



CITY COUNCIL
Regular Meeting – September 26, 2016 6:00 p.m.
Council Chambers

- CALL TO ORDER
- I. ROLL CALL
- II. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Litteral
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - A. August 29, 2016 Joint Work Session Minutes
 - B. September 12, 2016 Regular Meeting Minutes
 - C. September 19, 2016 Work Session Minutes
- V. PRE-SCHEDULED PRESENTERS
 - A. Douglas Knight, Commissioner, CALEA (The Commission on Accreditation for Law Enforcement Agency)
 - B. Gussie Jones, Owen's Place
- VI. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 16-20 PUD 16-2 Creekstone (Third Reading)
 - B. Resolution 16-19 Accepting Amounts and Rates and Certifying them to the County Auditor
 - C. Resolution 16-21 Memorandum Agreement on Contraction Extensions with Fraternal Order of Police Lodge #160
 - D. Resolution 16-22 Authorization of Appointment of Special Legal Counsel
- VII. LIQUOR PERMITS
 - A. Chipotle Mexican Grill of Colorado LLC (New)
 - B. Samibrothers Inc., DBA Factory Drive Thru (Transfer)
- VIII. CITY MANAGER'S REPORT
- IX. MAYOR'S REPORT
- X. COUNCIL TIME
- XI. CITIZEN COMMENTS
- XII. ADJOURNMENT

**BEAVERCREEK CITY COUNCIL
JOINT WORK SESSION WITH BEAVERCREEK TOWNSHIP
August 29, 2016, 5:00 p.m.**

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

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

ABSENT: Council Member Litteral

TARDY: Council Member Whilding, Vice Mayor Vann

Council Member Wallace **MOVED** to excuse Council Member Litteral, seconded by Council Member Upton. Motion **PASSED** by majority voice vote.

ALSO IN ATTENDANCE: Michael Cornell, City Manager; Kim Farrell, Recreation Supervisor; Jeff Fiorita, Captain Beaver Creek Police Department; Dianne Lampton, Clerk of Council; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Service Administrative Director

Beaver Creek Township: Carol Graff, Township Trustee; Tom Kretz, Township Trustee; Jeff Roberts, Township Trustee; Alex Zaharieff, Township Administrator; Christy Ahrens, Fiscal Officer; David VandenBos, Fire Chief

APPROVAL OF AGENDA

Council Member Wallace arrived at 5:01 p.m.

Council Member Whilding arrived at 5:02 p.m.

Council Member Wallace **MOVED** approve the agenda, seconded by Council Member Upton. Motion **PASSED** by majority voice vote. (Abstain – Whilding)

DISCUSSION ITEMS

Ms. Graff presented a copy of the original charter along with a copy of Birth of a City written by David Shumway.

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U.S. 35 Superstreet Update

Mr. Moorman reviewed the details of the superstreet and costs associated with the construction. There was discussion of financing of the project should they decide to proceed. It was suggested to request a joint meeting with the Greene County Commissioners to further discuss funding.

Park Management

Ms. Farrell reviewed three possible solutions for a joint park partnership between the City, Township and Township Park District. Of the three, she recommended consolidating the parks through a park levy which would alleviate budgetary constraints, provide one source on park issues for residents and minimize levy requests for residents. There was discussion of the three solutions and the finances associated with each solution.

Fire Department Update

The Beaver Creek Fire Department received the Lifeline Award Silver Level for 2015 from the American Heart Association

Firefighter Andrew Brewer demonstrated the CPR LUCAS device. The department received four of the machines in the spring. The device allows the fire department to perform 100 % perfect CPR 100% of the time. The CPR program certified 429 people through the fire department in 2015.

The fire department is in the process of a self-evaluation of the services they are providing to the community to point out places where there is success and where there is need for improvement. They will make changes based on recommendations to better meet the needs of service to the community. The first draft is due to the Trustees the end of September.

Roundtable

Each member of the City Council and Township Trustees had an opportunity to speak on various topics.

ADJOURNMENT

Council Member Whilding MOVED to adjourn the meeting at 6:26 p.m., seconded by Council Member Whilding Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

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Dianne Lampton
Clerk of Council
Cmin062816JointWorksession

BEAVERCREEK CITY COUNCIL
REGULAR MEETING September 12, 2016 6:00 p.m.

PROCLAMATIONS

- ◆ Chamber of Commerce Week, Ann Upthegrove-Vore

CALL TO ORDER

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

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

ABSENT: Council Member Wallace

TARDY: None

Council Member Litteral MOVED to excuse Council Member Wallace, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

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

PLEDGE

Council Member Jarvis led the pledge and a prayer.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Council Member Upton MOVED to approve the minutes of the August 8, 2016 Regular Meeting, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Litteral MOVED to approve the minutes of the August 15, 2016 Work Session, seconded by Council Member Upton. Motion PASSED by majority voice vote.

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Council Member Whilding MOVED to approve the minutes of the August 22, 2016 Regular Meeting, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

PRE-SCHEDULED PRESENTER

Gail Simpson, Interfaith Hospitality Network

Ms. Simpson explained she was on the Board of Directors for the Interfaith Hospitality Network of Greene County. She said this is a homeless shelter located in Xenia that serves all of Greene County. She said there are homeless families among our citizens who are homeless for a variety of reasons; low paying part-time jobs with no benefits, unreliable transportation, child care issues or not understanding the social service agency system. She said in 2015 they housed over 140 people, 16 were under six years of age. She said they not only house families and provide meals and basic supplies but also offer dignity, respect, hope and a safe, secure and stable environment. She said they have classes in finance, child development and parenting, life skills, personal development, tutoring for children and adults and access to GED classes. She said they have case managers who help their guests walk through the social service system, fill out forms and applications for housing, health care, child care assistance, job hunting and skills and strategy. She explained they believe it is important that all city officials, council members and citizens are aware of the need and Interfaith Hospitality Network as a resource. She said they operate on donations and fund raisers only and are having a major fundraiser, the Empty Bowl, on October 7th. She invited everyone to attend the event. She handing the clerk ticket information for the event.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 16-19 PUD 16-1 Cottages at Beaver Creek (Third Reading)

Clerk Lampton read an Ordinance amending the Zoning Map, by rezoning approximately 20.03 acres of land located at 2358 County Line Road from A-1 Agricultural to R-PUD Residential Planned Unit Development, further described as Book 3, Page 3, Parcel 72 on the Greene County Property Tax Atlas. (PUD 16-1)

Mr. Cornell excused himself.

Vice Mayor Vann said she would like to review the traffic one more time. She wanted to be sure it had been looked at and if they allow the traffic to cross into the next neighborhood it is safe for the children at the bus stop and the street is wide enough to accommodate.

Mr. Burkett explained the case was going through a concurrent process where the specific site plan was heard at the Planning Commission meeting last week. He

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said among the conditions was a requirement for a street light at the intersection of Quill and Straight Arrow for the bus stop and for the developer pay for a left turn lane at the traffic light at Straight Arrow and County Line Road.

Mayor Stone asked to review the locations of the road connections. Mr. Burkett reviewed the results of the Planning Commission meeting. He said the fire department recommended and Planning Commission approved a 12 foot asphalt paved access drive with collapsible bollards or a gate which would be decided by the fire department at the construction stage. He said this access would inhibit vehicular access between the Cottages and Stonegate II but accessible to bikes and pedestrians.

Council Member Litteral verified there would not be a connector. Mr. Burkett stated Planning Commission recommended approval of not having a connector based on the input from the fire department.

Mayor Stone said there needed to be an amendment to condition 10b regarding the mound along the southern property line. Mr. Burkett explained the applicant provided the grading plan but based on the Cottages being higher than the adjacent development the mound cannot be four foot. He said to ensure the neighbors get the screening they are anticipating, they have added eight foot pine trees where needed.

Vice Mayor Vann MOVED to amend Condition 10b of Resolution 16-19 to read "Where there are no woods along the southern property line abutting the multi-family residential properties, construct a four-foot mound, compliments with dense evergreen trees. Areas where grading of adjacent properties prohibit a four foot mound or where the mound tapers down, shall be supplemented with eight-foot dense evergreen trees," seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Council Member Upton MOVED to approve Ordinance 16-19 as amended, seconded by Council Member Jarvis. Motion PASSED by majority voice vote. (Against – Litteral)

Mr. Cornell returned to the meeting.

Ordinance 16-20 PUD 16-2 Creekstone (Second Reading)

Clerk Lampton read an Ordinance amending the Zoning Map, by rezoning approximately 67.91 acres of land located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall Road and Shakertown Road from A-1 Agricultural District and R-1A One Family Residential District to R-PUD,

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Residential Planned Unit Development, further described as Book 3, Page 13, Parcels 29 and 30 on the Greene County Property Tax Atlas. (PUD 16-2)

Public Input

Charles Curran, 3929 Largo Lane, Beavercreek, Ohio

Mr. Curran respectfully requested Council delete amendment 9 which would cut a road through to connect to River Hills Road. He said the road in the old plat is in a deteriorated state and to have a connector for bike and pedestrian access only.

David Dunn, 993 Renown Road, Beavercreek, Ohio

Mr. Dunn said the road is really deteriorated and has flooding issues. With the combination of flooding and lack of street repair in the neighborhood there would not be any type of support for the type of traffic that is being proposed through that neighborhood. He said there had been discussion of the density along the Woodhaven side of the development and wanted to reiterate his concern of the density of the housing in that particular stretch. He did not have an opposition to the development but wanted to express his concerns.

Scott Perry, 3998 Willowcrest Road, Beavercreek, Ohio

Mr. Perry said water issues are a big thing and if the developer says he can solve the water issues better with a pedestrian type access into his neighborhood that was great. He said Saturday there was a foot and a half of water across the road on Willowcrest. He said if he was living in the new development he would come to Willowcrest to get further away from the hill just to get more clearance from traffic approaching from Shakertown heading north on Grange Hall. He said the condition of the road is deplorable and getting out of the development is difficult already.

Tom Clark, 3995 Willowcrest Road, Beavercreek, Ohio

Mr. Clark said his neighbor Joe Zink sent the neighbors a note stating if amendment 9 passes it would cause increased traffic through their neighborhood, make their streets less safe and decrease the developer's options in solving the Willowcrest drainage issues. He said he has lived there 27 years and had at least 27 floods and 27 or more promises that the problem would be addressed. He said he would like it to get to 28 and for it to work. He said as far as he knew it was illegal for him to navigate out of his driveway when there is high water. He said they legally can't get out of their driveway for work when the high water signs are up. He said he would prefer the bike access to go in and amendment 9 be removed.

Diane Collier, 1030 Woodhaven Place, Beavercreek, Ohio

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Ms. Collier voiced her concern regarding amendment 9. She explained she lives on a cul-de-sac which is off of Stanwick Drive and River Hills Road would be a cut through if connected. She asked Council to reconsider amendment 9.

Clerk Lampton stated, for the record, notices were received from Gary Johnson, Joe Zink and Timothy and Cheryl Maiden asking Council to remove amendment 9.

The public hearing was closed.

Council Member Upton said council received several emails and comments at the Popcorn Festival. He said if they can do without and only have an emergency connection then they should.

Mayor Stone asked Lt. Randy Grogan from the Beavercreek Fire Department to give the report from the fire department regarding the access issue.

Lt. Randy Grogan gave a review of the study they had conducted last year regarding emergency access points. He said they identified 40 emergency access points within the City of Beavercreek. He explained historically they were installed to provide two means of access to a development with the intention that if one access was obstructed the other would remain clear. He said often they were installed by developers that did not want to provide a second, full public access point. He said there are a number of potential reasons why primary access points would be obstructed like tornadoes, straight line winds, flooding, vehicle accidents or construction of underground utilities. He said obstructions are more likely caused by residents and their guests in developments who park along both sides of the street or even the fire department vehicles and equipment. He said unfortunately, over time the access routes were installed and maintained in vastly different standards ranging from well-kept and immediately accessible to unidentifiable or obstructed. He said of the 40 routes only 13 are identified and maintained in a manner that make them readily usable. Of the remaining 27, 10 are obstructed and the rest poorly maintained. He said if the routes are unmarked or obstructed the likelihood of their use during an emergency is greatly diminished. He said fire fighters are not going to take a risk to damage equipment for a questionable access route. He said the common issue for the fire department regarding emergency access is maintenance. He explained the fire department or township do not have ownership of or access to the property for regular maintenance such as tree trimming, snow removal and regular repairs. He said if a maintenance issue is identified, it is very difficult and time consuming for the fire department to contact the owner or manager of the property to remedy it. He said management entities, homeowner and condo associations often change

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contact information. He said to resolve the issue the fire department has taken a comprehensive approach to the existing emergency access routes. He said they are currently developing a plan to remedy the issue by contacting the individual owners, including the City of Beavercreek, to identify the fire department's requirements and expectations for those accesses. He said for new developments, the fire department is working with the Planning Department and Greene County Regional Planning to develop new specific standards that will eliminate the need for emergency accesses. He said they are investigating implementation of new Southwest Ohio Safety Council code language which includes two separate and approved fire apparatus roads when they get into multi-family developments that have more than 200 units and/or single family unit developments that exceed 30 units. He said for these developments, although not enforceable by the Ohio Fire Code, the fire department's first preference would be to have developers construct City of Beavercreek standard streets to make the connections between the developments. He said this would eliminate the unknown future maintenance of the street and allow unobstructed common accessibility into both developments. He said if City Council and the Planning Commission choose to decide for emergency accesses to be installed, the fire department would allow the emergency accesses with some specific provisions. He explained those provisions would include means to access the routes for regular maintenance similar to the access by developers to the city for retention basins and such. He said they are working on the details with the Planning Department.

Council Member Upton asked Lt. Grogean if he had looked at the plans for this case. Lt. Grogean replied yes. Council Member Upton asked if the proposed emergency access point met the standards the fire department is looking for. Lt. Grogean replied that it does and is working with the City to ensure the access would hold the 72,000 pound requirement and has markings to indicate the access. Council Member Upton asked if there should be language in the Ordinance granting the fire department access for the maintenance. Lt. Grogean said the details are being worked out for the language.

Council Member Litteral asked if Lt. Grogean had met with the developer. Lt. Grogean said specifically with the Creekstone development it is not as much of an issue because the access runs from Grange Hall to Indian Ripple and most of the Woodcrest area has a lot of interconnectivity. He said this connection does not worry the fire department as much as the connections in the Cottages. Council Member Litteral asked Lt. Grogean if he had spoken with the residents in that area. Lt. Grogean said not in this area but they did speak with those in the area of the Cottages. Council Member Litteral said her new concern is there are several areas of access that you can't really access. She hoped this would be a nice working relationship between the city and the township so changes can be made. Lt.

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Grogan said there was a limited amount the City owns but a lot are privately owned which are the true issues.

Council Member Jarvis verified the fire department would prefer a city standard street. Lt. Grogan said that was correct and it always has been because they know they would be properly maintained by the City.

Council Member Whilding asked the weight of the emergency vehicle. Lt. Grogan said the ladder is a maximum of 72,000 pounds. Council Member Whilding was concerned as to what type of emergency access would have to be built where there are water issues to handle 72,000 pounds. His concern was they would need a road to handle that size truck. Mr. McGrath said the surface would not be sustainable for the grass pavers. He explained they are looking at 12 foot wide asphalt connection that do not have vehicle access. He said they would be built to private street standards and work out the grading issues. He said there would be a collapsible bollards with two concrete bollards in the grass to prevent cars going around. He said the problem with the water is when the developer has to add curb, sidewalks and gutters which would detain the water to the retention pond.

Vice Mayor Vann asked why Willowcrest Drive has flooded for 27 years and hasn't been fixed. Mr. Moorman explained this has been a long standing issue with Willowcrest which goes back to the original construction of the subdivision where it wasn't planned out like it is done today. He said the problem is there is no fall from point A to point B. He explained you need slope to go from high to low. He said this property is very flat where there is no slope to make the water flow where it needs to go. He said after storms it will sit for an extended period of time in the Willowcrest area. Vice Mayor Vann asked how this problem was going to be solved. Mr. Moorman replied this is only the zoning stage and the developer has not submitted the drainage calculation and still needs to be discussed. Mr. Moorman said there was great opportunity to help with the issue. He said they have looked at various options over the years and been before Council to discuss this many times. He said it's a very expensive endeavor to fix it correctly. He said a couple ideas is to regrade everything to produce the fall. He said you have to go all the way back to North Fairfield Road and regrade the whole channel which is not easy or an inexpensive endeavor. He said they have looked into lift stations and ditches but everything is very pricy. He explained the road money cannot be used for drainage improvements and there is no dedicated money source for drainage. He summarized the reason as a combination of the expense and lack of funding to address it.

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Council Member Jarvis asked Research Park allowed the City on their property to mitigate this from that direction. Mr. Moorman explained they have in the past to clear out brush and trees to help get the water moving to where it needs to go. He said this development would encompass that remaining piece of ground.

Mayor Stone said the ultimate solution other than spending a whole lot of money is to develop around it. He said this development is going to make some difference but until they get into the actual engineering it will be difficult to tell. He said throughout Beavercreek that is how we reduce drainage problems in some of the older neighborhoods because of neighboring developments. He said there was an estimated cost of \$220 million to help resolve the major drainage issues in the City. He said we try to keep an eye out as best we can when things develop these issues and try to make them better.

Council Member Litteral asked if someone could check that area again. Mr. Moorman said he would do that.

Mayor Stone said in general he supports connecting existing plats with new plats. He said they did not connect the Cottages of Beavercreek and it's a new plat connected to a new plat. He said in this case we are looking at an old plat that has a deteriorated road system, no storm drainage, no curbs, no sidewalks and wanting to connect it to the new plat. He said from a secure thoroughfare standpoint he understood the connection. He said this plat has connections to Grange and Shakertown Roads. He said because of the challenges with drainage he thought they ought to reconsider the requirement in the Ordinance for the connection. He said if, at the site plan stage, everybody says they can make this work then they should make the connection. He said they need to take this out of the Ordinance and leave it in the hands of the engineers and staff to make the recommendation when the time is appropriate.

Council Member Jarvis was surprised by the rationale in the decision to connect these two and seemed counterintuitive. He said he drove over to Willowcrest during Saturday's rain and commented that it was terrible. He said they are old township roads that are narrow with no curbing or sidewalks. He said this did not lend itself well to connect to a newer street. He said it would make things worse. He explained the income tax that failed a few years ago was purposed to help solve these types of problems. He said it would make more sense to connect these streets to those similar in nature.

Council Member Whilding asked if this had gone before the Planning Commission. Mr. McGrath replied no.

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Council Member Upton MOVED to remove Condition 9 from Ordinance 16-20, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

This Ordinance will move automatically to the Third Reading.

Ordinance 16-21 Keeping of Chickens in Residential Districts (First Reading)
Clerk Lampton read an Ordinance adopting new section 158.126 "Keeping of Chickens in Residential Districts" of the City of Beavercreek Code of Ordinances.

Mayor Stone explained at the last Regular meeting there was a tie vote and the reconsideration motion was not passed. He said because of that, this Ordinance is being brought forward again as a first reading. He asked Council if they wished to open this for public comment.

Council Member Whilding said he would like to move forward.

With no other comments from Council, Mayor Stone opened for Council discussion.

Vice Mayor Vann asked staff to explain why this had come before Council and how it was decided on one-third of an acre. She asked if there were a lot of people who want this or if it was one person. Mr. McGrath explained this was addressed when the City was looking at residential keeping of bees. He said there was a lot of interest and presentations. He said there was not as much interest in the chickens as there was in bees. He said this came forward as a result of asking the new Council in January if it was wished to review this issue again. Vice Mayor Vann asked of those in violation of having chicken coops if there were ever any complaints. Mr. McGrath explained there have been complaints. Vice Mayor Vann said when she checked with people who had coops that were no longer being used and they had lost interest in keeping chickens, not because of any complaints. She wondered why this was before Council if they did not have any citizens that were asking for it.

Council Member Jarvis said he had a complaint when a chicken had gotten loose.

Vice Mayor Vann asked if anyone was asking for chickens today. Council Member Jarvis replied yes. Mr. McGrath explained they periodically receive questions from 4H members and the like.

Council Member Litteral thanked the residents for all the information and links to be better informed.

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Vice Mayor Vann said she has seen small chicken coops with six chickens and are no problem. She said it is no different than having a cat or a dog. She said she is not hearing the citizens say let's do it. She said there is not an active push from citizens right now but if there were she did not think it any worse than having cats or dogs. She said if it was managed correctly it would be painless but she did not see the citizens asking for it.

Council Member Jarvis said he has spoken with people on both sides of this topic. He said people who live in close proximity have concerns of predators. He said this could be a slippery slope. He said after chickens there will be requests from people asking for small goats, sheep and pigs. He said he has someone waiting for to this to happen because he would like a pot belly pig. He said we will lose the ability to control this if we start allowing farm animals. He understood both sides of this but chicken ownership should be limited to those areas zoned agricultural.

Council Member Whilding said it's not pressing for the community at this time.

Council Member Whilding MOVED to approve Ordinance 16-21 and move to the second and third readings, seconded by Vice Mayor Vann. Motion DID NOT PASS by a roll call vote of 1-5. (Against – Jarvis, Litteral, Upton, Vann, Stone)

DECISION ITEMS

Motion to Appoint Clerk of Council as designee for Public Records Training

Clerk Lampton explained per the Ohio Revised Code it is a requirement that she along with the Council participate in Certified Public Records Training. She said elected officials are allowed per the ORC to appoint the clerk as their designee to attend this training on their behalf.

Council Member Litteral MOVED to appoint Dianne Lampton, Clerk of Council, as Beaver Creek City Council's designee to attend public records training per Ohio Revised Code Section 109.43, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Appointments to Boards and Commissions

Parks, Recreation & Culture Board (1 Vacancy)

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

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Council Member Litteral nominated Sharon Fulcher. Vice Mayor Vann nominated Joyce Carter. Council Member Jarvis nominated Cynthia Bieghler.

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

Vote 1 by show of hands: Cynthia Bieghler 1, Joyce Carter 2, Sharon Fulcher 3.
Vote 2 by show of hands: Joyce Carter 2, Sharon Fulcher 4.

Council Member Litteral MOVED to appoint Sharon Fulcher to the Parks, Recreation & Culture Board for the term through February 28, 2019, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Environmental Advisory Board (6 Vacancies)

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

Vice Mayor Vann nominated Laura Funk. Council Member Upton nominated Jeanne Kunay.

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

Council Member Upton MOVED to appoint Laura Funk and Jeanne Kunay to the Environmental Advisory Board for the term through February 28, 2019, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Youth Development Committee

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

Council Member Litteral Nominated Tiffany Akers. Vice Mayor Vann nominated Jennifer Hollen. Council Member Jarvis nominated Ashley Howard.

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

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Vice Mayor Vann MOVED to appoint Tiffany Akers, Jennifer Hollen and Ashley Howard for the term through February 28, 2018, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

CITY MANAGER'S REPORT

Mr. Cornell reviewed updates on road projects. Park Overlook Drive is completed connecting Commons Blvd and Grange Hall Road. Final asphalt and pavement markings for Grange Hall Road at Shakertown Road is anticipated to be completed by September 16th. Final asphalt and pavement markings on Grange Hall Road widening project are complete.

He thanked all the Popcorn Festival volunteers for another successful year.

MAYOR'S REPORT

Mayor Stone said the Popcorn Festival was a successful event and thanked the staff and the Popcorn Festival Committee. He said the 9/11 Remembrance event was very well attended and he thanked everyone for a great job.

COUNCIL TIME

Council Member Litteral thanked all the volunteers at the Popcorn Festival.

Council Member Upton thanked everyone for a great festival. He traveled to Washington D.C and visited Congressman Turner's office and presented City lapel pins to the staff.

Vice Mayor Vann thought the Popcorn Festival was great and wished they could improve the traffic. She said they have other property maintenance issues other than the chickens such as limiting the number of adult dogs in a household and give the City the authority to have a review board to review issues of aggressive or nuisance dogs. She said this was much more important to her. She said the City has property maintenance issues and hoped in the future they could think about what they want their neighborhoods to look like and strengthen the property maintenance standards.

Council Member Jarvis thanked everyone for a great festival.

Council Member Whilding echoed everyone's comments regarding the Popcorn Festival. He reviewed the employee anniversaries. Congratulations to everyone. He updated the status of the City Manager search.

CITIZEN COMMENTS

Vince Russo, 1957 Stonewood Drive, Beaver Creek, Ohio

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Mr. Russo said he was part of the group that helped form the city. He recalled two visions for the city. He said the first was a high quality suburban community and the second was to have a governance that responded to the people. He said this is the first time in 36 years he felt compelled to speak before Council. He wanted to thank Council and their predecessors for continuing the vision.

Bill Goessl, 427 Ludlow Road, Xenia, Ohio

Mr. Goessl is highly in favor of chickens. He said there was a comment that chickens attract predators which was totally wrong because they are already. He said people are wanting to go green. He explained he had a both at the Greene County Fair and had over 30 people from Beavercreek stating they couldn't wait until chickens were legalized so they could have them. He said they don't smell and you can move the chicken tractor a little bit every day to fertilize your lawn. He said they eat bugs and weeds. He cannot keep up with his egg orders because people like fresh eggs. He hoped Council would keep an open mind in the future.

Jerry Walling, Bikeway and Non-Motorized Transportation Advisory Committee

Mr. Walling said there was a lot of conversation at their booth at the Popcorn Festival regarding the proposed superstreet. He said the concern is unless there is adequate bike accesses provided across Factory Road or Orchard Lane it will isolate south Beavercreek and the southern communities from successfully crossing U.S. 35 in a safe way. He asked Council and the engineer's office to keep an eye on the project to be sure bike riders are given their rights to get across the road safely. He said Fairfield, Grange Hall and Factory are the best ways to get across.

Tom Sliemers, 1197 Beaver Valley Road, Beavercreek, Ohio

Mr. Sliemers said he has some accessory buildings on his property and would like to make some additions. He said in 2009 he noticed there was an Ordinance passed that did not permit properties of 2 – 4.9 acres the right to make an addition or add an accessory building but 5 acres were allowed. He said the change was made and no one knows why but it is preventing him from adding an accessory building. He sent to Council with Mr. McGrath's permission his application, aerial views and plans. He questioned if Council would like to have a discussion at some time because it has stopped his project.

Mayor Stone explained there was a process with the City for people who wish to do something that is not permitted in the code. Mr. McGrath explained the likelihood of Mr. Sliemers receiving approval from staff based on the criteria for granting a variance would be a recommendation of disapproval. He explained you have to prove hardships, topographical or something unique to the property that proposes challenges.

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Vice Mayor Vann asked what Mr. Sliemers wanted to use the building for. Mr. Sliemers explained he was retired and has projects he is restoring and repairing. He would also like a little basketball court in it. He said this was for his own pleasure. Vice Mayor Vann suggested to pursue the variance and see what happens. Mayor Stone explained Council does not usually discuss topics at this part of the meeting. He said we heard your input and received the information and he may contact any of the Council Members individually.

Brent Nickels, 3531 Woodgreen Drive, Beavercreek, Ohio
Mr. Nickels said chickens are not pets, they are livestock. He said they should be kept in agricultural zones or properties of more than an acre. He suggested to help with the traffic issues during the Popcorn Festival to enact a shuttle service, if possible from the high school. He asked if there was being anything done with the vacant Burger King and Eastgate Ford buildings. He said he has called the City a couple of times on the Burger King building because the grass was two feet high and the building is in disrepair. Mayor Stone suggested to contact staff. Council Member Litteral said the Code Enforcement Officer has been working with the owners of the Burger King property and it is a work in progress.

Citizen Comments was closed.

EXECUTIVE SESSION

Council Member Jarvis MOVED to enter into Executive Session at 7:41 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of consideration of the purchase of property for public purposes, conference with city attorney concerning disputes involving the City that are subject to pending or imminent court action and preparing for, conducting or reviewing negotiations or bargaining sessions with public employees, seconded by Council Member Upton . Motion PASSED by a roll call vote of 6-0.

Council Member Litteral MOVED to adjourn executive session at 8:50 p.m., seconded by Council Member Upton . Motion was PASSED by roll call vote of 6-0.

Council Member Litteral MOVED to reconvene the meeting, seconded by Vice Mayor Vann . Motion PASSED by majority voice vote.

ADJOURNMENT

Council Member Upton MOVED to adjourn the meeting at 8:51 p.m., seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

September 12, 2016

Bob Stone, Mayor

ATTEST:

Dianne Lampton
Clerk of Council
Cmin091216

BEAVERCREEK CITY COUNCIL
WORK SESSION, September 19, 2016, 5:00 p.m.

CALL TO ORDER

Vice Mayor Vann called the meeting to order followed by roll call.

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

ABSENT: Council Member Wallace, Mayor Stone

TARDY: Council Member Whilding

Council Member Litteral MOVED to excuse Council Member Wallace and Mayor Stone,
seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

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

APPROVAL OF AGENDA

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

DISCUSSION ITEMS

Critical Incident Overview

Office Mark Brown and Officer Matt Hickey presented the Active Shooter Training to
Council.

Council Member Whilding arrived at 5:10 p.m.

INFORMATIONAL ITEMS

Lofino Plaza Update

Mr. Cornell explained there was an updated timeline in the packet for Council's
reference.

Medical Marijuana

September 19, 2016

Mr. Cornell explained the discussion on this topic would take place at the October Work Session.

COUNCIL COMMITTEE/EVENT UPDATES

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

ADJOURNMENT

Council Member Upton MOVED to adjourn at 6:26 p.m., seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Lampton
Clerk of Council

ORDINANCE NO. 16-20

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER WALLACE ON THE 22ND DAY OF AUGUST, 2016.

AN ORDINANCE AMENDING THE ZONING MAP, BY REZONING APPROXIMATELY 67.91 ACRES OF LAND LOCATED APPROXIMATELY 1,250 FEET NORTH AND 1,675 FEET EAST OF THE INTERSECTION OF GRANGE HALL ROAD AND SHAKERTOWN ROAD FROM A-1 AGRICULTURAL DISTRICT AND R-1A ONE FAMILY RESIDENTIAL DISTRICT TO R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT, FURTHER DESCRIBED AS BOOK 3, PAGE 13, PARCELS 29 AND 30 ON THE GREENE COUNTY PROPERTY TAX ATLAS. (PUD 16-2)

Whereas, Oberer Land Developers, Ltd., 3475 Newmark Drive, Miamisburg, OH 45342 requests rezoning and concept plan approval; and

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

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

WHEREAS, Beavercreek City Council finds that, pursuant to §158.071 of the Zoning Code, each and all of the included uses are appropriate for this specific Planned Unit Development; and

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

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code is hereby further amended to change approximately 67.91 acres of land, located 1,250 feet north and 1,675 feet east of the intersection of Grange Hall Road and Shakertown Road,

known as B42000300130002900 and B42000300130003000, and as further described in the attached "Exhibit A" be rezoned to R-PUD Residential Planned Unit Development.

SECTION II

1. The specific site plan shall generally conform to the plans dated "Received July 1st, 2016", as modified herein.
2. Principal and accessory uses permitted in this Residential Planned Unit Development shall be those uses permitted in the R-1A zoning district. The Conditional Uses within the R-1A zoning district shall not be permitted.
3. Maximum density for this R- PUD shall be 2.13 dwelling units per acre.
4. Total units for the R-PUD shall not exceed 145 dwelling units.
5. Minimum Building Setbacks for this PUD are as follows:
 - a) All lots shall have a 35-foot minimum front yard with the exception of Lots 1-70 which shall have a 30 foot minimum front yard
 - b) All lots shall have a 30-foot minimum rear yard setback (except Lots 1-16 and 105-107, which will have a minimum 20 foot rear yard setback)
 - c) 5-foot minimum side yard; total of both side yards 15 feet minimum
6. Points of access and vehicular circulation as shown on the concept plan are subject to City of Beavercreek final review and approval at the specific site plan stage.
7. Building plans, designs and elevations for residential structures within this project shall be subject to review and approval by Planning Commission and City Council at specific site plan stage.
8. The applicant shall be required to pay all applicable park fees, or dedicate parkland in lieu of park fees as determined by the City Manager, Planning Department and/or Parks Department prior to releasing the record plan for recording.

SECTION III

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

SECTION IV

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

PASSED this 26th day of September, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to rezone approximately 67.91 acres of land located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall Road and Shakertown Road, from A-1 and R-1A to R-PUD Residential Planned Unit Development.

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

PUD 16-2 Creekstone Ordinance

OLD REPUBLIC NATIONAL TITLE

Commitment Number: DO1184

EXHIBIT A
PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

PARCEL I:

Located in Section 1, Twn 2, Range 7, City of Beavercreek, County of Greene, State of Ohio and being a tract of land described as follows:

Beginning at a railroad spike in the west line of said Section 1, said point being in the centerline of Grange Hall Road, said point also South 3 degrees 21' 0" East 641.85 feet from an iron pin at the northwest corner of said Section 1, said point being also in the western extension of the south line of Woodhaven Subdivision, Section 10, as recorded in Volume 7, Page 105 of the Plat Records of Greene County, Ohio; thence with the western extension of the south line of said Woodhaven Subdivision, Section 10, and with the south line of Woodhaven Subdivision, Section 9, as recorded in Volume 7, Pages 78 and 79 in the Plat Records of Greene County, Ohio, North 86 degrees 35' 35" East for 1409.91 feet to an iron pin at the southeast corner of said Woodhaven Subdivision, Section 9, also passing an iron pin at 2.57 feet, said pin being the southwest corner of said Woodhaven Subdivision, Section 9, the southeast corner of said Woodhaven Subdivision, Section 9, eing in the west line of land conveyed to Miami Valley Research Foundation as recorded in 176, Page 617 in the Official Records of Greene County, Ohio; thence with the west line of said Miami Valley Reserch Foundation land, South 3 degrees 31' 39" East for 1221.07 feet to an iron pin; thence continuing with the west line of said Miami Valley Research Foundation land, North 86 degrees 51' 41" East for 339.80 feet to an iron pin; thence continuing with the west line of said Miami Valley Research Foundation land, South 3 degrees 14' 39" East, for 838.47 feet to an iron pin in the centerline of Shakertown Road; thence with the centerline of Shakertown Road, South 86 degrees 52' 50" WEst for 1751.95 feet to an iron pin at the Intersection of the centerline of said Shakertown Road with the centerline of said Grange Hall Road, said point being in the west line of said Section 1; thence with the west line of said Section 1, and the centerline of said Grange Hall Road, North 3 degrees 21' 00" West for 1162.48 feet to a railroad spike at the southwest corner of land conveyed to the Church of Latter Day Saints, as recorded in Volume 363, Page 228 of the Deed Records of Greene County, Ohio; thence with the south lien of said Church of Latter Day Saints land, North 86 degrees 29' 30" East for 402.84 feet to an iron pin at the southeast corner of said Church of Latter Day Saints land; thence with the east line of said Church of Latter Day Saints land, North 3 degrees 30' 30" West 250.00 feet to an iron pin at the northeast corner of said Church of Latter Day Saints land; thence with the north line of said Church of Latter Day Saints land, South 86 degrees 29' 30" West for 402.15 feet to a railroad spike in the west line of said Section 1, and the centerline of said Grange Hall Road, passing a railroad spike at 398.85 feet; thence with the west line of said ection 1, and the centerline of said Grange Hall Road, North 3 degrees 21' 00" West for 639.86 feet to the point of beginning, containing 70.884 acres more or less, and subject to all legal highways, easements, restriction, and agreements of recording, according to a survey of said premises by Luis G. Riancho, Registered Surveyor, State of Ohio No. 5287.

EXCEPTING THEREFROM, a 18.480 acre tract, more particularly described as follows:

Situated in the State of Ohio, County of Greene, City of Beavercreek, being located in Section 1, Townshiop 2, Range 7, between the Miamis survey, and being a part of that original 70.884 acre tract described in a deed to Miami Valley Research Foundation, of record in Volume 179, Page 337, all records referenced herein are on file at the Office of the Recorder for Greene County, Ohio and being further bounded and described as follows:

Commencing for reference art the intersection of the cente3rline of Shakertown Road and Grange Hall Road, being at the southwest corner of said original 70.884 acre tract, being at the southwest corner of Lot 1 of The

EXHIBIT A
(Continued)

Commitment Number: DO1184

Farm Phase 1, of record in Plat Cabinet 37, Slide 2838, as said Lot 1 is described in a deed to Bethel Christian Assembly of God, Dayton, Ohio, of record in Volume 3332, Page 116, and said point being on the west line of said Section 1 (reference 1-inch iron pin found North 12 degrees 16' 40" East at a distance of 1,000 feet);

Thence South 84 degrees 22' 55" East, along the centerline of said Shakertown Road, along the south line of said original 70.884 acre tract and along the south line of said Lot 1, a distance of 966.32 feet to a MAG nail set at the southeast corner of said Lot 1, said point being the TRUE POINT OF BEGINNING for this description;

Thence across said original 70.884 acre tract along the following five (5) described courses:

1. North 05 degrees 37' 05" East along the east line of said Lot 1 (passing an iron pin found with a cap stamped "Kleingers" at a distance of 40.00 feet), a total distance of 1189.06 feet to an iron pin set at the northeast corner of said Lot 1;
2. South 84 degrees 46' 15" East, along a new division line and the easterly projection of the north line of said Lot 1, a distance of 441.64 feet to an iron pin set on the west line of a 46.8605 acre tract described in a deed to Miami Valley Research Foundation, of record in Volume 176, Page 617;
3. South 05 degrees 12' 36" West, along the west line of said 46.8605 acre tract, a distance of 333.71 feet to a 5/8 inch iron pin found at the southwest corner of said 46.8605 acre tract;
4. South 84 degrees 24' 04" East, along a south line of said 46.8605 acre tract, a distance of 339.80 feet to an iron pin set at the southeast corner of said 46.8605 acre tract;
5. South 05 degrees 29' 36" West, along a west line of said 46.8605 acre tract a distance of 838.48 feet to a southwest corner of said 46.8605 acre tract, said point being on the south line of said original 70.884 acre tract and being on the centerline of said Shakertown Road (reference a 5/8 inch iron pin found North 23 degrees 08' 02" West at a distance of 0.32 feet);

Thence North 84 degrees 22' 55" West, along the south line of said original 70.884 acre tract, along the centerline of Shakertown Road, a distance of 785.63 feet to the TRUE POINT OF BEGINNING.

The above description contains a total area of 18.480 acres (including 0.451 acres with the present road occupied of Shakertown Road), located with Greene County Auditor's parcel No. B42000300130002900.

Iron pins reference as set at 5/8 in diameter by 30 inch long rebar with caps stamped "Structurepoint-PS8438".

Bearings described herein are based on the bearings of South 84 degrees 22' 55" East for the centerline of Shakertown Road, as measured from Grid North, referenced to the Ohio Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 adjustment) as established utilizing a GPS and NGS OPUS solution.

This description was prepared by Brian P. Bingham, Registered Professional Surveyor No. 8438, is based on an actual survey performed in August, 2014 and is true and correct to the best of his knowledge and belief.

ALSO, EXCEPT THEREFROM, all of THE FARM, PHASE 1, as set forth in Plat Cabinet 37, Pages 283B through and including 284B, Greene County, Ohio Records.

Tax I.D. #B42-0003-0013-0-0029-00

EXHIBIT A
(Continued)

Commitment Number: DO1184

PARCEL II:

Located in Section 1, Town 2, Range 7, M.R.S., City of Beavercreek, County of Greene, State of Ohio and being a tract of land described as follows:

Beginning at an iron pin in the west lien of land conveyed to Lois A. Corbet, et al., by deed recorded in Volume 536, Page 77 in the Deed Records of Greene County, Ohio, said point of beginning being the northeast corner of land conveyed to Dayton Suburban, Inc. by deed recorded in Volume 503, Page 883 in the Deed Records of Greene County, Ohio, said point of beginning and said northeast corner of Dayton Suburban, Inc., land being located on the north side of pavement on Shakertown Road; thence with the north line of said Dayton Suburban, Inc. land the the centerline of Shakertown Road in part, South 86 degrees 52' 50" west for 609.05 feet to an iron pin and the southeast corner of land conveyed to Allen B. Andrew et al., by deed recorded in Volume 383, Page 244 of the Deed Records of Greene County, Ohio; thence leaving said centerline of said north line with the east line of said Andrew et al., land, North 03 degrees 15' 00" west for 838.31 feet to an Iron pin and an angle point in said east line; thence continuing with said east line of Andrew et al. land, South 86 degrees 51' 20" west for 339.80 feet to an iron pin and an angle point in said east line; thence continuing with said east line of Andrew et al. land, North 03 degrees 32' 00" West for 1221.07 feet to an iron pin and the northeast corner of said Andrew et al. land and the southeast plat corner of Woodhaven Section 9 as recorded in Book 7, Pages 78 and 79 in the Plat Records of Greene County, Ohio; thence with the east plat line of said Woodhaven, Section 9, North 03 degrees 24' 30" West for 386.70 feet to an iron pin and the southwest corner of a 5.000 acre tract of land conveyed to James F. Hale, Jr., et al. by deed recorded in Volume 485, Page 969 in the Deed Records of Greene County, Ohio; thence with the south lien of said Hale land, North 86 degrees 46' 30" East, for 954.53 feet to an iron pin and the west line of said Corbet et al. land; thence with the west line of said Corbet et al. land, South 03 degrees 17' 00" East for 2447.65 feet to the point of beginning, containing 46.8605 acres, more or less, subject, however, to all legal highways, easements of record.

Tax I.D. #B42-0003-0013-0-0030-00

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

MSC 9/21/16

MEETING DATE: September 26, 2016 AGENDA REFERENCE NO: vi. B.	REFERENCE TOPIC: Resolution 16-19 Accepting Amounts and Rates and Certifying them to the County Auditor
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ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other

RESPONSIBLE DEPARTMENT OR AGENCY		
<input checked="" 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 type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other

BACKGROUND AND STAFF SUMMARY:

It is necessary to approve the attached resolution accepting the amounts and rates for the tax levies determined by the County Budget Commission for 2016 collected in 2017. The Resolution authorizes the necessary tax levies and revenue associated with them and certifies the amounts and rates to the Greene County Auditor in compliance with Ohio Revised Code sections 5705.34. The amounts depicted on the attached resolution are the same amounts that were estimated during the completion of the tax budget completed in July 2016.

STAFF RECOMMENDATION:

It is recommended that Council approve the attached Resolution Accepting Rates and amounts to be collected in fiscal year 2017.

**CITY OF BEAVERCREEK, OHIO
RESOLUTION NO. 16-19**

SPONSORED BY COUNCILMEMBER _____ ON THE
26th DAY OF SEPTEMBER, 2016.

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX
LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

WHEREAS, this Council in accordance with the provisions of law have previously adopted
a Tax Budget for the next succeeding fiscal year commencing January 1, 2017; and

WHEREAS, the Budget Commission of Greene County, Ohio, has certified its actions
thereon to this Council together with an estimate by the County Auditor of the rate of each tax
necessary to be levied by the Council, and what part thereof is without, and what part within the
ten mill tax limitations;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beavercreek,
Greene County, Ohio that the amounts and rates, as determined by the Budget Commission in its
certification, be and the same is hereby accepted; and be it further

RESOLVED, that there be and is hereby levied on the tax duplicate of said City the rate of
each tax necessary to be levied within and without the ten mill limitation as follows:

SEE ATTACHED SCHEDULE:

SECTION I.

This Resolution shall become effective immediately upon passage.

ADOPTED by the City Council of the City of Beavercreek, Ohio this 26th day of
September, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

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

MHC 9/26/16

Meeting Date: September 26, 2016	Reference Topic: <u>Resolution 16-21 Authorizing the City Manager to Execute Memoranda of Understanding (MOUs)</u>
Agenda Reference No.: VI. C.	<u>Extending the Collective Bargaining Agreements with the Fraternal Order of Police Lodge #160 Representing Sergeants, Patrol Officers and Civilian Employees with Modifications to Articles, 18, 20 and 28.</u>

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

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

BACKGROUND AND STAFF SUMMARY:

The City of Beavercreek and members of the FOP Lodge #160 have in place three-year negotiated agreements which expire December 31, 2016. After the commencing of discussions for a successor agreement, the desire of both parties was to extend the current agreements twenty four months through December 31st, 2018 with modifications to Article 18, (Insurance), Article 20 (Wages) and Article 28, (Duration of Agreement).

The agreement reached provides for a wage increase of 3.00% effective January 1, 2017 and an additional 3.00% January 1, 2018. In addition, the FOP members will be required to increase their contribution for health insurance and dental from 15% to 16% January 1, 2017 and from 16% to 17% January 1, 2018. The duration of this agreement would extend through December 31st 2018.

STAFF RECOMMENDATION:

Staff is recommending approval of this resolution.

**CITY OF BEAVERCREEK, OHIO
RESOLUTION 16-21**

**SPONSORED BY COUNCIL MEMBER _____ ON THE 26th DAY
OF SEPTEMBER, 2016.**

A RESOLUTION AUTHORIZING THE CITY MANAGER AND CHIEF OF POLICE TO EXECUTE THREE MEMORANDUM AGREEMENT ON CONTRACT EXTENSIONS OF UNDERSTANDING REFLECTING CONTRACT EXTENTIONS WITH AMENDED CHANGES TO ARTICLE 18 (INSURANCE) AND ARTICLE 20 (WAGES) AND ARTICLE 28 (DURATION OF AGREEMENT) OF THE CITY'S COLLECTIVE BARGAINING AGREEMENTS WITH THE FRATERNAL ORDER OF POLICE LODGE #160 COVERING SERGEANTS, PATROL OFFICERS, AND CIVILIAN EMPLOYEES.

WHEREAS, the City of Beavercreek and the Fraternal Order of Police, Lodge No. 160 are parties to a three year collective bargaining agreement effective January 1, 2014 through December 31st 2016; and

WHEREAS, the City and the FOP agree to extend and continue all of the terms and conditions of said Agreements for an additional twenty four months, through December 31st, 2018 except for those terms amended under Article 18 (Insurance) and Article 20 (Wages) and Article 28 (Duration of Agreement);

NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY RESOLVES:

SECTION I.

Council hereby authorizes the City Manager, on behalf of the City of Beavercreek, Ohio, to execute said Memorandum Agreement on Contract Extensions for each collective bargaining unit and to their respective collective bargaining agreement between the FOP and the City of Beavercreek extending the duration through December 31st, 2018 with amendments to Article 18, Article 20 and Article 28 reflecting the agreements reached by the parties.

SECTION II.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution shall take effect September 26, 2016.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio on this 26th day of September, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

RESOLUTION 16-21

SUMMARY

A RESOLUTION AUTHORIZING THE CITY MANAGER AND CHIEF OF POLICE TO EXECUTE THREE MEMORANDUM AGREEMENT ON CONTRACT EXTENSIONS OF UNDERSTANDING REFLECTING CONTRACT EXTENTIONS WITH AMENDED CHANGES TO ARTICLE 18 (INSURANCE) AND ARTICLE 20 (WAGES) AND ARTICLE 28 (DURATION OF AGREEMENT) OF THE CITY'S COLLECTIVE BARGAINING AGREEMENTS WITH THE FRATERNAL ORDER OF POLICE LODGE #160 COVERING SERGEANTS, PATROL OFFICERS, AND CIVILIAN EMPLOYEES.

Memorandum Agreement on Contract Extension Police Officers - #1570

ARTICLE 18 INSURANCE

Section 18.01. Medical Insurance:

- A. All full-time Employees and their eligible dependents shall be eligible to participate in the City's medical insurance plan entailing comprehensive medical benefits, major medical coverage, prescription drug, diagnostic service, hospitalization, surgical coverages and emergency care.

Effective January 1, 2017, employees will pay sixteen percent (16%) of the total monthly premium of the base insurance plan. If additional plan options are offered, the parties will negotiate the percent of the total monthly premium to be paid. If the parties are unable to agree upon the percent of monthly premium for those plans, then the 16% amount will apply to the optional plan(s) as well.

Effective January 1, 2018, employees will pay seventeen percent (17%) of the total monthly premium of the base insurance plan. If additional plan options are offered, the parties will negotiate the percent of the total monthly premium to be paid. If the parties are unable to agree upon the percent of monthly premium for those plans, then the 17% amount will apply to the optional plan(s) as well.

**** PARAGRAPHS B, C, AND D OF SECTION 18.01 CONTINUE UNCHANGED**

Section 18.02. Dental Insurance:

All full-time Employees and their eligible dependents shall be eligible to participate in the City's dental insurance plan implemented with this Agreement. This dental plan shall consist of coverages including preventive services (100%), basic services (80%), major services (50%), annual maximum (\$1,000), orthodontics (50%), lifetime maximum (\$1,500), and deductible (none).

Effective January 1, 2017, the City shall pay 84% of the full cost of premiums during calendar year 2017 of this Agreement, and the employee shall pay 16%.

Effective January 1, 2018, the City shall pay 83% of the full cost of premiums during calendar year 2017 of this Agreement, and the employee shall pay 17%.

During the term of this Agreement, the City may change the dental plan, provider or method of dental insurance services, provided that the dental care benefits, coverage levels and provider network are substantially comparable to the pre-existing plan.

Memorandum Agreement on Contract Extension Police Officers - #1570

ARTICLE 20 WAGES, ACTING SUPERVISOR PAY, SHIFT DIFFERENTIAL

Section 20.01. Salary Classifications: For purposes of determining wages during the term of this Agreement, the following salary classifications shall apply:

Grade 117 - Patrol Officer

Section 20.041 2017 Wages

Effective January 1, 2017 all bargaining unit wages and step amounts shall be increased by three percent (3%) over the previous year (2016). Employees will continue to advance to the next step level where applicable.

2017	GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Patrol Officers	117	57,699	60,965	64,293	67,642	70,970	74,256	77,605
		27.74	29.31	30.91	32.52	34.12	35.70	37.31

Section 20.042 2018 Wages

Effective January 1, 2018 all bargaining unit wages and step amounts shall be increased by three percent (3%) over the previous year (2017). Employees will continue to advance to the next step level where applicable.

2018	GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Patrol Officers	117	59,426	62,795	66,227	69,680	73,091	76,482	79,934
		28.57	30.19	31.84	33.50	35.14	36.77	38.43

ARTICLE 28 DURATION OF AGREEMENT

Section 28.01 This Agreement shall commence as of the first day of January, 2017 and shall remain in full force and effect through and including the 31st day of December, 2018. Each and every provision of the parties' existing collective bargaining agreement, originally having effective dates of January 1, 2014 through December 31, 2016, not specifically addressed in this Memorandum Agreement continues in full force and effect.

IN WITNESS WHEREOF, the undersigned, being duly authorized and directed by each party to this Agreement to execute this Memorandum Agreement of Contract Extension, have hereunto set their hands this ____ day of September, 2016.

**Memorandum Agreement on Contract Extension
Police Officers - #1570**

CITY OF BEAVERCREEK

FRATERNAL ORDER OF POLICE
BEAVERCREEK LODGE NO. 160

Michael A. Cornell, City Manager

Brad T. Piasecki, President

Dennis L. Evers, Chief of Police

Robert Lee, Patrol Representative

#1570

**Memorandum Agreement on Contract Extension
Sergeants - #1571**

**ARTICLE 18
INSURANCE**

Section 18.01. Medical Insurance:

- A. All full-time Employees and their eligible dependents shall be eligible to participate in the City's medical insurance plan entailing comprehensive medical benefits, major medical coverage, prescription drug, diagnostic service, hospitalization, surgical coverages and emergency care.

Effective January 1, 2017, employees will pay sixteen percent (16%) of the total monthly premium of the base insurance plan. If additional plan options are offered, the parties will negotiate the percent of the total monthly premium to be paid. If the parties are unable to agree upon the percent of monthly premium for those plans, then the 16% amount will apply to the optional plan(s) as well.

Effective January 1, 2018, employees will pay seventeen percent (17%) of the total monthly premium of the base insurance plan. If additional plan options are offered, the parties will negotiate the percent of the total monthly premium to be paid. If the parties are unable to agree upon the percent of monthly premium for those plans, then the 17% amount will apply to the optional plan(s) as well.

**** PARAGRAPHS B, C, AND D OF SECTION 18.01 CONTINUE UNCHANGED**

Section 18.02. Dental Insurance:

All full-time Employees and their eligible dependents shall be eligible to participate in the City's dental insurance plan implemented with this Agreement. This dental plan shall consist of coverages including preventive services (100%), basic services (80%), major services (50%), annual maximum (\$1,000), orthodontics (50%), lifetime maximum (\$1,500), and deductible (none).

Effective January 1, 2017, the City shall pay 84% of the full cost of premiums during calendar year 2017 of this Agreement, and the employee shall pay 16%.

Effective January 1, 2018, the City shall pay 83% of the full cost of premiums during calendar year 2017 of this Agreement, and the employee shall pay 17%.

Memorandum Agreement on Contract Extension Sergeants - #1571

ARTICLE 20 WAGES, ACTING SUPERVISOR PAY, SHIFT DIFFERENTIAL

Section 20.01. Salary Classifications: For purposes of determining wages during the term of this Agreement, the following salary classifications shall apply:

Grade 115	-	Lieutenant
Grade 116	-	Sergeant

Section 20.041 2017 Wages

Effective January 1, 2017 all bargaining unit wages and step amounts shall be increased by three percent (3%) over the previous year (2016). Employees will continue to advance to the next step level where applicable.

2017	GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Sergeants	116	84,947	88,816					
		40.84	42.70					
Lieutenants	115	97,656	102,107					
		46.95	49.09					

Section 20.042 2018 Wages

Effective January 1, 2018 all bargaining unit wages and step amounts shall be increased by three percent (3%) over the previous year (2017). Employees will continue to advance to the next step level where applicable.

2018	GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Sergeants	116	87,506	91,478					
		42.07	43.98					
Lieutenants	115	100,589	105,165					
		48.36	50.56					

ARTICLE 28 DURATION OF AGREEMENT

Section 28.01 This Agreement shall commence as of the first day of January, 2017 and shall remain in full force and effect through and including the 31st day of December, 2018. Each and every provision of the parties' existing collective bargaining agreement, originally having effective dates of January 1, 2014 through December 31, 2016, not specifically addressed in this Memorandum Agreement continues in full force and effect.

**Memorandum Agreement on Contract Extension
Sergeants - #1571**

IN WITNESS WHEREOF, the undersigned, being duly authorized and directed by each party to this Agreement to execute this Memorandum Agreement of Contract Extension, have hereunto set their hands this ____ day of September, 2016.

CITY OF BEAVERCREEK

FRATERNAL ORDER OF POLICE
BEAVERCREEK LODGE NO. 160

Michael A. Cornell, City Manager

Brad T. Piasecki, President

Dennis L. Evers, Chief of Police

Michael Hummel, Supervisor Representative

#1571

Memorandum Agreement on Contract Extension Civilian Employees #1572

ARTICLE 18 INSURANCE

Section 18.01. Medical Insurance:

- A. All full-time Employees and their eligible dependents shall be eligible to participate in the City's medical insurance plan entailing comprehensive medical benefits, major medical coverage, prescription drug, diagnostic service, hospitalization, surgical coverages and emergency care.

Effective January 1, 2017, employees will pay sixteen percent (16.0%) of the total monthly premium of the base insurance plan. If additional plan options are offered, the parties will negotiate the percent of the total monthly premium to be paid. If the parties are unable to agree upon the percent of monthly premium for those plans, then the 16.0% amount will apply to the optional plan(s) as well.

Effective January 1, 2018, employees will pay seventeen percent (17.0%) of the total monthly premium of the base insurance plan. If additional plan options are offered, the parties will negotiate the percent of the total monthly premium to be paid. If the parties are unable to agree upon the percent of monthly premium for those plans, then the 17.0% amount will apply to the optional plan(s) as well.

**** PARAGRAPHS B, C, AND D F SECTION 18.01 CONTINUE UNCHANGED.**

Section 18.02. Dental Insurance:

All full-time Employees and their eligible dependents shall be eligible to participate in the City's dental insurance plan implemented with this Agreement. This dental plan shall consist of coverages including preventive services (100%), basic services (80%), major services (50%), annual maximum (\$1,000), orthodontics (50%), lifetime maximum (\$1,500), and deductible (none).

Effective January 1, 2017, the City shall pay 84% of the full cost of premiums during calendar year 2017 of this Agreement, and the employee shall pay 16%.

Effective January 1, 2018, the City shall pay 83% of the full cost of premiums during calendar year 2017 of this Agreement, and the employee shall pay 17%.

During the term of this Agreement, the City may change the dental plan, provider or method of dental insurance services, provided that the dental care benefits, coverage levels and provider network are substantially comparable to the pre-existing plan.

Memorandum Agreement on Contract Extension Civilian Employees #1572

ARTICLE 20 WAGES, ACTING SUPERVISOR PAY, SHIFT DIFFERENTIAL

Section 20.01. Salary Classifications: For purposes of determining wages during the term of this Agreement, the following salary classifications shall apply:

Grade 118	-	Communications Operators
Grade 119	-	Records
Grade 120	-	Crime Prevention & Property Resource
Grade 121	-	Facilities, Fleet & Equipment Coordinator

Section 20.041. 2017 Wages

Effective January 1, 2017, all bargaining unit wages shall be increased three percent (3%) over the previous year (2016).

2017	GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Facilities, Fleet & Equipment Coordinator	121	37,752	40,394	43,014	45,635	48,277	51,189	53,810
		18.15	19.42	20.68	21.94	23.21	24.61	25.87
Crime Prevention & Property Resource	120	46,383	49,837	53,248	56,666	60,050	63,482	66,872
		22.30	23.96	25.60	27.24	28.87	30.52	32.15
Records	119	34,445	36,795	39,062	41,475	43,784	46,072	48,402
		16.56	17.69	18.78	19.94	21.05	22.15	23.27
Communications Operators	118	43,680	46,613	49,483	52,416	55,328	58,261	61,152
		21.00	22.41	23.79	25.20	26.60	28.01	29.40

Section 20.042. 2018 Wages

Effective January 1, 2018, all bargaining unit wages shall be increased three percent (3%) over the previous year (2017).

2018	GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Facilities, Fleet & Equipment Coordinator	121	38,875	41,600	44,304	47,008	49,733	52,728	55,432
		18.69	20.00	21.30	22.60	23.91	25.35	26.65
Crime Prevention & Property Resource	120	47,778	51,334	54,850	58,365	61,859	65,395	68,869
		22.97	24.68	26.37	28.06	29.74	31.44	33.11
Records	119	35,485	37,798	40,227	42,723	45,094	47,445	49,858
		17.06	18.22	19.34	20.54	21.68	22.81	23.97
Communications Operators	118	44,990	48,006	50,960	53,997	56,992	60,008	62,982
		21.63	23.08	24.50	25.96	27.40	28.85	30.28

**Memorandum Agreement on Contract Extension
Civilian Employees #1572**

**ARTICLE 28
DURATION OF AGREEMENT**

Section 28.01 This Agreement shall commence as of the first day of January, 2017 and shall remain in full force and effect through and including the 31st day of December, 2018. Each and every provision of the parties' existing collective bargaining agreement, originally having effective dates of January 1, 2014 through December 31, 2016, not specifically addressed in this Memorandum Agreement continues in full force and effect.

IN WITNESS WHEREOF, the undersigned, being duly authorized and directed by each party to this Agreement to execute this Memorandum Agreement of Contract Extension, have hereunto set their hands this ____ day of September, 2016.

CITY OF BEAVERCREEK

FRATERNAL ORDER OF POLICE
BEAVERCREEK LODGE NO. 160

Michael A. Cornell, City Manager

Brad T. Piasecki, President

Dennis L. Evers, Chief of Police

Tracy Coffman, Civilian Representative

#1572

RESOLUTION NO. 16-22

CITY OF BEAVERCREEK

**SPONSORED BY COUNCIL MEMBER _____ ON THE
26TH DAY OF SEPTEMBER, 2016.**

**A RESOLUTION BY THE BEAVERCREEK CITY COUNCIL
AUTHORIZING THE APPOINTMENT OF SPECIAL LEGAL
COUNSEL.**

WHEREAS, Section 7.03 of the Beavercreek City Charter authorizes the City Manager to appoint outside special legal counsel if necessary; and

WHEREAS, City Council desires to retain David Schertler and J. Evans Rice, III as such special legal counsel.

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

SECTION I. City Council hereby authorizes the retention of David Schertler, with Schertler & Onorato, LLP, and J. Evans Rice, III, with Hogan Lovells US, LLP, as special legal counsel to represent Officer Sean Williams and Sergeant David Darkow, respectively, in regards to a Department of Justice investigation.

SECTION II. City Council hereby authorizes the City Manager to enter into all necessary agreements to retain both David Schertler and J. Evans Rice, III and provides that both shall be compensated upon the submission of bills.

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

PASSED this 26th day of September, 2016.

Bob Stone, Mayor

ATTEST:

CLERK OF BEAVERCREEK COUNCIL

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION BY THE BEAVERCREEK CITY COUNCIL AUTHORIZES THE APPOINTMENT OF SPECIAL LEGAL COUNSEL.

CITY OF BEAVERCREEK
 CITY COUNCIL
 AGENDA ITEM REPORT

11/12/16

Meeting Date: September 26, 2016 Agenda Reference No: VII. A.	Reference Topic: Request for New Liquor Permit Chipotle Mexican Grill of Colorado LLC
	Accept without comment

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

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

BACKGROUND AND STAFF SUMMARY:

The Ohio Division of Liquor Control sent police notification of a request for a new D5 liquor permit for Chipotle Mexican Grill of Colorado LLC, DBA Chipotle Mexican Grill 2720, 2544 Zink Rd. Beavercreek, OH 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 new liquor permit request move forward with no comment.



Manufacturer

Permit Class	Permit Fee	Description
A1	\$3,906	ORC 4303.02 Manufacturer of Beer – producing more than 31 million gallons per year, wherever produced, and sell beer products to wholesale permit holders.
A1A	\$3,906	ORC 4303.021 Beer, and any intoxicating liquor by the glass or container on A-1 or A-2 permit premises only until 2:30am.
A1c	\$1,000	ORC 4303.022 Manufacturer of Beer - producing up to 31 million gallons per year wherever produced, for sale on premises at retail for on premises consumption, and sell beer products to retail and wholesale permit holders.
A2	\$76	ORC 4303.03 Manufacturer of wine.
A-2f	\$76	ORC 4303.031 Ohio farm winery that grows and manufactures wine, from grapes, fruits, or other agricultural products on land it owns and uses only for agriculture.
A3	\$2 to \$3,906	ORC 4303.04 Manufacture, import and sell alcohol and spirituous liquor
A3A	\$2 to \$400	ORC 4303.041 Manufacturer of less than 10,000 gallons of spirituous liquor and sale to a personal consumer.
A4	\$3,906	ORC 4303.05 Manufacture and sell certain prepared and bottled drinks, import for blended purposes
B2A	\$25	ORC 4303.07 Sale of wine to retail permit holder.
S	\$25	ORC 4303.232 Sale of wine to personal consumer via mail order.
W	\$1,563	ORC 4303.231 To operate a warehouse for the storage of beer or intoxicating liquor within the state and to sell such products from the warehouse to a B permit holder with Consent to Import on file or to other customers outside this state.

Distributor

Permit Class	Permit Fee	Description
B1	\$3,125	ORC 4303.06 Distributor of beer, ale, stout, other malt liquor.
B2	\$500	ORC 4303.07 Distributor of bottled wine.
B3	\$124	ORC 4303.08 Distributor of sacramental wine.
B4	\$500	ORC 4303.09 Distributor of mixed beverages.
B5	\$1,563	ORC 4303.10 Distributor and importer and bottler of wine.

Retail Store Carryout

Permit Class	Permit Fee	Description
C1	\$252	ORC 4303.11 Beer only in original sealed container for carry out only.
C2	\$376	ORC 4303.12 Wine and mixed beverages in sealed containers for carry out.
C2X	\$252	ORC 4303.121 Beer in original sealed containers for carry out.
D8	\$500	ORC 4303.184 Sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on premises.

Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	ORC 4303.13 Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.
D2	\$564	ORC 4303.14 Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.
D2X	\$376	ORC 4303.141 (Grandfathered Permit) Beer only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3	\$750	ORC 4303.15 Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	ORC 4303.151 (Grandfathered Permit) Wine only for on premises consumption until 1:00am.
D3A	\$938	ORC 4303.16 Extend Issued permit privileges until 2:30am.
D5	\$2,344	ORC 4303.18 Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
8008 TUSSENG ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43088-9005
(614)044-2380 FAX(614)644-3100

TO

14374151050		N		CHIPOTLE MEXICAN GRILL OF COLORADO LLC DBA CHIPOTLE MEXICAN GRILL 2720 2544 ZINK RD BEAVERCREEK OH 45324
PERMIT NUMBER		TYPE		
01 07 2016				
ISSUE DATE		FILING DATE		
D5		PERMIT CLASSES		
29	005	A	B08285	
TAX DISTRICT		RECEIPT NO.		

FROM 09/01/2016

PERMIT NUMBER		TYPE		Article #: 92147969009997901730862197 Date/Time: 8/31/2016 1:48:57 PM Code: Code2: Internal File #: Internal Code:
ISSUE DATE		FILING DATE		
PERMIT CLASSES				
TAX DISTRICT	RECEIPT NO.			



MAILED 09/01/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/03/2016

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 N 1437415-1050

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title) Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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

CITY OF BEAVERCREEK
 CITY COUNCIL
 AGENDA ITEM REPORT

JAC 9/22/16

Meeting Date: September 26, 2016	Reference Topic: Transfer of Liquor Permit Factory Drive Thru LLC
Agenda Reference No: VII. B.	
	Accept without comment

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

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

BACKGROUND AND STAFF SUMMARY:

The Ohio Division of Liquor Control sent police notification of a request to transfer a C1, C2 liquor permit for Factory Drive Thru LLC, DBA Factory Drive Thru, 2508 Richmar, Beavercreek, OH 45434 to Sami Brothers Inc., DBA Factory Drive Thru, 2508 Richmar, Beavercreek, OH 45434. 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 with no comment.



LIQUOR CONTROL

SPIRITS

LICENSING

RESOURCES

CONTACT US

Manufacturer

Permit Class	Permit Fee	Description
A1	\$3,906	ORC 4303.02 Manufacturer of Beer – producing more than 31 million gallons per year, wherever produced, and sell beer products to wholesale permit holders.
A1A	\$3,906	ORC 4303.021 Beer, and any intoxicating liquor by the glass or container on A-1 or A-2 permit premises only until 2:30am.
A1c	\$1,000	ORC 4303.022 Manufacturer of Beer - producing up to 31 million gallons per year wherever produced, for sale on premises at retail for on premises consumption, and sell beer products to retail and wholesale permit holders.
A2	\$76	ORC 4303.03 Manufacturer of wine.
A-2f	\$76	ORC 4303.031 Ohio farm winery that grows and manufactures wine, from grapes, fruits, or other agricultural products on land it owns and uses only for agriculture.
A3	\$2 to \$3,906	ORC 4303.04 Manufacture, import and sell alcohol and spirituous liquor
A3A	\$2 to \$400	ORC 4303.041 Manufacturer of less than 10,000 gallons of spirituous liquor and sale to a personal consumer.
A4	\$3,906	ORC 4303.05 Manufacture and sell certain prepared and bottled drinks, import for blended purposes
B2A	\$25	ORC 4303.07 Sale of wine to retail permit holder.
S	\$25	ORC 4303.232 Sale of wine to personal consumer via mail order.
W	\$1,563	ORC 4303.231 To operate a warehouse for the storage of beer or intoxicating liquor within the state and to sell such products from the warehouse to a B permit holder with Consent to Import on file or to other customers outside this state.

Distributor

Permit Class	Permit Fee	Description
B1	\$3,125	ORC 4303.06 Distributor of beer, ale, stout, other malt liquor.
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Permit Class	Permit Fee	Description
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Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	ORC 4303.13 Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.
D2	\$564	ORC 4303.14 Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.
D2X	\$376	ORC 4303.141 (Grandfathered Permit) Beer only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3	\$750	ORC 4303.15 Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	ORC 4303.151 (Grandfathered Permit) Wine only for on premises consumption until 1:00am.
D3A	\$938	ORC 4303.16 Extend issued permit privileges until 2:30am.
D5	\$2,344	ORC 4303.18 Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.

NOTICE TO LEGISLATIVE
AUTHORITY

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

TO

7703777		TRFO		SAMIBROTHERS INC DBA FACTORY DRIVE THRU 2508 RICHMAR BEAVERCREEK OHIO 45434
PERMIT NUMBER		TYPE		
06	01	2016		
ISSUE DATE				
09	09	2016		
FILING DATE				
C1 C2				
PERMIT CLASSES				
29	005	A	F17048	
TAX DISTRICT		RECEIPT NO.		

FROM 09/13/2016

2611437				FACTORY DRIVE THRU LLC DBA FACTORY DRIVE THRU LLC 2508 RICHMAR BEAVERCREEK OHIO 45434
PERMIT NUMBER		TYPE		
06	01	2016		
ISSUE DATE				
09	09	2016		
FILING DATE				
C1 C2				
PERMIT CLASSES				
29	005			
TAX DISTRICT		RECEIPT NO.		



MAILED 09/13/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/14/2016

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 7703777

(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**

PERMIT NUMBER (CORPORATION) 7703777
SAMIBROTHERS INC
 DBA FACTORY DRIVE THRU
 2508 RICHMAR
 BEAVERCREEK OHIO 45434

F.T.I. NUMBER 81-3586657
 STATUS (ACTIVE OR INACTIVE) **ACTIVE**
 SHARES OUTSTANDING 1000.00
 ACTIVE DATE 09/09/16
 INACTIVE DATE
 EXCEPTION CODE TEXT
 STOCK TRANSFER CODE TEXT AND DATE

MITESHKUMAR PATEL	500.00	09/09/16	ACTIVE	SECRETARY
SANJAYKUMAR PATEL	500.00	09/09/16	ACTIVE	PRESIDENT



CITY COUNCIL
Regular Meeting – October 10, 2016 6:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/ MOMENT OF SILENCE – Council Member Upton
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. PUBLIC HEARING PUD 16-1 SSP #1 Cottages of Beavercreek
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Motion
- VII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 16-22 Repealing Current Section 132.13 "Panhandling" and Adopting New Section 132.13 "Panhandling" (First Reading)
 - B. Ordinance 16-23 Repealing Current Chapter 112 "Peddling, and Soliciting, and Distribution" and Adopting New Chapter 112 "Peddling, Soliciting, and Distribution" (First Reading)
 - C. Ordinance 16-24 Repealing Current Section 70.01 "Definitions" and Adopting New Section 70.01 "Definitions" (First Reading)
 - D. Ordinance 16-25 Adopting New Section 76.17 "Parking of Large and Oversize Vehicles on Streets (First Reading)
 - E. Ordinance 16-26 Repealing Current Section 76.99 "Penalty" and Adopting New Section 76.99 "Penalty" (First Reading)
 - F. Ordinance 16-27 Additional Appropriations (Single Reading)
 - G. Resolution 16-20 Agreement with ODOT for Bridge Inspections
- VIII. CITY MANAGER'S REPORT
- IX. MAYOR'S REPORT
- X. COUNCIL TIME
- XI. CITIZEN COMMENTS
- XII. EXECUTIVE SESSION
- XIII. ADJOURNMENT



**AGENDA
CITY COUNCIL
Work Session – October 17, 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. Medical Marijuana
 - B. PACE Financing – Mall at Fairfield Commons
- V. INFORMATIONAL ITEMS
- VI. COUNCIL COMMITTEE/EVENT UPDATES
- VII. ADJOURNMENT

DRAFT

PLANNING DEPARTMENT STATUS REPORT
September 22, 2016

CITY COUNCIL

September 26, 2016

- PUD 16-2 Creekstone, A-1 & R-1A to R-PUD, third reading
-

October 10, 2016

- PUD 16-1 SSP #1, Cottages of Beaver creek, public hearing, motion
-

Tabled / Delayed / Pending

-

PLANNING COMMISSION

October 5, 2016

- PUD 06-3 Amendment 9/16, First & Main, public hearing
- PUD 91-2 MOD 9/16, BSM Development, public hearing
-

Currently Tabled / Delayed

-

Commercial Permits Submitted and Under Review

- Beavercreek Retail
-

BOARD OF ZONING APPEALS

October 12, 2016

- V-16-4, 4073 Dayton-Xenia Road
-

Currently Tabled or Delayed

-
-