



CITY COUNCIL
Regular Meeting – July 25, 2016 6:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Council Member Whilding
- IV. APPROVAL OF AGENDA
- V. PRE-SCHEDULED PRESENTERS
 - A. Marty Heide, Congressman Turner’s Office

- VI. PUBLIC HEARING – PUD 98-9 MOD 5/16 The Lux at Beavercreek (Tabled at the July 11th Council meeting.)
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Motion

- VII. PUBLIC HEARING – PC 16-1 Zoning Code Update
 - A. Staff Presentation
 - B. Public Input
 - C. Council Input
 - D. Ordinance 16-17 (First Reading)

- VIII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 16-12 BAN for Not to Exceed \$1.5 million for Lofino Renovation (Second Reading)
 - B. Ordinance 16-14 Re-issue of \$325,000 for Traditions of Beavercreek Assessment Project (Second Reading)
 - C. Ordinance 16-15 Consolidation of Projects into one BAN (Second Reading)
 - D. Resolution 16-16 Substitute House Bill 523 Moratorium

- IX. LIQUOR PERMITS
 - A. Griffin & Young Enterprises LLC DBA The Wandering Griffin & Patio (Transfer)

- X. DECISION ITEMS
 - A. Acceptance of 2nd Quarter 2016 Financial Summary
 - B. Appointment to Parks, Recreation and Culture Board

- XI. CITY MANAGER’S REPORT
- XII. MAYOR’S REPORT
- XIII. COUNCIL TIME
- XIV. CITIZEN COMMENTS
- XV. ADJOURNMENT

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

MAC 7/16

Meeting Date: July 25, 2016	Reference Topic: PUD 98-9 MOD 5/16
Agenda Reference No.: V1.	The Lux at Beavercreek

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 type="checkbox"/> Accept Staff Recommendation	<input checked="" type="checkbox"/> Adopt Motion

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

BACKGROUND AND STAFF SUMMARY:

The applicant is requesting approval of a major modification to the College Park South Specific Site Plan (#10) in order to allow for the construction of one multi-family residential structure that includes 100 units on approximately 4.5 acres of land within PUD 98-9, Willow Creek, located at the northeast corner of the intersection of Hibiscus Way and Park Overlook Drive.

STAFF RECOMMENDATION:

Planning Commission and staff recommend approval of this request as described in the attached motion. See staff report for further details.

PROCEDURAL OPTIONS FOLLOWING ACTION:

City Council may choose to approve, disapprove, modify or table this action for further review.

CITY OF BEAVERCREEK STAFF REPORT

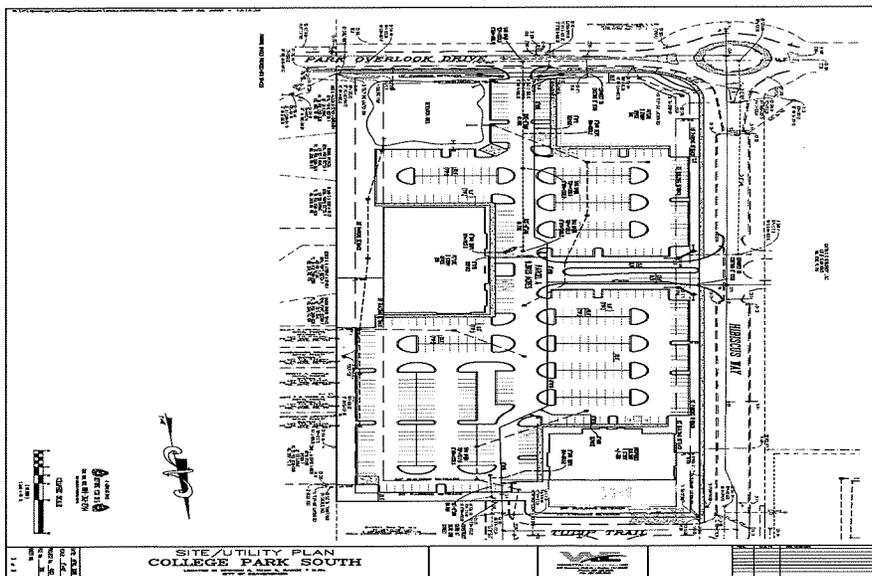
July 21, 2016

PROJECT: The Lux
CASE NO.: PUD 98-9 MOD 5/16 (Major)
APPLICANT: Anderson Birkla Investment Partners, LLC
301 Pennsylvania Parkway, Suite 301
Indianapolis, IN 46280

REQUEST

The applicant is requesting approval of a major modification to the College Park South Specific Site Plan (#10) in order to allow for the construction of one multi-family residential structure that includes 100 units on approximately 4.5 acres of land within PUD 98-9, Willow Creek, located at the northeast corner of the intersection of Hibiscus Way and Park Overlook Drive.

Discussion



The original specific site plan approval for this property called for three professional office buildings totaling approximately 166,000 square feet. The first building was constructed for Riverside Research, as well as a subsequent addition to that building which brought the total built square footage in the development to roughly 60,000 square feet. This proposal would replace the remaining two professional

office buildings with one, 142,000 square foot, multifamily residential structure.

Zoning Approval

The original zoning for this project was approved by City Council in 1999 and an amendment concerning setback requirements was approved in 2002. The most recent amendment to the PUD came in May of 2009 and stated:

“The total acreage of the high density area shall not exceed 40 acres and the total of the medium density area shall not exceed 25 acres. The minimum required office building uses shall be 20 acres....”

To date, the land usage of this Planned Unit Development is comprised of 31.9822 acres of office development, 29.628 acres of high-density residential, and 11.525 acres of publicly owned park land with the rest made up of publicly owned right-of-way and vacant undeveloped property. Should this project be approved, 4.5339 acres of land would be added to the high-density land usage total bringing the land area within the PUD, associated with high-density residential development, to 34.16 acres, below the maximum allowed 40 acres.

In 1999, the maximum number of residential units for the PUD was capped at 828. It is anticipated, at this time, that the total number of residential units that will be constructed within this PUD, contingent upon the approval and construction of this proposed project, will be 493 units, which is well below that maximum that was previously approved.

ANALYSIS

Access, Circulation and Transportation Improvements

The applicant is proposing access to this development from the ingress/egress off of Hibiscus Way which lines up directly with the access point for Phase 1 of the Lofts. The existing access point on Park Overlook Drive, which was originally designed as a right-out-only, would be removed.

Building Setbacks

Building setbacks were established as part of the zoning and were amended in 2002. The amendment allowed Planning Commission some leeway in determining the minimum setback requirements at Specific Site Plan stage of review. There is a required 25-foot setback from interior roads, and a 25-foot minimum building separation requirement both of which may be adjusted by Planning Commission. There is also a minimum 50-foot building setback from adjacent residential properties that may not be adjusted. The applicant will be providing a substantially greater setback than the 50-foot required setback from the eastern property line, but is proposing a 22.2 foot setback from Hibiscus Way, which Planning Commission may accept as

part of this modification.

Lighting

The site lighting will be designed to incorporate the same lighting standards established for College Park South since the parking lots will be contiguous. All light fixtures will be mounted to a structure that is to be located within a landscape island or along the perimeter of the parking and drive areas.

Once Park Overlook Drive is completed to the west, the applicant will be required to install decorative street lights along both sides of the newly constructed portion of the street to match the fixtures already located along Hibiscus Way. The applicant will be responsible for the installation costs of the fixtures but will petition the City to establish a Special Lighting Assessment District for the operational costs of those fixtures.

Building Design

The proposed building is to be similar in scale to the existing Lofts and Lofts 2, however it has a more modern appearance with a slightly different color palate. The materials on the exterior will be the same materials used in the first two phases. As shown in the attached elevations the northern half of the building will be three stories and the southern half will be four, because of the significant grade difference on the site. The building will be approximately 50 feet tall, which is only slightly taller than the first two phases of the Lofts and should fit seamlessly into the existing mixture of residential and office building in the immediate vicinity.



As opposed to the first two phases, all hallways will be fully enclosed and will be heated and cooled. The interior amenities and finishes will be upgraded and the lower level will have walkouts right to the street, which along with the closer building setback, will provide a more urban feel for the area.

Storm Water Management

The existing retention pond on the site was sized to accommodate a fully built out development at College Park South so the City Engineer is not requiring any additional storm water management measures. However, the applicant has indicated that some changes to that pond will more than likely be made in order for it to be more aesthetically pleasing, including the installation of a fountain. Any changes to the pond will require review and approval from the City Engineer.

Landscaping

The applicant has provided a landscape plan that is well designed and consistent with the surrounding developments. Staff will add a condition of approval that will require that the final landscape plan show evergreens to be planted along the eastern edge of the parking lot in order to ensure full screening between this development and the single family development to the east.

Parking

The provided plans show 178 onsite parking spaces, which includes 8 garage spaces and 6 handicap spaces. This development requires 221 spaces (2 spaces per unit + 1 space per five units +1 space per employee). However, because there is an existing cross parking agreement that allows all parking spaces within the College Park South Development to be shared this creates the ideal opportunity to provide a minimum amount of parking that will be used at its maximum potential. Riverside Research utilizes a portion of the existing parking lot between the hours of 8 AM and 5 PM. The proposed residential development will use a small section of the existing parking lot between the hours of 5 PM and 8 AM and on the weekends. This allows for a reduction in the amount of paved areas and allows for the amount of greenspace to be maximized.

Signage

The applicant shall submit plans for signage, permanent or temporary, to the Planning Department for review and approval prior to the issuance of a permit for any sign on the site. Should there be a discrepancy between what the applicant has proposed and wants to construct and the opinion of the Planning Department as to the appropriate signage for the site, the Planning Director shall reserve the right to require the applicant to bring forward a sign package for approval by the Planning Commission.

RECOMMENDATION

Planning Commission and staff recommend approval of this major modification request subject to the conditions outlined in the attached Motion.

July 25, 2016

MOTION TO APPROVE
THE LUX AT BEAVERCREEK MAJOR MODIFICATION
PUD 98-9, MOD 5/16

"I move, for the purpose of taking administrative action, approval of a PUD Major Modification to the Specific Site Plan for The Lux at Beavercreek, PUD 98-9, MOD 5/16, 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 Major Modification approval as per §158.070 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 May 25, 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 The Lux at Beavercreek. The final landscape plan shall show a row of evergreens along the eastern property line adjacent to the parking lot.
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 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. Light fixtures shall match the existing fixtures within College Park South.
7. A special lighting assessment district for operational costs and not installation of fixtures shall be created and approved by the City Engineer. The installation of the streetlights is the responsibility of the applicant and not the City.

8. 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.
9. No temporary signs of any kind are permitted unless otherwise approved by the Planning Department and/or Planning Commission.
10. Material and color samples shall be submitted to the Planning Department for review and approval prior to the issuance 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 for exterior work 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. Mechanical and HVAC equipment must be screened with landscaping and/or parapet walls and shall not be visible to the public.
16. All trash collection containers shall be enclosed within a building or screened from view through the use of a permanent dumpster enclosure designed to match the building by using the same materials as those found on the building. The final design shall be reviewed and approved by the Planning Department prior to the issuance of a zoning permit
17. Prior to the release of any zoning permits, park fees shall be paid.
18. Prior to the release of any zoning permits, impact fees shall be paid.
19. A replat shall be approved by the Planning Department and all necessary bonds and fees shall be paid prior to the release of a zoning permit for any building.
20. Aeration and water circulation devices and/or fountains are required for the retention pond(s) and shall be maintained by the owner, developer, or the condo association in perpetuity.



GRANT

HARRISON

MCKINLEY

HARDING

GARFIELD

HAYES

TAFT

LUJON

TULIP

GARDENIA

SEQUOIA

SHADE TREE

DIAMOND CUT

ARMADA

KING GEORGE

EMPIRE

ACCESS DRIVE B

ROYAL GATEWAY

ONYX

PARLIAMENT

PARK OVERLOOK

KING ARTHUR

KING HENRY

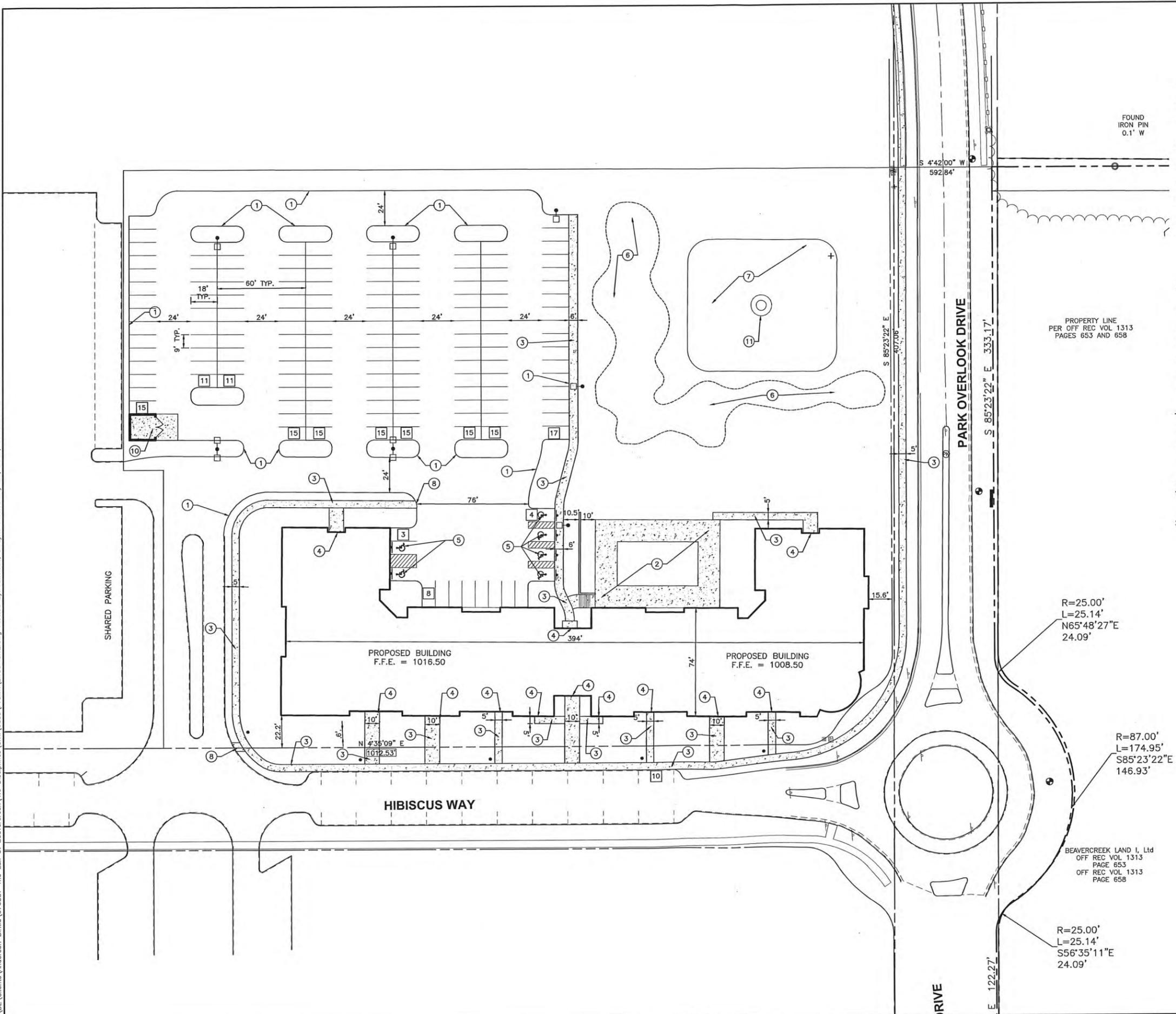
KING EDWARD

KING CHARLES

PARK OVERLOOK



Layout Tab Name: Layout 1, Images: WillowCreekLofts Ill_concept plan_5-6-16.tif; Auditors Page.tif; LWC3 Image.tif; S2-SitePlan.tif; scan063.tif; WillowCreekLofts Ill_concept plan_5-6-16 450DEG.tif; Xrefs: LWC3 Base Plan.dwg; LWC3-T.dwg; LWC3-P
 Last Saved By:Francisco, 5/24/2016 3:48:06 PM
 G:\DE\Clients\Anderson Birkla\076587 The Lux at BeaverCreek\4.0 Disciplines\Civil\Cadd\Prelim\LWC3-SITE.dwg Plotted By:Francisco, Dwayne Plotted:May 25, 2016, 11:46:54 AM



- CODED NOTES**
- ① 6" BARRIER CURB.
 - ② POOL/AMENITY AREA.
 - ③ PROPOSED SIDEWALK AREA. SEE PLAN FOR WIDTH.
 - ④ PROPOSED BUILDING ENTRANCE WALK.
 - ⑤ ADA PARKING SPACE WITH SYMBOL AND SIGNAGE.
 - ⑥ DOG PARK/OUTDOOR AMENITY AREA.
 - ⑦ EXISTING DETENTION/RETENTION POND.
 - ⑧ ACCESSIBLE RAMP WITH DETECTABLE WARNING STRIP.
 - ⑨ SIDEWALK/PLAZA AREA WITH ENTRANCE STEPS AS REQUIRED.
 - ⑩ PROPOSED DUMPSTER AREA.
 - ⑪ FOUNTAIN.

BUILDING INFORMATION:

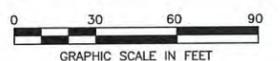
BUILDING SQUARE FOOTAGE PER FLOOR: 35,400 S.F. (4 STORIES)
 GROSS BUILDING SQUARE FOOTAGE: 141,600 S.F.
 BUILDING AREA HEIGHT: 50 FT.±
 ANTICIPATED NUMBER OF UNITS: 100 UNITS

PARKING DATA:

STANDARD SPACES: 154
 ADA SPACES: 6
 TOTAL ON SITE PARKING: 160
 ON STREET PARKING: 10
 TOTAL PARKING: 170

- NOTES:**
1. PROPOSED INDIVIDUAL UNIT ENTRANCES ON HIBISCUS WAY ARE TO HAVE STEPS AS REQUIRED BY GRADING.
 2. BALANCE OF REQUIRED PARKING TO BE PROVIDED AS SHARED PARKING IN LOT NORTH OF SITE.

RECEIVED
MAY 25 2016
 CITY OF BEAVERCREEK
 PLANNING DEPARTMENT



REVISION	No.	DATE

PROJECT No: _____
 DATE 5/10/16
 DES. JLS
 DR. DLF
 CKD. JLS

4454 Idea Center Blvd
 Dayton, OH 45430-1500
 937.481.5660
 FAX: 937.481.0743

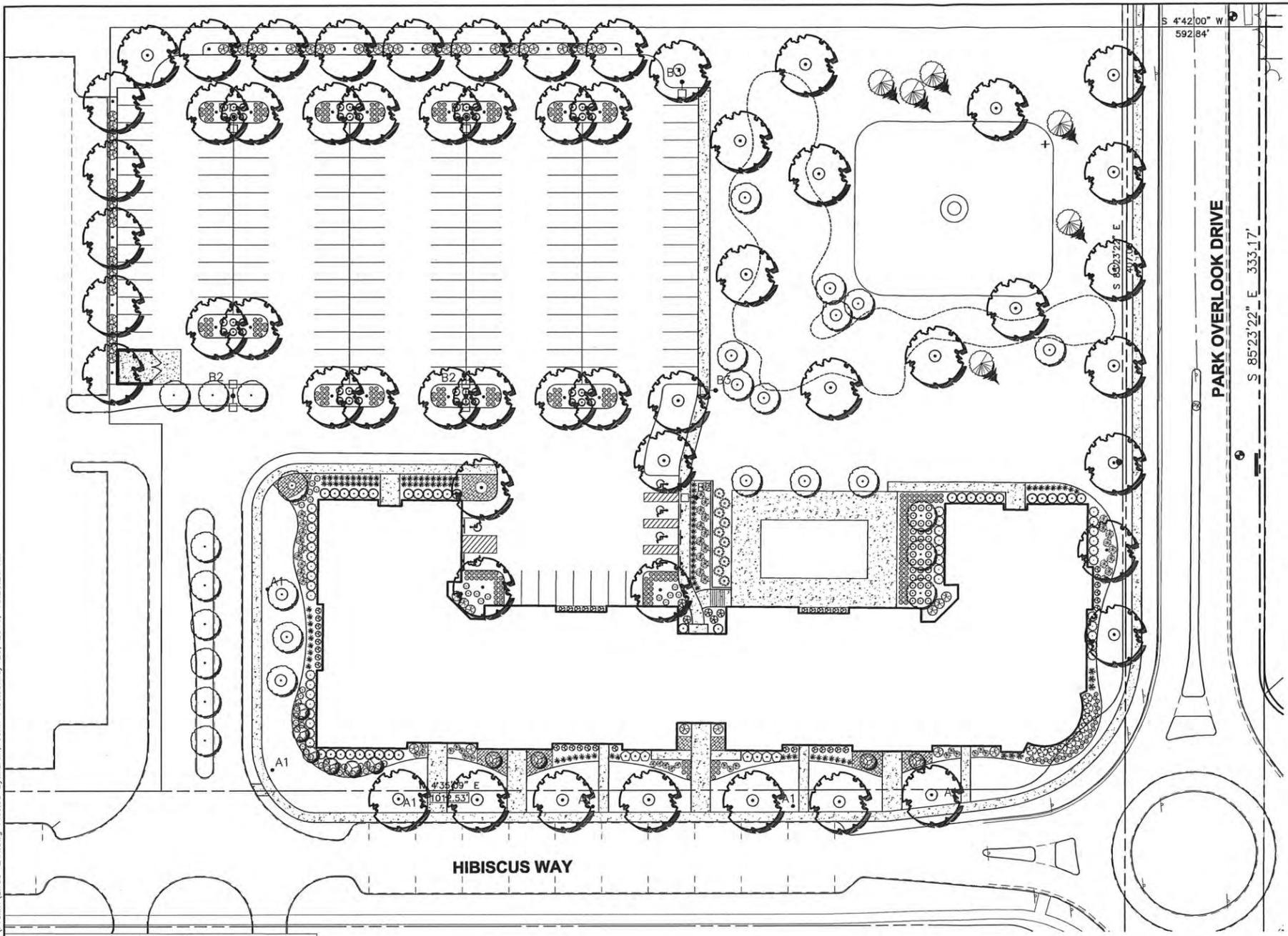


THE LUX
 ANDERSON BIRKLA INVESTMENT PARTNERS, LLC
 BEAVERCREEK, OHIO

SITE PLAN

SHEET NO.
C200

Layout Tab Name: Layout 1, Images: WillowCreekLofts ill_concept plan_5-6-16.dwg; Auditors Page.tif: LWC3 Image.tif; S2-SitePlan.tif: scon063.tif; WillowCreekLofts ill_concept plan_5-6-16 45DEG.tif; Xrefs: LWC3 Base Plan.dwg; LWC3-T.dwg; LWC3-P.dwg
 Last Saved By: mrtin16, 5/25/2016 10:18:08 AM
 G:\DC\Projects\Anderson_Birds\076587 The Lux at BeaverCreek\4.0 Disciplines\Civil\Cad\Prelim\LWC3-LAN.dwg Plotted By: Martin, John Plotted: May 25, 2016, 10:20:26 AM



LANDSCAPE NOTES:

- LOCATING AND PROTECTING ALL UNDERGROUND UTILITIES, PRIOR TO DIGGING, IS RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.
- PRIOR TO INSTALLATION, THE LANDSCAPE CONTRACTOR SHALL INSPECT THE SUB GRADE, GENERAL SITE CONDITIONS, VERIFY ELEVATIONS, UTILITY LOCATIONS, IRRIGATION, APPROVE TOPSOIL PROVIDED BY GENERAL CONTRACTOR AND OBSERVE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE DONE. NOTIFY GENERAL CONTRACTOR OF ANY UNSATISFACTORY CONDITIONS. WORK SHALL NOT PROCEED UNTIL SUCH CONDITIONS HAVE BEEN CORRECTED AND ARE ACCEPTABLE TO THE LANDSCAPE CONTRACTOR AND/OR CONSTRUCTION MANAGER.
- GENERAL AND LANDSCAPE CONTRACTOR ARE RESPONSIBLE FOR PROTECTING EXISTING TREES FROM DAMAGE DURING CONSTRUCTION. GENERAL CONTRACTOR TO INSTALL TREE PROTECTION FENCING PRIOR TO ANY SITE WORK.
- ALL SHRUB AND GROUND COVER BEDS TO BE MULCHED WITH A MINIMUM OF 3 INCHES OF CLEAN SHREDDED HARDWOOD MULCH.
- ALL ANNUAL AND PERENNIAL BEDS TO BE TILLED TO A MINIMUM DEPTH OF 18 INCHES AND AMENDED WITH 4 INCHES OF ORGANIC MATERIAL. MULCH PLANT BEDS WITH 2 INCH DEPTH OF PINE BARK MINI NUGGETS.
- PLANTING HOLES TO BE DUG A MINIMUM OF TWICE THE WIDTH AND 6-12 INCHES DEEPER THAN THE SIZE OF THE ROOT BALL OF BOTH SHRUB AND TREE. AMEND BACKFILL WITH TOPSOIL MIX. BACKFILL AND TAMP BOTTOM OF HOLE PRIOR TO PLANTING SO TOP OF ROOT BALL DOES NOT SETTLE BELOW SURROUNDING GRADE.
- TOPSOIL MIX TO BE 4 PARTS SCREENED TOPSOIL AND 1 PART ORGANIC MATERIAL (i.e. NATURE'S HELPER OR MIX).
- EXISTING GRASS IN PROPOSED PLANTING AREAS TO BE REMOVED AND AREA TO BE HAND RAKED TO REMOVE ALL ROCKS AND DEBRIS LARGER THAN 1 INCH IN DIAMETER PRIOR TO PLANTING SHRUBS.
- SOIL TO BE TESTED TO DETERMINE FERTILIZER AND LIME REQUIREMENTS. LIME AND FERTILIZER TO BE DISTRIBUTED PRIOR TO SPREADING SEED.
- ALL CHANGES TO DESIGN AND/OR PLANT SUBSTITUTIONS TO BE AUTHORIZED BY LANDSCAPE ARCHITECT.
- ALL PARKING ISLANDS TO BE BERMED UP 6"-10" WITH CLEAN FRAGILE TOPSOIL PRIOR TO PLANTING.
- ALL LANDSCAPING SHALL BE INSTALLED IN CONFORMANCE WITH ANSI Z60.1 THE AMERICAN STANDARD FOR NURSERY STOCK, AND THE ACCEPTED STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN.
- SITE TO BE 100% IRRIGATED BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANTS INSTALLED FOR ONE FULL YEAR FROM DATE OF ACCEPTANCE BY THE OWNER. ALL PLANTS SHALL BE ALIVE AND AT A VIGOROUS RATE OF GROWTH AT THE END OF THE GUARANTEE PERIOD. THE LANDSCAPE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR ACTS OF GOD OR VANDALISM. ANY PLANT THAT IS DETERMINED DEAD, IN AN UNHEALTHY OR UNSIGHTLY CONDITION, LOST ITS SHAPE DUE TO DEAD BRANCHES OR OTHER SYMPTOMS OF POOR, NON-VIGOROUS GROWTH SHALL BE REPLACED BY THE LANDSCAPE CONTRACTOR WITH THE COST OF THE REPLACEMENT INCLUDED IN THE BID OR PROPOSAL PRICE.
- WATER THOROUGHLY TWICE IN THE FIRST 24 HOURS AND APPLY MULCH IMMEDIATELY.

LANDSCAPE CODE SUMMARY:

GENERAL (158.135.C.1.a.1)
 A MINIMUM OF ONE SHADE TREE IS REQUIRED PER 2,500 OR FRACTION OF OPEN GREEN SPACE PROVIDED.
 79,948 SF OF OPEN SPACE PROVIDED
 = 31.9 TREES REQUIRED
 = 20 SHADE TREES, 6 EVERGREEN TREES, AND 18 ORNAMENTAL TREES PROVIDED

PARKING LOT PERIMETER (158.135.C.2.b)
 PROVIDE ONE TREE AND THREE SHRUBS PER 35 LINEAR FEET OF PARKING ADJACENT TO PROPERTY LINE

NORTH (184 LF)
 = 5.3 TREES & 15.8 SHRUBS REQUIRED
 = 5 TREES & 20 SHRUBS PROVIDED

EAST (300 LF)
 = 8.6 TREES & 25.7 SHRUBS REQUIRED
 = 9 TREES & 30 SHRUBS PROVIDED

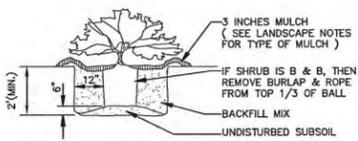
PARKING LOT INTERIOR (158.135.C.2.c)
 A MINIMUM OF 4% PERVIOUS AREA OF THE TOTAL VEHICULAR USE AREA IS REQUIRED FOR PARKING LOT INTERIORS. THERE SHALL BE AT LEAST TWO SHADE TREES WHICH SHALL BE LOCATED WITHIN 60 FEET OF EVERY PARKING SPACE. 75% OF INTERIOR ISLANDS TO BE SHRUBS OR PERENNIALS UNDER TWO FEET IN HEIGHT.
 73,945 SF OF TOTAL VEHICULAR USE AREA
 = 2,958 SF REQUIRED
 = 3,983 SF PROVIDED
 = 24 SHADE TREES, 9 ORNAMENTAL TREES, 85 SHRUBS, AND 266 PERENNIALS PROVIDED

PLANT LEGEND				
SYMBOL	DESCRIPTORS	NAME	QTY.	ROOT SIZE
	ORNAMENTAL TREES	CANOPY TREES		
	Small Trees	Common Noddyberry BT Callifera Saxifraga Panicum Oak, variegated American Linden American Elm	57	8" DB 3" CAL.
	CONIFEROUS TREES	CONIFEROUS TREES		
	Small Conifers	Eastern Red Cedar Eastern White Pine Canadian Hemlock Douglas Fir	6	8" DB 6" HT. 3" CAL.
	UNDERSHRUB TREES	UNDERSHRUB TREES		
	Small Undershrubs	Common Noddyberry American Noddyberry American Noddyberry American Noddyberry American Noddyberry American Noddyberry	40	8" DB 2" CAL. 6" HT.
	LARGE SHRUB	LARGE SHRUB		
	Small Shrubs	Yucca Forsythia Holly Viburnum Lilac	141	8" DB 42" HT.
	SMALL SHRUB	SMALL SHRUB		
	Small Shrubs	Andromeda Cypripedium Aster	225	CONT. 24" HT.
	ORNAMENTAL GRASS	ORNAMENTAL GRASS		
	Ornamental Grasses	Fountain Grass Spartan Grass Maiden Hair Feather Reed Grass Panicum	112	CONT. 2'-3" HT.
	PERENNIAL	PERENNIAL		
	Perennials	Black-eyed Susan Coneflower Liatris Hibiscus Daisy Lavender	315	CONT. 6"-12" HT.
	GROUND COVER	GROUND COVER		
	Groundcovers	Lilac Andromeda Basil	130	CONT. 6"-8" HT.

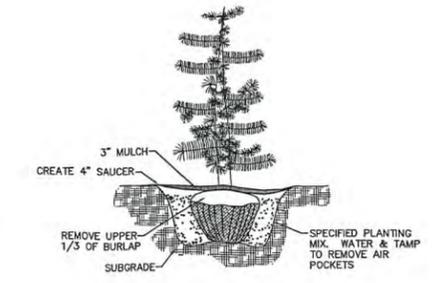
PERMANENT SEEDING

ALL FILL AND CUT SLOPES SHOULD BE SEEDING IMMEDIATELY AFTER CONSTRUCTION.
 SEED TO THE FOLLOWING GRASS MIXTURE:
 % BY WEIGHT NAME % GERMINATION % PURITY

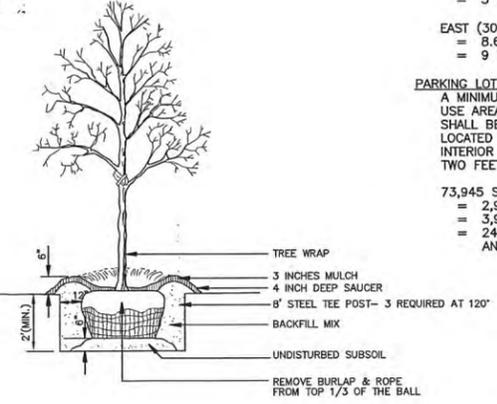
10%	TITAN (TURF TYPE) TALL FESCUE	85%	98%
40%	SR8200 (TURF TYPE) TALL FESCUE	85%	98%
40%	SR8300 (TURF TYPE) TALL FESCUE	85%	98%
10%	SR4200 PERENNIAL RYE GRASS	97%	90%



SHRUB PLANTING
 N.T.S.



EVERGREEN PLANTING DETAIL
 N.T.S.



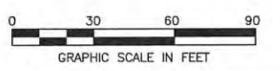
TREE PLANTING
 N.T.S.

NOTE: SEE LANDSCAPE NOTES FOR THE TYPE OF MULCH MATERIAL TO USE.

RECEIVED

MAY 25 2016

CITY OF BEAVERCREEK
 PLANNING DEPARTMENT



PROJECT No.	DATE	REVISION
4454 Idea Center Blvd	5/10/16	
DES. JIM		
DR. JIM		
CKD. BLS		

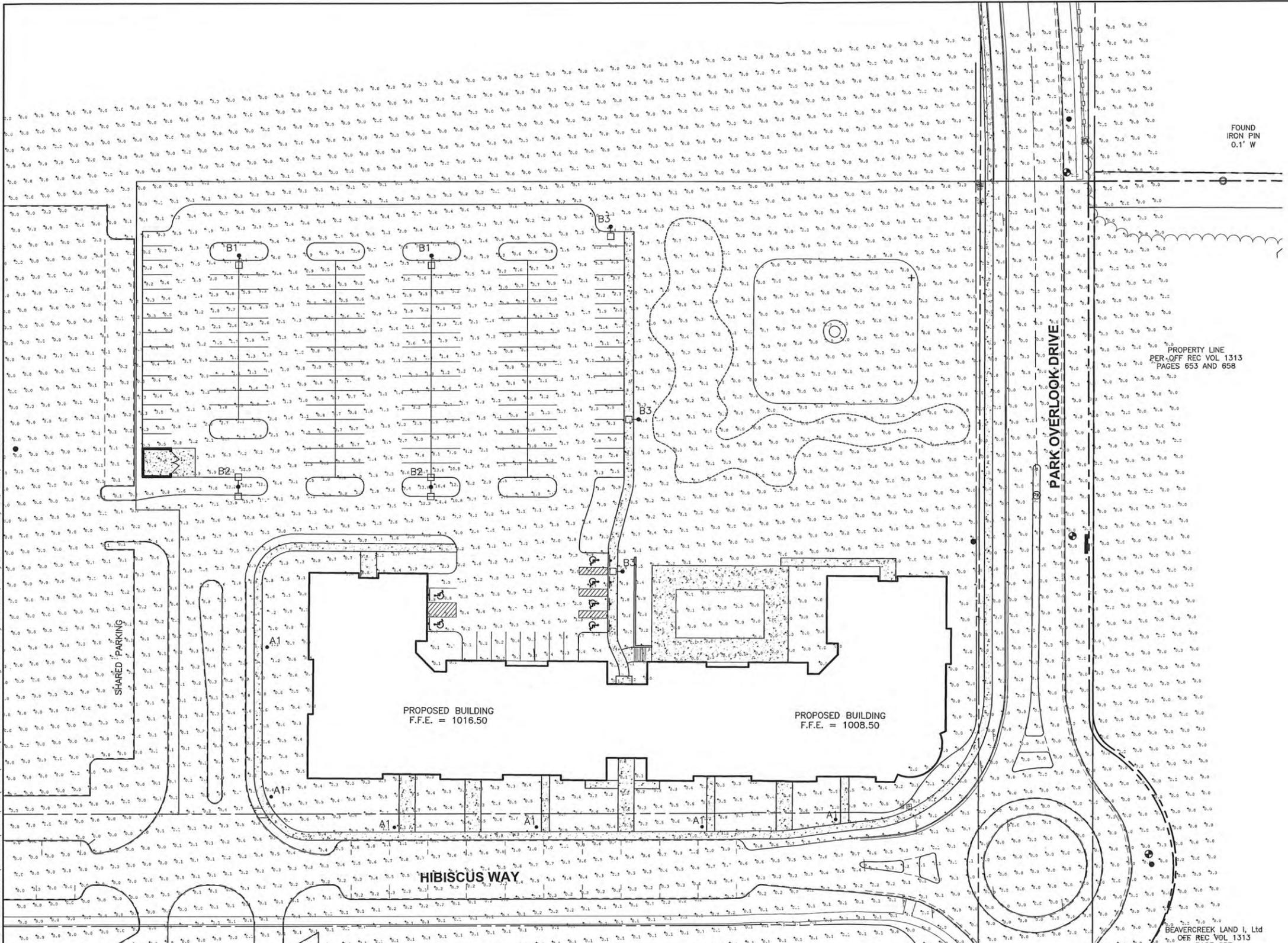
4454 Idea Center Blvd
 Dayton, OH
 45430-1500
 937.481.5680
 FAX: 937.461.0743



THE LUX
 ANDERSON BIRKLA INVESTMENT PARTNERS, LLC
 BEAVERCREEK, OHIO
 LANDSCAPE PLAN

SHEET NO.
C500

Layout Tab Name: Layout 1, Images: WillowCreekLofts III_concept plan_5-6-16.tif; Auditors Page.tif: LWC3 Image.tif: scon063.tif: WillowCreekLofts III_concept plan_5-6-16.tif; WillowCreekLofts III_concept plan_5-6-16 45DEC.tif; Xrefs: LWC3 Base Plan.dwg; LWC3-T.dwg; LWC3-P Last Saved By: dvidson, 5/25/2016 10:52:10 AM G:\DE\Clients\Anderson Birkla\076587 The Lux at BeaverCreek\4.0 Disciplines\Civil\Cadd\Prelim\LWC3-LIGHTING.dwg Plotted By: Francisco, Dwayne Plotted: May 25, 2016, 11:25:15 AM



LUMINAIRE SCHEDULE								
SYMBOL	LABEL	QTY.	CATALOG NUMBER	DESCRIPTION	LAMP	LUMENS	LLF	WATTS
◻	B1	2	KAD 400S R4	DIECAST TYPE IV, SHORT CUTOFF LUMINAIRE	400 WATT HIGH PRESSURE SODIUM	50000	.075	453
◻	B2	2	KAD 400S R4	DIECAST TYPE IV, SHORT CUTOFF LUMINAIRE	400 WATT HIGH PRESSURE SODIUM	50000	0.75	906
◻	B3	3	KAD 400S R4 HS	DIECAST TYPE IV, SHORT CUTOFF LUMINAIRE, HOUSE SIDE SHIELD	400 WATT HIGH PRESSURE SODIUM	50000	0.75	453
•	A1	6	AT20 150S GR3	ACORN LUMINAIRE WITH TYPE III GLASS REFRACTOR	CLEAR 150-WATT HIGH PRESSURE SODIUM, VERTICAL BASE DOWN POSITION	16000	0.75	182



FOUND IRON PIN
0.1' W

PROPERTY LINE
PER OFF REC VOL 1313
PAGES 653 AND 658

PARK OVERLOOK DRIVE

PROPOSED BUILDING
F.F.E. = 1016.50

PROPOSED BUILDING
F.F.E. = 1008.50

HIBISCUS WAY

BEAVERCREEK LAND I, Ltd
OFF REC VOL 1313

RECEIVED

MAY 25 2016

CITY OF BEAVERCREEK
PLANNING DEPARTMENT



REVISION	No.	DATE

PROJECT No: _____
DATE 5/10/16
DES. BLS
DR. DLF
CKD. BLS

4454 Idea Center Blvd
Dayton, OH
45430-1500
937.481.5660
FAX: 937.461.0743



THE LUX
ANDERSON BIRKLA INVESTMENT PARTNERS, LLC
BEAVERCREEK, OHIO

SITE PLAN

SHEET NO.

C200



FRONT ELEVATION



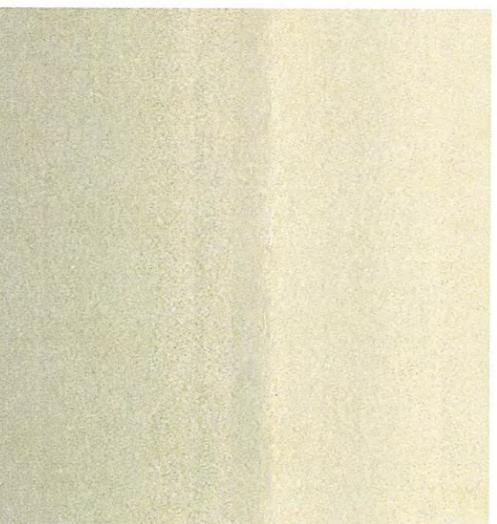
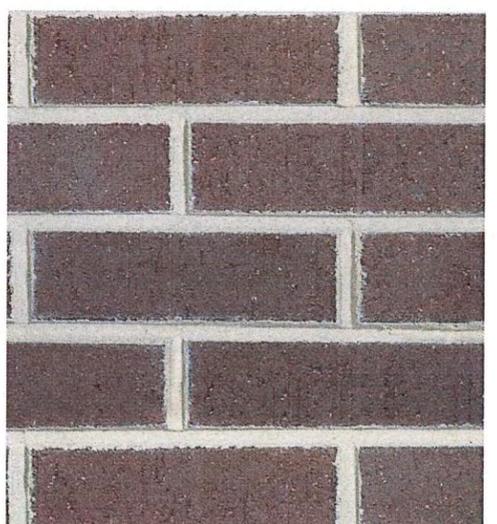
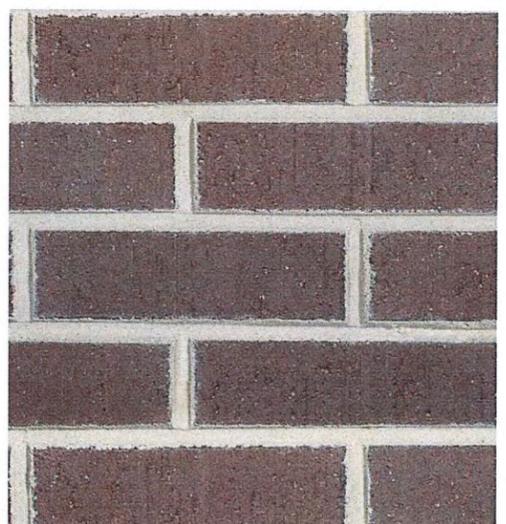
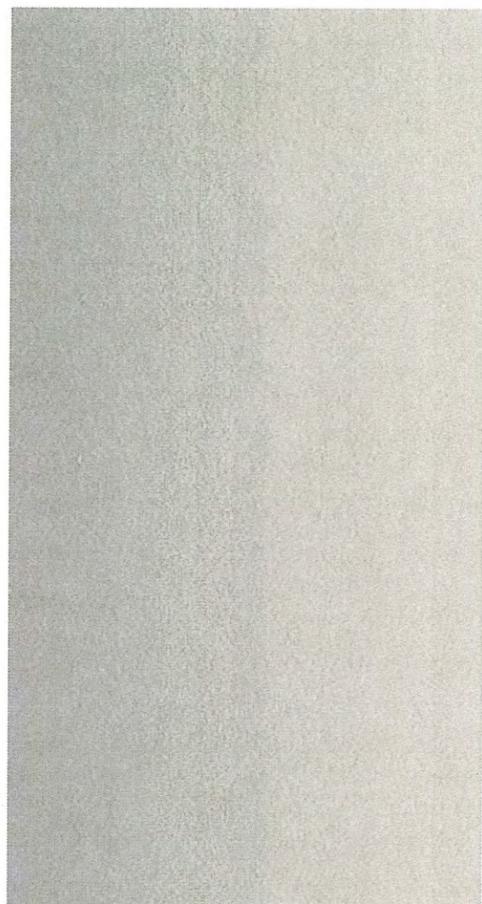
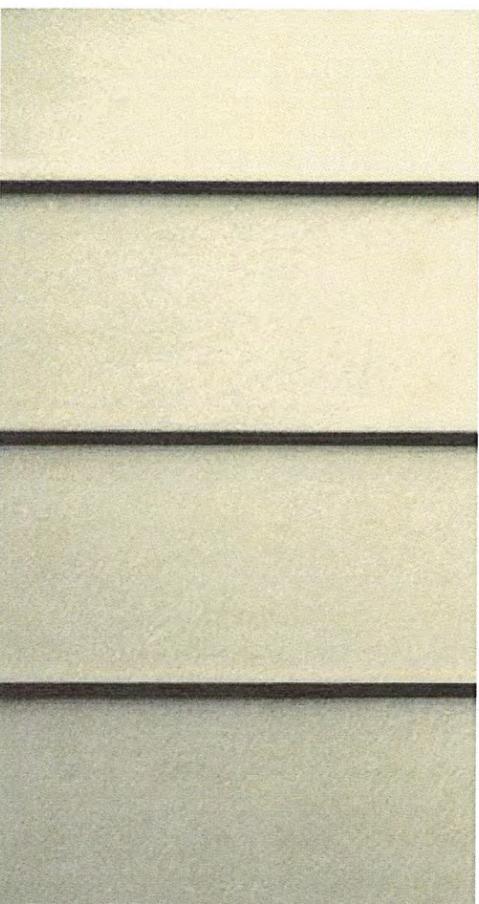
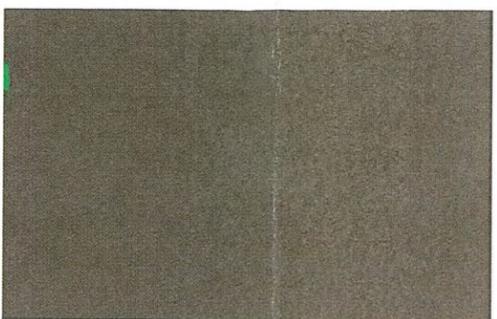
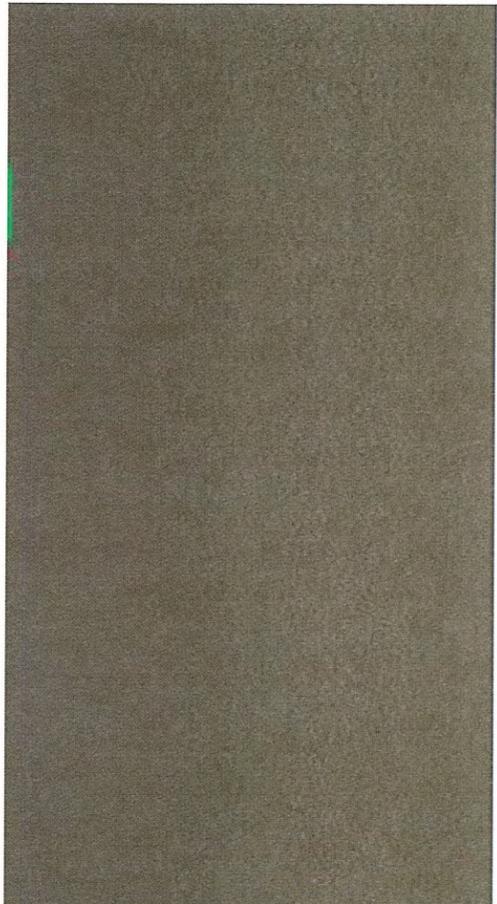
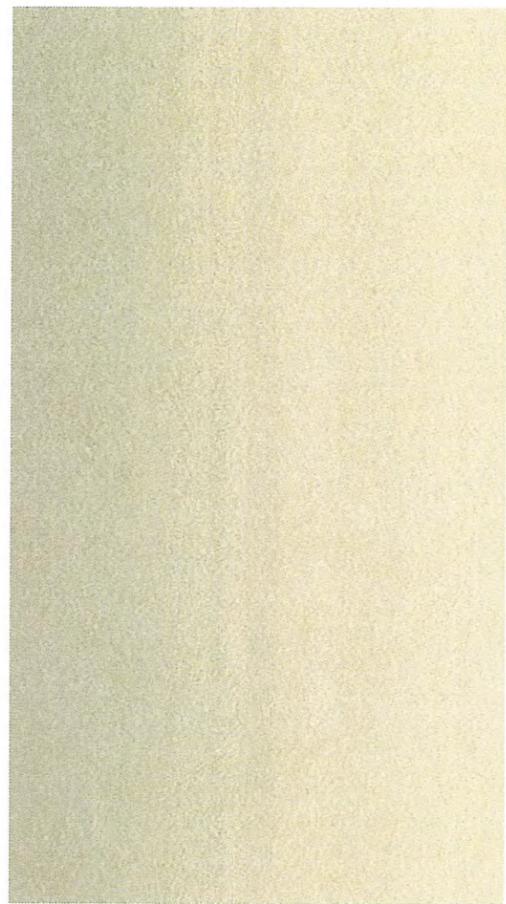
REAR ELEVATION

RECEIVED

MAY 25 2016

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

PROJECT No:		DATE 5/10/16	
DES. DR.		DR. CKD.	
4454 Idea Center Blvd Dayton, OH 45430-1500 937.461.5660 FAX: 937.461.0743			
 WOOLPERT		THE LUX ANDERSON BIRKLA INVESTMENT PARTNERS, LLC BEAVERCREEK, OHIO	
SHEET NO.		REVISION	
No.		DATE	



A COMBINATION OF RED BRICK, BROWN BRICK, FIBER CEMENT BOARD PANELS, AND FIBER CEMENT LAP BOARD WILL MAKE UP THE SKIN OF THE BUILDINGS. THE IMAGES ABOVE ARE FOR REFERENCE ONLY. COLORS DEPICTED MAY VARY DEPENDING ON PRINTING OR VIEWING DEVICE. MATERIAL SAMPLES WILL BE PROVIDED UPON REQUEST.

RECEIVED
MAY 25 2016
 CITY OF BEAVERCREEK
 PLANNING DEPARTMENT

PROJECT No:		DATE		REVISION	
5/10/16		5/10/16			
DES.		DR.			
CKD.		CKD.			
4454 Idea Center Blvd Dayton, OH 45430-1500 937.461.5660 FAX: 937.461.0743					
					
THE LUX			ANDERSON BIRKLA INVESTMENT PARTNERS, LLC		
BEAVERCREEK, OHIO					
SHEET NO.					

CITY OF BEAVERCREEK
 CITY COUNCIL
 AGENDA ITEM REPORT

MR 072116

Meeting Date: July 25, 2016	Reference Topic: PC 16-1
Agenda Reference No.: Vll.	Zoning Code Updates

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

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

BACKGROUND AND STAFF SUMMARY:

Attached you will find a memo outlining the major changes to the Zoning Code as well as the specific text which must be continually updated by staff in order to address requests by City Council, changes in law, and minor inconsistencies and/or typographical errors.

STAFF RECOMMENDATION:

Planning Commission and staff recommend approval of this request as described in the attached ordinance.

PROCEDURAL OPTIONS FOLLOWING ACTION:

City Council may choose to approve, disapprove, modify or table this action for further review.

Beavercreek - Land Usage

SIGN, BULLETIN BOARD. Any sign located on the property of a public, institutional, religious or charitable organization which is used to announce its activities.

SIGN, BUSINESS. Any sign which directs attention to a business, profession, commodity or entertainment conducted, sold or offered upon the same lot.

SIGN, CANOPY. Any permanent sign attached to or constructed in or on a canopy.

SIGN, CHANGEABLE COPY. Sign on which copy is changed manually or electronically in the field such as reader boards with changeable letters or changeable pictorial panels.

SIGN, COMMEMORATIVE. A sign ~~which identifies~~ **located on** a site of memorable public interest **or historical significance.**

~~**SIGN, CONSTRUCTION.** A freestanding, temporary ground-mounted sign installed on the site of a commercial or residential development which is currently under construction.~~

~~**SIGN, DIGITAL DISPLAY.** Signs which utilize monitors, such as LCD television screens or Plasma televisions screens as a means to display advertising messages.~~

~~**SIGN, DIRECTIONAL.** Any sign which serves solely to designate the location or direction of any place or area.~~

SIGN, ELECTRICAL. Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

SIGN, EXEMPT. A sign exempted from normal permit requirements.

SIGN, FLASHING. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

SIGN, GOVERNMENTAL. A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation for the purpose of informing or guiding the public.

SIGN, GROUND. A sign which is supported by one or more upright poles or braces in or upon the ground, which are not part of the building, and which does not exceed eight feet in height, also known as a monument sign.

~~**SIGN, IDENTIFICATION.** A sign bearing only the building name or addresses of occupants of the premises and bearing no commercial message other than that of the use identified.~~

SIGN, MARQUEE. Any permanent sign attached to or constructed in or on a marquee.

~~**SIGN, MENU BOARD.** A ground or wall mounted sign, located adjacent to a restaurant's drive thru lane or pick-up window, displaying text and/or graphics not intended to be legible from a public right-of-way.~~

SIGN MESSAGE. The wording, copy, logo, or similar identifying form on a sign.

SIGN, NEON OR NEON-TYPE. Any arrangement of exposed and visible illuminated neon or neon tubes, fiber optics, light emitting diodes, or similar technology, excluding banding around any part of the perimeter of the building.

SIGN, NONCONFORMING. Any sign lawfully existing prior to the effective date of this chapter or amendments thereto, which no longer conforms to all standards and regulations of the current chapter. See also **NONCONFORMING USE**.

~~**SIGN, OFF-PREMISE.** A sign which directs attention to a use, commodity or service not related to the premises on which the sign is located.~~

SIGN, ~~OFF-PREMISE-ELECTRONIC VARIABLE MESSAGE SIGN~~, SHUTTER STYLE SIGN or **DIGITAL BILLBOARD.** A sign that directs attention to a business, commodity, services, or entertainment conducted, sold or offered ~~at a location other than the premises on which the sign resides,~~ and, other than the supporting structure, is constructed so that the entire face of the sign is an electronic screen, display or device that changes the message or copy of the sign electronically.

~~**SIGN, ON-PREMISE.** Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.~~

SIGN, PERMANENT. A sign permitted by this code **intended** to be located on the premises for an unlimited period of time.

~~**SIGN, POLITICAL.** Any sign identifying and urging voter support for or against a particular election issue, political party or candidate for public office.~~

~~**SIGN, PUBLIC SERVICE INFORMATION.** Any sign intended primarily to promote items of general interest to the community.~~

SIGN, PYLON. A permanent sign that is mounted on a free-standing pole or other support, and exceeds eight feet in height.

SIGN, RACEWAY. Any sign which contains individual letters that are mounted on a common aluminum channel box, known as a raceway or ballast box. The lettering typically contains all electrical components including wiring and transformers needed for the operation of the sign. The raceway itself is attached to the wall, rather than the individual letters.

EXHIBIT A – May 27, 2016
Beavercreek - Land Usage

90

~~**SIGN, REAL ESTATE.** A temporary sign pertaining only to the sale, rent or lease of the property on which it is located.~~

SIGN, ROOF. Any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.

SIGN, ROTATING. Any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

SIGN, SCROLLING ELECTRONIC. A sign such as an electronically controlled public service time, temperature and date sign, message center or reader board where different copy changes are shown on the same lamp bank. See also **SIGN, CHANGEABLE COPY.**

SIGN STRUCTURE. Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

SIGN, TEMPORARY. A sign which is not permanently affixed. All devices such as banners, pennants, flags, (not intended to include a flag of any nation) searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.

SIGN, TEMPORARY GROUND. A sign that is not permanently affixed to a stand or the ground (e.g. A-Frame or portable sign).

SIGN, TEMPORARY WINDOW. A sign painted on the interior of a window or constructed of paper, cloth or other like material and attached to the interior side of a window for a sale of merchandise or a change in the status of the business.

SIGN, UNDER CANOPY. A sign suspended below the ceiling or roof of a canopy or marquee.

SIGN, WALL. Sign attached to a wall of a building, with the face horizontally or vertically parallel to the building wall.

SIGN, WINDOW. Signs affixed to the glass on the inside of a window, or erected within three feet of a window on the inside of a building, so as to be seen from the outside of a building.

SLOPE. The relationship between the change in elevation of land (rise) and the horizontal distance over which that change in elevation occurs (run). Slope may be calculated by dividing the rise by the run, multiplied by 100, and expressed as a percentage, or shown as a ratio.

SOLAR ENERGY. Radiant energy (direct, diffused, and reflected) received from the sun.

SPECIFIC SITE PLAN. A detailed development plan for a part of, or all of, a planned unit development indicating the specific proposed locations of structures, signs, parking areas, means of vehicular access and movement, pedestrian walkways, landscaping and open space, lighting plans, buffering and screening devices, utility services, drainage and runoff control systems, and other details.

(Q) *Mechanical equipment.*

(1) All mechanical equipment, such as HVAC systems and the like, shall be screened from public view, from public streets, public rights-of-way, and from abutting or adjacent properties.

(2) Screening on three sides of the mechanical equipment shall consist of a solid, opaque enclosure constructed of brick, concrete, concrete block, vinyl, PVC, or other decorative masonry, and shall be consistent with the architectural character of the development or principal building or structure. Landscaping material, such as shrubs or evergreen trees can be used in lieu of, or in combination with, the aforementioned materials, provided the design results in the required opaque enclosure.

(Ord. 09-21, passed 7-27-09)

• **158.041 ORP-1 OFFICE RESEARCH PARK DISTRICT.**

(A) *Intent.* To provide an area where certain office and professional uses can coexist with research and development type facilities. This includes offices and professional services that generally do not generate a large number of walk-in customers, and laboratories, engineering offices, prototype fabrication capabilities, test facilities, and the like, arranged in a campus or park-type setting with large open spaces to provide an environment for scientific and engineering personnel working on technical projects. A minimal amount of related prototype development and related accessory manufacturing is permitted.

(B) *Permitted principal uses.* See Appendix B. ~~A maximum of 35% of the gross floor area of the principal building on a lot may be used for prototype development facilities and related accessory manufacturing.~~

(C) *Accessory uses.* Those uses customarily incidental to the principal uses permitted in this district.

(D) *Conditional uses.* See Appendix B for allowed uses, provided conditional use approval is granted by the Planning Commission as provided in • 158.171(C) of this chapter.

(E) *Lot size and width.* The minimum lot size shall be 43,000 square feet. The minimum lot width for this district shall be 125 feet.

(F) *Land Use Intensity.* The maximum land use intensity shall be as follows:

<i>Maximum Coverage by All Buildings</i>	<i>Maximum Coverage by all Buildings and Impervious Surfaces</i>
35%	75%

EXHIBIT A - May 27, 2016
Beavercreek - Land Usage

130

(3) All exterior sides of the enclosure, except the gate, shall be landscaped pursuant to • 158.135, Landscaping, Screening and Buffering.

(4) Trash receptacle enclosures shall not be located any closer to the road than the front of the principal structure.

(5) All trash receptacle enclosures shall be a minimum of six feet high, and large enough to enclose all trash receptacles used by the principal use of the property. At the option of the property owner, the overall square footage of the trash receptacle enclosure may be increased an additional 80 square feet to allow for outdoor storage of property.

(Q) *Accessory structures.* See •158.104, Accessory Buildings, Structures, Appurtenances and Carports within Residential and Commercial Districts.

(R) *Mechanical equipment.*

(1) All mechanical equipment, such as HVAC systems and the like, shall be screened from public view, from public streets, public rights-of-way, and from abutting or adjacent properties.

(2) Screening on three sides of the mechanical equipment shall consist of a solid, opaque enclosure constructed of brick, concrete, concrete block, vinyl, PVC, or other decorative masonry, and shall be consistent with the architectural character of the development or principal building or structure. Landscaping material, such as shrubs or evergreen trees can be used in lieu of, or in combination with, the aforementioned materials, provided the design results in the required opaque enclosure.
(Ord. 09-21, passed 7-27-09)

• 158.042 RP-1 RESEARCH PARK DISTRICT.

(A) *Intent.* The purpose of this district is to provide an area dedicated to research and development type facilities. This includes offices and professional services that generally do not generate a large number of walk-in customers, and laboratories, engineering offices, prototype fabrication capabilities, test facility, and the like, arranged in a campus or park type setting with large open spaces to provide an environment for scientific and engineering personnel working on technical projects. A small amount of related production is permitted.

(B) *Permitted principal uses.* See Appendix B. ~~A maximum of 60% of the gross floor area of the principal building on a lot may be used for prototype development facilities and related accessory manufacturing.~~

(C) *Accessory uses.* Those uses and structures customarily incidental to the principal uses permitted in this district.

(G) *Uses under conditional use provision not nonconforming uses.* Any use which is permitted as a conditional use in a district under the terms of this chapter shall not be deemed a nonconforming use in such a district, but shall without further action be considered a conforming use.

(H) *Restoring buildings.* When a building or structure the use of which does not conform to the provisions of this section has been damaged by explosion, fire or act of God, to the extent of 60% or more of its reproduction value at the time of damage, it shall not be restored or reconstructed or in any way used except in conformity with the district regulations of the district in which the building is situated. The Board of Zoning Appeals may grant an exception under the provisions of • 158.172(H)(4).

(I) *Violations not rendered nonconforming.* A use, structure or lot in violation of the provisions of this Zoning Code subsequently amended shall not become nonconforming upon the adoption of an amendment, but shall continue as violations.

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

§ 158.126 KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS.

The keeping of chickens (*Gallus gallus domesticus*) is prohibited in the City of Beavercreek, except where an *AGRICULTURAL ACTIVITY* is permitted, or on properties used for one-family residential purposes under the following conditions:

(A) *General Regulation.*

(1) *Maximum number of chickens.* The maximum number of chickens shall be based on the following lot sizes:

(a) Lots less than 15,000 square feet shall not be permitted to keep or house chickens

(b) Lots that are 15,000 square feet or greater shall be permitted a maximum of six (6) chickens.

(c) Chickens shall not be permitted on multi-family or two-family residentially zoned properties.

(2) *Roosters.* Roosters shall not be permitted to be housed or kept on any residentially zoned property within the City.

(3) *Chicken pens or chicken coops.* The chicken pen or chicken coop shall conform to the following standards:

(a) Coops must be constructed of a solid wood, composite or vinyl material and be constructed so as to prevent rodents, wild birds, predators, dogs, and cats from accessing feed and the chickens.

(b) Pens shall only be permitted in the rear yard of the property, completely to the rear of the primary structure.

EXHIBIT A - May 27, 2016

(c) Pens may not be located any closer than twenty (20) feet from any property line of an adjacent property.

(d) Pens must be kept clean, dry, odor-free and free from accumulated manure. Any stored manure must be kept in a fully enclosed structure or container.

(4) *Processing of Chicken.* Chickens shall not be permitted to be slaughtered.

(5) *Nuisances.* Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries. The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and predators and parasites that may result in unhealthy conditions to human habitation. Should said infestation occur, the chickens and/or parasites and insects may be removed by the City, through the Greene County animal control officer, or other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

(B) *Permits required.*

(1) An accessory structure permit is required prior to the construction of the chicken coop. Coops shall be a maximum of 100 total square feet, have a maximum height of 10 feet, and shall not count toward the maximum allowed square footage of accessory structures in a residential district, as defined in 158.104 (E) (1).

(2) Prior to the introduction of chickens to the chicken coop, the property owner or his designee must apply for, and receive a separate permit for the keeping of chickens in a residential district.

(3) *Revocation of Permit.* The permit to keep chickens may be revoked by the City where there is a risk to public health or safety, or for any violations of or failure to comply with any of the provisions of this section.

(C) *Sunset Provision.* These regulations are temporary and are considered be valid for one year from the date it becomes effective. City Council shall re-evaluate these regulations and could make changes that could include the repealing of this subsection of the Zoning Code and requiring the removal of all previously approved chickens. Persons applying for a permit to keep chickens within the first year shall be made aware, as stated on the permit, that they may have to remove the chickens should council choose not to renew these regulations after the one year period.

(D) *Violations.* Any property containing chickens which fails to meet the requirements of this section shall be deemed to be in violation of this section and of the Zoning Code.

~~● 158.126 RESERVED.~~

● 158.127 NURSERY SCHOOL/DAY CARE CENTER.

(A) *License required.* The nursery school/day care center shall secure a valid license from the Ohio Department of Human Services to operate such facility in the city.

(B) *Required outdoor play space.* The site shall have an outdoor play space which is located behind the required front yard setback, enclosed by a fence or wall a minimum of 42 inches high, and possess a minimum of 60 square feet for each child expected to use the play space at any one time.

EXHIBIT A - May 27, 2016

(Ord. 09-21, passed 7-27-09)

SIGNS

● 158.145 INTENT.

To establish size and location standards which will meet the needs of businesses and other organizations within the city, while at the same time protect and enhance the visual quality of the City of Beavercreek.

(Ord. 09-21, passed 7-27-09)

● 158.146 EXEMPT SIGNS.

(A) *Intent.* These signs shall be exempt on the basis that they implement a compelling government interest in protecting the health and safety of persons and property in the city.

(B) *Exempt signs.* The following signs are exempt from this code and shall not require permits:

(1) Temporary or permanent signs erected and maintained by the city, County, State or Federal government for traffic direction or for direction to or identification of a governmental facility or community event as declared by the City Manager.

(2) ~~Directional~~ **Permanent** Ground signs **located at the entrance and/or exit of any commercial establishment** not to exceed two signs per driveway ~~indicating entrance and exit locations~~ with size not to exceed three square feet per sign face and four feet in height. ~~Advertisements or company logos are not allowed to be incorporated in the design of traffic or directional signs.~~

(3) Flags, emblems and insignias of national, state or local political subdivisions.

(4) Signs that do not exceed eight square feet in sign area and six feet in height **at the entrance to any residential neighborhood installed by a homeowners association** ~~that give notice of Neighborhood Crime Watch Programs being in effect.~~

(5) ~~Name and/or address descriptions~~ **Signs** mounted to the front wall of a building or to a lamp post in the front yard not to exceed two square feet in sign area.

(C) *Other exempt signs.* Signage not serving a compelling government interest in protecting the health, safety and welfare of person and property in the city, but still exempt.

(1) Single faced signs ~~dedicated for a specific purpose~~, located within the confines of a parking **space** ~~lot, such as "Carry-Out Parking Only, or "Employee of the Month"~~, not to exceed four square feet.

(2) Barber poles, not larger than six inches in diameter, and three feet in height.

(3) Unshielded luminous tube (neon **and/or LED**) lighting, of small diameter (1/2 inch) which acts as an architectural detail on the exterior of any commercial structure; limited to rooflines, and cannot

EXHIBIT A - May 27, 2016

be located on the side of the building facing any residential structure or district.
(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10)

• 158.147 PROHIBITED PERMANENT AND TEMPORARY SIGNS.

All signs not expressly permitted under this section or exempt from regulation under the previous section are prohibited in the city. Such signs include but are not limited to:

(A) *List of prohibited permanent and temporary signs.*

(1) Abandoned signs.

(2) Beacons and searchlights except for emergency, health or safety purposes.

~~(3) Billboards, lead-in, or other off-premise signs except as provided for in • 158.159.~~

(34) Blinking, flashing or intermittent lighting, except those permitted under electronic copy signs in "B" districts.

~~(45)~~ Moving, animated or rotating signs.

EXHIBIT A - May 27, 2016
Beavercreek - Land Usage

254

(56) Pennants, streamers, banners, windfeathers, flags not exempt under • 158.146, and similar devices.

(67) All helium, gas and air balloons located on or anchored to structures, vehicles, the ground, or to anything connected to or on the ground, including skytubes, skydancers, and similar devices.

(78) Portable signs except as authorized under temporary signs.

(89) Projecting **roof** signs.

~~(10) Roof signs.~~

~~(911) Signs attached to any tree, utility pole, fence, bench, trash receptacle **and/or enclosure**, or newspaper vending machine.~~

~~(10112) Signs for which a permit has not been issued by the city or which are not exempt under • 158.146.~~

~~(1113) Signs attached to or painted on the face of accessory buildings except those attached to automatic teller machines or similar structures.~~

~~(1214) Any sign which, by reason of its size, shape, location, **content**, coloring or manner of illumination:~~

~~(a) Constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets and roads.~~

~~(b) May be confused with a traffic-control sign, signal or device or the light of an emergency or road equipment vehicle.~~

~~(15) Signs which make use of words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse traffic.~~

~~(1316) Signs which obstruct free ingress and egress from a required door, window, fire escape, or other required exit way.~~

~~(1417) Signs or parts thereof which are erected within or above a public right-of-way.~~

~~(1518) Signs which convey visual information that may be prohibited under the obscenity statutes of the state.~~

~~(1619) Spinning devices or strings of spinning devices.~~

(1720) Window signs in any district which covers more than 50% of total window area.

(1821) Any sign that is attached, painted or placed onto or inside a parked vehicle which is used primarily for commercial advertising is prohibited unless such advertising pertains to the business for which the vehicle is actively and normally used (e.g. delivery or service van/truck) or for the sale or rental of the vehicle itself.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

● **158.148 GENERAL DESIGN, ERECTION AND MAINTENANCE PROVISIONS.**

Every sign shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of this section unless specifically modified by another section of this section.

(A) *Automatic teller machine signs - (ATMs).* Automatic teller machines or similar devices either attached to a principal structure or enclosed within an independent free standing structure shall be permitted two square feet of sign area for every one foot width of the ATM structure not to exceed 20 square feet of total sign area.

(B) *Awning signs.*

(1) Awning signs may be displayed in lieu of but not in addition to a wall sign for an individual establishment.

(2) If illuminated, such awning shall have lighting concealed from view.

(3) An awning sign shall not project higher than the top of the awning to which sign text is affixed.

(C) *Changeable copy area.*

(1) Permanent ground signs located in "B" Districts as well as permitted conditional uses in agricultural and residential districts may incorporate up to 50% per side of total sign area for changeable copy, with a maximum 24 inches in height of changeable copy area.

(2) Changeable copy may be used in lieu of but not in addition to electronic copy.

(3) All permanent changeable copy signs must be enclosed and locked securely in a clear glass or plastic casing.

(4) No property that utilizes a changeable copy sign shall be permitted to have any temporary signage.

EXHIBIT A – May 27, 2016
Beavercreek - Land Usage

256

(D) *Dangerous or defective signs not permitted.* A sign in dangerous or defective condition shall not be permitted on any premises. Any such sign constitutes a nuisance and shall be removed or repaired as required under • 158.156.

(E) *Electronic copy signs.*

(1) Permanent ground signs located in "B" Districts as well as permitted conditional uses in agricultural and residential districts may incorporate up to 50% per side of total sign area for electronic copy ~~area~~ with a maximum 24 inches in height of electronic copy ~~area~~. **The measurement for an electronic copy sign includes the entire area of the electronic copy structure, not the letter area.**

(2) Electronic copy may be used in lieu of but not in addition to changeable copy.

(3) Electronic display shall remain constant for a period not less than two seconds per message.

(4) No property that utilizes an electronic copy sign shall be permitted to have any temporary signage.

(5) Electronic copy signs shall be permitted as ground signs only. No wall sign shall be permitted to have electronic copy sign area.

(F) *Ground signs.*

(1) *General.*

(a) Any temporary ground sign or any part thereof shall be set back a minimum distance of 15 feet from the edge of an adjacent roadway pavement. Additional setback may be required to avoid placement within the public right-of-way.

(b) A permanent ground sign or any part thereof shall be set back a minimum distance of five feet from any right-of-way or from any proposed right-of-way or any property line or as otherwise required in this section. Greater setbacks for permanent signs may be required to improve sight distances at intersections. All ground signs must be located only in the front yard unless otherwise expressly permitted by this section. In no instance may a ground sign be located closer than 15 feet from the edge of roadway pavement.

(c) The Planning and Zoning Department may permit a slight variation from the minimum street frontage spacing requirements for ground signs applicable in individual zoning districts if conflict with driveways, natural barriers, trees, and utility equipment is unavoidable.

(d) If a ground sign is pole-mounted, skirting shall be installed between the bottom of the sign and the ground to visually convey the impression of a monument-type sign.

(2) *Minimum street frontage.* Permanent ground signs shall be prohibited on parcels with street frontage less than 50 feet in width at the right-of-way line unless otherwise expressly permitted in this sign code.

(3) *Landscaping requirements.* A permanent ground sign shall require a single continuous landscaped area to be maintained around the base of the sign in accordance with the following standards:

(a) The minimum landscaped area shall be equal to or greater than the total sign area of the sign.

(b) The landscaped area shall include all points where sign structural supports attach to the ground and are visible.

(c) Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb suitable to prevent the encroachment of vehicles into the landscaped area shall be required. The minimum distance between the face of any such required curb and any part of the sign shall be 30 inches.

(d) The landscaped area shall include one or more of the following plant materials: shrubs, trees, grass and/or seasonal varieties permanently located and properly maintained with dead vegetation replaced as soon as weather permits. The use of exposed concrete, asphalt, or any other paved surface inside the required landscaped area beneath the sign is prohibited.

(4) *Construction sites.* During construction of a commercial or residential development, one free-standing temporary ground-mounted sign shall be permitted to be installed on the site of the commercial or residential development. The sign shall be single-faced, have a maximum height of eight feet and not exceed 32 square feet in sign area. Minimum setback for the sign shall be 15 feet from the public right-of-way. The sign shall be removed within two years after the date on the sign permit, or a new permit shall be needed.

(a) To ensure removal, the applicant shall be required to place a cash bond with the city at the time of the permit issuance for the removal of the sign. Said bond shall be in the amount as stated in the approved fee schedule of the City of Beavercreek and shall be refunded in full to the applicant if the permitted sign is removed within the required timeframe.

(b) In the event a permitted ~~construction~~ sign is not removed at the required time, said sign shall be deemed an illegal sign and the bond shall be forfeited to the city to cover removal costs.

~~(G) Major development signs. Developments in C-PUD, MX-PUD and I-PUD districts, fronting on an expressway, principal arterial, major arterial, arterial or thoroughfare roadway may be permitted one permanent freestanding pylon sign per street frontage up to a maximum of two permanent pylon signs per development.~~

~~(GH)~~ *Marquee signs.*

(1) Marquee signs may be displayed in lieu of but not in addition to any other form of permanent sign identification with the exception of under marquee signs for an individual business establishment.

EXHIBIT A - May 27, 2016
Beavercreek - Land Usage

258

(2) If illuminated, such marquee signs shall have lighting concealed from view.

(HI) *Neon signs and neon or LED banding.*

(1) Neon signs shall be permitted in business districts only, unless otherwise approved in a PUD district and cannot be located on the side of the building facing any residential structure or district.

(2) Neon signs may be displayed in lieu of, but not in addition to, a wall sign for an individual establishment.

(3) Neon **or LED** banding shall be allowed provided the banding follows the roofline, and the tubes are no larger than one-half inch in diameter.

(IJ) *Number of signs permitted.* An individual establishment shall be permitted a maximum of two types of permanent sign identification unless otherwise permitted or prohibited in this section.

(JK) *Planned Unit Development sign programs.* Signs which have been approved as part of a Planned Unit Development sign program may vary from the requirements stated within this section. Variations permitted through a PUD sign program may include but are not limited to the following: total number of signs permitted, sign size, sign setback, sign height, material composition of sign and percentage of sign area devoted to changeable copy or electronic copy. Such deviations are recognized to be primarily for safety or unique parcel configuration circumstances and are not intended to circumvent the intent of the sign code.

(KL) *Sign location with respect to street and building frontages.*

(1) All signs permitted by virtue of a premises having street frontage or building frontage shall be located only along the front of the structure or property visible from the fronting roadway or from the adjacent parking lot.

(2) In the case where an individual occupant would have no building frontage, the maximum horizontal width of the portion of the building where that occupant's main entrance is located shall be considered that occupant's separate and distinct building frontage. In the case where the ground floor of a building is occupied by two or more different tenants, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage.

(LM) *Temporary sign illumination.* Illumination of a temporary sign shall be prohibited.

(MN) *Temporary signs (additional permitted).* In addition to temporary signs permitted in the specific district requirements of this section, temporary signs shall also be permitted which comply with the following requirements:

EXHIBIT A – May 27, 2016
Zoning Code

259

(1) ~~Real estate signs shall be permitted as follows~~ **Temporary signs on properties for sale, rent, or lease:**

(a) *Location.* One ground or window sign per street frontage ~~to advertise the sale, rental or lease of the property upon which the sign is located~~ shall be permitted. Any ground sign or part thereof shall be set back a minimum of 15 feet from the edge of any adjacent roadway pavement. Additional setback may be required to avoid placement within the public right-of-way and/or to prevent a line-of-sight obstruction. No sign may be located within the median or any other part of a public right-of-way and shall not block visibility or create an obstacle for motorists, bicyclist, or pedestrians.

(b) *Area.* In residential districts, the total sign area shall not exceed six square feet per sign face or 12 square feet in total sign area if two sided. In nonresidential districts, total sign area shall not exceed 16 square feet per sign face, or 32 square feet in total sign area if two sided.

(c) *Height.* In residential districts, the sign height shall not exceed four feet. In nonresidential districts, sign heights shall not exceed five feet.

(2) ~~Political opinion, election and issue signs~~ **Temporary signs installed prior to an election or referendum** shall be permitted as follows:

(a) *Property owner permission required.* It shall be the responsibility of the owner of any ~~political~~ sign to obtain the permission of the property owner of any parcel on which the sign will be placed, prior to the placement of any ~~political~~ sign.

(b) ~~Political opinion, election and issue signs in residential~~ **Residential districts:**

1. ~~Political~~ **S**signs shall not be illuminated.
2. ~~Political~~ **S**signs shall not be larger than six square feet per sign face or 12 square feet in sign area if two sided.
3. ~~Political~~ **S**signs shall not be mounted to any tree, utility pole or building.
4. ~~Political~~ **S**signs shall not be displayed in the right-of-way and cannot create a line of sight hazard.

(c) ~~Political opinion, election and issue signs in C~~ **Commercial districts.**

1. ~~Political~~ **S**signs shall not be illuminated.
2. Each commercial parcel shall be allowed one large sign, up to 16 square feet per sign face, or 32 square feet if two-sided, ~~per individual political issue, opinion and election.~~
3. In addition to the large sign, each commercial parcel shall be allowed an additional 36 square feet within smaller signs, each of which shall be no larger than six square feet per sign face, or 12 square feet if two-sided, ~~per individual political issue, opinion and election.~~

EXHIBIT A - May 27, 2016
Beavercreek - Land Usage

260

4. ~~Political~~ Signs shall not be mounted to any tree, utility pole or building.

5. ~~Political~~ Signs shall not be displayed in the right-of-way and cannot create a line-of-sight hazard.

6. Because of the nature of materials typically used to construct ~~political~~ these types of signs, to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, ~~political~~ signs must be removed or replaced when the sign is deteriorated or within 60 days from the date the sign is posted, whichever comes first. The city may cause the removal of any deteriorated sign and charge the expenses for the removal to the owner of the property on which the sign is displayed. If posts are used to display larger signs, said posts shall also be removed within 60 days from the date the sign is posted.

7. Prior to the placement of a ~~political~~ sign on a commercial property, the owner of the sign shall submit and receive approval by the Planning Department for a Temporary ~~Political~~ Sign Permit.

8. Prior to the placement of the ~~political~~ sign on a commercial property, the owner of the sign shall submit and receive approval by the Ohio Utility Protection Services before driving posts for large signs.

(NO) *Under marquee signs.* Under marquee signs shall be mounted as nearly as possible to right angles of the building face.

(OP) *Wall signs.*

(1) A wall sign may be displayed in lieu of, but not in addition to, an awning sign or neon sign for an individual establishment.

(2) A wall sign shall not project more than 18 inches from the wall of the building upon which it is mounted.

(3) A wall sign shall be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall to which the sign is mounted.

(4) A wall sign shall not extend above the top of the wall and shall not extend beyond the limits of any wall to which it is attached.

(5) A wall sign shall not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows, or trim).

(6) A wall sign shall have hidden structural supports and shall be mounted in such a way as to not allow movement by **normal** atmospheric conditions.

EXHIBIT A – May 27, 2016
Zoning Code

260A

(7) If illuminated, such lighting shall not produce glare and all lighting elements, including wiring, shall be concealed from view.

(8) The removal or alteration of any wall sign shall result in the underlying façade being returned to its original construction condition, so as to leave no evidence of a former sign.

(PQ) *Exterior lighting for signage.* See • 158.136, Standards for Exterior Lighting.

(QR) ~~Maintenance~~ All signs using illumination, whether internal or external, shall be maintained in good working order. Any inoperable light source, which gives the sign an incomplete appearance, shall be replaced by the owner of the sign as soon as practical.

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

• 158.149 SIGNS PERMITTED IN A-1 DISTRICTS.

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed nonresidential or nonagricultural parcel with a permitted or conditional use shall be based on one quarter square foot of sign area for each linear foot of street frontage. Sign area for permanent wall signs shall be based on one quarter square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. **A larger number of ground signs may be permitted through the PUD or conditional use process.**

(2) Developed parcels located on corner lots are permitted only one ground sign.

(3) The total sign area of a ground sign shall not exceed ~~3024~~ square feet per sign face or ~~48-60~~ square feet in total sign area.

(4) No ground sign shall exceed ~~four~~**five** feet in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of signs on one building frontage.

(C) *Permanent wall signs.*

(1) One wall sign per building frontage shall be permitted for nonresidential or nonagricultural premises with a permitted conditional use.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of signs on one

EXHIBIT A - May 27, 2016

building frontage.

- (3) The total sign area of a wall sign shall not exceed 16 square feet in sign area.
- (4) A wall sign shall not project above the top of the wall to which attached.

(D) *Temporary ground signs ~~excluding~~ **excluding those outlined in §158.148** ~~political and real estate signs.~~*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign containing changeable copy or for an A-frame sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign shall not exceed five feet in height.

(3) Total sign area for temporary ground signs, which are to be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

● **158.150 SIGNS PERMITTED IN R DISTRICTS.**

(A) *Permanent ground signs.*

(1) One permanent ground sign shall be permitted ~~to identify~~ **near the entrance of** an approved subdivision, neighborhood, multi-family development complex, or permitted conditional use. ~~These signs shall be permitted so as to implement a compelling government interest in protecting the health and safety of persons and property in the city through proper identification of subdivisions, neighborhoods, multi-family developments and conditional uses.~~ A larger number of ground signs may be approved through the PUD or conditional use process.

(2) Ground signs must be located along a principal arterial, major arterial or visually definable entryway to a residential subdivision or permitted conditional use.

(3) The total sign area of such a ground sign shall not exceed 30 square feet. The sign shall not exceed 15 square feet per face.

(4) No ground sign shall exceed four feet in height from established grade to top of sign structure. See also Appendix C.

(B) *Temporary ground signs for residential uses **excluding those outlined in §158.148.** ~~excluding political and real estate signs.~~*

EXHIBIT A - May 27, 2016

(1) Only one temporary ground sign constructed of fiberboard, wood or plastic shall be permitted on an individual residential parcel for a period of time not to exceed one continuous seven-day period in any one calendar year.

(2) The sign height shall not exceed four feet.

(3) Total sign area for a temporary ground sign shall be based on one square foot of sign area for every ten linear foot of street frontage. The total sign area shall not exceed ten square feet per sign face or 20 square feet in total sign area.

(C) *Temporary ground signs for non-residential uses **excluding those outlined in §158.148.*** ~~excluding political and real estate signs.~~

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

● 158.151 SIGNS PERMITTED IN RO-1 DISTRICTS.

(A) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. **A larger number of ground signs may be approved through the PUD or conditional use process.**

(2) The total sign area of such a ground sign shall not exceed 30 square feet. An individual sign face shall not exceed 15 square feet.

(3) No such ground sign shall exceed four feet in height from the established grade to the top of sign structure.

(4) Such a ground sign must be constructed of natural materials and shall not be internally illuminated.

(5) Such a ground sign must be located at least 50 feet from any adjacent residential district

EXHIBIT A - May 27, 2016

(6) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(B) *Permanent wall signs.*

(1) One wall sign, which shall not exceed four square feet in sign area, is permitted on the front wall of the structure.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) Such a wall sign shall not exceed eight feet in height from the base of the main entrance door sill.

(C) *Temporary ground signs* **excluding those outlined in §158.148** ~~excluding political and real-estate signs.~~

(1) Only one temporary ground sign constructed of fiberboard, wood or plastic shall be permitted on an individual residential office parcel for a period of time not to exceed one continuous seven-day period in any one calendar year.

(2) The sign height shall not exceed four feet. See also Appendix C.

(3) Total sign area for a temporary ground sign shall be based on one square foot of sign area for every ten linear foot of street frontage. The total sign area shall not exceed ten square feet per sign face or 20 square feet in total sign area.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

EXHIBIT A - May 27, 2016

• 158.152 SIGNS PERMITTED IN B-1 AND B-2 DISTRICTS.

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on one-half square foot of sign area for each linear foot of street footage. Sign area for permanent awning, wall, neon and under marquee signs shall be based on one square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. **A larger number of ground signs may be approved through the PUD or conditional use process.**

(2) Where a developed parcel has street frontage in excess of 250 feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between the ground signs is not less than 150 feet and are not located closer than 50 feet to any adjoining side property line.

(3) The total sign area of a ground sign shall not exceed 25 square feet per sign face or 50 square feet in total sign area.

(4) No ground sign shall exceed five in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage

EXHIBIT A - May 27, 2016

(C) *Permanent awning sign.* One awning sign per building frontage shall be permitted for an individual establishment.

(D) *Permanent wall signs.*

(1) No more than one wall sign per building frontage shall be permitted for an individual establishment.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) A wall sign shall not project above the top of the wall to which attached.

(E) *Permanent under marquee signs.*

(1) No more than one under marquee sign is permitted for an individual establishment.

(2) Signs attached to the underside of a marquee shall have a sign area no greater than four square feet per sign face.

(3) Such signs shall have a minimum clearance of nine feet from the bottom of the sign to the sidewalk.

(F) *Temporary ground signs* **excluding those outlined in §158.148** ~~excluding political and real estate signs.~~

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

EXHIBIT A - May 27, 2016
Beavercreek - Land Usage

266

(G) *Permanent canopy sign.*

- (1) A maximum of one canopy sign per canopy frontage shall be permitted per establishment.
- (2) Canopy signs may not project above or below canopy facing.
- (3) Total sign area permitted for all canopy signs attached to a canopy structure shall not exceed 50% of the total sign area allotted the principal building frontage.

(H) ~~Menu-board signs~~ **Signs for drive-thru restaurants.**

- (1) One ~~menu-board~~**additional ground** sign is permitted per drive-thru restaurant, and shall be located adjacent to the drive-thru lane.
- (2) Total sign area ~~for a menu-board sign~~ shall not exceed 20 square feet.
- (3) Maximum height ~~of a ground-mounted menu-board sign~~ shall be 6 feet.
- (4) All ground mounted ~~menu-board~~ signs shall conform to the landscape requirements for ground signs as specified in §158.148 (F)(3).

(I) *Blade Signs.*

- (1) Total sign area for a blade sign shall not exceed four square feet per sign face.
- (2) Blade signs shall not project any higher than three feet from the building.
- (3) The bottom of blade signs shall not be any lower than eight feet from grade.
(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

● **158.153 SIGNS PERMITTED IN B-3 AND B-4 DISTRICTS.**

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on three-fourths square feet of sign area for each linear foot of street footage. Sign area for permanent awning, wall, neon, canopy, marquee and under marquee signs shall be based on one and one-half square feet of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

- (1) One ground sign shall be permitted for each developed parcel. **A larger number of ground signs may be approved through the PUD or conditional use process.**

EXHIBIT A – May 27, 2016
Beavercreek - Land Usage

268

(2) Total sign area permitted for a marquee sign shall not exceed 75% of total sign area allotted the building frontage.

(3) The marquee sign shall not project above the top of the wall to which it is attached and shall not be less than nine feet in height from the sidewalk.

(4) The marquee sign shall not extend more than 18 inches from the wall of the building upon which it is mounted.

(G) *Permanent under marquee signs.*

(1) No more than one under marquee sign shall be permitted for an individual establishment.

(2) Signs attached to the underside of a marquee shall have a sign area no greater than six square feet per sign face.

(3) Signs shall have a minimum clearance of nine feet from the bottom of the sign to the sidewalk.

(H) *Temporary ground signs ~~excluding those outlined in §158.148. excluding political and real estate signs.~~*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(I) ~~Mem-board signs~~ *Signs for drive-thru restaurants.*

(1) One additional ground sign is permitted per drive-thru restaurant, and shall be located adjacent to the drive-thru lane.

(2) Total sign area shall not exceed 20 square feet.

(3) Maximum height shall be 6 feet.

EXHIBIT A - May 27, 2016

(4) All ground mounted signs shall conform to the landscape requirements for ground signs as specified in §158.148 (F)(3).

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

• 158.154 SIGNS PERMITTED IN O-1, RP-1 AND ORP-1 DISTRICTS.

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on one-half square foot of sign area for each linear foot of street footage. Sign area for permanent awning and wall signs shall be based on one square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. **A larger number of ground signs may be approved through the PUD or conditional use process.**

(2) Where a developed parcel has street frontage in excess of 200 feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between ground signs is not less than 150 feet and said signs are not located closer than 25 feet to any adjoining side property line.

(3) The total sign area of a ground sign shall not exceed 25 square feet per sign face or 50 square feet in total sign area.

(4) No ground sign shall exceed five feet in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(6) One ground sign shall be permitted at the entrance to each major arterial serving a Research Park District or Office Research Park District. The sign area shall not exceed 50 square feet per side and maximum of 100 square feet total of all sides and shall not be higher than six feet and shall be set back a minimum of 20 from the right of way.

(C) *Permanent awning signs.* One awning sign shall be permitted for an individual establishment with orientation toward a street or an internal pedestrian movement or courtyard area.

(D) *Permanent wall signs.*

(1) One wall sign per building frontage shall be permitted for an individual establishment.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

EXHIBIT A - May 27, 2016

(3) A wall sign shall not project above the top of the wall to which attached.

(E) *Temporary ground signs **excluding those outlined in §158.148.*** ~~excluding political and real estate signs.~~

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

~~(F) *Additional Requirements.* All signage shall comply with ~~§§ 158.145 through 158.158~~ with the following exceptions and/or additions:~~

~~(1) Free standing signs except as otherwise authorized in this section, projecting signs, canopy and marquee signs, awning signs and sloping roof signs are not permitted in the Research Park District or Office Research Park District.~~

~~(2) Ground signs are permitted in the Research Park District or Office Research Park District under the following conditions:~~

~~(a) One ground sign not to exceed 24 square feet per side.~~

~~(b) Ground signs within a Research Park District or Office Research Park District must be set back a minimum of ten feet from the public right-of-way.~~

~~(c) One ground sign for two or more combined permitted business uses on the same premise, and shall not exceed 36 square feet per side.~~

~~(d) The maximum height of the ground sign above the grade shall be four feet.~~

~~(e) One freestanding sign or ground sign which identifies an entire Research Park District or Office Research Park District shall be permitted at each major arterial serving the park. The sign area shall not exceed 50 square feet per side and maximum of 100 square feet total of all sides and shall not be higher than six feet and shall be set back a minimum of 20 from the right-of-way.~~

(G) ~~Menu board signs (for drive-thru restaurants only).~~ *Signs for drive-thru restaurants*

(1) **One additional ground sign is permitted per drive-thru restaurant, and shall be located adjacent to the drive-thru lane.**

(2) **Total sign area shall not exceed 20 square feet.**

(3) **Maximum height shall be 6 feet.**

(4) **All ground mounted signs shall conform to the landscape requirements for ground signs as specified in §158.148 (F)(3).**

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

● **158.155 SIGNS PERMITTED IN I-1 AND I-2 DISTRICTS.**

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on one-half square foot of sign area for each linear foot of street footage. Sign area for permanent awning and wall signs shall be based on three-fourths square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. **A larger number of ground signs may be approved through the PUD or conditional use process.**

(2) Where a developed parcel has street frontage in excess of 500 feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between ground signs is not less than 250 feet and said signs are not located closer than 125 feet to any adjoining side property line.

(3) The total sign area of a ground sign shall not exceed 50 square feet per sign face or 100 square feet in total sign area.

(4) No ground sign shall exceed six feet in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(C) *Permanent awning signs.* One awning sign shall be permitted for an individual establishment with orientation toward a street or an internal pedestrian movement area.

(D) *Permanent wall signs.*

(1) One wall sign per building frontage shall be permitted for an individual establishment.

EXHIBIT A - May 27, 2016

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) A wall sign shall not project above the top of the wall to which attached.

(E) *Temporary ground signs **excluding those outlined in §158.148.***~~excluding political and real estate signs.~~

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for temporary ground signs, which are to be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

EXHIBIT A - May 27, 2016

• 158.159 ~~OFF-PREMISE~~ ELECTRONIC VARIABLE MESSAGE SIGNS OR DIGITAL BILLBOARDS.

(A) *Intent.* To maintain and expand the economic base of the city by helping foster a positive environment for commerce, ~~as well as to promote the ability of digital billboards to carry public service messages, such as Amber Alerts and traffic hazard warnings~~ by allowing for a limited number of ~~off-premise~~ electronic variable message signs (EVMSs) or digital billboards on commercially or industrially zoned properties within the city.

(B) *General Requirements.*

(1) *Sign area.* ~~Off-premise~~ **E**lectronic variable message signs shall have the following maximum square footage:

(a) On parcels immediately adjacent to **major US 35 or I-675 right highway right-**of-way that have four or **fewer** ~~fewer~~ travel lanes, the sign face shall be no more than 400 square feet on each side, 800 square feet total.

EXHIBIT A - May 27, 2016
Beavercreek - Land Usage

276

(b) On parcels immediately adjacent to ~~US 35 or I-675~~ **major highway** right-of-way that have five to seven travel lanes, the sign face shall be no more than 600 square feet on each side, 1200 square feet total.

(c) On parcels immediately adjacent to **major highway** ~~US 35 or I-675~~ right-of-way that have more than seven travel lanes, the sign face shall be no more than 800 square feet on each side, 1600 square feet total.

(2) *Location.* ~~Off-premise electronic~~ **Electronic** variable message signs must be located on commercially zoned parcels immediately adjacent **to major highway** ~~to US 35 or I-675~~ right-of-way.

(3) *Spacing.* ~~Off-premise E~~ **Electronic** variable message signs must be located at least 15,000 feet apart throughout the city and there shall be no more than four in the city at a time.

(4) *Multiple message signs.*

(a) Electronic messages shall remain in a fixed position for a minimum of eight seconds.

(b) The transition time, or time it takes to change the message (electronically) shall be one second or less.

(5) *Audio speakers.* Audio speakers shall be prohibited on all ~~off-premise electronic~~ variable message signs.

(6) *Brightness.* At no time shall ~~off-premise electronic~~ variable message signs cause glare or otherwise impair the vision of the operator of any motor vehicle. Signs shall be equipped with automatic dimming capabilities so that the maximum luminescence level for the sign shall be as follows:

(a) For signs with a sign face less than 300 square feet, a maximum luminescence level of 0.3 foot-candles, measured at a distance of 150 feet from the base of the sign.

(b) For signs with a sign face between 300 and 400 square feet, a maximum luminescence level of 0.3 foot-candles, measured at a distance of 200 feet from the base of the sign.

(c) For signs with a sign face 400 square feet or larger, a maximum luminescence level of 0.3 foot-candles, measured at a distance of 250 feet from the base of the sign.

(C) *Non-conforming billboard mitigation.* All applicants who currently have a non-conforming billboard or supporting structure for a billboard on the parcel which the new ~~off-premise electronic~~ variable message sign will be located, shall remove any and all billboards, and supporting structures, on that parcel prior to the release of a zoning permit for a new ~~off-premise electronic~~ variable message sign, unless the structure is to be reused for the new ~~off-premise electronic~~ variable message sign.

EXHIBIT A - May 27, 2016
Zoning Code

276A

(D) *Public hearing and approval required.* All ~~off-premise~~ electronic variable message signs, including related structures, shall be subject to review and approval by City Council at a public hearing, following which the City Council shall, by motion, approve, approve with supplementary conditions, or disapprove the proposed ~~off-premise~~ electronic variable message sign application.

(1) *General design practices.* The structure, base and sign face shall be arranged, planned and designed, on the site to produce:

(a) Favorable relationships with the existing natural topography, bodies of water or water courses, existing desirable vegetation, exposure to significant views and exposure to sunlight and wind;

(b) Safety, convenience and ease of pedestrian and vehicular movement near and around the structure; and

(c) An overall positive visual quality of the structure, base and sign face.

(d) See Appendix C: DIGITAL BILLBOARD DESIGN GUIDELINES for general material and design guidelines of ~~off-premise~~ electronic variable message signs, subject to approval by City Council.

(2) *Line-of-sight study.* With the application to City Council, the applicant shall submit a line-of-sight study of the proposed billboard to ensure that it will not be directly visible to any residential properties in the vicinity.

(E) *Permit and annual license required.* Prior to the installation of an ~~off-premise~~ electronic variable message sign, the owner or their designee shall be required to apply and receive a sign permit as required in • 158.156 (A) thru (D).

(1) *Annual license.* In addition to the installation permit, the applicant shall apply and receive an annual license, which shall be valid for 12 months after the issue date. The annual license shall be accompanied by a required annual license fee as deemed reasonable and proper by the City Manager in accordance with the fee schedule heretofore approved by the City Manager.

(2) *Failure to renew license.* In the event that the owner or their designated employee fails to apply and receive the annual license, the sign shall be deemed to be in violation of the zoning code and violators shall be subject to the penalty provisions contained in • 158.999 of the Zoning Code. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(3) If there is any conflict between this chapter and O.A.C. • 5501: 2-2-02 as it may be amended, the state statute shall control.
(Ord. 12-02, passed 2-13-12)

EXHIBIT A – May 27, 2016
Zoning Code

288A

- (1) Granted as requested.
- (2) May recommend a modification of the amendment or request.
- (3) May recommend the amendment or request not be granted.
- (4) Table/delay pending receipt of further information, and the like.

(J) *Public hearing before City Council.* Within 45 days after receipt of the recommendation from the Planning Commission, the City Council shall schedule a public hearing. The date of the hearing shall be not more than 45 days from the receipt of the recommendation from the Planning Commission.

(K) *Notice of public hearing in newspaper.* Notice of the public hearing required in division (J) of this section shall be given by the City Council by at least one publication in one or more newspapers of general circulation in the city. The notice shall be published at least 15 days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.

(L) *Notice to property owners by City Council.* If the proposed amendment intends to rezone or redistrict property within the city written notice of the hearing shall be mailed by the Clerk of the City Council, by first class mail, at least 15 days before the day of the public hearing to all owners of property within 500 feet from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the City Council. The notice shall contain the same information required of notices published in newspapers as specified in division (K) of this section. The failure of notice delivery as provided in this section, so long as it is not intentional, shall not invalidate the public hearing or any decision on the application.

(M) *Action by City Council.* As soon as reasonably possible after completion of the public hearing required in division (J) of this section, the City Council shall pass a motion to adopt, amend, return or deny the recommendation of the Planning Commission by a vote of a majority four votes of the Council membership. In the event of a tie vote or the failure to gain the number of votes required only the motion fails. An additional motion must be brought to vote to resolve the issue. That issue shall be continued until a majority vote is finally reached.

(N) *Effective date and referendum.* Such amendment adopted by the City Council shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment there is presented to the City Council a petition for referendum pursuant to R.C. • 731.29 et seq. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate ~~effect~~**effect**.

(O) *Technical review costs.* When any applications to the city for some permit, certificate or approval involves submission of technical information by the applicant, it is recognized that the city may need to incur expenses for the services of engineers and other experts to evaluate such technical data. As a condition of the city agreeing to consider any such application, the applicant must agree to

ORDINANCE NO. 16-17

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER _____ ON THE
DAY OF _____, 2016.

**AN ORDINANCE AMENDING CHAPTER 158, BY MAKING CERTAIN
ADDITIONS, DELETIONS AND CHANGES TO VARIOUS SECTIONS OF THE
ZONING CODE. (PC 16-1)**

WHEREAS, the City of Beavercreek Planning Commission has determined it necessary to make certain additions, deletions and changes to the Beavercreek Zoning Code; and

WHEREAS, a public hearing was held on May 4, 2016, and on July 6, 2016 Planning Commission voted to recommend the additions, deletions and changes to various sections of Chapter 158, the Zoning Code, to City Council; and

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

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

The current language, numbers and words of various sections of Chapter 158, the Zoning Code, shall be, and hereby is, amended with the additions, deletions and changes as described in the attached Exhibit A dated May 27, 2016.

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 from and after the earliest period allowed by law.

PASSED this _____ day of _____, 2016.

Mayor

ATTEST:

Clerk of Council

SUMMARY

This Ordinance adopts the proposed changes to the Zoning Code as described in Exhibit A dated May 27, 2016. This is not an emergency ordinance and will become effective 30 days after passage.

PC 16-1 Zoning Code Updates Ordinance

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
July 6, 2016

RE: PC 16-1 Beaver Creek
Zoning Code Updates

WHEREAS, the City of Beaver Creek Planning Commission has determined it necessary to make certain corrections and additions to the Beaver Creek Zoning Code; and

WHEREAS, public hearing was held on May 4, 2016 by the Beaver Creek Planning Commission at which time all people who wished to testify gave their comments at the public hearing.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the Beaver Creek City Council:

SECTION I

The City of Beaver Creek Planning Commission recommends to City Council adoption of the amendment to the Zoning Code as attached in "Exhibit A" May 27, 2016.

SECTION II

1. The approved Zoning Code shall be amended as described in "Exhibit A" dated May 27, 2016.

SECTION III

These papers relating to the Zoning Code changes shall be submitted with this resolution to City Council.

The Clerk is directed to transmit the case to City Council for further determination as required by law.

ADOPTED:

VOTING FOR ADOPTION:

VOTING AGAINST:

Chairman

Attest:

Agenda Item VIII. A.
Second Reading

CERTIFICATE OF MEMBERSHIP

The undersigned, City Manager of the City of Beavercreek, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$1,500,000 Building Improvement Bond Anticipation Notes, dated their date of issuance:

Mayor	<u>Bob Stone</u>
Manager	<u>Mike Cornell</u>
Financial Administrative Services Director	<u>Bill Kucera</u>
Clerk of Council	<u>Dianne Lampton</u>
Vice Mayor	<u>Julie Vann</u>
Member of Council	<u>Melissa Litteral</u>
Member of Council	<u>Brian Jarvis</u>
Member of Council	<u>Deborah Wallace</u>
Member of Council	<u>Zach Upton</u>
Member of Council	<u>Chad Whilding</u>
Municipal Attorney	<u>Steve McHugh</u>

City Manager

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above identified notes.

Clerk of Council

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 16-12

SPONSORED BY COUNCIL MEMBER LITTERAL ON THE 11TH DAY OF JULY, 2016.

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,500,000 BUILDING IMPROVEMENT BOND ANTICIPATION NOTES, BY THE CITY OF BEAVERCREEK, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS.

WHEREAS, the fiscal officer (hereinafter called the "Financial Administrative Services Director") of the City of Beavercreek (hereinafter called the "City") has heretofore estimated that the life of the hereinafter described improvements is at least five (5) years, and certified that the maximum maturity of the bonds is thirty (30) years, and of the notes to be issued in anticipation thereof is twenty (20) years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beavercreek (hereinafter called the "Council"), County of Greene, Ohio:

SECTION 1. That it is hereby declared necessary to issue bonds of the City of Beavercreek, County of Greene, Ohio, in the principal amount of not to exceed \$1,500,000, bearing interest at an estimated rate of five per centum (5%) per annum and maturing over a period of thirty (30) years, for the purpose of paying part of the cost of constructing improvements to a building in the City for use by the City Parks and Recreation department in the City, and related costs, including reimbursement of any costs paid by the City for this project after the date of this Ordinance.

SECTION 2. That it is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$1,500,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at the rate determined by the Financial Administrative Services Director and set forth in the Certificate of Award, setting forth the terms of the Notes (the "Certificate of Award"), which is hereby authorized to be executed by the Financial Administrative Services Director without further action by this Council, shall be payable at maturity, shall mature not more than a year from their dated date, and shall be of such number and denomination as may be requested by the purchaser. Said notes shall only be issued in Authorized Denominations, which shall be \$100,000 or any integral multiple of \$1,000 in excess of \$100,000. This Council hereby covenants that it will not exchange or reissue the notes in less than Authorized Denominations other than through a "primary offering" as that term is defined in SEC Rule 15c2-12.

SECTION 4. That the Notes shall be executed by the City Manager and the Mayor and may but shall not be required to bear the seal of the corporation provided that either (but not both) of such officers' signatures and the seal may be facsimiles. The Notes shall be designated "Building Improvement Bond Anticipation Notes", and shall be payable at a bank or trust company designated by the Financial Administrative Services Director and acceptable to the

purchaser, and shall express upon their face the purpose for which they are issued and that they are issued in pursuance of this Ordinance.

SECTION 5. That the Notes shall be sold by the Financial Administrative Services Director at not less than par and accrued interest, to William Blair & Company, L.L.C., Cincinnati, Ohio, in accordance with its offer to purchase, which is hereby accepted, and the proceeds from such sale, except any premium or accrued interest hereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose.

SECTION 6. That the Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess funds resulting from the issue of the Notes, shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 7. That during the period while the Notes run there shall be levied upon all of the taxable property in the City, within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that to the extent that other lawfully available revenues are appropriated for such purpose such tax need not be levied.

SECTION 8. That the Notes are hereby designated as "qualified tax-exempt obligations" to the extent permitted by Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). This Council finds and determines that the reasonable anticipated amount of qualified tax-exempt obligations (other than private activity bonds) which will be issued by the City during this calendar year does not exceed \$10,000,000 and the Council hereby covenants that, during such year, the amount of tax-exempt obligations issued by the City and designated as "qualified tax-exempt obligations" for such purpose will not exceed \$10,000,000. The Financial Administrative Services Director and other appropriate officers, and any of them, are authorized to take such actions and give such certifications on behalf of the City with respect to the reasonably anticipated amount of tax-exempt obligations to be issued by the City during this calendar year and with respect to such other matters as appropriate under Section 265(b)(3).

This Council, for the City, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal

income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Code and the regulations prescribed thereunder. The Financial Administrative Services Director or any other officer having responsibility with respect to the issuance of said Notes is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of said Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

SECTION 9. The City Manager and Financial Administrative Services Director are hereby authorized to combine the Notes with one other issue of notes authorized under separate legislation for the purpose of refinancing notes originally issued to pay part of the cost of constructing Road Improvements and improvements to other necessary appurtenances to Shakertown Road in the City and related costs. If so combined, such consolidated issue of notes (i) shall be known as "Various Purpose Bond Anticipation Notes"; and (ii) shall be dated, mature, and bear interest, be executed, and be denominated in a manner consistent with the provisions of this ordinance relating to the notes authorized herein. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 132.32 of the Revised Code to the respective purposes and funds in accordance with the amount of notes authorized by this ordinance and the amount of notes authorized by the ordinance providing for the issuance of not to exceed \$325,000 Road Improvement Special Assessment Bond Anticipation Notes (Traditions at Beaver Creek Project), First (2016) Renewal.

SECTION 10. Any official having charge with respect to the issuance of the Notes is hereby further authorized to take such actions as may be reasonably requested by the purchaser of the Notes in order to make the Notes eligible for the services of The Depository Trust Company, New York, New York.

SECTION 11. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 12. That the firm of Peck, Shaffer & Williams, a division of Dinsmore & Shohl LLP, is hereby engaged as the City's "bond counsel" and that the Financial Administrative Services Director is hereby authorized and directed to execute and deliver the engagement letter in the form on file with the City.

SECTION 13. That the clerk of Council is hereby directed to forward a certified copy of this ordinance to the County Auditor.

SECTION 14. That it is 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 all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 15. That this ordinance shall take effect at the earliest date allowed by law.

ADOPTED: _____, 2016.

Bob Stone, Mayor

Attest:

Clerk of Council

TO THE CLERK:

Publish the foregoing Ordinance in the summary form set forth below.

Ordinance No. 16-12 of the Council of the City of Beavercreek, entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,500,000 BUILDING IMPROVEMENT BOND ANTICIPATION NOTES, BY THE CITY OF BEAVERCREEK, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS."

was passed on _____, 2016. Said Ordinance shall become effective as provided by law.

Steve McHugh
City Attorney

CERTIFICATE OF PUBLICATION

I _____, Clerk of the Council of the City of Beavercreek, do hereby certify that the foregoing summary of the foregoing Ordinance was published in _____
_____ on the following date(s) to wit:

Dated the ____ day of _____, 2016.

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. 16-12.

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing Ordinance was certified this day to the Greene County Auditor.

City Manager

Date: _____, 2016

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing Ordinance.

Greene County Auditor

Date: _____, 2016

**CERTIFICATE AS TO MAXIMUM MATURITY OF
BONDS AND BOND ANTICIPATION NOTES**

Based upon information provided by and in reason to the request of the City Council of the City of Beavercreek, Ohio, the Financial Administrative Services Director of the City of Beavercreek, Ohio, being the fiscal officer of the City of Beavercreek, Ohio, within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the improvements to be acquired with the proceeds of the sale of not to exceed \$1,500,000 of bonds, for the purpose of constructing improvements to a building in the City for use by the City Parks and Recreation department in the City, is at least five (5) years and that the maximum maturity of said bonds, calculated in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is thirty (30) years and notes issued in anticipation thereof is twenty (20) years.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of July, 2016.

Financial Administrative Services
Director

Agenda Item VIII. B.
Second Reading

CERTIFICATE OF MEMBERSHIP

The undersigned, City Manager of the City of Beavercreek, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$325,000 Road Improvement Special Assessment Bond Anticipation Notes (Traditions at Beavercreek Project), First (2016) Renewal, dated their date of issuance:

Mayor	<u>Bob Stone</u>
Manager	<u>Mike Cornell</u>
Financial Administrative Services Director	<u>Bill Kucera</u>
Clerk of Council	<u>Dianne Lampton</u>
Vice Mayor	<u>Julie Vann</u>
Member of Council	<u>Melissa Litteral</u>
Member of Council	<u>Brian Jarvis</u>
Member of Council	<u>Deborah Wallace</u>
Member of Council	<u>Zach Upton</u>
Member of Council	<u>Chad Whilding</u>
Municipal Attorney	<u>Steve McHugh</u>

City Manager

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above identified notes.

Clerk of Council

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 16-14

SPONSORED BY COUNCIL MEMBER WHILDING ON THE 11TH DAY OF JULY, 2016.

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$325,000 ROAD IMPROVEMENT SPECIAL ASSESSMENT BOND ANTICIPATION NOTES (TRADITIONS AT BEAVERCREEK PROJECT), FIRST (2016) RENEWAL BY THE CITY OF BEAVERCREEK, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS.

WHEREAS, the fiscal officer (hereinafter called the "Financial Administrative Services Director") of the City of Beavercreek (hereinafter called the "City") has heretofore estimated that the life of the hereinafter described improvements is at least five (5) years, and certified that the maximum maturity of the bonds is twenty (20) years, and of the notes to be issued in anticipation thereof is five (5) years, by virtue of special assessments;

WHEREAS, this Council has previously authorized and issued notes in the amount of \$304,000 to finance road improvements, which notes are about to mature and should be refinanced in an increased amount to pay interest on the outstanding note;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beavercreek (hereinafter called the "Council"), County of Greene, Ohio:

SECTION 1. That it is hereby declared necessary to issue bonds of the City of Beavercreek, County of Greene, Ohio, in the principal amount of not to exceed \$325,000, bearing interest estimated at five per centum (5%) per annum and maturing over a period of twenty (20) years, for the purpose of refinancing notes originally issued to pay part of the cost of constructing Road Improvements and improvements to other necessary appurtenances to Shakertown Road in the City, and related costs.

SECTION 2. That it is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$325,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at the rate determined by the Financial Administrative Services Director and set forth in the Certificate of Award, setting forth the terms of the Notes (the "Certificate of Award"), which is hereby authorized to be executed by the Financial Administrative Services Director without further action by this Council, shall be payable at maturity, shall mature not more than a year from their dated date, and shall be of such number and denomination as may be requested by the purchaser.

SECTION 4. That the Notes shall be executed by the City Manager and the Mayor and may but shall not be required to bear the seal of the corporation provided that either (but not both) of such officers' signatures and the seal may be facsimiles. The Notes shall be designated "Road Improvement Special Assessment Bond Anticipation Notes (Traditions at Beavercreek

Project), First (2016) Renewal", and shall be payable at a bank or trust company designated by the Financial Administrative Services Director and acceptable to the purchaser, and shall express upon their face the purpose for which they are issued and that they are issued in pursuance of this Ordinance.

SECTION 5. That the Notes shall be sold by the Financial Administrative Services Director at not less than par and accrued interest, to William Blair & Company, L.L.C., Cincinnati, Ohio, in accordance with its offer to purchase, which is hereby accepted, and the proceeds from such sale, except any premium or accrued interest hereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose.

SECTION 6. That the Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess funds resulting from the issue of the Notes, shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 7. That during the period while the Notes run there shall be levied upon all of the taxable property in the City, within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that to the extent that other lawfully available revenues, including assessments from benefitted properties, are appropriated for such purpose, such tax need not be levied.

SECTION 8. That the Notes are hereby designated as "qualified tax-exempt obligations" to the extent permitted by Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). This Council finds and determines that the reasonable anticipated amount of qualified tax-exempt obligations (other than private activity bonds) which will be issued by the City during this calendar year does not and the Council hereby covenants that, during such year, the amount of tax-exempt obligations issued by the City and designated as "qualified tax-exempt obligations" for such purpose will not exceed \$10,000,000. The Financial Administrative Services Director and other appropriate officers, and any of them, are authorized to take such actions and give such certifications on behalf of the City with respect to the reasonably anticipated amount of tax-exempt obligations to be issued by the City during the calendar year of original issuance and with respect to such other matters as appropriate under Section 265(b)(3).

This Council, for the City, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Code and the regulations prescribed thereunder. The Financial Administrative Services Director or any other officer having responsibility with respect to the issuance of said Notes is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of said Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

SECTION 9. The City Manager and Financial Administrative Services Director are hereby authorized to combine the Notes with one other issue of notes authorized under separate legislation for the purpose of paying the cost of constructing improvements to a building in the City for use by the City Parks and Recreation department in the City and related costs. If so combined, such consolidated issue of notes (i) shall be known as "Various Purpose Bond Anticipation Notes"; and (ii) shall be dated, mature, and bear interest, be executed, and be denominated in a manner consistent with the provisions of this ordinance relating to the notes authorized herein. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 132.32 of the Revised Code to the respective purposes and funds in accordance with the amount of notes authorized by this ordinance and the amount of notes authorized by the ordinance providing for the issuance of not to exceed \$1,500,000 Building Improvement Bond Anticipation Notes.

SECTION 10. Any official having charge with respect to the issuance of the Notes is hereby further authorized to take such actions as may be reasonably requested by the purchaser of the Notes in order to make the Notes eligible for the services of The Depository Trust Company, New York, New York.

SECTION 11. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 12. That the firm of Peck, Shaffer & Williams, a division of Dinsmore & Shohl LLP, is hereby engaged as the City's "bond counsel" and that the Financial Administrative Services Director is hereby authorized and directed to execute and deliver the engagement letter in the form on file with the City.

SECTION 13. That the Clerk of Council is hereby directed to forward a certified copy of this ordinance to the County Auditor.

SECTION 14. That it is 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 all deliberations of this Council and of any of its committees that resulted

in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 15. That this ordinance shall take effect at the earliest date allowed by law.

ADOPTED: _____, 2016.

Bob Stone, Mayor

Attest:

Clerk of Council

TO THE CLERK:

Publish the foregoing Ordinance in the summary form set forth below.

Ordinance No. 16-14 of the Council of the City of Beavercreek, entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$325,000 ROAD IMPROVEMENT SPECIAL ASSESSMENT BOND ANTICIPATION NOTES (TRADITIONS AT BEAVERCREEK PROJECT), FIRST (2016) RENEWAL, BY THE CITY OF BEAVERCREEK, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS."

was passed on _____, 2016. Said Ordinance shall become effective as provided by law.

Steve McHugh
City Attorney

CERTIFICATE OF PUBLICATION

I _____, Clerk of the Council of the City of Beavercreek, do hereby certify that the foregoing summary of the foregoing Ordinance was published in _____

_____ on the following date(s) to wit:

Dated the ____ day of _____, 2016.

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. 16-14.

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing Ordinance was certified this day to the County Auditor.

City Manager

Date: _____, 2016

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing Ordinance.

County Auditor

Date: _____, 2016

**CERTIFICATE AS TO MAXIMUM MATURITY OF
BONDS AND BOND ANTICIPATION NOTES**

Based upon information provided by and in reason to the request of the City Council of the City of Beavercreek, Ohio, the Financial Administrative Services Director of the City of Beavercreek, Ohio, being the fiscal officer of the City of Beavercreek, Ohio, within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the improvements to be acquired with the proceeds of the sale of not to exceed \$325,000 of bonds, for the purpose of constructing Road Improvements and improvements to other necessary appurtenances to Traditions at Beavercreek Boulevard, is at least five (5) years and that the maximum maturity of said bonds, calculated in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is twenty (20) years and notes issued in anticipation thereof is five (5) years, by virtue of special assessments.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of July, 2016.

Financial Administrative Services
Director

Agenda Item VIII. C.
Second Reading

CERTIFICATE OF MEMBERSHIP

The undersigned, City Manager of the City of Beavercreek, Counties of Montgomery and Warren, Ohio, hereby certifies that the following were the officers and members of Council during the period when proceedings were taken authorizing the issuance of not to exceed \$1,825,000 Various Purpose Bond Anticipation Notes, dated the date of their issuance:

Mayor	<u>Bob Stone</u>
Manager	<u>Mike Cornell</u>
Financial Administrative Services Director	<u>Bill Kucera</u>
Clerk of Council	<u>Dianne Lampton</u>
Vice Mayor	<u>Julie Vann</u>
Member of Council	<u>Melissa Litteral</u>
Member of Council	<u>Brian Jarvis</u>
Member of Council	<u>Debborah Wallace</u>
Member of Council	<u>Zach Upton</u>
Member of Council	<u>Chad Whilding</u>
Municipal Attorney	<u>Steve McHugh</u>

City Manager

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said Municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above identified notes.

Clerk of Council

**CERTIFICATE AS TO MAXIMUM MATURITY OF
BONDS AND BOND ANTICIPATION NOTES**

The undersigned, being the fiscal officer of the City of Beavercreek, Ohio, within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies to the City Council that the estimated life of the improvements financed with the proceeds of the sale of not to exceed \$1,825,000 of bonds, for the purposes of (a) refinancing notes originally issued to pay part of the cost of constructing Road Improvements and improvements to other necessary appurtenances to Shakertown Road in the City; and (b) paying part of the cost of constructing improvements to a building in the City for use by the City Parks and Recreation department in the City, and related costs, is at least five (5) years and that the maximum maturity of said bonds, in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is twenty-eight (28) years, and the maximum maturity of notes issued in anticipation thereof is twenty (20) years.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of July, 2016.

Financial Administrative Services
Director

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 16-15

SPONSORED BY COUNCIL MEMBER WHILDING ON THE 11TH DAY OF JULY, 2016.

ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,825,000 OF VARIOUS PURPOSE BOND ANTICIPATION NOTES, BY THE CITY OF BEAVERCREEK, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS.

WHEREAS, the City Council (hereinafter called the "Council") of the City of Beavercreek, Ohio (hereinafter called the "City") has previously adopted two separate ordinances which authorized note issues in the aggregate principal amount of \$1,825,000, for the purpose of (a) refinancing notes originally issued to pay part of the cost of constructing Road Improvements and improvements to other necessary appurtenances to Shakertown Road in the City; and (b) paying part of the cost of constructing improvements to a building in the City for use by the City Parks and Recreation department in the City; and

WHEREAS, the Council now desires to combine the separate note issuances into a single note issue to achieve certain cost savings; and

WHEREAS, the fiscal officer of the City (hereinafter called the "Financial Administrative Services Director") has estimated the life or period of usefulness of the improvements as at least five (5) years, and certified the maximum maturity of the bonds to be issued to finance the same as twenty-eight (28) years, and of notes issued in anticipation thereof as twenty (20) years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beavercreek, Greene County, Ohio:

SECTION 1. That it is hereby declared necessary to issue bonds of the City of Beavercreek, County of Greene, Ohio, in the principal amount of not to exceed \$1,825,000 bearing interest estimated at five per centum (5%) per annum and maturing over a period of twenty-eight (28) years, for the purposes of (a) refinancing notes originally issued to pay part of the cost of constructing Road Improvements and improvements to other necessary appurtenances to Shakertown Road in the City; and (b) paying part of the cost of constructing improvements to a building in the City for use by the City Parks and Recreation department in the City.

SECTION 2. That it is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$1,825,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at the rate not to exceed four percent (4%) per annum, payable at maturity, shall mature not later than one year from the date of issuance, and shall be of the denomination or denominations as may be requested by the purchaser or purchasers thereof all as determined by the Financial Administrative Services Director or the City Manager without further action by this Council,

except that the denominations shall be \$100,000 or any integral multiple of \$1,000 in excess of \$100,000. The terms of such Notes, which shall be in compliance with Chapter 133 of the Ohio Revised Code, shall be set forth in the Certificate of Award setting forth the final terms of the Notes (hereinafter the "Certificate of Award"), which is hereby authorized and which shall be executed by the City Manager or the Financial Administrative Services Director without further action by this Council.

SECTION 4. That the Notes shall be executed by the City Manager and the Financial Administrative Services Director and may but shall not be required to bear the seal of the corporation. The Notes shall be designated "Various Purpose Bond Anticipation Notes," and shall be payable at a bank or trust company designated by the Financial Administrative Services Director or City Manager and the purchaser, and shall express upon their face the purpose for which they are issued and that they are issued in pursuance of this Ordinance.

SECTION 5. The proceeds from the sale of such consolidated issue shall be apportioned and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of notes authorized by this ordinance and the amount of notes authorized by the ordinances providing for the issuance of not to exceed \$1,500,000 Building Improvement Bond Anticipation Notes; and not to exceed \$325,000 Road Improvement Special Assessment Bond Anticipation Notes (Traditions at Beaver Creek Project), First (2016) Renewal.

SECTION 6. That the Notes shall be sold by the Financial Administrative Services Director at not less than par and accrued interest, to William Blair & Company, L.L.C., Cincinnati, Ohio, in accordance with its offer to purchase, which is hereby accepted, and the proceeds from such sale, except any premium or accrued interest hereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose.

Notwithstanding the above, the Council and the Financial Administrative Services Director are hereby directed to withhold delivery of the notes, and to refuse to accept payment therefor, unless and until the Original Purchaser delivers to the City a certificate acknowledging that the Original Purchaser will sell the notes to no more than 35 persons, each of whom the Original Purchaser reasonably believes (i) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the prospective investment and (ii) is not purchasing for more than one account or with a view to distributing the notes.

The City Manager or the Financial Administrative Services Director is hereby directed to report to this Council as soon after the sale and award of such notes as is reasonably feasible, the interest rate for such notes.

SECTION 7. That the Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same.

SECTION 8. That during the period while the Notes run there shall be levied upon all of the taxable property in the City, within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same

manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, to the extent other City revenues are available for such purpose said tax shall not be levied therefor.

SECTION 9. That this Council, for and on behalf of the City, hereby covenants that it will restrict the use of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The Financial Administrative Services Director or any other officer having responsibility with respect to the issuance of said Notes is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of said Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These Notes are hereby designated "tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code. The City does not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during the calendar year or original issue.

SECTION 10. That this Council hereby authorizes and directs the Financial Administrative Services Director or the City Manager to take any and all actions which may be necessary to issue the notes in book-entry-only form or in such form as will render the Notes eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefore.

SECTION 11. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such agreements, financing statements, closing certificates and other instruments or documents as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 12. That the firm of Peck, Shaffer & Williams, a division of Dinsmore & Shohl LLP, is hereby engaged as the City's "bond counsel" and that the City Manager is hereby authorized and directed to execute and deliver the engagement letter in the form on file with the City.

SECTION 13. The City Manager or the Financial Administrative Services Director is hereby authorized to apply, if he deems it appropriate, for a rating on the Notes from either Standard & Poor's Corporation or Moody's Investors Service, and to pay the fee or premium for said rating to the extent authorized by law and approved by bond counsel.

SECTION 14. That the Financial Administrative Services Director is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 15. That it is 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 all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 16. That this Ordinance shall take effect at the earliest date possible allowed by law.

ADOPTED: _____, 2016.

Bob Stone, Mayor

Attest:

Clerk of Council

TO THE CLERK:

Publish the foregoing Ordinance in the summary form set forth below.

Ordinance No. 16-15 of the Council of the City of Beavercreek, entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,825,000 VARIOUS PURPOSE BOND ANTICIPATION NOTES, BY THE CITY OF BEAVERCREEK, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS."

was passed on _____, 2016. Said Ordinance shall become effective as provided by law.

Steve McHugh
City Attorney

CERTIFICATE OF PUBLICATION

I _____, Clerk of the Council of the City of Beavercreek, do hereby certify that the foregoing summary of the foregoing Ordinance was published in _____
_____ on the following date(s) to wit:

Dated the ____ day of _____, 2016.

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. _____.

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this day to the Greene County Auditor.

Financial Administrative Services Director

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing ordinance.

Greene County Auditor

Dated: _____

RESOLUTION NO. 16-16

CITY OF BEAVERCREEK

**SPONSORED BY COUNCIL MEMBER _____ ON THE
____ DAY OF _____, 2016.**

**A RESOLUTION BY THE BEAVERCREEK CITY COUNCIL
IMPOSING A MORATORIUM OF SIX MONTHS ON THE
ISSUANCE AND PROCESSING OF ANY PERMITS
ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR
PROCESSORS OF MEDICAL MARIJUANA WITHIN THE
CITY OF BEAVERCREEK, OHIO.**

WHEREAS, Substitute House Bill 523, which is the Bill legalizing the cultivating, processing, and dispensing of medical marijuana in the State of Ohio, becomes effective September 8, 2016; and

WHEREAS, for the purposes of this Resolution, the definitions of “cultivators,” “processors,” and “retail dispensaries” are given the same definitions as those found in Substitute House Bill 523 and Chapter 3796 of the Ohio Revised Code, which Chapter is effective September 8, 2016; and

WHEREAS, Ohio Revised Code Section 3796.29 authorizes a municipality to limit the number of, or entirely prohibit, cultivators, processors, or retail dispensaries licensed under Ohio Revised Code Section 3796.29 in the City of Beavercreek; and

WHEREAS, City Council seeks time to study whether to limit or entirely prohibit the cultivation, processing and/or retail dispensing of medical marijuana; or, alternatively, to develop and implement regulations regarding the possible location and operation of medical marijuana-related businesses within the City of Beavercreek, including medical marijuana-related businesses for retail dispensaries, cultivators, and processors; and

WHEREAS, City staff will require additional time to review and make recommendations on zoning, prohibition and/or limitations of medical marijuana so that any necessary regulations conform to goals of the City of Beavercreek and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS, a moratorium of six months on the granting of permits for medical marijuana-related businesses in the City of Beavercreek will allow City Council time to accomplish the City’s goals and help ensure the public peace, health, safety, and welfare of its citizens.

**NOW, THEREFORE, CITY COUNCIL FOR THE CITY OF
BEAVERCREEK, OHIO, HEREBY RESOLVES:**

SECTION I. City Council hereby imposes a moratorium of six months on the issuance and processing of permits for cultivators, processors, and retail dispensaries of medical marijuana. The purpose of this moratorium is so that City staff may study the new law and the related issues and then determine whether to limit or entirely prohibit cultivators, processors, and retail dispensaries in the City of Beavercreek and to prepare any necessary, related regulations.

SECTION II. City Council seeks to limit the duration of the moratorium and to instruct the City Manager and City staff to immediately undertake a review of the new law and related issues; City staff will then recommend new regulations regarding the cultivation, processing, and retail dispensing of medical marijuana.

SECTION III. City Council hereby directs and orders that no permits for cultivators, processors, or retail dispensaries of medical marijuana shall be issued or processed by the City of Beavercreek during the 6-month moratorium.

SECTION IV. This Resolution shall take effect immediately upon passage.

PASSED this _____ day of _____, 2016.

MAYOR

ATTEST:

CLERK OF BEAVERCREEK COUNCIL

PREPARED BY: CITY ATTORNEY

CITY OF BEAVERCREEK
 CITY COUNCIL
 AGENDA ITEM REPORT

MAC 7/21/16

Meeting Date: July 25, 2016	Reference Topic: Transfer of Liquor Permit Griffin & Young Enterprises LLC DBA The Wandering Griffin & Patio
Agenda Reference No: 1X.	

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:

The Ohio Division of Liquor Control sent police notification of a request to transfer a D1, D2, D3, D3A and D6 liquor permit from QSLPA Investments of Ohio Limited DBA Quaker Steak & Lube & Patio, 3725 Presidential Dr. Beavercreek, Ohio 45324 to Griffin & Young Enterprises LLC DBA The Wandering Griffin & Patio, 3725 Presidential Dr. Beavercreek Ohio 45324. The record checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the applicant/shareholders for this application request.

STAFF RECOMMENDATION:

Staff is recommending this liquor permit transfer move forward without comment.

**NOTICE TO LEGISLATIVE
AUTHORITY**

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

TO

3378501 <small>PERMIT NUMBER</small>			TRFO <small>TYPE</small>	GRIFFIN & YOUNG ENTERPRISES LLC DBA THE WANDERING GRIFFIN & PATIO 3725 PRESIDENTIAL DR BEAVERCREEK OH 45324
06	01	2016 <small>ISSUE DATE</small>		
07	11	2016 <small>FILING DATE</small>		
D1	D2	D3	D3A D6 <small>PERMIT CLASSES</small>	
29	005	A	F16507 <small>TAX DISTRICT RECEIPT NO.</small>	

FROM 07/13/2016 SAFEKEEPING

71287820005 <small>PERMIT NUMBER</small>				OSLPA INVESTMENTS OF OHIO LIMITED DBA QUAKER STEAK & LUBE & PATIO 3725 PRESIDENTIAL DR BEAVERCREEK OH 45324
06	01	2016 <small>ISSUE DATE</small>		
07	11	2016 <small>FILING DATE</small>		
D1	D2	D3	D3A D6 <small>PERMIT CLASSES</small>	
29	005		<small>TAX DISTRICT RECEIPT NO.</small>	



MAILED 07/13/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 08/15/2016

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES A TRFO 3378501

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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

3378501 PERMIT NBR
GRIFFIN & YOUNG ENTERPRISES LLC
DBA THE WANDERING GRIFFIN
& PATIO
3725 PRESIDENTIAL DR
BEAVERCREEK OH 45324

BRIAN YOUNG	07/11/2016 ACTIVE	CEO	MNMB5%V5%M
ANTHONY GRIFFIN	07/11/2016 ACTIVE	TREASURER	MNMB5%V5%M

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

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

Inter-Office Memorandum

July 15, 2016

To: Michael A. Cornell, City Manager
Mayor Stone, Vice Mayor Vann and City Council Members

From: Bill Kucera, Financial Administrative Services Director

Subject: Financial Analysis – Second Quarter 2016

Attached you will find a “Summary of Revenue and Expenditures” report that the Finance Department generates quarterly to monitor the budget. This report (Exhibit 1) illustrates the revenue and the expenditures received or incurred in the second quarter of 2016.

This high level review is designed to provide you a quick glance of the City’s revenues and expenditures to assist in monitoring the financial condition of the City. Included with this report is the 2016 amended budget (amended means it includes additional appropriations and certified revenue approved by Council after the initial appropriation ordinance was passed in December 2015), along with year-to-date revenues and expenditures. I think it is important to not only compare the 2016 totals to the total budget, but to compare 2016 with the 2015 year to date numbers.

Below I have highlighted some areas that have significant variances between either what was budgeted compared to actual or in comparison to last year’s revenues and expenditures (See Exhibit 1). You will note that only the major funds are depicted in this review.

General Fund:

Revenues:

Property Tax Revenue: The City has received its first property tax settlement. Based on the County Auditor’s conservative estimates and the collection of delinquent taxes the City received \$725k or \$38k more than last year representing a 5.6% increase.

Fees, License and Permits: This category saw a decrease of \$17k over last year as a result of a decrease in planning and zoning fees when year compared to last year. Recent developments should allow the City to reach the projected revenue of \$70k for 2016.

Intergovernmental Revenues: This category saw a slight \$6k or 3.5% decrease over last year as a result of a decrease in the Local Government Funding (LGF) from the state. In some cases there have been adjustments to the monthly revenue allocated to the City so it is anticipated that LGF will reach the projected revenue by the end of the year.

Interest Revenue: Year to date revenue is \$32k which was an increase of \$3.3k over last year at this time as a result of the increase in the State’s Star Ohio fund matching the market rate which has finally exceeded 1/2%. Attached is (Exhibit 4) which is the second quarter recap of all investments for your review.

Other Revenues/Transfers: Interfund transfer revenue decreased by \$23.4k (or 6.6%) over last year as a result of updating the administrative charge policy for the major operating funds for fiscal year 2016.

Expenditures:

As noted in the year to date column of Exhibit 1, total expenditures for the General Fund were at 47% of the 2016 budget. Divisions that are over the 50% benchmark are the result of the timing of some expenditures which were paid in the second quarter but cover the entire year. In the contractual services the major increase over last year was the property and liability insurance increase. This represents a \$70k increase in the general fund and was the result of our past experience with several large claims. This was also noted in the Police and Street funds.

Police Fund:

Revenues:

The City received \$167k or (4%) more in property tax than last year.

Charges for Services: The charges for services increase of \$107.5k was the result of the new School Resource Officer agreement with the Schools signed in 2015 which added a SRO to the middle school. If you recall this agreement also increased the number of hours being allocated to the school which resulted in an increase in the percentage of expenses recovered from 50% to 60%. We have received all the funds and the entire revenue budgeted in this line item as of June 30th per the new agreement.

Intergovernmental and Other Revenue: Both are showing a decrease as a result of the timing of grant proceeds and reduction of off duty police reimbursements mainly related to a reduction in street projects that required Police Department assistance versus last year.

Expenditures:

Police Department expenditures are 45% of the 2016 budget, which represents a \$136k increase from 2015. The majority of this increase was the result of being fully staffed the second quarter of 2016 including one new officer compared to last year. All other expenditure were in line with the budget.

Another critical item that we continue to monitor is overtime and compensatory time (See Overtime and Comp Time Analysis, Exhibit 3). Finally meeting staffing levels police overtime has decreased \$16k (or 12%) compared to last year's total and only 38% of the annual budget. During this period, there was a decrease in compensatory (comp) time hours accrued of 80 hours.

Street Levy Fund:

Revenues:

In 2016, the City received \$139k or 6.2% more than collected last year in the second quarter. The "Other Revenue" category is showing a significant increase and is the result of the proceeds from a capital lease for the new long striper which is on order and should be received in the next 30 days.

Expenditures:

Overall, operating expenditures were only 46% of the 2016 budget, a nine percent increase from last year. The large portion of the increase, \$72k, was the result of higher property and liability insurance costs based on the City's previous experience rating. There is \$375k budgeted for capital improvements of which few of these projects had expenditures in second quarter 2016.

Operationally, the City budgets for a normal snow and ice occurrence year. This year was a bit milder than last year as there were only 12 events this year compared to 20 last year. This and the City's alternative salt application processes (using 8,000 gallons of brine in advance of the storms) helped to conserve salt utilization. Approximately 2,700 tons of material was used this season compared with 4,300 last season (a decrease of 37%). The reduced number of events also resulted in a decreased use of

overtime which was \$61k or 54% less than 2015. (See Exhibit 3). This is further evidenced by the reduction in comp time which totaled 394 hours accrued this year compared to 1,132 last year which represents 738 hours or 65% reduction. The other operational savings was that the City did not have to purchase additional salt to finish the winter session which was done in the past. The City made a late purchase of salt under the existing contract prices and the salt barn is near capacity and ready for next season.

Street Maintenance & State Highway Fund:

Revenues:

The Street Maintenance Fund (Fund 204) receives the majority of its funding from gasoline taxes and license fees. This year the City received \$929k or \$8.7k more than last year and slightly below the second quarter benchmark.

The collaborative effort with the Township to provide gas and diesel fuel along with a ten cent per gallon administrative charge is functioning efficiently and has proven to be mutually beneficial for both entities. To date the City has received six payments totaling \$26k for the first half of the year.

Expenditures:

The City has budgeted \$1.639m in capital improvements for 2016. The majority of the funds have not been expended through the second quarter of the year.

Street Capital Improvement Fund (260):

The City received the first half settlement of property taxes for this levy which totaled \$1.345m which represented a \$26k or 1.9% increase over 2015. The budget for this capital improvement fund is \$6.4m and the City has only expended \$1.5k or 23%. Many of these projects are underway and the majority of expenditures will be coming through in the next two quarters.

Recreation Levy Fund (279):

The City received the first half settlement of property taxes for this levy which totaled \$631k which represents a \$37k or 6.2% increase over 2015. Recreational Program division expenditures are at 54% of the total budget as the result of additional recreation events and increase in design and printing related to the new marketing approach of advertising upcoming recreational events.

Golf Course:

Revenues:

Golf and Pro Shop: With the mild dry weather the past two months, the golf course continued its golf operations revenue trend. As a result, green fee revenue were \$198k or \$22k more compared to last year. Cart fees were also up over \$8.2k based on the increased traffic. The number of rounds has increased by 905 to 11,340 which represents a 9% increase over last year's total. Annual passes are \$61.2k down \$17k from last year. This is the result of nine pass holders not renewing their membership. Three moved out of the area and six did not renew for various other reasons. This entire program is being reevaluated for next year. Merchandise and special order sales are \$68k, a \$17k increase, representing a 34% increase when compared to last year.

Food and beverage banquet sales are still lagging from last year. Food and beverage revenue was \$186k compared to \$198k last year. The golf course started a new daily buffet to provide golfers and visitors an alternative to the made to order menu which has been successful since its inception this spring. The course booked nine weddings this year compared to 13 last year in the second quarter. Despite the slow start, wedding bookings are projected to reach 25 this year which is the same as last year. Room rentals

and accessory rentals are showing a 27% increase compared to last year due to the increased number of events being booked at the course. Brunch sales are down 45% to \$13k since the brunch did not start until May. These are scheduled to continue once each month through December.

Expenditures:

Operating expenditures were \$115k more than last year and 51% of the annual operating budget. The \$78k increase in the maintenance division expenditures when compared to last year was the result of the additional lease payments for the new spray rig received in the early part of the year (+\$69k) and the timing of purchasing and paying for chemicals and fertilizers for the course (+\$21k). By procuring these items early in the season, the department was able to obtain an approximately 9% discount for these essential commodities. This equates to approximately \$5k in discounts from the standard rates. Part time wages have decreased by \$10k as the course continues to monitor these variable operating expenditures during the course of the year.

The increase in operating expenditures in the golf operations division was due to the final payment on work performed to insulate the walls and ceiling to reduce energy costs and prevent future water pipe breaks that occurred during the past two years.

The golf course also completed several capital projects including the bridge renovations at three holes, installation of a new patio awning and the third of the four year paving program for the cart paths has been contracted. The contract was part of the street repaving program and the City was able to save substantial money piggybacking on this contract. The savings on these capital projects along with the Coca Cola sponsorship revenue will enable the golf course to drill a new well for water at the maintenance facility and to purchase new banquet chairs that have not been replaced since the course was opened. Also, the new patio awning was installed in the second quarter to accommodate outings, lunches and other outside events. All other operating expenditures are in line.

Overtime & Comp Time: We continue to monitor overtime and compensatory time accrued. Although in some cases this is not controllable (snow events, employee injuries, city sponsored events) other times, overtime can be somewhat maintained through proper planning. The attached Overtime and Comp Time Analysis (Exhibit 3) shows that overtime citywide has decreased \$78k (or approximately 30%) over last year's second quarter. Comp time accrued in 2016 was only 1,517, a 38.7% decrease over last year. The majority of this was related to the mild winter this year compared to last year. Comp time accruals have reduced the estimated future liability to \$118k which is a decrease of 5% over the March 31st comp time liability.

Investments: (Exhibit 4)

As you can tell by the "Month End Investment Balances" report there are significant fluctuations in the amount of funds available for investments. The Finance Department immediately transfers property tax funds to the Star Ohio fund to increase short term interest. The returns with Star Ohio are currently .54% compared to .25% for our Public Funds account (City bank account). To provide a further breakdown of the investment strategy, a "Portfolio" report was generated to summarize the different facets of the investment portfolio. Overall, the City's return on investments is .62% which is slightly higher than the 12 month treasuries benchmark as of June 30th. As noted cash investment will continue to decline until the City starts receiving property tax advances starting at the end of July.

Summary: In summary, all major City funds operated within the 2016 budget unless noted above. After reading this recap, should you have any questions, please feel free to call me.

Enc: Summary of Revenue and Expenditures 2nd Quarter 2016 (Exhibit 1)
Property/Personal Property Tax & Local Government Fund Analysis (Exhibit 2)
Overtime/Comp Time Analysis – 2nd Quarter FY 2016 Compared to 2015 (Exhibit 3)
Investment Summary – 2nd Quarter FY 2016 (Exhibit 4)

Cc: Department Directors

City of Beavercreek
Summary of Revenue and Expenditures
For Month Ending June 30, 2016 - (Unaudited)

GENERAL FUND (101)						
	AMENDED	2ND QUARTER		2ND QUARTER		% FY 2016
REVENUE	2016 BUDGET*	2016 YTD ACTUAL	2015 YTD ACTUAL	COMPARISON	REV/EXP	
PROPERTY TAXES	\$ 1,264,790	\$ 725,444	\$ 687,091	\$ 38,353	57%	
FEES, LICENSE & PERMITS	\$ 710,000	\$ 364,652	\$ 381,870	\$ (17,218)	51%	
INTERGOVERNMENTAL REVENUES	\$ 965,239	\$ 446,620	\$ 452,923	\$ (6,303)	46%	
SPECIAL ASSESSMENTS	\$ 145,000	\$ 79,205	\$ 74,955	\$ 4,250	55%	
CHARGES FOR SERVICES	\$ 70,500	\$ 49,430	\$ 49,948	\$ (518)	70%	
INTEREST	\$ 42,500	\$ 31,998	\$ 28,685	\$ 3,313	75%	
OTHER REVENUES/TRANSFERS	\$ 663,610	\$ 329,137	\$ 352,526	\$ (23,389)	50%	
TOTAL REVENUE	\$ 3,861,639	\$ 2,026,486	\$ 2,027,998	\$ (1,512)	52%	
				(0.1%)		
% Increase/(Decrease) over 2015						
EXPENDITURES						
COUNCIL	\$ 108,246	\$ 53,207	\$ 68,708	\$ (15,501)	49%	
CLERK	\$ 89,679	\$ 37,851	\$ 44,881	\$ (7,030)	42%	
CITY MANGER	\$ 417,909	\$ 153,119	\$ 148,245	\$ 4,874	37%	
HR/RISK MGMT	\$ 95,302	\$ 45,799	\$ 44,985	\$ 814	48%	
FINANCE	\$ 421,119	\$ 201,625	\$ 191,030	\$ 10,595	48%	
INFORMATION TECHNOLOGY	\$ 178,018	\$ 89,897	\$ 82,121	\$ 7,776	50%	
CONTRACTUAL SERVICES	\$ 433,756	\$ 225,493	\$ 155,898	\$ 69,595	52%	
BLDG FACILITIES MAINTENANCE	\$ 135,207	\$ 53,463	\$ 55,077	\$ (1,614)	40%	
CEMETERY MAINTENANCE	\$ 191,590	\$ 93,547	\$ 88,183	\$ 5,364	49%	
PLANNING & ZONING BOARDS	\$ 6,465	\$ 2,293	\$ 3,507	\$ (1,214)	35%	
PLANNING & ZONING ADMIN	\$ 628,582	\$ 295,531	\$ 290,154	\$ 5,377	47%	
DISTRICT LIGHTING	\$ 90,000	\$ 41,167	\$ 37,968	\$ 3,199	46%	
CAPITAL IMPROVEMENTS	\$ 30,000	\$ -	\$ -	\$ -	0%	
TRANSFERS OUT	\$ 1,560,591	\$ 781,795	\$ 742,196	\$ 39,599	50%	
TOTAL EXPENDITURES	\$ 4,386,464	\$ 2,074,787	\$ 1,952,953	\$ 121,834	47%	
				6.2%		
% Increase/(Decrease) over 2015						

*Includes carry over encumbrances from 2015

City of Beavercreek
Summary of Revenue and Expenditures
For Month Ending June 30, 2016 - (Unaudited)

POLICE DEPARTMENT (202)

REVENUE	AMENDED 2016 BUDGET*	2ND QUARTER 2016 YTD ACTUAL	2ND QUARTER 2015 YTD ACTUAL	2016-2015 COMPARISON	% FY 2016 REV/EXP
TAXES	\$ 7,719,780	\$ 4,385,051	\$ 4,217,737	\$ 167,314	57%
FEES, LICENSES, & PERMITS	\$ 69,100	\$ 32,879	\$ 37,461	\$ (4,582)	48%
INTERGOVERNMENTAL REVENUES	\$ 1,116,177	\$ 493,849	\$ 508,716	\$ (14,867)	44%
CHARGES FOR SERVICES	\$ 395,538	\$ 297,649	\$ 190,182	\$ 107,467	75%
OTHER REVENUE	\$ 130,310	\$ 35,908	\$ 111,872	\$ (75,964)	28%
TOTAL REVENUE	\$ 9,430,905	\$ 5,245,336	\$ 5,065,968	\$ 179,368	56%
				3.5%	
<p style="text-align: center;">% Increase/(Decrease) over 2015</p>					
EXPENDITURES					
BLDG FACILITIES MAINT	\$ 140,546	\$ 36,221	\$ 51,807	\$ (15,586)	26%
POLICE ADMIN	\$ 230,360	\$ 108,181	\$ 106,397	\$ 1,784	47%
SUPPORT SERVICES	\$ 503,963	\$ 243,861	\$ 244,535	\$ (674)	48%
COMMUNITY RELATIONS	\$ 121,873	\$ 58,049	\$ 57,358	\$ 691	48%
COMMUNICATIONS	\$ 1,065,870	\$ 509,538	\$ 489,812	\$ 19,726	48%
EMERGENCY DISPATCH -911 Funds	\$ 59,760	\$ 37,315	\$ 34,042	\$ 3,273	62%
CORRECTIONS	\$ 235,207	\$ 126,506	\$ 109,650	\$ 16,856	54%
ALLOCABLE SUPPORT	\$ 1,419,184	\$ 644,591	\$ 628,476	\$ 16,115	45%
INVESTIGATIONS	\$ 754,756	\$ 404,725	\$ 322,922	\$ 81,803	54%
POLICE OPERATIONS	\$ 5,340,402	\$ 2,247,781	\$ 2,217,980	\$ 29,801	42%
OFF DUTY TRUST ACCOUNT	\$ 79,390	\$ 18,203	\$ 38,394	\$ (20,191)	23%
COPP PROGRAM	\$ 3,000	\$ -	\$ 409	\$ (409)	0%
TRANSFER TO DEBT SERVICE	\$ 73,405	\$ 36,702	\$ 34,327	\$ 2,375	50%
TOTAL EXPENDITURES	\$ 10,027,716	\$ 4,471,673	\$ 4,336,109	\$ 135,564	45%
				3.1%	
<p style="text-align: center;">% Increase/(Decrease) over 2015</p>					

*Includes carry over encumbrances from 2015

**City of Beavercreek
Summary of Revenue and Expenditures
For Month Ending June 30, 2016 - (Unaudited)**

STREET LEVY (203)						
REVENUE	AMENDED 2016 BUDGET*	2ND QUARTER 2016 YTD ACTUAL	2ND QUARTER 2015 YTD ACTUAL	2016-2015 COMPARISON	% FY 2016 REV/EXP	
TAXES	\$ 4,118,180	\$ 2,370,793	\$ 2,231,454	\$ 139,339	58%	
FEES, LICENSE & PERMITS	\$ 18,750	\$ 3,263	\$ 10,286	\$ (7,023)	17%	
INTERGOVERNMENTAL REVENUES	\$ 566,611	\$ 274,975	\$ 469,613	\$ (194,638)	49%	
OTHER REVENUES	\$ 226,760	\$ 229,318	\$ 64,088	\$ 165,230	101%	
TOTAL REVENUE	\$ 4,930,301	\$ 2,878,349	\$ 2,775,441	\$ 102,908	58%	
				3.7%		
% Increase/(Decrease) over 2015						
EXPENDITURES						
ENGINEERING	\$ 226,915	\$ 79,080	\$ 83,701	\$ (4,621)	35%	
BLDG FACILITIES MAINT	\$ 251,451	\$ 116,084	\$ 106,128	\$ 9,956	46%	
STREET INSPECTION	\$ 505,192	\$ 249,033	\$ 235,602	\$ 13,431	49%	
ADMINISTRATION	\$ 589,330	\$ 344,443	\$ 246,178	\$ 98,265	58%	
STREET MAINTENANCE	\$ 1,439,436	\$ 724,014	\$ 711,880	\$ 12,134	50%	
SNOW & ICE CONTROL	\$ 418,785	\$ 156,036	\$ 159,222	\$ (3,186)	37%	
WEED & GRASS CONTROL	\$ 338,397	\$ 135,063	\$ 124,705	\$ 10,358	40%	
VEHICLE & EQUIP MAINT.	\$ 301,698	\$ 129,812	\$ 131,360	\$ (1,548)	43%	
TRAFFIC SAFETY	\$ 923,761	\$ 349,750	\$ 291,080	\$ 58,670	38%	
STORM WATER MAINT.	\$ 307,307	\$ 131,877	\$ 129,408	\$ 2,469	43%	
Total Operating Expenditures	\$ 5,302,272	\$ 2,415,192	\$ 2,219,264	\$ 195,928	46%	
				8.8%		
% Increase/(Decrease) over 2015						
CURRENT YEAR CAPITAL TRANSFERS OUT	\$ 375,000	\$ 79,867	\$ 361,959	\$ (282,092)	21%	
	\$ 10,906	\$ 5,453	\$ 5,100	\$ 353	50%	
TOTAL EXPENDITURES	\$ 5,688,178	\$ 2,500,512	\$ 2,586,323	\$ (85,811)	44%	
				(3.3%)		
% Increase/(Decrease) over 2015						

*Includes carry over encumbrances from 2015

City of Beavercreek
Summary of Revenue and Expenditures
For Month Ending June 30, 2016 - (Unaudited)

STREET MAINTENANCE FUND (204)						
REVENUE	AMENDED 2016 BUDGET*	2ND QUARTER 2016 YTD ACTUAL	2ND QUARTER 2015 YTD ACTUAL	2016-2015 COMPARISON	% FY 2016 REV/EXP	
COUNTY VEHICLE PERMISSIVE TAX	\$ 240,000	\$ 81,392	\$ 116,091	\$ (34,699)	34%	
GASOLINE/LICENSE TAXES	\$ 2,506,471	\$ 929,246	\$ 920,519	\$ 8,727	37%	
TOWNSHIP FUEL	\$ 127,253	\$ 26,444	\$ -	\$ 26,444	21%	
INTEREST	\$ 200	\$ 3,321	\$ 525	\$ 2,796	1661%	
OTHER REVENUES	\$ 3,000	\$ 42,328	\$ 685	\$ 41,643	1411%	
TOTAL REVENUE	\$ 2,876,924	\$ 1,082,731	\$ 1,037,820	\$ 44,911	38%	
				4.3%		
% Increase/(Decrease) over 2015						
EXPENDITURES						
STREET MAINTENANCE	\$ 338,720	\$ 167,411	\$ 125,633	\$ 41,778	49%	
ANNUAL PAVING	\$ 1,027,757	\$ 914,614	\$ 324,820	\$ 589,794	89%	
SNOW & ICE CONTROL	\$ 397,422	\$ 131,966	\$ 44,416	\$ 87,550	33%	
PRIOR YEAR CAPITAL	\$ 1,638,768	\$ 174,605	\$ 251,388	\$ (76,783)	11%	
TOTAL EXPENDITURES	\$ 3,402,667	\$ 1,388,596	\$ 746,257	\$ 642,339	41%	
				86.1%		
% Increase/(Decrease) over 2015						

STATE HIGHWAY FUND (205)						
REVENUE	AMENDED 2016 BUDGET*	2ND QUARTER 2016 YTD ACTUAL	2ND QUARTER 2015 YTD ACTUAL	2016-2015 COMPARISON	% FY 2016 REV/EXP	
GASOLINE/LICENSE TAXES	\$ 148,000	\$ 74,117	\$ 144,170	\$ (70,053)	50%	
INTEREST	\$ 300	\$ 571	\$ 105	\$ 466	190%	
REFUNDS AND REIMBURSEMENTS	\$ 500	\$ 46	\$ 30	\$ 16	9%	
TOTAL REVENUE	\$ 148,800	\$ 74,734	\$ 144,305	\$ (69,571)	50%	
				(48.2%)		
% Increase/(Decrease) over 2015						
EXPENDITURES						
STATE HIGHWAY ADMINISTRATION	\$ 189,085	\$ 79,082	\$ 58,392	\$ 20,690	42%	
CAPITAL IMPROVEMENTS	\$ -	\$ -	\$ 93,602	\$ (93,602)	0%	
TOTAL EXPENDITURES	\$ 189,085	\$ 79,082	\$ 151,994	\$ (72,912)	42%	
				(48.0%)		
% Increase/(Decrease) over 2015						

*Includes carry over encumbrances from 2015

City of Beavercreek
 Summary of Revenue and Expenditures
 For Month Ending June 30, 2016 - (Unaudited)

STREET CAPITAL FUND (260)					
REVENUE	AMENDED 2016 BUDGET*	2ND QUARTER 2016 YTD ACTUAL	2ND QUARTER 2015 YTD ACTUAL	2016-2015 COMPARISON	% FY 2016 REV/EXP
PROPERTY TAX	\$ 2,507,125	\$ 1,345,323	\$ 1,319,733	\$ 25,590	54%
INTERGOVERNMENTAL - GRANTS	\$ 4,029,053	\$ 797,378	\$ 30,636	\$ 766,742	20%
TOTAL REVENUE	\$ 6,536,178	\$ 2,142,701	\$ 1,350,369	\$ 792,332	33%
				58.7%	
% Increase/(Decrease) over 2015					
EXPENDITURES					
ANNUAL PAVING	\$ 1,659,969	\$ 255,296	\$ 15,423	\$ 239,873	15%
CAPITAL IMPROVEMENTS	\$ 4,716,455	\$ 1,209,931	\$ 261,102	\$ 948,829	26%
TOTAL EXPENDITURES	\$ 6,376,424	\$ 1,465,227	\$ 276,525	\$ 1,188,702	23%
				429.9%	

STREET CAPITAL IMPROVEMENT FUND (408)					
REVENUE	AMENDED 2016 BUDGET*	2ND QUARTER 2016 YTD ACTUAL	2ND QUARTER 2015 YTD ACTUAL	2016-2015 COMPARISON	% FY 2016 REV/EXP
COUNTY AND MUNICIPAL LICENSE TAX	\$ 346,000	\$ 181,372	\$ 178,636	\$ 2,736	52%
GRANTS	\$ 522,304	\$ 199,313	\$ 1,661,496	\$ (1,462,183)	38%
TOTAL REVENUE	\$ 868,304	\$ 380,685	\$ 1,840,132	\$ (1,459,447)	44%
				(79.3%)	
% Increase/(Decrease) over 2015					
EXPENDITURES					
AUDITORS FEE	\$ 3,258	\$ 3,285	\$ -	\$ 3,285	101%
CAPITAL OUTLAY	\$ 682,709	\$ 311,135	\$ 1,554,753	\$ (1,243,618)	46%
PENTAGON PARK REIMBURSEMENT	\$ 30,000	\$ 30,000	\$ 30,000	\$ -	100%
TRANSFERS OUT	\$ 32,193	\$ 16,097	\$ 16,054	\$ 43	50%
TOTAL EXPENDITURES	\$ 748,160	\$ 360,517	\$ 1,600,807	\$ (1,240,290)	48%

*Includes carry over encumbrances from 2015

City of Beavercreek
Summary of Revenue and Expenditures
For Month Ending June 30, 2016 - (Unaudited)

RECREATION LEVY FUND (279)

REVENUE	AMENDED 2016 BUDGET*	2ND QUARTER 2016 YTD ACTUAL	2ND QUARTER 2015 YTD ACTUAL	2016-2015 COMPARISON	% FY 2016 REV/EXP
PROPERTY TAX	\$ 1,144,915	\$ 630,968	\$ 593,884	\$ 37,084	55%
INTERGOVERNMENTAL - GRANTS	\$ 206,236	\$ 142,040	\$ 110,122	\$ 31,918	69%
CHARGES FOR SERVICES	\$ 287,100	\$ 200,203	\$ 189,041	\$ 11,162	70%
DONATIONS & OTHER REVENUE	\$ 166,032	\$ 5,500	\$ 6,672	\$ (1,172)	3%
SALE OF NOTES	\$ 1,500,000	\$ -	\$ -	\$ -	0%
TRANSFERS IN FROM GF	\$ 240,000	\$ 160,947	\$ 160,031	\$ -	67%
TOTAL REVENUE	\$ 3,544,283	\$ 1,139,658	\$ 1,059,750	\$ 78,992	32%
				7.5%	
% Increase/(Decrease) over 2015					
EXPENDITURES					
PARKS MAINTENANCE	\$ 962,866	\$ 465,411	\$ 327,656	\$ 137,755	48%
ROTARY PARK	\$ 342,787	\$ 106,552	\$ 112,804	\$ (6,252)	31%
RECREATIONAL PROGRAMS	\$ 119,994	\$ 64,508	\$ 60,486	\$ 4,022	54%
SENIOR LEVY SERVICES	\$ 435,099	\$ 193,064	\$ 230,062	\$ (36,998)	44%
CAPITAL	\$ 1,810,491	\$ 35,092	\$ 6,929	\$ 28,163	2%
TOTAL EXPENDITURES	\$ 3,671,237	\$ 864,627	\$ 737,937	\$ 126,690	24%
				17.2%	
% Increase/(Decrease) over 2015					

*Includes carry over encumbrances from 2015

**City of Beavercreek
Summary of Revenue and Expenditures
For Month Ending June 30, 2016 - (Unaudited)**

GOLF COURSE FUND (\$72)

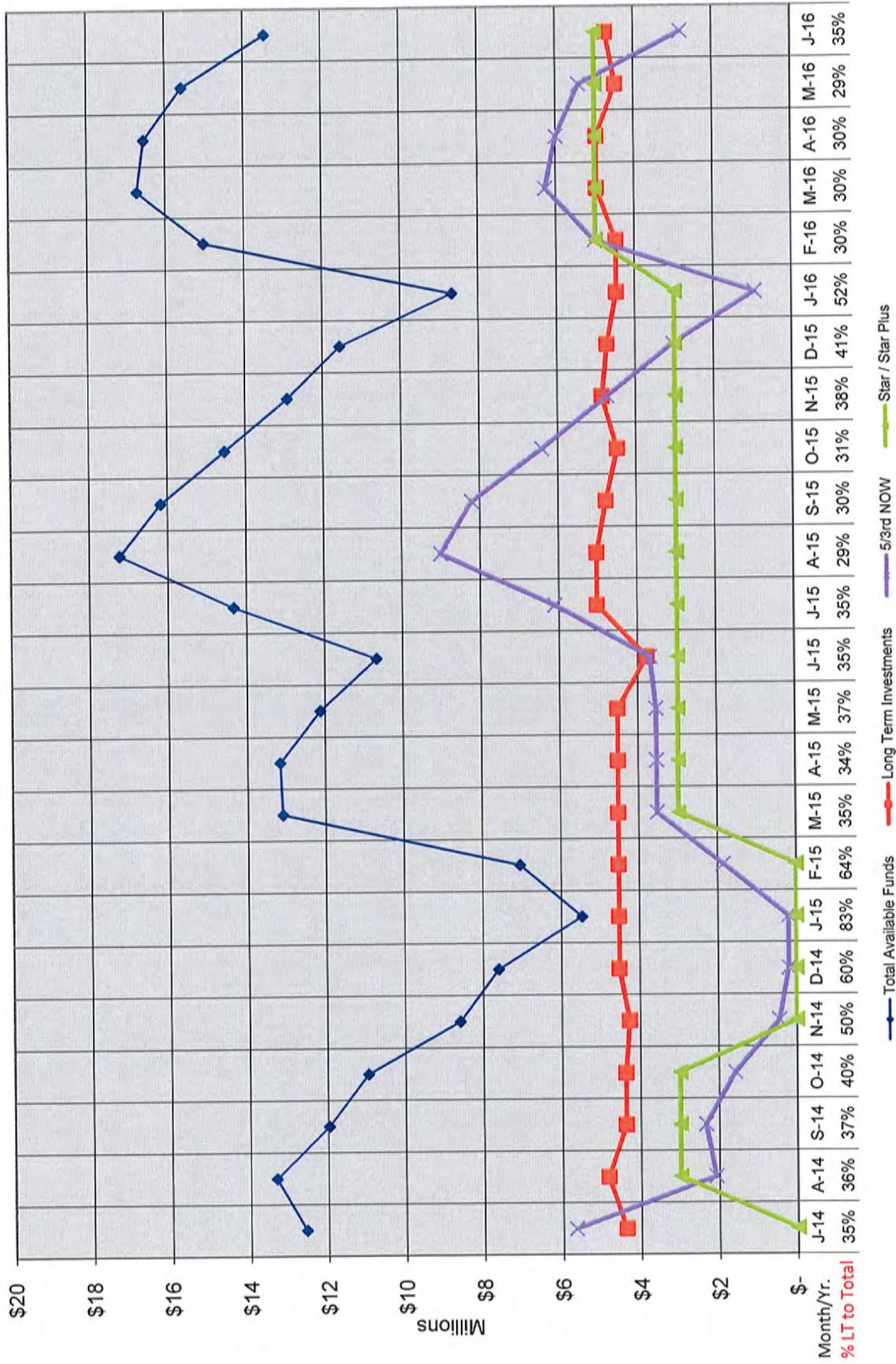
REVENUE	AMENDED 2016 BUDGET*	2ND QUARTER 2016 YTD ACTUAL	2ND QUARTER 2015 YTD ACTUAL	2016-2015 COMPARISON	% FY 2016 REV/EXP
GOLF & PRO SHOP	\$ 843,025	\$ 431,706	\$ 400,236	\$ 31,470	51%
FOOD & BEVERAGE REVENUE	\$ 552,000	\$ 206,674	\$ 215,640	\$ (8,966)	37%
Total Operating Revenue	\$ 1,395,025	\$ 638,380	\$ 615,876	\$ 22,504	46%
% Increase/(Decrease) over 2015				3.7%	
MISC. REVENUE	\$ 1,600	\$ 15,424	\$ 2,124	\$ 13,300	964%
CAPITAL LEASE PROCEEDS	\$ 65,000	\$ 63,000	\$ -	\$ 63,000	97%
REFUNDS & REIMBURSEMENT	\$ 1,000	\$ 1,757	\$ 2,859	\$ (1,102)	176%
TRANSFERS IN FROM GF & MISC.	\$ 1,272,608	\$ 636,304	\$ 598,944	\$ 37,360	50%
TOTAL REVENUE	\$ 2,735,233	\$ 1,354,865	\$ 1,219,803	\$ 135,062	50%
% Increase/(Decrease) over 2015				11.1%	
EXPENDITURES					
OPERATIONS	\$ 666,987	\$ 330,199	\$ 287,687	\$ 42,512	50%
FOOD & BEVERAGE	\$ 525,289	\$ 216,954	\$ 222,540	\$ (5,586)	41%
MAINTENANCE	\$ 504,128	\$ 320,310	\$ 241,934	\$ 78,376	64%
Total Operating Expenditures	\$ 1,696,404	\$ 867,463	\$ 752,161	\$ 115,302	51%
% Increase/(Decrease) over 2015				15.3%	
CAPITAL EXPENDITURE	\$ 59,780	\$ 34,880	\$ 15,036	\$ 19,844	58%
BOND AND INTEREST PAYMENT	\$ 925,861	\$ 860,431	\$ 856,681	\$ 3,750	93%
TOTAL EXPENDITURES	\$ 2,682,045	\$ 1,762,774	\$ 1,623,878	\$ 138,896	66%
% Increase/(Decrease) over 2015				8.6%	
NET OPERATING GAIN (LOSS)	\$ (301,379)	\$ (229,083)	\$ (136,285)	\$ (92,798)	76%

*Includes carry over encumbrances from 2015

**CITY OF BEAVERCREEK
PROPERTY/TANGIBLE PERSONAL PROPERTY AND LOCAL GOVERNMENT FUND ANALYSIS**

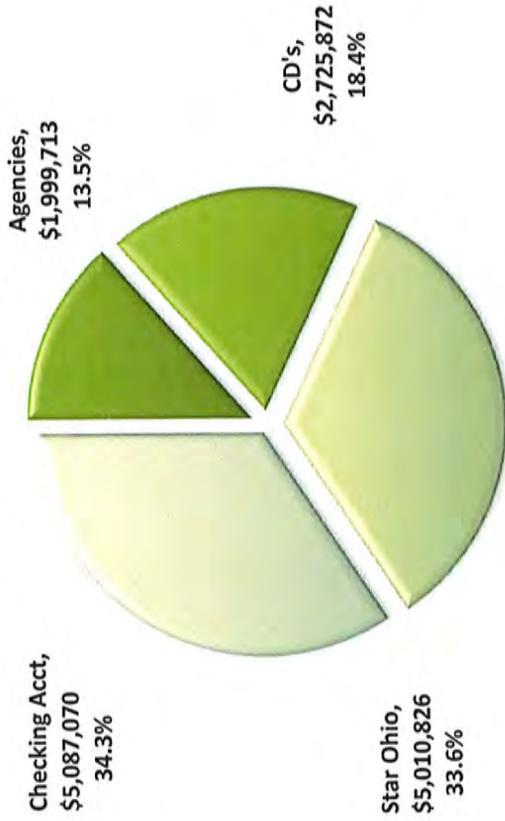
FUND & REVENUE TYPE	2016		2015		2015		2016 TO 2014 INC/(DECR)	% REC'D	2016 TO 2014 INC/(DECR)	% REC'D	% Rev Inc./(Dec) 16 to 15
	AMENDED BUDGET	2ND QUARTER YTD ACTUAL	AMENDED BUDGET	2ND QUARTER YTD ACTUAL	AMENDED BUDGET	2ND QUARTER YTD ACTUAL					
<u>Property Taxes</u>											
<u>General Fund</u>	\$ 1,264,690	\$ 725,397	\$ 1,277,150	\$ 687,040	\$ 1,277,150	\$ 687,040	\$ 38,357	53.8%	\$ 38,357	53.8%	5.6%
<u>Police Fund</u>											
Property Taxes	\$ 7,375,430	\$ 4,186,917	\$ 7,302,450	\$ 4,030,045	\$ 7,302,450	\$ 4,030,045	\$ 156,872	55.2%	\$ 156,872	55.2%	3.9%
Property Taxes (Pension)	\$ 344,100	\$ 197,835	\$ 347,100	\$ 187,375	\$ 347,100	\$ 187,375	\$ 10,460	54.0%	\$ 10,460	54.0%	5.6%
Police Total	\$ 7,719,530	\$ 4,384,752	\$ 7,649,550	\$ 4,217,420	\$ 7,649,550	\$ 4,217,420	\$ 167,332	55.1%	\$ 167,332	55.1%	4.0%
<u>Parks Levy Fund</u>	\$ 1,144,825	\$ 630,925	\$ 1,177,000	\$ 593,838	\$ 1,177,000	\$ 593,838	\$ 37,087	50.5%	\$ 37,087	50.5%	6.2%
<u>Street Levy Funds</u>											
Property Taxes	\$ 4,118,030	\$ 2,370,616	\$ 4,074,420	\$ 2,231,283	\$ 4,074,420	\$ 2,231,283	\$ 139,333	54.8%	\$ 139,333	54.8%	6.2%
Street Capital Improvement	\$ 2,507,035	\$ 1,345,235	\$ 2,550,000	\$ 1,319,639	\$ 2,550,000	\$ 1,319,639	\$ 25,596	51.8%	\$ 25,596	51.8%	1.9%
	\$ 6,625,065	\$ 3,715,851	\$ 6,624,420	\$ 3,550,922	\$ 6,624,420	\$ 3,550,922	\$ 164,929	53.6%	\$ 164,929	53.6%	4.6%
Total Property Taxes	\$ 16,754,110	\$ 9,456,925	\$ 16,728,120	\$ 9,049,220	\$ 16,728,120	\$ 9,049,220	\$ 407,705	54.1%	\$ 407,705	54.1%	4.5%
<u>Personal Property Tax</u>											
Police Fund	\$ 1,614	\$ -	\$ 3,229	\$ 1,614	\$ 3,229	\$ 1,614	\$ (1,614)	50.0%	\$ (1,614)	50.0%	0.0%
Street Levy Fund	\$ 31,213	\$ -	\$ 31,213	\$ 15,606	\$ 31,213	\$ 15,606	\$ (15,606)	50.0%	\$ (15,606)	50.0%	0.0%
Total TPP Taxes	\$ 32,827	\$ -	\$ 34,442	\$ 17,220	\$ 34,442	\$ 17,220	\$ (17,220)	0.0%	\$ (17,220)	0.0%	0.0%
Local Government	\$ 404,295	\$ 193,009	\$ 370,359	\$ 199,930	\$ 370,359	\$ 199,930	\$ (6,921)	54.0%	\$ (6,921)	54.0%	(3.5%)

Month End Investment Balances - July 2014 thru June 2016

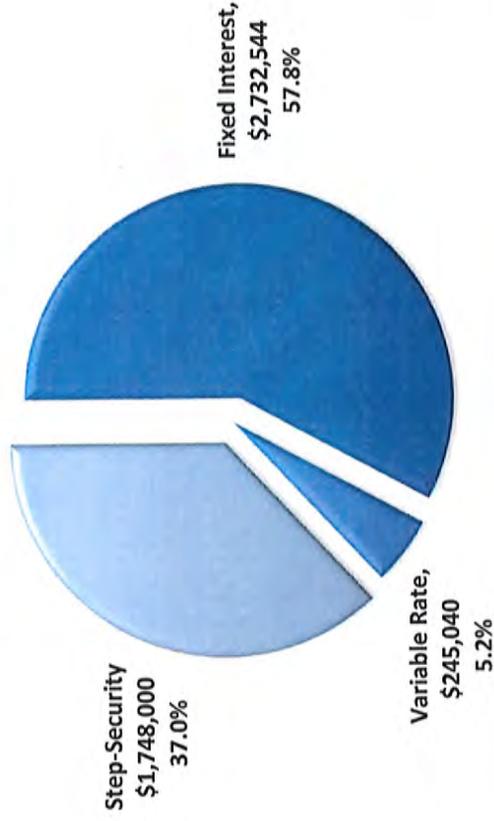


City of Beavercreek Portfolio Report
June 30, 2016

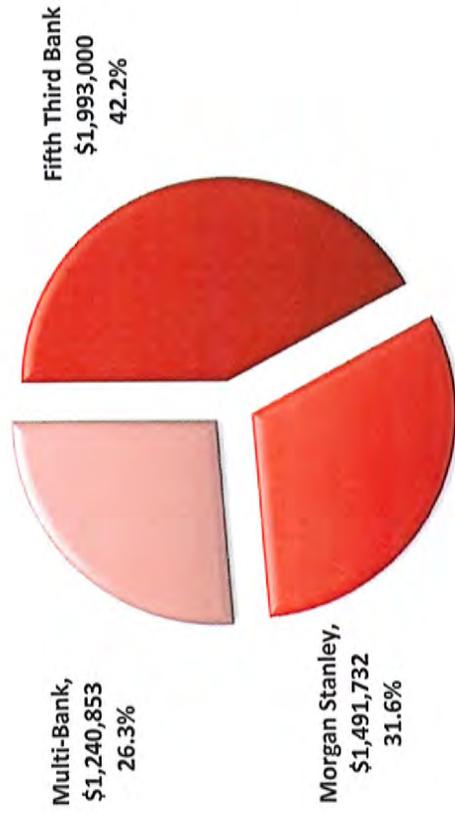
Investment by Type



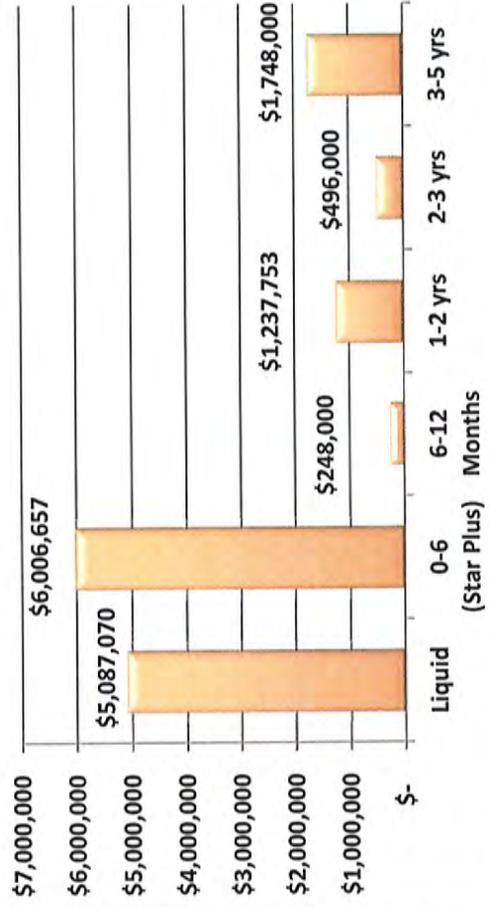
Investment Earnings Type



Investment by Broker



Maturity Schedule



CITY OF BEAVERCREEK INVESTMENT SUMMARY - June 2016

SAI, CD	INVESTMENT	Earnings Type	Security Type	BROKER	INTEREST RATE (COUPON)	YIELD TO MATURITY	PURCHASE DATE	MATURITY DATE	AMOUNT	CALL or MATURITY DATE	YIELD TO CALL	NOTES	ANNUAL INT. AMOUNT	NEXT INTEREST PAYMENT
	Synovus Bk Columbus GA 87164DFT2	FR	CD	Morgan Stanley	0.900%	0.900%	11/3/2014	10/21/2016	\$ 247,831.50	NC	N/A	SAI - 4/21, 10/21	\$ 2,230.48	10/21/2016
	Capital One Bk CD 140420QG8	FR	CD	Multi-Bank Securities	1.000%	1.000%	10/22/2014	10/24/2016	\$ 248,000.00	NC	N/A	SAI - 4/22, 10/22	\$ 2,480.00	10/22/2016
	Sallie Mae Bk, Salt Lake City CD 795450QY4	FR	CD	Multi-Bank Securities	1.300%	1.302%	10/30/2013	10/31/2016	\$ 250,000.00	NC	N/A	SAI - 4/30, 10/30	\$ 3,250.00	10/30/2016
	Synchrony Bank Draper Utah CD 3615Y7QTD9	FR	CD	Morgan Stanley	1.050%	1.050%	11/22/2013	11/22/2016	\$ 250,000.00	NC	N/A	SAI - 5/22, 11/22	\$ 2,625.00	11/22/2016
	Goldman Sachs New York, NY 38147JWE8	CD	CD	Morgan Stanley	1.050%	1.050%	3/26/2014	3/27/2017	\$ 248,000.00	NC	N/A	SAI - 3/26, 9/26	\$ 2,604.00	9/26/2016
	American Express CD Fed Savings Bk 02587CAR1	FR	CD	Multi-Bank Securities	1.250%	1.250%	8/14/2014	8/14/2017	\$ 248,000.00	NC	N/A	SAI - 2/14, 8/14	\$ 3,100.00	8/14/2016
	Federal Home Loan Bks 313380Z34	FR	Agency	Multi-Bank Securities	0.900%	0.915%	10/23/2012	10/23/2017	\$ 249,812.50	CC	0.915%	SAI - 4/23, 10/23	\$ 2,250.00	10/23/2016
	Ally Bank CD 02006VLP5	FR	CD	Fifth Third	1.200%	1.200%	11/12/2015	11/13/2017	\$ 245,000.00	NC	NC	SAI - 5/12, 11/12	\$ 2,940.00	11/12/2016
	Fed Natl Mortgage 3136GZ3M7	FR	Agency	Morgan Stanley	1.300%	1.312%	8/22/2014	2/22/2018	\$ 249,900.00	8/22/2016	1.300%	SAI - 2/22, 8/22	\$ 3,250.00	8/22/2016
	Barclays Bk Del Wilmington CD 06740AZN2	Var	CD	Multi-Bank Securities	VR - 3 Mo. LIBOR + .25%	0.881%	5/30/2013	5/24/2018	\$ 245,040.27	NC	NC	Q1 - Feb, May, Aug, Nov.	\$ 2,159.05	8/24/2016
	Eaglesbank Bethesda MD CD 27002YCV6	FR	CD	Morgan Stanley	1.150%	1.500%	3/9/2016	12/10/2018	\$ 248,000.00	NC	NC	Monthly Interest	\$ 3,720.00	7/9/2016
	Wells Fargo Bk CD 9497483V7	FR	CD	Morgan Stanley	1.200%	1.200%	3/9/2016	3/11/2019	\$ 248,000.00	NC	NC	Monthly Interest	\$ 2,976.00	7/9/2016
	Fed Natl Mtg Assoc 3136G3TJ4	FR	Agency	Fifth Third	1.000%	1.000%	6/28/2016	6/28/2019	\$ 250,000.00	6/28/2016	1.000%	SAI-Next call 6/28/17 @100	\$ 2,500.00	12/28/2016
	Fed Natl Mtg Assoc 3136G3RL12	FR	Agency	Morgan Stanley	1.500%	1.500%	6/16/2016	12/16/2019	\$ 250,000.00	12/16/2016	1.500%	SAI - June & Dec.16th	\$ 3,750.00	12/16/2016
	Federal Home Ln Banks 3130A6NN3	Step	Agency	Fifth Third	1.000%	2.065%	10/29/2015	10/29/2020	\$ 250,000.00	QC	1.000%	SAI - 4/29, 10/29 Step 4/29/17 - 1.5%, 4/28/18 - 1.75%, 10/29/18 - 2%, 4/24/19 - 2.5%, etc.	\$ 2,500.00	10/29/2016

CITY OF BEAVERCREEK INVESTMENT SUMMARY - June 2016

INVESTMENT	Earnings Type	Security Type	Broker	INTEREST RATE (COUPON)	YIELD TO MATURITY	PURCHASE DATE	MATURITY DATE	AMOUNT	CALL or MATURITY DATE	YIELD TO CALL	NOTES	ANNUAL INT. AMOUNT	NEXT INTEREST PAYMENT
SAI, ST, QC Federal Home Ln Banks 3130A6NV5	Step	Agency	Fifth Third	0.500%	2.562%	10/29/2015	10/29/2020	\$ 250,000.00	QC	0.500%	SAI - 4/29, 10/29 Step- 10/29/16 - .75%, 4/29/17 - 1%, 10/29/17 - 1.5%, 4/29/18 - 2%, 10/29/18 - 2.5%, etc.	\$ 1,250.00	10/29/2016
SAI, ST, QC Federal Home Ln Mtg Corp 3134G7K26	Step	Agency	Fifth Third	1.000%	2.261%	10/29/2015	10/29/2020	\$ 250,000.00	QC	1.000%	SAI - 4/29, 10/29 Step- 10/29/17 - 1.25%, 4/29/17 - 1.5%, 10/29/17 - 1.75%, 10/29/17 to 1.25%, 10/29/18 to 1.5%, 4/29/19 - 2%, 10/29/19-4%, 4/29/20	\$ 2,500.00	10/29/2016
SAI, ST, QC Federal Home Ln Mtg Corp 3134G7S77	Step	Agency	Fifth Third	1.125%	2.015%	10/29/2015	10/29/2020	\$ 250,000.00	QC	1.125%	SAI 4/29, 10/29 Step- 10/29/17 to 1.25%, 10/29/18 to 1.5%, 4/29/19 - 2%, 10/29/19-4%, 4/29/20	\$ 2,812.50	10/29/2016
SAI, ITC, ST HSBC Bank CD 40/434AR68	Step	CD	Fifth Third	1.250%	2.267%	3/24/2016	3/24/2021	\$ 248,000.00		1.250%	SAI - 3/24, 9/24 - Steps 3/24/18 - 2%, 3/24/19 - 3%, 3/24/20 - 4%	\$ 3,100.00	9/24/2016
<p>Long Term Investments as of June 2016</p> <p>Estimated Rate of Return</p>													
Star Ohio				0.54%		6/30/2016	Daily	\$ 5,010,480				\$ 27,056.59	
Star Ohio				0.37%		6/30/2016	Daily	\$ 346				\$ 1.28	
5/3rd Bk Public Fund Now Acct				0.25%	#	5/31/2016	Daily	\$ 5,087,070				\$ 12,717.67	
<p>Operating Investments as of June 30, 2016</p> <p>Total Investment as of June 30, 2016</p> <p>Total Portfolio Return</p>													
								\$ 4,725,584.27			Projected Interest 6/30/16	\$ 51,997.03	
												1.10%	
												\$ 91,772.58	

Benchmark	Source	Valued	Rate
Benchmarks Target: Fed Funds Rate	Federalreserve.gov	5/31/2016	0.38%
Benchmarks 12 Month Treasuries	Federalreserve.gov	5/31/2016	0.55%
Benchmarks 2 yr Treasuries	Federalreserve.gov	5/31/2016	0.73%

Tickmarks:
 SAI=Semi Annual Interest, QIC=Quarterly Interest, AC=Annual Call, SAC=Semi Annual Call, QC=Quarterly Call, CC=Continuous Call, ST=Step Security, 1TC=One Time Call, FC= Fixed Coupon, CD = Certificate of Deposit,
 IQ = Interest Paid Qtrly on CD, FFR=Fixed Rate, M/= Monthly Interest
 (a) = Original security amount was \$250,000. Partial call in the amount of \$150,000 took place on 5/15/13. VR= Variable rate CD 1% year one, after reset quarterly at 3M LIBOR rate currently at .53% (#) rate provide by 5/3rd

CITY OF BEAVERCREEK
 CITY COUNCIL
 AGENDA ITEM REPORT

MAC 7/21/16

Meeting Date: July 25, 2016	Reference Topic: Park, Recreation and Culture Board Appointment
Agenda Reference No. X. B.	Motion to Appoint

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 type="checkbox"/> Accept Staff Recommendation	<input checked="" type="checkbox"/> Adopt Motion

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 type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input checked="" type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

Because of a recent resignation of a Park, Recreation and Culture Board Member, it is necessary to appoint a new member for the open vacancy. The procedure is to look to the applications received within the last year. The attached applicant has expressed continued interest serving on the board. The open vacancy is through February 28, 2018.

STAFF RECOMMENDATION:

Staff recommends a motion for appointment.

Print

Application for City Board or Commission - Submission #494

Date Submitted: 1/25/2016

First Name

Cynthia

Last Name

Bieghler

Home Phone

Cell Phone

937.620.5243

Work Phone

Email Address

cynthiabieghler@yahoo.com

Address1

1813 N. Central Drive

Address2

City

Beavercreek

State

OH

Zip

45432

Are you currently registered to vote in the City of Beavercreek?

Yes

No

Length of time you have lived in the City of Beavercreek:

7 years

Employer

No Longer Employed

Occupation

Former Parks Maintenance and Security Officer

Address1

N/A

Address2

City

State

Zip

High School

Year Graduated

Crawfordsville High School

1981

College or Training

Year Graduated

Other

Year Graduated

Have you ever been a member of any city board or commission?

Yes

No

If yes, please list the board(s) / commission(s), including number of terms:

Impact Fee Appeals Board, 1 term, 2010-2013

I would like to be considered for the appointment to one of the following boards / commissions (please number in order of preference to those boards you are interested in):

Bikeway & Non-Motorized Transportation Advisory Committee

2

Personnel Board

Board of Zoning Appeals

Planning Commission

Environmental Advisory Committee

3

[Empty box for Environmental Advisory Committee]

Tax Incentive Review Council

[Empty box for Tax Incentive Review Council]

Impact Fee Appeals Board

[Empty box for Impact Fee Appeals Board]

Youth Development Committee

[Empty box for Youth Development Committee]

Investment Committee

[Empty box for Investment Committee]

Greene County Board of Health

[Empty box for Greene County Board of Health]

Parks, Recreation & Culture Board

1

[Empty box for Parks, Recreation & Culture Board]

Greene Metropolitan Housing Authority Board

[Empty box for Greene Metropolitan Housing Authority Board]

Please describe your background. Include any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to the board or commission for which you have applied. (If possible, please attach a copy of your resume):

I previously worked in parks maintenance where I engaged in such wide-ranging tasks as mowing, trimming weeds/trees/shrubbery, other landscaping, collecting trash, painting, cleaning and maintaining equipment, upgrading playground equipment, repairing fences, installing roofing, cleaning restrooms, watering plants, and participating in "controlled burns" for fire safety. I completed the Grounds and Facilities Maintenance Management School conducted by the Ohio Parks & Recreation Association at Deer Creek State Park in December 2004.

Resume

Cynthia J Bieghler Resume (For Appointment to City of Beavercreek Parks Board).doc

Please explain why you want to be a board/commission member

I previously worked in parks maintenance, which I thoroughly enjoyed, until an injury forced me to leave that field and enter the field of security. However, I have maintained my passion for green spaces and other recreational areas. One of my biggest areas of concern are providing safe places for people to recreate in. Whether it be playground equipment for children, well-maintained and signed hiking trails, or safely paved bikeways, I believe in making people's fun to be as safe as humanly possible. I also believe strongly in keeping grassy areas mowed, weeds & trees trimmed, trash picked up, and buildings/equipment/trash receptacles painted & maintained. I would like to use my experience and passion for parks, bikeways, and the overall environment to help Beavercreek lead the region in well-maintained and well-used recreational areas.

Please list present membership in any community service or civic organization, of any.

Member of both Beavercreek & Xenia Republican Women's Clubs.

Cynthia J. "CJ" Bieghler

1813 N. Central Drive | Beaver Creek, OH 45432 | 937.620.5243 | cynthiajbieghler@yahoo.com

Summary of Qualifications

- ✓ Gained reputation as proven professional with absolute integrity, measured assertiveness, effective communication skills, and sharp attention to details
- ✓ Highly reliable and dependable
- ✓ Experienced in various high-profile roles

Work History

August 2014-August 2015

Security Officer

Hollywood Gaming at Dayton Raceway, Dayton, Ohio

- ✓ Performed security operations in brand new gaming & horse-racing establishment as part of large integrated security team

February 2011-September 2013

Security Officer/Dispatcher,

Merchants Security, Dayton, Ohio

- ✓ Served as radio dispatcher to direct road crew/maintenance trucks to proper destinations ensuring prompt service by Montgomery County Engineer's operations staff to a population of over 180,000 people
- ✓ Demonstrated leadership skills while serving as site's Lead Security Officer
- ✓ Performed armed-guard prisoner watches for Montgomery County Sheriff's Department at various medical facilities on an as-needed basis
- ✓ Recognized by management and staff as self-motivated and efficient

February 2006-October 2006

Perimeter Security Officer (Seasonal),

Paramount's Kings Island, Kings Mills, Ohio

- ✓ Controlled employee access to entertainment theme-park which employed thousands of people
- ✓ Provided security surveillance and controlled access to special patron parking areas

March 2002-February 2006

Park Technician,

Five Rivers MetroParks, Dayton, Ohio

- ✓ Performed park and building maintenance for well-known regional parks cooperative
- ✓ Mowed and trimmed weeds in large, grassy park areas
- ✓ Performed grounds maintenance by repairing fences, painting trash receptacles, collecting trash, and cleaning restroom facilities on daily basis
- ✓ Maintained park buildings by installing roofing, painting, hanging drywall, and mounting cabinets
- ✓ Led effort to upgrade playground equipment for safety of children
- ✓ Assisted the horticultural specialist with watering and caring for plants at downtown showcase park
- ✓ Operated nail gun, power-washer, and other heavy-duty equipment
- ✓ Trained extensively in fire safety including participating in "controlled burns"
- ✓ Answered questions from members of the public regarding various park activities

September 2001-December 2001

Public Works (Seasonal)

City of Oakwood (via Manpower Associates)

Oakwood, Ohio

- ✓ Operated leaf vacuum/mulcher to collect residential leaves for recycling into mulch during fall-season leaf pick-up

April 2001-October 2001

Operations Technician (Seasonal)

Centerville-Washington Park District

Centerville, Ohio

- ✓ Performed a variety of park maintenance operations in over 20 parks in the Centerville-Washington Township area including mowing grass, trimming weeds, landscaping, fuel preparation, trailer hauling, painting, garbage collection, and maintaining clean restroom facilities
- ✓ Served as part-time crew chief for baseball diamond preparation
- ✓ Assisted in planting over a dozen Blue Spruce seedlings as part of park revitalization

Education

- ✓ Graduated Crawfordsville High School, Crawfordsville, Indiana – May 1981
- ✓ Completed Grounds and Facilities Maintenance Management School conducted by Ohio Parks & Recreation Association at Deer Creek State Park – December 2004
- ✓ Completed Paramount's Kings Island Perimeter-access Training Course – March 2006
- ✓ Completed Ohio Peace Officer Training Academy (OPOTA) armed-guard certification course – May 2011 and re-certified in October 2012

Cynthia J. "CJ" Bieghler

1813 N. Central Drive | Beaver Creek, OH 45432 | 937.620.5243 | cynthiajbieghler@yahoo.com

Summary of Qualifications

- ✓ Gained reputation as proven professional with absolute integrity, measured assertiveness, effective communication skills, and sharp attention to details
- ✓ Highly reliable and dependable
- ✓ Experienced in various high-profile roles

Work History

August 2014-August 2015

Security Officer

Hollywood Gaming at Dayton Raceway, Dayton, Ohio

- ✓ Performed security operations in brand new gaming & horse-racing establishment as part of large integrated security team

February 2011-September 2013

Security Officer/Dispatcher,

Merchants Security, Dayton, Ohio

- ✓ Served as radio dispatcher to direct road crew/maintenance trucks to proper destinations ensuring prompt service by Montgomery County Engineer's operations staff to a population of over 180,000 people
- ✓ Demonstrated leadership skills while serving as site's Lead Security Officer
- ✓ Performed armed-guard prisoner watches for Montgomery County Sheriff's Department at various medical facilities on an as-needed basis
- ✓ Recognized by management and staff as self-motivated and efficient

February 2006-October 2006

Perimeter Security Officer (Seasonal),

Paramount's Kings Island, Kings Mills, Ohio

- ✓ Controlled employee access to entertainment theme-park which employed thousands of people
- ✓ Provided security surveillance and controlled access to special patron parking areas

March 2002-February 2006

Park Technician,

Five Rivers MetroParks, Dayton, Ohio

- ✓ Performed park and building maintenance for well-known regional parks cooperative
- ✓ Mowed and trimmed weeds in large, grassy park areas
- ✓ Performed grounds maintenance by repairing fences, painting trash receptacles, collecting trash, and cleaning restroom facilities on daily basis
- ✓ Maintained park buildings by installing roofing, painting, hanging drywall, and mounting cabinets
- ✓ Led effort to upgrade playground equipment for safety of children
- ✓ Assisted the horticultural specialist with watering and caring for plants at downtown showcase park
- ✓ Operated nail gun, power-washer, and other heavy-duty equipment
- ✓ Trained extensively in fire safety including participating in "controlled burns"
- ✓ Answered questions from members of the public regarding various park activities

September 2001-December 2001

Public Works (Seasonal)

City of Oakwood (via Manpower Associates)

Oakwood, Ohio

- ✓ Operated leaf vacuum/mulcher to collect residential leaves for recycling into mulch during fall-season leaf pick-up

April 2001-October 2001

Operations Technician (Seasonal)

Centerville-Washington Park District

Centerville, Ohio

- ✓ Performed a variety of park maintenance operations in over 20 parks in the Centerville-Washington Township area including mowing grass, trimming weeds, landscaping, fuel preparation, trailer hauling, painting, garbage collection, and maintaining clean restroom facilities
- ✓ Served as part-time crew chief for baseball diamond preparation
- ✓ Assisted in planting over a dozen Blue Spruce seedlings as part of park revitalization

Education

- ✓ Graduated Crawfordsville High School, Crawfordsville, Indiana – May 1981
- ✓ Completed Grounds and Facilities Maintenance Management School conducted by Ohio Parks & Recreation Association at Deer Creek State Park – December 2004
- ✓ Completed Paramount's Kings Island Perimeter-access Training Course – March 2006
- ✓ Completed Ohio Peace Officer Training Academy (OPOTA) armed-guard certification course – May 2011 and re-certified in October 2012



CITY COUNCIL
Regular Meeting – August 8, 2016 6:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Mayor Stone
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. PRE-SCHEDULED PRESENTERS
 - A. 2015 Audit Review, Greg Hughes, Plattenburg and Associates Inc.
- VII.
- VIII. PUBLIC HEARING – PUD 16-1 Cottages at Beavercreek
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Ordinance 16-____
- IX. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 16-12 BAN for Not to Exceed \$1.5 million for Lofino Renovation (Third Reading)
 - B. Ordinance 16-14 Re-issue of \$325,000 for Traditions of Beavercreek Assessment Project (Third Reading)
 - C. Ordinance 16-15 Consolidation of Projects into one BAN (Third Reading)
 - D. Ordinance 16-18 Supplement to the Code of Ordinance S-30 (Emergency)
- X. CITY MANAGER'S REPORT
- XI. MAYOR'S REPORT
- XII. COUNCIL TIME
- XIII. CITIZEN COMMENTS
- XIV. ADJOURNMENT



**AGENDA
CITY COUNCIL
Work Session – August 15, 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 Center Progress Report
 - B. Unauthorized Entry
 - C. US 35 Update
 - D. Current Zoning Considerations
- V. INFORMATIONAL ITEMS
- VI. COUNCIL COMMITTEE/EVENT UPDATES
- VII. ADJOURNMENT

DRAFT

PLANNING DEPARTMENT STATUS REPORT

July 20, 2016

CITY COUNCIL

July 25, 2016

- PC 16-1, Zoning Code Update, public hearing, first reading
- PUD 98-9, MOD 5/16, The Lux at Beaver creek (tabled 7/11/16)
-

August 8, 2016

- PUD 16-1 Cottages of Beaver creek, A-1 to RPUD, public hearing, first reading
- PC 16-1, Zoning Code Update, public hearing, second reading
-

August 22, 2016

- PUD 16-2 Creekstone, A-1 & R-1A to R-PUD, public hearing, first reading
- PUD 16-1 Cottages of Beaver creek, A-1 to R-PUD, public hearing, second reading
- PC 16-1, Zoning Code Update, third reading
-

Tabled / Delayed / Pending

-

PLANNING COMMISSION

August 3, 2016

-
-

Currently Tabled / Delayed

-

Commercial Permits Submitted and Under Review

- Flying Ace/Starbucks
-

BOARD OF ZONING APPEALS

August 10, 2016

- V-16-2, 1489 Martin Way
- V-16-3, 3638 Indian Ripple
-

Currently Tabled or Delayed

-
-