

- (1) The final planned development shall substantially conform to the preliminary plan.
- (2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.
- (3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-23

Date –October 13, 2015

APPLICATION

Applicant:	Scott Webb, Agent/Applicant
Location:	5990 Contreras Road
Owner:	Peter and Connie McCarthy
Action Request:	Preliminary Planned Development
Current Use:	Single-Family
Zoning:	R1B (Single-Family Medium Density Residential) District
Surrounding Existing Land Uses:	Single and Two-Family and Multi-Family Dwelling

GENERAL DESCRIPTION

The applicant is seeking a Preliminary Planned Development approval for the property. Based on the narrative, the applicant is seeking for approval to reconfigure the existing residence into a maximum of three (3) dwelling units, and potentially a professional office.

The property is bordered by a multi-dwelling rental property to the east, single family to the south, north and west. This area is in proximity to Lynn Avenue where commercial activities are prominent.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners. No responses were received.

PROPERTY HISTORY

PC-2010-04	Rezoning from R1B to RO- Recommended by PC and subsequently denied by Council
PC-2010-08-ADM-	Lot Split (withdrawn)
PC-2010—09-ADM-	Lot Split (Referred to BZA for adjudication hearing for not meeting certain underlying zoning requirement)
PC-2015-16	Zoning Map amendment from R1B to R3 (withdrawn)

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.

COMPREHENSIVE PLAN REVIEW

A Comprehensive Plan is a broad policy document intended to guide decision-making on long-term physical development. The Ohio Planning and Zoning Law Handbook even provides a more rigorous legal definition of a Comprehensive Plan, which is a chief policy instrument for: (1) the administration of zoning and subdivision regulations; (2) the location and classification of streets and thoroughfares; (3) the location and construction of public and semi-public buildings and related community facilities and infrastructure.....etc.

It provides the frame work to be used on a daily basis as public and private decisions are made concerning development. Administrative and legislative approvals of development proposal, including rezoning and subdivision plats, should be a central means of implementing the Comprehensive Plan. Decision by the Planning Commission should reference relevant Comprehensive Plan recommendation and policies.

There are many goals and objectives as outlined in the Comp Plan as what the community at large vision what this community would like. Various goals and objectives may seem contradictory and inconsistent; it is the purview for the City Council, Planning Commission, with the assistance from staff, to find the balance between these goals and objectives when reviewing development projects.

Relevant information from the 2008 Comprehensive Plan is provided as follows for discussion:

Land Use Chapter:

The map titled "Conservation and Development Map" on page 3.19 showed the aspiration and choices that are expressed by the community in 2008.

The area considered for redevelopment is mainly defined between Lynn Avenue and Locust Street between College Avenue and McGuffey Avenue. The subject property is adjacent to this redevelopment area. The intent of this redevelopment is to create a mixture of small and medium sized commercial uses with a well-defined landscape and public space; where residential uses shall also be integrated within the area to create a 24 hour district to create shopping and dining options within walking distance of surrounding neighborhoods.

The subject area is also considered Neighborhood General 3 under the Character Map Matrix on page 3.20, since the development of this area tends to be after WWII and does not share the same geographic configuration as the Mile Square. This character of the neighborhood is considered to be residential areas on the outskirts of the Mile Square with the lowest residential density.

Cultural Resources:

Enhance and improve the promotion and preservation of the City's historic and cultural resources. There is a large historic building located on the subject property that should be preserved.

The Comp Plan also supports and encourages the preservation, restoration, rehabilitation and reuse of historic structures and sites. Additionally, it is also recommended in the Comp Plan to consider historic and cultural resources in all land use decisions.

PLANNED DEVELOPMENT

Chapter 1145 Planned Development purpose statement provides the rationale and framework for consideration. Furthermore, the goals of any proposed planned development shall at minimum address the proposal in relation to the common goals of the Planned Development under Chapter 1145.01 and they are:

- A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code.
 - B. Produce a development equal to or better than that resulting from single-use or traditional subdivision
 - C. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings
 - D. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site
 - E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development
 - F. Be functional within a time period that helps ensure a viable development.
- (2) Infill development also satisfies the following goals:

- A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access.
- B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available.
- C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford.

ANALYSIS:

In reviewing the planned development application, the Commission should consider both the Purpose Statement and the Decision Standards of the Zoning Code Planned Development to determine the pros and cons of the request during its deliberation.

The Planned Development Chapter also pointed out that the Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. The Zoning Code assumes that a planned development is appropriate **ONLY** if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City of the neighborhood in which it is proposed.

The Applicant 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.

The focus of this report will be analyzing the proposal based upon the Decision Standards.

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.***

Staff analysis:

The Planned Development provision allows any land use permitted in any residential zoning district in this code, except mobile homes, when a planned development proposal that overlays an existing zoning district.

The existing land use classification of the property is R1-B, and all permitted land uses includes multi-family dwelling and professional offices (permitted land uses under R-3 multi-family dwelling district)

- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.***

Staff analysis:

There was no previously considered Planned Development for this site within one year. This decision standard is not applicable.

- (3) The uses and site plan will satisfy the general intent of this Zoning Code.***

Staff analysis:

The purpose and intent of the Zoning Code is to promote and protect the public health, safety and general welfare of the people and to support the comfort and convenience of the Citizens of Oxford. Additional analysis, in relation to these decision standards concerning health, safety and general welfare of the people, is combined with the potential impact of the proposal.

- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.***

Staff analysis:

As written in a staff report, dated July 14 and August 11, 2015 concerning the Zoning Map Amendment, there was no direct evidence from the Comp Plan to support the site to be a multi-family dwelling. It might be arguably plausible for two-family, given the uniqueness of the size of the dwelling and the site. It certainly is an anomaly in this general vicinity. However, this site, as indicated in that particular report, was not identified as a future expansion area for commercial development.

(5) The size and shape of the site are sufficient for the proposed planned development.

Staff analysis:

The size and shape of the site would seem to be sufficient for the proposed development, without any consideration of potential impact.

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

Staff analysis:

The proposed would have a certain degree of negative impact to existing or potential future neighboring uses, which will be further analyzed in other section of the decision standards.

(7) 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.

Staff Analysis:

The narrative indicates the proposed use would be (1) three-family dwelling; and (2) professional office. The uses probably would not generate any excessive noise, smoke, fumes, as the applicant indicated in his narrative. One concern is potential number of off-street parking and the amount of traffic that might generate from the proposal.

The proposal, depending on how the configuration takes place between residential and office space, could be required to provide between 11 and 14 off-street parking spaces, which is much more than typically noted in a neighborhood such as this one. The site plan also shows those future office and residential parking spaces, to be totaled around 11 spaces, without considering garage spaces. Additionally, the traffic generated from this proposal would be much different than what a typical neighborhood would be, from a residential dwelling to a mixed use structure. Even though the site is about twice the size in footage than the properties directly west to this property, being single family dwelling unit and the difference between these properties would be noticeable as far as traffic generation is considered.

(8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.

Staff Analysis:

The proposal does not seem to indicate any changes to the existing accessory structures to be utilized differently.

(9) 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.

Staff analysis:

The site and use could be served by public utilities with adequate capacity.

(10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services

Staff analysis:

No anticipated expenditure is expected to serve the proposed development.

(11) 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.

Staff analysis:

The character and appearance of the building would not be altered, as indicated by the applicant, since no exterior modifications is expected. Interior modifications would not be visible from the street. However, the appearance and the character of the neighborhood may be altered to be different than the rest of the neighborhood, especially the property is considered the entrance to the neighborhood to the north and neighborhood to the west, given that potential traffic is being generated from this pending proposal, and the potential number of vehicles parked on site.

(12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

Staff analysis:

No engineering input has been provided from the City Engineer Office related to the on-site traffic and traffic accessing the site related to its impact to the safety of all modes of traffic. It would be something to review the potential impact to a major collector road from a single development site that is adjacent to a minor collector street.

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

Staff analysis:

It does not appear the applicant is proposing any removal of natural vegetation and no alteration or demolition to the existing building.

The proposal is seeking for an approval for a preliminary planned development to a maximum 3-dwelling unit with a professional office. One thing to bear in mind is that there are different types of professional offices, ranging from architects, lawyers, to medical, dentist and chiropractor's offices. The extent of client visit varies greatly from one type of professional office to another. It also depends how the office is configured to receive patients. Therefore, it is very unclear how the "professional office" would turn out to be. Potentially, a significant concern would be the traffic coming and going on a regular basis in and out of the site onto a major collector street. More information will be needed to ascertain the true impact from the traffic consideration. Since this is a preliminary Planned Development, many details have yet to be determined. And it is also conceivable that the details would not be available until there are specific buyers submitting proposals. Therefore, there is a sunset provision of 2 years after the approval of the preliminary planned development, with the possibility of two one-year extension from the Commission. It is not common for the Commission to review a proposal such as this one that does not have any specific end products and is subject to market demands, dealing with the adaptive re-use of an existing building.

Given that this is a planned development, the Planning Commission can and should require any and all needed information for consideration and to review the proposal to ensure the potential impact can be minimized and mitigated and the proposal poses no detrimental effect to the surrounding neighborhood.

This building was built in 1896 and has many distinctive features and historic significance that the community should cherish. It is known as Welsh-Stewart House by many local residents for its Queen Anne Victorian style. Furthermore, it was also the home of a prominent local member, Josiah Allen Welsh, as well as Dr. William T. Stewart. The original two-story brick house has approximately 3740 square feet, which was significantly larger than any houses of that time. Subsequently, an addition was added on to increase the footage of the house to over 5,000 square feet.

Preservation of cultural and historic resources is specifically highlighted in the Comp Plan and there are specific objectives to consider for land use decisions and to promote preservation of historic structures and sites. Given the size of the structure, it is not an easy task to live in a historic structure, due to the fact it would require constant maintenance, and on-going utility expenses to keep the building in a livable condition. Without a steady income flow, the cost of maintaining the structure would be hard pressed for average family, let alone major renovations that would be necessary for the upkeep of this building.

The size of the lot makes this historic home feels more like a mini-homestead that makes this site/structure even more unique, especially for the size of the structure. This almost one-acre site is part of the reason that a Planned Development approach would seem to be more appropriate with the commitment that the building will be maintained.

The current use of the site is a two-family which would be allowed continuously. It is the transitional step changing from multi-family to the east onto single family to the west of the site, which it would make land use sense for this site. The proposal of maximum 3 families would be departure from the environment of a two-family and single family. Additionally, there is a public street, classified as minor collector road, separating the multi-family residential from single family residential district.

Adding a professional office use for the site would require additional information as to how the office would be in operation. The applicant indicates that the hours of the office portion would be from 7 am to 9 pm. Other than this, there is not much more about the proposed office use for this planned development. The hours of operation would seem to be too long, considering this is a residential neighborhood.

In order to address the potential traffic concerns, the Commission may require the City Engineer to ascertain the traffic impact in and out of the site. It would also be critical to maintain vegetation, and possibly adding some more to protect and preserve the appearance of the neighborhood.

It is important for the Commission to balance the needs of maintaining, preserving, and continuing to improve this historic structure as time goes on and the community characters as a whole in the context of this Planned Development proposal. It may also require the Commission to outline specific conditions for the proposal if the Commission feels that this proposal meets the decision standards and the purpose statement of the Planned Development.

RECOMMENDATION

Reviewing the requested Planned Development Application based on the Comp Plan and the Zoning Code's Decision Standards, the application seems to be somewhat subject to market since it does not provide much detailed information, as many other Planned Development projects normally would have. And based on the analysis, the recommendation would be to consider this Planned Development to be no more than a two-family dwelling and an office. It is unclear what the rationale was when this property was rezoned to a single family in 2003. A two-family residential might be the extent of what could be supported due to the "alleged" error on the Zoning Map. Adding an office use to the structure may provide additional income to support the historic building if the potential issues could be mitigated, such as operating hours, traffic and the protection and preservation of the neighborhood character.

SUBMITTED

BY:

Jung-Han Chen
Community Development Director

DATE: October 6, 2015

ATTACHMENT

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments

. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development 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.

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

If, at any time, 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.

- (a) Burden of Proof. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. 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.

- (b) General Decision Standards.

All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) 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.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (9) 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.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) 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.
- (12) The site is designed so that on-site traffic and traffic accessing the site will

not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

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

(c) Additional Final Plan Decision Standards

- (1) The final planned development shall substantially conform to the preliminary plan.
- (2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.
- (3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

OXFORD PLANNING COMMISSION

Meeting Minutes
Tuesday, October 13, 2015
7:30 p.m.

Call to Order

Those members present: David Prytherch, Richard Keebler, Kate Rousmaniere, and Peter McCarthy.

Those members excused: Robert Bell, and Richard Daniels.

Staff members present: Jung-Han Chen, Sam Perry, and Stephen McHugh.

Staff members excused: Amy Blankenship.

Approval of Minutes of the September 8, 2015 Planning Commission Meeting

Mr. McCarthy asked for a correction to a motion that the Petitioner will design end units to include windows on all sides of buildings facing streets on page six of the agenda. Mr. McCarthy stated that Mr. Bell made this motion.

Mr. Benson made motion to approve the minutes as corrected. Ms. Rousmaniere seconded the motion. All were in favor.

Public Comments Related to Items Not on the Agenda

Mr. Bill Houk, 6 Bull Run, stated he was representing the Kiwanis and wanted to make the Planning Commission aware that a fundraiser to rent out some of their personal homes for parents and graduation weekends was taking place. Mr. Houk stated that the Kiwanis have selected to use airbnb to rent and manage those houses that people are donating. Mr. Houk expressed the importance of bringing awareness of these types of things to all of the Commissions and City Council. Mr. Houk also stated that he felt it would be in the Planning Commission's best interest to investigate this idea and help eliminate service fees charged by airbnb.

Ms. Barb Ellison, also representing the Kiwanis, stated that for every dollar raised goes to the Oxford community mostly to benefit children in need. Ms. Rousmaniere clarified Mr. Houk's comments, that if you rented your house through airbnb that the money would go back to the Kiwanis. Ms. Ellison stated that airbnb provides the marketing.

Mr. Prytherch noted that the renting out of properties for special events has been sneaking up for some time and could be a problem if continued to go unchecked.

Mr. Dean Scales and Ms. Erica Savage, from Kenosha, Wisconsin stated they were interested in opening a brewery tap room in Oxford. Mr. Scales described the location and felt it would be a good place to open their brewery. Mr. Scales stated they had found a great location for a nano brewery to be located at 5958 Fairfield Road. Mr. Scales explained their philosophy. Mr. Scales stated they had visited the neighbors and local business owners and have received a big thumbs up even from their close neighbors.

Mr. Prytherch thanked Mr. Scales noting that this would be a Conditional Use application. Mr. Keebler referred to possible problems with setbacks and parking.

Reports from Commissions, Boards, Committees & Staff

Mr. Benson reported on behalf of the HAPC about the Building Doctor Program that took place recently and having two very well informed members of the Ohio History Connection provide lecture and visits to sites of private owners. Mr. Benson and the HAPC hope this will be the first of many opportunities.

Ms. Rousmaniere reported on the Environmental Commission stating that they had met and discussed how they could help the Planning Commission with pending zoning code updates regarding conservation development and to bring suggestions for revisions to their next meeting.

Items Related to Platting

There was none.

Items Related to Zoning

PC-2015-22 CONDITIONAL USE, 10 University Avenue, to allow for shared use parking, Paul Brokamp, Applicant/Agent

Mr. Benson made motion to enter into public hearing PC-2015-22. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Perry provided an overview to allow for a conditional use for shared parking between two adjacent lots. Mr. Perry stated that the garage was being used for 10 University Avenue and was not on the same lot as the home. Mr. Perry noted that the zoning code required parking and site access conditions be brought into compliance as part of an addition to a structure. Mr. Perry provided a description of the site and stated that the addition would occur on the rear of the home. Mr. Perry referred to Sections 1149.02 and 1147.03 describing parking and site access and off-site and shared use parking. Mr. Perry stated that currently the parking/storage of vehicles was not on the same lot as the house and therefore the shared parking across the lot line would have to be eliminated, or variances applied for or a conditional use is reviewed and approved.

Mr. Perry noted that the Planning Commission can make recommendations to City Council regarding Conditional Uses. Mr. Perry stated that there would need to be a condition placed that the lots be consolidated as they have proposed. Mr. Perry stated that the existing shared parking and pavement setbacks were legal nonconforming conditions; however, the addition would require them to be corrected. Mr. Perry stated that the applicant chose to go the conditional use route versus altering the site or applying for variances. Mr. Perry then referred to the additional shared/off-street parking and other nonconformities of inadequate drive aisle and parking space setback, two lots without street frontage, inadequate lot width and inadequate rear setbacks. Mr. Perry stated that the applicant proposed to bring into conformance three of the four nonconformities and that they would be consolidating five of the six lots. The sixth lot would be considered a through lot. A Recorded Easement will be established to formalize the off-site parking. Mr. Perry noted that consolidating all of the lots would make two structures on the same lot.

Mr. Brokamp, the applicant, spoke and stated that he felt Mr. Perry provided the information accurately.

Mr. Keebler made motion to close public hearing. Mr. McCarthy seconded the motion. All were in favor.

Mr. Benson made motion to approve PC-2015-22. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Keebler felt the Planning Commission should recommend not waiving the recorded easement agreement as it needed to be there.

Decision Standards were reviewed:

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

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

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

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

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

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. Will not

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. Response- parking is the accessory use.

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. Yes

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

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. Yes

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. Will not

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

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. Yes

Conditions were discussed.

Ms. Rousmaniere made motion of a condition that five lots for 10 University shall be consolidated into one and that the sixth lot shall remain separate; and a Recorded Easement will be established to formalize the off-site parking. Mr. Keebler seconded the motion.

AYE: Mr. Benson, Ms. Rousmaniere, Mr. McCarthy, Mr. Keebler, Mr. Prytherch (5)

NAY: None (0)

ABS: None (0)

PC-2015-23 PRELIMINARY PLANNED DEVELOPMENT, 5990 Contreras Road, one acre, Scott Webb, Applicant/Agent

Mr. Keebler made motion to enter into Public Hearing PC-2015-23. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. McCarthy recused himself from discussion.

Mr. Chen provided an overview of the site stating it was one acre and that the Butler County Auditor information identified it as one acre. Mr. Chen also stated that the Planning Commission has the authority to waive the dimensional requirement.

Mr. Chen noted that the Planning Commission would need to look at the potential impact on the neighborhood and that the applicants were requesting approval for a maximum of three dwelling units and potentially a professional office.

Mr. Chen stated that at this time the parking configuration could potentially be 11-14 spaces and that they were changing the site from a single-family use to a mixed use. There was also a concern for generated traffic. Mr. Chen noted that this was a legitimate concern.

Mr. Chen noted that this was an odd case as the structure was not a common one seen in Oxford nor located on a one acre site. Mr. Chen noted that the current use could continue as it is (a two family). Mr. Chen noted that professional office variations could occur.

Mr. Chen stated he felt that the Planning Commission should support the structure's historic significance; however, he felt it should be limited to a two-family and office.

Ms. Rousmaniere inquired if a planned development could include the redesign of an existing building. Mr. Chen responded that a planned development was very flexible and provided leverage of the Planning Commission to decide what conditions need to be placed on it.

Mr. Prytherch inquired about the definition of a professional office. Mr. Chen responded with examples uses such as insurance agency, real estate, and architect office. Mr. Benson inquired if this was a self-determined category. Mr. Chen noted that the Planning Commission could stipulate what they think best for that site.

Mr. Benson inquired who was the final authority to determine land area. Mr. Chen responded the surveyor. Mr. McHugh responded that the Planning Commission does have the authority to waive that requirement.

Mr. Scott Webb spoke. Mr. Webb provided a PowerPoint. Mr. Webb provided a history of the property. Mr. Webb shared the neighboring properties. Mr. Webb reviewed the zoning map. Mr. Webb reviewed the 2003 zoning map amendment and its effect on the site.

Mr. Webb described what the property could become should it be decided to take down the structure. Mr. Webb reviewed the decision standards. Mr. Webb described the design and dimensional requirements, noting that the lot coverage was substantially less than what was allowed. Mr. Webb noted that additional parking area was available and would maintain the open space and lot coverage regulations.

A professional office would require a building permit for a change of use. Staff could at that time determine whether it was appropriate or not.

Mr. Webb stated it met the goals of the Comprehensive Plan and felt the planned development served the goals of the owners and the City.

Mr. Webb stated that the owners have received no interest in the house as it is currently (a solely single family use).

Mr. Webb noted that any changes proposed to an approved planned development would return to the Planning Commission for evaluation.

It was noted that there was an existing attached apartment; therefore, there would be two additional dwellings.

Mr. Benson inquired about student rentals and felt the discussion had only been about owner occupancy. Mr. Webb responded that they were not talking about student rentals and were not implying it as becoming student rentals.

Ms. Kathleen Zien, 6060 Joseph Drive, referred to the Butler County Auditor site and stated the site said .91 acres, not one acre. Ms. Zien reviewed previous appearances in front of the Planning Commission regarding this property and that the owners have made no attempt to hire a competent realtor. Ms. Zien stated she felt the price too high for the property and that anything but a single family was wrong. Ms. Zien stated she considered this as spot zoning. Ms. Zien referred to the current rental permit for the property.

Ms. Zien stated that a 3 family dwelling and allowance for 11 parking spots would cause a disturbance to the neighborhood.

Mr. Benson made motion to close Public Hearing. Ms. Rousmaniere seconded the motion.

Mr. Keebler made motion to approve PC-2015-23. Ms. Rousmaniere seconded the motion.

Mr. Keebler stated he believed this property was an anomaly. Mr. Keebler described the surrounding

properties and felt the property was improperly rezoned in 2003 thus limiting what could be done with the property. Mr. Keebler stated he wanted to assure it remained. Mr. Keebler read aloud his recommendations for conditions:

The use shall be limited to a maximum of 3 dwelling units or 2 dwelling units and 1 professional office limited to those uses specifically enumerated in Oxford Zoning Code 1159.17).

Maximum occupancy of any dwelling unit for which a rental permit is required shall be 4-persons, no more than two of which may be unrelated unless constituting a family as allowed in Oxford Zoning Code 1146.02 (a) and (b).

The office use shall be limited to a maximum of 2,500 sq. ft. Any sign for the Professional Office shall conform to Oxford Zoning Code 1151.05 (1), except only a free-standing sign will be permitted and the design of the sign shall be in harmony with the historic character of the home.

The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress the new uses and with any required changes to be designed and constructed in consideration and observance of the historical features of the structure.

The hours of operation of the professional office shall be limited to 8 am to 8 pm.

The PUD shall in all other respects comply with Oxford Zoning Code 1143.09 RO Office Residential District. Mr. Webb noted that there were plenty of spaces for parking.

Mr. Benson stated that he liked Mr. Keebler's proposed conditions. Mr. Benson added though that the inevitable question is can they trust what they will get would be the same as what was proposed. Mr. Keebler responded that he wasn't aware of any time they had been burnt on a PUD; however, they have been burnt on zoning changes.

Mr. Prytherch stated that he felt a planned unit development was the best solution; that zoning section 1145.01. gave him a level of comfort since conditions could be set, and that they want to have more conditions than less.

Mr. Benson stated that he was concerned about universal accessibility.

Mr. McHugh referred to placing a condition regarding hours of operation and if the Planning Commission would want to reduce those allowable hours. Discussion followed. Mr. McHugh stated they had a condition for the applicant to provide a survey. Discussion followed. Mr. McHugh noted that the Planning Commission has the right to waive the dimensional requirements.

Mr. Prytherch inquired if staff conditions were similar to Mr. Keebler's. Mr. Chen responded that when the applicant submitted their proposal staff would see if they are met.

Discussion of hours of operation followed. Hours of operation shall be 8 a.m. to 8 p.m.

Ms. Rousmaniere stated she didn't like the rezoning of this property but did like adaptive reuse. Ms. Rousmaniere felt Mr. Keebler's conditions fit with neighbor concerns.

Mr. Keebler made motion that the 7 conditions as discussed be added to the approval of PC-2015-23. Ms. Rousmaniere seconded the motion. All were in favor.

Decision Standards were reviewed:

The proposed planned development is in fact permitted in the zoning districts in which it is proposed. Yes

If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied. NA

The uses and site plan will satisfy the general intent of this Zoning Code. Yes

The uses and site plan will be compatible with the general intent of the Comprehensive Plan. Yes

The size and shape of the site are sufficient for the proposed planned development. Yes

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

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. Should not Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses. NA

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. Yes

Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. No

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. Yes

The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets. Yes

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

AYE: Benson, Rousmaniere, Keebler, Prytherch (4)

NAY: None (0)

ABS: McCarthy (1)

Old Business

There was none.

New Business

There was none.

Other Business

There was none.

Items Under Consideration for Future Discussion - Commercial District Diversification *
Neighborhood compatible commercial districts * Commercial core: walkability and mixture of uses

Adjournment

Mr. Keebler made motion to adjourn the meeting. Ms. Rousmaniere seconded the motion. All were in favor. The meeting was adjourned at 9:24 p.m.

City of Oxford
Inter-Office Review Transmittal Sheet



Date: October 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-27, FINAL PLANNED DEVELOPMENT, 5990 Contreras, finalizing previously approved 2015 preliminary plan Ordinance 3334 for up to 3 units, Scott Webb Applicant/Agent

 X Review Revisions Other

Please return no later than: **November 5, 2018** 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: 10-16-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-27, FINAL PLANNED DEVELOPMENT, 5990 Contreras, finalizing previously approved 2015 preliminary plan Ordinance 3334 for up to 3 units, Scott Webb Applicant/Agent

 X Review Revisions Other

Please return no later than: **November 5, 2018** 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: 10/30/18

Scott Otto
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-27, FINAL PLANNED DEVELOPMENT, 5990 Contreras, finalizing previously approved 2015 preliminary plan Ordinance 3334 for up to 3 units, **Scott Webb Applicant/Agent**

 X Review Revisions Other

Please return no later than: **November 5, 2018** 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: _____

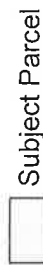

John A. Jones
PRINTED NAME



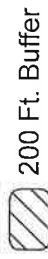
PC-2018-27

Surrounding Property Owners Notifications Map

Legend



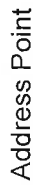
Subject Parcel



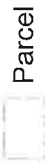
200 Ft. Buffer



Oxford Corp. Limit



Address Point



Parcel

16.5' Vacated ROW



Building Footprint

Paved Roadway



1 inch = 100 feet

Prepared on Wednesday, October 24, 2018

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 Scott Webb, Architect has permission to represent our interest with the City of Oxford's Planning Commission & City Council regarding a proposed Planned Development at 5990 Contreras Road.

Thank you,

Signed:

Constance McCarthy
Peter McCarthy

Peter & Constance McCarthy

10/10/18
Date:



Internal Use Only:

Case No.

PC-2018-27

Date Filed

9/28/18

Planned Development Application

Application Type

Choose One

☐

Preliminary

☒

Final

☐

Preliminary & Final

Applicant Information

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

Name *

Scott Webb, Architect

Mailing Address *

103 West Walnut Street

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

523-3838

Email Address

scott@scottwebbarchitect.com

Owner Information

Name *

Peter & Constance McCarthy

Mailing Address *

5990 Contreras Road

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

Email Address

pecomcc@gmail.com

Engineer/Surveyor Information

Name *

Bayer Becker Engineers & Surveyors

Mailing Address *

318 South College Ave.

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

523-4270

Email Address

ettareed@bayerbecker.com

Location and Lot Information

Name of Subdivision *

Location of Property *

5990 Contreras Road

Legal Description *

See Attached

Zoning District *

R-1

Total Area *

1

Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05¹) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

O. Other information as required by the Planning Commission or Council.

(7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.

(8) Other. Photographs of the existing site and its surroundings.

(b) Final Plan.

- (1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.
- (2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer
- (3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.
- (4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06¹.

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are \$470.00 plus \$100.00 per acre, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *



Date *

9/28/2018

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 containing all required information as attachments and a check for fees 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 See City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

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

Sam Perry
Community Development director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

Re: Application for Residential Planned Development
5990 Contreras Road

August 28, 2015

Dear Sam,

Please accept this letter as a formal request for a Final review hearing by the City of Oxford Planning Commission and Oxford City Council for a Residential Planned Development at 5990 Contreras Road.

Attached, please find a document addressing compliance with the Design Guidelines of a Residential Planned Development

The attached proposal has been prepared for and with the help of the following:

Property Owners:

Peter & Constance McCarthy
5990 Contreras Road
Oxford, Ohio 45056

Architect:

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056

Surveyor:

Bayer Becker Inc.
318 South College Avenue
Oxford, Ohio 45056

The following is the written, detailed description of the proposal as required on the Planning Application:

(5) Description of Use and Site 1145.05 (7)

- A. Legal Description/Survey of the Property is included with this application
- B. The Site currently contains a large residence with a small efficiency apartment located above the existing attached garage and a separate detached garage.

- C. The property is currently zoned R-1. The 2003 City-wide Zoning Map Amendment made the property non-conforming based on its current configuration as a two-family residence.
- D. Description of the Proposed Planned Development.
1. Planned Development is intended to allow a potential reconfiguration of the existing residence into a maximum of (3) dwelling units as approved in the Preliminary Planned Development.
 2. The Planned Development application is also to allow a potential professional office in the existing residence, as would be allowed in the R-3 or RO Residential Zoning Districts. Permitted uses include professional offices of doctors, dentists, chiropractors, lawyers, engineers and similar type professions as approved in the Preliminary Planned Development.
 3. Hours of operation for such a professional office would be limited to 7:00 am to 8:00 pm. as approved in the Preliminary Planned Development.
 4. The phasing of the Planned Development would be based on the potential tenant/owner of the property, and be contingent the requirements of the combination of residential and professional office uses.
- E. Narrative statement evaluating the compatibility of the proposed Planned Development with the general vicinity and adjacent properties.
1. The proposed use(s) are similar to the existing land uses in the area, as this house currently sits between R-3 uses and R-1 uses, and near the Lynn Street GB Commercial District.
 2. The proposal contained herein, is based on the adaptive re-use of the existing structures on the site, and does not include expansion of the building, nor any new construction.
 3. Neither residential uses nor professional offices involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 4. The size of the lot in relation to the location of the existing structure and the existing privacy fences provides a buffer between this proposed planned development and the neighboring properties.
- F. The Planned Development in this location serves the goals of the planned development purpose statement, as it intends to permit and encourage creative and flexible land development not permitted by right.
- G. The Planned Development is necessary and desirable for the neighborhood and the community, serving as a means by which this historic property can be saved through adaptive re-use.
- The owners have investigated and/or applied for various zoning map amendments to allow other uses, but have met significant resistance at Planning Commission & City Council. Planned Developments provide the neighbors protection from the uses that would have been permitted by-right if the zoning district were changed.
- H. All public utilities are existing & adequate for the proposed adaptive re-use/reconfiguration of the existing historic structure.
- I. The traffic impact would minimal. The residential portion of the structure does not significantly increase traffic, and the potential professional office likewise generates

very little traffic. Pedestrian access is accounted for through existing sidewalks along each street

- J. There are no proposed easements or covenants or restrictions on the land or existing structures.
- K. Mailing addresses of adjacent property owners are attached.
- L. Other pertinent information:

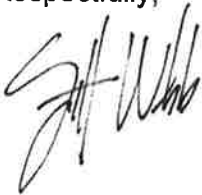
The Application for a Planned Development was undertaken to allow for the various uses as described in order to allow the adaptive reuse of this grand old home for a potential new owner.

Now that the house is under contract, the current owners are looking to finalize the parameters of the approved preliminary planned development for the new owners prior to the property changing ownership.

The Approved Planned Development included no construction, changes in utilities, or paving, so no engineering review is required. Nothing has changed or been added to the structure or site since the Preliminary Planned Development was approved, and no new construction is proposed.

Thank you for your consideration of this proposal. If you have any questions or need any additional information, please let us know.

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written in a cursive style.

Scott Webb, Architect

SITE DESIGN

PER SECTION 1145.12

LAND AREA: 49,564 SF. (1 ACRE)
 LAND USE: MULTI-FAMILY RESIDENTIAL & PROFESSIONAL OFFICE
 RESIDENTIAL DENSITY: 10% OF UNDERLYING R-1A ZONING DISTRICT
 R-1A = 15,000 SF. PER DWELLING UNIT = 2.9 DWELLING UNITS
 10% OF 2.9 = 32 DWELLING UNITS
 (2) OCCUPANTS = (3) DWELLING UNITS • MAX (4) PER DWELLING
 DIMENSIONAL REGULATIONS:
 BUILDING HEIGHT MAX 35' (UNDERLYING ZONING DISTRICT)
 FRONT SETBACK: 30' (UNDERLYING ZONING DISTRICT)
 REQUIRED PERIMETER SETBACK = 25'
 OPEN SPACE:

MIN 20% OF LOT NOT INCLUDING SETBACK AREAS
 4,740 OPEN SPACE AREA #1
 4,474 OPEN SPACE AREA #2
 9,214 SF. = 21%

LOT COVERAGE:

MAX 75% ENCLOSED BUILDINGS
 3,491 SF. EXISTING RESIDENCE
 5,320 SF. EXISTING ACCESSORY STRUCTURE
 4,021 SF. = 9.25%
 MAX 35% LOT TOTAL
 4,021 SF. = ENCLOSED BUILDINGS
 5,321 SF. = DRIVES, SIDEWALKS & PATIOS
 9,418 SF. = 21.62% EXISTING
 + 820 SF. = FUTURE COMMERCIAL PARKING
 + 442 SF. = FUTURE RESIDENTIAL PARKING
 10,670 SF. = 34.48% TOTAL

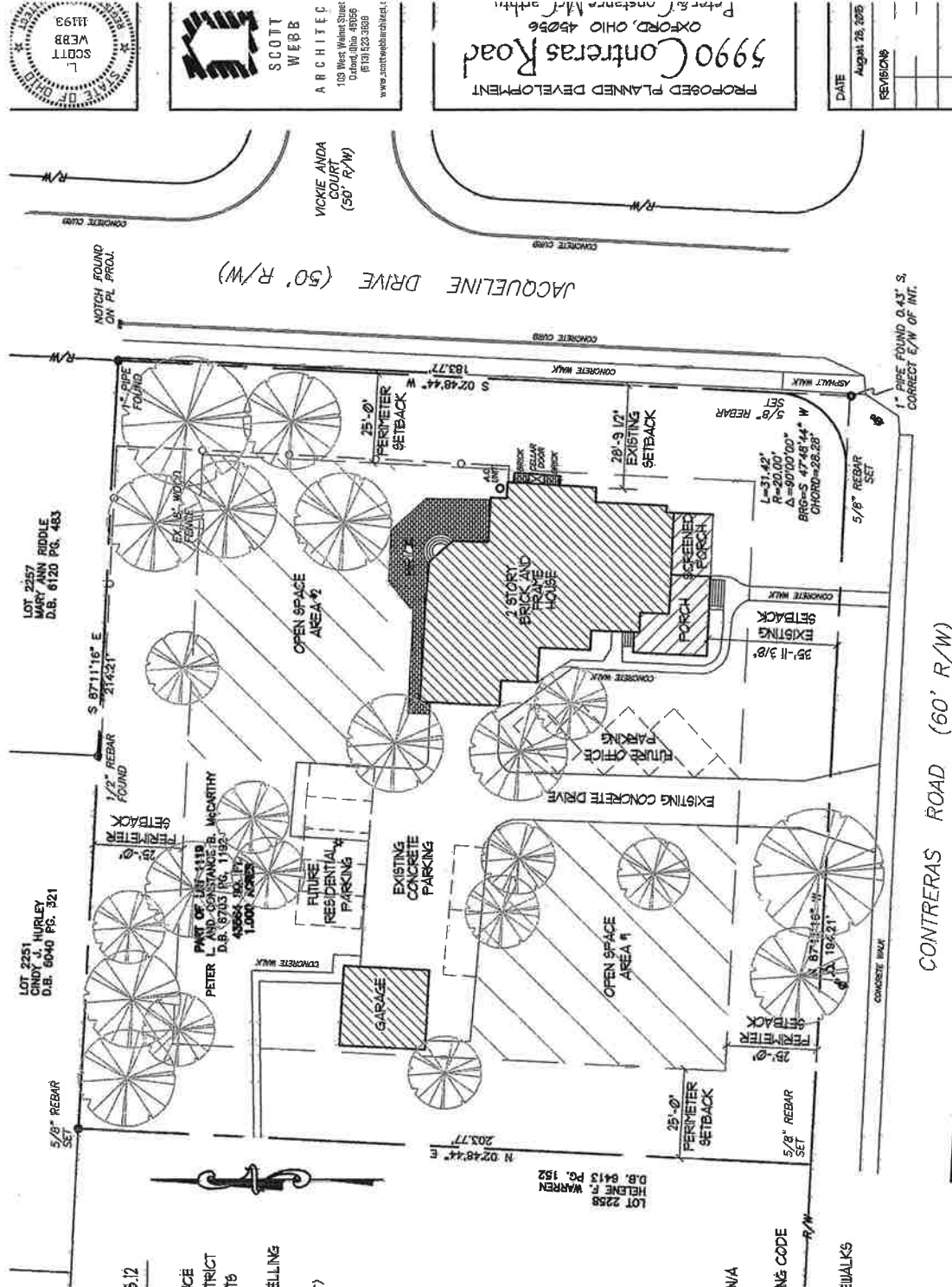
ENVIRONMENTAL:

100' NATURAL BUFFER FROM NATURAL SURFACE WATER - N/A
 LANDSCAPING & SCREENING:
 EXISTING MATURE TREES EXCEEDS MINIMUMS OF THE ZONING CODE
 ACCESS & MOBILITY:
 DIRECT ACCESS FROM COLLECTOR OR ARTERIAL ROAD
 PEDESTRIAN CONNECTIVITY PROVIDED BY EXISTING SIDEWALKS
 UTILITIES & INFRASTRUCTURE:
 NO CHANGE TO EXISTING UTILITIES OR INFRASTRUCTURE

SITE PLAN

1" = 30'-0"

ALL STRUCTURES, DRIVES, WALKS & LANDSCAPING ARE EXISTING UNLESS NOTED OTHERWISE



SCOTT WEBB
 ARCHITECT
 103 West Walnut Street
 Columbus, OH 43260
 (614) 432-5855
 www.scottwebbarchitect.com

5990 Contreras Road
 PROPOSED PLANNED DEVELOPMENT
 OXFORD, OHIO 45056
 Prepared by: [Signature]

DATE	August 28, 2008
REVISIONS	

A-1

Lynn Taylor

From: Sam Perry
Sent: Tuesday, November 13, 2018 9:45 AM
To: Lynn Taylor
Subject: FW: PC-2018-27

For tonight and the file

SAM PERRY, AICP
Director
Community Development Department
sperry@cityofoxford.org
513-524-5204 phone
513-524-5266 fax
15 S. College Ave., Oxford, OH 45056

cityofoxford.org

NOTICE: This email communication is informal in nature and is for general guidance and information purposes only. It is not intended to serve as an administrative ruling, decision, determination, or interpretation by the Community Development Department. If you have a question relating to a specific permit application, variance request, interpretation of the Oxford Planning and Zoning Code, or other matter requiring administrative action, please direct a written inquiry to the Community Development Department, 101 East High Street, Oxford, OH 45056.

-----Original Message-----

From: Frances Liu <usliu@aol.com>
Sent: Monday, November 12, 2018 10:42 PM
To: snaves51@gmail.com; radaniels45@yahoo.com; mikesmith@yahoo.com; Steve Dana <sdana@cityofoxford.org>; Shanarosenberg@gmail.com; coreywatt@hotmail.com; cablackmar@yahoo.com; Sam Perry <sperry@cityofoxford.org>
Subject: PC-2018-27

Dear Planning Commission members,

It's been a long time since I served on Oxford's Planning Commission but I sometimes look online and see what is new (or going to be new) in Oxford.

After getting settled in Fort Mill, SC, I became active on the Board of Zoning Appeals here and currently serve as Chair. Because of this, I read about the above case and was curious about one aspect of it.

It appears that there is a recommendation to Council for approval with conditions that include:

- *The professional tenant shall be limited to no more than ten customers per day with no more than two customers present simultaneously.

- *The professional office tenant shall be limited to no more than one non-resident employee present at any given time.

We sometimes place conditions on variances but I'm just intrigued to know how the above conditions can be policed and enforced and what is the penalty, after approval, for not following these conditions.

Thank you for entertaining my questions from far away. Thank you for your continued service to Oxford!

Sincerely,

Frances Liu

Sent from my iPhone

Lynn Taylor

From: Sam Perry
Sent: Tuesday, November 13, 2018 9:45 AM
To: Lynn Taylor
Subject: FW: At the Dec. 12, 2017 PC meeting....

For tonight and the file

SAM PERRY, AICP
Director

Community Development Department
sperry@cityofoxford.org
513-524-5204 phone
513-524-5266 fax

15 S. College Ave., Oxford, OH 45056



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From: Kathleen Zien <zienkl@hotmail.com>
Sent: Monday, November 12, 2018 10:11 PM
To: Sam Perry <sperry@cityofoxford.org>; radaniels45 <radaniels45@yahoo.com>; snaves51@gmail.com; Steve Dana <sdana@cityofoxford.org>; Shanarosenberg@gmail.com; michael smith (HAPC) NEW <smithml3@miamioh.edu>; cablackmar@yahoo.com; coreywatt@hotmail.com
Subject: At the Dec. 12, 2017 PC meeting....

Monday, Nov: 12, 2018 10:15 PM

The Planning commission granted a one year extension to the McC's for Preliminary PUD 2015-23 at the Dec. 12, 2017 PC meeting 11 months ago.
The next one year extension would have been up for discussion next month.

Mr. Chen's [old] comment on pg. 55 of that Dec. 2017 agenda indicates "If the scope of the approved prelim. plan has not changed and the proposed use and site plan still satisfy the decision standards, the PC shall grant a 1 yr. extension. No more than 2 extensions shall be granted."

So, that gave the McC's another year's extension until Dec. 2018.
If they asked for the same allowable one year extension this year, they could have rec'd (*perhaps*), the 2nd of two that are permitted thru Dec. 2019.

Planner Sam Perry's ANALYSIS on p. 5 of the agenda: "The applicant is simply requesting a finalization of the preliminary rather than requesting another extension or losing the previous approval altogether."

There is no 'simply' in all of this. Don't kid yourself.

By shrewdly asking for approval of a Final PUD, they get to start all over again with another two full years!!!

IF there has been no significant change(s) from the prelim. to the final, why is any applicant given such a generous grace period -- a 2 yr. do-over?

An extension(s) can virtually be up to 4 yrs., taking advantage of 're-do's' every year for a prelim. until that runs out and again 2 more for the Final....

Why is this starting again from scratch to another 2 yr. starting marker?

This is foot dragging at its best and taking advantage of wordsmithing prelim. vs. final (even if there are no changes) by the owner who just isn't selling that house!

I question the wisdom of future administrative approvals for this case vs. returning to the Board. Some applicants, applications and requests certainly stand out more than others. This is ONE of those city cases!

No matter what a future change might be for any part of this property or home, take it to the board.

Do NOT make administrative decisions for this address behind closed doors.

We've already watched the twists and turns on this property for 9 long years.

The S.Perry Analysis continues on p. 5: "The only construction that may happen would be interior reconfiguration. Anything else substantial such as exterior or site changes would have to come back for Commission review."

BRING IT BACK to a FULL BOARD at a publicized meeting -- Whatever the change(s) is!

Sam, you're trying to "sell it" too hard. "the predictability can be ensured for [the] neighborhood." NOTHING CAN BE ENSURED or INSURED on this case!

S.Perry: "Some minor tweaking to the conditions placed on the PUD Ordinance #3334 can resolve the case."

There is NO minor TWEAKING on this address.
It's all important!

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 18, 2018

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 10, 2018

Date Prepared

Agenda Title: A Resolution approving the contract between the City of Oxford, Ohio, and the Oxford Police Employees Association and authorizing the City Manager and the City Law Director to sign the contract on behalf of the City.

Recommendation: Adopt the Resolution

Discussion:

An agreement has been reached with the Oxford Police Employees Association. This group includes public safety assistants, public records specialists, and dispatcher/clerks (formerly public safety communication officers). The term is for three years (2019, 2020, and 2021). The agreement includes a 3% pay increase for 2019. For years 2020 and 2021 the employees of this bargaining unit shall be entitled to a wage increase equal to the wage increase given to members of the Oxford Police Patrol Officers bargaining unit.

I am recommending that City Council approve the agreement with the Oxford Police Employees Association.

Approved By:

Initial Date

Department Head:

City Manager:

DRE 12-14-18

RESOLUTION NO.

A RESOLUTION APPROVING THE CONTRACT BETWEEN THE CITY OF OXFORD, OHIO, AND THE OXFORD POLICE EMPLOYEES ASSOCIATION AND AUTHORIZING THE CITY MANAGER AND THE CITY LAW DIRECTOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY.

WHEREAS, the City Manager and the Police Chief recommend Council authorize the City Manager and the City Law Director to sign on behalf of the City, the Contract attached hereto and incorporated herein by reference as Exhibit 'A' with the Oxford Police Employees Association, for the purpose of achieving a mutual agreement and understanding between the aforementioned parties and to establish a written protocol for harmonious relations between the parties. The term of this contract shall be for three (3) years beginning January 1, 2019 through December 31, 2021.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Police Chief and approves the contract finding that the contract will benefit the community and it is in the best interest of the City to authorize the City Manager and the City Law Director to sign the contract in substantially the same form as Exhibit 'A' attached hereto and incorporated herein by reference on behalf of the City.

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)

C O N T R A C T

Between

T H E C I T Y O F O X F O R D

And

T H E N O N - C O M M I S S I O N E D P O L I C E D E P A R T M E N T E M P L O Y E E S

January 1, 2019- December 31, 2021

CONTENTS

ARTICLE I - Recognition	2
ARTICLE II – Dues Deduction	2
ARTICLE III - Wages	3
ARTICLE IV- Work Day and Work Period	3
ARTICLE V - Overtime	4
ARTICLE VI - TAC Pay	6
ARTICLE VII - Holidays	6
ARTICLE VIII - Vacation	7
ARTICLE IX - Leaves.....	8
ARTICLE X - Sick Leave and Recuperative Leave.....	9
ARTICLE XI - Life and Health Insurance	10
ARTICLE XII - Longevity Pay	11
ARTICLE XIII - Uniforms and Cleaning.....	11
ARTICLE XIV - Training Reimbursement	12
ARTICLE XV - Grievance Procedure.....	13
ARTICLE XVI - Professional Liability Insurance	15
ARTICLE XVII - Investigation of Employees.....	15
ARTICLE XVIII - Labor Management Committee	16
ARTICLE XIX - Miscellaneous Provisions	17
ARTICLE XX - Term of Agreement.....	18
ARTICLE XXI - Management Rights.....	18
ARTICLE XXII - No Strike	19
ARTICLE XXIII - Modification.....	19

This agreement, made and entered into on the _____ day of _____, 2018, in the City of Oxford, County of Butler, State of Ohio, by and between the City of Oxford, hereinafter called "City" and the Non-Commissioned Police Department Employees, hereinafter called "Employees", has as its purpose the promotion of harmonious relations between the City and the Employees, the formalization of the complete agreement between them on all matters pertaining to wages, hours, or terms and other conditions of employment, and the establishment of an equitable and peaceful procedure for the resolution of differences which may arise concerning those matters.

The parties hereto agree that each has had full and unrestricted right and opportunity to make, advance and discuss all matters properly within the province of collective bargaining. It is expressly understood that all matters not included in this agreement are by intention and design specifically excluded and fall, for the life of this agreement, within the powers, duties and responsibilities of the City. This agreement constitutes the full and complete agreement of the parties and there are no others, either oral, written, or by custom except those as herein expressly contained. Therefore, the Employees and the City, for the life of this agreement, each voluntarily and unqualifiedly waive the right, and each agrees that the other shall not be obligated, to bargain collectively with respect to any subject or matter referred to, or covered in this agreement, or with respect to any subject or matter not specifically referred to or covered in this agreement, even though such subject or matter may not have been within the knowledge or contemplation of either or both of the parties at the time that they negotiated and signed this agreement. Each of the parties to this agreement, for the term of this agreement, specifically waives the right to demand or request changes herein, whether or not the subjects were known to the parties at the time of execution hereof as proper subjects for collective bargaining and it is agreed that the City shall not be subject to provide additional wages, compensation, fringe benefits, or emoluments of any kind beyond that which is specified in this agreement.

Non-Commissioned Police
Department Employees

City of Oxford

Matt Stitzel, President

Douglas R. Elliott Jr., City Manager

Angela Schatzle, Secretary

Stephen M. McHugh, Law Director

Dan Haughey, Legal Counsel

John A. Jones, Chief of Police

ARTICLE I Recognition

1. The Oxford Police Employees Association is recognized as the exclusive representative for collective bargaining purposes for the non-commissioned employees consisting of the public safety assistants, police records specialists and dispatcher/clerks as established by certification granted by the State of Ohio State Employment Relations Board, dated September 2, 1999, more specifically referred to as Case No. 99-REP-05-0113. The term "Employee" when used in this agreement refers only to those employees, individually and collectively, included within that certification.
2. The bargaining unit excludes all part-time and all other non-commissioned employees of the Police Department in the City.

ARTICLE II Dues Deduction

The City agrees to deduct and remit to Oxford Police Employees Association periodic dues, initiation fees, and assessments of members of Oxford Police Employees Association upon presentation of written deduction authorization (see Appendix C) by the Employee. It is agreed that the written deduction authorizations specified shall be irrevocable for the term of this agreement and that said authorizations shall stipulate that the same is irrevocable for the term of this agreement and that thereupon the City will treat the same as irrevocable during the term of this agreement irrespective of any attempts to negate said authorizations.

Should any member of the bargaining unit not become a member of Oxford Police Employees Association within sixty (60) days of becoming a member of the bargaining unit, the City, upon written request and certification by the Employees as to the facts, will deduct a fair share from said employee's pay pursuant to and by virtue of the authority provided in the Ohio Collective Bargaining Law except as modified by the *Supreme Court of the United States decision in Janus v. American Federation of State, County, and Municipal Employees, Council (2018)*. The Employees agree that any such fair share employee will be fully represented by the Employees the same as if he or she were a member of the Employees and will be entitled to attend and participate in meetings of the bargaining unit and will be entitled to vote on the contract with the City as well as any and all contract matters or provisions in the same manner as are members of the Oxford Police Employees Association.

The Employees agree to indemnify and hold the City harmless against any and all claims and liability arising by virtue of its deduction from any employee's pay made pursuant hereto and for disposition and use of deductions so made once they have been received by the Employees.

ARTICLE III

Wages

The wage rates which shall be effective during the term of this agreement are set forth in Appendix A.

ARTICLE IV

Work Day and Work Period

1. The normal work day for Records Specialist and dispatcher/clerks shall be eight (8) consecutive hours of work inclusive of a thirty (30) minute meal period. The Public Safety Assistants shall have a normal work day consisting of ten (10) consecutive hours of work inclusive of the thirty (30) minute meal period.
2. The normal work week shall be forty (40) hours per one week pay period.
3. A one week pay period begins at 7:00 a.m. on Monday and ends one hundred sixty eight (168) hours later.
4. A day begins at 7:00 a.m. and concludes twenty four (24) hours later.
5. While remaining on duty and in communication with the Dispatcher's office, an employee shall be entitled to two separate twenty (20) minute breaks per work day while working a ten hour shift; employees working an eight hour shift shall be entitled to two separate fifteen (15) minute breaks per work day while working an eight (8) hour shift. Any employee requested to work beyond the end of his/her shift shall be entitled to a twenty (20) minute break if requested to work twelve (12) hours, or, should the employee be requested to work fourteen (14) hours, he/she shall be entitled to a thirty (30) minute meal period every four to five (4-5) hours. Employees working other overtime shall be entitled to the following breaks: one fifteen (15) minute break if requested to work no less than four (4) hours; or one twenty (20) minute break if requested to work six (6) or more hours; or one (30) minute meal period if requested to work no less than six (6) hours; or according to the normal schedule if requested to work a full eight (8) or ten (10) hour shift. Unless specifically approved by the shift supervisor, no two employees shall be on break at the same time. Before commencing a break, every employee shall notify the dispatcher/clerk of his/her intent and location and shall be subject to an order from the shift supervisor to return to duty. Upon completion of a break, the employee shall also notify the dispatcher/clerk.
6. Changes in an employee's work schedule when such employee is not being paid overtime therefore and when such change is not occasioned by sickness, funeral, injury, or attendance at schools, training sessions, lectures, meetings, jury duty or vacancy in the division wherein the City did not have thirty (30) days advance notice of said school, training session, lecture, meeting, jury duty or vacancy in the division or where the schedule change is occasioned by the cancellation of an employee's attendance at any school, training session, lecture, or meeting and the City desires to substitute and assign another employee to such school, training session, lecture, or meeting, shall require that thirty (30) days notice thereof be given to the affected employee. In order to assure the City's ability to comply with this Article, it shall be mandatory

that an employee provide the City with written notice thirty-seven (37) days in advance of request for holiday time off, personal days, and compensatory time days off, unless the City does not reschedule another employee to work as a result of such request. Changes in an employee's work shift or working hours may be made with less than thirty (30) days notice by mutual agreement between the City (through the scheduling officer) and the affected employee(s).

7. Two employees may exchange shift assignments with approval of the scheduling officer provided (1) both employees sign the shift trade agreement form in Appendix B; (2) each shift trade is scheduled in such a way that each employee is still scheduled for forty (40) hours work within the one-week pay period described above; and (3) no employee may work more than six consecutive days through the use of shift trades.

8. Within 30 days of both parties accepting this contract, the City will provide a schedule through December 31, 2016. For subsequent contract years, the City will provide the schedule for the next calendar year by October 1st of the preceding calendar year. Nothing herein shall restrict the rights of the City to change the schedule in accordance with the terms of this contract and the law.

ARTICLE V Overtime

1. Overtime is defined as any time worked in excess of forty (40) hours during any one week pay period, but excluding any excess hours spent on jury duty. When directed by the supervisor to work overtime, an employee will be compensated for all such hours actually worked at a rate of one and one-half (1-1/2) times his/her normal rate. Compensation will be in the form of pay or compensatory time off at the option of the City. Work assignments shall not be offered based solely on the employee's acceptance of compensatory time off. Compensatory time shall be taken as additional vacation subject to the approval of the employee's supervisor; 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. The overtime rate of pay is applicable to any hours worked in addition to the forty (40) hours of straight-time compensation for any one week pay period. Such straight-time compensation may include hours actually worked, paid leave or sick leave, holiday time, or vacation, or jury duty hours, or a combination of hours actually worked, paid leave and/or jury duty hours. Additional rules and restrictions on the accumulation and use of compensatory time shall be agreed by the parties' Labor Management Committee and approved by the City Manager.

2. An employee who is called to duty following the completion of the normal work day and three (3) or more hours prior to the commencement of the next normal work day shall receive a minimum of two (2) hours compensation for such call-in at one and one-half (1-1/2) times the normal rate.

3. An employee who is required to appear in Court to testify as a witness on behalf of the State or City in a State or City case or pursuant to a subpoena in a civil case by reason of the employee's duties and actions as an Oxford employee, if not on duty at such time, shall receive a minimum of three (3) hours compensation at one and one-half (1-1/2) times the normal rate.

Court appearances in civil cases resulting from special duty employment shall not qualify for compensation pursuant to this section.

An employee who is called for jury duty will be scheduled to work an eight-hour day shift for those days which the employee serves as a juror. The employee shall report for duty at the Oxford Police Headquarters to work those hours of any day shift which is not spent as a juror. An employee shall remit to the Finance Department any funds received for serving as a juror, except that the employee shall be allowed to retain mileage fees. No employee shall be paid for more than forty (40) hours per work week for time actually spent as a juror.

4. The working of overtime is mandatory. Where possible, the City will post available overtime in advance and fill slots from the work force on a volunteer basis. On occasions when it is not possible to post overtime in advance, the City will contact employees in an attempt to fill the slot on a volunteer basis. An employee shall have the right to tentatively refuse such overtime if the employee has personal plans and makes them known to the City. However, if the City is unable to fill a slot on a volunteer basis, the City will have the right to order an employee to work the required overtime.

5. Overtime will be allocated to employees, by classification, in accordance with the following procedures:

A. Coverage for partial shift, i.e., short notice absences:

1) Shift coverage overtime shall be offered to the employee(s) working the shift prior to the vacancy, being offered to the employee with the lowest overtime balance first.

2) If the employee(s) working the shift prior to the overtime decline the overtime, it shall be offered to the employee(s) working the shift immediately following the vacancy, being offered to the employee with the lowest overtime balance first.

3) If the above employee(s) decline the overtime and a part-time employee is working the shift prior or the shift immediately following the vacancy, the part-time employee can be offered the shift.

4) If the above employees decline the overtime, then it shall be offered to employees not working, being offered to the employee with the lowest overtime balance first.

B. Coverage for an entire shift:

1) The shift shall be divided in half, with the first half being offered to the employee(s) working the shift prior to the vacancy, being offered to the employee with the lowest overtime balance first.

2) The second half of the shift will be offered to the employee(s) working the following shift, being offered to the employee with the lowest overtime balance first.

3) If the above employees decline the overtime, then it shall be offered to employees not working, being offered to the employee with the lowest overtime balance first.

4) In providing shift coverage, employees will not routinely work more than fifteen (15) consecutive hours.

C. Overtime balance:

The overtime balance referred to above shall be determined by the current sum of all overtime hours worked plus hours offered and declined; however, only shift coverage overtime hours will be included in the balance.

D. Call out overtime hours:

When specialized skills are required, the officer in charge will determine who shall be called out.

E. Assignments for scheduled overtime (known 72 hours in advance) by classification:

1) The overtime balance sheets will be maintained for one calendar year. The overtime records will be kept electronically and will be available for employees to inspect upon request.

2) At the beginning of the calendar year, assignments will be based upon the employee(s) length of service, being offered to the employee with the longest seniority, by classification, first.

3) If two employees have the same overtime balance, the overtime will be offered first to the employee with the longer length of service (seniority) by classification.

4) The word "offered" used in the above items means that the City has attempted in good faith to contact the appropriate employee either in person or by text, email or telephone but actual contact is not required.

5) The above procedure shall not be required in an emergency situation.

ARTICLE VI
TAC Pay

1. The person assigned to handle the TAC duties will receive on a pro-rated annualized basis during the term of this contract One Thousand Dollars (\$1,000.00) for performing those services.

2. The employee assigned as assistant to the TAC LEADs officer who has been trained and appointed to the position by the Police Chief will receive on a pro-rated annualized basis during the term of this contract Two Hundred Fifty Dollars (\$250.00) for performing those services.

ARTICLE VII
Holidays

For purposes of determining holiday pay, employee shall be entitled to fourteen (14) paid holidays each year: Designated holidays are New Year's Day (January 1), Martin Luther King, Jr., Day (3rd Monday in January), President's Day (3rd Monday in February), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25); undesigned holidays are the employee's birthday and five (5) personal absence days. The Employee may trade in the current contract year, one of the fourteen (14) designated holidays the employee is scheduled to be off for Easter. Employees will be expected to take Easter off if they trade another holiday for Easter. No employee in any current contract year shall have more than fourteen (14) designated holidays, nor shall an employee use the trade of a holiday to receive additional pay. The Employee shall make the designation of the holiday to be traded for Easter at least thirty-seven (37) days before the earlier of the holiday to be traded for or before Easter if the holiday to be traded for falls after Easter. For the contract year January 1, 2016 to December 31, 2016 the election must be made within ten (10) days of the approval of this contract, if the holiday to be traded is less than thirty-seven (37) days from the date this contract is signed. Employees who work a designated and eligible holiday shall be eligible to take a subsequent day off with supervisor approval. Upon the approval of the supervisor, the employee on his/her birthday may take the day off or take it at a later date in the same year. Employees scheduled to work Christmas Eve and/or New Year's Eve will be compensated at one and one-half (1-1/2) times their normal rate for the hours worked. This provision applies only to employees actually working. Employees not working these two days are not entitled to any additional compensation or time off. Employees scheduled to work on a designated holiday may with his/her supervisor's approval choose not to work on that holiday. Those who work will be compensated at a rate of pay two and one-half (2-1/2) times their normal hourly rate, or they can receive pay at one and one half (1-1/2) times their normal hourly rate, instead of the additional pay, and an additional day of leave to be used at a later date. No shift trades will be allowed on designated holidays. Designated holidays not worked and undesigned holidays may be taken on any scheduled working day, not a designated holiday, with the approval of the employee's supervisor. When an employee does not work a designated holiday, the employee may with approval take that holiday on a scheduled working day or may turn in the holiday for eight (8) hours straight time (non-overtime) pay. Employees assigned to a ten (10) hour shift may, with the approval of the employee's supervisor, turn in designated holidays not worked for ten (10) hours straight time (non-overtime) pay. Designated holiday hours turned in for pay shall not be added to the forty (40) hour work week for purposes of determining overtime. All holidays shall be used within one year of the date earned except that no employee shall lose holidays because his/her request for specific days off was not approved.

ARTICLE VIII

Vacation

Employees will be credited with accrued vacation monthly for each pay date through the year based on their employment according to the following schedule:

1 st through 4 th anniversary	6.667 hours/month
5 th through 9 th anniversary	10 hours/month

10 th through 14 th anniversary	13.334 hours/month
15 th anniversary and subsequent	16.667 hours/month

An Employee may accumulate one year of earned and accrued vacation time (based on the previous table) and may carry the same forward each calendar year. Any employee who is ordered to perform official duty during scheduled vacation shall be compensated at a rate of one and one-half (1-1/2) times the employees normal rate for any hours actually worked.

Prior to October 1 of any calendar year, an employee may turn in up to eighty (80) hours of accrued vacation for pay, provided that such employee has used not less than forty (40) hours of vacation time in the preceding fifty-two (52) week period for time off. An employee planning to turn in vacation for pay shall notify the City in writing no later than September 15th of the current year.

ARTICLE IX

Leaves

1. Leaves of absence. A leave of absence without pay for a period of up to one (1) year may be granted upon approval of the City Manager. Return of the employee within the approved time period entitles the employee to reinstatement in the position held prior to the granting of the leave. Failure to return to work upon the termination of a leave of absence shall result in termination of employment. The City may require that any employee requesting leave under the provisions of the Family and Medical Leave Act of 1993 utilize accrued paid time off (vacation, personal or compensatory time off, and sick leave if a sickness is involved) before any non-paid time off shall be utilized. No benefits shall accrue during the period of the leave of absence, unless any such time is mutually designated Family Medical Leave time. During such 12 week period the City will provide health insurance coverage as required by law.

2. Funeral Leave. Full-time employees will be permitted to use up to three (3) days funeral leave per calendar year for such time as may be reasonably needed for the purpose of attending the funeral of a member of their immediate family. After exhausting this annual allowance, an employee will be permitted to use up to three (3) days of sick leave as may be reasonably needed for the purpose of attending the funeral of a member of their immediate family. In no case shall an employee use more than a combined total of three (3) days funeral and/or sick leave for a single funeral. Immediate family shall be construed to mean spouse, child (biological, adopted, foster or stepchild), parent, step-parent, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, great-grandparent, spouse's grandparent or grandchild, aunt, uncle, and non-traditional family member. No other relatives are considered immediate family members for purpose of this provision. Employee using funeral leave are required to submit either an obituary or provide other documentation. Leave of absence without pay is allowed for other funerals when approved by the employee's supervisor.

Other Funeral Leave. Funerals not covered in the previous paragraph 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. Leave of more than four (4) hours will be taken as vacation leave or leave without pay.

3. Maternity Leave. Maternity leave shall consist of sick leave and/or vacation time, or any other earned and accrued time, with pay, and/or leave of absence without pay. After the employee utilizes, for maternity purposes, all of her accrued sick leave and vacation leave, she will be placed on leave of absence without pay for a period not to exceed six (6) months. During such leave of absence the City will continue the employee's group health insurance at the expense of the employee if the employee requests unless such leave without pay is mutually designated as Family Medical Leave time where health insurance will be provided as required by law. Additional leave of absence without pay may be granted by the City Manager upon request, for good cause upon showing of unusual circumstances. If the City Manager has reason to believe that an employee is unable to fulfill her usual duties by reason of pregnancy, the City Manager may request in writing that the employee begin sick leave, vacation leave or leave of absence without pay at a date earlier than that selected by the employee. Benefits other than health insurance do not accrue during the period of leave of absence without pay.

ARTICLE X

Sick Leave and Recuperative Leave

1. Sick Leave. Employees shall earn sick leave at a rate of ten (10) hours per month. Sick leave is used to compensate the employee at his/her regular rate when absent due to the illness of the employee. Sick leave is also charged when an employee leaves work for any medical appointment. Sick leave may also be used as follows:

A. An employee may also use a day of sick leave when he/she cannot come to work due to snow conditions and when his/her supervisor has determined that snow conditions prevented the employee from reporting for work.

In case of illness, employees shall be allowed to use accrued compensatory time, vacation hours or holiday hours in the same manner as presently prescribed for use of sick leave.

2. Recuperative Leave. An employee who is disabled to the extent that he/she cannot perform regular duties as a result of injury sustained in an identifiable incident while in the course of public employment with the City, not through his/her own negligence, after exhaustion of fifteen (15) days of the employee's accumulated sick leave, shall continue to receive for a period not to exceed one calendar year from that date an amount of compensation equivalent to his/her full salary less any and all funds or monies received from public or private agencies by way of pension, compensation, or indemnity for such disability. The employee shall make application for "temporary total" disability compensation under the Workers' Compensation Law of Ohio, provided that where the disability is of a type or nature which will prevent the employee from returning to full duties, the employee shall mandatorily apply for such available benefits of said funds or money that may accrue to him/her and be payable from the Public Employees Retirement System. The City Manager shall cause the employee to be examined by a physician of the City's choice to determine the extent of the disability and may require subsequent examinations during the period of disability. In no case will the City pay a recuperative leave allowance for any period of time in excess of the "temporary total" disability time as determined and awarded by the Ohio Bureau of Workers' Compensation.

3. Reinstatement. An employee absent from work because of any service connected occupational illness or injury as determined by the Ohio Industrial Commission shall be entitled to reinstatement at the same rate of pay received prior to the date of such illness or injury plus any contractual increases upon approval of his/her application to return to work.

4. Sick Leave Incentive. A non-commission police employee shall receive a bonus of two hundred dollars (\$200.00) per calendar quarter if the employee uses no sick leave during that quarter. Use of any hours of sick leave will result in the employee receiving no payment for that quarter. Any employee who uses no sick leave for a calendar year shall receive an additional two hundred dollars (\$200.00). The employee shall receive all such bonus payments at the end of each calendar quarter. Any payment shall reflect applicable federal, state, and local withholdings. Sick leave used for recuperative leave as defined in paragraph 2 (above) shall not be considered sick leave used for purposes of this paragraph. This sick leave incentive will be part of any Employer absentee control policy, whether or not such policy is part of the contract.

5. An employee has the option of requesting payment of their current sick leave balance (the hours listed in Appendix E plus any converted hours) over a period of three years starting with the first full payroll period following the adoption of this contract. An employee will elect by April 30th for the year 2010 and January 31st of each year of this contract whether to convert up to one-third of the total hours listed in Appendix E, as of December 31, 2009. If the employee elects not to convert all or a portion of one-third of those hours each year then those hours that are not converted shall not be converted under this payout provision. At no time shall an employee have in accrued hours, whether from Appendix E or hours accrued after December 31, 2009, less than 80 hours. To be eligible to convert in any one year, the employee must have or be expected to accrue more than 80 hours. If the employee's accrued balance falls below 80 hours and remains there for 60 days the payout of sick leave shall cease until the employee has accrued and maintains 80 hours of sick leave. If approved, no additional bonus payments will be converted and added to the employee's balance. Payments shall be made in equal payments with the employee's regular payroll check. This amount will not increase the employee's hourly rate. Payroll personnel will manage the process, reducing the employee's hourly balance by each payroll period.

6. Regardless of the payment option selected by the employee, the remaining current sick leave balance (as shown on Appendix E, as defined above) will be paid for up to 1200 hours of sick leave at the rate of one hour of pay for each two (2) hours of accumulated sick leave up to 600 hours and one hour for each hour for the next 600 hours on retirement or death of the employee.

ARTICLE XI Life and Health Insurance

1. Life Insurance. The City will provide, at no cost, group life insurance coverage on each employee in an amount equal to one (1) times the employee's annual base salary. In addition, eligible employees may contract with the City's insurance carrier for additional units of life insurance at the expense of the employee and at no cost to the City.

2. Health Insurance. Effective January 01, 2013, the employee will contribute up to fifteen percent (15%) of the annual premium costs of health insurance due and owing provided to the employee by the City, provided the amount paid is equal to that which all other City employees pay for health insurance coverage. The amount contributed shall be withheld from employee's bi-weekly paycheck.

3. Other Insurance Coverages. Employees may purchase, through payroll deduction, other insurance coverages as may be made available to employees by the City through the mutual agreement of the City and the employees.

4. The City, subject to the requirements of the insurer, will study and if appropriate, establish a pre-tax health insurance cafeteria plan option.

ARTICLE XII Longevity Pay

Employees shall receive longevity pay each year on the pay date after his/her anniversary date according to the following schedule:

Effective January 1, 2010:

After 5 years - \$475	After 18 years - \$ 800
After 6 years - \$500	After 19 years - \$ 825
After 7 years - \$525	After 20 years - \$ 850
After 8 years - \$550	After 21 years - \$ 875
After 8 years - \$575	After 22 years - \$ 900
After 10 years - \$600	After 23 years - \$ 925
After 11 years - \$625	After 24 years - \$ 950
After 12 years - \$650	After 25 years - \$ 975
After 13 years - \$675	After 26 years - \$1000
After 14 years - \$700	After 27 years - \$1025
After 15 years - \$725	After 28 years - \$1050
After 16 years - \$750	After 29 years - \$1075
After 17 years - \$775	After 30 years - \$1100

An employee not actively employed on his/her anniversary date shall not be eligible for longevity pay. Employees hired after January 1, 2000, will be first eligible for longevity pay on their anniversary date in the calendar year 2010.

ARTICLE XIII Uniforms and Cleaning

1. Effective January 1, 2010, the uniform and cleaning allowance of Five Hundred Fifty Dollars (\$550) for the police records specialist and dispatcher/clerk and Six Hundred Seventy-five Dollars (\$675.00) for public safety assistant was added to the base salary. The parties agreed that on January 1, 2010, moving forward, the uniform and cleaning allowance was included in each employee's base salary. If the City should decide to change all or part of the standard

uniform, the City will purchase the initial annual supply of new items for each employee except when the change in the uniform is made at the request of the employees. Employees shall be entitled during the term of this contract to wear department-approved casual clothes instead of a uniform. The Casual wear must display the City of Oxford Police Department name or logo permanently on shirts, jackets, sweaters and similar items. Casual wear purchased shall not be deemed a change in the standard uniform.

ARTICLE XIV Training Reimbursement

A "training day" is defined as a work day or part of a work day during which an employee is scheduled to attend a training program and the employee is not responsible for the employee's job duties.

1. The expenses for full-time employees who are required, or requested, by the City to attend training programs, schools, or other instructional programs shall be reimbursed by the City as follows:

A. Registration fees or tuition.

B. Costs of lodging, meals and mileage shall be at the same terms and conditions as other City employees as set forth in the City of Oxford personnel handbook or as otherwise set by ordinance.

2. For training day(s) outside the City and Oxford Township, the City will attempt to schedule a employee so that attendance at such training as well as related travel time will coincide with the employee's normal work week. When total travel time and instructional time (in combination with regular hours worked if applicable) will exceed forty (40) hours in a one week pay period, employees will be compensated for all such excess hours in accordance with the Fair Labor Standards Act and Regulations. Compensation will be in the form of scheduled time off or pay, at the employee's base rate of pay, at the option of the Police Chief. The following rules will apply to compensation for training time:

A. If an employee is assigned to attend training during a one-week pay period, he/she will be compensated for a minimum of forty (40) hours provided regular hours worked, travel time, and instructional time total a minimum of thirty-five (35) hours.

B. When an employee attends training which overlaps two one-week pay periods, the employee will be compensated for a total of forty (40) hours each week provided the average total of regular hours worked, travel time, and instructional time for each of those weeks is a minimum of thirty-five (35) hours.

C. In reviewing requests for compensation of hours in excess of forty (40) hours in a one-week pay period as provided above, the Police Chief shall not approve such request if the

average number of hours per pay period, including regular hours, travel time, and instructional time, for two or more pay periods affected by the training will not exceed forty (40) hours.

D. The actual time designated as meal period during training shall not be counted as hours worked.

E. Study time necessitated by an employee's attendance at training shall not be counted as hours worked.

3. For training day(s) (including in-service) within the City or Oxford Township, normal compensation rules apply. Employees shall work a combination of regular hours plus instructional hours equal to their normal work day, either eight (8) hours or ten (10) hours. Employees working in excess of their normal hours on this type of training day shall be entitled to overtime.

ARTICLE XV Grievance Procedure

1. Scope of Grievance Procedure.

The purpose of this grievance procedure is to establish effective machinery for the fair, expeditious and orderly adjustment of grievances in the Oxford Police Department. A grievance is a complaint involving the alleged violation, misinterpretation or misapplication of the terms of this written agreement. The following matters shall not constitute a grievance under the provisions of this procedure:

A. The interpretation, application or enforcement of Federal or State Law; or the City Charter, an ordinance, personnel policy or departmental regulation.

B. Unsafe or unhealthy working conditions.

C. Arbitrary, unreasonable, or inconsistent working conditions.

2. Representation, Class Grievances.

A grievance may be brought under this procedure by one or more grieving employees. The grieving employee may, at Steps 1 and 2 below, bring a grievance representative. The representative selected by the grieving employee(s) may consist of any of the following persons:

A. An official of the Fraternal Order of Police.

B. A delegate of the Fraternal Order of Police.

C. An attorney of the grieving employee's choice.

D. Any other person of the grieving employee's choice.

Any grievance brought by one or more employees that affects all employees shall be submitted directly to the Police Chief at Step One.

3. Time Limitations.

The grieving employee shall bring the grievance to his/her immediate supervisor at Step One below, within two (2) working days of its occurrence; or if at the time the employee is unaware of the grievance, within two (2) working days of his/her knowledge of its occurrence. A grievance not brought within the time limits prescribed for every step, shall not be considered timely and shall be void. The City's failure to respond to a grievance within the specified time limits shall automatically forward the grievance to the next higher step. Failure to appeal a decision within the specified time limits shall be deemed an acceptance of the decision. Time limit extensions beyond those stipulated in this agreement may be established by mutual agreement of the parties concerned.

For purposes of grievance filing times, immediate supervisor shall mean the highest ranking employee who is working at the time the grievance is filed. In the event that a grievance is filed with a lieutenant, a sergeant or employee of lesser rank under this section, the lieutenant, sergeant or such employee shall transmit the grievance to the Police Chief or, in the absence of the Police Chief, to the day shift lieutenant to be processed pursuant to Step One below. The Police Chief shall have five (5) days after his/her receipt of the grievance to rule in accordance with Step One below.

4. Steps.

Step One. The grieving employee shall submit the grievance in writing on a form provided by the City (see Appendix D) to the Police Chief within two (2) working days as outlined above. The written grievance at this step and all steps thereafter shall contain the following information: (1) a statement of the grievance; (2) the facts upon which it is based; (3) the remedy or adjustment sought; and (4) the signature of the grieving employee. The Police Chief shall meet with the grieving employee(s) within five working days of the Police Chief's actual receipt of the written grievance. The Police Chief shall respond in writing to this grievance within five (5) working days of said meeting. The written response at this Step, and management responses at all steps thereafter, shall contain the following information: (1) an analysis of the facts upon which the grievance is based; (2) an analysis of the validity of the grievance; (3) the remedy or adjustment, if any, to be made; and (4) the signature of the appropriate management representative. The Police Chief shall retain one copy of the grievance and disposition and forward one copy to the City Manager and one copy to the grieving employee.

Step Two. Should the grieving employee not be satisfied with the response he or she received in Step One within three (3) working days after his/her receipt thereof, the grieving employee may submit the written statement of the grievance prepared for Step One to the City Manager and request a meeting with the City Manager. Upon receipt of the grievance, the City Manager will schedule a meeting to be held within twenty (20) working days of his/her receipt of the request. Upon completion of such meeting, the City Manager shall determine whether the Step One response is consistent with this agreement. The City Manager shall render his/her decision thereon in writing within twenty (20) working days after his/her meeting with the

grieving employee. If the City Manager does not render a decision in writing within twenty (20) working days as required and the cost to the City for the remedy or adjustment sought is less than one hundred dollars (\$100.00), the grievance will be considered decided in favor of the grieving employee. Such a default will not be binding on either party as to future grievances.

Step Three. This provision for binding arbitration shall be in lieu of any other recourse, including court action, and neither the City nor the Oxford Police Employees Association nor any member thereof shall be entitled to file any court action relative to a grievance and binding arbitration is mandatory, subject to the approval of Oxford Police Employees Association, and any right to court action is expressly waived. However, arbitration awards and/or decisions are subject to court action.

If the grievance is not settled at Step Two, the matter shall be submitted to binding arbitration or the Manager's decision shall become final. A request for arbitration shall be made by either party to the other within ten (10) working days following the decision of the City Manager.

If the parties fail to agree on an arbitrator, the parties shall jointly contact the Federal Mediation Conciliation Service within ten (10) working days after the request to obtain a list of seven (7) arbitrators from which the parties shall select within ten (10) working days after receipt of the list, by the method of alternately striking names off the list, an arbitrator. The arbitrator shall have no power to add to or subtract from any terms of this agreement. The decision of the arbitrator shall be final and binding upon the parties hereto. The costs and expenses of the arbitration shall be paid equally by the City and Oxford Police Employees Association. Arbitration shall commence within thirty (30) working days after selection of an arbitrator.

No individual member of Oxford Police Employees Association shall have the right to invoke the arbitration procedure without the consent of Oxford Police Employees Association and if such consent is refused, the member shall have no further recourse to, or against, Oxford Police Employees Association or the City.

ARTICLE XVI

Professional Liability Insurance

The City will provide, at no cost to the employees, professional liability insurance equivalent to the City's current plan, provided that such a policy is readily available to Ohio municipalities at a reasonable price. Such a policy shall only be obtained from an insurance company authorized to do business in the State of Ohio.

ARTICLE XVII

Investigation of Employees

1. The parties recognize that the City has the right to expect a professional standard of conduct be adhered to by all employees and, pursuant to the Charter, to investigate complaints or charges made by officials, employees or citizens. Internal investigations will be undertaken to inquire into any alleged misconduct of employees at the sole discretion of the City. Standards of conduct and performance will be as prescribed by the Police Manual of Procedure prepared by,

and revised from time to time by, the City. Reports of internal investigations of allegations of misconduct in which no further action is taken as a result of such investigation will be filed in a limited access file to which, and to the extent provided by law, only the City Manager, Police Chief, Law Director, or the employee investigated will have access for a period of two years. Final results of such investigation shall also be made available to the Complainant. After such two-year period, the reports will be destroyed, consistent with existing laws. Discipline and disciplinary procedures are expressly reserved to the City as management rights, are not negotiable and are not a subject of this contract.

2. Any time any individual, including but not limited to, a member of the general public, or an employee, agent or employee of the City of Oxford, makes a complaint about an employee, said complaint shall be, if possible, in writing, signed by the individual making the complaint, before a notary public or other person authorized by law to administer oaths. The form for the complaint shall specifically inform the individual making the complaint that he or she shall be subject to the penalties provided in Section 2921.13 for Falsification. The fact a complaint is not signed by the complainant, will not prevent the investigation, but may be considered a factor in the investigation. Said complaint shall be forwarded to the Police Chief who shall, if necessary, undertake an investigation. Said investigation shall proceed by the Police Chief appointing an employee or employees or other agents as the City deems necessary. Any employee being investigated, before the employee is required to answer any questions or make any response in writing, shall be allowed to examine a copy of the complaint and to consult with a representative of the employee's choosing. No disciplinary action will be taken based on charges not included in the written complaint. At the end of said investigation the Police Chief shall issue a written report concerning the findings of the investigation, and give a copy of said report to the employee.

3. The parties recognize that the City has the right to expect a professional standard of conduct be adhered to by all employees. Internal investigations will be undertaken to inquire into any alleged misconduct of employees at the sole discretion of the City. Standards of conduct and performance will be as prescribed by the Police Manual of Procedure prepared by, and revised from time to time by, the City. Reports of internal investigations of allegations of misconduct in which no further action is taken as a result of such investigation will be filed in a limited access file to which only the City Manager, Police Chief, Law Director, or the employee investigated will have access for a period of two years. After such two-year period, the reports will be destroyed. Discipline and disciplinary procedures are expressly reserved to the City as management rights, are not negotiable and are not a subject of this contract.

ARTICLE XVIII Labor Management Committee

In the interest of furthering harmonious relations, a joint committee of not more than six (6) members, half from management and half from the employees, will convene at least once every six (6) months, but not more than once per month, for purposes of discussing work related issues. Management members shall be selected by management and members shall be selected by the employees. Such meetings shall be arranged in advance and will convene at a time convenient to both parties but not later than ten (10) calendar days from the date a request for such meeting is made.

Such meetings shall be advisory, discretionary, non-binding, and not subject to the provisions of the grievance procedure. An agenda of items for discussion will be submitted at the time the conference is requested. Additional matters may be introduced by either side during such meetings. Either party may terminate a meeting at any time.

Employees in attendance at such meetings will not be paid for time so spent, but insofar as possible meetings will be scheduled when designated representatives are not on duty.

ARTICLE XIX Miscellaneous Provisions

1. Off-Duty Employment. An employee may request to engage in off-duty employment by submitting a written request to the Police Chief in person prior to engaging in such employment. Failure of the Police Chief to respond within five working days of, but excluding, the date received will constitute approval of the request. Denial of such a request shall be subject to the contract grievance procedure.

2. Quotas. The City agrees not to adopt a quota system. This provision in no way restricts the City's right to evaluate the productivity of employees.

3. Tuition. The City will reimburse an employee for fifty percent (50%) of the actual costs of required books, tuition and course-related fees provided the employee receives a final grade of no less than "B" or "Pass" in a course graded only on a "Pass-Fail" basis. An employee who receives a final grade of "A" will receive full reimbursement for books, tuition and course related materials. If funds are completely depleted, the City will place one thousand dollars (\$1,000.00) in a fund for each contract year. The City will issue such reimbursement within fourteen (14) calendar days of receipt of proof of grade and itemized receipts for required books, tuition and fees. All courses must be approved in advance, in writing, by the City Manager. Only job related course work and major fields of study may receive this benefit.

4. Headset and Badge. Upon service retirement with at least fifteen (15) years of service with the City of Oxford, the City will give the retiring employee if applicable his/her uniform badge and, if applicable, duty headset.

5. Light Duty. In the sole discretion of the Police Chief, an employee whose physical/medical condition prevents him/her from performing his/her normal work assignments may be re-assigned to "light-duty" by the Police Chief. The decision of the Police Chief shall not be grievable.

6. Discipline Review Committee. The City recognizes the right of the Oxford Police Employees Association to create a Discipline Review Committee. Whenever Oxford Police Employees Association feels that a disciplinary action taken by the City should be reviewed by a committee of the disciplined employee's peers (i.e., members of the same bargaining unit), the City, upon receipt of a signed release from the disciplined employee, agrees to provide to such a committee of three (3) peers access to the investigative file used as a basis for the disciplinary action. After reviewing the file, the committee shall issue its comments in a report to the Police

Chief and City Manager. Meetings of such committees and the preparation of such reports shall be conducted during off-duty time of the employees participating. Nothing in this paragraph shall restrict the City's right to take disciplinary action against any employee at any time. Further, the provisions of this paragraph are in no way intended to restrict the disciplined employee's rights to due process either under this contract or any other applicable laws, rules or regulations.

7. FMLA and ADA. Nothing in this Agreement will be used or construed to prevent or inhibit the Employer from complying with the provisions of the Americans With Disabilities Act (ADA) or the Family Medical Leave Act (FMLA).

8. Parking for Night Shift Personnel. Night shift personnel can park in designated police employee parking spaces.

9. During the period of the contract, Employees serving as a designated trainer for new hires will receive new hire trainer pay in the amount of One Dollar (\$1.00) per hour so long as the Employee is the assigned designated trainer for the new employee.

ARTICLE XX Term of Agreement

This agreement shall commence January 1, 2019, and shall continue in full force and effect until December 31, 2021, after which it shall continue in full force and effect from year to year thereafter unless written notice is given by one party to the other in accordance with applicable provisions of the Ohio Revised Code that a party desires to renegotiate this agreement.

ARTICLE XXI Management Rights

The management and direction of the affairs of the City are retained by the City. This includes, but is not limited to: the selection, transfer, assignment and layoff of employees, the termination of probationary employees, the termination for just cause of other employees; the making, amending and enforcing of work rules and regulations; the disciplining of employees; the securing of revenues of the City; the exercise of all functions of government granted to the City by the constitution and the statutes of the State of Ohio and the City Charter and Ordinances; the determination from time to time as to what services the City shall perform; the establishment or continuation of policies, practices, or procedures for the conduct of its affairs and, from time to time, as to what services the City shall perform; the changing or abolition of such procedures; the determination of the number of hours per day or week any operation may be carried on; the selection and determination of the number of employees required; the establishment and changing of work schedules and assignments; the contracting for the performance of such work as the City determines advisable and the taking of such other measures as the City and/or management may determine to be necessary for the orderly and efficient operation of the City; and the determination of the size and composition of the work force. The City retains all rights except to the extent this agreement specifically and expressly provides to the contrary. The City will not use this section to contravene rights granted by this agreement to members of the bargaining unit individually or collectively.

ARTICLE XXII
No Strike

Neither the Fraternal Order of Police nor any member of the bargaining unit included in this contract shall take part in, cause, or aid in any strike, slowdown, picketing or any other interference with the operations of the City during the term of this agreement. "Strike" means concerted action in failing to report to duty, willful absence from one's position, stoppage of work, slowdown, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment. In addition to other rights and remedies prescribed by law, the City shall have the right to discharge or otherwise discipline any employee violating this section, in accordance with Civil Service rules and regulations.

If there is any violation of this section, the Fraternal Order of Police together with its employees and agents, shall publicly denounce said violation, disclaim approval, order those taking part in such violation to return to work immediately.

ARTICLE XXIII
Modification

The provisions of this agreement shall be conclusive as to all bargainable matters relating to wages, hours of work, and working conditions. Therefore, the City and the Employee for the term of this agreement each agree that the other shall not be obligated to bargain collectively with respect to any subject matter referred to or governed by this agreement unless the City and the employee mutually agree to alter, amend, supplement, enlarge or modify any of its provisions.

Should any provision of the agreement be found to be illegal or unenforceable by a court of competent jurisdiction, all other provisions of this agreement shall remain in full force and effect for the duration of this agreement.

IN WITNESS WHEREOF, the parties hereto have caused their names to be subscribed by their authorized representatives.

Non-Commissioned Police
Department Employees

City of Oxford

Matt Stitzel, President

Douglas R. Elliott, Jr., City Manager

Angela Schatzle, Secretary

John A. Jones, Police Chief

Dan Haughey, Legal Counsel

Stephen M. McHugh, Law Director

APPENDIX A
WAGE SCHEDULE

Employees will be paid bi-weekly in accordance with the following schedule:

ALL EMPLOYEES WITH 36 MONTHS SERVICE IN POSITION

<u>Contract Year</u>	<u>Salary</u>
January 1, 2019 to December 31, 2019	
Police Records Specialist	\$53,881 annual (\$25.90 hr.)
Public Safety Assistant	\$53,881 annual (\$25.90 hr.)
Dispatcher/Clerk	\$53,881 annual (\$25.90 hr.)

ALL EMPLOYEES WITH LESS THAN 36 MONTHS SERVICE DURING CONTRACT

With 0-12 Mos. Service	80% of applicable rate above
With 13-24 Mos. Service	90% of applicable rate above
With 25-36 Mos. Service	100% of applicable rate above

P.E.R.S. "PICK-UP" PLAN

During the term of the contract, the City and the Employees will maintain the I.R.S. approved "pick-up" plan to exclude employee pension fund contributions from taxable income.

SHIFT DIFFERENTIAL

During the period of this contract, Dispatcher/clerks working 1500 hours up to 0700 hours will receive shift differential pay in the amount of \$0.55 per hour. During the period of this Contract, Public Records Specialists and Public Safety Assistants working 1700 hours up to 0700 hours will receive shift differential pay in the amount of \$0.55 per hour.

WAGES 2020-2021

Employees of this bargaining unit shall be entitled to a wage increase equal to the wage increase given to members of the Oxford Police Patrol Officers bargaining unit in years 2020 and 2021.

APPENDIX B
REQUEST FOR PERMISSION TO TRADE
SHIFT ASSIGNMENTS BETWEEN EMPLOYEES

The undersigned employees hereby request written permission and authorization to trade shift assignments as set forth below with the express understanding that no overtime will accrue to either employee as a result of said trade of assignments. In order to induce the City to authorize this request, each of the undersigned employees hereby expressly waives any right to overtime as a result of said shift trade and understands that each employee will be paid on the same basis as he or she would have been paid had his or her regular shift been worked. We understand, and consent to, the payrolls being calculated and paid just as if no shift trade had taken place.

Employee #1, _____, (Name) desires to work from _____ (Time) to _____ on _____ (Time) (Date) for Employee #2	Employee #2, _____, (Name) desires to work from _____ (Time) to _____ on _____ (Time) (Date) for Employee #1.
--	---

SO AGREED AND REQUESTED BY:

Signature - Employee #1

Signature - Employee #2

The above shift assignment trade is hereby:

_____ Authorized and approved _____ Not authorized and disapproved

Scheduling Employee

APPENDIX C
PAYROLL DEDUCTION AUTHORIZATION

The undersigned hereby authorizes the City of Oxford to deduct from his or her payroll checks such sums as are requested by the President and the Secretary/Treasurer of Oxford Police Employees Association in writing and representing dues, and/or initiation fees, and/or assessments, due to Oxford Police Employees Association from the undersigned. This authorization shall be effective from January 1, 2019, and shall continue in full force and effect until December 31, 2021, and once signed and submitted to the City of Oxford by the undersigned shall be irrevocable. The undersigned further agrees that the City may deduct the amount or amounts requested by Oxford Police Employees Association and may make said deductions in the time and manner requested by Oxford Police Employees Association and that any further complaint as to the amount or manner of deductions shall be resolved between the undersigned and Oxford Police Employees Association. This authorization is made pursuant to Article II of the Contract between the City of Oxford and the Oxford Employees and that the amounts deducted hereunder shall be remitted by the City to Oxford Police Employees Association.

Signature of Employee

Dated: _____

APPENDIX D
GRIEVANCE SUBMITTAL

STATEMENT OF GRIEVANCE: _____

PERTINENT FACTS: _____

REMEDY OR ADJUSTMENT SOUGHT: _____

Signature of Grieving Employee: _____

Date of Step One Submittal: _____

Date of Step Two Submittal: _____

(Note: Step Two Submittal must include Step One Response.)

Date of Step Three Submittal: _____

(Note: Step Three Submittal must include official consent to arbitrate signed by appropriate officials of Oxford Police Employees Association.)

If additional space is necessary, please attach additional sheets.

APPENDIX E
ACCRUED SICK LEAVE AS OF November 25, 2018

NAME

ACCRUED HOURS

Chris Warren

58.00

DISCUSSION ITEM:

SHORT TERM RENTAL LEGISLATION

Memo



To: City Council
From: Sam Perry, Community Development Director
Date: 12/12/2018
Re: 12/18/2018 / Short Term Rentals Code Discussion, PC 2018-02

Planning Commission reviewed and recommended the short term rental legislation on September 11, 2018. City Council held a work session on October 16, 2018 and open discussion on November 6, 2018. Several revisions have been made based on these discussions along with staff analysis. The latest revisions are:

- Limited the residential district option to owner's primary residence only
- Created a new 'length of stay' definition that is separate from 'transient' up to 6 days instead of 14
- Limited the total days per year for a residential district STR to 30
- Removed the references to neighborhood overlays because of the revised restrictions
- Added a registration requirement for all STRs, regardless of frequency

Short Term Rental Regulations Draft –
City Council Review December 18, 2018
Completely New Section in Zoning Code Supplemental Chapter 1141.03(j):

Short Term Rentals

Definitions (Also to be placed in overall definitions chapter 1159)

Short Term Rental (STR): use of all or part of a dwelling unit by rental for temporary occupancy for dwelling, sleeping, or lodging for a period up to six (6) days

Short Term Rental (STR) Booking: each instance of a reservation by an individual or group for a short term rental.

Booking Agent: any person or entity that facilitates reservations or collects payment for a short term rental on behalf of or for an owner. The Booking Agent may be an owner-occupant. If the property is a licensed rental for non-transient residence, the required agent is the same person.

Owner: the titled-owner of a dwelling unit.

Primary residence: the physical location address listed on the owner's government issued identification and where the owner physically resides the majority of the calendar year.

General Provisions

1. **Short Term Rentals are permitted only in Single Family buildings that are the primary residence of the owner. All other building types are prohibited.**
2. **All Short Term Rentals in the City of Oxford are required to register annually with the City of Oxford.**
3. **Short Term Rentals of more than five (5) STR bookings per calendar year are permitted with a valid Short Term Rental License or valid Rental Permit. STR's of five or less bookings per year do not require license/permit but do require registration.**
4. **Short Term Rentals in any residential district are limited to 30 days per year. (Examples: 15 two-day stays or 5 six-day stays)**
5. **Short Term Rentals of more than five (5) bookings per calendar year in a commercial zoning district require a conditional use prior to the STR license unless there is an existing valid Rental Permit.**
6. **Short Term Rentals are not permitted in an industrial zoning district.**

7. Occupancy limitations are set by the Rental Permit or Short Term Rental License.
8. Short Term Rental units shall comply with Property Maintenance Code, which includes but not limited to, an initial and periodic inspection of the property.
9. Any booking agent for a Short Term Rental, whether through a Short Term Rental License or through use of a Rental Permit shall provide the City the following information, including but not limited to:
 - a. Name and contact information of Booking Agent
 - b. Name and contact information of Owner if different than Booking Agent
 - c. If different than booking agent, contact information, including phone number, for person(s) with responsibility to take action to resolve any complaints regarding the condition, operation, or maintenance of the dwelling unit.
 - d. Address of dwelling unit being rented

The below similar text applies to AOS, R1A, R1B, R2A, R3, R4, R1MS, R2MS, R3MS, RO and MU districts. Rather than repeat each section 11 times, I have included just the R1A district as an *example* only, showing the B&B wording to be removed as a conditional use.

1143.01 R-1A SINGLE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT.

(a) Purpose. This district is intended to provide areas for low-density single-family residential development, generally located within the outlying areas of the City. Such development would be located and designed to protect and enhance the open space character of selected areas within the City.

(b) Uses.

(1) Permitted uses.

- A. Single-family dwellings.
- B. Accessory buildings and uses incidental to the principal use that do not include any activity conducted as a business.
- C. Day Care Home Type B family.
- D. Short Term Rentals per Chapter 1141.**

(2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1141.

- 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. Cemeteries.

- G. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
- H. Schools: primary, intermediate, and secondary, both public and private.
- I. Places of worship.

The below similar text applies to GB, NB and UP districts:

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.

.....
.....

- (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.~~ **Short Term Rentals**
 - 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.

**CONSISTENCY REVISIONS TO DEFINITIONS TEXT
(in strikeout/underline)**

Section 1159.21 “T” Definitions

(5) **TRANSIENT** - A person staying at a location such as a hotel, motel, or short term rental ~~or bed and breakfast~~ for less than 14 days per stay and does not use the location as his or her permanent address.

Section 1159.03 “B” Definitions

~~(3) **BED & BREAKFAST** - Overnight accommodations, with or without meals, in a dwelling unit provided to transients for compensation.~~

**REPLACEMENT OF BED AND BREAKFAST LANGUAGE IN CONDITIONAL USES
CHAPTER 1147.03:**

(3) Animal Hospitals, Veterinary Clinics, and Kennels.

- A. Potential Concerns.
 - 1. Traffic generation from associated retail sales.
 - 2. Location of diagnosis and outdoor activity areas relative public streets and residential zoning district.
 - 3. Design of facilities that will help ensure humane conditions and treatment of animals.
 - 4. Animal noise and odor.
- B. Regulations.
 - 1. Outdoor pens are not permitted.
 - 2. Outdoor activity shall be limited to diagnosis and temporary outdoor activity for boarded animals.

~~(4) Bed & Breakfast.~~

- ~~A. Potential Concerns.
 - 1. Appropriate number of rooms for the neighborhood in which it is proposed.
 - 2. Location of separate entrances.~~
- ~~B. Regulations.
 - 1. No more than 8 rooms for rent in any structure.
 - 2. Owner or manager must live in the structure.
 - 3. At least one meal must be provided to guests on site.~~

(4) Short Term Rentals

- A. Potential Concerns.**
 - 1. Commercial viability of building without STR usage**
 - 2. Proximity to other services for transient guests**
- B. Regulations.**
 - 1. Permit / Inspection requirement**

(5) Gas Station with Convenience Store.

- A. Potential Concerns.

1. Adequate design of vehicle management area.
 2. Location of fuel pumps and pump canopy.
 3. Outdoor sales and storage.
- B. Regulations.
1. All merchandise shall be located within a completely enclosed structure.
 2. Fuel pumps shall be set back a minimum of 30 feet from lot lines or 40 feet from a residential zoning district.
 3. Fuel pump canopies shall be set back a minimum of 20 feet from lot lines or 40 feet from a residential zoning district.