



Agenda

Oxford City Council

Court House

TUESDAY, MAY 4, 2021

EXECUTIVE SESSION

7:00 P.M.

**This meeting is being conducted in accordance with H.B. 404 and the
guidelines set forth by the Ohio Dept. of Health
TUESDAY, MAY 4, 2021**

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

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

- A. Proclamation – “TSD Employee Appreciation Week” pg5



Proclamation

- B. SCRC 2020-21 – End of Year Presentation – Emily McClary.

- C. Appointments to Boards & Commissions.

- D. Public Comments.

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

4. Consent Agenda.

- A. Report regarding the April 13, 2021 Planning Commission Meeting. (Sam Perry, Community Development Director) pg6



Report

- B. Report regarding the April 14, 2021 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director) pg7



Report

- C. Report regarding the April 21, 2021 Board of Zoning Appeals Meeting. (Sam Perry, Community Development Director) pg8



Report

- D. A Resolution authorizing the City Manager to enter into an agreement with Capital Electric Line Builders to supply and install the necessary equipment to replace a damaged traffic signal support pole and mast arm at the intersection of Chestnut Street and Locust Street in the City of Oxford, Ohio, at a cost not to exceed \$29,670.00. (Mike Dreisbach, Service Director) pg9



Staff Report/Resolution

5. Resolutions.

1. A Resolution of Council calling upon the Ohio Legislature to reject voter suppression laws proposed by State Representative Bill Seitz to limit ballot boxes to one per county and to shorten early voting. (Chantel Raghu, Councilor) pg12



Staff Report/Resolution

6. Ordinances.

- A. First Reading.

1. An Ordinance Amending Ordinance No. 3579 By Prohibiting Mass Gatherings Indoors Of More Than Ten (10) Non-Household Members Within The City Of Oxford, Ohio, To Limit The Spread Of COVID-19, And Declaring An Emergency. (Doug Elliott, City Manager) pg15



Staff Report/Ordinance

2. An Ordinance Repealing Ordinance No. 3573 Adopted July 14, 2020 Requiring Face Coverings In Any Public Space Within The City Of Oxford, Ohio, To Limit The Spread Of COVID-19 And Declaring An Emergency. (Doug Elliott, City Manager) pg25



Staff Report/Ordinance

- B. Second Reading – None.

7. A. Announcements & Communications.

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

2. Future Meetings. (Virtual)

WED May 5 Environmental Commission Meeting 7:00 p.m.

MON May 10 Oxford Parking & Transportation Advisory Board Meeting 9:30 a.m.

TUES May 11 Public Arts Commission of Oxford Meeting 4:30 p.m.

TUES May 11 Planning Commission Meeting 7:00 p.m.

WED May 12 Historic and Architectural Preservation Commission Meeting 6:15 p.m.

THUR May 13 Recreation Board Meeting 11:30 a.m.

TUES May 18 City Council Meeting 7:30 p.m.

WED May 19 Board of Zoning Appeals Meeting 6:30 p.m.

THUR May 20 Climate Action Steering Committee Meeting 9:00 a.m.

THUR May 20 Police Community Relations & Review Commission Meeting 7:00 p.m.

MON May 31 Holiday – City Offices Closed

8. Adjourn.



Office of the Mayor

Proclamation

Whereas:

the Talawanda School District serves over 3,000 students in the 144 square miles in and around the City of Oxford; and

WHEREAS, the education of our youth is imperative for the City of Oxford, the Talawanda School District, the State of Ohio, our nation, and our world; and

WHEREAS, the Vision of the Talawanda School District is "Talawanda will be a collaborative, flexible, inviting community where innovation guides learning inside and outside of the school walls"; and

WHEREAS, the Mission of the Talawanda School District is "Talawanda EMPOWERS Every Learner Every Day!"; and

WHEREAS, the Talawanda School District employees work directly with area youth, parents, volunteers, community and business partners, city administrators and staff, policy-makers, citizens, and neighbors to provide quality instruction, essential services, guidance, safe and clean environments, coaching, proper nutrition and well-being, vision, and leadership to ensure that academic preparation and civic engagement is a foundation for their shared success; and

WHEREAS, employees of the Talawanda School District have been providing instruction and services to families, both in person and virtually; and

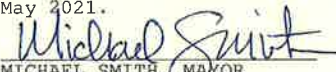
WHEREAS, our community has benefited from the innovation and dedication of Talawanda School District employees for more than one (1) year during the COVID-19 global pandemic; and

NOW, THEREFORE, I, Michael Smith, Mayor of the City of Oxford, Ohio, do hereby proclaim May 10, 2021 through May 14, 2021 as:

"Talawanda School District Employee Appreciation Week"

in the City of Oxford and encourage all citizens to publicly and privately thank and share their appreciation with all employees of the Talawanda School District for their selfless service to our children and to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 4th day of May 2021.


MICHAEL SMITH, MAYOR





The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	April 29, 2021
COUNCIL MEETING DATE:	May 4, 2021
AGENDA TITLE:	April 13, 2021 Planning Commission Summary (Virtual Meeting)
CITY MANAGER/DEPT HEAD APPROVAL:	<i>Sam Perry</i> DRE 4-30-21

New Business

Annexation Update from Staff: Brookville Road, 22 Acres, future potential Owl's Landing

Staff provided an update on the status of an annexation. The annexation request had been reviewed by Butler County and was going through the process. There was no requirement that the Oxford Planning Commission act on the annexation prior to City Council. Commission members asked that a policy or code update be considered for formalizing Planning Commission involvement in the annexation process.

Concept Review, Brookville Road: Owl's Landing, Planned Unit Development, Etta Reed, Bayer Becker

Todd Hall Homes and Etta Reed presented a concept of 92 residential units on the 22 acres formerly discussed. 76 of these units would be detached and 16 would be attached. Ms. Reed and the developer were looking for feedback prior to submitting the formal application. Commission members provided individual feedback on the layout of the streets, sidewalks, trails and ponds. No action was taken.

Administrative Approvals – Previously Approved

PC-2021-08, LOT CONSOLIDATION, 216 W Church Street, Part of inlots #191, #192, New lots #3994 #3995
Jeffrey Savage Applicant - consolidation of lot slivers into main lots

PC-2021-10, 407 N Campus, LOT SPLIT CONSOLIDATION, Lot #1589, 0.185 acres, Part lot #3107 0.01 acres, New Lot #3996, First Class LLC – transfer of a 4 foot sliver of land, following a BZA approval



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STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	April 29, 2021
COUNCIL MEETING DATE:	May 4, 2021
AGENDA TITLE:	April 14, 2021 Historic and Architectural Preservation Commission Summary (Virtual Meeting)
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 4-30-21 Sam Perry</i>

New Business:

HAPC-2021-01, 22 N. College Avenue, former Alexander House, proposing to add a lift to the rear exterior of the structure, Tom Ellis, Happy People, LLC, Applicant

Pastor Tom Ellis and Architect Greg Eller were in attendance to request approval of a freestanding elevator/lift to be added to the rear of the former Sushi Narra restaurant. This building was known as the historic Alexander House and is one of the few properties in Oxford that is listed on the National Register of Historic Places. The applicant's plan is to renovate the interior and exterior of the building for a combination coffee shop and church use. A parallel application was also being processed with the Planning Commission for the church use. The applicant plans to add ground level accessibility ramps. The Commission asked for the applicant to consider adjusting the location of the lift slightly to lessen the impact. The applicant was in agreement to consider an adjustment. The applicant also appreciated any input on an exterior re-painting colors, which would be reviewed administratively. The Commission voted unanimously to approve the request with the four conditions discussed.

Other Updates:

The Commission discussed the Comprehensive Plan Update and the idea of a subcommittee to provide the required feedback.

The Lynching History Community Remembrance Marker was planned to be installed Uptown by June 13, 2021 for dedication on June 22, 2021.



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Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	April 29, 2021
COUNCIL MEETING DATE:	May 4, 2021
AGENDA TITLE:	April 21, 2021 Board of Zoning Appeals Summary (Virtual Meeting)
CITY MANAGER/DEPT HEAD APPROVAL:	<i>Sam Perry</i> DRE 4-30-21

Chair Michael Schnipper ran the virtual meeting, with Director Sam Perry providing staff reporting. All five BZA members attended. Attorney Ben Mazer provided legal support.

BZA-2020-04, 36 E. High Street, Variance to Chapter 1143.10(C)(2) to allow 0' setback for vertical expansion of existing covered patio. Mark Weisman, Appellant – Extension approval for BZA decision

The board heard from the applicant and staff that the building permit had been issued but work had not begun within the 6-month time period. The board voted 3-2-0 to extend the previous approval so that work could get underway.

New Business

Update on Review Procedures Prior to Accepting Variance Applications: Staff would be re-instituting a policy based on Code Section 1129, requiring either a denied building permit or a preliminary zoning review, prior to accepting a case for the agenda.

Adjudication Hearings

BZA-2021-03 224 E. Vine Street, Variance to Sections 1143.07(c) rear yard depth, lot coverage and 1143.07(d)(13)(A) curb cut, David Kellems, Appellant

The board heard from staff and the applicant. The proposal was to remove an existing open porch and add a second dwelling unit in the side yard of the existing building. The addition would be setback further from the rear property line than the current building, but would not fully comply. There was a slight increase in lot coverage. Thirdly, a new curb cut for a driveway was not allowed by code. The board discussed the case using the seven decision criteria and voted 5-0-0 to approve the variances.



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Service Department
PREPARED BY:	Michael Dreisbach
DATE PREPARED:	April 27, 2021
COUNCIL MEETING DATE:	May 4, 2021
AGENDA TITLE:	Replacement of Traffic Signal Pole Support and Mast Arm
BUDGETED AMOUNT:	\$ 30,000
ACCOUNT CODE:	140.720.61217
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 4-30-21  4/27/21

Discussion:

Earlier this year, a traffic crash at the intersection of Chestnut St. and Locust St. resulted in damage to City property including a traffic signal support pole and mast arm. The City has recovered \$30,000 from the insurance company of the driver at fault for the incident. City Council appropriated these funds for spending at the April 20, 2021 City Council meeting.

Due to the condition of the support pole and concern for failure, an emergency purchase order was requested and approved by the Finance Director and City Manager for immediate replacement of the damaged pole. As the amount is over \$20,000, Staff is informing the City Council of the encumbrance.

Purchase Order No. 3217 in the amount of \$29,670.00 has been issued to Capital Electric Line Builders to supply and install the necessary equipment. Capital Electric has performed many contracts for the City in the past, always with excellent results. Staff recommends approval of a Council Resolution supporting the replacement of this damaged infrastructure.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CAPITAL ELECTRIC LINE BUILDERS TO SUPPLY AND INSTALL THE NECESSARY EQUIPMENT TO REPLACE A DAMAGED TRAFFIC SIGNAL SUPPORT POLE AND MAST ARM AT THE INTERSECTION OF CHESTNUT STREET AND LOCUST STREET IN THE CITY OF OXFORD, OHIO, AT A COST NOT TO EXCEED \$29,670.00.

WHEREAS, earlier this year, a traffic accident at the intersection of Chestnut Street and Locust Street resulted in damage to City property including a traffic signal support pole and mast arm; and

WHEREAS, the City has recovered \$30,000.00 from the insurance company of the driver at fault for the incident and City Council appropriated those funds for spending at their April 20, 2021 City Council Meeting; and

WHEREAS, the City Manager and the Service Director recommend the City Manager be authorized to enter into an agreement with Capital Electric Line Builders to supply and install the necessary equipment to replace a damaged traffic signal support pole and mast arm at the intersection of Chestnut Street and Locust Street in the City of Oxford, Ohio, at a cost not to exceed \$29,670.00.

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

SECTION 1: City Council accepts the recommendation of the City Manager and the Service Director and further authorizes the City Manager to enter into an agreement with Capital Electric Line Builders to supply and install the necessary equipment to replace a damaged traffic signal support pole and mast arm at the intersection of Chestnut Street and Locust Street in the City of Oxford, Ohio, at a cost not to exceed \$29,670.00.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

PURCHASE ORDER

BILL TO:



15 SOUTH COLLEGE
OXFORD, OH 45056
(513) 524-5202

P.O. NO.

003217

ORDER DATE

04/27/2021

VENDOR NO.

8837

VENDOR ADDRESS CAPITAL ELECTRIC LINE BUILDERS
4400 NW MATTOX RD
RIVERSIDE, MO 64150

IMPORTANT: THE ABOVE PURCHASE ORDER NUMBER MUST APPEAR ON ALL BILLS AND PACKAGES. MATERIAL ON THIS ORDER IS EXEMPTED FROM THE OHIO SALES TAX AND FEDERAL EXCISE TAX.

SHIP TO CONTACT ADDRESS 004
CITY OF OXFORD

SERVICE DEPARTMENT
945 S. MAIN ST.
OXFORD, OH 45056

ACCOUNT #	AMOUNT
140.720.61217.000	28,170.00
140.720.61217.000	1,500.00

Payment Terms None

PO DESCRIPTION: Replacement of traffic pole and mast arm damaged in traffic crash

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
1	EA	POLE / MAST ARM REPLACEMENT 140.720.61217.000 Traffic Signal Repairs 28,170.00	28,170.00	28,170.00
1	EA	MISC MATERIALS, WIRE LED HEADS AS NEEDED 140.720.61217.000 Traffic Signal Repairs 1,500.00	1,500.00	1,500.00
TAX EXEMPT ID:			SUBTOTAL	29,670.00

TO THE VENDOR:

As a vendor of the city, if you are working within the city limits you are responsible for withholding city tax on employees' earnings and for city tax on your net profits. If you are not already in compliance with Oxford's income tax requirements, upon approval of the purchase order please contact the Regional Income Tax Agency which administers Oxford's taxes at 1-800-860-7482 or visit www.ritaohio.com.

THIS ORDER NOT VALID UNLESS SIGNED.

I hereby certify that the total amount shown for the payment of the foregoing obligation has been lawfully appropriated and is in the treasury or in the process of collection to the credit of the appropriated fund, free from any obligation or certification now outstanding.

 4/27/21
FINANCE DIRECTOR DATE



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45215

STAFF REPORT

ORIGINATING DEPARTMENT:	City Council
PREPARED BY:	Mary Ann Eaton
DATE PREPARED:	April 28, 2021
COUNCIL MEETING DATE:	May 4, 2021
AGENDA TITLE:	Rejecting voter suppression laws.
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 4-30-21</i>

DISCUSSION:

As requested by Councilor Raghu.

RESOLUTION NO.

A RESOLUTION OF COUNCIL CALLING UPON THE OHIO LEGISLATURE TO REJECT VOTER SUPPRESSION LAWS PROPOSED BY STATE REPRESENTATIVE BILL SEITZ TO LIMIT BALLOT BOXES TO ONE PER COUNTY AND TO SHORTEN EARLY VOTING.

WHEREAS, voting is the most fundamental right in our democracy and is crucial to maintain a free and fair society. Any law or policy meant to curb voter access is antithesis to the foundation of our democracy; and

WHEREAS, studies have shown that the distance needed to travel, accessibility, and convenience of voting has a direct impact on voter turnout. If the distance to a polling location is increased, ballots casted can decrease by 2-5% (Cantoni 2020). Furthermore, drop boxes have a positive effect on voter turnout and that decreasing the distance to these boxes can lead to an increased likelihood of voting (McGuire et al 2020); and

WHEREAS, an extra day of early voting increase voter turnout by 0.22 percentage points; those people in child-rearing years and prime working years have been found to be particularly impacted by early voting availability (Kaplan 2020); and

WHEREAS, as a result of the COVID-19 pandemic, the 2020 election had record voter turnout with 5.9 million voters and 3.5 million of those votes were cast absentee before Election Day. The number of absentee votes nearly doubled from 33.5% in 2016 to 58.6% in 2020; and

WHEREAS, legislation meant to curtail early voting or absentee voting has been shown to contribute to voter suppression which disproportionately affects people of color, low-income citizens, and the elderly, who often rely on flexible, early voting periods; and

WHEREAS, any reform to the voter process should be made with the intention of increasing political participation based on data provided by experts. Limitation of ballot boxes to one per county and limitation of early voting days will invariably suppress the level of voter participation; and

WHEREAS, government works best when there are high levels of political participation and civic engagement; policies proposed to enhance accessibility and expand inclusivity to voting strengthen our democracy.

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

SECTION 1: This Council hereby calls upon the Ohio Legislature to reject policies that limit early voting and limit the number of ballot boxes per county thereby leading to voter suppression.

SECTION 2: The Clerk of Council is directed to transmit copies of this resolution to Governor Mike DeWine, Secretary of State Frank LaRose, and to all members of the Ohio Legislature.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: CHANTEL RAGHU

PREPARED BY: LAW (STAFF)



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45215

STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Doug Elliott
DATE PREPARED:	April 26, 2021
COUNCIL MEETING DATE:	May 4, 2021
AGENDA TITLE:	Amending Ordinance No. 3579 (Mass Gatherings)
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 4-30-21</i>

DISCUSSION:

The proposed Ordinance amends the City of Oxford's Mass Gathering Ordinance No. 3579 to exclude outdoor gatherings. The risk of spreading Covid-19 outdoors is considerably less than indoor gatherings. In addition, the Ohio Department of Health has rescinded the State Order for outdoor gatherings. I believe the City should follow the lead of the Ohio Department of Health and the CDC. Social distancing is still recommended and face coverings are required in certain situations.

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3579 BY PROHIBITING MASS GATHERINGS **INDOORS** OF MORE THAN TEN (10) NON-HOUSEHOLD MEMBERS WITHIN THE CITY OF OXFORD, OHIO, TO LIMIT THE SPREAD OF COVID-19, AND DECLARING AN EMERGENCY.

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

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

WHEREAS, the City has substantial, legitimate interests in preserving and maintaining the health of Oxford residents, members of the university community, including students, and guests by stopping the spread of COVID-19; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can be easily spread from person to person; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) reported over 32 million cases of COVID-19 in the United States, resulting in over 572,000 deaths; and

WHEREAS, on March 9, 2020, the Ohio Department of Health announced confirmed cases of COVID-19 in the State of Ohio, creating a dangerous condition that may affect the health, safety, and welfare of the citizens of Ohio; and

WHEREAS, on that same date Governor Mike DeWine declared a state of emergency for the entire State of Ohio to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19; and

WHEREAS, COVID-19 endangers the lives of the citizens and residents of Oxford, creating an emergency to life and public safety and disrupting commerce; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic, but the virus is also spread by people who are infected, but asymptomatic; and

WHEREAS, the Governor and the Ohio Department of Health have issued amended Director's Orders to both protect citizens, residents, and guests of the State of Ohio, all of which are incorporated herein by reference; and

WHEREAS, due to the above described statewide emergency there is a continuing need to protect all citizens and residents and guests of the City of Oxford from the risks relating to the COVID-19 pandemic; and

WHEREAS, the CDC recommends wearing facial coverings in public where other physical distancing measures are difficult to maintain to help prevent the spread of COVID-19 from asymptomatic or unknowing carriers to others; and

WHEREAS, on July 14, 2020, the City of Oxford issued an ordinance requiring facial coverings in any public space within the City of Oxford, Ohio, to limit the spread of COVID-19, and declaring an emergency; and

WHEREAS, as of April 22, 2021, the Ohio Department of Health has issued a Red Level alert for Butler County due to the COVID-19 virus, which means there is continued risk of exposure and spread meaning one should limit one's activities as much as possible; and

WHEREAS, after weighing the known information from the COVID-19 virus and considering the guidance and orders from the Ohio Department of Health and Butler County General Health District, City Council concludes that the safety of City of Oxford citizens, residents and guests is best protected by implementing a requirement prohibiting mass gatherings of non-household members indoors ~~and outdoors~~, with mass gatherings defined to mean more than ten (10) individuals, as set forth herein; and

WHEREAS, that for the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect at the earliest date permitted by law; now, therefore:

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

Section 1. All individuals within the City of Oxford are prohibited from hosting, maintaining or participating in mass gatherings in accordance with the following:

- a. "Mass gatherings" for purposes of this Ordinance, means any social gathering, event or convening that brings together greater than ten (10) non-household persons at the same time **indoors.** ~~to include both indoor and outdoor gatherings.~~
- b. "Non-household" for purposes of this Ordinance, means any individuals who do not reside within the same housing unit or dwelling.

Section 2. The mandatory prohibition on mass gatherings through this Ordinance does not apply in the following situations:

- a. Normal operations at bus stops or hubs, medical facilities, libraries, shopping malls and centers, or other spaces where more than ten (10) persons may be in transit.
- b. Typical office environments.
- c. Schools and University classes or officially sanctioned functions.
- d. Factories, warehouses and distribution centers.
- e. Retail, grocery stores, restaurants and bars where large numbers of people are present, but it is unusual for them to be within arm's length of one another.
- f. Athletic and sporting events, including recreational and club sports.
- g. Notwithstanding this Ordinance, buildings and venues that traditionally host mass gatherings, whether indoors or outdoors, may continue to be used for sanctioned community events.
- h. This Ordinance does not apply to and/or excludes members of the media.
- i. This Ordinance does not apply to and/or excludes religious gatherings, gatherings for the purpose of the expression of First Amendment protected speech, weddings and funerals.

Section 3. Regardless of whether an event or gathering falls within the definition of mass gathering, all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible and to continue to wash hands, utilize hand sanitizer and practice proper respiratory etiquette (coughing into elbow, etc.)

Section 4. A violation of this Ordinance shall be governed and processed by the provisions set forth in Chapter 507 of the Oxford Code of Codified Ordinances titled: Police Civil Citations. Whoever violates this Ordinance is subject to a civil penalty in the amount of \$500.00 for first time violations and \$1,000.00 for any subsequent violations thereafter.

Section 5. For the reasons set forth in the preamble hereof, the Council declares this Ordinance to be an emergency measure which shall take effect at the earliest possible date permitted by law and shall remain in effect during the pendency of State of Ohio Executive Order 2020-01D.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

ORDINANCE NO. 3579

AN ORDINANCE PROHIBITING MASS GATHERINGS OF MORE THAN TEN (10) NON-HOUSEHOLD MEMBERS WITHIN THE CITY OF OXFORD, OHIO, TO LIMIT THE SPREAD OF COVID-19, AND DECLARING AN EMERGENCY.

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

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

WHEREAS, the City has substantial, legitimate interests in preserving and maintaining the health of Oxford residents, members of the university community, including students, and guests by stopping the spread of COVID-19; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can be easily spread from person to person; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) reported over 4 million cases of COVID-19 in the United States, resulting in over 156,000 deaths; and

WHEREAS, on March 9, 2020, the Ohio Department of Health announced confirmed cases of COVID-19 in the State of Ohio, creating a dangerous condition that may affect the health, safety, and welfare of the citizens of Ohio; and

WHEREAS, on that same date Governor Mike DeWine declared a state of emergency for the entire State of Ohio to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19; and

WHEREAS, COVID-19 endangers the lives of the citizens and residents of Oxford, creating an emergency to life and public safety and disrupting commerce; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic, but the virus is also spread by people who are infected, but asymptomatic; and

WHEREAS, on March 15, 2020, the CDC issued Interim Guidance for mass gatherings or large community events, stating that such events that consist of fifty (50) or more people should be cancelled or postponed; and

WHEREAS, on March 17, 2020, the Ohio Department of Health issued an Amended Director's Order to limit and/or prohibit mass gatherings and the closure of venues in the State of Ohio; and

WHEREAS, on March 22, 2020, under the direction of Ohio Governor, Mike DeWine, Ohio Department of Health Director, Amy Acton, M.D. issued an Order requiring all Ohioans to stay in their homes to prevent the further spread of COVID-19 until April 6, 2020 and the Order was extended until May 1, 2020 and has been since amended on April 30, May 20 and May 22, 2020 to allow businesses to open with the recommendation that facial coverings be worn except in certain circumstances; and

WHEREAS, the Governor and the Ohio Department of Health have issued amended Director's Orders to both protect citizens, residents, and guests of the State of Ohio, all of which are incorporated herein by reference; and

WHEREAS, as businesses have re-opened, more people are traveling throughout the state, and within the City of Oxford; and

WHEREAS, a local and statewide state of emergency continues to exist with limits on mass gatherings and recommendations of social distancing; and

WHEREAS, Miami University (the "University") announced it will allow students on campus for the Fall semester, which shall include both in person and virtual classes; and

WHEREAS, the return of students to the University will result in a large influx of people from across the country and international students; and

WHEREAS, the University has also informed the City that facial coverings will be required to be worn on University owned properties, including University buildings and facilities; and

WHEREAS, due to the above described statewide emergency there is a continuing need to protect all citizens and residents and guests of the City of Oxford from the risks relating to the COVID-19 pandemic; and

WHEREAS, the CDC recommends wearing facial coverings in public where other physical distancing measures are difficult to maintain to help prevent the spread of COVID-19 from asymptomatic or unknowing carriers to others; and

WHEREAS, on July 14, 2020, the City of Oxford issued an ordinance requiring facial coverings in any public space within the City of Oxford, Ohio, to limit the spread of COVID-19, and declaring an emergency; and

WHEREAS, on July 23, 2020, the Ohio Department of Health issued a facial covering Order mandating that individuals be required to wear facial coverings throughout the State of Ohio; and

WHEREAS, as of August 6, 2020, the Ohio Department of Health has issued an Orange Level alert for Butler County due to the COVID-19 virus, which means there is an increased risk of exposure and spread meaning one should limit one's activities as much as possible; and

WHEREAS, multiple areas of the United States are experiencing "community spread" of the virus that causes COVID-19. Community spread, defined as the transmission of an illness for which the source is unknown, means that isolation of known areas of infection is no longer enough to control the spread; and

WHEREAS, SARS-CoV-2, the virus that causes COVID-19, has been demonstrated to transmit infection from infected persons when symptomatic, asymptomatic, and pre-symptomatic; and

WHEREAS, mass gatherings, defined as non-household gatherings of greater than ten (10) people, increase the risk of community transmission of the virus COVID-19; and

WHEREAS, after weighing the known information from the COVID-19 virus and considering the guidance and orders from the Ohio Department of Health and Butler County General Health District, City Council concludes that the safety of City of Oxford citizens, residents and guests is best protected by implementing a requirement prohibiting mass gatherings of non-household members, both indoors and outdoors, with mass gatherings defined to mean more than ten (10) individuals, as set forth herein; and

WHEREAS, that for the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect at the earliest date permitted by law; now, therefore:

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

Section 1. All individuals within the City of Oxford are prohibited from hosting, maintaining or participating in mass gatherings in accordance with the following:

- a. "Mass gatherings" for purposes of this Ordinance, means any social gathering, event or convening that brings together greater than ten (10) non-household persons at the same time, to include both indoor and outdoor gatherings.
- b. "Non-household" for purposes of this Ordinance, means any individuals who do not reside within the same housing unit or dwelling.

Section 2. The mandatory prohibition on mass gatherings through this Ordinance does not apply in the following situations:

- a. Normal operations at bus stops or hubs, medical facilities, libraries, shopping malls and centers, or other spaces where more than ten (10) persons may be in transit.
- b. Typical office environments.
- c. Schools and University classes or officially sanctioned functions.
- d. Factories, warehouses and distribution centers.
- e. Retail, grocery stores, restaurants and bars where large numbers of people are present, but it is unusual for them to be within arm's length of one another.
- f. Athletic and sporting events, including recreational and club sports.
- g. Notwithstanding this Ordinance, buildings and venues that traditionally host mass gatherings, whether indoors or outdoors, may continue to be used for sanctioned community events.
- h. This Ordinance does not apply to and/or excludes members of the media.
- i. This Ordinance does not apply to and/or excludes religious gatherings, gatherings for the purpose of the expression of First Amendment protected speech, weddings and funerals.

Section 3. Regardless of whether an event or gathering falls within the definition of mass gathering, all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible and to continue to wash hands, utilize hand sanitizer and practice proper respiratory etiquette (coughing into elbow, etc.)

Section 4. A violation of this Ordinance shall be governed and processed by the provisions set forth in Chapter 507 of the Oxford Code of Codified Ordinances titled: Police Civil Citations. Whoever violates this Ordinance is subject to a civil penalty in the amount of \$500.00 for first time violations and \$1,000.00 for any subsequent violations thereafter.

Section 5. For the reasons set forth in the preamble hereof, the Council declares this Ordinance to be an emergency measure which shall take effect at the earliest possible date permitted by law and shall remain in effect during the pendency of State of Ohio Executive Order 2020-01D.


MAYOR

ADOPTED: August 18, 2020

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45215

STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Doug Elliott
DATE PREPARED:	April 29, 2021
COUNCIL MEETING DATE:	May 4, 2021
AGENDA TITLE:	Repealing Ordinance No. 3573 – Face Coverings
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 4-30-21</i>

DISCUSSION:

The proposed Ordinance seeks to repeal Ordinance No. 3573, which was adopted on July 14, 2020 and required face coverings in any public space within the City of Oxford. The ordinance provided eleven exceptions to this requirement. It included a civil penalty for violations of the ordinance. The Director of the Ohio Department of Health issued an Amended Order on April 8, 2021, which included an updated provision for facial coverings. The preamble to this order states, “Everyone should wear a mask when engaging with others outside their house.” The CDC recommends that people wear masks in public settings, at events and gatherings, and anywhere they will be around other people. The suggestive nature of both of these facial covering statements has caused much questioning and confusion regarding the City’s facial covering requirement. Also, as more residents are vaccinated and the rate of new Covid-19 cases continue to decline in the U.S., Ohio, and Butler County, it is imperative that the City follow the lead of the CDC and the Ohio Department of Health on this matter. This week Butler County dropped to a Level 2 (Orange) classification under the Ohio Public Health Advisory System. Our facial covering requirement does not provide any flexibility.

ORDINANCE NO.

AN ORDINANCE REPEALING ORDINANCE NO. 3573 ADOPTED JULY 14, 2020 REQUIRING FACE COVERINGS IN ANY PUBLIC SPACE WITHIN THE CITY OF OXFORD, OHIO, TO LIMIT THE SPREAD OF COVID-19, AND DECLARING AN EMERGENCY.

WHEREAS, the Centers for Disease Control and Prevention (CDC) reported over 32 million cases of COVID-19 in the United States, resulting in over 573,000 deaths; and

WHEREAS, the Governor and the Ohio Department of Health have issued amended Director's Orders to both protect citizens, residents, and guests of the State of Ohio all of which are incorporated herein by reference; and

WHEREAS, that for the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect at the earliest date permitted by law.

THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:

SECTION 1: Ordinance No. 3573 adopted July 14, 2020 which requires face coverings to be worn in any public space within the City of Oxford, Ohio is hereby repealed.

SECTION 2: Council further encourages the citizens and visitors of Oxford to follow the Public Health Recommendations set forth by the Centers for Disease Control and Prevention and the Ohio Department of Health with regard to the use of face coverings.

SECTION 3: For the reasons set forth in the preamble hereof the Council declares this Ordinance to be an emergency measure which shall take effect at the earliest possible date permitted by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

ORDINANCE NO. 3573

AN ORDINANCE REQUIRING FACE COVERINGS IN ANY PUBLIC SPACE WITHIN THE CITY OF OXFORD, OHIO, TO LIMIT THE SPREAD OF COVID-19, AND DECLARING AN EMERGENCY.

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can be easily spread from person to person; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) reported almost 3 million cases of COVID-19 in the United States, resulting in over 131,065 deaths; and

WHEREAS, on March 9, 2020, the Ohio Department of Health announced confirmed cases of COVID-19 in the State of Ohio, creating a dangerous condition that may affect the health, safety, and welfare of the citizens of Ohio; and

WHEREAS, on that same date, Governor Mike DeWine declared a state of emergency for the entire State to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19, and to assist in protecting the lives, safety, and health of the citizens of Ohio; and

WHEREAS, COVID-19 endangers the lives of the citizens and residents of Oxford, creating an emergency to life and public safety and disrupting commerce; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic, but the virus is also spread by people who are infected, but asymptomatic; and

WHEREAS, on March 22, 2020, under the direction of Ohio Governor, Mike DeWine, Ohio Department of Health Director, Amy Acton, M.D. issued an order requiring all Ohioans to stay in their homes to prevent the further spread of COVID-19 until April 6, 2020 and the order was extended until May 1, 2020 and has been since amended on April 30, May 20 and May 22, 2020 to allow businesses to open with the recommendation that facial coverings be worn except in certain circumstances; and

WHEREAS, the Governor and the Ohio Department of Health have issued amended Director's Orders to both protect citizens, residents, and guests of the State of Ohio all of which are incorporated herein by reference; and

WHEREAS, as businesses have re-opened, more people are traveling throughout the state, and within the City of Oxford; and

WHEREAS, a local and statewide state of emergency continues to exist with limits on mass gatherings and recommendations of social distancing; and

WHEREAS, Miami University (the "University") announced it will allow students on campus for the Fall semester that may include both in person and virtual classes; and

WHEREAS, the return of students to the University will result in a large influx of people from across the country and international students; and

WHEREAS, the University has also informed the City that facial coverings will be required to be worn on University owned properties, including University buildings and facilities; and

WHEREAS, due to the above described statewide emergency there is a continuing need to protect all citizens and residents and guests of the City of Oxford from the risks relating to the COVID-19 pandemic; and

WHEREAS, the CDC recommends wearing face coverings in public where other physical distancing measures are difficult to maintain to help prevent the spread of COVID-19 from asymptomatic or unknowing carriers to others; and

WHEREAS, as of July 6, 2020, Butler County General Health District has issued a Red Level alert due to the increased risk of contracting the COVID-19 virus, which means there is a very high risk of exposure and spread meaning one should limit one's activities as much as possible; and

WHEREAS, on July 8, 2020, the Ohio Department of Health issued a facial covering order mandating that individuals are required to wear facial coverings during the Red Level alert in Butler County; and

WHEREAS, the Butler County General Health District does not oppose the City of Oxford's passage of this Ordinance; and

WHEREAS, requiring face coverings to be worn by any person in a public place within the City of Oxford best promotes health, safety, and efforts to limit the spread of COVID-19 while enabling the continuation of essential services, businesses, and travel necessary to protect public health and safety, and for the continuity of social and commercial life during the state of emergency; and

WHEREAS, after weighing the known information about the COVID-19 virus, consulting with the Butler County General Health District, and considering the guidance and orders from the Ohio Department of Health, City Council concludes that the safety of City of Oxford citizens, residents and guests is best protected by implementing a requirement to wear face coverings in public places as set forth herein; and

WHEREAS, that for the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect at the earliest date permitted by law; now, therefore:

THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:

Section 1. All individuals within the City of Oxford shall wear a face covering over the individual's nose and mouth and chin in accordance with the following:

a. When entering, exiting, or waiting in line to enter a place of business that is open to the public, and while inside a place of business as to the areas within the place of business that are accessible to, and are intended for the use of, the public:

i. For purposes of this Ordinance, "business" means any for-profit, non-profit, educational entities, or governmental entities (other than federal or state university) regardless of the nature of the service, the function it performs, or its corporate or entity structure.

"Place of business" means any facility, building, or structure operated by or for a business engaged in the sale or other transaction of any kind for anything of value in exchange for goods, commodities, services, or temporary lodging and that is open to the general public or by appointment, and includes, but is not limited to, grocery stores, retail stores, pharmacies, health care facilities, restaurants and bars (including outdoor seating

for such facilities), hotels and motels (excluding the rented room or suite), gyms and similar facilities, and the local school district; but excluding religious facilities.

b. When entering, exiting, or waiting in line to enter a City of Oxford operated building or facility that is open to the public, and while inside a City of Oxford operated building or facility as to the areas within such City of Oxford facility that are accessible to, and are intended for the use of, the public.

c. In any public transportation such as a bus or other public transit vehicle, a taxi or ridesharing vehicle or any other vehicle for hire, or at a transit stop or waiting area for any public transportation.

d. In any outdoor space or outdoor place where or when a person is unable to maintain or does not maintain physical separation of not less than six feet from others who are not members of their own household.

Section 2. All places of business shall require all employees that interact with the public to wear a face covering; and all places of business shall only sell or otherwise enter into any transaction of any kind for anything of value in exchange for goods, commodities, services, or provide temporary lodging to those who comply with this Ordinance. Any manager, owner, or person in charge of a place of business who fails or refuses to comply with this Ordinance may be in violation of this Ordinance.

Section 3. The requirement to wear a face covering through this Ordinance does not apply in the following situations:

a. Any individual who cannot wear a face covering because of a medical condition, mental health condition or developmental disability, or who is unable to remove the face covering without assistance, and any individual who should not wear face coverings under the CDC guidance. An individual is not required to produce medical documentation of the condition or disability, provided an employer may require such documentation from an employee in accordance with state and federal law.

b. Individuals under 6 years old.

c. Restaurant and bar patrons while eating or drinking. If a patron is not seated at his or her table or at the bar, a face covering is required.

d. In settings where it is not practicable or feasible to wear a face covering such as when receiving dental services, medical treatments, or while swimming.

e. Walking or exercising outdoors so long as physical separation of not less than six feet is maintained, or while walking or exercising outdoors with other members of the same household.

f. While actually engaged in exercising in a gym or other similar indoor facility so long as physical separation of not less than six feet is maintained and the individual wears a face covering at all times when not actually engaged in exercising.

g. The individual is actively participating in athletic practice, scrimmage, or competition that is permitted under a separate Department of Health order.

h. When an individual is in his or her work office, conference room, or other workspace not intended for use by the general public.

i. When inside a personal or commercial vehicle either parked or moving that is not a vehicle described in Section 1(c).

j. Individuals while acting in their official capacity as a public safety employee or emergency responder when wearing a face covering would interfere with or limit their ability to carry out their official duties or functions. These include peace officers, firefighters, and other public safety or emergency medical personnel that support public safety operations.

k. Individuals complying with the directions of public safety employees or emergency responders as described in 3(i).

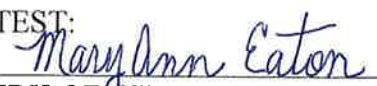
Section 4. For the purposes of this Ordinance, "face covering" means a piece of cloth, fabric, or other material that fully covers the mouth and nose and that is secured with ear straps or otherwise tied so as to prevent slipping. A face covering may be factory-made or may be handmade and improvised from household materials. Face coverings include, but are not limited to, bandanas, scarfs, medical masks, and cloth masks; and also include respirators, N95 masks or other personal protective equipment that provides a higher level of protection than a face covering defined in this Section. A face covering shall be worn so as to cover the mouth and nose in compliance with the CDC's guidance on wearing face coverings.

Section 5. A violation of this Ordinance shall be governed and processed by the provisions set forth in Chapter 507 of the Oxford Code of Codified Ordinances titled: Administrative Ticketing, Code Compliance and Hearing. Whoever violates this Ordinance is subject to a civil penalty in the amount of \$100.00.

Section 6. For the reasons set forth in the preamble hereof, the Council declares this Ordinance to be an emergency measure which shall take effect at the earliest possible date permitted by law and shall remain in effect during the pendency of State of Ohio Executive Order 2020-01D.


MAYOR

ADOPTED: July 14, 2020

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)