



**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, Memberships, Conferences, Tablets and Council-Township Communication Committee
  - E. Open Checkbook Update
- V. INFORMATIONAL ITEMS
  - A. Electric Generation Supply for Governmental Facilities
- VI. COUNCIL COMMITTEE/EVENT UPDATES
- VII. ADJOURNMENT

interoffice  
MEMORANDUM

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**To:** Beavercreek City Council  
Michael Cornell, City Manager

**From:** Matthew Funk, Code Enforcement Officer

**Subject:** Abandoned Foreclosure & Vacant Property Registration

**Date:** March 16, 2016

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Since the housing market collapse, Beavercreek, like many communities, has continued to deal with unoccupied houses that are in foreclosure. In confronting this issue, many communities have required the registration of foreclosed properties as a mechanism to track them and obtain contact information for the mortgage and property maintenance companies associated with the properties. The implementation of a property registry would require properties that are in foreclosure to be registered with the city once they have become unoccupied and would also require the mortgage company to maintain the property. Some local communities that have already passed similar property registration programs are Bellbrook, Dayton, Fairborn, Franklin, Moraine, Oakwood, Springboro, and Xenia.

In addition to registering abandoned foreclosures, registration would also be required for vacant properties, not in foreclosure, that are not being kept in compliance by the property owner and necessitate enforcement action by the city. The registration of non-compliant vacant properties would be for a limited time. Vacant properties maintained in compliance would not be required to register.

The some of the benefits of an Abandoned Foreclosure & Vacant Property Registry:

1. An inspection of the property would be required as part of the registration process allowing the city to be more proactive in dealing with unoccupied properties that have a history of compliance issues.
2. The city would be provided with contact information for the individuals responsible for the properties. Having this information will aid in quicker response and abatement to violations.
3. The registry would be a good resource to help reduce the blighting influence these properties have within neighborhoods by identifying and tracking the properties.
4. A registration program would help reduce the number of complaints from residents concerning these properties because of its proactive approach.

Abandoned foreclosure and vacant property registration will be a topic of discussion at the next Council Work Session on March 21, 2016.

Tentatively, upon approval by the City Manager, the proposed registration of abandoned foreclosures and vacant properties will move forward and be presented at a regular City Council Meeting.

## REGISTRATION OF ABANDONED FORECLOSURES & VACANT PROPERTIES

### .01 PURPOSE.

The purpose of this chapter is to establish a registration program as a means to identify and regulate abandoned foreclosures and vacant properties within the City of Beavercreek. Furthermore, the intent of the registration program is to provide a mechanism to protect and preserve neighborhoods within the city from becoming unsightly and blighted due to the lack of adequate maintenance of abandoned foreclosures and vacant properties.

### .02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply:

**ABANDONED FORECLOSURE.** Any property that is vacant and meets one or more of the following criteria:

1. is under a current notice of default with any foreclosing entity and/or notice of trustee's sale;
2. is subject to a current foreclosing action;
3. a finding of foreclosure has been issued relative to the property;
4. has been subject of a foreclosure where the title was retained by the beneficiary of a deed of trust involved in the foreclosure;
5. is owned by a foreclosing entity; or
6. has been transferred via a deed in lieu of foreclosure

**FORECLOSING ENTITY.** An entity holding a note secured by a mortgage, an entity holding a lien recorded with Greene County Recorder's Office, a non-government entity that holds an interest in delinquent property taxes, an entity that takes property via a deed in lieu of foreclosure, an entity that has purchased a property from a sheriff's sale, a government entity that accepts property as a result of a government insured mortgage or loan.

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PROPERTY.** Any unimproved or improved real property or portion thereof, situated in the City including any house, building or other structure that may be located on the property regardless of condition.

**VACANT.** Any property, building or structure, or any part thereof, which no person actually and lawfully resides or which no business is being lawfully operated.

### .03 APPLICABILITY.

The requirements and penalties in this chapter are in addition to, and shall not be considered in conflict with any and all other requirements of the City of Beavercreek Codified Ordinances. Nothing within this chapter shall be construed to limit the foreclosing entity or the owner of vacant property to comply with and adhere to any and all building, housing, health, and zoning ordinances or any other local, state and federal laws.

**\_\_\_\_.04 REGISTRATION REQUIREMENTS.**

(A) Abandoned Foreclosure. Any foreclosing entity that files a foreclosure action, accepts a deed in lieu of foreclosure, buys real property at a Sheriff Sale, or accepts property as a result of a government insured mortgage or loan shall, within ten (10) days after property becoming vacant, register the abandoned foreclosure with the City of Beavercreek Planning and Zoning Department.

(B) Vacant Property. Any owner of vacant property determined to be out of compliance with City of Beavercreek Codified Ordinances and is involved in enforcement action by the City shall, within ten (10) days of the notice or order, register the vacant property with the City of Beavercreek Planning and Zoning Department. Registration shall not apply to abandoned foreclosure properties, except as required in part (A).

(C) Each property having a separate Parcel Identification Number, as designated in the official records of the Greene County Auditor, shall be registered separately of forms provided by the City of Beavercreek.

(D) It is the responsibility of the foreclosing entity or the owner of vacant property making the initial application for registration, and any subsequent applications for registration, to provide the following required information:

- (1) The direct name, mailing address, telephone number of the foreclosing entity or owner of vacant property;
- (2) The name, address, telephone number and email address of an authorized agent for receiving notices of code violations, for receiving process in any court and enforcement proceeding in connection with the enforcement of this chapter for the foreclosing entity or owner of vacant property;
- (3) The name, address, email address and a twenty-four (24) hour contact telephone number of the local property maintenance company responsible for the security and maintenance of the property.

(E) The registration of the property shall remain valid for twelve (12) months. Upon the expiration of the registration period, the foreclosing entity or the owner of vacant property shall complete another application to renew the registration of the property and pay an additional registration fee. The property registration requirement shall remain until the property is legally occupied; the foreclosure action has been dismissed; the property is purchased and the deed transferred into the new owner's name; or, except for an abandoned foreclosure, the property has been maintained in compliance for two consecutive years.

(F) Any person, firm, partnership, co-partnership, association, fiduciary, beneficiary, lender, corporation or any legal entity that has registered a property under this chapter must report any change in registration information required by this chapter, within ten (10) days of the change.

(G) If an abandoned foreclosure or vacant property is identified and found not to be registered with the City as required by this chapter, orders will be issued requiring the property be registered.

**\_\_\_\_.05 FEES.**

(A) All registration fees shall be paid as specified in the Planning and Zoning Department Fee Schedule for each property subject to the provisions of this chapter. Fees are non-refundable and shall not be prorated.

(B) All delinquent fees shall be paid by the foreclosing entity or owner of vacant property prior to any transfer of an ownership interest in the property. Any unpaid fees shall be charged against the real estate upon which the fees are due and shall be a lien upon such real estate.

**\_\_\_\_.06 EVIDENCE OF VACANCY.**

A structure or property will be presumed vacant when any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnection of utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishing or personal items; statements based on observations by neighbors, passersby, delivery agents or government employees that the property is vacant.

**\_\_\_\_.07 INSPECTION REQUIREMENTS.**

Upon registration, an exterior property maintenance inspection shall be scheduled with the Code Enforcement Officer. A notice of violation or orders to correct may be issued for any violations to City of Beavercreek Codified Ordinances identified during an inspection. Additionally, express authorization shall be provided for city employees, and contractors designated by the City, to enter upon the property for the purpose of ensuring compliance with this chapter. Regular inspections of the property must be performed by the registrant, or designated agent, to ensure compliance with this chapter and other applicable laws.

**\_\_\_\_.08 MAINTENANCE REQUIREMENTS.**

Properties subject to this chapter shall be maintained in a safe and sanitary manner, in accordance with the City of Beavercreek Codified Ordinances including, but not limited to;

- (a) Being kept free of overgrown vegetation, including grass and weeds exceeding ten inches in height;
- (b) Being kept free of any accumulation of newspapers, circulars, flyers, trash, junk, debris, building materials, discarded personal items, furniture, appliances or any other issue that gives the appearance of vacancy;
- (c) Being kept free of graffiti, tagging or similar markings; and
- (d) Swimming pools, spas and ponds maintained in a sanitary condition and in compliance with the city's barrier requirements.

**\_\_\_\_.09 SECURITY REQUIREMENTS.**

Properties subject to this chapter shall be maintained in a secure manner, as required in the City of Beavercreek Property Maintenance Code, so as not to be accessible to any unauthorized persons. Secure manner includes, but not limited to;

- (a) Closure and locking of windows, doors, gates and any other opening that may allow unauthorized access to the interior of structure(s) and/or areas containing swimming pools; and
- (b) In the case of damaged or broken fences, gates, windows, doors and other openings, the unsecured opening must be repaired or properly boarded.

**\_\_\_\_.10 ABATEMENT AND DEMOLITION**

Whenever a property deemed abandoned or vacant pursuant to the terms of this Chapter and is not maintained pursuant to the terms of this Chapter and the City of Beavercreek Codified Ordinances, the Code Enforcement Officer may order the abatement of the violation or by any other action that may be required including, but not limited to, demolition. Any abatement action shall be conducted in accordance with the City of Beavercreek Codified Ordinances. The cost of any action taken by the City shall be charged against the real estate upon which the structure or violation is located and shall be a lien upon such real estate.

**\_\_\_\_.11 APPEALS.**

Any person directly affected by a decision, notice or order issued under this Chapter shall have the right to appeal to the Board of Zoning Appeals, provided that a written application for appeal and fee is submitted within fifteen (15) days from the date of the notice or order. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeals heard by the Board of Zoning Appeals shall be submitted on forms provided by the city.

**\_\_\_\_.12 JOINT AND SEVERAL LIABILITY.**

Any owner, person in control, foreclosing entity, or subsequent owner of property for which a notice of violation is issued to correct violations shall be jointly and severally liable for the costs incurred by the city for the abatement of violations on the property. Joint and several liability shall be attributed to each entity in the chain of title from the date of issuance of orders forward.

**\_\_\_\_.13 SEVERABILITY.**

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**\_\_\_\_.99 PENALTY.**

Whoever violates any provision of this code shall be guilty of a misdemeanor and the violation shall be deemed a strict liability offense. Each day that a violation continues shall constitute a separate offense.

# CITY OF BEAVERCREEK

## ABANDONED FORECLOSURE & VACANT PROPERTY REGISTRY

Registration Category:  Abandoned Foreclosure  Vacant Property  
 Registration Type:  Initial Registration  Renewal  Information Update

**PROPERTY LOCATION**

ADDRESS: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PARCEL ID: B42000 \_\_ 00 \_\_ \_\_ 00 \_\_ \_\_ 00

**FORECLOSING ENTITY/ VACANT PROPERTY OWNER INFORMATION**

CONTACT NAME: \_\_\_\_\_

COMPANY NAME (IF BUSINESS): \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

**AUTHORIZED AGENT INFORMATION**

AUTHORIZED AGENT NAME: \_\_\_\_\_

COMPANY NAME (IF BUSINESS): \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

**PROPERTY MAINTENANCE INFORMATION**

CONTACT NAME: \_\_\_\_\_

COMPANY NAME (IF BUSINESS): \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

**PROPERTY INFORMATION**

PROPERTY TYPE:  Single Family  Multi-family: # of Units: \_\_\_\_\_  Commercial /Industrial  Vacant Parcel

Is the property secured?  Yes  No

UTILITIES: Water:  On  Disconnected  N/A Electricity:  On  Disconnected Gas:  On  Disconnected  N/A  
 Winterized:  Yes  No

I affirm that all the information submitted is true and correct to the best of my knowledge. I authorize city employees and others designated by the city to enter upon the property for the purpose of ensuring compliance of the property. I further acknowledge that an inspection is required to be scheduled and conducted with the Code Enforcement Officer. I understand that any violation(s) found on this property may be subject to criminal action, civil action, abatement or any other legal remedy available to the City. I hereby certify that I have the legal authority to submit this registration on behalf of the owner or foreclosing entity.

\_\_\_\_\_  
 Signature Date

\_\_\_\_\_  
 Printed Name

**OFFICE USE ONLY**

Registration #: \_\_\_\_\_

Date Received: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

Inspection Date/Time: \_\_\_\_\_

interoffice  
MEMORANDUM

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**To:** Michael Cornell, City Manager

**From:** Mike Thonnerieux, Public Administrative Services Director

**Subject:** Greene Bus Stops – Status report

**Date:** 3-17-16

The Greater Dayton Regional Transit Authority (GDRTA) is working with the property owner to secure the necessary right of way to move forward with a stop on the west side of Chestnut Street. As previously indicated some additional information is still needed from the applicant to move the application to a conditional approval.

The City has offered GDRTA the opportunity for a conditional approval pending their procurement of the ROW and a settlement with the property owner in regards to the meter pit located on Beech and Chestnut.

In the interim the GDRTA and the City of Beavercreek have discussed a few other alternate stops and locations however there are no other viable locations under consideration at this time.

Attachments:  
Proposed bus route



MEMORANDUM

TO: Mayor Bob Stone  
City Council

CC: Michael A. Cornell, City Manager

FROM: Stephen M. McHugh, Law Director

DATE: March 17, 2016

RE: Electric Generation Supply for Governmental Facilities

*MAC 3/17/16*

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The current agreement with the DPL Energy Resources, Inc. ("DPLER") ends on December 31, 2016. Because energy prices are low right now, it is in the best interest of any municipalities who are participating in the Miami Valley Communications Council ("MVCC") to authorize the MVCC to solicit bids for next year's contract now while energy prices are lower rather than waiting until later in the year. Accordingly, each city that wishes to participate in the MVCC's contract with DPLER next year must pass an ordinance which authorizes the City Manager to enter into an agreement for electric generation supply with a competitive retail electric service provider.

In order to be able to seek competitive prices, the City must be able to sign an agreement quickly because of daily fluctuations in market prices and because competitive retail electric service providers cannot hold prices for an extended period of time.

ORDINANCE NO. \_\_\_\_\_

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER \_\_\_\_\_ ON THE \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2016

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO FOR MUNICIPAL ACCOUNTS AN AGREEMENT FOR ELECTRIC GENERATION SUPPLY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City is one of a number of municipalities currently participating in the Miami Valley Communications Council (“MVCC”) electric generation supply agreement with DPL Energy Resources, Inc. (“DPLER”) for the provision of electric generation and transmission supply services through December 31, 2016 (collectively referred to as the “Participating Municipalities”); and

**WHEREAS**, in accordance with the Public Utilities Commission of Ohio rules and regulations, the Participating Municipalities have the opportunity to maximize savings on the generation and transmission portion of their electric service costs through the selection of a competitive retail electric service provider; and

**WHEREAS**, the Participating Municipalities desire to seek competitive pricing for a new electric generation and transmission supply service agreement (“Agreement”) for municipal accounts; and

**WHEREAS**, the Participating Municipalities desire to authorize MVCC and its Executive Director to act as procuring agents, along with any consultant utilized by MVCC (collectively, the “Procuring Agents”) to seek competitive pricing for electric generation and transmission supply services; and

**WHEREAS**, time is of the essence in securing the best possible electric generation and transmission supply rates and the Participating Municipalities will need to be able to sign a new Agreement immediately upon identifying the lowest and best competitive supplier due to market pricing requirements and deadlines; and

**WHEREAS**, the Participating Municipalities desire to authorize their respective City Managers to enter into a new Agreement with the lowest and best competitive supplier after the Procuring Agents have identified and recommended such supplier; and

**WHEREAS**, the City is authorized as a charter municipality to exercise all powers of local self-government.

**NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY ORDAINS:**

SECTION I:

MVCC and its Executive Director, along with any consultant utilized by MVCC, are hereby authorized to act as Procuring Agents to identify a competitive retail electric service provider for electric generation and transmission supply services. However, nothing in this Ordinance shall authorize such Procuring Agents to contractually bind the City to accept or enter into an Agreement with any such service provider, or to otherwise bind the City.

SECTION II:

The City Manager is hereby authorized to execute an Agreement for municipal accounts and any other necessary documents on behalf of the City for electric generation and transmission supply services with a competitive retail electric service provider.

SECTION III:

It is hereby found and determined that all formal actions of this City Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION IV:

The Participating Municipalities must be able to sign a new contract immediately upon identifying the lowest and best competitive supplier in order to secure rate and leverage buying power of the group. Accordingly, this Ordinance is hereby declared an emergency. The adoption of this emergency Ordinance will allow the City of Beavercreek to protect and promote the public health, safety and welfare of its citizens by reducing the City's costs for the generation and transmission of electric services. This Ordinance will immediately take effect upon adoption.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

ATTEST:

APPROVED:

\_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

PREPARED BY: LAW DEPARTMENT

**SUMMARY**

THIS ORDINANCE AUTHORIZES THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR MUNICIPAL ACCOUNTS FOR ELECTRIC GENERATION SUPPLY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER AND TO DECLARE AN EMERGENCY.

DRAFT



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

**PROCLAMATIONS**

- ◆ Volunteer Month

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Council Member Wallace
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
  - A. March 14, 2016 Regular Meeting
  - B. March 21, 2016 Work Session
- VI. ORDINANCES, RESOLUTIONS AND PUDS
  - A. Ordinance 16-01 Z-16-1 TCN Behavioral Rezoning, I-1 to RP-1 (Third Reading) – Tabled at March 14, 2016 Regular Meeting
  - B. Ordinance 16-02 MX-PUD 93-4 Amend 1/16 Ashton Brook Phase 5 (Third Reading)
  - C. Ordinance 16-05 Electricity Agreement with Miami Valley Cable Council (MVCC) (Emergency)
- VII. CITY MANAGER'S REPORT
- VIII. MAYOR'S REPORT
- IX. COUNCIL TIME
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT



**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. Lofino Expansion Update
  - B. Township Shared Services
- V. ADJOURNMENT

DRAFT



**CITY COUNCIL**  
**Regular Meeting – April 11, 2016 6:00 p.m.**  
**Council Chambers**

**PROCLAMATIONS**

- ◆ National Public Safety Telecommunicators' Week

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Council Member Whilding
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. PUBLIC HEARING –PUD 541 MOD 2/16, Flying Ace Express Car Wash/Starbucks
  - A. Applicant Presentation
  - B. Staff Presentation
  - C. Public Input
  - D. Council Input
  - E. Ordinance 16-\_\_\_\_
- VII. PUBLIC HEARING Z-16-2, Corle Rezoning
  - A. Applicant Presentation
  - B. Staff Presentation
  - C. Public Input
  - D. Council Input
  - E. Ordinance 16-\_\_\_\_
- VIII. ORDINANCES, RESOLUTIONS AND PUDS
  - A. Resolution 16-\_\_\_\_ DARE Grant
- IX. CITY MANAGER'S REPORT
- X. MAYOR'S REPORT
- XI. COUNCIL TIME
- XII. CITIZEN COMMENTS
- XIII. ADJOURNMENT

# PLANNING DEPARTMENT STATUS REPORT

*March 17, 2016*

## CITY COUNCIL

### March 28, 2016

- PUD 93-4, Amendment 1/16, Ashton Brook Phase 5, third reading
- Z-16-1, TCN Behavioral, third reading (tabled 3/14/16)

### April 11, 2016

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

### April 25, 2016

- Z-16-2, 4230 Dayton-Xenia, public hearing, second reading
- 

### May 9, 2016

- Z-16-2, 4230 Dayton-Xenia, third reading
- 

### Tabled / Delayed / Pending

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## PLANNING COMMISSION

April 6, 2016

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May 4, 2016

- PUD 16-1, The Cottages of Beaver Creek, public hearing
- 

Currently Tabled / Delayed

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Commercial Permits Submitted and Under Review

- Galactic
- BSM Development

BOARD OF ZONING APPEALS

April 13, 2016

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Currently Tabled or Delayed

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