



**CITY COUNCIL**  
**Regular Meeting –March 14, 2016 6:00 p.m.**  
**Council Chambers**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Council Member Upton
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
  - A. February 16, 2016 Work Session
  - B. February 22, 2016 Work Session
  - C. February 22, 2016 Regular Meeting
- VI. PRE-SCHEDULED PRESENTERS
  - A. CALEA Assessors
- VII. ORDINANCES, RESOLUTIONS AND PUDS
  - A. Ordinance 16-01 Z-16-1 TCN Behavioral Rezoning, I-1 to RP-1 (Third Reading)
  - B. Ordinance 16-02 MX-PUD 93-4 Amend 1/16 Ashton Brook Phase 5 (Second Reading)
  - C. Resolution 16-06 Authorize ODOT to Proceed with Reconstruction of Traffic Signal North Fairfield and I-675
- VIII. LIQUOR PERMIT
  - A. Chipotle Mexican Grill of Colorado LLC dba Chipotle Mexican Grill 2720
- IX. CITY MANAGER'S REPORT
- X. MAYOR'S REPORT
- XI. COUNCIL TIME
- XII. CITIZEN COMMENTS
- XIII. ADJOURNMENT

BEAVERCREEK CITY COUNCIL  
WORK SESSION, February 16, 2016, 5:00 p.m.

Mayor Stone called the meeting to order followed by roll call.

PRESENT: Council Member Jarvis, Council Member Litteral, Council Member Upton, Council Member Wallace, Council Member Whilding, Vice Mayor Vann, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Michael Cornell, City Manager; Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Jeff Moorman; City Engineer; Mike Thonnerieux, Public Service Administrative Director

**APPROVAL OF AGENDA**

Council Member Whilding MOVED to approve the agenda, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

**DISCUSSION ITEMS**

**U.S. 35 Super Street**

Brian Smith and Dave Holstein, Ohio Department of Transportation

Mr. Smith reviewed the funding issues for the original interchange project explaining there were not enough funds available to pay for the project. They discussed an alternate project called a Super Street that could be done at a lower cost and would meet some of the safety needs for that area. They reviewed the design and flow of the Super Street concept. ODOT was asking for feedback if this concept was worth moving forward with.

**CALEA Process**

Chief Evers said the assessors would be on site to start the assessment process on March 13<sup>th</sup>. He reviewed the timeline for the assessment. He said he would be going before the review board in July which is when CALEA would give their official confirmation as to whether or not we met the criteria to be accredited with the Gold Standard.

**Street Levy Update**

Mr. Thonnerieux reviewed the timeline for the street levy. He said the current feedback from the residents included some confusion regarding the street levy that was passed two years ago. He wanted Council to be prepared to respond to those concerns.

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**INFORMATIONAL ITEMS**

**4<sup>th</sup> Quarter Financial Summary**

Council was asked to review the summary which would need to be approved at the next regular meeting.

**Council Committee/Event Updates**

Council discussed committee events they had attended and anything thing they scheduled in the near future.

**ADJOURNMENT**

Council Member Whilding MOVED to adjourn the meeting at 6:40 p.m., seconded by Council Member Wallace Motion PASSED by majority voice vote.

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Bob Stone, Mayor

ATTEST:

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Dianne Lampton  
Clerk of Council  
Cmin021616Worksession

BEAVERCREEK CITY COUNCIL  
WORK SESSION, February 22, 2016, 5:00 p.m.

Mayor Stone called the meeting to order followed by roll call.

PRESENT: Council Member Jarvis, Council Member Litteral, Council Member Upton, Council Member Wallace, Council Member Whilding, Vice Mayor Vann, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Michael Cornell, City Manager; Dennis Evers, Chief of Police; Dianne Lampton, Clerk of Council; Steve McHugh, Legal Counsel; Mike Thonnerieux, Public Service Administrative Director

**APPROVAL OF AGENDA**

Council Member Upton MOVED to approve the agenda, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

**DISCUSSION ITEMS**

**Fallon Survey**

Paul Fallon

Mr. Fallon explained the method used to attain the data. He said they conducted 300 random telephone interviews between January 4<sup>th</sup> and January 9<sup>th</sup> with a margin of error of 5.65%. He reviewed the results of each question stating based on those results the city is moving in the right direction. Satisfaction and contentment remains high within the community. Taxes and spending are at the hierarchy of public concern which has changed over the last few years. In 2013, school funding was the issue of concern. Mr. Fallon would be available for any future questions regarding the results.

**Timeline for Charter Amendments**

Mr. McHugh reviewed the timeline should Council decide to place anything on the November ballot. He suggested Council adhere to this to avoid special meetings or emergency legislation.

**ADJOURNMENT**

Council Member Litteral MOVED to adjourn the meeting at 5:32 p.m., seconded by Council Member Whilding Motion PASSED by majority voice vote.

BEAVERCREEK CITY COUNCIL

WORK SESSION

February 22, 2016

ATTEST:

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Bob Stone, Mayor

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Dianne Lampton  
Clerk of Council  
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BEAVERCREEK CITY COUNCIL  
REGULAR MEETING February 22, 2016 6:00 p.m.

**CALL TO ORDER**

Mayor Stone called the meeting to order followed by roll call.

PRESENT: Council Member Jarvis, Council Member Litteral, Council Member Upton, Council Member Wallace, Council Member Whilding, Vice Mayor Vann, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Randy Burkett, City Planner; Michael Cornell, City Manager; Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Mike Thonnerieux, Public Administrative Services Director

**PLEDGE**

Council Member Litteral the pledge and a prayer.

**APPROVAL OF AGENDA**

Council Member Litteral MOVED to approve the agenda, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

**APPROVAL OF MINUTES**

Council Member Jarvis MOVED to approve the minutes of the January 25, 2016 Regular Meeting, seconded by Council Member Jarvis. Motion PASSED by majority voice vote. (Wallace abstained)

**ORDINANCES, RESOLUTIONS AND PUDS**

**Ordinance 16-01 Z-16-1** TCN Behavioral Rezoning, I-1 to RP-1 (Second Reading – con't)

Council Member Litteral and Vice Mayor Vann recused themselves from this reading.

Clerk Lampton read an Ordinance amending the Zoning Map, by rezoning approximately 3.223 acres of land located at 1400 Grange Hall Road, further described as Book 2, Page 13, Parcel 70 from I-1 Light Industrial to RP-1 Research Park District (Z-16-1).

Mayor Stone suggested the additional written input received since the last meeting be submitted as part of the record. He said he felt most of the subject

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matter had been covered and suggested to not reopen the public input. He said it was open for discussed or a motion.

Council Member Upton MOVED to reopen the public input, seconded by Council Member Wallace. Motion PASSED by a roll call vote of 3-2. (Against Whilding, Stone)

Daniel Brown, Brown Law Office, Dayton, Ohio

Mr. Brown represented the co-owners of the Apple Valley Office Center at 1430 Oak Court. He expressed concern and opposition to the rezoning. He explained the ownership group leases large office space to several large tenants and those tenants had expressed concern and opposition to this ordinance. He said as owners and representatives of their tenants they had several concerns. He said did not believe by rezoning to RP-1 Research Park District would allow the type of use that the applicant expressed using this property for. He said as they look at the permitted principal uses in the zoning code for RP-1, none of them match up in Appendix B. He send none are consistent with TCN's proposed use as a drug treatment facility. He said this is a concern for their clients because they are professionals, engineers and researchers and they didn't see a drug treatment facility in the nearby area as being a positive in the neighborhood and being a negative when they are trying to fill some of the tenant spaces. He said they have to attract new customers to their building and if they see overflow parking and what appears to be a drug treatment facility as opposed to a professional building that's going to be a negative to the property value. Mr. Brown wanted to be on record for the owner of their building at 1430 Oak Court as being in opposition to this amendment.

Lynn West, CEO TCN

Ms. West said she knew this was a zoning issue and either they fit or they don't. She said there is so much misconception and wrong information. She explained last week she had turned on the TV and heard methadone clinic coming to Beaver creek. She thought that may be a problem until she heard they were talking about TCN. She said TCN does not do that. She said what they do is see 7,000 clients per year with 70% diagnosed with mental health and 30% with substance abuse. She said the number of kids they see has doubled within the five years. The most highly used drug is heroin which is increasing in both youth and adults. She said last year Greene County had ten fatal overdoses from heroin and over 800 visits in the last two years from Beaver creek. She said they have several offices in Xenia and Fairborn, they are in Michael's House and they have recovery houses in Yellow Springs, Xenia and Fairborn. She said services for the most severely mentally disabled would continue to be in Fairborn and the vast majority of the substance abuse cases will stay in Xenia. She explained this

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is because they have a clinic there and all of the recovery houses are within walking distance to their agencies. She said they are proposing to serve primarily youth and adult outpatients in Beavercreek with problems ranging from marital, family, behavioral, veteran issues and services to seniors. She said most people support what they do and she wanted to answer why they wanted to move to this location. She said they had been searching for a building and the office they would like to move out of in Fairborn is 11,000 square feet and this building is 27,000 square feet. They needed a place that was easily accessible and close to major highways and already served as an office facility. She said they love the seclusion, the setting of Grange Hall and the good condition of the building. She said they went through a vigorous vetting by the Research Park Board and was approved. She said most of the clients drive themselves and TCN has a contract with Greene CATS. She said there will be approximately seven cars per hour with 190 parking spaces. She said their staff is comprised of eleven psychiatrists, ten registered nurses and psychologists with advanced degrees which would be the peers that they are talking about in this area. She said there was a report with police calls which looked like a huge amount but you have to look at the type of police calls. She said they work with the police every day. She said if they do an involuntary commitment to a hospital the police transport them there. They do crisis intervention; one of the only counties left in Ohio that will go to somebody's home if they are having a crisis but the police go with them. She said they have no assaults but have had some break-ins. She said they are good neighbors and you would see that if given the opportunity.

Danielle Lang, 4040 Ken Klare Drive, Beavercreek, Ohio

Ms. Lang said one in five people suffer from mental illness in the United States. She had read the opposing side of the debate and it all boils down to we don't want it in our backyard. She said it is in our backyard. She said it lives in your homes, your schools and your community. She said it's not only a microsocial issue but it's a macro one as well. She believed the basis for the argument is coming from a position of ignorance. She said people who suffer mental illness are in need of services offered by TCN. She said our community has felt the pain of suicide, drug issues, mental health disorders and family issues. She said if you think your family is immune you are basing this on an elitist fallacy. She said mental health and substance abuse can affect anyone regardless of race, socioeconomic status or municipality. She was grateful for the things that TCN offers to the community.

Bruce MacLeod, 374 Mary Lou Circle, Beavercreek, Ohio

Mr. MacLeod said he felt compelled to come to the hearing after seeing the news articles. He supported the TCN facility going in on Grange Hall Road and asked Council to approve the zoning change. He believes TCN provides research and

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services that are incredibly important to Beavercreek. He said mental research is in its infancy and expect to see great advances in the near future. He said mental illness and addiction can and does strike anyone including people in this community. He said all people deserve respect including people with illness or addiction. He said misleading stereotypes and stigma do not belong in the debate. He asked the Council to vote to allow TCN into Beavercreek.

Nathan Cragill, 1055 Grove Hill Drive, Beavercreek, Ohio

Mr. Cragill said he grew up in Beavercreek, his mom is a business owner in Beavercreek and his father was a captain with the Dayton Fire Department. He lived in a very nice house with very good parents. He made poor choices after high school and became a drug addict including heroin. He said he had nothing until he found TCN. He had thought of taking his life because he knew no way out or that there was available help or that he could recover. At age 22 he entered the Christopher House and thirteen and a half years later he remains clean as a result of what TCN did for him. His said TCN has changed his entire family's lives. He said for every addict that gets clean and has services available to them a lot of lives change. Addiction has a ripple effect in the community but so does recovery. He said as a result of TCN he now manages the Christopher House and has the opportunity to touch the lives of thousands of other addicts. He said this is not just a ghetto problem, heroin is here and it's not going anywhere. Addiction is a live thing and in Beavercreek. Heroin was here thirteen years ago and is in Beavercreek High School. It is everywhere and is getting worse. He said we can either be part of the solution or we can be part of the problem.

Tim Krug, 1510 West Lynn Drive, Beavercreek, Ohio

Mr. Krug felt there could be an effect on the police safety because it is a wooded area. He said he hopes everybody gets the help they need. He said there is a safety issue for people on the bike path and the people that live in the community. He said he has seven acres of woods next to that land and people could be hiding or camping in the woods so they could be there early in the morning. He wasn't saying these people are bad as everybody has issues. He said there are a lot of empty places in Fairborn, more than in Beavercreek. He said for us to change the zoning for this there must be some other reason. He asked if there was going to be fence around the property to protect his property and the daycare across the street. He said this could hurt the property value to the business owners and even the residential property.

Connor Peterson, 1874 Turnbull Road, Beavercreek, Ohio

Mr. Peterson said he attends Beavercreek High School and they lost two students last year, one to suicide and one to drug overdose. He said this made

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him realize there are not enough places for people to go his age to find help and recover. He said he has mental issues and has been working on them for some time. He said he has been lucky that he found a place to find help. He said there are a lot of local people who do not have that option because there is nowhere for them to go. He said this facility would help the community.

Kyle Zink, 2471 Brown Bark Drive, Beavercreek, Ohio

Mr. Zink said his father is Ed Zink who is well known within the community, retired athletic director from Beavercreek High School and girls' basketball coach. Mr. Zink said he had every opportunity growing up to be successful, acceptable, responsible and a productive member of society. He said at some point in his life he decided to make poor choices and opiates became a dependence in his life which later led to heroin. He said at the age of 23 he was in a dope house on the west side of Dayton not knowing there was a way out, a menace of society with no education, no job, no support from family or friends only to find TCN in July of 2013. He said he has been clean since that time. He has changed his life, has a job at a residential treatment facility where he has the opportunity to work with addicts on a daily basis and be an impact on their lives. He said the most important thing about the disease of addiction is the misinformed people or the lack of motivation people have to learn about the disease of addiction. From his standpoint he believed if someone like him that came from being a menace of society can become an acceptable, responsible, productive member of society, fully self-supporting and help other people become acceptable, responsible productive members of society that helps the community as a whole. He is forever grateful for TCN and the opportunity they gave him at having a life and being able to carry that on to help other people.

Greg Zeitler, 2200 County Line Road, Beavercreek, Ohio

Mr. Zeitler said he was a drug and alcohol counselor and have been in the mental health field for over thirty years; in the Air Force for twenty-three years in mental health and substance abuse services and spent fifteen years with the Greene County Jail as a drug and alcohol counselor doing services for the court and probation. He has seen over the last fifteen years a great spike in drug and alcohol use. He said it bothers him that the community has been in denial for many years of the extent of the drug and alcohol problem here. He was glad to see these services coming into the city to have people take advantage of those services. He said the addict and the alcoholic effect seven other people. He is in favor of another treatment facility in Beavercreek but the location could be better being in such close proximity to the school across the street and the businesses. He said it causes him concern.

Mindy MacLeod, 374 Mary Lou Circle, Beavercreek, Ohio

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Ms. MacLeod felt people were under a misconception. She said this is a voluntary outpatient service with not residents living there. She said these are people coming to seek help. She has visited TCN in Fairborn and Xenia with her son and had yet to see people loitering around. She said the Xenia location is next to an apartment complex. She would be more scared of people not getting treatment coming into her woods than she would of the people actually going to get treatment.

Dr. Greta Mayer, 599 Winona Drive, Fairborn, Ohio, CEO Mental Health and Recovery Board for Clark, Greene and Madison Counties

Dr. Mayer said they are a governmental agency with the responsibility to plan, fund and monitor local systems of behavioral healthcare. TCN is one of nine Greene County agencies with whom they contract and is the most comprehensive treatment agency they work with in Greene County. She said they have a sixteen member board comprised of six volunteer Greene County members representing Beavercreek, Fairborn, Xenia, Jamestown and Yellow Springs. She lives within walking distance of one of TCN's facilities. She said there are other businesses including a school within close proximity. She said everyday there is a packed parking lot. She is not worried about the people going to TCN, she is worried about the people who haven't found the help that they desperately need. She said people with mental health problems are in all of our families, neighborhoods, work places and churches. Mental health problems are common; one in five people have a diagnosable health problem and about one in ten Ohioans are effected by the disease of addiction. She said the problems are more common than cancer, diabetes and heart disease. She said sadly only one-third of adults and less than half of the children seek professional help. She said these are diseases that are brain based and many chronic and need long term treatment and support. She said it could be the result of traumatic and stressful life events, genetic makeup or personality coping styles. All of which impact people's ability to cope with life's everyday challenges. Mental health problems and addiction interfere with people's ability to seek and maintain work, maintain healthy relationships and participate fully in their community. She gave examples of bipolar, depression disorder, post-traumatic stress disorder, schizophrenia and the disease of addiction including alcohol, drug and gambling problems. She said the great news is people who seek treatment and supportive services, like TCN, do get better and recover. She said recovery is possible and is real. She encouraged Council to visit one of the locations to see that these facilities are a benefit and an asset to our communities and make them stronger rather than a liability.

Fred Burkhardt, 311 Laurelann Drive, Kettering, Ohio

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Mr. Burkhardt is a parent of a three year old attending the school across the street from the proposed facility. He wanted to discuss the question at hand which is not whether or not TCN does a good job or is needed. He said the question is one of land use and zoning. He urged Council to confine their thoughts along those lines and not based on the quality of services that TCN provides. He said he's not sure which he would be more concerned about, drug treatment or mental health. He said the applicant by its own testimony indicated that it is a drug treatment provider. He was not sure that it complied with the zoning requirements allowed under the proposed change. He said these services are not compatible with the businesses or the child care facility immediately across the street. He said this is not a question of the quality of what TCN does. He said this is a technical question of land use and zoning and nothing more. He urged Council to not vote to allow the applicant to move forward.

Randall Haskins, 2944 Persimmon Court, Beavercreek, Ohio

Mr. Haskins was an eighteen year resident of Beavercreek and an eighteen year employee of TCN Health Services. He said he is responsible for the business operations for TCN. He said they have endorsements from the local police and their neighbors. He said they already have two facilities on the same bike path with reported no problems. He said they have continually received praises and national feedback and accreditation. He said the community values the services that they have. He said it is clear that they provide professional services which is clearly allowed under RP-1 with highly credentialed psychiatrists and master level therapists. He said this is both a zoning issue and a quality of care issue for the community of Beavercreek.

Laura Durrant, 1423 Grange Hall Road, Beavercreek, Ohio

Ms. Durrant is co-owner of the Goddard School. She said it is her job to protect 140 children every day. She said if you have a small child would you send them to a center across the street from a rehab center. She said if she had the choice and didn't own the business, she would not. She said that alone shows that bringing in this facility will affect the local businesses who have been there and established already. She said emotions aside, trying to take this as a zoning issue, she has done her research for two weeks. She said TCN is a drug and alcohol rehab center which is strictly prohibited in a RP-1 zone. She knew they said they are professional services but part of what they do is drug and alcohol rehab. She said if they say they are not going to do that there then that is a different story but she did not think that is what they are going to say. She strongly urged Council to reject the rezoning.

Brian Wright, attorney, Faruki, Ireland and Cox. LLP, Dayton, Ohio.

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Mr. Wright represents Resonant Sciences and Research Park Blvd. LLC located at 3975 Research Blvd. He said he had conveyed their position to the law director in two letters. He said one letter expressed the legal position that the zoning code is going to mean something and it's not. He said it's clear the appendix of the zoning code specifically delineates drug treatment facilities, not overnight stays as not being appropriate in RP-1 or I-1. He said those need to be in business zoned or office zoned facilities. He said those are specifically delineated in the appendix. He said if there was to be a vote in this room of those who support TCN it would be near unanimous. He said the question is it appropriate for where it is currently placed. He said zoning is made for a reason, land use is very intentional. He said the City of Beavercreek has done a great job of supporting the Miami Valley Research Park. He said this facility does not belong in Miami Valley Research Park. He said there are plenty of other places that are properly zoned as businesses or offices where this facility would be more appropriate. He said his clients respectfully request that Council deny the application for rezoning.

Ron Sweeney, 4060 Executive Drive, Beavercreek, Ohio

Mr. Sweeney owns Coldwell Banker on Executive Drive. He thinks what TCN is doing is great and is needed. He said this is about land use and zoning. He said his father was an alcoholic and his mother committed suicide when he was thirteen. He recognized the need for these services for everybody in every area. He said as a business owner down the street he did not think the zoning should be changed along with rules, regulations and laws to comply with what the request is. He hoped Council would reject the request.

Danny Fader, 3986 Kemp Road, Beavercreek, Ohio

Mr. Fader said he hears a lot of fear of the people who do not want the rezoning. He said it is human nature to be afraid of what you don't understand. He said it was obvious to him that the people who oppose this zoning change have never been to TCN. He said he has been with TCN off and on for the last nine years. He said he is currently going to the Fairborn facility twice per day, three times per week. He said his daughter, who is in her late forties is one of these people that you are all so afraid of. He said he resents that. He said she has been diagnosed since she was seven years old. She has ADDS and ADHD, symptoms of dyslexia, an addictive personality and she has been in at least six different facilities in four different states. He said nothing compares to the quality of the help they have at TCN. He said she is off the drugs and has been reasonably dry for the last several years. He said she takes a handful of drugs every day and it helps her live a near normal life and is enjoyable to be around. He thought the people who object to this facility have delusions of crazed, psychotic people hanging off the fences and swinging on the doors, being

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profane, throwing rocks at cars and things like that. He didn't understand what people were afraid of. He has been to these facilities at least 200 times and has never once seen any kind of objectionable behavior. He hoped Council would consider rezoning.

Brian Boggs, 1423 Grange Hall Road, Beavercreek, Ohio

Mr. Boggs, co-owner of Goddard School, said he has written Council a couple of times. He urged anyone to look through the minutes of the past meetings to find any discussion using the words you people, or these people or spoke out in opposition of TCN. He said to a T, everyone that came up here to speak are in agreement of what TCN does. He said that is not the issue here. He said the issue is the zoning. He wanted everyone to look in Appendix B in the Beavercreek Zoning Code and you will find that a drug and rehabilitation center is not allowed in RP-1, a medical office of any kind is not allowed in RP-1, psychiatry services not allowed in RP-1. He said this is a zoning issue and that is why this needs to be rejected.

Lisa Durrant, 1423 Grange Hall Road, Beavercreek, Ohio

Ms. Durrant, co-owner of Goddard School, is a nurse who has worked in drug rehab, trauma, and neurology and currently is an investigator for Medicare for fraud and criminal activity. She said there is another side to some of these businesses. She would not say TCN was one of them and was fully behind what they do. She said activities follow people who make poor choices and the foundation of drug abuse and alcohol abuse is poor choices. She said sometimes it could be a poor choice of driving to your appointment while under the influence. She said sometimes it could be a poor choice that maybe you didn't take your psych drugs that day. She has been exposed to mental illness in her own family, to drug abuse in her own family and is very familiar with all of this. She said her preschool is number one and she has to be sure the children are okay and the families feel safe. She said if you took a vote of people who would place their children in the care of a preschool facility that is across the street from where drug abusers and mental illness patients are being treated, they are not going to choose her business. She said this is nothing personal against anyone or anyone trying to get treatment. She said this is about her responsibility as a business owner and her responsibility to take care of children. She said that is all this is about. She was very sorry for anyone who was going through any of these problems but zoning says they can't be there. She said there is a plethora of facilities in the area. She is asking to put TCN in a responsible location which is not across from her preschool.

David Ninurres, 7625 Paragon, Dayton, Ohio

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Mr. Ninurres said he was a commercial realtor with HER Realtors. He said the property is currently zoned as I-1 and it is primarily an office building and as of today is 80% vacant. He said the change of use for zoning would allow the Hardings to be able to bring other types of users that maybe compatible with the folks across the street.

There being no further input, the public hearing was closed.

Council Member Upton said they had received correspondence both pro and con. He said they are talking about rezoning the property and not a specific business although the business type is up for debate with the zoning code. He asked Council, when considering this, to ask if this is an appropriate use for the parcel and if it is not do they need to relook and modify the zoning code. His fear was if this zoning change is declined, the next business that would like this parcel may want to be RP-1. He said we would have set a precedent that we would not be changing that particular property.

Council Member Wallace said she was a behavioral psychologist with the U.S. Army and is familiar with counseling activities. She has seen the worst of the worst as far as counseling situations. She said when people were in the army people were given a choice of go to jail or join the army. She was very empathetic with the concerns of TCN. She said she has also sat on the Board of Zoning Appeals and the Planning Commission. She said they created a zoning map and a land use plan. She believed the Apple Valley area was zoned appropriately for technology and for business development with that focus. She wanted to stay with the zoning that was initially setup and would focus on that with her decision.

Council Member Jarvis said during the first reading of the Ordinance, he had commented if this use was appropriate for this facility. He said there have been good comments over that past few council meetings regarding this topic. He thought a critical review of the zoning criteria leaves it crystal clear of what's permitted and what is not. He said it specifically mentions professional services that do not have a lot of foot traffic. He said in the seven years that he has been on City Council every once in a while there is an issue that comes up. He said this community is very business friendly and we bend over backwards to try to accommodate new businesses. He said because of that every once in a while we find a case we may have pushed that border a little bit too far. He thought this may be one of those cases.

Council Member Whilding said he visited Mr. Otto at TCN in Xenia. He explained it is an office setting, well maintained and proudly kept up. He felt safe but

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uncomfortable. He said it comes down to zoning and was still evaluating. He said this is all medical and counseling and does not fit in Appendix B. He said there was a challenge to decide if counseling was medical or professional services. He appreciated everybody's time in this matter and said no matter where this goes, we want TCN in Beaver Creek, if not at this location, somewhere else that is available.

Mayor Stone explained this was a second reading and there would be no action tonight. He said assuming there is no other motion to table again, this would automatically move to the third reading. He said that would be when Council would make a decision. He said there is a certain caution in the rezoning as they do not want to suggest that this property was not appropriately located for a research park. He said the question becomes more of is that use allowed in research park which they will be contemplating for the next few weeks. He said they do not want rezone this with TCN's assumption that they are going to be able to move in the next day. He said it's conceivable that this is an appropriate RP-1 zoning and then tell TCN that they are not allowed to occupy that building because that use is not permitted in RP-1. He said they are trying to look out for TCN's wellness as well. He said there are many places in addition to this location that are already zoned office or B-2, B-3, or B-4 which all have permitted use for medical. He knows of several that have come to him saying they would love to provide TCN with a home. He agreed with Council Member Whilding in there is a need and welcome TCN into Beaver Creek. He said it will come down to the zoning; is it appropriate zoning and is the intended use appropriate.

Council Member Whilding questioned if they say RP-1 is an appropriate zoning for this location but the use for TCN is not, they would be written in their decision.

This Ordinance will move automatically to the Third Reading.

**Ordinance 16-03 Additional Appropriations (Single Reading)**

Clerk Lampton read an Ordinance to approve supplemental appropriations and certify additional revenue for the fiscal year beginning January 1, 2016 and ending December 31, 2016 and to amend Ordinance 15-31.

Ms. Hathaway presented several amendments to estimated resources and appropriations for the 2016 budget. She explained the police department was awarded two grants by the Ohio Traffic Safety Office to help reduce fatal crashes totaling approximately \$44,000. She said these grants are set up to reimburse the city for overtime benefits and fuel for vehicles. She said during the 2016 budget process these grants were budgeted in the police operations fund however since these are federal grants, all revenue and expenses must be

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posted and tracked in a separate special revenue fund. She said to be in compliance the budgets for these two grants, both estimated resources and appropriations need to be moved from the police operation fund to the police grant fund. She said the second item the city had elected to enter into a capital lease arrangement to replace a 2001 line stripper for the traffic safety department and a 2004 spray rig for the golf course. She explained the city budgeted for debt service payments payable in 2016 for these two items however the auditor advised the total amount of the capital lease, proceeds and total expenditures, should also be budgeted in the year the lease is executed. She said staff recommends adoption of Ordinance 16-03 by certifying revenue in the amount of \$44,072 for fund 245 Police Grants and appropriate the same amount in expenditures in the Police Grant fund and also to certify capital lease proceeds in the amount of \$211,000 for the street levy fund and \$65,000 for the golf course fund and to appropriate the same amounts for each of the funds in order to proceed with the capital lease process.

Council Member Upton MOVED to approve Ordinance 16-03, seconded by Vice Mayor Vann. Motion PASSED by a roll call vote of 7-0.

**PUBLIC HEARING MX-PUD 93-4 Amend 1/16 Ashton Brook Phase 5**

Clerk Lampton read an application filed by Randall Woodings, 400 South Fifth Street, Suite 400, Columbus, OH 43215. The applicant requests approval of an amendment to MX-PUD 93-4 to allow for two 2-story apartment buildings totaling 32 units to be constructed on 3.332 acres. The property is located on the northwest corner of Ashton Brook Drive and Lillian Lane further described as Book 4, Page 2, Parcel 24 on the Greene County Property Tax Atlas.

**Applicant Presentation**

Randall Woodings, Architect, Kontogiannis & Associates 400 South Fifth Street, Suite 400, Columbus, OH 43215

Mr. Woodings said he also had Jon Kostivaz of Colonial American Development with him. He explained Colonial American Development had purchased the property in 1998, the construction of Phase 1 began in 2000. He said over the years they had added three other phases and would like to add a fifth phase on the remaining piece of land. He said in 2008 they had rezoned the leftover piece for a hospitality site for someone who wanted to purchase the property. He said it was approved for a 116 unit, 4-5 story hospitality building with about 120 parking spaces. He said they would like to place two sixteen unit buildings with 71 parking spaces consistent with the existing architecture.

**Staff Presentation**

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Mr. Burkett summarized the staff report dated February 16, 2016 which stated the applicant is requesting an amendment to the current zoning by increasing the maximum permitted number of multi-family dwelling units allowed in the PUD from 380 to 412 with the additional 32 units constructed on 3.33 acres of vacant land abutting I-675. Mr. Burkett reviewed the Land Use Plan which is designed as regional commercial-office but is surrounded by high-density residential on the south and east. He explained this was a transitional area and there is a caveat in the Land Use Plan that states Planning Commission may deem an application compliant with the Land Use Plan which they did at the February 3, 2016 Planning Commission meeting. He explained the only change to the amendment is to increase the number of units which would remain under the maximum density of 9.5 units per acre. He said compared to the 114 unit hotel, traffic would be about one-fifth of what the hotel would have generated. Staff and Planning Commission recommended approval.

#### Public Input

There being no input, the public hearing was closed.

#### Council Input

Council Member Wallace was concerned with the noise from I-675 but it looked like there were large trees and greenery around the entire area. She questioned the size of the trees that would be planted. Mr. Burkett said that would be a detail included in the specific site plan. He explained the applicant was talking of adding garage units that would buffer the sound as well. He said they could also add a condition to add more sound proof windows at the specific site plan stage.

Council Member Jarvis asked the quickest way out from the buildings. Mr. Burkett replied Lillian Lane. He asked if this would increase traffic significantly. Mr. Burkett explained the traffic would be a lot less than what it is currently approved for.

#### Ordinance 16-03

Vice Mayor Vann MOVED to approve Ordinance 16-02 and move to the second and third reading, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

#### **PUBLIC HEARING PUD 15-3 SSP #1 AAA Bob Sumerel Tire**

Council Member Upton recused himself from the public hearing.

Clerk Lampton read an applications filed by Peter Joseph, 15 West Central Parkway, Cincinnati, OH 45202. The application requests specific site plan

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approval for 1.61 acres of land to allow for the construction of a 9,151 square foot AAA Travel and Insurance and AAA Tire and Auto Care facility located on the south side of Dayton-Xenia Road, approximately 100 feet west of the intersection of North Fairfield Road and Dayton-Xenia Road. The property is further described as Book 5, Page 5, Parcel 87 on the Greene County Property Tax Atlas.

#### Applicant Presentation

Peter Joseph, 15 West Central Parkway, Cincinnati, OH 45202.

Mr. Joseph explained this building would house not only the AAA Tire and Auto but also AAA Travel and Insurance. He said they have taken special precaution with respect to the landscaping and the abutting properties to make sure sight and sound is taken care of.

#### Staff Presentation

Mr. Burkett summarized the staff report dated February 16, 2016 which stated the applicant was requesting approval of a site plan to construct a 9,100 square foot AAA Travel/Insurance and Tire and Auto Care Store on 1.61 acres. He discussed the location of the property which was rezoned in 2015 which includes two halves. He explained the western half has been designated for AAA and the eastern half is for a future development not being considered at this time. He explained the rezoning included a 50 foot buffer next to the residential property. He reviewed the proposed site plan explaining the access points including a full access point at the western entrance and a right in, right out access at the eastern portion of the site plan. He discussed the site plan, the proposed building design, the landscaping, lighting and signage along with several conditions. Staff recommended approval of the case with twenty conditions.

#### Public Input

Nathan Falu, 3534 Dayton-Xenia Road, Beavercreek, Ohio

Mr. Falu asked how many jobs the AAA Travel/Insurance would be bringing to the Beavercreek area and whether or not they would be part-time or full-time.

There being no further input, the public hearing was closed.

#### Council Input

Council Member Whilding questioned the traffic flow into the parking lot and confirmed there was valet parking. He asked for verification of the sign placement. Mr. Burkett pointed out the location of the sign.

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Council Member Jarvis wanted to be sure a copy of the letter submitted from Mr. Sumerel from the rezoning remained with the specific site plan. He reviewed the details of that letter. There was discussion regarding overnight parking.

Council Member Litteral asked to review the trash receptacle location. Mr. Burkett explained it was outside the fifty foot buffer and there was landscaping to help with the noise. Mr. Burkett said they could amend condition number 20 to include deliveries and trash removal. Council Member Litteral asked about the lighting. Mr. Burkett explained the light requirements stated the combined pole and concrete base can be no more than sixteen feet with no buffer.

Council Member Wallace asked for an additional handicapped space for a total of three. Mr. Burkett agreed. Council Member Wallace questioned the building color and if there could be some deviation. Mr. Burkett said this is their prototype building. Mr. Peter explained with 37 branded locations it would be difficult to deviate from the color scheme. Mr. Joseph addressed the question asked during public input. He said the travel/insurance business would have approximately twelve full-time employees and the tire/auto care would also have about the same. Mayor Stone asked if any of these were new jobs. Mr. Joseph said the travel/insurance would be expanding as well as the auto care.

Vice Mayor Vann asked Mr. Joseph if having no salable items and no work performed outside the building was a problem. Mr. Joseph said that was never part of the business. Vice Mayor Vann explained her idea of what AAA accident did was put up a car and take it back to this place. Mr. Joseph explained from the roadside assistance stand point the customer dictates where the car is delivered. Vice Mayor Vann said she was concerned with no deliveries between 7:00 p.m. and 7:00 a.m. Mr. Joseph explained if a vehicle is to be towed to a AAA Tire and Auto Center it is taken to the warehouse first and then brought to store during hours of operation. He explained they do not do body work.

Mayor Stone reviewed the conditions Council would like added and/or reworded. He said condition #16 should cover the 24 hour storage. He said they need to include the exterior display, exterior work and no metal or painting which be condition number 21. Mr. Burkett verified to amend condition number 20 to including trash pickup.

#### Motion

Council Member Wallace MOVED, for the purpose of taking administrative action, approval of a Specific Site Plan for AAA-Bob Sumerel Tire, PUD 15-3, SSP #1, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for a PUD Specific

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Site Plan approval as per §158.066 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. I further move that this motion with all conditions be fully recorded in the minutes of this Council meeting.”

1. The approved site plan and architectural elevations shall be the plans dated “Received January 27, 2016” except as modified herein.
2. A PUD Agreement must be signed by the owner and a bond or letter of credit for the site landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City’s landscaping and screening regulations.
3. The final landscape plan shall be reviewed and approved by the Planning Department prior to the release of a zoning permit for the building. The final landscape plan shall include landscaping around the perimeter of the northern portion of the building, subject to review by the Planning Department.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally installed, within three months weather permitting.
5. Any portion of the site disturbed by grading or by the removal of former structures and/or pervious surfaces and on which no construction occurs within three months after completion of the site grading, shall be planted with appropriate ground cover and properly maintained. Such areas shall be shown as part of the final landscape plan.
6. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.
7. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls)

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on each building. Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.

8. Gutters and downspouts shall not be visible on any elevation of the building. They shall be internally mounted
9. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. Maximum mounting height for any parking fixture shall be 16 feet (including the concrete base), and no pole shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
10. Final topography and grading plans shall be submitted for review and approval by the City Engineer prior to the issuance of a site-grading or zoning permit.
11. Final drainage calculations shall be approved by the City Engineer prior to the release of the record plan for recording.
12. Exterior construction hours for the site shall be limited to 7:00 a.m. to 7:00 p.m. Monday thru Saturday.
13. Temporary parking blocks shall be added to the easternmost parking spaces until the eastern portion of the PUD is developed.
14. All man-doors, service doors and loading dock doors shall be painted to match the color of the building as to blend in with the proposed façade.
15. Any split-face block, EIFS, or concrete masonry unit block will be of integral color and not a material that is painted on the outside only
16. No vehicles shall be parked outside of the building overnight or for long-term parking on the weekends.
17. The ground sign, which shall include a minimum 1-foot tall, brick and/or stone base, shall be a maximum of 5 feet tall and have a

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maximum 32 square feet per sign face. The final design and location shall be subject to review and approval by the Planning Department prior to release of a permit for the sign. Any ground sign shall be set in a base that shall be constructed of the same brick as used to construct the principal structure.

18. All wall signs shall be individually mounted channel letters or panels. No raceways shall be permitted. The sizes of the signs shall be limited to the sizes shown on the approved architectural elevations. The final design and location shall be reviewed and approved by the Planning Department prior to the release of the sign permit.
19. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of the same materials as the primary building and have a closable, lockable gate. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.
20. Delivery hours and trash collection for the site shall be limited to 7:00 a.m. to 7:00 p.m. Monday thru Saturday.
21. Metal work, painting or sale merchandise is prohibited outside of the building.

Seconded by Council Member Vann. Motion PASSED by majority voice vote.

#### **LIQUOR PERMITS**

##### **Deccan Group LLC dba Banjara (Stock)**

Chief Evers explained the Ohio Division of Liquor Control sent police notification referencing a change in corporate stock ownership for Deccan Group LLC DBA Banjara, 818 Factory Road, Beavercreek, Ohio 45434. The records checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the business officers/shareholders for this application request. Staff recommended the application request move forward with no comment.

Council Member Litteral MOVED to accept without comment, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

##### **Lake Venture LLC dba Fresh Thyme Farmers Market**

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Chief Evers explained the Ohio Division of Liquor Control sent police notification referencing a new D2 liquor permit for Lake Venture LLC, DBA Fresh Thyme Farmers Market, 2850 Centre Drive, Beavercreek, Ohio 45324. The records checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the business officers/shareholders for this application request. Staff is recommending this application request move forward with no comment.

Council Member Litteral MOVED to accept without comment, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

## **DECISION ITEMS**

### **Appointments to Boards and Commissions**

#### *Planning Commission (2 Vacancies)*

Council Member Upton MOVED to open nominations for Planning Commission, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Council Member Whilding nominated Troy Erbes. Council Member Litteral nominated Mike Self.

Vice Mayor Vann MOVED to close nominations for Planning Commission seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Council Member Upton MOVED to appoint Troy Erbes and Mike Self to the Planning Commission for the term March 1, 2016 through February 28, 2019, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

#### *Planning Commission (1 Unexpired Vacancy ending February 28, 2017)*

Council Member Upton MOVED to open nominations for unexpired term ending February 28, 2017 for Planning Commission, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Council Member Wallace nominated Nicholas Loftis. Council Member Jarvis nominated Ryan Rushing.

Council Member Upton MOVED to close nominations for Planning Commission seconded by Council Member Upton. Motion PASSED by majority voice vote.

Vote 1 by show of hands: Nicholas Loftis 5, Ryan Rushing 2.

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Council Member Whilding MOVED to appoint Nicholas Loftis to the Planning Commission for the term ending February 28, 2017, seconded by Council Member Upton. Motion PASSED by majority voice vote.

*Board of Zoning Appeals (2 Vacancies)*

Council Member Whilding MOVED to open nominations for Board of Zoning Appeals, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Litteral nominated Joe Morter. Council Member Whilding nominated Charles Curnutte. Mayor Stone nominated Ryan Rushing.

Council Member Upton MOVED to close nominations for Board of Zoning Appeals, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

Vote 1 by show of hands: Charles Curnutte 4, Joe Morter 5, Ryan Rushing 3.

Council Member Wallace MOVED to appoint Charles Curnutte and Joe Morter to the Board of Zoning Appeals for the term March 1, 2016 through February 28, 2019, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

*Parks, Recreation & Culture Board (1 Vacancy)*

Council Member Whilding MOVED to open nominations for Parks, Recreation & Culture Board, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

Council Member Wallace nominated Candi Meyer.

Vice Mayor Vann MOVED to close nominations for Parks, Recreation & Culture Board, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Vice Mayor Vann MOVED to appoint Candi Meyer to the Parks, Recreation & Culture Board for the term March 1, 2016 through February 28, 2019, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

*Bikeway and Non-Motorized Transportation Advisory Board (2 Vacancies)*

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Council Member Wallace MOVED to open nominations for Bikeway and Non-Motorized Transportation Advisory Board seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Council Member Litteral nominated Jerry Walling. Council Member Upton nominated Barbara DeMarey. Council Whilding nominated Norman Ray. Council Member Jarvis nominated Cynthia Bieghler.

Council Member Wallace MOVED to close nominations for Bikeway and Non-Motorized Transportation Advisory Board, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Vote 1 by show of hands: Cynthia Bieghler 2, Barbara DeMarey 3, Norman Ray 3, Jerry Walling 6.

Vote 2 by show of hands: Barbara DeMarey 4, Norman Ray 3

Council Member Whilding MOVED to appoint Barbara DeMarey and Jerry Walling to the Bikeway and Non-Motorized Transportation Advisory Board for the term March 1, 2016 through February 28, 2019, seconded by Council Member Upton. Motion PASSED by majority voice vote.

*Greene County Board of Health (2 Vacancies)*

Vice Mayor Vann MOVED to open nominations for Greene County Board of Health, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Vice Mayor Vann nominated Charlene Monague. Council Member Wallace nominated Andy Root

Council Member Upton MOVED to close nominations for Greene County Board of Health, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Council Member Upton MOVED to appoint Candi Meyer to the Greene County Board of Health for the term March 1, 2016 through February 29, 2020, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

*Investment Committee (1 Vacancy)*

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Vice Mayor Vann MOVED to open nominations for Investment Committee, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

Vice Mayor Vann nominated Ryan Johnson.

Council Member Wallace MOVED to close nominations for Investment Committee, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Vice Mayor Vann MOVED to appoint Ryan Johnson to the Investment Committee for the term March 1, 2016 through February 28, 2019, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

*Personnel Board (1 Vacancy)*

Council Member Litteral MOVED to open nominations for Personnel Board, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Vice Mayor Vann nominated Alex Hight. Council Member Jarvis nominated Jason Scott.

Council Member Upton MOVED to close nominations for Personnel Board, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

Vote one by show of hands: Alex Hight 4, Jason Scott 3.

Council Member Whilding MOVED to appoint Alex Hight to the Personnel Board for the term March 1, 2016 through February 28, 2019, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

*Youth Development Committee*

Council Member Wallace MOVED to open nominations for Youth Development Committee, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Council Member Wallace nominated Amanda Yancey. Council Member Whilding nominated Thomas Valdes. Council Member Jarvis nominated Annette Poth. Vice Mayor Vann nominated Amy Hamilton as ex officio. Council Member Whilding nominated Candace Macbeth.

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Council Member Upton MOVED to close nominations for Youth Development Committee, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Council Member Whilding MOVED to appoint Candace Macbeth, Annette Poth, Thomas Valdes, Amanda Yancey and Amy Hamilton, ex officio to the Youth Development Committee for the term March 1, 2016 through February 28, 2018, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

#### **Acceptance of 4<sup>th</sup> Quarter 2015 Financial Summary**

Vice Mayor Vann MOVED to accept the 4<sup>th</sup> Quarter 2015 Financial Summary, seconded by Council Member Whilding. Motion PASSED by majority voice vote

#### **CITY MANAGER'S REPORT**

Mr. Cornell reviewed the Street Levy – Issue 1 on the March 15<sup>th</sup> ballot. He said this levy has been approved every five years since 1986. He said this levy is different from the one approved two years ago which was for capital. He said this levy includes operational considerations and represents 69% of the revenue that ensures necessary roadway repairs, snow removal, pothole patching and the annual resurfacing program to name a few.

Mr. Thonnerieux said this is a critical issue as this issue primarily takes care our roads. He said it is critical to spend the dollars to maintain the roads so they don't reach that critical point where they start to fail and cost the residents more money to repair the roads if they are not being maintained. He said this levy would allow the city to continue to maintain the roads and not get to the point where the roads become is sure poor repair that they are more costly to replace in the future.

Mr. Cornell congratulated Captain Grile for completing a fourteen month training in leadership related to police operations.

#### **MAYOR'S REPORT**

Mayor Stone explained last week there was a work session discussing the superstreet which is a new concept for U.S. 35. He officiated another wedding and participated in an event where GreeneBucs gave away seventeen AmTrykes, three of which went the disabled veterans.

#### **COUNCIL TIME**

Council Member Litteral thanked the board applicants. She said we still have open vacancies if anyone is interested. She said our infrastructure needs are

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great but if we wait on action it will only cost more. She said we need to maintain our heavily traveled streets.

Council Member Upton thanked all the applicants. He said he would be at the Ohio State House Tuesday speaking with the Ohio Conservative Energies Forum. He said they are hosting a state legislator energy day and will be speaking about Ohio's energy policy supporting all energy fashions and come up with a better energy grid. He congratulated Steve McHugh who was named 2016 Ohio's Super Lawyer. He said Amy Blankenship was named Ohio's Rising Star.

Council Member Wallace commended the volunteers in the police department. She said last month they had 359 events. She said the school resource officers had 125 activities. She said burglaries were up last month for a total of ten.

Council Member Whilding said he attended another presentation regarding the superstreet. He said a lot of people are saying it's stupid. He said it's the most sanest stupid thing they've seen in a while. He wanted to make sure that Council stayed involved with this discussion.

Council Member Jarvis said February 28<sup>th</sup> is a Day of Caring pancake breakfast. He said the senior center will be serving from 9:30 a.m. -1:00 p.m. The Hobby Lobby will be having its grand opening on February 29<sup>th</sup> at 9:00 a.m.

#### **CITIZEN COMMENTS**

There were not citizen comments.

#### **ADJOURNMENT**

Council Member Upton MOVED to adjourn the meeting at 8:34 p.m., seconded by Council Member Whilding. Motion PASSED by majority voice vote.

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Bob Stone, Mayor

ATTEST:

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Dianne Lampton

February 22, 2016

Clerk of Council

Cmin022216

Agenda Item VII. A.  
Third Reading

## **ORDINANCE NO. 16-01**

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER WALLACE ON THE 25<sup>TH</sup> DAY OF  
JANUARY, 2016.

AN ORDINANCE AMENDING THE ZONING MAP, BY REZONING  
APPROXIMATELY 3.223 ACRES OF LAND LOCATED AT 1400  
GRANGE HALL ROAD FROM I-1 LIGHT INDUSTRIAL TO RP-1  
RESEARCH PARK DISTRICT, FURTHER DESCRIBED AS BOOK 2,  
PAGE 13, PARCEL 70. (Z-16-1).

Whereas, Lori Strobl (Agent for the Owner), 452 West Market Street, Xenia,  
OH 45385, has requested the rezoning; and

Whereas, the City of Beavercreek Planning Commission has recommended  
approval of the rezoning amendment; and

WHEREAS, the City Council has voted to adopt the recommendation of the  
Planning Commission, this being a decision that requires approval by four members  
of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY  
ORDAINS:

### SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code is hereby  
further amended to change approximately 3.223 acres of land, located at 1400  
Grange Hall Road, known as B42000200130007000 and as further described in the  
attached "Exhibit A" be rezoned to RP-1 Research Park District.

### SECTION II

This Ordinance shall take effect from and after the earliest period allowed by  
law.

SECTION III

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

PASSED this 14<sup>th</sup> day of March, 2016.

\_\_\_\_\_  
Bob Stone, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Lampton, Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to rezone approximately 3.223 acres of land located at 1400 Grange Hall Road from I-1 Light Industrial to RP-1 Research Park District.

This is not an emergency ordinance and will become effective 30 days after passage.

## ORDINANCE NO. 16-02

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER \_\_\_\_\_ ON  
THE 22<sup>ND</sup> DAY OF FEBRUARY, 2016.

AN ORDINANCE AMENDING ORDINANCE #09-34 REZONING AND CONCEPT PLAN (PUD 93-4) TO CONSTRUCT 32 MULTI-FAMILY RESIDENTIAL UNITS ON THE NORTH SIDE OF LILLIAN LANE, SOUTH OF I-675. THIS PROPERTY IS FURTHER DESCRIBED AS BOOK 4, PAGE 2, PARCEL 24 ON THE GREENE COUNTY PROPERTY TAX ATLAS. (PUD 93-4, AMENDMENT 1/16)

Whereas, Randall Woodings, 400 South Fifth Street, Suite 400, Columbus OH 43215, (Agent for the owner) has filed an application requesting approval of an amendment to PUD 93-4 rezoning and concept plan; and

Whereas, the City of Beavercreek Planning Commission has recommended approval of the zoning amendment with conditions and requirements; and

WHEREAS, Beavercreek City Council finds that the facts submitted with the application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per in §158.065 and §158.073 of the Zoning Code; and

WHEREAS, Beavercreek City Council finds that, pursuant to §158.073 of the Zoning Code, each and all of the excluded uses are inappropriate for this specific Planned Unit Development; and

WHEREAS, Beavercreek City Council has voted to adopt the recommendation of the Planning Commission with modifications, this being a decision that requires approval by four members of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

### SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code is hereby further amended to allow construction of 32 multi-family residential units on the north side of Lillian Lane, south of I-675 and as further described in the attached Exhibit A.

SECTION II

The following conditions and requirements shall apply:

1. All conditions of PUD 93-4 remain in full force and effect except where modified herein.
2. Condition #2 of Ordinance 09-34, Condition #3 of Ordinance 08-26, Condition #3 of Ordinance 02-3 and Condition B of Ordinance 93-66 are all hereby amended and the total square footage of buildings and structures allowed to be constructed in the MX-PUD development shall not exceed the following: 1. Retail/Commercial/Restaurant/Financial, 420,000 square feet; 2. Hotel/Hospitality/Office Development, 67,500 square feet; and 3. Multi-Family Residential, 412 dwelling units.
3. All new residential dwelling units at a maximum density of 9.5 dwelling units per acre, not to exceed 32 units, must be located on the north side of Lillian Lane within the 3.33-acre parcel, as shown on the Concept Plan, stamped "Received January 7, 2016.
4. All buildings and accessory structures shall be set back a minimum of 30 feet from Lillian Lane.

SECTION III

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

SECTION IV

This Ordinance shall take effect from and after the earliest period allowed by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Bob Stone, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Lampton, Clerk of Council

## SUMMARY

This Ordinance adopts a recommendation to amend Ordinance #09-34 to construct 32 multi-family residential units on the north side of Lillian Lane, south of I-675.

This is not an emergency ordinance and will become effective 30 days after passage.

PUD 93-4 Amend 1-16 Ashton Brook 5 Ord

**CITY OF BEAVERCREEK  
CITY COUNCIL  
AGENDA ITEM REPORT**

*MC 39K*

<b>Meeting Date:</b> <u>March 14, 2016</u>	<b>Reference Topic:</b> ODOT Traffic Signal Reconstruction; Consent Legislation
<b>Agenda Reference No.:</b> <u>VII. C.</u>	<b>Resolution No.</b> <u>16-06</u>

**ACTION REQUESTED**

<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

**RESPONSIBLE DEPARTMENT OR AGENCY**

<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

**BACKGROUND AND STAFF SUMMARY:**

In 2016 the Ohio Department of Transportation (ODOT) is planning on reconstructing the existing traffic signal at N. Fairfield Road and the I-675 southbound entrance ramp. The new traffic signal will be a painted mast arm type signal, and will be fully compatible with the City's existing fiber optic network.

All costs associated with this work will be paid by ODOT, but before this project can move forward it is first necessary for City Council to approve the attached Resolution.

**STAFF RECOMMENDATION:**

It is recommended that City Council approve the attached Resolution authorizing ODOT to proceed with this project.

## PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Ordinance/Resolution #: 16-06

PID No. : 94749

County/Route/Section: D08 Signals with ROW

The following is a/an Resolution enacted by the City of Beavercreek of Greene  
(Ordinance/Resolution) (Local Public Agency)  
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

### SECTION I – Project Description

WHEREAS, the (LPA/STATE) has determined the need for the described project:

Upgrade signals at the following locations: CLE-125-1.65 @ Brandychase Way; CLE-125-2.79 @ Bennett; GRE-675-10.34 N. Fairfield & SB IR-675 entrance; HAM-71-11.81 Kenwood & NB IR-71 exit; HAM-128-5.67 @ Harrison; HAM-264-7.6 @ Virginia; HAM-27-11.43 @ Galbraith; HAM-27-11.63 @ Colerain Crossing/McDonalds; HAM-27-13.51 @ Springdale; WAR-22-5.37 @ SR-48

NOW THEREFORE, be it ordained by the City of Beavercreek of Greene County, Ohio.  
(LPA)

### SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

### SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

*The State shall assume and bear 100% of all of the costs of the improvement.*

*The LPA agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.*

**SECTION IV – Utilities and Right-of-Way Statement**

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION V – Maintenance**

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**SECTION VI Authority to Sign**

I, Michael A. Cornelio of said City of Beavercreek is hereby empowered on behalf of the  
City Manager (LPA)  
City of Beavercreek to enter into contracts with the Director of Transportation which is necessary to  
(LPA)  
complete the above described project.

Passed: March 14, 2016  
(Date)

Attested: \_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
Michael A. Cornell, City Manager

Attested: \_\_\_\_\_  
(Title)

\_\_\_\_\_  
Mayor

The Resolution is hereby declared to be an emergency measure to expedite the highway project and  
(Ordinance/Resolution)  
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY  
STATE OF OHIO

City of Beavercreek of Greene County, Ohio  
(LPA)

I, Dianne Lampton, as Clerk of the City of Beavercreek of Greene County, Ohio, do hereby  
certify that the foregoing is a true and correct copy of

Resolution 16-06 adopted by the legislative Authority of the said  
(Ordinance/Resolution)

City of Beavercreek on the 14th day of March, 2016.  
(LPA)

That the publication of such Resolution has been made and certified of record according to  
(Ordinance/Resolution)

Law; that no proceedings looking to a referendum upon such Resolution have been taken;  
(Ordinance/Resolution)

and that such \_\_\_\_\_ and certificate of publication thereof are of record in Resolution 16-06  
Page \_\_\_\_\_ (Ordinance/Resolution)

(Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,  
this \_\_\_\_\_ day of \_\_\_\_\_ 2 \_\_\_\_\_.

\_\_\_\_\_  
(Clerk)

(CITY SEAL)

City of Beavercreek of Greene County, Ohio  
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the  
executed legislation.)

The afore going is accepted as a basis for proceeding with the project herein described.  
For the City of Beavercreek of Greene County, Ohio.  
(LPA)

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
City Manager



For the State of Ohio

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
(Director, Ohio Department of Transportation)

CITY OF BEAVERCREEK  
CITY COUNCIL  
AGENDA ITEM REPORT

WA 3916

Meeting Date: March 14, 2016	Reference Topic: Request for New Liquor Permit
Agenda Reference No: VII. C.	Chipotle Mexican Grill of Colorado LLC DBA Chipotle Mexican Grill 2720
	t

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input checked="" type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

**BACKGROUND AND STAFF SUMMARY:**

Ohio Division of Liquor Control sent police notification reference a new D1 liquor permit for Chipotle Mexican Grill of Colorado LLC, DBA Chipotle Mexican Grill 2720, 2544 Zink Rd. Beavercreek, Ohio 45324. The records checks required by the Ohio Department of Commerce - Division of Liquor Control were conducted on the business officers/shareholders for this application request.

**STAFF RECOMMENDATION:**

Staff is recommending this application request move forward with no comment.

NOTICE TO LEGISLATIVE  
AUTHORITY

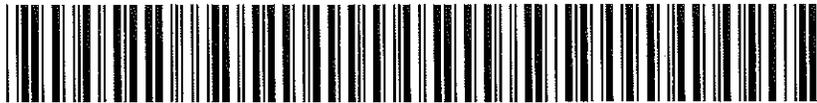
OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX (614)644-3166

TO

14374151050 <small>PERMIT NUMBER</small>		NEW <small>TYPE</small>	CHIPOTLE MEXICAN GRILL OF COLORADO LLC DBA CHIPOTLE MEXICAN GRILL 2720 2544 ZINK RD BEAVERCREEK OH 45324
01 07 2016 <small>ISSUE DATE</small>			
01 07 2016 <small>FILING DATE</small>			
D1 <small>PERMIT CLASSES</small>			
29 <small>TAX DISTRICT</small>	005 <small>PERMIT CLASSES</small>	A <small>PERMIT CLASSES</small>	B08283 <small>RECEIPT NO.</small>

FROM 02/26/2016

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



MAILED 02/26/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/28/2016

**IMPORTANT NOTICE**

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

**A NEW 1437415-1050**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF BEAVERCREEK CITY COUNCIL  
1368 RESEARCH PARK DR  
BEAVERCREEK OHIO 45432**

D8        \$500        ORC 4303.184 Sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on premises.

## Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	<u>ORC 4303.13</u> Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.
D2	\$564	<u>ORC 4303.14</u> Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.
D2X	\$376	<u>ORC 4303.141</u> (Grandfathered Permit) Beer only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3	\$750	<u>ORC 4303.15</u> Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	<u>ORC 4303.151</u> (Grandfathered Permit) Wine only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3A	\$938	<u>ORC 4303.16</u> Extend issued permit privileges until 2:30am.
D5	\$2,344	<u>ORC 4303.18</u> Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant meeting certain criteria.
D7	\$469	<u>ORC 4303.183</u> (Same as D5). RESORT area only.

## Club

Permit Class	Permit Fee	Description
D4	\$469	<u>ORC 4303.17</u> Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.
D4A	\$750	<u>ORC 4303.171</u> Airline club only - Beer and any intoxicating to members and guests until 2:00am.
D5C	\$1,563	<u>ORC 4303.181</u> (Same as D5.)(This class can no longer be applied for.)
D5D	\$2,344	<u>ORC 4303.181</u> (Same as D5) located at airport.

## Hotel And Motel

Permit Class	Permit Fee	Description
D5A	\$2,344	<u>ORC 4303.181</u> (Same as D5) for hotel or motel with 50 or more rooms for transient guests.

## Enclosed Shopping Mall



**AGENDA**  
**CITY COUNCIL**  
**Work Session – March 21, 2016, 5:00 p.m.**  
**Council Chambers**

1368 Research Park Dr  
Beavercreek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
  - A. Vacant Abandoned Property Registry/Outstanding Zoning Code Issue
  - B. Status of RTA at the Greene
  - C. Re-evaluation of 2002 Strategic Plan
  - D. Line Item Reimbursement for Council Costs/Membership/Conferences/Tablets
  - E. Open Checkbook
- V. COUNCIL COMMITTEE/EVENT UPDATES
- VI. ADJOURNMENT

**DRAFT**



**AGENDA  
CITY COUNCIL  
Work Session – March 28, 2016, 5:00 p.m.  
Council Chambers**

1368 Research Park Dr  
Beavercreek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
  - A. Township Shared Services
  - B. Lofino Expansion Update
- V. ADJOURNMENT

DRAFT



**CITY COUNCIL**  
**Regular Meeting – March 28, 2016 6:00 p.m.**  
**Council Chambers**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Council Member Wallace
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. ORDINANCES, RESOLUTIONS AND PUDS
  - A. Ordinance 16-02 MX-PUD 93-4 Amend 1/16 Ashton Brook Phase 5 (Third Reading)
- VII. CITY MANAGER'S REPORT
- VIII. MAYOR'S REPORT
- IX. COUNCIL TIME
- X. CITIZEN COMMENTS
- XI. EXECUTIVE SESSION
- XII. ADJOURNMENT

DRAFT

# PLANNING DEPARTMENT STATUS REPORT

*March 10, 2016*

## CITY COUNCIL

### March 14, 2016

- PUD 93-4, Amendment 1/16, Ashton Brook Phase 5, public hearing, second reading
- Z-16-1, TCN Behavioral, third reading

### March 28, 2016

- PUD 93-4, Amendment 1/16, Ashton Brook Phase 5, third reading

### April 11, 2016

- PUD 541, Major MOD Flying Ace Express/Starbucks, public hearing
- Z-16-2, 4230 Dayton-Xenia, public hearing, first reading

### Tabled / Delayed / Pending

-

PLANNING COMMISSION

April 6, 2016

- 
- 

Currently Tabled / Delayed

- 

Commercial Permits Submitted and Under Review

- 
-

BOARD OF ZONING APPEALS

April 13, 2016

- 
- 

Currently Tabled or Delayed

- 
-