



**CITY COUNCIL**  
**Regular Meeting – June 13, 2016 6:00 p.m.**  
**Council Chambers**

1368 Research Park Dr  
Beavercreek, Ohio

**PROCLAMATIONS**

- ◆ Scleroderma Awareness Month, Kelley Hill

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Council Member Litteral
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
  - A. May 16, 2016 Work Session
  - B. May 23, 2016 Regular Meeting
- VI. ORDINANCES, RESOLUTIONS AND PUDS
  - A. Ordinance 16-09 Vacant Property Registration (Second Reading)
  - B. Ordinance 16-11 Charter Amendments (Second Reading)
- VII. LIQUOR PERMITS
  - A. WOB Dayton LLC (New)
- VIII. CITY MANAGER'S REPORT
- IX. MAYOR'S REPORT
- X. COUNCIL TIME
- XI. CITIZEN COMMENTS
- XII. EXECUTIVE SESSION
- XIII. ADJOURNMENT

BEAVERCREEK CITY COUNCIL  
WORK SESSION, May 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

TARDY: None

ALSO IN ATTENDANCE: Michael Cornell, City Manager; Lee Dutell, Senior Center Supervisor; Kim Farrell; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer; Erin Morley, Recreation Supervisor; Mike Thonnerieux, Public Service Administrative Director

**APPROVAL OF AGENDA**

Council Member Whilding MOVED amend the agenda by adding items IV. C. 1 Charter Amendment Recommendations Section 4.05 Prohibitions and IV. C. 2 Codified Ordinance Amendment Recommendation in Conjunction with Direct Election of Mayor Section 31.12, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Council Member Litteral MOVED approve the agenda as amended, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

**DISCUSSION ITEMS**

**Lofino Expansion Update**

Ms. Farrell reviewed the recommendations from the committee who reviewed the design draft of the Lofino expansion.

Matt Porter, Levin Porter Architect reviewed the draft design based on the recommendations of the committee.

Council discussed some of the details of the draft decision and costs. There was discussion regarding locations of the library, storage areas and the offices. Council

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discussed the next step which would be to bring forward at the next council meeting with the additional adjustments

**Township Update – Alex Zaharieff**

Mr. Zaharieff updated Council of the events and information regarding Beaver Creek Township. Some of this information included open house schedule, Battle of the Badges Blood Drive and Old Timers Breakfast. He will be providing the Council a bi-weekly report regarding the dispatch calls for the township/city.

**Direct Election of Mayor**

Council Member Upton introduced the latest draft legislation proposing the Charter amendment for a direct election of mayor. There was discussion regarding the effective date of the Charter Amendment and how the Charter would look like because of the effective date of the 2019. There was continued conversation regarding term limits and the number of elected terms versus the number years in office. Council Member Whilding discussed amending section 31.12 regarding the powers and duties of the mayor and vice mayor which would be an Ordinance change. This change would require a Charter change and not consistent with state law. It was discussed bringing the Direct Election of Mayor forward at the next Regular meeting as proposed. Council Member Whilding discussed amending section 4.05. There was no interest in pursuing this topic further.

**Council Expenses Legislation**

Council will discuss this topic at a future work session.

**COUNCIL COMMITTEE/EVENT UPDATES**

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

**ADJOURNMENT**

Choose an item. **MOVED** to adjourn the meeting at 6:57 p.m., seconded by Choose an item. Motion **PASSED** by majority voice vote.

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Bob Stone, Mayor

ATTEST:

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Dianne Lampton  
Clerk of Council  
Cmin051616Worksession

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING May 23, 2016 6:00 p.m.

**PROCLAMATIONS**

- ◆ Creek Classic, John Ankeney

**CITIZEN OF MERIT AWARDS**

- ◆ 2016 Graduating Beavercreek Youth Council Members

**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; Kim Farrell, Recreation Supervisor; Matt Funk, Code Enforcement Officer; 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 Administrative Services Director

**PLEDGE**

Council Member Jarvis led 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**

Vice Mayor Vann MOVED to approve the minutes of the May 9, 2016 Regular Meeting, seconded by Council Member Upton. Motion PASSED by majority voice vote. (Stone abstained)

**PUBLIC HEARING – MX-PUD 93-4 SSP \$6, Ashton Brooke Phase Five**

Clerk Lampton read an application filed by Randall Woodings, 400 South Fifth Street, Suite 400, Columbus, OH 43215. The application requests specific site plan approval for the construction of two, 2-story apartment buildings totaling 32 units to be constructed on 3.332 acres. The property is located on the northwest

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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, Kontoginnis Architect, 400 S. Fifth Street, Suite 400, Columbus, Ohio 45315

Mr. Woodings said they started developing this project in 1998 and have gone through four phases. He said in 2008 they had this property rezoned to hospitality to accommodate 114 units with 120 parking spaces. He said the developer decided not to develop this so Kontoginnis Architect decided to rezone it to place two 32 one bedroom unit buildings with 71 parking spaces. He said they have reduced the intensity of the use and were available to answer any questions.

#### Staff Presentation

Mr. Burkett summarized the staff report dated May 19, 2016 which states the applicant is requesting specific site plan approval to construct 32 new apartment units contained in two buildings on 3.33 acres. He reviewed the site plan including the access points, parking, ADA requirements and sidewalks. He said an additional condition was added to provide a connection between the sidewalk at the southwest corner of the building and the sidewalk along Ashton Brooke Drive so people do not have to go through the parking lot to get to the sidewalk along Ashton Brook Drive. He reviewed the buildings design and along with the landscape and lighting plans. He said there were eighteen conditions in the motion for Council's consideration and staff and Planning Commission recommends approval of this application.

#### Public Input

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

#### Council Input

Council Member Whilding questioned if the remaining property would be able to be developed in the future. Mr. Burkett explained there was a very steep hill and the size of the property would make it impractical to put another building in this location. He said this would be the last phase.

Council Member Jarvis asked when the starting date would be. Mr. Woodings replied it would be sometime this summer.

Council Member Wallace thanked the developer for the additional handicapped parking spot. She questioned the drainage for the lot. Mr. Burkett explained the

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builder would tap into the drainage ponds used for the first four phases under the surface.

Vice Mayor Vann questioned the location of the handicapped parking spaces being located at one building and if the units were accessible for those with limited mobility. Mr. Woodings explained they were all garden apartments and meet all the fair housing and ADA standards they have to meet. He said the first floor units are completely accessible. Mr. Woodings said the handicapped spaces had been moved to each building and the drawings Council had were not the updated version. He said Planning Commission had made the suggestion to move the handicapped spaces.

#### Motion

Council Member Litteral MOVED, for the purpose of taking administrative action, approval of a PUD Specific Site Plan for Ashton Brooke Phase 5, SSP#6, 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 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, architectural elevations and landscape plan shall be those plans dated “Received April 27, 2016” except as modified herein.
2. A PUD Agreement must be signed by the owner and a bond or letter of credit for 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. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required PUD Agreement and release of any zoning permits for Ashton Brooke Phase 5.
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 planted within three months weather permitting.
5. Debris and trash shall be routinely collected by the owner from the parking

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- 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.
6. Prior to the issuance of any zoning permits, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department.
  7. The building exterior of any of the structures shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
  8. No temporary signs of any kind are permitted unless otherwise approved by the Planning Department and/or Planning Commission.
  9. Material and color samples shall be submitted to the Planning Department for review and approval prior to the issuance of any zoning permits.
  10. Final drainage calculations shall be approved by the City Engineer prior to the release of any zoning permits.
  11. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and met prior to the release of any zoning permits.
  12. The construction hours shall be limited to 7:00 am to 7:00 pm, Monday thru Saturday.
  13. Stop bars and/or stop signs shall be installed and maintained, by the property owner, throughout the parking lot in locations to be approved by the Planning and Engineering Departments.
  14. Any portion of the site disturbed by grading 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.
  15. Pad mounted mechanical and HVAC equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
  16. All trash collection containers shall be enclosed within the building or screened from view and enclosed within a permanent gated dumpster

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enclosure. Any dumpster enclosure shall be constructed with brick to match the building.

17. Prior to the release of any zoning permits, park fees shall be paid in-lieu of dedication of parkland.

18. There shall be a sidewalk connection between the sidewalk northeast of Building 2A and the sidewalk along Ashton Brook Drive.

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

### **ORDINANCES, RESOLUTIONS AND PUDS**

**Ordinance 16-09** Registration of Abandoned Foreclosures and Vacant Properties (First Reading)

Clerk Lampton read an Ordinance adopting new Charter 98 "Registration of Abandoned Foreclosures and Vacant Properties" of the City of Beavercreek Code of Ordinances.

Mr. Funk explained this was a registry for foreclosures that are abandoned or vacant properties that are not in compliance. He said this would provide a mechanism to deal with vacant properties that are either in foreclosure or not being maintained by the property owners. He said this would allow to be proactive by having contact information for the individuals responsible for those properties if an issue were to arise. He said it would reduce the blighting influence these properties have within neighborhoods and also reduce the number of complaints from residents concerning these properties. He explained abandoned foreclosure properties would stay on the registry until legally occupied, the foreclosure action is dismissed or the property is purchased and the deed transferred. He said vacant properties not in foreclosure but out of compliance would stay on the registry until legally occupied and maintained or in compliance for two years or the property is purchased and the deed transferred.

Council Member Upton said Council has had a lot of discussion about this at a prior work session and thought this a good idea to be proactive and try to keep the neighborhoods looking as good as they can. He asked if there were any examples of neighboring communities that have implemented something similar and successfully. Mr. Funk replied that he had looked to Bellbrook, Xenia and Fairborn who have similar vacant property registries but there were fifty to eighty communities within Ohio who have adopted property maintenance registries. He said it is a trend nationwide. Council Member Upton asked if this would help with time management. Mr. Funk said by requiring the registration it would help him

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throughout the year as properties are going into foreclosure. He said it would speed up the process.

Council Member Wallace said this will help the neighborhoods and the properties.

Council Member Jarvis asked if properties which have had a fire would be required to register. Mr. Funk said it depended on the situation if would be out of compliance. Mr. McHugh said there is a separate statute to address these situations.

Council Member Whilding was concerned if the city would be buying a new tool or software to track this information. Mr. Funk said they would use the software Zone Pro which is currently used to track zoning and property maintenance records. He said there is a piece within this software that can be utilized to implement the registry. He said it would not cost the city any more money. Council Member Whilding said this was his only concern.

Vice Mayor Vann questioned the process of notification of a foreclosure. Mr. Funk explained he currently receives a list of foreclosures on a monthly basis from the county. He said he already has property maintenance companies calling him regarding the registration.

Mayor Stone said it would be nice to have an update in the future of how the process is working and worth continuing.

Council Member Wallace MOVED to approve Ordinance 16-09 and move to the second and third readings, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote. (Against – Whilding)

**Ordinance 16-11** Charter Amendments – Direct Election of Mayor (First Reading)

Clerk Lampton read an Ordinance providing for the submission to the electorate amendments of the Charter of the City of Beavercreek, Ohio, and to place the same on the ballot at the general election, November 8, 2016.

Council Member Upton said there have been discussions at the last few work sessions regarding this topic. He said this would impact sections 4.01 through 4.07 of the Charter which would create for a directly elected mayor position and six council members at large. He said if Council passes the legislation it would go before the voters in November 2016 and be effective November 2019. He explained in November 2019 three council member positions would be open plus

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the separate direct election of the mayor. He said the November 2017 election would be under the current rules. He said the office of Vice Mayor would be the person who received the most votes in the most recent off year election. He said term limits would not change and would remain as two terms for a total of eight years. Mr. McHugh clarified it was two – four year terms in any combination thereof.

Council Member Wallace said she was not a big component of this but felt Council Member Upton has done a fantastic job working through a lot of issues Council had at the work sessions. She said he has compromised to hopefully make most of Council happy. She felt it was her duty to support it to allow the citizens to vote and allow them to make the decision.

Council Member Upton said if this should pass through Council it would still need to go before the voters in November for approval because it would be a change to the city charter. He said the last two charter commissions have recommended a direct election of mayor in some fashion.

Council Member Litteral said it is important that this be brought to the voters to address.

Council Member Whilding said he was not a big component but looks forward to more discussion.

Council Member Jarvis said if it passes by voters it would become effective in 2019. He reviewed the details of the term limits and its effects of the current council. He said no one of this current Council will be able to serve a full two terms based on the look back once this would go into effect. He said the City of Kettering went through this in 2012 but put a clause in for the current Council that the lookback provision would not apply to them. He wished this would be a consideration for this legislation.

Vice Mayor Vann said it was time for the citizens of Beavercreek to be able to pick their leadership. She said term limits is not her favorite thing because you lose your leadership skills but term limits can be addressed in the future.

Council Member Jarvis asked if a council member could run from a safe seat. Mr. McHugh said yes. Council Member Upton said if someone did do that and succeed they could only serve a total of six years because they can only be elected to two consecutive terms.

Mayor allowed for public input.

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Harold Lewis, 1423 Townhall Rd. Beavercreek, Ohio

Mr. Lewis stated he has sat on two Charter Review Commissions prior to the last commission. He said they brought up this topic with one exception. He said using Council Member Upton's example of a council member running for mayor from his current seat and succeeding, the vacancy to fill the open seat, as currently stated would be appointed by council. He suggested to go back to the election results and the person with the highest votes not elected fill the vacancy. He said he didn't want to stack the deck with council favorites. He said he would like to see this in this legislation.

Public Input was closed.

Mayor Stone said this would be a totally different section of the Charter and would have to be addressed at a different time in a separate ordinance.

Council Member Upton said he has been trying to keep the conversation about a directed election of mayor and not about anything else at this time.

Council Member Upton MOVED to approve Ordinance 16-11 and move to the second and third readings, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

**Resolution 16-12** Authorize Agreement for Executive Search Firm

Clerk Lampton read a Resolution authorizing the City Manager of Beavercreek, Ohio to execute an agreement with an executive search firm.

Council Member Wallace explained the City Manager is retiring at the end of this year. Council had appointed Council Members Upton, Whilding and Wallace as a committee along with Jill Bissinger, Human Resources Director to review nine national search teams. She said they decided Strategic Government Resources (SGR) best fit the needs to work with the city in the search of a City Manager.

Council Member Upton thought SGR would be a great partner for the city.

Council Member Litteral said this is a significant change and an important move.

Mayor Stone thanked the committee and looked forward to the next step in the process.

Council Member Wallace MOVED to approve Resolution 16-12, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

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### **DECISION ITEMS**

#### **Acceptance of 1<sup>st</sup> Quarter 2016 Financial Summary**

Council Member Upton MOVED to accept the 1<sup>st</sup> Quarter 2016 Financial Summary, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

#### **Acceptance of the Lofino Center Expansion**

Ms. Farrell reviewed the process for the expansion. She said there was a needs assessment completed in 2015 which resulted in three facility goals including the expansion of the existing senior center, provisions for a multi-purpose room for recreation programs and meeting space for the community and relocation of the parks offices. She said they have been working with Levin Porter, Architects, to design and incorporate the needs for the community. She said the design was brought to council. As a result, a sub-committee of seven including a representative from Council, the Park Board, Senior Advisory Board, Beaver Creek Enrichment Association (BEA), the Youth Development Council and staff was organized to review five topics. Those topics included the relocation of the park offices, the movable wall in the multi-purpose space, a walking track, location of the entrance to the new space and the awning extension to the senior center entrance. She said as a result the park offices will stay where they currently are located at the municipal maintenance facility, the movable wall will be an add alternate, the walking track will be more of a walking surface, the entrance to the new space was left up to the architect, the awning was, at that time, an add alternate. She reviewed the recommendations from each of the members of the committee. She said they have met most of the recommendations with the design.

Matt Franklin, Levin Porter Architects

Mr. Franklin reviewed the latest design along with the exterior design and materials. He reviewed the floor for the fitness room and walking track.

Mayor Stone opened the discussion for public input.

Roberta Shiverdecker, 3323 Sunnyside Drive, Beaver Creek, Ohio

Ms. Shiverdecker said she was not sure what the final drawing was. Mr. Porter put it up on the screen. Ms. Shiverdecker said the Senior Advisory Board, the BEA and members of the Senior community had asked for the senior offices be kept together and had asked that the entrance into the expansion be through the coat closet so they could make a right turn and go straight into the fitness room. Mayor Stone said this was discussed by the architect and there were pitfalls

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trying to do that. Ms. Shiverdecker said they were delighted to have the library where it is in the design. She said she knew it would be a little bit of a change but it was important for the seniors and their social aspects to have the library open and right where it is. She thanked Council for that. She said they were looking forward to moving on.

Council Member Litteral thanked everyone for working on this project.

Council Member Upton appreciated everyone for getting them to where they were at.

Council Member Wallace thanked everyone for all the hard work. She said not everyone is getting what they want but this is a great compromise.

Vice Mayor Vann reminded staff that when an applicant comes forward they bring landscape plans, electric plans, etc. She said the first time she's seen all these drawings was tonight. She said they have been available but we have never gotten a packet like we got for the apartment complex. She said she would have liked to have had the same kind of packet for a property that the city is going to own and our citizens are going to ask us to justify how we are spending their money. She said she has always been a strong advocate for having a quality senior center in Beavercreek. She said she always wants the best. She said she was really glad to hear about the new windows and asked for information about the furnace and air conditioner.

Mr. Porter said they had not developed the design to that point yet. He said the goal is to provide an energy efficient system. He said until they have the floor plan squared away and approved they had not gone to that point yet.

Vice Mayor Vann said it was important to her that it was energy efficient for the city. She said her other concern was storage. She said each one of the community groups is going to benefit from not having that wall of exercise balls out. She said it would be a good space but it would be nice to have a little cupboard to keep things in. She said she wondered if there could be a counter with storage below. She was worried about storage for things that would be needed in that room. Mr. Porter said those were all details that could be worked through with the design. She said she could approve this design but she would like to see the additional details. Mr. Cornell said the final solution would come forward at a work session. Vice Mayor Vann said the client that is going to be walking around the walking track is going to somebody that has mobility issues and the chances of them wanting to walk in a fitness room are slim. She would guess they would be likely to go down to the vacant multi-purpose room and walk

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around the larger edge if there was safe. She said the people who have trouble walking are going to be embarrassed or not feel good about themselves if they are in the same room as people that are on the elliptical or tread mill. She said to provide seniors with mobility issues with a place to do their physical therapy and mobility exercises is really a value. She questions if the fitness room is the best choice for those clients. She is pleased the city is doing something for the seniors of Beavercreek.

Mayor Stone said he is pleased they are doing something for everybody in Beavercreek as some of the space will be used by someone other than seniors. He said that was a positive thing they were trying to accomplish. He questioned the height of the canopy to allow for an extension later so one of the buses could drive under it. Mr. Porter said it was not high enough to drive under. Mayor Stone suggested to look at moving the senior offices together which may create some storage space.

Vice Mayor Vann questioned a wall and why it looked different than the others on the drawing. Mr. Porter explained it was different because it was an existing wall which they were trying to use a many of those as possible.

Mayor Stone asked staff to think about the sign on the building. He asked for an update at the next couple of work session on the progress

Council Member Upton MOVED to accept the Lofino Center Expansion Design number twelve, seconded by Council Member Whilding. Motion PASSED by majority voice vote

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

Mr. Cornell said the Memorial Day Ceremony will be next Monday, May 30<sup>th</sup> at 2:00 p.m. at the Veterans Memorial Park. He said Rotary Park is being improved to adjust the terrain to assist with the water issues. City offices will be closed Monday, May 30<sup>th</sup> in observance of Memorial Day.

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

No report.

#### **COUNCIL TIME**

Council Member Litteral asked to please donate to Feed the Creek for the over 300 students who are in need of food in the Beavercreek. She said people have been receiving IRS calls which is a scam. The IRS will contact you via certified mail. Please do not give anyone your personal information or money.

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Council Member Upton thanked everyone for their hard work for the fishing derby last weekend.

Council Member Wallace said My Veteran will be in the Apollo Room in the Student Union at Wright State University on Wednesday from 3:00 p.m. to 6:00 p.m. with information on housing, education and financing.

Council Member Whilding said the fishing derby had a good crowd and thanked staff for a great event.

Council Member Jarvis said according to the census bureau Beaver creek has grown to an estimate of 46,277 which is a 2.3% growth since 2010. He congratulated the boy's high school volleyball team which is going to the quarter finals on Saturday. He said this Thursday will be the one year anniversary of the tornado that hit by the Greene. The Summer Concert series will begin on Jun 5<sup>th</sup> at Lofino Park with Rock It 88, June 12<sup>th</sup> will feature the Changeling. All concerts start at 7:00 p.m.

Vice Mayor Vann invited everyone to the Veteran's Memorial Ceremony at 2:00 p.m. Monday afternoon.

#### **CITIZEN COMMENTS**

There being no citizen comments, citizen comments was closed.

#### **EXECUTIVE SESSION**

Council Member Jarvis MOVED to enter into Executive Session at 7:53 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of consideration of conference with city attorney concerning disputes involving the City that are subject to pending or imminent court action, seconded by Council Member Upton . Motion PASSED by a roll call vote of 7-0.

Council Member Whilding MOVED to adjourn executive session at 8:18 p.m., seconded by Council Member Wallace . Motion was PASSED by roll call vote of 7-0.

Mayor Stone MOVED to reconvene the meeting, seconded by Council Member Whilding . Motion PASSED by majority voice vote.

#### **ADJOURNMENT**

Council Member Whilding MOVED to adjourn the meeting at 8:19 p.m., seconded by Council Member Litteral. Motion PASSED by majority voice vote.

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Bob Stone, Mayor

ATTEST:

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Dianne Lampton  
Clerk of Council  
Cmin052316

**ORDINANCE NO. 16-09**

**CITY OF BEAVERCREEK**

SPONSORED BY COUNCIL MEMBER WALLACE ON THE 23<sup>RD</sup> DAY OF MAY, 2016.

**AN ORDINANCE ADOPTING NEW CHAPTER 98 “REGISTRATION  
OF ABANDONED FORECLOSURES AND VACANT PROPERTIES”  
OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES.**

**WHEREAS**, the City Council has determined that it would be in the best interest of the City to add a new Chapter to Title IX “General Regulations” to require the registration of abandoned foreclosures and vacant properties.

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

SECTION I.

Chapter 98 entitled “Registration of Abandoned Foreclosures & Vacant Properties” is hereby enacted as shown in the document attached to this Ordinance as Exhibit “A”.

SECTION II.

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 III.

This Ordinance shall take effect at the earliest date allowed by law.

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

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

ATTEST:

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

PREPARED BY: CITY ATTORNEY

**SUMMARY**

THIS ORDINANCE ADOPTS NEW CHAPTER 98 "REGISTRATION OF ABANDONED FORECLOSURES & VACANT PROPERTIES" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES. THIS IS NOT AN EMERGENCY ORDINANCE AND WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER PASSAGE.

## CHAPTER 98: REGISTRATION OF ABANDONED FORECLOSURES & VACANT PROPERTIES

### 98.01 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.

### 98.02 DEFINITIONS.

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

**ABANDONED FORECLOSURE[S].** 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 foreclosure action;
3. a finding of foreclosure has been issued relative to the property;
4. has been the 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[IES].** 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, where no person actually and lawfully resides or where no business is being lawfully operated.

### 98.03 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.

**98.04 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 the City of Beavercreek Codified Ordinances and involved in an 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 on 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, and 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 the foreclosing entity or owner of vacant property to receive notices of code violations, to receive process in any court and to receive notice of enforcement proceedings in connection with the enforcement of this chapter;
- (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.

**98.05 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.

**98.06 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 furnishings or personal items; statements based on observations by neighbors, passersby, delivery agents or government employees that the property is vacant.

**98.07 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 of the 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 foreclosing entity or owner of vacant property, or designated agent, to ensure compliance with this chapter and other applicable laws.

**98.08 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.

**98.09 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.

**98.10 ABATEMENT AND DEMOLITION**

Whenever a property is 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 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.

**98.11 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 chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this chapter do not fully apply, or the requirements of this chapter are adequately satisfied by other means. Appeals heard by the Board of Zoning Appeals shall be submitted on forms provided by the City.

**98.12 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.

**98.13 SEVERABILITY.**

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

**98.99 PENALTY.**

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

**ORDINANCE NO. 16-11**

**CITY OF BEAVERCREEK**

SPONSORED BY COUNCIL MEMBER UPTON ON THE 23<sup>RD</sup> DAY OF MAY, 2016.

**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE AMENDMENTS OF THE CHARTER OF THE CITY OF BEAVERCREEK, OHIO, AND TO PLACE THE SAME ON THE BALLOT AT THE GENERAL ELECTION, NOVEMBER 8, 2016.**

**WHEREAS**, Council having determined that certain Charter amendments should be submitted to the electors of the City; and

**WHEREAS**, Article XVIII, Section 9 of the Ohio Constitution and Section 13.08 of the Beavercreek Charter provide that amendments to the Charter may be submitted to the electors of the municipality by two-thirds (2/3) vote of the members of Council.

**NOW, THEREFORE, THE CITY OF BEAVERCREEK, TWO THIRDS OF ALL MEMBERS OF COUNCIL CONCURRING, HEREBY ORDAINS:**

SECTION I.

The question of the amendments of the Charter of the City shall be submitted to a vote of the electors of the municipality at the general election to be held on Tuesday, the 8<sup>th</sup> day of November, 2016, at the regular places of voting in the City between the hours of 6:30 a.m. and 7:30 p.m. to determine whether the Charter shall be amended with the additions and deletions from the Charter as indicated in the draft Charter revisions document attached to this Ordinance as Exhibit "A".

SECTION II.

The ballot language shall read as follows:

"Shall the Charter of the Municipality of Beavercreek, Ohio be amended by:

1. revising Sections 4.01 to provide that six (6) members of Council shall be elected as Council members at large with the Mayor being separately nominated and elected;
2. revising Section 4.02 to provide for three (3) members of Council being elected in one election and three (3) members being elected in the next;

3. revising Section 4.03 to provide that the Mayor and Council members shall begin their term on the first day of January following their election;
4. revising Section 4.04 to provide that the City Council candidate receiving the highest number of votes at the most recent November general election in an off numbered year shall serve as Vice Mayor for a two (2) year term and further providing that any tie votes in any Council election shall be resolved by a coin flip in the presence of the person then serving as Mayor or in the presence of two other members of Council;
5. revising Section 4.05 to provide that the Mayor, in addition to the Council members, cannot hold other City offices, dictate the appointment or removal of City officers or employees, or interfere with administration;
6. revising Section 4.06 to provide that the Council is the judge of the existence of the grounds of forfeiture of office for the Mayor and Council members; and
7. revising Section 4.07 to include the Mayor in the vacancy and forfeiture of office procedures provided in that Section.

### SECTION III.

A majority vote shall be necessary for adoption of this question. If adopted, this amendment will be effective on certification of the election results.

### SECTION IV.

Notice of the time and place of holding such election shall be given as required by law. The full text of the proposed amendment shall be published one (1) time per week for not less than two (2) consecutive weeks in a newspaper of general circulation in the City of Beavercreek, with the first publication being not less than fifteen (15) days prior to the election at which the amendment is to be submitted to the electors.

### SECTION V.

The Clerk of Council shall certify this Ordinance to the Greene County Board of Elections by 4:00 p.m. on August 10, 2016.

SECTION VI.

Passage of this Ordinance shall require the affirmative vote of five (5) members of this Council as required by Article XVIII, Section 9 of the Ohio Constitution and Section 13.08 of the Charter.

SECTION VII.

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.

ADOPTED by the Council of the City of Beavercreek, Ohio this \_\_\_\_ day of \_\_\_\_\_, 2016.

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

ATTEST:

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

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS ORDINANCE PROVIDES FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS OF THE CHARTER OF THE CITY OF BEAVERCREEK, OHIO, AND TO PLACE THE SAME ON THE BALLOT AT THE GENERAL ELECTION, NOVEMBER 8, 2016.

SECTION 4.01. POWERS; NUMBER.

Except as provided in this Charter with regard to initiative and referendum, all legislative powers of the City of Beavercreek shall be vested in a Council consisting of seven (7) members, **including the Mayor**. **Six (6) All members shall be nominated and elected at large by the qualified electors of the City and the Mayor shall be separately nominated and elected.**

SECTION 4.02. SELECTION; TERM.

~~All~~ **Six (6) Council members shall be elected as Council members at large to four (4) year terms on a rotation of ~~four (4) three (3) members selected in one election and three (3) members selected in the next. This rotation will begin with ~~four (4) three (3) persons being selected in at the 1991 2019~~ November general election and three (3) selected in at the 1993 2021 November general election and will continue at the November general election in subsequent off numbered years. The Mayor shall be selected by separate ballot to a four (4) year term beginning at the 2019 November general election and each four (4) years thereafter.~~**

(A) Term Limitation

- (1) In no case shall any person be elected to either the office of ~~C~~council member, ~~M~~Mayor, or a combination of the two offices, for more than two (2) consecutive terms of four (4) years each; provided that the term served in filling a vacancy or unexpired term shall not be considered as part of the two (2) consecutive terms of four (4) years each.
- (2) Following the election to two (2) consecutive terms as either ~~C~~council member, ~~M~~Mayor, or a combination of the two offices, no person shall immediately thereafter be eligible for election to either office, or a combination thereof, until a period of one (1) term consisting of four (4) years has elapsed.
- (3) No person who has been elected to two (2) consecutive terms as Council member, Mayor, or a combination of the two offices, shall be appointed to fill a vacancy or unexpired term until a period of one (1) term consisting of four (4) years has elapsed since that same person last held office as either Council member or Mayor.
- (4) Present members already elected to more than two (2) consecutive terms as either ~~C~~council member, ~~M~~Mayor, or a combination of the two offices, shall finish the present term to which they were elected.

This proposed Charter amendment shall become effective from the time of its approval by the electors and shall apply to all present ~~C~~council members and ~~the~~ ~~M~~Mayor.

SECTION 4.03. QUALIFICATIONS.

**The Mayor and e**Each Council member shall be at the time of election or appointment, and shall remain throughout the term of office, a qualified elector of the City.

**The Mayor and each Council member shall begin their term of office on the first day of January following their election. The Mayor and each Council member shall take the oath of office on or before the first day of January.**

#### SECTION 4.04. OFFICERS OF THE COUNCIL.

~~The City Council candidate receiving the highest number of votes from City electors at the most recent November general election in an odd-numbered year will be the Mayor and will serve as such for the first two (2) years of his or her term. The candidate receiving the second highest number of votes at that election will be the Vice Mayor and will serve for the same two (2) years in that capacity. Tie votes in any Council election shall be resolved by a coin flip in the presence of the person then serving as Mayor or in the presence of two other members of Council.~~ **The officers of the Council shall be the Mayor and Vice Mayor.**

- (A) Mayor. The Mayor shall have the right to vote on all issues before the Council but shall have no power of veto. In addition to the powers, right and duties as a Council member, the Mayor shall preside at meetings of ~~the~~ Council, shall be recognized as head of the city government for all ceremonial purposes, by the Governor for purposes of military law, and by the courts for civil process involving the City. The Mayor is recognized as the Chief Executive Officer [Executive Officer] as required by the Ohio Revised Code for purposes of declaring an emergency, but not for any action other than as required by declared emergencies. The Mayor may by ordinance have judicial powers and shall perform all other duties prescribed by ordinance or by resolution of the Council not inconsistent with the provisions of this Charter.
- (B) Vice Mayor. The Vice Mayor shall exercise all the power and perform all the duties of the Mayor in case of temporary absence or disability. ~~Should the office of Mayor become vacant, the Vice Mayor shall succeed to that office.~~ **The City Council Candidate receiving the highest number of votes from City electors at the most recent November general election in an off numbered year will be the Vice Mayor and will serve as such for the first two (2) years of his or her term.** If the office of Vice Mayor becomes vacant, the successor Vice Mayor shall be the member who received the next higher number of votes at the most recent rotation election of Council members. If it is not possible to identify a successor in that manner, the Council shall choose a new Vice Mayor at its next regular meeting. **In the event of a vacancy in the office of Mayor, the Vice Mayor will serve as Mayor until such time as the vacancy is filled in accordance with Section 4.07 of this Charter.**
- (C) Tie Votes. **Tie votes in any Council election shall be resolved by a coin flip in the presence of the person then serving as Mayor or in the presence of two other members of Council.**

#### SECTION 4.05. PROHIBITIONS.

- (A) *Holding Other Offices.* Except where authorized by this Charter, **neither the Mayor or any** Council members shall neither hold any other Ceity office except as a representative of the City as

authorized by the Council nor hold any employment by the City government during the term for which said **Mayor or** Council members were elected or appointed.

- (B) *Appointment and Removals.* Neither the **Mayor or any** Council ~~nor any of its~~ members shall in any manner dictate the appointment of any City officers or employees, except by approving or disapproving appointment of department directors under this Charter, nor dictate the removal of any City officers or employees; but the Council, as a body meeting with the Manager, may express its views, and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.
- (C) *Interference with Administration.* Except for the purpose of inquiries and investigations permitted under this Charter, the **Mayor and** Council members shall deal with the City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the **Mayor or** Council ~~nor its~~ members shall give any orders to any such officer or employee, either publicly or privately.

#### SECTION 4.06. JUDGE OF QUALIFICATIONS.

The Council shall be the judge of the election and qualifications of its members and the existence of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A **Mayor or Council** member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published one time in one or more newspapers or public media forum or other printed publication regularly distributed of general circulation in the City at least seven (7) days in advance of the hearing. If the Council determines that grounds for forfeiture of office exist, the position shall be declared vacant by an affirmative vote of the majority of the remaining members of the Council.

#### SECTION 4.07. VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES

- (A) *Vacancies.* The office of a **Mayor**, Council member or Council member-elect shall become vacant upon death, resignation, forfeiture, or removal from office in any manner authorized by this Charter.
- (B) *Forfeiture of Office.* A **The Mayor or** Council member shall forfeit office if he/she: (1) lacks at any time during the term of office any qualifications for the office prescribed by this Charter; (2) violates any express prohibition of this Charter to such an extent as to warrant forfeiture of office; (3) is convicted of a felony; (4) fails to attend three (3) consecutive regular meetings of the Council without being excused by the Council.
- (C) *Filling of Vacancies.* Vacancies in the office of a **Mayor or** Council member shall be filled within sixty (60) days following the occurrence of the vacancy by a vote of the majority of the remaining members of the Council. If the Council fails to fill any vacancy within sixty (60) days following the occurrence of the vacancy, the power of the Council to fill the vacancy shall lapse; and the Clerk of Council, by authority of this Charter, shall request the Board of Elections of Greene County to hold an election to fill the vacancy. Such election shall be held at the next general election or special election already scheduled, and such general or special election shall occur at

least ninety (90) days after the date of the request to the Greene County Board of Elections by the Clerk of Council. The individual elected in such election shall take office immediately following election certification by the Board of Elections and shall serve for the balance of the unexpired term.

Any appointee under this section shall qualify under the provisions of this Charter, and shall serve until a successor for the term is certified at the next November general election whether in an odd or even year, which occurs at least one hundred (100) days after his or her appointment (so as to allow nominating petitions to be filed by the ninety (90) day deadline before such an election). That election shall be held to determine what person is elected to serve for the balance of the unexpired term.

In the event of a vacancy occurring between the time of election of a **the Mayor or** Council member-elect in a November general election and the time of taking office for **the Mayor or** that Council member-elect, the vacancy shall be filled in the manner provided for in this Charter by the newly elected Council and at or following the first meeting of Council on or subsequent to the first day of January after such November general election.

CITY OF BEAVERCREEK  
 CITY COUNCIL  
 AGENDA ITEM REPORT

*MAC 6/16*

Meeting Date: June 13, 2016 Agenda Reference No: VII. A.	Reference Topic: Request for New Liquor Permit WOB Dayton LLC, DBA World of Beer
Accept Without Comment	

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 D5J liquor permit for WOB Dayton LLC DBA World of Beer, 12 Greene Blvd; Beaver creek, Ohio 45440. 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.



Permit Class	Permit Fee	Description
D5B	\$2,344	<u>ORC 4303.181</u> (Same as D5) for enclosed shopping mall.

River Boats

Permit Class	Permit Fee	Description
D5E	\$1,219	<u>ORC 4303.181</u> (Same as D5). Historical river boat owned by charitable organization only.

Marinas

Permit Class	Permit Fee	Description
D5F	\$2,344	<u>ORC 4303.181</u> (Same as D5). Marina restaurant only.

Museums

Permit Class	Permit Fee	Description
D5G	\$1,875	<u>ORC 4303.181</u> (Same as D5). National sports museum only.
D5H	\$1,875	<u>ORC 4303.181</u> (Same as D5 – except sales till one am). Fine arts museum only.

Community Entertainment District/Revitalization

Permit Class	Permit Fee	Description
D5J	\$2,344	<u>ORC 4303.181</u> (Same as D5). Community Entertainment District.
D5L	\$2,344	<u>ORC 4303.181</u> (Same as D5). Revitalization District.

Sunday Sales

Permit Class	Permit Fee	Description
D6	\$400-c \$500-d	<u>ORC 4303.182</u> Sale of intoxicating liquor on Sunday between the hours 10:00am or 11:00am and midnight.

Other

Permit Class	Permit Fee	Description
D5K	\$1,875	<u>ORC 4303.181</u> (Same as D5 – except sales till one am). Certain non profit organizations that own and operate a botanical garden.
D5M	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant affiliated with center for the

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 – June 20, 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. Police Staffing Analysis
  - B. Case Law Update
  - C. Oversized Vehicle Parking on Streets
- V. INFORMATIONAL ITEMS
  - A. Lofino Center Expansion Update
- VI. COUNCIL COMMITTEE/EVENT UPDATES
- VII. ADJOURNMENT

**DRAFT**



**CITY COUNCIL**  
**Regular Meeting – June 27, 2016 6:00 p.m.**  
**Council Chambers**

1368 Research Park Dr  
Beavercreek, Ohio

**PROCLAMATIONS**

- ◆ Park and Recreation Month

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Council Member Upton
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. PUBLIC HEARING –PUD 15-3 SSP #2, Beavercreek Retail
  - A. Applicant Presentation
  - B. Staff Presentation
  - C. Public Input
  - D. Council Input
  - E. Motion
- VII. ORDINANCES, RESOLUTIONS AND PUDS
  - A. Ordinance 16-09 Vacant Property Registration (Third Reading)
  - B. Ordinance 16-11 Charter Amendments (Third Reading)
- VIII. CITY MANAGER'S REPORT
- IX. MAYOR'S REPORT
- X. COUNCIL TIME
- XI. CITIZEN COMMENTS
- XII. EXECUTIVE SESSION
- XIII. ADJOURNMENT

# PLANNING DEPARTMENT STATUS REPORT

*June 7, 2016*

## CITY COUNCIL

### June 13, 2016

- PC 16-2, Vacant Property Registration, second reading
- 

### June 27, 2016

- PUD 15-3, SSP #2, Beaver creek Retail, public hearing
- PC 16-2, Vacant Property Registration, third reading
- 

### July 11, 2016

- PUD 98-9, MOD 5/16, The Lux at Beaver creek, public hearing
- 

### Tabled / Delayed / Pending

-

## PLANNING COMMISSION

### July 6, 2016

- PUD 16-2, Creekstone, public hearing
- PC 16-3 Good News Baptist Church Conditional Use, public hearing
- S-16-5, Ashland Hills, Section 5
- PUD 16-1, The Cottages of Beaver creek (tabled 5/4/16, 6/1/16)
- PC 16-1, Zoning Code Updates (tabled 5/4/16, 6/1/16)
- 

### Currently Tabled / Delayed

- 

### Commercial Permits Submitted and Under Review

- BSM Development
- Flying Ace/Starbucks

BOARD OF ZONING APPEALS

July 13, 2016

- 
- 

Currently Tabled or Delayed

- 
-

## CITY COUNCIL, 2016

### January 11, 2016

- Z-15-4, Sylvania Drive rezoning, third reading

### January 25, 2016

- Z-16-1, TCN Behavioral, public hearing, first reading

### February 8, 2016

- Z-16-1, TCN Behavioral, public hearing, second reading (continued)

### February 22, 2016

- PUD 93-4, Amendment 1/16, Ashton Brook Phase 5, public hearing, first reading
- PUD 15-3, SSP #1, AAA-Bob Sumerel Tire, public hearing
- Z-16-1, TCN Behavioral, second reading continued

### March 14, 2016

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

### 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) (withdrawn by applicant)

### April 11, 2016

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

### April 25, 2016

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

### May 9, 2016

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

### May 23, 2016

- PUD 93-4, SSP #6, Ashton Brooke Phase Five, public hearing
- PC 16-2, Vacant Property Registration, first reading

## PLANNING COMMISSION, 2016

### January 6, 2016

- Z-16-1, 1400 Grange Hall, public hearing
- PUD 91-2 Minor Mod 12/15, BSM Development
- S-16-1, Shoppes at Fairfield Commons
- S-16-2, AAA Sumnerel Beaver creek Subdivision

### February 3, 2016

- PUD 93-4, Amendment 1/16, Ashton Brook Phase 5, public hearing
- PUD 15-3, SSP #1, AAA-Bob Sumnerel Tire, public hearing
- Z-16-2, 4230 Dayton-Xenia, public hearing (tabled to March mtg.)

### March 2, 2016

- PUD 541, Major MOD Flying Ace Express/Starbucks, public hearing
- Z-16-2, 4230 Dayton-Xenia, public hearing (tabled 2/3/16)
- S-16-3, The Village at Stone Falls II

### April 6, 2016

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### May 4, 2016

- PC 16-1, Zoning Code Updates, public hearing
- PUD 16-1, The Cottages of Beaver creek, public hearing
- PUD 93-4, SSP #6, Ashton Brooke Phase Five, public hearing
- S-16-4, Flying Ace Car Wash

### June 1, 2016

- PUD 98-9, MOD 5/16, The Lux at Beaver creek, public hearing
- PUD 15-3, SSP #2, Beaver creek Retail, public hearing
- PC 16-1, Zoning Code Updates (tabled 5/4/16)
- PUD 16-1, The Cottages of Beaver creek (tabled 5/4/16)